

CONSTITUTIONAL PATRIATION The Lougheed-Lévesque Correspondence

with an Introduction by
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Foreword

For almost four decades the constitution has been at the centre of political debate in Canada. This was particularly true in the late 1970s and early 1980s when Pierre Trudeau and his Liberal government were involved in intense political negotiations with the provinces. The result was the most comprehensive set of constitutional amendments to the Canadian Constitution since 1867. In the end, all the provincial governments except Quebec had agreed to the terms of a new constitution that included a new amending formula and an entrenched *Charter of Rights and Freedoms*.

Although the new constitution is now more than 15 years old, all the old wounds stemming from its creation are not yet healed. In particular, the fact that Quebec is still not a signatory to the Canadian Constitution despite several attempts since 1982, is one of the continuing challenges facing both Canadian federalism and democracy.

A great deal has been said and written about the negotiations that led to the 1982 agreement and the Quebec government's role, or lack thereof, in those negotiations. This correspondence between Premier Peter Lougheed of Alberta and Premier René Lévesque of Quebec, and their respective ministers, was exchanged in the period immediately after the patriation of the new constitution. The previously unpublished letters contain an account of the negotiations by the participants themselves. While it is unlikely that any single account of how or why Quebec was unable to agree to the new constitution will resolve that issue, it is hoped that this correspondence will provide additional insights and clarifications that may help to form a clearer and more complete picture of the events that led to the patriation of the constitution in 1982.

J. Peter Meekison is one of Canada's leading federalism experts, and during the debate over patriation he was the Deputy Minister of Intergovernmental Affairs in Alberta. His introduction to this correspondence outlines some of the historical events that shaped the direction of the debate over the constitution and sets the context in which Lougheed and Lévesque exchanged their letters.

This correspondence was made available to the Institute of Intergovernmental Relations at Queen's University and the Canada West Foundation by the

Honourable Peter Lougheed. As Mr. Lougheed is the Chancellor of Queen's University and the former Premier of Alberta it is particularly appropriate that this volume be co-published by the Institute of Intergovernmental Relations and the Canada West Foundation.

Harvey Lazar
Director
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Roger Gibbins
President
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Introduction

J. Peter Meekison

On April 17, 1982 the Queen signed the Royal Proclamation which patriated Canada's constitution. As part of the patriation initiative there was also a major constitutional amendment, the *Constitution Act, 1982*. The *Constitution Act, 1982* contained the Charter of Rights, a recognition of Aboriginal rights, an amending formula and some other changes to the constitution. It was the most significant modification of the constitution since Confederation. For the first time since July 1, 1867, when Canada became a nation, Canadians could amend all parts of their constitution without the consent of the United Kingdom Parliament. It was an historic occasion which brought to a close a major chapter in Canada's constitutional development.

Patriation became possible when the federal government and nine provincial governments reached agreement on the various parts of a comprehensive constitutional amendment on November 5, 1981. The province which did not give its assent to the proposed amendment was the province of Quebec. Circumstances surrounding Quebec's non-participation in the final discussions leading up to the agreement have been the subject of considerable rancour in that province. The reality, of course, is that there are differing interpretations of those events.

The Lougheed-Lévesque correspondence is a direct result of these differing interpretations. On March 8, 1982 Premier Lougheed wrote a letter to Premier Lévesque in which he details his "understanding of the events which occurred and, particularly Alberta's view of the nature of the April 16, 1981 Accord...." Premier Lévesque responded to this letter on May 5, 1982. There was no further correspondence between them on this matter.¹ Until now, other than for those few

At the time the letters were written J. Peter Meekison was the Deputy Minister of Federal and Intergovernmental Affairs for the Government of Alberta and had thus been involved in the various discussions leading up to the constitutional agreement of November 1981.

individuals who saw the draft, nobody was aware of this exchange of correspondence and Premier Lougheed's personal recollection of the events leading up to the November 1981 agreement.

Premier Lougheed's letter is a chronological account of constitutional developments between October 1980 and November 1981 and, in particular, addresses the activities and evolution of the "Group of Eight." The Group of Eight was made up of the provinces opposed to the federal government's unilateral patriation initiative and consisted of British Columbia, Alberta, Saskatchewan, Manitoba, Quebec, Nova Scotia, Prince Edward Island and Newfoundland.

What prompted Premier Lougheed to write to Premier Lévesque? On November 6, 1981, the day after the ten governments signed the agreement, Quebec's Minister of Intergovernmental Affairs, Claude Morin, wrote to his provincial counterparts in the Group of Eight expressing his sense of betrayal. Shortly after that he resigned from the Quebec government. Given the importance of the issues he raised and given the fact that the eight premiers reached many of their decisions and understandings in private, Premier Lougheed decided that it was essential for him to write directly to Premier Lévesque and detail his recollections of the circumstances leading up to the agreement. The purpose of this introductory essay is to give the background and context in which the correspondence should be read.

The Canadian Constitution, when it was enacted by the United Kingdom Parliament in 1867, did not include an amending formula. Any necessary changes were to be legislated by the United Kingdom Parliament. From 1927 to 1982, or for 55 years, governments in Canada searched for an amending formula upon which they could all agree. It should be remembered that the *British North America (No. 2) Act, 1949* conferred on Parliament authority to amend some important parts of the constitution. Indeed it was that amendment which, in 1950, gave governments the impetus to renew their efforts to reach agreement on a comprehensive amending formula. Only after an acceptable amending formula was agreed to could the constitution be patriated. This would end legislative control by the United Kingdom Parliament over the *British North America Act* and give responsibility for any future changes to Canadians themselves. The fact that it took 55 years to reach an agreement is indicative of the difficulties encountered along the way.

Why was agreement so elusive? While patriation and the amending formula were the desired objectives, by the mid-sixties the Quebec government wanted additional changes. This reality was clearly demonstrated in 1966 when Quebec withdrew its support for the Fulton-Favreau amending formula which had been agreed to by all governments in 1964.² Premier Lesage made it clear that he had concerns over differing interpretations of the operation of the proposed formula. It was also clear by that time that Quebec's constitutional interest was more focused on the division of powers than the amending formula.

Comprehensive constitutional reform or the era of the mega-amendment begins in 1968. The more limited objectives of securing agreement on an amending

formula to be followed by patriation became part of a more ambitious and comprehensive reform effort. As other items were added, the agenda became more complex and the likelihood of consensus more difficult. In addition to the amending formula, the agenda included the Charter of Rights; language rights; the division of powers; regional disparities and institutions of federalism, such as the Senate and the Supreme Court. Over the years, some of the broader topics such as the division of powers became more focused so that subjects such as the spending power of Parliament, pensions and other forms of income support and a provincial role in foreign affairs were addressed. In June 1971 the prime minister and the ten premiers reached a unanimous decision on a comprehensive constitutional amendment, known as the Victoria Charter. It contained among other things a Charter of Rights, language rights, an amending formula and a provincial role in the appointment of justices of the Supreme Court of Canada. The proposed agreement was short-lived as the Quebec government a few days later announced that it did not adequately address their concerns, and the government withdrew its support.

After that setback, constitutional discussions were temporarily put on the back burner. The federal government reactivated the issue in 1975 after the Parti Québécois (PQ) started to climb in Quebec opinion polls. In 1975-76 there were some low-key discussions but nothing comparable to the negotiations that had led to the Victoria Charter. Much of the ensuing exchange of views, including a draft constitutional amendment, was detailed in correspondence between Prime Minister Trudeau and the premiers.³ In a letter to the premiers dated March 31, 1976, the prime minister stated that the Government of Canada could proceed with patriation without the unanimous consent of the provinces. He said:

"Patriation" is such a historic milestone that it would be ideal if all Premiers would associate themselves with it.

But if unanimity does not appear possible, the federal government will have to decide whether it will recommend to Parliament that a Joint Address be passed seeking "patriation" of the B.N.A. Act. A question for decision then will be what to add to that action.⁴

Up to that point the provinces had worked on the premise that constitutional convention dictated that patriation and changes to the constitution affecting the federal system required the unanimous consent of the 11 governments. By its statement, the federal government put the provinces on notice that it challenged their assumption.

The 1976 initiatives came to an abrupt ending that fall with the election of the Parti Québécois, a party committed to Quebec sovereignty. This event fundamentally altered the dynamics of the constitutional debate. As part of its platform, the PQ pledged to have a referendum on the future of Quebec's relationship with Canada. The referendum was held in May 1980 and the opponents of sovereignty association (the NO side) won. During the referendum campaign, the federal

government and various provincial governments made it clear that, if the NO side won, they would address Quebec's constitutional concerns.

In the period between the election of the PQ government and the referendum, there was no shortage of constitutional negotiating, analysis and review. For example, in 1978, the Government of Canada released Bill C-60, a draft constitution for Canada, along with a companion document called, *A Time for Action*. In the latter, the Government of Canada staked out the ground rules for any future constitutional negotiations: (1) the federal principle was not negotiable and (2) a new constitution should contain a Charter of Rights. The provinces reviewed the documents at their 1978 Premiers' Conference and responded by setting out their own position. This set the stage for a series of constitutional negotiations, which took place in the late fall of 1978 and winter of 1979. Throughout, Quebec was an active participant in the deliberations. In late January 1979, just before the constitutional conference, the Pepin-Robarts National Unity Task Force published its report, *A Future Together*. Even after the release of that report no consensus was reached and negotiations simply ended. No attempt was made to set a date for their resumption. A federal election was imminent and it was becoming increasingly clear that the Liberal government was in some difficulty with the voters.

