subject of international action in respect to pollution by oil from ships, since it has relevance to what I am saying. International concern with the problem can probably be traced to the Washington conference of 1926, but the main progress in establishing international standards in this area has taken place since the second world war. The main responsibility has rested with the Intergovernmental Maritime Consultative Organization, although other agencies of the United Nations have been concerned in a peripheral way.

In 1954 an Intergovernmental Maritime Consultative Organization convention laid down penalties for pollution of coastal waters through the discharge of oil by international shipping within a 50-mile maritime zone. A 1962 IMCO convention extended this zone to 100 miles. The shortcoming in both conventions, which this legislation we are now debating takes into consideration, was that they permitted the state affected to take action only after the release of the oil. There was no provision in the conventions for a state to take preventative action. Moreover, only a minority of nations have ratified these two IMCO agreements.

At the Brussels conference of IMCO in November 1969, the Canadian delegation, to its eternal credit, argued very forcefully for the establishment of a convention offering an effective method of environmental protection for coastal states. The delegation, however, was unable to persuade a significant number of states involved in the conference to support its position. It was within this context that I believe the Canadian government finally decided, and in my opinion entirely justifiably, to take unilateral action in respect to pollution control in Arctic waters.

• (3:50 p.m.)

In the document by the three Toronto law professors to which I referred earlier, Canada's action in preparing the legislation on Arctic waters which is before the House was explained in the following words:

> Finally, the Canadian government decided to take unilateral action in the expectation that its proposed legislation would meet critical national needs in the Arctic and at the same time galvanize the international community into a realistic study of the dangers and problems involved. It was believed that these dangers and problems had developed with a speed that international law has been unable to match.

It continues:

> The Canadian initiative should be seen, we believe, as the result of two kinds of failures in the international community: the failure of international law to develop first order principles to govern the protection of maritime environments, and the failure of shipping, industrial and other user states to negotiate agreements for the establishment of institutions, procedures and administrative rules to deal with the problems of risk bearing and distribution of loss in the light of greatly magnified pollution hazards.

I should like to cite one other highly relevant passage from the statement by the three Toronto professors of international law. Their statement presents the following argument:

> Although the international law of the sea provides no exact precedent for the unilateral action of the Canadian government, it is easy to discover highly relevant principles underlying widely accepted practices, claims and decisions. The 1958 Geneva conference on the law of the sea confirmed the general acceptance of the concept of a contiguous zone, within which the coastal state may exercise exclusive authority for limited, designated purposes in a zone within modest limits and contiguous to a narrowly conceived territorial sea. The concept was accepted, no doubt, not only because the limits of the contiguous zone were modest, but more specifically because they were appropriate to the problems and functions envisaged. It may therefore be argued that a pollution zone is not less acceptable because of spatially less modest limits if these limits are wholly appropriate to the problems of pollution and the function of environment control.

It was undoubtedly with arguments of this kind in mind that the Prime Minister (Mr. Trudeau) made the following statement, which was quoted in a recent issue of "International Canada". He said:

> We are ready for the opening of the Canadian Arctic for development, and that development is one of our great national objectives. It is with this in mind that we have stressed the desirability of keeping the Arctic waters open for innocent passage. We will do what is necessary for this purpose.
>
> We do not believe that the passage of ships which threaten the destruction or deterioration of the coastal environment can be considered innocent under any interpretation of international law. We have made clear to the world that while Canada welcomes the use of the Arctic waters as a transportation route for the vessels of all flags, the Canadian government will ensure that these waters are used for peaceful purposes and by ships complying with required safety standards.

In short, it can be argued with a good deal of force that the action Canada proposed to take in establishing a pollution control zone in the Arctic, far from representing an unacceptable infringement of the principles of international law, represents a welcome and invaluable initiative in that field. The government obviously accepts this position. If that is true of the Arctic waters where commercial traffic is non-existent, except on an experimental basis at this moment, how much more