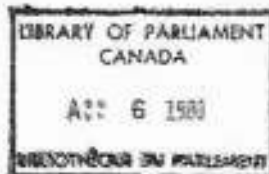


MEETING OF THE CONTINUING COMMITTEE
OF MINISTERS ON THE CONSTITUTION

Opening Statement
by the Honourable Jean Chrétien

Federal



Montreal, Quebec
July 8-11, 1980

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BY THE HONOURABLE JEAN CHRETIEN
CONTINUING COMMITTEE OF MINISTERS ON THE CONSTITUTION

At the start of this intense period of constitutional negotiations, I would like to say a few words about my overall approach before we begin a detailed discussion on each of the twelve items on our agenda.

All of us around this table must be conscious not only of the responsibility that has been placed in our hands but also of the opportunity we share -- an opportunity to make an historic contribution to the renewal and improvement of our country.

As a country, we have successfully come through difficult times in the recent past. Quebecers have clearly decided that they want to remain Canadians. But they, along with other Canadians from coast to coast have also said clearly and strongly that they want a renewed Federation, one that is suited to the needs of the complex and modern society in which we live and one which reflects the diversity of Canada.

As politicians, we are committed to carrying out the will of the people, and there is absolutely no doubt in my mind that the people of Canada want us to get on with constitutional renewal and reform, and to get it done quickly. This is an enormous challenge for us to meet.

The task before us is as difficult as it is challenging. It is difficult because, while we are all committed to achieving change, there are differences of view on the kind of changes to be made. Our task between now and the First Ministers' meeting in September is to resolve some of these differences so that we can bring about early change to our constitution.

While this will be very difficult, we are fortunate in one sense -- we know that we have no choice but to succeed. I am absolutely certain that there is not one person in this room who is prepared to live with the responsibility that he had caused this process to fail. As individuals, we have a responsibility, not only to our respective governments, but also to ourselves, and to the people we represent.

A Constitution is much more than an abstract document. It is the fundamental law of a country; and, as such, it ensures the establishment and maintenance of a legal order whose objective must be to protect the rights and promote the well-being of its citizens.

Our job as politicians responsible to the people is to ensure that we protect the fundamental rights of Canadians and promote the well-being of our citizens, and not merely re-arrange the powers of our governments.

We would be failing in our responsibilities to the people we represent if we get involved in a process where rights of citizens are traded off against powers of governments. Fundamental freedoms and the integrity of the Constitution as a Canadian document expressing the aspirations of Canadian citizens must not be bartered against jurisdiction over fisheries or communications or anything else.

As for the respective powers of government, these are clearly a proper subject for intergovernmental bargaining, although we cannot forget that the ultimate objective must remain the well-being of our fellow citizens. But negotiations over powers of government, like any other negotiations, require give and take from both sides. These negotiations cannot succeed if anyone believes that we are on a one-way street where one side only gives and the other side only takes. As far as I am concerned, the purpose of these negotiations is to re-establish a proper balance between the two levels of government.

The objective of this proper balance must be the well-being of the people of Canada. I can promise you that the Government of Canada will be flexible where we believe that changes from federal to provincial jurisdiction will better achieve that objective. We will expect a corresponding flexibility from the provinces in areas where the people of Canada will be better served by a transfer of provincial powers to Parliament or by restrictions on the use of their powers.

Our view is that the discussion of powers, particularly economic powers, should be very much a two-way process of give and take. We recognize and are sympathetic to the importance which a number of provinces attach to exercising increased powers in areas such as resources, offshore resources, fisheries and communications. But we also have priorities which we believe to be vital for the people of Canada. A very good example of this, and one which we will be discussing under the heading of powers over the economy, is the importance which we attach to maintaining a true economic union -- a Canadian market free of interprovincial barriers to the mobility of labour, capital, services and goods.

