

PRESS RELEASE



COMMUNIQUÉ

DEPARTMENT OF EXTERNAL AFFAIRS

CANADA

MINISTÈRE DES AFFAIRES EXTÉRIEURES

FOR IMMEDIATE RELEASE
OCTOBER 26, 1967.

STATEMENT BY THE HONOURABLE PAUL MARTIN
SECRETARY OF STATE FOR EXTERNAL AFFAIRS
BEFORE THE STANDING COMMITTEE ON EXTERNAL
AFFAIRS AT ITS MEETING OF OCTOBER 26, 1967,
ON THE LAW OF THE SEA.

The Committee will recall that on July 15, 1964 a law was enacted respecting the Territorial Sea and Fishing Zones of Canada. The main effect of this legislation was to create, beyond the already existing three-mile territorial sea off the shores of Canada, a further nine-mile zone within the limits of which Canada would exercise exclusive fishing rights. This legislation was, of course, immediately enforced, the twelve-mile zone having as its inner limits the sinuosities of the coast line of Canada, except for certain bays, such as those of Newfoundland, which were already part of Canadian internal waters. The only exceptions that were made to this general Canadian jurisdiction were in favour of certain European countries and the United States of America whose fishermen had for a substantial number of years, and in certain cases for centuries, been exercising their activities within the zones described in the 1964 legislation. It was then decided, and Parliament was informed of this decision, that pending the termination of negotiations with the countries involved, the fishermen of these countries would be allowed to continue the

activities they had been carrying out previously in those areas where they had traditionally fished.

At the same time, however, the 1964 Act provided that the Governor-in-Council, and I quote Section 5, paragraph 1, of the Act: "may , by Order-in-Council, issue one or more lists of geographical co-ordinates of points from which baselines may be determined and may, as he deems necessary, amend such lists". The effect of that section was that the Government was empowered to establish along the coasts of Canada a system of straight baselines which would, in those areas where they were proclaimed, replace the sinuosities rule. This process would permit an extension of the internal waters of Canada and, by consequence, an extension of the territorial sea and fishing zones of Canada. The Canadian Government entered into a series of bilateral negotiations with those countries that would eventually be affected by any such establishment of baselines to ascertain whether or not the proposed straight baselines would be acceptable to them from the point of view of International Law. Although the drawing of straight baselines is a matter that can only be undertaken by Canada, such a system cannot be implemented unless it is carried out in accordance with the applicable rules of International Law. Thus if Canada could obtain the agreement of countries most directly affected, there could be no doubt that the application of the system of straight baselines would be legitimate in the eyes of the world community. If, on the other hand, such agreement could not be obtained, implementation by Canada could give rise to protests and possibly to international litigation.

These questions were discussed with seven European countries, namely, the United Kingdom, Norway, Denmark, France, Portugal, Spain and Italy and with the United States of America. It will be recalled that on a number of occasions the Minister of Fisheries and I have explained some of the difficulties relating to these negotiations. I am now in a position to report further on this matter and to indicate the action that the Canadian Government now proposes to take.

Within the next few days, the Government will issue a first list of geographical co-ordinates of points, which will permit the immediate enforcement of a straight baseline system along the coast of Labrador and along the eastern and southern shores of Newfoundland. This will be only the first such list that the Government intends to issue within the next few weeks. Other lists will follow for other areas. The main reason for beginning to implement this policy in Labrador is that the coast of Labrador is the one that most readily lends itself to an application of the rules of International Law as they are laid down in the 1958 Convention on the Territorial Sea and Contiguous Zones and in the decision of the International Court of Justice in 1951 in the Anglo-Norwegian Fisheries case. As a matter of fact, the configuration of the Labrador coast is similar to that part of the Norwegian coast line that was the subject of the International Court decision of 1951. As to the eastern and the southern coast of Newfoundland, the members will recall that the Canadian Government committed itself in 1949, under the terms of the Union of Newfoundland and Canada, to preserve the historical internal character of the bays of Newfoundland. Although this commitment has already been fulfilled in practice through the assertion of our exclusive rights over these bodies of water ever since 1949, there have been, thus far, no special provisions made in our legislation to cover this situation. From now on, all bays of Newfoundland will clearly and definitely be defined as internal waters of Canada.

The intended line along the Eastern and Southern coasts of Newfoundland will be a continuous one with only one exception - in the vicinity of the French Islands of St. Pierre and Miquelon, pending a definitive settlement of the demarcation line in that area between the two countries. This question is now the subject of negotiations with France.

As I mentioned, further lists of co-ordinates will shortly be issued. Our negotiations concerning closure of various bodies of water off our coasts have continued. I also wish to inform the House that the Canadian Government is at present discussing with other countries possible additional means of protection for coastal fisheries, looking to the eventual establishment of a rational regime of conservation and exploitation of the living resources of the sea through which coastal states would receive greater protection; under such a regime, it should also prove possible to provide for the interests of long distance fishing fleets.

I hope to be in a position to make an announcement on this matter in a few weeks time. I will be tabling an appropriate Order in Council in the House of Commons.