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This thesis examines British Columbia's proposals for constitutional reform in the dramatic and tumultuous years leading up to the patriating of the Canadian Constitution in 1982. Of critical interest is the province's pursuit of regional status within the federation -- a concept that evolved in scope and complexity under the auspices of successive Social Credit governments. Their goal was to restructure the Canadian state by enhancing Confederation's regional biases in BC's favour.

The BC government, in an elaborate list of constitutional proposals released in 1978, called for the extensive reform of national political institutions -- designed to improve, to a substantial degree, the status and influence of the province at the federal centre (through, among other things, a reformed Senate with provincially-controlled representation). In the heated environment of federal-provincial relations that prevailed after the 1976 separatist victory in Quebec, the BC government argued that Canada consisted of five distinct regions, with BC being one of the five (the others were Ontario, Quebec, the Prairies, and the Atlantic). The province's quest for regionhood -- and its concomitant demands for the devolution of federal powers -- was partly a reaction to
the centralist policies of the federal Liberal government under Pierre Trudeau. BC's proposals signalled the end of constitutional conservatism in the province, but the proposals were marred by their architects' reliance on BC-style pragmatism (eg., province-building).

Another central focus is the role of myths and myth-making in Canadian constitutional politics. This thesis contends that BC's quest for regional status was flawed by its attempt to invoke myths about its distinctiveness from the top down. Its demand for regional status was seriously hurt by the lack of historic, grassroots support among the province's citizenry for such a concept. The importance of myths becomes evident when one looks at how myths have been nurtured by nationalists in Quebec. The gestation period for such myths is often generations-long; the fact BC's pursuit of regionhood ultimately failed during the constitutional negotiations of 1980-81 proves that myths -- crucial to any society's understanding of itself and its history -- cannot be invented out of thin air.
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INTRODUCTION

Setting the Stage

In British Columbia, as in the other Western provinces, the past few decades of constitutional turmoil have been a period of wrenching transformation and self-evaluation. The province has been forced by circumstance to examine itself and its relationship with the other members of the Canadian federation. This long period of examination, accomplished amidst much hectoring and political posturing, was both preceded and accompanied by enormous economic growth, which helped to fuel concerns and questions about the province's status within the federal system.

By the mid-seventies, with Quebec nationalism and the rise of the Parti Quebecois providing the impetus for much soul searching in all parts of Canada, British Columbia was employing the platform of constitutional debate to assert itself and flex the muscles of its newly-acquired economic wealth. That wealth, it was discovered, did not easily translate into political clout within the federal system -- an earnest and essential message emanating from most Western premiers as the national-unity debates raged.

I have used the phrase "forced by circumstance" to describe British Columbia's participation in the constitutional debate beginning in the 1970s. While such a phrase may offer a somewhat
hyperbolic interpretation given the political and economic changes that were taking place within the province at the time, it can be argued that desire for broad constitutional reform was, at best, a dormant and scarcely plausible possibility as far as BC's political leaders were concerned, at least prior to the election of the Parti Québécois in the fall of 1976.

With that election came a new political era in Canada. The paradigm of federal-provincial relations had now changed, and BC's political elite was now required to refashion its thinking and to learn to articulate the province's aspirations within the framework of constitution-building (or, alternatively, constitution-bashing). This paradigm shift placed BC's leaders at a decided disadvantage compared to their counterparts in Quebec; the seasoning of a BC politician has traditionally offered very little opportunity to navigate the constitutional minefield prior to attaining positions of leadership. The province's political culture has always required that its more successful political practitioners be pragmatists with sharp eyes for the bottom line and a seemingly instinctive understanding of 'what's good for the province.'

Speaking constitutionally, I would say that this pragmatism is significant because it contrasts sharply with the prevailing political culture in Quebec. In Quebec, provincial political leaders readily accept the moralistic principle that they will be assessed, and their fates determined, by how the (primarily francophone) electorate perceives that they have defended the interests of the province within the context of the historically
uneasy association with the rest of Canada. Over the past 30 years this reality, driven into a clearer focus by the Quiet Revolution, omnipresent separatist forces and the ensuing constitutional accords, has enabled Quebec's political actors to assume the public stage with a thorough and virtually complete picture of Quebec's status within the federation as well as of the essential points that require reform (defence of the status quo, of course, has always been left to the domain of the politically naive.)

BC's political leaders, on the other hand, have rarely developed clearly-defined principles on the shape of the federation. Their push for substantial constitutional change has been mostly reactive, not proactive. In modern times, they are never swept into office based on a platform of dramatic alterations to the province's relationship with Ottawa. For this reason, the politicians of BC most often produce constitutional policies that can be broadly defined as "ad hoc." This is not to say that they have not defended the interests of the province as vociferously as Quebec politicians have defended Quebec's interests. Indeed, province-building has been an apparently universal practice throughout the federation. And the exercise of Ottawa-bashing is known in BC, as it is in other provinces, as a valuable way to score political points on the homefront. Nor is it to say that proposals emanating from successive BC governments have been fundamentally without merit.

What it does mean, however, is that the premiers of BC customarily have reached that high office without ever having to
deal politically or intellectually with the complex questions of constitutional change. This unfamiliarity often leads to pragmatic but practical responses from political leaders when confronted with such questions.

I will argue in this thesis that this pragmatic approach may have its strengths within the general and parochial confines of BC, but that, on the constitutional front, it suggests a major weakness in that it is strongly related to the lack of easily identifiable "myths" of the sort that have played a profound and remarkably important role in the development of Quebec's relationship with the Canadian federal system. (By myths I mean any series of viewpoints, broadly accepted by the citizens of the respective jurisdiction, which provide the backdrop or foundation for calls for constitutional reform.) Such myths -- either false or factual or somewhere in between -- are required to foster among respective electorates feelings of support for widespread modification of the constitution. Myths become commonly accepted only after a lengthy period of gestation: of moulding, of shaping, of perpetual re-examination and refinement. Only then do they earn a place in the storied history of a community, culture or nationality. It is said that more truth can be found in the words of the great novelists than in the words of historians. This, to a certain extent, is what I mean by myths and myth-making in Canadian politics. The mythic qualities of Quebec nationalism's perceived struggle within Canada is a case in point. The political elites in Quebec society may have fostered the growth of these myths, but such myths would
not have been sustained had they not held a resonance of truth with the francophone masses.

The presiding political culture in British Columbia is one which, generally speaking, has demanded that the province's political masters focus their energies in two critical areas: (1) economic development; and (2) the on-going, polarizing conflict between the social-democratic impulses of labour on the left and free-market urgings of capitalists on the right.

Prior to the 1970s, politics at the grass-roots level in BC was rarely stirred by concerns that Ottawa had too much power or control over the aspirations and objectives of the westernmost province. Most British Columbians at that time, as well as today, balanced their loyalties between the provincial and the federal governments, believing somewhat incongruously in strong governments at both levels.

The electorate did expect its premiers to speak up for the interests of BC when it came to questions of the economic or fiscal variety, and the premiers did -- frequently. Their intent, however, was to assert, in some particular fashion, the province's new-found economic might in an attempt to break the back of the arguably quasi-colonial status which befell the province upon entering Confederation. Quasicolonialism, a term used often to describe British Columbia's early, subordinate relationship with Ottawa, is an offshoot of 19th-century British imperialism. The term has become a fashionable depiction of federal-provincial relations at the turn of the last century. (And it is, I believe,
a fairly appropriate term if used in the context of the hierarchical nature of federalism and the wide-ranging powers of the federal government that prevailed in the first decades of Confederation. Of course, the federal system slowly evolved closer to a balance between the powers of the central government and the powers of the provinces -- primarily due to the economic growth of the provinces as well as to a series of constitutional decisions by the Judicial Committee of the Privy Council that were favourable to the provinces.)

It is important to point out, nonetheless, that while these issues often strained Ottawa-Victoria relations, they were rarely perceived as symptoms of problems requiring large-scale institutional reform. Nor were they issues that would stir anti-federal sentiments in the hearts of many British Columbians. Instead, these issues were associated with the changing times, demanding, as noted above, pragmatic solutions, not constitutional negotiation. Only with rise of Quebec separatism, and the existence of a federal government seemingly preoccupied by it, were there manifestations of strong resentment in BC and the rest of the West. This situation was not helped by the federal government of the time which, under Prime Minister Trudeau, contained almost no representation from the four Western provinces. The absence of the region's voice at the federal level, combined with a wide ideological gulf between the prime minister and the Western premiers, helped charge the issue of Western alienation during the multilayered constitutional imbroglios of the 1970s and '80s.
As constitutional negotiations reached a fever pitch during these decades, BC's political leaders were often called on to explain the province's frustrations with the federal system. Expressions of such concerns found a home within a single phrase, "The West Wants In" (borrowed from the Reform Party of Canada, this slogan adequately encapsulates the temper of the preceding two decades). A greater voice at the political centre, a sympathetic ear from the federal government, a chance to play a role at the national level -- these were the mantras associated with the West's so-called alienation from the country's centre, and they were not unfamiliar to BC politics. Indeed, British Columbia, although slow to embrace the concept of executive federalism, was at the forefront of constitution-building in the West. Indeed, the province had a long-dormant case against the original constitutional order that had been set aside by a post-war political culture which emphasized isolationism.

Beginning in the 1970s, this lengthy period of constitutional quiescence gave way, and ancient concerns were reconfigured and transformed to fit within the framework of the emerging constitutional dialogue between Ottawa and the provinces. It should be stressed, however, that the catalyst behind the formation of BC's constitutional proposals from the 1970s onward was the convergence of two, somewhat interrelated, circumstances: first and most obvious was the national government's need to find a solution to the Quebec question; second, and almost as crucial, was the strong centrist tendencies of that government under Pierre
It is important to note that, although the principle of regionhood espoused by the Government of BC was an essential ingredient in its proposals for reforming the federal system, it failed to sway the views of either the federal government or its provincial counterparts at subsequent constitutional negotiations. Indeed, there is little evidence that BC itself paid little more than lip service to the concept when it was time for the nitty gritty of bargaining behind closed doors. The issue of regionhood will be an integral focus as this thesis attempts to analyze the flow of proposals put forth by the province over the past two decades. The reform of national institutions, particularly the Senate, was the foremost attribute of BC's constitutional proposals. This attribute will be examined in light of the success and failures of the First Ministers throughout a tumultuous political era that pitted the expansionary and centralizing views of the Liberal government under Pierre Trudeau against the fiercely conservative premiers of the West.

Executive federalism, especially when played out in the constitutional arena, makes the vicissitudes of politics extremely personal: eleven leaders sitting around a table and attempting to re-order their political existence means that every decision, every alteration to the status quo, requires winners and losers. And for any First Minister who loses, the political consequences can be extremely grave.

Executive federalism, therefore, accentuates the normal
tensions existing within the organized "turf war" that is known as federal-provincial relations. This is doubly the case when the focus is on the constitution. "In the division of labour between governors and governed," writes Prof. Alan Cairns, "the forces of unity are more deeply rooted in the underlying society than in the competing and governing elites of the federal system."¹

This thesis will examine British Columbia's proposals for constitutional reform in the dramatic and tumultuous years leading up to the patriating of the constitution in 1982. It will ask the following questions: (1) What events wrenched BC out of its long period of constitutional conservatism? (2) How did the reform of national institutions evolve into the foremost component of BC's constitutional proposals? (3) How would these proposals have changed the nature of Canadian federalism had they been accepted rather than ignored, and what effect would they have had on BC's influence in Ottawa? (4) What were the reasons for the failure of the concept of regional equality as espoused by the BC government in the 1970s? Each of these questions will be dealt with in turn in the following four chapters. This thesis will then conclude by assessing the BC government's historic reliance on pragmatism. It will address this question: (5) Was BC's position on constitutional change affected by its lack of credible myths, and did its government's pragmatic approach to constitutional politics inhibit

the promotion of myths necessary to establish grass-roots support for institutional reform?
CHAPTER ONE

BC AND THE AGE OF CONSTITUTIONAL CONSERVATISM

Introduction

In order to understand how BC was transformed from an isolated, constitutionally-conservative province into a proactive, reform-minded "region," it is necessary to provide some historical background on BC's development. This chapter will focus on the emergence of BC as a major player in Confederation by detailing two significant events: (1) the province's economic growth; and (2) the rise of nationalism in Quebec.

The Politics of Economic Development

British Columbia joined Confederation in 1871. Its entry is propitious, as it coincided, appropriately enough, with the start of the first great push by political forces to transform a loosely-knit collection of colonies into something resembling the more homogeneous, more vibrant, more aggressively self-aware nation to the south. A federal system based solely on political and economic expedience was a system whose days were numbered. Canada's political architects knew that the new nation would not gain acceptance in the hearts and minds of its citizenry until there was something to define it beyond the geographical, beyond the parchment its constitution was written on. The Fathers of
Confederation realized that their new creation would not survive Manifest Destiny without a nation-building plan almost as ambitious.

