

SOURCES OF CANADIAN FOREIGN POLICY

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SUMMARY

This article discusses the sources of foreign policy in Canada by analyzing where and by whom foreign policy decisions are made and what input there is in that process. The process of foreign policy decision-making in any nation is considerably different from domestic policy-making for a number of reasons. The analysis reveals that the case of Canada is not much different from other modern open democratic systems in that the decisions are made mainly by the chief executive and his cabinet, especially the foreign affairs minister. However, in the case of Canada, provincial governments often play an important role in making initiatives in foreign-policy-making, which normally is not the practice in other political systems. This occurs for one thing because of the insistence of the provincial governments, but for another, and probably more important, because of the degree of tolerance shown by the central government. This tolerance can be regarded as one of the valuable assets in the political culture of Canada.

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I. OPENING REMARKS

The term "foreign policy" denotes behavior of a nation-state which has external ramifications. However, the domain of behavior is limited to government actions and objectives excluding those of private actors in civil society.⁽¹⁾ Foreign policy has many components, the largest of which are national security and economic and political interests. Speaking from an academic point of view, the study of foreign policy differs from that of international relations in that the former consists of an examination of government behavior while the latter refers to the broader relations among nation-states and sometimes includes non-governmental activities of citizens and corporations.

The process of foreign-policy-making differs considerably from that of domestic-policy-making. And the coordination between the two is not always easy. The state is able to achieve domestic objectives because it has sovereign authority over its internal environment. On the other hand, a government has no legal authority outside its borders, thus foreign policy decisions must

be set within the context of the opportunities and constraints of the international system. Therefore, the sources of foreign policy is not and cannot be the same as those of domestic policy. While domestic policies are often the products of deliberate legislative discussions, foreign policies are often decisions of a small group of people such as, in the case of Canada, the Prime Minister, the Secretary of State for External Affairs, and the Departments of External Affairs and National Defense.

In this article, the input process of foreign policy decision-making in Canada is discussed in order to see by whom and where the decisions are made. There believed to be basically three areas from which the major input is made into foreign policy decision-making: The Prime Minister's Cabinet and the bureaucracy, the Parliament, and the provincial government. Although it may seem awkward that the provincial governments are involved in the process of foreign policy decision-making, the unique situation arising from Canadian federalism calls for such consideration. And surprisingly enough, this aspect turns out to be a unique and probably one of the most valued characteristics of Canadian political culture.

II. THE EXECUTIVE BRANCH

In a typical democratic political process, the traditional view of the relationship between the legislative branch and the executive branch is that the former is responsible for making policies and the latter is responsible for carrying them out. Those who sit in the legislative branch are politicians, who make decisions of highly political nature, i.e., the decisions are made on the basis of various interests of particular groups and they do not necessarily represent the interest of the nation as a whole. Those who sit in the executive branch are bureaucrats, whose duties are supposed to be implementing decisions without questioning their universality.

However, as the political process becomes more and more complicated, the government bureaucracy begins to play an ever increasing role in the process of policy-making. In the area of foreign policy making, the policy makers must depend heavily upon the the expertise and the amount of information possessed by the bureaucracy. On certain matters related to national security, secrecy comes first and the democratic process based on an open debate is not always the best approach to policy formulation.

The case of Canada is no exception.⁽²⁾ The responsibility for foreign-policy-making in Canada falls mainly on the Prime Minister and the Secretary of State for External Affairs. Until 1946 the Prime Minister also had the portfolio for external affairs. It is only recently that some other Cabinet members begin to participate in the area of foreign-policy-making. Today, a larger number of committees exist than ever. The bureaucracy and various ministers are allowed to make alternative proposals to the Prime Minister thus excluding the possibility of the Cabinet

acting on single-option recommendations. This way, the process of foreign-policy-making in Canada has become more open to other departments and ministers in related fields.

Yet, the Prime Minister remains the central figure in making initiatives and establishing priorities for external affairs. In the early 1980s, Prime Minister Trudeau took an initiative to promote a North-South dialogue and made proposals for talks among the world's nuclear powers. In 1984, Prime Minister Mulroney disbanded the Cabinet committee on External Affairs and National Defense and assigned its responsibilities to the committee on Priorities and Planning, which he also chaired.

Together with the Prime Minister, the Secretary of State for External Affairs also plays an extremely important role. By definition, the Secretary is the chief administrator in the Department of External Affairs and acts as a spokesman for the nation on international affairs. Moreover, this person has often been the second most powerful person in the Cabinet. For example, Louis St. Laurent and Lester Pearson both became Prime Ministers after experiencing the position of the Secretary of State: Allan MacEachen held the dual position of Deputy Prime Minister and the Secretary of State.

