

The containment of local conflicts, the maintenance of collective security and the preservation of peace in the world through the United Nations would also be hindered by an increase in the extent of the territorial sea.

There are additional difficulties involved in extending the territorial sea beyond six miles. Unrestricted access by each country to all areas of the world by sea and air without transgressing foreign territory, neutral or not, is important for maintaining the easy flow of commerce. The flow of commerce is uninterrupted and unimpeded only because the high seas are free. An extension of the territorial sea beyond six miles would mean restricted access to hundreds of thousands of square miles of seas now available for the free use of every country in the world. It would also transfer to the territorial waters of various states twenty-two important connecting bodies of water in different parts of the world which are now high seas for the use of all countries.

The consequences might mean longer commercial runs, increased shipping costs, less revenue to the producer and higher prices to the consumer. Further, increased shipping costs would ultimately have to be borne by the countries dependent upon sea-borne commerce for their economic existence or development. It is seen, therefore, that any extension of the territorial sea beyond six miles might be exceedingly costly.

It is the duty of a coastal state to administer and patrol effectively its territorial sea. An increased territorial sea would require larger governmental expenditures not only to administer and patrol, but to increase and to maintain navigational aids.

Any extension of the territorial sea beyond six miles would also interfere with the freedom of the air, in that, by reducing the total free area of the high seas, it would also reduce the free airspace above them. Since there is no rule of law recognizing the right of innocent passage through the airspace over the territorial sea of a state, it is clear that to extend the territorial sea to twelve miles would affect many areas of importance to international air navigation. In an age of ever-growing air travel, such a reduction of free airspace and the denial of free access to areas important for international air navigation should be a matter of concern to all states.

In conclusion, in the Canadian view there are no specific advantages in securing a twelve-mile territorial sea which a coastal state would not acquire through the unqualified six-plus-six formula, together with existing international laws and conventions. By claiming a twelve-mile territorial sea limit, there would, however, be clear disadvantages for all coastal states in sea and aerial navigation, affecting both the security and commercial interests of all nations.

The Fisheries Question—Methods of Dealing with Problems in the Outer Six-Mile Zone

In addition to a six-mile territorial sea-limit, the Canadian proposal provides for an exclusive twelve-mile fishing zone, measured from the same baselines as those of the territorial sea.