

This proposal profoundly affected the course of the discussions when it was put forward at the 1958 Conference; in fact, it formed the principal content of several other plans at the Conference which rivalled the Canadian solution. At the 1960 Conference, it may be expected that once again there will be two fundamental approaches to the questions before the Conference: that of extending the territorial sea, and that of distinguishing between the fisheries interests of a coastal state and the territorial sea.

#### Second Conference on the Law of the Sea

The Second Conference is likely to be the last opportunity for many years to reach agreement on the questions of the breadth of the territorial sea and of a coastal state's fishing rights. It will thus be presented with a choice between the orderly development of international law and the chaos which could result from a failure to meet this challenge to create new principles for the law of the sea.

The Second Conference will no doubt begin its deliberations at the point where the 1958 Conference left off. It may be expected that there will be placed before the Conference, possibly at its outset, proposals on the territorial sea and on fishing limits substantially similar to those advanced during the First Conference. It may be assumed that the Conference will have before it proposals for the recognition of a three-to-twelve-mile territorial limit; for recognition of a six-mile territorial sea and of the interests at the same time of states concerned with distant-water fishing; and for a six-mile territorial sea and a further six-mile exclusive-fishing limit. There may be other formulæ proposed for the solution of these two questions.

If the basic solutions advanced at the First Conference are analyzed, it will be seen that they had one fundamental point in common. The eight-power proposal for a three-to-twelve-mile territorial sea, the proposal of the Soviet Union, the United States and Canadian solutions all recognized, implicitly or explicitly, that a state may claim jurisdiction over fishing in a twelve-mile zone contiguous to its coastline. In fact, more than eighty nations voted for a twelve-mile fishing jurisdiction in one or other of the forms in which it was advanced in the various proposals put forward at the Conference.

This clearly demonstrates that, in spite of the failure of the First Conference to reach agreement on the territorial sea and on fishing limits, almost the entire international community did agree on one crucial matter: a coastal state has a right to a twelve-mile fishery jurisdiction. In view of this wide measure of agreement, there is good reason to hope that the next Conference may resolve the problems before it.

It is the Canadian view that the unqualified 'six plus six' formula will come closest to meeting the needs of all states, thus proving an acceptable compromise at the next Conference. The reasons for this may be seen from a comparison of the Canadian formula with other solutions.

The Canadian formula differs from the proposal for a three-to-twelve-mile territorial sea in that it grants to coastal states all the advantages which they