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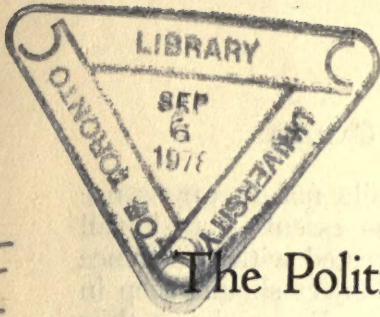
THE POLITICAL STATUS  
OF CANADA

BY  
SIR CLIFFORD SIFTON

*Address before the Canadian Club of Ottawa*

APRIL 8, 1922





# The Political Status of Canada

By Sir Clifford Sifton

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You have asked me to address you on the subject of the political relations of Canada to the mother country and to foreign nations, and I have defined the subject of my address shortly as "The Political Status of Canada." In accepting your invitation I desire to disclaim any idea of putting myself forward as an authority on the subject. I appear simply in response to your invitation, with a desire to accede to your wishes to the best of my ability.

It may be assumed that as an Association of Canadian citizens of all professions and callings what you wish to hear is not a technical discussion of legal niceties, but a plain statement of what the legal and constitutional status of Canada is at the present moment, couched in language that the ordinary layman can understand. I shall therefore abstain from any discussion of obscure or disputed points, and shall abjure any attempt at oratory or rhetoric.

Within the last few years a great many men have written and spoken on this subject, either in the British Dominions or in England. Most of them complain sooner or later that their words were not correctly understood. It must be, therefore, that there is some inherent difficulty in making the subject clear or these misunderstandings would not so frequently arise. Bearing these facts in mind, I approach the subject with a good deal of humility and can only say to you that I shall do my best to make my remarks intelligible.

Speaking, as I am, to an audience of which only a small proportion are members of the legal profession, I propose to say a few words by way of introduction which are of so elementary a character that they may provoke a smile from the lawyers who are present. Though these remarks are very elementary it is desirable that they should be made in order to

constitution of the Senate. There is also a limitation with regard to the extra-territorial application of our laws which I may make clear by reading a quotation from one of Sir Robert Borden's recent lectures. At page 129 he says:—

“In the Canadian Parliament during the Session of 1920 a resolution was proposed by the Government to the effect that the British North America Act should be amended by providing that any enactment of the Parliament of Canada otherwise within its authority shall operate extra-territorially according to its intention to the same extent as if enacted by the Parliament of the United Kingdom. In moving the resolution which received the unanimous assent of Parliament, the Minister of Justice explained that its purpose was to give an interpretation to the provisions of the British North America Act which would settle what was then a disputable or unsettled question. It was not intended to encroach on the jurisdiction of the Parliament of the United Kingdom, but to make certain that any law enacted by the Canadian Parliament would be enforceable in Canada against Canadian citizens who might violate those laws outside the territorial limitations of the Dominion. He instanced as an illustration, the necessity of enforcing regulations to govern Canadian aerial navigation. Since the passage of the resolution there have been communications with the Imperial Government. Any such legislation will probably be made applicable not to Canada alone, but to all the self-governing dominions.”

It is to be noted that although two years have elapsed the legislation asked for by the Canadian House of Commons has not yet been passed by the British Parliament and the limitation upon our powers still exists.

These citations which I have given show that it is not correct to say that Canada has full and complete powers of government in regard to her internal affairs. These powers are limited in very important respects.

Let it be noted that these are not academic questions. They are intensely practical. For instance, one of the most important questions which Parliament now sitting has to deal with is the re-establishment of a Wheat Board. It is a question which affects an important section of the commerce of the country upon which we all in one way or another depend for our livelihood. A committee of Parliament is considering it. When the Committee met the first thing it was confronted with was a doubt about the constitutional power of Parliament. It is reported that the Committee decided to submit the matter to the Supreme Court. If the Supreme Court decides against the constitutionality of the proposed legislation Parliament is blocked. Nothing can be done. The Provinces, I imagine, would be perfectly willing to let the Dominion deal with the

question but the Provinces and the Dominion acting together cannot change the constitution. It might be that by a set of concurrent statutes by the Provinces and the Dominion the constitution might be evaded but that is difficult and unsatisfactory.