In the 1974 Throne Speech debate, Prime Minister Trudeau had indicated his strong desire to see patriation achieved during the life of that Parliament.⁵ Nearly five years later, and after it had become clear that a constitutional agreement was not even a remote possibility, Parliament was dissolved and the Liberal government was defeated. The minority Progressive Conservative government lasted only nine months and in February 1980 the Liberals were returned to office. One of the first challenges facing the new federal government was the Quebec referendum scheduled for May 19, 1980. In the 1980 Throne Speech debate, Prime Minister Trudeau attacked the growing strength of provincial governments in Canada. He referred to this phenomenon as "the enemy within" and used Quebec and Alberta as examples.⁶ It was evident to all that any future constitutional negotiations would be difficult, but the first priority for the federalist side was to win the Quebec referendum.

Over the ten-year period from 1968 to 1978 the agenda for constitutional reform had continued to evolve. One area which was constantly being refined was the "division of powers." Governments needed to specify which particular powers they wished to see reformed. Current policy questions then challenging the federal system were added to the list of topics under review. As a result, the more specific questions of natural resource ownership and interprovincial trade, indirect taxation, communications, off-shore resources, fisheries, unification of family law and the declaratory power had been added to the agenda.

Within days of the decisive NO vote in the Quebec referendum, the federal government moved quickly to begin a new and very intensive round of constitutional negotiations. Prime Minister Trudeau met with the premiers on June 8, 1980 to reach agreement on the agenda and the schedule. This gathering was the

first time the first ministers had met to address this question since the failed conference in February 1979. The dynamic at this meeting was very different, however. The Liberal government had a new mandate (although with little support in Western Canada) and the PQ had lost the referendum and were well into the fourth year of their mandate. For the most part, the agenda was the same as that agreed to in 1978 with one important difference. The federal government added the topic, "powers over the economy." Discussions on this subject were held concurrently with negotiations on natural resources, suggesting that the two topics were linked. Any gains by the provinces in the area of natural resources would thus be offset by changes to either Sec.121 of what is now the *Constitution Act, 1867* or by strengthening federal regulatory authority over the economy.⁷

It was a large, complex agenda dealing with the Charter, structures of the federal system and the division of powers. Throughout the summer of 1980, ministers and officials worked to produce a series of best efforts drafts on each agenda item. On some subjects, such as the Supreme Court and equalization, discussions had taken place at several of the earlier constitutional negotiations so both the issues and the implications for the federal system were well understood. Familiarity did not necessarily mean that a consensus was more achievable. It meant, however, that the earlier drafts were a convenient place to start, thereby saving time. For other subjects such as communications and powers over the economy, the broad policy alternatives were recognized but the lead time necessary to produce draft constitutional texts was simply not available. In September the first ministers, as previously agreed, met to review progress. As the Throne Speech debate foreshadowed, there were clashing visions over the nature of the federal system, the influence of the courts in interpreting the Charter and the differing needs and perspectives of the various regions of Canada. After several days of both philosophical and, occasionally, acrimonious debate the conference ended without a consensus and with no agreement on the future course of the process.

The provinces did not have long to wait to discover what would happen next. In early October, Prime Minister Trudeau announced that the federal government would act unilaterally and seek patriation with a limited series of constitutional amendments including a Charter of Rights and an amending formula. While provinces had been forewarned of this possible course of action in 1976, most doubted that it would occur. Now, however, it seemed highly probable.

On October 6, 1980 the Government of Canada tabled a Proposed Resolution for a Joint Address and suggested the creation of a Special Joint Committee of the Senate and House of Commons to examine its content.⁸ The amending formula included in the Joint Address was modeled after the one in the 1971 Victoria Charter but it included one major change. The change was the addition of a section providing for a tie-breaking referendum if necessary. It was not the amending formula that reflected the consensus or best efforts position presented at the September Constitutional Conference, which was referred to as the Vancouver formula.⁹ It should be noted that most of the text of the proposed series of

constitutional amendments reflected either the efforts of the summer of 1980 or the efforts of previous negotiations. As part of the process, and as a means of gaining support for this unprecedented step, the Special Joint Committee was to hold public hearings on the contents of the proposed amendment.

The ten provincial premiers met in mid-October to discuss their response to the federal government's actions. Essentially the provinces divided into two groups, those opposed to the unilateral action and those who were prepared to support it. The provinces of Ontario and New Brunswick were in the latter category while the others were opposed. Initially Saskatchewan looked for a different alternative but, being unsuccessful in achieving its objective, joined later with the other seven creating an alliance which became known as the "Group of Eight."

The strategy of the eight provinces was very straight-forward consisting of three components. The first was to challenge the constitutionality of the unilateral federal action; the second was to propose an alternative patriation plan; the third was to convince the United Kingdom Parliament that it should not act on the Canadian request until a federal-provincial agreement had first been reached in Canada. The provinces initiated reference cases before the courts of appeal in Manitoba, Quebec and Newfoundland arguing that unilateral federal action was unconstitutional. The Manitoba Court of Appeal upheld the federal position in a February 3, 1981 decision. On March 26 the Supreme Court of Canada granted leave to appeal. On March 31 the Newfoundland Court of Appeal came to the opposite conclusion from the Manitoba court and agreed with the provinces. On April 15 the Quebec Court of Appeal supported the federal position.

While the provinces pursued the court challenge, the proposed resolution continued to work its way through the parliamentary process. The Group of Eight was aided in their efforts by the delaying tactics of the official opposition. Shortly after the Manitoba court decision was announced, the report of the Special Joint Committee was tabled in the House of Commons for debate.¹⁰ The decision by the Supreme Court to hear the appeal and the differing court decisions created a problem for the federal government. It could proceed with the request to the UK Parliament but run the risk of having that Parliament refuse to deal with it because of the continuing legal uncertainty. Alternatively it could defer a final vote on the resolution until the Supreme Court had ruled on the constitutionality of the process. The prime minister implied he would be amenable to the latter course of action on March 31, 1981, the same day as the Newfoundland court decision!¹¹

The eight provinces also worked on their own alternative plan consisting of patriation, an amending formula based on the one drafted the previous summer, and a commitment to continuing discussions after patriation. The provincial plan was conditional upon the federal government's withdrawing the resolution then before Parliament. During the development of the eight-province position, Premier Lévesque called a provincial election. While he followed the evolution of the position, his main focus was on getting re-elected. Once it became clear that the federal government would wait for the Supreme Court to rule on the constitutionality of the unilateral federal initiative, the pressure for immediate action

subsided. The eight provinces agreed to defer ratification of their Patriation Plan until after the April 13 Quebec election. They chose April 16 for their signing ceremony.

The eight premiers agreed to meet on the evening of April 15 to review the document and go over the logistics for the next day's ceremony. What was to have been a reasonably brief session turned into a major negotiation on the specifics of the plan, particularly the amending formula. Premier Lévesque wanted to make certain changes. It became abundantly clear that, unless the other provinces accepted Premier Lévesque's modifications to the document, the signing ceremony would need to be canceled. Faced with the alternatives of no agreement versus an amended one, the other premiers acquiesced. The signing ceremony took place but the cohesion of the Group of Eight suffered as a result.

A second event which added further strain on the Group of Eight occurred in May 1981. Ministers and officials from the Group met in Winnipeg to review events and to develop the next component of their strategy in the event that the Supreme Court rejected their appeal. Their discussions focused on the UK Parliament and what steps might be taken to have that legislature defer a decision on the resolution until the federal and provincial governments had resolved the matter in Canada.

In the course of the discussions, Claude Morin shared his thoughts on the possible outcomes. Referring to the Supreme Court's pending decision he said, "If we win, we win; if we lose, we win." He then went on, "If we win in the UK we win and if we lose in the UK we win. We win all ways!" It was evident from his comments that the "we" he was referring to was Quebec, not the Group of Eight.

After this very candid and revealing comment, there was a deafening silence as the others grasped and assessed the significance of what he had said. The first response came from Roy Romanow, then Attorney General of Saskatchewan, who said, "But Claude, what about us, les Anglais, what do we win?" The answer was not forthcoming because the Chair of the meeting, sensing a possible dispute, decided to adjourn for lunch. After lunch nobody pursued the matter further but one could sense the continuing unease in the room. The cohesiveness of the Group of Eight was further undermined by M. Morin's comments.

On September 28, 1981 the Supreme Court of Canada gave its decision on the patriation reference. In its opinion on the question of constitutional convention the Supreme Court concluded:

We have reached the conclusion that the agreement of the Provinces of Canada, no views being expressed as to its quantification, is constitutionally required for the passing of the "Proposed Resolution for a joint Address to Her Majesty respecting the Constitution of Canada" and that passing of this Resolution without such agreement would be unconstitutional in the conventional sense.¹²

The decision vindicated the legal position of the Group of Eight and forced the federal government to convene a federal-provincial conference to see if an agreement could be reached.

The conference was scheduled for November 2, 1981 in Ottawa. Prior to the meeting, the Group of Eight met to discuss their tactics and how the group would function during the course of the forthcoming negotiations. At the outset, nobody could predict what would be the end result. Nobody could even say how long the conference would last. What was clear is that the level of doubt and distrust was fairly high among all 11 governments. This comment applies not only to the differences between the two opposing positions but also to the Group of Eight as the correspondence suggests. Was this to be a genuine effort on the part of everybody to reach an agreement? Was the federal government simply going through the motions? Would failure to reach an agreement mean that the federal government would proceed with its resolution?

In his letter Premier Lougheed emphasizes two themes, one being that the purpose of the Group of Eight was to halt the unilateral federal process and return to traditional federal-provincial negotiations. The other, and this is critical to appreciating the dynamics of the negotiations during the week of November 2, 1981, was that, when and if negotiations resumed, individual provinces in the Group of Eight were free to put forward new positions. In short they were not bound by the specifics of the April 16 Patriation Plan. It was understood, however, that they would inform the others of any new positions before tabling them for consideration by the conference.

