The original documents are located in Box 17, folder "Fisheries Jurisdiction - Briefing Books (2)" of the John Marsh Files at the Gerald R. Ford Presidential Library.

DEPARTMENT OF STATE

Washington, D.C. 20520

November 11, 1975

Dear Mr. President:

Enclosed is a briefing book for your use in connection with S.961 and other bills which would unilaterally extend United States fisheries jurisdiction 200 miles onto the high seas.

Such bills, if enacted into law, would breach the solemnly pledged word of the United States as embodied in Article 2 of the 1958 Geneva Convention and could seriously harm our oceans, defense, foreign policy and energy interests.

If I can provide any additional information for your use in connection with opposition to the Bill, I would be pleased to do so.

With warm regards,

Sincerely,

John Norton Moore

John Norton Moore
Chairman, the NSC Interagency Task Force on the Law of the Sea and Deputy Special Representative of the President for the Law of the Sea Conference

The Honorable
Gerald R. Ford,
The White House.

200-MILE FISHING LEGISLATION

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Summary of Reasons for Opposition
to S.961 Which Would Unilaterally
Extend U.S. Fisheries Jurisdiction
Over the High Seas to 200 Miles

The Executive Branch strongly opposes S.961 or other legislation that would unilaterally extend U.S. fisheries jurisdiction over the high seas to a distance of 200 miles. The reasons for that opposition are:

-- Such a unilateral extension whenever it were to occur would violate the pledged word of the United States given on solemn treaty obligations including the 1958 Geneva Convention on the High Seas, the 1958 Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas, and the Northwest Atlantic Fisheries Convention. The issue is so clear that Philip C. Jessup, a former Judge of the International Court of Justice, writes: "I do not know any responsible and qualified person who maintains that such a claim (unilaterally established 200-mile fisheries limit) would be in accordance with international law." Similarly, Professor Louis B. Sohn of the Harvard Law School writes: "There is no question in my mind that such an extension would be invalid under international law and would violate the rights of other states."

-- The avoidance of unilateral oceans claims contrary to international law is a cardinal tenet of United States oceans policy. The U.S. consistently protests such claims by other nations and passage of S.961 would undermine our ability to prevent unilateral claims by others which could be seriously harmful to U.S. oceans interests. Such claims by others would not be confined to coastal fishing jurisdiction and could include:

- claims asserting control over ship construction or operation which could endanger our navigational freedom to transport vital oil supplies. At current prices, the value of petroleum imports by sea into the U.S. in 1976 will exceed $26 billion;

- claims asserting control over U.S. oceanographic research ships. The U.S. has a greater interest in oceanographic research than any other nation in the world;

- claims asserting control over navigation and overflight through vital straits, endangering the mobility and secrecy of our general purpose and strategic deterrent forces.

-- Enforcement of a unilateral 200-mile fisheries claim against the Soviet Union, Japan and other nations fishing off our coasts would pose a risk of confrontation or retaliation against U.S. economic interests.

-- S.961 would seriously injure important U.S. tuna, shrimp and other fishermen who fish within 200 miles of other nations. The value of tuna landings alone by U.S. fishermen off foreign shores exceeds $138 million per year. Such a unilateral extension could also endanger existing treaty arrangements protecting our valuable salmon stocks, that range beyond 200 miles (including the Atlantic salmon moratorium and the agreements with Japan and Korea and the understanding with the Republic of China covering our Pacific salmon).

-- S.961 could seriously damage U.S. objectives in the ongoing Third United Nations Conference on the Law of the Sea. If U.S. unilateral action encourages a wave of such claims, the incentive for agreement may be removed and the Conference could collapse or be seriously delayed. At the best, such a unilateral claim would lessen the U.S. bargaining position at the Conference and could harden positions of other nations making their own unilateral claims. Paradoxically, if we encourage the negotiations to succeed, a comprehensive treaty is virtually certain to include a 200-mile economic zone with the kinds of protection we seek for coastal species and salmon.

-- S.961 would undermine the establishment of binding international measures for the conservation and full utilization of ocean protein supplies. Such measures must be agreed through multilateral agreement and cannot be achieved unilaterally. Unilateral actions merely encourage the extensions of national jurisdiction without the necessity of agreeing to such conservation and full utilization standards.

-- Needed additional protection for fish stocks off the U.S. coast can best be provided through bilateral and multilateral negotiations now underway. These negotiations are in addition to the Law of the Sea negotiations and within the last year we believe we have turned the tide with respect to protection of our fish stocks. Results include:

- under the International Convention for the Northwest Atlantic Fisheries (ICNAF) agreement reached on September 28 of this year, agreed quotas are at a level to provide for a recovery of the principal stocks in the important area from Maine through North Carolina. This was a historic breakthrough.

- during the past three years the total allowable catch within the ICNAF area has dropped by more than 40% while the U.S. quota has more than doubled.

- the recently concluded agreement with the Japanese contains the following substantial reductions: for the northeast Pacific, 20% in total bottomfish, 75% in rockfish, and 63% in bottomfish for certain specific conservation zones. For the Eastern Bering Sea, 27% reduction in pollock and 10% reduction in bottomfish. The Japanese agreement also achieves a substantial reduction in the catch of crab, provides additional protection for U.S. fishermen against gear loss, and affords additional protection to halibut and Pacific Oceans perch through extensive area and time closures.

- the recently concluded agreement with the Soviets contains the following reductions: for the Eastern Bering Sea, 27% reduction in pollock and 12% reduction in herring. For the Gulf of Alaska, 29% reduction in pollock. For the states of Washington-California, 60% reduction in rockfish incidental catch. The Soviet agreement also closes the southern Washington, Oregon and northern California coasts to all Soviet trawling operations between November 1 and April 25 to protect rockfish, flounder and sole and protect hake, bottomfish and rockfish by eliminating Soviet trawling off defined areas of Oregon, Washington and California.

-- Last year the Senate Foreign Relations Committee and this year the House International Relations Committee reported unfavorably on bills to unilaterally extend the U.S. fishing zone to 200 miles. The International Relations Committee report stated:

- in submitting this oversight report the Committee on International Relations is expressing its interest in seeking the most effective means of protecting all U.S. interests in the oceans including fisheries, while respecting international law and treaty obligations.

- it is the considered judgment of the Committee on International Relations that H.R. 200 should not pass. ...

