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Third report.

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SENATE OF CANADA
Second Session Thirty-third Parliament, 1986-87-88

COMMITTEE OF THE WHOLE
ON THE MEECH LAKE
CONSTITUTIONAL ACCORD

Third Report

JUNE 1988

HONOURABLE GILDAS L. MOLGAT,
CHAIRMAN

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COMMITTEE OF THE WHOLE
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CONSTITUTIONAL ACCORD

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Third Report

JUNE 1985

HONOURABLE GERALD MOULTON
CHAIRMAN

**REPORT OF THE COMMITTEE OF THE WHOLE
ON THE MEECH LAKE CONSTITUTIONAL ACCORD**

The Senate Committee of the Whole on the Meech Lake Constitutional Accord has the honour to present its

THIRD REPORT

Your Committee, which was authorized to hear witnesses and make a report on the Meech Lake Constitutional Accord and texts subsequently agreed to, has, in obedience to the Order of Reference of Thursday, June 11, 1987, proceeded to that inquiry and now presents its final report.

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REPORT OF THE COMMITTEE OF THE WHOLE
ON THE MESH LAKE CONSTITUTIONAL ACCORD

The Senate Committee of the Whole on the Mesh Lake Constitutional Accord

has the honor to present its

THIRD REPORT

Your Committee, which was authorized to hear witnesses and make a report on the Mesh Lake Constitutional Accord and texts subsequently agreed to, has, in obedience to the Order of Reference of Thursday, June 11, 1987, proceeded to that inquiry and now presents its final report.

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REPORT OF THE SENATE COMMITTEE OF THE WHOLE
ON THE MEECH LAKE CONSTITUTIONAL ACCORD

THE WORK OF THE COMMITTEE OF THE WHOLE

ORDER OF REFERENCE

Extract from the *Minutes of the Proceedings of the Senate*, Thursday, June 11, 1987:

"The Senate resumed the debate on the motion of the Honourable Senator MacEachen, P.C., seconded by the Honourable Senator Frith:

That the Meech Lake Constitutional Accord and texts subsequently agreed to be referred to a Committee of the Whole for the purpose of hearing witnesses and making a report.

After debate, and—

The Question being put on the motion,

The Senate divided and the names being called they were taken down as follows:—

YEAS

The Honourable Senators

Adams	Denis	Lang	Lewis	Sinclair
Anderson	Fairbairn	Langlois	MacEachen	Stanbury
Argue	Frith	Leblanc	Molgat	Stewart
Barrow	Gigantès	(Saurel)	Neiman	(Antigonish-
Bosa	Graham	LeBlanc	Petten	Guysborough)
Corbin	Hastings	(Beauséjour)	Robichaud	Stollery
Cottreau	Hicks	Lefebvre	Rousseau	Wood -- 34.
Davey	Kenny	Le Moyne		

NAYS

The Honourable Senators

Balfour	Doyle	Macdonald	Murray	Sherwood
Barootes	Kelly	(Cape-Breton)	Phillips	Simard
Bélisle	MacDonald	Macquarrie	Robertson	Tremblay --17.
Cochrane	(Halifax)	Marshall	Rossiter	

Therefore, the motion was resolved in the affirmative."

Charles A. Lussier

Clerk of the Senate

ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, Thursday, June 11, 1937.

The Senate resumed the debate on the motion of the Honourable Senator MacEachran, P.C., seconded by the Honourable Senator Firth.

That the House take Constitutional Accord and texts subsequently agreed to be referred to a Committee of the Whole for the purpose of hearing witnesses and making a report.

After debate, and—
 The Question being put on the motion,
 The Senate divided and the names being called they were taken down as follows—

YEAS

The Honourable Senators

Adams	Lewis	Lang	Leahy	Adams
Anderson	MacEachran	Langlois	Leahy	Anderson
Archie	Melgert	Leblanc	Leahy	Archie
Barnes	Norman	LeBlanc (second)	Leahy	Barnes
Boss	Parsons	LeBlanc	Leahy	Boss
Cornin	Routhart	(Beauséjour)	Leahy	Cornin
Cottreau	Routhart	Leahy	Leahy	Cottreau
Lavery	Routhart	LeMayne	Leahy	Lavery

NAYS

The Honourable Senators

Fallon	Murray	Macdonald	Oyie	Fallon
Barnes	Phillips	(Cope-Brown)	Oyie	Barnes
Bellie	Robertson	Macdonald	Macdonald	Bellie
Cochran	Wentworth	Marshall	(Bullock)	Cochran

Therefore, the motion was resolved in the affirmative.

Charles A. Lussier

Clerk of the Senate

**REPORT OF THE SENATE COMMITTEE OF THE WHOLE
ON THE MEECH LAKE CONSTITUTIONAL ACCORD**

I. THE WORK OF THE COMMITTEE OF THE WHOLE

1. On April 30, 1987, the Prime Minister of Canada and the premier of each of the provincial governments reached an "agreement in principle" known as the Meech Lake Constitutional Accord. See Appendix I.

2. On June 3, 1987, the first ministers signed what is commonly known as the Langevin Accord, which comprises: first, the *1987 Constitutional Accord*, a political accord; and, second, a draft resolution to authorize the *Constitution Amendment, 1987*, where the text of the proposed amendments to the Constitution of Canada are to be found. See Appendix II.

3. In this report, the word "Accord" refers to all these documents.

4. On June 11, 1987, the Senate decided to hold hearings in relation to the constitutional amendment proposals set forth in these documents. The Senate, sitting as a Committee of the Whole, held 16 meetings during which it heard 30 groups and individual witnesses. It also received 219 briefs.

5. The Committee, in order to hear from as many individuals and groups as possible, placed an advertisement in many Canadian newspapers. It requested all those who have concerns regarding the Accord to submit their views. However, for the purpose of aiding our study on specific matters, invitations were extended to certain Canadians such as the Right Honourable Pierre Elliott Trudeau, Premier Robert Bourassa of Quebec, the Hon. Gil Rémillard, Quebec's Minister of International Relations and Professor Alan Cairns of the University of British Columbia. We feel it is indeed unfortunate that Premier Bourassa and the Hon. Rémillard declined our invitation to appear.

6. On August 13, 1987, the Senate established a Task Force to enquire into the special concerns of the Northern Territories as they relate to the Meech Lake Accord. The Task Force submitted its report to the Committee of the Whole on March 1, 1988. See Appendix III.

7. On February 2, 1988, a smaller body, the Submissions Group on the Meech Lake Constitutional Accord was formed to assist the Committee of the Whole to hear more

representations from Canadians wishing to voice their point of view on the Accord. The Group held 5 meetings and heard 43 groups and individual witnesses; it reported to the Committee of the Whole on March 30, 1988. (This Report was printed as Appendix "B" to the *Debates of the Senate* of that date.)

8. The Committee of the Whole on the Meech Lake Constitutional Accord now reports a summary of the evidence it gathered, including the testimony of the witnesses who appeared before the Submissions Group. In this report the expression "the committee" refers to both the Submissions Group and the Committee of the Whole. The Committee does not comment on the evidence, nor does it make recommendations. This report summarizes the evidence received.

II. LINGUISTIC DUALITY AS A FUNDAMENTAL CHARACTERISTIC OF CANADA AND QUEBEC AS A DISTINCT SOCIETY

9. The Accord proposes that the *Constitution Act, 1867* be amended by adding a provision which reads as follows:

"2.(1) The Constitution of Canada shall be interpreted in a manner consistent with

(a) the recognition that the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada; and

(b) the recognition that Quebec constitutes within Canada a distinct society.

(2) The role of the Parliament of Canada and the provincial legislatures to preserve the fundamental characteristic of Canada referred to in paragraph (1)(a) is affirmed.

(3) The role of the legislature and Government of Quebec to preserve and promote the distinct identity of Quebec referred to in paragraph (1)(b) is affirmed.

(4) Nothing in this section derogates from the powers, rights or privileges of Parliament or the Government of Canada, or of the legislatures or governments of the provinces, including any powers, rights or privileges relating to language."

The recognition of the fact that Quebec is distinct in demographic and sociological terms was accepted by most of those who submitted their views in this regard to the Committee; however, several asserted that there are other groups in Canada which are at least as distinct. The relevant question is whether hereafter those interpreting the Constitution -- Parliament, the Courts, etc., -- are to regard Quebec (and only Quebec) as a distinct society, and if they do so what meaning will they give the word "distinct".

10. Several witnesses expressed concerns with regard to this clause and suggested that it be amended. Many said it should be referred to the courts for interpretation while others felt that this clause should be subject to the *Canadian Charter of Rights and Freedoms*.

11. The problem with a court interpretation of the clause is that a court may decide either to give it great weight or no weight at all.

Since the business of the court is to interpret laws, we must ask ourselves: How will the courts interpret this particular section? Opinions are divided. You have had experts, as has the House of Commons, saying: "Well, it is an interpretation clause; it does not mean anything", or, "It is an interpretative clause; it can mean a lot. "We have different opinions ... I suppose we can say that there is disagreement. At best, this clause is a prescription for discord, but, at worst, it says that Quebec will evolve under a different constitutional rule than the rest of Canada (Trudeau, *Debates of the Senate*, March 30, 1988, p. 2993 and 2994.)

12. This problem, relating to the meaning of distinct society and future court interpretations, was further amplified in testimony given by Mr. Collin Irving, legal counsel for the Quebec Association of Protestant School Boards:

... you have expressed our concern exactly ... that the two groups, both dealing with the same documents, are saying entirely different things. There cannot be any happy outcome under those circumstances. As you put it, either Quebec is going to feel that it has been "had", that it came away from this agreement thinking it had powers in respect of the distinct identity of Quebec which it finds it does not have, or the Charter of Rights in Quebec will be eroded, and very likely the position of the French-speaking minorities in other provinces will be less well protected. It can only be one of the two results. (*Debates of the Senate*, February 3, 1988, p. 2622.)

13. Most of those who commented on the proposed new section 2.(1) dealt with its implications for particular groups; however, the inclusion of the clause was attacked on general grounds by some witnesses. First, the use of the term "distinct society" in an

operative section was criticized on the ground that the term has no contemporary legal meaning, with the result that it confers undefined power on the courts. Second, the argument was made that either this new rule of interpretation will have important consequences or it will not have important consequences, and that in either case there will be those who justly can insist that they were misled. The Right Honourable Pierre Elliott Trudeau contended that the new rule, if adopted, would mean more power, not for Quebec society, but for the government of the province of Quebec. He said:

... when you deliberately do not put it into a preamble but put it into an interpretative clause, that can mean only one thing - you are giving to the government of that distinct society powers that it did not have before. If you are entrenching the distinctiveness as a special provision, you can only be doing it because you want to give special powers. That is why every time Quebec asked our government for special status or the recognition of its distinct society or sovereignty association, we would resist. It was not a fight for the distinctiveness of Canadian people - they had that. It could only be a fight for more power for the provincial politicians, which might or might not have been an arguable thing, but no more arguable for the one than for the other. (*Debates of the Senate*, March 30, 1988, p. 2991.)

14. Professor Allan Cairns, of the Department of Political Science, University of British Columbia, analyzed what has happened in terms of constitutional development in Canada in the 1980s. Prior to 1982, he said, Canada had what he termed a "governments' Constitution", a constitution that dealt mainly with the division of powers as between the national and provincial levels of government; it dealt with federalism, to a great extent an affair of governments. What was done in 1982, he said, changed the Canadian constitutional situation:

What seems to have happened is that the Constitution Act of 1982, and in particular the Charter, has produced an alternative vision of the Constitution. I call this - and I am not sure the phrase is exactly right, but it does serve to highlight the difference from the "governments' Constitution" - the "citizens' Constitution." And what has happened, of course, is that the Charter has brought new groups into the constitutional order, new individuals, new leaders of organizations, new social categories of Canadians who have been induced by the Constitution Act of 1982 - primarily the Charter, but not exclusively the Charter - to think of themselves in constitutional terms as having a constitutional existence. (*Debates of the Senate*, February 10, 1988, p. 2739.)

15. These groups, said Professor Cairns, "have particular interests which they feel are jeopardized by the Accord." (*Ibid.*) Moreover, they feel it is high handed for the

governments to proceed with changes that may reduce their rights by a process in which first ministers confront them with a proposal proclaimed to be beyond amendment.

16. Women, aboriginal people, francophones outside Quebec, anglophones living in that province, ethnic groups and disabled persons made representations to the effect that there should be amendments to the Accord to clarify the relationship between the proposed new section 2. (1), the linguistic duality-distinct society clause and clause 16. The latter clause states:

16. Nothing in section 2 of the *Constitution Act, 1867* affects section 25 or 27 of the *Canadian Charter of Rights and Freedoms*, section 35 of the *Constitution Act, 1982* or clause 24 of section 91 of the *Constitution Act, 1867*.

17. The Honourable Lowell Murray, the Leader of the Government in the Senate and Minister of State for Federal-Provincial Relations, disagreed.

As an interpretation clause, the "linguistic duality-distinct society" clause will not override, take away or supersede the substantive rights set out in the Charter, including those in section 15. (*Debates of the Senate*, March 31, 1988, p. 3048.)

A. Women's Rights

18. Sections 15 and 28 of the Charter entrench equality rights in the Constitution. Among other matters section 15 prohibits discrimination based on sex. Section 28 states that:

Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

19. Women's groups told the Committee that ascertaining the meaning of these provisions of the Charter through court rulings is a very complex operation to which they must devote a great deal of time and energy. The Supreme Court of Canada has yet authoritatively to rule in this area.

20. Women's groups are concerned that equality rights will be diminished because the Accord could have an impact on them in two ways.

21. First, equality rights will have to be interpreted in the light of the linguistic duality-distinct society principles. This creates uncertainty:

Adding new interpretative concepts to such a young and complex document [the Charter] which is barely beginning to be interpreted by the courts is, in our view, courting ... danger.

... equality rights will be even more diluted and difficult to achieve as they will have to compete with ... many additional elements that will have to be weighed. (Women's Legal Education and Action Fund, *Debates of the Senate*, March 16, 1988, p. 2868.)

22. Second, women's groups fear the effect clause 16 of the Accord could have on those rights as protected from the new rule of interpretation. Clause 16 states that nothing in the linguistic duality-distinct society clause "affects" the provisions of the Charter dealing with aboriginal rights and multiculturalism. The result, they said, is that all Charter rights would not be on the same level:

Equality rights rely only on Section 15 and 28 of the Charter for their protection. These rights being excluded from the additional protection given by Section 16 to other rights, ... it seems to us that it creates a hierarchy where women are the losers ... We are concerned here with how the judiciary will view the rights which do not benefit from the additional protection given by Section 16. (*Ibid.*)

23. Women's groups also referred to the decision of the Supreme Court of Canada on the Ontario Bill 30 case (Separate School Funding), delivered a few weeks after the Accord was signed. Madame Justice Wilson expressed the opinion that constitutional provisions -- in that instance section 93 of the *Constitution Act, 1867* -- are part of the fundamental constitutional compromise and would not be subject to the Charter. The recognition of linguistic duality as a fundamental characteristic of Canada and of Quebec as a distinct society could, they said, be interpreted to the detriment of equality rights.

24. For these reasons, women's groups ask that the relationship between the Accord and equality rights be explicitly defined. They have suggested also that the Supreme Court of Canada be asked to give its opinion on the relationship between the Charter and the Accord.

25. When addressing this question Senator Lowell Murray stated that such action was not necessary.

It is ludicrous to suggest that a clause recognizing Canada's linguistic duality and affirming the role of legislatures to preserve this

fundamental characteristic could be used in any way to authorize or justify sex-based discrimination in legislation or other government action. (*Debates of the Senate*, March 31, 1988, p. 3050.)

B. Aboriginal Rights

26. Aboriginal rights, as seen previously, are among the matters that, under clause 16 of the Accord, would not be "affected" by the linguistic duality - distinct society clause.

27. Aboriginal people stated emphatically they are not satisfied with that. Some of their concerns spring from the linguistic duality - distinct society clause. As the Assembly of First Nations said:

We took tremendous exception to the concept that Canada has just two founding nations and one major "distinct society" ... without having a comparable and parallel recognition that First Nations were also "distinct societies" ...

The "distinct society" provision ignores the legitimate aspirations of the First Nations and of aboriginal people in Canada. The Accord sets a mood for intolerance towards the constitutional expression of aboriginal self-government. (*Debates of the Senate*, December 18, 1987, p. 2200 and 2201.)

28. Aboriginal people made their views known in the interval between April 30, 1987, when an agreement was reached at Meech Lake and June 3, 1987, when the Accord was signed at the Langevin Block meeting. The National Aboriginal Summit, which comprises the Assembly of First Nations, the Native Council of Canada, the Métis National Council, and the Inuit Committee on National Issues, wrote to the Prime Minister making a recommendation:

We recommended that explicit constitutional recognition of aboriginal peoples as "distinct societies", which also constitute a fundamental characteristic of Canada, be put into an amended Meech Lake agreement. ... the Langevin [Accord] did no more than include section 16 (*Ibid*, p.2200.)

29. Aboriginal people stressed that there is no doubt whatsoever about the distinctiveness of aboriginal people. For instance, the Prairie Treaty Nations' Alliance stated:

The objective must be clear recognition of ourselves as distinct societies with distinct identities in Canada. The Prairie Treaty Nations' Alliance affirms that all Treaty Indian Nations must be recognized in this way. They are unique politically, economically and culturally. (*Debates of the Senate*, December 16, 1987, p. 2459.)

30. Mr. Mark Gordon, President of the Makivik Corporation, which represents all the Inuit of northern Quebec, discussed the applicability of such a recognition in the following words:

Not only the cultural distinctiveness, but also the geographical and state distinctiveness could apply equally to us. There is a government in the Northwest Territories which is primarily native. The Inuit in that area are talking about dividing off and creating a new territory. I believe it is possible to have a distinctiveness recognized through that. (*Debates of the Senate*, December 16, 1987, p. 2467.)

C. Francophones outside Quebec

31. Some witnesses contended that the adoption of the Accord as presently written means that francophone communities outside Quebec will disappear.

32. Professor Michel Bastarache, of the Faculty of Law, University of Ottawa, put forward three reasons why the Accord would lead to such a result.

33. First, the Accord describes the Canadian duality by referring to the individuals it comprises. Recognition of communities rather than individuals would point to an interpretation of the Constitution favorable to collective rights, for instance the minority language educational rights provided for in section 23 of the Charter.

34. Second, both the federal government and provincial governments must be directed, not only to preserve, but to promote linguistic duality. The *Association canadienne-française de l'Alberta* described the attitude of the Government of Alberta toward francophones living in that province as follows:

... it is obvious that our provincial government is making war on us. It would like its francophones to disappear. (*Proceedings of the Senate Submissions Group*, p. 1:128.)

The representatives of the Association stated that among the changes required to make the Accord acceptable to them, the most important is that the federal government be constitutionally required to promote linguistic duality.

35. Professor Bastarache's third contention was that clause 2(4) of the Accord misses its objectives. Ostensibly it provides that the linguistic duality - distinct society clause does not modify the division of powers provided for in sections 91 and 92 of the *Constitution Act, 1867*. However, what it really does, he said, is to leave the provinces free to diminish the rights of linguistic minorities. In his words:

... tomorrow morning, despite its role to preserve Franco-Ontarian society and even if the Meech Lake accord is in effect, the Government of Ontario can repeal Bill 8 respecting French services or Bill 75 granting francophones the right to manage French schools. So there is no guarantee that preservation will even safeguard rights already acquired. (*Proceedings of the Senate Submissions Group*, p. 5:27.)

D. Anglophones Living in Quebec

36. The rule that the Constitution is to be interpreted so as to treat Quebec as a "distinct society" within Canada is a matter of concern to anglophones living in that province. The Freedom of Choice Movement, for instance, suggested that definition be sought before the rule is made part of the Constitution:

Clearly, a concept as ambiguous as a "distinct society", embracing one nationality group within a specific territory must be clarified by a prior ruling of the Supreme Court of Canada. (*Proceedings of the Senate Submissions Group*, p. 1:50.)

37. Anglophones living in Quebec, who accept the view that Quebec is a distinct society, are concerned about the effect the new rule of interpretation may have on the Charter. Alliance Quebec asked for assurance in this regard. Clause 16 of the Accord is, as they put it, the "critical flaw" in the Accord. The Accord, they said, should explicitly provide that all the rights and freedoms established by the Charter are to retain their present status.

38. The Quebec Federation of Home and School Associations asked that section 23 of the Charter, dealing with minority language educational rights, be made fully applicable in Quebec.

39. Alliance Quebec also recommended that the role of Parliament and the provincial legislatures be not only to preserve linguistic duality, but also to promote it:

The presence of the official language minority communities is critical to ensuring linguistic duality across Canada.

If Canada's linguistic duality is to continue to be an essential facet of this country, our governments must commit themselves to an active role in promoting official language minority communities wherever they exist in Canada. (*Debates of the Senate*, December 2, 1987, p. 2248.)

E. Ethnic Groups

40. Section 27 of the Charter deals with multiculturalism. It reads:

This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

Clause 16 of the Accord states that nothing in the linguistic duality-distinct society clause is to "affect" section 27 of the Charter.

41. The Canadian Ethnocultural Council said it is pleased to see that the Accord "ensured the sanctity" of section 27 of the Charter. However, it stated that linguistic duality and multiculturalism should receive the same constitutional recognition in the Accord, so as to reflect Canadian reality:

We believe that this country is fundamentally bilingual We therefore believe that both fundamental characteristics should be given equal protection in section 1 of the Accord. Section 16 is not a satisfactory guarantee, although it was meant to be. What section 16 does is clarify that only the Charter will recognize multiculturalism and our cultural diversity, whereas the Constitution recognizes bilingualism. (*Debates of the Senate*, January 27, 1988, p. 2563.)

42. The Council's second recommendation is that it be made clear in the Accord that the Government of Quebec also has the responsibility to preserve and promote the multicultural heritage of the province.

F. Disabled Persons

43. Section 15 of the Charter expressly prohibits discrimination based on mental or physical disability. Groups appearing before the Committee raised the same concerns with regard to the effect of the Accord on the rights guaranteed by the Charter, particularly the rights that are not included in clause 16 of the Accord.

44. The Disabled Women's Network of British Columbia said that the rights of people in the same situation as its members would be particularly diminished:

Disabled women are dealt a double blow as their rights as persons with disabilities and their rights as women are both undermined by the Accord. (*Proceedings of the Senate Submissions Group*, p. 3:82.)

III. NATIONAL SHARED-COST PROGRAMS

45. The establishment by the Parliament of Canada of national programs in fields -- health care, social assistance, and highway construction, etc. -- within provincial jurisdiction has been of great importance to Canadians in this century, especially since 1949.

46. The Accord proposes to add a new section to the *Constitution Act, 1867*, stating:

"106A.(1) The Government of Canada shall provide reasonable compensation to the government of a province that chooses not to participate in a national shared-cost program that is established by the Government of Canada after the coming into force of this section in an area of exclusive provincial jurisdiction, if the province carries on a program or initiative that is compatible with the national objectives.

