

The Task Force on Canadian Unity

Coming To Terms
The Words of the Debate



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The Task Force on Canadian Unity

Coming To Terms
The Words of the Debate

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To His Excellency the
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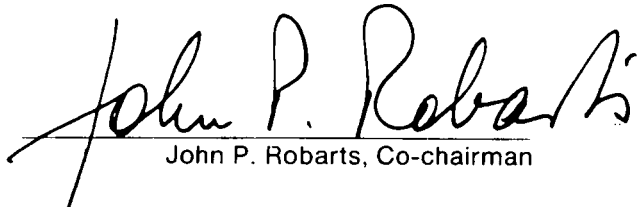
MAY IT PLEASE YOUR EXCELLENCY

We the Commissioners appointed under Part I of the Inquiries Act by Order in Council of 5 July 1977, P.C. 1977-1910, 24 August 1977, P.C. 1977-2361 and P.C. 1977-2362, and 28 February 1978, P.C. 1978-573,

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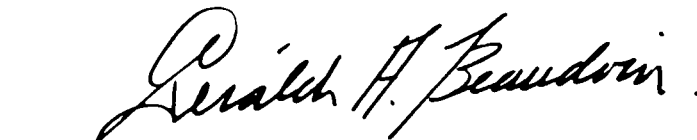


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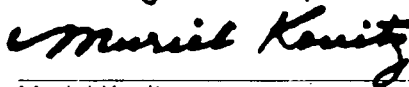
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Preface

The Task Force on Canadian Unity was appointed by the prime minister of Canada in July 1977 to "support, encourage and publicize the efforts of the general public . . . and contribute [its own] initiatives and views . . . to the general awareness with regard to Canadian unity." From September 1977 to April 1978, it held more than fifteen major public hearings from one end of the country to the other, and scores of regional and private meetings to allow Canadians to express their views and to speak their minds.

From the very beginning, we, the Commissioners, witnessed, as we had expected, an intense debate on the past, the present and the future of our country. We soon witnessed also, even more than we had anticipated, the fact that communications were hampered in that debate because people were often giving quite different meanings to the key-words they were using.

That was not, of course, the only reason. There are in Canada, needless to say, real conflicts, major differences of philosophies, attitudes, objectives and interests among groups and regions. But conflict over words adds substantially to these differences, heightens controversy and undermines the search for solutions.

How many "communities," how many "societies," how many "states" does Canada have? Does the word "nation" convey the same message to French Canadians as it does to other Canadians? Is it important to distinguish between a confederation and a federation? Are language rights individual or collective rights; are they fundamental rights? What are the differences between devolution, delegation, decentralization and deconcentration of power? Is a plebiscite the same as a referendum?

That semantics can cause confusion is hardly news, either in Canada or elsewhere. Because words and concepts are alive, their meanings often vary in time and place, especially the political and social ones. Furthermore, in moments of intense political debate, when the future of societies is at stake, individuals and groups tend to bias meanings, consciously or otherwise, in their favour. Recognizing this danger and the need for greater clarification in the use of language, Unesco and the International Social Science Council are now making a concerted effort to focus the meanings of important social terms.

The proper use of words is indeed crucial to fruitful discussion. And we of the Task Force found ourselves awash in a sea of divergent usages.

If the Task Force was to serve a useful purpose, and if we all, as Canadians, were to progress towards solutions of our problems, it stood to reason that we had to seek a greater consensus on the meaning of key-words and concepts, or at least to reach a better understanding of how some groups of persons use them. These key-words had to be made as clear as possible to as broad an audience as possible.

We found no existing set of definitions that came close to doing what we felt had to be done. So we decided to try to prepare one, not only for the public but for ourselves as well.

We called upon our own diverse experiences. We consulted dictionaries, textbooks, learned studies and specialists. We debated among ourselves for hours on end. This book, **Coming to Terms**, is the result of our efforts.

We do not claim to present here an exhaustive, definitive "vocabulary." As a matter of fact, we hope some scholars will take over and improve on our attempts to synthesize.

We have attempted to define some important social and political terms as they are most commonly used in the world and in Canada. Most of the time, we make choices; we suggest our own definitions as concisely and objectively as we can. This enterprise constitutes Part I of the book.

Because we believe that confusion over words often stems from a lack of information about the institutions and processes they describe, we set out in Part II some of the basics of the Canadian political system.

We refer in Part III to some of the options available to Canadians and, in appendix II, to the constitutional changes suggested in the present discussions on the future of our country by parliamentary committees, governments and private organizations.

This book is meant to be a guide for those who have to or would like to understand better "the Canadian debate." Writing it has helped us. We hope that reading it and discussing it will help many other Canadians.

The Commissioners.

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Societies and Communities

The words that describe persons living together within geographical boundaries, words such as community, society, nation, people, are so close in meaning that they are often used interchangeably. An attempt is made here to distinguish between these words by explaining the nature of the relationships between persons that each of them expresses. The distinctions are important because these words reflect varied perceptions of Canada.

Community

A community is a group of persons joined together by a consciousness of the characteristics they have in common (for example, ethnicity, culture, language, race, religion, territory) and by a consciousness of the interests (social, economic or political) they share. Though many will often be, not all these elements have to be present in a particular community. In the definition of community, it is the element of **consciousness** which is most important. A community is, then, mainly a collective state of mind and of feeling.

All Canadians are members of several communities simultaneously (professional, linguistic, regional, ethnic, and so forth), though not all of these memberships may be equally valued.

Institutions

Institutions are either well-established organizations or broadly accepted sets of principles, procedures and practices in the social, economic or political life of a society which structure and sustain the relationships among persons and groups.

Institutions range from simple voluntary groupings, such as clubs and lobbies, to professional and labour associations, business enterprises (banks, credit unions, firms), educational centres (schools, universities, research institutes) and information media (newspapers, magazines, radio and television). Ultimately, they encompass the whole spectrum of government itself — legislatures, cabinets, courts, municipal councils, regulatory agencies — and so on. All these are institutions, and it is through such institutions that the activities of a community are structured and sustained.

In addition to these many forms of institutional organizations, the term institution also refers to broadly accepted sets of principles, procedures and practices in the life of a community; for example, the rule of law, ministerial responsibility and the prevalent economic and political systems.

Society

A community which succeeds in establishing and controlling a sufficiently wide network of institutions gives itself a cohesion and a control over its activities which justifies one in speaking of it as a distinct society. Societies can, of course, create institutions but institutions also create societies. The process works in both directions.

A society is therefore defined mainly by its structure, whereas a community is defined mainly by its state of mind or feeling. To speak of a Canadian "society" is to emphasize its social, cultural, economic and political structure, but to speak of a Canadian "community" is to emphasize its state of self-consciousness.

Thus, in the broadest sense, a society is the sum total of institutional organizations, relationships and activities among individuals living together in a given territory.

Since political organization is only one aspect of society, the territory occupied by a society can be narrower or wider than the territory of a state. Consequently it is legitimate to speak of a western Canadian society, an Acadian society, or a North American society. A French-speaking Quebecer,* for example, is a member of at least four societies simultaneously: the French-speaking society of Quebec, the society of Quebec as a province, the French-Canadian society across the country, and the total Canadian society fostered by the country-wide institutions, relationships and activities.

* In this book, Quebecer and Québécois will be used as synonymous: both words designate a resident of Quebec.

Culture

In day-to-day usage, culture is often considered to be the intellectual and artistic aspect of life in a community or society.

Culture has a broader meaning, however, when related to the character of a whole community. In this context, culture may be defined as the sum of the characteristics of a community acquired through education, training and social experience. It includes knowledge in all fields, language, traditions and values. It adds up to a collective way of thinking, feeling, and doing, a collective way of being.

Culture draws individuals together, supports thought, judgment and action, gives a community its character and personality, differentiates it from other communities and encourages its members to seek common objectives.

Integration

Cultural integration is the process by which an individual or group is incorporated into the institutional structures of another group.

Acculturation

Acculturation is the modification of the culture of an individual or group through prolonged and close contact with the culture of another group.

Assimilation

Assimilation is the full absorption of a person or a group into the culture of another group.

Race

In strict usage, the word "race" has a specific biological anthropological meaning: it identifies the hereditary physical traits of the major groupings of the world (caucasian, mongoloid or negroid).

In Canada, the word has often been loosely applied to distinguish between French and English Canadians, particularly in the expression the "two founding races." But in anthropological terms this usage of "race" is incorrect. Both French and English Canadians come from sub-divisions of the same caucasian race.

The Indians and the Inuit belong to the mongoloid race. This fact and the immigration of persons from all races has given Canada a multi-racial dimension.

Ethnicity

Ethnicity refers to an individual's sense of identity with a particular group of persons having a common origin. An ethnic group may consciously share aspects of a common culture, such as language and tradition, but is defined primarily by descent from common ancestry.

Canada is often described as a homeland for people of many origins, a pluri-ethnic or multi-ethnic society and state. Reflecting this dimension, statistics are kept on the "country of origin" and the "mother tongue" of the population.

Native communities and groups

"Native peoples" refers to Indians, Inuit and Métis as groups. In Canada it is preferred to "indigenous," "aboriginal" and "aborigines" used in other countries to denote their first inhabitants.

Indian

The term "Indian" broadly applies to anyone of Indian ancestry, including both status and non-status Indians. In French, "Amérindien" is more and more often used by Indians and non-Indians alike; it is not in widespread use in English-speaking Canada.

The expression "status Indian" designates persons registered, or entitled to be registered, under the Indian Act and thereby entitled to receive the benefits of that act. The expression describes a legal status rather than an ethnic background, since under the existing act it includes non-Indian wives of status Indian males.

Non-status Indians are persons of native ancestry who, though calling themselves Indians, have either not been recognized as being eligible for registration under the Indian Act or have been enfranchised under provisions of the act. Successive Indian acts have stated the criteria by which a person loses that eligibility and considerable controversy surrounds the processes whereby Indians have lost or been denied status.

Métis

Métis are persons of mixed Indian and European ancestry who are neither registered nor entitled to be registered under the Indian Act. The terms "Métis" in French and "half-breed" in English were first applied to the off-spring of Indian and white unions. In the nineteenth century these descendants became numerous enough, in what is now western Canada and the northern territories, to form an ethnic community separate from the Indians and the whites. Descendants of those Canadians who called themselves Métis or half-breeds in the last century tend to call themselves Métis today.

Inuit

Inuit (singular: Inuk) are persons of native ancestry speaking the Inuktitut language. At one time they were commonly referred to as Eskimos. According to a 1939 advisory opinion of the Supreme Court of Canada, the term "Indians" in the British North America Act includes Inuit.

Native land claims

When the Europeans arrived on Canadian soil the Indians and Inuit were already occupying and using much of it. Treaties signed with Indian tribes and bands transferred rights to about half of what is now Canada to the Crown.

Since 1973, negotiations have taken place with various native groups concerning their claims to lands deriving from traditional occupancy and use in those parts of Canada where Indian title to lands had neither been the object of treaties nor superseded by law. Thus the Canadian and Quebec governments have signed agreements (1975) with the Cree and the Inuit of the James Bay area by which, in exchange for certain benefits including title to some lands, the Cree and Inuit gave up all titles they may have had to a huge area in the watershed of the Hudson Bay located in Quebec. Subsequently a separate agreement was entered into in 1978 with the Naskapi Indians for their interest in those lands. An agreement in principle was reached also in 1978 by the Government of Canada with the Inuit of the western Arctic in exchange for defined lands and other benefits.

In their negotiations with governments, native peoples have been making **comprehensive claims** when, as in the cases already mentioned, they can refer to the fact that their title to an area was never extinguished. They have also been making **specific land claims** when, as in the case of some Indians in northern Saskatchewan, they can invoke the failure to set reserve lands aside in accordance with treaty undertakings or claim that these reserve lands were improperly taken away from them or taken without proper compensation.

Land claims, of both types, are currently being discussed with the Canadian government by many groups of Indians, Inuit and Métis.

In the debate on the future of Canada, the native communities have pointed to the need to recognize their "special (political) status" and their cultures, as well as their land rights.

People

The word "people" is one of those terms used in political discussions in a variety of ways. It is used interchangeably with community (as in the "Inuit people"), or with population, meaning the totality of persons inhabiting a specified territory (as in the "people of Alberta"), or with the electorate, in contrast to the government (as in the "will of the people.")

Nation and national community

"Nation" and "state" are often used interchangeably. For example, we say "the United Nations" to describe what is an association of states. But in textbooks on law, political science and sociology, whether French or English, a nation is most often defined as a form of community which can be perceived independently of any particular political embodiment. For instance, it has often been said that a Jewish nation existed before the foundation of the state of Israel, and Yugoslavia has been described as a multi-national state. Thus, if a nation can exist without a state and if a state can serve more than one nation, it is necessary to distinguish between the two concepts.

A nation is a community of persons bound together by a sense of solidarity and wishing to perpetuate this solidarity through some political means. Contributing to this solidarity are common "objective" factors such as history, territory, race, ethnicity, culture, language, religion and customs and common "subjective" factors such as the consciousness of a distinct identity, an awareness of common interests and a consequent willingness to live together. Because of the existence of such factors, there is a special relationship among members of a nation which enables them to cooperate politically more easily among themselves than with outsiders.

Some authors have defined a nation in terms of language and culture, some in terms of a common heritage, some in terms of territory (the homeland), some in terms of a prior political organization and some in terms of common aims. The main reason for these and other interpretations of the word nation is simply that national communities are, in fact, not formed according to any particular model, but by different combinations of objective and subjective factors. That is why it is often said that a nation exists when a large organized group of persons, having in common a number of factors, thinks of itself as a nation.

How do nations relate to states? Some national communities are the product of pre-existing states; some establish their own distinct states; some live, for a variety of reasons, together with other linguistic, cultural, ethnic and national communities, in single states, often organized under federal principles. Some of the largest states of the world, such as the Union of Soviet Socialist Republics and India, are in the latter group, as is Canada.

French-speaking Canadians have traditionally emphasized their distinct language, culture and common heritage — objective factors — in speaking of a French-Canadian nation. This has led to the "two nation" concept which refers to the existence of distinct French-Canadian and English-Canadian nations within Canada. Some other groups, notably the Indians and Inuit, have also referred to themselves as distinct nations within Canada in this sense. Most English-speaking Canadians and most of the members of the other ethno-cultural groups have been more at ease with the concept of nation relating to territory, political organization and willingness to live together, in terms of the whole of the Canadian population encompassing all the linguistic, cultural and ethnic communities within Canada. More recently, a significant number of French-speaking Quebecers have used the same criteria of nationhood in speaking of a "Quebec nation."

Thus, a problem in the debate on the future of Canada is that of reconciling differing concepts of nationhood held by different groups in the country.

Nationality

While nationality in its original sense defines the status of an individual as a member of a nation, its most common use today is as synonymous with citizenship. It indicates the legal status of the individual in relation to the state to which he or she belongs by birth or naturalization. That status confers rights, imposes duties and requires allegiance on the part of the citizen, and in return obliges the state to protect the citizen.

Nationalism

Nationalism identifies the nation as the primary political value. At least five meanings of the term can be distinguished: (1) a sentiment of loyalty to a nation; (2) an attitude attaching high importance to the distinctive characteristics of a nation; (3) a tendency to consider exclusively the interests of one's own nation, especially in cases where these compete with the interests of other nations; (4) a doctrine maintaining that national cultures should be preserved and (5) a political and anthropological theory asserting that mankind is naturally divided into nations, that there are determinate criteria for identifying a nation and recognizing its members and that each nation is entitled to a government of its own.

The self-determination of peoples

The last meaning is associated with the principle of nationality formulated in the eighteenth and nineteenth centuries to justify the right of national communities to establish, if they so wished, their own national states.

The principle was endorsed by President Woodrow Wilson in his "Fourteen Points" of 1918, and was reflected in the Covenant of the League of Nations (1919). In 1945 it was written into the Charter of the United Nations as "the right of self-determination of peoples." (It is generally recognized that the term "people" in this context includes the term "nation.")

The charter says in Article 1: "The purposes of the United Nations are . . . to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples." But as other declarations and resolutions of the United Nations demonstrate, the principle of self-determination, as a concept applying to relations between states, is not an unqualified one (see "Secession," page 27 – 28, for its application within states).

The principle of self-determination has been invoked by the Parti Québécois to claim a sovereign status for "the people" of Quebec. Some Acadians and native peoples have invoked it to claim a revised political status for themselves within Canada.

Bilingualism

The term "bilingual," applied to an individual, refers to the ability to speak two languages. While some definitions emphasize the ability to speak two languages with "equal facility," the Canadian standard seems to be that of a "working knowledge" of the other official language. Persons who are able to understand a second language, even though they are not able to speak it, are sometimes called "passive bilinguals."

The term "bilingual," applied to a society, may mean either: (1) a society in which individuals are bilingual, or (2) a society in which two distinct linguistic groups exist, the individual members of which are not necessarily bilingual. In societies of the latter type it has usually been found necessary to ensure that major common public services are provided in both languages in order that members of both linguistic communities may be adequately served. This latter policy is referred to as "institutional bilingualism" in contrast to "individual bilingualism."

The British North America Act (1867) enacted a limited form of institutional bilingualism in Canada. Under section 133, English and French were made the languages of legislation of the federal and Quebec legislatures and the language of the federal and Quebec courts.

Throughout the years, but particularly in the 50s and 60s, the bilingual character of the central government was amplified. Printed material (cheques, instruction manuals, publications), services (radio and television, simultaneous translation of parliamentary debates) and institutions (the armed forces, the diplomatic service) had by the mid-60s become more reflective of institutional bilingualism.

In 1969, following the recommendations of the Royal Commission on Bilingualism and Biculturalism, the federal Parliament adopted the Official Languages Act under which English and French "possess and enjoy equality of status and equal rights and privileges as to their use in all the institutions of the Parliament and Government of Canada." Institutional bilingualism applies fully in "every department and agency . . . judicial . . . or administrative body or Crown corporation within the National Capital Region, and . . . at the place of its head office or central office if outside the National Capital Region." Elsewhere, federal government offices must have the facilities — persons and materials — to provide services to the public in English and French where there is "significant demand" and "to the extent that it is feasible to do so." The act does not require that all federal employees be or become bilingual, nor does it oblige private citizens to learn the other official language. Indeed, it is designed on the assumption that most Canadians will not know the other official language and therefore should be served in their own. For that reason, the legislation requires that there be federal employees capable of providing services, in the specified circumstances, in either language.

Language of work

A related issue is the language of work. A right for federal public servants to perform their duties in their preferred official language is not stated in the act; present policies and practices stem from the general principle of equality.

According to the first commissioner of official languages — an officer responsible to Parliament for monitoring the implementation of the act — central government employees should be entitled to work in the official language in which they feel most at home. "Obviously," he added, "common sense demands some limitations. . . . No responsible person could insist absolutely on working in his or her preferred official language, anywhere, anytime." A right to work in English or in French, however, would not cancel out either an employee's obligation, if his or her job description so required, to provide services in either language.

Biculturalism

Abicultural person is one who has become so well-acquainted with the culture of another group that he or she is capable of functioning in either group as a member rather than as an outsider.

As applied to a society, the term "bicultural" can imply a mixing or synthesis of two cultures. However, the term is frequently applied to situations in which two groups within the same society continue to maintain their cultural distinctiveness. The latter usage was adopted by the Royal Commission on Bilingualism and Biculturalism (1963-70): "Just as bilingualism should not lead to a blend of two languages, so Canada's cultural duality cannot be taken to mean a mixture of two cultures. Each has its own existence."

Each culture, the Commissioners thought, must have the distinct institutions that any culture needs. In addition, both cultures have to be properly represented in common institutions. When participating in those common institutions, persons should have the opportunity "to conserve and to express their own culture."

The Commission on Bilingualism and Biculturalism indicated how biculturalism might be achieved in some fields, such as the operations of the central government administration, voluntary organizations and the workaday world. But it did not deal with the structures of distinct and common political institutions. How to enable them to reflect bilingualism and biculturalism has become an important element of the present debate on the future of Canada.

Multiculturalism

Following the passage of the Official Languages Act in 1969, the central cabinet enunciated, in 1971, a policy of multiculturalism.

It defined multiculturalism as cultural freedom "within a bilingual framework." As "multiculturalism is a more adequate" description of our society, as "cultural pluralism is the very essence of Canadian identity," and as "there is no official culture" in Canada, "every ethnic group has the right to preserve and develop its own," said Prime Minister Trudeau at the time.

"To ensure that Canada's cultural diversity continues," measures would be taken, he added, to "assist, resources permitting, the development of those cultural groups which have demonstrated a desire and an effort to continue to develop"; "assist to overcome cultural barriers"; "promote creative encounters and interchange among all Canadian cultural groups"; "assist immigrants to acquire at least one of Canada's official languages in order to become full participants in Canadian society."

Those who favour multiculturalism, while they reject cultural assimilation, generally accept the idea of "integration" within one or both linguistic mainstreams. Some ethno-cultural groups have requested that the principle of multiculturalism be enshrined in the Canadian constitution and applied to specific legislation, such as the Immigration Act. Some would also like to see their language guaranteed in provincial law as language of instruction, where numbers warrant.

The rationale for the policy of multiculturalism, as expressed by government authorities since 1971, and by interested ethno-cultural groups, rests on three main arguments. (1) Multiculturalism in Canada is a fact. Since 1867, ethnic, cultural, linguistic and religious diversity has grown. Of the total Canadian population, the proportion of those Canadians of ethnic backgrounds other than French and English has gone up from 7 to 25 per cent (excluding the native peoples). (2) All cultures are valuable and add to the richness of Canada. (3) The ethno-cultural groups have made an important contribution to Canada.

The advantages and disadvantages of this policy are among the issues relevant to the debate on Canadian unity.

Majority and minority communities

A majority is a group constituting more than one-half of the total population within a given territory.

In linguistic terms, English-speaking Canadians are a majority in nine provinces. French-speaking Canadians are a majority in one province.

The English-speaking and French-speaking Canadians are each in a minority position in one or more provinces. The francophone communities in English-speaking Canada and the anglophone community in Quebec are sometimes referred to as the "official language minority groups."

In addition, Canada has a variety of minority ethno-cultural communities and groups retaining some distinctive cultural characteristics — the Ukrainians, the Italians and the Greeks, to name only a few.

Duality, dualism

Duality is a term often used in Canada to describe the presence of two major communities, the English-speaking and the French-speaking Canadians. These communities have a great variety of distinct institutions and consequently are seen as forming distinct societies within the overall Canadian society. But these societies also share a great number of common institutions: public and private, cultural, legal, economic and political.

Besides demographic evidence, the principle of duality or **dualism** is often supported by a number of historical, legal and political concepts such as "the two founding peoples," the "compact theory of Confederation," "the two nations" and "equal partnership." For example, the Royal Commission on Bilingualism and Biculturalism wrote: "For us the principle of equal partnership takes priority over all historical and legal considerations, regardless of how interesting and important such considerations may be. We were not asked to consider merely the recognition of two main languages and cultures . . . ; we were asked to examine ways in which the Canadian Confederation could develop in accordance with the principle of equal partnership."

Duality affects in a diversity of ways the structures and the functioning of the common Canadian institutions. For example, the British North America Act recognizes two legal systems, the civil law in Quebec and the common law elsewhere; the Supreme Court Act guarantees the presence of three judges from Quebec on that tribunal. The Official Languages Act defined an objective of "institutional bilingualism" in the central government. The Canadian Broadcasting Corporation and the National Film Board have distinct English and French services. The practice of alternating between French and English-speaking persons is applied in nominations to some public offices, among which are those of governor general and speakers of the House of Commons and Senate. Many professional and labour associations and business enterprises operate in English or French, or both, either on a Canada-wide or on a regional basis.

The adoption by Canadians of a federal system of government was in part at least intended to accommodate duality, by establishing provinces within each of which a major linguistic community would be in a majority. At the federal level, both linguistic communities share common institutions. Thus, the French-speaking majority in Quebec is able to express itself both through its own provincial government and through its participation in the central government.

While based essentially on linguistic considerations, duality is also expressed in social, cultural, legal, economic and political institutions.

The word is another of those very controversial ones in the present unity debate. Some persons and groups would like to see the "principle of duality" or "dualism" more extensively applied in Canadian institutions of all sorts. Others call the idea, particularly when defined as "equality," a violation of the rights of the numerical majority. Others, while accepting various degrees of dualism, reject the concept of "two founding peoples," pointing to the presence of native "pre-founders" and of early immigrants. Others, particularly in Quebec, would like to take dualism off its present linguistic or "multifaceted" base and set it up on a political one, a "one to one" relationship between Quebec and "the rest of Canada."

Pluralism

Generally speaking, the term pluralism refers to the existence within a society of social, economic and political communities and groups which maintain a degree of distinctiveness in their participation in the common institutions and activities of that society.

In Canada, ethnic pluralism, for example, is a feature of both major societies, of the various regional societies and of the population as a whole. In consequence, Canadians often view their country as a "homeland for peoples of many origins." Linguistic duality leads to forms of bilingualism and biculturalism, while ethnic pluralism adds to Canadian society a significant element of cultural heterogeneity.

Regionalism

Regionalism is a term with a great variety of meanings, depending on the context. The basic distinction to be made is between regionalism as a **fact** and regionalism as a **value**, but within these two basic categories many further refinements can be identified.

Regionalism as a fact refers to the existence of various areas of a country or continent (or parts of either) with characteristics which distinguish them from others. These characteristics may be natural or man-made but are usually a combination of both. The various regions of Canada can be defined in at least three ways, and certainly in many more. The Economic Council of Canada, for example, has identified thirteen major urban systems as the basic economic regions of the country. The importance of these intraprovincial divisions has been recognized by the recent introduction of regional governments in several provinces, including Ontario and Quebec. Another way to define the regions of Canada is in terms of five units: the Atlantic region, Quebec, Ontario, the west and the north, or the prairies and British Columbia. A third way to define the regions of Canada is in terms of the provinces themselves. The provincial definition is especially useful as one moves from economic analysis toward more political and social concerns, because regional communities require an institutional framework if they are to become variable units which can express themselves and organize their collective life in an effective manner. The provincial political institutions are the primary frameworks through which regional communities organize themselves because the provincial institutions tend in turn to develop social networks and vested interests which reinforce the provincial focus of the region. The regional or provincial communities of Canada, then, are a complex product of geographic, economic, historical, political, social, cultural and linguistic forces.

Regionalism as a **value** refers to the tendency to look upon the existence of regions within a country as a positive asset and to recognize or reinforce these regions as a worthwhile feature of its political and cultural life. Movements of thought or opinion which recognize regionalism as a value may seek to strengthen regional cultures, or to decentralize the activities of government, or to give the regions more effective control over the central decision-making process. Regionalism both as a body of theory and as a political and social movement has enjoyed a resurgence in recent decades in many other countries besides Canada, including France, the United Kingdom and the United States. The growth of regionalism in Canadian political life since the beginning of the 1960s is a reawakening of a very old feature of Canadian life, since the country was originally brought together from distinct regional communities which remain strongly attached to their local identities and which are reinforced by the complex institutional and social forces described above.

Canadian institutions attempt to reflect these realities of duality, pluralism and regionalism.

2.

Political Relationships and Organizations

Politics, the governing of a society, is a matter of power – who has it, by whose will and how it is exercised. To understand the relationship between governments and the governed, the distinctions between power, authority, sovereignty, competence and jurisdiction are important. Political organizations are the means by which a society governs itself. They are the state, its government, and the formal and less formal ways by which citizens seek to control government or influence its actions, essentially through political parties and interest groups.

Power

Power is the capacity to influence or control the actions of individuals or groups.

Power relationships exist in any area of collective activity, for example, in economics, culture and politics. In the last instance, it is referred to as political power.

Authority

Authority is the exercise of power made legitimate by the acceptance of those over whom it is exercised. It is the right to direct the conduct of the members of a group or society, in particular, to set policies, to settle controversies, and to impose obedience.

State

A state is a legal and political association having the power and authority to command obedience and loyalty from its members.

The essential elements of a state are: (1) a population; (2) a territory; (3) a sense of community, generated by shared characteristics and objectives; (4) a government, the set of agencies through which the policies of the state are formulated and carried out; and (5) sovereignty, the supreme authority to make decisions and to enforce them. It is that fifth element which distinguishes the state from any other organizations within it.

The creation of a state is not only a consequence of the social nature of human beings, of the existence of some common objectives among individuals living in a certain geographical area, and of international rivalries and conflicts. It is also a product of the minds and of the wills of men and women, legislators and citizens, an organization described in formal or informal agreements (constitutions, laws, conventions). This explains why different states have different concepts of the common good and different forms and processes of government.

The state has been regarded by some modern political philosophers and politicians as the perfect expression of political society. This view has been called into question in the last few decades, however, by a reaction against governments that attempt to control too much of life within society, and by the recognition of the importance of inter-state and supra-state interests. In other words, the state alone is no longer seen as capable of fulfilling all the aspirations of its citizens.

Within some federations, the name state is also given to the component units, as in the United States and Australia. The equivalent units are called Länder in Germany, cantons in Switzerland and provinces in Canada. Despite the different labels, there is no essential difference between these entities. In all cases, the component units of federations and the central government, have "sovereignty" over those areas of government activity which are assigned to them by the constitution of the country.

Country

Country is primarily a geographical term referring to the territory occupied by a state. More loosely, it is used as being synonymous with a particular society or state.

Sovereignty, competence and jurisdiction

The distinguishing element of the state, as the paramount form of modern and contemporary political organization, is its sovereignty.

After a long evolution, beginning at the end of medieval times, sovereignty came to mean the right of the government of a state to decide in the final recourse, internally and externally, on the direction to give to its own collective actions, a right generally considered to be absolute in legal terms. In order to implement this right, the government of a state has a monopoly of the instruments of coercion, for example, the enforcement of laws and regulations by the use of the army and the police.

A debate over the ultimate holder of sovereignty also went on for centuries. Did it belong to the king, to Parliament, to the people, to the state itself, or to the government of the state? Different aspects of sovereignty were assigned to the various claimants at different times and places in history.

The concept of sovereignty in its absolutist form raised a particular problem in the case of federal states. Could sovereignty, the ultimate and supreme authority, be divided? It is now generally accepted that in such systems sovereignty is divided in a single state between the two orders of government which, in turn, claim sovereignty in the areas of activity allocated to them by the constitution.

Observers have often noted that, in practice, sovereignty, however useful as a legal concept, was necessarily limited. The growth in our times of interdependence among states and among individuals and groups across state borders, has made this practical limitation more and more obvious. The progress of technology and its consequences, for example, on communications, the extraordinary development of foreign trade and multi-national business corporations, the increasing preoccupation of world opinion with the protection of human rights and of the environment everywhere, the world-wide concern about nuclear war, are only a few of the factors that have brought about a decline in the rigid classical distinction between internal and external affairs, and a consequent decline in the ability of states to exercise complete sovereignty. The growing number of world institutions and international conventions is but one illustration of this trend.

The notion that sovereignty is divisible and limited has led to the use of more positive concepts such as "competence" and "jurisdiction." These concepts define the state in terms of the fields of activities in which a government, be it central, provincial or municipal, exercises its authority under law. The charters of the League of Nations and the United Nations, for instance, have adopted the term "competence," although qualifying it as "national," "exclusive," or "discretionary," to suit the wishes of governments.

This guide will normally use the terms competence or jurisdiction instead of sovereignty.

In the present Canadian context, sovereignty is still used in the expression "external sovereignty" to express the idea that the central government has an overriding power in the conduct of Canada's relations with other countries.

The word is also used in the Parti Québécois proposal of "sovereignty-association" to indicate a desire to see Quebec achieve the status of a politically independent state while participating in a negotiated economic association with the rest of Canada.

Government

As an activity, government is the continuous exercise of political power and authority in a society.

As an organization, the government is the collection of agencies that exercise competence in the state and also the group of individuals who operate these agencies at any given time.

Modern government is usually subdivided into "branches" or "functions": the legislative, which makes the laws, the executive, which implements their provisions and most often also prepares them, and the judiciary, which interprets them and adjudicates the disputes they occasion. The public service is now often accepted as a fourth branch: it provides expert advice to the executive branch.

Within a federal system such as Canada's, political power and authority are exercised by a number of governments, central, provincial and municipal, the latter coming under the jurisdiction of the provincial governments.

To the extent that a society is democratic, governments are constrained, in principle, by the supremacy of the law, particularly the law of the constitution, by the continuous participation of the public in political party activities, elections, the making of representations, opinion surveys, and so on, and by the influence of the media. Agencies of government are also limited in their activities by such institutional constraints as the "distribution" and the "separation" of powers, and the rules of responsibility and accountability of legislatures and of ministers.

Because a government acts on behalf of the state, the words "government" and "state" are often used interchangeably as in "state intervention" which refers to government action. Also, because the executive branch at particular times acts on behalf of the government, the words "government" and "executive" or "cabinet" are often used interchangeably, as in "the federal government" or the "Trudeau government," to refer to the federal executive or the Trudeau cabinet. It should be emphasized, however, that, strictly speaking, "state," "government," and "cabinet" each describe distinct entities.

Political party

In any political society, persons with similar outlooks, views and interests associate in political parties to seek and exercise power, to control the agencies of government and to influence the direction of public activities.

In modern states, there are different types of political parties. Some are more interested in ideas and policies ("parties of principle"), while others accept compromises more easily in their pragmatic pursuit of power and service ("government parties"). Such considerations may determine whether a party will have a broad or a restricted membership. Some parties are constituted by a relatively small number of regular adherents who call on the general public mostly at election time ("cadre parties"), while others attempt to bring large numbers of members into close and continuous participation ("mass parties"). Obviously, these distinctions only indicate general trends.

There are different political party "systems." In some regimes, often called totalitarian or authoritarian, only one party is allowed to exist. In such cases, the party effectively rules the state by monopolizing government. In liberal-democratic countries a number of parties compete and there is a two-party or a multi-party system.

Canada has often been described as having, both federally and in the provinces, a "two-party system," in the sense that two parties usually predominate, though not the same two everywhere. This basic description is not really accurate. There have been two noticeable trends in the country in this matter: at both the federal and provincial levels, one party has tended to govern for long periods of time and "third parties" have tended to form, in some provinces even supplanting one of the older parties. It is more accurate, therefore, to say that Canada has federally, and in most provinces, multi-party systems characterized by relatively long periods of one-party predominance.

The two older parties, the Liberal and the Progressive Conservative, compete most of the time, both on the federal and provincial scenes. The New Democratic Party (NDP) founded as the Cooperative Commonwealth Federation (CCF) in the 1930s, now has a base in most provinces, as well as federally. It has formed governments in three provinces. The Social Credit party has members in the central Parliament and in some provincial legislatures; it governs in British Columbia. The Parti Québécois, first a third party, became the official opposition, then was elected to power in 1976. Recently, federal and provincial parties of the same name have, in some provinces, tended to operate as distinct federal and provincial organizations.

Interest group (pressure group)

An interest group, or as it is sometimes called, a pressure group, has as one of its objectives the exercise of influence on the public and on political institutions in order to secure decisions favourable to itself or to prevent unfavourable ones.

By comparison with a political party the distinguishing characteristics of an interest group are: the restricted and specific range of policies with which it is concerned; the rarity with which it takes part in elections and then usually only to influence specific issues; and its focus upon exercising influence on the political and bureaucratic process rather than obtaining and exercising office.

A lobby is a restricted form of interest group which has the sole purpose of influencing legislation or the execution of a policy. An interest group generally serves broader functions, such as acting as an information and public relations organization for its members.

3.

Rights, Liberties and Freedoms

Rights, liberties and freedoms define the relationships between an individual or a group and the state and between individuals and groups themselves. Because of their importance, citizens and groups are usually prepared to struggle against infringements on them.

Rights

A right is a claim possessed by a person or group of persons and protected by law. Such a right implies a corresponding obligation by other citizens and the state to respect that right. Citizens as members of a state, therefore, have both rights and duties.

Individual rights

Individual rights are those belonging to all individuals in a state regardless of their membership in a group or community within the state. Examples are the right of free expression and the right of association.

Collective rights

Collective rights are essentially of two types. The first are rights which can be claimed by an individual because of his membership in an identifiable group. An example of this type are the school rights of religious groups protected by the BNA Act. A second type of collective rights are those which apply only to collectivities as a whole. An individual cannot claim these rights for himself, but may claim them on behalf of a collectivity. An example would be the right to strike.

Generally speaking, while anglo-saxon Canadians have tended to think primarily of individual rights, French Canadians and some ethnic minorities have also stressed the importance of collective rights.

Liberties

A liberty may be thought of in two ways. First, it may refer to what a person may do without infringing the law. As such, a liberty is a right of non-interference by the state or by other citizens.

Second, a liberty may represent a right to claim state intervention to protect one's way of life from interference by others, or to provide an opportunity on a basis of equality with others. In this sense, a liberty is a claim for positive assistance by the state in securing certain opportunities.

Freedoms

A freedom exists in the absence of a restrictive law. For example, a person is free to say what he pleases — freedom of speech — provided that he does not offend against the laws relating to treason, sedition, libel, official secrets and so on. Most of the time "freedoms" and "liberties" are used interchangeably although jurists refer more often to "liberties."

The expression "civil liberties" is sometimes used in referring to all the basic rights and freedoms of the citizen. However, under the influence particularly of the United Nations Charter and the Universal Declaration of Human Rights, civil liberties have increasingly been referred to as "human rights and fundamental freedoms."

It should be noted in passing that the term "civil rights," as used in the British North America Act, in section 92(13), and assigned to the jurisdiction of the provinces, is not synonymous with "civil liberties." "Civil rights," in that context refers mainly to matters of private law, such as property, torts, contracts and estates, although they may include some aspects of the protection of fundamental rights, such as defamation, trade union certification and the status of married women.

In Canada, human rights, in the generic sense of the word, fall within the jurisdiction of either the Parliament of Canada or the provincial legislatures, or both, depending on the aspect under which they are treated. For example, an aspect may come under criminal law (federal), another under civil law (provincial).

Classification of human rights

Fundamental rights have been classified into at least four groups by most authors. The four groups usually advanced are:

- political rights — traditionally including freedom of association, assembly, expression, the press, conscience and religion;
- legal rights — including equality before the law, due process of law, freedom from arbitrary arrest, right to a fair hearing, access to counsel;
- economic rights — including the right to own property and the right not to be deprived of property without due compensation, freedom of contract, the right to withhold one's labour; and
- egalitarian rights — including the right to employment, to education, and so on, without discrimination on the basis of race, colour, sex, creed or economic circumstances.

Often added to these categories are minority rights, linguistic rights and social rights. Minority and linguistic rights will be discussed in Part II, chapter 4. There is a growing tendency in the world to consider as social rights the enjoyment of economic security, equality of opportunity and fair distribution of wealth.

In Canada, fundamental rights are defined by the British North America Act, by the Canadian Bill of Rights and by a number of other federal and provincial statutes. The protection of these rights in Canada is dealt with in Part II, chapter 4.

The rule of law

The preamble of the British North America Act states that our constitution is "similar in principle to that in the United Kingdom" and the courts have declared that in Canada, as in the United Kingdom, the "rule of law" applies.

The rule of law means that everyone is subject to the law. Political leaders are under the same obligation as anyone else to abide by the law. Neither the government, nor public servants, nor police officers are entitled to wield arbitrary power over any citizen.

Constitutional entrenchment of fundamental rights

The "entrenchment" of rights and freedoms involves placing them beyond the ordinary reach of a government or legislature by incorporating them in a part of the constitution which, to be changed, would require a special amendment procedure which is more difficult than the simple passage of an act of the competent legislature. Such a procedure may require a special majority in the legislature, participation or ratification by other orders of government or the consent of the electorate by way of a referendum.

Forms of Government

The organization of government within a state may take different forms in relation to: (1) the number of persons in whom political authority is vested and the basis of their selection for office; (2) the method by which the people exercise democratic government; (3) the relationship between the executive and the legislative branch of government; and (4) the territorial distribution of sovereignty.

Monarchy, presidency, oligarchy, aristocracy, autocracy, republic, democracy

Governments may be classified according to the number of persons exercising ultimate authority and the basis of their selection for office. In a monarchy, political authority is vested in a single hereditary ruler, whereas in a presidency it is held by a single non-hereditary ruler. In an oligarchy, authority is exercised by a small, unrepresentative group; in an aristocracy, by an elite based upon heredity, education, race, caste, or ownership of property. An autocracy is a form of government in which one man, or a group of men with a clearly identifiable leader, exercises political power without legal or customary constraints, and without responsibility to an electorate or any other political body. A republic is a non-monarchical form of government in which the supreme authority rests with a president or appointed or elected representatives. In a democracy, either all the citizens or their elected representatives act as the governing body.

While these are the basic forms, there are many variations and hybrids of them. The United Kingdom and Canada, where the authority of the monarch is limited by constitutional practice, are usually classified as "constitutional monarchies." Because government is exercised in our country by politicians elected directly through a process in which all adult citizens have a right to participate, it may also be described as a democracy. Since the elected politicians act formally in the name of a monarch who is the head of state, but whose personal powers are extremely limited, Canada is at the same time a democracy and a constitutional monarchy.

It should be noted that the relative power of the political office holders in all these forms of government may be affected by the extent to which the holders of economic or social power are able to influence or control public policy. The degree to which the holders of economic or social power are responsible to the public is a major issue in contemporary states.

Direct and representative government

A direct democracy is one in which, in principle, all the citizens participate directly in the exercise of government through regular assemblies of the population. Because of the size of most modern states such participation by each citizen is extremely rare these days, although important aspects of direct democracy exist in some Swiss cantons and in some states, such as California, of the United States.

A representative government is one in which political authority is vested in elected persons who act on behalf of their electors. This is the usual form of government in contemporary democratic societies.

In some states where representative government is the rule, elements of direct democracy are introduced by popular consultative devices such as the referendum and the plebiscite.

Referendum

A referendum is a procedure in which the electorate is asked to give an opinion or a decision on a proposed or existing law, a project, a policy or a principle.

A referendum may be either "consultative," when an opinion of the electorate is sought by a government, or "deliberative," when it is part of the formal process whereby the electorate participates in the approval of legislation. Referenda may also be described as either "optional" when the calling of a referendum is at the discretion of the executive or legislature, or "obligatory" when its holding is required in certain circumstances by the constitution. In terms of the degree to which a government is bound to act according to the results, a referendum may be described as "free" when a government is not bound by the results or "binding" when it must act in conformity with the result.

Referenda may be used in constitutional matters, such as the approval of a new text, an amendment, or the secession of a section of the country; in matters normally subject to ordinary legislation, such as consideration of liquor prohibition or the death penalty; and in international matters as, for example, the approval of a treaty or the decision to join another country or an international organization. Newfoundland joined Canada in 1949 after two referenda, and in Europe three countries have, in recent years, submitted the issue of their membership in the European Economic Community to referenda.

When a referendum is part of a constitutional amending process, it is usually deliberative, obligatory and binding — as is the case in Australia and Switzerland; otherwise referenda are usually only consultative and optional, intended only to obtain the views of the population. In the latter case, rejection does not legally bind the government, although, of course, the expression of public opinion will carry considerable political weight. A government may, however, express in advance of the referendum its desire to be bound, as the British Government did in 1975 on the issue of remaining in the European Economic Community, and thus be morally held to its commitment when the result is known.

Most countries use the referendum very sparingly. Switzerland, however, is one that uses deliberative referenda as a matter of course for a wide range of ordinary legislation at all levels of government — federal, cantonal and communal, in addition to the procedure for constitutional amendments. Australia, like Canada a federal and parliamentary state, uses referenda to amend its federal constitution, certain provisions of some state constitutions, and occasionally in politically controversial matters. Although the preamble of the Australian constitution declares the union to be "indissoluble," the state of Western Australia held a referendum in 1933 in which a large majority voted in favour of secession. The consequent request was rejected by the British Parliament because it was not supported by the central government of the independent Australian federation. In a parallel situation, however, when a majority of Jamaicans voted in a referendum in favour of secession from the newly-established, but still colonial West Indies Federation in 1961, the British Parliament agreed, even though the government of the West Indies Federation was opposed.

The Canadian constitution makes no mention of referenda; they are not part of our formal constitutional amending process. However, the Quebec legislature has recently adopted a statute authorizing consultative referenda. In addition, a bill to permit consultative referenda in constitutional matters was introduced in the Parliament of Canada during 1978. These measures regulate the procedures for initiating and approving the questions to be posed, the conduct and funding of the campaign, and the balloting.

Referenda may play an important role in the present debate on the future of Canada.

Plebiscite

Some politicians and scholars define a plebiscite simply as synonymous with a referendum. For example, in Canada in 1942, Prime Minister MacKenzie King used a plebiscite to be relieved of his promise not to impose conscription.

However, in France and some other countries, the term "plebiscite" is normally used more specifically for occasions when the public is asked to express confidence in the head of state or a government rather than in a policy.

Referenda and plebiscites are often acclaimed as the best ways to get to know public opinion on a single specific issue and as genuinely democratic processes. Some commentators criticize them as undermining the concept of parliamentary responsibility which is based on the idea that representatives are elected to make complex decisions on behalf of the public at large after extensive analysis of all aspects of the question under consideration. They also observe that most questions cannot be answered by a simple yes or no.

Referenda and plebiscites are to be distinguished from two other methods by which the views of the electorate may have an impact upon political decisions.

Petitions

Petitions are non-binding requests for specific action signed by an individual or group of citizens and submitted to the executive or legislature. The persuasiveness of petitions usually depends on the number, personal reputation and influence of those signing them and also on the political context in which the petitions are introduced.

Initiatives

In Switzerland and some states of the United States, there is a specific provision for initiatives, a procedure whereby a proposal initiated by a prescribed number of citizens must be referred to the electorate in a mandatory referendum and, if passed, becomes law. The passage of Proposition 13 in California in 1978 is an example of this form of direct democracy.

Parliamentary and presidential government

In representative government, the nature of the relationship between the legislative and executive branches defines the difference between parliamentary or cabinet government and congressional or presidential government.

In parliamentary government, as in Canada or the United Kingdom, members of the executive are normally drawn from the membership of the legislature and each branch is dependent on the other. The executive is usually responsible to the elected house of the legislature and must leave office if it loses the confidence of that house. On the other hand, the legislature (or at least the elected house) may be dissolved upon the recommendation of the executive.

In congressional or presidential government, for example, in the United States, the principle of "the separation of powers" is applied. The head of the executive branch is not a member of Congress; he is directly elected by the citizens for a fixed period of time. He stays in office irrespective of the distribution of seats in the legislature among political parties or of the will of the legislative branch, except in the extreme case of impeachment. The members of his cabinet are also not members of Congress and he has a wider choice in the formation of his cabinet than the parliamentary prime minister who normally must draw from the members of the legislature. The members of Congress have fixed terms, and Congress is not subject to dissolution by the executive.

It is generally argued that the presidential form of executive has the advantage of stability but may be subject to deadlocks, particularly when the executive and legislative branches are dominated by different political parties. The parliamentary form has the advantage that where the government can count upon a legislative majority, it is normally in a position to take decisive action. But where no party holds a majority in the legislature, cabinet government may also be vulnerable to instability.

There are many varieties and hybrids of these two models. Real executive authority may be divided between a directly elected president with a fixed term and a prime minister and cabinet responsible to the popular house of the legislature, as in France. A parliamentary system may be headed by a president filling a role similar to a constitutional monarch, as in India and the Federal Republic of Germany. The cabinet may be a "collegial executive" chosen by the legislature from among its membership but holding office for a fixed term, as in Switzerland.

Unitary, federal and confederal government

The method of territorial distribution or division of powers within a political system determines whether the government is a unitary government, a federal government, a confederal government or an economic association.

In the unitary form of government, even when there is a good measure of administrative or legislative devolution or decentralization, sovereignty or competence resides exclusively with the central government, and regional or local governments are legally and politically subordinate to it.

In the federal form of government, sovereignty or competence is distributed between central and provincial (or state) governments so that, within a single political system, neither order of government is legally or politically subordinate to the other, and each order of government is elected by and exercises authority directly upon the electorate.

In the confederal form of government, even where there is a considerable allocation of responsibilities to central institutions or agencies, the ultimate sovereignty is retained by the member-state governments and, therefore, the central government is legally and politically subordinate to them. Furthermore, the members of the major central institutions are delegates of the constituent state governments.

An economic association, when it has common organizing institutions, is a confederal type of government in which the functions assigned by the participating states to the common institutions are limited mainly to economic cooperation and coordination.

While precise definitions distinguishing unitary, federal and confederal systems or between different forms of federation are helpful, it is important to remember that state-builders, unconcerned with the niceties of theories and more interested in the pragmatic value of institutions, have sometimes attempted "mixed solutions" or "hybrids," combining features from different forms within a single political system.

Indeed, some commentators have described the British North America Act, the basic written constitutional text of Canada, as establishing a quasi-federal form of government because of such unitary features as the central powers of disallowance and reservation of provincial legislation. The fact that these powers have been unused in recent decades means that the Canadian federation has been operating in practice in a more genuinely federal manner.

While dividing lines cannot always be drawn precisely, individual political systems can usually be described as "predominantly federal," "predominantly confederal" or "predominantly unitary."

Federation, Confederation and Economic Association

The terms "federation" and "confederation" are often used loosely and sometimes even interchangeably. They both invoke the idea of a political union with a central government responsible for common interests and with provincial or state governments retaining authority over a substantial range of regional concerns.

While political scientists and constitutional lawyers now distinguish between federations and confederations, it should be noted that such distinctions have not always been clear or even made. For example, the establishment of the Canadian federal system by the British North America Act in 1867 is referred to as "confederation," the Swiss Constitution of 1874 is specifically entitled "the federal Constitution of the Swiss Confederation," and the American *Federalist Papers* (1788) made no sharp distinction between the two terms. "Confederation" in many of these usages referred simply to the process of bringing together political units rather than to the resulting form of government.

When these terms are used more precisely by scholars, a federal system of government is usually defined as one in which central and provincial governments each possess autonomous authority so that neither "order" or "level" of government is legally or politically subordinate to the other. A confederal political system is usually defined as one in which the central government is legally and politically subordinate to the regional governments.

Some scholars, in distinguishing federations from "confederations" or "confederacies," emphasize the distinction in terms of their structures rather than the relative balance of their functions. In federations, they observe, both orders of government are elected directly by the population, whereas in a confederation, the members of the central institutions are appointed as delegates by the constituent governments.

Federation

A federation is a form of political organization by which common desires for unity and diversity within a society are accommodated by the establishment of a single political system within which, as said above, central and provincial governments each exercise autonomous constitutional authority so that neither order of government is legally or politically subordinate to the other. The idea of non-subordination is an essential element of the "federal principle."

The federal form is defined by reference to such existing examples as Canada (1867), the United States (1789), Switzerland (1848 and 1874), Australia (1901) and the Federal Republic of Germany (1950).

Four points should be particularly noted about this definition of a federation:

Both the central and provincial legislatures are constitutionally "sovereign bodies" within their competence or jurisdiction, since sovereignty is distributed between them.

Political as well as legal relations between governments are relevant in determining the real as opposed to the formal status of governments within a federation.

Governments in federal systems are inevitably somewhat interdependent, but so long as the dependence of one order of government on the other does not become so one-sided as to involve subordination, the interdependence of governments is not inconsistent with the "federal principle."

The federal principle may be expressed by a whole range of institutional arrangements suitable to different conditions. In other words, there is no single and pure model of a federation.

Conditions

It should be emphasized that there are three conditions fundamental to the ability of a federation to accommodate demands for both unity and diversity.

Since the various political units and social communities coming together do not agree to be partners over the whole range of political action, a federal system involves a set of compromises. To be effective, the distribution of functions, responsibilities and resources between governments must reflect the political reality that there are areas of political activities in which there is agreement among the partners to centralize authority and other areas in which there is a desire for provincial distinctiveness.

Since, in practice, the functions assigned to the two orders of government cannot be totally isolated from each other, the activities of the two orders of government interpenetrate both administratively and politically. Effective intergovernmental relations are, therefore, a fundamental aspect of any federal system, as important as the distribution of powers.

Since a federal system represents a form of partnership, an especially crucial aspect of the system is the process through which diverse regional, ethnic, cultural, economic or political groups participate in the central institutions and a federation-wide consensus is developed. Unless the institutions for arriving at central policies and decisions ensure these distinctive groups effective participation in the process, a minimum consensus is unlikely to be achieved and the partnership is likely to dissolve in the face of increasingly hostile struggles between a central majority and alienated regional groups. Most federations have, therefore, found it necessary to structure central institutions and procedures in such a way that not only will the interests of minorities and regional groups receive special expression but the resolving of conflicts of interest and the widening of agreement and accommodation will be facilitated.

Features

The essential features of a federal political system are:

- two orders of government existing in their own right under the constitution and each acting directly upon the same citizens;
- a central government directly elected by the electorate of the whole federation and exercising authority directly by legislation and taxation upon the country as a whole;
- regional units of government, variously called "provinces," "states," "cantons," or "Länder," each directly elected by and directly acting by legislation and taxation upon its own regional electorate;
- a formal distribution of legislative and executive authority and of sources of revenue between the two orders of government;
- a written constitution defining the competence and resources of the two orders of government, and not unilaterally amendable in its fundamental provisions by only one order of government;
- an umpire to rule upon disputes relating to respective governmental powers and to interpret the constitution; it is usually a supreme court or a specialized constitutional court, but may sometimes take the form of the electorate acting through a referendum;
- processes and institutions to facilitate intergovernmental interaction.

Variations

Specific federations may vary in terms of:

- the organization of the central government, which can be parliamentary, presidential or collegial in form;
- the provision of regional representation in the institutions for central policy-making, such as the executive, the second chamber, the bureaucracy, and regulatory agencies;
- the number and relative size and wealth of the regional (provincial) units;

- the allocation of specific fields of legislative and executive competence and of spending authority and revenue sources between the two orders of government and among the regional (provincial) units, and the manner of distribution of "exclusive," "concurrent" and "residual" authority (see pages 47–48);
- the structure and jurisdiction of the judicial system, the supreme court or constitutional court, and the use of referenda and other devices for arbitrating and adjudicating disputes related to respective governmental powers;
- the processes and institutions through which intergovernmental consultation and cooperation are facilitated.

Within each federation the particular blend of these variables will depend on the social, economic and political forces which the federal system attempts to express and channel. That is why there are important differences between the Canadian, the American, the Australian, the Swiss and the German federations.

A particularly significant variation among federations, affecting their operation, is the extent to which the principle of the "separation of powers" between the executive and the legislature operates within each order of government. In federations such as the United States and Switzerland, where the principle of the "separation of powers" has been applied within central and state governments, the diffusion of authority within each order of government has enabled the development of many points of contact and interpenetration between the orders of government. Some authors have described this as "marble cake" federalism. In those federations where the central and provincial governments are organized along parliamentary lines (without separation of powers between the legislature and the executive) however, as in Canada and Australia, the dominance of the parliamentary cabinets has made these executive bodies the focus of relations between the two orders of government. This **executive federalism** seems often to operate in a manner not unlike international diplomacy. The result is a "layer cake" federalism in contrast to the "marble cake" character of non-parliamentary federations.

While in theory it is usually considered desirable for the constituent units (states or provinces) of a federation to be equal in constitutional status, in practice their inequality in size, power and character often leads to differences in the degree and areas of power exercised by different units. This has sometimes been described as **asymmetrical federalism**. The Canadian federal system belongs in this category since the British North America Act and subsequent constitutional acts have included provisions specific not only to Quebec but also to other provinces.

Confederation

In contrast to a federation, a confederation, in the strict sense of the term, is a form of political union in which the constituent states are joined together for military, diplomatic or economic purposes, in such a way that the common institutions derive their authority from the constituent states and are composed predominantly of delegates appointed by the constituent state governments. Among examples in modern history are the Swiss Confederation in its various forms between 1291 and 1848, the United States of America from 1781 to 1787, the German Empire from 1871 to 1919.

Generalizing from these examples, a confederation may be described as an association in which sovereign states are joined together by a pact or treaty of international law, or a constitution, in which they delegate specific limited authority, especially in matters of foreign affairs (defence and diplomacy), to a central agency. It may be called a "diet," "assembly," "council" or "congress" and its members are usually mandated delegates appointed by the member states. (A delegate has less independent authority than an elected representative as the delegate must carry out the instructions of the government that appoints him.)

Membership in the central organization is normally on the basis of equality for the constituent states; decisions usually require unanimity, at least in important matters, and are generally implemented by the member states themselves.

The central agency, having no direct authority over citizens and acting upon citizens only through the constituent state governments, is usually supported financially by "contributions" and militarily by "contingents" from the member states.

Usually there is also in the treaty or constitution creating the confederation a formal agreement on the part of the member states renouncing the right to go to war against each other, assuming the obligations of collective security with respect to each other, and agreeing to the arbitration of their conflicts.

Political confederations are rare today, but the confederal principle is very much alive in regional international organizations, in the United Nations and in inter-state economic associations, such as the European Economic Community.

The Parti Québécois has often described its proposal for sovereignty-association as leading to the creation of a "true confederation" between Quebec and Canada.

Economic association

Economic association is a type of confederal organization directed at inter-state economic objectives.

Politically independent states, through their governments, have for a long time found it useful to link up with other states to foster common economic advantage through agreements on tariffs, labour and capital mobility, immigration, currency, taxation, and so on.

There are many forms of such agreements producing varying degrees of economic integration. They are broadly categorized as follows:

Free trade area

A free trade area involves the removal of tariff barriers between or among member states, at least for certain goods, each participant retaining the right to determine its own tariff levels in relation to non-member countries.

Customs union

In a customs union, member states not only renounce all tariff restrictions between or among themselves, as in a free trade area, but the member countries also standardize customs barriers applied to imports from non-member states. Since that common tariff must be agreed upon unanimously by the member states, it often requires painful compromises because the different geographic parts of each participant state may not have the same economic interests.

Common market

A common market involves not only a customs union but the removal of restrictions upon the movement of labour and capital between member countries. Capital may now respond to variations in investment returns while workers may move from one state to another in accordance with differences in employment opportunities and wages. With the free movement of population within the common market, internal control by the constituent states over immigration is partially relinquished. But devices by which each participant state can unilaterally influence that "freedom" continue to exist — subsidies, preferential treatment to local industry, quality controls, tax concessions, among others.

Monetary union

A monetary union entails, in addition to a common market, the adoption of a single currency and rate of exchange. Each member state limits its competence over monetary policy and a common agency assumes this function for the union.

Economic union

An economic union involves, in addition to a common market, varying degrees of harmonization of state economic policies in order to remove discrimination arising from disparities in these policies. Examples of areas of harmonization are taxation, agriculture, transportation, social security and regional development.

In each of these forms of economic association, common agencies may be created to administer the common policies on behalf of the member states.

Economic integration, especially when accompanied by parallel action in other areas, such as defence or external affairs, may lead progressively to a real degree of political integration, which may go somewhat beyond the idea of an economic union and even of a confederation.

In the European Economic Community, which was created by the Treaty of Rome in 1957 and now comprises nine western European states, the main decisions are still taken by a council of ministers acting for the member states. However, a form of political integration is suggested by the existence of: (1) a commission to uphold the Community viewpoint and to prepare common proposals; (2) a judicial body, the European Court of Justice (the Community law, as interpreted by that court prevails over state law in cases of conflict); and (3) a consultative assembly, the European Parliament (which is expected to receive elected representatives in the near future). Such an objective, the goal of establishing "the foundations of an even closer union among the European peoples," is stated in the Treaty of Rome.

Economic association between a politically sovereign Quebec and the remainder of Canada is one of the elements of the "sovereignty-association" option proposed by the Parti Québécois.

Devolution, decentralization, deconcentration

Devolution refers to a general process by which some legislative, executive or administrative powers are delegated from a central government to a regional, provincial or local government. An example is the devolution at present being proposed in the United Kingdom for Scotland and Wales. Within Canada currently the government of the two federal territories — the Yukon and the Northwest Territories — is based on devolution of power from the federal Parliament; the territorial councils have extensive legislative powers, but they remain subordinate to the federal Parliament.

Decentralization refers to the dispersion or degree of dispersion of authority within a political system. For example, legislative decentralization refers to the distribution of legislative authority to provincial or local governments. Administrative decentralization may refer either to the distribution of administrative responsibilities to less central governments, or to the granting by a government of greater responsibilities to its own regional or local offices. One method, among others, of achieving decentralization is delegation of powers (see page 63). Sometimes the term "administrative decentralization" is mistakenly used to refer to "administrative deconcentration."

Deconcentration refers to the dispersal or relocation of administrative personnel to areas away from the capital. In a federation either order of government may have deconcentrated administrations, and in Canada both the central and provincial governments have placed greater emphasis on this in recent years. Deconcentration, so understood, is a very different concept from administrative decentralization; the latter describes relationships of authority, while the former describes physical proximity to the capital.

Secession and separation

Secession is the withdrawal of a component state from a federation with or without the agreement of the central government and of the other members of the federation.

The term separation is a more general term used (1) sometimes synonymously with secession; (2) sometimes as a broader term encompassing the detachment of a component state by the initiative of either that state or by the remainder of the federation, for example, the removal of Singapore from the federation of Malaysia; (3) sometimes as a narrower term referring to the division of a unit which remains within a federation, for example, the separation of Jura from the canton of Berne while remaining as a separate canton within the Swiss federation.

Withdrawal is permitted in some but not all confederations. Most federal constitutions have either expressly prohibited secession or made no explicit provision for it. Exceptions are the Union of Soviet Socialist Republics and Yugoslavia, which formally recognize the right of secession although subordinating it to the cause of socialism, and the short-lived Burmese constitution of 1947 which prescribed a procedure for orderly secession. The Canadian constitution makes no provision for secession. In such cases constitutionalists agree that for a state to withdraw legally would require a formal constitutional amendment. In practice, however, where secession movements have occurred, the issue has been decided by politics rather than law.

Constitution

A society exists by a consensus among its members to follow a general set of rules which citizens generally agree should structure the workings of the society and the state. These rules altogether form a constitution in the broadest sense.

A constitution is a set of fundamental laws, customs and conventions which provide the framework within which government is exercised in a state.

A constitution contains essentially: (1) the basic principles, objectives and rules which command the political life of a society; (2) the definition of the principal organs of government in all four branches — the legislative, the executive, the judicial and the administrative — their composition, functions, powers and limitations; (3) the distribution and the coordination of powers between the two orders of government if the form of government is a federal one; (4) the definition of relationship between the governors and the governed, particularly the rights of the latter.

A constitution which commands respect among citizens is a unifying force within a country.

A constitution, in its essential parts, may be mostly written, as in the United States, mostly unwritten or customary, as in the United Kingdom, or partly written and partly unwritten, as in Canada where most of the provisions relating to the federal system are written and most of the practices relating to the parliamentary system are based on conventions.

The main document of the written constitution is popularly referred to as "the constitution." The written constitution also includes the amendments to the constitution, ordinary laws (or statutes) having a constitutional content, and important documents in the history of the political development of the country.

The main "unwritten" parts of a written constitution are the decisions of the courts, interpreting the written documents, and the conventions of the constitution.

Constituent assembly

A constituent assembly is a meeting of delegates or representatives with the power to devise a new constitution or amend an existing one.

The Americans in the summer of 1787 held such a constituent assembly in Philadelphia. Each state sent delegates. After four months, a new constitution was drafted. This was followed by a process of ratification by the states.

The Charlottetown (1864), Quebec (1864) and London (1866) "conferences," which preceded the adoption of the British North America Act by the United Kingdom Parliament, brought together delegates from the legislatures of the colonies. In the strict sense of the word, these were not constituent assemblies since the representatives of the colonial governments did not have constituent power, a power which was exclusively vested at that time in the United Kingdom Parliament. However, in practice, these conferences prepared a constitution and the Parliament of the United Kingdom enacted a statute, the British North America Act, embodying all the main resolutions of the conferences.

There is no provision for a constituent assembly in the present Canadian constitution, either written or conventional. Some individuals and groups have proposed that a constituent assembly be established in Canada in order to prepare a new constitution. The holding of such a meeting, the relative representation of the linguistic, regional or other communities of such a body, and the voting procedures to be used by it would require the prior settlement of some of the very same issues that divide Canadians now.

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Sources of the Canadian Constitution

Having seen in general terms what forms of governments are and what a constitution is, the Canadian constitution may now be defined as monarchical, representative, parliamentary and federal. The next step is to look at the sources of the Canadian constitution, the main features of the Canadian parliamentary and federal systems, the provisions for the protection of fundamental rights and the nature of territorial and local government.

The present Canadian constitution is drawn from many sources, written and unwritten.

British North America Act (1867)

The British North America Act, 1867, a statute enacted by the British Parliament after extensive preparatory work by Canadians in Charlottetown, Quebec and London, is the most important source. By dealing with the distribution of powers between the central and the provincial governments, the use of French and English, and confessional (religious) school rights, the act defines the most important elements of the federal system in Canada. In relation to the parliamentary form of government, the act describes some of the major institutions of the central Parliament and, largely by reference to the United Kingdom, their operating practices. If one refers, however, only to the wording of the text, the central government of Canada appears to be conducted by the monarch and his or her representative (the governor general), when in fact government is conducted by the prime minister and the cabinet, and the House of Commons and the Senate, although in the monarch's name.

Formal amendments

Some twenty formal amendments have been made to the BNA Act by the United Kingdom Parliament following, since 1895, "joint addresses" of both houses of the Canadian Parliament to the Parliament of the United Kingdom. As a result of one of these amendments, in 1949, the Parliament of Canada may now amend, alone, the constitution of Canada except in some specified matters, many of which pertain to the federal system. In this latter category is the distribution of legislative powers between central and provincial governments.

Constitutional statutes

Also part of the Canadian constitution is a number of "constitutional," "quasi-constitutional," or "organic" statutes, i.e., ordinary acts of legislatures with a constitutional content. A few are British, such as the Statute of Westminster (1931), and many are Canadian, such as the Manitoba Act (1870) and other similar acts creating provinces and territories. Statutes on the succession to the throne, the governor general, Parliament, the Senate, the House of Commons, the Supreme Court, the speakers of the House of Commons and the Senate, citizenship, the elections, and fundamental rights should also be mentioned.

Orders-in-council

Also included are orders-in-council, decisions made by cabinet under the authority of a statute: some originated in the United Kingdom, for example, those admitting various territories and provinces; some are Canadian, for example, those creating certain government departments.

Provincial statutes

Provincial statutes constituting, amending and supplementing the provincial constitutions are part of the Canadian constitutional framework.

Decisions of the courts

The decisions of the Judicial Committee of the Privy Council in the United Kingdom, the final court of appeal for Canada until 1949, and of the courts of Canada, particularly of the Supreme Court, in interpreting the constitution, become part of it.

Conventions

The conventions of the constitution are accepted practices of government, held to be obligatory by political leaders. Many of our parliamentary institutions and practices, for instance, those relating to the status and role of the prime minister and cabinet,

and to some aspects of our federal system, such as the holding of federal-provincial conferences, are ruled by conventions.

Other sources

To complete the list of sources are some international treaties having a constitutional content, for example, the Treaty of Utrecht (1713) and the Treaty of Paris (1763) and other treaties affecting land and maritime boundaries, and prerogative instruments, such as letters patent and the commissions and instructions concerning governors general and lieutenant-governors.

Some political scientists and jurists believe that the lack of a more comprehensive and more precisely written constitutional document is detrimental to good government in Canada. Others believe that this reliance upon a diversity of sources allows for flexibility and evolution to suit changing social and political conditions.

The Parliamentary Form of Government

Most of the political content of the current debate on the future of Canada is about federalism. But some aspects of the parliamentary form of government are also criticized. And some issues in the debate touch on both the parliamentary and federal systems. Examples of this last category are the capacity of the House of Commons or the provincial legislative assemblies to control the conduct of the executives in complex federal-provincial matters, and the composition and powers of the Senate as an expression of regional or provincial interests in matters that fall under the jurisdiction of Parliament. Hence the need to look at our parliamentary institutions and practices.

"Representative government" and "responsible government" are concepts of fundamental importance in describing the parliamentary form of government.

Representative government

In most modern democracies, citizens govern generally through representatives chosen in elections. Representative government was introduced in the legislature in Nova Scotia in 1758, in Prince Edward Island in 1769, in New Brunswick in 1784, and in Upper and Lower Canada in 1791. But for another half-century or more, the executive council, led by a governor appointed by the monarch, was not responsible for its actions to the elected representatives.

Responsible government

Responsible government was won in the 1840s, before Confederation. It came first to Nova Scotia and then to the province of Canada, what is now Quebec and Ontario.

Government is said to be responsible, not when the executive branch acts well or even responsibly, but when it acts with the support of the legislative body and thereby fulfils its function of accountability to that body.

The executive branch, the cabinet, is said to have the confidence of the legislature when it has the support of a majority of votes in the popularly elected house. If the government loses a vote of confidence, the prime minister or premier must resign, making way for a new leader who can command the confidence of the house or advise the governor general or lieutenant-governor to dissolve the legislature and call an election. Only in exceptional circumstances may the governor general or lieutenant-governor refuse to call an election as advised by the prime minister or premier and instead invite another political leader, such as the leader of the opposition, to form a government (see "governor general," page 36).

It is becoming more and more accepted as a convention that the government can fall only on a specified motion of confidence or on votes that are clearly identified by the government as important, either before or after the vote.

The crown in Canada

Canada is a "constitutional monarchy," that is, a state headed by a monarch whose powers are limited by statutes and conventions. The statement "the queen reigns but does not govern" is the expression of that fact.

"The Crown" in Canada is (1) the symbolic and ceremonial head of state; (2) the personification of central and provincial executive authority; (3) a part of Parliament and the provincial legislatures; (4) a discretionary resolver of parliamentary deadlocks; and (5) the nominal dispenser of justice.

The queen

The Queen acts in Canada as the Queen of Canada and not of the United Kingdom.

To understand the role of the monarchy in Canada, one must make a distinction between its formal, symbolic, or "dignified" aspects and the real, effective process of decision-making. In brief, while constitutional documents state that the monarchy and its representatives in Canada, the governor general and the lieutenant-governors, hold the executive authority, it is the prime minister and the premiers and their ministers who exercise the real power. Similarly, on the legislative side, real

power rests with the House of Commons, the Senate and the provincial legislative assemblies.

Most of the symbolic and formal powers of the queen have been transferred to the governor general, particularly since 1947. The queen continues to act for Canada personally, however, when she appoints the governor general on the advice of her Canadian prime minister, and during visits to Canada when she performs the duties at other times delegated to the governor general.

The queen or her representatives performs a number of constitutional roles. As a non-partisan head of state, the monarch gives acts of party government the status of acts of state by endorsing them, ensures the continuity of government and the orderly transfer of power when a majority in the House of Commons is not easily identifiable, and enables the prime minister, the head of government, to concentrate his attention upon non-ceremonial duties.

It will be observed that these roles could be played by a non-monarchical head of state. The question is: could they be played as well? Some Canadians appreciate the hereditary aspect of the monarchical principle and empathize with the family that has symbolized it for two centuries in Canada. They also believe that an appointed head of state, whether named by the head of government or elected by the representatives of the people, could not maintain himself as clearly above politics as an hereditary monarch and his or her representatives are able to do.

Nonetheless, others wonder if the governor general in his own name is not capable of fulfilling these functions in Canada. The Constitutional Amendment Bill (Bill C-60), introduced in Parliament in 1978, includes provisions under which the queen would continue to be the head of Canada with the title "Queen of Canada," while the power of the governor general would reflect better the contemporary realities. Others, such as the Committee on the Constitution of the Canadian Bar Association (hereafter, CBA), have suggested that the queen continue to be recognized as head of the Commonwealth but be replaced as head of state by a Canadian chosen for a fixed term by the House of Commons.

The governor general

The office of the governor general is referred to in the British North America Act. His powers and duties have been defined by many letters patent (documents issued by the head of state on the recommendation of the prime minister of Canada), commissions, instructions and conventions.

The governor general is appointed by the queen on the recommendation of the prime minister of Canada, by convention, for a period of five years, which can be extended. Since 1952, the governor general has been a Canadian, and it has become a convention to alternate between an English-speaking and a French-speaking person.

The letters patent of 1947 established the basis for the governor general to discharge all the functions of the monarch with respect to Canada. Between 1947 and 1977, the functions were progressively transferred and now are, in fact, all discharged by him in her name — with the exception of the appointment of his successor.

The governor general summons and dissolves Parliament, assents to all legislation, signs orders-in-council and appoints judges, senators and privy councillors. But those powers are exercised on the advice of the prime minister or of the cabinet, which means that the real decisions are made by them. The term "governor-in-council" refers to actions of the governor general taken on the binding advice of the cabinet.

The governor general has, however, some discretion in certain very rare situations.

For example, if a prime minister dies, the cabinet ceases to exist, there is no recognized leader of the party in power and it would take months to choose a new one in a national convention. The governor general must then consult the leading members of the party in power to see who is most likely to be able to form a cabinet to carry on until the new leader has been chosen. The caucus of that party will probably give him the answer.

After an election, the choice of the prime minister is usually automatic: the governor general appoints the leader of the party which has won a majority of the seats in the House of Commons. If an opposition party has won a majority, the governor general appoints its leader. **If no party has won a majority**, the prime minister in office may resign — whereupon the governor general calls upon the leader of the opposition to take over as prime minister — or he may meet the new Parliament. If the new House of Commons votes confidence, the prime minister stays in; if the new house votes no confidence, the prime minister resigns, and the governor general calls on the leader of the opposition to form a new cabinet. If the house promptly votes no confidence in this new cabinet, and if there is a sufficiently large third party, the governor general might call on the leader of that party to form a cabinet. In these unusual circumstances, the governor general might also consult with the various party leaders to see whether coalition around any one of them might have a reasonable chance of securing the confidence of the house.

Normally, a prime minister **defeated** in the House of Commons on a vote of want of confidence (or anything he and his cabinet consider equivalent to want of confidence) will not resign to make way for a new cabinet in the existing Parliament but will ask for a dissolution of Parliament and a fresh election. But if the defeat occurs very soon after an election has been held, and there seems reason to believe that a new cabinet of the opposite party, or a coalition, could carry on without a fresh election, the governor general might refuse the request for dissolution, and call on the leader of the opposition or of that coalition. He would also have to refuse if the prime minister tried to prevent the house from even voting on a non-confidence motion; and of course he would have to refuse if the prime minister whose party had failed to get a majority in an election asked him to dissolve the new Parliament before it could even meet.

Lieutenant-governors

The lieutenant-governor is the direct representative of the Crown in a province. He acts on the advice of the provincial ministers just as the governor general acts on the advice of the federal ministers. He is, however, appointed by the governor-in-council. The lieutenant-governor may receive "instructions" from the governor-in-council (in effect, the cabinet of the central government) and, at least legally, can reserve bills for the approval of the central cabinet. In fact, no such instructions have been sent for many decades. The last time reservation of a provincial bill occurred was in 1961 and the then federal prime minister was most annoyed by the conduct of the lieutenant-governor responsible for it.

Among possible changes mentioned in public discussion on that subject is the appointment of the lieutenant-governor by the queen on the advice of the provincial premiers, the procedure followed for the appointment of the governors in the Australian states. It has also been suggested that the formal head of the province be appointed or elected by the Legislative Assembly (or l'Assemblée nationale) or by the governor-in-council after consultation with the cabinet or executive council of the province concerned. It should be noted that, under the BNA Act, the provincial power of constitutional amendment does not extend to the office of lieutenant-governor. Consequently, any change in the status of the lieutenant-governor will have to be made by formal amendment of the BNA Act or within a new constitution.

The executive branch

The privy council

The Privy Council is another one of our symbolic political institutions derived from Great Britain. Originally the British monarch was counselled by an inner group of that name. When Canada's executive institutions were established under the British North America Act, the Privy Council was continued. But the council meets rarely, and only for ceremonial purposes.

Members of the Privy Council are named by the governor general on the advice of the prime minister. The council includes all past and present ministers of the central

government and a few additional dignitaries, some of them former provincial premiers.

The Constitutional Amendment Bill of 1978 proposes that the name of the Privy Council be changed to Council of State.

The cabinet

Within both the central and provincial orders of government, the cabinet is the active executive committee. Yet it is not even mentioned in the British North America Act; it exists by convention. The cabinet is the group that actually advises the governor general or lieutenant-governor and thus, in effect, exercises executive authority, formulates policies and takes political decisions. It is presided over by the prime minister or the premier.

The central cabinet is composed of "ministers" and "secretaries of state" who are accountable to and can be questioned in Parliament and its committees on the operation of their departments. Similarly, provincial cabinets are composed of ministers accountable to their legislatures. The central and provincial cabinets may also include a few "ministers without portfolio," not responsible for any department. A third, recently created category in the central cabinet, is that of "ministers of state." They head policy-coordinating ministries or assist departmental ministers in specific domains such as "small business" or "physical fitness and amateur sport."

Members of the central cabinet are appointed by the governor general on the advice of the prime minister. In order that the principle of cabinet responsibility to the legislature be implemented, they must be, or must become, members of the House of Commons or the Senate within a reasonable period of time. Similarly, members of a provincial cabinet are appointed by the lieutenant-governor on the advice of the premier and they must be, or must become, members of the Legislative Assembly (or l'Assemblée nationale in Quebec).

Most legislation enacted in Parliament or in the provincial legislatures is introduced by cabinet ministers after preparation within the appropriate departments and study and approval by the cabinet and its committees. Private members may introduce bills, but only ministers may introduce money bills, those that entail expenditures. The cabinet decides collectively on the policies to be presented to the legislature, assumes "collective responsibility" in the House of Commons (or in the case of the provinces, the legislative assemblies) for those policies and is also responsible for their implementation. Under the principle of "cabinet solidarity" any member who cannot publicly accept a collective decision of the cabinet must resign. Ministers are also bound to "cabinet secrecy" in order that differences may be freely thrashed out in cabinet deliberations without fear of political embarrassment.

These conventions and practices, in addition to the tradition of party discipline and the fact that the cabinets have at their call the resources of the public services, make them powerful political units. One may consider such power in the executive to be simply a necessity of modern government, or consider it to be an excessive and unwise limitation of the legislative branch of government which, hence, should be strengthened. One of the reforms most often recommended as a counter-weight to the power of the executive is the more extensive use of legislative committees.

Historically, a feature which has characterized the Canadian central cabinet has been the care with which prime ministers have attempted to achieve a regional balance in its membership. In recent years, however, some critics have pointed to the under-representation of certain regions, notably the prairies, in the cabinet, the result of a situation where the party in power has had only a limited number of western members of Parliament from which to choose.

The operation of the central cabinet was not defined in the British North America Act. The government's proposed Constitutional Amendment Bill (1978) would include sections describing the main features of cabinet government as it is currently practised.

The prime minister

Nothing is said about the office of the prime minister of Canada in the BNA Act. The prime minister's powers and responsibilities are mostly determined by conventions. Yet he is at the centre of the parliamentary political process in Ottawa.

The prime minister is the head of the executive branch of government — the "first minister." He presides over and chooses the members of the cabinet who are formally appointed by the governor general. (Macdonald, our first prime minister, used to give his profession as "cabinet maker"). In that capacity he also initiates the appointments of the governor general, privy councillors, lieutenant-governors, speakers of the Senate and the House of Commons, senators, chief justices, deputy heads of departments, ambassadors, members of commissions and heads of Crown corporations.

The prime minister is responsible for the government legislative program although a "house leader" organizes for him the day-to-day business in the House of Commons, and a "government leader" does the same in the Senate. It is upon the prime minister's recommendation that the governor general dissolves and summons Parliament and prorogues sessions of Parliament.

The office of prime minister is normally held by the leader of the party which has a majority in the House of Commons. Where no party has a majority he will normally be the leader of the party with the largest number of seats, or a politician who is supported by a coalition commanding a majority or the largest number of seats. The basic principle behind this practice is that the prime minister must be able to command the confidence of the House of Commons.

The provincial premiers

The roles of provincial premiers or prime ministers in relation to their cabinets and legislatures are similar to those of their central government counterpart.

It might be noted that the prime minister and premiers in Canada are very powerful politicians as they combine the leadership of three major political forces: their parties, their cabinets and their majorities in the legislative branches.

The already formidable influence of the first ministers has been increased by developments in the party system, the electoral system and the public administration.

Parties in Canada now elect their leaders in flamboyant political conventions which focus attention on them. As elected party leader, the prime minister or the premier has a great deal of control over the formulation of party policy, the mobilization of the party membership and the spending of party funds.

Similarly, the electoral process focuses attention on the prime minister or premier, who, especially because of the organization of modern communications media, is able to set the tone and the style of his party and his government, to symbolize the issues of his time. That observation applies of course to other party leaders as well.

Finally, the power of the prime minister has benefited from a growth in administrative services. In the late 1950s and early 1960s there were two or three dozen employees working directly for the federal prime minister: now there are a few hundred in the Prime Minister's Office (PMO) and the Privy Council Office (PCO). Similarly, the staffs of the provincial premiers have also expanded to meet the needs of their offices.

The legislative branch

Parliament has the authority to debate, adopt, alter and repeal laws, including laws overriding judgments of the judicial branch. The actions of the executive are generally based on legislation passed by Parliament, particularly in cases necessitating the spending of money. The House of Commons can also vote a cabinet out of office.

Parliament

Notwithstanding its "supremacy" the powers of Parliament are limited. The distribution of powers between the central and the provincial authorities in our federal

constitution must be respected. Parliament cannot delegate its powers to provincial legislatures (see "delegation of powers," page 63). Furthermore, there are portions of the constitution of Canada which Parliament alone cannot amend (see "formal amendment," page 59).

The Parliament of Canada, as presently established, is composed of the Queen, the Senate and the House of Commons.

The house of commons

The House of Commons is the house of the people, the main representative body in the central government, the major forum of political debate in the country, and the focus of parliamentary authority charged with the enactment of federal laws. It is here that the "direct and necessary confrontation of representative and responsible government" takes place as the cabinet presents its legislative program to the elected representatives of the people, accounts for its executive actions and faces the possibility of defeat.

The house is composed of 264 members (to be increased to 282 at the next general election). Known as members of Parliament, or MPs, they are in reality members of the House of Commons. They are elected in single-member electoral districts (see below, "The Electoral System").

After each election, a cabinet is formed and its members sit on the "front benches," on the "government side of the house." The ministers present and defend their policy measures normally in the form of "bills" or draft laws for the scrutiny of the house. Sometimes bills are presented first in the Senate. Bills adopted by the majority in both the House of Commons and the Senate are presented to the governor general for assent, and after proclamation, become the laws of the land.

The head of the party with the second largest number of seats in the House of Commons is usually called upon to be the "leader of Her Majesty's loyal opposition." He selects members of his party to form a "shadow cabinet," to sit on the front benches opposite the cabinet. The task of the opposition, which is to criticize the cabinet's proposed legislation and administrative practices and decisions, to expose their weaknesses and deficiencies and to offer alternative policies and even an alternative cabinet, is a most essential function of the parliamentary system.

The debates in the House of Commons are regulated by a chairman, or "speaker." He is selected by the prime minister generally from his own party after consultation with the leader of the opposition and is elected by the house. He presides according to the provisions of the BNA Act and laws, traditions and "rules of procedure" which not only assure order but guarantee the freedom of speech, as well as establishing the privileges and immunities of the members of Parliament.

The vast majority of members are "backbenchers." Their role is to express their views and those of their constituents, to study and propose amendments to the bills in the house in its many "standing" and special committees, and in joint committees with the Senate, and to support the leaders of their party in debates and votes. When they want to criticize their own party, they normally do so in their private party meetings or "caucus."

One's assessment of the effectiveness of the House of Commons is very much related to one's perception of its true functions — about which there is a great diversity of opinion. Some see it as essentially too dependent on the initiative of the executive, others as generally providing an effective constraint upon the executive.

The electoral system

In democratic states with competing political parties, the electoral system — the set of rules by which elections are held — has a great influence not only on who wins but on how the whole political system performs.

franchise

The federal franchise, or the right to vote, is now governed by the Canada Elections Act. In the past, it has been restricted by conditions of age, sex and property holding. Voting is now generally the right of all Canadian citizens eighteen years of age and older.

duration	The duration of the House of Commons is at present established by the British North America Act, which requires an election at least every five years. However, the prime minister may ask the governor general to dissolve Parliament at any time prior to the five years and request a general election. In case of "war, invasion or insurrection" the House of Commons may be continued, provided that not more than one-third of the members are opposed. The constitution also states that the house must meet at least once in each year. In fact, it now usually sits for seven to nine months a year.
distribution of seats	The present distribution of seats in the House of Commons is based essentially on population. There are complex statutory provisions, revised from time to time, to account for changes in the population. Overriding rules are that the representation of a province will not decrease as a result of readjustment, and that the representation of any province cannot fall below the number of seats it has in the Senate.
boundaries	The boundaries of the federal electoral districts (or "constituencies" or "ridings") are redrawn following each decennial census to accommodate population shifts. Since 1964, the redistribution has been carried out by a representation commissioner named by Parliament. One of his tasks is to ensure that no riding deviates by more than 25 per cent from the average number of electors per riding.
balloting	The current electoral law of Canada allocates to each constituency one member of the House of Commons to be elected in a single round of voting, by a simple majority. If there are more than two candidates, majority means the highest number of votes, i.e., a plurality.

This system may contribute to some provinces being unrepresented or under-represented in the governing party. It is sometimes suggested, therefore, that Canada adopt some form of "proportional representation" (PR) which would allow parties to have a number of seats in the house more in line with the percentage of total votes they have won in the country at large or in a province. Critics of proportional representation point out, however, that the single-member constituency gives a representative a more direct link to the electors and promotes more effective constituency work. They also fear that proportional representation would lead to minority governments and hence to governmental instability. On the other hand, some countries with proportional representation have produced long-lived coalitions.

The senate

The Senate is the other legislative house of the Canadian Parliament created by the British North America Act. It resembles the House of Lords in the United Kingdom (although membership is not hereditary) more than the upper houses of other federal states. In the United States and Australia, for example, members of the upper houses are elected by the population of the member states. In the Federal Republic of Germany's Bundesrat, members are actually drawn from the executives of the member states of the federation.

Canadian senators are appointed by the governor general on the advice of the prime minister. He usually, although with some exceptions, chooses someone from his own party and does not need to consult provincial authorities. In 1965, a federal statute, amending the British North America Act, imposed a retirement age of seventy-five on all senators appointed thereafter.

A speaker appointed by the governor-in-council presides over the Senate and a "government leader," one of very few, if not the only senator to sit in cabinet, represents the executive in the upper house.

The role of the Senate and the method of selection of its members were extensively debated at the time of Confederation. The method adopted was meant to counterbalance the principle of "representation by population" applied in the House of Commons. The Senate was intended to act as a house of "sober second thought" in reconsidering the legislation of the more "radically democratic" lower house, to protect the interests of private property (hence, the property requirements for membership), and to reflect provincial and regional interests.

Nominally, senators represent the population of the "regions" of the country. Prior to 1949 each region had twenty-four senators — Ontario, twenty-four, Quebec, twenty-four, the maritimes, twenty-four (ten each for Nova Scotia and New Brunswick, four

for Prince Edward Island); the west had twenty-four as well (six each for the four western provinces); six were added for Newfoundland at the time of its entry into Confederation in 1949 and two were added in 1975 for the territories, one each for the Yukon and the Northwest Territories, giving a total of 104.

Formally, the present Senate has powers equal to those of the House of Commons with the important exception that "money bills" must be introduced in the lower house and that the Senate cannot vote non-confidence in the cabinet. While often originating worthwhile changes to bills and conducting useful enquiries into matters of public concern such as poverty, the media, science policy and trade, the Senate, in practice, seldom challenges the House of Commons and the executive on major issues.

Because of the method and the practice of appointment of its members which give the Senate at least the appearance of an institution rewarding friends of the government of the day, its credibility as a body representing regional interests and its general effectiveness have been undermined.

In consequence, throughout the history of Canada there have been many suggestions for Senate reform or abolition. In the current debate, proposals have been advanced for replacing it by (1) a House of the Federation (in the government's Constitutional Amendment Bill (1978)) to which members would be appointed in equal number by the central Parliament and provincial legislatures with party representation proportioned to the popular vote for each party in the last preceding election; or by (2) a House of the Provinces (advocated in varying forms by the federal Progressive Conservative party, by the government of British Columbia, by the Ontario Provincial Advisory Committee on Confederation, by the Canada West Foundation and by the Committee on the Constitution of the CBA) to which members would be appointed by the provincial executives and represent them, central government spokesmen being allowed to take part in the proceedings, without voting rights; or by (3) a binational second chamber representing French and English Canada equally (as proposed in some briefs to the Task Force).

The federal New Democratic Party has advocated that the Senate be abolished without being replaced. At the same time, that party has suggested a substantial expansion of the House of Commons to include members elected by proportional representation in order to make this house more representative of regional interests.

Each of these proposals defines the powers and the voting procedure of the contemplated institution (see appendix II). Some proposals suggest special majorities and vetoes for certain types of legislation. Some would give the upper house substantial authority in matters relating to federal-provincial relations such as the ratification of the nomination of high federal officers, the control of the exercise of the central spending power, the approval of shared-cost programs and the ratification of international treaties respecting matters which fall predominantly within provincial legislative jurisdiction.

The constitutional right of the central Parliament to amend the composition and the role of the Senate by federal legislation only is currently the object of a reference to the Supreme Court.

The provincial legislatures

The constitution of the four original provincial legislatures is referred to in the British North America Act. Amendments to those constitutions, and the constitutions of the other provinces, are contained mainly in legislation of the United Kingdom, Canada and the provinces themselves.

The provincial legislatures are composed of two elements, the lieutenant-governor and the Legislative Assembly. In Quebec, the Legislative Assembly is called "l'Assemblée nationale."

Since provincial upper houses have now been abolished, unicameralism, a single house system, has become the rule in all the provinces.

The legislative process in the provincial legislative assemblies is similar to that in Parliament.

The judicial branch

Canada has a judicial system in which generally the same courts interpret both central and provincial laws. Within that system there are two levels of courts. The federal courts are created by federal statutes and the judges are appointed by the governor general on the recommendation of the cabinet. The provincial courts are established by the provincial legislatures. However, the judges of the higher provincial courts are appointed by the governor general, on the recommendation of the central cabinet and not by the provincial executives as is the case for other provincial courts.

The supreme court

The Supreme Court is the final general court of appeal for Canada and the cornerstone of our judicial system. Appeals from lower courts, generally speaking, are heard by leave (permission) of the Court and not as a matter of right. The Supreme Court exercises the function of ultimate judicial review in cases relating to the interpretation of the constitution and in references (requests for opinions on constitutional validity) from central and provincial executives, in the latter case by way of appeal from provincial appeal courts.

Prior to 1949, the Judicial Committee of the Privy Council in the United Kingdom (to be distinguished from the Canadian Privy Council referred to in the section on the Executive) was the ultimate court of appeal for Canadian cases, except in criminal law appeals, which were abolished in 1933.

The British North America Act provided for the establishment of a general court of appeal for Canada. The Parliament of Canada established such a court by statute in 1875. Consequently, in Canada, unlike the United States where the existence of the Supreme Court is constitutionally guaranteed, Parliament can amend at will the constitution of the Supreme Court and, in theory, could even abolish it.

Under the Supreme Court Act, the nine judges of that Court are appointed by the governor general on the recommendation of the cabinet. The selection of the chief justice is, by virtue of a decision of cabinet, the prerogative of the prime minister. The provinces do not participate formally in the appointment of the Supreme Court judges, nor is the Senate called upon, as in the USA, to ratify their choice. The present practice is sometimes criticized, since the Supreme Court is the final authority in the interpretation of matters such as the distribution of powers, which are of equal interest to the two orders of government.

Because Quebec has a distinct civil law, guaranteed by the British North America Act, the Supreme Court Act provides that three judges be members of the Quebec Bar or Bench. Since 1949 the practice has been to have three judges from Ontario (a practice broken in 1978), two from the western provinces and one from the Atlantic provinces.

Among other federations, some, like the United States and Australia, have, like Canada, assigned constitutional interpretation to a general court of appeal, while others, like the Federal Republic of Germany, have established a specialized constitutional court.

The Constitutional Amendment Bill (1978), has proposed that the Supreme Court remain a general court of appeal, but would increase the number of judges to eleven, of whom four would be from Quebec, and at least one from each of the other four regions, including British Columbia. Furthermore, the bill proposes a procedure by which the provinces would have a voice in the appointment of judges and appointments would be ratified by the House of the Federation. At the same time, the existence, the composition and appointments procedure of the Court would be entrenched in the constitution, and, consequently, these matters would no longer be dependent exclusively on the will of Parliament. Changes would require constitutional amendment.

It should be noted that if fundamental rights and freedoms are also entrenched, as suggested by the same bill and many other proposals, the role of the Court would be enhanced because it would be called upon to rule on the compatibility of federal and provincial legislation with the entrenched bill of rights.

The Alberta government suggested, in 1978, a different approach to judicial interpretation: a specialized tribunal dealing only with constitutional issues. It would consist of seven judges chosen for each case, by rotation, by the federal authorities from a panel of forty to fifty names, established from lists of experienced judges submitted by the provinces.

Other federal courts

The Exchequer Court was also established in 1867. It became, in 1971, the Federal Court of Canada. It mostly hears cases involving the Crown, and concerning the administration of federal statutes. Other federal tribunals include: the Income Tax Appeal Board, the Tariff Board, citizenship courts, the Immigration Appeal Board.

Provincial courts

Provincial legislatures have jurisdiction in civil law, in civil procedure and in the administration of justice, civil and criminal. Criminal law and criminal procedure are the responsibility of Parliament. The provincial legislatures may establish provincial courts of civil and criminal jurisdiction. Courts in the provinces range from lower courts of specialized jurisdiction, such as small claims courts, sessions of the peace, provincial, county and district courts, to a superior court which has a general jurisdiction (also called Supreme Court) and to a court of appeal, the highest in a province.

Independence of the judiciary

As provided by the British North America Act for the judges of the superior courts and by ordinary legislation for all other federally appointed judges, a judge may be removed only by the governor general on an address from both central houses. Such provisions are intended to help insulate the judiciary from political partisan interference. As yet, no federally appointed Superior Court judge has been so removed.

Although in our parliamentary form of government there is no firm "separation" between the executive and the legislative branches, the judiciary is really separated from both branches, the "only respect in which we make any real separation of powers," in the words of an eminent judge. The keystone of the "rule of law" has been the independence of the judges. The Constitutional Amendment Bill of 1978 and the Committee on the Constitution of the CBA have proposed the incorporation within the constitution of the principle of the independence of the judiciary.

The administration

The term "administration" refers to that part of the central or the provincial government which provides expert advice to members of the cabinet in the preparation of policies and laws, and, once the policy or the legislation is established and regulations added, handles its implementation, interpretation (subject to decisions of the courts) and reporting.

Traditionally, the administration was considered part of the executive function of government. However, it has become so large and omnipresent in this age of expanded government activity that it is now often perceived as a fourth branch of government. The administration is also referred to as the "public service" or the "bureaucracy."

The term "administration" is used somewhat differently in the United States where it means the whole regime of a particular president (for instance, "the Carter administration") including its policies and the senior politically appointed personnel of the executive branch.

Public servants in Canada are generally recruited through the Public Service Employment Act. Over time, it has become understood, and this is now supported by law, that they will be non-partisan in their professional activities. Thus, their employment will normally not be affected when there is a change in the political party that forms the executive branch of the government. Deputy ministers and a few other top public servants are appointed by orders-in-council, that is, directly by cabinet and may be removed in the same manner.

The central and provincial administrations are composed of a number of different types of organizations set up to fulfil different functions. There are government departments, boards, councils, commissions, Crown corporations and other agencies.

Departments

Departments are the normal structures for carrying out regular government policies. In the central government, in recent years, there have been some twenty-five departments. Provincial governments usually have a smaller number. Some two-thirds of the 325,000 federal public servants (excluding the armed forces) work for departments. Each department is headed by a cabinet minister who is responsible to Parliament for its activities. Department budgets must be submitted as estimates and spent in the manner directed by Parliament.

Boards, councils and commissions

Boards, councils and commissions are set up by governments, central and provincial, to regulate and administer certain types of activity, sometimes in a quasi-judicial manner (for example, the Canadian Transport Commission), to provide advice (the Economic Council of Canada) and to seek information (royal commissions of enquiry). They may be required to report to government or to Parliament directly or through a minister. They have varying degrees of independence from ministerial control in their decisions or recommendations.

Crown corporations

Crown corporations, federal and provincial, are organizations owned by the governments but operating semi-independently. They have grown in numbers and diversity as a means of implementing policies. They have the advantage of retaining a degree of accountability to Parliament and the public while enjoying greater freedom of initiative and less political control than government departments. Cabinet ministers are not responsible for Crown corporations but most Crown corporations report to Parliament through a minister. Federal examples are Atomic Energy of Canada Limited, Air Canada, the Canadian Broadcasting Corporation and Petro-Canada.

Two particular questions concerning the administration have entered the unity debate. The first has to do with the selection of personnel. In the early public service, to overcome "patronage," a tradition of employment on "merit," based on demonstrable professional qualifications, was established as the main criterion for hiring and promotion. Strict adherence to this principle has resulted in various categories of the population, such as those coming from certain regions of the country and from non-anglo saxon cultures, being under-represented in the public services. Such a situation results in the administration inadequately responding to the needs and expectations of certain categories of the population.

This argument may also apply to appointments on federal boards and commissions. As the provincial interest in their operation is sometimes considerable, consultation on appointments between Ottawa and the provinces in this matter has been suggested. The government of Alberta has recommended that 40 per cent of the members of some regulatory agencies be appointed by the provinces collectively.

Secondly, as the administration has become so large and costly at all of the three — federal, provincial and municipal — levels of government, and as the relations between the three levels have become so complex and often even unwieldy, there has grown a concern to streamline and trim the structure and size of the bureaucracy and to diminish areas of administrative overlap. The western and the Quebec governments have recently attempted to document cases of overlap and duplication and the central government, in 1978, proposed that there be a joint "effort" to remove duplication.

Influencing parliamentary decision-making

This section on parliamentary government has explained the terms relating to the basic formal structure of the parliamentary system as it operates in Canada. It should be noted that the way these institutions operate is influenced and shaped by the way in which political parties are organized and obtain their support, by the

activities of interest groups and the impact of private representations influencing the decisions of cabinet ministers, legislators and public servants, and by the decisions of judges who interpret the laws and the constitution.

The Canadian Federal System

Introduction

A federation has already been defined in chapter 5, Part I as "a form of political organization by which common desires for unity and diversity within a society are accommodated by the establishment of a single political system, within which central and provincial governments each exercise autonomous constitutional authority so that neither order of government is legally or politically subordinate to the other."

This form of government was introduced in Canada in 1867 by the British North America Act. The country comprised at the time four provinces — Ontario, Quebec, New Brunswick and Nova Scotia. Manitoba was created in 1870, Alberta and Saskatchewan in 1905, by federal statutes. British Columbia, Prince Edward Island and Newfoundland, all existing political entities before 1867, joined the federation in 1871, 1873 and 1949 respectively.

In Canada, as in all other federations, two fundamental aspects of the federal system are the distribution or division of powers, and the mechanisms of coordination between the central and the provincial orders of government.

In the following analysis of terms and concepts, attention is drawn to how they apply in the present constitution of Canada and to significant proposals advanced by governments, particularly those of the central government in the Constitutional Amendment Bill (1978) and of the provincial governments, most recently at the Regina meeting (1978), and such organizations as the Ontario Advisory Committee, the Canadian Bar Association and the Canada West Foundation.

The distribution of powers

The "distribution of powers" was made in 1867 on the basis of the principle that the central government should have competence in the areas of government activities of common interest to all Canadians, and that provincial governments should have competence in the areas of particular interest to the provincial and regional communities.

In a federation, in principle, the whole field of government activities is apportioned between the two orders of government. The distribution is made in terms of the legislative competence, but in Canada the executive competence is generally derived from allocation of the legislative competence.

Whether the present distribution of powers is adequate is one of the crucial questions in the present political debate. Should there be a more precise distribution of powers? Should more power or more of the powers be assigned to the provinces or to the central government?

The enumerated exclusive powers

An "enumerated power" is an area of competence allocated specifically to one order of government or the other, or both, in the BNA Act. Enumerated powers are found particularly in sections 91 to 95 of the act.

Most enumerated powers are assigned exclusively, in two separate lists, to one order of government or the other; they are the "exclusive powers."

By section 91 of the act, the central Parliament was assigned thirty powers (including the residual power), giving it jurisdiction over matters such as trade and commerce, the public debt and property, direct and indirect taxation, defence, banking, currency, criminal law, navigation, penitentiaries, postal services, marriage and divorce, naturalization and aliens, sea coast and inland fisheries and Indians and lands reserved for the Indians.

By section 92, the provincial legislatures were assigned sixteen powers, including property and civil rights, direct taxation for provincial purposes, administration of justice, prisons, municipalities, maintenance of hospitals, management and sale of public lands, local works, and the power to amend their provincial constitutions except the office of lieutenant-governor.

In a separate section 93, education was specifically assigned to the provinces.

By constitutional amendments, (see p. 33) Parliament has been given additional exclusive powers, such as the establishment of new provinces out of the territories (1871), the representation of the territories in Parliament (1886), unemployment insurance (1940), the power to amend the constitution of Canada, with some exceptions (1949) and, by the Statute of Westminster (1931), the power to give its legislation extra-territorial effect.

Some enumerated powers are fairly general and can be given wide or restrictive meaning: for example, "the regulation of trade and commerce" in the central government list and "property and civil rights in the province" in the provincial government list.

Most proposals for constitutional reform are favourable to the continuation of two lists of exclusive powers, a central one and a provincial one.

The enumerated concurrent powers and paramourcy

In most federations, in addition to matters assigned to the exclusive competence of one or the other order of government, some powers are allocated to both orders of government; these are the "concurrent powers."

Section 95 of the BNA Act designates such concurrence in matters of agriculture and immigration. In the event of conflicting federal and provincial legislation in these fields, the federal legislation prevails; this is described as "federal paramourcy." In 1951 and 1964 old age security and supplementary benefits were added to that short list of concurrent powers (to become section 94A of the BNA Act) but in this case it was expressly stated that the provincial legislation would prevail in cases of conflict. This is described as "provincial paramourcy."

It might be observed that Quebec has recently acquired a larger participation in the concurrent field of immigration by way of federal-provincial executive agreements (see p. 64) culminating in the Cullen-Couture agreement of 1978. Nova Scotia and Saskatchewan have gone some way along the same road.

It is sometimes suggested in the present debate on the future of Canada (for example, by the Joint Senate and House of Commons Committee (1972), the governments of British Columbia and Alberta and the Canada West Foundation) that other areas of government activities might be declared concurrent, either with provincial or federal paramourcy. Among areas mentioned are: economic development, culture, fisheries, environmental protection, consumer protection, communications, health and welfare. Other contributors to the discussion, believing that concurrence leads to conflict between governments, would accept it only when there is a "clear case" for it, as the Committee on the Constitution of the CBA puts it.

The residual power and the general power

No enumeration of specific legislative powers in a federal constitution can be exhaustive or anticipate every major development, technological, economic or political. To cover any eventuality, the "residue" of powers is usually assigned in a federation to one order of government or the other. That remainder is called the "residual power."

In the BNA Act, the central government was assigned the residual power by the introductory paragraph of section 91 — to "make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces." The federal list of enumerated exclusive powers is declared to be only illustrative "for greater certainty, but not so as to restrict the generality" of the competence of the

central authority. That is why courts and constitutionalists usually refer to the introductory clause of section 91 as "the general power."

Among items which the courts have over the years declared to be in whole or in part within the federal control under the general or residual powers are: aeronautics, radio and telecommunications, nuclear energy, citizenship, offshore mineral rights on the Pacific coast, the incorporation of companies having other than provincial objects, legislation on official languages in federal institutions.

The provinces also have their own general power. It is found in section 92(16) — "generally all matters of merely local or private nature in the province." Some authors refer to it as a "mini-residual power."

Among items declared by the courts to come under the provincial general power are the local public order, the closing hours in retail business operations, the regulation of the sale of alcohol and exceptions to the observance of the Lord's Day Act.

It has been suggested, particularly in Quebec, that, in a new constitution, the residual power should be attributed to the provincial legislatures, as is the case in most federal systems, rather than to Parliament. The Committee on the Constitution of the CBA takes a different view and would except from this principle "cases of matters clearly beyond provincial interests." The government of British Columbia in its proposals has opted for a form of double residual power, that is, one for Parliament in matters of national interest, and one for the legislatures in matters of provincial or local interest.

The emergency power

In some federations, there is a specific provision enabling the central Parliament to assume in times of emergency legislative authority over areas of activity that in normal times belong to the provincial legislatures. That power is the "emergency power."

It is not expressly written in the BNA Act but the Judicial Committee of the Privy Council has said that an emergency power was implied in the general "peace, order and good government" clause of section 91.

The emergency power can be invoked "in time of real or apprehended war, invasion or insurrection." In 1914, a war measures act made possible the delegation of extensive emergency powers from Parliament to the cabinet.

In 1976, for the first time, the highest tribunal recognized that the federal emergency power may be invoked in peacetime, for example, in "very exceptional" economic circumstances, such as when a high degree of inflation is combined with a high rate of unemployment.

A number of recent constitutional proposals from the governments of British Columbia and Alberta, the Constitutional Committee of the CBA and the Ontario Advisory Committee, while recognizing its necessity, have recommended some clarification of and restriction on the emergency power of Parliament. Among the requirements of these proposals are, for example, an express declaration, approval by both houses of Parliament, and in addition, prior consultation with the provinces. The emergency power would also have to be reconciled with a bill of rights should one be entrenched. It has been acknowledged that such a bill of rights might have to be suspended during a wartime emergency.

The declaratory power

In the BNA Act, sections 91(29) and 92(10c), the central Parliament is empowered, acting unilaterally, to declare "local works" to be "for the general advantage of Canada or for the advantage of two or more of the provinces."

This power has been used, for example, to declare Bell Telephone of Canada, uranium exploration, several hundred grain elevators and a number of local railways, to be under the legislative authority of Parliament. The word "works" has been interpreted by the courts to include a physical "thing," a "facility" or even the "integrated activity" carried on therein. Parliament is therefore left considerable latitude.

In an October 1976 meeting in Toronto, the provincial premiers agreed to recommend that the federal declaratory power should be used only with the consent of the province or provinces concerned. The central government's Constitutional Amendment Bill (1978) recommends consultation with the province(s) in which the "works" are located. The government of British Columbia and the Committee on the Constitution of the CBA suggest that the exercise of the declaratory power should require the approval of a House of the Provinces unless the province(s) concerned agree to its use.

The taxation powers

Under the current arrangements defined in section 91(3) of the British North America Act (1867), the central Parliament has the power to raise money "by any mode or system of taxation." The provincial legislature may levy "direct taxation within the province . . . for provincial purposes" under section 92(2).

Clearly, both orders can levy direct taxes, the provincial legislature for "provincial purposes," the central Parliament, implicitly, for central government purposes. Consequently, double taxation is possible in the field of direct taxation.

But what is a direct and an indirect tax? To distinguish them, the tribunals have used John Stuart Mill's definition. "A direct tax is one which is demanded from the very persons who it is intended or desired should pay it." An example of a direct tax is the personal income tax. "Indirect taxes are those which are demanded from one person in the expectation and intention that he shall indemnify himself at the expense of another." Examples are excise taxes and customs duties.

The distinction remains a difficult one to make in some practical instances, as court cases demonstrate. The courts have accepted some of the techniques adopted by the provinces to escape some of the limitations associated with the words "direct taxation," for example, making the receiver (the salesman) of an indirect tax a government agent, in so doing converting a sales tax into a direct tax.

A number of recent constitutional proposals would permit both orders of government to tax by any means or mode, except for tariffs and excise taxes which should remain solely under central government control. Provincial premiers, in 1976 at Toronto and 1978 at Regina, have expressed their wish to see the taxation powers of the provinces also "strengthened . . . in areas of primary production from lands, mines, resources and forests."

The BNA Act provides some limitations on taxation powers. Section 121 provides that "articles of growth, or produce or manufacture of any one of the provinces shall . . . be admitted free into each of the other provinces." Therefore, no tariff barriers may be erected between provinces. Under section 125, no lands or property belonging to the Crown, federal or provincial, are liable to taxation.

licensing

Governments have other sources of revenue. A licensing power, that is, the right to issue a permit, is attributed by section 92(9) of the BNA Act to the provinces. A similar licensing power for Parliament in its own fields of jurisdiction has been recognized by the courts over the years.

royalties

The provinces by virtue of section 109 benefit from royalties, that is, money due on the exploitation of lands, mines and minerals. Examples receiving a great deal of current attention are the royalties on oil and potash. The central authority may also levy royalties on the natural resources falling under its jurisdiction such as those located in the northern territories.

borrowing

The BNA Act gives both central and provincial governments independent borrowing powers. The provincial legislatures by virtue of section 92(3) may borrow money on the credit of the province. The central authority has a parallel borrowing power under section 91(4).

The spending powers

In a federation, a government has the right to spend money in the areas of its jurisdiction. Can it go further and spend money in the other order of government's jurisdiction? The question is particularly pertinent in Canada in view of the ample taxation powers of the central government. This issue, particularly the spending

power of the central government, has been one of great intergovernmental controversy in this country, especially in recent times.

The Government of Canada, using sections 91(3) and 91.1(a) has assumed the right to make payments to individuals, institutions or governments for purposes on which it does not necessarily have the power to legislate.

The courts have considered this issue, and have stated that legislation of Parliament which disposes of funds must be within central government competence, but the courts have not been called upon to clarify the issue further.

It may be observed that when the spending power is used by the central government either to reduce regional disparities or to make equalization payments, it is not generally disputed by most provinces. However, when it is used in other areas that are primarily or exclusively provincial, it is considered by many provinces as being an "intrusion" and therefore contrary to the principles of federalism.

Some politicians and commentators think that the key to the resolution of the problem of any government spending outside its enumerated powers is to limit this to cases approved by formal constitutional amendment rather than leaving the matter to the courts. Others believe that the solution lies in establishing recognized procedures for determining the agreement of the provinces to permit such spending by the central government.

The provincial premiers have repeatedly pressed for the limiting of the central government spending power. The way to do so would be to submit federal shared-cost programs in areas of provincial competence to the consent of the provinces or to a vote in a reformed upper house, with provision for a province to opt out of a proposed program with financial compensation. During the constitutional discussions of 1968-71 and again at the fall Constitutional Conference of 1978, Prime Minister Trudeau accepted the principle of limiting the federal spending power. Most provinces agree with its continuance: the problem, in their view, is the degree of provincial participation or consent that should be required for its use in particular instances.

Equalization payments are of major importance to more than half of the provinces. Consequently, many provincial governments have suggested that the principle of equalization and the central government's obligation to provide it be constitutionalized and even entrenched.

Transfer payments

In the years since World War II, a complicated system of transfers of money from the central to provincial governments has evolved that altogether now exceed \$13 billion in the 1977-78 fiscal year.

conditional grants

Conditional grants are transfers of money by the central government to some or all provincial governments subject to executive agreement on the use to be made of the funds. Conditional transfers aim at creating new services, at raising the level or the quality of existing services to "minimum national standards," or at changing the features of a specific provincial activity in which a strong Canada-wide interest is perceived. Typical conditional grants are "shared-cost" programs whereby the central government matches provincial expenditures on a percentage basis.

In 1977-78 these conditional grants, the largest of which was the Canada Assistance Plan, claimed over \$3 billion of federal funds. Conditional grants have recently been used less extensively as many provincial governments have complained that they distort their priorities by encouraging provincial expenditures in areas of particular central government interest.

unconditional grants

Unconditional grants are transfers of money made by the central government to provincial ones with "no strings" attached to the way the funds are spent. One form of unconditional grants is an equalization grant.

equalization grants

An equalization grant is an unconditional transfer intended to enable provincial governments in the relatively poorer provinces to provide their services at levels comparable to those of the richer provinces without imposing a heavier tax burden on their residents.

Introduced in 1957, they go to those provinces whose per capita yields, from applying national average rates to twenty-nine uniformly defined provincial revenue sources, fall below the national per capita average. All provinces except Ontario, Alberta and British Columbia presently receive these grants which amounted to \$2.7 billion in 1977-78. The provincial premiers at their Regina conference in 1978 reaffirmed their consensus of 1976 in support of equalization and the removal of regional disparities.

established programs financing (EPF)

In 1977, three previously "established" conditional shared-cost programs — hospital insurance, medicare, post-secondary education — were replaced by a new transfer plan. In response to provincial requests for more flexibility and control in administering these federal-provincial programs, the federal contributions now combine income tax point transfers with some cash payments. National standards in the health care field are expected to be maintained through broadly accepted standards stated in the new agreements. This constitutes a highly important but not well recognized alteration to the funding of Canadian federalism. By far the largest form of federal transfer, "EPF," the Established Programs Financing, amounted to \$7.3 billion in 1977-78.

Powers concerning the economy

The responsibility to legislate over economic matters is divided between Parliament and the provincial legislatures. The original scheme of the BNA Act has been the subject of much judicial interpretation, particularly the trade and commerce, property and civil rights, criminal law and residual authority clauses.

In addition to taxation and spending powers already referred to in preceding sections, and the powers over natural resources and communications discussed in following sections, the distribution of powers concerning the economy is broadly as follows:

The central Parliament has legislative jurisdiction over (1) monetary policy and banking operations; (2) trade and commerce (interpreted by the courts as meaning interprovincial and international trade), and related matters such as tariffs and customs, patents and copyrights, weights and measures; (3) interprovincial and international transportation and communications, including railways, telephones and telegraphs and pipelines; (4) postal services, navigation and aeronautics; (5) the incorporation of companies having extra-provincial objectives, business competition and bankruptcy; (6) labour relations in federal enterprises and unemployment insurance. As noted in preceding sections, Parliament has also assumed a responsibility for the equalization of tax revenues among the provinces and for the reduction of regional disparities.

The provincial legislatures have jurisdiction over (1) economic matters falling under "property and civil rights" including contracts, insurance and the regulation of securities in their provincial aspects; (2) intraprovincial production, trade and marketing; (3) intraprovincial transportation and communications, excluding aeronautics; (4) the regulation of professions generally, labour standards and labour relations except for enterprises coming under central jurisdiction; (5) the incorporation of companies with a provincial scope. Under section 121 of the BNA Act, the legislatures cannot erect barriers to interprovincial trade.

Agriculture is a concurrent matter with central government paramountcy. Consumer protection is a field in which both orders of government intervene on the basis of their enumerated powers, such as "trade and commerce" for Parliament and "property and civil rights" for the legislatures.

Most contributors to the discussion on constitutional reform appear to favour a solid economic union for Canada. The Constitutional Amendment Bill (1978) would add a specific provision ensuring the interprovincial freedom of movement of persons, in addition to the freedom of movement of goods and capital. In some proposals, a special role would be assigned to a House of the Provinces to facilitate the

harmonization of intra-provincial trade, to improve intergovernmental consultation and to ratify international trade agreements. The Committee on the Constitution of the CBA has recommended a provincial competence on credit unions, caisses populaires and provincial trust companies. The Alberta government has proposed that transportation and communications become a concurrent jurisdiction.

Powers over natural resources

Canadian constitutional documents provide that the provinces have residual "proprietary rights" over lands, mines and minerals situated in their territories. In other words, these are all provincial property unless owned by individuals, corporations or the central government.

In addition, provincial legislatures have the exclusive legislative competence in the management and the sale of these provincial public lands and the timber and wood on them. The courts have defined lands to include waters and mines. The same legislatures can also tax directly for provincial purposes and impose royalties. The power of the provincial governments over natural resources, particularly over energy sources – hydro-electricity, oil and gas – is consequently considerable.

On the other hand, the central Parliament has jurisdiction over lands, mines and minerals situated outside the boundaries of the provinces. By decision of the Supreme Court in 1967, this includes the offshore area of the Pacific coast. (The jurisdiction over other offshore areas has not yet been defined by the courts). Parliament may also legislate in relation to the interprovincial and international transportation and trade of natural resources and may levy taxes either direct or indirect on the profits made by private corporations.

Hypothetically, the central government, by exercising its declaratory power (see page 49) could declare "local works" such as oil wells and hydro-electric power facilities, which normally are the responsibility of the provinces, to be "for the general advantage of Canada" and therefore subject to federal legislation.

Furthermore, in the case of an emergency, the central authorities are entitled to intervene in the area of natural resources. An example occurred in 1973, in the petroleum crisis, when Parliament passed emergency legislation giving the cabinet power to set prices on oil and gas moving beyond the borders of the producing provinces if agreement could not be reached between them and the central government. In the end, that legislation was not put into effect.

This description gives some indication of the complexity of the jurisdiction over natural resources.

The situation is equally complex in the area of fisheries. The provinces have proprietary rights over the beds of some rivers and the right to fish is considered by the courts as an accessory to the rights of ownership. Provincial legislatures may control the catch, the transformation and the marketing of fish within their boundaries. However, the Parliament of Canada has jurisdiction over the "sea coast and inland fisheries," "navigation," interprovincial and international transportation and trade, confirmed powers on some offshore areas and taxation – not to mention external affairs, an important power in view of the number of international conventions on the conservation of species.

In current constitutional discussions, it has been suggested by most provincial premiers, but particularly by those from the western provinces, that natural resources need greater protection from central government encroachment. Suggestions have been made, for example at the premiers' conference in Regina (1978) for the "confirmation and strengthening of provincial powers with respect to natural resources," particularly with reference to taxation. Among specific proposals are those of some coastal provinces, supported by Alberta, that provincial jurisdiction be established over offshore mineral rights.

On fisheries, the premiers, at Regina, talked about "the establishment of an appropriate provincial jurisdiction." Newfoundland and Alberta are more specific in suggesting concurrent jurisdiction with provincial paramountcy. The Committee on the Constitution of the CBA would split "sea coast" and "inland fisheries"; the first would be federal, the second, provincial competence.

At the same time, many premiers and commentators are also concerned not to weaken unduly the federal jurisdiction over interprovincial and international trade.

Powers in the fields of culture, communications and research

The word "culture" does not appear in the BNA Act's distribution of powers. The act is also silent on "research." But both being related to specific provincial exclusive powers, namely education and property and civil rights, the provinces have not hesitated to occupy these fields of government activity. The central government has also claimed a role for itself in these same fields on the basis of the need to foster a national identity and interest. It has justified this activity in terms of some of its enumerated powers and its spending power. Examples are the CBC, the Canada Council and the National Research Council.

Radio and telecommunications were, of course, unknown in 1867. These jurisdictions have since been awarded to the central authority by the courts as coming under the residual clause and under "works" of an interprovincial nature. Cable distribution of radio and television broadcasts was recently held (1978) by the Supreme Court of Canada to be a federal matter.

In Toronto (1976) and in Regina (1978) provincial premiers agreed on assigning culture, defined as meaning "art, literature and cultural heritage," to the concurrent list of powers with provincial paramountcy. The Committee on the Constitution of the CBA supported this view, but added that the central Parliament should keep "adequate legislative power to maintain a national identity."

In radio and television, the distinction is often made between "the hardware" or "means of broadcasting" in the words of the 1972 Parliamentary Committee, and "the software" or "program content," it being often suggested that the central government keep exclusive responsibility for the first and allow some room to the provinces in the second, particularly in cable and educational television. Some of the provincial premiers have so recommended.

Health and social welfare powers

The BNA Act had provided for provincial jurisdiction over the establishment, maintenance and management of hospitals and similar institutions in the province. On that basis, by a decision of the Supreme Court (1938), the field of health was declared to be primarily one of provincial jurisdiction.

The central Parliament had been given jurisdiction over military hospitals in 1867. By virtue of its power over criminal law and the use of its spending power to make grants to provinces, it has intervened in the traffic of drugs and in the field of health generally.

The words "social security" or "social welfare" do not, of course, appear in the BNA Act. In the Supreme Court decision of 1938, it was declared that responsibility for that field also rested primarily with the provinces.

In this area, however, old age pensions have been the object of two constitutional amendments, one in 1951 and the other in 1964; old age pensions and supplementary benefits are now a concurrent power with a stipulated paramountcy in favour of the provinces. The responsibility for unemployment insurance which was first recognized by the courts as provincial was allocated to the central Parliament exclusively by a constitutional amendment in 1940.

The constitution is often said to require further clarification in social matters, but the courts have rarely been asked to provide it. Instead, the tendency has been to decide these matters through federal-provincial conferences and executive agreements. An "opting out" formula with a compensatory fiscal allocation has been devised over the years for those provinces that prefer to have their own health plans. More recently, the central government policy has been to loosen its control in this field. (See "Established Program Financing" p. 52)

The central authority, while recognizing the primary legislative jurisdiction of the provinces, appears more reluctant to vacate the field of social welfare. It wishes to maintain some direct link with citizens. The discussion has intensified in the last decade between Ottawa and the provinces on questions of jurisdiction in matters of social services and income guarantees.

At Victoria in 1971, Quebec claimed priority in the field of social security. It also sought to establish the right for a provincial government to displace federal spending for social purposes and to secure federal funds for spending under provincial legislation. That this was not accepted by other governments was one of the reasons for the rejection by Quebec of the Victoria Charter.

Recent public representations on this subject generally recommend "greater decentralization," as did the Joint Committee of the Senate and House of Commons (1972), or the allocation of the field of "social affairs" to the provincial legislatures either exclusively or concurrently with provincial paramountcy. Provincial paramountcy would apply, for example, to retirement plans, family allowances and old age security. However, the retention of the jurisdiction by Parliament over unemployment insurance and allowances for veterans and native peoples is generally recommended.

The treaty-making and treaty-implementing powers

The negotiation of treaties is an executive responsibility; the implementation of their content may require legislative action.

The powers of the British government in the conduct of external affairs as they existed in 1867 have been progressively taken over by the central government of Canada, by the use of royal prerogatives, by constitutional conventions and the exercise of the residual power. The process was legally completed in 1931 by the Treaty of Westminster.

Since 1937, the power of implementing treaties signed by Canada as a sovereign state has been held by the courts to be independent from the power of negotiating them. The power of implementation must respect the distribution of legislative powers in the constitution. In other words, the central government may make treaties, but if their subject matter falls under provincial competence, they will not be applied unless the provinces act to ensure that they are carried out. This is unlike the situation in the United States where the central government has the power to implement treaties regardless of the allocation of internal powers. But, of course, treaties in the United States must be ratified by two-thirds of the Senate.

Since more and more objects of contemporary international relations (for example, labour, health, education) come under provincial areas of competence, cooperation between the central and provincial governments of Canada is necessary if deadlocks are to be avoided.

Some involvement in the negotiation of international conventions and of some bilateral treaties in areas of their competence has been sought by a number of provinces, particularly Quebec, and has been accepted for more than a decade by the central authorities for the sake of ensuring implementation. For example, provincial delegates are invited to participate in negotiations when provincial jurisdiction is involved, sometimes as heads of Canadian delegations. In 1965, to permit a Quebec-France "entente" in the field of education, Canada signed first an "umbrella" agreement with France.

Among federal systems, four allow constituent states a role in treaty-making. In the USA this power exists on paper only since federal consent is never given. In the Federal Republic of West Germany an elaborate system of federal-provincial consultation exists. In Switzerland the power is exercised sparingly. In the USSR the power has been used to justify the presence of the Soviet Socialist Republics of Belorussia and the Ukraine in the United Nations.

There have been repeated calls from Quebec and occasionally from other provinces in favour of the right of the provinces not only to adopt laws implementing Canadian treaties on areas of activities falling within their jurisdiction but also to negotiate and sign international treaties in these same areas. In 1977 provincial premiers, as a group, stated that they had "concerns in certain areas;" the government of Alberta requested, in 1978, "confirmation of a provincial role in certain areas" of external affairs. A recent report of the Senate Standing Committee defines "national foreign policy [as] includ[ing] both federal and provincial activities and suggests a greater solicitation of provincial views." The Committee on the Constitution of the CBA has

recommended that the central government maintain exclusive jurisdiction in foreign policy and external relations, but that provinces be empowered to enter into contracts and arrangements with foreign states in their fields of competence so long as they keep the central government informed.

Some premiers and the Committee on the Constitution of the CBA have recommended the requirement of ratification by a House of the Provinces for international treaties concerned with "matters falling within provincial competence."

The power to create provinces and change boundaries

In 1871, by a formal amendment to the British North America Act, the central Parliament was given by the United Kingdom Parliament the express and exclusive power to create new provinces from the "territories," to give them a constitution and to continue to administer the remaining parts of the territories. This constituting power could be used to give the whole or parts of the Yukon and the Northwest Territories provincial status. By the 1886 constitutional amendment, the central Parliament was empowered to give representation in the Senate and House of Commons to those territories still not organized as provinces.

Also under the 1871 amendment, the central authorities may make changes in provincial boundaries with the consent of the province or provinces concerned. In other words, provincial boundaries can only be changed by the Parliament of Canada and the legislatures of the provinces concerned, acting in concert.

The Constitutional Amendment Bill (1978) proposes that the central authorities be under an obligation to call a meeting of premiers for consultation in cases of a change of provincial boundaries and requires that the assent of any affected provinces be obtained before changes are made. In addition, the bill requires that the provinces be consulted before any new provinces are created out of territories under federal control. In their response, some provinces have recommended that their consent rather than consultation be required for the formation of new provinces.

The regrouping of provinces is not specifically provided for in the BNA Act and its amendments. Experts generally agree that for a regrouping of provinces, a formal constitutional amendment would be needed. The Committee on the Constitution of the CBA suggests that the central Parliament be empowered to regroup provinces with their consent, but that their representation in Parliament be, in such instances, approved under the general amending formula.

The powers of reservation and disallowance

The power of reservation of provincial bills, assigned to the lieutenant-governor by the British North America Act, entitles him not to assent to a bill duly adopted by the legislature of a province but instead to "reserve" it for the assent of the governor general acting on the advice of the central cabinet.

The power of disallowance, assigned to the governor-in-council, i.e., the central cabinet, by the British North America Act entitles him to annul, within a year, a statute duly adopted by a provincial legislature and given royal assent by the lieutenant-governor of that province.

Disallowance of provincial legislation, used frequently in the first half century of Confederation, has not been used since 1943. By the Second World War, the power of reservation had fallen into general disuse, but in 1961 a lieutenant-governor exercised the power of reservation somewhat to the embarrassment of the prime minister of the time.

The two powers are now considered "dormant if not entirely dead." They were from the start difficult to reconcile with the spirit of genuine federalism because they implied some subordination of the provinces to the central government.

In the Constitutional Amendment Bill (1978) the deletion of those two powers is recommended once a bill of rights is entrenched in the constitution. The premiers in Toronto in 1976 and again in Regina in 1978 suggested the unconditional deletion of these two powers. Most if not all constitutional reform projects recommend deletion.

Areas of uncertain jurisdiction

The distribution of powers in a federation can never be completely clear cut. Several expressions – "grey areas," "overlapping," "interlacing," "unwritten paramountcy," are used by political analysts and jurists to indicate the reality of interaction and interpenetration of federal and provincial powers and the imprecise frontiers of a number of them. Some have even used the term "de facto concurrent powers."

It is useful to distinguish the following concepts:

- **Grey area:** An area where it is difficult to see clearly the dividing line between a federal power and a provincial power is said to be "grey." It implies a no man's land between two exclusive powers, one federal and one provincial.
- **Overlapping areas:** The same fields of activity may, to a certain extent, be covered by legislation enacted by Parliament and a provincial legislature, each validly acting within a broad field of competence allocated to it by the constitution.
- **Interlacing legislation:** Because under the constitution, Parliament and provincial legislatures may be responsible for different aspects of the same fields of activity, they may, when exercising their legislative competences, create a network of activities which interpenetrate.
- **Unwritten paramountcy:** In cases where provincial and federal legislative powers overlap, where two statutes conflict, then the courts have said that the federal statute prevails.

An example of a grey area is that which results from the federal responsibility for criminal procedure and the provincial responsibility for the administration of criminal justice. The dividing line between those two responsibilities is sometimes difficult to trace. The Supreme Court has recognized the validity of provincial inquiries in organized crime but not of an inquiry in the administration of a federal police force. Jurists sometimes use the term "borderline case" in referring to these difficult instances.

The field of natural resources provides an example of interlacing legislation. The management of natural resources in the provinces is a provincial responsibility. But interprovincial and foreign trade in natural resources, for example, the quantity of oil, gas and hydro-electricity allowed out of Canada, which will affect production in the provinces, is a central government jurisdiction. Another example: industrial development is a provincial matter when on provincial territory but interlacing occurs when the federal government, by way of its trade power, develops bilateral trade relationships with foreign governments, the Canada-U.S. auto-pact, for instance, which affect industrial growth in the provinces.

Mechanisms of intergovernmental coordination

Although it has often been argued that in a federal system each order of government should be able to act independently within its own sphere of constitutionally assigned authority without any interference from the other order of government, in practice, the functions assigned to the two orders of government cannot be totally isolated from each other. Inevitably, when two orders of government exercise authority over the same population and the same territory their activities will overlap and, on occasion, conflict.

Furthermore, as societies have developed and become more complex and economically and socially interdependent, and as the role of all governments has expanded, the number of "areas of uncertain jurisdiction" has increased. Thus, in Canada as in other federations, in addition to a final court adjudicating constitutional disputes, there has been a growing need for effective institutions and processes to enable central and provincial governments to coordinate their actions and iron out their differences.

The need for effective intergovernmental relations has two dimensions: the relations between central and provincial governments and the interprovincial relations among provincial governments with each other. In practice a whole series of practical mechanisms has been established to facilitate intergovernmental consultation and

collaboration and from among these a number of illustrative examples are given below.

Federal-provincial conferences

Federal-provincial conferences bring together either first ministers (prime ministers and premiers) or ministers responsible for particular departments, for example, interprovincial affairs, finance or resources, to meet with each other. There are two types of such conferences: "ad hoc" conferences, which are called whenever there is a common problem to solve or need for consultation, and "continuing" conferences, which meet regularly over a period of years to deal with common tasks. The latter are usually supported by "working committees" of ministers or senior public servants and secretariats. There is now an average of 500 such meetings a year, including meetings of officials. The Canadian Intergovernmental Conference Secretariat was created in 1973 as a permanent administrative supporting staff to handle the administration of federal-provincial conferences.

The first federal-provincial conference of first ministers was called in 1906. Since the Second World War gatherings of first ministers have become increasingly frequent — some twenty have been held in the last ten years. Some are closed and some are open to the media. There is no constitutional provision for these meetings, their frequency or their procedures. Among the central government proposals at the Victoria Conference (1971) was the institutionalizing of the federal-provincial conference of first ministers as an annual event, and this proposal was subsequently embodied in the Constitutional Amendment Bill of 1978.

Interprovincial conferences

Interprovincial conferences bring together either premiers or other provincial ministers. The first took place in 1887 at the instigation of Prime Minister Mercier of Quebec, and such meetings were subsequently held from time to time. Since 1960, when Prime Minister Lesage of Quebec gave new life to the institution, they have taken place regularly, at least one a year. In 1967, on the initiative of the then Prime Minister Robarts of Ontario, a special "Confederation for Tomorrow" conference was held in Toronto. It was an interprovincial discussion on the state of the federation. The 1977 regular premiers' meetings at St. Andrew's and Montreal attempted to define common provincial policies on linguistic education rights. Interprovincial conferences work on both provincial matters and common concerns in the relations of the provinces with the central government. For example, at the 1978 Regina meeting, agreement was reached among the premiers on a common reaction to the federal government's constitutional proposals.

In addition to the meetings of premiers, interprovincial councils of ministers have been established in areas of joint interest, an example being the Council of Ministers of Education of Canada which has its own permanent secretariat.

There has also been in recent years an important development in the number of formal regional interprovincial conferences, especially among the leaders of the Atlantic and of the Western provinces. A notable feature of the western meetings has been the reports expressing concern about federal intrusions. In the east, for example, the three maritime premiers have met regularly. An example of their cooperation has been the single Maritimes Higher Education Commission which advises the premiers of the three provinces.

Improving intergovernmental coordination

The dominance of the parliamentary cabinets in both the central and the provincial governments has made these executive bodies the focus of relations between the two orders of government in Canada. This characteristic of Canadian federalism, whereby intergovernmental relations have taken the form predominantly of negotiations and agreements between the executives or their civil servants in a style not unlike international diplomacy, has been described as "executive federalism." This approach to federal-provincial collaboration has to its credit a considerable number of practical accomplishments in the form of federal-provincial agreements and programs.

Nevertheless, there have been many calls for improvement in the mechanisms for federal-provincial coordination. To begin with, the arrangements for federal-provincial consultation and collaboration are not specified in the written constitution

and, therefore, rest solely on convention and the willingness of the participating governments to support them. Furthermore, "executive federalism" is often criticized because it appears to encourage the participating leaders to emphasize publicly their differences, and to adopt confrontational stances. Other critics have argued that executive federalism tends to remove important areas of decision-making from legislative scrutiny by making them the subject of agreements arrived at behind closed doors by negotiations between government leaders.

Among the proposals for improving intergovernmental coordination have been those for a constitutional requirement of annual federal-provincial conferences of first ministers, the institutionalization of the process by a second chamber composed of direct representatives of the provinces (i.e., a House of the Provinces) who would participate in the approval of central legislation having an impact on areas of provincial jurisdiction, and the establishment of better procedures within the central and provincial legislatures for open review of executive agreements.

Means of constitutional change

Important changes, technological, social, economic and political, may well affect the constitution of a country and, if so, should be reflected in it. But, on the other hand, the stability and continuity of political institutions and practices must also be maintained. A constitution must, therefore, be both stable and adaptable at the same time.

In this context, scholars writing about the constitution describe it as "flexible," in the technical sense, when it can be amended by a legislature following its normal law-making procedure. If, on the contrary, constitutional amendment requires a special procedure, whether a reinforced majority in the legislature or popular approval by a referendum, the constitution is said to be "rigid." With some exceptions, the Canadian constitution is, general speaking, flexible in its parliamentary aspects and rigid in its federal aspects.

There are, in the present context, five means of altering, in law or in fact, the written parts of the Canadian constitution. These are: formal constitutional amendment, judicial interpretation, conventions of the constitution, delegation of power and executive agreements.

Formal constitutional amendment

The Canadian written constitution does not contain a complete formula for amendment.

the present situation

From 1867 on, the British North America Act could be amended by one of three legislative bodies, the British Parliament, the central Parliament or a provincial legislature, depending on the subject matter to be changed.

The **provincial legislatures** under section 92(1) can amend their provincial constitutions except for the office of lieutenant-governor. This power has been used, for example, to change the electoral laws, the acts concerning the legislatures and to eliminate upper houses. Certain specifically-designated sections of the BNA Act, relating to the operation of provincial governments, can also be changed by the provincial legislatures acting alone.

Prior to 1949 the power of **Parliament** to make formal amendments was very restricted. A few sections only of the BNA Act were amendable by the central Parliament alone.

But most substantial sections were left to the **United Kingdom Parliament** to amend. Since 1867, some twenty amendments to the BNA Act have been passed in the United Kingdom Parliament.

Under the Statute of Westminster (1931) the sole limitation to the constitutional independence of Canada was its inability to change the British North America Acts (1867-1930). As Canadians could not agree among themselves on a general formula of amendment, the United Kingdom Parliament reluctantly kept the power to amend the BNA Act, which it did only at the request of the Canadian authorities.

After 1895, a constitutional convention developed that a request for amendment should be made in the form of a joint address of the two houses of the Parliament of Canada. In law, the previous consent of the provinces is not necessary, though in practice it has been obtained in cases where, in the judgement of the central authorities, the provinces have a direct interest.

In 1949 an amendment of the BNA Act (now section 91(1)) enlarged the authority of the Canadian Parliament to amend "the Constitution of Canada" except as regards the following "reserved matters": the distribution of legislative authority between Parliament and the legislatures (s.91 to 95); the religious school rights (s.93); the use of the French and the English languages (s.133); the rights and privileges of provincial legislatures and executives; the annual session of Parliament (s.20); and the maximum five year duration of each Parliament (s.50). Only the Parliament at Westminster can amend those important sections of the BNA Act at the present time. In this sense, the Canadian constitution has not been fully "patriated."

the long search

The search for a general amending formula started in 1927 but despite many federal-provincial conferences since then (1931, 1935, 1949, 1950, 1960-61, 1964-65, 1968-71), and numerous parliamentary debates, no agreement has yet been reached.

A major issue of contention has been the degree and the form which provincial participation should take in the constitutional amendment process. How should the consent of the provinces be given? By a majority of the provinces? By a qualified majority? By all, unanimously?

Since 1927 several formulae have been discussed. Two recent proposals are commonly known as the Fulton-Favreau formula (1964) and the Victoria formula (1971).

The Victoria formula, the most recent, was part of the "Canadian Constitutional Charter, 1971," a set of constitutional proposals worked out in discussions with the provinces in the early months of 1971 and introduced by Prime Minister Trudeau. Under the formula, the BNA Act and amendments would have been formally amended by agreement of the central Parliament and of the legislatures of a majority of the provinces, provided that among them were the provinces that at any time have had more than 25 per cent of the population (Ontario and Quebec, thus far); two of the four provinces of the Atlantic region and two of the four western provinces (provided they made up together 50 per cent of the population of that region). An amendment would have been proclaimed by the governor general when authorized by resolutions of the Senate and the House of Commons and of the legislatures of the required number of provinces.

The Victoria formula would have applied to changes with respect to the "reserved matters" referred to above, and to the office of the governor general and the lieutenant-governors, the Senate (its powers, the number of senators per province, the residence qualification); and representation by province in the House of Commons.

The Victoria Charter was not accepted by all the provinces and the adoption of an amending formula was therefore postponed. The Victoria formula was subsequently endorsed by the Joint Parliamentary Committee on the Constitution in 1972.

recent developments

In 1978, the Government of Canada published a study paper on the amendments to the constitution and outlined, in addition to the Victoria formula, other possibilities, including some involving the use of referenda. A referendum, for example, might be Canada-wide and necessitate a majority in each of the four regions, or it might be used as a way of appeal in a province where the government had expressed a veto under the Victoria formula.

At the constitutional federal-provincial conference, in the fall of 1978, a majority of provincial premiers reaffirmed their preference for the Victoria amending formula. British Columbia, however, claimed a veto as a distinct fifth region and suggested that a reformed upper house be involved in the amending process. Alberta insisted on the equality of the provinces in the amending formula and urged that the "existing rights, proprietary interests and jurisdiction of a province not be diminished without

the consent of that province." Mr. Lévesque, on behalf of Quebec, was reluctant to consider any amending formula before complete constitutional revision had been worked out to the satisfaction of his government.

It is clear, then, that governments have not yet been able to reach agreement on a formula that would combine the necessary protection for all the provinces, in areas of critical importance, with an adequate degree of flexibility.

Patriation

"Patriation" would be the act of transferring from the United Kingdom Parliament to Canadian authorities (central and provincial) the complete power to amend the constitution.

Patriation would necessitate, in addition to the transfer of power through a patriation act of the United Kingdom, either the re-enacting in Canada by Canadian authorities of the constitutional statutes adopted in London over a period of a hundred years, or the enacting in Canada of a new constitution.

While the debate goes on, it is sometimes suggested that patriation should come first and a general amending "formula" be adopted later. Most provincial governments have resisted this idea, preferring to decide first on the general formula of amendment. Furthermore, in Toronto in 1976 and in Regina in 1978, the premiers reached a consensus on several other points on which they would insist before the constitution is patriated, namely, the clarification of the distribution of powers and the enlargement and strengthening of some areas of provincial jurisdiction.

Prime Minister Trudeau, on the other hand, has often expressed the view that there should be agreement on the general formula of amendment and on patriation as soon as possible.

Judicial interpretation in constitutional matters

In the constitutional matters, judicial interpretation is the power of the courts, particularly of the Supreme Court, to adjudicate disputes relating to the respective governmental powers as allocated in the written constitution. Such issues may be raised on the occasion of litigation between individuals, corporations or governments. The decisions of the courts may be considered as "de facto" amendments, giving to the words of the constitution their exact meaning.