If we had sovereign powers we could, if we chose, amend the constitution to cover the point and make the legislation constitutional. As it is we should have to go to England and get an Act of the British Parliament to enable us to deal with the marketing of Canadian wheat. It might take a year, two years or three years. Meantime we should be tied hand and foot. <sup>(1)</sup>

#### RELATIONS WITH GREAT BRITAIN

While our representatives going to England are recognized as being on equal terms with the members of the British Government, it remains a fact that this equality is more of a social and personal character than of a legal and constitutional character. As matters stand now we lack full powers of government. We have to go to the British Parliament for amendments to our constitution relating to the relative jurisdiction of the Provinces and the Dominions. The Privy Council holds to be *ultra vires*, attempts of the Provinces to alter their constitutions in certain directions and no power exists in Canada to validate these changes. We are powerless to change the constitution of our Senate. We lack the power to regulate the conduct of Canadian citizens the moment they step over the boundary line. So long as for all these things we have to go to the British Parliament for leave and power, it is, in my judgment, idle to talk about equality of status, idle to talk about our sovereign power, idle to talk about having achieved national status. Let the legislature of Ontario pass an Act to amend its constitution in any way that affects the office of the Lieutenant-Governor, let the Parliament of Canada pass an Act to amend the constitution of the Senate, let the Parliament of Canada pass an Act to affix penalties to the conduct of Canadian citizens outside Canada, and in each and all of these cases the Acts are waste paper. No citizen is required

Note (1)—After the above was spoken the Parliamentary Committee altered its mind and referred the constitutional question to Justice Department. That Department has now given its opinion that the re-constitution of what is known as the Wheat Board is *ultra vires* of the Dominion Parliament. There seems to be no immediate practical way out of the *impasse* except by concurrent legislation of the Dominion and the three Prairie Provinces. This method is clumsy and fraught with considerable difficulties but it may be practicable.

to pay any attention to them. All of these things could be done by a community which had attained national status, which had equality of status with Great Britain. The fact that we cannot do them, that the courts will refuse to recognize or support any attempt to perform these functions, that they are in law null and void is the distinct final and conclusive proof that the subordinate status still exists.

It may be that the British Parliament is perfectly willing and even anxious to remove the incubus of this subordinate status. It may even be that if the Parliament of Canada should pass a declaration of rights assuming these powers, and get it ratified by the Provinces, the British Parliament would at once assent to it and the subordination would thereupon be finally and forever removed, but until this is done subordination remains a definite legal and constitutional fact which the courts of Canada will recognize and enforce.

The exchange of arguments as to whether Canada is or is not a nation gets us nowhere. One man means by being a nation that we are entitled to be a nation, another man means that we are a nation with full sovereign powers, so that in reality in such arguments there is a confusion of terms. The disputants are not speaking about the same thing, so the discussion might go on interminably without any result. The fact is, without using any disputed terms, that we have not full powers of government. If we proceeded to exercise them the courts would refuse to enforce the acts and until our full powers are defined by competent authority the subordination remains an indisputable fact.

## RELATIONS WITH FOREIGN COUNTRIES

### 1. CIVIL AND COMMERCIAL RELATIONS

Starting in 1867, Canada had no relations with foreign countries and no constitutional powers. That, however, was speedily found to be impracticable. Canadian statesmen began, very properly, to take the position that they should have a voice in transacting civil and commercial business with other countries on behalf of Canada. Later on they took a further step and asserted their right not only to have something to say about the transaction of Canadian business with foreign countries, but to do all the negotiating themselves. This claim was finally conceded by the Home Government. At first Canada was allowed to take part in the negotiations through her representative, and finally she was allowed to do the busi-



ness of negotiating her own affairs with foreign countries altogether through her own representatives with certain qualifications. I shall give you a partial list extracted from Mr. Ewart's admirable papers on the subject of some of the matters which Canadian statesmen have dealt with of a civil and commercial character.

Canadian representatives have dealt partially or completely with treaties on the Behring Sea Fishery, the Alaska boundary, commercial treaties with France and a number of treaties with the United States including the International Waterways Treaty.

This list is not exhaustive or complete but it is sufficient to illustrate the point under discussion.

We have also sent delegates to the following International Conferences:—

1. On Higher Technical Training.
2. On Social Insurance.
3. On Unemployment.
4. On Labour Legislation.
5. Sanitary Conference
6. Agriculture.
7. Expositions.
8. Weights and Measures.
9. The Opium Conference.
10. On the Protection of Industrial Property.
11. The Postal Union.
12. The Radio Telegraphic Union.
13. Safety at Sea.

