

*Arctic Waters Pollution Prevention Bill*

There has been some discussion regarding the concept of sovereignty. The Leader of the Opposition said yesterday that by introducing these bills the government is, in fact, abandoning sovereignty over our northern waters. I really think that in stating that he is grasping at straws. I feel that not only are we asserting our sovereignty, but we are laying the groundwork for further legislation respecting the north that may become necessary. When a government, Mr. Speaker, legislates with respect to a given territory, in this case the Arctic waters, it is claiming sovereignty over that territory with respect to the subject matter of the legislation. Sovereignty, like ownership, is not an absolute right. Surely, those who live in Canada should recognize that; after all, we live in a federal system. When we legislate with respect to an area, that legislation is an expression of sovereignty over that area. Other expressions of our sovereignty in our Arctic are to be found in our icebreaking role in these waters, in our weather stations; in our defence stations; in our outposts coming under the Department of Northern Affairs, such as schools and health institutions; in our supply lines coming under the Department of Transport; in our RCMP stations, and so on. All these things are an expression of our sovereignty in the north. This legislation is a further expression of our sovereignty, not only in the northern islands but also in the Arctic waters, because the legislation relates particularly to the Arctic waters.

Let me say, Mr. Speaker, that there never has been any question on the part of the Canadian government or any government with respect to our sovereignty over the Arctic islands and the sea bed between the islands which is part of the continental shelf. I know this has been stated before but there is still much confusion in the minds of some Canadians on this matter. Some feel that there is some dispute with respect to our sovereignty to the islands and the continental shelf on which some mineral and oil exploration is taking place.

As the Secretary of State for External Affairs mentioned yesterday, much of the international law of the sea originated as customary law. It was only later put into international conventions and treaties. This customary law was developed because certain states took unilateral initiatives in order to protect their own interests. As they did this, the customary law relating to the high seas developed. This was done with respect to the three-mile limit and also with the 12-mile

[Mr. Allmand.]

zone. This same concept was later extended to embrace the continental shelf doctrine. As a matter of fact, if one looks at the history of the development of international law, one will see that it arose from customary law. That customary law developed and finally became international law, largely because of unilateral initiatives taken by certain states. As time went on, these customary laws were put into treaty form.

For many years no one questioned our jurisdiction over the Arctic waters because there was no incentive, nor any means, for any one to use those waters for commercial purposes. Now, there have been great discoveries of oil and other minerals in the Arctic, and accompanying technological developments which have enabled super-tankers to be built. As a result, there is now a tremendous risk of pollution on a massive scale in the Arctic. If the Canadian government does nothing to protect these waters, nobody else will. We are the only nation in a position to do something about pollution control in those waters, and we must do something.

I might say that I would be pleased to see some similar type of legislation introduced for pollution control with respect to the waters off our east and west coasts. I do not know if we should require 100-mile limits there, such as we are proposing in the north, but certainly we must do something to prevent junky tankers run by irresponsible shipping companies from traversing these waters in an irresponsible way and bringing the risk of pollution to our coasts. We have had experience with the *Arrow* off our east coast. If one looks at the *Torrey Canyon* and the Santa Barbara disasters, one can appreciate that ships travelling between 50 and 100 miles off our coasts can encounter disaster and be shipwrecked.

• (12:30 p.m.)

The countries that will suffer are those that have coastlines closest to such disasters. Something must be done to protect the coastlines of those states which provide important shipping passages. I suppose Canada will continue to press for international agreement at the international conferences. If we do not get agreement at these conferences, we must take some kind of unilateral action on our east and west coasts to protect against the same sort of thing we are protecting against in the Arctic. There may be risks in upsetting other states by introducing legislation such as this, but in