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Institute of
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Queen's University
Kingston, Ontario
Canada



THE RESPONSE TO QUEBEC
The Other Provinces and
The Constitutional Debate

Documents of the Debate

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PREFACE

This compilation was prepared at the Institute of Intergovernmental Relations through the efforts of the entire staff. It represents, along with a companion compilation, a new departure for our publishing program: the printing of documents of importance to the constitutional debate that are not available in a single form elsewhere. The excerpts reprinted here are all in the public domain. However, the Institute is entirely responsible for the selection and editing of each statement. While we feel that this selection reflects in a substantial way the positions of the various governments, we must acknowledge that there may be very recent statements not included.

We gratefully acknowledge the generous assistance of the Federal-Provincial Relations Office of the Government of Canada for providing the translation of the French version, and the Ministry of Intergovernmental Affairs of the Government of Ontario for their financial support.

Richard Simeon,
Director
3 May 1980

THE OTHER NINE

Since the early 1960's, successive Quebec governments have sought substantial change in Canadian constitutional arrangements. In 1976, the election of the Parti Québécois placed on the agenda the possibility of Quebec independence and of sovereignty combined with a new association with the rest of Canada. These developments have posed an interesting challenge to other Canadians and their governments and have required them to formulate responses which simultaneously respond to the goals of Quebec governments, meet their own growing desire for constitutional change and preserve what they consider to be the essential features of the federal bargain.

Three sets of actors play the central role in this debate: the Quebec government, the federal government, and the governments of the other nine provinces. The views of Quebec leaders, whether federalist or indépendantiste, have received wide attention and analysis. They are summarized in a companion to this compilation, which provides a condensed, edited version of the debate on the referendum question in the Quebec National Assembly in March, 1980. The positions of the federal government have also been widely disseminated. The purpose of this paper, therefore, is to provide the reader with a compilation of the views and actions of the other nine provinces, in order to demonstrate where they stand on the issue of constitutional change. It consists of excerpts from speeches, legislative debates, constitutional conferences and government position papers which address the following questions:

- the need for constitutional change and the process by which it should be brought about;
- the direction such changes should take;
- the acceptability or desirability of changes such as those proposed by the Quebec Liberal Party in its "Beige Paper";
- the feasibility of sovereignty-association as proposed by the Parti Québécois.

No such compilation now exists. It is an important gap to fill because broad agreement by the provinces is an essential prerequisite for any change. Moreover, both major proposals from Quebec which are now on the table - "renewed federalism" and sovereignty-association - share a common characteristic: they are not achievable by Quebec alone. The PQ option requires that the rest of Canada accept a new association; the Liberal proposals require a large number of changes in the division of powers, federal institutions, and the relations of language groups. The responses to such proposals by the "other nine" are therefore crucial.

Several commentators have suggested that the provincial views summarized here represent an inadequate and uncreative response to recent developments. It is certainly true that in an earlier round of constitutional discussions, between 1968 and 1971, several provinces participated only reluctantly and half-heartedly. In the three and a half years since the PQ election, too, it could be argued that federalists outside Quebec have lost the opportunity to formulate and agree on a clear federalist alternative to the PQ, a failure which may have cost heavily in the referendum campaign. In that campaign, a central argument of the YES forces was the need for "deblocage", which suggested that the other governments would be prepared to move towards real change only when they are convinced by a YES vote of the absolute determination of Quebecers for change.

Conversely, federalist forces were placed in a difficult strategic position: they had to argue that a NO vote was not an endorsement of the status quo. It too was a vote for change, and would be followed not by a return to constitutional quiescence, but rather by a new and intensified round of constitutional negotiations. Many of the statements printed here demonstrate this simultaneous attempt to argue that sovereignty-association is not feasible, that a YES vote is a vote for political impasse, and that a NO is a vote for a new federalism.

If it is true that the responses of English-Canadian leaders seem always to lag behind the proposals emanating from Quebec, if they often seem reactive, rather than creative, that is not at all surprising. After all, for most provinces, constitutional change has not been high on the

political agenda. They have not, in general, had serious disagreements with the existing political order. True there were many grievances against Ottawa, and an increasing provincial desire to take greater responsibility for their own economic and social development. But most of these questions could be dealt with in the existing institutional framework. The drive for change was originating overwhelmingly in Quebec. For Ontario particularly, it is not surprising that there would be little pressure to change a regime which has served the province well.

But this analysis must be seriously qualified. It applies much more to the earlier rounds of negotiations than to the recent period. Even in the former, however, some provinces did take the initiative: it was Ontario's calling of the Confederation of Tomorrow Conference in 1967 which launched the process of intergovernmental discussion of the constitution.

Moreover, in 1976, the provinces again took the initiative. In response to an invitation of Prime Minister Trudeau, they began to formulate a provincial position on constitutional change, which focussed on the division of powers. That position was sent to Ottawa in Premier Lougheed's letter, on the eve of the 1976 Quebec election.

Following that election, as the statements reprinted here demonstrate, there has been considerable activity. Constitutional change was high on the agenda of the interprovincial conferences at St. Andrew's, N.B. in 1977, at Regina in 1978, and at La Malbaie in 1979. Several provinces, notably British Columbia and Alberta, have put forward extensive proposals for change of their own. Two provinces - Ontario and British Columbia - have established citizen advisory committees on the constitution. Most have increased their staff resources to deal with the constitutional issue. Individual premiers, like Saskatchewan's Allan Blakeney and New Brunswick's Richard Hatfield, have been active across the country.

Following the presentation of the federal proposals in Bill C-60 in June, 1979, the provinces quickly asserted their disagreement with the federal timetable for change. They also asserted their conviction that Ottawa could not proceed unilaterally in areas such as Senate reform, and that

the central federal priorities of linguistic and civil rights, and change in central institutions, were less important than a focus on the division of powers.

In the fall of 1978 and winter of 1979, most provinces actively and enthusiastically participated in renewed federal-provincial constitutional discussions, which included establishment of a Continuing Committee of Ministers and Officials on the Constitution. Substantial progress was made, but no final federalist "package" of change was agreed on. The reason, however, lies not only in provincial disagreement, but also very largely in the hiatus at the federal level engendered by the May 1979 federal election, the need for the new Conservative government to find its feet, and the subsequent election of February, 1980.

So the record does show considerable provincial commitment to constitutional negotiation. Moreover, as the referendum has approached, and the PQ has clarified its option, provincial leaders have played a larger role in the Quebec debate. This has taken the form, on one hand, of a clear and virtually total rejection of the PQ sovereignty-association option, and on the other hand of a firm commitment to constitutional change.

Some have suggested that the refusal to negotiate association is no more than a bluff: that faced with an expression of opinion from Quebec and the prospect of the loss of its markets, they will eventually be prepared to negotiate association. Such a view is much less plausible for the West, with its weak economic links with Quebec, than it is for Ontario, or the Maritimes. But even they are likely to find dealing with a fully independent Quebec simply as another nation with which normal trade links are maintained, preferable to the more formal association suggested by the PQ.

The other side of the argument is the commitment to change. How genuine, Quebecers might ask, is it? And if there is to be change, is it in the directions that Quebecers would wish? The major grounds for taking the commitments reprinted here seriously is that the last few years has demonstrated an increasing tendency for many provinces to phrase their own grievances and aspirations in constitutional terms. They therefore seek

change not only to "placate" Quebec, but also because it is in their own interests.

This position is most common in the West, whose provincial governments have led the provincial drive for greater control over their resources, and limitations on federal discretionary powers. Western Premiers argue that they too have been disadvantaged by some aspects of Confederation; that they, like Quebec, seek greater control over their own destinies; and that this implies some decentralization. Thus, those arguing Quebec's need for a more decentralized federation find important allies in the West. That is not to say there is full agreement. "Special status" for one province finds little support. So does strengthening Quebec representation in Ottawa, especially if that means any diminution of Western weight in, for example, a reformed second chamber. The cultural and demographic makeup of the West also makes such provinces hostile and lukewarm to extension of minority language rights - a position that more often brings them into conflict with Ottawa than with Quebec.

Ontario, as the prime beneficiary of Confederation has not by itself been a prime mover in demands for change: it is basically satisfied with existing constitutional arrangements. The changes it proposes are largely designed to strengthen the Canadian common market, to modernize the division of powers and to improve federal-provincial cooperation. Moreover, with the growing importance of natural resources, Ontario is led to give greater weight to a federal government able to ensure national sharing of the benefits. Thus, if the West can ally itself with a decentralist Quebec, that is much harder for Ontario. On the other hand, Ontario's prime goal is to maintain the system itself, and this may well lead it to accept changes, even if they would not be Ontario's first choice. Thus, Ontario's leaders recognize the need for an inevitability of change; their role has been to try to facilitate the process and act as mediator and compromiser among the various interests.

The Atlantic provinces depend most on a strong federal government. The region has also tended to be the most traditionalist in the defence

of existing institutions such as the monarchy. But here too, there are growing pressures for change. Newfoundland seeks to use its potential wealth from fisheries and off-shore oil to engage in the same kind of province-building we see in the West. So, to a lesser extent, does Nova Scotia. Thus this region too, has its demands for constitutional change.

There is by no means unanimous agreement on the details, but the demand for more or less substantial change is widespread. Most, if not all, provincial governments recognize that continued constitutional uncertainty and another period of seemingly endless constitutional wrangling will be destructive for all concerned. There is a desire to bring the debate to a conclusion.

The statements which follow also demonstrate clearly that Canada outside Quebec is not a monolithic, homogeneous entity. The divisions are not simply between Quebec and the rest of Canada, or between Ottawa and the ten provinces. Rather, each province has its own agenda and interests, and the pattern of actual and potential alliances is complex. On one hand, this may suggest that agreement is as far away as ever. On the other hand, such diversity of opinion opens up the possibility of a "package deal", of a set of trade-offs which would add up to a new Confederation bargain, in which none might get all it wants, but none loses all either.

Leaders of the nine provinces have often worried that their commitment to change has not been effectively communicated to Quebecers. The record presented here is one attempt to do that.

Whether the reader ends up surprised at how much has been done or by how little has been done; whether he feels the responses are creative or defensive, adequate or inadequate, depends very much upon where they sit in the constitutional debate.

The Response to Sovereignty-Association

The governments of the other nine provinces have been slower in responding to the specific proposal from Quebec for sovereignty-association, than they have for other aspects of constitutional reform. The Parti Québécois did not, of course, elaborate the details of its option until three years after their 1976 election - in the White Paper, Québec-Canada: A New Deal released at the end of October, 1979. Since then, however, the reactions have come swifly, and with one general answer: sovereignty-association is a "non-starter". There have been few cracks in the solidarity of this position outside Quebec - a phenomenon which the PQ nonetheless argue is simply an a priori statement of support for federalism, but which would soon change if confronted with a Quebec determined to negotiate sovereignty-association. To some provincial governments this may indeed be the case - some are more vulnerable than others to the consequences of a severing of the common market. Others may mean "no" to negotiating sovereignty - without a renewed federalism also on the bargaining table. To the western premiers in particular, however, their protestations that economic association outside the political institutions of federalism would not be in their interests seem undeniable.

Apart from such inevitable doubts raised about this response, some hard truths must be emphasized. In rejecting the option out of hand, the other nine provinces are delivering a message to Quebec - "you can't have your cake and eat it too". A sovereign Quebec cannot also enjoy the benefits of sharing the economic linkages of the federal state - the association arrangements are unacceptable as a political framework for the trade-offs, sharing and sacrifices inherent in a market as unchanged as the sovereigntists would like. Finally, the "no negotiation" response of the other nine is meant to go hand in hand with a commitment to renewed federalism - the positive side of their coin. This chapter details the "No" to sovereignty-association; the next three form the "Yes" to renewed federalism.

The Western Premiers' Conference

1.

The Western Premiers reject both the "status quo" and Quebec independence followed by an economic association with Canada, the so-called sovereignty association option, considering neither to be a viable alternative for solving the problems currently confronting the federal system.

The Premiers firmly rejected the concept of "independence with economic association" believed it to be neither in the economic interests of western Canada or in the broader interests of Canadians as a whole. The strength of Canada and the rationale for Canada is founded upon each of the regions complementing one another and balancing the weaknesses and strengths. These conditions change over time and sacrifices are involved but the commitment to one country is essential if the benefits of Confederation are to endure over time and through all circumstances.

*Excerpt from Communique
Western Premiers Conference
Brandon, Manitoba
May 5-6, 1977*

2.

Premier W.R. Bennett of British Columbia, chairman of the Western Premiers' Conference, and Premiers Peter Lougheed of Alberta, Allan Blakeney of Saskatchewan and Sterling Lyon of Manitoba reaffirmed today the position taken by Western premiers on the subject of sovereignty-association.

Premier Allan Blakeney released the joint statement at a news conference in Regina.

At Brandon in 1977, and at Prince George earlier this year, the Western premiers rejected the concept of Quebec independence with economic association. While recognizing that major changes in the federal system are clearly necessary, the Western premiers believe that sovereignty-association is neither in the economic interests of Western Canada nor in the broader interest of Canadians as a whole. The Western Premiers agreed that there is nothing contained in the White Paper on Sovereignty-Association issued last week by the Quebec government that would in any way cause them to alter their views.

At their annual Premiers' Conference at La Malbaie, Quebec, in August of this year, the other premiers questioned the premier of Quebec on the meaning of sovereignty-association. The Western

premiers were left with the distinct impression that first and foremost the term means the separation of Quebec from the rest of Canada. The white paper confirms this impression.

In rejecting sovereignty-association, however, the Western premiers made it plain that they are opposed to the status quo in Canadian federalism and are committed to working towards constitutional changes within the framework of Confederation. In the past, the federal system has proved very flexible and has been able to accommodate a great deal of change. The premiers are convinced that the aspirations of Quebecers can be accommodated within the system.

