



The Patriation Negotiations

conference



PROGRAM

November 3 to 5, 2011
Fairmont Hotel Macdonald
Edmonton, Alberta



CENTRE *for* CONSTITUTIONAL STUDIES
Centre d'études constitutionnelles

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welcome

Dear Conference Participant:

We are delighted to welcome you to *The Patriation Negotiations Conference*.

The conference sessions that unfold over the next two days will engage us in the contemplation of Canada's constitutional formation and its consequences.

The conference provides a unique opportunity to interact with some of the key decision makers and negotiators whose hard work, dedication and political skills ultimately led to the patriation of Canada's Constitution, the formulation of its amendment formulas, and the entrenchment of the *Charter of Rights and Freedoms*.



We look forward to hearing the first-hand accounts of those constitution-makers who are able to join us, and to the commentaries and analyses of constitutional scholars. Because much of the 1981 conference happened behind closed doors and off the public record, the next few days offer the prospect of both learning about Canada's constitutional history and witnessing its on-going development. Of course, we also hope that the event provides an opportunity for colleagues to reunite and for new personal, professional and intellectual connections to emerge.

The organization of this conference has been a collective enterprise. Peter Meekison and Howard Leeson provided the impetus for the conference. Their unflagging enthusiasm, first-hand knowledge, and hard work have been key to the event. We are also grateful to our presenters, whose thoughtful reflections and analyses promise to enrich our constitutional understanding. We wish to thank our many sponsors, especially the Social Sciences and Humanities Research Council of Canada (Public Outreach Grant) whose support made the conference possible. Our sincere thanks go to the members of the conference organizing committee for their guidance and dedication. The committee members include Eric Adams, Janine Brodie, Peter Carver, Dominique Clement, Hadley Friedland, Shalene Jobin Vandervelde, Howard Leeson, Oryssia Lennie, Peter Meekison, Steve Patten, Rob Reynolds, and Linda Trimble. Finally, we are deeply appreciative of the encouragement and guidance of the Board of Directors of the Centre for Constitutional Studies.

We wish you an enjoyable and insightful conference experience.

Sincerely,



Patricia Paradis
Conference Co-Chair
*Executive Director,
Centre for Constitutional Studies*



Lois Harder
Conference Co-Chair
*Associate Dean, Research and
Graduate Studies, Faculty of Arts;
Professor, Department of Political Science,
University of Alberta*

The Patriation
Negotiations
conference
overview

Thirty years ago in November 1981 the Constitution of Canada was remade. Prime Minister Trudeau and the Premiers of all ten provinces met behind closed doors to negotiate a constitutional framework for Canada. At the end of several tension-filled days, they had the agreement that became the *Constitution Act, 1982*.



About The Patriation Negotiations Conference

The Patriation Negotiations Conference is a national conference to mark the 30th anniversary of the negotiations in November 1981 and to assess the consequences with many of the key participants – politicians, public servants, drafters. They will share their recollections of the negotiating process, their objectives for this historic meeting and their reflections on the outcome. The conference will provide a unique opportunity for them to describe the strategies and political calculations that led to the most significant constitutional development since Confederation.

It should be noted that the negotiations that took place in November 1981 were the culmination of a long process, involving many, many people. The conference organizers have attempted to contact and invite as many of those people as possible, but of course, the program participants represent only a portion of those involved.

Contemporary academic analysis by leading Canadian constitutional scholars, political scientists and lawyers will contextualize and amplify the recollections of the patriation-round participants.

The Patriation Negotiations Documentary

Following the Patriation Negotiations Conference, a documentary will be produced to capture the insights and perspectives of those who worked on the negotiations process. To this end, presenters at the conference will be filmed both during their presentations and in individual interviews after the event. The Documentary will provide a unique piece of Canadian history – a description from some of those who were there about what thoughts, ideas and hard-fought battles gave rise to some of the formulation and patriation of Canada's Constitution.

