the U.S. Treasury to its own. De facto collusion between the foreign nation and U.S. fishermen is possible so that the risk of seizure, and therefore lost fishing time, is kept low enough so that it is attractive for the Americans to fish illegally while it is high enough to produce compensating revenue to the foreign government. This might be most likely in respect of nations where monetary penalties for fishing violations are earmarked for the budget of the enforcement agency.

In economic terms, additional criticisms can be levelled at the 1976 amendments. The amendments do benefit the relevant fishing industries and encourage the continued flow of fish and seafood to the United States from distant waters. But the cost entailed in paying monetary penalties to foreign governments is borne by all taxpayers, where the absence of reimbursement would place it on the relevant consumers in the price of the fish and fish products. The justification for this wealth transfer from all taxpayers to consumers of certain fish and fish products is now unclear. When the object of the reimbursement was to protect the national law of the sea position, some justification was at least conceivable. Now that the object is, except in respect to tuna, solely to benefit an industry and consumers of its products, the justification is at best obscure.

The legal theory of the Fishermen's Protective Act has been turned upside down by the 1976 amendments. The result could encourage foreign nations to resort to sanctions more oppressive to the fishermen than fines, such as imprisonment or delayed release of arrested vessels and their crews. At worst, a pattern of illegal behavior could develop that results in a simple transfer of the American taxpayer's money to foreign treasuries. In any event, the amendments result in an unjustified wealth transfer from the general taxpayer to consumers of fishery products from distant waters. The 1976 amendments to the Fishermen's Protective Act should be repealed and the remainder of the Act allowed to wither away as the trend to greater coastal state fisheries jurisdiction removes any dispute based on differing perceptions of international law.

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## CORRESPONDENCE

The *American Journal of International Law* welcomes short communications from its readers. It reserves the right to determine which letters shall be published and to edit any letters printed.

*Security Council Resolution 242*

TO THE EDITOR-IN-CHIEF

June 24, 1977

In a recent note in this *Journal*, Mr. Toribio de Valdés,[1] wrote that I had implied in my earlier article in this *Journal*[2] on the Arab oil embargo that

[1] de Valdés, *The Authoritativeness of the English and French Texts of Security Council Resolution 242 (1967) on the Situation in the Middle East*, 71 AJIL 311 (1977).

[2] Shihata, *Destination Embargo of Arab Oil: Its Legality under International Law*, 68 AJIL 591–627 (1974).

the English text of Security Council Resolution 242 of November 22, 1967 [3] should, for purposes of interpretation, enjoy some measure of precedence over the French version. Rejecting this presumed implication, Mr. de Valdés argued that "the French version of the resolution carries, in every respect, just as much weight as its English counterpart." I could not agree more with Mr. de Valdés's conclusion. This comment is meant only to refute his finding that the contrary was implied in my article.

The contention made in my article was that the problem of multilingual interpretation was, in the first place, irrelevant in the context of Resolution 242, as the English text of that resolution cannot objectively mean other than the total withdrawal of Israeli forces mentioned also in the French version. The reasons for this contention are:

(1) The English text describes the territories from which withdrawal is required as those "occupied in the recent conflict" without any exception.

(2) The English text mentioned withdrawal of "Israel armed forces," not "the" Israel forces, without meaning of course that some Israeli forces will remain in every area from which these forces withdraw.

(3) The resolution separated the withdrawal issue and the issue of secure boundaries as it required withdrawal *from* occupied territories and not *to* secure boundaries. Security of boundaries is a relative matter that can mean different things to different parties. The language of the resolution does not relate withdrawal to such a relative and personal concept. Rather, it rightly affirms that the establishment of a just and lasting peace includes the application of the right of every state in the region to live in peace within secure and recognized boundaries, with the assumption that these will eventually be accepted by all the parties concerned.

(4) Any reading which interprets the resolution to mean less than complete withdrawal from all occupied territories imparts to the resolution a meaning which runs contrary to the basic principles of the United Nations, embodied in the resolution itself, relating to the inadmissibility of the acquisition of territory by war and the territorial integrity of every state. Furthermore, such a reading would fly in the face of the consensus of the international community. It reaches the point of absurdity by insisting that the integrity of states, their history, and geography, depend on the presence, or absence, of a definite article which is not even needed grammatically to convey the required comprehensive meaning.

In the light of the above, the question of multiple interpretation seemed to me to have no bearing on the interpretation of Resolution 242. The fact that some international lawyers have raised this question in defense of the political aims of the expansionist trend in Israel, and that the media have later made it a popular issue, does not in itself make it an issue that has to be tackled in a serious treatment of the Arab–Israeli conflict. To say that the issue is irrelevant, does not imply, however, that one version carries more or less weight than the other.

IBRAHIM F. I. SHIHATA

To THE EDITOR-IN-CHIEF June 21, 1977

The note by Toribio de Valdés, *The Authoritativeness of the English and French Texts of Security Council Resolution 422* (1967) *on the Situation in the Middle East,*[1] is a classic instance of the error of literalness

[3] 22 SCOR, RES. & DEC. 8 (1967), 62 AJIL 482 (1968).

[1] 71 AJIL 311 (1977).