"At the elite level," Peter Russell states, "the process of Confederation produced a wide-based and practical, though not philosophical, accord; at the popular level, however, it did not produce a political community with a clear sense of itself."\(^2\)

Russell argues that the most forceful impetus behind Confederation was the unmanageability of the old system under the aegis of the United Province of Canada, in which rivalries between French and English created endless stalemate. Because of this, Russell believes that Confederation was "first and foremost a political, not an economic, project."\(^3\)

While this is certainly an accurate depiction of the birth of the Canadian nation, it is clear that British Columbia's entry into the federal system four years later was as much the consequence of economics as politics. Prime Minister John A. Macdonald's National Policy appealed to the sensibilities of the Pacific colony's political leaders, who had also flirted with the possibility of joining the United States. Although there seemed to be little impassioned desire to join Canada, BC in the late nineteenth century was beginning to develop a thriving economy based on the export of its resources. A continental railway as proposed by

\(^2\) Peter H. Russell, *Constitutional Odyssey: Can Canadians Become a Sovereign People?* (Toronto: University of Toronto Press, 1992) p. 32

\(^3\) Ibid., p.17
Macdonald was something that could provide new markets for its goods. Moreover, joining Confederation appeared to be the only way for British Columbia to retain its ties to a British empire that was becoming increasingly disinterested in its North American holdings.  

The Canadian federation, therefore, offered the colony of British Columbia a continental railway and the continuation of its British roots. The federal government, for its part, was offered the chance to outflank the United States on the Pacific coast and carry through with its vision of a nation from sea to sea, an integral component of its plans for an expansive political community that had the makings of a diverse and cohesive nation. That Quebec and Ontario would gain economically from an expanded federal state, there is little doubt. For British Columbians, the hegemonic subtleties insinuated within this system would come into clearer focus as the years progressed. (Macdonald's National Policy was the first of several federal nation-building actions over the next century to cause consternation in regions outside of the Canadian shield. The National Energy Program of 1980 is a parallel illustration.)

The key criticism of such policies from the perspective of Western politicians was that they favoured the economic powerhouse of central Canada. Academics grappling with the modern

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constitutional crisis often note that Macdonald's National Policy provided a strong disincentive for Western Canadian political leaders to believe in anything emanating from the federal government that was deemed to be in the 'national interest.' Russell, for one, concludes that Macdonald's governments were important in constructing the "material conditions of nationhood, (but) they contributed little to a Canadian sense of political community."\(^5\)

Moreover, this tariff-laden nineteenth-century policy contributed to a retardation in the growth of secondary industry outside of central Canada and forced these regions to pay more for manufactured goods than would have been required on the world market.\(^6\)

Historian Margaret Ormsby admirably chronicles the major players in BC who negotiated the colony's entry into Confederation in her classic 1958 book.\(^7\) It is clear that, for many British Columbians of that era, joining Canada was not the best choice, but merely the most appropriate choice given a series of trying circumstances that included American expansionism (Alaska had just recently been purchased from Russia) and the dismantling of the British Empire in North America.

\(^5\)\textit{Constitutional Odyssey}, p.37

\(^6\)This is cited in at least one constitutional document: See \textit{Towards a New Canada}, (Montreal: Canadian Bar Association, 1978) p.28

\(^7\)Margaret Ormsby, \textit{British Columbia: A History} (Toronto: MacMillan, 1958)
It was not until the 1950s that the question of British Columbia's relationship with the federal government re-emerged; at that time, two developments conspired to infuse the debate with particular vigour. One was the unprecedented economic boom that pervaded BC following the Second World War, which boosted the province's self-confidence along with its wealth. The other development was the rise of W.A.C. Bennett as premier of the province and leader of the business-friendly Social Credit party, which would dominate BC's political landscape until the party's almost complete collapse in the 1991 general election.

If there was one constant component in the political culture of a British Columbia emerging from its quasi-colonial status prior to the Second World War, it was the close connection between economic growth and the province's political elite. Economic expansion was the chief focus of the province's leaders, and economic development, especially during the periods of rapid growth in the 1950s and '60s, was the starting and finishing point of almost all political discourse within the province.

British Columbia began to resent its perceived subservient status to central Canada very early on. This resentment generated calls for a renegotiation of terms from the late nineteenth century to the early twentieth century. Two events then took place which helped to deflate the hostility and disaffection. First, Canada went through a period of increasing decentralization as the Judicial Committee of the Privy Council, the country's highest court until 1949, interpreted the British North America Act (1867)
in a way that was largely favourable to the provinces. Second, the development and exploitation of BC's natural resources catapulted the province into a heady period of prosperity in which concerns about its colonial status with central Canada were supplanted by growing ties to the international marketplace and a fervent desire among the province's political leaders to live in splendid isolation from the rest of Canada. Notes Edwin R. Black:

From the beginning, British Columbians literally bought Confederation -- at a stated price, and in an explicit contract called the Terms of Union -- and many would argue that British Columbians have not yet joined Canada emotionally. Within the province, elections are seldom fought over such matters as the development and promotion of cultural values, education, improving the lot of the poor, or over the need for more effective forms of local government. The successful electoral issues have always been closely related to economic development. 8

The sense that national affairs were largely irrelevant to BC reached its apogee with the ascendancy of W.A.C. Bennett to the premiership in 1952, beginning a 20-year reign in which British Columbia was run very much like a business. Under W.A.C. Bennett, First Ministers' Conferences were either ignored or attended with bemused disinterest, and the constitutional order was a primary concern only when dealing with fiscal mechanisms of the federal system. This protracted period of indifference ended soon after his retirement in 1972; the reasons will be discussed later in this thesis.

Although one must be cautious in attributing too much of the province's political and economic development to a single individual, it is important to note that Bennett's 20-year reign was a tumultuous one for British Columbia. The premier himself was not one to separate the force of his persona from his province, or to diminish his role in its enormous economic growth. Indeed, the economy was of paramount importance both to the man and to an emerging, vibrant province slowly recognizing that its significance in Canada was growing as it turned itself into a 'have' province from a 'have not.' Bennett biographer David Mitchell underscores the importance of this transformation in the following passage:

While debate in central Canada raged over the neo-nationalism of Quebec's 'revolution tranquille' the country seemed oblivious to the 'quiet revolution' in the far west. The rise of French Canada had largely a cultural and linguistic foundation, whereas British Columbia surged ahead on the impetus of its expanding economy. But politically, the transformations in these provinces would produce a similar effect...provincial leaders were becoming powers in their own right, battling with the Ottawa mandarinate, determined not to be dismissed again as 'hopeless provincials.'

Despite this fact, Bennett remained a fervent isolationist when it came to provincial-federal relations. It was as though the continental divide was, for Bennett, still a geographical hurdle that could not be jumped. The more likely explanation for his isolationism, which Mitchell alludes to in his biography, is that Bennett in BC was predominant and virtually omnipresent, but in his

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dealing with his federal and provincial counterparts he was merely one of eleven leaders who was expected, in this era of co-operative federalism, to make compromises and concessions. Striking such a diplomatic pose was something quite injurious to Bennett's effectively-portrayed image as a man of progress. "The Canadian federal system pressured Bennett to work tenaciously towards increasing the power of his politics within B.C. rather than extending it beyond the province's boundaries," Mitchell argues. "He was the single most powerful figure in the provincial bailiwick and he did not want to jeopardize that position, even if it sometimes meant weakening the larger federal system." 10 For Bennett, province-building was tied directly to economic development, and was strictly an internal matter -- the participation of Ottawa in areas of provincial concern was to be avoided at almost any cost; intrastate federalism was a term not yet part of constitutional parlance. 11

This isolationist stance would remain in place for the life of W.A.C. Bennett's governments. Although ignoring the rest of Canada was possible most of the time, such a tack became impossible when

10Ibid., p.334.

11For an examination of some of the plausible reasons why B.C.'s view of provincialism did not extend beyond economic development, see Philip Resnick's "B.C. Capitalism and the Empire of the Pacific," in B.C. Studies no. 67 (Autumn 1985), pp. 29-46. Resnick argues that the province's ties to Empire (first British, then American, and now Pacific Rim) forced the province to think in internationalist and continentalist terms, rather than national ones. The fact that it has always had control over its major resource, forestry, also helped to mute its provincialist aggression.
other provincial leaders insisted on talking. At such gatherings of First Ministers, Bennett generally acted remote and taciturn. His most frequent response to concerns that the federal system was not working, was to insist that British Columbia was worse off -- fiscally, at least -- than most other provinces thanks to the vagaries of the system. In other words, if anyone should complain it should be B.C.

This characteristic of BC's relations with the rest of Canada, this period of splendid isolation, would be sorely tested in the 1960s as the Quiet Revolution got underway and constitutional reform took on a more urgent countenance. Although still exhibiting thinly-veiled contempt for executive-level discussions on changing the federal system, Bennett would provide, in at least one critical area, the foundation for the constitutional positions of future BC governments. This important legacy, along with the premier's response to the rise of nationalism in Quebec during the 1960s, will be discussed in the next section.

**BC and the Rise of Quebec Nationalism**

As questions of national unity generated heightened concern about the state of the Canadian federation, Premier W.A.C. Bennett's initial public response was one which illustrated his overriding concern for the future of his home province along with the stereotypical Westerner's view of the Quebec issue. As biographer Paddy Sherman points out, money matters -- not the
constitutional framework -- were the focus.

...Bennett became the first premier in the country to speak blunt, harsh words to Quebec. It was not the Quebeckers who were getting the bad deal from Canada, he said; British Columbians were subsidizing Quebec to the extent of almost $70,000,000 a year -- and it was time this stopped. He would have no part of Quebec's demand for extra pay for bilingual civil servants across the country; he would reject any attempt to change Canada's charter to appease Quebec.12

It is not difficult to believe that this statement would have been positively received by most British Columbians. Indeed, this hardline approach to Quebec, far from being the simplistic perspective of a redneck Westerner, nicely enunciated the accepted orthodoxy of provincial leaders at the time (and well into the future). Bennett believed there was nothing inherently wrong with the way Canada operated; the status quo constitution had not hampered his quest for economic development. And unlike the prairie provinces, BC had always had full control over its resources and was not required to wrestle those economic levers away from Ottawa. It was presumably Bennett's belief that Canada's problems, such as its fiscal arrangements, could be worked out politically and without constitutional renewal.

Most importantly, the majority of Canadians likely viewed the situation the same way, at least until the Quiet Revolution irrevocably changed things. In Intrastate Federalism in Canada, Donald Smiley and Ronald Watts characterize the period up until the 1960s as the age of constitutional conservatism in Canada. They

note that only a small minority of "Canadians at this time seemed to believe constitutional reform was necessary for the defence and furtherance of the values and interests they espoused."\textsuperscript{13}

The philosophy of constitutional conservatism permeates throughout W.A.C. Bennett's years at the provincial helm. And based on the historical evidence, one may conclude that there was little reason for Bennett to assume that the future of BC was even remotely connected to constitutional arrangements. Bennett may have been the province's most notorious "fed basher," as Donald Blake points out, but his commitment to Canada never wavered.\textsuperscript{14} This apparent contradiction can be explained by the political realities of the Bennett period. Blake argues that the success of provincial governments has always rested on the success of their policies and actions on the economic front. As long as a province such as BC remained in complete control of its economic destiny there would be few battles raging in federal-provincial relations.\textsuperscript{15} While this is surely a generalization, it is one with a significant degree of merit. If the premiers (at least outside

\textsuperscript{13}Donald V. Smiley and Ronald L. Watts, Intrastate Federalism in Canada (Toronto: University of Toronto Press, 1985), p. 5. The authors note that there were two exceptions to the overriding rule of constitutional conservatism: (1) the Interprovincial Conference of 1887, convened by the Quebec premier (B.C. was the only province not to send representatives); and (2) a 1935 report by the League for Social Reconstruction.


\textsuperscript{15}Ibid., p. 178
of Quebec) were primarily concerned about economic issues, then the constitutional debate would tend to revolve around which level of government was best suited to meeting the economic needs of the citizenry. It seems to me that, in BC at least, this way of thinking played an extraordinarily strong role in the later development of provincially-sponsored constitutional proposals.

With the rise of the constitutional debate in BC in the early 1970s, came an intense pursuit of identity and a vigorous reappraisal of the province's relationship with the central government. Significantly, this reappraisal was top-down in its approach. Until the mid-1980s, the concerns of British Columbia essentially amounted to the concerns of the Premier and his government. Unlike the experience in Quebec, there was no forging of sentiments among the economic, political and cultural elites into a coalition of support for constitutional reform; there was no espousal of shared principles by the community at large. The government of BC enunciated its concerns about federal-provincial relations and transformed them into a constitutional platform. Roger Gibbins, attempting to make sense of the unpopularity of the Meech Lake Accord among Westerners compared to its initial support among their respective provincial governments, makes a cogent point which could be nicely applied to the last two decades of constitutional wrangling:

There is no doubt in my mind that the Meech Lake Accord found a great deal of support among provincial governments in the West...However, it is also clear that the western Canadian public see the country somewhat differently than the provincial governments do. If western Canadians had the chance to act publicly in the
constitutional arena, they would not want to do so within the confines of provincial communities. To most western Canadians, the dominant political community is the national political community, and the reason the Accord ran into trouble was because it was seen, accurately or not, as threatening that national community.16

This strange dichotomy between the constitutional dogma of western Canadian provincial governments and the views of their respective electorates exists because provincial leaders, elected to speak solely for their provinces, cannot change their political currency and speak for the national interest at First Ministers' conferences. With the qualified exception of the 1981 accord, all attempts to perform this chameleon-like act have failed (although the Charlottetown accord succeeded in so much as the premiers did not precipitate its downfall, it ultimately failed because the nation did not embrace the agreement as being in the national interest).

