

some 108 countries. The growth in Canada's representation abroad is impressive in itself, but the changing content of international relations is even more striking.

The themes which were dominant a century ago remain, but even these are increasingly complex. Foreign trade, for example, now involves not merely bilateral negotiations between countries, but active participation in the General Agreement on Tariffs and Trade, the OECD and other international agencies. Our concern for the preservation of peace has led us not just to participate in NATO, an organization for collective security, but to attempt, through the United Nations, to substitute collective diplomacy for war as an instrument for settling disputes.

We are involved today in a variety of international activities which used to be only marginally related to traditional foreign policy, or which, like the control of civil aviation or international co-operation in the peaceful uses of atomic energy, simply did not exist. We now attend international conferences or conclude bilateral agreements on such varied subjects as racial discrimination, economic development and cultural exchanges. In formulating Canadian policy, we must attempt to derive the maximum benefit for all Canadians from the possibilities which our international contacts open to us. We must mobilize the resources of all Canada in order to make a positive contribution to the welfare of other countries.

The formal Canadian constitutional document, the British North America Act, was not, of course, written with any such development in mind. As I have mentioned, the Federal Government now has the responsibility for the conduct of external affairs. But the Federal Parliament, as a result of a decision of the Judicial Committee of the Privy Council, is unable to legislate to implement treaties if the subjects they deal with are those reserved to the provincial legislatures under the British North America Act. A number of subjects which are reserved to the provinces, and which were considered a century ago to be primarily of local concern, are now recognized as matters for international discussion or negotiation.

In having the central government bear the sole responsibility for the overall conduct of foreign affairs, Canada follows the pattern adopted by all federal states with which I am acquainted. I do not think it is necessary for me to explain at length the legal reasons why this should be so. The power to negotiate and conclude formal agreements with other countries is, of course, the prerogative of an independent sovereign state. If individual constituent members of a federal state had the right to conclude treaties independently of the central power, it would no longer be a federation but an association of sovereign powers.

It is true that we are in the minority among federal states in having the constitutional ability to make treaties separated, in certain fields, from the ability to implement them. A study of the actual practice followed in other federal states in coping with the new dimensions of international relations shows that this anomaly is more apparent than real. Even those central governments which, in constitutional theory, could implement treaties