

# *The Law of the Sea*

## A CANADIAN PROPOSAL

In putting forward the Canadian proposal, we do so with no claim that we have discovered any magic formula, but only in the hope that it may offer the possibility of agreement between the widely differing points of view which have already been expressed.<sup>1</sup>

The Second United Nations Conference on the Law of the Sea, to be held in Geneva in March or April 1960, will provide a challenge to the nations of the world to crown the achievements of the First Conference by gaining a complete and viable code of international maritime law.

### Achievements of First Conference on the Law of the Sea

The First Conference, held in Geneva in the spring of 1958, achieved a remarkable degree of success and, except for the measurement of the territorial sea and the measurement of a fishing zone, which was a new legal concept advanced for the first time at that Conference, the 113 articles which it approved embraced the whole field of the law of the sea, including that relating to the territorial sea, whatever its measurement might be. By a considerable margin the largest legal conference ever convened, it was also one of the most remarkable, adopting within the space of nine weeks five instruments dealing with nearly the entire scope of the law of the sea.

A Convention on the Territorial Sea and the Contiguous Zone codifies the rights and obligations of states in their territorial sea. It contains many articles of benefit to coastal states, such as those providing for a twelve-mile contiguous zone for customs, fiscal, sanitary and immigration purposes, for a twenty-four-mile closing line for bays, and for the application of the straight baseline system for determining, in certain circumstances, the starting point for measuring the territorial sea. In addition, it recognizes and regulates the right of innocent passage for ships through the territorial sea.

The Convention on the High Seas, proclaiming as its underlying principle the freedom of the high seas, gathers together into a single instrument a wide variety of rules relating to the high seas, including such matters as the nationality of ships, safety of life at sea and the prevention of water pollution.

A third Convention, on High Seas Fishing, was designed to maintain the productivity of the living resources of the high seas. It takes a new step forward in developing and applying the principles of conservation to the high seas and in recognizing the special interests of coastal states in the fishing resources in the high seas adjacent to their coasts.

<sup>1</sup> The Honourable George Drew, P.C., Q.C.,  
Chairman of the Canadian Delegation,  
Geneva, March 31, 1958.