

The Law of the Sea

SECOND UNITED NATIONS CONFERENCE

ON March 17, 1960, representatives of 88 states convened at Geneva to attend the Second United Nations Conference on the Law of the Sea. During six weeks of strenuous negotiation, the delegations tried to agree on a rule of law to govern the breadth of the territorial sea and fishing zones. The Conference failed by a single vote to attain its objective.

The First Conference

An earlier United Nations Conference on the Law of the Sea had been held in Geneva two years before, in the spring of 1958. ¹At that meeting 86 countries agreed to the adoption of four conventions and one protocol that constituted in effect an almost complete codification of that field of international law applying to the sea. There were only two questions on which the Conference was unable to agree — the breadth of the territorial sea and the existence of fishing zones. Nevertheless, it was, as the Minister of Northern Affairs and National Resources, Mr. Alvin Hamilton, reported in the House of Commons, ² probably the most successful international conference of all time.

The Second Conference was convened, at the request of the General Assembly of the United Nations, in order to give further consideration to the questions left unsettled by the First Conference and thereby to complete the codification of the Law of the Sea.

The Canadian Proposal

The problem of agreeing on a rule of law that would set a breadth for the territorial sea acceptable to most countries of the world has remained unsolved since the failure of the Hague Conference in 1930. Countries have not agreed because they have diverging interests. On the one hand, the maritime countries, with their large fleets, desire a narrow territorial sea for navigational, commercial, security and fishing purposes. On the other hand, many coastal states want fuller control of their adjacent seas so that they can develop and exploit their maritime natural resources. Since a rule of law would have to be adopted by a two-thirds majority of the countries present and voting at a conference, it has always been clear to the Canadian Government that only a genuine compromise which would go a long way in meeting the real interests of all states could be adopted.

Canada advanced a formula at the General Assembly of the United Nations in 1956 that contained a proposal completely new in international law — that

¹"External Affairs" Vol. 10, Numbers 1 and 4-5, 1958.

²Hansard, July 25, 1958.