

*Canadian Sovereignty*

According to surveys made by junior chambers of commerce in Canada and polls taken by several other organizations or individuals, more than 80 per cent of all Canadians now want such a distinctive national flag and such a distinctive national anthem.

A very small number of Canadians would like to see retained on the flag either the union jack or the fleur de lis.

But I sincerely believe that we must look toward the future. We must stop looking back at the past and we must go forward in the same direction, united under the same entirely Canadian banner.

We must put aside the fleur de lis that reminds us of France but means absolutely nothing to one third of the Canadian population which is made up of new Canadians from many countries of Europe and Asia.

The union jack should have the same fate, it should be discarded, since it is the flag of another country. If we do not have enough imagination or maturity to find our own symbols, then let us sink into mediocrity and revert to the inferior status of a colony.

The union jack, Mr. Speaker, while a magnificent flag, remains the national emblem of Great Britain, by virtue of a royal proclamation of January 1, 1801, and the red ensign, authorized in Great Britain by Queen Ann in 1707 and Queen Victoria in 1864, represents, according to section 72 of the merchant navy act, the national flag for any ship or vessel belonging to any British citizen.

Now, it is impossible even for the red ensign to remain a Canadian emblem, since we have ceased to be British subjects on January 1, 1947, when we became Canadian subjects under the Canadian Citizenship Act. That is why, on September 5, 1945, Mr. King and his colleagues passed an order in council establishing as temporary Canadian emblem the red ensign, until such time as parliament would decide otherwise. Now, the event of capital importance which should have led to a change in that situation, Mr. Speaker, was indeed the political emancipation which was made abundantly clear to every country in the world, when Canada created, in January 1947, the status of Canadian citizen.

Our progressive and actual sovereignty calls for a sovereign and united Canadian attitude. In 1919, Sir Robert Borden signed, on behalf of Canada, the Versailles peace treaty.

In 1923, Hon. Ernest Lapointe signed without the use of an intermediary in Washington our first trade agreement with a foreign country. On December 11, 1931, the Statute of Westminster granted us our sovereignty and independence.

This statute marked an important and decisive step in our constitutional evolution. Its effects were felt both in the domestic and external fields.

On the domestic plane, this statute had six main effects, as follows:

Our governor is now appointed by the king on the advice of the prime minister of Canada. He only represents the king and his relations with the Canadian government are the same as those between the king and the imperial government.

The crown must now, by virtue of this agreement, sanction the acts of Canada only on the advice of the Canadian government.

Any act passed by the imperial parliament and in force in Canada can be abrogated to the extent that it applies to this country, except the Statute of Westminster and the various acts based on the British North America Act and the amendments thereto.

No imperial act passed after December 11, 1931 applies to Canada as part of her own legislation.

Canada's power to legislate on merchant navy matters is now legally unlimited.

Canada is free to abolish any appeal to the privy council, which has been done already.

As regards external affairs, here are the five main effects of that statute:

The parliament of Canada can now pass extra-territorial acts and has given that scope to the whole Canadian legislation.

Canada can be and is represented as she wishes in foreign courts. She can and does accredit her own ambassadors.

Canada can and does sign official treaties with foreign governments.

It is up to Canada, through some constitutional agreement, to decide whether she will be bound by a treaty in the negotiation of which she had had no part.

Finally, since the war, the constitutional evolution of Canada has been notable and efficient. A country does not grant nor confer to itself a sovereignty: it has to be recognized by other countries. Now, Canada has played the role of a nation, has exercised the rights and privileges attached to sovereignty, and the other nations have not questioned its right to play such a role. They have recognized that Canada has, in fact, that degree of independence which is necessary to sovereignty. They have sanctioned the fact that, in their eyes, Canada has been acting by and for itself.