

2- Law of the Sea

Arctic Waters

The Arctic Waters Pollution Prevention Act received Royal Assent on June 26, 1970, and was proclaimed in force on August 12, 1972. At the same time, appropriate regulations were promulgated under the Statute. The Act responded to Canada's view of the special status of Arctic waters and ice and the special rights and responsibilities of the Arctic coastal states, with particular respect to the preservation of the Arctic ecology. It reflected also the Canadian Government's policy on the environmental implications of economic development.

The Act makes clear that the Arctic waters are open for the passage of shipping of all nations. However, such passage might be precluded if the ships do not meet certain requirements designed to prevent pollution of the environment. Moreover, persons or vessels responsible for pollution damage are liable for cost of clean-up and compensation without proof of fault or negligence.

Some countries, while understanding and sympathizing with Canada's anxieties on the subject of marine pollution and recognizing that the ecological problems affecting the Arctic might require different methods of treatment from those suitable in other parts of the world, questioned this legislation on the ground that Canada had no right to extend its jurisdiction over waters lying beyond Canadian territorial waters up to 100 miles from the coast of Canada.

However, the Arctic Waters Pollution legislation does not make and does not require an assertion of sovereignty. The legislation is related to pollution control in Arctic waters only. It represents an extension