

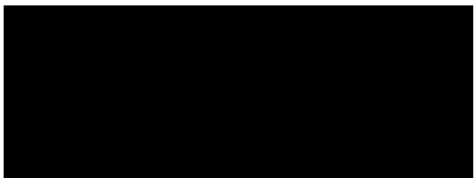
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22 May 1975

MEMORANDUM FOR: Recipients of Law of the Sea Country Studies
SUBJECT : Classification/Control of Law of the Sea
Country Study -- Canada (GCR LOS 75-8),
Dated May 1975

Map #502439, dated 4-75, which appears at the end of
GCR LOS 75-8, is CONFIDENTIAL/NO FOREIGN DISSEM.

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Acting Chief, Special Research Branch
Geography Division, OGCR

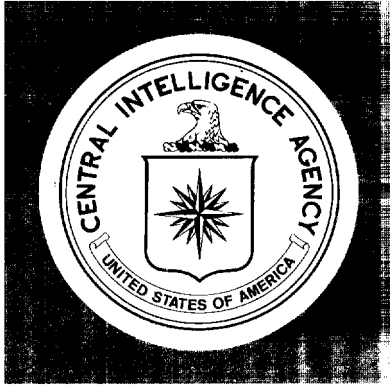
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Law of the Sea Country Study

Canada

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GCR LOS 75-8

May 1975

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure Subject to Criminal Sanctions

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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

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Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED] involved. Part II provides basic data and information bearing on law of the sea matters.

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This study was prepared by the Office of Geographic and Cartographic Research. [REDACTED] was provided by the Central Reference Service. The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the LOS Country Studies Working Group, Code 143, Extension 2257.

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UN LOS draft articles submitted by Canada
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CANADA

Part I - Law of the Sea Analysis

A. SUMMARY (C)

Canada sees the concept of the freedom of the high seas as having been transformed by modern developments and technology. These developments and technological advances have created a serious pollution threat to Canada's coasts and fishing resources. Canada hopes that the Law of the Sea (LOS) Conference will recognize the need to depart from antiquated



laissez-faire concepts and acknowledge the necessity to regulate the uses of the seas on the basis of functional management concepts founded on scientific principles. Canada, as a coastal state without perceived major maritime interests, can be expected to support LOS positions which primarily reflect the interests and concerns of the coastal states in oceans usage.

Ottawa wants a 12-mile* limit as the maximum breadth of the territorial sea. It will support unimpeded transit through and over international straits wider than 6 miles that connect two parts of the high seas if it succeeds in obtaining U.S. support for a liberal coastal state pollution control regime in ice-covered Arctic waters. The Canadians remain adamant in their demand for a coastal state right to impose vessel-source pollution controls in straits connecting the high seas with the territorial seas of another state. Attainment of the latter goal will enable Canada to exercise control over tanker traffic moving through Head Harbour Passage and through their side of Juan de Fuca and the Strait of Georgia (see map) to petroleum refineries in the United States.

Canada desires coastal state control over fisheries in a 200-mile economic zone, but argues that its jurisdiction over seabed resources should extend beyond 200 miles to the outer edge of the continental margin. The fisheries regime favored

* Distances and areas throughout this study are in nautical miles unless specified otherwise.

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by Canada is similar to the U.S. proposal; i.e., coastal state management of coastal species, exclusive host state control of salmon and other anadromous species, and international management of highly migratory fish stocks.

Ottawa prefers a system of joint ventures between private firms and the International Seabed Authority (ISA) for the mining of deep seabed minerals. It feels that the lesser-developed-countries (LDC) will agree to a viable seabed regime only if the ISA is somehow permitted to engage in exploitation.

The coastal states, Canada argues, should be empowered to promulgate and enforce vessel-source pollution control standards in the territorial sea and granted authority to enforce international standards in the economic zone. Scientific research should be subject to coastal state consent in the economic zone and on the continental shelf.

Canada will resume its aggressive coastal state posture at Geneva, hoping to gain the support of LDC coastal states for its view that the economic zone is not merely an area of resources jurisdiction, but is also a management zone where the coastal state protects the marine environment and controls scientific research.

B. FACTORS INFLUENCING LOS POLICY

Special Geographic Features (U)

The second largest nation in the world, Canada faces three oceans and possesses one of the longest coastlines. It is one of five nations that hold jurisdiction over lands that border the Arctic Ocean. The continental margin east and southeast of Newfoundland extends 400 miles offshore. The Denmark/Canada Continental Shelf Agreement of 1973 demarcates the shelf boundary equidistantly between Greenland and Canada from 61° N. to the mouth of the Lincoln Sea. No agreements have yet been reached between the United States and Canada on delimitation of the shelf boundaries in the Atlantic, Pacific, and Arctic Oceans. Nor have Canada and France been able to decide upon an acceptable formula for constructing a shelf boundary in the vicinity of Saint Pierre and Miquelon. Hudson Bay was declared internal waters by the Fisheries Act of May 27, 1914.

Statements of Canadian parliamentarians and officials have asserted certain rights for Canada within a Canadian Arctic "sector." However, a sector claim to sovereignty over Arctic

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ice and waters beyond the territorial sea has never been formally made. The presence on official Canadian maps of sector lines drawn along the 60th and 141st west meridians to the North Pole (see map) probably indicates that Canada is reserving its options for the water-and ice-covered areas beyond its Arctic Archipelago.

Uses of the Sea

Mineral Resources -- Significant sedimentary basins underlie Canada's continental margins. There are estimated offshore reserves of 56 billion barrels of crude oil and 457 trillion cubic feet of recoverable gas. Offshore wells in the Beaufort Sea and Arctic Archipelago have confirmed the continuation of onshore hydrocarbon deposits. Exploration on the broad continental margin off Newfoundland, however, has yet to reveal commercial quantities. (U)

Living Resources -- Rich fisheries adjoin Canada's coasts in the Gulf of St. Lawrence, Bay of Fundy, Grand Banks, Labrador Sea, and Pacific Ocean. Approximately 80 percent of the Canadian fishing effort occurs on the Atlantic Coast and 20 percent in Pacific waters. About 95 percent of the catch is from coastal waters. Canada's small distant-water fishing fleet operates in the eastern Pacific tropical tuna fishery off Ecuador and Peru. While the total volume of landings has been declining in recent years, substantial increases in the general level of prices have produced record earnings for fishermen on both coasts. Two-thirds of Canada's 1972 export of \$332 million of fish and fish products went to the United States. (U)

East coast landings are mostly herring, codfish and other demersal species, and lobster. The principal species landed in British Columbia are salmon and halibut. (U)

The fishing industry is a significant element in the economies of several coastal communities. The fisheries of Nova Scotia in 1974 provided direct employment for 16,000 people, contributed \$175 million in household income, and were responsible for approximately 32 percent of the province's total exports. (U)

In recent years, some of Canada's coastal fisheries have been seriously depleted by the distant-water fishing fleets of other countries. Ottawa has, in response, initiated several unilateral conservation measures. Foremost among these was the establishment in 1970 of fisheries closing lines across the entrances to the Gulf of St. Lawrence, the Bay of Fundy, Queen Charlotte Sound, and Dixon Entrance, that closed these waters

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to all foreign fishing vessels except U.S. ships. Concern over the low level of adult salmon escapement in the major producing rivers of New Brunswick and Quebec has led the government to periodically close salmon fisheries in these areas and the Port aux Basques fishery in Newfoundland. Ottawa has banned Canadian commercial whaling in the Atlantic and has prohibited the development of a commercial tuna fishery in the Gulf of St. Lawrence in order to conserve the stock of this species. (U)

The Canadians have reached agreement with France, Denmark, Norway, Portugal, Spain, and the United Kingdom on phasing out their fishing activities within Canada's territorial seas and the Gulf of St. Lawrence. (U)

Deep Seabed Capabilities and Interests -- Canada ranks fifth in world mineral production -- nickel, 41 percent (1st); copper, 10 percent (3rd); and cobalt, 7 percent. Manganese is the only component metal of the deep seabed nodules that Canada must import. Although Canada is self-sufficient in 3 of the 4 basic nodule metals, the International Nickel Company feels the firm must develop the technology of deep seabed mining to remain competitive in the future. (U)

Marine Transportation -- Canada does not have an extensive merchant marine. With only 88 ships (1,000 GRT or over) registered, Canada is dependent upon foreign flag vessels for the transportation of most of its imports and exports. Montreal, Ottawa, and Quebec have been dependent on Venezuelan and Persian Gulf crude oil moved by pipeline from Portland, Maine to Montreal for refining. (U)

Naval Considerations -- Destroyer escorts are the largest class of vessels in the Royal Canadian Navy. The primary mission of the fleet is to defend Canada's coastal waters. The fleet's few combatant vessels do not have a high seas responsibility. (C)

Scientific Research -- Oceanographic research is of considerable interest to the Canadian Government's Science Council. Most scientific research in the oceans is conducted by government or university laboratories and institutes, whereas marine research for commercial purposes is financed and managed by the international energy companies. (U)

Political and Other Factors (C)

Canada cooperated closely with the United States at the 1958 and 1960 United Nations Conferences on the Law of the Seas and supported the U.S. position on narrow territorial seas and straits passage.

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In the political climate of the time, strategic deterrence, naval mobility, and other NATO concerns were given higher priority by the Canadian Government than they are today. Discovery of oil at Prudhoe Bay was a decade away and no potential pollution threat to Canada's Arctic waters and straits existed. With the reorientation of Canadian foreign policy under Prime Minister Trudeau, Canada has come to view itself as a coastal state, sharing many developing state's LOS interests.

The critical break in U.S.-Canadian LOS relations came in 1970 when the country extended its territorial sea from 3 to 12 miles and established a 100-mile-wide pollution control zone in its Arctic waters north of the 60th parallel. The United States strongly protested both of these actions.

