

had fishing rights in perpetuity. This is important to Canada because it would mean historic fishing rights on both coasts within the outer six of the 12 miles in perpetuity. Under this proposal, a state which had fished in the outer six-mile zone of a coastal state for a period of five years, would have been able to claim the right to continue to fish in the future. The notion of traditional fishing rights was, however, opposed by a substantial number of states because it granted a favoured position to certain more-developed countries.

On the other hand, a number of Latin American, African and Asian states proposed that countries should be able, at their own discretion, to choose the breadth of their territorial sea between three and 12 miles. In other words, they wanted a sliding scale. This proposal, which was supported by the Soviet Union, would have resulted in a general 12-mile territorial sea. Accordingly it was opposed by a large group of countries which feared that it would have caused substantial interference with freedom of navigation on the high seas.

In these circumstances, the Canadian Government believed that only a genuine compromise solution could prove capable of resolving the various conflicting national positions. We were convinced that the reason why many states were making claims to a 12-mile territorial sea—and, mind you, if you have that, of course it takes in the fishing; it covers the whole field — was not because of any desire to interfere with freedom of navigation on the high seas, but in order to obtain a full measure of sovereignty over the living resources in the 12-mile zone adjacent to their coasts. Canada therefore concluded that a compromise formula, in order to be successful, must do two things: first, it must recognize the principle of the freedom of the high seas and, second, it must grant to coastal states the very same degree of exclusive control over offshore fisheries which they would have under a 12-mile territorial sea.

The Canadian delegation accordingly put forward at the first conference a compromise formula for a six-mile territorial sea, and for a further six-mile fishing zone exclusively reserved for the fishermen of the coastal state. In this manner the Canadian proposal would enable all states to achieve the desired degree of economic control without infringing on the principle of the freedom of the high seas.

Unfortunately, no proposal was able to obtain the necessary two-thirds majority support in plenary session of the first conference. That part of the Canadian proposal calling for a 12-mile exclusive fishing zone was, however, the only proposal to obtain a simple majority of votes in committee.

During the inter-conference period, the problem of the territorial sea and fishing limits has . . . become intensified by the taking of unilateral action by a number of states. In fact, seven states or territories have proclaimed territorial sea or fishery limits of 12 miles since the conclusion of the first conference.

These developments have tended to confirm Canada's conviction that only a genuine compromise formula will be capable of emerging as international