



news release

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For release

VOYAGE OF THE POLAR SEA

The Right Honourable Joe Clark, Secretary of State for External Affairs, the Honourable Don Mazankowski, Minister of Transport and the Honourable David Crombie, the Minister of Indian and Northern Affairs, announced today that Canada has authorized the United States Coast Guard icebreaker Polar Sea to conduct a voyage through Canada's Arctic waters between August 1 and 15, 1985. The voyage will proceed with Canadian support and participation.

Canada and the United States have consulted closely regarding plans and arrangements for the voyage.

The Government of Canada has made clear that the waters of the Arctic archipelago, including the Northwest Passage, are internal waters of Canada and fall within Canadian sovereignty. At the same time, the Government has reaffirmed Canada's longstanding commitment to facilitating safe navigation in the Arctic, subject to necessary conditions for the preservation of its environment and the welfare of its inhabitants. These conditions have been met.

The Government of Canada was informed of plans for the proposed voyage by the Government of the United States on May 21. In conveying this information, the United States proposed that the voyage proceed on a cooperative basis, with Canadian participation on board the Polar Sea.

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While the United States has made known that it does not share Canada's view regarding the status of these waters, it has assured the Government of Canada that the purpose of the voyage is solely operational, to reduce the Polar Sea's sailing time to Alaska. The United States has also formally advised the Government of Canada that the transit, and the preparations for it, are without prejudice to the position of either country regarding the Northwest Passage. It is on this basis that consultations and the exchange of information have proceeded, and that Canada has agreed to cooperate in the voyage.

At the same time, however, the Government of Canada has expressed to the United States its deep regret that the United States over a period of many years has been unwilling to accept Canada's sovereignty over the waters of the Arctic archipelago. While Canada recognizes that the United States view derives from long-held general concerns about global freedom of navigation, Canada nevertheless considers that the evolution of international law fully supports the Canadian position.

The Polar Sea will enter the Northwest Passage at Lancaster Sound on or about August 1, 1985 and proceed through Viscount Melville Sound, exiting the Passage through Prince of Wales Strait and Amundsen Gulf.

Canada has sought and obtained detailed information and specific assurances on such matters as the routing of the vessel, its design, construction and equipment, and other requirements for the protection of the environment, including contingency plans and liability for costs and damage in the event of a pollution incident. The Canadian Coast Guard has examined the drawings of the ship and has concluded it substantially meets Canadian standards.

The Canadian authorities are satisfied that on the basis of the information and assurances they have obtained, the United States has taken the necessary measures to ensure that the Polar Sea complies with standards substantially equivalent to those prescribed under Canadian regulations, and that all required precautions have been taken to reduce any danger of pollution arising from the voyage.

An order in council in respect of the Polar Sea is being issued pursuant to subsection 12(2) of the Arctic Waters Pollution Prevention Act. This subsection of the Act was expressly intended to provide vessels owned or operated by a sovereign power other than Canada, with an exemption from regulations relating to design, construction, equipment and manning of vessels, where the government is satisfied that equivalent standards are met and sufficient pollution protection is provided.

Canadian officials will be on board the Polar Sea during its voyage through Canadian waters as observers and advisors. Mr. Crombie has directed his Inuvik District Manager to participate in the voyage. Transport Canada will be represented by two Canadian Coast Guard icebreaker captains.

Technical support is being provided by the Canadian Coast Guard in the form of routeing advice, communications, and ice reconnaissance. Canadian Forces aircraft will monitor the progress of the Polar Sea.

If further information is required please contact Mr. L.H. Legault (995-8901) or Mr. B.M. Mawhinney (992-2728).

