

Territorial Sea

A major trend is discernable towards adopting a twelve-mile limit for the territorial sea which, incidently, is the limit that Canada chose for itself in 1970. The few large maritime states which still hold to the traditional three-mile limit have indicated that they would be prepared to accept the twelve-mile limit provided their own proposals, and in particular those related to the thorny straits issue, are dealt with satisfactorily by the Conference. On the other hand, those other countries who have laid claim to wide areas of the oceans (in some instances up to 200 miles) as their territorial sea might also be disposed to reconsider their position if their off-shore economic interests are given fair protection in the resulting treaty on law of the sea. The adoption of a twelve-mile limit for the territorial sea would certainly be in line with the practice of a majority (i.e. more than 55) of coastal states.

Straits

The straits issue referred to in the preceding paragraph originates in the fact that if the territorial sea were extended by the Conference to twelve miles, a number of commercially and militarily strategic straits in the world would be completely covered by the territorial waters of one or more states. Large maritime powers, as the United States, the United Kingdom, and the Soviet Union, contend that in all straits used for international navigation foreign vessels should have a right of free transit whereas the states bordering these straits take the view that since the straits lie within their territorial waters, foreign vessels would have right of passage only if passage is innocent, i.e. not detrimental to the peace, security, and good order of the coastal state.