the territorial sea, passage through straits and coastal fishing rights. Others, including, in particular, Canada, argued that any approach to redeveloping the Law of the Sea must be comprehensive and must deal with the whole range of issues left unresolved or resolved imperfectly at the first conferences. The Canadian delegation played an active part in the negotiations and in fact chaired the final rounds of negotiations that reached agreement. As a consequence, it was the Canadian delegation that introduced the "compromise" resolution into the UN and read into the record a number of "understandings" relating to the decision.

Why Canada is continuing to take such an active interest in resolving the various contentious issues of the Law of the Sea and of the environment can be deduced in part simply by looking at a map of Canada.

The key factors

Canada is obviously a coastal state. It has either the longest or the second-longest (next to the Soviet Union's) coastline in the world. That is one fact determining Canada's approach to any attempt to resolve Law of the Sea issues. A second fact is that Canada is not a major maritime power with an extensive shipping fleet, unlike many other Western states. A third important fact is that Canada is a coastal fishing nation interested in preserving the living resources in the waters adjacent to its coasts rather than a distant-water fishing nation.

These facts tend to group Canada with other coastal states, including, in particular, those of Latin America; but Canada is also one of the major trading nations of the world. As such Canada is interested as much as any state in maintaining freedom of commercial navigation.

Yet another factor influencing the Canadian position is that Canada has a huge continental shelf comprising an area amounting to almost 40 per cent of its landmass. It is considered to be the second-largest continental shelf in the world, exceeded only by that of the U.S.S.R., and is said to comprise approximately two million square miles. Moreover Canada's continental shelf, like that of Argentina, is deeply glaciated, with the consequence that it extends to great depths at considerable distances off Canada's coast in the north and off its east coast, so that simple distance or depth formulas for defining the outer limits of the continental shelf have little relevance to the Canadian situation.

Thus, not surprisingly, Canada continues to support the "exploitability test" laid down in the 1958 Geneva Convention, defining the outer edge of the continental shelf in terms of the limits of exploitability and the recent decision of the International Courts of Justice in the North Sea continental shelf case. This decision affirmed that the continental shelf was not some artificial, highly theoretical or abstract concept but the actual physical extension seaward of the submerged land-mass.

One of the most encouraging trends in the process of progressive development of international law is the increasing evidence that, for the first time in 300 years, large numbers of flag states on the one hand, and coastal states on the other, are prepared to accept limitations upon their pre-existing rights – and the corresponding duties. This is coupled with the recognition of a need to work out accommodations between their respective interests and those of the international community as a whole.

While there are those who lament the death of the traditional unrestricted freedoms of the high seas, there are more who rejoice that the traditional concept of freedom of the high seas can no longer be interpreted as a freedom to over-fish, a licence to pollute, a legal pretext for unilateral appropriation of seabed resources beyond national jurisdiction. No one has suggested an end to freedom of navigation on the high seas. No one has suggested an end to an innocent passage through international straits. No one has suggested an end to flag state jurisdiction. But no one can any longer seriously argue that these traditional rights can remain unrestricted by law and divorced from corresponding duties.

No longer an arbitrary division

The emerging doctrines of international sea law illustrate clearly that ocean space will no longer be divided in an arbitrary fashion between two distinct zones, one under national sovereignty, the other belonging to no one. No longer will the Law of the Sea be based solely on conflicting rights. No longer will the high seas be subject only to the roving jurisdiction of flag states. The concept of management of ocean space reflected in the decisions at Stockholm, in the proposals in the Seabed Committee, and the Convention drafted at the London Ocean Dumping Conference are a clear indication of the direction of the future Law of the Sea.

One global settlement

The Third Law of the Sea Conference can build upon precedents already established in previous conferences. The challenge now is to harmonize all of these developments in one global settlement.

Canada considers, Mr. Beesley told the UN Second Committee last November, that the concept of "economic zone" is the keystone to any overall accommodation on the Law of the Sea. Differences of view may exist concerning the precise nature and extent of jurisdiction to be asserted. But it is evident that there can be no solution which is not based on the "economic zone" approach. This presupposes a willingness on the part of major maritime powers to acquiesce in new forms of jurisdiction by coastal states embodying both rights and obligations, elaborated in treaty form, and subject to third-party adjudication concerning the application of these rights and obligations.

The concepts that Canada has been suggesting are "delegation of powers" by the international community to coastal states and the acceptance of the duties of "custodianship" by coastal states in the interests of the international community as a whole.

The Stockholm Environmental Conference affirmed the principle, for example, that no state has the right to damage the environment of other states nor the area beyond national jurisdiction. The London Ocean Dumping Conference translated this principle into binding treaty law.

The London Conference even translated into treaty form the controversial principle on the duty to consult, on which it had proven impossible to reach agreement at the Stockholm Conference. Article 5 of the London Convention makes clear that states wishing to avail themselves of the right to dump noxious wastes in an emergency situation must consult both with the proposed organization and with states likely to be affected by such action.

Similarly, the Stockholm principle on the duty of states to develop procedures for the determination of liability and compensation for such damage is translated into binding treaty form in the London Convention.