The premiers emphasized that Canada is embarking on a new and challenging era - one which can provide Quebecers and all Canadians with a rewarding and prosperous future. The Western premiers are confident that, in a spirit of goodwill, all Canadians can continue to build on our strengths and accommodate our inherent diversity to ensure that Canada's full potential will be realized. The Western premiers invite the province of Quebec to actively share in that process.

Government of Saskatchewan News Release
Western Premiers' Response to
Sovereignty-Association
November 7, 1979

3.

In reaffirming their position, Premier Blakeney of Saskatchewan explained that:

The statement should not be interpreted as an attempt to restrict the negotiating power of another province with the federal government. There are circumstances in which the provinces might discuss sovereignty-association. Mr. Blakeney said, "We are not suggesting that we would walk away from a conference where the Quebec people might have put on the table sovereignty-association and we might have put forward a concept of a renewed federalism." But the premiers could not accept an invitation to a conference at which the only item on the agenda was sovereignty-association, because they feel this would amount to negotiating the break-up of Canada.

Globe and Mail
November 8, 1979

Other Western Responses

1.

What are the options on the table at the present time to meet our current stresses and provide for the future of Canada?

They are basically two-fold. First, the avowed aim of the Parti Québécois to take Quebec out of Canada coupled with something rather ill-defined called "sovereignty-association". Or the second option, apparently espoused by the present federal government, of what has come to be known as "status quo federalism".

I say to you all and especially to the people of the province of Quebec that separation with sovereignty-association is unacceptable to the government of British Columbia and I suspect to most of the other provinces of Canada as well.

There is no question that it is the commitment to one country that is the essential element that inspires each of the regions of Canada to work with one another and to help each other balance weaknesses and strengths. So long as all the provinces are a part of the country then this commitment runs deep and strong. We are prepared to sacrifice some regional advantages in the interests of the nation as a whole. That is our commitment to nationhood. But remove nationhood and the commitment goes with it.

Similarly my government rejects with equal vigor "status quo federalism", the only other option that is on the table at the moment.

Honourable William Bennett
Premier of British Columbia
Men's Canadian Club of Vancouver
May 17, 1978

2.

He told the legislature that Alberta's understanding is that the federal government doesn't have the authority under the existing constitution to negotiate sovereignty-association terms with Quebec, should the spring referendum succeed, unless Ottawa first obtains unanimous approval from the governments of the nine other provinces.

"The nature of Confederation," Lougheed said, "is a compact of provinces. The federal government would not have a mandate to negotiate alone with Quebec."

He even suggested in his speech that the allocation of powers for the general government of Canada stipulated in the BNA Act don't

really apply.

"In our judgement", Lougheed said, somewhat cryptically, "we would be reverting to the historical compact of provinces."

Later, in a French-language TV interview in Edmonton, Lougheed said Ottawa would not be the federal government if the Pequistes achieved an affirmative referendum vote. In an after-telecast statement, he said he was only trying to spike the propaganda guns of the Parti Québécois.

"They are saying that after the referendum, association will be achieved by Ottawa alone," the premier said. "But that isn't the reality of Canada."

Premier Peter Lougheed of Alberta
Reactions to the White Paper on
Sovereignty-Association
The Regina Leader Post
October 31, 1979

3.

Saskatchewan Intergovernmental Affairs Minister Roy Romanow says the tabling of the referendum question in Quebec's National Assembly is a significant event for all Canadians.

"If the Parti Quebecois believes that the concept of sovereignty-association is a real option, the question itself could have been made clear and straightforward," Mr. Romanow said.

"I would have hoped for that kind of question. Unfortunately, the Levesque government has decided to put a question which prolongs the uncertainty and confusion."

Mr. Romanow said he hopes the people of Quebec fully understand the consequences of the referendum outcome.

"A vote 'yes' will not enable the Parti Quebecois to negotiate sovereignty-association. Premier Levesque cannot deliver that option. As we have said many times, Saskatchewan is not prepared to negotiate the kind of 'association' proposed by the Levesque government. Other provincial governments have taken the same position.

"Why should Saskatchewan people continue to buy goods from Quebec manufacturers at tariff-protected prices if, as Premier Levesque proposes, our agricultural products have free access to Quebec markets? Clearly that kind of association is unacceptable to us," Mr. Romanow said.

"Nor is a 'yes' vote a vote for renewed federalism. The ultimate goal of the Quebec government is the political separation of Quebec from Canada. Quebeckers who cast an affirmative vote in the referendum should not delude themselves into thinking they are merely enhancing Quebec's bargaining power to achieve changes within the federal system. I have no doubt that Premier Levesque would use such a mandate to achieve his ultimate objective."

The minister said it is equally important to be clear about the consequences of a "no" vote.

"A 'no' vote is not a vote for the status quo. We have said many times and other governments have said as well, that the status quo is no longer acceptable. We realize it is not acceptable to Quebeckers. As importantly, it is no longer acceptable to Saskatchewan, to Western Canada and to other parts of the country.

I reiterate our commitment to achieving significant constitutional changes within the federal system, to meet the needs of Quebeckers and all Canadians. Indeed, important progress has already been made."

Mr. Romanow said a vote "no" in the referendum will be a signal that Quebeckers want the work to proceed. It will speed up, not slow down, the process of constitutional reform, he said.

"I am confident that Quebeckers will choose Canada, that they will want to continue to work with other Canadians to achieve, together, the goals all Canadians share - a prosperous and equitable society and a nation that respects and promotes the legitimate rights of all its citizens," the minister said.

"Referendum Question Significant for all Canada"
Saskatchewan News Release
December 21, 1979

4.

In recent weeks, two sets of proposals for change have come out of Quebec. Premier Levesque has made public his proposal on sovereignty-association. We were opposed to the idea of sovereignty-association before, and the explanatory White Paper offered nothing to change our mind. Indeed, the four Premiers of the Western Provinces issued a statement which expressed our unified opposition to such an arrangement. It holds no attraction for us, not even as a basis for negotiation.

Sovereignty-association means that Quebec would become a separate country with its own laws and its own taxes but would have a treaty providing for close economic links with the Canada that remains, it means that Quebec would maintain the most of the economic benefits of federation without any of the responsibilities. It would weaken the federal government's ability to manage the economy. This would radically hamper its ability to reduce cyclical swings in Western Canada's resource-based economy. The federal government's authority in world councils would be lessened, and very probably its ability to sell Saskatchewan's products on world markets. Our national transportation system would be jeopardized. And our ability to sell our products, particularly feed grains, in Quebec would be decreased.

On the other hand, we in the West would still have to buy much of our goods at high tariff protected prices, as we do now. And association would not even guarantee us a market for our agricultural goods - the chief things we presently sell in Quebec.

As the recent Landry Report on Quebec Economic Development Policy states, the objective of the Quebec government is to become self-sufficient in certain key agricultural areas, among them cattle production and feed grains production. At a time when Saskatchewan is attempting to build its own meat processing industry based on our own natural competitive advantages, Quebec's policy of self-sufficiency poses a direct threat to Saskatchewan.

In the proposal for sovereignty-association, then, there is simply nothing attractive for Saskatchewan. To that proposal, Saskatchewan will continue to say, "no deal".

Premier Allan Blakeney of Saskatchewan
Prince Albert Canadian Club,
February 1, 1980.

Ontario

1.

I would like to share with all members of the House, and the people of our province, the initial reactions of the Government of Ontario to the White Paper published by the Government of Quebec proposing a "New Partnership Between Equals: Sovereignty-Association..."

Sovereignty-association is put forward as a new departure for Quebec.

It is, Mr. Speaker, anything but, it is the oldest departure -- the most facile response -- it is what some might call, the ultimate "cop-out" -- a self imposed ghetto mentality, surely beneath the dignity of the French Canadian people. It is a program which would limit the opportunities for French Canadian culture and civilization, it is, and I view this as particularly sad, an admission of defeat by one government at a time when the opportunities for French Canadian survival and for the broadening and deepening of French Canadian civilization have, in my view, never been better throughout many parts of this country.

The centralization of legislative and fiscal power in the national assembly of Quebec, the establishment of separate Quebec citizenship would appropriate to Quebec a status which would imply a massive withdrawal from the Canadian reality, a withdrawal which would seriously prejudice the economic, social and political rights of every man, woman and child in Quebec to the tremendous opportunity which the future holds for all Canadians -- and for which Quebecers have made as great an investment in personal terms as all other Canadians.

The game of moving fiscal policy and legislative policy to one place with monetary policy remaining in another is a particularly deceptive proposition because it appears to imply more real independence in one sense while obscuring potential foreign domination in economic terms.

We all can see how critical monetary policy is to our day to day well-being. The monetary linkage envisioned by the White Paper would make Quebecers not "masters in their own house" or "maitre chez nous" but in economic terms -- Quebecers would be second class citizens in their own house -- with no real clout in real terms on the macroeconomic issues that would determine their future, in the Parliament of Canada, which cannot, in any respect, share or dilute its jurisdiction in monetary matters ...

I would argue that it would seriously disadvantage Quebecers economically and politically without even marginally contributing to greater cultural security. Indeed, assuming a Quebec without broad economic or political protection under the Canadian national umbrella, the influence of our southern neighbours would likely exert profound cultural pressures on French Canadian civilization and cultural opportunity.

The Government of Ontario continues, of course, to oppose Sovereignty-association. Our absolute commitment that we would not negotiate with Quebec in this context remains complete and undiminished

To the people of Quebec, all Ontarians can speak with one voice -- a voice which is not limited by partisan or linguistic division.

Our message need be honest, frank and direct.

We must affirm to Quebecers our belief that the proposals of the White Paper -- The "OUI" position in the referendum campaign - constitute the greatest possible threat to their ultimate freedom, opportunity and well-being. We must assert that sovereignty association constitutes the closing of doors, the limiting of hopes, the diminishing of their future.

Sovereignty association and a referendum vote by Quebecers endorsing a negotiated path to whatever precarious political status it suggests would mean a closed door on the future for every Quebecer. It would be the ultimate denial of the inner strength, cultural depth, and vigour, of a civilization which has withstood many threats to its ultimate survival through strength of character and conviction.

We will not be part of this denial of future - this constraint upon potential for French Canada. We will be part of working with Quebecers to change Confederation, to enhance its uniqueness as an adaptable political framework through which every legitimate social, cultural and economic goal is attainable for all Canadians. Previous federal rigidities serve today only to point to the real opportunity which now exists.

Soon, there will be other proposals Quebecers will be asked to consider in the present debate. The Government and people of Ontario await those proposals with interest and hope. "Interest" because we expect that there will be new federalist options formally put on the table, "Hope" because we are all looking for a way to ensure that continued partnership of the people of all provinces in the common cause of a new national definition for the nation we share with eight other provinces.

Honourable William G. Davis
Premier of Ontario
in the Ontario Legislature
November 5, 1979

2.

The Premier of Ontario has already spoken for this government in expressing our fundamental disagreement with the White Paper proposals regarding sovereignty-association -- and I was glad to see that this view was immediately endorsed by the Leader of the Opposition in this House, and by the Leader of the third party. I hope that this statement today on behalf of the government will

make clear to members and other Ontarians the specific reasons why sovereignty-association is not in their best interests and why this government will continue to reject any notion of negotiating such an arrangement with the Government of Quebec.

Possibly the most obvious aspect of the proposal for sovereignty-association which Ontarians and other Canadians should note is the implicit assumption in the White Paper that Canadians outside Quebec will calmly accept the dismemberment of their country -- and then will sit down willingly and work out economic arrangements with the very government which caused the rupture in the first place. Ontarians have worked closely with Quebecers, as have their governments, on many matters of common concern to us, as Canadians, over the years. Even though we would continue to be geographical neighbours, it would be naive to expect that the same spirit of cooperation would automatically continue. We believe that we speak for the vast majority of Ontario residents when we say that no kind of separation of Quebec from Canada would be amicable. The Parti Quebecois is fooling itself if it believes that life would be 'business as usual' after such a drastic event. Ontarians are not unemotional when challenged on matters about which they care deeply -- such as their country.

Even if it were possible to overcome these deep emotions, we would have to ask ourselves if sovereignty-association were attractive in terms of the political and economic interests of Ontario. The answer, we say, is a clear no.

There are ten provincial partners in Confederation, each with varying populations and economic strengths, but ten partners nonetheless. At the intergovernmental conference table, everybody has an equal voice. The White Paper would make representation 50-50. Fifty per cent Quebec and fifty per cent all the rest of Canada. The attraction of such an arrangement to Quebec is obvious. But there is no attraction to Ontario. Nothing would compel us to accept. Yet that is exactly what the White Paper concludes. It does so because it makes two very debatable assumptions.

First, it assumes that political relationships must be based almost exclusively on linguistic and cultural communities. The proposal for an economic association of two politically independent states then flows from this assumption. The government simply cannot accept this assumption. The definition of political units and relationships has to take into consideration social and economic interests as well as those which are linguistic and cultural.

Secondly, the White Paper compounds this error by downplaying the real differences in economic and other interests which exist among Canadians outside Quebec. The current debate over oil and gas pricing is but one example of the significance of these dif-

ferences. According to the White Paper, Ontario and the eight other provinces, with the government of Canada, are expected to resolve any differences among them and come up with a single Canadian position. This position would then have to be further compromised to accommodate Quebec's interests. Even if our concerns regarding our interests could be overcome, which they cannot, we would have to ask ourselves whether the particular proposals put forward by the White Paper make practical sense. In our view, the answer again is no, because the White Paper sets out a model of economic association that will not work. The proposed new joint institutions, such as the Community Council and the Commission of Experts are a recipe for deadlock, indecision and disastrous delay. Policies could not be determined if the two governments could not agree. There would be stalemate in the absence of any authoritative institution to resolve such policy disputes.

