CHAPTER I

INTRODUCTION: THE ROLE OF CANADA IN THE EVOLUTION OF THE COMMONWEALTH

It is well known that Canada has been, in many ways, the pioneer amongst Commonwealth members. "It is often said that the present concept of the Commonwealth owes more to Canadian thinking and Canadian pressure than to any other influence."\(^1\)

The Period before First World War

By 1835, all the colonies in British North America had attained representative government functions and had their own elected Legislative Assemblies. But the powers of the Assemblies were shared by the Executive Councils whose members were appointed by the Governors and were generally drawn from the wealthy groups and representatives of the Churches. The practice of the Governors to rely heavily on the advice given by the Councils, rather than by the Assemblies created resentment among the people of Canada against the Governors and led to agitation in all the provinces of Canada. Britain sent Lord Durham to Canada to investigate and suggest measures to avoid further agitation in the provinces. The prescription he recommended in 1839

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\(^1\) J.D.B. Miller, The Commonwealth in the World (London, 1960), p. 120.
formed not only the basis on which responsible government
was granted to some parts of Canada in 1848, but also indi-
cated the direction of political advance in the remaining
parts of Canada and in Australia, New Zealand, South Africa
and New Foundland subsequently. By the time the dominion of
Canada came into existence on 1 July 1867, the then existing
British North American Colonies virtually had decisive
control over all matters, except foreign relations and foreign
trade; this latter provision made it possible for Britain to
preserve imperial unity.

The first and the biggest crack in the fabric of
imperial unity occurred as a result of Canada's relations
with the United States. The neglect by Great Britain of
Canadian national interests in the Washington Treaty of 1871,
led Canadians to think seriously about the wisdom of giving
a completely free hand to Britain to conclude treaties with
other countries where Canadian interests were predominantly
involved. Largely because of Canada's insistence, Great
Britain in 1874 changed its custom of not including any
dominion official in the treaty negotiation team. In the
negotiations leading to the Canadian French Treaty of 1907,
for the first time, a Canadian plenipotentiary carried out
all the negotiations with the French officials and settled
the contents of the treaty, even though British officials
actually signed the treaty. Of course, in trade matters,
Britain herself took the lead in excluding the Dominions
from the operation of treaties which Britain concluded with other countries, unless they desired to associate themselves with the provisions of those treaties. In trade matters affecting exclusively a particular dominion and other foreign countries, the concerned dominion was given full powers, even though Britain continued to appoint the plenipotentiaries including one British official, and had the final power of ratifying the commercial treaties concluded. The Canadian Prime Minister, Wilfrid Laurier (1845-1919), was the first among the dominions to prevent Britain from exercising even this control by directly concluding informal commercial agreements with certain countries which were ratified by the Canadian Parliament. In the International Joint Commission which was set up in 1909 to decide questions relating to the boundary waters between Canada and the United States and other matters which the two countries were willing to negotiate, there were three Canadian and three American members; thus, for the first time, no British official was represented in a Commission that considered questions of far-reaching political importance to a dominion.

In 1902 when the British Colonial Secretary, Joseph Chamberlain, requested the dominions to make monetary contributions to the maintenance of the Imperial Navy, all other dominions, but not Canada, agreed to do so. Canada explained that such contributions were not in
accordance with the principles of self-government. It also expressed a desire to constitute its own navy. Eventually, the Imperial Conference of 1909 agreed in principle to the desirability of the Dominions having their own naval units, if they so wished.

In 1911, all the Prime Ministers of the Dominions in general appreciated what Sir Wilfrid Laurier had said in the Imperial Conference of 1911:

We may give advice if our advice is sought; but if your advice is sought, or if you tender it, I do not think the United Kingdom can undertake to carry out this advice unless you are prepared to back that advice with all your strength, and take part in the war and insist upon having the rules carried out according to the manner in which you think the war should be carried out. We have taken the position in Canada that we do not think we are bound to take part in every war, and that our fleet may not be called upon in all cases, and, therefore, for my part, I think it is better under such circumstances to leave the negotiations of these regulations as to the way in which the war is to be carried on to the chief partner of the family, the one who has to bear the burden in part on some occasions, and the whole burden on perhaps other occasions.

