

Alleged Failure to Aid Biafrans

Well, we know what the results are. We know that those statements made by him—although he did answer the request and the plea—were not based on facts. That we know. They tell me the latest excuse is that constitutionally this cannot be done. I have before me a constitutional summary respecting this matter and in particular the right of any country to give humanitarian aid to those who are suffering. Humanitarianism has no protocol.

Some hon. Members: Hear, hear.

Mr. Diefenbaker: Dr. Edward McWhinney, Q.C., Professor of Law, McGill University, on October 30, 1968 set out in detail the situation. He said there is no constitutional basis for the fatuous excuses being made by the Canadian government in refusing to act. He said further:

—we have heard a number of arguments, legal and otherwise, against using Canadian military planes to transport Red Cross non-military supplies to Biafra. It has been said that that would be a legal act of war; though since the test of a legal act of war, according to both Soviet and Western doctrine, focuses on the purpose to which the activity is directed—here a humanitarian one—this argument is surely legally untenable. Beyond this, a right of humanitarian intervention, limiting the internal sovereignty of any state when it acts contrary to the laws of humanity, has been recognized since the time of Grotius, the founder of modern international law, in the early 17th century. Further, in reaction to the crimes committed during the Hitler era, the World Community has moved decisively to limit the old absolutist claims of national sovereignty, by positive law measures like the Nuremberg War Crimes Tribunal, the Universal Declaration of Human Rights, and the Genocide Convention itself, thus filling the gaps in the "old" international law. Not merely, therefore, would Canada or any other country seeking to have the UN General Assembly discuss the Nigeria-Biafra conflict not violate Nigeria's claimed sovereignty: in fact, we would be fulfilling a positive duty cast upon all members of the World Community, under the "new" international law created since the downfall of the Nazi régime, to bring up alleged violations of human rights for public discussion in the United Nations.

Mr. Speaker: Order, please. As the right hon. gentleman knows, according to the rules his time has expired. He may continue with the unanimous consent of the House. Is there unanimous consent?

[*Translation*]

Mr. Ouellet: Mr. Speaker, on a point of order.

I would like to tell the hon. member that I agree to let him go on with his speech, but nevertheless I would like to point out to him that when he delivered his last speech—

Mr. Speaker: Order, please.

Mr. Ouellet: —on agriculture—

Mr. Speaker: Order, please.

Mr. Ouellet: —he also talked longer than he was allowed to according to Standing Orders.

[*English*]

Mr. Speaker: Order, please.

Mr. Woolliams: Tell him to sit down.

Mr. Speaker: That is not a point of order. What is now before the House is a question from the Chair whether there is unanimous consent. There would appear to be unanimous consent that the right hon. member continue.

Mr. Diefenbaker: Thank you very much. I was about to point out that there is no justification for the narrow interpretation of the government, that it has, in fact, the right, wherever the demands of humanity appeal to the hearts of people, to do that which we have asked for and which is being asked for today in the resolution before the House. Indeed, the World Organization of Jurists—and I shall not quote this because it is a lengthy quotation—which is representative of judges or former judges everywhere in the world has declared that there is a right to act on a humanitarian basis. But the government of Canada stands firm and unmoving. To me, this is one of the most callous and squalid stands any government could take in a time of need and suffering.

The Prime Minister reads to the House of Commons a dissertation to exculpate the government and in doing so indicates clearly that so long as he remains Prime Minister he intends to stand against any effective action being taken to meet this terrible tragedy which today fills the heart of all mankind.

Some hon. Members: Hear, hear.

Mr. David Lewis (York South): Mr. Speaker, I join the right hon. member for Prince Albert (Mr. Diefenbaker) in regretting that the Prime Minister is not present in the House for the debate, although I must assume, and do assume, that he left because of some urgent appointment he may have had. I regret it, Mr. Speaker, because I think it is important. It is important that he hear what other members of this House have to say about his speech today and the statement he made on