

Historic Accord Strengthens Canadian Federation

A ground-breaking agreement between the Canadian prime minister and the premiers of Canada's 10 provinces has paved the way for an historic constitutional amendment recognizing the province of Quebec as "a distinct society" within Canada.

The amendment also provides for provincial participation in nominating appointees to the Senate, ensures that at least three out of nine Supreme Court justices will be named from Quebec, entrenches current practices in national immigration policy, and guarantees suitable compensation for provinces that opt out of new federal-provincial spending programs in areas of shared jurisdiction.

The Meech Lake Accord, named for the isolated retreat north of Ottawa where Canada's leaders met to hammer out the final agreement, reflects a unique constitutional history that goes back to the earliest days of Canadian Confederation. When the British colonies of Nova Scotia, New Brunswick, and Upper and Lower Canada (now Ontario and Quebec)

decided to form an independent nation in 1867, they recognized that each province would require a high degree of autonomy in order to preserve its own heritage and pursue its own political course. The result was a rich mix of cultural, legal, and political traditions that have remained intact to this day.

Against this backdrop, the challenge for the prime minister and premiers was to strengthen the Canadian federation without increasing the powers of the federal government. Their task was to reach a consensus that would recognize the language rights of both the French majority and the English minority in Quebec, and of the French minority outside Quebec. As well, the Accord would have to be specific enough to permit joint federal-provincial programs in areas of shared jurisdiction, yet sufficiently flexible and decentralized that individual provinces, using federal funds, could institute their own programs to meet local needs.

The Accord reflects "a country organized and governed in a manner that



corresponds to the diversity of the Canadian people," Prime Minister Brian Mulroney said after signing the Accord along with his provincial colleagues. "This historic agreement ends Quebec's estrangement from the Canadian constitutional family, on terms that are good for Quebec, good for our other regions and good for Canada."

The modern roots of the Accord go back to 1982, when Canada and nine provinces agreed to patriate the Constitution from Britain and enacted the Canadian Charter of Rights and Freedoms. This important initiative severed Canada's last formal links with its colonial past. But Quebec's absence among the signatories, in Mr. Mulroney's words, "was like building a house without putting all the foundation in place."

In 1982, Quebec's representatives were uncertain whether the French language — spoken by the majority within the province, but by a minority in the rest of Canada — could be protected within a constitutional framework. The 1987 amendment explicitly recognizes the

Strengthening Canadian unity and cultural diversity: the prime minister and provincial premiers reach a new constitutional agreement, the Meech Lake Accord.

co-existence of French and English language groups as "a fundamental characteristic of Canada," and commits federal and provincial governments to preserving both languages.

The prime minister and premiers also adopted a clause on cost-shared programs that reflects the detailed division of responsibilities in the 1982 Constitution Act. It enables the federal government to undertake national initiatives in areas of shared jurisdiction, like child care, while allowing provinces to opt out and establish their own programs to meet local needs and concerns. Federal funding will be provided "if the province carries on a program or initiative that is compatible with the national objectives." This is in keeping with the highly decentralized way in which Canada is governed.

