Second United Nations Conference on the Law of the Sea

Geneva, Switzerland
17 March – 26 April 1960

Document:-
A/CONF.19/SR.11

Eleventh Plenary Meeting

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)*

importance. The sponsors had been very careful to limit the recognition of such special situations to cases in which there could be no possible doubt. Accordingly, it would be necessary to establish scientifically the relationship between the requirements and resources of a coastal State seeking priority fishing rights in a zone of the high seas adjacent to the exclusive fishing zones. The proposed text also provided an effective guarantee for other interested States by prescribing appeal to the special commission referred to in article 9 of the Convention on Fishing and Conservation of the Living Resources of the High Seas. Neither the coastal State nor the special commission would be entirely free to assess the actual special situation or special circumstances, since whether the latter existed or not depended on the two basic conditions set out in the proposed paragraph 8.

44. Moreover, the provision concerning "historic" rights contained in the first amendment had the advantage of making such rights more flexible in application.

45. The intention behind the amendments proposed was to satisfy as many countries as possible. His own delegation was very well aware of the absolute necessity of reaching a general agreement, even at the cost of legitimate and important interests, and, at the same time, of the almost insurmountable obstacles in the way of such an agreement because of special cases which did not fit into general formulae. After a month's discussion, which had brought out the practical and imperious realities that participating countries had to consider, it had become obvious that a last attempt must be made to obtain a substantial majority and achieve the result generally expected of the Conference. That was the aim of the amendments. While he knew that the amendments would not win unanimous support, he also knew that many countries intended to support them.

The meeting rose at 1 p.m.

ELEVENTH PLENARY MEETING

Monday, 25 April 1960, at 4 p.m.

President: Prince WAN WAITHAYAKON (Thailand)

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 (A/CONF.19/L.4, L.5/Rev.1, L.6, L.8, L.9, L.11 to L.13) *(continued)*

[Agenda item 9]

1. Mr. VELAZQUEZ (Uruguay) said that his delegation had joined those of Brazil and Cuba in sponsoring amendments (E/CONF.19/L.12) to the second proposal adopted by the Committee of the Whole (A/CONF.19/L.4, annex) because it recognized, albeit with qualifications, the coastal State's faculty of claiming preferential fishing rights in any area of the high seas adjacent to its exclusive fishing zone where the exploitation of the living resources of the high seas was of fundamental importance to it. Acceptance of that principle by the Conference would constitute its most important contribution to the progressive development of the international law of the sea.

2. The fishery resources of the sea areas in question pertained in all justice to the economy of the coastal State. The principle embodied in the three-Power amendments would no doubt require development in the future, but it was important that it be recognized forthwith.

3. The Uruguayan delegation also believed that the adoption of the three-Power amendments would facilitate the Conference's work of formulating a generally acceptable rule on the two questions of the breadth of the territorial sea and fishery limits.

4. Sir Kenneth BAILEY (Australia) said that representatives would have to consider whether it was better to have some rule, even if that rule was not altogether satisfactory, rather than no rule at all, or a disputed or uncertain rule.

5. The Australian delegation supported the joint Canadian and United States proposal because it safeguarded the freedom of the seas and that of the air above the high seas, in which freedoms, as time passed, an increasing number of States would have an interest. Many small States, which at present had no shipping or aircraft of their own, were developing national merchant navies and air services, and they could not fail to appreciate that the greater the area of sea subjected to national sovereignty, the less freedom there would be for their ships and aircraft.

6. It was apparent that, for a great many States, the major interest in extending their maritime jurisdiction lay in securing more extensive fishing rights. If those rights were secured, as the joint proposal sought to do, it made little practical difference to those States whether the territorial sea itself was twelve, six or even three miles broad. If a convention were adopted along the lines proposed by Canada and the United States of America, he believed that the ranks of the parties to it would by no means be limited to those States which supported the joint proposal at the Conference. If a coastal State did not subscribe to such a convention, it would be able to secure a twelve-mile exclusive fishing zone only by the highly contentious, uncertain and costly method of asserting a unilateral claim and then endeavouring to enforce it if it could. He was sure that States would prefer to subscribe to a convention along the lines of the proposal adopted by the Committee of the Whole that would offer them secure rights according to law.

