

*Private Members' Business*

Notwithstanding that fact, the Law of the Sea has become customary international law so that Canadians already do benefit from the provisions of great significance such as the 200-mile economic zone.

I might say this is not really a partisan issue but I would remind my hon. friend that the government of which he was Minister of the Environment could very well have ratified the document if it had thought it an appropriate thing to do at the time.

In any event, it stands as it does and Canada stands with the other G-7 countries and most of the OECD countries in the position that it has taken. The significant point is the benefit is there because of the principle of customary international law so there is no loss.

Incidentally, my hon. friend indicated 53 countries had ratified it. It is the Government of Canada's understanding that only 51 of the 159 signatories have ratified at this time. Nevertheless, they are seven or eight countries short and even if Canada ratified it still would not constitute the 60. The issue in a sense is a moot one and I suspect when the issues relating to sea bed mining get sorted out then perhaps we will see a further development in that regard.

Regardless of that, with respect to the problem of foreign overfishing and overfishing in particular on the east coast, the nose and tail of the Grand Banks, the real problem we are faced with from an international point of view is something that happens outside 200 miles where we would not have control with or without the international Law of the Sea.

Our control extends only 200 miles and our control up to that 200 miles is fully recognized by foreign nations. No foreign nation has a quota to harvest within our 200 miles without our consent.

Under the Law of the Sea the agreement the nations adhere to is that the adjacent country has the right to control those resources, is expected to make surplus resources available, but only surplus resources. Licences are only issued with respect to stocks that Canadians do not have an interest in harvesting. Normally that is because they do not have a commercial viability. That has been the practice.

In the final analysis with respect to dealing with the problem of foreign overfishing off our coasts, it is an external problem that can only be solved through international co-operation.

That really has been the basis of the approach the

Government of Canada has taken for the last several years to try to bring the countries which have been overfishing, such as Spain, Portugal, South Korea and some others to a more limited extent, to try to achieve through co-operation what in fact there is no basis in international law for us to oppose.

Much as it might be nice to say: "Let us just unilaterally extend the limit," there is no legal basis for doing so. Much as we might like to say: "Well, let us go out and blast them out of the water," that is hardly acceptable. I know all members of this House would be absolutely outraged if some other country took it upon itself in international waters to arrest or otherwise interfere with a Canadian vessel.

Really, the only approach we can take is the diplomatic one frustrating though it may be. It is important to note significant progress is being made, in no small measure I might say, as a result of the efforts not only by the Prime Minister of Canada, the Secretary of State for External Affairs, the Minister of Fisheries and Oceans, but also by industry representatives, members of Parliament, and many others who participated in a very extensive campaign of putting this issue on the public agenda in Europe and in other parts of the world.

The problem of overfishing on the high seas is increasingly being recognized by the international community as an important environmental issue. It was on the basis of the fact it was an environmental issue that we were able to get the whole issue brought into the Rio summit. Some would suggest we bootlegged the issue in late in the game, but the bottom line is that it was recognized there as an environmental problem which in the final analysis is what it is.

• (1730)

Increasingly over the past few years there has been international recognition of the gravity of this problem. For example in 1987 the report of the World Commission on Environment and Development warned of the threat to living marine resources posed by over-exploitation, pollution and land-based development.

In 1991, more recently the G-7 heads of government issued a declaration urging compliance with the regimes established by regional fisheries organizations through effective monitoring and enforcement measures.