

*Columbia River Treaty*

**POWER**

**COLUMBIA RIVER—APPROVAL OF RATIFICATION OF TREATY**

The house resumed consideration of the motion of Mr. Martin (Essex East):

That it is expedient that the houses of parliament do approve the ratification of the treaty between Canada and the United States of America relating to co-operative development of the water resources of the Columbia river basin, signed at Washington on January 17, 1961, and the consequent coming into force of the protocol thereto annexed to the exchange of notes signed at Washington on January 22, 1964, and that this house do approve the same.

**Mr. Deputy Speaker:** Does the house wish the Chair to deliver a judgment or opinion at this time?

**Mr. Scott:** Mr. Speaker, just before you give your judgment I should like to say a few words on the amendment moved by my good friend the hon. member for Greenwood (Mr. Brewin). I want to suggest to you that the amendment he has moved has really raised a very fundamental problem for your consideration. In many ways it seems to me that the issue posed by the amendment is of such importance to the rights of parliament that it should not be disposed of without the fullest possible consideration. As has been pointed out, there are not very many precedents on this matter and in many ways you are breaking new ground. In view of this we wish to lay before you our submissions.

Briefly our position is this. We are not quarrelling in any way with the right of the executive to negotiate treaties. This is their right and a responsibility which they exercise. Nor have we quarrelled with the original contention that legally they are not obligated to submit these treaties to parliament for parliament's acceptance, rejection, ratification or consideration. But we do say that once the executive waives that right, once it divests itself of that protection, once it brings before parliament the measure in question, it cannot reserve unto itself some form of qualified acceptance of the rights of parliament.

What the executive is attempting to do here is to bring this matter before parliament for consideration and then attempt to qualify the rights of this parliament to deal with this measure. I say that once they have waived that right they cannot take it back when the measure comes again before the house. Once the executive surrenders to par-

liament jurisdiction to deal with the matter, parliament then becomes the master and the executive becomes the servant; and it does not lie in its mouth to come into the house and attempt to qualify and to cut down the rights of parliament to deal with this measure. It cannot now start telling parliament that all we can do is to say yes or no; that we can either approve the treaty or not approve the treaty.

Surely parliament has the right to move amendments to show our position on various aspects of the treaty and to test the feelings of the house on the parts of the treaty with which we disagree. Otherwise the whole idea of bringing this treaty and protocol before us is a charade; the whole debate becomes a meaningless exercise if all we are to do is to have a series of speeches, but are given no right to register protests and suggest amendments to the treaty now before us.

It seems to me that what is really involved is an interference with the basic rights of parliament; that the executive is trying to come into parliament and tell us what are our rights, and to qualify those rights and privileges which have grown up through tradition over many years. If we accept the position that all we can do on this treaty is to talk about it and vote yes or no, then I should like to suggest that we are permitting parliament to be muzzled in these proceedings, and as I have said the debate itself becomes a meaningless exercise in debating technique. So I suggest to you that in making your decision you are really deciding the basic right of parliament to deal with this measure once it is brought before us.

I thought the hon. member for Winnipeg North Centre (Mr. Knowles) made an interesting observation when reading from the rules and procedures of this house. He outlined the fact that in the case of treaties which do not require the expenditure of money—and I presume this treaty falls into this category—the correct procedure might well have been the introduction of a bill. If that procedure had been followed we would have every right to move amendments and to test the feelings of the house on various aspects of the treaty. Because another method was adopted, rightly or wrongly we do not know—

**Mr. Douglas:** Deliberately.

**Mr. Scott:** Perhaps deliberately, although I am not saying that in that way. But be-