7. The Australian delegation would support the three-Power amendments on preferential fishing rights (A/CONF.19/L.12).

8. With regard to the ten-Power draft resolution (A/CONF.19/L.9), his delegation rejected the assumption therein that it was possible to secure an exclusive fishing zone twelve miles broad without settling the question of the breadth of the territorial sea. Such a hypothesis was both unrealistic and inequitable. Paragraph 3 of the second proposal adopted by the Committee of the Whole represented a very great concession on the part of States whose nationals fished in distant waters off the coasts of other States — a concession

which had been made precisely in order to secure a territorial sea of six miles in the interests of the freedom of sea and air navigation. The States in question could not possibly be expected to renounce outright the right of their nationals to fish in certain areas of the high seas if at the same time the question of the breadth of the territorial sea was to be left unsettled.

9. For all those reasons, the Australian delegation supported the joint Canadian and United States proposal as the only formula on which a convention could be based.

10. Mr. SHUKAIRY (Saudi Arabia) said that, while his delegation sincerely hoped for the complete success of the Conference, it believed that success could only be achieved on the basis of common consent. The problem of the territorial sea had for many years defied solution and it was well to realize the reasons for past failures.

11. Contrary to what the Canadian representative claimed, the six-mile formula offered in the joint Canadian and United States proposal was neither new nor a compromise. So long ago as 1894 the Institute of International Law had considered the desirability of settling the question of the territorial sea by common accord, and in 1895 the Netherlands had suggested to the United States of America that a treaty might be concluded to that end, expressing the belief that territorial waters should from that time on extend to 6 miles. The reply of the United States Government, dated 15 February 1895, indicated that it had considered a six-mile limit acceptable. Moreover, in 1864 the United States Secretary of State had suggested to the British Ambassador in Washington that it might be advisable, by agreement between the Powers, to extend the limit of the territorial sea from three to five miles, in view of the increased range of cannon. Thus, nearly a century ago the United States of America had been in favour of extending the territorial sea beyond three miles for reasons of a military nature. It should also be borne in mind that the breadth of the territorial sea had not then been static, but had been extended as the range of cannon increased. Many countries had long maintained a six-mile territorial sea; Spain, for instance, had been doing so since the eighteenth century. Despite the changed circumstances the United States of America and Canada were now trying to impose a limit of six miles for all time, in the interests of a single group of States, not those of the international community as a whole. No State could be blamed for promoting its national interests, but it was surely more fitting to do so openly than in the guise of service to the international community accompanied by the invocation of principles.

12. The joint proposal was designed to override the interests of other States, and primarily to defeat the efforts of those which advocated a twelve-mile limit. The six-mile formula had been conceived as part of the cold war between the major Powers, and the rest of the world had no choice in the matter. As the *New York Times* had recently stated, the issue involved the vital interests of the United States navy and the submarine strategy of the Soviet Union. For the former country the difference between six and twelve miles of territorial sea was the difference between naval security and naval danger. That such was the real background to the joint proposal had been eloquently demonstrated by the leader of the United States delegation in an article published in October 1958,[1] in which he had summed up the work of the first United Nations Conference on the Law of the Sea. The article had stressed the military implications of an extension of the territorial sea to twelve miles, and had described the defeat of a proposal to that effect as an important United States achievement. Viewed from the same standpoint, the defeat at the present conference of the eighteen-Power proposal (A/CONF.19/C.1/L.2/Rev.1), which defended the interests of a number of African, Asian and Latin-American States, could also be regarded as a United States achievement. Similarly, the adoption by the present Conference of the joint proposal by a simple majority, or even by a two-thirds majority, would be yet a third United States achievement. The concern of the United States Government, and of any other Government, for its country's security was laudable and legitimate; what he objected to was the attempt to harness the entire Conference to the interests and fears of a certain group of States without the slightest regard for the equally legitimate interests and apprehensions of other States.

