

## **APPENDIX A**

### **FIRST MINISTERS' MEETING ON THE CONSTITUTION**

#### **DRAFT STATEMENT OF PRINCIPLES**

April 30, 1987

#### **MEECH LAKE COMMUNIQUÉ**

At their meeting today at Meech Lake, the Prime Minister and the ten Premiers agreed to ask officials to transform into a constitutional text the agreement in principle found in the attached document.

First Ministers also agreed to hold a constitutional conference within weeks to approve a formal text intended to allow Quebec to resume its place as a full participant in Canada's constitutional development.

#### **QUEBEC'S DISTINCT SOCIETY**

(1) The Constitution of Canada shall be interpreted in a manner consistent with

- a) the recognition that the existence of French-speaking Canada, centred in but not limited to Quebec, and English-speaking Canada, concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada; and
- b) the recognition that Quebec constitutes within Canada a distinct society.

(2) Parliament and the provincial legislatures, in the exercise of their respective powers, are committed to preserving the fundamental characteristic of Canada referred to in paragraph (1)(a).

(3) The role of the legislature and Government of Quebec to preserve and promote the distinct identity of Quebec referred to in paragraph (1)(b) is affirmed.

#### **IMMIGRATION**

- Provide under the Constitution that the Government of Canada shall negotiate an immigration agreement appropriate to the needs and circumstances of a province that so requests and that, once concluded, the agreement may be entrenched at the request of the province;

- such agreements must recognize the federal government's power to set national standards and objectives relating to immigration, such as the ability to determine general categories of immigrants, to establish overall levels of immigration and prescribe categories of inadmissible persons;
- under the foregoing provisions, conclude in the first instance an agreement with Quebec that would:
  - incorporate the principles of the Cullen-Couture agreement on the selection abroad and in Canada of independent immigrants, visitors for medical treatment, students and temporary workers, and on the selection of refugees abroad and economic criteria for family reunification and assisted relatives;
  - guarantee that Quebec will receive a number of immigrants, including refugees, within the annual total established by the federal government for all of Canada proportionate to its share of the population of Canada, with the right to exceed that figure by 5% for demographic reasons; and
  - provide an undertaking by Canada to withdraw services (except citizenship services) for the reception and integration (including linguistic and cultural) of all foreign nationals wishing to settle in Quebec where services are to be provided by Quebec, with such withdrawal to be accompanied by reasonable compensation;
- nothing in the foregoing should be construed as preventing the negotiation of similar agreements with other provinces.

#### **SUPREME COURT OF CANADA**

- Entrench the Supreme Court and the requirement that at least three of the nine justices appointed be from the civil bar;
- provide that, where there is a vacancy on the Supreme Court, the federal government shall appoint a person from a list of candidates proposed by the provinces and who is acceptable to the federal government.

#### **SPENDING POWER**

- Stipulate that Canada must provide reasonable compensation to any province that does not participate in a future national shared-cost program in an area of exclusive provincial jurisdiction if that province undertakes its own initiative or programs compatible with national objectives.

#### **AMENDING FORMULA**

- Maintain the current general amending formula set out in section 38, which requires the consent of Parliament and at least two-thirds of the provinces representing at least fifty percent of the population;
- guarantee reasonable compensation in all cases where a province opts out of an amendment transferring provincial jurisdiction to Parliament;

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- because opting out of constitutional amendments to matters set out in section 42 of the *Constitution Act, 1982* is not possible, require the consent of Parliament and all the provinces for such amendments.

### SECOND ROUND

- Require that a First Ministers' Conference on the Constitution be held not less than once per year and that the first be held within twelve months of proclamation of this amendment but not later than the end of 1988;
- entrench in the Constitution the following items on the agenda:
  - 1) Senate reform including:
    - the functions and role of the Senate;
    - the powers of the Senate;
    - the method of selection of Senators;"
    - the distribution of Senate seats;
  - 2) fisheries roles and responsibilities; and
  - 3) other agreed upon matters;
- entrench in the Constitution the annual First Ministers' Conference on the Economy now held under the terms of the February 1985 Memorandum of Agreement;
- until constitutional amendments regarding the Senate are accomplished the federal government shall appoint persons from lists of candidates provided by provinces where vacancies occur and who are acceptable to the federal government.

