

These two solutions were embodied in four main proposals,<sup>1</sup> none of which was able to muster the two-thirds majority support necessary for its adoption. The Canadian formula called for a six-mile territorial sea and an additional six-mile exclusive fishing zone. The United States proposal differed from the Canadian in that it recognized the right of states which had fished for a period of five years in the outer six-mile zone to continue to do so. An eight-power resolution would have granted each state the right to choose its own breadth of the territorial sea at any point between three and twelve miles, and to have an exclusive twelve-mile fishing zone if the territorial sea had not been extended to that limit. Finally, there was a proposal of the U.S.S.R. that each state should determine "as a rule" the breadth of its territorial sea within the limits of three to twelve miles.

#### **The Canadian Proposal**

The significance of the Canadian proposal to the First Conference on the Law of the Sea was that it distinguished between the questions of fishing in coastal waters and of the breadth of the territorial sea.

This Canadian solution was first put forward at the eleventh session of the General Assembly in 1956; it was designed to make agreement possible on the problem of extending national jurisdiction over coastal areas by separating the varying interests of a state in its adjacent waters. The International Law Commission had already proposed a separation of a number of particular interests. The Canadian proposal carried forward this scheme by enabling coastal states to obtain exclusive control over fishery resources in their adjacent seas without extending or attempting to extend their territorial seas for this purpose. The Canadian solution is thus based on the premise that the rule or formula which would prove satisfactory to the international community of nations must take into account the fact that any extension of the territorial sea must be consistent with the principle of the freedom of the high seas and that the rule or formula should satisfy the growing needs of coastal states for the fishery resources in their adjacent seas by granting to them an exclusive fisheries jurisdiction of twelve miles. The Canadian proposal was therefore advanced in the belief that it was (as it is now) a genuine compromise formula for reconciling the conflicting positions of those states which desire an extension of the territorial sea to twelve miles or more, and of those which seek to restrict any extension of a coastal state's jurisdiction over its adjacent seas. In suggesting a territorial sea of six miles, the Canadian proposal recognizes the concern of all states with the principle of the freedom of the high seas; and, by allowing a state a further six miles of exclusive fisheries jurisdiction, it grants to all coastal states the same measure of control over the economic resources of their adjacent seas as they would have under a twelve-mile territorial limit.

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<sup>1</sup> See Annex for the text of these four proposals.