

*Territorial Sea and Fishing Zones*

He said: Mr. Speaker, because of its importance I intend to make some general remarks on the bill, which has to do with the territorial sea and fishing zones, and which is now before the house for second reading. It is the intention of my colleague the Minister of Fisheries (Mr. Robichaud), who has been very intimately associated in this matter with me in my capacity as Secretary of State for External Affairs, that the bill be referred to the standing committee on marine and fisheries.

The bill before the house has two principal purposes and these are accomplished each in a somewhat different manner. They are both set out in the first part of the bill, as hon. gentlemen will have noted.

First, the bill establishes the fishing zones of Canada at 12 miles from the coast line. When it is passed by parliament and proclaimed, Canada will have a fishing zone in the 3 to 12 mile area off our coast line. This, in the view of the government, is a fundamental achievement of the bill. It is not enabling legislation in this respect. On proclamation, the 12 mile fishing zone will be established. I must emphasize there is no doubt, and there can be no doubt, about this point.

Canada has never published official charts showing the present base lines, but for at least parts of our coast the base lines follow the sinuosities of the shore. Pending the establishment of straight base lines, the fishing zones will be measured from the existing ones. This is clearly provided for in the bill.

The second important purpose of the bill is to apply the straight base line system to the Canadian coast line. This part of it, unlike the section concerning fishing zones, will be of an enabling character. When the bill comes into effect the governor in council will be authorized to draw straight base lines. The question may be asked: what does this achieve? In response, I would say that what the bill accomplishes is of great significance. It makes applicable the straight base line system to the Canadian coast. These straight base lines will be drawn in accordance with international law, on the basis of the decision of the International Court of Justice in the Anglo-Norwegian fisheries case and of the Geneva convention on the territorial sea and fishing zones and taking into account Canadian historic interests in the bodies of water off our coasts.

Thus, while the bill is enabling in so far as the drawing of specific or individual base lines is concerned, it has this immediate general effect; it makes applicable, on proclama-

tion, the general system of straight base lines to the Canadian coast line. The authority that is given to the governor in council is with respect to the specific lines to be drawn and the exceptions to be made. The larger effect of the bill is to make applicable the principle of the straight base line system to Canada. Hon. members will note that the bill specifically provides that all areas enclosed by the new straight base lines will be internal waters of Canada. This is important and may have far reaching consequences.

Part II of the bill consists of the amendments that are to be made to certain acts of Canada pursuant to the main purpose of the bill. These are consequential changes which will make existing legislation applicable to the new fishing zones and areas within the straight base lines. The acts amended are the Aeronautics Act, the Canada Shipping Act, the Criminal Code, the Customs Act, the Fisheries Act and the Coastal Fisheries Protection Act. Their provisions will now conform with part I of the bill. Part III of the bill provides that the act will come into force on a day or days to be fixed by proclamation of the governor in council.

This, in brief, is the general scheme and contents of the proposed legislation on the territorial sea and fishing zones of Canada. I am sure the house will agree that this bill is of the greatest significance for our country.

I have heard some say that we are going too fast; that we should not consider moving forward unilaterally; that parliament should not be asked to take action until a general international agreement has been reached or until specific agreements are worked out with the countries fishing off our coasts. On the other hand, I have heard comments that we are moving too slowly; that we should now embody in the bill the co-ordinates of points from which the base lines are to be drawn; that the bill should designate the specific bodies of water which we are closing off. I need only add in passing, of course, that we are now in the stage of very important negotiations and this, in itself, answers any criticism in that regard.

I am convinced that in taking this action now—as the government is doing, unilaterally—Canada is acting in accordance with present day international law and practice. The government is convinced that we are following the wisest course in immediately seeking agreements with the countries affected by our action. We are equally convinced that we must carry forward our negotiations with these countries before we proclaim the base