For this policy of leaving the greater part of responsibility in imperial affairs to Great Britain and Canada playing a secondary role, Laurier got the full support from his own Liberal Party, but the Conservative Party of Canada criticised

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2 Minutes of Proceedings, Imperial Conference, 1911, Parliamentary Papers (Great Britain), 1911, Cmd. 5745, p. 117.
the Liberal Government for not taking a responsible role in imperial affairs. Laurier's Liberal Party was defeated in the 1911 general election and the Conservative Party assumed office. The new Prime Minister of Canada, R.L. Borden, during his visit to Britain in 1911 stressed in his speeches the necessity of the Dominions playing an effective role in imperial foreign affairs. This had a decisive impact on the British Government. That the British Prime Minister, Asquith, changed his previous position in regard to these matters, presumably as a result of Canadian pressure, is clear from the statement he made in the British Parliament on 22 July 1912:

I will add—although I will not make any detailed statement upon that point at this moment—that side by side with this growing participation in the native burdens of Empire on the part of our Dominions there rests with us undoubtedly the duty of making such response as we can to their obviously reasonable appeal that they should be entitled to be heard in the determination of the policy and in the direction of Imperial affairs .... I do not say in what shape or by what machinery that great purpose is to be obtained. Arrangements like that cannot be made in a day. They must be the result of mature deliberation and thought. 3

At the initiative of Borden in 1911, the Committee on Imperial Defence was broadened to include Dominion

representatives and it became a powerful body for co-operation in imperial defence. For the first time, Britain's Foreign Secretary, Edward Grey, gave a clear and detailed analysis of the imperial foreign policy to this Committee. Though the British Government agreed with Borden's suggestion of having a permanent resident minister from every Dominion in London, the other Dominions declined to do so. Thus, by 1911, Laurier's idea of not encouraging the policy of having a joint responsibility for imperial affairs by the Dominions came to be accepted as the only feasible approach to imperial matters by the other Dominions. Therefore when Borden tried to change this policy in the opposite direction, he failed. The decentralization policy of Laurier continued to be the one followed till 1914.

First World War Period

When the war broke out in 1914, what Laurier had said in 1911 came true. The British declaration of war meant that legally the whole Empire (including the Dominions) was at war, but the extent of the Dominions' participation in the actual conduct of the war would be decided by the Dominions. In 1917, an Imperial War Cabinet was constituted, in whose deliberations the Prime Ministers of the Dominions participated fully, based on the principle of equality in dealing with matters relating to the war and the foreign policy of the Empire. This was made clear by Borden on 3 April 1917 in
his speech to the Empire Parliamentary Associations:

We meet there on terms of equality under the presidency of the First Minister of the United Kingdom; we meet there as equals, he is primus inter pares. Ministers from six nations sit around the council board, all of them responsible to their respective parliaments and to the people of the countries which they represent. Each nation has its voice upon questions of common concern and highest importance as the deliberations proceed; each preserves unimpaired its perfect autonomy, its self-government, and the responsibility of its Ministers to their own electorates.... 4

The Imperial Conference which was held in 1917 (on the motion of Borden) adopted the following resolution which bears a close resemblance to the above mentioned speech of Borden:

The Imperial War Conference are of the opinion that the readjustment of the constitutional relations of the competent parts of the Empire is too important and intricate a subject to be dealt with during the War, and that it should form the subject of a special Imperial Conference to be summoned as soon as possible after the cessation of hostilities.

They deem it their duty, however, to place on record their view that any such readjustment, while thoroughly preserving all existing powers of self-government and complete control of domestic affairs, should be based upon a full recognition of the Dominions as autonomous nations of an Imperial Commonwealth, and of India as an important portion of the same,

4 Quoted in the Round Table (London), June 1917, p. 444.
should recognise the right of the Dominions and India to an adequate voice in the foreign policy and in foreign relations, and should provide effective arrangements for continuous consultation in all important matters of common imperial concern, and for such necessary concerted action, founded on consultation, as the several Governments may determine.

