

(d) that publication of the straight baseline system (and the holding of discussions concerning it with the U.S.A., the United Kingdom and France) be deferred until such time as it is clearly evident that such action would not prejudice the chances of a multilateral convention, but not, without prior Cabinet approval, longer than one year from the date of ratification by Canada of the Geneva Conventions on the Law of the Sea.

Subsequent Developments

8. (1) From the Spring of 1960 until the Fall of that year Canada had attempted, without success, to persuade the U.S.A. to join in efforts to obtain agreement on a multilateral Convention on the Breadth of the Territorial Sea and a Contiguous Exclusive Fisheries Zone on the basis of the joint Canada-U.S.A. "six-plus-six" Geneva Formula. It was decided, in the light of the failure of these efforts (see memoranda to Cabinet of May 13, August 10 and September 27, 1960), to propose to the British that a joint confidential survey be carried out by Canada and Great Britain to determine the extent of support for the proposed convention, with a view to using the results of such a survey to persuade the U.S.A. to take part in the project. The British agreed to this proposal and in the months of February, March and April of 1961 a confidential survey of eighteen countries was carried out. The results were deemed sufficiently encouraging to warrant an approach to the U.S.A. requesting U.S.A. participation in the second phase of the confidential survey, during which a further number of countries would be approached. The Canadian and British representations to the U.S.A. were made on May 15 and May 16, 1961 respectively. On March 8 of this year our Embassy in Washington was informed that it had been decided by the U.S.A. that our invitation to participate in this project had to be declined due to opposition from the U.S.A. Defence and Fisheries Departments.² This decision has since been discussed with the British and they have indicated their concurrence in the Canadian view that it has effectively eliminated the prospects for the proposed multilateral convention. No action has yet been taken, however, to so notify the 18 countries approached during the confidential survey.

(B) RATIFICATION OF THE LAW OF THE SEA CONVENTIONS

9. In a memorandum of the Cabinet Committee on Territorial Waters to Cabinet dated February 7, 1961 on "Desirability of Ratifying the Conventions on the Law of the Sea" (and submitted at the same time as the memorandum of the same date on the Straight Baseline System), it was recommended:

(1) that a resolution be introduced in both Houses of Parliament during the then current session approving ratification of the five instruments on the Law of the Sea signed by Canada in Geneva on April 29, 1958, *with a reservation* that such ratifications shall not be construed so as to affect or impair the application of the "abstention principle" as defined in paragraph A 1 of Document A (Conf. 13/6.3/L.69 of the Official Record of Proceedings of the said Conference), and

(2) that the required amendments to existing legislation be prepared and introduced in Parliament when the various instruments are about to come into force.

10. At its meeting of February 14, 1961 Cabinet decided in principle to ratify the Law of the Sea Conventions, but to defer doing so until certain amendments to the Fisheries Act had been made.

² Voir/See Volume 28, document 107.