

in a position either to judge or to rule without further information and advice from those who know and who are expert in this field.

As I come from British Columbia, I have a special interest in this whole matter. As you know, we have some magnificent rivers there—the Columbia, the Fraser, the head waters of the Peace and the Liard and, farther north, the Yukon.

While rivers, lakes and fresh water are of special interest to the provinces, all of these rivers that I have mentioned, and nearly every river of importance in this country, including the St. Lawrence which in a sense is the cradle of Canada, are either interprovincial or international or both.

No intelligent measure for the use and control of these tremendously important and valuable resources can, in my opinion, be devised by the provinces alone.

Most of those rivers I have mentioned are interprovincial, and even the Fraser, which is wholly within British Columbia, because of its proximity to the Columbia—you may remember it was suggested by General McNaughton that the Columbia be diverted into the Fraser—has become very much a potential issue in this area of international and interprovincial control.

Lest some may think that this kind of study and inquiry is academic and has no practical value, I would like to cite an incident which occurred a few years ago, when the question of Canadian interest and rights in the downstream benefits of the Columbia River development were beginning to arouse public interest.

About that time, half a dozen lawyers from the University of British Columbia and the City of Vancouver attended an international meeting in Seattle, Washington, with a group of American lawyers. Our Canadian group had a special interest in international law and in the law governing international rivers. One of our group, in his research, had come across a statement of American policy known as the Harmon Doctrine, which is somewhat akin to the Monroe Doctrine. It was propounded by the then Attorney General of the United States, Mr. Harmon, about 1895. This doctrine stated firmly and simply that the United States—and by implication other countries or states within the United States—in any disputes with other states about control over water, had sovereignty over and complete ownership and control of all waters within the boundaries of that state or nation.

This had been propounded, I believe, in respect to the waters of the Rio Grande, as between the United States and Mexico, and also in respect of some interstate disputes in the United States itself.

Apparently the United States delegation had forgotten about this; and they were not only surprised but greatly concerned when we cited it against them, when they contended that there were no rights on the part of Canada to downstream benefits from waters that had their origin in Canada.

This statement of policy made by Mr. Harmon was taken up by the Government of Canada and by General McNaughton. While we were not nearly as well prepared as they were—in terms of the studies the Americans had been making on the subject—we were able, partly as a result of this earlier statement of United States policy, which we had discovered, to persuade them that they must reckon with and provide for the downstream benefits of British Columbia and of Canada.

It is my expectation and hope that posterity will continue to enjoy in perpetuity some of those benefits which have come from it and which accrue to us.

Hon. Mr. Hugessen: May I interrupt my honourable friend? The doctrine which he mentioned was thoroughly agreed to and acted upon in connection with the Columbia River treaty.

Hon. Mr. MacKenzie: That is right. This policy is in effect at the present time. I give you this only to indicate that study, research and discussion, prior to the necessary Government action, can be of considerable practical importance, and that is why I urge that a study of our fresh water resources be made at a convenient time.

Honourable senators, I have here a number of quotations and papers and statements. Incidentally, one was written by Mr. Dillon O'Leary, a son of our distinguished and beloved Senator Grattan O'Leary, and was published in the magazine section of the *Globe and Mail* of May 21 last, under the title, "Should Canada turn the Tap." There is also a quotation from the *Canadian Bar Journal* for June 1965, the author being Professor C. B. Bourne, Professor of International Law at the University of British Columbia. The other is from the *Canadian Bar Review*, which I will deal with in a moment.

There is a brief from the Canadian Chamber of Commerce entitled "Canadian Water Resources," in which they state that