

period." If we can make a suitable treaty, if we can get the assent of our American cousins to the treaty which we adopted and they signed, by all means let us go ahead, forgetting even these objections I have mentioned. But if they do not agree to that and impose such an onerous condition as inaction for eight years, I do not know that we would not be better to leave the treaty unratified. We are not refusing to ratify it; we are only leaving it in the air, as they left it for so long. Conditions may change; a year or two from now the American government might be very eager to make this deal; two or three years from now we might be glad we did not make it. At least let us not deliver ourselves into this sort of bargain, when there is nothing to be obtained to our advantage for eight years after we sign it.

Mr. STIRLING: I think consideration will have to be given to the question of where control will lie during the eight years if we agree to these reservations. Under this convention a commission is set up, and that commission is given control. At the present time control is in the hands of Canada on one hand, and the United States on the other. If we give that control to the commission and the commission is told that it must not operate for eight years, in whose hands will control lie in the meantime?

Mr. MICHAUD: Control of what?

Mr. STIRLING: Of the fisheries.

Mr. MICHAUD: Of the quantity of fish that may be caught?

Mr. STIRLING: The whole question of the control of the fisheries.

Mr. MICHAUD: Control of the fisheries remains with the respective governments, where it is to-day.

Mr. STIRLING: But just as soon as we ratify this arrangement we hand control to a commission.

Mr. MACKENZIE KING: Only with respect to such matters as are specifically given to the commission.

Mr. STIRLING: Matters which now are dealt with by Canada.

Mr. BARBER: I think the objection we take to the treaty is occasioned by the delay of eight years. The Prime Minister has pointed out that the delay is to permit scientific investigations to be carried on during that period. We know that scientific investigation was carried on in Canada for eleven years; last session a report was made, and as

(Mr. Neill.)

a result of that report the sockeye hatcheries were closed. It may be a question whether it was wise to have that report made last year in view of the fact that this treaty was coming up, and questionable also whether or not action should have been taken based upon that report resulting in the closing of the sockeye hatcheries of British Columbia. I understand that hatcheries and matters having to do with the propagation of fish are supposed to be dealt with under this treaty.

Mr. MICHAUD: That was a report made by the biological board.

Mr. BARBER: They were scientists, just the same.

Mr. MACKENZIE KING: Might I just say in a word that the government takes the view that unless it is possible to get the two countries together to begin investigation and to initiate measures of conservation in connection with these great fisheries resources, there will after a bit be no fisheries industries left to talk about or fish to divide. The rate at which these resources are being exhausted is appalling, as shown by the figures I have given to the committee this afternoon. Unquestionably the choice lies between seeking to make a beginning by mutual agreement between the countries, in connection with methods of protection, conservation and extension concerning these fisheries, or allowing matters to continue to drift as they have been drifting for the past few years.

That is the position. Certainly the government wishes that in some particulars the agreement might have been a little different than it is, but from the inquiries we have made at Washington we are satisfied that as matters stand at present it would be impossible to get the senate of the United States to go further than they have gone in this matter. I imagine that these understandings were brought forward in the senate as a means of getting the convention approved and having a start made. It all depends on the faith one has in the good intentions of others as to whether one would say the understandings will be used to block what is of common interest, or interpreted in such a way as to further what is of mutual benefit. We believe it is to the mutual interest of both countries to preserve these resources.

Mr. NEILL: Would that not apply just the same if we did not have the eight-year period? I would trust them to use their judgment.

Mr. MACKENZIE KING: With regard to the eight-year period, I said previously that in the event of the house approving this resolution, in communicating with Washington the

fact that the resolution has been approved and that ratification may be agreed upon as a consequence, the government will state that at any time within the eight years we may wish to raise the question of regulations being promulgated at a much earlier date. If after the commission is appointed and the commissioners begin their work they find that it is desirable to promulgate regulations say within one or two years, and we have reason to believe that there is agreement between them to that extent, then we will immediately communicate with Washington and ask that further consideration be given the convention with a view to its modification or to the drafting of some new convention in the light of what has been demonstrated, through investigation, to be to the advantage of both countries. There is every reason to believe that if a proper case is made out it will be favourably viewed, but the main thing is to get these parties together and at least let them begin investigating and considering recommendations for their respective governments which will help conserve this great resource.

Mr. BENNETT: I think perhaps the Prime Minister has not quite followed the significance of the observations made by the hon. member for Yale. The Minister of Fisheries, I am afraid, has overlooked the fact that the moment this treaty comes into effect article V provides that all powers of prohibition and otherwise with respect to fisheries are vested in the commission. I am afraid I did not make myself quite clear. My difficulty is whether or not the regulating power provided for in the reservation or understanding will affect that in any way. The Minister of Fisheries was wrong when he said the Canadian government would have anything more to do with it. The moment this treaty comes into force article IV provides:

The commission is hereby empowered to limit or prohibit taking sockeye salmon in respect of all or any of the waters described in article I of this convention, provided that when any order is adopted by the commission limiting or prohibiting taking sockeye salmon...

Any order adopted by the commission limiting or prohibiting taking sockeye salmon in the waters covered by this convention, or any part thereof, shall remain in full force and effect unless and until the same be modified or set aside by the commission.

The other article to which I also directed attention has to do with the powers of the commission, subject certainly to the point made by the hon. member for Comox-Alberni that there is no provision at all in the treaty for scientific investigation. The hon. member for Fraser Valley has just pointed out that after eleven years of effort

we have completed that scientific investigation, but it is article IV that gives me concern.

I am afraid I did not make that quite clear. If the regulations are not to be promulgated until after eight years and the authority is vested in this commission immediately after the treaty comes into force, I wonder just what position we will be in. A moment ago the hon. member for Yale spoke to me about it before he mentioned it to the committee, and I said I did not know. Frankly I do not know. When the minister said the control rested with Canada obviously he was wrong. We are divesting ourselves of the responsibility and turning it over to the commission. If the commission is to do nothing, then real force is given to the points made by the hon. member for Comox-Alberni and the hon. member for New Westminster. That is my real difficulty about it.

Mr. MACKENZIE KING: As I understand it, the powers which already reside in our government with respect to matters of control of the fisheries will continue subject to regulations which may be promulgated.

Mr. BENNETT: No.

Mr. STIRLING: It is handed to the commission.

Mr. MACKENZIE KING: Certain powers to do certain things are given the commission, but those powers do not necessarily conflict with the powers of our own department.

Mr. BENNETT: I do not wish to interrupt, but the Prime Minister probably sees that the restriction on fishing is covered by the treaty. That power of restriction is vested in the commission, whereas our parliament has vested itself with the authority to authorize our people to fish in those waters.

Mr. MICHAUD: That power is vested in the commission only for the purpose of attaining the object of the treaty. The ultimate object of the treaty is to ensure an equal division of the fish caught by each country in Fraser river waters. In order to enable nationals of each country to attain that object there is a provision in article IV whereby:

The commission is hereby empowered to limit or prohibit taking sockeye salmon in respect of all or any of the waters described in article I of this convention.

It is evident that article IV is for the purpose of bringing the catch on one side to the same level as that on the other, at a time of the year when normally the run would not be equally distributed.