

currently be levied under U.S. law against them for fishing illegally in foreign waters is \$10,000. However, agreement has been reached to raise this to \$100,000, to come into effect in 1991. Under Canadian law, they can be fined up to \$750,000. This disparity in penalties represents a significant incentive for American fishermen to escape to American waters if they are caught in Canadian waters. The contrast with other illegal acts is noteworthy. Lieutenant-General David Huddleston, Deputy Chief of the Defence Staff, pointed out that, if the *Concordia* had been a drug boat attempting to flee to the United States:

I am sure he would have been received not with open arms but with the same sort of welcoming party he would have received in Canada.

The nature of the offence and the degree of collaboration between Canada and the United States in opposing the illegal importation of drugs puts a somewhat different colour on the situation.<sup>(51)</sup>

Canada must, therefore, through the Department of External Affairs, persuade other countries and the international community at large to enact laws of sufficient severity that foreign nationals do not have incentives to escape to their own jurisdictions.

The second avenue is to seek methods of stopping uncooperative boats without risking human lives, either by boarding them or stopping them remotely. The Committee was told that research is ongoing within DND on these problems, and particularly on the problem of boarding uncooperative vessels in conjunction with the RCMP. Therefore:

**XIII The Committee recommends that research be conducted as a high priority into methods of stopping uncooperative boats on the high seas without endangering human life. Such research should be coordinated by DND, but involve input and resources from all other departments with related enforcement mandates in Canadian waters.**

*c. Interdepartmental Coordination*

Although the fact that DFO vessels were on strike made this situation atypical, the Committee is concerned with the operation of the interdepartmental chain of command during the incident, which fits within the incidental response type of coordination described earlier. The structure of command and coordination in instances of DND enforcement support to DFO against foreign vessels is laid out in a fairly detailed Memorandum of Understanding. In general, the procedures followed during the incident were in accordance with the MoU. The Committee's concern is with the time taken to accomplish those procedures. The Committee accepts that decisions made during instances of enforcement

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(51) *Ibid.*, 20:28.