Two documents were under consideration — the resolution then before Parliament and the Group of Eight Patriation Plan, a proposal which the federal government had summarily rejected the previous April. The main content of the Patriation Plan was the modified Vancouver amending formula. At the opening of the conference, participants agreed not to expand the agenda beyond what was contained in the two documents. The other subjects of constitutional reform which had been negotiated would have to wait for another day.

Choosing one or the other position was simply not a possibility. For one thing the provincial Patriation Plan required the federal government to withdraw its resolution. This was not going to happen. While failure was a very real possibility, a significant effort had to be made to find common ground if for no other reason than to demonstrate to the public that a serious attempt had been made to achieve a consensus. It is accurate to say that the Group of Eight were successful in securing a resumption of negotiations. It is equally accurate to say that some members of the group had differing thoughts about the wisdom of challenging the federal action in the UK Parliament, although they were publicly in favour of that course of action. Some were holding private discussions with other governments to see what room there was for compromise. In other words, having succeeded in resurrecting the federal-provincial process the next objective was to attempt a made-in-Canada solution. That was the purpose of the meeting.

Since the Group of Eight had not developed or considered alternatives beyond their Patriation Plan, it fell to individual provinces to advance different initiatives if the impasse was to be broken. As Premier Lougheed observed, this also provided

the provinces with an opportunity to determine whether or not Prime Minister Trudeau was serious about negotiating an agreement. In his response to Premier Lougheed, Premier Lévesque did not address this perspective and that is regrettable.

On November 4 the prime minister suggested that patriation be followed by a referendum in Canada. As Premier Lougheed indicates, Premier Lévesque was attracted to this idea. For a brief period there appeared to be agreement between Prime Minister Trudeau and Premier Lévesque. The Group of Eight caucused to review the proposal and to develop a collective response. They agreed to reject it. To their surprise and dismay Premier Lévesque indicated his support for the idea. Although the referendum proposal was ultimately rejected, the prime minister had succeeded in adding further strains to the Group of Eight.

Under what circumstances would Quebec have signed an agreement? Other than the failed referendum idea nobody can say for certain. At a minimum, since Premier Lévesque had already signed the April 16 Patriation Plan, it would have been difficult for him to disavow it at this stage. With the federal government having already rejected the Plan, because among other reasons it did not include the Charter of Rights, Quebec could have reasonably held to that position, confident that the end result would be a failed conference. Indeed as Premier Lougheed notes, Premier Lévesque wanted to conclude the conference on November 4 before an agreement was reached. The other governments disagreed with him, preferring to meet the next day after having had an opportunity to reflect on the matter overnight. As the negotiations continued, there were small signals that positions were changing. Thus the fact that a draft compromise proposal emerged should not have come as a surprise to anyone given the various comments made during the day, particularly after Premier Peckford had indicated his intention to put forward a proposal. Premier Lougheed saw the draft on the morning of November 5 when there was still time to make changes. At that time there was continued uncertainty that the federal government would accept the proposal.

As with so many other examples in Canadian politics, the final outcome was the result of major compromises where both sides gave up some strongly-held positions. The federal government accepted an amending formula reflecting the equality of provinces. In turn, the dissenting provinces, other than Quebec, accepted the Charter of Rights and the federal government agreed to the inclusion of the legislative override or notwithstanding clause (Sec. 33). During the negotiations on the Charter of Rights in September 1980, critics of an entrenched charter argued that it would undermine the principle of the supremacy of Parliament. Accordingly they recommended the use of a legislative override. At that time this modification to the Charter of Rights was rejected, out of hand by the federal government.

On the same day that the ten governments reached their historic consensus Prime Minister Trudeau tabled the text of the agreement in Parliament (See Appendix 2). At that time he outlined the areas where Quebec had a disagreement and expressed his hope that a solution could be found.¹³ When the government

tabled the revised text of the draft resolution on November 20 it included two sections intended to meet some of Quebec's criticisms.¹⁴ The federal government had consulted by telephone with the nine provinces who had signed the agreement and they gave their consent to the changes. The first modification was inclusion of the financial compensation clause in the amending formula (Sec. 40) for amendments affecting education and other cultural matters. While it was more limited in scope than what was contained in the Group of Eight April 16 Patriation Plan, it nonetheless was a further compromise on the part of the federal government, which to this point had been unalterably opposed to entrenching the practice of financial compensation in the constitution.¹⁵ The second change is found in Sec. 59 which provides that Sec. 23(1)(a), minority language education rights, language of instruction, does not come into force in Quebec until either the National Assembly or the government gives approval. Unfortunately these modifications were not sufficient to cause Quebec to change its position.

Concurrent with the attempts to find a way to accommodate Quebec's concerns was a concerted effort on the part of women's groups and Aboriginal groups to make changes to the November 5 agreement. Women's groups were enraged over the inclusion of Sec. 28 within the scope of the notwithstanding clause in the Charter and wanted it removed. Aboriginal leaders and organizations were equally determined to see restoration of the section on Aboriginal rights. Both lobbying and publicity campaigns were successful and in late November the House of Commons approved the necessary amendments to the draft resolution. In the case of Sec. 35, which recognizes and affirms Aboriginal and treaty rights, the text in the *Constitution Act, 1982* differs from the text proposed by the Special Joint Committee. As a condition of restoring the provision, some provinces wanted the word "existing" added, with the view of narrowing the possible future interpretation of this section.

On December 2, 1981 the House of Commons approved the draft resolution. On December 8, just a few days later, the Senate gave its approval ending the debate on the resolution in Canada. At this point there could be no further changes to the resolution. By this time, when it was clear that Quebec would not join with the other governments, Premier Lougheed decided to outline his recollection of the events.

The great disappointment surrounding the 1981 constitutional agreement was Quebec's unwillingness to sign. With Quebec's non-agreement Canada's constitutional odyssey has continued since that time, the most recent manifestation being the Calgary Declaration of September 1997. What will happen next is unknown but some of the myths surrounding the evolution of the *Constitution Act, 1982* are dispelled by the publication of this historic correspondence.

NOTES

1. When the letter from Premier Lougheed to Premier Lévesque was drafted to Premier Lougheed's satisfaction, he circulated the draft to the other six non-Quebec members of what had been dubbed the "Group of Eight." He wanted to make certain that the references to individual premiers and to the events discussed were accurate. Each of the six went over the draft with me and a few changes were suggested which were incorporated into the final text. When the letter to Premier Lévesque was signed, I delivered it to his office. Premier Lévesque responded to Premier Lougheed a few weeks later.
 Note that the reference in Premier Lougheed's letter to the Kershaw Committee Report is a reference to the report of the Select Committee on Foreign Affairs of the UK House of Commons which had studied the role of that Parliament with respect to patriation. The committee was chaired by Sir Anthony Kershaw.
2. The correspondence between Premier Lesage and Prime Minister Pearson is found in: Canada, House of Commons, *Debates*, January 28, 1966, pp. 421-23.
3. The correspondence and draft constitutional text are found in Canada, House of Commons, *Debates*, April 9, 1976, pp. 12695-705.
4. *Ibid.*, p. 12698.
5. See his remarks: Canada, House of Commons, *Debates*, Oct. 2, 1974, pp. 45-46.
6. See his remarks: Canada, House of Commons, *Debates*, April 15, 1980, pp. 31-37. The specific reference is at p. 32.
7. For the list of topics for discussion and the schedule for completion of the negotiations see: Canada, House of Commons, *Debates*, June 9, 1980, pp. 1977-78.
8. An amendment requiring ratification by the UK Parliament was first introduced to the Canadian Parliament by a Joint Address of the House of Commons and Senate to the Crown. After the two houses had given their approval the resolution was sent to the UK for legislative approval. The resolution consisted of two parts, the *Canada Act* and the *Constitution Act*. The former is the Act approved by the UK Parliament. It is very short and said, the *Constitution Act*, which is appended, is enacted for Canada and that no future Acts of the UK Parliament will apply to Canada.
9. The principles contained in the Vancouver formula were advanced by Alberta at the February 1979 Constitutional Conference.
10. Canada, House of Commons, *Debates*, February 13, 1981, p. 7219. The full text of the proposed resolution is found in *Debates*, February 16, pp. 7259-91.
11. Canada, House of Commons, *Debates*, March 31, 1981, p. 8786.
12. *Re Constitution of Canada*, 125 D.L.R. (3d), p.107.
13. See his remarks: Canada, House of Commons, *Debates*, November 5, 1981, pp. 12537-40.
14. The draft text is found at Canada, House of Commons, *Debates*, November 20, pp. 12983-13011. The reinstatement of the Aboriginal rights section (Sec. 35) in the draft resolution required renumbering the sections which followed. Sections 40 and

59 of the *Constitution Act, 1982* were originally Sections 39 and 58 in the draft resolution when it was tabled.

15. See Prime Minister Trudeau's comments: Canada, House of Commons, *Debates*, November 5, 1981, p.12537. When tabling the revised resolution on November 20, 1981 the Minister of Justice, Hon. Jean Chrétien stated that the proposal had originated with Claude Ryan. See his comments at p.13044.

GOVERNMENT OF QUEBEC
MINISTRY OF INTERGOVERNMENTAL AFFAIRS
OFFICE OF THE MINISTER

TRANSLATION

Quebec, November 6, 1981

Mr. Dick Johnston
Minister of Federal and
Intergovernmental Affairs
127 Legislature Building
Edmonton, Alberta

Dear Colleague:

Since I did not get the opportunity to see you yesterday before leaving Ottawa, I thought it best to write to you, as well as to our colleagues from the "Group of Eight," to let you know what I presently feel.

