

The working group of experts on environmental law established in 1977 by the United Nations Environment Programme (UNEP) met in March 1978 to initiate a study of liability and compensation for damage from marine pollution caused by offshore mining and drilling on the continental shelf. At its June 1978 meeting, Canada encouraged the OECD Transfrontier Pollution Group to complete its work on state responsibility and to begin early and extensive consideration of the topic of liability and compensation for pollution damage.

Marine pollution was a subject for bilateral, as well as multilateral, emphasis. On the West Coast Canadian and USA officials continued discussions designed to make an existing voluntary vessel traffic management/traffic separation scheme mandatory for all ships navigating the Strait of Juan de Fuca. On the East Coast Canadian and Danish officials were concerned with the development of a Marine Pollution Contingency Plan which would apply to activities in the Davis Strait. Among the legal elements being considered was the question of access by Danish claimants to Canadian courts for damages resulting from a pollution incident originating in Canada. The question of access is also related to Canadian oil drilling in the Beaufort Sea. As a consequence of these bilateral discussions, the provisions of Canadian legislation, particularly the Canada Shipping Act, the Arctic Waters Pollution Prevention Act and the Oil and Gas Act are being reviewed to provide potential foreign claimants reciprocal access to Canadian remedies.

Developments also took place in other areas of Canada/USA environmental relations. During 1978 an interdepartmental working group examined how Canada should proceed to remedy deficiencies in implementing the Boundary Waters Treaty of 1909, particularly with respect to difficulties revealed by the Niagara Hardware and Lumber Limited Dumping Case. Another question concerned Canada's obligations under international law with regard to damage caused in the United States as a result of Canada's widening of the Richelieu Chambly Canal. The subject of transboundary air pollution took on increasing importance in 1978 as the result of a U.S. Senate resolution which proposed negotiations with Canada to develop an air pollution agreement.