Department of State
November 7, 1975

Department of State - NSC Interagency Task Force
On the Law of the Sea

Fact Sheet on Arguments For and Against S.961, The Bill to Unilaterally Extend U.S. Fisheries Jurisdiction for 200 miles on the High Seas

Argument: The 200-mile bill is needed as an emergency measure to protect coastal fish stocks against heavy foreign fishing.

Response: It is true that many stocks off the United States coasts have been depleted by foreign overfishing during the past 15 years. But the issue is not whether stocks have been depleted by past overfishing; rather it is whether under agreements presently in force and which can reasonably be anticipated there is an emergency situation threatening serious depletion of stocks until a Law of the Sea Treaty can be brought into force. On this point, there is a real question as to the extent of the threat to the stocks at levels of fishing permitted under agreements now in place and those which can be resonably expected in the coming months. For example, under the latest ICNAF agreement, agreed quotas are at a level to provide for a recovery of the principal stocks in the important area from Maine through North Carolina.

We should keep in mind that a unilateral extension of jurisdiction would not provide added protection for our major fisheries within 12 miles or for continental shelf fishing resources, both of which are already under U.S. fisheries jurisdiction.

We expect to be able to continue to reduce foreign fishing through ongoing fishery negotiations. Such negotiations, in the present negotiating climate, are the best way to provide added

protection quickly. Though problems remain, recent bilateral and multilateral agreements have been much more effective in protecting stocks off the United States. Moreover, such an approach would not undercut our important interests in tuna, salmon, and coastal species caught within 200 miles of other nations or run the risk of losing international recognition of the 200 mile area within the Law of the Sea negotiations.

Argument: The Law of the Sea Conference is taking too long and we cannot wait.

Response: We are not relying on a Law of the Sea Treaty to resolve our interim fisheries problems. Rather we have within the last year greatly intensified our efforts at bilateral and multilateral fishing agreements. In two key negotiations, ICNAF and the 1974 Japanese agreement, we have had substantial success. We achieved a 23% reduction in ICNAF, and last year the Japanese agreed to more than a 25% decrease in their total catch off our coasts.

The Law of the Sea Conference is, of course, taking time and is not moving as fast as we would like. It is not clear whether a treaty can be completed in 1976 although we will make every effort to do so. We are, however, engaged in the most complex and comprehensive multilateral negotiation ever undertaken. Substantial progress is being made as evidenced by the production of a single negotiating text at the Geneva session of the Conference last spring and an emerging consensus on most major issues (including a 200-mile economic zone with protection for our coastal and salmon fishing interests). As long as substantial progress is being made, because of the importance of the issues at stake, including vital national security interests, we should strongly support the Conference. Most importantly, to make a major unilateral fisheries claim could undermine our ability to achieve international agreement in a Law of the Sea Treaty recognizing the very 200-mile fisheries jurisdiction which we seek.

Argument: S.961 will strengthen the hands of our Law of Sea negotiators.

Response: Although the existence (as opposed to passage) of the 200-mile bill may strengthen the hands of our bilateral fisheries negotiators, the bill is seriously harmful to the broader Law of the Sea negotiations. The reasons why the bill undercuts rather than strengthens the hands of our Law of the Sea negotiators include:

-- we have said that we could recognize a 200-mile economic zone only if our vital interests were protected by a treaty. A 200-mile economic zone is one of the major objectives of many coastal States in the negotiations. For Congress to enact such a zone would give those States one of their principal objectives without our achieving vital objectives in return;

-- passage of the 200-mile bill even with a delayed effective date could encourage extremists to stall the negotiations and wait until United States action validates their long-standing claims;

-- if United States unilateral action encourages a wave of more extreme unilateral claims, the incentive for agreement may be removed and the Conference could collapse or be strung out indefinitely;

-- at the least, such unilateral claims could harden positions and make the negotiations more difficult.

Argument: The United States has taken unilateral action before without harm to our interests.

Response: In 1945 President Truman proclaimed United States jurisdiction over the resources of the continental shelf and in 1966 the United States extended its fisheries jurisdiction from 3 to 12 miles. More recently, in 1973 the United States declared the American lobster a "creature of the continental

shelf" under the Continental Shelf Convention and thereby subject to United States jurisdiction. These unilateral United States oceans actions are fundamentally different from a unilateral extension of our fisheries jurisdiction to 200 miles. The differences include:

-- none was made during the course of a relevant multilateral Conference;

-- in the case of the extension of our fisheries jurisdiction to 12 miles, many nations, including the Soviet Union, had a 12-mile territorial sea at the time;

-- it was evident at the time that there would be few protests from the United States action and this was borne out in fact;

-- the latter two United States fisheries claims were of minor significance compared to an extension of fisheries jurisdiction from 12 to 200 miles.

Moreover, even these more innocuous actions were not free from costs. Some states used the Truman Proclamation to justify 200-mile territorial sea claims. And the more recent claim to include lobster as a "creature of the continental shelf" has given rise to a fisheries dispute with the Bahamas in which Florida-based spiny lobster fishermen have been excluded from their traditional fishing in the Bahamas. It may be instructive to examine the balance sheet on this extension of jurisdiction with respect to the American lobster as a creature of the shelf. Gains in the United States lobster fishery as a result of the United States declaring lobster a creature of the shelf have been slight. But invocation of the same doctrine by the Bahamas has resulted in excluding U.S. fishermen from the Bahamas spiny lobster fishing at a substantial cost in financial and human terms.

Argument: The 200-mile fishing bill provides an opportunity for renegotiation of of our fisheries bilaterals and as such would not violate U.S. treaty obligations or international law.

Response: Enactment of the 200-mile fishing bill would violate solemn treaty obligations of the United States and constitute a serious setback to development of cooperation rather than conflict in the oceans. Whatever the effect of the ambiguous provisions concerning our bilateral fisheries agreements, the bill would violate the fundamental 1958 Geneva Convention on the High Seas, the 1958 Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas, and the Northwest Atlantic Fisheries Convention, to which the U.S. is a party. The issue is so clear that Philip Jessup, formerly a judge of the International Court of Justice, has recently written: "I do not know of any responsible and qualified person who maintains that such a claim (unilateral 200-mile fisheries zone) would be in accordance with international law." Similarly, Professor Louis B. Sohn of the Harvard Law School writes: "There is no question in my mind that such an extension would be invalid under international law and would violate the rights of other states."

Argument: The bill would protect sportfishing off the United States coasts.

