

Territorial Sea and Fishing Zones Act

the scope of the bill. But under the circumstances, and although this may be a dangerous precedent, I am prepared to yield to the arguments and give the hon. member the benefit of the doubt and allow the motion.

● (8:30 p.m.)

Mr. Barnett: In thanking you, Mr. Speaker, perhaps I might be allowed to say that while there was some question in committee about the admissibility of the other amendment, in committee discussion certainly nobody, in the context of what was involved in the general purport of the bill, raised any question about the admissibility of this amendment. Obviously, the fact that it was brought forward by myself at the report stage in the House rather than as part of the committee report indicates that there was a difference of opinion within the committee on whether this particular provision should be included in the Territorial Sea and Fishing Zones Act.

A very important question is involved in the amendment that I propose, Mr. Speaker. I think I can say, in his absence, that the Minister of Fisheries and Forestry (Mr. Davis) is not opposed in principle to the idea that we should have some authority to conserve and control the exploitation of the fishing resources on the banks that lie off the Canadian coasts. In many statements in the House, in committee and in public during the last year or so the minister has indicated that he feels that in the interests of conservation of our fishing resources he must make some attempt to control the exploitation of the resources in the waters which lie above the seabed. International law recognizes that we, at least in part, have jurisdiction in these areas.

The Geneva Convention on the Law of the Sea in 1958 and another in 1960 made some very important decisions. They extended the whole question of the right to manage and control the resources of the sea and the seabed in areas commonly referred to as the continental shelf. The legal draftsmen who prepared the Arctic waters pollution bill, where we are asserting another type of jurisdiction in the field of pollution control, defined this as being:

—resources of whose subjacent submarine areas Her Majesty in right of Canada has the right to dispose of or exploit—

When the Secretary of State for External Affairs (Mr. Sharp) was dealing with this bill

[Mr. Deputy Speaker.]

at the second reading stage he said, as reported at page 6015 of *Hansard* of April 17, 1970:

The fisheries provisions of this bill will provide the government with greater flexibility for completing the delimitation of Canada's exclusive fishing zones in those coastal areas where straight baselines have not so far been drawn—

He went on to talk about the need to exercise control over the resources of the continental shelf and the adjacent coastal territories to a greater degree than in the original Territorial Sea and Fishing Zones bill as it stood in 1964. The bill of 1964 contained some flaws which, with the help of some of my colleagues, I attempted to correct. The government at that time would not agree to our contention. However, subsequent events indicated that the legislation was defective in some respects and that very important areas of water were not in fact brought under the jurisdiction of the Territorial Sea and Fishing Zones Act. I refer particularly to such bodies of water as the Gulf of St. Lawrence and Hecate Strait, Queen Charlotte Sound and Dixon Entrance on the Pacific coast.

It is the stated intention of the government, although there is no reference to this in the bill, to use the powers proposed in this amending bill to enclose, in effect, those particular bodies of water to which I have just referred. Within what are being referred to as fisheries closing lines, full jurisdiction will be exerted over them as far as the living resources of the sea are concerned. This is to be accomplished without bringing them within the boundaries of Canada's territorial jurisdiction either by making them internal waters or making them part of our territorial sea.

There is a difference of opinion on this aspect of the bill. Many of us feel that these historic waters should in fact be regarded as the internal waters of Canada and that our territorial sea, which the bill proposes to extend to 12 miles, should be measured outward from a straight line closing the gaps in the existing straight baselines. Still left out of the arrangement is the question of the resources lying outside the semi-enclosed bodies of water I have mentioned. In these areas a great portion of the fish resource, which in my view really is Canadian, is left beyond the stated intention of the government as the bill stands.

It was brought out in committee that the bill as drafted makes it quite clear that it confers upon the government the power to do just what my amendment is proposing.