In sum, there is nothing compelling in the White Paper itself or in the arguments put forward by its proponents which could lead to the conclusion that Ontario would enter into an economic association with a separate Quebec state. It would not amount to a new deal, but a bad deal, for all. This government is convinced that we can achieve within federalism new and fair arrangements. This is the only constructive course for Canada. This conviction is not new to the Government of Ontario. In November 1977, the Premier spoke to the members of the Task Force on Canadian Unity here in Toronto. He reasserted to them his view that a wide range of constitutional change was necessary, that what the circumstances demanded was, in effect, a new constitution. ... We are not alone in our commitment to change. Among the constitutional proposals that are being considered today, British Columbia, Saskatchewan, Nova Scotia, Newfoundland - indeed virtually all provinces ... have put forward their ideas for change to reflect more effectively what each regards as Canada's current needs and interests.

Our real choice as Canadians is, as Jean-Luc Pepin and John Roberts so aptly put it, a future together. It is the choice of continuing to work together to share a common future within a renewed Canadian federation... The challenge we face is working together within Confederation. That is the common purpose which we should all now pursue.

Intergovernmental Affairs

Minister Thomas Wells (Excerpt from a statement to Ontario Legislature on Quebec's White Paper on Sovereignty-Association)

November 26, 1979

3.

Let our position, the position of this province, remain crystal clear to our compatriots in Quebec: this government will go anywhere and negotiate with anyone to accommodate constitutional reform and change which strengthen the capacity of Canada to better serve the regions, language groups and provinces of our nation. Our minds and hearts are open. Our spirit is positive and creative.

Sovereignty-association, on the other hand, would, as a proposition, stem the creativity and weaken the commitment. Just as we would leave no stone unturned -- in the context of progressive constitutional reform -- we would not be part of -- and we fully oppose -- any negotiations, at any level on sovereignty-association.

Honourable William G. Davis
Premier of Ontario
Empire Club of Canada
Toronto, April 17, 1980

Atlantic Provinces

Mr. Simard stated that an independent Quebec, with or without economic association with Canada would create new problems for New Brunswick and the citizens of the other Atlantic Provinces. "These provinces would find themselves isolated, cut off from the rest of the Canadian Confederation, not by natural barriers but by the problem of maintaining advantageous links - political, economic, cultural - with the rest of Canada, across the barrier of a sovereign Quebec."

Mr. Simard did not question the right of the Quebec people to determine their own future, pointing out however that "the decision the people of Quebec make in their referendum will be their decision, but all Canadians, including all New Brunswickers, will have to live with the consequences of that decision."

New Brunswick News Release
Jean-Maurice Simard, Treasury Board
Chairman in speech to La société pour
le progrès de la Rive-Sud, Longueuil,
Québec,
January 25, 1978.

II

The Response to the Quebec Liberal Party's *A New Canadian Federation*

The reaction of provincial government leaders outside Quebec to the Quebec Liberal Party's Constitutional proposals has been warm, but by no means unanimous in accepting the details of "le livre beige". The "Ryan" blueprint has clearly received more support than other recent federalist proposals like the federal government's Bill C-60, the Canadian Bar Association's Report, the Pepin-Robarts Task Force Report. The reasons for this are many, chief among them perhaps, the conviction that the proposals may well be the last opportunity to accommodate Quebec within the federal system. The "livre beige" is the first federalist option to come exclusively from Quebec, and most seem to recognize it as the least amount of change Quebec could accept to stay in the federation. Obviously, given the reaction the proposals have received in the press outside Quebec, many in English Canada think it goes too far. However, as the statements of all of the premiers who have reacted to date indicate, the proposals are acceptable to them as the basis for negotiation of a renewed federalism.

Among the various provinces the Ryan proposals get varying reactions - the Alberta government gave the most favourable response. Other governments were more cautious. The Maritimes are concerned with the erosion of the strength of the central government, as is Ontario. All provinces however, seem to have taken their cue from Quebec Liberal leader Claude Ryan, who has said that the details of change are negotiable. It will, of course, be easy for independantistes to claim, given the record of the past few decades, that Claude Ryan would have no better chance than any other Quebec premier, to reform Canadian federalism. This claim would have greater validity if the "other nine" provinces outside Quebec did not have clearly defined and insistent constitutional demands of their own. These other demands are examined in the next two chapters. What follows here are provincial responses to one blueprint for a renewed federalism,

British Columbia

British Columbia continues to hold the view that there are some very basic and structural changes that must be made to the constitutional arrangements in our country in order to meet the needs and aspirations of all the regions of Canada, and in order to redress effectively the stresses and strains within Canadian Federation.

In short, Canada needs a contemporary Constitution to meet the needs of a contemporary Canada.

That is why British Columbia has given such importance to developing its own constitutional proposals. These were laid before the Prime Minister and the Premiers of the Provinces by Premier Bennett at the Constitutional Conference in October, 1978. It is fair to say that they were acclaimed as being the most comprehensive proposals that any Provincial Government put forward in the present constitutional review exercise.

As to the proposals of Mr. Claude Ryan, in general terms, British Columbia very much welcomes them as being clear, concise and comprehensive. Without detailing specifics, the proposed changes to the central institutions of our Canadian Federation and the proposals to change the division of powers, taken collectively, would, in our view, result in a more flexible federalism which would, to a greater degree than at present, meet the requirements of today's Canada. At the same time, they would not undermine those powers which the federal government must have in order to function properly in those areas that fall within the national dimension.

The Ryan proposal for a Federal Council is a suggestion which is generally similar in concept to British Columbia's. It recognizes the need to have at the centre of the country a new institution - whether it be called a reformed Senate, a House of the Provinces, or a Federal Council - which will concentrate better on the national decision-making process and the legitimate policy needs of the various parts of the country.

For a great many years English Canada has asked the question "What does Quebec Want?" It would appear that the Claude Ryan proposals have grasped and responded to that question in a carefully reasoned and temperate way.

As for specifics, there are some elements of the Ryan suggestions that British Columbia might not be able to support or that would require modification, and those are under study and review. One must also observe that Mr. Ryan's proposals are neither dogma, nor

are they cast in stone, as is not the current process of constitutional review.

I am optimistic that with goodwill on all sides, new constitutional arrangements can be established in our country that will be sufficiently flexible in order to assure the continuance of a united Canada from sea to sea.

*Press release,
Honourable Garde B. Gardom,
Minister of Intergovernmental Relations
British Columbia
March 21, 1980*

Alberta

It would at this time be premature to render a final judgement on Mr. Ryan's proposals, which have yet to be ratified by the Quebec Liberal Party. As the document itself points out, the process of constitutional reform is one which will continue to require the commitment and contributions of all eleven Canadian governments. A solution to the constitutional difficulties facing our nation requires the cooperative efforts of all partners in the federation. The government of Alberta shares this belief, and remains firmly convinced that significant constitutional change is essential to the future well-being of Canada. As the western premiers have stated in the past, neither the status quo nor sovereignty-association is acceptable, a fact which Mr. Ryan's paper fully recognizes.

This document represents a comprehensive response to the question of constitutional reform, and provides an opportunity for serious discussion and reflection. Mr. Ryan's proposal should be welcomed by all Canadians as a positive and constructive contribution to the essential dialogue preceding constitutional change. In my view, the importance of this document lies in its awareness not only of the factors which contribute to discord, but also of the bonds which have held our nation together.

Acknowledging Canada's many cultural and economic differences, Mr. Ryan points to the inherent flexibility of the federal system and the durability of the parliamentary system, both of which have

served Canada well in the past, instead of painting 'English Canada', as it has been labelled by some, as an homogeneous bloc, this document accepts the diversity among provinces and thus appreciates the need to preserve the integrity of jurisdiction for each order of government. While A New Canadian Federation proposes a strengthening of the role of provinces as partners in Confederation with the federal government, we do not interpret these recommendations as an attempt to weaken the federal system, rather, they reaffirm our belief that strong provinces make a strong Canada. By recognizing the importance of the role of the provinces in a new federation, these proposals would not only secure the future of Quebec within our federal system, but also would provide for the emergence of the new West within a united Canada. The basic premises contained in Mr. Ryan's paper are thus generally in agreement with the principles contained in Harmony in Diversity, the Alberta government's position paper on constitutional change.

There are a number of specific areas in which the proposals contained in A New Canadian Federation coincide with Alberta's own recommendations put forth in 1978. This is particularly true with regard to the division of powers between the federal and provincial levels of government. For example, Mr. Ryan confirms provincial jurisdiction over natural resources, and sees a need for a strengthening of the role of the provinces in resource management and development. Similarly, we agree with the principles restricting the use of the federal government's emergency powers and spending power. We also concur with Mr. Ryan's view that the constitution should permit the delegation of legislative authority. There are many other aspects in the section with which we agree, for example, the proposals on agriculture and culture. I am encouraged by the spirit in which Mr. Ryan has approached the division of powers.

As far as reform of institutions is concerned, we have reached conclusions similar to those of Mr. Ryan regarding the status and membership of the Supreme Court, and the need for some form of special body to review constitutional cases. We also share the belief that provincial representation in federal boards and agencies should be introduced. However, we continue to have reservations about the need for Senate reform. From our perspective the entrenchment in the constitution of the First Ministers' Conference would go further to ensure that vital provincial interests are taken into account in the development of national policies.

In summary then, the government of Alberta regards the publication of A New Canadian Federation, as an important step towards the renewal of a truly Canadian constitution. It sees in this

proposal, unlike that of sovereignty-association, a firm basis for negotiation. Premier Lougheed noted that the document should be commended, not only for its faith in the future of a strong and united Canada, but also for its spirit of optimism and realism, which we believe all partners in Confederation should share.

Press release on Ryan Proposals
Premier Peter Lougheed of Alberta,
February 26, 1980

Saskatchewan

The Saskatchewan government now has had an opportunity to examine the constitutional proposals of the Quebec Liberal Party and I want to outline our preliminary observations.

In the first place, it is clear that this report is a critically important document. It emanates from the acknowledged leader of the federalist cause in the province of Quebec, and gives us the clearest indication we have yet had of the kinds of changes that will be required to satisfy the needs and aspirations of Quebecers within the federal system. Whether or not Mr. Ryan becomes Premier of Quebec, these proposals will undoubtedly have a significant influence on the future course of constitutional negotiations.

What is encouraging about Mr. Ryan's proposals is that they are responsible and constructive. They advance the interests of Quebec in a forceful and determined way, but they do so within a federal framework. Mr. Ryan wants to preserve Canada's federal system. He wants Quebec to remain a province within Canada. Most importantly, perhaps, he wants to work toward agreement with the federal government and the other provinces on a new Canadian federation.

At this stage, it is impossible for us to reach definitive conclusions on every point of the Ryan proposal. A number of matters will require clarification. It is fair to say, though, that some recommendations will find less favour than others, in Saskatchewan and elsewhere. And there will certainly have to be some tough bargaining on many points. But that is hardly surprising. This does not represent a serious departure from the pattern established in previous constitutional negotiations.

Mr. Ryan has made a number of major proposals for changes in the way our country operates. He has proposed a constitutionally entrenched Charter of Rights that would include language rights.

He has proposed abolition of the Senate, and its replacement by a new body, a Federal Council, which would give provincial governments a large measure of influence over federal policies affecting provinces and regions. He has suggested a new procedure for dealing with constitutional cases in the Supreme Court of Canada. He has recommended restrictions on the exercise of certain federal powers in areas of provincial jurisdiction, and some outright transfers of power from Ottawa to the provinces.

There is little doubt that his proposals would change considerably the balance of power between the federal and provincial governments. In some areas this would only formally recognize what has already happened, while in other areas he proposes new shifts.

We will be giving detailed consideration to each of those proposals and carefully weighing their overall impact on our federal system. At this point, I can say that, in general terms, the Ryan approach to constitutional change is broadly acceptable to Saskatchewan, as a starting basis for negotiation. I am hopeful that, within that kind of framework, Saskatchewan will be able to achieve its specific constitutional objectives - as part of a comprehensive bargain that will be acceptable to the federal government and all the provinces.

Saskatchewan News Release
Acting Premier Roy Romanow
Government of Saskatchewan
January 18, 1980

Ontario

We welcome the report as a reasonable, positive and constructive contribution to revitalizing Canadian federalism and strengthening Canadian unity. It sets out the proposals of Quebec federalists, conscious of the unique character of their province, and, we emphasize, the common interests of all Canadians. In distinct contrast to the unacceptable scheme for sovereignty-association unveiled last November by the Parti Quebecois government, these proposals pursue the objective of constitutional change within the framework of Canadian federalism. They therefore merit the serious and sustained attention, not only of the federal and provincial governments, but of all Canadians. I would like to make two main points about the report.

First, the proposed reforms while extensive, are clearly in keeping with the kinds of changes which have been suggested by others over the past two years. In this regard, I would cite, for example, the two reports of the Ontario Advisory Committee on

Confederation, the Pepin-Robarts report, and the proposals of the government of British Columbia. Moreover, the terms of reference most recently provided to the federal Task Force on the Constitution, headed by Senator Arthur Tremblay, suggest that similar issues will be dealt with. While their precise prescriptions differ, their broadly common efforts have reached many of the same conclusions. This suggests that there is a growing consensus of informed opinion in Canada on the changes that are required in our federal system. Clearly the document, A New Canadian Federation is an important basis for a renewed discussion of a revised constitution. We are thus greatly encouraged by the contribution made by this paper.

My second point about these proposals is that they present a comprehensive and detailed program for constitutional change. This program fully respects the integrity of Canadian federalism while recognizing the particular concerns of Quebec. The fact that these proposals consider virtually all the major aspects of our constitutional arrangements should not be overlooked. This approach deserves considerable emphasis. The provincial approach to our constitutional discussions over the past ten to fifteen years has obviously been unsuccessful - a matter of frustration to all of us.