Response: The vast majority of United States sportfishing for groundfish takes place within 12 miles, an area already under United States exclusive jurisdiction. An argument can be made that foreign fishing efforts outside of 12 miles have an effect on sportfishing within this limit, but United States commercial fishing operations have the same effect. Sportfishing aimed at billfish and other migratory species such as bluefin tuna, can only be protected by regulations applying to the entire stocks, which range far beyond 200 miles. Passage of the bill could actually have an adverse effect on this segment of sportfishing if exclusive claims by Atlantic

coastal states, including Europeans and Africans, resulted in abandonment of the effort to manage these species through the International Commission for the Conservation of Atlantic Tuna (ICCAT).

Argument: The bill is needed to protect ocean protein supplies.

Response: It is true that satisfactory fisheries management requires an extension of jurisdiction throughout the range of coastal species. For this reason an extension to 200 miles is generally accepted within the Law of the Sea negotiations as part of a comprehensive oceans treaty. Protection of ocean protein supplies, however, also requires establishment of binding international measures for the conservation and full utilization of ocean protein and special treatment for anadromous species (salmon) and highly migratory species (including tuna and whales). Such measures can only be achieved through broad multilateral agreement. Unilateral actions (with or without such provisions) merely encourage the extension of national jurisdiction without the necessity of agreeing to such conservation and full utilization standards. If such action undermines the Law of the Sea treaty, we will lose the best, and perhaps the only opportunity, we have had to achieve binding measures for the conservation and full utilization of ocean protein.

Argument: Other nations already make such extended claims over fisheries, why should't we?

Response: Only 15 nations (out of 125 independent coastal states) claim a territorial sea or fisheries jurisdiciton to 200 miles. None of these nations is a major maritime power with a diverse range of important oceans' interests. In contrast, the U.S. has the largest oceans' interests of any country in the world and its actions would have far greater impact on the development of oceans' law than that of smaller nations. The U.S. has, and must, exercise its influence to promote an oceans' regime based on cooperation and common interest rather than unilateral national claims. A stable legal regime

for the oceans will contribute to ordered development of the oceans, protection of the marine environment, and avoidance of conflict among nations.

Argument: The nations of the world have already agreed at the Law of the Sea Conference on a 200-mile economic zone, so why not anticipate the result?

Response: It is true that there is general agreement within the Law of the Sea Conference on a 200-mile eocnomic zone. The agreement, however, is predicated on a comprehensive treaty in which the nations agreeing achieve protection for their interests in other areas; for example, guarantees of unimpeded transit through and over straits used for international navigation. To seek to anticipate the result could undermine the package deal and the very consensus needed to achieve international recognition of a 200-mile economic zone with full protection for our fisheries interests. Many of those nations accepting the 200-mile economic zone in the comprehensive negotiations have told us flatly that they will not accept a unilaterally imposed 200-mile fisheries zone.

Washington Post November 4, 1975 Editorial

The Fishing Bill

The Philadelphia Inquirer

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DAVID GELSANLITER, General Manager
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Friday, October 24, 1975

U.S. shouldn't go it alone on 200-mile fishing limit

LOS ANGELES TIMES , 10/29/75

A Law for Some of the Seas

Wall Street Journal, October 23, 1975
p. 18

Congress Tackles a Fishy Problem

By Arlen J. Large

WASHINGTON — [illegible]

A Frequently Forgotten Point

Other experts warn that fish

Wall Street Journal Oct. 23, 1975 p. 18
"Congress Tackles a Fishy Problem"

THE EFFECT OF A UNILATERAL DECLARATION OF A 200 MILE FISHERIES ZONE BY THE UNITED STATES ON NATIONAL SECURITY

THE GENERAL EFFECT OF SUCH A DECLARATION-If the U.S. should unilaterally claim a 200 mile fisheries jurisdiction, it would lead other states to make unilateral claims of their own which would in all probability not be limited to fisheries. If these states witness the U.S. taking unilateral action, they in turn would feel no constraints in regard to taking similar action. Their reactions could run all the way from claims of fisheries zones, to areas of strict pollution control, to claims of territorial jurisdiction.

Multilateral action, such as is being developed through the UN Law of the Sea Conference, could be an effective antidote to such competing claims. The Conference is not trying to prevent expansion of fishery and other jurisdictions, but is only trying to control them so that such extensions do not injure the interests of other states. Assuming these negotiations are successful, if a state wished to extend its fisheries jurisdiction to 200 miles, this would be done through a treaty mechanism. A clause would be written into the treaty that such jurisdiction would not be territorial, that it would allow unimpeded innocent passage by vessels of other states. Passage beyond the territorial limit of 12 miles would be safeguarded. A "divided jurisdiction" would be established under international law whereby the jurisdiction of the coastal state would extend only to fisheries, for example, assuring that other states would retain all the rights of navigation of the high seas currently granted them by international law.

Without such protection, a unilateral extension by an influential state like the U.S., which in the past has opposed all such unilateral extensions, would set off a chain reaction by other states, acting to protect themselves as quickly as possible. Anyone who doubts that this could happen should remember that before the U.S. instituted a 12 mile fisheries zone in 1966, only 25 states had such claims. Since the U.S. unilateral extension, about 55 states have made similar claims. The example which would be set by the U.S. would be too strong to ignore.

THE EFFECT OF 200 MILE TERRITORIAL WATERS CLAIMS ON U.S. NATIONAL SECURITY-If all states with coasts and islands claimed a territorial limit (or effective equivalent) of 200 miles, fully 36% of what is now high seas would become territorial waters. This would effect the rights of passage

in these waters and would also result in the closing of every international strait to free passage. This would have an adverse impact on the national security of the U.S.

EFFECT ON U.S. NUCLEAR DEFENSE FORCES-The most important impact would be in the area of our strategic nuclear defenses, our system of nuclear deterrence. This system is based on three types of weapons: airborne bombers and missile forces, land-based ICBM's, and nuclear submarines carrying Polaris and Poseidon missiles. These weapons systems are useful only if they can survive a nuclear "first strike by enemy forces and return a retaliatory "second strike." In this sense, they provide our nuclear deterrence to war. Nuclear submarines are the least vulnerable to a first strike because they can cruise the oceans and seas of the world for months at a time underwater, and are therefore impossible to locate.

