

The Canadian Constitution: *Charting the Future*

A solution in search of a problem" — that is how one European observer has described Canada's constitutional debate. In fact, Canada's federal system has often been cited abroad as a model of democratic and peaceful national unity, which at the same time respects the country's distinctive regional diversity.

But political events over the past 20 years or so and public opinion polls in recent months have shown that Canadians themselves believe that the time has come to amend their Constitution. The division of powers between the federal and provincial governments dates back to Canada's original constitutional document, the British North America Act (1867). As we approach the twenty-first century, Canada and the world face challenges and realities that are vastly different from those that preoccupied Canada's Fathers of Confederation in the nineteenth century.

Now as a mature nation, Canada is turning its attention to such critical issues as the balance of federal and provincial powers and responsibilities in a complex technological society, the needs and role of the predominantly francophone province of Quebec, Senate reform, and the question of aboriginal self-government.

The latest series of constitutional events has been prompted mainly by the fact that a 1987 constitutional proposal, known as the Meech Lake Accord, was not ratified by all provincial legislatures within a mandatory three-year period. Although there were many and complex reasons for this, according to some observers one of the main reasons was limited public input into the process of developing the Accord, which was negotiated primarily by the Prime Minister and the 10 provincial

premiers. Though there was public debate about it in the federal Parliament, as well as in provincial legislatures, many Canadians expressed a desire to play a more active role in defining a new constitution for their country. Prime Minister Brian Mulroney referred to this in a nationally televised address to Canadians in June 1990: "In the coming months and years, we must

tional amendments but also on such issues as the environment, aboriginal rights, bilingualism and multiculturalism. In addition, the Prime Minister has established a Special Joint

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find a way to reconcile the need for public participation and open democratic process with the legal requirements now in the Constitution."

Since then, both the federal and provincial governments have established various committees and commissions to consult Canadians on the nature and shape of constitutional change. One of the most innovative is the Citizens' Forum on Canada's Future established by the Prime Minister in November 1990. Made up of 12 commissioners, leading Canadians drawn from a range of fields and professions, the Citizens' Forum has travelled extensively across the nation. It has met with thousands of Canadian citizens in informal forums to listen to and discuss their ideas about Canada's future — not only as they relate to constitu-

Committee of Parliament to study the constitutional amending process.

Provincial governments, such as that of Quebec, have been equally active in seeking the views of their citizens and encouraging wide public participation. In January 1991, the governing provincial Quebec Liberal Party released a report on its vision of Quebec and Canada's future, while a special, non-partisan group — the Bélanger-Campeau Commission on Quebec's Future — released its report in March 1991 following extensive province-wide consultations. The provinces of Ontario and Alberta have also established special constitutional committees.

On April 21, 1991, Prime Minister Mulroney shuffled his Cabinet, and recognizing

the importance of constitutional matters to Canadians, appointed former Secretary of State for External Affairs Joe Clark — one of Canada's most senior and respected ministers — President of the Privy Council and Minister Responsible for Constitutional Affairs. Some three weeks later in the Speech from the Throne, (which outlines the government's key priorities and plans), the government once again highlighted the Constitution, announcing that it would formulate a series of proposals concerning federal and provincial powers and national institutions. In addition, a Joint Parliamentary Committee would be struck to begin consulting Canadians on these proposals in September 1991.

The pace of these consultations and studies is rapid with many — including the Citizens' Forum, the Special Joint Committee of Parliament and the Alberta Constitutional Committee — having just reported on July 1, Canada's 124th birthday.

In a speech to the House of Commons on May 15, Prime Minister Mulroney explained the challenge of constitutional change: "...we must find new ways to manage the interdependence of the federal and provincial governments. Federalism is a balance between the need for central authority and the scope for decentralization to meet local aspirations.... The challenge we face is to rebalance our federation, not to throw it out."

As Canada nears its landmark 125th anniversary, the government is working hard to find that balance and has also announced that it will introduce enabling legislation to ensure that all Canadians have an opportunity to participate in the constitutional reform process of their country. 🍁