

*Government Orders*

ocean. I do not claim to know everything there is to know in the field of electronics, but I do know that things can be done.

These alternatives to violence may prove important if we consider that the proposed amendment to the Criminal Code could be applied to worse crimes than poaching. It may be justified to use lethal force against a dangerous criminal but it would be unacceptable to do so with poachers, who pose a totally different problem.

We can arrest a captain because he caught too many fish, because he was fishing in the wrong place, because he caught the wrong species or because he did not have a licence. These are all serious fishing regulation offenses but none is so serious as to justify endangering the lives of the captain and crew while trying to stop their ship. This aspect of the problem is covered by an amendment we will bring forth later.

● (1325)

I want to get back to another point that I touched on briefly a while ago. I will phrase my comment in the form of a question. Is it really lawful to pass legislation that applies only to foreigners?

Clause 8.1 applies only to foreign fishing vessels. The bill does not authorize the use of necessary force to disable a Canadian vessel. We realize that other measures are in place to track down offenders in Canadian territorial waters. Consequently, there is no need to resort to the use of force in their case. We ask the Canadian government to apply the same policy to foreigners so that altercations can be avoided.

We understand that until such measures are put in place, the Canadian government must resort to the use of force. However, we will not stand for a policy based on a double standard. Therefore, it is imperative that we implement, along with the international community, effective measures to stop vessels from fishing illegally and to change a system where two kinds of law apply, one for Canadians, and one for foreigners.

In addition, it seems clear that the government is again, through this legislative provision, focussing attention on foreign fishing. At least that is how I see it. It seems to still be looking for a scapegoat when instead, it should re-examine the whole issue of the Canadian fishery.

The fourth point about which the Bloc Quebecois has concerns is the matter of the possible additional overlap between government departments. National defence vessels are already equipped to disable foreign fishing vessels. The inclusion of clause 8.1 could prompt the Department of Fisheries and Oceans to further equip its vessels so that they have enough strike power

to intimidate foreign vessels. Should these investments be considered a priority given the crisis in the fisheries?

Furthermore, one can question the relevance of giving fisheries protection officers the mandate to disable a foreign fishing vessel. There is indeed overlap between the different department when it comes to maintaining maritime sovereignty. The report of the Malone Committee on maritime sovereignty states in no uncertain terms that savings could be realized if there were more co-operation and co-ordination between the departments of Transport, Fisheries and Oceans, National Defence and the RCMP. Today's amendment does nothing to restrict overlap and could quite likely increase its incidence.

To respond to some of its concerns, the Bloc Quebecois will move an amendment to the government's bill. We will add a line to the end of section 8.1 as follows: the use of force cannot be tolerated if the lives of the crew of the escaping boat are endangered. I do not claim to be a lawyer, but I submit that this is a very sensible resolution and I say it most sincerely.

The purpose of this amendment is clear: to set limits for the use of force. Since subsection 25(3) of the Criminal Code does not apply to the Coastal Fisheries Protection Act, use of force as mentioned in section 8.1 of that Act is not limited by law. The Bloc's amendment is intended to limit the use of force in order to avoid possibly nasty incidents. Foreign fishermen are human. They do not deserve to die just because they wanted to make ends meet. In many cases, the people on the ships will not even understand the language used to arrest them and thus unreasonable use of force could lead to serious incidents.

● (1330)

I have another question about this bill: the government does not define what "disable" means when it says "force that is intended or is likely to disable a foreign fishing vessel". Since I am not a lawyer, I looked in the dictionary and saw that a "disabled" ship is unable to move because it has been damaged. Damaging a ship on the high seas—I do not know if some of you have ever fished, but any kind of weather may be going on out there at that time. Various kinds of vessels, made of various materials, exist: iron, wood and fibreglass. A .303 bullet hole could perhaps sink a ship, but if it did, it would be because it was fired through the hull as a warning, apparently. But if a shot were fired through a fibreglass fishing boat, I would not want to be a fisherman asleep between decks.

So I think that the use of force requires prudence and good judgment. And we know that life at sea can be tough. So remember that this right to use force must be exercised carefully.

This amendment is even more important in that the application of the law is subject to regulations issued by the Governor in