In 1906 Dr. Coulter attended a meeting of the Postal Union, as a Canadian representative. His commission was issued by the Government of Canada under the Great Seal of Canada. He took part in the proceedings and signed the Convention on behalf of Canada. In 1912 your President, Mr. Desbarats, attended a meeting of the Radio Telegraphic Union. His commission was under the Great Seal of the United Kingdom, not under that of Canada. Later on in a Conference on "Safety at Sea" our representative appeared as a British delegate.

With regard to these various international dealings which have been referred to, a clear distinction must be made. Some of them are international treaties binding on the countries with which they are made. In the case of such an international

treaty the practice now is that Canada sends her representatives and does her own negotiating, but she does it in formal association with the British Ambassador who takes no part except to lend his diplomatic status. It might alternatively be done by the British Government issuing its commission directly to a representative designated by the Canadian Government. He would then negotiate the treaty. He would be a representative of Canada, designated by Canada but empowered by His Majesty the King, on motion of his advisors in England. No matter how the representative is appointed, when the international treaty is arrived at it must be ratified by the British Government or it never becomes a treaty. In certain other cases there are arrangements which take the form of semi-official agreements, not international treaties. These may be, and in fact are, signed by Canadian representatives but they have no effect as treaties and the countries are not bound by them in the sense in which they are bound by treaties. Let me illustrate this.

It is understood that before the war our Government carried on certain negotiations with Germany, having relation to matters of trade. It is understood that the negotiations were conducted by the German Chief Consul in Canada. When the understanding was arrived at it was carried out, but there was no treaty. The non-diplomatic representatives of the two countries came to an understanding authorized by their governments, and when the understanding was arrived at both governments carried it out. That is not a treaty. If either of the governments had not carried out the understanding they could not have been accused of breaking a treaty. Take the case of the Reciprocity Pact in 1911. There was no treaty. There was nothing that officially bound either of the governments. Members of one government and members of the other government met and came to an understanding. They said—"This is what we will do" exchanged letters to that effect and separated. That is not a treaty. If it had been a treaty it would have been embodied in a formal document. The United States government would have submitted it to the Senate and had it ratified, the British Government would have ratified, and our government would have submitted it to Parliament here and had it ratified. Then it would have been a treaty. Both countries would have been bound to carry it out. As it was, however, neither of the countries was bound to carry it out.

If the men who signed it remained in office and had the political power to give effect to what they promised, well and good, but if they did not their countries were under no obligation whatever to recognize their promises. The latter contingency in fact arose. Sir Wilfrid Laurier was defeated at the ensuing election. Nobody for a moment imagined that after Laurier was defeated the incoming government was bound by the Reciprocity Pact. This case is the best possible illustration of the difference between these international understandings and regularly ratified treaties.

Apart from formal treaties to which I have referred which we cannot complete without the ratification of the British Government and such understandings as the German arrangement and the Reciprocity pact, there are certain other compacts or conventions between nations that are rather hard to define.

The Postal Convention and the Convention respecting Safety at Sea and agreements of that kind are illustrations of this kind of international dealing. They do not rise to the dignity of a treaty, while they are something more than a mere understanding. They have been described by a European diplomatist as "Administrative Conventions." Our representatives have attended these conventions and signed the documents, but there is a remark to be made in that connection.

Dr. Coulter went to the Postal Convention in 1906. He carried a commission that was wholly Canadian, under the Great Seal of Canada. In 1912 the President of this Club, Mr. Desbarats, was assigned to go to the Radio Telegraphic Union which was a similar gathering, but his credentials were given by the King under the Great Seal of Great Britain. Subsequent similar gatherings seem to have followed the same line. I have no means of knowing what took place between the foreign office of Great Britain, the Colonial office and the Canadian Government, but it looks as if when the foreign office learned that Dr. Coulter had acted under a purely Canadian commission it determined to amend this procedure on future occasions. Accordingly the representatives of Canada did not thereafter go under purely Canadian authority and a somewhat retrograde step was taken.

