

STATEMENTS AND SPEECHES



INFORMATION DIVISION
DEPARTMENT OF EXTERNAL AFFAIRS
OTTAWA - CANADA

No. 51/8

THE INTERNATIONAL JOINT COMMISSION

An address by General A.G.L. McNaughton on the International Joint Commission, with particular reference to the St. Lawrence Seaway and Power Project, delivered to the Electric Club of Toronto on February 28, 1951.

...The subject which I have chosen is "The International Joint Commission" and in dealing with some of the more important questions and projects which are, or have been, before the Commission I propose to mention more especially those which are of current interest to the people of Ontario, by reason of the fact that they relate to the use of the waters of the rivers and lakes along the southern boundary of the Province from the Lake of the Woods on the boundary with Manitoba, eastward through the Great Lakes and their connecting channels, and down the St. Lawrence River to Lake St. Francis where Ontario joins Quebec.

The questions at issue in this vast region involve every aspect in the use of these waters for navigation, for the generation of power, and for domestic and sanitary purposes, and in many of these matters the Commission is closely engaged.

I am happy to say that there has always been the closest and most cordial relations between the International Joint Commission and those in Ontario charged with responsibility for the development of power; in fact for a number of years the Chairmanship of the Ontario Hydro-Electric Power Commission and the International Joint Commission were held by the same person, the late Mr. Charles Magrath, who made a very eminent contribution to the work of both bodies.

Along the rivers and through the lakes along the Boundary there have already been created and there are now in existence and continued use, very extensive systems of canals and locks and dredged channels. These facilities, in their day, were fully adequate for the passage of the then existing traffic and commerce of the two nations, but today, with the march of time and the progress of invention and the growth of our economy, these facilities have become outmoded and they are no longer adequate to carry the ships which it is desired to move through them in the service of our expanding industry even in peace; and certainly these navigational facilities have been proved, by the most careful analysis, not to have the capacity to measure up to the requirements which are necessary for defence in the very anxious times and uncertain conditions through which we pass.

At the rapids and falls on both the Canadian and United States sides of the great waterways of the St. Lawrence system there have been created hydro-electric plants for the generation of power; these represent a very great continuing value, particularly on the Canadian side where the developments have been pressed, and continue to be pressed by the Hydro-Electric Power Commission, to the limit of what is permitted by International Agreement. Nevertheless, as matters stand, not more than perhaps a third of the power potentially available from the falling waters on the St. Lawrence is being used. So both in respect to navigation and in respect to power there are projects of immense importance which need to be freed from the existing international inhibitions so that they can be undertaken at the earliest practicable date and carried out for the benefit and welfare of the peoples both of Canada and of the United States

So also in such matters as the stoppage of the pollution of these waters by sewage and by the discharge of the wastes of chemical and other industries; in the conservation of their scenic beauty; and in their use for recreational purposes, there are many problems of great concern to both nations which call urgently for solution.

In the considerations which must be taken into account in working forward to the solution of these many and varied and complex problems so that benefit and satisfaction may come to the people of Canada - and more especially as we are concerned, to the people of Ontario who live in the region we are never at liberty to forget that there is always another group of people, usually more numerous than ourselves, who have a like interest and equal right with us in the outcome. In fact, no solution for any major question arising in the use of "Boundary Waters" is possible except by agreement which respects the rights and interests of our neighbours; and certainly we have learned by long experience, which on occasion has been very painful, that progress with these matters only becomes possible when the views currently held on either side of the boundary and the wishes of the two peoples have come into full accord and have found expression in a unified purpose by Parliament and Congress.

Whether this takes the technical form of a "Treaty" or of an "Agreement" duly ratified or merely of an understanding, informal or otherwise, by which the matter may proceed without objection by either side, does not seem to matter very much because once great works have been created we can be quite certain, as a result of our long and friendly association, that no one in either country will interfere in their use to the detriment of the other party.

However, where new projects of great magnitude are under arrangement, and particularly in the case of those in which some outmoded facility or vested interest has to be displaced, it is seldom easy, even in one country, to effect progress, but where, as is the case in the regions along the St. Lawrence, the resources to be developed are shared by separate communities, then the difficulties presented to the inhabitants on either side in coming together and making effective arrangements for the development of their joint interests are almost insuperable if they have to proceed separately through the ordinary national, economic, legal and legislative systems of their respective countries.

