

Territorial Sea and Fishing Zones Act

Mr. Baldwin: I would be delighted, Mr. Speaker.

Motion agreed to.

TERRITORIAL SEA AND FISHING ZONES ACT**PROVISION OF TWELVE-MILE TERRITORIAL SEA, ELIMINATION OF CONTIGUOUS FISHING ZONES**

Hon. Mitchell Sharp (Secretary of State for External Affairs) moved that Bill C-203, to amend the Territorial Sea and Fishing Zones Act, be read the second time and referred to the Standing Committee on External Affairs and National Defence.

He said: Mr. Speaker, the proposed amendments to the Territorial Sea and Fishing Zones Act contain two major provisions: the first would establish the territorial sea of Canada at 12 miles in substitution for the present limit of three miles, and as a result would eliminate the present nine-mile fishing zone which would become incorporated within the 12-mile territorial sea; the second would authorize the government, by Order in Council, to create exclusive Canadian fishing zones comprising areas of the sea adjacent to the coasts of Canada.

There are a number of reasons why the government is proposing to extend its territorial sovereignty from three to 12 miles. Basically, the reason is that the limited fisheries jurisdiction which Canada at present exercises over the outer nine-mile zone is no longer sufficient to protect the full range of Canada's vital coastal interests. The 12-mile territorial sea would have the following advantages: (a) it would provide the comprehensive jurisdictional basis which Canada requires to enforce anti-pollution controls outside Arctic waters off Canada's east and west coasts up to 12 miles from the baselines of Canada's territorial sea, rather than merely three miles as at present; (b) it will permit Canada to expedite the conclusion of negotiations with the European countries which have been permitted to continue their fishing activities in Canada's 9-mile fishing zone; (c) it will further protect Canada's security interests by permitting Canada to exercise greater control over the movement of foreign ships.

• (3:30 p.m.)

The legal regime of the territorial seas permits the coastal state to determine whether a particular passage is innocent. This bill extends that right for Canada up to a dis-

[Mr. Deputy Speaker.]

tance of 12 miles from the territorial sea baseline. All the reasons why a state requires a three-mile territorial sea apply with equal vigour to the 12-mile territorial sea. From the point of view of security, the danger is removed farther offshore and the coastal state can take all measures open to it on its own territory within a wider belt of 12 rather than three miles.

Mr. Nielsen: Mr. Speaker, may I ask the minister a very brief question? Since yesterday he described all the Arctic waters as internal waters, would that not result in the conclusion that innocent passage would be prevented.

Mr. Sharp: I intend to deal with that question a little later in my address, Mr. Speaker. Then (d) since the inner limit of the continental shelf is measured from the outer limit of the territorial sea, the 12-mile territorial sea will have the effect of pushing the inner limit of Canada's continental shelf seawards a distance of nine miles.

Mr. Speaker, the U.S.A. government has made clear its willingness to accept a 12-mile territorial sea provided this is achieved by multilateral agreement and not by the continuing development of customary law through state practice. The Canadian government sympathized with the U.S. desire for agreed rules of law on these questions. Canada has repeatedly shown its good faith in the multilateral approach to these questions by participating vigorously and constructively in every effort in the last 40 years to achieve agreed rules of law on the breadth of the territorial sea and the nature and extent of contiguous zones.

I do not wish to belabour the point, but I would remind the House and the international community that Canada attempted to get agreement first on a three plus nine basis—three-mile territorial sea and nine-mile contiguous zones—in 1958, and when this did not prove possible we campaigned for the famous “six plus six” formula comprising a six-mile territorial sea and six-mile contiguous zone for certain purposes. We warned that the law was developing toward wider and wider assertions of territorial sovereignty and that the international community must recognize the legitimacy of extension of jurisdiction beyond the territorial sea for limited specific purposes. Unfortunately, we had only limited and belated success in enlisting the support of the U.S.A. for our proposal.