

experience, never having travelled abroad.... I will never forget when I came in June 1957, and the U.S. delegate was Joe Johnson, head of the Carnegie Foundation for Peace. He was very presentable, grey-haired and tall—all you associate with a typical Yankee. A day or two after I had been elected vice-chairman of the conference committee, he asked me to have lunch and said, 'We are very worried about this Convention. We don't know what to do. We can't oppose discussion of this item, but we don't want it to turn into a hate-America session.'

"Of course, I knew what was behind his words. It was the same conference [in which] the ILO was seized [by] the Hungarian invasion of November 1956. And the Soviets were getting ready to say, 'Never mind Hungary. Look what happens to the Negroes in the South!'

"So I said, 'If you act like the Soviets and say the problem doesn't exist here, then you will be in trouble, because the U.S. is an open society; Myrdal has published his book; the statistics are there.' He said, 'We won't deny any of this. But we are also going to say what we have done: how Roosevelt started it during the war, when we had to bring blacks in from the South to work in the munitions factories and there were presidential decrees from which developed a whole set of laws and regulations, including fair employment practices acts and human rights commissions in order to make it possible for blacks to enter the labour force. We are going to admit what is bad, but also say what we have done to bring about change.'

"I said, 'You will have no problem, then. There is no country in the world that can come to an international forum and say we have no racial or ethnic or religious discrimination.' And at the first meeting of the committee, I followed this up and said, 'We are all guilty. Let's start out with the idea that we are all guilty.'

"At first the Canadian government didn't want to touch this convention, because they burnt their fingers on this whole problem of federal-provincial relations regarding the question of ratification and implementation of international instruments. [To understand this reluctance] you have to know the story of the 'Labour Conventions Case' of 1937. R.B. Bennett, influenced by Roosevelt's New Deal, after he was elected in 1932 and things were terrible, decided to introduce a new deal in Canada. Rather than following the long and cumbersome process of legislation through Parliament, he thought the best way of introducing a new deal was by ratifying ILO conventions. He ratified three conventions—on hours of work, weekly rest and minimum wage-fixing machinery. The Province of Ontario challenged him in the courts and it reached the Privy Council in England.

"In a typical decision, the Privy Council's judicial committee said, 'You can ratify but, ah!, when it comes to implementation, you have to look at every convention [to see] whether it is strictly within federal, or strictly within provincial, or else in divided jurisdiction.' The decision may or may not have been correct from a constitutional point of view, but [for nearly 30 years] it made it impossible for Canada to ratify conventions that were not strictly in federal jurisdiction. Some dealing with marine matters were ratified.