To sum up regarding civil and commercial matters. Formal treaties, internationally binding on the countries concerned are negotiated by our representatives but have to be formally ratified by the British Government. Unofficial under-

standings and agreements and such matters as the Postal Convention and the Radio Telegraphic Union we attend and complete through our own representatives. Our representative has appeared under purely Canadian authority and also under authority which came from England. The position with regard to these cases is not clearly defined.

## 2. PEACE AND WAR

With respect to making peace or war, Canada has no legal or constitutional power whatever. The recognized doctrine appears to be that when Great Britain is at war we are technically at war also and are liable to be attacked by the enemy. We have no power to declare ourselves out of the war or to relieve ourselves from the liability of a belligerent. That is the negative side. On the positive side it was, until very lately, absolutely clear, was reiterated over and over again and not disputed that no matter what happened with regard to a British war Canada was not obliged to contribute any men or money unless her own Parliament authorized it, and there was no compulsion whatever upon the Canadian Parliament to take any action except what it saw fit to take and no commitment or obligation expressed or implied. As to negotiations relating to peace and war we had no legal or constitutional position whatever until lately. We have lately had delegates at the Peace Conference in Paris and at the Disarmament Conference in Washington. These delegates were designated by the Canadian Government by order of His Excellency the Governor General in Council. These orders in Council must have been submitted with approval to His Majesty by the British Cabinet and thereupon the necessary credentials would be issued. We have also had representatives appointed by the Canadian Government to the League of Nations. We, therefore, have some kind of a position now, but lawyers seek in vain to define it. A well-known writer on International Law, Oppenheim, Vol. 1, Sec. 94 (b) says—Speaking of the League of Nations:—

“Without doubt the admission of these four self-governing Dominions, (that is Canada, Australia, New Zealand and South Africa) and India to membership gives them a position in international law but the place of the self-governing dominions within the family of nations at present *defies exact definition.*”

On the question of Sir Robert Borden's appointment to be our representative at Washington at the late Conference, Mr. Ewart, who is a very careful student of these matters and a

recognized authority concludes after a careful review that the political status of Canada is impossible to define.

I shall not attempt a detailed discussion of this question. It would take a good deal of time to discuss it in any exhaustive or complete way. I can tell you what I think and give you my opinion for what it is worth. I think we have attained the position that where the British Empire is a party to an international conference which has to do with peace and war, Canada being a part of the British Empire has a right to nominate her own representative to attend the conference if she wishes to do so and has a right to call upon the British Government to issue the credentials necessary to enable her delegate to appear under the international status of the British Empire, as one of the delegates representing the British Empire. I am not at all sure, however, that the British Government would admit this right in all cases without objection.

Our representative sits in the Conference. If a case arises in which he and the Chairman of the British delegation radically disagree on a matter of high importance the dispute will not be settled by any law or constitutional usage. If they fail to adjust the difference themselves, it will be settled by the British and Canadian Governments adjusting the matter as best they can. It will not help matters to refine about law and constitution in a matter of this kind. The law and the constitution will have little or nothing to do with it. Policy will determine what is to be done.

We have the right then to appear by our representative as one of the constituents of the British Empire. We are not a separate international entity and no amount of reasoning or casuistry can make out that we are. Let us keep that closely in our minds. Therefore when the United States failed to send a separate invitation to Canada to participate in the Disarmament Conference the United States was perfectly right and our newspapers which found fault with the United States were entirely wrong.

(We have no right to expect any foreign country to recognize us as a separate political entity until we have taken proper means to define our status.)

I have tried to tell you what I think the effect of the League of Nations and the Peace Conference and the Disarmament Conference is upon our constitutional relations and I have said that it simply amounted to recognizing our right to send

a representative. It gives us no separate international status. Nevertheless it has an important effect. The effect is more psychological than constitutional. (It introduces Canada to the society of nations and accustoms the nations to the habit of dealing with the representatives of Canada in international matters.) Although these foreign nations themselves, like Mr. Oppenheim and Mr. Ewart profess to be entirely unable to understand the position as between Great Britain and her Dominions, nevertheless they accept it as it is presented to them.

We have now dealt with the third division of our subject, namely—The relation of Canada to foreign countries.

Let me sum up. Where do we stand? What is the effect? Constitutionally our subordination is perfectly clear. We can execute no international treaty by ourselves. We appear, if we appear at all at an international conference on Peace and War as part of the British Empire delegation and under a commission that the King executes on the advice of his Canadian Ministers, but executes because the British Cabinet submits it to him. As to peace or war, separately we have no power either to declare war or to sign a treaty of peace. We have no claim to a separate international entity and therefore the statement that we are on an equality with Great Britain has no foundation in fact.