(2) Nothing in this section extends the legislative powers of the Parliament of Canada or of the legislatures of the provinces."

The most general concerns are: first, that with larger, richer provinces able to opt out, while still having Canada help pay for their programs and initiatives, the viability of projected new national programs would be seriously endangered; second, that the federal government will have nothing tangible to offer to induce provincial governments to seek uniformity in their programs and initiatives; third, that given the imprecision of the condition for "reasonable compensation" -- that is, "a program or initiative that is compatible with the

national objectives" -- there is no basis for assuming that common principles or standards will be followed.

47. Professor A.W. Johnson expressed the concern that the constitutional entitlement of provincial governments to receive compensation may not favour federal-provincial negotiations in this area:

Once you say, "Look here, you can opt out and receive compensation anyway," then there is no need to compose or to reconcile or to bring together the views that you have as a Premier and the national interest that is expressed by the Prime Minister and by the Parliament of Canada. (*Debates of the Senate*, March 16, 1988, p. 2854.)

48. The Association of Liberals to Amend and Reform the Meech Lake Accord (ALARM) was concerned that the advantage of national principles and standards will be lost.

What provincial government could resist distributing in its own way the money that it will automatically obtain from the federal treasury. The result is a balkanizing of social security programs, resulting in varying programs providing various different services to Canadians in different regions. (*Proceedings of the Senate Submissions Group*, p. 2:26.)

49. Many other witnesses said the clause dealing with national shared-cost programs would lead to a situation where services offered to Canadians and paid for partly with federal funds would differ radically from one province to another. Some stated that universality would in fact be lost. The Canadian Nurses Association submitted that, given rapid advances in the ways in which health care is delivered, it is a mistake to assume that the proposed new clause will not affect hospitalization and medicare as those programs are modified and renewed.

The opting-out consequences endanger the universality of the health care system not only for future programs but for existing programs.

We know that this system will need to be reformed in the future. In fact, if we do not start reinforcing the various parts of the system, it will be in danger of collapsing, because, first there is financial pressure on the amount of the tax dollar that we will pay, and it will not be very elastic; second the demographics of this country are of grave concern; third, advances in technology are having an impact on the taxpayer; and, fourth, there has been an increase of knowledge in all fields of health, all of which results in the need for reform, such as transferring some of the services to community-based services and not guaranteeing

only the most expensive part of the health care system, which is the hospital insurance and the cost of physicians.

If you do not already have universality in new programs and you can not implement them, how will you transfer some of your actual services in new programs? You will then put portability in danger. Canadians will not be able to travel across the country and receive identical services. You will put in danger the universality of programs, accessibility, and so on. (*Debates of the Senate*, March 2, 1988, p. 2808.)

50. Most witnesses said the cause of their uneasiness with this clause is the vagueness of its key terms. In the words of the Canadian Council on Social Development:

There continues to be debate as to the meaning of the key terms in this clause. What is a shared-cost program? What would comprise a "new" program or initiative? What are the elements which are to be included in a national objective? Will national objectives give some direction in determining the meaning of compatibility, reasonable compensation and other key terms? (*Proceedings of the Senate Submissions Group*, p. 1:28.)

51. Some witnesses said that while some flexibility of the kind sought by the Accord is desirable, stronger provision must be made to promote the elimination of inequities:

We recognize the need for flexibility in programs to meet specific needs in various areas of Canada, but ... we also believe that there must be minimum standards for any federal programs to eliminate the inequities across the country. (Ad Hoc Committee of Manitoba Women's Equality- Seeking Groups Concerned About the Meech Lake Accord, *Proceedings of the Senate Submissions Group*, p. 1:110.)

52. The Committee heard time after time that the clause of the Accord on national shared-cost programs must be amended so as to ensure that the Parliament of Canada retains the authority to set, not only national objectives, but also national standards. We were reminded that the provisions of the Accord dealing with immigration expressly mention that Parliament may establish "national standards and objectives."

53. Parliament should have the undoubted power to require that programs paid for to a considerable extent with federal money meet standards such as universality, comprehensiveness, portability and accessibility, as is now the case under the *Canada Health Act*. The extent of the jurisdiction of Parliament in such a matter should not, we were told, be left to be decided by judges.

54. The Honourable John W. Pickersgill, P.C., who addressed the Committee on many parts of the Accord, presented another view of the clause. He felt it was beneficial because for the first time the right of Parliament to establish national shared-cost programs is to be recognized. He does not believe that conditions, for the payment of money, would be so loose that money could be diverted by provincial governments to purposes incompatible with shared-cost programs.

It seems to me that there is no practical political difficulty that could arise in this situation. Even without changing the language, the Accord would continue Parliament's uninhibited spending power which a strong national government can use. (*Debates of the Senate*, November 18, 1987, p. 2190.)

55. Many aboriginal organizations stated that they fear the federal government would undertake to transfer at least part of its responsibility regarding aboriginal people to the provinces. As one organization said, the federal government did it in the past, and there is no guarantee to prevent it from happening in the course of implementation of national shared-cost programs after the coming into force of the Accord:

... we are vitally concerned with federal and provincial arrangements in relation to social and economic programs. The federal government used the implementation of medicare to attempt to transfer jurisdiction over Indian services to the provincial governments. Under the present accord, should a province opt out of national programs in areas of its own jurisdiction, there is no guarantee that we would continue to have access to federal programs. That is a major threat to our health, education and other rights.

The Prairie Treaty Nations' Alliance is convinced that provincial governments will use this clause to deny programs and services which are guaranteed to us by treaty.

What would prevent provinces from diverting any of the "reasonable compensation" they would receive from Ottawa away from federally-defined goals? Again, there must be adequate protection of our rights, and it is the federal government's responsibility to provide it. (Prairie Treaty Nations' Alliance, *Debates of the Senate*, December 16, 1987, p. 2458.)

IV. IMMIGRATION

56. The Accord proposes that the *Constitution Act, 1867* be amended to provide that, at the request of the government of any province, the Government of Canada shall

negotiate an agreement relating to the immigration or the temporary admission of aliens that is appropriate to the needs and circumstances of the province requesting such negotiations.

57. The political accord entered into on June 3, 1987 contains a commitment from the Government of Canada that it will conclude such an agreement with Quebec as soon as possible: this agreement, among other things, would guarantee that Quebec will receive a number of immigrants in proportion to its share of the population of Canada, with the right to exceed that figure by 5% for demographic reasons. This agreement will also deal with the withdrawal of Canada from Quebec's reception and integration services, such withdrawal to be accompanied by reasonable compensation.

58. Such agreements would come into force if authorized by the Senate, the House of Commons, and the legislative assembly of the province involved. Agreements of this kind would have to be compatible with any provision of a federal Act that sets "national standards and objectives" relating to immigration of aliens.

59. Those witnesses who addressed this proposal were concerned that the Accord may lead to ten different immigration policies.

At some point one has to question what the status of a national government will be when such a fundamental question as immigration can be solely dealt with at the provincial level. (National Union of Provincial Government Employees, *Proceedings of the Senate Submissions Group*, p. 1:97.)

60. Another point dealt with by some witnesses is the part of the political accord that would result in a guarantee that Quebec would receive a number of immigrants in proportion to its share of the population of Canada. The principle of proportionality, those witnesses said, would mean that big provinces would grow bigger and small provinces would remain small in perpetuity. Professor Bryan Schwartz, of the Faculty of Law, University of Manitoba stated:

The immigration clauses should ... be refined to make it clear that Quebec's allotment is a target and not a quota. If this is a first step in providing that all provinces get a proportionate representation by population in terms of immigration, it is clearly unacceptable to less populous provinces like Manitoba.

I can see making a special concession to Quebec in terms of its demography, but, if this is inviting all the other provinces to grab their proportionate share, ... it permanently condemns the west to

underpopulation. (*Proceedings of the Senate Submissions Group*, p. 5:76.)

61. Other concerns were expressed about this aspect of the political accord:

If this proportionality requirement is effected by trying to decrease immigration to the rest of Canada, you will frustrate family reunification; deny to refugee support groups the opportunity to help that they want to offer; and deny to businesses and the economy throughout Canada the opportunity and need that they have for economic migrants. So it will have a frustrating effect in many different levels across the whole of the country. (*League for Human Rights of B'Nai Brith Canada, Proceedings of the Senate Submissions Group*, p. 5:12.)

V. THE SENATE OF CANADA

62. At present a constitutional amendment dealing with the powers of the Senate or the method of selecting Senators may be accomplished through approval by the federal Parliament and seven provinces having fifty percent of the population of all the provinces. By virtue of the Accord, any amendment in relation to the powers of the Senate and the method of selecting Senators, may be made by proclamation issued by the Governor General only where authorized by resolutions of the Senate and House of Commons and the legislative assembly of each province. The Senate is to retain its "suspensive veto" of 180 days on such amendments.

63. Two other parts of the Accord also affect the Senate. Reform of the Senate is on the agenda for future First Ministers' Conferences on the Constitution. Moreover, the Accord contains a transitional appointment process which is to be binding until an amendment to the Constitution is made in relation to the Senate. Under this arrangement:

25.(2) ... the person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted by the Government of the province to which the vacancy relates and must be acceptable to the Queen's Privy Council for Canada.

64. The territorial governments do not have the right under this formula to submit lists of nominees for the Senate to the federal government.

65. Senator Lowell Murray holds that these changes acknowledge the legitimate interest of the provincial governments in the Senate and reinforce the federal character of this institution.

66. However, many other witnesses expressed the view that the unanimity provision, combined with the transitional appointment procedure, will make meaningful Senate reform virtually impossible.

67. The Honourable John W. Pickersgill did not see unanimity as a bad thing.

Since both the composition and powers of the Senate were originally designed to safeguard the relative position of the provinces in the Senate and in the country, I asked myself whether fundamental Senate reform is conceivable without the acquiescence of all provincial governments. (*Debates of the Senate*, November 18, 1987, p. 2191.)

68. The Honourable John Roberts pointed out that the Premiers would be reluctant to relinquish the power of establishing the list from which a Senator is to be selected. His view is shared by Professor Blair Williams, who stated:

Another reason why I do not think we will have Senate reform under this accord is that Senate reform will steadily be seen by provincial premiers as not being in their best interests. Increasingly, Premiers will see that they, more than anyone else, can portray themselves as legitimate articulators and representatives of regional concerns in this country, and they will not want to see that challenged by a truly viable Senate. (*Debates of the Senate*, December 16, 1987, p. 2449.)

69. Professor Allan Cairns contended that the only Senate reform that would be accomplished either through the Meech Lake Agreement or through the annual constitutional conferences would be the transitional formula contained in the Langevin Accord.

The transitional Senate reform ... which, I must say, strikes me as highly anomalous - is the extent of Senate reform we will get. I think that that is, in a sense, by the back door, unexplained and the purposes for which it was put in were not laid out. It is Senate reform which will have significant consequences for the second chamber, but it is not the Senate reform that Premier Getty and other western groups were aiming for. (*Debates of the Senate*, February 10, 1987, p. 2742.)

70. Proponents of a reformed Senate, especially those who support the concept of the "triple E" Senate told us that they believe that the Accord has effectively killed any chance of this type of reform being put in place.

There must be linkage between the passage of the Meech Lake Accord -- which I refer to as the "Quebec amendment" -- and the adoption of what I call the "western amendment", namely, an economic bill of rights and a Triple-E Senate. I take it we all interpret Triple-E to mean: having an equal number of members from each province, being elected, and having effective power. Linkage is essential, because without it there will never be an equitable western agreement.

This body, supporting one of its earlier reports, should recommend that at the very least we should acknowledge the principle that the Senate should be elected by providing in the Meech Lake amendment that the new provincial nominees, rather than be appointed by the premier of the province, be elected by the people of the province concerned. If we cannot have Triple-E, let us not substitute it with Triple P - Provincial Premiers' Patronage! (Asper, *Debates of the Senate*, March 2, 1988, p. 2799 and 2800.)

71. The important consequences of the Senate reform alluded to by Professor Cairns were examined in detail by the Hon. Eugene Forsey. He held that this new Senate, especially when those proposed by the Premiers come to be the majority in the Senate, will want to exercise "clout." This new activity by the Senate would cause trouble for both the ministers and the House of Commons because this provincially nominated Senate would have all the vast powers of the present Senate.

A Senate appointed by the Premiers would be entirely different. These new senators will not think in terms of the Prime Minister, the Opposition Leader, the third party or whoever in the other place. They will be indebted to the Premiers. They will represent the provinces in a new way.

They will say: "We were appointed by the provinces; our duty is to protect the rights and powers of the provinces. Since they do not like this Bill, we are rejecting it, and if the House of Commons is not happy about it, it is just too bad!" (*Debates of the Senate*, October 21, 1987, p. 2001.)

VI. THE SUPREME COURT OF CANADA

72. While the Accord deals with the Supreme Court in various of its aspects, by far the most controversial proposed change, in the view of many witnesses, is the method by which court vacancies would be filled. When one of the three places allotted to Quebec is to be filled, the Governor in Council must select a person whose name has been put forward by the government of that province.

73. When another vacancy occurs, the government of each province other than Quebec is to have the opportunity to submit the names of persons who are members of the bar of that province, and are otherwise qualified to sit on the Court. The Governor in Council would be required to make the appointment from the names put forward by the provincial governments. Territorial governments are not to have the right to submit names.

74. The Canadian Teachers' Federation pointed out that the *Constitution Act, 1982* greatly increased the role of the Supreme Court. The Court already had the power to decide questions relating to the division of powers between the two orders of government. The adoption, in 1982, of the *Canadian Charter of Rights and Freedoms* gave the Supreme Court the power to deal with applicable fundamental rights of the people of Canada.

75. Witnesses expressed the view that the new appointment process will lead to the appointment of a court with a predisposition in favour of the jurisdictional claims of the provincial governments.

When the provinces are putting forward a list of names of people, it would seem to be in the interest of the provinces to put forward a list of people who might be more interested in a decentralized version of Canada than in a centralized version of this country. That is where our area of concern lies. We are sure that the provinces will put forward the names of competent people, but we feel that one's point of view and one's philosophy on things impacts on the decisions that are made. It is our concern that we might see more names of people coming forward who would opt for the decentralized version of Canada. (Canadian Teachers' Federation, *Proceedings of the Senate Submissions Group*, February 29, 1988, p. 1:78.)

76. The Quebec Association of Protestant School Boards said that this appointment procedure will lead to the degradation of the Court. The procedure will cause the court to be politicized.

The more political the Court gets the easier it is to have its position undermined. (*Debates of the Senate*, February 3, 1988, p. 2620.)

77. Fears about the effects of the new procedure become extreme when the prospect that a separatist government in a position to put forward the name of the person to be appointed is examined. This is especially relevant to Quebec since no other government may put forward names for those places allotted to Quebec. One possibility is that only the

name or names of separatists would be sent to the Minister of Justice. Alternatively, perhaps no nomination would be submitted.

... an optimal separatist strategy would be to refuse to appoint anyone to the Supreme Court while sending case upon case to that body. In a short time the legitimacy of the central judicial machinery would have been undermined. (Albert Breton, *Debates of the Senate*, February 10, 1988, p. 2739.)

78. Professor Albert Breton also commented upon the guaranteed number of Quebec judges who would sit on the court and the types of cases they could possibly deal with.

There is irony in what the Accord has done. It has generated a context in which the Supreme Court of Canada – a federal body with a built-in constitutionally entrenched two-thirds anglophone majority – will have the task of defining in what sense Quebec is a "distinct society," and whether this or that measure "promotes the distinct identity of Quebec." Irony there is, but there is more. The Accord, if it becomes law, will have created a device – in French we would say "un dispositif" – that would make it possible for the Supreme Court's legitimacy to be undermined in Quebec. (*Ibid.*, p. 2732.)

79. Witnesses pointed out that the Accord does not provide a mechanism to resolve the problem if no person acceptable to the federal government has been nominated for a vacancy.

80. Mr. Alex Macdonald, a former Attorney-General of British Columbia, made the point that a list could simply contain one name. Without a mechanism to resolve disputes it will be difficult for the federal government not to appoint the one person proposed for a Quebec vacancy.

81. The Hon. Eugene Forsey suggested that some means of resolving the impasse must be provided.

I would think that the chances of a provincial government not nominating anybody are pretty slim. The difficulty, it seems to me, is more likely to arise from nominating somebody and the government here saying, "Oh, this won't do at all. This is a perfectly fantastic nomination. All six of the people you have proposed just won't do at all. Some of them are senile; some of them are corrupt; and some of them are people who know no law whatsoever and heaven alone knows how they passed their bar examination. No, we cannot take these people." Where are you in that instance? I think the Victoria Charter, for example, had an elaborate provision for an arbitrator who would decide

in cases of conflict over the nominations to the judgeships. Here, it seems to me, you have no provision for looking after an impasse, and that is what worries me rather than the problem of some government saying, "Oh, no, we cannot touch this." (*Debates of the Senate*, June 30, 1987, p. 1545-46.)

82. One group suggested that both the federal and provincial governments submit an equal number of names to an independent neutral body to be charged with the responsibility of choosing the most acceptable nominee. In the opinion of this group the proposal under the Accord has a built-in potential for bias favouring the provincial governments.

83. Another witness stated that since these provisions of the Accord deny the elected governments of the North any opportunity to nominate persons to be considered for appointment to the Supreme Court, these provisions are repugnant.

VII. THE AMENDING FORMULA - UNANIMITY

84. The general amending formula provided by the *Constitution Act, 1982* requires the approval of the Senate and the House of Commons and of the legislative assemblies of seven provinces with at least fifty percent of the population of all the provinces; however, certain amendments require the concurrence of all the provincial legislatures.

85. The change in the amending formula proposed in the Accord addressed by witnesses is that which puts certain matters now subject to the seven provinces formula under the unanimity rule. These matters are: representation in the House of Commons; certain aspects of the Senate; the Supreme Court; the extension of existing provinces into the territories and the establishment of new provinces.

86. Senator Lowell Murray stated that this proposed change to the amending formula represents an underlying conviction that these matters are so central to the federation that all provinces should have an equal voice in them.

87. Other witnesses claimed the extension of the unanimity rule would make it difficult to adapt the Constitution to the realities of Canadian life. They held that since even among reasonable people unanimity is hard to achieve, it may result in deadlock in federal-provincial relations.

My submission protests against the new requirement of unanimity for constitutional amendment on several issues. The drafters have taken a snapshot of Canada, worshipped at the altar of the *status quo* and enshrined it, warts and all, into pragmatically unshakable chains. (Asper, *Debates of the Senate*, March 2, 1988, p. 2800.)

88. The Hon. Eugene Forsey contended that the Accord's amending formula will enshrine for all time in their present form those aspects of the Constitution to which it applies. Mr. Alex Macdonald commenting on what he called a "modern country" having an amending formula where everyone has a veto, claimed it demonstrated an Alice-in-Wonderland mentality.

89. The Hon. John Roberts stated that unanimity would reduce the ability of the federal government to perform its role. It would lead to "government through bargaining" by first ministers. In fact, one witness claimed this was not an amendment formula at all, but simply a prescription for deadlock.

90. Many witnesses were concerned about the effect the unanimity formula would have on the prospects of the northern territories to become provinces. They also expressed outrage that the aboriginal people are excluded from any involvement in the constitutional process regarding amendments that would directly affect them.

... the unanimity procedure ... clearly strips northerners of any hope for provincehood and signals a new, colonialist partition of the north.

With unanimity the accord strips an entire section of society of its right to self-government. Northerners - totally unrepresented in the meetings - have lost any real chance to become provinces. They remain fiefdoms. If they do seek provincehood, then they will be held to ransom and blackmailed for part of their homelands and for their right to participate fully in the Constitution. This is virtually a certainty under the Accord. (Native Council of Canada, *Debates of the Senate*, December 2, 1987, p. 2259.)

91. The Committee was told that the inclusion of the creation of new provinces in the territories under the unanimity rule was designed to give adjacent provinces eventual control over additional territorial lands and natural resource wealth. The Accord would require unanimity before new provinces could be created. Statements by Premier Robert Bourassa of Quebec made before a Committee of the Quebec legislature on the subject of the addition of new provinces were quoted to us:

As far as new provinces are concerned, I do not have to elaborate on the threat which the addition of new provinces would represent for Quebec's collective wealth especially in the regions where natural resources could become fully developed. (*Debates of the Senate*, March 23, 1988, p. 2915.)

VIII. PARTICIPATION IN THE PROCESS: THE CONSTITUTIONAL CONFERENCES

A. The Meech Lake Process

92. The Committee heard a great deal of evidence concerning the process followed in arriving at the Accord. Those who commented on the process voiced the concern that no provision had been made for public involvement prior to the signing of the Accord.

93. Why do the people of Canada want input into the constitution-making process? Professor Theodore Geraets attempted to answer this question when he stated:

The most fundamental aspect in the debate about the Meech Lake Accord is the following: Canada's Constitution does not belong to our First Ministers, not to Mr. Mulroney, not to Mr. Trudeau, not to our provincial legislatures, but to the people of Canada. (*Debates of the Senate*, December 9, 1987, p. 2333.)

94. Professor Allan Cairns attempted to discern when this feeling amongst the people of Canada began. As mentioned earlier, he stated that prior to 1982 the Constitution of Canada was concerned mainly with the question of federalism. The addition of the *Canadian Charter of Rights and Freedoms* gave recognition to many groups within Canadian society: women, aboriginals, ethnic groups, various minorities, the disabled, and many more. All these groups now are vitally concerned when any important change to the Constitution is contemplated, especially a change that may affect their rights. This results, Cairns argued, in a Constitution in which many groups have a direct interest; however, there is no requirement that citizens be involved in any way in the process of amendment.

95. Professor Cairns concluded his argument by stating that a constitutional amendment that either specifically or through the process of adoption does not address this new reality has far less than full legitimacy.

The Constitution is now also about women, aboriginals, multicultural groups, equality, affirmative action, the disabled, a variety of rights, and so on. Since it is not possible to separate clearly the concerns of the governments which dominate federalism from the concerns of these

newly constitutionalized social categories, it logically follows that the Constitution, with its many non-federal concerns, can no longer be entrusted exclusively to governments in the process of constitutional change. Government domination of the constitutional process has therefore seriously declined in legitimacy. (*Debates of the Senate*, February 10, 1988, p. 2741-42.)

96. As well, witnesses also expressed dismay at statements made after the Accord had been signed to the effect that given the delicate balance of interests achieved by the Accord, it would be dangerous to undertake improvement; consequently, no recommendation for change would be accepted. The Accord would be revised only if egregious errors were found in it. As the Hon. Charles Caccia, P.C., M.P., pointed out "... if it is so fragile ... is it really good for Canada." (*Debates of the Senate*, November 4, 1987, p. 2138.)

