

rules of international law should provide adequately for the regulation and control of fisheries off the coasts of any state. One way of providing this would be by accepting, for general application, the twelve-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. Recognition of a zone of this kind and on this basis would solve in part conservation problems by placing within the control of coastal states areas containing fishery resources on which local populations are dependent. It would help greatly in the solution of administrative problems connected with fisheries by allowing the coastal state to regulate the fishing activities of its nationals without the complications resulting from an international fishery. It would, moreover provide for the problems of customs, fiscal and sanitary regulations which are of great importance now and which will undoubtedly take on added importance in future years."

The position of other states regarding the breadth of the territorial sea ranged from that of such states as the United Kingdom and the United States which favour the three-mile rule, to that of the U.S.S.R. and some Latin American states such as Chile and Ecuador which contend that a state should have the right to determine within reasonable limits the breadth of its own territorial sea.

There was virtual unanimity in the view that the coastal state has a special interest in the living resources of the sea in areas contiguous to its shores. However there was no general agreement on the extent of a coastal state's rights to exploit the living resources of the sea in areas contiguous to its shores. The Commission, according to its rapporteur, Professor J. P. A. François of the Netherlands, has become convinced that the claims to far-reaching extensions of the territorial sea were inspired less by the desire of coastal states to increase the area within which their nationals enjoyed exclusive fishing rights than by their anxiety to prevent over-fishing in the seas off their coasts. The Commission had sought to meet this problem by proposing that the coastal state be enabled to take the measures necessary for the conservation of fisheries in these waters subject to recourse to a fully satisfactory arbitral procedure in the event of disputes with other interested states. Some states such as the United Kingdom and the United States argued that the recommendations of the International Law Commis-