CBC crews will be filming throughout the conference. Please be reminded that by registering for the conference, participants acknowledge that the conference will be recorded and consent to being filmed, photographed and audio recorded. If you have any concerns please speak to the conference organizers or film crew. The CBC crews would also like to interview conference participants to gain their feedback on the issues under discussion, and may ask you if you are willing to be interviewed.

conference planning committee

Co-Chair: **Lois Harder** – Associate Dean, Research and Graduate Studies, Faculty of Arts and Professor, Department of Political Science, University of Alberta

Co-Chair: **Patricia Paradis** – Executive Director, Centre for Constitutional Studies

–

Eric Adams – Assistant Professor, Faculty of Law, University of Alberta

Janine Brodie – Professor, Department of Political Science, University of Alberta

Peter Carver – Associate Professor, Faculty of Law, University of Alberta; Chair, Board of Directors, Centre for Constitutional Studies

Dominique Clement – Assistant Professor, Sociology and History, University of Alberta

Hadley Friedland – Doctoral Candidate, Faculty of Law, University of Alberta

Shalene Jobin Vandervelde – Doctoral Candidate, Political Science and Native Studies, University of Alberta

Howard Leeson – Professor, Department of Political Science, University of Regina

Oryssia Lennie – Board Director, Centre for Constitutional Studies

Peter Meekison – Professor Emeritus, Department of Political Science, University of Alberta

Steve Patten – Associate Professor, Department of Political Science, University of Alberta

Rob Reynolds – QC Law Clerk and Director of Interparliamentary Relations, Legislative Assembly of Alberta

Linda Trimble – Professor, Department of Political Science, University of Alberta

the road to patriation...

▶ Key moments in the high politics of Federal-Provincial constitutional negotiations

1867

British North America (BNA) Act, Canada's core constitutional document, is passed by the British Parliament.

1926

Imperial Conference results in the Balfour Declaration regarding the principles of equality and autonomy of the Dominions, including Canada.

1927

Federal-Provincial conference fails to produce agreement on a constitutional amending formula, thus delaying patriation of the Constitution (BNA Act) and the attainment of Canada's constitutional autonomy.

1931

British *Statute of Westminster* provides legal recognition of Canada's autonomy, but excludes the BNA Act from its application.

1935/50

Federal-Provincial conferences fail to produce agreement on an amending formula, further stalling action on patriation.

1964

Federal-Provincial conference produces tentative agreement on an amending formula ("Fulton-Favreau formula"), but Québec later withdraws, again stalling action on patriation.

1971

Federal-Provincial conference arrives at tentative agreement on a patriation package including an amending formula and Bill of Rights, but consensus unravels when Québec rejects the "Victoria Charter."

1978

Federal government tables a white paper (*Time for Action*) detailing its intention to patriate the constitution by the end of 1981, and then introduces a constitutional reform Bill (Bill C60) that addresses those aspects of constitutional reform it considers within the purview of the Federal government. The Supreme Court later rules that aspects of the Bill pertaining to the Senate cannot be unilaterally imposed.

1980

Following an acrimonious and unsuccessful Federal-Provincial conference in September 1980, the Federal government proposes a draft resolution outlining a plan to act unilaterally to request that the British Parliament act to patriate the Canadian constitution.

1981

Eight provinces actively oppose the federal initiative and, after three of those governments ask their provincial courts to rule on the constitutionality of the unilateral federal plan, the issue is put to the Supreme Court of Canada. A majority of justices conclude that the federal plan is legal, but ignores constitutional conventions suggesting that in a federal system such action should not be taken without a substantial degree of provincial consent.

In an effort to reach agreement on a patriation package including, among other things, an amending formula and a Charter of Rights and Freedoms, a Federal-Provincial conference is held in Ottawa in November 1981.