97. Many witnesses stated that the method by which the Accord was reached was contrary to Canadian democratic traditions:

As a democrat, then, I believe that the people are losers by this Accord, and I find that the spirit and the intent of the Accord, in democratic terms, is offensive. Rather than taking a bold step forward that involves the people and that opens up new vistas for Canadian democracy, we have taken a step backward. (Williams, *Debates of the Senate*, December 16, 1987, p. 2449.)

98. The disappointment of the aboriginal people over their exclusion from the Meech Lake process and their lack of inclusion in the continuing constitutional process was expressed by Louis "Smokey" Bruyère when he stated:

The accord completely ignores aboriginal peoples and our place in the existing constitutional order. It misstates Canada as it is and as it had a greater chance of becoming - a country housing a number of distinct peoples and societies living in harmony and mutual respect. (*Debates of the Senate*, December 2, 1987, p. 2258.)

99. Several witnesses suggested that the Accord should be put to the people for discussion and perhaps decision in the form of a plebiscite. Many called for a public debate prior to finalization of any constitutional agreement.

It is said, of course, that a referendum is divisive, but whatever divisions would appear - those that are already there, but go more or less unnoticed - is this not better than running the risk of imposing on a majority of Canadians a Constitution, major parts of which they would

reject if they were asked for their opinion? Of course, their rejection of any major parts, for instance, the amending formula itself, would send our politicians back to the negotiating table. But would that not be a very healthy exercise in democracy for those who now seem to "own" the Constitution? It is not theirs. It is ours, and they ought to recognize this formally and explicitly. Only then will the Constitution (and the First Ministers), ... "be the servant of the people, not their masters." (Geraets, *Debates of the Senate*, December 9, 1987, p. 2334)

100. Some witnesses offered suggestions for a new amending formula, one which would involve the people of Canada directly. Professor Theodore Geraets stated that a referendum on the constitutional proposals would give the people of Canada an opportunity to voice their opinions.

I maintain that the only way to obtain the necessary legitimacy is by providing all Canadian citizens with the opportunity to exercise fully their democratic rights by approving or rejecting in a non-equivocal way each of the major parts of the Constitution. The finest legacy of our appointed Senate to the people of Canada would be the introduction of a bill providing for a reasonable ratification procedure, giving the Canadian people a final say over the Constitution of their country. Only in this way will it truly be the people's Constitution. (*Debates of the Senate*, December 9, 1987, p. 2334.)

101. Professor A.W. Johnson called upon those who drafted the Meech Lake Accord to meet again, after having received the reports of legislative committees studying the Accord. He commented that it would be of some comfort if this group did nothing more than respond to the simple question why they remain so opposed to any change addressing the principal issues or questions in these committees.

B. Constitutional Conferences

102. If the Accord is accepted, the Constitution of Canada will require yearly First Ministers' Conferences on the Constitution. In addition, a permanent agenda will have been entrenched. Another section of the Constitution will require annual First Ministers' Conferences on the Economy.

103. The proposed entrenching of First Ministers' Conference in the Constitution was criticized by those who commented on the process. For example, one witness commented that this would "institutionalize the repugnant process of Meech Lake."

104. Professor Allan Cairns stated that the process used to reach the Accord could only be justified "as an extraordinary response to an extraordinary situation." He is concerned that this process is now seen by governments as the preferred way of changing the Constitution.

105. Professor Michael Bliss, of the Department of History, University of Toronto, argued that annual meetings on the Constitution would trivialize the process.

106. The system of annual meetings, the Committee was told, increasingly draws the political process into disrepute.

The clause requiring constitutional meetings every year is really an aberration in terms of thinking about constitutions. You just do not force yourself to amend the constitution or to consider constitutional matters every year. ... A constitution's primary function is to enhance the political stability of the country. Stability requires that things be put aside, that things be allowed to accumulate, and once in a while you do something about them. (Albert Breton, *Debates of the Senate*, February 10, 1988, p. 2736.)

107. The Leader of the Opposition in the Province of Nova Scotia, Mr. Vincent J. MacLean, expressed grave concern about the fact that "roles and responsibilities in relation to the fisheries" is to be on the agenda at these annual conferences. He argued that as long as this matter is on the agenda there is a strong possibility of change adverse to the interest of the fishing industry.

That seems innocent enough, but consider that its very inclusion in the Meech Lake Accord suggests that constitutional changes are required in the "roles and responsibilities" in relation to the fisheries. I think we can all agree that improvements are possible, but shifting the traditional responsibility for such vital decisions - such as who gets licences and how quotas are shared - from Ottawa to the provinces would not be an improvement. Actually, I think it would cause chaos in the industry. (*Debates of the Senate*, February 3, 1988, p. 2606.)

108. Witnesses contended that the institutionalizing of conferences means that Canada will come to be governed by First Ministers' conferences. They are concerned that this will legitimize the concept of executive federalism in Canada.

109. Many witnesses were concerned that there seemed to be no mechanism by which other matters could be added to the continuing agenda of these conferences. Would unanimity be required to add new items or, indeed, to drop the existing ones?

110. The Canadian Council on Social Development stated that the institutionalizing of First Ministers' Conferences would limit meaningful public discussion on constitutional change. It would result in the "interposition of a new governing instrument ... superior to parliament." (*Proceedings of the Senate Submissions Group*, p. 1:33.)

111. It is the desire of the representatives of the aboriginal people to be involved in the constitutional process. They feel that the items presently on the agenda -- Senate reform and fisheries -- are of vital interest to them. They want to be present at the bargaining table in order both to protect and to advance the interests of their people in these matters.

112. Aboriginal groups appearing before the Committee expressed their greatest concern regarding future constitutional conferences. Under the Accord not only are the representatives of the aboriginal people excluded from these conferences, but, unlike the fisheries question, the matter of self-government is not on the continuing agenda for discussion.

The accord sets a mood for intolerance towards the constitutional expression of aboriginal self-government. It sets up legal impediments to bringing aboriginal peoples into the Constitution in a proper manner to complete the circle of Confederation. (Assembly of First Nations, *Debates of the Senate*, November 18, 1987, p. 2199.)

113. Mr. Mark Gordon, the President of Makivik Corporation, representing the Inuit of Northern Quebec, stated:

There is no forum now to deal with these very urgent problems. The constitutional forum sprouted many roots which enable the native people to deal with their provincial governments or with other areas of the federal government. With the loss of the constitutional process for aboriginal people there is no longer a need or an immediacy for the government to deal with these matters. Also as a result of the constitutional process, native peoples were given funds to formulate and to articulate their ideas. All this is gone, because there is no longer the constitutional process. (*Debates of the Senate*, December 16, 1987, p. 2468.)

IX. CONCLUSION

114. We have been told that those who signed the Accord wish to see it become part of Canada's constitution in its present form. They see improvements as possible, but insist that given the fact that the Accord is a delicate balance, to attempt to make these improvements now would be to endanger the Accord; accordingly, all proposed amendments should be put aside for consideration at future conferences.

115. In order to accommodate this view, one of the aboriginal groups which appeared before us indicated their willingness to have companion resolutions dealing with fundamental aboriginal and northern matters passed by the Senate immediately after the Senate has passed the Accord. The Accord would not be amended, but a new series of constitutional amendments would be initiated by the Senate. These new amendments could cover a number of matters, such as the calling of a constitutional conference on aboriginal rights, giving the governments of the territories the right to nominate Supreme Court Judges and returning the establishment of provinces out of the existing territories to the pre-1982 procedure.

116. However, the vast majority of witnesses were adamant that the Accord ought to be amended prior to its adoption, or, if not amended, that it should not be adopted at all.

**FIRST MINISTERS' MEETING
ON THE CONSTITUTION**

DRAFT STATEMENT OF PRINCIPLES

April 30, 1987

MEECH LAKE COMMUNIQUE

At their meeting today at Meech Lake, the Prime Minister and the ten Premiers agreed to ask officials to transform into a constitutional text the agreement in principle found in the attached document.

First Ministers also agreed to hold a constitutional conference within weeks to approve a formal text intended to allow Quebec to resume its place as a full participant in Canada's constitutional development.

QUEBEC'S DISTINCT SOCIETY

(1) The Constitution of Canada shall be interpreted in a manner consistent with

- a) the recognition that the existence of French-speaking Canada, centred in but not limited to Quebec, and English-speaking Canada, concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada; and
- b) the recognition that Quebec constitutes within Canada a distinct society.

(2) Parliament and the provincial legislatures, in the exercise of their respective powers, are committed to preserving the fundamental characteristic of Canada referred to in paragraph (1)(a).

(3) The role of the legislature and Government of Quebec to preserve and promote the distinct identity of Quebec referred to in paragraph (1)(b) is affirmed.

IMMIGRATION

- Provide under the Constitution that the Government of Canada shall negotiate an immigration agreement appropriate to the needs and circumstances of a province that so requests and that, once concluded, the agreement may be entrenched at the request of the province;
- such agreements must recognize the federal government's power to set national standards and objectives relating to immigration, such as the ability to determine general

categories of immigrants, to establish overall levels of immigration and prescribe categories of inadmissible persons;

- under the foregoing provisions, conclude in the first instance an agreement with Quebec that would:
 - incorporate the principles of the Cullen-Couture agreement on the selection abroad and in Canada of independent immigrants, visitors for medical treatment, students and temporary workers, and on the selection of refugees abroad and economic criteria for family reunification and assisted relatives;
 - guarantee that Quebec will receive a number of immigrants, including refugees, within the annual total established by the federal government for all of Canada proportionate to its share of the population of Canada, with the right to exceed that figure by 5% for demographic reasons; and
 - provide an undertaking by Canada to withdraw services (except citizenship services) for the reception and integration (including linguistic and cultural) of all foreign nationals wishing to settle in Quebec where services are to be provided by Quebec, with such withdrawal to be accompanied by reasonable compensation;
- nothing in the foregoing should be construed as preventing the negotiation of similar agreements with other provinces.

SUPREME COURT OF CANADA

- Entrench the Supreme Court and the requirement that at least three of the nine justices appointed be from the civil bar;
- provide that, where there is a vacancy on the Supreme Court, the federal government shall appoint a person from a list of candidates proposed by the provinces and who is acceptable to the federal government.

SPENDING POWER

- Stipulate that Canada must provide reasonable compensation to any province that does not participate in a future national shared-cost program in an area of exclusive provincial jurisdiction if that province undertakes its own initiative or programs compatible with national objectives.

AMENDING FORMULA

- Maintain the current general amending formula set out in section 38, which requires the consent of Parliament and at least two-thirds of the provinces representing at least fifty percent of the population;
- guarantee reasonable compensation in all cases where a province opts out of an amendment transferring provincial jurisdiction to Parliament;
- because opting out of constitutional amendments to matters set out in section 42 of the *Constitution Act, 1982* is not possible, require the consent of Parliament and all the provinces for such amendments.

SECOND ROUND

- Require that a First Ministers' Conference on the Constitution be held not less than once per year and that the first be held within twelve months of proclamation of this amendment but not later than the end of 1988;

- entrench in the Constitution the following items on the agenda:

1) Senate reform including:

- the functions and role of the Senate;
- the powers of the Senate;
- the method of selection of Senators;
- the distribution of Senate seats;

2) fisheries roles and responsibilities; and

3) other agreed upon matters;

- entrench in the Constitution the annual First Ministers' Conference on the Economy now held under the terms of the February 1985 Memorandum of Agreement;

- until constitutional amendments regarding the Senate are accomplished the federal government shall appoint persons from lists of candidates provided by provinces where vacancies occur and who are acceptable to the federal government.

1987 CONSTITUTIONAL ACCORD

WHEREAS first ministers, assembled in Ottawa, have arrived at a unanimous accord on constitutional amendments that would bring about the full and active participation of Quebec in Canada's constitutional evolution, would recognize the principle of equality of all the provinces, would provide new arrangements to foster greater harmony and cooperation between the Government of Canada and the governments of the provinces and would require that annual first ministers' conferences on the state of the Canadian economy and such other matters as may be appropriate be convened and that annual constitutional conferences composed of first ministers be convened commencing not later than December 31, 1988;

AND WHEREAS first ministers have also reached unanimous agreement on certain additional commitments in relation to some of those amendments;

NOW THEREFORE the Prime Minister of Canada and the first ministers of the provinces commit themselves and the governments they represent to the following:

1. The Prime Minister of Canada will lay or cause to be laid before the Senate and House of Commons, and the first ministers of the provinces will lay or cause to be laid before their legislative assemblies, as soon as possible, a resolution, in the form appended hereto, to authorize a proclamation to be issued by the Governor General under the Great Seal of Canada to amend the Constitution of Canada.

2. The Government of Canada will, as soon as possible, conclude an agreement with the Government of Quebec that would

(a) incorporate the principles of the Cullen-Couture agreement on the selection abroad and in Canada of independent immigrants, visitors for medical treatment, students and temporary workers, and on the selection of refugees abroad and economic criteria for family reunification and assisted relatives,

(b) guarantee that Quebec will receive a number of immigrants, including refugees, within the annual total established by the federal government for all of Canada proportionate to its share of the population of Canada, with the right to exceed that figure by five per cent for demographic reasons, and

(c) provide an undertaking by Canada to withdraw services (except citizenship services) for the reception and integration (including linguistic and cultural) of all foreign nationals wishing to settle in Quebec where services are to be provided by Quebec, with such withdrawal to be accompanied by reasonable compensation,

and the Government of Canada and the Government of Quebec will take the necessary steps to give the agreement the force of law under the proposed amendment relating to such agreements.

3. Nothing in this Accord should be construed as preventing the negotiation of similar agreements with other provinces relating to immigration and the temporary admission of aliens.

4. Until the proposed amendment relating to appointments to the Senate comes into force, any person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted by the government of the province to which the vacancy relates and must be acceptable to the Queen's Privy Council for Canada.

**MOTION FOR A RESOLUTION TO AUTHORIZE AN AMENDMENT
TO THE CONSTITUTION OF CANADA**

WHEREAS the *Constitution Act, 1982* came into force on April 17, 1982, following an agreement between Canada and all the provinces except Quebec;

AND WHEREAS the Government of Quebec has established a set of five proposals for constitutional change and has stated that amendments to give effect to those proposals would enable Quebec to resume a full role in the constitutional councils of Canada;

AND WHEREAS the amendment proposed in the schedule hereto sets out the basis on which Quebec's five constitutional proposals may be met;

AND WHEREAS the amendment proposed in the schedule hereto also recognizes the principle of the equality of all the provinces, provides new arrangements to foster greater harmony and cooperation between the Government of Canada and the governments of the provinces and requires that conferences be convened to consider important constitutional, economic and other issues;

AND WHEREAS certain portions of the amendment proposed in the schedule hereto relate to matters referred to in section 41 of the *Constitution Act, 1982*;

AND WHEREAS section 41 of the *Constitution Act, 1982* provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and the House of Commons and of the legislative assembly of each province;

NOW THEREFORE the (Senate) (House of Commons) (legislative assembly) resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

SCHEDULE

CONSTITUTION AMENDMENT, 1987

Constitution Act, 1867

1. The *Constitution Act, 1867* is amended by adding thereto, immediately after section 1 thereof, the following section:

Interpretation

“2. (1) The Constitution of Canada shall be interpreted in a manner consistent with

(a) the recognition that the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada; and

(b) the recognition that Quebec constitutes within Canada a distinct society.

Role of Parliament and legislatures

(2) The role of the Parliament of Canada and the provincial legislatures to preserve the fundamental characteristic of Canada referred to in paragraph (1)(a) is affirmed.

Role of legislature and Government of Quebec

(3) The role of the legislature and Government of Quebec to preserve and promote the distinct identity of Quebec referred to in paragraph (1)(b) is affirmed.

Rights of legislatures and governments preserved

(4) Nothing in this section derogates from the powers, rights or privileges of Parliament or the Government of Canada, or of the legislatures or governments of the provinces, including any powers, rights or privileges relating to language.”

2. The said Act is further amended by adding thereto, immediately after section 24 thereof, the following section:

Names to be submitted

“25. (1) Where a vacancy occurs in the Senate, the government of the province to which the vacancy relates may, in relation to that vacancy, submit to the Queen’s Privy Council for Canada the names of persons who may be summoned to the Senate.

Choice of Senators from names submitted

(2) Until an amendment to the Constitution of Canada is made in relation to the Senate pursuant to section 41 of the *Constitution Act, 1982*, the person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted under subsection (1) by

the government of the province to which the vacancy relates and must be acceptable to the Queen's Privy Council for Canada."

3. The said Act is further amended by adding thereto, immediately after section 95 thereof, the following heading and sections:

"Agreements on Immigration and Aliens

Commitment to negotiate

95A. The Government of Canada shall, at the request of the government of any province, negotiate with the government of that province for the purpose of concluding an agreement relating to immigration or the temporary admission of aliens into that province that is appropriate to the needs and circumstances of that province.

Agreements

95B. (1) Any agreement concluded between Canada and a province in relation to immigration or the temporary admission of aliens into that province has the force of law from the time it is declared to do so in accordance with subsection 95C(1) and shall from that time have effect notwithstanding class 25 of section 91 or section 95.

Limitation

(2) An agreement that has the force of law under subsection (1) shall have effect only so long and so far as it is not repugnant to any provision of an Act of the Parliament of Canada that sets national standards and objectives relating to immigration or aliens, including any provision that establishes general classes of immigrants or relates to levels of immigration for Canada or that prescribes classes of individuals who are inadmissible into Canada.

Application of Charter

(3) The *Canadian Charter of Rights and Freedoms* applies in respect of any agreement that has the force of law under subsection (1) and in respect of anything done by the Parliament or Government of Canada, or the legislature or government of a province, pursuant to any such agreement.

Proclamation relating to agreements

95C. (1) A declaration that an agreement referred to in subsection 95B(1) has the force of law may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of the province that is a party to the agreement.

Amendment of agreements

(2) An amendment to an agreement referred to in subsection 95B(1) may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized

(a) by resolutions of the Senate and House of Commons and of the legislative assembly of the province that is a party to the agreement; or

(b) in such other manner as is set out in the agreement.

Application of sections 46 to 48 of *Constitution Act, 1982*

95D. Sections 46 to 48 of the *Constitution Act, 1982* apply, with such modifications as the circumstances require, in respect of any declaration made pursuant to subsection 95C(1), any amendment to an agreement made pursuant to subsection 95C(2) or any amendment made pursuant to section 95E.

Amendments to sections 95A to 95D or this section

95E. An amendment to sections 95A to 95D or this section may be made in accordance with the procedure set out in subsection 38(1) of the *Constitution Act, 1982*, but only if the amendment is authorized by resolutions of the legislative assemblies of all the provinces that are, at the time of the amendment, parties to an agreement that has the force of law under subsection 95B(1)."

4. The said Act is further amended by adding thereto, immediately preceding section 96 thereof, the following heading:

"General"

5. The said Act is further amended by adding thereto, immediately preceding section 101 thereof, the following heading:

"Courts Established by the Parliament of Canada"

6. The said Act is further amended by adding thereto, immediately after section 101 thereof, the following heading and sections:

"Supreme Court of Canada"

Supreme Court continued

101A. (1) The court existing under the name of the Supreme Court of Canada is hereby continued as the general court of appeal for Canada, and as an additional court for the better administration of the laws of Canada, and shall continue to be a superior court of record.

Constitution of court

(2) The Supreme Court of Canada shall consist of a chief justice to be called the Chief Justice of Canada and eight other judges, who shall be appointed by the Governor General in Council by letters patent under the Great Seal.

Who may be appointed judges

101B (1) Any person may be appointed a judge of the Supreme Court of Canada who, after having been admitted to the bar of any province or territory, has, for a total of at least ten years, been a judge of any court in Canada or a member of the bar of any province or territory.

Three judges from Quebec

(2) At least three judges of the Supreme Court of Canada shall be appointed from among persons who, after having been admitted to the bar of Quebec, have, for a total of at least ten years, been judges of any court of Quebec or of any court established by the Parliament of Canada, or members of the bar of Quebec.

Names may be submitted

101C. (1) Where a vacancy occurs in the Supreme Court of Canada, the government of each province may, in relation to that vacancy, submit to the Minister of Justice of Canada the names of any of the persons who have been admitted to the bar of that province and are qualified under section 101B for appointment to that court.

Appointment from names submitted

(2) Where an appointment is made to the Supreme Court of Canada, the Governor General in Council shall, except where the Chief Justice is appointed from among members of the Court, appoint a person whose name has been submitted under subsection (1) and who is acceptable to the Queen's Privy Council for Canada.

Appointment from Quebec

(3) Where an appointment is made in accordance with subsection (2) of any of the three judges necessary to meet the requirement set out in subsection 101B(2), the Governor General in Council shall appoint a person whose name has been submitted by the Government of Quebec.

Appointment from other provinces

(4) Where an appointment is made in accordance with subsection (2) otherwise than as required under subsection (3), the Governor General in Council shall appoint a person whose name has been submitted by the government of a province other than Quebec.

Tenure, salaries, etc., of judges

101D. Sections 99 and 100 apply in respect of the judges of the Supreme Court of Canada.

Relationship to section 101

101E. (1) Sections 101A to 101D shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws under section 101 except to the extent that such laws are inconsistent with those sections.

References to the Supreme Court of Canada

(2) For greater certainty, section 101A shall not be construed as abrogating or derogating from the powers of the Parliament of Canada to make laws relating to the reference of questions of law or fact, or any other matters, to the Supreme Court of Canada."

7. The said Act is further amended by adding thereto, immediately after section 106 thereof, the following section:

Shared-cost program

"106A. (1) The Government of Canada shall provide reasonable compensation to the government of a province that chooses not to

participate in a national shared-cost program that is established by the Government of Canada after the coming into force of this section in an area of exclusive provincial jurisdiction, if the province carries on a program or initiative that is compatible with the national objectives.

Legislative power
not extended

(2) Nothing in this section extends the legislative powers of the Parliament of Canada or of the legislatures of the provinces."

8. The said Act is further amended by adding thereto the following heading and sections:

"XII—CONFERENCES ON THE ECONOMY AND OTHER MATTERS

Conferences on the
economy and other
matters

148. A conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year to discuss the state of the Canadian economy and such other matters as may be appropriate.

XIII—REFERENCES

Reference includes
amendments

149. A reference to this Act shall be deemed to include a reference to any amendments thereto."

Constitution Act, 1982

9. Sections 40 to 42 of the *Constitution Act, 1982* are repealed and the following substituted therefor:

Compensation

"40. Where an amendment is made under subsection 38(1) that transfers legislative powers from provincial legislatures to Parliament, Canada shall provide reasonable compensation to any province to which the amendment does not apply.

Amendment by
unanimous consent

41. An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

(a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;

(b) the powers of the Senate and the method of selecting Senators;

(c) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;

(d) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province was entitled to be represented on April 17, 1982;

(e) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;

(f) subject to section 43, the use of the English or the French language;

(g) the Supreme Court of Canada;

(h) the extension of existing provinces into the territories;

(i) notwithstanding any other law or practice, the establishment of new provinces; and

(j) an amendment to this Part."