What is the meaning then of the speeches that are being made by prominent statesmen in which they continually assert this equality? Let me quote a few of them so that we may know just what they say:—

General Smuts, Prime Minister of South Africa—

“They (referring to his opponents) are dominated by pre-war conceptions and fail to take account of the fundamental changes which the war and the peace have effected in the constitution of the British Empire.”

Subsequently, he has used such language as follows:—

“The British Empire as it existed before the war has in fact ceased to exist as a result of the war.

The Dominions have in principle, authority and power, not only in respect to their domestic questions but also of their international or foreign relations and the questions of peace or war which may affect them.

If a war is to affect them they will have to declare it.

If a peace is to be made in respect of them they will have to sign it.

*Their independence has been achieved.*

The last vestige in the nature of subordinate status in the relationship will have to disappear. These are not my boastful words. I quote the considered language of the present Under-Secretary of State for the Colonies.

The South African party is out for a sovereign status for South Africa. So far as surrendering any rights to the "League of Nations *or to any Council of the Empire*.....We are for the fullest development and assertion of these rights. As regards our Imperial relationship the South African party favors the development of the periodical Conference system between the various governments of our Commonwealth with a view to removing possible causes of friction and misunderstanding and furthering the interest of the Commonwealth and component States and discussing workable ideas of their policies.

*We are opposed to closer union."*

General Smuts again—

"What I meant was this,—From unavoidable causes, Great Britain during the period of the war was unable to consult the Dominions. She went in on the faith that they would not fail her and trusted to their coming to her aid, but I do not think that can happen again. *The self-governing dominions in future must exercise the right to say whether after full deliberation they will join in a war in which any portion of the Empire may be engaged.*"

Lord Milner—

"The United Kingdom and the Dominions are partner nations, not yet indeed of equal power but for good and all of equal status. The only possibility of the continuance of the British Empire is on a basis of an absolute out and out equal partnership of the United Kingdom and the Dominions. I say that without any kind of reservation whatever."

I come to the Canadian Press.

OTTAWA JOURNAL, 5TH JUNE, 1919.

"No longer is it true to say what only this week was true, in words famous in our Parliament, 'When England is at war, Canada is at war.' An agreement framed by British statesmen lays down the principle that although England should go to war in a just cause, neither Canada nor Australia nor South Africa has any obligation in the matter except as the representative Parliaments of the overseas dominions shall decide, each for itself."

In addition to these quoted remarks there have been various speeches by our former Prime Minister, Sir Robert Borden and his associates, which have very definitely claimed that Canada has attained equality with Great Britain.

What is the interpretation to be placed on these statements? We cannot regard them as mere rhetoric and post prandial oratory. One of General Smuts' speeches quoted above was made to the electorate of Pretoria when he was

appealing for the confidence of the people of South Africa. It must be taken to be a considered and deliberate statement for which the author is prepared to hold himself responsible without qualification at all times and under all circumstances. Lord Milner's words are very explicit. So also are the statements of our own ministers. The trouble is that we cannot put these gentlemen in the witness box and ask them to explain what they mean. When a case does arise where one of them can be put in the witness box the facts are speedily made manifest.

Mr. Rowell has taken the position that Canada was a nation. In discussing it on one occasion in the House of Commons he got to the following statement:—

MR. ROWELL—“We are reaching to that position and when this constitutional conference is held I feel confident that it will accord us that position.” MR. LAPOINTE (with Gallic clearness)—“We have not got that position today then.”—

MR. ROWELL—“We have it in fact and the British government recognizes that we are entitled to it but the machinery for giving effect to it has not yet been fully worked out.”

When a man is speaking extemporaneously his exact words should not be subjected to too severe an analysis, but in passing I may say that if we had the position in fact we would not need any machinery to give effect to it. But what was in Mr. Rowell's mind is perfectly clear and it is likely that much the same thing is in the minds of General Smuts, Lord Milner, Sir Robert Borden and all the rest of the distinguished men who have expressed themselves upon this question. Let me see if I can put it in a few words.

