

*Proposals to Extend Territorial Waters*

of the 1960 vote at Geneva on the joint Canada-United States "six plus six" formula. Reference to any action undertaken or still in progress could do just that.

He might have gone on to indicate what is the custom of parliament over the years with regard to the disclosing of correspondence and documents exchanged between governments. There is plenty of evidence to show that over the years it has been the custom for governments, when asked to produce that type of material, to decline to do so and certainly, if prepared to produce the material, to do so only after having received permission to that effect from the governments concerned. In this particular instance we are involved, I would imagine, with a number of governments which are interested in the problem of territorial waters or the law of the sea. To put the matter briefly, what we are dealing with is diplomatic correspondence.

On May 27, 1931, the prime minister of that day, Mr. R. B. Bennett, in discussing a motion for the production of papers similar to this one, stated, as found on page 2020 of *Hansard*:

As the right hon. gentleman knows, cable communications that pass between different governments are marked "confidential", and, for reasons that are good and sufficient, they cannot be brought down in this house without the consent of the other government. Whether marked "confidential" or not, the consent of the other government should first be obtained before bringing them down. Broadly, the question is one of maintenance of good faith between people who carry on a correspondence.

Then, in 1939 the prime minister of that day, Mr. Mackenzie King, was dealing with a motion for the production of papers and he indicated the difficulties with regard to putting them before the house. Again it is a question of producing diplomatic exchanges which are of a confidential nature.

**Mr. Speaker:** Did the minister give the page?

**Mr. Churchill:** I am just trying to locate the page in this particular volume of *Hansard*.

**Mr. Pickersgill:** Was it a brief speech?

**Mr. Churchill:** I had it marked and I have lost the page reference but the date is January 17, 1939 and I believe it is somewhere on page 67 or 68.

**Mr. Pickersgill:** Could the hon. gentleman say what the motion related to in that case?

**Mr. Churchill:** Yes. In this instance it was with regard to the situation in Europe and the government was being asked that correspondence concerning that situation be made public. There had been a dispute in the

house whether or not sufficient information had been made available. At the moment I cannot find the reference.

I was drawing the attention of the house to what is the customary practice with regard to matters of this nature. It has not been normal to press to a vote a motion of this kind which has never been conceded, so far as I can ascertain, in the course of parliamentary practice. I would refer the house to Todd's *Parliamentary Government in England*, volume I, page 357 and following, for a discussion of one aspect of this question of confidential communications. Todd lists several types which normally are not made available to the house.

I will revert now to what Mr. Mackenzie King said on January 17, 1939, concerning a request for the publishing of correspondence relating to a crisis in Europe which occurred in September of 1938. Mr. Mackenzie King stated, as found at the bottom of page 68 and the top of page 69:

As my hon. friend knows, correspondence between governments, particularly where it relates to the possibility of war, is necessarily highly confidential. To make it public would require the consent of the governments concerned.

I think I will put the whole passage on record because it is of some interest.

I shall be glad to communicate at once with the British government to ascertain to what extent, if at all, they think the correspondence which passed between the secretary of state for dominion affairs and the Secretary of State for External Affairs in Canada should be made public, and I shall be glad to inform my hon. friend and the house of the result of the communication.

May I add that I am sure my hon. friend and the house will realize at once that the correspondence referred to contains many references to other countries as well as to Great Britain and Canada; and I believe it is the practice where other countries are referred to in confidential correspondence not to have any such correspondence produced. I make that statement at once so that the house will understand the limitations on the government.

I suggest that is as strong a reference as can be found in the practice which I have stated, namely, that correspondence passing between governments is not normally made public. Certainly in this instance, where a number of countries are concerned, I doubt very much that the hon. member's request could be acceded to. He is asking for any documents or correspondence exchanged among several governments since April 1, 1960, which is almost a year, and even if the government made an attempt to obtain consent the length of time that would elapse in getting the necessary information, provided the governments concerned acceded to the request, might well be much too long for our purposes here.

The hon. member for Skeena (Mr. Howard) has introduced this motion in good faith and provision is made for such a procedure in