The Department of External Affairs was established by the 1909 Act of Parliament, which charged it with the conduct of foreign affairs, specifically "the conduct of all official communication between the Government of Canada and the government of any other country in connection with the external affairs of Canada." Since that time, the domain of responsibility has seen a considerable expansion.

Today, the Department is the major policy advisor in the area of foreign affairs. A larger portion of its work is collecting information, conducting research, and making analysis. It thus develops policy and policy options, contributes to domestic policy formulation, and provides leadership in establishing policies in the international realm.

The Department is also a coordinator of foreign policy. It coordinates and integrates various governmental activities overseas by providing frameworks for integrated activities, monitoring and influencing other departments and provincial governments' international activities, and giving priorities and coherence to various programs.

As the process of international relations becomes more and more complicated, the dominance of the Department of External Affairs in foreign-policy-making has eroded gradually. Changes in federal intragovernmental structures such as the introduction of a new Cabinet committee system and a new expenditure management system made the Department's activities and policy proposals subject to scrutiny from other departments. The Prime Minister's support agencies such as the Prime Minister's Office and the Privy Council Office have gained power in the foreign policy decision making process. Many of the contemporary issues require the expertise of other

specialized agencies : nuclear policy, environmental policy, energy policy, the law of the sea, and grain exports are some of such areas that the Ministry of External Affairs cannot handle matters alone. Therefore, the participation of such governmental bodies as Atomic Energy of Canada, Environment Canada, the National Energy Board, Energy, Mines and Resources, Petro Canada, Agriculture Canada, and the National Wheat Board is often indispensable to formulation of foreign policy.

With the accelerated diffusion and openness of the contemporary foreign-policy-making process, a number of attempts have been made to coordinate the activities of various departments, groups, and policies. As early as in 1962, the Glassco Commission recommended structural changes in the Department of External Affairs and suggested that periodic reviews and reform of the internal structure of the department should be made. In 1970, a federal white paper on the foreign policy process of Canada was issued and consequently the Interdepartmental Committee on External Relations was established. It recommended that support services of all departments operating programs abroad should be incorporated into the Department of External Affairs. In 1980, the federal government consolidated the responsibilities by integrating senior executive level foreign service officers from the Department of Industry, Trade, and Commerce, the Canadian Employment and Immigration Commission, and Employment and Immigration into the Department of External Affairs. The purpose of this move was to improve the economy and efficiency of foreign operations, to create more cohesive and coherent foreign service, and to improve the career prospects and experiences of foreign service officers.⁽³⁾

As economic issues began to increase its share in Canada's relations with foreign countries, in January 1982, further restructuring of the Department of External Affairs was announced. Its objective was to strengthen Canada's ability in international markets and to give greater priority to economic matters in the development of foreign policy. At this time, trade policy and trade promotion functions of the Department of Industry, Trade, and Commerce were transferred to the Department of External Affairs, thus creating an ever comprehensive role for the Department.

The emphasis on economic interest in the area of foreign affairs has resulted in the establishment of a unique configuration of three-minister team at the Department of External Affairs. At the peak of the triangle the Secretary of State for External Affairs is responsible for managing the department itself and relating the department to the rest of the government. This head figure is supported by two other ministers, both of whom have External Affairs Minister's portfolio : The Minister of State for International Trade is responsible for the department's international trade and export development activities. The Minister of State for External Affairs supports the Secretary of State in international, social, cultural, and humanitarian affairs. These ministers

are charged with providing a link between the concerns of government in and outside Canada.

At the senior bureaucratic level of the Department of External Affairs, there is a similar effort to coordinate the activities of different areas. At the head of the bureaucracy is the Undersecretary, who is supported by two Deputy Ministers. The Deputy Minister for Foreign Affairs is responsible for political geographic bureaux, international cultural matters, defense, arms control, international organizations, and security and intelligence. The Deputy Minister for International Trade is responsible for coordinating a wide range of interests of all departments concerned with various aspects of Canada's international relations. The two Deputy Ministers normally report directly to one of the three Ministers depending on the subject matter. They also keep the Undersecretary and each other informed to ensure coherence and smooth operation of the entire department.

III. THE LEGISLATIVE BRANCH AND INTEREST GROUPS

In Canada, Parliament is the forum for public debate and the process therein is quite similar to that in Japan. Political parties mobilize public opinion and play an intermediary role between the governmental and various interest groups outside the governmental organization. Thus, Parliament and political parties are used as channels through which diverse domestic interests are brought to decision-makers in foreign policy.

