

by unilateral action, either in the case of the territorial sea or the contiguous zone, will only lead to uncertainty and confusion. If a nation does not wish to exercise its rights out to the full width of 12 miles, that is of course within its own discretion. If we refer back to the exact form of Article 66, we will recall that it reads: "... the coastal state may exercise the control necessary" ... "to do certain things". However, if we are to establish a code of law, I do submit, with the utmost respect to those who may hold a different opinion, that the best results will be obtained by clearly stated laws. Once a code is adopted by agreement we can then also agree here at this conference upon the time within which there will be regular periodic reviews, at such times as may be agreed upon by the conference, and in that way constantly improve the code once we have established a settled regime of law and built up an expanding jurisprudence on the law of the sea.

One other point I wish to make before I close. It is no longer necessary to stress the increasing importance of air passenger services. The only reason it has been possible to bring together this large number of delegates from such distant points all over the world is that we now have this new means of very fast transportation available. Whether we travel by the airlines of our own country or of some other country, we all benefit by the freedom with which this passenger service can be maintained. As the right to over-fly the territory of other states is not embraced in the principle of innocent passage, any extension of the territorial sea would limit the air routes available in many parts of the world. Freedom of the air and freedom of the sea go hand in hand. It is not enough to say that the territorial sea could be extended, and that agreements could then be made which would permit flying over the extended area. If such agreements are necessary, why extend the territorial sea at all - that is if you achieve the other results you want by a contiguous fishing zone and the other provisions contained in Article 66. Surely it need not be suggested that such agreements may be difficult to complete and even more difficult to enforce.

I thank you for your patience in listening to this lengthy explanation of our proposal. I have simply tried to deal with some of the questions which have been raised since I first explained the proposal that we now formally place before you as one proposal which, we submit, can only be satisfactorily dealt with as one. Whether you agree or disagree with the proposal submitted on behalf of the Government of Canada, I hope you will accept it as a sincere expression of our earnest desire to help in trying to find general agreement upon the form of the two most important articles in the proposed code. I think that if we achieve agreement in regard to these, agreement in regard to any of the other articles which we now face will be much more readily reached.