At the turn of the century with the invention of the electric generator which could be set in motion by the power of falling water and with the evolution of the means of transmitting electric power over considerable distances, these limitations became particularly apparent to the leaders of the two nations which share the St. Lawrence where immense resources had thereby become potentially available to be turned to useful account. Under the stimulus of this interest and necessity a system was in fact evolved through which the difficulties of separate and distinct communities in working together could be overcome. This system is set forth in the Treaty of 1909, usually referred to as the Boundary Waters Treaty; but its usefulness is by no means confined to questions concerning the use of its waters.

The fundamental conception of this Treaty is both to dispel trouble arising, or threatening to arise, between the two countries or their peoples and also to provide a means through which their joint aspirations can be fulfilled. The methods adopted are in many instances quite novel in character and nowhere else, between any other two countries, have they ever been brought into effective use, either before or since.

The Treaty of 1909 established the International Joint Commission, a body composed of six commissioners, three on the part of the United States and a like number on the part of Canada. The members on either side are equal so that, if the Commission is to proceed at all in the matters which have been referred to it, it must proceed by agreement and this principle has also been followed by the Commission itself in the establishment of the many international engineering boards and committees which it has had occasion to set up to assist it in the discharge of its duties during the 38 years which it has been in existence. In order to discharge these responsibilities effectively the Commission has been armed with authority which, in certain precisely defined spheres, has been placed above that of national law.

For example, unless there has first been a special agreement between the Governments of Canada and the United States, "no further or other use or obstructions or diversions, whether temporary or permanent of boundary waters on either side of the line. . . shall be made except by the authority of the United States and. . . Canada within their respective jurisdictions and with the approval of the International Joint Commission".

By these provisions the power to initiate plans for the deepening of channels, the construction of breakwaters, the improvement of harbours, and the like, is left to the respective Governments on their own sides of the line, provided that the results "do not materially affect the level or flow. . . at the other. . ." in which case the plans must be submitted to the Commission for "approval".

Article IX of the Treaty of 1909 provides that "any question. . . involving the rights, obligations or interests of either in relation to the other. . . along the common frontier shall be referred. . . to the International Joint Commission for examination and report, whenever either. . . the United States or. . . Canada shall request. . .".

It was pursuant to these provisions that in January 1920 the question of the further improvement of the St. Lawrence River between Montreal and Lake Ontario for

navigation and power was referred to the Commission for examination and report; to assist in the consideration of the engineering aspects of the matter a Board of Engineers with a representative from each country was set up to report to the Commission.

The Commission and the Engineering Board gave careful study to the matters which had been entrusted to them and after the conduct of a most comprehensive series of public hearings in both countries so that "all parties interested therein" should "be given convenient opportunity to be heard . . ." the Commission reported recommending the project and put forward the principles which should govern the evolution of the final engineering plans, the allocation of costs as between navigation and power, and the incidence of these costs as between the two countries. The Commission recommended that the Governments of the United States and Canada should enter into a Treaty for a scheme of improvement of the St. Lawrence River between Montreal and Lake Ontario accordingly.

This report was rendered in December 1921 and since then for over 29 years the matter has been before both Governments in an endeavour to negotiate and obtain approval for the Treaty or Agreement recommended by the International Joint Commission.

Up to 1928 there was little disposition in Canada to proceed because it was felt that we were still overburdened financially as a result of World War I. However, from then on the situation changed and ever since the project has had the full support of Canada. Forceful statements to this effect have been made repeatedly by the Prime Minister, the Minister of Trade and Commerce, and the Secretary of State for External Affairs; and Mr. Chevrier, as Minister of Transport, has again stated that our country continues to stand ready to go on with the St. Lawrence project for navigation and power whenever the United States will be willing to proceed.

