Non-Constitutional Measures as an Alternative to Constitutional Amendment: Post-Meech Lake and Charlottetown

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Abstract

The period spanning from the early 1980s to 1992 has been referred to as the era of constitutional federalism in Canada. One of the most significant events in Canadian history occurred on April 17, 1982, the patriation of the Canadian Constitution. Quebec did not sign the Constitution and for the following decade the country was dominated by the “high politics” of constitutional change. The Meech Lake Accord and the Charlottetown Accord respectively attempted to accommodate Quebec’s conditions for signing the document, however both failed. This paper describes the process and content of both Accords and the factors that led to their failure. It argues that Canada is better off due to the failure of these two proposed constitutional amendments. It also argues that subsequent non-constitutional measures introduced in the 1990s and 2000s have addressed many of the mega-constitutional concerns that these two accords attempted to tackle. The paper discusses some of the issues included in both Accords that have since been addressed through non-constitutional means, including: the recognition of Quebec as a distinct society; the federal government’s spending power; Aboriginal self-government; a veto for Quebec on certain constitutional amendments; and Senate reform.

Introduction

The period spanning from the early 1980s to 1992 has been referred to as the era of constitutional federalism in Canada. One of the most significant events in Canadian history occurred on April 17, 1982, the patriation of the Canadian Constitution. Quebec did not sign the Constitution and for the following decade the country was dominated by the “high politics” of constitutional change(1). Two accords, the Meech Lake Accord and the Charlottetown Accord, attempted to accommodate Quebec’s conditions for signing the document, however both failed. This paper will discuss the causes that led to the failure of the Accords and will argue that Canada is better off due to the failure of these two proposed constitutional amendments. It will, also, argue that subsequent non-constitutional measures introduced in the 1990s have addressed many of the mega-constitutional concerns that these two accords attempted to tackle.

The Constitutional Era of Federalism

The Meech Lake Accord

Although the Constitution was patriated in 1982, Quebec’s missing signature left the project unfinished; this was seen as a blemish on the accomplishment. Brian Mulroney’s Conservative government, elected in 1984, promised to “bring Quebec back into the constitution with honour”(2). In May of 1986, Liberal Premier of Quebec, Robert Bourassa, outlined the five conditions under which Quebec would agree to the Constitution(3). The conditions were: the recognition of Quebec as a distinct society; a role for the province in appointments to the Supreme Court; an expanded role in immigration; limits on federal spending power in shared-cost programs; and a veto for Quebec on constitutional amendments(4).

In August of 1986, at the Premiers’ Conference, it was decided that a priority for the provinces was getting Quebec back to the bargaining table to discuss constitutional issues. On April 30, 1987, the First Ministers met at Meech Lake to discuss Quebec’s five conditions and created a draft of the Meech Lake Accord. The Accord was finalized on June 3, 1987 at an isolated eleven hour meeting between the First Ministers. The objective of the Accord was to obtain Quebec’s acceptance of the Constitution Act, 1982(5).

The Accord was then presented to the rest of Canada. The final document included all five of Quebec’s conditions, with many of them extended to give the same power to the other nine provinces. All ten provinces would have the following four powers: a veto regarding major constitutional amendments, the power to nominate Supreme Court judges, greater control over immigration, and greater control over federal-spending on shared-cost programs (which would include the right to opt out of federal programs while receiving compensation)(6). A “distinct society clause” was, also, included in the package for Quebec. Two additional provisions were in the final draft of the accord: all

provinces would have the right to nominate Senators and an annual First Ministers' Conferences would be entrenched in the Constitution(7).

This package was unanimously approved by all First Ministers. Why then, with this level of agreement among them, did the Meech Lake Accord fail? Technically, the Accord was not ratified by all of the provinces and the federal government in time. From the day that Quebec ratified the Accord on June 23, 1987, the first province to do so, the rest of the country had three years to follow suit. By June 23, 1990, both Manitoba and Newfoundland had not ratified the Accord. This signified the failure of Meech Lake.

