

which enabled the Province of Quebec, within the framework of the Constitution and the national policy, to participate in international arrangements in a field of particular interest to that province.

Thus, under existing procedures, the position is that, once it is determined that what a province wishes to achieve through agreements in the field of education or in other fields of provincial jurisdiction falls within the framework of Canadian foreign policy, the provinces can discuss detailed arrangements directly with the competent authorities of the country concerned. When a formal international agreement is to be concluded, however, the federal powers relating to the signature of treaties and the conduct of over-all foreign policy must necessarily come into operation.

The approach of the Canadian Government to the question of Canadian representation in international organizations of a social, cultural or humanitarian character reflects the same constructive spirit. It recognizes the desirability of ensuring that the Canadian representation in such organizations and conferences reflects in a fair and balanced way provincial and other interests in these subjects.

Amendment of the Constitution.—No provision was made in the British North America Act of 1867 for amendment thereof by any legislative authority in Canada but both the Parliament of Canada and the provincial legislatures were given legislative jurisdiction with respect to some matters relating to government. Thus, for example, the Parliament of Canada was given jurisdiction with respect to the establishment of electoral districts and election laws and the privileges and immunities of Members of the House of Commons and the Senate, and each provincial legislature was empowered to amend the constitution of the province except as regards the office of Lieutenant-Governor. By an amendment to the British North America Act passed in 1949, the authority of the Parliament of Canada to legislate with respect to constitutional matters was considerably enlarged and it may now amend the Constitution of Canada except as regards the legislative authority of the provinces, the rights and privileges of provincial legislatures or governments, schools, the use of the English or the French language, and the duration of the House of Commons other than in time of real or apprehended war, invasion or insurrection.

The question of devising amendment procedure within Canada which satisfies the need to safeguard or entrench such basic provincial and minority rights as are noted immediately above and yet possesses sufficient flexibility to ensure that the Constitution can be altered to meet changing circumstances is one that still engages the attention of the federal and provincial governments and legislatures. An outline of the constitutional background to the problem, an annotated list of the fourteen occasions since 1867 when amendments to the British North America Act were made by the United Kingdom Parliament, a concise review of the prolonged search for a satisfactory amending procedure in Canada—the subject of repeated consideration in the Parliament of Canada and in a series of formal federal-provincial conferences and meetings in the years 1927, 1935-36, 1950, 1960-61, and 1964—and, more specifically, the text of a draft Bill “to provide for the amendment in Canada of the Constitution of Canada” (accompanied by explanatory notes relating thereto) which embodies the amending procedure or formula unanimously recommended by the Conference of Attorneys-General and unanimously accepted by the Conference of the Prime Minister and the Premiers (October 1964) are all made available in an official publication entitled *The Amendment of the Constitution of Canada*, authorized by the Minister of Justice, February 1965.* In the summer of 1965, the Government of Canada was awaiting the acceptance of this “Fulton-Favreau amendment formula” by the ten provincial legislatures before bringing it before the Federal Parliament for enactment.

* Available from the Queen's Printer, Ottawa. \$2 (Cat. No. J2-1665).