

Northern Inland Waters Bill

Mr. Baldwin: I am glad to hear that. It is certainly confirmed by the Order-in-Council passed in 1918 which states the provisional District of Franklin, part of the Northwest Territories, is one of the divisions of the Northwest Territories. If this is the case, it poses a question which this minister, the Prime Minister (Mr. Trudeau) and the Secretary of State for External Affairs (Mr. Sharp) have played around with far too long.

For a year, we on this side of the House have been asking for some clarification of the position of the government with respect to the Arctic archipelago and ownership of the waters. There are a number of authorities which suggest that the waters included within the limits of base lines drawn around the Arctic archipelago are Canadian waters in the sense that they are internal waters. The government has failed to answer whether this is so. I have asked the Prime Minister and the Secretary of State for External Affairs to state their position, but I have not received a clear and positive statement. They have fumbled around and debated this issue. If this is correct, and there are many authorities which suggest this is the case, then the waters included within the limits of base lines drawn around the Arctic archipelago are inland waters.

I hope when the minister closes this debate he will state whether he includes these waters as inland waters within the definition section. I ask the minister to give some thought to this before he concludes this debate. This is something this House and all Canadians want to know. It is very important in light of the fact the tanker *Manhattan* has now been allowed passage through these waters by the Canadian government. We cannot disassociate the question of pollution from the issue of the passage of this tanker and similar vessels through these waters. What is the position of the government? This matter has been raised over and over again, even as late as today. The hon. member for Oxford (Mr. Nesbitt), the right hon. member for Prince Albert (Mr. Diefenbaker), the Leader of the Opposition (Mr. Stanfield) and I have all asked the government where it stands on this issue. We have all asked the government: where do you stand? What is your position? What do you define as being waters under the jurisdiction of Canada? No clear and definite answer has yet been given. It is too important a question to be brushed aside, and it is raised directly by this bill.

[Mr. Chrétien.]

• (3:30 p.m.)

In response to a question in this House as to the status of these waters, the Secretary of State for External Affairs said he was not sure. He was not able to say. I asked whether these were inland waters or territorial waters. A great deal depends upon the answer. But though we have asked the government to respond on many occasions, hon. gentlemen opposite have been unable to do so. As late as today the Prime Minister and the Minister of Transport (Mr. Jamieson) failed to deal with this matter. There is every right under international law for a declaration to be made that these are inland waters—that they are internal waters and thus subject to the jurisdiction of this country. Even if they are territorial waters, this country has a right to lay down in precise terms regulations which will protect the north.

It is all very well for the minister to talk about ecological damage. We agree as far as the other waters in the Yukon and the Northwest Territories are concerned. I want the minister to give serious thought to this issue because it is raised directly by the bill before us. My hon. friend from Oxford will be dealing more directly with this aspect as will others in this House.

I turn now to another matter, one which concerns me a great deal. I am shocked and amazed that in drawing up this measure the government and the minister should have failed to take into account the positions of the Territorial Councils of the Yukon and the Northwest Territories. We are dealing with a bill which is not of the kind commonly known as a money bill; there is no recommendation from His Excellency as to the expenditure of money. Despite this, provision is made for the appointment of two water boards and a number of officials. Obviously, if there is no recommendation from His Excellency, as provided by standing Orders, and the B.N.A. Act, any officials to be appointed in the Northwest Territories would be officials who are already on the payroll of the government. There can be no question about this, unless, of course, the minister has been able to find a large number of people who, for philanthropic motives, are prepared to serve without pay, allowances or expenses.

Clause seven of the bill says that two boards are to be appointed, to be known as the Yukon Territory Water Board and the Northwest Territories Water Board. Subsequent clauses make provision for the appointment of officials and staff. If they are not to