

Columbia River Treaty

Mr. Fulton also acknowledged that this accurately represented what he had said, and indeed that the final treaty was to be negotiated within the pattern set by the premier of British Columbia. Mr. Green and the hon. member for Calgary North (Mr. Harkness) have said the same thing, in effect that Canada accepted a second best treaty because of the veto of the province of British Columbia.

The Secretary of State for External Affairs acquiesced in the theory that the McNaughton plan was in fact vetoed by the British Columbia government. Indeed, in correspondence with General McNaughton and in his evidence he seems to accept the theory that under our constitutional system the fact that the provinces have the ownership of the water and land affected by the development of an international river confers on them the right to veto a project. In a letter dated August 6, 1963 to the secretary to General McNaughton, the Secretary of State for External Affairs explained his rejection of the general's plan and said that the province of British Columbia selected the present treaty project. I would ask the house to note the word "selected". The province of British Columbia selected the treaty project, and he said the federal government were bound to accept this dictation. We in this party repudiate this surrender and abdication of jurisdiction over an international river.

Mr. Gelber: Would the hon. member permit a question?

Mr. Brewin: Certainly, although I do not have too much time.

Mr. Gelber: As I understand it, the hon. member says that the original proposal put forward by the government of Canada was the McNaughton plan. I think that if he refers to the government submissions he would find that the original plan which the government undertook to put forward included high Arrow, and is it not a fact that General McNaughton never accepted the high Arrow project?

Mr. Brewin: Well, I do not propose to go into irrelevant details of that sort. The facts are very clear. As Mr. Fulton and many others have said, a project which excluded Libby was rejected at the dictation and veto of the province of British Columbia, and that is the point I am trying to make.

Mr. Gelber: Did the hon. member say a few minutes ago that the location of high

Arrow was probably one of the weaknesses of the present sequence, and—

Mr. Brewin: Mr. Speaker, I imagine the hon. member will have his chance to make a speech. I have not even discussed high Arrow. I have a good deal to say and I want to get on and make my own speech, if I may.

We in this party repudiate this surrender and abdication of jurisdiction. The theory of the government that the government of Canada cannot make treaties for the development of international rivers without the consent and concurrence of the provinces is dangerous, unsound and is an unconstitutional doctrine which should be repudiated by this house. This doctrine confuses ownership with legislative jurisdiction, and I suggest that the acceptance of this doctrine would seriously weaken Canada's bargaining position on all future occasions of this sort.

I do not propose to detain the house with a lengthy lecture about the British North America Act. I will content myself with a quotation, which is undoubtedly a correct statement, by the Hon. Jean Lesage, made in 1955 when he was minister of northern affairs. At that time he was officially putting forward the view of the government of the day with regard to jurisdiction in this matter and he said this:

According to the Canadian constitution, works built on rivers in Canada and having an effect outside the country fall under the jurisdiction of parliament even if they are entirely located in one province.

This difference of opinion about the power and responsibility of the federal government was clearly set out by General McNaughton in a letter to the Secretary of State for External Affairs dated September 23, 1963. General McNaughton said:

I do not—

—and the word "not" is underlined—

—agree that the government of British Columbia is the government responsible for the final selection, by which I understand you mean the ultimate decision.

I will not quote at length but this matter was clearly considered in this correspondence.

Notwithstanding that, the Secretary of State for External Affairs persists in speaking of the right of veto of the province of British Columbia and the fact that there is no alternative to the acceptance of the pattern set by that provincial government. I say there is no doubt that the government of Canada had the constitutional power if it had the