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FOREIGN POLICY AND THE PROVINCES

A Statement in the House of Commons by Mr. Jean-Pierre Goyer,
Parliamentary Secretary to the Secretary of State for External
Affairs, October 30, 1969.

Questions have been raised in recent years concerning the best way to conduct Canada's external relations, in a country where these relations frequently involve areas which are of interest to the provinces or relate to their fields of internal competence. This situation is not unique. With the evolution of international relations since the end of the war, it is a problem which all federal countries have had to face. In the light of our practical day-to-day experience with external relations, I should like to contribute to the study which must be done in Canada and elsewhere.

There has been a lot of talk about the idea of "external sovereignty" for provinces, corresponding to an extension of their fields of exclusive or shared internal competence. At first blush, this theory can seem attractive. However, it raises important questions: Has this theory a solid legal foundation? Is it based on a sound interpretation of our constitution? Is it acceptable to the international community? Can anyone who looks seriously at the international scene or has any knowledge of the daily conduct of external affairs think that the application of this theory can lead to an effective and coherent policy?

(I) In constitutional and international law, only the Federal Government has competence in the field of foreign affairs.

(a) Exclusive competence of the Federal Government:

I do not want to bore you with a long description of the constitutional evolution of Canada in the field of foreign affairs. Everyone knows the way Canada obtained independence. Everyone knows that, over 50 years of evolution, the responsibility for Canadian external affairs passed from the British Crown to the Canadian Government. This evolution was confirmed by the Letters Patent of 1947, Letters Patent which form an integral part of our Constitution. I should, however, like to take this occasion to focus on certain pseudo-legal arguments that are repeated over and over again but appear to us to be completely unfounded.