

Steve's New Hoax: Legislative Ratification of Treaties

by Stephen Elliott-Buckley - Saturday, January 26, 2008

<https://politicsrespun.org/2008/01/steves-new-hoax-legislative-ratification-of-treaties/>

I've taken to calling it Executive Overdrive: the urge in BC, Ottawa and elsewhere for the executive branch of government to find ways of secretly doing constitutionally significant things [like the SPP or creating a de facto economic union between BC and Alberta with TILMA [which you've probably never heard of]] without legislative oversight or a large public referendum.

But now I see that the Harper government is pledging to actually put international treaties before the House of Commons. On first blush I got very excited to see something so awesome coming from someone so clearly tyrannical.

But then I read past the first sentence. The whole steaming mess is below [and here](#) if you want to see it with its DFAIT webpage background.

Putting a treaty before the House like the Americans do with their Senate is a fascinating nod to the appearance of "democracy"[tm]. But allowing voting to merely be an option is cynical. Calling the idea of legislative ratification "unnecessary and cumbersome" is more Steve's style.

But the worst part is reserving the right to just skip the whole charade if cabinet thinks it is an exceptional circumstance.

In the end, there is no binding substance to the announcement. It looks like democracy matters, but in the end, it's just cruel window dressing.

----- *Original Message* -----

Subject: News Release 20 - CANADA ANNOUNCES POLICY TO TABLE INTERNATIONAL TREATIES IN HOUSE OF COMMONS

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January 25, 2008 (11:30 a.m. EST)

No. 20

CANADA ANNOUNCES POLICY TO TABLE INTERNATIONAL TREATIES IN HOUSE OF COMMONS

The Honourable Maxime Bernier, Minister of Foreign Affairs, today announced that the Government of Canada has changed the way it signs on to international treaties.

“As of today, all treaties between Canada and other states or entities, and which are considered to be governed by public international law, will be tabled in the House of Commons,” said Minister Bernier. “This reflects our government’s commitment to democracy and accountability. By submitting our international treaties to public scrutiny, we are delivering on our promise for a more open and

transparent government.”

In the 2006 Speech from the Throne, Prime Minister Stephen Harper committed to bringing international treaties before the House of Commons to give Parliament a role in reviewing international agreements.

A treaty creates legal obligations for Canada under international law and the government believes that further engaging Parliament in the international treaty process will give it a greater role in ensuring that these treaties serve the interests of all Canadians. Under the new process, members of the House of Commons may review and discuss the treaty—examining, debating or voting—before Canada formally agrees to ratify it.

With the new policy, the Minister of Foreign Affairs will have the responsibility for tabling all treaties to be signed for Canada.

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A backgrounder follows.

For further information, media representatives may contact:

*Foreign Affairs Media Relations Office
Foreign Affairs and International Trade Canada
613-995-1874
www.international.gc.ca/index.aspx*

Backgrounder

TREATY PROCEDURE IN THE HOUSE OF COMMONS

The government intends to table all international treaties in the House of Commons before taking further steps to bring these treaties into force. It is committed to giving the House an important role in reviewing Canadian treaties.

Description

The procedure is similar to procedures used for a long time in the United Kingdom and Australia.

The government will maintain the executive role in negotiating agreements.

Prior to the government finally binding Canada to an agreement, it will table the treaty in the House of Commons. The Clerk of the House will distribute the full text of the agreement and an explanatory memorandum giving the salient issues in the treaty to each Member of Parliament.

The government will observe a waiting period of 21 sitting days from the date of the tabling before taking any action to bring the treaty into effect. When treaties require legislative amendment, the government is committed to delaying the legislation until this 21-sitting-day period has passed.

The House may debate the agreement, if it chooses to do so. The government offers the House the opportunity to discuss treaties that it judges important.

This is similar to practice in the UK. It avoids an unnecessary and cumbersome procedure where every agreement would be put to a resolution of the House.

Role of the House

Members of the House of Commons may wish to review and discuss the policy of the treaty.

The government will maintain the legal authority to decide whether to ratify the treaty. It will, of course, give consideration to the view of the House in coming to a decision.

Very exceptionally the Government may have to bind Canada to the treaty before the treaty is tabled, informing the House of the treaty at the earliest opportunity.