

North Pacific Fishery

examined by members of the committee. So I do not believe any useful purpose could be served by referring the convention again to the standing committee on marine and fisheries.

With respect to those observations concerning territorial waters, I can only repeat what I said before, that this matter is one of great complexity. The government has set up a committee composed of representatives from various departments who, at the present time, are considering this problem.

Mr. MacInnis: Mr. Speaker, may I speak to a question of privilege. When I spoke earlier I asked that this bill be referred to the committee on marine and fisheries. I must explain that during the last session I was not able to follow the business of the house, and I did not know that the treaty itself had been referred to that committee last year, and had received consideration.

Motion agreed to and bill read the second time.

Mr. Fournier (Hull) moved that the house go into committee on the said bill.

Mr. Deputy Speaker: Is it agreed that I do leave the chair for the house to resolve itself into committee on the bill?

Mr. Pearkes: On division.

Motion agreed to and the house went into committee, Mr. Beaudoin in the chair.

On section 1—*Short title.*

Mr. Green: Has the parliamentary assistant been able to get the information concerning crab fishing by Americans in Hecate strait?

Mr. MacNaught: Mr. Chairman, I have been unable to get any additional information. As soon as it is available I shall give it to the hon. member.

Mr. Gibson: Where would that information be available? Would it have to be obtained from the Americans, perhaps at Seattle?

Mr. MacNaught: So far as I know that would be the only source from which the information could be obtained. We have no information otherwise.

Mr. Gibson: The parliamentary assistant does not know whether or not it is available?

Mr. MacNaught: No, we do not know.

Mr. Pearkes: I asked whether there had been any incidents of Americans fishing for crabs within the territorial waters of Canada in Hecate strait.

Mr. MacNaught: My information is that there are no instances of that kind.

Section agreed to.

[Mr. MacNaught.]

On section 2—*Definitions.*

Mr. Green: I find in this section a definition of the term "convention area", and that it means all waters, other than territorial waters, of the north Pacific ocean, including the adjacent seas. Does that definition mean that the question as to what are or are not territorial waters is left entirely to the different countries who are parties to the treaty?

Mr. MacNaught: The answer is yes; it is left entirely to the countries themselves to determine their own territorial waters.

Mr. Green: That is, the Americans can say that such and such waters are American territorial waters, and Canada can do the same thing?

Mr. MacNaught: That is correct.

Mr. Applewhaite: Perhaps it would be advisable if I were to put on record what the convention says in this particular. It says, in article I, paragraph 2:

Nothing in this convention shall be deemed to affect adversely (prejudice) the claims of any contracting party in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

That was put in there to protect all of us in making any claims as to territorial waters we might have in mind, or which might have been made and not accepted.

Mr. Green: In the paragraph to which the hon. member has referred there is a differentiation between territorial waters and the jurisdiction of a coastal state over fisheries. What does that mean?

Mr. MacNaught: Up to the present time there has been no difference between the two. One is co-extensive with the other.

Mr. Green: Does it mean that while Canada can claim that territorial waters extend only three miles from low tide, she could claim that she had jurisdiction over fisheries ten or fifteen miles out?

Mr. MacNaught: Canada most certainly could make that declaration, but whether it would be accepted by other countries is another matter. There is nothing in the treaty or convention to prevent Canada saying that our territorial waters shall extend four miles or six miles or ten miles; but the matter as to whether it would be acceptable to other countries would at once arise.

Mr. Green: Do the words "coastal state" apply to a state of the union? Are they meant to cover a claim by, we will say, the state of California; or do those words mean only a claim by a nation?