C. LAW OF THE SEA POLICY

Territorial Seas (U)

Canada extended its territorial sea from 3 to 12 miles in 1970 and is seeking international acceptance of a maximum breadth of 12 miles in LOS negotiations. The territorial sea limits are drawn from straight baselines along much of the coast. Canada feels that straight baselines should be employed only to the extent sanctioned by the International Court of Justice in the 1951 Anglo-Norwegian Fisheries Case.

Straits (C)

The Canadians feel that a "special regime" should be recognized in straits overlapped by territorial seas in deference to navigation, but caution that restrictions on freedom in straits are warranted by such circumstances as security concerns and pollution threats. They believe that the United States cannot successfully press for policies that are contrary to the security, economic, and environmental needs of strait states. Ottawa argues that coastal states do not wish to interfere with the free transit of commercial vessels but do desire authority for potential control if certain types of problems arise. The Canadians fear the potential environmental dangers of transporting Alaskan and other crude oil to refineries in the conterminous United States through the Northwest Passage, the Strait of Juan de Fuca-Strait of Georgia complex, and Head Harbour Passage (see map). They feel the coastal states that border straits should be allowed to retain and/or impose some manner of control over vessel-source pollution. They urge that the new LOS Convention should set forth preventive as well as remedial measures against pollution of the marine environment in straits.

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Canada believes that the coastal states should accept the thesis that their sovereignty over the territorial sea is allied with a positive duty to ensure free, safe, secure, and uninterrupted passage through straits overlapped by territorial seas. The Canadians feel it will be necessary to modernize the concept of "innocence" with a view to protecting both maritime community interests in the freedom of navigation and coastal state interests in territorial and environmental integrity. They seek a better definition of international straits and a clarification of what coastal states and flag states were or were not entitled to do in straits. The Canadians note that the United Kingdom's draft articles on straits (A/CONF.62/C.2/L.3) provide reasonable guidance, but do not take sufficient account of the fact that a coastal state's security could be threatened as much by environmental as by military problems. Canada proposes a Straits Commission be established to settle any disputes that could arise from the implementation of treaty articles to govern transit through straits.

Canada is publicly reserving its definitive position on straits pending resolution of its bilateral difficulties with the United States. Recent discussions between the two have greatly narrowed their differences. In a tentative trade-off agreement, Canada has indicated its willingness to support unimpeded transit of straits used for international navigation connecting two parts of the high seas and to consent to coastal state non-involvement in setting vessel-source pollution standards in the economic zone or straits used for international navigation connecting two parts of the high seas except within ice-covered areas in return for U.S. support for a regime for environmental protection in ice-covered areas (with a military exemption). This agreement would shelter the Northwest Passage against pollution threats and probably assure Canadian support for submerged transit and over-flight in straits wider than 6 miles that have been traditionally used for international navigation.

This package agreement with Ottawa does not resolve, however, the issue of a pollution control regime for straits used for international navigation that connect the high seas with the territorial seas of another state. The Canadians state that both Head Harbour Passage, the entrance to Eastport, Maine, and the Canadian side of the Strait of Juan de Fuca-Strait of Georgia complex connecting Puget Sound with the Pacific Ocean contain internal waters and thus do not fall within the purview of the UN LOS Conference. They imply that the Canadian position on the Arctic could be less severe if the United States would make some bilateral accommodation on these straits. The Canadians, meanwhile, have announced that, should the Maine Environmental Protection Board approve the construction

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of an oil refinery at Eastport, Maine, Ottawa will promulgate regulations under the Canada Shipping Act to limit the amount of "pollutants" that can be carried by vessels using Head Harbour Passage. An official Canadian representative indicated that such restrictions could be designed to render the refinery operation uneconomical.

Islands (U)

Canada notes that the basic principle that islands have a territorial sea and continental shelf was established by previous LOS conventions, and it feels that the principle should be retained in a future oceans treaty. Problems of shelf delimitation in the vicinity of islands should be taken up in bilateral or multilateral negotiations since the LOS Convention could not be expected to provide rules that would be applicable universally.

Archipelagos (C)

Canadians feel that the unique characteristics of the Arctic waters and ice give their northern regions a distinctive status which implies special rights and responsibilities for Canada. This principle has been specifically applied to the waters of the Arctic Archipelago, which Ottawa has repeatedly claimed to be "Canadian waters." Canada, however, has stopped short of making a formal claim to an Arctic Archipelago and drawing base lines around its large cluster of northern islands.

At the Caracas Session of the LOS Conference, Canada maintained that the concept of an archipelagic legal regime should be extended to include those coastal archipelagos that form part of a mainland state. The Canadians warned the LOS delegates, when defining the concept of an archipelago, against violating that area of existing law relating to fringes of islands that dates back to Norwegian practice, as upheld in the Anglo-Norwegian Fisheries Case, and reiterated in the straight baseline provisions of Article 4 of the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone. They feel that the overriding issue in the archipelago discussions is the question of passage through straits used for international navigation within the archipelagos. Once accommodation is reached on this issue, such factors as length of archipelagic baselines and the ratio of land to water would diminish in importance. 25X6

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Continental Shelf (C)

On February 6, 1970 Canada ratified the Convention on the Continental Shelf with the Reservation that "... the presence of an accidental feature such as a depression or a channel in a submerged area should not be regarded as constituting an interruption in the natural prolongation of the land territory of the coastal state into and under the sea." The United States noted in the UN that it does not find the Canadian reservation acceptable.

The Canadians believe that the sovereign rights of coastal states to the natural resources of the seabed, as defined in the Geneva Convention on the Continental Shelf and confirmed by the International Court of Justice and in State practice, extend to the limit of the continental margin. They do not want to relinquish the language of the Shelf Convention. Canada has issued oil and gas exploration permits for shelf areas east and southeast of Newfoundland that are 400 miles offshore and far beyond the 200-meter depth. Ottawa feels these concessions were made in good faith on the legal basis of the exploitability clause of the Shelf Convention and it cannot renege on these contracts. A Canadian representative has stated that his Government does not favor compulsory dispute settlement to adjudicate controversies on the shelf since it believes that the coastal state should have legal jurisdiction over shelf matters.

Canada and the United States have been unable to agree on the establishment of the continental shelf boundaries in any of the four areas where their international boundaries meet the seas. Canada has proposed the use of the equidistance principle in constructing a shelf boundary in the Gulf of Maine. The United States finds this unacceptable because the geographical configuration of the coast would give Canada a disproportionate share of the shelf off New England (see map). It cites an International Court of Justice ruling (1969 North Sea Case) that says the use of the equidistance method of delimitation outlined in the 1958 Convention on the Continental Shelf is not obligatory in dividing a shelf among bordering states. Washington feels that the Court's recommendation that the parties to the North Sea Case resolve the issue "in accordance with equitable principles" provides a strand of guidance for establishing a shelf boundary in the Atlantic, giving additional measure to the length of the American coastline in the region.

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Both nations agree that the equidistance formula would equitably partition the Pacific shelf between Washington State and British Columbia, but the Canadians tie the delimitation there to United States acceptance of an Atlantic shelf divided on the basis of equidistance.

Solutions are equally elusive in the case of the two Alaskan-Canadian shelf boundaries. Disagreement on the location of the international boundary in Dixon Entrance forestalls any discussion of the offshore shelf boundary as the two states cannot agree on the starting point. The apportionment of the Beaufort Sea shelf remains unresolved. Ottawa most likely will suggest that a boundary follow the Canadian sector line drawn along the 141st meridian.

Coastal State Jurisdiction Beyond the Territorial Sea

Canada seeks control over living resources in a 200-mile economic zone and over mineral resources in a zone extending to the outer edge of the continental margin. The economic zone should extend beyond the territorial sea to a distance of 200 miles from the applicable baselines and throughout the natural prolongation of the coastal state's land territory where such prolongation extends beyond 200 miles. The draft articles submitted by Canada at the Caracas Session of the LOS Conference do not provide a precise demarcation of the limits of the continental margin beyond 200 miles. (U)

Canada strongly defends its rights as a coastal state, asserting that nations cannot be expected to relinquish these rights to an international seabed regime. Ottawa believes that it would be unrealistic and inequitable to ignore the legal position of coastal states that had established their sovereign rights to the edge of the continental margin through state practice, legislation, issuance of permits, bilateral agreements, and even incorporation into their constitution. (U)

The Canadians state that the economic zone is not an international zone within which the coastal state is allocated certain privileges. It is, instead, the zone of national jurisdiction where the acquired rights of the coastal state over the mineral resources of the continental shelf, and, so far as possible, certain rights and privileges which vessels had previously enjoyed on the high seas, must be maintained. Furthermore, the exclusive economic zone is not just an area of resources jurisdiction but is also a management zone where the coastal states protect the marine environment and control scientific research. (U)

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Canada joined many of the lesser-developed-countries at Caracas in accelerating the trend toward territorializing the economic zone, probably hoping to strengthen its pollution position and display its independence of the United States and other maritime states. Ottawa was successful in maintaining its coastal state credentials in Caracas and in avoiding being labeled as an industrialized power. (C)

Revenue sharing, the Canadians feel, is essential to bridging the gap between the views of those who espouse 200 miles as the outer limit of the economic zone and those who seek the edge of the continental margin. It will be needed to obtain the required support from the developing countries for coastal state resource jurisdiction beyond 200 miles. Further Canadian flexibility is evidenced by comments that use of the continental slope as a base line with an additional specified area of coastal state jurisdiction beyond might prove to be an acceptable fallback. (C)

In recent years, the Canadian position has markedly shifted away from the principle of non-interference with the freedom of the high seas in the economic zone, subject only to the strict requirements essential for effective exploitation, to one that favors a more comprehensive bundle of coastal state functional jurisdictions in an offshore zone. Canada believes that, in actual practice, coastal states will not excessively interfere with international shipping when enforcing pollution standards in the economic zone. They feel there is no need to be overly sensitive on this issue since coastal states realize that enforcement abuses would invite some form of retaliation. (U)

Fisheries (C)

Ottawa claims that the growing demand for fish, coupled with advances in technology, could possibly reduce fish stocks to extinction. Meanwhile, international regulations are still more oriented towards the freedom to fish than towards the need for conservation. The Canadians strongly feel that a more rational fishery management regime is urgently needed. Canada initially favored a species approach to fisheries regulation that would emphasize separate management schemes for coastal, anadromous, and highly migratory species. In essence, Ottawa was seeking control over fishing to the outer edge of the continental margin.