10. Section 44 of the said Act is repealed and the following substituted therefor:

"44. Subject to section 41, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons."

Amendments by
Parliament

11. Subsection 46(1) of the said Act is repealed and the following substituted therefor:

"46. (1) The procedures for amendment under sections 38, 41 and 43 may be initiated either by the Senate or the House of Commons or by the legislative assembly of a province."

Initiation of amend-
ment procedures

12. Subsection 47(1) of the said Act is repealed and the following substituted therefor:

"47. (1) An amendment to the Constitution of Canada made by proclamation under section 38, 41 or 43 may be made without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the adoption by the House of Commons of a resolution authorizing its issue, the Senate has not adopted such a resolution and if, at any time after the expiration of that period, the House of Commons again adopts the resolution."

Amendments with-
out Senate resolution

13. Part VI of the said Act is repealed and the following substituted therefor:

CONSTITUTIONAL CONFERENCES

Constitutional conference

50. (1) A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year, commencing in 1988.

Agenda

(2) The conferences convened under subsection (1) shall have included on their agenda the following matters:

(a) Senate reform, including the role and functions of the Senate, its powers, the method of selecting Senators and representation in the Senate;

(b) roles and responsibilities in relation to fisheries; and

(c) such other matters as are agreed upon."

14. Subsection 52(2) of the said Act is amended by striking out the word "and" at the end of paragraph (b) thereof, by adding the word "and" at the end of paragraph (c) thereof and by adding thereto the following paragraph:

"(d) any other amendment to the Constitution of Canada."

15. Section 61 of the said Act is repealed and the following substituted therefor:

References

"61. A reference to the *Constitution Act 1982*, or a reference to the *Constitution Acts 1867 to 1982*, shall be deemed to include a reference to any amendments thereto."

General

Multicultural heritage and aboriginal peoples

16. Nothing in section 2 of the *Constitution Act, 1867* affects section 25 or 27 of the *Canadian Charter of Rights and Freedoms*, section 35 of the *Constitution Act, 1982* or class 24 of section 91 of the *Constitution Act, 1867*.

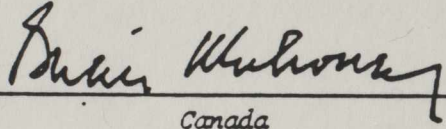
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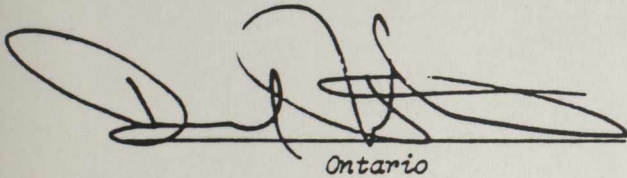
17. This amendment may be cited as the *Constitution Amendment, 1987*.

Signed at Ottawa,
June 3, 1987

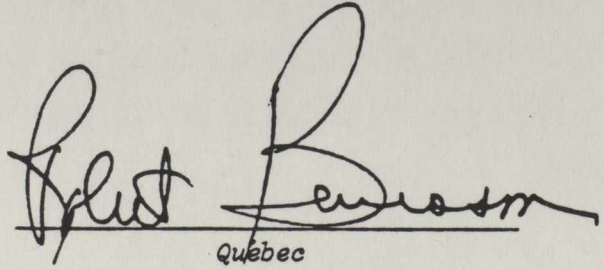
Fait à Ottawa
le 3 juin 1987



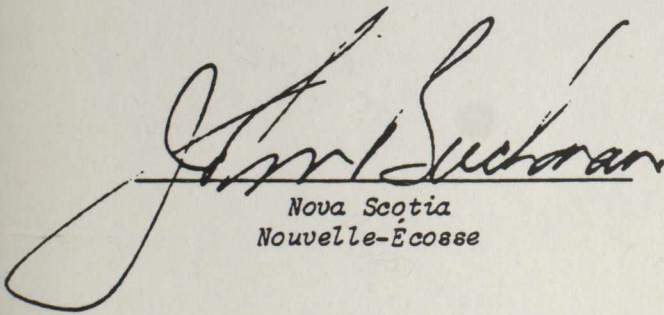
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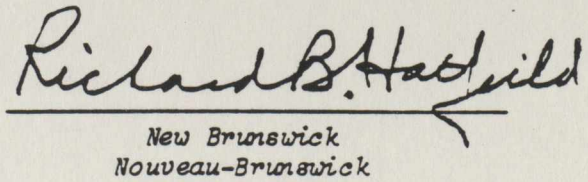
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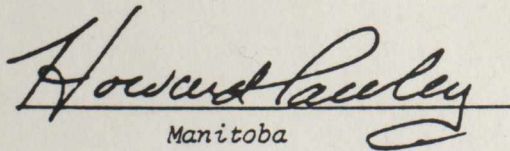
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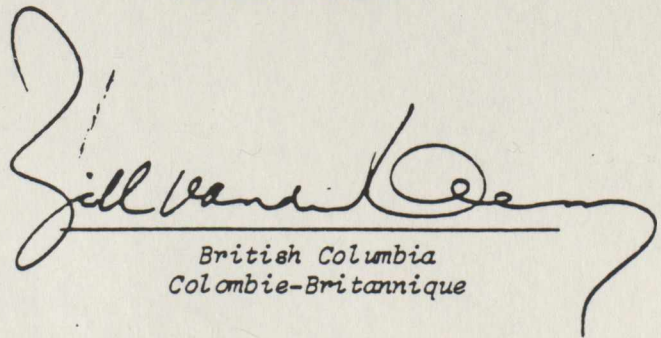
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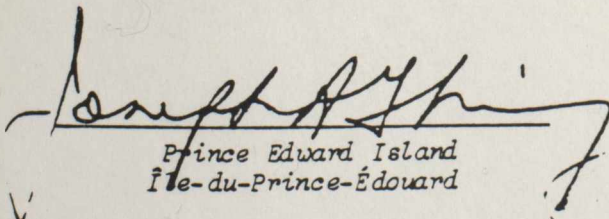
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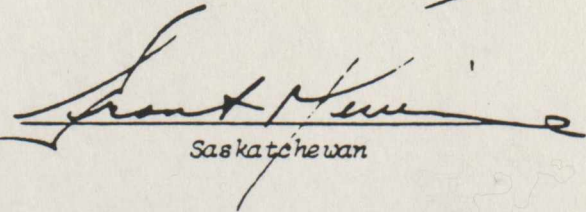
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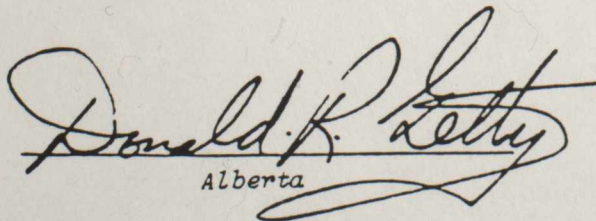
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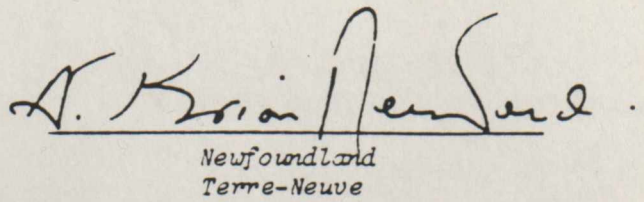
Prince Edward Island
Île-du-Prince-Édouard



Saskatchewan



Alberta



Newfoundland
Terre-Neuve



THE SENATE OF CANADA

Task Force on the Meech Lake Constitutional Accord and on the Yukon and the Northwest Territories

In the course of its deliberations, the Task Force received valuable assistance from many sources.

We first thank the individuals and organizations who appeared as witnesses in our hearings in Whitehorse, Yellowknife and Inuvik. Through their evidence we were able to gain a better understanding of the depth of the concerns of the people of the territories regarding the Meech Lake Accord.

We wish to thank those who participated as Clerks of the Task Force, Richard Greene, Paul Bellisle, André Bony and Diane Deschamps, who managed the administrative, financial and logistical aspects of our work.

The drafting of this report was the result of many hours of work by the Committee members ably assisted by our researchers, Bruce Carson and Jacques Rousseau from the Research Branch, Library of Parliament. Mary Levy and Marie Pelletier provided the editorial services for the Report. My wife Helen, Bernard and Janette Feldstein provided us with excellent support services during the Report-writing process.

As an aid to those reading this Report we should point out that the references in the Report to the 1987 Constitutional Amendment or to the 1987 Accord are in reality references to the Meech Lake Accord.

Gilbert L. Merget
Chairman

Report of the Task Force to the
Committee of the Whole

FEBRUARY 1988

QUESTION OF JUSTICE

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Gildas L. Molgat
Chairman

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Gilles J. Wolfson
Chairman

CHAPTER 1

A QUESTION OF JUSTICE

The people of Yukon and the Northwest Territories feel that the Constitutional Amendments currently under scrutiny by this Chamber would relegate them to a colonial status from which they would never recover.

The Accord, agreed upon by the Prime Minister and the ten provincial Premiers on April 30, 1987 and signed by them on June 3 stipulates, among other things, that no new provinces shall be created without the unanimous consent of all existing provinces; allows the extension northward of existing provincial boundaries upon unanimous consent of the provinces and Parliament; and establishes Constitutional conferences without territorial representation.

The territories are also denied the opportunity given to the provinces of nominating persons to sit in the Senate to represent the North and to advance names of potential Justices to sit on the Supreme Court of Canada.

All of these decisions were made without prior consultation with the territorial governments. The territorial governments were excluded from participation in the Meech Lake decisions as well as from the meetings in the Langevin Block which occurred immediately prior to the conclusion of the Accord.

On August 13 the Senate established a Task Force to enquire into the special concerns of the territories. As part of its mandate the Task Force travelled to Whitehorse, Yellowknife and Iqaluit. We wanted to give Northerners an opportunity to present their case and in the course of our meetings we heard from many groups and individuals.

We heard witnesses representing all political parties and all aboriginal groups in both territories. They were unanimous in their opposition to those areas of the Accord which directly affect the North.

Northerners expressed to us that their hopes and expectations for full political and constitutional evolution to provincehood had been fundamentally compromised by a group of men who neither understood the North nor bothered to consult with Northerners.

The comments of Northerners who testified before us were not exclusively confined to those provisions of the Accord which most directly affect them. We note that

they overwhelmingly welcome the signature of Quebec on the Canadian constitution. We heard evidence dealing with the possible impact of the distinct society clause on women's rights. Other witnesses commented on the immigration sections of the Accord or expressed concern about how the shared cost program provisions could lead to regional disparities in services offered. We note these concerns but our purpose here is mainly to report on those sections of the Accord which most directly affect the North.

Northerners believe that there is a lack of understanding amongst those living south of the 60th parallel concerning both the people of the North and the methods by which they govern themselves. This led both to the exclusion of the North from the constitutional process and the inclusion of so many provisions repugnant to them in the 1987 Constitutional Accord.

Constitutions are the fundamental way by which individuals agree to live together in society. They must be just and equitable or this society will not survive. With this in mind we set out in this Report the concerns of Northerners and the recommendations of our Task Force. It is our hope that the implementation of these recommendations will contribute to a just Constitutional accommodation for all the people of Canada.

CHAPTER 2

POLITICAL AND HISTORICAL CONTEXT

The deep feelings of resentment among the people of the territories can best be understood when placed in a political and constitutional context. Yukon and the Northwest Territories occupy 40% of the total land area of Canada. The land is rich in resources and the people are tightly knit, and fiercely proud of their land and their institutions.

Yukon

In 1898, Yukon was carved out of the Northwest Territories and given separate territorial status under an appointed Commissioner advised by an appointed six-member Council. Gradually, elected people took their place on the Council and by 1908 all members of the Yukon Council were elected.

After the gold rush boom, and until the practical start of political devolution in the 1970s, Yukon Territorial Council continued to be fully elected, and the Council, the Commissioner, and the Territorial Administrator were located in the Territory, not in Ottawa.

While legally subordinate to Ottawa, the Yukon government enjoys a significant measure of autonomy. The Executive Council, or Cabinet, is composed of ministers elected by the people of Yukon. The leader of the political party with the most seats in the assembly becomes the government leader.

The Commissioner operates much as a Lieutenant Governor, and the parliamentary system is virtually the same as that of the provinces. The government of Yukon is not elected in a less democratic fashion nor is it less representative than provincial governments. The franchise is the same as in the provinces.

The Yukon government is responsible for the delivery of programs in a wide range of matters such as social services, education, small business development, tourism, and in relation to most renewable resource development.

A significant step in the Yukon's political evolution took place in May 1985 with the successful negotiation of a three-year package for financing from the federal government. Many aspects of this agreement parallel the equalization and transfer

payments between the federal government and provinces. The Yukon government is charged with taking this money and spending it without going to Ottawa for approval for each and every decision.

The move toward provincial status has been slow but steady. For most younger residents it was certainly something they expected in their lifetime. The people of Yukon believe that suddenly and almost without warning the logical end of the devolution process seems to have been taken from them.

Northwest Territories

The situation in the Northwest Territories differs in some respects but the principle is identical. Residents see the ultimate goal of provincehood being placed beyond their reach and they are angry.

When the provinces of Alberta and Saskatchewan were created in 1905, the remaining lands in the Northwest Territories, and the people who lived there, were left under the jurisdiction of Ottawa.

In 1921 a Council was appointed to advise the Commissioner but all six of the Councillors, as well as the Commissioner himself, were federal government employees located in Ottawa. This situation continued until 1951 when the first elected members were allowed to sit on the Council and the first session of the Council was actually held in the North.

In the early 1970s the Territorial Council was composed of ten elected members from the Territories and four appointed by Ottawa. It was very much an advisory body to the Commissioner and the Administration. The Executive, or Cabinet, had no elected people sitting on it. Later, the Council was increased to fifteen and all were elected. The Speaker was chosen from among those elected and by the end of the 1978-79 session several junior ministerial portfolios were held by elected people.

Since then other changes have taken place which provide political responsibility for local residents. The Government Leader is now elected and has taken over from the Commissioner as Chairman of the Cabinet, or Executive Council.

Today the Cabinet is fully in the hands of elected representatives and people of the North. The Commissioner plays no role in the day-to-day functioning of government. His role is becoming more like that of a Lieutenant Governor.

In terms of authority the Northwest Territories has responsibility for many provincial-type matters such as taxation, municipal bodies, education, wildlife, housing, social services, health, and economic development. It has also developed its own distinctive form of government based on consensus. There are no political parties. The twenty-four elected members meet to choose the Cabinet and Government Leader. The residents are

fiercely proud of their form of government and believe it superior to the system that has developed south of the 60th Parallel.

These democratic initiatives may be enhanced in the next few years with settlement of the question of division of the Territories into eastern and western parts.

We understand there are ongoing discussions in the territory regarding this division. While these new jurisdictions which may be created will not be looking at provincial status tomorrow, it would be the ultimate goal.

Thus like their Yukon neighbours, the people of the Northwest Territories are convinced that a constitutional agreement made in the south may have taken away the possibility of complete devolution to provincial status.

The Senate

The expansion of the Senate in 1975 to include representation from both Yukon and the Northwest Territories is looked upon as one of great importance by the North. It gave the North a direct voice in the chamber of the central Parliament which was designed to protect and represent regional interests. Continued representation in the Senate is important to Northerners.

A number of proposals for Senate reform were discussed with us. All would continue to recognize the need for an institution in the central Parliament which represents the interests of the less populous jurisdictions.

The 1987 Accord provided that amendments to the powers of the Senate and the method of selecting Senators must have the unanimous support of the House of Commons, the Senate and the legislative assembly of each of the provinces.

Another problem puts the matter of Senate reform on the entireties agenda for future First Ministers' Conferences from which the territories are excluded.

The Accord also provides a transitional appointment procedure by which a person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted by the government of the province to which the vacancy relates and is acceptable to the Queen's Privy Council for Canada.

Some witnesses opposed the transitional appointment procedure on the basis that it placed too much power in the hands of the premiers. They felt that the Senate would eventually become the instrument of the premiers and less creditable as an institution with national responsibilities. However, since the transitional formula be implemented, it is the express desire of the territories that they be given the right to present a list of nominees to the federal government for appointment to the Senate.

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CHAPTER 3

PARTICIPATION IN THE FEDERATION

Canada is a federal state and central to the life of any federation is the way various regions are represented in the central institutions.

The Senate

The expansion of the Senate in 1975 to include representation from both Yukon and the Northwest Territories is looked upon as one of great importance for the North. It gave the North a direct voice in the chamber of the central Parliament which was designed to protect and represent regional interests. Continued representation in the Senate is important to Northerners.

A number of proposals for Senate reform were discussed with us. All would continue to recognize the need for an institution in the central Parliament which represents the interests of the less populous jurisdictions.

The 1987 Accord provides that amendments to the powers of the Senate and the method of selecting Senators must have the unanimous support of the House of Commons, the Senate and the legislative assembly of each of the provinces.

Another provision puts the matter of Senate reform on the entrenched agenda for future First Ministers' Conferences from which the territories are excluded.

The Accord also provides a transitional appointment procedure by which a person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted by the government of *the province to which the vacancy relates* and is acceptable to the Queen's Privy Council for Canada.

Some witnesses opposed the transitional appointment procedure on the basis that it placed too much power in the hands of the premiers. They felt that the Senate will eventually become the instrument of the premiers and lose credibility as an institution with national responsibilities. However, should the transitional formula be implemented, it is the express desire of the territories that they be given the right to present a list of nominees to the federal government for appointment to the Senate.

There is considerable confusion in the territories as to what will happen when their present Senators retire. Some believe that the present system of appointment will continue. Some think the only way a vacancy can be filled is by a person being placed on a provincial list. Others argue that because of the 1987 Accord future northern representation in the Senate has been lost. The very existence of this confusion is an eloquent example of the results which occur when there is no involvement or consultation with those directly affected.

If the transitional system is implemented and the federal government appoints northern Senators without reference to the duly democratically elected governments in the North, this process will be perceived by the people of that region as offensive. In any event uncertainty about the appointment process is obviously a matter which needs clarification.

We recommend that the transitional procedure proposed under the Constitution Amendment, 1987 (Meech Lake Accord) for the appointment of Senators from provinces be applicable to Yukon and the Northwest Territories.

Therefore, we recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended to give the power to the governments of Yukon and the Northwest Territories to submit names to the Queen's Privy Council for Canada of persons who may be summoned to the Senate when a vacancy occurs in the Senate in relation to Yukon or the Northwest Territories. The person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted and that person must be acceptable to the Queen's Privy Council for Canada.

The Supreme Court of Canada

Territorial concerns about the way they will be treated in the Senate are repeated in relation to provisions dealing with the Supreme Court.

The Accord deals with the Court in a number of ways. One potential change, the method of appointing judges to the Court, is most offensive to Northerners.

When a vacancy occurs, the premier of each province is to have the opportunity to submit names of persons who are members of the bar of that province and are otherwise qualified to sit on the court to the federal Minister of Justice. Territorial governments do not have the right to submit such lists. Furthermore, a qualified member of a territorial bar can only be placed on a province's list if that person is also a member of the bar of that particular province.

The people of the territories find it intolerable that in a country which prides itself on fairness and equality of treatment for minorities, Northerners, simply through residence in a certain part of the country are virtually excluded from becoming a member of the highest court in the country.

Appointments of qualified lawyers and judges from the territories would have to be included on provincial lists. Northerners believe that it is both naive and unrealistic to

think that provincial governments will nominate those living in the territories over their own residents.

Time after time we heard people of the North tell us that the only practical way to have qualified Northerners considered for appointment to the Supreme Court is to have their names submitted for consideration by the territorial governments. They believe that failure to do so constitutes unfairness and inequality visited on Northerners simply because of their place of residence.

We recommend that the provisions proposed by the Constitution Amendment, 1987 (Meech Lake Accord) by which provincial governments may participate in the appointment of judges to the Supreme Court of Canada be applicable to the governments of Yukon and the Northwest Territories.

Therefore, we recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended so that when a vacancy occurs on the Supreme Court, other than a vacancy relating to Quebec, the governments of Yukon and the Northwest Territories be given the power to submit to the Minister of Justice of Canada the names of any persons who have been admitted to the bar of that territory and are qualified under section 101B for appointment to the Supreme Court.

Constitutional Conferences

During the public hearing process leading up to the patriation of the Constitution in 1982, representatives of the territories fought hard for the inclusion of aboriginal rights in the *Charter of Rights and Freedoms* and the elimination of certain sections in the amending formula dealing with the attainment of provincehood and the extension of provincial boundaries into the territories. In fact, the entire Council of the Northwest Territories came to Ottawa during this period to lobby on these matters.

Attendance and participation at federal-provincial constitutional conferences and similar meetings of federal-provincial leaders and cabinet ministers is a goal which the territories have fought hard to achieve in the past few years. Their efforts have been relatively successful.

Under the *Constitution Act, 1982* the governments of Yukon and the Northwest Territories were assured of participation at constitutional conferences when an agenda item directly affected the territories. They were also assured through the 1983 Constitutional Amendment dealing with aboriginal issues of participation in the constitutional conferences called as a result of that amendment. The Constitutional Accord which accompanied the amendment dealt with other matters in addition to the issue of aboriginal rights. (See Appendix A)

In 1983, 1985 and in 1987 the territories were invited to the constitutional bargaining table. During these conferences, which dealt primarily with aboriginal issues, it was the feeling of Northerners that they took a leading role because of their experience in

dealing with these issues. The meetings were for the most part held in public and the people of the territories are extremely proud of this fact.

From 1983 to 1987 there were well over 50 meetings held between officials, Attorneys-General of the provinces and the federal government dealing with these constitutional conferences on aboriginal rights. The officials and government representatives of the territories were full participants at these meetings.

Both the Government of Yukon and the Northwest Territories have been for the last two years invited to the annual meeting of premiers. Yukon and Northwest Territories are signatories to many federal-provincial-territorial agreements.

This involvement with the federal government and other provinces at the constitutional bargaining table as well as the inclusion of Yukon and the Northwest Territories in a section of the Constitution dealing with constitutional conferences created an expectation that when the Prime Minister and Premiers met to deal with constitutional matters, representatives of the territories would be invited. This would especially be the case when the subject matter directly affected the North.

The people of the territories were shocked when they discovered the contents of the Meech Lake Accord. Northerners told us that this feeling was compounded, because at the August, 1986 Edmonton Premier's conference on the economy which dealt with Quebec's Constitutional demands, representatives of the territories were excluded from constitutional deliberations. The premiers agreed at this conference to make Quebec's full and active participation in the Canadian federation their constitutional priority. The territories were excluded from these discussions as they were told that the discussions did not affect the territories.