The Canadian citizenry, whether defined within the provincial, regional or national realm, seeks, above all, unity (with the obvious and significant exception of Quebec sovereigntists); it accepts federal-provincial wrangling over policy issues as a fundamental element of the political process, but it wishes, at the end of the day, to see both orders of government put away their hatchets and work toward political peace. The provincial governments, on the other hand, acknowledge the popularity of

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peaceful relations but accept equally the burden and strains of executive federalism.

The Government of British Columbia, forced by circumstance to disavow its constitutional conservatism in the mid-seventies, found that there was almost nothing within the institutional framework of federalism that was working satisfactorily; and this dissatisfaction found an appropriate outlet in the province's 1978 constitutional proposals (which will be discussed later in this thesis).

The economic liberalism of Pierre Trudeau's federal government cut deeply into the self-interests of provinces like BC, which consistently measured their success through economic progress and development. While W.A.C. Bennett reacted during his last decade in office to the question of Quebec's place in Canada, this issue was compounded for Bill Bennett, who had also to react to the perception that his government's powers were diminishing in the face of an increasingly centralized federal order.

The state of federal-provincial relations during the Trudeau era will become clearer as the constitutional talks of the 1960s and '70s are examined in closer detail. Nevertheless, at the risk of over simplification, one could argue that there was indeed a comparison that could be made between the constitutional aspirations of Quebec and British Columbia: to Quebec, the issue was one of obtaining effective control over its cultural and linguistic destiny; to BC, the issue was one of retaining effective control over its economic destiny. These two parallel concerns
would come to the forefront as the conservative proclivities of Canada's political leaders gave way to an over-powering, inexorable demand for constitutional renewal.
CHAPTER TWO

BC PURSUES A REGIONAL IDENTITY

Introduction

I will now turn my attention to the evolution of BC's insistence that it be defined within the federation as a region as well as a province, a development which is of particular importance to this thesis. Through this approach, I will address one of the questions posed in the introduction: How did reform of national institutions become the foremost component of BC's proposals? Undoubtedly, when Premier W.A.C. Bennett first publicly broached the idea of designating BC as a fifth region in Canada (the other four being Ontario, Quebec, the Atlantic and the Prairies), it was greeted with as much surprise in British Columbia as it was in the rest of the country. A regional classification would have strengthened the province's hand in Confederation. But its abrupt arrival on the First Ministers' table in the 1960s, coupled with the flimsy argument for its support postulated by W.A.C. Bennett, meant the proposal was all but ignored by the other leaders. Nevertheless, the concept of regionhood evolved into one of BC's most consistently enunciated constitutional tenets, and it was strongly related to the province's central constitutional proposal of the 1970s and '80s -- Senate reform.

This paper will argue that British Columbia's regional
aspirations were very much political, and that the concept was probably resuscitated by Premier William Bennett for two reasons: (1) to strengthen BC's hand at the bargaining table; and (2) to act as a defensive strike against the centralizing policies and constitutional proposals emanating from the federal government at this time.

This thesis will argue that the concept of regional status as espoused most clearly by British Columbia in the 1970s ultimately failed during the negotiations of 1980-81 because the province's leaders could not dispel the notion that the concept was founded in nothing more than political whimsy. Indeed, the concept was such a non-starter at the bargaining table that it is difficult not to believe BC's leaders themselves were uncertain of its currency or political legitimacy. Such is the fate of beliefs borne from top-down rhetoric rather than from the devout passion of a people.

The Five-Region Concept of Canada

As the 1960s progressed, and as Canada celebrated the symbolic watershed of its centennial year, it became increasingly evident that constitutional conservatism was in decline amongst the country's reigning political and intellectual elite.

In Ottawa, the Liberal government of Lester B. Pearson was beginning to respond to the nationalistic forces in Quebec, which had first gained electoral credibility with the victory of Jean Lesage and his provincial Liberals in 1960. Pearson was determined to counter the widely-held Quebecois view that the French had no
voice and very little power at the federal level -- an offshoot of the well-documented economic domination by the anglophone minority inside Quebec. One of Pearson's first steps was to recruit the "Three Wise Men" from Montreal (Trudeau, Jean Marchand and Gerard Pelletier), all of whom would play influential roles in Canadian politics over the next fifteen to twenty years.

As Pearson neared retirement, other efforts were made to resolve the question of national unity. It was at this time that the federal government opened the door to constitutional renewal. Prompted no doubt by the 1965 report of the Royal Commission on Bilingualism and Biculturalism, the federal government held a First Ministers' Conference in February 1968 with the expressed intent of commencing a period of constitutional review. The result was Federalism for the Future: A Statement of Policy by the Government of Canada. A crucial document with a prophetic title, it touches on many of the issues that would dominate constitutional politics up to the signing of the constitutional accord of 1981. Federalism for the Future, cautiously rebukes the decentralizing notions of Quebec nationalists and the province-building premiers in the rest of Canada, and assumes an almost judicial posture. It seeks a balance between centralizing and what it calls "fragmentization," and suggests that a strong Canada requires that neither level of government obtain the jurisdictional upper hand.

Canada's identity is its diversity and its unity: we lose ourselves if we lose our two linguistic communities, our diverse cultural heritages, or our several regional identities. We lose them all if we lose the Canada in
which they have been able to exist and to develop.\footnote{Government of Canada, \textit{Federalism for the Future: A Statement of Policy by the Government of Canada} (Ottawa, February 1968), p. 10}

What is most intriguing about this passage is the repetitive use of the word "lose" -- four times in two sentences. Clearly, an attempt is being made to emphasize the dangers to the national community of an altered federal state that provides the provinces with increased powers. This concern can also be seen in the paper's stated constitutional priorities: the entrenchment of human rights and linguistic rights. Obviously, the central government, in a prelude to the Trudeau era (and Trudeau was almost undoubtedly involved in the preparation of this statement), wanted to promote nation-building as the prime focus in the debate. The paper states that "the rights of people must precede the rights of governments."\footnote{Ibid., p. 8}

Yet, fervent decentralizers or province-builders could also take comfort in the document. As a federal treatise, it was a far cry from the Macdonald concept of federalism, in which provincial governments are unquestionably subordinate to the federal government. The division of powers, the role of the Senate, and greater regional influence in Ottawa are all open for discussion, according to the paper. Always, however, the theme is one of striking the right balance, and there is at least one subtle expectation that the provinces, too, should accept concessions.
States the paper: "We must be prepared to consider new methods for bringing provincial influence to bear on developing federal policies, and federal influence on developing provincial policies, before decisions have finally been taken."\(^{19}\)

Certainly the 1968 paper lays the ground rules for future federal/provincial discussions on the constitution. It seeks a balance in re-engineering the country's constitutional arrangements but seems blissfully ignorant about the complex implications lying behind the process. What, for example, would the provinces gain from nation-building? When one province in particular (Quebec) acknowledges outright that its objective is to become master in its own house, there can be little inclination for the other provinces to ask for less; national unity is a federal responsibility, not a provincial one.

In British Columbia, W.A.C. Bennett's own brand of constitutional conservatism was also starting to erode. He was never an enthusiastic participant in federal-provincial meetings, but one such conference would nonetheless become the stage for his most significant foray into constitutional reform when the First Ministers met exactly one year after the publishing of Federalism for the Future.

It was at this meeting in February 1969 that Bennett surprised his counterparts by proposing a restructuring of Canada's political boundaries into five distinct regions (Quebec, Ontario, the Atlantic, the prairies, and BC). The BC government's view was that

\(^{19}\)Ibid., p.44
the province should comprise one of the five regions, and should annex the Yukon as well (probably for economic reasons). David Mitchell points out that the five political regions were "viable and effective political units consonant and in conformity with the five economic regions of Canada."\textsuperscript{20} The proposal, extolled by a premier who until that moment had displayed almost a benign contempt for federal/provincial constitutional talks, was an astounding about-face. What had precipitated this dramatic transformation? A premier who had once been conservative and leery about such reform, was now advocating a "massive realignment of the country's political structure."\textsuperscript{21} Perhaps the radical, five-region proposal was Bennett's way of mocking the entire process of constitutional renewal; an attempt to match Quebec's pursuit of new powers by pushing the envelope even further. If Quebec was claiming it was not merely a province but a nation, then BC could claim that it represented a region as well as a province. Perhaps a more plausible explanation, however, is that the BC government was relaying the message to the federal government that, if the constitution was to be changed, then such changes had to reflect the emerging reality that BC, with its growing economic might, was becoming a greater force within the country and deserved a more significant voice.

Although the proposal's sudden emergence in constitutional talks suggested that it was perhaps a hasty reaction to the

\textsuperscript{20}Mitchell, WAC Bennett and the Rise of British Columbia, p.394
\textsuperscript{21}Ibid., p.394
inchoate process of constitutional renewal, the five-region proposal marked the end of constitutional conservatism in the province. Still, the concept of BC as a region unlike the others --- separate and stronger than its Western counterparts --- was one which would provide a recurring theme for the province as the constitutional question was repeatedly broached over the next decade. As a legacy, it was likely "one of W.A.C. Bennett's most lasting contributions to the debate over the future of Canada."22

An equally dramatic illustration of the end of constitutional conservatism in BC occurred a few years later. In June 1971, W.A.C. Bennett hosted a First Ministers' conference in Victoria. In an apparent breakthrough achieved under the firm guidance of Prime Minister Trudeau, the First Ministers ended a decades-long impasse by agreeing on a constitutional amending formula that would have patriated the British North America Act from the British Parliament. That BC, and indeed the rest of the West, had not yet formed a clear constitutional position was evident within the substance of the amending formula. Although Bennett played an uncharacteristically active role in the constitutional conference, the formula would have provided only Ontario and Quebec with a veto, thus denying the regional voice for BC that was advocated by its premier two years earlier. Fortunately for BC and its regional aspirations, the Victoria agreement was soon scuttled by Quebec Premier Robert Bourassa. Its rejection allowed BC the opportunity to expand on its claim for regional distinctiveness in

22Mitchell, p.395
time for the next round of constitutional talks. At such a juncture, the so-called Victoria amending formula would be abandoned by neophyte Premier Bill Bennett while the fifth-region concept would be embraced as a necessary ingredient in any constitutional solution.

Regionalism and the Question of Constitutional Reform

Bill Bennett succeeded his father as leader of the Social Credit party and was elected premier in December 1975 after the brief NDP interregnum. Along with the new premier came a more clear and substantial BC position on the constitution. Bill Bennett would distance himself from the isolationist stance of his father. As the constitutional issue grew in complexity, Bennett became an avid participant in a Western Canadian coalition that lobbied the federal government for reforms focusing on the West's lack of political clout in national affairs. (Expanding on a contemporary metaphor, it can be stated that, while many Quebecois were seeking powers that would make them masters in their own house, Westerners were more concerned about having more power over what was going on in their neighbourhood.)

In November 1976, the month Rene Levesque was elected Quebec premier, Bill Bennett provided his province's first comprehensive statement on how it viewed the federalism of the future -- a future in which the provinces would play a direct role in national affairs. The statement endorsed W.A.C. Bennett's characterization of BC as a regional entity. In his position statement, Bill
Bennett noted that BC's significance in Canada had grown dramatically since its 1871 entry into Confederation. Bennett argued that the BNA Act of 1867 was based on a three-region concept of Canada, that the subsequent 1915 amendment to the BNA Act reflected a four-region concept of Canada, and that now was the time to update the concept to five regions (with BC, of course, as the fifth region). In the statement, the premier summarizes BC's new constitutional position:

...[I]f substantive amendments are to be made to the Constitution at this time, certain basic constitutional readjustments must be made in British Columbia's representation in the Senate, on the Supreme Court of Canada, and Provincial representation on federal boards establishing national policy, so as to redress the constitutional imbalance of 1871 and give British Columbia the rightful place, in constitutional terms, which it now occupies in Canada. 23

This reinforcement of BC's demand for regional status, first proffered seven years earlier, is once again based primarily on the province's continued economic growth (and its complementary growth in population), and demonstrates the government's enduring conviction that economic power must translate into political power. To a province that had only recently shed both its isolationism and its constitutional conservatism, increased political power meant power at the centre. In order to achieve BC's rightful place in Confederation, Bennett outlined four key changes to the federal order in his 1976 statement:

(1) A rejection of the Victoria Charter amending formula in favour of a five-region concept that provides BC, Ontario, Quebec, two of the three prairie provinces and two of the four Atlantic provinces with a veto over future constitutional amendments.

(2) Senate reform. Although there are few details, the statement calls for the doubling of BC representation in the Upper Chamber from six to twelve seats to take into account the province's population growth. It also proposes a sweeping examination of the Senate's role, the means of appointment, and the tenure of appointees (BC would later propose that all members be provincially appointed) so that "regional points of view [are] reflected in the national law-making process." Favourable examples are drawn from the regional composition of the U.S. Senate and the Bundesrat in Germany.

