

for 5:30 p.m. Officials from the Privy Council Office were unavailable, but the other departments agreed that warning shots could be fired, followed, if possible, by other reasonable measures, but with the constraint that nothing be done to hazard life or limb on either vessel. However, DFO insisted on PCO approval before action was taken, and that approval was not obtained until 6:25 p.m.

Approval to fire warning shots was transmitted to HMCS *Saguenay* and small arms shots were fired across the *Concordia's* bows at 6:45 p.m. This had no effect, and so the main deck cannon of HMCS *Saguenay* fired across the *Concordia's* bows at 7:48 p.m. The *Concordia* turned off her running lights and took evasive action, but continued towards United States territorial waters which were entered at 9:51 p.m. HMCS *Saguenay* discontinued pursuit, but continued to track the *Concordia* on radar until the United States Coast Guard assumed pursuit at 11:00 p.m.

The *Concordia's* skipper and owner were subsequently fined \$10,000 each under United States civil law, but the U.S. fisheries attorney offered to settle for \$9,000 each, less than the value of the catch, which was not seized. The skipper and owner intend to appeal.

The Committee is naturally concerned that Canadian authorities were unable to apprehend individuals engaging in illegal actions in Canadian waters, and believes that the efficiency of interdepartmental coordination is a critical factor.

b. Improving Enforcement

Mr. Serge April, Director General of the Legal Affairs Bureau at the Department of External Affairs, noted, "When an incident occurs on the high seas, if the skipper is unwilling to cooperate ... there is almost no possibility of bringing the boat to a stop without risking human lives."⁽⁵⁰⁾ Whether lives should be risked in an attempt to enforce Canadian laws, particularly for violations which do not threaten lives, or which have international implications, is a matter of considerable gravity. In the Committee's view, there are two avenues to pursue in order to minimize the need to confront this issue.

The first avenue is to reduce, where possible, the incentives for suspect boats to flee. The Committee has recognized throughout this report that Canada cannot always achieve all its sovereignty goals alone. The perpetrators of illegal acts may be able to escape Canadian jurisdictions. In the case of fishing violations, there are no extradition provisions. Therefore, if foreign vessels escape to their own waters, they will be prosecuted, if at all, under their national laws. In the case of American vessels, the maximum fine that can

⁽⁵⁰⁾ Proceedings, 20:22.