

Arctic Waters Pollution Prevention Bill

protest, criticize Canada, firstly, for not referring this matter to the International Court and, secondly, for taking unilateral action which might be a bad example to other countries. I want to point out, first of all, that criticism of this country by the United States with regard to not referring this matter to the International Court comes with poor grace from a country that adopted the Connally amendment in August 1946, the effect of which was to exclude the jurisdiction of the International Court from all matters that are essentially within the domestic jurisdiction of the United States, as determined by the United States.

With reference to the criticism that we are acting unilaterally, I have already pointed out that not only the government of Norway but the government of the United States itself, in the proclamations of 1945 and 1946, unilaterally took steps which they deemed fit and proper; first to protect the resources of the seabed on both their coasts, secondly to conserve fishing activities on the high seas, and thirdly to exercise control of air space within 200 miles of their coastlines.

I want to make it clear that we in this party believe that Canada should do everything possible to strengthen the International Court. But we can only do this if other countries are equally committed to accept the court's jurisdiction. At the present time there are only 13 nations that have accepted the court's jurisdiction without reservation; the remainder; Canada and the United States included, have reserved the right to decide in each case whether or not they will allow a matter in dispute to go before the International Court.

My view happens to be that I think it might have been better to have allowed the matter to go before the International Court in order to bring it to a head. There are almost twice as many nations that have more than a three-mile limit than there are nations that adhere to the three-mile limit. I believe the weight of public opinion—

Mr. Sharp: There is no reservation with regard to the 12-mile limit.

Mr. Chrétien: It was the pollution bill that carried that reservation.

Mr. Douglas (Nanaimo-Cowichan-The Islands): Yes, that is right. But I am pointing out that the bulk of the nations that have unilaterally extended their territorial sea over the 3-mile limit would be concerned in this question. I think that the bulk of public opin-

[Mr. Douglas (Nanaimo-Cowichan-The Islands).]

ion, which is also concerned about pollution, would force the calling of a conference of the sea, from which we would hope to produce an international convention that would settle the matter in a manner satisfactory to Canada.

It should be made clear to the United States, in my opinion, that the course which Canada has followed is not unique. Indeed, the course of action which the government is following with respect to both these bills is on all fours with the unilateral declarations that were made by the United States in 1945 and 1946, both with respect to jurisdiction over the resources of the seabed and United States fishing rights on the high seas.

Other nations have taken unilateral action in extending their territorial waters and their jurisdiction for specific purposes. At the present time only 32 nations accept the 3-mile territorial limit, while 60 nations have extended their territorial waters anywhere from four miles, as in the case of Finland, Norway and Sweden, up to 150 to 200 miles, as in the case of Chile, Ecuador and Peru. It is significant that Mexico, a close neighbour of the United States, has had a 9-mile territorial limit for a considerable period of time, and that Panama, in which the United States has a very vital interest stemming from the Panama canal, has a 12-mile territorial limit. As a matter of fact, numerous United States fishing vessels flying the U.S. flag have been seized by Chile, Ecuador, Peru and Mexico. The United States has sent notes of protest, but the countries in question have continued to exercise their jurisdiction and, so far as I know, no case has been taken to the International Court.

To my mind, it is significant that this is the first time that the United States has objected to Canada making any declaration of jurisdiction with respect to the Arctic. As I pointed out in a speech which I made in the House on January 22 last, we made a declaration as far back as 1908 on the basis of the sector doctrine. In 1946 the Right Hon. L. B. Pearson, then Canadian ambassador to Washington, made a declaration on behalf of the Canadian government.

• (4:10 p.m.)

On December 8, 1953 the Right Hon. Louis St. Laurent, then Prime Minister of Canada, made a declaration with regard to Canada's sovereignty. There is a strong feeling in some quarters, which I share, that the sudden interest of the United States and its now stated objections clearly relate to the discovery of