

question as to the choice of law to govern interpretation of the agreement has arisen. Furthermore, commercial treaties between states often spell out the rights and obligations of the parties with respect to nationalization, i.e., that the property of nationals, corporations and associations shall not be expropriated without due process of law and without the payment of just and effective compensation with the right to expatriate the funds received for this purpose.

From the legal point of view, one other aspect of the general question of national control over natural resources deserves comment. This is the obligation on a state not to cause harm or damage to another state in the exercise of its power to develop or utilize its resources. The Trail Smelter arbitration⁽⁷⁾ comes readily to mind in this connection.

The development of natural resources involves substantial economic and political issues that do not lend themselves in any significant degree to strictly legal solutions. What the law can and does provide is a legal framework, however ill-defined in some places, setting out a state's rights and obligations to other members of the world community.

As a final note, I cannot do better than to quote a remark made by Prof. S. J. Langer of the University of Windsor in the course of a talk on a television program last June:⁽⁸⁾

From the standpoint of international law, Canada is under no obligation apart from limited treaty requirements to share any of its natural wealth with a foreign state. This flows directly from the concept of sovereignty; and while this doctrine and the nationalism which accompanies it have unfortunate implications from the point of view of achieving world public order under the rule of law, yet so long as we continue to live in a world of nation states as we do sovereignty can have some beneficial uses, such as maintaining ownership, control and possession over its own inheritance.

(7) Reports of International Arbitral Awards, Vol. 3, Page 1911.

(8) "Viewpoint", Canadian Broadcasting Corporation, June 2, 1970.