The Canadians now realize that 200 miles will be the maximum dimension of any internationally approved coastal state zone of fisheries jurisdiction. They feel that a sensible management regime would include provisions for:

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- a. scientific management of coastal stocks as a whole;
- b. prohibition of fishing for anadromous stocks beyond the economic zone, with recognition of the primary interest of the states of origin throughout the migratory range of such stocks;
- c. comprehensive international management of highly migratory stocks, with accommodation of coastal state authority when such stocks are present in the economic zone; and
- d. optimum utilization of fish stocks, with foreign state access to stocks in the economic zone for the surplus beyond coastal state capacity, subject to coastal state authority and regulations.

The Canadians stress that the coastal state right must be primary over the distant-water right so that as coastal state fishing capacity increases, the distant-water catch must decrease. They also endorse a coastal state obligation to assure that fishing does not exceed the level that ensures maximum procreation of future generations.

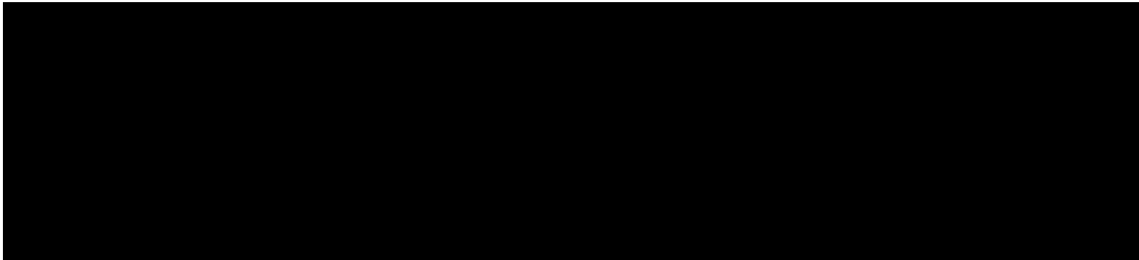
Canada submitted a working paper on anadromous species at Caracas for the purpose of illustrating the peculiarities of salmon and the need for special provisions in an LOS Convention. It feels that a more solid and permanent base for the conservation of salmon must emerge from the LOS Conference. The Canadians view existing bilateral and multilateral treaties as inadequate for the appropriate management of anadromous resources. They note that the International Convention for the Northwest Atlantic Fisheries' (ICNAF) ban on salmon fishing in the Atlantic is not applicable to countries that are not signatories of the treaty. While appreciative of Japan's cooperation in the preservation of salmon through participation in the International North Pacific Fisheries Convention (INPFC), Canada observes that Japan does catch salmon in the North Pacific that originate in Canadian rivers, chiefly the Yukon. The INPFC calls for Japanese abstention from catching salmon east of the 175th West meridian.

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Canadian LOS representatives have stated that if they are forced into a trade-off situation Canada would sacrifice its position on highly migratory species in order to obtain the results they desire for coastal stocks. They also indicate that Canada supports compulsory dispute settlement on fisheries.

High Seas (U)

Canada supports the U.S. position on all aspects of high seas navigation, including freedom of movement for warships.

Deep Seabed (C)

The Canadians believe it is imperative to ensure full and genuine participation by the LDCs in the exploration and exploitation of deep seabed resources and that joint ventures involving competent entities and the International Seabed Authority could be one method of attaining that objective. They feel that LDC agreement on a viable seabed regime will be forthcoming only if the ISA is granted the authority to engage in exploitation.

Ottawa thinks that the single most important factor in promoting resource exploration and exploitation in the seabed area beyond national jurisdiction would be the adoption of a seabed resource management system designed to encourage and maintain investment on a continuing and orderly basis. Without such a system there will be no mining of manganese nodules and thus no benefits for the developing countries. Canada notes that it is essential to strike a balance between maximum benefits for the international community and adequate returns for entrepreneurs. Private investors could be benefited by keeping pre-exploitation costs at a reasonable level and by having payments made either in the form of rentals or royalties on production.

Monopolization of the richest seabed areas could be prevented, Canada advises, if the ISA were to reserve portions of the sea floor, including a proportion of the areas made available to developers under contractual arrangements, for the Authority's later use.

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Canada views proposals for weighted voting in the ISA Council as being incompatible with the fundamental principle of the sovereign equality of states and the concept of the common heritage of mankind. It believes that the ISA Tribunal should be empowered to seek advisory opinions from the International Court of Justice and that consideration should be given to allowing appeals from the Tribunal to the World Court on questions of international law.

Ottawa stated in 1971 that it fully agreed that regulation of the international seabed area must preclude exploitation of the seabed resources to the detriment of states already producing such metals. It has more recently expressed its concern for the impact of ocean mining on land-based producers by stating that it cannot rule out consideration of some manner of ISA-managed price and production controls to protect Canada's hard minerals industry.

The creation of an International Seabed Authority, the Canadians plead, should not affect the legal status of the waters superjacent to the international seabed area or that of the airspace above those waters. They believe that the ISA should not be empowered to promulgate vessel-source pollution control standards or to conduct scientific research. Ottawa does not want a consent mechanism for research in the international area, but it feels there should be an obligation for the researcher to freely disseminate the results.

Noting the plans of several private enterprises to conduct deep seabed mining, Canada endorses the establishment of some form of transitional regime and machinery that would provide firms with the necessary guidance on licensing and conduct of operations.

Marine Pollution

The protection of the marine environment may be Canada's most important objective in the LOS Conference. The Canadians feel that future conventional law will have to provide adequate recognition of the fundamental right of coastal states to protect themselves against marine pollution threats to their environment. They have long sought a system of stringent international pollution prevention regulations with enforcement throughout the economic zone being the responsibility of the coastal state. The coastal state should be empowered with authority to prescribe and enforce stricter vessel design and construction standards in waters where rigid standards are rendered essential by exceptional hazards to navigation or the special vulnerability of the marine environ-

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ment. They envisage a requirement for ships to possess an international pollution prevention certificate in order to qualify for innocent passage through areas of national jurisdiction. (U)

Ottawa considers adequate vessel construction standards as being essential to the elimination of pollution from ships. It feels that the threat to the marine environment would be greatly reduced if all tankers were built with double hulls and segregated ballast tanks. Furthermore, conventions dealing with pollution from ships should cover all suffocating and toxic substances; light, processed-petroleum products, as well as crude oil. The Canadians are disturbed by the Inter-Governmental Maritime Consultative Organization's (IMCO) slow progress in establishing strong international standards and its domination by maritime states. (U)

The Canadian desire for the right to establish and enforce unilateral vessel-source pollution control standards in a wide area beyond the territorial sea springs from their fear of the environmental dangers of transporting oil (mainly Alaskan) to the lower 48 states through waters adjacent to Canada's coasts. Spurred by the first voyage of the S.S. Manhattan through the Northwest Passage to Prudhoe Bay in 1969, the Canadian Parliament enacted the Canadian Arctic Waters Pollution Prevention Act in 1970. It is the most ambitious and far-reaching pollution control action taken by any of the circumpolar countries in the Arctic. (U)

Officially proclaimed in August 1972, the Act asserts Canada's right to shield the Arctic waters against vessel pollution for a distance of 100 miles offshore north of the 60th parallel (see map). The only stated geographic modification is that the 100-mile zone does not extend beyond the line of equidistance between the islands of the Canadian Arctic and Greenland. The Arctic Shipping Pollution Prevention Regulations, specified in the Act, cover classification, construction, and certification of ships; navigating equipment, charts, and publications; reporting procedures; pollution prevention certificates; enforcement of pollution prevention measures; numbers and qualifications of navigation and radio personnel; and fuel and water requirements. The regulations relating to the deposit of wastes came into force immediately, while the regulations requiring changes in ship construction and equipment became effective on 1 January 1973. The rules are to be used in conjunction with the Shipping Safety Control Zones Order under which the waters of the Canadian Arctic were divided into 16 safety control zones, each classified according to the degree

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of ice hazards present. Limits of liability under the Act have been set to conform with the International Convention for the Prevention of Pollution of the Sea by Oil (1956). (U)

A 1971 Amendment to the Canada Shipping Act extends pollution control to Canada's territorial seas south of the 60th parallel and to all fishing zones. The Canadian Government collects a levy of fifteen cents per ton on oil shipped in bulk as cargo into, out of, and between two points in the country. Monies collected are paid into the Maritime Pollution Claims Fund for use in reimbursing fishing and other maritime activities that have been damaged by oil pollution from shipping. (U)

Canada earlier opposed loopholes in an LOS Convention that would consider the stage of economic development of individual states in formulating and enforcing marine pollution control standards. The Canadians stated that pollution abatement obligations should be absolute; to allow developing states to qualify pollution prevention requirements in accordance with their economic capabilities would, in essence, be a license to pollute. As the Caracas session progressed, however, it became evident that Canada was abandoning its earlier position on the so-called "double standard" issue and was accepting the LDC thesis that national environmental and development policies should be weighed when determining states' international pollution control obligations. (C)

