

which it shall have the same rights in respect of fishing and the exploitation of the living resources of the sea as it has in its territorial sea.

'3. Any state whose vessels have made a practice of fishing in the outer six miles of the fishing zone established by the coastal state, in accordance with paragraph 2 above, for the period of five years immediately preceding January 1, 1958, may continue to do so for a period of ten years from October 31, 1960.

'4. The provisions of the Convention on Fishing and Conservation of the living Resources of the High Seas, adopted at Geneva, April 27, 1958, shall apply *Mutatis Mutandis* to the settlement of any dispute arising out of the application of the foregoing paragraphs.'

"This is the proposal which is now presented in the joint name of Canada and the U.S.A. I would like to emphasize that this is done in response to the very general desire expressed at this Conference that we should come together so that all those who were anxious to support the basic purpose of both our earlier proposals could find common ground.

"Our new proposal does represent a compromise--the kind of compromise which makes international agreements possible.

"Our task is to draft legislation covering two specific questions and two alone. The general desire to achieve agreement on the only details of the Law of the Sea still to be determined might well be frustrated if any attempt were made to broaden the scope of the discussion at this Conference beyond the field which has been assigned to us.

"At the same time, may I say that we are anxious to recognize the special problems of states which are particularly dependant upon fishing for the livelihood of their people by assuring workable and adequate safeguards for the protection of their fishing resources?

"The first two paragraphs of the joint proposal which we have now tabled are in exactly the same words as the original proposal presented by Canada at this Conference.

"The third paragraph provides that, during a period of ten years, those states which have been doing distant fishing in the waters of other states for the required period may continue to do so. May I point out that this does not change in any way the basic proposition which we placed before you? It does represent our response to the many opinions expressed at this Conference that there should be a period of adjustment in which distant fishing states could make new arrangements. This involves a very considerable compromise on the part of both our Delegations. I do wish to express my own admiration and appreciation of the manner in which the very distinguished leader of U.S.A. Delegation and his associates have met us in trying to solve this problem.

"We would naturally have preferred to have had our own proposal adopted in the form in which it was presented, for the reasons explained at the time it was tabled. We fully recognize at the same time, that this would also have been the wish of the U.S.A. Delegation in regard to their own proposal. In deciding on the figure of ten years as a period of adjustment during which fishing may be continued while new arrangements are made, by way of bilateral agreements or otherwise, we have accepted what we believe to be the maximum period of adjustment which could possibly be approved by those states which would have preferred our proposal in its original form, and at the same time the minimum period acceptable to those who would have preferred to see the U.S.A. proposal adopted in the form in which it was first presented.

"One point I do wish to emphasize. In the very nature of the way in which this figure was reached, it cannot be a bargaining figure. Our discussions on both sides have made it perfectly clear that those who would have wished the continuance of fishing rights in perpetuity, or for a much longer period, will not accept less, and that those who have been associated with us in seeking a straight six-mile territorial sea will not accept more.

"In the desire to achieve agreement at this Conference, we have reached a compromise which we believe is reasonable under all circumstances and which we trust will receive general support.

"While it is not my purpose now to discuss in detail the various arguments which have been presented, I do think I should mention one very important consideration which must be in the minds of every one of us. From the statements which have already been made it would seem that there is almost unanimous agreement that there should be a fishing zone extending to a total breadth of 12 miles from the baseline. But there is still a wide difference of opinion in regard to the measurement of the territorial sea.

"May I urge with the utmost earnestness that those countries which for one reason or another have adopted a territorial sea of more than six miles will not take the rigid position that under no circumstances will they reduce the width of their territorial sea. I have already pointed out, and I submit that the record clearly supports my contention, that, in most of the earlier cases where the measurement of the territorial sea was extended to 12 miles, it was done for the sole purpose of asserting control over fishing at a time when the concept of a fishing zone as distinct from the territorial sea had not been accepted and when it provided the only method by which that authority could be established. Full control over fishing would now be provided by the rights conferred in a fishing zone. Surely, under those circumstances, there can be no

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