

SECTION D

DROIT DE LA MER
LAW OF THE SEA

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*Note du ministre des Affaires du Nord et des Ressources nationales
pour le Cabinet*

*Memorandum from Minister of Northern Affairs and National Resources
to Cabinet*

CABINET DOCUMENT NO. 169-57

[Ottawa], August 12, 1957

SECRET

INTERNATIONAL CONFERENCE ON THE LAW OF THE SEA;
COMMENTS BY CANADA

1. The Law of the Sea, including international law relating to territorial waters, the continental shelf, and national jurisdiction over fisheries, has been under study for several years by an International Law Commission. It reported to the General Assembly of the United Nations last fall and the Assembly decided to call an International Conference on the Law of the Sea to be held either in Rome or Geneva in March, 1958. Canada has indicated its intention to be represented at the Conference.

2. Since 1952 the Canadian policy on territorial waters and other matters relating to the law of the sea has been under study by an Interdepartmental Committee under the chairmanship of the Deputy Minister of Northern Affairs and National Resources. The Committee has been responsible for the preparations for the Conference insofar as Canada is concerned. It has also had prepared a comprehensive report by Mr. G.F. Curtis, Dean of the Faculty of Law, University of British Columbia, setting out the present position of international law governing territorial waters and examining the manner in which it could best be applied to Canadian waters, taking into account such statements or declarations of policy as may have been made in the past.

3. On November 16, 1955, the former Cabinet agreed that a Cabinet Committee consisting of the Minister of Northern Affairs and National Resources (Chairman), the Minister of Fisheries and the Secretary of State for External Affairs, together with such other Ministers as might wish to attend, be established to consider policy on territorial waters questions and recommendations that would be submitted by the committee of officials. Pursuant to a report by the Cabinet Committee, the Cabinet approved a number of recommendations as to Canadian policy on March 15, 1956.³¹ The principal decisions were as follows:

(a) To decide in principle to adopt the straight baseline system for the Coast of Labrador and the East and South Coasts of Newfoundland, subject to a guarantee of United States and French treaty fishing rights in the affected areas. The straight base-line system was sanctioned by the International Court of Justice in 1951 in the Anglo-Norwegian Fisheries case. The system is particularly beneficial for deeply indented coasts like those of

³¹ Voir/See Volume 22, Document 316.