

would receive as a delegate the same remuneration he has been receiving for the above-mentioned services to the Government, i.e., \$40 a *working* day and living and travelling expenses.

It is proposed to draw approximately six additional officials from the Permanent Mission in Geneva and Departments in Ottawa to act in the capacity of adviser, expert or secretary of the Delegation.

#### II CANADIAN PROPOSAL RE CONTIGUOUS ZONE

On August 27, 1957, the Cabinet agreed that the comments of the Canadian Government on certain of the draft articles on the Law of the Sea prepared by the International Law Commission should be submitted to the Secretary General for publication in the preparatory documents of the Conference on the Law of the Sea, which will meet in Geneva on February 24 next. A copy of these comments is attached. Regarding the breadth of the territorial sea, the comments stated that the 3-mile limit was no longer adequate for the protection and control of fisheries. It was suggested that one solution to this problem would be to extend the territorial limit to 12 miles. An alternative, which would safeguard the present position with regard to sea and air navigation, would be to retain the old 3-mile territorial limit and grant to coastal states the exclusive control over fisheries in the 12-mile contiguous zone which is already widely accepted for the purpose of exercising customs, fiscal and sanitary jurisdiction.

It is expected that the initial position of the United States and the United Kingdom at the Conference will be to retain the 3-mile territorial limit. In talks with Canadian officials, U.S. officials have suggested that the Canadian proposal might be more acceptable if it were to have regional rather than a general application. In sum, the U.S. suggestion was that where the economic interests of the coastal area in question depend upon the resources of the adjacent sea, a case might be made for a 12-mile contiguous zone in that particular area, wherein the state in question would enjoy exclusive control of fishing. For example, the economic dependence of Nova Scotia and particularly of the island of Newfoundland on the offshore fisheries would warrant application of such a scheme to those coasts. On the other hand, this very likely could not be said of the coast of Labrador or the perimeter of the Arctic Archipelago under present conditions. Whether such a scheme would apply to the West Coast of Canada would be a question of interpretation and application of the scheme as it might finally be evolved. On the West Coast where the salmon fishery is paramount, the so-called principle of abstention is probably of more importance to the fishing industry than a 12-mile contiguous zone. According to the principle of abstention, which was advocated by the Government in the comments to the Secretary General, states not already engaged in a utilized fishery, for instance the salmon fisheries of the North Pacific, would under certain prescribed conditions agree not to enter the fishery.

#### *Recommendation*

It is suggested that the Canadian Delegation might be instructed *ad referendum* that a scheme for 12-mile contiguous fishing zones to be applied on a regional basis, might be considered acceptable *in principle* to Canada as an alternative position should such a proposal seem likely to command wide acceptance, including that of such countries as the United Kingdom and United States.

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