

*Territorial Sea and Fishing Zones*

lines for our entire coast line. We are confident, in short, that we are proceeding in the proper way.

Let us look for a moment at the suggestion that we should not act unilaterally. This house knows of the great efforts made for many years to achieve international agreement. This house knows how Canada tried at the two law of the sea conferences—and before and after them—to achieve some form of international agreement.

Canada was the first country to put forward in an international forum the concept of a 12 mile fishing zone in which a state has the same jurisdiction over fishing as it has in its territorial sea. This was the general assembly in 1956. Canada took the lead at the first law of the sea conference in 1958 as my hon. friend, the former minister of fisheries, will attest. The then government of Canada made the most strenuous efforts to obtain support for the 12 mile exclusive fishing zone. Notwithstanding all the efforts that were put into that particular initiative, the proposal failed.

The period before the second law of the sea conference in 1960 was one of most intensive diplomatic activity. At the conference itself Canada sought the support of the United States, Britain and the western European countries for our formula of a six mile territorial sea, six mile exclusive fishing zone, and a ten year phasing out period. Had these states supported us at the first conference there is no question that we would have had agreement on a rule for the territorial sea and for an exclusive fisheries jurisdiction.

But it was too late. The second conference followed in the footsteps of the first; it failed. It failed by a single vote, but the fact is that it failed.

Then Canada took the lead once again in trying to pick up the remains of the second Geneva conference. Canada tried to win support for a multilateral treaty among like-minded countries in favour of our proposal at the second Geneva conference, and my recollection is that this was done by the former administration in February, or thereabouts, of 1963. But the results were inconclusive. Once again our efforts on the multilateral plane had failed.

When the present government took office a year ago we came to the conclusion—and we regretfully came to it—that for the foreseeable future there was no possibility of reaching general agreement on a 12 mile fishing zone.

Canada had to make a choice. There were two possibilities. We could have decided in

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favour of postponement. This would have meant an indefinite delay. This would have meant that we would not have for a long time the 12 mile fishing zone which this legislation will make possible. Meanwhile, our resources would have continued to be depleted, as greater and greater fishing fleets drew nearer our shores. Or, we could have decided to establish a fishing zone without waiting for international agreement, and to draw the fishing zone from straight base lines.

Our experts looked at the situation in international law. We found that there were 42 countries which claimed a territorial sea limit of more than three miles. We found that 23 countries claimed fishing zones in excess of their territorial sea. There were thus over 50 countries claiming control over fisheries beyond the traditional three mile rule. In the circumstances the government concluded that a decision by Canada to establish a 12 mile fishing zone from straight base lines would be soundly based on present day international law and practice. We chose this course, and so the government has brought forward accordingly the legislation we are now considering.

In establishing the fishing zones of Canada and in making applicable the straight base line system to our coast line, the bill provides a legal basis for the international achievement of our aims. Our action is in this sense unilateral, for who else can proclaim base lines or establish the fishing zones for Canada?

But at the same time we know that our action has international implications. We know that, notwithstanding the many countries claiming limits beyond three miles, there are a number of states, important fishing nations, which firmly maintain that they are not bound to recognize any limits beyond the traditional three mile rule. Consequently, it will be recalled that the Prime Minister informed this house a year ago that we would consult with the countries affected by our action and that we would seek to work out satisfactory arrangements with them.

When the government took its decision to establish a 12 mile fishing zone and straight base lines, we did not minimize the problems involved in some of the negotiations lying ahead of us. Nor do we minimize them now. These negotiations may be difficult and we must accept this fact.

When a country seeks to achieve recognition for what it has done, when it seeks to protect its interests, it must be prepared to