



STATEMENTS AND SPEECHES

INFORMATION DIVISION
DEPARTMENT OF EXTERNAL AFFAIRS
OTTAWA - CANADA

No. 61/8

FEDERAL AID FOR AMATEUR SPORT

Remarks by Prime Minister John G. Diefenbaker,
at the opening of the Hockey Hall of Fame,
Canadian National Exhibition Grounds, Toronto,
August 26, 1961.

The opening of Hockey's Hall of Fame is a significant event in the history of Canadian athletics. It is also a fine example of the close ties existing between Canada and the United States and the unity we have built in the pursuit of recreation. We share the heroes of hockey as no other countries on earth do. This building has the fame of solidarity between the two nations. Two-thirds of the money for this building was raised in the land of Canada's neighbour, but here it stands to honour the deeds of hockey players from both sides of the border.

Hockey is a great instrument of national unity -- and of good relations with the United States.

The extent to which hockey has been accepted in other countries is seen in the strong competition Canadian teams sometimes experience overseas. When they meet defeat, harsh words are sometimes said, even in Parliament, as my colleague and one of the greatest of Canadian goal keepers in amateur hockey, Senator Joe Sullivan, will testify. However strong the competition, it is good to know that hockey has been adopted abroad so wholeheartedly.

I wish time would permit me to pay tribute to all of you who have contributed so much to Canada's hockey history. I pay tribute to the hard work of those who have played so large a role not only in making the achievements of champions possible but in the task of developing sport and recreation for the benefit of the Canadian people.

Gathered here to honour the great in hockey, we might turn our thoughts to the future and to the foundations necessary for the building not only of greatness in all fields of sport but the physical vitality, energy and good health of Canadians.

While the professional has become the first line of growth and guidance, the true amateur -- the man or woman who plays for the love of the game -- is worthy of high commendation.

A changing and challenging world leaves scars upon the body and mind. The changes in the tempo of living have had profound effects on health. The shift in population from the active outdoor life of the country to the more sedentary existence of the city and the progressive elimination of active effort through new techniques of automation have raised new health and fitness problems.

Emerson told us in a much quieter day that "the first wealth is health". We can apply this test also to the nations of the world involved in the contest between Communism and freedom. Mental and physical health are powerful weapons in this contest.

Success in competitive sport has become an important element in the contest for the hearts of men. Success in Olympic Games and in all fields of international competitive sports has a tremendous effect on the prestige of nations.

Types of Support Hitherto

One thinks of the many public-spirited persons, of the provincial fitness and recreation branches, of the many sports' governing bodies, of the voluntary organizations which devote themselves in full or part-time to fostering games and athletics among young people, to a work for which the reward is in the knowledge of a job well done.

A number of Federal Departments, including Health and Welfare, Northern Affairs, National Defence and Labour, among others, take an active interest in the promotion of physical efficiency and recreation.

However, despite all the efforts of persons and organizations, of federal and provincial departments, there is a lack of athletic and recreational facilities in the country as a whole. Through the municipal Winter Works Programme, the Federal Government has, in the last three years, assisted in the promotion of public projects, including worthwhile athletic and recreational construction projects and paying one-half of the payroll charges.

Last year the Federal Government assisted 915 projects through this Programme for the construction of hockey and skating rinks, swimming pools, sports facilities, and for the extension and improvement of parks and playgrounds. These projects cost in the neighbourhood of \$15 million.

Many sports leaders and other interested Canadians have been petitioning for legislation for the encouragement of physical fitness and athletics, while freely maintaining the primary and principle responsibility which the Constitution places on the provinces. A great step forward in this regard will be taken in legislation which will be brought before Parliament within the next few weeks.

A Proposed Federal Programme

The legislation will be the first major recognition of the importance of sports and athletics in the national life of the nation. It will provide the groundwork for a "people's programme", for its detailed operation will require the benefit of the views and useful planning of those who have studied and understand the problem. It will have as its purpose the encouragement of amateur athletics and to that end by a system of awards for the development of physical efficiency will in the course of years contribute to raising standards of health among Canada's younger generation.

