# Second United Nations Conference on the Law of the Sea

Geneva, Switzerland
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## 9th meeting

Extract from the *Official Records of the Second United Nations Conference on the Law of the Sea (Committee of the Whole – Verbatim Records of the General Debate)*

## Ninth Meeting

Wednesday, 30 March 1960, at 3.20 p.m.

Mr. NOGUEIRA (Portugal): First of all, Mr. Chairman, I would like to be allowed to extend to you the warmest congratulations of my delegation on your unanimous election for the Vice-Chairmanship of this Committee. Our congratulations are also cordially extended to the Chairman and to the Rapporteur.

At the first Conference of the United Nations on the Law of the Sea the Portuguese delegation cast its vote in favour of the United States proposal. 1/ In so doing we accepted it as a way out of the difficulties then prevailing, only for the sake of compromise, in a sincere desire that all the matters included in the agenda of the Conference could be completely and successfully dealt with. I must add that we saw then no reason on legal grounds, as we see no reason now, for considering the three-mile rule as a dead one. Much has been said about its life in past eras and death in modern times, about its shortcomings, about its inadaptability to modern conditions, about its ignominious fall into the darkness of obsolescence and decrepitude. I wonder, however, if, by advancing such a gloomy diagnosis without its due submission to a statistical check, we are not being somewhat deceived by one of those fallacies now so common in this world of ours only because they have not been properly put to a test of truth. In fact, reading the "Synoptical table concerning the breadth and juridical status of the territorial sea and adjacent zones", contained in the note prepared by the Secretary-General of the United Nations for the use of this Conference, 2/ we came to the conclusion that among the seventy-one States mentioned therein, no less than twenty-two expressly accept the three-mile rule, not to mention those countries, like mine, which abide by it although they do not have it as a specific provision in their internal law. It might be said that these are the remnants of a dying tradition, that the principle is now in its trend downwards, and that consequently it will shortly fall into complete oblivion. To those who would say so, I should simply point out that the principle has been expressly accepted, in recent years, that is, in the last decade, by five countries. It might also be argued that only old countries stick to the principle. Those who would say it should then be reminded that three countries which became independent after the Second World War have the three-mile rule. It is true that out of seventy-one countries, twenty-two is a minority, some fifty others having to be left aside because they adopt wider limits. We shall come to that in a little while but, in the meantime, I would like to be allowed to bring to your attention the fact that, generally speaking, the three-mile principle is still held as a supplementary rule, which applies to the delimitation of the territorial sea of a country when no specific rule for that purpose has been enacted by that particular country. It seems to

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1/ Official Records of the United Nations Conference on the Law of the Sea, vol. II, annexes, document A/CONF.13/L.29, and 14th plenary meeting, para. 60.

2/ Official Records of the Second United Nations Conference on the Law of the Sea, annexes, document A/CONF.19/4.

my delegation that a distinction has to be made between the principle itself and the concept which might have originally been behind it. The times of the "as long as the cannon will carry" are long past, we all agree, and nowadays nobody can base the validity of the principle on such an eroded and unstable ground. How, then, can the principle survive? The answer is a simple one: just because new circumstances have arisen which give new life to the principle. It indeed fits the realities of the modern world that, for the benefit of the community of nations, the high sea be as wide and as free as possible. This is why we are of the opinion that the three-mile rule should be adopted in a multilateral convention such as the one which is our task and our duty to bring to a successful conclusion. The sea, it has already been said from this rostrum, separates. Let us narrow it. If in a somewhat paradoxical form, we may say that to narrow it we have simply to widen it.

The International Law Commission, when it studied the matter of the limits of the territorial sea, found itself unable to define, or even to propose, a legal rule for that delimitation. As many others who preceded me in this rostrum, I think that one does not give a complete idea of the Commissions's views by only quoting paragraph 1 of article 3 of the articles it adopted at its eighth session, 3/ which reads:

> "The Commission recognizes that international practice is not uniform as regards the delimitation of the territorial sea."

This is the expression of a fact, it is not the recognition of the existence of different rules of law, all of them being equally legitimate and equally valid. Paragraph 1 of article 3 cannot be insulated from paragraph 3 of the same article 3, where it is stated that the Commission did not take any decision as to the breadth of the territorial sea up to the limit of twelve miles. Unable to take a decision, the Commission then considered that the breadth of the territorial sea "should be fixed by an international conference". This is, as we all know, amply supported by what Professor François explained to the First Committee of the First Conference in his statement on 19 March 1958. 4/

I think that we can sum up the Commission's position by stressing two points: first, that, within the range of the three to twelve mile practices, it did not consider itself to be in a position to fix a legal rule; second, that limits beyond twelve miles are definitely not admitted by international law. This means that the Commission, struck by differences of opinion, went no further than each one of us can go by merely reading the synoptical table to which I referred a few minutes ago.