As the Honourable Nick Sibbeston, the Government Leader of the Northwest Territories at the time of this conference, remarked at our meeting in Yellowknife:

The Quebec position was beginning to be formalized. We were not privy to the private meetings that were held by the Premiers at that conference in Edmonton two years ago. So we were not aware of the discussion the Premiers had about Quebec. (*Hon. Nick Sibbeston 2:27*)

It is the position of the territories that any constitutional agreement which had such negative impact on them should have at least been arrived at with representatives of the territories present. Some Northerners attempted to explain the Accord by saying that their rights were simply neglected. They did not wish to believe the Prime Minister and the Premiers would have deliberately tried to manufacture an arrangement which had such negative effects on the territories. However, a great many felt the exclusion of representatives of the territories from these meetings was clearly intended, particularly in view of the efforts made by the territorial governments to be involved.

This view was explained to us by Mr. Ron Veale, a Whitehorse lawyer and former Leader of the Opposition in the Yukon Assembly when he stated:

I would like at the outset to dispel any suggestion that the 1982 Constitution Act or the Meech Lake accord arises out of benign neglect or simply neglect.

...

You do not get that by having somebody fall asleep at the wrong time or letting his pencil slip. It has to be drafted carefully. (Veale 1:179, 188)

We were told of the efforts made by the government leaders of the Northwest Territories and Yukon to take part in the deliberations both leading up to and subsequent to the signing of the Constitutional Accord. Both the government leaders of Yukon and the Northwest Territories came to Ottawa prior to the signing of the Accord in a final attempt to have their views heard. Their efforts were rebuffed.

People of the territories feel the process by which the 1987 Accord was reached was illegitimate because they were not present. It was said that by having only the federal government representing their interests, the residents of the North became less equal than others. The territories are no longer content to leave the defence of their interests solely to the federal government.

The Accord not only entrenches yearly First Ministers' Conferences on the Constitution, it also entrenches within the constitution an annual conference of the Prime Minister and provincial first ministers to discuss the state of the Canadian economy and such other matters as may be appropriate. The Accord does not include attendance of representatives of the territories at these meetings.

Witnesses were concerned about the effect of entrenching these First Ministers' Conferences in the constitution. They questioned whether it would result in a third level of government which would actually be imposed over the federal and provincial jurisdictions. They felt there is enough outside interference already in the affairs of the territories without the provinces getting directly involved.

We also heard from those who felt there are few agenda items which do not in some way have an impact on the North. If the territories had a voice at these constitutional and economic conferences, their interests would be directly represented.

We recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended so that the elected representatives of the governments of Yukon and the Northwest Territories will be invited to participate at all future Constitutional Conferences on the Constitution and on the economy.

EXTENSION OF PROVINCIAL BOUNDARIES

Under the *The Constitution Act, 1982* the consent of Parliament and seven provinces representing 50% of the population of the provinces is required to effect territorial boundary changes. There is nothing in either the 1982 or 1987 document which gives a voice to Canadians living in the territories regarding future changes to their borders. Boundaries of existing provinces could be extended into the North without any consultation with the territories. Changes are less likely under the *1987 Constitutional Accord* because of the unanimity provision.

In 1983 the Prime Minister of Canada and nine provincial premiers (Quebec refrained from fully participating in the constitutional process) signed an agreement to discuss, among other things, repeal of provisions of the *Constitution Act, 1982*, relating to the creation of new provinces and the extension of boundaries of existing provinces into the territories. (see Appendix A)

At least two conferences were to be convened to discuss these and other matters. The governments of Yukon and the Northwest Territories were to be invited to participate in the discussions that directly affected the two territories.

These conferences, to which the aboriginal organizations and the territorial governments were invited, were held in 1985 and 1987. However, by agreement among the participants the issue of aboriginal self-government became the primary matter for discussion at these conferences.

Representatives of the North agreed to this as they felt that the creation of provinces and the extension of boundaries would be the topics for future conferences. The second and last conference was held in March 1987, less than two months prior to the conclusion of the Meech Lake Accord.

The 1983 agreement was perceived by the governments of the two territories as recognition of their concerns with regard to extension of provincial boundaries into the territories and a guarantee of their involvement in any future discussions affecting them. What happened instead is that the real discussion about extension of provincial boundaries into the territories took place during negotiations leading to the Meech Lake meeting and at the meeting itself. The elected territorial representatives were totally excluded from these

deliberations. In their view both the process and the result departed from elementary principles of fair play.

Northerners are very conscious of the sharp contrast between the process required to alter boundaries between provinces and that necessary to extend boundaries of existing provinces into the territories. In the former case, the *Constitution Act, 1982* requires the consent of the Parliament of Canada and of the legislative assembly of each province affected by the proposed alteration. In the latter neither the *Constitution Act, 1982* nor the 1987 Accord require the consent of the legislative assemblies of Yukon or the Northwest Territories before a proposed extension of provincial boundaries into the territories may proceed.

Witnesses stated that the extension of provincial boundaries is a real possibility. It is an immediate and grave concern. The Government of British Columbia, for example, has publicly expressed a continuing interest from the late 1930s and again as recently as the early 1970s.

The fact that boundary matters have been given so much attention by the provinces in recent constitutional negotiations is, for the territories, clear evidence that this interest is still very much alive.

Until 1982, the federal government had the sole authority to change territorial boundaries. In 1982, at the insistence of the provinces the constitutional amending formula was changed to include the extension of existing provinces into the territories. This could be accomplished on the agreement of the federal parliament and seven provinces having more than fifty percent of the population, without consultation with the territories.

In 1987 this matter was dealt with again, but this time it was made subject to the unanimity rule. The territories fear the provinces have a "hidden agenda" for the North. They believe some provinces consider them as little more than a resource to be tapped at an appropriate moment.

The federal government has a policy of devolution of powers to both territories. Negotiations are ongoing with Yukon concerning devolution of control over natural resources. Control over forestry was transferred to the Northwest Territories in April 1987. Witnesses said the continued presence in the Constitution of a provision dealing with extension of provincial boundaries into the territories indicates that the federal government's and the provinces's priority is to protect northern Canada as an inheritance for the South.

At the very least Northerners want this aspect of the Accord amended before it is adopted. They recommend that their consent be required constitutionally before any changes to their boundaries can take place. One particular recommendation is that section 43 of the *Constitution Act, 1982* be amended to apply not only to alterations to boundaries between existing provinces, but also to boundary changes between provinces and territories. Thus any amendment to the boundaries between the provinces and the territories could only be accomplished with the approval of the Parliament of Canada and the legislatures of the

provinces and territories directly affected. Others would make it constitutionally impossible for provinces to extend their boundaries into the territories.

While there may be some differences in the methodology, both the governments of Yukon and the Northwest Territories want any extension of provincial boundaries into the territories to be subject to their approval.

We recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended so that any change in the boundaries between the provinces and the territories would occur only with the consent of the territory concerned.

At the heart of the controversy about the 1987 Constitutional Accord is the question of provincial status.

It is difficult to understand Canadians, or even in their provinces, to appreciate how much the people of Yukon and the Northwest Territories fear the prospect of absorption by some of the existing provinces. The people familiar with post-confederation history should appreciate the desire of Yukon and the Northwest Territories to determine their own destiny through the attainment of provincial status.

Prior to 1982 the federal government alone had responsibility for the creation of new provinces. In 1982, a province must have 50 per cent of the provincial population and 50 per cent approval for a territory to become a province. The territories vehemently opposed the 1982 process.

The 1987 Accord would require unanimous approval among the provinces before a territory can become a province. While the territories viewed the 1982 process as making it very difficult for them to attain provincial status, they believe the 1987 Accord renders this future goal virtually impossible. The territories want to return to the pre-1982 process.

The Constitutional Conference on Aboriginal Rights held between 1983 and March 1987 did not deal with the concerns of the territories over this issue.

If the 1987 Accord is changed without any revisions, it will be impossible for Yukon and the Northwest Territories to attain provincial status.

The inclusion of the provision in the Accord requiring unanimous consent of the provinces and federal government to create new provinces has led some to conclude that this is a clear indication that certain provinces have already made the decision that the territories will never become provinces.

Numerous witnesses suggested that if the provinces would not give the territories new partners, Yukon and the Northwest Territories will not want to share federal revenues or deal with a new economic by-law and a new equal vote in the Canadian federation. The argument was that they will not want a new participant in federal cost-sharing programs.

CHAPTER 5

CREATION OF NEW PROVINCES

At the heart of northern concerns about the *1987 Constitutional Accord* is the question of provincial status.

It is difficult for southern Canadians, secure in their provinces, to appreciate how much the people of Yukon and the Northwest Territories fear the prospect of absorption by some of the existing provinces. But anyone familiar with post confederation history should appreciate the desire of people to be masters of their own destiny through the attainment of provincial status.

Prior to 1982 the federal government alone had responsibility for the creation of new provinces. In 1982, the formula became seven out of ten provinces with 50 per cent of the provincial population giving their approval for a territory to become a province. The territories vehemently opposed this change.

The 1987 Accord would require unanimity among the provinces before a territory can become a province. While the territories viewed the 1982 process as making it very difficult for them to attain provincial status, they believe the 1987 Accord renders this future goal virtually impossible. The territories want to return to the pre-1982 process.

The Constitutional Conferences on Aboriginal rights held between 1983 and March 1987 did not deal with the concerns of the territories over this issue.

If the 1987 Accord is adopted witnesses are convinced it will be impossible for Yukon and the Northwest Territories eventually to achieve provincial status.

The inclusion of the provision in the Accord requiring unanimous consent of the provinces and federal government to create new provinces has led some to conclude that this is a clear indication that certain provinces have already made the decision that the territories will never become provinces.

Numerous witnesses suggested there is no reason the provinces would welcome new partners. Witnesses said the provinces will not want to share federal revenues or deal with a new economic force and a new equal vote in the Canadian federation. The argument was that they will not want a new participant in federal cost-sharing programs.

The recognition of the territories as provinces would affect the working of the general formula for constitutional amendment provided by the *Constitution Act, 1982* which now allows the four western provinces or the four Atlantic provinces to block a proposal they consider contrary to their regional interest.

Both territorial governments emphasized that it is unfair that provinces be allowed to have a say as to whether Yukon and the Northwest Territories will become provinces. None of the existing provinces had to submit to such a process.

Since 1871, negotiations in relation to this matter have been the sole responsibility of the federal government. Thus, the *Constitution Act, 1982* and the *1987 Constitutional Accord* are in their opinion contrary to the Canadian constitutional tradition. They fear this new pattern for creation of provinces will lead to decisions made in the interests of each province instead of the interest of Canada as a whole.

We were reminded of the words of Senator Lowell Murray, the Minister of Federal-Provincial Relations, quoted in the Report of the Special Joint Committee on the *1987 Constitutional Accord*, that "at least some of the provinces are extremely jealous of the trappings of provincehood". In his evidence he stated: "The First Ministers maintain the distinction, and wish to maintain the distinction between the governments of provinces and the governments of territories."

This attitude reveals a different spirit than that which characterized every other territory's entry into Confederation since 1871. In 1949, for example, when Newfoundland joined Canada, it was given special financial treatment for a 20-year phase-in period.

Some witnesses, while admitting that the economy of the North has to improve before it can go ahead insofar as becoming a province is concerned, said the situation is much better than generally believed. But Northerners say economic self-sufficiency has never been a criterion to become or remain a province.

The Constitution does not set out the criteria by which the provinces would be bound to make their decisions. The result Northerners believe is that they will be deprived of benefits other Canadians have enjoyed throughout the constitutional history of Canada.

As Canadians, Northerners consider they have the right to become full partners in the Canadian federation under the same conditions which governed the admission of other parts of Canada.

The witnesses we heard welcomed the signature of Quebec on the Canadian Constitution.

People of the territories are concerned that the existing provinces may take advantage of territorial resources or negotiate the transfer of federal powers when dictating the terms of provincial status for the North.

As for a takeover of the northern resources, some witnesses suggested that some premiers may want to annex a portion of the territories in exchange for their vote in favour of the creation of new provinces in what would be left of the territories.

As for negotiating the transfer of federal powers, many witnesses are of the opinion that unanimity was possible at Meech Lake because all the provinces won new powers.

If the price tag attached by the provinces to their consent is the transfer of federal powers, the interest of Canada as a whole will then be split among many provincial interests with Northerners the only non-participants in the process.

Both the governments of Yukon and the Northwest Territories want Canada to return to the pre-1982 process. The territories want to negotiate their entry as full partners in the Canadian federation with the federal government alone.

We recommend that the Constitution Amendment, 1987 (Meech Lake Accord) be amended so that the attainment of provincial status by Yukon and the Northwest Territories be accomplished solely through negotiations with the federal government, subject only to the approval of the federal government and the particular territory concerned.

CHAPTER 6

ANOTHER DISTINCT SOCIETY?

Aboriginal peoples make up approximately one-third the population of Yukon and form the majority in the Northwest Territories. They are fully involved in the governments of both territories and, in fact, form the majority of members in the legislature of the Northwest Territories. While some specific concerns of aboriginal peoples in Yukon and the Northwest Territories are different, they share a common concern about the potential effect of the 1987 Accord on aboriginal rights.

The Council of Yukon Indians expressed its pleasure that Quebec has signed the Constitutional Accord, but questioned why only Quebec was classified as the distinct society. The Council maintains that there has to be recognition by the government of Canada that the aboriginal peoples were the first people to settle in what is now known as Canada; that they have the right to their own system of government, their lands and resources and the right to maintain their own language and culture.

It pointed out that the failure of the Accord to recognize the distinctiveness of aboriginal peoples was one of the most negative features of the agreement.

In the Northwest Territories we heard representatives of many aboriginal groups: the Dene Nation, Métis Association, Inuvialuit Regional Corporation, Committee for Aboriginal Peoples Entitlement, Inuit Committee on National Issues, Baffin Region Inuit Association and the Nunavut Constitutional Forum.

These aboriginal leaders argued that the Accord should refer to the distinctiveness of aboriginal society. It was the aboriginal people who occupied the land first and without whose help Europeans would not have been able to settle.

We were told that aboriginal people have a serious problem with the Accord, not because it acknowledges the undeniable fact that Quebec is home to a distinct society but because it implies that only Quebec deserves such special consideration. Canada, they told us, stretches not only from the Atlantic to the Pacific but to the Arctic Ocean as well.

Aboriginal Canadians in the territories feel that their place in Canada was forgotten or ignored by the Prime Minister and Premiers. The fact that unanimous agreement was reached on various aspects of constitutional development so soon after the

failure of the conferences on aboriginal self-government is viewed as an act of hypocrisy on the part of the First Ministers.

The settlement of land claims in Yukon is looked upon as an important vehicle for the of confirmation aboriginal rights. It is also a method by which the government of Yukon can define its roles and responsibilities. The settlement of land claims deals with the management and control of lands, and the relationship between aboriginal people, the Yukon government and the federal government.

The Council wishes to continue to deal solely with the federal and territorial governments on the settlement of land claims. It fears that under the 1987 Accord any such settlement will have to be approved by each province in addition to the federal government. It is unclear as to whether these matters can be settled expeditiously with the government of Yukon and the federal government, or if more complicated, time consuming negotiations will have to take place with each province.

It is also worried that with the Accord there is the possibility of greater participation of the provinces in the determination and delivery of federal programs. Aboriginal people feel they are in a precarious position as they are left with no voice, and therefore no participation in the decision-making as to the effect of these programs or how they will be delivered.

They want flexibility to develop their own institutions. The potential extension of provincial boundaries into the North is worrying to them. Such a development would considerably reduce the possibility of reaching settlements regarding land claims and self-government.

While a province may have a constitutional right to put in a claim to extend its boundaries, the aboriginal people have no constitutional right to insist upon the negotiation of a land claim.

In the Northwest Territories aboriginal leaders feel the settlement of land claims is part of the road to provincehood.

The aboriginal people feel that the 1987 Accord could prevent the division of the Northwest Territories into two parts with each part working toward provincial status. There is concern that the Meech Lake agreement requires unanimous consent of the federal government and the provinces for such a division to occur.

Aboriginal witnesses stressed that the aboriginal people should participate in the First Ministers' Conferences. Aboriginal issues cannot be put on the back burner while other matters are discussed. Constitutional conferences must deal with the recognition and status of aboriginal people, especially through the recognition and implementation of self-government.

The aboriginal people told us that in their opinion the 1987 Accord has killed the possibility of aboriginal self-government. It is not on the permanent agenda for future constitutional conferences and in their opinion the recognition of self-government would

require such a change in the structure of government in Canada that it would probably require unanimity amongst all the provinces and the federal government.

In summary, the aboriginal people feel they are a distinct society and believe the Accord ought to be amended to add aboriginal and treaty rights, including self-government, to the agenda of constitutional conferences convened under the Accord. Their representatives and those of the governments of Yukon and Northwest Territories should be present at such conferences as full participants.

Aboriginal witnesses stated that until aboriginal people are recognized as a distinct society and the rights attached to their distinctiveness entrenched in the Canadian constitution the circle of Confederation will remain incomplete.

We recommend that aboriginal and treaty rights and the question of self-government be added as continuing items to the agenda of constitutional conferences convened under the proposed Constitution Amendment, 1987 (Meech Lake Accord). Elected representatives of the governments of Yukon and the Northwest Territories, as well as representatives of the aboriginal people, are to be invited as participants in relation to these issues.

We further recommend that as the proposed Constitution Amendment, 1987 (Meech Lake Accord) recognizes Quebec as a distinct society it should also recognize that the aboriginal peoples of Canada constitute distinct societies.

require a change in the structure of government in Canada that is widely acceptable
require unanimity amongst all the provinces and the federal government.

It is necessary, the Aboriginal people feel that they do not only believe
the process ought to be handed to the Aboriginal and Treaty people, including all
government and the federal government, but also to the Aboriginal people.
representatives and the government of Canada and Treaty people should be
present at such conferences as full participants.

Aboriginal people, who feel that each Aboriginal people should be
distinct society and the rights should be their distinct society should be
considered in the process of Confederation with the Indian people. It is the
intention of the process to be original and Treaty rights and the question of
self-government be given as continuing right to the original and Treaty
conferences convened under the proposed Constitution Agreement with the
Lake Accord. Elected representatives of the government of Canada and the
Northwest Territories as well as representatives of the Aboriginal people are to be
invited as participants in the process. It is the intention of the process to
and enjoy on the part of the original and Treaty people. A further
We further recommend that as the proposed Constitution Agreement
1987 (Lake Accord) process, should be a distinct society. It is the
recognize that the Aboriginal people of Canada constitute distinct societies.

The intention of the process is to give to the original and Treaty
people a role in the process of Confederation with the Indian people. It is the
intention of the process to be original and Treaty rights and the question of
self-government be given as continuing right to the original and Treaty
conferences convened under the proposed Constitution Agreement with the
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conferences convened under the proposed Constitution Agreement with the
Lake Accord.

CHAPTER 7

LET THERE BE JUSTICE

The people of Yukon and the Northwest Territories seek justice. Witness after witness told us that the result of this Accord was to make them second class citizens by reason of their place of residence within this country. Constitutional documents must not place legal handicaps on people's rights based solely on their place of residence.

Northerners find it strange that a constitutional accord intended to unite Canadians threatens to bring to an end the political evolution of the territories by excluding its people from full participation in the federation. They are not content with vague promises of changes in a second round of constitutional talks to be held at a time and in a manner determined solely by other governments. As a result of the unanimity clause, the people of the territories do not believe that the changes which they deem necessary will be made. They want the changes now.

As a result of suggestions made to us by the people of the territories we make recommendations which if accepted we believe will ensure that the North remains, in the eyes of its people, a land of promise whose inhabitants are proud to call themselves Canadian.

CHAPTER 8

RECOMMENDATIONS

1. We recommend that the transitional procedure proposed under the Constitution Amendment, 1987 (Meech Lake Accord) for the appointment of Senators from provinces be applicable to Yukon and the Northwest Territories.

Therefore, we recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended to give the power to the governments of Yukon and the Northwest Territories to submit names to the Queen's Privy Council for Canada of persons who may be summoned to the Senate when a vacancy occurs in the Senate in relation to Yukon or the Northwest Territories. The person summoned to fill a vacancy in the Senate shall be chosen from among persons whose names have been submitted and that person must be acceptable to the Queen's Privy Council for Canada.

2. We recommend that the provisions proposed by the Constitution Amendment, 1987 (Meech Lake Accord) by which provincial governments may participate in the appointment of judges to the Supreme Court of Canada be applicable to the governments of Yukon and the Northwest Territories.

Therefore, we recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended so that when a vacancy occurs on the Supreme Court, other than a vacancy relating to Quebec, the governments of Yukon and the Northwest Territories be given the power to submit to the Minister of Justice of Canada the names of any persons who have been admitted to the bar of that territory and are qualified under section 101B for appointment to the Supreme Court.

3. We recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended so that the elected representatives of the governments of Yukon and the Northwest Territories will be invited to participate at all future Constitutional Conferences on the Constitution and on the economy.

4. We recommend that the proposed Constitution Amendment, 1987 (Meech Lake Accord) be amended so that any change in the boundaries between the provinces and the territories would occur only with the consent of the territory concerned.

5. We recommend that the Constitution Amendment, 1987 (Meech Lake Accord) be amended so that the attainment of provincial status by Yukon and the Northwest Territories be accomplished solely through negotiations with the federal government, subject only to the approval of the federal government and the particular territory concerned.

6. We recommend that aboriginal and treaty rights and the question of self-government be added as continuing items to the agenda of constitutional conferences convened under the proposed Constitution Amendment, 1987 (Meech Lake Accord). Elected representatives of the governments of Yukon and the Northwest Territories, as well as representatives of the aboriginal people, are to be invited as participants in relation to these issues.

7. We further recommend that as the proposed Constitution Amendment, 1987 (Meech Lake Accord) recognizes Quebec as a distinct society it should also recognize that the aboriginal peoples of Canada constitute distinct societies.

Dissenting Opinion

This represents the views of a majority of the Task Force. The members who support the Government - Senators Bielish, Doody and Macquarrie - are in disagreement with any recommendations that the Accord be amended at this time.