Canada believes that all states interested in combating marine pollution -- port, flag, and coastal -- should be permitted to enforce vessel-source pollution standards. It feels that a port state's powers to enforce international discharge standards will have to be somewhat restricted to gain LOS approval. Port state enforcement action against illegal discharges in the economic zone of another state could be brought only upon the request of that state or the flag state. The request of the flag state would be required for enforcement action in the instance of illegal discharges beyond the economic zone. The Canadians suggest that only monetary penalties be imposed, that there be a six-month statute of limitations, and that vessels be promptly released under bond. (U)

Ottawa believes the LOS Convention should feature a strong obligation for the flag state to enforce international pollution standards and to accept documentary evidence of violations presented by another state. (U)

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The coastal state, in Canada's view, should have the right to enforce all types of standards in its territorial sea and should be empowered to either arrest or expel the offending vessel. Within the economic zone, the coastal state should be able to stop and inspect vessels for discharge violations, and to expel them from the zone. The Canadians feel that arrest and prosecution should only be authorized for flagrant violations that threaten the coastal state's waters with severe damage. When violations of standards for "dangerous and vulnerable" areas occur, the coastal state ought to be able to arrest or expel the offender. Such safeguards as monetary penalties, six-month statute of limitations, and prompt release of vessels under bond would prevent enforcement abuses. (U)

Canada's comments on the enforcement of construction standards indicate that they might be willing to rely on a right to verify the possession of certificates required by international mandate. (U)

The Canadians agree with the U.S. position that the provisions on vessel-source pollution control should not apply to ships entitled to sovereign immunity. They state that pollution disputes between states ought to be resolved through compulsory means, either by arbitration or through a tribunal. (U)

Just as Canada appears to have agreed to certain modifications on straits issues during recent bilateral discussions with the United States, it has tentatively agreed to limit a special marine pollution control regime to ice-covered waters and to forego coastal state pollution control standards in the economic zone and in straits connecting two parts of the high seas. The Arctic pollution regime would apply to the Northwest Passage but would be subject to an exemption for military vessels. Canada remains reluctant to submit any coastal state standards for ice-covered areas to review (and possible rejection) by the Marine Environment Protection Committee of IMCO. The two nations agree that Canada (and all other coastal states) should have the right to enforce international discharge standards in an ice-covered area and to prescribe and enforce both discharge and construction standards within the territorial sea outside of straits. (C)

Disagreement remains, however, on two other aspects of the marine pollution question. Canada continues to insist on a coastal state right to establish pollution control standards for straits connecting the high seas with the territorial seas of another state and to enforce international vessel-source pollution control standards in the economic zone. (C)

Scientific Research (U)

Canada favors a consent regime for scientific research in the economic zone and continued adherence to the pertinent articles of the 1958 Continental Shelf Convention for research where the coastal state has jurisdiction over resources beyond 200 miles. It also supports a requirement that consent for scientific research in the economic zone should normally not be withheld by the coastal states.

Settlement of Disputes (U)

Canada generally favors compulsory settlement of oceans disputes but endorses an exception for disputes involving territorial sea and continental shelf boundaries between neighboring states. It is opposed to the proposed U.S. exception for military activities, particularly on the question of liability for damage.

Peaceful Uses of the Seas (U)

The Canadians resist any ban on the installation of surveillance devices by a coastal state in its economic zone or on its continental shelf. They contend that the coastal states should not be prohibited from emplacing limited defensive mechanisms on the seabed within the economic zone.

D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISERS

The Canadian Government is parliamentary in form with political power held by the Prime Minister, his Cabinet, and the Parliament. The Department of the Environment, Department of External Affairs, and the Department of Energy, Mines and Resources are the ministries most concerned with LOS matters. Ambassador (John) Alan Beesley, Dr. Alfred Needler, Mr. Paul LaPointe, Mr. Donald Crosby, Mr. Leonard Legault, and Minister Romeo LeBlanc have been the principal spokesmen for Ottawa in recent LOS sessions.
(U)

There is not unanimous support for Canada's position on LOS issues. The university and governmental oceanographic research community has lobbied in Ottawa for a more liberal stand on scientific research. Senior Royal Canadian Naval officers and merchant marine interests were not pleased with Canada's position on residual coastal state competence to prescribe vessel-source pollution control standards in a coastal zone. Their views, however, were stilled within the Inter-departmental Committee on Law of the Sea (ICLOS), the expert body that handles maritime

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issues. The policymaking process within ICLOS has, to a considerable degree, been controlled by Ambassador Beesley, former Legal Advisor to the Department of External Affairs, and his colleagues from the Department's Legal Operations Division. They have been successful in satisfying, or suppressing, the divergent interests of ICLOS members that conflict with the central coastal state theme of Canadian LOS policy. The preeminence of the Department of External Affairs in LOS policy formulation primarily results from it being, with the exception of the Department of Justice, the only Canadian ministry to possess a legal bureau. The Justice Department has not been heavily involved in LOS matters; its representation on the LOS delegation dates back only to 1972. (C)

Canada's representatives at the preparatory sessions for the Third UN Conference on LOS and the organizational (December 1973), Caracas (June-August 1974), and Geneva (March-May 1975) sessions of the Conference follow. (U)

LOS Conference Attendees (U)

	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun-Aug 74	Mar May 75
Professor G. ALEXANDROWICZ Resource and Environmental Law Division Department of the Environment				X					
Mr. Robert D. AUGER Law of the Sea Section Legal Operations Division Department of External Affairs	X	X		X			X	X	X
Mr. Terence C. BACON Head of Environmental Law Section, Legal Operations Division Department of External Affairs						X			X
Mr. James S. BECKETT International Fisheries Branch International Fisheries and Marine Directorate Department of the Environment								X	
*H.E. Mr. J.A. BEESLEY Ambassador to Austria and Special Advisor on LOS to the Secretary of State for External Affairs	X	X	X	X	X	X	X	X	X
Mr. Jacques BERGERON Ministry of Intergovernmental Affairs Quebec								X	
Mr. Lloyd BROOKS Deputy Minister Department of Recreation and Conservation Victoria, British Columbia								X	
Miss M. Jane CASKEY Resource and Environmental Law Division Department of the Environment			X	X	X	X	X	X	X

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LOS Conference Attendees (U)	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun-Aug 74	Mar May 75
Mr. Leonce CHENARD Deputy Minister of Fisheries and the Environment Fredericton, New Brunswick								X	X
Mr. G.W.N. COCKBURN Minister of the Environment and Fisheries Fredericton, New Brunswick								X	
Mr. R. Gerald CONRAD Director, Legal Administration, Department of the Attorney General Halifax, Nova Scotia								X	X
Mr. E. John COOPER Canadian Hydrographic Service Department of Environment			X					X	X
*Dr. Donald G. CROSBY Director, Resource Management and Conservation Branch Department of Energy, Mines and Resources	X	X	X	X	X	X		X	X
H.E. The Honourable Jack DAVIS P. C. M. P. Minister of the Environment							X	X	
Cdr. Roger A. EVANS Directorate of Sovereignty Planning Department of National Defence				X				X	X
Mr. Melville M. GOLDBERG Director, Legal Services Ministry of State for Science and Technology								X	
Mr. E.M. GORMAN Deputy Minister of Fisheries Charlottetown, Prince Edward Island								X	

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LOS Conference Attendees (U)

Mr. Geoffrey HOLLAND
Oceanography Branch
Marine Sciences Directorate
Department of the Environment

Mr. C. Thomas W. HYSLOP
Northern Affairs Branch
Department of Indian and Northern
Affairs

H.E. Mr. Donald C. JAMIESON
P.C. M.P.
Minister of Regional Economic
Expansion

Mr. J.W. KAVANAUGH
Director, Civil Law Administration
Department of the Attorney General
Halifax, Nova Scotia

Dr. Keith KETCHEN
Fisheries Research Establishment

Mr. James D. KINGHAM
Oceanography Branch
Marine Sciences Directorate
Department of the Environment

Mr. Philippe KIRSCH
Second Secretary and Vice-Consul,
Canadian Embassy, Lima, Peru,
(Press and Liaison Officer)

*Mr. Paul A. LAPOINTE
Head of Law of the Sea Section
Legal Operations Division
Department of External Affairs

*H.E. Mr. Romeo LEBLANC
P.C. M.P.
Minister of State for Fisheries

	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun- Aug 74	Mar May 75
								X	X
								X	
								X	
								X	
						X			
								X	X
								X	
	X	X			X	X	X	X	X
								X	X

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LOS Conference Attendees (U)

	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun-Aug 74	Mar May 75
Mr. Edward G. LEE Legal Advisor Department of External Affairs									X
*Mr. Leonard H.J. LEGAULT Director, International Fisheries Branch Department of the Environment	X	X	X	X	X	X	X	X	X
Mr. K.C. LUCAS Senior Assistant Deputy Minister Fisheries and Marine Service Department of the Environment								X	
H.E. Mr. Donald S. MACDONALD Minister of Energy, Mines and Resources									X
H.E. Mr. Allan J. MACEACHEN P.C. M.P. Secretary of State for External Affairs								X	X
Mr. Ronald R. MACGILLIVRAY Director, Marine Legislation Branch Ministry of Transport								X	X
Mr. W.C. MACKENZIE Strategic Planning Branch Fisheries and Marine Service Department of the Environment					X				
Dr. W.R. MARTIN Director-General Program Integration and Development Fisheries and Marine Service Department of the Environment		X			X				