When the First World War was on, the Imperial War Cabinet, on the initiative of Borden, tended to become a policy-making body for the whole Empire. The British Prime Minister told the House of Commons on 17 May 1917: "We hope that the holding of an annual Imperial Cabinet to discuss foreign affairs and other aspects of Imperial policy will become an accepted convention of the British Constitution."

**Inter-War Period**

The emergency situation that arose out of the war made it possible for the Dominions to put their resources together with Great Britain and to take an important part in the deliberations of the Imperial War Cabinet. But when the war came to an end, they changed their attitude towards imperial affairs and expressed a desire of not having any centralized control over imperial foreign affairs. Before the Peace Treaty was signed, Borden took the lead in

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arranging a meeting among the Dominion representatives in Paris, and got their approval for his plan that the peace treaty should be so drafted that every Dominion representative should sign for his government and the Dominion Parliaments should be given the power of reviewing the Treaty. This was accepted by Great Britain and the other Allied Powers.

On 15 September 1921, the British Prime Minister, Lloyd George, asked the Dominions whether in the event of a war between Britain and Turkey, they would be willing to contribute military contingent to the British side. Australia and New Zealand agreed to send troops, but W.L. Mackenzie King, who at that time was the Prime Minister of Canada, simply informed the British Prime Minister that "... it was the view of the Canadian Government that public opinion in Canada would demand the authorization on the part of Parliament as a necessary preliminary to the dispatch of a contingent to participate in the conflict in the Near East...". Thus Mackenzie King insisted on the observance of the constitutional procedure for sending troops. However, the Conservative Party Leader of Canada, Meighen, the then leader of the opposition, criticized King's policy in this regard. He said:

7 Canada, House of Commons, Parliamentary Debates, 1 February 1923, p. 23.
Britain sends a message to the dominions, not a mere indifferent inquiry as to what was the mind of Canada, but a message to see if the dominions were solid behind the Mother Land. Let there be no dispute as to where I stand. When Britain's message came, then Canada should have said: "Ready, eye, ready; be stand by you." I hope the time has not gone by when that declaration can be made. If that declaration is made, then I will be at the back of the Government.

Thus, had there been a war with Turkey, there was every likelihood of Canada not participating in the actual hostilities. This was an important development, as it clearly indicated that even when the Empire was suddenly confronted with an emergency, it was no longer possible to make a common agreement between Britain and the Dominions.

The attitude Canada took in the Imperial Conference of 1923 laid the foundation for future imperial relations; four years later, Mackenzie King informed the Canadian Parliament thus:

Gentle care was taken by my colleagues and myself in 1923 to make it clear that we had no authority from the Parliament of Canada to become members of an Imperial council seeking to lay down policies with regard to Imperial affairs; that we were there as representatives of the Dominion of Canada to confer with representatives of other governments of the

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3 Montreal Gazette, 23 September 1922.
In this conference, Lord Curzon, the then British Foreign Secretary, attempted to perpetuate, with the consent of Australia and New Zealand, the ideas of a single foreign policy for the Empire and of the Imperial Cabinet. Canada, supported by South Africa and the Irish Free State, took a lead in successfully resisting the attempts of Lord Curzon.

In the Imperial Conference of 1926, Canada, backed by South Africa and the Irish Free State, demanded a clear statement of what Dominion status meant. And the Balfour Report of the Inter-Imperial Relations Committee of this conference was in tune with what Canada had all along strived for, especially under its Liberal Party Prime Ministers. The relevant passage in the above-mentioned report reads as follows:

They [Britain and the Dominions] are autonomous Communities within the British Empire, equal in status, in no way subordinate to one another in any aspect of their domestic or external affairs, though united by a common

3 Canada, n. 7, 29 March 1927, p. 1646.
allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations. 10

This report was adopted by the next Imperial Conference in 1930 and duly given legal effect to by the statute of Westminster, 1931.

