

*Supply—External Affairs*

charming, pleasant and friendly man. I congratulate him for the manner in which he represents our country in all circumstances. He does it with quiet dignity and diplomacy.

When I see in this house the minister (Mr. Martin) talking with the Prime Minister (Mr. Pearson), I wonder who is the greatest diplomat. They are both well qualified but who would win the title of best diplomat? I think we will have to wait for the verdict of history to get an answer to that question.

If, today, I have some words of praise for the Secretary of State for External Affairs of Canada, it is not to get a personal favour like, for instance, an appointment shortly or later as ambassador to the Vatican.

Speaking of the Vatican, I would like to point out to the minister that it would look good and be to the advantage of Canada to appoint an ambassador to the Vatican State, as several other countries have done, especially in this ecumenical age when the Vatican has proven to be a centre of international relations and a source of accurate information. Such a nomination would enable our country to extend even more its international relations.

If you will allow this levity, I would suggest a few people as ambassador to the Vatican. If the minister wanted to play a good trick on Bona and Jean—I mean the Hon. Bona Arsenault and the Premier of Quebec—he could appoint Hon. Léon Balcer or, to push the joke a little further, he could appoint the hon. member for Hochelaga (Mr. Pelletier) who could pray there on the tombs of the first martyrs to get the hon. member for Mount Royal (Mr. Trudeau) to believe in the particular status which Quebec is asking for as a condition for the survival of the Canadian federation.

Enough fantasy. I want to make some remarks and I ask the minister for his comments in his reply.

I wish to speak about federal and provincial jurisdiction in international matters. This is very much discussed in Canada at the present time, as it will be also in the near future. I was reading in *La Presse* this afternoon, that on February 5 next, an important symposium will be held at the Laval University faculty of law on the relations between Quebec and foreign countries. Of the papers to be presented, may I mention that of Claude Morin, on the interdepartmental committee, and that of Mr. Sabourin, on Canadian presence abroad.

[Mr. Allard.]

There, then, is one topic which is very much discussed in Canada, particularly in the province of Quebec. In this connection, Mr. Chairman, we face two alternatives. That of the central government and that put forward for the past 12 to 18 months by Quebec and especially by the Minister of Education and the Minister of Cultural Affairs of the province.

The central government maintains it alone can deal with international matters because of precedents or constitutional principles. The Quebec government, through the two ministers I have mentioned, asserts in great detail and with much conviction that a province can, without the authorization of the central government, establish relations, carry on negotiations and sign treaties in fields which come under its exclusive jurisdiction.

● (5:30 p.m.)

Here is how the Quebec government logically explains its attitude. Any province has the right to do so because it can legislate in matters under its jurisdiction. Therefore, the right of negotiation precedes the right of implementation.

What about the principle behind those two opinions, those two attitudes? In the first place, who has the right to negotiate with foreign countries? According to international law, when international principles are involved, you have to refer to the constitutional law of the country in question, because this concerns the internal legislation of that country. Now, under the Canadian constitutional law, what governments can negotiate treaties in the field of international relations?

Before 1867, the Colonial Office in London was negotiating and signing treaties on behalf of Canada.

From 1867 to 1931, the Canadian constitution was strong and meaningful due to section 132 enabling only the federal government to perform international obligations entered into as part of the empire. For the information of hon. members, I shall quote section 132 which reads as follows:

The parliament and government of Canada shall have all powers necessary or proper for performing the obligations of Canada or of any province thereof, as part of the British empire, toward foreign countries arising under treaties between the empire and such foreign countries.

Therefore this section is clear: only the central government, as part of the empire, could perform obligations.

But in 1931, under the Statute of Westminster, this section lapsed and became ob-