The BNA Act does not contain any provision regarding judicial interpretation, though it foresees the creation of a Supreme Court.

The Judicial Committee of the Privy Council of the United Kingdom, acting as a final court of appeal for the British Empire and subsequently for the British Commonwealth, performed this function of judicial interpretation for Canada until 1949. It ruled on over 200 Canadian constitutional cases.

It has often been argued that the Judicial Committee altered the balance in the distribution of powers in the BNA Act by liberally interpreting the enumerated provincial powers at the expense of the federal general or residual power. Others have argued, on the contrary, that the decisions of the Judicial Committee resulted from the correct application of the rules of legal interpretation.

The Supreme Court, which was created in 1875 by the Parliament of Canada, without provincial participation, has, since 1949, taken over from the Judicial Committee as the tribunal of last resort.

In interpreting the distribution of powers for the purpose of determining the constitutionality of federal and provincial legislation, the Judicial Committee of the Privy Council established rules of interpretation, generally followed by the Supreme Court, such as the double aspect doctrine, the pith and substance doctrine, the ancillary power doctrine, the paramountcy doctrine, the emergency doctrine and the dimension doctrine. In the present debate, perhaps the most important are the following three:

- **the paramountcy doctrine:** In the field of concurrent powers, when there is a conflict of legislation, the paramountcy rule plays in favour of the Parliament of

Canada (s.95: agriculture and immigration) or in favour of the provincial legislatures (s.94A: old age pensions and supplementary benefits). When the paramountcy rule is not provided for specifically, and when the legislation of Parliament and of a provincial legislature come into conflict, this doctrine says that the central legislation prevails, the provincial legislation becoming inoperative in its conflicting part.

■ **the emergency doctrine:** The Parliament of Canada, in very exceptional circumstances, such as those arising from "war, invasion or insurrection, real or apprehended," may legislate for the survival of the country as a whole, and in so doing may invade temporarily provincial areas of competence. This power has been declared to come under the opening clause of section 91, "peace, order and good government." It can also, in similarly exceptional circumstances, apply in peacetime.

■ **the dimension doctrine:** A matter, which at the origin had been of local or provincial concern, may in some circumstances attain such size and importance as to affect the body politic of Canada and justify the Parliament of Canada legislating in relation to it. This theory, praised by some jurists, disliked by others, suffered notable restriction in the decision on the anti-inflation case of 1976. The validity of the Anti-inflation Act was recognized as being based on the emergency doctrine rather than on the dimension doctrine. The main difference between those two doctrines resides in the fact that the first one by its nature is of a transitory application while the second, when applied to a given case, applies permanently.

Conventions of the constitution

Customs, conventions and usages, as part of the Canadian constitution, contribute to its natural evolution.

Customs are unwritten laws sanctioned by the courts. Conventions are practices held to be obligatory by politicians, but not necessarily sanctioned by the courts. Usages are regular practices which are neither sanctioned nor held to be obligatory.

Conventions can supplement, restrict or replace, for all practical purposes, written rules of the constitution while leaving the words unchanged. A commentator has said: "Conventions are as much a part of the Canadian constitutional system as the laws which omit them." In the final analysis, the authority of conventions rests on agreements among political leaders to consider them as necessary and binding and on the approval of public opinion, the ultimate political tribunal.

As already seen, an important part of our parliamentary system rests on conventions. These conventions are constantly adjusting to circumstances. In recent times, for example, the rules governing the vote of non-confidence in Parliament have become more formal in the sense that the occasions on which the cabinet may fall have been reduced. Instances where this can happen are now mainly a specified motion of confidence, the regular vote on the throne speech and on the budget, a measure identified as very important by the cabinet either after or before it is voted upon.

Conventions have also developed and are developing with respect to the federal system. The progressive disuse of the powers of reservation and disallowance and the growing use of federal-provincial and interprovincial conferences are two examples of the effect of conventions on the development of the constitution.

A part of the current procedure for amendment also rests upon convention. A "mini-patriation" took place in 1949 when the Parliament of Canada was empowered to amend the constitution of Canada except in some areas. But the procedure to amend the excepted matters is still subject to an uncertain and much debated convention as to the obligation of the central authorities to consult or obtain the consent of the provinces before asking the Senate and House of Commons to make a joint address to the Parliament at Westminster for an amendment (see page 60).

Sometimes conventions are codified in the written law. In relation to Canadian independence, for example, the Statute of Westminster in 1931 consecrated in law that which had previously been developed by convention. The proposed Constitutional Amendment Bill (1978) attempts to have written into the constitution some of

the conventions relating to the powers and functions of the governor general, the prime minister and the cabinet, the dissolution of the House of Commons, and votes of non-confidence.

It would be wrong to believe that conventions are an exclusively British institution: all states have them, "above, under or alongside" their written formal constitutional texts, as a French author puts it.

Delegation of powers

Another way of making a federal constitution more flexible is to enable one order of government to delegate legislative power to the other. Such "delegation" (called "interparliamentary" or "horizontal" delegation) is not provided for in the British North America Act as it is in the Australian constitution, nor is it permitted by the Canadian courts on the basis that enumerated powers are mutually exclusive.

Some commentators, the Committee on the Constitution of the CBA for one, have argued against permitting interparliamentary delegation on the grounds that it could lead either to a substantial abdication of powers by some provinces contrary to the federal principle which condemns subordination, or because it could, by a process of devolution of powers to or from particular provinces, create situations of special status for those provinces.

On the other hand, many commentators have argued for a constitutional amendment permitting the interparliamentary delegation of powers. The Fulton-Favreau delegation formula of 1964 made provision for such an arrangement. That formula would have limited delegation to some enumerated provincial subjects (property and civil rights, prisons, local works) and would have been conditional on the consent of four provinces. However, if the Parliament of Canada had declared that less than four were concerned in the matter, delegation would still have been permitted for the remaining ones. The Fulton-Favreau formula is only one of a number of possible arrangements for interparliamentary delegation.

A form of delegation which is acceptable to the courts under the present constitution is "administrative delegation," that is, the power of a government, acting under the authority of a statute, to transfer to the agent of another government the authority to regulate an activity coming under its jurisdiction. The granting of interprovincial trucking permits on behalf of the central government by provincial transport commissions is an example of administrative delegation.

A delegation of power does not confer a permanent power on the delegate because the ultimate constitutional power remains with the delegator, who may take it back. Permanency can only be achieved through formal constitutional amendment.

Other ways of achieving constitutional flexibility are "referential legislation" (one legislature incorporates in one of its own statutes the law enacted by another) and "parallel legislation" (central and provincial governments agree on passing the same legislation in their respective spheres). These are ways of coordinating central and provincial legislation. An example of referential legislation is the Crown Liability Act, in which the central Parliament incorporates in its legislation the provincial rules of civil liability. An example of parallel legislation is found in the marketing of agricultural products.

In the view of some scholars and politicians, allowing interparliamentary delegation of powers would add flexibility to our federal constitution, particularly in the areas of government activities that cross jurisdictional boundaries (for example, transport and commerce). The limitations of the presently accepted forms of delegation are that they do not permit the comprehensive scope that the interparliamentary delegation would allow.

Although the Government of Canada envisaged a legislative delegation of powers in the Fulton-Favreau formula in 1964, no provisions for such procedure has been included in subsequent proposals of the central government. Alberta and British Columbia are known to favour interparliamentary delegation. Furthermore, British Columbia has recommended allowing Parliament to adopt laws for the provinces to administer.

Executive agreements

Executive agreements are policy-implementing agreements arrived at by negotiation between the central and provincial governments.

As a result of executive agreements, modifications to political relationships in Canada often take place during the ordinary process of intergovernmental relations without either formal constitutional amendment or judicial interpretation.

Executive agreements are signed mostly in areas of activity where neither order of government, on the basis of its own present constitutional powers, can act effectively alone. Even a short list of areas in which major agreements have been signed in recent years will help show the major role they play in solving problems arising from the distribution of powers between the two orders of government:

- Fiscal arrangements affecting the tax-structure and revenue sharing;
- Canada and Quebec pension plans;
- Medical and hospital insurance;
- Welfare assistance programs;
- Funding of post-secondary education;
- Manpower training programs;
- Interprovincial highway construction;
- Regional economic development;
- Environmental protection programs;
- External relations with respect to provincial jurisdiction;
- Immigration;
- Oil and gas pricing.

The importance of executive agreements in intergovernmental relations has led to the characterization of Canadian federalism as "executive federalism" (see "Mechanism of intergovernmental coordination," page 57).

The Protection of Fundamental Rights

The nature, types and classification of fundamental rights have been outlined earlier (see pages 17-18). In the following paragraphs, the emphasis is on their protection in Canada.

Legal sources

Fundamental rights in Canada are currently protected by: (1) the principle of the rule of law, the common law, and various documents, such as the Magna Carta, inherited from the United Kingdom by virtue of a declaration in the preamble of the BNA Act which holds that the Canadian constitution will be "similar in principle to that of the United Kingdom"; (2) sections of the British North America Act, such as sections 20 (annual session of Parliament), 50 (five-year duration of a Parliament), 133 (linguistic rights), and 93 (confessional school rights); (3) sections of the Criminal Code; (4) articles of the Civil Code of Quebec; (5) central and provincial statutes such as the Canadian Bill of Rights (1960), the Saskatchewan Bill of Rights (1947), the Quebec Charter of Human Rights and Freedoms (1975); and (6) other statutes relating to the establishment of human rights commissions (the Canadian Human Rights Act 1977) hate literature, anti-discrimination in labour relations, etc.

Some theory

There are two main legal ways of ensuring the protection of fundamental rights. One is by legislative action, which invokes the principle of "parliamentary supremacy." The other is by constitutional action which better reflects the principle of "judicial supremacy."

In the first instance, the elected representatives of the population enact fundamental rights in specific statutes, taking into account their knowledge and awareness of the social "realities." Such statutes can be amended to suit changing conditions by following the ordinary legislative process. The courts are called upon to interpret those statutory rights.

The second way, which is known as constitutional entrenchment, involves declaring rights in the very body of a country's constitution. When this is done, rights can only be changed or circumvented thereafter by formal constitutional amendment, a much more demanding procedure than the passage of ordinary legislation. Furthermore, legislative bodies must thereafter take these entrenched rights into account, without exception, in their law-making activities. If they fail to do so, the statutes they enact can be declared invalid or inoperative by the courts. In other words, entrenched rights limit the legislative power.

Of course, these two approaches are complementary. But the different emphasis, whether on legislative bodies or on courts, is what matters.

Canada, in contrast to the United States, does not have a full "constitutionally entrenched" bill of rights; legal protection of fundamental rights is mainly statutory.

There are arguments for and against the constitutional entrenchment of rights. Those in favour say it gives greater certainty and consequently better protection against the possible abuses of governments and majorities. They add that many democratic countries have already moved in this direction. The United Kingdom itself is now bound by the European Convention on Human Rights and by the decisions of the European Court of Human Rights. Finally, they emphasize the educational and moral value of including human rights in the constitution. Those against entrenchment plead the requirements of flexibility and prefer to leave the assessment of these matters mainly and in final analysis to representatives of "the people" rather than to appointed judges.

In Canada, because of the federal system of government the problem of entrenchment has a further dimension: should rights be entrenched for both orders of government, the central and the provincial and, if so, how is this to be done?

The answer is not necessarily an "all or nothing" one. Some fundamental rights could be entrenched, while others are left to a combination of legislative and court

protection. It is also possible to entrench only general principles and to incorporate details in ordinary legislation, federal and provincial.

Some history

In 1960, Parliament enacted the Canadian Bill of Rights. It applied — and still does — only to federal legislation. 1960 was nevertheless a turning point.

Before 1960, the Supreme Court had proceeded to establish what certain authors have since referred to as an "unwritten bill of rights." Several cases that went before the courts became famous, such as the *Alberta Press* statutes, the *Saumur*, *Roncarelli* and *Padlock* Law cases. They dealt with matters such as freedom of religion, freedom of expression and equality before the law. The Court based its decisions on the distribution of powers, principles of common law, articles of the civil code and other principles such as the rule of law.

A debate took place in 1960 at the time of the adoption of the Canadian Bill of Rights on the desirability of entrenching it so as to make it binding on both orders of government, the central and the provincial. With the adoption of the Bill of Rights as an ordinary federal statute, capable of being circumvented by other federal legislation but only when expressly stated, Canada was said to have made "a compromise between English parliamentary supremacy and American judicial supremacy."

Some judges have since referred to the Canadian Bill of Rights as being of a "quasi-constitutional nature" to imply that, while it is only a statute, it is, in fact, more than that because other statutes must be consistent with it unless they are explicitly exempted. This is referred to as "statutory entrenchment." Other jurists have said, however, that the Canadian Bill of Rights is only a code of interpretation. In 1970, in the *Drybones* case, a section of the Indian Act was held to be inoperative by the Supreme Court, as contravening the "equality before the law" clause embodied in the Canadian Bill of Rights. But no federal statute has since been declared inoperative and the full significance of the Canadian Bill of Rights still remains to be clarified.

Because of these uncertainties, theoretical and practical, such questions as: "What is the best way of protecting fundamental rights in Canada?"; "What rights should be entrenched, if entrenchment takes place?"; and "Should the provinces agree to be bound by rights entrenched in the constitution, and, if they do agree, how is this to be done?" are very much part of the present unity debate.

The Constitutional Amendment Bill (1978), which contains Prime Minister Trudeau's main proposals for constitutional reform, would do the following: (1) entrench the standard individual rights and some new ones, such as the right "to move and take up residence in any province," some basic democratic rights already embodied in the BNA Act (sections 20 and 50), and some language rights; (2) require the central government to respect these entrenched rights in its own sphere of jurisdiction; (3) open up an opting-in procedure to the provinces desiring to be bound by these rights and (4) once all the provinces have opted in, amend the constitution to entrench formally the declaration of rights and make it binding on all legislative bodies.

Individual rights

Reacting to the Constitutional Amendment Bill, the provincial premiers stated in Regina in August 1978 that "while some [provinces] support the entrenchment of basic individual rights, others believe they are best protected by constitutional tradition and the ordinary legislative process."

In the fall of 1978, Ontario and the Atlantic provinces appeared to be favouring a degree of entrenchment of individual rights. The western provinces generally preferred to leave the last word in these matters to their own legislatures. The government of Quebec was not "against" as long as provincial language rights were "not affected." Some provinces were of the view that the rights entrenched should initially be kept to a minimum in order to facilitate the widest possible acceptance by governments.

The Ontario Advisory Committee on Confederation has recommended that basic political, legal, and democratic rights be entrenched. The Committee on the Constitution of the CBA has recommended entrenching political, democratic, and legal rights, protection against discrimination, certain linguistic rights and the right to public information.

A potentially important proposal has also been made which would entrench individual rights but include an "exculpatory clause." The clause would enable legislative bodies to contravene entrenched rights for specific reasons which would be expressly laid down in the contravening legislation. The expectation would be that such a clause would be invoked only in extreme cases and that, consequently, entrenchment would be operative most of the time.

Language rights

Besides individual rights, the Constitutional Amendment Bill (1978) would also entrench some language rights. These rights may also be constitutionalized and entrenched. Indeed, some have been entrenched since 1867.

Under section 133 of the British North America Act, English and French are mandatory in federal and Quebec legislation, permissive in the debates of the central houses of Parliament and the Quebec National Assembly and may be used by anyone at will before federal and Quebec courts. As stated by Chief Justice Laskin, in the Jones case, section 133 awards "constitutional rights." The Parliament of Canada cannot abridge them by ordinary legislation. A formal constitutional amendment by the United Kingdom Parliament would be needed to do so, at this time. Parliament may, however, add to them and this is what was done in 1969 by the Official Languages Act (which was declared valid in the same Jones case).

Section 23 of the Manitoba Act had the same effect in that province as section 133 of the BNA Act in Quebec. It was rendered inoperative, however, by a provincial statute in 1890, which was in turn held to be invalid (in the Forest case, in 1977) by a Manitoba Court. The decision has been appealed.

In the Blaikie case (1978), the Quebec Superior Court held that the legislature of Quebec cannot amend section 133 either. The court declared invalid Part III of Bill 101 (the Charter of the French language) which contradicted the terms of section 133. The courts of appeal confirmed that judgement. The decision has also been appealed to the Supreme Court.

But except for sections 133 and 23, the protection given the official languages by federal and provincial legislation is, so far, only statutory, not constitutionally entrenched. The federal Official Languages Act and the New Brunswick Official Languages Act are the two main examples.

The Victoria Charter (1971) contained a proposal which would have guaranteed linguistic rights (in courts and government services) to a greater extent than they are now. The Special Committee on the Constitution of the Senate and the House of Commons made a similar recommendation in 1972.

The Constitutional Amendment Bill of 1978 proposes, in section 13, to entrench the following principle: "The English and the French languages are the official languages of Canada for all purposes declared by the Parliament of Canada or the legislature of any province acting within the legislative authority of each respectively." It will be observed that this bill combines the principles of judicial supremacy and parliamentary supremacy.

Sections 14 to 21 of the bill detail the proposed status of the official languages. They would be compulsory in the statutes and records of the Parliament of Canada and the legislatures of Ontario, Quebec and New Brunswick, and their use would be optional in the proceedings and debates of all legislative bodies, central or provincial; in the federally constituted courts, in the criminal-law courts of the three provinces already mentioned and in all courts of the other provinces where "loss of liberty is an issue"; and finally in the communications of the public both with major federal institutions and with some major provincial ones where a substantial number of persons use the other official language, the provincial legislature having determined the acceptable number.

The views of the provinces on language rights have been expressed in a number of instances. In 1976, in Toronto, provincial premiers were looking for "a confirmation of English and French language rights along the lines discussed at Victoria in 1971." However, at Regina in 1978, "some premiers [felt] that the proposed language guarantees [of the Constitutional Amendment Bill] might present practical difficulties in their provinces, particularly in respect of provincial government services and courts."

In the fall of 1978, New Brunswick, Nova Scotia, Ontario, Newfoundland and Saskatchewan appeared favourable to the entrenchment of various degrees of language rights; Manitoba, Alberta, British Columbia and Quebec appeared not to be so inclined. Many provinces appeared to support, however, the entrenchment of the principle of English and French language equality.

Language of education rights

The provincial premiers signed a joint statement at the 1977 St. Andrews annual conference by which they committed themselves to ensure schooling in French or English "wherever numbers warrant." They also called on their ministers of education to conduct a study of minority language education in their respective provinces. Finally, each signing province agreed to formulate a program to further minority language education.

Quebec had hoped to win at St. Andrews acceptance of reciprocal and bilateral agreements between provinces which would provide for education in the official minority language wherever feasible and guarantee education in English to English-speaking Canadians moving to Quebec and education in French to French-speaking Canadians who live in provinces other than Quebec. This idea was rejected by the other provinces.

In Montreal, six months later, all provincial premiers agreed on the following formula: "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 wherever numbers warrant. . . . It is understood, due to the exclusive jurisdiction of provincial governments in the field of education, and due also to wide cultural and demographic differences, that the implementation of the foregoing principle would be as defined by each province."

Prime Minister Trudeau's Constitutional Amendment Bill, in section 21, would recognize the jurisdiction of provincial legislatures to define the meaning of "where numbers warrant," but would give to the courts the right to decide whether the definition was "reasonable" so that in case of dispute the courts would have the final word. The bill would entrench the right of anglophone and francophone parents, citizens of Canada and minority residents of any province, to have their children receive their schooling, in public school facilities, in the other official language than the one "primarily spoken."

Native rights

Indians were given special mention in section 91(24) of the British North America Act which places them under exclusive federal jurisdiction. The central Parliament has complete liberty, however, to legislate for "Indians and lands reserved for the Indians," an expression that includes Inuit and their lands. There are no entrenched rights for native peoples spelled out as such in the constitution. Such protection has been requested by many native groups, some proposing that reference be made to native rights, at least in the preamble of a new constitution.

Conclusion

It would be wrong to leave the impression that the protection of fundamental rights is exclusively a legislative, judicial, or constitutional question. The best protection is still an alert public opinion aware of infringements and prepared to oppose them. But legal recourse is nevertheless the main instrument of protective action.

Territorial and Local Governments

Territorial governments

Besides its ten provinces, Canada has two "territories," the Yukon and the Northwest Territories. Under the 1871 amendment to the BNA Act, the Canadian government legislates for these areas and may, by way of devolution, delegate powers, legislative and executive, to local authorities, appointed or elected, while retaining final authority. The result is referred to as "territorial government."

Structures and powers

In each territory, a commissioner is the head of government. He is appointed by the federal cabinet and accountable to the minister of Indian affairs and northern development.

There is also in each territory a representative body, a council. It consists of fifteen elected members in the Northwest Territories and of twelve members in the Yukon — raised to sixteen since the November 20, 1978 election. Both councils are elected for a four-year term of office. They cannot vote non-confidence in the commissioners; there is consequently no full "responsible government" in the territories.

In administering the territorial governments, each commissioner is assisted by an executive committee modelled on a cabinet structure. In the Yukon, the committee is at present composed of the commissioner, as chairman, the deputy commissioner and four elected councillors as members. In the Northwest Territories, three elected councillors serve on the committee with the commissioner, his deputy and an assistant commissioner. The members are assigned portfolios by the commissioner, such as education and health and welfare.

Both councils may legislate, under the authority of federal statutes, in most areas of normal provincial jurisdiction, except for the legislation on natural resources which is reserved to the central government. The preservation of "game," however, is a local matter. Legislation must receive three readings and be given the assent of the commissioners. The governor-in-council, that is, the central cabinet, may disallow any territorial legislation or ordinance within one year after its adoption. The commissioners propose most legislation but private members' bills are allowed, except in money matters which are the prerogative of the commissioner. Besides enacting legislation, the councils give considerable time to policy matters in which the commissioners seek advice.

In practice, most policies are formulated by the commissioners on the advice of the councils. Funds can only be spent to the extent voted by the council and all new revenue measures are subject to council approval. The commissioners must obtain prior central government approval of major proposed legislation and budgetary measures that they, as chief executive officers, submit to the councils.

Both territorial governments now have the authority to impose their own personal and corporate income taxes, which are collected, as in most provinces, by the central government. At present, the Northwest Territories exercise their option, while the Yukon receives annual grants in lieu of these taxes.

In 1886, the BNA Act was amended to enable Parliament to provide for the representation of the territories in the central legislative houses. By act of Parliament in 1975, the territories now have two members in the Senate and two in the House of Commons, one in each house for each territory. The Northwest Territories will have two "MPs" after the next federal election. Under an amendment to the BNA Act, passed in 1871, the territories could be made into provinces, in whole or in part, by acts of Parliament. Some provinces object to this being an exclusive power of the central Parliament, and the Constitutional Amendment Bill (1978) provides for previous consultation with the existing provinces before new provinces are created.

Political development in the territories

Constitutional issues have assumed increasing importance in the territories in recent years. The pressures stem from three main sources: the general demand for a greater degree of self-government, whether at territorial or community level; the will of the native peoples — Indian, Inuit and Métis, to obtain recognition and political power, largely in the context of the settlement of their land claims; the need for the broadening of an economy long dominated by the fluctuations of non-renewable resources development.

Local government

Structures and powers

Under the British North America Act (sections 92.8, 92.9 and 93) local government in Canada is a responsibility of the provincial legislatures. It comprises all government entities created by the provinces, and also by the territories, to provide services that are judged to be more effectively discharged through local public involvement.

Broadly speaking, local government services are identified in terms of: community services, police protection, public transportation, environmental health, recreation, business development, land use control and education. Local government may operate, through the medium of government enterprises, such utility services as public transit and the supply of water, electricity and gas. The responsibility for education is normally carried out separately from the other local functions by means of elected school boards.

Within each province, the usual unit of local government, apart from the school board, is the municipality, incorporated as a city, town, village, township or other designation. The powers and responsibilities of each category of municipality are delegated to them by statutes enacted by their respective provincial or territorial legislatures. They vary from one category to another, from one province to another.

The most common form of municipal government is that of a council made up of councillors (often called aldermen) elected either from electoral sub-divisions of the municipality (ward system) or from the entire municipality (at-large system), and a mayor, elected at large. The council is then divided into committees each dealing with a major activity. Most larger municipalities have, as well, an executive body, either composed entirely of elected officials or of a mixture of elected and appointed officials. Some have city managers responsible to the executive body.

In recent decades, certain functions traditionally assigned to local government have been assumed in whole or in part by the provinces. Some provinces have encouraged the amalgamation of small units and some have also established special agencies and boards to provide certain services for groups of municipalities, and even a new level, "a second-tier," of local government, either in the form of regional government or metropolitan government.

The major source of revenue available to local government is the taxation of real property. It is supplemented in many cases by the taxation of personal property, businesses and amusements; by licences, permits, rents, concessions, franchises, fines and surplus funds from municipal enterprises. Local government revenues are also supplemented by provincial grants, either unconditional or for specific purposes.

Although municipal governments are the responsibility of the provincial governments, a number of areas of federal activity (for instance, railways, harbours, air transportation, housing) have significant impact on municipalities. The central government pays grants-in-lieu of taxes for federal buildings located in municipalities.

The federal Ministry of State for Urban Affairs, created in 1971, had been responsible for the coordination of federal policies in relation to urban areas. The ministry had also been involved in intergovernmental coordination, for example, through the setting up of tri-level (federal, provincial, municipal) conferences. An announcement of the central cabinet in November 1978 indicated that the ministry would be abolished in March 1979.

Local government and the constitution

Canadian municipalities, represented in particular by the Federation of Canadian Municipalities (FCM), have for some time sought more formal recognition as Canada's "third level of government."

Because municipalities speak for local communities, the FCM argues that there is a case to be made for municipal participation in the process of constitutional reform. On points of substance, the FCM has urged: (1) that a constitutional conference be convened in which all three levels of government would participate; (2) that the municipalities be accorded a constitutional status in any new federal constitution; (3) that their roles and responsibilities be expanded in order to ensure greater local autonomy; and (4) that local governments be guaranteed a fair share of provincial revenues. Generally speaking, however, most municipal leaders expect changes to come from provincial governments and be incorporated in provincial constitutions.

Part III Options for the Future

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Constitutional Frameworks

Having defined or described some of the main terms of the social and political language, the institutions and the practices of the Canadian political system, the process of constitution making and change in a federal system, and having singled out for particular attention the important subject of the protection of individual and collective rights, it is now possible to sketch some of the basic choices, or options, being offered to Canadians at the present time.

Each of the options represents a proposed constitutional framework drawing together views on the following aspects:

- an assessment of the **situation** of Canada: including judgments on its gravity, its remote and immediate causes, and the interrelationship of its political, social and economic dimensions;
- the role of the **constitution**: its strength and weaknesses, its adequacy in terms of principles, objectives and needs, the success or failure of the processes for adaptation to change;
- the **distribution of powers** between the central and provincial governments: including views on some general questions — the essential powers of central and provincial governments, appropriate degrees of centralization or decentralization, distinctive status for Quebec — and some more specific ones such as the spending power of the central government, the residual power, the complex reconciliation between the provincial powers on natural resources and the central government's power in interprovincial and international trade;
- the **institutions of the central government**: the Senate, the House of Commons, the Supreme Court, the regulatory agencies, and the public service, including views related to their composition, their powers, their procedures, etc.;
- **federal-provincial relations**: involving an assessment of the effectiveness of current arrangements and proposals for improving existing instruments of coordination or for setting up new ones;
- the **methods of adaptation to changes**: encompassing formal constitutional amendment, judicial interpretation, conventions, delegation, federal-provincial executive agreements; their adequacy and recommendations for improving them in order to make them more flexible for their role in the drafting of a new constitution, or for the creation of special bodies dedicated to that objective;
- the **protection of fundamental rights and minority and language rights**: including whether they should be entrenched in the constitution. Supporters of each basic option usually also have **views on the other options**. Drawing attention to the points of similarity or contrast with other basic options often helps to define the nature of a particular option. The views of a government, a political party, a prime minister, an association — or, for that matter, a friend — on these topics will indicate the basic option favoured.

Basic Options and Variations

In Part I we defined the concepts of sovereignty, confederation, federation and unitary states (see pages 14, 21-22). As stated there, the differences between these concepts are not simply differences of degree; they are qualitative ones.

The current debate on the future relationship of Quebec to the rest of Canada tends to polarize between two principal solutions: federation and political sovereignty.

Around each of these two poles several varieties of solution are proposed. For example, several forms of federation have been advocated, although they all have in common the division of sovereignty between two orders of government which are equal and not subordinate to one another.

Thus, federal solutions may vary in degree of centralization or decentralization of legislative and executive powers, composition of central institutions, and arrangements for intergovernmental relations and for adjudicating disputes. They may even take on the character of a "hybrid" by including some "unitary" features designed to enable the central government to ensure better the viability of the federation or to protect minorities within provinces, such as the powers of reservation and disallowance, the power of appointing lieutenant-governors, and the declaratory power, to name some examples already in the BNA Act. On the other hand, they may include some "confederal" features, such as the need of provincial consent for the ratification of treaties signed by the central government or for the exercise of certain specified central powers, and the appointment of members of the central second chamber by the provincial governments.

Around the other basic approach, **political independence**, there is also a cluster of variants. For example, a politically independent state may exist without any formal union or association with neighbouring states, or it may be associated with them in some form of economic association of which a free trade area, a customs union, a common market, an economic union, and a monetary union are possible variants (see pages 26 – 27). Some would even classify a political confederation in this group (see pages 25 – 26), although in most confederations, in practice, the limits on the ability of constituent units to exercise their political sovereignty is more limited.

The European Economic Community may be described as a hybrid in that it includes some confederal and even federal elements, such as the European Court and the proposed parliament, although at the same time some elements of an economic and monetary union are missing.

The proposal advanced by the Parti Québécois for sovereignty association (see pages 79 – 80), is a variant of the general group of associations among politically independent states. Indications are that when fully formulated the proposal may be a composite, with some elements of an economic and a monetary union, and even some of a confederation.

3.

Sovereignty-association

The Mouvement Souveraineté-Association was created in 1967, the Parti Québécois in 1969. The main themes of the souveraineté-association option have been there from the beginning of the movement, and some of them even before that as they belong to one of the trends in the political tradition of Quebec.

The constitutional aspects of this option rest on four guiding principles.

A concept of the Quebec society

The views of the Parti Québécois are based, first, on a concept of the **Quebec society**: French Quebecers, representing 85 per cent of the French-speaking population of Canada, form a majority, a nation, a people and a society, with a distinct identity and distinct collective aspirations. They are "proud of their roots" more and more "confident in themselves," "future oriented," and eager to achieve their own destiny. That society, the party says, has been dominated and exploited as a minority by English Canada, particularly by the central government of the federation. As a consequence, Quebec has only — and often in an "under-developed" condition — some of the necessary economic, cultural and political institutions of nationhood.

That society is an open one. It is hospitable to its own minorities — English, native and ethno-cultural — and intends to maintain amicable relations with the population of the rest of Canada and of the world.

A view of the Canadian federation

Second, the advocates of sovereignty-association also derive their position from a particular view of the **Canadian federation**. It rests, they say, on a misunderstanding. In 1867 English Canada wanted and obtained a centralized federation; Quebec, at the time, thought that it was getting a high degree of autonomy, an "insurance against centralization," "a true confederation." The solution they suggest, is to give each, now, what it thought it was getting then.

The central government of the federation, the supporters of this option say, is centralizing, English-Canada oriented, and ignorant of and indifferent to the Quebec society. Neither "plastic surgery," nor constitutional reform will change it. Recent decentralizing moves are only "superficial"; they touch on the workings of the system, not on its very essence. And the essence, they believe, is bad for Quebec.

They point to other Quebec political leaders — Duplessis, Lesage, Bertrand, Johnson, Bourassa — as all having felt this basic malaise. But those leaders offered only half-way solutions. Sovereignty-association simply follows on to the "logical end," in the best interests, its supporters believe, of both Quebecers and "Canadians."

A concept of the Quebec government

Third, this option is based on a view of the **Quebec government**. Péquiste argue that the Quebec government is the only one Quebecers can really call their own. Consequently, that government must exercise "complete" political sovereignty. The people of Quebec have a right to make this change under the internationally-accepted principle of self determination. Accession to sovereignty will be accomplished democratically and English Canada, it says, will accept the decision, in due course, because of "the dynamics of change" and its own democratic tradition.

A view of the world and of history

Fourth, this option is based on a view of **history and of the world**. Independence is the natural political condition of national communities. Less populous states than Quebec exist and fare well. Sovereign states can, of their own free will, associate with other states. Some fifty of them do. Confederation, supporters of this option declare, is the way of the future, not federation, as the former provides more autonomy to member states and consequently gives more expression to the identities of their populations. That, in their opinion, is the meaning and the message of the European Economic Community.

Sovereignty

In this context, how can one define sovereignty-association as put forth by its political advocates so far? They claim **sovereignty** for the state of Quebec, a full "national responsibility," a "complete state," a "single decision-centre completely at [our] own service," "one citizenship," "a single parliament" with "the exclusive power to make laws and raise taxes" on its own territory, with all the powers and "instruments necessary for the development of a distinct society," all the essential instruments for achieving a population balance, "internal development," "social policies," "culture," "economic progress," "foreign relations," etc. Having one unique "seat of power" is seen as the determining factor in the life of a society.

Association

But a state can voluntarily limit its own sovereignty, harmonize its policies with those of other states, delegate some of its powers to common institutions jointly set up. In this spirit, the objective of sovereignty is "twinned" with the objective of "**association**" with Canada, a "simultaneous process, not a consecutive one," to be achieved "concurrently," "without a break" — "renewal and continuity at the same time." That continuity, "mainly economic, political too," is a normal objective, "logical," and "evidently advantageous for all, particularly for Ontario."

Association would be **negotiated** "without anger," "between equal partners," — "not a majority-minority relationship" — "in mutual respect," on a "one to one basis," "between two peoples." The agreement would be consecrated in a "constitutive act" or "constitutional treaty."

The economic relationship could include, if the parties agreed, a customs union, a common market — "freedom of movement for goods, capital and persons," — "no customs, no passport," plus "a monetary union" and "various shadings of economic union," interprovincial reciprocity agreements on language rights and a possible "citizenship of the Association." Péquiste believe that after the initial shock English Canada will accept an economic agreement, although the Parti Québécois recognizes that there will be difficulties. But while "highly desirable," the economic association is not essential to their program, other alternatives being possible.

The areas of association would be "harmonized" by **joint institutions**, e.g., "a joint central bank" for the monetary union. Mention has been made of other common administrative, executive and political institutions — an intergovernment council, an interparliamentary or advisory parliamentary organization, joint public autonomous corporations, etc. — but they have not been officially announced at this time.

A **referendum** on the "content of sovereignty and the offer of association" will be called, probably before the end of 1979. Should the referendum not be favourable, the present government of Quebec would "remain provincial for a number of years" while constantly pursuing its objectives.

In the meantime, the Quebec government is willing, "respecting the rules of democracy," to work towards the decentralization of powers in the present federation — "so as to enlarge provincial jurisdictions" — and make arrangements that do not "compromise" its program. It feels it has "a mandate to do so."

That is, in capsule form, the constitutional framework of the sovereignty-association option as expressed mainly by the leader of the Parti Québécois, M. Lévesque.

One must add, however, that within and outside the party there are Quebecers committed to full and unqualified independence. Within and outside the party both the degree of economic association and the form of the central institutions of the future are subjects on which there is also a diversity of opinions.

Federal Options

The federal approach to the structuring of a political system is not limited to only one model. Indeed, there are many variations among the twenty or so federations, bringing together more than a billion people, existing in the world today. A federal framework has been adopted in both continental and small countries, and has been combined with parliamentary institutions as well as with presidential systems and with constitutional monarchies as well as with republics.

Among the aspects on which federal systems vary is the distribution of legislative and executive powers and of revenues between the two orders of government; the number, relative size, and wealth of the provincial units; the degree of symmetry in the powers and constitutional status of these units; the composition and particularly the character of regional representation in the central policy-making institutions such as the executive, the second chamber, the bureaucracy and the regulatory agencies; the structure and jurisdiction of the judicial system, and particularly the supreme court or constitutional court which must act as an umpire in constitutional disputes; and the processes and institutions through which intergovernmental consultation and cooperation are facilitated.

Given the variations possible, it is not surprising that many revisions to the Canadian federal system have been suggested as a solution to the current problems of Canadian unity. Particular proposals in each of the areas listed above have already been referred to under each specific topic in Part II and therefore in this section we outline only the broad general approaches.

The basic federal options which have been proposed for Canada at the present time are:

- The status quo
- Major decentralization
- Major centralization
- Provincialization of central institutions
- Asymmetric federalism
- Renewed federalism
- Restructured federalism

All of these approaches start from the position that a federal system (see pages 23-25) is superior to any form of economic association and to a confederal system on the grounds that a federal system establishes a common central government, the members of which are directly elected by the citizens rather than by the constituent governments, which is in a position to take more effective action on behalf of the people of the federation on those responsibilities assigned to it. Supporters point out that, at the same time, in a federal system, provincial governments retain full competence or sovereignty over those subjects assigned to them by the constitution, thus enabling provinces to act autonomously in carrying out their own policies aimed at provincial distinctiveness. Moreover, they point out that confederal systems tend to be unstable and that a number of countries such as the United States and Switzerland adopted a federal constitution to replace a shaky confederal one and look back upon that change as a turning point in their effective development.

Status quo

The nature of the present federal structure in Canada is described in detail in Part II of this book.

Supporters of the existing Canadian constitutional structure point out that, through a process of evolution and adaptation since 1867, the BNA Act "has served Canada well" through a variety of extreme situations not foreseen by the Fathers of Confederation, such as two world wars and the world-wide depression of the 1930s.

Those who favour the "status quo" are satisfied, therefore, that the present fundamental laws of Canada do respond to our needs, and need not be changed, except by the ordinary processes of formal amendments to the BNA Act which are

adopted from time to time, the decisions of the courts on the distribution of legislative powers, and federal-provincial agreements, conventions and usages. These processes, particularly the decisions of the courts, have enabled our constitution to evolve gradually since 1867, particularly in the fields of legislative and executive powers, allowing for greater centralization in times of crisis, and greater decentralization in normal times, as at present. It should be emphasized that "status quo" does not mean "static." It means that the constitution should be adapted through the normal evolutionary process rather than radically altered.

Some supporters of the "status quo" express concern that the discussion of radical alternatives upon which there is no agreement serves only to undermine the legitimacy of the existing structures and to foster disunity. They also observe that too many specific changes affect the "delicate balance" of the constitution.

Those who are not in favour of the "status quo" for the present period of Canadian history, argue that our constitution needs a major revision or a complete redrafting. They argue that a clear, well articulated, attractive federalist option is urgently required, especially in view of the forthcoming referendum on Quebec's future position in Canada. The growth of regionalism, and the need to accommodate it, is also in their minds. Such critics do not necessarily reject the main characteristics of the constitution of 1867, that is, its federal character and its parliamentary form of government, but wish to modify and improve them substantially. Thus, they propose major revisions to clarify or change the distribution of powers, to alter the central institutions such as the Senate, to make the Supreme Court more acceptable as an independent adjudicator, to entrench a Bill of Rights, to devise a general formula of amendment, and to patriate the constitution. The changes which have been suggested in each of these various areas by various governments or groups have been referred to in the sections on the existing Canadian constitutional structure in Part II.

Major decentralization

One form of revision to the Canadian federal system which has been suggested is a major decentralization of powers. This would entail a substantial transfer of legislative and executive powers to the provinces, a corresponding transfer of tax revenues to enable provinces to perform these added responsibilities. It would also involve the removal or severe limitation of the ability of the central government to use such devices as reservation, disallowance, the declaratory power, the spending power, and the emergency power to invade areas of provincial jurisdiction. In addition, the residual power would be assigned to the provinces.

Supporters of this option argue that it would reflect more accurately the current social, economic and political realities of regionalism in Canada, particularly the increased maturity and capability of all the provincial governments. They also argue that resentment of over-centralization and the frictions engendered by central government action in areas of primarily provincial governments would be reduced, thus improving harmony within Canada. Furthermore, a major decentralization would, in their opinion, enable the government of Quebec to exercise the powers it needs in order to maintain its distinctive heritage without having to give Quebec a special status or powers not possessed by the other provincial governments.

The actual powers that would be transferred to the provinces vary according to different versions of this approach but would generally include a primary or even exclusive responsibility for the provinces over such areas as social and cultural development, social services, natural resources, including fisheries, some areas of economic policy, communications, consumer and corporate affairs, urban affairs, housing and land use, the environment and even some aspects of foreign relations.

Opponents of this view argue that such a shift of powers and of financial resources has already taken place over the last fifteen years, and that a further decentralization within a federation that is already "one of the most decentralized in the world" would weaken the capacity of the central government to work effectively on behalf of the country as a whole and "to speak for Canada." They stress the importance of the ability of the central government to deal directly with citizens through social welfare programs in order to engender their support and loyalty. It is particularly important, they argue, to maintain the capacity of the central government to redistribute income

among provinces and among individuals in order to ensure that the benefits of the federation are shared by citizens in all the regions.

Major centralization

There are fewer advocates at the moment of a major revision in the direction of centralization through a transfer of powers from the provinces to the central government. But some Canadians do argue that the central government should be given a greater capacity in the economic policy field in order for Canada to remain strong in "a more and more competitive world." They add that the capacity of the provinces to erect barriers to the mobility of people, goods and services within the federation should be reduced in order that Canada might more fully take advantage of the potential benefits of economic union. Others have suggested the desirability of a Canada-wide policy in education and culture in order to ensure the development of a stronger Canadian identity and a better appreciation of what Canadians have in common. They point, for example, to the divisive effect of the differing interpretations of Canadian history taught in the provincial education systems, and to the OECD study, which criticized the lack of a national education policy in Canada.

Opponents of this view argue that it is unrealistic in relation to the social, cultural and economic diversity of Canada, and that the imposition of greater central control and uniformity upon this diversity would create resentment and therefore greater tensions and friction rather than unity.

Provincialization of central institutions

Because of the difficulties in practice of delimiting precisely central and provincial powers in many areas or of effecting major shifts in the direction of decentralization, some Canadians have argued that, as an alternative to decentralization, the central institutions within the federation should be "provincialized." Among the proposals that have been advanced in this direction are those for replacement of the current Senate by a House of the Provinces composed of delegates appointed by the provincial governments or elected by the provincial legislatures. The intent is to give provincial interests a direct influence on those areas of central legislation or executive action which would have a direct impact upon legitimate provincial concerns, and by so doing to reduce the often deplored insensitivity of central politicians and civil servants.

Supporters of this view suggest that provincial resentment at and resistance to action by the central government in areas of provincial and regional concern would be reduced if the central institutions were redesigned to ensure that, when acting in a way affecting those areas, they would have to take provincial interests into account. Moreover, if provinces were confident of this, it is argued, the inflexible attitudes characterizing present federal-provincial conferences would be reduced.

Opponents of this view express concern that the central government should not be dependent in its own area of jurisdiction upon having to consult or seek the agreement of the provinces. They fear that the provincial governments would use such arrangements merely to obstruct effective central government action. Some argue that a major decentralization of powers is preferable and would make a provincialization of central institutions unnecessary.

Asymmetric federalism

While in theory, it is usually considered desirable for the provinces within a federation to be equal in constitutional status, in practice their inequality in size and character often leads to differences in their relative power and status.

In Canada there are two pressures for asymmetry in the power and status of provinces. One stems from the sharp disparity in size and wealth and hence capacity to perform and provide services of the provinces, ranging from Prince Edward Island with a population of about 120,000 to Ontario with over 8 million. The other, more important still, derives from the cultural distinctiveness of Quebec, as the single province with a French-speaking majority, and leads to the allocating to that province of those powers necessary to preserve its distinctive heritage.

There is, of course, already a degree of asymmetry among Canadian provinces in the differing financial arrangements, in the unequal representation in the Senate, in the recognition of Quebec's civil law, and in the protection of linguistic rights in Quebec (under s. 133 of the BNA Act), to give only a few examples.

During the past decade, the debate on this issue has focused mainly on whether Quebec should be assigned substantially more legislative and executive powers and corresponding tax resources not available to the other provinces. In one form it has been advocated that Quebec should have a "special status" with additional powers over such areas as language, culture, communications, research, and social policy. These would be formally assigned to Quebec in the constitution.

Proponents of this approach argue that since Quebec desires greater decentralization in order that the provincial government may protect and enhance its distinctive society, and since the remainder of Canada appears to desire a greater concentration of powers in the central government, a different treatment for Quebec from other provinces would provide a compromise satisfying the desires of both Quebec and the more centralist English Canada.

Opponents of this view argue that no province should have a "privileged" or "favoured" treatment because it offends the belief that all Canadians should be equal under the constitution. Moreover, they argue that a corollary of "special status," formally defined in the constitution, would be a prohibition upon Quebec members of Parliament, preventing them from voting on those subjects when Parliament is legislating for the nine other provinces. Moreover, while some degree of asymmetry is evident in most federations, experience elsewhere indicates that such arrangements carried too far can be disruptive, as evidenced by the fact that Singapore's marked "special status" in the Federation of Malaysia lasted only from 1963 to 1965.

Another approach for accommodating the differing needs of the provinces is to grant to all provinces the powers which Quebec needs in order to meet its particular needs but to couple with this, provisions making it possible for the central government to act, in these areas for those provinces which do not wish to exercise their powers in these fields. Three mechanisms enabling this would be: (1) to place the legislative powers in question under concurrent jurisdiction with provincial paramountcy; (2) to include in the constitution provision for the delegation of legislative powers; and (3) to continue or expand arrangements for "opting out" of shared-cost programs. Proponents of this approach would argue that it would give Quebec the particular powers it needs to maintain its distinctiveness without giving it a privileged or "special status" in relation to other provinces. At the same time, it would enable those provinces wishing to leave these fields to the central government to do so.

Critics of this approach worry that provinces which might otherwise have not wanted these powers would feel constrained to exercise them once these powers have been assigned to them. Critics also worry about whether a "de facto" distinctive status evolving over time may lead to such wide variations among provinces as to become eventually a source of tension.

In a federation as diverse as Canada, different arrangements to meet the specific needs of particular provinces have often proved necessary. The issue in the current debate is more the form and scope which such arrangements should take rather than their existence.

Renewed federalism

"Renewed federalism" is the label which has been given to the proposals of the Liberal government embodied in the Constitutional Amendment Bill (C-60 of 1978).

Basically this approach involves a major revision to the current constitution by entrenching fundamental individual rights and some linguistic rights, by adding a preamble and a statement of objectives and goals of the federation, by clarification (although not, at this time at least, substantially altering the balance) of the distribution of powers, by constitutionalizing the Supreme Court with a role for the provincial governments in appointments, by replacing the Senate with a House of the Federation (composed half of members selected by the provincial legislatures

representing parties in proportion to their electoral votes, and half of members selected by the House of Commons representing parties in proportion to their electoral votes), and by including an agreed-upon general amendment formula for the constitution. The details of these proposals have been referred to in Part II in the various sections dealing with the current constitution where proposed revisions are also outlined.

The general purpose of these proposals of the Constitutional Amendment Bill is to bring our constitution up to date, to delete obsolete sections, to formulate provisions governing the practices of cabinet government and the monarchy, and to clarify areas of uncertainty. This approach aims at a clarification in the distribution of powers rather than at a significant centralization or decentralization, but couples this with an effort to achieve some provincialization of central institutions through the creation of the House of the Federation.

The main criticisms advanced against the proposals have been over the proposed staging of the revisions so that the amendment of central institutions would be completed before the review of the distribution of powers. It is often argued that this procedure fails to recognize that the revision to central institutions and the distribution of powers are interrelated and must take account of each other. Furthermore, the provincial governments have objected to amendments being made to such institutions as the Senate and the Supreme Court without obtaining the consent of the provinces.

Restructured federalism

“Restructured federalism” is the title given by the Task Force on Canadian Unity to its proposals set forth in its report, **A Future Together**, and represents its view of an integrated third option. That report should be read for the details of this approach.

In outline, the Task Force advocates a major restructuring of the federal framework in order to give better expression to the reality of duality and regionalism in Canada and to enhance the sharing of benefits and power. The proposal calls for a clarification and an adjustment of the distribution of powers involving a recognition of the constitutional equality (non-subordination) of the central and provincial governments and of the need for a measure of asymmetry among provinces to enable all provinces to preserve their distinctiveness and Quebec in particular to enhance its French heritage; the replacement of the Senate by a Council of the Federation composed of provincial appointees in order to facilitate more harmonious federal-provincial relations; an alteration to the composition of the Supreme Court in order to make it more representative of the legal and political duality of Canada and the introduction of measures to ensure its independence, such as the entrenchment of its main features; the acceptance of a mixed electoral system with an element of proportional representation to ensure a broader regional representation in federal political parties; the inclusion in the constitution of an amendment formula which would provide for ratification by regional majorities in a Canada-wide referendum, the entrenched fundamental individual rights, and the entrenchment of linguistic rights applying at the federal level.

The Task Force report also offers proposals for improving the effectiveness of the Canadian economic union, for a better recognition of diversity within Canadian society, particularly in relation to native Canadians, and for a greater exercise of provincial responsibilities for culture and for linguistic minorities.

These proposals are set in the context of the need to establish institutions which will encourage the development of attitudes leading to greater harmony within Canada.

Appendix I

Historical Documents

Treaty of Paris, 1763

IV. His Most Christian Majesty renounces all pretensions which he has heretofore formed or might have formed to Nova Scotia or Acadia in all its parts, and guaranties the whole of it, and with all its dependencies, to the King of Great Britain: Moreover, his Most Christian Majesty cedes and guaranties to his said Britannick Majesty, in full right, Canada, with all its dependencies, as well as the island of Cape Breton, and all the other islands and coasts in the gulph and river of St. Lawrence, and in general, every thing that depends on the said countries, lands, islands, and coasts, with the sovereignty, property, possession, and all rights acquired by treaty, or otherwise, which the Most Christian King and the Crown of France have had till now over the said countries, lands, islands, places, coasts, and their inhabitants, so that the Most Christian King cedes and makes over the whole to the said King, and to the Crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession and guaranty under any pretence, or to disturb Great Britain in the possessions above mentioned. His Britannick Majesty, on his side, agrees to grant the liberty of the Catholick religion to the inhabitants of Canada: he will, in consequence, give the most precise and most effectual orders, that his new Roman Catholick subjects may profess the worship of their religion according to the rites of the Romish church, as far as the laws of Great Britain permit.

Royal Proclamation, 1763

We have thought fit to publish and declare, by this Our Proclamation, that We have, in the Letters Patent under our Great Seal of Great Britain[. . .] given express Power and Direction to our Governors of our Said Colonies respectively, that so soon as the state and circumstances of the said Colonies will admit thereof, they shall, with the Advice and Consent of the Members of our Council, summon and call General Assemblies within the said Governments respectively, in such Manner and Form as is used and directed in those Colonies and Provinces in America which are under our immediate Government; And We have also given Power to the said Governors, with the consent of our Said Councils, and the Representatives of the People so to be summoned as aforesaid, to make, constitute, and ordain Laws, Statutes, and Ordinances for the Public Peace, Welfare, and good Government of our said Colonies, and of the People and Inhabitants thereof, as near as may be agreeable to the Laws of England, and under such Regulations and Restrictions as are used in other Colonies; and in the mean Time, and until such Assemblies can be called as aforesaid, all Persons Inhabiting in or resorting to our Said Colonies may confide in our Royal Protection for the Enjoyment of the Benefit of the Laws of our Realm of England; for which Purpose We have given Power under our Great Seal to the Governors of our said Colonies respectively to erect and constitute, with the Advice of our said Councils respectively, Courts of Judicature and public Justice within our Said Colonies for hearing and determining all Causes, as well Criminal as Civil, according to Law and Equity, and as near as may be agreeable to the Laws of England, with Liberty to all Persons who may think themselves aggrieved by the

Sentences of such Courts, in all Civil Cases, to appeal, under the usual Limitations and Restrictions, to Us in our Privy Council.

The Quebec Act, 1774

"V. And, for the more perfect Security and Ease of the Minds of the Inhabitants of the said Province," it is hereby declared, That his Majesty's Subjects, professing the Religion of the Church of Rome of and in the said Province of Quebec, may have, hold, and enjoy, the free Exercise of the Religion of the Church of Rome, subject to the King's Supremacy[. . .] and that the Clergy of the said Church may hold, receive, and enjoy, their accustomed Dues and Rights, with respect to such Persons only as shall profess the said Religion.

VIII. And be it further enacted by the Authority aforesaid, That all his Majesty's Canadian Subjects within the Province of Quebec, the religious Orders and Communities only excepted, may also hold and enjoy their Property and Possessions, together with all Customs and Usages relative thereto, and all other their Civil Rights, in as large, ample, and beneficial Manner, as if the said Proclamation, Commissions, Ordinances, and other Acts and Instruments, had not been made, and as may consist with their Allegiance to his Majesty, and Subjection to the Crown and Parliament of Great Britain; and that in all Matters of Controversy, relative to Property and Civil Rights, Resort shall be had to the Laws of Canada, as the Rule for the Decision of the same; and all Causes that shall hereafter be instituted in any of the Courts of Justice[. . .] shall, with respect to such Property and Rights, be determined agreeably to the said Laws and Customs of Canada, until they shall be varied or altered by any Ordinances that shall, from Time to Time, be passed in the said Province by the Governor, Lieutenant Governor, or Commander in Chief, for the Time being, by and with the Advice and Consent of the Legislative Council of the same, to be appointed in Manner herein-after mentioned.

"XI. And whereas the Certainty and Lenity of the Criminal Law of England, and the Benefits and Advantages resulting from the Use of it, have been sensibly felt by the Inhabitants, from an Experience of more than nine Years, during which it has been uniformly administered;" be it therefore further enacted by the Authority aforesaid, That the same shall continue to be administered, and shall be observed as Law in the Province of Quebec, as well in the Description and Quality of the Offence as in the Method of Prosecution and Trial; and the Punishments and Forfeitures thereby inflicted to the Exclusion of every other Rule of Criminal Law, or Mode of Proceeding thereon, which did or might prevail in the said Province before the Year of our Lord one thousand seven hundred and sixty-four; any Thing in this Act to the contrary thereof in any respect notwithstanding; subject nevertheless to such Alterations and Amendments as the Governor, Lieutenant-governor, or Commander in Chief for the Time being, by and with the Advice and Consent of the legislative Council of the said Province, hereafter to be appointed, shall, from Time to Time, cause to be made therein, in Manner hereinafter directed.

The Constitutional Act, 1791

"And whereas His Majesty has been pleased to signify, by his message to both Houses of Parliament, his Royal intention to divide his Province of Quebec into *two separate Provinces*, to be called the Province of Upper Canada and the Province of Lower Canada; (15) Be it enacted by the authority aforesaid, that there shall be within each of the said Provinces respectively a *Legislative Council and an Assembly*, to be severally composed and constituted in the manner hereinafter described; and that in each of the said Provinces respectively, His Majesty, His Heirs, and Successors, shall have power during the continuance of this Act, by and with the advice and consent of the Legislative Council and Assembly of such Provinces respectively, to make laws for the peace, welfare and good Government thereof, such laws not being repugnant to this Act . . .

The Union Act, 1840

And be it enacted that from and after the said reunion of the said two Provinces, all writs, proclamations, instruments for summoning and calling together the Legislative Council and Legislative Assembly of the Province of Canada and for proroguing and dissolving the same, and all writs of summons and election, and all writs and public instruments whatsoever relating to the said Legislative Council and Legislative Assembly or either of them, and all returns to such writs and instruments, and all journals, entries, and written or printed proceedings of what nature soever of the said Legislative Council and Legislative Assembly and each of them respectively, and all written or printed proceedings and reports of committees of the said Legislative Council and Legislative Assembly respectively, *shall be in the English language only*: Provided always, that this enactment shall not be construed to prevent translated copies of any such documents being made, but no such copy shall be kept among the records of the Legislative Council or Legislative Assembly, or be deemed in any case to have the force of an original record.

The British North America Act, 1867

Whereas the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their Desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom . . .

IV. Legislative Power

17. There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

1. Ontario

69. There shall be a Legislature for Ontario consisting of the Lieutenant-Governor and of One House, styled the Legislative Assembly of Ontario.

2. Quebec

71. There shall be a Legislature for Quebec consisting of the Lieutenant-Governor and of Two Houses, styled the Legislative Council of Quebec and the Legislative Assembly of Quebec.

4. Nova Scotia and New Brunswick

88. The Constitution of the Legislature of each of the Provinces of Nova Scotia and New Brunswick shall, subject to the Provisions of this Act, continue as it exists at the Union until altered under the Authority of this Act.

VI.—Distribution of Legislative Powers

Powers of the Parliament

91. It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next herein-after enumerated: that is to say,—

1. The amendment from time to time of the Constitution of Canada, except as regards matters coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the provinces, or as regards rights or privileges by this or any other Constitutional Act granted or secured to the Legislature or the Government of a province, or to any class of persons with respect to schools or as regards the use of the English or the French language or as regards the requirements that there shall be a session of the Parliament of Canada at least once each year, and that no House of Commons shall continue for more than five years from the day of the return of the Writs for choosing the House: provided, however, that a House of Commons may in time of real or apprehended war, invasion or insurrection be continued by the Parliament of Canada if such continuation is not opposed by the votes of more than one-third of the members of such House.

1A. The Public Debt and Property.

2. The Regulation of Trade and Commerce.

2A. Unemployment insurance.

3. The raising of Money by any Mode or System of Taxation.

4. The borrowing of Money on the Public Credit.

5. Postal Service.

6. The Census and Statistics.

7. Militia, Military and Naval Service, and Defence.

8. The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada.

9. Beacons, Buoys, Lighthouses, and Sable Island.

10. Navigation and Shipping.

11. Quarantine and the Establishment and Maintenance of Marine Hospitals.

12. Sea Coast and Inland Fisheries.

13. Ferries between a Province and any British or Foreign Country or between Two Provinces.

14. Currency and Coinage.

15. Banking, Incorporation of Banks, and the Issue of Paper Money.

16. Savings Banks.

17. Weights and Measures.

18. Bills of Exchange and Promissory Notes.

19. Interest.

20. Legal Tender.
21. Bankruptcy and Insolvency.
22. Patents of Invention and Discovery.
23. Copyrights.
24. Indians, and Lands reserved for the Indians.
25. Naturalization and Aliens.
26. Marriage and Divorce.
27. The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters.
28. The Establishment, Maintenance, and Management of Penitentiaries.
29. Such Classes of Subjects as are expressly excepted in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any Matter coming within any of the Classes of Subjects enumerated in this Section shall not be deemed to come within the Class of Matters of a local or private Nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

Exclusive Powers of Provincial Legislatures.

92. In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subject next herein-after enumerated; that is to say,—

1. The Amendment from Time to Time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the Office of Lieutenant Governor.
2. Direct Taxation within the Province in order to the raising of a Revenue for Provincial Purposes.
3. The borrowing of Money on the sole Credit of the Province.
4. The Establishment and Tenure of Provincial Offices and the Appointment and Payment of Provincial Officers.
5. The Management and Sale of the Public Lands belonging to the Province and of the Timber and Wood thereon.
6. The Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province.
7. The Establishment, Maintenance, and Management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.
8. Municipal Institutions in the Province.
9. Shop, Saloon, Tavern, Auctioneer, and other Licences in order to the raising of a Revenue for Provincial, Local, or Municipal Purposes.
10. Local Works and Undertakings other than such as are of the following Classes:—
 - (a) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province;
 - (b) Lines of Steam Ships between the Province and any British or Foreign Country;
 - (c) Such Works as, although wholly situate within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general Advantage of Canada or for

the Advantage of Two or more of the Provinces.

11. The Incorporation of Companies with Provincial Objects.
12. The Solemnization of Marriage in the Province.
13. Property and Civil Rights in the Province.
14. The Administration of Justice in the Province, including the Constitution, Maintenance, and Organization of Provincial Courts, both of Civil and of Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.
15. The Imposition of Punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any Matter coming within any of the Classes of Subjects enumerated in this Section.
16. Generally all Matters of a merely local or private Nature in the Province.

Education

93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:—

- (1) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union:
- (2) All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec:
- (3) Where in any Province a System of Separate or Dissident Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education:
- (4) In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every such Case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision of the Governor General in Council under this Section.

Uniformity of Laws in Ontario, Nova Scotia and New Brunswick.

94. Notwithstanding anything in this Act, the Parliament of Canada may make Provision for the Uniformity of all or any of the Laws relative to Property and Civil Rights in Ontario, Nova Scotia, and New Brunswick, and of the Procedure of all or any of the Courts in Those Three Provinces, and from and after the passing of any Act in that Behalf the Power of the Parliament of Canada to make Laws in relation to any Matter comprised in any such Act shall, notwithstanding anything in this Act, be unrestricted: but any Act of the Parliament of Canada

making Provision for such Uniformity shall not have effect in any Province unless and until it is adopted and enacted as Law by the Legislature thereof.

Old Age Pensions.

94A. The Parliament of Canada may make laws in relation to old age pensions and supplementary benefits, including survivors' and disability benefits irrespective of age, but no such law shall affect the operation of any law present or future of a provincial legislature in relation to any such matter.

Agriculture and Immigration

95. In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from Time to Time make Laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any Law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

VII.—Judicature.

96. The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

101. The Parliament of Canada may, notwithstanding anything in this Act, from Time to Time provide for the Constitution, Maintenance, and Organization of a General Court of Appeal for Canada, and for the Establishment of any additional Courts for the better Administration of the Laws of Canada.

109. All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all Sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any Trusts existing in respect thereof, and to any Interest other than that of the Province in the same.

121. All Articles of the Growth, Produce, or Manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces.

133. Either the English or the French Language may be used by any Person in the Debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages.

The Statute of Westminster, 1931

2. (1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.

(2) No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule, or regulation made under any such Act, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the Dominion.

3. It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.

4. No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.

7. (1) Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or any order, rule or regulation made thereunder.

The Canadian Bill of Rights, 1960

The Parliament of Canada, affirming that the Canadian Nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person and the position of the family in a society of free men and free institutions;

Affirming also that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;

And being desirous of enshrining these principles and the human rights and fundamental freedoms derived from them, in a Bill of Rights which shall reflect the respect of Parliament for its constitutional authority and which shall ensure the protection of these rights and freedoms in Canada.

PART I

Bill of Rights

1. It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely

- (a) The right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association; and
- (f) freedom of the press.

2. Every law of Canada shall, unless it is expressly declared by an Act of the Parliament of Canada that it shall operate notwithstanding the *Canadian Bill of*

Rights, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms herein recognized and declared, and in particular, no law of Canada shall be construed or applied so as to

- (a) authorize or effect the arbitrary detention, imprisonment or exile of any person;
- (b) impose or authorize the imposition of cruel and unusual treatment or punishment;
- (c) deprive a person who has been arrested or detained

- (i) of the right to be informed promptly of the reason for his arrest or detention,
- (ii) of the right to retain and instruct counsel without delay, or

- (iii) of the remedy by way of *habeas corpus* for the determination of the validity of his detention and for his release if the detention is not lawful;

- (d) authorize a court, tribunal, commission, board or other authority to compel a person to give evidence if he is denied counsel, protection against self incrimination or other constitutional safeguards;

- (e) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations;

- (f) deprive a person charged with a criminal offence of the right to be presumed innocent until proved guilty according to law in a fair and public hearing by an independent and impartial tribunal, or of the right to reasonable bail without just cause; or

- (g) deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or a witness, before a court, commission, board or other tribunal, if he does not understand or speak the language in which such proceedings are conducted.

PART II

5. (1) Nothing in Part I shall be construed to abrogate or abridge any human right or fundamental freedom not enumerated therein that may have existed in Canada at the commencement of this Act.

(3) The provisions of Part I shall be construed as extending only to matters coming within the legislative authority of the Parliament of Canada.

Official Languages Act, 1968-69

Declaration of Status of Languages

2. The English and French languages are the official languages of Canada for all purposes of the Parliament and Government of Canada, and possess and enjoy equality of status and equal rights and privileges as to their use in all the institutions of the Parliament and Government of Canada.

Statutory and other Instruments

3. Subject to this Act, all instruments in writing directed to or intended for the notice of the public purporting to be made or issued by or under the authority of the Parliament or Government of Canada or any judicial, quasi-judicial or administrative body or Crown corporation established by or pursuant to an Act of the Parliament of Canada, shall be promulgated in both official languages [and other instruments, judgments, advertisements, etc.] . . .

Construction of Versions of Enactments

8. (1) In construing an enactment, both its versions in the official languages are equally authentic.

Duties of Departments, etc., in Relation to Official Languages

9. (1) Every department and agency of the Government of Canada and every judicial quasi-judicial or administrative body or Crown corporation established by or pursuant to an Act of the Parliament of Canada has the duty to ensure that within the National Capital Region, at the place of its head or central office in Canada if outside the National Capital Region [. . .] members of the public can obtain available services from and can communicate with it in both official languages.

(2) Every department and agency of the Government of Canada and every judicial, quasi-judicial or administrative body or Crown corporation established by or pursuant to an Act of the Parliament of Canada has, in addition to but without derogating from the duty imposed upon it by subsection (1), the duty to ensure, to the extent that it is feasible for it to do so, that members of the public in locations other than those referred to in that subsection, where there is a significant demand therefor by such persons, can obtain available services from and can communicate with it in both official languages.

10. (1) Every department and agency of the Government of Canada and every Crown corporation established by or pursuant to an Act of the Parliament of Canada has the duty to ensure that, at any office, location or facility in Canada or elsewhere at which any services to the travelling public are provided or made available by it, or by any other person pursuant to a contract for the provision of such services [. . .] such services can be provided or made available in both official languages.

11. (1) Every judicial or quasi-judicial body established by or pursuant to an Act of the Parliament of Canada has, in any proceedings brought or taken before it, and every court in Canada has, in exercising in any proceedings in a criminal matter any criminal jurisdiction conferred upon it by or pursuant to an Act of the Parliament of Canada, the duty to ensure that any person giving evidence before it may be heard in the official language of his choice, and that in being so heard he will not be placed at a disadvantage by not being or being unable to be heard in the other official language.

Commissioner of Official Languages

19. (1) There shall be a Commissioner of Official Languages for Canada, hereinafter in this Act called the Commissioner.

(2) The Commissioner shall be appointed by commission under the Great Seal after approval of the appointment by resolution of the Senate and House of Commons.

(3) Subject to this section, the Commissioner holds office during good behaviour for a term of seven years, but may be removed by the Governor in Council at any time on address of the Senate and House of Commons.

25. It is the duty of the Commissioner to take all actions and measures within his authority with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this Act in the administration of the affairs of the institutions of the Parliament and Government of Canada and,

for that purpose, to conduct and carry out investigations either on his own initiative or pursuant to any complaint made to him and to report and make recommendations with respect thereto as provided in this Act.

26. (1) Subject to this Act, the Commissioner shall investigate any complaint made to him to the effect that, in any particular instance or case,

(a) the status of an official language was not or is not being recognized, or

(b) the spirit and intent of this Act was not or is not being complied with

in the administration of the affairs of any of the institutions of the Parliament or Government of Canada.

(2) A complaint may be made to the Commissioner by any person or group of persons, whether or not they

speak or represent a group speaking the official language the status or use of which is at issue.

34. (1) [...] the Commissioner shall each year prepare and submit to Parliament a statement relating to the conduct of his office and the discharge of his duties under this Act during the preceding year including his recommendations, if any, for any proposed changes in this Act that he deems necessary or desirable in order that effect may be given to this Act according to its spirit and intent.

38. Nothing in this Act shall be construed as derogating from or diminishing in any way any legal or customary right or privilege acquired or enjoyed either before or after the 7th day of September 1969 with respect to any language that is not an official language.

Appendix II

Proposals from Official Groups and Private Organizations

Canadian Constitutional Charter, 1971 (The "Victoria Charter")

(*excerpts*)

PART I — Political Rights

Art. 1. It is hereby recognized and declared that in Canada every person has the following fundamental freedoms: freedom of thought, conscience and religion, freedom of opinion and expression, and freedom of peaceful assembly and of association; and all laws shall be construed and applied so as not to abrogate or abridge any such freedom.

Art. 4. The principles of universal suffrage and free democratic elections to the House of Commons and to the Legislative Assembly of each Province are hereby proclaimed to be fundamental principles of the Constitution.

Art. 5. No citizen shall, by reason of race, ethnic or national origin, colour, religion or sex, be denied the right to vote in an election of members to the House of Commons or the Legislative Assembly of a Province, or be disqualified from membership therein.

PART II — Language Rights

Art. 10. English and French are the official languages of Canada having the status and protection set forth in this Part.

Art. 11. A person has the right to use English and French in the debates of the Parliament of Canada and of the Legislatures of Ontario, Quebec, Nova Scotia, New Brunswick, Manitoba, Prince Edward Island and Newfoundland.

Art. 12. The statutes and the records and journals of the Parliament of Canada shall be printed and published in English and French, and both versions of such statutes shall be authoritative.

Art. 13. The statutes of each Province shall be printed and published in English and French, and where the Government of a Province, prints and publishes its statutes in one only of the official languages, the Government of Canada shall print and publish them in the other official language; the English and French versions of the statutes of the Provinces of Quebec, New Brunswick and Newfoundland shall be authoritative.

Art. 14. A person has the right to use English and French in giving evidence before, or in any pleading or process in the Supreme Court of Canada, any courts established by the Parliament of Canada or any court of the Provinces of Quebec, New Brunswick and New-

foundland, and to require that all documents and judgments issuing from such courts be in English or French, and when necessary a person is entitled to the services of an interpreter before the courts of other provinces.

Art. 15. An individual has the right to the use of the official language of his choice in communications between him and the head or central office of every department and agency of the Government of Canada and of the governments of the Province of Ontario, Quebec, New Brunswick, Prince Edward Island and Newfoundland.

Art. 17. A person has the right to the use of the official language of his choice in communications between him and every principal office of the departments and agencies of the Government of Canada that are located in an area where a substantial proportion of the population has the official language of his choice as its mother tongue, but the Parliament of Canada may define the limits of such areas and what constitutes a substantial proportion of the population for the purposes of this Article.

PART IV — Supreme Court of Canada

Art. 22. There shall be a general court of appeal for Canada to be known as the Supreme Court of Canada.

Art. 23. The Supreme Court of Canada shall consist of a chief justice to be called the Chief Justice of Canada, and eight other judges who shall, subject to this Part, be appointed by the Governor General in Council by letters patent under the Great Seal of Canada.

Art. 25. At least three of the judges of the Supreme Court of Canada shall be appointed from among persons who, after having been admitted to the Bar of the Province of Quebec, have, for a total period of at least ten years, been judges of any court of that Province or of a court established by the Parliament of Canada or barristers or advocates at that Bar.

Art. 28. No person shall be appointed to the Supreme Court of Canada unless the Attorney General of Canada and the Attorney General of the appropriate Province agree to the appointment, or such person has been recommended for appointment to the Court by a nominating council described in Article 30, or has been selected by the Attorney General of Canada under Article 30.

Art. 35. The Supreme Court of Canada has jurisdiction to hear and determine appeals on any constitutional question from any judgment of any court in Canada and from any decision on any constitutional question by any such court in determining any question referred to it, but except as regards appeals from the highest court of final resort in a Province, the Supreme Court of Canada may prescribe such exceptions and conditions to the exercise of such jurisdiction as may be authorized by the Parliament of Canada.

PART VII — Regional Disparities

Art. 46. The Parliament and Government of Canada and the Legislatures and Governments of the Provinces are committed to:

- (1) the promotion of equality of opportunity and well being for all individuals in Canada;
- (2) the assurance, as nearly as possible, that essential public services of reasonable quality are available to all individuals in Canada; and
- (3) the promotion of economic development to reduce disparities in the social and economic opportunities for all individuals in Canada wherever they may live.

PART VIII — Federal-Provincial Consultation

Art. 48. A Conference composed of the Prime Minister of Canada and the First Ministers of the Provinces shall be called by the Prime Minister of Canada at least once a year unless, in any year, a majority of those composing the Conference decide that it shall not be held.

PART IX — Amendments to the Constitution

Art. 49. Amendments to the Constitution of Canada may from time to time be made by proclamation issued by the Governor General under the Great Seal of Canada when so authorized by resolutions of the Senate and House of Commons and of the Legislative Assemblies of at least a majority of the Provinces that includes

- (1) every Province that at any time before the issue of such proclamation had, according to any previous general census, a population of at least twenty-five percent of the population of Canada;
- (2) at least two of the Atlantic Provinces;
- (3) at least two of the Western Provinces that have, according to the then latest general census, combined populations of at least fifty percent of the population of all the Western Provinces.

Art. 53. The Parliament of Canada may exclusively make laws from time to time amending the Constitution of Canada, in relation to the executive Government of Canada and the Senate and House of Commons.

Art. 54. In each Province the Legislature may exclusively make laws in relation to the amendment from time to time of the Constitution of the Province.

Art. 55. Notwithstanding Articles 53 and 54, the following matters may be amended only in accordance with the procedure in Article 49:

- (1) the office of the Queen, of the Governor-General and the Lieutenant-Governor;
- (2) the requirements of the Constitution of Canada respecting yearly sessions of the Parliament of Canada and the Legislatures;
- (3) the maximum period fixed by the Constitution of Canada for the duration of the House of Commons and the Legislative Assemblies;
- (4) the powers of the Senate;
- (5) the number of members by which a Province is entitled to be represented in the Senate and the residence qualifications of Senators;
- (6) the right of a Province to a number of members in the House of Commons not less than the number of Senators representing the Province;
- (7) the principles of proportionate representation of the Provinces in the House of Commons prescribed by the Constitution of Canada; and
- (8) except as provided in Article 16, the requirements of this Charter respecting the use of the English or French language.

The Special Joint Committee of the Senate and the House of Commons, Final Report, 1972

Excerpts from the summary of recommendations

PART I — The Constitution

Chapter 1 — Constitutional Imperatives

1. Canada should have a new and distinctly Canadian Constitution, one which would be a new whole even though it would utilize many of the same parts.

2. A new Canadian Constitution should be based on functional considerations, which would lead to greater decentralization of governmental powers in all areas touching culture and social policy and to greater centralization in powers which have important economic effects at the national level. Functional considerations also require greater decentralization in many areas of governmental administration.

Chapter 4 — Patriation of the Constitution

3. The Canadian Constitution should be patriated by a

procedure which would provide for a simultaneous proclamation of a new Constitution by Canada and the renunciation by Britain of all jurisdiction over the Canadian Constitution.

Chapter 5 — Amendments to the Constitution

4. The formula for amending the Constitution should be that contained in the Victoria Charter of June 1971 . . .

Chapter 6 — The Preamble to the Constitution

5. The Canadian Constitution should have a preamble which would proclaim the basic objectives of Canadian federal democracy.

PART II — The People

Chapter 7 — Self-Determination

7. If the citizens of a part of Canada at some time democratically declared themselves in favour of a political arrangement which were contrary to the continuation of our present political structures, the disagreement should be resolved by political negotiation, not by the use of military or other coercive force.

8. We reaffirm our conviction that all of the peoples of Canada can achieve their aspirations more effectively within a federal system, and we believe Canadians should strive to maintain such a system.

Chapter 8 — Native Peoples

10. The preamble of the new Constitution should affirm the special place of native peoples, including Métis, in Canadian life.

11. Provincial governments should, where the population is sufficient, consider recognizing Indian languages as regional languages.

Chapter 9 — Fundamental Rights

13. Canada should have a Bill of Rights entrenched in the Constitution, guaranteeing the political freedoms of conscience and religion, of thought, opinion and expression, of peaceful assembly and of association.

18. The Constitution should prohibit discrimination by reason of sex, race, ethnic origin, colour or religion by proclaiming the right of the individual to equal treatment by law.

19. Discrimination in employment, or in membership in professional, trade or other occupational associations, or in obtaining public accommodation and services, or in owning, renting or holding property should also be declared contrary to the Bill of Rights.

20. Other provisions already contained in the Canadian Bill of Rights (1960) protecting legal rights should also be included in the Constitutional Bill of Rights...

Chapter 10 — Language Rights

22. French and English should be constitutionally entrenched as the two official languages of Canada.

23. The Constitution should recognize...

- (c) the right to use either official language in dealing with judicial or quasi-judicial Federal bodies or with courts in New Brunswick, Ontario, Quebec and the Territories;
- (d) the right to communicate in either official language with Federal departments and agencies and with provincial departmental head offices or agency head offices in New Brunswick, Ontario, Quebec and the Territories.

25. The Constitution should recognize parents' rights to have English or French provided as their child's main language of instruction in publicly supported schools in areas where the language of their choice is chosen by a sufficient number of persons to justify the provision of the necessary facilities.

26. We support the general objective of making French the working language in Quebec. We hope that through the studies being carried out in Quebec on this matter, this objective can be reached with due respect for

certain Quebec Anglophone institutions, and taking into account the North American and world reality.

27. The preamble to the Constitution should formally recognize that Canada is a multicultural country.

28. The Constitution should explicitly recognize the right of Provincial Legislatures to confer equivalent status with the English and French languages on other languages. Federal financial assistance to support the teaching or use of other languages would be appropriate.

Chapter 11 — Regional Disparities

29. The equitable distribution of income should be recognized in the preamble of the Constitution...

31. The preamble of the Constitution should provide that every Canadian should have access to adequate Federal, Provincial and municipal services without having to bear a disproportionate tax burden because of the region in which he lives. This recommendation follows logically from our acceptance of the principle of equality of opportunity for all Canadians.

PART III — Federal Institutions

Chapter 12 — The Head of State

34. The Committee itself prefers a Canadian as Head of State, and supports the evolutionary process by which the Governor General has been granted more functions as the Head of State for Canada. Eventually, the question of retaining or abolishing the Monarchy will have to be decided by way of clear consultation with the Canadian people.

Chapter 13 — The Senate

35. The present full veto power of the Senate over legislation should be reduced to a suspensive veto for six months...

36. The investigating role of the Senate, which has gained more importance in recent years, should be continued and expanded at the initiative of the Senate itself, and the Government should also make more use of the Senate in this way.

39. All Senators should continue to be appointed by the Federal Government.

Chapter 14 — The House of Commons

43. Every House of Commons should continue for four years, from the day of the return of the writs for choosing the House and no longer, provided that, and notwithstanding any Royal Prerogative, the Governor General should have the power to dissolve Parliament during that period:

- (1) when the Government is defeated
 - (a) on a motion expressing no confidence in the Government; or
 - (b) on a vote on a specific bill or portion of a bill which the Government has previously declared should be construed as a motion of want of confidence; or
- (2) when the House of Commons passes a resolution requesting dissolution of Parliament.

Chapter 15 — The Supreme Court of Canada

44. The existence, independence and structure of the Supreme Court of Canada should be provided for in the Constitution.

45. Consultation with the Provinces on appointments to the Supreme Court of Canada must take place. We generally support the methods of consultation proposed in the Victoria Charter, but the Provinces should also be allowed to make nominations to the nominating councils.

50. Concurrent powers which predominantly affect the national interest should grant paramountcy to the Federal Parliament and those which predominantly affect Provincial or local interests should grant paramountcy to the Provincial legislatures.

51. The Constitution should permit the delegation of executive and administrative powers (as at present), but not of legislative powers except where expressly specified in this Report.

Chapter 18 — The General Legislative Power of Parliament

53. Since the Federal General Legislative Power is counterbalanced by a Provincial power over matters of a Provincial or local nature, there is no place for a purely residuary power.

Chapter 19 — Taxing Powers

54. Generally speaking and subject to recommendation we endorse the principle that the Federal and Provincial Governments should have access to all fields of taxation. However, in order to bring about a division of revenues that may accurately reflect the priorities of each government, there should be Federal-Provincial consultations to determine the most equitable means of apportioning joint fields of taxation in the light of:

- (a) the projected responsibilities of each level of government in the immediate future;
- (b) the anticipated increases in their respective expenditures;
- (c) economic and administrative limitations, such as preserving sufficient leverage for the Federal Government, by means of its taxation system, to discharge effectively its function of managing the economy.

55. Provincial legislatures should have the right to impose indirect taxes provided that they do not impede interprovincial or international trade and do not fall on persons resident in other Provinces.

Chapter 20 — The Federal Spending Power

56. The power of the Federal Parliament to make conditional grants for general Federal-Provincial (shared-cost) programs should be subject to the establishment of a national consensus both for the institution of any new program and for the continuation of any existing one.

57. If a Province does not wish to participate in a program for which there is a national consensus, the Federal Government should pay the Government of that Province a sum equal to the amount it would have cost the Federal Government to implement the program in the Province. However, a tax collection fee of about 1 per cent, equivalent to the cost of collecting the money paid to the Province, should be deducted from the amount paid to such non-participating Provinces.

Chapter 21 — Intergovernmental Relations

60. The Constitution should provide for a Federal-Provincial Conference of First Ministers to be called by the Prime Minister of Canada at least once a year unless in any year a majority of the First Ministers decide to dispense with the Conference.

61. The Federal Government should appoint a Minister of State for Intergovernmental Affairs to respond to the political challenges and opportunities resulting from closer intergovernmental relationships.

62. A permanent Federal-Provincial secretariat for intergovernmental relations should be established.

63. A tri-level conference among Federal, Provincial and Municipal governments should be called at least once a year.

Chapter 22 — Municipalities

67. In the light of the injustice done municipalities by their having to rely on the property tax for the bulk of their revenue, there should be a sharing of tax fields between Governments that would allow municipalities direct access to other sources of revenue.

Chapter 23 — The Territories

69. The objective of Government policy for the Yukon and the Northwest Territories should be the fostering of self-government and provincial status.

Chapter 24 — Offshore Mineral Rights

72. The Federal Government should have proprietary rights over the seabed offshore to the limit of Canada's internationally recognized jurisdiction, and the Federal Parliament should have full legislative jurisdiction over this subject matter.

73. There should be no constitutional provision as to the sharing of the profits from the exploitation of seabed resources. Nevertheless, we feel strongly that the Federal Government should share the profits of seabed development equally with the adjacent coastal Province rather than with all of the Provinces.

Chapter 25 — International Relations

76. The Constitution should make it clear that: the Federal Government has exclusive jurisdiction over foreign policy, the making of treaties, and the exchange of diplomatic and consular representatives.

80. Subject to a veto power in the Government of Canada in the exercise of its exclusive power with respect to foreign policy, the Provincial Governments should have the right to enter into contracts, and administrative, reciprocal and other arrangements with foreign states, or constituent parts of foreign states, to maintain offices abroad for the conduct of Provincial business, and generally to cooperate with the Government of Canada in its international activities.

PART V — Social Policy

Chapter 26 — Social Security

81. In the area of social security, there should be a greater decentralization of jurisdiction with a view to giving priority to the Provinces according to recommendations 82, 83 and 84.

82. With respect to social services, the present exclusive jurisdiction of Provincial Legislatures should be retained.

83. With respect to income insurance (including the Quebec and Canada Pension Plans), jurisdiction should be shared according to the present section 94A of the British North America Act, subject to the following exceptions:

- (1) Workmen's Compensation should be retained under the exclusive jurisdiction of the Provincial Legislatures;
- (2) Unemployment Insurance should be retained under the exclusive jurisdiction of the Canadian Parliament.

84. With respect to income support measures:

- (1) Financial social assistance (Canada Assistance Plan, allowances to the blind, disability allowances, unemployment assistance) should be under the exclusive jurisdiction of the Provincial Legislatures;
- (2) Veterans' allowances and allowances to Eskimos and Indians living on reserves should continue to be the exclusive responsibility of the Canadian Parliament;
- (3) Demographic grants (old age pensions, family allowances and youth allowances) and guaranteed income payments (guaranteed income supplement) should be matters of concurrent jurisdiction with limited Provincial paramountcy as to the scale of benefits and the allocation of Federal funds among these income support programs. Thus the Federal Parliament would retain concurrent power to establish programs and to pay benefits to individuals under these programs. However, a Province would have the right to vary the national scheme established by Parliament with respect to the allocation within the Province between the various programs of the total amount determined by the Federal Government and with respect to the scale of benefits paid to individuals within the Province according to income, number of children, etc., within each program; provided that the benefits paid to individuals under each program should not be less than a certain percentage (perhaps half or two-thirds) of the amounts which would be paid under the scheme proposed by the Federal Government.

Chapter 27 — Criminal Law

85. Since we believe that each Province should be able to regulate the conduct of its own people in such matters as the operation of motor vehicles, Sunday observance, betting and lotteries, the Federal Parliament should have the right to delegate even to a single Province legislative jurisdiction over any part of the criminal law.

86. Because there is some ambiguity resulting from current practice, if not from the Constitution, the Federal power over the administration of criminal justice should be made clear so that the Federal Parliament would be seen to have clear and undoubted jurisdiction to enforce its own laws in the criminal field.

Chapter 28 — Marriage and Divorce

87. In keeping with our principle of control by the Provinces of their social destiny, the jurisdiction over "Marriage and Divorce" should be transferred to the Provincial Legislatures, subject to an agreed common definition of domicile.

Chapter 30 — Communications

90. The Parliament of Canada should retain exclusive jurisdiction over the means in broadcasting and other systems of communication.

91. The Provinces should have exclusive jurisdiction over the program content in provincial educational broadcasting, whatever means of communication is employed.

PART VI — The Regulation of the Economy

Chapter 31 — Economic Policy

92. The Federal Parliament and Government should retain the primary responsibility for general economic policy designed to achieve national economic goals. This means that they must have sufficient economic powers to regulate the economy through structural, monetary and fiscal policies.

93. National economic policies should take more account of regional objectives through coordinating mechanisms between governments and through considerable administrative decentralization in the operation of the Federal Government and its agencies.

Chapter 32 — Trade and Commerce

95. Parliament should have exclusive jurisdiction over international and interprovincial trade and commerce, including the instrumentalities of such trade and commerce. Intraprovincial trade and commerce should remain under the jurisdiction of the Provincial Legislatures.

Chapter 33 — Income Controls

96. In cases of national emergency, as defined by the Parliament of Canada, the Provinces should delegate to the Federal Parliament all additional powers necessary to control prices, wages and other forms of income, including rent, dividends and profits, to implement its prime responsibility for full employment and balanced economic growth.

Chapter 34 — Securities and Financial Institutions

97. The matter of securities regulation, which has hitherto been under provincial jurisdiction, should become a concurrent jurisdiction with paramountcy in the Federal Parliament.

98. Where financial institutions (trust companies, insurance companies, finance companies, credit unions, caisses populaires) do business in more than one province, they should have to meet national standards as defined by the Federal Parliament; where they confine their activities to a single province, the Province should retain exclusive jurisdiction.

Chapter 35 — Competition

99. The Federal Parliament ought to have a concurrent power with the Provincial Legislatures over competition in order that the regulation of unfair competition in all its aspects be subject to the national interest. In the event of conflicting legislation, the federal legislation should be paramount.

Chapter 36 — Air and Water Pollution

100. Control over the pollution of air and water should be a matter of concurrent jurisdiction between the Provincial Legislatures and the Federal Parliament, and, as in section 95 of the British North America Act, the powers of the Federal Parliament should be paramount.

Chapter 37 — Foreign Ownership and Canadian Independence

103. The power of the Federal Parliament with respect to aliens should be clarified to ensure that Parliament has paramount power to deal with problems of foreign ownership.

105. The Federal Parliament should have jurisdiction over citizenship, and that power should include the power to promote national unity and a national spirit and to create institutions for these purposes.

The Constitutional Amendment Bill (June, 1978)

(text of the "highlights" distributed by the office of the Prime Minister)

Prime Minister Trudeau has introduced a bill in the House of Commons to implement proposed changes in the Constitution of Canada, as promised in last week's policy paper entitled *A Time for Action*.

Constitutional reform is to be carried out in two phases: Phase I will cover matters under federal jurisdiction and Phase II will cover areas in which co-operation and consent of the provinces are required.

"It is not the intention of the Government to ask Parliament to pass the bill at its current session," the Prime Minister said. "The intention is to refer the subject matter of the bill to a joint committee of the Commons and Senate, and for the Government to have intensive discussions with the provinces, including a conference of First Ministers expected to take place in the fall.

"Thus, the purpose of the bill is to serve as a basis for public, parliamentary and intergovernmental discussion in the months ahead. The Government feels that by putting forward its proposals in detailed, legislative form the process of public examination can be more sharply focussed and the timetable for final passage expedited."

In the bill, the Government sets out in legislative detail how it plans to proceed with such major changes as replacement of the present Senate by a House of the Federation; reorganization of the Supreme Court of Canada; the establishment of a Charter of Rights and Freedoms; improved mechanisms for consultation with the provinces; a constitutional definition of the role of the Prime Minister and Cabinet, and strengthening of the office of Governor General.

The proposed new Constitution also, for the first time, would contain a Preamble and Statement of Aims, defining the principles of nationhood and the national goals of Canadians.

Following are highlights of the main elements in the proposed Constitutional Amendment Act 1978:

House of the Federation

- The Western Provinces and the Atlantic Region would have greater representation than they do in the present Senate. Quebec and Ontario would each retain their present 24 members in the Upper House. Western representation would increase to 36 from the present 24; the Atlantic region would have 32 seats, up from 30.
- Total membership in the House of the Federation would be 118. Of these, 58 would be selected by the House of Commons, 58 by the provinces, and one each from the two territories.

- All major political parties would be represented in the new House, on the basis of popular vote in each province. The House of Commons would appoint members after each federal election, while the representatives of the provinces would be named after provincial elections.
- The House of the Federation would have power to delay legislation passed by the Commons, and would be able to initiate legislation of its own, except for money bills.
- The new House would be asked to approve appointments to the Supreme Court and to some Crown agencies.
- A special provision to safeguard language rights would require that any measure deemed to have "linguistic significance" be passed by a majority of English-speaking and a majority of French-speaking members of the new House.

The Supreme Court

- The bill would expand the number of judges from nine to eleven. There would be four from the Quebec Bar rather than the present three. Of the remaining seven positions there would have to be at least one from each of four regions: the Atlantic, Ontario, the Prairies and British Columbia.
- The provinces would be consulted before judges are appointed. In the absence of agreement, appointments would be made by a nominating council. All appointments would be subject to approval by the House of the Federation.
- On matters concerning Quebec civil law, only the judges from Quebec would make rulings.

Federal-provincial relations

- An annual meeting of First Ministers would become a constitutional requirement (enshrining in law what has become current practice).
- The federal government would consult the provinces before appointing lieutenant-governors.
- Certain federal payments to the provinces may be made constitutionally binding, thus protecting them from sudden and arbitrary termination.
- The federal government would consult with the provinces before invoking its seldom-used "declaratory power," under which it may bring any work or project under federal jurisdiction.

Office of the Governor General

- The Governor General would exercise prerogatives, functions and authority in his own right. However, the Queen would remain as always the sovereign head of Canada, and exercise her full powers when in Canada.

The Council of State

- The present Privy Council would become the Council of State, a title which reflects more clearly its function.

The Federal Cabinet

- For the first time, the functions of the Prime Minister and Cabinet would be spelled out in the Constitution, recognizing them as vital elements in the system of government.

Charter of Rights and Freedoms

- The proposed charter would be binding on the federal government, Parliament and all federal institutions as soon as it becomes law. It would become binding on the provinces as and when they see fit to "opt in". Joint action by federal and provincial governments would be required to have the charter entrenched and beyond the power of any single government to change unilaterally.
- Among rights proposed in the bill are freedom of movement within Canada, and freedom from discrimination by reason of race, ethnic origin, color, religion, sex, language or age.
- Citizens belonging to an official language minority

would have the right to choose the minority language for education of their children, where the number of children warrants the provision of minority language schools.

- Identifiable English-speaking and French-speaking communities anywhere in Canada would be protected from reduction of existing rights and practices.
- Persons giving evidence would have the right to use French or English before the Supreme Court or any federal court; before the courts of Quebec, Ontario and New Brunswick, and in any court dealing with a criminal matter or an offence under a provincial law that might result in imprisonment.

The proposed legislation would also add a new section to the Constitution, reaffirming the red and white maple leaf flag as the flag of Canada, *O Canada* as the national anthem, and *God Save the Queen* as the royal anthem. Canada's motto "A mari usque ad mare" (From sea to sea) would also be written into the Constitution.

The Prime Minister reaffirmed the Government's intention to have the first phase of the constitutional amendment process completed by July 1, 1979, and the second phase by 1981.

Special Joint Committee of the Senate and of the House of Commons on the Constitution

Report to Parliament (October 1978)

The Need for Constitutional Reform

- "The need for constitutional reform and for an appropriate amending formula to permit patriation of the Canadian constitution is apparent and is seen by many people as urgent. Nevertheless, unanimous agreement at the federal-provincial level is even less likely than in the past. Indeed, the basic goal of the present Government of the Province of Quebec is not constitutional reform but separation from the rest of Canada. Thus, in the forthcoming negotiations, a most important partner cannot be expected to play its full role."

This dilemma exists but it is probable that a substantial majority of Quebecers want a renewed federalism sooner rather than later. Canadians should not get the impression that the constitution cannot be changed.

The Process of Constitutional Reform (Senate)

- In the face of conflicting opinions held by recognized experts the Committee adopted the following resolution:

"That this Committee report to the Senate and House of Commons its concern with the position of the Government to the effect that it can proceed unilaterally, that is, by a mere Law of Parliament, with the provisions of Bill C-60 respecting the Senate of Canada and the position of the Crown.

"That the Committee include in its report a recommendation that the Government consider the advisability of referring these provisions to the Supreme Court of Canada

for a decision as to whether they are *intra vires* the federal government acting alone."

On September 14 the Minister of Justice announced that the Government would seek an advisory opinion from the Supreme Court with regard to the Senate . . .

The Committee welcomes this reference of the constitutional legality of the Senate provisions of the Bill to the Supreme Court. It notes, however, that the advisability of unilateral action in such matters is a separate issue.

The Phases of Constitutional Reform

- The Committee notes the clarification made by the Prime Minister and considers that the proposals on the division of powers to be put forward at the end of October will help greatly in its future work. However, some witnesses seriously doubted the possibility and the desirability of Parliament's dealing with all the matters covered by Bill C-60 before July 1, 1979, if concurrent consideration of the two phases ("jurisdictional" and "institutional" problems) and federal-provincial consultations are to take place as they should.

The Preamble and the Aims of the Federation

- The Committee recommends that the two parts of the Bill be redrafted in this spirit (people's emotion) and in a more concise form.

- Although we recognize that the concept of multiculturalism is implicitly covered by the phrase "equal respect for the many origins, creeds and cultures . . . that help shape Canada," we urge that the word "multiculturalism" should also be included.

The Canadian Charter of Rights and Freedoms

- A few witnesses said that an *entrenched bill of rights* would undermine the rightful prerogatives of Parliament and give the courts too much latitude. We do not feel the matter involves an opposition between Parliament and the courts. Rather, a constitutionally entrenched bill of rights combines the competences of both for the public benefit. The narrow limits within which courts now "legislate" would be somewhat broadened but only where the people most need protection from governmental action — their fundamental rights and freedoms.

The unambiguous constitutionalization and effective entrenchment of a charter would mark another major advance in our law. We therefore recommend the adoption of a charter.

- The remedial provision in clause 23 is still too weak to remove all doubt that Parliament intends the Charter to be an *overriding* statute.
- We are also troubled by the limitation to native peoples or individuals of the right to the use and employment of *property*, and the right not to be deprived thereof except in accordance with law. We can see no *prima facie* reason why corporations and groupings of persons should be denied this protection. Moreover, the broadening of the protection would meet the concern expressed before the Committee by Inuit spokesmen, who feared that the limitation to individuals would deprive their preferred form of property holding of the protection of the Charter.
- We also heard evidence to the effect that the *legal civil liberties* protected under clause 7 are selective and incomplete. We share this concern, but we have some confidence that the appropriate expression of these rights will take place through the courts.
- We have grave reservations about clause 8 of the Charter. It would create two new rights but only for citizens. The first is the right *to move to and reside in* any part of Canada, the second the right *to acquire and hold property* and to pursue the gaining of a livelihood anywhere in Canada . . .

While landed immigrants currently have the same rights as citizens to move, reside, hold property and work everywhere in Canada, we are aware that geographical limitations on immigrants as conditions of their admission have been considered in recent years. There may be circumstances which justify such limitations, but we would not wish to engrave in the constitution a permanent distinction between the rights of citizens and landed immigrants even to gain for citizens the expanded liberty referred to above.

- We recommend that the ground of *marital status* be added to the prohibited grounds of discrimination . . .
- We have resisted invitations to include *economic rights* in the Canadian Charter of Rights and Freedoms. In our view, the role of the Charter is to limit

the powers of governments, not to increase them. In any event, we have suggested that economic rights be included in the clause on the aims of federation.

- The proposed Charter should not prevent special programs on behalf of *disadvantaged groups*.
- We believe there should be provision for reasonable access to government documents and records. We would not wish to attempt to spell out in a constitution precise requirements as to the ready availability of *information*, but we think that some obligation on the government to inform the people should be made explicit in a charter of rights. Without knowledge, there can be no democracy.

Linguistic Rights

- The Committee recognizes the need to protect basic linguistic rights by means of constitutional guarantees. Beyond that, progress in the use of a minority language can only be assured if Parliament and the Legislatures have the political will to promote it. Minority groups must also receive support from governments to help sustain and promote their cultures. A language cannot flourish without a cultural environment that protects it.

Ultimately, the progress of bilingualism in Canada will depend upon the evolution of public opinion, not on compulsion. In that context, more rapid improvements will occur when Canadians realize that learning English or French as a second language is desirable not so much as a political concession to the other group but as a source of personal cultural enrichment.

Amendment

- With regard to entrenchment of the Charter we regard it as desirable that a satisfactory amending formula be arrived at prior to the formal proceeding necessary to entrench.

The Monarchy

- A number of Members of the Committee think it is undesirable to codify the functions of all the major institutions of government which are now defined largely by evolving conventions. In any case, we are not yet in a position at this time to redraft the provisions of Bill C-60 dealing with the Monarchy.

Senate

- Most of our witnesses have expressed views on the subject of a second chamber. Indeed, it is probably the topic on which the widest range of opinion has been manifested. Four major proposals have been advanced: an elected Senate, a House of the Federation as provided in Bill C-60, a House of the Provinces similar to the Bundesrat in West Germany, and modified versions of the present Senate. There has been no agreement among witnesses on an appropriate second chamber.

Committee on the Constitution Canadian Bar Association

Excerpts from the Summary of Recommendations entitled Towards a New Canada (1978)

I Preliminary

1.1 There should be a new Constitution to meet the aspirations and present-day needs of all the people of Canada.

2.2 The new Constitution should be in the English and French languages.

2.3 The new Constitution should from the outset be accompanied by a legal procedure for its amendment.

II Constitutional Objectives

The preamble

3.1 The Canadian Constitution should have a preamble setting forth the essential attributes of Canadian federalism.

Fundamental Rights

4.1 The Constitution should have an entrenched Bill of Rights.

4.7 The Bill of Rights should recognize the right of every person to reasonable access to all public information in the possession of federal, provincial and municipal departments and agencies.

4.10 The Bill of Rights should provide that individual privacy not be subjected to unreasonable interference.

Language Rights

5.1 English and French should be constitutionally entrenched as the official languages of Canada.

5.2 Each province should have power to choose its own official language or languages, subject to the limitations set forth in these recommendations.

5.4 The Constitution should recognize the following rights regarding language in the courts:

- (a) A person whose ordinary language is English or French who is charged with a criminal offence should have the right to be tried in that language.
- (b) A person whose ordinary language is English or French should have the right to use that language in giving evidence and in any pleading and process in civil cases in any court in Canada.

5.5 The Constitution should guarantee the right of any person to the use of either English or French in communicating with the head office of all federal departments and agencies and with every principal office of federal departments and agencies in any area where a substantial proportion of the population uses that language.

5.6 The Constitution should guarantee the right of any person to use either English or French in communicating with the head office of provincial departments and agencies in every province.

5.7 The Constitution should guarantee the right of a parent to have English or French as the language of

instruction of his children in publicly supported schools in areas where the number of people speaking that language warrants this course.

5.8 The Constitution should explicitly recognize the right of the federal and provincial legislatures to assist ethnic or linguistic groups in promoting their languages and cultures.

Regional Disparities

6.1 The alleviation of regional economic disparities should be a fundamental purpose of the Constitution.

6.3 The Constitution should recognize that the federal spending power, including the making of equalization payments, is a proper method of meeting the commitment to reduce regional economic disparities.

III Major Governmental Institutions

The Executive and Head of State

7.1 The Queen should be recognized as Head of the Commonwealth.

7.2 A Canadian should be Head of State.

7.3 The federal and provincial executive should function under a system of responsible government in a Parliamentary system, the broad lines of which should be spelled out in the Constitution.

7.4 The Head of State should be chosen for a fixed term by a majority vote in the House of Commons, and his salary shall not be reduced while in office.

7.5 The Chief Executive Officer of a province should be chosen for a fixed term by the legislature, and his salary shall not be reduced while in office.

7.6 The Chief Executive Officer of the province should not be subject to federal control.

The Upper House

8.1 There should be an Upper House in the federal Parliament to represent the regional interests in federal matters.

8.2 The members of the Upper House should be appointed and serve at the pleasure of the governments of the provinces.

8.3 In determining representation in the Upper House, regional, linguistic and population factors should be accommodated. Such an accommodation can be made by giving considerably more members to Quebec and Ontario while ensuring regional balance by giving an overall majority to members from the rest of the country, and by giving somewhat greater weight to the Western and Northern regions than to the Atlantic region.

8.4 The federal government should have power to name spokesmen to the Upper House but they should have no vote.

8.5 The principal function of the Upper House should be to review federal legislation having significant regional impact, and in particular it should have the following powers:

- power to amend or reject any legislation, subject to the overriding power of the House of Commons to re-enact it;
- shared cost programs with the provinces would require a 2/3 vote in the Upper House to constitute the national consensus described in discussing the spending power;
- measures to regulate intraprovincial trade declared to be essential for the management of national or international trade would require a 2/3 majority of the Upper House;
- general economic objectives binding on the provinces would require the assent of a 2/3 majority of the Upper House and be subject to review yearly;
- a declaration that a work is for the general advantage of Canada would require a 2/3 majority of the Upper House unless the province concerned agreed;
- support of a majority of the Upper House would be required for use of the emergency power in matters other than war, invasion or insurrection;
- generally the Upper House should have a role in conciliating federal and provincial policies and administration, and could in effect be a continuing federal-provincial conference;
- the consent of the Upper House would be required for the ratification of treaties respecting matters predominantly within provincial legislative authority and multilateral trade treaties;
- the Upper House should consent to the appointment of Supreme Court of Canada judges by means of a judiciary committee working in camera.

IV Judicial Power

The Judicial System

9.1 The independence of the courts should be enshrined in the Constitution as a fundamental principle of Canadian federalism.

9.5 The courts in Canada should function as a single judicial system, not a dual system of federal and provincial courts, subject to Recommendation 9.6.

9.7 The Constitution should provide that the federal government should appoint all superior, county and district court judges, and all judges of federal courts.

The Supreme Court of Canada

10.1 The Supreme Court of Canada should be entrenched in the Constitution as a general court of appeal for Canada.

10.2 The federal government should have the power under the Constitution to appoint judges to the Supreme Court with the consent of a Judiciary Committee of a reconstituted Upper House working in camera.

10.4 The Constitution should provide that the Supreme Court should consist of nine judges, three of whom should have been Members of the Quebec Bar.

V The Powers of Government

The Division of Powers

11.1 The Constitution should give the provinces the legislative powers necessary to exercise primary authority over cultural matters, but the federal Parliament should have adequate legislative power in this and other areas to maintain a national identity.

11.2 The Constitution should give the federal Parliament the necessary legislative powers to regulate the national economy and international trade; but the provinces should have legislative power to regulate the provincial economy and other local matters.

11.3 The Constitution should have two lists of legislative powers, one assigning exclusive legislative powers to the federal Parliament, the other assigning exclusive legislative powers to the provincial legislatures, unless there is a clear case for assigning concurrent powers.

11.4 The Constitution should provide that where exclusive legislative powers overlap, federal legislation shall be paramount.

11.5 The Constitution should allow for the delegation of the administration of legislative schemes from one level of government to the other, as is now the case, but not legislative powers.

11.6 There should be no constitutional special status for any province, but it should be possible to have special arrangements between the federal government and any province to accommodate specific needs of that province, particularly in the cultural field.

Taxing Power

12.1 The federal Parliament and the provincial legislatures should each have power to levy taxes by any means of taxation, subject to the following recommendations.

12.2 Only the federal Parliament should have power to levy customs duties.

12.3 Neither the federal Parliament nor the provincial legislatures should have power to levy taxes creating barriers to interprovincial trade.

12.4 A province should not have power to impose a tax that has a tendency to be automatically passed on by the taxpayer to a person outside the province.

12.5 Neither the federal Parliament nor the provincial legislatures should have power to levy a property tax against the other.

The Federal Spending Power

13.1 The Constitution should expressly provide that the federal Parliament have a general power to spend money for national purposes and the general welfare of Canada, subject to the following recommendations.

13.2 The federal government could only initiate a national shared cost program with the provinces when a national consensus exists. A national consensus could be determined by the approval of a 2/3 majority in a reconstituted Upper House.

13.3 Any province could opt out of a shared cost program, and such province would be entitled to compensation equal to the amount of money it would have received from the federal government under the program, subject to its agreeing to provisions respecting interprovincial portability.

Social Security

14.1 The provincial legislatures should have exclusive legislative power respecting social security, except as provided in these recommendations.

14.2 The federal Parliament should have exclusive legislative power respecting unemployment insurance.

14.3 The federal Parliament should also have exclusive legislative power over specific allowances to groups falling within exclusive federal legislative jurisdiction, such as veterans, public servants and native people.

14.4 The federal Parliament and the provincial legislatures should have concurrent legislative power respecting retirement insurance and related benefits, with provincial paramountcy, but there should be a constitutional obligation to ensure portability between these schemes throughout the country.

14.5 The federal Parliament and the provincial legislatures should have concurrent powers respecting measures (such as family allowances, old age security and related benefits) to provide a minimum standard of living for Canadians, but each province should have paramount power, within the limits of a constitutional formula, to fix the scale of benefits under, and to transfer amounts between, federal programs to adapt them to the social conditions of the province.

The Regulation of Trade

15.1 The Constitution should contain a statement of principle that Canada constitutes an economic union.

15.2 The Constitution should provide

- (a) that all manpower may move freely without discrimination throughout the country, and
- (b) that goods, services and capital in any province shall be admitted to each of the other provinces, free of duties, quantitative restrictions or charges or measures of equivalent effect except as may be necessary for public health and safety.

15.3 The federal Parliament should have exclusive legislative power to regulate interprovincial and international commerce, and the provinces should have exclusive legislative power to regulate intraprovincial commerce, subject to recommendations 15.4 and 15.5.

15.4 The federal Parliament should have power to harmonize intraprovincial trade regulations upon a declaration that this is essential to the management of the Canadian economy, but the exercise of such power would require the assent of a 2/3 majority of a reconstituted Upper House representing the provinces.

15.5 The federal Parliament should have power to establish general economic objectives binding on the provinces regarding the ends to be achieved but leaving them free respecting the means, but this power would be subject to the following conditions:

- (a) a 2/3 majority in a reconstituted Upper House representing the provinces would be required for the adoption of such a measure; and

- (b) such a measure would be subject to review by both Houses each year.

15.7 Multilateral trade treaties should constitutionally require ratification by a majority of a reconstituted Upper House representing the provinces.

Competition

16.1 The federal parliament should have exclusive legislative power to regulate competition.

Securities

17.1 The provincial legislatures should have exclusive legislative power respecting securities transactions in the province. The federal Parliament should, however, have power to regulate the extraprovincial capital market as an aspect of its jurisdiction over international and interprovincial trade and commerce.

The Monetary System

18.1 The federal Parliament should have exclusive legislative power respecting the monetary system.

18.2 The federal Parliament should have exclusive legislative power respecting the incorporation, organization and operation of financial intermediaries with federal charters, such as banks.

18.3 The provinces should have exclusive legislative power respecting the incorporation, organization and operation of financial intermediaries with provincial charters, such as provincial trust, and mortgage and loan companies, credit unions and caisses populaires.

18.4 The federal Parliament should have exclusive legislative power respecting interest.

Resources

19.1 The Constitution should expressly provide that the provinces have exclusive legislative power respecting the exploration, exploitation, conservation and management of all natural resources in the province.

19.2 The natural resources of the public domain in the provinces should continue to belong to the provinces.

19.3 The federal Parliament should have exclusive legislative power respecting seacoast fisheries; the provinces should have exclusive legislative power respecting inland fisheries in the province.

19.4 The provinces should have exclusive legislative power respecting water resources in the provinces, subject to the concurrent and paramount power of the federal Parliament to legislate respecting situations having extraprovincial effects.

19.5 The sea boundaries of the provinces should be extended to at least the three-mile limit and the adjoining provinces should have the right to explore and exploit offshore resources up to the limit of the continental shelf, with consequential legislative power.

19.7 The federal Parliament and the provincial legislatures should have concurrent legislative power respecting atomic energy, with federal paramountcy.

19.8 The provinces should have exclusive legislative power respecting *agriculture*.

Transportation and Other Works and Undertakings

20.1 The federal Parliament should have exclusive legislative power respecting interprovincial and international transport undertakings; transport undertakings should include pipelines and other works for transporting commodities or energy.

20.2 The provincial legislatures should have exclusive legislative power to regulate intraprovincial transport undertakings, subject to paramount federal legislative power to regulate water and air navigation and works incidental thereto.

20.3 The federal Parliament should have power to declare any work to be for the general advantage of Canada and so within federal legislative jurisdiction, but such declaration could be made only with the consent of the legislature of the province where the work is located or with the consent of a 2/3 majority in a reconstituted Upper House representing the provinces.

Telecommunications

21.1 The federal Parliament and the provincial legislatures should have concurrent legislative power respecting broadcasting undertakings (radio and television stations and cable television systems) and closed circuit cable systems, with federal paramountcy, subject to Recommendation 21.2.

21.2 The federal Parliament should have exclusive legislative power respecting private radio communications, the allocation of radio frequencies and the technical requirements respecting the operation and specifications of apparatus used for transmitting and receiving radio-communication.

International Relations

22.1 The Constitution should provide that the federal government has exclusive jurisdiction over foreign policy and international relations, including the making of treaties and the exchange of diplomatic and consular representatives, subject to the provisions of these recommendations.

22.2 The Constitution should provide that the provinces may maintain offices abroad for the conduct of provincial business and enter into contracts and administrative, reciprocal and other arrangements with foreign states and governments regarding matters within their legislative powers, but they shall keep the federal government informed of such activities, and no such office shall be maintained and no such arrangement shall be valid if it does not conform to Canada's foreign policy.

22.3 The Constitution should provide for the creation of a mechanism of consultation to assure the participation of the provinces with Canada in international relations involving matters falling within provincial legislative powers.

22.6 A treaty dealing predominantly with a matter falling within provincial legislative competence should constitutionally require ratification by a majority of a reconstituted Upper House representing the provinces.

22.7 Multilateral trade treaties should constitutionally require ratification by a majority of a reconstituted Upper House representing the provinces.

Citizenship, Immigration and Aliens

23.1 The Constitution should guarantee that no law shall in a discriminatory manner impede the free movement within the country of citizens or other persons lawfully in the country.

23.3 The federal Parliament and the provincial legislatures should have concurrent legislative power respecting immigration, with federal paramountcy.

Residuary and Emergency Powers

25.1 Any legislative matter not expressly granted by the Constitution should be within the exclusive legislative power of the provinces, unless it is clearly beyond provincial interests, in which case it should be within the exclusive legislative power of the federal Parliament. A matter ordinarily falling within provincial competence should not fall within federal jurisdiction merely because it has "national dimensions".

25.2 The federal Parliament should have express and separate power to deal with emergencies or crises of national significance subject to the following conditions:

- (a) The power could only be invoked by means of a declaration either in the operative statute, or in the case of a real or apprehended war, invasion or insurrection, in the order-in-council bringing the statute into effect, that there exists an emergency or crisis of national significance.
- (b) The approval of the majority of a reconstituted Upper House would be required for the invocation of the power for matters other than real or apprehended war, invasion or insurrection.
- (c) The power would be subject to the Bill of Rights entrenched in the Constitution except that the Bill could be suspended by the federal government in the case of war, invasion or insurrection.

VI Amendments

26.1 A general amendment formula should be sufficiently rigid to maintain the basic constitutional balance, but sufficiently flexible to respond to majority desire for change supported by a high degree of support in all regions of the country.

26.2 The following formula reasonably responds to the principle set forth in Recommendation 26.1: a procedure requiring the agreement of Parliament and a majority of the provincial legislatures, including

- (a) all provinces that at any time have had, or may in the future have, 25% of the population of Canada (currently Quebec and Ontario),
- (b) at least two of the Atlantic provinces, and
- (c) at least two of the Western provinces comprising at least one of the two most populous Western provinces (now Alberta and British Columbia).

26.6 The federal Parliament should be empowered to establish new provinces from territories not forming part of a province, and provide for their constitution and administration, and for such laws and conditions concerning their admission, as may be necessary, but their representation in Parliament should be approved under the general amending formula.

26.7 The federal Parliament should, with the consent of the legislatures of the provinces selected, be empowered to provide for the union of two or more provinces, for a province to be divided, or for the restructuring of

two or more provinces, but their representation in Parliament should be approved under the general amending formula.

26.8 Mere alterations of provincial boundaries should continue to be made by statute of Parliament with the consent of the appropriate legislatures.

Advisory Committee on Confederation ONTARIO

Excerpts from the First Report (April 1978) and from the Follow-up Report of August 1978.

1. An Approach to a New Constitution

- The Advisory Committee considered carefully the current areas of dissatisfaction in Canada. It recognized that the present problems arise from a growth of *regionalism, provincialism* and *Québec nationalism* on the one hand, and the decline in the political effectiveness of the federal government and its institutions on the other.

Regional grievances run deep in British Columbia, the Prairies, the East, and even in Ontario, due to perceived injustices of federal policies and their failure to transcend region and assert an overall national purpose. A strong sense of regional community and identity has also developed and provincial governments have grown to reflect this development. The Committee has based its work on the assumption that this regional identity should be recognized and constructively reconciled with the need to retain effective power and leadership, especially in economic matters, at the centre.

Québec nationalism has been with us since before Confederation, but recently this nationalism has taken the form of a desire for greater political autonomy of which the Parti Québécois is only the current and furthest advanced manifestation.

- The conflicting interests of the nation and the provinces have resulted in a complex process of federal-provincial negotiation, with massive *overlapping and duplication* of activities and responsibilities, an elaborate network of inconclusive federal-provincial conferences and much contradiction and inconsistency in policy, which is so often frustrating to citizens.
- There have been too many federal-provincial conferences in which ministers from the two levels of government appeared as adversaries in confrontation rather than joint architects of national policy.
- We believe that any simple formula for the decentralization of power risks further fragmentation of the country and would leave the economically weaker parts even more vulnerable than they are today.
- As a vast, widely differentiated territory, Canada needs a strong *central government* to maintain and develop the national economy, and to enhance a sense of national identity and purpose. At the same time, it must be recognized that there is a growing demand in provincial and regional communities for greater control of their own destiny, and for government institutions which are closer to their own people. This represents the essential dilemma. In our

view, it can be resolved partly by some redistribution of federal and provincial powers and by enlargement of the area of *concurrent* responsibility requiring full consultation and agreement on policy, but most importantly by constitutionally involving the provincial governments in the formulation of, and responsibility for, national policy decisions, as well as in the organization of vital *national institutions* such as the *Supreme Court* and the major *regulatory agencies*.

- In calling for substantial changes, the Committee has, at the same time, been mindful of the need to preserve much that has worked successfully in our existing arrangements. In many areas, Canada's present constitution has proved adaptable and flexible in determining the relationship between the central and provincial governments, and in responding to the changing role of government as Canada has developed into a modern industrialized society. . . . We have also tried to build on the consensus reached in previous constitutional discussions. . . . We have concluded that on some points dissatisfaction has become so profound and widespread that change is essential to the very survival of this country. The stark truth is that the legitimacy of the operation of the present federal system has been substantially eroded for many Canadians.

2. A New Second Chamber

The reform of the upper chamber into a House of Provinces is designed to reconcile some of these tensions. . . . It was agreed that the present Senate should be abolished since it is ineffective in serving the purpose of regional representation for which it was designed. However, the Committee believes that an upper house, if properly designed, could play an effective role in our federal system. . . .

The Committee opted for a second chamber to replace the present Senate which would be appointed by and represent the provincial governments — in effect, a *House of Provinces*. This proposal has many advantages:

- (a) it would ensure that the federal government exercises its powers with greater sensitivity to provincial interests;
- (b) it would ensure effective provincial representation at the centre, whatever the results of federal elections;
- (c) it would give the provinces collectively a much greater weight in national policy-making;
- (d) it would reduce the necessity for large-scale decentralization since rather than taking powers away from the federal government, it would ensure that those powers were exercised in cooperation with the provinces;
- (e) it would encourage the provincial governments to become more sensitive to the national implications of their actions;

(f) it would make more effective, and to some extent replace, the existing structure for federal-provincial negotiation in matters of federal legislation. In so doing, it would assist and improve federal-provincial relations in other areas;

(g) by having the power of approval over certain federal appointments to national institutions, a persistent provincial concern could be resolved.

The option of an elected second chamber was considered and rejected by the Committee on the grounds that it would create more problems than it would solve, making the existing system more complex and competing with the House of Commons and the provincial governments.

- The alternative of giving regions power in the House of Commons in no way gives provincial governments more say; in the long run it likely undermines them. Any feasible proposal must be broadly acceptable to both levels.
- The proposal of the House of Provinces has significant implications for the party system in Canada. It would probably create a strong incentive towards closer ties between federal and provincial parties because of the increased national interest in the outcome of the provincial elections.

Appointments: Provincial delegations will be direct representatives of provincial governments. They may include sitting members of provincial legislatures, premiers or cabinet ministers. Membership may change from time to time as the House discusses different issues, e.g., if a federal transportation bill is under discussion, provinces may wish to send their transportation ministers. In order to maintain continuity, the delegation should contain one or more permanent members.

- Representation should be a combination of geographic and population criteria. An example of this could be a total of 30 or a multiple of 30 votes distributed as follows:

Newfoundland	2	Ontario	6
Nova Scotia	2	Manitoba	2
Prince Edward Island	1	Saskatchewan	2
New Brunswick	2	Alberta	3
Quebec	6	British Columbia	4

Federal participation: Representatives of the federal government would be free and expected to participate in the House of Provinces in order to introduce and speak to bills and to take part in and observe the debates. They would not have voting privileges.

Powers: It would have the right to review and amend legislation passed by the House of Commons. The basic principle here is that the degree of power of the House of Provinces should vary depending on the degree to which proposed federal legislation affects or infringes upon regional/provincial interests. One way to classify federal bills is by their relation to the division of powers: if they are solely in federal jurisdiction, the House of Provinces would have no role, if they are concurrent, it would have a suspensive veto, if they are directly in provincial jurisdiction, it would have an absolute veto. The problem with this is that something may be undoubtedly in federal jurisdiction, but have great provincial impact (e.g., tariffs). Hence: a preferable method could be to classify bills by nature of impact:

- The House of Provinces might have no veto over legislation which is classified as having no substantial pro-

vincial interest, e.g., classifications in the federal civil service;

b. The House of Provinces might have an absolute veto over legislation which encroaches on the jurisdiction of the provincial governments and is therefore of direct provincial interest, e.g., use of declaratory power, spending power, "peace, order and good government," (clause) or legislation in areas of concurrent jurisdiction with provincial paramountcy.

c. The House of Provinces might have a six month veto over legislation which is classified as having substantial provincial interest, e.g., freight rates.

- Classification of legislation: Classification of legislation would be determined by a joint House of Commons-House of Provinces rules committee. In case of disagreement, one possibility would be a reference to the Supreme Court for decision. Another possibility would be to give the deciding vote to an agreed-on chairman — possibly rotating between the speakers of the two houses.
- Other powers of the House of Provinces: Power to approve appointments of judges to the Supreme Court of Canada. Power to approve appointments to federal regulatory bodies such as the National Energy Board, the Canadian Transport Commission, the Canadian Radio-Television and Telecommunications Commission, and the Bank of Canada.

3. The Judiciary

- In general, the Committee accepts the current composition and role of the Supreme Court of Canada.
- Because the *Supreme Court of Canada* is the final interpreter of the constitution, the provinces should be involved in the process of appointing judges to this body. The only formal provincial role would be through approval of the appointments by the House of Provinces . . .
- The Committee discussed the possibility of the establishment of a separate *constitutional court*, but rejected it on the grounds that the power of the House of Provinces to approve nominations to the Supreme Court of Canada would make the court a more truly national institution. . . .
- The Committee believes that the court system should reflect the division of jurisdiction inherent in a federal state. It, therefore, recommends that provincial governments make appointments to all courts other than the Supreme Court and the Federal Court.
- Where a case before the Supreme Court of Canada involves questions of law relating to the civil law of the Province of Quebec, and involves no other question of law, it should be heard by a panel of five judges, or with the consent of the parties, four judges, at least three of whom have been members of the Quebec Bar. . .

4. Fundamental Rights:

(General)

- The Committee considered carefully the question of entrenchment of a bill of rights and came to the consensus that basic political and democratic rights should be entrenched in the Canadian constitution.

Recognizing that the Victoria Charter represents the greatest consensus which has been achieved to date on the issue, the Committee agreed to recommend the basic freedoms and political rights as outlined in that Charter.

The Committee also recommends that a section outlining the legal rights of the individual be included in the constitution.

There should be provision for emergency powers in the constitution. . . . No state of emergency shall continue for more than six months unless specifically re-legislated by both Houses of Parliament.

Language Rights

- The Committee recommends that Ontario opt in to any language obligations which might be entrenched in the constitution on the understanding that the timing of implementation of services would be negotiable.
- The Committee recommends the entrenchment of a constitutional obligation on the federal level of government to operate its institutions and provide its services in both official languages.
- The Committee has scrutinized the programs of the Ontario government that provide French language services to the Franco-Ontarian community in an increasing number of fields, e.g., education, courts,

health, social services, transportation, official publications. It recognizes further steps should be taken perhaps along the lines of a French language services act supporting French language guarantees.

- Either English or French may be used by any person in the Supreme Court of Canada and in any court established under this constitution by the federal government and in those provincial courts so designated by the provincial legislatures.
- Each child of the French-speaking or English-speaking minority should be entitled, wherever numbers warrant, to an education in his or her language in the primary and the secondary schools in any province.

5. An Amending Formula:

The Committee believes that the constitutional amending procedure should not be so flexible as to allow for easy passage of any amendment . . .

The Committee has considered many methods for amendment which have been proposed in the past. It has concluded that the method that would best meet its requirements is the one contained in the Victoria Charter. Its own proposal is along the lines of the Victoria Charter formula.

. . . Its adoption within a broad package of constitutional reforms would be more acceptable than would be the case if it were adopted alone.

Canada West Foundation

Excerpts

Summary of Recommendations (1978)

Upper House

1. WE RECOMMEND the abolition of the Senate as it now exists.
2. WE RECOMMEND that there be created by constitutional amendment a new Upper House to be styled the House of Provinces, and that this House consist of provincial (and territorial) delegations casting a single weighted vote.
3. WE RECOMMEND that all provincial premiers serve as ex officio members of the House of Provinces, and that the position of the President of the House of Provinces be filled by a Provincial Premier or his representative on a rotating basis.
4. WE RECOMMEND that legislation in the reconstituted Parliament of Canada be divided into two categories as follows:
 - a) "ordinary" legislation, that is legislation coming clearly and completely within the area of federal jurisdiction, as under the enumerated headings of section 91 of the BNA Act; the House of Provinces would only be able to delay this kind of legislation;
 - b) legislation regarding conditional grants, or within areas of concurrent legislation; a joint session of the two houses would be necessary to resolve conflict.

5. WE RECOMMEND that a special class of federal legislation be created comprising matters directly related to language and culture, and that the special status of Quebec be recognized by giving the Quebec provincial delegation in the House of Provinces an absolute right of veto of federal legislation in these areas pertaining to Quebec.

6. WE RECOMMEND that final authority on the question of assigning legislation to a specific category be the Constitutional Court of the Supreme Court of Canada.

7. Deleted.

Courts

8. WE RECOMMEND that appointment to the Supreme Court of Canada be by the Governor-in-Council subject to ratification by the House of Provinces, with the stipulation that one-third of the members of the Court must be from the Province of Quebec and that no more than one-third of the members of the Court may be from any one province.

9. WE RECOMMEND that the Supreme Court of Canada be enlarged to comprise a Chief Justice and fourteen puisne judges; that eight puisne judges be appointed as judges of the Appeal Court and six as judges of the Constitutional Court; that the Chief Justice serve as the Chief of both courts; and that the function of the Constitutional Court be to give binding opinions on constitutional issues as requested by the Attorney-General of Canada, the Attorney-General of a Province, the President of the House of Provinces, the Speaker of the House of Commons, or the Chief Justice of the Supreme Court.

Executive

10. WE RECOMMEND that defeat in the House of Provinces, and/or defeat in joint session as described in our Recommendation 4, not be regarded as a question of confidence necessitating the resignation of the government or the dissolution of the House of Commons.

11. WE RECOMMEND that the Governor-General be nominated by the Prime Minister and selected by simple majority vote of both Houses of Parliament; that the term of a Governor-General be six years; and that a Governor-General be subject to dismissal by resolution of both Houses.

Division of Powers

12. WE RECOMMEND that the revocable delegation of powers from one level of government to the other be made constitutionally permissible.

13. WE RECOMMEND that equal access to direct and indirect taxation be afforded the governments by amending section 92(2) to give provincial governments the power of "Direct and indirect Taxation within the Province in order to allow the raising of a Revenue for provincial purposes."

14. WE RECOMMEND that the current division of powers of the British North America Act be maintained as they stand, except that the following powers be removed from the exclusive headings under Section 91, 92 and 93 and added to the concurrent powers:

- a) transportation
- b) communication
- c) banking
- d) education
- e) health and social welfare

Legislative primacy in these areas is to remain with the government currently possessing the power under sections 91, 92 and 93.

Constitutional Amendment

15. WE RECOMMEND that any constitutional amendment resulting in reductions in the real assets and property of a particular province or provinces require the consent of that province or provinces.

16. WE RECOMMEND that constitutional amendments be proposed by the legislatures of any province or by the House of Commons; that they come into effect if they receive the approval of the House of Commons and the government of :

- a) every province that has now or will have in the future a population of more than 20 per cent of the population of Canada;
- b) two provinces of the Atlantic region; and
- c) two provinces of the Western region whose combined population is more than half that of the region.

17. WE RECOMMEND that should any proposed amendment fail because of lack of support in only one region, the proposed amendment be submitted to the population of that region. The referendum would simply ask the electors to support or overrule the decision of their provincial government(s); if the provincial government(s) is/are overruled, then the amendment is ratified.

Provincial Constitutions

18. WE RECOMMEND that Lieutenant-Governors be appointed by nomination of the Prime Minister and election by simple majority of the legislature of the province concerned for a term of six years, subject to dismissal by a resolution passed by both Houses of Parliament; and that Lieutenant-Governors be paid by the provincial government.

19. WE RECOMMEND that Judges for Provincial Supreme, District and/or County courts be appointed by the Lieutenant-Governor of the province on the advice of the provincial cabinet, subject to dismissal by a resolution passed by both Houses of Parliament.

20. WE RECOMMEND the abolition of the Federal power of disallowance, and of the federal powers under Section 92(10)c of the B.N.A. Act (declaratory power).

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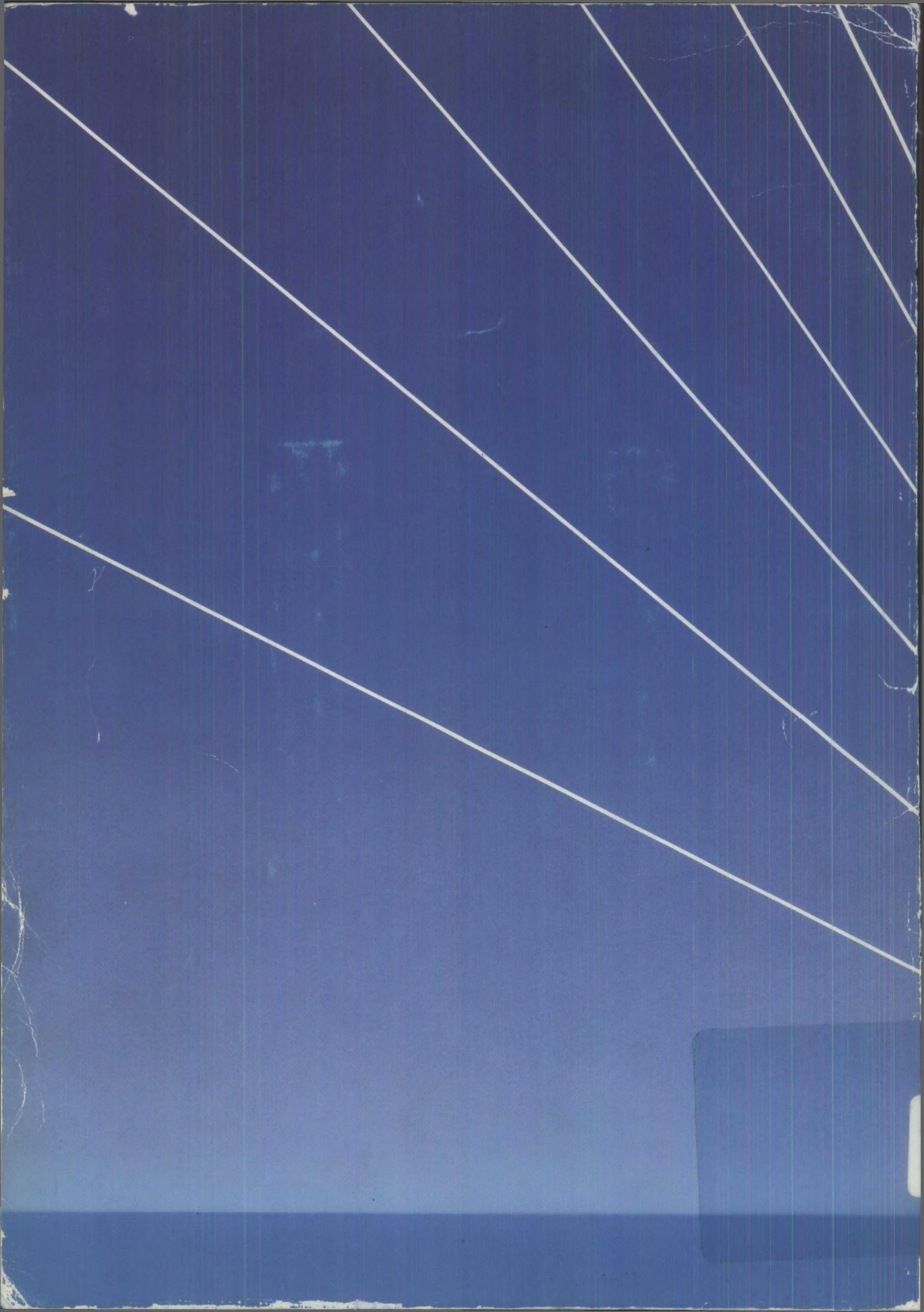
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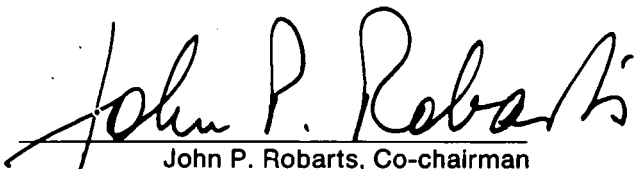
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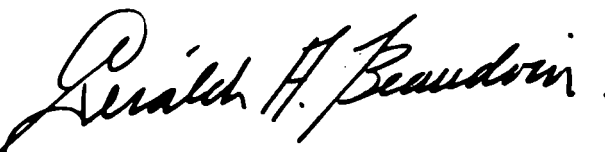
We the Commissioners appointed under Part I of the Inquiries Act by Order in Council of 5 July 1977, P.C. 1977-1910, 24 August 1977, P.C. 1977-2361 and P.C. 1977-2362, and 28 February 1978, P.C. 1978-573,

BEG LEAVE TO SUBMIT TO YOUR EXCELLENCY THIS REPORT


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John P. Roberts, Co-chairman


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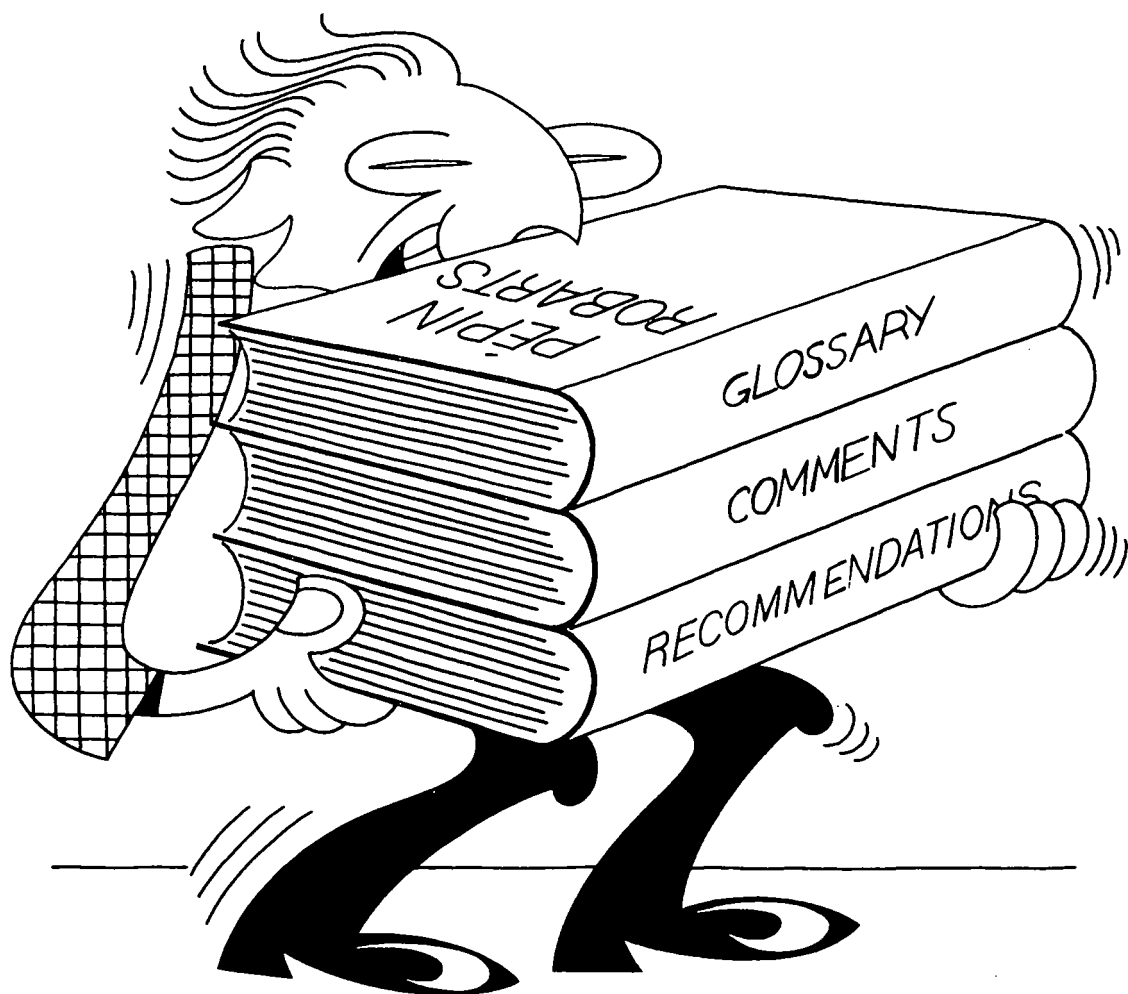

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“Ladies and Gentlemen of this committee, you have created high expectations in the people of Canada. Please do not prove these hopes false. Too often the people of Canada have been asked to express their views, only to find those views impressively and expensively printed, shelved and ignored. We look to you to compile a consensus of the Canadian imagination, to distill its ideas and define the framework of the Canada of the twenty-first century. Nothing less will do. Superficial and slight responses by you and our political leaders will only assist the promoters of disunity.”

(Committee for Community Government in Montreal)

Preface

The first part of the mandate we, the Commissioners of the Task Force on Canadian Unity, received from the Canadian government was to go to the public and to seek its views. This we did, with all the vigour and the goodwill at our command. In this volume, *A Time to Speak*, we report on what the Canadians who appeared before us had to say about their country, its problems and its prospects. The book is a citizen's report, as little influenced by our own personal judgements as we could make it.

In *A Future Together*, issued on January 25, 1979, we made our own "observations and recommendations," after carefully listening to the public for the better part of eight months, after a summer of intensive consultation with specialists and a fall of animated discussion among ourselves. In *Coming to Terms*, issued on February 4, 1979, we provided our fellow-citizens with a glossary which will be as helpful to them, we hope, in acquiring a better understanding of "the words of the debate," as it was to us in preparing it.

The Task Force on Canadian Unity was created on July 5, 1977 (See Appendix I for the mandate and the order-in-council), when six of the eight Commissioners were appointed. It held its first private meeting on July 12, 1977 and its first full meeting on August 31, after the appointment of the two Quebec Commissioners. At that time the co-chairmen, Jean-Luc Pepin (Ottawa) and John Robarts (Toronto), were joined by their six colleagues to form the full Commission. They were: Muriel Kovitz (Calgary), Ross Marks (Vancouver), John Evans (Toronto), Richard Cashin (St. John's), Solange Chaput-Rolland (Montreal), and Gérald Beaudoin (Hull). On February 28, 1978, John Evans resigned and was replaced by Ronald Watts (Kingston).

On September 22, 1977, we began our hearings. In the following months we were to visit fifteen cities: Halifax (September 22-23, 1977), Charlottetown (October 6-7, 1977), Regina (October 20-21, 1977), St. John's (October 27-28, 1977), Calgary and Edmonton (November 17-18-19, 1977), Quebec City (November 24-25, 1977), Toronto (November 28-29, 1977), Winnipeg (January 12-13, 1978), Montreal (January 16-17-18, 1978), Moncton (January 30-31, 1978), Vancouver (February 8-9, 1978), Ottawa (March 1-2-3, 1978), Whitehorse and Yellowknife (April 2 to 7, 1978).

Between the full Task Force hearings, the members criss-crossed their respective regions on "mini-tours." The public meetings were closely followed and extensively covered by the local and national media. In many cities, cable TV carried the entire hearings live. Hundreds of newspaper articles, television and radio programs were based on them.

During and between these visits, we had countless private meetings; we gave speeches and interviews analyzing "what was said", and we took part in "hot line" broadcasts, receiving and commenting on the opinions and questions of private citizens to the best of our ability.

In each of the cities which the Task Force visited, the Commissioners and staff received invaluable support and advice from local volunteers (see Appendix E). These were the men and women who set aside their normal responsibilities and contributed their knowledge, time, energy and enthusiasm to assist the Task Force in its efforts to meet with as many Canadians as possible.

These local volunteers were an integral part of our national tour. We could not have done what we did, or learned what we learned about our country without their help. They brought us face-to-face with the individuals and groups who had so much to say, found us a place to meet, presided at the sessions, and opened their hearts, and on many occasions, their homes to us. It was also a wonderful source of moral support to know that when we got off the plane in St. John's, Vancouver, Quebec or Yellowknife we would be met by fellow citizens who shared with us a love and concern for our country. To them must go much of the credit for the overall success of the tour.