13. The joint proposal was manifestly one-sided and could not be made a rule of law binding on all nations. Such a rule must be the achievement of the entire Conference, not that of one State Member alone: it must reflect the interests of all States, not those of a single group of States, however numerous or influential they might be. The joint proposal might well secure a two-thirds majority, as the Canadian representative had optimistically predicted, but the true nature of such a majority ought also to be pondered. Some States which had voted against the proposal in the Committee of the Whole were now ready to support it; and a State which itself maintained a twelve-mile territorial sea had indicated that it would abstain from the vote on it. No doubt others too would yield to the pressure brought to bear upon them, although he knew that some delegations had been instructed to vote against the proposal. A convention rooted in such origins, even though signed and ratified, could never become general international law but would remain a simple contract binding only on the signatories.

14. He did not agree with the Canadian representative that a resolution adopted by a two-thirds majority should be accepted by the dissenting minority. International law was a body of rules enforceable only by common consent, which, as Professor Lauterpacht had rightly argued, meant not only the consent of an overwhelming majority but also that those who dissented were of no importance. The thirty-three States which had voted against the proposal in committee could scarcely be regarded as of no importance. The adoption of the proposal by the Conference by a numerical majority would be no more than a propaganda victory, since, under its Statute, the International Court of Justice could only apply international conventions that were expressly recognized by the contesting States. Thus, a convention based on the joint proposal could

[1] " Freedom of the Seas ", *Foreign Affairs*, vol. 37, October 1958, No. 1, pp. 83 ff.

never apply to States that maintained a twelve-mile territorial sea as they would not be signatories to it.

15. With regard to the Canadian representative's interpretation of the International Law Commission's conclusions, he wished to emphasize again that the Commission had not expressly favoured a maximum limit of six miles for the territorial sea; it had not declared a three-mile territorial sea to be an established and universally recognized rule of law; and it had not described the extension of the territorial sea to twelve miles as a breach of international law. In 1935 an eminent Australian professor of international law had raised the question whether the Great Barrier Reef, sixty miles off the Australian coast, lay in Australian waters or in the high seas. He also recalled that, in 1926, Professor de Magalhães, of Portugal, a League of Nations expert on the codification of international law, had opposed the idea of two different zones, as envisaged in the joint proposal, favouring a single twelve-mile zone of territorial sea.[2]

16. In conclusion, it was obvious that the Conference was deeply divided on the question of the territorial sea, and that any attempt to force the issue could only heighten international tension. His delegation firmly believed in general agreement and therefore appealed to the Conference not to take a hasty decision on a matter which had been at issue for many years, but to defer final action until a more favourable atmosphere prevailed, thus prudently leaving the way open for future efforts to reach a universally acceptable agreement.

17. Mr. GARCIA SAYAN (Peru) introduced the Peruvian draft resolution (A/CONF.19/L.5/Rev.1), the purpose of which was to grant recognition, in exceptional cases, to the coastal State's preferential right to exploit the fishery resources of the seas off its coasts.

18. Both the concept of exceptional cases (or special situations) and that of the preferential right of the coastal State had gained a considerable measure of recognition both at the first United Nations Conference on the law of the Sea and at the present Conference. The first Conference had adopted a resolution on special situations relating to coastal fisheries [3] and the present Conference had before it, in addition to the Peruvian draft resolution, three other texts which sought to give recognition to the preferential fishing rights of the coastal State.

19. International law had always aimed at the formulation of uniform rules applicable to all States. It was not, however, incompatible with that aim to formulate rules in such a way as to make it possible, when applying them, to adapt them to the special circumstances of certain States. By way of analogy, he drew attention to the Constitution of the International Labour Organisation which gave clear recognition, in article 19 relating to the formulation of International Labour Conference conventions and recommendations of a general nature, to the principle of special circumstances or exceptional situations.

20. Physical and biological conditions differed widely from sea to sea, and the problems faced by the inhabitants of the various coastal States were equally diverse. In that connexion, paragraph 5 of the commentary to article 53 of the International Law Commission's articles,[4] which referred to the questions raised by certain States " based on the concept of vital economic necessity ", was pertinent. The Commission had recognized that the proposals made in that regard " may reflect problems and interests which deserve recognition in international law ". The Commission had then gone on to say: " However, lacking the necessary competence in the scientific and economic domains to study these exceptional situations adequately, the Commission, while drawing attention to the problem, refrained from making any concrete proposal."

