

within the legislative competence of the provinces, what actually happened was that the Government of Canada decided that provincial representatives on the Canadian delegation could, in the name of their provinces, outline their experiences in these specific fields. There was nothing more to it than that.

3. "The voting procedures must reflect this duality by providing for mandatory abstention in the event of disagreement on matters within Quebec's competence."

As regards the question of voting, there was never any question of a compulsory abstention--as the Quebec authorities have claimed--if the provinces were not in agreement with a proposal touching upon their legislative competence. The Prime Minister of Canada explained very clearly to M. Bertrand that even though account would be taken of provincial views on matters within their exclusive jurisdiction, the vote of the Canadian delegation would in the final analysis be subject to considerations of Canadian foreign policy as determined by the Government of Canada. No other arrangements could have been contemplated when, for example, the constitution or the budget of the Agency were being adopted.

4. "The statutes of the Agency must be based on the same principles and allow for direct participation by Quebec in the activities of the Agency."

Finally, as regards the fourth Quebec principle, it is unnecessary to point out that the federal government could not agree to such a formulation. Throughout its negotiations with Quebec, the Canadian government maintained the position that in conformity with the final resolution of the first Niamey conference, the Agency should be an organization composed solely of sovereign states, and that Quebec participation in the activities of the Agency should, accordingly, be carried out within the context of Canada's participation. Direct participation by Quebec could have implied participation distinct from that of Canada. There exists no valid precedent in international law, however, that would enable a province or state which is a member of a federation to be itself a member of an international organization.