The international law of the sea has accordingly become transformed in a generation --- not without struggle and not without creating uncertainties and areas of dispute. But, through the labours of a number of countries (with Canada, I may say, at the forefront), the rules of the sea have changed and are changing to respond not just to the interests of the great maritime powers but to the needs of all states, including many of the newer ones. Canada was the first country to propose the concept of a separate fisheries jurisdiction, in the form of a fishing zone beyond the territorial sea extending 12 miles from the baselines. We originated this proposal in the international field; we laboured for it for many years in the United Nations, in two international conferences and in more restricted meetings and discussions which we initiated. When these efforts to obtain international agreement failed, Canada, like other countries, established a 12-mile exclusive fishery zone unilaterally, and we are now negotiating with countries whose fishing is affected by this decision in order to work out a satisfactory adjustment of their interests.

Thus, the Law of the Sea is an area in which Canada found the existing rules inadequate and where we have, accordingly, strived to change them. Even in this field, however, we have found value in some of the existing concepts. Canada has retained a three-mile territorial sea because we believe that this classical or traditional rule adequately meets the interests of states in respect of their requirements for a territorial sea, while at the same time doing minimum damage to the doctrine of the freedom of the seas. But many states have not found this rule satisfactory, and, taken in isolation from new developments in the international Law of the Sea, we, too, would consider it inadequate. But the new rules about straight baselines, the new rules about bays and the exploration of the continental shelf, and the growing acceptance of the concept of a fishing-zone -- all these developments help Canada to protect its interests in its adjacent shores without making it necessary for us to depart from the traditional concept of a three-mile territorial sea in which we continue to see value.

Another area of international law where there have been demands for change is the responsibility of states for harm caused to the rights of nationals of other states. This subject raises sensitive questions concerning nationalization of property and compensation for injury or damage to aliens.

In this field, the question of the adequacy of the rules of international law has arisen in acute form. Mr. Justice Harlan, in the celebrated Sabbatino case in March 1964, aptly described the demands and pressures for change:

> "There are few if any issues in international law today on which opinion seems to be so divided as the limitations on a state's power to expropriate the property of aliens. There is of course authority, in international judicial and arbitral decisions, in the expressions of national governments and among commentators, for the view that a taking is improper under international law if it is not for a public purpose, is discriminatory, or is without provision for prompt, adequate and effective compensation. However, Communist countries, although they have, in fact, provided a degree of compensation after diplomatic efforts, commonly recognize no obligation on the part of the taking country. Certain representatives