

Reasons for Failure

The Conference failed for a number of reasons, one of which was the fact that some states were unwilling to sacrifice their claims to a wide territorial sea, even at the risk of a failure to reach agreement.

A further cause of failure was the attempt by some nations to obtain special concessions unacceptable to others. Some of these concessions were:

1. A measure of control over fishing on the continental shelf. Both Canada and the United States supported an amendment to their proposal giving states overwhelmingly dependent on fishing "preferential rights to fish in any areas of the high seas contiguous to their coasts." Although the amendment was adopted in Plenary, it failed to satisfy some countries.

2. A recognition of claims to certain waters on historical, geographic, economic and other grounds. Although it was clear that the joint proposal could not prejudice rights to territorial waters, countries interested in obtaining recognition for special claims may have considered that such claims were not adequately acknowledged and, in the end, voted against the Canada-United States proposal.

3. The right to authorize the passage of warships not only in the six-mile territorial sea but also in the outer six miles of the fishing zone. An amendment of this sort would have reopened an issue that had not been clearly resolved at the first Conference and that was unacceptable to a number of countries.

While all these factors contributed to the failure of the Conference, the sheer difficulty of achieving agreement where many interests are in conflict should not be underestimated.

Conclusion

It remains, perhaps, a cause of satisfaction that Canada may have made a contribution in trying to find a just and acceptable solution to the questions of the breadth of the territorial sea and fishing zones. While the Conference did not adopt the Canada-United States proposal, there is some cause for hope that the large measure of acceptance it received will not be lost and that it will prepare the way to some eventual satisfactory solution.