

to the 1941 Agreement on condition that:

1. The Canadian Parliament would also approve the Agreement.
2. The Canadian Government would agree to the elimination of Article VII of the Agreement. (It is contended that this Article, extending perpetual navigation rights in boundary waters, should be dealt with by separate treaty.)
3. The Canadian Government would agree to the elimination of Article VIII, section (c). (This section deals with the question of unilateral diversions of water from the Great Lakes System by either country, and would provide for a procedure of arbitration in case of damage resulting from such diversion.)
4. The Canadian Government would agree to the elimination of Article IX. (This Article would amend the provisions of the Boundary Waters Treaty of 1909 with respect to the diversion of water at Niagara for power purposes. This has now been dealt with by a separate Niagara Diversion Treaty which was signed in Washington on February 27, 1950.)
5. The Canadian Government would agree to the principle of self-liquidation of the deep water navigation work on the St. Lawrence River authorized by the Agreement and the approving measure. (On April 24, 1947, the Secretary of State for External Affairs stated in the House of Commons that the Canadian Government had agreed in principle to the proposal to make the waterway self-liquidating by toll charges, "subject to the conclusion of arrangements satisfactory to both Governments for the implementation of this principle.")

The effect of such conditions on the Agreement.

The inclusion of these or other alterations or reservations in an approving measure adopted by the United States Congress would not, in itself, affect the status of the Agreement. For the Agreement to be effective and binding between the two countries, under International law, it would of course be necessary for the Canadian Government to approve and ratify any changes put forward by the United States Government.

Furthermore, it need not necessarily follow from the inclusion of such reservations that the features of the over-all St. Lawrence problem, which are to be deleted, have thereby ceased to be regarded as important. On the contrary, the United States Government has made it clear that, in its view, each of these features should be subject to special agreement.

Work Required under Agreement

At this point it may be of interest to consider, in some detail, the actual work which would be undertaken if the 1941 Agreement received the approval of the legislative bodies of Canada and the United States.

In the Upper Lakes, channel dredging would be required to provide a minimum depth of 27 feet over the entire navigation route. This work would be the responsibility of the United States.