

CANADA QUARTERLY

Dept. of External Affairs

 RETURN TO DEPARTMENTAL LIBRARY
 RETOURNER À LA BIBLIOTHÈQUE DU MINISTÈRE
 Volume 4 Number 1

January 1996

GOVERNMENT OF CANADA INTRODUCEES UNITY MEASURES

Prime Minister's Office



In a speech given on October 24, 1995, during the Quebec referendum campaign on separation, which was defeated, Prime Minister Jean Chrétien committed his government to respond to his fellow Quebecers' desire for the country "to change and evolve toward their aspirations."

"No means are off-limits to bring about change and modernization within Canada," he went on to say. "What is important is that those changes be realistic and in keeping with what our citizens want."

The Prime Minister made three specific commitments to Quebecers:

- to recognize Quebec as a distinct society within Canada;
- to make no constitutional changes affecting Quebec without its consent; and
- to undertake changes to bring decision-making and services closer to citizens.

On December 11 the House of Commons passed the first of three initial measures for change, a motion to recognize that Quebec is "a distinct society within Canada," by virtue of its French-speaking majority, unique culture and civil law tradition. The resolution does not have the force of law but commits the House to "undertake to be guided by this reality." On December 14, the Senate passed an identical resolution.

The second measure is legislation that, in effect, lends the government of Canada's veto over constitutional change to the five regions of the country. This bill will require the consent of Quebec, Ontario, British Columbia, two of the three Prairie Provinces and two of the four Atlantic Provinces before any

constitutional amendment can be proposed in Parliament by the government of Canada. (The formula will also give Alberta an effective veto since its population amounts to more than half the total for the Prairies.) The bill fulfills the Prime Minister's promise that the Constitution would not be changed without the consent of Quebecers. Currently most constitutional amendments require the consent of Parliament and that of seven provinces with 50 per cent of the population. (See article on the Constitution on this page.) The bill was passed in the House on December 13 and is now before the Senate, which is holding public hearings in January.

The third measure is withdrawal by the federal government from the administration of labour-market training and co-operative education programs in favour of the provinces, which have constitutional jurisdiction over education. It responds to a longstanding

demand by Quebec and other provinces for more control over manpower training. In announcing the federal withdrawal, the Prime Minister said it is a first step in fulfilling his promise to bring the decision-making process closer to citizens and to reduce overlap and duplication in the delivery of services. It represents, he said, "a real partnership with the provinces which we will then be able to reproduce in other fields of activity."

None of the measures involve constitutional change because, as Mr. Chrétien said, "the government of Quebec clearly indicated that it did not want to participate in such discussions." But, he added, "...if Quebec and the other regions consented, these initiatives could be entrenched in the Constitution."

The Prime Minister has appointed a nine-member cabinet committee that is exploring other possible areas for change.

CONSTITUTIONAL BACKGROUND

Canada's Constitution is not a single document as in the United States. It is made up of acts of the British and Canadian Parliaments and British orders-in-council, as well as legislation, judicial decisions, and agreements between the federal and provincial governments. It also includes unwritten elements such as British constitutional conventions, established custom, tradition and precedent, which govern the operation of parliamentary democracy in Canada at the federal and provincial levels.

Its basic foundations are the Constitution Act, 1867, which created a federation of four provinces—Ontario, Quebec, Nova Scotia and New Brunswick—under the British Crown; and the Constitution Act, 1982, which trans-

ferred control over the Constitution from Britain to Canada and entrenched a Charter of Rights and Freedoms and a formula for constitutional amendment.

The Constitution Act, 1867 (formerly known as the British North America Act) contains the fundamental division of powers between the federal and provincial governments. The Fathers of Confederation, influenced by the long struggle over states' rights in the U.S. that culminated in a bloody civil war, intended to create a strong central government. They gave the government of Canada jurisdiction over national matters such as defence, trade and foreign policy, transportation and communications, as well as the power "to make laws for the peace, order and good

(continued on page 2)