21. The first United Nations Conference on the Law of the Sea had not had at its disposal the necessary information to study the special situations brought to its attention. As a result, the recognition of the special interest of the coastal State had been illusory: the terms of the Convention on the Territorial Sea and the Contiguous Zone adopted in 1958 had reduced the coastal State to the status of a junior partner in all those cases in which nationals of other States fished in the waters off its coasts. Where resolution VI was concerned, it was drafted in such restrictive terms that it seemed intended to safeguard not so much the interests of the coastal State as those of other States fishing in the sea areas in question.

22. As for the present Conference, the Peruvian delegation still believed that it had been convened in undue haste and that its task had been hampered by the absence of adequate preparatory studies, especially of the scientific and economic aspects of special situations.

23. In spite of that lack of preparation, there could be no doubt that the principle of the preferential rights of the coastal State in exceptional cases had won a substantial measure of recognition in the Conference, which now had four proposals on the subject before it. The Peruvian draft resolution gave the widest recognition to those rights. The three-Power amendments (A/CONF. 19/L.12) to the second proposal adopted by the Committee of the Whole were the most limited. The Icelandic amendment (A/CONF.19/L.13) occupied an intermediate position, and the Peruvian delegation would vote for it, although it did not approve of the application of the provisions of articles 9 and 11 of the 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas to the settlement of disputes in the matter.

24. His delegation considered that the coastal State's rights were inherent in its geographical position, and were therefore pre-existent to any claim made before the international community. It was by virtue of the geographical principle of contiguity that, at the 1958 Conference, the sovereignty of the coastal State had been recognized over the continental shelf, a recognition which benefited different States in a very unequal manner.

25. A distinction should be drawn between the freedom of the seas properly so-called and the freedom to fish

[2] League of Nations publication, 1927.V.1, p. 65.

[3] *Official Records of the United Nations Conference on the Law of the Sea*, vol. II, annexes, document A/CONF.13/L.56, resolution VI.

[4] *Official Records of the General Assembly, Eleventh Session, Supplement No. 9*, p. 35.

in the high seas. The latter had never gained the same recognition as freedom of navigation. It was unthinkable that, in the name of the freedom to fish and hunt in the high seas, certain large undertakings should be free to exploit, and possibly deplete, the living resources of the seas off the coasts of a State which vitally needed those resources to feed its people and support its economy.

26. The measures taken since 1947 by Peru and the other Latin-American States bordering on the South Pacific Ocean had been inspired by the terms of the two proclamations made by President Truman in 1945, one of which had unilaterally declared the right of the United States of America to establish conservation zones to protect the fishery resources of areas of the high seas contiguous to its coasts. The distance of 200 miles proclaimed by the Latin-American States had not been chosen arbitrarily: it corresponded to the outer limit of the Peruvian current, which had a decisive influence on the living resources of the sea areas affected.

27. He recalled Peru's peculiar circumstances. Guano, produced by sea birds which fed on fish, provided the country with 90 per cent of its needs in fertilizers. Overfishing, which threatened to deplete the stocks of fish on which the sea birds depended, could thus have disastrous effects on Peruvian agriculture unless appropriate conservation measures were adopted. Much of Peru was desert, mountain or jungle, so that there had been only 0.17 hectares of cultivated area per head of population in 1956; the figure had been 0.23 hectares in 1938, but had declined over the past twenty years as the population had increased. The average daily calorie intake in Peru was 1,900 as compared with the recommended 2,900. Moreover, the population was expected to increase from the present 10 million to some 20 million by 1980.

28. In the face of that appalling need for food, the only compensation offered by nature was the existence of ample fisheries. Great efforts had been made to develop those resources, and a modern fishing industry had been built up within the past twenty years. In 1958 Peru had produced more than 900,000 tons of fish, a figure which made it the first fishing nation in Latin America and probably the fifth in the world. Great efforts were also being made to increase the consumption of fish, and, while it was difficult to change dietary habits in areas far from the coast, consumption in Lima, the capital, which had more than a million inhabitants, had risen to 16.3 kg per head in 1950, a higher figure than that for the United States of America.

29. Peru was also making scientific studies of the living resources of the sea and had been granted assistance from the United Nations Special Fund to establish an institute with those objects.