(3) Increased BC representation on the Supreme Court of Canada. The premier calls for a 10-member bench in which British Columbia would be entitled to one representative; as for the other regions, the prairie provinces would have two justices from their region, the Atlantic would have one, and Quebec and Ontario would have three members each.

(4) Increased representation from BC on federal boards and agencies. Seeking greater regional influence in national affairs, the premier proposed that "the Board of Directors of the Bank of Canada, and the governing body of other significant federal boards and commissions, be appointed by a process involving
Provincial Governments as well as the Government of Canada."

The premier's statement was significant for a number of reasons. It was the first provincial document arguing that the Senate should be reformed in order to better represent the regions. It was the precursor to a much more elaborate rendering of the province's proposals two years later, in which the issue of BC's desire for provincial equity with the federation's populous powerhouses of Ontario and Quebec would remain a central component. It was the most detailed account produced to date by the provincial government that provides the essential reasoning behind BC's regional aspirations. It serves notice to the federal government that constitutional renewal, if it were to occur, would be based not only on coming to terms with dramatic changes in Quebec but also with the dramatic changes that had taken place in BC and the rest of the West. And finally, it emphasizes that the type of intrastate federalism BC has in mind is one in which the BC government, acting as the voice of its region, holds influence at the federal level in policies that affect the region.

On a broader basis, it is clear from this document and others soon to follow that the BC government saw constitutional renewal not as the need to rebuild national unity or strengthen the national community -- which is how the generator of the process, the federal government, saw it -- but as a chance to start in essence from square one and, with an irony that Macdonald would have found unsettling, re-create the federation as a compact
between regions/provinces in which the federal government would find itself in a far less dominant role.

Donald Smiley and Ronald Watts point out that this fundamental shift in constitutional demands was an abrupt response to both the PQ victory in Quebec and the increasing assertiveness of Western premiers. This shift meant that the federal government now faced constitutional battles on two fronts, as Western concerns usurped the traditional predominance of the French/English duality question. State Smiley and Watts:

The new emphasis in constitutional debate on proposals for reforming the institutions of the central government can in large part be attributed to the growing assertiveness of the western premiers and their desire to make their political power in national affairs commensurate with their economic power...[Prior to 1976] specifically western interests were neither clearly articulated nor forcefully pressed in the process of constitutional review.24

Premier Bill Bennett's 1976 constitutional statement was a significant volley in the direction of the federal government. It was a response to a request by the prime minister for the premiers to put forth their views on how the BNA Act should be patriated. Earlier, at the October 1976 Premiers' Conference in Toronto, Premier Bennett foreshadowed the tenor of his constitutional statement with his adamance that BC would again demand better terms within Confederation. His basic premise was that, in the confederal hierarchy of Canada, BC had risen to third place behind Ontario and Quebec. "By almost every growth index such as labour

24 Smiley and Watts, Intrastate Federalism in Canada pp. 12, 13
force, population, provincial product, and investment, British Columbia is now the third largest Province in Canada yet it is woefully under-represented at the national level," the premier stressed in a news release. "In large measure, it is afforded today only the same degree of importance in constitutional terms that it had in 1871.“25

CHAPTER THREE

RENEWING THE FEDERATION: A BC PERSPECTIVE

Ottawa Versus the Provinces

This chapter will focus on probably the most tumultuous period in modern Canadian constitutional history. It is here that Although BC was but one province in ten vying to imprint its vision on the country's political landscape, it did provide a comprehensive set of proposals from which it was possible to analyze the BC government's notion of a workable federal union. I will analyze these proposals in this chapter, and I will then answer one of this thesis's key questions: How would these proposals have changed the nature of Canadian federalism had they been accepted rather than ignored, and what impact would they have had on the BC's influence in Ottawa? An attempt will be made to assess the scope of these proposals in an era filled with stultifying debate, growing federal-provincial animosity, and prolonged constitutional turmoil.

From the beginning it was clear that the provinces, through their respective statements and actions on the constitutional front in the late 1970s, provided incontrovertible evidence that -- despite the separatists now at Quebec's political helm -- they would not be persuaded to accept patriation without some significant alterations to the federation. Undoubtedly (but
inadvertently) the premiers in the rest of Canada were accepting, at least conceptually, Quebec's argument that the constitution was smothering the aspirations of Canada's provinces with its worn-out, nineteenth-century centralism.

The federal government's vision of a patriated constitution with a formalized amending mechanism and an entrenched human-rights charter was perhaps not out-of-step with the views of Canadians living outside of Quebec, but the provinces viewed the process leading to these objectives as something which could (1) provide them with more power at home and (2) halt the spread of Trudeau's centralizing Liberalism while giving them an influential role at the centre. Knowing that they held considerable sway over patriation, the provincial premiers, especially in B.C. and the rest of the West, were more than willing to wage war with the federal government over the future of the federation.

In 1978 the Trudeau government elaborated on its vision of the federal system by producing Bill C-60, legislation which would reform existing constitutional arrangements. The accompanying document, titled A Time for Action: Toward the Renewal of the Canadian Federation, subscribed to the long-held federal view that Canada as a nation is more than the sum of its regions. The document stated that each province should be allowed to determine its own "political development." But it also argued that constitutional renewal "requires first of all that we become aware

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26 A Time For Action: Toward the Renewal of the Canadian Federation (Government of Canada, 1978) p.11
of the values which we need to share, regardless of the community
to which we belong or the region where we live."  

Significantly for BC, A Time for Action endorsed the
province's call for a reformed Senate. The document suggested that
a new upper chamber -- renamed the House of the Federation -- could
provide an "authoritative expression of regional views." States
the document:

Essential features of the new House would be the
recognition of a role for the provinces in the selection
of its members, and provision for proportionately greater
representation to the eastern and western parts of the
country, with substantial adjustment to ensure adequate
representation for western Canada which, until now, has
not received a share commensurate with its growing
importance.\footnote{Ibid., p.23}

This new Upper Chamber would consist of 118 members (half of the
number would be appointed by the provincial legislatures, while the
federal government would appoint the other half). The new chamber
would have a suspensive veto over government legislation, along
with powers to affirm the appointments of heads of federal agencies
and justices of the Supreme Court of Canada. It would also protect
linguistic rights as far as the two official languages were
concerned.

Moreover, Bill C-60 would provide the constitution with a
Statement of Aims, a Charter of Rights and Freedoms, and the re-
distribution of legislative powers. Although A Time for Action

\footnote{Ibid., p.5}

\footnote{Ibid., p.23}
acknowledges the importance of patriating the constitution with a formal amending formula, it did not include any specifics on how this could be accomplished. Academics such Donald Smiley noted that, with Bill C-60 and its accompanying political rhetoric, the constitutional process in Canada had entered a new era. Smiley saw Bill C-60 as representative of two important changes in direction: (1) a less Quebec-focused process that was expanding to incorporate the newly articulated dissatisfactions of other provinces, such as those in the West; and (2) an emerging consensus that federal institutions required reform in order to give regional and provincial interests a greater voice (in the 1968-71 constitutional period, the prevailing view was that most provincial grievances (namely from Quebec) could be rectified by altering the division of powers).29

On the surface at least, it appeared the federal government was moving closer to the view of provinces such as British Columbia, which had been calling for greater influence at the national level. Yet, Ottawa's vision of strengthening the national community through constitutional reform endured, not only through the grandiloquently patriotic prose of A Time for Action but also through seemingly provincial-focused reforms such as the new House of the Federation. The federal plan for reforming the Senate was purportedly an attempt to appease provincial concerns, but it also provided Ottawa with the opportunity to counter assertions from

provincial governments -- particularly in BC -- that they were the chief representatives of regional entities. A House of the Federation, after all, would establish a new political body that could legitimately compete with provincial governments for the coveted role of regional agent within federation. Alan Cairns, in an astute assessment of the Trudeau government's constitutional agenda, argues that the federalist vision was diametrically opposed to the intrastate views of the federal order emanating from such sources as the British Columbia government. Bill C-60 was therefore an attempt to sensitize Ottawa to regional issues but not to provincial governments. Although A Time for Action refers to "strong provincial identities," the over-riding federal aim was to stress the wide-ranging diversities within provinces in order to undermine the claims of premiers that they spoke for homogeneous regions.

...[E]asily discerned although nowhere given comprehensive expression, was the desire to keep provincial governments in their place, create new spokesmen for provincial interests, and undermine the ability of provincial governments to stray from their proper role as spokesmen on provincial matters to spokesmen on federal matters.  

Keeping the provincial governments in their place was no doubt a growing preoccupation of the federal government, which found itself under heavy attack from Western premiers who were joining together to express their antagonism to a central government that was not only formulating a constitutional vision that rankled their

30Alan C. Cairns, "Recent Federalist Constitutional Proposals: A Review Essay" in Canadian Public Policy, v. 3, Summer 1979, p.357
more traditional views of governing (specifically the Charter of Rights), but was also ideologically far to the left of the mainly conservative premiers in BC, Alberta and Manitoba.

While the West's prosperous economies played an important role in this increasing assertiveness, it was also true that the Canadian political scene during the 1970s was adding to the premiers' heightened public profile as regional spokesmen. With virtually no representation from the West through most of the decade, the Liberal government of Pierre Trudeau was politically incapable of countering the widespread perception that they were out of touch with Western concerns. Therefore, the constitutional process and its almost total reliance on executive federalism became one of the few arenas where aggrieved Westerners, through their premiers, could effectively enunciate their opposition to Trudeau's brand of liberalism.

This opposition was no more apparent than with the establishment of the Western Premiers' Task Force on Constitutional Trends, which was set up in 1976 and became a vehicle for the espousal of Western dissatisfaction with federal intrusion into provincial affairs for the remainder of the decade.31 The three

31In its first report, issued in May 1977, the Task Force identified eight areas in which federal intrusion was a concern: 1. Consumer and Corporate Affairs; 2. Resources; 3. Housing and Urban Development; 4. Economic Development; 5. Communications; 6. Immigration; 7. Administration of Justice; 8. Interventions by federal government through the Supreme Court of Canada. With its next report, in 1978, the Task Force added the following to its list: Federal Transportation of Dangerous Goods Act, the Fisheries Act, Abandoned Rail Rights of Way, and video games, among others.
annual reports issued by the Task Force emphasize the need for
greater federal consultation regarding legislation that impacts the
provinces, and there was much discussion about a mechanism that
would allow this to occur.

British Columbia played a critical role in the Task Force (a
BC provincial cabinet minister, Rafe Mair, chaired the group). By
the third report, issued in March 1979, the Western premiers were
able to equal their federal counterparts in the use of flowery
prose. The report noted "the emergence of a new sense of identity
and destiny in the West" as an important impetus behind the
establishment of the Task Force.32 And it proclaims that the
problems inherent within the Canadian federal system can no longer
be cured by simple fixing but instead require major institutional
reform. The Task Force proposed three approaches to easing the
friction behind federal-provincial relations: (1) the formalization
of First Ministers' Conferences; (2) increased provincial
participation in the federal law-making process; and (3)
constitutional amendments strengthening some provincial
responsibilities. All three approaches would collectively
represent a massive restructuring the political process, with the
role of the federal government subjugated to the role of the
regions/provinces.

Again, British Columbia was leading the way in its advocacy of
institutional reform by strongly supporting a new Upper Chamber --
one that would give provincial governments direct influence within

32Third Report, p.9
the federal legislative process. In the 1979 Task Force report, the BC government expands on its view that a reformed Senate "has the potential to promote national unity to an unprecedented degree." The province's proposal would see an executive council established within the new Senate, whose members would be directly appointed by the provincial governments. The reformed institution would be provided with an absolute veto over all matters of "crucial interest" to the provinces.

The BC government had raised Senate reform into a leading component of any constitutional renewal. With almost non-existent representation from the West within the federal government, a new Upper Chamber offered a hopeful solution. The intrinsic appeal of such a proposal to the Western provinces was that it would offer them entry into a political process dominated by central Canadians. It could also be seen as an alternative to the disconcerting symbolism of a "balkanized" Canada that was being associated with traditional forms of decentralization. Still, it is difficult to say whether the overall intent of the three reports of the Western Premiers' Task Force was to draw a line in the sand regarding the West's participation in constitutional renewal or whether it was even more shrewdly tactical -- an attempt to strengthen the bargaining position of the region as it prepared for negotiations with both the federal

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33 Ibid., p. 53
34 Ibid., p. 52
35 See Smiley and Watts, p. 13
government and its provincial counterparts in central Canada. What is certain is that the West's constitutional vision, as spelled out in the three Task Force reports, was sharply different from the vision promulgated by Ottawa in A Time for Action. British Columbia, in particular, had again stressed the need for substantial institutional reform.

The province had elaborated on the foundation of this demand in a 1978 set of proposals, which would again pursue the view of BC as a vital economic region of Canada that had now outgrown the political short pants given to it by the Fathers of Confederation a century earlier.