Similarly to the support consistently given by the Government of Canada, each President of the United States in turn, from President Harding through Presidents Coolidge, Hoover, and Roosevelt to President Truman, has endorsed the project and sought of Congress approval in one form or another for its execution. This favourable attitude by the Government of the United States continues at this time, when the matter is again before the Public Works Committee of the House of Representatives, where it is being most strongly urged by the members of Mr. Truman's Cabinet that the project should be pressed by reason of the great urgency of providing improved navigation, particularly for the carrying of iron ore and also by reason of the urgent need for more hydro-electric power. These representations to the Congress of the United States make clear that the combined project for navigation and power would confer the most far-reaching benefits to the peacetime economy of the two countries; they make clear also that the early completion of the works for navigation and power is a vital matter in relation to the defence of the North American continent in this period of deep anxiety and great concern.

In addition to the favourable report and recommendation given by the International Joint Commission, the

project for the combined development of the St. Lawrence for navigation and power has been repeatedly before a succession of National Advisory Committees and the like.

It has also received the attention of a series of joint Engineering Boards, where the design of the works required has been developed in great detail and to the point that there is no longer any significant question outstanding between the technical representatives of the two countries.

The project as it stands has recently been most completely described by Mr. Chevrier, the Minister of Transport, in a series of addresses to the public in Canada, but because of its far-reaching special importance to the members of this audience I venture to recall to your minds the salient features:

From the Atlantic through the Gulf of the St. Lawrence and up that river to a point near the city of Quebec the greatest ships which ply the oceans of the world have always had open passage during the season of navigation. And from the earliest times the successive governments of Lower and Upper Canada and more particularly the federal government of Canada, since it was established at Confederation, have made it their business to extend and improve these facilities of navigation for ocean shipping. Today the "St. Lawrence Ship Channel" provides safe passage to the harbour of Montreal with a minimum available depth of 32.5 feet at extreme low water and every care is being exercised to ensure that developments continue as may be shown to be desirable by progress in the art and science of inland navigation. In matters of channel width, alignment, freedom from obstructions, lighting, radio aids, harbours, wharfage, storage, loading, repair establishments and in the many other detailed requirements needed for, or to facilitate modern navigation, there is no other waterway in the world which is better provided; and it has been the constant concern of our Department of Transport to maintain this enviable position.

In my description of the St. Lawrence Waterway I pass next to its upper end at Lake Superior, where through Fort William, Port Arthur, Duluth and other great ports there passes a vast tonnage of commodities. The iron ore of Minnesota continues, despite the near exhaustion of the higher grades under the tremendous demand of two world wars and, increasingly, ore of premium quality flows in from the iron ranges in Canada to the west and north; the wood products of the adjacent regions and the grain from the Prairies add their quota in amounts measured in millions of tons: The traffic which each year passes in and out of Lake Superior through the five locks of the St. Mary's River which have been built, side by side and in parallel, to accommodate it represents an amount which exceeds the total combined annual traffic of the Panama, the Suez, the Manchester and the Kiel canals all put together.

This immense traffic is now mostly carried from Lake Superior to Lake Huron, Lake Michigan and thence to Lake Erie through Lake St. Clair and the Detroit River in vessels of a type peculiar to the Great Lakes which have a draft of about 22 feet. These special types of vessels have proved most efficient for lake transport and in cost per ton mile of bulk freight they are far more economical than any ocean-going craft.

It has been evident that with the opening of the Great Lakes to the sea an ultimate increase in channel depth to 27 feet would be needed, and already channels of 25 feet for down-bound and of 21 feet or better for up-bound traffic have been made available by consistent action, principally by the United States, over a long period during which upwards of 55 million dollars has been spent on this project. This amount includes the cost of construction of the new lock on the United States side at Sault Ste. Marie which is capable of taking the largest ships passing our new Welland canal between Lake Erie and Lake Ontario.

Thus there comes into existence on the Great Lakes system from Lake Superior to Lake Ontario inclusive, facilities for navigation on a basis of 27 feet depth. All locks required have already been built with 30 feet on the sills and so it is only a matter of simple dredging to increase the depth of the connecting channels as this becomes desirable in the future.

