

The new powers being proposed or already claimed by coastal states, including sovereignty over a wider territorial sea and wider jurisdiction over pollution, could give rise to conflicts with the navigation interests of major maritime powers. On the resolution of these conflicts, more than anything else, may hinge the success of the Law of the Sea Conference.

More than 50 states already claim a 12-mile limit for the territorial sea. The coastal state exercises full sovereignty over this area, but must permit foreign vessels innocent passage through it. Submarines must navigate on the surface in another nation's territorial sea. Passage is "innocent", according to the 1958 Convention on the Territorial Sea, if it is not prejudicial to the peace, good order and security of the coastal state. If the coastal state decides that passage is prejudicial on these grounds, it may take action to stop it.

But can the passage of a polluting ship be innocent? Can a nation's people stand idly by while a passing vessel contaminates the shores on which they live? Canada maintains that "environmental integrity" is as valid a concept as "territorial integrity", and that every state has the right to protect itself by legitimate means against acts of "environmental aggression". Canada

asserts that a coastal state can suspend the passage of a foreign vessel through its territorial sea where a serious threat of pollution is involved. Canada will seek to have this right explicitly confirmed in international law. On this point Canada is opposed by major maritime powers, who fear that such an interpretation of innocent passage would entitle coastal states to interfere unduly with the movements of their naval and merchant vessels.

Straits and archipelagos

A similar conflict centers on passage through straits used for international navigation. With a 12-mile territorial sea, certain straits that were previously in international waters are completely overlapped by territorial sea and so come under the jurisdiction of one or more coastal nations. Some of these straits are among the most important in the world from a military and commercial point of view: Gibraltar, which connects the Atlantic with the Mediterranean; Hormuz, the entrance from the Arabian Sea to the Persian Gulf; Malacca, between Malaysia and Indonesia; Bab El Mandeb, linking the Red Sea to the Indian Ocean; and so on.

The major maritime powers are insisting on their freedom to pass through these straits. They want to repudiate the present doctrine of innocent passage through straits used for international navigation, now that more such straits are affected. In its place they wish to substitute a right of "free or unimpeded transit", under which the states bordering the straits could in no circumstances prevent traffic going through them. The strait states adamantly oppose this view. They consider some measure of control essential to their security and the protection of their environment.

Canada is a major trading nation dependent on seaborne commerce, although it does not have a large merchant marine of its own. Its security also depends in part on the free movement of vessels, whether its own or those of its allies. However, Canada also places great importance on protection of the marine environment. Thus