

Canadian laws geared to faster exploration and exploitation of resources

particularly with respect to pollution control, but also on many other commercial and economic issues. (This explains why Canadian legislation administered by the Department of Energy, Mines and Resources and by the Department of Indian Affairs and Northern Development is as tough as any in the world, both on pollution control and on such matters as the terms for exploration and exploitation of offshore mineral resources. However, Canada's laws on these questions are development-oriented and deliberately designed to encourage exploration and exploitation of resources. It is that element that makes Canadian legislation rather interesting to developing countries and this is why Canada's delegation has spent much time in the UN Seabed Committee explaining the approach embodied in Canada's legislation.)

Innocent passage

Another factor in the Canadian position is that, although Canada supports the general conception of the widest possible freedom of commercial navigation consistent with environmental protection and coastal state security, Canadians are understandably sensitive about the need to redevelop and "modernize" the conception of "innocent passage" through such straits as Canada's Northwest Passage. Under what conditions can loaded oil-tankers be capable of innocent passage of such straits? An additional and related factor is that Canada has already established the 12-mile territorial sea, which has long been claimed by the U.S.S.R. but is not accepted by Canada's major ally, the United States, except as a part of a comprehensive settlement of outstanding Law of the Sea issues. (As a result of Canada's 12-mile territorial sea, Canada has control of the eastern (Barrow Strait) as well as the western (Prince of Wales Straits) "gateways" to the Northwest Passage, whether or not other states accept Canada's long-standing claim that the waters of the Arctic archipelago are Canadian.)

Another factor in determining Canada's approach to the third Law of the Sea Conference relates to the question of freedom of scientific research. While, like other technologically-developed states, Canada has a high degree of expertise, enabling it to carry out its own scientific research in coastal waters and the subjacent seabed, Canada shares some of the concern of developing countries about the difficulty in differentiating between "pure" scientific research and commercial research by other states and about protecting Canada's "sovereign rights" over the continental

shelf researches, not only on economic grounds but for well-founded reasons of national security. Although it shares some of the preoccupations of the developing country coastal states, Canada is at the same time interested in fostering and furthering, as are other developed countries, the freest possible basis for scientific research in coastal waters. Merely to consider the question is to perceive very clearly that the problem is not simply one of "free access to coastal waters" in return for "free access to scientific information" gained from research in such waters. One of the underlying problems is the lack of the technology on the part of many developing countries to make adequate use of the results of such research.

Marine environment

The final preoccupation of Canada — and one of the most important — flows from the first — the length of Canada's coastline. This is the need to protect Canada's own marine environment from degradation. It is sufficient to refer to Canada's Arctic Waters Pollution Prevention Act and the breakthrough it is achieving in developing international environmental law, and the recent amendment to the Canada Shipping Act extending Canadian pollution control to the Gulf of St. Lawrence, the Bay of Fundy — Hecate Strait, Dixon Entrance and Queen Charlotte Sound. Canada cannot be oblivious to any development concerning international environmental law, if only because of the position it has taken in its own national legislation. The importance of the issue to Canadians can be gathered from the fact that the Arctic pollution control legislation was affirmed unanimously in the House of Commons and, more recently, the Canadian stand on the Cherry Point pollution spill, which was also affirmed unanimously in the House of Commons.

In the light of the considerations outlined above, it is easy to see why Canada attached importance to being a member of the original 35-member *ad hoc* UN Committee on the Seabed (established as a result of the initiative of Malta), and the later Standing Committee of 42, now expanded to 96 members at the initiative of Sweden. Since passage of the UN resolution on a third Law of the Sea Conference, the mandate of the Seabed Committee has been extended to include preparatory work for the Conference on all of the issues mentioned in the 1970 Resolution 2750, together with any other issues that warrant consideration at that time.

Turning to how Canada is implementing its own approach to these Law of the