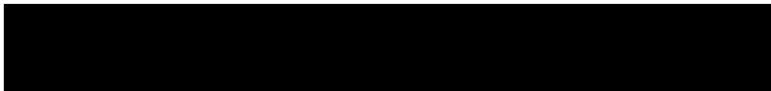
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LOS Conference Attendees (U)	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun Aug 74	Mar May 75
Dr. M.E. MATTHEWS A/Chief Resource and Environmental Law Division International Programs Branch Department of Environment		X	X						
Dr. Arthur W. MAY International Relations Branch Department of Environment			X	X	X	X			
Mr. Robert MCMYNN Director, Marine Resources Branch, Department of Recreation and Conservation Victoria, British Columbia								X	X
Mr. Armand de MESTRAL Advisory and International Law Section Department of Justice				X		X		X	X
Dr. D.A. MUNRO Director-General of Intergovernmental Affairs Department of Environment			X						
Mr. Roland W. MURRAY Environment Section Bureau of International and Environmental Affairs Ministry of Transport								X	
*Dr. Alfred W.H. NEEDLER Special Adviser to the Minister of Environment		X	X	X	X	X		X	X
Mr. S.V. OZERE Assistant Deputy Minister (Retd.) Fisheries and Forestry	X								

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LOS Conference Attendees (U)	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun- Aug 74	Mar May 75
Mr. Michael B. PHILLIPS Head, Environmental Law Section, Legal Operations Division, Department of External Affairs								X	X
Mr. Rupert PRINCE Deputy Minister of Fisheries St. John's, Newfoundland								X	
Madame Jeanne SAUVE Minister of Environment									X
H.E. The Honourable Mitchell SHARP P.C. M.P. Secretary of State for External Affairs							X	X	
Mr. Robert F. SHAW Deputy Minister Department of the Environment								X	
Dr. Michael P. SHEPARD Fisheries Service Department of Environment			X					X	X
Mr. Donald F. SHERWIN Resource Management and Conserva- tion Branch Department of Energy, Mines and Resources	X	X			X	X		X	X
Dr. George SMITH Fisheries Research Board		X							
Mr. H. Leslie SMITH Policy Branch Ministry of State for Science and Technology								X	X

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LOS Conference Attendees (U)

Lt. Commander Allen D. TAYLOR
Law of the Sea Section
Legal Operations Division
Department of External Affairs

Mr. Thor THORGRIMSSON
Resource Management and Conserva-
tion Branch
Department of Energy, Mines &
Resources

Mr. E.D. VERNON
Associate Deputy Minister
Department of Recreation and
Conservation
Victoria, British Columbia

Miss Mary WALSH
International Marine Branch
International Fisheries and Marine
Directorate
Department of the Environment

Mr. Erik B. WANG
Counsellor
Permanent Mission to the UN

	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun-Aug 74	Mar May 75
Lt. Commander Allen D. TAYLOR Law of the Sea Section Legal Operations Division Department of External Affairs			X	X	X	X		X	
Mr. Thor THORGRIMSSON Resource Management and Conserva- tion Branch Department of Energy, Mines & Resources		X	X	X	X	X		X	X
Mr. E.D. VERNON Associate Deputy Minister Department of Recreation and Conservation Victoria, British Columbia								X	
Miss Mary WALSH International Marine Branch International Fisheries and Marine Directorate Department of the Environment								X	X
Mr. Erik B. WANG Counsellor Permanent Mission to the UN					X		X	X	X

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CANADA

Part II - Background Information*

Geography

World region: North America
Category: coastal
Bordering states: United States
Bordering bodies of water: Arctic Ocean, Beaufort Sea, Kane Basin, Baffin Bay, Labrador Sea, Atlantic Ocean, Gulf of St. Lawrence, Bay of Fundy, Pacific Ocean, Queen Charlotte Sound
Bordering straits: Northwest Passages (Lancaster Sound, Barrow Strait, Viscount Melville Sound, McClure Strait, Prince of Wales Strait, and Amundsen Gulf), Robeson Channel, Kennedy Channel, Davis Strait, Hudson Strait (28.0 mi.), Strait of Belle Isle (9.0 mi), Jacques Cartier (Mingan) Passage, Cabot Strait (41.5 mi.), Northumberland Strait, Strait of Juan de Fuca (9.0 mi), Strait of Georgia, Hecate Strait, Dixon Entrance
Area of continental shelf: 846,500 sq. mi. (excludes Hudson Bay); shared with U.S., Greenland, France
Area to 200 mi. limit: 1,370,000 sq. mi. (excludes Hudson Bay); shared with U.S., Greenland, France
Area to edge of continental margin: 1,240,000 sq. mi. (excludes Hudson Bay)
Coastline: 12,650 mi.
Land: 3,850,000 sq. statute mi.
Population: 22,600,000

Industry and Trade

GNP: \$111.6 billion (1973); \$5,030 per capita
Major industries: mining, metals, food products, wood and paper products, transportation equipment, chemicals
Exports: \$26,309 million (f.o.b., 1973); transportation equipment, wood and wood products, ferrous and nonferrous ores, crude petroleum, wheat; Canada is a major food exporter
Imports: \$24,918 million (f.o.b., 1973); transportation equipment, machinery, crude petroleum, communication equipment, textiles, steel, fabricated metals, office machines, fruits and vegetables
Major trade partners: 69% U.S., 17% EC, 5% Japan (1973)

* WARNING -- Unless otherwise indicated, individual items are unclassified/FOR OFFICIAL USE ONLY. Classification designations are (C) Confidential and (S) Secret.

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Industry and Trade (cont'd)

Merchant marine: 88 ships (1,000 GRT or over) totaling 398,000 GRT; 5 passenger, 38 cargo, 4 container, 2 roll-on/roll-off cargo, 22 tanker, 9 bulk, 1 combination ore/oil, 7 specialized carrier; in addition there are 157 ships of over 1,000 GRT used in Great Lakes trade and 38 coastal ferries, a number of which are designed for deep-draft operation (C)

Marine Fisheries

Catch: 1.2 million metric tons; exports -- \$332 million, imports-- \$80 million (1972)

Economic importance: limited national importance, significant locally

Nature: coastal, limited distant-water

Other fishing areas: U.S., Peru, Ecuador

Species: salmon, cod, lobster, scallops, herring, halibut, flounder, sole

Marine fisheries techniques: primarily modern

Other countries fishing off coast: Japan, Denmark, Norway, France, Portugal, U.K., Spain, U.S.S.R., U.S.

Extent of foreign offshore fishing: significant

Petroleum Resources

Petroleum: production -- 560.7 million 42-gal. bbl. (75.8 million metric tons) onshore; proved recoverable reserves -- 10,200 million 42-gal. bbl. (1,378 million metric tons) onshore, some offshore wells shut in (1972)

Natural gas: production -- 2,913 billion cubic feet (82.5 billion cubic meters) onshore; proved recoverable reserves -- 55,462 billion cubic feet (1,570 billion cubic meters) onshore, offshore reserves not available (1972)

Navy

Ships: 4 destroyers, 20 destroyer escorts, 3 submarines, 1 auxiliary submarine, 3 small submarine chasers, 6 coastal minesweepers, 30 auxiliaries, 43 service craft (S)

Government Leaders

Prime Minister: Pierre-Elliott Trudeau

Secretary of State: Hugh Faulkner

Secretary of State for External Affairs: Allan MacEachen

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Multilateral Conventions

United States-Japan-Canada. International Convention for the High Seas Fisheries of the North Pacific Ocean. In force June 12, 1953.

United States-Japan-Canada. Exchange of Notes Constituting an Agreement relating to Scientific Investigation of Fur Seals in the North Pacific Ocean. In force February 8, 1952 (for Japan and U.S.A.) and March 1, 1952 (Canada).

Geneva Convention on the Continental Shelf, February 6, 1970.

International Convention for the Prevention of Pollution of the Sea by Oil, December 19, 1956.

International Convention for the Safety of Life at Sea, May 26, 1965. 1966 Amendments accepted April 23, 1968; 1967 Amendments accepted June 2, 1969.

Regulations for the Prevention of Collisions of Vessels at Sea, March 24, 1963.

Convention on Facilitation of International Maritime Traffic, July 18, 1967.

International Convention on Load Lines, January 14, 1970.

International Convention for the Northwest Atlantic Fisheries, July 3, 1950.

International Convention for the Regulation of Whaling, February 25, 1949. Protocol to the Convention, June 14, 1957.

Convention for the Establishment of an Inter-American Tropical Tuna Commission, October 3, 1967.

International Convention for the Conservation of Atlantic Tunas, August 20, 1968.

Nuclear Test Ban Treaty, January 28, 1964.

Seabed Arms Limitation Treaty, May 17, 1972.

Convention on the Inter-Governmental Maritime Consultative Organization, October 15, 1948.

Convention on the International Hydrographic Organization, August 26, 1968.

Convention on the International Council for the Exploration of the Sea, June 22, 1967.

Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter. Signed February 9, 1973.

Bilateral Conventions

United States-Canada. Agreement on Reciprocal Fishing Privileges in Certain Areas off their coasts. In force April 24, 1970. Renewed June 15, 1973.

U.S.S.R.-Canada. Agreement on Co-operation in Fisheries off the Coast of Canada in the North-Eastern Pacific Ocean. In force February 19, 1971.

Norway-Canada. Exchange of Notes concerning Fishing by Norwegian Nationals off Canada's Atlantic Coast. In force July 15, 1971.