If 36% of the world's high seas become territorial, and if all the straits become territorial, U.S. nuclear submarines would be easily monitored and located. This is due to several factors. First, upon entering territorial waters, a submarine must surface and show its native colors. Thus, an enemy power would be able to know how many U.S. submarines were in, for example. the Mediterranean, since they would have to pass through a now "territorial" Strait of Gibraltor. Second, the possibility exists that the entire Mediterranean could be closed to U.S. submarines and surface vessels if every littoral state enforced a 200 mile claim. This would also apply to all of the seas in the area of the East Indies. Thus, targeting areas for major cities in the U.S.S.R. and People's Republic of China would be vastly reduced. This in turn would reduce the cruising area of the nuclear submarines, making them easier to find.

If submarines can be monitored, then they can be traced and located. If their targeting areas are small, this also aids in their location. A submarine which can be found is vulnerable to a first strike. This would undermine the entire U.S. system of deterrence and bring us one step closer to nuclear holocaust.

EFFECT ON GENERAL PURPOSE FORCES-There would also be an impact on our naval general purpose forces. These are forces which are kept at the ready for a non-nuclear conflict. To be effective these forces must be highly mobile. This mobility would be greatly reduced if these ships have to negotiate a route through a series of territorial waters in order to get to where they were needed, or were forced to detour. For instance, if there were a 200 mile territorial sea, then the Seventh Fleet, in order to pass from the Pacific to the Indian, would have to travel south of Australia, a route four times as long as the present route. The situation in the Middle East would be even more difficult. As was

mentioned previously, the Mediterranean could be cut off, thus effectively eliminating the operating area of the Sixth fleet. Aid to Israel, Turkey and other allies in the area would be almost impossible.

EFFECT ON AIR FORCES-There would also be an impact on our tactical air forces. All air space above territorial waters is considered to be equally territorial. Permission is needed to fly through it. Thus, air forces would be effected the same as naval forces if any rerouting is necessary or if any areas are made inaccessible to U.S. forces. In the last Mideast conflict many states denied the U.S. permission to use their air space. Increased territorial air space could now totally cut off U.S. air support for its Mideast allies.

The above are some of the factors which have influenced President Ford, Secretary of State Kissinger, Chairman of the Joint Chiefs of Staff, General George Brown, and the Foreign Relations Committee to oppose a unilateral 200 mile extension of fisheries jurisdiction by the U.S.

Department of State

A 200-Mile Fishing Limit: Is It Legal?

"I do not know any responsible and qualified person who maintains that such a claim would be in accordance with international law. Nor can the advocates of the proposed law take the position that the United States should abandon its historic position as a defender and upholder of international law, sinking to the level of those other countries which we denounce as law-breakers."

Philip C. Jessup
Former Judge
International Court of Justice

"In my view, H.R. 200, if enacted, would not be consistent with the obligations of the United States under existing international law. It is established, and the International Court of Justice has recently reiterated (in the Icelandic Fisheries Case) that a coastal state cannot extend its exclusive fishing jurisdiction into the high seas at will, against all."

Louis Henkin
Columbia University Law School

"There is no question in my mind that such an extension would be invalid under international law and would violate the rights of other states. It would be in particular inconsistent with our various agreements on fisheries, especially the Northwest Atlantic Fisheries Convention. Such countries as the Soviet Union in the Atlantic and Japan in the Pacific could validly argue that their rights have been grossly violated by such action of the United States. Such legislation would also constitute a violation of the United States obligations under the Convention on Fishing and Conservation of the Living Resources of the High Seas, concluded in Geneva in 1958. This Treaty provides various methods for safeguarding of a coastal nation's interests. The proposed legislation does not follow the detailed provisions of the Convention for dealing with the problem.

"In addition, the proposed legislation disregards the basic rule of international law, embodied in Article 2 of the Convention on the High Seas of 1958, which provides that in exercising its rights on the high seas each state must pay reasonable regard to the interests of other states in their exercise of the freedoms of the high seas, which include the freedom of fishing."

Louis B. Sohn
Harvard University Law School

"On the other question, whether unilateral adoption of a 200-mile exclusive-fisheries zone by the United States would violate present-day international law, it is my belief that the answer must be given, 'Yes, there would be such violation'."

William Bishop
University of Michigan Law School

"H.R. 200 is thus not simply a case of doing now what will ultimately be done anyway under the terms of the treaty. In the words of the popular song of years ago 'It's not what you do but the way that you do it.' There is a world of difference between a generally agreed 200-mile economic zone, with jurisdiction over the coastal species, under the terms of a general international agreement, and a unilateral grab of a 200-mile fisheries zone, which would be the signal for other states to lay even more sweeping claims over the 200-mile zone, up to and including a 200-mile territorial sea claim."

Richard R. Baxter
Harvard University Law School

DEPARTMENT OF STATE

October 1, 1975

No. 510

CONCLUSION OF SEVENTH SPECIAL MEETING OF
INTERNATIONAL COMMISSION FOR THE NORTHWEST ATLANTIC FISHERIES
MINUTES OF THE MEETING

Satisfactory agreement was reached September 28 on all major United States proposals before the International Commission for the Northwest Atlantic Fisheries (ICNAF). The Seventh Special Meeting of the Commission concluded Sunday after a week of deliberations which were characterized as some of the most successful in the Commission's 25-year history by David H. Wallace, Chairman of the U.S. Delegation.

The special meeting of the 17 member nation body which deals with the conservation of fish stocks in the Northwest Atlantic was called at the request of the U.S. and Canada to resolve outstanding issues on the reduction of fishing effort and quotas in the Convention Area which had not been satisfactorily resolved at the Annual Meeting of the Commission in June.

The Commission took positive action on U.S. proposals for a reduced 1976 overall catch quota for the entire fish biomass off the United States coast, a closure of most of the Georges Bank area to vessels capable of catching valuable and depleted groundfish species, a national system of vessel registration, and more restrictive and enforceable exemption provisions for trawl net fisheries conducted off the U.S. and Canadian coasts.

Opening ceremonies at the start of the special meeting on September 22 included an address by U.S. Under Secretary of State, Carlyle E. Maw, who brought with him a message from the President of the United States of America. The President's message to the Commission stressed the great importance which the United States attaches to effective conservation measures, efficient enforcement of those measures and the particular importance of a successful ICNAF meeting at this critical time.

