

*Arctic Waters Pollution Prevention Bill*

tilateral and bilateral approaches which convinces us that immediate action by Canada is required for protection of the Arctic environment.

We know only too well that a situation requiring urgent action cannot be met by the slow and difficult process of negotiating international arrangements. However valuable may be the work of the International Joint Commission, citizens of both Canada and the United States are painfully aware that it has not prevented the pollution and contamination of the Great Lakes to the point where the very life of these vast bodies of water is threatened. The International Joint Commission is undertaking remedial action on the Great Lakes but that action is long overdue and will not easily undo the ravages that have taken place. We cannot be too late everywhere. We cannot wait until the damage has been done in the Arctic if only because such damage in that environment may well be irreversible.

• (4:30 p.m.)

The first attempts to find an international solution to the problem of pollution of the seas by oil were made in the early 1920's but did not achieve even partial success until the late 1950's. In 1926 an international conference held in Washington drew up a relatively modest proposal for the control of deliberate marine discharges of oil or oily mixtures. Even this modest proposal failed to achieve ratification.

By 1954 the oil pollution problem had reached such a state of crisis in some areas that a second major conference was convened. The result was the London Convention for the Prevention of Pollution of the Sea by Oil. This convention, like the 1926 proposal, deals with the prevention of deliberate pollution by tanker cleaning operations, but leaves enforcement to the flag states rather than the coastal states suffering the damage. This convention was adopted despite strong opposition from the United States, which believed that the problem of deliberate discharge would disappear by educational programs and technological advances.

The London Convention was only slowly accepted, and it was not until four years later that sufficient countries had ratified it to bring it into force. Canada's instrument of acceptance was deposited in 1956, and that of the United States in 1961. The Convention was amended by a second conference held in 1962 under the auspices of the Intergovernmental Maritime Consultative Organization.

[Mr. Sharp.]

The 1962 amendments were relatively marginal, but extended from 50 to 100 miles the minimum zones in which the deliberate discharge of oil is prohibited. Canada accepted these amendments in 1963, but they did not achieve sufficient acceptance to come into effect until 1967.

The amended London Convention remains the major international instrument in force in this field. Despite its modest aims, and despite the fact that it leaves enforcement to the flag states and thus preserves their traditional exclusive jurisdiction over their vessels on the high seas, this limited convention did not come into effect until some 30 years after the oil pollution problem first began to attract serious international attention. Its inadequacies as to the scope and enforcement of its provisions are, I believe, disputed by no one.

More recently, however, we believed there was cause to hope that the nations of the world might join together to attack the problem of oil pollution on a broader front and to adopt more effective measures for its prevention and control. The *Torrey Canyon* incident has awakened states and public opinion to the catastrophic consequences of a spill from a jumbo tanker. Domestically and internationally there had been increasing signs that the quality of the environment was becoming the major issue of our time. Against that background Canada went to Brussels, in November, 1969, to participate in an international legal conference on marine pollution damage. The results of the conference, however, while reflecting a certain degree of progress were seriously disappointing.

Many delegations at Brussels displayed what appeared to us to be an excessive caution and conservatism and a rigid pre-occupation with the traditional concept of unqualified freedom of the high seas. That freedom, in our eyes, seemed to be tantamount to a licence to pollute; it did not in any way strike a proper balance between the interest of the flag state in unfettered rights of navigation and the fundamental interest of the coastal state in the integrity of its shores.

As a result, despite our most vigorous efforts, Canada was only partially successful in achieving recognition of the paramount need for environmental preservation and the principle that the bulk carriage of oil and other pollutants by sea is an ultra-hazardous activity which gives rise to an absolute liability to compensate in full the victims of pollution damage arising from such carriage.