

Marc Léger was elected Secretary-General and Messrs de Montera (France) and Kekeh (Togo) were elected Assistant Secretaries-General, for a period of four years renewable for two terms. In addition to the Secretariat, the Charter provides for a General Conference, a Board of Directors, a Programs Committee, an Advisory Council, and creation of other groups considered useful. A new group of experts in administrative and financial management has already been formed. It was then decided that the next general assembly of the Agency would meet in Canada in 1971.

The press did not spare its criticism of the participants when the conference ended. While *Le Canard enchaîné* spoke ironically of the "twilight of the franco-faunas", *Combat* spoke of the "franco-phone cacophony"; *Jeune Afrique* expressed the general feeling in its analysis of "the difficult birth of the French-speaking community"; Huguette Debaisieux wrote in *Le Figaro*:

All's well that ends well, but one cannot help thinking that the result has been very laboriously achieved. Will the dissension between the discussions continue to hang over the future of the French-speaking community? One would hope not . . . It is to be hoped that the next General Conference will take place in a calmer atmosphere than that of the past few days, and will show the French-speaking community to be a concrete and effective reality.

Difficulties overcome

The agreement reached between Quebec and Ottawa on the eve of the Agency's Second General Conference seems, at least at first sight, to have settled the many difficulties anticipated as a result of the Niamey meetings.

The agreement comprises 19 articles and a preamble which refers to Article 3.3 of the Agency's Charter. The preamble states that the agreement gives Quebec the status of a participating government. Must we, therefore, conclude that this status has been conferred on Quebec by the Government of Canada and not by the Agency's General Conference? In my opinion this is a very "elastic" interpretation of the Charter; here again it needs to be repeated that the political climate had a determining influence. On the one hand, the governments of Messrs Trudeau and Bourassa were determined at all costs to reach agreement before and during the conference; on the other hand, Paris and Ottawa clearly wished to show everyone that they had at last "normalized" their political relations.

The first 14 articles deal with Quebec's participation in the Agency's insti-

tutions, while the following four articles are devoted to Quebec's participation in the activities, programs and financing of the Agency. The final article states that the Government of Canada, alone, shall inform the Secretariat, and not the General Conference, of the "conditions" of participation by Quebec.

This document is a very interesting "file" not only because of the precedent it establishes and the very debated aspects of some of its provisions but also because of the opportunities for positive action it gives to Quebec.

First, it is not a real agreement, simply terms and conditions. I shall have told that this is just a question of semantics; but it would be a mistake to forget that in law words are of prime value and importance.

Second, as was previously emphasized, the Agency's General Assembly has not actually come to any conclusion about the conditions agreed upon by Quebec and Ottawa. Of course, the French delegate did perhaps express an opinion on the subject, but the General Conference did not do so, as is provided for in the Charter. Did it, in fact, wish to do so?

Third, it is quite clear that the conditions have not made Quebec a member of the Agency. Only Canada enjoys this privilege. Quebec does not participate in the conferences as an independent delegation but as part of the Canadian delegation.

Fourth, it must be acknowledged that all objectivity that Article 16 gives Quebec rather exceptional opportunities to exercise within the Agency and indirectly acknowledges its special status in the federal system.

In short, these conditions will satisfy those who wish Quebec to "act in point of fact" within the Agency; there is no doubt that Article 16 gives it the opportunity to do so. On the other hand, this text will be rejected by those who wished to use negotiations to give *de jure* recognition to advantages Quebec did not *de facto* possess on the international scene. The agreement recognizes nothing of the kind.

These conditions raise immediate questions with regard to (1) Quebec's presence on the Board of Directors and (2) consultation between the Agency, Quebec and Ottawa.

The satisfaction expressed by Cloutier the day after agreement was reached came as a result, among other things, of Article 2, which emphasizes that Quebec may "occupy one of the two positions allocated to Canada" on the Board of Directors. In my opinion, this is a

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