I would first like to say that for the last year or so I enjoyed the effort of co-operation and reflection we undertook together against Ottawa's unilateral action. At times, I thought I sensed, coming from you, a feeling of friendship and understanding for Quebec, to whom, you will remember, solemn promises had been made during the May 1980 referendum in exchange for a No vote. Certain provincial premiers personally contributed to making such promises.

On April 16th of this year, eight provinces, including Quebec, signed a formal agreement before television cameras. We of Quebec hesitated to some length before signing the Agreement, and some among you even asked openly whether we would continue to abide by its terms. Since then, you are in a position to know that we strictly and loyally respected this pledge, even though we were criticized at home for having accepted certain important compromises and for having — this is unprecedented — decided to act, at the constitutional level, in concert with seven English-speaking provinces.

It was, therefore, with a sense of increased apprehension that I noticed, at the beginning of October, immediately after the Supreme Court ruling, that some among you were beginning to go back on the contents of the April agreement and declared they were ready to examine other solutions in order to better satisfy Ottawa.

This apprehension turned to consternation and deception this week in Ottawa when I saw gradually that the April 16th agreement did not have for all the partners the importance it continued to have for Quebec. As early as last Wednesday morning, the chairman of the Group of Eight let others take over his rôle while one province, for all practical purposes, decided to leave the interprovincial common front by presenting an alternative proposal, prepared without the participation of Quebec. In addition, I have learned since then, as everyone else has, that negotiations were carried out between certain provinces of the Group of Eight on Wednesday evening and throughout the night; at no time was Quebec ever informed of these discussions.

However, these discussions concerned issues which we considered fundamental and which were part of the April 16th Accord. This Accord, which Quebec had solemnly signed last spring had, in our eyes, the value of a genuine contract which could not unilaterally be modified without consulting, or at the very least informing in advance, the other provinces which had co-signed the Agreement.

And so, on Thursday, we were confronted with a *fait accompli* which totally contradicted the Agreement. You know the rest. Quebec, to whom promises had been made in May 1980, is now less protected than before! At home, many believe we were deceived and abandoned.

Maybe there are some aspects which I do not know of at the present and which might shed a different light on my interpretation, but whatever the case, one undeniable fact remains: from now on, we are faced with a situation where a majority English-speaking government in Ottawa joining with nine English-speaking provincial governments will ask another English-speaking government in London to lessen, without its consent, the integrity and powers of the only French-speaking government in North America.

For eighteen years now, I, in one capacity or another, have been directly involved in the constitutional debate. Not for one moment did I believe we would come to the deplorable and painful situation that Quebec is in today.

I thought I should express to you these feelings, in the hope that you might understand how much we in Quebec and myself particularly are affected by this turn of events.

Sincerely,

Claude Morin

THE PREMIER OF ALBERTA

Room 307 Legislature Building, Edmonton, Alberta, Canada T5K 2B7

March 8, 1982

Honourable René Lévesque
Premier
Province of Quebec
Parliament Buildings
Quebec, P.Q.

Dear Mr. Premier:

As you may be aware, on November 6, 1981 the Honourable Claude Morin, your former Minister of Intergovernmental Affairs, wrote to the Honourable Dick Johnston, his Alberta counterpart, expressing some strongly held views respecting the events leading up to the November 5th constitutional Accord. Mr. Johnston delayed responding to Mr. Morin's letter until after the Joint Address had been approved by the Canadian Parliament with the hope that Quebec might see fit to agree to the provisions contained therein. As Mr. Morin has since resigned from your government, I felt it would be appropriate for me to write to you in some detail to outline my understanding of the events which occurred and, particularly, Alberta's view of the nature of the April 16, 1981 Accord signed by you and me together with six other Canadian premiers.

As you know, I was a very involved participant in these events. My understanding of the relevant events in chronological order is as set out below.

1. Throughout the Constitutional Conference of September 8-12, 1980, the ten premiers met to discuss and compare provincial positions and concerns. These meetings culminated in a breakfast meeting in Premier Lyon's suite on Friday, September 11th. We chose to meet there because we were following the practice that the premier who had most recently hosted the Annual Premiers' Conference, in this case Manitoba, acted as Chairman of the Premiers. This particular breakfast meeting occurred just prior to a private session with the prime minister at his residence at 24 Sussex Drive. My recollection of the purpose of the Premiers' meeting was to follow up on the discussions which had taken place at the Annual Premiers' Conference in Winnipeg a month earlier to ascertain what provincial "consensus" existed on the 12 agenda items then under discussion. On September 11th there appeared to be a

considerable degree of consensus on those issues. Later that morning, the provincial position was presented to the prime minister who rejected out of hand our consensus proposal, thus effectively ending that particular effort at "constitutional" negotiation.

2. On October 2, 1980, Mr. Trudeau announced both his constitutional resolution and his declared intention to proceed with it unilaterally through the Canadian Parliament, without the concurrence of the provinces, and to present it to the United Kingdom Parliament. The effect of the "Trudeau Resolution" would, in fact, have established a new Canadian Constitution binding upon all the provinces.
3. On October 14, 1980, the ten premiers met to discuss the situation at the Harbour Castle Hotel in Toronto. Our meeting was chaired by Premier Lyon. It soon became clear to me that the premiers of Ontario and New Brunswick were prepared to support Mr. Trudeau's proposed unilateral action. As the discussion continued, those of us — including you and me — who wanted to defend the provinces against Mr. Trudeau's steamroller tactics realized we had to see if an alliance of provinces could be established. The purpose of this alliance was to try to prevent Mr. Trudeau from succeeding with his determined course of unilateral action. One obvious option was to join together in legal action to call upon the judiciary to decide if Mr. Trudeau's proposed course of action was in accordance with existing Canadian constitutional convention. As the meeting of the ten premiers adjourned, I suggested that those premiers interested in pursuing common action, including legal action, convene in Premier Lyon's suite in the hotel.
4. Shortly afterwards, the premiers of Manitoba, Newfoundland, Nova Scotia, British Columbia, Prince Edward Island, Quebec and Alberta met and agreed to commence common legal proceedings to have the Canadian courts determine the propriety of Mr. Trudeau's declared intention to move unilaterally through the federal Parliament with his constitutional proposal. We then held a press conference in the hotel and announced our intentions. Of the seven premiers, Premier Buchanan reserved his position until after he had discussed the matter with his Cabinet. The remaining six premiers agreed to have our Attorneys General or Ministers of Justice meet in Winnipeg as soon as possible to develop the details of our legal proceedings and strategy.

To me, the April 16, 1981 Accord developed logically from the alliance struck by the six provinces on October 14, 1980. From the outset, it was clear that it was a limited alliance, limited to stopping Mr. Trudeau from proceeding unilaterally and forcing him to return to the conference table to reconvene real constitutional negotiations. Perusal of public statements by all six premiers at that time confirms that this was our common objective.

5. On October 23, 1980, Attorneys General and Ministers of Justice representing the six provinces met in Winnipeg. At that time, they agreed that references would be made to the Courts of Appeal in Quebec, Manitoba and Newfoundland. The three provinces were chosen primarily on the basis of when they entered Confederation. It was further agreed by ministers that the three references would be launched as quickly as possible, and that in each court the other five provinces would intervene in support. If practical, a common appeal would be made from the three judgements in due course but without delay on our part, to the Supreme Court of Canada. (As you are probably aware, this legal plan was essentially followed through with by all six provinces.) By this time, Nova Scotia had decided not to join with the other six provinces before the provincial Courts of Appeal.
6. On February 9, 1981, the premiers of Manitoba, Newfoundland, British Columbia, Prince Edward Island, Quebec and Alberta, met at the Ritz Carlton Hotel in Montreal to review the situation. It was apparent that the legal appeals were proceeding according to the agreed to plan. The reference had been heard and decided upon in Manitoba and would be decided shortly in Quebec and Newfoundland. The Manitoba judgement had been handed down on February 3rd and one subject we discussed was at what point should we file an appeal to the Supreme Court — before or after the Newfoundland Court judgement which we soon expected.

It was agreed that an effort should be made by certain premiers to try to convince the premiers of Saskatchewan and Nova Scotia to join us. (By that time, it had become public knowledge that the negotiations between Saskatchewan and the federal government to arrive at mutually agreeable changes to the proposed resolution had been unsuccessful.) It was also agreed that, as a backup position to our legal initiatives, we should coordinate our efforts in London to convince United Kingdom Parliamentarians that they should not "hold their noses" (to use Mr. Trudeau's words) if and when the federal proposals to amend the constitution were placed before them. The Kershaw Committee Report had been released just prior to our meeting and I was able to report on my meeting with him in Edmonton on February 6th.

We also discussed the considerable public criticism which had been expressed since the formation of our alliance in October 1980 to the effect that we had only a negative position and no alternative to the federal proposal. It was clear that most Canadians wanted patriation, and believed that the premiers could not even agree among ourselves on something as fundamental as an amending formula. We agreed to take the "Vancouver Formula" as a starting point in an attempt to devise an acceptable amending formula. You will recall that the "Vancouver Formula" was the principal amending formula discussed by Intergovernmental Affairs Ministers of the 11 governments during the summer of 1980 and which ultimately became the "best efforts" draft tabled

at the September 1980 Conference. I also recall that while you agreed to the formula in principle at the September Conference, you wished to make some changes but did not present any specific proposals. It was this formula which had formed part of the tentative consensus of the ten premiers at the breakfast meeting I have already referred to on September 11, 1980.