I am, of course, aware that this report is not that of a government, or as yet officially of the Quebec Liberal Party. The party will have the opportunity to consider the proposals at its convention in a few weeks. Moreover, I take Mr. Ryan at his word that these proposals are neither doctrine nor dogma, but something to be debated, adjusted and refined within his own party, across Canada, and eventually among the government of this country ... With this point in mind, I would like to indicate today that the Ontario government accepts the thirteen objectives of constitutional reform set out in chapter one of the report. Moreover, we are willing to pursue these objectives in the spirit of reform set out in chapter two. We also endorse the view in the concluding chapter of the report in the need for governments to commit themselves to a concentrated and early process of constitutional change.

Extracts from a statement by
Ontario Intergovernmental Affairs
Minister Thomas Wells on the Report
of the Constitutional Committee of
the Quebec Liberal Party,
January 29, 1980.

Council of Maritime Premiers

1.

...Claude Ryan went all the way to Halifax today to discuss his proposals for constitutional change. The Quebec Liberal leader met with the premiers of the three Maritime provinces. The meeting had originally been planned for January, but was delayed until today because of the federal election campaign. Bob Allison reports.

BOB ALLISON:

Ryan says he didn't come to Halifax looking for support for his so-called beige paper. This was more of a fact-finding mission for him. However, he did get support, in general at least, on his ideas for a new federalism.

The premiers agree with him in principle, but disagree on some specific proposals. Buchanan of Nova Scotia doesn't like Ryan's plans for enshrining language rights in a new constitution, and has reservations about the removal of some federal taxation powers.

JOHN BUCHANAN:

The proposal in his paper of what we would look upon as a reduction of the power of the federal government, its taxing powers, its basic - or its base for taxation, which we believe would be harmful to provinces like Nova Scotia, PEI and New Brunswick where we rely so much on transfer programs and equalization. And he certainly has agreed that that's a matter for negotiation.

ALLISON:

At a news conference after the two-hour meeting, Ryan said he wouldn't use it for partisan political purposes. Nor will he tell Quebecers that the beige paper is totally accepted or rejected in the Maritimes.

CLAUDE RYAN:

The truth lies somewhere in between those two extremes. I think there is great agreement among ourselves on the underlying principles which must inspire constitutional reform.

ALLISON:

The Maritime premiers may have trouble with some of the points in Ryan's beige paper, but in general they agree with his

philosophy because they represent three provinces which would be geographically cut off from the rest of Canada should Ryan lose the battle and Quebec ultimately separate.

Bob Allison, CBC News, Halifax.

Script of CBC TV Network broadcast,
"The National",
March 25, 1980

2.

HARRY MANNIS:

The premiers of Nova Scotia and New Brunswick and Prince Edward Island say they generally prefer the policies of Claude Ryan to those of Rene Levesque. In a meeting today with Mr. Ryan, however, they refused to give his Quebec Liberal Party blanket approval. Bill Hanrahan reports.

BILL HANRAHAN:

Basically what the Maritime premiers told Mr. Ryan was that his so-called beige paper on constitutional reform was a good starting point for negotiations. Mr. Levesque's sovereignty-association proposal was not a good basis for opening negotiations. Here's Premier Richard Hatfield of New Brunswick.

RICHARD HATFIELD:

It's clear that the council finds much more that it can agree with in the proposition put forward and in the spirit in which it's put forward by the -- by Mr. Ryan and the party he represents than is being put forward by Mr. Levesque and what he represents. Mr. Levesque pretends consistently that, you know, association can be negotiated with great ease. I can assure him that a more successful negotiation can come about as a result of the - starting with the proposals of Mr. Ryan than can be come about as a result of starting with the proposals of Mr. Levesque.

HANRAHAN:

Premier Angus MacLean of Prince Edward Island emphasized that his government is still reserving its position on how it will deal with Mr. Ryan's proposal, and Premier John Buchanan of Nova Scotia, who left the meeting early because of a death in the family, said he does not agree with Mr. Ryan's stand on economic matters, nor on guaranteeing language rights in a new constitution.

Mr. Ryan left the meeting saying the talks had been useful, and he promised that he wouldn't try to use the comments of the Maritime premiers for partisan purposes during the referendum campaign in Quebec.

Bill Hanrahan, CBC News, Halifax.

CBC Radio broadcast,
"The World at Six",
March 24, 1980.

Newfoundland

... Moreover, I believe that the people of Quebec in particular will come to realize that their true interests rest in remaining within a renewed Confederation in which the benefits and virtues of strong provincial societies are championed by all provinces rather than by Quebec alone.

That view has been strengthened by Mr. Ryan's proposals which were released today. While I will not react in detail to what is a very comprehensive study until my cabinet has had time to fully study the proposal, I can say that Mr. Ryan's proposals are, in general, extremely encouraging and in keeping with my personal view of the way Canada's political development should proceed.

It is to be fervently hoped that these proposals will receive the support of the people of Quebec.

Honourable Brian Peckford
Premier of Newfoundland and Labrador
Speech to the Albany Club
Toronto, Ontario
January 10, 1980

III.

The Calls for Change

The "other nine" provinces of Canada have not only responded to Quebec's demands for change, but they have also come increasingly to have their own priorities. As the documents below reveal, discontent with the constitutional status quo has grown across the country. Apart from Quebec, the western provinces have been most insistent on changes to federal institutions and have been especially concerned about the intrusions of the federal government into their jurisdictions. Each year since 1977, the Western Premiers' Conference has published the results of its Task Force on Constitutional Trends, detailing over fifty policy areas where the central government is perceived as intruding on provincial jurisdiction. Enjoying unprecedented economic and social growth, the western provinces have felt threatened by what they see as increasing federal power, and are deeply concerned about the ability of federal institutions to represent western interests.

In the east, the Atlantic Provinces have not been in the forefront of demands for constitutional reform. They are nonetheless vulnerable to any substantial changes and have articulated their interests clearly. While more supportive of a strong central government's ability to redistribute wealth, they want to consolidate changes necessary for their own resource-based growth - with Newfoundland's jurisdictional demands in offshore resources and fisheries chief among these.

This leaves Ontario which has historically attempted to play a moderator role in the constitutional debate, but has recently more often found itself supporting federal efforts to forestall the decentralist thrust of the other provincial demands. The central province has nonetheless shared and even welcomed the growing pressure for change. As perhaps the prime beneficiary of Confederation, its chief goal is to maintain the federal system, but its leaders have recognized that this may well require changes which Ontario would not otherwise have sought.

Taken together, the statements reprinted below represent a growing chorus stressing the urgency of constitutional reform. True, the other nine have tended to lag behind Quebec, but it can no longer be assumed that, without Quebec, the rest of Canada would slide back to a more and more centralized federation. Some provincial governments are obviously more conservative about reform than others, but as a whole, the other nine are ready and willing to proceed with the radical rewriting of the federal constitution. The excerpts in this chapter detail the statements of provincial spokesmen on the issue of reform, and shows how they approach the process of revision. The substance of their priorities for change is reviewed in the following chapter.

The Joint Position

The most serious recent effort at constitutional reform came with the Federal-Provincial First Ministers' Conferences in October, 1978 and February, 1979. The provincial governments agreed to meet with the federal Liberal government to discuss its Constitutional Amendment Bill (Bill C-60) only after ensuring that their time-table and their priorities for reform were also on the agenda. This joint provincial position was reached at the annual premiers' conference in Regina, in August 1978.

I. The Process of Constitutional Reform

For many years, provincial governments have shown concern over constitutional issues and have participated actively in a large number of conferences and discussions. As a result of provincial initiatives and leadership, a great deal of useful progress has been made in identifying problems requiring constitutional action, and achieving a greater understanding of their implications.

Premiers agreed that the division of powers is the key issue in constitutional reform, and should be addressed in conjunction with other matters.

1. The Importance of Constitutional Discussions

The provinces endorse the need for constitutional reform, to provide the basis for all Canadians to achieve a greater measure of economic and social well-being and cultural fulfillment, and to establish more harmonious relations among governments.

2. First Ministers' Conference on the Constitution

The provincial governments therefore look forward to the forthcoming First Ministers' Conference on the Constitution now scheduled for the end of October.

They believe that the Conference should be open.

They believe, further, that the agenda must accommodate all proposals, and should be drawn up jointly by the federal government and the provinces.

The Premiers accordingly have instructed Ministers responsible for the Constitution to continue preparatory work, and to invite the federal Minister of State for Federal-Provincial Relations to meet with them.

3. Proposals

In the view of the Premiers, important proposals from all sources must be given careful and thorough consideration in the constitutional review process. Some of these proposals are:

- the consensus reached by the ten provincial Premiers in October, 1976.
- proposals made, or under preparation, by or for federal or provincial governments, such as the report expected from the Task Force on Canadian Unity, co-chaired by Hon. Jean-Luc Pepin and Hon. John Robarts.
- the federal government's Constitutional Amendment Bill.

4. The Importance of Agreement

The Premiers firmly believe that significant constitutional reform should have the concurrence of all governments, recognizing the equality of status of all provinces in the process.

It is doubtful whether the federal government has the legal authority to proceed unilaterally with proposed changes to the Senate and the role of the monarchy. In any event, it would clearly be wrong for them to undertake unilateral action in those or other important areas without provincial support.

Constitutional reform must be part of a process that will improve the well-being of all citizens and strengthen intergovernmental relations.

5. A Comprehensive Approach

It was agreed that discussions on constitutional reform cannot be compartmentalized into artificial divisions. Institutional and jurisdictional problems interact in such a way that they must be considered together.

The Premiers agreed that problems involving the distribution of power between the federal government and the provinces have been a major source of friction and have a negative impact on the daily lives of all Canadians. These problems demand equal attention.

6. A Realistic Timeframe

A comprehensive review is unlikely to be successful if arbitrary deadlines are imposed. A fixed and rigid timetable is unrealistic and does nothing to contribute to the harmony and goodwill necessary to complete a process of constitutional review.

*19th Premiers' Conference
Communiqué # 2
August 10, 1978*

The following are excerpts of position papers, speeches, or other statements by provincial politicians outlining their calls for change.

British Columbia

The present B.C. government has been among the most active on the constitutional front, a distinct change from earlier governments. It appointed an advisory group on the constitution in 1978, and has committed a significant amount of bureaucratic resources to formulating and analyzing constitutional proposals. In September, 1978, the government released British Columbia's Constitutional Proposals in 9 booklets, and the premier, William Bennett, has been active in promoting these proposals at conferences, before the Task Force on Canadian Unity and in other forms. Their latest commitment to reform:

On the national scene, my government renews its commitment to the cause of national unity, its commitment to one Canada, and to all of our provinces being within that one Canada. It continues to hold the view that current stresses within the Canadian federation demonstrate even further the need for substantial changes to the Constitution of our country.

We British Columbians today have little more representation in many of the central institutions that govern the activities of Canada than our forebearers did in 1871 when the united colony of British Columbia entered Confederation. My government has long been concerned about this lack of representation.

Four years ago, my government led the way among the provinces by proposing specific constitutional changes that would guarantee all regions a continuing participation in the determination of national policy, regardless of the make-up of the House of Commons. Since that time, other areas in Canada have followed my government's lead. There is an emerging agreement across our nation that Canada's constitution must reflect today's realities and must ensure that each region of Canada has its rightful place and rightful emphasis in Confederation.

My government's approach to constitutional change calls for all the regions of our widely diverse country to have a stronger and more effective voice in federal decision-making on matters that affect the provinces. Thus, far from seeking to withdraw from Canada, British Columbia will seek a greater role at the nation's capital.

*Province of British Columbia
Legislative Assembly
Opening Speech of The Honourable
Henry P. Bell-Irving, Lieutenant-Governor
on Opening the Second Session of the
Thirty-second Parliament of the Province
of British Columbia, February 29, 1980.*

Alberta

The province of Alberta has also released its own set of proposals for renewed federalism - one of the first of such statements to come from English Canada - entitled Harmony in Diversity. The provincial government, and Premier Peter Lougheed in particular, have been, possibly, the most demanding of all the "other nine" provinces for changes to the constitutional status quo. Alberta holds out for a comprehensive reform of the federal system.

...Finally, I would like to conclude by moving to the Canadian question: The West's role in the issue of Canadian unity. You know, before November, 1976, and the election of the Parti Québécois government, it was rather strange that our confederation had regional disparities, alienation in the West and the Atlantic, because a country such as Canada cannot be too centralized. It is too large an area with too small a population

... What we want to be is part of the mainstream, a full partner in Confederation. We are Canadian in this province before Albertan, in the fullest numbers of all of the people that I represent, but we desire to have more control over our own destiny and not by a remote bureaucracy in Ottawa, but by a provincial government and local governments - by our own citizens. Alberta has been at the forefront with this conflict. We will continue to be because, frankly, we believe it is good for our nation and that all Canadians would be happier, more satisfied, if, within their regions, they had more direct say over their affairs. Now, in Quebec, I sense the same or a somewhat similar attitude exists, certainly the polls indicate that that is true. Obviously in Quebec there is the extra dimension - that of culture and language. Still, what they desire is to be more masters in their own house and I have empathy with that. I have an awareness and feeling for it. Bluntly put, the status quo in our Confederation is not working. Changes must be made and soon....We cannot be legalistic. We cannot be tied in with the Constitution. It must be a matter of attitude and spirit and cooperation, not a matter of a legal document. It can't have special status for anyone province. It must recognize that provinces are different and that each province should have its opportunity to find its way in the areas that are important to it, and other provinces can have a different way. It should have that degree of flexibility. It would not unduly weaken the central government. Goodness, let us look - the wage and price controls and the emergency powers that were brought in - and let us not shed too many tears for a weakening of a central government. Let us look at a flexible and new Confederation. I am optimistic that there is an open attitude in Ottawa, a new road can be found. It will meet not all, but I think many, of the aspirations of the majority of the people in Quebec and at the same time overcome the attitude of alienation of the West and the Atlantic. Make us feel more full partners in the mainstream of Confederation.