The first step will be the establishment of a national sports council to be known as the National Advisory Council of Fitness, Recreation and Amateur Sport, of some 20 or 25 members representing agencies connected with these fields, and the provinces.

The Council will provide a forum at the national level for advising the Federal Government on sports matters.

The programme will, if Parliament agrees, be implemented through federal grants and federal assistance in personnel and coach training, research, information, leadership training and coaching courses, assistance for participation in national sport and in international competition, and in other ways. For this purpose a federal contribution of \$5 million annually will be provided initially.

Wide Co-operation Sought

I ask the co-operation of sports organizations and the Canadian Advisory Sports Council, and all interested persons, to join in the task of advising the National Council as to the most effective means whereby questions such as provision of coaches and assistance to amateur groups can be determined in the light of need and experience.

I am especially interested in securing the views of the sports writers everywhere across Canada as they have intensive knowledge of all aspects of this national programme. I hope that they will write to the Minister of National Health and Welfare or me expressing their views.

In the few minutes at my disposal I have been able to do no more than outline the plan in a general way but I have said enough, I hope, to indicate the nature of the programme to be launched.

I hope that this programme will provide the means, in co-operation with the provinces, of encouraging amateur sport and thereby will add not only to the happiness and health of all the people of Canada but to the international athletic prestige of Canada.

I declare officially open the Hockey Hall of Fame.

S/A

STATEMENTS AND SPEECHES

INFORMATION DIVISION
DEPARTMENT OF EXTERNAL AFFAIRS
OTTAWA - CANADA

No. 61/9

WESTERN POLICY AND INTERNATIONAL LAW

Excerpts from the prepared text of an Address by
Prime Minister John G. Diefenbaker, to the Canadian
Bar Association, Winnipeg, September 1, 1961

World attention is now focused on the situation in West Berlin and on the sudden decision of the Soviet Union to resume nuclear tests.

The serious and disturbing nature of that announcement cannot be exaggerated. It was made completely without warning while nuclear test talks were still in progress at Geneva. It came as a cynical response to new Western proposals offering further concessions in the interests of concluding a test-ban treaty. It came as discussion of the whole issue was shortly to take place at the Assembly of the United Nations. It showed clearly the contempt in which the Soviet Union holds international opinion.

This action by the Soviet Union has grave implications for the question of general disarmament. If we cannot achieve agreement in the limited field of nuclear weapons testing, how much more difficult it will be to make progress in the even more complicated area of disarmament. Whatever the difficulties, however, it is essential not to be diverted by the U.S.S.R. from our efforts to achieve constructive settlements.

Without serious international negotiations, humanity will be faced with an ever-widening breach between East and West and even more dangerous and powerful weapons. Mr. Khrushchov's references to nuclear bombs of a force of 100 million tons of TNT leave no margin for doubt about the devastation which could be wreaked on mankind either by intent or by miscalculation.

It is of paramount importance in these circumstances to avoid hysteria and hasty, ill-considered action. It is necessary to take a calm and hard look at the situation created by Soviet moves both in Berlin and now with respect to nuclear weapons testing. We must endeavour to fathom the relationship existing between these two problems.

View of the Average Canadian

Canadians, in common with people everywhere, are asking whether the crisis will continue to mount and how it will end. Some Canadians, with the memory of two World Wars, are asking whether the Western nations should risk war over West Berlin, a war which in its frightfulness would dwarf all the wars in history. The question is asked as to whether the Western nations are courting war over a rubber-stamp by their refusal to accept at check-points en route to West Berlin passes signed by East Germans instead of by Russians.

