

failed because the USA ultimately declined to participate in them. In 1964, when Canada passed legislation establishing a nine-mile contiguous fishing zone, the USA objected to it, only to follow suit two years later, thereby confirming its acquiescence in both the substance and the manner of Canada's action. In discussions between Canada and the USA from time to time over the last ten years, Canada has made clear its serious concern over the unresolved questions of the breadth of the territorial sea and the rights of coastal states to assert limited forms of jurisdiction beyond the territorial sea for the purpose of protecting their vital interests. With respect to the Arctic Waters Pollution Prevention Bill, the Canadian delegation at the November 1969 Brussels IMCO Conference made strenuous efforts to bring about international agreement on effective pollution prevention measures, but the results of that Conference fell short of effective protection for coastal states and the world's marine environment.

It is well known that Canada takes second place to no nation in pressing for multilateral solutions to problems of international law, and that Canada has repeatedly and consistently shown its good faith by its continuous efforts to produce agreed rules of law. The Canadian Government is, however, determined to fulfil its fundamental responsibilities to the Canadian people and to the international community for the protection of Canada's offshore marine environment and its living resources, and the proposed legislation is directed to these ends.

The Canadian Government has long been concerned about the inadequacies of international law in failing to give the necessary protection to the marine environment and to ensure the conservation of fisheries resources. The proposed anti-pollution legislation is based on the overriding right of self-defence of coastal states to protect themselves against grave threats to their environment. Traditional principles of international law concerning pollution of the sea are based in the main on ensuring freedom of navigation to shipping states, which are now engaged in the large scale carriage of oil and other potential pollutants. Such traditional concepts are of little or no relevance anywhere in the world if they can be cited as precluding action by a coastal state to protect this environment. Such concepts are particularly irrelevant, however, to an area having the unique characteristics of the Arctic, where there is an intimate rela-

tionship between the sea, the ice and the land, and where the permanent defilement of the environment could occur and result in the destruction of whole species. It is idle, moreover, to talk of freedom of the high seas with respect to an area, large parts of which are covered with ice throughout the year, other parts of which are covered with ice most of each year, and where the local inhabitants use the frozen sea as an extension of the land to travel over it by dogsled and snowmobile far more than they can use it as water. While the Canadian Government is determined to open up the Northwest Passage to safe navigation, it cannot accept the suggestion that the Northwest Passage constitutes high seas.

In these circumstances the Canadian Government is not prepared to await the gradual development of international law, either by other states through their practice nor through the possible development of rules of law through multilateral treaties. The Canadian Government has repeatedly made clear that it is fully prepared to participate actively in multilateral action aimed at producing agreed safety and anti-pollution standards and protection of the living resources of the sea but is not prepared to abdicate in the meantime its own primary responsibilities concerning these questions.

With respect to the bill which would authorize the establishment of a 12-mile territorial sea off Canada's coasts, the large number of coastal states now claiming a territorial sea of 12 miles or more, and the recent efforts of the USA directed towards a rule of law on the territorial sea, rights of passage and fisheries jurisdiction, provide the best evidence of the validity of the Canadian position on this question. The Canadian Government is aware of USA interest in ensuring freedom of transit through international straits, but rejects any suggestion that the Northwest Passage is such an international strait. The widespread interest in opening up the Northwest Passage to commercial shipping and the well-known commitment of the Canadian Government to this end are themselves ample proof that it has not heretofore been possible to utilize the Northwest Passage as a route for shipping. The Northwest Passage has not attained the status of an international strait by customary usage nor has it been defined as such by conventional international law. The Canadian Government reiterates its determination to open up the Northwest Passage to safe navigation for the