

*Territorial Sea and Fishing Zones Act*

will be commenting on this subject before the second reading stage is completed.

The aspect of this measure with which I find myself most directly concerned is its impact on the future of our fishing industry, aside from, of course, the whole question of the quality of our waters. I might recall that the bill establishing the Territorial Sea and Fishing Zones Act was considered so closely related to fisheries matters that it was studied after second reading by the fisheries committee rather than by the external affairs committee. It is therefore important to analyse the effect of the measure from the point of view of its effect on our fisheries and our fishing resources, as did the hon. member for South Shore (Mr. Crouse). I feel that the change from a three-mile limit to a 12-mile limit will really have little practical effect as far as an impact on our fisheries is concerned. When the act we are now amending was first presented to the House, my hon. friend from Skeena and I argued diligently that then was the time we should proclaim our 12-mile territorial sea. We felt this would give us control over those waters for all purposes and that we could then have begun to think of our fishing zones measured from straight baselines. This would have given us a complete area subject to our regulation, an area including some of our most important fishing grounds. Unfortunately, as the hon. member for South Shore mentioned, one of the most important aspects of that bill originally, the establishment of fishing zones, never, in fact, came into effect because our baseline system left wide open certain important parts of what many of us feel should properly be regarded as internal Canadian waters—I refer, for example, to the Gulf of St. Lawrence and to the waters between Queen Charlotte Islands and the mainland of Canada.

I realize that the present bill is not designed to declare such waters to be internal waters, though I wish it had been. It will, however, close in part, at least, the gap which was left because the baselines contemplated in the original act were never drawn.

Before leaving this question of the territorial sea and its width, let me say I was interested to find in my files a draft of a suggested committee report—it was not presented to the House because it was not approved by the whole committee. It was drafted by my hon. friend from Skeena and myself in June, 1964 when Bill S-12 was before us for consideration. We suggested that the committee recommend as follows: first, that the principle of a

12-mile territorial sea measured from straight baselines between given points be affirmed by the Parliament of Canada; and second, that the bill should be divided into two parts, the first of which would deal with the territorial sea and a separate bill would deal with the question of baselines, co-ordinates, and their effect upon our fishing areas.

● (4:40 p.m.)

It is rather interesting to look back to a document of this kind, which one helped to draft as long ago as that, and to realize that over that period of time these matters have moved to the point where the government itself is now prepared to put forward as being well established international law—to use the words of the Secretary of State for External Affairs—the proposals that the hon. member for Skeena and I were urging upon the government in 1964. I suppose one can take the pace of the events in this connection as an indicator that some of the suggestions that we advance at this time may in another 6, 8 or 10 years be put forward as proposals by the government of Canada, though I hope sooner than that.

The Territorial Sea and Fishing Zones Act was brought forward in 1964, but I think it was not until June 1969 that action was finally taken on the matter of proclaiming straight baselines. We moved away from the territorial sea and fishing zones concept of following the traditional sinuosities of the coastline.

One of the suggestions that I want to put forward at this time, suggestions that I would be very happy to have the Secretary of State for External Affairs take up because I believe the law would provide for this if the bill as drafted were passed, is that this proposed bill be used not merely for the purpose of closing certain gaps in our existing baseline system in order to encompass certain areas like the Gulf of St. Lawrence and areas on the west coast as fishing waters, but that it also be used to establish our fishing zones on a basis which would be much more realistic as far as providing some real protection to our fisheries and fisheries management is concerned.

The proposed amendment in clause 2 of the bill suggests that the fishing zones of Canada comprise such areas of the sea adjacent to the coast of Canada as may be prescribed by the Governor in Council. I remember the battle we had to try to convince the House that the baseline co-ordinates should be established by Parliament rather than by regulations passed by the Governor in Council; but I am pre-

[Mr. Barnett.]