

North Atlantic Treaty

Mr. Claxton: I doubt it very much, but we would not bring our legislation into effect except by proclamation at the time we would secure reciprocal rights and privileges.

Mr. Graydon: Have any of the others done so already?

Mr. Claxton: Not as far as I know, but we are in touch with them and they are in various stages of drafting and so on.

Mr. Fulton: I have had an opportunity of seeing a copy of the agreement which is to be attached to the legislation, and in general can say that we accept the legislation as being in the best interests of Canada for the reasons just given by the minister. I think, however, I will have to make one reservation. I believe there may be members from Newfoundland who will desire to take up separately the matters to which the minister referred, because there are special conditions and circumstances in that province. But that does not alter the fact that in general we believe the legislation is desirable and to our advantage.

It seemed to me as I read it that, beyond the advantages the minister detailed, it is an effort to carry into general application the arrangement made between ourselves and the United Kingdom in the last war, particularly with respect to property damage, under what was known as the "knock for knock" agreement. Without wishing to give other countries the occasion for criticism, it did seem to me in reading it that, in the light of all the circumstances, since there will be more Canadian troops concerned than others, it was to our advantage to such an extent that I wondered whether someone might complain about it. Certainly that is not grounds for criticism on our part, but rather grounds for supporting it so long as it does not become a measure for creating unfairness. If that situation should arise I would hope that the signatory parties would agree to changes which would accommodate the situation. It is in that spirit, I assume, that the agreement was signed, and certainly in that spirit we are agreed that it should be acceded to by Canada.

Mr. Knowles: Will the minister explain the relationship between the bill which is the basis of this resolution and Bill No. 15, an act to provide for privileges and immunities in respect to the North Atlantic Treaty Organization.

Mr. Claxton: There is a close relationship, as the hon. member implies in his remarks. This does on the military side what it is intended the other bill should do on the civil side.

Mr. Graydon: Sometime ago the minister tabled the agreement envisaged in this resolution, and it will, no doubt, be attached to the bill when it is introduced. This question arose in the other debate on the resolution concerning the privileges and immunities for the North Atlantic Treaty Organization. I could not quite see why the Secretary of State for External Affairs could not have tabled the agreement in that case, as the minister has done here. We did not have it while the resolution was being discussed, and the first time we saw it was when the bill was brought down because the agreement was attached to the bill. It seems to me the cases are so parallel that the same procedure ought to have been followed by both departments, and they should have followed the procedure adopted by the Minister of National Defence.

Mr. Claxton: In my capacity as Minister of National Defence I thank the hon. member for his kind observations on what we have done. In my capacity as Acting Secretary of State for External Affairs, I express regret that it was not done.

Mr. Knowles: I ask the minister to recall the kind of case I was discussing a few moments ago under the other legislation. Having done that, I should like to ask him whether in the case of visiting forces there is a broader protection than exists for our own forces at home? I ask that question because I notice that the last part of the resolution reads:

... and to provide for the settlement of claims arising out of debt, personal injury or property damage resulting from the negligence of their members.

Can that be read as meaning one of our—

Mr. Claxton: It would have no bearing on your case.

Mr. Knowles: Not on the point I was raising before, but my point is this. If the other countries that are members of NATO passed similar legislation, and if one of our soldiers was in another country and hurt in the manner that this chap was hurt here, would he not be protected by this legislation?

Mr. Claxton: It is hard enough to deal with these cases in one's own country without dealing with hypothetical questions about another country. I shall be glad to ask the lawyers about it and give the hon. member an answer when we get to the bill.

Mr. Knowles: I thank the minister for doing that. It looks as if we would be providing that kind of coverage for our men when they are in other countries and for other soldiers