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Bilateral Conventions (cont'd)

- United Kingdom-Canada. Exchange of Notes concerning Fishing by British Vessels off the Atlantic Coast of Canada. In force March 27, 1972.
- France-Canada. Agreement on their mutual Fishing Relations with annex. In force March 27, 1972.
- Portugal-Canada. Agreement concerning Fisheries Relations. In Force March 27, 1972.
- Denmark-Canada. Exchange of Notes concerning Fisheries Relations. In force March 27, 1972.
- United States-Canada. Convention for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System. In force July 28, 1937. Supplementary Agreement in force August 5, 1944. Protocol to the Convention in force July 3, 1957.
- United States-Canada. Convention for the Extension of Port Privileges to Halibut Fishing Vessels on the Pacific Coasts of the U.S. and Canada. In force July 13, 1950.
- United States-Canada. Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea. In force October 28, 1953.
- U.S.S.R.-Canada. Agreement on Provisional Rules of Navigation and Fisheries Safety in the Northeastern Pacific Ocean off the Coast of Canada. In force April 15, 1971.
- U.S.S.R.-Canada. Agreement on Co-operation in Fisheries off the Coast of Canada in the Northeastern Pacific Ocean. In force February 19, 1971.
- United States-Canada. Convention on the Great Lakes Fisheries. In force October 11, 1955.
- United States-Canada. Exchange of Notes constituting a Provisional Agreement relating to Fur Seals. In force May 30, 1944. Agreement Amended effective December 26, 1947.
- Norway-Canada. Exchange of Notes Constituting an Agreement to ensure Compliance with Sealing Regulations. In force April 26, 1963.
- Norway-Canada. Agreement on Sealing and the Conservation of the Seal Stocks in the Northwest Atlantic. In force December 22, 1971.
- United States-Canada. Great Lakes Water Quality Agreement. In force April 15, 1972.
- Denmark-Canada. Agreement relating to the Delimitation of the Continental Shelf between Canada and Greenland, 1973.

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Present Ocean Claims*

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Territorial Sea		3 mi.	
	1970	12 mi.	Revised Territorial Sea and Fishing Zones Act Dec. 26, 1970.
Continental Shelf	1970		Amended Territorial Sea and Fishing Zones Act <i>Party to the Continental Shelf Convention (Feb. 6, 1970), with reservation. Public Lands Grants Act Order-in-Council P.S. 1965- 150, Apr. 26, 1965</i>
Exclusive Fishing	1964	12 mi.	Territorial Sea and Fishing Zones Act of 1964, Jul. 16, 1964 98 <u>Can. Gaz.</u> PII, p. 771, p. 4; Territorial Sea and Fishing Zones Act, 1964 and P 5 of the 1964 regulation on the applica- tion of said act authorize the vessels of Denmark, France, Italy, Norway, Portugal, Spain, and U.K. to fish indefinitely in the Canadian fishing zones on the Atlantic coast. Negotiations have begun to limit these activities. The same statutory provisions authorize U.S. vessels to fish for an unlimited period in all areas of the Canadian fishing zones.
Customs	1952		9 marine miles beyond Canadian waters; currently, limit of customs authority is 12; could be considered 21 mi.
Criminal Jurisdiction	1954	3 mi.	

* Principal Source: *Limits of the Seas, National Claims to Maritime Jurisdictions, 2d Revision, State Dept./INR, April 1974.*

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Present Ocean Claims (Con't)

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Civil Jurisdiction	1934	3 mi.	
Pollution	1970	100 mi.	Arctic Pollution Act, June 28, 1970 <i>Limited to Arctic region north of 60° North latitude</i>
	1971		Shipping Act amended Mar. 30, 1971 Chap. 27, p. 19 <i>Extends pollution control to all Canadian waters south of 60° North...and to all fishing zones of Canada.</i>
Straight Baselines	1969		<i>Announced June 4, 1969, under provisions of Territorial Waters Act, 1964</i>
	1970		Territorial and Fishing Zones Act of Feb. 25, 1971, Order-in- Council P.C. 1971-366 <i>Provides for fisheries closing lines for Fundy, St. Lawrence and Queen Charlotte regions.</i> <i>NOTE: Hudson Bay is historic bay on basis of Fisheries Act of May 27, 1914; Art. 8, Sec. 10</i>
St. Lawrence Closing Line	1927		Sec. 27, Chap. 186 of Revised Statutes, 1927 <i>Father Point to Orient Point; requoted in 1967</i>
	1938		Sec. 2, Customs Act, Chap. 42, RSC 1927 <i>Cape Rosieres to west end of Anticosti Island to mouth of St. Johns River. The latter is considered binding.</i>

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Action on Significant UN Resolutions

- Moratorium Resolution
(A/RES/2574 D, XXIV, 12/15/69) Against
Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.
- LOS Conference
(A/RES/2750 C, XXV, 12/17/70) In favor
Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.
- LOS Conference, Timing and Site
(A/RES/3029 A, XXVII, 12/18/72) Adopted w/o vote
- Indian Ocean as a Zone of Peace
(A/RES/2992, XXVII, 12/15/72) Abstain
Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.
- Landlocked/Shelf-Locked Study Resolution
(A/RES/3029 B, XXVII, 12/18/72) Abstain
Called for study of extent and economic significance in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.
- Peruvian Coastal State Study Resolution
(A/RES/3029 C, XXVII, 12/18/72) In favor
Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.
- Permanent Sovereignty over Natural Resources
(A/RES/3016 XXVII, 12/18/72) In favor
Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.

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Membership in Organizations Related to LOS Interests

Commonwealth	
FAO	Food and Agriculture Organization
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organiza- tion
IHB	International Hydrographic Bureau
IMCO	Inter-Governmental Maritime Consultative Organization
NATO	North Atlantic Treaty Organization
OAS (observer)	Organization of American States
OECD	Organization for Economic Cooperation and Development
Seabeds Committee	United Nations Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdic- tion
UN	United Nations
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNCTAD	United Nations Conference on Trade and Development
WMO	World Meteorological Organization

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UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
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25 July 1972

Original: ENGLISH

COMMITTEE ON THE PEACEFUL USES OF
THE SEA-BED AND OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION

Sub-Committee III

Working Paper submitted by the
Canadian Delegation

PRINCIPLES

ON

MARINE SCIENTIFIC RESEARCH

For the Third Law of the Sea Conference

PREAMBLE

1. All mankind has an interest in the facilitation of marine scientific research and the publication of its results.
2. Marine scientific research is any study, whether fundamental or applied, intended to increase knowledge about the marine environment, including all its resources and living organisms, and embraces all related scientific activity.
3. The objectives of marine scientific research include achievement of a level of understanding which allows accurate assessment and prediction of oceanic processes and provide the basis for the development of a management policy which will ensure that the quality and resources of the marine environment are not impaired, and for the rational use of this environment, in the service of human welfare, international equity and economic progress and, in the interest of peace and international co-operation among States.

PRINCIPLES

1. Knowledge resulting from marine scientific research is part of the common heritage of all mankind, and such knowledge and information of a non-proprietary or non-military nature should be exchanged and made available to the whole world.

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page 2

2. Marine scientific research constitutes a legitimate activity within the marine environment. Every State, whether coastal or not, and every competent international organization has the right to conduct or authorize the conduct of scientific research in the marine environment, in accordance with the rules and recognized principles of international law and subject to the provisions of the present principles.
3. Marine scientific research as such shall not form the legal basis for any claims of exploitation rights or any other rights in areas beyond the limits of national jurisdiction.
4. Marine scientific research shall be conducted in a reasonable manner, and shall not result in any unjustifiable interference with other uses of the marine environment; nor shall other uses of the marine environment result in any unjustifiable interference with marine scientific research.
5. Marine scientific research shall not entail excessive collection of specimens and samples, nor cause pollution or undue disturbance of the marine environment.
6. The availability to every State of information and knowledge resulting from marine scientific research shall be facilitated by effective international communication of proposed major programmes and their objectives, and by publication and dissemination through international channels of their results.
7. States shall take steps to further the development and growth of marine scientific research and to obviate interference with its progress, and shall co-operate in the elaboration of international rules to facilitate such research. States shall promote arrangements and agreements to advance marine scientific research and the exchange of data and information on a regional, as well as on a global basis, in co-operation with other States and with international organizations, whether governmental or non-governmental.
8. States shall, both individually and in co-operation with other States and with competent international organizations, promote the flow of scientific data and information and the transfer of experience resulting from marine scientific research to developing countries and the strengthening of the marine research capabilities of these countries to a level corresponding to their needs and resources, including programmes to provide adequate training of the technical and scientific personnel of these countries.
9. Marine scientific research in areas within the jurisdiction of a coastal State shall only be conducted with the consent of the coastal State. If such consent is granted, the coastal State shall have the right to participate or to be represented in such marine scientific research and shall have the right of utilizing samples, the right of access to data, and results, and the right to require that the results be published.

10. The coastal State prior to determining whether it will grant consent to marine scientific research in areas within its jurisdiction, may require information such as the period, location, nature and purpose of the proposed investigations, the observations to be made, the proposed disposition of all material collected, the means to be employed and, where applicable, the name of the ship with its full description, including tonnage, type and class, the name of the agency sponsoring the investigations, and the names of the Master of the vessel, the proposed scientific leaders and members of the scientific party and particulars of any proposed entry into a coastal State port. The coastal State shall be kept informed of any changes in the above information.
11. The coastal State shall reply promptly to a request accompanied by information required by it in accordance with the provisions of Principle 10. The coastal State shall facilitate the conduct of marine scientific research to which it has consented by extending necessary facilities to ships and scientists while they are operating in areas within its jurisdiction wherever possible.
12. Marine scientific research shall comply with all the coastal State's laws and regulations when carried out in areas within the jurisdiction of the coastal State, including the resource management regulations and directions in areas where the coastal State has authority over resources appertaining to its continental shelf, the environmental protection regulations in areas where the coastal State has a primary responsibility for environmental protection, the management regulations in areas under fishery management, where in addition all information resulting from such research shall be made available to the authority managing such area, and the regulations and directions necessary to protect the security of the coastal State.
13. Marine scientific research concerning the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction shall comply with any regulations developed by a competent international organization to minimize disturbance and prevent pollution of the marine environment and interference with exploration and exploitation activity.
14. States shall devise means to enable responsibility to be fixed with States or international organizations that have caused damage in the course of marine scientific research or where such damage has been caused by the activities of persons under their jurisdiction, to the marine environment or to any other State or to its nationals.