1982

The Constitution Act 1982 is passed by the Canadian Parliament and Canada's Constitution is patriated on April 17.

conference host

CENTRE *for* CONSTITUTIONAL STUDIES *Centre d'études constitutionnelles*

The Centre for Constitutional Studies was established in the fall of 1987 as a result of the collaborative efforts of the Departments of History and Political Science and the Faculty of Law at the University of Alberta. It is unique as a University based Research Centre that links with the public on issues of constitutional importance. The Centre's work entails **research** on critical constitutional issues and **public legal education** (PLE).

The Centre was founded to encourage and facilitate the interdisciplinary study of constitutional matters both nationally and internationally.

Its research activities are complemented by an education program consisting of public lectures, conferences and publications. The Centre also serves as a clearing house for information and materials relevant to constitutional studies.

The object of the Centre's program of research activities has been to stimulate thinking about subjects of constitutional concern from a variety of perspectives and disciplines.

Centre research projects have ranged from studies of Canadian constitutional reform to the powers of the police; from Charter rights and social rights to Aboriginal self-government.

The Centre's active publication program is interdisciplinary in scope and covers a wide range of constitutional subjects.

Centre projects and conferences have culminated in a series of books, such as those on freedom of expression, language rights, and Aboriginal rights, which have been published in association with legal publishers and university presses. The Centre also regularly publishes two periodicals, *Constitutional Forum constitutionnel*, an online publication, and the *Review of Constitutional Studies / Revue d'études constitutionnelles*. These periodicals include timely commentaries and scholarly essays on constitutional subjects with contributions from both established and newly emerging scholars.

The Centre has hosted a variety of conferences, symposia, and panel discussions on constitutional topics of national importance. These events involve scholars from a variety of disciplines, government officials, lawyers, and the general public. In addition, since 1989, the Centre has hosted the McDonald Constitutional Lecture, an annual series of lectures held in memory of the Honourable Justice David C. McDonald of the Alberta Court of Appeal.

The Centre receives its primary financial support from the Alberta Law Foundation. It also receives support from the Faculty of Law. The Centre gratefully acknowledges their ongoing support.

contacts

The Patriation Negotiations Conference Host



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The Patriation Negotiations Conference Secretariat



BUKSA

BUKSA Strategic Conference Services

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The Patriation Negotiations

conference program

All conference sessions will take place in the Empire Ballroom unless otherwise noted.

THURSDAY, NOVEMBER 3, 2011

CONFERENCE OPENING

16:00 – 19:00

Registration

17:00 – 20:00

Welcome Reception and Conference Opening

18:00 – 19:00

Opening Remarks

Emcee: *Peter Meekison*

- Greetings from the University of Alberta
Linda Hughes, Chancellor, University of Alberta
- Greetings from the Province of Alberta
Minister Ted Morton
- Greetings from the Centre for Constitutional Studies
Peter Carver, Chair, Board of Directors
- Book Launch – *The Patriation Minutes*
Howard Leeson, Research Fellow, Centre for Constitutional Studies; Professor, University of Regina
- Presentation on the purpose and meaning of the conference
Janine Brodie, University of Alberta Political Science, Trudeau Fellow

FRIDAY, NOVEMBER 4, 2011

08:00 – 16:30

Registration

08:00 – 09:00

Continental Breakfast

HOW DID WE GET THERE? Setting the Political/Constitutional Stage

09:00 – 10:30

PART 1:

Session chair: *Steve Patten*

- **Constitutional Nationalism: The Road to Patriation**
Eric Adams, Faculty of Law, University of Alberta
- **Trudeau's Constitutional Vision**
David Schneiderman, Faculty of Law, University of Toronto
- **Québec and Constitutional Change**
Guy Laforest, Political Science, Université Laval, Québec

10:30 – 11:00

Refreshment Break

11:00 – 12:30

PART 2:

Session chair: *Peter Carver*

- **First Nations Fight Patriation**
Louise Mandell, Mandell Pinder, Vancouver, British Columbia
- **The Women's Rights Lobby**
Marilou McPhedran, President, Global College, Winnipeg, Manitoba
Hon. Judy Erola, (1981, Minister Responsible for the Status of Women, Government of Canada)
- **Executive Federalism and First Ministers Conferences**
Richard Simeon, Professor, Political Science, University of Toronto
- **The Supreme Court of Canada Reference**
Philip Girard, Professor, Schulich School of Law, Dalhousie University

12:30 – 13:30

Lunch (provided)

WHAT HAPPENED: Political Dynamics and Outcomes

Session Chair: *Hon. Jim Edwards*

13:30

Introduction

Oryssia Lennie, Board Director, Centre for Constitutional Studies

13:30 – 14:15

PANEL 1:

■ **Reflections on the Kitchen Accord**

Hon. Roy Romanow (1981, Minister of Intergovernmental Affairs, Government of Canada)

14:15 – 14:30

Refreshment Break

14:30 – 15:45

PANEL 2:

■ **The Public Servants**

Howard Leeson (1981, Deputy Minister of Intergovernmental Affairs, Province of Saskatchewan)

Peter Meekison (1981, Deputy Minister of Federal and Intergovernmental Affairs, Province of Alberta)

Robert Normand (1981, Deputy of Intergovernmental Affairs, Province of Québec)

Eddie Goldenberg (1981, Special Constitutional Advisor to the Minister of Justice, Government of Canada)

Don Stevenson (1981, Deputy Minister of Intergovernmental Affairs, Province of Ontario)

15:45 – 16:30

■ **The Drafters and Advisors**

Mary Dawson (1981, Associate Chief Legislative Counsel; Chair of the Statute Revision Commission)

Bary Strayer (1981, Adviser to the Government of Canada on the patriation of the Constitution)

Roger Tassé (1981, Deputy Minister of Justice and Deputy Attorney General, Government of Canada)

18:00 – 21:30

**Dinner and Arm Chair Discussion
with the First Ministers**

■ **Greetings from the University of Alberta**

*Debra Pozega Osburn, Vice-President,
University Relations*

■ **Introduction**

Hon. Jim Horsman

■ **Discussion**

Moderator: *Hon. Jim Edwards*

Hon. John Buchanan, Former Premier of Nova Scotia

Hon. Peter Lougheed, Former Premier of Alberta

Hon. Brian Peckford, Former Premier of

Newfoundland and Labrador

SATURDAY, NOVEMBER 5, 2011

08:00 – 14:00	Registration
08:00 – 09:00	Continental Breakfast

WHAT DYNAMICS WERE SET INTO MOTION?

09:00 – 09:30	Introduction <i>Peter Russell, Professor, Political Science, University of Toronto</i>
09:30 – 10:45	PART 1: Session Chair: <i>Linda Trimble</i> <ul style="list-style-type: none">■ Aboriginal Issues <i>Neil Sterritt (1981, President of the Gitksan-Wet'suwet'en Tribal Council)</i>■ Evaluating the Condition of Canadian Federalism Since Patriation: A Québec Reading <i>Alain-G. Gagnon, Département de sciences politiques, Université du Québec à Montréal</i>
10:45 – 11:00	Refreshment Break
11:00 – 12:15	PART 2: Session Chair: <i>Lois Harder</i> <ul style="list-style-type: none">■ That Was Then and This Is Now: The Sad but True Story of a Shrinking Equality Opportunity Structure <i>Alexandra Dobrowolsky, Professor, Political Science, St. Mary's University</i>■ Executive Federalism Post Patriation <i>Gerald Baier, Professor, Political Science, University of British Columbia</i>
12:15 – 13:30	Farewell Lunch Session Chair: <i>Patricia Paradis</i>
13:00	■ It was a moment of high politics, not necessarily in keeping with Canada's democratic traditions. How did this moment in time change Canadian politics? <i>Chantal Hébert, Political Columnist, Toronto Star</i>

speakers





Eric M. Adams SJD

Dr. Eric Adams is currently an Assistant Professor at the University of Alberta, Faculty of Law, where he teaches in the areas of constitutional and employment law. He previously practiced civil litigation in Toronto, Ontario. Dr. Adams has published a number of articles on topics in constitutional law and legal history, and is currently working on a book on the idea of rights in Canadian constitutional thought. Mr. Adams holds a BA from McGill University, LL.B. from Dalhousie and S.J.D from the University of Toronto.



