

It is important for us to remember that those consequences could impose very serious limitations on the freedom of the sea as well as the flight of commercial aircraft which is becoming an increasingly vital means of communication and trade between all countries of the world. I do hope that in the discussions which take place when Article 3 is before the committee there will be no uncertainty about the fact that exclusive fishing rights can be exercised up to the 12-mile limit whatever the measure of the territorial sea may be below that figure.

Let us then examine the question of the territorial sea strictly on its own merits. Whatever arguments may be used to support the retention of the 3-mile limit, I would like to say that there are some arguments that I have heard which in our opinion definitely do not apply. First is the suggestion already mentioned that the territorial sea needs to be extended to the same width as the contiguous zone established for the control of fishing. Second is the argument that this is a sign of progress. With every respect for the opinion of those who have expressed this view I do most strongly contend that it would be the very opposite. The extension inwards of the high sea to within 3 miles of the coast has been the most striking evidence of the progressive expansion of the freedom of the seas. If we started to move the area of free navigation farther out from the coasts we would, in fact, be setting the clock back 300 years.

Canada is a young country, in time of actual development, probably one of the youngest here. We want progress. I think without undue immodesty we may claim to have achieved some substantial measure of progress. Our eyes are in the future. We want the widest possible freedom of the sea for the movement of our ships and the movement of our aircraft which are now flying millions of miles every year in the peaceful carriage of passengers and goods. We want the same freedom for all nations to bring their trade to our shores and to the shores of all lands. It is not only the road to prosperity. It is the road to peace.

Let me mention another argument which has been used in support of extending the territorial sea. A very distinguished and very able delegate said to me in all earnestness, "after all, the 3-mile limit was set when gun range was three miles. We must move with the times and recognize that we need a greater area for defense. "Now let us examine this proposition. As we are a very large country with a relatively small population it is unlikely that anyone will think we would look at this problem except from the point of view of defense. What are the realities?

I doubt very much if 3 miles was ever adopted because of the range of cannon. I think one marine league happened to be a figure of convenience. At the time it was suggested I doubt very much if there was a single cannon which fired that far. Nevertheless, this theory did gain acceptance. We are indebted to a distinguished Dutch jurist, Cornelius van Bynkershoek, for his classic definition of this principle of gun range in his declaration