

Export Credits Insurance Act

not apply to our argument, and then come back to the first. First, (b) says:

to implement an intergovernmental arrangement or commitment; or

(c) to ensure that there is an adequate supply and distribution of such article in Canada for defence or other needs.

The important subsection is that the governor in council may establish a list of goods which he deems it necessary to control; and for this reason:

(a) to ensure that arms, ammunition, implements or munitions of war, naval, army or air stores or any articles deemed capable of being converted thereinto or made useful in the production thereof or otherwise having a strategic nature or value will not be made available to any destination wherein their use might be detrimental to the security of Canada;

Nothing could be clearer than that. The government itself has set out the area of definition of what is a strategic material. Last evening the minister said that the articles to which I had directed his attention, synthetic rubber, aeroplane parts, certain electronic goods and the like, were not strategic. I was tempted at the time to suggest, and perhaps there would be no harm in suggesting, that the conclusion one must draw from that observation of the minister is that if we are to take him at his word he is leaving to the Cuban government the determination as to whether or not articles of this kind are in fact strategic, as to whether or not, in fact, they may be used for purposes that could tend to undermine the security of this country or the defence of this continent.

It is not a question of whether or not the minister believes underwear is in the same category as airplanes, airplane parts, electronic machines or motor and military vehicles. It is not a question of whether or not there is a difference. The fact is that the government of Canada itself has said what is strategic. The government has given authority to sell those goods which under this act it says are strategic. Those sales are being made to Cuba which is a sensitive area at the present time. That is the indictment we make against the government.

We started out by saying that certain commodities such as airplane parts, synthetic rubber, helicopters, dynamite, explosives and the like are commodities of a kind that should not be sent to a country such as Cuba under present circumstances. We took the position that those were strategic materials. We did not argue, at first, that those were strategic in law. We said they were strategic by their very nature in the context of the situation attending the country to which they had been exported.

But now, after consideration, we add the further argument that the goods complained

of cannot be regarded as anything but strategic not only within the context in which the word is used but in the light of what is the law of Canada, a law which this government itself established pursuant to authority given to it by parliament.

The minister has recommended to his colleagues that certain goods should be regarded as strategic. Authority has been given for the export of those goods to Cuba. The government in this order in council, pursuant to the authority given to it by parliament, says that these goods are strategic. Can there be anything clearer than this?

The minister takes the position that the goods covered by COCOM are of a kind which it is presumed could cause greater devastation and destruction than the goods covered under the Export and Import Permits Act. We would say that that might be an arguable position, and it likely is. We might also, for the purposes of argument, agree that many of the articles covered, particularly in item 8-43 of the list under the Export and Import Permits Act might not have the same destructive quality or potential as articles covered in the strategic list devised by NATO. However, the minister cannot escape the fact that the goods which have been sent to Cuba with the government's approval under item 8-43 are strategic not only because of the meaning of the word "strategic" in relation to a particular commodity, but in relation to section 3(a) of the act concerning the export and import of strategic and other goods.

The conclusion is irresistible. As the Leader of the Opposition pointed out it is clear what this government has done. Exercising judgment it has allowed goods to be exported to Cuba at a time when there is great concern about developments there in relation to the North American continent and the general situation that prevails in the world, goods which in fact could be used by anyone desiring so to do for the purpose of prosecuting the exercise of force. If there was any doubt about that, the doubt is removed as a result of confirmation by the government itself and the very terms of section 3(a). The minister may nod his head in disagreement. I can understand his embarrassment.

Mr. Hees: No embarrassment whatever.

Mr. Martin (Essex East): The minister cannot, however, under any circumstances, remove the clear justification for the argument we have made here today. The government has allowed to be exported to Cuba goods which it has said are strategic. That is a fact, and no words of the minister can serve to deny this circumstance.