So far as the law and constitution is concerned the position of, we will say Canada and South Africa, is undoubtedly a subordinate position. The marks of subordination are distinct and unquestionable. In the case of Canada there are certain defined powers with regard to our internal government that we cannot exercise. With regard to external affairs in civil matters we cannot execute an international treaty without the help, co-operation and authority of Great Britain. With regard to peace and war we have no distinct existence at all. We appear as one constituent of the British Empire in a very important capacity no doubt but in a capacity that enables us to exercise no control over the negotiations. We have no recognized international entity. We cannot declare war or make peace, and we cannot get rid of the liabilities of a belliger-



ent if Great Britain becomes involved in a war, no matter where it is. These are the facts, but alongside of these facts a certain position has developed. By the declaration of our own leaders in public and official life, by the declaration of men in similar positions in Great Britain, by practically unanimous consent of the press and the public of Great Britain and the Dominions, we have reached a position where we are entitled to have that subordinate status removed, and by appropriate methods we can do so. We can, if we choose, peacefully, 'proceed now to remove the inferiority and subordination of status' and acquire complete equality with Great Britain and with other nations of the world. It remains with us to proceed to do it. Until we proceed to do it the subordination remains and confident assertions to the contrary help us not at all.

Our status will not be altered by speeches of General Smuts or our own Prime Minister or Mr. Lloyd George. It requires something more than that. It requires a constitutional instrument which shall specifically confer upon the Dominion of Canada complete sovereignty and national status. In our case also as distinguished from that of South Africa we require in that instrument a body of provisions under which constitutional amendments may be made from time to time, by a defined method.

This is necessary because under our confederation compact there were certain safeguarding provisions placed in the British North America Act relating to the position of our French Canadian citizens, the Protestant minority in Quebec and the Roman Catholic minority in Ontario; certain other provisions also which affect the position of educational legislation respecting minorities in other provinces. When dealing with the question of status our French Canadian and Roman Catholic friends would naturally and very properly require as a condition that we should thoroughly protect these safeguards. Therefore, it will be essential that in the constitutional instrument to be drawn, these safeguards should be protected. Any other amendments that are immediately necessary and agreed to could also be inserted and the position of Canada as a sovereign power could be expressly defined.

In other words, just as our statesmen in 1867 drafted the British North America Act so we now require to draft an amended constitution.

How is it to be done?

Clearly we must start with Parliament. It is the only body that represents the people of the whole Dominion. It has no considerable powers of amendment in constitutional matters, nevertheless it represents the whole people and it is the only body that does. Therefore, we must start with Parliament. The method which Parliament will adopt is for itself to consider. An obvious method would be to appoint a committee fully representative of the three parties in Parliament to take the whole subject into consideration. Such a committee would no doubt at once call on the Minister of Justice and the Attorney Generals of the provinces to meet for advice and consultation and it might advantageously secure the advice and assistance of eminent constitutional lawyers and others who are especially versed in constitutional matters. Thus equipped, such a committee might proceed to draft the constitutional instrument which is necessary.

The instrument might either take the form of a declaration of rights or of an amendment to the B. N. A. Act which on being adopted by Canada should be submitted to the Imperial authorities and to which they should be asked to give their assent. This being done the deed would be fully accomplished.

We should then have complete powers with respect to our own government of an internal character, subject to the provisions of the constitutional instrument, and should have full international status and control over our relations in peace and war without reference to or control by any nation or Government whatever.

The particular form which this instrument should take and the particular manner in which the various problems involved should be worked out are obviously far beyond the scope of the present address. The making of constitutions for nations and peoples has gone on from time immemorial. There will, therefore, be an abundance of precedents to consult. The form will be settled no doubt after very careful consideration of all the points involved. The particular manner in which the Crown shall be represented, the manner of the appointment of the representative of the Crown and all the various other matters involved will demand careful thought. For myself, I am not wedded to any particular form or any particular idea except that in some form or another it must be recognized that Canada has fully grown up, that her people must be endowed with full powers of government, that in the language quoted by General

Smuts—"The last vestige of anything in the nature of subordinate status in the relationship will have to disappear" that we must have in General Smuts' own language "sovereign status," in Lord Milner's language—"equal status," in Sir Robert Borden's language "equality of nationhood," in Mr. Rowell's language—"the status of a nation."