Our meetings generally followed a standard pattern. The morning and afternoon sessions were relatively formal occasions during which groups and specialists had an opportunity to present prepared positions and answer some of our specific questions. These were the sessions when representatives of native peoples, community organizations, minority groups, labour unions; educators, clergymen, businessmen, politicians, lawyers, economists, political scientists; persons concerned with education, culture, the arts, and the media and many others appeared

Preface

before the Task Force. The presentation of briefs (see Appendix D) usually proceeded calmly, even when the participants held opposed points of view.

The evening sessions, in contrast, were spontaneous. Members of the general public who participated were heard, not only by the Task Force Commissioners and other members of the audience, but often by the much wider audiences provided by radio and television. These sessions were frank and frequently turbulent, giving participants the opportunity to air their views on any number of issues related to life in Canada today. People took the opportunity to express publicly what they had been reflecting on for years, or to react on the spot to what other people had just said. Generally, the thoughtfulness and the passion were equally impressive: it was readily apparent that many Canadians were aware that they had reached a crossroads in their history. In all cases, we, the Commissioners, had the opportunity to "sum up" at the end of the meetings, stating, in equally frank terms, our reactions to some of the things that had been said.

None of us would pretend for a minute that there were no difficult or disheartening moments during the tour, but it was a richly informative experience for us all, and one which helped structure our thinking and which profoundly affected the second part of our mandate, the expression of our own thoughts. Indeed, *A Time to Speak* is closely linked to the two other publications of the Task Force.

Our second publication is a glossary of political and social terms and a description of the Canadian institutions and a brief analysis of the options from which Canadians will have to choose. The preparation of such a glossary was a direct result of our experience during our cross-country tour. Throughout our hearings we were struck by the degree of confusion, and even conflict, which was introduced in the discussions through a lack of common understanding or agreement about the meaning of some of the basic terms being used and the nature of some of the institutions referred to. As we became increasingly conscious of that fact, we became convinced of the need for a special type of dictionary. It seemed to us that one of the useful contributions the Task Force could make to Canadian unity was the preparation of a handy but comprehensive guide to the words and concepts most commonly used in the discussion of our country's future. The result is *Coming to Terms: the Words of the Debate*.

There is also a close link between *A Time to Speak* and the Task Force's first publication, *A Future Together*. It was the experience of our tours and hearings, and the awareness gained through some 900 briefs and close to 3,000 letters addressed to the Task Force, which helped us to develop and refine the basic outlook and assumptions which guided the preparation of our observations and recommendations.

Of course, not every one who spoke or wrote to us will find his or her views in *A Future Together*, though many will. In developing our own thinking, we had not only to reflect opinions expressed at the hearings and in our further discussions with specialists, but to decide on the policy positions which we judged to be the best, both for the immediate future and for the years to come. It was, however, by reference to the whole sum and spectrum of what we heard that we were able to agree upon the general direction of our work, and especially upon our three fundamental principles of duality, regionalism and the sharing of power and benefits, which are the foundation of our more specific observations and recommendations. Our work on *A Time to Speak*, served also, as we prepared our other reports, to keep us conscious of what we had heard and seen in our travels throughout Canada.

Our own impressions and perceptions of public opinion are described in *A Future Together* and there is no need to repeat them here. Indeed we should not, for the present volume is the place for Canadians to speak for themselves. We would like to end our work as Commissioners as we began it: listening to individual Canadians speak about themselves and about their country. What they will have to say from now on will determine both the fate of our recommendations and the future of the country.

We have planned *A Time to Speak* to allow the voice of the people to express itself as clearly and as systematically as possible. We have divided it into five parts that correspond most closely to the major themes developed before us: "The Communities," "The Search for Identity," "Quebec," "Economic Life," "Politics and the Constitution." Within the parts, we have organized the material

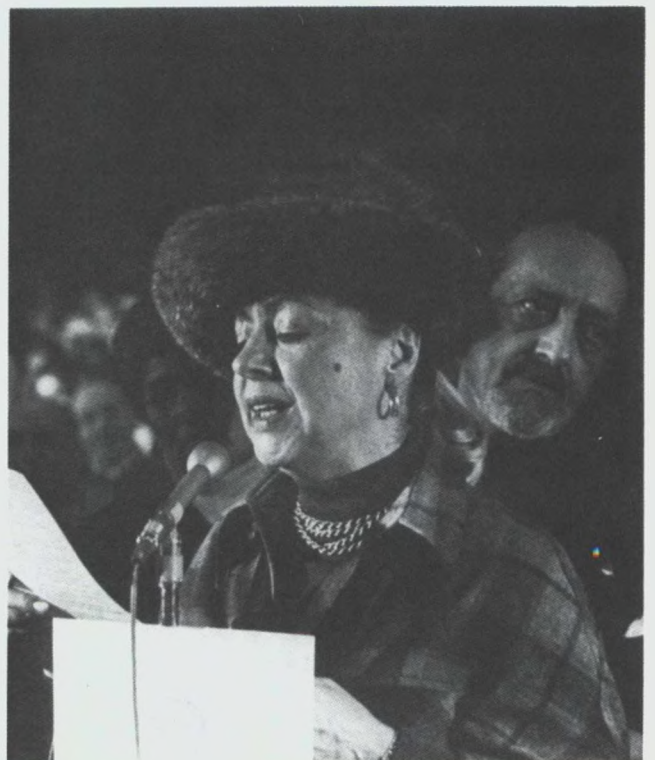
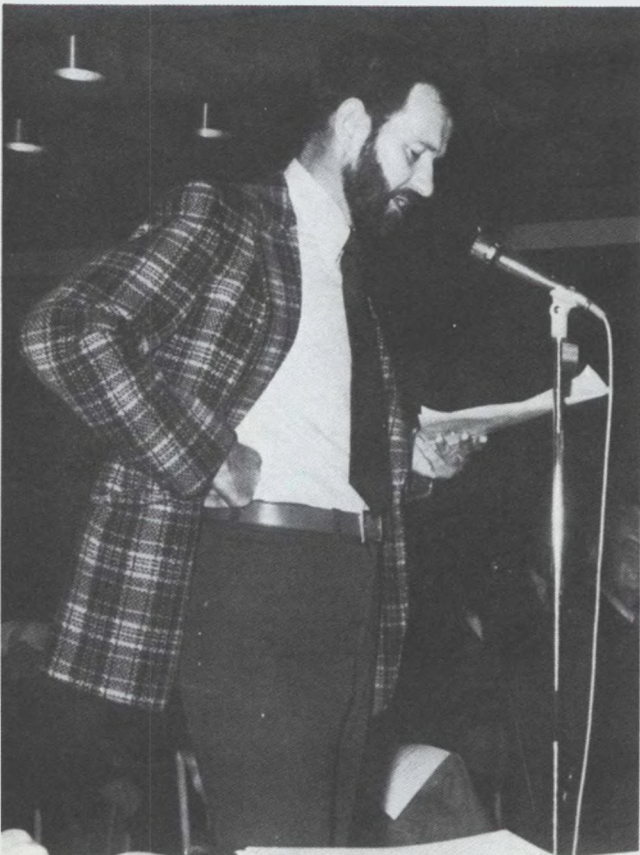
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into twenty chapters, which cover sub-themes of major importance. In the beginning of each chapter we provide some background information about the issues discussed. We then reproduce the range of opinions and proposals which were expressed, together with selected quotations from briefs and oral presentations, in order to give the reader the "feel" of contact with the participants at the hearings.

This volume is not a Gallup poll: it counts ideas, not heads, though it tries to indicate in general terms — "many," "some," "a few" — the relative frequency with which the opinions and proposals were expressed. Again, its purpose is to present a synthesis of the concerns, suggestions and recommendations of our fellow citizens as delivered to the Commissioners. We identify the authors of written statements and the comments of politicians. In other cases, we use "in" ("in Regina" or "in Quebec City") to indicate comments made at the hearings and "from" ("from Vancouver" or "from Halifax") to indicate quotations taken from correspondence.

Here, then, is *A Time to Speak*. To those who shared their time and spoke with us, we extend our deepest appreciation. We dedicate this report to them with our sincere gratitude.

MEMBERS OF THE TASK FORCE ON CANADIAN UNITY



Introduction

It is natural for individuals to group together and form communities on the basis of common characteristics and shared social, economic and political objectives. This happens everywhere. In Canada, two factors of group formation, although essentially positive, have led to particular tensions. One is *ethnicity*, the other, *regionalism*. The first has to do with ancestry, language and culture; the second, while geographical in framework, emphasizes economics and politics.

As a result of the first factor, Canada has two major communities, the English and the French, often referred to as the "two founding peoples." In fact, this "duality," discussed in chapter 1, is defined not only by "ethnicity," but also by history, law, politics and, to a lesser degree, by economics. The languages of these major communities are "official languages," recognized as such to a limited extent by the British North America Act of 1867, and more extensively, at the federal level, by the Official Languages Act of 1969. Chapter 2 deals with the status of English and French in Canada.

Each of these major communities finds itself, however, in a minority situation in some areas, the English in Quebec, the French in the other provinces. Even then, their members receive, in varying degrees from one province to another, education and other public services in their own language. Chapters 4 and 5 present the respective situations of these major linguistic minority groups.

There are also in Canada ethno-cultural groups composed of individuals who have themselves come, or whose ancestors came, from neither anglophone nor francophone countries. They invoke the principles of cultural freedom as the basis for retaining some of their inherited cultures. Their testimony is related in chapter 6.

The Indians, the Métis and the Inuit, whose forefathers inhabited North America centuries before the French and the English, form another type of Canadian grouping, the native communities. They have land claims, some confirmed, some still under negotiation, and they assert a right to the retention of their cultures. Chapter 3 is given over to a discussion of the native communities in Canada.

Although these communities and groups are present in most parts of the country, some are concentrated in certain areas, for example, the French in Quebec, the Inuit in the north and a number of ethno-cultural groups in Ontario and the west.

But the description of communities in Canada does not stop there. Geography and history combine with culture and economic and political interests to produce regional communities as well. There is constant competition among them for the exercise of power and the distribution of benefits; witness the debates on representation in federal institutions and on a host of economic subjects, e.g., tax revenue sharing, transportation and tariff rates, resource-processing and industrialization. Chapter 7 outlines the problems posed by regionalism in Canada.

In forming a single state in 1867, the hope was to balance these diversities of ethnicity and region with common interests uniting the political entities and the communities. This balance was to be achieved through a federal political system, a two-tier form of government. Generally speaking, the central government would pursue objectives common to all regions and communities; provincial governments would foster more particular interests.

In fact, from the beginning there have been tensions in the social, economic and political systems of Canada, occasionally leading to confrontations. They may now have reached a peak.

How do Canadians feel about their communities in 1977-78? How do they see present and future relationships? Can these communities be made to coexist in greater harmony? The Task Force has heard the views of many individual citizens and organizations, as well as some government spokesmen, on these questions.

Background

Duality

The English and French character of Canada was acknowledged to some extent shortly after the British conquest by the Act of Quebec in 1774. Breaking away from the colonial traditions of the time, the British Parliament guaranteed French Canadians respect for their religion and civil law.

Assimilation of the French was never firm British policy, although it was still recommended by Lord Durham to the Imperial government as late as 1839.

Legally, at least, that matter was settled when the British North America Act, which in 1867 established a federal system of government, guaranteed to Quebec: provincial autonomy, confessional schools and some official use of French in the central government.

For a hundred years after 1867, English-French relations nevertheless went through very trying periods. No clear definition of duality, no clear policy describing how it could or should be implemented in institutions and practices could be agreed upon.

By the 1960s, some segments of French-speaking Canada had begun to doubt the value of pursuing "the Canadian experiment." It is in this context that, in 1963, Prime Minister Pearson created the Royal Commission on Bilingualism and Biculturalism. Departing from the imprecision that had traditionally been associated with the concept of duality, he instructed the Commission "to recommend what steps should be taken to develop the Canadian Confederation on the basis of equality between the two founding races" ("peuples" in the French version). Its reports influenced, among many other aspects of duality, the adoption of the Official Languages Act in 1969. Since then, this statute has been the subject of public debate in which it is not easy to separate substance from semantics.

Expressions of duality

Expressions of the English-French duality in Canadian public life are found in the federal Official Languages Act and in provincial provisions for education and other government services. The concept is also reflected in the structures of federal institutions, such as the English and French services of the Canadian Broadcasting Corporation and of the National Film Board, and the convention of alternating mother tongue in the making of certain appointments, notably that of governor general and speakers of the House of Commons and the Senate.

Duality is also expressed in the private sector (in the operations of many professional associations, voluntary organizations and social clubs, for example), and in the use of French as the main language of work in businesses located in French-speaking areas.

The treatment of duality affects the country's social and political climate. It has occasionally provoked major crises, as in the school questions of the late nineteenth and early twentieth centuries, the conscription issues in the two world wars and the air controllers' strike of 1976.

Population statistics

The percentage of total population represented by Canadians of French origin* has remained relatively stable — 31.1 per cent shortly after Confederation, and 28.7 per cent in 1971. The percentage of those of British origin has decreased from 60.5 per cent to 44.6 per cent in the same period.

* According to Statistics Canada, the term "origin" refers to ethnic or cultural background, traced through the father's side. It should not be confused with citizenship, which refers to the country to which a person owes allegiance.



THE BABYSITTERS

When one looks at the use of languages, however, a different picture emerges. The community of those who claim English as a mother tongue has maintained itself since 1931 at about 60 per cent of the total population, while the French-speaking community has hardly changed in the same period, accounting for 25.6 per cent of the population in 1976. These figures indicate a considerable influx of non-English, non-French immigrants into the English linguistic stream.

Questions

Is the principle of duality accepted by Canadians, particularly when defined as "equality between the two founding peoples"? How is it understood?

“French Canadians have always been deeply convinced that it was an alliance or a treaty between both races. Besides, Cartier, Macdonald, Brown, Darcy McGee and all the Fathers of Confederation said so.”

(Roch LaSalle, member of Parliament, in Montreal)

“The first mistake is to try to build Canada as a partnership of two founding races instead of building Canada on the unity of all Canadians. Canadians should realize that the concept of two founding races is a myth.”

(James Richardson, member of Parliament, in Winnipeg)

“Under what conditions is Canada to exist? Only on a 50-50 basis. This is the only condition to have a bi-national Canada, although I suppose that all Canadians would laugh if such a proposition were submitted to them.”

(in Montreal)

“I live in Halifax. I'm a citizen of Canada and the kind of Canada that will suit me best is one where French-speaking people are comfortable. A hundred years ago, a deal was made. Now, a deal is a deal, and I believe that the French-speaking citizens of this country do not feel that the deal has been fulfilled. I agree with them.”

(in Halifax)

“We have had trouble in this country because of a lack of respect. Both languages have not been treated equally, nor have our founding peoples.”

(in Montreal)

“May I suggest you scrap all this crap about two founding languages and concentrate on being Canadians. One country, one flag, one people.”

(from Minnedosa, Manitoba)

“In my youth and until I reached 50 years of age, I had been told that Canada was made up of two nations. John Diefenbaker was the first one to rob me of the pride I felt in belonging to the French nation of Canada. He said, 'There is but one nation.' That was the end of it. But then we elected the Liberal party with Lester B. Pearson. He recognized that there were two nations. I felt my pride coming back. And then Pierre Elliott Trudeau, a Scotsman, had to come along and state, as Diefenbaker had, that there was but one nation in Canada. By doing this, he put an end to the two-nation thesis. That's the reason people as old as I am, who remember these events, will say, 'Yes!' to the referendum. You have to go back to the two-nation concept; otherwise, that's the end of Canada.”

(in Montreal)

“The old notion of two nations struggling within the bosom of a single state may have been an apt description of the 1840s when Lower and Upper Canada were united and alone. But then they cajoled the maritimers to join in their struggle, filled the west with people who knew nothing of this venerable dispute, and accepted Newfoundland to share in the sorrow and the promise. There is a French-speaking nation in Quebec, an English-speaking nation in southern Ontario, but I, like many Canadians, belong to neither.”

(in St. John's)

Opinions

Said the United Automobile Workers in Toronto: "A serious attempt at dealing with the issue of "national unity and Quebec begins with the recognition that Canada was founded on the basis of full equality between its French-speaking and English-speaking people." Said an Albertan: "There is no such thing as two founding races. We are multinational."

Such polarization was evident everywhere at the Task Force hearings and in the correspondence received. Although a great majority accepted the fact of an English-French duality, the Commissioners found no consensus either about the meaning or the consequences of recognizing the "principle of duality"; nor was there agreement on the concept of "two founding peoples" as a possible basis for its justification. From history, law and the observation of facts, came colliding opinions.

A deal is a deal

Both in Quebec and elsewhere, French-speaking participants argued that Confederation was a form of partnership between the two principal communities. "The French Canadians," said a member of Parliament from Quebec, "have always had a profound conviction" that Confederation was "an alliance, a treaty." It is "a pact between the two founding nationalities," another speaker said in Quebec City. The dualistic view of Canada was supported by a number of English-speaking Canadians in all regions and by a few representatives of major ethnic groups. From Vancouver: "When Canada was formed... the two founding peoples agreed to accept each other's rights, dignities and symbols." From Halifax: "A deal was made, in 1867, and should be honoured." From Winnipeg: "English-French dualism is one part of the complex Canadian reality." Again from Winnipeg: "It is clear that there were two founding races." From Charlottetown: "Let us face it, there are two nations here." From Toronto: "We have in our country two historically evolved communities."

More than two pillars

Many English speakers dismissed the concept of the founding peoples as a "myth," a "cliché." They saw it as "a heritage of central Canadian history," as a "ghost" that lingers to haunt us from the colonial days of Upper and Lower Canada. One Winnipegger was adamant: "Canada is not a partnership of two founding nations. This cliché has been fostered on the people of Canada by the federal government and repeated time and time again in order to make it a fact. Canada is one nation and one alone." Many participants objected to the idea that French-English "equality," as stated, for example, in the terms of reference of the Royal Commission on Bilingualism, should be a governing principle of Canadian life. "Accept it," said a letter from Ottawa, "and Mr. Trudeau and the French fact will take over completely without firing a shot."

Even, said some speakers, especially in the west, if such concepts do have some historical validity, they do not apply to the whole of Canada in the first place and, more significantly, they have been made obsolete by the multi-ethnic Canada that has since emerged. A Vancouverite refused to build "a new house" on only "two pillars" and a resident of Scarborough had become "a separatist" because he could not accept the theory of the "two founding peoples." If English-Canadian ambition to "assimilate" the French was seen by an Ottawan as "neither a noble vision nor a realistic one," a Winnipegger was only too willing to accept French Canadians if they "dropped the hyphen" and taught their children "the language of this country, which happens to be English." If a Torontonians thought it was time to make French Canadians "welcome as partners in Canada," others believed that such an idea would be a violation of the rule of the majority ("of the Bill of Rights," as one put it).

Without necessarily denying duality, some native leaders observed with displeasure that the concept of two founding peoples ignores their peoples. They too "claim the right to be considered as one of the founding nations of Canada." "The Indians," said an Ottawan, "were the first people to settle in Canada. If history is to offer a solution to [the Canadian] problem, then the native people of our land should have the biggest voice."

“We repeat it: this country can survive only if its two founding peoples are recognized in law and in fact.”

(L'Association canadienne d'éducation de langue française, in
Winnipeg)

“All this talk about having equality of French in the other provinces is out of place. The French are no more entitled to have special treatment in the other provinces than the million Germans, or the two-thirds of a million Ukrainians, or the quarter of a million Scandinavians, or the 100,000 Chinese, all of whom have contributed by their labour and their perseverance and their pioneering in the prairies and in this province and in other provinces. All those people are entitled to the cherishing of their culture.”

(in Vancouver)

“The prevailing notion in certain groups that the founding races must enjoy a special constitution of privileges is outdated. Embodied in any future political arrangement, they will be the source of political discord.”

(in Toronto)

“We want to live in French in our own country, in all the activities of society and not only at home. We are not a mere ethnic group: we are a founding people.”

(La Fédération des dames d'Acadie du Nouveau-Brunswick, in
Moncton)

“In considering the Canadian constitution and its possible re-writing and re-negotiating, the most important social circumstance which must be taken into account is the fact of the pluralism of peoples within the country.”

(from Winnipeg)

“Now, let us put together a new constitution that will recognize both languages, and the two founding races only. Let the other racial groups join one or the other of the founding races; these two founding races must be retained; that is, they must have priority in all of the territory.”

(in Montreal)

“We have seventy-three nationalities, not two founding peoples. It violates the Bill of Rights.”

(from Red Lake, Alberta)

“Not only do we want to preserve all this, but we are determined to continue to develop these resources because by doing so we are ensuring the development of our province, of Quebec. Don't be mistaken — we are French-speaking Canadians and we are proud to be one of the two founding peoples of our country, Canada. To be sure, Mr. President, during these 110 years of Confederation, we have had growing pains but is that any reason to throw the baby out with the bath water?”

(in Quebec City)

“Canada is not a partnership of two founding nations. This cliché has been fostered by the federal government and repeated time and time again to the people of Canada in order to make it a fact. Canada is one nation and one alone.”

(from Winnipeg)

Just another minority

It was not easy for everyone who spoke in English at the Task Force hearings to understand the meaning of the term, "two founding peoples," because so many of them were not of British origin or did not consider themselves members of any founding people. They usually emphasized the heterogeneous, non-dualistic nature of English Canada. Snapped a Newfoundlander: "I, like many other Canadians, don't belong to either part of the duality." And the majority of those who spoke in French at the Montreal hearings identified themselves not as Canadians, but as Québécois.

Some Acadians agreed that the English and the French, the Inuit and the Indians were all founding peoples, but so were they. A citizen in Moncton stated that Acadians should "be respected as a nation." Like other spokesmen for French-speaking communities outside Quebec, Acadians resented being treated as "just another minority."

To many representatives of ethnic groups, the very expression "two founding peoples" appeared to downgrade the contribution they have made to Canada. They strongly asserted their right not to "assimilate" while "integrating" with one or the other, or both, of the two major language groups. "A long time ago," commented a Torontonian, "we had two so-called founding nations. When I look around, I see a lot more than two. . . . Please consider the evolutionary nature of society," he asked the Commissioners.

Duality of what?

But in the view of other speakers, duality was in fact so deeply rooted, so respected in Canada, that the two main cultural or linguistic groups had kept their identities to a remarkable degree. Wrote a citizen from Ottawa, "The most distinctive feature of Canadian society is precisely that it is the joining together of French and English, and that, as a result of this essential duality, we have accepted diversity — at first as a necessary evil, perhaps, but more recently as a key element in our national identity." Representatives for the Metro-Quebec Language Rights Committee came before the Task Force "as a living example of how French and English Canadians can live together in harmony." The Ontario Federation of Labour asserted: "The French in Quebec should be made to feel that they are not second-class citizens in Canada, but truly one of the two founding peoples."

To the French communities outside Quebec, the high rate of their assimilation was due mainly, in their view, to lack of support from the communities and from governments, which were making a travesty of duality. In Quebec itself, French-speaking Montrealers denounced the overpowering presence of the English language in Canada's largest city. And one of them pictured English-speaking Canadians as "laughing at the whole concept of duality."

"Duality of what?" asked many participants. The concept itself, even among those sympathetic to it, emerged in a rainbow of descriptions — two "linguistic communities," "two cultures," "two societies," "two nations," "two Canadas." Instead of equality, some preferred terms such as a "partnership," "equal opportunity," or simply "respect of the other community."

Some francophones and some anglophones held that co-existence between the two communities had been made difficult by the scarcity of common symbols. One of the causes of antagonism could be found in federal institutions. Many francophones saw the Canadian government, Parliament and other agencies as tending to represent mainly anglophone Canada, ignoring their role as agents for integrating both communities into the larger Canadian society.

In the opinion of a Vancouverite, "Confederation was a compact between the Canadian English and the Canadian French, because neither group wanted to become Americans." To which a citizen in Regina added a warning: "The vast majority of Lower Canada's political and religious leaders in the 1860s concluded that Confederation best assured the survival of French-speaking Canadians. The alternative was eventual annexation by the United States, leading to complete assimilation. So it is today."

“A new confederation or association, whatever it will be called, will have to take into consideration the fact of the two founding peoples and grant each one of them the necessary means to its own integral development.”

(from Moncton)

“Let's face it, there are two nations here.”

(in Charlottetown)

“I believe that Confederation was a compact between the English Canadians and the French Canadians because neither group wanted to become American. I believe that the French Canadians are a nationality in their own right. I believe that in certain parts of Canada the French Canadians have never been dealt with fairly by the English Canadian majority.”

(in Vancouver)

“It is obvious that the federal system, as we have known it up until now, does not, from my own emotional and psychological standpoint — and the facts will bear me out on this — provide for a dialogue where both linguistic groups have sufficient confidence in the fairness of the structure and the equality of representation.”

(in Quebec City)

“Quebec people couldn't care less whether or not people in Vancouver have French on their cereal boxes or whether English-speaking people in Alberta can obtain a copy of the Anti-Inflation Board's latest booklet in French. The important thing is whether people in Quebec could speak the language they prefer, a language and a culture they have fought to defend through wars and through the heavy pressures of gradual submersion in the tide of English media.”

(United Steelworkers of America in Toronto)

“What I do want is for my province to be the master of its own destiny. French Canadians want their culture to be respected; respect for their religion exists in practice. I want French Canadians to have the right to speak their language right across the country.”

(in Quebec City)

“I think we are fortunate that we have the opportunity to become a bilingual nation. Unfortunately, I think we often pay lip-service to this. With respect to language and culture and two founding nations — in any constitutional changes, perhaps the most important thing is to make certain that the dual founding culture concept is entrenched entirely in the new constitution. It is perhaps the keystone and foundation to creating a new kind of Canada and we can only be enriched by it all.”

(in Calgary)

“We may rightfully assume that the Fathers of Confederation had an ideal; not primarily an economic one. They wanted to, and did, join together two nations. . . . Are we going to falter when we are so close to the coming of what was uppermost in their minds — a great and prosperous country where two great nations lived, worked and benefited so much from the fruits of their labour.”

(in Toronto)

Proposals

The wide differences in understanding and acceptance of the concept of duality, especially when defined as "equality between the two founding races," inevitably led to diverse, ambiguous and conflicting suggestions to the Task Force.

Functional equality?

Among those who accepted the continuation of a single state, a few participants recommended the full logical application of the concept of duality: equality, a 50-50 rule in the composition of some, if not all, federal institutions. Most often mentioned were the Senate and the Supreme Court. For example, in Vancouver and in Montreal, some participants recommended that "50 per cent of the members of the new Senate be appointed by Quebec," that "half of the senators be French-speaking," that a "specialized branch of the Supreme Court be established, half francophone, half anglophone, to deal with conflicts between the two official languages," or that on constitutional matters, "the court should be composed of an equal number of judges appointed by Quebec and by the other regions." A Torontonian was less precise and recommended that the concept of "equality should be applied functionally to our institutions and social systems."

A majority of supporters of the concept of duality made proposals that would translate it in cultural or linguistic terms rather than in political or institutional terms. For example, a speaker from Ottawa thought that "accommodation of a second culture and language does not have to be reflected in a two-nation approach which gives a Quebecer a greater say in the governmental process than others have." An anglophone Quebecer developed the idea: "Cultural aspirations must be designated as a heritage and not be allowed to interfere with the normal functions of Canada as a country." Among those who endorsed the concept, it was widely accepted that French Canada, as a distinct community, had the right to preserve its cultural uniqueness within the federation. "If there is to be true unity in the country," a Torontonian said, "equal recognition will have to be given in a positive way to both the English and French cultural heritage."

A score of participants recommended that the principle of duality be embodied in a new constitution. For another Torontonian, "the equality of our two founding peoples with their own distinct language and culture [should be] guaranteed [in the constitution, along with equalization and protection of individual rights], forming the anchor of Canada's basic existence as a united country." An Italo-Canadian group in Montreal wanted a renewed constitution that would sanction a new "social contract" based on the "historical validity which exists in Canada: two founding groups with equal rights and duties." The Committee for a New Constitution stated that such a new constitution should receive the approval of the "two majorities."

A few English-Canadian participants took what they called a "realistic" attitude, stating that, in order to prevent the break-up of the country, the principle of duality should be honoured. But the consequences of doing so were usually left undefined. The Newfoundland and Labrador Federation of Labour maintained that "any constitutional discussion must come to grips with the French and English character of our country in a way that recognizes the equality of both cultures." The United Steelworkers in Toronto would even "support the objective of constructive discussions and negotiations between Quebec and the rest of Canada to determine the future relationship between the two founding peoples of our country."

A citizen in Regina offered his view on the spirit with which English-French relations should be conducted: "As the majority, English Canadians bear the responsibility of making an extra effort to accept persuasively and with deep conviction the fact that there does exist in Canada two culturally distinct and autonomous people and that the survival and growth of this country will depend on the degree of cooperation these people can attain."

Let's be realistic

Many francophones, and some anglophones, believing that the principle of duality could not be implemented so fully at the federal level, suggested that Quebec, where the French-speaking population is most concentrated, should be granted a special role in preserving the French culture

“Even the professional federalists do not believe that defeating the referendum will end things. The discontent in Quebec goes much deeper than that. What is going on in Canada is the never-ending attempt by the two ‘founding peoples’ of this country to live together in peace and harmony and to grow. This effort will always be with us, whether Quebec votes ‘Oui!’ or ‘Non!’ ”

(The Ontario Federation of Labour, in Toronto)

“A policy of unity would begin by respecting the rights of the Québécois to determine their own future democratically. It would mean entering negotiations with Quebec on the basis of equality between Canada’s two founding nations. And, particularly important, it would mean demonstrating to Quebec that union with Canada promises to fulfill not only the unique cultural goals of the Québécois but also the general ideas of economic security, equality, justice and self-worth.”

(United Automobile Workers, in Toronto)

“But a new pact can only be based on the recognition and acceptance by all Canadians of one fact: that in North America, there exists a people who speak French. This means not only recognizing the fact, but also being determined that its development is furthered within the English-speaking sea that is North America.”

(Quebec Cooperation Council, in Montreal)

“We fully recognize that when Canada was formed 110 years ago, the two founding peoples agreed to accept each other’s rights, dignities and symbols. We recognize and regret that these rights and dignities have sometimes been neglected or offended. We earnestly believe that our short history has been a valuable learning experience — of great achievements and many growing pains — with which we can together shape these changes to ensure a better future.”

(in Vancouver)

“The catch phrase seems to be ‘les deux races fondatrices.’ This thesis denies the equal right of all citizens to participate equally in the recontracting. For this reason, I am a separatist.”

(from Scarborough)

“Any constitutional reform must recognize, first and foremost, the fact that this country is composed of two linguistic and cultural communities which must be put on an equal footing.”

(in Montreal)

in that province. A letter from Toronto proposed the following: "If you want this country to stay together, then allow Quebec to run its local affairs."

For "realistic" reasons they considered even more valid, a small but not negligible number of anglophones said of the Québécois: "let them go!" (see Part III).

Many French-speaking Quebecers at the Montreal and Quebec hearings had come to the same conclusion, for different reasons — they were convinced that real equality would never be accepted by English Canada.

Other participants formally proposed the total rejection of the concept. For example, one speaker who said: "The French are no more entitled to have special treatment in the other provinces than the million Germans or the two-thirds of a million Ukrainians or the quarter of a million Scandinavians or the 100,000 Chinese . . . all these people are entitled to the cherishing of their cultures." Said another: "the social and cultural content of Canada is now pluralistic, which fact makes the English-French duality much too narrow a context for our discussions and debates."

Many participants who declared their objection to, or their uneasiness with, the concept of duality offered other definitions of Canada: "a country of minorities"; a "country of regions"; a "multi-cultural state"; a "multi-national state"; a "pluralistic society"; a "one-nation bilingual state."

Background

Language statistics

The claim that Canada has a "dualistic" character is based not only on history, law and demography but also on the fact that two main languages are spoken in the country.

In 1971, English was the "mother tongue" ("the language first learned and still understood" to quote Statistics Canada) of 60.1 per cent of Canadians (61.4 per cent in 1976) and was given by 67.0 per cent of them as "the language most often spoken in the home."

English is obviously in the stronger position, all the more so because it is also the language of Canada's neighbour, the United States, and the first language of business, science and technology in the world. Most public concern, therefore, focuses on French, which was the *only* language of 18.0 per cent of the Canadian population in 1971 and of 60.8 per cent (or 3.7 million persons), of the population of Quebec. In that province, 80.7 per cent (80.0 per cent in 1976) gave French as their mother tongue. The following table compares the relative use of English and French in Canada and Quebec:

**Statistics on official language * by
ethnic origin as a percentage
of the population in Canada and in Quebec, 1971**

Official language	English origin %	French origin %	Other ethnic groups %
Canada			
English only	42.0	2.3	22.8
French only	0.3	17.2	0.5
Both English and French	2.4	9.1	2.0
Neither English nor French	—	—	1.4
Quebec			
English only	6.1	0.5	3.9
French only	0.9	58.3	1.6
Both English and French	3.6	20.1	3.9
Neither English nor French	—	—	1.1

* Refers to the ability to carry on a conversation of some length on various topics in either of the official languages of Canada.

Source: 1971 census of Canada, catalogue 92-736, language by ethnic groups.

Recent language legislation at the federal level

In the last decade particularly, the central and provincial governments have adopted and implemented laws and regulations in an effort to provide services in French and English.

Section 2 of the federal Official Languages Act states that "English and French are the official languages of Canada, and possess and enjoy equal status and equal rights and privileges as to their use in all the institutions of the Parliament and Government of Canada."

The law does not say that all federal employees must be bilingual, nor does it require private



" I think they'd appreciate it if you and I, Rodney, were to just pop in to say bonjour "

citizens to become bilingual. Its objective is to allow citizens to deal with the central government in the official language of their choice, an aim which respects individual unilingualism.

"Institutional bilingualism," as it is called, requires that, as a question of principle in head offices, and elsewhere, if there is a "significant demand" for it, federal offices should have the capacity to serve its public in both official languages.

Most federal labelling legislation in Canada now reflects the central government's linguistic policy: as a general practice, imported and domestic consumer products should show mandatory label declarations in both English and French. The amount of bilingual labelling required is dependent upon the legislation in question. For example, non-food products governed by the Consumer Packaging and Labelling Act (1975) must identify product and net quantity in both official languages. However, food commodities subject to the labelling requirements of the Food and Drugs Act (1976) must show additional information, such as ingredient lists, in a bilingual manner.

Legislation, passed by Parliament in the summer of 1978, amended the Criminal Code in an effort to give every Canadian the right to a trial in French or English. Province-by-province proclamation will permit each participating government to take the necessary steps to give effect to that legislation. In areas where small and scattered minority official language groups live, central courts may be established. Interpreters will remain available for persons who speak neither official language.

... at the provincial level

The New Brunswick Official Languages Act (1969) has the same intent as the federal legislation. Generally speaking, it guarantees access to the courts, to the public school systems and to other provincial government services in the official language of the citizen's choice. Municipal councils may use either language, or both.

In Quebec, it has been the policy of all governments since the sixties to promote the use of French. The most recent language law is "Bill 101," the Charter of the French Language (1977), which makes French the official language of the province.

The sections of the charter which restricted the use of English in legislation and in the courts have since been held invalid by the courts. The law's most controversial section concerns education. It states that all newcomers to Quebec, immigrants or migrants, who plan to make the province their home, must send their children to French schools. It does not prohibit of course English-speaking Quebecers from sending their children to English schools.

Some other provinces have passed regulations dealing with the provision of French in public services, the establishment of French schools, and the teaching of French as a second language. These regulations, however, are of a voluntary rather than an obligatory character. They allow a provincial minister or local board to approve a service in French where there is a sufficient number of people who want the service.

Questions

Is duality accepted by Canadians as it is expressed in the federal Official Languages Act and various provincial laws and regulations? (This section deals only with "institutional bilingualism," that is, the availability of government services in both English and French. "Personal bilingualism" is covered in Part II, under "Education.")

“Unless we can succeed in ensuring that the right of each and every citizen to deal with his government, which is the Canadian government, in his own language becomes a fact rather than a matter of privilege, all the structural changes we may bring about will be of no avail.”

(in Quebec City)

“The Canadian people should demand a yes or no referendum on the Official Languages Act.”

(in Calgary)

“This Task Force (Pepin-Robarts) should have been set up at the turn of the century. It is too late now to expect anything that can be applied to come out of the recommendations of the Task Force. After all, the Official Languages Act, of 1969, has turned out to be an outright fiasco as far as the English-speaking population is concerned and in spite of the millions that the federal government invested in the project.”

(in Montreal)

“Bilingualism is the chief source of the disunity in Canada today.”

(in Moncton)

“We accept the duality of our country. However, we do not applaud the token bilingualism presently in existence. If the country, federally, is to be bilingual, then the right of French-speaking people to be heard, federally, in their native language should be just that — a right — not a privilege.”

(Canadian Federation of University Women, in St. John's)

“The Official Languages Act is a quasi-military manoeuvre to achieve Quebec supremacy.”

(from Calgary)

“...bilingualism is being stuck down our throats... I am not against bilingualism, but I feel it is complete foolishness that \$10,000 was spent to try to educate me in French, along with hundreds of other people in this metro area.”

(in Halifax)

“In due course, Mr. Trudeau and the French fact will take over completely without firing a shot.”

(in Charlottetown)

“... I am tired of being called a redneck because I am proud of my British heritage. And I grew up wanting to learn the French language. Unfortunately, the government's determination to implement the recommendations of the B&B Commission has killed my desire... and has actually made me feel at times that I am living in a conquered country.”

(from Calgary)

“Negative reactions against the Official Languages Act were caused mainly by the lack of good communication between the people and the government and a good educational program to explain exactly what bilingualism would mean to the person on the street.”

(from Brandon, Man.)

Opinions

There was fairly wide acceptance, at the Task Force hearings and in letters, of *the principle* that federal public services should be provided in both English and French. In the words of a Torontonian: "The Official Languages Act must be enforced. . . . People have the right to be heard in one of the official languages regardless of what part of the country they might be in." In the opinion of the Association canadienne-française de l'Alberta, this principle should apply at all three levels of government. "Whenever numbers warrant" was, however, a frequent qualification of that principle.

Ramming. . . down our throats

But most speakers were critical, often for diametrically opposed reasons, of the means employed to achieve that objective, and particularly those used to make the federal public service bilingual. Those means were described as "unfair," "expensive," "inefficient." The Ontario Federation of Labour argued that "coast to coast bilingualism is an expensive and ridiculous program." The Nova Scotia Teachers' Union said it wasn't working. Acting Premier Warner Jorgenson of Manitoba called it "abrasive" and "rigid." Like many others, all of these participants saw educational alternatives ("an effective and active form of personal bilingualism"), as a better course to be pursued than federal policies and programs aimed at achieving "institutional bilingualism." The best solution, they believed, lay in teaching both official languages to children from kindergarten onward.

English-speaking opponents of the Official Languages Act put forward many other arguments: institutional bilingualism is not mentioned in the BNA Act, which establishes it only in the legislatures and courts of Canada and Quebec; it is impossible to protect languages by laws; two languages cannot co-exist; other languages spoken in Canada have as much usefulness as English and French; minority languages should be spoken at home only; institutional bilingualism "discriminates" in favour of French Canadians because they *have* to know English to succeed, etc.

Other grievances were expressed as well. In time, an Albertan feared, "we will have a French Canadian bureaucracy running an essentially English-speaking country." To a Torontonian, "the many billions of dollars being spent on the French language must instead be spent on things we need." In Halifax, a civil servant said it was a "waste" to train him and many others in French. There were charges that unilingual officials were being "forced out of jobs or denied promotions to the advantage of bilingual French Canadians."

Indeed, a number of speakers believed that a combination of the Official Languages Act and "French power" in the cabinet was "ramming French down our throats." From Winnipeg came the accusation that Ottawa "absolutely refuses to admit" the merits of the western feeling that there were more important issues facing the country than having us "all speak" French. "Ottawa and Quebec have only one reaction – we are wrong, we are bats, selfish, mean, unloving, and must be bullied, lectured and frightened into changing."

To some participants, the problem was that the Official Languages Act had been ineptly explained by the government, and a few implied that much of the opposition to it was misdirected. An Ottawan felt the basis of opposition went deeper than that, to an "irrational hostility and even a fear" of French and those who speak it.

A price to pay

On the other hand, a number of English-speaking Canadians strongly supported the act. A letter from Ottawa said bilingualism had made "remarkable" progress in the public service. Wryly, the correspondent added: "No longer is it considered mildly perverse for a French Canadian ambassador to report to Ottawa in his own language, and it is even possible for him to do so in cypher telegrams." In Calgary, the Local Council of Women regretted that Canada failed to measure up to Switzerland: "it reflects poorly on us that we have difficulty in seeing the advantages of two languages and two cultures." From a Vancouverite: to make all Canadians feel

“There are criticisms that can be made of the federal government's language policies, but they have helped transform our vision of what Canada can become. They have changed the way things are done in the federal public service to a remarkable extent. . . . Looking back to the days when bilingual government cheques were seen as a constructive step for national unity, we have come a long way, bébé!”

(from Ottawa)

“ . . . I, as an English-speaking Quebecer who is now living here in Toronto, do not want to lose the French-speaking language. I shall try to preserve it because I realize, having come here, how I appreciate Quebec.”

(in Toronto)

“Canada is a second Switzerland. Speak the language of the majority of the province. . . we have to ask the minority in Quebec to help us to keep Canada united. . . accept Bill 101.”

(in Toronto)

“Now that I have learned to speak French and that I have made some real friends among the francophones, I have become increasingly aware of the fact that every French-speaking Canadian, without exception has, either consciously or unconsciously, suffered untold abuse on the linguistic level, not only in terms of more or less obvious wrongs but especially [in terms of] lack of understanding and condescension.”

(in Toronto)

“Unfortunately, I do not speak both languages. When I go to Toronto, for example — and I've had the opportunity to travel all over Canada — even though I pay federal taxes which are paying for the public services I receive, I still can't get service in my own language. That is a real disappointment to me.”

(in Quebec City)

“Quebec's Bill 101 is, at best, bureaucratic terrorism, at worst, rabid chauvinism. Its aim is to destroy a visible, vibrant and dynamic anglophone community.”

(in Montreal)

“There are guaranteed rights for French minorities and others all over Canada but nowhere do I hear of English minority rights.”

(from St. Lambert, Que.)

“Some find fault with Bill 101. If the francophones outside Quebec had half of what the anglophones of Quebec have, they would be happy.”

(in Montreal)

“Provincial governments don't seem to understand that they can't escape their responsibilities by casting blame on the federal government. In matters of public service and socio-cultural policy, the provinces have an ever greater role and their indifference to our interests can't go on.”

(The Association canadienne-française de l'Ontario, in Toronto)

at home in either language "can be one of our strongest bonds." Echoed a Winnipegger: "Let us develop a constitution that can preserve the French language, not only for Quebecers, but for Canada." In Toronto, someone suggested that tax incentives should be given to those who master a second official language. Someone else argued that "time is running out and no smokescreen should be put in the way" of recognizing French rights across Canada.

Other English-speaking Canadians saw the act as crucial to the survival of the French community: some regretted that linguistic equality had not been respected and saw institutional bilingualism as providing an example to the world; others deplored the fact that their own education had not allowed them to become or remain bilingual. In Moncton, a citizen said: "My precious birthright, the French language, is lost to me forever. It is a big price to pay for leaving Quebec, as my forbears did."

French-speaking Quebecers supported both the federal and the provincial language legislation, but had some objections to both. They claimed that the federal act could not deal adequately with the real cultural problems of Quebec. Many resented the fact that they still had to work in English. A professor in Montreal said that the Québécois could not leave the tools of their cultural survival to a Parliament dominated by a majority which used another language. Provincial legislation was needed, said another, because "we are being assimilated." If anything, said yet another, Bill 101 was too mild.

Some representatives of the English-speaking community in Quebec stated that relations had been improving for some time between French and English-speaking citizens in the province. However, Bill 101 was now inhibiting progress by restricting the use of English in education, provincial services and business. Many criticized Ottawa for not caring about English language rights in Quebec. They urged the central government to challenge the constitutionality of Bill 101 in the courts.

To these arguments, French-speaking Quebecers, and other francophones elsewhere, replied that English-speaking Quebecers were overreacting, that they still had far superior public school facilities and public and private services in English compared to what was available in French in the other provinces to French-speaking Canadians. If, said one, the latter had half the rights of the former "they would be happy." Some anglophones acknowledged the truth of their argument.

Francophones outside Quebec argued that institutional bilingualism, both federal and provincial, was being implemented too slowly. In reaction to the Ontario government's gradualist policy of introducing French into provincial services, most francophones and some anglophones from that province thought that something more forward-looking and dramatic had to be done. On his part, Premier Davis contended that "what Ontario has done and is doing" was a significant indication of "our commitment to providing fairly, adequately and realistically for minority language requirements."

Musts and mayas

Some franco-Ontarians wanted more: "We don't," said one, "want merely to be served in our language; we want to be able to live all aspects of our lives in it." According to the North Bay's Comité d'action, "all levels of government must offer services in both official languages." Toronto's Club Richelieu believed nothing less would stem assimilation. From Toronto, too, came a letter stating that franco-Ontarians are "totally ignored," and often told to "speak white." Unless, said another, the English accept "the challenge of two languages" he saw neither the necessity nor the possibility of Canadian survival.

Like the franco-Ontarians, francophone Manitobans wanted more than token minimum services, though they noted with satisfaction that section 23 of the Manitoba Act on French language rights, wiped out by a provincial statute in 1890, had been "reactivated" by a recent court decision declaring the provincial statute unconstitutional. "That 1890 act," a Montrealer said, "was what had started Canada towards a slow death."

In New Brunswick, the Acadian community deplored the inadequate wording of the provincial

“The French-Canadian communities must develop a strong social, cultural and economic base. In order to do this, they need the help of the provincial and federal governments. This means that both the federal and provincial levels of government must make sure that the Official Languages Act is applied in real terms and that a bilingual civil service meets the needs of the French-speaking communities of the country.”

(The Société des Acadiens de l'Île du Prince-Édouard, in Charlottetown)

“That the young francophones outside Quebec be educated in French should not be a matter of privilege, but a right.”

(Jeunes Acadiens en marche, in Halifax)

“Even if some constitutional amendments were made to protect language rights in education, it would have no effect on the French-speaking minorities as long as the attitudes of the provinces remain the same.”

(Fédération Acadienne de la Nouvelle-Ecosse, in Halifax)

“The best way to unite Canada is to let everyone speak English.”

(in Whitehorse)

“... Bill 22 and Bill 101 were inevitable, due to the fact that French-Canadian rights have been infringed upon outside of Quebec consistently. ... Anglophones have spared no efforts to try to assimilate the francophones of Canada.”

(in Regina)

“The French-speaking minorities of this country have been treated far more liberally than the English-speaking minority in Quebec by Bill 101.”

(from Rumsay, Alberta)

“They want only French in Quebec, a very good idea, and we want no French here. They don't want us, we don't want them.”

(from Vancouver)

“Without any real knowledge of the Quebec situation or of what the bilingualism program was about, I reacted by feeling threatened in my own country. I blustered, like others around me, and made statements without thought or any sound basis of fact. I became incensed with the thought of being put in the position of learning to speak French while living in a community where English only was spoken.”

(from Brandon)

“... We are prepared to see, across this country, the right of parents to have their children educated in the official language of their choice guaranteed in that section of our constitution concerning the provincial responsibility for education.”

(Premier Davis, in Toronto)

“... Every child in Canada should be taught English and French.”

(in Vancouver)

Official Languages Act. It was "full of mays" and, further, had taken years to be entirely proclaimed after it had become law. Acadians from other Atlantic provinces felt they had even more reason to object, since they had no official languages acts at all.

In the west, many English speakers saw French as irrelevant and judged federal services in that language to be a "costly imposition." "What we need," in the opinion of a Vancouverite, "is to persuade Quebecers that they should be grateful that they were given the privilege of [keeping] their language . . . in 1774." Many westerners agreed that the public service in Ottawa should be bilingual, but some worried that this would hamper the careers of westerners who work for the central government.

“It seems difficult for other ethnic groups to realize that having French as an extra language is an asset.”

(in Winnipeg)

“...within a 50 mile radius of Toronto... there are over 600,000 Canadians of Italian descent. What about their minority rights and their languages?”

(in Toronto)

“I can find nothing wrong with René Lévesque saying that in Quebec French is a fact and those who are not willing to accept it have the choice of leaving. Similarly, as a British Columbian, English is a fact and those who don't like it have a choice of leaving.”

(in Vancouver)

“Make Canada a truly bilingual country... A comprehensive teacher exchange program between Quebec and the rest of Canada is imperative.”

(in Regina)

“It may well be that I will have to move elsewhere, but where? In Ontario, I am called a frog or French pea soup and in Quebec, they think of me as the English lady from Ontario. Why can't I have the right to feel at home here in Ontario? Why should it always continue to be a privilege?”

(from Windsor, Ontario)

“...it would be more advantageous to accept defeat of the broadest concepts of the bilingualism policy... We are too big, our people too scattered... We should... substitute for it alternatives... have governments adopt or renew efforts to create a spirit of tolerance and understanding... assure increasing emphasis on the teaching of the second language in all provinces.”

(Nova Scotia Teachers Union, in Halifax)

“Long ago French Canada accepted a future under the British Crown because that Crown guaranteed its freedom to preserve its language. That guarantee must be renewed today, not by the Crown, but by English-speaking Canada.”

(in Charlottetown)

Proposals

One recommendation stood out: that the language rights of both French and English should be recognized. Some wanted them guaranteed by the constitution. The rights most people had in mind covered access to education, to broadcasting, to the courts, in both languages, sometimes unqualified, sometimes qualified by the yardstick "whenever numbers warrant." Bilingual health services were not far behind.

Institutional or personal?

Again and again, the Task Force was told that the key to a language policy lay in educating the young in both languages. "It is," said a letter from a French Canadian in Ontario, "among the young that we can create a Canadian pride," by making them bilingual. An English-speaking citizen in Toronto believed that "bilingualism is desirable but few families can get a bilingual education for their children." In Toronto, too, a college head thought that both levels of government "have neglected to provide the specific education" that would make bilingualism work.

Repeatedly, English speakers urged a larger federal role in language education (such as more financial aid to school language training and a program of "national education"), and in the protection of minorities.

Some urged the Council of provincial Ministers of Education to take on greater responsibility in coordinating and expanding education services and programs.

Many spokesmen for ethno-cultural groups endorsed the practice of institutional bilingualism, especially if it were coupled with a law implementing multiculturalism. Other languages should be taught too, they insisted, even, some said, as main languages of instruction in areas where non-English, non-French minorities live in sufficient numbers.

Quite a few English-speaking participants in Task Force hearings were not undispensed to making Quebec a French-only province, the rest of Canada English-only, if it would "keep peace." But none of these speakers came from Quebec. English-speaking Canadians from Quebec and elsewhere hoped Quebec's Bill 101 would be amended. The expression "freedom of choice" was often invoked.

It was suggested, fairly often, and not only by French Canadians, that other provinces follow the example of New Brunswick and pass official languages acts. The province most often mentioned in this context was Ontario. In the same spirit, a few speakers stressed the need to be "practical" and to concentrate on providing bilingual government services in the "bilingual belt," the area from Sudbury to Moncton. A letter from Moncton said the best solution to the problems in the public services was duplication: "Instead of a bilingual civil service, two unilingual, autonomous civil services, one based in Hull, the other in Ottawa."

All things are possible

Many speakers pointed out that private initiatives were needed. They called for travel, student and teacher exchange programs, for promotion of French in business, all designed to encourage Canadians to see bilingualism, personal and institutional, as an asset rather than a liability. "Within the framework of two official languages, all things are possible," said a Torontonian, "if the will is there to see the limitless range" of possibilities.

To many, however, nothing short of a drastic "change in attitude" could bring about a truly bilingual country. Of all the statements made to the Commissioners about language, this sentiment was probably voiced most frequently.

Background

Population

The statistics used by central government agencies indicate that there are currently some 289,000 status Indians, 22,000 Inuit and 750,000 Métis and non-status Indians in Canada. This represents about 5 per cent of the Canadian population.

Definitions

Since Confederation, politically and administratively, the Indians and the Inuit generally have been under federal jurisdiction, the Métis, generally under provincial jurisdiction.

Indians are defined as persons registered or entitled to be registered under the federal Indian Act. Early legislation placed in that category not only all persons of Indian blood reputed to belong to a particular "band," but all persons residing among such Indians whose mother or father was reputed to belong to that band. Also deemed to be Indian was a woman married to a man fitting into one of those two categories.

The 1876 Indian Act stipulated that any Indian who received a university degree or became a member of the clergy was automatically enfranchised, and therefore ceased to be a status Indian. It also stated that an Indian could become enfranchised with the consent of his band and a certificate from a "competent person" witnessing that he had demonstrated qualities sufficient to justify it!

A non-status Indian is a person of Indian ancestry who has become enfranchised, or is a descendant of an enfranchised person or who, while identifying himself as an Indian, is not entitled to be registered under the Indian Act. Many individuals become alternately status and non-status as they marry, or their parents marry, status or non-status Indians. The kinship pattern of the majority of non-status Indians includes status Indians.

In the terminology of the nineteenth century, a Métis was a person of mixed French-Indian ancestry, while the offspring of British and Indian parents were called half-breeds. Of late, the term "Métis" tends to be used to refer to any person of mixed ancestry who is not registered as an Indian under the act.

At the same time as Indian legislation was being consolidated, the central government made provision for the Métis and half-breeds. The Manitoba Act of 1870 authorized the setting aside of land for them in that province. The same was done later in Saskatchewan and Alberta.

The Métis and non-status Indians are usually considered together for administrative purposes, though the two terms are far from synonymous.

The Inuit are Canadians of native ancestry who speak the Inuktitut language. Given that contact with them was more limited, as they live in the far north, the Inuit did not sign treaties with Canada. However, negotiations are now taking place between the central government and the Inuit with a view to extinguishing aboriginal titles.

Policies

What is best for native communities in a predominantly white society has been a matter of controversy for many years. In general, the policy of all Canadian governments in the past has been to encourage their assimilation.

Recently, these policies have been undergoing reassessment in the light of the greater respect for individual and collective rights which now exists in Canada. Governments now tend to encourage native communities to preserve their cultures.

With the support of the central government, native organizations have been created. The most important are the National Indian Brotherhood, representing the status Indians; the Native Council



of Canada, representing the Métis and non-status Indians; and Tapirisat of Canada, representing the Inuit. These national associations have provincial and local chapters. In addition, there are numerous district organizations.

Questions

How do Canadians of native origin see their past, their present and their future? What do they think of the current unity debate? What are their views on Quebec? What political regime do they have in mind for themselves?

“The history of the Europeans in this country is a horrible story — it is a story of greed: it is a story of the quest for power. It is a story of exploitation; it is a story of germ warfare. It is a story of broken treaties from the Atlantic to the Pacific. It is a story of a backlog of over 300 years of broken promises.”

(Micmac Association of Cultural Studies, in Halifax)

“Our languages have no place in the parliaments or in the courts or in schools today. Our culture has become a tourist aid to add colour to parades and festivals . . .”

(The Wesley Band, in Calgary)

“Certainly the most important priority in most Indian communities is not national unity . . . The basic day-to-day issues are housing, high unemployment, which is as high as 90 per cent in many Indian communities . . . There is a sense of helplessness and hopelessness of a people who are on the bottom rung of decision-making powers.”

(Union of New Brunswick Indians, in Moncton)

“The Indians are in concentration camps! I know all about it, I've worked with Indians — pardon the expression, but they practically have to ask permission to go to the john.”

(in Montreal)

“We were guaranteed that these [treaty] promises would last ‘as long as the sun shines, the rivers flow and the grass grows’ . . . And today, the statistics with regard to poverty, housing, disease, education, unemployment, life-expectancy, violent deaths, incarceration, alcohol abuse, infant mortality and a number of other areas, all point to the inability or the unwillingness of the Canadian government to fulfill its part of the bargain.”

(Federation of Saskatchewan Indians, in Regina)

“We haven't even been recognized for what we as native peoples contributed, but only as savages running around with loincloths.”

(from Fort Simpson, NWT)

“We are the Métis, the half-breeds, and we are the Indians who are not recognized as such by the Indian Act of Canada. Our people are not beneficiaries of the provisions of the Indian Act — we do not have reserves, nor do we have a massive government department with a budget in the hundreds of millions of dollars to look after our interests.”

(Ontario Métis and Non-Status Indian Association, in Toronto)

“One of the greatest Canadian historical myths has been perpetuated during the current debate on national unity. I am speaking in particular of the myth suggesting that the French and English are the founding peoples of Canada. This statement is patently false. It is historically inaccurate and an insult to the Indian people of Canada.”

(National Indian Brotherhood, in Ottawa)

“Many of the people who immigrated to this country, within a generation or two discarded the language and cultural values of their homeland. The native people of Canada have no other homeland and have no desire to discard the values and cultures of their forefathers.”

(Métis Association of Alberta, in Edmonton)

Opinions

"Prejudice," "stereotyping," "bigotry," "tokenism" and "band-aid remedies" are deep-rooted problems caused by the "colonizers" — these are the rewards Canada's native peoples received for welcoming the "immigrants" from Europe in a spirit of "accommodation" and "brotherhood," spokesmen for native peoples' organizations told the Task Force.

Cultural "destruction" began, said the Indian Homemakers Association of British Columbia, as "thinly guised missionary zeal" to elevate the "primitive societies" to a "civilized state." With "slickly worded treaties" that the natives did not fully understand, "skilled federal real estate agents" purchased "half a continent" for a "handful of rights and guarantees."

Here first

"It is a known fact that we were here long before 1492," said a man in Yellowknife. "Why," he asked, "does Canadian history start with the arrival of the first Europeans?" Calling the English and French the "two founding peoples" is a "gross insult" to native peoples, who were here long before the Europeans and who showed willingness to share this land with the newcomers.

"Share it, but don't give it away forever," many said. Several Indian representatives pointed out that treaties gave Europeans the right to establish settlements, but did not hand over ownership of the land. "It is similar to renting a house," stated the Wesley Band in Calgary, "the tenant cannot take it away."

Today's reality is a case of the landlord without power; government legislation has fragmented native peoples and has been the cause of massive "acculturation" and "cultural genocide." "Experience has shown us one thing," noted the Native Canadians Centre in Toronto: Canadian society "was and still is 'hypocritical.'" "We are called militants when we fight for our rights, and pagans when we worship at our own churches," as another group put it. According to the Native Council of Canada, the "fundamental issue at stake" is the "unwillingness, inability or incapability" of the central government "to deal with the aboriginal rights issue." Many representatives stressed that they were not seeking "handouts" but a "fair return" for their "legitimate rights and entitlements" which is "long overdue."

Many native speakers painted vivid pictures of their condition at the "bottom" of Canadian society: the highest unemployment rate of any group in the country; poor housing, alcohol abuse, lack of self respect and the psychological stranglehold of despair not easily broken from generation to generation.

The largest percentage of the Indian Affairs budget does not go to Indian communities, charged the Union of New Brunswick Indians. It said that the budget primarily supports a "glorified welfare system" for "white civil servants" who are determining "in isolation" what is good for the Indians. Some groups accused the central government bureaucracy of "undermining" the social structures of native peoples. Enfranchisement has been consistently encouraged, many observed, which greatly contributes to the process of assimilation.

Forgotten people

"Of all the groups in Canada," the Métis and non-status Indians have "clearly suffered the most" from an "inflexible federalism," said representatives from these groups. They complained that the Indian Act defines an Indian as "someone having an Indian father"; thus, "the federal government recognizes the status of these Indians, while all other native peoples appear to be ignored." "We are suffering all forms of 'persecution': racial, economic, cultural, linguistic — you name it and our people have fallen prey to it. . . . It is the Canadian shame," said the Ontario Métis and Non-Status Indian Association.

Métis representatives recalled for the Task Force that they negotiated their entry into Confederation through the Riel government and the Manitoba Act. They believed they have strong evidence that land set aside for them at the time was largely given to others, or was grabbed by

“Members of the Commission, ladies and gentlemen, my brothers and everybody else, welcome to Canada. I say this not so much to be facetious . . . but rather to reflect what our ancestors said when your ancestors came to the shores of North America.”

(Chief Grand Council, in Toronto)

“My country is one where two conquerers, without so much as a by-your-leave to the original inhabitants, call themselves the two founding peoples!”

(in Ottawa)

“The day when the English and the French can pretend that they alone are the founding nations is past. There can be no justice and there can be no true unity in Canada until this fact is recognized and until our rights are guaranteed along with those of the other two so-called ‘founding races.’”

(Association of Métis and Non-Status Indians, Saskatchewan, in Regina)

“This Task Force says it will work closely with the Canadian people. How much closer can you work with Canadians than with the original landlords of Canada?”

(Micmac Association of Cultural Studies, in Halifax)

“It’s crucial that the land claims process be recognized as the key step when considering constitutional development in the Yukon itself and in Canada as a whole. The land claims [process] is, in one of its aspects, a massive exercise in consciousness-raising.”

(in Whitehorse)

“The fundamental issue at stake for the Métis Nation, and [the reason for] our inclusion in the unity debate is the unwillingness, inability or incapability of the federal government to deal with the aboriginal rights issue. Unless this critical situation is resolved, we cannot objectively deal with two ‘founding’ cultures while rejecting the first citizens of this country.”

(Native Council of Canada, in Ottawa)

“I can’t see any provincial status being accorded to the Yukon Territory without first resolving the land claims, because there are certain difficulties under provincial jurisdiction and the Territorial Government is not cooperating very well with the Indians. I feel if the land claims could be settled first and a man’s right given to him, then he could take part in active government.”

(in the Yukon)

“We once shared Canada with you. Sometimes we wonder whether we might not have been a little too liberal with our immigration policies, because we now find ourselves on the outside, knocking on the door.”

(Ontario Métis and Non-Status Indian Association, in Toronto)

“Through a negotiated settlement of our outstanding claims, we are determined to become full-fledged citizens with the degree of political self-determination necessary to take responsibility once again for running our own affairs.”

(The Inuit Tapirsat of Canada, in Ottawa)

immigrants who came west. In the 1880s, they said, they were playing a leadership role as intermediaries between white people and Indians. Now, they see themselves as the "forgotten people."

“If the country is not prepared to recognize that aboriginal rights exist, that the Canadian native peoples have had, and continue to have, aboriginal rights, then we are going to increase dissension, ill will, and possibly even [cause] revolution within the country.”

(The New Brunswick Association of Métis and Non-Status Indians, in Moncton)

“We ask that there be no negotiations for a new constitution unless our leaders are involved in the negotiations. We want our national rights enshrined in such a new constitution. We are tired of being an unrecognized, manipulated, despised, poverty-stricken people in our own land. . . . The agony of our people cries out for justice now.”

(Association of Métis and Non-Status Indians of Saskatchewan, in Regina)

“On re-writing the constitution: in Canada's history there should have been provinces for the native and Métis peoples, but the opportunity was missed. We are given a second chance to try again.”

(in Winnipeg)

“The social, economic and political values of the native peoples, both status and non-status, must be legislated and integrated into the future status of the Yukon, whether it be provincial or remain as a territory for some time to come.”

(in Whitehorse)

“The rights of the Indians and the Inuit should be entrenched in the constitution. We took their land from them. (Who did they take it away from?) They're probably immigrants themselves, they've just been here longer. . . . In fact, broadly speaking, we are all immigrants.”

(from Quebec City)

“Indian people all across Canada are intent upon establishing and exercising their rights as Canada's first citizens We have very much in common with French Canadians who also have a special status guaranteed by law, and then subsequently are ignored.”

(Yukon Native Brotherhood, in Whitehorse)

“Let's give serious thought to a new northern province, especially for the Indians and the Eskimos. It's only right and it's important.”

(in Toronto)

“If Canadian society cannot recognize the legislated rights of its own native peoples, then it should not talk about national unity, about two founding nations.”

(Native Canadian Centre of Toronto; in Toronto)

“We suggest to you that separation in Canada is not exclusively a matter with Quebec. For years, dating back to 1969, the year of the White Paper, the American Indian Movement has been advocating and designing programs for Indian spirituality – spirituality to *separate* Indians from corruption, spirituality to ensure that Indians are able to live out their lives with integrity, honesty, and dignity.”

(The American Indian Movement, Southern Alberta chapter, in Calgary)

Proposals

Equal partnership

Indians, Métis and Inuit who appeared before the Task Force often made impassioned pleas for unity based on brotherly concern for each other and a reverence for the land. "This land is sacred to native people," said one of them, "not to hoard greedily for ourselves, but to share, to replenish for future generations so that all might benefit from it."

Diverse as the groups were, four main points came through all the presentations of native peoples: (1) that they are entitled to "compensation" for the "historic disregard" of their treaty rights and for the numerous "hardships" that have been inflicted upon them; (2) that they should be asked to contribute to the national decision-making process and to the daily conduct of the nation's business — left out of the discussions that eventually led to Confederation, they should not be "over-looked" again; (3) that they should be included in the constitution as "equal partners" with the French and the English; (4) that their fellow citizens should recognize their desire for "self-determination," and their right to live according to their own beliefs and traditions.

The right of "self-determination," "self-development" or "special status" was invoked by most groups. The distinctiveness of native values can be respected only if they are allowed their own political institutions, "a degree of self-government," "true participation." Without that, "we will be destined to remain on the periphery of Canadian society," said the National Indian Brotherhood. "Land and money are elements of our land claims, but by no means the only ones," stated the Council for Yukon Indians. The essence of land claims, the Council said, is the achievement of social and cultural goals.

"We have very much in common with French Canadians who also had a special status guaranteed by law and then subsequently ignored," stated the Yukon Native Brotherhood. Other native groups expressed their "agreement" with francophone Quebecers who wish to "re-negotiate" their place in Confederation.

Native groups who appeared before the Task Force, however, all stressed that they wanted to live in a united Canada. Secession, theirs or Quebec's, would only hurt them, they said. "Whatever constitutional alterations are made, my people insist that their relationship with the Government of Canada remain unchanged," stated the Wesley Band in Calgary. "We are opposed to the division of Canada by Quebec," added Les Hurons de Lorette.

There was general agreement among other Canadians appearing before the Task Force that "something special" should be done for native peoples to accommodate their land claims, to give them the opportunity to develop some form of self-government. "In Saskatchewan, we are very aware that any restructuring of Confederation must take account of our native peoples and of their special interest," declared Premier Blakeney of Saskatchewan. The Committee for a New Constitution wanted Canada to commit itself to "a process of negotiation with native peoples which is fair and mutually agreeable."

To speak for their special needs and priorities at the national level, some native groups asked for "ethnic franchise," that is, a number of seats in the House of Commons and the Senate reserved for native representatives.

Explain how this happened

"We are told that we are Canadian citizens," commented the Inuit Tapirisat of Canada. "But nobody has been able to explain how this happened." "We have never signed treaties or been conquered; we have never, in war or otherwise, surrendered our rights." An Inuit group asked for "recognition" of their right to survive as a "unique group within the Canadian mosaic." Other groups, such as one from Quebec, argued that northern development must not proceed at their "expense." A "fair share" of development benefits "must accrue" to northern peoples and their institutions, they stressed.

“Indians are not, and will never be, bland, middle class, miscellaneous Canadians. At present, then, we have a federal policy that has produced little integration and virtually no equality. Indians continue to co-exist with the Euro-Canadian immigrants as a separate people.”

(National Indian Brotherhood, in Ottawa)

“We have resisted assimilation. We continue to resist assimilation. And we will *always* resist assimilation. However, when we refer to Indian governments, we are not renouncing Canada or Confederation. We are *not* separatists. We are simply underlining the fact that we *are* distinct from the mass of Canadian society — legally, politically, racially, culturally and linguistically.”

(Federation of Saskatchewan Indians, in Regina)

“In the English language we do not even know what to call ourselves . . . but in our own language we know that we are the Anicinabe, the Inuit, the Dene, the Ininew; all meaning 'human beings' or 'people of the land.' No one will take that away from us.”

(Native Canadian Centre of Toronto, in Toronto)

Some Inuit asked for the creation of a new territory north of the tree line in which they would be the main residents and where they could establish their own regional and local governments, more responsive to their needs. They also wished to participate in regulatory bodies that govern coastal and off-shore resources, as well as the setting of quotas for marine mammals. To date, they said, the central government has "virtually excluded" them and in many instances "failed" to consult them.

Act now

Indian representatives to the Task Force voiced their concern that their requests for greater socio-cultural self-determination have gone largely unheeded. The only solution, some said, is sovereignty over their lands and political structures. The Indians of the territories, for example, oppose provincial status until their land claims have been settled. They see, in the creation of their own government in this area, a chance to deal on an equal basis with other Canadians. The Federation of Saskatchewan Indians proposed, rather, the addition of another form of government to the existing levels: Indian government. It too would be divided into local, regional and national jurisdictions. Indian government would include: the right to prepare budgets and submit them directly to Parliament for approval, financial and technical assistance in developing a viable economic base on the reserves, and the authority to levy taxes on reserve-based industry. They expressed confidence that, given access to financial resources, they would be able to look after their own needs and preserve their culture in dignity.

An Indian women's group called for "justice and recognition" of their legitimate rights, notwithstanding marriage to non-status Indians or non-Indians. "It seems inconceivable that [we lose our] birthright and our heritage at the moment that we enter into a sacred union with another child of God," lamented a brief from the Mohawk Indian Women of Caughnawaga [Quebec]. It urged that the government "act now" to pass legislation with "retroactive" effect.

Welcome back

The Métis — "we are not just another ethnic group" — insisted that their rights be protected by the constitution and that compensation be given them for the lands they either never got or lost immediately after their being granted. The government "must openly and willingly welcome us back into Confederation with full partnership, not as nuisances or appendages to the dominant group," commented the Ontario Métis and Non-status Indian Association.



4. The French communities outside Quebec

Background

Acadia

French settlement in the territory known today as the maritime provinces began in 1604, four years before the founding of Quebec. Subsequently, for more than a century, Acadia, as it was then called, was a pawn in the great power struggles between France and England. It changed hands nine times before the Treaty of Utrecht established definite English control over it in 1713. The Acadians, however, refused to take the oath of allegiance to the British Crown. Eventually, in 1755, they were deported, some 6,000 of them being scattered to various parts of the world. Many returned when allowed to do so a decade later, but this time they settled far from the then existing English communities.

The reconstruction of Acadia has been slow. In fact, one could say that it is still going on today. Only in New Brunswick do the Acadians constitute a full-fledged society.

The west

From La Vérendrye, well known for his explorations (1731-43) to Father Maillard, who founded a parish in British Columbia in 1909, francophones have contributed to the development of the west. "Voyageurs" like those who accompanied Mackenzie and Fraser stayed in the land they had explored. Missionaries were able recruiters of French-speaking parishioners from the east.

For the francophone westerners and for the Métis, linguistic rights were incorporated in the acts that created Manitoba (1870) and the Northwest Territories (1875). These rights were discarded later, however, when the number of francophones began to decrease in proportion to the rest of the population.

Population statistics

In 1976 about 900,000, or 15.3 per cent, of the 5.9 million Canadians who gave French as their mother tongue lived outside Quebec. The largest concentration was in New Brunswick, where 224,000 individuals of French mother tongue made up 33.8 per cent of the population. The largest number, 484,000, lived in Ontario, where, however, they accounted for only 5.6 per cent of the population.

The following table provides a guide to what is happening to the French language minorities across Canada.

Percentage distribution of French language minorities by province, 1971

Province	French origin, 1971	French as mother tongue, 1971 (1976) Per Cent	French as language most often spoken at home, 1971
Newfoundland	3.0	0.7 (0.5)	0.4
Prince Edward Island	13.7	6.6 (5.5)	3.9
Nova Scotia	10.2	5.0 (4.4)	3.4
New Brunswick	37.0	34.0 (33.0)	31.4
Ontario	9.6	6.3 (5.6)	4.6
Manitoba	8.8	6.1 (5.4)	4.0
Saskatchewan	6.1	3.4 (2.9)	1.7
Alberta	5.8	2.9 (2.4)	1.4
British Columbia	4.4	1.7 (1.6)	0.5
Yukon	6.7	2.4 (2.4)	0.7
Northwest Territories	6.5	3.3 (2.6)	1.7
Canada	28.7	26.9 (25.6)	25.7

Source: 1971 census of Canada, catalogue 92-736, language by ethnic groups
1976 census of Canada, catalogue 92-822, specified mother tongues



These figures demonstrate the high degree of assimilation taking place. The phenomenon is said to have many causes: the decline of the old social structures, urbanization, lower birth rates, inter-marriage, the language of the workplace, inadequate public services in French and the lack of interest on the part of some francophones in their own heritage.

Public policies

Steps have been taken in the last ten years, since the report of the Royal Commission on Bilingualism and Biculturalism, to help the francophone minorities continue as distinct communities. Besides the Official Languages acts of Canada and of New Brunswick, some provinces have amended their school acts to authorize the use of French as a language of instruction where numbers warrant. As well, a number of provinces, Ontario and New Brunswick in particular, are making progress in the direction of providing court services in French.

Questions

What do francophone minorities think is needed to ensure their survival and progress? Is the trend to assimilation irreversible? What is the English-speaking majority willing to do? How do "francophone minorities" react to the possibility of secession by Quebec? How do they assess the support they get from the provincial and central governments? What action do they recommend?

“There are times when we have the uncomfortable feeling of being used as puppets.”

(La Société franco-canadienne de Calgary, in Calgary)

“How dare you, at this time, ask for our opinions? Have we not suffered enough from the sadism of Confederation without being coerced into telling our woes now that we have become a vanishing species?”

(in Vancouver)

“Though our ancestors were here first we have been treated too often like strangers in our own country.”

(in Halifax)

“Then came a deliberate and concerted effort on the part of English Canada to assimilate the French-speaking communities outside Quebec; it was probably saying to itself that Quebec’s turn would eventually come.”

(L’Association canadienne-française de l’Ontario, in Toronto)

“As long as the anglophones do not have a change of attitude or of heart; as long as they continue to feel superior; as long as they expect us to become like them in every way before they will become our friends — we will continue to be strangers in our own country and we will keep on with our struggle as best we can. And we will be unhappy.”

(Société Saint-Pierre, in Halifax)

“One hundred and eleven years of conflict waged under the blanket of a Confederation that hardly includes and very often neglects the regions where there are French-speaking minorities . . . 111 years of intestinal quarreling and of constipated negotiations between the provincial and federal governments.”

(La Fédération des étudiants de l’Université de l’Acadie, in Moncton)

“Our basic message is as simple as it is tragic: the 900,000 francophones outside Quebec, scattered throughout the nine English-speaking provinces, are on the way to extinction. Lord Durham was right: as the weight of history and the influence of indifferent and sometimes hostile governments have made themselves felt, we have become the victims of . . . assimilation, conceived of by . . . the conquering nation. If we want to take our place as full-fledged citizens, we have to face up to the fact that our chances are getting smaller as history advances.”

(La Fédération des francophones hors Québec, in Ottawa)

“That we have survived to this day, is not only the result of our determination; it is also due to the fact that five out of six French Canadians are living within one province, Quebec.”

(L’Association canadienne-française de l’Ontario, in Toronto)

“Unless a radical change occurs before the Quebec referendum, we should not be surprised if the franco-Ontarians encourage Quebecers to vote for independence. If the Quebecers are the only ones to have a chance to survive, let them take it. Our own situation cannot get worse.”

(L’Association canadienne-française de l’Ontario, in Toronto)

Opinions

Francophone minority leaders from coast to coast stated, almost unanimously, their frustrations, concern, impatience and fears of assimilation. All voiced their determination to struggle, whatever the odds, for the conservation of values that they consider essential, not only to the fulfillment of their own aspirations, but beneficial to the country as a whole.

They addressed themselves to those factors which they believe threaten the survival of the minority communities as "distinct groups" in Canada. Several expressed concern about the possible consequences of the secession of Quebec on the future of francophone minorities in English Canada. Most were harshly critical of the insensitive, and even hostile, attitudes of the anglophone majority. Some questioned the "will" of some of their fellow francophones to fight for survival. Most criticized the "linguistic and cultural policies" of the central and provincial governments. Many pointed to the existing "economic and social realities" in which the minorities live as the "greatest threat" to their survival.

The real test of Canada

Minority francophones tended to present themselves as "different" from francophone Quebecers, though they related to them and were dependent on "the cultural and linguistic links which [tie them] to the francophone Quebec majority." Some participants spoke of Quebec as "the motor," "the driving force" which had made their own survival as minorities possible. The quiet revolution, explained a francophone group from Ontario, "started a process of revaluation of the franco-Ontarian identity!"

Many feared that they would "suffer" from a secession of Quebec from Canada, just as they are "benefiting" now from Quebec's assertiveness. "What would happen to us if Quebec secedes?" asked La Société franco-canadienne of Calgary. It conjectured that government support would probably end and that they would be assimilated by the "anglophone tide" or be reduced to token status.

Reflecting the fears and apprehensions of most Acadians, a group from Cape Breton explained that they oppose separatism because "we feel more secure with Quebec in a united and strong Canada than [being] at the mercy of the [people] of the maritime provinces." Another association hoped, however, that the election of the Parti Québécois would force anglophone Canadians "to face the reality of our anguish" and to realize that "our survival is a crucial element of Canadian unity," the "real test" of Canada.

Natural development

The strongest condemnation and demonstration of anger was directed at the local English-speaking communities for their lack of understanding, sensitivity or generosity. "Honest . . . judgement," argued a franco-Manitoban, "forces the conviction [on one] that the heavier share of responsibility has lain with English Canadians . . . they have been greedy and intolerant." A citizen in Montreal insisted that "the anglos should cry, 'mea culpa'; they are responsible for the present crisis." Some speakers observed that English Canadians have an "apparent lack of respect," an "irrational hostility towards and even a fear" of the French language.

The francophone minorities expressed resentment that they were not treated as a segment of one of the "founding peoples." We are considered, lamented a citizen of Moncton, "as one of the minorities." "The French Canadian is taken for granted, here and elsewhere," added a citizen in Toronto, "or worse yet, he is totally ignored." We are, one said, "the eternal minority, neglected." The refusal to grant them "the status which is due by right," concluded a group from Saskatchewan, "will lead to the disappearance of francophones in all but one of the Canadian provinces," and promote in our country the American "melting pot" philosophy.

Most anglophones who spoke on the subject seemed to doubt the capacity of the French minority groups to survive, with the possible exception of the Acadians of New Brunswick. Here and there, at hearings in all parts of Canada, English-speaking participants said, or implied, that they saw

"I call myself a franco-Ontarian and I am a francophone outside Quebec. Do you know what this means? It means that I no longer have a country. Because I see myself apart from Quebec, I do not have a country."

(in Toronto)

"Everything has been said Our society is infested with intolerance, bad faith and injustice, but these are rarely recognized and we are never cured of them."

(La Société des franco-Manitobains, in Winnipeg)

"I am a franco-Colombian. I feel disappointed, discouraged, disillusioned, forgotten, neglected, ignored, fed up, tired, misunderstood, confused and deprived of rights — of fundamental rights, of the right to be respected as a French Canadian in this country."

(La Fédération jeunesse colombienne, in Vancouver)

"Whereas privileges are now completely taken for granted by the fat-cat majorities, the daily struggle for their very survival is the lot of the have-not minority groups."

(La Fédération des francophones hors Québec, in Ottawa)

"Assimilation is a natural aspect of life, and to take steps to prevent assimilation is undemocratic."

(from Toronto)

"A French Quebec and an English-only rest of Canada — they want French-only in Quebec, a very good idea, and we want no French here. They don't want us, we don't want them."

(from Vancouver)

"In the final result the fault lies not with the government of the day but with the people. I speak with some experience in saying that there is a deep resentment on the part of a sizeable portion of our population towards the French language and culture and, indeed, the people for whom French is the native tongue."

(in Winnipeg)

"We cannot [help] but feel some frustration at being treated as if we were just another minority group, like all the other ethnic groups that came to Canada. And yet history tells quite a different story. For this country we have given of ourselves, of our ideas, of our love, of our blood and tears."

(from Ville de Laurentides, Quebec)

"When we came to Edmonton during the war, we had a small suite with an elderly couple who were unilingually French. We learned to play cards in their language. Strangely enough, their great-grandson is unable to attend class in one of our French language schools because his mother does not use French in the home — such a pity!"

(in Edmonton)

"I live in Halifax, I'm a citizen of Canada, and the kind of Canada that will suit me best is one where French-speaking people are comfortable, in all the proper and significant and reasonable meanings of that word."

(in Halifax)

assimilation as a "natural development," and consequently, that the French minorities should not be treated differently from any other local ethnic minority group. Reflecting this point, a citizen from Toronto declared: "The French are a minority and must be considered as such. There are too few of them . . . to warrant and justify the expense of billions of dollars." Other speakers contended, as did one resident of Ontario, that Canada cannot have "first, second and third class citizens and expect to have 'a united Canada.'" A few felt that the French-speaking minorities in English Canada have been treated "far more liberally" than the English-speaking minority in Quebec today. A Torontonians thought that "to take steps to prevent assimilation is undemocratic."

Some francophone speakers occasionally complained that their own fellow francophones were not sufficiently dedicated to the cause of French-Canadian survival and progress. French Canadians, "in too great a number, unfortunately," regretted a citizen of Ottawa, "have given up, have assimilated, most of them voluntarily. They don't speak French anymore to their own children." An Acadian from New Brunswick declared that: "people without faith. . . who don't know how to speak their own language. . . who are divided, are seldom respected."

The Task Force heard little about French communities outside Quebec at its two Quebec meetings, except as historical examples of English Canada's unwillingness to accept duality. A few speakers had views on their present condition such as: "all minorities are due for assimilation"; the francophone minorities outside of Quebec are maintained "by artificial respiration"; Their survival presents "an abominable confusion which annoys everybody."

Cultural malnutrition

Much of the criticism of the minority francophones was directed at the education policies of the provincial governments. Many of their leaders maintained that the "bilingual" school systems had led to an increase in the assimilation rate of young francophones. In their view, the schools were "one of the national cemeteries of our language and culture." "Education in French," argued others, is a "privilege" granted to francophones by the government. An Alberta group concluded that the present school system of "privileges" does not function effectively, since many francophones find "the expense" involved in assuring their children access to a French language education "too costly in terms of time, money and human dignity."

From coast to coast the Task Force was inundated with similar grievances, often expressed in dramatic fashion. In Winnipeg, representatives of the francophone minority wheeled in an impressive number of studies and reports and placed them before the Commissioners, saying, "It has all been said." In British Columbia, a minute's silence was observed to mark the fate of minority francophone communities generally, and when the Task Force met in Ottawa, a symbolic funeral procession was staged by franco-Ontarians. In Saskatchewan and Alberta, the francophones pointed out that they possess no guarantee of French language education or of the use of French in the provision of government services. Franco-Manitobans told the Commissioners that, although Manitoba was declared constitutionally bilingual in legislation and judicial matters by the Manitoba Act of 1870, the provincial government refused formally to acknowledge the status of the French language. The "vast majority" of Manitobans, confessed a Winnipegger, are "simply unsympathetic" to the call for reassertion of linguistic rights in Manitoba. They regard French language rights as "a nuisance and an annoyance, and an expensive one at that." Some franco-Ontarians labelled their provincial government's efforts to achieve "equality" in government services as "dismal," be it in the fields "of health, of justice or any other." The same views were expressed in the Atlantic provinces. A Yukoner put it in one sentence: "We suffer here from cultural malnutrition."

The activities of the central government, acting through the Official Languages Act and the Department of the Secretary of State, were often characterized as timid, insufficient and misdirected. The federal policy of bilingualism, argued some, exists "only in theory." Others chastised the central government for its delays in implementing French language educational and cultural activities, for "negotiating reluctantly with the francophones," and for adopting "solutions which are politically expedient." The minority francophones, concluded some, had gone from a "clandestine existence" to a state of "fragile dependence upon the federal government whose programs fail to meet the comprehensive needs of the francophone community."

“The vast majority of Manitobans are simply unsympathetic to the call for the reassertion of linguistic rights in Manitoba. They regard French-language rights as a nuisance and an annoyance, and an expensive one at that. The issue is whether non French-speaking Canadians outside Quebec will recognize in sufficient time that they must alter their present attitude, that Quebec's willingness to remain in Confederation depends on the respect we are prepared to accord to French-speaking Canadians who live in or visit English-speaking areas.”

(in Winnipeg)

“It is unacceptable that in our own province we cannot die in French, be sick in French, have police services in French, phone in French, eat out in French, in the six main cities of the province and elsewhere.”

(La Fédération des Dames d'Acadie du Nouveau-Brunswick, in Moncton)

“We have too often dreamed the impossible dream, as we hoped petitions for the Acadian community would be taken seriously by the so-called responsible authorities. Alas — we must realize that the whole thing is a farce and a nightmare. In this so-called bilingual Canada and in their so-called bilingual New Brunswick, where all French-speaking and English-speaking people are seen as equal, some are more equal than others.”

(in Moncton)

“The bilingual theory did not work well for us. We are being assimilated at an alarming rate. Bilingualism has served the purposes of assimilation and we can no longer accept this in 1978.”

(From Cap Pelé, New Brunswick)

“In abolishing this right, [the right to education in the French language] the anglophone provinces deliberately carried out what amounts to cultural genocide of the French fact in Canada. The result is that out of one million so-called francophones outside Quebec, half of them are now unable to speak French. It seems that one aspect of the history of Canada has been based on fighting and destroying one common enemy — the French element.”

(in Regina)

“Each and every day, franco-Ontarians are being refused the services they need in French. Whether these involve health, justice or other services, they are not available in French. Still, franco-Ontarians are full-fledged citizens and they play a part in the economic and industrial development of Ontario. In Quebec, the anglophones' rights have always been recognized. Even with Bill 101, the right to education in their mother tongue is safeguarded and all the basic services are provided in their own language. Quebec has always respected its minority. But what about the francophones outside Quebec? Why did they have to struggle and why are they still struggling for their rights?”

(in Toronto)

“And if that is not clear enough, may we remind the members of the federal government that franco-Ontarians cannot, under the present circumstances, afford to lose the least scrap of what they are entitled to.”

(Le Comité de coordination de l'Union des parents et des contribuables de Carleton, in Toronto)

“Very few residents of Saskatchewan have experienced francophone culture first hand. The French fact in Saskatchewan continues to be a matter of bilingual labels and a small community of francophones, smaller by far than the communities of German or Ukrainian speakers.”

(Premier Blakeney, in Regina)

Disappearing from the map

Many francophone minority leaders claimed that their survival was threatened, not only by the failure of government policies, but by the "existing economic and social realities." "There are too many [sectors] we don't own — our economy, our political levers, our peatbags in the northeast . . . we only own a monopoly on unemployment and social welfare," said a citizen from Caraquet.

Others talked about the wide-spread disappearance of family farms, the decline of coastal fishing caused by the increasing presence of foreign ships, and the significant emigration of francophones to large anglophone centres. For one Acadian, the economic situation is "a comedy and a nightmare," which forces the Acadians "to export themselves in order to live." He talked about "the spectre of a second deportation," a "hemorrhage," "a bleeding of Acadia." Said a group in Saskatchewan: "Our villages are disappearing from the map. . . and by the year 2000 we will be as rare as the buffalo or the whooping crane. . . species subject to the most energetic and touching attention on the part of authorities who take all the measures needed to prevent their extinction."

Conversely, some participants at the hearings contended that in spite of many constraints, francophones, particularly in recent years, have made "progress toward the recognition of their language and culture" through the provision of French television and radio, increased school rights and the formation of various cultural associations. It was at times admitted that there had been an "increased awareness," however tentative, among the English-speaking majority of the needs of the French Canadians. Reflecting on the progress, New Brunswick's Premier Hatfield commented "that it has not been easy or automatic, it has been resisted by some . . . Still others want to deny the reality which makes that progress essential. But the vast majority of New Brunswickers in both language groups believe in the necessity of that effort."

Wherever numbers warrant

Across Canada, the Task Force was told by provincial representatives, sometimes in private meetings, that steps were being taken to provide more adequate public service in French "wherever numbers warrant." Some of them stated, sometimes publicly, that schooling in French was now generally available to most francophones who wished to avail themselves of it. Premier Davis of Ontario believed that what Ontario "has done and is doing, is a significant indicator of our commitment to provide fairly, adequately and realistically for minority language requirements." Premier Hatfield, in defending the language policies of his government, maintained that the Official Languages Act of New Brunswick "enshrines" the "linguistic rights" of the Acadian minority "by guaranteeing access to the courts, to the elementary and secondary school system and to the provincial government" in the official language of the citizen's choice. Some provincial premiers pointed out that it was for the provinces to respond to the needs of their minorities, as they saw appropriate.

Many of the supporters of multiculturalism remarked that the recognition of linguistic duality was not only in the interest of the French minority communities; it coincided with and provided support to "each ethnic group [wishing] to assert its needs and its special interests in the national unity debate." Consequently, any new constitutional arrangement should recognize, as one citizen of Toronto suggested, that Canada is a "multicultural society composed of two major language groups." If two languages and cultures are accepted, some ethnic community representatives reasoned, others will come to be seen as assets.

A distinct identity

Many Acadians of New Brunswick spoke in moving terms of their pride in their past and of their determination to make progress in the future. They presented themselves as a community endowed with "a distinct political, social and cultural identity," possessing a growing network of institutions: primary and secondary schools, a university, parishes, municipal councils, associations and business enterprises of all kinds. Some said they had the right and the power to govern their own affairs in their regions, "an inalienable right" argued one group "to define and

“The Bilingualism and Biculturalism Commission and the government implemented an irregular form of bilingualism within the public service, which I maintain was the first factor, or at least one of the first, to spread the seeds of disunity among all Canadians. This implementation caused not only disharmony among the public servants, but among Canadians generally.”

(Leonard Jones, MP, in Moncton)

“Bilingualism is the chief source of the disunity in Canada today and as long as the Official Languages Act continues as law we will have continued division.”

(from St. John)

“Since 1950 there has been a constant emigration of Acadians to anglophone areas in the rest of Canada. Acadia is having a hemorrhage that must be stopped before it bleeds to death.”

(from Cap Pelé, New Brunswick)

“We have organized our own parishes, our convents, our French-language schools and our socially, religiously and culturally-oriented French-Canadian movements. Nonetheless, there is a scarcity of French-speaking professionals and businessmen and French social services do not exist. To earn a living, we learned English.”

(Comité d'action francophone, North Bay, in Toronto)

“As for me, I want to travel across Canada and I want to feel at home. Also, I want the other provinces to realize that French-language schools are needed all over the country, to help the minorities who need to protect their culture.”

(in Quebec City)

“If I want to work, I am obliged to get out of Caraquet If I want to succeed, I must assimilate.”

(in Moncton)

“Progress has not been easy or automatic. It is resisted by some. Many others find its pace too rapid or agonizingly slow. Still others want to deny the reality which makes that progress essential. But the vast majority of New Brunswickers, in both language groups, believe in the necessity of that effort and we have enshrined our commitment in our own Official Languages Act which was passed unanimously by the New Brunswick Legislature in 1969 and became fully operative on July 1 of this year. That act guarantees access to the courts, to the elementary and secondary school systems and to the provincial government in the official language of choice and, since the passage of Bill 22 in Quebec, it makes New Brunswick the only officially bilingual province in Canada.”

(Premier Hatfield of New Brunswick, in Moncton)

“When the underdogs feel that the effort shown in restoring full understanding and respect between the linguistic communities stems from the heart, and not from political expedience, the climate to full communication and cooperation might then be established.”

(from Toronto)

carry out our cultural, social and political objectives within the New Brunswick community. The English population must awaken to that reality."

Most Acadians in New Brunswick and elsewhere opposed maritime union, a move which, they argued, would further weaken their political power — already limited — in the face of the larger anglophone community.

There was little doubt, however, judging from the Moncton hearings, that some of the Acadian youth of New Brunswick were fascinated by Quebec politics, and were adopting much of the philosophy and style of Quebec nationalist movements. In contrast, some other Acadians in New Brunswick and in the Atlantic provinces made a point of declaring their faith in a renewed Canada.

“We demand of our provincial government that it recognize French as an official language of instruction in our province, with the same status as English, and that it, along with the federal authorities, take all necessary measures to have this right respected.”

(L'Association culturelle franco-canadienne de la Saskatchewan, in Regina)

“Canadian Parents for French feels that from the modest beginnings of language learning in noon-hour and after-school programs must come a policy on second-language learning that will effectively prepare our children to communicate comfortably with French-speaking Canadians and to work and learn successfully in an increasingly bilingual Canada.”

(Canadian Parents for French, from Toronto)

“The only bilingual province the New Brunswick Acadians can consider to be acceptable will be one in which they are guaranteed equal rights with the anglophone community in all those areas which are essential to the Acadian way of life. . . . Such legislation must not only deal with government services but must also provide for all the means to further the development of both human and material resources of the Acadian community.”

(La Société des Acadiens du Nouveau-Brunswick, in Moncton)

“To us, however, this recognition of the French fact is not a threat to our aspirations. To the contrary, it is the recognition of this duality that forces us all to accept [the fact] that unity does not and cannot come from uniformity. It is the acceptance of this concept which gives each province, each region and each ethnic group the right to assert its needs and its special interests in the national unity debate.”

(Winnipeg Jewish Community Council, in Winnipeg)

“In spite of their past vicissitudes and their present difficulties, Acadians have been and still are a people with a political, social and distinct cultural identity.”

(La Société des Acadiens du Nouveau-Brunswick, in Moncton)

“Quebecers are known as a founding people and so are the anglophones, but the Acadians, it should be remembered, were the first in North America and at one time they owned three provinces.”

(From Bas Caraquet, New Brunswick)

“Even though Acadians are on edge, nevertheless, they have kept their heads cool and their minds clear and vigilant.”

(in Moncton)

“If ever a people has shown guts, it is the Acadians, but it is difficult to hold up one's head when your only hope is to survive as an Acadian.”

(in Moncton)

“They have given themselves a flag, a national anthem and consider themselves to be a full-fledged people.”

(in Moncton)

Proposals

Skeptical after two centuries of indifference or hostility on the part of the English-speaking majority, the francophone minorities everywhere requested legal guarantees of their existence as communities. "Time is running out," warned a francophone from Toronto, "and no smokescreen should [obstruct] the right of French Canadians to be recognized across Canada . . ." "We need the massive intervention of governments," added a franco-Ontarian group, "so as to feel wanted and protected." The Task Force heard repeatedly of the need also for English-speaking Canadians to demonstrate a higher level of understanding and support for the "fragile" francophone minorities in their midst.

Bill 101 included

The entrenchment of language rights in a new Canadian constitution and the establishment of French as an official language in the areas of education and public administration and in the courts, at both the federal and provincial levels, were considered to be of fundamental importance by francophone minority representatives everywhere. Reflecting the position of most, a group from Calgary requested that "anywhere in Canada where important [numbers of] French or English groups of persons live, they should be able to discuss their problems at any level of government in their own maternal language."

In the matter of government services, this meant that more attention should be given and more public funds should be allocated to the "provision" of social services in French. It entailed that increased French services, at the provincial level, in schools, cultural centres, courts and hospitals "should be available as a matter of course." "It is intolerable," said the Federation des Dames D'Acadie du Nouveau-Brunswick, "that we should not be allowed to be sick. . .to telephone. . .to eat. . .and to die in French in the six principal towns of this province." The idea was frequently expressed that the French minorities in English-speaking provinces should receive the same treatment as the English-speaking minority in Quebec, "Bill 101 included." The francophones said that this law, in matters of education, would suit them perfectly.

In the field of education, many participants, both anglophone and francophone, supported the right of the official language minorities "to have schools established in which the language of instruction, administration, and communication" would be French "as prescribed by the democratic way of life," as an English-speaking Ontarian wrote. Several participants spoke of the need to protect the "parents' natural right to educate their children not only in the language of their choice, but also in the religion of their choice."

A federal role in the protection of French minority rights

Although education was legitimately seen to be a matter of provincial jurisdiction, there was more than the occasional demand for some federal responsibility in this field. Typical was the comment of a francophone group from Toronto: "The Canadian constitution could stand [some rethinking] in order to give the federal government the power of intervening in relation to minority rights." Another group insisted that "federal and/or provincial assistance be provided for the teaching and use of the other language." "Only the central government, reacting to pressures from both major communities, can guarantee the rights of minorities, if it really wants to," contended one francophone group from Ontario. Another association recommended that a linguistic dimension be added to the religious dimension in Section 93 in the BNA Act which would permit federal control over the educational destiny of minorities. "Provincial safeguards for minority rights," added another, "mean nothing." Others maintained, however, as did a professor from Calgary, that the major responsibility for protecting the rights of minorities should be left in the hands of the provincial governments.

The right to prosper

Some francophone groups requested that the constitution include a clear, unequivocal guarantee "that Canada's minority groups" have "the right to expand and prosper." To accomplish this, the constitution should recognize that "Canada's minorities must be given financial assistance in their

“All we want is to preserve our beloved culture, to keep the little we have. Our culture does not come from France or anywhere else. It is suited to our country as we developed it and as we have it here.”

(in Moncton)

“We are not interested in an Acadia that would exist only in the hearts and minds of the people. What we want is for Acadia to be something real, something we can love, something we can grasp, something that belongs to us.”

(Le Parti Acadien, in Moncton)

cultural and artistic activities." We must have the means, argued one group, to "awaken" the interest of the francophones in their culture, and to "develop a leadership that will promote French provincially . . . [to prepare] school trustees, administrators, economists, financiers and political leaders." Others insisted that the constitution should guarantee francophones "access to the French culture in its multiple aspects and essential manifestations." The expansion of local broadcasting facilities in the French language was most often mentioned in this regard.

In many instances, in the west and in Acadia, many francophone minority leaders suggested the "creation of francophone economic regions" to curtail the rural exodus of francophones toward other regions of Canada and the cities of the maritimes. Some urged that the economic policies of the provincial governments and the practices of the private industrial sectors "should encourage the development of each francophone within his or her region." Other groups proposed the establishment of local technical and professional schools and "teams of community development agents" that would work to help create employment and stimulate the local economy.

We should think about it

The Parti Acadien maintained that the solution to many Acadian problems depended on the creation of an autonomous province of Acadia in New Brunswick. "We should think about it," said a man from Cap Pelé. Some Acadians believed that they had the "potential" to do it, and that only with "their own territory and its political management" would they be in a position to "protect" themselves adequately. Others doubted that they did have such potential, though many called for an "acceptable" degree of "economic, social, political and cultural" autonomy.

5. The English-speaking community in Quebec

Background

In 1976, the 800,000 Canadians in Quebec who claimed English as their mother tongue constituted 12.8 per cent (13.1 per cent in 1971) of the population of the province. Some 21.7 per cent of the population of Metropolitan Montreal and significant groups in the eastern townships and in the Ottawa valley were English-speaking.

Because of their long and close identification with the economic life of the province, English-speaking Quebecers have traditionally enjoyed an influence greater than their numbers might lead one to expect. They have developed a complete network of social and economic institutions, particularly in Montreal, which has made it possible for most of them to live their lives exclusively in the English language. This situation was sometimes reinforced by the often-repeated view that French-speaking Canadians were not very interested in business. Many who were, or became interested, were often obliged to work mainly in English to be successful.

Because of the prominence of the English language in Canada and throughout North America, most non-English, non-French immigrants in Metropolitan Montreal chose to integrate or assimilate into the English-speaking community. In 1975, for instance, approximately 90 per cent of immigrant children were enrolled in English schools, the Task Force was informed. In this way, immigration compensated for the relative decline of the "British ethnic" population in Quebec and permitted the maintenance of the English social and economic infrastructure.

The following table contrasts the fate of the French language outside Quebec, which was spoken by less than half the people who claimed French origin, and of the English language in Quebec, which was spoken by 39 per cent more than those who claimed British origin:

French and English minorities in Canada, 1971

Cultural characteristics	French outside Quebec	English in Quebec
	number	
Ethnic origin	1,420,760	640,040
Mother tongue 1976	926,305 (897,960)	788,835 (800,680)
Language most often spoken at home	675,925	887,875

Sources: 1971 census of Canada, catalogue 92-736, language by ethnic groups
1976 census of Canada, catalogue 92-822, specified mother tongues

Changing situation

In recent years, the growing assertiveness of the French-speaking majority in Quebec has led the



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English-speaking community to question its assumptions and, generally speaking, to adjust its institutional framework to new circumstances. This process has accelerated further since the election of the Parti Québécois in November 1976 and the passage of Bill 101, which calls on immigrants and English-speaking Canadian migrants to attend French schools and promotes a greater use of French in business. In 1977, for example, 27.5 per cent of children whose mother tongue was other than English or French were enrolled in French schools, the Task Force was informed.

Questions

How does the English community in Quebec react to these changes? How does it see the past and the future? What do French Quebecers and English Canadians outside Quebec have to say on this subject?

“A people who have contributed to the educational, public health and welfare system and agriculture of a nation — to say nothing of the investment and contribution that has been made by the anglophone Quebecer to the industrial development of Quebec and Canada — do not quickly or lightly walk away from their homes, their land and their people. We see ourselves as Québécois as much as any of our francophone compatriots and we do not believe for one minute that we cannot participate together with all Québécois in building a better Quebec and a better Canada.”

(in Montreal)

“This part of Quebec's non-francophone population has changed considerably in recent years. One need only look to the numerous French-language immersion programs in English schools to witness the widespread acceptance within this community that French is to be the primary language of work in the province and the common language of all Québécois. The members of Participation Quebec and the majority of non-francophones — although opposed to certain extremely restrictive aspects of Bill 101 — regard this linguistic reality as logical and reasonable. But it is not the necessity of functioning in French that has alarmed the majority of non-francophones. It is the prospect that Quebec — no matter what its political future — may abandon its long-standing effort to create an increasingly open, tolerant and pluralistic society.”

(Participation Quebec, in Montreal)

“We have learned enough from each other to know how many steps we each have to take in order to reach a common goal. We have also known the rewards of bilingualism when we have achieved it for ourselves or our children. We have seen the benefits of an open society ... we have collaborated together in the professions; we have enjoyed newspapers, radio, television, theatre and the exchange of ideas in two languages.”

(in Montreal)

“We can testify before the rest of this country that to strive to ensure that people can work in their own language is well worth the effort, and to provide a measure of bilingualism wherever possible is to open the minds and hearts of people and give them psychological benefits that are not enjoyed in a unilingual state.”

(in Montreal)

“... Bill 101 discriminates against the non-francophone population of Quebec. The present situation in Quebec is intolerable.”

(in Montreal)

“We are in full support of the primary aims of the French Language Charter of Quebec. ... What we object to are the means adopted. ... Our parents want their children to learn both languages. They feel that these laws have not enhanced the status of the French language. On the contrary, they find the legislation demeaning and most of them are seeking ways to circumvent it.”

(The Protestant School Board of Greater Montreal, in Montreal)

“There's a lot of us anglophone workers in Quebec. I'm not a rich man, we're not rich, we're not the exploiters. But first, we're ignored by the federal government and second, the province of Quebec not only ignores us, but looks down on us as well.”

(in Montreal)

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Opinions

The English-speaking community in Quebec speaks

Among English-speaking Quebecers, there appeared to be, above all, at the Task Force hearings, a desire to understand the new Quebec and to be accepted by French Quebecers.

Of folkloric memory

Some participants declared themselves to be "true Quebecers." "We resent absolutely any implication that the Quebec people consist of the [French] ethnic majority alone," said one of them in Montreal. "Anglophones have lived, worked and contributed to the general welfare of this society We will continue to do so." Others regretted the near isolation, "the two solitudes," which had divided English and French. Not only were they sympathetic to the desire of French-speaking Quebecers to occupy a larger place in the economic life of the province, but this was already being demonstrated. Some spoke of the "rewards of bilingualism." "Despite our failures," said a representative of Participation Quebec, "we have succeeded in working together in many phases of Quebec life."

Some spoke of the difficulties of adapting to "minority status." To be "rather abruptly confronted with the overwhelming fact of our minority status," said one person from the eastern townships, was "potentially frightening." Others deplored not being "accepted," even "detested" by the French Quebecers, especially by those nationalists who see them as the 'maudits Anglais' of folkloric memory."

Counterproductive

The focus of the greatest discontent was Bill 101, its spirit, its tone and part of its content. The clauses restricting freedom of access to English schools for immigrants and Canadians from other provinces were widely condemned as attaching too much importance to the idea of ethnicity. "We submit," said the Protestant School Board of Greater Montreal, "that limitation of individual or group rights endangers the freedoms of all the members of this society." "It is hard," said a professor, "to comprehend that members of a language group that has experienced the hardships of inequality would pass legislation that removes existing rights and hence opportunities." It will, he suggested, "be counterproductive from the viewpoint of francophones' interests."

To some participants, the bill's original definition of a Quebecer as a French-speaking person (later amended) was especially ominous. A few saw the government's policies as anticipating the disappearance of the English community in Quebec. Said one English-speaking Montrealer, "Bill 101 is an attempt by the government of Quebec to destroy the anglophone community of Quebec." To a spokesman for the English-speaking Provincial Association of Catholic Teachers, the outcome was bound to be at least a "drastic reduction of the English-speaking community." "Nowhere," said a letter from St. Lambert, "do I hear of English minority rights."

Vulnerable

There appeared to be a strong feeling among English-speaking Quebecers that most French Quebecers have a distorted view of them. It was pointed out, with statistics, that most English-speaking Quebecers were not business tycoons, that some lived at the poverty level and that, in rural areas in particular, some felt "isolated" and "vulnerable." The Eastern Townships Citizens Association observed that the dominance of French in government, in the farmers' union and elsewhere, meant that English-speaking citizens could not contribute to Quebec as much as they would wish. From others came a catalogue of the contributions English Quebecers have made to the province.

Some speakers emphasized that the English community had as many different attitudes and views as any other. The English media "anti-Quebec campaign" was not necessarily representative of the English as a whole, said one citizen. There were English-speaking workers in

“We reject absolutely any implication that the Quebec people consist of the ethnic majority alone. Anglophones have lived, worked and contributed to the general welfare of this society. We are doing so now and we will continue to do so.”

(in Montreal)

“... for far to many English-speaking Canadians outside Quebec, we apparently do not exist. No political party finds it expedient to speak for us, let alone to us, and we are beginning to develop a deep neurosis, a feeling that perhaps we exist only as a figment of the imagination of the Société Saint Jean-Baptiste.”

(in Montreal)

“The anglophone minority in Quebec had better assimilate with the francophone majority or get out.”

(in Montréal)

“Believe me, we're just as hot-blooded, we have the same feelings as our ancestors. Mind you, I'm not saying we have more personality, or more fun than the English, but you have to admit that we really like to kick up a row.”

(in Montreal)

“For myself, I'd like the anglophones to understand that it's not just a question of language — I would hate people to think it's only a question of language. It's really an economic question and more like a situation where the exploited are facing up to the exploiters.”

(in Quebec City)

“The first job I had was with the *Quebec Chronicle*, the first English newspaper in North America. Now, I had to speak English there, if you please. There was an English guy who worked with me, called Thefford, who wanted to learn French. Well, after two years, I had learned English but he hadn't learned any French.”

(in Montreal)

“French Canadians were always refused the opportunity to participate in the leadership of the various big Canadian companies. I remember that once, when a federal MP, Gilles Grégoire, asked Mr. Gordon of the CNR why there were no French Canadians on the administration board, Mr. Gordon answered that none were qualified. Six months afterwards, a French Canadian was vice-president of the CNR. It always has been that way and you wonder, why?”

(in Montreal)

“The English sons and daughters were going to McGill University and getting a good education in business, law, medicine, etc., while the poor French Canadian in the University of Montreal was being taught the classics which equipped him with very little business knowledge. It's natural for the French Canadian to be resentful of this, but it's only in recent times that Quebec has escaped the clutches of the Church and its dominance in education.”

(in Vancouver)

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Quebec who "thought progressively," who did not share the antipathies of the anglophone bosses and of the media. He spoke in French to stress his point. Yet, he said, not only were people holding his viewpoint ignored, they were often resented.

Some participants deplored the lack of strong spokesmen for English-speaking Quebecers, particularly in the central and provincial governments and the insignificant anglophone presence in the Quebec public service "where they are now less than one half of one per cent of the total," according to the Quebec Federation of Home and School Associations.

Privileged

To some French-speaking participants, Bill 101 was crucial, a "necessity." It was vital, said one, to stem a "catastrophic" situation that involved their own assimilation. Its chief weakness, said another, was that it didn't go far enough. Others believed that the principle of choice of language should be restored. Some thought the English minority would have to be assimilated, "like all minorities," sooner or later. Looking ahead to a possible Quebec independence, one speaker said that Ottawa should be prepared to help those English Quebecers who feel they must leave.

There was a lot said about the "arrogance" and the "insensitivity" of the Quebec English minority. Their unwillingness to speak French had forced francophones to "bear the whole cost of bilingualism." The English minority was seen as "privileged," and this was especially true when it was compared to French minorities elsewhere. If French Quebecers had come to feel a certain superiority, said one speaker, it was only in compensation for the past, a past which another participant called one of "exploitation."

Information submitted to the Task Force indicated that the promotion of French Canadians to upper management positions and to boards in Quebec business was taking place but still at a very slow pace. Of the 104 largest corporations in the province, noted several French-speaking businessmen, only thirteen were run by francophones. In the remaining ninety-one firms, only 9 per cent of the top jobs were held by francophones.

Will not produce better people

Outside Quebec, the majority of participants appeared to see the English minority in that province as an integral part of the Quebec society, as a group that has played a key role in its economic development and that of Canada. In the opinion of a Torontonians, a broad view would recognize that not all English Quebecers spoke English only, not all of Quebec's problems stemmed from oppression, nor were all Quebecers separatists.

A Winnipegger argued that "there could be little doubt" that the English Quebecers have been treated, until perhaps recently, "in a fashion that should have been edifying, not only to the rest of Canada, but to the world. Schools and government served citizens equally in the language of their choice." To a Vancouverite, the "manifest destiny of the French fact in Quebec" was to be unilingual. The Alliance for the Preservation of English in Canada said, in Halifax, that "the federal government's acceptance of [Bill 101] was an acquiescence to the obvious and inevitable."

From Regina came a letter regretting that "nationalism has been stirred up in Quebec, especially using language as a means of . . . creating an atmosphere of mistrust and anger." In the same city, a spokesman for the Royal Canadian Legion said, "one's ethnic and cultural background cannot be legislated" and to try to do so, said another participant, "will not produce better people, more jobs or better standards of living, nor will it guarantee the preservation of any particular culture. It will, however, tend to destroy the cultural and human rights of those who are legislated against and who are in a minority situation." Others condemned Bill 101, saying that attempts to exclude English from Quebec will hamper its economy, provoke exodus and isolate Quebec. But, in general, Quebec's English minority was seen as being in a strong position to look after itself.

Some expressed sympathy for the French Quebecers. In Whitehorse, a speaker said that "in many ways I think Yukoners can sense some of the isolation that Quebecers feel We most assuredly are all isolated up here although not in any particular linguistic sense." In St. John's, the

“It's my idea that Quebec separatism is powerfully motivated by a combination of the highest unemployment in the country and a bunch of spoiled, rotten anglophones in residence who have been telling people to 'speak white.'”

(in Vancouver)

“... the English elite in Quebec have had the best of both worlds, and maybe things would be different if they were treated the same as the French minorities in Manitoba Small wonder French Quebecers are referred to in the same manner as the blacks of South Africa.”

(from Winnipeg)

“It is unquestionable that a significant proportion of the English minority in Quebec has not yet learned to speak French. It is an insult being perpetrated through ignorance or through prejudice.”

(in Vancouver)

“The history of our land has been one of oppression, exploitation and degradation. Québécois have never been equal partners in Canada; indeed, the story of their condition is well known — high unemployment, low wages, living under the thumb of the English-speaking Westmount Rhodesians.”

(in Vancouver)

“... the English Fact in Montreal shall become as invisible as the French Fact in Toronto. The latter is a necessary condition for the realization of the nationalistic yearnings nurtured by the Québécois for two hundred years.”

(from Vancouver)

“The action of the Parti Québécois in legislating Bill 101 was recognized as being legitimate, due to the fact that Quebec culture is threatened. The law was a result of the natural evolution of the French-speaking people of Quebec and was basically sound.”

(from Victoria)

“It doesn't pay anybody to panic and leave the province of Quebec and yet this is what a lot of English people have done. English people who leave Quebec are doing very serious harm to national unity.”

(in Toronto)

“The knowledge that we are about to be hanged has concentrated our minds wonderfully.”

(in Montreal)

“If you want to change the situation, the best place to start is with yourself. As anglophone residents of Quebec, we feel that it is vital that we take responsibility for the wrongs of the past. . . . We are stubborn now in admitting that as a minority we are no longer calling the shots.”

(in Montreal)

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local branch of the Canadian Federation of University Women declared that Newfoundlanders sympathize with Quebec's desire to maintain its culture because they feel the same sort of frustration and despair. They only wished they had as much muscle as the Québécois "to get their views across." In Calgary, a citizen regretted that French Canadians "are denied the full opportunity of enjoying the economy of their area by unfortunate circumstances." But he didn't see this as "the fault of western Canadians. In fact, many Quebecers' complaints are echoed in our part of the country."

“As Quebecers we have every wish to see a prosperous and vital society develop here, a society, moreover, in which every citizen can continue to feel that he belongs no less than any other citizen. We accept it as appropriate that French should be the primary language. We recognize that French is the language of the majority, and that French should be the common language of Quebec society. We agree that it should be possible for French-speaking Quebecers to live all aspects of life to the full in French. English-speaking Quebecers are under a very definite obligation to speak French if they wish to share in the life of Quebec with its French-speaking majority. Our commitment to the above statement remains firm.”

(in Montreal)

“I hope that we can grow new skins and maintain a strong, viable English-speaking minority community in Quebec, within a united Canada which provides the same opportunity for minority French-speaking communities in other provinces of Canada.”

(from Montreal)

“I’m an anglophone, English is my mother tongue. I settled down in Quebec a few years ago and I learned French. It’s funny but I know anglophones who were born and raised here who can’t say “bonjour” and “bonsoir.” And that’s when I really became aware of the kind of oppression felt by the French-speaking majority of Quebecers – and this applies to their work environment, the schools, everywhere! English is really the minority language in terms of population – but it has such a privileged position. It’s quite something to see that contradiction, and that’s why I’m in sympathy with the cause of Quebec independence!”

(in Montreal)

“There are Montreal anglophones who are prepared to make major linguistic and cultural accommodations. An indication of this is that they have opted to make their living in French when they could have continued to work in English.”

(in Montreal)

“Anything the commission can do to facilitate biculturalization of the Montreal English would contribute to relations between Quebec and the rest of the country. We must ensure that we transform the English community from being part of the problem of this country to being part of the solution in a restructured association.”

(in Montreal)

“There should be no thought of reaching equality by reducing the established rights of the English-speaking peoples of Quebec, but rather of elevating the rights of the French-speaking communities throughout Canada.”

(in Montreal)

“The official language minorities simply must be assured of priority status at some level. The alternative is tyranny by the majority, the perversion of democracy.”

(The Eastern Townships Citizens' Association, in Montreal)

Proposals**Begin to participate**

The prevailing mood at the Task Force hearings was that English-speaking Quebecers should stay in Quebec, stand for their right to continue as a distinct community, and make a much greater effort to communicate with the majority. The Task Force heard from a number of associations dedicated to these objectives. "It is not enough to learn the language," emphasized one speaker. "Montreal anglophones must begin to participate in the educational, cultural, economic and social institutions of both linguistic communities." Only in this way will Montreal anglophones approach "bicultural status" and in so doing "break out of their self-imposed solitude in Quebec."

Perhaps, said one person, we anglophones of Quebec can help build "the necessary bridges" that would make greater understanding possible. This would require stronger leadership for Quebec's English community, especially in the central and provincial governments. It would require also a greater anglophone presence in the Quebec public service.

Some anglophone minority leaders contended that the English-speaking minority of the province would have to live in Quebec from now on "in much the same way as francophones have lived and worked throughout the rest of Canada for 100 years." A few expressed the belief that a "fuller integration" into the French community was required of them, and that only by working largely in French could one hope to live a full life in Quebec.

French rights, English rights

English-speaking Quebecers, like their francophone counterparts in other provinces, placed considerable emphasis on the need for a new Canadian constitution which would guarantee the linguistic and cultural rights of both official language minorities. These would be individual rights. Reflecting the views of most anglophone participants, one group argued that "in a free society, the individual's rights must take precedence over the rights of the collectivity." It was therefore recommended that the "right of parents to choose the most suitable education for their child in the official language of their choice be 'enshrined' in the constitution." Furthermore, many groups contended that all government services, at all levels, must be available in both official languages.

Some speakers were upset by what they saw as a double standard in a federal government which does not appear to demonstrate the same dedication to "English rights" in Quebec as it does to "French rights" in other parts of Canada. A few speakers specifically asked for financial support from the central government in legal action taken against some clauses of Bill 101.

A few anglophone participants thought that the central government should accept "direct responsibility" for "the cultural well-being of official language minority groups" throughout Canada. It is the only level of government, argued a citizen of Lennoxville, "with the necessary perspective, resources and breadth of concern" to assume such responsibilities.

Promote bilingualism in education

Quebec anglophone groups emphasized the need for federal financial support in implementing nation-wide cultural and educational policies and in promoting better understanding among Canadians of diverse cultural origins. Several urged the central government to "provide funds" for both first and second language programs "so that neither is learned at the expense of the other." This, it was argued, would ensure that all Canadian students had a better opportunity to learn both official languages. Others recommended that a national Ministry of Education be established which would "oversee" the teaching of second languages. A great diversity of ideas was submitted for central government action, ranging from exchange programs for teachers and students to a uniform version of Canadian history to be made a "compulsory subject" in all schools.

The central government was urged to reconsider its guidelines for allocation of monies to the provinces for language training "so that the real language needs of all of its citizens, including

“If there is one area where I think the federal government could get involved in education, it is to help English-speaking people in Quebec to learn French. The provincial authorities in Quebec will not help them — they do not want to help them — learn French. All they want to do, it appears, is to get them out of there.”

(in Edmonton)

“We recommend the use of various methods of communication to include films, telephone conference calls, and other audio-visual exchanges between all segments of the population, enabling all Canadians of varying ages, interests and pursuits to see *and speak* to each other. Since we realize that communication is a most important link, it must remain a federal responsibility.”

(in Montreal)

“In many areas of this province where the anglophone is relatively poor and often unilingual, he finds himself in a vulnerable position. He has no representation in the government of the province. He has no representation in the civil service of the province. He sees himself as immobile and he sees himself as isolated and cut-off. Whatever solution is arrived at, these people must not be sacrificed on the altar of compromise and expediency.”

(in Montreal)

“If Canada is restructured so as to provide all necessary guarantees to preserve and ensure the development of the French language and culture, will the anglophones of Quebec leave?”

(The Positive Action Committee, in Montreal)

“Ten or fifteen years from now, when the anglophone graduates of French schools and immersion courses are entering the labour force, and when the political seas in Quebec are calmer, the English who are integrating into the French community may be a different breed. Today, however, they are the English community's 'marginal men.' This rather special group is showing the English mainstream the way to future harmonious relations between the groups.”

(in Montreal)

“If the province of Quebec becomes independent in the future, one supposes that the people living there will have the choice of becoming Quebecers and thus losing their Canadian citizenship, or remaining Canadian citizens. Those who opt for the latter will have to emigrate to other provinces. That will be the first result of independence. Most of the people who go will have to leave their homes and their furniture behind and will lose their jobs. That will be the second result. To alleviate this, what does the federal government intend to do in order to compensate these people, morally and physically in terms of housing, employment, money. It is hard to accept the fact that helpless people will be expected to deal with such an intolerable situation.”

(from Quebec City)

5. The English-speaking community in Quebec

immigrants, to learn both French and English and to retain their mother tongue can be met." Some participants suggested that a "new constitutional arrangement" be implemented to ensure that the funds distributed by the central government to the provinces "to promote bilingualism in education be used as intended." There is a "grave risk of 'backlash'," the Task Force was told, if such federal money is "absorbed" into the general revenues or used to "subsidize" general administration.

There appeared to be a strong feeling, particularly among rural Quebec anglophones, that constitutional safeguards be provided which would guarantee English-speaking Quebecers the right "to have equal opportunity for employment." Said one citizen, "We are especially concerned about the young and recent graduates. There is a growing tendency towards racial discrimination in employment opportunities." Some called for the "greater equality of access for the non-French population in the Quebec public service and in public life generally."

Anglophone exodus

A special plea was made by several participants that the central government support English communities living outside Montreal, some of which were said to lead a precarious existence. Participants from the eastern townships recommended that the Secretary of State establish a permanent office to "monitor" the problems of the official language minorities. One participant asked for "some type of long-term assistance to the English language media of rural Quebec." Others recommended that the DREE programs and civil service decentralization be "restricted" to rural areas, which are afflicted with high unemployment, in order to help stop the "anglophone exodus" to the urban centres.

Short of separation

Nearly all of English-speaking Quebecers contended a "reconstructed Canada" would offer the "best guarantee" for their rights. Unless conditions are made "intolerable," argued one group, the Quebec anglophone "will remain and accept any reasonable policy, short of separation." However, in the event of Quebec's secession, some speakers asserted that "any part of Quebec can separate." Said one group: "The main principle of self-determination, as claimed by the proponents of sovereignty, could be invoked" by regions of Quebec. A participant called for the creation of a bilingual and multicultural province of West Quebec, incorporating portions of the eastern townships, the Gaspé and west Montreal. "The nationalists would have their wish," he added. "Their Quebec would be homogeneous and unilingual and French."

Suggestions from French-speaking participants on the future status of the anglophone minority in Quebec ranged all the way from the status quo to full assimilation.

Background

History, demography and diversity

Since Confederation, immigrants have come to Canada from all over the world, not only accelerating the growth of the population and the wealth of the country, but also increasing its cultural diversity. They have settled at will, here and there across the land, often forming distinctive groups and communities.

The census of 1871 shows the Canadian society as being composed of French, Irish, English, Scottish and German elements, in order of numerical strength. Other categories mentioned are Danish, Welsh, Swiss, Italian, Spanish and Portuguese.

Over the years, there has been great variety in the countries of origin and the settlement patterns of "new" Canadians. Chinese immigrated in significant numbers in the nineteenth century, some staying on the west coast, some moving eastward with the railway route. In the quarter-century preceding World War I, more than three million people arrived from northern, central and eastern Europe, settling mostly on the prairies. The next big wave came in the decade following World War II, bringing immigrants from central and western Europe and in greater numbers from the Mediterranean region. More recently, the Caribbean has been an important source of immigrants. Since 1945, most immigrants have gone to the major urban areas.

As a consequence of immigration, the non-British, non-French inhabitants, who constituted only one out of twelve Canadians in 1871, now number one out of four. According to the 1971 census, they totaled 5.5 million or 25 percent of the population. But their proportions differ greatly on a provincial basis, for example, one out of three in British Columbia, three out of ten in Ontario, one out of ten in Quebec.

More impressive still is the presence of ethno-cultural groups in the population distribution of major cities. In the core of Toronto and Vancouver, close to 50 percent of the children now entering primary schools are said to be of non-British, non-French origin.

There is hardly a facet of Canadian life not influenced by people of other than British or French origin. In the nineteenth century, they engaged mainly in land settlement, construction and transportation. In this century, they have made their way into industry, business, the arts, the professions, and more recently, into politics and public administration.

Policies

Immigration has had a great impact on our social and cultural policies. Programs at all levels of government have endeavoured to help immigrants adjust to Canadian society.

In 1971, Prime Minister Trudeau introduced a policy of "multiculturalism within a bilingual framework," as the "most suitable means of assuring the cultural freedom of Canadians." He added: "Although there are two official languages, there is no official culture in Canada. . . . The government will support and encourage the various cultures and ethnic groups that give structure and vitality to our society."

Assistance would go, in the words of the policy statement, to all Canadian groups that have demonstrated a desire and effort to continue to develop; to overcome cultural barriers to full participation in Canadian society; to promote creative encounters and interchange among all Canadian groups; and to assist immigrants to acquire at least one of Canada's official languages.

Most provinces have either accepted this policy informally and implemented it in their fields of jurisdiction, or enunciated their own. Quebec has followed suit this year in a document entitled, *La politique québécoise du développement culturel*.



Questions

What should be the relationship between multiculturalism and bilingualism and biculturalism, between the two main communities and the minority ethnic groups, and between minority French and other minority groups in English-speaking Canada?

"...we reject the use of the words 'founding races.' All of the ethnic groups, be they Jewish, Ukrainian, Chinese, English or French, who pioneered this land, particularly the west, can quite properly claim to be founders and builders of this country. . . . Having made this statement, we hasten to add that we acknowledge and accept . . . that the French Canadians have a different status from the rest of us."

(Winnipeg Jewish Community Council, in Winnipeg)

"The sooner we learn to bury the two-nation concept and accept the multicultural concept, the better for all of Canada We gather all that is good from each cultural group living in Canada and form a distinctive Canadian nation. We are convinced that the federal government can further unity by supporting the one-nation philosophy based on multiculturalism."

(Sudbury Regional Multicultural Centre, in Toronto)

"With even a cursory study of Canadian history it is clear that there were two founding races other than the natives, and all groups after the French and English cannot correctly be termed as founders."

(in Winnipeg)

"If we are to talk meaningfully about a truly positive Canadian vision, such a vision must be placed in a multicultural setting and treated as such, rather than in a narrow French-English debate that has occupied much of our energies in the past."

(Black United Front of Nova Scotia, in Halifax)

"The minority groups helped to build this nation too; they plowed the west with sweat and blood and they do wish to participate in keeping it together forever."

(in Toronto)

"We agree that the French Canadians and the Anglo-Saxon Canadians have special constitutional and historical rights but only, and only, in the area of bilingualism. In any other field all Canadians will have equal rights and equal obligations. We are Canadians, no matter what our origin, and our first and most important obligation is to find and support a better and even a new sense of identity for Canadians."

(in Regina)

"Unity cannot be imposed, it can only emerge through equal participation of its components. We have to bring equality to all regional and provincial levels in order to achieve a united Canada. An opportunity for equal participation has to be provided to all Canadians of various ethno-cultural backgrounds in this country."

(The Progressive Pakistan-Canada Friendship Society, in Vancouver)

"The ethno-cultural communities now have the numerical and organizational capacity to exert an influence on Canada's political development. It is rather astonishing that no proper representation of ethno-cultural groups, which amount to close to one-third of the population of the country, is reflected in the composition of the Task Force on Canadian Unity."

(Ontario Advisory Council on Multiculturalism, in Toronto)

Opinions

Although seldom rejecting English-French linguistic duality, nearly all the representatives of ethnic groups rejected the use of the words "two founding races," or "peoples," or "nations," as unacceptable and unwise. The expressions, they said, negate, or appear to negate, the contribution to Canada of groups other than the two main ones. These representatives recognized the fact of the "two major linguistic groups," but only as part of a "complex Canadian identity," as one citizen from Winnipeg put it. They saw the necessity of "integrating" into one or both of the linguistic mainstreams, but not at the price of assimilation.

Founders and builders

While they accepted Canada as being a bilingual country, ethno-cultural participants generally rejected attempts to define Canada as a bicultural country as well. "Bilingualism within the framework of multiculturalism" was a formula very much preferred. Canada, they said, "is a multi-cultural society," "a mosaic." In such a country, each ethnic group should be entitled to maintain its cultural heritage. Some cited statistics as evidence: 25 per cent of the population "belongs neither to the French nor to the British background"; the English themselves are a heterogeneous group (English, Irish, Scots and Welsh); and ethnic groups are more numerous in specific areas of the country than populations of French or even of English origin.

Other facts mentioned were historical. They pointed out that in many instances, notably in the "clearing of the west," the ethnic minorities were the "founders," the "builders," "the founding races of western Canada." And the contribution of ethno-cultural groups was expanding. "One's contribution," commented a Torontonian, "should not be judged on how many generations of Canadian citizenship he can claim." And we are not "an alien transitory phenomenon, but an indigenous Canadian dimension" said the Ukrainian Canadian Committee in Winnipeg.

Another point made was the value of preserving a variety of cultures. By truly accepting the ideal that ethno-cultural groups should also maintain their cultures, Canadians would be encouraging respect for diversity, recognized by so many of them as the very essence of their national identity. And if it is worthwhile, observed some participants, for the main communities to "insist on protecting their language and culture," "why shouldn't we?" The National Congress of Italian Canadians said, in Toronto, that the "majority groups" should "learn to absorb" some of the ideas of the new groups, just as they, the ethno-cultural groups, have been willing "to absorb good French and English values and traditions."

A special place

Many of the ethno-cultural groups appearing before the Task Force expressed "empathy" for French Canadians who had suffered indignities to their language and culture. A few said that the ethnic minorities had endured even more: "the injustices" suffered by French Canadians "fade into insignificance" when compared to those endured by ethnic groups, stated a Calgarian. A few were ready to "acknowledge and accept the fact that the French Canadians have a different status from the rest of us," "a special place," because of their "legal system" and of their "majority in Quebec." French Canadians, in turn, should be more willing to see the value of "cultural pluralism"; it would help minority groups to embrace bilingualism more wholeheartedly.

Bilingualism and multiculturalism actually reinforce each other, some speakers said. They saw their acceptance of bilingualism as a condition for the progress of multiculturalism. Otherwise, Canada would adopt the objective of social and cultural homogeneity — the melting pot.

The lack of influence of the ethnic groups in the "power structure" of the country was deplored by many: "a waste of talents"; "their voices should be heard." The Task Force itself was held up by many representatives of ethnic groups, such as the Ontario Advisory Council on Multiculturalism, as a prime example of inadequate ethno-cultural representation.

Formal opposition to multiculturalism was seldom expressed. A small number of speakers, both anglophone and francophone, believed assimilation to be a social and political necessity for all

“The government can [make] a greater effort [to] work more closely with the minority groups. The government can give more financial support for multicultural activities; the government can help the minority groups to present or to improve their image through media such as television and publications. In other words, the government can do a great deal more to promote multiculturalism.”

(Chinese Society of Nova Scotia, in Halifax)

“It is only through political parity of all Canadians that the official policy of multiculturalism may finally have the meaning which it rightly deserves.”

(Multicultural Association of Fredericton, in Moncton)

“The Task Force must search for the kind of principle that was underlying multiculturalism when multiculturalism was created six or seven years ago; . . . that each and every human being, regardless of language, regardless of the country that he originates from, regardless of the province that he lives in is worthy of respect. . . . If Canada begins to be built on that kind of principle, then there will be room for everybody.”

(in Montreal)

“The other ethnic groups, who are smaller in numbers, are deeply troubled over this imposition of a bilingual and bicultural society because these ethnic groups are fearful that their own culture and their identities will be wiped out.”

(in Vancouver)

minority groups – "a democratic principle," said one. Multiculturalism is a "game played by first and second generation Canadians," wrote a North Bay resident. Spokesmen for francophone minority groups outside Quebec implied at times that multiculturalism was a device to reduce their own position, as one of the "two founding peoples," turning them into "just another minority group."

“Multiculturalism shouldn't just be limited to a lot of slogans and folklore. Rather, it should become a more tangible and real part of everyday life — in the instruction of peoples' languages of origin, in public schools, in the programs presented on radio and television and in the history books as well, where some recognition should be given to the important contribution made by the different ethnic groups.”

(in Montreal)

“Cultural survival of French Canadians gives hope to the survival of other cultures. Should French Canadians lose their identity, all other groups would become part of the homogeneous society.”

(The Multicultural Council of Windsor and Essex County, in Toronto)

“In my opinion, some of the money that the Canadian government poured into French immersion should have been poured into cultural immersion, so that the media would be wise enough in reporting accurately and respectfully on individuals on all racial origins who aspire to make a contribution to Canada.”

(in Regina)

“The democratic rights of all minorities within Canada must be firmly entrenched in a new Canadian constitution so we all may finally feel secure in one country. Provincial guarantees on basic rights mean nothing.”

(in Quebec City)

“We strongly support the notion that any privilege granted to one group of people applies equally to all other Canadian citizens. The French have been in Quebec for many years and this cannot be disputed, but the historical accident of their being there should not be a prerequisite to obtaining greater rights than Canadians of ethnic origins other than English or French, especially when these rights do not apply to the aboriginal population.”

(The Canadian Polish Congress Inc., in Toronto)

“The new constitution should offer guarantees for the maintenance of the languages of the different ethnic groups, especially the larger ones like the Italians, the Germans, the Ukrainians, the Greeks, etc.”

(in Montreal)

“We cannot keep insisting that our rights and our privileges be dependent on how many generations we can count back in this country. The reality today is that we must create a new Canada. There are two major linguistic groups in this country today and that's why we need two official languages. There are many, many cultural groups in this country today. That's why we need a guarantee of multiculturalism.”

(in Toronto)

Proposals

Almost all the ethno-cultural groups who came before the Task Force looked to constitutional guarantees as their defence against assimilation. The British North America Act should be replaced with a new constitution "geared to the realities and needs of Canada today," asserted the Association of United Ukrainians. "Cultural freedom," the right of all Canadians to "preserve" their cultures, "recognition" of the role of the ethno-cultural groups in the development and enrichment of this country – these were some of the principles proposed by them for inclusion in a new constitution.

Transcending the boundaries

Some wanted the preamble of the constitution to contain a "paragraph depicting the diversity of the Canadian nation," but many more called for a specific statement of the principle of multiculturalism in the constitution itself and in federal statutes such as the Immigration Act. Some groups asked the Task Force to support their requests for statutory guarantees for "cultural pluralism" to the same extent as official languages are guaranteed. A few expressed fears of being "put aside and forgotten" in the haste of the government to "pacify the aspirations of the French in Canada."

The best ally against assimilation, in the view of some ethno-cultural leaders, would be an entrenched bill of individual rights, as a common bond between Canadians "transcending the boundaries of race, ethnicity and religion." The Ukrainian Canadian Committee in Winnipeg said that entrenched individual rights would serve as a guarantee "that democracy does not mean the imposition of uniformity by the majority."

How fragile

The Federation of Chinese Canadian Professionals in Toronto recalled the many years of racism and bigotry experienced by Chinese and Japanese immigrants to Canada. One group pointed to the 1970 October crisis as an example of "how fragile" human rights are and concluded that "relocation camps and internment centres may be just a step away."

A few groups advocated the entrenchment of "third language rights" in the constitution on an equal basis with English and French. Others did not recommend their constitutional entrenchment, but wanted to have the teaching of minority languages in the schools "wherever numbers warrant," guaranteed, possibly by provincial legislation. A Ukrainian group in Winnipeg held up the English-Ukrainian immersion programs in several Edmonton schools as an example of the success of such a policy. Several groups deplored the schools' failure to teach the historical beginnings and the contributions of ethno-cultural groups to the building of Canada.

While other groups appearing before the Task Force often pressed for increased provincial powers, most representatives of ethno-cultural groups expressed the hope that the federal support they are now receiving would not only be continued, but expanded. The federal ministry of state for multiculturalism should become a full ministry with its own departmental structure, some said. One group suggested that a liaison officer be appointed in the Privy Council Office to ensure that the concerns of all minority groups are reflected in the day-to-day operations of the relevant government ministries.

Representatives of various ethnic groups told the Task Force that Canada's multicultural character should be stressed more actively in the media, in both the private networks and the CBC. Multilingual broadcasting should be sanctioned by the Canadian Radio-Television and Telecommunications Commission (CRTC) and by Parliament.

Appointments to the Senate, the judiciary and central government agencies should be made to reflect the multicultural nature of Canadian society, some said. Creation of "ethnic seats" in Parliament deserved consideration, a few added.

Background

Geography and history have combined with ethnicity, culture, economics and politics to create deep-rooted regional communities in Canada.

Like duality, regionalism is a basic fact of Canadian life: it influences the way Canadians see themselves, the way they live and think, and how they conceive, build and operate their institutions.

The regional character of Canada was recognized from the outset, and "Confederation" was designed to unite the various communities for common purposes around a central government, while respecting their individual and particular aspirations represented mainly by provincial governments. Does Canada now exhibit a healthy balance between the "unity" of the whole and the "diversity" of the parts?

What is a region?

In Canada, as elsewhere, the concept of region is a many-sided one. The country is often defined as consisting of five regions: the Atlantic provinces, Quebec, Ontario, the west and the north. But are the economic interests and culture of Newfoundlanders sufficiently similar to those of the "maritimers" to constitute an Atlantic region? Is British Columbia psychologically and economically part of a western system or a region unto itself? How does urbanized and industrialized Manitoba fit into the concept of a prairie region that is identified mainly with agrarian products and natural resources development? Are the northern territories a region on their own or a natural extension of the "southern" provinces? Is the economic nexus between Ontario and Quebec substantial enough to justify speaking about "central Canada"? And are there not in Canada, regions within regions?

In the end, many Canadians resort to equating regions with provinces, a not unreasonable conclusion since the provinces provide the main political framework through which the regional communities express themselves.

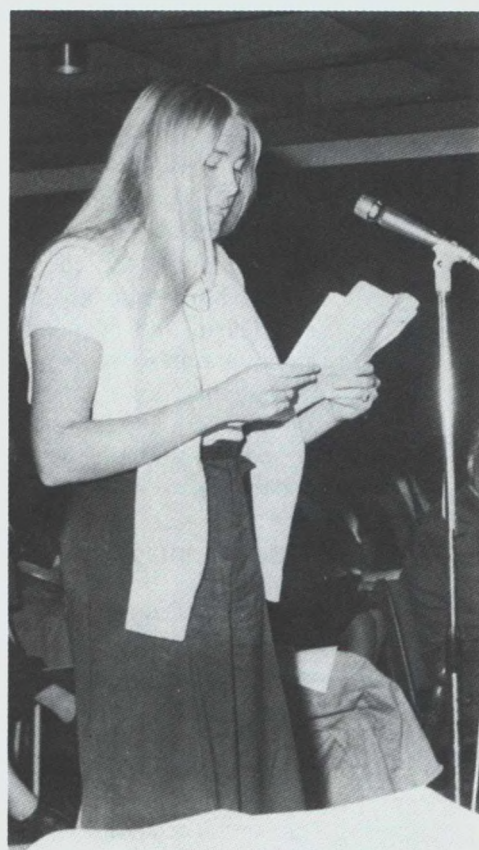
Regional alienation

As will be seen in nearly every chapter of this report, the Task Force witnessed that feelings of regional alienation run deep. There is clearly a political element in it, as a result of the normal competition between provinces and between the provincial and central governments. There is also a psychological dimension, arising mainly from the geographic vastness, the historical development of the country and its federal form of government. The economic dimension of regionalism is probably the one that attracts most attention today: indeed, in Canada, the terms regionalism and economic disparity have become almost synonymous in meaning. This is understandable, considering the important economic differences between provinces: their populations vary greatly in size; some are more urban than others, with faster-growing cities; some, historically poorer than at present, are now richer; others, once prosperous, are now less so; some are already highly industrialized, others pin their hopes for the future on increasing the processing of their natural resources.

Regions and politics

The provincial governments regard themselves as the natural protectors of regional interests. In recent years, however, because of interprovincial linkages, groups of provinces, notably in the east and the west, have cooperated to a certain extent through regional inter-provincial conferences, committees and councils. Some commentators believe that a regrouping of the eastern and western provinces would bring about more evenly-balanced units with Ontario and Quebec, and consequently would improve the working of the federal system.

The central government responds to the requirements of regionalism in a diversity of ways, such as: ensuring regional representation in the Senate, cabinet and in public service appointments; by the creation of a department of regional economic expansion; by the recognition of regional



differences in the application of policies in areas such as procurement of supply and services, industrial infrastructure, the reduction of disparities and the deconcentration of the civil service. Nevertheless, "Ottawa" is often accused of giving insufficient recognition to regionalism in such areas as monetary, fiscal, transportation and commercial policy.

