

Mr. HOWARD: You answered it two years ago saying definitely not, that it would not be phrased out, that it would be recognized in perpetuity.

Mr. ROBICHAUD: The statement was made before negotiations started, not since negotiations started.

Mr. HOWARD: If that is the situation then what the government told the Committee two years ago was incorrect, and it misled the Committee into believing that this was not the case.

Mr. ROBICHAUD: No. I cannot agree to that.

Mr. HOWARD: You may not agree with it but it is a fact. I find the minister not agreeing with embarrassing situations sometimes, but this is politics.

Mr. ROBICHAUD: It is a question of taking a responsible position, Mr. Chairman.

Mr. HOWARD: The only people you have been responsible to on the west coast have been the United States fishermen and the preservation of their historic rights within the 12-mile fishing zone. You have shown no responsibility whatever towards the desires and needs of Canadian fishermen out there.

Mr. CROUSE: I wonder, Mr. Chairman, if I can ask the Minister about this International Court of Justice; it seems to be some super body of which we are deathly afraid. What is the jurisprudence in the international sea that we are afraid of? What are the rules, regulations or the established law considered by the International Court of Justice to be the proper course of events in such matters?

Mr. ROBICHAUD: Mr. Chairman, this is asking me for a legal opinion and I think it would not be fair for me to try to give a legal opinion in the name of the government, especially if some details are required. I am sure Mr. Ozere can briefly state what is the position of Canada, for example, regarding the International Court of Justice which we have accepted to recognize.

Mr. OZERE: Mr. Chairman, Canada as you know, has accepted compulsory jurisdiction of the International Court. We are one of the countries that has led the world in the concept that international disputes should be settled through the International Court. Having accepted the compulsory jurisdiction, we can be taken to court, whether we like it or not, by any of the other countries that have also accepted compulsory jurisdiction, such as Japan for example.

Coming to the immediate question we had about jurisprudence, the only case decided in the International Court on the question of base lines, was the case of Norway against the United Kingdom in 1951. In that time, the court decided that where the coast is heavily indented by fiords, or where there is a lot of violence in the regular coast line, straight base lines can be drawn from which territorial seas can be measured. Subsequently this judgment, or at least the principle enunciated by the judgment, was confirmed at the 1958 Geneva Conference. There is now a principle established in the Convention of 1958, that sets out when a country may draw straight base lines. It is much the same as the principle enunciated by the court in the Norwegian case.

But, while the principle itself is enunciated, the application of it is the thing which gives rise to difficulties because the lines must be reasonable, they