

*Government Orders*

the Criminal Code which dictates the clear national standard on the use of force which is proportionate. I can assure members that as a philosophy my byword is co-operation instead of confrontation. However, when confrontation does occur then use that force which is proportional to the force required to achieve what it is one wants to achieve.

● (1745)

I suppose it is the antithesis of trying to kill a flea with a sledge hammer. One does not want to use too much force, otherwise one really prostitutes that force. One makes use of force that is not appropriate. In our society today with the crime rates the way they are and with the sometimes apparent disregard for our justice system, it is very important that these measures be discussed in the highest court in the land, the House of Commons.

This bill does allow the use of deadly force by a peace officer or anybody lawfully assisting the officer. The situations are clear. The first is when the suspect poses a threat of serious harm or death and the suspect flees in order to escape arrest and when no other less violent means exist to prevent escape. If a peace officer could chase a fleeing criminal and could wrestle him to the ground with a football tackle or would be able to use some other kind of appropriately lesser force than deadly force, then the police officer or the person assisting the police officer would be expected to do precisely that. This is the intent of the legislation as it is amended and clarified.

The bill also does something else of personal and political interest to me. It includes an amendment to the Coastal Fisheries Protection Act to provide the authority for masters of vessels acting in their capacity to use disabling force against a fleeing foreign fishing vessel in order to arrest the master or other person in command of that vessel. My clarification right off the bat is that this is for a foreign fishing vessel and it will not be used against Canadian vessels.

I have heard three speakers talk about the necessity for Canada, which is a great trading nation with the largest coastline in the world to have some pretty clear legislation on how we go about protecting the coast literal, or those resources that are available to those Canadians who depend on the sea and the coastline for their living.

The act has not been as clear perhaps as those of us who have used it in the past and for those who would want to use it in the future would like it to be. At the outset I want to say that this rule applies in the case of a foreign fishing vessel that is to be arrested. I will say peripherally that the requirement on the high seas is not as clear as I have heard it discussed in the House. International maritime law is not determined in the way that civil or criminal law is. It is determined by precedent. Certainly

there are precedents for arresting foreign vessels on the high seas.

I do not have the exact wording with me right now but I do know that recently at a United Nations conference the right of a literal country, or the country that has the coastline adjacent to the high seas, was discussed. It has a right, a duty and a responsibility on the high seas with respect to a straddling stock. The recognition of a straddling stock would certainly apply to the nose and tail of the Grand Banks as described by my hon. colleague, the Parliamentary Secretary to the Minister of Justice, and does apply in this case. It is not as cut and dried as other members would have us believe. I do not want to get into a debate concerning the nose and tail of the bank at this time but clearly this could be a follow-up discussion at a later date.

● (1750)

I want to discuss that aspect of the legislation which permits the master of a vessel under the Coastal Fisheries Protection Act the action that hopefully will be legislated. The legislation says what can be done and when and under which circumstances it can be done. The government will, at a later date, following the passage of the bill, determine and put together regulations that will decide how it can be done.

In the case of the Coastal Fisheries Protection Act and the amendment that is being proposed at second reading of this bill, the protection officer is justified in using disabling force under three circumstances. The first one is if the protection officer is proceeding lawfully to arrest a vessel, including the person in command of that vessel, if that circumstance also involves the master or the other persons involved taking flight to avoid arrest. Taking flight on the sea does not mean sprouting wings and flying, it means cranking up the engine room to maximum revolutions and trying to escape the chasing vessel. The third condition is that the protection officer has reasonable grounds to believe that force is necessary for the purpose of arresting the master or other persons.

When I talk about the use of force among certain groups, they immediately think that we are going to bring out all the warships, mount a broadside and sink everything in sight. That is anything but the intention. Force is not used that way. I talked earlier about protecting force and to use only the minimum that is necessary.

I recall in July 1985 when the Canadian navy arrested two Spanish fishing vessels. We did not go around shooting them up and Ramboing them, basically we used a loud speaker system and said: "You are under arrest and if you don't stop we are going to have to consider escalatory measures". Without going into the details, the finale of the exercise was that the two Spanish vessels had armed boarding parties put aboard them from the warship involved, HMCS *Athabaskan* I believe it was. These ships relented, succumbed to the arrest and were towed back to a Canadian port. The masters were subsequently