The many federal-provincial conferences, committees and councils which bring together politicians and officials from both orders of government provide the main forum for the reconciliation of national and regional interests. One consequence, however, of this process, which is known as "executive federalism," is that Canadian problems are often dealt with in their constitutional dimension rather than as matters of substance. Most are debated in terms of intergovernmental rivalries, thus exacerbating conflict and tensions.

Regionalism and nation-building

Canadians still hold conflicting views about regionalism as a foundation for nation-building. There are many who view regional loyalty and autonomy as a source of strength for the nation, and many who see regionalism as a kind of parochial, selfish attitude that detracts from Canada's ability to function as a single country. This controversy has become a very important aspect of the unity debate.

Questions

How do Canadians see regionalism? Is the debate mostly of interest to politicians, bureaucrats and business leaders or does it affect ordinary citizens? How strong is regionalism today? Are the similarities between regions greater than their differences? Should regionalism be encouraged? Should the economic and the political structures of the country reflect the regional realities of Canadian life more adequately? How should the regions be represented in the central decision-making process? Are the costs and benefits of the existence of Canada fairly distributed between the regions and the provinces?

“The Quebec separatism issue is not the only unity problem in Canada and just because we may solve the Quebec issue, this does not mean that the whole unity question will be resolved. The idea of the west separating from the east is becoming more and more popular as the injustices, or perceived injustices, loom greater in the minds of Canadians living west of Ontario.”

(in Regina)

“The British North America Act does not recognize nor safeguard Canada’s foundation stone – that is, regionalism. The two founding peoples, the French and English, could not foresee the future, they could not foresee that the French-Canadian language and culture would become imperiled. They did not appreciate the regional differences, and the fact that these differences would not disappear. The result was that the regional differences, including the French-Canadian culture, were supposed to submerge themselves under a nebulous Canadian identity, as many Ontarians continue to believe today. It may be argued by French Canadians that the regional cultures for which I speak are different on a merely superficial basis. Indeed, they may point to the solidarity the regions of English Canada have shown in the past, but that’s in the past.”

(in St. John’s)

“Canadians are regionally oriented, in general and individually oriented, specifically. We are indifferent to the lifestyles and problems of our neighbours in other provinces.”

(in Toronto)

“There can be no question that the strong sense of regionalism is a divisive force and a major obstacle to national unity. That is not to say, however, that strong regions are inconsistent with a more united Canada. They are merely inconsistent with a unified Canada.”

(in Vancouver)

“Federal imperialism is the main problem of Confederation and the west and the east are the colonies.”

(in Edmonton)

“Before we became part of Confederation, Prince Edward Island was indeed industrious. There was all sorts of activity. And that has stopped. And when it stopped we lost a lot of other things. We lost a sense of pride, which I think is extremely important. And unless we are prepared to deal with the economics in this country we will never have any kind of unified situation.”

(in Charlottetown)

“Even today, after 28 years of Confederation, rural Newfoundlanders still consider themselves Newfoundlanders first, Canadians, only after that. For this island was a country, alone, for over 400 years before joining the Canadian Confederation.”

(in St. John’s)

“Too often we have heard the expression, coast to coast – from Vancouver to Halifax. I’ve often wondered if Victoria feels as left out as Newfoundland. The Newfie joke has not enhanced our image. True, Newfoundlanders tell them better than any mainlanders, but then, it is easier to laugh at yourself than to be laughed at.”

(Corner Brook Status of Women Council, in St. John’s)

Opinions

Canada is a challenge to geography

"Canadians are regionally oriented," "Canada is truly a country of regions," "a collection of regions," "a country too big to be governed from one political centre." Such statements were often made at the hearings.

Regionalism, an asset

Regionalism, a sense of pride in one's own region, was described as strongly grounded in culture, economics, politics and, particularly, in history. "St. John's was a city when Ottawa was an Indian camping ground," observed a Newfoundlander. "We have lost our sense of pride," regretted many maritimers.

Participants often defined themselves as Newfoundlanders, maritimers, Albertans, northerners or Quebecers "first," Canadians second.

Regions and provinces appeared to be synonymous in the vocabulary of most speakers. Though references were made to the idea of a reorganization of the provinces, maritime or prairie union were rarely recommended.

While the French-English duality was often seen by English-speaking participants at the Task Force hearings as a "divisive force," regionalism was generally looked upon as "an asset." Strong regional loyalties could coexist with, and support, a strong Canadian identity, it was felt. A "united" country did not have to be a uniform one.

Some speakers believed, however, that regionalism could become excessive ("at best parochial, at worst xenophobic," said a citizen in Charlottetown) and lead to "ten solitudes." An Edmonton group declared that a "countervailing principle to that of regionalism" was needed to "strike a balance."

Alienations we hold in common

Economic disparities and the lack of political influence in Ottawa has produced a sense of regional grievance and even of regional alienation, many believed. One speaker called Canada "a collection of distinct regions, each with its own grievances against the federal government and against other regions." Regions are "separated not only by geographic distances but also by dissimilarities in outlook, culture, industrial structures, income and employment opportunities," added another. "We grumble and we wail from coast to coast," observed an English-speaking Quebecer.

Alienation, disenchantment, lack of respect, loss of dignity, political impotence, exploitation, inferiority complex — these were words frequently used to describe conditions in regions other than "central Canada." A Winnipegger suggested that "alienation is the one thing we all hold in common."

A common grievance in the prairies, the north and the Atlantic provinces was a sense of being "left out," "powerlessness," "the lack of control of one's destiny," the incapacity "to create our own future." "We do not want to be mere bystanders," said a typical participant. The exercise of power and the sharing of benefits were judged to be very unevenly distributed. Because of this, some speakers expressed the views that Canada would be in the midst of a crisis "even if Quebec were not different."

Central Canada, particularly Ontario, more particularly Toronto, was seen as the main beneficiary of Confederation. Economic "domination at the centre" was repeatedly and vigorously denounced. Examples given ranged from the location of company headquarters and interest rates on industrial bank loans to railway and maritime freight rates, tariffs on imported manufactured goods and the lower-than-international price of oil. All these were seen as

“It is sufficient to say that western alienation is primarily economic, geographic and psychological. It is economic because we feel that the policies of the federal government penalize the resource-based economies of the western provinces in order to assist the industrial and manufacturing economies of central Canada. . . . Western discontent is geographic for obvious reasons — our distance from the nation's decision-making triangle and the physical and psychological barrier of three mountain ranges combine to make it difficult for us to understand — or even take an interest in — what is happening in the rest of Canada. Finally, our discontent is psychological — we do not feel that either the structure or the operation of some of our national institutions effectively converts western ideas into national policies, and hence we are inclined to withdraw from participation in those institutions.”

(in Vancouver)

“There is a little colonial empire out in the west that needs to be only sucked of its last strength to feed the powers of central Canada.”

(in Calgary)

“Why do we pay tribute to a government 3,000 miles away who exploits our resources, sells us poor goods at inflated prices, charges us for their delivery, taxes us for their benefit and regards us not at all in their decisions — 68 seats for western Canada in the House as opposed to Ontario's 88 and Quebec's 74.”

(Committee for Western Independence, in Vancouver)

“Two things are happening in the west. First, the increasing value of our resources is giving us a new sense of economic power with which to right the historical wrongs. . . . Second, our patience is wearing thin. We do not seek confrontation, but the issues central to our legitimate regional aspirations must be dealt with. They are not being dealt with under the federal system as it now appears to function.”

(Alberta branch of the Canadian Bar Association, in Calgary)

“The federal government has failed us to a remarkable degree. It's almost as if the federal ministry responsible for us in the Yukon regards our part of the country as some sort of private freedom within which they can do alone as they best see fit.”

(in Whitehorse)

“Many of the basic rights of Yukoners, as Canadians, are being denied: the right to develop land where, when and how we see fit; the right to control our own resources and even the right to elect the head of our own government are rights which are continually denied by the senior government in this country.”

(in Whitehorse)

“The feelings of alienation on the part of the prairie provinces and the maritimes are as urgent to us as is the question of Quebec separatism to Quebecers.”

(in Regina)

"protected" for central Canada. "We are a tributary to Quebec and Ontario," concluded a Vancouverite. The premier of Saskatchewan described Canada as "a community structured to the disadvantage of western Canadians" who feel like "workers in a company town where Ontario and Quebec own the company store." The acting premier of Manitoba referred to the west's relationship with central Canada as "a quasi colonial one" (see chapter 15 on "Regional economies").

Gifts and disparities

A Nova Scotia group also saw its province as a "feeder station supplying goods and materials" to central Canada. Many maritimers and Newfoundlanders stated that the "gifts" of the "paternalistic" central government were only accentuating regional disparities. "Give us jobs, not cheques," they pleaded, claiming that they were made to "feel like parasites," not "able to make a contribution." Some Newfoundlanders, resented being "the butt of national jokes."

Some northerners described their region as the most economically "exploited" of all, besides being "politically oppressed." A Yukoner observed that "while Quebec appears strongly motivated toward separation, the Yukon is struggling desperately to join Confederation." "The people down south" could not aspire to "plan" the development of northern resources without recognizing that they, the northerners, were the legitimate owners and had a right to share in their administration and benefits.

Quebec was described as "an extreme case of regional grievance." While deploring that Quebecers ("isolated in their alienation, unaware that many of their problems are indeed shared by other Canadians") too often see English Canadians as "look alikes," many speakers in the Atlantic provinces, the west and the north sympathized with and, to a point, envied Quebec. The reasons were varied. Some did so because Quebec has "ways" of getting attention and benefits from Ottawa, they thought; others, particularly in Newfoundland, because French-speaking Quebecers, like themselves, were "exploited." A group in Charlottetown threatened to have their "own quiet revolution."

Over-centralization of cultural life was also described as the prevailing rule. Everything had to go to, and "emanate" from, Toronto and Montreal. "Why did I have to look at the Toronto Maple Leafs on T.V. every Saturday evening for all these years?" asked a British Columbian, encapsulating his disgust.

Political power was seen as "loaded in favour of Quebec and Ontario." "The BNA Act does not recognize nor safeguard Canada's foundation stone — that is regionalism," said a citizen in St. John's. Westerners in particular protested the fact that their increasing contribution to the welfare of the country was not recognized in terms of a greater participation in the political decision-making process. "The costs are beginning to outweigh the benefits," warned one of them.

Out of touch

The House of Commons ("in spite of the presence of elected representatives"), the Senate, the cabinet, government departments, and regulatory agencies were depicted as "out of touch" with regional realities and aspirations. "We do not feel that the structure or the operation of some of our national institutions effectively convert western ideas into national policies," stated a professor in Vancouver. The causes were many: distances, mentalities, party discipline, the system of appointments to federal offices, the electoral system, etc. "The result of a national election is known before the counting of the votes reaches the Ontario-Manitoba border," a westerner lamented (see chapter 18, "Regional representation in the central institutions").

The "centralist mentality," "the insensitivity" of Ottawa-based civil servants to the importance of regionalism, was another popular target. "Feathered in their wall-to-wall broadloom and mahogany" is only one of the many one-liners used from coast to coast to describe the problem. Feather-bedding, duplication, intrusions, etc., were contributing to the strains between regional interests and national institutions.

“We Newfoundlanders are the best equipped to sympathize with French Canadians. For we, too, know what it's like to be poor, despised and exploited in a land which we call our own, but which we don't really control. We even understand Quebec's language problems. While many Québécois feel that they must give up French in order to get ahead, we Newfoundlanders must give up our dialects. We understand the feelings of the Québécois whose French is laughed at in Paris, for our English is laughed at in Toronto — yes, and even in St. John's!”

(in St. John's)

“As maritimers we do not speak as an area of anglo-affluence. We feel, with Quebec, we too have been overlooked, penalized, shortchanged by Confederation.”

(Nova Scotia Teachers' Union, in Halifax)

“We, in Newfoundland, both on the island and on mainland Labrador, feel very strongly that the federal machine is a machine which, unfortunately for us, shows little human concern for its most easterly province. We feel that it is a machine which can only regurgitate that which is fed into it, by those nearest to it, and that therefore it has but one answer to everything — the answer of central Canada.”

(The Canadian Federation of University Women, in St. John's)

“...for the maritimes have a regional identity which is seriously threatened by the existing pressures of the political framework which concentrates economic power, population, and general national attention on central Canada.”

(in Halifax)

“My objections to unity are not only aimed at Quebec, but also at Ontario for the two combined are the power-base of any government and a very effective way to keep the west in a subservient position.”

(in Vancouver)

“I believe that national unity is in jeopardy not only because of Mr. Lévesque and the government, but because of the attitude of the civil servants in Ottawa towards this region and other regions because they have an attitude that Canada starts at Kenora and ends just east of Montreal.”

(in St. John's)

“Gross discrepancies in the standard of living or in government services between one region and another may be fatal obstacles to the growth of any real emotional sense of community.”

(in Ottawa)

“Islanders do not want to be remade in the image of central Canada. . . . They do not want to be dependent upon a paternalistic central government. They want to be able to create their own future.”

(The Federation of PEI Municipalities, in Charlottetown)

“We must alleviate regional and minority alienation by bringing those activities of the central government, that closely affect such regions and minorities, under the control of a regionally dominated, minority-sensitive upper house.”

(in Vancouver)

The Senate also ranked high everywhere the Task Force went, as a target for regionalist assaults. As a house to represent the regions, it was depicted as a "failure." The seat distribution was described in the west and by many ethnic groups elsewhere as "unfair"; the basis of appointment, as a violation of the spirit of federalism.

A paradox seemed to exist in the minds of many people who came to the Task Force hearings: a strong centre gives the regions too small a voice in national policy, but a weak centre is unable to serve the disadvantaged regions (see chapter 17, "The distribution of powers").

“I urge you to seek out ways of improving the sensitivity of the federal government to regional problems and its capacity to deal with them within over-all national programs.”

(in Winnipeg)

“I also believe that a list of knowledgeable northern people, who are certainly experts on the north, should receive priority in the selection to any federal board or commission, as either advisors or at least employees.”

(in Whitehorse)

“Every morning on CBC radio, we have three or four hours, three hours I think, of programming coming out of Ontario which I think only reflects what is going on in central Canada.”

(in St. John's)

“The Greater Moncton Chamber of Commerce is prepared to accept political union of the Atlantic provinces, and strongly favours and recommends economic union of these same provinces. Again, jurisdictional squabbles serve no useful purpose.”

(The Greater Moncton Chamber of Commerce, in Moncton)

“I suggest that Confederation be restructured on regional units, largely responsible for resource management and economic development activities, and with taxation powers.”

(in Vancouver)

“We must also strike a balance between regionalism and the needs of Canada as a whole . . . we recognize that Canadians' identifications with, and aspirations for, their regions provide many gratifications and offer much promise for the future. However, Canada needs a countervailing principle to that of regionalism. Specifically, regionalism must be balanced by a sense of commitment to Canada which is stronger and more operational than that which exists today.”

(Committee on Canadian Studies, University of Alberta, in Edmonton)

Proposals

The majority of those who spoke to the Task Force on the alienation of regional communities emphasized the need to see regionalism as the bulwark of nationhood. Loyalty to one's country starting with loyalty to one's locality, expanding to embrace the province and the region, and gradually absorbing the concept of country, was a theme frequently invoked. Consequently, in the view of many speakers, "the strength of Canada will grow with the strength of its regions."

There were no majority views, however, on how Canadian institutions and practices could be improved so as to accommodate regional aspirations and realities more satisfactorily, or be translated into constructive forces. Some favoured reforms that would provide for greater regional participation in the national decision-making process, both political and economic. Others emphasized that any realistic response to regional aspirations would need to recognize the growing power of provincial governments. Some called for a greater degree of municipal autonomy. One speaker claimed rather enigmatically that "to stay together, Canadians must be prepared to drift apart."

Candidates for regionalization

The federal institutions and practices that were most often mentioned as candidates for "regionalization" were: the Senate, the Supreme Court, the civil service, the party system, the electoral system, and the regulatory agencies, boards and commissions (see chapter 18, "Regional representation in central institutions").

It was also suggested that public institutions such as the CBC, the National Film Board and the Canada Council should make a greater effort to publicize and support the activities of regions other than Quebec and Ontario. More programming should originate in the east and the west. Others called for an effort by governments and the private sector to establish a greater regional presence in the national cultural life.

Representative bureaucracy

Many of those who condemned the federal public service as insensitive to regional concerns suggested that a greater effort should be made to select senior public servants from all regions of the country and to keep them informed of the regional aspect of questions — "Every top civil servant should have to spend at least two years in each region of Canada," suggested a citizen of St. John's. The expression "representative bureaucracy" was sometimes used. "Regionalizing" recruitment into the federal public service has some drawbacks, it was realized. Chances were great that the recruits from the regions would be absorbed into the "belief systems" of central Canada and would soon lose touch with their home areas. Therefore, a genuine deconcentration of the central government would be a better way of alleviating some of the regional complaints, some speakers thought.

A regrouping of some of the provinces of Canada, "along historical, cultural and geographical boundaries," was suggested by a few participants. The smaller provinces were seen as "giving away their powers to the central government because they are not strong enough to negotiate." Others advised the Task Force that existing provincial boundaries have real meaning to them. Strong provincial identities, they predicted, would frustrate any attempts to redraw the map of Canada. Some citizens of the territories called for provincial status or at least for increased responsible government.

Some of the ideas put forward had nothing to do with formal changes. The Commissioners were often told that Canadians needed to get to know each other, to travel in their own country, to come to appreciate their differences, to develop "cultural norms" and, generally speaking, to feel "a greater sense of national commitment" (see Part II).

Introduction

Traditionally, Canadians have seemed uncertain about their identity, about what aspects of their "collective personality" distinguish them from the inhabitants of other countries.

The very size of the country — its vastly different regions, the disparities of economic wealth from one province to another, the diversity of ethnic origins of the population, the more distinct character of Quebec, the cultural and economic impact of the United States on everyday Canadian life, the effects of having many separate educational systems, particularly with respect to the teaching of Canadian subjects — all seem to combine to frustrate the emergence of a more sharply defined collective mind and soul. Can common denominators be singled out and emphasized, besides economic interest, that would help solve the present unity crisis? Do some already exist? Can diversity itself be a unifying factor? More fundamental still, is a clear-cut "national identity" necessary to Canadian unity?

How do Canadians view themselves and their country today? What are their attitudes to each other? Indeed, how well do they know each other? If not well enough, how is that knowledge, in their view, to be acquired?

In its search for answers to these nebulous questions, the Task Force asked Canadians to express their views generally on the matter of Canadian identity — to indicate to what extent various aspects of their social life contribute to a crystallization of the will to live together. Chapter 8 deals with "Identities and cultures," chapter 9 with "Education." "The media" and "Symbols" are tackled respectively in chapters 10 and 11.



Background

Confronted with any major problem — and the Canadian unity problem is no exception — the standard popular recommendation is that "attitudes must change."

Attitudes

An attitude is a "mental position with regard to a fact or state," "a mode of regarding," "an ensemble of judgements which lead to a particular behaviour." Attitudes are formed under a variety of influences: heredity, environment, education, information media, experiences, travel. . . They are changed by the same factors that contributed to their formation but only when other influences and/or reflection intervene. For example, many people travel but not all who do so become more knowledgeable and tolerant in the process.

Individuals have attitudes and so have groups of individuals. As attitudes vary greatly from individual to individual, so do they from group to group. But out of this diversity of attitudes, a sameness, a generic character, a collective mind emerges in a wide group of persons. A collective personality is thus created which marks the group, the country it constitutes and its institutions. In this way, a "national" identity is born.

Canadian identities or identity?

Canadian individual and collective attitudes are quite as varied as those of other populations and of other countries. Only possibly more so! But is there a typical Canadian way of "regarding," a collective Canadian identity? Is there a typical Canadian? What distinguishes Canada from other countries of the world?

Numerous surveys and studies have been dedicated to this question, both by Canadians and foreigners. After observing Canada at close range, an American journalist was prompted to write: "Your very nationality consists of an identity crisis with which you have a national love affair." In his view, the Canadian identity consists of the very habit of searching for one!

Many writers have had bewilderingly conflicting views of Canada, reflecting, perhaps, the elusive nature of a definitive Canadian personality. On the one hand, we hear "a land of virile seasons, inhabited by populations moral and religious, sober and industrious, virtuous and thrifty, capable and instructed"; "much more than a chain of wheat fields, and gold mines, and pulp-wood forests . . . it is the expression of certain ideas." On the other hand, we hear that Canada is "a bore"; "a second rate country"; "a by-product of the United States"; "moving towards new doubts"; "obsessed . . . with survival"; without the "will to resist its own disintegration."

In 1937, French political scientist, André Siegfried, described "the new Canada" as "the peculiar complexity of a country geographically American, politically British, largely French by its origin, and international because of its economic interests." Paradoxically, many Canadians turn his words around and define themselves and their country in terms of what they are not: not American, not British, not French, but . . . something distinct, something particularly Canadian. Many participants at the hearings attempted to interpret what that "something" was.

A Canadian culture or cultures?

A closely related debate pertains to culture. Is there one or are there many cultures in Canada? In what condition is it, or are they?

First, what is a culture? In day-to-day usage, culture is often considered to be the intellectual and artistic aspect of life in a community or society. There are many signs that cultural life in Canada, in this sense, is flourishing: there is a growing number of artists in all disciplines and some have gained international reputations; attendance at cultural events is relatively high, as is enrolment in a plethora of courses offered by various learning institutions. Governments — central and provincial — provide substantial support for a host of cultural activities and institutions: art galleries, museums, theatre, dance, the fine arts, film-making, libraries and the publishing



industry. But is this contributing to the creation of a Canadian identity and is it bringing the different parts of Canada together? Does it contribute to unity? Should it?

Outside influences — especially from the United States — are very strong. Canadians are constantly exposed to American television programs, films, books and magazines. Two-thirds of the books bought in Canada are sold by foreign companies, only one of four periodicals originates in Canada and three-quarters of all English-language fiction read emanates from foreign authors. And, despite the relatively vibrant state of the Quebec cultural scene, it, too, is exposed to external influences, especially by way of the electronic media. Clearly, Canada cannot insulate itself from the cultures of the outside world, but is too much exposure preventing the development of a better-defined identity? Should it be curtailed, and, if so, how?

Culture has a broader meaning, however, closer to the concept of identity. It adds up to a collective way of thinking, feeling, and doing, a collective way of being. It draws individuals together, supports thought, judgment and action, gives a community its character and personality, differentiates it from other communities and encourages its members to seek common objectives.

Is there a Canadian culture in this sense? The Massey Commission on the Arts (1951) thought there was when it reported: "There are many cultures and cultural communities in Canada. Canada became a national entity because of certain habits of mind and convictions which its people shared and would not surrender . . ." The Commission on Bilingualism and Biculturalism (1963-70), speaking from the same premise ("It is not difficult to accept the proposition that Canada has many cultures") observed that it led to "conflicting concepts . . . of uniculturalism, biculturalism and multiculturalism." Can these concepts be reconciled?

Questions

What are the attitudes, the concerns and the ambitions of Canadians with respect to identity and its relation to national unity? Are these attitudes changing? If so, in what direction?

What is the state of culture in Canada in both the narrow and the broad sense of the term? What does each community and group within Canadian society know of the culture of the others? Should government do more to help a process of cross-fertilization? How does culture contribute to a sense of Canadian identity and unity?

Is there a single Canadian identity? If so, is it strong enough to survive the present unity crisis? Would a clearer national identity mean a stronger Canadian unity, or is this at best a doubtful equation? Are Canadians better off with many identities?

“I am Canadian, for better or for worse.”

(in Halifax)

“If we are going to get bigoted, let's get bigoted about being Canadian.”

(in Winnipeg)

“To find our own national identity we have to look a lot deeper than we have, because right now all we have so far is apathy, and when apathy is the master, we are all slaves.”

(in Vancouver)

“The future of Canada is purely dependent upon the English Canadians' wish to take personal responsibility for keeping this country together. I think that the buck has been passed too often to politicians.”

(in Toronto)

“The fact of the matter is that people known as Canadians identify with their local or regional cultures . . . more than they do with one national umbrella culture. All wishful thinking aside, there is no singular Canadian identity; there is no singular Canadian culture with which to identify.”

(Political Science students, University of New Brunswick, in Moncton)

“... I object to being called anything but Canadian and I object to any Canadian who calls himself anything but Canadian.”

(in Vancouver)

“I am a Canadian. You may call me a pro-Canadian racist or a pro-Canadian bigot. I don't mind. If we think more of integration instead of segregation and separation, we can develop a distinctive race and culture all our own.”

(from Monsox, Alberta)

“Frankly I do enjoy calling myself a Canadian, but if it becomes necessary, if our name itself is taken from us – Canadian, *Canadien*, is our name you know – then I shall call myself a Quebecer; I am a québécois, if you will.”

(in Montreal)

“We have this vast country to overcome, the spaces and the people to bring together.”

(in Vancouver)

“Canada has gotten itself into the position where the average man (that nebulous body that does not appear to exist) has no identification with the country and feels that his input is not worthwhile. This, in part, is due to the fact that government has been moving much faster than has public opinion in many respects.”

(Greater Charlottetown Area Chamber of Commerce, in Charlottetown)

Opinions

"Our short history," said a citizen in Vancouver, "has been a valuable learning experience of great achievement and many growing pains." "Are we going to falter now that we are so close to the great and prosperous country" envisioned by the Fathers of Confederation? Canadians have shown a willingness to compromise, many said, for the continuance of the country. "Canadian society has grown, it is ready for superior feats," commented a New Brunswick citizens' group. Noted an Edmonton resident: "We are at an important crossroads in our history."

From the thousands of comments the Task Force heard or received since its creation, it was obvious that people placed great importance on the choices to be made at this "crossroads." They readily stated their grievances, their worries, their prejudices and their demands, as every section of this report indicates. "That is what you asked us to do, isn't it?" they would say. In the process, they also examined themselves and what it means to be a Canadian 110 years after Confederation.

We are still searching for a definition of our country, for the "elusive Canadian identity," as more than one participant called it. Are we a "country of regions," a "country of minorities," a "multicultural state"? There were many opinions expressed on the nature of the Canadian entity, but they all had one thing in common: diversity . . . diversity of geography, of origin, culture and language, of interests and of problems.

Some aimed at a personal definition, describing themselves in terms of their country of origin (for instance, Canadians, but of Scottish, German, Chinese and Ukrainian heritage, and so on); in terms of language (French, English); by province of residence (Newfoundlander, Quebecer or Québécois, Ontarian, Albertan); by reference to a particular region: northerner, westerner, maritimer. A few only defined themselves in terms of political philosophy — liberal, conservative, social democrat, marxist-leninist.

Quebecers generally saw themselves and "English Canada" in dualistic terms (see chapter 1). They saw the country as having two founding peoples, citing as evidence the "agreement" that had been reached during the negotiations that led to the BNA Act. French-speaking participants in the other provinces, some English-speaking Canadians, and representatives of some ethnic groups agreed with the Quebec concept of duality, stating that "the French" were not a minority but "a founding people."

There were many in English-speaking Canada who denounced English-French duality as a "myth" that has got out of hand, referring specifically to the recommendations of the Royal Commission on Bilingualism and Biculturalism and the implementation of institutional bilingualism in the federal public service. Even some of those who acknowledged the historical validity of this duality argued that it has lost its significance because of the expanded ethnic and cultural dimensions of Canadian society (and this argument is detailed in other chapters of this report).

Some English speakers praised Quebecers for their "strong sense of identity." "You can't help feeling a little envious," said one, referring to the Quebec bonds of "nation, language and culture." Along with the praise for Quebec came a great deal of resentment, however. For example, a Fredericton high school student wanted to know why the Scottish tradition in the maritimes had to be "sacrificed" while the "French" tradition in Canada was being encouraged.

There were those who disliked any adjunct to the word Canadian, saying that all regional and cultural differences should be of secondary importance. "We must put behind us our ancestry and ethnic background [so as] to become Canadian," said a New Brunswick francophone. "There are," observed another participant, "too many English and French and not enough Canadians."

What we are not

Even if Canadians could not agree on who they are, there were strong views as to who they are not. "We are not a melting pot," was said many times over. Westerners emphasized that they are not

“We’ve done some magnificent things abroad, not just in the two World Wars, but at other times. It seems strange to me that I should have come home from overseas just about in time to discover Canadians looking for Canada in Canada.”

(in Calgary)

“The heritage of one region is inextricably linked to that of another. Separatism cannot erase a history of shared events.”

(Students of Saint John High School, in Moncton)

“... there is little comprehension of problems that may exist between communities separated by two or three thousand miles. Maritimers, for instance, while they may sympathize to an extent, cannot fully comprehend the problems faced by the people in the prairie provinces, just as the difficulties encountered by maritime fishermen or pulp mill workers may be little understood by a Windsor autoworker 1500 miles away.”

(City of Windsor, in Toronto)

“The alienation of our country is part language, part economics, but mostly geography – the west versus the east, the maritimes versus Ontario, and British Columbia versus anybody it can find.”

(in Whitehorse)

“Out here we could not have [survived] and we will not survive without great cooperation between people. The population of our province and our communities is small compared to the other areas of Canada and the world. Our different cultures could not survive and grow without participation from all.”

(Saskatchewan Association of Rural Municipalities, in Regina)

“The Canadian federation has grown to include ten provinces, the northern territories and half a continent of multi-racial, multi-cultural people. And still the ghost of Upper and Lower Canada haunts us.”

(in Winnipeg)

“I believe I am now more Canadian than anything else, although I would find it difficult to define what it means spiritually to be a Canadian. Perhaps because my Canadian roots do not go back very far. As long as I continue to reside in English Canada with the personal freedom and protection afforded by the British Crown and the system of common law, I am content.”

(in Vancouver)

“The prairies, cut off from the Ontario agricultural frontier by a thousand miles of Shield country, developed a genuine intermingling of various and numerous ethnic strains, each holding to its ethnic springs, all joyously and vigorously Canadian. This multiculturalism is much better understood and appreciated than is the original basis of Confederation in the west.”

(in Regina)

“The most prevalent problem is the lack of a strong sense of Canadianism. In all of the provinces there is an attachment to regional history rather than to the history of Canada as a whole.”

(in Whitehorse)

the colonies of central Canada any longer; maritimers that they are not "spongers" seeking handouts from the rest of Canada; Quebecers that they are not "second class" citizens, but a "nation" with its own culture and institutions; native peoples that they are not "inferior," but the first peoples in North America and the "true" founders; the ethno-cultural groups other than Anglo-Saxon and French, that they are not just immigrants but major contributors to Canada's development, as "builders," just as important as "founders." In many parts of the country, Canadians of all backgrounds and ages emphasized that they are not American, despite the "massive" and "steady" infusions of American culture into Canada.

Despite our differences — many said because of them — we have managed to achieve "unity in diversity." Canadians do not need a "kind of stereotyped oneness," said a Nova Scotia high school student. A clergyman in Charlottetown said Canadians do not need one national identity "because we have many identities." For some it is the very "lack of trappings" and "overt nationalism" that makes Canada both unique and precious. If only this diversity were accepted and respected, and seen as an asset instead of as a liability, many felt we would "make it."

The difficulty of "discovering ourselves" has posed many problems. Our linguistic, cultural and geographic dividing lines are formidable barriers. "Sadly, the east is separated from the west, the north from the south by much more than mere miles," said one brief. Given our differences, it was nothing short of "remarkable" that we had survived this long as a country. One participant suggested that it was not understanding that had kept us together: "We have survived despite ourselves."

Be that as it may, there were many comments and suggestions concerning how we can continue to live together, as the following pages of this chapter detail. Observed the Métis Association of Alberta: "We have a house to build from stones of many sizes, shapes and colours, but it is up to all of us to find a way to sort them out and cement them together into one house where we can all live."

Canadian culture

"Canada is not a melting pot and the Canadian people not a cultural alloy," wrote a Dartmouth resident to the Task Force. "What we are is an association of distinctly different families, the roots of which extend to every continent on the face of this earth."

Canada is culturally unique, said many participants at the Task Force hearings, but we don't take enough "pride" in the fact, chided a Fredericton business group. "Although Canada has entered her second century, our cultural attributes are still in the process of development," said a group of Ukrainian-Canadians in Regina.

Canadian culture is taking shape within the framework of the francophone-anglophone communities, but there is "no doubt" that the ethno-cultural communities have enriched this process, said many speakers across Canada. Typical remarks: Canada is a "diversity of many unique cultures and ethnic groups"; "a mosaic of cultures"; "our multicultural aspects are our unique strength."

Because it is a "cultural mosaic," Canada should allow its minorities to "develop" and "maintain" their cultures, said high school students in Regina. A La Salle, Quebec, resident agreed when he said: "Let Canadians show themselves to be big enough to welcome the mosaic of cultures, instead of trying to suppress anything that doesn't quite fit."

There were a few, however, who disagreed with the idea of a mosaic. Typical was a Sicilian group who claimed in Toronto that governments "have seen fit to surrender to the demands for programs such as bilingualism, multiculturalism, heritage and many others." The group asserted that it is "quite apparent that some have no desire to become Canadians but prefer to live in their past."

The arts can be a "binding influence," some said, bringing together Canadians of diverse backgrounds and experiences to share artistic events that speak through "colour, poetry, melody and movement" and about things "beyond political nationalism . . ." said a group promoting the arts in Prince Edward Island. The arts give us "another door to open" and are the "principal means

“... Canada is a nation of regions, one of which monopolizes most of the capital, manufacturing, employment and political power, while others suffer the opposite effect.”

(Students' Course Union and Faculty of the Department of Political Science, University of PEI, in Charlottetown)

“We preach unity, understanding and mutual respect, yet we practice the opposite. The crisis now facing Canada is no sudden or chance occurrence ... unless a radical change of heart takes place in English Canada, no solution will be found.”

(in St. John's)

“One of the greatest strengths of this country is the fact that we have so many differences and have thus far been able to get along. Our opportunity to give something to other parts of the world, who are torn apart by smaller disputes than this one, is a golden one. And I think we'd be crazy to let it go by. I am one brother who would be very sad if Quebec felt she had to leave home and I would feel partly to blame.”

(in Toronto)

“As we think of our country as a diversity within a special kind of unity, it is to grapple with the uniqueness of Canada – a uniqueness we continue to discover and are in the process of re-defining.”

(Charlottetown Christian Council, in Charlottetown)

“Unity comes from knowing each other better, from respecting each other's traditions or philosophies, from breaking down barriers which polarize us.”

(in Vancouver)

“A country needs a 'spirit' that holds it together by giving its citizens a sense of sharing something unique. The people may have various personal traditions, cultures and religions, but they must all feel that they are a vital part of Canadian society.”

(in Regina)

“To me, being a Canadian means the right to travel from sea to sea, knowing that I am protected by a single just government, knowing that I will find friendly people no matter where I go in Canada, and knowing that I share the common bond of citizenship with over twenty million others. To you falls the responsibility of asking each Canadian to recognize, respect and understand that we are stronger now united than we can ever be divided.”

(in Halifax)

“We will carry on with our party in that watering hole in Quebec City, sing some songs and tell some jokes and share some laughs and, by example, show other Canadians that whether we are French or English, Russian or Japanese, Italian or Greek Canadians, we, as human beings, are able to share meaningful experiences, have a good time, meet and part as friends. 'Merci beaucoup pour votre attention, bonne chance et vive le Canada.' ”

(Surrey Beaver's Rugby Club, in Vancouver)

of cultural identity," said others. Noted the Canadian Council of the Arts: They are the means for the "articulation of the individual and collective imagination," and can contribute to "mutual respect, widened tolerance and maturity of understanding." While art and culture can sometimes strengthen national unity, "it is not their specific function," noted the Canada Council. If such a function were imposed upon them, it would be "detrimental" to both culture and national unity.

Many in English-speaking Canada spoke of the "uniqueness" of the Québécois culture: "worth preserving"; "it is French Canada that keeps us from tumbling into the American 'melting pot'"; "dynamic culture"; "a distinctive heritage in the rest of Canada has a long way to go to catch up." Noted a teachers' group in Nova Scotia: "Quebec is not the French culture that exists in France. It is the Québécois culture, which is different from any other culture on this or any other continent."

In contrast, some felt that English Canada lacks culture. Said a citizen in Toronto: "We English-speaking Canadians must come to grips with the world culture. We must recognize ourselves for what we are, an almost cultureless society." Most, however, did see English-speaking Canada possessing a cultural identity, or, as many said, "cultural identities."

A plot?

Regional cultural differences are very strong in Canada, many told the Task Force. Particularly in eastern and western Canada, there were calls for "equality of cultural opportunity" and a "recognition of regional cultural differences." "We must not speak to each other from the central base down, but from the regions up."

Is there a centralist Canada "plot" to destroy the cultural vitality of the regions? "In our darker and more alienated moments, it seems almost as if there is," said a Regina resident.

The influence of American culture on Canadian life was cause for some concern at the Task Force hearings. Some felt that the United States influence is so strong that the youth are less sure than their parents and grandparents of their identity. "Children are growing up without knowing their own country; instead they are learning American cultural values from television and have 'no idea about their proud culture'" said a Vancouver resident. The Council of Canadian Filmmakers said that "we live in a country that imports its culture wholesale." In the process, the group contended, "we have destroyed most of the elements that build a nation."

The Canadian Conference of the Arts charged that governments have failed to "compensate and counter present levels of American cultural penetration, to provide adequate support for Canadian artistic expression, and to facilitate Canadian access to Canadian cultural systems." Other charges against "governments" were that they do not create a positive climate between English-speaking and French-speaking Canadians, nor a climate for communications among the regions.

“No amount of amending the constitution or the introduction of new laws will help to promote unity unless, at the same time, there is a sincere desire on the part of everyone in this country to establish a Canadian identity which, in turn, will lead to Canadian unity.”

(in Winnipeg)

“I am absolutely convinced that if there were a stronger national spirit across Canada, there would be less need for Quebec nationalism and there would be fewer western separatists. I am equally convinced that no such national pride and spirit will ever be generated in a country that is increasingly becoming the world's foremost example of a branch plant colony.”

(in Edmonton)

“We are Canadians first. Cultural and provincial origins are of secondary importance.”

(in Regina)

“You will be pondering the problem of ensuring the survival of 'le fait français' in a unified Canada. . . . Please also ensure that such mechanisms [various institutions] help rather than hinder the survival of cultures and languages that were flourishing here long before either Champlain or Frobisher set foot on what was to become Canada.”

(in Yellowknife)

“Because of the overwhelming dominance by the English language media over culture and communication in North America, special measures are required for the support and protection of the French language and culture.”

(in Montreal)

“Our knowledge of our history and our cultural heritage is simply pathetic. Without this knowledge we will never understand what it means to be Canadian.”

(in St. John's)

“The moment we start identifying ourselves as Canadians, it is necessary to add a hyphen which indicates the language of cultural identity; that is to say, in identifying oneself culturally with the unqualified label 'Canadian', one in fact avoids rather than claims identification.”

(from Yellowknife)

“Rather than debating the existence of a Canadian culture, we should have taught one another and our children about the rich variety of artistic elements that express our identity, regardless of which province we come from.”

(in Moncton)

“English-speaking Canada is undergoing a profound cultural change characterized by an expansion of activity and creativity unparalleled in history; cultural blossoming has flourished despite major obstacles in its path . . . cultural movements display strong regional or local sensitivity and have occurred spontaneously in all parts of Canada; English-speaking Canadians do know who they are.”

(in Montreal)

Proposals

"The basic issue is one of the heart," said a Torontonians. "We do need each other," said a Nova Scotia high school student. "This is the time for generosity," added a westerner. And so it went. A significant number of persons who appeared before the Task Force spoke in emotional and often eloquent terms about their feelings for their country and countrymen. Many times over, they stressed that, more than anything else, Canadians must change their attitudes if this country is to survive.

"We stand together on the edge of a new frontier — the frontier of the 1980s and 1990s," said a participant. It is a "frontier of unknown opportunities and perils — a frontier of unfulfilled hopes and threats." "We pray we can put it all together."

Said another, "We have this country to overcome, the spaces and the people to bring together." Only through respecting each other's opinions and breaking down the barriers will we succeed. Noted a Sudbury resident: "there are solutions to Canada's problems and it is up to us to find them; a good start is ourselves." Observed another, "Our nation-saving devices are already at hand: justice, tolerance, good will and a concentration on what unites rather than on what divides us."

If knowledge about each other is causing many problems, then Canadians must make efforts to get to know one another better, many participants said. This and "working together should be our prime goal," was a typical proposal. Many suggestions were put before the Task Force, and high on the list was that Canadians should travel more within their country. Many complained that the cost was "too high" and some said the government should help by lowering air fares, by giving an income tax deduction for yearly interprovincial family trips and by encouraging cooperation among all interested parties.

The strengthening of community ties between Canadians was a popular proposal in all parts of the country. It is at the community level first that national unity should flourish, through cultural means such as student exchanges, ethnic festivals and the twinning of cities. A few speakers said that local church organizations should also take a more active part in national unity by emphasizing the "complementary nature" of different cultures and linguistic groups.

Strengthening the relationship between Quebec and English-speaking Canada was on the minds of many who appeared before the Task Force. Proposed were exchanges of students, professors, workers in the same company or the same craft, professionals and performers and artists. Many times over, English speakers proposed that "firm and positive" steps be taken, that an attitude of "appreciation and support" be adopted in the anglophone communities towards Quebec's first language and culture. Said a participant in Charlottetown, "In Expo '67, English-speaking Canadians experienced something of the creative vitality and joie-de-vivre of French Canada. Can we not have more of that all the time?"

Not all were so sympathetic to French Canada's cultural aspirations. French Canadians should forget about "this stupid culture trip," wrote a citizen from British Columbia, adding that it is time that we all started being Canadians "with our own Canadian culture." Others referred to government waste in French immersion programs in Ottawa as "pandering" to Quebec. Funds for French immersion should have been poured into "cultural immersion" so all Canadians could get to know Canada better, observed a participant.

That the government should work "more closely" with Canada's ethnic groups and provide "more financial aid" for multicultural activities, was suggested by various ethnic groups across the country. Several of these groups proposed that a new constitution be written that will enable Canada to proclaim herself the "pluralistic cultural entity that, in fact, she is."

Background

Constitutional jurisdiction

Formal education quite obviously plays an important role in the development of a Canadian identity. Virtually all young Canadians spend at least ten of their formative years in the classroom, learning the basic skills to equip themselves for their adult lives.

Section 93 of the British North America Act states that education is a provincial responsibility. Provinces and territories develop and administer their own education policies, institutions and programs, each of which differs to a greater or lesser extent from one province to another. School administration is controlled by local school boards, the powers and geographical areas of which are delineated by provincial and territorial legislation.

Provision was made in the BNA Act for a central government role in protecting confessional school rights, but it has almost never been used. Today, the central government's role in education is essentially financial, except for the direct responsibilities it has in the cases of schools for Indian and Inuit children, for armed forces personnel abroad and for inmates of federal penitentiaries. It also makes substantial payments to the provinces for post-secondary education. Since 1970, the central government has also been helping the provinces to finance language teaching to the minority official language population of each province. Other federal contributions include those paid under the Adult Occupational Training Act, the Canada Student Loans Act, the Health Resources Fund Act, and in the form of scholarships and research grants to universities.

A Canadian education

Canada does not have any overall, clear-cut and declared national policy or objective for education, a fact deplored by the Organization for Economic Cooperation and Development (OECD) in 1976. In its report of that year, the OECD stated that "decisions now have to be taken concerning the destination of the Canadian school system within an ordered view of the future of Canada as a nation," and suggested that the Council of Ministers of Education provides a proper forum for discussion in this area. The council already acts as a coordinating mechanism for the establishment of common goals and priorities, among the provinces, in education.

The question of the degree of "Canadian content" in courses at all levels of instruction is central to the issue of identity formation. It appears from various studies on the subject, such as the 1975 Report of the Association of Universities and Colleges of Canada's Commission on Canadian Studies (known as the Symons Report), that the teaching of Canadian history, geography, literature, the arts and culture, and government "varies in content, time spent, accuracy and objectivity from province to province."

But what do the students themselves want? The Symons Report states: "Our country is an enigma to many Canadians, and there is a growing wish to explore this enigma, especially among the young. This country appears to exist in spite of language, geography and economics, and thoughtful young people are curious to know how such a phenomenon came about and what the chances are of its survival – in fact, whether its survival is even worth the effort that may be required."

The teaching of the two official languages

Opportunities in language education are improving, with all the provinces and the two territories now teaching French as a first or second language at both the elementary and secondary levels. In Quebec, English schools are available for children of English-speaking residents who meet specific government criteria as outlined in the Charter of the French Language, and the teaching of English as a second language is compulsory from grade 5 to the end of high school.

At a meeting in Montreal in February 1978, provincial premiers agreed that "each child of the French-speaking or English-speaking minority is entitled to an education in his or her language in



the primary or secondary schools in each province, wherever numbers warrant." Some provinces have expressed the hope that language rights would be entrenched in the constitution.

Questions

What do Canadians think of their educational system? Do they find it adequate? How good or bad is the content of courses on Canadian subjects? How much, and what, do students learn about their own country and their fellow citizens? Are they learning to speak the second official language? What changes to the curricula should be made?

“If you asked a number of people on the street, a majority of them would not be able to tell you off-hand the names of the ten provinces, the two territories and their respective capital cities. This is due to the fact that the emphasis is not put on studying Canada until the later grades in Canada's school system. Too much time is spent in the lower grades studying other countries, especially the United States.”

(Students of Sir John Franklin High School, in Yellowknife)

“Young people should study more of our history, literature and political system than they do now. If they did, English-speaking citizens might not so often make the mistake of considering French-speaking Canadians on the same basis as immigrants.”

(from Cranbrook, B.C.)

“The whole basis for our argument is to produce students with a Canadian identity and pride in being a Canadian. Too often today the student is brought up learning only his or her local attitudes and traditions.”

(Students of Fredericton High School, in Moncton)

“We have a school system that separates children on linguistic and religious lines from their first day in kindergarten. The resulting lack of interaction brings about fear, mistrust, prejudice and stereotyped images at the adult level, exacerbated by our tendency to live in geographical isolation from each other. Our governments, institutions and even our media help accentuate our divisions and have done little to show or exploit what we have in common.”

(Participation Quebec, in Montreal)

“The difference in concepts of Canadianism inside and outside Quebec is a comparison of the different ways of teaching Canadian history and the different textbooks used. The difference involves much more than ... language; it means a difference in content and perspective.”

(from Canfield, Ontario)

“I have spoken to a great many groups over the past few years and I have asked them to list examples of cooperation between the French and the English in this country. I have invariably met with mystified silence. I then asked them for examples of conflict and the list never seems to end. One of the reasons for this is that a significant proportion of Canadian history is taught as the history of conflict.”

(in Vancouver)

“Indeed, to be frank, we have been telling lies about one another in the schools. It is simply not possible to do this for several generations and then expect citizens to understand themselves, one another and Canada.”

(in Calgary)

“In our education system today the geography and history courses are regionalized. The people living in eastern Canada learn a lot about Ontario, Quebec, and the maritimes, but little of the west, in geography [courses]. They get a very 'French' view on the little Canadian history they do receive. The people living in western Canada are educated in just the opposite way with a broad look at the prairies and B.C. and a very 'English' look at the minute Canadian history they receive. It is also apparent that neither eastern nor western Canada learns about the north.”

(in Whitehorse)

Opinions

Irony

A major concern expressed at the hearings was that Canada's youth "lacks" a sufficient knowledge and understanding of their country's historical, social, political and economic facts. Citizens suggested that the Canadian "lack of pride" in their country harks back to the educational system. The "failure" of Canadian education to provide a solid grounding in Canadian studies to its youth is "undeniable," many said. According to the Canada Studies Foundation, the evidence "clearly" indicates that the schools do not help students to meet the need to communicate effectively with others across the "personal, class, regional, linguistic and cultural" barriers of this country. "The Canadian education establishment, personified in government and teacher union bureaucracies, has abdicated its leadership responsibilities," charged the Atlantic Institute of Education. An Edmonton woman said she found it "ironic" that the usefulness of Canadian studies programs are still "so hotly debated among our academics." Would any other country in the world "consider knowledge of itself debatable?" she wondered.

Feeling cheated

Students felt that they had been "cheated" out of a real "Canadian studies" education, specifically in the areas of history, geography and French-Canadian culture. They considered these to be key areas for an understanding of the problems concerning Canadian unity. Better student-exchange programs would help national unity by enabling students to see for themselves other communities in Canada, a number claimed, and would also increase inter-regional and inter-personal understanding and appreciation.

The educational system is much too "regionalized," said many students and parents. It leads to thinking of "province first, country second." It also fosters the "our" and "their" syndrome, observed a Whitehorse resident. Canadians thinking about the west talk about "their oil," "their wheat," "their potash." Canadian studies have tended to over-emphasize regional and provincial concerns and issues some said. Other speakers at the Task Force hearings believed that teachers tend to be too narrow in their approach but, then, they are not entirely at fault because they too have had "few opportunities" to work with people from other regions and cultures. The school boards and the provincial education departments were criticized for being "insensitive" to national needs, concentrating instead on "regional culture and history." Local studies can be culturally enriching and broadening, but in themselves are "unlikely" to encourage the kind of "pan-Canadianism" that is needed in this country, many speakers observed. Some feared that too much regional or provincial concentration can have a very negative effect by reinforcing regional and ethnocentric "prejudices."

There were also many specific expressions of concern about the lack of understanding between the two major linguistic groups in the country. A Montreal citizen said it is "unbelievable and abhorrent" that from one end of the country to the other, only half of Canada's literature is understood or appreciated. Who in Quebec, for example, outside of a "few specialists," had a precise knowledge of English Canada? The same held true for English-speaking Canadians with regard to Quebec. An English-speaking Canadian, with an "average amount of cultural upbringing," knows Sartre or Camus, but is "completely unaware of Gabrielle Roy, Hubert Aquin and André Langevin," said a Montreal speaker. From a group of Calgary students back from a trip to Quebec: "We knew that Quebecers spoke French but we did not realize that in any other way they were different from us."

Painless and natural fact

Some speakers expressed a wide "national interest." Acquisition of both official languages by the next generation would not solve the unity crisis, but "at least" it is one very important way of broadening the Canadian cultural horizon, said some. Others thought that it would lead to greater national unity by making Canada's future adults aware of the linguistic realities of Canada. Canadians could have the "very best" of both worlds if they chose to acquire the knowledge of

“The Québécois really do not feel, in my experience at least, their firm definition as a part of Canada. For me, the students that I have talked to at the grade ten and eleven levels know very little of the rest of Canada and are very self-centred, if you wish. But, at the same time, we in English Canada in our studies know very little about Quebec.”

(in Winnipeg)

“Half the people in this city seem convinced that bilingualism means that their kids are going to have to learn French in order to make a living. That’s some kind of a joke in a country where the word ‘bilingual’ is currently defined as a French Canadian who has to make a living.”

(in Vancouver)

“We wonder at the mental block that afflicts so many French and English Canadians in this country today, with regard to education. They do not feel the need to learn another language. Why should children feel shame when they speak their mother tongue? In Europe, knowing a foreign language makes one proud. This [attitude] is what we need in Canada.”

(in Montreal)

“If I had the desire to learn a second language for business reasons, it would be Italian, secondly, German. Why should I learn to speak French?”

(in Toronto)

“It should be a bilingual country starting with the children from kindergarten. Every child in Canada should be taught English and French and not wait until they are in grade eight or ten; then it is too late, as I know from personal experience. We need a summer school where French children can come to live with English children in the holidays and the reverse for English children, so they can learn one another’s culture and respect each other.”

(from Richmond, B.C.)

“We must accept the fact that English is the working language of Canada and the USA. Any other conclusion seems wholly impractical.”

(from Stirling, Ontario)

“Both the English and French-speaking communities of Canada should learn to realize the meaning of a truly bilingual and multicultural country. Emphasis should be placed especially in the schools. This does not imply that students should be forced to learn the French or English language, but instead, to learn to appreciate and respect each and every cultural background that gives this country its unique position in the world.”

(in Toronto)

“Eventually everyone in Canada [will] speak the same language. The human race is heading towards total unity and we can’t get away from that fact. We Canadians can take the lead and show the rest of the world how it is done.”

(from Sydney, N.S.)

both languages, some argued. "Bilingual education" is the "only way" to turn bilingualism from the "painful political struggle" it is today into a "painless and natural fact." Many would grow to appreciate that it is a "privilege" to live in a country with two official languages.

There were criticisms about the type, quality and availability of French instruction in the schools, as the following examples illustrate. High school students in Calgary claimed that their French program was "very repetitive" and had "little, if anything, to do with French-Canadian society." A Manitoban proudly stated that his daughter had mastered French "beautifully" but, he deplored, "it is not the French spoken in Quebec, it is the French spoken in France." "I am at a loss to understand the reason for learning French if it doesn't equip our young people to be bilingual in their own country." There were accusations that French is being taught by "teachers who do not know French," and that classroom time devoted to French teaching is "too short." Looking back on his high school French classes, a citizen at the Regina meeting recalled that they were a "joke." "We rarely understood what we were mouthing, so it became a chore." Many deplored the fact that English was often taught in Quebec by French-speaking teachers and vice versa in English Canada. Poor teaching of French does much to "engender ill-will towards Quebec," was a statement made by a few, because the painful learning process can create a permanent negative association with that province.

Why learn French?

Some participants thought it important to carry a bilingual education beyond high school and into the universities. A few believed that no Canadian university should be allowed to confer degrees unless a student could show a "working knowledge" of both official languages. Some also thought that proficiency in both French and English should be a prerequisite to university entrance. There were a few critics of the way French is taught at the university level in English Canada. Some said not enough emphasis was placed on its importance to Canadian society as a whole. Observed a Newfoundlander: university French departments have an attitude of "linguistic snobbery" with "their faces turned toward France and their behinds toward Quebec."

Other arguments were made: Canadian children must be given every opportunity to grow into responsible adults and future leaders; being bilingual is one of the prerequisites of a successful career; job opportunities will be enhanced, both in the public and private sectors, at home and abroad. The earlier a second language is learned, the better, said some, because the "younger we are" the fewer the chances of "carrying the burden" of prejudices imposed by the environment. Many students also felt that it was very important to have "the choice of going" to either a French or English-speaking school.

Counter arguments usually rested on considerations of cost ("bilingualism is expensive") and practicality ("English is the language of the western world" . . . "of Canada" . . . "of North America" . . . "of the world" . . . "Why learn French?"). Bilingualism, some said, is "divisive"; therefore, why encourage divisiveness in the school system? Some English participants felt that Quebec is becoming a unilingual province while the rest of Canada is being "forced" into bilingualism, as this letter from Rumsey (Alberta) indicates: "Recently, we have been informed French will be taught in the schools in grade one in our English-speaking provinces. Does the same apply to grade one [children] in Quebec? Will they learn English? I very much doubt it."

Most students and their parents preferred to leave education in provincial hands with the central government providing financial assistance, especially in the area of second-language instruction. The main reasons: physical proximity ensures better administration, according to some, and provincial control encourages "regional perspective and culture, according to others."

A federal responsibility

But some English-speaking students and parents said that education should be a federal responsibility, that all programs should be "standardized" and uniform. They felt that this would help those who move from one province to another (eliminating "controversy over what grade you need for a certain job"). Further advantages were claimed for federal control: education would be

“We are convinced that on the question of the teaching of both official languages the government would not only have the support of the Italian community but of all Canadians of European origin. We are making this recommendation to prove to our Quebec compatriots that we believe in our right to protect Canada and also because we firmly believe that knowing another language increases understanding, develops tolerance and sometimes furthers one's success in life.”

(in Montreal)

“The study of languages is good for the mind. French is good for you even if you happen to be living in Peking. If you have the additional good fortune to live in Canada — with ready access to French newspapers and books, radio and television, and where 30 per cent of the country's citizens speak the language as their first tongue — so much the better. It makes such good sense. One wonders why some think it is a controversial proposition.”

(Canadian Parents for French, in Ottawa)

“Canada will have reached the age of maturity when the two official languages take their rightful place and Canadians should not lose time in acquainting themselves with the advantage of another language, an advantage not extended in the past.”

(from Moncton)

“The second language — be it English or French — should be taught as a compulsory subject (but not the language of instruction) starting with the lowest elementary grades.”

(Regina Chamber of Commerce, in Regina)

“It seems to me that one way to preserve the unity of Canada is to have all the schools teach both English and French from kindergarten through grade thirteen.”

(from Windsor, Ontario)

“In Canada it is equally imperative that people of English origin should learn French, just as the latter should learn the English language.”

(from Bathurst, New Brunswick)

“I would like to see the French language used extensively in grade one, when learning languages is easiest. I would like to see a majority of children bilingual. This would avoid increasing our domestic differences and provide a new educational benefit. I have a hunch, as well, that children growing up able to speak French will be more tolerant and appreciative of Canada's cultural differences.”

(in Winnipeg)

“English-speaking children, certainly, come up through the schools without learning anything about the historic achievements of French culture and civilization. Moreover, they do not learn how much of their own English-speaking culture and civilization has been borrowed from the French. The two cultures have, in fact, been borrowing back and forth from one other for centuries.”

(in Halifax)

“The very idea of our highest-earned degree being given to Canadians who do not know our two languages continues to disturb me.”

(from Ottawa)

better financed, Canadian textbook marketing would be uniform, and a central government could make Canadian studies compulsory instead of optional as they now are in some provinces.

A group of students in Ottawa proposed making federal financial assistance to post-secondary education, including tuition fees, student loan programs and federal-provincial funding, more uniform across the country to avoid situations where "students from the poorest provinces pay the highest cost."

Native peoples

Some native groups told the Task Force that they had been denied the right to speak their own languages in school. Indian children who spoke their own languages were sometimes punished for doing so. As a result of adopting English throughout the educational system, the Manitoba Indian Brotherhood said that the Indian languages have been "wiped out" in the younger generations.

Other groups charged that Indian studies have been ignored in the schools, leaving Canadians with little or no knowledge of native peoples' history, and culture. As a result, many people have a narrow, bigoted view of this country's "first citizens." (For a more detailed look at native peoples, see chapter 3.)

“A further point which creates tensions working against Canadian unity, in a society where the mobility of people is constantly increasing, is that there is no common basic educational curriculum in Canada. We urge the Task Force, in its recommendations, to ask the Council of Education Ministers to recognize that the establishment of some common minimum educational standards across Canada, for the various grade levels, be a matter of priority.”

(Catholic School Trustees Association of British Columbia, in
Vancouver)

“Education is a matter of national concern and it is necessary that the involvement in education of the various departments of the federal government be coordinated. Also, there are areas where more federal involvement is necessary and desirable — language instruction and education financing are two of them.”

(The Manitoba Teachers' Society, in Winnipeg)

“Although the provinces should be responsible for education generally, the federal government should be responsible for language rights and historical accuracy across the nation.”

(from Ste. Anne, Manitoba)

“Once we have a truly bilingual country, communication will be possible. To achieve this, French education must begin in the first grade. This is another factor in support of a nationalized education system.”

(Students of Sir John Franklin High School, in Yellowknife)

“Federal responsibility should be demonstrated by bringing French language teaching into the school system. This teaching should begin with pre-schoolers and continue through grade twelve. This must become a federal responsibility if it is to have any success at all. Familiarity with the language, we hold, is a prerequisite for empathy with the francophones and their culture.”

(Alberta Union of Provincial Employees, in Calgary)

“We feel that the federal government does not have, and should not have, jurisdiction in the educational offerings of the schools of the country. This includes the teaching of languages.”

(St. Nicholas Roumanian Orthodox Youth, in Regina)

“This problem [bilingualism] could have been resolved . . . if education had been controlled from Ottawa and not provincially. To have our country thinking together, to be speaking two languages (French and English), to be good citizens and proud Canadians — with a high standard of teaching directives emanating from a national board of education . . . this could conceivably accomplish what each province now is not accomplishing.”

(from Victoria)

“It is then clear that bilingualism is not a safeguard to the French language. What we do need is a French educational system established by the federal government so as to ensure the efficiency of the provincial governments. This would demonstrate a positive move for the survival of the young francophones.”

(L'Association jeunesse fransaskoise, in Regina)

Proposals

"If ignorance about ourselves is the problem, then education, leading to understanding, is the solution," said a St. John's resident. Others agreed that the schools are the place to start and they proposed many solutions to the educational system's "inadequacies." Chief among them were: more emphasis on second language training, Canadian studies, more inter-governmental cooperation, more federal funding of various projects and less parochialism in the classrooms of the nation.

The Canada Studies Foundation recommended "national understanding" as an overall goal for Canadian education, but emphasized that what is mainly needed is not more Canadian studies, but "better" Canadian studies.

To coordinate and respond

There were proposals from several educational groups that an autonomous "agency" be established to determine "over-all goals and objectives" in education. Some described this "agency" as a "central clearing house" to collect and disseminate information and materials pertinent to all levels of the education system.

The type and quality of teaching materials available in the schools were questioned by many speakers at the hearings throughout the country. Many saw plenty of room for improvement: more "Canadian" and "higher quality" textbooks on Canada-related subjects were high on the list, along with increased and improved teaching of Canadian history and geography. What "has to be recognized," observed a university spokesman in Toronto, is that "despite the efforts of the past two decades" there is still "inadequate" encouragement and support for the preparation and publication of "good Canadian textbooks and materials" from the elementary to the university level.

There were some calls for the creation of a department of education to "coordinate and expand" activities in education. The majority, however, were content to leave educational matters largely in the hands of the provinces, but saw that greater federal-provincial cooperation would be an asset in certain educational matters, such as curriculum development, education research and the methodology of teaching French or English as a second language. Because Canada has two officially recognized languages, a Halifax resident advocated that their "use and instruction" should be seen as a national rather than a provincial responsibility.

More emphasis should be placed in getting French as a second language into the English school system and English into the French system. This proposal was heard hundreds of times throughout the Task Force tour of fifteen cities.

The central government was urged to act immediately by redirecting funds now spent on civil service language training to the provinces for bolstering second language training in the schools. The Alliance for Bilingualism in Ottawa urged the central government also to continue to "assert" the importance of both official languages and encourage all provinces to make second language instruction a part of the standard curriculum.

A speaker in Toronto urged the creation of educational curricula to give families a "choice"; one would be education in the majority language of the province and the other would be geared to the development of "bilingual fluency." Only in this way, he said, will bilingualism be seen as an opportunity rather than the "unsaleable" program it is now.

Widen the scope

Some high school students in the west, who maintained that the French program has "little" to do with Canadian society, suggested that the teaching of French be revised to reflect "largely" or "totally" French Canadian language and culture.

Constitutional change in educational matters was suggested by the Association française des

“The Canadian tradition of local management, rigid provincial autonomy and mixed attitudes towards national needs has contributed to a lack of a national policy, goals and coordination in educational affairs.”

(B.C. Teachers Federation, in Vancouver)

“National unity could be further promoted by increased funding towards educational travel within Canada, by developing a program of year-long regional student exchanges, and by the continued promotion of the arts and culture in Canada.”

(Students of Saint John High School, in Moncton)

“Money spent on English-French exchange programs isn't going to maintain unity.”

(Association of Franco-Ontarian Youth, in Toronto)

“To become more aware of the different cultures, more exchange programs should be used. This would increase students' inclination to get to other areas of Canada and learn the economic, social and cultural differences of the provinces.”

(Central Collegiate Students, in Regina)

“I would urge the federal government to act immediately in encouraging and financing student exchange programs on a large and thoroughly committed scale. This should be done with a view to creating an awareness of what diversity does exist in Canada so that my generation, both French and English, will be adequately prepared to take on the task of keeping Canada together, not because we will have been instilled with a sense of duty and blind allegiance, but because we will have experienced the vitality of unity.”

(in Halifax)

“The interprovincial student exchange programs which presently are not academically credited, should be credited and integrated into the provincial systems. Every student should, at some time during their school years, study in a different part of Canada. This opinion is based on experience with the Forum and on the Hospitality Canada Program of the Secretary of State. We are greatly in favour of student exchange programs, and of the Forum for Young Canadians in particular.”

(Forum Association of New Brunswick, in Moncton)

“The Canadian School Trustees' Association also believes that an understanding and appreciation of the cultures represented by both official languages is an essential prerequisite to the success of a teaching and learning process and supports increased emphasis on programs to enable the youth of the country to learn more about one another through frequent and regular exchange of students and teachers.”

(Canadian School Trustees' Association, in Ottawa)

“More opportunities must be created for families and children to exchange visits. Open House Canada-Hospitalité provides an excellent opportunity, but more people need to know of its existence. We would like to see more reasonable air, rail and bus fares, so that Canadians of all ages could learn about each other. Involve everyone! Pre-schoolers, adolescents, parents, grandparents, especially those who are studying the other official language.”

(Canadian Parents for French, B.C. chapter, in Vancouver)

conseils scolaires of Ontario. The group proposed entrenchment of the principle requiring the English-speaking provinces to provide a French education in the school closest to the francophone community being served.

Some suggested greater use of television, radio, films and publications in the classroom in order to expose students to programs and information that would "stimulate" their interests, "widen their scope" and give them "a sense of identity" with the rest of Canada. There was a proposal from some Toronto educators that the National Film Board "recognize a responsibility" to produce educational materials for students, in addition to its mandate to produce films for the general public. The films would be designed to help students see and feel the "character" and diversity of Canada and Canadians.

There were calls for greater interprovincial cooperation in the area of teacher mobility and "acceptable accreditation" that would apply all over Canada. Also recommended were exchanges between provinces to help teachers see beyond the confines of a particular region. Teachers should be required to take a Canadian studies program during their training period, a few said. Symposia should be designed to keep teachers abreast of Canadian studies and of up-to-date materials.

Indian and Inuit representatives who said that their languages are being "wiped out," urged that there be changes in the educational system to take into account the fact that there are in this country "cultural groups" other than the English and the French.

Some ethnic groups in western Canada proposed that federal assistance be made available for the teaching of their languages where demand based on population makes it feasible. The Black Educators Association in Halifax, among others, proposed that "demeaning" and "derogatory" references to minorities be removed from school textbooks and replaced by a greater emphasis on the contributions of minority cultures to Canada.





Background

Canadians make extensive use of the media as a source of information and recreation. According to a study on Canadians' leisure activities, conducted in 1975 by the Department of the Secretary of State, over 80 per cent of the population spends as much as four hours per day "receiving messages" through the print or telecommunications media.

Media coverage has grown rapidly in the last fifty years, so that Canadians can now select their information from the following sources: 60 private and 60 CBC and affiliated TV stations; a total of 228 daily newspapers; over 500 community, ethnic and weekly newspapers; 411 private French and English AM and FM radio stations; and 55 CBC English and French AM and FM radio stations.

Public responsibility of the media

The media in Canada, in all forms, enjoy extensive editorial freedom. However, the rapid growth of radio and television, and the government's realization that the enormous power of these media could significantly affect the national purpose, have led to the establishment of government guidelines on the quality and quantity of broadcasting.

The 1968 Broadcasting Act calls upon all broadcasters to provide a service that helps "safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada . . ." and that uses "predominantly Canadian creative and other sources." The Canadian Broadcasting Corporation, a public corporation providing television and radio services in both official languages, has an even more specific mandate: "to contribute to the development of national unity and provide for a continuing expression of Canadian identity."

The media's role in informing the public is one that has always been hotly debated. Do, should, or can the media report "objectively" on events and opinions? Should information be "a mirror of reality," or should it try to influence the views of the consumer? What, indeed, is "reality?" The journalist's job is not an easy one; he often must become an "instant expert" on complicated issues, then report the information as accurately and objectively as he can, often under the pressure of a deadline.

Canadian content

Canadian media face intense foreign competition, especially from the United States. For example, the proliferation of cable systems has now made it possible for most Canadian homes to receive the full broadcast schedules of the major American networks. Traditionally, Canadians have demanded access to American programming, and Canadian broadcasters, in order to preserve and improve their audience ratings, continue to offer a wide range of United States-produced programs, but stations are obliged by government regulations to allocate a major percentage of their broadcasting time to Canadian productions.

Jurisdiction over telecommunications

Another media-related topic of debate in contemporary Canada is that of jurisdiction, especially over cable and other forms of electronic communications. Central government control of these matters, exercised through the Canadian Radio-Television Telecommunications Commission and the Canadian Transportation Commission, is contested by a number of provinces, particularly — but not solely — by Quebec. The provinces' quest for greater autonomy in this field is based on cultural and financial considerations and is one of the items on the current agenda of federal-provincial discussions.

Questions

What does the Canadian public think of the media as contributors to Canadian identity and unity? What is the response of the media people themselves? Do they accept a responsibility to reflect and to enrich the Canadian identity and to contribute to national unity?

"If it was not for the very few real public service enquiry programs, the media's influence could be classed as almost wholly negative as far as educating and informing the public on really serious and important affairs."

(from Wininpeg)

"We create ever-proliferating lines of communication running north and south and wonder why our lines of identity do not run east and west. We allow our subconscious American culture to dominate ourselves and our channels and wonder why our indigenous culture is self-conscious and often immature."

(Council of Canadian Filmmakers, in Ottawa)

"The fostering of a better understanding of Canada should be the primary responsibility of the federal government. A major tool in carrying out that task is obviously the Canadian Broadcasting Corporation, which has conspicuously failed to discharge this area of its mandate."

(Corporation of the City of London, in Toronto)

"Our media often express a limited outlook. We are therefore not aware of the real issues in different areas of the country."

(Impact Quebec, in Montreal)

"First, as an example of a Canadian success, I wanted to mention Radio-Canada and the CBC. For here we have an organization that perfectly represents our cultural duality, a double-headed organization. I think that all Canadians can identify very easily with the CBC or Radio-Canada. I believe that it is a success, from the point of view of Canada."

(in Quebec City)

"The media are American influenced and 'central Canada' oriented. This is particularly true of television and, to a lesser extent, of newspapers."

(in Moncton)

"It would be dangerous for the communications system to become a strong proponent of any specific point of view. Since the issue under discussion is primarily the future of Quebec, it would be reckless and counter-productive for the message carrier to concentrate solely on one message even if this message were crystal clear, which, of course, it isn't."

(Canadian Association of Broadcasters, in Ottawa)

"In this debate on Canadian unity, it is clear that the media must be able to express themselves freely. Not only must they be at liberty to transmit all opinions, but they must also be able to express their own. By the same token, all citizens and all the organizations which represent them and speak for them must be recognized as having the right to their different philosophies and partisan views."

(*La Presse*, in Ottawa)

"Perhaps our organization, as an association, has not done enough in dealing with the issue of unity. We may not have been as aware as we should have been of how much this issue depended on the involvement of the smaller newspapers. . . . The issue of national unity has been tied so closely to bilingualism that it becomes a hotter issue, a delicate issue, one that is much harder to handle and to comment on without sometimes being carried away."

(Canadian Community Newspapers' Association, in Ottawa)

Opinions

What the media tell us

For the country's media there were scant words of praise at the Task Force hearings. The media in general, and the CBC in particular, were criticized in all parts of the country for emphasizing the "dramatic and the trivial," for "making mountains out of molehills," for "sensationalizing," for "divisive, destructive, warped viewpoints" and "disclosure for disclosure's sake." It is small wonder, said some speakers, that Canadians see each other in terms of "clichés and stereotypes." The media paints these images. Commented a Charlottetown citizen: "We must be willing to listen to Canadians both English and French" to find out what they are really trying to say and "not what the media tell us."

The media have a duty to promote unity, said many, but have failed to do so. A correspondent from Neepawa, Manitoba, said that television interviewers and politicians are guilty of the same thing: "they speak before thinking." The power of the press is "immense," said some, and should be used to "keep Canada united" and to "boost" unity. Many felt that the media must show a commitment to unity and report on it in a fairer and more extensive and responsible manner. Asked a student from l'Université de Montréal: How can we ensure unity when at least twice a week football and baseball games between "two American teams" take all the Canadian airtime?

While there was much criticism of the media's performance in general at the Task Force hearings, the CBC received the brunt of it. To call it a national network, said a women's group in Newfoundland, is a "farce." It was said to be "failing miserably" in its national unity mandate, and "conspicuously failing" in its responsibility to foster "better understanding" between communities.

Responsibility of the media

Many spokesmen for the media denied that they have a "duty" to promote unity. It is not the media's job to "support anything" in its newscasts, said a Newfoundland broadcaster. It is a "scary" idea to "load national survival on the backs of broadcasters," said a representative of the Association of Broadcasters. The media's job is to present "objective, accurate reports." The "paramount responsibility" of a news organization is to "report the news," said the editor of a Toronto paper. And to report the news means to give citizens, as impartially as possible, the information they require if they are to "make intelligently" the most crucial decision that "has ever faced the Canadian people."

Most media spokesmen said that their job is to act "as a mirror," reflecting back what they find in society. Society may not like what it sees, but "shooting the messenger is the easy way out." "After the funeral," the problem of the message is still there. An administrator of a Montreal paper said: "Let's not forget that, at the end of the road, it is the public and the public alone, which will decide if Canada will continue to exist or not." The media can only offer their "channels of communications," and that they do.

The board of directors of the CBC stated in its brief that the CBC's current affairs programming "must reflect and interpret Canada" as a nation, the "tensions" in our society, and the "arguments" for changes in the political and constitutional arrangements designed to reduce these tensions. It is not for the CBC, however, to "suppress any particular point of view," even if it is an argument "against nationhood." In its newscasts, the CBC's aim is to report the news of the day with "accuracy, fairness, objectivity and balance."

Some participants said they realized that "objectivity" in the purest sense of the word does not exist. Journalists, observed one of them, are "no more objective" than the average citizen, "and no less so." They are ordinary human beings subject to frailties, frustations and prejudices. They are entitled to make mistakes and the public is entitled to judge them. Often they know only a particular region or province of the country and "few" are bilingual. It was generally agreed that "fairness," rather than objectivity, was a better way to define the responsibility of the media.

“For a news organization this is the paramount responsibility — to inform its readers. But as a corporate citizen with unusual facilities for gathering and assessing information, it also has another duty; this is to offer what leadership it can by expressing editorially its own view of the issues.”

(The Toronto Star, in Ottawa)

“Because of the constraints put on him by his work, no journalist can pretend to be perfectly objective. Journalists and the media must, however, be absolutely honest Honesty must be the primary characteristic of public affairs broadcasts, of news and commentaries.”

(Télémedia Communications Ltée, in Ottawa)

“When the survival of a nation is at stake at the time of a major constitutional crisis, it is only normal that the role of the media be questioned, since this is often the only permanent source of information available to the average citizen. Here, without any doubt, lies the fundamental responsibility of the journalist.”

(Canadian Radio-Television and Telecommunications Commission,
in Ottawa)

“The role of the CBC in its current affairs programming is to inform Canadians about the issues they confront, so as to assist them in deciding upon their future, for the decision will be theirs. The exercise of this responsibility calls both for identifying and exploring the issues confronting Canadians, fairly and thoroughly, comprehensively and accurately, and for reflecting differing views about these issues, fully and fairly, and in a balanced manner.”

(Canadian Broadcasting Corporation, in Ottawa)

“It is not our job to support anything in the newscasts. It is our responsibility to present objective, accurate reports of what’s happening.”

(in St. John’s)

“We must try to understand each other and emphasize our common interests rather than those things which divide us. We must be willing to listen to what Canadians, both French and English, are really trying to express in their hearts, not what the media is trying to tell us.”

(Canadian Home and School and Parent-Teachers’ Federation, in
Charlottetown)

“I think this is a good time to mention that part of the problem comes from the media. We never receive accurate coverage of what’s happening in Quebec.”

(in Winnipeg)

“My dear English-speaking countrymen, you are actually kept ignorant of what goes on in Quebec by the news media. A good example of this is that on November 15 you were so ignorant of what was going on in Quebec that you were awestruck and almost in a state of collapse after the victory of the Parti Québécois. You never thought that this was possible because you don’t know what goes on in Quebec.”

(in Montreal)

Two different worlds

There was much criticism of the media's reporting of recent events in Quebec. No wonder that there is a flow of letters-to-the-editor verging on "racist hysteria," commented a Charlottetown resident on the media's handling of Quebec news. Said a Montreal francophone: the news media keep anglophone Canadians "ignorant" of what is really going on in Quebec.

Some francophones in Montreal and Quebec City accused the anglophone media in Quebec of being "racist" and "anti-Québécois" and of running a campaign against language legislation. Others said the Montreal media epitomize the "two solitudes." Coverage of events often appears, they said, to be from "two different countries." A good example was the election of the Parti Québécois, which left anglophones "awestruck and almost in a state of collapse."

Canadians were cautioned by some speakers to be wary of the effect that the flow of American attitudes and lifestyles through the media is having upon them. "Some of those" who controlled the content of Canadian broadcasting had adopted American styles to the point where they no longer recognized the "dangers" to the Canadian way of life. Broadcasting has always been carried out in an atmosphere of "intense competition" with the United States. The "proliferation" of cable systems had succeeded in supporting that "seemingly inviolate" Canadian freedom to receive as many American signals as possible. The Canadian Association of Broadcasters asked: "Is this too much freedom?"

Improving services

If the coverage was "more accurate" between the two linguistic groups, the result would be "better understanding," some said. A Halifax professor reported that he and his colleagues were reading French press reports from Montreal and supplying the local anglophone media with information so that "misunderstandings" could be avoided.

There were charges from western and eastern Canada that the media, especially the CBC, support a "central Canada" outlook in their coverage. Said a Newfoundlander: the only things that are "supposed" to keep this "long string of communities together" are the central government and the CBC. Perhaps it is an "absurd" idea, he said, "to expect Ottawa to listen." But that other "umbilical cord," the media, "doesn't do much better." There were complaints that almost all English-language broadcasting originates in Toronto, while nearly all French broadcasting comes out of Montreal. "This is not Canadian broadcasting," said one participant, "this is Ontario and Quebec broadcasting."

Some ethnic groups criticized the CBC for not broadcasting in anything other than the two official languages. Stressed was the fact that broadcasting is "essential" to the cultural development of communities in multicultural Canada. A spokesman for the black community in Halifax said that the media, and the CBC in particular, leave the impression that the only "ethnic" communities in Canada are the "French and the Indians." At least the American cable TV stations provide the chance of seeing a black person, "albeit if only in a stereotyped 'Shaft' image."

“There is a dangerous, anti-democratic nature to much of the federal response to Quebec. We have come dangerously close to a situation where the CBC, a public corporation, must actively propagate the official Liberal [party] line on national unity and government policies, or be labelled subversive. What little objectivity the media presently have is being continuously eroded under the dangerous theory that the media must become salesmen for a unified Canada — as defined by the Trudeau cabinet.”

(Saskatchewan Federation of Labour, in Regina)

“The media should help to make the culture of the francophone minorities better known and should not just put every unfavourable bit of news in the headlines.”

(Centre Culturel Colombien, in Vancouver)

“An island in an anglophone sea, francophones are constantly bombarded by Anglo-American newspapers and television. Madison Avenue brainwashing engulfs them twenty-four hours a day.”

(Essex County French Secondary School Action Committee, in Toronto)

“Let’s challenge the CBC, the National Film Board and our writers to produce factual material.”

(from Vancouver)

“French Canadian communities must develop their communication services. In order to do this, it is necessary that the services of the CBC in French radio and television be adequate both in programming and in broadcast areas so that French Canadian communities can be served in the smaller provinces as well as in the larger ones.”

(La Société des Acadiens de l’Île du Prince-Edouard, in Charlottetown)

“We would like to give the CBC the defence budget and give the military establishment the CBC budget. We believe this would better reflect the true role these institutions play in defending Canada. The military would defend the north with its patrol planes and the CBC would defend the 49th parallel with high quality programming, national heroes, superstars, myths, symbols and a vision of our common purpose.”

(Council of Canadian Filmmakers, in Ottawa)

“National radio and television networks should be doing more to aid in the understanding of Canadians about the circumstances, views and aspirations of other Canadians. The CBC has been seriously cutting and regionalizing programming which would assist in engendering increased understanding amongst Canadians.”

(Manitoba Farm Bureau, in Winnipeg)

“The Canadian Broadcasting Corporation must receive further funding and emphasis to provide better communication among Canadians from coast to coast. We in New Brunswick are inadequately served by our own CBC.”

(Students of Fredericton High School, in Moncton)

Proposals

Many times over, participants at hearings called for more information in the media on Canada's history, culture and current affairs, treated responsibly, from a "more informative approach" to Canadian issues, as students put it at the Regina session. Others asked the media to strive for more "accurate" and "unbiased" news reports.

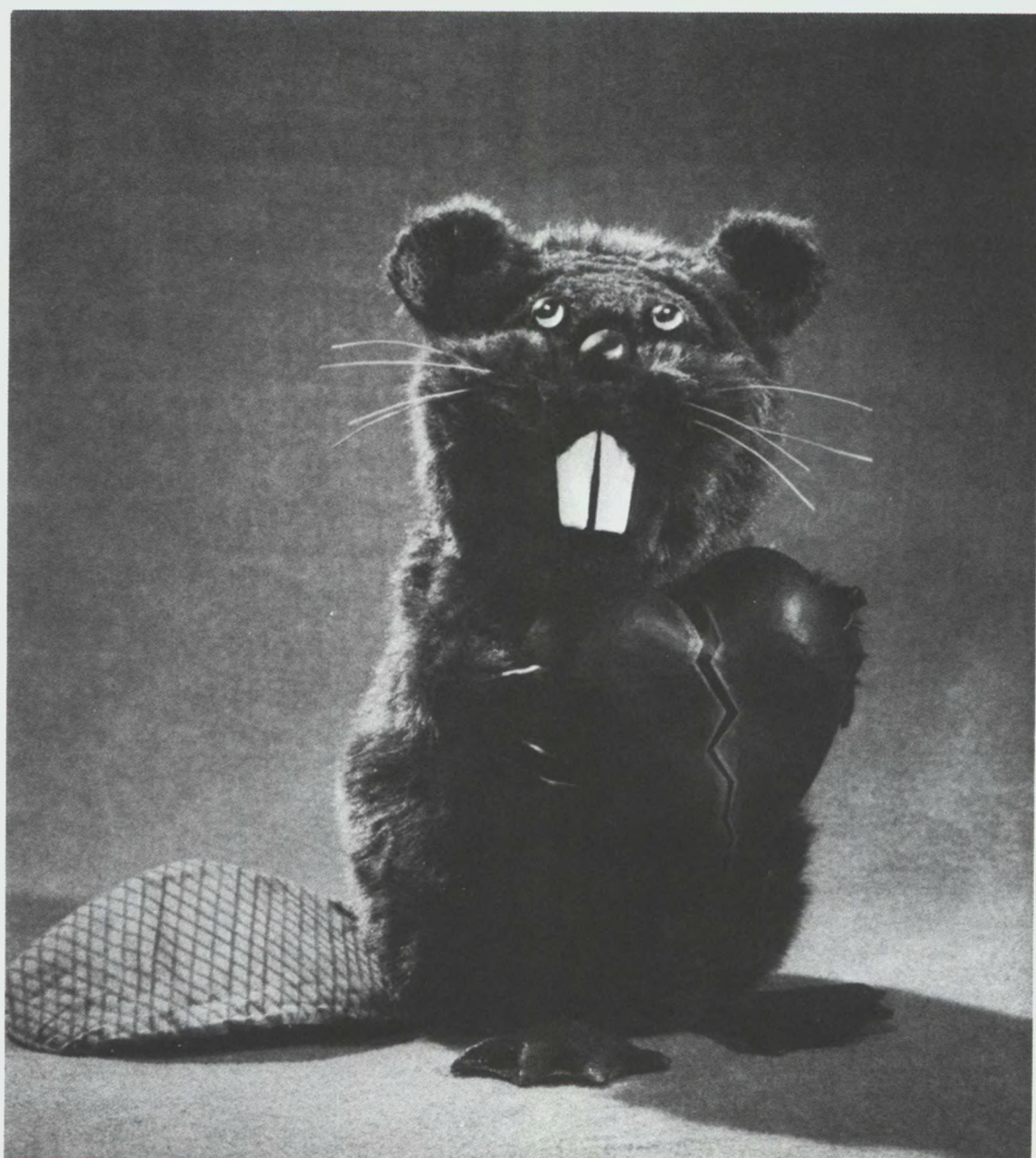
From English-speaking Canada came many requests for greater coverage of French-Canadian (particularly Quebec) events. Proposals were for "less biased" news from Quebec and a greater exchange of information between English-speaking and French-speaking Canada. A few suggested that producers of news and public affairs programs in both the French and English CBC networks should meet frequently, and even exchange personnel from time to time.

Canada's multicultural character should be stressed through the media, both "private and the CBC," representatives of various ethnic groups told the Task Force. A proposal common to many was that the media should assume more responsibility for developing programs reflecting the country's "multi-cultural realities."

With strong regional protests that the media's coverage is too concentrated in central Canada, came proposals that the CBC should decentralize so as to deal more effectively with regional concerns. Noted a brief from a university telecommunications research group in Vancouver: "The argument, in broad terms, ought to be between national objectives on one hand, and regional or local priorities on the other." There were a few calls for greater "provincial or regional" representation on federal regulatory agencies concerned with communications.

Acadians in New Brunswick felt that the CBC should be given further funding so that greater emphasis could be placed on issues little understood by the Canadian population as a whole. Mentioned were the "tensions" of the Acadian society, the "arguments for political and constitutional changes and arrangements designed to reduce these tensions."

A women's group in Newfoundland recommended the establishment of a "national newspaper," owned and operated by the "people of Canada" and "independent of government." Canadian life in all the provinces and territories would be depicted, and advertising of "national products" would assist in the financing of the project.



Background

A symbol, the dictionary says, is a thing regarded by general consent as naturally typifying or representing something through association in fact or in thought. Canadian symbols could therefore be said to be the representation, in some encapsulated form, of a concept, or concepts, with which the people of the country can identify, and which in turn represents them.

Canada, in common with most other countries, has some internationally recognized symbols, such as a flag and an anthem, or at least the music of an anthem. Others are linked to the country's political framework: Parliament, the monarchy and the monarch's representative in Canada, the governor general. The first of July, flowers, animals and birds, red-coated mounties, hockey players and other athletes, national holidays . . . all are symbols of this country.

Various efforts have been made in recent years, sometimes with difficulty, to develop these symbols. Prime examples are the debate which eventually led to the adoption of our flag, and present-day efforts to canadianize the monarchy. There was the appointment of the first Canadian to serve as governor general in 1952, and the subsequent custom of having as incumbents of this position, alternately, English and French-speaking Canadians.

Other efforts have been made to create or preserve physical manifestations of Canada and its heritage, a task undertaken by both federal and provincial authorities. Examples include the development of the National Capital Region, national and provincial parks, and historic sites.

Questions

Are these symbols accepted by the majority of Canadians as representing their identity and that of their country? What do they say about them? Are they considered useful in terms of developing Canadian unity?

“Certainly there are those who perceive the Crown as a factor in disunity. I believe this perception to be wrong and that the Crown is being criticized because it is an instrument of unity. Because it is designed to support democracy and federalism, it is a target for those who get impatient with democracy and federalism and seek short cuts to power.”

(in Calgary)

“We feel that a country should be at liberty to develop its own prejudices without having any imposed on it. That’s why we advocate a complete and final break with the English Crown. That may be the only way to instill a bit of national feeling in our English-speaking compatriots.”

(L’Association générale des étudiants du Centre Universitaire St-Louis Maillet d’Edmundston, in Moncton)

“Downgrading the monarchy and discrediting our mounties has caused even more disunity.”

(in Calgary)

“Peoples’ views on the monarchy are likely to hurt Canada because there is division; we need a Canadian-born Queen.”

(in Montreal)

“In order to complete our identity, we must have our own sovereign head of state. We have to detach ourselves from the apron strings of the British monarchy.”

(in Toronto)

“I have great sympathy for the francophones wanting to speak their own language and wanting to keep their own culture because I also want my own language and culture. My English culture includes the monarchy, and I resent it very much when anyone tries to abolish my culture or a part of it.”

(in Vancouver)

“We do need the U.S. In so many ways, they must be considered as our big brothers, but we sure do not need the English monarchy, which is a symbol of colonialism.”

(from Toronto)

“Any attempt to abolish or canadianize the monarchy will be met with deeply-felt opposition by many English Canadians. Yet, if we are to survive as a nation, I am convinced that we must openly disagree with such views and create a constitution which is entirely Canadian in form.”

(in Vancouver)

“How long will the Queen continue to be represented on our stamps or foreign symbols on our flags? Canada has reached adulthood now for more than fifty years. We must do away with emblems originating in foreign countries.”

(in Montreal)

“We have downplayed our traditional institutions to the point of undermining their great potential and true role as sources of national identity, stability and unity. In devaluing our institutions and traditions, we risk demeaning ourselves and our country.”

(in Regina)

Opinions

"What is Canada? Happiness, good schools, homes, flowers, maple leaves, opportunities." To a Charlottetown man, these are the things that symbolize his country. Despite different traditions, cultures, religions and languages, this country's citizens must "feel" Canadian "above all else." "We need symbols," said a Montrealer. Others gave various reasons for the importance of symbols: for "unity," for "national identity," to show "stability," "loyalty" and to acquire a sense of "belonging."

Canadians, some said, have "downplayed" the importance of symbols, and have not recognized their "great potential" for uniting the country and providing the population with an identity "uniquely Canadian." Said a Regina citizen: the school system is the "logical place" to "reawaken" the dream of a united Canada.

Although few spoke specifically about symbols, those who did mentioned the monarchy and the flag as the most important Canadian symbols. Others also included the anthem, Royal Canadian Mounted Police, sports, the Ojibwa, Quebec's Carnival, totem poles from the Pacific coast, and the coats of arms of the country and the provinces. Others named museums, art galleries, holidays, church and family as symbolic of the important things in their lives.

Extremely divisive

The monarchy received high praise ("the monarchy alone unites us"; "our greatest asset"; "key to unity") from such groups as the Monarchist League of Canada and the Royal Society of Saint George. Needed, they said, are longer and more frequent contacts between the Queen and Canadians; a "more positive" stance by the central government in favour of the monarchy; more use of royal signs; and better teaching in the schools on the role of the monarchy in Canada. It is not a "British Crown"; it is a "Canadian Crown," one citizen reminded the Task Force.

A few expressed fears about "highly publicized" suggestions that a new constitution would abolish or diminish the role of the monarchy in Canada. Should this happen, some warned, it will be "extremely divisive" to Canadian unity. A citizen in Charlottetown said he had "great sympathy" with francophones for wanting to keep their own culture "because I also want my own language and culture." He said part of his English culture is the monarchy "and I resent it very much when anyone tries to abolish my culture or part of it." Some deplored the removal of the Queen's image from Canadian money and stamps; the removal of "royal" from the armed forces; the replacement of "Dominion Day" with "Canada Day" and the use of the "Official Opposition" instead of "Her Majesty's Loyal Opposition."

But there were a few at the Task Force hearings who disagreed with the idea of the monarchy as a uniting force in Canada. It is the opposite, they argued, especially for French Canadians who feel "frustrated" by the presence of the Queen as titular head of Canada. English-Canada's "love" of "all things British" has stilted the country's pursuit of its own "identity," said a Torontonian. "The role of the monarchy will have to be abolished or changed in a new constitution," argued a Vancouver citizen, "if this country is to survive as a nation." What is needed is a "Canadian-born" Queen, said another. Instead of talking about Quebec's separation from the rest of Canada, we should be discussing Canada's separation from Britain so that the country could be "sovereign" and "independent," said a Montrealer.

If the English-speaking peoples had set out deliberately to ensure that the present crisis would happen, they could not have done a "more thorough job," noted a western unity group. Since the Treaty of Paris in 1763, the English-speaking community had been oriented in the direction of the "Crown," the British parliamentary system and English culture and traditions. The French-speaking populations had "no such orientation" towards France, whose reigning monarch "abandoned them without reservation" in 1763.

The Canadian flag, despite the acrimony surrounding its birth, is now readily accepted by most Canadians as a national symbol, judging by comments made at the Task Force hearings. But

“Canada is a post-nationalism nation. That's why we don't have parades on July 1st. On July 1st we, each one of us, go off and do our own individual thing – even if it is just to splash on the beach with 5,000 other free Canadians. This country is a place where all kinds of very different people are free to be themselves.”

(Diocesan Church Society, in Charlottetown)

“Perhaps one of the greatest moments of unity was the final game of the 1972 Canada-Soviet Union hockey series. Pride and concern for what many average Canadians considered an important symbol of their heritage was at stake.”

(in Moncton)

“We are proud to be Canadians, though not necessarily in a Dominion Day flag-waving kind of way. . . . The Canada we are proud to be citizens of includes all ten provinces and two territories.”

(from Whitehorse)

there were a few complaints that there are now "too many flags in Canada." There is no need for the Union Jack, the flags of the provinces and the territories, one participant suggested.

A Regina resident alleged that the maple leaf is not even flown at state funerals in Quebec. Instead, the fleur-de-lys is used. The speaker thought this "hard to understand" because the maple leaf was adopted to "accommodate Quebec for the benefit of national unity." An English Quebecer had this comment to make: "Frankly, I feel like the fleur-de-lys is being shoved down my throat."

The perfect number

The floral emblems of the provinces comprise the "most beautiful bouquet in this world," said one participant. This person's emotional pleas were for Canada "as we all know it," with its vast expanse of "rural beauty," "its warm and wonderful" legacy of human resources, native to our founding peoples. "Very many in Quebec and throughout this land, I among them, will indeed weep if a separation occurs to reduce the provinces from their present perfect number of ten."

An Ottawa woman said she felt "very strongly" about the singing of the national anthem, but felt "frequently shocked and saddened" that audiences seem so reluctant to sing the words of "O Canada" at public performances.

"We know we have problems as a nation," said a Regina citizen, "but we demonstrated on our 100th birthday that we could learn so much from each other in all parts of Canada" and everybody worked at being a Canadian. We have "slackened off" in the past decade, so we should look back and learn lessons from what we said and did then.

“It was demonstrated in 1967, our 100th birthday, that we could learn so much from each other in all parts of Canada and everybody worked at being a Canadian. We have slackened off in the past decade and we should look back and learn some lessons from the things that we said and did then.”

(Saskatchewan Urban Municipalities Association, in Regina)

“Canada needs symbols. In fact she has them in Oopik the owl, in Bonhomme Carnaval, in the Indian totem poles of the Pacific – all these are symbols which spell Canada to those who see them. More splendid than any of these are the coats-of-arms of the provinces and the coat-of-arms of Canada itself. They belong to us all but do we know them well enough? Do we see them sufficiently often? Have you seen a group of Canadians travelling? Have you counted the maple leaf pins, the tiny flags in the lapels?”

(in Montreal)

“Perhaps the time has come to draft a simple affirmation of loyalty to Canada which could be echoed by school children from Newfoundland to British Columbia as they start each day's work. A country that exists without emotion is poor indeed. Canadians need symbols of their unity which they can respect and for which they may have affection.”

(Regina Board of Education, in Regina)

“I pledge allegiance to the flag of Canada, to the great country for which it stands, to the Commonwealth of which we are a part, and that I will at all times faithfully observe the laws of Canada and fulfill my duties as a true Canadian citizen.’ These words are spoken by all new Canadian immigrants, but I wonder how many Canadians know this pledge and what it means. I venture to say that in Canada today it would be very few.”

(in Regina)

Proposals

To help forge a stronger national identity, the Task Force was urged to make recommendations on how Canadians of different backgrounds can more fully participate in the rich traditions and heritages of Canada, while maintaining the uniqueness of their linguistic, ethnic or regional backgrounds. Canadians were told to address themselves to the greater question of "nationhood" — one country stretching from sea to sea — with all of its peoples sharing a "common allegiance" to the development of a greater Canada.

Those who spoke on the role of the monarchy in Canada often urged Canadians to view the monarchy as a unifying factor in the Canadian diversity. Proposed were more frequent contacts between the monarchy and Canadians, more use of royal symbols and better education in the school system on the role of the monarchy in Canada. A few participants, however, proposed the opposite. A group of French-speaking Moncton high school students suggested that Canada adopt an "independent psychology," especially in respect to Great Britain. Noted a spokesman for the Mouvement réformiste social in Montreal: "From our point of view, so long as we have this British type of constitutional monarchy, there can be no proper meeting ground between Quebecers and other Canadians."

"O Canada, our blessed and cherished land! This union vast, which men of vision planned!" These are the opening words of a new national anthem proposed by a Calgary resident. Commissioners were told that the currently-sung English version, written in 1908, and the French version, written in 1880, although "totally different in subject matter," both reflect the "imperialism and regimentation" of that period.

"Canada lacks unifying symbols and concepts and even its own official national anthem," said students from the Fredericton high school. "Our so-called national anthem has no official status," they said, and they recommended that a competition be held to find a "distinctive Canadian anthem." When a choice has been made, it should be given official status.

Introduction

The reader is already aware of many of the opinions expressed and the proposals made by participants at the Task Force hearings, directly or indirectly pertinent to Quebec. In Part I, "The Communities," members of the two major linguistic groups of Canada, the English and the French, said how they felt about the concept of the "two founding peoples" and the Official Languages Act. The English-speaking community of Quebec described its relationship, past, present and future, with the majority French community of the province and vice versa. Part II, on "The Search for Identity," contained some views from Quebec on education, culture, the media and symbols.

"Economic Life," the subject of Part IV, will discuss Quebec as an economic region with problems of unemployment, "soft" industries and regional disparities. In Part V, "Politics and the Constitution," Quebecers, among others, will speak on such topics as the Canadian constitution, the distribution of powers between the central and the provincial governments, the central political institutions, the protection of fundamental rights, patriation of the constitution and the amendment formula.

There remain, nevertheless, a number of concerns from and about Quebec which warrant treatment in this report.

Chapter 12, *A disaffected province*, presents opinions and suggestions on the "specificity" of Quebec, the reasons behind the discontent of so much of its population, its aspirations, the different political options open to Quebecers and the means available to make the choice — the principle of self-determination and the use of the referendum.

Economics is also a central preoccupation here. What is the state of the Quebec economy? What is the position of French-speaking Quebecers in the provincial business structure? Has Quebec gained or lost, in recent years particularly, from Confederation, in terms of the effects of central government economic policies, programs and expenditures, in terms of its trade with other provinces?

Chapter 13, *The sovereignty-association option*, deals specifically with the possibility of secession by Quebec. Is "sovereignty-association" feasible? Inevitable? What will happen if it is endorsed by the referendum? What would the central government do? What would "the rest of Canada" do? What would be the consequences of secession, in economic, political and social terms? Would the other provinces stay together? Would they fall one by one into the American orbit?



Background

"What does Quebec want?" was a favourite question of English-speaking Canadians throughout the 1960s. Though less often posed in the seventies, it is still in the minds of many.

Quebecers themselves do not always have a ready answer to that question; when they do, it is expressed with many variations. That is not surprising, as the aspirations of any collectivity can seldom be reduced to a general, uniform, simple, definitive set of propositions.

One thing is sure, the "Quebec question" is not new. Conquered in 1759-60, "les Canadiens" (as they called themselves then) and their descendants never accepted the status of a defeated community. They were supported in that position, from the start, by segments of the British and the English-Canadian establishment. Hence the many "accommodations" — called "concessions" by those who resented them — from the Quebec Act (1774) to the Official Languages Act (1969). Confederation (1867) itself was an act of political realism on the part of a majority of the leaders of the two societies and of the four colonies, soon to become seven. The two societies, they argued, could only survive the economic, military and political circumstances of the time by joining together; that could only be done under a federal system, one that would ensure the respect of both unity and diversity. The BNA Act gave back to Quebecers their own political unit, their own "state," and made it possible for them to share in a bigger "state" with the other society and the other political units.

On the desirability of that federal union, French-speaking Quebecers have been divided — then, since and now — into two groups: those who think that the "Canadian experiment" was a mistake from the beginning because the English-speaking Canadians would never really accept the spirit of "partnership"; and those who think that the federation has worked reasonably well though it must be improved to take into account the aspirations of French Quebecers to control their own destiny more fully.

This division has hardly changed for more than a century: on the one hand, the Papineau vision of a form of French state in North America; on the other, the Lafontaine-Cartier vision of a "new political nationality," bringing together two communities and many political entities, united for certain purposes, remaining distinct for others.

The quiet revolution

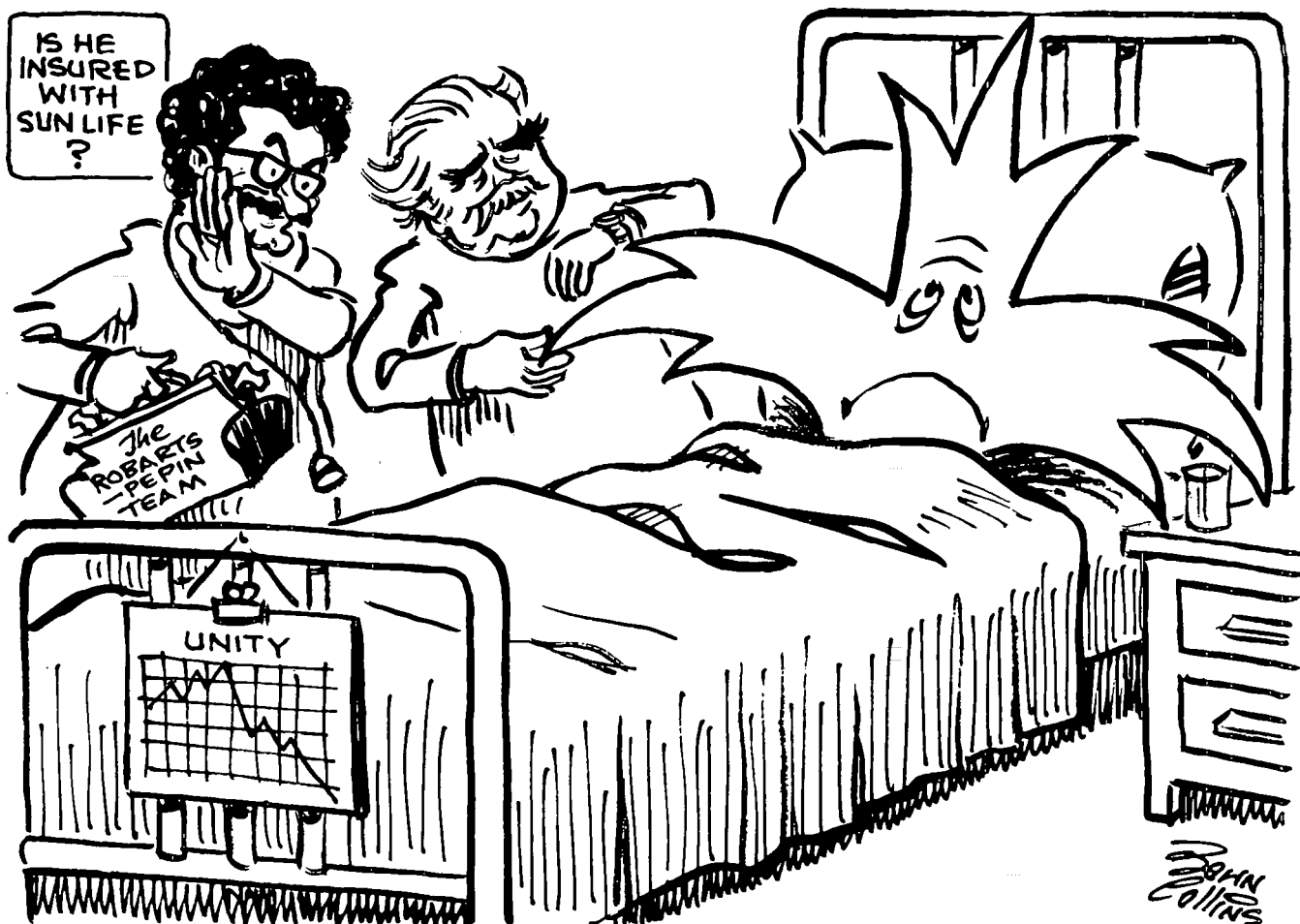
The question as to which political regime is best suited to Quebec was raised again, most dramatically, in the early sixties. French-speaking Quebecers proceeded then to a reform of nearly everything, from their educational system to the role of the church, from their concept of the state to the position of the French-speaking majority in the economy of their province.

Since then, many political "options" have been and are being debated. Each has its supporters, from the maintenance of the status quo to full independence, by way of a diversity of compromise positions which have received such names as "particular," "special" or "distinct status," "associated states," "cultural sovereignty," "renewed federalism," "souveraineté-association" ... or "third option."

Also in the sixties, secessionist groups developed, contributing, in 1968, to the formation of the Parti Québécois, under the leadership of Mr. René Lévesque, who had been, a few years earlier, one of the prime movers of the quiet revolution. After a decade in opposition, this party was elected in 1976. It had made two promises: that it would provide good government and that it would offer to all Quebecers, by way of a referendum, the opportunity to choose their political framework for the future.

Questions

What are the causes of Quebec's disaffection? Are they mainly psychological, cultural, economic or political? Why do French-speaking Quebecers find themselves as a group in an inferior position in the economy? Is the situation being corrected?



THE PULSE TAKERS

JOHN COLLINS

Has Quebec benefitted from Confederation? To what extent is it now benefitting? Does Quebec need a more decentralized Canadian federation? What economic powers does it need? Would further decentralization be reconcilable with the overall interests of Canada?

Why was the Parti Québécois elected? What do Quebecers, both French and English-speaking, think of the different options open to them?

“From the conquest to the War Measures Act, and including the Louis Riel incident, our history cries for independence. When will you understand how completely absurd your Task Force is?”

(in Montreal)

“This Task Force, the government and the mass media have construed separatism as a first time phenomenon, something precipitated by the péquiste government in Quebec. This is historical nonsense. Ever since the 1759 conquest, the Québécois have always posed the question of equality or independence. Quebec has always been aware of being a partner in an unequal union.”

(Quebec Education and Defence Committee, in Vancouver)

“With the advent of freer thinking, the [lessening] of the importance of religion, . . . the increased opportunities for education, . . . and the world wide [resurgence] of minority groups, the stage in Quebec was set for the rapid burgeoning of an already developed nationalistic spirit. This attitude developed not only from a determination for self-expression, but from a cultural attitude that has existed since the time of the early settlers in Quebec.”

(in Winnipeg)

“Our sense of history should not be so numbed that we think our problems began in Quebec a little more than a year ago. Recent events are mere symptoms of deeper, nation-wide problems that stretch back over several decades. The point now is that we can no longer sweep our frustrations under a blanket of indifference or ignorance.”

(Premier Davis, in Toronto)

“The west has its grievances but national unity is correctly characterized as a Quebec problem, a problem particularly concerning Quebec. We may toy with the idea of separation out here but it is in Quebec that it is being seriously considered.”

(in Edmonton)

“The danger to Canada does not come from nationalism in Quebec, but from the lack of nationalism in Ottawa, among other places. The question before you is not 'What is wrong with Quebec?' It is rather, 'What is wrong with the rest of us?' The issue is whether English-Canada can separate from the United States before Quebec separation resembles a desperate manning of the lifeboats as the English Canadian sinks quietly, even willingly, into the American ocean.”

(The Council of Canadian Filmmakers, in Toronto)

“In the richest city in Canada, which has gained the most from Confederation, we treat the French language as an alien language. The people who came from Quebec into our city last year — 1.7 million of them — were given no services, travel brochures, telephone books, nothing. How can these people feel that they are part of this country?”

(in Toronto)

“The English-speaking people seem to have forgotten what the French-speaking world has given us — art, literature, a beautiful cuisine, wine, fashions — just to name a few. I can understand why Quebec is just a little upset with the rest of Canada; we don't recognize what they give us!”

(from Sidney, B.C.)

Opinions

Invited to comment on "what are the causes" and on "what could or should be done to respond to the grievances of Quebecers," speakers expressed a great diversity of views. We have regrouped them under the following themes:

The weight of history

There was an acute awareness at the hearings across Canada of the fact that "the Quebec question" was not new, "not a first-time phenomenon precipitated by the Péquiste government." "The past has caused the conflicts," said a French-speaking Montrealer. Memory was longer for some than for others. The problem has been with us "since the early settlers," since "the battle of the Plains of Abraham," since "Louis Riel," "for several decades," since the "quiet revolution."

But what is the essence of Quebec's "alienation"? A Newfoundlander described it as "a question of regionalism," no different from "the problems" of the west, the Atlantic provinces or the north. A few participants agreed, but most saw a difference. In Vancouver, a professor defined the difference: "The dimension of Quebec alienation is much more significant both in depth and, of course, in urgency." Former Premier Alex Campbell of Prince Edward Island agreed: "Clearly the issue is Quebec." A political scientist observed in Victoria that no other group in Canada feels as strongly as French-speaking Quebecers do about "their existence and lifestyle [being] threatened in their homeland, Quebec." And "it is in Quebec only that a secessionist government intends to effect its own solution," a Winnipegger remarked.

Many speakers tried to explain further why the "refrains of complaint" heard in Quebec are "deeper" than those heard in other parts of Canada. "All aspects of our future are in jeopardy," said a French-speaking Montrealer. His views paralleled those of a citizen in Regina: "In Quebec the grievances are basically cultural and linguistic, with economic overtones." Most speakers emphasized the cultural and linguistic roots of Quebec's alienation. But some, in Quebec and elsewhere, accentuated the "overtones." "To acquire the capacity to participate in the management of modern enterprises, controlled by and at the service of the Quebec collectivity," that is what French-speaking Quebecers want, said le Conseil de la Coopération économique. "Jobs," added the Centrale des syndicats démocratiques, more prosaically. To others, politics was the main cause of the disaffection of many Quebecers for federal Canada. "I have no more confidence in federalism," said one, among many.

Cultural grievances

Efforts were made by participants to define the cultural dimension of the "Quebec problem." Most of them underlined the "uniqueness" of the Québécois and, more generally, the French-Canadian culture. That uniqueness was described by francophone Quebecers in terms of "language," "collectivity," "nationhood," "our own territory," "a need for freedom," etc. For most it was a "feeling" crystalized in a sense of "national community." "Four centuries of history have made Quebec into a nation," said a typical French-speaking Montrealer.

Some French-speaking Quebecers resented the condemnation of their nationalism. "Is it such a crime to be nationalist? How is it that our nationalism is stigmatized as a monstrous ideology? How is it that nationalism is shameful in Quebec but 'a virtue for Canadian anglophones?' " asked someone in Quebec City. Many English-speaking Canadians expressed sympathy. For example, the Newfoundland and Labrador Federation of Labour approved of nationalism on the basis that it gives a "sense of place . . . and community."

Of that "feeling," of that culture, of its accomplishment, particularly of its recent "maturing," French-speaking Quebecers declared themselves "proud," especially when compared to their traditional "complex of the conquered." Their unwillingness to tolerate "humiliations" was repeatedly stated — "Let's stop begging from English Canada!" But pride generally was accompanied by some anxiety.

"I am afraid of losing my culture"; "my culture is in peril"; "a generation is in danger of being

“Quebec is not just another province. Nor are they just another national group among many in Canada. The French in Canada are a nation, not a spiritual abstraction. They are a definite community, with certain characteristics in common: language, territory, economic life and culture. It is a combination of all of these characteristics that defines a nation.”

(Association of United Ukrainian Canadians, in Regina)

“I’ll tell you how one turns to being a Quebecer after one has for a time thought of himself as a Canadian. At the time of the debate on the flag for Canadian unity, I went into a restaurant in Calgary, Alberta. There were some napkins on the table in front of my son. The napkins had small drawings on them. And they showed a beaver urinating on a frog. Underneath, one could read: ‘This is what the Canadian flag should look like.’”

(in Montreal)

“The problem of the Québécois is not that people in Toronto or in Alberta or in Regina speak English; the problem is that their bosses and the supervisors in their factories where they have to make a living don’t speak French.”

(in Regina)

“The French Canadians are denied the full opportunity of enjoying the economy of their area by unfortunate circumstances. Their language, and their priorities, which are part of their culture, tend in North American society to deny to them the positions of responsibility, fulfillment and self-determination to which they feel they are entitled – and to which they, in fact, are entitled. This is not, however, the fault of western Canadians; in fact, many Quebecers’ complaints are echoed in our part of the country.”

(in Calgary)

“Many Quebecers are emotionally involved in the heady intoxication of prideful belief in their cultural and linguistic particularity. Jobs and security though important, do not compete with the sweet wine of liberty, to those who are convinced of the political, cultural and other advantages of separation and independence.”

(from Ste-Anne, Manitoba)

“We will never have a united Canada so long as Quebec is in Confederation. We will never have a united Canada until we have one language. . . . It is time that someone told Quebec to take us as we are or get out.”

(from Toronto)

“In Quebec there is a tremendous new spirit abroad, in the province, and perhaps elsewhere among some French groups. It seems to me this is something that happens very rarely in a nation. . . and I envy the people of Quebec for having this. Regardless of what happens, regardless of what they ultimately decide, it seems to me there is this vigorous spirit which is lacking in the rest of the country.”

(in Vancouver)

“It’s an open secret that the large insurance companies, Canadian as well as British or American, have literally extracted the savings of the small Quebec investors for decades. These savings helped create jobs outside Quebec or were then lent to us at high interest rates. Quebecers have long had to pay the piper.”

(in Montreal)

assimilated," said French-speaking Montrealers. Why? Mainly because, in their opinion, the French-Canadian culture is "not accepted," "not respected," "not treated equally" by and in the rest of Canada. Statements to that effect were generally illustrated by examples of cultural "mistreatment" — in a Canadian embassy abroad, at a restaurant in Calgary, at Toronto airport, everywhere ("I was called a frog from coast to coast," said a war veteran) — and by references to English-Canadian expressions of resentment, such as the "French power" slogan and the behaviour of the English-speaking air traffic controllers in their 1976 strike.

Even more painful to French-speaking Quebecers taking part in the Task Force hearings was their situation in business: "I had to work in English in my own province," while "when General Motors establishes a plant in France, it expects to work in French." The departure of some firms from Quebec because French was to be the language of work was seen as an insult to their cultural rights by many speakers. "It is unwise," and "it hurts," said two of them. "It does harm to national unity," echoed a Torontonians, among others.

Many English-speaking participants expressed regrets for the French Quebecers' feeling of cultural alienation. From Charlottetown to Vancouver, the Task Force heard statements like these: "we have tried to dominate them"; "we treat the French language as an alien language"; "we don't recognize their aspirations"; "we don't make them feel at home"; "it would have been wise to welcome their modernization process." "Why didn't I know that the Quebec people were made to feel like strangers in their own country?" asked a "new Canadian" in Toronto.

Many, like the mayor of Vancouver, wanted to safeguard "the values that French Canadians bring to the fabric of our country." Some even "envied" the French Quebecers' determination to retain their language and culture, "the vigorous spirit which is lacking in the rest of the country," as one said.

Though much less often, opposition to Quebec's cultural aspirations was also strongly stated: "this heavy intoxication of their prideful belief in their cultural and linguistic heritage," this "love of the classics which equipped them very little for business," this "nationalist spirit," this new-found "radicalism," were the very causes of Quebec's problems. By exaggerating the importance of culture and language, "Quebecers tend to deny themselves the positions of responsibility and fulfilment to which they feel they are — and are — entitled," asserted a speaker in Calgary. They build "their own ghettos," concluded a Torontonians.

Economic grievances

"One of the main sources of bitterness in Quebec today is the inadequacy of economic opportunity." The Winnipegger who made that comment was in good company. Indeed, many Canadians, in all regions, repeated to the Commissioners that, in their view, economics was at the root of the Quebec problem and was the key to its resolution.

Provincial federations of labour picked up the theme. In Alberta: "What they [the French Quebecers] want is their fair share of the wealth they produce"; in New Brunswick: "Economic considerations accounted in large part for the election of the pro-separatist Parti Québécois"; in Saskatchewan: The Parti Québécois cannot be accused of causing "things that were happening in the economy anyway."

Many French-speaking Quebecers made the case against Confederation in economic terms. "Quebec is not permitted to plan its own economic destiny," said a Montrealer. Agriculture, transportation, energy, regional disparities were given as examples of the "negative effects" of Confederation on the Quebec economy, effects that were not "hidden by equalization payments." A few speakers observed that the benefits Quebec gains from Confederation were declining because the "Empire of the St. Lawrence" had lost its supremacy. "Why should Quebec stay in Confederation?" asked a Calgarian, after making that observation. A major labour union stated in Toronto: "It will have to be proven that Quebec's people would be better off inside a federal system."

But unemployment, lower incomes and "economic inequality" were the main points brought up

“How can we not understand, deep down, the seductiveness of the independentist adventure? How can we not understand that some may seek alternatives when more than a quarter of the population in such regions as the Gaspé Peninsula, the Lower St-Lawrence or Abitibi are unemployed and must leave their native land to earn a living?”

(NDP Quebec, in Montreal)

“The well-informed businessman can easily see that the Canadian Confederation has not allowed the French Quebecers as a majority to shape their economic future. Nor would a renewed federalism make this possible.”

(Conseil des hommes d'affaires québécois, in Montreal)

“It is evident that Quebec, together with the Atlantic provinces, are the regions most adversely affected by federal indifference, since an average level of unemployment in Canada implies a higher level of unemployment in Quebec and in the Atlantic provinces.”

(in Quebec City)

“Long-term economic decisions have not been very favourable to Quebec. Whether one refers to the national policy on petroleum, to the St. Lawrence Seaway, to the Canada-U.S. auto pact, the federal agriculture policy on feed grains, regional development (DREE), [it is obvious that] these policies have not helped Quebec's industrial sector. On the contrary, they are conceived of in terms of national growth and exacerbate regional disparities.”

(Fédération des syndicats du secteur aluminium, in Montreal)

“In the western provinces, the federal government pays farmers not to grow crops. Compare that with this: the Ottawa government imposes a penalty on Quebec farmers when they produce more than their milk quotas. As a result, they must throw away the milk once their quotas are reached. One should add that cows do keep on giving milk anyway.”

(from Charlesbourg, Quebec)

“The enemy of the Quebec people is the Canadian state as such, with its Quebec fragment under René Lévesque — but what about the national liberation of Quebec? The liberation of the Quebec people will be accomplished only to the extent that it will join forces with the whole of the Canadian working class without any distinction of race, religion or any other distinction one might think of, to destroy, at its foundations, the Canadian state as governed by Pierre Elliott Trudeau and René Lévesque and the lackeys of the rich.”

(in Montreal)

“I lived in Quebec for a number of years during the sixties when the present separatist generation started to voice their complaints. But the central government did not listen then. They regarded them as idiots, radicals, not worthy to be dealt with. Now, in 1977, with a separatist party firmly in control of Quebec, the government is saying that it's the average Canadian who must change his attitude.”

(in St. John's)

both in and outside Quebec as the economic contribution to the unrest in Quebec. "The average rate of unemployment in Canada means a higher rate of unemployment in Quebec and in the maritimes," observed a professor in Quebec City. An Edmontonian thought that "unity means unemployment and low wages for French-speaking people in Quebec. [If you speak only French]," he said, "you are at the bottom of the totem pole economically." An analysis of statistics was made at the Montreal hearings which showed that progress in "the opportunity [for French Quebecers] to participate in the leadership of big Canadian companies" was slow.

Although progress has been more significant in the French-speaking sectors of the Quebec economy, particularly in the cooperative sector, representatives of that sector told the Commissioners in Montreal that this had not been good enough. "As a consequence," said one of them, "Quebecers have gradually come to associate the objective of being master of their economy with the more global one of achieving a greater political autonomy."

Political grievances

In English Canada as well as in Quebec, the causes of Quebec's alienation were presented also in political terms. "Ever since 1759, the Québécois has always asked himself the question of equality or independence," observed a group in Vancouver. "We are not a founding people, we are a conquered nation!" "There cannot be a divorce where there has never been a marriage," said two French-speaking Montrealers, among scores who aired their views on Quebec politics.

The political causes of the Quebec-Canada malaise, argued many participants, reside in English-speaking Canada's refusal to accept the uniqueness of Quebec, in its reluctance to concede that "Quebec will never be like English-speaking Canada," and in its non-acceptance of a "true partnership."

Many French Quebecers were set against the federal system itself. Canadian federalism "impedes the development of a coherent set of policies in Quebec." "Citizens don't understand the federal administrative monster and never know which level of government to approach," said some Montrealers. Others condemned the workings of the federal system, generally described as too centralist (see Part V). A Toronto labour group thought that "it is the role of the federal government which is questioned in Quebec and not national unity." A Vancouverite suggested that if the central government "had been more imaginative and sensitive, much of the Parti Québécois' attractiveness would have disappeared."

Other speakers identified as causes of political discontent specific events ranging from the British conquest of 1759-60 to the conduct of the central government in both the 1970 October crisis — "the army and the federal cops sent to subjugate the Québécois" — and in the "present hysterical campaign for national unity," as two Winnipeggers, among others, put it.

The advent of the Parti Québécois was also cited by some speakers as a factor of disunity. Many, however, praised the Parti Québécois for its dedication to principle, its offering of "an opportunity for personal involvement in a cause greater than the individual," to quote a French-speaking Montrealer. In comparison, "What principle does Canada have?" asked an English-speaking one. Ottawa was wrong "in regarding the péquistes as idiots and radicals," a Newfoundlander in St. John's believed. Said a speaker in Vancouver: "If Ottawa had taken Quebec seriously in the 1960s, there might never have been a Parti Québécois government."

November 15

"Since this damned and fateful November 15th" which saw the election of the P.Q., a "[sense] of trauma has prevented a realistic appreciation of the whole thing," said a citizen in Toronto, as he was sharing with the Commissioners his vision of what lies ahead for Quebec and Canada.

Many French-speaking Quebecers used similarly strong language in explaining to the Task Force why they had voted for the Parti Québécois on November 15, 1976. In Montreal and in Quebec City, Commissioners heard statements such as: "On that day, we gave a powerful boost to our self-esteem, and we are proud of it"; "young Quebecers voted for the Parti Québécois because

“The machinery of federal-provincial relations and an administrative structure involving both duplication and overlap have given rise to heavy and increasing costs, not to mention the frustrations of the common citizen who can no longer understand the simplest thing about this administrative monster and who never knows which level of government to consult about solving his problems.”

(in Quebec City)

“...ever since the industrialized era began in Quebec [and especially since] World War II, all the governments elected by the people of Quebec have met with countless difficulties in trying to establish ... within the confines of the confederative agreement, a coherent set of policies enabling the Quebec government to develop the life of our people in all its spheres of activity.”

(Quebec Cooperative Council, in Montreal)

“The grave injustices and the national oppression to which the French-Canadian nation was subjected are part and parcel of the essence of the colonialist legislation that serves as a constitution for Canada.”

(in Montreal)

“Separatist feelings in Quebec are heightened at this moment by a universal radical movement, one that is essentially of leftist and marxist leanings. During the 60s, especially in Quebec, it met with astounding success among intellectuals, reporters, artists and students, to some extent because of its psychological component which appealed to these people and which may summarily be described as the theme of the oppressed minority.”

(in Vancouver)

“The present astonishment over the ‘resurgence’ of separatism in Quebec is either hypocritical or the expression of an ignorance that is just as dangerous. Now let’s stop hiding our heads in the sand and let us face the problem squarely. In our opinion, that is the first step in attempting to solve a problem of any kind. Let us accept that there is a problem.”

(The French-Canadian Society of Calgary, in Calgary)

“The Quebec electorate spoke, and dismay swept the land!”

(in Dartmouth, N.S.)

“In spite of the very real problems we have, in spite of the actions of the present government of Quebec, in spite of the serious questions concerning the benefits of federalism, one fact is quite clear: the large majority of the Quebec people does not want separatism. We should not act as if it did.”

(in Montreal)

“We invite the French Canadians outside Quebec and the other Canadians not to believe that a majority of Quebecers supports separation.”

(Institut politique de Trois-Rivières, in Montreal)

“Mr. Levesque is a separatist and his party wishes to establish an independent country of Quebec despite the contrary opinions of his own people and the people of Canada. Mr. Levesque’s election to power was achieved mostly through a playing down of the separatist issue.”

(in Toronto)

they wanted to do away with the 110 years of discrimination and frustration that their parents have lived through"; "Quebec has awakened, and that awakening has been spectacular."

Does this mean that the French-speaking Quebecers had voted for independence? More than a few Quebecers said no: "The great majority of Québécois remain federalist," argued a French-speaking one, a view echoed by many, particularly English-speaking, Quebecers. One of them referred to "the general situation in the province" as explaining why 41 per cent of Quebecers, "the majority of whom are not separatist," voted for the Parti Québécois.

Many non-Quebecers, notably Ontarians and westerners, agreed with that assessment of the election of the Parti Québécois. Said one Vancouverite: "Voters were ready for a change in Quebec and most of them didn't like Robert Bourassa." In Calgary, the representative of the Communist party interpreted the 1976 election as "a vote against corruption, government mismanagement and anti-labour policies."

A larger number of participants at the Task Force hearings, however, both in and outside Quebec, believed otherwise: the election of the Parti Québécois was a mandate for the Quebec government to negotiate separation, if not a clear-cut vote for independence. A speaker in St. John's referred to the Parti Québécois as "that separatist party which is firmly in control of Quebec." A French-speaking Montrealer asked the Commissioners not to be misled by the terms independence and souveraineté-association: "Quebecers who voted for the P.Q. did not ignore the constitutional position of Mr. René Lévesque," he warned.

A francophone living in Calgary expressed his annoyance with the debate on the meaning of the Parti Québécois victory. In his view, "One has to be blind not to have noticed that all the governments in Quebec, since Lesage, have made demands which have been more and more souverainistes, indépendantistes, séparatistes. . . or whichever euphemism you prefer."

French-speaking participants outside Quebec followed closely the events of November 1976. In Moncton, some Acadians, even among those who disagreed with the secession of Quebec, spoke of "a barely concealed joy," of "the impetus [provided] to our fight to become masters of our own fate," of an event that "has awakened English-speaking Canadians" and made them aware that "national unity is their problem, not Quebec's." For a francophone in Toronto, the election of the Parti Québécois "was a catalyst which stirred up all the problems with Confederation." Many other francophones outside Quebec told the Task Force that the event had become a symbolic keystone in their own struggle. "We're tired of begging; we want some radical changes," said one of them.

Many participants were not inclined to discuss whether or not November 15 was a separatist victory; other aspects of the party platform and rise to power seemed to them more important. For some, the "popular" or "grassroots" origins of the party was its most interesting feature. This was bound to lead to enlightened social policies, they thought. For this reason, said a Newfoundland labour group: "Many of us were not displeased" by the outcome of the election. A Torontonian asked the Commissioners why no one talks about the "social democratic aspect" of the party's platform and the progressive policies adopted in Quebec since the election. "They could show other provinces how to treat their citizens," he argued.

Few leftist groups joined in such praise. Quebec workers, they repeatedly told the Task Force, should not be fooled by the fraudulent stance on independence of the Parti Québécois, by its "petit bourgeois leadership." The days have not yet come when "the system which exploits the workers will be smashed."

For many French and English-speaking Canadians, the election of the Parti Québécois was a welcome event inasmuch as it compelled Canadians generally to think about the entire political system under which they live. "It was," said a Montrealer, "a healthy prise de conscience of problems that have existed for so long." Said another, "the politicians and the citizens were too complacent" about the Canadian political system. Too many of them had assumed that Canada was strong and united. They have at last started, some participants thought, to ask the right questions about the constitution, the division of power and the fundamental aspirations of all Canadians, Quebecers included.

“It's obvious they were elected on a mandate for good and responsible government. Yet the PQ wants to use its public office to promote separatism, through a referendum.”

(from Armstrong, B.C.)

“At the last Quebec elections, the French Canadians voted in support of a political party which is truly theirs, a party that acknowledges their struggle and is ready to work for change. In a vigorous way, it has brought to the fore those problems that exist in the Canadian Confederation.”

(in Toronto)

“If November 15, 1976 announced the hour of freedom for many Quebecers, for us it announced the moment of truth. . . .”

(l'Association Canadienne Française de l'Ontario, in Toronto)

“But Quebec is awake now. It was a spectacular awakening, a beautiful awakening. We have stood up and we shall not sit down again for quite a while. Our new government has extraordinarily competent people.”

(in Montreal)

“Isn't that the secret of Levesque's success? He has raised in Quebec a standard to which the young people can respond, can respond with enthusiasm and can respond with the blood coursing through their veins.”

(in Vancouver)

“We see so much to commend in the legislative record of the Parti Québécois and so little to applaud from the national government that we are left somewhat confused as to how to respond to the opportunity that the Commission has provided us. It is our belief that the national government has consistently followed the path of disunity in its economic policies.”

(Newfoundland and Labrador Federation of Labour, in St. John's)

“Traumatic as they were in many respects, the Quebec provincial elections of November 15, 1976 have further opened the door of opportunity for progress in building a better Canada. Canadians across the land were shaken out of their complacent and even negative parochialism and have developed a keener awareness of what a privilege it is to be citizens of this country. Politicians have been rising above their narrower interests and have been rallying to the greater cause of saving Canada.”

(in Montreal)

“Separation is a most remote possibility provided that we are willing to make some concessions and some initiatives are taken so that French-speaking people can live a decent life without having to learn English to get along.”

(in Edmonton)

“Ever since Confederation, the other provinces have been making concessions to Quebec, both moneywise and otherwise, and it is time I feel the French are the ones that should be making concessions to the English-speaking majority, by becoming true Canadians and learning the language of the country in which they settled and live, namely English.”

(from Rumsey, Alberta)

Proposals

A Vancouverite proposed to his compatriots: "Let's sit down at the bargaining table and make the Canadian French an offer they cannot refuse." Across the country, participants at the Task Force hearings proposed elements and sometimes the full contents of such an offer, referred to by some as the "third option."

Some focused on linguistic rights, while others dealt with attitudes, travel and other means by which Canadians could get to know each other better across the language barriers. The constitution was the preoccupation of many, while others thought in economic terms. For some, the "offer" had already been made and it was for Quebec to "take it or leave it." For others, it was for "the French" to come up with an "offer." Finally, for many speakers, the bargaining could not start until Quebecers had had the opportunity of determining whether or not they wanted to stay in Canada.

Psychology and attitudes

A great number of persons appearing before the Task Force contended that the solution to the "Quebec problem" or the "Canadian problem" did not lie primarily in institutional, political and economic reforms, but rather in the process of "listening to, understanding and hopefully solving. . . such emotional issues as language and culture." Reflecting these views, a Montrealer urged anglophones and francophones to make "a sincere effort to understand the others' viewpoint." "A country," added another Montrealer, "is a love story, made of mutual understanding and challenges met together." So "let's put an end to vocal inflation, to strategies and counter-strategies, to tactics of all sorts."

A significant number of English-speaking participants agreed. For example, a Torontonian argued that if the country is to remain united, English Canadians "must take a personal responsibility to. . . learn the Quebec situation, to understand the French Canadians." Stephen Lewis, former leader of the Ontario New Democratic Party, reflected this fairly popular view when he declared that the time has come "to describe sympathetically and sensitively the enormous struggle for French Canadian rights." A Torontonian added that it is necessary to help "uproot some age-old concepts of French Canadians as a conquered people"; a Calgarian suggested that English Canadians would have to make "some adjustments in their way of thinking and general attitudes"; others, for example, a resident of Charlottetown, thought that English Canadians would have to "assure" the French Canadians that they are "supportive of their struggle to survive in North America."

Some francophone Quebecers also contended that English-speaking Canadians will not only have to accept the French fact, but also have to develop, in the words of a Montrealer, "a will to favour its expansion in this anglophone mass." Only then could a partnership exist that "will respect our solitudes and our destinies, . . . where values like solidarity and mutual support will have their place."

Language and culture

Had he followed the Task Force across the country, that French-speaking Montrealer might have been pleased to hear statements such as: "Let's treat the Québécois language and culture with dignity"; "let's show respect for the cultural contributions Quebecers make to Canadian life"; "let's promote a 'we care about your culture' campaign." Other statements would have reminded him, however, that "official" bilingualism is far from being universally accepted, that many English-speaking Canadians are annoyed by their compatriots' insistence on remaining French and still believe that the best decision for them would be to become English-speaking. Some of these opinions and proposals have already been recorded in Part I. Here the Task Force reports those proposals on language and culture that were offered specifically as an answer to "the Quebec problem."

The central government's entire analysis of Quebec's needs is wrong, according to an Ontario labour group. "Quebecers could not care less," it said, "whether people in Vancouver had French on their cereal boxes . . . The important thing for them is whether they [can] keep their language

“We in the west must do more to gain an understanding of the needs of Canadians who live in Quebec, if we expect the people of that province to appreciate our needs.”

(Ted Malone, leader of the Liberal party of Saskatchewan, in Regina)

“Whether there is a referendum or not, anglophones will vote for or against Canada according to their hearts. Anglophones, in sufficiently large numbers, must give up their prejudices.”

(in Toronto)

“The rest of the country must accept us as we are; we are no longer expected to mold ourselves in their image.”

(in Montreal)

“It is time, I think, for the political leadership in Ontario to start talking systematically to the people of this province about the realities of Quebec. . . . Time to speak of the psychological truths which flow from linguistic and cultural isolation. Time to explain the evolution of nationalism in Quebec in a way which provides a context rather than a menace. Time to illumine the grave economic problems of many areas of Quebec, and the value of finding solutions.”

(Stephen Lewis, former leader of Ontario New Democratic Party, in Toronto)

“I believe that the French people in Quebec should have the right to choose their own language and culture. There is no reason in the world why they shouldn't have it: there are four million of them in Quebec and there are only 800,000 English-speaking people.”

(in Edmonton)

“...separatism has grown since the adoption of the federal bilingual policy and the passing of the Official Languages Act. In fact one could say that Quebec separatism has grown in spite of it.”

(from Canfield, Ontario)

“When you are in Quebec you talk French; when you are outside Quebec you talk English. I don't know what the big problem is about keeping the country together. It seems to me the only thing that people in Quebec want to do is to talk French, and, likewise, the people in the rest of Canada to talk English, and I think the country is pretty good that way. If you're in Quebec, talk French. If you're in the rest of Canada, talk in English.”

(in Whitehorse)

“This country must revert to its former status as laid down in the BNA Act, an English-speaking country with French allowed in the province of Quebec only.”

(in Toronto)

“There are other countries, such as Switzerland, which are cultural mosaics. There are many others also. Probably, a study of the solutions they have devised, or a study of the results they have achieved, may prove useful in outlining a policy for Canada.”

(Italo-Canadian Cultural Association, in Halifax)

and culture." English speakers outside Quebec often drew the conclusion that the best response to Quebec's cultural aspirations would be to allow the province to become "unilingually French" while the rest of Canada would be "English only."

Support by English speakers, for a unilingual French Quebec was at times stated in strong language: separatism is caused by "a bunch of spoiled anglos in residence" in Quebec; "800 thousand of them, who have been telling the French — 4 million of them — to 'speak white,' " forcing them to become bilingual, because "the bosses could not speak French." It would have been so much "more fair," so "less destructive of Canadian unity," to recognize "the obvious" and let "them speak French and [let] the rest of Canada speak English." Scrap bilingualism, some speakers demanded, "this height of myopic folly," so unrealistic in "a big country such as Canada," and replace that policy by "separate areas of unilingualism," as is done in Switzerland, "where it is working so well."

Many other speakers, both in and out of Quebec, disagreed with that policy of a French-only Quebec and an English-only rest of Canada. They could see neither how "wiping out" English from Quebec would be a wise response to Quebec's cultural grievances, nor, as a citizen in Winnipeg said, "how two wrongs could make a right." Their recommendation — basically that English-speaking Quebecers adjust to the Quebec "realities" — were formulated in statements such as these: "No French-speaking Quebecers should be forced to become bilingual"; "English should cease to occupy the privileged position it has in all aspects of Quebec life"; English Canadians moving to Quebec should accept the idea that "their children be taught in French" and "that, of course, the first language in Quebec should be French."

For many French-speaking Quebecers, however, this was not enough. They told the Commissioners that they wanted to feel at home not only in Quebec but everywhere in Canada. Their adherence to the objective of "coast to coast" bilingualism was expressed in the following way: every French Canadian should be entitled to speak French to his compatriots anywhere in Canada; the two official languages should be respected over the whole territory; all citizens should have the constitutionally guaranteed right (not privilege) of addressing the central government — "which is also ours" — in their own official language.

Many anglophones approved that objective, and some were even willing to go further than the use of official languages. An Ottawa resident wrote to the Task Force that measures should be taken to guarantee that "every Quebecer [be made] to feel that he is a fully equal citizen of Canada, with equal opportunity to compete with his English-speaking compatriots anywhere in Canada." Another correspondent from Toronto spoke of "a trade-off," giving equal recognition to both the Anglo-Canadian and French cultural heritages. Some participants referred to the need for more translations of works of Quebec authors and of greater cultural exchanges between Quebec and the other provinces. Others had in mind a transfer of legislative authority from Ottawa to Quebec in fields related to language and culture. The then leader of the British Columbia Liberal party favoured giving Quebec representatives in a reformed Senate, "an absolute blocking power over measures potentially destructive of francophone cultural or linguistic security."

Economy and business

Although most speakers were willing to accept the idea that the lack of "economic opportunities" has been one of the principal factors behind Quebec's disaffection, not all of them were convinced that the rest of the country was responsible for it or should go out of its way to alleviate the resulting grievances. The unwillingness of some was motivated by arguments such as these: considering the deep-rooted nationalism of French Quebecers, the cost of "buying Quebec into staying in Confederation would be just too high" — "Canada could not afford it," wrote a resident of Regina. In Calgary, a participant told the Commissioners that a lot has already been done to help Quebec, but to no avail: "Look at the billions of dollars channelled into Quebec over the last ten years — they did not prevent the PQ victory."

Other speakers, in the Atlantic region particularly, while sympathetic to Quebec's economic problems, did not see why special economic measures should be taken by the central government since Quebec's situation is "comfortable" compared to what they themselves have to cope with.

“Don't shove the English language down the throats of the people of Quebec, but make it available for them if they wish to learn it.”

(from Winnipeg)

“I approve of the Québécois intention to preserve their culture by taking steps to affect the language spoken in Quebec. In my view all children in Quebec should be educated so as to be fluent in French.”

(from Scarborough, Ontario)

“A question I have about Sun Life is the fact that they must recruit from other provinces, and those recruits don't want their children to learn another language. If the latter is true, then I see no hope for Canada at all. Is the rest of Canada populated with Archie Bunkers that their children are not allowed to learn another language?”

(in Montreal)

“I want all French Canadians, if they so wish, to have the right to speak French in any part of the country.”

(in Quebec City)

“The problem is to make a sufficiently large number of English-speaking Canadians see and accept that an effort has to be made, not necessarily to speak French or even to understand the French Canadians, but to accept, within their hearts that the French language has a significant place and role as a Canadian language.”

(in Toronto)

“Why should the rest of Canada continue to support or help support a Quebec which insists on going it alone, but just doesn't seem able to support itself in Confederation without massive injections of Canadian dollars from the other provinces?”

(from Ottawa)

“For years it was commonplace in Quebec that when a worker went to work he got his orders in English. And, too often, when a Québécois equips himself for promotion, . . . he finds not only that he must work in English but that all the top positions are held by — apparently reserved for — the 'English'; oftentimes, even when he has English he does not get the job — bilingualism does not save him. . . . To the Québécois, all of this means that their being French is not being taken seriously. The Québécois intend to be taken seriously. It is time we 'English' started taking them that way.”

(Ontario Federation of Labour, in Toronto)

“There are progressive anglophone workers who do not take part in the anti-Quebec campaign undertaken here in Quebec by anglophone bosses and media; they appreciate majority rights and understand that French should become the sole language of work in Quebec.”

(in Montreal)

“We urge business to support actively the duality concept in the work place in Quebec, and join a national commitment that Canadians will have access to the official language of their choice.”

(The Board of Trade of Metropolitan Toronto, in Toronto)

Quebecers will get what they want anyway, said some Newfoundlanders, as "they have this country in a frenzy, [while we] have no 'clout' when it comes to threatening independence." Some participants argued that the Quebecers created their own problems by tolerating, for so many years, government mismanagement and corruption, by relying so much on their priests and by isolating themselves from the mainstream of economics with their insistence on being French in a world in which business is conducted in English.

