

*North Pacific Fishery*

reap the benefit of it. Because those millions of dollars which we have spent protecting the fisheries of the Pacific coast have been spent solely on salmon, halibut and herring is why salmon, halibut and herring are the only species covered by the treaty.

With reference to that, I should like to quote briefly from page 36 of the minutes of the committee for May 8. The witness was Mr. Stewart Bates, deputy minister of fisheries, and the questioner was the hon. member for Nanaimo. Referring to territorial waters, Mr. Bates said:

The question of Hecate strait that has been raised by the hon. member is one of the undetermined questions as between Canada and the United States. Canada claimed territoriality in these waters over fifty years ago, but took no steps then to enforce that claim against U.S. fishing vessels. Article No. 1 makes it plain that this document does nothing to affect territoriality and it makes it plain that the treaty does nothing to affect our future claims to territorial waters.

Article No. 1—

That is, of the treaty.

—paragraph 2, refers to that. Nothing in the convention can adversely affect our claim to territorial waters—any claim we wish to make. So, in effect the convention leaves the question untouched. You have asked specifically if it permits the Japanese to fish in Hecate strait. I think that, should a Japanese vessel appear in the Hecate strait, it would probably lead to appropriate action by the Canadian government. We have already claimed the straits as territorial waters. We have permitted the United States to fish there but members on this committee from the Atlantic coast know that Canada accords the United States by treaty and understandings many rights that are accorded to the fishing vessels of no other country.

I agree entirely with the plea which the hon. member for Nanaimo has made, and which I understand has been supported on more than one occasion by the hon. member for Vancouver East, that the sooner we define our territorial waters on the Pacific coast the better it will be for all concerned. My limited understanding of the international legal situation is that when you define territorial waters you define them against the world. The job of the negotiators who went to Tokyo was not to define territorial waters against the world; we had no power to do that. We were there to make a treaty, an agreement with the Japanese whereby they would keep out of certain of our fisheries. In so far as the major items of our fishing are concerned, that is what they have done.

The treaty contains a great many high-sounding clauses which are difficult to interpret. It was outlined, I think most comprehensibly, by the parliamentary assistant when he introduced it. It is based upon the one assumption that you can ask only for those things for which you have some legitimate reason for asking. We asked the Japanese to keep out of our fisheries upon

which we had spent money conserving and building up. Our reasons for asking that were three: We are spending that money; we are controlling and regulating our own fisheries in those areas; and we are continuing to carry out scientific investigations with a view to building up a permanent yield in that area.

As long as we are doing those three things and can satisfy ourselves and others that there is not room to take more fish where we are fishing, we were entitled to go to Japan, as we would be entitled to go to any other country, and get them to agree to leave to us the business that we had built up. But we could not go to Japan and make an agreement which would be binding on Russia or on Peru. The question may be brought up—why all the hurry? Why do you not take a lot more time and get hold of many more nations? Japan was just returning to its sovereignty. It was just coming back into the position where it would be a factor in the fishing of the world. The negotiations were carried on, as everyone knows, in San Francisco and a peace treaty was signed. At that time the Japanese agreed to enter into negotiations immediately for a fishing treaty. Another reason why we did not make treaties with other nations at that time was that on the Pacific coast the only real fear was a fear of the Japanese. It was a fear which we regarded—and when I say “we” I mean the people of Canada—as so justified that we lost no time in making a treaty to protect our interests. If we had had to call a Pacific conference with Russia, China and the Philippines there would still have been no treaty.

I have not the slightest objection to anybody, friend or foe, poking holes in the treaty where they can find them, and it is not perfect; but I do protest most strongly against the creation of the impression on the Pacific coast or elsewhere that the treaty does things which it does not, or does not do things which it does. I say definitely that it does not enable the Japanese to come here and fish salmon, herring and halibut at the end of five years. It does not allow them to come here and fish those species at the end of ten years unless, first, the treaty is abrogated by some nation, or, alternatively, the Canadian representatives on the commission, which must always be unanimous, decide that these species require no more protection.

In general one of the greatest accomplishments of the treaty was not in connection with the Japanese. It was getting a legal and binding agreement with the United States of America, the third party, that, owing to the intermingling of fish on the Pacific