The average Canadian sees Soviet threats followed by Western counter-measures. He fears that some new incident in Berlin might eventually lead to the nuclear devastation of the world. He wants Canada to be heard speaking words of counsel with firmness but with calm moderation. He asks Canada to exert its influence to ensure that every possibility of finding a peaceful and honourable way out of this crisis is fully and patiently explored.

Canada earned the right to express its views by service and sacrifice voluntarily accepted in August 1914 and in September 1939 and continued since then in Korea and in the United Nations Forces in the Middle East, the Congo and elsewhere.

Rights and Responsibilities in NATO

Canada as a member of NATO and NORAD has a special right to speak and be heard concerning the rights and responsibilities which the three principal Western powers - Great Britain, the United States and France - possess and discharge in Berlin.

Canada in NATO is responsible for its share of European defence, to which we contribute an army brigade and an air division. Under NATO we have undertaken to regard an armed attack against Berlin as if it were an attack on Canada. We have further responsibilities under NORAD for our share of North American defence.

What are the unchallengeable facts regarding West Berlin? The Western world is confronted with a crisis over international agreements which have been repudiated by the U.S.S.R. which it endeavours to justify by specious and trumped-up allegations.

The agreements are clear as to the rights of the signatories. The pertinent documents include the Protocol and the Zones of Co-operation dated September 12, 1944, and confirmed on June 5, 1945, in which three zones, not only in the territory of Germany but also in Berlin, were set up for occupation by the forces of the U.S.S.R., Great Britain and the United States respectively. Subsequently, a French Zone was introduced.

Record of Soviet Obstruction

The first attempt at repudiation of these agreements was made by the U.S.S.R. in June 1948, when a blockade was imposed. Had that blockade been successful, it would have strangled Berlin. Berlin was saved by an airlift unique in history. Finally, in May 1949, by agreement between the Western powers and the U.S.S.R., provision was made that all restrictions imposed before the blockade by the U.S.S.R. on communications, transportation and trade would be removed and ended. This was followed by a meeting of the Council of Foreign Ministers, which, on June 30, 1949, issued a communiqué containing, inter alia, the following provisions:

"...The Union of Soviet Socialist Republics, the United Kingdom, and the United States agree that the New York agreement of May 1949 shall be maintained. Moreover, in order to promote further the aims set forth in the preceding paragraphs and in order to improve and supplement this and other arrangements and arrangements as regards the movement of persons and goods and communications between the Eastern Zone and the Western Zones and between the Zones and Berlin and also in regard to transit, the occupation authorities, each in his own Zone, will have an obligation to take the measures necessary to ensure the normal functioning and utilization of rail, water, and road transport for such movement of persons and goods and such communications by post, telephone and telegraph...."

These arrangements were arrived at in the mistaken belief and assumption by the Western allies that wartime co-operation with the Soviet Union would continue and that the occupation of Germany would not be indefinite.

These agreements are still in effect and the Western rights of occupation and access are beyond question. Yet, Mr. Khrushchov has declared his intention to terminate these agreements unilaterally and to transfer Soviet responsibility under the Four Power Agreement to the East German régime, professing that Soviet withdrawal is not intended to interfere with Western rights in West Berlin.

If Khrushchov Manoeuvre Succeeds

His action in practice would mean that in the future the Western powers would be obliged to apply to the East German régime for rights of access to West Berlin. For the West to be compelled to deal with the East German régime without guarantees would be to place Western rights of access in jeopardy. To agree to the Soviet demands would be to consign the West Berliners to the mercy of their Communist compatriots.

Western rights have given rise to responsibilities for the future of two and a half million people living in West Berlin who are entirely dependent for their freedom on the continuance of access to and with the West. There are those who would have us believe that freedom for West Berlin would not be threatened if the West yielded to pressures to withdraw. How can such an argument be accepted against the background of the blockade of 1949, and the Communist pressure which has been steadily mounting to the point of danger in recent weeks?

Retreat in Berlin, by the sacrifice of the pledged word, would mean that the pledged word of the West would be called in question everywhere in the world with consequences impossible to calculate for the future of freedom.