Excerpts from Premier Lougheed's Speech
to the "Think West" Conference
Edmonton, September 28, 1977

II. The Process of Constitutional Reform

Recommendations:

The Alberta Government recommends:

1. that the proposed changes to the Constitution be considered as a package, and not be compartmentalized;
2. that the process be undertaken with all deliberate speed, but that no unrealistic timetable be established; and

3. that no changes to the Constitution which affect federal-provincial relations or which affect the provinces be adopted without the concurrence of the eleven governments of Canada and of Parliament and the Provincial Legislatures.

A constitution establishes the basic ground rules by which a country is governed. Constitutions do not and cannot operate by themselves. It takes people to make them work. Over time the basic framework or structure of government outlined in the constitution is transformed as the political system develops. The evolution of the Canadian Constitution is no exception to this general observation. The operation of the Constitution of today is vastly different from that of 1867. One should not be deluded into thinking that any revised constitution will not be subject to this process of evolution. Canada has undergone the transformation from primarily a rural and agricultural country to a diversified economy, and has weathered the storms caused by war and depression. New issues of public policy have emerged, such as social services, health care and the environment. As governments have dealt with these and other issues, new stresses and strains have been created within Confederation. To date, the federal system has managed to respond to these pressures. We must ensure that any changes to our Constitution do not hamper the evolutionary process as the political system meets future changes and needs.

Throughout our history, our constitutional framework has provided the flexibility necessary to accommodate change. On balance, the system has been highly stable, a condition which is vital to the preservation of society. The present method of amending certain sections of the British North America Act through a joint address of both houses of Parliament after securing the unanimous consent of provincial governments is an established practice and has become part of the constitutional fabric of Canada. In short, the existing Constitution has proven to be a remarkably resilient instrument, one which, if not venerated, deserves respect.

This is not to say that improvements to the British North America Act are not desirable or necessary, it is merely a recognition of its remarkable flexibility which has allowed Canada to meet the challenge of a changing world with confidence and vigour. It is thus imperative that any amendments to the British North America Act be adopted only after considerable thought and deliberation; we must be sure that any changes will significantly improve the system of government in Canada. Change simply for the sake of change has no place in the process of altering the provisions of the Constitution.

In light of the pivotal role of the Constitution within Canada, the process of constitutional change takes on considerable

significance. In Alberta's view, this process cannot be divided into phases. The British North America Act was drafted as a comprehensive entity and a general revision requires study of and possible modification to the entire instrument.

If the process is to be a meaningful one, the overall impact of proposed constitutional changes must be considered. Furthermore, given the importance of any changes to the fundamental law of a nation, the participants cannot be constrained by an unrealistic time table. Finally, if this exercise is to be successful and credible, any changes must receive the unanimous support of the participants - the eleven governments of Canada - and must also receive the support of Parliament and the ten provincial legislatures.

Harmony in Diversity: A New Federalism for Canada
Government of Alberta Position Paper
on Constitutional Change, October 1978.

Saskatchewan

Premier Allan Blakeney of Saskatchewan has been playing two roles in the constitutional debate - first pressing western demands for revision, especially in the resource field, the second being a moderator between the provinces and the federal government - a role most evident since 1978 when Blakeney chaired the Regina Premiers' Conference. He has been the most open advocate of a "bargained approach" to a reform package to renew federalism.

...If the rest of Canada has remained in ignorance for too long about Quebec, Quebec is not sufficiently aware of the enormous changes which have taken place, and are still taking place, in other parts of the country. The people of Quebec are no longer the only ones demanding change. They are not the only people who oppose the status quo. Changes in our federal system are being demanded - not to placate Quebec, but to resolve the very real problems being faced by all parts of the country.

In fact, a recent poll conducted by the Canada West Foundation, an organization based in Calgary and supported by governments and private groups in the four western provinces, shows that Quebecers and Western Canadians show a remarkable unanimity in demanding changes in our federal system. Of those polled, 55 per cent of Westerners and 52 per cent of Quebecers opted for a renewed federalism. Only 30 per cent and 26 per cent respectively supported the status quo. Interestingly enough, 15 per cent of Quebecers favoured independence, but so did 13 per cent of the Westerners.

The poll indicates at least three things:

1. Quebeckers are not the only Canadians unhappy with the status quo - a claim the PQ loudly makes;
2. Quebeckers have valuable allies in Western Canada when it comes to constitutional change within the federal framework;
3. The economic discrimination felt in Western Canada under the present constitution threatens Canadian unity just as does the cultural and linguistic discrimination felt in Quebec. So, from Quebec's point of view, and from ours, it's obvious that our federal system must be changed.

Indeed, the process of constitutional change has already begun, although it has obviously been halted temporarily by recent national events. In the most recent round of constitutional negotiations, the progress we achieved was first-rate. We did not reach agreement on all items discussed, but the degree of consensus reached was remarkable.

And the list of subjects discussed included many of the traditional demands of Quebec governments over the last two decades. So some progress has been made, and that progress has been in response to the imperatives of a changing federal system.

So even while we say that the status quo is no longer acceptable, it is being changed - perhaps not as rapidly as we would like, but at least there has been movement. There will be more....

...We can make changes in our political arrangements. And we will. I am not going to suggest what kinds of changes constitute an adequate response to Quebec's contemporary needs. That is clearly the role of the people of Quebec and not of the Premier of Saskatchewan. We do however, think it appropriate that we offer our opinion on the proposals for constitutional reform put forward from time to time. I have done so in the past, and will do so in the future.

We are prepared to make very significant changes in the existing constitution, changes which will benefit Quebec, and changes which we are urging in our own interest. We are not so naive as to believe we will obtain satisfaction on issues important to us without acting on the particular problems of Quebec and other provinces. We will be engaged in a bargaining exercise - striking a bargain for a new Canada.

Premier Allan Blakeney,
Prince Albert Canadian Club
Saskatchewan, February 1, 1980

The point I want to make here is that we in Saskatchewan are unique in many ways, just as Quebec is unique. At the same time, as I have said, we have many things in common with other parts of Canada, including Quebec, perhaps especially Quebec. Quebecers, like ourselves, have attempted to gain a measure of control over their economic lives through co-operatives and credit unions. Both provinces have developed a real sense of community, of collective identity. And both provinces have resented some of Ottawa's centralist tendencies, insensitivity, paternalistic attitude, and interference in provincial jurisdiction.

Most of us in the West are convinced that the Confederation bargain, as it has been interpreted by federal governments over the last few years - and by the Supreme Court of Canada - is not fair to us. We thought the underlying basis for the federal union was well understood.

*Premier Allan Blakeney
Montreal Board of Trade
April 8, 1980*

Manitoba

While this most easterly of the "Western" provinces shares the sense of grievance expressed by all the western governments, it has been among the most conservative in the recent debate. Premier Sterling Lyon has, however, been an advocate of making a few selective reforms and then quickly repatriating the B.N.A. Act.

The dilemma that we have to face is really not that complicated, we must be able to demonstrate that Canada is a success if we wish people in Québec to be prepared to stay ... And if we wish people in all parts of this country to be prepared to make the compromises and accommodations that will be needed.

We need ... all of us ... in Quebec as much as in Manitoba ... to realize that we can only be successful as a nation if we recognize that compromise and accommodation must work two ways.

How do we define a successful Canada? How do we work towards that kind of success?

One of the most important aspects of success as a nation must be a frank ability to acknowledge failures when they occur. Mr. Trudeau's programs of rigid institutional bilingualism are a failure. The achievement of personal bilingualism will take a generation and more ... And we are starting late. But we can

start ... and we can undo the harm Mr. Trudeau has done by changing the fact of our two languages into an opportunity for our children rather than the rigid, quota infested imposition he has made of it.

So today in Canada we are facing a difficult task. First, is the problem of maintaining a workable and fair constitution, meaningful to the contemporary challenges facing Canadians today, and encouraging a spirit of community, a spirit that is now so often missing in dialogues in the national forums. Second, we must reorganize our national and provincial affairs.

First - to ensure that we have a sound functioning economy, with a minimum of government interference in the private initiative of our people,

Second- to ensure that all citizens can perform to the limits of their God-given capacities,

Third - to ensure equality of opportunity for all,

Fourth - to ensure personal and collective fulfillment in our lives as loyal citizens of one nation.

The Honourable Sterling Lyon
Policy Session, National
Progressive Conservative General
Meeting
Quebec City, Quebec,
November 5, 1977

The West is no longer content merely to operate as a provider of staples. It has the resources to provide for a rich diversity of secondary industry and it has the need, in social terms, to see that this takes place. And it is a social as well as an economic issue: the dominance of the empire of the St. Lawrence has had serious consequences for this province and this region; innovation has frequently been stifled, qualified manpower has been drawn away, profits have left the region in which they have been earned, local firms have been disadvantaged relative to larger central Canadian firms with vaster resources, capital has been scarcer, resources have been shipped out at increased prices or, if processed locally, made uncompetitive. After a century and more of this, is it a wonder that a sense of injustice should develop in Western Canada?

...The point in citing Western grievances is not to suggest that these specific matters should be examined or debated here and now. Their relevance lies in this: our present constitution is flexible enough to accommodate much of what might be reasonably demanded in a modern federal system. Where questions of regional economic opportunity are concerned, the impediments are not generally legal or constitutional: they are problems of will, of understanding, and of policy. In fact, the Western Premiers are

on record as saying that the present constitution is not unworkable; and the problem lies more in respecting the spirit of the constitution. National objectives or perceived national objectives have been used to justify federal intrusion into areas of provincial jurisdiction through the abuse of federal spending power. There is a place for federal participation, but it should occur only where it is welcomed by the provinces.

Acting Premier Warner Jorgenson
on behalf of the Government of
Manitoba
To the Task Force on Canadian Unity
Winnipeg, Man.
January 12, 1978

I am suggesting that there are 5 basic steps that we should take to put this approach to the problem of constitutional improvement on a sound and promising basis.

First - let us agree that the exercise we are beginning again at this conference is not an exercise in replacing a constitution. It is an exercise in improving a constitution - a constitution that has proven over 100 years and more that it works and works well.

Secondly - let us begin reasonably by deciding here at this conference which areas of that basically sound and successful constitution require change or improvement urgently. Let us pick those matters that we can agree must be changed.

Thirdly - having selected these priorities ... let us go through the great mass of suggestions that have accumulated over the past 20 years ... and let us ... separate the wheat from the chaff ... and let us see what can apply or can be adapted to apply to our current problems and our current aspirations.

Fourthly - let us remember that ... until we have agreed on a procedure for the amendment of our Constitution ... we can do nothing. Let us ensure that that is treated as a concurrent priority in the process.

Fifthly - and finally - let us agree that we will put aside items which do not meet the test of urgency or of general consensus and support.

Premier Sterling Lyon
Federal-Provincial Conference of
First Ministers
Ottawa, October 30-November 1, 1978

Ontario

As the largest "English" Canadian province, Ontario perceives itself as having a special responsibility to respond to events in Quebec, exemplified in the calling of the 1967 Confederation of Tomorrow Conference and its support of the Destiny Canada Conference at York University in 1977. It has placed its full support behind the process for constitutional change. While not necessarily reflecting the official government's position, the Ontario Advisory Committee on Confederation has released two reports with detailed recommendations for reform.

Ontario's Commitment to Constitutional Change

The second main point that I want to make here today is the commitment of the Ontario government to the objective of comprehensive constitutional change. It is not a new commitment. Indeed, the Premier made this pledge clearly and without reservation to the members of the Task Force on Canadian Unity when they held their public hearings in Toronto in November 1977. He and I and other members of the government have frequently reiterated this position in our remarks in the legislature and in our public engagements.

I am therefore somewhat surprised and more than a little perturbed by the number of references that I have seen in the media and elsewhere to Ontario being in favour of the status quo. This is just not correct.

It would be a serious distortion if the people of Quebec - or the news media in Quebec - took our very firm position on sovereignty-association to mean that we are unprepared to engage in broad negotiations, within a national context, which sought to correct injustices, broaden and make more representative our national institutions, and respond to the specific cultural issues which are critical to the survival of the French-Canadian people, and essential to the preservation of Canada.

Let me repeat again our position. It is my strong conviction and that of the Ontario government that a wide measure of constitutional change is required. We must ensure that our federation meets the needs of all Canadians. This can only be achieved by reasonable people in all eleven governments getting together and devising acceptable accommodations....

...First, our approach in the area of constitutional reform must be comprehensive. In other words, it must deal with all

concerns - rights, institutions, distribution of powers, patriation and an amending formula. In this regard, the evidence is extremely encouraging. This approach is now the one governments have adopted, and we must simply pursue the progress so that the end result is a genuine national reconciliation.

Second, our process must be intensive. We have learned that while we have a host of pressing national priorities, be they of an economic or social character, we must give equal priority to the careful repair and strengthening of our national fabric. A crucial part of this process is committing ourselves to the necessary energy, time and resolve in modernizing our constitution. It has taken time for us all to come to this conclusion, but come to it we have, and it is surely no longer a debatable proposition.

Thomas L. Wells,
Minister of Intergovernmental Affairs
Glendon College Symposium
Toronto, Ontario
March 8, 1980

New Brunswick

Since the election of the Parti Québécois government in 1976, Premier Richard Hatfield has taken an active role in speaking out in favour of federalism in Quebec, New Brunswick and elsewhere. Hatfield has been in the forefront of the premiers' attempts to reach reciprocal minority language rights agreements (see next chapter), but has otherwise not released any comprehensive blueprints for reform. The New Brunswick legislature has appointed a Select Committee on Constitutional Affairs.

