

mile breadth for territorial waters. That would allow complete fishery, customs, fiscal and sanitary control and regulation within that limit. It would exclude the fishermen of other countries from the twelve mile coastal area. My Government recognizes, however, that a general extension of the breadth of the territorial sea to twelve miles could have consequences of importance with regard to the freedom of sea and air navigation. Freedom of the seas is of common benefit and clearly the principle must be given due consideration in dealing with the problem. Instead of having a general adoption of the twelve mile breadth for the territorial sea an alternative approach which would not affect the rights of navigation either by sea or by air would be to agree on a contiguous zone of twelve miles as recommended by the International Law Commission, but with the modification that it should cover fisheries as well. To be acceptable to Canada, the rights over fisheries accorded by such a zone would have to be as complete as those that would be afforded to the coastal state if territorial waters were extended to twelve miles."

6. In connection with preparations for the conference the Secretary-General of the United Nations has requested governments to let him have any provisional comments they wish to make on the International Law Commission's proposed rules. Ministers concerned in the late Government had agreed that Canada should submit comments on the following four aspects of the Commission's report of cardinal interest to Canada:

(a) *The Breadth of the Territorial Sea and Contiguous Zone*. The intention here was to reiterate the position taken by Canada at the Eleventh Session of the General Assembly.

(b) *The Employment of Straight Baselines*. The intention was to support the recommendation of the International Law Commission (which accords with the decision of the International Court of Justice in the Anglo-Norwegian Fisheries case) that in appropriate cases states might measure their territorial sea from straight baselines drawn from headland to headland rather than from the sinuosities of the coastline.

(c) *The Definition of the Seaward Boundary of the Continental Shelf*. The International Law Commission has recommended a rule to the effect that "The coastal state exercises over the continental shelf sovereign rights for the purpose of exploring and exploiting its natural resources." The Commission recommends that the boundary of the shelf should be where the water over the shelf reaches a depth of 100 fathoms. Off the East Coast, the edge of the shelf is generally at a greater depth. The intention was to propose that the boundary of the shelf be its actual edge where it is well defined (as it is off Newfoundland and Labrador).

(d) *The Régime for High Seas Fishing*. Comments were submitted to the Secretary-General on the International Law Commission's suggested rules on high seas fishing on May 7, 1956. It was the intention to submit comments directed at modifying the proposed rules to protect adequately the interests of states, such as Canada, in

(a) coastal fisheries;

(b) high seas fisheries where those interests stem from investment of effort and money and compliance with self-denying ordinances aimed at conserving particular species in particular areas.

7. It is not essential that comments be put forward at this time. The Canadian position as it then was, on the breadth of the territorial sea and on the contiguous zone is already on the UN record as are Canadian comments on high seas fishing. The position on straight baselines coincides with the recommendations of the International Law Commission which are likely to be generally acceptable. Only our position on the boundary of the continental shelf is not a matter of public record. (It has been explained informally to United