

Mr. APPLEWHAITE: Could you just give us a brief summary of what the existing treaty does cover?

Mr. STEWART BATES: The reciprocal port treaty was signed in Ottawa in 1950. It covers only halibut fishing vessels. Articles I and II of that relate to the point raised by the honourable member:

Article I

Fishing vessels of the United States of America engaged in the North Pacific halibut fishery only shall, subject to compliance with applicable customs, navigation, and fisheries laws of Canada, have the privileges in the ports of entry of Canada:

(1) to land their catches of halibut and sable-fish without the payment of duties and

(a) sell them locally on payment of the applicable customs duty;

(b) trans-ship them in bond under customs supervision to any port of the United States of America; or

(c) sell them in bond for export, and

(2) to obtain supplies, repairs, and equipment.

Article 2 covers Canadian fishing vessels in United States ports and is identical.

Mr. GIBSON: May I ask, Mr. Chairman, if the American fishing conducted in the Hecate Strait and in Queen Charlotte Sound is a matter of treaty or is done merely by historic rights that they fish there?

Mr. BATES: There is no treaty, Mr. Chairman. I presume one might say it is done by historic right, since they have fished there for quite a long period.

Mr. GIBSON: Is it your opinion, Mr. Bates, that the Japanese would not have that same historic right?

Mr. BATES: That is true.

Mr. GIBSON: Is that sufficient protection, to your mind, and does it back up the suggestion that we should make this declaration as soon as possible?

Mr. BATES: I think, Mr. Chairman, as to the question of the Hecate Strait and whether or not it can be declared territorial waters, that it is very much one of the prior considerations of the committee which has been set up. I would not like to say anything, sir, in the light of the present consideration being given to it by the committee.

Mr. GIBSON: Is it your feeling, Mr. Bates, that this committee would be well advised to wait until the matter has been given consideration by that committee? Do you think that that committee would be more competent to judge the matter than we would be? I presume they would have their lawyers and all the background of international law on which to base their decision.

Mr. BATES: Yes, sir. The purport of the minister's statement this morning is to that effect, that questions of territorial waters in either case are presently under very detailed consideration and that when that committee has reported to the government, then both the government and the officers attached thereto will be able to give to this committee much fuller information on the question of territorial waters, and, perhaps at some stage outline government policy. But until it is reported, we prefer to leave matters as they stand now, the status quo.

The CHAIRMAN: I would like to say that on Saturday I communicated with the Minister of External Affairs and he has very kindly arranged for Mr. Erichsen-Brown to be with us this morning, and I think we will be glad to hear from him. Therefore would he kindly take a seat at the head table. I