

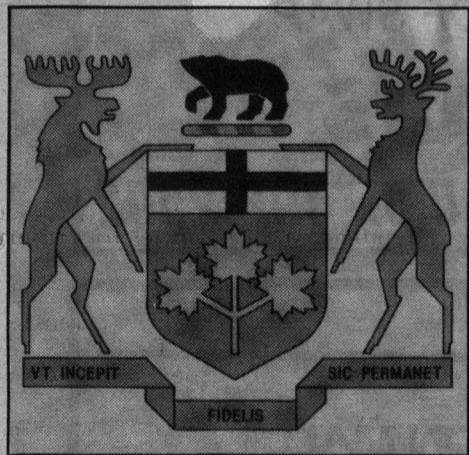
irreconcilable visions of Canada?

Bourassa the political leverage to renegotiate a compromise.

Dr. Urquhart describes this as a "perception that (Quebec) has won so much in the past, yet nothing could be further from the truth." These positions, at the national level, have polarized opinion on the Accord to such an extent that Dr. Jackel observes that the Accord, particularly with the distinct society clause, has become "the National Referendum on Quebec in greater Canada."

DECENTRALIZATION

While politicians and the media focus on the distinct society aspect of the Accord going into the First Ministers' Conference, other criticism is overlooked. Opponents of Meech Lake fear the second vision of Canada, as described by Dr. Munro, will be realized—



that of a collection of provinces with power rivalling that of the federal government. In such a situation, critics believe, national objectives would be difficult to achieve.

Dr. Dube recognizes the decentralizing effect the Accord will have on the nation, yet he questions the assumption that it "will undermine the unity of Canada." Decentralization, he suggests, is the natural "evolution" of Canadian politics, not their disintegration.

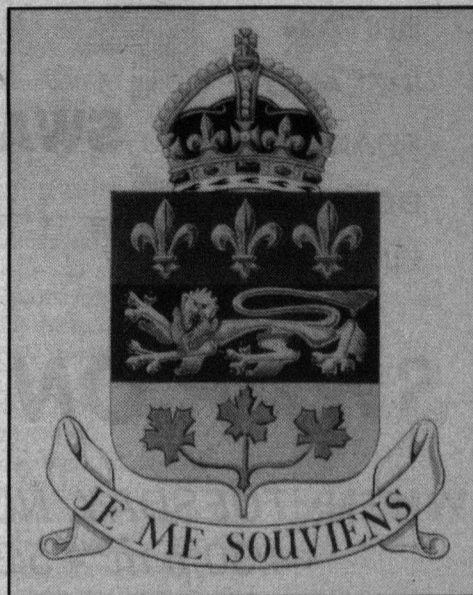
Both views are examined in a cursory review of the arguments which surround the most troublesome clauses of the Meech Lake Accord.

Immigration

The Meech Lake Accord enables Quebec to receive its share of the immigrants to Canada and an additional 5 per cent. Further, the Accord transfers responsibility for "the reception and integration (including linguistic and cultural) of all foreign nationals wishing to settle in Quebec" from the federal government to the government of Quebec. Provision is made for similar arrangements to be negotiated with the other provinces when they feel it is necessary.

While such provisions place more power over immigration with the provinces, Dr. Dube considers this as important to the survival of Quebec's culture as the distinct society clause. It not only enables Quebec to provide the thorough orientation immigrants need to adjust to life in Quebec, but allows Quebec to fight its declining population with greater numbers of immigrants.

Dr. Jackel raises a concern that the option has been extended to the other provinces. Imagining a hypothetical situation in which all ten provinces need more immigrants, she questions how the existing formula could provide an extra 5 per cent of the total immigrants to each province when, presum-



ably, all would have been placed during the initial distribution.

Appointing Powers

The procedure for appointing Senators and Supreme Court judges, under the Meech Lake Accord, involves the provinces submitting a list of candidates from which the federal government must choose members for the institutions. The power to select candidates, once entirely a federal prerogative, is transferred to the provinces.

Schneiderman feels this development is particularly "dangerous," especially with respect to judicial appointments. As appointments to the Supreme Court are becoming more important, with the Court's increased role in interpreting constitutional amendments and the Charter of Rights and Freedoms, the likelihood that the federal government may refuse to appoint any of the individuals the provinces have named is also increasing. The danger lies in these types of situations, for the Meech Lake Accord does not make any provisions for arbitration and prevents the federal government from unilaterally appointing its own nominee.