From the sea upwards to Montreal, as I have already pointed out, there is in existence a channel of 32.5 feet depth and this channel presents no limitation whatsoever to any ocean ships which we might reasonably expect would wish to use it. Moreover the same steady persistence in the pursuit of the fulfilment of the over-all plan is evident in this section of the river and on up to Beauharnois, where for example, in connection with the development of power (at first 600,000 HP; 800,000 HP is now being added) the channels for a depth of 27 feet required for navigation have been substantially completed; all that remains to be done to carry navigation past the rapids is to finish this excavation and build the locks and approaches which have been designed to fit right in with the existing structures.

Thus at its ends and throughout most of its length the project of a deep waterway is already a reality or is steadily becoming so.

I now turn to the short section from St. Regis opposite Cornwall, where the middle of the river becomes the international boundary, to Prescott, to which deep water extends some 67 miles down river from Lake Ontario. This is the international part of the project between Montreal and Lake Ontario which is the subject of the recommendation for construction made by the International Joint Commission to the Governments of Canada and the United States, and since repeated many times by other competent bodies.

In this portion of the St. Lawrence the presently existing facility for navigation is the system of 14 foot canals built by Canada many years ago to overcome the difference of level between Montreal at 20 feet and Lake Ontario at about 240 feet (244 feet proposed). This 14 foot canal has a total of 21 locks with ruling dimensions of 24 feet length and 45 feet width as compared with the ruling dimension of 30 feet depth, 800 feet length and 80 feet width which will exist eventually on the Upper Lakes and the somewhat greater minimum depth which is now available from Montreal to the sea.

This short section of the St. Lawrence River thus presents a barrier to the commerce and trade of the basin which either prevents its development or at least requires the expensive and time-consuming process of trans-shipment

once, and sometimes twice, thus creating a burden which has long been felt to be intolerable, more particularly as the effort needed to overcome it cannot be regarded with present day facilities for construction, as anything which is really of any very great magnitude.

The latest estimates of costs under the 1941 Agreement between the United States and Canada which is the Agreement presently under debate in the Public Works Committee of the United States House of Representatives, give the total cost as 806 million dollars; Canada's share is 336 million, against which it is proposed we should be given credit for an amount of 132 million for the new Welland canal, leaving 204 million still to be expended by us, principally to provide the navigation facilities in the Lachine section. The total to be spent by the United States is put at 470 million, which it is considered would substantially equalize the costs incurred, or to be incurred, by the two countries in this undertaking of mutual advantage. For these expenditures we would obtain the full benefit of 27 feet depth for navigation from Montreal to Lake Ontario, thus eliminating the troublesome and very expensive and time-consuming bottle necks which now hamper existing traffic, and which would be particularly disadvantageous in the movement of iron ore, which is about to become very important in our defence arrangements.

In addition to thus freeing navigation, the expenditures I have mentioned would provide for the construction of the dams and the complete installation of turbines, generators, and power house equipment to develop 1.1 million horsepower on the United States side and a somewhat larger amount on the Canadian side at the Long Sault Rapids on the international section of the River. The unit cost for power to be derived from these installations is very low, probably about one-third of what the equivalent cost would be for steam plants, assuming steam plants of this capacity could be built at this time and kept supplied with fuel.

In the evidence presented before the House of Representatives' Committee on Public Works in Washington last week, Mr. Charles E. Wilson, United States Mobilization Chief and former President of the General Electric Company, stated that the project for the development of the St. Lawrence was so attractive that if he had been free he would have liked to undertake it as a business venture - and well he might take this view because it is evident that, even without the extra needs brought on by the existing international situation, the power to be generated both in Canada and the United States could be absorbed quicker than it could be developed.

And, as for navigation, recent comprehensive surveys show that the savings on traffic will exceed costs, including those for full amortization, in a ratio of more than 4 to 1. And lest anyone should think that the suggestion of this matter as a business venture is fanciful because of its magnitude, I would remind you that the total cost to be incurred over a period of six years (or perhaps a year less) does not amount to as much as Mr. Wilson's Company alone is accustomed to spend in a single year. The total employment to be given to labour on the project is estimated at about 60,000 man years or say an average of 10,000 men employed for six years. This total is very small indeed when it is compared to the number who would be required to man and support the anti-submarine war organization which would be

needed to keep the sea lanes open for the delivery of iron ore from Africa and South America, which are the alternatives.