In his eloquent speech this morning my eminent friend, Ambassador Gilbert Amado, of Brazil, confirmed before us this interpretation with his high authority as a member of the International Law Commission which took an active part in its proceedings on the matter. According to what he said, the Commission just took a picture.

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3/ Official Records of the General Assembly, Eleventh Session, Supplement No. 9, para. 33.

4/ Official Records of the United Nations Conference on the Law of the Sea, vol. III, 21st meeting, para. 18, annex.

The breadth of the territorial sea has been unilaterally fixed by countries between a minimum limit of three miles and a maximum limit of twelve miles - I do not mention limits beyond twelve miles as they are explicitly considered by the International Law Commission as not in conformity with international law. Coming now back to the examination of the synoptical table we find: that four countries have accepted a four-mile limit for their territorial sea; that one country - a newly independent country - has accepted a five-mile limit; that ten countries have accepted a six-mile limit - among which three newly independent countries are included; that one country has accepted a nine-mile limit; that one country has accepted a ten-mile limit; that thirteen countries have accepted a twelve-mile limit - among which only two newly independent countries are included. If now we put in one lot the countries referred to in the synoptical table which accept a limit up only to six miles, we count at least thirty-five; on the other hand, only fifteen countries have accepted limits beyond six miles.

Four draft proposals have so far been tabled, 5/ all of them containing provisions as to the delimitation of the territorial sea. None of them fixes the width of the territorial sea at three miles, although such a limit would be permissible by all of them, as all of them only seek to establish a maximum limit. Two of the proposals have been tabled by the United States 6/ and Canada, 7/ both abiding by the three-mile rule. They did so without doubt in a commendable spirit of compromising, both thus giving their constructive contribution for what must be our common purpose, that is, to find a solution for this problem fair to all and acceptable by all. My delegation's first comment as to the width of the territorial sea suggested in the two draft proposals I have just mentioned is that we would prefer that a uniform limit should be established. In fact, only by so doing would we formulate a rule of law in which three of the most important requisites of any rule of law would be incorporated. I have in mind that any rule of law should always be certain, unequivocal and uniform. We know, however, that perfection must give way to practicability. My delegation is therefore inclined to accept, among the proposals already tabled, those which come nearer to our basic concept of a narrow territorial sea. The United States and the Canadian proposals are identical in their article 1, the two stating that the maximum limit of the territorial sea should be six miles. This is a principle to which we are prepared to give our approval.

I come now to the second point of our debate, that is, to the problem of the fishing zone. I shall deal with this matter as briefly as possible. We, participants in this Conference, have been entrusted with a complex task. We meet in this room not to declare a pre-existent rule of law, but to create a new one if we come to the conclusion that no one exists. A rule of law, even if newly developed or defined, cannot come into existence from nowhere. Its aim being to give a certain discipline to human activities, the rule of law will

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5/ Official Records of the Second United Nations Conference on the Law of the Sea, annexes, documents A/CONF.19/C.1/L.1, A/CONF.19/C.1/L.2, A/CONF.19/C.1/L.3 and A/CONF.19/C.1/L.4.

6/ Ibid., document A/CONF.19/C.1/L.3.

7/ Ibid., document A/CONF.19/C.1/L.4.

get nowhere if it takes in no account the realities of those human activities. To be just - as it ought to be - the rule of law must be equitable, that is, it must be as just when specifically applied to a concrete case as it is in the generality of its formulation. And no provision of law is equitable that does not take into consideration all the legitimate interests involved in the situation it is meant to regulate and, consequently, does not recognize the existence of any well founded interests which may have been previously constituted through the exercise of activities fully admitted or fully protected by the prior legal framework.

