

OPERATIONAL VOYAGE

The United States has expressly stated that the voyage is motivated solely by operational requirements related to reducing the Polar Sea's transit time to Alaska. Because of unexpected repair work on two other U.S. Coast Guard icebreakers, the remaining vessels are on tight schedules. After assisting in a re-supply mission to Thule, Greenland, the Polar Sea must proceed to the Beaufort Sea by the shortest route in order to meet its operating requirements.

ARCTIC WATERS POLLUTION PREVENTION ACT

The Act, passed in 1970, requires that waters of the Canadian Arctic be navigated only in a manner that takes cognizance of Canada's responsibility for the welfare of the Inuit and other inhabitants of the Canadian Arctic and the preservation of the peculiar ecological balance that now exists in the water, ice and land areas of the Canadian Arctic.

Section 12(2) of the Act, which deals with foreign government-owned ships, provides as follows:

"(2) The Governor in Council may by order exempt from the application of any regulations made under subsection (1) any ship or class of ship that is owned or operated by a sovereign power other than Canada where the Governor in Council is satisfied that appropriate measures have been taken by or under the authority of that sovereign power to ensure the compliance of such ship with, or with standards substantially equivalent to, standards prescribed by regulations made under paragraph (1)(a) that would otherwise be applicable to it within any shipping safety control zone, and that in all other respects all reasonable precautions have been or will be taken to reduce the danger of any deposit of waste resulting from the navigation of such ship within that shipping safety control zone."

Section 12(1) of the Act provides for the adoption of regulations relating to the design, construction, equipment and manning of vessels, as well as pilotage requirements.

ICE COVERED WATERS AND THE LAW OF THE SEA

Since 1970, the development of international law has strengthened Canada's right to exercise functional jurisdiction in Arctic waters. Specifically, at the initiative of Canada,