Many other speakers countered these arguments saying, as an Edmontonian did, that "separatism is a most remote possibility provided that some economic initiatives are taken." The initiatives most often proposed dealt with the language of work in Quebec and carried a clear message: Quebecers should be entitled to work in Quebec without having to learn English. The Board of Trade of Metropolitan Toronto said it this way: "French must take its place as the primary language of work in Quebec [so] that francophones can more fully discharge the responsibilities of top management in the economic system [and be in a better position] to overcome inequities in the work place." A Quebec City participant was sure that unilingual anglophones would not quarrel with him "on the principle that francophones should not be forced to be bilingual to make a living." His views met the approval of, among others, the leaders of the Ontario Federation of Labour, who said that to deny that right to the Québécois "means that their being French is not being taken seriously" and of an Edmontonian, who said, "We in Alberta would be extremely outraged if we found that people coming from somewhere else would not speak the majority language, and yet we had to speak their language or we could not get ahead."

Also of fundamental importance is the state of the Quebec economy. Poverty and unemployment have nothing to do with "whether one is French or English," said a Vancouverite, a view echoed in Edmonton, Toronto and Montreal. The Commissioners heard repeatedly that the Quebec economy is "very sick," "deteriorating" and "depressed." The solution, according to these speakers, lies in a "new" approach to tackle regional disparities which would encompass various sectoral measures, listed in Chapter 14, under "Regional economies."

Many French-speaking Quebecers, however, were not prepared to rely on the central government's regional development policies to solve their economic problems. Some had lost faith in the federal system ("No federal formula will help Quebec solve its economic problems"), while others argued that the economic policies pursued by Ottawa had often in the past been detrimental to Quebec. ("The net benefit to Quebec is always negative or nil.") These participants recommended a transfer of constitutional and fiscal authority — and the money now allocated to Quebec in federal regional programs, to the Quebec government — so that it could pursue economic policies more adapted to the particular needs of the province.

Some suggestions presented at the Task Force hearings went beyond strictly economic problems. Cooperative action by governments was recommended — "Let's study what governments in Quebec, Ontario, Ottawa and even Alberta could do to help." In Toronto, the Committee for a New Constitution told the Commissioners that a new form of economic cooperation between labour, government and business is required in order to halt the erosions of Canada's and Quebec's international competitive position. An anglophone Montrealer argued that the elimination of inflation, unemployment and poverty in Quebec would entail a radical restructuring of the social order in favour of "the cooperative possession of the means of production." His view was repeated by various leftist groups as well as by private citizens. Typical was the Montrealer who told the Commissioners that her objective was "the real independence of Quebec, that is, socialism, a system in which workers take over the economy and the government of their country." A Vancouverite approved: "If the people of Quebec feel that by removing themselves from the greater Canadian [profit-oriented] economy they stand a better chance of building that kind of society, my heart and good luck goes out to them and I say, do it please."

Finally, many participants did not see how the economic condition in Quebec or in Canada could improve much as long as the political future of the country remained uncertain. A representative business group in Toronto argued that the "Quebec independence threat to Canadian unity is creating a negative economic perspective in this country in general and in Quebec in particular," and invited the political authorities to postpone the referendum no further so that Quebecers could finally choose among the various political options offered to them.

“It is your duty to provide Canadians with a common goal which will bring together their individual aspirations. And what common goal could this be if it does not guarantee to all the right to work, the right to a decent standard of living, the right to financial security?”

(NDP Quebec, in Montreal)

“The economy of a country does not rest on youth programs. The Canadian government has always claimed that economic matters are its business. But the provinces are blamed for anything that goes wrong. All is fine when things go right. What have they done for the shoe and textile industries in Quebec?”

(from Charlesbourg, Quebec)

“To regain mastery of its economy and plan its own development, Quebec must have control of its fiscal and financial policies, communications, economic development, social affairs and foreign investments. It must be in a position to negotiate, on an equal footing, the advantages which its neighbours might seek. Federalism does not allow this. It is contrary to its very essence.”

(Le conseil des hommes d'affaires québécois, in Montreal)

“What the bulk of the Quebec population seems to want is a reasonable accommodation for their culture and language to the point where it will not be considered a drawback in terms of human and economic development to be a Québécois.”

(from Glenwood, Ont.)

“Certainly, stagnation and unemployment were here long before the PQ were elected, and certainly the Canadian dollar was overdue for devaluation before November of 1976, yet when the devaluation came, it was blamed on the new Quebec government. Self-serving attempts to deny responsibility for these problems by blaming Lévesque are unconvincing and can only aggravate relations between Quebec and the rest of Canada.”

(Saskatchewan Federation of Labour, in Regina)

“One of the devices that certain among them are tempted to use to prevent independence is one of the most pernicious: exodus. It hurts not only Quebec but also that which would remain of Canada, after a possible separation; an exodus is one of the most insidious double-edged swords that exists, and consequently, one of the most dangerous.”

(in Montreal)

“... years of uncertainty about Quebec will be exceedingly damaging to the Canadian economy. Mr. Lévesque is apparently willing to let Canada dangle indefinitely slowly in the winds. We feel that the timetable should be set for a definitive decision.”

(in Vancouver)

“I belong to an ethnic group and the guarantee of my freedom is my Canadian citizenship. I am, and I remain a Canadian, a Canadian who speaks French and who is proud of it. For I have chosen Canada and Canada has chosen me. For I have sworn allegiance to my country. . . .”

(in Montreal)

Constitutional options

Quebecers who debated constitutional options at the Task Force hearings would likely not have objected to one of their own arguing that "it is growing steadily more apparent that bread-and-butter and the constitution are inseparably linked." The subject of constitutional reform was, in fact, raised many times at every hearing. Proposals covered a very broad range of options, from accommodation within the federal system as it now functions to complete independence for the province.

In Chicoutimi, one of the two Quebec Commissioners was asked: "What are they after, those Quebecers still willing to stay in Canada?" Quite a few participants, there and elsewhere, volunteered answers. Some did it with emotion, arguing that they were "proud of their country, Canada," of which their community had been the original "co-founders," to whom they individually had "pledged allegiance," and whose "wealth and beauties" they were not prepared "to abandon to their English-speaking compatriots." Others based their commitment to a federal Canada on economic and political considerations, stating, for example, that the "federal system provides the best framework within which to organize the economic, political, cultural and linguistic dialogue between Quebec and the other provinces," that there was a "built in" flexibility in the system allowing for the necessary adjustments, or that independence was not a "workable" option, considering the North American realities.

The Commissioners heard, however, no Quebecers arguing for the maintenance of the status quo, that is the present system, without change in the relationship between Quebec and the central government. Much more frequently and explicitly voiced were suggestions that the status quo "should be put definitely aside," that it was "clearly not an alternative to sovereignty-association" or that "major and blatantly needed" changes in the constitution were called for if Quebec were to be convinced to remain in Confederation.

Many Quebec speakers elaborated on the "needed constitutional changes." Their ideas were often similar to those put forward in the rest of the country (see Part V) by other Canadians who wanted some clarification of the respective responsibilities of each order of government, the elimination of legislative and administrative overlap, no "further federal intrusion into provincial fields" via Ottawa's spending power, or who wanted the provinces to have a greater say in the management of their own affairs and consequently a greater access to taxation revenues.

Many argued, however, that Quebec is not a province like the others but "the homeland of the French-Canadian nation." Quebecers, therefore, require for their provincial government, "the only political instrument that francophones control," constitutional responsibilities now residing in the central government. Some speakers were content to indicate only the general direction of change, stating that the end result should be to allow Quebecers "to become masters of their political, cultural and economic destiny," without having any longer "to beg for federal handouts." Some were more specific and presented a list of "new powers and responsibilities" that should be either transferred to Quebec or over which the provincial government should have legislative primacy. Most had in mind jurisdiction over culture and communications, fields which, according to an anglophone Montrealer, are more crucial for Quebec than for the other provinces because its "culture and language are at stake." Other speakers extended their "minimum demands" to social and manpower policies, to immigration and regional economic development, as well as to urban affairs. Still others added to that list "some aspects" of international trade and external affairs, "at least," as one Montrealer commented, "when the other party is a French-speaking country."

Would transferring these powers to Quebec amount to a "special," "particular," "distinct" or "privileged" status within the Canadian federation? Not really, argued a Quebec City participant, who told the Commissioners that the need to decentralize legislative authority is more urgently felt in Quebec than elsewhere and that there is nothing "wrong" about "differentiated decentralization." Many other proponents of giving more powers to the Quebec government had no hesitation about offering these new powers to "all provincial governments" who, after all, "are closer to the people." In such an approach, there would be no "special status" as all provinces could choose whether or not to exercise these new responsibilities.

“As a Québécois, the dream of my own sovereign country is tempting; but I am federalist because of our situation in North America.”

(in Quebec City)

“The provincial government has been seeking special status for Quebec within the Canadian Confederation for over a hundred years now. Mercier, back in 1885, was already talking about being master in his own province. Consequently, we believe that our country indeed has to move towards a substantial modification of its constitutional structures.”

(in Montreal)

“I strongly believe that [while] the status quo must definitely be cast aside, independence is not a realistic solution. We must reject it.”

(in Montreal)

“Although it does not seem to me necessary to seek a special constitutional status for Quebec, we will have to accept the need to meet Quebec’s greater desire for decentralization. In other words, we will have to grow accustomed to the idea that decentralization can vary from one province to the next.”

(in Quebec City)

“I am sure that there are solutions. Am I to give the best one? Like you, I am searching, I am searching. I am giving some attention to one of these; I am very much interested by the possibility of special status. And yet I must say to the members of this Task Force that unless our rulers have more respect for the new constitution than they have for the present one, it will all be to no avail.”

(in Quebec City)

“I honestly believe that the main recourse is to accept our diversity within unity. Either the rest of the country recognizes that Quebec will always be different and finds ways to allow for this difference, or Quebec will no longer have any choice but to go its own way.”

(in Montreal)

“Perhaps we ought to have been promoting, long before this, a special status for Quebec.”

(in Charlottetown)

“We have a special feeling for the French, for they are the roots of our lovely country, and we are ready to make special concessions for them. We are willing to grant them special status.”

(The Ukrainian Canadian Committee, in Toronto)

“It is important to recognize the particular position of the French Canadians. The French Canadians have, over the last 200 years, exhibited their determination to retain their language and culture. To the extent it is felt that retention of the French language and culture requires transfer of legislative authority from Ottawa to Quebec, this should be done.”

(from Toronto)

“Special status for each and every province is something that has existed de facto for a long time.”

(in Calgary)

Outside Quebec, some participants were not particularly keen to accept this offer. To them, it presented just too many pitfalls: if accepted by the provinces, the consequences of "selective opting out" could be massive decentralization and a dangerously weakened central government. "Special status for all" might be simply a stepping stone to separation, as Quebec would likely demand one power after another and might want to go much further than the other provinces on this route.

A great number of non-Quebecers made it abundantly clear to the Commissioners that "special status for Quebec" was not an acceptable option either, that it would mean nothing but trouble. If this was what Quebec was asking for in order to remain in Confederation, they would prefer to see her go. Typical were these statements made in all parts of Canada: "Equal rights for all, and special status for none"; "no more appeasement or special constitutional concessions"; "social standards should be determined at a national level"; "all provinces are equal and Quebec is not to be regarded as one entity equal to all the English provinces put together."

The opposite view also had its supporters and they were almost as numerous. A citizen in Vancouver said that "special status" would be "administratively feasible." Another one in Winnipeg argued that there would be "nothing offensive" in granting Quebec a "more distinctive position under the constitution." The Ukrainian Canadian Committee of Toronto "was willing to grant it." The former leader of the Ontario New Democratic party, Stephen Lewis, "was not intimidated by the supposed bogey of special status." His argument — all provinces are different and special arrangements to accommodate these differences will always exist — was repeated in all centres visited by the Task Force. Some participants argued that particular status would not amount to a dramatic departure from current practice as Quebec had already withdrawn from a number of shared-cost programs. Others tried to explain that particular status would not mean "a privileged status" or that Quebecers would be getting a "better deal" at the expense of residents of other provinces: Quebecers would simply be paying a larger share of their taxes to their provincial government, allowing it to assume the cost of programs now financed by the central government, programs which would eventually be phased out. In Vancouver, two political scientists saw great merits in the option proposing special status for Quebec: "It would provide a clear platform for the anti-separatist forces in Quebec and, more importantly, would constitute a response to Quebec nationalism without imposing a uniform decentralization on the English-speaking provinces."

Other speakers did not commit themselves, wanting to know first "what are these additional powers" that Quebec requires "in order to fulfill her aspirations?" Previous paragraphs give an indication of what some Quebec federalists have in mind. Non-federalists wanted, as one of them said: "all powers going with political autonomy . . . in order to grow according to our own feelings and needs. . . in a society in which francophone Quebecers will assume their economic destiny." To them this could only be done with political independence.

A number of Quebecers explained to the Commissioners how they foresaw the transition from a federal system — "that regime which cannot last any longer" — to an independent Quebec. A Montreal business group echoed the views of many: "The only acceptable way is the renegotiation between two equally sovereign collectivities, of a new type of association, a confederal one." For a Montrealer, these negotiations would offer to both Quebec and Canada the "opportunity to choose a fraternal partner, one with whom each is already familiar." "The time has arrived"; "we are at the crossroads"; "peoples, like individuals must, having reached maturity, be able to confront an uncertain future"; "discuss in all serenity" and "friendship"; decide "by referendum," in agreement with international law," added others. "Please convey to your people our best greetings," concluded a Montrealer.

Self-determination

"Since November 15, 1976," the Commissioners were told at the Winnipeg evening session, "the question of self-determination for Quebec has become a central Canadian political issue." There was ample evidence, as the Task Force moved around the country, that this was indeed the case. Experts in constitutional law, political leaders, labour representatives and ordinary citizens debated whether Quebecers have, or should be given, "the right to determine their own future."

“We believe in one Canada, including Quebec. Quebec should develop herself as part of the Canadian nation and be treated no differently than any other province. Special status is not acceptable and will mean nothing but trouble. Accommodate, maybe, but it must be a two-way process. The government of Quebec has yet to indicate even the slightest willingness to accommodate.”

(in Regina)

“Full decentralization probably is not an attainable option. Quebec would insist upon controlling its health and welfare programs, as it does now, and would continue to strive for control over international relations and to acquire the symbols of sovereignty. Nothing less than sovereignty-association can satisfy the aspirations of the Québécois nationalist.”

(from Vancouver)

“I would beseech the Commission to present to the Canadian people the cultural and economic powers that the provinces now have and to tell us if the cultural aspirations of Quebec can be fulfilled with the powers it now has. MacGuigan, Lapierre and Forsey say, ‘yes, they can’ and that no further special status is needed. This came as a surprise to me. Now, if they are correct, then let’s clearly tell the Canadian people that that is so and that no further powers are needed. If further powers are needed, then let’s state what additional powers Quebec needs.”

(in Toronto)

“The national government must, if it is to maintain the support of all Canadians, be willing to deal equitably with all regions, yet recognize that all provinces cannot be treated in the same way.”

(in Calgary)

“...Quebecers would stay in Canada, but not at any price. We will continue to be Canadians so long as Canada accepts us, as long as we can be fully recognized as Canadians by the rest of the country.”

(in Montreal)

“We want our political autonomy, as well as those powers that come with it, so that we may build a society that fits our feelings and our needs. We wish to be proud of our ‘Frenchness’ and thereby cease to come begging to English Canada. We want to consider ourselves as having come of age and as being able to govern ourselves. We want to really feel like masters in our own house and not like a besieged nation.”

(in Montreal)

“The only reasonable solution is for two equally sovereign collectivities to negotiate a new confederation-type association. If this failed, total independence would be preferable to any type of federalism.”

(Le conseil des hommes d'affaires québécois, in Montreal)

“...three hundred years of existence have not been able to engulf us in a unitary Canadian world. ...we have to look at reality as it truly is. We are a conquered people. We would like to free ourselves, not by force of arms but by an act of faith in ourselves.”

(from Ville des Laurentides, Quebec)

Most French-speaking Quebecers were of the opinion that they should be allowed to do so. Typical was the comment from a group of French-speaking businessmen who argued that "to be dead opposed to secession or to the péquiste platform, does not authorize anyone to deny Quebecers the right to self-determination." A Montreal lawyer warned that English Canada could choose to oppose Quebec's right to secede democratically from Canada only at the risk of "grave consequences."

Many English-speaking participants agreed. The most eloquent were labour representatives. In Toronto, Commissioners were told: "English-speaking members of our union recognize that they do not own Quebec, and it is not for people outside Quebec to decide her future as a province or a country." In Saskatchewan, a spokesman for the Federation of Labour told the Task Force that even though his group would not like to see Quebec separate, it was strongly committed "to the right of the people of Quebec to determine their own future."

The support for Quebec's right to self-determination was variously motivated. For some, it was a question of Canada abiding by the Charter of the United Nations. "We supported that right in regard to the third world," said a citizen in Winnipeg, who wondered how self-determination could now be denied to the people of Quebec. A Torontonian argued that recognizing Quebec's right to secession would guarantee "that they will choose voluntarily to remain in our two-nation state." A Vancouverite told the Commissioners that the very suggestion that Quebec does not have the right to self-determination "is enough to drive anybody to think at least twice about remaining in Canada, if not actively to attempt to split away." A French-speaking Montrealer wanted the recognition of that right "once and for all," warning that so long as it is denied, "the oppression of French Canadians will continue."

Many expressions of support for Quebec's right to self-determination were accompanied, however, by qualifying statements that would constrain it "only if it is exercised democratically"; "if they so wish"; "if the constitution is amended to permit it"; "if they are willing to accept the responsibility for their decision." Conversely, some participants added weight to their expressions of support by such statements as: "It is our responsibility as Canadians to defend that right"; "let us not be part of any device or any argument that would frustrate that right"; let us recognize it "without any interference or any whipping up of chauvinist hysteria."

Participants did not always distinguish between the exercise of the right to self-determination and its eventual outcome. Many took it for granted that the final result would be an independent Quebec; for them, the right to self-determination was the right to "secede or to break up the country." The majority of those favourable to self-determination did not, however, see it that way. Speakers used such phrases as "up to independence"; "the right to self-determination including separation." But all options were open. A participant in Vancouver summed this up graphically: "To support the right to self-determination is not to support secession any more than supporting the right to divorce means that one seeks to wreck families." But in Quebec, many of those at the Task Force hearings claiming the right to self-determination, did not hide their hope that eventually, their province would become an independent country. Said one Montrealer, after pleading for self-determination: "We shall have it, our country."

Many English-speaking participants were opposed to Quebecers exercising that right without consultation with the rest of Canada. "It is an irresponsible stance to take," said an Edmontonian, referring to statements about Quebecers alone having the right to choose their own political future. Premier Davis of Ontario presented a similar view. He told the Commissioners that it is "utterly unrealistic to argue that for Quebecers the only issue is the determination of their own future, when no such fundamental decision can be taken without profoundly affecting us all." Some suggested that the decision should be submitted to a national referendum.

Another type of warning, expressed in statements heard even in Quebec, conjectured about the possible negative consequences of the exercise of such a right. To illustrate: "If French-speaking Quebec . . . has the right to self-determination, so do the Inuit and the English-speaking peoples of Montreal, of west Quebec and of the eastern townships"; self-determination is "an out-moded right in a world of global interdependence and limited sovereignty"; "it is fine on paper but if the outcome is separation, what future would Quebec have?"

Background

This chapter concentrates on the option proposed by the Parti Québécois. As the option is defined in terms of "sovereignty" and "association" and as a "real confederation," it is essential to know the meaning of these three terms.

Sovereignty

The essential elements of a state are: a population, a territory, a sense of community, a government and sovereignty. Sovereignty is the authority to make decisions, in the final recourse, on the direction to give to collective actions, and the power to enforce these decisions. A government — or two orders of government in a federation — exercises this authority, in the name of the state.

The sovereignty of a state (also called independence) is defined, in legal terms, as absolute. In practice, however, it is limited, if only by the rights of its own citizens and of other states. Sovereignty manifests itself in the fiscal, monetary, commercial, social and cultural policies of a government, the laws it enacts, the treaties it enters into, the diplomats it sends and receives, etc.

In a state with a unitary form of government, sovereignty is located in a single government.

Federation and confederation

In a federal form of government, such as Canada has, sovereignty is divided, under a constitution, between a central and provincial (or state) governments. Each of these two orders of government is allocated responsibilities in certain areas of public activities. The division is made in such a way that within a single political system, neither order of government is legally or politically subordinate to the other. Each is elected by, enacts laws for and levies taxes directly upon, the same electorate.

In a confederation, which is an association of sovereign states, the central political institutions derive their authority, generally from a treaty assented to by the member states, and are therefore subordinate to them. The officials of these institutions are delegates appointed and instructed by the member-state governments.

Economic association

Many forms of economic association are possible among sovereign states.

A free trade area involves the removal of tariff barriers on goods exchanged between or among member states.

In a customs union, member states also standardize customs tariffs applied to imports from other countries.

A common market adds to a customs union the removal of restrictions upon the movement of labour and capital among members.

A monetary union entails the adoption of a single currency and rate of exchange.

An economic union involves, in addition to a common market, varying degrees of harmonization of the economic policies of the member states. Examples of areas of harmonization are taxation, agriculture, transportation, social security and regional development.

In each of these forms of economic association, common agencies may be created to administer the common policies.

These definitions help us to understand Mr. Lévesque's following description of sovereignty-association: "Quebec will be sovereign when its National Assembly will be the only parliament entitled to legislate on its territory. . . and Quebecers will have no other taxes to pay than those



Hartley
THE MONTREAL STAR

"I vote we let them keep their blasted province . . ."

they will decide to impose upon themselves. . . . [There will be only] one centre of decision. . . . However, we want to keep intact the common economic 'space,' [with Canada] advantageous to us and to others, with freedom of circulation for goods, capital and persons. . . . No customs, no passports. . . . We also share the view that we must ensure in common the present monetary system . . . through a joint central bank . . . and take our place in the North American and North Atlantic alliances. . . . Sovereignty and association are two complementary objectives not at all contradictory. [Later on] we will describe . . . the nature of the organizations which would see to the good functioning of the whole system" (October 10, 1978).

Questions

What do Canadians think about the possible "secession" of Quebec from the Canadian federation? Do they feel it is inevitable? Could it be effected amicably? What would be the social and cultural, economic, political and psychological consequences of sovereignty-association, on Quebec itself and on the rest of Canada?

What are the chances of working out an economic association between a politically "sovereign" Quebec and Canada? What type of association would be feasible?

“Today, Quebecers are once again at the crossroads. The ideal of a country, of a territory of their own is coming closer to being feasible.”

(Société nationale populaire du Québec, in Montreal)

“The goal of the PQ government, my party in Quebec City, is not to seek a third option for the benefit of Ottawa or to help remake the Canadian constitution; it is to bring about the national sovereignty of our one and only country, Quebec, before God and before man, in economic association with whomever we please. But why not with English Canada?”

— (in Montreal)

“I think that we should strike out, at any cost, the word separatist from our vocabulary, for the péquiste is not a separatist. The péquiste simply states: We are a family with two beds; we want our own bed without stopping others from having theirs. And take it that we will have ours. Also that others will have their own. I can't assure you, Mr. Commissioners, that there will be no shuffling about between these two beds.”

(in Quebec City)

“I find myself suggesting to you, members of this Task Force, that you return to your own country and that you speak to the men and women among your people and give them the sincere regards of the Quebec people and that, finally, you should impress upon them our real desire to live with them in friendship but as complete equals, as country to country.”

(in Montreal)

“As for Quebec, amendments [to the constitution] cannot heal its wounds. We have been exploited for too long and we have been looked upon, because we were French Canadians, as second-rate citizens by the anglophone community. Independence is well on its way and will not be stopped; it's only a matter of time.”

(from Lac St-Jean, Québec)

“Quebec will come about, is already coming into being with joy and gladness. There will be no unnecessary hate or spirit of revenge, no pettiness or lies, for when a man has confidence in himself he does not need to resort to threats or trickery. The confident man takes his due share and leaves enough for the others.”

(in Montreal)

“There is nothing ridiculous about this matter, in spite of the sarcasm emanating from the political opponents of Quebec sovereignty. This is neither a return to tribal life nor the beginning of balkanization on planet Earth. Rather, it is simply the formal manifestation, of which the twentieth century has seen many examples, of a nationalism lived within internationalism, in the same way unity can exist in diversity.”

(in Montreal)

“... Now it is our turn to ask: What do English Canadians want? The third option, what does it mean? Why, our road ahead is clear; our actions have prepared the way and I do not believe we can turn back. Besides, historically speaking, no people that has had a taste of independence chooses to go back. We would have to contradict history.”

(from Charlesbourg, Québec)

Opinions and proposals

Most participants at the Task Force hearings had something to say about the consequences of a possible secession of Quebec. "I do not care"; "this is not my problem"; "emotionally, I cannot react"; "it will not affect us," some said. More often, however, feelings of concern, fear and betrayal, or of admiration, hope and approbation were voiced.

The words and the reality

"Drop that word 'separatist'; a péquiste is not a separatist," pleaded a Quebec City participant, as he explained to the Commissioners his understanding of the ultimate objective of the Parti Québécois. Many Quebecers who supported the party's position also resented the label "separatist" being applied either to themselves or to their party. They preferred expressions like "souverainiste," or "associationiste."

Those who strongly opposed the Parti Québécois platform did not always accept these refinements. For many of them, a Quebecer who had either voted for Mr. Lévesque or who endorsed political independence for the province was a "separatist" or a "secessionist," i.e., someone who is trying to "break up" the present structure of the country. The association proposed by the Parti Québécois will not change that reality, according to a French-speaking Vancouverite, "as it is clearly a contradictory attempt to be part of Canada without wanting to assume any of the responsibilities."

Many groups, particularly those representing labour and business, offered their interpretation of the Quebec government's program. The province would, if the majority of its citizens so decided at the referendum, become a separate, independent, sovereign state. Bilateral negotiations would then be initiated, with "Ottawa," said some, with "English Canada," said others, for the purpose of establishing an economic association between Quebec and the rest of Canada. The association "would preserve" many of the existing interprovincial economic relationships, with at least free-trade arrangements between the two "partners." Decisions would be made on a "one to one" basis. "Is that a realistic scenario?" asked many, as they wondered if Canada and Quebec will ever be confronted with that eventuality.

Is independence inevitable?

Some speakers, both French and English, thought that Quebec independence was inevitable. "All our history calls for independence"; every French-speaking Quebecer "is tempted by the dream of sovereignty," said two Montrealers. "Quebec will never stop continuing its forward progress to become a separate nation. . . the determination will never pass"; it is "an unfolding process," speakers in Vancouver believed. These views were opposed by others who thought that sovereignty was only a dream, or a "power play," unrealizable in view of the interdependence of regions and communities in Canada.

Many, again from both language groups, observed that Quebecers had never been allowed to decide for themselves if they wanted to be Canadians, "to vote for something," as an Edmontonian put it. "The Anglo-Canadian colonial state has subjugated the nation of Quebec from the beginning," claimed a speaker in St. John's. "At no point" have French Quebecers been permitted "to determine their own political future," said another in Regina.

Social consequences

In describing their views on sovereignty-association, participants at the Task Force hearings lacked neither colour nor emotion. From péquiste members or sympathizers, Commissioners heard such statements as: "to become adult"; "not in isolation but open to the world"; "master of our destiny in a politically sovereign French-speaking state fashioned to our personality"; "where anglophone rights will be respected"; "living in good friendship and in perfect equality with Canada"; "within the framework of a negotiated economic association."

"It won't be a return to tribal life nor the beginning of the balkanization of the planet" argued a

“The French people want to be free. You English people, you had your turn, you’ve lost it. Forget it.”

(in Toronto)

“Quebec will never stop continuing its forward progress to become a separate nation. There will be confrontation followed by referendum ad nauseam. Eventually, all the present-day protagonists will pass away, but the determination of the Québécois to be on his own will never pass away.”

(in Vancouver)

“Monsieur Lévesque has fallen in love with an idea. The Québécois have fallen in love with an idea. And boy, it’s going to be something to get them to fall in love with something else.”

— (in Calgary)

“The péquistes’ call for independence is not more than an attempt by the Quebec state to strengthen the position of the new urban petty bourgeoisie of francophone technocrats whose aspirations first came to be realizable under Lesage’s so-called quiet revolution.”

(in Vancouver)

“No later than yesterday, you saw anglophones come before you and speak without prejudice, open to the French fact and using our language. At the same time, and again right here at home, we see a new empire, worthy of Bokassa the First, being built for his own self-glorification, imposing on his people the narrow vision of a society reduced to a single language.”

(in Montreal)

“In appearance, the preservation of the language rights of the anglophone families who have lived in Quebec for generations may be continued for a time. Even so, English is doomed to become no more than a ‘kitchen language’ in the province.”

(from Vancouver)

“I believe that every culture has a right to exist and that the French-Canadian culture must exist. But it must exist without bigotry, the kind of bigotry we saw here tonight; because if this bigotry is the foundation of a new Quebec nation then that nation won’t last very long.”

(in Montreal)

“If Quebec secedes, the rest of Canada should immediately declare itself a unilingual nation.”

(in St. John’s)

“Now the division that the Quebec government intends to bring about would be most detrimental to all the Indians of Canada, and even more so to the Indians living in the Canadian territory known as Quebec. Such a division would also lead to the complete disappearance of the Indian races. Can an energetic and modern society such as ours allow itself to hold such attitudes towards the first occupants of the vast country that is Canada?”

(Great Council of the Huron Nation, in Montreal)

French-speaking Montrealer, as he talked of the society he envisioned. There are numerous contemporary examples, he maintained, which illustrate that "nationalism and internationalism" are not more incompatible than "diversity and unity." Restricting his analogy to Quebec and Canada, a speaker in Quebec City expressed a similar view in a humorous manner: "Each of the two members of the Canadian family will have his own bed but there might very well be exchanges between the two beds."

Many of those opposed to sovereignty-association presented to the Commissioners, in French as well as in English, a very different picture of the new society proposed by the Parti Québécois. Taken together, their comments anticipate a bleak future: "an ethnocentric, intolerant and bigoted society," "divided within itself" along linguistic and racial lines; cut off psychologically by a "natural backlash" and economically by "trade barriers" from the rest of Canada; dominated by a "clique of petit bourgeois technocrats." It would be "offering the narrow vision of a society reduced to a single language"; living under the "false illusion of economic and cultural security"; with the working class footing the bill for the "independentist adventure"; "having to put up with empty bellies after the golden dream is shattered."

Cultural consequences

Many English-speaking Canadians, not living in Quebec, expressed to the Task Force the fear that the secession of Quebec would bring about the spiritual and cultural destruction of Canada. Some argued that the country could survive in a material sense, "but if Quebec leaves . . . a part of my soul will leave with her." Others argued, as did a student at the Halifax Grammar School, that culturally, "the English would be in danger of fading into an Americanism that would leave us no identity at all." Canada without Quebec, asserted a group in Toronto, "would be crippled physically and culturally [Quebec being] an important part of our body." Many other participants developed the same idea, i.e., that Canada "needs Quebec . . . its language and its culture to make her the unique nation she is."

In Quebec, many English-speaking participants did not see much future for their own culture and language after separation. Said one at the Montreal hearings, "The message more and more [English-speaking] Quebecers are receiving is that they must assimilate or leave." Said another one: "We will remain in a French Quebec and accept any reasonable policy short of separation or the removal of our fundamental freedoms."

Some French-speaking participants understood their English-speaking compatriots' concern for their own cultural welfare: "Menaced in their culture, their language and their rights, native peoples, anglophones and new Canadians will feel ill at ease in a separated Quebec." Some francophones tried to reassure them. One Montrealer spoke of a "French Quebec where anglophones born in Quebec and all new Quebecers would be integrated, but their human rights would be respected." At times, however, the mood at the Montreal evening hearings became less tolerant. A speaker told the Commissioners that the anglophone minority will have to let itself be assimilated by the francophone majority or "pack up." Some stated, that "the fate of the Quebec anglophones will always be more comfortable than that of the francophones living outside Quebec."

A representative of the Association canadienne-française de l'Ontario reflected a group consensus when he said: "If we have survived to this day, it is not only due to our determination but also to the fact that five out of six French-speaking Canadians live in Quebec." Outside Quebec a feeling of uncertainty prevailed. Most of the francophone groups feared that the secession of Quebec would eventually eliminate any chance of cultural or linguistic survival they have. Canada's commitment to the goals of bilingualism would weaken if not die, argued many francophones, confirmed in that view by a considerable number of anglophones. "Why would it not be so?" said the franco-Albertans of Calgary. "If Quebec were independent," anglo-Canadians would say: "What's the use of helping these francophones outside Quebec?" "We will then be confronted," francophone groups added, with "an unattractive choice, to be assimilated or reduced to the exhibiting of our folklore like any other ethnic group." In British Columbia, the message was not different: "Franco-Columbians will have to ponder and maybe come to the

“How can the French Canadian fail to realize that separation will not create the barriers between French and English culture which he desires, and it will definitely not isolate him from the influence of the English world? Trade relations will continue to go on in English and French. The English population of Quebec will continue to demand English newspapers, radio, and television.”

(in Halifax)

“If Quebec leaves, a part of my soul will leave with her.”

(in Halifax)

“We cannot imagine Canada without Quebec. It would be a different Canada without the French culture. . . music. . . their cooking. . . customs and so on. Withdrawal of Quebec would separate the Atlantic provinces from central and western Canada. . . . There would be a situation like Bangladesh with East and West Pakistan. We need Quebec. . . we need their culture and their language to make Canada the unique nation she is.”

(in St. John's)

“There can be no Canada without Quebec. It is very doubtful if English Canada would survive for long without Quebec, for why should there be two melting pots in North America?”

(in Charlottetown)

“In the event of a majority voting yes for independence in the referendum, it is obvious that francophone Quebecers will feel at home, rid of their complex of a defeated people.”

(in Montreal)

“Were Quebec to separate, the Anglo-American continental pressures, which are unilingual and which already impinge heavily from the south, could be reinforced and strengthened by unilingual neighbours of the east and west, who could gradually suffocate Quebec through a disillusioned pursuit of cultural and linguistic homogeneity. Quebec, in short, could in the end be drowned in the anglophone sea of the north continent.”

(in Edmonton)

“Quebec wants to separate and I am 100 per cent for that, but let's do it now. There have been fifteen months wasted while every politician in the country has been bending over backwards to try and please Quebec. Let's not wait any longer. Let's separate now, and then the other nine provinces can get on with more important things.”

(from Toronto)

“At this moment, I resent the special demands made by Quebec and the concessions that have been given to her by our federal government in their desperate attempt to keep her satisfied and in Confederation.”

(from Brandon)

“To have Quebec accept the status quo and forfeit the trimmings and the trappings of national independence, Canada would have to buy Quebec's participation by economic measures which we could not afford.”

(from Regina)

“The provinces and territories of Canada other than Quebec will become a stronger and more unified nation without Quebec.”

(in Vancouver)

realization that only the Québécois still have a chance to live in French in North America." A franco-Ontarian made his decision: "Better a French Quebec than a lost Canada."

But what would be the effect of sovereignty-association on the French-speaking majority in Quebec? "If the creation of a Quebec state would assure the survival of French, I would accept it, but it is not the case." This is how a Torontonians justified, in French, his opposition to the secession of Quebec. Many other participants argued similarly that independence might prove to be a "trap" that could spell the death of a French culture, even in Quebec. The reasons most often invoked were the following: without the protection of a larger federal union, Quebec would "suffocate" under anglo-american continental pressures and might even be absorbed by the United States, in which case the status of the French language would be "the same as that of the French in Louisiana"; the departure of the English-speaking minority would make it more vital for Quebecers to learn English; an impoverished Quebec economy could only hinder greater cultural achievements; a culture never thrives anyway in a monolithic "ghetto."

In Quebec, a few participants picked up the same themes. Some were willing to predict that, with independence, francophone Quebecers would need to become more and more bilingual to "survive economically"; that "75 years after independence, Quebec would be absorbed by the U.S. with its language and culture." They were isolated cases. Most speakers, whether or not disposed to separation, anglophones or francophones, were either not worried about the future or believed that the French language and the Quebec culture would thrive after secession. Typical were these two statements, one from an anglophone ardently opposed to secession, the other from a young francophone passionately supporting "my PQ government": "The Quebec separatists, in a very real sense, offer security for the French language and culture, something which Canada should, and does not, adequately provide"; "I am an independentist by pure and simple logic, for the sake of my descendants to whom I want to bequeath the only thing I will probably be able to hand down to them, my language, my religion and my culture."

Political consequences

If Quebec "separates," the Commissioners were told in Toronto, "the idea of Canada would perish." This was a central theme voiced by many Canadians from every region of the country. They feared that the country could not endure the trauma of separation, that it would, as one Montrealer put it, "ring the death knell for Canada."

Canada would survive, some participants thought, but "as something other than Canada," as a "nine-province nation" or as a "collection of new nations based on the various regions of the country." Without Quebec, claimed a Charlottetowner, Canada might break up into regional states, a process that would lead to a "balkanization of the northern half of North America." Some expressed the view that the other provinces would "fall like dominos" and, as a Sicilian group in Toronto believed, would be "gobbled up by our neighbours to the south."

There was widespread concern that Quebec separation would further isolate the maritime provinces. Typical was the comment of a resident of Charlottetown who declared that the various links that bind his region to the rest of Canada owe their existence to "fragile political agreements which would disintegrate" if separation took place.

Many participants thought that the pressure on the Atlantic provinces to join the United States might prove to be irresistible. Some suspected, however, that the Americans might not welcome such a development. "After all," quipped a Newfoundlander, "this is not Alberta yet." Others felt, as did the Fredericton Chamber of Commerce, that "Quebec's separation could result in renewed interest among the eastern provinces in the concept of maritime union." Others believed that the maritimes could remain part of a fragmented Canada, but this alternative, as the Atlantic provinces' Chamber of Commerce indicated, "would not offer great security for the region." Some of the Acadians who appeared before the Task Force indicated that "if our brothers from Quebec decided to separate," they "would wish to remain a part of Canada." Other Acadians made it clear that they would, however, demand their own province.

Some Canadians drew to the attention of the Commissioners the international political

“Many people do not appreciate that Canada will be physically severed, and that in order to go from Ontario to the Atlantic provinces, one must pass through a foreign country. The pressure on the Atlantic provinces, as a result of such severance, to join with our American neighbours may well prove to be irresistible.”

(Ted Malone, leader of the Liberal party of Saskatchewan, in Regina)

“In Canada and in Quebec, we should stop thinking, once and for all, that history is watching us and that the fate of mankind depends on what we, Canadians and Quebecers, will do. History doesn't care a damn about Canada and Quebec. We don't have any lessons to give to other countries: though Canada crumbles, federations will still continue to exist, and if Quebec succeeds, the small nations of this planet should not take this as a guarantee of success.”

(in Montreal)

“René Lévesque should be jailed for treason. I fought five years for the preservation of our great country and I do not intend to sit idly by and watch, while a bunch of idiots try to cut off a slice of my country.”

(from Severn Bridge, Ont.)

“The federal government must state that it is prepared to take military action to ensure that Quebec remain a part of Canada. This is essential.”

(from Scarborough)

“The use of force to hold Canada together cannot be tolerated.”

(New Brunswick Federation of Labour, in Moncton)

“We are probably the only country in the world which won't fight a civil war in attempting to hold itself together.”

(in Charlottetown)

“In the event of a decision to separate from Canada, we oppose any use of military force against Quebec. We have no desire to impose an outside will upon the Quebec nation.”

(Student's Union, in Edmonton)

“I fear, for I am an anglophone; I have read the English language newspapers and I am afraid of the climate prevailing in English Canada. I shudder at those threats of force against Quebec; I am afraid that we might witness events such as those of October 1970. I fear economic threats like the Sun Life Company leaving the province. That, I suspect, was something like the Brinks operation.”

(in Montreal)

“At New Year's, Trudeau once again reiterated his threat to use armed force against the Quebec people, and at the same time, a PQ organ published an article saying that there should be a Quebec army. So they plan to use the Canadian people as cannon fodder in a reactionary civil war.”

(in Montreal)

implications of Quebec's secession. "If not the eye of the world," commented a citizen of Regina, "at least the eyes of the two giants of the world will be on Canada." A Vancouverite reflected the attitude of many when he declared that "Canada's international reputation as a world power will be greatly damaged." "What will they [the Americans] think," asked a representative of the Bank of Nova Scotia in Toronto, "of this well-ordered, well-led democracy, when it appears to be falling apart at the seams?" Other participants expressed a fear that an independent Quebec might have no interest in supporting NATO or NORAD. "Separation would mean that a foreign language state would be created minutes away by air from many U.S. cities. A look at the map shows Quebec almost as close to New York as Cuba is to Miami," reflected one speaker.

Some citizens argued that the process of secession "will invite political instability and imperil democracy" in Quebec. "The smaller the political entity," said one Torontonian, "the easier it is for some very radical groups to take over." A few participants at the hearings raised the possibility of an independent Quebec falling into the hands of the Communists. "Do you think," asked a Torontonian, "that [the followers of] Mao-Tse Tung or somebody else will not move in there and make another Cuba?" Some speakers feared even worse consequences. "The instant Quebecers . . . declare unilaterally that they are not a part of Canada," stated an Edmontonian, "the civil war starts; . . . it's going to be dirty, it's going to make Northern Ireland look like a Sunday school picnic."

Conversely, many other participants maintained that the whole of Canada would not only survive but would prosper after Quebec's secession. The majority of them tended to view Quebec as the "weak link" province, the source of Canadian disunity. Their solution to the problem of Canadian unity found expression in the comments of a citizen from Toronto: "The sooner we assist Quebec to separate, the happier we will be." Only then, added a Calgarian, can "we, the English-speaking segment, form an extremely unified and aggressive country." A Vancouverite, convinced that Quebec will opt out, said, "After she leaves, the provinces and territories of Canada, other than Quebec, will become a stronger and more unified nation." A Torontonian concurred: "It will not be the end of Canada, so I say [since Quebec independence is inevitable], let us part now as friends rather than later as enemies."

Economic consequences

For a majority of English-speaking participants and for more than a few Quebecers, the crucial consideration was "how better or worse off we will all be if separation occurs." Typical was this statement from a financial group in Toronto: "Anyone who ever tried to balance his income and expenses knows that somewhere the world of economics becomes the dictator." A Quebec business group argued at the Montreal hearings that the great majority of Quebecers would "favour independence" if it were not for the fear, "unsubstantiated," of negative economic consequences. From a Quebecer working in Edmonton, Commissioners heard that the discussions taking place now in Quebec are not about whether "we should vote to stay in Canada" but rather, "will we survive if we get out?"

A dozen or so speakers felt that the role of economics was being exaggerated. A participant at the Edmonton evening session summarized this view: "Not all things are to be determined by the balance sheet of dollars and cents." In Toronto, a citizen expressed a similar thought: "Economics or not, nothing is going to stop the unfolding process now taking place in Quebec." Other participants, while admitting that the economic consequences of secession would be serious, warned that the "cultural, political and spiritual loss to the country would be far more important and a far greater tragedy."

From many Quebecers at the Montreal and Quebec City sessions, the Task Force got an even stronger message: the outcome of the referendum will not be influenced by "doomish" economic projections, nor by threats of economic sanctions. Said one: "The economic arguments have little chance of being heard; more than bread is needed to accept the society in which one lives." Former Premier Alex Campbell of Prince Edward Island agreed: "It should now be clear that many Quebecers would choose to separate and are prepared to suffer the consequences as a price they must pay to preserve something cherished more than economic well-being."

“Many Canadians may not be ready to accept the idea of total independence, and may become conditioned to the idea of the use of force to prevent it. How the violent tearing up of Canada would occur does not matter much at this time, since we could not do much about it; but we can do something about the actions that would lead to violence.”

(from Regina)

“In the eventuality that it be found impossible to stem the forces of separatism, [or to] convince the majority of the people of Quebec of the need for, and the advantages of Confederation, and the rest of Canada of the need for, and advantages of, a restructured nation of linguistic equality and expression, then let us separate in the peace and freedom befitting intelligent peace-loving people, so that we may live side by side in harmony, if not in purpose.”

(from Ste-Anne, Manitoba)

“Separatists have chosen to almost completely overlook the economic contingencies of a break-up, by considering independence only from the angle of emotion and passion.”

((L'Ordre militaire et hospitalier de St-Lazare de Jérusalem, in Montreal)

“After all, the Quebec problem did not start with inflation and unemployment.”

(from Ottawa)

“Let us not be misled by the suggestion that all we need to do is improve the Canadian economy and Quebecers will be happy and content as Canadians. This is not what we have learned from independence groups throughout the world. Many Quebecers are emotionally involved in the heady intoxication of prideful belief in their culture and linguistic heritage. Jobs and security, though important, do not compete with the sweet wine of liberty, to those who are convinced of the political, cultural and other advantages of separation and independence.”

(in Winnipeg)

“We strongly believe that any form of separation of one or more provinces from the others — even under the guise of sovereignty-association — would be an economic tragedy for all of Canada.”

(Business Council on National Issues, in Ottawa)

“...The separation of Quebec would probably increase the difficulty of obtaining foreign capital because the confidence of investors will further erode and the cost of borrowing may become prohibitive. In addition, the costs of reaching the important central Canadian markets will probably escalate because Quebec, as a sovereign state, will cut the region off geographically from these markets. If Quebec, under these conditions, were to tax goods in transit, the costs may become more prohibitive. The Atlantic region would then require further equalization from central and western Canada, and we fear that the remainder of Canada, with a reduced tax base, will become increasingly intolerant of the regions' escalating demands.”

(Fredericton Chamber of Commerce, in Fredericton)

“The essence of this nation is the east-west strands of transportation, communication and financial flows. These owe their existence not to God or nature but to fragile political agreements which are disintegrating under the pressures for Quebec independence. The inevitable result will be the isolation of the Atlantic region as these strands are ruptured or constricted by the delineation of new jurisdictional authority. The only remaining questions relate to the degree and timing of the impact on this region.”

(in Halifax)

The Task Force heard some speakers arguing that Quebec's departure would have a limited economic impact on either Quebec or the rest of Canada. Those participants believed that with Quebec gone, Canada would be free, at last, to tackle its "real problems" which are unemployment and inflation. Other speakers claimed that the economic gains to their province or region would outweigh any possible short-term losses or costs. They had estimated that trade between their province and Quebec was "negligible" and could be replaced, even advantageously, by imports from other countries.

The "no loss" or "better off" arguments were, however, comparatively few. The majority of participants, be they English or French-speaking, believed that Quebec's secession would have disastrous consequences for the whole of Canada. Comments often heard to describe the outcome included: "unmitigated disaster," "economic tragedy," "myriad of financial problems," "economic nonsense," "brutal economic readjustments," "small likelihood of survival."

Which province or region would be the most seriously affected by secession? Most participants answered: "we will all lose"; "all sides will suffer"; "no part can survive on its own." Many reasons were offered: markets would be closed, or at least hampered, for western and eastern Canadian primary products and for Ontario and Quebec manufactured goods; foreign capital would be more difficult to obtain and the cost of borrowing might become prohibitive; the access to some natural resources would become more restricted for those provinces where they are in short supply; our ability to counter multinational and monopolistic forces would be weakened; the bargaining position of both Canada and Quebec would be reduced in international trade negotiations.

A few participants argued that the cost of splitting up the country would be borne unevenly. English-speaking participants saw Quebec and the Atlantic region as the principal losers. But some westerners and quite a few Ontarians added Ontario to that list. Commissioners heard some specific references to the importance of the Quebec markets for the prairie cattlemen and farmers.

Maritimers and Newfoundlanders repeatedly shared with the Commissioners their fear that the independence of Quebec would spell serious economic difficulties for their region. An Atlantic business group put it this way at the Moncton hearings: "If the country drifts to separation, the Atlantic provinces will wake up one morning with a very unpleasant hangover, not the least of which will be a rude jolt to the standard of living." Many others agreed that the Atlantic provinces are especially vulnerable. The reasons offered were numerous, but most often heard were: the disruption of east-west transportation and communications links and financial flows; the increased costs of reaching central Canadian markets; the loss of some Quebec markets for primary products; higher prices for consumer goods imported from Quebec after the assumed erection of tariff or non-tariff barriers by "Canada"; a threat to the development of the great resource potential of the Labrador rivers and the Fundy tides; the weakened capacity of a truncated Canada to foot the bill for reducing regional disparities through equalization payments.

"Ontario has probably the most to lose if our country splits apart," Dr. Stuart Smith, the leader of the Ontario opposition, told the Commissioners, after acknowledging that his province "clearly has done particularly well by the union of 1867." A few others at the Toronto hearings made similar remarks. An agricultural group told the Task Force that farmers in the eastern Ontario counties would be hit hard, as their city clients would lose buying power. Other groups and many private citizens referred to the vital importance of the St. Lawrence Seaway, wondering if an independent Quebec would not restrict its use for Ontario-bound ships in an attempt to seek economic advantages. Said a Toronto citizen: "It is worrying that the ports of Quebec City and Montreal may be separated from Ontario by some barriers."

Other English-Canadian participants expressed similar views. The former leader of the B.C. Liberal party told the Commissioners that "the greatest loser by far would not be Quebec but Ontario," adding that, with the rest of what used to be Canada buying on a free market, Ontario would be bankrupted. A Vancouver business group surveyed the opinions of its members and found that quite a few of them felt that the possible "loss" of the St. Lawrence Seaway would be disastrous to Ontario. But, concluded the group, the net economic gains for Ontario might more than compensate. Why? "The loss of Quebec would leave Ontario with greater clout than ever in

“We as business people are convinced the withdrawal of Quebec or any other major region from Confederation would do incalculable economic harm on all sides.”

(Board of Trade of Metropolitan Toronto, in Toronto)

“Transportation policy . . . jurisdiction over the St. Lawrence Seaway . . . the winter ports of Quebec City and Montreal . . . tax policies . . . federal-provincial fiscal arrangements . . . These and other programs now in place are national in implication, and it would require years of effort and frustration to sort out these areas in the event of Quebec's separation. . . .”

(Ontario Federation of Agriculture, in Toronto)

“Canada's loss would be our loss [B.C.] — less so economically than other regions, perhaps, but still exceedingly painful, as we face a decade of uncertainty and the reality of a far smaller and more specialized and vulnerable economy in the world market place.”

(Gordon F. Gibson, former leader of the B.C. Liberal party, in Vancouver)

“The maritimes and Ontario are likely to suffer economically if Quebec leaves Confederation. In Saskatchewan, on the other hand, the departure of Quebec may even result in short-term economic benefits. We sell very little to Quebec. . . . We do not buy extensively in Quebec, except for the consumer goods which come from the Ontario-Quebec industrial area, most of them at what we regard as inflated, tariff-protected prices. Again, we might receive at least as good a deal from an independent Quebec as we have traditionally received from the great industrial producers of central Canada.”

(Premier Blakeney, in Regina)

“From a western perspective, the most difficult economic adjustments would probably relate to agricultural and forest product exports to Montreal, which is a major market for western producers.”

(in Calgary)

“The first decade of independence would be extremely difficult for Quebec even if she were helped by cooperation of the rest of Canada to make the severe economic adjustment gradually. During the first few years, perhaps half a million people would leave the province, many of them taking their jobs with them. . . . The other provinces would insist that the maintenance operations of the airlines and railways be moved to other cities with high unemployment. In addition, the labour intensive shoe, clothing and textile industries would suffer very high unemployment. . . . Most of these exports are heavily tariff-protected. The industries producing them would lose much of their market.”

(from Vancouver)

“ . . . the proponents of the independence of Quebec, in an understandable fervor, overstate the benefits that could accrue from such an eventuality and seriously underestimate the negative effects that would result not only in economic terms, but also with regard to human relations.”

(Alcan Aluminium Limited, in Montreal)

Ottawa," with the result that the economic interests of the west would be sacrificed even more to the interests of Ontario. Premier Blakeney of Saskatchewan disagreed, and told the Task Force that in a Canada without Quebec, the west might be in a stronger position to redress some of its deeply felt economic grievances.

The proponents of the Quebec-the-main-loser thesis substantiated their predictions by presenting a number of arguments:

During and after secession, Quebec might be confronted with a hostile or indifferent world. American investors, particularly, apprehensive of the political, social and economic climate, might significantly reduce the flow of capital. Many companies would tend to leave Quebec for Ontario or other provinces in order to retain their wider Canadian markets.

Unilingual Quebec professionals would be cut off from the mainstream of research and development.

Quebec would not only cease to receive any financial assistance from Ottawa, but the burden of having to assume her share of the national debt and to purchase federal properties within her boundaries would severely mortgage her future.

The industrial structure of Quebec, weighted as it is with many "soft" sectors like textiles, clothing, footwear and furniture, would be rendered even more vulnerable. The Canadian market for these goods might be lost to foreign substitutes that inhabitants of other provinces could purchase, tariff-free, at lower prices.

Future economic negotiations with the rest of Canada would likely be on a quid pro quo or give-and-take basis, "as between foreign countries." Being weaker than Canada, Quebec might very well have to concede more than it would like.

Many participants were not convinced by these arguments and the Commissioners heard a considerable number of rebuttals. The following are representative:

Quebec could succeed as a sovereign country, considering that it is three times the size of France and has enormous untapped natural resources, hydro-electric power and a technically skilled population. Quebec's potential would not disappear with independence and even if the rest of Canada or the United States refused to deal with her, other countries would very likely be pleased to take their place. "Let us not forget that the planet is not limited to Canada and the United States," commented one participant.

Having better control over the instruments of her economic policies, such as taxes, currency and tariffs, Quebec would be in a position to pursue her own economic objectives, including the promotion of francophones to the decision-making positions in businesses operating within her boundaries.

With a quarter of a million unemployed in Quebec, with entire industries endangered, with national economic policies favouring Ontario, many said that there is little point in arguing that things could get worse.

Economic association

"Could some formal economic links between Quebec and Canada be established to prevent the disruption of the Canadian economic union?" The spectrum of views expressed on this question was very broad. In English Canada, more often than not, the Commissioners were informed that economic association would be rejected. However, many participants, in Quebec particularly, were willing to accept the view of the Parti Québécois that the rest of Canada would find it useful and even necessary to negotiate. In all cities visited by the Task Force, there were calls for caution, for more in-depth study, before the proposal be "bluntly rejected" or "blindly accepted."

Those who opposed the Parti Québécois' idea of economic association argued their case in terms of psychology and politics as well as in terms of "cold economics." A French-speaking Montrealer

“The textile industry, in both its primary and secondary phases, is a prime example of an enterprise whose viability would be greatly reduced, if not totally jeopardized, by separation. Where would its market be? Buyers would naturally turn elsewhere because they would certainly find cheaper prices elsewhere.”

(A group of Quebec labour officials, in Ottawa)

“Furthermore, from an economic viewpoint, the strategists in Ottawa lie every day, as do their Quebec supporters, when they try to frighten us by saying that independence would cause a serious economic crisis. Any reputable economist would dismiss their argument and show that there would be, at most, a temporary financial readjustment, that Quebec has all that is needed to become a model for the young nations born of the great autonomist movement of the 20th century.”

(in Montreal)

“Quebec's resources will not disappear if Quebec becomes a country. As far as investments and the sale of our products are concerned, if Canadians and Americans were to refuse to deal with us, we would have to come to realize that Canadians and Americans are not the only people on this earth.”

(La Société nationale populaire du Québec, in Montreal)

“The economic gains of political independence are related to the opportunity that the state of Quebec has in establishing policies to achieve the stabilization of the situation and to promote its long-term development so that its natural, material and human resources will be put to better use than under the present federal regime.”

(in Quebec City)

“At the same time we must make clear, without venom, what Quebec stands to lose by tearing Canada apart and leave no doubt that whatever choices may be offered in the referendum, the option of having your cake and eating it too does not exist. Even if 'sovereignty-association' were to attract a majority of the votes, the rest of Canada will be under no obligation to provide the 'association' part of the package, and may well be in no mood to do so.”

(from Ottawa)

“One thing for sure, unless we are naive or wish to delude ourselves, there would likely be a backlash from the English of the other provinces and it would be an illusion to claim that negotiations between a separated Quebec and the other provinces over a new association would be easy. As a matter of fact, it would be normal for them to react negatively, since they would have tried, unsuccessfully, to keep us within Confederation.”

(in Montreal)

“If Quebec decided to separate, we would have to ask ourselves what advantages there would be in maintaining links with a Quebec which is unwilling to continue supporting a federal government, but which would continue to benefit from our tariff structure. I cannot imagine very many in Saskatchewan being interested in such a proposition.”

(Premier Blakeney, in Regina)

“The Western provinces probably don't have much sympathy for Lévesque's plans. Furthermore, if that province were to separate, Alberta might not feel inclined to continue to sell oil below world prices nor would it support the textile and shoe industries in Quebec through protective tariffs.”

(in Montreal)

talked of a probable "backlash." He thought that English Canadians, having been "deprived" of part of their country, would "naturally" refuse to deal with a "separate" Quebec. Someone in Winnipeg echoed this view, explaining that English Canadians would be unable to forget that Quebec had turned its back on their "willingness to compromise." In Regina, St. John's and Edmonton, people spoke of the "trauma of amputation." The péquistes are "dreaming" if they think that "stupidity" or a "guilt feeling" will bring Canada to "swallow" association; if they so decide, Quebecers "shall have it cold, their separation"; we "would not be at all happy about dealing with a fully independent neighbour."

Let us not be "short-sighted," "naive" or too "emotional" about the whole issue, pleaded many speakers. A lot tried to remain objective. "What will be the [commercial] advantages of association?" some asked. Negative answers came from many quarters: "None"; "it holds no appeal for us at all"; "it is a shell game as anglophone Canada as a whole shares no common economic interests with Quebec"; "we [would] have no reason or desire to protect and buy at higher cost Quebec's manufactured products"; "it would be less advantageous to them than to us [Quebecers]."

Many speakers, particularly in Quebec and Ontario, were willing to accept the idea that eventually some sort of economic links could be negotiated. But they argued that the benefits would not be as great as the Quebec government expects. Bargaining would be long and difficult and the Quebec economy would deteriorate as negotiations went on; Canada would probably ask Quebec to relinquish some of the protection now enjoyed by her industrial sectors and to pay her share of the commercial and military costs of "defending" the economic association. The negotiated "package" would tend to be more advantageous to the stronger economy, that is, to Canada rather than to Quebec. The association could also be difficult to implement without some sort of political integration. A Quebec corporate manager summarized the arguments by telling the Commissioners that "the association would, if accepted, either be too weak to produce satisfactory results or would require numerous limitations on sovereignty."

Other speakers, both in and out of Quebec, particularly in Ontario and in the Atlantic provinces, presented opposite arguments. They spoke either of the "mutual benefits" that would accrue to both parties of the association or of the "serious loss" that would be incurred by both Quebec and Canada if formal economic links could not be negotiated. A Haligonian, referring to the issue as "a red herring," said that economic association was inevitable and desirable. He said: "The patterns of exchange and other human relationships between people on either side of the Quebec border are too deeply entrenched to be suddenly eliminated. What is more, any system of custom and tariffs would be considered too crude and difficult to enforce." On the basis of an analysis of commercial flow between Quebec and the rest of Canada, a Montreal business group argued that anglophone financial circles, out of sheer self-interest, would eventually insist that their political leaders conclude an economic association with a separate Quebec. The group commented: "Only such an association would guarantee the protection of the billions they have already invested in Quebec."

Introduction

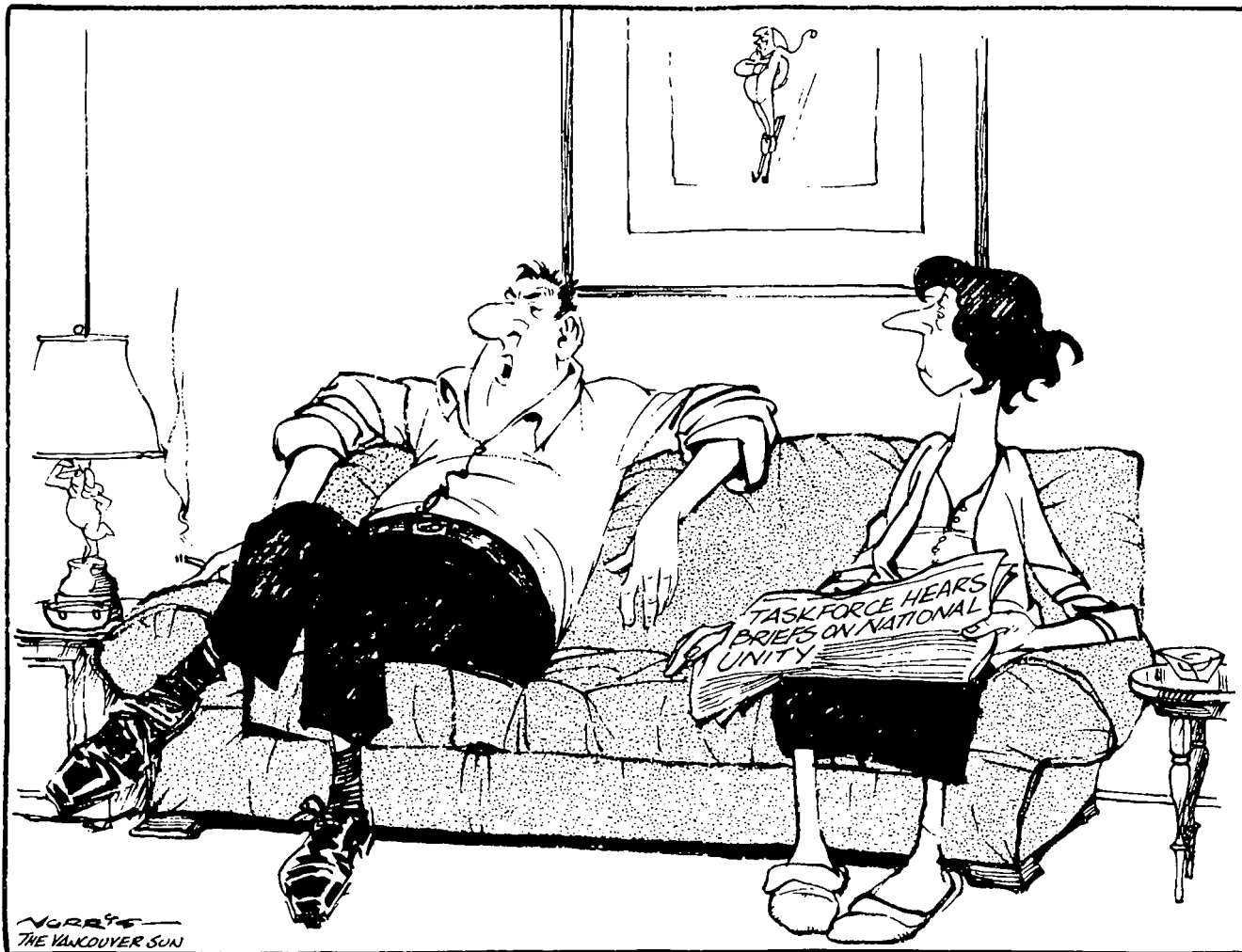
"Please, gentlemen," implored a Vancouverite as he summed up his feelings about the national unity debate, "don't insult me by telling me that my problem is Canadian unity! It isn't! I need a job." Nor was his an isolated statement. Far from it. Over and over again, at the Task Force hearings, in all parts of the country, citizens expressed their concern about the present state of the economy and their fears for the future. Many implied, at least, that if Canada were to solve its economic problems, national disunity would disappear.

Chapter 14, "Governments and the economy," deals with such persistent issues as unemployment, inflation, the business climate, foreign ownership. It echoes the extensive criticism levelled by participants at the governments' management of the economy.

Chapter 15, "Regional economies," brings together the numerous comments the Commissioners heard on the problem of regional disparities, their causes, their effects, their persistence and the means available to reduce them.

Chapter 16 is on "Resources." Our economy is, to a large extent, resource-based, and in recent years the jurisdiction over resources has been the subject of intense debate between the central government and the provinces. This chapter reports particularly on how people view this conflict, but reviews many other problems of resources management as well.

Part III of this Report, "Quebec," covered most aspects of Quebec's relations with Canada as a whole, including the economic aspect. Accordingly, Part IV concentrates on how economic questions are perceived by Canadians residing in the other provinces.



"Why should I tell Trudeau my plan, if he won't tell me his?"

Background

The role of governments, in Canada and elsewhere in the world, has changed considerably over the last forty years. Prior to World War II, the public sector accounted for less than 22 per cent of the Canadian gross national product (the value of goods and services produced by Canadian labour and capital). In 1977, the equivalent figure was 41 per cent. The number of employees in the government sector, including hospitals and school boards, grew from about 250,000 to 1.8 million in the same period.

The growth of the public sector accelerated in the 1950s when political leaders responded very positively to a whole new set of popular expectations. As a result, governments in Canada nowadays have important and costly responsibilities in education and health, in leisure and cultural development, and intervene in matters as diverse as the quality of the air and the protein content of hamburgers.

Governments and stabilization

In addition to becoming a partner of the private sector in the production of goods and services, governments have assumed in our times the responsibility of ensuring that the whole economic system works smoothly enough, that jobs are available and that incomes are not eroded by rising prices. Governments attempt to do this by using all the powers at their command, particularly the powers to tax, spend and regulate. Their traditional approach in times of high unemployment is to increase expenditures, reduce taxes and make money easier to borrow. In times of rapid cost or price increases they take the opposite stance, spending less, printing less money and taxing more heavily. When both unemployment and inflation occur at the same time, as they do now, the going gets really rough!

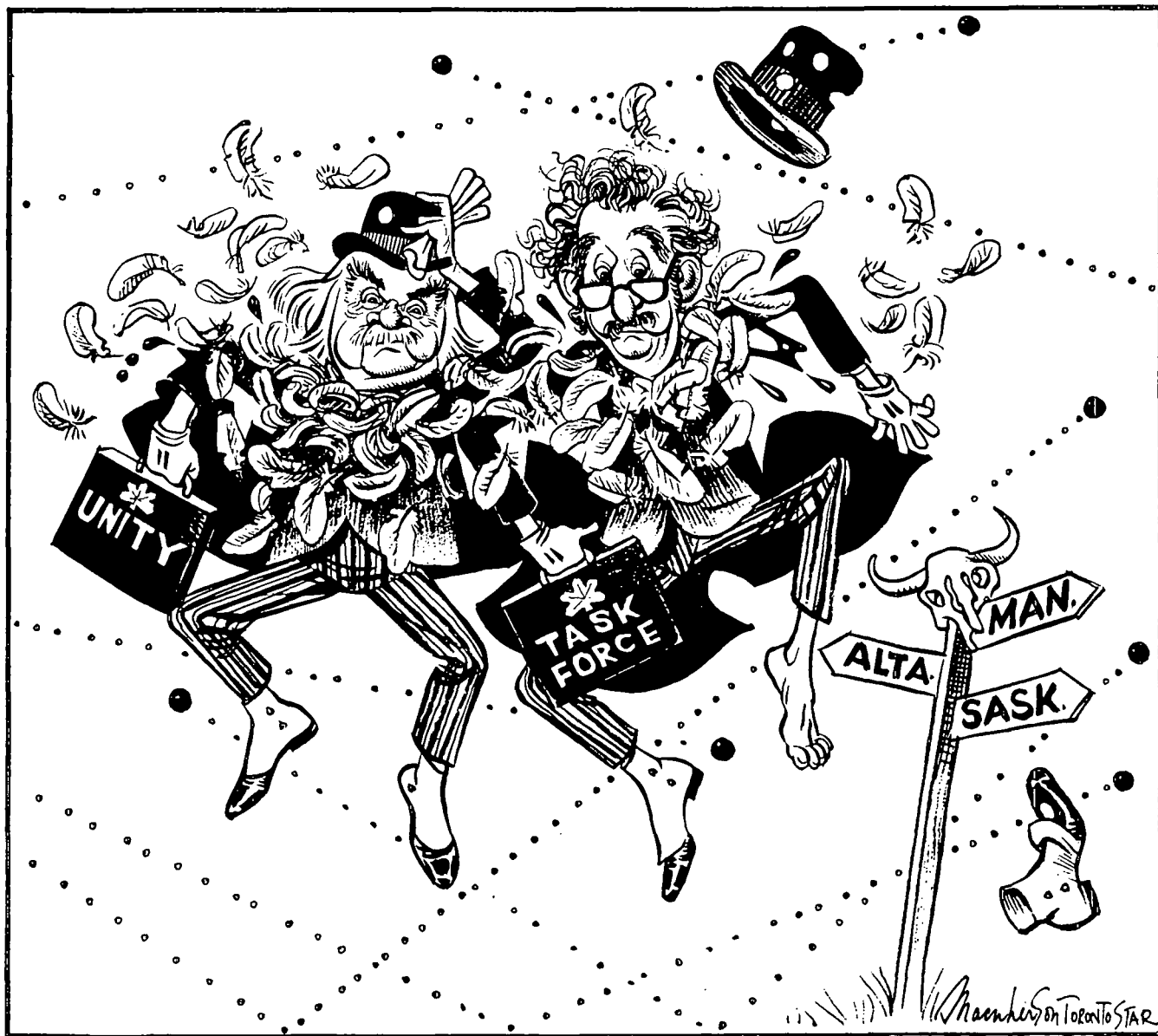
The following table shows that member countries of the Organization for Economic Co-operation and Development (OECD) – the "rich countries' club" – have had varying success in stabilizing their economies.

Unemployment and inflation rates in selected industrial countries 1975-77

Country	Unemployment rate* 1975-1976-1977			Inflation rate 1975-1976-1977		
Japan	1.9	2.0	2.0	11.8	9.3	8.1
United Kingdom	3.9	5.4	5.7	24.2	16.5	15.9
France	3.8	4.2	4.8	11.7	9.6	9.8
Canada	6.9	7.1	8.1	10.8	7.5	8.0
Germany	4.8	4.7	4.6	6.0	4.5	3.9
United States	8.5	7.7	7.0	9.1	5.8	6.5
Italy	3.3	3.7	7.1	17.0	16.8	17.0
Source: OECD, Economic Outlook – December 1977/July 1978						
* Based on national definitions.						

Stabilization in a federal state

In federal states such as Canada, economic stability has a constitutional dimension. The central government controls the major instruments of economic policy, such as money and banking, foreign trade and tariffs, and has nearly unlimited constitutional powers to tax. The provinces exercise control, generally speaking, over resources, intraprovincial commerce, and labour relations matters, and they also have wide powers to tax. Since the mid-1950s, partly due to transfer payments from the federal purse, provincial revenues have grown markedly, from \$1.8 billion to \$40.9 billion in 1977. This increase has been matched by a corresponding growth in provincial expenditures from \$1.8 billion to \$40.6 billion. Whereas in 1955 the distribution of total



government revenues stood at 60.7 per cent for federal, 22.3 per cent for provincial and 17.0 per cent for local, their percentages in 1977 were respectively 34.5, 38.7 and 17.4. The remaining 9.4 per cent is accounted for by hospitals and by the Canada and Quebec Pension Plans introduced in 1966.

Both the central and the provincial governments have, therefore, considerable leeway in countering economic instability. This division of responsibilities points also to the need for coordinating federal and provincial action. The objective is twofold: first, to avoid the pursuit of contradictory goals, and second, to ensure that central government policies take adequate account of regional differences.

Questions

What is the importance of economics in the national unity crisis? Should governments attempt to play a lesser or a greater role in improving the welfare of the population? Are the taxation and spending policies of governments adequately coordinated? Are regional differences taken sufficiently into account? Are job opportunities fairly distributed across the country? Which is more urgent: to fight inflation or to fight unemployment? These are some of the questions tackled by participants at the Task Force hearings.

“The Canadian people will be quick to detect and condemn any report which may fail to examine government [economic] shortcomings as a prime factor affecting unity in our country.”

(Manitoba Federation of Labour, in Winnipeg)

“We believe our members will agree that at the present time the main problem concerning Canada and Quebec is not of a constitutional nature. It is a bread and butter issue — to provide work for the people. This is to be done quickly through practical programs, not theories, taking into account all the circumstances existing in all the provinces and within all the regions.”

(Centrale des syndicats démocratiques, in Montreal)

“Unemployment and other economic problems may seem more drastic to us, but a separated Canada certainly wouldn't help things out at all.”

(in Vancouver)

“We feel that all these problems — of rising inflation, of threats to our standard of living, of unemployment and underemployment and limitations of personal and institutional freedoms pose in their separate ways threats to the unity of this nation in the same way the ‘Quebec problem’ poses a threat to national unity. Indeed, we suspect that these may be major factors underlying the Quebec problem itself.”

(PEI Public Service Association, in Charlottetown)

“We have heard a lot of people talking about the French language and preserving the French culture. I think that it is important, but there has been an over-emphasis on language and culture. We can only have language and culture as priorities if people have jobs, if people are able to pay their mortgages.”

(in Toronto)

“Once Quebecers feel they have nothing to lose by separating, anything might happen. Canadian unity, therefore, is closely related to the health of the Canadian economy. The advent of a nationalist government in the province of Quebec might be of very little consequence in comparison to the importance of economics in this matter.”

(from Pointe-Fortune, Que.)

“Let us stop talking about unity or separation or changes in the constitution. Let us work together for less inflation, less unemployment, less foreign ownership. These are the important things to the average man, whether he lives in Quebec or any other province. I would like you to take that message to Ottawa.”

(in Toronto)

“Canada is hopelessly overgoverned. In more simplistic days, the divisions of authority between the federal and provincial governments were reasonably well-defined. Today, virtually every provincial government duplicates to a greater or lesser degree those departments of federal authority which were established, or have been created, through Canada's development years.”

(The Better Business Bureau of Canada, in Toronto)

Opinions

Most economically-oriented groups and individuals appearing before the Task Force saw a direct relationship between the Canadian unity crisis and the present state of the economy. "Solve the economic problems and you will have solved the unity crisis," was one of the comments most often made. The reform of the Senate and the refinement of language policies, however important, were, in their estimation, secondary issues.

Participants had different and sometimes contradictory views about which specific economic problem had been the main contributor to the unity crisis. Indeed, every economic problem was identified as such by some among them: the inefficiency of big government; unemployment; inflation; over-regulation and government intrusion into the private sector; the lack of coordination between central and provincial governments; foreign ownership and control; inequality in the distribution of income; the lack of an industrial strategy; the low degree of citizen participation in economic decisions.

Government involvement

Few speakers called for a return to a *laissez-faire* philosophy of government. On the other hand, few wanted governments to increase their involvement in the economic life of the country.

When the question of big government was raised, it was not necessarily to claim that "small is beautiful." Generally speaking, it was to say that governments were duplicating functions, or charging too much for their services, or going about their business of governing without giving due consideration to "Mr. Taxpayer, who provides the money."

The failures of governments were said to be the greatest in achieving the economic goals of full employment, price stability, reducing foreign ownership and maintaining a healthy business climate.

Unemployment

"First things first," speakers at the Task Force hearings often insisted. "Unemployment is the number one problem today and if we don't solve it, our days as one united country are numbered." Words such as "psychological damage," "disillusionment" and "alienation" were used to describe the effect of unemployment on the lives of individuals and their families.

When Canada offers the "hope of secure employment" people will start believing in national unity. It is impossible, some participants said, not to look "pessimistically" at the whole issue of Canadian unity "when you don't have a job." The Task Force was warned that if "frustrated young men and women," the ones most affected by unemployment, are "left in the street," they will resort to joining "radical political organizations" as the only way to vent their frustrations.

In the Atlantic provinces, speaker after speaker deplored the lack of jobs. A Halifax resident complained that Nova Scotia's unemployment rates are sometimes 50 per cent higher than the national average, while wages are often 20 to 30 per cent lower. Newfoundlanders told the Task Force they were "sick and tired of begging for handouts." Some observed that only a "few measly jobs" were being created despite the abundant fisheries, forestry and mineral resources of the island. A demonstration by the unemployed took place in St. John's, on the occasion of the hearings, to support this view.

Many speakers in Quebec saw the Parti Québécois victory as the consequence of a deteriorating employment situation and of an apparent indifference on the part of governments. Unemployment was described as the major problem in the province. "If we want things to go well for Canada, we must, first and foremost, put Canada back to work," the Task Force was told in Montreal.

Westerners' views on unemployment were similar. A few of them were also upset by the influx of unemployed easterners who "drift" into the western provinces and "steal jobs from western

“Today, Newfoundland, and other provinces like her, faces an added threat. Unemployment is skyrocketing, the per capita debt growing ever larger, and resource development is stagnating. But, to the decision-makers and opinion-mongers crowded around the Peace Tower, all that is something of a joke, far beyond the scope of anything that matters. Why worry about a few 'down east baymen' or a handful of prairie 'hayseeds' at a time when the very unity of the nation is at stake. Just delegate a couple of low level civil servants to come up with a few make-work programs to keep them happy during the winter. After all, this is no time to be constructive, we have to worry about national unity.”

(The Newfoundland and Labrador Rural Development Council, in St. John's)

“The real problem is unemployment and the dehumanizing and degrading poverty that results from unemployment, fought only by the government's constant promises that amount in total to nothing.”

(in Vancouver)

“The primary source of the present crisis is . . . the failure of successive federal governments to meet the economic, social and cultural needs of Canadians. All sectors of the country are continuing to suffer from a growing economic crisis. In the east, workers see their traditionally basic industries — mining and fishing — slowly disappearing. In the west, there is a legitimate sense of economic discrimination resulting from such matters as distorted freight rates and an ad hoc energy policy. Throughout the country, even in prosperous Ontario, unemployment increases month by month. . . . Yet no legitimate alternative is forthcoming from the federal government.”

(Labour Council of Metropolitan Toronto, in Toronto)

“Job-creation programs are necessary and can be successfully done in any given Indian reserve in Manitoba. Eighty per cent of my fellow Indians are unemployed, and it is not by choice. Special consideration must be given to improve this area.”

(Manitoba Indian Brotherhood, in Winnipeg)

“Our crisis is economic, with a million people unemployed. As far as the Task Force is concerned, I do not refer to them as Keith Spicer did — 'the travelling circus' — but if you had come out here with ideas as to how to revitalize our economy and some ideas as to how to create jobs, I would have welcomed you with all my heart.”

(in Vancouver)

“As in other sparsely-populated, but resource-rich areas of Canada, we suffer — first and worst — the consequences of unemployment and 'government restraints.'”

(The New Democratic Party of Newfoundland and Labrador, in St. John's)

“The east coast fishermen, the Quebec textile worker, the Ontario steelworker, the prairie farmer, the B.C. lumber worker will all begin to care about national unity and to work for national unity when Canada offers the hope of secure employment, a decent home, social security and a better life in both economic and non-economic terms.”

(Vancouver Centre New Democratic Party Federal Riding Association, in Vancouver)

youth." It "causes social and economic problems," they observed. Others, on the contrary, saw those migrants as providing very much needed skills.

While it is Atlantic Canada that suffers the most, unemployment was seen as a problem in every region: "Even in prosperous Ontario, unemployment increases regularly," said a Toronto resident, referring mainly to the northern part of the province, "yet no legitimate alternative" is forthcoming.

The "biggest employers" in disadvantaged regions were said to be unemployment insurance and welfare assistance. Although judged to be necessary, the current unemployment insurance program was seen by some commentators as "often abused" by people who "work the limited time required to qualify for benefits, then refuse to take any other jobs."

Some concern was expressed about those "people pushing" to do away with the compulsory retirement age. The consequence was that "lots of job openings for young people will be closed off."

While one provincial premier, Mr. Bennett of British Columbia, and many business and labour spokesmen said that all governments must share the blame for the present high rate of unemployment, the central government was generally viewed as having a major role to play in correcting the situation. But Ottawa was seen to look at the problem from a "national perspective," where high levels of regional unemployment were obscured by the national average, a less dramatic figure. Furthermore, central government stabilization policies, designed to alleviate unemployment in the country's industrial centres, had the effect of increasing the misfortune of the disadvantaged regions, some speakers believed.

Inflation

After unemployment, most participants at the Task Force hearings called inflation the country's worst economic ailment. It was having an extremely bad effect on the morale and unity of the country. "A fraud," "a crime," "the most subtle mode of taxation yet devised," were expressions used to describe inflation.

Wage and price controls were said to have failed at keeping prices and incomes in line. They have failed because the "anti-inflation belt was too elastic," according to a Montreal participant. Many agreed. A Nova Scotia labour group maintained that the major causes of inflation, "housing, energy and food costs," were not affected by controls. Other participants included profits in that list. A Winnipegger was quite bitter about the "exemption" of Crown corporations and utilities. "If ever there was a thing that needed to be controlled, it is the outrageous extravagance and bad management in those organizations." The results of it all, said a Toronto labour group, echoing many others, have been "restricted paycheques but uncontrolled inflation and the strengthening of the privileges of the rich."

Not only have controls "failed to stop inflation," said another group; worse, they have engendered "hardship, bitterness and disappointment." They were variously labelled by a great diversity of individuals and groups as totalitarian, divisive, anti-constitutional, undemocratic, inequitable, economically counter-productive and, because they fostered the "separatist ideology in Quebec" and exacerbated "feelings of regional alienation," they were repeatedly said to have been damaging to Canadian unity.

All labour representatives who attended the Task Force hearings chastized governments and business for putting the blame for inflation on "labour's aggressive wage demands." In Winnipeg, one group argued that any charge of "unpatriotism" would have been more appropriately addressed to employers who "stage a strike against the nation by discontinuing or retarding plant production and by withdrawing investment capital." The Marxist-Leninist groups agreed: their denial of the "exploited labour class's responsibility for inflation" was vehement.

Some representatives of labour and community organizations commented on the particularly difficult situation of those on fixed incomes in times of rapid price increases. A Toronto association of pensioners told the Task Force that older people are deeply concerned about inadequate

“Had the government assumed the sweeping powers it took for itself when it passed the so-called Anti-inflation Act in 1975 and used those powers [instead] to combat unemployment, to build the homes people require, to establish important social benefits that would lift up the economic conditions of those who have so much less in our country, then perhaps federalism would work. But the government assumed those powers, not for the interests of the majority of the people in this country, but actually used those powers against their interests. The results were restricted paycheques, but uncontrolled inflation; a strengthening of the pillars of privilege for the richest in the country and more unemployment for the weakest.”

(United Steelworkers of America, in Toronto)

“Canadian workers were accused of causing inflation, of being inefficient producers, of aspiring to live too high off the hog. . . . Canadian workers were accused of being unpatriotic, ironically so, when prices and profits bore little brunt of the controls program, when plant capacity continued producing at a rate of only 82 per cent, when production was being cut back and investment capital was seeking more lucrative profit return from areas beyond our Canadian border.”

(Manitoba Federation of Labour, in Winnipeg)

“Besides reverting to the question of the efficiency of the [controls] measure itself, in order to fight inflation, it has been rightfully reasoned that this legislation was dealing with a problem in Ontario and it ignored the problem of unemployment in Quebec. Besides, this legislation has been a deterrent for the underpaid workers to catch up with their salaries, in addition to dangerously deviating from the collective bargaining process.”

(Centrale des syndicats démocratiques, in Montreal)

“ . . . Nor shall we forget the measures of the Trudeau regime in attacking the working class through the notorious freeze on wages.”

(in Vancouver)

“I have great difficulty following the logic that paying people wages for productive work is inflationary, but giving them welfare or unemployment insurance benefits for doing nothing, helps stop inflation. This is the basic rationale of Ottawa's present economic policies.”

(in Winnipeg)

“Management ability is lower at the government-operated services level than in private sectors. Incentives for Canadians to work for the private sector . . . should be created. Controls on profits should be replaced by incentives to manufacturers. . . .”

(New Brunswick Industrial Developers Association, in Moncton)

“Unless the environment in Canada is attractive because of a competitive cost structure, lower taxes or some measure of protection that ensures attractive returns on investment, it will be very difficult to maintain Canada as an integral economic unit.”

(Canadian Manufacturers' Association, in Ottawa)

pensions, loss of savings and high taxes. "The majority are unable to live in a private home and are obliged to sell their houses and live in senior citizens' homes," said a New Brunswicker.

Many participants saw inflation as a symptom of economic distress, a reflection of the inadequacies of the free-enterprise system ("capitalism on its last leg"). Others referred to the government's lack of control over monopolistic forces. For different reasons, businessmen were also very critical of governments generally: "They have led the country to adopt an attitude of borrowing on tomorrow to pay for today," said a Regina group. Added an Edmontonian: "Governments have addicted us by the infusions of new money in the economy, by deficit financing." But putting all the blame on government mismanagement might be too easy, said a Haligonian: controls were a "utopian" exercise anyway, because inflation is a "world-wide" problem. A Quebec economist agreed: he referred to the controls program as "the utopian struggle against inflation."

Governments and the private sector

Many business groups emphasized that Canada's prosperity is closely linked to the success of the private sector. They advocated less government intrusion in the marketplace and a "renewed faith" in the private sector's job-creating capacity. "If business is not expanding, neither is the economy," said one business group after another, "and the whole country suffers."

As one participant put it: "Canadians no longer have a clear-cut vision of their economic system or of the fundamental principles of the free-enterprise system." "It is for the government," said one group, "to return business leadership to the private sector." Many speakers decried a trend towards more bureaucratic red tape and heavier taxation. Increasing government industrial assistance programs, said one, "does not make up for legislation that inhibits free enterprise."

Another speaker argued that private enterprise had declined "because people have been made to feel dependent on government policies." Even the business community was too inclined to look to government for answers: "The system is hindered by increasing government involvement, sometimes, unfortunately, requested by the business community itself."

All critical comments, did not, however, point in the same direction and not everyone was upset about the trend toward more government intervention in the economy. Many participants did not share the businessmen's commitment to the maintenance of an "unfettered" private enterprise system. For example, many community and labour group representatives, as well as unorganized citizens, supported government laws and regulations to "maintain an orderly marketplace."

Many speakers blamed business for the economic ills of the country. A Torontonian told the Commissioners that Canada cannot count on the private sector to solve unemployment because it is business that is "laying off people." Said another: "There is an Alice in Wonderland quality in the government urging the private sector to invest more when it cannot use all the plant and equipment it now has." New industrial development was needed. A stronger "leading role by government and less reliance on private enterprise" is the answer, he suggested.

"The crimes of the system are numerous," the Task Force was told by proponents of a new economic order. Some of them were: "corporations basking in the warmth of wage controls"; "firms syphoning off profits"; "employers closing down plants and blaming labour where management was at fault"; "multi-nationals exploiting our resources and leaving empty shelves like so many wooden shacks in the Klondike"; "Canadian capital leaving the country not because it was not making profits but because it can make more by exploiting the unorganized workers of Mexico."

Many speakers denounced the "influence" that corporations exercise on government decisions. Said one: "They mount multi-million dollar lobbies and flock to Ottawa to plead their case." Other speakers observed that ordinary citizens do not have the same "easy access" to government and accused politicians of "too readily bending under business pressure."

Critics of the private sector also accused it of investing in central Canada to the detriment of less developed regions in greater need of a boost. Some said corporations leave themselves open to

"It is thoroughly realized that in no way, shape or form can the Government of Canada create jobs for the tremendously high level of unemployment that exists today; there is simply not enough money available to any combination of governments to do so; but what can be done is that over a period of time, a reasonable business climate should be created so that small business in particular is not going to feel that it is persecuted to the point where it can no longer continue, or, alternately, never begin."

(The Greater Charlottetown Area Chamber of Commerce, in
Charlottetown)

"Mass volumes of paperwork, bureaucratic red tape, and heavy taxation put a burden on the business community which makes it quite unattractive to expand and grow. If business is not expanding, neither is the economy, and the whole country suffers. The engine of democracy is free enterprise, fueled by personal initiative and freedom."

(Whitehorse Chamber of Commerce, in Whitehorse)

"We live in one giant company town from coast to coast. And [so] who can blame the Québécois for wanting a country that they call their own?"

(in Winnipeg)

"How can we ever expect to be unified in Canada when we consistently allow foreign corporations to dictate the path we should take?"

(in Vancouver)

"We may have strong nationalistic feelings about foreign investment in our country, but such investments, properly regulated, are powerful boosts to business. It has also been indicative of a healthy and stable business environment in Canada that she was viewed by investors, such as the United States, as a good area for expanding free enterprise."

(St. John's Board of Trade, in St. John's)

"Many people find it appalling to discover that Canada is probably more than 60 per cent mortgaged to other countries and to multinational companies. It has become apparent to some of us, that the democracy which is purported to exist here in Canada is nothing but an impotent facade, a colony of the multi-nationals."

(in Whitehorse)

"Our political leaders must cease to bend over backwards for the multinational companies because they are contributing to the disunity within our country in order to control us."

(New Democratic Party, Quebec Branch, in Montreal)

"We cannot afford to waste our time and energy arguing about past history. The present and the future cannot be held in abeyance while we argue about a vague concept of "national unity." Talk is good and we must have discussions, but at some point talk has to stop so we can get some action on inflation, unemployment, new railway equipment, pollution, land use, better health facilities and better education."

(Manitoba Pool Elevators, in Winnipeg)

"Canada desperately needs a long-term, macro-economic national industrial strategy. What we have instead is precisely the opposite: economic chaos, rampant unemployment, and certainly even worse prospects for the future."

(in Edmonton)

charges of "unpatriotism" by overlooking these regions, and are just as guilty as government for regional disparities. And "what about the great corporations that pull up stakes and move out of Quebec?" asked a Montreal participant, who added: "They are wrecking the country."

Foreign ownership and control

The question of foreign ownership and control of large segments of the Canadian economy drew a great number of comments, some of them very passionate, in all regions, from business as well as from labour circles, from ordinary citizens as well as from "experts." One labour participant said: "There is something sadly amusing about the spectacle of premiers and prime ministers who have fallen all over themselves to sell out Canada's economy to multi-national corporations, now preaching nationalism and national unity." Said another: "We require democratic control over the disposition and amount of investment to prevent repetition of the Sudbury story. We require repatriation of control over our economy so that Canadians can become their own economic masters."

In Winnipeg, the Liberals were accused of having "given away the country piecemeal." "Who can blame the Québécois for wanting a country that they can call their own when the rest of Canada lives in one giant [foreign] company town," summed up another speaker. In Vancouver, the Commissioners were asked: "How can we expect to be a unified Canada when we consistently allow foreign corporations to dictate the path we should take?" In the Northwest Territories, the Commissioners heard strong criticism of the Foreign Investment Review Agency "still letting foreigners take over our business." In St. John's, some participants referred to foreign corporations who "come and rob the land and labour of Labrador." "The situation is dramatic," said an Edmontonian: "during the past five years, foreign ownership has grown by a greater amount than during the entire twenty-year period of the 1950s and the 1960s combined." And worse, he concluded, "over 80 per cent of that enormous increase has been financed by Canadian savings."

Though in a minority, some speakers approved of foreign investment. For one, the fact that Canada has been able to attract so much foreign capital should be a matter of "pride" for Canadians. Said a Newfoundland business group: "It is indicative of a healthy and stable business environment in Canada that she is viewed by investors such as the Americans as a good area for expanding free enterprise."

Other speakers invited Canadians to be realistic about the whole question. "We may have strong nationalistic feelings about foreign investment in our country," said an Atlantic provinces business group, "but let's not ignore that such investments when properly regulated are powerful tools to business." "We simply need our friends the Americans to assist us in developing our vast resources potential," a Toronto man stated. Others deplored the fact that foreign investment capital had slowed down recently. A Prince Edward Island business group blamed this on "wrong taxation policies." A national business group, present at the Ottawa hearings, blamed the political climate: "Investors' attitudes are depressed regarding our economic and political affairs and about our ability, as a nation, to find constructive solutions to our problems."

“To develop a clear-cut industrial strategy will require that both the federal and provincial governments enter into an industry by industry analysis of our strengths, weaknesses and potential in the resource and manufacturing sectors. Such an analysis must be done with the full involvement of industry and labour.”

(Dr. Stuart Smith, leader of the Ontario Liberal Party, in Toronto)

“Many of our problems are derived from a lack of clarity of purpose and organization that exists among the various levels of government and their relationship to the private sector.”

(The Business Council on National Issues, in Ottawa)

“If there is any real way that the provinces can have more input into both economic and cultural affairs, let that be done. There have been proposals made years ago and repeated several times since, e.g., having provincial input or consultation on foreign borrowing and its coordination, having provincial consultation on money supply and banking matters. There is nothing new in these proposals. Talking about them again may be worthwhile in itself.”

(Edward Schreyer, former leader of the New Democratic Party of Manitoba, in Winnipeg)

“The vast borrowing and spending power of the provinces cannot be disregarded in managing the economy. Manitoba believes that the changes in the world and the national economies in recent years dictate the need for an innovative federal-provincial consultative process on economic matters.”

(The Honorable Warner Jorgenson, acting premier of Manitoba, in Winnipeg)

“We were a semi-industrialized country; we are becoming a semi-deindustrialized country...the Argentina of the north... All of Canada, including Quebec, faces brutal economic readjustments unless new forms of economic cooperation are adopted to halt the erosion of the country's economic position.”

(The Committee for a New Constitution, in Toronto)

“The Canadian Labour Congress has suggested replacing those tax cuts for the corporate sector with tax cuts for people who will spend those tax savings and help get the economy moving again. We agree. Substantial increases in old age security benefits would not only assist the aged but would increase demand as those needed dollars are spent.”

(Alberta Federation of Labour, in Edmonton)

“Removal of the controls program would lead to improved personal income growth, more consumer spending and a better investment climate... The program does little or nothing about controlling the major causes of inflation — housing, energy and food costs — yet has directly brought about a worsening of unemployment and regional wage disparity.”

(Nova Scotia Federation of Labour, in Halifax)

“The cancer of unemployment can be beaten, but not through the band-aid treatment of L.I.P. and Canada Works, and not by a government more concerned with the economic climate for business than with the mass of people in this country.”

(Newfoundland Association for Full Employment, in St. John's)

Proposals

Like the criticisms of the present performance of the Canadian economy, the recommendations on how to improve it touched all aspects of economic life. The areas most extensively covered were: government growth and stabilization policies, fiscal and economic cooperation between the central and provincial governments, the adoption of an industrial strategy, the regaining of control over Canadian industry and the taking into account of the regional impact of fiscal and monetary policies.

Growth and employment

Scores of specific measures were proposed by different speakers. Some were long- or medium-term: the development of a national and of regional industrial strategies; the Canadianization of the economy; an improved federal-provincial cooperation in economic matters; an increase in the processing of natural resources at home; the expansion of our international markets; the deconcentration of central government offices, etc. Some were shorter-term: the regionalization of central government stabilization policies; tax incentives to promote investments; tax cuts to encourage purchasing; limits on immigration; a home-building program; an "imaginative" tariff system to safeguard domestic industries; a guarantee that 75 per cent of the domestic market in textiles would be reserved to Canadian producers; the opening of free ports, etc.

Does Canada possess the ability to win the "war on unemployment" all on its own? In Edmonton, the Task Force was informed of the results of a recent study involving 1,100 Canadian companies which concluded that unemployment would not decrease markedly, even with a substantial increase in productivity and competitiveness. It was pointed out elsewhere that an effective strategy against unemployment would not be achieved without close cooperation with the United States, Canada's principal economic partner.

Federal-provincial fiscal and economic cooperation

Changes to the tax system and to federal-provincial revenue-sharing arrangements could help in solving Canada's economic difficulties, Task Force members were told. However, most speakers were suspicious of any major shift in economic responsibilities if this were to restrict the central government's freedom to act decisively in fiscal and monetary matters.

But there is room for improvement in the present distribution of government responsibilities, said many participants. For example, some experts recommended the development of federal-provincial mechanisms by which both levels of government could coordinate their interventions in the economy, i.e., foreign borrowing and the regulation of the money supply. Premier Davis of Ontario recommended the creation of a joint economic committee to allow "the legislatures and governments to act together in a systematic and concerted fashion on [Canada's] crucial economic problems." The acting premier of Manitoba, Mr. Jorgenson, told the Task Force: "Manitoba believes that the changes in the world and the national economies in recent years dictate the need for an innovative federal-provincial consultative process on economic matters." Premier Bennett of British Columbia told the Commissioners that the country needs an economic strategy, including a consistent and coordinated effort by all governments to reduce spending, and to encourage growth and confidence in the private sector.

Economic policies could be made more flexible than they are at present, argued a life insurance dealer in Toronto. He told the Task Force that, for example, even though monetary policy should remain under central government jurisdiction, its application in the different regions of Canada could be improved and do much to help alleviate unemployment and reduce regional disparities.

Many participants asked themselves how Canadians could ensure that general economic policies are not detrimental to regional economies without paralyzing the central government by the excessive decentralization of economic responsibilities. A Quebec City economist proposed the following approach: "There are two complementary ways to respond to the particular needs of each province: (1) the explicit taking into account by the central government of the regional influence of its own revenues collection and expenditures; (2) the involvement of the provincial

“Let us discard policies that hinder the dynamic free enterprise system that built the country.”

(Whitehorse Chamber of Commerce, in Whitehorse)

“Private enterprise reacts very strongly to the economic, social and political environment. It is in a position to benefit from the considerable variations of this environment, while it is preserving its role as an efficient producer of wealth and employment, provided that it is a paying proposition.”

(The Canadian Manufacturers Association, in Ottawa)

“The basic aspect, of course, is the improvement of the economy. This takes a good deal of work and we will have to rely upon government action rather than the action of the private sector because the private sector is the one that is laying off the people.”

(in Toronto)

“Constitutional changes will really have no effect if economic power is able to establish growth and profit as the sole motive of a nation. We invite government interference into the market to protect the weak.”

(Calgary Interfaith Community Action Committee, in Calgary)

“We Canadians, proud to be the world's highest per capita traders, have been trading our nation out of existence. We great Canadian traders have had a current account deficit with the United States for forty-eight of the past fifty years and for every single year for the past thirty-two years. What we could do is stop the cancerous growth of foreign ownership in Canada. We could compel Canadian financial institutions to make more of their loans to Canadians and to areas of the country with poorer economic conditions. What we could do is regain control of our own future.”

(in Edmonton)

“Unless we get the country back from the multi-national giants and their lackeys in the federal government, unless we start getting competent, active government instead of window dressing, federalism will be rejected in Quebec.”

(in Winnipeg)

governments themselves in the stabilization process, general orientations being coordinated at the level of federal-provincial conferences." A Vancouver economist agreed: "Regional industrial strategies must be supported by other instruments of public policies, such as differentiated monetary, fiscal and commercial policies."

A speaker urged the creation of a truly national budget prepared by Ottawa in consultation with the provinces, with revenues being collected by the provinces.

Inflation

Compared to the criticisms raised against the central government controls program, precise proposals on how to fight inflation were few in number. From labour groups, the Task Force members heard that governments should concentrate on stimulating production rather than restraining consumer demand via a control on wages. For example, as part of an overall national economic policy, a Nova Scotia labour group urged "the lifting of the wage and price controls, the generation of higher consumer spending and major housing projects."

Conversely, some speakers favoured extending the controls program. The "middle-men, especially marketing chains," were the main target of some, representing particularly the labour movement.

Those who tended to blame governments for inflation recommended spending restraints and an end to "unproductive, wasteful government programs or services." Said an Edmonton resident, after equating the number of civil servants with government inefficiencies, "We need to get these people out of useless and unnecessary government programs and back into the productive work force."

Private sector

Most business groups who made presentations to the Task Force proposed placing more confidence in the private sector, especially in these troubled times. Canadians should be encouraged to work for the private sector rather than for government, said some. Jobs could be created in the private sector by replacing controls on profits with "incentives to manufacturers, not only to produce more than one product, but to produce more goods saleable as exports."

Governments should stop using tax monies to support Crown corporations which compete unfairly with the private sector, said a businessman in St. John's and a few others elsewhere.

Foreign ownership

Many specific measures were proposed to buy back Canadian industry from foreigners, among which were: tax concessions to firms that encourage their Canadian employees to become shareholders in their companies; publicity programs to encourage the buying of products from Canadian-owned companies; a more vigorous enforcement of the Foreign Investment Review Agency regulations; changes in the Bank Act to limit the access of foreign subsidiaries to Canadian savings.

Background

Canada is no exception to the rule that in most countries, human and natural resources are unequally distributed geographically. Indeed, economic and social indicators reveal that the well-being of Canadians differs markedly from one region of our country to another.

Uneven distribution of resources

The most common measures of regional disparities are the unemployment rate and the level of income per capita. When the Canadian average is taken as the base (100 per cent), the following indices of regional disparities (1977) are obtained:

Per capita income and unemployment rate as
a percentage of the Canadian average for 1977

Province	Per capita		
	Personal income	Personal disposable income	Unemployment rate
	Percentage		
Newfoundland	68	70	196
Prince Edward Island	67	70	123
Nova Scotia	79	81	132
New Brunswick	75	77	165
Quebec	93	91	127
Ontario	109	110	86
Manitoba	93	97	73
Saskatchewan	92	94	56
Alberta	104	105	54
British Columbia	110	110	105
NWT, Yukon	96	96	N/A
Canada	100	100	100

Source: National income and expenditure accounts, 1963-77, Statistics Canada, catalogue 13-201. The Labour Force (December 1977), Statistics Canada, catalogue 71-001.

These data confirm that the Atlantic provinces have the lowest levels of per capita income and the highest levels of unemployment. For example, the table shows that the unemployment rate in Newfoundland is almost double the Canadian.

These data confirm that the Atlantic provinces have the lowest levels of per capita income and the highest levels of unemployment. For example, the table shows the unemployment rate in Newfoundland to be almost double the Canadian average. Nor is this phenomenon new. Statistics going back as far as 1926 indicate that apart from the lowest ebb of the great depression, when the "dust bowl" was ruining prairie crops, no region of Canada has at any time recorded as low a per capita income as the Atlantic region.

The concept of regional disparity

Not all notions of economic disparity are related to income levels and unemployment. Another factor of major concern in some regions is disparity in the degree of industrialization. A more diversified industrial structure, with less reliance on primary resources, is often associated with greater economic stability. On that ground, however, one could argue that Alberta is economically weak, as only 9 per cent of its labour force is employed in manufacturing, compared to 23 per cent in Quebec and 20 per cent in Canada as a whole.

Obviously it takes more than two or three factors to explain the phenomenon of regional disparity.



Besides unemployment, per capita income and the degree of industrialization, other economic and social variables come into play, such as the cost of living, the level of taxation, the productivity of labour, the rate of school enrollment, the quality of social services.

A recent study by the Economic Council of Canada (*Living Together*, 1976) shows, however, that no amount of "tinkering" with economic and social data can hide the fact that regional disparities in Canada are substantial and remarkably persistent in spite of the labour migration that has taken place over the years, and in spite of policies pursued since 1960 by both central and provincial governments to alleviate them.

Many Canadians told the Task Force that this persistence of regional disparities poses a very serious threat to national unity.

Questions

Are regional disparities caused mainly by differences in the endowment of natural resources? How does economic disparity affect the regional communities? Are disparities curable? Why do they persist in spite of the billions of dollars governments have spent to combat them? Have the wrong policies been used? Is there a "right" set of policies?

“Many Newfoundlanders are now wondering if we have exchanged one colonial master for another, i.e., London for Ottawa. Our general economic problem receives little consideration. Is it any wonder we wonder whether we are Canadian citizens or Canadian colonials?”

(in St. John's)

“A strong sense of economic grievance, real or imagined, is so ingrained that it has become part of western orthodoxy. From the very earliest days of Confederation — the opening of the west, the building of the CPR — western Canada has suffered under a national policy that has maintained the west as an economic colony of central Canada.”

(Alberta Branch of the Canadian Bar Association, in Calgary)

“Political pressure to create more jobs quickly has induced PEI's provincial government to engage in a sell-out into still further dependency and decline. A certain worship of outside corporations, as well as a lack of basic faith in the people, with most political decisions made in secret, remain the main features of provincial government policy.”

(in Charlottetown)

“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 any wonder that a sense of injustice should develop in western Canada?”

(Honourable Warner Jorgenson, acting premier of Manitoba, in Winnipeg)

“While phasing out industries may be big news if it happens in central Canada, such happenings are a way of life here.”

(in St. John's)

“One suspects that, despite intergovernmental transfers of federal revenues in attempts to offset regional inequalities of income, the interregional transfers of income and employment through tariffs and transportation costs have been detrimental to industrial development on the prairies. Rightly or wrongly, some people in western Canada feel that Confederation as it was implemented — and as it has continued to emerge — is an institution that confers the primary economic benefits of Confederation on the provinces of Ontario and Quebec.”

(in Regina)

“At this time, I have no intention whatsoever of commenting on our own economic situation as Acadians which, as always, is terribly depressed. You are no doubt aware that our main industry is social welfare.”

(in Moncton)

“I am saying that Ottawa had better pull up its socks, treat all Canadians alike, and try to doctor the feelings of discontent that exist in so many areas today — because we are forgotten by Ottawa, forgotten and ignored. If things persist, a complete breakdown of Canadian unity can be foreseen.”

(in St. John's)

Opinions

From the Atlantic provinces came blunt words that "little has been accomplished" in reducing regional disparities, "despite the spending of countless millions." From the prairies arose protests about being treated as an "economic colony" of central Canada ever since Confederation. In both regions a sense of alienation, of neglect, of playing second fiddle to the "central Canada" power structures, was expressed. But the causes of alienation are obviously somewhat different: in the west, generally, it is mainly because of the economic uncertainty that is consequent on the lack of secondary industry; in the east, this same problem is compounded by serious unemployment and lower than average incomes. In common is the feeling of not being "where the action is."

East meets west

In the Atlantic provinces, many speakers said that the inability of governments to alleviate regional disparities poses a serious threat to national unity. A "deep wedge" is being driven between the "have" and the "have-not" provinces, and this, rather than the separation of Quebec, could be the ultimate undoing of the country, the Task Force was told repeatedly. Said a Newfoundlander: "The government in Ottawa is going to have more than Quebec to worry about if it keeps ignoring the east."

Acadians were vehement in their reference to regional disparities. "Our main industry is welfare," said one. The French-speaking areas of New Brunswick have a "monopoly on unemployment," a woman from Caraquet told the Commissioners. A resident of Cap Pelé deplored that the youth of Acadia have to emigrate to Toronto, to "the States," and "even to Moncton," where they have to work in English and lose their language and culture. Through migration, Acadia bleeds. Stop this "bleeding" or "Acadia will die!" he said.

Throughout their east coast visits, the Commissioners heard the words "unrest," "victimized" and "short-changed" to describe the feelings engendered by disparities in income and employment between themselves and Canadians of other parts of the country. The Atlantic region was described as a "money sink." A Charlottetown participant complained that equalization payments have been "our pay-off for allowing others to run the country." Said one Newfoundlander: "Many among us are now wondering if we have exchanged one colonial master for another."

Inequalities that "strain Confederation" have existed for a long time and have often been explained to Ottawa, but explanations "appear to have fallen on deaf ears," Task Force members were told in Halifax. Causes of failure were said to include: lack of federal-provincial cooperation, poor and short-sighted planning ("every three years there is a new policy"), bad choices of projects ("millions invested in capital-intensive projects that create only few jobs"), inability to exploit the real economic potential of each region. Often criticized, too, was the "band-aid" approach to regional disparities. Make-work programs, such as winter works, do not solve the basic problem of an under-developed industrial structure.

Industrial development policies were called "inadequate" in both Atlantic and western Canada. The Task Force was told repeatedly that "national" policies have put their regions in a state of dependency. "Industry concentrates in central Canada," commented a Halifax resident, "while the areas that need investment to close the disparity gap are passed over." "Let's bring jobs to people," Commissioners were told. In Regina, a speaker condemned the interregional transfers of income and employment through tariff and transportation costs as "detrimental" to the industrial development of the prairies.

Many westerners were strongly critical of the movement of goods between the west and central Canada. They contended that western commodities are sold within Canada at world prices, while westerners usually must buy Ontario and Quebec products at prices above world levels because of the tariff protection provided to central Canadian industry. And why must the price of oil be controlled in the "national interest," Commissioners were asked, but not hydro-electricity in Ontario and Quebec? Other westerners wondered why they should "pay tribute" to a government 3,000 miles away. "Put simply, the west has had a bad economic deal," said a resident of British Columbia. Maritimers and Newfoundlanders, too, had great reservations about the protected

“Regional economic disparities are also prevalent here, not on the scale that can be found in the rest of Canada, but they do exist. You will find communities in the north which are economically more advantaged and more developed than others.”

(The Commissioner of the Northwest Territories, in Yellowknife)

“It would be tragic if regional disparity now became the issue that would bitterly divide Upper Canada from the east. It is already threatening to drive a deep wedge between the have and the have-not provinces. Can we develop a formula that may still keep us together?”

(in St. John's)

“While British Columbia recognizes that there are economic gains from being part of Canada, it must be recognized in turn that the whole range of federal policy initiatives, including fiscal policy, monetary policy, exchange-rate policy, commercial policy, transportation policy, DREE policies, and a host of others, have a different and often unfavourable impact on British Columbia. In failing to recognize this fact and take account of it, national policies initiated by the federal government have often adversely affected the economy of our province, and contributed to feelings of alienation.”

(Premier Bennett of British Columbia, in Vancouver)

“Western Canadians sell the produce of their labour on world markets; they buy what they consume, or the goods used in production, in protected markets. The cost of this — basing my judgement on studies done in British Columbia and in Alberta, and by the Economic Council of Canada — probably runs about \$500 per capita per year.”

(Gordon Gibson, former leader of the British Columbia Liberal party,
in Vancouver)

“All marketing barriers inside the country must be removed. Transportation costs must be equalized. The inequality in transportation costs is an important factor in economic disparity existing in the country. It prevents development of large areas of Canada.”

(Sudbury Regional Multicultural Centre, in Toronto)

“We are opposed to the 'user-pay' concept within the context of our current uneven national development and the camouflaged manner in which the so-called user-pay principles are circumvented as in the case of the St. Lawrence Seaway.”

(Nova Scotia Federation of Labour, in Halifax)

“The structure of the tariff has not protected many of the region's basic industries. Rather, high consumer costs have been incurred throughout the region by the required purchase of protected manufactured goods from the rest of Canada. The restructuring of tariff rates at the time of Confederation favoured a central industrial core rather than the mercantile shipping economy of the Atlantic provinces.”

(Atlantic Provinces Chamber of Commerce, in Moncton)

“Transportation, which was viewed by the Fathers of Confederation as a means of developing all parts of the nation, has not done that. It hasn't helped to give Canada a better economic balance; rather, it has preserved the privileges of central Canada which began with the construction of the first canals at public expense.”

(in Edmonton)

central Canada markets. They said their fishermen and farmers had to purchase equipment from Ontario and Quebec at inflated prices, yet sell their own goods in a largely unprotected market.

Mainly transportation

It was obvious from the western part of the Task Force tour that national transportation policies are a major source of aggravation. Many speakers stated that high freight rates are an obstacle to the development of an industrial west, and thus contribute to the industrial predominance of central Canada. "More copper and rapeseed are produced in western Canada than elsewhere," said one westerner, yet the "processing for both is done largely outside western Canada."

Many groups in the maritimes also maintained that transportation policies act as a trade barrier and are detrimental to industrial development in their region. "Goods imported from Europe can be landed in Montreal at the same prices as they can be landed in Halifax," despite the fact that Halifax is "1,000 miles nearer to Europe," said one Haligonian. In Newfoundland, the central government was blamed for having allowed the CN to abandon rail freight service.

Almost all western groups who shared their concerns about regional disparities with the Task Force were adamantly opposed to "user-pay," a concept advanced by the central government that would, they said, make the customer of freight service bear the full cost. All thought that "user-pay" could have only one result: increased costs to western Canada. "It should not escape the notice of the pen-pushers beside the Ottawa River," said one Calgary resident, "that there is little competition in rail or road transport in the west." And if the central government could subsidize the St. Lawrence Seaway and air transportation, many asked, why could not a national policy be established that would take the regional differences of the west and the Atlantic provinces into account? Many easterners shared this view.

In Atlantic Canada, the Task Force heard that the governments of the "have not" provinces, under pressure to create jobs, have tended to "sell out" to outside corporations, and that their natural resources have been "exploited by foreign corporations." Some speakers regretted that their provincial governments had been willing to support financially unsound ventures in the illusory hope that they would create badly needed jobs.

While many wanted governments to adopt more effective strategies for regional development, a few felt, as one speaker put it, that if a region "lacks advantages, there is little point" in subsidizing its industrialization as this only prolongs the agony. Commissioners were quite frequently advised that no region could accomplish everything, nor was there the same potential for the same type of development in all regions. Specialization was of the essence.

In all parts of the country, most participants in the Task Force hearings agreed that new approaches to the problem of disparities were needed or Canadians would "lose patience." The poorer provinces feel they are being neglected, said a citizen in Halifax, while the rest of Canada is getting tired of footing the bill for federal development programs. A Vancouver participant agreed: B.C. had become a "welfare department"; "all these millions being taken away to finance the fight against regional disparities would be useful here" to diversify industry. Said a citizen in Calgary: "It is not possible to take wealth of that magnitude from Alberta and let it go to waste without impairing national productivity."

“The development of manufacturing in the west has been impeded by transport policies. Unless a ‘Trans-Canada Canal’ is built, it should not escape the notice of pen-pushers overlooking the Ottawa River that there is little competition to rail or road transport in the west. The huge subsidies and advantage of central Canada of the St. Lawrence Seaway should have their equivalent in western Canada and the maritimes.”

(in Calgary)

“What we want is more equality with the larger and more influential areas of Canada. Until this is realized, the feeling of unrest and of being short-changed in Confederation will continue.”

(in Moncton)

“We must have federal support. If it is denied us, we will remain poor, bitter and open to persecution by any noisy demagogue.”

(in St. John's)

“The Atlantic provinces don't want to be dependent upon handouts, and I believe Quebec and the other regions of Canada afflicted by economic disparity feel the same way. We want more than just to be kept alive. What we want is a stronger say in the decision-making process of this country. What we want is more equality with the larger and more influential areas of Canada. Until this is realized, the feeling of unrest and of being short-changed in Confederation will continue.”

(New Brunswick Telephone Co., in Moncton)

“Federalism could not exist without an equal sharing of the wealth among participants so as to readjust regional disparities. I am not saying that the federal government has to keep on spending within the provincial jurisdictions: rather, I am proposing that the federal government readjust such disparities by way of transfer of direct payments or income tax percentage points.”

(in Montreal)

“Disparities cannot be overcome via the equalization payment approach but rather by the development of an economic base and climate which will permit economic growth.”

(The Greater Charlottetown Area Chamber of Commerce, in
Charlottetown)

“The only way to correct regional disparities is not by per capita handouts, but by the planned development of the natural resources and geographic advantages of each part of the country. If a part of the country lacks any advantages, there is little point in subsidizing its existence as it only prolongs the agony.”

(Whitehorse Chamber of Commerce, in Whitehorse)

“Certain federal policies must be discontinued. An open example of this type of unfair treatment is in the recent decentralization of federal government offices. Our province, with the highest rate of unemployment in the country, did not receive even one of these decentralized jobs. How are we to react to such a policy? To expect anything more than jealousy, suspicion and resentment would be naïve.”

(Progressive Conservative party of Newfoundland, in St. John's)

Proposals

New anti-disparity public policies

"The ultimate goal must be to eliminate the need for fiscal transfer," said a group in Charlottetown. Many speakers in Atlantic Canada developed the same idea. Said one: "The time has come for Ottawa to base its fight against regional disparity on measures aimed at building and strengthening the industrial structure of the 'have-not' provinces, and to develop a climate that will permit economic growth." The Task Force was told that if government would invest on behalf of the public in private undertakings, resources could be processed to their fullest potential and complete products could be manufactured in the regions. Better federal policies should be implemented to encourage the decentralization of industry.

But it is not enough merely to encourage decentralization. "We should be seeking entirely new sectors" of business activity rather than furnishing "ever-increasing support" for non-economic ventures "whose demise may be inevitable in the long run." Instead, "let's promote the establishment of small, local industries suitable to our needs and location." For example, it was proposed that farm-machinery plants be encouraged to locate in Saskatchewan, that modern fish-processing plants be built in Newfoundland. This might require "long term taxation and other concessions."

Government policies should also aim at stimulating the expansion of plants already in operation. A Newfoundland high school student told the Task Force that a mill in Stephenville could have been kept open if the governments had acted. "Ottawa could have looked for increased international markets," he felt. On the subject of markets, farmers and fishermen in Atlantic Canada urged the Task Force to recommend improvements in the domestic and foreign marketing of their products.

It was not just greater decentralization of industry that was advocated; many participants wanted central government departments and agencies relocated to their regions. The central government should be decentralized also, the Commissioners were told, "to make it more sensitive to regional needs and aspirations."

New private sector attitudes

A government sensitive to regional needs would not suffice, however, if the private sector remained "central-Canada bound." Two Alberta economists suggested to the Task Force that the opportunities and the character of a region will be much better understood when the boards of companies, the line managers and the professional support staffs are all permanently settled in the area in which they make their living. Considering the crucial role that financial institutions play in economic development, the Commissioners were encouraged to support a policy that would foster their development under local management and control within each region.

Secondary industry needs to be developed in conjunction with the private sector, recommended a Nova Scotia labour group. Governments alone "cannot shoulder the burden of wealth distribution," said Premier Davis of Ontario; the private sector must be prepared, he added, "without either coaxing or arm-twisting" to develop an "adequate industrial infrastructure in the maritimes, even if it means lower rates of return on investment and assets." Said a Toronto citizen: "Profit is very important in the free enterprise system, but so is the unity and survival of our beloved land."

Some speakers were dubious about the private sector's ability to rise to the challenge. What about those "Canadian companies that prefer to invest in Indonesia before they would invest in Nova Scotia?" To "reduce and eventually eliminate" regional disparities is primarily the responsibility of the government, said a Nova Scotia labour spokesman. If the government does proceed via the private sector, it must ensure that public assistance "is closely monitored so that the taxpayers receive full value for their investment." The Labour Council of Metropolitan Toronto stressed the need for the "maximum democratic participation of all Canadians" in the formulation and implementation of regional development programs and policies.

“Government cannot shoulder alone the burden of wealth redistribution; the private sector must advance into this area because it is right and ultimately in its own best interests.”

(Premier Davis of Ontario, in Toronto)

“While Ontario and Quebec continue to dominate politics, our maritime premiers continue to search fruitlessly for an economic development policy within the region, [and therefore the problems of] Canada remain irrelevant to us.”

(in Charlottetown)

“It is true that certain parts of Canada do not have the same potential for development as do others but, nevertheless, we believe it is vital to give emphasis to economic development of those parts of Canada that have been described as the have-not provinces.”

(The mayor of Moose Jaw, in Regina)

“Regional development policies get changed in a relatively short run. Every three years there is a new approach and you cannot do anything in three or four years. You barely get started. We have an investment policy and a regional development policy which are heavily capital-intensive; we will get a lot of money put into the region, but very few jobs out of it. The region, in effect, is being used as a money sink, in that money is sent out there much the same as money is put in the United States, into a military program or space program. It is sent out into an area and then comes back to the centre of the country in terms of payments for imports of materials.”

(Atlantic Provinces Economic Council, in Halifax)

“We pump hundreds of millions of dollars into education only to see our most valuable resource of all, our young people, leave for jobs elsewhere. Occupations in the primary resources are not for them for we have taught them too well that to remain at home, to fish, to log or farm is synonymous with failure. We have taught them to be ashamed and that is the greatest tragedy of all.”

(Newfoundland and Labrador Rural Development Council, in St. John's)

“To develop a clear-cut industrial strategy will require that both the federal and provincial governments enter into an industry by industry analysis of our strengths, weaknesses and potential in the resource and manufacturing sectors. Such an analysis must be done with the full involvement of industry and labour.”

(Dr. Stuart Smith, leader of the Ontario opposition, in Toronto)

“The planning and development of all economic and social policies must be undertaken with the maximum democratic participation of all Canadians.”

(Labour Council of Metropolitan Toronto, in Toronto)

“Thus far, the federal government has not concerned itself with any comprehensive plan to help us develop our natural resources, or to promote the establishment of small, local industries which are suitable to our needs and our location. It would appear that it is far easier for the federal government to keep the unemployment cheques coming (and when these stop, to shell out welfare payments). We, in turn, are expected to be grateful for this great benefit of belonging to Canada.”

(Canadian Federation of University Women, in St. John's)

Short-term measures against regional disparities

Could anything be done immediately to mitigate the effects of regional economic disparities? Many maintained that it could. A new national transportation policy was proposed that would recognize transportation as an "instrument of regional and national development" and allow each region access to the whole market "at roughly equal costs to people and goods." The revitalization of the railway system would be an essential element of that policy, if a citizen of Charlottetown had his way. In St. John's, emphasis was placed on up-dating the Trans-Canada Highway and the ferry. In Halifax, it was proposed that "free ports" should be developed in several Canadian harbours to "encourage international trading companies to assemble, manufacture and distribute goods for specific markets without being subject to import regulations." The whole package would cost a "good deal of money, but over the long run it would be a good investment in people, a good investment in Canada, and a real contribution to national unity."

Another important element of this new transportation policy would be a revision of freight rates. Such a revision, the Commissioners were told, is required to make resource-processing profitable in the west and to ensure that freight rates no longer act as the "greatest impediment to western Canada's industrial development."

Freight rates were also seen in Atlantic Canada as a strong negative factor in economic development. "We have to price our commodities to meet the competition in central Canada markets and still provide for the transportation in that sale price," stated a businessman. In this context, talking about "user-pay" was adding insult to injury. Would subsidization of transportation be the answer? Why not? asked a PEI women's group; "a first-class letter is 14¢ anywhere in Canada." A business group in Charlottetown called for "a review of the all-too-numerous studies, reports and briefs" already done on transportation, and the implementation of those recommendations that "would have the most beneficial effect on the Atlantic region." But "no more studies, please!"

Selected changes in tariffs on foreign imports were also recommended as a means of stimulating local industry. For example, the Task Force was informed that such a move would greatly assist Atlantic Canada in expanding fish-processing. In Halifax, ship-building was said to be in need of government protection or further financial assistance, especially in view of the fact that the ship-building industry was heavily subsidized in most other countries. In Charlottetown, a group recommended that "import prices be brought in line" so that PEI's agricultural products will not be priced out of the domestic market.

During the present period of economic restraint, government money should be spent where it is most needed, that is, it should be used to bolster the poorer economies, and not so widely dispersed over so much of the country. The federal Department of Regional and Economic Expansion (DREE) ought to revise its policies to reflect this objective, some speakers suggested.

Other short-term ways of easing regional disparities were suggested to the Task Force. The thrust of these suggestions pointed to the need for the central government to apply its fiscal, monetary and other economic policies with due regard to their effect upon each region. As a group of lawyers in Halifax told the Task Force: "The constitution should clearly recognize the principle that national policies can and should often be applied with regional differences suitable to the different circumstances in the region."

Some speakers looked to constitutional reform as a way to solve regional disparities. The future of Canada lies in the extent to which the needs and aspirations of the regions "can be integrated through constitutional arrangements," the Task Force was told in Regina. The same idea was expressed in Moncton: the correction of regional disparity must be "guaranteed in the constitution." A group of lawyers in Halifax agreed: "There should be written into the constitution a clear statement of the principle of equalization, if not a formula for it." These experts warned the Task Force that it might be difficult, however, to arrive at an "equitable arrangement"; lengthy federal-provincial bargaining would be required before the principle of equalization payments can be entrenched in the constitution.

More recognition of provincial rights and powers does not mean that the people of the Atlantic

“We believe that with regions, as with individuals, success lies in the maximization of their particular strong points rather than in trying to overcome their weaknesses. We would recommend that regions be endowed with an industrial base which would be in harmony with the inherent advantages of each, rather than with enterprises which would do better elsewhere.”

(Canadian Chamber of Commerce, in Ottawa)

“Appropriate industrial strategies for Canadian regions should be formulated within a complex system of economic, political and social goals. Clearly, no region will have the resources to accomplish everything it may aspire to; however, choices can only be made after governments, industry and labour agree on the development and timing of an industrial strategy.”

(in Vancouver)

“In basic terms, the solution to the regional economic inequalities lies in the implementation of a strongly decentralized federalism or, at least, in a pure and simple control of the instruments of economic policies.”

(Centrale des syndicats démocratiques, in Montreal)

“A real problem has been the failure of economic policies to adjust to the Canadian scene. . . . It has become apparent that policies designed to fight either unemployment or inflation have a tendency to produce perverse results throughout the regions of Canada.”

(in Vancouver)

“Constitutional change cannot geographically relocate mineral resources, arable lands or fishing grounds. Canada's density of widely scattered resources inevitably means economic disparities.”

(Canadian Institute of Religion and Gerontology, in Toronto)

“Regional disparities are characteristic of all developed countries. . . . In the United States, for the comparable period [1974], state per capita income varied from 118 per cent of the national average in Connecticut to 69 per cent in Mississippi. We do not deny that regional economic disparities. . . remain at thresholds of concern. However, in no sense does their existence deny this country's successful economic performance. Most certainly it is no argument for dismantling Confederation.”

(in Edmonton)

provinces want to see a "pallid and powerless federal government," the Commissioners were told. The central government must maintain authority to provide the necessary leadership and to manage the economy to "ensure balanced regional growth." Said a Charlottetown business group: "We must maintain a strong central government. Too much autonomy to the provinces may tend to accent, rather than overcome, regional disparities."

Whatever happens to the constitutional distribution of government responsibilities, many participants told the Task Force that a better coordination of the activities of all levels of government is necessary if economic disparities are to be reduced. From Saskatchewan came the suggestion that a "process of developing an inventory of regional needs" should be set in motion. From this inventory would evolve a "more balanced regional development plan."

Background

Natural resources play an important role in Canada's economic life. Although the primary industries — agriculture, forestry, fishing and mining, quarries and oil wells make a relatively small direct contribution to the gross domestic product (the value of goods and services produced in Canada) — 8.3 per cent in 1977 — they are the basis of much of the country's processing and manufacturing sectors.

Regional variations

As the following table illustrates, the importance of each primary industry varies greatly from region to region.

Regional importance of selected industries as a percentage of domestic output and as per capita of 1977 gross domestic product

Industries	Canada		B.C., Yukon & NWT		Alta.		Man. / Sask.		Ont.		Que.		Atlantic Prov.	
	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$
Agriculture	100.0	259	3.9	92	20.1	638	39.1	1197	22.9	165	10.8	104	3.2	87
Fishing	100.0	.14	35.0	46	0.3	—	2.6	5	3.4	1	4.6	2	54.1	83
Forestry	100.0	64	48.7	282	2.1	16	2.5	19	14.6	26	22.1	52	10.0	67
Fuel — mining	100.0	228	9.0	187	83.7	2342	6.3	170	0.1	1	—	—	0.9	22
Non-Fuel — Mining	100.0	115	13.0	135	0.7	10	14.1	191	38.1	122	21.5	91	12.6	152
Hydro Energy	100.0	81	16.8	124	0.8	8	6.9	67	18.3	42	34.1	103	23.1	199

Source: National income and expenditure accounts, 1963-77, Statistics Canada, catalogue 13-201 Survey of production, Statistics Canada catalogue 61-202

Because of the regional character of the geographical distribution of particular natural resources in Canada, the importance given at the Task Force hearings across the country to each subject and to each resource varied from one region to another.

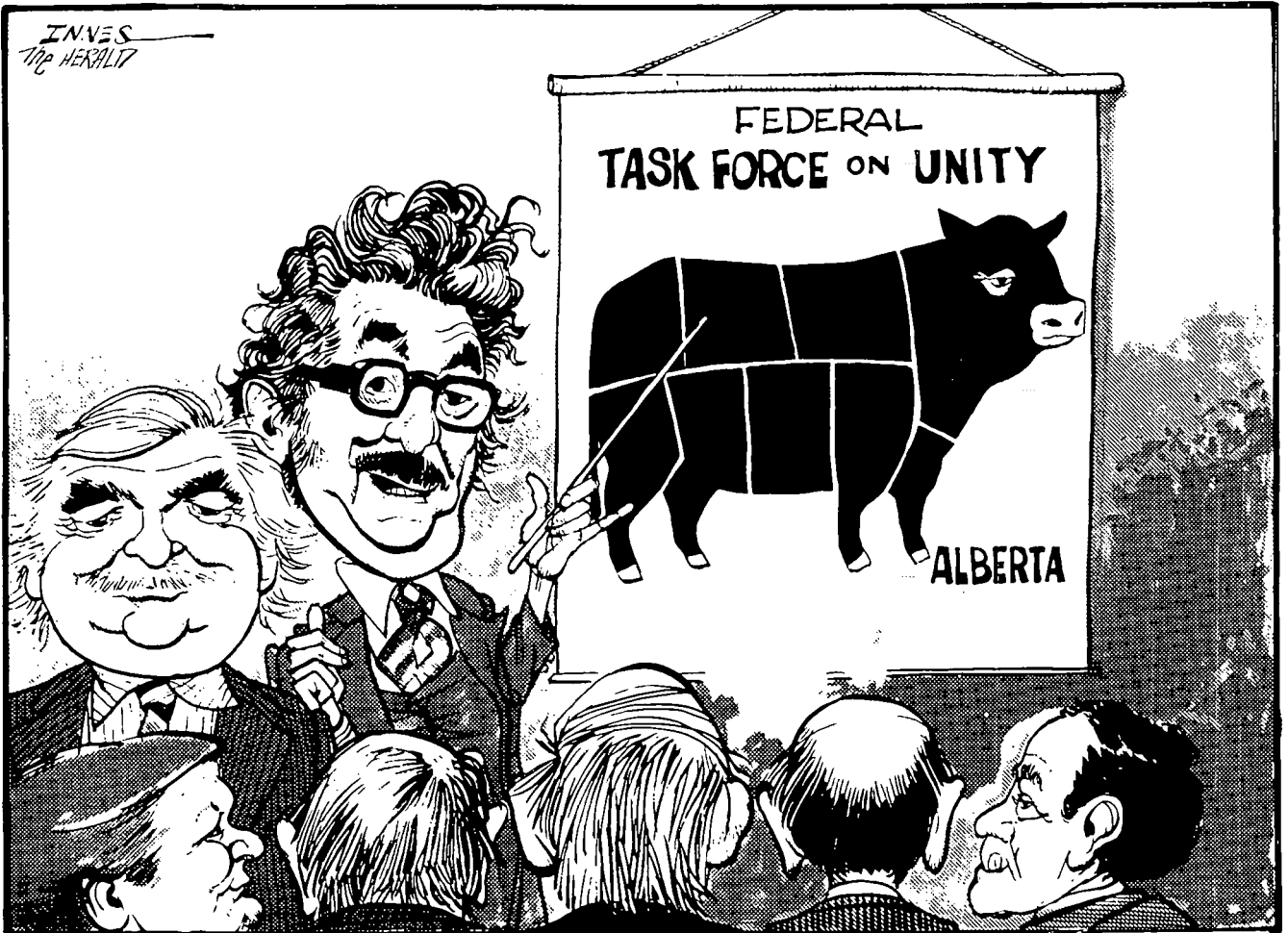
In a time of high cost and gloomy projections about the scarcity of certain natural resources, the issues of ownership management and taxation are of considerable significance to all Canadians. However, an Albertan, whose government draws more than half of its revenues from resource taxes and royalties, can hardly see things as does an Ontarian, whose government's share of revenues from natural resources is twenty-five times smaller and whose province relies heavily on raw materials and on energy brought in from other provinces or countries.

Constitutional debates

Special attention was also paid by participants to those natural resources that have been at the centre of jurisdictional debates between the central and their provincial governments. Fisheries were very much on the minds of participants from the Atlantic provinces, oil on the minds of westerners.

The Canadian constitutional distribution of government powers on resources is not an easy one to implement in practice. Under the BNA Act, the provinces have primary authority to regulate the use of natural resources, and power to tax directly for provincial purposes and to collect royalties.

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The constitution does, however, constrain these provincial powers by giving the central government the authority to tax by any mode or system, to regulate inter-provincial and international trade, to declare local "works" to be of national importance, and by giving it an important role in fisheries and agriculture. Judicial interpretation has also recently added underwater resources on the Pacific coast.

The difficulties of reconciling federal and provincial responsibilities in the field of natural resources have given rise to numerous constitutional debates since 1920. The development of the OPEC cartel in the early 1970s exacerbated these conflicts. The two-price system for crude oil, the export tax on oil, the non-deductibility of royalty payments in federal taxation, the regulation of the rate of exploitation, the question of ownership of off-shore rights, to name a few, are all issues that were extensively discussed during the Task Force hearings.

Questions

How should the jurisdiction be apportioned between central and provincial governments in the field of natural resources? How should natural resources revenues be distributed? What role can the development and processing of resources play in alleviating regional disparities? Should exports of raw resources be limited in favour of domestic processing? Should foreign investment be discouraged? Are Canadian transportation and shipping facilities adequate?

“We have an abundance of natural resources of all types and description and what may in the future be even more important, room to move, room to expand, and room just to get away from it all.”

(Regina Chamber of Commerce, in Regina)

“It is necessary in our nation that each region has independence while having inter-related economic association with the rest of Canada. We refer especially to the necessity for provinces to have control of their natural resources.”

(The mayor of Moose Jaw, in Regina)

“The policies of the federal government penalize the resource-based economies of the western provinces in order to assist the industrial and manufacturing economies of central Canada.”

(in Vancouver)

“It is folly to proceed on the presumption that all differences arise in and flow out of Quebec and [that] to overcome the Party Quebecois 'ogre,' whether by peaceful or military means, is a solution to things. Such a presumption tends to disregard the variety of federal — provincial differences yet unsettled in each and every area of Canada. Specifically and for example, it would disregard the frustrations which at this time must be besetting the province of Saskatchewan, against whom the federal government has enjoined with potash and oil conglomerates to challenge rights which that province believes it does, or should have, in respect to resource taxation and resource development.”

(The Manitoba Federation of Labour, in Winnipeg)

“The offshore oil and gas? My stand is that it should be Newfoundland's.”

(in St. John's)

“Several provinces, especially western ones, have become concerned about their control of natural resources. During their 1976 discussions, the premiers unanimously demanded a 'strengthening of jurisdictions of provincial governments on taxation in the area of primary production from lands, mines, minerals and forests.' Several provinces have also been demanding jurisdiction over off-shore resources.”

(in Vancouver)

“This is the fishing centre of Canada; it should be the fishing capital of Canada. Ottawa has never seen a codfish.”

(in St. John's)

“The federal government has also used its tax powers to extend its control over resources within the provinces. Its control over the pricing of oil is an example of its intrusion into the resource area, which is supposedly within the legislative jurisdiction of the provinces.”

(in Vancouver)

“When Alberta's oil and gas became essential and expensive, the federal government said Canadians ought not to pay the going price. Premier Davis of Ontario said it was really his oil. God forbid that some day we should find such a resource, for the political power structure would tell us it is not really ours — it is central Canada's and they must have it cheap.”

(in Charlottetown)

Opinions

"We have an abundance of natural resources of all types and descriptions." "We are the envy of most countries in the world." Statements such as these from all across Canada show that Canadians are united, at least in their realization of the bounty nature has laid at their door. They disagree, however, as to how it should be owned, managed and controlled, and how its benefits should be shared.

The question of jurisdiction

In all parts of Canada, the Task Force heard that regional prosperity and resource development go hand in hand. Not surprisingly, therefore, most participants concluded that the provinces need to keep their control over resources. Some westerners found it hard to understand why oil prices had to be controlled "in the national interest" but not the price of eastern-produced resources and goods. They had support from a Toronto group who called the federal pricing of oil "an example of intrusion" into a matter that is "supposedly within the jurisdiction of the provinces." Said a participant in Charlottetown: "God forbid that some day we should find such a resource [oil], for the political power structure would tell us that it is not really ours — it is central Canada's, and they must have it cheap." In Vancouver, the Task Force was told that although natural resources have always been regarded as "at the very heart" of provincial jurisdiction, the central government "appropriates a large share of the increased revenue" now obtained from western oil. It does so by levying an export tax on oil sold to the United States and by taxing royalties paid to the provincial governments. Commented one participant: "Nothing similar has been done to resource or energy exports from any other part of Canada."

To explain the "sensitivity" of his province to issues affecting provincial control over resources, the premier of Saskatchewan, in addressing the Task Force, specified the important role resources play in the economy of his province: 22 per cent of total government revenue in 1976-77, compared to less than 2 per cent in Ontario. The premier of British Columbia commented that the economy of his province is also "resource-based and export-dependent to a degree that far outweighs" the situation in Ontario and Quebec. This fact, he said, coupled with B.C.'s "slender hold" on manufacturing and resource-processing, means that national policies have "a different impact" on British Columbia and "this is seldom recognized." A group from the same province blamed the central government for having designed economic policies since Confederation "to prevent the development of B.C. manufacturing so that B.C. would remain mainly a raw-material province." Similar complaints were heard in the prairie provinces and the Atlantic provinces.

In the Atlantic provinces, speakers made impassioned comments about their resources. "When we entered Confederation," said one Newfoundlander, "we did not come empty-handed." The fisheries, the "very heart of Newfoundland history," said another, "are controlled by a host of faceless civil servants and colourless diplomats" who "trade off" fishing stocks to achieve bilateral agreements. While many participants saw the 200-mile limit as a "step in the right direction," they wondered when the central government would initiate policies "to help us benefit from these great resources." Similarly, the Task Force was told that Nova Scotians "do not relish continuously holding out their hand to Ottawa when the resources [fisheries] are at hand to provide a prosperous future."

Despite the evident dissatisfaction of many participants with the central government's involvement in the resources field, Ottawa had its supporters. A Toronto youth group, for example, said the power of individual provinces "is too great" and all natural resources should be controlled by Ottawa. A Calgary inter-faith group said that the central government "should make sure there is sharing" and that prices are fair for all Canadians.

Jurisdictional conflicts, duplication of government regulations and uncertainties over which order of government is responsible were cited as detrimental to the harmonious development of Canada's resources. Said a Torontonian: "This country of ours, which prides itself on being a resource nation, is woefully lacking when it comes to any kind of national resource policy. The reason for this is fairly obvious: natural resources are a provincial jurisdiction, but the federal government [sticks] its oar in whenever it can."

“We find it hard to understand, for example, why the price of oil produced in the west must be controlled, in the national interest, but not the price of resources which are located in central Canada.”

(Premier Blakeney, in Regina)

“Newfoundlanders are getting fed up with being the migratory human fodder for the industrial core of North America. We are hard-working people who demand the right to work in our own province, developing and processing our abundant resources. Our fisheries, forestry and mineral resources would be the envy of most countries in the world, yet the only benefit that we derive from them is a few thousand measly jobs. There is no reason, for instance, why fish packaged in Boston should be on our supermarket shelves.”

(Newfoundland Association for Full Employment, in St. John's)

“Western farmers generally see themselves at the mercy of a central government concerned primarily about an industrial and consumer-oriented eastern society. Many western farmers perceive themselves as a market for over-priced industrial goods produced in a protected eastern market and as a source of cheap food sold on an unprotected domestic and international market.”

(in Calgary)

“For decades, federal governments have shown, by their neglect and their inaction, that the development of Canadian agriculture is not a priority goal. This is shown not just in farm policy matters. It extends through the realms of trade and tariff negotiations, taxation policies, industrial and commercial policy, manpower programs and transportation policy.”

(Ontario Federation of Agriculture, in Toronto)

“The fishing industry of Atlantic Canada, once a seemingly inexhaustible source of food and work for coastal area residents, today faces uncertainty and difficult times. Widely depleted fish stocks and the advanced technology of foreign fishing fleets, little concerned about the well-being of the Canadian industry, have threatened the very livelihood of our fishermen and their fellow workers in the fish-processing plants.”

(The Nova Scotia Federation of Labour, in Halifax)

“PEI citizens are paying outrageous prices for electricity and fuel. They have to wonder if there is a national energy policy that would allow islanders to share in the bounty of this country.”