A principal U.S. objective at the Montreal meeting was to obtain a 1976 overa fishing quota for the area off the U.S. coast which would allow a rapid recovery of the depleted biomass. This "Second Tier Quota" is allocated nationally to limit what each nation can harvest from the biomass as a whole. It is imposed as a ceiling figure over the individual species quotas and is less than the sum of the individual species quotas in order to encourage the development of fishing methods which concentrate on the target species and reduce the by-catch of other species. The second tier system was first approved in 1973 for application in the 1974 fishing season in an effort to substantially reduce overall foreign catches off the U.S. coast. Second tier quota levels established for 1974 and '75 were designed to stabilize the biomass and the Commission had agreed that the 1976 level would be set at an amount which would allow recovery of the biomass to the maximum sustainable yield level. The June Annual Meeting had agreed to what the United States regarded as an excessive level of 724,000 metric tons by excluding squids from the regulation. This had not been the case in either 1974 or '75. Scientists estimated that at such a level at least a full decade would be required for stock recovery. The United States regarded this as unacceptable and filed a formal objection

to the regulation under the rules of the Commission. As a result of this week's meeting, the Commission has agreed to set the 1976 level at 650,000 metric tons including squids. This level should provide a high probability of recovery within seven years, according to U.S. fisheries scientists.

No action had been taken at the June meeting on a U.S. proposal to limit by-catches of valuable and seriously depleted yellowtail flounder and haddock stocks on Georges Bank through closure of this area to vessels using gear capable of catching these groundfish. Arguments had been raised by others that such a regulation would seriously interfere with fisheries for species such as cod and the hakes. At the Montreal meeting, agreement was reached on a regulation closing a large area on Georges Bank to such vessels throughout the year. Though slightly smaller than the area originally proposed for closure by the U.S., the area is sufficiently large to provide satisfactory protection for these important stocks.

Further progress in the critical area of improved international enforcement was also a principal U.S. objective at the special meeting. This was achieved to a significant extent with the approval of a U.S.-proposed system of national registration for vessels engaged in fishing or fish processing in the Convention Area. Such a system is designed to assist member governments and international enforcement personnel in monitoring fishing effort deployed throughout the area.

U.S. efforts at the Annual Meeting in June to secure approval of such a system had not been successful. Additional progress in this area as well as added control over by-catches of regulated species was achieved with the approval of a more restrictive and more easily enforceable exemption for trawl net fisheries conducted off both the U.S. and Canadian coasts.

Canada was successful in securing approval for a regulation designed to substantially reduce fishing effort on groundfish stocks in five portions of the Convention Area off the Canadian coast. The regulation provides for reduction in fishing days for various fishing vessel tonnage and gear categories ranging from 40 to 50 percent from that reported in the 1972 and 1973 periods.

The meeting concluded with an announcement by the Observer from Cuba that action required for Cuba to become a member of the Commission would be immediately initiated by his government. The Commission had approved adjustments in quota allocations for a number of stocks providing the specified catch allocations necessary for Cuba to fish within established conservation regulations throughout 1976.

The next meeting of the Commission will be held in Rome, Italy, in January 1976. The meeting has been called to establish quotas for a number of Northwest Atlantic herring stocks fished off both U.S. and Canadian coasts. Additional proposals on enforcement, made by the United States, will also be on the agenda.

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THE WHITE HOUSE

WASHINGTON

September 18, 1975

This special meeting of the International Commission for the Northwest Atlantic Fisheries takes up the most difficult problem in the Commission's twenty-five year history. I send my warmest greetings and good wishes to the participants.

It is imperative that the Commission succeed in establishing adequate conservation measures and enforcement procedures to rebuild the important fishery stocks of the Northwest Atlantic. If agreement cannot be reached on reasonable conservation and enforcement measures, the ability of the Commission to fulfill its stated purposes will be called into question. For our part, I pledge the full support of the United States to sound fisheries management and conservation practices, based on scientific evidence and implemented within the framework of internationally negotiated agreements.

I am strongly opposed to unilateral claims by nations to jurisdiction on the high seas. However, pressures for unilateral measures do exist, and will continue to mount, if international arrangements do not prove to be effective.

It is my earnest hope that the Commission will vindicate the trust we place in it and fully justify our mutual efforts to find cooperative approaches to fisheries conservation and management for the benefit of all mankind. In this spirit, I send you best wishes for a productive and rewarding session.

Gerald R. Ford

Excerpt From an Address by Secretary of State Henry A. Kissinger Before the American Bar Association, Montreal, Canada August 11, 1975

The urgency of the problem is illustrated by disturbing developments which continue to crowd upon us. Most prominent is the problem of fisheries.

The United States cannot indefinitely accept unregulated and indiscriminate foreign fishing off its coasts. Many fish stocks have been brought close to extinction by foreign overfishing. We have recently concluded agreements with the Soviet Union, Japan, and Poland which will limit their catch and we have a long and successful history of conservation agreements with Canada. But much more needs to be done.

Many within Congress are urging us to solve this problem unilaterally. A bill to establish a 200-mile fishing zone passed the Senate last year; a new one is currently before the House.

The Administration shares the concern which has led to such proposals. But unilateral action is both extremely dangerous and incompatible with the thrust of the negotiations described here. The United States has consistently resisted the unilateral claims of other nations, and others will almost certainly resist ours. Unilateral legislation on our part would almost surely prompt others to assert extreme claims of their own. Our ability to negotiate an acceptable international consensus on the economic zone will be jeopardized. If every state proclaims its own rules of law and seeks to impose them on others, the very basis of international law will be shaken, ultimately to our own detriment.

We warmly welcome the recent statement by Prime Minister Trudeau reaffirming the need for a solution through the Law of the Sea Conference rather than through unilateral action. He said, "Canadians at large should realize that we have very large stakes indeed in the Law of the Sea Conference and we would be fools to give up those stakes by an action that would be purely a temporary, paper success."

That attitude will guide our actions as well. To conserve the fish and protect our fishing industry while the treaty is being negotiated, the United States will negotiate interim arrangements with other nations to conserve the fish stocks, to ensure effective enforcement, and to protect the livelihood of our coastal fishermen. These agreements will be a transition to the eventual 200-mile zone. We believe it is in the interests of states fishing off our coasts to cooperate with us in this effort. We will support the efforts of other states, including our neighbors, to deal with their problems by similar agreements. We will consult fully with Congress, our states, the public, and foreign governments on arrangements for implementing a 200-mile zone by virtue of agreement at the Law of the Sea Conference.

Unilateral legislation would be a last resort. The world simply cannot afford to let the vital questions before the Law of the Sea Conference be answered by default. We are at one of those rare moments when mankind has come together to devise means of preventing future conflict and shaping its destiny rather than to solve a crisis that has occurred, or to deal with the aftermath of war. It is a test of vision and will, and of statesmanship. It must succeed. The United States is resolved to help conclude the Conference in 1976 -- before the pressure of events and contention places international consensus irretrievably beyond our grasp.