It is an important activity in my country that of sending our fishing boats to distant waters, some of which waters will fall under the regime of the so-called outer zone, as this is defined both in the United States and the Canadian proposals. I shall add, incidentally, that foreign boats come to fish in similar waters around our coasts in metropolitan Portugal. I repeat that, by having sent our boats for many years to far away seas we were, as we still are, carrying cut activities fully covered by international law, under the provisions of which the high seas are free, open and for the use of all. Those provisions include, of course, the faculty of fishing everywhere in the high seas. In the case of my country as well as in the case of other countries, the faculty of fishing materialized in a continued practice, now a long established practice, carried out according to international rules and regulations, in good faith and in no way being detrimental to or an encroachment on any other country's rights. This, Portuguese boats have been doing for centuries. Thousands of people are employed in those ships, which go to the waters of Rio de Oro, Senegal, Mauritania, Newfoundland, Greenland, etc., as well as in connected activities. Boats have been built all through the years for that type of fishing. Moreover, we find in the fish thus caught one of the main sources of animal proteins of our population. Codfish, for instance, which we have to fish in distant waters, is one of our staple foods and to illustrate its importance it suffices to say that, during the period 1956-58 out of 756,410 tons of demersal fishing carried by Portuguese fishermen, no less than 609,589 tons were of codfish caught in the northwestern Atlantic. Part of it was caught in waters to be included in outer zones of coastal States, should either the American or the Canadian proposal be approved by this Conference. Needless to say, all this fish is consumed in Portugal, none of it being exported to foreign markets.

Now, I am not going to discuss the legal nature of the high seas, that is, whether the high seas are a res nullius or a res communis, and so on and so forth. Nor am I going to discuss the rights which may be acquired by prescription, the rights which may constitute a servitude, and so on and so forth. This is an assembly of jurists and experts, all well acquainted with any principles and theories which, in the field of international law, have been developed on such very important matters. But I will say this: those practices, to which I have just referred, cannot, in justice, be disregarded if the concept of the outer zone is to be embodied in international law. Well established as they are through the passing of the years by an effective and continued usage, in entire conformity with international law, according to which those waters are part of the high seas and are, consequently, open to fishing by all, through a recognized faculty which for some countries like mine materialized in the actual exercise of fishing

activities, those situations are fully entitled to recognition and protection by any new concept we may institute or by any rule of law we may formulate. Were it not to be so and grave consequences will fall upon the fishing countries: people to be transferred to other activities to which they are not accustomed and for which they are not prepared; dietary habits to be changed; boats either to be dismantled or, when possible, to be laboriously reconverted, with considerable loss of capital and of possibilities of employment. This does not mean that we have, for the protection of those situations, to disregard the special rights to which the coastal States might be entitled as regards fishing activities within their outer zones. This does only mean that those rights can and should coexist with the kind of situations which the United States proposal defines as a practice made by the vessels of fishing States to fish in the outer zone of coastal States, subject, of course - and this point I want to stress, so that no doubts can be cast as to our co-operative position in the matter - to certain limitations to be set forth in the interests of all concerned. The same spirit of co-operation contributed to a great extent to the conclusion of the Convention on fishing and conservation of the living resources of the high seas. We see no reason for not insufflating the same spirit into any conventional principle we may establish about outer zones. In the opinion of my delegation only the American proposal approaches this matter in a constructive, equitable and realistic manner. Its approval by the Conference will bring about substantial loss for the economic life of my country. We are nevertheless prepared to support it, as it seems to us that, under the circumstances, it represents a sensible compromise which we are confident this Conference will accept.

Mr. Chairman, in what I have said I tried, without taking up, I hope, much of your time, to touch upon what my delegation considers to be the main features of our debates. We think that there are no obstacles ahead of us which cannot eventually be overcome if understanding, goodwill and a true spirit of co-operation inspire our work. The task which falls upon us to accomplish is neither difficult nor easy. Difficulties are not in the problems themselves but they may reside in our approach to them. On our part, we are prepared to give our contribution for the successful outcome of this Conference, bound as we are by our duty to abide by the concepts and principle I have just outlined.

Mr. OKUMURA (Japan): Mr. Chairman, it is a great pleasure for me to extend on behalf of the Government of Japan hearty congratulations to Ambassador Correa who was elected as Chairman of the Committee as a whole, to Professor Sørensen of Denmark as Vice-Chairman, and to Professor Glaser of Romania as Rapporteur. I sincerely hope that under the able leadership of our Chairman this Conference will be brought to a successful conclusion.

I should like to stress at the outset that my delegation attaches a great importance to the present conference. We have to consider the cardinal issue in the whole body of the law of the sea, that is, the question of the breadth of the territorial sea and the fishery limits. This is the opportunity - possibly the last opportunity for some time to come - for all the nations represented here to redeem this question out of the confusion in which it has remained

up till now and to prescribe its just and equitable solution. We all know, from the experience of the last conference, that we face a task which involves highly controversial issues and that we can accomplish our task only through goodwill and co-operation on the part of us all.

