Sea questions, the best way of explaining the Canadian position is to say that Canada has adopted a pluralistic approach — acting unilaterally, bilaterally or multilaterally as appropriate.

Canada has not hesitated to move unilaterally when it was the only way to meet a particular problem. It was by this means that Canada established its Arctic Waters Pollution Prevention Zones, its 12-mile territorial sea, its fishing zones and its pollution-control zone.

In the light of the controversy that has arisen over Canada's "unilateral" legislation, it is appropriate to bear in mind that the Law of the Sea has always been developed by state practice, i.e. unilateral measures gradually acquiesced in and followed by other states.

The three-mile territorial sea, to the extent that it was a rule of law, was established by state practice. The 12-mile territorial sea, which is now virtually a rule of law, has been established in exactly the same way, by state practice, by countries doing just what Canada has done, namely passing their own legislation. Canada does not, however, take the position that every country has an unlimited right to set its own maritime boundaries. It recognizes, as is pointed out in the 1951 decision of the International Court of Justice in the Anglo-Norwegian fisheries case, that any act by a coastal state delimiting its maritime jurisdiction has effects on other states.

For just such reasons Canada has negotiated with other countries affected by its fisheries and pollution-control legislation. This is, of course, a difficult, laborious, time-consuming and delicate process — maintaining Canada's national position while still attempting to seek equitable accommodations with other states that are affected by its measures.

Series of agreements

Thus, it can be seen that, if Canada has been active unilaterally, it has been equally active bilaterally and has negotiated a series of agreements phasing out the fisheries activities, in Canadian territorial sea and fishing zones, of Norway, Britain, Denmark, Portugal and Spain (not yet in force), and has negotiated a completely new agreement with France concerning French fishing rights in the Gulf of St. Lawrence. Canada has also carried out intensive negotiations with Denmark and France concerning the delimitation of the continental shelf between Canada and those countries and has undertaken the process of negotiating continental shelf delimitations with the United States. Canada has also negotiated and recently renewed a reciprocal fishing agreement with the United States whereby the nationals of either country may fish up to three miles from the shoreline of the other.

Canada has also negotiated a fishing agreement with the U.S.S.R. applicable to waters off Canada's west coast and is engaged in negotiating an analogous agreement with the U.S.S.R. covering waters off Canada's east coast. Canada has also carried out a series of intensive negotiations with the United States and the U.S.S.R. and other Arctic countries concerning the possibility (not yet in sight) of developing a multilateral agreement to ensure the prevention of pollution and the safety of navigation in Arctic waters.

What has Canada been doing on the multilateral level? One need only look at the records of IMCO, of the Seabed Committee and of the Stockholm Conference to get some idea of how active Canada has been in attempting to develop international environmental law and a new international Law of the Sea.

Canada is probably as active as any other country on a whole range of Law of the Sea problems, technical rules of the International Maritime Consultative Organization and international environmental law issues. The question arises as to why Canada has consistently advocated a comprehensive co-ordinated and integrated approach to the Law of the Sea rather than an attempt to settle some of the easier issues first *seriatim* and proceed to the more intractable ones. There are three reasons for this approach. First, the Canadian view is that only at a comprehensive Law of the Sea Conference can there be a balancing as between the national interests of individual countries and as between national interests and those of the international community. Secondly, the comprehensive approach represents an attempt to meet the difficulty in reaching agreement as to which issues are the priority questions. States are generally agreed on the high priority of one issue — the seabed beyond national jurisdiction — but are deeply divided on the relative importance to be attached to almost all other issues. Thirdly, almost no single issue left unresolved in this field of contemporary international law can be settled in isolation from other unresolved issues. There is interpenetration and interconnection which can be illustrated by examining any one of them.

States in accord on high priority of seabed zone beyond national jurisdiction

For example, Canada from the beginning has been active in the Seabed Committee on the question of the seabed beyond the limits of national jurisdiction.