(Federation of PEI Municipalities, in Charlottetown)

“We must make in Canadian unity an overall safety-aware plan of research, development and implementation, incorporating all aspects of energy in the projected uses of nuclear, fossil, water, thermal, chemical, solar, wind and tide power available to us, and guaranteed in our constitution to remain for us first, and others second.”

(in Toronto)

The question of management

"There is no justification," the Task Force was told in Winnipeg, for the "relatively negligible" pace of energy development in all seven provinces east of Saskatchewan. There is a "fantastic concentration" of capital provided "to deplete" the country of those resources that are non-renewable but "perfectly storable," while renewable or extendable energy resources are left to "go wasted through non-use."

Hydro-electricity was a sore point with some speakers. One participant at the Montreal sessions asked why so much hydro potential is still untapped in Quebec. Our electricity costs are "out of sight," said groups in Halifax and Charlottetown. The Commissioners were also informed that an amount "exceeding" the total annual equalization payments from Ottawa to Newfoundland is flowing out of Churchill Falls in the form of "windfall profits" to Quebec. A previous Newfoundland government had forgotten to include a re-opener clause in its sales contracts with Quebec. "As a gift to Confederation, this is taking generosity too far," said a Newfoundlander.

From across Canada came complaints about agricultural policies. The premier of Saskatchewan said his province's "heavy reliance" on an export-oriented agriculture is subject to unstable market conditions. These produce "wild fluctuations" in the economy and cause the "booms and busts" which have haunted prairie people and their governments. Western farmers see themselves "at the mercy of a central government primarily concerned about an industrial and consumer-oriented eastern society." A Toronto group thought that central governments have shown by decades of neglect and inaction that the development of Canadian agriculture is "not a priority goal."

The "disastrous state of the mining industry," the "deteriorating conditions of our mines," the "improper management of our mineral resources," were expressions often used in statements dealing with mineral resources. International competition, lack of markets, shortage of capital, inadequate transportation facilities and federal-provincial conflicts over jurisdiction were given as contributing factors. In Charlottetown, a business group added that the policies governing the discovery, development and processing of the country's minerals do not make it a "rewarding endeavour" to those "few individuals" who have the "guts and temerity" to take the financial risks.

A northern Ontario resident said there was dissatisfaction in his area, "to put it mildly," with resources policies. Although "exceedingly rich" in resources, northern Ontario has been left with an "all-pervasive feeling of powerlessness." The region suffers from a "syndrome of one-industry towns."

The disadvantages of foreign ownership and control of resources were often invoked. In Nova Scotia, it was said that the profits of resource exploitation "have not fallen on the citizens"; they have gone largely to "foreign corporations" or, when spent here, have been used "to buy greater interests and prevent Canadian ownership." The present central government has "done nothing" to stop the "wholesale giveaway" of our resources, commented a Saskatchewan labour group. A Manitoba group asked if our economic difficulties did not stem from "the fact" that much of Canada's resource wealth is exploited by "multi-national conglomerates." The Task Force was warned that a divided Canada would leave Alberta "at the mercy" of oil corporations that currently "exploit our resources and people."

But not everyone saw outside influence over the economy in so bad a light. The mayor of Sudbury said that Canadians had to come up with resource-processing goals that take into account "our friend and neighbour to the south." The reason? To make resource-processing feasible, Canada needs larger markets, and the United States needs "certain items on our resource shelf." Other groups mentioned the impossibility of financing resource development solely through domestic savings, considering the huge capital outlays required and the "bleeding off" of Canadian investment money by non-productive government spending.

“Our electricity costs are ‘out of sight,’ as the saying goes. We share with our good neighbour New Brunswick the tremendous potential of the Bay of Fundy tides [whose] development would go a long way in solving the eastern Canada energy problem. However, as much as we need the jobs that this development would create, if no better deal was received for the people than was received by the residents of Newfoundland with respect to the development of Churchill Falls, the greatest benefit will be realized by another country.”

(Canadian Seafood and Allied Workers Union, in Halifax)

“We have a wonderful supply of resources and these should be developed sufficiently to benefit all Canadians. Depending on foreign oil, because it was cheaper, was a great mistake. When the price went up, as it was bound to do, the maritimes, in particular, suffered greatly. The maritimes could still have been mining their coal, enabling many to stay off welfare and pay less for fuel. When the pipeline was first proposed, it was a mistake not to let it go right to the maritimes, instead of cutting it off at Sarnia. . . . We should never put ourselves in the position of having to depend on other countries for the necessities of life.”

(in Calgary)

“Coal mines in Nova Scotia went under because of loss of markets while the Canadian government subsidized coal shipments from Pennsylvania to the Ontario Hydro.”

(Nova Scotia Federation of Labour, in Halifax)

“Policies concerning the discovery, development and processing of the various minerals of this country, so abounding in natural resources, should be of such a nature as to make it a rewarding endeavour to those few individuals who have the guts and temerity to take the financial and personal risks involved. This is particularly true when viewed in the light of the number of failures there are versus the number of successes.”

(The Greater Charlottetown Area Chamber of Commerce, in
Charlottetown)

“The present federal government has done nothing to arrest the wholesale giveaway of our resources and our productive capacity. Surely, if we are going to talk as a nation, we must begin to repatriate our economy so that it will operate in the interests of the Canadian people.”

(Saskatchewan Federation of Labour, in Regina)

“We are going to have to come up with resource and manufacturing goals and strategies that take into account our friend and neighbour to the south, the U.S. She needs certain items off our resource shelf, whereas we need markets for further processed resource materials and the opportunity to develop and sell high technological goods.”

(The mayor of Sudbury, in Toronto)

“The 200-mile limit was a step in the right direction; however, we wonder when the government, which in its wisdom imposed this limit, will initiate policies which will help us to benefit from this great resource. So far the fishing grounds appear to be protected mainly from Newfoundland fishermen.”

(St. John's Club of the Canadian Federation of University Women, in
St. John's)

Proposals

On jurisdiction

Majority opinion favoured effective provincial jurisdiction over resources, coupled with provincial direction of future development. Heard often across the country were comments such as these: "there must be provincial control over natural resources"; "stop federal intrusion into resources"; "offshore oil and gas should be Newfoundland's." A Saskatchewan mayor told us that provincial control of natural resources is such a vital matter to western Canadians that recent federal-provincial conflicts have brought many of them to question the very value of the present constitution.

While the management of resources was seen mainly as a provincial responsibility, some participants, particularly in Atlantic Canada, favoured greater federal financial commitment to resource development. Ottawa must "prime the pump" and assist in providing the machinery to harvest "the full potential of the sea," the Commissioners were told in Atlantic Canada, and "we must have federal support," because the provinces have "scanty financial resources." The 200-mile fishing zone extension was applauded here as well, but further "logical steps" must be taken: for example, funding for freezer trawlers, marine mining vessels and ships to police the 200-mile limit are urgently needed.

On management

Many saw greater resource development as the answer to unemployment woes and regional disparities. The only way to correct regional disparity, said a man in Whitehorse, is through "planned development of natural resources." Developing our resources further would lead to a "substantial boost" in jobs and production, a Calgary group suggested. A speaker in Edmonton agreed, but warned the Commissioners that Canada must stop trading resources for "short-term capital-intensive projects," which employ "very few people" and "do nothing for our long-term economic development."

A better national energy policy was advocated in all parts of the country. In Halifax, a group advocated using "our fossil fuels and the Fundy tides as energy sources," and providing for a "hook-up with a national grid." This would reduce the dependency on non-renewable resources and on foreign oil that has led to the current energy price increases. "Substantial investment" in energy would "buy Canada's independence," a Calgary group said. It might also buy "Canada's unity," because a "reliable source of energy may well be a compelling reason for every province to remain in a United Canada."

The problems of farmers must not be overlooked, the Commissioners were reminded across the country. If farmers are to continue to prosper, Canadians "must pay more" for food than they do now. The national transportation policy must be reviewed to "assure that rail lines are not abandoned wholesale" and that the products of western farmers "reach the markets of the world." An Ontario fruit and vegetable growers' association said that task forces will not boost unity among Canadian produce-growers; what will do it is a "commitment to eat domestically grown products" and a federal "buy Canadian" policy.

Foreign control of our resources must end, said some participants at the hearings. "Surely, if we are going to talk as a nation," observed a Saskatchewan labour group, "we must begin to repatriate our economy" and "arrest the wholesale giveaway of our resources and productive capacity." A Winnipegger said that the influence of "multi-national, conglomerate decision-making" on the exploitation of Canadian mineral resources should be investigated. Why? To find out how much of our present economic difficulties "flow from the fact that much of Canada's natural resource wealth is not exploited from within." A few participants advocated public ownership of resources.

Back to jurisdiction

On the constitutional front, most of the proposals to the Task Force pointed to the urgent need to

“Of the economic problems faced by Canada today, the one which has been extensively influenced by an inappropriate distribution of federal and provincial powers and which will continue to restrict our potential for economic growth, is our failure to develop an effective industrial strategy. This failure lies at the heart of various trouble areas of our economy, including improper management of our energy resources, the deteriorating conditions of our mining industry, the inefficiency and uncompetitiveness of much of our manufacturing sector and the declining investor confidence in the future economic potential of this country. Duplication, overlap and contradiction between federal and provincial jurisdiction have led to confusion and large scale economic inefficiency in the allocation of society's scarce resources.”

(Ukrainian Professional and Business Club of Toronto, in Toronto)

“It should not be left to the courts to determine whether the federal government or the provincial government has the right to tax the resource industries and by what means. . . . In this regard, there should be called, immediately, a conference of first ministers to determine the manner [in which] resources should be taxed, whether through the federal arm of corporate taxation, the provincial arm of royalty taxation, or Crown corporations.”

(Ted Malone, leader of the Saskatchewan Liberal party, in Regina)

“The power of the individual province is just too great. . . . All of the natural resources of Canada should be controlled by the federal, not the provincial, government.”

(in Toronto)

“Labrador has a great potential for cheap hydro-electric power. This has been shown by the successful development of the Upper Churchill. Now, and in the future, the requirements for energy will grow. This project is too huge and expensive to be developed by just one government. If the federal government really wishes to make a significant contribution to the Newfoundland economy, it could immediately arrange with our government to develop the Lower Churchill.”

(in St. John's)

“Talk or task forces will not boost unity among Canadian growers of fruit and vegetables. A commitment by Canadians to eat domestically grown produce and a federal 'buy-Canadian' policy will.”

(Ontario Fruit and Vegetable Growers Association, in Toronto)

“What is needed is the unification of the natural resources of Canada. Natural resources can unite the country economically, and, if used properly, can solve unemployment which is very high in Quebec.”

(in Regina)

“Whatever you write into the constitution — the division of tax revenues from resources must be settled by a fair compromise between the provinces and the Dominion around the table. Indeed, less scrapping and more productivity can satisfy both local and national needs.”

(in Vancouver)

end the "obscure" and "divisive" quarrels over resource management and taxation. It was proposed that it not be left to the courts, however, to decide which order of government has the right to regulate and tax resource industries. A conference of first ministers should do it. The Task Force was warned that the settlement of the issue should not ignore the role played by private industry; taxation should not make it difficult for industry to earn a fair return on investments.

Among the majority who supported provincial control over resources, some proposed amending the constitution in order to make it more difficult for the central government to infringe upon provincial rights. Mentioned as instruments of central intrusion were the unlimited power of taxation and the regulation of inter-provincial trade. One participant at the Edmonton hearings proposed a restriction on the central government's control over exports.

A few speakers were not prepared to allow exclusive provincial control of resources. For example, a Toronto group stated that "the natural wealth of this country belongs to all Canadians" and no province should be allowed to become a "greedy sheep." Avert this situation, they said, by placing resources under federal jurisdiction.

Introduction

The search for the best constitutional framework for Canada is one aspect of the debate on Canada's future. How important is it in the public's mind when compared to the social and economic aspects? How do Canadians feel about their constitution in 1978? Do they think it reflects today's realities and popular aspirations? Does it, in their view, require minor or radical changes? Does it require modification in its federal, its parliamentary features, or in both? Should there be more centralization of powers in Ottawa or more decentralization in favour of the provinces? Or does the resolution of current political conflicts simply require more conciliatory attitudes among politicians and the public?

A country's constitution establishes the principles, the structures and the processes by which it is governed. Canada's constitution is monarchical, representative, parliamentary and federal. (For a short description, see *Coming to Terms*, the Task Force's "vocabulary.")

In considering options for change from the present Canadian constitutional system, there is first the question of whether Canada should remain a federation or adopt some other form of union. The comments of those who spoke or wrote to the Task Force on the subject of sovereignty-association are outlined in chapter 13. Therefore, Part V concentrates on views expressed as to improvements that might be made to the present Canadian federation.

Whatever form of federation a country adopts, agreement must be reached on the distribution of powers, the composition and functioning of the central government institutions, the mechanisms of coordination between governments, and the method of amending the constitution.

Some Canadians believe that the existing institutions are good enough, flexible enough, to cope with present Canadian federal problems, given intelligence, imagination and goodwill. Many others feel the system would work better if regional interests were more strongly expressed, mainly through provincial governments, in the central institutions of the federation – in the Senate, the Supreme Court, the regulatory agencies – as well as in the federal-provincial conferences. Some Canadians also wonder whether sufficient account is taken of the Anglo-French duality in the organization and functioning of central institutions. Still others feel that a major revision of the distribution of legislative powers is necessary, particularly if Quebec is to remain part of Canada.

There are other issues too. Is the existing Canadian parliamentary system so satisfactory that it requires no modification? Would not a reform of the electoral process help correct some of the anomalies in the present pattern of representation in the House of Commons where, for example, the present party distribution of federal seats inadequately reflects the popular vote in some provinces?

And what about fundamental rights? Should they be entrenched in the constitution, making them impossible to change or to circumscribe by ordinary legislation? Should the process of entrenchment include language rights? Or should they be left to the final authority of Parliament and the provincial legislatures?

The Task Force heard many views on these and other constitutional subjects. They are presented here under the following headings: chapter 17, "The distribution of powers"; chapter 18, "Regional representation in central institutions"; chapter 19, "Protection of fundamental rights"; chapter 20, "Means of constitutional change."



'HOW ABOUT ANOTHER OPINION?'

Background

In Canada, as in all federations, two fundamental aspects of the federal system are the distribution or division of powers, and the mechanisms of coordination between the central and the provincial orders of government.

To achieve the proper balance of legislative powers between the two orders of government is the first fundamental challenge of a federal constitution. In fact, the precise distribution varies from one federation to another, depending on the objectives being fostered.

The distribution of powers

The distribution of powers in Canada, determined in 1867, was based on the principle that the central government should have competence in the areas of government activities of common interest to all Canadians, and that provincial governments should have competence in the areas of particular interest to the provincial and regional communities.

The distribution is effected mostly by sections 91 to 95 of the BNA Act. Most of the "enumerated" powers are *exclusive*: they belong to one order of government only. A few are *concurrent*, that is, assigned to both orders of government.

By section 91 of the act, the central Parliament was assigned thirty powers (including the residual power), giving it jurisdiction over matters such as trade and commerce, the public debt and property, direct and indirect taxation, defence, banking, currency, criminal law, navigation, penitentiaries, postal services, marriage and divorce, naturalization and aliens, sea coast and inland fisheries and Indians and lands reserved for the Indians.

By section 92, the provincial legislatures were assigned sixteen powers, including property and civil rights, direct taxation for provincial purposes, administration of justice, prisons, municipalities, maintenance of hospitals, management and sale of public lands, local works, and the power to amend their provincial constitutions except for the office of lieutenant-governor.

In a separate section, 93, education was specifically assigned to the provinces.

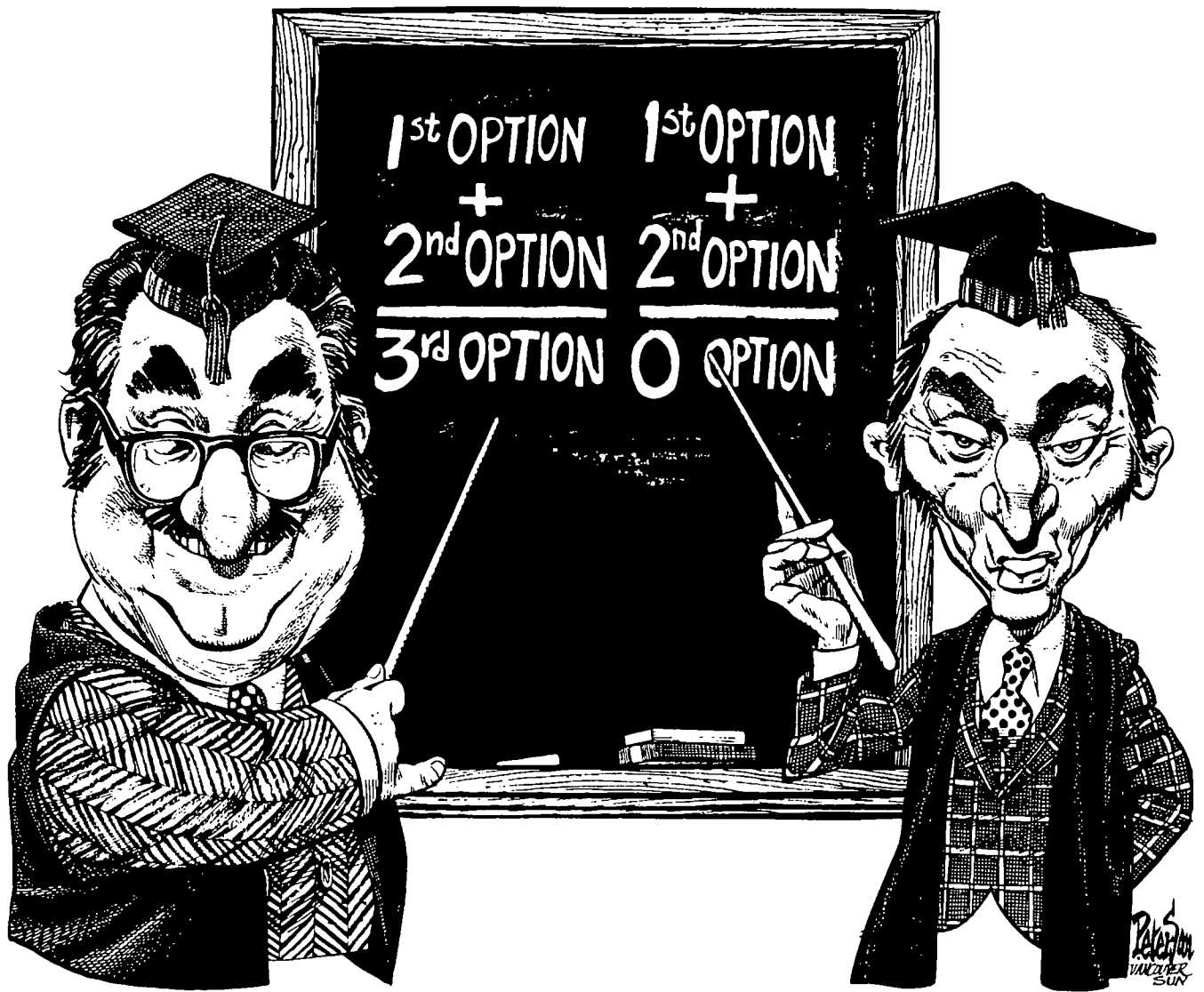
Section 95 of the BNA Act designates the concurrent matters of agriculture and immigration. In the event of conflicting federal and provincial legislation in these fields, the federal legislation prevails; this is described as *federal paramountcy*. In 1951 and 1964, old age security and supplementary benefits were added to that short list of concurrent powers (to become section 94A of the BNA Act) but in this case it was expressly stated that the provincial legislation would prevail in cases of conflict. This is described as *provincial paramountcy*.

By constitutional amendments, Parliament has been given additional exclusive powers, such as the establishment of new provinces out of the territories (1871), the representation of the territories in Parliament (1886), unemployment insurance (1940), the power to amend the constitution of Canada, with some exceptions (1949) and, by the Statute of Westminster (1931), the power to give its legislation extra-territorial effect.

The mechanisms of intergovernmental coordination

Although it has often been argued that in a federal system each order of government should be able to act independently within its own sphere of constitutionally assigned authority without any interference from the other order of government, in practice, the functions assigned to the two orders of government cannot be totally isolated from each other, especially in these times of growing government activity. Inevitably, and notwithstanding concerted efforts to prevent it, when two orders of government exercise authority over the same population and the same territory their activities will overlap and, on occasion, conflict.

The consequent need for effective intergovernmental relations has two dimensions: the relations between central and provincial governments and the relations among provincial governments themselves. In practice, a whole series of mechanisms has been established to facilitate



Semantic Conversion.

intergovernmental consultation and collaboration. Prominent among these are the federal-provincial and the interprovincial conferences. There have been many calls recently for improvement in the mechanisms for federal-provincial coordination.

For a fairly complete analysis of the federal system in Canada, the reader should turn to the Task Force "vocabulary," *Coming to Terms*.

Questions

Is the present distribution of powers between our two orders of government in Canada adequate or does it need clarification, adjustment or transfer of powers? Is the Canadian union too centralized, or too decentralized, or both, but in different areas? Could a different set of powers – special status – be allocated to one or more of the regional political entities?

"The decentralized nature of Canadian federalism is a myth and propagation of that myth serves the ends of demagoguery more than it corresponds to reality. Administration of the program of expenditures is often decentralized, but its planning and implementation are highly centralized."

(in Quebec City)

"I know that this country cannot last very long the way it is now going. We must build a country, but one in which the provinces will be autonomous. . . . All the provinces want the same thing, they want to be able to decide and govern for the welfare of their people. The regional differences of this country are too great for it to be well governed solely by the central power; and besides, that would prove too onerous for its tax payers."

(in Montreal)

"Quebec's constitutional restlessness reflects a need of all provinces for a restoration of constitutional powers which have been extensively eroded by judicial and government action over the past several decades."

(in Winnipeg)

"One of the greatest irritants in Canadian life is the "Ottawa knows best" syndrome that the rest of the country encounters almost daily. Ottawa does not always know best, and the fact that federal bureaucrats control such a disproportionate share of our national resources often restricts and distorts local and regional priorities and stifles initiative."

(The Corporation of the City of London, in Toronto)

"Federal politicians have usurped provincial jurisdiction with their anti-worker wage controls. They have refused to recognize provincial rights over cable TV. They have tried to blackmail provinces out of their rights through such means as the insulation program and the decentralization program which required provinces to meet federal educational demands. Such actions have led to increased hostility to the federal government in all provinces, not just Quebec."

(Saskatchewan Federation of Labour, in Regina)

"The reasons for the trend towards centralism in the last two decades are varied. There was an underlying philosophy in Ottawa, starting in the sixties and reaching its zenith in the early seventies, that for every problem that occurred in Canada there had to be a federal government solution. . . . The rallying cry of federal politicians in the years since Expo '67 was that the Canadian government could achieve anything if it were given the tools. It could single-handedly create a just society with a plethora of progressive social legislation. It could unify Canada through institutional bilingualism. It could make Canada economically prosperous through an easy money policy and a little inflation. It could bring equity to fiscal measures through the tax reform and it could protect consumers through continuing intervention in the market place."

(in Toronto)

"Federal institutions have too often disregarded the constitution and invaded provincial jurisdictions through the spending power. The present uneasiness comes largely from Ottawa's abuse of taxing powers and from its excessive expenditures in fields of provincial jurisdiction."

(in Montreal)

Opinions

At the Task Force hearings and in correspondence, many Canadians expressed dissatisfaction with the present Canadian federal system. The opinions of those opposed to the system itself and who would like to replace it by a confederal association of sovereign states, have been summarized in Part III, on Quebec. In the present chapter, the focus is on the comments of those participants who accepted the federal system but criticized its functioning and contended that the main cause of the problems is to be found in the distribution of powers between the two orders of government.

The need to "re-examine" the distribution of powers was generally accepted. Comments on this topic are dealt with in four broad categories of subject: the exclusive powers of either Ottawa or the provinces; the "essential powers" of the central government; the concurrent powers, that is, those which, by virtue of the BNA Act, come under both orders of government; and a number of "grey areas," embracing activities that are not clearly allocated to either order of government. Underlying all opinions was a continuing debate on the advantages and disadvantages of centralization and decentralization.

The spirit of Canadian federalism

A majority of participants at the Task Force hearings maintained that the distribution of powers and the use made of them have benefited the central government at the expense of the provinces and the municipalities. "What we have now," said a citizen in Edmonton, "is not classical federalism but "federal imperialism," a system which has transformed the provinces — "mostly the west and the east" — into "colonies of Ottawa." Another speaker called that system a "parent-child relationship." This, it was argued, is "the real problem of Confederation."

Some argued that the Fathers of Confederation wanted that kind of federalism, that the BNA Act was a "centralist act" that deliberately provided Ottawa "a large degree" of overriding control over the exercise of provincial powers. The central government's powers to appoint lieutenant-governors and to reserve or disallow provincial laws were often mentioned as two examples, among others, of the unitary bias in the original Canadian federal constitution.

To others, what the Fathers had in mind was a "loose" type of federation. They felt that "the spirit of Confederation" had been "gradually eroded," however, over the years. One Vancouverite said that the courts had provided the central government with a number of legal interpretation theories by which it has been able, "through unilateral action, to extend its control over matters otherwise provincial." These theories included the "wide interpretation" of the "peace, order and good government" clause of the BNA Act.

For many speakers it was primarily through its unlimited taxing and spending powers that the central government has significantly expanded the scope of its activities. A group from British Columbia said: "Parliament uses its spending power to buy provincial government cooperation in securing its objectives: the Trans-Canada highway, medicare and hospitalization, welfare assistance, etc." A citizen from Binbrook (Ont.), wrote that "it is difficult to find words for public use that properly describe Ottawa's abuse of its financial power and unique access to a rapidly growing income tax base, of its recourse to the monetary blackmail of tied grants." Similarly, a citizen argued in Montreal that "the present malaise originates largely from an abuse by Ottawa of its fiscal powers and from its excessive spending in areas of provincial jurisdiction." Others argued that the central government was also abusing its power in the area of natural resources. "Its control over the pricing of oil," argued a citizen in Vancouver, "is an example of its intrusion into the legislative jurisdiction of the provinces."

Many participants viewed the "centralist mentality" of federal politicians and bureaucrats as another factor working in the same direction. Said one: "Their actions for several years have been calculated to centralize power in their hands." Wrote another: "The federal government suffers from the belief that the provinces are incompetent and that the 'feds' can do a better job." The very imprecision of the constitution, its ambiguities and silences, were of great help to Ottawa: "We have an active interventionist federal government, moving in the grey areas of the constitution,"

“What’s the real problem (having said earlier that it’s not a problem between the French and the English)? I suggest that the real problem is how to govern the territory now known as Canada, to obtain the greatest common good; we obviously have not got that at the moment, so let’s look at what is wrong. First of all, I suggest the major problem is over-centralization of government. Canada is too big to be governed from one place in the middle of it, if it is, in fact, the middle of it.”

(in Vancouver) Charlottetown)

“What I mean to say is simply that I would like Canadians generally to be told what a constitution is and what are the limitations imposed on governments. As a youth, I am beginning to be confused by those who say that justice is a federal responsibility, while its administration is a provincial one – yet others claim administration to be federal. How can we understand anything? It is the same in municipal affairs, where we have a minister of municipal affairs in Quebec claiming such jurisdictions to be provincial, and yet there is a minister of urban affairs in Ottawa. How can we understand it?”

(in Quebec City)

“The federal authority should not become involved in provincial matters either directly or indirectly. Education, social security, health, housing, intra-provincial communications such as cable television, broadcasting, etc. are provincial matters.”

(Liaison Group, in Montreal)

“The federal government’s eagerness to interfere in local jurisdictions by virtue of its spending power is difficult to understand. One has the impression that the government is looking for unnecessary conflicts with respect to issues that are of no concern to it.”

(in Quebec City)

“Despite the fact that the constitutional impediments to effective government at the federal level were removed long ago, the courts continue to display a federal bias in their constitutional rulings which has already placed severe hobbles on the ability of the provinces to govern local matters effectively and in a distinctive manner.”

(in Winnipeg)

“It is essential that the federal government retain authority in such matters as external affairs, defence, banking, currency and monetary policy, and international and inter-provincial trade and commerce, and other areas where nation-wide policy and regulation is clearly required. Most other areas should be negotiable.”

(The Board of Trade of Metropolitan Toronto, in Toronto)

“The rights and responsibilities which are national in scope are the following: (a) defence and national security; (b) foreign policy; (c) overseas trade; (d) the free movement of individuals and goods from one province to another (except for special conditions required of immigrants); (e) basic human rights in Canada; (f) the sharing of natural resources throughout the country.”

(in Toronto)

“The national government must have sufficient power to deal with national economic problems and to ensure that giant corporations are not playing one province off against another in order to gain concessions.”

(Alberta Federation of Labour, in Edmonton)

observed a citizen in Regina. A score of others suggested that the intervention of the central government in shared areas, can be partly explained, as some put it, by "its aim — to make itself a strong and modern government," "imposing the same criteria and standards on divergent situations, places and peoples," "distorting provincial priorities," "usurping provincial jurisdiction, trying to buy provinces out of their rights through such means as the home insulation program" and other shared-cost programs. Other examples mentioned of Ottawa's "outright violation" of the constitution were numerous: wage controls, the regulation of western oil, gas and potash production, amateur sport, higher education, etc.

These federal "intrusions," some argued, have tended to undermine the Canadian federal system by "increasing hostility towards Ottawa in all provinces, not just in Quebec." "The phrase, 'maîtres chez nous,' is relevant far beyond Quebec borders," wrote someone from North Bay. Such intrusions, said Premier Alan Blakeney of Saskatchewan, are "bound to cause confusion, division and even doubts about the very legitimacy of our federal institutions." Canada has "reached the point where Ottawa tells the provinces what soup they should eat," deplored a Quebec City resident. "Confederation is being weakened beyond repair," echoed a maritime business group.

For other speakers, the most serious consequences of federal "intrusions" have been the duplication or overlap of costly government services which have been a source both of frustration for the public and fruitless political rivalries. To Senator Maurice Lamontagne, however, these overlaps are also partly due to the growing assertiveness of provincial politicians and bureaucrats: "What happens too often," he said, "is that the federal government has stayed in the areas where it had innovated and that the provinces have joined it there by the process of imitation." Whatever level is to blame, the end result, many speakers concluded, is the same: an "administrative jungle," a system "too complex for any ordinary citizen to understand" and "eleven governments all squabbling over our tax dollar and the right to govern us."

Pan-Canadian goals

Not so numerous, although equally eloquent, were the many speakers who approved of the legislative and administrative powers now wielded by the federal government. Many underscored the need to have a "strong, effective central government" to provide a "focal point." Ottawa, it was argued, must be free to act with authority where the "national interest" demands steps to meet "legitimate national goals."

Indeed, the Commissioners heard much passionate defence of the role of the central government. Canada, it was repeatedly said, needs "a strong unifying force"; without it, the country would "rapidly deteriorate"; could become little more than "a geographical expression, a splash on the map with a six-letter label," to quote Senator Eugene Forsey. The Committee for an Independent Canada spoke for many in declaring that Canada is "already one of the most decentralized states in the world." "Any further disposal of authority to individual parts of the nation," another group argued, "would simply further divide the nation" and "eventually mean disintegration and collapse."

Many speakers told the Commissioners that Canada must speak with "one central voice," particularly in economic matters. A group from Newfoundland warned that the federal government must "in no way be compromised in respect of its ability to undertake basic economic planning." A group from British Columbia said that Canadians can't "really support any appreciably greater devolution of legislative authority without risking the balkanization of the economy." Therefore, concluded a group from Alberta, we need a national government, with "sufficient power to deal with national economic problems."

Others saw a need to have a strong central government to provide "equality of opportunity and freedom of movement" for all Canadians. For example, the Atlantic Provinces Economic Council argued strongly that to "pull the East out of dependency" will require a "strong federal government providing leadership [in] altering the present economic structure [and] changing the economic rules which have been in force since the 1920s." Still others, fearing that increased provincial autonomy would leave Canadians "with even weaker defences against the multinational corporations," stressed that only a strong central government could ensure "that giant corporations are not playing off one province against the other to gain concessions."

“We believe that Canada must have a strong central government which, through tax sharing and other arrangements, can provide equality of opportunity for all Canadians.”

(Canadian Pensioners Concerned, Ontario Division, in Toronto)

“The Greater Charlottetown Area Chamber of Commerce is strongly in favour of a strong and unified federal government, and we do agree that one of the essential powers of a central government is comprehensive taxing policies.”

(Greater Charlottetown Area Chamber of Commerce, in
Charlottetown)

“Yes, by all means, solve the economic problems of the west and east, but for all Canadians to have equality and freedom of movement, keep a strong central government.”

(in Moncton)

“I strongly urge you to resist the pressures to dismantle Confederation by reducing the capacity of the federal government to marshal the full resources of this country in the interests of greater equality and the improvement of the well-being of this and future generations. I urge you instead to seek out ways of improving the sensitivity of the federal government to regional problems and its capacity to deal with them within overall national programs.”

(in Winnipeg)

“Canada without Quebec would be tragically impoverished materially, intellectually, spiritually. It would be an amputee. But Canada with Quebec, but with a central Parliament whose jurisdiction had been gutted, a central government whose organs had been paralyzed (for example, by making the Senate elected, or giving the provinces the power of appointment) would be a paraplegic. If I have to choose, which God forbid, I should choose the amputee.”

(Senator Eugene Forsey, in Ottawa)

“I do not see how one can really support any appreciably greater devolution of legislative authority, without risking balkanization of the economy.”

(in Vancouver)

“I sense a strong alienation towards the governing institutions. Frustration and resignation are widespread. I think our levels of government are squabbling over our tax dollar and the rights to govern us. Quite frankly, I see no advantage to unity by distribution of powers to provincial and municipal governments. I think there is a much better chance of unity in this country with a strong central government.”

(in Yellowknife)

“Constitutional discussion must entail a re-examination of federalism with a view to making the federal system more responsive to and representative of regional interests. The federation believes that, whatever the results of these discussions may be, the Parliament that will continue to be Canada's must be a parliament that is in no way compromised in respect of its ability to undertake basic economic planning in our country.”

(Newfoundland and Labrador Federation of Labour, in St. John's)

Proposals

Across the country, various participants championed some of the principles that should govern any distribution of legislative powers. Most often mentioned were: a clear delineation of responsibilities; efficient delivery of services; flexibility and adaptability to changing circumstances; recognition of the country-wide responsibilities of the federal government; and "balance," that is, neither order should be too strong nor too weak. Many speakers indicated which specific legislative powers they felt should be allocated to each order of government. For the sake of clarity, their diverse and often irreconcilable views are regrouped here under a number of broad propositions: (1) Canada needs an effective central government; (2) provincial governments should be more autonomous and have greater powers; (3) the closer governments are to the people the better, and, in that context, municipal governments should be treated as partners of the two senior governments; (4) all orders of government should work in harmony.

Needed: an effective central government

A citizen from St. Anne, Man., wrote that "whatever we do with the distribution of powers, whatever road we take to respond to regional alienation, we should not render the federal government an impotent figurehead." "Keep a strong central government"; "resist the ploy reducing the capacity of the federal government to marshal the full resources of this country in the interest of greater equality"; "there is a much better chance of unity in this country with a strong central government," said others in Moncton, Winnipeg and Yellowknife.

Nobody who discussed the distribution of legislative powers denied that in a federal system there are things that can be done better at the centre. But there consensus stopped. The Task Force heard many definitions of "the essential powers" of the central government, of "those powers which cannot be taken as a whole, or even in part, from the federal authority" without "doing serious harm to its economic strength." Most speakers who emphasized economics thought that Canada should maintain and even strengthen its economic union.

Most often listed as "essential" federal powers were fiscal and monetary policy; international and interprovincial trade and commerce; equalization; foreign affairs; defence and "the raising of sufficient revenue to support such services." And "other areas where nation-wide policy and regulation is clearly required," added the Board of Trade of Metropolitan Toronto. These powers, argued the Canadian Polish Congress in Toronto, "are the nucleus of . . . unity and the Canadian nation as a whole." To deal with matters which are "common to all Canadians," added a citizen in Calgary, "certainly a solid federal government will be needed."

Some insisted that "Ottawa" should also assume authority over areas not now, in their opinion, clearly assigned to it. "Immigration and communications simply have to have ultimate federal authority," said an association in Vancouver, "because of the inherent nature of their subject matter." The same was said about culture and communications, areas in which total provincial control would lead to "balkanization and inequality of opportunity and of service provision" — and even to "ideological constraint." Education was also seen by some, mostly among the representatives of the minorities, as an essential power of the central government. "Education is a national problem," contended a citizen in Moncton, and therefore "should be a federal responsibility." A more Canadian curriculum could be developed and Canadians made more aware of their history and identity (see chapter 9). Finally, as already reported in chapter 16, some felt the same rule should apply to natural resources; only the central government could ensure that resources would benefit all Canadians.

Those who felt this way were generally opposed to any reduction in Ottawa's spending or taxing powers. One of the "essential powers" of the central government, maintained the Greater Charlottetown Chamber of Commerce, "is its comprehensive taxing policies;" it must use it "effectively to redistribute financial resources to compensate for divisive regional disparities." The central government, claimed a citizen in Regina, "should not opt out of conditional grants in health and welfare." Finally, a group in Moncton argued that Ottawa must make "a firm commitment" to equalize economic opportunities and to ensure a minimal standard of public services throughout the country. Equalization should be "protected within the constitution so as to

“Quite frankly, I see no advantage to unity by a distribution of powers to provincial and municipal governments. I think there is a much better chance of unity in this country with a strong central government.”

(in Yellowknife)

“As in our modern times education is a national problem, education should pass into the hands of the federal government.”

(in Moncton)

“The federal government should seriously, and soon, re-examine the path it has taken lately into fields that were intended to be provincial property. The provincial governments, for their part, should take another look at areas in which advanced technology has made outmoded the insistence on local or regional jurisdictions.”

(in Montreal)

“...more power should be ascribed constitutionally to the provinces, plainly because they are much closer to the people than are the federal authorities in Ottawa. Because Canada is so big, it necessarily embraces many disparate, often misunderstood elements. More power residing in Ottawa in an attempt to address and redress the resulting grievances is not the answer.”

(Federation of Canadian Municipalities, in Ottawa)

“...western Canadians are receptive to the prospect of constitutional change, and are likely to push for a substantial devolution of power to the provinces. The political and demographic situation in the prairies makes devolution the only realistic option for westerners to pursue; it is also an option that is clearly congruent with the expansionist tendencies of public bureaucracies in the prairie provinces.”

(in Calgary)

“There are certain federal powers, for example, the power to make laws for marriage and divorce, which were based on historical considerations which no longer prevail. These would be logical candidates for transference of legislative authority to the provinces.”

(in Vancouver)

“We believe that it is sufficient to limit the scope of federal powers and that the courts should not favour a broad interpretation of federal powers when the interests of the provinces, and their legislative authority, are affected. Since the power distribution is already balanced heavily in favour of the federal government, this will merely help redress some of this imbalance.”

(in Vancouver)

“...there are areas where some decentralization is not only possible but also plausible, and will improve the position, and meet the aspirations of the provinces and their people. Those areas [are] communications, social welfare, housing, and so on. Local governments will be able to perform those tasks much better than one central, federal body, which usually is too far away and out of touch with local people to perform them according to the true needs and to the true advantage of villages, towns and people living there.”

(Canadian Polish Congress, Inc., in Toronto)

guarantee that no citizen would be deprived of fair opportunity," advised an expert in Toronto. The Task Force was urged by a Winnipegger, "to seek out," in place of decentralization, "ways to improve the sensitivity of the federal government to regional problems" (see chapter 20).

Needed: stronger provincial governments

"Canada," said someone in St. John's, "is too big a country to be governed from one place in the middle." The Independent Alberta Association summarized the views of quite a number of participants when it said that "the time has come for the central authority to recognize that the citizens of each province desire more freedom and autonomy . . . so that their own unique aspirations may be realized."

For a Montrealer, to increase the power of the central government would contradict the principle that the "lines of communication between citizens and government must be as short as possible," that is, between those who levy the taxes and those who pay them.

Some speakers said that the idea that government in general should respond to regional aspirations for more self-expression and greater accountability should be treated as a "non-negotiable" principle and "protected against any further federal infringement." What about those fields which have already effectively been removed from provincial control by federal "intrusion" or "sacrificed" to the central authority? Premier Hatfield of New Brunswick believed that it would be healthy for the country if they were restored to those provinces "which desire to resume them." Many other speakers agreed; the Task Force heard such expressions as: "give their pants back to the provinces"; "hands off"; "restore to the provinces the constitutional powers which have been extensively eroded by judicial and federal government action." A Toronto professor advised "a gradual move to classical federalism, involving decentralization."

One of the ways to ensure decentralization would be to limit the "overriding powers" of the central government. Most often mentioned in this category were the unlimited spending power ("which should be curtailed to prevent intrusion"), the peace, order and good government provision ("which should be limited so that the federal government cannot unilaterally suspend the powers of the provincial governments"), the declaratory power (which should not be used without the consent of the province or provinces concerned), the power to appoint lieutenant-governors ("a dead letter issue now, but which used to be taken very seriously") and the federal power to reserve and disallow provincial laws (which should be taken away "once and for all"). Two political scientists in Vancouver concluded: "The existence of [these powers] is an expression of the assumption that the provinces are subordinate . . . and inhibits the development of a true federalism."

Many went further, and recommended that most of the powers in the "grey areas" be allocated to provincial governments. They constituted, many said, an impressive list of jurisdictional fields now open to negotiation: culture, energy, manpower, environment, consumer protection, language, correctional services, securities and urban affairs. Professors in Montreal and Quebec had still longer lists. Some speakers recognized that many "grey areas" such as communications would continue "by necessity" to be exercised concurrently by both levels of government. Often, however, speakers advocated provincial "paramountcy." The alternative — a clear transfer to Ottawa — would simply not be "realistic," said a political scientist in Vancouver; it would be "anathema to Quebec and unacceptable to most English-speaking provinces."

Some favoured an expansion of the scope of provincial activities in areas now clearly under exclusive central responsibility and which they felt should now be exercised in cooperation with the provinces: international affairs, interprovincial trade, indirect taxation, the management of the economy, the declaratory power and the residual power. Those in favour of such an extension of the "shared areas" or the "concurrent powers," did not generally indicate how this should be done, or which order of government should have "paramountcy." International affairs was one exception; those who endorsed a provincial input in treaty-making and international conferences generally qualified their proposals by such expressions as "limited jurisdiction," "framed" by the central government, "in areas of provincial jurisdiction."

“The continental shelf sea bed and sea resources should belong to the adjoining province. The right to travel on the sea should remain a federal matter, as should the sea bed and sea resource rights outside the continental shelf limits (where applicable) out to 200 miles.”

(in Calgary)

“Immigration should be under provincial jurisdiction. Provincial control over immigration would help Quebec ease its immigrants into its peculiarly unique French-Canadian society.”

(in Regina)

“Constitutional reform in Canada should be directed toward a cutting-down and thinning out of federal and provincial governmental apparatus. For example, the creation of new bureaucracies which are unnecessary, such as the provincial departments of higher education, should not be justified by jurisdictional disputes, and the setting up of “coordinating” agencies should be accompanied by the slimming down of existing ones. It seems foolish, for example, to employ hundreds in the Council of Maritimes Premiers, while the civil services of the three provinces continue to expand. Our eleven governments, including the legislatures, could be cut in half and they would give better service and get along better with one another. 24 million people cannot be adequately productive if administration takes too much talent and too many resources.”

(in Calgary)

“Every province and every community has its unique background and aspirations. None should be given, within our federal structure, any particular advantage in treatment or status over another excepting the development of a federal framework within which we can all work toward the fulfillment of those aspirations.”

(Saskatchewan Urban Municipalities Association, in Regina)

“It is commonplace to recognize that some special arrangements will always exist within Canada. It is perhaps imperative to recognize that Quebec is a distinct collectivity for whom particular accommodations must be made. If other provinces wish to share them, well and good. Who would have it otherwise?”

(Stephen Lewis, former leader of Ontario New Democratic Party, in Toronto)

“In a political sense, we believe it desirable that for Canada as a federal country, institutions should be altered to assure adequate regional input into whatever decisions are taken by the national legislative body. A number of alternative means of accomplishing this have been put before you in this and other meetings. We would emphasize that if political institutions need to be better tuned to the requirements of a Confederation, so do economic institutions. From an economic point of view, the existence of a nation depends upon the power to raise revenue and to regulate the money supply. Other economic authority may be delegated constitutionally to a provincial government but the possession of fiscal and monetary power is necessary to nationhood.”

(in Edmonton)

“We want a constitutional formula which will enable all levels of government — local, regional, provincial, federal — to have a direct access to adequate sources of revenue to meet the requirements of their administrative responsibilities.”

(The mayor of Granby, in Montreal)

Finally, various participants approved giving the provinces exclusive or paramount authority in such fields as regional economic development, immigration, marriage and divorce, and fisheries.

Among those participants stating the case for a transfer of legislative powers to the provinces, some, like the *Fédération des syndicats du secteur aluminium*, argued in Montreal for "differentiated decentralization," different degrees for different provinces. In chapter 12, similar opinions were reported when debating the pros and cons of giving Quebec a "special" or a "distinct status" within the Canadian federation. The arguments that the distribution of powers need not be the same for all provinces was not, however, only centred on the need to respond to the "specificity" of Quebec. Indeed, many speakers reminded the Commissioners that "we are distinct regions," that "we must create a Confederation which would allow for particular provincial differences and needs," "that some special arrangements will always exist within Canada" and that "all provinces cannot be treated the same way." A professor in Calgary summarized the debate by saying "special status for each and every province is something that has existed de facto for a long time. Changes to our constitution should facilitate diversity and experimentation with alternate public policies within regions and provinces."

The Task Force was often told that any increase in the legislative authority of the provinces would have to be accompanied by a redistribution of the sources of fiscal revenues. A group in Montreal spoke for many in arguing that a revised constitution "must anticipate a fiscal balance corresponding to the responsibilities assumed by each order of government." A citizen in Vancouver added: "Changes in the taxation power would be most appropriate for some provinces, while unconditional federal money could be made available to other regions."

On the matter of conditional grants and other financial assistance to the provinces, the Task Force heard a variety of views. Some regretted the lack of control over federal grants. In Halifax, Moncton and Ottawa, for example, the Commissioners were told that provincial autonomy in the administration of federal grants to universities may "balkanize" higher education. Francophone groups said the lack of central government control was partially responsible for the fact that funds provided for minority-language instruction had not always been put to their intended use.

Yet many groups and individuals maintained that there should be no "strings attached" to federal transfer payments, that when Ottawa attaches conditions, it effectively "upsets" provincial priorities and "blackmails" the provinces. To a Toronto correspondent, these grants carry a very clear message: "You [the provinces] can do whatever you want, but unless you do what we [Ottawa] want, you can't have this money, much of which was collected from taxpayers in your province." Many participants said the poorer provinces are often "compelled to shape their own programs to attract some federal money."

A group in Vancouver summed up a popular view when it said: "Everyone seems to agree that conditional grants are undesirable, but who can resist the temptation?" To give more legislative powers to provincial governments, it was argued, would not alter the situation. And what we need particularly, said a few participants, is to "redraw provincial boundaries to reinforce the weaker provinces." To the Nova Scotia Teachers Union, "better-balanced provinces [are needed] so that the weak provinces would not run to Ottawa and invite the federal government to expand its constitutional authority." Many opposed this idea, saying that provincial boundaries had overriding social and historical roots.

Needed: efficiency, closeness to the people and good local government

Many speakers argued that any redistribution of power should be based, as much as possible, on the principle of "efficiency." "Another source of malaise," maintained a Quebecer, "is the high degree of inefficiency and high costs of the central government structure." No country, argued a group from Charlottetown, can have "a long-term hope of survival where government is appropriating, through taxes, about 43 per cent of the gross national product." Any new constitutional arrangements must take into account the "benefits and costs to Canadians."

Some believed that the costs of government could best be cut if all government decisions were made at the local and regional level "unless it can be clearly demonstrated that the interests of the

“Because of this total lack of proportion between autonomous tax revenues and jurisdictional spending responsibilities, economic management of public funds is dangerously inefficient at the federal level, which holds all the budgetary strings. . . . The tax imbalance should cause those who say that Canadian federalism is decentralized to have second thoughts.”

(in Quebec City)

“The taxing and the spending power of Parliament should be thoroughly revised. . . . The levers of fiscal power now manipulated by the federal government should be made more responsive to regional, provincial and municipal needs.”

(in Edmonton)

“Canada is, after all, a collection of regions. It is imperative, therefore, that the federal government recognize that we are distinct regions and then strive to make Canada work by allowing those regions to maintain and capitalize on their own identities within the embrace of Confederation.”

(St. John's Board of Trade, in St. John's)

“We need a true federation, one in which the interests of all the provinces and regions are represented and respected. We need to maximize the control that each of these regions has over its own destiny so that in the end it will be able to make its unique contribution to the nation. To continue along the same centralizing path — increasing the scope, powers and control of the federal government — will lead, not to political unity, but instead to political disunity.”

(in Vancouver)

“To stay together, Canada must be prepared to drift apart. More autonomy must be granted to the provinces and in turn to the regions and municipalities. Like a good marriage, Confederation must allow for spaces in the togetherness of the partners.”

(from Toronto)

“Federal-provincial disputes are quite disruptive to our stability. I suppose here, I call for greater respect for each level's responsibility and less blurring of their activities, unless they are clearly and truly cooperative ventures.”

(in Winnipeg)

“... the fields of responsibility of both levels of government should be re-examined and re-defined in order to reduce the possibility of overlapping jurisdictions.”

(in Montreal)

“You've got too much government. I worked as a civil servant, I know the conflicts that come when the provincial department and the federal department [who] are trying to do the same job, disagree. I look at the rising tax bills worth 42 per cent of the gross national product. There's much too much of it and I think that's part of decentralization too.”

(in Vancouver)

“The federal bureaucracy must be wound down and many of its functions transferred to locally controlled administrations. The federal government should be a facilitator, not a regulator — small departments should be set up to help the provinces achieve things they cannot achieve individually.”

(from Toronto)

citizenry could best be served through . . . another level of government." Only local government, argued one group, is in a position to perform many tasks "according to the true needs and to the true advantage of villages, towns and people living there."

The Greater Moncton Chamber of Commerce agreed: "We believe that decentralization should be from both senior levels of government to communities and individuals." This can be accomplished, the Committee for Community Government argued in Montreal, "by the infusion into local levels of government [of] the powers and financial resources needed to fulfil their mandate as the first level of government." If this were done, contended the Newfoundland and Labrador Federation of Municipalities, municipalities would become "partners in government rather than subservient creatures of the provinces." Similarly, the Federation of Canadian Municipalities argued that local government should no longer "be a child of the provincial government, often wondering about the whims of its parent."

Needed: intergovernmental cooperation

One Torontonian proposed that "instead of referring to different 'levels' of government, which implies that the central government has some sort of superiority over the others, we should refer to different 'orders' of government." Many held that the distribution of powers, as well as the behaviour of governments in a federal system, should reflect equality of status between the "centre" and the "constituent units," that each of the two senior orders of governments are sovereign within their own jurisdictions. Premier Hatfield, in Moncton, deplored that this principle has not always been respected, saying that "over the years, there has been a tendency on the part of the government of Canada and the bureaucracy of Canada to regard the provinces as not equal partners in Confederation, as not strong effective forces for improving the quality of life in this country." One Montrealer said it in his own colourful words: "The provinces are not all stupid; they too have prime ministers." In Moncton, someone put the idea this way: "It seems to me that if we could have faith in the provinces, we could come to a point where Acadians and French Quebecers, among others, could feel at ease in their regions."

The theme of "equal status" and "harmonious relationships" between Ottawa and the provinces was stressed time and time again. One participant in Winnipeg spoke of "the difficulties" Canadians have in understanding the word federalism: "Is the federal government a senior government or do we have eleven equal governments?" He called for greater mutual respect between them. A labour leader in Toronto regretted the paternalistic attitude of Ottawa towards the provinces, and particularly towards Quebec: "It is a policy offering inferior status and inviting separatism." Other speakers deplored that all levels of "governments and politicians have allowed the process of government to become one of competition and confrontation."

Many participants felt that new mechanisms or institutions are required to generate the proper "attitudes" and "climate" between the various orders of governments and politicians. One Calgarian proposed the creation of "intergovernmental embassies" in Ottawa and in each provincial capital to facilitate dialogue between the two orders of government. The British Columbia Human Rights Council saw great merits in the central cabinet "meeting jointly with individual provincial cabinets from time to time on matters of mutual interest." Still another speaker in Calgary had in mind "intergovernmental agencies freed from political dominance and operating as public trusts" in areas such as university grants and television licensing where "it does not matter to the public whether it gets the service from the federal or provincial government."



18. Regional representation in central institutions

Background

Just as federal states differ in the distribution of legislative powers, so they also differ in the composition, functions and powers of their central government institutions.

The Supreme Court

In most federal states there is a court of last instance which interprets the constitution. It is called the Supreme Court in Canada and the United States, the Constitutional Tribunal in the Federal Republic of Germany. This court may declare invalid or inoperative any statute enacted by the central or provincial legislatures if it contradicts the constitution.

Because of its importance, particularly in a federal state, the existence of this institution is usually guaranteed in the constitution itself. Such is the case in the United States and the Federal Republic of Germany. Such is not the case in Canada. A general court of appeal was foreseen in the British North America Act and the Supreme Court of Canada was created, in 1875, but only by an ordinary statute of Parliament, acting alone. And the Court really became "supreme" only in 1949 when the right of appeal, in civil law matters, to the Judicial Committee of the (United Kingdom) Privy Council was abolished.

The power to appoint the judges of the Supreme Court is also very important, because it is the Court which renders final decisions and advisory opinions affecting subjects as controversial as the distribution of legislative powers and the protection of fundamental rights, where these rights are expressed in the constitution. In most federal states, such appointments are made by the central government, but usually the regions have a voice in the selection. In the United States, appointments are made by the president, but must be ratified by the Senate, a second chamber made up of representatives elected in the fifty states. In Canada, the federal cabinet is at present under no constitutional obligation to consult the provinces or to seek parliamentary ratification of appointments.

In the Victoria Charter of 1971, the federal government proposed that the existence of the Supreme Court be written into the constitution and that the provinces participate in the appointment of judges. But the charter was not agreed upon and, consequently, no changes were made. The Constitutional Amendment Bill of 1978 embodies these same proposals, stipulating further that a "House of the Federation" would be asked to ratify the appointments.

The present Supreme Court Act provides that three of the nine judges should be members of the Quebec bar or judiciary. The reason is that Quebec has its own civil law, not the common law of the other provinces. The Constitutional Amendment Bill suggests that the number be raised to four Quebec judges out of a total of eleven and that Quebec civil-law matters be heard only by judges trained in that system.

The Senate

The second chambers of other federal states have a "regional content." Their members are either elected by the population of the member states, as in the United States and Australia, or named by the regional governments, as in the Federal Republic of Germany. In Switzerland, the manner of selecting them is left to each canton.

The Canadian Senate more closely resembles the House of Lords, the upper chamber of the United Kingdom's unitary state, than a federal second chamber. Admittedly, the seats are distributed on a regional basis – twenty-four each for the maritimes, Quebec, Ontario and the west, six for Newfoundland, two for the territories. But appointments to the Senate are made, in fact, by the prime minister and he is under no obligation to consult the provincial governments.

The Constitutional Amendment Bill (1978) would replace the Senate by a House of the Federation. Members would be designated on a 50-50 basis by the House of Commons and the provincial legislative assemblies in accordance with party representation in their ranks. The federal



18. Regional representation in central institutions

Progressive Conservative party and some provincial bodies have proposed a House of the Provinces, similar to the Federal Republic of Germany's second chamber, the Bundesrat.

The regulatory agencies

Federal regulatory agencies, such as the National Energy Board, the Canadian Transport Commission, the Canadian Radio-Television and Telecommunications Commission, have roles that affect provincial interests considerably. The federal cabinet alone appoints their members. Many provinces have requested that they be consulted in these appointments.

Questions

Should Canada continue with its present Supreme Court or move to a specialized constitutional tribunal? Either way, how should it be composed? What should be the ratio of civil-law judges to common-law judges? How should its members be appointed? What should be the scope of its jurisdiction?

What, if anything, should be done with the Senate? What should be the composition, functions, powers of the upper house, if there should be one? (It is to be noted that the Task Force hearings took place before the introduction of the Constitutional Amendment Bill, 1978.)

Should the provinces influence the composition of federal regulatory agencies?

“[We call for] the establishment of new national institutions, or the reform of existing ones, such as the Senate and federal agencies, boards and commissions, to allow for the fuller expression of regional interests, for the resolution of intergovernmental conflicts, and to serve as political guardians of the integrity of the federal system.”

(Premier Davis of Ontario, in Toronto)

“A greater decentralization of the federal government towards the provinces is not the answer to these new aspirations. It is urgent to develop new formulas to allow the two senior levels of government to achieve a greater regionalization of their administrative services, their policies and their decision-making process.”

(Senator Maurice Lamontagne, in Ottawa)

“There is indifference and disenchantment in this part of the country. It rises out of powerlessness. The only way to overcome the ennui is to give us a share of power in the national government.”

(in St. John's)

“The institutions of central government have failed to represent provincial and regional interests sufficiently to dispel the continuing sense of alienation of the Atlantic and western provinces. The country has reached a point of political and constitutional paralysis which now demands an exceptional effort of reform.”

(The Committee for a New Constitution, in Toronto)

“Western Canadian grievances towards the existing federal system do not require further documentation today. If these grievances remain unsatisfied after decades of agitation, it is not through the want of vigorous protest by prairie politicians. The problem lies not with the articulateness of the west, but rather with an insensitive and unresponsive central government.”

(in Calgary)

“The federal presence, especially the federal bureaucracy, has become too cumbersome and entrenched to respond adequately to local and regional needs.”

(Multicultural Council of Windsor and Essex County, in Toronto)

“What we want is a stronger say in the decision-making process.”

(in Moncton)

“We, as Canadians, are not getting the kind of leadership that we expect and that we need in a very difficult period in our history. Our politicians, the people we elected, have lost sight of what their role is. I would like to see our Parliament and our government dispense with some of the so-called traditions of English Parliament. I would like to see an end to this garbage of desk thumping, to this business of interrupting speakers, to the business of getting maybe two hours work done in an eight hour work day. We are prepared to work the whole day. Why should not they?”

(in Vancouver)

18. Regional representation in central institutions

Opinions

In previous chapters the Task Force has reported a great deal of what many Canadians said about regional alienation, frustrations, feelings of "powerlessness" in influencing central political institutions. Echoed were statements about the "insensitive," "pen-pushing," "cumbersome," "entrenched" central government bureaucracy, about politicians "no longer in touch with the people," about the central Canada bias of too many federal economic policies and about the need to redistribute power between the two orders of government so as to achieve greater responsiveness and accountability.

Yet, there were many participants who believed that the failure of federal institutions to provide an adequate, sensitive forum for regional interests could best be tackled in Ottawa itself. The Commissioners were repeatedly told that the provinces must have greater influence, "at the centre," an idea sometimes described as "provincialization of central institutions."

Participants at the hearings and correspondents directed their opinions and proposals at the parliamentary and federal system in general, and more specifically at the structures of the Supreme Court, the Senate and the House of Commons, at the electoral system, the political parties and the regulatory agencies.

The parliamentary and federal system of government

A few speakers thought that the Canadian parliamentary system has never been altogether suitable for a federal country. While most others disagreed, saying that, on the contrary, Parliament "represents the unity of this country," a number of them felt that an excessive centralist bias had arisen because of a combination of factors such as the composition of the Senate and the electoral process.

For a citizen in Calgary and many others, the main problem was one of "overgovernment," of the system at the centre being too often duplicated within the provinces. For some, the main problem was the great distance between the citizens and the parliamentary institutions in Ottawa: "Our representatives go to Ottawa and they're a long way from home, and the load of the work in Ottawa is such that they lose contact very quickly." Whatever the cause, to a Winnipegger, our system of government is just not sufficiently "responsive or accountable" to "local needs"; to a Vancouverite, it is "incapable of providing a forum for the expression of provincial interests."

The Supreme Court

Supreme Court reform was a subject fairly often raised at Task Force hearings, particularly in Quebec where its "cardinal" role in the interpretation of the constitutional division of powers is keenly felt. The effects of the Court's decisions on the evolution of the civil law and the method of appointing judges were of particular concern. It was stressed that justice must not only be done, but seen to be done. A Vancouver lawyer expressed the opinion that the Supreme Court "does not reflect the differences between the civil and common law systems." As a consequence, he thought, "Quebecers do not view the Supreme Court's decisions as being legitimate."

The Task Force found that Supreme Court reform was now attracting attention everywhere else, particularly in the west. Recent decisions of that tribunal in matters concerning the taxation of natural resources were arousing great interest and even some anger in the provincial capitals of that region at the time of the hearings.

A professor in Vancouver regretted that the pattern of the Supreme Court decisions "does not resemble that of the Judicial Committee of the (British) Privy Council so much as that of the United States Supreme Court," and that both the Canadian and the American courts have favoured the centre over the regions. A citizen in Montreal felt that this pattern may well be justified in legal interpretation, but that the centralist image of the court "must be changed."

Because Ottawa selects judges of the Supreme Court and because the Court "decides upon the boundaries" of federal and provincial jurisdictions, "one of the affected parties chooses the

“Parliament was invented ages ago, for totally different circumstances and not in respect of a federal country. It is therefore not surprising that it doesn't work too well here.”

(in Moncton)

“Our Crown, parliaments, courts, civil service and publicly-owned institutions are well designed; they have given the citizens excellent service, and they have attracted their share of able and dedicated personnel. In assessing their public sector, citizens do themselves a disservice if they neglect its many assets.”

(in Calgary)

“It is unfortunate that the Canadian Senate has played no federal role. This fact has obscured for most Canadians the potential of a truly federal upper house in insuring better communication between provinces and the centre.”

(in Vancouver)

“Our representatives go to Ottawa and they're a long way from home, and the load of the work in Ottawa is such that they lose contact very quickly with their home riding. A way that this could be overcome is to take that old workhorse, the Senate; and instead of making it a pasture make it a work field by having senators appointed by provincial governments subject to appointment and recall. That is one way that communication on the government level could be improved.”

(in Winnipeg)

“The Senate was established to give adequate representation to the provinces and the regions. . . . Although it may have done so at one time, senators have long since ceased to represent anything but the party that appointed them.”

(Eastern Townships Citizens Association, in Montreal.)

“The Senate is not reflective of cultural or linguistic groups as such, and thus does not reflect the particular concerns of French Canadians.”

(in Vancouver)

“We could return the nation's decision-making centre to the Commons, away from the overinflated PMO, PCO and federal bureaucracy. We could stop the dangerous and absurd closed-doors first ministers' conferences.”

(in Edmonton)

“Our party system, as presently constituted, has the virtues of its defects. Party discipline has two important consequences which many would see as eminently worthy. First, Parliament seems more likely than Congress [in the U.S.] to enact policies whose benefits are widely dispersed across regions. It does so because party discipline makes each member's ambitions and electoral fate partly contingent on the fate of the party as a whole; his electorate, for certain purposes, transcends his constituency. Interests which are not geographically concentrated could get short shrift from a Parliament whose members were only constituency-oriented. Second, where party discipline is weak, coalitions are typically built slowly: fiscal policy, in particular, might be even more cumbersome than it is now.”

(in Vancouver)

18. Regional representation in central institutions

arbitrator quite without reference to the other." This was seen by most speakers who commented on this subject as "a manifestly unjust situation."

The Senate

The Senate had very few fans among those the Task Force heard. Almost without exception, they said it had failed to play the role of the institution created in 1867 to represent regional and minority interests in Ottawa. It was called a "sham," a "pasture," a "patronage-bound" institution whose original responsibilities have been "diminished" to a point where it is left with no mandate, enjoys no "credibility" and represents nobody "but the party that has appointed" its members.

Senate reform was particularly popular in the west and in the maritimes. To many speakers, the distribution of seats had become outmoded, particularly with the growth of the west. Few indicated awareness of the Senate's contributions in specialized legislation and public inquiries.

For most who addressed themselves to this subject, the method of appointment of senators was the major cause of its inability to speak effectively for the regions: this was at the "heart of its impotence," said two professors in Vancouver. One speaker said the Senate had "all the inherent weakness of a body appointed for life on a largely partisan-patronage basis." Many asked how senators could be expected to speak for the regions or the provinces when they were appointed by the central government. With no independent political base, senators do not dare amend or veto too many of the policy initiatives of the House of Commons and of the cabinet. Instead, most of them are content to limit their involvement to the drafting of technical changes in legislation, some speakers said.

Neither does the Senate reflect the cultural and linguistic diversity of the country. Some participants objected to party affiliation. At least one deplored the constitution's provision that no one under thirty years of age can be a senator. "What an anomaly, what a lack of realism, what flagrant injustice to a group of Canadians which easily forms a third of the population," said a young citizen of Hull.

The House of Commons

The effectiveness of members of Parliament, said the Committee for an Independent Canada, is undermined by the "over-inflated" Prime Minister's Office, Privy Council Office and federal bureaucracy. The representative character of the House of Commons is essentially meaningless because the cabinet is really "the major regionally representative institution."

One grievance often mentioned, especially in the west, was the manner in which, as a former member of Parliament in Winnipeg put it, the Commons is "so loaded in favour of Quebec and Ontario that the rest of us might as well go home." To someone else, even if every person in western Canada voted Liberal, and all western MPs were government members, their voice in Parliament "[would not be] strong enough to get a fair deal for the west if Quebec and Ontario members disagreed with them." Some minority groups also felt that they were under-represented, that their "needs and priorities were ignored." One association of native peoples suggested that "Indian people would require at least ten seats in the House of Commons" to have a proper representation.

The Newfoundland and Labrador Federation of Municipalities doubted that members of Parliament were provided with the "specific reference" and "expert advice" that "regional and provincial differences require." And they "spend too much time in Ottawa," said another group.

The electoral system

A number of citizens complained about not having "any effect or influence in Ottawa." "Since the House of Commons is elected on the basis of population only," said a speaker in Calgary, "it will always reflect the most populous parts of the country." This meant that "key policies . . . will always reflect the primary interests of Ontario and Quebec."

“In the British parliamentary system, all MPs must vote as a bloc, whatever their personal beliefs or the specific interests of the constituency. This is a dominating factor in the House of Commons and, therefore, to a considerable extent, the MPs do not have determining and constructive roles to play in the House. Theoretically speaking, discussions about reconciling differences of opinion, representations concerning regional interests and other matters are taking place in caucus meetings, *in camera*. Besides, the role of MPs on the government side, as well as that of those in opposition, consists in selling the party line, as agreed in caucus, rather than being the public and visible spokesmen of their constituents.”

(in Montreal)

“At the very least, this country needs a system of proportional representation. However, even proportional representation might not be sufficient. Ontario and Quebec between them would probably continue to hold the majority of seats with which to control the rest of Canada. I would suggest that there should be also concurrently some form of representation in the federal Parliament by regional groups or provinces to prevent unfair domination by the two most populated provinces.”

(in Vancouver)

“The federal Parliament is so loaded in favour of Quebec and Ontario that the rest of us might as well go home. I think, having been an MP, it is almost a travesty to take the money that they offer you to go down there, because you might just as well stay at home.”

(in Winnipeg)

“All central Canadians appear to be Liberals, and all Liberals central Canadians. All members from outlying regions appear to be Conservatives and all Conservatives appear to be from outlying regions. Not unnaturally, voters and the parties themselves come to see parties in these black and white regional terms. Voters outside Quebec and Ontario see themselves utterly excluded from representation in the party permanently in power. Many westerners may be alienated from national politics for this reason alone.”

(in Vancouver)

“Canadians living in northern Ontario, Manitoba, Saskatchewan, Alberta and British Columbia do not have any effect or influence in Ottawa. . . . What is the solution? The solution to me seems to be to change the constitution immediately to limit the number of seats the two largest provinces can send to Ottawa and I suggest that each be limited to not more than 20 per cent of the total seats. I know that I don't feel that I'm a part of Canada under the present representation system. My vote doesn't count and it never will.”

(in Calgary)

“Even if every single person in western Canada voted Liberal and all western MPs were government members, the voice in government is not strong enough to give a fair deal for the west.”

(in Vancouver)

18. Regional representation in central institutions

In Vancouver, the "winner take all" electoral system was criticized because it "exaggerates and distorts regional differences" and "forces parties to make invidious distinctions between constituencies," paying more attention to some, where they have a chance to win, than to others. Their distortions created the appearance of "homogeneous regional blocks in Parliament" which "alienate from national politics" those voters whose party is not in power. The present case of Quebec, which hurts the Progressive Conservatives, and the case of Alberta, which hurts the Liberals, were mentioned.

The party system

Party politics also came in for criticism. Party discipline and "deeply entrenched cabinet solidarity" were seen as reducing "the ability of the federal government to reflect within itself Canada's regional diversity." Party discipline made it difficult for MPs "to create cross-party regional alliances." "Federal politics are obsessed by partisanship" said a citizen in Quebec.

The party "whip," by obliging "all MPs to vote as blocs, whatever their personal convictions" effectively ensures that "in large measure the members of the House of Commons do not have a determinant and really constructive role to play," said a Montrealer. Within the governing party, the obligation to follow party lines meant that backbenchers "have practically no influence on policies arrived at in cabinet." The end result, said a speaker in Winnipeg, is that one votes for "excellent individuals," only to find they must surrender so much power that their party leader is in a position "very comparable to the divine right of kings."

A citizen in Toronto, placing these criticisms in a broader perspective, went so far as to say that Canada "has basically the same kind of [party] system" as those which have led to authoritarian rule in many third world countries. Because the government was essentially led by a political party rather than by Parliament, democracy depended upon the orientation of the party in power: "If the party in power behaves democratically, we have democracy. If the party in power does not behave democratically, we do not have democracy."

While these were the opinions of the majority who appeared at the Task Force sessions, contrary views were also expressed. One speaker in Vancouver felt that party discipline meant that "petty parochialism and individual ambition can be overridden to achieve policies whose benefits are widely dispersed across regions": it ensured that agreement could be reached in complicated fields such as fiscal policy. A citizen in Winnipeg, developing this point further, said "political strength" or "economic strength" cannot be exerted unless the party system is tightened even more. Indeed, the Task Force was told, there are "so many political parties" in Canada that "we can never have a majority opinion in Parliament."

The regulatory agencies

A number of participants underlined how provincial policies were "very significantly affected by the decisions of federal regulatory agencies." Yet they have no say in the appointment of members of such federal bodies as the Canadian Wheat Board, the National Energy Board and the Canadian Transport Commission. Their exclusion has led to "indifference and disenchantment," especially in the west and the east.

“There are several highly significant federal boards and commissions that set federal policy on a wide range of national matters. These include the Bank of Canada, the Canadian Transport Commission, the CRTC, the Canadian Development Corporation. The decisions which these federal bodies make have a profound effect on the development of the country as a whole and upon provincial priorities, and yet the provinces have no voice in the appointment of the directors to these bodies and are rarely consulted to assist in formulating policy. These are merely institutions of the federal government. We need genuine federal institutions, institutions which are multigovernmental in character.”

(Premier Bennett of British Columbia, in Vancouver)

“The need is for an in-depth restructuring of the Supreme Court, in order to recognize the cultural duality of Canada.”

(in Montreal)

“Francophones are as disinclined to deliver their destinies, the autonomy of their own government, over to that federal institution [the Supreme Court] as they are to Parliament.”

(Labour Relations Board of British Columbia, in Vancouver)

“The provinces should participate in a meaningful manner in the appointment of judges to the Supreme Court of Canada, and the panel of judges sitting on appeals from Quebec should be competent in French.”

(in Montreal)

“As a method of calming suspicions, it could be provided that in constitutional matters the Court should have equal representation between the judges appointed from Quebec and from the other regions of Canada.”

(in Montreal)

“We need a specialized Supreme Court for dealing with conflicts between the two official languages. And my suggestion is that the only possible fair basis for this specialized Supreme Court is a 50-50 basis, half francophone and half anglophone. And I suggest furthermore that the half francophone should be divided roughly one-half Quebec and one-half drawn from the francophone federations of the rest of Canada. Now, that could guarantee, I think, French Canada against a recurrence of a shameful episode — and I think it was a shameful episode — of the air controllers' strike and the way it was handled.”

(in Vancouver)

“We favour provincial participation in the appointment of judges of the Supreme Court of Canada.”

(Premier Davis of Ontario, in Toronto)

“The provinces should have more influence over the appointment of Supreme Court judges. But I believe the court itself should be enlarged to at least eleven members, so that there could be three . . . judges from western Canada, as well as three from Quebec and three from Ontario and two from the Atlantic provinces. The government's present plan to entrench in the constitution 'at least three judges from Quebec' in a court of nine judges, and then to give Quebec a veto over all future changes in the constitution, is not acceptable.”

(in Vancouver)

18. Regional representation in central institutions

Proposals

The parliamentary and federal system of government

For some Canadians, their system of government would be improved by enhancing, in the words of a Winnipegger, the "system of checks and balances . . . that will give Canada a chance to become a mature federal power." A Montrealer called for "a fundamental reform" which would give to Parliament "a much more important role, at the expense of cabinet and the public service." What he sought was to reflect regional and cultural interests in the decision-making process "at the very heart of our central institutions."

Most speakers agreed with them that better regional representation in federal institutions was imperative to make "Canadians feel that the central government was their government." Many saw it as a way to prevent excessive decentralization and improve "the sensitivity of the federal government to regional problems and its capacity to deal with them within overall national programs," as a citizen in Winnipeg put it.

A few speakers, in and outside Quebec, mentioned the need to implement some English-French "binationalism" in the federal institutions. A 50-50 formula was mentioned.

Most Quebecers, however, said that regional representation, no matter how good, would be no substitute for a readjustment in the distribution of powers.

The Supreme Court

A few speakers proposed a specialized constitutional tribunal, but most who spoke on the subject believed that the Supreme Court should continue to rule in constitutional matters as a general court of appeal. All of them favoured the entrenchment of the existence of the Supreme Court in the constitution, and most endorsed the inclusion both of its composition and its jurisdiction.

A few experts, in Montreal and Vancouver, in order to "improve the legitimacy" of the Court in Quebec, recommended the equality of representation of the two legal systems, or of francophones and anglophones.

To reflect regionalism, many participants, including Premiers Davis and Bennett, insisted that a minimum condition should be provincial participation in the appointment of judges. Views varied on the best method of consultation, particularly on the usefulness of soliciting the advice of the law societies. A few wanted the provinces to be able to appoint judges directly, and thereby acquire "some control over the composition of the Court in matters directly affecting their interests." But most speakers were opposed to that idea, though some called for guarantees that would ensure that a proportion of judges would be appointed from their regions. A professor in Montreal reflected that "if the Senate were reformed so as to play a [real] role in representing the regions and the ethnic and linguistic groups," the appointment of the judges should include a process of ratification "by a two-third majority in the Senate."

To accommodate provincial participation in appointments of judges, a number of citizens suggested that the Court should be increased in size from nine to ten, eleven, or more. Proposed numbers varied, in part, according to the regional distribution of judges which different speakers thought appropriate for their own region.

The Senate

Most speakers saw the ideal second house as reflective of regional "concerns" and "interests," to which some added "cultural diversity."

There was almost universal agreement that the present method of selecting senators should be changed. The consensus stopped there. One speaker wished that the Senate would just "pass away." Some recommended that senators be elected. An elected Senate was seen as having various advantages: the senators would be "accountable to their electorates" and they would

“The composition and jurisdiction of the Supreme Court should be written into the constitution with special provisions concerning cases referred by the province of Quebec, because of its special civil-law system. Furthermore, the appointment of judges should be subject to consultation with the regions, which should even have the power of veto.”

(in Montreal)

“The composition of the Supreme Court could be altered in cases which are to be decided by the civil law of Quebec. Having greater representation from Quebec in civil-law cases would enhance the legitimacy of the Supreme Court's decisions in Quebec. The Court, for the purposes of federal-provincial issues, should be structured so that provinces and regions would be able to appoint judges directly from their regions. This would allow the provinces some control over the composition of the Court in matters directly affecting their interests and would also lead to greater respect for the decisions of the Supreme Court.”

(in Vancouver)

“We should focus on the reform of existing institutions, rather than the creation of new institutions with no historical basis and only hypothetical future utility.”

(in Vancouver)

“If Parliament consists of the Crown, plus a House of Commons elected by ‘rep by pop’ to which the government is responsible, and a Senate with equal membership from each Canadian region, then we will at last have a system of checks and balances in place that will give Canada a chance to become a mature federal power.”

(in Winnipeg)

“The only alternative to an elected Senate is more power to the provinces. The west and Atlantic Canada have interests which sometimes clash with those of Ottawa and Ontario and Quebec, whose government Ottawa mostly is. Greater provincial power won't do much for national unity, but unless I'm given another choice, I'm ready to support it. I think an elected Senate is a far safer and more unifying alternative.”

(in Calgary)

“Abolish the Senate and replace it with a new upper chamber composed of members elected from the various regions of Canada for limited terms.”

(in Moncton)

“It may be an elected Senate, a Senate from the regions, a House of the Provinces, perhaps a Canadian version of the West German Bundesrat — whatever body you in your wisdom feel could deal constructively with the enormous economic and social issues of the day (the preservation of a language and culture in one region, the relief of unemployment in another region, the uncertain ownership of natural resources in a third region). But it must be set up without undue delay.”

(Canada West Foundation, in Edmonton)

“There should be some reshaping of Canadian political institutions and especially the Senate, which should reflect more fully the regional diversity of the country. . . . This could possibly be achieved by equal representation from each province and by senators being nominated by the elected governments.”

(in Vancouver)

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really "represent the regions in which they were elected." This way, the Senate could "champion regional issues" and voice regional views on national matters. Elaborating on this theme, a speaker in Calgary reasoned that federal-provincial conflicts would be diverted "to another level" and the Senate would be "more powerful than the provincial governments in protecting regional interests."

Alternatively, some felt a Senate membership appointed by "both the House and the provincial" legislative assemblies or by the federal and provincial executives would be another way to secure regional representation; in the second case, each senator would be accountable to, and could be removed from office by the government which appointed him or her. The model of the Bundesrat, the German senate, to which nominations are made by the Länder (provincial) governments and in which the leaders of those governments themselves may sit, was of great interest, particularly to politicians in Ontario and British Columbia.

Many speakers said that the powers of the second house should be increased, that it should have the right, for example, to revise the constitution, to approve all cost-shared programs and ratify all appointments to the Supreme Court and to federal regulatory bodies.

Finally, in any redistribution of Senate seats, a majority of participants favoured equal regional representation; a small number, equal provincial representation. A five-region base was also suggested, particularly by British Columbia, but one proposal was that seventeen regions would better reflect economic realities.

The House of Commons

Reform of the House of Commons was rarely mentioned as a topic in itself but there were a few specific proposals. Members of Parliament should be provided with better research assistance and have greater access to government information. To assure more contact between MPs and their constituencies, it was suggested that "the amount of time the Commons is in session should be limited."

In general, however, speakers approached the subject of Commons reform through electoral or party system reform. The assumption seemed to be that changes in these two areas would enable the Commons to work more effectively, even without any other structural changes.

Electoral system reform

To reduce the predominance of heavily populated regions in the House of Commons, a citizen in Calgary proposed that Ontario and Quebec "each be limited to not more than 20 per cent of the total seats" of the House of Commons. The most frequently proposed substitutes to the present electoral system, however, were variants of proportional representation. This type of representation was championed as one which could give each party a number of seats in line with the numbers of votes received; as a consequence, "parties would no longer seem to be regionally homogeneous blocs." Further, since all votes would be reckoned in the distribution of seats, "a vote would be a vote wherever found"; today's concern, that votes cast for a losing candidate are lost votes, would be erased.

Supporters of proportional representation admitted that it might make minority or coalition governments more likely, and that "the average life of a government would be shorter." But the payoff would be "improved regional representation" and a cabinet "forced to take Parliament seriously."

To counter the likelihood that proportional representation would still leave the central provinces in a dominant position, a citizen in Vancouver proposed that "there should also be concurrently some form of representation in the federal Parliament by regional groups of provinces."

The party system

One change proposed for the party system was that its functions should be "quite explicitly"

“The creation of an elected Senate, with the same powers as those now given the Senate in the BNA Act, would not bring down the curtain on federal-provincial conflict. It won't bring an end to regional disparity or create a bilingual, bicultural paradise. . . . But it will tend to shift some of the conflict to another level and make it internal to the workings of the central government itself. It will make senators the direct representatives of the interests of their regions or provinces. It will make the Senate more powerful than the provincial governments in protecting regional interests. That's why some provincial politicians will oppose it.”

(in Calgary)

“Senators could be elected (as in the United States) or appointed as delegates of provincial governments (as in West Germany). Only thus can a senator have an independent power base as a meaningful representative of regional and cultural diversity in Canada, and be plugged into the centre of national policy-making.”

(in Vancouver)

“The creation of an elected Senate would entail a fundamental restructuring of parliamentary democracy in Canada, a restructuring about which even western Canadians would be extremely cautious if they were aware of the scope of change involved.”

(in Calgary)

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spelled out in the constitution. Some participants also suggested that it could be loosened up somewhat. Relaxed party discipline, it was said, would free party members to declare their personal and regional positions more forcefully.

The regulatory agencies

To achieve what Premier Davis of Ontario called "fuller expression of regional interests," it was sometimes said that the directors of significant federal agencies and commissions should be appointed by "a process involving provincial governments as well as the Government of Canada." The purpose would be to ensure that appointees had knowledge of, and concern for, provincial interests and points of view. One speaker asked if it would "really hurt if 40 per cent of people serving on boards of government or as directors were appointed by the provinces?" To him, this would be a "very, very useful" change in Canadian federalism.

Background

Definition

Fundamental rights are "claims" possessed by a person or group of persons and guaranteed by law. They are meant to protect citizens from the arbitrary exercise of power by governments and from a possible "tyranny of the majority" of their compatriots. These rights are both individual and collective. The first belong to all persons in a state, regardless of their membership in any group or community. Examples are the freedom of expression, the right of association, the right to a fair hearing, the right of ownership and the right to education.

Collective rights are of two types. The first may be claimed by an individual because of his membership in an identifiable group. An example is the school rights of religious groups protected by the BNA Act. A second type of collective rights applies only to collectivities as a whole. An individual cannot claim them for himself, but only on behalf of a collectivity. An example would be the right to strike and the right of self-determination of peoples.

Legislation

In Canada, fundamental individual rights are guaranteed by various legal sources: by the constitution (which, by virtue of the preamble of the BNA Act, bestows upon Canadians centuries of British constitutional tradition in the area of human rights), by federal and provincial statutes and by the common-law and civil-law systems, as interpreted by the courts.

Specific bills of rights have been enacted by Saskatchewan in 1947, by the Parliament of Canada in 1960 and by Quebec in 1975, applicable in their respective areas of jurisdiction. Human rights acts and codes, with commissions set up to implement their provisions, have also been adopted by Parliament and provincial legislatures.

Canada does not, however, have a constitutional bill of rights as do the United States and many other countries, federal and unitary. A proposal to "entrench" a list of basic rights in the Canadian constitution is included in the central government's Constitutional Amendment Bill (1978).

The "entrenchment" of rights involves placing them beyond the ordinary reach of political executives or legislatures by incorporating them into a part of the constitution. To be changed, they would thereafter require a special amendment, a procedure more difficult than the simple passage of an act by the competent legislature. Such a procedure in Canada might require not only the participation of Parliament, but also the consent of the provincial executives or legislative assemblies or the consent of the electorate itself by way of a referendum. That procedure is, generally, itself incorporated in the constitution.

Language rights

Certain language rights are mentioned in section 133 of the British North America Act and section 23 of the Manitoba Act of 1870. These "constitutional rights" are construed by the courts as "entrenched."

The documents in question, however, cover only the legislative and the judicial processes — and only in Quebec, Manitoba and in the federal sphere. In Manitoba, Section 23 was rendered inoperative by a provincial statute in 1890. The matter is presently before the courts.

The language of education and the language of public services are protected in some instances by ordinary federal or provincial legislation, for example, the Official Languages Act (1969) with respect to federal services. But, except for the cases mentioned above, they are not constitutionally guaranteed at present in Canada.

The Constitutional Amendment Bill (1978) proposes for entrenchment a fairly extensive list of rights, including those relating to the individual and to languages applicable in the legislatures, the courts, public services and education. In the latter category, parents would be guaranteed

Honestly,
Mr Levesque?



Martin Bell
CANADAWIDE

freedom to choose the official minority language for the education of their children — where official minority language schools exist. And these would exist at the discretion of the provinces where "numbers warrant." The courts, however, could decide whether the definition of that criterion in provincial laws was "reasonable."

Other "rights" mentioned in this chapter pertain to the protection of other languages, of cultures, and social, economic and political objectives. However important they are, the possibility of implementing some of them in law is often questioned by specialists.

Questions

What would be the best way of protecting fundamental rights, individual and collective, in Canada? By acts of the legislative bodies, federal and provincial, to be interpreted in specific cases by the courts? Should they be entrenched in the constitution? Should linguistic, cultural, minority and native rights be included? Should language-of-education rights be included?

“Because the British North America Act is an act of the British Parliament and because it was drawn up to meet the late nineteenth century needs of four colonies considering union, we feel that it is inadequate to meet the needs of present day Canadians. The original intent of the BNA Act has been lost as a result of judicial interpretation in a court beyond Canadian control.”

(Students of St. John High School, in Moncton)

“Canada is the only modern country in the world whose constitution is an act of parliament of another country. . . . It is a horse and buggy constitution which fails to provide for, or cope with, the vast changes that have taken place in Canada since 1867.”

(B.C. Provincial Committee of the Communist Party, in Vancouver)

“The Fathers of Confederation devised a combination of traditional parliamentary government and federalism. No one should be surprised if there are difficulties in operating it. Indeed, by any appraisal, the wonder is we have not had more.”

(in Calgary)

“It is a great fallacy to assume that our constitution is outmoded because it flows out of the British North America Act enacted in 1867. In reality, we are governed under a “living constitution,” one which has undergone remarkable changes in the distribution of governmental authority in the past century. In fact, throughout our history, most of the avenues for solution of our current dilemma have been thoroughly explored. We should be under no illusion that there are any magic wands which no one hitherto has been clever enough to discover.”

(Labour Relations Board of B.C., in Vancouver)

“There is but one course to follow: patriating the constitution at the earliest and doing away with the last remnants of the British tie so that all together we may, for once in our history, be mature enough to take responsibility for our destiny.”

(in Montreal)

“Canada, it is said, is a mature country but sometimes I wonder whether this is true, since we have not been able to agree on the patriation of the constitution.”

(in Montreal)

“We feel that the Canadian Parliament should exert full sovereignty over all constitutional matters and consequently the necessity of petitioning the United Kingdom Parliament regarding amendments of the British North America Act should be terminated as soon as possible pending full concurrence of all provinces.”

(Canadian Polish Congress, Inc., in Toronto)

“That alternative could include bringing the British North America Act to Canada. But what would we do with it when we got it here? Would we be able to do any better than we have for the last century? As a politician, I suspect the answer is no.”

(Paul Godfrey, in Toronto)

Opinions

Some participants at the Task Force hearings reminded the Commissioners that the rights and liberties of Canadians have been violated at times in Canadian history. "Even our recent history," claimed a citizen in Vancouver, "is pockmarked with incidents that would shame a Nazi." Some cited the "activities" of the RCMP and other police corps as an "unnecessary infringement into the civil liberties" of Canadians. Others, referring to the October crisis of 1970 in Quebec, bitterly criticized the use of the War Measures Act to "crush" the "rights of citizens."

Many participants recalled the various "injustices" suffered by diverse Canadian groups. Spokesmen for francophone minorities outside Quebec objected, sometimes vehemently, to being deprived of the right "to remain different," and "to continue as a distinct community," "as equal citizens." Many in the Acadian communities of the maritime provinces deplored the fact that they were being denied their "linguistic and cultural rights," "certain well-defined language rights," by actions "restricting or entirely abolishing" the right to an education in French. Similarly, several spokesmen for the anglophone minority in Quebec claimed that their "linguistic and cultural rights" were being threatened. Bill 101, one group stated, was robbing anglophones of the right "to survive as a distinct community" in Quebec.

A great number of francophone Quebecers speaking at the Task Force hearings contended that they had been deprived of their "collective rights." Some condemned the central government for denying Quebec the "right to develop its own linguistic and cultural policies," and Quebecers "the right of equality of both official cultures." Several referred to English Canada's refusal to acknowledge Quebec's right "to plan its own economic destiny." We have been denied our "economic rights," said a Montrealer, because we have been prevented from "earning a living in our own language" and barred "from participating in the leadership of big Canadian companies." Still others lamented "the fact" that francophone Quebecers were deprived of their right "to determine [their] political future" and "to be political masters in [their] own house."

Some ethnic minorities contended that they were being denied the right "to protect and cultivate" their culture. Without minority language rights, argued one group, "our right to preserve our ethnic and language differences" is doomed. Others argued that they were also being denied the opportunity "to participate in the economic and political power structure of the country" and therefore the right "to have a say in the future of Canada."

Equally vigorous were the protests of native groups who told the Task Force that their "national rights" were not being respected: namely, the right "to be considered as one of the founding nations of Canada" and "to be full partners in Confederation." Some contended that without certain "linguistic and cultural rights," the native peoples' entitlement "to survive as a unique cultural entity" would be lost. Still others recalled the long years of repression of "certain economic and political rights," which included "aboriginal rights," the right of "self development and self-sufficiency," and the "right truly to participate in our own political institutions and in the process of constitutional reform."

Some speakers, on the other hand, argued that Canada had generally done "a good job" of protecting the "rights and freedoms of its citizens." "This principle of individual civil freedom," argued the Winnipeg Jewish Community Council, "is basic to all our legislation. . . . [This country] has built an enviable body of law at both levels, federal and provincial, which buttress the principle in many tangible and practical ways." A citizen in Ottawa stated that "one of the deepest aspects of our national character has been its cultural tolerance towards minority groups." All democracies afford their citizens freedom under the law, he added, "but many do not go so far as to allow cultural freedom."

"Our present constitution is a miracle of statecraft. In spite of the ravages wrought upon it by the Judicial Committee, it is still marvellously flexible, giving us ample room to meet special needs by special arrangements; ample room for adaptation, innovation, ample room to solve new problems by the exercise of what Sir Robert Borden called 'the common place quality of common sense'."

(Senator Eugene Forsey, in Ottawa)

"The need for a major revision in the BNA Act has been blatant for fifteen years. . . . If this had been done ten years ago, I feel that much of the PQ's attractiveness to its electorate would have disappeared."

(in Vancouver)

"We do not need a change of constitution, what we need is a drastic change in the whole direction of our economy by the federal government. Canadians don't want ten provinces with more powers, they want a strong central government which can direct our economy, our communications, our transportation. A change in constitution is not necessary and a change in constitution will not satisfy the separatists."

(in Toronto)

"... The venerable British North America Act no longer relates to modern conditions. The Fathers of Confederation could not foresee the series of challenges which today face their country because of the changes which have taken place in the social and technological order."

(The Vancouver Board of Trade, in Vancouver)

"In order to maintain Quebec in Canada, constitutional change which will accommodate Quebec's aspirations is a necessity."

(Students of St. John High School, in Moncton)

"Patchwork repair on the present BNA would not sufficiently restructure the country and would perpetuate present inequalities and the sense of frustration."

(Multicultural Council of Windsor, in Toronto)

"I feel that major changes in our constitution will provide a climate that can make unity a possibility, rather than a forlorn hope, once again."

(in Winnipeg)

"The Canadian constitutional crisis must be solved with a "made-in-Canada" constitution that recognizes Canada as a bi-national state."

(Calgary City Committee of the Communist Party of Canada, in Calgary)

"We have had endless discussions over many years of constitutional reform, and we have little to show for all that effort. We have been so caught up in all the individual complexities and dilemmas and trade-offs that we have been frozen into inaction. We have now reached the point where the question must be put, and my motion is that we enlarge our horizon and set aside all the bits and pieces and past wrangles. It is time to have a new constitution."

(Premier William Davis of Ontario, in Toronto)

"Our present constitution is flexible enough to accommodate much of what might reasonably be demanded in a modern federal system."

(Warner Jorgenson, in Winnipeg)

Proposals

"If we are to redress the grievances of the past, then we must afford greater protection to our citizens." This statement by one Canadian reflected the basic sentiments of many who wanted to see the "enshrinement" of a diversity of rights in the constitution.

To entrench or not to entrench?

The majority of speakers favoured the "entrenchment" or the "integration" of some rights in the constitution. The idea of entrenching, a Vancouverite believed, was "now virtually accepted by the public, if not yet by all governments." "Let it be," argued the Federation of Canadian Municipalities, "a charter of the rights and the liberties [of individuals] as well as of the duties and the responsibilities of their governments at all levels."

Speakers supported entrenchment for a variety of reasons. Some maintained that the BNA Act does not properly define the basic relationship between government and citizens, and it "is madly defective in defining these civil liberties issues," declared a professor in Vancouver. A citizen in the same city said that entrenchment would bring clarity to the "immutability of individual rights." Other proponents of entrenchment asserted that it would "afford greater protection than that provided by statutes." Many criticized as inadequate the protection offered by the Official Language acts of Canada and New Brunswick, the Charter of the French Language in Quebec, and the laws, regulations and practices of other provinces in matters of the language of education and other public services. "Fundamental rights," argued the Canadian Federation of Municipalities, "cannot be left to the generosity or intolerance" of a parliamentary body.

Others suggested that elevating the Bill of Rights from a federal statute to constitutional status "might be a signal to the courts to cease their skitterish interpretation of that document."

Many speakers felt entrenchment was unnecessary. Some, looking for improvements by way of ordinary legislation and regulations, contended that the last word in this matter should be left to elected representatives of the people. They cited the need for flexibility in legislating on human rights so as to make them applicable in diverse circumstances of time and place. Reflecting this view, a professor in Calgary argued that Parliament and the provincial legislatures should debate fundamental rights "and a list of these should be drawn up in a formal statement — to be passed by all eleven authorities." He concluded that in a parliamentary system it is better to recognize rights formally than to attempt to enshrine them.

What to entrench in the constitution?

A minority of participants at the hearings thought it necessary to protect only certain already well-defined and generally accepted individual rights in the constitution. These would encompass primarily "freedom of thought, conscience, religion, opinion and peaceful assembly." Some, such as the Multicultural Council of Windsor and Essex County, Ontario, among others, wanted to include those rights "as expressed in the Canadian Bill of Rights."

Other speakers went further, arguing that each Canadian, as an individual, was entitled to certain "social rights" which should also be guaranteed in the constitution. Senator Paul Yuzyk spoke of the need "to promote economic, social and cultural equality for all Canadians as individuals," while a citizen in Moncton urged that "equal rights and opportunities" be guaranteed to all Canadians regardless of "their ethnic, racial or religious background." Others suggested that federal equalization payments and programs for the reduction of disparities had become essential if all Canadians were to enjoy the right of access to adequate public services.

Some spoke, as did one Torontonians, of the necessity to recognize the "economic rights" of every Canadian in order to redress "the social and economic inequalities and injustices" of Canadian society. The B.C. Provincial Committee of the Communist Party asserted (nor was it alone in this), the rights of every citizen "to a job, to health, housing and the democratic rights of labour." The right to "a decent job" was often mentioned, particularly by the unemployed.

“There is a serious danger in undertaking a constitutional revision. Once the door is opened to massive constitutional change, it is difficult to close it without great and perhaps destructive revision. When you go about the country seeking opinions on what the constitution ought to be, you impair respect for the law as it now is. It is assumed that the government has decided to change the basic law that underpins the country, and it will be very difficult not to change it.”

(The Law Society of PEI, in Charlottetown)

“In our view, the British North America Act is outmoded as a constitutional document. . . . Canada as a federation or union should have a made-in-Canada constitutional document that embodies an amending formula.”

(Alberta Union of Provincial Employees, in Calgary)

“It is more important that the central government change its attitudes than undertake changes to the constitution. Arrogance must give way to modesty and verbal invective be replaced by a sympathetic understanding of grievances.”

(in Quebec)

“May I suggest that the federal government adopt a new constitution as soon as possible; it would be preferable, however, if this could be accomplished after consultation and in cooperation with each of the provinces. If the parties cannot come to an agreement, then the matter should be decided by the majority of Canadians through a referendum or a Canada-wide vote.”

(in Montreal)

“... constitutional changes ... are too important to be left solely to politicians. ... I suggest that ... a constituent assembly perhaps best expresses [what we need] — input from all levels and every segment of the community across Canada.”

(in Calgary)

“We call upon the prime minister and all provincial premiers to assemble a broadly-based constitutional conference at which the terms of Confederation can be debated with a view to achieving the modifications necessary to meet the changing needs of a nation now 110 years old.”

(Union of British Columbia Municipalities, in Vancouver)

“... the Multicultural Council proposes the convening of a national constitutional assembly. This assembly, empowered to develop a new constitution, should be composed of persons nominated by the federal, the provincial and municipal governments, as well as those from economic, social and cultural organizations.”

(Multicultural Council of Windsor, in Toronto)

“I'm going to come out in the support of a constitutional assembly or a constituent assembly or a constitutional conference — call it what you will. It seems to me that our existing institutions are locked in a confrontation and I'm concerned that they won't be able to work their way out of it. After all, the constitutions of most of the western nations, with the exception of Great Britain, have all been drafted pursuant to a constitutional assembly. And I would like to see this idea thoroughly canvassed.”

(in Vancouver)

The general public was no less certain that cultural and linguistic rights should be included in the constitution, though, generally speaking, experts were far from agreeing on the wisdom of doing so. Some proponents of English-French duality wanted the principle of equality between the two founding peoples — variously defined as "equality," or "equal partnership" or "equality of opportunities" — to be "enshrined" in the new constitution. To most, the consequences of doing so would be linguistic. To some, however, the consequences would be political in the sense that their constitutional recognition would affect the institutions of the country, making them more bi-cultural. Those who saw the consequences as linguistic only, wanted the right of the French and the English languages to be recognized in the legislatures, the courts, the public administration, broadcasting, and education, either everywhere in Canada or — a major qualification — wherever numbers permitted. Others opposed the whole process, denying the existence of such rights.

Reflecting the convictions of many, the PEI Human Rights Commission contended that language and language-of-education rights should be protected, not because they are "basic or fundamental human rights" but because they have acquired a "special and powerful status" in the life of the country, and because they "may be integral to the existence or survival of a culture, which some citizens may regard as tied to their own identity." In that context, they would be "constitutional rights" only.

A francophone group in Toronto maintained that the constitution should guarantee "that all levels of government will offer their services in both official languages," and that "the federal government [the constitution] accord to the nine other provinces the same minority language rights it now accords Quebec under Section 133 of the British North America Act." It was also suggested by this group that "a linguistic dimension be added to the religious dimension in Section 93 in the BNA Act permitting federal control over the educational destiny of minorities."

Many speakers who supported the concept of multiculturalism argued for the entrenchment of the right of the two official language groups and of ethnic minorities, to "cultivate and preserve their culture." Some wanted to enshrine "cultural freedom" or "the principle of equality of opportunities" for all cultures. The Winnipeg Jewish Community Council argued that legitimate needs and rights of multicultural groups could best be protected by "specifically proclaiming the multicultural nature of the Canadian body politic." The Multicultural Council of Windsor and Essex County, Ont., observed that minority languages "deserve support whenever ethno-cultural groups are committed and capable of maintaining their linguistic identity, but they should not have constitutional protection." Some leaders of "ethnic groups" saw their language-of-education rights more as a provincial responsibility than as a federal one.

Spokesmen for the native peoples requested the entrenchment of their cultural and linguistic rights, and the constitutional recognition of their entitlement to compensation for their land claims and of their right to political self-determination and self-government.

Other speakers said that group rights should also include certain political rights. Some referred, as did several Acadian spokesmen, to the right of regional communities to control their "regional destinies," while others pointed to the right of the ethnic minorities "to equality of representation in central institutions." The Multicultural Association of Fredericton asserted that the "politically under-represented ethno-cultural groups [should be] . . . fully admitted to national decision-making bodies at all institutional levels. A significant number asserted that Quebec was entitled to the right "to determine its own cultural destiny," "the right of self-determination," and the right to control its "political destinies" (see Part III on Quebec).

Still others argued that minorities were not entitled to much protection, either legislative or constitutional. There are limits to the capacity of any country to guarantee to a minority that it will always be satisfied with the decisions made "in accordance with the procedure of majority rule," to quote one participant.

Background

The most radical way of changing a constitution is to replace it with a new one. Some political thinkers have suggested that a country should have a new constitution every generation or so, to keep in touch with the real world. Conversely, others have tended to judge the value of a constitution by the number of years it has been in existence.

There are other methods by which a constitution, particularly a federal one, can be changed in law or in fact: judicial interpretation, formal amendment, delegation of powers, constitutional convention, and executive agreement between the central and provincial governments.

Judicial interpretation

As they adjudicate conflicts placed before them by individuals, corporate bodies and governments, the courts, especially the Supreme Court, are called upon to interpret provisions of the constitution. In Canada, the high courts may also be invited by governments to do so directly, by references. Their interpretations become part of the constitution itself – implicit amendments – and, over a period of time, may influence its very character. Together, the decisions and opinions of the courts may, for example, reinforce centralizing or decentralizing tendencies in the distribution of powers in a federal state.

Formal amendment

A formal amendment takes place when a new article or section is inserted in the constitution or when an existing one is removed or modified following a special procedure which itself is generally part of the constitution. The authors of all constitutions try to make them rather difficult to amend formally so as to ensure continuity and prevent "tinkering" – the making of changes for narrow or temporary purposes.

The British North America Act, our main constitutional document, has been amended about twenty times since 1867. The provincial legislatures may amend their own constitutions – except in relation to the office of lieutenant-governor – and some have done so, for example, by eliminating upper houses. In 1949, Parliament acquired, by an amendment to the BNA Act, the power to change "the Constitution of Canada" in all but six areas, one of which is the distribution of legislative powers. Only the British Parliament can, at Canadian request, amend these excepted areas. In this limited way, the Canadian constitution is still domiciled in the United Kingdom.

Those who want to end this situation call for "patriation of the constitution." The obstacles lie within Canada: Canadians have been unable to agree on a general formula of amendment, a prerequisite to patriation in the minds of many political leaders. The Victoria Charter (1971) contained such a formula but neither it, nor any other, has been accepted by all the provinces.

Delegation of powers

Delegation of legislative powers from Parliament to provincial legislatures, or vice-versa, is not permitted in Canada. The Supreme Court has ruled that the legislative powers given to each level of government are mutually exclusive. But administrative delegation to a subordinate body – a commission or a board – of another level of government is permitted. It has been used, for example, for the regulation of interprovincial transportation where provincial agencies implement federal legislation. Although delegation, unlike formal amendment, does not change the constitution in law, as is the case with a formal amendment, it does contribute to its evolution.

Convention

Over the years, conventions have developed outside the framework of the constitution, sometimes even contrary to its written provisions. Conventions are practices of government held by politicians to be binding. There is perhaps no better example than the principle of responsible government. The constitution says very little about it, but the conventions of responsible government underpin the roles of the prime minister and the cabinet, and govern relations

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between the executive and the legislative branches. Another example: the authority of the monarch has been subjected to constitutional conventions that have made it almost totally dependent on the will of the elected representatives. Other sections of our written constitution have been made more or less obsolete by conventions; for example, the powers to reserve provincial bills and to disallow provincial laws.

Executive agreement

Many agreements, often in such vital fields as taxation, are reached following negotiations between members of the central and the provincial cabinets. These meetings contribute so much to the realities of the Canadian federal system that the Canadian system is often referred to as "executive federalism." These agreements are sometimes followed by legislation in Parliament and in the legislative assemblies.

Questions

Would Canadians be satisfied with constitutional changes by way of formal amendments, court decisions, new conventions, a few delegations of powers or more executive agreements? Or are they looking for a major revision or a completely new constitution? If the latter, how could it be achieved? Should patriation take place before a formal amending formula is agreed upon?

“Because the British North America Act is an act of the British Parliament and because it was drawn up to meet the late nineteenth century needs of four colonies considering union, we feel that it is inadequate to meet the needs of present day Canadians. The original intent of the BNA Act has been lost as a result of judicial interpretation in a court beyond Canadian control.”

(Students of St. John High School, in Moncton)

“Canada is the only modern country in the world whose constitution is an act of parliament of another country. . . . It is a horse and buggy constitution which fails to provide for, or cope with, the vast changes that have taken place in Canada since 1867.”

(B.C. Provincial Committee of the Communist Party, in Vancouver)

“The Fathers of Confederation devised a combination of traditional parliamentary government and federalism. No one should be surprised if there are difficulties in operating it. Indeed, by any appraisal, the wonder is we have not had more.”

(in Calgary)

“It is a great fallacy to assume that our constitution is outmoded because it flows out of the British North America Act enacted in 1867. In reality, we are governed under a 'living constitution,' one which has undergone remarkable changes in the distribution of governmental authority in the past century. In fact, throughout our history, most of the avenues for solution of our current dilemma have been thoroughly explored. We should be under no illusion that there are any magic wands which no one hitherto has been clever enough to discover.”

(Labour Relations Board of B.C., in Vancouver)

“Our present constitution is a miracle of statecraft. In spite of the ravages wrought upon it by the Judicial Committee, it is still marvellously flexible, giving us ample room to meet special needs by special arrangements; ample room for adaptation, innovation, ample room to solve new problems by the exercise of what Sir Robert Borden called 'the common place quality of common sense'.”

(Senator Eugene Forsey, in Ottawa)

“. . . The venerable British North America Act no longer relates to modern conditions. The Fathers of Confederation could not foresee the series of challenges which today face their country because of the changes which have taken place in the social and technological order.”

(The Vancouver Board of Trade, in Vancouver)

“It would be sheer folly to adapt our constitution to the present situation. We must send it back to England. We need an all new one.”

(in Toronto)

“In every stratum of Quebec society, federalists firmly believe that the present constitution, although imperfect, remains a tool that has never been put to full use.”

(in Montreal)

“If Canadians of French culture wish to write a new constitution, let's do it.”

(Senator Henry Hicks, in Halifax)

Opinions

In previous chapters, the Task Force has reported what constitutional changes were perceived to be needed by different groups of Canadians in order to achieve their "linguistic, cultural, economic and political aspirations." We now focus on what was said about the means available to achieve these changes.

Three broad possibilities were envisaged by the public: the British North America Act could be replaced by an entirely new Canadian constitution; the existing constitution could be retained, but with major changes made either before or after patriation; the existing constitution could be retained, patriated or not, with only minor changes.

An obsolete document

Support for a "brand new constitution" came from a great variety of sources. Premier Davis of Ontario said: "It is time to have a new constitution [if] our federal state [is] to respond better to people's problems." A professor in Vancouver stated emphatically: "We need a new constitution." The members of an ethnic association in Regina supported "the proposition that the British North America Act be replaced." So many "bits and pieces" had to be put together that a new made-in-Canada document was described many times and everywhere as "inevitable" and "the solution to the present crisis."

Many who favoured a new or significantly altered constitution argued that times have changed greatly since 1867: the "venerable" British North America Act "is a horse and buggy constitution" which "no longer relates to modern conditions," has become "inadequate," "obsolete" and therefore "should be revised to reflect Canada's present realities." A citizen in Calgary made this analogy: "We have a constitution which is 100 years old when today in the stores 80 percent of the products that you can buy were not even in existence five years ago." A Torontonian concluded: "The Fathers of Confederation did not have the last word about Canada. Our constitutional arrangements were changed substantially in 1870, 1871, 1873, 1905, 1931 and 1949. . . . What we need now of course is no mere tinkering."

We saw in Part III that "constitutional tinkering" was far from what most francophone Quebecers had in mind when discussing acceptable alternatives to sovereignty-association. Elsewhere, too, a considerable number of participants made it abundantly clear that their region or province also had needs that required "major revision" of the BNA Act. For a Torontonian, patchwork alterations simply could not solve "the present inequalities and sense of frustration" that afflict so many Canadians. The Committee for a New Constitution called the BNA Act an "obsolete barrier," blocking the country's political evolution. This view was echoed by a Saskatchewan Ukrainian group who argued that the structure created 110 years ago "no longer serves the best interests of the country." A speaker in PEI summed up the view of many when she said: "Even if Quebec leaves, we will still need a new constitution."

Some who were anxious to see a completely new constitution were willing to recognize that the existing one had "served Canada well." Their desire to start from scratch was often based on some sort of symbolic value attached to the fact of breaking with the past. A citizen from Winnipeg, for example, said a new constitution would provide "a climate that can make unity a possibility rather than a forlorn hope." Said a letter from Ottawa: "Constitutional revision is not without attractions, if only as an opportunity to create a vivid symbol of the kind of country we are or want to become." A citizen from Port Elgin, N.B., wrote: "To try something new with a chance of success is far better than to continue with something that has been tried but has failed." A Winnipegger declared: "We should reshape our institutions to fit new cultural, economic or political realities." An Ottawaer suggested that "a new constitution be devised as a living, inspiring testament to the spirit and determination underlying our national consciousness."

A miracle of statecraft

Many agreed on the need for some constitutional change but not for an entirely new document. To a certain number of Canadians the present constitution is a "miracle of statecraft," "well adapted

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(Students of St. John High School, in Moncton)

“Patchwork repair on the present BNA would not sufficiently restructure the country and would perpetuate present inequalities and the sense of frustration.”

(Multicultural Council of Windsor and Essex County, in Toronto)

“I feel that major changes in our constitution will provide a climate that can make unity a possibility, rather than a forlorn hope, once again.”

(in Winnipeg)

“Our present constitution is flexible enough to accommodate much of what might reasonably be demanded in a modern federal system.”

(Warner Jorgenson, acting premier of Manitoba, in Winnipeg)

“The need for a major revision in the BNA Act has been blatant for fifteen years. . . . If this had been done ten years ago, I feel that much of the PQ's attractiveness to its electorate would have disappeared.”

(in Vancouver)

“We do not need a change of constitution, what we need is a drastic change in the whole direction of our economy by the federal government. Canadians don't want ten provinces with more powers, they want a strong central government which can direct our economy, our communications, our transportation. A change in constitution is not necessary and a change in constitution will not satisfy the separatists.”

(in Toronto)

“To facilitate the fulfilment of our worthy aspirations, a new modern constitution is vitally and urgently needed, for which the 1972 Report of the Joint Parliamentary Committee is an indispensable basis.”

(Senator Paul Yusk, in Ottawa)

“We need a new constitution. It is not true that the silences of the constitution are the glories of the constitution!”

(in Vancouver)

“There is a serious danger in undertaking a constitutional revision. Once the door is opened to massive constitutional change, it is difficult to close it without great and perhaps destructive revision. When you go about the country seeking opinions on what the constitution ought to be, you impair respect for the law as it now is. It is assumed that the government has decided to change the basic law that underpins the country, and it will be very difficult not to change it.”

(The Law Society of PEI, in Charlottetown)

“The Canadian constitutional crisis must be solved with a “made-in-Canada” constitution that recognizes Canada as a bi-national state.”

(Calgary City Committee of the Communist Party of Canada, in Calgary)

to a country oriented towards the future" and "flexible enough to accommodate much of what might reasonably be demanded in a modern federal system." One told the Commissioners that "we are governed under a 'living constitution', one which has undergone remarkable changes." A group in Halifax called for the "rejuvenation of our federal system."

In fact, confidence that constitutional change would be beneficial was not shared by everyone. On the contrary, some saw possible "danger" in revision — because "we would do no one any particular good, whether inside Quebec or outside Quebec, if we engaged in short-sighted tinkering with our federal structure, perhaps ultimately making the country, as a whole, largely ungovernable." Senator Henry Hicks observed with a smile that a constitutional document is "rarely an impediment when politicians want to do something." A group from B.C. said, "A constitution is written for the centuries. It should not be rewritten in the heat of the moment, no matter how pressing." Senator Eugene Forsey was convinced that "any text you can devise is certain to leave something out or to be so elaborate as to face the judges with daunting problems of interpretation, or both." This to him was but one of the dangers and disadvantages of a written constitution. He lauded the "silences" in the BNA Act as "its greatest glory, because they leave us room to breathe, to innovate . . ." To some, talking about revision "impairs respect for the law as it is now," to use the words of a PEI law group. "Have we realized," asked a professor of political science in Calgary, "that the Canadian constitution is now one of the oldest in the world, that it has been stable enough to provide all Canadians with much political freedom and happiness, yet flexible enough to have changed out of all recognition since 1867?"

A scapegoat

For others, such as Senator Maurice Lamontagne, "the Canadian crisis is not essentially of a constitutional nature." "At this time in our history," added Senator Ike Smith, we must "change the attitudes first, before amending the constitution." For the Alberta Federation of Labour, "constitutional changes, even in the most democratic form, will not solve our problems if our economic foundations continue to crumble." Others reasoned that "national unity is not something that can be legislated," an idea expressed in most cities the Task Force visited. In Winnipeg, for example, the Commissioners were advised: "There is no need to open the BNA Act [in order to make] necessary institutional changes." A professor in Calgary agreed and worried that the constitution is being used "as a scapegoat for social unrest."

Some speakers were sympathetic to the idea of constitutional change but opted against it because "there are several factors which limit the scope of possible change." For a citizen in Montreal, a limiting factor was that "Canadians have not yet developed the proper mentality, the proper attitudes of negotiation." A group in Moncton echoed a similar view when it referred to the difficulties of achieving constitutional reform in the absence of a consensus on "a common understanding of national goals." Two political scientists in Vancouver mentioned, among other limiting factors, the "considerable disagreement regarding the assessment of regional tendencies and identities." It was essential, in their view, to agree first on what changes would be generally acceptable.

“We have had endless discussions over many years of constitutional reform, and we have little to show for all that effort. We have been so caught up in all the individual complexities and dilemmas and trade-offs that we have been frozen into inaction. We have now reached the point where the question must be put, and my motion is that we enlarge our horizon and set aside all the bits and pieces and past wrangles. It is time to have a new constitution.”

(Premier Davis of Ontario, in Toronto)

“It is more important that the central government change its attitudes than undertake changes to the constitution. Arrogance must give way to modesty and verbal invective be replaced by a sympathetic understanding of grievances.”

(in Quebec City)

“The power to interpret the constitution is, as you know, a power of cardinal importance. In terms of constitutional development in Canada, it is much more significant than formal amendments to change the wording of the BNA Act through legislation.”

(in Vancouver)

“National unity is not something that can be legislated.”

(Federal Riding Association of the NDP, in Vancouver)

“There is, as you know, no need to open the BNA Act for revision in order to provide for a new and responsible kind of regional representation in the national government.”

(Canada West Foundation, in Winnipeg)

“There is but one course to follow: patriating the constitution... and doing away with the last remnants of the British tie so that all together we may, for once in our history, be mature enough to take responsibility for our destiny.”

(in Montreal)

“Canada, it is said, is a mature country but sometimes I wonder whether this is true, since we have not been able to agree on the patriation of the constitution.”

(in Montreal)

“We feel that the Canadian Parliament should exert full sovereignty over all constitutional matters and consequently the necessity of petitioning the United Kingdom Parliament regarding amendments of the British North America Act should be terminated as soon as possible, pending full concurrence of all provinces.”

(Canadian Polish Congress, Inc., in Toronto)

“That alternative could include bringing the British North America Act to Canada. But what would we do with it when we got it here? Would we be able to do any better than we have for the last century? As a politician, I suspect the answer is no.”

(Paul Godfrey, in Toronto)

Proposals

Patriation must come

Many speakers believed the first step would be to "patriate" the constitution. This was considered by some to be "an action that all Canadians endorse," "the only way to go." It is time, said the Royal Canadian Legion in Montreal, "for Britain to renounce all jurisdiction over the Canadian constitution." Others considered patriation inevitable: "It must come. . ." Some regretted that "we have not yet been able to agree on patriation. . ." But Senator Henry Hicks warned: "We don't automatically solve the really difficult problems of Canada by patriating the constitution."

Premier Bennett of British Columbia said that "patriation [should] be accompanied by an amending formula," preferably one which gives B.C. its own veto. Premier Davis of Ontario suggested an "amending procedure along the lines of the 1971 Canadian Constitutional Charter," a procedure also endorsed by the Canadian Polish Congress, among many others. A French-speaking Montrealer urged that, in one way or another, a formula of amendment must be found, one that would allow us "to adapt the constitution in years to come without going through periodic crises." Another warned, however, that not all formulas would be acceptable to Quebec. There must be "acceptable guarantees to all member states," he said. Some premiers reminded the Task Force that all premiers had agreed, at their 1976 conference in Toronto, on a list of powers to be transferred to the provinces from Ottawa before patriation would take place.

Leave it to the judges

To some speakers, judicial interpretation was still the most important avenue of constitutional change, short of rewriting the constitution. A few participants cautioned the Task Force against recommending too much "writing down" of constitutional provisions. Excessive detailing could be avoided by accepting customs and conventions as normal elements of a constitution. Conventions could, however, usefully be "formalized." An example would be the federal-provincial conferences of "First Ministers."

The principle of delegation of powers was looked upon favourably by the few experts who touched upon the subject — legislative delegation as a way to effect temporary changes in the distribution of powers for one or more provinces and administrative delegation as a way to avoid duplication of activities by the central and the provincial governments. The advantage of legislative delegation, said a constitutional expert, was that "if the arrangements don't work well, it is relatively easy to change them; while, if the special constitutional status does not work well, the only way to change it is by constitutional amendment, which may take years."

Leave it to the politicians

A good majority of participants saw constitutional change as exclusively a government responsibility. They were looking to negotiations between the prime minister and his advisers, and the provincial premiers and theirs, as the principal means of action in the months to come. Proposals, however, could come from a multitude of sources and the Task Force itself was urged to formulate its own as clearly as possible. Some people recommended that "the prime minister and all provincial premiers assemble a broadly based constitutional conference at which the terms of confederation can be debated." For New Brunswick's Premier Hatfield, constitutional negotiation should be left to political leaders. He urged the Task Force to reject the notion that the problems of Canada are too important to be left to elected politicians. If they do not solve them "they will not be solved at all," he said. Municipal leaders across the country told the Task Force

“... constitutional changes ... are too important to be left solely to politicians. ... I suggest that ... a constituent assembly perhaps best expresses [what we need] — input from all levels and every segment of the community across Canada.”

(in Calgary)

“We call upon the prime minister and all provincial premiers to assemble a broadly-based constitutional conference at which the terms of Confederation can be debated with a view to achieving the modifications necessary to meet the changing needs of a nation now 110 years old.”

(Union of British Columbia Municipalities, in Vancouver)

“In our view, the British North America Act is outmoded as a constitutional document. ... Canada as a federation or union should have a made-in-Canada constitutional document that embodies an amending formula.”

(Alberta Union of Provincial Employees, in Calgary)

“British Columbia favours patriation of the BNA Act so as to place in Canadian hands control over its constitutional development. It would prefer patriation to be accompanied by an amending formula, but if an amending formula cannot be agreed to, then patriation must be accompanied by an express safeguard to provide that any amendments to the constitution of Canada affecting provincial rights would require unanimous approval, until an amending formula is agreed upon.”

(Premier Bennett of British Columbia, in Vancouver)

“We suggest that a constitutional assembly be convened to deal with those matters that are of concern to French Quebecers.”

(in Vancouver)

“A constituent assembly would probably produce not one draft constitution, but a dozen; and if the drafts were submitted to the people, as presumably they would have to be, only by a miracle could bewildered electors return a majority for any one of them. A constituent assembly is a recipe for chaos.”

(Senator Eugene Forsey, in Ottawa)

“The future of Canada depends largely on the willingness of Canadians (and particularly that of those elected to public office at the federal, provincial and municipal levels) to agree to a revision of our constitutional framework to bring it into line with the facts and realities of the times in which we live. Furthermore, we consider a revitalized federalism, founded on a restructured constitution, to be the key solution to Canada's current difficulties, and the hope for its future.”

(The Federation of Canadian Municipalities, in Ottawa)

“... the Multicultural Council proposes the convening of a national constitutional assembly. This assembly, empowered to develop a new constitution, should be composed of persons nominated by the federal, the provincial and municipal governments, as well as those from economic, social and cultural organizations.”

(Multicultural Council of Windsor and Essex County, in Toronto)

that the central and provincial governments "must involve Canada's municipalities [in their ongoing] constitutional discussions."

Others called for a "national constitutional conference," very different from traditional federal-provincial conferences which were viewed by one Alberta group as involving "a dangerous and absurd closed doors" practice. The Committee for a New Constitution felt that the conferences had demonstrated their "limitations" for considering "major change." In offering other means than the first ministers' conferences, some participants, such as the French-speaking Teachers Union of Moncton, hoped the Task Force itself could redraft the constitution. The Human Rights Council of British Columbia and the Women's Institute of Nova Scotia wanted a "non-partisan standing commission," an "authorized group," to study and recommend to Parliament how the present constitution should be changed "now" and at "regular intervals." A citizen in Toronto favoured "some institution independent of Parliament which would... be guardian of our constitution and have the power to amend it."

Involve the people

The alternative suggested most often was a constitutional assembly "whose sole aim and function will be to produce a new constitution." Some supporters of the idea of a new constitution foresaw a three-step procedure. First, commissions would "identify the options." Then, a constituent assembly would debate and agree on proposals. Finally, there would be a national referendum to gain public approval. The constituent assembly, according to some participants, would consist of government delegates and representatives from intermediary bodies, and would produce constitutional "resolutions."

A Torontonion proposed "an election for membership in the constitutional assembly." Still others, such as the Multicultural Council of Windsor and Essex County, Ontario, proposed that the members be nominated by the three levels of government "as well as by economic, social and cultural organizations." Some would like to see an assembly based on representation by population. "Input from all levels and every segment of the community across Canada" was seen as vital because "constitutional changes are too important to be left solely to politicians" who, as one Torontonion put it, "can hardly see four years ahead."

To one Vancouverite, the main reason for creating a "constitutional assembly, or a constituent assembly, or a constitutional conference, call it what you will, was that [when] existing institutions are locked in a confrontation, they won't be able to work their way out. After all, the constitutions of most of the western nations have been drafted pursuant to a constitutional assembly." But Senator Forsey described a constituent assembly as "a recipe for chaos" which would produce "a dozen draft constitutions and only by a miracle could the bewildered electors return a majority for any one of them."

A referendum to gain the approval of Canadians for a new constitution was another popular proposal: "A new constitution should be submitted, not to the legislatures or to the Parliament of Canada, but rather to the people of Canada in a referendum in each province." The Committee for a New Constitution proposed that a draft constitution be prepared by a constituent assembly and then submitted "to public approval in a referendum." It should be held, in their view, "before the Quebec referendum." For a Montrealer, if the provinces and the central government do not reach an agreement, Ottawa would unilaterally present a draft and ask the whole country to approve it. But one Quebec political group felt that agreements among first ministers should precede the referendum and that the referendum should be adopted by a majority in all provinces. The Committee for a New Constitution felt that popular confirmation would require double majorities: approval in both Quebec and English-speaking Canada.

“When you go back to Ottawa, tell our national leaders that from sea to sea you have found a people who thirst today for a challenge to prove their national character and greatness and who wish to see raised in Canada a standard to which the wise and honest can repair. In this regard, the people of Canada are light years ahead of their political leaders.”

(in Vancouver)

Conclusion

Although there was, among those who spoke to the Task Force, a variety of views on the nature and kind of constitutional change needed, there was clearly a widespread consensus that the resolution of Canada's problems will require changes in the political and constitutional framework. For the most part, the public expressed a continued faith in the political leaders of Canada's governments to arrive at agreement upon the necessary changes, but with this was coupled a sense of growing impatience with the lack of progress to date and hints that unless there were soon signs of achievement, there would be a rising demand for an alternative and more effective way of securing a new or substantially revised constitution.

The Canadian public has used *A Time to Speak* to demand action to redress the political, economic and social dimensions of the unity crisis.

P.C. 1977- 1910

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5 July, 1977

The Committee of the Privy Council, having had before it a report of the Right Honourable Pierre Elliott Trudeau, the Prime Minister, concerning Canadian unity, advise that

The Honourable Jean-Luc Pepin of Ottawa, Ontario

The Honourable John Parmenter Robarts of Toronto, Ontario

Mr. Richard Cashin of St. John's, Newfoundland

Dr. John Evans of Toronto, Ontario

Mrs. Muriel Kovitz of Calgary, Alberta

Mayor Ross Marks of Hundred Mile House, British Columbia

be appointed Commissioners under Part I of the Inquiries Act to enquire into questions relating to Canadian unity. During the course of their inquiry, the Commissioners shall

- a) hold public hearings and sponsor public meetings to ascertain the views of interested organizations, groups and individuals;
- b) work to support, encourage, and publicize the efforts of the general public, and particularly those of non-governmental organizations, with regard to Canadian unity;
- c) contribute to the knowledge and general awareness of the public the initiatives and views of the Commissioners concerning Canadian unity;
- d) assist in the development of processes for strengthening Canadian unity and be a source of advice to the government on unity issues; and
- e) enquire into any other matter concerning national unity that may be referred to the Commission by His Excellency in Council.

The Committee further advise that the Commissioners

- a) be known as the Task Force on Canadian Unity;
- b) be authorized to exercise all of the powers conferred upon them by section 11 of the Inquiries Act and be assisted to the fullest extent by departments and agencies;
- c) adopt such procedures and methods as they may from time to time deem expedient for the proper conduct and conclusion of the inquiry within one year and sit at such times and in such places in Canada as they may decide from time to time;
- d) be authorized to engage the services of such counsel, staff and technical advisers as they may require at rates of remuneration and reimbursement to be approved by the Treasury Board;
- e) file with the Dominion Archivist the papers and records of the Commission forthwith after the conclusion of the inquiry; and
- f) that the Honourable Jean-Luc Pepin and the Honourable John Parmenter Robarts be designated as Co-Chairmen of the Commission.

Appendix A

CERTIFIED TO BE A TRUE COPY – COPIE CERTIFIÉE CONFORME

P.M. PITFIELD

CLERK OF THE PRIVY COUNCIL – LE GREFFIER DU CONSEIL PRIVÉ

P.C. 1977-2361

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 24 August, 1977

The Committee of the Privy Council, on the recommendation of the Right Honourable Pierre Elliott Trudeau, the Prime Minister, advise that Mrs. Solange Chaput-Rolland, of the City of Montreal, in the Province of Quebec, be appointed a Commissioner, under Part I of the Inquiries Act, of the Commission of inquiry into questions relating to Canadian Unity, known as the Task Force on Canadian Unity, established by Order in Council P.C. 1977-1910 of 5th July, 1977.

CERTIFIED TO BE A TRUE COPY – COPIE CERTIFIÉE CONFORME

P.M. PITFIELD

CLERK OF THE PRIVY COUNCIL – LE GREFFIER DU CONSEIL PRIVÉ

P.C. 1977-2362

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 24 August, 1977

The Committee of the Privy Council, on the recommendation of the Right Honourable Pierre Elliott Trudeau, the Prime Minister, advise that Mr. Gérald A. Beaudoin, of the City of Hull, in the Province of Quebec, be appointed a Commissioner, under Part I of the Inquiries Act, of the Commission of inquiry into questions relating to Canadian Unity, known as the Task Force on Canadian Unity, established by Order in Council P.C. 1977-1910 of 5th July, 1977.

CERTIFIED TO BE A TRUE COPY – COPIE CERTIFIÉE CONFORME

P.M. PITFIELD

CLERK OF THE PRIVY COUNCIL – LE GREFFIER DU CONSEIL PRIVÉ

P.C. 1978-573

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 28 February, 1978

The Committee of the Privy Council, on the recommendation of the Right Honourable Pierre Elliott Trudeau, the Prime Minister, advise that Dr. Ronald L. Watts of Kingston, Ontario, be appointed a Commissioner, under Part I of the Inquiries Act, of the Commission of inquiry into questions relating to Canadian Unity, known as the Task Force on Canadian Unity, established by Order in Council P.C. 1977-1910 of 5th July, 1977, vice Dr. John Evans whose resignation has been accepted.

CERTIFIED TO BE A TRUE COPY – COPIE CERTIFIÉE CONFORME

P.M. PITFIELD

CLERK OF THE PRIVY COUNCIL – LE GREFFIER DU CONSEIL PRIVÉ

MANDATE

The mandate of the Task Force on Canadian Unity has three basic elements:

- a) "To support, encourage and publicize the efforts of the general public and particularly those of (voluntary) organizations, with regard to Canadian unity";
- b) "To contribute the initiatives and views of the Commissioners concerning Canadian unity";
- c) "To advise the Government (of Canada) on unity issues."

INTRODUCTION

The Task Force is committed to a Canadian federation, a system with the authority of the state shared by two orders of government, each sovereign and at the same time committed to cooperative association with the other, under a constitution. We believe that such a system is the one best suited to the diversity of our founding peoples and to the nature of our geographic, social and economic environments.

The Task Force also recognizes that Canada and its present federal system are under great stress. The creation of the Task Force is itself a testimony to this. All regions of Canada are reflecting and expressing this malaise. The most pressing questions are being raised in Quebec and the Task Force intends to give these high priority. Nevertheless, the concerns of other regions are vitally important and will be given our full attention.

The Task Force has been given a clear mandate by the Government to develop its own initiatives and ideas and we intend to do this. It is our intention to assemble concepts and policies which could constitute some of the elements of a third option for Canada. The Members of the Task Force do not feel bound by existing legislation and practices nor are they committed to views of any federal or provincial political party. Our mandate requires us to advise the Government and we will do so but we will also make our views public, not seeking conflict with any groups, but aware that our autonomy is essential to our credibility and usefulness.

We intend to function in a spirit of receptiveness and conciliation. We will work closely with the Canadian people. Throughout the period of our mandate, we intend to carry on a conversation with citizens of all regions and with experts in all disciplines, listening, attempting to understand, discussing both old and new concepts. We will be mindful of and will solicit the views of the federal and all provincial governments.

In accordance with our mandate, we intend to listen to and provide a forum for those associations of all kinds which are specifically searching for the terms of a better Canada. Such efforts represent a spontaneous and generous spirit which must be encouraged and which can provide Canadians with a very useful instrument for the consideration of our problems.

The Task Force will learn a great deal from these organizations and will give particular encouragement to those who wish to think about changes which can improve our political, social and economic systems. We will encourage such policy formation in every way and particularly through the provision of speakers and publications which might stimulate discussion.

ACTIVITIES OF THE TASK FORCE

Within the period of our mandate and within the overall framework of a dialogue with the Canadian people, we intend to do four things. To some extent, these activities will be taking place concurrently.

First, we intend to listen and attempt to understand the real concerns of all Canadians on the functioning of our social, economic and political institutions as they relate to our mandate.



Appendix B

Secondly, while we recognize the existence of tensions and the need for reforms, we intend to point out the positive aspects of the Canadian experience, both material and emotional, its flexibility and its potential for improvement under the pressure of enlightened public awareness.

Thirdly, we hope to be able to inform the Canadian people effectively about the complex issues at stake in creating a more satisfying country. We propose to clarify the options available and the advantages and disadvantages related to them.

Fourthly, we intend to make recommendations for changes in structures, concepts and attitudes which are required in order to make our Canadian institutions more consistent with the needs of our times.

TIMETABLE

During the early months of the life of the Task Force, the emphasis will be on listening. We intend to visit centers in all the Canadian provinces to discuss the issues, face to face, with the public. In this way, we will acquire a greater sensitivity to the current opinions and feelings of Canadians. Concurrently, the staff of the Task Force will be studying and analyzing the key issues in the unity debate in order to prepare background papers on some major aspects of our current problems and the range of possible improvements which might be made.

During the second phase of the Task Force's work the emphasis will be on study and consultation with specialists. The Task Force and its staff will discuss the issues in an attempt to assemble concepts and policies which will provide Canadians with some new directions. Concurrently with this period of study, the Task Force intends to publish information papers on important issues for the Canadian people outlining the options which are available.

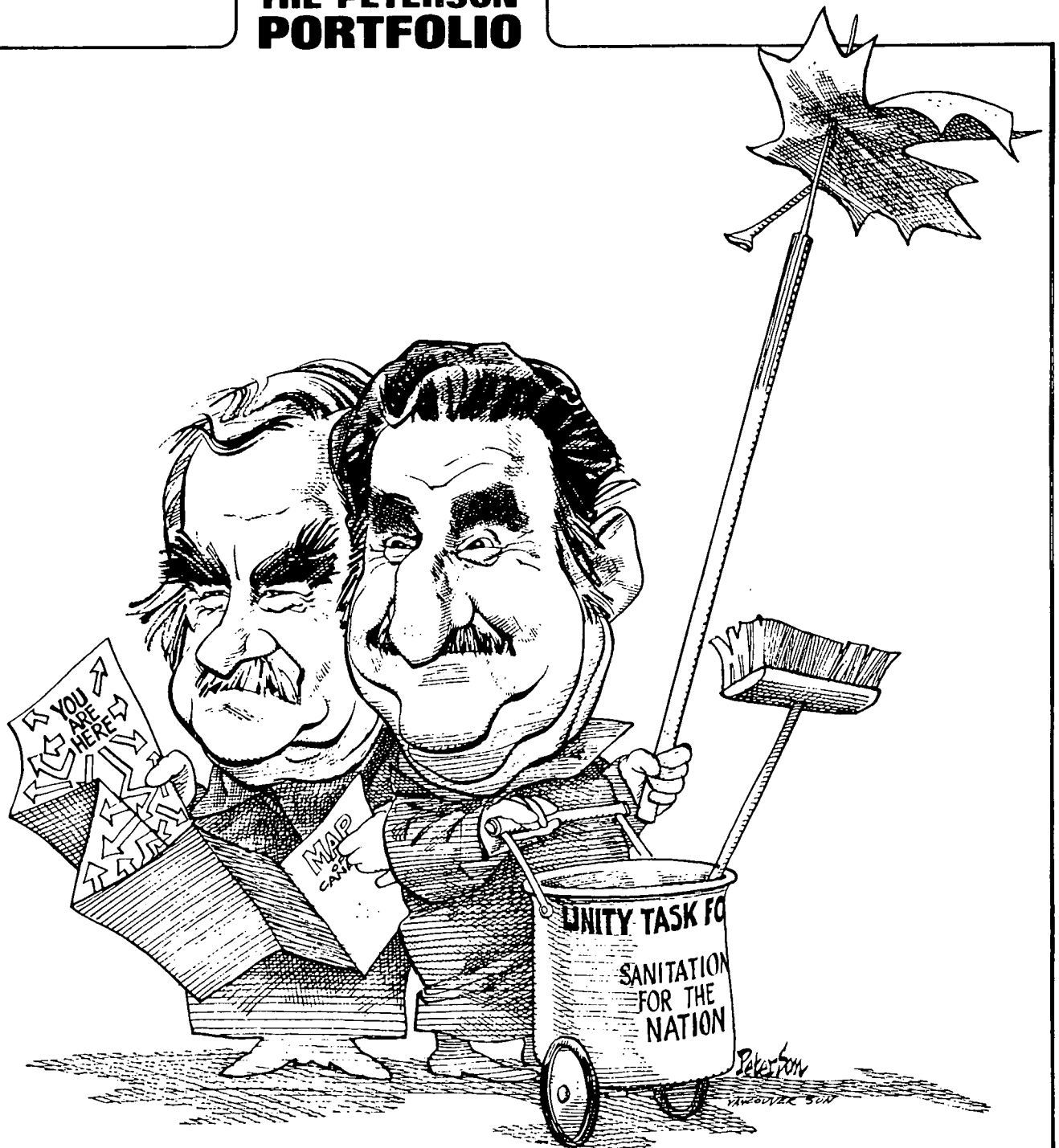
During the third and final period of the Task Force's life, the Members plan to integrate their views and propose objectives and policies to the Government of Canada and to the Canadian people for their consideration.

The Task Force expects, in the months ahead, to make a contribution to a better understanding and resolution of our current problems. Where these problems are more perceived than real, we intend to promote understanding. Where they are more real than perceived, we intend to promote change.

And we earnestly ask for the understanding and support of our fellow citizens.

September 1, 1977.

THE PETERSON PORTFOLIO



“To identify our problems and to struggle with them is an important part of their solution. The Task Force is helping ordinary Canadians to do that: who knows what good may come from this process as we talk with one another about our unusual and fascinating country, our nation ‘pas comme les autres’? I wish you the wisdom of Solomon, the patience of Job — and the grace and comfort of the Holy Spirit.”

(in Charlottetown)

“If it hadn’t been for November 15, 1976, there certainly wouldn’t have been a Pepin-Robarts Task Force, which proves that this monster created by Ottawa stands only for deceit, double-dealing, underhandedness and hypocrisy. The best proof of this is that from the very beginning any recommendations for Quebec’s independence were completely ruled out. This means that as far as Quebec is concerned, your Task Force is totally useless. Behind your enigmatic and anxious smiles, I can feel Ottawa’s armed forces and the really pathetic RCMP. I would really like to be able to show you up and in one fell swoop.”

(in Montreal)

“As a citizen of Canada, I appreciate very much the opportunity to express my opinions at a public forum such as this. I think it’s something that perhaps should be done a little more often to give us a chance to express our views.”

(in Edmonton)

“It’s a really evil joke, because what’s hiding behind it is a plot against the people of Quebec and against the whole Canadian population.”

(in Montreal)

“While I am generally a sceptic when it comes to royal commissions and inquiries, and have little hope that whatever I have said tonight will in any way change the political situation here, I felt that I had to grab this opportunity to have a voice from the north heard in the halls of Parliament.”

(in the Yukon)

“We believe that the primary role of this Task Force and of the Liberal government in general, is to drive the wedge deeper between French and English working people, using the myth of ethnic nationalism to obscure that fact that recent events in Quebec are reflecting in large measure a class struggle.”

(Quebec Education and Defence Committee, in Vancouver)

“Originally I came here not to speak but to listen. I came here to listen to the mood of our country, as represented here, and of my city and of my province.”

(in Montreal)

“To deny the right of self-determination to the people of Quebec . . . to deny the equality of the minorities and the equality of the languages of this country: that’s basically the work of the Task Force. But the workers and the Canadian people are well aware that it’s all just a big show like the ones we were treated to on the first of July and on the 25th anniversary of the CBC.”

(in Montreal)

Appendix C

“I believe that the Task Force will take back an impartial message. . . . I believe it is an impartial organization.”

(in Vancouver)

“I feel that the Task Force in itself is a means of perpetuating a phony issue. It keeps this non-issue before the public. The only issue that can be said to divide this country is economics.”

(in Toronto)

“Standing here before a task force such as this one, which has been much criticized, I, for one, cannot but feel pride in giving my point of view and I can also feel proud listening to those who oppose it state why they disagree. That, to me, is simply what true democracy is all about and probably provides us with the best possible example of the democratic process.”

(in Montreal)

“... a planned diversion for the Canadian people, a mechanism whereby the federal government can appear to be doing something, while continuing to ignore the basic problems that led to the present situation in Quebec.”

(Saskatchewan Federation of Labour, in Regina)

“I hope I haven't taken up too much of your time but, as you see, I'm on crutches. I made a special effort to get here because Canada means a lot to me.”

(in St. John's)

“... for the fraud that the hearings really are. . . . nothing but a hoax. They haven't been organized to deal with any of the very real problems which we have to face, problems such as inflation, rising prices and our increasing impoverishment as workers.”

(in Toronto)

“My prayer, in closing, is that I hope this Task Force will keep up the good work and try to get the message — a message of goodwill — past the demagogues and past the sneaky politicians' fight, and right into the homes of our good neighbours who live in Quebec.”

(in Toronto)

“Quite obviously the whole purpose of this is to provide a forum for the build-up of a campaign of hysteria against the Québécois.”