THE PEOPLE OF THE TERRITORIES SPEAK

A Question of Justice

"What the Meech Lake accord will do to the Yukon people, if signed, at least in the present form, is one that I feel very strongly about, as the other parties in the legislature do as well. I think it is very much an issue that has united people in the territories, very much an issue that we feel very strongly about." (*Mr. Jim McLachlan, Acting Leader, Yukon Liberal Party, p. 1:41*)

"Our organization, the Yukon Status of Women, has received assurances from Barbara McDougall, the Minister responsible for the Status of Women, that the intention of the present government is not in any way to jeopardize women's equality by this accord. The problem we have with this is that intentions do not count. We cannot take intentions to the court when the courts are interpreting the wording of the legislation. Our question is what is possibly lost by safeguarding the rights that have now been enshrined in the Charter." (*Mrs. Lynn Gaudet, Yukon Status of Women Council, p. 1:52*)

"We have elected a government in Yukon, and we have been trying to get representation on all the different boards. The leaders of our parties were down there and we never had a say. Now they say this is an accord for all of Canada. But how can it be all of Canada when we in the Yukon were not even represented at the Conference? We had no input into it. If we had had input and this was the result, we would have had to keep quiet, because our leader was there." (*Mr. Patrick Olsen, p. 1:119*)

"Today, we are frustrated and concerned because we do not understand why the Prime Minister and the Premiers want to treat us differently. Why should we be treated differently from other regions of Canada in the way in which we will acquire provincial status? Most southerners have no idea what our land is like here in the north, or how we live, or how we have learned to live together, or how we have learned to live under Ottawa's administration. Why then do they now wish to interfere in our political development? And why do they wish to prejudice the chance for the Yukon to determine who should be appointed to the Senate, or who should be nominated to be a Supreme Court judge? We do

not understand why the Government of Canada seems to be forcing northerners to have to use the Charter of Rights to assert our rightful place in Canada. We do not understand why we cannot participate, as other Canadians do, at First Ministers' conferences through elected officials." (*Mr. D. Hogan, Mayor, Village of Teslin, p. 1:151*)

"One of the motivating features of the land claims process in Yukon was that we wanted the aboriginal people to be full partners in Yukon's future and of course were holding that out as a goal. The goal becomes somewhat hollow if Yukon itself does not really have much future because of these roadblocks that are placed in the way of eventual provincehood and a full voice in such things as Senate appointments, and so on. It is less attractive to the aboriginal people in determining how they want to be part of partnership. A partnership in what? It is like saying that you will be given 50p. 100 of the stock in a company. If the company is going to go bankrupt tomorrow because of Black Friday or Black Monday, then it is not a very attractive offer. So that is one thing that is negative." (*Mr. Willard Phelps, Leader of the Opposition, Yukon, p. 1:171*)

"Subsections 41. (h) and 41. (i) of the proposed amendments would require the consent of all the provinces and the federal government for the creation of new provinces or extension of existing provinces into the territories. These amendments would require an accountable decision from people representing all areas of Canada except the residents most affected, those living in the territories. Surely this is an untenable principle in our democracy. Representatives of our territorial government have been excluded and apparently will continue to be excluded from the discussion of constitutional amendments that affect us.

The Yukon has an identity and a history as an entity that is unique in Canada. Our boundaries are clearly defined. This distinctive environment should be preserved, not seen as a simple chunk of real estate to be carved up according to the requirements of the existing provinces." (*Mrs. Linda Boychuk, Co-ordinator, Victoria Faulkner Women's Center, p. 1:173*)

"The Meech Lake accord would provide or cause a weakened nationhood. By establishing the requirement for unanimous consent by the provinces to all important constitutional amendments, this accord effectively ensures the impossibility of any future amendments, because we cannot get consensus in Canada. Since any one province could nullify the desires of any or all of the others, Canadian unity would dissolve into 12 tribal areas pursuing parochial interests without regard to the general welfare of the nation as a whole." (*Mr. Jacob de Raadt, p. 1:228*)

"It is the opinion of the Dawson City Chamber of Commerce that the Meech Lake Accord as presently formulated creates a situation where the rights and freedoms of northerners are compromised. The citizens of Yukon will not have the opportunity to fully participate in Confederation. Because it is now required that there be unanimous support of the existing provinces before the admission of a new province, we, as Yukoners feel that the

right and privilege of provincehood has effectively been eliminated." (Mr. Gerry McCully, President, Dawson City Chamber of Commerce, Brief, p. 1)

"Although we are rightfully proud of our uniquely northern heritage, we are first and foremost Canadians. As such we are pleased that an agreement has been reached among the premiers, which will bring the Province of Quebec into its proper place within the Canadian Confederation." (Mr. Don Strang, Deputy Mayor, Yellowknife, p. 2:39)

"Like most organizations of northerners who have appeared before you, I think it is good for the Canadian family to have Quebec in there." (Mr. Stephen Whipp, Vice President of Yellowknife Western Arctic New Democratic Party Association, p. 2:85)

"Clearly the Canadian political institutions have failed the north." (Emerald Murphy, p. 2:90)

"I think a lot of us are really beginning to feel that we have been betrayed. We feel that we are not being represented properly. We are Canadians. I do not think that southern politicians realize that we live in one-third of Canada." (Mr. Pat McMahon, p. 2:106)

"As a matter of record, the chamber associates itself specifically with the position on the accord advanced by the Government of the Northwest Territories and more generally with the concerns of all northern Canadians on this important matter." (Mr. Len Jason, director, Yellowknife Chamber of Commerce, p. 2:109)

"If we are denied our rightful place in the Constitution, government will continue to ride roughshod over native people and northern groups, and northern individuals as well." (Mr. Fred Turner, p. 2:128)

"If we are not considered of equal status with the fellow who lives in Alberta or Prince Edward Island, we will never have the right to make our own decisions about the things which affect us internally." (Mr. Eric Watt, p. 2:174)

"Personally, I am against any accord that empowers other people or provinces or governments to say what we as northerners...that gives the right to say to us northerners: You cannot grow up, you cannot grow to your full potential." (Mr. Lawrence Norbert, p. 2:175)

"We have had our people from the north fight for this country; let us not treat them as second-class citizens. In my book, as far as I am concerned - I do not care what anybody says - those people have fought for our country; they are first-class citizens and should be treated as such." (Mr. Larry Tourangeau, p. 2:179)

"Rather than an iniquitous plot, I think the Meech Lake accord betrays Canadian ignorance of the north and its potential to enrich our cultural heritage and our national

economy. Until this terrible injustice is undone, Canada will be incomplete, Canada will not be the great northern country celebrated in our national anthem, in paintings of the Group of Seven, in the novels of Jack London and the poems of Robert Service. Canada will be a modern country harbouring the shame of a colony within." (*Mr. Dennis Patterson, Minister of Education, Aboriginal Rights and Constitutional Development, Northwest Territories, p. 3:18*)

"The Prime Minister of Canada has stated this government, his government, has actively promoted the steady expansion of responsible government in the Yukon and the Northwest Territories, and will continue to give to both territories the support they need for the next stage in their constitutional development. You will appreciate that it becomes difficult to develop great expectations in territorial constitutional development on the one hand, while being left out of national constitutional development on the other. A foul ball is still a strike, and that is certainly one against us." (*Mr. Andy Thériault, Mayor of Iqaluit, p.3:52*)

"I now proceed to say many of the things that the people who have preceded me are saying. In British Columbia, Tumuk had no rights to appoint Supreme Court judges, to appoint senators or to input to the political future of British Columbia. In Iqaluit, Tumuk still has no rights to appoint members of the Senate, to appoint Supreme Court justices or to input to the political future of his country.

However, in Toronto, I had each of these rights and more. By moving to Iqaluit I no longer have maintained these same rights. This draws into question the premise that Canada has a system that makes all people equal. The dogs are equal in that their rights remain the same, but my rights change as I move about the country in which I was born." (*Mr. Al Woodhouse, p.3:57*)

"The other thing that bothers me is dealing with sovereignty. How in heaven's name can a country exercise sovereignty when the people who are there to represent that country do not possess the rights and privileges of the majority of people they are representing. When you take away certain rights and privileges of people in the north, it is very difficult for us to truly represent sovereignty in the north. We are not equal in all respects." (*Mr. Frank Pearce, p.3:59*)

"As a native, I watched on the outer porch of this land, the results of a life - time's work going down the drain with the hand shakes and rhetoric of Meech Lake Accord." (*Mr. Peter Ernerk, President, Keewatin Inuit Association, Brief, p. 1*)

"There have been no land claims, no Nunavut, no accord at the Meech Lake gathering." (*Mr. A. Okpik, O.C., Brief, p. 2*)

Political and Historical Context

"Yukon has been a part of the Confederation since very early days, with some of it even in 1867, over 100 years ago, and now it is not even considered in 1987. Yukon does not have a lieutenant-governor, as do the provinces, but we do have a commissioner, which is the equivalent. They have not always been called by that title, but have been known as controller, comptroller, royal commissioner. Nevertheless, they have been representative, taking instructions from Ottawa, and as one of these gentlemen once said, it was like driving a team of horses with 3,000 miles of rein." (*Mr. Laurent Cyr, President, Yukon Council on Aging, p.1:102*)

"Now that the provinces have been given this power over the north regarding our political evolution, we wonder if this same principle will apply to other areas such as federal, social and economic programs and financial support for the government of the Northwest Territories." (*Mrs. Vicki Boudreau, Deputy Mayor, Town of Inuvik, p. 2:133*)

Participation in Federation

"In short, Yukoners are powerless. We cannot shape our destiny the way Canadians in the provinces can. We cannot allocate resources we do not own. We cannot appeal decisions that affect our daily lives. We cannot hold the decision-makers accountable for their actions.

Powerless citizens are second-class citizens; and this is offensive. It is offensive to the spirit of the Canadian Constitution, which sought to make every Canadian equal. Legal uncertainty and inequality have no place in Canada. There must be an end to second-class citizenship." (*Mr. Steven Smyth, p. 1:155*)

"Many Northerners doubt we will ever be represented at the constitutional table even if the subject of future Northern provincehood arises. The fact that the Northern Territories were not asked about the Meech Lake Accord has left us uneasy and distrustful of the process." (*Mr. Arnold Hedstrom Brief, p. 3*)

"We cannot believe that the people of Quebec have demanded the exclusion of northerners and aboriginal people from the constitutional process as a condition of their entry into the Canadian family." (*Mr. Mike Paulette, President, Metis Association of the Northwest Territories, p. 2:32*)

"All Canadians, except northerners, get two votes at First Ministers' conferences, one cast by the federal government and one cast by a provincial representative. Northerners get only one vote, that cast by the Prime Minister. The agreement hammered out in the

Langevin Block clearly shows that we are not in good hands." (Mr. Terry Foster, President, *Western Arctic Liberal Association*, p. 2:27)

"The federal government does not recognize northerners as full Canadian citizens in its constitutional deliberations." (Mr. Douglas Marshall, Secretary-Treasurer, *Northwest Territories Federation of Labour*, p. 2:114)

"For us, Northern Canadians, the issue has nothing to do with whether we are against Quebec or against the Quebec people or against the rights of French Canadians. It has to do with our rights as Canadians and particularly our right to participate in the discussions in order to ensure that the interests of the North are protected." (Mr. Kit Spence, p. 2:154)

Extension of Provincial Boundaries

"There are not advantages that I can see for any province, not to mention all ten of them, to vote in favour of an eleventh or twelfth partner. However, the two territories are very tempting prizes for the skilled negotiator who can make an attractive deal with both the federal government and the six provincial brothers. Boundary expansion is the most logical scenario for at least four of our ten provinces. Apart from this being the most abhorrent option I can think of as a Yukoner, as things stand now we would only be bystanders without input. Of all the indignities perpetrated on the Yukon, that would be the worst. Unfortunately, in my opinion it is probably the most likely." (Mrs. Ione Christensen, p. 1:90)

"The extension of provinces into the territories: One might say that this is one area of the Constitution that will be improved under the accord, as all 10 provinces plus the Senate and the House of Commons would have to agree to any extension of provinces into the territories. However, this section was, and will remain, an affront to the people of the territories. Surely we should have some say if a province decides they would like part of our territories. In fact, we should have the right to say no. I for one want to remain a Yukoner." (Mr. Keith Lay, p. 1:111)

"On the extension of provincial boundaries, our major concern is that there is no provision in the accord requiring the consent of the territory affected to such an extension. The people of the northern territories, with their own elected governments, and especially with the unique population distribution of aboriginal and non-native peoples, deserve at least the right to be consulted about whether they want to become part of one of the existing provinces." (Mr. John Vertes, President, *Western Arctic Progressive Conservative Riding Association*, p. 2:95)

"It is clear to me, even as a non-politician, so to speak, having a non-awareness of the legislature, that it was really a strong ploy to leave out the Northwest Territories and to leave the option later to access into the territories through expansion of the provincial borders." (*Mrs. Arlene Haché, Northwest Territories Federation of Labour, p. 2:121*)

"There is definitely a danger for the provinces to extend their boundaries, especially through the Northwest Territories area. We are looking at Quebec, Ontario, Manitoba, Saskatchewan, and Alberta, especially those provinces. Undoubtedly in the past some of the provinces have had in the back of their minds they would like to extend their boundaries into the territories. There is always that danger, especially when the Inuit in the eastern Arctic are aggressively or very heavily involved in the negotiations of a division of the territories, which, in our opinion, is a necessity to unify the Inuit across the north as a Nunavut government, where the majority of the people would be the Inuit. This Nunavut government, if it is created, has the potential of provincehood in the future; not necessarily immediately, but depending upon the negotiations between the Western Constitutional Forum as well as the Eastern Constitutional Forum. If the provinces were to extend their boundaries to the rest of the territories, then our aboriginal Inuit will be fragmented, following different provincial legislations." (*Mr. Louis Tapardguk, Baffin Regional Council and Baffin Region Inuit Association, p. 3:42*)

Creation of New Provinces

"First and foremost, we abhor the powerful and totally unwarranted veto given to each and every province in denying provincial status to northerners when we reach that state of maturity; and that day will surely come. If we are to continue to contribute to national goals and aspirations as we have so ably done in the past, then no province should have blackball veto to keep northerners from having an equal say in the affairs of Canada." (*Mr. Art Deer, President, Association of Yukon Communities, p. 1:44*)

"The thing that concerns me is that we are developing I think fairly strongly on the territorial level. Our infrastructure is getting stronger and everything else. We have good representation, but if our representatives are not heard on a national level, then how can we ever get past this point in our development? If there is nothing in place and if it is taken away from us, then we could never become a province. We could never have even a say in becoming a province. That is the big concern." (*Mrs. Claire Briand, Elsa Hamlet Council, p. 1:64*)

"I think unanimity from 10 different areas plus the federal government must be an impossible task to achieve. It seems that in this last accord self-interest was placed all the way down the line to each province, and they each gained something. What are we going to offer each one of those individual provinces at the time this question comes up, to persuade

or entice them to agree to the provincehood." (*Mr. David Philpott, Tourism Industry Association of Yukon, p. 1:72*)

"Whereas the federal government continues contributing to the maturation of the northern jurisdictions through assisting in the development of the territorial governments, transferring blocks of land and pursuing a settlement on the land claims table, it is not prepared to protect the constitutional gateway so the territories may at a future date pass through. The Meech Lake accord will provide a most effective barrier to this constitutional step, one which the Province of Alberta and its constitutional partners did not have to face. In this we see not merely an injustice to the northern people of Canada, but also a sign of a departure from the constitutional framework, the heritage of this nation. Canada's Constitution has developed as a consequence of its history, a history which speaks to the fact that it has traditionally been willing to grant new regions, its maturing territories, the right of provincial status. This has been considered not foreign to, but part of that national interest." (*Mr. Kirk Cameron, p. 1:80 and 1:81*)

"We have had plans. I have had a plan. Yukoners have been charting a course. We have always gone the same direction: that being the ideal of becoming an equal partner in Confederation, in the Dominion of Canada. We are unlikely to seek provincehood tomorrow, but when the Yukon has matured, and it is maturing quite well, the right to self-determination should be made available to us and be decided by those most affected, by the Yukoners, by the people in the north not, by the federal government together with 10 provinces who would probably make a decision to their own ends, not to ours." (*Mr. H.K. Law, Deputy Mayor, City of Whitehorse, p. 1:44 and 1:45*)

"According to the current terms of the 1987 Constitutional Accord, Yukoners and other northerners will be the only Canadians who do not have a say in determining whether or not Yukon will ultimately become a province. This situation is unfair and is intolerable in a free and democratic society. As the people directly affected, surely we deserve a say in shaping our own destiny." (*Mr. Mark Obstfeld and Concerned Youth, p. 1:162*)

"I think there is a cherished goal of many politicians and many people in the Yukon Territory, and it was alluded to by Mr. Penikett in his address yesterday, and that is the concept of a social contract. The Meech Lake accord violates the social contract that is being worked out. It is an objective in the Yukon, because we have not established it yet. It is a sort of dysfunctional process at the moment.

Non-native Yukoners see political objectives in terms of provincial status in the long term. Native Yukoners, though, see it in a different context. They see it as achieving a land claims settlement, achieving self-government, and then they are prepared to negotiate the social contract. I think the Meech Lake accord dashes those two cherished hopes of

Yukoners. It dashes the hopes for a social contract for a long time to come." (*Mr. Ron Veale, p. 1:181 and 1:182*)

"Last May 21 in Quebec City at the annual general meeting of the Council for Canadian Unity, of which I was the provincial chairman for the Yukon, a panel of three very distinguished speakers addressed the theme of economic regional disparities and their effect on Canadian unity. They were the Hon. Bill Bennett, Senator Pierre De Bané and the Hon. Joseph A. Ghiz, Premier of Prince Edward Island.

I asked Mr. Ghiz why it had been necessary for him, as one of the First Ministers at Meech Lake, to close the door on the northern third of Canada in order to open the door to Quebec. And he said: We cannot have you people up there forming two or three new provinces, you know; it would affect our proportionate share of federal revenues." (*Mrs. Flo Whyard, p. 1:201*)

"It angers me to find out that in order for the Yukon to gain provincehood we will have to get agreement from all 10 provinces. Certainly all the current premiers, or the nine that were around at that time, assured us that there would be no reason for them to stand in our way. However, they will not be here. It might be 10 or 20 years before provincehood is applied for; I do not know. I am sure that they will not be the same premiers and I am certain that they will come up with reasons to bar Yukon from becoming a province." (*Ms. Yvonne Harris, p. 1:210*)

"As do most Canadians, we applaud the general intention of the Meech Lake Accord. However, as citizens of a free, democratic society, we must tell you that we feel strongly that it is probably illegal to make major decisions about our future without our viewpoint being represented.

This happened initially in our not being represented when the Meech Lake Accord was put together. For the Government of Canada to continue to proceed and perhaps ultimately implement this accord without our consent as Yukoners is not democratic and therefore, we feel, illegal." (*Mr. Frank Taylor, President, Klondyke Placer Miners Association, p. 1:216*)

"This same general amending formula effectively bars our aboriginal people from achieving their rightful goals of self-determination without federal-provincial unanimity. This amending formula virtually guarantees that aboriginal people and northerners can never be more than second-class Canadians in our own country, a concept repugnant to us all.

As a federation and as northerners, we see too many negatives in this amending formula for us to accept it. It is a constitutional straitjacket, denying us a voice in our own future and any hope we might have for future provincehood." (*Mr. John Sheppard, President, Yukon Federation of Labour, p. 1:221*)

"We see little difference between our abilities to govern ourselves today and the capabilities of the existing provinces at the time they were joining the Canadian Federation. Timing seems to be the difference. We, as Yukoners have missed the chance and now it appears there will be no further opportunity." (Mr. G. Castellarin, President, Klondike Visitors Association, Brief, p. 2)

"Consider the scenarios when future Prime Ministers and premiers contemplate a deal that would allow the Yukon or the Northwest Territories to become provinces. The territories become a hostage of each and every province in its negotiations with the Government of Canada, assuming the Government of Canada is supporting the attainment of provincial status. What would the Government of Canada have to give to the provinces—to each and all of the provinces—to secure their agreement?" (Mr. Gerry Sutton, Member, Western Arctic New Democratic Party Association, p. 2:77)

"We are voting for everybody. The legislative assembly is elected. The federal seats are elected. We have the economic base to become a province. Under all circumstances, we have the economic base to become the most powerful province. We have that. It just takes us time, but do not cut us off now." (Mr. Joseph Lanzon, p. 2:164)

"We also have great difficulty with the unanimity requirement with respect to the creation of new provinces. This issue has been explained to you by the governments of the Yukon and the Northwest Territories. The repeal of the existing paragraphs 42(e) and (f) of the constitution was slated for discussion under the 1983 Constitutional Accord, and it has yet to be seriously dealt with." (Mr. Zebedee Nungak, Co-chairman, Inuit Committee on National Issues, p. 2:28)

"What we object to in the Meech Lake Accord, as I said before, is that it practically closes the door on any other new provinces being admitted into Confederation. I understand that our Member of Parliament, Thomas Suluk, said the Inuit are not very concerned about provincial status. Perhaps we are not at this time, but we do not want to close the door. We do not want to close the door on the future. Who knows how things will be a number of years down the road?" (Mr. John Amagoalik, Nunavut Constitutional Forum, p. 3:47)

"It also means that our socio-economic, political and judicial future will always be in jeopardy as long as we are excluded from section 92 of the Constitutional Act. This means as long as we do not become a province, we are going to be what we are today—pawns of the federal government." (Mr. Francis Piugattuk, p. 3:61)

"I am concerned about the legalization of a land grab of the territories by provinces. I am concerned about the role for provinces that has been put into the accord, which will affect provincial status for the territories. I feel this is a flagrant breach of our fundamental political rights. Previously, provincial status was granted between petitioners and the federal Parliament without anyone else involved." (Mr. Saali Peter, p. 3:63)

Another Distinct Society?