When the form of the constitutional instrument is settled under the direction and authority of Parliament the question of ratification by the country will have to be considered and decided. Parliament might submit the constitution for ratification by referendum to the electors of the country or it might be considered to be more advisable to have it first ratified by a formal vote of Parliament and then submitted to the Legislatures of the provinces. That is a matter upon which no doubt there will be abundance of discussion and the decision, whatever it is, will no doubt be made to satisfy the best opinion of the country.

As to the immediate future. The first thing to do is for Parliament to clear the ground, because the ground has been unduly littered with obstructions in the last few months. Prior to last June the position was pretty clear. Canada had, ever since Confederation, definitely refused to accept any responsibility for the wars of the Empire. She helped when she chose and she stayed out when she chose. Last June Mr. Meighen went to an Imperial Conference in London as our representative. He was there for some time and after the close of the Conference the Prime Minister of Great Britain made a couple of statements. He said first—according to the Hon. Mr. King who quoted him in Parliament—that "It had been agreed at the Conference that the British Government should represent the whole Empire at Washington."

Mr. Meighen says that he did not agree to anything of the kind, and I accept his statement unreservedly. The report of the Conference is very meagre and otherwise unsatisfactory but such as it is it bears out Mr. Meighen. General Smuts has also repudiated the alleged arrangement so far as South Africa was concerned. But the Prime Minister—Mr. Lloyd George, made another statement, this time in the British House of Commons. I am extracting the statements that are germane to the subject, not quoting the whole speech.

Mr. Lloyd George said "Now I come to the question of external affairs. The position of the Dominions in regard to

external affairs has been completely revolutionized in the course of the last four years. I tried to call attention to that a few weeks ago when I made a statement. The Dominions since the war have been given equal rights with Great Britain in the control of foreign policy of the Empire.....

"The machinery is the machinery of the British Government, the Foreign Office, the Ambassadors. The machine must remain here. It is impossible that it could be otherwise unless you had a Council of Empire where you had representatives elected for the purpose. Apart from that you must act through one instrument. The instrument of Foreign policy of the Empire is the British Foreign Office. *That has been accepted by all the Dominions as inevitable, but they claim a voice in determining the lines of our policy and at the last Imperial Conference they were here discussing our policy in Germany, our policy in Egypt, our policy in America, our policy all over the world, and we are now acting upon the mature and general decisions arrived at with the common consent of the whole Empire.....*

*"The advantage to us is that joint control means joint responsibility and when the burden of Empire has become so great it is well that we should have the shoulders of these young giants under the burden to help us along."*

This statement is rather startling, after Sir John Macdonald and Sir Charles Tupper, Sir Wilfrid Laurier, and Sir Robert Borden for fifty years have asserted the right of Canada to have no military or financial responsibility for a war, unless her Parliament voluntarily takes on that responsibility. We now find the Prime Minister of Great Britain making the statement that we have entered into an arrangement by which we assume responsibility for the wars of Great Britain all over the world in return for being consulted. I have said elsewhere, and I say here again that if Mr. Meighen agreed to anything of that kind he had no authority whatever to do so from the Parliament or people of Canada. He has not stated yet, so far as I am aware, what his position is with respect to this statement of Mr. Lloyd George. I apprehend that he will be likely to say that he has not agreed to any such thing, and I should at once accept his statement as correct. But while at the Conference he went into consultation with respect to foreign affairs and foreign policy and if he gave his advice or expressed any opinions he forgot what Sir Wilfrid Laurier pointed out so well in 1911, that if we give advice we must be prepared to back it up and give the support to carry out the advice. I do not suppose that there is anybody with a pretension to intelligence in Canada who will suggest that any one man or any dozen men or in fact any Government has a right without previous dis-

cussion or authorization to commit Canada to such an arrangement. It is in effect to adopt in a much worse form the old principle of a Council of Empire which has been elaborately and deliberately studied by the statesmen of Britain and the Dominions for the last twenty years and has been, with the same elaboration and deliberation decisively rejected as impracticable. <sup>(2)</sup>

I said "The idea of a Council of Empire in much worse form." I will go further and say "In the worst possible form." With a properly constituted Council of Empire we should at least be responsible only for what the Council formally and regularly decided, and we should know what it was. Under this nondescript proposition the Premiers of the Empire and their Ministers drift into London when they can. They discuss a lot of matters generally and somewhat casually, and then drift out again. If the experience of this June Conference is any guide no one is very sure what is decided, because the leading participants disagree with each other. After the Dominion representatives have gone the British Government, represented by the Foreign Office, go on and transact business

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Note (2)—Since I first quoted Mr. Lloyd George's statement and interpreted it to mean that the Dominions were hereafter to be generally responsible for the wars of the Empire, some critics have disputed the accuracy of this interpretation. I have therefore fully reconsidered the matter. My conclusion is that Mr. Lloyd George's statement means what I said that it meant, or it does not mean anything at all. He used the words deliberately with a wealth of explanation which makes his meaning entirely clear.

