

THE LAW OF THE SEA OF THE ARCTIC WITH SPECIAL REFERENCE TO CANADA. By Donat Pharand. Ottawa: University of Ottawa Press. 1973. Pp. xix and 367.

In recent years Professor Pharand has made a substantial contribution to an understanding of the law of the sea of the Arctic, through his articles in prominent law journals. Professor Pharand's readers will be pleased to learn that these articles have now been updated, expanded, and compiled in 'The Law of the Sea of the Arctic'. The result is an impressive array of topics covering all major aspects of the international law of the Arctic.

Seven major areas are covered: 1—the applicability of the right of innocent passage to the Northwest and Northeast Passages; 2.—the status of the waters of the Canadian Arctic Archipelago; 3.—the possibility of claiming a historic title to some of the Arctic waters; 4.—the applicability of the principle of "the freedom of the seas" to the Arctic Ocean; 5.—the status of ice shelves and ice islands; 6.—the international validity of the Canadian Arctic pollution prevention legislation and 7.—the state boundaries of the Arctic continental shelf and sea-bed.

The appearance of the compilation could hardly have been more timely. The discovery of vast oil reserves in the Arctic and the proposals now being considered for their transportation by sea present serious problems for the Arctic nations. Technology is developing to the point where navigation is now possible in Arctic waters. Active consideration is being given to the feasibility of using supertankers to ship oil from Alaska's North Slope to the United States Eastern seaboard. Submarine tankers have been designed to cross the Arctic Ocean while remaining completely submerged under the pack ice. At the same time basic concepts in the law of the sea, including the extent of territorial waters and of the coastal state's jurisdiction over the continental shelf, are in the process of being re-examined. The process, which was begun at the United Nations Conference on the Law of the Sea, in Caracas, during the summer of 1974, will continue throughout 1975, and, no doubt, succeeding years.

As its title implies, the book gives special consideration to the Canadian position. The recent extension of Canadian territorial waters from 3 to 12 miles, the possibility of considering the waters of the Canadian Archipelago as internal waters, the relevance of recent maritime activities in the Arctic as justifying a historic title to the Northwest and Northeast Passages, and the Canadian Arctic Waters Pollution Prevention Act 1970, are some of the areas of special interest to Canadians which are subjected to careful analysis by Professor Pharand.

The book contains much information of an historical, geographical and scientific nature, not ordinarily accessible to a lawyer, with his traditional sources of legal research. Yet such information may often be indispensable to a proper understanding of basic legal concepts. The question whether the Northwest Passage is an international strait depends, in part, upon whether it is used for international navigation. Professor Pharand gives a fascinating account of the known completed crossings of the Passage, in support of his contention that no such use has been established.

The justification for the Canadian Arctic Waters Pollution Prevention Act is more readily appreciated in the light of the complex ecosystem of

the Arctic. The author gives a useful summary of the effects of oil pollution upon life in the oceans and above it. Interesting descriptions of the water masses, pack ice, ice shelves and ice islands are included.

There is a surprising omission. A book intending to present a balanced account of the law of the seas ought, perhaps, to include treatment of the legal status of scientific research. There is a growing feeling that coastal states should have the right to participate in research conducted in areas adjacent to their coasts by foreign states, and must have access to data and samples collected. The question has an obvious relevance in the Arctic.

The author is to be congratulated upon the excellent arrangement of his subject matter. A wealth of material has been presented in a clear and logical manner. Maps and charts have been included for the assistance of the reader. Useful summaries are given at the end of each chapter, with an overall summary of the author's views in the concluding chapter. The book contains a general bibliography as well as a separate bibliography for each of the seven questions examined. Additional references to further materials are contained in the footnotes. There are four separate indexes.

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FUNDAMENTAL GUARANTEES OF THE PARTIES IN CIVIL LITIGATION. Mauro Capelletti and Denis Tallon (eds.). Milan: Giuffrè; Dobbs Ferry: Oceana. 1973. Pp. xxii and 821.

This volume is the proceedings of the Annual Conference of the International Association of Legal Science held in 1971 in Florence under the auspices of the Italian National Committee of the I.A.L.S. and the Florence Institute of Comparative Law. The particular topic chosen for discussion—the fundamental guarantees of the litigants in civil proceedings—is one of the most important aspects of civil procedure. It had never, before this Conference, been the subject of a discussion on a World-wide comparative level.

It consists of papers, some of which are in English and others in French, on the subject of procedural rights of parties to civil litigations in various modern legal systems, together with the summary of the papers and a resume of the discussions held at the Conference itself. Among the legal systems of the civil law traditions, it includes the legal systems of Austria, Denmark, France, Germany, Italy, Japan and Senegal; among those in the common law tradition, Canada, England and the United States of America; and among those in the Socialist tradition, the Soviet Union. Two papers on Latin America and one on the East European People's Democracies have been included in this volume. In addition, there is also a paper on the procedural rights of private parties as formulated in the European Conventions on the Protection of Human Rights and Fundamental Freedoms.

Professor Capelletti has outlined the theme of the Conference in a preface, and it is followed by a lengthy general report, providing an overview of the principal and most typical problems and solutions