

Provincial activity adds new dimension to federalism

A Western view

By J. Peter Meekison

Traditional discussions and explanations of the role of provincial governments in the area of international relations usually begin with an assessment of the constitution. Most authors have analysed the wording of Section 132 of the British North America Act and its subsequent interpretations by the Judicial Committee of the Privy Council by examining the important judicial decisions on this question such as the *aeronautics*, *radio* and *labour conventions* cases. Some compare Canadian practices with the constitutional provisions governing international affairs found in other federations such as the United States, Germany, the Soviet Union and Switzerland. Depending upon the perspective of the author, the practices of other federations are approved or rejected.

While much of this analysis has been useful, the tendency of most arguments has been either to prove conclusively that under the Canadian constitution provinces do and should have a voice in international affairs or that they do not and should not have such a voice. Here one gets to the crux of the debate, what the constitution legally permits *versus* what politically is best for the country.

Because of interpretations of the British North America Act and practices that have evolved within the federal system, the provinces have developed and/or acquired a role, albeit a modest one, in international affairs. The purpose of this

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essay is to discuss this role and assess whether or not it has been essential to the maintenance of a Canadian foreign policy. At the same time, it should be stated that the primary responsibility for the development of foreign policy and for the conduct of international affairs rests with the Federal Government. This reality is generally accepted by provincial governments, although occasionally, as in the late Sixties, the Government's role has been challenged.

It is worth while to consider why challenges to the Federal Government's position have been raised. The answer seems to be related more to domestic issues than to international ones. If one assumes that foreign policy to a significant degree, reflects or is determined by domestic considerations, provincial governments will undoubtedly be concerned with those aspects of national affairs that may affect the domestic situation. As is natural in any federation, domestic policy is a combination of decisions established by both levels of government. The existence of strong provincial governments has been recognized, grudgingly, as an important consideration in decision-making in the area of foreign policy. Most significant issues in the areas of health, immigration, taxation, social services and transportation have a federal-provincial dimension. Federal-provincial interaction in these other areas is not only accepted but expected. For some reason this interaction has not carried over into the area of foreign policy, though there are indications that even this is changing.

Variety of interests

It may be argued that, since the responsibility for international affairs is a federal one, there is no need for provincial interaction. As will be seen later, however, provincial governments have a wide variety of interests and concerns in this area. It does not seem reasonable for provincial governments

Arguments on provinces having a voice in world affairs