

Section 12.—The International Joint Commission.

This Commission, created in accordance with the terms of the Treaty of 1909, consists of six members, three appointed by the President of the United States and three by the King on the recommendation of the Government of Canada.¹ These do not function as separate national sections but as one international body. There is a Canadian Chairman and an American Chairman, each of whom presides at meetings held on his own side of the boundary. There are also two Secretaries, one having charge of the Commission's offices in Ottawa and the other of the offices in Washington. The Commission holds two fixed meetings, one in Ottawa on the first Tuesday in October and the other in Washington on the first Tuesday in April. Other meetings or public hearings are held at such times and places as the two Chairmen shall determine.

The present members of the Commission are:—(Canada) Charles A. Magrath, Chairman, Sir William H. Hearst, George W. Kyte; Lawrence J. Burpee, Secretary; (United States) Clarence D. Clark, Chairman, Fred T. Dubois, P. J. McCumber; William H. Smith, Secretary.

In broad terms the purpose of the International Joint Commission is, in the language of the preamble of the Treaty, to "prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise".

Under the authority vested in it by the Treaty, the Commission's functions are threefold:—By Articles III, IV and VIII it has final authority over all cases involving the use or diversion for domestic and sanitary, navigation, power or irrigation purposes, of boundary waters between Canada and the United States, or of waters flowing across the boundary, or waters flowing from boundary waters, in the event of such diversion on one side of the boundary affecting the level or flow of water on the other side of the boundary. By Article IX it becomes an investigatory body, to examine into and report upon any questions or matters of difference between the two countries arising along the common frontier, referred to it for that purpose by either government. Finally, by Article X, it is made a Court of Appeal for the final settlement of "any questions or matters of differences arising between the High Contracting Parties involving the rights, obligations, or interests of the United States or of the Dominion of Canada, either in relation to each other or to their respective inhabitants". Under Article X the Commission is therefore a miniature Hague Tribunal for the settlement of all questions at issue between these two countries; and perhaps it is equally true to say that, taking into consideration the scope of its various functions, it is to some extent a League of Nations for the particular benefit of Canada and the United States.

The Commission, during the sixteen years it has been in existence, has disposed of a large number of cases under Articles III and VIII, and has carried out several investigations under Article IX. Some of these were only of minor importance, but others involved enormous natural resources and investments on both sides of the boundary, and affected the health or material welfare of millions of people. In this class were the power cases at Sault Ste. Marie, the settlement of which involved the levels of lake Superior and the material interests of cities on its shores; the Pollution of Boundary Waters Investigation; the St. Lawrence Navigation

¹ For the text of the Treaty, see the 1911 Statutes (1-2 Geo. V, c. 23).