

of state. Therefore I believe the next step will be a general meeting, and I think this can contribute greatly to the usefulness of the Commonwealth in the world today.

I would go a step further and even suggest that the time may come when the Commonwealth will have its own High Court of Justice. It is true that international high courts of justice do not have a very eminent record of success, but perhaps such a court, taking over to some extent some of the prestige and useful work of the Judicial Committee of the Privy Council, might tackle and solve some of the problems such as Cyprus and Rhodesia with which the Commonwealth is concerned today and which, for reasons that are not difficult to explain, those countries were reluctant to take before the International Court at The Hague.

We are also told in the Speech from the Throne that our Constitution is to be amended by an address to Her Majesty. Honourable senators, I am sure you have read the excellent White Paper published by the Government on this matter. I think it makes extremely clear what is intended, even to a layman such as I. As I understand it, that document describes four ways for amending the Union. I was almost going to say breaking up the Union, but at the moment that is perhaps going too far, although I have very serious doubts myself as to the end result of some of the things being done in that connection, particularly under the heading of what is called "co-operative federalism." I regret to say that we are faced with the fact that ever since we have had this theory of co-operative federalism widely talked about, we have had a continuing deterioration of relationships within the Union.

Reference was made in the debate which was ruled out of order to the question of treaty-making powers. From my own study it is obvious that it is not quite as simple as was suggested. The fact is that since the treaty-making power was obviously retained by the Imperial Government in 1867, it has certainly not been fully allotted to the federal Government under our Constitution. I have read the Constitution very carefully, and while there is a section there—I think it is section 132—which refers to the matter, there is no clear transfer of the treaty-making power, as I understand it, to the federal Government.

We are also painfully aware of the fact that the federal Government never had the power to make a binding treaty with any nation in any matter covered by section 92 of the British North America Act. That

is why from time to time we have had bills before us here purporting to implement international treaties entered into by the Government of Canada. On one recent occasion at least, and not an unusual one, we were told that such a treaty was being implemented in full because some letters had been received from provincial premiers saying that it was all right to go ahead and do it. I do not agree with this kind of procedure. It is untidy and unconstitutional. That power is given to the legislatures of the provinces, and not to the governments of the provinces, and I cannot see how a power given by section 92 exclusively to the legislature of a province can be dealt away by any provincial government. Some people will argue, of course, that the Government says, in effect, "Yes, that is all right because we will in due time get the approval of the legislatures." The fact is in most cases they have not bothered to do so. It is for that reason I describe that type of procedure as being untidy.

Quebec has a much better record than any other province in that respect, and even in amendments to the Constitution, Quebec has far more often than any other province referred the matter to its legislature, maintaining its stand over the years of the supremacy of the legislature in matters assigned to the legislature under the act.

We hear talk of an associated state with treaty-making powers. I am not too concerned whether any province asserts the right to make agreements. It is pure semantics whether you call it an "agreement," a "convention" or "treaty" in this context. If they have the right to enter into agreements in matters exclusively under their authority, then I say it matters little what we call it. But this theory is now extended beyond a mere assertion by certain ministers in Quebec. We are told it has been discussed in the cabinet of the Government of British Columbia. I wonder if this assertion is not attributable to the talk about co-operative federalism which, to some extent, seems to me to have tended to cover up the lack of real action. As I see the suggestions for carving up the Constitution—because we are now to have more formal ways in which it can be amended—I wonder if we are not finding ourselves in the position immortalized in the British House of Commons by the Irish member Sir Boyle Roche, who rose in that house in speaking on some matters relating to the Irish Constitution and said:

It would surely be better, Mr. Speaker, to give up not only a part but, if neces-