

## No consensus in First Ministers' constitutional talks

Prime Minister Pierre Trudeau and his provincial counterparts did not reach agreement at the First Ministers' constitutional summit in Ottawa from September 8 to 13.

Six days of intense negotiations between the provinces and the federal government ended in failure to reach consensus on any of the 12 items on constitutional reform on the agenda. The items for discussion, arising from the first meeting of the First Ministers on the constitution held in Ottawa, June 6, (see *Canada Weekly* dated June 25) were: a statement of principles; a charter of rights, including language rights; the reduction of regional disparities; the "patriation" of the constitution; resource ownership and interprovincial trade; offshore resources; powers affecting the economy; communications; family law; the Senate; the Supreme Court; and fisheries.

The federal prime minister laid stress on three main objectives. The first was to "patriate" the constitution, that is, to bring to Canada the basic constitutional law which is still embodied in an act of the British Parliament, the British North America Act of 1867. The "patriation"

of the BNA Act requires adoption of an amending formula. The second priority federal government objective was to achieve a charter of rights which would enshrine in the constitution human, democratic, legal and linguistic rights. The last would be designed to protect education rights of French- and English-speaking minorities. Prime Minister Trudeau also urged there be constitutional provision to ensure the free movement of labour, goods and capital within Canada in the interest of the national economy. The provinces, with the exception of Ontario and New Brunswick, indicated that they were unwilling to accept the federal proposal for "patriation" of the BNA Act before substantial changes in the constitution were settled and were unwilling to accept the federal proposal for a bill of rights which would affect provincial jurisdictions. Premiers were also unwilling to accept proposals for reducing barriers to trade between the provinces.

### Provincial proposals

The premiers presented a "package" of proposals to Prime Minister Trudeau:

- giving the provinces some jurisdiction

- over interprovincial and international trade, on top of an existing federal offer;
- sharing jurisdiction over communications with more provincial paramountcy;
- creating a new Upper House totally appointed by the provinces that would ratify appointments to certain regulatory agencies and have power of suspension over federal bills affecting certain provincial areas;
- enlarging the Supreme Court to 11 from nine judges with a 6-5 split of common and civil law judges;
- giving the provinces control of divorce laws;
- increasing the provincial role in management of fisheries through administrative arrangements;
- granting ownership of offshore resources to coastal provinces;
- entrenching equalization;
- entrenching the principle of economic union but allowing certain discriminatory practices;
- giving a commitment not to impose a tax on natural gas exports; and
- patriating the constitution on the basis of an amending formula acceptable to the provinces.

The premiers' package was rejected by Mr. Trudeau except for the family law, fisheries and Supreme Court proposals. The contentious points during the negotiations were the federal government's refusal to discuss a demand by Alberta that Ottawa not impose an export tax on natural gas, the federal government's insistence on securing minority language education rights in the constitution to which Quebec and some other provinces took objection, and the federal government's refusal to grant to the coastal provinces, such as Newfoundland, ownership over offshore mineral rights to parallel "onshore" mineral rights now assigned to the provinces.

Eight of the ten provincial leaders suggested that Mr. Trudeau move slowly and cautiously on the question of unilateral "patriation" of the British North America Act, that is, of the federal government acting without the consent of the provinces.

Only premiers William Davis of Ontario and Richard Hatfield of New Brunswick said they would accept unilateral "patriation" if the federal government chose that course of action.

"Canadians...have a desire that there be national institutions and a national

(Continued on P. 8)



The first ministers gather around Governor-General Edward Schreyer (sitting at centre). From left to right, sitting: John Buchanan (Nova Scotia), Bill Davis (Ontario), Pierre Trudeau, René Lévesque (Quebec), Richard Hatfield (New Brunswick), Bill Bennett (British Columbia). Standing: Peter Lougheed (Alberta), Angus MacLean (Prince Edward Island), Sterling Lyon (Manitoba), Allan Blakeney (Saskatchewan) and Brian Peckford (Newfoundland).

Ray Pilon, The Citizen