

*The Address—Mr. Goyer*

federal jurisdiction or through the federal government. Furthermore, every expert in comparative constitutional law could draw attention to the fact that even the powers of this nature that federated states may exercise are being used less frequently at the international level.

Some people claim that international life has changed and that we must fall into step. They say: "In view of the nature of external relations which have greatly evolved since the end of the war, and involve not only war and peace or trade, but more and more culture, technology or education, a new kind of international law is developing which enables the federated states to enter the field of international relations."

It is a wonderful theory which shows but one weakness: it is not in line with practice. International exchanges have grown, it is true—and that over the last 50 years—but the whole range of these exchanges remains in the hands of sovereign states and this, more and more clearly. You need only to know a little about reality and the principles of international law. Treaties contain less and less federal clauses and sovereignty transfer or sharing. The last instance is the following: As recently as last April—that is not even six months ago—the United Nations Conference on the Law of Treaties, held in Vienna, rejected with an overwhelming majority, a recommendation which would have seemed to recognize, without clearly stating the conditions, the right for the members of a federal state to conclude treaties. This draft was used as an argument by the Quebec government in its White Paper as supposedly irrefutable evidence of the tendency shown by the members of a federal state to negotiate at the international level.

That draft was definitely rejected, for the simple reason that it did not take into account the conditions that I have mentioned and did not expressly reaffirm the exclusive right of the federal state to interpret its own constitution for the guidance of other states. The Conference concluded that the adoption of such a clause would be tantamount to an invitation to foreign states to give their own interpretation of the constitution of the federal states, and this would constitute undue interference into the internal affairs of such states. The Conference therefore strongly reaffirmed the well-established principle that in a federal country, the central government alone can interpret its constitution for the guidance of foreign States. Therefore, whatever may be alleged, international law has

evolved and continues to do so, but in a direction that clearly does not favour the system, which, furthermore, is non-existent, which proclaims the external sovereignty of the provinces.

As international relations are extended to new areas, they are established between governments of sovereign states. This legal fact simply reflects the fundamental requirements of any consistent international activity. I shall come back to this later.

All those considerations of a legal nature must be stated. They are the prerequisites essential to any discussion. However, I am first of all a practical politician. I would also like to examine the theory of the external sovereignty of the provinces in the light of a daily and practical experience of external relations. As a system conceived in the abstract, this intellectual concept may seem plausible. It has a defect though, and a major one; it is absolutely irreconcilable with the facts of international life. From a practical viewpoint, the international community simply cannot accept this theory. For those who have a thorough knowledge of the workings of international relations, this formula seems a dangerous, ineffective, inconsistent and chaotic one. Let me explain.

The concept of sovereignty has become much clearer in recent years. It is high time we realized that even if there are still some protectorates, the notion of entity with various degrees of international character has practically disappeared, both in theory and in practice. There seems to be, at the present time, hardly any reason to expect that the international community will willingly revert to the antiquated concepts of semi- or partially sovereign entities, especially if such entities claimed the right to a distinct representation in the U.N. or its associate institutions.

The U.N., for example, is based on the principle of "one state", "one vote", and this without any distinction between unitary and federal states.

Federal states, as such, have no greater powers there than unitary states.

Could you imagine, for instance, that Canada having ten or eleven seats within the U.N.'s specialized agencies, and therefore hold 10 per cent of the votes, whereas countries such as France or England would be restricted to a single vote? Why, then, could India not amend her constitution so as to have 20, 50 or 100 votes? What a deal for federal