The Prime Minister (Mr. Trudeau) has also recently stated in this House, on April 8, 1970, as recorded at page 5623 of *Hansard:*

> Canada strongly supports the rule of law in international affairs.

A similar statement was made in this House by the right hon. Prime Minister in 1969 when he declared on May 15 of that year, as recorded at page 8720 of *Hansard:*

> The law of the sea is a complex subject which, as can be understood, may give rise to differences of opinion. Such difference, of course, would have to be settled not on an arbitrary basis but with due regard for established principles of international law.

What are the established principles of international law? As far as I can determine, the main sources of legal principles are the 1958 Geneva Law of the Sea Convention, and the fisheries case decided in 1951 by the International Court of Justice, to which I referred a moment ago. But so far Canada has not ratified the above convention, and only last week the government denied the authority of the International Court over the protection of the environment and the conservation of the living resources of the sea. To justify that position the government declared:

> Canada is not prepared however to engage in litigation with other states concerning vital issues where the law is either inadequate or non-existent and thus does not provide a firm basis for judicial decision.

In the same statement, the Prime Minister continued:

> There is an urgent need for the development of international law establishing that coastal states are entitled, on the basis of fundamental principle of self-defence, to protect their marine environment and the living resources of the sea adjacent to their coasts.

But, Mr. Speaker, who participates in the elaboration of the international law if not the International Court of Justice? The position taken by Canada could lead to the assumption that Canada is anxious to see the development of international law in the matter of pollution but that she does not trust the World Court and prefers to legislate unilaterally. I contend that the action of the government will not establish a rule of international law but only a national statute.

Strangely enough these are not my views alone. On this particular issue my views are strongly endorsed by the Secretary of State for External Affairs, as reported in an exclusive article in the *Globe and Mail* of Thursday, September 18, 1969, which I have here, and which allegedly was written by Mitchell Sharp. The entire article is factual. I will not read all of it but here are the minister's views on the interplay of systems, and they buttress my views entirely. There can be no argument between the two of us after I read this article. This is what he wrote:

• (4:10 p.m.)

> Domestic law and international law are interrelated and interdependent. The domestic laws of Canada and other states can influence international law. On the other hand, it cannot be said that domestic action can be taken in isolation of international law. The interplay and interpenetration of the two systems of law is most apparent perhaps in the field of the law of the sea. Action taken internally must therefore be either compatible with the current state of international law or, at least, be defensible in a court of law.

Those are the words of the Secretary of State for External Affairs. I continue:

> Otherwise, there is no chance of a domestic position being recognized by the international community.
>
> Any action by any state touching on its jurisdiction or sovereignty has implications for other states. Assertion of one's sovereignty by domestic legislation or otherwise is not of itself sufficient to gain its acceptance by other states. If it were, there would, of course, be international anarchy.

The minister was even stronger in his statements than I have been. He continued:

> Even the most powerful states must take into account the need for international acquiescence.

Mr. Sharp: That is what we hope we will have.

Mr. Crouse: The minister says, "That is what we hope we will have." In one place he makes one statement, and in another, another statement. Yet, according to his words of September 18, 1969, he endorses my viewpoint unequivocally.

It is our contention that it is almost impossible to implement this legislation fully. The delimitation of territorial waters requires the prior establishment of a proper baseline, but the fixing of that baseline is not an easy task. This is evident from the fact that although Canada applied for the first time the straight baseline principle in 1964, all the geographic co-ordinates have not as yet been defined. The problem is more complicated than it first appears when one reads the Canadian Territorial Sea and Fishing Zones Act. The Act gives the Governor in Council power to make regulations for the establishment of straight baselines but it does not state that the regulations should conform to international law principles. In this respect the present amend-