**BC's 1978 Constitutional Proposals**

Although British Columbia had joined its Western provinces in a collective attack on the constitutional status quo through such enterprises as the Task Force on Constitutional Trends, it was not prepared to disavow its claim to regionhood. The 1978 constitutional proposals from the provincial government elaborated on such a claim, explored its historical basis, and noted that as "one moves to the more specific and operational policy levels the dichotomy between the prairie west and the pacific west becomes more and more apparent." 36

The proposals note that unique geographical features -- its mountains and its rugged coastline -- contributed in a significant

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way to the province's resource-based economy. And that both geography and economics have combined to produce a region that is unlike any other in Canada. The lineage of this rhetoric is obviously the erstwhile call for a five-region Canada by W.A.C. Bennett. The difference is that while Bennett senior was one who preferred the image of someone blithely ignorant of the world outside BC's borders, Bennett junior, facing the virtual certainty of constitutional renewal, was presiding over a government that was now suggesting the existing constitution was an unworkable product of a bygone age, and that it was preventing the province from participating in the affairs of the federation in a way commensurate with its growing economic status. Some parallels could be broadly drawn between BC's 1978 proposals and the rhetorical angst exhibited by nationalists in the Quebec government. Both provinces complained that they were being held back by a federalist straitjacket. And both provinces draped their grievances in history -- both were fighting to free themselves from the bonds of either colonialism or, in the case of BC, quasicolonialism. And while Quebec measured its distinctness by language and culture, BC measured its distinctness by geography and economics. Such parallels can only go so far, of course. In Quebec, a new constitutional regime meant exclusion (decentralization); in BC it meant inclusion (institutional reform to promote regional influence at the centre). The BC government defined a new arrangement as one that recognized its status as a region, and as something that would allow it to represent this
distinct region in Ottawa.

In summary British Columbia is clearly one of Canada's major distinct regions...It is only through full and direct representation on federal institutions that the natural barriers to integration of British Columbia into the national mosaic can be offset.\textsuperscript{37}

The 1978 proposals produced by the British Columbia government discuss the following: the reform of the Supreme Court of Canada; an improved process for federal-provincial relations; a bill of rights; language rights; the distribution of powers; an amending formula. The following will summarize the most significant aspects of these proposals.

In keeping with W.A.C. Bennett's call for a five-region concept of Canada, the proposals centre around a reformed upper chamber as the best way to reduce regional cleavages and create a workable federation that is cognizant of the needs of all provinces. The paper declares that the existing Senate's role as a rubber stamp for the House of Commons betrays its original intent, which was to represent regional interests at the national level. It notes that there are two ways to solve the problem: (1) increased decentralization; or (2) major reforms of federal institutions to provide for a greater provincial voice at the centre. The paper states that the latter option is a more pressing matter, and places the second chamber at the top of its priority list, explaining that "it is in creative and far-reaching reform of the Senate that our main hope for better decision-making in the

\textsuperscript{37}\textit{Ibid.}, p.19
country lies."\textsuperscript{38}

In 1969, as mentioned earlier in this thesis, W.A.C. Bennett stunned his provincial counterparts by unveiling a revised map of Canada with the country divided into five political regions, and with an enlarged BC as one of the five. In 1978, Bill Bennett modified this earlier concept by repackaging it and making it slightly more palatable in the eyes of the prime minister and his fellow premiers. Instead of proposing a reformed Canada with five dramatically realigned jurisdictions, the younger Bennett called for a reformed Senate in which seats were distributed in accordance with the five-region concept of Canada.

...British Columbia is of the view that the original Canadian approach updated in 1915 -- namely that of equal regional representation -- is still the best, provided that it is further updated and adjusted to recognize the fact that Canada is now a country composed of five distinct regions -- Atlantic, Quebec, Ontario, Prairie, and the Pacific.\textsuperscript{39}

Although the province was calling for major institutional reform of the Senate, this reform did not go so far as to replace the current anachronistic appointment process with a process based on popular election. Instead, the BC government hoped to change how appointments were made to the Senate in order to strengthen its influence within the institution rather than of its citizens in general. Under the province's proposals, each provincial government would appoint one member from the provincial cabinet to

\textsuperscript{38}Ibid., pp. 28-29

\textsuperscript{39}Ibid., pp. 34-35
act as the province's leading senator in Ottawa. All other senators would be appointed by the respective provincial governments from the public at large, and they would sit at the pleasure of the premier; their tenure would correspond to that of the provincial government. The BC government, in its 1978 proposals, rejected the concept of directly-elected senators because of the possibility that national-party loyalties would likely "dominate other interests in an elected second chamber and thus undermine its essential role as the protector of regional interests." 40 One must assume that the BC government believes it would not be equally disruptive to have provincial-party loyalties enmeshed within the national political structure; and one must also assume that the BC government believes the interests of provincial governments, be they particular or general in nature, are always representative of the interests of their regional or provincial populations as far as national issues and policies are concerned.

The BC government's proposals also called for reform of the upper chamber's jurisdiction in order to provide the institution with the capability to influence or control legislation of concern to provincial governments. In its 1978 list of proposals, British Columbia proposed that a restructured Senate hold an absolute veto in a number of areas of particular interest to the provinces -- areas that held a "significant, as opposed to incidental, impact on the provinces or regions of the country." 41 These included:

40 Ibid., p. 35
41 Ibid., p. 38
appointments to the Supreme Court of Canada; appointments to major federal agencies and commissions; amendments to the constitution in areas currently under federal jurisdiction, and including all amendments involving reforms to national institutions; the use of parliament's declaratory power; and the federal spending in areas of provincial jurisdiction.

In addition, BC's reformed Senate would hold a suspensive veto in all other areas not specifically granted absolute-veto status. The defeat of government legislation, either through the exercise of the absolute veto or suspensive veto, would not affect the status of the governing party, as the "government would be responsible solely to the House of Commons."\(^{42}\)

**The Impact of BC's Reformed Senate on the Federation**

British Columbia's plans for reforming the Senate, the most significant and far-reaching of its 1978 proposals, would have marked a major transformation in the federal system. With the Senate's seats distributed equally among the five regions, BC would certainly see its influence within the federation increased. Its newly-realized veto power over federal legislation would effectively combat the old perceptions of a province ignored. With an upper chamber re-defined along the lines of BC's proposal, the federal government would have had no alternative but to seek feedback from Victoria whenever particularly sensitive legislation was contemplated. In essence, power and influence would gravitate

\(^{42}\)Ibid., p. 41
to the regions, and this would require Ottawa to be much aware of regional sensitivities when it came to setting the national agenda.

But was such a proposal viable? It is certain that reform of such magnitude, especially in post-1982 Canada, would be an exceedingly difficult task to accomplish. For example, would the other provinces accept B.C. as a fifth region and provide it with the privilege -- and power -- of a Senate veto. The constitutional rhetoric evident in the years 1969 to 1981 suggests strongly they would not. Indeed, the first ministers of 1969 seemed as unwilling to consider BC's regional aspirations as their successors in 1981. The relatively sudden emergence of these aspirations likely had something to do with this collective cold shoulder. But probably more important than this lack of an historical argument in support of regional status was the fact that such a concept, in 1980-81, was swimming against the tide of provincial equality. The chauvinism apparent in providing some provinces with veto powers was already losing favour in constitutional negotiations as provinces such as Alberta -- which, arguably, played a much more influential role in federal-provincial relations during the 1970s and '80s given both its economic power and the forceful presence of its premier, Peter Lougheed -- pressed for a federal system in which all provinces were constitutionally equal. BC's goal of reforming the Senate so that it would be able to join Ontario and Quebec atop the federation's hierarchy was a misconceived proposal from the perspective of other provinces, which found this elitism irksome, intolerable and unacceptable. Eventually, the other
provinces may come to accept BC as a distinct region, but such acceptance will likely come without any concomitant powers within the federation.

In a revealing address directed at Quebeckers in 1981 (before that year's constitutional negotiations), Bill Bennett made a conscious effort to align the two provinces in body and soul, declaring that they were similarly disaffected members of a Canadian state which had failed to recognize their respective distinctness, and had thus imperiled their aspirations. He spoke of Quebec and BC as "kindred spirits" and noted that British Columbia was committed to a "wholesale renewal" of the federation. Evoking a passion vaguely reminiscent of a Quebec nationalist, Bennett argued that federal policies had too often in the past neglected to take BC into account:

My province is distinct in its history, in its peoples, in its economic thrust, and partly distinct in its culture, from other regions of Canada. It is even distinct from the rest of Western Canada...The fact is that natural forces...have made British Columbia remote from central decision-making in this country. Unfortunately we have been kept remote by a Constitution that does not give my province adequate representation in national institutions such as the Senate of Canada, the Supreme Court of Canada and major federal boards and commissions.

The message to Quebec was one of solidarity. The message to Ottawa was that BC shared with Quebec an unhappiness with status-


44Ibid., p.30
quo federalism, and that any future negotiations toward a renewed constitution must reflect this reality. Institutional reform and a recognition of regionhood had become the cornerstones of BC's constitutional position, and this position would receive a boost with the findings of the Task Force on Canadian Unity.

The Task Force on Canadian Unity (1977-1979)

Set up soon after the separatist victory in the 1976 Quebec election, the federally-appointed Task Force on Canadian Unity spent two years examining the country's political cleavages in hopes of discovering ways in which it could acknowledge its diversity but remain united. Its goal was to strike a balance between cultural duality and regionalism while not embracing, but not denying, some form of pan-Canadian nationalism. In the process it helped to shed more light on why provinces like BC reacted viscerally against the Parti Quebecois' concept of sovereignty-association in particular and, perhaps, cultural duality in general. States the task force:

In addition to passing ultimately beyond duality, sovereignty-association does something else: it challenges regionalism -- or seems to. What pequistes have in mind, so far as one can tell, is some kind of one-to-one association between Quebec and the rest of Canada...But what is the "other" to which Quebec would relate?...[T]he logic of the sovereignty-association option presses hard on regionalism to deny itself for the sake of a duality which is little more than the Cheshire
Certainly this assumption — that the rise of regionalism among provincial premiers was a direct response to the issue of cultural duality — had dominated the constitutional debate up to the 1970s. Undoubtedly, provinces such as BC had an interest in ensuring that the parameters of the constitutional debate were expanded beyond the question of two nations warring within the bosom of a single state. One could argue that the recently-formulated constitutional position of the BC government was at least partially designed to refute the assumption of Quebec nationalists as fostered by the issue of cultural-duality: that the Rest of Canada was a homogeneous entity as far as economics, history and political culture were concerned.

The Task Force on Canadian Unity was somewhat sympathetic to the aspirations of BC, including its call for regionhood, its demand for radical change, and its more specific demand for greater regional influence within the central government. And the task force was largely sympathetic to the notion that Macdonald's vision of federalism was outdated and in need of reform. The Task Force's report called for the constitutional recognition of the provinces as equal "in stature and maturity" to the federal government. It called for a devolution of powers to the provincial governments and favoured a full enumeration of those powers within the central government.

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constitution. It favoured electoral reform to improve regional representation within the House of Commons. And it proposed an expanded Supreme Court of Canada in order to handle an increased constitutional workload as well as the dualistic and regionalistic demands for representation. Most importantly for BC, the Task Force advocated a new second chamber that would provide provincial governments with significant new powers at the national level. The proposed Council of the Federation would consist of "provincial delegations to whom provincial governments could issue instructions, each delegation being headed by a person of ministerial rank or on occasion by the premier." While accepting BC's demand for a reformed Senate, the Task Force did not go so far as to provide the province with a five-region formula for representation in the new body, but it nonetheless re-worked the formula so that BC's proportion of seats would rise significantly (from about five percent to 13 percent).

In terms of an amending formula, the Task Force leaves that up to the House of Commons and the new Council of the Federation to resolve amicably, with a requisite Canada-wide referendum for ratification. Unfortunately for BC, the Task Force favours a four-region approach to ratification-by-referendum, with the regions of Ontario, Quebec, the Atlantic and the West requiring respective majorities before the amending formula would pass in a referendum. Task force members concluded that the introduction of a new region to the formula was possible, but such a region would

47Ibid., p.97
require at least 25 percent of the Canadian population.

The report, however, did not close the door on regionhood entirely. In an earlier analysis of the national-unity crisis, the Task Force pointed out that Canada could, theoretically at least, be divided into four or five regions and suggested that BC could, possibly, be considered a region onto itself.\textsuperscript{48} While this might have been only a rhetorical genuflection to the BC government, the Task Force uses much stronger language in order to assert that it believes with equal fervour in the causes of regionalism and cultural duality:

\textit{\ldots[J]ust as we contend that, for a complex variety of reasons, duality must today be approached primarily (although not exclusively) through the medium of Quebec's relations with the rest of Canada, we also believe that regionalism in Canadian life is expressed primarily (although, again, not exclusively) within the framework of the provinces, and we regard the provincial and territorial governments as critical agents in articulating the concerns and aspirations of these regional communities.}\textsuperscript{49}

Observers of the constitutional debate, in responding to the federal vision as espoused by the Task Force, were quick to point out that the proposals would result in a massive, centrifugal devolution of powers. J. Stefan Dupre and Paul C. Weiler, in a highly-critical assessment of the Task Force's recommendations, noted that an increasingly aggressive West was now emulating Quebec in its desire to achieve within the federation a recognition of its distinct needs and desires, and agreed that divergent demands were

\textsuperscript{48}Ibid., p. 26

\textsuperscript{49}Ibid., p.27
creating a politically volatile situation. They maintained that legislative change, not "ambitious constitutional restructuring," was the most feasible route to a more harmonious situation.\textsuperscript{50} The authors believed that wholesale constitutional reform would spell the end of what had been a reasonably successful experiment in federalism.