TESTIMONY OF
THE UNDER SECRETARY OF STATE
FOR SECURITY ASSISTANCE
CARLYLE E. MAW
SPECIAL REPRESENTATIVE OF THE PRESIDENT AND
CHIEF OF THE UNITED STATES DELEGATION
TO THE THIRD UNITED NATIONS LAW OF THE SEA CONFERENCE
BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE SUBCOMMITTEE ON
OCEANS AND INTERNATIONAL ENVIRONMENT
FRIDAY, OCTOBER 31, 1975

Mr. Chairman and members of the Committee, I am pleased to appear today on behalf of the Executive Branch to testify on S.961, which proposes to extend United States fisheries jurisdiction to 200 miles off our coasts. I am accompanied by John Norton Moore, Chairman of the NSC Interagency Task Force on the Law of the Sea and Deputy Special Representative of the President for the Law of the Sea Conference, and Rozanne Ridgway, Acting Deputy Assistant Secretary of State for Oceans and Fisheries Affairs.

Mr. Chairman, the Administration believes that the proposed 200-mile fisheries legislation could create serious foreign policy problems.

Secretary Kissinger, in an address to the Annual Meeting of the American Bar Association in Montreal on August 11, stated that "unilateral action is both extremely dangerous and incompatible with the thrust of the (Law of the Sea) negotiations ....". He added:

"The United States has consistently resisted the unilateral claims of other nations, and others will almost certainly resist ours. Unilateral legislation on our part would almost surely prompt others to assert extreme claims of their own. Our ability to negotiate an acceptable international consensus on the economic zone will be jeopardized. If every state proclaims its own rules of law and seeks to impose them on others, the very basis of international law will be shaken, ultimately to our own detriment."

The Administration is also seriously concerned about the depletion of many fish stocks off our coasts as a result of overfishing. In the long run, we believe that a Law of the Sea Treaty which is accepted by the fishing nations of the world is the best way to conserve fish stocks and to protect our fishing interests. The principal nations fishing off our coasts accept the general consensus at the Law of the Sea Conference in favor of a 200-mile economic resource zone that would include coastal fisheries. They have stated that they would not recognize such a zone created by unilateral action.

I agree with the proponents of S.961 that action must be taken now to halt the depletion of fish stocks off our coasts. Mr. Chairman, the Administration is

taking that action. I would like to outline for the Committee this morning the measures we have recently taken to reduce overfishing off our coasts and the additional steps we will be taking in the immediate future. These measures have become possible because of the emerging consensus in the Law of the Sea Conference, as I have mentioned.

Secretary Kissinger announced in his American Bar Association speech that we would begin immediately to negotiate new agreements with nations fishing off our coasts to provide a transition to a 200-mile zone. To carry out this program, an interagency group on fisheries negotiations has developed a plan to effectuate a transition to a 200-mile coastal fisheries zone off the U.S. coasts through bilateral and multilateral negotiations as promptly as possible. I would like to emphasize that this plan does not require us to wait for the conclusion of the Law of the Sea Conference. We have at least 11 bilateral fisheries agreements due for renegotiation next year, as well as regular meetings of six multilateral fisheries commissions. In the next few months, we will be renegotiating agreements with Romania, Poland and the Soviet Union.

Most importantly, Mr. Chairman, this plan is based on negotiations, not unilateral action.

In our negotiations, we intend to accomplish the following objectives within 200 miles of our coasts:

-- establish an effective conservation regime based on the best available scientific evidence;

-- create, consistent with such a regime, preferential harvesting rights for U.S. fishermen. This will result in substantially reduced foreign catches since only the surplus will be allocated among foreign fishermen;

-- implement a standardized system for collecting fisheries data from both foreign and domestic fishermen;

-- introduce more effective enforcement procedures; and

-- implement satisfactory arrangements to resolve gear conflicts and insure adequate foreign compensation to U.S. fishermen in cases of negligence by foreign fishermen.

We expect that most of our fisheries objectives will be accomplished within two years. Mr. Chairman, the central point I wish to make in my testimony this morning is that I believe that under this negotiating plan we can achieve the functional aspects of a 200-mile fishing zone off the coasts of the United States by agreement with the nations concerned. I believe

that we will be more successful dealing in an atmosphere of negotiation rather than in one of confrontation. Consequently, we will achieve our ultimate goal -- conservation of the fisheries stocks -- more rapidly than could be accomplished by 200-mile legislation.

It is fair to ask why this plan can succeed when past negotiations have not been fully successful in protecting the stocks. My answer, as I have indicated, is that the widespread agreement in the Law of the Sea Conference on a 200-mile coastal fisheries zone has produced a new negotiating climate making these negotiations possible. Prior to the development of a consensus on a 200-mile economic zone in the Law of the Sea negotiations, we would not have been able to demand in bilateral negotiations that other nations fishing off our coasts recognize the objectives which we now seek to establish. We believe that it is in the interests of nations fishing off our coasts to cooperate with us in negotiating a transition to an eventual 200-mile zone. However, these same nations may feel obliged to resist, as a matter of principle, a unilateral declaration by the United States of a 200-mile zone, just as we have felt obliged to resist similar claims made by other nations.

The first test of our new negotiating plan occurred at the September meeting of the International Commission for the Northwest Atlantic Fisheries (ICNAF) in Montreal last month. I addressed the opening session of ICNAF and delivered a personal message to the delegates from President Ford. The President said, and I quote:

> "It is imperative that the Commission succeed in establishing adequate conservation measures and enforcement procedures to rebuild the important fisheries stocks of the Northwest Atlantic... . For our part, I pledge the full support of the United States to sound fisheries management and conservation practices, based on scientific evidence and implemented within the framework of internationally negotiated agreements."

With your permission, Mr. Chairman, I offer my statement and the statement of President Ford for inclusion in the record.

I am pleased to report, Mr. Chairman, that on September 28, 1975, the seventeen member nations of ICNAF agreed to reduce their total 1976 fishing effort off the U.S. coast from Maine to North Carolina from 850,000 metric tons to 650,000 metric tons. This represents a 23 percent reduction from the 1975 quota and more than a 43 percent reduction from the actual

catch of 1,154,000 metric tons in 1973, when there was no quota. Mr. Chairman, the real significance of this agreement cannot be seen from the numbers alone. Our experts tell us that under these quotas, the principal fish stocks with which the United States is concerned will begin to increase rather than continue to decline in the area from Maine to North Carolina. If these experts are correct, and I hope and sincerely trust they are, we have passed the crisis point and these stocks will at long last be restored.

