

International comment on patriation was extensive, but perhaps none was more perceptive and elegant than that of *The Times* of 17 April 1982.



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A CANADIAN CELEBRATION

It would be an impertinence to congratulate Canada on the attainment of its legal independence from the United Kingdom. In reality Canada has been an independent country for 56 years. The importance of today's ceremony in Ottawa, in which the Queen will sign a proclamation ending the constitutional link between the two countries, is not that it will make much difference to the Canadian government's freedom of action, either internally or in the international community, but that it puts an end to more than a half century of paradox. It removes an irritating, anachronistic and anomalous reminder of British colonial supremacy.

Canadian autonomy, and that of the other Dominions, was officially recognised by the Balfour Declaration of 1926, to which the Statute of Westminster of 1931 gave full legal effect. It was because Canada, alone of the Dominions, had been unable to provide for itself a workable machinery—acceptable to both the federal government and the provinces—for amending its own constitution that Westminster retained the sole right, and the obligation, to make amendments to the British North America Act of 1867...

The search for the amending formula, a constitutional Holy Grail, has been pursued intermittently and with varying degrees of vigour for more than a half century. That Mr. Trudeau was finally

able to find that formula, and to tack on a Charter of Rights in addition, is a tribute to his will, tenacity, negotiating skill and, not least, when it mattered most, ability to compromise with the various and varying demands of the provinces. Only Quebec resisted to the end...

It is a question for debate whether Mr Trudeau would have been able to persuade Westminster to pass the required legislation at a time when his scheme was opposed by eight of the ten provinces...

The possibility of a constitutional crisis was averted by allowing the issue to go to the Canadian Supreme Court, whose decision managed to allow both sides to claim victory and also resulted in a new atmosphere of conciliation between the federal and all but one of the provincial governments. Westminster fortunately escaped having to adjudicate between bitterly opposing camps... As it is, Westminster emerged with dignity from a difficult and sensitive episode. The serious attention it gave to the complex legal aspects involved, its reluctance to be used as a rubber stamp, and the interest and compassion which many members of both Houses showed to the cause of the Indian peoples, reflected well in Parliament.

Patriation of its constitution finds Canada in good shape, though not entirely free from problems. There will continue to be

difficulties over Quebec, the rights of the aboriginal peoples, and federal-provincial relations, especially over energy resources... These are all issues which were present before patriation, but Canada's new constitution has given them a new dimension.

Happily, the braking of the constitutional link between Canada and Britain does not bring any other estrangement. The Queen remains Queen of Canada, all the easier for Canadians to accept because she will no longer be burdened by identification with the constitutional issue. Relations between the two governments... have already resumed their traditional warmth. Canada's prompt and active support of Britain over the Falklands dispute is current proof of that.

Canada is important as a friend and ally of Britain, as a senior and influential member of the Commonwealth, and as a democratic country with the same principles of conduct and ideals of freedom as our own. To claim that patriation will usher in a new era in Canadian-British relations would be to suggest that all has not been well between the two, and that would be incorrect. That Canada's constitution has, after 56 years, finally made its journey home, leaving no trail of bitterness behind it, should be a matter of great satisfaction to both countries, and can only cement the friendship between them.