At our meeting of February 9, 1981, we asked our Intergovernmental Affairs Ministers and/or Attorneys General to meet and see if they could draft and agree to a detailed amending formula. I also suggested at this time that the factors of time and distance plus growing public expectation warranted a new approach to future communications amongst ourselves, and proposed more frequent use of telephone conference calls which would be initiated by our Chairman, Premier Lyon.

7. During the month of February 1981, the Premier of Nova Scotia, John Buchanan, stated publicly that he was joining with the six premiers who had taken legal initiatives on the constitution *because* he objected to Mr. Trudeau's unilateral action and wanted to return to the conference table for further constitutional negotiations.
8. Also during the month of February 1981, the Premier of Saskatchewan, Allan Blakeney, said that his government would now meet with the other seven governments (the original six plus Nova Scotia) on the basis of attempting to change the *process* of constitutional change from one of unilateral federal action to one of real negotiation between the federal government and the provinces. Mr. Blakeney and his representatives made it completely clear then — both publicly and privately — that Saskatchewan's involvement with the other seven provinces did not commit him or his government to any constitutional position if new negotiations developed, and that he and his government's involvement was solely on the basis of changing the process of constitutional action. During our conference call of March 27, 1981, he made it very clear that signing the Accord did not bind him irrevocably to that particular amending formula. (He repeated his position on April 15, 1981, on November 1, 1981, and on other occasions.) There was no objection taken by any other premier to Mr. Blakeney's caveat.

The reason there was no objection was because from the outset — October 14, 1980 — the original premiers had fully understood that our objective as a group of six and later eight premiers was to stop Mr. Trudeau's attempted constitutional steamroller and return to real federal-provincial constitutional negotiations. For my part, I had stated this position on a number of occasions, both publicly and privately.

9. On February 26, 1981, ministers or officials representing all provinces but Ontario and New Brunswick (hereinafter referred to as the Group of Eight) met in Montreal, and on March 6th they met in Winnipeg to attempt to work

out a new amending formula which would form part of a plan premiers could present publicly as an alternative approach to Mr. Trudeau's unilateral constitutional course of action. Quebec was not represented by Mr. Morin in Winnipeg but by his Deputy Minister, Robert Normand. At those meetings, provinces also reviewed the various legislative resolutions which had been proposed and/or adopted, publicity campaigns and initiatives which might be taken in the United Kingdom.

10. The ministers' discussions culminated in a series of telephone conference calls on March 18, 27, 30 and April 3 and 14, 1981. These calls were initiated by Premier Lyon and, as I recall, most premiers were on the line. In instances when they were not, they were represented by either a minister or an official. I appreciate that Quebec was not on the line on March 27th but Premier Lyon and you were to talk after the call. These conference calls provided each premier with an opportunity to raise specific concerns and to discuss the future course of events.

During those calls, a number of items were discussed, including the amending formula developed by our respective ministers. We all agreed on March 30th that the formula was acceptable. At the outset you made it clear that if you won the election you would sign the Accord. You also stated that you could live with the formula but that you did not like the two-thirds rule for opting out. You also mentioned there were a few other wrinkles. At no time during this call did you suggest that you had major reservations about the amending formula.

During these calls we discussed when to sign the eight-province Accord. Our reason for concern was the uncertainty of whether Mr. Trudeau would continue to push the Joint Resolution through the Canadian Parliament or wait for a judgement from the Supreme Court of Canada. While our initial preference was for early April, during the March 30th conference call you made it clear that you were unwilling to participate in a signing ceremony during your election unless it was absolutely necessary. You referred to the fact that the "house was not on fire." You did not want a "monkey wrench" thrown at you shortly before your April 13th election. On March 31st Mr. Trudeau decided to withhold final passage of the proposed resolution until after the Supreme Court decision was handed down. As a result, during the April 3rd conference call it was agreed to defer the signing ceremony until after the April 13th Quebec election. While you did not participate in this call your representative stated that you would appreciate the attitude of the other provinces.

During our April 3rd conference call we agreed to meet in Ottawa on the evening of April 15th to go over the Accord for the final time and to finalize arrangements for a public televised signing of our constitutional Accord on

the morning of April 16, 1981. It was further agreed that we should present our alternative approach in a positive way to Mr. Trudeau — i.e. that we were advocating a “made in Canada” approach with immediate patriation and an amending formula (unlike Mr. Trudeau’s “made in Britain” Constitution). All other matters of constitutional reform would subsequently be negotiated in Canada. *If* Mr. Trudeau accepted our proposal and withdrew his resolution we would abandon our legal proceedings.

11. The eight premiers met in Ottawa throughout the evening of April 15, 1981, and into the early hours of the following day. We met in Premier Lyon’s suite in the Chateau Laurier Hotel. At the very outset, it was reaffirmed by Mr. Blakeney, and I believe by others, that there should be no misunderstanding — the signing of the Accord did not irrevocably tie any of the signing governments to any constitutional position — amending formula or otherwise — if Mr. Trudeau abandoned his unilateral process and agreed to modify his position and truly attempt to negotiate a consensus. There were no objections to this position, and I specifically stated that I believed this had been the understanding of all concerned since October 14, 1980. During the evening meeting, you insisted on an important change to the amending formula on the basis that you had been involved in an election campaign and had not been able to give the detailed formula your full attention. You specifically requested that the amending formula, presented to the eight of us on the evening of April 15th, be altered by deleting the requirement that a province opting out of a proposed amendment would require the support of a two-thirds majority of the members of its Assembly. You insisted that the two-thirds majority be replaced by a simple majority. While we had been aware of your concern as expressed during the March 30th call, we were unaware that modification of the provision was a condition for you signing the Accord. After much discussion the other seven premiers reluctantly agreed to the Quebec position. You made it clear that without our agreeing to the change, you were not willing to sign even though you had been prepared to do so a few weeks earlier. Another important change you insisted upon was a modification to the detailed proposals on the future course of constitutional discussions found in the Patriation Plan including deletion of the reference to having patriation accomplished by July 1, 1981. These changes were agreed to. You also insisted that the Patriation Plan include a provision requiring its ratification by the respective Legislative Assemblies and National Assembly. This also was adopted.

The next morning we signed the Accord (see Appendix 1) in the Ottawa Conference Centre. As agreed, we had it delivered to Mr. Trudeau and to the premiers of Ontario and New Brunswick. Prime Minister Trudeau rejected our alternative approach and restated his determination to proceed without further negotiations with the provinces. During our meeting after the Accord

signing, we agreed to place advertisements in all the major Canadian newspapers. The ad was to constitute a reprinting of our Patriation Plan.

12. On April 23, 1981, the House of Commons in Ottawa suspended further debate on the constitutional resolution until after the Supreme Court of Canada had rendered its judgement on the appeal from the provincial references.
13. During May, June and July 1981, there was a series of telephone conference calls involving the eight premiers or, at times, ministers and/or officials participating on their behalf. The essence of these conversations involved discussions on the timing of the Supreme Court of Canada's decision, the commissioning of a public opinion poll on the matter and the coordination of our joint activities in London.
14. The ten premiers briefly discussed the constitution during their Annual Conference, August 13-14, 1981, in Victoria. Subsequent to the Conference, the eight of us (Mr. Morris sitting in for Premier Buchanan) met on the morning of Saturday, August 15, 1981, at the Bayshore Hotel in Vancouver. This was the first meeting of the Group of Eight chaired by Premier Bennett who, as host of the 1981 Premiers' Conference, took over this role from Premier Lyon. We agreed to further coordination of our activities in London and established a plan for Mr. Bennett to respond on our behalf to the judgement of the Supreme Court of Canada when it was rendered.
15. On September 28, 1981, the Supreme Court of Canada rendered its judgement which both you and I agreed was most positive to the positions of the provinces. You will recall my mentioning during our October 19th meeting in Montreal that although the Supreme Court of Canada had ruled that it would be contrary to constitutional convention for Mr. Trudeau to proceed without the concurrence of the provinces, it seemed a reasonable interpretation of the judgement that such provincial concurrence need not be unanimous. I have no doubt that it was the Supreme Court's September 28th decision that forced Mr. Trudeau back to the bargaining table and if the Court had gone the other way on "convention" he would have proceeded with his unilateral process through Parliament and to the United Kingdom.
16. We next met in Montreal on October 19 and 20, 1981, at the Ritz Carlton Hotel to discuss our response to Mr. Trudeau's post-judgement agreement to hold "one last attempted meeting with the Premiers." The meeting was chaired by Premier Bennett. Mr. Bennett had invited Mr. Davis and Mr. Hatfield to join us, partly to discuss planning for a First Ministers' Conference on the Economy and partly to determine whether they had modified their position on the constitution in light of the Supreme Court decision. The morning and early afternoon of October 19th was spent with all ten premiers discussing the judgement and Mr. Trudeau's intentions and tactics. It became obvious to me that Mr. Davis' and Mr. Hatfield's positions were still very supportive of

the prime minister. In mid-afternoon, I suggested that the meeting of the ten premiers be adjourned so that the Group of Eight could meet and discuss tactics. The eight of us agreed on a message to Mr. Trudeau proposing a First Ministers' Conference on the Constitution to commence November 2nd in Ottawa. There was also agreement on a format which would attempt to force Mr. Trudeau to show whether or not he really intended to negotiate and modify his positions or whether he was merely going through the appearance of holding a final meeting.

