

to the waters of the Arctic Archipelago, extend Canada's territorial sea belt and exclusive fisheries zone, and take various other measures, but all of these proposed actions should be deferred until after the matters of the jurisdiction over the special areas and the treaty and fishing rights of the U.S. and France in those areas had been satisfactorily resolved.

An explanatory memorandum had been circulated (Minister's memorandum, Dec. 14 -Cab. Doc. 418/62†).

17. *During the discussion* the following points were raised:

(a) If Canada asserted jurisdiction over the special areas it would be important to state clearly that this assertion did not in any way prejudice any Canadian claim to any other area not specifically designated at that time.

(b) The Cabinet Committee had studied a proposal that Canada should base its claim to Arctic waters upon the "apex" or "sector" theory. This would involve a claim to a sector of the Arctic Ocean extending to the North Pole. The Committee had recommended that no such claim should be made.

(c) Government spokesmen had recently declared that Canada should not act unilaterally in questions relating to the Law of the Sea. An assertion by Canada of jurisdiction over the special areas would therefore expose the government to the accusation that it was violating its own precept.

(d) Before making any public assertion on this subject, the government should consult the U.S. If that country was going to oppose such a step, there would be advantage in knowing this in advance. For many years the U.S. had contended that the Bay of Fundy was part of the high seas. If Canada acted unilaterally, the U.S. might take reprisals.

(e) If Canada delayed in asserting its claim, and if meanwhile the ships of other nations appeared in the special areas, it would become increasingly difficult to assert such a claim. There had been some suggestion, for example, that France might be planning to use St. Pierre and Miquelon as a base for greatly extended fishing operations.

(f) The present proposals did not involve the unilateral widening of Canada's territorial sea or of Canada's exclusive fishing zone, but merely the formal claiming of jurisdiction over areas which Canada had always regarded as her own.

(g) Some said the U.S. might be prepared to support such a claim by Canada because of considerations of defence. Others said that if Canada consulted the U.S. in advance, it might thereafter prove impossible for Canada to assert its formal claim. Canada did not need U.S. approval to take the proposed action.

(h) The Maritime provinces would be seriously affected if the U.S. market for Canadian fish should be lost or interrupted. Furthermore, the Canadian government in recent months had issued various policy statements and taken forms of action (e.g. on oil policy surcharges on imports, magazines, etc.) that had irritated the U.S. government. No further irritants should be added at this time if they could be avoided.

(i) Shortly after the Russian trawlers had left the Bay of Fundy, a Russian trawler had asked for permission to transfer fish to another vessel in the Gulf of St. Lawrence. The Canadian government had replied that such transfers were prohibited "in Canadian territorial waters," and the trawler had apparently accepted this as effectively prohibiting such transfers in the Gulf.

(j) Some said that the waters of the Arctic Archipelago should be included in the proposed declaration. Others said it would be unwise to include too many areas at the one time.

(k) Next week the Fisheries Council would submit a brief on this whole subject to the Cabinet. A final decision should be postponed until after the Brief had been received and studied.