Two other very significant achievements emerged from the September ICNAF meeting. ICNAF members agreed to a U.S. proposal for closing a large area of George's Bank off New England throughout the year to bottom fishing in order to protect the valuable and seriously depleted yellowtail flounder and haddock. Although the closed area is slightly smaller than the area originally proposed by the United States, it is sufficiently large to provide satisfactory protection for these important stocks.

ICNAF members also approved a U.S. proposed system of national registration for vessels, which will materially assist member governments and international enforcement personnel in monitoring fishing operations throughout the area.

We believe that the decisions taken at ICNAF indicate that other nations fishing off our coasts are now concerned with conserving fisheries resources. With your permission, Mr. Chairman, I offer for the record the report of the U.S. Delegation to the ICNAF meeting.

Mr. Chairman, as we proceed with our negotiations, we are confident that other nations will be prepared to negotiate mutually acceptable arrangements that will permit their continued participation in coastal fisheries. We also believe that the course of bilateral and multilateral negotiations on which we are embarked will permit negotiations on behalf of our shrimp and tuna fleets that unilateral action on our part might preclude.

Mr. Chairman, in your deliberations on S.961, I believe that the essential question for this Committee to consider is whether the rules governing uses of the oceans are to be developed through international negotiation and agreement, or whether such rules are to be established by a pattern of inconsistent national claims. The example set by the United States in the oceans can encourage international cooperation; or it can promote international disorder and conflict.

We are all agreed that we must take energetic action to meet the legitimate, pressing concerns relating to our fishing interests. We believe that the approach to our bilateral and multilateral fisheries negotiations, which I have outlined this morning, will create a system of conservation and enforcement that will protect important United States fisheries resources.

Thank you, Mr. Chairman.

TESTIMONY BY THE HONORABLE JOHN NORTON MOORE
CHAIRMAN, NATIONAL SECURITY COUNCIL
INTERAGENCY TASK FORCE ON THE LAW OF THE SEA
BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE
SUBCOMMITTEE ON OCEANS AND INTERNATIONAL ENVIRONMENT
OCTOBER 31, 1975

Mr. Chairman:

I appreciate the opportunity to testify on behalf of the Administration in opposition to S.961, a bill which would unilaterally extend United States fisheries jurisdiction to 200 miles. There is general agreement that an extended 200-mile area of fisheries jurisdiction over coastal fish stocks is desirable for the protection of such stocks. The issue, however, is whether such an extension should be unilaterally imposed in violation of solemn treaty obligations of the United States or whether it should be achieved through international negotiations now underway. Few issues have presented a starker choice for the future of our national oceans policy. How we decide this issue may largely determine whether we move forward to cooperative solutions to oceans problems or precipitate a spiral of unilateral national claims leading to confrontation and conflict.

We have recently concluded a thorough evaluation of our interim fisheries policy and have determined strongly to oppose measures unilaterally extending our fisheries jurisdiction. Factors which were weighed in that determination include the following:

First, we are continuing to make progress toward a comprehensive Law of the Sea Treaty which will provide balanced protection for all U.S. oceans interests and particularly our fishery interests. The single negotiating text prepared at the Geneva session of the Conference provides for a 200-mile economic zone with coastal State preferential rights and management responsibility over coastal species within the zone and broad protection for our important anadromous stocks within and beyond the zone. These provisions when implemented will provide a sound basis for protecting coastal and anadromous species on a world-wide basis. With your permission I would like to submit for the record the relevant provisions of the single negotiating text dealing with the fisheries issues. Although we have been disappointed with the work schedule of the Law of the Sea Conference we believe that we are approaching the final sessions in this important and complex multilateral negotiation. Paradoxically, unilateral action to extend our fisheries jurisdiction could endanger the best opportunity we have had to achieve international recognition of the jurisdictional arrangements adequate for the protection of U.S. fishing interests on a world-wide basis.

Second, in the period between now and the conclusion of a Law of the Sea Treaty, efforts to ensure greater protection of fish stocks through unilateral action in violation of international law could well be seriously counterproductive. Such unilateral action by the U.S. will not be accepted by states fishing off our coasts and could result in a hardening of positions impairing our ability to protect such stocks. In contrast, efforts to ensure greater protection through negotiations are making substantial progress as the recent highly successful ICNAF agreement, discussed by Under Secretary Maw, illustrates.

Third, a unilateral extension of fisheries jurisdiction such as that of S.961 would be a major blow to our foreign relations and oceans interests. The serious costs of such action include:

-- Abandonment of a cardinal tenet of United States oceans policy - the avoidance of unilateral action contrary to international law. We have consistently protested such unilateral oceans claims by other nations. Such a major unilateral claim would undercut our ability to prevent unilateral

claims by others, harming important U.S. oceans interests. Such unilateral action could, for example, lead to claims which:

- are contrary to our security interests;
- endanger our navigational freedom to transport vital oil supplies. At current prices the value of petroleum imports by sea into the U.S. in 1976 will exceed $26 billion; or
- subject our oceanographic research vessels to the control of coastal nations.

-- Enforcement of a unilateral 200-mile United States fisheries claim against the Soviet Union and other nations fishing off our coasts could pose a risk of confrontation or retaliation against United States economic interests which would not be posed by a negotiated solution.

-- Enactment of the 200-mile bill would seriously undercut United States objectives in the Law of the Sea negotiations.

-- Enactment of the 200-mile bill could undermine the opportunity through the Law of the Sea Conference to develop universal fisheries conservation obligations. It is not enough that coastal fisheries juris-

diction be extended. Sound conservation also requires that coastal nations be subject to binding conservation obligations. Such obligations can only be achieved through multilateral agreement.

-- Enactment of the 200-mile fishing bill would violate solemn treaty obligations of the United States and constitute a serious setback to development of cooperation rather than conflict in the oceans. The bill would at least violate the fundamental 1958 Geneva Convention on the High Seas to which the U.S. is a party. The issue is so clear that Philip Jessup, formerly a judge of the International Court of Justice, has recently written: "I do not know of any responsible and qualified person who maintains that such a claim (unilateral 200-mile fisheries zone) would be in accordance with international law."