UNITED NATIONS



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Canada, Chile, Iceland, India, Indonesia, Mauritius, Mexico
New Zealand and Norway: working paper

The representatives of Canada, Chile, Iceland, India, Indonesia, Mauritius, Mexico, New Zealand and Norway have held a number of informal consultations on certain issues relating to the Law of the Sea. They are presenting the following draft articles as a possible framework for discussion on those issues by the Third United Nations Conference on the Law of the Sea.

Preparation of this informal working paper does not imply withdrawal of the proposals submitted, individually or jointly, by some of the above-named States, or substitution of such proposals or stated positions by the present working paper; nor does the paper necessarily reflect their final positions and is without prejudice to declared national positions.

C-0599

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Draft articles

Territorial sea: general provisions

Article 1

1. The sovereignty of a coastal State extends beyond its land territory and internal waters, and, in the case of archipelagic States, their archipelagic waters, over an adjacent belt of sea defined as the territorial sea.
2. The sovereignty of a coastal State extends to the air space over the territorial sea as well as to its bed and subsoil.
3. This sovereignty is exercised subject to the provisions of these articles and to other rules of international law.

Article 2

The breadth of the territorial sea shall not exceed 12 nautical miles to be measured from the applicable baseline.

Article 3

Except where otherwise provided in these articles, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

Article 4

1. In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.
2. The drawing of such baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters.
3. Where the method of straight baselines is applicable under the provisions of paragraph 1, account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by long usage.
4. The system of straight baselines may not be applied by a State in such a manner as to cut off from the high seas the territorial sea of another State.

Archipelagic States

Article 5

1. An archipelagic State is a State constituted wholly or mainly by one or more archipelagos.
2. For the purpose of these articles, an archipelago is a group of islands, including parts of islands, with interconnecting waters and other natural features which are so closely interrelated that the component islands, waters and other natural features form an intrinsic geographical, economic and political entity or which historically have been regarded as such.

Article 6

1. An archipelagic State may employ the method of straight baselines joining the outermost points of the outermost islands and drying reefs of the archipelago in drawing the baselines from which the extent of the territorial sea, economic zone and other special jurisdictions are to be measured.
2. If the drawing of such baselines encloses a part of the sea traditionally used by an immediate and adjacent neighbouring State for direct communication from one part of its territory to another part, such communication shall continue to be respected.

Article 7

1. The waters enclosed by the baselines, hereinafter referred to as archipelagic waters, regardless of their depth or distance from the coast, belong to and are subject to the sovereignty of the archipelagic State to which they appertain.
2. The sovereignty and rights of the archipelagic State extend to the air space over its archipelagic waters as well as to the water column, the sea-bed and subsoil thereof, and to all of the resources contained therein.
3. Innocent passage* of foreign ships shall exist through archipelagic waters.

* /Further articles will be required relating to the régime and description of passage through specified sea lanes of the archipelagic waters./

Article 8

The foregoing provisions regarding archipelagic States shall not affect the established régime concerning coastlines deeply indented and cut into and to the waters enclosed by a fringe of islands along the coast, as expressed in article 4.

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Archipelagos forming part of a coastal State

Article 9

1. A coastal State with one or more off-lying archipelagos, as defined in article 5, paragraph 2, which form an integral part of its territory, shall have the right to apply the provisions of articles 6 and 7 to such archipelagos upon the making of a declaration to that effect.
2. The territorial sea of a coastal State with one or more off-lying archipelagos exercising its rights under this article will be measured from the applicable baselines which enclose its archipelagic waters.

Article 10

The provision regarding archipelagos forming part of a coastal State shall not affect the established régime concerning coastlines deeply indented and cut into and the waters enclosed by a fringe of islands along the coast, as expressed in article 4.

Article 11

The provision regarding archipelagos forming part of a coastal State shall be without prejudice to the régime of archipelagic States, as provided for in articles 5, 6 and 7.

Economic zone

Article 12

The coastal State exercises in and throughout an area beyond and adjacent to its territorial sea, known as the exclusive economic zone: (a) sovereign rights for the purpose of exploring and exploiting the natural resources, whether renewable or non-renewable, of the sea-bed and subsoil and the superjacent waters; (b) the other rights and duties specified in these articles with regard to the protection and preservation of the marine environment and the conduct of scientific research. The exercise of these rights shall be without prejudice to article 19 of this convention.

Article 13

The outer limit of the economic zone shall not exceed 200 nautical miles from the applicable baselines for measuring the territorial sea.

/The co-sponsors recognize the requirement for equitable rights of access on the basis of regional, subregional or bilateral agreements, for nationals of developing land-locked States and developing geographically disadvantaged States (to be defined) to the living resources of the exclusive economic zones of neighbouring coastal States. They will shortly be presenting articles to this effect./

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Article 14

In the economic zone, ships and aircraft of all States, whether coastal or not, shall enjoy freedom of navigation and overflight subject to the exercise by the coastal State of its rights within the area, as provided for in this convention.

Article 15

The coastal State shall exercise its rights and perform its duties in the economic zone without undue interference with other legitimate uses of the sea, including, subject to the provisions of this convention, the laying of cables and pipelines.

Article 16

The emplacement and use of artificial islands and other installations on the surface of the sea, in the waters and on the sea-bed and subsoil of the economic zone, shall be subject to the authorization and regulation of the coastal State.

Article 17

In exercising their rights under this convention, States shall not interfere with the exercise of the rights or the performance of the duties of the coastal State in the economic zone.

Article 18

The coastal State shall ensure that any exploration and exploitation activity within its economic zone is carried out exclusively for peaceful purposes.

[Further specific articles will be required in relation to the economic zone.]

Continental shelf

Article 19

1. The coastal State exercises sovereign rights over the continental shelf for the purpose of exploring it and exploiting its natural resources.
2. The continental shelf of a coastal State extends beyond its territorial sea to a distance of 200 miles from the applicable baselines and throughout the natural prolongation of its land territory where such natural prolongation extends beyond 200 miles.

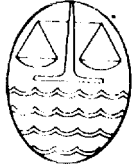
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3. Paragraph 2 of this article shall be without prejudice to the provisions concerning delimitation between adjacent and opposite States contained in articles and other rules of international law.

Further provisions will be required on the subject of article 19 including provisions to cover the precise demarcation of the limits of the continental margin beyond 200 miles; the use of the shelf for peaceful purposes only; delimitations between opposite and adjacent States, with retention of existing rights, including rights under bilateral agreements; and the relationship between the continental shelf and the economic zone.



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THIRD COMMITTEE

Canada, Fiji, Ghana, Guyana, Iceland, India, Iran, New Zealand,
Philippines and Spain: draft articles on zonal approach to the
preservation of the marine environment

These draft articles do not necessarily represent the full or final position of the co-sponsors, are without prejudice to declared national positions, and do not imply withdrawal of the proposals submitted, individually or jointly, by some of the above-named States or substitution of such proposals or national positions by the present draft articles.

C-0795

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I

States have the obligation to protect and preserve the marine environment.

II

1. States shall co-operate on a global basis and as appropriate on a regional basis, directly or through competent international organizations, global or regional, to formulate and elaborate treaties, rules, standards and recommended practices and procedures consistent with this Convention for the prevention of marine pollution, taking into account characteristic regional features, the economic capacity of developing countries and their need for economic development.

2. States with interests in the marine environment of a region or geographically common area should co-operate in formulating common policies and measures for the protection of such regions or areas. States should endeavour to act consistently with the objectives and provisions of such policies and measures.

III

1. States shall take all necessary measures to prevent pollution of the marine environment from any source, using for this purpose the best practicable means in accordance with their capabilities, individually or jointly, as appropriate, and according to their own environmental policies

2. States shall take all necessary measures to ensure that activities under their jurisdiction or control do not cause damage to areas beyond their national jurisdiction, including damage to other States and their environment, by pollution of the marine environment.

3. The measures taken pursuant to these articles shall deal with all sources of pollution of the marine environment, whether air, land, marine, or any other sources. They shall include inter alia:

(a) In respect of land-based sources of pollution of the marine environment, including rivers, estuaries, pipelines and outfall structures, measures designed to minimize the release of noxious and harmful substances, especially persistent substances, into the marine environment, to the fullest possible extent;

(b) In respect of pollution from vessels, measures relating to the prevention of accidents, the safety of operations at sea and intentional or other discharges, including measures relating to the design, equipment, operation and maintenance of vessels, especially of those vessels engaged in the carriage of hazardous substances whose release into the marine environment, either accidentally or through normal operation of the vessel, would cause pollution of the marine environment;

(c) In respect of pollution from installations or devices engaged in the exploration and exploitation of the natural resources of the sea-bed and subsoil, measures for the

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prevention of accidents and the safety of operations at sea, and especially measures related to the design, equipment, operation and maintenance of such installations and devices; and

(d) In respect of pollution from dumping by vessels, aircraft and fixed or floating platforms, measures for prohibiting or regulating such dumping.

IV

In taking measures to prevent marine pollution, States shall guard against the effect of transferring damage or hazard from one area to another.

V

Nothing in these articles shall derogate from the sovereign right of a State to exploit its own resources pursuant to its environmental policies and in accordance with its duty to protect and preserve the marine environment both in its own interests and in the interests of mankind as a whole.

VI

The coastal State has in and throughout its economic zone (hereinafter referred to as the "zone") the rights and duties specified in these articles for the purposes of protecting and preserving the marine environment and preventing and controlling pollution.