There were various reasons for the erosion of the unanimous consent over the three year period allotted for ratification. These reasons led to the Accord's eventual failure. One such cause was the election of three new provincial premiers after the finalization of Meech Lake on June 3, 1987(8). Frank McKenna was sworn in as Premier of New Brunswick in October, 1987, Gary Filmon of Manitoba in 1988 and Clyde Wells became Premier of Newfoundland in 1989. These Premiers were not signatories to the Meech Lake Accord. McKenna and Wells specifically campaigned against the Accord in their respective election campaigns(9). In Manitoba, Filmon held a minority Conservative government. The opposing Liberals were against the Accord until late in the three year period which led to difficulties in coming to a decision on Meech Lake(10).

The Premier of Quebec himself is also partly to blame for the Accord's failure(11). In 1989, Bourassa decided to invoke the Notwithstanding Clause to protect Bill 101 and the use of French on commercial signs in Quebec(12). This decision created a significant backlash within English-speaking Canada. It caused concern that the "distinct society clause" in the Meech Lake Accord would be used to override other individual rights(13).

Another factor that contributed to the Accord's failure was the process through which it was negotiated, which some have described as undemocratic(14). The Meech Lake Accord was created by eleven men in secret meetings without any input from the public. This demonstration of executive federalism did not sit well with many Canadians. For something as important and radical as changing the Constitution of the country, many citizens felt they should have had greater involvement in the process(15). Canadians were presented with a completed and unalterable document. There was no public debate or opportunity for discussion about the Accord(16). Although executive federalism has characterized the Canadian model of federalism, in this instance Canadians showed that they wanted an opportunity for more participation(17).

The content of the Accord itself was controversial. In order to get all of the provinces to agree to Quebec's conditions, they wanted to be granted the same powers. This would have facilitated a drastic shift of power from the federal government to the provinces. This caused concern among Canadians about the weakening of the "national fabric"(18). Many felt that these powers belonged under the federal government and should stay there to ensure a strong central government and a strong Canada. In a highly decentralized federation, provinces are able to act almost as autonomous units. This is problematic in

that the provision of services may not be consistent across the country. In addition, it has the potential to create a highly fragmented and disjointed nation.

Other Canadians were uncomfortable with granting Quebec “distinct society” status. No one really knew what the vague wording meant or what kind of additional powers it would give to Quebec(19). This caused particular unease for women’s rights groups. The Charter of Rights and Freedoms would not be given precedence over the Accord. There was worry, therefore, that Meech Lake would infringe on women’s rights protected under the Charter(20). Feminists such as Lynn Smith, expressed concern that such a clause would allow the provincial government of Quebec to “defend legislation on the grounds that it seeks to preserve and promote Quebec's distinctness even though it may infringe upon the equality provisions of the Charter”(21).

Another group of individuals who were dissatisfied for being left out of the decision-making process of the Meech Lake Accord were Canadian Aboriginals. Their exclusion from the process, combined with the lack of consideration of their needs or wants, was one of the most integral reasons for the failure of Meech Lake. In Manitoba, by the time the minority Conservative government had gotten support from the Liberals to pass the Accord, less than a month was left until the deadline. To do so in time, Premier Gary Filmon needed the unanimous consent of the legislature to speed up the process. NDP MP Elijah Harper, a Cree Indian, refused to give his consent to introduce the Accord for the debate without the normal two days’ notice. Harper stated, “It’s about time that aboriginal people be recognized”(22). He believed that the exclusion of Aboriginal people in this constitutional amendment was unacceptable. Harper did not relent and Manitoba was not able to pass the Meech Lake Accord.

In addition, former Prime Minister Pierre Elliott Trudeau’s vocal opposition to the accord is another reason for the failure of Meech Lake. For example, in the May 27, 1987 edition of both Montreal’s *La Presse* and *The Toronto Star*, Trudeau submitted an article strongly renouncing the Accord(23). This had a huge impact on public opinion. Trudeau argued that Meech Lake was a “document which -- if it is accepted by the people and their legislators --will render the Canadian state totally impotent”, as a result of its enormous concessions to the provinces(24). Trudeau’s outspokenness on the Accord persuaded many to reconsider their support for the document.