We have now before us four proposals, that is, by the USSR, Mexico, the United States and Canada, and we have heard learned opinions upon them by a number of delegates who have spoken before me. I shall therefore confine myself at this stage to expressing as briefly as possible the standpoint taken by my delegation.

You will recall that, towards the end of the conference of 1958, a compromise proposal of six miles in regard to the breadth of the territorial sea was submitted by the United Kingdom delegation,8/ and that the Japanese delegation expressed its readiness to support it.9/ We did so at that time only because we wanted to do our due share in assuring the success of the conference.

It has been argued by some representatives that the three-mile rule ceased to be a rule of international law for good, once its advocates, including my country, went for a compromise proposal of six miles. This certainly is not the case in our view. In supporting the United Kingdom proposal, the Japanese delegation made it absolutely clear that "if no agreement can be reached on the six-mile compromise plan, the three-mile breadth for the territorial sea will remain to be the recognized rule of international law".10/ It was with the same expressed understanding that the representative of the United Kingdom introduced that proposal. The representatives of a number of other countries also made similar statements.

Thus, the basic legal position of the Japanese Government remains just as it was at the last conference. We maintain that a rule of international law can be altered only through an international agreement based on a consensus of opinion among the family of nations - a consensus of opinion which we are now endeavouring to reach by all means. And, I have to say that, whatever position my delegation may take in the coming discussions and votings, it will be motivated solely by a sincere desire to obtain a compromise agreement at this conference.

I shall refrain at this moment from taking up your valuable time by going into any detail about the validity or non-validity of the traditional three-mile rule. I shall only point out here that any extension of the breadth of the territorial sea of the creation of an exclusive fishing area will mean in itself an encroachment on the freedom of the high seas -- the freedom which is a precious common asset of all mankind and which it is our duty to uphold in the interests of the world community. Some countries would seem to be more interested in the immediate benefits to be derived from the extension of their territorial waters or fishing areas, but I submit that our major concern, our primary concern at this conference should be to safeguard and promote the long-range benefits that can be enjoyed from the common free use of the widest possible area of the high seas.

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8/ Official Records of the United Nations Conference on the Law of the Sea, vol. III, annexes, document A/CONF.13/C.L.134.

9/ Ibid., Vol. III, 49th meeting, para. 4.

10/ Ibid., para 5.

In this connexion, I may mention an important point which is often overlooked or even ignored. A number of representatives who have spoken in favour of the extension of the territorial waters or the exclusive fishing zone, have attempted to justify their claim by insisting that the coastal States should have an excluvive control in the area for the purpose of conservation against the instrusion by foreign fishermen. However, as the representative from Sweden and some other representatives have pointed out, we should not lose sight of the Convention for the Conservation of Living Resources of the High Seas and its accompanying resolution adopted at the Conference of 1958. 11/ That Convention does include a series of provisions which are designed to protect the maritime resources against possible abuses. These provisions are sufficient safeguard for the special interests which the coastal States may claim. Therefore the necessity for conservation of the living resources cannot be a convincing reason for extending the territorial waters or for creating an exclusive fishing zone.

I believe that the world expects from the present conference something concrete and definite that would eliminate, or reduce to a minimum, the differences of opinion between nations on the question of the territorial sea or fishing rights. Unless this conference succeeds in resolving such differences of opinion, they will surely continue to be one of the major sources of international friction and dispute, as they have been since the unfortunate outcome of similar efforts made in 1930 at The Hague and again in 1958 in this very assembly hall.

My delegation is therefore prepared to give most serious and sympathetic consideration to any proposal which is based on justice and equity and which is made in the spirit of conciliation and concession between the coastal States and non-coastal States. It would, however, seem to us that any proposal for extending the territorial waters or the zone of exclusive fishing up to twelve miles or beyond would not be consistent with the principle of justice and equity, if it excluded those nations who have long been engaged in fishing within that part of the high seas and whose economy and national living depend to a great extent upon distant-water fishery. I believe that my country has a particular right to stress this point.