Since his speech was delivered we have acquired a good deal of information about the June Imperial Conference which is not contained in the official report. There seems to be no doubt that the Conference tried to resolve itself into some kind of an "Empire Government." The principle of this Government was to be a foreign policy for the whole Empire and every part of it, carried on through the British Foreign Office, for which every part of the Empire would be equally responsible.

Under such a scheme Canada, South Africa or Australia would be just as fully responsible for sending troops to fight in Mesopotamia, Egypt or India, as would Great Britain. Incidentally Canada would also be responsible for the policy of bringing the Turks back to Europe and the handing over of Armenia to them with any resulting military liabilities.

Judging from their speeches, Mr. Lloyd George, Mr. Hughes of Australia, and Mr. Massey of New Zealand, are fully in favor of this scheme of Empire Government. General Smuts has not spoken so far as I am aware. His utterance will be awaited with interest.

Nothing whatever is to be gained by confusing the issue. The proposition is perfectly clean-cut and definite. It must not be allowed to be obscured by a cloud of words. Either we are to have this form of Empire Government, or we are not. If Canada is to have it she must make the decision deliberately. She must not drift into it or allow herself to be led into it without knowing what she is doing. It is perfectly open to any Dominion to enter into this arrangement and it is equally open to any Dominion to stay out. The people of each Dominion will have to decide the question for themselves.

April 17th, 1922.

in every part of the world. According to Mr. Lloyd George we have agreed to become jointly responsible for everything they do. Consequently, if they get into a war over oil concessions in Mesopotamia or Persia and get an army massacred or captured, as has happened before, our Government is liable to get a cable calling on it to implement its responsibility and send an army to take part in the war.

During the course of this address I have been somewhat chary of expressing my own opinions. I have tried rather to indicate the course of development and have based my conclusions largely on the consensus of opinion of others. On this arrangement enunciated by Mr. Lloyd George I propose to give in a few words my own deliberate and considered opinion.

I consider it an entirely impossible arrangement. I think it is a complete abandonment of the theory of Dominion autonomy as it has developed for fifty years.

The people of Canada have never agreed to any such an arrangement and, in my judgment, they never will. I think the people of Canada will demand that responsibility for engaging in any war or contributing to it shall rest exclusively with the Parliament of Canada.

So I say the first thing for Parliament to do is to clear the ground. Parliament should categorically define its position and say by resolution that notwithstanding anything that has taken place at the Imperial Conference of 1921, Canada does not consider that her position with regard to Great Britain or her responsibility with regard to foreign relations or war have been altered, compromised, or extended in any manner whatever. This would make the position entirely clear and Parliament might then proceed to deal with the question at large in its own good time.

A word as to the spirit in which the discussion of this subject should be approached.

The condition of the world as the result of the great war will be seen in ten or fifteen years to have been radically modified. In this changed world we shall have a place. In considering these constitutional questions we should try and arrive at a conclusion as to the means whereby in the new world we can best fulfil our destiny of building up a new, strong, self-reliant young nation in the country which has been delivered to our care. How can we best promote internal prosperity and inter-

national peace which is the highest world interest? It is a great and important question. No people ever have a more serious question to decide than this. The discussion should proceed in the words of the great Lincoln—with charity towards all and with malice towards none—without heat and without personal recriminations. We should have consideration for the opinions of those who do not agree with us and at the same time we should have the courage to maintain our own opinions and to give our reasons for them. We should approach the subject with the determination that it shall be settled by the dry light of reason alone and that when the decision is arrived at, whatever it may be, we shall accept it and settle down to work under the constitution which is finally adopted as good and loyal fellow citizens whose duty is to cooperate with each other towards bringing about the best results.













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