

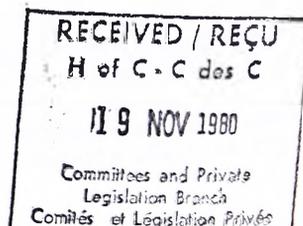
RECOMMENDATIONS OF THE WORLD FEDERALISTS OF CANADA
FOR THE NEW CANADIAN CONSTITUTION

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INTRODUCTION

Insofar as a number of other countries have constitutionally dealt with the important issue of national sovereignty and the need for "collective security" and international order, the World Federalists of Canada ask that our government look towards the future in the formulation of our new constitution, and make general provision for the resolution of these two inter-dependent interests.

EXAMPLES

1) Federal Republic of Germany

Article 24 (Entry into a collective security system)

- (1) The Federation may by legislation transfer sovereign powers to inter-governmental institutions.
- (2) For the maintenance of peace, the Federation may enter a system of mutual collective security; in doing so it will consent to such limitations upon its rights of sovereignty as will bring about and secure a peaceful and lasting order in Europe and among the nations of the world.
- (3) For the settlement of disputes between states, the Federation will accede to agreements concerning international arbitration of a general, comprehensive and obligatory nature.

Article 25 (International law integral part of federal law)

The rules of public international law shall be an integral part of federal law. They shall take precedence over the laws and shall directly create rights and duties for the inhabitants of the federal territory.

Article 26 (Ban on war of aggression)

- (1) Acts tending to and undertaken with the intent to disturb the peaceful relations between nations, especially to prepare for aggressive war, shall be unconstitutional. They shall be made a punishable offence.
- (2) Weapons designed for warfare may not be manufactured, transported, or marketed except with the permission of the Federal Government. Details shall be regulated by a federal law.

2) Luxembourg

Article 49bis. (International powers)

The exercise of the attributes reserved by the Constitution to the legislative, executive and judicial authorities may be temporarily derogated by treaty to institutions of international law.

(Luxembourg also accepts the compulsory jurisdiction of the International Court under Article 36 of its Statute.)

3) Italy

Article 11 (of Basic Principles)

Italy condemns war as an instrument of aggression against the liberties of other peoples and as a means for settling international controversies; it agrees, on conditions of equality with other states, to such limitation of sovereignty as may be necessary for a system calculated to ensure peace and justice between nations: it promotes and encourages international organizations having such ends in view.

1) India

Article 51. The State shall endeavour to:

- (a) promote international peace and security;
- (b) maintain just and honourable relations between nations;
- (c) foster respect for international law and treaty obligations in the dealing of organized peoples with one another; and
- (d) encourage settlement of international disputes by arbitration.

(India also accepts the compulsory jurisdiction of the International Court under Article 36 of its Statute.)

5) Japan

We, the Japanese people ... determined that we shall secure for ourselves and our posterity the fruits of peaceful co-operation with all nations and the blessings of liberty through this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this constitution.

We, the Japanese people ... believe that no nation is responsible to itself alone, but that laws of political morality are universal; and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations.

Article 9. (Renunciation of war)

Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

(Japan also accepts the compulsory jurisdiction of the International Court of Justice under Article 36 of its Statute.)

RECOMMENDATIONS

We recommend that the following points be inserted into the new Canadian constitution, either as elements of the Preamble or as articles within the text of the constitution.

- 1) Canada declares its unqualified acceptance of the compulsory jurisdiction of the International Court of Justice under Article 36 of its Statute.
- 2) Canada condemns war as an instrument of aggression and as a means of settling international disputes, and in recognition of the suicidal consequences of another World War, bans the production, presence, and possession of all weapons of mass destruction, including and especially nuclear weapons, on Canadian soil.
- 3) In recognition of the interdependence of all nations and peoples, Canada declares its willingness to transfer by legislation certain sovereign powers to a world authority (such as the United Nations or a federal world government) as and if such actions would facilitate world peace (collective security) and a more just and human world order.
- 4) Canada declares its support for the formation of a democratic world government.