

# Romanow, the constitution and you

by Suzette Chan

Although Canada's new constitution is less than two years old, former Saskatchewan Attorney General Roy Romanow says another round of constitutional reform is needed soon.

Romanow, currently a visiting professor in the Faculty of Law, spoke on the topic "The Making of the Constitution - a View of a Participant" in the annual Weir Memorial Lecture last Thursday.

Between July-October 1980 Romanow served as the co-chairman of the Committee of Canadian Ministers Responsible for the Constitution.

Mr. Romanow began his seventy-minute lecture with a brief history of the constitution and attempts to reform it in recent times. He offered a detailed account of the November 1981 First Ministers Conference where the basic provisions of the Con-

stitution Act of 1982 were put in place.

There were no transcripts made at the confidential conference, but Romanow said there was so much activity "it was like the aurora borealis." After "nobody budged" on the first day, the provinces began to advance "bargains."

These alternatives were forwarded by individual provincial delegations but had all been ratified by the famous "Gang of Eight" - the premiers opposed to federal reform proposals (including Lougheed of Alberta and Levesque of Quebec).

The premiers of Ontario and New Brunswick supported the federal proposals. The Gang of Eight was "shattered" when Quebec independently agreed to a federal referendum proposal the group had denounced from the outset.

After hours of talks, which lasted often into the wee hours, and which took place in kitchens and hotel suites, all parties decided to drop the referendum, and to adopt an escape provision, nicknamed the "Alberta Clause" (after the province which proposed it), as a condition for the entrenchment of the federal government's Charter of Rights and Freedoms.

By the end of the conference, all of the provinces except Quebec approved of the new Constitution Act.

Mr. Romanow commented that it was "poignant" that Quebec, which had caused the "most significant impetus of constitutional reform... was isolated and left out of the accord."

He added, "the government of Quebec has prevented complete legitimacy to be conferred onto the constitution."

Mr. Romanow also commented on some of the major new aspects of the Canadian constitution.

He referred to the agreement between the provinces and the federal government on the Charter of Rights and Freedoms as "the quintessential Canadian compromise."

He also believes that the Charter will become binding in Quebec as a matter of convention.

