

Arctic Waters Pollution Prevention Bill

miles of the United States coast identify themselves. I am not complaining about this. In an age of aeronautics, a country must protect its citizens. What I am pointing out is that in the interest of preventing pollution, in the interest of protecting the fishing industry, in the interest of protecting resources on the sea bed adjacent to the territory of a coastal state, other nations, and particularly our friends the Americans, have by unilateral action taken the necessary steps to safeguard themselves, their resources and their people, without waiting for international law to catch up.

The fact is, the law of the sea has not kept pace with changing conditions. The release sent out by the United States information service regarding the note which was sent to the Canadian government by the State Department, reads:

The United States does not recognize any exercise of coastal state jurisdiction over our vessels on the high seas and thus does not recognize the right of any state unilaterally to establish a territorial sea of more than three nautical miles or exercise more limited jurisdiction in any area beyond 12 nautical miles.

We, therefore, regret the introduction of this legislation by the Canadian government which, in our view, constitutes a unilateral approach to a problem we believe should be resolved by co-operative international action.

No one will disagree with the sentiment that it would be desirable to settle this or any other problem by, to quote the United States note, "co-operative international action". But surely, we as Canadians have a right to know how long we are expected to wait before there are provisions in the law of the sea which will protect our people, our coasts and our fishing industry.

Some hon. Members: Hear, hear.

Mr. Douglas (Nanaimo-Cowichan-The Islands): Let me remind the House that there was a conference in 1926 at which time the United States called for an action of prohibition against the discharge of oil into the sea. It was voted down two to one. In 1954 another "conference of the sea" was held. A convention was established which would have set up a 50-mile area from the coast within which the deposit of oil was forbidden. The United States refused to sign this convention. It said the provision should require only voluntary adherence. At the 1958 conference the United States offered a six-mile territorial sea zone to replace the three-mile limit. This proposal was defeated.

The so-called law of the sea as laid down in various international conventions is vague and archaic in many respects. In the main, progress has only been made when nations have issued unilateral declarations as to their jurisdiction and have then succeeded in getting those declarations incorporated in an international convention at a conference on the law of the sea. This was true of the Norwegian fisheries doctrine of 1951, which later was incorporated in the convention of 1958. It is true of the Truman declaration of 1945 regarding jurisdiction over the continental shelf with respect to exploitation of the resources of the seabed, which was later incorporated in the convention of 1958.

• (4:00 p.m.)

I think that we, as Canadians, are on sound ground in saying that where our interests are at stake we are justified in following the example of some of the countries to which I have referred and making a unilateral declaration, then indicating our willingness to sit down and discuss the matter with other coastal states in the hope that we can work out international conventions that will be satisfactory to all concerned.

We have been told that a note was delivered to the Canadian government by the government of the United States, though we have only had snatches of it referred to in the press. One report is to the effect that it is understood the note "criticizes the Trudeau cabinet's decision to reject the authority of the court in these disputes". This morning's *Globe and Mail* has extensive quotations which allegedly come from the note that the State Department sent to the Canadian government. I always find it difficult to understand why the press seem to be able to get copies of these notes, at least extracts from them, but we in the House of Commons are not able to get that information.

Mr. Baldwin: It comes from Information Canada.

Mr. Douglas (Nanaimo-Cowichan-The Islands): In this news story, there is contained in quotation marks what is alleged to be a statement that appears in the United States notes. It reads as follows:

If Canada had the right to claim and exercise exclusive pollution and resources jurisdiction on the high seas, other countries could assert the right to exercise jurisdiction for other purposes, some reasonable and some not, but all equally invalid according to international law.

The two statements I have quoted, and which allegedly come from the U.S. note of