

The Address—Mr. Goyer

his cabinet who has responsibility whether they could get together on this matter and make a statement to the House at an early opportunity?

ADDRESS DEBATE**SPEECH FROM THE THRONE**CONTINUATION OF DEBATE ON ADDRESS
IN REPLY

The house resumed, from Wednesday, October 29, consideration of the motion of Mr. Jack Cullen for an address to His Excellency the Governor General in reply to his speech at the opening of the session.

[Translation]

● (12:10 p.m.)

Mr. Jean-Pierre Goyer (Parliamentary Secretary to Secretary of State for External Affairs): Mr. Speaker, for some time now people have been asking what is the best way to conduct Canada's foreign relations with countries where such relations often involve the provinces' interests or internal jurisdiction. This situation is not unique. Given the evolution of international exchanges since the war ended, all federal countries are faced with this problem. In the light of our practical and daily experience of external relations, I would like to make my contribution to the serious consideration required of Canada and of others.

For instance, much has been said about an "external sovereignty" for the provinces proportionate to the extension of their internal, exclusive or shared, fields of jurisdiction. That theory may sound attractive at first sight. Yet, it raises important questions in our mind, namely: Is it legally sound? Is it based on a justifiable interpretation of our constitution? Is it acceptable to the international community? Can the least serious observer of the international scene or anyone more or less familiar with the daily practice of external affairs reasonably think that, if implemented, that theory would bring about an effective and consistent policy?

Now, I would not want, at this stage, to bore the house with a tedious report on Canada's constitutional evolution in relation to external affairs. Everybody is familiar with the process by which Canada gained its independence. Everybody knows that after those fifty years of evolution the responsibility for Canadian external affairs was handed

[Mr. Lundrigan.]

from the British crown to the Canadian government. That evolution was confirmed by the 1947 Letters patent which are an integral part of our constitution.

However, I should like to take this opportunity to clarify certain so-called legal arguments which we consider groundless and which are brought up time and again.

It is quite often argued that the Letters patent argument is nullified by that of the Privy Council decision of 1937.

According to some people, the judgment rendered in the matter of the labour agreements of 1937 would permit the provinces to establish direct and separate relations with foreign countries, and even to sign international agreements in fields within their jurisdiction.

I seriously wonder about the amount of legal knowledge of the people who can reach such conclusions. It should be time, 32 years after the judgment, to know what it really is. In fact, all the Judicial Committee of the Privy Council said in 1937 is this: in matters which, under the British North America Act fall under the exclusive jurisdiction of the provinces, the federal parliament cannot avail itself of the right to legislate by claiming that it is necessary to apply a treaty signed by Canada. On the other hand, the Privy Council has never questioned the exclusive right of the federal government to sign treaties and consequently to assume responsibility for Canada's international relations. No interference with the internal legislative jurisdiction of the provinces of Canada? Very well! But, on the other hand, no provincial interference with the ultimate and exclusive jurisdiction of the federal government in foreign affairs.

At times, it is argued that there are various federal constitutions in the world, that no two of them are alike and that Canada, therefore, can do as it pleases with its own. People forget to say one thing though: although different in other respects, all are virtually identical as concerns foreign affairs. In other words, power in external matters is always vested, one way or the other, in the central authority. Of course, there are some federal states, to wit, Switzerland, the United States, the Federal Republic of West Germany and the USSR, where constitutional usage apparently allows the member states to conclude some kinds of agreements with foreign states. There again, people forget to mention that a most cursory study of these constitutions shows that, in each instance, this power of the member states must be exercised under the