

Mr. Sharp: This bill aims at meeting a real and imminent problem and provides for the exercise of a limited form of jurisdiction. This exercise of jurisdiction for the purposes of pollution control can in no way be construed to be inconsistent with a claim of sovereignty over the waters between the islands or otherwise. Similarly, the exercise of sovereignty over an area of the sea extending 12 miles from shore in accordance with the provision embodied in another bill that will shortly be under discussion cannot be said to be inconsistent with a claim to sovereignty beyond 12 miles.

I say to the Leader of the Opposition that in framing our legislation we were very careful to examine this question because I agree with him that if in any way our legislation reflected upon our claims to a larger sovereignty, we would certainly have proceeded otherwise.

There is excellent authority for the propositions that I have put forward on this occasion. In the 1910 North Atlantic coast fisheries case between Britain and the United States the permanent court of arbitration held that a state may, without prejudice to its claim to sovereignty over the whole of a particular area of the sea, exercise only so much of its sovereign powers over such part of that area as may be necessary for immediate purposes. That case is of particular relevance to the Canadian situation since it involved areas of Newfoundland, Labrador, and other parts of Canada's Atlantic coast.

There are those who argue that the problem of marine pollution can only be met by a multilateral rather than unilateral action. Canada has attempted the multilateral approach to this problem most recently at an international legal conference in Brussels in 1969. On that occasion, however, we were unsuccessful in our attempts to persuade the major shipping and cargo owning states to provide adequate recognition and protection for the rights and interests of coastal states which are the innocent victims of pollution incidents of the seas.

State practice, or in other words unilateral action by states, has always been a legitimate means open to states to develop customary international law. As the Leader of the New Democratic Party (Mr. Douglas) said in his very interesting speech, there are a number of examples. I shall also cite some of them and give some others that tend to support the same position. This is how the rule of the three-mile territorial sea, and later the 12-

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mile territorial sea, originated. It was unilateral action by the United States in the 1945 Truman proclamation which led to establishment of the continental shelf doctrine in international law. It was the practice of Norway in connection with the delimitation of its territorial waters which introduced the straight base line system later written into the Geneva convention on the territorial sea. Again, it was by unilateral action that Canada in 1964 and the U.S.A. in 1966 established nine mile contiguous fishing zones.

The action we are proposing for the Arctic waters in no way rules out the possibility of developing international arrangements for the preservation of the marine environment in Arctic regions. The bill we have introduced should be regarded as a stepping stone toward the elaboration of an international legal order which will protect and preserve this planet earth for the better use and greater enjoyment of all mankind. A single ecological system governs the lives of all men, and the Arctic regions are an extremely important part of that system. They determine the livability of the whole of the northern hemisphere. This bill is a beginning. It puts forward a legislative framework within which we will develop controls and safety standards to ensure that this unspoiled and uniquely vulnerable region is preserved from degradation. We will consult with other countries before we promulgate regulations to this end. We hope that these other countries will show a spirit of understanding and co-operation so that together we can construct a system of internationally agreed rules and safety standards which will advance our common interests without interfering unreasonably with particular interests.

Canada has a long tradition of leadership and active participation in multilateral efforts to resolve problems which go beyond purely national concerns. This is especially true in the field of international environmental law. In the famous Trail Smelter case, we went to arbitration with the United States in 1935 and accepted state responsibility for the pollution of United States territory. In later years, we pressed hard for the non-proliferation treaty and we were in the vanguard of attempts to prevent fallout pollution from atomic testing. We have been engaged with the United States since 1909 in a unique experiment in international co-operation on common environmental problems, through the International Joint Commission. However, it is precisely this long experience with mul-