Alan Cairns notes that the federally-commissioned Task Force's report expresses little in the way of a substantive vision of the national community as portrayed in Bill C-60. He concludes that the Task Force's basic constitutional philosophy is a new version of the Compact Theory, in which Ottawa's role within the federation is clearly subordinate to the role of the provinces. Thus, a Trudeau-esque form of federalism is overarched by aims designed to address provincial and regional aspirations and sensitivities:

\begin{quote}
The overriding stress on what divides us, on why we have provinces, and on the small worlds in which we live, undermines the credibility of the occasional reference to common interest, common purpose, and common will (p.17) and thus provides little sociological or psychological justification for a strong, autonomous central government role.\textsuperscript{51}
\end{quote}

The Task Force on Canadian Unity's expansive report illustrated how dramatically the pendulum had swung. If nothing else, it would have certainly proved a boon to provinces such as

\begin{itemize}
\item \textsuperscript{51}"Recent Federalist Constitutional Proposals: A Review Essay," p.359
\end{itemize}
British Columbia, which saw their concerns given credibility. After all, a Task Force empowered by the federal government to seek solutions to the constitutional dilemma had recommended a reformed upper chamber very similar in design to one advocated by the BC government little more than two years earlier. Certainly a consensus seemed to be building on the issue of broad institutional reform among those interested in a more regionalistic definition of Canadian federalism. The line had clearly been drawn between the Trudeau vision of federalism and a provincialist vision trumpeted by the BC government, among others. The tumultuous federal-provincial negotiations of 1980 and 1981 would be the severest test yet for proponents of both visions.
CHAPTER FOUR

THE ROAD TO THE 1981 CONSTITUTIONAL ACCORD

The Quebec Referendum Aftermath

This chapter will recount the ultimate failure of BC's quest for regionhood during the historic negotiations of 1980-81. The following question will be addressed in this chapter: What were the reasons for the failure of the concept of regional equality as espoused by the BC government in its 1978 proposals? First, however, it is necessary to encapsulate the events that sparked this historic negotiating round: the defeat of sovereignty-association in the Quebec referendum of May 1980.

Immediately after the separatist defeat, the federal government and the provinces in the rest of Canada were seemingly united in their commitment to the principle of constitutional renewal. Exploratory discussions between both levels of government got underway in earnest almost as soon as the referendum was over, and yet there still appeared to be little hope that the deep philosophical chasm between the constitutional position of Ottawa and that of most of the provinces could be narrowed enough to attain significant progress at the bargaining table, especially on such seemingly intractable issues as an amending formula and Trudeau's plan for an entrenched charter of rights.

Finding a solution to the constitutional imbroglio that
satisfied Quebec's needs was an undeniable challenge for the Trudeau government; but equally difficult was the question of satisfying the needs of the Western provinces, which was particularly perplexing given British Columbia's insistence on broad institutional reform. Collectively, Quebec and the West were calling for a much more provincially-based federalism, and yet both regions strove to achieve this new federal vision through quite separate means; while Quebec's nationalists traditionally asked for greater decentralization and an end to Ottawa's encroachment on provincial powers, BC was determined to see regional/provincial governments provided with greater power and influence at the centre. Both concepts together represented a federalism in which the federal government was in a clearly subordinate position to those of the provinces. Even to consider the plausibility of each concept in isolation, or to assume that one would be accomplished and one would fail in the upcoming negotiations, would be tantamount to accepting the view that Trudeau was willing to abandon his vision of a national community in order to reach a constitutional agreement.

That both levels of government had different agendas and different constitutional visions was fast becoming a cornerstone of modern federalism in Canada. Undoubtedly, both sides saw the unfolding constitutional drama as a conflict between divergent visions -- and divergent interests. To the victor went the spoils, who gained not only jurisdictional predominance within the realm of certain laws and regulations but also a symbolic right to act as
the true representative of a regional or national community. Neither side, therefore, could realistically fathom a renewal of the federation that was purportedly in the best interests of the nation unless it served to weaken or destroy the opposing vision. As Alan Cairns points out, this highly-competitive power struggle between the federal government and the provinces has long been a characteristic of the federation; the on-going constitutional crisis has amplified such divisiveness. Cairns, in an evaluation of Trudeau's constitutional proposals, concedes that Canadians are quite plausibly "a united people divided by our governments." He writes:

In pursuing his objectives and responding to the self-interested cues emanating from the pyramid of political and bureaucratic power over which he presides in Ottawa, Mr. Trudeau is driven to exaggerate the Canadian component of our identities...It is equally logical and natural for our provincial leaders to exaggerate the provincial components of our identity. They have no responsibility for our national identity although they cannot completely disregard it, as even Mr. Levesque recently discovered.  

Certainly the post-referendum Trudeau government, freshly returned to power with a parliamentary majority after less than a year in opposition, was prepared to undertake substantial constitutional change. As for the provinces, the past decade of talks, policy papers and constitutional proposals had essentially obliterated the last gasps of constitutional conservatism. British Columbia and Alberta, for instance, had comprehensive proposals on

**Disruptions**, p. 64
the table. And the BC premier had already stated that a major
overhaul, not minor tinkering, was the answer to Canada's political
woes. Both levels of government were prepared for what they now
perceived as a necessary and inevitable stage of constitutional
reform.

British Columbia had a detailed set of proposals that it was
peddling as a solution to the country's constitutional woes. However, organizations such as the Canada West Foundation, which
normally sympathized with the concerns of provincial governments in
the West, issued a document that listed a number of concerns with
the centrifugal federalism apparent in BC's proposals.\footnote{53} The
Canada West Foundation saw this proposed outward shift as
disadvantageous to Canadian federalism, which perhaps underscored
one deficiency in British Columbia's argument that the answer to
the country's constitutional troubles is a realigned structure
which provides the provinces with power and influence at within the
central government. A problematic, long-term result of such a
reformed Senate could be the unfortunate intermingling of national
parties and forces with provincial election campaigns, posits the
Foundation's discussion paper. And it asserts that another
potential disadvantage could be more disharmonious
conflict and disagreement, not less:

The populous centre would control the Commons, the
hinterland would control the Council of Provinces, and

\footnote{53}{David Elton and Peter McCormick, Alternatives 1980: The
Basic Issues in Constitutional Reform (Banff: Canada West
the conflict symbolized by the confrontation between the two chambers could weaken both the national government and the country.\textsuperscript{54}

In other words, what British Columbia could be proposing in its pragmatic yet self-serving demand for a new provincially-appointed Upper Chamber was not a solution to, but an entrenchment of, national disunity. The question raised by papers from organizations like the Canada West Foundation was certainly unsettling: were the Western premiers offering proposals that had the best interests of Westerners in mind, or were the demands based on lingering desires to trim the sails of an expansionist federal government by re-shaping federalism into a more provincialist image?

Regionhood in Decline: The Signing of the 1981 Accord

The 1981 Constitutional Accord, which led to the proclamation of the Constitution Act, 1982, gave Canada an entrenched Charter of Rights and Freedoms, a patriated constitution, and an amending formula that would play a contributing role in subsequent failed attempts at constitutional reform. The accord was the culmination of an elongated and often bitter debate between Ottawa and the provinces. At its zenith, the confrontational nature of Trudeau's last-chance bid to give Canadians a renewed federation saw the two levels of government ignominiously face each other in the courtroom over Ottawa's plan to act unilaterally and bring the constitution

\textsuperscript{54}\textit{Ibid.}, p.14
across the Atlantic.

And the fact that the accord would not be signed by Quebec's premier played into the hands of Quebec nationalists a few years down the road, who subjectively interpreted this as an attempt by the prime minister and the other premiers to isolate Quebec -- turning it into an orphan without a home in the Canadian constitutional family (a cynical representative from the rest of Canada would likely embrace a different metaphorical twist -- Quebec as a province in self-imposed exile, for example.)

Like the accord's aftermath, the bargaining process itself was, in the words of authors Stephen Clarkson and Christina McCall, "chaotic and open-ended." They write:

> It was conducted by a few men at the summit of the country's political class, who became in the process largely disconnected from the economic forces and social interests that normally dictated their actions as they schemed and bargained to secure their own, often diametrically opposed, political goals.55


The new constitution, formally signed into law by the Queen in April 1982, marked the end of an era in Canada, emerging as it did fifty years after the Statute of Westminster. It was a Declaration of Independence, of sorts, from the Mother Country -- although a muted and much-belated one as Britain had been more than willing to disentangle itself from the Canadian constitution for many decades.

Yet, the new constitution, achieved after twenty desperate
years of sharp intellectual discourse and mounting political rhetoric about the necessity of re-shaping the Canadian state, was easily and quickly disparaged. The 1981 accord was signed, for example, by Bill Bennett, and yet the accord was hardly reflective of his province's 1978 proposals for a renewed federation — proposals in which the premier had reiterated his province's view that nothing short of major institutional reform would resolve federalism's problems.

As McCall and Clarkson point out, the process was indeed chaotic. And the aftermath would only inspire further chaos. Donald Smiley wrote prophetically about the accord as a "dangerous deed" that almost guaranteed the country a series of future constitutional crises. Smiley viewed the signing of the 1981 accord as an affront to Quebec, whose populace had been promised a renewed federation: a promise which, despite the celebratory poses of the other first ministers, had not been fulfilled. "The pledges of constitutional reform made to the Quebec electorate by the federal Liberal leaders have not been honoured," Smiley writes, "and it is not too much to say that this electorate has been betrayed."\(^56\)

Smiley rightfully acknowledges the situation's irony -- the process undertaken to address the concerns of Quebec had only

served to undermine its ties to the rest of Canada.

British Columbia, too, could (at least academically) proclaim itself a loser at the negotiating table. Although its premier was a willing participant in the discussions and signed the accord as enthusiastically as the other nine premiers, his idealistic sentiments about reform, espoused just a few years earlier and clearly defined as "demands," seemingly disappeared once the hard bargaining got underway. The province had demanded a greater, more influential role in the federation, and yet there was no change in the political structure of the system. It called for a reformed Senate, one in which representatives from the regions were directly linked to provincial governments and were afforded increased powers to impede federal legislation potentially detrimental to the affairs of the provinces. Instead, the new constitutional amending formula would now require unanimous consent among the eleven governments before future reform of federalism's institutions could take place -- a horrendously difficult task to achieve (as the Meech Lake debacle would soon prove).

The fact that such reforms were not negotiated in 1980-81 was, from a Western perspective, a glaringly obvious error of omission that left the accord a flawed document. Roger Gibbins, in an 1983 essay, interpreted the accord as a "tragic lost opportunity" that would do nothing to weaken the perception of Western alienation or stem the incessantly acrimonious nature of federal-provincial
relations.57 "While western provincial governments successfully protected their own status and jurisdictional interests," Gibbins writes, "they failed to advance the national interests of their constituents."58 Gibbins contends that, while patriation of the constitution and the entrenchment of the Charter of Rights would have little impact on regional politics, the amending formula helped to reinforce the claim among provincial premiers "that they alone speak for their provincial electorates...Ottawa cannot appeal directly to the people of the West over, under or around their provincial governments."59 While this concern was disproved somewhat by the Charlottetown referendum in 1992 (albeit it was not done "over the heads" of the premiers but, rather, with their consent), the more significant issue of the premiers guarding their monopoly as chief regional spokespersons requires further elaboration. The amending formula accepted in 1981 was considered a victory by Western premiers because it did not categorize them as "second-class" in relation to Ontario and Quebec, both of which would have achieved veto powers had previously-favoured formulae (such as the highly-touted Victoria formula) been adopted. What the entrenched formula did not achieve was an easy road to future institutional reform of the federation.

What had happened to derail BC's once implacable insistence

57 Roger Gibbins, "Constitutional Politics and the West," in And No One Cheered, pp. 129-132
58 Ibid., p. 122
59 Ibid., p.127
that major reform, including a reshaped and re-engineered Upper House, was essential if Canada's leaders were to truly achieve a workable federal system? David Milne, in his book on the making of the 1982 Constitution, provides some plausible answers. Milne notes that one formidable obstacle in the Western premiers' drive for a more centrifugal system was Trudeau's obstinate refusal to entertain such a possibility. Indeed, the prime minister, devoted to the assertion that a stronger federal government would make for a stronger Canada, perceived such a system as akin to Quebec separatism and regarded it as a spurious attempt to further denigrate the federal government's role in the federation. Trudeau was almost viscerally opposed to this concept of provincialism; he did not wish to see Canada transformed into a "free association" or a "community of communities." Thus, he was as unwilling to concede to regionalism as he was to separatism or, for that matter, Quebec nationalism.60

It can be argued that Trudeau's obstinence in the face of provincial calls for greater influence within the federal system, and his marked, even hostile, reaction to such demands, made it impossible for reforms like those put forth by BC in 1978 to reach the negotiating table in 1980 and 1981. Indeed, it had become overwhelmingly apparent that the Trudeau of the 1980s was much different -- and feeling much more in control -- from the Trudeau of the 1970s. Trudeau's dramatic return to power in February 1980

had re-energized a gifted political leader who had, less than a year earlier, realized in sombre retrospect that his main goal -- to make Quebeckers feel more closely connected to the rest of Canada -- had not been adequately fulfilled. His restoration would not be deemed a success unless he could extricate Ottawa from the hidebound confines of federal-provincial relations. As Stephen Clarkson and Christina McCall point out, Trudeau was convinced by the lack of success on the constitutional front during the short-lived stewardship of Joe Clark, a Progressive Conservative whose federalist vision was more compatible with the premiers' view of Canada than Trudeau's, that the long political impasse was not the result of partisan differences but was instead the product of the system itself.

