

shelf adjacent to their territories. Obviously, the concept that a state's jurisdiction should end at three miles has been steadily losing support. Even before the First Conference, it had become clear that it was no longer in accord with what many states regarded as their essential needs.

Generally, maritime states such as the United States, the United Kingdom, various Western European countries and Japan have continued to favour the three-mile limit for the territorial sea. Canada, however, and other newer nations, have considered claims to jurisdiction for certain purposes beyond three miles, not because of any wish to interfere with the freedom of the high seas but through a desire to achieve greater control over the various economic resources found in their adjacent waters. The First Geneva Conference provided ample evidence of a strong and widely-held feeling that, since the three-mile territorial limit failed to reconcile the interests of certain maritime states and the essential needs of the newer and of coastal states, it could not become a satisfactory rule of law for the international community as a whole.

Preparatory Work by the International Law Commission

The International Law Commission had reached a similar conclusion. This committee of legal experts, created by the United Nations General Assembly, conducted a study for almost ten years of virtually every aspect of the law of the sea; it presented its recommendations in a report of seventy-three articles, comprising a suggested code for almost the entire range of maritime law. While agreeing on most other points, the Commission had been unable to make a definite recommendation on the breadth of the territorial sea. It had recognized that, while international practice was not uniform, international law did not permit an extension of the territorial sea beyond twelve miles. The Commission also admitted the basic legitimacy of claims to jurisdiction put forward by various states for customs, fiscal and sanitary purposes. It accordingly had recommended that states be allowed to establish a contiguous zone of twelve miles measured from the baselines for purposes of customs, sanitation and fiscal control. Thus it had been recognized clearly by the International Law Commission that states could possess jurisdiction over part of the high seas for particular purposes, without, however, having to extend their territorial seas.

The Two Problems at the First Conference

At the outset of the Conference a wide variety of proposals was put forward concerning the extent of a coastal state's jurisdiction with respect to fisheries and the territorial sea. By the time it ended, however, there emerged two basic methods of approach for dealing with this problem: one was to restrict the extent of the territorial seas to protect the principle of the freedom of the high seas, and to allow coastal states to have an exclusive fishing zone contiguous to their territorial sea; the other was to permit states to achieve their objectives by granting a wider territorial sea.