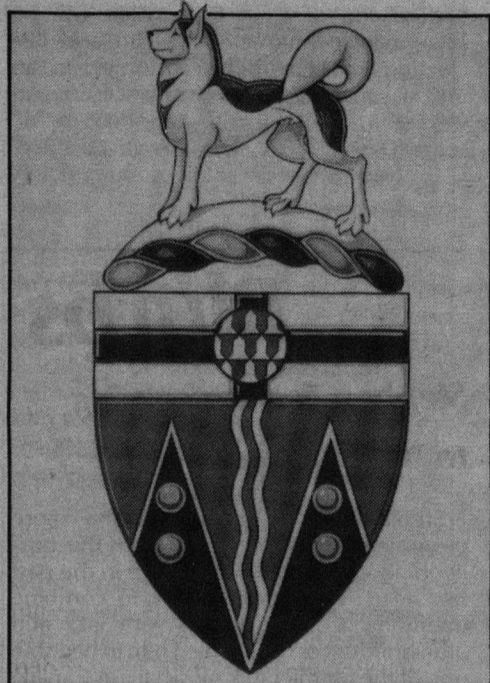


# The Meech Lake Accord: two irre

story by Keri Kent



Provincial premiers assemble today in Ottawa with Prime Minister Brian Mulroney to discuss Canada's economy. While the Goods and Services Tax, federal deficit and high interest rates will dominate the First Ministers' Conference, the Meech Lake Accord will have its turn in the spotlight as well.

For followers of the constitutional debate, the outcome of Friday afternoon's discussions will indicate whether the Accord, drafted in 1987 as a package of amendments to the 1982 Canada Act, can be ratified by the June 23, 1990 deadline. University of Alberta academics, speculating on this question, voice a full range of possibilities.

Dr. Ken Munro, professor of Central Canadian history, feels the conference is an opportunity for the provinces to indicate clearly "where they all stand." Their views will ultimately reflect two visions of Canada.



The first is of a homogeneous nation in which all regions and groups form an indifferently whole. The second depicts the regions and groups as somewhat autonomous from each other and the federal government. These visions, Dr. Munro suggests, are "fundamentally unreconcilable."

Canadian Studies professor Dr. Susan Jackel does not think it will be a stand off. Dr. Jackel believes that, should the Meech Lake Accord die, the public will take the premiers' inaction into account in judging their "overall competence" during future elections. It is this political reality that will encourage the first ministers to seek some type of compromise, Dr. Jackel concludes.

Dr. Paul Dube, professor of French Canadian civilization and culture in the Romance Languages department, feels the risk of a standoff is great. The June deadline is still too

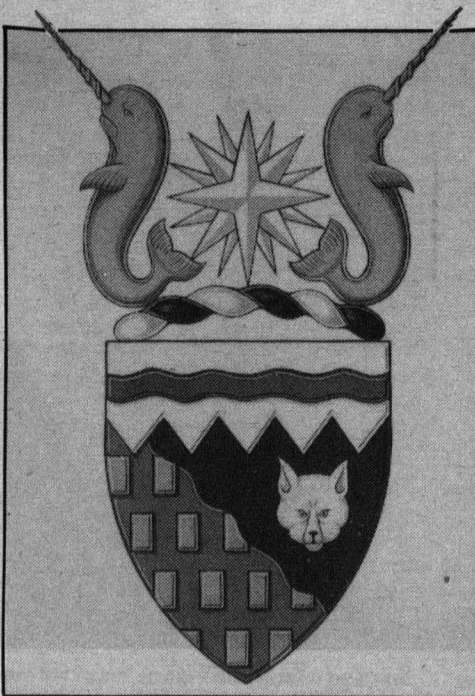


far in the future to impel the first ministers to treat the situation as a crisis and earnestly work at reconciling their conflicting views. Yet, in Dr. Dube's mind, a slim possibility remains that "an agenda for a second round of talks on the Accord" will be set at this week's meeting.

### DISTINCT SOCIETY

Without exception, the professors mentioned above and their other colleagues interviewed agree that the constitutional guarantee of Quebec's distinct society will be the most contentious issue at the conference and the obstacle most likely to thwart the final acceptance of the Accord.

The fundamental characteristics of Canada enshrined in Meech Lake are the nation's bilingual composition and the existence of a distinct society in Quebec. Both federal and provincial governments are given the responsibility "to preserve" the basic duality of Canada. Quebec is additionally charged with the responsibility "to preserve and promote" its distinctness. Opponents of the Accord argue that the inclusion of "to promote"



gives Quebec more power than is given to the other provinces.

Dr. Dube agrees. However, he believes that "to promote" is fundamental to the survival of Quebec. Though the francophone Quebecois form a majority within their province, they are a minority in the nation. As such, their culture is threatened by the English culture which dominates the rest of Canada in a way that the Quebec culture could never threaten that of the anglophones. Because of this imbalance, Dr. Dube explains, only Quebec needs the extra push provided by "to promote" in order to legislate in its defence.

Despite such assurances, the fear that Quebec will be more powerful underlies a second argument opposing the distinct status accorded Quebec. Dr. Munro points out that some segments of the Canadian public are most concerned that the clause will be used to override the Charter of Rights and Freedoms. Proponents of this argument fear the rights of individuals, especially from minority groups, will be blatantly disregarded in Quebec's efforts to promote its heritage.

Quebec Premier Robert Bourassa's use of the notwithstanding clause earlier this year, resurrecting Bill 101's restrictions on minority English rights after the Supreme Court of Canada had found it unconstitutional, has fuelled this argument. Accord critics, while



recognizing that the notwithstanding clause is already entrenched in the 1982 Canada Act, feel that the distinct society clause could be used to justify overriding the Charter more often.

Mr. David Schneiderman, Executive Director of the Center for Constitutional Studies, at the U of A, is not certain this conclusion is the only one to draw. The exact "operation and interaction" of the clause with the Charter and other sections of the Accord have not been clearly defined. Until they have, in Canada's higher courts, no one can be certain of the ramifications the clause may have.

Meech Lake supporters, including Dr. Dube, are certain that the threat to minority groups in Quebec is "one of the biggest myths there is." Dr. Ian Urquhart, political science professor conducting this term's Canadian Constitutional Law seminar, agrees. "On human rights," he asserts, "Quebec's historic record does not support this (assumption) that Quebec mistreats its minorities." With the exception of language rights, francophone Quebecois are "more rights conscious" than their anglophone neighbours, according to Dr. Urquhart, referring to studies conducted on the issue.

This argument may not be enough to convince English-speaking Canadians to endorse Quebec's wishes. Dr. Jackel explains that many anglophone Canadians find it difficult now to respond to Quebec's pleas for a clause to protect its culture when, in last year's Free Trade debate, Quebec sought trade apparently without consideration for the large group of Canadians who feared the corrosive effects such relations with the United States would have on their culture.

Undercurrent to the contentious distinct society debate is the assumption that this clause is Quebec's bottom line in negotiations. Those interviewed share this view. When asked if they feel Quebec has any room to manoeuvre in the ongoing Meech Lake dialogue, the reply was invariably "no."

Schneiderman, however, qualifies his response. He believes "we need not have gone as far as we did" in accommodating Quebec's five demands in the 1987 talks and that in exceeding them we have given Premier