We and the United States have already had one very costly experience in this matter with our oil and bauxite in World War II which very nearly brought disaster, and surely we should be wise enough not to invite its repetition.

The St. Lawrence project for navigation and power neither in its physical dimensions nor in its financial implications is the colossal, stupendous undertaking that some people have set out to picture, but I would agree that these superlatives will properly apply to the useful effects on our economy and defence arrangements which will come from its construction, more particularly at this time.

In this connection I would like to quote to you the Resolution of the Canada-United States Permanent Joint Board on Defence which was read into the records of Congress last week by the Secretary of State, Dean Acheson.

" St. Lawrence Seaway and Power Project "

"The Board re-examined the St. Lawrence Seaway and Power Project in the light of the serious international situation and the needs of continental defense. The Board also re-affirmed the value of the project in peacetime and considered anew its immediate importance in terms of the present-day defense of the northern half of this continent.

"Since the Board's previous Recommendations of May, 1947 and December, 1948, the international situation had deteriorated markedly. In the Far East, there had already been fighting which involved both Canada and the U.S. Other dangerous situations which might lead to open combat involving our two nations existed in other parts of the world. It appeared that the free nations might be entering a period of protracted crisis during which it was imperative that our military strength be steadily increased.

"In view of these ominous circumstances, the Board believed it had a duty again to recommend early construction of the St. Lawrence Seaway and Power Project. The project would yield additional supplies of hydro-electric power - supplies which were already needed in the northeastern United States and eastern Canada, and which later would become vital to the expansion of our military strength. The Seaway would provide an inland waterway relatively safe from enemy action. It would enable the two countries to move war materials at less cost in money and resources than by any other means. In addition, the Seaway would permit greatly increased ship-building and ship repairs in the relatively well-protected Great Lakes shipyards.

"The diminution of the iron ore supplies of the Mesabi Range, coupled with the discovery and development of large new deposits of high-grade ore in Labrador, constituted an added reason for immediate commencement of work on the project. Since Labrador iron ore could be transported most economically by ship to the large steel producing centers of the Great Lakes, the value of the Labrador mines, so necessary to defense industry, could be fully exploited only by building the Seaway.

"In the Board's opinion, the addition which the project would make to our military potential would far outweigh the initial expenditure in manpower, money and critical materials. Much of these materials would be required in any event because if the combined project were not now proceeded with, alternative sources of power would have to be provided.

"The Board recognized the risk to the St. Lawrence Seaway project from enemy attack. It was of the opinion, however, that this risk was no greater than the danger to any other existing installations of comparable importance. Since the area concerned was already one of high defense priority, the Board believed that adequate protective measures would be possible on a reasonably economical basis.

"Having in mind these considerations and re-affirming its previous Recommendations, the Board recommended:

That the two Governments take immediate action to implement the 1941 St. Lawrence Agreement as a vital measure for their common defence."

Thus there is now on the public record the advice of the two bodies which have been created by Canada and the United States to consider matters of mutual interest and concern along our boundary both for Peace and for Defence - the International Joint Commission, established under the Waterways Treaty of 1909 and the Canada-United States Permanent Joint Board on Defence, set up by President Roosevelt and Prime Minister King at Ogdensburg in August 1940 have both recommended - repeatedly - that the St. Lawrence project for navigation and power should be built - and promptly.

I regret I have now used up my allotted time and so I cannot go on to talk to you about some of the other very important matters, such as the preservation of the scenic beauty of Niagara and the abatement of pollution in our boundary waters which are being dealt with by the International Joint Commission, but I would say that in these matters we seek, as we have been instructed in the Treaty to seek, to dispel any differences which may arise before they may magnify and thus cause trouble on the border; we seek also to proceed in equity, to recognize the equality of the interests and the rights of our two countries and to promote the mutual advantage in all matters which are remitted to the Commission for investigation or for decision, as the case may be; and I claim for the Permanent Joint Board on Defence a like attitude of close co-operation and intimate association in working for the solution of the problems which give us both great concern for our defence, particularly in these dangerous times.

S/C