

tional proposal. Added to that amending formula was a changed version of the charter of rights proposed by Prime Minister Trudeau in his initial constitutional resolution and modified after months of debate and study by Parliament.

"Canada will become, in a technical and legal sense, an independent country — once and for all," Mr. Trudeau said at the close of the conference. "We have a charter of which Canadians can be proud and which I hope we will still be able to say is probably the best charter in the world," he said.

The accord preserves the original charter of rights with some key changes. The modifications in the charter, which includes human rights, mobility rights, legal rights, equality rights, language rights and enforcement rights, were:

- mobility rights — rights designed to limit provincial laws which discriminate against Canadians from other provinces — will now specifically permit a province to set up "affirmative action" programs for its socially and economically disadvantaged citizens, as long as the province's employment rate is below the national average. The previous resolution did not allow a province to discriminate on the basis of provincial boundaries although reasonable residency requirements were allowed for social programs.

- provinces would be allowed to pass laws which override key sections of the charter: the "fundamental freedoms" such as (freedom of religion), legal rights and equality rights. This means that provincial law could overrule a right without being subject to a court challenge. Such a provincial law could only be applied for five years unless the province passed the law again at that point;

- minority-language education provisions are now imposed on the nine provinces with provincial consent. Nine of the ten provinces agreed to accept responsibility for providing primary and secondary school education in French or English "where numbers warrant".

The premiers agreed to drop a controversial segment from their preferred amending formula which demanded that a province receive financial compensation when it refuses, by opting out, to participate in a new federal program set up by a constitutional change. The federal government has provided such compensation in the past for such programs as the Canadian Pension Plan which, in the case of Quebec, allowed the province to utilize federal money to fund a separate Quebec Pension Plan.



Richard Vroom

*B.C. Premier Bill Bennett, leader of the dissenting provinces, speaks to reporters.*

Quebec's objections to the final agreement hinged on the question of opting out and financial compensation and on the clause guaranteeing primary and secondary education in their own language for English- and French-speaking minorities across the country. Quebec Premier René Lévesque maintained that this was a direct intrusion by the federal government in provincial responsibility for education, which the Quebec government could not accept. Quebec also objected to the clause allowing mobility of manpower.

Mr. Lévesque said that his province would never accept "that our traditional and fundamental powers be removed without our consent.... We will take all the means left to us to ensure that does not happen".

Prime Minister Trudeau at the close of the constitutional conference acknowledged the opposition of Quebec and said that an effort would be made to find a way to allay Quebec's concerns as much as possible. In fact the federal government has decided to slow down the procedure for passing the constitutional resolution to allow time for some agreement with Quebec.

Mr. Trudeau said he is "hopeful that with good will, and in the interests of Canada and of its people, we will very soon be able to make this accord unanimous".

#### Premiers' reactions

Ontario Premier William Davis said, following the conference, that the past year had been a difficult time for all of Canada and said he hoped "the fact that we will

have patriation now and have substantial consensus on the rest" would soothe some of the emotion.

New Brunswick Premier Richard Hatfield said he was "very excited" about the agreement because it would allow Canada to come of age. "This country will very soon reach its full maturity because of the compromise," he said.

Alberta Premier Peter Lougheed said his province got most of what it wanted in the compromise, including an amending formula that reflects "equality of provinces" and the right to override the national rights charter if a provincial government feels it is necessary. The agreement, after a long and bitter fight, shows "that Canada works and that Canada is a confederation which will continue to work and work well", he said.

Angus MacLean, Premier of Prince Edward Island, said he was overjoyed that such a momentous milestone had been reached before his impending retirement as premier of that province. The formula for making future changes to the British North America Act ensures "that provinces will be treated as individuals and not according to their weight", he said.

Newfoundland Premier Brian Peckford, whose proposal formed the basis for the constitutional compromise, said at the close of the conference that he felt "more fully Canadian" than he had ever felt.

Premier Allan Blakeney of Saskatchewan described the agreement as a reasonable compromise and an honourable bargain for Canada. "I look on our accomplishment as no small feat," he said. "We'll have a made-in-Canada Constitution." Mr. Blakeney said the long-sought agreement was consistent with a number of points Saskatchewan had put forward even though it did not include everything the province wanted.

British Columbia Premier Bill Bennett said the first ministers should be proud to have solved the constitutional problem "in the Canadian way" through compromise. "We've done it in our country. We've done it with compromise. We've done it with a great deal of the give-and-take that is so essential if this country is to work," he said.

Two premiers were absent from the final session of the talks. Nova Scotia Premier John Buchanan returned to Halifax to attend a relative's funeral and Manitoba Premier Sterling Lyon flew to Winnipeg. In Winnipeg, Mr. Lyon hailed the agreement as a victory for Canada and said he was pleased with the compromise on the issue of the charter of rights.