

Columbia River Treaty

Mr. Douglas: We have proposed this amendment because we seriously question that the present treaty and protocol provide for the right of diversion; as a matter of fact, we think it specifically denies the right of diversion where the generation of hydroelectric power is involved.

Mr. Nielsen: If this is the position the hon. gentleman takes, surely the whole treaty has to be renegotiated.

Mr. Martin (Essex East): Absolutely.

Mr. Douglas: No, Mr. Speaker. What we are arguing is that this amendment calls for a new protocol or an exchange of letters to make it perfectly clear that the government's contention, that the right of diversion is contained in the treaty and protocol, is in fact contained there. If the government is satisfied that the right of diversion is there, all it needs is a protocol signed by the United States government and the Canadian government to that effect and our fears would then become groundless.

Mr. Martin (Essex East): It now has that very thing.

Mr. Douglas: I want to return to the point I was making, Mr. Speaker. We are now having a demonstration of the Liberal party's belief in the supremacy of parliament, namely that parliament is supreme only to the extent of being able to say yes or no to a treaty, but having no power to declare its opinion with respect to any particular aspect of the treaty. This is dictatorial arrogance of the very worst kind. This makes the pipe line debate look like child's play.

Some hon. Members: Oh, oh.

Mr. Douglas: Therefore, Mr. Speaker, I hope Your Honour will realize that from our point of view this is a most serious decision which has to be made, that parliament has to decide this evening whether or not a treaty introduced by the executive is so sacrosanct that this house may not even pass a declaratory amendment stating its opinion with respect to any part of the treaty.

Mr. Deputy Speaker: Order. In the course of the debate on the government resolution calling for the approval by this house of the ratification of the Columbia river treaty, the hon. member for Greenwood introduced an amendment as follows:

Moved by Mr. Brewin, seconded by Mr. Herdridge, that the resolution before the house be amended by adding thereto the following words:

[Mr. Nielsen.]

"Subject to the negotiation of a further protocol or an exchange of letters clarifying the right of Canada to divert up to 6,000 c.f.s. or 5 million acre feet annually from the Columbia river for the beneficial use of the prairie regions and for multiple purpose use of water so diverted."

The validity of the amendment has been questioned by the hon. member for St. Lawrence-St. George, the hon. member for Peace River and also this evening by the hon. member for Okanagan-Revelstoke. On the other hand, the hon. members for Winnipeg North Centre, Greenwood, Danforth and the leader of the New Democratic party have argued in support of the amendment's legality.

The hon. member for St. Lawrence-St. George has expressed the view that the amendment is out of order because it encroaches on the government's exclusive prerogative in the treaty making field. I do not think that anyone will question the validity of the principle itself, and I would suggest that it is not diluted or altered by the government's action in seeking approval of the treaty's ratification. The very narrow and limited question before the house is not approval or disapproval of the terms of the agreement but approval or disapproval of the ratification of the treaty. I would hesitate to rule that, in seeking this approval and in placing this very limited question before the house, the government ipso facto abdicates its prerogative in the realm of treaty making, a prerogative on which the proposed amendment would seem to encroach.

In any event, if there can be some doubt about the acceptability of this constitutional argument, it appears that the validity of the amendment proposed by the hon. member for Greenwood is open to question on other and firmer grounds. As has been pointed out by the hon. member for Peace River, it is extremely difficult to produce an acceptable motion in a situation of this kind. There are first the limitations of standing order 44 which, of course, are well known to hon. members; but perhaps I should quote the standing order at this time:

When a question is under debate no motion is received unless to amend it; to postpone it to a day certain; for the previous question; for reading the orders of the day; for proceeding to another order; to adjourn the debate; or for the adjournment of the house.

Then in turn an amendment is limited by the rule of relevancy. On this point I should like to quote from May, sixteenth edition, at page 421: