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NEW DIMENSIONS IN CANADIAN FOREIGN POLICY

Speech by the Honourable Paul Martin, Secretary of State for External Affairs, at the University of New Brunswick Encaenia, May 16, 1967.

I am grateful for the double honour you have paid me today, by granting me the Degree of Doctor of Laws, and asking me to deliver the Encaenia Address.

The expansion in size, number and complexity of our universities is, in part, a reflection of Canada's growing population, wealth and stature. It is also a reflection of the changing world we live in.

I can see similar factors at work in my own field of external affairs, as our relations with other countries have become wider in scope and increasingly complex. A century ago, at the time of Confederation, it was assumed that Britain would conduct foreign relations on Canada's behalf. Such an arrangement could have been possible only in an age when the subject matter of international affairs was limited to a few major issues, such as trade and preservation of peace. In approaching these issues, it was arguable that the advantages of close association with the imperial power outweighed the disadvantages of having the country's foreign policy determined and executed by a government which might be amenable to Canadian advice, but in which Canadians were not represented.

As the relation between foreign policy and the country's domestic interests became closer, and was more clearly perceived, Canadians realized the importance of assuming responsibility for the conduct of their own foreign relations. By a gradual process, in which English and French-speaking statesmen of both historic parties participated, Canada achieved the right to negotiate and sign treaties, exchange diplomatic representatives, and join international organizations on its own behalf. The royal prerogative powers in respect of foreign affairs had been exercised in 1867 on the advice of Her Majesty's British ministers. Within the next 60-year period they came to be exercised, so far as Canada is concerned, solely on the advice of the Federal Government of Canada.

For almost half a century Canada has had an established international personality, and a respected place in the world community. We are active members of the United Nations and a host of other international organizations. Through direct or multiple accreditation we conduct external relations with

some 108 countries. The growth in Canada's representation abroad is impressive in itself, but the changing content of international relations is even more striking.

The themes which were dominant a century ago remain, but even these are increasingly complex. Foreign trade, for example, now involves not merely bilateral negotiations between countries, but active participation in the General Agreement on Tariffs and Trade, the OECD and other international agencies. Our concern for the preservation of peace has led us not just to participate in NATO, an organization for collective security, but to attempt, through the United Nations, to substitute collective diplomacy for war as an instrument for settling disputes.

We are involved today in a variety of international activities which used to be only marginally related to traditional foreign policy, or which, like the control of civil aviation or international co-operation in the peaceful uses of atomic energy, simply did not exist. We now attend international conferences or conclude bilateral agreements on such varied subjects as racial discrimination, economic development and cultural exchanges. In formulating Canadian policy, we must attempt to derive the maximum benefit for all Canadians from the possibilities which our international contacts open to us. We must mobilize the resources of all Canada in order to make a positive contribution to the welfare of other countries.

The formal Canadian constitutional document, the British North America Act, was not, of course, written with any such development in mind. As I have mentioned, the Federal Government now has the responsibility for the conduct of external affairs. But the Federal Parliament, as a result of a decision of the Judicial Committee of the Privy Council, is unable to legislate to implement treaties if the subjects they deal with are those reserved to the provincial legislatures under the British North America Act. A number of subjects which are reserved to the provinces, and which were considered a century ago to be primarily of local concern, are now recognized as matters for international discussion or negotiation.

In having the central government bear the sole responsibility for the overall conduct of foreign affairs, Canada follows the pattern adopted by all federal states with which I am acquainted. I do not think it is necessary for me to explain at length the legal reasons why this should be so. The power to negotiate and conclude formal agreements with other countries is, of course, the prerogative of an independent sovereign state. If individual constituent members of a federal state had the right to conclude treaties independently of the central power, it would no longer be a federation but an association of sovereign powers.

It is true that we are in the minority among federal states in having the constitutional ability to make treaties separated, in certain fields, from the ability to implement them. A study of the actual practice followed in other federal states in coping with the new dimensions of international relations shows that this anomaly is more apparent than real. Even those central governments which, in constitutional theory, could implement treaties

without consultation have tended to be very cautious about using their power. In Canada, we have always had to proceed on the basis of co-operation between the federal and provincial governments. Where a treaty can be implemented through federal action or establishes a framework for co-operation between two countries, the Federal Government has, of course, been able to act on its own. For many years, however, we have consulted the provinces about treaties which would require provincial legislative or other action in order to be implemented. I have mentioned that only the Federal Government can make treaties. It is also the case that only the Federal Government can accredit delegations to international organizations. Only sovereign states can, as a rule, belong to international organizations. No such body has accepted separate representation by the constituent members of a federal state. The sole exception to my knowledge is the participation of Byelorussia and the Ukraine in the United Nations, which was a result of the postwar political settlement and has not established a precedent for other countries or organizations.

The reasons are simple:

If provinces were entitled to become members of an organization such as UNESCO, in which many are interested, there could be as many as 11 separate delegations from Canada at its conferences. They might have 10 per cent of the votes, even though Canada pays only 3 per cent of the UNESCO budget. And if Canada were given this privilege, what of the United States which could claim 51 seats? UNESCO could have several hundred members.

Secondly, there has been a growing tendency for international organizations, when concluding agreements, to specify that their provisions shall apply to all parts of federal states without any limitations or exceptions. They have made the state concerned responsible for harmonizing the interests of its component parts. In face of this tendency, they would be unlikely to agree that a country could splinter its participation, with some parts favouring an agreement and others expressing reservations or objections directly at the conference table.

Lastly, many problems which arise at organizations such as UNESCO are not directly related to education or culture, but to matters of general foreign policy. UNESCO conferences have, for example, discussed the problems of Communist China or apartheid. Obviously, the provinces cannot take an independent stand on issues of this nature in international forums so long as they remain part of the federation. Is it conceivable that on such matters, some Canadian provinces will vote one way and others in an opposite way? Instead of one Canada in the world, there would be a number of entities with different foreign policies. This approach to Canadian representation in international organizations would, therefore, involve the dissolution of Canada as a single state and the creation of a series of smaller states.

In Canada, we permit and even encourage different approaches to certain problems among the various provinces or between the provincial and federal governments. This has always seemed to me healthy. The essence of our federal system is that our various governments can respond to the needs of the people they serve according to the way they think best. But I do believe that in

looking outward, and approaching the international community, we should try to achieve a unity of purpose, and not simply export our differences. What may appear at home to be a healthy diversity of views may seem to strangers to be evidence of a dangerous degree of disunity.

There is a simple and sensible approach to ensuring that provincial interests are taken into account in relation to Canadian participation in international organizations. I might use Canadian participation in the International Labour Organization as an example, especially as the distinguished President of the Canadian Labour Congress, Mr. Claude Jodoin, has been honoured by you today and as I myself have attended its conferences.

As labour is a field of direct concern to both the federal and provincial governments, we have for many years included provincial officials as advisers on the government delegation to the annual conference of the ILO, and have, in addition, invited provincial governments to send their ministers of labour or senior officials as observers. In developing the Canadian position before each conference, the federal authorities have discussed with the provinces those matters likely to arise which would interest them, and have sent relevant documentation to them. In 1964, the Federal Government consulted the provinces to seek their support for the ratification of the convention against discrimination in employment, the provisions of which fell within both the federal and provincial jurisdictions. Since then, two more conventions of this sort have been ratified, after federal-provincial consultation, and studies are in progress about the possibility of ratifying others. As a result of this approach, Canada has a record which compares favourably with that of other federal states in signing and ratifying ILO conventions requiring action at the provincial as well as the national level.

We are always considering how such arrangements can be improved. We are also studying the extent to which these or different methods can be adopted to broaden and strengthen the participation of provincial governments in the work of Canadian delegations to other international conferences. In recent years, a growing pattern has emerged of having provincial representatives included in Canadian delegations to a wide variety of international conferences. Last year, for example, the delegation sent by the Federal Government to the annual conference on public education, held in Geneva under the auspices of UNESCO and the International Bureau of Education, included representatives of Canadian education whose names were suggested by the standing committee of ministers of education of the provinces. This has been done in a manner which is consistent with the Federal Government's overall responsibility for the conduct of the country's foreign policy, and it increases the benefit which all Canadians gain from the work of these organizations.

I mentioned earlier that we have been consulting the provinces about international agreements which require action on their part in order to be honoured. As an example of how this is done, I might refer to the United Nations Covenant on Human Rights.

One of the principal purposes of the United Nations is, in the words of its Charter, "to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in

promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion". In December 1966, the United Nations General Assembly adopted the International Covenants on Human Rights. The Canadian Government voted for the Covenants because we support their purpose, which is to give effect by means of the binding obligations of international treaties to the principles embodied in the United Nations Universal Declaration of Human Rights, adopted in 1948. We are now, in consultation with the provinces, considering the implications of ratifying them.

The first Covenant concerns economic, social and cultural rights. Many of its provisions relate to matters which fall largely within the sphere of the provinces, but others, such as those dealing with conditions of work or standards of living, are also the responsibility of the Federal Government. The second Covenant, on civil and political rights, largely pertains to the federal field, but the right to liberty and security or the equality of men and women, for example, also require action by the provinces.

The Covenants quite reasonably specify that a federal state which chooses to ratify them cannot subsequently claim to be exempt from carrying out their provisions because of conflicting domestic jurisdictions. They therefore provide an excellent example of the problems which we must solve in Canada in meeting our international obligations. I think we can do so in a manner which will be in the interests of all Canadians. As I have mentioned, the Federal Government has already started consultations with the provinces about ratification.

To celebrate International Human Rights Year in 1968, the United Nations has asked member states to ratify as many of the Human Rights conventions as possible. The Government is at present studying the possibility of ratifying the Convention on the Elimination of All Forms of Racial Discrimination, adopted by the United Nations in December 1965. In August 1966, Canada signed this convention to indicate our support for the efforts of the international community to eliminate the evils of racial discrimination. Again, as many of the provisions of the convention fall within provincial jurisdiction, we are consulting with the provinces as to the implications of ratifying this instrument. Thanks to the co-operation of provincial authorities, I believe the Government will be able to announce a decision on ratification at the latest during 1968.

The Federal Government has also tried to accommodate, as far as possible, the special interests which some provinces may have in the conduct of Canada's bilateral relations with other countries. As an example of how this can be done, I might mention the accord-cadre signed with France in November 1965, on education and culture. Under this agreement, it is possible for individual provinces and France to develop administrative arrangements to facilitate cultural and educational exchanges, subject to the approval of the Federal Government. There are many ways consistent with our Constitution and the existence of one Canada in the world in which the provinces' particular interest in Canada's bilateral relations can be taken into account and developed.

Co-operation between the federal and provincial governments is also desirable in the field of external aid. Canada is playing an increasingly important role in the provision of economic and technical assistance to the

developing countries. We have been increasing the amount of money available for this purpose by an average of \$50 million a year. I hope that Canadian aid will approximate one per cent of our national output by the early 1970s.

External aid might, at first glance, seem to be an activity of concern only to the Central Government. It is an integral part of Canadian foreign policy, and is, perhaps, the most substantial and rewarding aspect of our relations with many developing countries. In its initial phases, an aid programme involves intergovernmental negotiation and the signing of agreements. In its execution, the programme requires a network of diplomatic missions abroad, and a government at home able to draw on the experience, manpower and financial support of the whole country.

Many aspects of aid are, however, closely related to fields in which the provinces have a direct interest. In sending teachers abroad, the Central Government has to take into account provincial needs and avoid unreasonable competition for scarce skilled personnel. Although it may hire teachers directly, it may also in some cases wish to benefit from provincial recruiting facilities.

Some provinces have a particular concern for one or other area of the world or certain skills or facilities to offer. They may, therefore, have a special interest in some aspect of aid to the developing countries. We naturally welcome this interest, as we do the efforts of individuals or organizations such as church groups or private firms, whose aims are compatible with Canada's foreign policy and aid objectives. We have had a continuing dialogue with the provinces concerning ways in which they can make a special contribution to the provision of economic and technical assistance to other countries.

A century ago, when Canada was founded, our statesmen were concerned with the problems of completing Confederation and developing the country. This year, we are celebrating the results of their work. Canada has grown enormously in population and wealth over the past 100 years. Correspondingly, we have been called upon to play an increasingly important role in international affairs. We are presented with new opportunities and new obligations. If all Canadians work together, I am sure that we can meet this challenge successfully.