VII

1. Within the zone, the coastal State shall have jurisdiction, in accordance with these articles, to establish and adopt laws and regulations and to take administrative and other measures in respect of the activities of all persons, natural and juridical, vessels, installations and other entities for the purposes set out in article VI.

2. The coastal State shall have the right to enforce in the zone laws and regulations enacted in accordance with paragraph 1 of this article.

3. (a) In respect of pollution of the marine environment from land-based sources and from installations or devices engaged in the exploration and exploitation of the natural resources of the sea-bed and subsoil, the laws and regulations of the coastal State shall take into account internationally agreed rules, standards and recommended practices and procedures.

(b) (i) In respect of ship-generated pollution, the laws and regulations of the coastal State shall conform to internationally agreed rules and standards.

(ii) Where internationally agreed rules and standards are not in existence or are inadequate to meet special circumstances, coastal States may adopt reasonable and non-discriminatory laws and regulations additional to or more stringent than the relevant internationally

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agreed rules and standards. However, coastal States may apply stricter design and construction standards to vessels navigating in their zones only in respect of waters where such stricter standards are rendered essential by exceptional hazards to navigation or the special vulnerability of the marine environment, in accordance with accepted scientific criteria. States which adopt measures in accordance with this subparagraph shall notify the competent international organization without delay, which shall notify all interested States about these measures.

VIII

The coastal State shall exercise its rights and perform its duties in the zone with regard to the preservation of the marine environment without undue interference with other legitimate uses of the sea, including, subject to the provisions of this Convention, the laying of cables and pipelines.

IX

In the zone, ships and aircraft of all States, whether coastal or not, shall enjoy freedom of navigation and overflight subject to the exercise by the coastal State of its rights within the zone, as provided for in this convention, with regard to the preservation of the marine environment.

(Further articles in elaboration of the zonal approach will be required, including provision for the peaceful settlement of disputes, special areas, intervention, liability, the relationship of these articles with other international conventions, and mechanisms for the establishment of rules and standards.)



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WORKING PAPER SUBMITTED BY THE DELEGATION OF CANADA

The special case of salmon - the most important anadromous species

This paper summarizes the unique position of the various species of salmon in the world of fisheries management. It is submitted to provide the basis in fact and in equity for the development of an appropriate régime for the best use of this valuable resource.

Salmon are unique in returning from the sea to the same fresh waters where they were born, to spawn and leave their fertilized eggs to develop in the same gravel beds. Following hatching, some salmon migrate directly to the sea as small fry; other species must live for one to several years in fresh water lakes or streams.

While salmon grow and mature in the open sea, they occupy the upper layers of cold northern waters where they are not serious competitors for the food supply of other valuable species. In the open sea they are found mainly in areas within the proposed 200-mile economic zones, but also, to a considerable degree, in areas beyond national jurisdiction.

Salmon are the only fish occurring in the open sea which man can and does increase by positive cultural measures. Such measures can be taken only by the State of origin.

Mixed in distant waters, salmon runs separate to return unerringly to their home streams. In distant waters salmon runs which need special protection are mixed with runs which are abundant; only as they approach their home streams (the very streams where they were bred) can the salmon runs be cropped separately and in accordance with the catches each run can support.

Salmon reach their greatest weight as they approach their home streams. During their migrations from the open sea to the spawning grounds, salmon grow faster than they die off. The greatest yield can be obtained by fishing the runs close to their home streams.

Strict regulations are needed to let the right number of spawners through the fishery to the spawning streams. This must be done by assessments of the runs as they appear, and prompt and often drastic restriction of fishing to let the optimum spawning run through. This requires costly supervision and enforcement, as well as co-operation of the fishermen. Only the State of origin of the salmon can carry out this essential function.

C-1780

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Salmon must have unobstructed access to their spawning grounds, which may be as much as 1,500 miles inland from the sea. This involves heavy direct expenses in removal of natural obstructions (e.g. landslides) and construction of fish passes. There is also much indirect cost to the State of origin in foregoing hydro-electric development, irrigation projects, flood control and other benefits, all of which would involve dams obstructing the passage of salmon. For example, power dams of great potential value have been kept off the Fraser River in British Columbia in order to maintain the productivity of one of the world's great salmon rivers. The State of origin must also protect salmon waters from pollution.

Artificial means of increasing salmon production are becoming ever more effective. Large scale projects to increase salmon production include provision of artificial channels where natural spawning grounds are inadequate, hatcheries to increase the numbers and proportions of fry produced from salmon eggs, and associated facilities for rearing small salmon safe from the enemies and fluctuations in water levels which threaten them in nature. These salmon culture techniques have, in recent years, passed the experimental stage to that of demonstrated effectiveness. In North America alone, hundreds of millions of dollars will be spent in such efforts.

Both the management of the fishery and the development of artificial means of producing more salmon have required and continue to require intensive scientific research. The States of origin of salmon have already spent hundreds of millions of dollars in research on salmon.

Only the State of origin can protect and culture salmon and effectively manage the fishery. All the steps noted above can be carried out only by the State in whose rivers the salmon breed - the State of origin. No other State can see that the right number of salmon get through the fishery to spawn. No other State can keep salmon rivers and lakes unobstructed and unpolluted. No other State can take positive measures to increase salmon production by artificial means such as man-made spawning channels, hatcheries and rearing facilities. Without these effective and costly actions by the State of origin, there would be no commercial salmon runs.

A régime must be found which assures for the State of origin the fruits of its efforts and so encourages it to continue to bear the costs. This requires curtailment of the fishing of salmon on the open sea outside national jurisdictions and co-operation with the State of origin by other States through whose zones the salmon may migrate.



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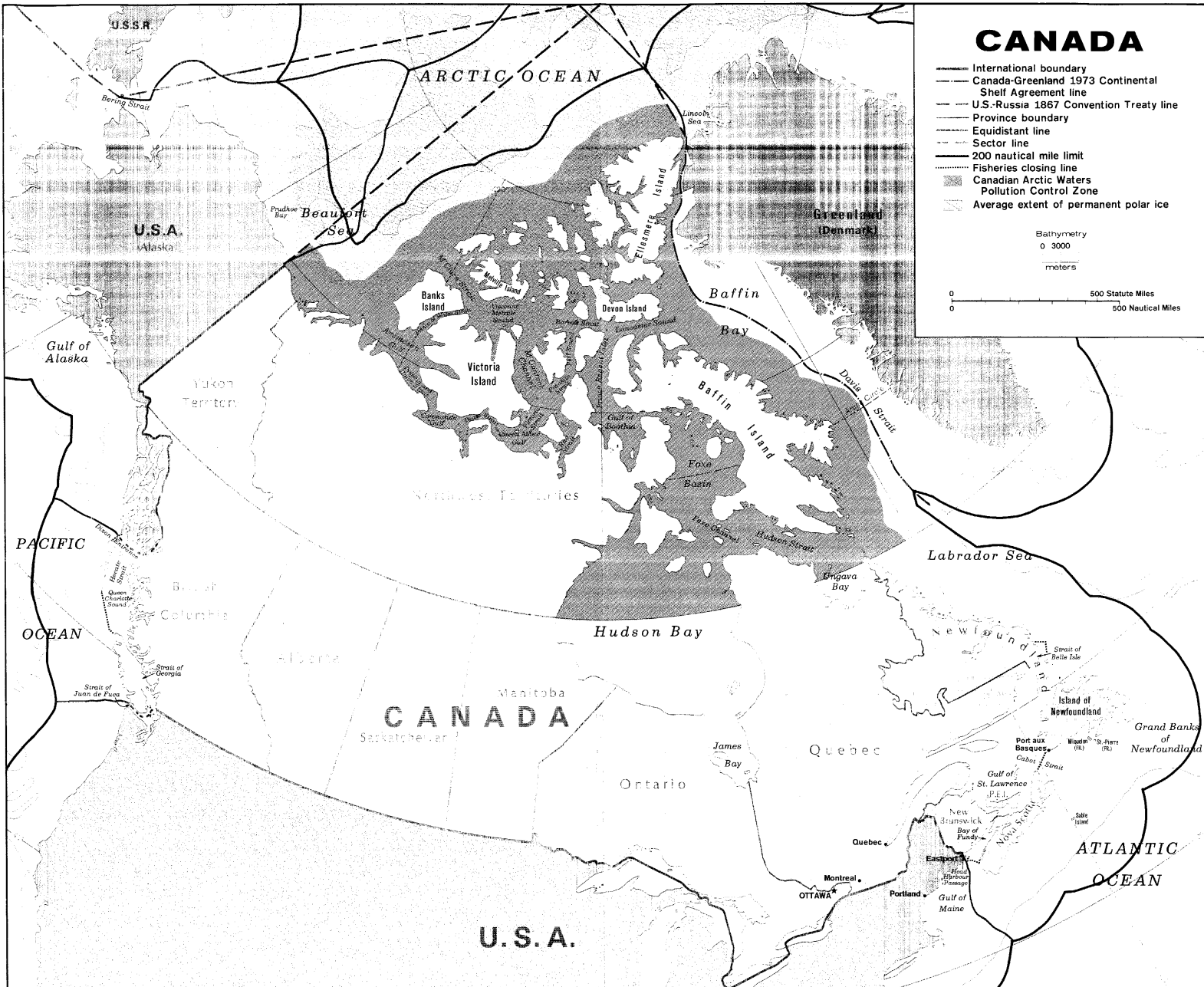
Canada: definition of international strait

Item 4

An international strait is a natural passage between land formations which:

- (a) (i) lies within the territorial sea of one or more States at any point in its length and
 - (ii) joins ...
- (b) has traditionally been used for international navigation.

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