These are the reasons why the freedom of the people of West Berlin is not negotiable.

West Berlin Freedom Not Negotiable

I have heard it contended that we should not take a firm stand on West Berlin because (to put it bluntly) Canada's sacrifice in two World Wars against Germany should deny any attitude but one of indifference to the people of that city.

That argument, with its understandable appeal to those who served and sacrificed, fails to recognize that Western eviction from West Berlin would have repercussions throughout Germany and Europe. It could find freedom in Canada and everywhere in the world wounded dangerously if not beyond recovery. In any event it would mean that the Communist world would be strengthened physically and psychologically and would encourage new and further crises elsewhere in the world wherever it suited the Kremlin's purpose to create them.

The U.S.S.R. contends that German militarism is not dead, that West Germany has aggressive designs and that the NATO alliance may be drawn into military action to recover former German territory. The answer of the West is that West Germany is solemnly pledged to seek reunification by peaceful means only, and that German forces are fully integrated within NATO - an alliance dedicated wholly to the defence of freedom.

Moreover, as with all NATO governments, the West German Government has made it clear that it is prepared to negotiate with the U.S.S.R. and to consider all reasonable proposals. Within and not beyond these limits, members of NATO are bound by treaty obligations.

The North Atlantic Treaty re-affirmed the solemn pledge which binds all members of the United Nations -- the most solemn of all pledges in the Charter of the United Nations. That pledge is:

"to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered."

We must seek to find a basis for settlement. President Kennedy on July 25 wisely called for "a search for peace...in quiet exploratory talks, in formal or informal meetings", and a willingness "to discuss international problems with any and all nations that are willing to talk -- and listen -- with reason".

The freedom of West Berlin, and the right of the West to uphold that freedom, are not negotiable, but there are things that are. I would like to be free to tell you what is negotiable, but particulars cannot be discussed before negotiations begin. There are views which can be exchanged in private from government to government which, if revealed, would tend either to raise tensions or freeze negotiating positions.

General Observations

Canada has made known her general view but there are certain additional observations that can be made.

First, it is most important to maintain informal diplomatic contact with the U.S.S.R. We must be ready to define more precisely Western objectives. We cannot overlook that the Soviet Union has its vital interests and its objectives, and we must seek to understand them even though sometimes Soviet policies (as in their decision to resume nuclear tests) defy the laws of reason.

Second, the West must work out an agreed and flexible negotiation position. An attitude of realism demands that government may gradually disengage from unnecessarily rigid positions. We must guard against the peril and danger of too much rigidity and in needlessly taking up dangerous and perhaps impossible positions when what is at stake may be the survival of mankind.

I welcome the news announced on August 30 by President Kennedy that the foreign ministers of the United States, United Kingdom, France and West Germany are to meet on September 14 in Washington to hold consultations on the Berlin crisis in this connection.

Third, the NATO governments should not only exchange tentative ideas with each other but they should also discuss the problem of Berlin with other friendly governments, including those of the uncommitted countries.

Fourth, the Charter of the United Nations declared that the primary purpose of the United Nations is to be the maintenance of international peace and security. We must be ready to make use of the United Nations.

Fifth, our preparations to uphold vital interests in Berlin should not divert attention from the supreme task of responsible statesmanship, which is to reach agreement for an acceptable and just settlement with the Soviet Union. We should not expect to gain all our ends. Any final solution is bound to contain elements distasteful to the West as well as features unpalatable to the U.S.S.R. The nations of the West, sustained by the justice of their cause, are called upon to fashion stability out of turmoil and peace out of negotiation.

Sixth, we must not exclude the periculous possibility that negotiations can fail, and we must prepare accordingly to maintain strong defences.

Seventh, the U.S.S.R. is putting pressure on the neuralgic point of Berlin and probing Allied steadiness. At this crucial time there is need for solidarity, adherence to principle, courage and calmness of spirit.