"Who can be referred to as being more distinct than aboriginal peoples of North America, more so in reference to this land we call Turtle Island? The history of aboriginal peoples on Turtle Island goes back to before Christ and is synonymous with the great flood of the world. Our people still make reference to that around Ross River today. We continue to practice our customs, culture, and lifestyle that govern the survival of aboriginal peoples in Canada." (*Chief Hammond Dick, Ross River Dene Council, p. 1:96*)

"The Council for Yukon Indians has specific concerns about the Meech Lake accord concerning self-government and land claims. The Crown, or the federal government, in its policy refuses to include our self-government in the land claims process. In the north, land claims agreements are being negotiated with the aboriginal people. These agreements will recognize our people's ownership over lands and resources and management responsibilities for these resources. Because these agreements are under section 35 of the Constitution, because of the Meech Lake accord, we are concerned about these agreements being given constitutional protection when settled. Will they be considered as constitutional amendments and therefore now require the consent of all the provinces? That is a major concern of the Yukon Indian First Nations: that if we are to enumerate our rights in land claims agreements and these land claims agreements are in fact amendments to the Constitution, then it would require the unanimous consent of all the provinces." (*Mr. Mike Smith, President, Council for Yukon Indians, p. 1:133 and 1:134*)

"The section stating Quebec is a distinct society raises questions in my mind when you consider, before the white man came 400 or 500 years ago, the natives had a distinct society. We had our own unique culture, our own language, our own history, our own heritage, our own spiritual values, our own communities, and most important, we had our own self-government. I do not know how more distinct you can get before you are recognized as a First Nations people who were the original inhabitants of this country. As original people we deserve the same recognition as Quebec, or maybe I should say we deserve to be recognized as distinct society number one and Quebec be recognized as society number two." (*Mr. James Allen, p. 1:232 and 1:233*)

"I only hope that the aboriginal peoples will also eventually be recognized as the first and most distinct society in Canada. There have been strong attempts to get aboriginal rights entrenched in the Constitution, but the Premiers and the Prime Minister fell short. Naturally, many aboriginal people wonder how Quebec can get it so easily. Nevertheless, I would not take it away from the French people. Like the aboriginal people, they are a distinct society and deserve to be recognized as such." (*The Honourable Nick Sibbeston, Leader of the Government of the Northwest Territories, p. 2:25*)

"The ultimate expression of the drive for self-determination in the territories is captured by the image of provincehood. That is why all northerners, both native and non-

native, share a repugnance towards the Meech Lake accord. We should be clear that our objective is not so much to attain the trappings of provincehood as it is to realize the opportunity to control our own destinies. Northerners want the same independence from Ottawa as is symbolized by provincehood in southern Canada." (*Mr. Bill Erasmus, President, Dene Nation, p. 2:29*)

"We emphasize that while very proud of our distinctive identity and culture as the very first group of Canadians, we are first and foremost Canadians." (*Mr. Roger Gruben, Chief Regional Councillor, Inuvialuit Regional Corporation, p. 2:140 and 2:141*)

Let There be Justice

"We are talking about changes to our rights. We are talking about changes being made in a way that is fundamentally undemocratic as it affects our interests. We are being asked to hope that somehow under these new rules, which we find offensive, the problem will be corrected later. I find that improbable and unfair." (*The Honourable Tony Penikett, Leader of the Government of Yukon, p. 1:20*)

"I do not dispute the fact that when one brings Quebec in then there is a trade-off to get more input from the other provinces. I would have hoped they had been more broad-thinking in their approach. As early as 1910, Henri Bourassa talked about a Canada where a citizen of Quebec would feel at home from coast to coast and not simply in the province of Quebec. Unfortunately, our provincial premiers did not share his breadth of vision, in the sense they thought for themselves only and forget about certain other important parts of Canada, including the north. I would have hoped that the "piggyness", if I could use that term, of the provincial premiers in grabbing power for their own provinces, or to balance the traditional imbalance, had thought a little more beyond the immediate power grab and though more towards the long term, and I think the long term has to include the north of Canada." (*Mr. Bruce Willis, President, Law Society of Yukon and President, Yukon Branch of the Canadian Bar Association, p. 1:26 et 1:27*)

"I hope Canadians will hold the door open for the future of native and non-native northerners and will make our prospects greater." (*Ms. Leah McTiernan, p. 1:151*)

"We speak here in the present about actions taken in the immediate past. Yet let us be clear that what we truly speak about is our future first of our children and the future of the north - that is, the Yukon and the Northwest Territories - perhaps even about the future of Canada itself." (*Mr. Doug Bell, p. 1:189*)



"If you have not heard some egregious things in Whitehorse and Yellowknife, you are never going to hear anything egregious. Is there any doubt that this thing is broken and

needs fixing, when you look at the concerns of northerners, the concerns of aboriginal people, women's issues and the jeopardy of equality rights?" (Mr. Ted Richard, p. 2:48)

"Will the legitimate claims of the aboriginal people of the Northwest Territories be vetted before the premiers to see how these claims will affect the aspirations or designs of the provinces? Can we accept the promises of a second round where we might have some say in decisions which affect our future? As we have already said, we had that sort of promise in 1983 in writing in a solemn constitutional accord, but it was totally ignored at Meech Lake." (The Honourable Michael Ballantyne, Minister of Justice, Northwest Territories, p. 2:57)

"NOW THEREFORE we, the Oblate Missionaries of Mary Immaculate of Manitoba resolve that the 1987 Constitutional Accord, known as the Meech Lake accord, be amended in such a way that the rights and freedoms of all aboriginal peoples and residents of the Northwest Territories be once and for all recognized and respected.

This goal will only be achieved by working together as equal partners in our federation, in the spirit of the first inhabitants of this country, the Inuit and Indians peoples, and of those who worked together for many centuries to make Canada a free and bountiful country." (Father Patrick Lorand, Oblate Missionaries of Mary Immaculate, Manitoba, p. 3:60)


**1983 CONSTITUTIONAL
 ACCORD ON ABORIGINAL
 RIGHTS**


Whereas pursuant to section 37 of the Constitution Act, 1982, a constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces was held on March 15 and 16, 1983, to which representatives of the aboriginal peoples of Canada and elected representatives of the governments of the Yukon Territory and the Northwest Territories were invited;

And whereas it was agreed at that conference that certain amendments to the Constitution Act, 1982 would be sought in accordance with section 38 of that Act;

And whereas that conference had included in its agenda the following matters that directly affect the aboriginal peoples of Canada:

AGENDA

1. Charter of Rights of the Aboriginal Peoples (expanded Part II) including:
 - Preamble
 - Removal of "Existing", and expansion of Section 35 to include recognition of modern treaties, treaties signed outside Canada and before Confederation, and specific mention of "Aboriginal Title" including the rights of aboriginal peoples of Canada to a land and water base (including land base for the Metis)
 - Statement of the particular rights of aboriginal peoples
 - Statement of principles
 - Equality
 - Enforcement
 - Interpretation
2. Amending formula revisions, including:
 - Amendments on aboriginal matters not to be subject to provincial opting out (Section 42)
 - Consent clause,
3. Self-government
4. Repeal of Section 42(1)(e) and (f)
5. Amendments to Part III, including:
 - Equalization) Resourcing of
 - Cost-sharing) aboriginal governments
 - Service delivery)
6. Ongoing process, including further first ministers conferences and the entrenchment of necessary mechanisms to implement rights

And whereas that conference was unable to complete its full consideration of all the agenda items;

And whereas it was agreed at that conference that future conferences be held at which those agenda items and other constitutional matters that directly affect the aboriginal peoples of Canada will be discussed;

NOW THEREFORE the Government of Canada and the provincial governments hereby agree as follows:

 1. A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces will be convened by the Prime Minister of Canada within one year after the completion of the constitutional conference held on March 15 and 16, 1983.
 2. The conference convened under subsection (1) shall have included in its agenda those items that were not fully considered at the conference held on March 15 and 16, 1983, and the Prime Minister of Canada shall invite representatives of the aboriginal peoples of Canada to participate in the discussions on those items.
 3. The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of the conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories.
 4. The Prime Minister of Canada will lay or cause to be laid before the Senate and House of Commons, and the first ministers of the provinces will lay or cause to be laid before their legislative assemblies, prior to December 31, 1983, a resolution in the form set out in the Schedule to authorize a proclamation to be issued by the Governor General under the Great Seal of Canada to amend the Constitution Act, 1982.

5. In preparation for the constitutional conferences contemplated by this Accord, meetings composed of ministers of the governments of Canada and the provinces, together with representatives of the aboriginal peoples of Canada and elected representatives of the governments of the Yukon Territory and the Northwest Territories, shall be convened at least annually by the government of Canada.
6. Nothing in this Accord is intended to preclude, or substitute for, any bilateral or other discussions or agreements between governments and the various aboriginal peoples and, in particular, having regard to the authority of Parliament under Class 24 of section 91 of the Constitution Act, 1867, and to the special relationship that has existed and continues to exist between the Parliament and government of Canada and the peoples referred to in that Class, this Accord is made without prejudice to any bilateral process that has been or may be established between the government of Canada and those peoples.
7. Nothing in this Accord shall be construed so as to affect the interpretation of the Constitution of Canada.



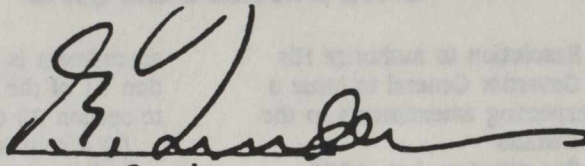
1983 CONSTITUTIONAL ACCORD ON ABORIGINAL RIGHTS

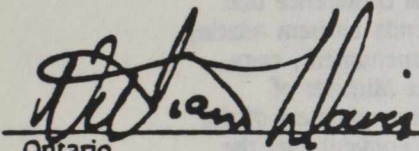
The purpose of this section 37 of the Constitution Act, 1982, is to provide a constitutional basis for the... of the Prime Minister of Canada and the... of the provinces was held on March 15 and 16, 1983, to which representatives of the... of Canada and elected representatives of the... of the Yukon Territory and the Northwest Territories were invited. It was agreed at that conference that an amendment to the Constitution Act, 1982, should be sought in accordance with section 38 of that...

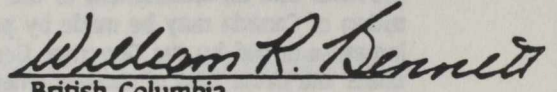
A constitutional conference composed of the Prime Minister of Canada and the Prime Ministers of the provinces was held on March 15 and 16, 1983. The conference was held under the leadership of the Prime Minister of Canada and the Prime Ministers of the provinces. The purpose of the conference was to discuss the... of the Prime Minister of Canada and the Prime Ministers of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of the... of the Prime Minister of Canada and the Prime Ministers of the Yukon Territory and the Northwest Territories. The Prime Minister of Canada will pay or cause to be paid before the Senate and House of Commons and the first ministers of the provinces will pay or cause to be paid before their legislative assemblies, prior to December 31, 1983, a resolution in the form set out in the Schedule to authorize a proclamation to be issued by the Governor General under the Great Seal of Canada to amend the Constitution Act, 1982.

The purpose of this section 37 of the Constitution Act, 1982, is to provide a constitutional basis for the... of the Prime Minister of Canada and the... of the provinces was held on March 15 and 16, 1983, to which representatives of the... of Canada and elected representatives of the... of the Yukon Territory and the Northwest Territories were invited. It was agreed at that conference that an amendment to the Constitution Act, 1982, should be sought in accordance with section 38 of that...

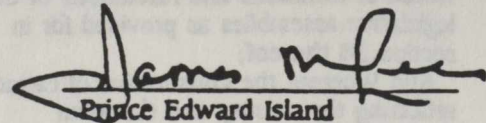
Signed at Ottawa this 16th day of March, 1983 by the Government of Canada and the provincial governments:

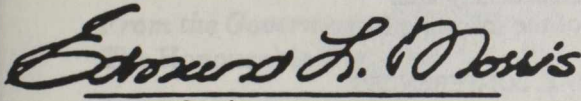

Canada

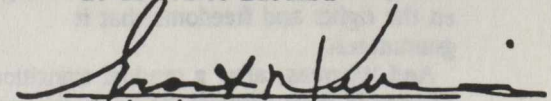

Ontario

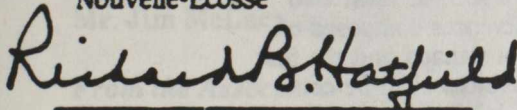

British Columbia
Colombie-Britannique

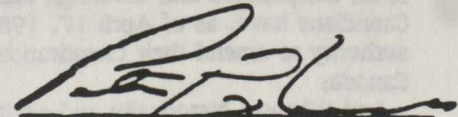
Québec

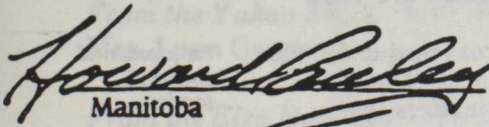

Prince Edward Island
Île-du-Prince-Édouard

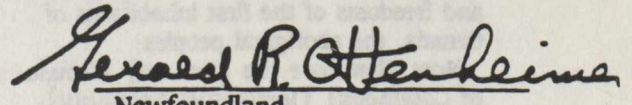

Nova Scotia
Nouvelle-Écosse


Saskatchewan



New Brunswick
Nouveau-Brunswick

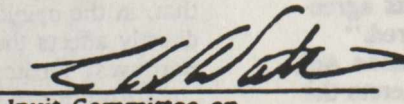

Alberta



Manitoba

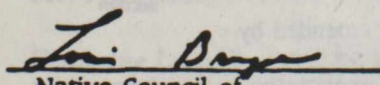

Newfoundland
Terre-Neuve

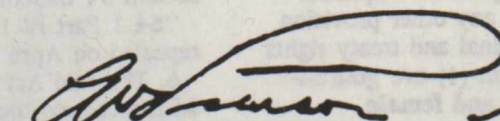
AND WITH THE PARTICIPATION OF:

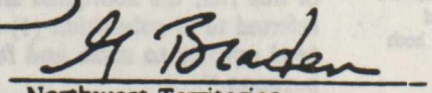

Assembly of First Nations
Assemblée des Premières Nations


Inuit Committee on National Issues
Comité inuit sur les Affaires nationales


Métis National Council
Ralliement national des Métis


Native Council of Canada
Conseil des Autochtones du Canada


Yukon Territory
Territoire du Yukon


Northwest Territories
Territoires du Nord-Ouest

SCHEDULE

Motion for a Resolution to authorize His Excellency the Governor General to issue a proclamation respecting amendments to the Constitution of Canada

Whereas the Constitution Act, 1982 provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and resolutions of the legislative assemblies as provided for in section 38 thereof;

And Whereas the Constitution of Canada, reflecting the country and Canadian society, continues to develop and strengthen the rights and freedoms that it guarantees;

And Whereas, after a gradual transition of Canada from colonial status to the status of an independent and sovereign state, Canadians have, as of April 17, 1982, full authority to amend their Constitution in Canada;

And Whereas historically and equitably it is fitting that the early exercise of that full authority should relate to the rights and freedoms of the first inhabitants of Canada, the aboriginal peoples;

Now Therefore the [Senate] [House of Commons] [legislative assembly] resolves that His Excellency the Governor General be authorized to issue a proclamation under the Great Seal of Canada amending the Constitution of Canada as follows:

PROCLAMATION AMENDING THE CONSTITUTION OF CANADA

1. Paragraph 25(b) of the Constitution Act, 1982 is repealed and the following substituted therefor:

"(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired."

2. Section 35 of the Constitution Act, 1982 is amended by adding thereto the following subsections:

"(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired."

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons."

3. The said Act is further amended by adding thereto, immediately after section 35 thereof, the following section:

"35.1 The government of Canada and the provincial governments are committed to the principle that, before any

amendment is made to Class 24 of section 91 of the Constitution Act, 1867, to section 25 of this Act or to this Part,

(a) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada, and

(b) the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions on that item"

4. The said Act is further amended by adding thereto, immediately after section 37 thereof the following Part

"PART IV.1

CONSTITUTIONAL CONFERENCES

37.1(1) In addition to the conference convened in March 1983, at least two constitutional conferences composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada, the first within three years after April 17, 1982 and the second within five years after that date.

(2) Each conference convened under subsection (1) shall have included in its agenda constitutional matters that directly affect the aboriginal peoples of Canada, and the Prime Minister of Canada shall invite representatives of those peoples to participate in the discussions on those matters.

(3) The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of a conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories."

(4) Nothing in this section shall be construed so as to derogate from subsection 35(1)

5. The said Act is further amended by adding thereto, immediately after section 54 thereof, the following section:
"54.1 Part IV.1 and this section are repealed on April 18, 1987."

6. The said Act is further amended by adding thereto the following section
"61. A reference to the Constitution Acts, 1867 to 1982 shall be deemed to include a reference to the Constitution Amendment Proclamation, 1983."

7. This Proclamation may be cited as the Constitution Amendment Proclamation, 1983.

Constitutional conferences

Participation of aboriginal peoples

Participation of territories

Subsection 35 (1) not affected

Repeal of Part IV.1 and this section

References

Citation

Land claims agreements

Aboriginal and treaty rights are guaranteed equally to both sexes

Commitment to participation in constitutional conference

APPENDIX B

WITNESSES

WHITEHORSE - Saturday, October 24, 1987 - Issue no. 1

From the Government of the Yukon:

The Honourable Tony Penikett, Government Leader.

From the Yukon Liberal Party:

Mr. Jim McLachlan, Leader of the Yukon Liberal Party.

From the Association of the Yukon Communities:

Mr. Art Deer, President.

From the Yukon Status of Women Council:

Mrs. Lynn Gaudet.

From the Elsa Hamlet Council:

Mrs. Claire Briand.

From the Tourism Industry Association of the Yukon:

Mr. David Philpott.

Mr. Kirk Cameron, Private Citizen.

Mrs. Ione Christensen, Private Citizen.

From the Ross River Dene Council:

Chief Hammond Dick.

From the Yukon Council on Aging:

Mr. Laurent Cyr, President.

Mr. Keith Lay, Private Citizen.

Mr. Pat Olsen, Private Citizen.

From the Law Society of Yukon:

Mr. Bruce Willis, President.

WHITEHORSE - Sunday, October 25, 1987 - Issue no. 1

From the Council of Yukon Indians:
Mr. Michael Smith.

From the Village of Whitehorse:
Mr. Bert Law, Deputy Mayor.

Ms. Leah McTiernan, Private Citizen.

From the Village of Teslin:
Mr. D. Hogan, Mayor.

Mr. Steven Smyth, Private Citizen.

From the Government of the Yukon:
Mr. Willard Phelps, Leader of the Opposition.

From the Victoria Falconer Women's Centre:
Mrs. Linda Boychuk, Coordinator.

Mr. Ron Veale, Private Citizen.

Mr. Doug Bell, Private Citizen.

From the Yukon Chamber of Mines:
Mr. Ron Granger, Director.

Mrs. Flo Whyard, Private Citizen.

Mrs. Yvonne Harris, Private Citizen.

From the Klondike Placer Mines Association:
Mrs. Marian Schmidt, Director.

From the Yukon Federation of Labour:
Mr. John Sheppard.

Mr. Jacob De Raadt, Private Citizen.

Mr. James Allen, Private Citizen.

YELLOWKNIFE - Tuesday, October 27, 1987 - Issue no. 2

From the Government of the Northwest Territories:
The Honourable Nick Sibbeston, Government Leader.

From the Dene Nation and the Metis Association of the Northwest Territories:
Mr. Bill Erasmus, President, Dene Nation;
Mr. Mike Paulette, President, Metis Association of the Northwest Territories.

From the City of Yellowknife:
Mr. Don Strang, Deputy Mayor.

From the Yellowknife South Constituency:
Mr. Ted Richard, M.L.A.

From the Government of the Northwest Territories:
The Hon. Michael Ballantyne, Minister of Justice.

From the Western Arctic Liberal Association:
Mr. Terry Foster, President.

From the Western Arctic New Democrats Association:
Mr. Stephen Whipp;
Mr. Gerry Sutton.

Emerald Murphy, Private Citizen.

From the Western Arctic Progressive Conservative Riding Association:
Mr. John Vertes, President.

Mr. Pat McMahon, Private Citizen.

From the Yellowknife Chamber of Commerce:
Mr. Len Jason;
Ms. Irene Sihvonen, General Manager.

YELLOWKNIFE - Wednesday, October 28, 1987 - Issue no. 2

From the N.W.T. Federation of Labour:
Mrs. Arlene Haché;
Mr. Douglas Marshall, Secretary Treasurer.

Mr. Fred Turner, Private Citizen.

From the Town of Inuvik:
Mrs. Vicki Boudreau, Deputy Mayor;
Mr. Tom Detlor, Planning Co-ordinator.

From the Inuvialuit Regional Corporation:
Mr. Roger Gruben;
Mr. John Banksland;
Mr. Eddie Dillan.

Mr. Kit Spence, Private Citizen.

Mr. Joseph Lanzon, Private Citizen.

Mr. Erik Watt, Private Citizen.

Mr. Lawrence Norbert, Private Citizen.

Mr. Larry Tourangeau, Private Citizen.

IQALUIT - Monday, November 2, 1987 - Issue no. 3

Mr. Dennis Patterson, Minister of Education and Aboriginal Rights and Constitutional Development.

From the Inuit Committee on National Issues:

Mr. Zebedee Nungak, Co-Chairman;

Mr. John Amagoalik, Co-Chairman.

From the Baffin Regional Counsel and Baffin Region Inuit Association:

Mr. Louis Tapardguk, President;

Mr. Mark Evaluaguk, Speaker.

From the Nunavut Constitutional Forum:

Mr. John Amagoalik.

Mr. Andy Thériault, Mayor of Iqaluit.

Mr. Al Woodhouse, Private Citizen.

Mr. Frank Pearce, Private Citizen.

From the Oblate Missionaries of Mary Immaculate (Province of Manitoba):

Father Patrick Lorand, O.M.I.

Mr. Francis Piugattuk, Private Citizen.

Mr. Saali Peter, Private Citizen.

APPENDIX C

SUBMISSIONS RECEIVED

The Task Force received submissions from the following groups and individuals:

Allen, Mr. James
Whitehorse, Yukon

Association of the Yukon Communities
Whitehorse, Yukon

Baffin Regional Council and Baffin Region Inuit Association
Iqaluit, N.W.T.

Bell, Mr. Doug
Whitehorse, Yukon

Cameron, Mr. Kirk
Whitehorse, Yukon

Christensen, Ms. Ione
Whitehorse, Yukon

Dawson City Chamber of Commerce
Dawson City, Yukon

Dene Nation and the Metis Association of the Northwest Territories
Yellowknife, N.W.T.

De Raadt, Mr. Jacob
Whitehorse, Yukon

Hedstrom, Mr. Arnold
Whitehorse, Yukon

Elsa Hamlet Council
Elsa, Yukon

Inuit Committee on National Issues
Ottawa, Ontario

Inuvialuit Regional Corporation
Inuvik, N.W.T.

Inuvik, Town of
Inuvik, N.W.T.

Iqaluit, City of
Iqaluit, N.W.T.

Keewatin Inuit Association
Rankin Inlet, N.W.T.

Klondike Placer Mines Association
Whitehorse, Yukon

Klondike Visitors Association
Dawson City, Yukon

Lay, Mr. Keith
Whitehorse, Yukon

McMahon, Mr. Pat
Yellowknife, N.W.T.

McTiernan, Ms. Leah
Whitehorse, Yukon

Murphy, Emerald
Yellowknife, N.W.T.

Northwest Territories, Government of the
Yellowknife, N.W.T.

Oblate Missionaries of Mary Immaculate
Province of Manitoba

Obstfeld, Mr. Mark
Whitehorse, Yukon

Okpik, O.C.
Ottawa, Ontario

Olsen, Mr. Pat
Whitehorse, Yukon

Phelps, Mr. Willard, Leader of the Opposition
Government of the Yukon
Whitehorse, Yukon

Piugattuk, Mr. Francis
Iqaluit, N.W.T.

Ross River Dene Council
Ross River, Yukon

Smyth, Mr. Steven
Whitehorse, Yukon

Teslin, Village of
Teslin, Yukon

Turner, Mr. Fred
Yellowknife, N.W.T.

APPENDIX IV

Victoria Falconer Women's Centre
Whitehorse, Yukon

Western Arctic Liberal Association
Yellowknife, N.W.T.

Western Arctic New Democrats Association
Yellowknife, N.W.T.

Western Arctic Progressive Conservative Riding Association
Yellowknife, N.W.T.

Whitehorse, City of
Whitehorse, Yukon

Whyard, Mrs. Flo
Whitehorse, Yukon

Yellowknife Chamber of Commerce
Yellowknife, N.W.T.

Yellowknife, City of
Yellowknife, N.W.T.