In the House of Commons, the lower house, Question Period is an important occasion on which Members of Parliament can raise issues related to foreign affairs. Discussions also take place in the House of Commons Standing Committee on External Affairs and Defense and the Senate Committee on Foreign Affairs. They occasionally conduct major reviews of various aspects of Canadian foreign and defense policy in addition to their routine function of discussion on budget on external relations.⁽⁴⁾

Although in open Western democracies discussions in the legislative branch serve the function of effective input to decision-making processes and legislatures and political parties provide an important link between citizens and their government, the role of Parliament and political parties in foreign-policy-making faces certain limitations. As mentioned earlier, because of the nature of diplomacy, governments have almost exclusive control of information and Cabinet may take into consideration every possible alternative before presenting the final decision to Parliament. Cabinet may be able to anticipate all the opposition reactions and will likely win any debate over a foreign policy issue. Any matter involving national security requires secrecy and handling of matters with other countries is often left to the discretion of the executive branch. Although ratification by Parliament is required, it is the Prime Minister that makes treaties with other countries. Thus, very few parliamentary debates will actually have a decisive

impact on government behavior in the area of foreign relations.

Another way of influencing foreign policy decision-makers outside the parliamentary debate is a direct contact with them. Interest groups often try to reach those who have influence in the foreign-policy-making process, mainly members of the government and bureaucracy.⁽⁵⁾ Some of the able interest groups are sometimes asked for their opinions. However, most groups must make an attempt to gain access to politicians and bureaucrats through meetings, providing them with information, the media, and mobilization of their constituents.

No matter how well the channel is established between the public and foreign policy decision-makers, the nature of diplomacy often prohibits the diplomats to take full account of public opinion. On the one hand, the diplomatic language used by a mature nation-state is often subtle never expressing extreme emotions. On the other hand, expressions used by domestic interest groups is often harsh and demand black or white solutions. Thus, transforming domestic public opinion directly into a nation's foreign policy may have detrimental effect on diplomatic relations.

That public opinion cannot have an immediate impact on the determination of foreign policy does not mean that expressing public opinion is completely useless. It has at least the capacity to limit the conduct of policy-makers "politically." No public policy can expect its smooth operation when it is implemented against the will of the public. In this sense, decision-makers often consult public opinion polls as an indicator of the public's potential response to various policy options. Although public opinion seldom becomes a source of any particular policy, it is an important indicator for ruling certain policy options out and choosing the best alternative.⁽⁶⁾

IV. PROVINCES

Since Canada is a vast and diverse country, each provincial government has its own interest in the conduct of foreign policy and have attempted to increase its capabilities to operate in the international arena. Provincial governments maintain their offices abroad, sponsor trade and cultural missions, receive foreign dignitaries, participate in multilateral conferences, and together sponsor foreign aid programs with the federal government. Such activities are often important for provinces to promote trade with other countries. In recent years, provincial concern over international affairs has become so intense that provincial activities in this area have often frustrated the central control over foreign policy. Increased international activity on the part of provincial government has intensified the debate on the jurisdiction over foreign-policy-making.⁽⁷⁾

Unlike the U.S. Constitution, which clearly gives the federal government the power to conduct activities related to foreign relations, the Canadian Constitution does not delineate clearly the constitutional authority regarding treaty-making power and international relations in general. Section 132 of the *Constitution Act*, for example, gives the Parliament and Government

of Canada treaty-making power pertinent only to the British Empire. The Constitution neither prohibits nor promotes provincial activities in international relations.

This silence on the part of the Constitution on foreign relation is interpreted by those who argue for independent provincial international competence that the provinces do have a legal right to negotiate and sign treaties of provincial concern. This view is supported by existing international law : The 1966 International Law Commission of the United Nations held the view that states members of a federal union may possess a capacity to conclude treaties if such capacity is admitted by the federal constitution and within the limits laid down.⁽⁸⁾

The argument for the provincial right to engage in international relations has been strengthened by a number of precedents set by various provincial governments. Quebec has especially been active in this area. For example, in 1964 Quebec concluded an educational exchange agreement with France without prior consultation with the federal government. In November 1965 Canada and France signed cultural agreement and arranged an exchange of letters recognizing possible entente providing for educational and cultural exchanges between France and the provinces of Canada. However, Quebec and France concluded an entente on cultural cooperation that same month without reference to the Canada-France agreement. It was only after such facts were established between France and Quebec that the federal government gave its consent to the 1964 and 1965 exchanges. In spite of the federal concern and superficial involvement, Quebec was always on the lead in initiating and implementing the agreements. Such actions by the Quebec government are said to have created a *de facto* provincial competence in international relations.