30. The Peruvian draft resolution had been based on Peru's special circumstances, but it was drafted in sufficiently general terms to be of benefit to any country which was, or might in the future be, in a similar position. Moreover, it made the recognition of the preferential rights of the coastal State conditional upon that State's supplying scientific evidence of the existence of special conditions by means of technical, geographical, biological and economic studies and surveys, which would have to be prepared in collaboration with the appropriate specialized agencies of the United Nations. Thus it adequately safeguarded the rights of all other States against possible abuse by the coastal State of its preferential rights.

31. Although his delegation was not satisfied with the terms of the three-Power amendments, which would be put to the vote before the Peruvian draft, it would not vote against them. The reason for its decision was that it was prepared to favour any step taken in the direction of the recognition of the principles embodied in its own draft, which were consistent with the present trend towards the extension of the jurisdiction of the coastal State in keeping with the dictates of justice and equity and with the evidence yielded by scientific progress.

32. Mr. SÖRENSEN (Denmark) said that, despite some points of difference, which no one would wish to underestimate, a surprisingly wide area of agreement could be discerned at the Conference, if its deliberations were impartially viewed in the light of previous discussions on the law of the sea. The United Nations was not bound to the principle of unanimity, as had been the League of Nations and the international community of the nineteenth century, but had accepted the democratic principle of the two-thirds majority, which had already been referred to as an element of progressive development in the legal structure of the international community. Although there was little hope of adopting a convention that would be immediately acceptable to all States, there seemed to be good reasons for going as far as was possible under the present rules of procedure. Provisions which could now command the required majority might in time appear less objectionable to the dissenting minority.

33. Agreement was particularly marked in the matter of fishing limits, on which Canada, the United States of America and the United Kingdom had moved from their initial positions and found common ground. His own delegation had come to the Conference with instructions to support a twelve-mile fishing limit, as embodied in the original Canadian proposal (A/CONF.19/C.1/L.4), but in view of the efforts made by other delegations to reach a compromise, his Government's desire to contribute to the success of the Conference had prevailed over its preference for a twelve-mile fishery limit and it had accepted the joint Canadian-United States formula. As situations and conditions varied greatly throughout the world, it would clearly be unrealistic to seek to impose a single rule of universal application, and the joint proposal introduced an element of flexibility and differentiation which would avoid the sudden disruption of existing patterns of fishing while meeting the reasonable long-term needs of most coastal States.

34. Some of the recently submitted proposals carried that tendency still further. The amendments submitted by Brazil, Cuba and Uruguay (A/CONF.19/L.12) attempted to strike a fair balance between conflicting interests when it became necessary to limit the total catch of a stock of fish, and thus covered much the same ground, although in more specific terms, as the Icelandic proposal (A/CONF.19/C.1/L.7/Rev.1) adopted by the Committee of the Whole, which the Danish delegation also had supported. The amendments also made provision for special arrangements by bilateral, multilateral or regional agreement concerning traditional fishing rights in the outer zone.

35. His delegation welcomed the provision in the new joint Canadian and United States proposal (A/CONF. 19/L.11) for special fishing agreements, as Denmark was party to a number of such agreements with its neighbours. In special situations, where a people was overwhelmingly dependent on fisheries for its livelihood and economic development, foreign fishing States might agree to relinquish their historic fishing rights forthwith or to claim them only for a period shorter than ten years. Denmark was responsible for the welfare of two such peoples: in the case of Greenland present fish stocks were sufficient to allow the recognition of traditional fishing rights in the ten-year period; in the case of the Faroe Islands, where only the United Kingdom could claim traditional rights, the local Parliament had expressed itself in favour of the immediate introduction of a twelve-mile fishing limit without recognition of traditional rights. He was convinced, however, that the latter issue could be satisfactorily settled by negotiation, and he would like to pay a tribute to the sympathetic understanding shown by the United Kingdom Government and the readiness with which it had agreed to a special arrangement within the framework of the Canadian-United States formula.