The Charlottetown Accord

Numerous Quebecers saw the failure of Meech Lake as a “rejection” of Quebec by the rest of Canada. There was a strong outpouring of Quebec nationalism and support for sovereignty directly after its failure(25). In response to this, the Allaire Report was adopted by the Quebec Liberal Party. It outlined twenty-two powers that it recommended should be transferred from the federal government to the province of Quebec(26). It also suggested that a Quebec referendum, either on a Quebec-Canada proposal for reform or on Quebec sovereignty, be held by the end of the fall of 1992. On September 4, 1990 the Quebec National Assembly established the Belanger-Campeau Commission to examine

Quebec's constitutional options(27). This commission recommended that the National Assembly hold a referendum on sovereignty somewhere between June 8, 1992 and October 26, 1992.

Every other province also examined the constitutional question over the course of the two years following the failure of Meech Lake. They wanted to get a clearer picture of where their respective populations stood on constitutional change(28). The federal government conducted three consultations in this time: The Spicer Commission, the Beaudoin-Edwards Committee and the Beaudoin-Dobbie Committee. In addition, five national conferences were held. Some of these included discussions with the public. The Aboriginal peoples, also, conducted four consultations with their constituents during the two year period(29).

On March 12, 1992 a new multilateral process to continue constitutional negotiations was started. This Multilateral Meeting on the Constitution (MMC) was comprised of the federal, provincial and territorial governments, as well as representatives from four national Aboriginal associations; the Assembly of first Nations, the Native Council of Canada, the Inuit Tapirisat of Canada, and the Métis National Council(30). On July 7, 1992 an agreement was reached regarding a new constitutional package. On August 28, 1992 the Charlottetown Accord was finalized(31).

The content of the Charlottetown Accord was similar to that of Meech Lake. The document included the recognition of Quebec as a distinct society. Some of the other aspects of the package were: a Canada clause, an equal Senate, the right to Aboriginal self-government, a veto for all provinces on institutional reform (except for the creation of new provinces in the territories) and strengthened legislative jurisdiction for the provinces(32). Change to representation in the House of Commons to better reflect representation by population was another aspect of the Accord. This included a guarantee of 25% of the seats in the House for Quebec(33).

The demise of the Meech Lake Accord on June 23, 1990 left lessons but no solutions on how to successfully negotiate a constitutional agreement(34). The process of the Charlottetown Accord showed a learning curve from the failed procedures of Meech Lake, however. First, this second round of constitutional negotiations included Aboriginal representatives. Second, although the negotiations were still dominated by executive federalism, the MMC briefed the media daily about its work(35). This was to keep the Canadian public aware of the issues being discussed. The Charlottetown Accord was negotiated through a dual process, which was not the case for Meech Lake. Quebec was removed from the initial negotiations and later became involved in the process(36). Quebec Premier Robert Bourassa and Prime Minister Brian Mulroney were both absent from the July 7 meeting. After, however, reviewing the agreement that resulted from negotiations on that day, Bourassa came to support the proposed constitutional amendment(37). According to Thomas Courchene in "The Changing Nature of Quebec-Canada Relations", the Charlottetown Accord was "a cobbling together of a myriad of concessions designed to elicit support from Canadians in all walks of life"(38). This time

around the amendment was more inclusive, showing avenues for more public participation.

A referendum in Quebec, and one in the rest of Canada, was held so that Canadians could vote on the Charlottetown Accord. The referendums demonstrated that the federal government had learned the consequences of excluding the public from the Meech Lake process. On October 26, 1992 the Charlottetown Accord was voted on and rejected by a majority of Canadians in a majority of provinces (54%). This included a majority of Quebecers and a majority of Aboriginals living on reserves(39).

The Charlottetown Accord had failed. Changes had been made since the Meech Lake Accord but they were still not enough to convince a majority of Canadians that this was the solution to the country's constitutional problems. It is not clear why Canadians voted against the Accord in the referendums(40). There are, however, some influencing factors to consider. For one thing, the "Yes" committees were poorly organized. According to James Ross Hurley, "the Accord was sold largely as an honourable compromise that would avoid the unhappy consequences of failure, rather than as a stirring vision of the future"(41). By attempting to accommodate so many diverse groups with one constitutional amendment, the result was a complex and confusing package. This strategy was obviously not the most convincing to Canadians.

The "No" side argued that the whole deal should be rejected because of certain elements that were unfavourable, such as the Canada Clause (which included the distinct society clause) or even the concept of Aboriginal self-government, which was not clearly defined(42). With such a multifaceted agreement, it is not hard to see how this argument would be more persuasive to the general public. It was easier to convince the voters of the drawbacks of particular issues of the larger package, rather than to convince them of the merits of every aspect of the accord.

Opposition to the 25% guarantee of seats in the House of Commons for Quebec was another reason for the failure of the Accord. Some people saw this as anti-democratic while others opposed it because of anti-Quebec sentiment. Many wanted clarification on what Aboriginal self-government would mean. Aboriginal leaders themselves said that they had not had time to make a proper assessment of the Accord. Another issue that created resistance to the Accord was gender. Some women's groups expressed that gender equality issues had not been sufficiently addressed in the Charlottetown Accord. Worries about the ineffectiveness of the equal and elected Senate were also expressed(43). In addition, the multilateral process was to have originally ended in May, 1992 but it did not finish until June. This meant that there was less time to explain the Accord to the people of Canada(44).

Would Canada have been better off had these Constitutional Amendments passed?

Canada would not have been better off had the Meech Lake Accord or Charlottetown Accord been ratified. Both accords would have given too much power to the provinces in

an already highly decentralized federation. This would have created a much more disjointed country with too much power concentrated within the provincial governments. Provinces would have essentially become “semi-autonomous” units and individual premiers would have been given much more control(45). With so many federal powers transferred to the provinces the federal government would have become significantly less effective. Had Meech Lake been ratified, the federal government would not have been able to appoint anyone to the Supreme Court of Canada without them first being nominated by the provinces(46). This would have given the provinces an enormous amount of control over the judicial branch of government. The same would hold true for the Senate. The Accord would also have allowed provinces to either completely stop a constitutional amendment, through the use of their veto, or opt out of it while receiving compensation(47). Again, these powers would have significant effects on the efficiency of the federal government. As Pierre Trudeau argued, the specific recognition of French-speaking Canada and English-speaking Canada would have undermined bilingualism and multiculturalism in the country(48). At the time, political leaders expressed concern that if the Meech Lake Accord was not ratified Quebec would separate from the country(49). Had the Accord passed, however, there was nothing to stop that from happening. As Marjorie Montgomery Bowker suggested, “some future Quebec government might take the position that the promotion of Quebec’s “distinct identity” necessitates separation”(50).

Brian Mulroney argued that had the Meech Lake Accord been ratified, it would have given the Prime Minister power to counteract Quebec separatists. The separatist claim that the Constitution was illegitimate since Quebec was not a signatory to it, would no longer have held truth(51). Despite this argument, the Constitution applies to Quebec in the same manner as it does to the other nine provinces who did sign it in 1982. This power would not have been worth all of those given up to the provinces by the federal government.

Non-Constitutional Measures

The failure of both Accords brought an end to the era of mega constitutional politics in Canada, which had dominated for arguably 25 years(52). As Peter H. Russell describes, “at the mega level, constitutional politics moves well beyond disputing the merits of specific constitutional proposals and addresses the very nature of the political community on which the constitution is based”(53). Canadians had certainly tired of this type of debate by 1992 when the Charlottetown Accord failed. Since then, the problems surrounding the Constitution have not been forgotten but have simply been approached in a different way. Several non-constitutional measures have been put in place to address the mega-constitutional concerns that both accords attempted to resolve.

Liberal Era

On November 27, 1995 Liberal Prime Minister Jean Chrétien introduced a motion into the House of Commons which was passed a few days later. The motion stated that the

House of Commons recognize that Quebec is a distinct society within Canada. The distinct society includes Quebec's French-speaking majority, unique culture and civil law tradition(54). This legislative recognition does not hold the same weight as a constitutional amendment. It is an attempt, however, to address one of the mega-constitutional issues proposed in both Meech Lake and Charlottetown, through non-constitutional means.

The federal government's spending power is another matter that was addressed by both accords. The Social Union Framework Agreement (SUFA) was signed on February 4, 1999 by the federal government of Canada, all the provinces, except for Quebec, and the leaders of the territories. The agreement clarified the respective roles and responsibilities of both levels of government in regards to social policy. It also acknowledged the federal government's spending power(55). SUFA illustrates another instance where a mega-constitutional issue dealt with by both Accords, has attempted to be addressed by a non-constitutional measure since their failure. Since Quebec, however, did opt out of the agreement it does not really solve the problems that they had with the federal spending power to begin with. It is more of an attempt at non-constitutional change rather than a success.

In regards to Aboriginal self-government, the focus has shifted from addressing the issue by means of constitutional reform, to policy and legislative changes. Several self-government arrangements have been negotiated since the failure of the Charlottetown Accord in 1992. On May 29, 1993 an Umbrella Final Agreement (UFA) was signed between the federal government, Yukon government and the Council for Yukon First Nations. The UFA created the basis for negotiation with the fourteen Yukon First Nations about final land claims and self-government agreements. By 1999, eight Yukon First Nations had signed such agreements and the other six were all in various stages of negotiation(56).

In another case, in 1976 the Inuit Tapirisat of Canada submitted a proposal to the federal government requesting the creation of a new territory to be called Nunavut. In 1982, a plebiscite was held and several years of negotiations on the subject followed. Under the Tungavik Federation of Nunavut land claim, the creation of a new territory was promised in 1991. On April 1, 1999 the territory of Nunavut and its government was established. The Inuit are a majority of the population of Nunavut, constituting 85% of the territory's population. As a result of this demographic reality, the public government of Nunavut is largely controlled by the Inuit(57).

Another Aboriginal self-government agreement was signed between the Nisga'a Tribal Council, government of British Columbia and government of Canada on August 4, 1998. The Nisga'a Final Agreement gives ownership and self-government control of 2,000 square kilometers of land to the Nisga'a Nation, in the Nass Valley of B.C. This agreement covers provisions related to land, resources, financial compensation and governance. These examples all demonstrate how the right to Aboriginal self-government has been addressed through changes in policy and legislation, rather than through

constitutional means(58). These examples demonstrate the shift in tactics that the federal government has taken in addressing the issue of Aboriginal self- government. No longer is the solution being sought through constitutional means, rather it is being addressed through changes in policy and legislation.

In 1996, the Act Respecting Constitutional Amendments was passed. This non-constitutional measure attempted to address the issue, present in both the Meech Lake and Charlottetown Accords, of the provincial veto for Quebec. The act declares that proposals for certain amendments to the Constitution must be consented to by a majority of provinces before it can be tabled in Parliament(59). The majority of provinces must include: Quebec, Ontario, British Columbia, at least two of the Atlantic provinces (making up at least 50% of the region's population) and two of the Prairie provinces (making up at least 50% of the region's population). This act applies to constitutional amendments regarding things like changes to parliamentary institutions, the creation of new provinces and the division of powers between the central and provincial governments(60). Essentially it does grant Quebec, as well as the other individual provinces listed, a veto on these matters.

Harper Conservatives' Era of "Open Federalism"

Since being elected in 2006, Prime Minister Stephen Harper has continued this trend of tackling mega-constitutional issues through the use of non-constitutional measures. He has declared that the Conservative government will "practice an open federalism"(61). This plan includes respecting provincial and federal jurisdictions and recognizing a fiscal imbalance. The plan also calls for a "commitment to a more efficient and balanced federation"(62). Harper has attempted to move towards such a federation by addressing Quebec's desire to be recognized as a "distinct society". This was done through a motion passed in the House of Commons on November 27, 2006. The motion declared that the House of Commons recognize that "the Québécois form a nation within a united Canada"(63). Conservatives, NDP, Bloc Quebecois and most Liberal MPs voted 266 to 16 in favour of the contentious motion(64). This differs from declaring the province of Quebec a nation, which could be seen as the acceptance of the province's right to sovereignty. By recognizing the Quebecois as a nation, in the socio-cultural sense rather than territorial sense, the right to sovereignty is not applicable to a group of individuals. Nevertheless, such recognition qualifies as a way to address one of the mega-constitutional issues of the 1990s through legislative means(65).

Senate reform is another issue that would have been addressed had the Charlottetown Accord been ratified. In the last election campaign, Prime Minister Harper promised to "push for Senate reform if elected"(66). On September 7, 2006 Harper spoke in front of the Senate committee urging Senators to pass Bill S-4. This bill, An Act to amend the Constitution Act, 1867, was introduced in the Senate on May 30, 2006. It proposed a limit on Senatorial terms to eight years for new Senators. This amount of time, Harper stated, is roughly equivalent to the lifespan of two consecutive majority governments and a fair proposal; it may be re-introduced in the future(67). The Bill proposes to amend

section 29 of the Constitution Act, 1867 but is still consistent with the approach of avoiding mega-constitutional reforms to change the structure of the federation. Such an amendment is much smaller and less complex than the packages proposed by the Meech Lake and Charlottetown Accords.

Conclusion

A diverse group of factors led to the failure of both the Meech Lake and Charlottetown Accords. In the first instance, a lack of public participation in the process and the exclusion of Aboriginals in the negotiations were two main reasons for the rejection of the accord. In the second instance, although the process differed from that of Meech Lake, in that it was more inclusive of Aboriginals and the general public, it was not enough to persuade Canadians to vote in favour of the Charlottetown Accord. Canada, however, would not have been better off had these accords passed. They would have led to too much decentralization in the Canadian federation, resulting in the creation of a weak and ineffective federal government. Many of the mega-constitutional concerns that both accords tackled have been addressed by non-constitutional measures since their failure. This has been a good way to institute change in the federation without renewing the tiring constitutional debate of the 1980s and 1990s. It is not to say that this constitutional change will not be attempted in the future. For the mean time, however, Harper's plan of Open Federalism seems to show the government's willingness to continue addressing the country's issues through legislation and other non-constitutional initiatives. This tendency demonstrates that the failure of the Meech Lake and Charlottetown Accords certainly have not signified an end to Canada's constitutional challenges.

Biography

Jennifer Chisholm is a second year student at Dalhousie University, who hopes to complete a combined honours degree in Political Science and International Development Studies. She has a strong interest in Canadian constitutional politics, bilingualism/multiculturalism and human rights. Jennifer has a passion for travel and plans to continue her studies at a graduate level overseas.

Footnotes

- (1) Ian Robinson, and Richard Simeon, *The Dynamics of Canadian Federalism*, In *Canadian Politics*, edited by James Bickerton and Alain G. Gagnon (Peterborough, Ontario: Broadview Press, 2004), 115.
- (2) *Ibid.*, 116.
- (3) Marjorie Montgomery Bowker, *The Meech Lake Accord: What It Will Mean to You and to Canada* (Hull, Quebec: Voyageur, 1990), 11.
- (4) *Ibid.*, 17.
- (5) *Ibid.*, 11.
- (6) *Ibid.*, 74.
- (7) *Ibid.*, 19.
- (8) Thomas J. Courchene, *The Changing Nature of Quebec-Canada Relations: From the 1980 Referendum to the Summit of the Canadas*, IRPP Working Paper Series (2004): 4.
- (9) *Ibid.*, 5. (Courchene, 2004, p.5)
- (10) Andrew Cohen, *A Deal Undone: the Making and Breaking of the Meech Lake Accord* (Toronto: Douglas & McIntyre, 1990), 257.
- (11) Thomas J. Courchene, *The Changing Nature of Quebec-Canada Relations: From the 1980 Referendum to the Summit of the Canadas*, IRPP Working Paper Series (2004): 4.
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- (13) Andrew Cohen, *A Deal Undone: the Making and Breaking of the Meech Lake Accord* (Toronto: Douglas & McIntyre, 1990), 197.
- (14) Marjorie Montgomery Bowker, *The Meech Lake Accord: What It Will Mean to You and to Canada* (Hull, Quebec: Voyageur, 1990), 73.
- (15) *Ibid.*
- (16) *Ibid.*, 12.
- (17) Jennifer Smith, *Federalism* (Vancouver: UBC Press, 2004), 104.

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- (18) Marjorie Montgomery Bowker, *The Meech Lake Accord: What It Will Mean to You and to Canada* (Hull, Quebec: Voyageur, 1990), 74.
- (19) *Ibid.*, 54.
- (20) *Ibid.*, 74.
- (21) Hamish Telford, Liberalism versus communitarianism and Canadas constitutional conundrum, *Journal of Canadian Studies*, Vol. 33, no. 3 (Fall 1998): 39.
- (22) Andrew Cohen, *A Deal Undone: the Making and Breaking of the Meech Lake Accord* (Toronto: Douglas & McIntyre, 1990), 258.
- (23) Pierre-Elliott Trudeau, Say Goodbye to the Dream of One Canada, *The Toronto Star*, 27 May 1987, sec. A1, A12.
- (24) *Ibid.*
- (25) James R. Hurley, *The Canadian Constitutional Debate: From the Death of the Meech Lake Accord of 1987 to the 1992 Referendum*, (Ottawa: Government of Canada Privy Council Office, 1994), 10.
- (26) Thomas J. Courchene, *The Changing Nature of Quebec-Canada Relations: From the 1980 Referendum to the Summit of the Canadas*, IRPP Working Paper Series (2004): 5.
- (27) James R. Hurley, *The Canadian Constitutional Debate: From the Death of the Meech Lake Accord of 1987 to the 1992 Referendum*, (Ottawa: Government of Canada Privy Council Office, 1994), 12.
- (28) *Ibid.*, 13.
- (29) *Ibid.*, 19.
- (30) *Ibid.*, 20.
- (31) *Ibid.*, 22.
- (32) *Ibid.*, 21.
- (33) *Ibid.*, 22.
- (34) *Ibid.*, 20.
- (35) *Ibid.*, 20.
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- (36) Kristin Good (2007), slide 4.
- (37) James R. Hurley, *The Canadian Constitutional Debate: From the Death of the Meech Lake Accord of 1987 to the 1992 Referendum*, (Ottawa: Government of Canada Privy Council Office, 1994), 21.
- (38) Thomas J. Courchene, *The Changing Nature of Quebec-Canada Relations: From the 1980 Referendum to the Summit of the Canadas*, IRPP Working Paper Series (2004): 6.
- (39) James R. Hurley, *The Canadian Constitutional Debate: From the Death of the Meech Lake Accord of 1987 to the 1992 Referendum*, (Ottawa: Government of Canada Privy Council Office, 1994), 24.
- (40) Ibid., 23.
- (41) Ibid.
- (42) Ibid.
- (43) Ibid.
- (44) Ibid., 25.
- (45) Marjorie Montgomery Bowker, *The Meech Lake Accord: What It Will Mean to You and to Canada* (Hull, Quebec: Voyageur, 1990), 75.
- (46) Pierre-Elliott Trudeau, *Say Goodbye to the Dream of One Canada*, *The Toronto Star*, 27 May 1987, sec. A1, A12.
- (47) Ibid.
- (48) Ibid.
- (49) Marjorie Montgomery Bowker, *The Meech Lake Accord: What It Will Mean to You and to Canada* (Hull, Quebec: Voyageur, 1990), 71.
- (50) Ibid.
- (51) Anthony Wilson-Smith, *I did what I had to do*, *Macleans Magazine*, 19 June 2000, Volume 113, Issue 25.
- (52) Peter H. Russell, *The End of Mega Constitutional Politics in Canada?* In *The Charlottetown Accord, the Referendum, and the Future of Canada*, edited by Kenneth McRoberts and Patrick Monahan (Toronto: University of Toronto Press, 1993), 211.
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(53) Ibid., 212.

(54) Brian O'Neal, *Distinct Society: Origins, Interpretations, Implications*, Library of Parliament, (1995).

(55) Joseph Facal, *Social Policy and Intergovernmental Relations in Canada. Understanding the Future of SUFA From a Quebec Perspective*, Cahier de Recherche no. 3 (March 2005) : 1.

(56) Jill Wherrett, *Aboriginal Self-Government*, Library of Parliament (1999).

(57) Ibid.

(58) Ibid.

(59) Bill C-110, *Parliamentary Record*, 35th Parl., 1st sess., 1996.

(60) Ibid.

(61) Stephen Harper, *Speech*, Harper Announces Conservative Platform for Quebec (December 19, 2005).

(62) Ibid.

(63) CBC News, *House Passes Motion Recognizing Québécois as Nation*, (27 November, 2006).

(64) Ibid.

(65) Ibid.

(66) Stephen Harper, *Speech*, (September 7, 2006).

(67) Ibid.

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