

Codification Projects—The Law of the Sea

At its ninth session the General Assembly had requested the International Law Commission to complete its study of the high seas, territorial sea and related subjects in time for its report to be considered at the eleventh session of the General Assembly¹. In the report of its eighth session², the International Law Commission set out its final report on the law of the sea. The report consists of seventy-three draft articles adopted by the Commission, together with a commentary on each article. The articles are arranged as follows:

Part I: Territorial Sea (Articles 1-25)

Section I General Regime (Articles 1-2)

Section II Limits of territorial sea (Articles 3-14)

Section III Right of innocent passage (Articles 15-25)

Part II: High Seas (Articles 26-73)

Section I General Regime (Including Navigation, Fishing and Submarine cables, etc.) (Articles 26-65)

Section II Contiguous Zone (Article 66)

Section III Continental Shelf (Articles 67-73)

The Commission recommended that "the General Assembly should summon an international conference of plenipotentiaries to examine the law of the sea, taking account not only of the legal but also of the technical, biological, economic and political aspects of the problem, and to embody the results of its work in one or more international conventions or such other instruments as it may deem appropriate".

In the discussion of the Commission's report, delegations restricted themselves for the most part to expressing their views on the proposal to call an international conference and to a general statement of position on matters dealt with by the Commission's report. These general statements gave prominence to the question of the breadth of the territorial sea and the related question of the jurisdiction over off-shore fisheries.

The Canadian position on the breadth of the territorial sea was stated by the Canadian Representative in the Sixth (Legal) Committee as follows:

"Canada, like many other maritime states, has for many years adhered to the three-mile limit for the territorial sea . . . The Canadian Delegation believes that the three-mile limit is not adequate for all purposes. In particular it is not adequate for the enforcement of customs, fiscal and sanitary regulations. It is also not adequate for the protection and control of fisheries. The Commission has already recommended a contiguous zone of not more than twelve miles from the baseline from which the territorial sea is measured for the purpose of exercising the necessary control in the enforcement of customs, fiscal or sanitary regulations. For Canada it is of fully as great importance that the

¹See *Canada and the United Nations 1954-55*, p. 103.

²Document A/3159.