POLAR SEA VOYAGE
FACT SHEET

SHIP

The Polar Sea is 122 metres in length, displaces 13,000 tons and 18,000-60,000 shaft horse power. She is designed to operate in all ice conditions and is deemed to be designed, constructed and equipped to standards substantially equivalent to Arctic Class 6 standards (icebreakers are classified according to the thickness of ice through which they are capable of navigating). The Polar Sea is one of two polar icebreakers in the United States Coast Guard fleet which are the largest and most powerful icebreakers outside of the Russian fleet. The Polar Sea can break two metres of ice at three knots continuously.

ROUTE

The Polar Sea will depart Thule, Greenland on August 1, 1985 and transit Canadian waters through Lancaster Sound and Viscount Melville Sound, and exit Canadian waters through Prince of Wales Strait and Amundsen Gulf. The voyage through Canadian waters will take approximately 12 days.

CANADIAN PARTICIPATION

Two Canadian Coast Guard icebreaker captains, and the Inuvik District Manager of the Department of Indian and Northern Affairs will be on board the vessel during the transit. They will serve as observers and advisors.

CANADIAN SUPPORT

Canadian Hydrographic charts and publications covering navigation through Arctic waters have been made available to the United States Coast Guard for use aboard the Polar Sea.

The Polar Sea will make regular position reports to NORDREG Canada in accordance with Canadian Coast Guard Notice to Mariners. NORDREG (the Canadian Coast Guard's ship reporting system) will provide information concerning ice, weather and traffic. The Canadian Coast Guard will also be providing routing advice, communications and ice reconnaissance services to supplement those provided by the Department of the Environment.

MONITORING

Canadian Forces aircraft will conduct regular flights to monitor the progress of the voyage. Canadian Forces aircrew are trained in ice reconnaissance and pollution protection.

OPERATIONAL VOYAGE

The United States has expressly stated that the voyage is motivated solely by operational requirements related to reducing the Polar Sea's transit time to Alaska. Because of unexpected repair work on two other U.S. Coast Guard icebreakers, the remaining vessels are on tight schedules. After assisting in a re-supply mission to Thule, Greenland, the Polar Sea must proceed to the Beaufort Sea by the shortest route in order to meet its operating requirements.

ARCTIC WATERS POLLUTION PREVENTION ACT

The Act, passed in 1970, requires that waters of the Canadian Arctic be navigated only in a manner that takes cognizance of Canada's responsibility for the welfare of the Inuit and other inhabitants of the Canadian Arctic and the preservation of the peculiar ecological balance that now exists in the water, ice and land areas of the Canadian Arctic.

Section 12(2) of the Act, which deals with foreign government-owned ships, provides as follows:

"(2) The Governor in Council may by order exempt from the application of any regulations made under subsection (1) any ship or class of ship that is owned or operated by a sovereign power other than Canada where the Governor in Council is satisfied that appropriate measures have been taken by or under the authority of that sovereign power to ensure the compliance of such ship with, or with standards substantially equivalent to, standards prescribed by regulations made under paragraph (1)(a) that would otherwise be applicable to it within any shipping safety control zone, and that in all other respects all reasonable precautions have been or will be taken to reduce the danger of any deposit of waste resulting from the navigation of such ship within that shipping safety control zone."

Section 12(1) of the Act provides for the adoption of regulations relating to the design, construction, equipment and manning of vessels, as well as pilotage requirements.

ICE COVERED WATERS AND THE LAW OF THE SEA

Since 1970, the development of international law has strengthened Canada's right to exercise functional jurisdiction in Arctic waters. Specifically, at the initiative of Canada,

the 1982 Law of the Sea Convention provides in Article 234 that coastal states may adopt and enforce special regulations for the protection of ice-covered waters. This article, which had the broad support of the Law of the Sea Conference, gives validity in international law to the Arctic Waters Pollution Prevention Act. The Convention also provides, however, that Article 234 and other provisions relating to the protection and preservation of the marine environment do not apply to any warship or any vessel owned or operated by a state. Notwithstanding this sovereign immunity, each state must ensure that its vessels act in a manner consistent with the Convention, so far as may be reasonable and practicable.