

THE LAW OF THE SEA CONVENTION

TERRITORIAL SEA

In 1970 Canada declared a 12-mile territorial sea, a limit now adopted by more than 80 coastal states and included in the Convention. The Law of the Sea Convention spells out the rights and obligations of vessels engaged in innocent passage in the territorial sea, as well as the categories of rules and regulations which the coastal state can adopt with respect to foreign vessels. The Convention also includes specific rules on the passage of ships through international straits and the waters of archipelagic states.

EXCLUSIVE ECONOMIC ZONE

One of the most novel concepts to emerge from the Conference on the Law of the Sea has been the 200-mile Exclusive Economic Zone (EEZ). The EEZ does not give a coastal state sovereignty over the waters but recognizes its jurisdiction for certain functional needs, in particular fisheries, marine scientific research, environmental protection and seabed resources. As a result of the Conference negotiations, Canada declared a 200-mile fishing zone on January 1, 1977. From the fisheries point of view the Convention is important for Canada because it provides a clear basis in international law for control of the fishery within 200 miles of our coasts. The total product value for Canada of fish from this zone is approaching \$2 billion annually.

At the initiative of Canada, there is a special article recognizing the rights of a coastal state over the salmon which have spawned in its rivers. The article provides for a basic prohibition on fishing for salmon outside of the 200 mile zone, with limited exceptions. This fishery alone is worth \$300 million dollars annually to Canada.

In recent years there has been a growing realization of the finite capacity of the marine environment to assimilate the stresses imposed by the increased commercial traffic on the sea, offshore hydrocarbon development, pollution from land based sources and the use of the oceans as a dumping ground. The Convention on the Law of the Sea lays down fundamental principles and a series of specific treaty provisions establishing a comprehensive and balanced legal regime for the protection and preservation of the marine environment - a credible accomplishment in place of a previous void in international environmental law.