From 1931 onwards, the Dominions desired to have only consultation and co-operation with Great Britain with regard to Commonwealth affairs. The Commonwealth Conference of 1937 was merely a forum for consultation and advice. In Mackenzie King's judicious words, the 1937 conference job was to consider,

whether the several governments represented, while preserving their individual rights of decision and action, can co-ordinate their various policies in such a way as to assist one another, and help forward the course of peace. Its function is not to formulate or declare policy. The value of this, as of other Imperial Conferences, lies mainly in the free exchange of information and opinion; in furnishing the representatives of the several governments with more adequate knowledge of the problems, the difficulties, the aspirations, the attitudes of other members of the British Commonwealth of Nations; and in giving that direct and immediate understanding of the national and personal factors in the situation which cannot well be obtained by correspondence or indirect communication. With this further knowledge in their possession, the representatives of each government, in consultation

with their colleagues and their respective parliaments, are in the best of positions to formulate policies on questions where co-operation is required.

Though the role of the Commonwealth Conference had declined by 1937, Great Britain continued to predominate in Commonwealth defence and foreign policy.

In 1939, no Dominion was in a position to defend itself singly by land, sea and air, and the primary responsibility of defending the Commonwealth territories rested largely on Britain. The Dominions had very few legations in foreign countries and continued to depend on information coming from London on foreign policy matters. Unlike the Dominions, Britain was a European as well as a world Power, and she was involved in the consequences arising out of the policies of other major countries. But each Dominion's interest especially in European affairs was largely indirect and general in nature. Whereas Australia, South Africa and New Zealand quite often expressed their views to Britain in response to the information received from London about the developments in the world in general and Europe in particular and Britain's intended reactions to them, Canada generally kept quiet. For example, Australia and South Africa approved by 2 November 1938 the Anglo-Italian agreement wherein Britain promised to facilitate the recognition of Italy's

11 Imperial Conference, 1937, Appendix to Summary of Proceedings, Cmd. 5432, pp. 63-64.
sovereignty over Ethiopia and assured Italy that the Suez Canal would not be closed against her, but Canada did not do anything about it. Asked to explain this attitude of Canada, its Minister of Justice observed that "as the agreement does not deal with any matter in which Canada has any direct interest, there has not been any occasion for the expression of the views of the Canadian government". However, Canada, like other Dominions, expressed its desire to preserve peace in Europe almost at any cost. Then the British Prime Minister, Neville Chamberlain, announced that he would be going to Berchtesgaden to meet the German Chancellor Hitler to resolve the Czech crisis of 1938, Mackenzie King telegraphed to the British Government his "deep satisfaction" and indicated that "the whole Canadian people will warmly approve this far seeing and truly noble action on the part of Mr. Chamberlain. He has taken emphatically the right step." Mackenzie King, for the first time in March 1939, made it clear that direct aggression upon Britain would be regarded "as threatening not merely the freedom of Britain but the freedom of the entire British Commonwealth of Nations." All along, however, he had maintained that

14 Canada, n. 7, sess. 2, 1930, p. 27.
Canada possessed the right to decide the issue of peace and war. Canada, by declaring war on 10 September 1939, i.e. a week after the British declaration of war, moved a step further in the march towards Canadian autonomy. Commenting on the role Mackenzie King played in the Commonwealth affairs just before the commencement of the Second World War, Nicholas Masergh observes thus:

Mr. Mackenzie King ... was in a very real sense the representative figure of the period .... He was the solid, unromantic Hamlet of the Commonwealth, for ever restraining from leaping. Yet his characteristic reluctance to embark upon dramatic courses or to commit himself with finality to a particular policy carried with it long-term advantages, which perhaps outweighed its undoubtedly short-term liabilities. For the indecision of Mr. Mackenzie King was the indecision of a man who had a sense of distant perspectives, who saw the goal towards which the Commonwealth must move. 15