That is why I have been trying to convey to the people of Quebec through my words and my actions the message that there is a willingness to redress the legitimate grievances within Confederation; that they do not have to take the risk of independence now as the only alternative to a once-and-for-all commitment to the status quo; that there will be a second chance; that the option of independence will always be open and that it is in their interest, despite past frustrations and disappointments, to continue to give Canada a chance to fulfill the promise of Confederation - the vision of a society whose various regional, economic, cultural and linguistic communities can both retain their distinctive character and attain a higher level of development and enrichment through mutual support, mutual respect and mutual concern.

Last month at St. Andrews, nine premiers took what I believe to be an historic step in committing themselves to make their best efforts to provide elementary and secondary education in French wherever there were sufficient numbers to justify classes and schools - a decision of national significance in an area of provincial responsibility.

It was a step that was long overdue but it was taken and it will, I believe, have a significant impact on the francophone minorities in the provinces outside Quebec - a far more significant impact than would the offer of reciprocal agreements proposed by Premier Levesque.

And I believe it should impress on those in Quebec who still want to support a united Canada that there is a new effort being made to demonstrate respect for the other official language of Canada.

Premier Richard B. Hatfield
Sherbrooke Rotary Club
Sherbrooke, P.Q.
September 13, 1977

Over the past two years or more, there have been six serious attempts at the political level to deal with our constitutional difficulties - the Premiers' Conference in Alberta in 1976, a further Premiers' meeting in November in Toronto, the Premiers' Conference in St. Andrews in 1977, a further Premiers' meeting in Montreal in February 1978, the federal government's Bill C-60 and the Regina Premiers' Conference this past summer.

This is the seventh attempt. I hope it will be more fruitful. But if it isn't, then we must try again, and again and again. We must not give up. There is no such thing as a last chance.

...The strains that our Confederation are under will not go away. We must face up to them in a practical, political manner. We must be prepared to deal; we must be prepared to compromise.

Premier Richard B. Hatfield
Federal-Provincial Conference of
First Ministers
Ottawa, October 30-November 1, 1978

Prince Edward Island

As the smallest province in Canada, P.E.I. has not had the resources to cut a very large figure for itself on the constitutional stage; its

premiers have nonetheless been eloquent spokesmen for both the possibilities and dangers of decentralization in our political systems, and have tended to buttress the traditional demands voiced by the other Atlantic region governments.

Canadians who live in Quebec and in the Atlantic Provinces share a common heritage. The industrialization of our continent has ravaged our traditional sense of self-reliance. Corporate Board rooms beyond our influence dictate development which is often insensitive to our aspirations. Power and decision-making whether corporate, media or government, impose the influence of the centre upon the regions. We must resist being homogenized by the prevailing views of the majority which emphasizes bigness, economies of scale, the urban ethic and the tendency to reduce issues to statistical arguments and ignore our humanistic needs which we instinctively tend to choose and serve.

I am not under-estimating the difficult task that lies ahead in meeting regional aspirations within the context of Confederation, but I am confident that the answers lie within the grasp of Canadians.

As one who believes in the future promise of Canada, I am confident that the interests of Prince Edward Islanders are best served within the context of the Canadian Confederation.

I am also convinced that the cultural and economic interests of the Quebecois will be best realized within the context of the Canadian Confederation; but only if in the ensuing century the unique culture and language of the Francophone is first assured.

This is not the time for timid political leadership in Canada. It is the time for Quebec to give Confederation the benefit of the doubt. It is time for us in the rest of Canada, by our example and by our actions, to meet a condition precedent in the continuing Confederation.

*Premier Alexander B. Campbell
Conference on the Future of the
Canadian Federation "Options"
University of Toronto, Ontario
October 14, 1977*

Nova Scotia

Then-premier Gerald Regan of Nova Scotia was one of the first leaders in English Canada to put an end to the passive role of the "other nine" by advocating, in October 1977, a return to the constitutional "drafting board". Both the Liberal administration of Regan and the new Conservative government have appointed an advisory group on the constitution. Together with P.E.I. and New Brunswick, the Nova Scotia government has, through the Council of Maritime Premiers, discussed joint approaches to constitutional reform.

In the face of widespread discontent with the present conditions of the constitution, is it realistic to aspire to success in convincing the Quebecois to merely retreat from their desire for change? I can only conclude that basically the position being taken by the federal government and by the english provinces is little if anything more than a defense of the status quo. Indeed, even the suggestion of those sinister words "special status" for the province of Quebec, brings a flurry of opposition without any effort at determining whether certain provinces already enjoy special status or what Quebec means by special status.

Of late the expression, "A third option" seems to be replacing special status in this national dialogue. Thus far, the expression "third option" seems to achieve greater acceptance even though what is meant by it is equally as vague. Indeed, the two may well mean the same thing.

...What I am basically saying is that we should examine what is demanded by way of special status before dismissing it out of hand. I want to make it quite clear that if special status is something that gives unfair economic rights to the people of Quebec at the expense of the people in my province, and in other provinces, then I am against it; but it well may be that they are merely provisions that meet their special needs in exactly the same way other provinces may have other special needs.

Premier Gerald A. Regan
First Canadian Conference of the
Young Presidents' Organization
Banff, Alberta, October 15, 1977

...I say to you Mr. Prime Minister, in all candour, that we cannot undertake the task of devising a new constitution faced with deadlines. Nor can we consider parts of the constitution in isolation from other parts of the constitution. It is one constitution for the federal government and one constitution for the provinces. It is one constitution for the people of Canada. The Confederation of 1867 was achieved through the collective endeavors of the Fathers of Confederation without unilateral action by any one party. Agreement was then and must still be, the only way by which we resolve our constitutional problems.

*Premier John M. Buchanan,
Constitutional Conference of
First Ministers
Ottawa, October 30, 1978*

Newfoundland

Newfoundland's position has gone through a transformation in recent years, from a series of tentative constitutional grievances only mildly articulated, to an aggressive advocacy of provincial rights. The province is not yet free enough of its need for federal transfers to argue for a significant weakening of the central government's economic and fiscal power to redistribute wealth. But Newfoundland recently has taken strong positions on resource control akin to the Albertan view, and most recent provincial statements are reminiscent of Quebec's views in the earlier stages of its "quiet revolution".

Discussions on changing the provisions of the B.N.A. Act have been ongoing for decades but for a variety of reasons have not met with success. The Province of Newfoundland welcomes this opportunity to express its views on our constitution and possible changes to it, and it is our hope that success will at last be attainable. Certainly, we approach these discussions positively and in a spirit of cooperation. There are a number of matters which are of fundamental importance to our province just as there are matters of fundamental importance to the Federal Government and other provinces. If we can all recognize that such constraints exist and that we must all work within them, I believe agreement can be reached which will be equitable to all the partners in this great confederation.

*Premier Frank D. Moores
First Ministers' Conference on
the Constitution
Ottawa, October 30, 1978*

Forty-five years ago, our people faced the greatest crisis in their history, the suspension of Dominion status, an economic and political crisis that cost them their hard-won democratic institutions and control over their social and economic destiny.

Since then we have gone through a period of social and economic reconstruction and development which has seen a Commission of Government for 15 years, our entrance into Confederation and a 30 year Post-Confederation development period. Throughout this whole period, the determination of the Newfoundland people to control their social and economic destiny has not wavered. The debate has only been about the appropriate means by which this great overriding objective is to be achieved. While it is clear that our entry into Confederation cannot be questioned, there is a growing realization that the present structure of Confederation does not allow this Province to realize the full economic benefits of its own resources or to adequately promote the enhancement of our unique cultural heritage.

My Government feels that we must go through a final, but necessary, stage of our process of reconstruction. Our people are, I am sure ready, yes, even anxious, to complete the task of securing to themselves the means by which they, as a people, can assure their future as a distinct society. This objective can only be achieved if we, once again, have adequate control over our marine resources - fisheries and offshore oil and gas.

If we are to move forward, there must be constitutional change and a new attitude in Ottawa towards the role that this Province, indeed every Province, is to play within our Confederation. Such changes might in other times have been the source of acrimony but fortunately for us the nature of the Canadian Federation is presently undergoing a basic re-examination. That re-examination will, according to all commentators, result in constitutional changes, giving more power to the Provinces. My Government is heartened to see a Government in Ottawa which is generally sympathetic to our aspirations in this regard.

The people of this Province will be invited to actively engage in this great constitutional debate. My Government will be developing firm proposals as to how Canada's constitution should be changed and will place these proposals before the other nine Provinces and the Government in Ottawa. My Government will be asking groups throughout the Province to comment on these proposals and to support the Government's position. All must understand the importance of these proposals to our future as a people.

My Government's basic position will be first, that the unity of the Nation must be preserved. Having said that, My Government will further take a position that we must have a Canada wherein each Province is given the means and powers to control, to an appropriate level, its social, economic and cultural destiny. Our new Canada, however, must continue to assist the growth of less developed Provinces, but in such a way that aid from the Federal Government clearly has the effect of lessening the need for such aid over time.

My Government believes that, engaged as we are in this historic debate, it is appropriate that we now take stock of our position within Confederation.

...My Government believes that our people are determined to march forward in a dynamic and confident manner and that they sense, perhaps for the first time, they can truly gain control of their social and economic destiny. Moreover, the general framework of Confederation is being appropriately modified to give us as a Province the rights and powers by which this great and historic dream can be realized.

The great question posed today is whether we in this Province are ready to move away from a paternalistic centralized federalism. Are we ready to trust more in our own abilities as a society than in Federal transfer payments? We are further challenged by the need to ensure that such a decentralization be accomplished without impairing national unity or affecting the level of social services in a so-called "have-not" Province. Can we, in a great historic act of self-reliance, break the vicious cycle in which we now find ourselves? Can we build an economically and culturally vibrant society in which, while private initiative is the keystone, social justice remains an even higher goal?

Speech from the Throne
Honourable Gordon A. Winter,
Lieutenant-Governor of Newfoundland
at the Opening of the Thirty-Eighth
General Assembly of Newfoundland
July 12, 1979

The Substance of Reform

The nine provinces outside Quebec have shown their willingness to renew the federation - but does that willingness mean that Quebec can fit into their blueprint for reform - or that even the nine provinces can agree on what is to be changed? We do not know all the answers to that - while the first ministers' meetings on the constitution in late 1978 and early 1979 fleshed out some of the detail, no one was committing their governments to any final agreements, and we will have to await the aftermath of the referendum to see negotiations started again in earnest. The positions taken by the nine provinces, however, hold promise for a renewed federalism. There are many contradictions, and thus, need for hard bargaining and trade-offs - but the provincial premiers, at least, have in the past demonstrated an ability to agree on some essentials and can likely do so again. The letter of Premier Loughheed of Alberta to Prime Minister Trudeau in October, 1976, clearly reveals that a consensus had begun to form even before the election of the Parti Québécois. This was supplemented by the Regina communique of 1978. The subsequent statements at the October, 1978 Federal-Provincial Conference illustrate the differences between the nine. They reflect the realities of an English Canada that is itself sub-divided into economic and social regions with significantly different interests and priorities for constitutional reform. It is "dead wrong" says Saskatchewan Premier Allan Blakeney, to consider English-Canada a "monolithic, homogeneous bloc".

Joint Positions

The premiers have made two types of joint statements on constitutional issues in the past few years: statements on provincial minority language rights, and statements on constitutional reform addressed to the federal government. The following four are the most important:

1.

Patriation

All provinces agreed with the objective of patriation. They also agreed that patriation should not be undertaken without a consensus being developed on an expansion of the role of the provinces and/or jurisdiction in the following areas: culture, communications, Supreme Court of Canada, spending power, Senate representation and regional disparities. Later in the letter I will endeavour to give you some idea of our discussions on the above matters.

Amending Formula

Considerable time was spent on this important subject and the unanimous agreement of the provinces was not secured on a specific formula. Eight provinces agreed to the amending formula as drafted in Victoria in 1971 and as proposed by you in your draft proclamation. British Columbia wishes to have the Victoria Formula modified to reflect its view that British Columbia should be treated as a distinct entity with its own separate veto. In this sense it would be in the same position as Ontario and Quebec. Alberta held to the view that a constitutional amending formula should not permit an amendment that would take away rights, proprietary interests and jurisdiction from any province without the concurrence of that province. In this regard, Alberta was referring to matters arising under Section 92, 93 and 109 of the British North American Act.

Matters Unanimously Agreed To

A number of matters were dealt with and unanimously agreed to. Specific texts were considered and given approval, subject to revision by draftsmen.

- a) A greater degree of provincial involvement in immigration.
- b) A confirmation of the language rights of English and French generally along the lines discussed in Victoria in 1971.
- c) A strengthening of jurisdiction of provincial governments of taxation in the areas of primary production from lands, mines, minerals and forests.
- d) A provision that the declaratory powers of the federal government to declare a particular work for the general advantage of Canada would only be exercised when the province affected concurred.

- e) That a conference composed of the eleven First Ministers of Canada should be held at least once a year as a constitutional requirement.
- f) That the creation of new provinces should be subject to any amending formula consensus.

As already mentioned under the remarks on patriation, the provinces were of the view that while patriation was desirable it should be accompanied by the expansion of provincial jurisdiction and involvement in certain areas. The Premiers believed that discussions on these matters should be held with the federal government because they involve the federal government to a significant degree.

