

5. *ST. LAWRENCE WATERWAY, ADDITIONAL DIVERSIONS AT NIAGARA FALLS, PROCEDURE IN INTERNATIONAL AGREEMENTS, STATEMENT OF PRIME MINISTER, JUNE 5, 1941.*

My hon. friend the member for Davenport (Mr. MacNicol) asked a question yesterday concerning the matter of diversions of water above Niagara. I will summarize first the facts relating to diversions and then discuss procedure.

In article V of the Boundary Waters Treaty of 1909, Canada and the United States agreed not to divert more than a specified amount of water from the Niagara river above the falls. There was no change in the amount of diversion until November, 1940, when, by an exchange of notes, the United States agreed not to object to an additional temporary diversion at Niagara by Ontario of water equivalent to diversions which Ontario was to make into the great lakes basin from the Albany river basin. This exchange of notes was tabled in the House of Commons on November 12, 1940.

The Great Lakes-St. Lawrence basin agreement signed on March 19, 1940, which is expressly subject to approval by the parliament of Canada and the United States congress, has two provisions affecting diversions at Niagara.

Article VIII of that agreement authorizes each country to use for power purposes any water diverted by it into the great lakes system. Article IX provides for the construction of remedial works at Niagara and for the subsequent additional diversion by each country of 5,000 cubic feet per second in excess of the amount specified in the Boundary Waters Treaty. These articles are, of course, not yet in force.

The exchange of notes signed on May 20, 1941, which was tabled in this house on May 29, provides, as a temporary measure in view of the present emergency, for an immediate additional diversion of 5,000 cubic feet per second by the United States and for an immediate additional diversion of 3,000 cubic feet per second by Canada. The temporary nature of this arrangement is made clear by provisions in the notes. The arrangement is expressed to be for the duration of the national defence emergency and, in all events, is subject to reconsideration by both governments on October 1, 1942. Furthermore, it is provided that the arrangement will be subject to the provisions of article IX of the Great Lakes-St. Lawrence basin agreement when that agreement comes into force.

The reasons for this emergency arrangement were explained in full by the hon. the Minister of Mines and Resources when he tabled the