

Mr. BARTHOLOMEW: This reads:

Any water resource development, in addition to the Canadian storage, constructed in Canada after the ratification date shall not be operated in a way that adversely affects the stream flow control in the Columbia river within Canada so as to reduce the flood control and hydroelectric power benefits which the operation of the Canadian storage in accordance with the operating plans in force from time to time would otherwise produce.

Now, you are questioning whether you can effect any diversions in the face of that.

Mr. RYAN: I am saying this clause does not apply after the treaty is terminated under article XIX; it only applies during the life of the treaty.

Mr. BARTHOLOMEW: But the Boundary Waters Act, if still in force, still applies. Under the Boundary Waters Act, if you are the injured downstream country you have the right to sue in the upstream country for any injuries you suffered downstream.

Mr. RYAN: But these provisions likely would come back into effect at that time unless some other agreement is arrived at.

Mr. BARTHOLOMEW: Today it is regarded as a breach of the treaty, if you do it.

Mr. RYAN: Dr. Kindt is quite out of order in suggesting that we must deliver water forever, because the Boundary Waters Treaty comes back into effect at the termination of this treaty, is that right?

Mr. BARTHOLOMEW: We have to store water for ever. There is no choice in that regard.

Mr. RYAN: Why must we store water forever? All we have to do is provide flood control; is that right?

Mr. BARTHOLOMEW: The provision of flood control involves the storage of water.

Mr. RYAN: We do not have to give them the water.

Mr. KINDT: The water is stored for exactly that purpose.

Mr. BARTHOLOMEW: We are filling the reservoirs and we have to let the water out again before the flooding season. We have to provide storage and release. We have to empty the reservoirs before the flooding season, which occurs at the beginning of May. We must release the water in order to provide sufficient space in the reservoirs to look after flood conditions.

Mr. RYAN: Sufficient space would be provided in these reservoirs or elsewhere if we diverted the water.

Mr. BARTHOLOMEW: If we diverted the water to the Fraser, I would certainly agree to it. I would very much like to see that happen.

Mr. RYAN: There would be no problem in that situation?

Mr. BARTHOLOMEW: A Fraser diversion would meet my support.

Mr. DEACHMAN: Mr. Chairman, I should like to ask one or two supplementary questions to those asked by Dr. Kindt. I think the witness has covered this subject in reply to questions asked earlier.

Mr. Bartholomew, I think your testimony has indicated that you have two feelings about this situation. Firstly, you object to the treaty on the grounds that it is not a treaty in the best interests of Canada and, secondly, in your opinion it is a treaty which results in a loss to Canada because of the preponderance of United States technical assistance; is that right?

Mr. BARTHOLOMEW: I think you are correct, sir. When I referred to technical assistance I included both legal and technical knowledge.