As is well known, Japan is a leading fishing country of the world, with an annual catch of about five million tons. This constitutes an important source of nourishment for the Japanese people as they get almost 70 per cent of their animal protein requirements from the fish. Moreover, as an island country with a large population - 92 million people - and scanty natural resources, Japan depends heavily upon foreign trade and shipping in order to maintain its national economy. Fishery products are Japan's important export item and the bulk of its supply of fish comes from fishing in distant waters. Therefore any extension of the territorial waters or the zone of exclusive fishing will immediately and

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11/ Ibid., vol. II, annexes, document A/CONF.13/L.54, and A/CONF.13/L.56, resolutions III, IV and VI.

seriously hit Japan's economy and its people's living. To put it the other way round: if we support any proposal which goes beyond the three-mile limit, we do so in spite of heavy sacrifices on our part. We do so for the overriding consideration of the common interest of the world.

As we have already assured you, my delegation earnestly desires that an agreement be reached at this conference. In considering the proposals that are now before us, my delegation will act solely in the spirit of conciliation and concession which, I hope, will be fully reciprocated by all the other delegations. In this connexion, I should like to stress another point: that is, whatever agreement may be reached at this conference, it must not remain an agreement on paper only. The purpose of this codification conference is to re-establish an effective rule of law which is the basic requirement for international peace and co-operation. The new convention which we envisage must be faithfully observed in toto and by all, and the rights it may confer either on the coastal States or non-coastal States should not be nullified or circumvented by unilateral actions taken under one pretext or another.

In conclusion, I wish to emphasize once more that the present conference is meant to mark an important milestone in the whole history of the international community. For this reason the need is the greater for the spirit of co-operation and goodwill on the part of all participants. I wish to appeal to all the eminent jurists and diplomats assembled here to bring together their unsparing efforts for the successful accomplishment of our task.

M. PFEIFFER (République fédérale d'Allemagne) : Monsieur le Président, la délégation de la République fédérale d'Allemagne tient à féliciter chaleureusement le Président, le Vice-Président et le Rapporteur de cette Commission plénière pour leur élection, à l'unanimité des voix, à leurs importantes fonctions. De tout coeur, nous nous associons aux éloges, espoirs et voeux qui leur ont été adressés par tous les orateurs qui m'ont précédé à cette tribune.

En abordant les deux problèmes qui, selon la résolution de l'Assemblée générale des Nations Unies du 10 décembre 1958 (No 1307 (XIII)), font l'objet des délibérations de la Deuxième Conférence sur le droit de la mer, à savoir la question de la largeur de la mer territoriale et celle des limites des zones de pêche, je tiens à constater, dès le début de mon intervention, qu'en principe la position de l'Allemagne en ce qui concerne ces deux questions n'a pas changé depuis la première Conférence.

Me conformant volontiers à la précieuse suggestion que le représentant de l'Iran nous a faite, lors de la séance du 25 mars 12/, je ne vais pas répéter ici les observations que notre délégation a exposées à cette tribune il y a deux ans. Je me bornerai plutôt à me référer expressément aux déclarations que le représentant allemand a faites à cet égard à la Première Conférence sur le droit de la mer lors des séances de la Première Commission du 14 mars et du 10 avril 1958 13/ et à les résumer en quelques mots.

Nous avons toujours été - nul ne l'ignore - des défenseurs du principe de la liberté de la mer et des partisans convaincus d'une largeur de la mer territoriale de trois milles marins.

Quant à une zone de pêche exclusive au-delà de la mer territoriale, elle constituerait, à notre avis - nous l'avons dit à la première Conférence - une innovation qui pourrait restreindre la liberté de la mer, mettre en péril les droits acquis de certains Etats (parmi eux l'Allemagne) et comporter à longue vue des désavantages pour toute la communauté des peuples et pour les pays en particulier qui, aujourd'hui, réclament une zone de pêche exclusive.

Je m'explique. On a, entre autres, avancé en faveur de l'établissement de zones de pêche, l'argument suivant : la naissance d'un grand nombre de jeunes Etats qui n'ont pas encore à leur disposition les moyens et installations techniques appropriés à leurs multiples tâches aurait changé fondamentalement la situation de droit et de fait. Puisque les jeunes Etats ne sont pas pourvus d'un équipement technique suffisant pour pêcher loin de leurs côtes, on devrait leur accorder - dit-on - une zone de pêche contiguë, où ils seraient assurés contre toute concurrence étrangère.

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12/ Documents officiels de la Deuxième Conférence des Nations Unies sur le droit de la mer, 5ème séance, par. 39.

13/ Documents officiels de la Conférence des Nations Unies sur le droit de la mer, vol. III, 15ème séance, par. 23-31, et 41ème séance, par. 16.