It was absolutely clear to me and I believe to all who participated in the discussions of the eight premiers on October 19th and 20th at the Ritz Carlton Hotel in Montreal, that we came together as a Group of Eight *only* so long as Mr. Trudeau continued with his *process* of unilateral action. If he abandoned his unilateral process and was prepared to modify the resolution and undertake serious negotiations, then every one of the eight premiers was freed from any commitment arising out of the Accord of April 16, 1981, leaving each of us free to modify or alter his government's position on the amending formula or any other constitutional matter. The very nature of our discussions and statements of possible new approaches by a number of premiers underlined that understanding. By no stretch of the imagination was a province placed in the position that if Mr. Trudeau reversed his position and accepted the position of a particular province on its constitutional goals, such a province would still be precluded from accepting Mr. Trudeau's new and different proposals or could do so only with the concurrence and consent of the other seven provinces in the Group of Eight. I think, however, we all recognized that the solid front of the provinces had been effective thus far and it was to our tactical advantage to maintain that front.

Before adjourning in Montreal, we agreed to meet the evening before the First Ministers' Conference in Ottawa as a Group of Eight in Mr. Bennett's suite.

17. Our Intergovernmental Affairs Ministers had a final meeting to review the situation in Toronto at the Harbour Castle on October 27, 1981. I realize that Mr. Morin was concerned about alleged discussions which officials from British Columbia and Saskatchewan were reported to be having with officials from Ontario. Mr. Morin made it clear that if even one province broke with the Accord then Quebec was no longer bound by it and would move independently.
18. On the evening of November 1, 1981 — before the Conference got underway — the eight of us met in Mr. Bennett's suite in the Chateau Laurier Hotel in Ottawa to discuss strategy and tactics. My recollection is that our principal strategy was to try to "smoke out" Mr. Trudeau to determine whether he was merely going through the motions of meeting with us so that he could present

the case to the British Parliamentarians saying that he tried his best to obtain provincial concurrence, or, alternatively, that Mr. Trudeau had come to realize that the Supreme Court decision required him to modify substantially his position in order to obtain the provincial concurrence necessary for him to proceed. It was suggested by some provinces that it might become necessary to "float" new approaches to ascertain Mr. Trudeau's real intentions. At this point, I specifically asked for an undertaking by each of the eight premiers. I suggested that since it was uncertain how the conference would evolve, it would be unfair for any of the eight of us to be surprised at the conference table by a province moving away from April 16th Accord provisions, making a new proposal or accepting, in part, a new proposal from the federal government, Ontario or New Brunswick. I then suggested that we meet regularly each morning at 8:00 in Mr. Bennett's suite and additionally as needed, and that we each undertake not to modify our positions and take new positions without *advance notice* and discussions among the eight of us. This was agreed to by all eight premiers without reservation.

Implicit in this understanding is the point I have reiterated throughout, that if and when Trudeau abandoned his unilateral process and got down to serious negotiations, then each of us was free to examine and review his position. Otherwise, what would have been the need for an undertaking to give advance notice to the others of changes in our position? Clearly, it was anticipated that change was not only possible, but likely.

I also believe that it was clear from our discussions on November 1, 1981, that each of the eight governments wanted to see the constitutional matter resolved in Canada through negotiation and that we were all going to try to do our best to bring about this important result.

19. During the afternoon of Tuesday, November 3, 1981, Mr. Bennett called a meeting of the eight of us in his suite. He suggested we try to break the apparent deadlock between the federal government; Ontario and New Brunswick on the one side and the Group of Eight on the other, by floating a new proposal he presented to us. The proposal, in essence, was our April 16, 1981 Accord supplemented by a limited Charter of Rights and provisions on equalization and natural resources. While some provinces, including Quebec, expressed reservations about the proposal, we agreed to the idea that the proposal be presented to Mr. Trudeau that afternoon as an alternative approach. We also discussed the matter with Premier Davis who was then asked to attend the meeting with Mr. Trudeau. Premiers Bennett, Buchanan, Davis, and I met with Mr. Trudeau late in the afternoon of November 3rd and presented him with the proposal which he rejected.
20. At the breakfast meeting of the Group of Eight on Wednesday, November 4th, Premier Bennett informed us that British Columbia was prepared to see

minority language education rights entrenched in the constitution and stated that he intended to outline his position at the full conference. During the same breakfast meeting Saskatchewan presented a very extensive and new proposal. Premier Blakeney had informed all of us the previous afternoon that he intended to submit a proposal the following day. I saw it for the first time at the breakfast meeting. Mr. Blakeney outlined his reasons for introducing the document and stated that he was not seeking concurrence with the provisions but viewed his initiative as a tactical device for focusing the discussion. Unfortunately you were not present throughout all of this discussion at breakfast that morning.

21. During the morning session of the conference on November 4th, the federal government presented its referendum proposal. In effect the prime minister suggested patriation, which would require legislation by the United Kingdom Parliament, followed by further discussion on the Charter of Rights and on the amending formula (the federal preference on both subjects would have been contained in legislation approved by the United Kingdom). At the end of two years two separate referenda would be held, one on the amending formula and one on the Charter of Rights.

I inquired of Mr. Trudeau whether or not voting on the referenda he proposed would be conducted on a regional or provincial basis. He replied, regional although he was vague as to how the votes would be counted in the West. I emphasized that the Government of Alberta was opposed to the regional approach, such as found in the Victoria amending formula, because it was fundamental to Alberta that the constitution reflect the equality of provinces. I further argued strongly against the referendum approach because of the divisive effect on the country.

During the afternoon session of the conference, Mr. Trudeau was asked if he would write out his proposal for our consideration. He agreed and I asked Mr. Bennett to call an immediate meeting of the Group of Eight. By this time, Premier Lyon had left the conference to return to Winnipeg and Manitoba was represented by the Attorney General, Honourable Gerry Mercier. You will recall we met in a room across the hall from the room which the 11 governments had been meeting. I then argued strenuously that the eight of us oppose the referendum approach. I stated that if a majority of the provinces signed a document accepting Mr. Trudeau's proposal, all the gains of the Supreme Court of Canada judgement would be thrown away and the provinces would have to abandon their efforts in London. My recollection of that meeting is that the eight of us, including you, agreed to this position and recognized the trap in which the provinces were being placed.

When we returned to the conference room, Mr. Trudeau went around the table, starting with Alberta, and asked for each province's position on his referendum proposal. To my complete surprise and amazement you reversed

your decision and accepted the regional referendum proposal of Mr. Trudeau. The other seven provinces involved in the Group of Eight rejected the Trudeau referendum approach. I considered Quebec's move a very significant departure from the principles inherent in the Accord of April 16, 1981. Moreover, it did not conform to my understanding of our agreement reached during our evening meeting on November 1st.

22. After Mr. Trudeau's referendum proposal was rejected by the majority of the provinces late in the day on Wednesday, November 4, 1981, you proposed we make our closing statements that evening because your National Assembly was convening the next day. A number of premiers suggested that we not make our closing statements that evening but the following morning. I recall one saying we should reflect on the matter over night. Also at the end of the meeting, the Premier of Newfoundland stated he had a proposal, different from Mr. Trudeau's, which he wished to present. Since it was already late in the day he decided not to present it to the conference at that time but defer it until the following day.

Premier Peckford's ideas were known to me in a general way, and provided Mr. Trudeau was prepared to make major modifications in the federal position, I thought his ideas had some prospect of acceptance by a significant number of provinces.

23. I would have thought that every premier would have expected a great deal of lobbying and exchanges of views over the evening of November 4th because it seemed obvious to me that the conference was going to have to make some significant progress when it reconvened on Thursday, November 5, 1981, or otherwise unsuccessfully conclude. To my knowledge, you made no attempt to discuss the future course of events with any of the other premiers.
24. I purposely refrained from personal involvement in what I was sure would be intense lobbying during the evening of November 4th, preferring to wait until the 8:00 a.m. meeting of the Group of Eight the next morning before determining the final position to be taken by Alberta. On the other hand, Alberta's objective was to resolve the constitutional crisis through negotiation, provided Alberta's two objectives were met. These objectives were to secure an amending formula based on the equality of provinces, not regions, and to preserve the supremacy of legislatures by providing an override or notwithstanding clause in the Charter of Rights. Hence, we sent Dr. Peter Meekison — the Alberta Deputy Minister of Federal and Intergovernmental Affairs — to the Chateau Laurier Hotel to work on Premier Peckford's proposal so that if a consensus emerged during the evening, Alberta would have input.
25. Dr. Meekison reported to Mr. Johnston and myself in my suite at the Skyline Hotel at about 7:00 a.m. on the morning of Thursday, November 5th, and informed us that he had participated in developing a consensus of a number

of provinces during the course of the evening, which consensus met *all* of Alberta's objectives and would be contained in a document which Newfoundland would present to the breakfast meeting of the Group of Eight for discussion, at 8:00 a.m. sharp in Mr. Bennett's suite.

26. I arrived at approximately 8:00 a.m. and a number of the eight premiers were already there. A document was being circulated which was very close to the final Accord signed later that day by the federal government and all the provinces except Quebec (see Appendix 2). As time was short and prior discussion had been extensive, the review was succinct but complete. An obvious question was what was the possibility of federal acceptance. Indications were given that the federal government would substantially modify its previous positions and accept Newfoundland's proposal. Many of the premiers, including Alberta, indicated general acceptance although each of us had qualifications. Our final acceptance was subject to Mr. Trudeau indicating quickly at the conference that the proposal was — perhaps with some modification — acceptable to the federal government. We agreed that Newfoundland would present the document to the conference and we would then assess the federal response. Unfortunately, Mr. Premier, much of this discussion occurred before you arrived at the suite. Shortly after your arrival, the breakfast meeting concluded, since the delegations were anxious to be ready for the conference which was to resume in less than an hour.
27. When you arrived at the meeting you were given a copy of the Newfoundland proposal and you had an opportunity to discuss it before the Group of Eight adjourned. You will recall that I discussed the Newfoundland proposal with you privately after the meeting of the eight premiers and again later that morning and explained how it had evolved. There was no attempt to develop something behind the back of any province in the Group of Eight. The document was first presented, as agreed, to the Group of Eight at 8:00 a.m. that morning. I did not and would not concur with the Newfoundland proposal until the Group of Eight had met that morning. When I made my position known on the Peckford document, I indicated for any solution to be forthcoming everybody would have to make significant modifications.
28. I also raised with you that morning your objections on the financial compensation question and the mobility of labour provision, and indicated that Alberta would welcome modifications suggested by Quebec. You will recall you did not propose any modifications.

