

In short, where we have extended our sovereignty, we are prepared to go to court. On the other hand, where we are only attempting to control pollution, we will not go to court until such time as the law catches up with technology. In this respect we have acted as we have because of necessity, but also because of our awareness of the impetus given to the development of international law by individual state practice.

I consider this pollution legislation to be as exciting and as imaginative a concept as this Government has as yet undertaken. If government activities can be associated with youth and with spring, then this one is. It is not jingoist; it is not anti-American. It is positive and it is forward-looking.

Canada has been told that this pollution legislation is unacceptable because it is allegedly inconsistent with long-standing principles of freedom of navigation. Those who say this evidently regard the climatic conditions of the high Arctic as somehow similar to those close to the equator. This parallel we reject. Notwithstanding that map-makers may choose to illustrate the areas between the islands of the Canadian Arctic archipelago in the same fashion as they denote the water areas in tropical archipelagos, the physical circumstances in situ are quite disparate. Most of the Arctic channels are covered with heavy thicknesses of ice during most months of the year. This ice has presented such a barrier to navigation through the centuries that there has not yet occurred a single commercial voyage through the Northwest Passage. Only through abstract theorization can the Northwest Passage be described as an "international strait". Only by an examination conceptually removed from reality can Beaufort Sea be described as "high sea".

I suggest that it is a disservice to the development of international law to argue that important principles should be applied in circumstances which are clearly inappropriate. The law of the sea has evolved over many years, and is now to a large degree codified. Canada has taken a leading and constructive role in this process. During this lengthy evolution, however, states have never contemplated waters that are other than fluid. Only a handful of special regulations have been developed to meet special ice situations. It is our view that at the present time there is no customary law applicable to navigation in Arctic areas, and that we cannot wait for a disaster to prompt us to act. We need law now to protect coastal states from the excesses of shipping states.

Both as a stimulus to this necessary development and as a protection to all North Americans, we remain convinced that we must act immediately to legislate preventive measures for control of pollution, and we are doing so.

We have told our friends and neighbours that this Canadian step, designed to protect the Arctic waters, will not lead to anarchy; it is not a step which diminishes the international rule of law; it is not a step taken in disregard of the aspirations and interests of other members of the international community. Canadian action is instead an assertion of the importance of the environment, of the sanctity of life on this planet, of the need for the recognition of a principle of clean seas, which is in all respects as vital a principle for the world of today and tomorrow as was the principle of free seas for the world of yesterday.