Second World War Period

During the Second World War, it had been suggested in many countries of the Commonwealth, that an Imperial War Cabinet or Council should be set up in London, like the one that existed during the First World War, for the purpose of facilitating the effective conduct of war; but Canada disagreed. It pointed out that at the commencement of the

Second World War, a net-work of effective and direct communications system had already been established between the dominion capitals and London, and also among the dominion capitals themselves. Each Commonwealth country was represented in London through its High Commissioner. And London too was similarly represented in every dominion capital. Thus, Canada felt that as a result of such a net-work of communications and diplomatic channels, it was possible for the Prime Ministers of the member nations of the Commonwealth to have direct contact with one another on matters of high policy. Also, the Secretary of State for Dominion Affairs of Great Britain and the External Affairs Ministers of the dominions could have detailed consultation and exchange of information on the conduct of the war, without their physical presence in London. Under these circumstances, according to Canada, it was not necessary for the member countries of the Commonwealth to establish a Commonwealth War Cabinet or Council in London. So, Mackenzie King rejected the idea of an Imperial War Council or Cabinet when the Second World War was going on.

The type of consultation and co-operation followed by the members of the Commonwealth during the war was similar to that advocated by Mackenzie King which in

fact led to a unified and successful action by all of them.

Post Second World War Period

Towards the end of the war, Lord Halifax, the British Ambassador to the United States of America, Field Marshal Smuts, the Prime Minister of South Africa, and John Curtin, the Prime Minister of Australia, opined that since the United States and the Soviet Union had become Super Powers, the British Commonwealth of Nations as a group should also be made quite powerful, because it was not possible for Great Britain by itself to become a major power.17 But this view could be followed only if the national interests of each member country allowed it to have a common external policy for the Commonwealth. But in practice, this was not the case. For example, as far as Canada is concerned, in the words of Mackenzie King: "Could Canada, situated as she is geographically between the United States and the Soviet Union, and at the same time being a member of the British Commonwealth, for the one moment give support to such an idea?"18

Towards the end of the Second World War, Canada also was not in favour of establishing a Commonwealth Council.


This point was clearly emphasized by Mackenzie King in his address to the members of both Houses of Parliament of the United Kingdom on 11 May 1944, in the following words:

I believe very strongly in close consultation, close co-operation, and effective co-ordination of policies. What more effective means of co-operation could have been found than those which, despite all the handicaps of war, have worked with such complete success?

It is true we have not, sitting in London continuously, a visible Imperial war Cabinet or Council. But we have, what is much more important, though invisible, a continuing conference of the Cabinets of the Commonwealth. It is a conference of Cabinets which deals, from day to day and not infrequently from hour to hour, with policies of common concern....

Let us, by all means, seek to improve where we can, but in considering new methods of organisation we cannot be too careful to see that, to our own peoples, the new methods will not appear as an attempt to limit their freedom of decision or, to peoples outside the Commonwealth, as an attempt to establish a separate bloc. Let us beware lest in changing the form we lose the substance; or appearance's sake, sacrifice reality....

Mackenzie King's view that the Commonwealth Council and one common external policy for all the member nations of the Commonwealth were unnecessary, was generally endorsed by Commonwealth Prime Ministers in the Commonwealth Prime Ministers' Conference held in London in May 1946. The final communiqué issued by them read in part:

The existing methods of consultation have proved their worth, while all are willing to consider and adopt practical proposals for developing the existing system, it is agreed that the methods now practised are preferable to any rigid centralized machinery.

They reaffirm their belief in the efficacy of free and constant consultation and co-operation not only within the British Commonwealth but also in the wider international sphere.

Canadian opinion, as projected by its Prime Minister, Mackenzie King, may perhaps be conveniently summarized as follows. In Canada, there was the conviction that problems of peace and war could be effectively solved only through the establishment of an international governmental machinery. Though closest co-operation among the member nations of the Commonwealth was necessary, what was more necessary was the co-operation among all the nations of the world. Therefore, Canada felt that exclusive commitments to the Commonwealth alone were in principle undesirable; so the feasibility of instituting any Commonwealth Council in London, or of having a single external policy for the Commonwealth of Nations, was very much doubtful. This policy of Mackenzie King was also realistic, in the sense that it took into consideration the importance and the practical implications of Canada's relations with the United States on whose co-operation, the defense of Canada ultimately depended.