This has been a long and detailed chronology of these important discussions as recalled by the Premier of Alberta. I recognize you and others may have different recollections of our discussions but the foregoing represents my understanding of the chain of events leading to the constitutional agreement of November 5, 1981.

I regret that Quebec has not been able to accept the constitutional resolution, and I fully accept Quebec's position. However, I submit this chronology of my recollections clearly shows that what transpired was in no way a breach of any undertaking or commitment by the other premiers who signed the Accord of April 16, 1981. Nor did the consensus of November 5th evolve with any thought or desire of excluding Quebec. On the contrary, I believe the other nine provinces very much wished Quebec to join with them.

In any event, it is the hope and intention of the Alberta government to continue to work with your government to the mutual advantage of the citizens of both our provinces.

I have checked my references to the premiers mentioned herein with them to assure myself that my recollections are essentially accurate.

Yours truly,

Peter Lougheed

GOVERNMENT OF QUEBEC
OFFICE OF THE PREMIER

May 5, 1982

Mr. Peter Lougheed
Premier of Alberta
307 Legislative Building
Edmonton, Alberta
T5K 2B7

Dear Mr. Premier:

I read with interest your letter of March 8th in reply to Mr. Claude Morin's letter of November 6th, 1981, to Mr. Dick Johnston.

I agree, in principle, with your account of the various events which led up to the agreement of November 5th, 1981. Although certain nuances could be drawn, I don't think it worthwhile to rehash all the details. In my opinion, only a few points should be given further consideration as we look into the future.

The events in question cannot be correctly understood from Quebec's point of view without taking into consideration the fact that, in the May 1980 referendum, the advocates of federalism, including yourself, committed themselves to a renewal of our political system along lines satisfactory to the people of Quebec. However, you must admit, the constitutional agreement of November 5th is largely the opposite of that commitment. In fact, it has led to a reduction of Quebec's powers and to the negation of the existence here of a distinct society.

I am certain you will also agree that, throughout this difficult exercise of constitutional revision, Quebec made extraordinary efforts to find common ground with the other governments.

For instance, we accepted that an agreement on the division of powers did not necessarily have to come before patriation. In return, the other governments agreed to forego amendments that would diminish Quebec's powers, such as the proposed federal Charter.

However, notwithstanding commitments undertaken by us and our six colleagues, certain provinces, including Saskatchewan, were engaged, as early as September 1981, in actions completely irreconcilable with the spirit and the letter of the April 16 agreement. Moreover, during the week of November

1st, 1981, additional proposals were put forward in order to save the constitutional conference at any price.

Need I remind you that, on November 4th, Mr. Blakeney presented a proposal which, in our opinion, broke up the common front. Over and above accepting the federal Charter almost entirely, the proposal contained an amending formula which gave Quebec neither a veto nor the right of opting out. That same Wednesday, Mr. Bennett who, according to our common understanding, ought to have officially put forward and defended our proposal of the previous day, declined to do so. He even admitted having had the texts destroyed. Mr. Peckford, on his part, agreed to sponsor another document, one which was to serve as the working paper during the night of November 4th-5th.

As to that night which the people of Quebec will not soon forget, I don't share your opinion that Quebec could have joined the discussions. Neither I nor any of the people accompanying me were informed that these discussions were taking place. Furthermore, the former Saskatchewan Minister of Intergovernmental Affairs admitted, in a letter dated March 9th, that Quebec had been deliberately kept out of these talks.

These are some of the facts which, I hope, will contribute to further explaining Quebec's reaction to the events in question. Over and above the differences in outlook which necessarily vary from person to person, it remains that the commitments to Quebec during the referendum were ignored, that the April 16th agreement was trampled upon, and that, during the night of November 4th-5th, nine provinces drew up an agreement with Ottawa behind Quebec's back.

In outlining these facts, it is not my wish to perpetuate the controversy, but rather to help you understand Quebec's attitude.

Yours sincerely,

René Lévesque

Appendix 1

PREMIERS' CONFERENCE
Constitutional Accord
Canadian Patriation Plan

Ottawa
April 16, 1981

WHEREAS Canada is a mature and independent country with a federal system of government,

AND WHEREAS the Parliament of the United Kingdom has retained, at the request of the Parliament of Canada and with the approval of the Provinces, residual power to amend certain parts of the British North America Acts upon receiving a proper request from Canada,

AND WHEREAS it is fitting and proper for the Constitution of Canada to be amendable in all respects by action taken wholly within Canada,

AND WHEREAS the full exercise of the sovereignty of Canada requires a Canadian amending procedure in keeping with the federal nature of Canada,

NOW THEREFORE, the Governments subscribing to this Accord agree as follows:

1. To patriate the Constitution of Canada by taking the necessary steps through the Parliament of Canada and the Legislatures of the Provinces;
2. To accept, as part of patriation, the amending formula attached to this Accord as the formula for making all future amendments to the Constitution of Canada;

3. To embark upon an intensive three-year period of constitutional renewal based on the new amending formula and without delay to determine an agenda following acceptance of this Accord; and
4. To discontinue court proceedings now pending in Canada relative to the proposed Joint Address on the Constitution now before Parliament.

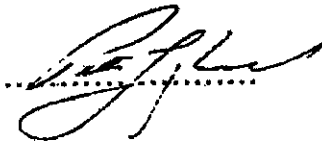
The Canadian Patriation Plan is conditional upon the Government of Canada withdrawing the proposed Joint Address on the Constitution now before Parliament and subscribing to this Accord.

The Provinces of New Brunswick and Ontario are invited to sign this Accord.

Dated at Ottawa this 16th day of April, 1981.

Signed on behalf of the under-mentioned Governments, to be followed by ratification by the respective Legislatures or National Assembly.

ALBERTA



Peter Lougheed, Premier

NEWFOUNDLAND



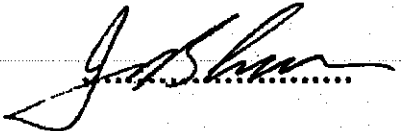
Brian A. Peckford, Premier

BRITISH COLUMBIA



William R. Bennett, Premier

NOVA SCOTIA



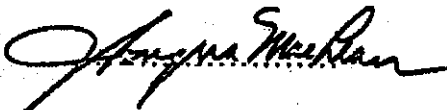
John M. Buchanan, Premier

MANITOBA



Sterling R. Lyon, Premier

PRINCE EDWARD ISLAND



J. Angus MacLean, Premier

QUÉBEC

SASKATCHEWAN



René Lévesque, Premier

Allan E. Blakeney, Premier

SIGNED ON BEHALF OF THE GOVERNMENTS OF:

NEW BRUNSWICK

ONTARIO

Richard B. Hatfield, Premier

William G. Davis, Premier

ACCEPTED ON BEHALF OF THE GOVERNMENT OF CANADA:

Pierre E. Trudeau, Prime Minister

Premiers' Conference

Amending Formula for the Constitution of Canada

Ottawa

April 16, 1981

Part A

Explanatory Notes

General Comment

The amending formula which is part of the Canadian patriation plan agreed to by eight governments in Ottawa on April 16, 1981, is the result of intensive discussions among the governments of Alberta, British Columbia, Manitoba, Newfoundland, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan.

In developing the formula several important principles were recognized:

1. All amendments to the Constitution of Canada, except those related to the internal constitution of the provinces, require the agreement of the Parliament of Canada.
2. Any formula must recognize the constitutional equality of provinces as equal partners in Confederation.
3. Any amending formula must protect the diversity of Canada.
4. Any constitutional amendment taking away an existing provincial area of jurisdiction or proprietary right should not be imposed on any province not desiring it.
5. Any amending formula must strike a balance between stability and flexibility.
6. Some amendments are of such fundamental importance to the country that all eleven governments must agree.

During discussions, it was recognized that more than one method of amending the Constitution would be necessary. Accordingly, this formula contains different methods depending on the nature of the amendment.

The eleven sections described as "Part A - Amending Formula for the Constitution of Canada" are designed to contain a full and complete procedure for the future amendment of the Constitution of Canada in all respects. The provisions

contained in Part A would replace both the limited amending formulas now contained in section 91(1) and 92(1) of the B.N.A. Act as well as the United Kingdom Parliament's residual responsibility for amending certain aspects of the Canadian Constitution.

This amending formula would apply not only to the B.N.A. Act, 1867, and amendments made to it since that date, but also to the other parts of the Constitution of Canada, including the constitutional statutes and Orders-in-Council which relate to the entry into Canada of particular provinces, for example, The Manitoba Act, 1870, the Terms of Union admitting British Columbia in 1871, and Prince Edward Island in 1873, The Alberta Act, 1905, The Saskatchewan Act, 1905, and the Terms of Union with Newfoundland, 1949.

This amending formula is clearly preferable to the one proposed by the federal government for a number of reasons: 1) it recognizes the constitutional equality of each of Canada's provinces; 2) it gives the Senate only a suspensive rather than an absolute veto over constitutional amendment; 3) it omits the referendum provision opposed by many as being inappropriate to the Canadian federal system.