The unwritten understanding that all decisions of first ministers had to be made unanimously had encouraged each premier to withhold consent from a proposed agreement in order to extract ever-greater concessions for his province. Trudeau had lost control of constitutional negotiations in the 1970s when he had allowed the premiers to put their own long lists of issues on the table. An ever-extending agenda with no fixed deadlines for decisions had removed any discipline from federal-provincial meetings.61

Thus, the dynamic which had helped produce British Columbia's wide-ranging constitutional proposals in 1978 was now altered. In essence, the provinces were no longer in control of the agenda because the federal government manipulated the events of 1980 to usurp that responsibility. Trudeau was no longer interested in

61Clarkson and McCall, pp. 278-279
seeking unanimity at the First Ministers' table and this effectively undermined each premier's once-formidable power to add pet concerns to the agenda.

This new, hard-line strategy was manifested in the Trudeau government's brazen gamble to pursue a unilateral solution to the constitutional issue after the collapse of talks in 1980. It was an approach to federal-provincial relations that would prevail during the Trudeau government's fourth and final term. Aside from constitutional politics, it could be seen as well in other post-1980 federal efforts, particularly in the National Energy Program—the economic centrepiece of the new Trudeau government that was so unabashedly nationalistic and interventionist it almost immediately antagonized the multinational oil companies that dominated the West's energy sector; this policy further aggravated the already incendiary relationship between the Alberta government and the federal government (and perhaps pushed Alberta Premier Peter Lougheed into the forefront as the major Western spokesman in the ensuing constitutional talks). Still, the NEP and the new constitutional initiative were devices which Ottawa planned to use to re-assert the relevance of the national government in the minds of Canadians; it was part of Trudeau's grand strategy to paint the premiers as self-interested and parochial, showing the process that the government in Ottawa was the only government willing to speak up for the needs of Canadians as a collectivity. 

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By 1981, the federal government was determined to fight the increasing strength of provincialism that had been made possible partly by the growing economic might of the West, partly by generous federal transfer payments, and partly by the advent of First Ministers conferences (which provided the premiers with a platform to challenge the federal government). In November 1981, Trudeau revealed how highly-critical he was of "summit federalism":

[He explained] that there had been almost as many first ministers' conferences in the 14 years of his tenure as Prime Minister as there had been from Confederation to 1968. He linked this evidence of executive federalism to the notion, which he saw the premiers as holding, that 'Canada's national government would be a council of first ministers...that federalism demanded that the federal government give in whenever the provinces reach a unanimous position.'

The Trudeau government was also buoyed in 1980 by the results of the Quebec referendum, probably believing with utmost confidence (like many Canadians) that the separatist dragon had been finally slain.

The referendum win, where Ottawa believed it had stepped in and rescued the situation from the foundering provincial Liberals, produced an enormous sense of self-confidence in the Trudeau government at the outset of its mandate. Whenever small groups of ministers or aides met, they patted themselves on the back for a job well done and planned even more aggressive strategies for the future. They were almost drunk with a new sense of power.

63Sheilagh M. Dunn, ed., The Year in Review 1981: Intergovernmental Relations in Canada (Kingston: Queen's University, 1982), p. 2

64Ibid, p. 3
The results likely had a similar affect on the premiers (in the rest of Canada) as well; the immediate post-referendum period was a time for conciliation, and this was not lost on Bill Bennett, who was considered one of the "doves" among the first ministers, one of two or three premiers among the so-called "Gang of Eight" who was looking for conciliation and compromise at the constitutional table. Sidetracked by an upcoming provincial election and a growing recession in the West, it is plausible to assume that Bennett's conciliatory efforts were a subtle acceptance that his province's regionalist aspirations and its concomitant proposals for a massive overhaul of the federal system were off the table before the crucial 1981 discussions were even underway.

The Gang of Eight, a coalition of eight premiers (the leaders of Ontario and New Brunswick had sided with the national government) formed to stop Trudeau's unilateral attempt to patriate the constitution succeeded, thanks to several timely court decisions, in its attempt to block the move. A number of scholars have noted that the plan for unilateralism showed an utter disregard, even contempt, for the role of the provinces in the federation. In essence, they concur with the Supreme Court of Canada which, in its 1981 ruling, found that a strong...

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66Year-End Review of Intergovernmental Relations, p.22
constitutional convention existed which forbade the national government from amending the constitution without substantial provincial consent.

Despite this victory, the ensuing negotiations proved to be a different world for the premiers, who had controlled the constitutional agenda for much of the previous decade. The BC government's plans for greater influence within the federation and its accompanying proposal for a provincially-appointed Upper Chamber, could no longer claim much attention. The premiers had been effectively placed on the defensive by a series of centralizing federal proposals, which included an entrenched Charter of Rights, and by the fact that the prime minister was in the enviable position of being lauded pervasively for playing a primary role in defeating the forces of Quebec separatism just eighteen months earlier.

British Columbia was further restricted in the types of demands it could make for several other reasons. First, it was now part of a coalition of eight premiers and, therefore, its concerns about BC's stature in Confederation had to be shelved in favour of a more broad-based strategy in which the eight premiers could promote a united front against the federal government. And second, the BC premier happened to be chairman of the premiers' conference for the 1981-82 term, and this placed him in a position where diplomacy was required, not hyperbole. In the period between the Supreme Court decision and the 1981 First Ministers' constitutional conference, Bill Bennett was chiefly concerned about
maintaining an aura of conciliation between the two levels of government, and worked to ensure that this critical negotiating session would not be scuttled by the conflicting personalities of the prime minister and some of the premiers. In his often caustic portrayal of the BC premier, Stan Persky writes this of Bennett's performance in the weeks prior to the November 1981 conference:

Premiers such as Lougheed, Levesque and Newfoundland's Peckford were far too prominent in their antagonism to Trudeau to engineer a compromise. Davis and Hatfield, committed to the federal position, could hardly represent the eight dissenting provinces...Bennett on the other hand, was committed to the dissident provinces (sometimes known as the "gang of eight"), yet not irrevocably bound to them...If anyone could prepare the ground for compromise, Bennett, with his rather boy scout-like sense of propriety, stood the best chance with the testy Trudeau.\(^{67}\)

Moreover, at the first public session in the week-long negotiating process that culminated in the November 1981 deal between Ottawa and nine of the ten provinces, the premier of British Columbia disposed of any lingering doubt about whether the 1978 proposals were off the table when -- unlike the hardline premiers of Newfoundland, Alberta and Quebec -- the BC premier urged compromise. It was the "first small sign of a break in the group of eight," write Sheppard and Valpy of the premier's conciliatory remarks.\(^{68}\) If the BC premier's demands for a restructured Confederation appeared to diminish in resonance after


\(^{68}\)Sheppard and Valpy, p. 268
1980, they did so at a time when the federal government was attempting to recreate the centralist vision of the federal system that had existed long before the notions of provincialism or Quebec separatism had become commonplace. David Milne argues that the federal constitutional proposals of 1980 were flavoured with a nineteenth-century view of the Canadian political system. Ottawa's attempt at unilateral action was a clear example of how far the federal Liberals were willing to embrace the "quasi-imperial tradition rooted in the Macdonald legacy." While unilateral action was ultimately derailed, a number of other measures on the federal agenda were consistent with Ottawa's no-holds-barred determination to achieve a constitutional breakthrough. Of particular significance were the federal government's proposals for tightening its control over the economic direction of Canada. Milne argues that the federal government seized upon its archaic controls over provincial laws -- those of reservation and disallowance -- and its powers to intrude into strictly provincial matters through its spending, declaratory and emergency powers, as bargaining chips in order to obtain the acquiescence of the provinces as far as a Charter of Rights was concerned. Of course, the federal proposals of 1980 indicated that Ottawa wanted more from the provinces than simple acquiescence. It had also unveiled plans by which it sought "more effective means for controlling economic provincialism...the net effect of which would expand direct federal jurisdiction and subject provincial actions that

69 David Milne, Tug of War, p. 41
interfered with the economic union to judicial review." Again, this "powers over the economy" package ultimately failed (in most respects) to win approval, but it could still be plausibly seen as successful in terms of Ottawa's secondary intention -- that the package serve as a bargaining chip allowing the federal government to concede defeat in return for further concessions from the provinces. As for its rhetorical significance, the "powers over the economy" package revealed an Ottawa no longer willing to be bowled over by provincial demands; the federal Liberal government of post-1980 was aggressive in its approach, self-serving in its rhetoric, and brimming with confidence in its style; it seemed determined to do to provincialism what it had done (with the not inconsequential help of the Quebec Liberal Party) to the cause of Quebec independence in May of 1980.

Milne points out, in his analysis of this turbulent time in federal-provincial relations, that the federal government was determined to achieve a predominant role in the economic management of the country under the guise of the "national interest." This was undeniably a cause for concern among most of the provinces, but particularly those outside the industrial heartland of central Canada. Generally speaking, there were three parts of the 1980-81 federal constitutional package that were of critical concern to British Columbia: (1) the Charter of Rights and Freedoms; (2) the proposals dealing with the economic issues discussed above; and (3) the proposed amending formula. The Charter of Rights was a subject

70Ibid., p. 44
the premiers approached with a certain degree of trepidation, given its power to transfer political issues from the domain of government to the domain of the judiciary. With this in mind, the provinces were rightly concerned about the Charter's impact on future provincial legislation and its obvious usurpation of the principle of parliamentary supremacy. Robert Sheppard and Michael Valpy, in a study of the 1980-81 constitutional negotiations, astutely address the premiers' antipathy toward the Charter when they state:

...[T]he provincial dislike of Trudeau's proposed charter went beyond who was the best provider of basic rights, the federal or provincial government...The list of what the provinces didn't like about an entrenched charter was quite long: the sweeping new powers being given to the courts; the hint of American jurisprudence infecting the language of the legal rights section; the prospect of expensive and time-consuming redrafting of provincial legislation to comply with the new code; and the direct recourse to the courts by wronged individuals, bypassing [provincial] human rights commissions.  

While an entrenched Charter would unquestionably limit the power of Canada's legislatures, what made the "whole question dangerous was that it was impossible to judge just how far the charter might limit provincial powers."  

Although the Charter of Rights was a significant and contentious issue, the other two issues were primarily of concern to provinces in the West and in the Atlantic region. The proposed amending formula was based on the formula worked out in Victoria, 

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71Sheppard and Valpy, p. 148

72David Milne, The Canadian Constitution, p. 75
B.C. in 1971 (and hence its name). The formula provided the two most populous provinces of Ontario and Quebec with a veto over all future constitutional change. In this respect — had it been accepted — it would have been a severe setback to provinces such as BC, which had been specifically advocating reforms allowing it a more equal status with the central Canadian provinces. The formula effectively re-stated the age-old regional inequality that prevailed in the federal system.

This amendment formula essentially carried forward the older regional logic of Canadian Confederation, enshrined, for example, in Senate representation. There the whole of the East and West of the country — each region consisting of four separate provinces -- was put on a par with the single dominant provinces of Ontario and Quebec. This arrangement had not helped the second chamber reflect and defend regional concerns against "Empire Canada," but it did demonstrate rather graphically the lopsided nature of the Canadian federal union.  

Of course, the Victoria formula was probably also popular with the federal government because it had achieved unanimous, although temporary, acceptance among First Ministers in 1971. (Somewhat surprisingly, it was Quebec, not the West or the Atlantic provinces, which eventually scotched the deal.) Why the formula was acceptable in 1971 to premiers such as W.A.C. Bennett, who was the first premier to put forth the idea of British Columbia as a distinctive region within Canada, remains something of a mystery. It is also important to note that it was the Alberta premier, Peter Lougheed, and not his counterpart from BC, who led the attack.

73Milne, Tug of War, p. 47
against what he termed second-class provincial status and pushed for a more equitable amending formula (which would, in turn, make future constitutional changes extremely difficult).

In the end, only the Charter of Rights prevailed in this regard. The Victoria formula and many of Ottawa's proposed economic powers were not incorporated into the final constitutional agreement in the fall of 1981. Milne concludes that, except for the major victory of the Charter of Rights, Trudeau had failed in his effort to return Canada to a nineteenth-century concept of federalism. Still, the prime minister effectively curtailed the possibility of federalism going the other way -- in the direction, for example, best exemplified by BC's 1978 constitutional proposals.

In retrospect, this should not be surprising. The federal position, as noted earlier, had changed dramatically within a period of a few years; the federal government's constitutional flexibility -- apparent in the 1978 document A Time for Action -- was no longer visible in the 1980 and '81 talks. In 1978, on the heels of A Time for Action and the accompanying Bill C-60, the Trudeau government seemed finally willing to discuss the devolution of some federal powers; however, the provincial governments balked, feeling that they could achieve even more concessions from Ottawa. After the 1980 federal election, the Liberal government no longer believed it had to negotiate from a position of weakness. The pendulum had swung sharply in the other direction, and the revived Trudeau Liberals "embarked on a new age of confrontational
politics...[in which the constitution was to be] the symbol, the spearhead, of a more assertive federal presence."  