Yukon Chamber of Mines
Whitehorse, Yukon

Yukon Council on Aging
Whitehorse, Yukon

Yukon Federation of Labour
Whitehorse, Yukon

Yukon, Government of the
Whitehorse, Yukon

Yukon Liberal Party
Whitehorse, Yukon

Yukon Status of Women Council
Whitehorse, Yukon

From the Public Council of Canada

Mr. Louis "Smooty" Bruyere, President

Mr. Robert Groves, Special Advisor

Wednesday, December 9, 1987

From the Human Rights Institute of Canada

Dr. Marguerite Ritchie, Q.C., President

Mr. Theodore Gersetz, Professor of Philosophy, University of Ottawa

Dr. Michael Elias, Department of History, University of Toronto

Wednesday, December 16, 1987

Professor Blair Williams, Department of Political Science, Concordia University

APPENDIX IV

Committee of the Whole on the Meech Lake Constitutional Accord

List of Witnesses

Friday, June 26, 1987

The Honourable Eugene Forsey

Wednesday, June 30, 1987

The Honourable Eugene Forsey

Wednesday, October 21, 1987

The Honourable Eugene Forsey

Wednesday, November 4, 1987

The Honourable Eugene Forsey

The Honourable Charles Caccia, P.C., M.P.

Wednesday, November 18, 1987

The Honourable John W. Pickersgill, P.C.

From the Assembly of First Nations:

Mr. Georges Erasmus, National Chief.

Wednesday, December 2, 1987

From Alliance Quebec:

Mr. Royal Orr, President;
and other officials.

Mr. Stephen Scott, Professor of Law, McGill University.

From the Native Council of Canada:

Mr. Louis "Smokey" Bruyère, President;
Mr. Robert Groves, Special Advisor.

Wednesday, December 9, 1987

From the Human Rights Institute of Canada:

Dr. Marguerite Ritchie, Q.C., President.

Mr. Theodore Geraets, Professor of Philosophy, University of Ottawa.

Dr. Michael Bliss, Department of History, University of Toronto.

Wednesday, December 16, 1987

Professor Blair Williams, Department of Political Science, Concordia University.

From the Prairie Treaty Nations' Alliance:
Mr. Ernie Daniels, Interim President;
Ms. Anne Chalmers, Co-ordinator, Ottawa Office.

From the Makivik Corporation:
Mr. Mark Gordon, President;
Mr. Sam Silverstone, Legal Counsel.

Wednesday, January 27, 1988

From the Canadian Ethnocultural Council:
Mr. George Corn, President;
Mr. Emilio Binavince, Member.

From the Canadian Jewish Congress:
Mr. Joseph J. Wilder, Q.C., National Chairman, Joint Community Relations
Committee;
Mr. Neil Finkelstein, Member of the Constitutional Subcommittee on Meech Lake;
Professor Ann Bayefsky, Member of the Constitutional Subcommittee on Meech
Lake.

Mr. E.L.R. Williamson, Consulting Economist and Master in Political Science and
Economics..

Wednesday, February 3, 1988

Mr. Vincent J. MacLean, Leader of the Opposition, Province of Nova Scotia.

From the Quebec Association of Protestant School Boards (Montreal):
Dr. John A. Simms, President;
Mr. Collin Irving, Legal Counsel.

From Canadian Parents for French:
Dr. Susan Purdy, National President;
Mrs. Kathryn Manzer, Former National Vice-President.

Wednesday, February 10, 1988

Professor Albert Breton, Department of Economics, University of Toronto.

Professor Hugh Alan Cairns, Department of Political Sciences, University of British
Columbia.

Mr. Alex B. Macdonald, Q.C., Professor, Simon Fraser University.

Wednesday, March 2, 1988

Mr. Izzy Asper, Q.C.

From the Canadian Nurses Association:
Mrs. Ginette Rodgers, Executive Director;
Mr. Michel Simard, Public and Government Relations Manager.

Wednesday, March 16, 1988

Professor Albert W. Johnson, Department of Political Science, University of Toronto.

From the Métis National Council:

Mr. Jim Sinclair, President;

Mr. Marc LeClair, Constitutional Coordinator.

From the Women's Legal Education and Action fund:

Ms. Beth Atcheson, Past Vice-Chair;

Ms. Lucie Lamarche, Chair.

Wednesday, March 23, 1988

The Honourable Donald J. Johnston, P.C., M.P.

From the Public Service Alliance of Canada:

Mr. Daryl T. Bean, National President;

Ms. Joane Hurens, Executive Vice-President.

Wednesday, March 30, 1988

The Right Honourable Pierre Elliott Trudeau, P.C.

Thursday, March 31, 1988

APPEARING

The Honourable Senator Lowell Murray, P.C., Leader of the Government in the Senate and Minister of State (Federal-Provincial Relations).

Mr. John Fullerton, Private Citizen

Ms. Tina Laur, Private Citizen

Mr. Connor McDonough, Private Citizen

From the Quebec Federation of Home and School Associations:

Ms. Helen Kueppe, President

Dr. Calvin Potter, Past President and Chairman of the Rights Committee

Mr. Rod Wiener, Co-Chairman of the Rights Committee and Chairman of the South

Shore Protestant Region School Board

From the Canadian Teachers Federation:

Ms. Sherna Hanley, President

Dr. Stirling McDowell

Mr. Jean-Marc Carlin

From the National Action Committee on the Status of Women:

Ms. Louise Dutilleul, President

Ms. Nuelle-Dominique Wilens, Vice-President

Ms. Robin Ledrow, Member of the Executive from British Columbia

From the National Union of Provincial Government Employees:

Mr. Larry Brown, Secretary-Treasurer

APPENDIX V

Submissions Group on the Meech Lake Constitutional Accord

List of Witnesses

Monday, February 29, 1988: (Issue No. 1)

Professor Theodore Geraets, Private Citizen.

From the National Association of Women and the Law:

Ms. Beverley Baines;
Ms. Nicole Tellier;
Ms. Wendy Atkin.

From the Canadian Council on Social Development:

Mr. Ralph Garber, Past President;
Mr. Richard Weiler, Policy Associate.

Mr. Henri Laberge, Private Citizen.

From Freedom of Choice:

Dr. R. A. Forse;
Mr. Donald Fletcher.

Mr. John Fullerton, Private Citizen;
Ms. Tina Laur, Private Citizen;
Mr. Connor McDonough, Private Citizen.

From the Quebec Federation of Home and School Associations:

Ms. Helen Koeppé, President;
Dr. Calvin Potter, Past President and Chairman of the Rights Committee;
Mr. Rod Wiener, Co-Chairman of the Rights Committee and Chairman of the South Shore Protestant Region School Board.

From the Canadian Teachers' Federation:

Ms. Sheena Hanley, President;
Dr. Stirling McDowell;
Mr. Jean-Marc Cantin.

From the National Action Committee on the Status of Women:

Ms. Louise Dulude, President;
Ms. Noëlle-Dominique Willems, Vice-President;
Ms. Roblin Ledrew, Member of the Executive from British Columbia.

From the National Union of Provincial Government Employees:

Mr. Larry Brown, Secretary Treasurer.

From the Ad Hoc Committee of Manitoba Women's Equality-Seeking Groups Concerned About the Meech Lake Accord:

Ms. Jeri Bjornson.

Mr. J.B. Giroux, Private Citizen.

From the "Association canadienne-française de l'Alberta":

Mr. Georges Arès, President;

Mr. Denis Tardif.

Wednesday, March 2, 1988 (Issue No. 2)

From the National Association for Canadians:

Mr. Victor Paul.

From the Charter of Rights Coalition (Vancouver):

Ms. Renate Bublick.

From the Association of Liberals to amend and reform the Meech Lake Accord (ALARM):

Mr. Howard Levitt;

The Honourable John Roberts.

Mr. Guy P. French, Private Citizen.

Mr. Michael MacDonald, Private Citizen.

From the Canadian Association of Social Workers:

Ms. Marion Walsh, President;

Ms. Mary Hegan, Executive Director.

Friday, March 4, 1988 (Issue No. 3)

Mr. Robert Baragar;

Dr. Walter Fahrig;

Dr. Peter Thompson;

Mr. Earling Stolee.

From the National Council of Women of Canada:

Ms. Pearl Dobson, Executive Secretary;

Ms. Marianne Wilkinson, Convenor, Economics Committee.

From the B.C. Women's Liberal Commission:

Ms. Jane Shackell.

From Quebec for All:

Ms. Carol Zimmerman, P.S.W., President;

Mr. David Sadovnick.

Mr. Michael White, Private Citizen

From the West Coast LEAF Association:

Ms. Suzanne Frost, Member.

From the Townshippers Association:

Ms. Heather Keith-Ryan, President;
Ms. Marjorie Goodfellow, Member of the Executive.

From the National Federation of Nurses' Unions:

Ms. Kathleen Connors, President.

From the Ontario March of Dimes:

Mr. Randall Pearce, Director of Public Affairs;
Mr. Larry Wigle, Past Chairperson, Advisory Committee.

From the Disabled Women Network of British Columbia:

Ms. Jillian Ridington.

From the Ontario Metis and Aboriginal Association:

Mr. Charles Recollet, President;
Mr. Chris Reid, Legal Counsel.

From the Ontario Black Coalition for Employment Equity:

Mr. Roy Williams, President;
Mr. John Cordice, Chairperson, Research and Education.

Wednesday, March 16, 1988 (Issue No. 4)

From the Algonquins of Barriere Lake:

Chief Jean-Maurice Matchewan;
Mr. Michel Thusky, Administor;
Mr. Russel Diabo, Consultant;
Mr. David Nehwegahbow, Legal Counsel.

Professor Michael Behiels, Department of History, University of Ottawa.

From the Indian Association of Alberta:

Mr. Gregg Smith, President.

From the Kettle Point and Stoney Creek Indian Band:

Chief Charlie Shawkence.

Friday, March 18, 1988 (Issue No. 5)

From the League for Human Rights of B'Nai Brith Canada:

Mr. David Matas, National Legal Counsel;
Ms. Rebecca Zuckerbrodt, Intergovernmental Liaison.

Mr. Harry Daniels, Private Citizen.

Professor Michel Bastarache, Faculty of Law, University of Ottawa.

From the Canadian Advisory Counsel on the Status of Women:

Ms. Sylvia Gold, President;
Ms. Tina Head, Legal Analyst;
Ms. Judith Nolte, Senior Advisor.

Mr. Paul Wintemute, Private Citizen.

Professor Tony Hall, Department of Native Studies, University of Sudbury,

From Four Nations of Hobbema:

Ms. Dale Montour, Co-ordinator;
Ms. Judy Sayers, Legal Counsel.

Mr. Bryan Schwartz, Private Citizen.

APPENDIX VI

Committee of the Whole on the Meech Lake Constitutional Accord

List of Briefs Received

The Committee of the Whole received submissions from the following groups and individuals:

Ad Hoc Committee of Manitoba Women's Equality-Seeking Groups Concerned about the Meech Lake Accord
Winnipeg, Manitoba

Ad Hoc Committee of Women on the Constitution
Ottawa, Ontario

Ad Hoc Committee on the Meech Lake Accord and Women - Nova Scotia
Halifax, Nova Scotia

Affiliation of Multicultural Societies and Service Agencies of B.C.
Vancouver, British Columbia

Aitken, Sally
Westmount, Quebec

Alam, Ann
London, Ontario

Algonquins of Barriere Lake
Rapid Lake, Quebec

Alliance Québec
Montreal, Quebec

Alliance for the Preservation of English in Canada
Thornhill, Ontario

Apps, W. Alfred
Ingersoll, Ontario

Armstrong, Joe C.W.
Toronto, Ontario

Assemblée des Premières nations
Ottawa, Ontario

Asper, Issy
Winnipeg, Manitoba

Association canadienne-française de l'Alberta
Edmonton, Alberta

Association des juristes d'expression française de l'Ontario
Ottawa, Ontario

Association of Liberals to Amend and Reform the Meech Lake Accord (ALARM)
Toronto, Ontario

Baines, Correlie
Toronto, Ontario

Balmanoukian, Raffi Andrei
Bedford, Nova Scotia

Baragar, Robert
Ottawa, Ontario

Behiels, Michael D.
Ottawa, Ontario

Benton, S.B.
Oromocto, New Brunswick

Birch, Terry
Brownsburg, Quebec

Bishop, Collin
Kelowna, British Columbia

Bliss, Michael
Toronto, Ontario

B'Nai Brith Canada, League for Human Rights
Downsview, Ontario

Boon, J.A.
Fort Saskatchewan, Alberta

Bowal, Peter
Edmonton, Alberta

Breton, Albert
Toronto, Ontario

Brett, Margaret
Penticton, British Columbia

British Columbia Coalition of the Disabled
Vancouver, British Columbia

British Columbia Women's Liberal Commission
Vancouver, British Columbia

Brooks, R.G.
Saint Laurent, Quebec

Broome, Douglas R.
Vancouver, British Columbia

Cameron, Kirk
Whitehorse, Yukon

Canadian Advisory Council on the Status of Women
Ottawa, Ontario

Canadian Council on Social Development
Ottawa, Ontario

Canadian Ethnocultural Council
Ottawa, Ontario

Canadian Federation of University Women
Ottawa, Ontario

Canadian Nurses Association
Ottawa, Ontario

Canadian Parents for French
Ottawa, Ontario

Canadian Pensioners Concerned (Alberta Division)
Edmonton, Alberta

Canadian School Trustees' Association
Ottawa, Ontario

Canadian Teachers' Federation
Ottawa, Ontario

Chahley, William
Rothesay, New Brunswick

Charter of Rights Coalition (Vancouver)
Vancouver, British Columbia

Citizens for Public Justice
Calgary, Alberta

Coalition for Public Education
Pembroke, Ontario

Collins, Edward J.
Don Mills, Ontario

Confederation of Regions Manitoba Party
Brandon, Manitoba

Cook, Ramsay
North York, Ontario

Coulter, G.
Amherstburg, Ontario

Crawford, Mark
Toronto, Ontario

Crook, Gilbert J.
Havelock, Ontario

Crotty, Bernard
Edmonton, Alberta

Crow, Stanley
Don Mills, Ontario

Cyr du Ville, Alexandre
Ottawa, Ontario

Danson, Timothy S.B.
Toronto, Ontario

de Blois, André
Sherbrooke, Quebec

Desilippe, Lloyd
Amherstburg, Ontario

Disabled Women's Network of British Columbia
Surrey, British Columbia

Doucette, Marion G.
Aylmer, Quebec

Douglas, Ken
Winnipeg, Manitoba

Emel, Sigmund
Kitchener, Ontario

End Legislated Poverty
Vancouver, British Columbia

Fédération des Franco-colombiens
Vancouver, British Columbia

Finley, T. Bennett
Saskatoon, Saskatchewan

Four Nations of Hobbema
Hobbema, Alberta

Foxcroft, Daryl R.
Nanaimo, British Columbia

Fraser, D.D.
Victoria, British Columbia

Fraser, Max
Whitehorse, Yukon

Freedom of Choice Movement
Montreal, Quebec

French, Guy P.
Toronto, Ontario

Frost, G.W.
Sooke, British Columbia

Fullerton, John T.
Sarnia, Ontario

Gaudry, Elvin A.
Mississauga, Ontario

Geraets, Theodore F.
Ottawa, Ontario

Gilbert, Richard
Toronto, Ontario

Gilman, Ole
Smithville, Ontario

Giroux, Jean-Baptiste
Sainte-Foy, Quebec

Goetz, David
Montreal, Quebec

Gordanier, E.J.
Deseronto, Ontario

Gordon, Donald E.
Calgary, Alberta

Gray, Glenn
Islington, Ontario

Green, Joyce A.
Lethbridge, Alberta

Hall, Tony
Sudbury, Ontario

Health Coalition of Cape Breton
Sydney, Nova Scotia

Healy, Donald L.
Melbourne, Quebec

Hemming, Timothy
Toronto, Ontario

Herdman, Jack
Amherstburg, Ontario

Hobley, Peter
Pointe Claire, Quebec

Human Rights Institute of Canada
Ottawa, Ontario

Hurley, Patricia
St. Catharines, Ontario

Indian Association of Alberta
Edmonton, Alberta

Johnson, A.W.
Ottawa, Ontario

Johnston, Honorable Donald J.
Ottawa, Ontario

Joy, Richard J.
Ottawa, Ontario

Keith, Mary F.
St. John West, New Brunswick

Kelland, J. David
Esterhazy, Saskatchewan

Kelowna Women's Resource Center
Kelowna, British Columbia

Kilgour, D. Marc
Waterloo, Ontario

Kirkman, F.K.
Beaconsfield, Québec

Kushner, C.N.
Winnipeg, Manitoba

Laberge, Henri
Ste-Foy, Québec

Lannan, Michael D.
Kitchener, Ontario

Lawrance, Howard W.
Duncan, British Columbia

Leahy, J.
Fort St. John, British Columbia

Legg, E.J.
Aurora, Ontario

Leitch, Pauline
Thornhill, Ontario

Lemieux, Paul-Émile
Mont-Louis, Quebec

Levesque, Terrence J.
Waterloo, Ontario

Lin, Samuel Y.
Winnipeg, Manitoba

Locke, J.J.
Calgary, Alberta

Mahannah, F. Paul
Cowansville, Quebec

Makivik Corporation
Wesmount, Quebec

Malicki, Marek S.
Mississauga, Ontario

Manitoba Action Committee on the Status of Women
Winnipeg, Manitoba

Mansell, F.
Minnedosa, Manitoba

Martineau, Léo
Aylmer, Quebec

Macdonald, Alex B.
Vancouver, British Columbia

MacDonald, Eileen A.
Don Mills, Ontario

McDonald, Michael J.
Weston, Ontario

Maclean, Vince
Halifax, Nova Scotia

MacNeil, Malcolm
Fredericton, New Brunswick

McConnell, W.H.
Saskatoon, Saskatchewan

McIntyre, Edith
Peterborough, Ontario

McPhee, David G.
Vancouver, British Columbia

Mino, Gene A.
Timmins, Ontario

Mohawk Council of Kahnawake
Kahnawake, Quebec

Mountain, Elizabeth and Howard
Willowdale, Ontario

Mowry, Deborah A.
Timmins, Ontario

Mulder, Trudi-Marie
Surrey, British Columbia

Murphy, Margaret
Penticton, British Columbia

National Action Committee on the Status of Women
Toronto, Ontario

National Anti-Poverty Organization
Ottawa, Ontario

National Association for Canadians
Victoriaville, Quebec

National Association of Women and the Law
Ottawa, Ontario

National Council of Women of Canada
Ottawa, Ontario

National Federation of Nurses' Unions
Ottawa, Ontario

National Union of Provincial Government Employees
Ottawa, Ontario

Native Council of Canada
Ottawa, Ontario

Neale, Rose
Dorval, Quebec

Nixon, R. W.
Perth, Ontario

O'Donnell, James
North Vancouver, British Columbia

Okanagan Women's Coalition
Okanagan, British Columbia

Oldford, Albert L.
Nanaimo, British Columbia

Ontario Association of Professional Social Workers
Ottawa, Ontario

Ontario Black Coalition for Employment Equality
Toronto, Ontario

Ontario March of Dimes
Toronto, Ontario

Ontario Metis and Aboriginal Association
Sault Ste. Marie, Ontario

Opstad, Albert
Edmonton, Alberta

Pappas, Steven
Ottawa, Ontario

Paulin, James R.
Vanier, Ontario

Pelot, Bernard J.
Ottawa, Ontario

Penticton University Women's Club
Penticton, British Columbia

Podoliak, Tillie
Toronto, Ontario

Poushinsky, Jim
Edwards, Ontario

Prairie Treaty Nations' Alliance
Ottawa, Ontario

Prince Edward Island Advisory Council on the Status of Women
Charlottetown, Prince Edward Island

Project North
Victoria, British Columbia

Public Service Alliance of Canada (PSAC)
Ottawa, Ontario

Puddy, James
Scarborough, Ontario

Quebec Association of Protestant School Boards
Montreal, Quebec

Quebec Federation of Home and School Associations
Montreal, Quebec

Quebec for All
Montreal, Quebec

Quittner, J.
Toronto, Ontario

Ranger, Norman
Longueuil, Quebec

Ray, A.K.
Gloucester, Ontario

Recherches Scientifiques et Techniques
Mont-Louis, Quebec

Reform Party of Canada
Edmonton, Alberta

Robertson, W.M.
Brights Grove, Ontario

Romanchuk, Alexander S.
Westlock, Alberta

Rondeau, Jean Marie
Ottawa, Ontario

Rose, Alex K.H.
Lacombe, Alberta

Russell, Peter
Toronto, Ontario

Samuel, Matilda
Beaconsfield, Quebec

Scarlett, Donald
Kaslo, British Columbia

Schmidt-Clever, Geraldine
Toronto, Ontario

Schwartz, Bryan
Winnipeg, Manitoba

Scott, Stephen A.
Montreal, Quebec

Sims, Henry A.
Ottawa, Ontario

Sisler, Berenice B.
Winnipeg, Manitoba

Smith, Dale W.
Simcoe, Ontario

Smith, Leslie C.
Toronto, Ontario

Société des Acadiens du N.-B.
Petit-Rocher, New Brunswick

Spears, Edna M.
Sarnia, Ontario

Spence, Geo. D.
Victoria, British Columbia

Spinney, Robert E.
Calgary, Alberta

Spittlehouse, D.L.
Victoria, British Columbia

Stanford, Mr. and Mrs. Hugh T.
Langley, British Columbia

Stanton, M.S.
Calgary, Alberta

Stewart, Len
Hull, Quebec

Stratton, Robert E.
Perth, Ontario

Taylor, Forrest
West Vancouver, British Columbia

Thériault, Théophile
Petit Rocher, New Brunswick

Tilson, H.M.
Mill Bay, British Columbia

Townshippers Association
Sherbrooke, Quebec

Trip, Gwen
Brandon, Manitoba

University of Prince Edward Island Women's Studies Group
Charlottetown, Prince Edward Island

Vancouver Association of Women and the Law
Vancouver, British Columbia

Vancouver Community Legal Assistance Society
Vancouver, British Columbia

Vancouver Quadra Liberal Association
Vancouver, British Columbia

vanDeursen, Ronald
Mt. Pleasant, Ontario

Van Sickle, K.
Richards Landing, Ontario

Varaleau, Darlene
Toronto, Ontario

Vice, Stephen
Toronto, Ontario

Wade, Douglas Graham
Winnipeg, Manitoba

Waldie, Bruce
Pincourt, Quebec

Waterman, John S.
Victoria, British Columbia

Weineich, Thelma
Vancouver, British Columbia

West Coast L.E.A.F. Association
Vancouver, British Columbia

Williams, Blair
Montreal, Quebec

Williamson, E.L.R.
Ottawa, Ontario

Wintemute, Paul J.
St. Catharines, Ontario

Women's Legal Education and Action Fund
Toronto, Ontario

Women's Network Inc.
Charlottetown, Prince Edward Island

Wood, James
Toronto, Ontario

Woods, George A.
Hamilton, Ontario

Yeo, David
Roblin, Manitoba

YWCA of Calgary
Calgary, Alberta

Respectfully submitted,

GILDAS L. MOLGAT
Chairman