

procedure, the researching country has sought and the coastal state has given permission to conduct the research.

Canada is interested in opening up the Arctic to navigation but it considers the waters of the Arctic archipelago as being Canadian and therefore it is not ready to accept that the Northwest Passage should be treated as an international waterway free of any coastal state controls. Certain states, however, maintain that the Northwest Passage is an international strait and are demanding a right of free transit through it.

Finally, Canada is a major ship user for its exports and imports even though it does not itself possess an extensive ocean-going shipping fleet. For this reason, Canada is opposed to any suggestion that would burden navigation with unnecessary and uncalled for constraints likely to impede the sea-borne flow of goods in and out of the country.

These basic interests have led Canada to call for a radical modification of the law of the sea to take into account present-day political, economic and technological realities. Canada has not sought to assert total sovereignty over wide areas of the marine environment but instead has pursued a functional approach whereby no more jurisdiction would be exercised than would be required to protect its specific interests. Thus Canada has asserted the right of the coastal state to have jurisdiction for the purposes of seabed exploitation, preservation of the marine environment, management of the living resources of the sea and has legislated to that effect.

Historical Background

It has been suggested that the Law of the Sea has evolved over the centuries in three stages. The first, during which the law was based essentially on commercial, colonial and military interests alone, lasted from the 17th century up to approximately the Second World War. During the period following the Second World War and lasting until very recent times, the law went through an evolution and became resource law as much as commercial and military law. We are now, however, well into a third phase in which the law