Beaudoin-Edwards Committee

In the aftermath of the failure of the Meech Lake Accord, the federal government sought to find a means of amending the Constitution. On 30 January 1991, a Special Joint Committee of the House of Commons was created. This Committee was chaired by Senator Gerald Beaudoin and MP Jim Edwards and included representation from the three major federal political parties. The Committee's mandate was to examine the role of the public in the process of constitutional amendment, to examine the effectiveness of the existing constitutional amending formula and to recommend, where appropriate, alternatives to the existing process and formula. The Committee held hearings in the ten provinces and two territories between February and May 1991 and heard from a variety of academics, other individuals, interest groups and political associations. The Committee made a number of significant findings. It found that the First Ministerial model of constitutional amendment, whereby the Prime Minister and Premiers meet and then present initiatives for constitutional change to the public as a 'done deal', was no longer acceptable. The Committee also found that there was sufficient dissatisfaction with the existing formal amending process to warrant its revision.

In its report, the Committee recommended that a further joint committee be struck to consult with Canadians about the substance of future constitutional changes. The Committee also recommended that the federal government adopt legislation requiring a national referendum on any proposed constitutional changes. Although this referendum was not to be binding, it would cloak any proposed constitutional change with the legitimacy of widespread public approval. Except for a minority report issued by the two New Democratic Party (NDP) members, the Committee rejected the vehicle of constituent assemblies as means of constitutional change. The federal government adopted the recommendations for a joint committee and a referendum in the Charlottetown round of constitutional discussions, but also adopted constituent assemblies.

The Committee also recommended that the existing general amending formula (most changes requiring the approval of the federal government plus seven provinces representing at least fifty percent of Canada's population) be replaced with a regional veto formula, whereby most constitutional changes would require the approval of two out of four of the Atlantic provinces, two out of the four western provinces and the approval of both Ontario and Quebec. With the failure of the Charlottetown Accord, this recommendation was never implemented.

Sources:

- Government of Canada, Special Joint Committee on the Process for Amending the Constitution of Canada, *The Process of Amending the Constitution of Canada: The Report of the Special Joint Committee* (Ottawa: Supply and Services, 1991).

- P. H. Russell, *Constitutional Odyssey: Can Canadians Become a Sovereign People?*, 2d ed. (Toronto: University of Toronto Press, 1993).