

the territorial sea and of a coastal state's fishing rights. One of these was the United States proposal which, while it also called for a six-mile territorial sea and a further six-mile contiguous zone, differed from the Canadian proposal in that it provided for recognition, under certain circumstances, of foreign fishing rights in the outer six-mile contiguous zone. Another was a joint eight-power proposal (co-sponsored by Latin-American and African-Asian countries) allowing states to choose their own breadth for the territorial sea between three and twelve miles and providing for the application of the twelve mile exclusive fishing zone where states elected not to extend their territorial sea to twelve miles. These were, in effect, the main formulae for the settlement of these questions from which the Conference had to choose.

The Canadian proposal was the only one to win a simple majority vote in the Committee on Territorial Waters (the vote was 37 in favour to 35 against, with 9 abstentions). In plenary session, however, no proposal on the territorial sea or the contiguous fishing zone was able to obtain the necessary two-thirds majority support. The Canadian proposal received 35 votes in favour to 30 against, with 20 abstentions; the United States proposal received 45 votes in favour, 33 against, with 7 abstentions; and the eight-power proposal received 39 votes in favour, 38 against, with 8 abstentions.

While no Conference decision thus emerged on either the question of the breadth of the territorial sea or the contiguous fishing zone, it would be misleading to look upon this lack of agreement as in any way signifying a "failure" on the part of the Conference to make headway on these problems which unquestionably are among the most difficult issues in the whole range of international law. The inability of two-thirds of the countries represented at the Conference to reach an accord on territorial-sea and fishery limits should not obscure the fact that a very wide measure of agreement was reached on the idea of a separate fishery jurisdiction; the chief point of difference was related only to the *extent* of the fishing rights which would be allowed to states in that zone. In fact, it seems not unlikely that any solution ultimately arrived at by the international community will recognize in one form or another the concept of a contiguous fishing zone.

Another matter on which two-thirds majority agreement was not obtained was the "abstention principle", a matter of considerable importance to all fishing countries. Briefly, the abstention principle provides that, if in any area of the high seas the maximum sustainable yield of any particular stock of fish is being obtained as a result of conservation and regulation by the states engaged in the fishery, then other states not including the coastal state would agree to abstain from that particular fishery. Although the "abstention principle" was not formally adopted by the Conference, it received very prominent mention in debate and, in fact, a declaration recommending its application received the support of a majority of nations at the Conference. Thus the authority of the principle was considerably enhanced.

Canada enjoyed very close relations with the newer nations of the world represented at the Conference, which, as a general rule, do not possess claims to established fisheries rights in distant-waters nor well-developed fisheries in their own off-shore areas, but are looking more and more to the