

Dumping at Sea

Geneva on the Law of the Sea, and to general questions relating to the establishment of some kind of international authority on issues which have too long existed without agreement. The failure to achieve agreement concerning some kind of rules has caused substantial problems for this and other coastal countries.

I missed part of the speech by the parliamentary secretary. I regret that I was not able to give attention to all the remarks he so carefully prepared. I certainly can share with him—and I say this on behalf of the official opposition—his concern that Canada should participate as much as possible in the conclusion of this accord and that it should participate as one of the original signatories to the ratification of the convention.

I want to enter the caveat, which is not serious but which I feel should be mentioned, that if during the detailed discussion at the committee stage it should become apparent to us that there are some serious deficiencies in the bill as it stands we will not allow an international time table to cause us to rush through this parliament a piece of legislation dealing with a subject matter which is too important to be dealt with in haste. However, in the event that this problem does not arise—and I respect the good will of the parliamentary secretary and his minister in this regard—I think we are certainly inclined to give the matter expeditious consideration in the committee.

Naturally there are a number of members of my party who have a long standing interest not simply in coastal matters but also have very important questions relating to the Law of the Sea, and who will want the opportunity to speak on this matter and raise questions in the standing committee concerning the implications of Bill C-37. There are some anomalies which I believe it is important to consider even at this early stage. One is that the bill on its face seems to refer to all substances, and yet in a later portion of the bill there is reference to the establishment of certain schedules. This would seem to indicate that there will be in the schedules some kind of limitation concerning the categories of substances which this bill or the convention will treat. This will certainly be one of the things we in this party will insist upon having information on at the committee stage.

We will want to have a detailed delineation of the contents of any schedule such as referred to in the bill. We will particularly want to have answered the question concerning whether this legislation will in fact deal with all substances or whether there will be in the schedules some kind of limitation in respect of the substances which will be dealt with, because this could seriously detract from the effectiveness of the convention internationally or the effectiveness of the legislation with which we are dealing this evening. Therefore I want to advise the parliamentary secretary and the government that we in this party will be interested in having quite a detailed elaboration on the relationship between the part of the bill which appears to refer to all substances and the implication in the latter part of the bill that there is a possibility we will be dealing with a limited range of substances.

As the bill stands it contains certain inherent limitations; perhaps as well as being inherent they are inevitable in dealing with matters of international law. The bill quite

[Mr. Clark (Rocky Mountain).]

clearly deals with dumping where Canadian ships are involved or where a cargo which was loaded in Canada is involved. The extent of the prohibition with which we are dealing—I will await the contributions of some of my colleagues here who are more expert in the intricacies of the international law of the sea—has to do with a fairly limited number of ships which might be involved in dumping, a number limited either by the ships in question being Canadian ships or the cargoes in question being Canadian cargoes.

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Apart from that, our shore lines which might be affected by loopholes in any international dumping agreement, and indeed the general safety and cleanliness of the seas, are not protected against the possibility of dumping by ships that either are not of Canadian registry or are not carrying Canadian cargoes. That, taken in tandem with the matter that I raised earlier—the question that is on our minds because there is a reference on the one hand to all substances being covered, and on the other hand a reference to certain schedules—raises some very serious questions as to how complete a protection will be given by the legislation to Canada as an interested coastal state, and indeed by the convention in the ratification of which it is intended that Canada participate.

If I may enumerate them again, there appear to be three categories of substance that could seep through a loophole—

Some hon. Members: Oh, oh!

Mr. Clark (Rocky Mountain): I seem to be coining a new word.

Mr. Roche: That is the way the government operates.

Mr. Woolliams: Did you say seep through a loophole?

Mr. Clark (Rocky Mountain):—seep through a loophole. First, any substances which we think are prohibited but which do not appear to be in the schedule are in the first category. In the second category are substances which are dumped by non-Canadian ships, and in the third category are the commodities which are dumped which were not loaded in Canada.

I think it would be difficult for us at this stage in the debate to gather exact information on the range and importance of the substances that might be affected by the weaknesses in the bill. However, it is clearly a highly important matter for us to consider and on which to have some detailed information from the lawyers who have been involved in the discussions at the Law of the Sea Conference and who can tell us the extent to which Canada may be protected by the convention, and the offshore areas which our own law will protect. We would also want to have more information from people who are expert in marine practices and marine traditions as they relate to registry and to cargo loaded here in Canada or loaded in other places.

Given the weaknesses in the bill and given the fact that there are certain substances which can leak through, those of us who are interested in the protection of the Canadian coastline will be in the situation of having to rely upon the