

COMMENTS

BY THE

HONOURABLE A. BRIAN PECKFORD
PREMIER OF NEWFOUNDLAND

OTTAWA, APRIL 16, 1981

MR. CHAIRMAN:

OUR GATHERING HERE IN OTTAWA TODAY TO SIGN THIS AGREEMENT BETWEEN EIGHT OF THE PARTNERS IN OUR CONFEDERATION IS A SIGNIFICANT EVENT IN CANADIAN HISTORY. IN MY VIEW, THIS IS WHAT FEDERALISM IS ALL ABOUT - PARTNERS SITTING DOWN TOGETHER TO TACKLE PROBLEMS AND ARRIVING AT A WORKABLE COMPROMISE FOR ALL CONCERNED. WHAT WE HAVE ACHIEVED BY OUR ACTION TODAY STANDS IN STARK CONTRAST TO WHAT HAS BEEN IMPOSED ON THIS NATION BY THE UNILATERAL ACTIONS OF THE TRUDEAU REGIME OVER THE PAST YEAR.

SLIGHTLY OVER THIRTY-TWO YEARS AGO, ANOTHER HISTORIC AGREEMENT WAS SIGNED BY NEWFOUNDLAND - THE TERMS OF UNION BETWEEN THE DOMINION OF NEWFOUNDLAND AND THE DOMINION OF

CANADA. NEWFOUNDLAND DID NOT JOIN WITH CANADA AS A COLONY - WE CAME AS A FULL-FLEDGED PARTNER. THE RIGHTS OF NEWFOUNDLANDERS WERE PROTECTED AND ENSHRINED IN THE CANADIAN CONSTITUTION AT THAT TIME AND IT WAS ALWAYS TAKEN FOR GRANTED THAT ANY CHANGES WOULD ONLY BE MADE WITH THE CONCURRENCE OF BOTH PARTNERS.

WHEN I SPEAK OF OUR RIGHTS BEING ENSHRINED IN THE CANADIAN CONSTITUTION, I DO NOT REFER ONLY TO THE WRITTEN WORD OF THE BRITISH NORTH AMERICA ACT - FOR THAT IS ONLY PART OF THE CANADIAN CONSTITUTION - I REFER ALSO TO THE CONVENTIONS AND PRACTICES WHICH ARE INHERENT IN THE WORKINGS OF OUR FORM OF PARLIAMENTARY DEMOCRACY. THE COMBINATION OF THE WRITTEN AND UNWRITTEN PARTS OF THE CONSTITUTION OF THIS GREAT NATION CONFIRM UNEQUIVOCALLY THAT FUNDAMENTAL CHANGES TO THE CONSTITUTION WILL ONLY BE MADE WITH AGREEMENT OF THE PARTNERS.

FROM THE TIME NEWFOUNDLAND ENTERED CONFEDERATION IN 1949 UNTIL LAST SUMMER, THIS FUNDAMENTAL SET OF RULES PREVAILED. AS MY GOVERNMENT STATED IN ITS WHITE PAPER PUBLISHED LAST AUGUST, THERE WERE FOUR FUNDAMENTAL PRINCIPLES WHICH FORMED THE BASIS OF OUR CONSTITUTIONAL

POSITION. THESE WERE THAT OUR SYSTEM OF PARLIAMENTARY DEMOCRACY MUST BE PRESERVED, THAT THERE MUST BE BALANCED FEDERALISM, THAT THERE MUST BE EQUALITY OF OPPORTUNITY FOR PROVINCES AND PEOPLE, AND THAT THERE MUST BE CONSENSUS FOR ANY MAJOR CONSTITUTIONAL CHANGES.

GIVEN THESE FUNDAMENTAL PRINCIPLES, NEWFOUNDLAND ENTERED THE CONSTITUTIONAL DISCUSSIONS OF LAST SUMMER IN GOOD FAITH. WE WERE READY TO REACH A COMPROMISE ON A NUMBER OF THE ISSUES. SO WERE MOST OF THE OTHER PROVINCES. UNFORTUNATELY, THE FEDERAL GOVERNMENT HAD NO INTENTION OF REACHING A WORKABLE COMPROMISE. INSTEAD, IT DECLARED THAT IT WAS GOING TO IMPOSE ITS OWN VIEW OF THE NATION UNILATERALLY AND GET THE PARLIAMENT OF THE UNITED KINGDOM TO BOTH PATRIATE AND AMEND THE CONSTITUTION SOLELY ON THE BASIS OF WHAT THE FEDERAL GOVERNMENT WANTED.

FROM NEWFOUNDLAND'S POINT OF VIEW, THIS UNILATERAL ACTION DESTROYS THE FUNDAMENTAL BASIS OF CONFEDERATION. IT UNDERMINES THE DELICATE BALANCE IN OUR FEDERATION. IT CREATES TWO CLASSES OF PROVINCES - THE POWERFUL AND THE WEAK - AND IT INCREASES VASTLY THE POWERS OF THE FEDERAL GOVERNMENT AT THE EXPENSE OF THE PROVINCES. FINALLY, AND

PERHAPS MOST IMPORTANTLY, IT IGNORES THE FACT THAT CONSTITUTIONAL CHANGES MUST BE MADE IN CANADA AND BY CANADIANS BASED ON CONSENSUS.

THIS CANADIAN PATRIATION PLAN, WHICH WE ARE SIGNING TODAY, IS BASED ON THE WAY CANADA SHOULD WORK AND ALWAYS HAS WORKED. IT PROVIDES FOR THE PATRIATION OF OUR CONSTITUTION FROM THE UNITED KINGDOM, IT PROVIDES AN AMENDING FORMULA THAT ENSHRINES THE EQUALITY OF PROVINCES AND, HENCE, ENSURES THAT BALANCED FEDERALISM WILL PREVAIL. IT PROVIDES FOR FURTHER CHANGES TO BE MADE IN CANADA BY CANADIANS BASED ON CONSENSUS,

MR. CHAIRMAN, I BELIEVE THAT THIS HISTORIC DOCUMENT WILL PROVIDE THE BASIS OF A REASONABLE AND BALANCED APPROACH TO CONSTITUTIONAL CHANGE. IT SHOWS THAT CANADIANS WORKING TOGETHER CAN ACHIEVE AGREEMENT WHICH IS SATISFACTORY FOR ALL. IT IS WITH GREAT PLEASURE, THEREFORE, THAT I SIGN THIS ACCORD ON BEHALF OF THE GOVERNMENT OF NEWFOUNDLAND.

SURELY, IT IS NOW TIME FOR ALL THE PARTNERS IN CONFEDERATION TO RETURN TO THE BARGAINING TABLE AND, USING THE AMENDING FORMULA WE HAVE DEVELOPED, TO REACH AGREEMENT

ON FURTHER CHANGES TO OUR CONSTITUTION, THE ELEVEN PARTNERS, WORKING TOGETHER, CAN ACHIEVE AGREEMENT JUST AS WE HAVE TODAY. ALL THAT IS REQUIRED IS THE WILL AND DESIRE TO REACH A CONSENSUS WHICH ALL PARTNERS CAN ACCEPT. FOR NEWFOUNDLAND'S PART, WE ARE READY AND WILLING TO COOPERATE FULLY IN THIS EFFORT.