PART A

AMENDING FORMULA FOR THE CONSTITUTION OF CANADA

1. (1) Amendments to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada when so authorized by:
 - (a) resolutions of the Senate and House of Commons; and
 - (b) resolutions of the Legislative Assemblies of at least two-thirds of the provinces that have in the aggregate, according to the latest decennial census, at least fifty percent of the population of all the provinces.
- (2) Any amendment made under subsection (1) derogating from the legislative powers, the proprietary rights or any other rights or privileges of the Legislature or government of a province shall require a resolution supported by a vote of a majority of the Members of each of the Senate, of the House of Commons, and of the requisite number of Legislative Assemblies.
- (3) Any amendment made under subsection (1) derogating from the legislative powers, the proprietary rights, or any other rights or privileges of the Legislature or government of a province shall not have effect in any province whose Legislative Assembly has expressed its dissent thereto by resolution supported by a majority of the Members prior to the issue

- of the proclamation, provided, however, that Legislative Assembly, by resolution supported by a majority of the Members, may subsequently withdraw its dissent and approve the amendment.
2. (1) No proclamation shall issue under section 1 before the expiry of one year from the date of the passage of the resolution initiating the amendment procedure, unless the Legislative Assembly of every province has previously adopted a resolution of assent or dissent.
 - (2) No proclamation shall issue under section 1 after the expiry of three years from the date of the passage of the resolution initiating the amendment procedure.
 - (3) Subject to this section, the Government of Canada shall advise the Governor General to issue a proclamation forthwith upon the passage of the requisite resolutions under this Part.
3. In the event that a province dissents from an amendment conferring legislative jurisdiction on Parliament, the Government of Canada shall provide reasonable compensation to the government of that province, taking into account the per capita costs to exercise that jurisdiction in the provinces which have approved the amendment.
 4. Amendments to the Constitution of Canada in relation to any provision that applies to one or more, but not all, of the provinces, including any alteration to boundaries between provinces or the use of the English or the French language within that province may be made only by proclamation issued by the Governor General under the Great Seal of Canada when so authorized by resolutions of the Senate and House of Commons and the Legislative Assembly of every province to which the amendment applies.
 5. An amendment may be made without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the passage by the House of Commons of a resolution authorizing its issue, the Senate has not passed such a resolution and if, after the expiration of those one hundred and eighty days, the House of Commons again passed the resolution, but any period when Parliament is dissolved shall not be counted in computing the one hundred and eighty days.
 6. (1) The procedures for amendment may be initiated by the Senate, by the House of Commons, or by the Legislative Assembly of a province.
 - (2) A resolution authorizing an amendment may be revoked at any time before the issue of a proclamation.
 - (3) A resolution of dissent may be revoked at any time before or after the issue of proclamation.

7. Subject to sections 9 and 10, 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.
8. Subject to section 9, the Legislature of each province may exclusively make laws amending the constitution of the province.
9. Amendments to the Constitution of Canada in relation to the following matters may be made only by proclamation issued by the Governor General under the Great Seal of Canada when authorized by resolutions of the Senate and House of Commons and of the Legislative Assemblies of all of the provinces:
 - (a) the office of the Queen, of the Governor General or of the Lieutenant Governor;
 - (b) the right of a province to a number of members in the House of Commons not less than the number of Senators representing the province at the time this provision comes into force;
 - (c) the use of the English or French language except with respect to section 4;
 - (d) the composition of the Supreme Court of Canada;
 - (e) an amendment to any of the provisions of this Part.
10. Amendments to the Constitution of Canada in relation to the following matters shall be made in accordance with the provisions of section 1(1) of this Part and section 1 (2) and 1 (3) shall not apply:
 - (a) the principle of proportionate representation of the provinces in the House of Commons;
 - (b) the powers of the Senate and the method of selection of members thereto;
 - (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 Supreme Court of Canada, except with respect to clause (d) of section 9;
 - (e) the extension of existing provinces into the Territories;
 - (f) notwithstanding any other law or practice, the establishment of new provinces;
 - (g) an amendment to any of the provisions of Part B.
11. 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 within fifteen years of the enactment of this Part to review the provisions for the amendment of the Constitution of Canada.

PART B

DELEGATION OF LEGISLATIVE AUTHORITY EXPLANATORY NOTES

General Comments

Part B allows for the delegation of legislative authority from one order of government to the other, something which is not now provided for in the B.N.A. Act. Delegation of legislative authority would add considerable flexibility to Canada's constitutional arrangements and could reduce the duplication of administrative services.

This part would permit the Parliament of Canada to consent to the making of a provincial law in an area of federal responsibility. Conversely, it would permit one or more provinces to consent to the making of a federal law in an area of provincial responsibility. There is also provision for the consents to relate to all laws in relation to a particular matter of jurisdiction, as distinct from a particular statute. In the event of delegation, financial compensation is payable to the governments exercising delegated power.

Delegation could conceivably be used to test the effect of transferring responsibility for a certain jurisdictional area before proceeding in a more general way through the amending formula itself. Finally, a delegation of power may be revoked upon two years' notice.

DELEGATION OF LEGISLATIVE AUTHORITY

1. Notwithstanding anything in the Constitution of Canada, Parliament may make laws in relation to a matter coming within the legislative jurisdiction of a province, if prior to the enactment, the Legislature of at least one province has consented to the operation of such a statute in that province.
2. A statute passed pursuant to section 1 shall not have effect in any province unless the Legislature of that province has consented to its operation.
3. The Legislature of a province may make laws in the province in relation to a matter coming within the legislative jurisdiction of Parliament, if, prior to the enactment, Parliament has consented to the enactment of such statute by the Legislature of that province.

4. A consent given under this Part may relate to a specific statute or to all laws in relation to a particular matter.
5. A consent given under this Part may be revoked upon giving two years' notice, and
 - (a) if the consent was given under section 1, any law made by Parliament to which the consent relates shall thereupon cease to have effect in the province revoking the consent, but the revocation of the consent does not affect the operation of that law in any other province;
 - (b) if the consent was given under section 3, any law made by the Legislature of a province to which the consent relates shall thereupon cease to have effect.
6. In the event of a delegation of legislative authority from Parliament to the Legislature of a province, the Government of Canada shall provide reasonable compensation to the government of that province, taking into account the per capita costs to exercise that jurisdiction.
7. In the event of a delegation of legislative authority from the Legislature of a province to Parliament, the government of the province shall provide reasonable compensation to the Government of Canada, taking into account the per capita costs to exercise that jurisdiction.

Appendix 2

Federal-Provincial Constitutional Accord

Ottawa
November 5, 1981

In an effort to reach an acceptable consensus on the constitutional issue which meets the concerns of the federal government and a substantial number of provincial governments, the undersigned governments have agreed to the following:

(1) Patriation

(2) Amending Formula:

Acceptance of the April Accord Amending Formula with the deletion of Section 3 which provides for fiscal compensation to a province which opts out of a constitutional amendment.

The Delegation of Legislative Authority from the April Accord is deleted.

(3) Charter of Rights and Freedoms:

The entrenchment of the full Charter of Rights and Freedoms now before Parliament with the following changes:

- (a) With respect to Mobility Rights the inclusion of the right of a province to undertake affirmative action programs for socially and economically disadvantaged individuals as long as a province's employment rate was below the National average.

- (b) A "notwithstanding" clause covering sections dealing with Fundamental Freedoms, Legal Rights and Equality Rights. Each "notwithstanding" provision would require reenactment not less frequently than once every five years.
- (c) We have agreed that the provisions of Section 23 in respect of Minority Language Education Rights will apply to our provinces.
- (4) The provisions of the Act now before Parliament relating to Equalization and Regional Disparities, and Non-Renewable Natural Resources, Forestry Resources and Electrical Energy would be included.
- (5) A constitutional conference as provided for in clause 36 of the Resolution, including in its agenda an item respecting constitutional matters that directly affect the Aboriginal peoples of Canada, including the identification and definition of the rights of those peoples to be included in the Constitution of Canada, shall be provided for in the Resolution. The Prime Minister of Canada shall invite representatives of the Aboriginal peoples of Canada to participate in the discussion of that item.

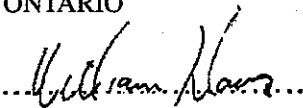
Dated at Ottawa this 5th day of November, 1981.

CANADA




Pierre Elliott Trudeau
Prime Minister of Canada

ONTARIO



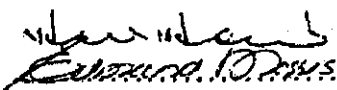
William G. Davis, Premier

NEW BRUNSWICK



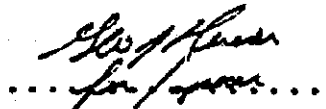
Richard B. Hatfield, Premier

NOVA SCOTIA



for John M. Buchanan, Premier

MANITOBA



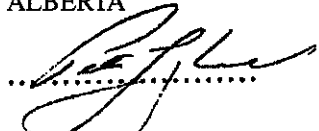
Sterling R. Lyon, Premier

BRITISH COLUMBIA



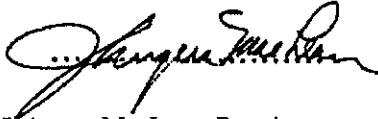
William R. Bennett, Premier

ALBERTA



Peter Lougheed, Premier

PRINCE EDWARD ISLAND



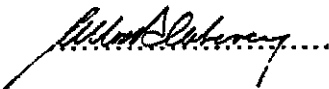
J. Angus MacLean, Premier

NEWFOUNDLAND



Brian A. Peckford, Premier

SASKATCHEWAN



Allan E. Blakeney, Premier