36. His delegation had certain doubts about the merits of the ten-Power draft resolution (A/CONF.19/L.9), which failed to provide for traditional fishing practices to continue in the twelve-mile exclusive fishing zone during a transitional period, and thus did not take sufficient account of the many and varied interests at stake. Furthermore, the words " *Recognizes* that . . . any State is entitled to exercise . . ." could be taken to imply that a rule of law existed before the adoption of the proposal, whereas it had been made clear at the Conference that the special fishing zone was a novel concept in international law. Those words could also be interpreted as an expression of what would thenceforth be a rule of international law; but the Conference had no legislative powers and could only establish new rules of international law by drawing up a convention for ratification by each country in accordance with its constitutional procedures. A resolution purporting to recognize a rule of international law would be legally binding only if it expressed the consensus of opinion on a matter in which state practice was already uniform. That was not so in the case of the twelve-mile fishing zone. His Government viewed with favour the establishment of a twelve-mile fishing zone as a progressive development in international law, but that development was too important to be produced by a mere resolution of dubious legal effect. Lastly, paragraph 2 of the operative part of the ten-Power draft resolution was objectionable in so far as it discriminated against old States.

37. His delegation would vote in accordance with the foregoing considerations.

38. Father DE RIEDMATTEN (Holy See) said that his delegation was convinced that the Conference was in duty bound to reach a result applicable and acceptable to all nations, and that if it failed the confidence placed by the peoples in international organizations would be badly shaken. Furthermore, it was upon the solution of the problems on the agenda of the present Conference that the ratification and entry into force of the instruments adopted by the 1958 Conference ultimately depended, and it was because of that close link between the work of the two Conferences that the Holy See had felt obliged to take part in the second one, although it had no direct interest in the questions of the territorial sea or fishery limits. His delegation had abstained from voting in the Committee of the Whole because it had considered that none of the texts proposed was likely to win wide enough support. But that stage was now past, and the Conference had before it texts which would enable it to reach a successful conclusion without anyone being too seriously injured by its decisions.

39. In recognizing that each coastal State was entitled to extend its territorial sea up to a distance of six miles and in particular had exclusive fishing rights over the twelve miles of sea adjacent to its shores, the Conference would be profoundly modifying the present status of maritime areas, and would be promoting the attainment by all peoples of broad political and economic autonomy. That was a bold enterprise, which presupposed a confident view of the future. The delegation of the Holy See would vote for that formula, and considered that the peoples in process of expansion had nothing to fear from its adoption. The draft resolution concerning technical assistance submitted by Ethiopia, Ghana and Liberia (A/CONF.19/L.8) was a natural corollary to it.

40. There would then remain the serious problem of special situations. Of the proposals submitted since the Committee of the Whole had finished its work, there was at least one which offered a reasonable compromise. The delegation of the Holy See would not have been opposed to the restatement of a restriction concerning so-called historic waters, but it felt that the texts adopted in 1958 were sufficiently clear in that respect. The solution proposed endeavoured to reconcile the coastal State's right to the waters adjacent to its territory with the necessity for establishing a final demarcation line between the territorial sea and the high sea. If the Conference accepted that solution, many established situations would be modified, and a number of countries would be obliged to impose sacrifices on certain sections of their population, many of them people of modest means. The international community should be careful to avoid causing complete upheaval in the fishing industry. On the other hand, by starting the transitional period not on the date of entry into force of the new convention, but at a date very close to that of its signature, the Conference would be safeguarding the beneficiaries of the new provisions against any danger of endless delay in the execution of the agreements. It was to be hoped that the transitional period would witness the inception of fruitful collaboration between the usufructuary of tomorrow and the operator of today, and lead to the conclusion of those bilateral, multilateral and regional agreements that were the natural corollary to the general rules which the Conference was called upon to lay down.

41. Mr. HARE (United Kingdom) said that the atmosphere of steadily increasing goodwill at the present Conference was one in which the United Nations could rightly be expected to achieve useful results. Many of the nations represented had clearly recognized that each side would have to make some sacrifice if common agreement was to be reached, and those who argued that, having unilaterally established a twelve-mile

régime, they could not now depart from it, were in effect demanding that the majority submit to the veto of a minority. Such an attitude would ultimately destroy the principles on which the United Nations itself was founded, since peace and good will could become reality only if the spirit of give and take was also real and not merely a pious expression of hope.

