Preface

[redacted]

I should say at the outset that I speak for myself [redacted]

I also have doubts about the efficacy or effectiveness

predict the long-term effects of

to three sets of institutions: first, those of the central government; second, those of the provincial governments; and, third, those which define and arbitrate the federal relationship itself. Here I include the Supreme Court, the division of powers, the Head of State, the machinery of intergovernmental relations and the Second Chamber.

Linguistic Relations

Relations between French and English Canada pose the greatest immediate threat to Canadian unity, and the strongest thrust of Bill C-60 lies in this domain. Here the crucial sections are those spelling out language rights, the symbolic recognition of the status of both principle languages, and the double majority proposal for voting in the House of Federation on matters of special linguistic significance.

The Bill emphasizes the importance of reconciling the interests of French and English-speaking Canadians within central government institutions, and the importance of assuring that both language groups should be at home throughout Canada. It denies that French-English relations are coterminous with Quebec-Ottawa

incomplete; and this in turn [redacted]

to have grown more important in recent years: regional identities have strengthened, regional economies have become more diverse and conflicts between them more intense. Increasingly, provinces seem to be emerging as distinct [illegible]

Thus, national political institutions are unable to serve

[redacted]

end up not effectively defending regional interests; but, on the other hand, if it does achieve its goal, it undermines the supremacy of the

Bill C-60 has relatively little to say on these matters, though they are prominent in the preceding White Paper. It leaves the division of powers until Phase II. It suggests the abolition of the disallowance and reservation powers as a quid pro quo for provincial acceptance of the language provisions, commits the government to consult provinces with respect to the use of the declaratory power, and provides for consultation with respect to Supreme Court appointments. It also requires an annual confer-

between rival political executives.

The process has had many successes, and often works well at the level of co-operation among bureaucratic specialists. But it has

Nationally oriented business and labour groups also tend to argue for stricter adherence to a common market, national standards, and the like.

When one tries to resolve these competing claims one sees instantly why the government hesitates to [redacted]

This approach to the Second Chamber suggests that its powers

intergovernmental relationship.

The other element of the intergovernmental machinery in

range of shared responsibilities as much as possible but a very broad range of joint concerns will inevitably remain.

[redacted]

in matters of [redacted]

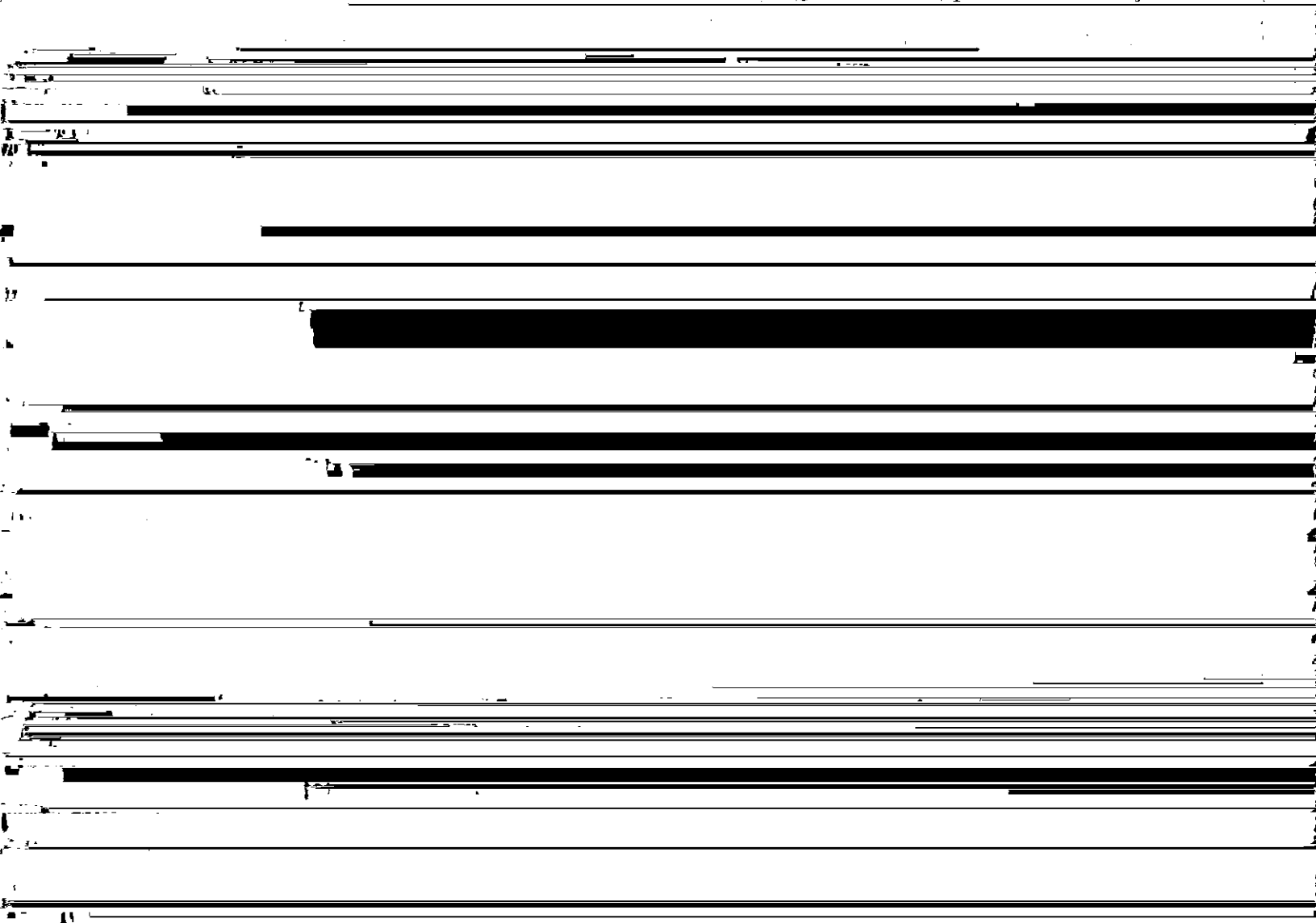
out of other important inherited [illegible]

1981. Phase One includes matters which Ottawa feels it can do on its own, together with items which it feels most strongly about. Thus it focusses on language and civil rights, and on federal institutions.

[redacted]

One final point. This discussion of the procedures for adoption of the Bill C-60 proposals has implications for the broader question of the amendment process. Few things illustrate the weakness of the federal system more than the inability to find agreement on a formula long ago; today we pay a heavy price for past failures.

Past discussion of amendment formulae turned mainly on the question of which combination of governments would need to agree in order to enact different kinds of change. Who would have a veto, would each province have equal weight, or not, and so on. Wide agreement was reached in the Victoria amending formula. But recently it has been opposed by British Columbia, which argues that it, like Quebec and Ontario, should have the status of a region, and Alberta, which, afraid of Ottawa and the provinces ganging up to acquire control of its petroleum resources, now emphasizes the juridical equality of each province, and therefore argues for complete unanimity.



in the long term, or even whether these minimal responses would be acceptable to other Canadians. I am convinced, however, that important as the other dimensions are, this is the most important. The fundamental choices we have to make concern not the minutiae of