-- A unilateral extension of United States fisheries jurisdiction would seriously injure important United States tuna and distant water fishermen who fish within 200 miles of other nations. The value of tuna landings alone by U.S. fisheries off foreign shores exceeds $138 million per year. Such a unilateral extension could also endanger existing treaty

arrangements protecting our valuable salmon stocks (including the Atlantic salmon moratorium and the agreement with Japan covering our Pacific salmon) throughout their range beyond 200 miles.

Finally, Mr. Chairman, we note that S.961 is not a narrowly drawn conservation measure aimed solely at the prevention of depletion of stocks off the U.S. coasts and applying in a non-discriminatory way to both U.S. and foreign fishermen. Rather it is a sweeping measure aimed at broad extension of fisheries jurisdiction and preferential rights for U.S. fishermen. We believe such objectives, which we support, are best pursued through negotiations.

Mr. Chairman, in addition to indicating the reasons for strong opposition to S.961 it may be useful to analyze some of the arguments made by the proponents of the bill in support of such unilateral action.

(A) The 200-mile bill is needed as an emergency measure to protect coastal fish stocks against heavy foreign fishing.

It is true that many stocks off the United States coasts have been depleted by foreign overfishing during

the past 15 years. But the issue is not whether stocks have been depleted by past overfishing; rather it is whether under agreements presently in force and which can reasonably be anticipated there is an emergency situation threatening serious depletion of stocks until a Law of the Sea Treaty can be brought into force. On this point, there is a real question as to the extent of the threat to the stocks at levels of fishing permitted under agreements now in place. For example, under the latest ICNAF agreement, agreed quotas are at a level to provide for a recovery of the principal stocks in the important area from Maine through North Carolina.

We should keep in mind that a unilateral extension of jurisdiction would not provide added protection for our major fisheries within 12-miles or for continental shelf fishing resources, both of which are already under U.S. fisheries jurisdiction.

Most importantly, we expect to be able to continue to reduce foreign fishing through ongoing fishery negotiations. Such negotiations, in the present negotiating climate, are the best way to provide added protection quickly. Though problems

remain, recent bilateral and limited multilateral agreements have been much more effective in protecting stocks off the United States. Moreover, such an approach would not undercut our important interests in tuna, salmon, and coastal species caught within 200 miles of other nations.

(B) The Law of the Sea Conference is taking too long and we cannot wait.

We are not relying on a Law of the Sea Treaty to resolve our interim fisheries problems. Rather we have within the last year greatly intensified our efforts at bilateral and limited multilateral fishing agreements. In the two key negotiations, ICNAF and the 1974 Japanese agreement, we have had substantial success. We achieved a 23% reduction in ICNAF, and last year the Japanese agreed to more than a 25% decrease in their total catch.

The Law of the Sea Conference is, of course, taking time and is not moving as fast as we would like. It is not clear whether a treaty can be completed in 1976 although we will make every effort to do so. We are, however, engaged in the most complex and comprehensive multilateral negotiation ever undertaken. But despite the difficulties, substantial progress is being

made as evidenced by the production of a single negotiating text at the Geneva session of the Conference last spring and an emerging consensus on most major issues (including a 200-mile economic zone with protection for our coastal and salmon fishing interests). As long as substantial progress is being made, because of the importance of the issues at stake, including vital national security interests, we should strongly support the Conference. Most importantly, to make a major unilateral fisheries claim could undermine our ability to achieve international agreement in a Law of the Sea Treaty recognizing the very 200 mile fisheries jurisdiction which we seek.

(C) S.961 will strengthen the hands of our Law of the Sea negotiators.

Although the threat of passage of the 200-mile bill may strengthen the hands of our bilateral fisheries negotiators, the bill is seriously harmful to the broader Law of the Sea negotiations. The reasons why the bill undercuts rather than strengthens the hands of our Law of the Sea negotiators include:

-- we have said that we could recognize a 200-mile economic zone only if our vital interests were protected by a treaty. A

200-mile economic zone is one of the major objectives of many coastal States in the negotiations. For Congress to enact such a zone would give those States one of their principal objectives without our achieving vital objectives in return;

-- passage of the 200-mile bill even with a delayed effective date could encourage extremists to stall the negotiations and wait until United States action validates their long-standing claims;

-- if United States unilateral action encourages a wave of more extreme unilateral claims, the incentive for agreement may be removed and the Conference could collapse or be strung out indefinitely;

-- at the least, such unilateral claims could harden positions and make the negotiations more difficult.

(D) The United States has taken unilateral action before without harm to our interests.

In 1945 President Truman proclaimed United States jurisdiction over the resources of the continental shelf and in 1966 the United States extended its fisheries jurisdiction from 3 to 12 miles. More recently, in 1973 the United States declared the American lobster a "creature of the continental shelf" under the Continental Shelf Convention and thereby subject to United States jurisdiction. These unilateral United States oceans actions are fundamentally different from a unilateral extension of our fisheries jurisdiction to 200 miles. The differences include:

-- none was made during the course of a relevant multilateral Conference;

-- in the case of the extension of our fisheries jurisdiction to 12 miles, the Soviet Union recognized a 12-mile territorial sea at the time;

-- it was evident at the time that there would be few protests from the United States action and this was borne out in fact;

-- the latter two United States fisheries claims were of minor significance

compared to an extension of fisheries jurisdiction from 12 to 200 miles.

Moreover, even these more innocuous actions were not free from costs. Some states used the Truman Proclamation to justify 200-mile territorial sea claims. And the more recent claim to include lobster as a "creature of the continental shelf" has given rise to a fisheries dispute with the Bahamas in which Florida-based spiny lobster fishermen have been excluded from their traditional fishing in the Bahamas. It may be instructive to examine the balance sheet on this extension of jurisdiction with respect to the American lobster as a creature of the shelf. Gains in the United States lobster fishery as a result of the United States declaring lobster a creature of the shelf have been slight. But invocation of the same doctrine by the Bahamas has resulted in excluding U.S. fishermen from the Bahamas spiny lobster fishing at a substantial cost in financial and human terms.

Mr. Chairman, we must not and will not sacrifice the protection of fish stocks off our coasts. We are committed to a 200-mile economic zone as part of a comprehensive Law of the Sea Treaty and to the immediate negotiation of a transition to the 200-mile

zone. A unilateral extension of fisheries jurisdiction, however, would not be in the best interests of our fisheries or of the overall oceans and political interests of our nation.

From time to time there is an issue of transcendent importance for national policy and the direction of our foreign relations. This is such a time and such an issue. It is imperative that we join together in reaffirming cooperative solutions to our oceans problems.

Thank you, Mr. Chairman.