Fulton-Favreau

Efforts to find anamending formula for the Canadian Constitution began in 1927. The question was studied extensively over the next thirty years but no agreements were reached. In 1960 E. Davie Fulton, Minister of Justice in the government of John Diefenbaker, proposed an amending formula at a federal-provincial conference. The formula provided that amendments affecting all provinces would require unanimous consent; amendments affecting one or more provinces would require the consent of the province or provinces concerned; amendments that did not concern provincial powers, education or official bilingualism would require the consent of two-thirds of the provinces embodying fifty per cent of the population. Ottawa could delegate powers to the provinces and vice-versa with the agreement of the federal government and at least four provinces (seedelegation and devolution).

Only Saskatchewan opposed the formula but no further attempts to implement it occurred until 1964. Informal discussions among the provincial premiers over the next few years led to agreement with no significant changes and Guy Favreau, Minister of Justice in the government of Lester B. Pearson, produced draft legislation embodying the formula which was discussed at meetings in Charlottetown and Ottawa. All of the premiers accepted the draft but the New Democratic Party opposed the formula in the House of Commons. In spite of the fact that the formula was identical to the one put forward three years earlier by his own government, Diefenbaker came out against it. Canada's leading academic constitutional expert at the time, Bora Laskin, called the formula, "an unmitigated constitutional disaster." While these critics saw the formula as giving too much power to the provinces, many in Quebec thought it did not go far enough. In 1965 Premier Jean Lesage of Quebec withdrew his support and the plan was effectively dead.

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