As the government responsible for the overall management of the Canadian economy, we have become increasingly concerned about the barriers to interprovincial trade and mobility of labour which some governments have put in effect, or threatened to put into effect, in recent years. We therefore believe, as part of this constitutional bargaining process over powers of government, that governments, both federal and provincial should agree to eliminate such barriers to interprovincial trade. In addition, we believe that Canadians would be better served if the federal government expanded some of its existing powers in the area of economic management, for example, powers which would better enable us to fight inflation.

In summary, I am prepared to enter into serious bargaining over the whole range of issues of power-sharing and the reform of central institutions which have been set before us. I pledge today to try to reach agreement on each of the items on the negotiating list. We in the Government of Canada are prepared to spend any amount of time necessary to reach that goal between now and the First Ministers' meeting in September.

In addition, we want to agree with you on the best possible Charter of Rights for Canadians, on the best possible preamble for a new Canadian Constitution and on the best means of bringing the Constitution home to Canada.

I am optimistic that as a result of our deliberations this summer, and the meeting of First Ministers in September, we will have by September 15, agreement on a significant number of areas of power-sharing between governments as well as agreement on a Charter of Rights for all Canadians, patriation and an amending formula, and a preamble to a new Canadian Constitution.

Our agenda lists first the issue of Resource Ownership and Interprovincial Trade. Clearly any reasonable discussion of the whole issue of resources -- given the importance of resources in the world today -- must be placed in the context both of what is required to protect the legitimate interests and aspirations of producing provinces and of what is required for the management of the Canadian economy.

For this reason, it seems to me to make good sense to consider resources, offshore resources, fisheries, and powers over the economy in a common context, even though we will be negotiating them separately. This is the context in which we are most likely to arrive at an overall agreement satisfactory to all governments.

At our last meeting on June 17, I made a commitment to table today a general framework document on the issue of "Powers Over the Economy." I would like to table that document right now because our discussion of resources must be linked to the five general functions of economic management:

1. the maintenance of an economic union in Canada;
2. the redistribution of incomes among persons and regions;
3. the promotion and influencing of economic development;
4. the stabilization of the economy as a whole;
5. the conduct of international economic relations.

Between now and September, in the context of "Powers Over the Economy," I shall be concentrating on what is required to secure and improve our economic union in Canada, and I shall have more to say on this matter later this week. But as far as the Government of Canada is concerned, any agreement on all the other economic items on the negotiating list should be compatible with the protection and strengthening of these five basic principles which are necessary for the management of the national economy.

I want to stress that the federal government is not looking for a great number of new powers in the economic field. We now have much of what is required to manage the national economy. But we must place our discussions in the context of the five functions which I have just described so as to ensure that, at the very least, in the bargaining in the days ahead, we do not give up anything which is essential to the task of economic management.

I recognize the historic importance which Western Canada and Quebec attach to the ownership of their resources; as well, I recognize the fact that Atlantic Canada sees the possibility at last of economic prosperity as a result of offshore development. These two factors are very much of the context in which I would like to see our negotiations take place.

In the earlier negotiations on the question of resource ownership and interprovincial trade which took place from October 1978 to February 1979, the Government of Canada participated in the development of a "Best Efforts Draft" with which you are all familiar.

That draft did not obtain the support even of the energy producing provinces. As well, the Government of Canada and other provinces have had serious reservations about parts of the draft. We should, therefore, reconsider some of its elements.

Nonetheless, I want to re-emphasize our desire to see in a new Canadian Constitution a clear and unequivocal statement of provincial ownership of resources and of provincial responsibilities for their development and management. Furthermore I want to re-state our position that the Constitution could allow producing provinces to levy indirect taxes in a non discriminatory way.

Lastly, I might stress once again the obvious inter-connection between the discussions we will be having on this subject, and the discussions on "Powers Over the Economy." Without going into detail at this time, I think it is clear that progress on the latter will facilitate progress on resources itself.

There are several items which I have not mentioned in this opening statement, and some which I have touched on only briefly. However, I will be making comments on each of the specific items at the appropriate time in the course of our initial review of the twelve subjects for this summer's constitutional discussion.