

that particular building. Then, when we find disagreement we would in fact be saying to the capital planning board: "Well, you may complain, but you cannot complain so far as the NATO building is concerned."

Now, just how far are we going, in taking that step?—A. Mr. Graydon, that is technically correct, perhaps; but on the other hand NATO has no property in Canada and there is very little prospect of its acquiring property in Canada. And might I say that countries such as the United Kingdom, France and the United States which are much more concerned with the application of this paragraph have not seen fit to make any reservation to the article.

Mr. MACNAUGHTON: Article 3 would surely cover it too.

The WITNESS: Yes, there is a remedy by discussion.

Mr. GRAYDON: Discussion and consultation hardly take the place of legal rights. I am not pressing it at the moment, but I think it could conceivably amount to something that was an interference with the rights of a municipality, such as the rights of a planning board which we have discussed here.

The CHAIRMAN: Do you have in mind NATO putting up a new building?

Mr. GRAYDON: They might buy a place here for some purpose in order to carry on certain operations of the organisation's activities. If that should come about, then of course expropriation would be ruled out completely, and I think it would be ruled out so far as long-term leases are concerned as well.

Mr. LESAGE: I am sure that no one has to be afraid of such an occurrence because here in Canada, as the witness has said, there is very little prospect of NATO acquiring any building. Moreover, under article 3 of the agreement it is always possible to seek a remedy. And there has been no trouble. That is our experience.

Mr. GOODE: And if there was a possibility of NATO acquiring a building in Canada, this would be considered as a part of the general over-all plan, and the government would take it into consideration.

The WITNESS: Mr. Rettie has drawn my attention to article 27, which provides for denunciation within a period of one year.

Mr. GRAYDON: I do not think that article 27 is applicable to this at all.

The WITNESS: It is an example of ultimate recourse. I quite agree with you, that it is not a practical question. This question would not arise and the chances of our acting under article 27 are very remote. But a technical view was taken of article 6 and I thought that I might take a technical view with regard to article 27. But the answer probably is that the situation that you envisage under article 6 won't arise, and consequently the necessity for taking any action under article 27 similarly would not arise.

Mr. GRAYDON: But if we took action under section 27, there would be serious international opposition to it, and would it not perhaps be justified even if we said to the capital planning board "that is the arrangement." But I think that hardly is the remedy that is really open to us.

Mr. RICHARD: I think that some of us are interested in this point and I think it might be discussed at the next session. The discussion of immunity generally of foreign embassies is applicable to NATO particularly and what we are discussing today. So I think that perhaps some of the examples we have given today would not apply to this particular bill but rather that the general law would apply to embassies and to foreigners in this country.

The WITNESS: I would recommend to you, sir, that you consider the judgment of the Supreme Court of Canada in 1943, I mean the one which was put on the record at the last session. The court examined the whole question of immunity and I think it would clarify the whole problem for you.