Those who support the exclusive federal competence in all international matters view the situation from a different angle. They argue that the prerogative of treaty-making power was vested exclusively in the Queen in 1867 as stated in section 9 of the Constitution Act of 1867 (BNA Act). Then, in the process of constitutional evolution between 1871 and 1939, foreign affairs power came to be exercised by the Governor General. There was no move toward provinces' possessing foreign affairs power during this period. Today, all the powers formerly exercised by the British Crown are exercised by the federal government. No Crown power was transferred to the provincial governments. In the international community, during Canada's evolution to independence, only the federal government received international recognition, not the provincial governments. Thus, the federal government alone is responsible for conducting diplomatic relations.⁽⁹⁾

This way, both sides have resource to legal precedents and it is extremely difficult to arrive at a legal solution. Therefore, this argument resulted in a more pragmatic and functional approach that recognizes the concerns of the both sides. This flexible and reasonable approach is salient in all aspects of Canadian political culture and it can be regarded as one of the most

notable Canadian national character which can be contrasted with the national character of its southern neighbor. The terms of general guideline for foreign relations set by the federal government are :

1. The provinces have no treaty-making powers, but they do have the right to enter into private commercial contracts with foreign governments, as well as to make bureaucratic agreements of a non-binding nature with foreign governments.
2. The provinces may open offices in foreign countries in pursuit of their legitimate needs and interests in that country, so long as the office only engages in arrangements of a non-binding nature.
3. The provinces may claim the right to be involved in the formulation stages of treaty-making activities when the subject matter of the treaty falls within provincial legislative competence.
4. The provinces may be included in Canadian delegations attending international gatherings as well as playing a role in formulating and enunciating the Canadian position, when the subject matter falls within provincial legislative competence.⁽¹⁰⁾

The federal government on the one hand wanted to prevent provincial government initiatives when possible. However, on the other, it was faced with jurisdictional realities that necessitated a framework that would accommodate provincial interest to some extent. This flexibility in the attitude of the federal government is one of the precious traits of the Canadian political culture.

V. CONCLUDING REMARKS

Examination of foreign-policy-making process in Canada has revealed that the case of Canada is not much different from other modern open democracies in that although the legislative branch is an independent policy-making branch in domestic affairs, when the question comes to foreign policy, much of the decision-making is done by the Prime Minister and his Cabinet, especially the Secretary of State for External Affairs. This is an unavoidable consequence because of the sheer nature of diplomacy. The Cabinet has the control of information which the others do not have an access to and the matters related to national security cannot always be discussed openly in the legislature.

What probably makes Canada unique in the process of foreign-policy-making is the involvement of provincial governments. In an ordinary political system the central government usually has jurisdiction over matters related to foreign relations and the role of provincial or state governments is nothing but that of interest groups. They may be able to influence the outcome of decisions indirectly but never are allowed to take initiatives in external affairs. However, in the case of unique Canadian federalism, provincial governments are sometimes allowed to take

initiatives in foreign relations. The central government in turn has indicated a high degree of tolerance over the activities of the provincial governments. This tolerance is considered to be one of the favorable national characters of Canada. Any nation dealing with Canada may also be able to expect to see the same level of tolerance in its relations with Canada.

FOOTNOTES

- (1) For general discussions, see, for example, K.J. Holsti, *International Politics*, 4th ed. (Englewood Cliffs: Prentice Hall, 1983) and Bruce Russett and Harvey Starr, *World Politics* (San Francisco: Freeman, 1980).
- (2) See Kim Richard Nossal, *The Politics of Canadian Foreign Policy* (Scarborough: Prentice Hall, 1985).
- (3) Gordon Osbalderson, "Reorganizing Canada's External Affairs," *International Journal*, Vol.37, No.3 (Summer 1982), p. 461.
- (4) Denis Stairs, "The Foreign Policy of Canada," in James Rosenau, Kenneth W. Thompson, and Gavin Boyd, eds., *World Politics: An Introduction* (New York: The Free Press, 1976), pp. 187-189.
- (5) Elizabeth Riddel-Dixon, *The Domestic Mosaic: Domestic Groups and Canadian Foreign Policy* (Toronto: CIIA, 1985).
- (6) Denis Stairs, "Public Opinion and External Affairs: Reflections on the Domestication of Canadian Foreign Policy," *International Journal*, Vol.33, No.1 (Winter 1977-78), pp. 128-149.
- (7) Ronald G. Atkey, "The Role of Provinces in International Affairs," *International Journal*, Vol. 26, No.1 (Winter 1970-71), pp. 249-273.
- (8) *Ibid.*, p.262.
- (9) Department of External Affairs, *Federalism and International Relations* (Ottawa: Queen's Printer, February 1968) .
- (10) P. R. Johannson, "Provincial International Activities," *International Journal*, Vol. 33, No. 2 (Spring 1978) pp. 361-362.