- a) Culture - You will recall that culture was referred to in Parts IV and VI of the draft proclamation. The interprovincial discussions on culture focused on the addition of a new concurrent power to be included in the Constitution. This power would refer to arts, literature and cultural heritage and would be subject to provincial paramountcy. On this matter, there was a high degree of consensus on the principle and considerable progress was made with respect to a solution. There was also, however, firm opinion from one province that the province and the federal government should have concurrent jurisdictional powers in the area.
- b) Communications - In the draft proclamation, communications was referred to in Part VI. Discussions on this subject related to greater provincial control in communications, particularly in the area of cable television.
- c) Supreme Court of Canada - In general, discussions on this topic developed from those articles found in Part II of the draft proclamation. The provinces unanimously agreed to a greater role for the provinces in the appointment of Supreme Court judges than provided for in the draft proclamation. In addition, a number of other modifications were suggested to the provisions found in the draft proclamation.
- d) Spending Power - Discussion on this matter focused on the necessity and desirability of having a consensus mechanism which must be applied before the federal government could exercise its spending power in areas of provincial jurisdiction.

- e) *Senate Representation - Discussion on this subject related to British Columbia's proposal that Senate representation for that province be increased.*
- f) *Regional Disparities and Equalization - In the draft proclamation, Regional Disparities was referred to in Part V. The discussions on this topic focussed on the expansion and strengthening of this section to include a reference to equalization. There was unanimous agreement on the clause contained in the draft proclamation and a high degree of consensus on incorporating clauses in the Constitution providing for equalization.*

*Excerpts from a letter to
Prime Minister P.E. Trudeau from
Premier Peter Lougheed of Alberta
Edmonton, Alberta, October 14, 1976*

2.

STATEMENT ON LANGUAGE

Recognizing our concern for the maintenance and, where indicated, development, of minority language rights in Canada; and

Recognizing that education is the foundation on which language and culture rest:

The Premiers agree that they will make their best efforts to provide instruction in education in English and French where ever numbers warrant.

The Premiers direct the Council of Education Ministers to meet as soon as possible to review the state of minority language education in each province.

The Premiers ask further that the Council of Education Ministers report to each Premier within six months. Following this, each Province would undertake to ensure such provision of Canadian minority language education, and would then make a declaration of the policy plan and programme to be adopted by the Government of that Province, in this respect.

*Joint Statement (extract)
St. Andrews Premiers' Conference (1977)*

3.

Recognizing their concern for the maintenance and development of minority language education rights throughout Canada as expressed in St. Andrews and recognizing that education is the foundation on which language and culture rest;

The Premiers took note of the significant progress accomplished during the last years, as highlighted in the Ministers' of Education's report and further recognize the need for continued progress.

The Premiers reaffirm their intention to make their best efforts to provide education to their English or French speaking minorities, and in order to ensure appropriate levels of services, they also agree that the following principles should govern the availability of, as well as the accessibility to, such services;

- (i) Each child of the French-speaking or English-speaking minority is entitled to an education in his or her language in the primary or the secondary schools in each province where numbers warrant.
- (ii) It is understood, due to exclusive jurisdiction and due also to wide cultural and demographic differences, that the implementation of the foregoing principle would be as defined by each province.

The Premiers requested the Council of Ministers of Education to assume the responsibility to suggest ways and means of achieving further progress in minority language education and second language instruction consistent with the progress thus far made.

Joint Statement (extract from Communiqué)
Premiers' Conference,
Montreal, February 1978

4.

II. The Substance of Constitutional Reform

1. The Consensus Reached by Premiers in 1976

Provinces agreed to advance, again, the 1976 consensus, which has not received an adequate response from the federal government. That consensus constitutes a useful starting point for discussions with the federal government in crucial areas involving the distribution of powers, and represents a positive contribution toward the resolution of significant problems.

Quebec said that, while committed to its option of sovereignty-association, it could generally go along with the 1976 consensus and most of the other constitutional points raised in Regina. Quebec went on to state that this approach falls within the mandate of the Quebec government to reinforce provincial rights, within the present system, and also illustrates some of the minimal changes required to make the federal system a serious alternative in the forthcoming Quebec referendum.

The 1976 consensus covered a number of areas of concern:

- immigration
- language rights
- resource taxation

- the federal declaratory power
- annual Conference of First Ministers
- creation of new provinces
- culture
- communications
- Supreme Court of Canada
- the federal spending power
- regional disparities and equalization.

2. Other Areas of Consensus

In addition, the Premiers, in the course of their discussion in Regina, have reached agreement on a number of additional substantive matters, on which federal views are invited:

- abolition of the now obsolete federal powers to reserve or disallow provincial legislation.
- a clear limitation on the federal power to implement treaties, so that it cannot be used to invade areas of provincial jurisdiction.
- the establishment of an appropriate provincial jurisdiction with respect to fisheries.
- confirmation and strengthening of provincial powers with respect to natural resources.
- full and formal consultation with the provinces in appointments to the Superior, District and County Courts of the provinces.
- appropriate provincial involvement in appointments to the Supreme Court of Canada.

3. Other Subjects

Further, there was a consensus that a number of additional matters require early consideration:

- the federal emergency power
- formal access of the provinces to the field of indirect taxation.
- the federal residual power
- amending formula and patriation
- the delegation of legislative powers between governments

4. Elements of the Constitutional Amendment Bill

With regard to the federal Constitutional Amendment Bill, Premiers expressed a number of substantive concerns, in addition to the points noted previously.

Provinces agree that the system of democratic parliamentary government requires an ultimate authority to ensure its responsible nature and to safeguard against abuses of power. That ultimate power must not be an instrument of the federal Cabinet. The Premiers, therefore, oppose constitutional changes that substitute for the Queen as ultimate authority, a Governor-General whose appointment and dismissal would be solely at the pleasure of the federal Cabinet.

The provinces regard the House of the Federation, as proposed, as unworkable.

Some provinces support the principle of constitutional entrenchment of basic rights, while others believe that, under our parliamentary system, individual rights are better protected by basic constitutional traditions and the ordinary legislative process.

Provinces are concerned over section 8 of the federal Bill and its potential interference with important provincial legislation respecting land ownership and other matters.

Some Premiers noted that the proposed language guarantees go substantially beyond earlier proposals, and feel that practical difficulties may be encountered in their provinces, particularly in respect of provincial government services and courts.

All Premiers expressed grave concern that section 109 of the BNA Act, concerning provincial ownership of natural resources, has not been carried forward into the proposed new constitution.

Premiers are concerned that section 32 of the Constitutional Amendment Bill is an attempt by the federal government to acquire from the provinces jurisdiction over offshore territories and resources.

Premiers feel that, if there is to be a preamble, it should be short, clear, and precise. A statement of aims, if any, would best be included in the preamble.

Premiers stressed that all these issues, and others, will require careful and detailed discussion with the federal government.

Communique #2,
19th Annual Premiers' Conference
Regina, August 9-12, 1978

On the Constitutional Side

On the Constitutional Front, what is the alternative to either "status quo federalism", or separatism?

I am satisfied that it is not a wholesale restructuring of the division of powers between the two levels of government to give a short-list of powers to the federal government and a long list of powers to provincial governments. There are some who subscribe to such a course of action. They would leave the post office and external affairs with the federal government and load everything else on provincial shoulders.

I do not subscribe to that approach. To me, massive decentralization of this kind would lead to centrifugal forces being put in play that might result in the country disintegrating into ten or eleven pieces and nationhood would be lost.

Instead of that approach, I am of the view that the constitution should be changed so that the institutions of federalism such as the supreme court, the senate, federal boards and commissions are restructured to give the provinces an effective voice in the decision-making process in Ottawa.

We have to wake up to the realization that we are in a federal system and that national policy-making should not be the private preserve of the federal government. It is a process which should involve both levels of government.

...The senate of Canada ... is simply not representing provincial interests as it should and as the Fathers of Confederation intended it should. It needs to be restructured to become a "Provincial House" based on regional representation. The powers of such a restructured Upper House would include control over amendments to the Constitution of Canada, laws that directly affect the provinces and laws that require the determination of a national consensus.

...The second prerequisite for a new Upper House is that its representation must offset the strong power base enjoyed by Central Canada in the present House of Commons. Representation should be based on a system which would give to each of the five regions of Canada an equal number of Senate seats. Equality of regional representation has always been the basis for Senate representation in Canada and in other countries. That principle is correct in my view and should form the foundation of a reconstituted and revitalized Senate.

British Columbia calls for an updating of the regional concept to reflect today's realities by recognizing in the Constitution that British Columbia is a fifth region and that it ought to have equal representation with the other four

What it does mean is, that in terms of representation in the Senate, in the Supreme Court of Canada, and on federal boards and commissions, British Columbia should be recognized for (what it is, i.e.) a separate region of Canada entitled to its own representation on all these institutions

In my view, the time has come for the basic restructuring of our constitutional institutions along the lines I have indicated. The time has come for a reassessment of whether we are meeting the needs and aspirations of Canadians. I do not happen to believe that national unity is somehow equated with national government. I support the proposition that there should be a strong national government to provide an equitable income and a basic standard of living for all Canadians no matter where they live. But the high road to a strong Canada involves an equal commitment to giving the various regions a greater capacity to realize their own hopes and aspirations.

The Honourable Bill Bennett
Premier of British Columbia
Men's Canadian Club of Vancouver
May 17, 1978

Alberta

SUMMARY OF RECOMMENDATIONS

In light of the principles affirmed and the concerns enunciated, the Alberta Government recommends:

1. That the proposed changes to the Constitution be considered as a package, and not be compartmentalized.
2. That the process be undertaken with all deliberate speed, but that no unrealistic timetable be established.
3. That no changes to the Constitution which affect federal-provincial relations or which affect the provinces be adopted without the concurrence of the eleven governments of Canada and of Parliament and the Provincial Legislatures.
4. That modifications to the division of powers be recognized as the key to achieving a new federalism for Canada.
5. That the division of powers be discussed concurrently with other constitutional questions, such as federal institutions.
6. That the existing sections in the British North America Act protecting provincial ownership and control of natural resources be strengthened.

7. That the Constitution be clarified in order to re-affirm the provinces' authority to tax and to collect royalties from the sale and management of their natural resources.
8. That provincial jurisdiction be established over offshore minerals.
9. That the province be given access both to direct and indirect taxes, with the exception of customs and import duties.
10. That the Constitution include provisions that confirm the established legitimate role of the provinces in certain areas of international relations.
11. That communications be included as a concurrent power in the Constitution.
12. That sea coast and inland fisheries be a concurrent power in the Constitution, with provincial paramountcy.
13. That provincial jurisdiction over certain aspects of transportation be strengthened by including transportation as a concurrent power.
14. That culture be included in the Constitution as a concurrent power, with provincial paramountcy.
15. That a representative constitutional court be established to resolve constitutional issues.
16. That forty percent of the members of designated national boards and agencies be appointed by the provinces.
17. That the powers of reservation and disallowance be repealed.
18. That the power of the federal government to declare a work situated within a province's borders to be for the general advantage of Canada or for two or more of the provinces should be used only after the concurrence of the province in which the work is situated.
19. That the federal emergency power be limited so as to ensure that the federal government and Parliament cannot assume responsibility over a broad range of matters not listed within the enumerated heads of Section 91.
20. That limits be placed on Parliament's ability to spend in areas of provincial jurisdiction.
21. That the concept of concurrent jurisdiction be expanded through a provision in the Constitution for the delegation of powers between the federal and provincial governments.
22. That before a delegation of powers is effected, the federal government and the province(s) affected concur.
23. That provision be made in the Constitution for an annual meeting of First Ministers.
24. That an amending formula must reflect the principle that all provinces have equal constitutional status.
25. That an amending formula reflect the principle that existing rights, proprietary interests and jurisdiction of a province cannot be diminished without the consent of that province.

26. That the objective of reducing regional disparities be recognized in the Constitution.
27. That the principle of equalization be recognized in the Constitution.
28. That the Constitution recognize English and French as the official languages of Canada.
29. That the protection of fundamental human rights continue to be the responsibility of Parliament and of the Provincial Legislatures, rather than a bill of rights entrenched in the Constitution.

Harmony in Diversity:
A New Federalism for Canada
Government of Alberta Position Paper
on Constitutional Change
October 1978.

Saskatchewan

I want to start with a few simple statements about why we are here today, what our objective is.

We are trying to fashion a constitution for a united Canada. We are trying to "strike a bargain for a better Canada"....

We in Saskatchewan have put our proposals before the Federal Government as one provincial government. We as ten premiers have put forward our proposals to you, as ten provincial governments. We seek and are entitled to a response in substance

Let me say what I believe most people will agree with. There can be no substantial rewriting of the constitution if we avoid real issues surrounding division of powers between federal and provincial governments.

There are real tensions in Canada. But they aren't about whether the Bill of Rights should be entrenched or who appoints Senators. The tensions are there because we as Canadians no longer know what the Confederation bargain is.

That bargain is what must be restated. It will not be done at one stroke. But I believe that there are areas where agreement can be reached, where a new bargain can be struck.

It seems to me that while public discussion continues on some of the newer topics raised, e.g. the place of the Crown and the Monarchy or the future of the Senate we can make real progress on a short list of items. Among these I would include:

- resource taxation and management
- communications and some aspects of culture

- language rights
- delegation of legislative powers among governments
- the Supreme Court or other constitutional court
- entrenching the equalization principle
- and, possibly, an amending formula.

In all these areas I believe compromise solutions are possible, solutions which will convince Canadians that the Federal Government is not wedded to the status quo, that serious regional concerns can be met, that linguistic rights can be protected and that we can do all of these things soon.

Let's do now what can be done now.

-we are here to work

-we are here to compromise if necessary.

In short, we are here, Mr. Chairman, to strike a bargain for a better and stronger Canada.