Calm Resolution Essential

The crisis demands calm resolution without provocative hysteria. No leader in the West advocates a head-on collision. To do so would be insane and suicidal. In the Berlin situation lie the ingredients of mortal danger unless strength is joined with sanity and goodwill to preserve the peace and the right.

"The secret of freedom is a brave heart". It was true when Pericles uttered these words. It is true today.

The Western nations must stand ready to negotiate, but, if an atmosphere of threats and tensions prevails, negotiations will not be profitable. There would be a peaceful solution if the U.S.S.R. has no intention to change the social order in West Berlin; if it does not intend to cut the links between West Berlin and West Germany, or to attempt to impose a settlement in violation of fundamental democratic principles. The Soviet leaders say they have no such intention.

Problems of Outer Space

Urgency for international action on the use of outer space has been intensified by the decision of the U.S.S.R. of two days ago to resume tests of nuclear weapons. The U.S.S.R. has boasted that new bombs may be produced with a yield equivalent of 100 million tons of TNT, and that rockets similar to those used in orbital space flights by Russian astronauts can be used to deliver nuclear bombs to any point on the globe. These terror-laden declarations coupled with the earlier threats that platforms in space could be set up from which missiles could be launched emphasize the urgency of international agreement by the United Nations without delay.

Outer space should be available for peaceful purposes for all nations great and small, and outlawed for military uses; an international ban should be placed on the mounting of armaments on orbital satellites, and no planet or other body in space should be appropriated by any nation.

Without such a law outer space may well be exploited by the U.S.S.R. for aggressive purposes.

Lawyers, by reason of their training and traditions, must give leadership in striving to bring about the Rule of Law internationally.

The Rule of Law is always on the side of Freedom. Its absence is a prelude to tyranny:

Ovid used these words:

"Inde datae leges ne firmior omnia posset....
Laws are made that the stronger may not at
all times prevail."

Edmund Burke, the fearless exponent of the principles of democratic government, echoed similar sentiments centuries later in his famous speech impeaching Warren Hastings:

"Law and arbitrary power are in eternal enmity."

While cynics agree with Alfred Zimmern's dictum that international law is the diplomatic cloak to be worn or discarded at will, lawyers realize from history that the true expression of legal experience is that the framework of freedom and security is firmly laid nationally when law operates to tame power and maintain justice. It could be equally true internationally if nations could agree to settle disputes by the arbitrament of law.

But, of course, we all realize that much of what I have said need not have been said had the rule of law been applied internationally and had the Berlin problem been submitted to the International Court of Justice.

I believe the case of the West would be unanswerable and that view was expressed by President Kennedy in these words:

"If anyone doubts the legality of our rights in Berlin, we are ready to have it submitted to international adjudication."

I have spoken of international problems which affect all mankind which I know, because of their nature, are of particular interest to those who interpret the law.

The members of the Canadian Bar Association have as well a national task to foster a corporate soul preserving the strength of character and health of the Bar, and the dignity, independence, integrity and the strength of character of the Canadian Bench.

The Bar must, in the words of Rufus Choate:

"be fired by the spirit of liberty, and yet to hold fast the sentiments of order and reverence, and the duty of subordination; that it has resisted despotism, and yet taught obedience; that it has recognized and vindicated the rights of man, and yet has reckoned it always among the most sacred and most precious of those rights to be shielded and led by the divine nature and immortal reason of law; -that it appreciates social progression and contributes to it, and ranks in the classes and with the agents of progression, yet evermore counsels and courts permanence and conservatism and rest."

I might add that in relations between nations the legal profession has an equal responsibility. The building of an International World at Law based on the fact,

"that it (law) loves light better than darkness, and yet, like the eccentric or wise man in the old historian, has a habit of looking away as the night wanes to the western sky, to detect there the first streaks of returning dawn."

S/c