(in Toronto)

“I feel very lonely up here because I don't belong to any particular group. I'm a worker. I pay my taxes so we can have this kind of thing but I think it's worth it.”

(in Toronto)

“The Canadian government only set up this Task Force in order to make it look as if they really care about the interests of Quebecers and Canadians in general.”

(in Toronto)

“I feel that the Task Force on Canadian Unity is a good idea. I just hope it's not too late.”

(in Vancouver)

“This Task Force is but another cog in the enormous propaganda machine set up by the Canadian bourgeoisie to deny the Quebec nation the right to self-determination.”

(in Montreal)

“Next, I'd like to join the many who have already expressed their recognition of the courage and self-sacrifice — and it sounds a little trite, it sounds like flattery, I suppose — to the members of the Task Force who have . . . submitted themselves to public abuse for the purpose of trying to sort out some of our nation's problems.”

(in Vancouver)

“This Task Force is just a smokescreen, a lot of humbug to make a shaky Confederation look good.”

(in Montreal)

“I do put a lot of trust in your Task Force but I can't help but wonder whether, since it has been set up, formed and is being paid for by the federal government, it can objectively and honestly study the situation. Is the purpose of the Task Force to keep Quebec within Confederation at any cost, or is it to analyze the situation without bias and to ask whether separation might not be a better solution, for all Canadians, than a conflictual situation such as that we now have. Couldn't we live in harmony as neighbours in the same way that English and French can live side by side right here in the province of Quebec?”

(in Quebec City)

“The Robarts Task Force, as I see it, is the carrot and then the stick, that's Benson and his army. It's like the two sides of the same coin, first the carrot and then the stick.”

(in Montreal)

“Two minutes is rather short but I would still like to use fifteen seconds of it to say, on behalf of most of the people here, how extremely grateful we all are to the members of this committee, of this Task Force, for the great patience, dignity and courage they have shown ever since this inquiry began.”

(in Montreal)

“Why is it that people have so little faith in these great saviours of national unity, who have this lofty ideal of saving the country? I think it's quite clear that the people see these 'guys' for what they are: moneybag billionaires, sell-out labour aristocrats, some professional prostitute, and some hireling scribbler. If I've forgotten somebody, I'm sorry. They see that this gang has no interest whatsoever in the real unity of the Canadian people, they have an interest in fermenting disunity in the service of one section of the ruling class in Canada — the section headed by Trudeau which is waging a dog fight against another section of the rich, headed by Lévesque.”

(in Montreal)

“I would like to thank the Pepin-Robarts Task Force for allowing the people to express their point of view. If all that was said — all the ideas presented are to remain a dead letter issue, then this will all have been but for naught. However, if, on the contrary, each one of us gains understanding and dispels the mist that lies before his eyes, then we will have contributed to the unity of Canada.”

(in Montreal)

Appendix C

“You think you are doing some good, but your are not. Who listens? Who really listens? You think you do, but nothing will come of it. Nothing will.”

(in Toronto)

“The purpose of this Task Force will certainly help to promote understanding and we, as students, hope to see much more of the same in the future.”

(in Calgary)

“Why aren't those who have the power to change the situation that creates a disturbance here instead of you? Perhaps they have decided to enjoy their Parliament Hill cocktail parties.”

(in Vancouver)

“The main benefit of your Task Force will be to have allowed the greatest possible number of Canadians to express themselves on this question of Canadian unity and to have contributed, we hope, to making the public more aware of the need for basic changes in Confederation as it now stands.”

(in Moncton)

“You know, what's happening is that the Liberal government has an election coming up and it's a good chance to campaign on national unity, which is the hot issue right now. But . . . solving unemployment, runaway inflation and the lack of human rights in this country — that is what's going to keep this country together, nothing else.”

(in Vancouver)

“I came here today to participate in this Task Force [hearing] because as far as I'm concerned it's the first worthwhile attempt made by the federal government to unite Canada since they built the railroad to link the Atlantic to the Pacific.”

(in Moncton)

“I had reservations about participating in this show but, after having been told by the media that our economic problem is the results of my living too high off the hog, and the Quebec problem is the result of my not learning French, I come to seek out the real culprits of our malaise.”

(in Winnipeg)

“I would like you to say to all those individuals who get up here and suggest solutions to the Task Force that they should go back into the community, join a political party and help make the political system work.”

(in Calgary)

“I'm here tonight and this whole thing strikes me as a bit of 'Billy Graham preaching' and I'm wondering about any report produced by the panel in front of us. Will you express any dissenting opinions? I seriously doubt that. Mr. Pepin, you're a Liberal, your party is Trudeauist. I seriously doubt you're going to print any dissenting opinions and the same goes for the rest of the panel.”

(in Vancouver)

Appendix C

“For any person to be asked to come to a meeting and take three minutes, or five minutes, or seven minutes and summarize even one rational, intelligent idea that will help the federal government, is a direct insult and a fraud. We resent it very much but it is typical of Ottawa.”

(in Winnipeg)

“The Canada-Quebec issues have existed for almost 110 years and if, at last, the federal government wants to hear what the public really thinks about it, it should have arranged to conduct a proper inquiry, an inquiry of the status and calibre of the Berger Inquiry, instead of a series of rallies across the country.”

(in Winnipeg)

“By scheduling only one evening for the public in Winnipeg and only five minutes for each participant, and now only three — in my opinion you have come close to reducing the inquiry to the [level of] the theatre of the absurd.”

(in Winnipeg)

“We have a government which deals with a separatist threat by sending sixty highly paid people, living in luxury hotels, on a tour of Canada, to see how much the average citizen can say in five minutes.”

(in Winnipeg)

“It's my money and that of Quebecers that's paying for this evening and I don't like this kind of joke; it may be amusing but it's expensive.”

(in Toronto)

Appendix D Individuals and groups presenting briefs

Calgary

Alberta Ballet Company
Alberta Union of Provincial
Employees, The
Alberta Youth Project, The
American Indian Movement, The
Association of Professional Engineers,
Geologists and Geophysicists
of Alberta, The
Bercuson, David J.
Calgary Chamber of Commerce
Calgary City Committee of the Communist
Party of Canada
Calgary Inter-Faith Community Action
Committee
Calgary Performing Arts Council
Canadian Bar Association – Alberta
Branch
Canadian Cattlemen's Association
Canadian Economics Association,
University of New Brunswick
Canadian Parents for French – Alberta
Branch
Canadian Petroleum Association
Carbert, Blair
Chetner, Don
David, Edgar H.
Dominion of Canada Party
Elton, David K.
Ernest Manning High School
Ferguson, Edward
Fitzpatrick
Gibbins, Roger
Goodhart, Rupert
Harris, Alfred L.
Hawley, Dorothy
John G. Diefenbaker High School
Kinley, Heather
Local Council of Women
MacKinnon, Frank
Martini, Catherine
McDonald, Patrick N.
Moon, Robert
Mowers, Cleo W.
Owen, Gary A.S.
Owen, Joan A.
Parsons, R.A.
Rasporich, A.W.
Roome, Patricia A.
Sarcee Indian Reserve
Scout, Warner

Seastone, D.A.
Sharma, Prabhat
Shirt, Eric
Shore, Michael
Sir Alexander of Tunis, Unit 2 – Army,
Navy and Air Force Veterans in Canada
Société franco-canadienne de Calgary (La)
Some Students from the University of
Calgary
Stamp, Robert M.
Stoney Coalition for Indian Justice, The
Stoney Indian Tribe, (the Wesley Band)
Truswell, J.L.
Truswell, R.J.
United Calgary Chinese Association
Warren, Janet
Williams, M.M.
Willison, Gladys A.
Wood, Norris L.

Charlottetown

Alliance for the Preservation of English in
Canada
Campbell, Alex B. – former premier of
Prince Edward Island
Canadian Home & School & Parent-
Teachers' Federation
Charlottetown Christian Council
Charlottetown Rotary Club
Cowan, Keith
Diocesan Church Society of Prince Edward
Island
Driscoll, Frederick
Federated Women's Institute of Prince
Edward Island, The
Greater Charlottetown Area Chamber of
Commerce, The
Greater Summerside Chamber of
Commerce, The
Ozmon, Kenneth L.
Prince Edward Island Branch of the
Commonwealth Society
Prince Edward Island Council of the Arts
Prince Edward Island Council of the Law
Society
Prince Edward Island Federation of
Agriculture
Prince Edward Island Federation of
Municipalities
Prince Edward Island Human Rights
Commission

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Prince Edward Island Multicultural Council, The
Prince Edward Island Public Service Association, Inc.
Prince Edward Island Travel Industry Association
Rural Development Council of Prince Edward Island, The
Société des Acadiens de l'Île du Prince-Edouard: La Société Saint-Thomas d'Aquin (La)
Spira, Dr. Thomas
Students' Course Union and Faculty of the Department of Political Science, University of Prince Edward Island
Vincent, Ronald

Edmonton

Alberta Catholic School Trustees' Association, The
Alberta Federation of Labour
Alberta Status of Women Action Committee, The
Alberta Urban Municipalities Association
Association canadienne-française de l'Alberta, (L')
Association of Independent Schools & Colleges in Alberta
Byrne, T.C.
Canada West Foundation
Canadian Bar Association – Alberta Constitutional and International Law Subsection
Canadian Education Content Committee of the Unified Canada Movement
Canadian Parents for French
Canadian Studies Committee, University of Alberta
Card, B.Y.
Chambers, E.J. and Dunn, M.J.
Cruse, Don
Davy, Grant R.
Edmonton & District Council of Churches
Edmonton Catholic School Board, The
Edmonton Public School Board, The
Fossum, Lynn S.
Francophonie Jeunesse
Gendron, Jacques R.
Grant MacEwan Community College
Harries, Hu
Horton, E.R. Ted
Hunter, Bruce

Hurtig, Mel
Indian Association of Alberta
Jenson, Paul Andrew
Kilgour, David
Knutson, E.S.
Lavers, J.F.
Métis Association of Alberta
Parents' Advisory Council, The
Pickett, John L. Jack
Skirrow, Stan
Students' Union/External Affairs board
Ukrainian Bilingual Association
Ukrainian Canadian Committee, Edmonton branch
Visitation Crusade Incorporated
Weinlos, Morris, M.D., Western National Association
Williamson, David T.

Halifax

Acadiens du Cap-Breton (Les)
Atlantic Institute of Education
Atlantic Provinces Economic Council
Black Educators' Association
Black United Front of Nova Scotia
Braybrooke, David
Canadian Seafood & Allied Workers' Union
Cheong, George
Chinese Society of Nova Scotia, The
Clarke, Rick
Committee of Dalhousie Law Students
Fédération Acadienne de la Nouvelle-Écosse (La)
Goldbloom, Richard
Greek Community of Halifax
Halifax Board of Trade
Halifax Grammar School
Hankey, W.J.
Hicks, Senator Henry
Holmes, Jeffrey
Italo-Canadian Cultural Association of Halifax-Dartmouth
Jeunes Acadiens en Marche
Johnson, Joseph W.
Kirby, Tory
Lunenburg County Ratepayers Association
Lunenburg Junior-Senior High School
MacCormack, John R.
Mancini, Peter
McFadyen, Fraser

Micmac Association of Cultural Studies
 Nova Scotia Association for the
 Advancement of Coloured People
 Nova Scotia Command of the Royal
 Canadian Legion, The
 Nova Scotia Federation of Labour
 Nova Scotia Legal Community, The
 Nova Scotia Teachers Union, The
 Prince Andrew High School
 Queen Elizabeth High School Students
 Schmidt, W.
 Smith, Senator G.I.
 Sydney Academy
 Université Sainte-Anne
 Warrington, M.G.
 West Kings District High School
 Winter, Ralph
 Women's Institutes of Nova Scotia

Hull

Addison, Brad
 Hodgson, Ralph
 Mouvement Québec-Canada – Section
 Aylmer – (L')
 Mouvement Québec-Canada, Sections de
 Hull et de la Basse-Gatineau (Le)
 Noël, Simon
 Servant, Jacques D.

Moncton

Acadian Commandery of the Military and
 Hospitaller Order of St. Lazarus of
 Jerusalem, The
 Activités-Jeunesse
 Anderson, John M.
 Association des enseignants francophones
 du Nouveau Brunswick
 Association générale des étudiants du
 centre universitaire Saint-Louis
 Maillet (L')
 Assomption compagnie mutuelle
 d'assurance-vie
 Atlantic Community Newspapers
 Association
 Atlantic Provinces Chamber of Commerce
 Atlantic Provinces Economic Council, The
 Belliveau, John Edward
 Canadian Parents for French
 Chiasson, Donat
 Citizens of the Greater Moncton Area in
 Collaboration with the Department of

Social Action of the Anglican Diocese of
 Fredericton
 Conseil de promotion et de diffusion de la
 culture (Le)
 Conseil des États généraux de
 l'Acadie (Le)
 Dominion of Canada English-Speaking
 Association
 Duguay, Henri-Eugène
 Étudiants de l'École polyvalente Clément-
 Cormier (Les)
 Fédération des associations foyer-école
 du Nouveau-Brunswick Ltée
 Fédération des caisses populaires
 acadiennes limitée (La)
 Fédération des dames d'Acadie (La)
 Forum Association of New Brunswick, The
 Fredericton Chamber of Commerce
 Gayne, John H.
 Greater Moncton Chamber of
 Commerce, The
 Grogner, Frédéric
 Grossman, Edward
 Hatfield, Richard – premier of New
 Brunswick
 Identica Inc.
 Institut de Memramcook (L')
 Israeli, Julius
 Jones, Leonard, MP
 Leblanc, Louis-Félix
 Lynch, Nelson G.
 Multiculturalism Association of Fredericton
 New Brunswick Association of Metis and
 Non-Status Indians, The
 New Brunswick Federation of Labour
 New Brunswick Human Rights
 Commission
 New Brunswick Industrial Developers
 Association, Inc.
 New Brunswick Teachers' Association
 New Brunswick Telephone Company, Ltd.
 Parti Acadien
 Richelieu-Moncton, The
 St. John Board of Trade
 Savoie, Fernand
 Société des acadiens du Nouveau
 Brunswick (La)
 Students of History 121 at Fredericton
 High School
 Students of Political Science 1-2000, Sec.
 1, University of New Brunswick
 Students of Saint John High School

Union coopérative acadienne (L')
 Union of New Brunswick Indians
 Université de Moncton
 Young Women's Christian Association

Montreal

Alcan Aluminium Limitée (L')
 Allaire, Yvan
 Allard, Robert
 Anglican Church of Canada, The
 Arnopoulos, Sheila
 Association du camionnage du Québec
 Inc. (L')
 Association féminine d'éducation et
 d'action sociale – Fédération Montréal
 – St-Jerome – Outaouais (L')
 Bishop, John
 Bishop, Martha
 Bishop's University
 Black Community Central Administration
 Brooker, W.M.A.
 Brosseau, Gérard
 Business Linguistic Centre
 Central des syndicats démocratiques (La)
 Centre des dirigeants d'entreprise
 Chénier, Joseph A.
 Chambre de Commerce de la province du
 Québec (La)
 Comité "Canada Republique"
 Ciaccia, John, MP
 Comité pour le gouvernement
 communautaire
 Commission Jeunesse du PLC de Laval-
 des-Rapides
 Committee for Community Government
 Commitment Canada/Engagement
 Canada
 Comité de l'unité canadienne de l'Ordre
 Militaire et Hospitalier de St-Lazare de
 Jérusalem
 Communist Party of Quebec
 Concordia University
 Conférence des évêques catholiques du
 Canada
 Congrès national des Italo-Canadiens –
 région Québec
 Conseil de la coopération du Québec (Le)
 Conseil des Hommes d'affaires
 Québécois (Le)
 Conseil du Civisme de Montréal (Le)
 Consolidated-Bathurst Ltd.

Council for Canadian Unity – Quebec
 Section – The
 Décary, Robert
 Decision Canada
 De Grandpré, A.J.
 Deyasi, Ajoy
 Dor, Georges
 Dufour, Benoît
 Dydzak, Joseph John
 Eastern Township Citizen Association
 École des hautes études commerciales
 Federation of Ethnic Groups of
 Quebec, Inc.
 Fédération des syndicats du secteur
 aluminium Inc.
 Fédération italienne des travailleurs
 émigrés et familles (La)
 Finestone, Bernard, J.
 Fontaine, Jean-Marc
 Gaucher, Michel
 Gaudreau, Maurice
 Grand conseil de la nation Huronne (Le)
 Groupement québécois
 d'entreprises Inc. (Le)
 Impact Quebec
 Inuit of Quebec, The
 Institut politique de Trois-Rivières (L')
 Jacomy-Millette, Anne-Marie
 King, Paul-Francis Michel
 Lacasse, Jean-Paul
 Lamarche, Gustave
 LaSalle, Roch, MP
 Latouche, Daniel
 Laurin, Jean
 Ledoux, Gérard
 Legault, Fortunat
 Les amis de Chénier
 Liaison Group
 Martucci, Jean
 McGill University
 McKinnon, K.K.
 Melançon, Jacques
 Montreal Board of Trade
 Montreal Council of Women, The
 Mouvement Réformiste Social
 New Democratic Party – Quebec
 Paquette, Gilles
 Parent, Guy G.
 Parti de libération du Québec (Le)
 Participation Quebec
 Patenaude, Pierre

Appendix D

Pépin, Gilles
Perron, Roselyne
Pinard, Maurice
Poissant, C.A.
Positive Action Committee, The
Protestant School Board of Greater Montreal, The
Productions Modula Son Enr. (Les)
Proulx, Gilles
Provincial Association of Catholic Teachers
Provincial Association of Protestant Teachers
Provincial Council of University Women's Clubs
Quebec Committee for Language Regions, The
Quebec Federation of Home & School Associations
Quebec Provincial Command of the Royal Canadian Legion
Quebec Psychiatrists Association
Roback, Gordon
Roberts, Leslie
Roy, Lucille
Rumilly, Robert
Ryerson, Stanley-Bréhaut
St. Huberts's Base Teachers' Association, The
Sauvé, René Marcel
Sciascia, Antonio
Scott, Stephen
Société nationale populaire du Québec (La)
Tellier, Luc-Normand
Tisseyre, Pierre
Thompson, Dale C.
Trépanier, Paul-O. — mayor of Granby
Tremblay, André
Vallée, Louis Léonce
Vennat, Manon
Vennat, Michel
Whitley, Barbara

Ottawa

Air Canada
All About Us Canada Inc.
Alliance for Bilingualism
Association of Canadian Community Colleges
Association canadienne d'éducation de langue française

Association of Universities and Colleges of Canada, The
Bilingual Exchange Secretariat, The
Business Council on National Issues, The
Canada Council, The
Canada Studies Foundation, The
Canadian Association for Adult Education
Canadian Association of Broadcasters, The
Canadian Bankers' Association, The
Canadian Broadcasting Corporation
Canadian Chamber of Commerce, The
Canadian Community Newspaper Association, The
Canadian Conference of the Arts
Canadian Council of Christians and Jews
Canadian Hostelling Association
Canadian Human Rights Commission
Canadian Manufacturers' Association, The
Canadian Museums' Association
Canadian National
Canadian Pacific Ltd.
Canadian Parents for French (National Organization)
Canadian School Trustees' Association, The
Canadian Teachers' Federation, The
Committee for a New Constitution, The — Steering Committee
Council of Canadian Filmmakers, The
Education Canada
Fédération des francophones hors Québec (La)
Fédération des jeunes Canadiens-Français
Federation of Canadian Municipalities
Forsey, Senator Eugene
Forum Association
Goldenberg, Senator H. Carl
Group of Concerned Quebec Labour Officials
Heritage Canada
Inuit Tapirisat of Canada
Investment Dealers Association of Canada
Lamontagne, Senator Maurice
Loyal Orange Association of Canada
National Council of Jewish Women of Canada
National Council of YMCAs of Canada, The
National Film Board, The
National Indian Brotherhood

Naional Union of Students
 National Voluntary Organizations
 Native Council of Canada
 Pépin, Marcel
Presse (La)
 Royal Canadian Legion, The
 Telemedia Communications Ltd. & T.V.
 Guide Ltd./Ltée
 Toronto *Star*, The
 Travel Industry Association of
 Canada, The
 Via Rail Canada Inc.
 Yuzk, Senator Paul

Quebec City

Boivin, Florian
 Dion, Gérard
 Dion, Léon
 Fortin, Pierre
 Lemieux, Vincent
 Lortie, Roland
 Parti libéral du Québec
 Parti national populaire
 Ralliement créditiste du Québec
 Union nationale (L')

Regina

Adams, Susan
 Advisory Committee for the Bilingual
 Centre
 Archer, John H.
 Association culturelle Franco-Canadienne
 de la Saskatchewan (L')
 Association des commissaires d'écoles
 Franco-Canadiens de la
 Saskatchewan (L')
 Association jeunesse Fransaskoise de la
 Saskatchewan (L')
 Association of Metis and Non-status
 Indians of Saskatchewan
 Association of United Ukrainian Canadians
 of Saskatchewan
 Belcher, Margaret
 Blakeney, Allan, premier of Saskatchewan
 Canadian Federation France-Canada, The
 Canadian Federation of University
 Women, The
 Central Collegiate Students
 College Mathieu, The Corporation
 & Staff of

College Mathieu, The Executive
 Committee of the Corporation of
 Collver, Dick
 Ecoles désignées de Gravelbourg et le
 cercle local de l'association culturelle
 Franco-Canadienne (Les)
 Evangelical Ministers Fellowship
 Federation of Saskatchewan Indians
 Genuist, Paul
 Herle, Wendelin A.
 Holle, Erich
 Keyes, Thomas E.
 Kindrachuk, Mike
 LaMontagne, Mrs. Marlene
 MacLeod, Brian
 Malone, Ted (leader of the Liberal party of
 Saskatchewan)
 Massey School Bilingual Programme –
 Parents' Association
 Monarchist League of Canada, The
 Petrucka, Pamela M.
 Petry, Lucien A.
 Prendergast, Monica
 Rainey, B.E.
 Regina Board of Education
 Regina Chamber of Commerce
 Regina Council of Women
 Richert, Keith M.
 Royal Canadian Legion – Saskatchewan
 Command
 Royal Society of St. George, The – Regina
 Branch
 Saskatchewan Association of Rural
 Municipalities
 Saskatchewan Chamber of
 Commerce, The
 Saskatchewan Federation of Agriculture
 Saskatchewan Federation of Labour, The
 Saskatchewan Urban Municipalities
 Association
 Saskatchewan Women's Institutes
 Scott, Len & Jackie
 Shaw, Don E.
 Shumiatcher, Morris
 St. Nicholas Roumanian Orthodox Youth
 Straile, Inge
 Students of Martin Collegiate Institute
 Swift Current Public School District No.
 167
 Szekely, Robert
 Taylor, H.E., – mayor of Moose Jaw
 Toombs, Wil

Ukrainian Canadian Committee, Regina
branch
Wilhelm, Christopher
Williams, C.M.

St. John's

Alexander, David
Apache International Corporation
Baird, Ian
Blackwood, Paul
Canadian Federation of University Women,
Committee of the St. John's Club
Clark, Roger
Cole, Harvey W.
Corner Brook Status of Women Council
Crapaud, H.
Davis, Sally
Earl, Fred
Fédération des francophones de Terre-
Neuve et du Labrador
Harbour Grace Board of Trade
Harrington, Michael
Harris, Elmer
Lewisporte Chamber of Commerce
Liberal Party of Newfoundland and
Labrador
McGrath, R.T.
Murphy, Gérard
Nesbitt, Doug
New Democratic Party of Newfoundland &
Labrador
Newfoundland & Labrador Federation of
Community Youth Councils
Newfoundland & Labrador Federation of
Municipalities
Newfoundland and Labrador Federation of
Labour
Newfoundland and Labrador Rural
Development Council
Newfoundland Association for Full
Employment
Newfoundland Medical Association
Newfoundland Teachers' Association
Paddock, Harold
Pennell, Cathy
Plaskin, Bob
Progressive Conservative Party of
Newfoundland and Labrador
Puxley, David
Roman Catholic School Board for St.
John's, The

Royal Canadian Legion — Newfoundland &
Labrador Command
Sheppard, Howard
St. John's Board of Trade
Story, George
Whalen, Hugh

Toronto

Accent Canada
Amdur, Reuel S.
Amprimoz, Alexandre L.
Ashley, Brad
Association Canadienne-française de
l'Ontario (L')
Association des enseignants Franco-
Ontariens (L')
Association française de London
Association française des conseils
scolaires de l'Ontario (L')
Association of Canadian Television and
Radio Artists
Association of Franco-Ontarian Youth
Association of United Ukrainian Canadians
Atkey, Ron
Atta, Paul
Bank of Nova Scotia
Bénéteau, Aurèle R.
Berman, Joseph
Better Business Bureau of Canada, The
Black Liaison Committee
Black Resources and Information Centre
Board of Education for the Borough of
Scarborough, The
Board of Trade of Metropolitan
Toronto, The
Bousquet, Jacques J.
Cana-Kits
Canadian Arab Friendship Society of
Toronto, The
Canadian Association for Adult Education
Canadian Association in Support of the
Native Peoples, The — Toronto chapter
Canadian Federation of University
Women, The
Canadian Parents for French — Ontario
Canadian Pensioners Concerned Inc. —
Ontario Division
Canadian Polish Congress, Inc.
Canadian Polish Research Institute, The
Canadian Soft Drink Association
Centre d'activités françaises

- Charbonneau, Henri
- Chartier, Yves
- Chasse Galerie (La)
- Choquette, Robert
- Clackett, B., Mr. and Mrs.
- Collège Universitaire de Hearst (Le)
- Collier, Margaret
- Comité d'action francophone
- Commitment Canada/Engagement Canada
- Committee for A New Constitution, The – Steering Committee
- Conseil de la vie française en Amérique (Le)
- Coordinated Services to Jewish Elderly Corporation of the Borough of Scarborough, The
- Corporation of the City of Sault Ste. Marie, The
- Corporation of the City of Sudbury
- Corporation of the Town of Kapuskasing, The
- Corporation of the Town of Whitby, The
- Council for Franco-Ontarian Affairs
- Council of Ontario Universities
- Crown Life Insurance Company
- Curtis, Bert E.
- Daschko, Alex
- Davis, William G., premier of Ontario
- Dennie, Donald
- Dionne, Martin
- Downtown Business Council of Toronto
- Drake International
- Ecole Georges Vanier
- Ecole secondaire Charlebois – Comité d'action française
- Ecole secondaire La Citadelle
- Essex County French Secondary School – Action Committee
- Estonian Federation of Canada
- Federation of Catholic Education Associations of Ontario
- Federation of Chinese Canadian Professionals – Ontario
- Federation of French Canadian Women, The
- Federation of Unity and Related Groups of Ontario, The
- Francophone Action Committee
- German-Canadian Club Harmony
- Godbout, Arthur
- Godfrey, Paul V.
- Groupe d'action pour la bilinguisation des cours de justice à Sudbury
- Guay, Réjeanne
- Guindon, Roger
- Gulf Oil Canada Limited
- Hancock, Sydney
- Hewlitt, Alex
- Holloway, Peg
- Institute of Chartered Accountants of Ontario, The
- Isabelle, Laurent
- Kenora, Town of
- Labour Council of Metropolitan Toronto
- Landis, G.B.
- Larabie, Pauline
- Lawrence, William
- Leury, Madeleine
- Levy, Herbert S.
- Lithuanian Canadian Community
- Living and Learning in Retirement – Glendon College
- Llanos, Marc A.
- London, City of
- Lortie, Roland
- Mandel, Eli
- Masaryk Memorial Institute
- McFadden, Fred
- Morse, Jerry
- Movement for Canadian Literacy
- Multicultural Centre Association of Toronto
- Multicultural Council of Windsor & Essex County
- Murray, Donna
- National Congress of Italian Canadians
- Native Canadian Centre of Toronto, The
- Non-partisan Committee for Canadian Unity Through Diversity
- Norcia, Vincent di
- Ontario Advisory Council on Multiculturalism
- Ontario Chamber of Commerce
- Ontario Federation of Agriculture
- Ontario Federation of Labour
- Ontario Fruit and Vegetable Growers' Association
- Ontario Métis and Non-status Indian Association, The
- Ontario New Democrats, NDP
- Ottawa Herald
- Ottawa-Carleton, Regional Municipality of
- Pellerin, Charles

Appendix D

Pelletier, Pierre
Perron, Roselyne
Plourde, J.A. — archbishop of Ottawa
Queen's University
Quilan, Don
Ready Mixed Concrete Association of
Ontario
Richard, Andrew
Richelieu Club — Toronto
Richer, Paulette E.
Ritchie, Ronald S.
Second Mile Club, The — Toronto
Selinger, Alphonse D.
Shanahan, Patricia
Sheridan College
Shuman, J.R.
Smith, Penny
Smith, Stuart — leader of the Ontario
opposition
St-Cyr, Micheline
St-Georges Society of Toronto, The
Sudbury Regional Multicultural Centre
Thomas, Alan M.
Toronto Multicultural Centre Association —
Pro-Canada Committee
Ukrainian Canadian Committee — Ottawa
Branch
Ukrainian Canadian Committee — Toronto
Branch
Ukrainian Canadian Magazine
Ukrainian Professional and Business Club
of Toronto
United Automobile Workers
United Senior Citizens of Ontario, The
United Steelworkers of America
University of Ottawa
University Women's Club of North
York, The
Urban Development Institute of Canada
Weatherill, J.F.W.
Whitley, Harold
Windsor, City of

Vancouver

Ablett, David
Adair, Brent
Alliance, The
Apedaile, W.M.
Arneil, Catherine
B.C. Interfaith Citizenship Council, The

B.C. Provincial Committee of the
Communist Party
Banting, Dr. Keith
Barrigar, Robert H.
Beck, Dr. Douglas
Bennett, Robert W.
Bennett, Premier William
Board of School Trustees of School
District 39, The (Vancouver)
Botkin, Paul
British Columbia Human Rights
Council, The
Brotherhood of B.C. Indians
Canada United/Canada Uni
Canadian Hostelling Association — B.C.
Region
Canadian Parents for French, B.C. Chapter
Canadian Protestant League
Catholic School Trustees' Association
(B.C.)
Centre culturel colombien
Chénier, Chard
Chief Maquinna Parent Committee
Chinese Core Working Group, Sexsmith
Community school
Club Canadien-français de Victoria, (Le)
Committee for Western Independence
Committee of Delta University Women's
Club
Conseil de la coopération de la Colombie-
Britannique
Concerned Canadians Group
Concerned Group of West Coast
Canadians, A
Corporation of the District of West
Vancouver, The
Counsel on Education for Immigrant
Children
Daykin, Harold
Earle, Hamish
Eldensleur, W.
Electors Action Movement of Greater
Vancouver, The
Fédération des Franco-Colombiens (La)
Fédération Jeunesse Colombienne (La)
Gibson, Gordon F., leader of the B.C.
Liberal party
Greater Vancouver Convention and
Visitors' Bureau
GWAN (Group Without a Name)
Hales, A.
Hanan, E.M. and Easingwood, V.

Appendix D

Heather, William
Henderson, Bertha
Hollin, Ray
Humphreys, Derrick
Indian Homemakers Association of B.C.
Information Department of the Canadian
Esperanto Association
Inter-Cultural Association of Greater
Victoria
Jamieson, L. and Johannessen, D.
Johnson, Richard
Kehoe, John
Killeen, Jim
Lawton, Dean and Liden, David
Lorimer, Rowland
Lougheed Town Community Association
Lysyk, K.
MacDonald, Alex B.
MacDonald, Don
MacPherson, James C.
Mains, Geoffrey
Manley-Casimir, Michael E.
McAllister, Kenneth
McNicoll, André
McNulty, Jean
McWhinney, Edward
Moore, Nina
Pearce, Marnee
Postma, John F.
Progressive Pakistan Canada Friendship
Society
Quebec Educational and Defence
Committee
Retail Merchants Association of Canada –
B.C. Division
Roman Catholic Bishops of B.C.
Rombout, Luke (director of Vancouver Art
Gallery)
Sara, Harkirpal Singh
Save Canada Committee
Scott, John S.
Seved, James
Seymour, I.R.
Shepard, Merrill W.
Southin, C.
Southwood, H.T.
St. Andrew's-Wesley Church
St. Pierre, Paul
Stark, Marvin N.
Stead, Gordon W.
Stott, Adrian

Till, Ken
Totemland Warrior Society
Union of British Columbia Municipalities
United Church of Canada, The
University Hill Elementary School – Grade
7 Students
University Women's Club of
Vancouver, The
Vancouver Board of Trade, The
Vancouver Centre New Democratic Party
Federal Riding Association
Vancouver Citizenship Council
Vancouver Multicultural Society of B.C.
Waverley School Consultative Committee
Weiler, Paul C.
Westerners for Canadian Unity
Wilen, Mitton
Wilson, Bill
Wilson, L.J.

Whitehorse

Armstrong, J.R.
Association of Yukon Municipalities
Atamanenko, Alex
Clegg, Mike
Council for Yukon Indians, The
Council of the Yukon Territory, The
Des Lauriers, Dale
Gryba, Walter A.
Houlton, Michael John
Kiwanis Club of Whitehorse, The
Knights of Columbus
Lucier, Annette
Pearson, A.M. – Commissioner
Standing Committee on Constitutional
Development for the Yukon
Webb, Richard
Whitehorse Chamber of Commerce
Yukon Council on the Status of Women
Yukon Hostelling Association, The
Yukon Native Brotherhood
Yukon Visitors Association

Winnipeg

Association des commissaires d'écoles de
langue française du Manitoba
Aulecy, Jean Paul
Ball, R. Bruce
Brown, Harold W.
Canada West Foundation

Appendix D

Canadian Parents for French, Winnipeg branch
Citizenship Council of Manitoba
Conseil jeunesse provincial
Diploma Agricultural Graduates Association
Doyle, F.P.
Fédération provinciale des comités de parents
Federal Liberal party of Manitoba
Fletcher, Heather
Gibson, Dale
Government of Manitoba, The
Gray, James H.
Hosteling Association of Manitoba
Huband, C.R., leader of the Liberal party of Manitoba
Irwin, Eric
Manitoba Chambers of Commerce, The
Manitoba Environmental Council
Manitoba Farm Bureau
Manitoba Federation of Labour, The
Manitoba Indian Brotherhood
Manitoba Pool Elevators
Manitoba Teachers' Society, The
Manitoba Women's Institute
Paquette, Julie
Provincial Council of Women of Manitoba, The
Richardson, James
Robillard, Joan
Rothney, Gordon O.
Schreyer, Edward, leader of the New Democratic party
Société franco-Manitobaine

Templeton, C.H.
Thomson, Muriel B.
Ukrainian Canadian Committee
Winnipeg Chamber of Commerce
Winnipeg Jewish Community Council

Yellowknife

Antoine, Gerry
Athabaskan Language Steering Committee, Fort Simpson
Beaumont, Robin – for his song – "It's a Great Big Land"
Bell, Rhonda – Sir John Franklin High School
Collinson, Kelly
Commissioner of the Northwest Territories
Davies, Rob – Sir John Franklin High School
Emery, Sheila
Eskimo Point Inuit Cultural Institute
Irwin, Doug – Sir John Franklin High School
Korchuk, Nigel
Legislative Assembly of the Northwest Territories, The
Mahsi, Ohi
Mallon, S.T.
Native Communications Society of the western Northwest Territories
Northwest Teachers' Association
Northwest Territories Chamber of Mines
Northwest Territories Construction Association
NWT Teachers' Association, French Specialist's Council of
O'Connor, Bob
Rotary Club of Yellowknife

HALIFAX

Chairman: Mr. Russell DeMont
Members: Mr. James K. Bell
Mrs. Beth Brandys
Mr. Paul Comeau
Gérard Doucet
Dr. John Godfrey
Mr. Michael Kelly
M. Medric Lefort
Mr. George MacCurdy
Dr. James McNiven
Ms. Nelly Novac
Mr. Michael Owen
Mr. William Ritchie
Professor Allan Sinclair

CHARLOTTETOWN

Chairman: Dr. David Morrison
Members: Reverend Cameron Bigelow
Mrs. Dorothy Corrigan
Dr. Gustave Gingras
Mr. Jim Gyurus
Mr. Bill Hancox
Mrs. Louise MacMillan
Mr. Wendell MacKay
Dr. Ulric Poirier
Mr. Henry Purdy

REGINA

Chairman: Dr. Wil Toombs
Members: Reverend Lind Barbour
Dr. Eleanor Bujea
Mr. Gary Carlson
Mr. Peter Dubois
M. André Lalonde
Mrs. Marlene Lamontagne
Mr. Willem de Lint
Mr. Jim Osborne

ST. JOHN'S

Chairman: Mr. Miller Ayre
Members: A.H. "Bill" Crosbie
Edythe Goodridge
David Howley
Gordon Inglis
George Lee
Tom Mayo
Helen Porter

CALGARY

Chairman: Mr. Douglas Lauchlan
Members: Dr. Wm. Cochrane
Ms. Teecy English
Ms. Carol Fleming
Mr. Norman Green
Ms. Mary Guichon
Mr. Maxim Jean-Louis
Mr. Blair Redlin
Mr. Arthur Smith
Mrs. Anne Suche
Mr. Frances Wright

EDMONTON

Chairman: Mr. Grant Kennedy
Members: Ms. Ruth Bate
Mr. Leo Bosc
Mr. Ihor Broda
Mr. Warren Caragata
Mr. Jack Chesney
Mr. Don Clarke
Mr. Stan Daniels
Mr. Sherburne McCurdy
Mr. Pat McDonald
Dr. Paul Robberecht
Mr. Eric Shirt
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The Task Force on Canadian Unity

A FUTURE TOGETHER

Observations and Recommendations



Merid V. L. Bradford

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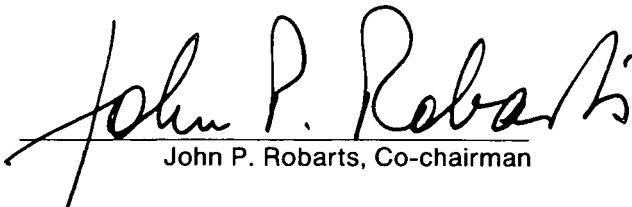
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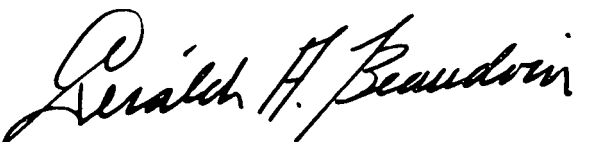
We the Commissioners appointed under Part I of the Inquiries Act by Order in Council of 5 July 1977, P.C. 1977-1910, 24 August 1977, P.C. 1977-2361 and P.C. 1977-2362, and 28 February 1978, P.C. 1978-573,

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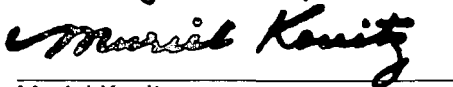

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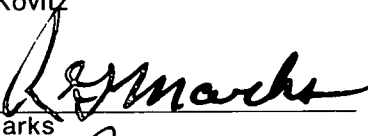
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The Task Force on Canadian Unity was created on 5 July 1977 with a broad mandate to obtain and to publicize the views of Canadians regarding the state of their country, and to provide the ideas and initiatives of the members of the Task Force on the question of Canadian unity. We have been actively engaged in that enterprise for a year and a half.

On 1 September 1977, after our first full Task Force meeting, we published a communiqué in which we expressed our initial impression of the work which confronted us and indicated how we planned to proceed. We said:

The Task Force...recognizes that Canada and its present federal system are under great stress. The creation of the Task Force is itself a testimony to this. All regions of Canada are reflecting and expressing this malaise. The most pressing questions are being raised in Quebec and the Task Force intends to give these high priority. Nevertheless, the concerns of other regions are vitally important and will be given our full attention.

We went on to say that we planned to suggest some "concepts and policies which could constitute some of the elements of a third option for Canada." (The full statement is reproduced as Appendix 2.)

In looking back at that statement of eighteen months ago, we are struck by the degree to which that collective judgement has guided us in our work. Canada and its constitutional system *is* in a protracted state of crisis; the primary, but not the only challenge, comes from Quebec; and the pressing need today, as it was then, is to discover the basis for a fresh accommodation which will permit the people who inhabit this vexing and marvellous country to live together in peace, harmony and liberty.

We embarked on our Canadian tour a few weeks after issuing the communiqué, and it was the beginning of an unforgettable period for us all. Few Canadians are given the opportunity to participate in such an extraordinary experience, and it is something that we will carry with us for the rest of our days. Between September 1977 and April 1978 the Commission visited sixteen Canadian centres from Vancouver to Yellowknife to St. John's, meeting a wide cross-section of Canadians and discussing a bewildering variety of subjects. During these Task Force visits, and between them, we spoke on radio and television shows, to journalists, to individual citizens, to service clubs, to university groups; we also held regular Task Force meetings in Ottawa and elsewhere to review progress, discuss background and policy papers with our staff, and consult with experts of every description. Since the end of our tour, we have held lengthy meetings to continue this work and have met regularly with people who could provide us with necessary information and help us to develop and refine our ideas.

What have we, as eight Canadian men and women, learned from our experience? More, one can say right away, than it will be possible for us to communicate. Each of us will take

away from the past eighteen months a range of personal impressions and insights which it would be impossible to record fully. We were, after all, eight citizens from eight different parts of the country, who came to the Task Force with a diversity of opinions, personal beliefs and—let us admit it openly—some preconceived ideas. We have learned a great deal from Canadians across the country and from one another: in the process, we have gradually found ourselves holding a common purpose and sharing a common point of view. We do not mean to imply that we agree on all things; that would not be true, nor would it be very stimulating. But it is this common point of view, this shared sense of purpose which we have achieved as members of the Commission, that forms the basis of our three main publications.

A Future Together is our first publication, and contains the observations and recommendations of the Task Force.

The second publication, *Coming to Terms*, will be a guide to some of the critical words and concepts in the unity debate. It grew out of our experience of the tour and our growing recognition of the fact that there was great confusion abroad in the land, even at the basic level of the meaning of key words and concepts. It is not that we believed or believe now that Canada's problems would be dissipated if we all agreed to attach the same meanings to the same words, but rather that there is often fruitless conflict created as a result of the uncritical way in which ideas are expressed and the confused manner in which all of us are inclined to employ crucial terms. We have tried to draw attention to that fact and to clear the ground to some extent in this volume.

The third publication, *A Time to Speak*, records what we heard as Commissioners on our national tour and what we read in the extensive correspondence which many Canadians directed to the Task Force. We have sought to reflect as faithfully as we could the variety of concerns, opinions and ideas expressed by citizens about their country.

The reader of *A Future Together* will observe that the bulk of the study and recommendations relate to the public policy and constitutional domains, that is to say, to what governments do, how they do it, and the manner in which they are constituted and controlled. The selection of this focus was made quite consciously, and it is perhaps worth while to take a few moments here to explain why.

Many Canadians who appeared before the Task Force argued persuasively that public attitudes are at the root of the crisis: if only we could develop the attitudes required to make our present institutions work, there would be no need to reform our constitution. We acknowledge the force of this argument, and have attempted in our contacts with the public and as far as possible in our reports to encourage the development of attitudes and beliefs more conducive to national unity. However, to urge people to change their attitudes is not in itself a sufficient response to Canada's crisis, which is why we have gone beyond that to make proposals for institutional reform. There are several factors to consider here.

First, attitudes do not exist, nor do they change, in a vacuum. They are commonly formed in response to certain social circumstances and particular institutional arrangements. Thus they are more likely to change as a result of altered circumstances or arrangements than as a result of simple exhortation. It is our hope that institutional and policy reform will encourage the development of attitudes which support Canadian unity.

Secondly, it is not easy to effect changes in attitude directly, certainly not in a report of a commission of inquiry: it is worth considering, for example, what our report might have looked like if our dominant objective had been to suggest directly the transformation of attitudes in Canada—rather like, perhaps, the Sermon on the Mount or a textbook in social psychology.

The third factor is the timetable Canadians will have to meet. It is our conviction that Canadians are in the midst of a crisis which requires a rapid and determined response; it is our further belief that it is inevitably our central and provincial governments that will be our main agents of action and change. If this is so, it is incumbent on us to look to what governments can do for and with the Canadian people—and do quickly. This is not in any sense to downgrade the significance of a richer understanding and a greater generosity of spirit on the part of all Canadians; these are clearly of the utmost importance. But they cannot possibly come quickly enough and forcefully enough to constitute a sufficient response to the challenges facing the country during the next couple of years. There is no doubt, for example, that we need to reassess the adequacy with which our educational systems prepare our children for the responsibilities of citizenship, but educational reform will not by itself be a convincing response to the challenge Quebec is currently posing to the rest of the country.

The fourth factor is the expectations of people, the manner in which they anticipate the current stresses will be relieved. The crisis admittedly has many causes and dimensions, but a large number of Canadians assume that it is in the political and constitutional arena that Canada's problems will be primarily resolved. An expectation of this kind, when it grows strong enough, develops a momentum and integrity of its own. This, we believe, has occurred to such an extent that it is now inconceivable that a settlement satisfying to a majority of Canadians could be reached in the absence of political and constitutional reform.

These, then, are the main factors which have led us to devote primary attention to those activities broadly within the control or subject to the influence of governments. Since this is so, however, we wish to state plainly here some of our thoughts on attitudes and outlook which may not receive as full expression elsewhere in the report.

The Task Force was created to examine and report upon problems relating to disunity in Canada, and people were invited to attend the hearings to speak their minds on this subject. It is therefore not surprising that we heard more about what is wrong with this country than about what is right, although positive opinions were certainly not absent. All of us were struck by the astonishing array of grievances, complaints and problems that were paraded before the Commission. As often as not, each was advanced as *the* cause, or the major cause of the country's disunity.

In a few cases, the analysis of the country's ills seemed to be the product of a narrow and self-serving preoccupation; in most cases, however, the diagnosis was offered by conscientious and well-meaning citizens whose concern transparently was not with self but with country. As such, these citizens bore witness with their attitudes and very identity to the diversity of which so much has been made in Canada.

However, one feature of this diversity causes us concern, for it is a diversity in ignorance of itself, where each fragment of opinion is inclined to think that it is the whole. Again and again, people from one group, or one part of the country, or one economic class would engage in an analysis which they believed to be generally true, but which seemed to us, who had just got off the plane from the other end of the country, to be but a small fragment of Canada's reality.

Sometimes the country seemed to us to be composed of a multiplicity of solitudes, islands of self-contained activity and discourse disconnected from their neighbours and tragically unaware of the whole which contained them all. When one spoke, the others did not listen; indeed, they barely seemed to hear. Canadians live in a big, empty land but they congregate in vital, often boisterously energetic communities. Why is it that we have not learned better to employ this century's communications technology to talk together across the empty spaces?

In our encounters with Canadians we discovered—beyond the good will and generosity and simple common sense, of which there is a great deal—instances of suspicion and occasional hostility, envy, intolerance and parochialism. Much of it seemed to be based on ignorance and an instinctive mistrust and fear of those who are different: those who look and dress differently, who speak a different language, who practise a different religion or enjoy unfamiliar customs, who came from somewhere else.

In *A Future Together* we have done what we could to find ways in which our governments and constitutional structure can help to bridge the gaps that keep us apart. But there is a range of concerns that we do not believe we can address very directly here, and that is the dimension constituted by each of us in our attitude to ourselves and one another. In this domain, we believe that Canadians have a long way to travel, and little time to make the journey.

Not only must we learn to accept the fact of diversity, but we must also discover how to cherish and embrace it. If we can learn to believe that our neighbour's differences are not a threat to us and what we stand for, but a part of the neighbourhood within which our own identity finds free expression, we shall have moved a long way toward understanding what the Canada of tomorrow must be about. For we believe that it is only in that fashion that Canadians will establish for themselves a sense of sharing and a common purpose which all can accept without doing violence to their own beliefs and identity.

It is in this light that we understand the terms "national unity" and "Canadian unity." For some people, unity seems to imply the submersion of diversity into one homogeneous mass. For others, it conveys an image of artificial, government-induced flag-waving, and "patriotic" celebrations which do not spring from any natural emotional source.

For the members of the Task Force, however, Canadian unity is neither of these things: it is the sum of conditions upon which the various communities and governments of Canada agree to support and sustain the Canadian state. As such, it endows each of the parts with something it would not have if it stood alone. It is, then, a just union of constituent elements, or, as one dictionary puts it, a harmonious combination of parts.

The full enjoyment of unity in this sense has so far eluded the citizens of this country, but it remains the object of our quest; indeed, it seems to us that the main problem does not lie in preserving or re-establishing unity, but rather in constituting it in the first place.

We do not wish to leave Canadians with a false impression. Canada is a grand and beautiful country, too little known and understood by its people. It possesses natural riches beyond the dreams of most other countries in the world, and freedom prospers here better than in most places. Nevertheless, Canada is passing through a period of travail which is more than a crisis of development; it is a crisis of existence itself.

The agenda for resolving our problems is very full. Our governments are already embarked on a process of constitutional review; federal elections must be held prior to the middle of this year; and the government of Quebec is committed to holding its referendum soon, probably within the next year.

The Task Force has found itself living near the eye of the storm during most of its short life, and at each step of the way it has sought to organize its own activity and timetable in such a way as to assist Canadians as much as possible in coming to terms with the issues confronting their country. Rarely, we think, has a commission of inquiry had to carry on its work in such a highly charged and rapidly changing political environment.

It is in view of the crowded national agenda and the accelerating pace of activity that we have decided to release *A Future Together* at this time. Under different circumstances, we might have wished to take more time, to study and reflect. The urgency of the present situation does not allow us this luxury. We plan to make some of our more detailed background material available subsequently. It is our hope, however, that this report will provide Canadians across the country with an appreciation of the Task Force's position and point of view, and that it may be helpful to the country's political leaders. It contains in its observations and recommendations the core of the Task Force's thinking on the subject of Canadian unity.

15 November 1976

The point of departure for the Task Force cannot be other than the election of the Parti Québécois as the government of Quebec on 15 November 1976. That election victory was the culmination of a long historical process; it was also the beginning of a new era in the life of our country. There had been other occasions in Canadian history when provincial governments were elected in opposition to Confederation, but never before had the goal of provincial independence been sought with the firmness of purpose displayed by the leaders of the Parti Québécois. For the first time since it was created in 1867, the Canadian political union faced the genuine possibility of the secession of one of its largest provinces.

While this signal event in the life of our country stimulated a great deal of concern and discussion in the months which immediately followed, we are aware that it has now receded in importance in the consciousness of many Canadians. It is a very human tendency to believe that a problem has ceased to exist the moment it has passed temporarily from view. This is what has happened, we believe, to the issue of Canadian unity, a subject which in the past decade or two has bobbed up and down in public consciousness like a cork in a choppy sea.

This is not surprising. We recognize that even crises can become tedious and difficult to believe in if they go on too long and if nothing seems to happen. Yet this absence of staying power merits concern if one judges that the problems are ripening quietly beneath the surface while people concern themselves with other things. In addition, we have noticed a resulting tendency to treat each disturbing event which pushes itself through the surface as a fresh and novel occurrence, without historical roots and with no intimate connection to a much broader range of concerns.

When the Task Force was created in the summer of 1977, the memory of the Parti Québécois election victory of November 1976 was still fresh in people's minds, and they had not yet grown accustomed to the fact of having a secessionist government in Quebec. But the Parti Québécois has been in power for more than two years now and, in the minds of many people, nothing too dramatic has happened. We are still one country, the government of Quebec and everyone else seem to be carrying on with business as usual, and the date for the Quebec referendum on sovereignty-association seems, like the horizon, to recede as you move toward it. So why worry?

It is our opinion that this attitude is radically in error. Whatever one's preferences may be, the issue of Canadian unity will shoulder its way to centre stage again and again during the next several years.

While we take the election of the Parti Québécois as our point of departure, we do not regard that event, or any single federal election, or the pending Quebec referendum as defining the sense and substance of the issue the Task Force must tackle. Whether the referendum is "won" or "lost," the underlying problems will remain and will have to be confronted. We believe that such events as these should be taken to *symbolize* the

political crisis Canada is facing, rather than to *constitute* it. The political crisis which has led to such occurrences displays historical roots which are much deeper and dimensions which are broader than any such single event can comprehend, and its rhythms of development are slower and more inexorable than a single election or referendum would suggest.

The recent past

Almost exactly fourteen years ago, the members of the Royal Commission on Bilingualism and Biculturalism warned Canadians that, without fully realizing it, they were passing through the greatest crisis in their history. Although its source was located in Quebec, the size and strategic importance of that province, and the "chain reactions" set off elsewhere, meant that it embraced the whole of Canada. The cause of the crisis, in the opinion of the B&B commissioners, was that "the state of affairs established in 1867, and never since seriously challenged, is now for the first time being rejected by the French Canadians of Quebec."

The fact that so soon after the B&B Commission's diagnosis a secessionist government has assumed power in Quebec shows how accurate it was. But, as the commission itself recognized, the crisis was not really a new one, even at the beginning of the 1960s. In fact, the growing tension in French-English relations in Canada was, as the commission said, "over and above anything that is new, the product and consummation of all the past resentments."

Since the commission made those statements a good deal has been accomplished or attempted by the central and provincial governments to reflect more satisfactorily the French reality in Canada. At the federal level, the main vehicle of reform was the Official Languages Act of 1969 which carried into effect many of the recommendations of the commission. In part as a result of the policies applied under the act, the participation of French-speaking Canadians in the federal public service has increased substantially (although progress at the senior executive level has been slower), and the capacity of the federal public service to serve Canadians in French as well as English has been dramatically extended. In the political domain, too, French-Canadian participation has increased, making it easier for French Canadians to view the institutions of the federal government as common to both the French-speaking and English-speaking citizens of the country. In the last decade, French Canadians have served, for the first time since Confederation, in key economic portfolios, and have taken a wider role in cabinet generally.

At the provincial level, increased recognition has also been given to the needs of the French Canadians, especially in the provinces of New Brunswick and Ontario, where the majority of the French-speaking population outside Quebec live. With an Acadian minority representing a third of its total population, New Brunswick wisely accepted the B&B Commission's invitation to declare itself officially bilingual and has begun the slow process of adapting the structure and services of the province to this linguistic reality. Ontario, on the other hand, with only 5.6 per cent of its population French-speaking, did not accept the recommendations of the commission but has continued the development of French-language services on which it was already embarked. The seriousness of the effort that Ontario has made, for instance, in the field of education, can be glimpsed from the Council

of Ministers of Education's estimate that 93.6 per cent of potential French-language students in Ontario are now enrolled in French-language programs at the elementary and secondary levels.

In the same period, Quebec has embarked on a program of more far-reaching consequence. In the 1960s, the emphasis of Quebec government policy was on the reform of education and the major public institutions (such as the provincial government and Crown corporations) to ensure that French Canadians were equipped to meet the demands of a modern industrial society. Beginning in the late 1960s, the institutional emphasis was further accented by an increased reliance upon linguistic legislation. Extending a policy initiated as early as 1910 (when the Gouin government required public utilities and transportation companies to offer services in French as well as English), recent Quebec governments have attempted to strengthen the economic framework of French-speaking Quebec by a series of linguistic measures such as the Bourassa government's Bill 22 (1974) and the Lévesque government's Bill 101 (1977). A major goal of both measures was to improve the access of French Canadians to the highest levels of business in Quebec by regulating the language of work in the province's leading private corporations. In this way, it was hoped to put an end to the economic disadvantages which French Canadians had long experienced, and which previous governments had hoped for over fifty years to remedy, at the individual level, by means of education.

Since the early 1960s, then, considerable efforts at reform have been made in Quebec, in the other provinces, and in Ottawa. Yet more than a decade after the warning of the B&B Commission about a national crisis, the country has moved to an even graver and more critical stage in its history, symbolized by the election of a secessionist government in Quebec.

Why are we drifting apart?

Why have the efforts of governments not been able to reduce the tensions which threaten to divide the country? A variety of answers might be given to this question. In the first place, it would be unreasonable to expect any policies, even if they were correct (something which remains to be established), to quickly undo what is the product and consummation of all the past resentments.

In the second place, the very efforts to improve the situation of French Canadians outside Quebec and at the federal level produced a backlash in English-speaking Canada which in turn generated a reverse effect in Quebec. The complaints about "French power" in Ottawa, the resistance to bilingualism in Ottawa and in the English-speaking provinces, served to convince many francophone Quebecers, some of whom were already disposed to believe it, that little accommodation could be hoped for with English-speaking Canada and that the future of French Canada lay henceforth in Quebec alone. The reaction of English-speaking Canada to the air traffic controllers' strike (known in French as the *Gens de l'air* affair) during the spring and summer of 1976 played an important symbolic role in convincing some Québécois of the lack of understanding to be looked for from English-speaking Canada. For many Québécois, the vehemence with which the English-speaking controllers, pilots and public seemed to reject out of hand the right of French-speaking pilots and controllers to work in their own language, even in a province where they formed

a substantial majority, was a clear revelation of the true state of French-English relations in Canada. In this way, the "bilingual backlash," of which the controllers' strike was perhaps the most dramatic example, clearly contributed to the Parti Québécois victory.

But these factors are just the tip of the iceberg. At the base of the renewed crisis are social processes common to all modern societies. The impersonal forces of what the sociologists call modernization—forces such as urbanization, industrialization, mass education, new modes of transportation and communications, and increasing secularization—have had a profound effect on Quebec society, and on Canada as a whole.

Given the functions which provincial governments in Canada are constitutionally called upon to perform, together with the rapid growth in the role and responsibilities of governments in general, it is not surprising that we have seen a vigorous reassertion of the provinces in Canadian federalism. Indeed, part of the explanation of the current political conflict is to be found in the struggle between the central and provincial governments for control over the vastly expanded powers which the process of modernization vests in the state.

However, in Quebec this process has taken a unique form because of the cultural and linguistic vocation of the province. The process of modernization has produced new leaders who are anxious to exercise power but who do not believe that they can achieve the goals essential to their society within the framework of the old power structure of the federal system. This new leadership has an interest, therefore, in the development of the Quebec state as the unique framework of French Canada, and it has been able to mobilize a significant portion of the Quebec electorate to achieve this end. From this perspective, then, what is being sought is not the radical decentralization which appears to be implicit in the goal of sovereignty-association, but the centralization and concentration of power, not in Ottawa, but in Quebec City.

Part of the appeal of this enterprise issues from the fact that the forces of urbanization and industrialization have reduced the influence of some of the old institutional safeguards of French-Canadian society. They have weakened the parish, the Church and the rural community as the framework of French-Canadian society in Quebec and have placed correspondingly greater emphasis on the institutions of the state and of business corporations: hence the ambitions of the new leadership and the legitimacy it has acquired in the eyes of a large portion of the public. This legitimacy is enhanced because the same forces of modernization have weakened the older institutional safeguards of the French-speaking communities outside Quebec, which do not have the ability of the Québécois to fall back upon the power of the state. As a result, the future of those French-speaking communities outside Quebec is put in doubt; and this peril reinforces the tendency of many Québécois to focus their concerns, for all intents and purposes, on Quebec alone.

Other trends of the modern world contribute to this general process. Whereas the era of Confederation was a period when large national states such as Germany and Italy were being forged out of numerous smaller ones, the 1950s and 1960s were a period in which many small states threw off the bonds of European colonialism and emerged independently onto the world stage: at both periods, the international atmosphere undoubtedly influenced the mood and impulse of Quebec.

Contemporary technological and economic changes have tended to centralize bureaucratic and economic power and homogenize social life. Yet this very trend toward centralization and uniformity has produced its own counter-reaction in the reassertion of local identity and autonomy. This is readily apparent, in Europe, for example, where the reassertion of Welsh, Scottish, Breton, Basque and Flemish identities has gone hand-in-hand with the process of economic integration.

Thus paradoxically the process of modernization seems both to submerge and to stimulate the re-emergence of cultural and linguistic loyalties; and this world-wide pattern reinforces the old particularism of Quebec. It lies behind Quebec's drive for increased autonomy, if not independence, and helps to explain the relative inability of reform efforts inside and outside Quebec to reduce the impetus of the independence movement in the last decade.

The same world-wide social forces which are felt in Quebec also affect the rest of Canada, and they have had consequences there which have altered the nature of the unity crisis.

Widening the Issue

When the B&B commissioners were preparing their reports in the mid-sixties they could assume certain facts about the country which can no longer be taken for granted. This change reflects the important ways in which the challenge to Confederation has been modified and amplified in the intervening years.

The most important new element in the equation is the growing strength of the other provinces and the regional loyalties that have formed themselves, primarily within the framework of the provinces. A decade ago it was possible for the B&B Commission to minimize the obvious regional differences in Canada and to stress instead the relative unity within each of the two Canadian realities, French and English-speaking Canada. But that is no longer possible. The international tendency toward local particularism and the broad process of modernization which are reflected in Quebec have also taken root in the rest of Canada, reviving the regional tensions which are an old feature of Canadian life but which had remained relatively muted between the Second World War and the 1960s.

The revival of regionalism was assisted by Quebec. By resisting the centralizing impulse of the federal government during the postwar generation, Quebec helped to open the door to a more general provincial renaissance in the sixties and seventies. But this new reality has also widened the issue originally posed almost exclusively by Quebec so that it now spans the Canadian union as a whole. The crisis which the country faces today is not one of Quebec or of French Canada only: it is a crisis of Confederation itself. In this sense, the challenge to the country differs from that of a decade ago and must be considered in much wider terms. To the fundamental challenge of Canadian duality must now be added the other important challenge of Canadian regionalism.

Another factor which also merits consideration is the growth in self-consciousness of Canadians who are of neither French nor British background, and who are sometimes regarded as a third element to be added to the historic fact of Canadian duality. It was indeed the very definition of the country in dualistic terms, both in the mandate and outlook of the B&B Commission, which helped to stimulate the assertiveness of these

ethnic groups, an assertiveness which was consecrated in 1971 by the Trudeau government's policy of multiculturalism. Thus, partly as a result of the government's policy and the response to it in the ethnic communities, the Canadian reality has become more complex, and this complexity must be taken account of in a way that did not seem as necessary a decade ago.

Another social development since the 1960s is the increasingly articulate voice of Canada's native peoples. The dilemma of the native peoples has been a continuing but neglected feature of Canadian life, yet it has acquired a new urgency in recent years, and their place in Canadian society can no longer be overlooked as it frequently was in the previous decade.

A further complicating factor in the equation is the changing condition of the Canadian and world economies. Ten years ago the problems of national unity could be considered without according enormous weight to the economic limits to public policy. With the exception of the short recession at the end of the 1950s, Canada and other industrialized countries had enjoyed uninterrupted economic growth and prosperity since the Second World War. It was still possible to believe that such growth would continue indefinitely and that the choices which Canadians might make about the future of their society were not limited by severe economic constraints.

Since the early seventies, however, we have had far less room to manoeuvre. The economic performance of most industrialized nations has remained sluggish throughout the decade and, what is more, harsher economic conditions have laid bare the long-term structural weaknesses and vulnerability of the Canadian economy. We can no longer hope to buy our way out of our difficulties. Our options are now limited to a degree that was not apparent a decade ago and, whatever happens, hard choices will have to be made.

Another new factor concerns the central government itself. Fifteen years ago, it stood high in the minds of a large number of Canadians, and was widely regarded with respect and a feeling of loyalty. Even those who felt little loyalty to it at least respected its efficiency and competence. Today, that is much less true; "Ottawa," as we found on our tour, is for many Canadians synonymous with all that is to be deplored about modern government—a remote, shambling bureaucracy that exacts tribute from its subjects and gives little in return. We recognize that this is an unfair stereotype, and that in another fifteen years the pendulum may have swung back to the other extreme; but the fact that this view has such a widespread appeal today is one of the significant elements that must be borne in mind in any attempt to improve our situation.

Confederation: a crisis and an opportunity

For these reasons, Canadians now find themselves in a situation quite unlike any they have faced before. While we have had major crises in the past, this one is qualitatively different. The diverse elements already described, and others besides, have converged at one point in time and, partly as a result of this convergence, the rather rough-and-ready consensus which once ensured the reasonably effective governing of the country is at the point of breaking down.

People do not normally calculate carefully the costs and benefits of membership in a country; citizenship tends to be accepted as a matter of course. But people today, and not exclusively in Quebec, are asking fundamental questions about their country. Instead of being an unquestioned framework within which life's problems are addressed, the country itself has been placed in doubt.

The widespread dissatisfaction with the present arrangements of the Canadian federation which we have witnessed on our tours might not have crystallized at this time had it not been for the election of a secessionist government in Quebec. The victory of the Parti Québécois has served to focus this dissatisfaction and to legitimize the questioning of the fundamental condition of Canadian nationhood. In so doing, it has plunged the country into a crisis graver than any it has known before.

The election of the Parti Québécois, and all that it entails, has compelled or allowed Canadians to confront problems which they would have been obliged to face sooner or later. It would be foolish for Canadians to think of the challenge which lies ahead solely in terms of the forthcoming referendum on the independence of Quebec. A victory for the federalist cause in the referendum will accomplish little, if no effort is made to address the sources of discontent which have occasioned it.

Yet it would be a mistake to regard this situation as a crisis only, for it is also an opportunity—an opportunity to build anew that sense of common interest, of common purpose and of common will which the present crisis shows us to have been so seriously eroded. Further erosion of the common will in which our society is ultimately grounded would almost certainly spell the end of the Canadian experience.

We believe that the heart of the present crisis is to be discovered in the intersecting conflicts created by two kinds of cleavages in Canadian society and by the political agencies which express and mediate them. The first and more pressing cleavage is that old Canadian division between "the French" and "the English." We will consider the present configuration of this historic problem of Canadian duality in a moment. The second cleavage is that which divides the various regions of Canada and their populations from one another. Regionalism, like duality, also has an extended lineage in Canadian social, economic and political life, and we pursue this matter subsequently as well.

Both duality and regionalism, then, are deeply rooted in our history and are major elements in the social and economic foundation of Canada. The shape of these two structural forces of Canadian life has altered quite rapidly in the past quarter of a century as power has shifted within and between various groups and as their aspirations have changed. Canada is in no sense unique in experiencing such stresses; indeed, a survey of the international scene will reveal that "national unity" is a rather scarce commodity in the world community. However, it is the particular expression of these stresses in Canada that has brought us to our present pass, where the existing constitutional and political arrangements no longer adequately reflect or express the main social and economic forces which are at work in the country.

In our judgement, the first and foremost challenge facing the country is to create an environment in which duality might flourish; the second is to provide a fresher and fuller expression of the forces of regionalism in Canada's constitutional system and power structure. We wish to emphasize that it is in the context of the *present* crisis that we assign priority to these two, and we do so for a very simple reason. Each, if ignored or left unsatisfied, has the power to break the country, and each must accept the other if a new period of harmony is to be achieved.

As for other important contemporary issues or priorities, such as native rights and cultural pluralism, we believe we have a responsibility to suggest how they are affected by the interplay of duality and regionalism and how they might be recognized in a restructured federalism. These matters merit and must receive the most careful attention, but we have found it necessary to concentrate our efforts in order to ensure that we are striking through to the centre of the present crisis. We recognize, however, that at a time when conflicting issues such as native land claims and the development of northern energy resources to supply the demands of southern Canada converge as they do today, the future confronts us all with difficult choices and challenges. One of our concerns is that Canada will be in no position to respond creatively to such other matters as these if we are unable to relieve the main tensions arising from duality and regionalism.

But what, more precisely, do we mean when we speak of duality and regionalism?

Duality

To take French-English duality first, it could signify the thesis of the two founding peoples, the two-nations theory, the notion of the British North America Act as a pact between two peoples, the simple existence of two languages in Canada, or the distinction between Quebec society on the one hand and the rest of Canada on the other.

None of these, and no other, so far as we know, has received unanimous support. The native peoples (the country's real founders) understandably find the two-founding-peoples concept of duality offensive. English-speaking Canadians find it difficult to conceive of two nations and doubt whether there was a pact in 1867. Québécois believe that any attempt to consider French-speaking Quebec simply as a branch of French Canada belittles its role. Francophones outside Quebec and anglophones within Quebec are wary of any undue emphasis on the cleavage between Quebec and the rest of the country because it has the effect of submerging them within each majority society.

It is clear to us that duality is a multifaceted concept. The general understanding of it can be expected to alter as the society which it describes evolves, and the particular dimension which is emphasized will vary according to one's preoccupations, experience and situation in the country.

Our use of the concept of duality in this report will reflect this variety, and the reader will observe that we find several different dimensions of it worthy of consideration. The historic relationship between French and English-speaking peoples in the upper half of North America has been problematic for centuries, and the conflicts between the two have been fed from many sources and sustained in many areas of life: in religious practices, cultural outlook, at work, in school, in patterns of settlement, in the exercise of political power, and in many other ways as well.

In addition, the question of the relationship between French-speaking and English-speaking Canadians takes quite different forms in different parts of the country, depending on such things as the relative size and distribution of the two communities in a given area, the economic relationships that prevail between the two, and their relative political power and aspirations. Because of these and other factors, the case of the English-speaking minority in Quebec, for example, is radically different from that of the Franco-Ontarians; and—again for similar reasons—the position and prospects of the French-Canadian minorities in the western provinces are not only distinguishable from one another, but also very different from the position and prospects of the French-speaking communities of Ontario.

New Brunswick is a special case, for nowhere else are the two sides of the duality more evenly balanced. With its French-speaking Acadian community constituting a third of the population, New Brunswick in some ways is a microcosm of Canada as a whole, and it is perhaps significant that it is the only province that has adopted language legislation similar to that of the federal government. With its distinctive history of duality, New Brunswick faces particular problems and opportunities in establishing a just relationship between the province's two linguistic communities.

Our report thus seeks to reflect the complex and multifaceted character of duality, but the reader will also find that it is shaped by a certain emphasis and preoccupation which we wish to make clear at this point. The dominant interpretation of duality which commends itself to the Task Force, and which we think must receive the attention of the country as a whole, is that which bears most directly on the crisis as it manifests itself today. While we freely acknowledge that duality is many-sided, we would nevertheless insist that to confront the heart of the issue today is to address one main question, namely, the status of Quebec and its people in the Canada of tomorrow. While the origins of the crisis are many, its resolution must necessarily be primarily political and constitutional in nature, and aimed at securing if possible a satisfactory position for Quebec and its people within Canada as a whole.

Our understanding of duality is shaped by this perception, and our emphasis in the balance of this report will be on Quebec's political and constitutional position and the relationship which in our judgement should prevail between the Québécois and other Canadians. We repeat that this will not be an exclusive preoccupation which dismisses or denies other dimensions of duality, such as the cultural and the economic, but rather an emphasis and an orientation.

Quebec

We contend, therefore, that the essential condition in recognizing duality within Canada at the present time is to come to terms with modern Quebec. Quebec will continue to be the pillar of the French fact in all of North America; it will perform this function inside the Canadian federal system or outside it. So the challenge is not to try to confer on Quebec a role that it has in any case played for centuries, but to demonstrate that it is a role which can be played more effectively within a restructured federal system which is expressly cognizant of Quebec's distinctiveness and its sources.

One can readily identify several factors which have led to the emergence of a distinct society in modern Quebec. We have identified six: history, language, law, common origins, feelings and politics—which, together with others, have led to the development of a distinct society in modern Quebec.

The first, then, is history—the legacy of over three hundred years of the continuous development of a people. During much of this period, but particularly after Confederation, it was possible to speak of a single French-Canadian community which extended to many parts of what is now Canada and to which Quebec contributed a substantial portion of the leadership and the vision to sustain it. French Canada, like English Canada, was knit together from distinct regional societies which, over time, came to think of themselves, for at least some purposes, as one. However, the changes in Canadian social structure since the Second World War have drastically weakened the organic links between these communities. What now is emerging from the old French Canada is a strong and vital Quebec, and many more vulnerable smaller and weaker French-Canadian communities in other provinces, each of which has been forced by circumstances and a constant threat of assimilation to set its own course independently of, and sometimes in opposition to,

developments within Quebec. This process, rooted in the history of Canada generally, would by itself designate Quebec as the most viable and important locus of the French culture in North America; yet there are other, equally important, factors.

The second important factor is language. Quebec is home to over 85 per cent of all citizens who speak French, and 81 per cent of Quebec's population is French-speaking. Current demographic data for Canada as a whole reveal a growing linguistic territorial concentration which is rendering Quebec increasingly French and the rest of the country, excluding New Brunswick, increasingly English.

A third factor is Canada's legal duality. Quebec was authorized by the Quebec Act of 1774 to retain its French civil laws. One year before Confederation, the civil laws were codified along the lines of the *Code Napoléon*. Amended from time to time since then, the civil code is the basis of Quebec's private law while the other provinces have lived under the English common law tradition, thus producing two distinct legal systems.

A fourth factor contributing to Quebec's unique character is the distinctive ethnic group or people which French Canadians form. The majority of these are persons whose families came to North America several centuries ago. While the more recent arrivals from France have been somewhat less likely to settle in Quebec, a majority still does so. This means that in addition to the linguistic distinctiveness of the province may be added the fact that the ethnic origins of its majority are shared. Quebec is simply not a multicultural society in the same sense as many other parts of Canada. Although it has become more ethnically diverse in the last few decades, particularly in the Montreal area, Quebec is and will remain predominantly French in language and in ethnicity; it is unique in Canada on both of these counts.

There remain two other factors which must be added. The legacy of history, a shared language and common origins are all important social facts in their own right, but they say nothing about the feelings of Québécois, a fifth factor which marks Quebec off from the other provinces. The shared desires, aspirations and even the fears of the collectivity provide perhaps the most compelling evidence in support of Quebec's cultural distinctiveness.

For the longest part of Quebec's history one theme dominated the cultural life of the collectivity. That theme was *survivance*, or sheer survival. This overriding concern for the maintenance of the way of life of a people coloured the relationship between Quebecers and their compatriots, and it continues to do so. Yet only an insensitive observer of the life of the province could fail to note a substantial shift in approach in which that collectivity's concern for survival is now expressed by the thoroughly contemporary and dynamic pursuit of its own development, or what has been often described as *épanouissement* (literally, "blooming," "blossoming").

Psychologically, the transition from *survivance* to *épanouissement* has been accompanied by a remarkable alteration in Quebecers' attitudes toward themselves. This may be described as the shift in self-perception of French-speaking Quebecers from a Canadian minority only grudgingly accepted in many parts of Canada to a Québécois majority, increasingly confident and determined to secure its future.

This transformation is reflected in the very vocabulary that Quebecers have used to describe themselves. Originally, the French-speaking people of Quebec called themselves *Canadiens* and referred to the English-speaking people as *les Anglais*. In the middle and late nineteenth century, they began calling themselves *Canadiens français* to distinguish themselves from English-speaking Canadians. In recent years, however, more and more have adopted the name and identity of *Québécois*, underlining this sense of themselves as a majority, as a people.

Parallel to this development, French Canadians elsewhere in Canada increasingly have come to see themselves as a part of their provincial communities rather than as members of a comprehensive French Canadian society. They describe themselves as *Franco-Ontariens*, *Franco-Manitobains*, *Fransaskois*, and collectively as *les francophones hors Québec*, outside of Quebec.

These changes suggest the sixth and final factor contributing to the distinctiveness of the province of Quebec—namely, the changing meaning of politics to a society in transition. The psychological passage from minority to majority has been marked by the wholesale appropriation of the state for this cultural struggle. The last several decades have produced leaders in Quebec, as elsewhere, who are prepared to employ the resources of the provincial state to achieve collective goals and to promote rapid social and economic development.

History, language, law, ethnicity, feelings and politics render Quebec at once a society, a province and the stronghold of the French-Canadian people. Taken together, these factors produce in the *Québécois* a vision of Quebec as the living heart of the French presence in North America; collectively they are as strong or as weak as Quebec is: no more, no less. It is this reality with which other Canadians and the Canadian federal system must come to terms. For the people of Quebec, the question that remains to be answered is whether they can better serve their future within Canada and its federal system or whether they would do better standing on their own.

Regionalism

What of regionalism, which we have identified as the second line of cleavage in Canadian society which needs attention in the present crisis? Two observations come immediately to mind.

First, one cannot begin to consider regionalism as a force in Canadian life without recognizing the interrelationships which exist between it and the concept of duality. Regionalism and duality are not isolated phenomena. They are ways of describing the same realities from different perspectives. They interpenetrate and influence each other to such a degree that duality can be regarded, in a sense, as a regional phenomenon, while, as we have seen, many of the regions incorporate elements of duality.

Second, very little investigation is required to reveal that, as in the case of duality, there is a multiplicity of meanings and associations that can be attached to the notion of regionalism in Canada.

For a start, most Québécois we observed, are inclined not to see regionalism as a very significant factor in Canadian life; they view Canada essentially in terms of the relations between French and English-speaking Canadians or between Quebec and the rest of Canada. As a result of this dualistic outlook, they are sometimes tempted to think of English-speaking Canada as one monolithic entity.

However, English-speaking Canada is a much less monolithic and homogeneous society, and a much more diverse and complex one, than the Québécois often assume it to be. This complexity needs to be taken into account in the analysis of Canadian problems and in the search for solutions, because it determines the way in which English-speaking Canadians look at their country and in which they react to stresses like those of the present.

Indeed, the regional nature of English-speaking Canada complicates its perception of French-speaking Canada, just as the comparatively homogeneous and concentrated character of Quebec society complicates its perception of the rest of the country. Because many English-speaking Canadians think of their country as a cultural and geographic mosaic, they tend to regard French-speaking Canadians as members of one of the many minority groups that make up the Canadian mosaic. They do not spontaneously think of their country in a dualistic way, though some have begun to do so over the course of the last decade or so.

It is not an easy matter, then, to settle on a single notion of regionalism in Canada or one definition of a region. Some economists have identified the thirteen major urban systems of Canada as the most plausible economic regions of the country. A similar perspective treats regionalism as an intra-provincial phenomenon and distinguishes between the populous, industrialized regions of a province (for example, British Columbia's lower mainland, southwestern Ontario or Montreal Island) and those other parts of the province which are economically and socially distinct.

The regions of Canada can also be seen as four or five units composed of various combinations of the following: the Atlantic region, Quebec, Ontario, the Prairies and British Columbia (or sometimes the West and the North). These ways of looking at the country are sometimes useful in economic analysis and at the federal level when for certain purposes of administration the provincial boundaries are less important.

The Task Force, like many other national bodies, was appointed on a regional (as well as on a dual) basis, and we will employ the four or five-region approach from time to time in our report. If we do not do so more often, it is because this approach has two drawbacks. First, the interests of the individual provinces within these regions are not always identical: those of Newfoundland, for example, are distinct from those of New Brunswick, just as those of Manitoba are more similar in some ways to those of the central provinces than to Alberta.

In the second place, regional communities require an institutional framework if they are to become viable units which can express themselves and organize their collective life in an effective manner. For that reason, it seems to us that the provinces and the northern territories are the basic building blocks of Canadian society and the logical units on which

to focus a discussion of Canadian regionalism, even though they may not always be the most "natural" regions from an economic or other point of view. They are, nevertheless, the political frameworks through which the various regional communities express and will continue to express themselves. We see no trends which allow us to believe that the people of any Canadian province are ready to abandon their traditional provincial units in favour of larger regional structures, even though in some cases, and especially in the Maritimes, groups of provinces are prepared to cooperate to an increasing extent in common endeavours for the common good.

In this report, then, we will use the concept of regionalism in more than one way. Sometimes we will use it to mean economic and geographic regions transcending provincial boundaries. But more often we will use it to designate the provinces themselves. The provincial political institutions are the primary frameworks through which regional populations can organize and express themselves, and their existence serves in turn to develop the social networks and interests based on them, thus reinforcing the provincial focus of regionalism.

Some people, we have noticed, appear to regard regionalism as something apart from provinces and provincial societies, and would prefer that we use the term provincialism to describe what we have primarily in mind. We have chosen not to follow this advice. We do not see that regionalism and provincialism are or can be mutually exclusive, even if the "fit" is not perfect in every case; Ontario, in a five-region Canada, for example, is both a region and a province, even if Prince Edward Island is not. Given the fluid character of regionalism, there are legitimate grounds for different choices, and for the purposes of the Task Force we think ours is the most appropriate.

Our conclusion, then, with respect to regionalism parallels our judgement about duality in two ways. First, we accept both of them as basic social and political realities, but we also recognize the legitimate claims of both and the potential they offer to enrich and diversify Canadian life. In other words we accept their existence; we also recognize their value. Second, just as we contend that, for a complex variety of reasons, duality must today be approached primarily (although not exclusively) through the medium of Quebec's relations with the rest of Canada, we also believe that regionalism in Canadian life is expressed primarily (although, again, not exclusively) within the framework of the provinces, and we regard the provincial and territorial governments as critical agents in articulating the concerns and aspirations of these regional communities.

Regionalism in English-speaking Canada

Because of the concentration in the following pages on the regional and cultural diversity of English-speaking Canada, we sense that it would be possible for us to appear to downplay consideration of some commitments which are shared by the vast majority of English-speaking Canadians. So that there is no doubt as to the views of the Task Force on these common commitments, we shall give them our full attention here.

We believe that central to an understanding of English-speaking Canadians is the fact that they share elements of what could be called a common "political culture." That is, most

English-speaking Canadians are strongly committed to the maintenance of a united country from sea to sea, to the political institutions and traditions which sustain a parliamentary form of democratic government, and to a federal system. There are quite naturally significant variations of opinion on each of these items, but we nevertheless observed a widely shared commitment to them among the great majority of English-speaking Canadians.

We would not want to leave our readers with the impression that these commitments are to be found uniquely among English-speaking Canadians; many French-speaking Canadians are as strongly committed to a united Canada, federalism and parliamentary government as long as there are reforms. Nevertheless, it is important to take into account the relative unanimity with which support for the basic aspects of our federation, though not its current operation, is voiced throughout English Canada.

Despite these shared commitments, and the network of political, economic and cultural institutions which link and bind together English-speaking Canadians in all parts of the country, the current crisis of Canadian unity has not had the effect of eliciting from anglophones throughout Canada a single, unified response. The Task Force is of the view that this lack of unanimity of opinion among English-speaking Canadians on the present crisis and on many other matters is quite natural.

We would identify five principal sources of diversity in English-speaking Canada: geography, history, economics, ethnicity and federalism itself.

To take geography first, the size and physical character of what is now Canada has always been a major force acting upon the peoples inhabiting this part of the world. It is an old cliché to say that Canada was knit together in defiance of geography—a view that, as some writers have pointed out, must be qualified by the unifying role of our waterways—but however it is qualified, the fact remains that Canadian unity has always had to struggle against physical barriers which divide its territory into at least five distinct geographical areas, and subdivide these into many more.

The second source of diversity, history, supplements the first. For much of our past, the ties between the regions have been very tenuous, if they existed at all. Geography and history combined to produce patterns of settlement which have played a continuing role in shaping the regional character of the country. If one studies the so-called "Vinland Map," one of the earliest European maps to show the coastline of northeastern North America, one is struck by the fact that "Vinland" appears as the last of a string of islands extending westward from northern Europe. This striking visual image expresses what is a fundamental reality for much of early Canadian history: the various regions of what is now one country were settled and developed by Europeans rather as "islands" unto themselves, largely unrelated to their neighbours, but linked by the sea to the mother countries and to other parts of the world. Before Confederation, the regions of present-day Canada were rather like a bunch of balloons, unattached to each other but held, by separate strings, in one hand.

Among its other accomplishments, Confederation associated the English-speaking people of four provinces in a single state, and provided a set of indigenous institutions having a

claim on their loyalties larger than the colony or province. Loyalties to the province, which are particularly marked throughout Canada, antedate loyalty to the federation for English Canadians just as they do for French Canadians. Evidence that these pre-existing loyalties were never to be lightly discarded by English-speaking Canadians is plentiful in our history, as is suggested by the fact that the original Confederation agreements hardly received what one might call "massive" public support. There are many residents of the Maritime provinces today who preserve a good deal of skepticism about whether the political union called Canada has evolved in quite the way their representatives at the Charlottetown, Quebec and London conferences had intended.

To many foreign observers, the fact that Confederation is widely evaluated from the particular point of view of how given provinces have fared over the years is a remarkable feature of Canadian life. In other countries, cleavages such as social class, religion, race or creed have been of decisive importance to the collective or political lives of their citizens. In Canada, how much the people of any given province or region have participated in the benefits of the federation, or shared in its costs, has been at the forefront of our politics. And, we believe, this historically based reality is equally prevalent today. For many, perhaps most, English-speaking Canadians, a key element in how they evaluate their federation lies in the treatment it accords, or is felt to accord, their province, its natural resources, its industries, its population, and their particular priorities.

As these words suggest, a third source of regionalism, resulting from both history and geography, is economics. Because of the physical distinctions and distances between its various regions, the country has developed a somewhat unbalanced economic structure. Because the provinces are unequally endowed with natural resources and population, because basic industries vary greatly from one region to another, because geography grants them unequal access to both domestic and foreign markets, the level and character of economic development is very uneven across the country. This unequal distribution of economic well-being has traditionally been an important factor contributing to regional discontent and continues to weaken Canadian unity today.

A fourth source of the cultural and regional diversity of English-speaking Canada is ethnicity. The dual nature of our population was of course demonstrated in our earliest census. However, even if the "English" half of the duality were today still comprised almost exclusively of those of British origin, as it was in 1871, cultural differences even within it would nevertheless be quite pronounced. For one thing, British origin groups together the Irish, English, Scots and Welsh—peoples who historically have only rarely been found in complete agreement. For another, the vast expanse of Canadian territory, the fragmented nature of our economy, the unequal endowment of the provinces, and even such minor factors as variation in climate would soon assert themselves by producing, as such factors produce in every large country, tangible differences in the pace of everyday life, in occupation and, eventually, in identity.

Of course, the facts of the matter are that English-speaking Canada has become much more diverse in terms of ethnicity. Canadians of ethnic origins other than French or British have been part of the country virtually since its creation. They have settled vast parts of its territory, have contributed to its development, and continue to blend their efforts with one

another and with all other Canadians to produce better lives for themselves and their children. In cultural terms, the importance of this influx has been enormous.

In coming to Canada, members of the other ethnic groups were not able, of course, to transport their complete culture from their native lands. They brought instead habits, practices, languages, traditions and outlooks, many of which were not common to the majority of those they encountered in Canada. In these cultural heritages, incomplete as they necessarily were, arriving immigrants and their offspring found and find a measure of identity and, very frequently, a source of pride. They also found in Canada a country which was not expressly dedicated to developing a common culture into which they were called upon to fit. Rather, they found a country whose very existence was predicated on the idea that it was not necessary to have a single language and culture to have a united people.

Wherever and whenever they arrived, immigrants from around the world have conducted their lives in Canada as part of a regionally diverse society. In some cases, they were able to influence the development of a city or province virtually from the start. In others, they were able to contribute perhaps less basically to their immediate surroundings. All of those who came have contributed something to Canada, and most of these contributions enlivened the cultural atmosphere of English-Canadian towns and cities, and continue to do so. This has been anything but an evenly distributed process, and it has meant more to some regions than others. But the result is that "English" Canada is composed of many communities and groups who have in common principally the fact that they now share a language and a commitment to Canada.

In summary, ethnicity may not be the decisive factor that guaranteed the cultural diversity of English Canada, but it has been a major factor in reinforcing this diversity. It has interacted with regionalism in several ways, in different times and places, with the result that the two factors are so fused in their effect that they may never be fully disassembled.

We turn now to the fifth factor which produces the cultural diversity of English Canada—federalism itself. While Canada may be a union of peoples or nationalities, it is a federation of provinces. From the start, territory was seen to be the natural basis of division for purposes of creating a wider political union. We have already mentioned some historical reasons for this choice. We now wish to discuss the consequences.

The British North America Act of 1867 grants, or has been interpreted to grant, quite substantial powers to the provincial governments of Canada. They are responsible at the present time for many of the most basic and costly services governments anywhere are called upon to deliver to citizens: health care, social services and education, to name a few. In giving provinces these weighty responsibilities, the BNA Act served to reinforce Canadian regionalism by permitting the development of provincial political institutions of sufficient size, authority and importance to undertake, in addition to the provision of certain services, a more general role of expressing regional views without regard to jurisdiction. Aggressive, well-staffed provincial governments have come, in other words, to represent the people of the provinces they serve in a number of ways, and not solely in the ways set out as provincial responsibilities in our constitution.

This is certainly the case in Quebec. The provincial government there has become the main instrument of Québécois aspirations. In English-speaking Canada, several provinces have taken similar, if less dramatic, initiatives to support and encourage what amounts to little less than the development of provincial societies. Some observers believe that strong provincial governments have been at the forefront of this process, have actually created the demand for increased provincial government activity. Others believe that the provincial governments of English Canada have been responding to deeply felt desires of their citizens for government that is close to the people.

Whatever the exact sequence (and it may vary in different provinces), the fact remains that the formal institutions of Canadian federalism have been a significant factor supporting the development of a regionally diverse English-Canadian society. This is a process which has come to fruition only in the last few decades. The provincial governments of many provinces in English-speaking Canada join the government of Quebec in calling the central government to account for its interventions in what they consider their own spheres of jurisdiction and for the more general treatment of the people of their province by federal authorities.

These five factors—geography, history, economics, ethnicity, and the formal institutions of Canadian federalism—have, then, helped to create and sustain a vigorous regionalism in English-Canadian life, and they will no doubt continue to do so in the future.

Conclusion

In our judgement, these are the main structural forces working in Canada to produce the crisis we are currently experiencing. By way of conclusion, let us consider briefly the position of the Parti Québécois from this perspective.

One may interpret the sovereignty-association option as the Parti Québécois' answer to the historic question of Canadian duality. At first glance, its central thrust is to transform and concentrate the linguistic, sociological, economic and cultural dimensions into a political and constitutional relationship—the relationship between Quebec and the rest of Canada.

However, what initially appears to be a response to the question of duality ends up by being a refusal to continue to ask and answer the question at all. The sovereignty of Quebec, if it came about as planned by the Parti Québécois, creates two unities, two states which probably would not feel themselves obliged to recognize fully the continuing presence of duality within their frontiers. As in all cases of this kind, there would be minorities on either side, English-speaking people in Quebec and francophones in the rest of Canada, but they would undoubtedly find it difficult to ensure that duality would continue to be a central dynamic of either state. The single exception would be the province of New Brunswick which will be required to cope with duality by virtue of sheer demography, whatever happens constitutionally to Canada.

In addition to passing ultimately beyond duality, sovereignty-association does something else: it challenges regionalism—or seems to. What *péquistes* have in mind, so far as one can tell, is some kind of one-to-one association between Quebec and the rest of Canada. That this is a possible objective seems to be assumed, rather than demonstrated. But what is the “other” to which Quebec would relate? It is not unified, but multiple and various; yet the logic of the sovereignty-association option presses hard on regionalism to deny itself for the sake of a duality which is little more than the Cheshire cat's smile. This, on the face of it, does not strike most Canadians outside of Quebec, nor many inside Quebec, as a particularly seductive invitation. Better the freedom of action of genuine independence than a sovereignty that is not quite a sovereignty and an association whose ambiguous entanglements could impede movement for the sake of a number of obscure and uncertain advantages.

But what do those who espouse a united Canada have to offer by way of a better response? If it is little more than the opposite of sovereignty-association, that is to say, a regionalism which submerges duality, or a pan-Canadian nationalism that denies both, then it will not serve.

A harmonious combination of parts

The societies that have grown up primarily within the framework of the provinces, and the French and English realities which have marked Canadian history for centuries, should not be considered as problem areas, simply to be managed and controlled. They are features of Canadian life to which we, and we think most of our countrymen, attach value. Canada would be impoverished by their absence, and Canadians would be diminished if they were denied the enriching experience derived from the often creative interplay between two linguistic and cultural orientations and among a diversity of regions and provinces. We do not want our children and grandchildren to be deprived of this heritage.

The goal of reform, then, is not to thwart or deny these realities which are an integral part of Canadian life, but to accommodate them more adequately, to accept and channel them within Canada as a whole so that all might prosper from their presence.

Balance is of critical importance in all free societies. It is doubly so in a federal and culturally plural state; balance between "province-building" and "nation-building," between the construction of a distinct society in Quebec and its membership and participation in Canada as a whole, between the will of the majority and the needs of the minority, between the claims of the indigenous peoples of Canada and the interests of other citizens.

But in terms of what criteria is the balance to be struck? The answer, in our opinion, must derive from some conception of justice and of a common good which is or ought to be the shared possession of all Canadians. We believe that this conception is as central to the resolution of the Confederation crisis as it is elusive and difficult to define. Indeed, the notion of a common good is a way of expressing the consensus that must support a free society.

One of the principal sources of the crisis is the erosion of the belief that the current arrangements of the country promote the common good. Consider some of the general grievances expressed by members of various groups. Many believe that the good of the whole is being promoted at the expense of their own welfare; they are called upon to make sacrifices for the sake of others and they receive little or nothing in return. They feel excluded from participating in the shaping of the common good, but they are expected to carry the burdens. They are left unsupported in their time of need, and consistently receive less than they consider to be their due.

Is this not the substance of which the unity debate is composed, whether the grievors are governments, language minorities, ethno-cultural groups or native people? The just balance for which we are searching is to be struck in terms of the common good. One can rank competing claims and ask people to exercise self-restraint by reference to the common good, so long as the good is in fact common, common to them as well as to others in the society.

We would suggest that a useful way of assessing the extent to which the common good has been achieved is to examine whether or not people are receiving their fair share, for it is in

sharing equitably with one another that we express a sense of justice and a common commitment to the welfare of the whole community.

Sharing, at least from the point of view of the Confederation crisis, takes two forms. First, there is the matter of how the power of the community is assigned and who exercises it. The extent to which power has been justly shared is an important factor in the current debate, not simply in the political and constitutional realm, but in economic and social life as well. The second form which sharing takes relates to the manner in which the benefits and burdens of Confederation are distributed. The equitable sharing of benefits and burdens among Canadians of all sorts and conditions is an issue which permeates our social life, but it assumes a particular importance in the debate on Confederation.

Our position, then, is this. Duality and regionalism lie at the heart of the Confederation crisis. We plan to employ them as yardsticks for examining some of our major institutions and practices, and for assessing and suggesting proposals for change. Where an existing practice or institution is being reviewed, or a new one being suggested, we will ask: To what extent and in what sense does it usefully advance the recognition of duality (or regionalism)? We believe that any general reform effort, however well intended, which fails to enhance duality or which offends the principle of regionalism is unlikely to increase harmony and unity in Canada. Our criterion to determine what constitutes enhanced recognition is the principle of sharing, more particularly power sharing and the equitable distribution of benefits.

Some benefits of Canada

We have been speaking in the last few pages in rather abstract terms about the common good which justifies the association of free peoples in a federal country. Here we would like to be more specific in indicating what we have in mind, and speak plainly about some of the major benefits of Canada as a place to live and to raise one's children.

By international standards we are a people extravagantly blessed with the things necessary to a good life; in a global perspective, no one can deny that our problems, whether they are economic, constitutional or linguistic, pale almost to insignificance in comparison with the violence, cruelty, deprivation and weary despair that wrack so many other countries of the world.

Our country fronts on two oceans and a northern sea, giving us access to all the world and harbouring immense treasures beneath their surface. While some of the arid countries of the Middle East consider towing giant icebergs from the polar ice-cap to satisfy their thirst for fresh water, Canada has more of it than any other country in the world. Its forests seem almost inexhaustible, and oil and gas and minerals of all kinds lie in vast quantities beneath the soil and rock. The farmlands of the prairies produce grain so prolifically that we have problems storing it, while other nations starve for want of the necessities of life.

For its people, the land provides a vast terrain on which to work and play, and supports a wide variety of lifestyles and possibilities from which to choose: the millions of Canadians who have come from other lands in the twentieth century to make their homes here would

readily attest to that. We possess, then, a rich endowment of human, as well as natural resources, evoking in its variety the land itself. Despite the variety, however, there are certain minimum standards of education and health services, income and shelter which almost all Canadians enjoy, and which are increasingly being treated by the community as social rights or entitlements.

In addition, whether by good luck or good management, Canada has been a free and peaceful society, marked by a creditable though by no means perfect record in civil rights and by an infrequent resort to violence or civil conflict to express grievances and obtain redress. The manner in which the Parti Québécois is pursuing its goal of sovereignty-association is grounded solidly on these characteristics of Canadian society.

The combination of the physical domain of Canada and the accomplishments of twenty-three million people has produced a country which has been a significant international actor, especially since the second World War. Not a big power by international standards, its middle-rank position has kept it out of direct involvement in most of the conflicts that have preoccupied the world scene recently, but has left it with the reputation and resources necessary to play an often beneficial role in the re-establishment and maintenance of peace.

These, then, are a few of the benefits which we as Canadians enjoy and to which our children have access. Many of the citizens who spoke to us on our tour were clearly very conscious of these advantages. Indeed, lying beneath the grievances and the criticism expressed to us in our tour, we discerned among a great many Canadians an intense love of their country and a deep concern for its future. Often this feeling, if it was made explicit at all, was expressed with a certain shyness, as if patriotism was either a private or a problematic affair. This tendency has the unhappy effect of making patriotism a subterranean thing which is difficult to see, difficult to share and difficult to build on. But can one build a loyalty to the whole on the basis of a country's diversity? The Swiss have managed to root their commitment to diversity in their hearts and in the foundation and institutions of their country so that it has become their dominant shared value; in this area, Canada would do well to emulate Switzerland.

One reason for the magnetism of the Parti Québécois is the promise it offers of participation in a bold and exciting collective enterprise. Political life in Quebec has been given new purpose and significance in the last two decades by the sense of a people taking its destiny into its own hands. The pending referendum on sovereignty-association is the most recent and the most dramatic expression of this phenomenon. The symbolic importance and appeal of these factors should not be lost sight of; a citizen, in speaking to the Task Force, made the point succinctly when he said: "It takes a dream to fight a dream." For our part, we believe that the vision which supports the preservation and reorientation of this country is as positive as, and more compelling than, that which supports the Parti Québécois option.

We believe that there are three social objectives which Canadians might reflect on, and which might form the basis of much useful private initiative and public policy formation: to treat diversity as a national resource rather than as a social problem; to encourage greater sensitivity to the Canadian dimension of our lives; and to seek to understand as well as

possible the major forces operating on Canadian society and to develop public policies and institutions on the basis of that understanding.

Three objectives for Canadians

1. Diversity as a source of strength

The first, then, is to encourage by all means possible the positive understanding of diversity as a source of strength in Canada. At its most basic, this is a matter of self-interest, for it is very clear to us that the social and cultural diversity of Canada is stronger than its political institutions and will predominate, should there ever be a head-on clash.

That it is a great deal more than self-interest many people would agree. Nevertheless, we Canadians often say it with our lips, but do not feel it in our hearts, or live it in our daily existence. Instead of growing sympathy and understanding between French and English-speaking Canadians, for example, we seem often to be saddled on both sides with continuing ignorance coupled with uneasiness mounting occasionally to fear.

In considering diversity as a source of national strength, we would also wish to advance what might be called the "shelter theory." A large and diversified country can provide shelter for its members from the cold winds of economic change and political upheaval that sweep the international world; Canada possesses incomparably more strength on the international scene, diplomatically, economically and militarily, than would any of its constituent units standing alone.

Internally (and this is the other facet of the shelter theory), a large country like Canada is an association which makes it possible for the strong to support and assist the weak; and Canada has had ample evidence out of its historical experience to demonstrate that times change rapidly, and that those who are helping others today may be in need of help tomorrow. In the first half of the nineteenth century, the Maritime colonies were as prosperous as any in British North America: today the Maritime provinces depend heavily on the transfer of funds from other parts of the country through programs financed or directly administered by the central government. Though it now seems hard to believe, Alberta, just a couple of generations ago, was dirt poor; the memory of this fact, combined with a historic sense of grievance toward the "East" and a provincial economy which is largely dependent on oil and natural gas, helps to explain Alberta's ardent defence of provincial rights in the resource sector.

This brings us to an important point. The shelter theory only works domestically if the various communities in the country feel that by and large they have been given a fair shake. A long-standing sense of exploitation and neglect is barren soil in which to seed a commitment to the common good and to the principle of sharing one's good fortune. Canada has had its share of success and failure in the area, but one way in which we have been much less effective than we should have been is in explaining to ourselves and one another what membership in this country involves—what one has a duty to provide and a right to expect.

To rectify this situation will require action on many fronts. We need to explain more fully and clearly why we are doing many of the good things we are doing, such as our program of equalization payments. We need to ensure that our educational systems reveal the dynamism and variety of the Canadian experience to our children and awaken their curiosity about their fellow citizens who share this vast land. We need to insist that our communications network actually communicate, that it send messages back and forth among Canadians, rather than receive one-way transmissions from the United States. Our scientific and cultural agencies need to enhance our common appreciation of the distinctive things which are done by different people in different parts of Canada. We need to promote programs of travel and exchange within Canada so that individual Canadians can gain some experience of one another. And behind and beyond all this, we need to work systematically to rectify injustices and correct instances of unfair treatment wherever these are discovered.

These, then, are our thoughts on the first broad objective which Canadians might reflect on; namely, to strengthen the genuine appreciation of diversity as a source of Canada's strength and identity.

2. The enhancement of the Canadian dimension

The second broad objective is to ensure the vitality of the "Canadian dimension;" that is, to ensure that there is both an effective government and a form of loyalty and respect for citizens to attach themselves to as Canadians. The Canadian dimension should serve to sum up and express the range of cultural affiliations and identities we each experience in our own way, and to reveal them as something to be shared among us all.

We can speak vigorously about the second objective because of what we have already said about the first. If Canadian unity is built upon an appreciation of diversity, then we have no hesitation in arguing for the enhanced recognition of the Canadian dimension; indeed, a feeling of security arising out of the respect—even affection—with which one's own identity is treated is more likely to increase than to diminish the loyalty one feels toward the association which extends that respect.

We need to strive to create a society which is as open as possible, which encourages and welcomes the contributions of its diverse communities, and which is imaginative in finding ways to permit common enterprises to go forward without eroding the distinctiveness and individuality of the contributions. Many native peoples, for example, argued before us that their cultural outlook and approach to life contain lessons from which others might benefit, and it is clear to us that the majority society has a long way to go in finding a way of learning from the native experience in Canada.

We also need to stimulate a consciousness on the part of the participating units in Canada that their local activities are likely to have a national aspect to them, and that some thought should be given to how their particular activities and aspirations fit into the whole and contribute to the country's general well-being.

In the course of our history we have successfully carried out some massive and impressive developments, either on a national or regional basis; such things, for example, as the

opening of the west and the building of the railways, the creation of a Canadian broadcasting network, and the giant hydro-electric projects of Quebec, Labrador and British Columbia bear witness to this fact.

But we need to find the knack of productive cooperation in many of those spheres and activities which are going to provide the challenge of the future. Some of our economic difficulties, we believe, may be attributed in part to our present incapacity to cooperate creatively among ourselves so that we can compete successfully with some of the other major trading nations of the world. This is an issue where one must expect governments and their agencies to show some leadership, but it extends far beyond them into our industrial and commercial sector, and raises questions about cooperation and conflict between firms, between workers and management, and between the various enterprises and functions that must necessarily contribute to a major economic project or international marketing venture.

3. The adaptation of political institutions

Mention of governments brings us to our third and final broad objective; namely, to ensure that as Canadians we work to adapt our constitutional structures and public policies to Canadian society as it evolves, and not the reverse. Put as starkly as this, it seems to be a point of view that it is hard to disagree with, but we have discerned considerable evidence of the contrary practice and attitude. As our society and economy evolve, it seems to us that the task of the politician is to seek to understand the forces at work as clearly as he can and to assist in the continual adjustment of public institutions, and formulation of policies and practices that is a necessary consequence. This is going on all the time, of course, but a clearer acceptance of it as a natural and continuous process in the twentieth century would make life easier for us all.

The impact on Canada of the shifting patterns of international trade and economic power, the aging of our population, the westward shift of the centre of gravity of Canadian economic activity and enterprise, the growing strength of regionalism, the rapid emergence of a distinctive society in Quebec and its position in a predominantly English-speaking North America—these are all major developments which raise issues worthy of the boldest Canadian imagination.

Our proposals for a restructured federal system have been developed, not only to assist Canadians in coping with the country's present stresses, but also to put us all in a better position to come to terms with future pressures as they arise.

Our position

In our September 1977 communiqué we asserted that we intended to support those who were "searching for the terms of a better Canada," and declared our commitment to the continuation of a Canadian federation, that is, "a system with the authority of the state shared by two orders of government, each sovereign and at the same time committed to cooperative association with the other, under a constitution." We further stated our belief

that such a system is the one best suited to our diversity and to the nature of our geographic, social and economic environments.

We felt able to make such a declaration because of our conviction that a federal system is much more supple and accommodating than many people believe, and because of our expectation that Canadians and their political leaders would in fact find the will to make the many changes necessary to meet the country's contemporary and future needs. As to the suppleness of a federal system, the accomplishments of the Government of Quebec since September 1977 attest to the wide latitude for action which exists even within our present arrangements; as to the will to reform, there are now some signs of a readiness on the part of Canada's citizens and a desire on the part of her political leaders to accelerate the long process of restructuring our common arrangements, a process which we hope to encourage with this report.

We have tried in this report to answer three questions: How do we secure the fuller expression of duality in all the spheres to which it relates? How do we accommodate more satisfactorily the forces of regionalism that are altering the face of Canadian society? How do we make the principle of sharing an "operational value" in our country, and within and between our governments, so that duality and regionalism and the other features of Canadian life are given appropriate recognition?

There are four general points we would like to make here before presenting our specific conclusions in subsequent chapters. First, we think that the approach to Canada's problems must be as varied and comprehensive as are the problems themselves. There is no single answer that will do the job. If we are to make Canada a better place for all its people, it will require action on many fronts: economic, social and cultural as well as political.

Secondly, we recognize and accept as a continuing, unavoidable feature of Canadian society that there will be marked variations in the strength, size, character and aspirations of the communities which together make up Canada. This will inevitably be reflected in wide variations among the provinces of Canada, despite their constitutional equality. This we accept as well; for example, the fact that the province of Prince Edward Island is smaller in population than the municipality of Mississauga, Ontario, does not mean that the former should cease to be a province or that the latter should become one. It does mean, however, that the federal arrangements that permit both Ontario and Prince Edward Island to flourish must be capacious.

Thirdly, we are concerned to ensure that, whatever system is worked out, the principle of flexibility and the provision for continual adjustment are preserved. We have noted already how rapidly the country's circumstances and prospects can alter, and how quickly the preferences and goals of parts of the population can develop; in the light of those factors, it would be folly to develop a political structure which imposed a straitjacket on future generations. It is highly desirable that we leave sufficient openness in the political system and constitutional structure to permit progressive adjustment as needs and circumstances change. We recognize that a willingness to preserve a flexible constitution depends in part on the security and confidence of the constituent units, and we will suggest a variety of ways of coping with this.

Fourthly, we will try to suggest ways in which Canada's eleven senior governments can increase the degree of cooperation and reduce the level of conflict that mark their contacts with one another. To effect improvement in the relations between governments, we believe that two important steps must be taken in the constitutional domain. The first is to clarify to a greater extent than is currently the case the roles of the two orders of government; some of the difficulty arises out of genuine confusion about who is to do what, and some out of the dubious exploitation by one government or another of the ambiguities which exist in the respective roles as they are presently defined. The other step that needs to be taken is to extend and secure the institutions within which intergovernmental cooperation can take place. We have some significant institutions of this kind now (for example, the federal-provincial conferences), and we think a good deal more can be done.

These are the four basic elements in our position that will shape our approach to specific issues. We will deal successively in each of the following three chapters with social, linguistic and cultural issues (Chapter 5), with our economic life and prospects (Chapter 6), and with the political and constitutional structures of Canadian federalism (Chapter 7).

Introduction

The social fabric of Canada has changed greatly over the last century, and yet our social and political structures failed to accommodate many of these changing circumstances. In this chapter we shall look not only at the needs of this society in transition, but we shall also try to identify and sustain those qualities in Canadian life which have survived all the waves of change. It is a matter of addressing the balance between permanence and change.

A portrait of Canada in the mid-1860's would have shown our fundamental duality. It would have shown a landscape dotted by farms, small towns, and a few large cities, and a labour force engaged mainly in agriculture, trapping, fishing, mining and forestry. The portrait would also reveal at least one church in each of our settlements, but little physical evidence of the state. And, lastly, it might convey if only in outline some of the grandiose ideas and projects which were soon to come and which would have the effect of cementing together in a federal political system the people of Canada for more than a century.

Compare the Canada of today; the areas of change and those of permanence are clear. Our fundamental duality is present, although it takes a different form now. Language is still an element of duality, but ethnicity is less so. Quebec remains French in character and outlook, but through the physical extension of Canada's borders and the arrival of newcomers the country has become a homeland of people of many origins.

In Canada today, one person in three lives in a city whose population is a half million or larger. The land is still being farmed, of course, but by fewer hands. Manufacturing, the service sector, and the rise in white-collar work provide many times more jobs than the primary industries.

The intimacy of small-town or rural life is now unknown to most Canadians, and the sustaining power of the church is less of a force in our lives. The institutions of government have developed a momentum for growth which could not have been anticipated a century ago. And the original projects of the Confederation period, while still an important part of our common lives, have been overshadowed by the modernization of Canada and its development into an industrial society whose transportation and communications networks and trading links span the globe.

For the most part, the modernization of Canada has proceeded calmly and evenly by comparison with the experience of many other countries. However, the elements of the new social balance produced by the impersonal forces of modernization are not yet well enough understood and accommodated in our common institutions.

Language

Language, for example, has always been a contentious issue in Canada. The story of the specific conflicts which this linguistic pluralism has caused is well-known, above all to

French-speaking Canadians. The Manitoba schools question and Regulation 17 in Ontario in the first half century of Confederation, and Bill 22, Bill 101, "Les Gens de l'Air", the policy of bilingualism and the Forest case in Manitoba, more recently, are all, if for different reasons, elements of a history whose harder lessons form part of the crisis of Canadian unity.

An approach to the fundamental issue of language in Canada must take account of the dynamics of social change and assess the extent to which the respective language policies of our central and provincial governments reflect the changing social environment.

People speak a language to communicate with those with whom they must deal in everyday life. In an earlier, more rural Canada the language most Canadians learned at home, be it French or English, was well enough suited to their adult lives. But today, the modernization of the country has created a network of social and economic relationships to which Canadians must adapt. It has meant "transferring" to a majority language; and in most parts of Canada, long dominated by Canadians of British origin, this has meant the English language.

In the case of francophone communities outside the so-called "bilingual belt", which extends from northeast New Brunswick, through Quebec, into adjacent parts of Ontario, and even for many within it, this trend has been very marked. Modernization has brought strong pressure for linguistic assimilation to English. Previously, French Canadians could work the land, market their produce, engage in other occupations in the primary sector, and maintain their language. Many still do. But, outside Quebec, the same francophones cannot today sell insurance in French only, or program computers in French only, or engage in a thousand other occupations which emerge only from the diffusion of high technology to industrial settings and the vast expansion of the service sector, or white-collar employment more generally. As the effects of these forces made themselves felt, francophone minorities became less able to maintain their distinct communities. Their churches, newspapers, schools, French-language professional services and family firms were subject to the same pressures as the individuals which sustained them.

The operation of the private sector has accentuated these trends. Commerce in the provinces of English-speaking Canada is a process conducted almost exclusively in the English language. As far as governments are concerned, the provision of essential services in English only by our federal and English-speaking provincial governments for most of this century has had the undeniable effect of discouraging the retention of minority languages, whether we have in mind French throughout nine provinces (with the recent exception of New Brunswick) or any third language. This unwillingness of public authority has provided a clear message to French-speaking Canadians and, more particularly, to the francophone Québécois.

Language in Quebec

We have already pointed to the growing tendency toward the geographical concentration of Canada's French and English-speaking populations. Canada's French-speaking popula-

tion is increasingly to be found in Quebec—in 1951, 82 per cent of Canada's French mother tongue population lived in that province; by 1976, this proportion had risen to 85 per cent and demographers have estimated that by the census of 2001, approximately 95 per cent of Canada's francophones will be located in Quebec. Within the province itself, formerly English-speaking communities outside of the Montreal area are becoming French-speaking due to the migration or assimilation of anglophones. There is evidence that the use of English in Quebec as a whole may be declining: the proportion of adult males in the province who speak English only has declined from 16 per cent in 1931 to 9 per cent in 1971, whereas the proportion who speak French only has risen from 34 per cent in 1931 to 45 per cent in 1971.

The picture in Montreal is quite different. For decades Canada's liveliest major city, Montreal, has been the site of the head offices of many of our largest corporations. The vast majority of these companies have until recently operated in English only, and this has had a considerable impact on language use in the area. The English-speaking minority in Montreal continues to assimilate more speakers of other languages than does the French-speaking majority.

Immigration and migration from other provinces have reinforced the advantaged position of this minority in Quebec society. Approximately 100,000 postwar immigrants from the British Isles have settled in the greater Montreal area in the last thirty years. In addition, more immigrants to Quebec arrive with a knowledge of English than of French and, of those who arrive with a knowledge of neither French nor English, we estimate that 70 per cent assimilate to the anglophone and 30 per cent to the francophone community.

This is a cause of resentment to most francophone Québécois. Of course, the language issue in Quebec must be understood also against the backdrop of the attempts of Quebecers to assure themselves of a properly active role in the private sector of the Quebec economy.

Language policy issues

There has been considerable change in language laws and policies in Canada over the past decade as both federal and provincial governments have sought to adjust their language arrangements to these changing circumstances. The federal government has, since 1966, endeavoured to provide the services available from the federal administration to all Canadians in the official language of their choice; it has also tried to give Canadians of either language group an equal opportunity of finding employment and pursuing careers in the federal administration while using their preferred official language in their work.

The federal government has also sought, through the use of financial incentives and other means, to persuade provincial governments to adopt statutory provisions which would have the effect of placing the English and French languages on an equal footing with regard to provincial government services.

Although the governments of many English-speaking provinces recently have become more responsive to the needs of their French-speaking minorities, they have been reluctant to provide a statutory framework for these changes.

These differences in orientation between the federal government and most of the English-speaking provinces have now extended to the province of Quebec. Under three successive governments, Quebec has adopted language legislation which has been increasingly assertive of the role of French in the life of that province. The most recent legislation of this kind, Bill 101, declares French to be the official language of the province and delimits those situations in which institutions and individuals must use, deliver services or receive services in the language of the provincial majority.

Canada, seen from the federal government's perspective, is a linguistically dual federal state composed of two societies—one French-speaking and one English-speaking—which extend geographically beyond the borders of any one province. Thus the federal government believes that it is necessary that this linguistic duality be more fully reflected in Canada's central political institutions and in federal policies and programs.

To the provincial governments, the picture is different. With one exception, each of them serves a provincial population whose vast majority shares one language. The exception, New Brunswick, has a substantial minority of speakers of French as a mother tongue which, in addition to constituting 34 per cent of that province's population, is concentrated in the north-eastern part of the province contiguous to Quebec. In Quebec, Canada's only province to have French as its sole official language, the minority of speakers of English as a mother tongue constitutes 13 per cent of the provincial population.

In every other Canadian province, the French mother tongue minority comprises less than 7 per cent of their respective populations. It is not surprising therefore that all Canadian provinces, with the single exception of New Brunswick, now have language policies in the form of statutes and practices which ensure the predominance of the language of the provincial majority in the provision of provincial government services.

These differences in perspective and in language policies between the federal and provincial levels of government, or among provincial governments themselves, need not be a major obstacle to Canadian unity.

It is the very essence of federalism that each order of government is sovereign within its own sphere of jurisdiction. For good and compelling social and political reasons, each of the eleven governments must be free to respond to its unique situation.

Just such an approach has been followed with considerable success by another federation, Switzerland. At the federal level, Swiss citizens have the right to be served in any of the three official languages of the country. Their provinces, called cantons, are free however to establish both the language or languages in which their services will be provided and the language and languages of work in the canton itself.

Whatever language arrangements are adopted in Canada must be compatible with the underlying social forces at work in our country while, at the same time, reflecting those principles on which our form of government is based. Language policy in a country like Canada is always, then, something of a compromise.

Language policy: the federal government

The main lines of the federal government's language policy were set out in 1966—in the federal administration, employees were to be able to initiate oral or written communication intended for internal use in their preferred official language. Following recommendations to this effect by the Royal Commission on Bilingualism and Biculturalism, this policy was given a statutory basis with the passage by Parliament of the Official Languages Act in 1969. This Act declares English and French to be equal in status, rights, and privileges in all federal institutions.

From the evolution of the federal government's language policies and practices over the past thirteen years it is apparent that the remaining problems and tensions pertain more to the language of work within the federal government, and not so much to the language of service to members of the public. With regard to the language of work within federal institutions, the 1972 federal policy introduced special efforts to ensure that civil servants should be able to work in the official language of their choice in the National Capital Area, Montreal and other parts of Quebec, northeastern Ontario and northeastern New Brunswick.

In mid-1975, this was in turn replaced by the policy that public servants could work in English or French in the National Capital Region; outside the National Capital Region, the language of work of the federal administration would normally be French in Quebec, English and French in the north eastern regions of New Brunswick and some parts of Ontario, and English in the remaining parts of New Brunswick and Ontario and in the other seven provinces. Special consideration was to be given to the concerns of minority official language groups. In 1977, the federal government further refined its policy towards the language of work by indicating that greater emphasis would be placed on the use of unilingual positions in the provision of services to the public.

The federal government's support for bilingualism, even as it has evolved over the last thirteen years, has resulted in much greater access by the Canadian public in their preferred official language to the services provided by federal institutions. In this respect, much was accomplished in a relatively short period of time. Of equal importance is that the proportion of francophones working in the federal administration is now approximately equal to their proportion in the population for the first time in this century, for by 1977, 27.6 per cent of federal civil servants had French as their mother tongue.

On the negative side of the ledger must go the costly, and relatively ineffective, attempt to provide adequate second language skills to anglophone civil servants. Some civil servants did not receive the kind of language training suitable to their positions or did not attain the level of bilingualism required for the effective performance of their work in their second language. Many were not able to use the French they had learned when they returned from

language training, and have presumably failed to maintain the skills they acquired at so much cost. In addition, French-speaking civil servants are still considerably under-represented in executive positions, and in key scientific and technical categories, and over-represented in administrative support positions within the public service. Moreover, recent trends indicate that representation of French-speaking Québécois civil servants in key positions is low and declining further.

It is vital that the language policy of the central government command broad popular support. This support will be achieved in proportion to the efforts of the central government to ensure that the real issues of concern to people are being addressed. It is not only a matter of equal opportunity to secure employment in the federal administration, for example, but the ability, once hired, for both English and French-speaking Canadians to work in their own language. Too many francophones still do not enjoy this opportunity; though more than a quarter of federal public servants are francophones, a 1975 study revealed that only 12 per cent of civil servants reported that they worked in French and in 1977, only 12 per cent of positions in the federal administration were classified as "French essential".

Popular support for federal language policy will increase to the extent that future administrative measures to enhance it are, and are seen to be, fair and reasonable, yielding results appropriate to their costs. The federal government's efforts on behalf of our two official languages over the last few years place us now in a position to consolidate the resulting gains.

Since 1867, the BNA Act has guaranteed the equality of both languages in the Parliament of Canada and in the federal courts, but now the time has come to extend the constitutional recognition of language rights. Members of the public should have a constitutional right to obtain services in French or English from the head offices of every department, agency or Crown corporation of the Government of Canada and from all branches of the federal administration in the National Capital Region. Elsewhere in Canada, services should be provided in French and English in those circumstances where the demand is sufficient and it is feasible to do so.

The constitution should also guarantee the equality of both official languages as languages of work in the federal administration in the National Capital Region, in all federal courts, and in the head offices of every department, agency or Crown corporation of the Government of Canada. Elsewhere, the usual language or languages of work in federal institutions should be the language or languages of work normally used in the province in which the federal institution is operating. This, however, should not be allowed to impinge upon the right of an individual to receive services in English or French.

The right of every person to give evidence in the official language of his or her choice in any criminal matter should also be specified in the constitution. Entrenchment should extend as well to the right of every person to have access to radio and television services in both the French and English languages and the availability in both official languages of all printed material intended for general public use.

Language policy: the provincial governments

It is at the provincial level that some of the most acute conflicts have occurred over language laws and regulations, conflicts which have polarized both Canada's major language communities and which have soured French-English relations for years at a time. The resentments aroused among French Canadians over the harsh restrictions on access to French language education in Ontario, Manitoba and other provinces in the late nineteenth and earlier twentieth centuries have had repercussions of much wider than provincial significance. In more recent years, Quebec's Bill 22 and Bill 101 have given rise to considerable apprehension not only among anglophones in Quebec but among anglophones throughout the country.

Much concern has been voiced about the policy implications of the demographic situation facing English-speaking Quebecers and francophones elsewhere. Our examination of demographic data confirm that this concern is well-grounded.

The rate of linguistic assimilation of French-speaking minorities is quite high, and appears to be accelerating in all English-speaking provinces other than New Brunswick. The French-speaking minorities, even more than Canadians generally, are becoming older and their school-age populations are in relatively sharp decline. Between 1961 and 1971, the number of children of French mother tongue four years of age and under dropped from 29,000 to 19,000 in New Brunswick, from 48,000 to 35,000 in Ontario and from 19,000 to 13,000 in the other English-speaking provinces. Due, among other things, to increasing urbanization (which brings with it greater contact with linguistic majorities), there is a relatively high rate of marriage to non-francophones. Among all the French-language minorities, except the Acadians of New Brunswick, this rate ranges between 30 per cent and 60 per cent and is accompanied by a shift to English as the language spoken at home in approximately 90 per cent of cases.

The awareness of these realities has not encouraged the governments of the English-speaking provinces with French-speaking minorities, except New Brunswick, to invest heavily in far-reaching programs of linguistic reform. On the other hand, these same realities have reinforced the determination of the French-speaking population of Quebec and of its provincial government to make even greater efforts to ensure the predominance of French in their province.

We support the efforts of the Quebec provincial government and of the people of Quebec to ensure the predominance of the French language and culture in that province. We believe that the people of Quebec must feel as confident and secure in the present and future potential of their language and culture as do the people of Ontario and the other English-speaking provinces. There can be nothing more damaging, in our view, to the cause of Canadian unity than the rejection of these aspirations of francophone Québécois by English-speaking Canadians. We believe that present constitutional arrangements which allow the provinces to adopt those laws and regulations which they deem suitable are appropriate to the present and emerging Canadian social context.

Under the terms of the BNA Act and the Manitoba Act of 1870, constitutionally entrenched linguistic rights bind only two provincial governments, Quebec and Manitoba. The specific provisions are chiefly of an institutional character, dealing with legislative and judicial language matters.

But things have changed considerably since 1867. New Brunswick adopted a law establishing English and French as official languages in 1969. Section 23 of the Manitoba Act of 1870 established a form of institutional bilingualism in that province, but it has not been in effect since 1890, when the province passed legislation to render it inoperative. But the 1890 legislation was recently held by a Manitoba court to be invalid, a decision which has since been appealed. Quebec, since 1867, has recognized linguistic rights for its anglophone community in many areas, and not only in those referred to in Section 133. Recently, however, some sections of Bill 101 were held invalid, because they violated the rights protected by Section 133. The question is still before the courts. At the provincial level, therefore, the situation leads to frustration and antagonism.

In our opinion, the protection of linguistic rights at the provincial level can be treated, at this time, in either one of two ways: extending the constitutional guarantees of Section 133 to every or to some provinces, or removing these guarantees, inviting the provinces to legislate safeguards for their minorities, taking into account the diversity of local situations, with the hope that a consensus between the provinces might form on a common denominator which eventually could be included within the constitution of the country.

After due consideration, we now think that the second option would be wiser and more likely to be successful in the long run, involve less confrontation, and be more in agreement with the spirit of the federal system.

This view might well stir up protest since it would deprive the English-speaking minority of Quebec and the French-speaking minority of Manitoba of the constitutional expression of certain rights. Let us observe first that in Manitoba, these constitutional safeguards have been ignored for more than three quarters of a century.

With regards to the English-speaking minority of Quebec, our purpose is certainly not to suggest that an injustice be committed. But we witness the fact that there has been an irreversible movement, especially over the last ten years, towards the development of an increasingly French Quebec. We believe that Quebec should not be prevented from developing its Frenchness by constitutional barriers which do not exist for other provinces and that consequently Section 133 of the BNA Act should be abrogated to the extent that it might be seen as conflicting with that aspiration.

We are confident, however, indeed we are convinced, that the removal of the constitutional obligations created by Section 133 will not undermine the will of French-speaking Quebecers and the government of Quebec to maintain the rights of the English-speaking community freely, openly and with generosity, by ordinary legislation of the province.

We also expect that the rights of the English-speaking minority in the areas of education and social services would continue to be respected. These rights, and this should be

stressed, are not now guaranteed by the Canadian constitution. Yet they are recognized under Bill 101, the charter of the French language, a law passed by a Parti Québécois government. Thus, we already have proof that the rights of the English-speaking community in Quebec can be protected, without any constitutional obligation, and that the governments of Quebec are quite capable of reconciling the interest of the majority with the concerns of the minority.

We also observe that progress has been made towards improving the situation of the minority in English-speaking Canada particularly in New Brunswick and in Ontario. The agreement on educational matters which the provincial premiers concluded in Montreal in 1978 provides us with a further example of progress. In that instance all provincial premiers committed themselves to do their best to provide education in both English and French in their primary or secondary schools. The right to use French in criminal courts in some regions of Ontario is another step forward. And one could go on describing advances being made on the road to reconciliation.

The facts appear to us to indicate that the French-speaking minorities will make more headway as a result of social consensus and provincial legislation than they would from constitutional guarantees at this time. It is this consensus which our recommendations seek to stimulate. They are aimed at all the provinces, the French-speaking one, the English-speaking ones and the bilingual one. They appeal to the intelligence and the fairness of their population. They do not brandish the club of the constitution.

As regards the provision of educational services to immigrants to Quebec, these should be provided in the French language even to those immigrants to Quebec who are English-speaking. Immigrants of all language backgrounds assimilate overwhelmingly to the majority language group in all English-speaking provinces, where very few immigrants seek access to French-language educational institutions. It would not serve the cause of Canadian unity if Quebec were to remain the only province in which the majority of school-age immigrants or children of immigrants continues to be absorbed into the educational institutions of the linguistic minority.

On the other hand, we firmly believe that children of all Canadian citizens who move to another province should continue to have access to educational services in the language, be it French or English, in which they would have obtained them in their former province of residence. It seems to us to be only just and fair that every French and English-speaking person have access to essential health and social services in his or her principal language, wherever numbers warrant; the same applies to the right of an accused person in criminal trials. To our mind, these are the basic rights which each province should accord its English or French-speaking minority. We recommend that these rights should be expressed in provincial statutes. When all provinces agree to a common set of linguistic guarantees, these rights should then be entrenched in the constitution and made part of our basic law.

Second-language training

Governmental responsiveness and sensitivity to our two languages requires a group of fluently bilingual people to staff our major public institutions. Much the same can be said

for the private sector generally, and the large corporations whose size and scope involve them each day in both English-speaking and French-speaking Canada. Experience in other bilingual or multilingual federations confirms the importance of this. Canada thus has an enduring need for men and women who are fluently bilingual in French and English. To them will fall the opportunity to assume key positions in those institutions, in both the public and private sector, whose concerns are genuinely national in scope.

If the citizens of every province are to have equal opportunity to participate in these common institutions, each province must assure that the teaching of the second official language in their school systems is oriented toward the practical and functional requisites of communication with the other official language community.

Despite considerable improvements in the ways in which the second official language is taught in Canadian schools, most students who receive instruction in French or English as second languages all through their school years still do not attain functional fluency in the other official language. We suggest that the provinces review existing methods and procedures for the teaching and learning of French and English and make greater efforts to improve the quality and availability of instruction in these languages at all levels of education.

There is little doubt that federal financial incentives to support educational services to the English and French-speaking minorities and for the teaching of the second official language have stimulated a number of provinces to provide more extensive and better quality educational services. A lessening in federal support following upon the recent and positive statement by the provincial premiers may cloud the horizon in those provinces which are just beginning to introduce, expand or upgrade services to their francophone minorities, and may result in a more cautious pursuit of such objectives. In this light, it is clearly time for the provinces to make good their commitment on minority language education, alone, if necessary. Support for the cultural activities of the English and French-speaking minorities which are of a local or provincial nature should be provided by the provinces and by the minority communities themselves, rather than by the federal government.

It would seem more consonant with the spirit of Canadian federalism if federal aid to the cultural activities of the official language minorities were concentrated on those activities with an interregional, national or international focus. Over the past decade, for instance, the CBC and other federal cultural agencies such as the Canada Council and the National Film Board have made successful efforts to improve their services to the official language minorities. While acknowledging the progress made by the CBC in meeting the needs of the French-speaking minorities, representatives of francophone groups have pointed to the need for greater regionalization of these and many other French-language services. Much remains to be done in terms of the development of appropriate cultural services for the English and French-speaking minorities by institutions operating at the Canada-wide and interregional level, and it is at this level that responsibility lies clearly with the federal authority.

Canadian ethnic pluralism

In the century since Confederation, the ethnic character of Canadian society has grown steadily more diverse. At the time of our first census in 1871, less than 10 per cent of Canadians came from backgrounds other than British or French. Today those of non-British or non-French origin represent more than a quarter of our population.

This change reflects the profound effect of immigration on Canadian society in the intervening years. The degree to which Canada's growing diversity has enriched and enlivened its cultural life has gained widening recognition, but discussion of Canadian pluralism has also suffered at times from a failure to relate it with sufficient care to other features of Canadian life. Occasionally it has seemed from the character of the discussion as if there might be a conflict between the historic duality of the country and its growing diversity. Yet there is in fact no necessary conflict between these two, since the growing reality of pluralism takes its place solidly within the framework of Canada's basic duality.

Confusion in this area is increased by a similar failure to clarify the relationship between pluralism and regionalism. The fact is that the impact of immigration on Canadian society has been an uneven one, in at least two senses: historically and geographically. Historically, the character of immigration has shifted over time in response to the changing needs of Canadian society and to evolving social conditions in the home countries from which immigrants have been sought. Thus, the immigration from central and eastern Europe which was characteristic of the period of western settlement in the early years of this century has now given way to immigration from South Asia, southern Europe and Latin America.

The impact of immigration has also been uneven in geographic terms. Some regions, cities and towns have felt the influence of immigration much more than others. The western provinces, for example, exhibit much greater ethnic diversity than Quebec or the Atlantic region, and Ontario is closer in this respect to the west than to the east. In fact, the original ethnic duality of the Atlantic provinces and Quebec still accounts for about 90 per cent of their populations. The major exception to this pattern east of the Ottawa River is the greater Montreal region, where Canadians of non-British and non-French origin now form about 20 per cent of the community.

Unfortunately the uneven distribution of diversity is frequently neglected in discussion of the cultural character of Canada as a whole. Cultural policy is often conceived as if Canada displayed a pattern and tradition of diversity which is common to the whole country. Yet the fact is that the members of the various ethnic groups have played a much more prominent role in the development of certain provinces and communities than of others, and in some their contribution has been a fundamental one. The regional or provincial framework is the one in which the various ethnic communities have been able to organize and express themselves most effectively and in which pluralism has become a living social reality.

It is for this reason that we believe Canadian pluralism should be closely linked, in thought and action, to Canadian regionalism. Cultural pluralism has achieved its greatest impor-

tance at the provincial level and it is there that it should be most fully reflected and nurtured. We recommend therefore that the provincial governments should assume primary responsibility for the support of multiculturalism in Canada, including the funding of ethno-cultural organizations. We also recommend that the major ethno-cultural organizations in Canada attempt to work more closely with provincial governments to develop ways in which multiculturalism can find most effective expression through provincial initiatives.

However, it would be wrong to think that consideration of Canadian pluralism can or should be limited to its cultural dimension. There are many other important social issues which deserve attention from Canadians at large, public authorities, and all those responsible for the welfare of the ethnic communities. Fundamental issues such as equality of opportunity, the sharing of Canada's material benefits, access to public services, and the degree of racial and ethnic discrimination to be found in our country are of at least equal importance to the cultural issues so often discussed. If we are to maintain or strengthen the unity of a country like ours, whose people are drawn from so many backgrounds, we must not allow preoccupation with the cultural side of diversity to distract our attention from these basic social issues. In line with our objective of treating diversity as a source of strength, and responding to the concerns proposed by many ethno-cultural groups we met, we have proposed that both the public and private sectors make efforts to reflect in their institutions more adequately the cultural diversity of Canada. The future we hope to share together must include all Canadians, and provide equality of opportunity for all.

First Canadians

We are well aware of the complexity of the issues in native policy. We must first recall that native people as a *people* have enjoyed a special legal status from the time of Confederation, and, indeed, since well before Confederation. Section 91 (24) of the BNA Act gives to the Parliament of Canada exclusive responsibility to legislate on the subject of "Indians and lands reserved for Indians". This has been held to include Inuit or Eskimo peoples. The exclusive federal authority over all matters that touch "Indianness", as the present chief justice of Canada has put it, is unique in giving to the Parliament of Canada legislative jurisdiction in relation to a specified group of people. For administrative and policy purposes, just who is and who is not an "Indian" is set out in the Indian Act.

We believe that the pressing issues facing native people in Canada raise broad philosophical questions which every country with an indigenous minority must sooner or later address. Is the historic and valued attachment to the land which most native people share to be made the cornerstone of a new relationship between native people and other members of Canadian society? Are the disheartening conditions under which native people live in many rural areas, and, increasingly, in our towns and cities, to be made the focus of a new national commitment to their welfare? Can Canada find the strength to turn the dilemma of existence for many native people into new and special opportunities for all of them? Should the native people themselves be given the opportunity to shape and define collectively their preferred relationship with the wider society?

Questions such as these go to the heart of the matter. They will only be answered in the way the country's relationship with its first Canadians evolves in the next decade. But they must be answered soon. Here we present four broad policy options to assist reflection on the subject: phasing out special status, a modified federal role, native sovereignty, and "citizens plus".

Phasing out special status

One broad option before us is to phase out in an orderly manner both the special constitutional position of the native people, and the unique relationship native people have with the federal government. Proponents of this option see Section 91 (24) of the BNA Act as a two-edged sword. While it certainly gives native people, or most of them, a special status as a people, it has led to the perpetuation of an unhealthy dependence on the central government generally and the Department of Indian and Northern Affairs in particular. Proponents of this option believe that this dependence is best ended by phasing out special programs of assistance to native people, and the rapid settlement of all sound legal claims to land. Land claims settlement might be followed by the transfer of titles to natives as individuals who would then be on their own in Canadian society.

Ending special status is favoured by those who believe that the "separate but equal" position of native people has led to a form of neglect of their general welfare, much as it has in other societies which have employed such an approach to distinctive minorities. Phasing out special status was an important element in the central government's ill-fated white paper on Indian Policy in 1969. The status Indians and all other native people reacted so strongly against this paper that it was soon withdrawn. In objecting to this policy, the native people themselves were rejecting an American approach to Indians which has been in existence for much of this century. In contrast, Canadian policy has traditionally accepted both the special status of native people, and their permanent attachment to the land.

A modified federal role

A second option would preserve both special constitutional status and the attachment to the land. It would also maintain and clarify the role of the central government in the broad field of native affairs. Proponents of this view call upon the central government to exercise its traditional responsibility in a new way, one which maximizes the opportunities for native people to choose freely from two alternatives: to remain on the land, or to move into the mainstream of Canadian society. For a start, this option would entail the consolidation of all programs of assistance to native people into one central government department, at whose highest levels native people themselves would be well represented. Specific federal programs would be required to promote the economic development of reserves, to stimulate the construction of new and adequate housing, to guarantee the provision of essential social welfare, education, and health services.

But these services would also be available from the same central government agency to native people living in our towns and cities, thus equalizing the attractiveness of urban life

for the many native people who choose it. This option, accordingly, would maximize the freedom of action of native people as individuals to choose a life in their traditional communities based on the land, or to enter the wider society with a greater confidence provided by the support put at their disposal.

Native sovereignty

This option favours a more radical approach to these issues based on the view that as the original proprietors of Canada, they are entitled to a share of Canada sufficient to their current and future needs. That is, proponents of native sovereignty take the view that they themselves, in autonomous and sovereign institutions of their own creation, must secure native socio-economic well-being and cultural development. To do so, many argue, requires placing a certain distance between themselves and the wider society.

Although formulations vary, native sovereignty usually entails the exercise of the principle of self-determination through the creation of autonomous institutions within the Canadian federal system. The native communities possessing these institutions would receive a land and resource base adequate to provide a decent standard of life. The citizens of these new jurisdictions would be subject to laws and regulations of their own making, and, in some versions, would not be subject to central, provincial or municipal laws and regulations on their land.

Such an approach may seem to be at variance with Canadian traditions and history. But those native people who uphold the option of sovereignty see it as a way of providing their communities with a set of conditions which approximate the circumstances they enjoyed before the arrival of the first Europeans.

"Citizens plus"

This option combines elements of the others by stressing both the uniqueness of native people and their inevitable ties with Canadian society. Under this option, every native person would be eligible to benefit from all federal, provincial, and municipal policies, programs, and services provided for Canadians generally, with one additional category.

This additional category would be composed of all those forms of assistance directed to native people alone, thus adding the "plus" factor to the option. Proponents of this type of approach underscore the continuing debt, which all of us owe to the first Canadians, by expressing this obligation as a permanent feature of Canadian life. Thus, while specific programs of assistance to native people may change with changing circumstances, the spirit of Canada's special commitment to the native people would not. Their well-being would form a fixed priority of the highest importance to Canadians now and in the future.

In setting out these four broad options, the Task Force is aware of the complexity of the issues facing native people and our governments. Our intention is not to suggest one or another of these routes as the best one to take. Indeed, we doubt, whether there can be a single answer for all native peoples, or whether there is only one "native question".

For these reasons, the proposals we make are consciously limited by our recognition of the complexity of the issues and our realization that they are in the process of development. We have chosen five recommendations which, for the most part can be implemented fairly directly by the central government, or by the central and provincial governments acting together. Our recommendations should, however, be implemented in close cooperation with appropriate representatives of Canada's native people.

First, we believe the time has come for the federal government to act quickly and decisively to ensure full legal equality of men and women under the terms of the Indian Act. We recommend that sections 11 and 12 of the Indian Act be amended in order that Indian men and women acquire and lose Indian status in exactly the same way.

Two additional proposals speak more to the attitude underlying the policies of the central government toward native people than to the strict legalities of the Indian Act. First, we believe that the central government should make greater efforts to promote and protect native languages and cultures. Secondly, as an analogous measure, the central government should more actively facilitate communications between Canada's native people and the indigenous people of other countries. Both as the home of native people, and as a respected member of the international community, Canada can show leadership in a field of international affairs at once new and of historic significance.

Our next two proposals are addressed equally to the federal and provincial governments, and refer directly to the place of native people in the Canada of the future. First, as both orders of government are currently involved in serious consideration of constitutional reform, we believe that it is now appropriate that specific attention be paid to the issue of the constitutional position of the first Canadians. More specifically, both provincial and federal authorities should pursue direct discussions with representatives of Canada's Indians, Inuit, and Métis, with a view to arriving at mutually acceptable constitutional provisions that would secure the rightful place of native people in Canadian society.

Secondly, we recommend that the central and provincial governments meet to settle their respective areas of constitutional responsibility in the provision of essential services in the fields of health, social welfare, housing and education to status and non-status Indians, to Inuit, and to Métis on reserves, Crown land, rural centres and large cities.

Finally, in order to increase the sensitivity and responsiveness to native people of Canadian society in general, we suggest to the central and provincial governments, and to the private sector that increased funding be made available to native people and their organizations to enable them to undertake historical research and to publish histories of their tribes and communities. Governments generally and major private sector corporations should make greater efforts to see that native people are adequately represented on boards and commissions, task forces and study groups which are active in fields of special relevance to the first Canadians.