42. The United Kingdom would vote against the ten-Power draft resolution (A/CONF.19/L.9), which sought to put off indefinitely a decision on the breadth of the territorial sea. All delegations were clearly aware of the issues, and it was the duty of the Conference to take its decisions forthwith.

43. The Icelandic amendment (A/CONF.19/L.13) to the second proposal adopted by the Committee on the Whole, by eliminating the ten-year period allowed to distant-water fishing States for the readjustment of their fishing industries, would undermine the very principle on which the proposal was based, since other States might well demand the same treatment. Had there really been an imminent shortage of fish in the seas around Iceland, such an amendment might have been justified, but scientists did not agree that the cod catch had reached its limit, and considered that it could still be safely increased, given proper regard for conservation. All the countries which fished off Iceland, including the United Kingdom and Iceland itself, were members of the International Union for the Conservation of Nature and Natural Resources, which could institute any conservation measures that proved necessary.

44. His Government recognized that both Iceland and the Faroe Islands presented special problems, and he was glad to inform the Conference that, as a result of talks between the Danish representative and himself, the Danish and United Kingdom Governments were satisfied that they could reach a sensible and fair agreement whereby the ten-year rule would be adjusted to meet the special situation of the Faroes. He had also approached the representative of Iceland with a proposal for limiting the ten-year rule in Iceland's favour. His efforts had, however, been unsuccessful, and his Government was prepared to refer the problem to some mutually agreed impartial authority for adjudication. If the Icelandic delegation would accept that offer and agree to abide by the award, his own Government would undertake to do the same. If the joint proposal was adopted and Iceland accepted his offer, that country would have an exclusive twelve-mile fishing zone after a period of probably less than ten years, and would also enjoy the protection of the Convention on Fishing and Conservation of the Living Resources of the High Seas. It would also be able to establish claims for preferential fishing rights beyond twelve miles, if the amendments of Brazil, Cuba and Uruguay (A/CONF.19/L.12) were adopted. The idea of reaching a settlement by the decision of an impartial authority was very much in line with those amendments, which his delegation would support, although its acceptance would mean that his own country and many others would have to face the possibility of losing still more sea areas traditionally fished by their peoples. The amendments proposed to deal in a sensible and practical way with the problem of special situations within the framework of an international rule of law; an internationally constituted and recognized body would assemble and assess the relevant facts and arbitrate between the interests of coastal and fishing States.

45. His delegation would also support the draft resolution submitted by Ethiopia, Ghana and Liberia (A/CONF.19/L.8) on technical assistance, which it regarded as imaginative and constructive.

46. The United Kingdom had supported the proposal submitted jointly by Canada and the United States in the Committee of the Whole, despite the loss its provisions would entail for his country's fishing industry, and would support the new joint proposal (A/CONF.19/L.11) for the reasons it had given in committee. The vote in committee had clearly shown that the proposal was the only one likely to succeed, and it had since then attracted further support.

47. The issue at stake was whether there would be a law of the sea which all nations could agree to observe in future, or whether chaos was to be allowed to persist, and he therefore appealed to any delegation whose mind was not yet made up to consider the grave consequences of the second alternative. Failure to reach agreement would do grievous harm to the United Nations and to all the principles on which it had been founded.

Expression of sympathy for victims of the earthquake in Iran

48. The PRESIDENT expressed to the Iranian Government and people and to the inhabitants of the stricken town of Lar the sympathy and condolences of the Conference, all members of which had been profoundly shocked by the news of the earthquake which had just devastated that place.

49. Mr. MATINE-DAFTARY (Iran) warmly thanked the President for his expression of sympathy in the disaster which had plunged Iran into grief and anxiety.

The meeting rose at 7.50 p.m.

TWELFTH PLENARY MEETING

Monday, 25 April 1960, at 9.15 p.m.

President: Prince WAN WAITHAYAKON (Thailand)

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 (A/CONF.19/L.4, L.5/Rev.1, L.6, L.8, L.9, L.11 to L.13) *(continued)*

[Agenda item 9]

1. Mr. DEAN (United States of America) said that he wished to express the appreciation of the Canadian and United States delegations for the support given to their joint proposal (A/CONF.19/C.1/L.10) in the Committee of the Whole. He realized, of course, that a number of countries had found difficulty in voting for a compromise