Other critics point out that the procedure excludes the territories where aborigines dominate the population.

Federal Spending Powers

The clause regarding these powers will provide compensation to any province which "chooses not to participate in a national shared-cost program" providing the province "carries on a program or initiative that is compatible with the national objectives."

Dr. Jackel indicates the clause leaves the issue of standards, including the quality of care and universal access to services, in question. Dispensing the power to coordinate



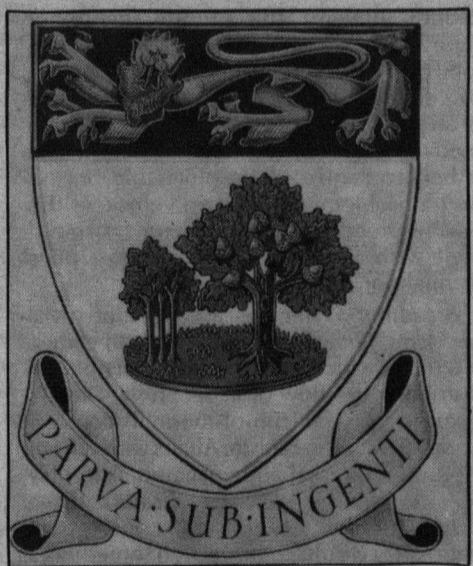
national programs between the federal and provincial governments, critics believe, compromises Canadians' rights to expect that quality essential services will be provided across the country. Accord supporters, however, argue that the option to opt out of national programs provides the flexibility provinces need to develop programs which better address the specific needs of their region.

Amending Formula

The most contentious change that has been made to the amending formula is the requirement that the Senate, House of Commons, and all provincial governments, rather than seven of them with 50 per cent of the population, approve suggested Senate reforms and the formation of new provinces. Requiring unanimous consent for such changes essentially provides each province with its own veto.

Proponents of this clause insist that such fundamental changes to Canada would require unanimous approval to be politically acceptable. Even Schneiderman, who believes the amending formula is the Accord's "biggest flaw," acknowledges that "it is accepting a 'de facto' situation."

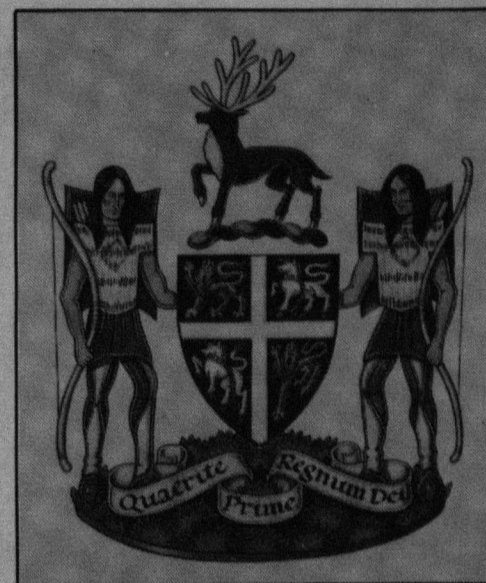
Opposition to the clause, on the other hand, is based on the perception that changes



to the Senate and particularly the territorial status of the Northwest Territories and the Yukon will now be extremely difficult and slow, if not impossible, to achieve. This too is a concern of Canadian aborigines.

Aboriginal criticism of the Meech Lake Accord is also directed at what the Accord does not contain. In 1982, aboriginal rights were entrenched in the Canada Act as was the guarantee that talks would continue between the first ministers and the aborigines for five years to further define their rights and constitutional concerns. The conferences which followed, however, failed to resolve many of the issues discussed, and further meetings have not been provided for in the Accord. For this reason, Dr. Dube observes, native groups are justified in feeling "put out."

Such omissions subject the Accord to yet



another body of critics. For Dr. Jackel, "it's not clear if (the Meech Lake debates) are totally about substance." Schneiderman agrees, adding that had all governments in Canada taken the time to solicit public studies of the Meech Lake Accord and used the information gleaned to renegotiate, some of the criticism which now threatens to overwhelm the Accord may have been diffused.

With this in mind, Dr. Jackel and Schneiderman hope that if anything will be learned from this week's First Ministers' Conference and from the Meech Lake experience in general, it will be a greater respect for and the use of public consultation in broaching constitutional reform.

