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Book Review: International Legal Aspects of Federalism, by Ivan Bernier

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that members are more likely to comply with decisions of the Fund as a regulatory organization if the decisions are reached by a consensus or at least widespread concurrence”.

Though the book is of interest to all international lawyers it is more of an introductory work for the general reader and the specialist will no doubt use it more as a starting point for further enquiry. For example, in Chapter 8, Dr. Gold raises the interesting question of the status before the municipal courts of member states of a decision of the Executive Directors interpreting the Fund Agreement in accordance with article XVIII. The point becomes particularly important in relation to the obligation on states to refuse to enforce exchange contracts that are contrary to the exchange control regulations of a member state adopted in accordance with the Fund Agreement. This obligation is imposed upon states by virtue of article VIII 2(b) of the Fund Agreement, and the question arises whether interpretations of this provision by the Executive Directors are automatically part of the law of member states. However, there is no detailed discussion of the problem in the book and the reader will have to refer to earlier works by Dr. Gold and others for a fuller treatment of the subject.

This is not to detract from the book which provides a comprehensive discussion and analysis of voting and decision-making in the International Monetary Fund. Indeed, international legal scholars would benefit greatly if legal counsel in other international organizations were encouraged to emulate Dr. Gold and through the publication of monographs and papers make more widely known the law and practice of their international organizations.

D. M. McRae*

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This book studies the intersection of federal constitutional law and international law. There are two parts to the study. One part looks at the federal state as a subject of international law: how does it differ from a unitary state in the acquisition and fulfillment of international rights and obligations? The second part looks at the influence of the federal concept on international law: how has the federal concept influenced organizations of states and the settlement of disputes in international law?

This provision has been implemented in Canada by The Bretton Woods Agreements Act, R.S.C., 1970, c. B-9, s. 3.

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The book is a remarkable piece of scholarship, demonstrating a grasp not merely of the two principal legal disciplines, but of much of the federal law and practice of a large number of federal countries, and especially, Canada, the United States, Australia, Switzerland, Germany and Russia. The footnotes and bibliography are packed with material in French and German as well as English. The long bibliography will prove to be exceptionally useful to libraries and scholars working in related fields.

This book is not primarily concerned with Canada. However, Canada’s role in the international community and Canada’s difficulties in adhering to and fulfilling international obligations are among the topics which are treated and illuminated by the comparative approach. We learn for example that Quebec’s claim to enter into international agreements in its own right is a good deal more tenable than the conventional wisdom in English-speaking Canada would have us believe. In Germany, Switzerland, the Soviet Union and the United States of America the written constitutions expressly authorize the regional units to enter into agreements with foreign states, although the consent of the central government or legislature is always necessary. Therefore, while the British North America Act is silent on the issue, it seems in accord with established practice to allow provinces some scope for direct dealings with foreign states, always subject in each instance to the consent and supervision of the federal government and (needless to say) of the foreign state. This is the effect of the compromise which was worked out in 1965 to enable Quebec to enter into cultural agreements with France. The desirability of this kind of arrangement is emphasized by the federal Parliament’s incapacity to enact laws in fulfillment of treaty obligations in fields within the legislative competence of the provinces. The need to secure provincial legislation in order to implement conventions with respect to labour, education, the status of refugees, women’s rights and human rights generally has prevented Canada from accepting or in some cases from fulfilling international commitments.

This book makes an original contribution to legal literature by its synthesis of two subjects which are traditionally seen as discrete. Every lawyer who is interested in federal constitutional law or international law will find much that is new and challenging in the book. Both author and publisher deserve our congratulations.

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