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20 Nicholas Menzies, n. 17, p. 596.
The Canadian attitude towards the concept of the Commonwealth was also all along governed by her composite nationality. The need to avoid any protest from the French-speaking people of the Province of Quebec regarding British "imperialist" influences on Canada, necessitated, in the words of Nicholas Mansergh, "an emphasis on Canada as a nation, consistent opposition to any centralization of the Commonwealth... and at the same time positively a reliance upon informal consultation and co-operation with the Commonwealth". 21 This type of emphasis was in practice accepted by the other members of the Commonwealth by the time India in 1949 expressed its desire to become a Republic and still liked to continue in the Commonwealth. As Gordon Walker has put it: "It is certainly true that Canada played the decisive part in the transformation of the Commonwealth down to the Second World War; and that it was this transformation that enabled the Commonwealth to be enlarged through the membership of the Asian nations." 22 Canada also played

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22 Patrick Gordon Walker, The Commonwealth (London, 1962), p. 95. However the following claim of Gordon Walker is not convincing: "The post-war transformation of the concept of Commonwealth was not revolutionary. It was the logical and smooth culmination of trends and tendencies that were inherent in the nature of the Commonwealth and which had been at work throughout history." Ibid., p. 165.
an important role in convincing other members about the
need to accept the Republic of India as a member of the
Commonwealth. Jawaharlal Nehru, the then Prime Minister
of India, implicitly acknowledged this in his address to
the members of the Canadian Parliament in Ottawa on 26
October 1949: "In particular, I should like to refer to
the spirit of understanding shown by your Government and
your representative at the meeting of the dominion prime
ministers, held in London last April, in the determination
of our future relationship with the Commonwealth." 23

The other significant role Canada played in the
Commonwealth was at the time of the Suez Crisis in 1956.
It was Canada's attitude towards the British adventure in
the Suez Canal zone, which prevented the Commonwealth

A Republican India becoming a member has transfor-
med the Commonwealth not only into a multi-racial,
a multi-cultural and a multi-lingual association,
but also made it possible for other Afro-Asian
countries to join the Commonwealth later. For a
detailed study of this issue see M.S. Rajen,
The Post-War Transformation of the Commonwealth: A
Reflections on the Asia-Africa Countries
(Bombay, 1963).

probably from breaking it up. While Australia and New Zealand supported Britain, the Asian members took a strong stand against the British action in Egypt. Canada took a middle-of-the-road policy, but made no secret of the fact that it disapproved the British decision to resort to force in Suez.

24 The then Prime Minister of Australia, Robert Menzies, was of the view that the ultimatum of Britain and France to Egypt and Israel was "proper". Robert Menzies, Commonwealth of Australia, House of Representatives, Parliamentary Debates, 1956 (second period), p. 2069. The then Prime Minister of New Zealand told the New Zealand House of Representatives: "Where Britain stands, we stand; where she goes, we go, in good times and bad." New Zealand, House of Representatives, Parliamentary Debates, vol. 309, 1956, p. 290.


26 The then Canadian Secretary of State for External Affairs, Lester Pearson, said: "I may have thought their intervention not wise, but I do not criticize their purpose." Canada, n. 7, sect 4 (spl.), 1956, p. 166.

27 Lester Pearson "regretted" the use of "force" by Britain and France in Egypt. Toronto Globe and Mail, 31 October 1956.
Two other issues that threatened to destroy the very fabric of the Commonwealth association when the Conservative Party of Canada was in power in Ottawa (June 1957 to April 1963) were: (1) South Africa's racial policy with respect to its citizens of Indian origin as well as the indigenous black people of South Africa, and (2) the British decision to apply for the membership of the European Economic Community. In the following pages we will deal with the attitude of the Conservative Government of Canada towards these issues in detail.