Cultural policy

The definition of the respective roles of the federal and provincial governments in the field of "culture" is influenced by the meaning attributed to the word itself. In its narrowest sense, culture may refer to what many would call the "high culture," on display in the theatres, museums, concert halls and art galleries. However, in its broadest meaning, culture includes the complete fabric, values and life of a community. If this is what is meant by culture, it seems clear that the provinces have, and ought to have, a large role to play in the formation of cultural policy. They already have at their disposal many of the tools by which cultural development in the fullest sense may be achieved and they are uniquely situated to support activities that influence the culture of everyday life.

While the broader definition of culture would obviously include much that is within the fields of responsibility attributed to the federal government, many of these have less direct impact on the everyday life of Canadians. With the exception of the activities of the CBC/Radio Canada, even federal cultural policies are concerned for the most part with culture in its more restricted sense and are therefore of less immediate significance to the majority of Canadians in their daily lives.

Clearly both orders of government have important responsibilities in the cultural field but, in the view of the Task Force, their future roles should emphasize priorities appropriate to the general character and function of each order, and they should avoid undertaking new functions which could be performed better by the other one.

The central government has for many years been the prime mover in Canadian cultural and artistic life. If it has not always displayed a sense of carrying out a coherent cultural mission, the central government has nevertheless played an invaluable pioneering role in many crucial fields which might otherwise have been neglected. It is the only government in Canada which has the resources and the breadth of perspective to develop cultural programs directed at the country as a whole. At the same time, however, the central government's experience, resources and priorities may encourage it to expand in future into fields which are better left to the provinces. We would suggest that the central government should concentrate its efforts on developing programs which are of a Canada-wide dimension and should avoid extending its future operations into domains and pursuits which the provinces can and should perform for themselves.

Three examples should serve to illustrate the kind of cultural policies which would now be appropriate for the central government. It should use its cultural agencies to encourage individuals throughout Canada to develop their talents. This could be done by increasing the number of Canada-wide artistic prizes, competitions and cultural activities for the young people of the country. The splendid example provided by the National Youth Orchestra deserves to be recognized and celebrated by the extension of the model it provides.

The central government should encourage such "travel and exchange programs" as the Second Language Monitor Program and Katimavik. These programs permit the traveller to

to get beyond the geography of this country, in order to experience its cultural richness and the human sources of its duality and regionalism. The public and private sectors should cooperate to increase the number of youth exchange programs and efforts should be made to extend them to adults. In addition, the central government should, in cooperation with the private sector, do its utmost to increase opportunities for lower-cost travel in Canada, in order to enable Canadians so wishing to become better acquainted with their country and their fellow citizens.

Finally, the central government through such tools as the tax system can play an important role in assisting our cultural industries which find themselves in difficult and uncertain straits. The federal and provincial governments should coordinate a strategy to promote the products of our varied cultural activities. Books, recordings, magazines, paintings and films can be more imaginatively and effectively distributed and marketed throughout Canada. The central government should take the lead in developing such a strategy.

These examples suggest the priorities which should guide the future activity of the federal government in cultural field, both in the areas where it is already active and in any new endeavours.

However, we cannot forget that culture, in another sense, is the premise for the existence of any society. Therefore, the key element of any cultural policy for Canada must be the full recognition of the cultural distinctiveness of Quebec, and the essential role of the provincial government in protecting and nourishing it. This distinctiveness should be recognized formally in the preamble of the constitution. The text of the constitution should ensure that the government of Quebec has the powers it requires to protect and develop its French heritage. Although the Task Force is of the opinion that the importance of this cultural domain in most provinces of English-speaking Canada is not yet as vital as it is to Quebec, a constitution should make provision for the future.

If the urgency of the situation in Quebec requires immediate attention, the evolution of Canadian regionalism may very well reach the point at which the provincial governments of English Canada are looked to for leadership in the field of culture in the way the provincial government of Quebec is now. Thus in Chapter 7 we suggest that all the provinces be given additional powers to undertake new programs in the broad domain of culture.

Whether or not they wish to avail themselves of these powers immediately, the provinces should take the primary role in supporting local and regional cultural and artistic development, particularly by encouraging wide public participation in cultural activities and by the establishment, where they do not as yet exist, of provincial arts councils to assist in this process.

We stress this matter of participation for a good reason. Canadians in recent years have become more active in cultural pursuits, and less willing to be satisfied with a passive or spectator role. We feel that the provinces should build on this trend by working closely with their individual citizens, ethno-cultural groups, municipalities and community groups to promote the ideal of direct public participation in regional and provincial cultural development.

Since most provincial programs are by their nature closely entwined with cultural development in its widest sense we urge the provincial governments to be conscious of the impact these "non-cultural" programs may have on the cultural development of their society.

They should also recognize the importance of education, not only for their provincial societies, but for the development of young citizens of the federation as a whole. Accordingly, the provinces should emphasize that education has a Canada-wide dimension by giving greater prominence to Canadian studies, and they should, through a strengthened Council of Ministers of Education, develop ways and means by which this dimension may be represented in our school systems.

Thus the provinces, and in particular Quebec, have an essential responsibility for culture in its most basic sense. The central government, while not ignoring its appropriate role, must be prepared to recognize this fact and should orient its own future activity to cultural endeavours and institutions which affect the federation as a whole.

Conclusion

These, then, are the thoughts we wish to share with our fellow citizens on the subject of language, culture and social policy. Duality and regionalism provide the context within which we have approached these issues; but, more generally, we have attempted to build our thinking upon an appreciation of some of the major forces of modernization and change that are transforming Canada and its people, as they are the countries and peoples of most of the rest of the world. By adjusting Canada's policies and institutions to the needs of Canadian society as it develops, the citizens of this country can preserve a social equilibrium in the midst of rapid change.

6

Unity and the Health of the Economy

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Unity and the Health of the Economy

As members of the Task Force, we have had many opportunities during our cross-Canada tour to observe the connection a large number of Canadians make between the unity crisis and the present state of the economy.

For some of the participants at our hearings the greatest threat to Canadian unity was inflation, high unemployment, regional disparities in income and employment opportunities, or foreign control over large sectors of our economy and the regional frustrations and alienations they all foster.

Other participants, in particular business and labour leaders, pointed out the costly effects of political uncertainties on industrial development and on the climate of investment. The functioning of Canada as an economic union was questioned as well. Planning, they said, is not easy in an environment where there is constant haggling about which level of government is supposed to do what, where policies overlap and programs are duplicated, and where there are growing restrictions in interprovincial trade. Intergovernmental conflicts over taxation, marketing boards and provincial purchasing policies were raised as major subjects of concern.

We take these views as additional evidence to support our conviction that Canada's crisis has economic, social, political and psychological dimensions—all intimately related.

Perspective on the past

The link between the health of the economy and efforts to sustain unity is a theme that recurs in Canada's history. Even though Canada has progressed and developed enormously over time, she has encountered periods which have put her political and economic structures in doubt. In the colonial 1840s, after the loss of preferential treatment in the British market, there was a movement in support of annexation by the United States. In the 1860s, the loss of reciprocity with the United States helped to forge the four colonies into an economic union which could withstand the pressures of annexation. In the depressed 1870s, the National Policy was designed to protect Canadian industries with tariffs. In 1886, Nova Scotia vented its economic dissatisfaction with Confederation through the election of a government which advocated secession. In the 1930s, the Depression called the whole economic and financial structure of Confederation into question and led to a new and enhanced role for central government direction in the management of the economy. The Second World War greatly increased this predominance, and to a large extent this situation remains with us today.

Given the forces of dualism and regionalism in Canada, it is not surprising that provincial governments, Quebec being the most vocal of them, have reacted to this concentration of fiscal resources—and the power that goes with it—in the hands of the central government. The pendulum has been moving in their direction in recent years, but this, too, has added to intergovernmental tensions.

Current economic realities

Throughout our history a most obvious characteristic of the Canadian economy has been the high degree of dependence upon international trade. In a nutshell, Canada's prosperity is based on the export of raw and semi-processed commodities, the proceeds of which are then used to acquire equipment, material and finished products. Since her natural resources are usually costly to exploit, their exploration and development require massive doses of capital imported from abroad. Prevailing international circumstances in the postwar period favoured such trade until recently. As a result, Canada has enjoyed sustained economic growth for the better part of the last three decades. World trade began to slacken around 1972-74 and Canada found herself immersed in a world recession. Most advanced industrialized countries still continue to struggle with slack economic performance, poor investment climates, increased rate of inflation and high unemployment.

Moreover, Canada must contend with this international situation at a time when a greater proportion of women and larger numbers of young Canadians, who were born during the postwar baby boom, are joining the work force. The growth in the numbers of those seeking work has outstripped the ability of the economy to produce jobs. The result is that Canada's youth in general and regions of slow growth in particular face unacceptably high levels of unemployment.

While it may not be of great comfort to the unemployed, it seems to us that these very real difficulties must be put into a broader perspective. The performance of the Canadian economy, although sluggish, compares favourably with those of most of our trading partners. For example, in the last five years there has been a substantial reduction in the historic gap between Canada and the United States in terms of income and production per capita, even taking into account depreciation in the value of the Canadian dollar. Despite current rates of unemployment, the Canadian record in creating jobs has been impressive by most international standards, and by the same standards Canada has managed to contain the rate of inflation within reasonable limits. Even more important are the positive prospects for our economy in the future. These will result from recent improvements in terms of trade for natural resources and unprocessed commodities, and from the possibility of restoring Canada's self-reliance in energy by achieving a balance between imports and exports. Also significant will be the expansion of our resource base through the exploitation and management of the continental shelf.

The challenges of the future

Nevertheless, there is considerable evidence that an improvement in the country's economic performance will require major and, in some instances, difficult adjustments in Canada's economic structure. In traditionally strong export markets for forestry products, minerals and other raw materials, Canada faces severe competition, primarily from the emerging states of the Third World. Some of her established domestic industries, such as textiles, clothing, footwear and the assembly of colour tv sets and other electronic products, are increasingly unable to compete with lower-priced imports. Canada along with other industrialized states must also contend with a limited supply of resources, particularly non-renewable energy resources, and also with the results of the abuse of such resources as the land and the natural environment.

Most important, the challenge of restructuring and managing Canada's economy has to be met while recognizing the realities of modern Quebec and the aspirations of Canada's regional communities. Indeed, it seems to us that reform of the constitution and political institutions would be justified even if our sole purpose was to improve the ability of the Canadian public and private sectors to address themselves to the economic policy requirements of the future.

The nature of economic integration

It is generally recognized that substantial economic gains come from integrating into larger and more complete types of economic association. Integration allows regions to take advantage of a venerable principle of economics: the division of labour and the specialization of production which goes with it. By operating within an integrated whole, regions can specialize in the production of goods and services in which they have a comparative advantage. At the same time, the possibility of interregional trade permits greater volumes of production, and hence lower costs. The size of the market in which the enterprises of a province, a region or a state can trade determines the limits of specialization.

Obviously there are limits to the benefits a region can gain from specialization and from the integration of its economy into multi-regional units. Otherwise regions would not resist the attraction of integration; there will be disadvantages or sacrifices, the majority of which may be of a non-economic nature.

To see where Canada fits and to appreciate more fully the economic advantages and disadvantages of economic unions, seven forms of integration found around the world may be considered. They are classified in ascending order of integration.

The first, the free trade area, consists simply of a reciprocal elimination of tariffs between members, each being free to levy its own tariffs against non-members. Experience has shown that this type of association generally does not last long. Free trade areas have usually either been dismantled or have evolved toward more complete forms of integration.

The second, the customs union, allows free trade among members but sets up common tariff policies against non-members. Like the free trade area, customs unions have not proven very enduring.

The third, the common market, goes further by removing restrictions on the movement of goods, services, capital and labour among members. The best, although not a pure, example is the European Economic Community. The EEC satisfies the criteria of a customs union, but it appears to be less than a full-fledged common market because labour and capital are not perfectly mobile. At the same time, the EEC has some of the attributes of an economic union and, to a certain extent, presents some aspects of a confederation or even a federation, its proclaimed goal.

The fourth, the economic union, involves, in addition to a common market, varying degrees of harmonization of state economic policies in order to remove discrimination arising from disparities in these policies. Examples of possible areas of harmonization are taxation, agriculture, transportation, social security and regional development. In economic unions

common agencies are usually created to administer common policies on behalf of the member states.

The fifth, the combined monetary and economic union, adds to the economic union the elements of a common currency. The union between Belgium and Luxembourg, which provides us with one of the few concrete examples of this type of union, unfortunately casts little light on its possibilities. The small size of Luxembourg causes it to be largely dominated in economic and financial policy by Belgium. In any case, such an arrangement would pose certain theoretical and practical difficulties for a country such as Canada, due to the fact that it entails, almost by definition, a single capital market. It is difficult to conceive of how such a market could resist becoming balkanized without the degree of fiscal coordination that could only be achieved in a federation.

The sixth is the federation. It is a substantially more complete form of integration because it adds to the customs, economic and monetary union the dimension of a political association with a common government responsible for matters of federation-wide concern.

The seventh and most complete form of integration is found in unitary states, such as Britain, France and Japan, where the regions are fully integrated under a single political authority.

Thus Canada, as a federation, ranks high in the scale of economic integration. She is at one and the same time a free trade area, a customs union, a common market, a monetary and economic union, and her structure is capped by a measure of political integration.

Economic adjustment and the federation

An important consideration with respect to a federal union has to do with what is called the process of economic adjustment. The comparative advantages on which regional specialization is based do change over time, as old resources are depleted and new ones are discovered; as changes occur in technology or the cost of transportation; as people acquire new skills or develop new tastes. In other words regional economies are not static, but constantly change relative to one another, and economic adjustment is a continuous process. There are many reasons to believe that Canada is at present in a critical phase in this regard, with some regions or provinces going through favourable mutations (Alberta at the present time, for example), as others continue to struggle with persistent economic problems.

In terms of economic adjustment, a federation represents a significant advantage, particularly at the present time, from the point of view of the regions or provinces such as Quebec and the Atlantic provinces; it affords them the opportunity to benefit from interregional transfers of public funds raised by the central government. If these funds are properly directed at restructuring and reorienting their economies, the adjustment process will be substantially easier than if the regions or provinces had to rely solely on the resources at their disposal. This point is equally valid for every region in the federation, since areas that are favoured at a particular moment may well require adjustment assistance at some point in the future. On the other hand, Alberta and Saskatchewan are examples of provinces

which went through economic difficulties in the past but now are among the strongest provinces economically.

Gains and sacrifices from economic integration

Our analysis indicates that greater economic benefits should result from increasing levels of integration. Some of these benefits are associated specifically with the integration of regional economic activities into a larger market. For example, larger markets provide a greater scope for the diversification of sectors and specialization, resulting in a better allocation of the factors of production. Competition is enhanced; industries can take advantage of economies of scale; and a larger and more efficient financial sector may be created. Moreover, the availability of a more diversified and broader natural resource base is an important benefit—when the market for one commodity is low it may be counter-balanced by the more favourable position of other commodities.

Other benefits related to size come into play, particularly when integration takes the form of federal union. We have in mind a variety of aspects related to the efficiency and effectiveness of the larger public sector, such as the economies of scale in the delivery of public goods (for example in national defence), and a greater scope for interregional policy coordination which would take into account programs whose impact could not be restricted to a single region. Also significant is the enhanced capacity of the public sector to raise funds through external borrowings.

In a federal union, the regions can expect their economies to perform better as a result of the free movement of labour, capital goods and services. Other advantages are the greater chance of restraining undue competition among the regions for development projects and the improved leverage of the regions in securing international trade advantages. Finally, as we have noted, a federation allows for interregional transfers of funds through income support measures and adjustment assistance to the regions.

While such benefits may be difficult to measure precisely, they are nevertheless very real, and they are reflected in the standard of living Canadians have long enjoyed. In a nutshell, integration creates a surplus, because the whole is greater than its parts. And the surplus, using the central government as an instrument, can be redistributed so that the strong parts help the weak to the benefit of the whole.

At the same time we must recognize that increased economic integration also entails greater sacrifices, or costs, particularly for regions that are sufficiently developed and internally cohesive to be able to consider the possibility of alternatives to a particular form of integration. This may be assumed to be the case for a number of Canadian provinces, among them Quebec.

The cost entailed by integration may be described as essentially social and political. Even when an association has not passed beyond the stage of a customs union, the ability of component units to influence corporate decisions is limited, as is their access to cheaper imports which do not compete directly with regional production, and their ability to promote local employment by means of tariff barriers. Furthermore, any higher degree of economic integration imposes additional constraints on the autonomy of the regional unit.

It becomes less able to manage its own economy since it is no longer allowed to restrict the movement of its people, capital or goods, and it must bear the social costs of this increased labour mobility. Moreover, the priorities of the regional unit may be distorted by the existence of common policies which do not sufficiently take into account the distinct regional circumstances.

One example of the political constraints imposed on provincial and state governments by the higher degree of integration which is required in a federation is the constitutional provision which normally confers upon a central government exclusive power over inter-provincial and international trade. In Canada, for example, natural resources, which are owned by the provinces, come under central government control when they are traded outside a province. Finally, there are political costs associated with the distance of the central government from regional problems. It has been argued that it is more difficult to signal regional grievances to a remote central government than it would be to the closer regional or provincial government.

For Quebec, all this is swollen by its own particular problem—by English-speaking predominance in its business sector, by its concern for a distinct heritage, and by the social and cultural cost any French-speaking person may have to pay on moving, for economic betterment, to English-speaking areas.

Taking both benefits and costs into account, equilibrium is reached in practice when the advantages in favour of a higher level of integration are counter-balanced by the social and political costs which each region is prepared to tolerate. In the case of Canada the limits to integration are imposed by those Canadian realities which we have previously described as the principles of dualism and regionalism.

Enlarging the surplus from economic union

One of the main conclusions to be drawn from this perspective on economic integration is that the well-being of all Canadians is critically dependent upon their capacity to maximize the benefits of integration and to increase the surplus it creates. At the same time account must be taken of the fact that most of the economic benefits from integration can entail regional sacrifices and that these must be kept at a reasonable and acceptable level in relation to benefits.

We turn now to ways in which the economic benefits of federal union may be increased relative to the costs.

Removing Interregional barriers

Although the Fathers of Confederation intended to secure the complete free movement of goods within Canada, judicial interpretation of the BNA Act, in particular sections 91(2) and 121, has made possible a variety of non-tariff barriers.

As a result, most provincial governments have developed a multitude of regulatory measures, have evolved practices such as preferential purchasing policies, quotas, and preferential pricing, and have established marketing boards, all of which have reduced

interprovincial trade and therefore the efficiency of Canada's common market. In addition, the constitution does not prohibit restraints on the international and interprovincial exchange of professional and commercial services such as legal and engineering consulting and computer data processing. Because these provincial barriers contradict the spirit of economic union and should be prevented as far as possible, we are proposing that section 121 of the BNA Act be clarified and strengthened, and that it be extended to cover services.

Similarly, we think preferential provincial purchasing policies should be permitted only in those cases where the province requires them to alleviate acute economic hardship. We further suggest that the justification for such practices and the time they are expected to last should be specified and should be agreed to by other provinces.

Provincial legislation regulating the professions and trades has created barriers to mobility. It has had this effect even though the essential purpose of establishing standards for qualification and training is to protect the public. The lack of uniformity in standards from province to province should be corrected and country-wide mobility encouraged as far as possible, even if it means that common standards would have to be reviewed periodically through a process of consultation between provincial governments and organizations representing the people involved.

In the same way, we are aware that provincial legislation can impede the movement of capital, especially with regard to corporate mergers and the purchase of land. We think the constitution should expressly forbid such barriers.

Tax coordination

Wide provincial taxing power is essential to the high degree of fiscal decentralization that now characterizes Canadian federalism. Overlapping taxing powers, however, can pose serious problems within our common market, and the problems can only be resolved by effective intergovernmental coordination both among the provinces and between the central and provincial government. It is very important that the provinces coordinate their tax policies in order to prevent fiscal competition that would seriously distort the preferences of businesses and individuals with respect to location. Here again, exceptions should be agreed upon only when specified social and economic objectives would be served.

Economic stabilization

Broadly, the recognition of duality and regionalism should go hand in hand with acceptance of the vital role of the central government in economic and financial matters. In an age that encourages and even forces interdependence and confronts Canada with growing world competition, we believe the answer lies in better coordination between the two orders of government. We think this calls for a greater degree of mutual respect and in particular for a more willing acceptance by Ottawa of the maturity of the provincial governments. On the one hand, in their own interests, the provinces need a central government which can do things which benefit them all. On the other, as we shall be recommending in a subsequent chapter, steps should be taken to give them a greater voice in those federal institutions and policies which affect them.

One area where coordination is essential is economic stabilization. One way such stabilization may be pursued is through monetary policy, a field which should remain under federal control. When applied to government budgets, the term stabilization refers to the conscious variation of government taxation, expenditure and borrowing in order to counteract business cycles and to maintain the pace of activity close to the potential of the economy.

In a federal union such as ours, fiscal decentralization is pronounced and yet regional economies are in various ways highly integrated with one another. The fact that the public sector is broken down into a number of separate political entities makes it difficult to use budgetary instruments for stabilization purposes, a drawback that can only be overcome through effective joint policy coordination.

Mechanisms for this purpose already exist in Canada. One is the conference of finance ministers, held annually in November. We believe the conference could be used more actively. More specifically, it should be used to develop a consensus on the country's economic outlook and to make short-term economic forecasts. It should also provide the opportunity for both levels of government to share and consolidate information about planned expenditures and anticipated revenues and borrowings. The importance of this type of meeting can hardly be exaggerated for the preparation of both federal and provincial budgets.

Regional economic development

In addition to the need for maximizing the size of the surplus produced by the federal union, consideration must be given to regional equity in the sharing of the benefits of the union. The simple reason is that people from any one region may see no reason for remaining within the economic association if they are convinced that the sacrifices they make exceed their benefits.

In any economic association, some component parts are bound to reap greater benefits than others from tariff, transportation, industrial development and other common policies. Whether this may be attributed to the functioning of the economic union or to other factors, large disparities in income, growth and employment opportunities among regions inevitably become sources of tension and grievance.

This very difficult problem is not unique to Canada, for it can be found both in other federations and in common markets and unitary states. For our part, we sympathize with the many speakers who came before us to explain how it affects the life of millions of Canadians and handicaps whole regions in their social or cultural development.

The problem of regional disparities has traditionally been viewed in Canada in terms of the difference in the average well-being of inhabitants. The alternative approach would be to focus on the relative size of regional economies. Because of the way regional disparities are usually seen by economists, Canada's corrective measures have included encouragement for migration of people from one region to another with greater opportunities, and the movement of capital to regions where return on investment is high. But Canada has also developed substantial measures to redistribute financial resources among the provinces. Particularly significant is the complex network of interregional transfers which now

embraces a variety of programs. Major components are equalization payments from Ottawa and federal contributions to post-secondary education and to provincial programs of health and welfare. Of significance too are the interregional transfers implicit in national programs such as unemployment insurance. By itself, this complex network constitutes one of the main ways benefits from the union are shared in Canada.

All these measures have helped Canadians to understand and deal with regional disparities, and the system of provincial revenue equalization is particularly imaginative and praiseworthy. Because it is now an essential element of benefit sharing—the third of our main principles—we propose that the principle of equalization and the central government's responsibility for it be entrenched in the constitution.

But, good as they are, we doubt that current approaches to equalization and to regional development will produce an enduring balance among regions. Because serious disparities remain, additional efforts by the provincial and central governments must be made. For this reason, we propose steps to equalize not only the standards of public services, as is presently the case, but economic opportunities as well.

The current program of equalization now includes only 50 per cent of the provincial revenues from non-renewable natural resources. Notwithstanding the necessity to contain the burgeoning costs of equalizing the energy resources accruing mostly to a single province (Alberta), the 50 per cent limit introduces an arbitrary element into a formula which purports to equalize to the per capita national average virtually all provincial revenue sources. It also reinforces the need recognized by many experts, to have non-renewable resources equalized on a different basis.

We suggest that the equalization formula should be modified by dividing the provincial revenue sources into two groups. The first group would contain the twenty-two "ordinary" revenue sources which would be equalized and distributed according to existing arrangements; these payments would amount to \$1.9 billion in 1978-79. Entitlements associated with equalizing 50 per cent of the revenues from non-renewable resources would constitute a second set of payments. Total equalization payments now attributable to these revenue sources would be increased from over \$800 million to about \$1.6 billion, because the positive entitlements of Ontario and British Columbia (presently non-recipient provinces) would be included. Unlike the case for ordinary revenues, the second set of entitlements would be unrelated to the relative fiscal capacities of the provinces; rather these payments would be allocated according to some indicators measuring the degree in which provincial economies have experienced below average economic performance. They would be block grants for the purpose of encouraging economic development in provinces of relatively low rates of growth. In other words, the economically disadvantaged provinces would get a share of the benefits from integration, which could be used exclusively for their development.

It should be clear that we feel the central government should have wide responsibility for regional economic balance, and the broad taxing and spending powers to meet it. This, of course, does not mean Ottawa should use its powers without regard to the interests of the regional governments or without limitations.

Medium-term economic strategy

In addition to short-term stabilization policy, there are other policy areas in which a federation may fail to realize full benefits and reasonable equity because of institutional deficiencies. These areas are so broad and involve the coordinated use of so many instruments that the boundaries between the two orders of government are inevitably crossed. The most obvious example is industrial strategy, the main weapon for economic adjustment. Here there appears to be no substitute for further concentration of power in the central government, a solution which runs counter to the realities of dualism and regionalism. Yet we believe both principles can find expression in such policies.

In this regard, we feel that the experience of two recent conferences of first ministers on the economy indicates real promise. Indeed, we think such conferences should be held on a regular basis, possibly two or three years apart, so that the medium-term character of the policies developed could be better defined. The process of intergovernmental discussions might also be improved by allowing participation of business and labour groups.

The Quebec economy and federation

Quebec's dissatisfaction with Confederation goes beyond economic considerations. It is rooted in the Canadian federal system which in the eyes of Québécois has somehow failed to give Quebec the desired degree of political autonomy in several important policy areas. While the issues are exceedingly complex they largely revolve around political matters such as the distribution of powers. Yet in the debate over the possible secession of Quebec economic considerations loom very large.

We have examined the evidence provided by a number of recent studies dealing with interregional trade, the interprovincial shipments of manufactured goods, the number of jobs dependent upon the Canadian market, federal expenditures in Quebec, and other related topics. The major conclusion to be drawn from trade data is that Quebec's economy is highly dependent upon the Canadian common market. Canada's tariff structure and trade policy have a major impact on the level of production, employment and income of that province's manufacturing sector. Compared with its international exports, whose production takes relatively large inputs of natural resources and technology, Quebec's trade within Canada is based upon the manufacture of labour-intensive products. It relies on Canadian markets for the sale of about \$7 billion of these goods, most of which could not withstand foreign competition. Severing the ties to Canada's customs union would profoundly disrupt Quebec's economy. Quebec's and Ontario's favourable trade balances with the rest of Canada unquestionably indicate that both provinces derive definite advantages from the Canadian customs union.

Income disparities between francophones and anglophones

Per capita income in Quebec now is approximately 90 per cent of the Canadian average. This figure, however, obscures the fact that the average income of francophones is considerably below that of anglophones in the province. Even so, there is substantial evidence that this gap has dramatically decreased in recent years. The decrease in the difference of average salaries for male workers has been most impressive: from 52 per cent in 1960 to 32 per cent in 1970 to 15 per cent in 1977. Similarly, what might be called

the bonus for being bilingual has decreased in the case of francophones and increased for anglophones. What this implies is that French is increasingly becoming the language of work in the province of Quebec. It is reasonable to conclude that the remarkable reduction in the earnings gap may be attributed to two main factors: improvement in the education and training of the labour force, and a significant rise in the status of French as the language of work. Both changes should mainly be credited to the policies of the Quebec government, though the federal government has had a complementary role.

Quebec and the surplus from economic union

Several reasons have been offered to explain Quebec's poor economic performance and the problem of chronic unemployment: deterioration in the competitive position of weak manufacturing industries, the vulnerability of resource-based industries to changing international conditions, an inadequate rate of economic development and an insufficiently mobile labour force. Yet many Quebecers view the problem as a failure of those federal postwar policies which were designed to achieve full employment. For them, the record of central government policies aimed at economic stabilization is poor; such policies have failed to create the economic development needed to provide adequate jobs. Moreover, regional adjustment policies directed at curing unemployment through increasing the mobility of labour have been particularly unsuited to Quebec. Here, the social and cultural sacrifices both to the individual who is required to move and to the community he leaves behind, are very significant. While this is also the case for other provinces, it is especially pronounced for those leaving Quebec, where mobility may mean moving to a different linguistic community.

Statistical evidence from recently developed provincial accounts fails to establish that Quebec has been a major net recipient of federal funds (that is, federal expenditures minus tax contributions from Quebec) until quite recently, when temporary subsidies for oil imports were established. Moreover, the evidence confirms in part the current contention that central government expenditures have been concentrated in income support measures, while the province has been receiving a disproportionately small portion of funds to generate employment. Most comparisons with Ontario's economic performance since the Second World War show Quebec losing ground in terms of investment, employment, manufacturing activities, and in service activities of the private sector. These indicators tend to reveal that Quebec's share of benefits from the union have been progressively decreasing. Hence, its net surplus from union, while still positive, has been progressively eroded, and now may well come mostly from the protection provided for soft economic sectors, a dubious advantage from a long-term perspective. Hence, it is not surprising that more and more Quebec economists are critical about current federal economic arrangements.

The principal conclusion to be drawn from this analysis brings us back to the surplus generated by economic union and its use for economic adjustment and industrial restructuring. It is no secret that the Quebec economy and particularly large portions of its manufacturing have to be restructured and reoriented to other forms of production. It should be clear that a challenge of such magnitude would be easier to meet if financial and economic resources from elsewhere were available. It is precisely one of the main economic features of Canada's federation to provide interregional transfers. Thus, for a

region facing massive economic adjustments, a federation offers definite advantages if they are put to use.

Consequences of Quebec separation

Everywhere the Task Force went, the question inevitably came up: "What would be the economic consequences of the secession of Quebec?" No one has been able to tell us conclusively what these consequences would be. But we have views on the subject.

First of all, we have heard from a number of provincial political, business and labour leaders outside Quebec who have said, or at least implied, that their province too might do better outside the federation. Some were even willing to consider that possibility if the rest of the country continued to ignore their particular regional needs. In short Quebecers are not alone in voicing such feelings.

We know that a country is not a business deal. Reliance on a "balance sheet" approach is certainly no sign of commitment to Canada. Economics will be an important factor, but not the only factor in the decision of Quebecers for or against the Canadian economic union. Nor will the return to prosperity by itself solve most of our basic problems, although it would obviously be of some help. But it says something in favour of the present economic union that the Parti Québécois would like to retain many of its elements, although admittedly in a different political framework.

During our journeys we have heard a lot about "sacrifices being made for Quebec," and about "special treatment being given to Quebec," favours of all kind distributed by that "French power" in the central government cabinet. There is simply no evidence to support the contention that Quebec has been or is getting more than a fair share of the "surplus" generated by the Canadian economic union. Moreover, French-speaking Quebecers experience considerable social and political costs as a result of economic union.

To arrive at precise facts and figures about the economic consequences of Quebec's secession would imply a number of assumptions based on factors that cannot be measured. Prospective economic decisions of individuals, groups and political entities are based on beliefs, impressions, moods and reactions that can hardly be anticipated. One cannot predict the reaction of Canadian or foreign investors, traders and tourists if Quebec does secede. Some might be pleased, others disconcerted. Furthermore, Quebecers of both languages groups might vote with their feet, or with their chequebooks; indeed, some already have.

It is equally hazardous to predict how secession would affect the economy of Quebec and Canada because we cannot see in advance the way it would happen. Would it take place in calm or in anger, suddenly or gradually, in full or in part, and with or without an association arrangement that would preserve a good deal of economic integration? The Task Force has no answers to such questions. As political or economic forecasters, we are not ashamed to admit our limitations, and we are in good company in doing so.

It seems to us that Quebecers will not be convinced to stay in Confederation by others raising the spectre of the dire economic consequences of secession, although it might be

wise for Quebecers to think carefully about the possible risks. Nor will Quebecers be convinced by an attempt to reinterpret their economic history in Confederation in a more rosy light, although a balanced and clearer vision of the facts would help the debate. What is needed instead is that Quebecers be shown that they can have a more promising future within Confederation than outside of it. To this effect, we are convinced that the Canadian federation can be restructured and can achieve a better overall balance that would both suit and support a distinctive character for Quebec. We will take up this issue in the next chapter.

A revised constitution for Canada

We share the widespread public view that among the requirements for Canadian unity is a fundamental revision of the Canadian constitutional and political structure. Many English-speaking Canadians, particularly in the west and the Atlantic provinces, are critical of the way our political system has been working. The vast majority of Québécois want, at the very least, basic reforms. Although the BNA Act has served Canada well for 111 years in a variety of changing circumstances unforeseen by the Fathers of Confederation, and although there have been numerous piecemeal adjustments over the years, there is a growing gap between the structure created in 1867 and the social, economic and political realities of the vastly different Canada of 1979. We believe, therefore, that there should be a new Canadian constitution to meet the aspirations and future needs of all the people of Canada.

1. The objectives of constitutional reform

In our view, constitutional revision should have three major objectives: (1) to preserve and reinforce the ability of the central institutions to serve as the legitimate focus for the common interests of all Canadians; (2) to provide greater institutional responsiveness to the regional and provincial self-confidence reflected in current demands for greater provincial autonomy and for more effective provincial influence upon central policy formulation; and (3) to provide the majority of Québécois with an acceptable federalist response to their desire to maintain their distinctive cultural and social identity and to their deep-rooted grievance that our political institutions do not adequately reflect the dualistic character of Canada.

Furthermore, the reform of our constitutional and political system must also take account of the need to create institutions which encourage attitudes of accommodation rather than confrontation among the different communities and governments, particularly in the area of federal-provincial relations. It must provide for the increasing demands for more responsiveness, sensitivity and accountability to the individual citizen. Finally, it must take account of the relative capacity for effectiveness and efficiency of the different orders of government.

To reflect these objectives, the new constitution should be adopted in Canada, be in the English and French languages with both texts official, and include in the preamble a declaration that the people of Canada (i) maintain and reinforce their attachment to democratic institutions, federalism, human rights and the principle of supremacy of the law; (ii) recognize the historic partnership between English and French-speaking Canadians, and the distinctiveness of Quebec; (iii) affirm the special place of the native peoples of Canada; (iv) recognize the richness of the contribution of Canada's other cultural groups; (v) recognize diversity among Canada's provinces and the need to permit all regional communities to flourish; and (vi) seek the promotion of the social, economic and cultural development and the equality of opportunity for all Canadians in all regions of Canada.

2. A parliamentary and federal system

While advocating major revisions to our constitutional and political structure we believe that Canada should retain the combination of parliamentary institutions and a federal

system, a combination which was the creative innovation of the Fathers of Confederation and a precedent copied in many other federations established since 1867.

In a country marked by diversity and operating a federal system there are some advantages to a presidential and congressional system such as that in the United States, or a collegial executive with a fixed term as in Switzerland, but we have concluded that these possible benefits are outweighed by the advantages of the cabinet system of parliamentary democracy. A parliamentary system allows for stronger executive leadership and more rapid implementation of legislation, since the executive is not separated from the legislature. By comparison to other forms it makes the executive, and through it the public service, more directly and continuously accountable to the elected representatives and the general public. This is achieved through the daily question period and the requirement of ministerial accountability, and the need to win votes of confidence in the legislature on major pieces of legislation.

The parliamentary cabinet system is part of the political traditions of both Britain and France, the two major sources of our cultural heritage, and has been rooted in our political experience for almost 130 years. Moreover, the parliamentary cabinet system appears to have widespread support and does not seem to be an issue of contention between French and English-speaking Canadians or among the variety of other ethnic and cultural groups in Canada. Opinion on the constitutional monarchy in Canada appears to be more controversial and we have concluded that attempts to institute any change at this time would do more to divide than unite Canadians.

After listening to many Canadians on our tour and elsewhere, and after much careful thought, it is our belief that a substantially restructured federalism is preferable for Canadians to some other form of political association. We offer a number of reasons for this. A federal system makes possible the accommodation of desires for both unity and diversity. It enables citizens to act through an effective common government for those purposes where there are common goals or benefits (such as in military, diplomatic or major economic matters), while making it possible for citizens to act through autonomous provincial governments for those purposes in which they wish to maintain their own distinctiveness. It allows the creation within a larger political system of different provinces or governmental entities through which a minority concentrated in one region can develop its own institutions.

Federal systems are generally more stable and more effective than confederal systems in which the central institutions consist of delegates of the component state governments each retaining their complete sovereignty. This is because a federal system establishes a power balance between the two orders of government and retains a capacity for generating positive directions at the centre as well as in the provinces. Furthermore, a crucial disadvantage of the confederal form of union or association is the difficulty such systems have in achieving an effective redistribution of resources to correct disparities among the constituent units. It should not be forgotten that both the United States and Switzerland abandoned confederate forms of political organization because of their ineffectiveness and each looks back upon the adoption of a federal organization as a turning point in its effective development. Moreover, the slowness of the European Economic Community in achieving its original objectives has been a source of frustration to its proponents.

This does not mean that we are unaware of some weaknesses of federalism. We acknowledge that a federal system often slows the process of rapid and effective policy-making in such areas as the economy, that it sometimes tends to generate conflict between governments, that it sometimes creates opportunities which vested interests can exploit to assert themselves against the common public interest, and that it is prone to stresses whenever large regional disparities emerge or dissatisfied minorities seek an outlet for their grievances. But problems with minorities, regionalism and separatist movements are by no means confined to federations, as the experience of Britain, France and Spain shows. On balance, we have concluded that a federal system, albeit a substantially restructured one, is still the optimal system for Canada.

3. The character of our proposals for a revised federation

Within a basic parliamentary federal framework there is extensive scope for variation in each of the elements which go to make up a federal system—the number and size of regional units of government, the actual distribution of legislative and executive powers and revenues, the instruments facilitating relationships between the two orders of government and the representativeness of the central institutions.

The number and size of the component units of the federation is an important variable because it affects the relative capacity of the units to perform functions. For example, the small size of cantons of Switzerland (twenty-three of them in a total population less than Ontario's) clearly affects the scope of governmental functions they can perform. In the Canadian context, among the alternatives one might consider are the possibility of two units in a binational federation, a federation composed of four or five regions, one composed of the existing ten provinces, one composed of twelve provinces if the territories were to become full-fledged provinces, or, if existing provinces were split, a federation composed of many more units. On balance we have concluded that the weight of historical continuity and current provincial distinctiveness will require the maintenance of the existing ten provinces, possibly with the eventual addition of the territories, as the basic regional units of government. This means that the consequent dramatic variation in the cultural character, size, population, resources, fiscal capacity and administrative scale of the existing provincial units will continue. One simple example of this disparity is the substantial number of municipalities in other provinces which serve more people than the province of Prince Edward Island. An implication of this variety and disparity is that it will require a greater recognition, possibly in constitutional form and certainly in political practice, of the asymmetrical relative capacity, power and character of the provincial units within the Canadian federation.

Our proposals for major changes in the Canadian federal system are focused in six key areas: (1) the clarification and adjustment of the constitutional distribution of powers between the central and provincial governments; (2) better methods for handling federal-provincial relations, in particular through the replacement of the Senate by a Council of the Federation composed of provincial delegates; (3) a revamped and formally independent Supreme Court of Canada; (4) provision for constitutional amendment and flexibility; (5) electoral reform to improve the regional representativeness of parties in the House of Commons; and (6) constitutionally entrenched fundamental rights. All of these must revolve around the attempt to give a better expression to the principles of duality, regionalism and the sharing of benefits and powers within a viable Canada.

Our approach is an integrated and systematic one in which the various elements are linked and interrelated. In arriving at any balanced overall federal solution it may be possible for political leaders to achieve compromises by trading off variations in particular elements in order to achieve overall agreement. At the same time, however, in considering the various elements individually, it must not be forgotten that they are interrelated and that our recommendations on the distribution of powers, on instruments for federal-provincial relations and on representation in central institutions form a balanced interrelated and integrated set of proposals.

The deep-rooted crisis before Canada calls for a more systematic approach than a negotiated consensus between central and provincial governments on a limited number of discrete topics will provide. To achieve such a systematic resolution will require our political leaders at both levels of government to rise above traditional jealousies and to achieve a spirit of creativeness and innovation, such as that which existed in the 1860's when out of political crisis and deadlock Confederation was conceived.

The distribution of powers

A critical issue in any federation is the distribution of legislative and executive powers and revenues between the central and provincial governments. The problem is a complex and controversial one, involving the reconciliation of the need for larger political units, desirable for such purposes as economic development, with smaller political units, desirable to ensure regional distinctiveness and responsiveness to the citizens.

1. The need for clarification and adjustment

A number of factors have made a review of the distribution of powers a basic issue in the current Canadian debate. As the role of both the central and provincial governments has grown enormously, it has become increasingly difficult to say where the responsibilities of one order of government end and those of the other begin. There appears to be a federal and provincial dimension to almost every area of government activity, from culture to economic development; and even when two governments are acting wholly within their own constitutional jurisdiction they may easily find themselves in competition or conflict. Furthermore, as new provincial responsibilities have emerged over time, an imbalance between their legislative responsibilities and their fiscal capacity has led to the development of a complex system of fiscal transfers from the central to the provincial governments and of shared-cost programs which have progressively blurred the delineation of their responsibilities. It is not surprising that in a time of growing provincial strength and maturity such overlapping jurisdiction should be a source of friction. Examples in recent years include the joint publications by the western premiers charging that Ottawa has intruded into numerous areas of provincial jurisdiction and Ottawa's counter-charges. But what makes this issue particularly critical at the present time is the question whether the distribution of powers can be revised in such a way as to meet the pressure from the provincial governments for greater responsibilities in their areas of particular concern and from Quebec to be able to maintain and indeed develop its distinctive character, while at the same time retaining for the central government sufficient powers to be effective and viable.

We have concluded that there is need for a clarification and adjustment in the distribution of powers to reduce these sources of friction and to fit more adequately the contemporary socio-economic, technological, cultural and political realities of Canada. At the same time we would caution that in any federation the functions assigned to the two orders of government can never in practice be totally isolated from each other into watertight compartments; there will always be limits to the precision with which constitutional draftsmen will be able to define the relative responsibilities of the two orders of government.

Our approach to this issue is a general one. Rather than drafting a blueprint for an actual revised distribution of powers, we outline as a guide to the public and to those political leaders who must negotiate the final text of a new constitution the general considerations which we believe should govern the revision of the distribution of powers.

2. The principal roles and responsibilities of the central and provincial governments

The revision of the distribution of powers must respect the need for a central government that can handle problems of Canada-wide importance and maintain a viable Canadian federation, for provincial governments that can handle regional and provincial concerns for local prosperity and preferences, and for the Quebec government to maintain and develop its distinct culture and heritage. In meeting these needs the principles of power and benefit sharing, regionalism and dualism which we identified earlier are fundamental.

We see the essential role and responsibilities of the central government as being to sustain, encourage and symbolize a Canadian identity and pride, to ensure the security and preservation of the Canadian federation, to have an overriding responsibility for the conduct of foreign policy, to control the major instruments of economic policy, to oversee interprovincial and international trade, and to stimulate economic activity within the federation. In addition, because the resources and economic advantages of Canada are not spread evenly throughout the country's ten provinces, the central government must be in a position to assume equitable benefit sharing for all Canadians. This means that it must have a responsibility for combatting regional disparities, establishing appropriate minimum standards of living for all Canadians where appropriate, and redistributing income between individuals and between provinces.

We see the essential role of the provinces as being to take the main responsibility for the social and cultural well-being and development of their communities, for the development of their economies and the exploitation of their natural resources, and for property and civil rights. This implies exclusive (or occasionally concurrent) jurisdiction over matters pertaining to culture, education, health, social services, marriage and divorce, immigration, manpower and training, the administration of justice, natural resources including fisheries, regional economic development, trade within the province, consumer and corporate affairs, urban affairs, housing and land use, and environment. It implies, as well, correspondingly adequate powers to tax. The provincial governments should also have the right, as long as they abide by Ottawa's overriding foreign policy, to establish some relations with foreign countries and to sign treaties in matters coming under their jurisdiction.

In the case of Quebec, it should be assured of the full powers needed for the preservation and expansion of its distinctive heritage. This would require either exclusive or concurrent

jurisdiction, assigned to all provinces generally or to Quebec specifically, over such matters as language, culture, civil law, research and communications, as well as related power to tax and to establish some relations in these fields with foreign countries.

In our opinion, it should be possible to meet these objectives in a coherent way, consistent with the realities of modern Canada. At the same time, delineating the distribution of powers more clearly would reduce those running controversies between the two orders of government which aggravate their relations and increasingly irritate the public.

3. The constitutional equality of the central and provincial governments

A definitive characteristic of any federal system is the equality of status under the constitution of the two orders of government, central and provincial, in relation to each other.

The question of status is a problem of attitude as well as of constitutional provision. There are a number of provisions in the BNA Act which imply an inferior constitutional standing of the provincial governments and these have led some commentators to describe that constitution as "quasi-federal" rather than genuinely federal. Moreover, we have been told repeatedly that the attitude of politicians and civil servants in Ottawa toward their provincial counterparts is that of a superior dealing with an inferior. This is obviously an extremely difficult area in which to obtain accurate or scientific information; but, if half the things that were said to us on the subject are true, we cannot help but regard this as a significant cause of conflict between governments. We do not wish to imply that the provinces are blameless in their behaviour, although we can report at the same time that no one has ever complained to us that a provincial government has been disposed to treat the central government as an inferior.

Since we view the provincial governments as equal in stature and maturity to the central government, we have no difficulty in stating that in a restructured, genuinely federal union the provinces should be recognized as having a constitutional status equal with that of the central government.

4. Equality of provinces and distinct status

Quebec's unique position as the province within which a linguistic minority within the country as a whole is in a majority has frequently led to suggestions that that province should be granted powers over matters denied to other provinces. But many in other provinces have argued that no province should have a privileged "special status" under the constitution and that all provinces should be equal in law-making terms.

In considering this issue it is vital to recognize that all existing federations—there are more than twenty with a total population of a billion people—are in practice what we might call asymmetrical: their component states or provinces differ in size, culture, social structure, wealth, administrative capacity and power, and these differences are reflected in political and even constitutional terms.

Since 1867 Canada herself has mirrored this fact: some provinces have proportionately more Commons or Senate seats than others, the use of the English and French languages

is guaranteed differently by different provinces, Quebec's civil law is different from the common law used in other provinces, and financial transfers from Ottawa to the provinces have taken account of their different circumstances. Furthermore, recent federal-provincial programs have accepted the right of a province to opt in or out—that is, to differ in what they do. In short, the Canadian federation, like others, from the beginning has never been, nor can it be, totally symmetrical.

At the same time we must recognize, as the experience of other federations indicates, that there are limits to the degree of constitutional asymmetry that can be tolerated without producing disruptive effects. A particularly pertinent example was the fatal tension within the Malaysian Federation during Singapore's brief membership in 1963-65 caused by the marked variance in its autonomous powers and correspondingly limited participation in central policy-making. Furthermore, many Canadians who are otherwise sympathetic to the desire of Québécois to maintain their culture and heritage, find the notion of "special status" for one province, with its connotation of "privileged" and favoured treatment, repugnant to their belief that all Canadians should be equal under the constitution.

Nevertheless if we perceive the Canadian duality in a political perspective as the expression of two realities, neither of which is superior to the other, then to recognize the distinctiveness of each is not to confer upon either of them a "special" or "privileged" status. Each is as special as the other: the only special feature is that one side of the duality is expressed politically at the level of provincial governments by nine and the other by one. "Special status," used as a term inferring favoured treatment, should therefore be avoided. But given the variety of distinctive arrangements which have been found appropriate for various provinces (for example, in representation in central institutions or central transfers to the provinces), we believe that the distinctive role of the Quebec government as the single province containing a French-speaking majority must be recognized. Nor is it inconsistent with our traditions. Indeed, in the years since 1867 we have learned to live with the fact that Quebec has a considerable degree of what we think should be labelled a distinct status: in its civil law, in the recognition of French as an official language, and in the fact that three of the nine judges of the Supreme Court must come from that province.

Let us put our conviction strongly: Quebec is distinctive and should, within a viable Canada, have the powers necessary to protect and develop its distinctive character; any political solution short of this would lead to the rupture of Canada.

What are the implications of this for the distribution of powers? There are two possible approaches. One is to assign to Quebec formal law-making powers, denied to other provinces, over such matters as culture, language, immigration, social policy, communications and some aspects of international affairs.

The second and, in our view, much the more preferable approach is to allot to all provinces powers in the areas needed by Quebec to maintain its distinctive culture and heritage, but to do so in a manner which would enable the other provinces, if they so wished, not to exercise these responsibilities and instead leave them to Ottawa. There are two methods of achieving this: to place these matters under concurrent jurisdiction with provincial paramountcy, thus leaving provinces with the option whether to exercise their overriding power in these fields; and to provide in the constitution a procedure for the intergovernmental delegation of legislative powers. In our view both methods should be used.

5. Criteria for the distribution of powers

The draftsmen for the distribution of powers in a restructured federalism should take account not only of the points made in the preceding sections of this chapter but of the following criteria:

- Public activities of Canada-wide concern should normally be handled by Ottawa and activities of provincial or local concern by the provinces.
- Consideration should be given to which order of government can fulfil a responsibility most efficiently and most effectively in relation to cost. In measuring effectiveness consideration must include not merely administrative and economic efficiency but political responsiveness, sensitivity and closeness to the concerns of the individual citizen.
- Where there is already common agreement there is an advantage in incorporating that agreement. It would also be advisable to respect existing federal-provincial agreements such as the recent ones concerning the selection and settlement of immigrants.
- Where there is no contention there is an advantage to maintaining continuity with past practices. For example, while the *caisses populaires* of Quebec and the credit unions of the other provinces might logically fall under central jurisdiction over economic matters, they have become so much a part of provincial and local traditions that we think they should remain so. Furthermore, in the interests of continuity, whenever there is agreement, the retention of existing wording is likely to produce greater certainty regarding future judicial interpretation.
- The allocation of competence over specific subject matters should be evaluated in terms of the effect upon the overall balance of responsibilities which each order of government will have.

6. The form of the distribution of powers

All federal constitutions contain, in one form or another, lists which allocate to each order of government competence to legislate with respect to the powers specified. Subject matters may be assigned exclusively to one order of government or the other, concurrently to both orders with paramountcy (i.e., overriding authority) assigned to one or other order, or remain unlisted and so become the responsibility of the order of government to which the residual authority is assigned. An arrangement existing in some federations, most notably the Federal Republic of Germany, is the provision in some subject matters for the central government to enact laws while leaving the actual administration or enforcement of the law to the provincial government. In addition, in some federations, including Canada under the BNA Act as interpreted by the courts, the central government may in certain instances be given specific powers to override otherwise normally exclusive provincial powers, for example in emergencies.

A number of federations, such as the United States and Australia, have enumerated only central exclusive and concurrent powers, leaving residual powers to the states, but their experience indicates that in practice such an arrangement has narrowed rather than protected state powers.

We have, therefore, opted in favour of a full enumeration of both central and provincial powers. In a revised constitution the allocation of powers should be listed under seven categories:

- a list of exclusive central powers
- a list of exclusive provincial powers
- a list of concurrent powers with central paramountcy
- a list of concurrent powers with provincial paramountcy
- a limited list of those areas where central laws would be administered by the provinces
- a limited list of those powers requiring joint action by Parliament and the provincial legislatures (for example with respect to the modification of provincial boundaries)
- a category of special overriding central powers with limitations specified.

We believe that as far as possible matters should be placed in one or other of the two exclusive lists. We would do so even to the extent, where appropriate, of dividing a given subject area so that one part is assigned to one government and one part to another, an arrangement found frequently in the Swiss constitution. This would disentangle as far as possible central and provincial powers, keeping to a minimum the areas of concurrent jurisdiction which require intergovernmental cooperation and which can become at the same time potential sources of conflict. Given the tradition in Canada of parliamentary cabinets responsible to their legislatures, the scope for the category of laws made by the central government and administered by the provinces will be limited. But we do have a precedent in the Criminal Code, enacted by the central parliament but administered by the provinces, which indicates that there may be wider potential for uniform central laws to be combined with flexible provincial enforcement.

Although we have advocated a careful specification of seven categories of central and provincial powers, it is impossible to cover all possible eventualities by lists of specific powers. Federal constitutions, therefore, usually allot to one order of government or the other those powers which are not listed. In most federations, this residual power is vested in the member state governments. In Canada, however, under the BNA Act's "peace, order and good government" clause, it is largely vested in Ottawa. A third alternative advanced recently by some is a *shared* residual power in which an unlisted subject matter would be assigned according to whether it was of interest to the central or provincial government. In our view it would be difficult to avoid the impression that only unimportant residual matters would be attributed to the provinces. On balance, therefore, we have concluded in favour of assigning the residual power in a revised constitution to the provincial governments, as is the case in most other federations.

7. A functional approach to the allocation of specific powers within policy areas

When it comes to the assignment of specific powers to governments we would advocate that those involved in the negotiations adopt a systematic functional approach.

The enumerations of powers in sections 91 and 92 of the BNA Act lack coherence or logical theme to their arrangement. The powers refer in different cases to the purposes of policy

("peace, order and good government"), to the subjects of a policy ("Indians"), to the instruments of a policy ("weights and measures") and to the objects of a policy ("education", "immigration", "agriculture"). Some powers are broad in scope ("trade and commerce", "property and civil rights"), while others are very specific ("beacons, buoys, lighthouses and Sable Island"). The arrangement of items is haphazard, related items not being grouped together. Furthermore, there has recently developed a number of major policy areas, such as pollution or energy, which cut across the traditional subject matters. We believe that clarification would be assisted by a coherent and functional approach to the actual enumeration of powers.

We therefore advocate the grouping of subject matters in terms of general domains of government activities. Such broad policy areas might include: external affairs, defence, economic policy, transportation, communications, natural resources, administration of justice and law enforcement, the status and rights of citizens, culture, health and welfare, habitat and environment. Within each of these domains would be listed the more specific subject matters arranged in related groups. For example, under economic policy might be listed trade and commerce (differentiating external trade, interprovincial trade and intra-provincial trade), monetary policy (including foreign exchange and currency and coinage), financial institutions, taxation, (distinguishing specific taxing powers), public borrowing, and corporations and companies. Under culture might be listed language, education, schools, universities, archives, research, exchanges, copyrights, books, films, arts, leisure, marriage and divorce, property and civil rights. Under habitat and environment might be listed urban affairs, housing, land use, parks, protection of the environment and control of pollution.

Once activities are divided in this way, it should be possible to distribute specific responsibilities within a given general domain exclusively or concurrently to the order of government best suited to carry them out. In most of these broad domains both the central and provincial governments will have some specific interests, but by allocating subject matters or even parts of subject matters to one level or the other it will be clear how the exclusive responsibilities of each order of government and the areas of concurrent jurisdiction within that domain relate to each other.

We believe that this functional approach should provide a clarity which has been lacking and that it should be easier to allot components than entire areas to a given level of government. When the courts are subsequently asked to determine the jurisdiction under which a new activity belongs, it would help them in interpreting the rationale of the distribution of powers.

8. Some contentious areas

In recent years a number of areas of jurisdiction have proved particularly contentious. We have singled out some of these for particular research and analysis: natural resources (especially oil and natural gas), offshore resources and fisheries, communications, immigration, foreign relations, higher education, transportation, social policy, and urban affairs and housing. Although these studies are still in progress, it is possible to make some observations on the general approach we would advocate for reducing the degree of intergovernmental contention over these areas.

Each of these fields represents an area where both the central and provincial governments believe they have a legitimate interest and jurisdiction. This is in part the result of the changing perception of the role of governments in general in modern society. The expanded activity of both levels of government has given to almost every subject both a federal and provincial aspect. It is also a result of the fact that these fields in particular have been marked by radical changes in technology, international developments, environmental circumstances and social impact, altering out of all recognition the way in which jurisdiction over such areas was viewed thirty years ago, let alone in 1867. Examples are the impact of OPEC and the oil embargo upon the price and importance of oil and gas resources; the effect of the extension of Canada's offshore boundaries to the 200-mile limit or even the whole continental shelf and the technological advances in extracting resources from the oceans and their seabeds and in fishing methods; the rapid advances in sophisticated telecommunications technology (in which Canada is in many respects leading the world) and the ever-widening impact of communications on every aspects of life Canada-wide and local; and the expansion of Canadian universities to give much wider access to higher education at the same time as these institutions have developed as the bases for advanced research requisite for Canadian development. These developments have transformed these fields into ones in which there are both Canada-wide and distinctive provincial dimensions and in which, therefore, both the central and provincial governments have a very keen interest.

In resolving conflicts over jurisdiction in these areas the present distribution of powers under the BNA Act is not very helpful. To take an example: in the field of oil policy, the conflict between the Alberta government and Ottawa emerges specifically as a clash between the provincial ownership of resources and the central government's control over international and interprovincial trade and commerce. In communications, the clash arises between the central government's view of communications as an integrated Canada-wide system serving as a powerful instrument for nation-building and the insistence of the provinces, particularly Quebec, that the impact of communications on local and provincial responsibilities is so pervasive that provincial control is necessary for them to meet the demands placed upon them and for the provinces to safeguard regional and local distinctiveness.

In our view, any attempt to reduce the friction and resulting frustration and conflict over each of these contentious areas would appear to require two steps. The first is a careful review of the aspects of that policy area with a view to delineating by agreement the aspects which might appropriately be placed under the exclusive jurisdiction, of one government or the other, or under concurrent jurisdiction. In this process the criteria and considerations we have referred to in the preceding sections of this chapter should be taken into account.

The field of immigration can serve as an illustration of the sort of approach we have in mind. Although it is one of the few areas formally placed under concurrent jurisdiction by the BNA Act, it was for so many years effectively under federal management. Federal control became increasingly contentious for those aspects of the immigration field which are more directly related to provincial and local interests. Intergovernmental negotiations have resulted recently in agreements between governments upon the appropriate jurisdiction over various aspects of the immigration policy area.

These agreements appear to have taken much of the heat out of the issue. Thus, it is now possible to envisage a distribution of responsibilities such that settlement and integration of immigrants is an exclusive provincial responsibility, selection criteria and levels of immigration to a province are concurrent with provincial paramountcy, recruiting of immigrants abroad and admission of refugees are concurrent with central paramountcy, and deportation of aliens and public safety come under exclusive central jurisdiction. We understand that in recent months central and provincial government representatives have been conducting a review of the areas of contentious intergovernmental overlaps and duplication, and we would hope that this effort to achieve a clarification and reduction of friction will be pursued. We must caution, however, that in areas as complex and rapidly changing as those we are considering in this section, an identification of central and provincial aspects of jurisdiction will not by itself ensure an adequate coordination.

The second step which is required, in each field, therefore, is the development of effective councils or other standing intergovernmental bodies. Membership in these councils should not be restricted to public officials but should include representation from the private sector in that field, to facilitate the formulation of policy at both levels of government that will effectively mesh with each other. In addition, the review of central legislation in such fields by the Council of Federation (which we propose in a subsequent section) should assist this process by reassuring provinces that their views will have a direct impact when Parliament legislates in these areas.

9. Taxing powers

In all federations the allocation of taxing powers has been an extremely important and controversial subject. It is significant in three ways: (1) the allocation of financial resources will facilitate or limit the extent to which a government can fully exercise its assigned legislative and executive powers; (2) it affects the political balance because whichever order of government has the major financial resources has in its hands the means for political dominance; and (3) the assignment of fiscal and spending powers will determine which governments are able to use these instruments as levers to control the economy.

Broadly speaking, there are three approaches to the distribution of taxing powers. The first is to allocate specific sources of taxation to each order of government in terms of its perceived needs; the second is to retain all major tax resources in central hands with substantial unconditional transfers replacing provincial taxes; the third is to grant to both orders of government equal access to most revenue sources.

We favour the third approach. Experience in most federations indicates that attempts to allocate specific tax resources in relation to perceived needs invariably go quickly out of date. The second approach implies an unacceptable degree of centralization, a serious gap in accountability between the spending government and the taxpayer. There would, of course, need to be some specified exceptions to the general rule of equal access, an obvious example being that in order to maintain a common market within the Canadian federation the imposition of customs and excise taxes would be an exclusive central power. The provincial right to use indirect taxation would have to be qualified also to ensure that the impact would not be on persons outside the province. It would be our hope that the clarification of provincial powers over indirect taxation would reduce such frictions as those which have arisen recently over Saskatchewan's policies concerning the potash industry.

10. Overriding central powers

The category of special overriding central powers requires careful attention because such powers, specified or implicit, under the BNA Act enabling the central government to act in what might otherwise be considered a provincial field have been the source of considerable federal-provincial controversy. These are the emergency power, the declaratory power, the spending power, the powers of reservation and disallowance, and the power to appoint lieutenant governors.

There are times in both war and peace (in the latter case, for example, economic crises or natural disasters), when extraordinary circumstances make it necessary for the central government to assume for a temporary period emergency powers affecting areas of provincial jurisdiction. The time has come, however, to base this emergency power, not on court interpretations of the "peace, order and good government" clause of the BNA Act, but on express recognition in the constitution with safeguards written in. We say this because the existing emergency power violates the principle of non-subordination of the two orders of government and its abuse could endanger our federal system. When in future Ottawa seeks emergency powers it should be required to spell out the reasons in a proclamation, to obtain approval of the proclamation by both the House of Commons and the revised second chamber (which we propose in the next section) as soon as is reasonably possible, and to be limited for a specified duration.

Under section 92(10)(c) of the BNA Act, Parliament may unilaterally declare "local" works situated solely within provincial boundaries and within provincial jurisdiction to be for the general advantage of Canada or for the advantage of two or more provinces and hence subject to central jurisdiction. This so-called declaratory power has in the past been used to bring grain elevators, pipelines and many other projects under central jurisdiction. The frequent use of this power without provincial consent could seriously undermine the authority of the provinces. At the same time we recognize that historically the invocation of the declaratory power has had some beneficial results, for example contributing to the development of a comprehensive railway system and a successful international grain marketing scheme. We conclude, therefore, that the central declaratory power should be retained but that its use should be subject to the consent of the provinces concerned.

Particularly controversial in recent years has been Ottawa's power to spend its revenues for any purpose, even in areas of provincial jurisdiction. Under it, such pillars of central government policy as hospital care and medicare have evolved. It would seem that the provinces generally do not object to the use of the spending power to fight regional disparities or to make equalization payments which most of them receive. But they have charged that Ottawa has gone beyond this to intrude in provincial spheres in a way that has undermined their autonomy and has forced provinces into programs they neither want nor need.

In our opinion, the spending power must be retained to enable Ottawa to ensure unconditional equalization payments to the poorer provinces and to ensure Canada-wide standards for programs in which a strong general interest has been demonstrated. But we think it, too, should have limits. The exercise by Ottawa of its spending power, whenever it is related to programs which are of provincial concern, should be made subject to

ratification by the reconstituted upper house which we are proposing. To further safeguard provincial autonomy, provinces should have the right to opt out of any program and where appropriate receive fiscal compensation.

In recognition of the principle of non-subordination, we would eliminate two methods by which provincial legislation can be blocked by Ottawa. Under the BNA Act, a lieutenant governor can refuse to give royal assent to a bill approved by his or her provincial legislature and "reserve" it for assent by the governor general, in effect the central cabinet. In addition, the central cabinet can also disallow a provincial statute within a year. Over the years more than one hundred provincial bills have been disallowed by Ottawa and some seventy have been reserved. But both methods have gradually faded from use and now are considered dormant. To eliminate these two powers would not only recognize a situation which exists, but would recognize the ability and right of the provincial governments to act as responsible non-subordinate bodies.

Likewise, we would recognize the constitutional equality of the two orders of government by having the Queen appoint a lieutenant governor on the recommendation of the provincial premier rather than on that of the prime minister, as is now the case. The precedent for such a procedure already exists in the regular Australian practice.

The improvement of federal-provincial relations

Effective intergovernmental relations are a fundamental aspect of any federal system, as important as the distribution of powers. That means that the reduction of intergovernmental conflict in Canada will depend to a great extent on a general harmonization of relations between the two orders of government.

1. The interdependence of the central and provincial governments

While we have advocated a clarification and rationalization of the constitutional responsibilities of the central and provincial governments, the functions assigned to the two orders of government in a federation can never be totally isolated from each other and will inevitably to some degree interpenetrate both administratively and politically. As the roles of both the central and provincial governments have grown, it has become increasingly difficult for one government to act in isolation from the other. A simple example will suffice to illustrate the problem. Many people agree that provincial control over natural resources should be strengthened and so should central control over trade and commerce. Yet in an age when governments are responsible for setting the terms on which natural resources are marketed in the world, these two constitutional responsibilities simply cannot be exercised independently of each other. Consequently, in order for public policy to be effectively implemented in this area some means must be found to promote cooperation between both orders of government on a continuing basis.

This situation applies to almost every area of constitutional jurisdiction. As we saw in the section on the distribution of powers, constitutional jurisdictions may be organized into broad domains of activity within which different specific powers are assigned to each order of government. For policy to be effectively applied within the broad area as a whole,

however, the specific powers which rightfully belong to both orders of government must be brought into play. It also means that any reform of the distribution of powers must be augmented by proposals for improved mechanisms and procedures for the conduct of federal-provincial relations.

2. The record of executive federalism

The need for institutions to reconcile and harmonize the objectives of both orders of government is attested to by the spontaneous growth in recent years of a wide network of intergovernmental meetings and conference, at both the ministerial and official levels. This network of conferences has come to be known as "executive federalism" because of the way it responds to the new reality of interdependence through direct negotiations between the executives of both orders of government.

Executive federalism in Canada has done a great deal to adapt our federal system to changing circumstances and it has some remarkable achievements to its credit. To name only the most obvious: it has facilitated the implementations of fiscal equalization programs intended to reduce disparities among the provinces; to promote regional economic development, to provide basic health and social services up to a minimum standard across the country, and to negotiate a continuing transfer of financial resources and responsibilities from the central to the provincial governments.

But these successes should not hide the weaknesses of the process and its contribution to the present crisis of Canadian unity. The general public has been more aware of the dramatic public confrontations between central and provincial leaders which it has occasioned. The way in which the process has been conducted has often left provincial governments with the feeling the central government's choice of priorities and conditions has imposed a *fait accompli* upon them, distorting their own priorities, while the use of intergovernmental meetings by provincial leaders to score points against the central government for partisan advantage at home has exasperated representatives of the central government. The spectacle of Canadian governments wrangling constantly among themselves has done nothing to reduce cynicism about public affairs and it has presented Canadians with the image of a country deeply divided against itself.

Another unfortunate side effect of the current form of intergovernmental relations in Canada is that it has developed outside the framework of our traditional democratic and parliamentary institutions and has sometimes seemed to be in competition, if not in conflict, with them. For this reason, some observers have regarded it with suspicion as a weakening influence on Canadian democratic life.

3. Options for the conduct of federal-provincial relations

The lesson we draw from the record of recent federal-provincial relations in Canada is that in a parliamentary federal system with the dominant role played by cabinets, the developing practice of executive federalism is an inevitable and necessary one, but that the mechanisms and procedures for the conduct of federal-provincial relations should be reformed to more adequately serve Canadian unity and democracy.

There are two general directions which reform of our own processes of intergovernmental relations could take. The first would be to institutionalize the current pattern of executive federalism in order to provide a framework for ongoing consultation, negotiation and decision-making. The new federal-provincial machinery would be placed under the authority of the conference of first ministers which would become a continuously functioning arm of government, formally recognized in the constitution, in which central and provincial policies would be coordinated, differences resolved and major Canada-wide priorities established. This option would be somewhat analogous to some aspects of the Australian Loans Council, an intergovernmental council provided for in the constitution as the result of a constitutional amendment, which has the power to make binding decisions over a limited range of matters.

This approach, however, would also institutionalize many of the defects of the present arrangements. It would lack the disciplinary features of the normal political process which permit the resolution of conflicts, including an ultimate appeal to the electorate; it would not provide any incentives for the cooperative attitudes which are essential to the effective working of executive federalism.

The second option, which we therefore prefer, would also accept the reality and value of executive federalism but would build it into the parliamentary institutions at the central level. In order to do this the present Senate would be replaced by a second chamber of the Canadian Parliament in the form of a council of representatives of the provincial governments.

4. A new central second chamber

Before concluding that a new second chamber would be the most appropriate instrument for improving the conduct of federal-provincial relations we have reviewed the functions which second chambers have performed in other federations and the different forms which a central second chamber may appropriately take. We have identified seven potential functions: (1) the critical review and improvement of central government legislation; (2) the conducting of investigatory studies; (3) the protection of minority rights; (4) the provision of broader regional representation for political parties and the correction of imbalances in the first chamber created by the electoral system; (5) the provision of a legislative house less dominated by the executive and party discipline; (6) representation of constituent provincial governments on a more equal basis than in the popular chamber, thereby increasing their influence over central legislation bearing directly on regional or provincial concerns; and (7) the promotion of central-provincial consultation on those particular areas which are of joint concern. Not all of these functions are equally important and some may be performed by other institutions if they are adequately structured for the purpose.

Among the possible options we have reviewed are: the Canadian Senate in its current form, an elected Senate, the House of the Federation proposed in the Constitutional Amendment Bill (1978), and a second chamber composed of provincial appointees. While the usefulness of the existing Senate has often been underestimated, its main value is confined to the first two of the seven functions listed above. Moreover, the appointment procedure has prevented it from being a genuine guardian of regional and sectional interests within central political institutions. Indeed, it could be said that few other

federations have made as little use as Canada of the central second chamber as a way of bringing regional or provincial interests to bear on central legislation.

An elected Senate would clearly enjoy much more popular support, be in keeping with the spirit of democracy, and create a centre of power that would not fall automatically within the control of the governing party. Elected second chambers have been successful in federations like the United States and Switzerland, where a system other than the responsible parliamentary cabinet is in operation. But, as the Australian experience indicates, an elected Senate can create serious problems in a parliamentary system like our own when there is a conflict between the popular mandate of that body and of the House of Commons to which the cabinet is responsible. Furthermore, party discipline rather than regional concerns are likely to be the dominant factor in deliberations.

The proposal in the Constitutional Amendment Bill (1978) for a House of the Federation composed equally of members selected by the House of Commons and the provincial legislative assemblies in proportion to the popular votes in elections is a novel one and we have considered it carefully. Such a house would certainly widen the regional representation of the major political parties in Ottawa and would have the superficial advantage of balancing central and provincial appointees. It suffers, however, from two critical drawbacks. First, the only accountability of its members would be to the appointing bodies which in effect would be the central and provincial parties; party interest rather than regional ones are therefore likely to predominate. Second, since its members could not speak for provincial governments, it would be unable to play an active constructive role in intergovernmental relations.

The fourth alternative for the second chamber is one composed of provincial delegations appointed by the provincial governments. We have concluded in favour of such an institution, suggesting the name Council of the Federation, because it could combine the function of a second legislative chamber in which provincial interests are brought to bear, and a means of institutionalizing the processes of executive federalism (with their confederal character) within the parliamentary process. Our conclusion is similar to the proposals advanced by the government of British Columbia, the Ontario Advisory Committee on Confederation, and the constitutional committees of the Canadian Bar Association and the Canada West Foundation.

5. The Council of the Federation

In the place of the existing Senate we propose that there be established a Council of the Federation composed of provincial delegations to whom provincial governments could issue instructions, each delegation being headed by a person of ministerial rank or on occasion by the premier.

The Council would be composed of no more than 60 voting members with provincial representation roughly in accordance with their respective populations but weighted to favour smaller provinces. Membership for any one province would be limited to a maximum of one-fifth of the seats, and a minimum of one-fifth would be guaranteed to any province which has at any time has 25 per cent of the population (such as Quebec and Ontario).

Such a formula might produce a representation along the lines of 12 seats each for Ontario and Quebec, 8 for British Columbia, 6 for Alberta, 2 for Prince Edward Island and 4 for each of the other provinces. Upon becoming full-fledged provinces the territories would qualify for seats also.

We would propose that in addition, central government cabinet ministers be non-voting members so that they have the right to present and defend central government proposals before the house and its committees. At first sight the suggestion that central government ministers not have a vote may seem to run counter to the function we advocate for this Council as a way of integrating executive federalism into the parliamentary institutions. But since the initiating power for ordinary legislation before the Council would rest with the central government, voting within the Council would simply signify provincial ratification or rejection of central proposals concerning matters of provincial concern or of agreements already negotiated. In such a context a voting central government delegation would be anomalous.

Against the concern that such a Council might become a house of provincial obstruction we would suggest that the requirement of a two-thirds vote in the Council on those subjects of high provincial concern would reduce the premium for intransigence from that created at present by the unanimity rule in the first ministers' conference. Moreover, the open meetings would require provincial positions which would stand public scrutiny. A particular encouragement to accommodation would be the fact that the suspensive character of the veto in most subject areas would provide the central government, on the one hand, with an incentive to present proposals that would not be susceptible to delay and the provincial government delegates, on the other, with an inducement to agree upon modifications that would not provoke subsequent action to override them. We would expect that much of the preparatory work for the meetings of the Council would be done through its committees.

We would envisage differing requirements of majorities within the Council and of suspensive veto time for different categories of legislation. Matters within the exclusive central jurisdiction would not require the approval of the Council. Matters falling under concurrent jurisdiction but with central paramountcy would be subject to a suspensive veto of relatively short duration by the Council, but those falling under areas of concurrent jurisdiction where there is provincial paramountcy or in areas where central legislative authority combined with provincial administrative responsibility is specified in the constitution would be subject to suspensive veto by the Council of longer duration. The ratification of treaties dealing with matters within provincial jurisdiction, the exercise of the central spending power in areas of provincial jurisdiction, and the ratification of a proclamation of a state of emergency, would require special approval by the Council as set forth in our summary of recommendations in Chapter 9. Federal appointments to the Supreme Court and certain specified major regulatory agencies such as the Canadian Transport Commission and the National Energy Board would require approval of the appropriate committee of the Council. To determine the classification of a bill and hence the powers that the Council may exercise we suggest that there be provision for a permanent committee composed of the Speakers and some members from both the House of Commons and the Council.

All this would be a radical departure, one that would end the traditional roles of the Senate as a chamber of "sober second thought" on Commons' legislation and as an investigatory body on various issues. These roles we would transfer to a strengthened committee structure in the Commons. Unlike the existing Senate, the Council of the Federation, whose structure, powers and functioning we have here only sketched out, would be an institution which could play a major part in ensuring that the views of provincial governments are taken into account before any central action which might have an impact upon areas of legitimate provincial concern occurs, thus inducing more harmonious federal-provincial relations.

6. Additional mechanisms for improved federal-provincial relations

Our proposal for a Council of the Federation as a second chamber of Parliament does not mean that the necessity for intergovernmental meetings and conferences will evaporate. To improve their effectiveness we propose that the conference of first ministers be put on a regular annual basis and that additional conferences be held whenever a government secures the agreement of a simple majority of the other ten. Furthermore, to establish agendas, to co-ordinate preparatory research and the development of proposals, and to follow through on the implementation of agreements resulting from such conferences, we suggest that there be a committee on policy issues made up of the eleven ministers responsible for intergovernmental affairs.

Because of the chronic possibility in any federation of overlaps in governmental policies, we further recommend that a standing task force of officials and experts representing all governments be established to review policy and program duplication on a continuing basis.

To bring federal-provincial relations more effectively within the scope of accountability to the legislatures, we recommend that standing committees be established in the House of Commons and in all the provincial legislatures to review the activities of the major federal-provincial conferences and the agreements arrived at by the central and provincial governments.

What we are seeking is a way to make the federal-provincial interdependence which is inevitable in a modern federation work more smoothly and effectively and to reduce the tensions that have arisen because both orders of government have tended to act on their own and without due regard for the other.

The Supreme Court and the judicial system

It is the Supreme Court of Canada which must finally decide whether central and provincial laws are valid, must rule in cases of conflict between them, and must guard the constitutional distribution of powers. As such it has a crucial role in the evolution of Canadian federalism and must be and appear to be independent of both orders of government.

Yet at the present time the existence of this highest court in the land is based upon a simple statute of 1875 which Parliament could change at will. Furthermore, its justices are appointed by the central government alone.

While the Supreme Court has in fact displayed a high degree of independence in reaching its judgements, we believe that the time has come to make the public perception of that independence clear by entrenching within a revised constitution the existence and independence of the Supreme Court and indeed of our entire judicial structure. In view of our recommendation, later in this chapter, that fundamental rights be entrenched in the constitution, the importance of ensuring the actual and apparent independence of the courts and particularly the Supreme Court takes on added significance.

1. The Jurisdiction of the Supreme Court

The present Supreme Court has very broad authority, exercising appellate jurisdiction in all types of cases both constitutional and non-constitutional and in relation to the interpretation of both central and provincial statutes.

In considering the jurisdiction of the Supreme Court there are then two basic issues. First, should the Court be a specialized constitutional court with jurisdiction limited to cases involving constitutional issues? Second, should the Supreme Court's appellate jurisdiction be limited to cases involving the interpretation of central statutes, with provincial superior courts exercising final appellate jurisdiction in cases relating to the interpretation of provincial statutes? A relevant factor in the consideration of these issues is the dualistic character of the Canadian legal system within which there is a civil law system in Quebec and a common law system in the other nine provinces.

While a specialized constitutional court on the European model, such as that which exists in the Federal Republic of Germany, is a workable approach, we have concluded instead in favour of a Supreme Court with general appellate jurisdiction over cases involving both constitutional and non-constitutional issues because of the inevitable difficulty in many cases of separating constitutional and non-constitutional issues, and the desirability of a court whose judges see the full scope of the law in interpreting cases.

Because references to the Court by a government on a point of law are a useful and expeditious way of having constitutional issues settled, while avoiding lengthy and costly litigations, we have concluded that the Supreme Court retain this jurisdiction, but provincial governments should have the same rights as the central government to refer constitutional matters to the Supreme Court.

Proponents of the view that Supreme Court jurisdiction should be limited to central statutes only have argued that a provincial superior court is better able to interpret provincial statutes because of its greater sensitivity to the needs of the provincial community, and that this is particularly applicable to Quebec with its unique system of civil law. Indeed, many Quebec lawyers have argued that Quebec's civil law should be interpreted by judges trained in a civil law system rather than by a Supreme Court of Canada with only a minority of such judges. It has also been suggested that such an arrangement would reduce the number of Quebec judges on the Supreme Court since it would not need to be able to deal effectively with civil law cases.

We believe, however, that there is an advantage in having one federal appeal court interpreting all legislation and that it is important for Quebec to participate as fully in all

federal institutions as the other provinces. We attach particular importance to the symbolic role of the Supreme Court as a common court of appeal for all of Canada. This will require in our view the structuring of the Supreme Court of Canada in such a way as to recognize fully the duality of the Canadian legal system which it is interpreting as well as the wider political duality within Canada.

To make the Supreme Court, as a general court of appeal, more easily accessible to all Canadians, we propose that a special fund be established for the reimbursement of the travelling costs of the people involved in the cases before it, whenever the Court is of the opinion that the situation warrants it.

2. The composition and structure of the Supreme Court

Assuming that the Supreme Court of Canada would in a revised constitution be given such a broad appellate jurisdiction over cases involving both constitutional and non-constitutional issues and over both central and provincial statutes, including those of Quebec, we propose a slightly enlarged court of eleven judges, five of whom would be chosen from among civil law judges and lawyers, and six from among common law judges and lawyers on a broadly regional basis. To facilitate its operation the Court might be divided into three benches: one of provincial jurisdiction with a Quebec law section composed of the civil law judges and a common law section composed of common law judges; one of federal jurisdiction with a quorum of seven or nine judges; and one of constitutional jurisdiction composed of the full court.

We have proposed this near-equality of representation and internal structure of benches both because of the two basic legal systems within Canada and because of the wider political duality within Canada. We attach great importance to the crucial need to have Quebec look upon the Supreme Court as a bastion for the protection of that province's responsibilities for a distinct heritage. If we are to accept the element of dualism within Canada, this is one place in our constitutional structure to give it fundamental recognition. We have emphasized throughout our report the need to give expression within a restructured federalism to the elements of duality and regionalism; our proposals for the Council of Federation provide a particular vehicle for the latter against which we balance an emphasis in the direction of duality within the Supreme Court.

3. The appointment of Supreme Court judges

To ensure the visible independence of the Supreme Court of Canada as an impartial umpire in the federal system, we would recommend a change from the existing system of appointments to the Court by the governor general on the unilateral recommendation of the central cabinet. We would recommend that the central government before making nominations be required to consult the Quebec attorney general about the choice of civil law judges and the attorneys general of all the other provinces with respect to the choice of common law judges. To ensure that effective prior consultation has taken place we would recommend that all appointments to the Supreme Court be ratified by the appropriate committee of the Council of the Federation which we have proposed.

In the case of the appointment of the chief justice, we suggest that he be chosen from among the members of the Court. Since his original appointment as a judge will have

already required the provincial consultation process, we do not believe a repetition of such consultation would be necessary. Appointment, therefore, would be by governor in council for a non-renewable term and the post should be held in alternation by a common law judge and a civil law judge. The provision that appointment as chief justice be non-renewable would ensure a regular alternation and a sharing of duties.

As a further assurance of the independence of the Supreme Court, we suggest that the constitution specify that removal from office be only by the governor in council following a joint address from both houses of Parliament.

4. Appointment of provincial higher court judges

The current practice under section 96 of the BNA Act whereby judges to higher provincial courts are appointed by the governor general on the advice of the central cabinet is a questionable remnant of federal centralization. We suggest that consideration be given to a procedure whereby all provincial judges would be appointed by the provincial governments, but in the case of higher court judges only after consultation with the central government, since they interpret central laws as well. Federal Court judges would, of course, continue to be appointed by the central government.

Constitutional change and adaptation

The need over time for amendments in the institutional structure of government to meet changing social, economic and political conditions arises in all political systems. It is, however, of particular significance in federal systems because of the impact of changes upon the relative powers of the central and provincial governments.

1. The balance between constitutional flexibility and rigidity

Within a federal system there are inevitably conflicting demands for flexibility and rigidity. On the one hand, the constitution must be made adaptable to changing needs and circumstances. On the other hand, the very regionalism which makes a federal system necessary encourages the demand for an amendment process sufficiently rigid for the provincial governments to feel secure about the functions assigned to them. Given the dualism and regionalism which a revised Canadian constitution would be intended to preserve, it will be important to ensure that the amendment and adaptation of the constitution should be neither so difficult as to produce frustration nor so easy as to weaken seriously the safeguards the constitution provides.

Furthermore, if neither order of government is to be placed in a subordinate position to the other, then the ultimate control of amendment over those aspects of the constitution affecting both central and provincial governments cannot be left to unilateral action by one order but must require a process involving both orders of government.

Formal constitutional amendment is not, of course, the only method of altering the federal framework. Judicial review, customs and conventions, and federal-provincial agreements are important means of change through which the constitution can evolve. Indeed, Canada throughout its history has relied heavily on these other means of adaptation.

2. Formal constitutional amendment

Provincial legislatures have been able to amend their own constitutions, except for the office of lieutenant governor, since 1867, and Parliament has been able since 1949 to amend unilaterally those portions of the BNA Act which concern only Parliament and do not concern the provinces. But although since 1927 a series of major federal-provincial conferences have sought to reach agreement on an amending formula for those portions of the constitution concerning both the central and provincial governments, as yet no agreement has been reached. We believe that it is important to contain within a revised federal constitution an amendment formula for those matters of joint concern to both orders of government, and that such a formula should attempt to strike a balance between the need for both flexibility and rigidity. Furthermore, we believe that the amendment procedure should be exclusively Canadian and not require enactment elsewhere.

There are two distinct elements in an amendment formula: a definition of the subject matters that will require both a central and a regional consensus; and the definition of that consensus itself.

With respect to the first, we suggest that the following parts of the constitution require a special amendment procedure involving both orders of government: the distribution of legislative powers, the basic features of both houses of Parliament, the existence and composition of the Supreme Court of Canada and the method of appointment and removal of its judges, the offices of governor general and lieutenant governor, a list of fundamental rights and liberties, the designation of official languages and related linguistic rights, and the constitutional amendment formula itself.

With respect to the definition of the consensus, various proposals have been made over the years. All would involve approval by both houses of Parliament, but the proposals vary according to whether ratification would be by provincial legislatures or governments or by a referendum process, and also in terms of the extent of provincial or regional approval to be required.

Among the best-known proposals for ratification by provincial legislatures or governments are the Fulton-Favreau formula of 1964 which in some areas would have required the consent of each province; and the Victoria Charter formula of 1971 which would have required approval by a majority of the provincial legislatures including among them provinces having more than 25 per cent of the population (Ontario and Quebec at this time), two of the four Atlantic provinces and two of the four western provinces (provided they made up together half of the population of that region). More recently the Committee on the Constitution of the Canadian Bar Association has proposed a modified version of the Victoria formula whereby in the western region approval would be required by at least two of the four western provinces including at least one of Alberta or British Columbia. The governments of Alberta and British Columbia have both requested that their provinces be given a right to a veto over constitutional amendments.

We are concerned that all these proposals would introduce a very high degree of rigidity, making subsequent agreement on constitutional amendments difficult to achieve. At the same time we recognize that the need to reassure the major regions and the larger

provinces that their distinctive interests will not be overridden makes some such formula necessary if ratification is to be by provincial legislatures.

We have also considered the possibility of a referendum process for the ratification of constitutional amendments, a procedure which is followed in both the Swiss and Australian federations. But the provincial governments, through their membership in the new second chamber which we have proposed, will have direct participation in the approval of constitutional amendments and even the right to initiate them. We have concluded, therefore, that a ratification process involving a mandatory referendum would be more appropriate than ratification by provincial legislatures. Such a proposal has the further advantage of involving citizens at large in a matter as important as constitutional amendment.

Our proposal for the approval of constitutional amendments of concern to both orders of government then would be passage in the House of Commons and in the Council of the Federation, in each case by a simple majority of votes, plus ratification by a Canada-wide referendum with a majority vote in favour in each of four regions consisting of the Atlantic provinces, Quebec, Ontario, and the western provinces. We have given some consideration to the question whether for this purpose British Columbia should be considered as a fifth region, but on balance have concluded that, because of the relative size of its population, its interests would be safeguarded by the proportion of its votes within a region of four western provinces.

3. Delegation of powers

While various forms of delegation of administrative powers between the central and provincial governments are permitted, the courts have held that the BNA Act does not authorize the delegation of legislative powers from one order of government to the other. Generally, with the notable exception of the Fulton-Favreau proposals, there has been a reluctance to envisage the delegation of legislative powers. We are of the view that this reluctance is based upon exaggerated fears that massive delegation would occur, upsetting the constitutional balance, and that a provision enabling the delegation of legislative powers, provided it were accompanied by appropriate safeguards, would be a useful device not only to achieve greater flexibility but to enable the distinctive requirements of various provinces (in particular Quebec) to be met without having to apply those arrangements to all provinces.

We therefore propose that a new constitution recognize the right of the central and provincial governments to delegate to each other, by mutual consent, any legislative powers on condition that such delegations be subject to periodic revision and be accompanied where appropriate by fiscal compensation.

Electoral reform and the House of Commons

The effective and harmonious operation of any federal system depends very much upon the degree to which the central institutions are considered in their operation to be fully representative of the major groups within the federation.

Our research of experience in other federations indicates that when party membership in the central parliament becomes concentrated in regional blocks it is an advance signal of eventual disintegration. The regional polarization of federal political parties corrodes federal unity. Because we see developing signs of such a situation in Canada we have come to the conclusion that electoral reform is urgent and of very high priority.

The simple fact is that our elections produce a distorted image of the country, making provinces appear more unanimous in their support of one federal party or another than they really are. Quebec, for instance, has for years given an overwhelming proportion of its Commons seats to Liberals: in the 1974 federal election, that party won 81 per cent of the seats though it got only 54 per cent of the popular vote. In the same election the Progressive Conservatives gained the second highest popular support while, with less total support across the province, the Social Credit Party won four times as many seats. In the elections of 1972 and 1974 two Alberta voters out of five favoured other parties but every elected member was a Progressive Conservative. Nor are these examples exceptional. Under our current electoral system, which gives the leading party in popular votes a disproportionate share of parliamentary seats in a province, the regional concentration in the representation of political parties is sharply accentuated. This makes it more difficult for a party's representation in the House of Commons to be broadly representative of all the major regions.

In a country as diverse as Canada, this sort of situation leads to a sense of alienation and exclusion from power. Westerners in particular increasingly resent a disproportionate number of Quebec members in a Liberal caucus which has very few of their own. If there were more Quebec members in the Progressive Conservative caucus representing more accurately the popular vote in that province, that caucus would be in a better position to reflect and understand the concerns of Quebecers.

1. Toward better electoral representation

To correct the existing situation with its corrosive effect on Canadian unity, we propose a major change in the electoral system. We would continue the current simple-majority single-member constituency system because of the direct links it establishes between the voter and his MP, but would add to it a degree of proportional representation. We would increase the overall number of Commons seats by about 60 and these additional seats would be awarded to candidates from ranked lists announced by the parties before the election, seats being awarded to parties on the basis of percentages of the popular vote. We have opted for these additional seats being assigned to those on party lists announced before an election rather than to candidates who have run and placed second in individual constituencies in order to avoid any connotation that these additional members are second-class representatives and to encourage parties to use this means to attract candidates who might otherwise be difficult to entice into politics.

We have examined in some detail various ways in which this could be done, although we would prefer to leave the final choice in this matter to Parliament in consultation with experts. One method would base the allocation of the 60 seats on the basis of the vote in each province won by a party, the additional seats being awarded to those parties which otherwise would be proportionately under-represented. Another method would be to

allocate the 60 seats on the percentage of the country-wide vote received by each party and apply what is known as the d'Hondt formula for allocating seats provincially among parties.

The procedure for allocating seats in the second method is more complex and difficult for electors to understand, but reduces the likelihood of minority governments resulting. Canadians have traditionally expressed a fear that a system of proportional representation would produce frequent minority governments and hence weak and unstable cabinets. An analysis of how our proposal might have worked in each federal election since 1945 suggests that the combined electoral system we are proposing, with about 280 single-member constituencies plus 60 additional seats to make representation more proportionate, would not only have produced a more broadly based representation within each party in the Commons but would not have significantly increased the incidence of minority governments over that period.

2. Enhancing the effectiveness of the House of Commons

The enlargement of the House of Commons' membership which we have proposed would also open the way for committees to probe more deeply into government legislation. Hitherto, a major obstacle to strengthening the committee system in the Commons has been that members of Parliament have too little time and too little experience to take committee work seriously. Committee work is interrupted by regular sittings, and by constituency problems which require, rightly, a great deal of attention. The additional members without constituency responsibilities would provide additional manpower for House committees.

There are two basic reasons why we believe this would be an appropriate time to strengthen the committee structure of the House of Commons. The first is that the accountability of the cabinet to the House would be strengthened, at a time when many critics see the cabinet as becoming too dominant in the affairs of the House. The second is that the committees would be enabled to perform the useful roles previously played by the Senate in critically reviewing and improving legislation and in conducting investigatory studies, since the new second chamber we are proposing will be less suited to these particular tasks (although better suited to perform others).

We would hope that the improved representativeness of the political parties in the House of Commons and the enhancement of the effectiveness of that House would contribute to Canadian unity by reducing the sense of alienation and powerlessness which many Canadians feel toward their central institutions.

Individual and collective rights

There have been enough episodes in recent Canadian history to make us believe that some basic rights should be protected by the constitution. The removal and internment during the Second World War of British Columbia's population of Japanese origin, many of them natives and citizens of Canada, the October 1970 crisis in Quebec, and the recently revealed illegal activities of our security forces, not to mention the general pervasive

growth in the power of governments, lead to doubts in many minds about the security of citizens' rights. There is a vital link between the protection of basic rights and Canadian unity, for only if Canadians feel individually and collectively confident of their rights can we expect them to display a positive attitude to change and accommodation.

The question of human rights in Canada has been extensively explored by such organizations as the Canadian Bar Association, the Joint Committee of Parliament reviewing the Constitutional Amendment Bill (1978), and a number of provincial reports. The Task Force's main concern, therefore, has been to examine the issue of the protection of rights in a general rather than a detailed way in relation to the context of major constitutional reform.

Rights may be grouped into three relatively distinct categories. One category covers individual rights which are almost universally considered fundamental by free peoples everywhere: political liberties such as the right to free speech and association, legal rights such as the right to security and to a fair hearing, egalitarian liberties such as the right to non-discrimination, and economic liberties such as the right to property and the right to employment. A second category embraces rights people have as individuals only because they belong to a particular group, an example being the school rights specified in the BNA Act for confessional groups. They are collective rights in the sense that for the individual to exercise them meaningfully the context of the group is necessary. A third category covers collective rights which only a group and not individuals can exercise, an example being the right of a union to bargain.

The importance of collective rights, particularly language rights, was often invoked in our hearings, not only as a way of safeguarding within Quebec its way of life, but also by French-speaking Canadians outside Quebec, by the English-speaking minority in Quebec, and by native and ethnic groups.

In the final analysis, the best protection for any right is an alert public opinion and a responsive democratic government. There are basically five forms of protection for rights: (1) the precedents affirmed by the common law as declared by the courts; (2) simple acts or statutes passed by our legislatures; (3) a charter of human rights collected in a single statute (of which the Canadian Bill of Rights of 1960 is an example); (4) embodiment in a portion of the constitution so that all government legislation must take them into account; and (5) embodiment in a portion of the constitution which is entrenched—that is, requires a special approval procedure for any change.

1. The Issue of constitutional entrenchment

Many who spoke to the Task Force on the subject of fundamental rights were firmly convinced that the time has come for a number of basic rights to be entrenched in the constitution.

Because entrenchment in the constitution would place in the hands of the courts the authority to declare laws in conflict with those rights inoperative or invalid, some have argued that entrenchment would undermine the tradition of parliamentary supremacy in Canada, and substitute for it judicial supremacy.

Against this view must be put what we saw and heard across the country: the growing concern of individuals at the pervasive impact of government on their lives, the energetic assertions of native peoples and ethnic groups, and the desire of Québécois for collective security and for assurances that the individual rights of French-speaking Canadians will be respected as much as those of English-speaking people. Furthermore, entrenchment would perform an educational and inspirational function by making Canadians more aware and more proud of the wide range of freedoms they do have. Above all, a sense of individual and collective confidence in the security of their rights would contribute to a positive attitude to Canadian unity.

Consequently, on balance, we have concluded that some key individual and collective rights should be entrenched in a new constitution. Indeed, it is in part because we do propose that some rights be entrenched, and because judicial decisions in constitutional matters are so important, that we have recommended changes to ensure the independence of the Supreme Court of Canada and to make it credible to all Canadians including those in Quebec.

2. What to entrench in the constitution

In considering what to entrench in the constitution there are two aspects to consider. The first is to what extent the entrenched constitutional rights should apply to both central and provincial legislation, and the second is what specific rights should be so entrenched.

The existing Canadian Bill of Rights (1960) applies only to the legislation of Parliament, and the Bills of Rights passed by such provincial legislatures as Saskatchewan (1947) and Quebec (1975) can, of course, apply only to provincial legislation. But when fundamental rights are embodied in a federal constitution it is normal that they apply to both central and provincial legislation. In a federation it is reasonable to expect that fundamental individual rights should be similar in all parts of the country. It could not be imagined, for example, that a Canadian citizen might enjoy freedom of speech in Newfoundland but not in British Columbia. Nor would Canadians tolerate equal opportunities for women in Manitoba but not in Ontario. Fundamental rights should therefore be embodied in the constitution in a way that assures the same basic guarantees to all citizens of the land.

But because of the difficulty of getting the central and provincial governments to agree, one of three possible strategies is required to determine what fundamental rights applying to both federal and provincial legislatures should be embodied in the constitution. The first is that suggested in the Constitutional Amendment Bill (1978) by which the fundamental rights specified in the constitution would at first apply only to central legislation, and subsequently in provinces as they individually opt in by adopting those provisions as a set. Only after all the provinces had opted in would that portion of the constitution be entrenched.

A second approach, intended to encourage early agreement by all the provinces to a set of rights entrenched in the constitution, is to weaken the force of those rights by qualifying them. This would involve including a clause in the constitution which would permit a legislature to circumvent a right (and incurring the odium of doing so), by expressly excepting the statute from respecting that right. Such a clause in a constitution is sometimes described as an exculpatory clause.

The third approach is simply to limit the set of entrenched rights applying to both orders of government to those on which both central and provincial governments can agree now, adding other rights later when agreement is reached.

Each of these approaches has its advantages and disadvantages. We would strongly favour the third approach wherever agreement can be readily reached. This might be supplemented if necessary by use of the second approach, for any additional rights on which a federal-provincial consensus on entrenchment in the constitution would be precluded unless there was included such a provision enabling specific circumventing of the right within a statute.

As to the actual rights to be entrenched we suggest that the Bill of Rights entrenched in the constitution should contain individual political, legal, economic and egalitarian rights, including those suggested in chapters 5 and 9 of this report.

On the question of language rights, we believe those rights listed in chapters 5 and 9 of this report should also be entrenched. Similarly, the unanimous agreement in principle by the premiers at their Montreal meeting in 1978 concerning the entitlement of each child of a French or English-speaking minority to education in his or her own language in each province wherever numbers warrant should also be entrenched in the constitution.

Finally, in the form of collective rights for the native peoples, there should be entrenched in the constitution a section enabling Parliament and the provincial legislatures to adopt special measures to benefit individual native people.

The integrated approach to a restructured federalism

Our scheme for a restructured federation represents a radical modification to the existing federal system, but we believe that these major changes are necessary if a sense of Canadian unity is to be maintained and developed in the years ahead. Our recommendations concerning the distribution of powers, the conduct of federal-provincial relations and the Council of the Federation, the Supreme Court of Canada, means of constitutional adaptation and change, the electoral system and the House of Commons, and entrenched fundamental rights represent an integrated set of proposals linked to each other in such a way that the modifications suggested in one section are related to those suggested in another.

We would hope that this set of proposals for constitutional and political reform would encourage and induce more harmonious relationships within the Canadian federation. No constitutional or political solution will solve all problems for all time; like the preservation of liberty, unity within a political framework of divided power requires continued effort. Nevertheless, it is our conviction that the continued unity of Canada requires a substantially restructured federalism that fully recognizes the dualistic and regional character of diversity within the country and provides a focus for all Canadians in an effective common government which facilitates the sharing of power and benefits among them.

Change in a democratic society

Let us, in concluding, return to the beginning. It was Quebec and Quebec's relations with the rest of Canada that brought us together as Commissioners of the Task Force on Canadian Unity in the first place, and set us on the extraordinary journey which is only now drawing to a close. It is our belief that the country has been given an opportunity, if its citizens, within Quebec and elsewhere, have the imagination to seize it. There are profound changes under way in Canadian society and the difficulties of adjustment will be considerable; but the changes carry with them the promise of a future in which the country and its people will come fully into their own, seasoned by the years of trial and matured by challenges conquered. It is frequently out of such periods of torment and crisis as this that stronger countries are constructed.

We wish, however, to underline one thing unequivocally: if it turns out to be the clearly expressed and settled preference of Quebecers to assume a sovereign destiny, none of us on the Task Force would wish to see their right to do so denied. Because the question of Quebec's right to settle upon its own destiny is so critical in determining the outcome of Canada's crisis, we find ourselves compelled at this point in the report to speak as frankly as we can about the principle of self-determination.

The specific question which we intend to address here is the following: Does Quebec possess the right of self-determination? It is evident that in a technical sense, the departure of Quebec from the Canadian Confederation would require an amendment to the BNA Act for it to have legal validity. In responding to the more general, political sense of the question, scholars and students disagree; some say that the case of Quebec meets the requirements necessary to lodge such a claim under international law, while others deny it.

There is however, one thing about which virtually all agree, namely, that so far as self-determination is concerned, principles and rights are usually subordinate to political events and to the hard facts of success or failure. People who succeed in establishing themselves as distinct political communities will generally secure appropriate international recognition in due course; people who fail will find little succour or comfort in the knowledge that their claim was deemed to be a valid one in international law.

We believe that this practical consideration carries us to the heart of the issue, for in our judgement it is not a question of deciding in the abstract whether Quebec possesses a right of self-determination, but rather determining in the most practical manner possible what principles ought to govern Quebec's discussions with the rest of Canada as it faces the largest political decision it has had to make in the last century. If, in the course of the next few years, Quebecers decided, definitively and democratically, to secede, ought that decision to be respected and accepted by the rest of Canada?

To that question we answer an unequivocal yes. Our response is a virtual corollary of our acceptance of the democratic process. Given a community of the size and character of Quebec society, we believe that the clearly expressed will of the population must prevail,

and that it would be both unwise and ethically questionable to deny or thwart it. Practically speaking, this means the renunciation of the use of force to maintain the integrity of the Canadian state and a commitment to seek to construct political institutions which reflect the will and aspirations of the citizens concerned. We believe most Canadians and virtually all of the country's political leaders would share our view.

Canada's current political situation encourages, indeed requires, sober reflection upon such matters, Quebecers are soon to take a critical second step in the decision-making process that will lead eventually either to independence or to a fresh association with their fellow citizens within the framework of the Canadian political order. The first major step was the provincial election in November 1976, and the second is the provincial referendum on sovereignty-association which is likely to be held before the end of 1979.

On one point, however, we would insist: it is for the people of Quebec to declare themselves on their political and constitutional preferences, and not the country as a whole. We recognize that both the government of Quebec and the government of Canada, as a result of the democratic process, represent the people of Quebec in their respective spheres of jurisdiction; it is important, therefore, that whatever process is employed to determine the will of the people of Quebec is accepted as legitimate by both governments. But it is the Québécois themselves who must make the decision.

The point on the other side is also clear. The provinces and communities of English-speaking Canada have interests which must be respected and they have an equal right to determine what arrangements suit them best, should Quebec wish to secede. English-speaking Canada does not speak with one, but with many voices, so they are sometimes difficult to hear, but our study and consultation do not lead us to believe that sovereignty-association as advanced would have great appeal in the other nine provinces.

At this point we cannot but say that all this seems excessively cold-blooded and remote when what we have been speaking about in the last few pages is the possible collapse of our country. Very few countries dissolve themselves in an atmosphere of sweet reason; economic hardship, social turmoil and violence almost always accompany changes of this magnitude and, whatever their positive achievement, such changes commonly leave behind them a legacy of failed dreams and shattered hopes.

But despite the forbidding dangers that secession presents, it is not sufficient to build one's future on fear of the unknown. In saying this we believe we are at one with the citizens of this country, whether they live in Quebec or elsewhere in Canada. We discern a widespread frustration among our fellow citizens with the aimlessness and lack of common purpose that characterizes much of Canadian public life, and a strong desire to commit oneself to some projects and purposes that are held in common among large groups of citizens. We have unabashedly capitalized on that sentiment in this report. The Task Force on Canadian Unity is neither by its mandate nor by the inclinations of most of its members primarily an advisory body on constitutional issues. Although our analysis justifies, and our recommendations provide, a comprehensive set of constitutional changes, our purpose from the start has been to address the crisis of Canadian unity, not to devise a possible new constitution for Canada. We stress this because we believe that it will be easier to

change the constitution than it will be to create unity among Canadians. These two difficult tasks are both necessary, and they very frequently overlap, but they require somewhat different approaches.

Moreover, we also share the conviction that constitutional change that is not predicated on a careful reading of the current crisis could easily undermine rather than enhance Canadian unity. Consensus on constitutional patriation and amendment plus a limited number of matters unrelated to Canadian duality and regionalism would not, in our judgement, be a sufficient response to the constitutional implications of the present crisis.

So far as our own report is concerned, we do not believe that it is enough to have made numerous recommendations on numerous issues, leaving to the fates all consideration of how these, or indeed how any others, might be realized. The question of implementation is vital. Indeed, sometimes we have been tempted to think that the real issue in Canada is not so much what is to be done, but how we are to do it. For not only must difficult, sensitive, and complex matters be imaginatively dealt with over the next few years, but they will have to be dealt with in a time of acute tension and stress.

Our observations and recommendations fall into two categories. First, there are those recommendations designed to give shape and substance to the restructured federal system that we are proposing. Most of these would depend for their implementation on the established processes of bargaining and negotiation between representatives of both orders of government.

The second category includes recommendations and observations which are not concerned so much with the restructuring of Canadian federalism as with the spirit which should underlie it and the practices which would give it life and movement. The proposals in this category do not require formal intergovernmental agreement to be implemented. They relate on the one hand to the attitudes and behaviour of the various governments, and to the policies which they independently develop and administer, and on the other to the attitudes and behaviour of citizens and private organizations. Thus these proposals can be handled directly by the government, public agency or private organization concerned, or considered and attended to by citizens themselves.

The process of constitutional reform

We would like to turn now to the broader question of change and implementation—namely, the process of constitutional reform. Constitutional change does not come easily or cheaply in Canada. The historical record compiled by the federal and provincial governments in their many attempts to achieve constitutional change reveals some successes but many failures. Why is this so?

We would suggest that Canada's efforts at reaching a comprehensive constitutional settlement have been bedevilled by two highly significant factors that have contributed in no small measure to the inability of our political leaders to reach broad agreement.

First, for several generations there has been a remarkably consistent and coherent constitutional point of view shared by a broad majority of French-speaking Québécois. This has served both to support and to limit the freedom of action of Quebec's political leaders. No Quebec politician can afford to stray far from this collective will; the most graphic example of the application of this rule occurred in 1971 when then Premier Bourassa was on the point of accepting the draft constitutional charter at Victoria, but repudiated it upon returning to a storm of opposition in Quebec.

The second significant factor which has rendered the achievement of constitutional reform difficult is the general apathy of English-speaking Canadians on the subject. This has left English-speaking Canada's political leaders with quite extensive freedom of action, but with little popular incentive or pressure to come to terms. The benefits to be derived from the achievement of constitutional reform have been modest, and the costs of failure slight. Given the diversity of English-speaking Canada and its provinces, it is little wonder that no coherent will has manifested itself.

Putting these two factors together, it is perhaps not surprising that Canada's recent efforts at constitutional reform have not yet borne fruit. Does this mean that Canada's traditional procedure for securing agreement on constitutional change, namely, federal-provincial negotiation, is inadequate to our current needs?

The more we considered the alternatives to federal-provincial bargaining and negotiation, the more we came to appreciate that any procedure would probably work—so long as the political will to make it work was present; there is no magic formula which yields finality, or leads directly to a new constitution for Canada.

We have concluded that the indigenous Canadian tradition of intergovernmental discussion has much to be said for it. If it does not involve the people of Canada directly, it nevertheless does employ the legitimately elected political representatives of the people. Beyond that, the governments of Canada and the provinces encompass neatly the main sources of conflict which have created the present crisis.

For these reasons, and despite the historical record, we are inclined to believe that it would be premature at this time for us to recommend a specific departure from the process of federal-provincial discussion on constitutional matters which has developed over the last decades, and which is currently in operation.

Nevertheless, there are alternatives, and should the intergovernmental discussions break down decisively the country may be driven to consider what other procedures are available.

One idea that has been advanced involves the creation of a "constitutional commission" which would be composed of some government representatives and some representatives elected directly by the people and which would work with strict terms of reference and a strict timetable to produce a draft constitutional document for disposition by the governments and people of Canada. This procedure would supplement or extend the traditional intergovernmental process, rather than supplant it.

Another procedure, which was suggested to the Task Force on several occasions, would supplant the existing process of constitutional discussion in federal-provincial conferences and replace it with a constituent assembly—that is to say, a fairly large, representative body of citizens which is convened with the authority to produce a new constitution to be approved or rejected directly by the people. Needless to say, there are complex problems with the composition, role, decision-making procedures and disposition of the product of such a constituent assembly. Indeed, there is a sense in which the very problems which a constituent assembly is designed to address have to be resolved before it is created, because the composition of such a body is crucial in determining the outcome of its work.

The Task Force does not believe that Canada is yet at the stage where such a radical by-passing of governmental authority must be considered. We take this position because our present situation does not warrant or permit so extreme a measure, because it is alien to our political traditions, and because we see little evidence that it would be more effective than any other method in securing for us a new or substantially revised constitution.

However, we recognize that those most actively involved in the discussion of Canada's future are frequently inclined to concentrate almost exclusively on the political arena—on the relations between the federal and provincial governments, on the policy intentions of the government of Quebec, on efforts at constitutional reform, and so forth. Yet these matters derive their significance from the community out of which they spring, and one could with some justice argue that it is the attitudes, preferences and state of mind of Canadian citizens that is the most important consideration of all in determining how the crisis in Canadian unity is to be resolved. The concept of a constituent assembly is illuminating here, because it is concerned not only with preparing a constitution, but also with constituting or re-constituting a "people," that is to say, with re-establishing a popular consensus or political community upon which a political order can then be built. It is a real question whether, in a democratic age, significant agreements struck between or among governments will endure in the absence of broad popular acceptance and support.

These reflections lead us to the following conclusion. While we support the continuation of federal-provincial conferences as the forum for constitutional discussion, we believe that there should be a popular ratification of the results, along the lines of our proposed constitutional amendment procedure. This would mean that, after an agreement on a new constitution arrived at by the federal and provincial governments, a Canada-wide referendum would be held, and approval of the new constitution or the set of constitutional amendments would require a majority vote in each of four regions of Canada—the Atlantic region, Quebec, Ontario and the western provinces. Thus, final responsibility for constitutional change would rest with the people themselves.

Some will argue that this simply imposes another block on constitutional progress, and makes it even more unlikely than it already seems to be that significant constitutional reform will be achieved by the normal processes of change. We do not think so, for we believe that one of the reasons for the difficulties constitutional reform has encountered has been the absence of popular interest in it, in English-speaking Canada in particular. Wide-ranging political agreement seems unlikely to be achieved without strong supporting

consensus among the people generally, and we believe that citizens who are asked to declare themselves directly on a proposal are more likely to interest themselves in it than those who are not.

This point may in fact be of broader application, for in a democratic age it is probably necessary, in order to establish the unity of a country, to secure some measure of concord among its citizens. The citizens, as well as their political leaders, must take responsibility for the welfare of their country and the vitality of their collective life.

A final note

After months of study, analysis, discussion and at times, sharp disagreements, we, the Commissioners of the Task Force on Canadian Unity, are unanimous in our recommendations, and unanimous in our convictions that not only have we "come to terms" with the words of our debate, but more so, with ourselves. Looking back on our incredible journey in quest of a country, we have found faith in our collective will to walk together into our future.

We are not sure that our vision of Canada will meet the approval of all Canadians, but we have become convinced, over the months we have met as a task force, that our three principles of duality, regionalism and the sharing of benefits and power form the Canadian trilogy of our collective saga. But the very last words of this debate do not belong to us, they belong to you, our compatriots from the east and the west, from the north and the south. Now once again as we did, months ago, we are listening to all of you...

Respecting Diversity

Language (Chapter 5)

1. The principle of the equality of status, rights and privileges of the English and French languages for all purposes declared by the Parliament of Canada, within its sphere of jurisdiction, should be entrenched in the constitution.

These purposes should include:

- i – The equality of both official languages in the Parliament of Canada;
 - ii – the right of members of the public to obtain services from and communicate with the head offices of every department, agency or Crown corporation of the Government of Canada, the central administration in the National Capital Region, and all federal courts in Canada in either of the official languages. Elsewhere, members of the public should be able to obtain services from and communicate with the central administration in both official languages where there is significant demand, and to the extent that it is feasible to provide such services;
 - iii – the equality of both official languages as languages of work in the central administration in the National Capital Region, in all federal courts, and in the head offices of every department, agency or Crown corporation of the Government of Canada. Elsewhere, the usual language or languages of work in central institutions should be the language or languages of work normally used in the province in which the central institution is operating. This recommendation is subject to the previous recommendation concerning the languages of service;
 - iv – the right of any person to give evidence in the official language of his or her choice in any criminal matter;
 - v – the right of every person to have access to radio and television services in both the French and the English languages;
 - vi – the availability in both official languages of all printed material intended for general public use.
2. Each provincial legislature should have the right to determine an official language or official languages for that province, within its sphere of jurisdiction.
 3. Linguistic rights should be expressed in provincial statutes, which could include:
 - i – the entitlement recognized in the statement of the provincial first ministers at Montreal in February 1978: “Each child of a French-speaking or English-speaking minority is entitled to an education in his or her language in the primary or secondary schools in each province, wherever numbers warrant.” This right should also be accorded to children of either minority who change their province of residence.
 - ii – the right of every person to receive essential health and social services in his or her principal language, be it French or English, wherever numbers warrant.
 - iii – the right of an accused in a criminal trial to be tried in his or her principal language, be it French or English, wherever it is feasible.

Specific Recommendations

4. Should all provinces agree on these or any other linguistic rights, these rights should then be entrenched in the constitution.
5. The provinces should review existing methods and procedures for the teaching and learning of both French and English and make greater efforts to improve the availability and quality of instruction in these languages at all levels of education.

The First Canadians (Chapter 5)

6. Sections 11 and 12 of the Indian Act should be amended in order that Indian men and women acquire and lose Indian status in exactly the same way.
7. The central government should make greater efforts to promote and protect native languages and cultures, and should more actively facilitate communications between Canada's native peoples and the indigenous people of other countries.
8. i – Both central and provincial authorities should pursue direct discussions with representatives of Canadian Indians, Inuit and Métis, with a view to arriving at mutually acceptable constitutional provisions that would secure the rightful place of native peoples in Canadian society.
ii – Further, both the central and provincial governments should meet to settle their respective areas of constitutional responsibility in the provision of essential services in the fields of health, social welfare, housing and education to status and non-status Indians, to Inuit, and to Métis on reserves, Crown lands, rural centres and large cities.
9. Both the central and provincial governments, and major voluntary and philanthropic associations, should provide increased funding to native peoples to assist them to undertake research and publish histories of their tribes and communities.
10. Both the public and private sector should make greater efforts to see that native peoples are more adequately represented on boards and commissions, task forces and study groups.

Culture (Chapter 5)

11. The provinces should:
 - i – take the primary role in supporting local and regional cultural and artistic development, particularly by encouraging the participation of the people generally in cultural activities, and by the establishment where they do not exist of provincial arts councils to assist in this process.
 - ii – recognize and take more fully into account the impact which their many non-cultural policies and programs have on the cultural development of their societies.
12. The provinces should recognize that education has a Canada-wide dimension by giving greater prominence to Canadian studies, and they should, through a strengthened Council of Ministers of Education, develop ways by which this dimension may be represented more fully in our school systems.

Specific Recommendations

13. The central government and its cultural agencies should concentrate on developing programs of a Canada-wide dimension; they should not seek to enter into domains and pursuits which the provinces can and should perform for themselves.
14. The number of Canada-wide artistic prizes, competitions and cultural activities should be increased for the young people of the country.
15. The public and private sectors of Canada should work in cooperation to increase those youth exchange programs which have demonstrated their capacity to enhance inter-regional and inter-cultural knowledge among the young people. Also, efforts should be made to extend similar programs to adults.
16. The central government should, in cooperation with the private sector, do its utmost to increase opportunities for low-cost travel in order to enable Canadians who wish to do so to become better acquainted with their country and their fellow-citizens.
17. Steps should be taken to ensure that the products of our varied cultural activities (such as books, recordings, magazines, films and paintings) are more imaginatively and effectively distributed, diffused, or marketed throughout Canada, and in a way that would give them prominence in relation to those from non-Canadian sources.
18. The tax system should be employed more directly in support of the cultural and linguistic development of the country, and consideration should be given to increasing cost allowances and tax write-offs for cultural enterprises.
19.
 - i – The provincial governments should assume the primary responsibility for the support of multiculturalism in Canada, including the funding of ethno-cultural organizations.
 - ii – The major ethno-cultural organizations in Canada should attempt to work more closely with the provincial governments to develop ways in which multiculturalism can find most effective expression through provincial initiatives.
 - iii – Both the public and the private sectors should make efforts to reflect in their institutions more adequately the cultural diversity of Canada.

Unity and the health of the economy

General (Chapter 6)

20. Section 121 of the BNA Act should be clarified in order to guarantee more effectively free trade between the provinces for all produce and manufactured goods, and be extended to include services.
21. In addition, government purchasing policies should be based upon considerations of market costs unless specified social and economic objectives would otherwise be served.

Specific Recommendations

22. Impediments to the mobility of persons in the professions, trades and other such occupations should be reduced through the application of widely accepted common standards; and such standards should be set and reviewed periodically by the provincial governments and the appropriate professional bodies in consultation with each other.
23. The constitution should make clear the prohibition of barriers to the interprovincial movement of capital.
24. The annual conference of finance ministers should be used more actively to ensure the coordination of economic stabilization policies, by providing a common assessment of the economy and a better knowledge of the total revenues expenditures and borrowings of the Canadian public sector as a whole.
25. Meetings between the central and provincial governments, and representatives from the private sector should be regularized and integrated under the general supervision of conferences of the first ministers on the economy, to be held every two or three years, with a view to framing and coordinating policies designed to achieve medium and longer-term objectives for the Canadian economy and for its main sectors of activities.
26. With respect to the sharing of Canadian wealth:
 - i – the constitution should recognize and entrench the principle of equalizing social and economic opportunities between regions as an objective of the federation, and it should be the responsibility of the central government to maintain a system of equalization payments.
 - ii – a program of provincial revenue equalization along the lines of current arrangements should be maintained.
 - iii – for the purpose of better balancing provincial resources with the developmental requirements of their economies a new type of equalization program should be developed.

A restructured federalism

General (Chapter 7)

27.
 - i – There should be a new and distinctive Canadian constitution to meet the present and future needs of all the people of Canada.
 - ii – The new constitution should be in the English and French languages, and both texts should be official.

28. The preamble to the constitution should include a declaration that the people of Canada
- i – maintain and reinforce their attachment to democratic institutions, federalism, human rights and the principle of supremacy of the law;
 - ii – recognize the historic partnership between English and French-speaking Canadians, and the distinctiveness of Quebec;
 - iii – affirm the special place of the native peoples of Canada;
 - iv – recognize the richness of the contribution of Canada's other cultural groups;
 - v – recognize the diversity among Canada's regions and the need to permit all regional communities to flourish;
 - vi – seek the promotion of the social, economic and cultural development and the equality of opportunity for all Canadians in all regions of Canada.
29. A new constitution should recognize two major principles with respect to distribution of powers and to central institutions:
- i – the equality of status of the central and the provincial orders of government;
 - ii – the distinctive character of individual provinces.

Distribution of legislative and executive powers (Chapter 7)

30. The present distribution of legislative and executive powers should be clarified and adjusted to contemporary needs and realities.
31. The principal roles and responsibilities of the central government should be:
- i – the strengthening of Canadian identity;
 - ii – the preservation and enhancement of the integrity of the Canadian state;
 - iii – the overriding responsibility for the conduct of international relations;
 - iv – the management of Canada-wide economic policy (including monetary policy) and participation in the stimulation of regional economic activity;
 - v – the establishment of Canada-wide standards, where appropriate; and
 - vi – the redistribution of income.
32. The principal roles and responsibilities of the provincial governments should be:
- i – the social and cultural well-being and development of their communities;
 - ii – provincial economic development, including the exploitation of their natural resources;
 - iii – property and civil rights; and
 - iv – the management of their territory.
33. In addition to roles and responsibilities defined in the previous recommendation, an essential role and responsibility of the government of Quebec should be the preservation and strengthening of the French heritage in its own territory.

Specific Recommendations

34. A new distribution of powers should, whenever it is desirable or needed in order to fulfil the objectives of dualism and regionalism, recognize the distinctive status of any province or make it possible for a province to acquire such status.
35.
 - i – In a new distribution, the powers allocated to all provincial legislatures should provide the framework which makes it possible for Quebec to fulfil its additional role and responsibility with respect to the French heritage in its own territory.
 - ii – In the distribution of powers, provision should be made for the possibility that some provincial governments other than Quebec may wish to assume, now or in the future, some or all of the powers in the cultural domain recommended for Quebec.
 - iii – Should the other provinces not wish to avail themselves of such a distribution, powers related to this additional role and responsibility of Quebec should be allocated to Quebec alone.
36. In addition to these objectives, roles and responsibilities, the distribution should take account of the five following considerations:
 - i – general and particular concern;
 - ii – effectiveness, efficiency and responsiveness;
 - iii – common agreement;
 - iv – continuity;
 - v – overall balance.
37. The use of a list of exclusive powers for Parliament and a list of exclusive powers for provincial legislatures should be retained in a new Canadian constitution.
38.
 - i – Concurrent jurisdiction should be avoided whenever possible through a more precise definition of exclusive powers.
 - ii – Wherever powers are concurrent, a federal or provincial paramountcy should be stipulated.
39. The residual power should be assigned to the provincial legislatures.
40. In devising a new distribution of powers, the following steps should be taken:
 - i – broad areas of governmental activities should first be identified. Such broad areas might include external affairs, defence, economic policy, transportation, communications, natural resources, administration of justice and law enforcement, the status and rights of citizens, culture, health and welfare, habitat and the environment.
 - ii – within each of these broad areas, specific subject matters should be arranged in related groups. Under culture, for example might be grouped legislative powers over: language, education, schools, universities, archives, research, exchanges, copyrights, books, films, arts, leisure, marriage and divorce, property and civil rights.

Specific Recommendations

- iii – jurisdiction with respect to each specific legislative power should then be attributed, exclusively or concurrently, to an order of government according to the criteria established in our previous recommendations. For example, regarding immigration, provincial legislatures should have exclusive jurisdiction with respect to settlement and integration of immigrants; the federal Parliament should have exclusive jurisdiction with respect to deportation of aliens and public safety; jurisdiction should be concurrent with provincial paramountcy with respect to selection criteria and levels of immigration to the province, and with federal paramountcy with respect to the recruitment of immigrants abroad and the admission of refugees.
 - iv – areas could be either exclusive, when all powers are attributed exclusively to the same order of government, as in the area of defence, or shared, when some of the powers are attributed exclusively to each of the two orders of government, or concurrently to both.
41. Both the central and provincial governments should be granted equal access to tax sources, with the exception that customs and excise taxes be an exclusive central power. The provincial right to use indirect taxation should be qualified to ensure that the impact of such taxes do not fall upon persons outside the taxing province.
42. i – An emergency power should be assigned expressly by the constitution to the central government, for both wartime and peacetime.
- ii – The wartime emergency power may be invoked in time of real or apprehended war, invasion or insurrection. The peacetime emergency power may be invoked only in highly exceptional circumstances.
- iii – The proclamation of any emergency should receive approval of both federal houses, within a specified time limit, to remain in force.
- iv – The proclamation should stipulate the reason(s) for the emergency and the intended duration of its application.
- v – The Parliament of Canada should stipulate by legislation the powers it needs in cases of emergency; safeguards for provincial powers and for individual rights should vary depending on whether the country is facing a wartime or a peacetime emergency.
43. The power of reservation and the power of disallowance should be abolished.
44. The power to appoint the lieutenant-governor of each province should be vested in the Queen on the advice of the provincial premier.
45. The declaratory power of Parliament should be retained, but its use should be subject to the consent of the province concerned.
46. The spending power of the central government should be retained in matters of federal-provincial programs of interest to the whole of Canada, but its exercise should be subject to ratification by a reconstituted second chamber, and provinces should be granted the right to opt out of any such program, and where appropriate receive fiscal compensation.

Federal-provincial relations and the Senate (Chapter 7)

47. The Senate should be abolished and replaced by a new second chamber of the Canadian Parliament to be called the Council of the Federation.
48.
 - i – The Council should be composed of delegations representing the provincial governments and therefore acting under instruction; the provincial delegations could be headed by a delegate of cabinet rank.
 - ii – The Council should be composed of no more than 60 voting members, to be distributed among provinces roughly in accordance with their respective population up to a maximum of one-fifth of the Council, and with weighting to favour provinces having less than 25 per cent of the country's population. Any province which has at any time had 25 per cent of the population (such as Quebec and Ontario) should be guaranteed one-fifth of the Council seats in perpetuity.
 - iii – In addition, central government cabinet ministers should be non-voting members so that they have the right to present and defend central government proposals before the Council and its committees.
49. The Council should not have the power to initiate legislation, except in the case of bills proposing constitutional amendments; and its decisions should not be regarded as expressions of confidence or non-confidence, since the government should remain responsible to the House of Commons alone.
50. The scope of the powers of the Council should be the following:
 - i – legislation and treaties within exclusive federal jurisdiction should not require the approval of the Council.
 - ii – proposed federal legislation and articles of treaties deemed to belong to the category of powers described as concurrent with federal paramountcy should be subject to a suspensive veto of short duration by the Council.
 - iii – proposed federal legislation deemed to belong to the category of powers described as concurrent with provincial paramountcy should be subject to a suspensive veto of a longer duration by the Council, except in the case of measures implementing bilateral agreements between the federal government and one or more provincial governments.
 - iv – the ratification of treaties, or parts of treaties, which deal with matters within provincial jurisdiction should require the approval of a majority of the provinces in the Council, on the understanding that legislative measures implementing such treaties are to remain within provincial jurisdiction.
 - v – federal initiatives in areas of provincial jurisdiction that are based on the federal spending power, whether they are to be cost-shared or financed fully from federal funds (with the exception of expenditures related to equalization) should require a two-thirds majority in the Council.
 - vi – if a province chooses not to participate in a program for which wide provincial consent has been demonstrated, the central government should be required to pay the government of that province a sum equal to the amount it would have cost the central government to implement the program in the province.

Specific Recommendations

- vii – a proclamation of a state of emergency, in either peacetime or wartime circumstances, should require, in addition to confirmation by the House of Commons, confirmation by the Council by at least a two-thirds majority.
51. The Council should be used as a forum for the discussion of general proposals and broad orientations arising from conferences of the first ministers on the economy and any other proposals the conference of first ministers may so designate, or any other matters of concern to the members of the Council itself.
52. Federal appointments to the Supreme Court, to major regulatory agencies such as the Canadian Radio-Television Commission, the Canadian Transport Commission and the National Energy Board, and to central institutions such as the Bank of Canada and the Canadian Broadcasting Corporation, should require the approval of the appropriate committee of the Council.
53. To determine the classification of a bill or treaty and hence the powers that the Council may exercise, a permanent committee should be created and be composed of the Speakers and some members from both the House of Commons and the Council.
54. i – The conference of first ministers should be convened annually, unless a simple majority of governments disapprove.
ii – Additionally, first ministers' conferences should be held at the request of any government which secures the agreement of a simple majority of the other ten.
55. A federal-provincial committee on intergovernmental policy issues should be established with a membership of the eleven ministers responsible for intergovernmental affairs.
56. A permanent intergovernmental committee of officials and experts working under the conference of the first ministers should be established to study policy and program duplication on a continuing basis.
57. In order to make federal-provincial relations subject to continuous scrutiny by the legislatures, standing committees should be established in the House of Commons and in all provincial legislatures to review the activities of the major federal-provincial conferences.

The Supreme Court and the judicial system (Chapter 7)

58. The existence and independence of the judiciary at both the central and the provincial orders of government should be recognized as a fundamental principle of Canadian federalism and be entrenched in the constitution.
59. i – The existence and composition of the Supreme Court of Canada, and the mode of appointment and removal of its judges, should be entrenched in the constitution.

Specific Recommendations

- ii – The Supreme Court should be composed of eleven judges, five of whom are to be chosen from among civil law judges and lawyers, and six from among common law judges and lawyers, having regard, in the latter case, to regional distribution.
 - iii – The judges of the Supreme Court should be nominated for appointment by the governor in council, following consultation with the attorney general of Quebec with respect to the civil law candidates and with the attorneys general of all other provinces with respect to the common law candidates; the nominations should be ratified by the appropriate committee of the Council of the Federation.
 - iv – The judges of the Supreme Court should only be removed from office by the governor in council following a joint address of both Houses of Parliament.
 - v – The chief justice of the Supreme Court should be chosen by the governor in council, for a non-renewable term, from among the members of the Court, in alternation between a common law judge and a civil law judge.
60. The Supreme Court should remain a court with general appellate jurisdiction in both federal and provincial law.
61. The Supreme Court should retain its jurisdiction with respect to references, but provincial governments should have the same right as the central government to refer constitutional matters directly to the Supreme Court.
62. The Supreme Court should be divided into three benches, one of provincial jurisdiction which would be subdivided into a Quebec law section and a common law section, one of federal jurisdiction, and one of constitutional jurisdiction; the constitutional bench should be composed of all members of the Court.
63. Arrangements should be made for the reimbursement of the travelling costs of parties to and from the Supreme Court, whenever the Court is of the opinion that the situation warrants it.
64. All provincial judges should be appointed by the provincial governments concerned, but, with respect to higher court judges, only after consultation with the central government; and Federal Court judges should continue to be appointed by the central government.

Constitutional change and adaptation (Chapter 7)

65. Articles of the constitution pertaining to:
- the distribution of legislative and executive powers
 - the constitution of both central houses, the existence and composition of the Supreme Court of Canada, and the method of appointment and removal of its judges
 - the offices of governor general and lieutenant governor
 - the entrenched list of fundamental rights

— the entrenched linguistic rights

— the amendment formula

should be amendable by the following process:

i – a bill formulating an amendment should be initiated in either the House of Commons or in the Council of the Federation and passed by a majority in the House of Commons and by a majority of votes in the Council;

ii – ratification of the proposed amendment should be through a Canada-wide referendum requiring approval by a majority of electors voting in each of four regions constituted by the Atlantic provinces, the province of Quebec, the province of Ontario, and the western provinces and territories; the above list of regions should be modified, if necessary, to include as a separate region any other province that might have, at any point in time, at least 25 per cent of the Canadian population.

66. Parliament should have the power to amend other articles of the constitution, except those concerned with the constitution of the provinces, which should be amendable only by each provincial legislature.

67. A new constitution should recognize the right of the central and provincial government to delegate to each other, by mutual consent, any legislative power, it being understood that such delegation should be subject to periodical revision and be accompanied, where appropriate, by fiscal compensation.

Electoral reform and the House of Commons (Chapter 7)

68. In order to establish a better balance between the number of votes and the number of seats obtained by each political party in different regions and provinces, the current mode of election to the House of Commons should be modified by introducing an element of proportionality to complement the present simple-majority single-member constituency system.

69. i – The number of members in the House of Commons should be increased by about 60.

ii – These members should be selected from provincial lists of candidates prepared by the federal parties in advance of a general election, with the seats being distributed between parties on the basis of percentages of popular votes.

70. i – The committee system in the House of Commons should be modified and strengthened.

ii – The government should make more extensive use of special committees of the House of Commons to conduct in-depth studies of major Canadian issues upon which central government legislation or executive decisions may eventually be required.

Individual and collective rights (Chapter 7)

71. The Canadian constitution should entrench a Declaration of Rights.
72. The Declaration of Rights should include the usual political, legal, economic and egalitarian rights.
73. The entrenched collective rights should include the language rights listed in recommendations 1, 2, and 4 and the right of Parliament and provincial legislatures to adopt special measures to benefit native peoples.
74. The basic individual and collective rights on which the central and provincial governments are in agreement should be entrenched in the constitution.
75. In those cases where the central and provincial governments have agreed, additional rights, which contain a clause permitting exceptions where so specified in a statute, should be entrenched in the constitution.

P.C. 1977-1910

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5 July, 1977

The Committee of the Privy Council, having had before it a report of the Right Honourable Pierre Elliott Trudeau, the Prime Minister, concerning Canadian unity, advise that

The Honourable Jean-Luc Pepin of Ottawa, Ontario

The Honourable John Parmenter Robarts of Toronto, Ontario

Mr. Richard Cashin of St. John's, Newfoundland

Dr. John Evans of Toronto, Ontario

Mrs. Muriel Kovitz of Calgary, Alberta

Mayor Ross Marks of Hundred Mile House, British Columbia

be appointed Commissioners under Part I of the Inquiries Act to enquire into questions relating to Canadian unity. During the course of their inquiry, the Commissioners shall

- a) hold public hearings and sponsor public meetings to ascertain the views of interested organizations, groups, and individuals;
- b) work to support, encourage, and publicize the efforts of the general public, and particularly those of non-governmental organizations, with regard to Canadian unity;
- c) contribute to the knowledge and general awareness of the public the initiatives and views of the Commissioners concerning Canadian unity;
- d) assist in the development of processes for strengthening Canadian unity and be a source of advice to the government on unity issues; and
- e) enquire into any other matter concerning national unity that may be referred to the Commission by His Excellency in Council.

The Committee further advise that the Commissioners

- a) be known as the Task Force on Canadian Unity;
- b) be authorized to exercise all of the powers conferred upon them by section 11 of the Inquiries Act and be assisted to the fullest extent by departments and agencies;

Terms of Reference

- c) adopt such procedures and methods as they may from time to time deem expedient for the proper conduct and conclusion of the inquiry within one year and sit at such times and in such places in Canada as they may decide from time to time;
- d) be authorized to engage the services of such counsel, staff and technical advisers as they may require at rates of remuneration and reimbursement to be approved by the Treasury Board;
- e) file with the Dominion Archivist the papers and records of the Commission forthwith after the conclusion of the inquiry; and
- f) that the Honourable Jean-Luc Pepin and the Honourable John Parmenter Roberts be designated as Co-Chairmen of the Commission.

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P.M. PITFIELD

CLERK OF THE PRIVY COUNCIL—LE GREFFIER DU CONSEIL PRIVÉ

P.C. 1977-2361

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 24 August, 1977

The Committee of the Privy Council, on the recommendation of the Right Honourable Pierre Elliott Trudeau, the Prime Minister, advise that Mrs. Solange Chaput-Rolland, of the City of Montreal, in the Province of Quebec, be appointed a Commissioner, under Part I of the Inquiries Act, of the Commission of inquiry into questions relating to Canadian Unity, known as the Task Force on Canadian Unity, established by Order in Council P.C. 1977-1910 of 5th July, 1977.

CERTIFIED TO BE A TRUE COPY—COPIE CERTIFIÉE CONFORME

P.M. PITFIELD

CLERK OF THE PRIVY COUNCIL—LE GREFFIER DU CONSEIL PRIVÉ

P.C. 1977-2362

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 24 August, 1977

The Committee of the Privy Council, on the recommendation of the Right Honourable Pierre Elliott Trudeau, the Prime Minister, advise that Mr. Gérald A. Beaudoin, of the City

Terms of Reference

of Hull, in the Province of Quebec, be appointed a Commissioner, under Part I of the Inquiries Act, of the Commission of inquiry into questions relating to Canadian Unity, known as the Task Force on Canadian Unity, established by Order in Council P.C. 1977-1910 of 5th July, 1977.

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P.M. PITFIELD

CLERK OF THE PRIVY COUNCIL—LE GREFFIER DU CONSEIL PRIVÉ

P.C. 1978-573

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 28 February, 1978

The Committee of the Privy Council, on the recommendation of the Right Honourable Pierre Elliott Trudeau, the Prime Minister, advise that Dr. Ronald L. Watts of Kingston, Ontario, be appointed a Commissioner, under Part I of the Inquiries Act, of the Commission of inquiry into questions relating to Canadian Unity, known as the Task Force on Canadian Unity, established by Order in Council P.C. 1977-1910 of 5th July, 1977, vice Dr. John Evans whose resignation has been accepted.

CERTIFIED TO BE A TRUE COPY—COPIE CERTIFIÉE CONFORME

P.M. PITFIELD

CLERK OF THE PRIVY COUNCIL—LE GREFFIER DU CONSEIL PRIVÉ

MANDATE

The mandate of the Task Force on Canadian Unity has three basic elements:

- a) "To support, encourage and publicize the efforts of the general public and particularly those of (voluntary) organizations, with regard to Canadian unity";
- b) "To contribute the initiatives and views of the Commissioners concerning Canadian unity";
- c) "To advise the Government (of Canada) on unity issues".

INTRODUCTION

The Task Force is committed to a Canadian federation, a system with the authority of the state shared by two orders of government, each sovereign and at the same time committed to cooperative association with the other, under a constitution. We believe that such a system is the one best suited to the diversity of our founding peoples and to the nature of our geographic, social and economic environments.

The Task Force also recognizes that Canada and its present federal system are under great stress. The creation of the Task Force is itself a testimony to this. All regions of Canada are reflecting and expressing this malaise. The most pressing questions are being raised in Quebec and the Task Force intends to give these high priority. Nevertheless, the concerns of other regions are vitally important and will be given our full attention.

The Task Force has been given a clear mandate by the Government to develop its own initiatives and ideas and we intend to do this. It is our intention to assemble concepts and policies which could constitute some of the elements of a third option for Canada. The Members of the Task Force do not feel bound by existing legislation and practices nor are they committed to views of any federal or provincial political party. Our mandate requires us to advise the Government and we will do so but we will also make our views public, not seeking conflict with any groups, but aware that our autonomy is essential to our credibility and usefulness.

We intend to function in a spirit of receptiveness and conciliation. We will work closely with the Canadian people. Throughout the period of our mandate, we intend to carry on a conversation with citizens of all regions and with experts in all disciplines, listening, attempting to understand, discussing both old and new concepts. We will be mindful of and will solicit the views of the federal and all provincial governments.

In accordance with our mandate, we intend to listen to and provide a forum for those associations of all kinds which are specifically searching for the terms of a better Canada. Such efforts represent a spontaneous and generous spirit which must be encouraged and

The Role of the Task Force

which can provide Canadians with a very useful instrument for the consideration of our problems.

The Task Force will learn a great deal from these organizations and will give particular encouragement to those who wish to think about changes which can improve our political, social and economic systems. We will encourage such policy formation in every way and particularly through the provision of speakers and publications which might stimulate discussion.

ACTIVITIES OF THE TASK FORCE

Within the period of our mandate and within the overall framework of a dialogue with the Canadian people, we intend to do four things. To some extent, these activities will be taking place concurrently.

First, we intend to listen and attempt to understand the real concerns of all Canadians on the functioning of our social, economic and political institutions as they relate to our mandate.

Secondly, while we recognize the existence of tensions and the need for reforms, we intend to point out the positive aspects of the Canadian experience, both material and emotional, its flexibility and its potential for improvement under the pressure of enlightened public awareness.

Thirdly, we hope to be able to inform the Canadian people effectively about the complex issues at stake in creating a more satisfying country. We propose to clarify the options available and the advantages and disadvantages related to them.

Fourthly, we intend to make recommendations for changes in structures, concepts and attitudes which are required in order to make our Canadian institutions more consistent with the needs of our times.

TIMETABLE

During the early months of the life of the Task Force, the emphasis will be on listening. We intend to visit centers in all the Canadian provinces to discuss the issues, face to face, with the public. In this way, we will acquire a greater sensitivity to the current opinions and feelings of Canadians. Concurrently, the staff of the Task Force will be studying and analyzing the key issues in the unity debate in order to prepare background papers on some major aspects of our current problems and the range of possible improvements which might be made.

During the second phase of the Task Force's work the emphasis will be on study and consultation with specialists. The Task Force and its staff will discuss the issues in an attempt to assemble concepts and policies which will provide Canadians with some new directions. Concurrently with this period of study, the Task Force intends to publish information papers on important issues for the Canadian people outlining the options which are available.

The Role of the Task Force

During the third and final period of the Task Force's life, the Members plan to integrate their views and propose objectives and policies to the Government of Canada and to the Canadian people for their consideration.

The Task Force expects, in the months ahead, to make a contribution to a better understanding and resolution of our current problems. Where these problems are more perceived than real, we intend to promote understanding. Where they are more real than perceived, we intend to promote change.

And we earnestly ask for the understanding and support of our fellow citizens.

September 1, 1977.

Appendix 3

Acknowledgements

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