*Hon. Allan Blakeney
Premier of Saskatchewan
Federal-Provincial Conference
of First Ministers, Ottawa
October 20-November 1, 1978*

Ontario

In support of these broader points, here, briefly, are eight specific areas of the Constitution to which Ontario attaches high priority:

- 1. Selective but significant adjustments to the distribution of powers to strengthen provincial responsibilities for activities of local importance, and federal responsibilities for economic and fiscal matters of national impact.*
- 2. New practices for intergovernmental consultation and reconciliation of differences to reduce the number of unilateral and insensitive actions by one government without sufficient regard for the effects on the others.*
- 3. A process by which the provinces meaningfully contribute to the appointment of the judges of the Supreme Court of Canada.*
- 4. The assurance that individuals, goods, capital and services can move freely across the country.*

5. *An expression of individual human rights as identified in the 1971 Canadian Constitutional Charter.*
6. *The rights of parents of official language minorities to have their children educated in the minority language where numbers are significant.*
7. *An amending formula involving a significant majority of legislative bodies across Canada.*
8. *The Queen as our Head of State and as the basis of executive authority. The Crown provides stability and continuity to our country, and most of us wish to leave that majestic and honoured relationship as is.*

These are our strong preferences. Others have been or will be put forward by other governments. From these preferences, choices involving a serious bargaining process can then be made. That is the way it should be, for the cost of each of us insisting that all our positions be accepted is the likelihood that nothing will be achieved.

*Honourable William G. Davis
Premier of Ontario
Federal-Provincial Conference of
First Ministers on the Constitution
Ottawa, Ontario
October 30, 1980*

New Brunswick

New Brunswick, as a province, is deeply committed not only to Canada but to the principle of Canadian federalism, which is to say, New Brunswick is fully cognizant of the need for a national

government whose constituency is the nation as a whole and whose responsibility it is to serve the national interest in all matters within its purview.

There are national objectives and there are national problems which can only be effectively dealt with by national institutions. It is inarguable that each and every Canadian, in whatever Canadian province, has national interests, national concerns and a sense of national citizenship which only our federal institutions can satisfy.

It follows then, that I, for one, am concerned by the weakening of our national institutions by the emphasis upon increasing regional factionalism which is a common thread running through the federal and some provincial proposals relating to the Supreme Court of Canada and the House of the Federation....

It has been argued that a significant decentralization of powers to the provincial level or, conversely, a greater centralization of power in Ottawa, should be included in any new constitutional arrangement.

I find such considerations difficult to contemplate. It has been my practical experience, as a provincial premier, that both levels of government presently have adequate powers in order to discharge their appropriate responsibilities.... It is not the division of jurisdictions that needs reform in this instance. What is really needed is a change in such attitudes.

This is not to say that New Brunswick is not prepared to consider the transfer of particular responsibilities from Ottawa to the provinces or from the provinces to Ottawa. It is only to point out that negotiations on such matters should not be based on the assumption that as a whole the present distribution is greatly out of balance.

One of the basic principles of our Confederation has been the redistribution of wealth from the more advantaged areas of the country to the less advantaged. This principle which makes Canada unique among world's federations has been realized through equalization, which has contributed immeasurably to the orderly development and stability of our country.

The determination to share the benefits of our country through the principle of equalization must be entrenched in our new constitution.

With respect to the federal proposal to include in the constitution a Charter of Rights, I have only to state my basic agreement with the principles. New Brunswick has already given an indication of its position on these matters through such legislation as our Official Languages Act and our Human Rights Act. I would only have the concern that the intent of these provisions be made as clear as possible so that, in fact, certain rights of all Canadians are indeed better secured and less subject to controversy and arbitrary judgement. I do acknowledge, however, that the provisions set forth are generally representative of the feelings of most Canadians and worthy of inclusion in any reform of their constitution.

...The stimulus for a change in any country's constitution may obviously and quite properly come from the present course of events, but when considering the form and substance of such changes, a longer view must be taken. If Canada is to undertake major constitutional reform, it must be reform designed to better serve the nation for the foreseeable future, not just to deal with problems of the moment. It must be reform which is sensitive of and a measured response to the full scope of our history, and not just to yesterday's polls and ideas of current fashion.

Honourable Richard Hatfield
Premier of New Brunswick
Federal-Provincial Conference of
First Ministers
Ottawa
October 30-November 1, 1978

Prince Edward Island

Attempts by governments in Canada to renew and repatriate the Constitution have benefited from general public support. Despite lengthy efforts in the past I do not believe that the majority of Canadians doubt that change is possible. Rather, most are convinced that constitutional change will occur although some may be apprehensive that changes will not be entirely to their liking. A few are concerned that the character of the country will change too much while others strive for substantial and significant changes.

In our view it is desirable to have a Charter of Rights and Freedoms included in the Constitution of Canada....

I believe it is a mistake to assume that tradition alone is the best guardian of freedom, especially as our society becomes increasingly depersonalized and adopts more rapidly and completely characteristics of a mass society.

2. Distribution of Powers

Prince Edward Island has consistently advocated that Canada requires a strong central government if it is to overcome the natural tendency toward fragmentation caused by such a relatively small population dispersed throughout such a huge area. A strong central government and a strong Canadian identity are necessary if this country is to avoid perpetually categorizing some of its citizens as being less advantaged than others....

...If nationhood means anything, Canadians must have equal access to opportunities and enjoy national standards for basic services regardless of the rising or falling of the fortunes of individual provinces. This should be the common birthright of all Canadians and a fundamental principle of the country.

If we are to maintain a strong country and avoid becoming merely an association of provinces, the federal government must have the necessary power to enable it to develop and implement national policies....

...although Prince Edward Island, with few exceptions, is basically satisfied with the present division of powers, this province is certainly prepared to discuss the concept of the federal government delegating authority to the provinces whenever it is thought to be necessary or desirable....

3. Institutions

The Monarchy is greatly respected on Prince Edward Island and many Islanders feel a personal loyalty and affection towards Her Majesty....

... Our government is pleased to discuss alternative proposals if it is thought that the Upper House can be made more effective.

...Given these basic activities, Prince Edward Island would find it acceptable if:

- all Senators were appointed by resolutions of the Provincial Legislatures
- the length of terms were set at five years and each member were limited to two terms....

Supreme Court

Most proposals for the Supreme Court that are described in the federal bill are generally acceptable to us. We support regional representation and agree with increasing the numbers. It is reasonable from our point of view that judges experienced with the Civil Code should be the ones primarily involved in the decisions respecting the Civil Code.

Honourable W. Bennett Campbell
Premier of Prince Edward Island
Constitutional Conference of
First Ministers,
Ottawa,
October 30, 1978

Nova Scotia

There are a number of specific points to which I will now address myself.

The Monarchy:

The province of Nova Scotia supports a constitutional Monarchy and asserts that there should be no change in the role of the Queen

The Charter of Rights and Freedoms

... We believe that the proposed rights and freedoms should be considered very carefully and only those which all jurisdictions within this country are prepared to adopt should become part of the constitution.

Senate:

We would support a proposal for direct appointment of provincial representatives to the Second Chamber thereby providing for the expression of provincial and regional points of view in that Second Chamber....

Regional Disparities:

We believe that the commitment to equalization stands apart from any other program as a pillar of Confederation. The principle of equalization is completely fundamental to our concept of Confederation. If the citizens of Canada are to enjoy a reasonable standard of essential services without an abnormal burden of

taxation we must continue equalization transfers between governments....

Distribution of Powers:

We are prepared to examine this matter very carefully, but we must point out that powers, of course, entail responsibilities. From the very beginning some of the provinces could not finance the ordinary functions of government. This situation became more acute as their responsibilities increased, largely by reason of changes in social, economic and political philosophies. Certainly in the case of the less affluent provinces, transfer to them of any additional responsibilities would have to be accompanied by a transfer of some source of additional fiscal capacity. This would mean, of course, further transfer of payments from the government of Canada. Whatever happens, the government of Canada must retain sufficient jurisdiction and resources including taxing and spending powers to carry out these responsibilities.

Honourable John M. Buchanan,
Premier of Nova Scotia
Constitutional Conference of First
Ministers
Ottawa, October 30, 1978

Newfoundland

While the Province of Newfoundland will be putting forward its views and suggestions at this Conference and at subsequent meetings and while some of these are considered vital to us, a fundamental principle to which we fully subscribe is that there must be a strong federal government in this nation. Therefore, while we feel there are many desirable changes to be made in our constitution, it is not our intention to undermine the ability and power of the federal government to act for all Canadians when it is in the national interest to do so.

By stating this fundamental principle we do not mean to imply that only the federal government should be strong and that the provinces should be weak. Quite the contrary. We feel that within their own sphere, provinces should also be strong and should have the resources necessary to effectively implement their responsibilities. We do not and will not subscribe to proposals which will either create weak provinces which cannot be viable or create a central government which cannot act effectively. What is required is a balance in our nation which will result in a strong, but not omnipotent federal government and strong provinces.

It is obviously not possible to state fully at this time just which arrangements of constitutional powers would achieve this result but our approach to these discussions will be based on achieving this sort of balance in our nation.

Within this general context there are a number of matters of vital concern to my Province which will have to be resolved satisfactorily to make the process of constitutional change meaningful and constructive. It is my Province's belief that a key issue in any constitutional reform is the Division of Powers. It is this factor that will most dramatically effect the balance between the federal and provincial governments and which will ultimately determine whether the fundamental principle I have just stated, of a strong federal government along with strong provinces, will be achieved. The areas of major concern to the Province of Newfoundland are the control over natural resources (in particular, fisheries and the resources of the Continental Shelf), uninterrupted interprovincial trade (in particular with respect to electricity) and items relating to taxing power, communications, spending and declaratory powers .

Honourable Frank D. Moores
Premier of Newfoundland
Federal-Provincial Conference of
First Ministers
Ottawa
October 30-November 1, 1978

2.

Yet with all its strengths, the fact remains that Newfoundland's most basic aspirations within Confederation cannot be accommodated within the current constitution and if that is so, how then can it accommodate the even more pressing demands of the west and of Quebec.

You may ask then what does Newfoundland want? What are your aspirations? Simply the recognition of our ability and right to contribute to Canada and to carry our share of the responsibilities of a province using our own resources, and yet in all of this maintaining our own separate identity. I want to stress using our own resources.

Indeed, if the wealthier provinces, want to end the drain of their revenues to so-called "have not" provinces such as Newfoundland, then they merely have to demand that Ottawa stop using the fact that certain of our resources (i.e., offshore oil and fish) are covered with water to deny us both an adequate role in their

management and the normal economic benefits therefrom.

Offshore oil and gas has been the subject of exploration off our province for some 10 years during which there have been a number of significant gas discoveries. However, given the fact that until recently no significant oil discovery had been made, it is understandable that certain investors would have considered our offshore area to be of minimal interest and capable of playing only a minor, far distant role in the solution of Canada's energy problems. However, given the very large area involved, and the low level of exploration, such a conclusion was not all together reasonable and certainly premature.

Now as you all probably know, the Hibernia oil discovery has changed all of that. The Hibernia P-15 well which according to the operating company, Chevron Standard Limited, has the capability of producing high grade oil in excess of 20,000 barrels per day portends a revolution in our energy prospects. The implications for my province and indeed for the whole nation are immense. Indeed, it is in full knowledge of those very broad implications that the province recognizes that it must discharge its right to manage these resources in a responsible and constructive manner, taking into account not only our own interests but also the interests of the nation as a whole.

I would like to stress that the province strongly feels that it has, and always has had, the historic, moral and legal right to the ownership and management of these resources. This right is in many ways no different than the unquestioned right of the province of Ontario to own and manage the development of the gas resources underlying Lake Erie.

However, the fact that we possessed a pre-existing legal right does not take anything away from the significance of the Clark government's commitment to recognize the right of the province to own and manage its offshore oil and gas resources. That position is not an isolated act but rather part of a consistent policy which recognizes the positive role which every province can, and should, play in the development of our nation. It is an example of what Prime Minister Clark correctly calls "equality of treatment" of provinces with regard to resource ownership. Indeed any other policy would be manifestly unjust, for what difference should it make if our mineral resources are under water and most provinces are under muskeg? Our under saltwater and yours under fresh?

...We have the lowest standard of living, the highest taxes and the highest unemployment in Canada

It is to overcome these disparities that we need our oil revenues. Such revenues will allow us, not to separate, but to stand as equal partners in Confederation with all the dignity that come with self-sufficiency. Those who would state otherwise do not serve the interests of national unity but merely their own political ends.

However, if Newfoundland's immediate future will be greatly influenced by its offshore oil and gas, its long term future will, as always, depend on its fisheries' but, this time round it will be a fishery that will form the basis of a strong, vibrant and economically prosperous society....

Nothing is more socially, economically and politically important to my province than the careful management and development of our fisheries. Indeed in many instances, it is not so much a matter of choice as to whether we develop our fisheries or not, for in many areas of our province the fishery is the sole resource and economic activity. This is particularly true of the Northeast coast of Newfoundland and along the coast of Labrador.

Nothing can be more critical to Confederation than that each province be free to create its social and economic context through the use of its own resources and when I say "own" resources I include the fisheries of its surrounding seas. This may in some quarters be a controversial question. However, it is central to the future of my province. Indeed a constitutional amendment is needed....

...The Referendum in Quebec draws near and Mr. Levesque and Mr. Ryan are holding out to the people of that province two alternative visions of the future.

In contrast, we anglophones have not given the people of Quebec any reasons to believe that being a so-called "mere" province of Canada is to participate in an adequate way in a unique federalism; a federalism, which, purged of centralist tendencies, would give each province the ability to develop and preserve its own identity while at the same time participating in a much larger whole.

*Honourable A. Brian Peckford
Premier of Newfoundland and Labrador
Albany Club, Toronto
January 10, 1980*



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