Un tel argument mérite sans doute notre attention. On peut se demander, toutefois, si cette manière de voir ne méconnaît pas le caractère passager de la situation. Les jeunes nations, composées, d'ailleurs, pour la plupart de très vieux peuples qui ont leur histoire, leur culture, leur grandeur à eux, possèdent un potentiel démographique inépuisable et de prodigieuses resscurces naturelles, intellectuelles et même religieuses. L'essor admirable que ces jeunes Etats ont pris en peu d'années est loin de se ralentir. Bien au contraire, il ne leur faudra qu'un temps assez limité pour atteindre un niveau comparable, sinon supérieur, à celui des Etats et nations qui jusqu'ici avaient eu une certaine avance technique. Ne ferions-nous donc pas mieux, au lieu de fixer nos yeux sur une particularité passagère, d'escompter dès maintenant un avenir où, pour l'exploitation rationnelle des biens communs de l'humanité, il y aura non seulement égalité de droit mais aussi, dans une mesure beaucoup plus large qu'aujourd'hui, égalité des moyens techniques. Le moment viendra vite où ces Etats seront eux aussi à même de pêcher loin de leurs côtes et où ils trouveront malaisé de se heurter partout à la barrière des douze milles.

D'autre part, le respect des principes jusqu'ici en vigueur n'empêcherait pas la Conférence de tenir compte, comme la délégation allemande l'a suggéré il y a deux ans, des intérêts spéciaux des pays dont l'économie dépend pour la plus grande partie du produit de leurs pêcheries.

Telle a été l'attitude de l'Allemagne lors de la première Conférence sur le droit de la mer et telle est sa position de principe aujourd'hui encore.

Cependant, fidèle au principe directeur de sa politique qui consiste à ne refuser aucune initiative susceptible de favoriser les rapports pacifiques entre les nations et l'entente universelle, la République fédérale d'Allemagne est prête à examiner soigneusement toutes modifications qui pourraient être envisagées pour mener à bonne fin l'oeuvre difficile de cette Conférence. Mais ceci à une double condition toutefois : d'abord, que ces modifications et les sacrifices qu'elles comportent ne dépassent pas les limites qui nous sont tracées par les intérêts vitaux de notre pays; et ensuite, que ces sacrifices matériels soient compensés moralement par la satisfaction d'avoir contribué par là à un accord de portée universelle.

Mue par les considérations que je viens d'exposer, la délégation allemande entend appuyer les propositions qui s'éloignent le moins du règlement actuel, qui sauvegardent le mieux le principe de la liberté de la mer, qui tiennent compte de l'évolution historique et qui ne barrent pas la route au progrès naturel.

Il est évident que de toutes les propositions qui jusqu'ici ont été soumises à la Conférence, c'est la proposition des Etats-Unis du 23 mars 1960 14/ qui se rapproche le plus de cette conception. Elle a le mérite de reconnaître au moins

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14/ Documents officiels de la Deuxième Conférence des Nations Unies sur le droit de la mer, annexes, document A/CONF.19/C.1/L.3.

l'existence de certains droits acquis en matière de pêche, quoiqu'en les limitant sensiblement. Et je voudrais attirer l'attention de la Commission sur l'importance des restrictions qui sont prévues dans la proposition américaine. Elles consistent essentiellement en ceci : l'Etat côtier pourra, par le perfectionnement de son équipement et de ses méthodes, augmenter d'année en année le rendement de ses pêcheries. Par contre, les pêcheurs qui viennent de loin ne pourront dorénavant, quelle que soit la perfection de leurs installations, retirer de la zone en question que la quantité et les espèces qu'ils ont capturées pendant la période de base. Par conséquent, l'écart entre le produit des pêcheries nationales et celui des pêcheurs étrangers ira toujours s'élargissant au profit de l'Etat côtier. Ce sont donc des sacrifices réels et des pertes considérables que la proposition américaine requiert des Etats détenteurs de droits acquis, sacrifices et pertes dont l'étendue ne devrait pas être minimisée, comme ont voulu le faire certains orateurs.

Si notre délégation, après de sérieuses réflexions et quelques hésitations, s'est décidée à appuyer la proposition des Etats-Unis malgré les inconvénients qu'elle comporte pour l'Allemagne, l'unique raison en est notre désir sincère de voir aboutir au succès généralement souhaité la Deuxième Conférence sur le droit de la mer.