

The quality of life: Canada acts in the Arctic



- The great Prudhoe Bay oil discovery in Alaska;
- the accelerated exploration in the Yukon and Northwest Territories of Canada;
- the prospective opening of the Northwest Passage to commercial shipping of which the S.S. Manhattan's voyages are a dramatic forerunner;
- the concomitant question of pipelines—their size, routes, and effect on the ecology;



Prime Minister Trudeau and Eskimo children: "for the protection of every human being."

Against this backdrop, the Canadian Government introduced into Parliament on April 8 legislation asserting its right to control pollution one hundred miles out from the mainland and islands of the Canadian Arctic. In an exceptional display of parliamentary unanimity (a vote of 198-0), it has been given second reading or approval in principle. Third reading, which is tantamount to enactment, is expected before the end of the present session of Parliament.

Prime Minister Pierre Elliott Trudeau, on a recent Canadian television program, discussed the proposed legislation. The following are excerpts of his remarks:

"If part of our heritage is our wilderness, and if the measure of Canada is the quality of the life available to Canadians, then we must act should there be any threat to either. We must act to protect the freshness of our air and the purity of our water; . . .

"The Arctic ice pack has been described as the most significant surface area of the globe, for it controls the temperature of much of the Northern Hemisphere. Its continued existence in unspoiled form is vital to all mankind. The single most imminent threat to the Arctic at this time is that of a major oil spill. Not only are the hazards of Arctic navigation much greater than elsewhere, making the risk of break-up or sinking one of constant concern, but any maritime tragedy there would have disastrous and irreversible consequences.

"Such oil would spread immediately beneath ice many feet thick; it would congeal and block the breathing holes of the peculiar species of mammals that frequent the regions; it would destroy effectively the primary source of food for Eskimos and carnivorous wildlife throughout an area of thousands of square miles; it would foul and destroy the only known nesting areas of several species of wild birds.

"Involved here, in short, are issues which even the most conservative of environmental scientists do not hesitate to describe as being of a magnitude which is capable of affecting the quality and perhaps the continued existence of human and animal life in vast regions of North America and elsewhere. These are issues of such immense importance that they demand prompt and effective action. But this huge area cannot be protected by Canada acting alone. Just as the Arctic environment is of benefit to many nations, so, in the long run, only inter-

national controls will be able effectively to protect it.

"We know, however, that the international community moves slowly in the creation of new law and the construction of new apparatus. We have no reason to believe that such a régime can be expected within the next few months, or even years. But we know that Arctic shipping and Arctic mineral exploration activities are occurring now. Until such a régime exists, therefore, Canada must take steps to ensure that irreparable harm will not occur.

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

While Canada has said that it will not accept the jurisdiction of the International Court of Justice in the area of pollution control—on the grounds of the inadequacy or underdeveloped state of international law—Secretary of State for External Affairs Mitchell Sharp has emphasized that the action should be regarded as "a stepping stone towards the elaboration of an international legal order."

Canada has also introduced legislation extending its territorial sea from three to twelve miles. The Prime Minister describes this as a claim of sovereignty; the one hundred mile zone in the pollution bill on the other hand is an assertion of jurisdiction. But unlike the concept of pollution control where, as Mr. Trudeau said, "there is as yet little law and virtually no practice," Canada is prepared to have the territorial sea adjudicated upon by international tribunals.

"Our pollution legislation," said the Prime Minister in Toronto on April 16, "is without question at the outer limits of international law. We are pressing against the frontier in an effort to assist in the development of principles for the protection of every human being on this planet." 🍁