In *A Time for Action*, the national government's turgid prose suggested a re-ordered federalism with at least some accommodation for regional interests, including a House of the Federation to replace the existing institution (similar in philosophy to the BC proposal). And in the 1968 federal paper *Federalism for the Future*, there was, again, an acceptance of the need to accommodate, to some extent, the burgeoning provinces and their vision of a workable and successful federal system: "We must be prepared to consider new methods for bringing provincial influence to bear on developing federal policies, and federal influence on developing provincial policies, before decisions have finally been taken."  

Both of these federal papers were prepared while Trudeau was playing a central role in orchestrating the constitutional strategy of the national government. It could be surmised, therefore, that the perceived accommodation to provincialism evident in these papers was little more than a strategic or rhetorical exercise. At the time they were prepared, of course, nationalism in Quebec was still a force to be reckoned with, and a referendum (which was supposedly fated to answer the question of Quebec's destiny once and for all) was either not yet imagined or still on the horizon. Arguably, the federal government had to appear amenable to provincial needs while the future of the country remained in doubt.

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74 Sheppard and Valpy, pp. 20-23

75 *Federalism for the Future*, p. 44
After the 1980 federal election and the Quebec referendum, the scenario had been altered, and the provinces had lost their golden opportunity to exert change within the federation. Trudeau could again state bluntly what was already clearly discernible among political observers -- that he was "diametrically opposed" to the constitutional visions espoused in proposals such as the BC government's. The unalterable Trudeauist strategy had always been to strengthen and enhance the central government; the need to cloak this in the language of accommodation and conciliation vanished after the 1980 referendum. If necessary, Trudeau was willing to make Ottawa more sensitive to regionalism, but not to the corresponding provincial governments.76

Conversely, it can be argued that BC's assertion of regionhood was, in part, a strategic attempt to undermine the federal Liberal government's view that the provincial governments do not, and should not, necessarily represent true regional interests; a strategic argument stating, in essence, that provincial governments articulate regional concerns, using the rhetoric of alienation in order to serve their own (province-building) interests.

For this reason, one must agree with academics such as Roger Gibbins who have argued that the 1981 accord will be remembered for what it failed to do; it missed the opportunity to remedy the regional inequality inherent with the Canadian system. "From the perspective of regional politics, the Constitution Act can best be

seen as a tragic lost opportunity to organize regional conflict out of the political system, or at least to re-order our institutional life so that regional conflict would be moderated and contained."

In this regard, BC's proposal for Senate reform -- the most significant component in its 1978 list of key demands -- faltered precipitously during the difficult inter-provincial discussions throughout the summer of 1980. With the central government clearly enunciating an antagonism toward provincialist constitutional aspirations, and with the complexity of the task involved in restructuring the upper chamber, negotiations to reform the Senate were soon shelved due to a lack of progress; obviously, Senate reform, regardless of any plausibility to the argument that substantial changes to the institution would dampen regional cleavages, was probably considered part of a second-tier of constitutional propositions that were beyond the scope of discussions geared toward resolving the age-old and top-priority issues of patriation and an appropriate amending formula.

But even among the prime proposals on the 1980-81 agenda, British Columbia's quest for regional status within the federation was being given short shrift. The proposed amending formula favoured by the federal government was the Victoria formula, which won, briefly, unanimous support of the provinces and the federal government in 1971. Over the ensuing decade, however, the formula

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77Gibbins, And No One Cheered, pp. 131-132
-- unquestionably anachronistic today, given its central-Canadian chauvinism (Ontario and Quebec each would be afforded vetoes over constitutional change) -- was quick to lose support amongst western provinces such as Alberta and BC. Gaining acceptance in its place was an Alberta-inspired formula (later known as the Vancouver consensus) which, in its provisions, allowed in lieu of unanimity, any province to opt out of future amendments. Although this formula was more favourable to all the provinces, it would all but kill BC's regional aspirations if it were accepted. BC, in 1978, had put forth a revamped Victoria formula that would provide the westernmost province with its fifth-region status through an accompanying veto over future amendments along with four other "regional" entities (Ontario, Quebec, the prairie provinces, and Atlantic Canada). BC's regional aspirations ultimately put it at odds with its western (and Atlantic) counterparts and probably contributed to the concept's quick demise during the negotiations of 1980 and 1981. In the end, however, the Vancouver consensus also failed, giving way to a more inclusive formula that requires unanimous provincial consent on such matters as Senate reform and the composition of the Supreme Court of Canada. Other amendments require the approval of the federal government and seven of ten provinces with at least fifty percent of the population.
CONCLUSION

REGIONALISM IN THE NEW CONSTITUTIONAL ERA

Constitutional Politics after 1982: A Brief Overview

After 1982, the hapless, angst-filled spectre known as Canadian Unity vanished for a half decade before returning to haunt the Canadian public during further rounds of negotiations in 1987, 1990 and 1992. When it reappeared, the phantom learned that the political landscape had changed. The Charter of Rights, for example, had entrenched within the political culture a new and broader constitutional process requiring the traditional political class to bring on board newly-constitutionalized groups (minorities, women, aboriginals) that had either been ignored or spurned throughout pre-1982 discussions.

This new sense of equality rights extended to the provinces, which had established their own, competing versions of equality, making it exceedingly difficult to reach a constitutional agreement that allowed for the parallel visions of the federation as fostered by Quebec and the Rest of Canada to intersect long enough to produce political peace; the failures of the Meech Lake and Charlottetown accords are in some ways a testament to this. The success of Alberta in arguing against the notion of "second-class" provinces had become a cornerstone of constitutional politics in the West, causing in the process the marginalizing of BC's revamped
regional formula for Senate reform and its concomitant call for regional status within the federation. In short, British Columbia's regional aspirations, generated from the political class rather than from any grass-roots movement, became anathema to BC's Western counterparts and their collective view of a country comprised of ten equal provinces.

Also gone was the Western provinces' chief nemesis -- the Trudeau government and its aggressive, centralizing pursuits. With a more consensus-oriented and Western-based Progressive Conservative government in power, there were strong indications that provinces such as British Columbia would not be required to engage in hostile turf wars with the national government. As the 1980s progressed, concerns about Western alienation were supplanted by a short period of constitutional remission. The fact that the search for a renewed federation had become subdued in the West in the post-Trudeau era was evident when, in 1986, the First Ministers agreed to return to the constitutional table not to address the unanswered questions regarding regional influence at the centre, but to bring Quebec into the constitutional fold with a "Quebec round" of negotiations. Pandora's Box was reopened, and Canada's future as a country remains an open question.

The BC Government, Regional Status, and Senate Reform

Before concluding my analysis of British Columbia's quest for regional status, it seems necessary to briefly examine the issue's most recent incarnation. Late in 1995, following a terrifyingly
close call for federalists in the second Quebec referendum on sovereignty, the Liberal government in Ottawa -- appearing hobbled by a number of hasty promises it made to Quebeckers in the last days of the campaign -- introduced legislation designed to provide Quebec with what was purportedly a veto over all future constitutional changes. The question of regional/provincial equality was therefore brought to the forefront of the national-unity debate. The federal government had proved once again that, in the world of Canadian politics, a noble act of contrition can be quickly transformed into a harrowing minefield of acrimony and constitutional brinkmanship.\(^8\)

**The Myth-Making Power of Government**

Having chronicled British Columbia's failed attempt to obtain regional status within the constitution, I will now return to the significance of myths and myth-making in Canadian constitutional politics: Was BC's position on constitutional change affected by its lack of credible myths, and did the provincial government's pragmatic approach inhibit the promotion of such myths? I mentioned

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\(^8\)It was during this national debate that the issue of BC's regional status rose to prominence. BC was dismayed to find that the Chretien government had -- reprising the 1971 Victoria formula -- grouped it with the Prairie provinces as part of a regional veto, while Quebec and Ontario each had its own veto. After protests from the BC government and the federal Reform party, the national government acquiesced by granting BC its own veto. Of course, it was only a 'de facto' veto in the sense that Ottawa was pledging to use its constitutionally-entrenched veto to block any changes that were disagreeable to regions not in a position to block such changes with their own constitutional veto.
in Chapter One that BC's provincial politicians have gained a well-founded reputation for pragmatism on all issues, while paying particular attention to economic growth and development. The issue of BC's role and place within Confederation had been considered by its politicians as something unchangeable -- at least until the onset of paradigm-shifting provincialism beginning in the mid-seventies.

That transformation brought with it demands from BC for regional status. These demands, however, were seriously hurt by the distinct lack of historic, grass-roots support among the province's citizenry for such a concept. Had the people of BC been the impetus behind the creation of such a concept, its fate at the hands of Canada's first ministers might have been much different.

The BC government's regionalist aims rested on the argument that the province's economic strength, geographical uniqueness, and burgeoning population constituted a separate and distinct region in Canada and necessitated increased political power and influence. British Columbia's problem was one of credibility; the fact that it had to point out and explain its regional self-image to the other political players indicated the weakness of its attempt at myth making. Myths, as I mentioned in the introduction, become commonly accepted only after a lengthy period of gestation.

A gap in credibility, if I may put it that way, is precisely what was wrong with BC's quest for regional status in the 1970s and early '80s. The BC government's call for regionhood rang hollow because one cannot create myths out of air; they must have
a chance to infiltrate the psychological makeup of a people or society. Had earlier generations of provincial politicians not been so pragmatic, had they not been so isolationist in the arena of federal-provincial relations, they might have served their citizenry much better. For the bottom-line issues that this regional quest was trying to redress did hold a considerable degree of merit. British Columbia has been under-represented in Ottawa, in both houses of parliament. Its status as a 'have' province have meant that the province's economic strength has benefitted less fortunate parts of the federation without any adjoining increase in political influence outside of its won provincial border. One must concur with Roger Gibbins's declaration that the 1981 constitutional accord represented a "tragic lost opportunity" to mend regional cleavages.

The pragmatic thrust of policy-making prominent throughout BC's history, with its modern emphasis on economic development, has provided the province with many tangible benefits, but little in the manner of a coherent constitutional platform that would have paved the way to regional status at most, or, at least, enhanced influence at the national centre. Of course, the nature of federal-provincial relations also played a role in this. Prior to the 1960s BC had little to get anxious about in Ottawa -- the province controlled its economic destiny, and this fact strongly influenced to the isolationism of British Columbia's premiers. It was the advent of economic nationalism and government intervention -- as personified by Pierre Trudeau and his federal Liberals --
that first caused BC's provincial politicians to look outward at Canada's political structure and call for reform; it was Quebec separatism that provided the opportunity.

The regional aspirations espoused in detail in the BC government's 1978 proposals most clearly enunciate the end of the province's isolationism. But the contrived language apparent in parts of the document betrays its province-building bottom line. When these wide-ranging proposals were unleashed on an unsuspecting public in the late seventies, it seemed that no one -- from the other provinces to BC's own electorate -- quite knew what to make of BC's argument that it deserved a formalized regional status within the federation. It is testimony to the myth-making power of governments that in 1996, nearly three decades after W.A.C. Bennett first raised the notion of a Region of British Columbia, the federal government took the first concrete steps toward recognizing the propriety of such a concept. Although Ottawa's veto package must be taken with a grain of salt and accepted as an exercise in political expediency, there is little doubt that it will add to the strength of BC's desire for regional status over the long term.

Thus, the myth of regionhood has perhaps turned a fateful corner. If it has, it has been aided by more than the provincial government's myth-making ability. Its 'gap in credibility' has certainly been diminished by the on-going and seemingly unending Quebec question which has frustrated British Columbians. And this frustration has been made more palpable by the fact that, over the past few decades, the province's population and economic clout have
grown while its political influence within the country's national institutions has not.

Still, one question remains. Do BC's aspirations for regionhood hold validity? On the whole, the answer is no. The 1978 proposal for regional status would have provided the province with an influence in Ottawa that does not befit its population. It may be the third most populous province in Canada, but its population still falls far short of Ontario's and Quebec's. BC does not yet deserve the degree of representation and influence at the centre that it would have been accorded by its 1978 proposals. Certainly, provinces such as Alberta would not stand to be subordinated regionally in such a reformed Senate.

And yet, the issue of regional influence (or lack of) in Ottawa must still be addressed. It seems reasonable to assume that, given the potential for the myth of regionhood to assimilate into the political mainstream over the next number of years, and given the prospect of future population growth, BC's regional aspirations may well become reality within the next half-century or so.
BIBLIOGRAPHY


Cairns, Alan C., Disruptions: Constitutional Struggles, from the Charter to Meech Lake (Toronto: McClelland & Stewart, 1991)


Canada, Government of, The Special Joint Committee of the Senate and the House of Commons on the Constitution of Canada (Ottawa: 1972)

Canada, Task Force on Canadian Unity, A Future Together: Observations and Recommendations (Ottawa: 1979)


Smiley, Donald V. and Ronald L. Watts, *Intrastate Federalism in Canada* (Toronto: University of Toronto Press, 1985)


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