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THE PROVINCES AND TREATY-MAKING POWERS

The Secretary of State for External Affairs, the Honourable Paul Martin, today issued the following statement:

"The constitutional position in this country on the question of treaty-making is clear. Canada has only one international personality in the community of sovereign states. There is no doubt that only the Government of Canada has the power or authority to enter into treaties with other countries.

It is nevertheless true that under the Canadian constitution as it has been interpreted, there is a lack of harmony between treaty-making and treaty-implementing powers. This creates special problems for Canada in respect of treaties concerning subjects of provincial legislative jurisdiction. The problem is not unique. Other federal states have adopted various approaches to the task of harmonizing treaty-making and treaty-implementing powers; but there is no federal state, in the world whose constitution allows its members to make treaties freely and independently of the federal authorities. The reason for this is obvious. Independent treaty-making powers are the prerogative of sovereign states. A federal state whose members actually possess such powers would neither be a federal union nor