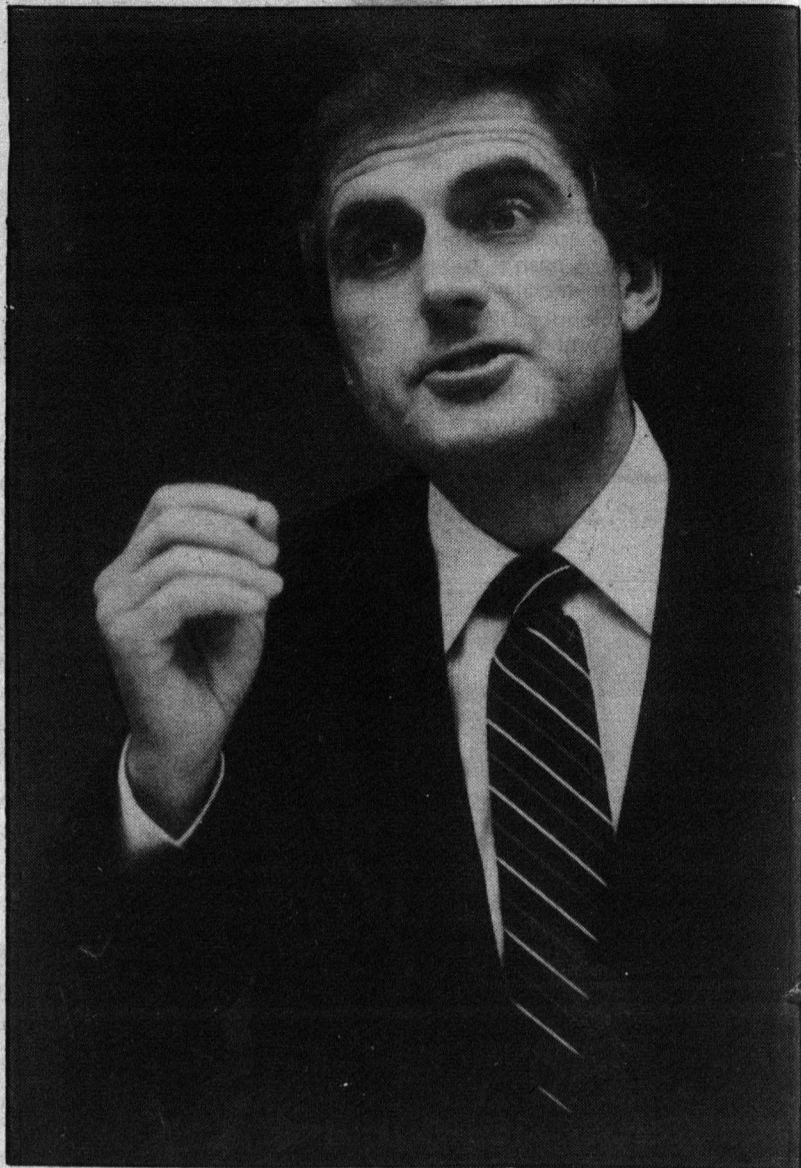


Photo: Bosco Char

Constitution like "aurora borealis" says former Attorney General.

Mr. Romanow also expressed belief that in interpreting the Charter, the Supreme Court of Canada "will inevitably become more political," and that appointments to the Court should be determined through public hearings.

Although generally happy with the Charter of Rights, Mr. Romanow feels aboriginal rights provisions are inadequate. He said that Aboriginal People are guaranteed "the enshrinement of existing Aboriginal rights, but is (the clause) enforceable? How do we define 'existing' rights?"

Romanow said the general amending formula entrenched in

the constitution "represents a minor, if not a major political miracle... based on the principle of equality (of the provinces)."

He feels the biggest weakness of the new Constitution is that it "contains no mechanism for the direct input" of Canadian citizens.

He says the document represents "the confirmation of the supremacy of the government, but the denial of the sovereignty of the people."

He advocated the entrenchment of some kind of referendum process which would create "the ultimate political legitimacy of the constitution."

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The issue of self-government for aboriginal peoples in Canada will be discussed.

Thursday, February 23, 2 p.m.,

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**What is Life? What is Death?**

A general introduction to the topic of death and dying with emphasis on the needs and experiences of both patient and mourners.

8 p.m. Convocation Hall

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## No quorum for military ban

**Vancouver (CUP)** - A referendum which called on the University of BC's student society to request the administration to ban military research failed to reach quorum after three days of balloting.

The referendum, which urged an "unequivocal ban" on research directly applicable to nuclear, biological, chemical or space warfare, needed 10 per cent

of full-time students to vote yes for quorum. It fell short by about 800 votes.

But of the 2876 students who did vote, 58 per cent supported the resolution, which also wanted sources of research funds disclosed and an ethics committee to screen research to prevent military involvement.

Referendum organizer Gary

Marchant said the campaign created awareness despite its failure to reach quorum.

"I think we've at least helped to scare (military research) away from coming here," he said.

Marchant said he is pleased with the percentage that voted yes, but added he is "somewhat puzzled" by the result.

"There were over 3000 students who signed the petition (calling for the referendum). Why didn't they get out and vote?"

Although students failed to show enough support for the recent referendum calling for a ban on campus arms research, peace groups vow to pursue the organizer's goal.

Mathematics professor John MacDonald, involved with the Educators for Nuclear Disarmament, said members of END and Science for Peace gathered about 60 signatures to support the referendum proposals.

"We wanted to have more people support the students initiative," said MacDonald, adding he is pleased with the response so far.

Concordia University, McGill University, University de Laval and the Vanier Snowdon Colleges in Quebec plan similar votes this spring.

UBC has received \$650,000 from National Defence Canada.

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