

Columbia River Treaty

This does not instruct that there shall be placed in the treaty a provision that 5 million acre feet or 6,000 cubic feet per second of water shall be diverted annually from the Columbia river, but only that the right of this diversion shall have been agreed to by the governments of Canada and the United States; so that if at some future time the government of British Columbia wants to exercise that right, it will have the legal power to do so. As a matter of fact, yesterday the Secretary of State for External Affairs (Mr. Martin) told the house that the right of diversion was in the treaty and the protocol, and before the external affairs committee government witnesses said repeatedly that this right of diversion is safeguarded.

All this amendment does is seek to have that right spelled out not only by the Canadian government but also by the United States government, so that the right to divert water will be clear beyond any shadow of doubt. Therefore, Mr. Speaker, the amendment does not impose any burden or onus on any government. It does not deal with anything beyond the jurisdiction of this parliament. It merely suggests that it be made clear by an exchange of letters that the right to divert, which the government says is there, is in fact there—which we seriously doubt.

Mr. Nielsen: Does Premier Bennett have any doubt?

Mr. Douglas: Whether Premier Bennett has any doubt or not does not meet the situation. We are dealing here with a treaty. Unless the government of the United States and the government of Canada are agreed as to the legal meaning of this treaty, then of course difficulties may arise in the future.

Mr. Martin (Essex East): There is no doubt about it.

Mr. Douglas: The Secretary of State for External Affairs says there is no doubt about it. If there is no doubt about it, let him accept this amendment to make it clear beyond any shadow of doubt.

Mr. Martin (Essex East): May I point out, Mr. Speaker, that the protocol does that very thing.

Mr. Deputy Speaker: Order. May I be allowed to interrupt the hon. member for just one moment. It seems to me that this discussion is to some extent out of order. We are now discussing the merits or demerits of the amendment itself. This is the type of discussion which I think would be in order

if the Chair had ruled the amendment in order and acceptable. Therefore I would suggest that hon. members limit their contributions to the question of whether this amendment should be accepted by the Chair.

Mr. Douglas: I quite agree with Your Honour, but in view of the fact that you allowed the hon. member for Okanagan-Revelstoke to deal with the substance of the amendment I felt that some reply was in order to deal with the point which he raised. Further on the point of order, I think the house ought to be fully aware as to what a serious decision you, Mr. Speaker, and the house are about to make. According to the hon. member for St. Lawrence-St. George (Mr. Turner) the government is apparently now taking the position that a treaty is really the sole prerogative of the executive, that they do not have to submit it to parliament—

Mr. Macdonald: That is right.

Mr. Douglas: —but that they have waived their right in this regard, and with graciousness of heart and great condescension have agreed to allow parliament to say something about it. But what we are allowed to say about it is exactly what Hitler allowed the Reichstag to say. They can say "ja" or "nein"; they can say "yes" or "no", but—

Mr. Turner: On a question of privilege, Mr. Speaker, I gather that the hon. member for Burnaby-Coquitlam (Mr. Douglas) is embellishing the statement I originally made.

Mr. Douglas: I am interpreting the statement which the hon. member made, Mr. Speaker, and I think anyone who reads it will agree with my interpretation.

Mr. Nielsen: Would the hon. gentleman permit a question, Mr. Speaker? On the point of order, will the hon. gentleman tell the committee whether he feels that the effect of the proposed amendment will be to provide something which the treaty does not itself provide now?

Mr. Douglas: Yes, Mr. Speaker.

Mr. Nielsen: Then I have a following question, if the hon. member will permit it. Does the hon. member not agree, then, that if this is the case surely this is something the committee cannot consider.

Mr. Douglas: This is not a committee; this is the House of Commons.

Mr. Nielsen: Well, the house.