

*Territorial Sea and Fishing Zones Act*

required domestic legal basis for managing the fisheries resources of these areas.

The new fishing zones will be established only where Canada's primary interests relate to fisheries, and in areas where Canada has historic claims. In such areas the bill would, in keeping with the government's approach to the question, enable us to separate fisheries jurisdiction from the complete sovereignty which states exercise in their territorial sea and internal waters. This separation of fisheries jurisdiction from sovereignty already underlies the concept of the contiguous fishing zone which has become an established principle of customary international law, owing in good measure to the pioneering activities of Canada.

• (3:50 p.m.)

In our view the application of the concept of the exclusive fishing zone to some or all of the special bodies of water in question is justified on geographic, economic and historic grounds, as well as by the urgent need to provide for the rational management and conservation of fisheries resources. Although the fishing zone concept is best established with respect to the contiguous fishing zone extending 12 miles from the baselines of the territorial sea, it is our view that the concept is equally applicable to Canada's special bodies of water.

I must emphasize that the fisheries provisions of this bill reflect our belief that there is an urgent need for bold and imaginative approaches to the problems of fisheries management and conservation and harvesting. So long as there was an abundance of fish for everyone, so long as the living resources of the sea seemed inexhaustible, it was necessary for states to exercise only a relatively limited control over the fisheries adjacent to their shores. With growing populations and the technical developments of fishing vessels and gear, which have virtually transformed fishing activities from a harvesting to a mining process, it has become dramatically evident that the resource itself could disappear. The coastal states which depend on this resource have a responsibility to ensure its conservation and to manage it on a rational basis.

Canada was one of the pioneering countries in efforts to bring about international arrangements for the conservation of the living resources of the sea. Since the beginning of this century Canada has become a party to seven international conventions which, within the scope of their limitations,

[Mr. Sharp.]

have been relatively successful but which have failed to bring about a truly effective regime for the protection of fisheries resources.

The Canadian government is convinced, on the basis of its lengthy experience in this field, that neither existing customary international law nor contemporary conventional international law are adequate to prevent the continuing and increasingly rapid depletion of the living resources of the sea. It is for this reason that we propose to extend our fisheries jurisdiction in the manner I have described. It is our expectation that other governments will take similar action since it is only too evident that there is no other effective way of preventing the rapid depletion of the living resources of the sea.

It seems anomalous that whereas international law recognizes the right of coastal states to control the exploitation of mineral resources and of the so-called sedentary species of shellfish on the continental shelf adjacent to their shores, it has not yet developed an equally effective system for the management of the "free-swimming" fish in coastal areas. A coastal state may licence foreign entrepreneurs to exploit the mineral resources of its continental shelf, but so far only a few states have taken a similar approach to controlling the exploitation of coastal fisheries resources.

Now that the world is becoming aware that living resources are not infinitely renewable and that they can indeed be exhausted or depleted by overexploitation or wiped out by means of pollution of the sea, it is vitally necessary to apply to the exploitation of these resources some of the techniques which have been developed for offshore mineral resources. The action now being taken by Canada is a step in this direction, a step toward a more logical and systematic approach to the management of living marine resources.

Exclusive rights to harvest may be necessary, but they are not an end in themselves. The end we have in mind is conservation and rational management, and for this purpose we require jurisdiction. That jurisdiction, however, does not rule out the possibility of sharing fisheries exploitation with other countries; it does, however, allow us to set rules for that exploitation, to impose licensing requirements if necessary and thus to share the financial burden of conservation as well as the financial rewards of exploitation.