

Arctic Waters Pollution Prevention Bill

Some hon. Members: Agreed.

Mr. Deputy Speaker: It being six o'clock I do now leave the Chair until 8 p.m.

At six o'clock the House took recess.

AFTER RECESS

The House resumed at 8 p.m.

GOVERNMENT ORDERS**ARCTIC WATERS POLLUTION PREVENTION BILL**

PROVISIONS RESPECTING DEPOSIT OF WASTE, PLANS AND SPECIFICATIONS OF WORKS, SHIPPING SAFETY CONTROL ZONES, ETC.

The House resumed consideration of the motion of Mr. Chrétien that Bill C-202, to prevent pollution of the areas of the Arctic waters adjacent to the mainland and islands of the Canadian Arctic, be read the second time and referred to the Standing Committee on Indian Affairs and Northern Development.

Mr. Lloyd R. Crouse (South Shore): Mr. Speaker, when I was speaking in this debate at five o'clock this afternoon, among other things I indicated our support in principle of this legislation. However, I pointed out at that time the obvious difference of opinion which exists in respect of this legislation between our Prime Minister (Mr. Trudeau) and the Secretary of State for External Affairs (Mr. Sharp).

During his speech this afternoon, and in reply to questions following his remarks, the Secretary of State for External Affairs stated that Canada has always considered the northern waters in Canada's archipelago as territorial waters of Canada coming under the sovereignty of Canada. The Prime Minister, however, when interviewed outside the House by the press following the introduction of the bill made the following statement. I shall quote from a transcript of his remarks:

This is the first bit of legislation. It is not an assertion of sovereignty—it is an exercise of our desire to keep the Arctic free of pollution and by defining 100 miles as the zone within which we are determined to act, we are indicating that our assertion there is not one aimed toward sovereignty but aimed toward one of the very important aspects of our action in the Arctic.

Who are we to believe? Who speaks the truth so that all Canadians will understand—the Prime Minister or the Secretary of State

[Mr. Deputy Speaker.]

for External Affairs? Surely this important point should be clarified before this bill receives second reading and goes to the committee. Surely the Prime Minister must realize what he is doing. Surely he must realize that any waters beyond our territorial limits are regarded as the high seas. The apprehension of any vessel on the high seas could be construed as a hostile act. Anyone who arrests a vessel on the high seas could be accused of piracy. Because of these facts I contend that Canada must exercise her sovereignty over the whole Canadian northern archipelago and over the whole area of pollution control, if this legislation is to stand up in a court of international law.

The reasons generally accepted as justifying the extension of the sovereignty of a state over its territorial seas have been laid down by practice and by tradition. First, the security of the state demands that it should have exclusive possession of its shores and should be able to protect its approaches. Second, for the purpose of furthering its commercial, fiscal and political interests a state must be able to supervise all ships entering, leaving or anchoring in the sea near its coast. Third, the exclusive enjoyment of the products of the sea close to the shores of a state is necessary for the existence and welfare of the people in that state.

In my opinion, political and economic considerations are the predominant factors which will determine the extent of the territorial sea over which a state would want to assert sovereignty and jurisdiction. The question of the breadth of the territorial sea of a coastal state is therefore inseparably connected with the question of self-preservation or survival. In the light of this basic fact different states have claimed varying extents of territorial seas, and because the circumstances and conditions of states vary there is no absolute uniformity in their respective claims concerning the breadth of the sea adjoining their coasts which comes under their sovereignty and jurisdiction. In some cases this assertion and exercise of sovereignty is based on historic title, in others upon existing treaties, and in still others upon actual occupation.

I submit that Canada has claim to our Arctic islands and waters by historic title and actual occupation. Any proposal that would limit the extent of territorial waters over which Canada should now actually assert and exercise her sovereignty would amount to an impairment of our territorial integrity. The validity of our established rights should not