

5. Describing the foregoing as broad considerations Johnson went on to speak of what he thought might be called technical and legal considerations although both aspects were intermixed. On the technical and legal side Johnson said it was felt very strongly that the type of action in contemplation should not repeat not be handled unilaterally by one government. This was especially so because of the national defence interests of both our countries. USA had vigorously protested actions by Soviets and others that were detrimental to the freedom of the seas. Action by an ally which would encourage the further disregard of freedom of the seas would be most unfortunate. USA would find it impossible to acquiesce in the Canadian decision and if proclaimed would have to take a public position against our extension of Canadian internal waters by reference to the straight base line concept. Under this rule very large areas of the sea on both the East and the West Coasts would be closed.

6. I told Johnson that I would of course report these views fully to the Canadian Government. However I said I wished to make several observations. I emphasized the long period of cooperation with USA in seeking to avoid the development of a chaotic situation in the Law of the Territorial Sea. I mentioned again our cooperation in respect of the two Geneva Conferences on the Law of Sea. I emphasized that we were still anxious to go ahead on the same basis of cooperation as our suggestion for a further conference under UN auspices showed. From the point of view of both our security and our fisheries interests we were most anxious to avoid a situation which was becoming increasingly difficult. We were facing tremendously increased incursions into the waters which we sought to enclose. As regards our national resources Canadian fishing interests were extremely concerned. As to our national security interests I wished to point out that Russian trawlers were becoming an increasing source of worry and recited some of the recent activities of Russian fishing vessels which seemed to indicate that USSR regarded waters adjacent to Canada as more or less of a no-man's land in which they could undertake intelligence activities with impunity. On the other hand I noted that on the international level efforts to avoid a chaotic situation in the Law of Sea had apparently ground to a stop. All these developments were a growing source of concern to Canada. Furthermore I thought that USA authorities should be alive to our joint long term interests in relation to both our Eastern and Western coastal waters especially in relation to the pressures that were being applied to us by both the Japanese and the Russians. Johnson pointed out at this juncture that USA Administration had of course been under considerable pressure from the authorities of Alaska to take action to extend USA territorial waters for the particular purpose of excluding Japanese and Soviet trawlers but that the Administration had firmly withstood these pressures.

7. I further pointed out that Canadian authorities were as we had indicated willing to have discussions with USA authorities in regard to both our bilateral and multilateral treaty obligations as well as USA "historic" rights. I emphasized that we wished to work out mutually satisfactory arrangements. Johnson immediately stated willingness of USA authorities to have discussions with us. He pointed out however that the central question of course would be whether these discussions would precede any public announcement by the Canadian Government. He also wished to emphasize that USA very much desired to continue to coordinate and cooperate in respect of our joint interests in the Northwest Pacific fisheries.

8. Johnson, Yingling and Taylor then further commented on the legal basis for our decision the gist of these comments being to doubt the applicability of the straight base line concept to the areas which were designated in the Canadian decision. Yingling in particular contrasted the geographical configuration in Norway which had been at the root of the ICJ decision of 1951 and the geography of the Canadian coast lines East and West. Johnson again said that he hoped USA-Canada discussions could take place in order to provide a full understanding of relevant technical questions. He would for instance be happy to have Yingling go to Ottawa to discuss these questions with Canadian authorities. They also raised the following specific questions: