

TABLED DOCUMENT NO. 42-89(1)

TABLED: FEBRUARY 23, 1989

PRIME MINISTER · PREMIER MINISTRE

Ottawa, K1A 0A2
February 10, 1989

Dear Premier:

In my letter to you of October 7, 1988 postponing the Calgary First Ministers' Conference, I proposed a meeting of First Ministers be held following the federal election, as was the case in 1984.

I would now like to invite you to an informal luncheon on Monday, February 27 from 12:30 to 3:00 p.m. in Room 323-S of the Parliament Buildings.

The meeting will provide an opportunity to discuss Canada's economic situation and the timing of the next First Ministers' Conference on the Economy. In addition, I believe it would be useful to take stock on ratification of the Meech Lake Accord.

In my October 7 letter, I addressed a number of issues we might discuss at our next Conference on the Economy. I would simply underline once again the importance, particularly in the present context, of giving greater attention to how we can better reconcile economic competitiveness and environmental concerns.

On the Meech Lake Accord, I would like to recall what I wrote in my letter to all Premiers in July 1986, on the eve of the exploratory discussions which led eventually to that Accord.

Referring to the urgency of unblocking the country's constitutional future by ending the isolation of Quebec which came about in November 1981, I stressed this historic task could not be accomplished by the federal government alone but would require the cooperation of all partners of the federation. I added, choosing my words carefully:

"If we undertake to 'repatriate' Quebec, we must be determined to succeed. The consequences of failure in these negotiations would be very serious for the future of Canada. Given past experience and the busy schedules of all our governments, we should therefore avoid attempting to do everything at once. It seems to me that the only realistic way to proceed is first to bring Quebec back into the fold, and to undertake a more extensive revision of the Constitution at a later stage."

This approach was unanimously adopted in the Premiers' Edmonton Declaration of August 1986, which endorsed the idea of a "Quebec round" based on its five proposals and the deferral to a later round of discussions of "matters raised by some provinces which will include, amongst other items, Senate reform, fisheries, property rights, etc." Because the Premiers respected this firm commitment, we were able to conclude the Meech Lake Accord.

Since then, Parliament and eight provincial legislative assemblies have ratified the Constitution Amendment, 1987, but New Brunswick and Manitoba have not yet done so.

It is understandable that our new colleagues, Premiers McKenna and Filmon -- elected to replace Premiers Hatfield and Pawley and witnesses to intense discussions of the Accord during the ratification process in the rest of the country -- are seeking to improve it before honouring the signatures of their predecessors.

Nor would any of the First Ministers who signed the Accord blame them for being sensitive to the arguments of those who would like to take advantage of



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Quebec's return to the fold to resolve the aboriginal constitutional issue, strengthen guarantees for our country's official language minorities and reinforce in general the protection of rights and freedoms under the 1982 Charter.

However, the advocates of such changes are calling on the Meech Lake Accord to resolve all the country's difficulties, whereas its only purpose was and remains Quebec's honourable return to the constitutional table so that Canada can turn to other issues -- such as Senate reform and roles and responsibilities in relation to fisheries, which are specifically mentioned in the Constitution Amendment, 1987.

For my part, I submit that in politics the perfect is often the enemy of the good. Thus, in seeking to improve the Meech Lake Accord we risk destroying it and blocking the path not only to short-term improvements but to other long-sought constitutional changes provinces agreed to defer until Quebec's return to the table.

All who participated in the Meech Lake negotiations and our Langevin discussions can testify to the difficulties overcome in reaching an agreement that would strengthen the unity of Canada. Based on my own participation at Meech Lake, and even more so at the Langevin meeting, I can state that we truly went to the limits of the possible and that, particularly in the present context, if the Accord were re-opened or renegotiated, it is most unlikely it could be closed once again.

I have not, however, ruled out discussion of the agenda for the second round. I simply consider that re-opening or renegotiating the Constitutional Accord signed on June 3, 1987 and since ratified by eight provinces and the federal government, would present such insurmountable obstacles and represent such a risk to the country's future that the burden of proof must lie with those who claim they could reconstruct unanimous support for an improved Accord.

In the end, one thing should be clear and beyond dispute: if the present round is not successfully concluded there will be no second round and the country's constitutional evolution will be blocked, since no significant reform will be possible without Quebec's participation -- particularly reform of the Senate, which certain regions so ardently advocate.

This being said, I see no reason for pessimism: we worked together to make possible the Meech Lake Accord, and together we can complete its ratification in order to welcome Quebec back to the fold and give the rest of the country the key to its constitutional future.

When we meet on February 27, we shall be discussing the country's economic as well as its constitutional future. I trust we shall do so in the spirit of frankness and mutual respect which characterized our pursuit of national reconciliation during the past four years.



Government Leader

JAN 13 1989

The Right Honourable Brian Mulroney, M.P.
Prime Minister of Canada
Room 105
Langevin Block
Ottawa, Ontario
K1A 0A3

Brian

Dear Prime Minister Mulroney:

I have followed with interest and concern recent events respecting the status of the Meech Lake Accord and I am pleased that First Ministers have agreed to address the issue at a meeting to be held in February or March.

You are aware my Government has consistently taken the position that constitutional reform in Canada cannot move forward without first reaching a reconciliation with Quebec on its outstanding concerns. Further, and with the exception of those sections of the Meech Lake accord which affect the Northwest Territories and Yukon, my Government supports the objective of Quebec's active and full participation in Canada's constitutional development as symbolized in the agreement. Therefore, the Government of the Northwest Territories places great significance on resolving, at this critical time, any matters which may undermine progress which has been achieved to date.

My first purpose in writing is simply to restate the importance to Canada of constitutional reconciliation with Quebec and to emphasize that constitutional reform respecting the north, aboriginal rights or the Senate will be difficult to achieve in the absence of Quebec assuming its legitimate role in Confederation.

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On the matter of the upcoming meeting of First Ministers to address the Meech Lake Accord, and I presume, other related constitutional issues, I was disappointed to hear the Government Leaders from Northwest Territories and Yukon may, once again, be excluded. Setting aside the fundamental concerns which territorial residents have with the Meech Lake Accord, the absence of northern governments at future constitutional talks has national, as well as regional, implications.

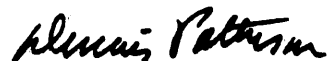
As my Minister of Justice, the Hon. Michael Ballantyne, stated so well in a recent letter to his counterparts across Canada,

"I sincerely believe that the involvement of the Governments of the Northwest Territories and Yukon would convey to Canadians the message that First Ministers are prepared to build towards a Canadian Constitution that accommodates the interests of all regions of Canada. To continue to deny the participation of territorial governments in national constitutional matters simply transplants into another region of Canada the alienation which Quebec has felt in the past."

My second reason for writing is to inform you that I will soon be forwarding a set of guidelines respecting territorial participation at public and private meetings of First Ministers. The guidelines, which have been developed with input from your officials, will hopefully provide opportunities for meaningful participation from the Canadian North at all future meetings and formal conferences of First Ministers. I look forward to your support on our proposals and would be pleased to discuss them with you.

In conclusion, I realize that this next request comes at a time when we are getting close to addressing the guidelines issue noted above. Nevertheless, I urge that you and your colleagues reconsider the decision to exclude Yukon and Northwest Territories from your upcoming meeting. In my view, this simple step on the part of First Ministers would convey the significant message that both Canadians and Northerners are looking for.

Yours truly,



Dennis Patterson,
Government Leader.

DEC 29 1988

The Right Honourable Joe Clark, P.C., M.P.
Minister of Justice and Attorney General
Justice Building
Wellington and Kent Streets
Ottawa, Ontario
K1A 0H8

Dear Mr. Clark:

The Meech Lake Accord

I was encouraged by the recent news that First Ministers will be meeting early in the new year to discuss matters relating to the Meech Lake Accord and the proposed constitutional amendments that would flow from the Accord. However, I was equally alarmed by media reports which have already cast doubt on the involvement of the Governments of the Northwest Territories and the Yukon in these upcoming meetings. The Honourable Dennis Patterson will be contacting your Premier in the very near future to seek support for the participation of the Government of the Northwest Territories in these meetings.

As you know, it has consistently been the position of the Government of the Northwest Territories that constitutional affairs in Canada cannot move forward without first reaching a reconciliation with Quebec on their outstanding concerns. We would welcome the opportunity to participate in a process leading to a truly unanimous approval of the Accord by all legislatures in this country. I sincerely believe that the involvement of the Governments of the Northwest Territories and the Yukon would convey to Canadians the message that First Ministers are prepared to build towards a Canadian Constitution that accommodates the interests of all regions of Canada. To continue to deny the participation of territorial governments in national constitutional matters simply transplants into another region of Canada the alienation which Quebec has felt in the past. It would be short sighted and unfair to exclude territorial participation in constitutional meetings and conferences of First Ministers.

I have included for your information, a copy of my presentation to the Joint Committee of the Senate and House of Commons in August of 1987. I am prepared to discuss with you in more detail the nature of our concerns and to explore possible solutions to alleviate our concerns without compromising the essential principles underlying the Accord

Sincerely,

**Original Signed By
MICHAEL A. BALLANTYNE**

Michael A. Ballantyne

Enclosure

DEC 29 1988

The Honourable Ian G. Scott, Q.C.
Attorney General
Government of Ontario
Ministry of the Attorney General
18 King Street East
Toronto, Ontario
M5C 1C5

Dear Mr. Scott:

The Meech Lake Accord

I was encouraged by the recent news that First Ministers will be meeting early in the new year to discuss matters relating to the Meech Lake Accord and the proposed constitutional amendments that would flow from the Accord. However, I was equally alarmed by media reports which have already cast doubt on the involvement of the Governments of the Northwest Territories and the Yukon in these upcoming meetings. The Honourable Dennis Patterson will be contacting your Premier in the very near future to seek support for the participation of the Government of the Northwest Territories in these meetings.

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Sincerely,

Michael A. Ballantyne

Enclosure

DEC 29 1988

The Honourable Robert Andrew
Minister of Justice and Attorney General
Government of Saskatchewan
345 Legislative Building
Regina, Saskatchewan
S4S 0B3

Dear Mr. Andrew:

The Meech Lake Accord

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Michael A. Ballantyne

Enclosure

DEC 29 1988

The Honourable Terence R.B. Donahoe, Q.C.
Attorney General
Government of Nova Scotia
P.O. Box 7, Province House
Halifax, Nova Scotia
B3J 2L6

Dear Mr. Donahoe:

The Meech Lake Accord

I was encouraged by the recent news that First Ministers will be meeting early in the new year to discuss matters relating to the Meech Lake Accord and the proposed constitutional amendments that would flow from the Accord. However, I was equally alarmed by media reports which have already cast doubt on the involvement of the Governments of the Northwest Territories and the Yukon in these upcoming meetings. The Honourable Dennis Patterson will be contacting your Premier in the very near future to seek support for the participation of the Government of the Northwest Territories in these meetings.

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Sincerely,

Michael A. Ballantyne

Enclosure

DEC 29 1988

The Honourable James Lockyer, Q.C.
Minister of Justice and Attorney General
Government of New Brunswick
212 Centennial Building
P.O. Box 6000
Fredericton, New Brunswick
E3B 5H1

Dear Mr. Lockyer:

The Meech Lake Accord

I was encouraged by the recent news that First Ministers will be meeting early in the new year to discuss matters relating to the Meech Lake Accord and the proposed constitutional amendments that would flow from the Accord. However, I was equally alarmed by media reports which have already cast doubt on the involvement of the Governments of the Northwest Territories and the Yukon in these upcoming meetings. The Honourable Dennis Patterson will be contacting your Premier in the very near future to seek support for the participation of the Government of the Northwest Territories in these meetings.

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Sincerely,

Michael A. Ballantyne

Enclosure

DEC 29 1988

The Honourable Stuart Smith, Q.C.
Attorney General
Government of British Columbia
Parliament Buildings
Victoria, B.C.
V8V 1X4

Dear Mr. Smith:

The Meech Lake Accord

I was encouraged by the recent news that First Ministers will be meeting early in the new year to discuss matters relating to the Meech Lake Accord and the proposed constitutional amendments that would flow from the Accord. However, I was equally alarmed by media reports which have already cast doubt on the involvement of the Governments of the Northwest Territories and the Yukon in these upcoming meetings. The Honourable Dennis Patterson will be contacting your Premier in the very near future to seek support for the participation of the Government of the Northwest Territories in these meetings.

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Michael A. Ballantyne

Enclosure

DEC 29 1988

The Honourable James McRae
Attorney General
Government of Manitoba
Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Mr. McRae:

The Meech Lake Accord

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Sincerely,

Michael A. Ballantyne

Enclosure

DEC 29 1988

The Honourable Ken Rostad, Q.C.
Attorney General
Government of Alberta
227 Legislature Building
Edmonton, Alberta
T5K 2B6

Dear Mr. Rostad:

The Meech Lake Accord

I was encouraged by the recent news that First Ministers will be meeting early in the new year to discuss matters relating to the Meech Lake Accord and the proposed constitutional amendments that would flow from the Accord. However, I was equally alarmed by media reports which have already cast doubt on the involvement of the Governments of the Northwest Territories and the Yukon in these upcoming meetings. The Honourable Dennis Patterson will be contacting your Premier in the very near future to seek support for the participation of the Government of the Northwest Territories in these meetings.

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Sincerely,

Michael A. Ballantyne

Enclosure

DEC 29 1988

The Honourable Lynn Verge, Q.C.
Minister of Justice and Attorney General
Government of Newfoundland
Confederation Building
St. John's, Newfoundland
A1C 5T7

Dear Ms. Verge:

The Meech Lake Accord

I was encouraged by the recent news that First Ministers will be meeting early in the new year to discuss matters relating to the Meech Lake Accord and the proposed constitutional amendments that would flow from the Accord. However, I was equally alarmed by media reports which have already cast doubt on the involvement of the Governments of the Northwest Territories and the Yukon in these upcoming meetings. The Honourable Dennis Patterson will be contacting your Premier in the very near future to seek support for the participation of the Government of the Northwest Territories in these meetings.

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Michael A. Ballantyne

Enclosure

DEC 29 1988

The Honourable Wayne D. Cheverie, Q.C.
Minister of Justice and Attorney General
Government of Prince Edward Island
Province House, P.O. Box 2000
Charlottetown, Prince Edward Island
CIA 7N8

Dear Mr. Cheverie:

The Meech Lake Accord

I was encouraged by the recent news that First Ministers will be meeting early in the new year to discuss matters relating to the Meech Lake Accord and the proposed constitutional amendments that would flow from the Accord. However, I was equally alarmed by media reports which have already cast doubt on the involvement of the Governments of the Northwest Territories and the Yukon in these upcoming meetings. The Honourable Dennis Patterson will be contacting your Premier in the very near future to seek support for the participation of the Government of the Northwest Territories in these meetings.

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Sincerely,

Michael A. Ballantyne

Enclosure

DEC 29 1988

The Honourable Roger Kimmerly
Minister of Justice
Government of Yukon
Box 2703
Whitehorse, Yukon
Y1A 2C6

Dear Mr. Kimmerly:

The Meech Lake Accord

Attached is a copy of a letter I recently sent to all the Attorneys General of the provinces and the Attorney General of Canada. I look forward to discussing this matter with you in the coming weeks. All the best to you in the new year.

Sincerely,

Michael A. Ballantyne

Enclosure

