

Supply

The good of the global community now demands that Canada take a bold act of responsibility, that Canada take forceful steps now to preserve the straddling cod stocks. We must not allow a modern day tragedy, the decimation of the global commons. If that means unilateral action, then let us not fear to take such action.

It is justified. It is justified morally and it is also justified within the evolution of international law, the development of the economic interdependence of nations, the moral interdependence of the entire ecosystem. A growing international awareness of sustainable development, ecosystem management, and the global economic and ecological interdependence, the interlinking, all point the way for the absolute need for international law to evolve.

Canada must lead the way in pushing for special measures to protect the resources of the Atlantic northwest. Let us be very clear. It is not that we would claim a sole right to harvest straddling stocks on the high seas. Rather, the purpose is to preserve the interests of the international community, including Canada in the conservation of these stocks. These are world resources which are being endangered.

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Unfortunately, it has become manifestly clear the preservation of this international heritage will not be accomplished by relying solely on co-operative measures. It is all too clear that these have failed, time and time again over the last several years.

One does not have to look very far for a successful precedent for the kind of unilateral action which we are advocating. In 1970 the Liberal government of the day unilaterally passed the Arctic Waters Pollution Prevention Zone Act. This established functional jurisdiction over a 100-mile zone around the islands of the Canadian Arctic archipelago. Thank heavens we did this.

Today we judge that there are abundant grounds for taking such precautionary action. A basis exists in the Law of the Sea and in international law. International law is flexible and evolving. It is a mistake to think that it is static.

Under the Law of the Sea a coastal state may unilaterally extend fisheries management from its exclusive

economic zone to the adjacent high seas if international agreement on conservation measures is not attainable within a reasonable time period. It is essential that we do so to protect this coastal state's preferential right, and that is recognized in international law.

The history of the Law of the Sea illustrates changing notions about the status of the ocean, its resources and claims to jurisdiction over areas shared by sovereign states.

For instance, the freedom to fish in high seas unfettered by state control was once unquestioned. When such notions were prevalent, however, the patterns of fish migration were unknown. The size of world fish stocks was unknown. The subject matter of international law was envisaged only in static, rigid terms.

Today the law must evolve in response to our new awareness that marine resources are, in fact, exhaustible and fluid. Fish move freely and concepts of ownership and possession based on cartography are practically irrelevant in today's world. We must now understand that the ocean's living resources are shared, finite and transient. The unlimited freedom to fish in the high seas must be regarded as an antiquated and outdated concept.

Except where rules emerge from international conferences, someone in this world has to be the first to establish a new paradigm. Unilateralism is an integral part of the evolutionary process of international law. It is not the exception.

That is why Liberals seek extension of national enforcement authority outside of the 200-mile zone. The position that we advocate is well supported. It is well supported first by the objective territoriality or effects principle of international law. This is a recognized basis of jurisdiction, for instance, in the case of criminal conduct. It is an extension of the territorial principle that permits a state to apply its laws to acts committed elsewhere that cause an effect within the state's territory.

Second is the effective administration of justice principle. According to D.P. O'Connell, a Law of the Sea expert, and I quote:

If a state has the right in international law to make laws with respect to fishery, it would seem to be a corollary of that right that it has the competence to make those laws effective.