Gerald Baier PhD

Dr. Gerald Baier is currently an Associate Professor of Political Science at the University of British Columbia. His teaching and research interests are in Canadian politics with a focus on the Constitution, federalism and public law. In 2006-07, he was Canadian Bicentennial Professor at Yale University; in 2011, he was Eakin Visiting Fellow at the McGill Institute for Canadian Studies. Dr. Baier is a regular commentator on federal politics in national and local media. His past research has explored the role of judicial decision-making in the shaping of federalism in Canada, Australia and the United States (*Courts and Federalism*, UBC Press, 2006). Dr. Baier is co-author (with Herman Bakvis and Douglas M. Brown) of *Contested Federalism: Certainty and Ambiguity in the Canadian Federation* (Oxford University Press, 2009). His work has appeared in *Regional and Federal Studies*, *Canadian Public Administration* and the *National Journal of Constitutional Law*. He is presently conducting a comprehensive study of the Supreme Court of Canada's institutional character and processes. Dr. Baier has a PhD from Dalhousie University.



Janine Brodie FRSC, PhD

Dr. Janine Brodie is a Distinguished University Professor and Canada Research Chair in Political Economy and Social Governance at the University of Alberta. She was awarded a Trudeau Fellowship in 2010 and is a Fellow of the Royal Society of Canada. Dr. Brodie has written extensively on many

of the core challenges in Canadian politics and public policy: social policy, citizenship equality, continental integration and neoliberal governance. Her current research focuses on the rescaling of social governance in Canada and provincial anti-poverty strategies.



Hon. John Buchanan PC, QC, LLB

Mr. Buchanan served as Premier of Nova Scotia from 1978-1988, becoming the third Premier in the history of Nova Scotia to be elected to four consecutive majority terms. He served as Premier longer than any P.C. Premier in Nova Scotia and was the third longest serving Premier in the history of Nova Scotia. Mr. Buchanan graduated in 1954 with a Bachelor of Science Degree and an Engineering Certificate from Mount Allison University. He graduated from Dalhousie Law School in 1958 and practiced law in Halifax. He was appointed a member of Her Majesty's Queen Counsel in 1972. On April 17, 1982, Premier Buchanan, along with the other Canadian Premiers, who participated in negotiations for patriation of the Canadian Constitution, was made a member of Her Majesty's Privy Council in the presence of Her Majesty Queen Elizabeth II.



Mary Dawson QC, OC

Ms. Mary Dawson is currently the Conflict of Interest and Ethics Commissioner under the Parliament of Canada Act for the Government of Canada. She had a long career with the Government of Canada's Department of Justice, including 17 years as Associate Deputy Minister. Ms. Dawson played an important role in relation to constitutional matters. She was the final drafter for the patriation package (*Constitution Act, 1982*) and until her retirement drafted and was the principal legal advisor for all Constitutional amendments, including the Meech Lake Accord and the Charlottetown Accord. Ms. Dawson also managed the Supreme Court Reference on same sex marriage for the Government of Canada and prepared the related legislation. She advised extensively in the area of aboriginal rights. Ms. Dawson was the head of the Department of Justice Public Law Sector, the Associate Chief Legislative Counsel, and Chair of the Statute Revision Commission. As part

of the Legislation Section of the Department of Justice she drafted such laws as the Access to Information Act, the Privacy Act, the Canada Health Act, the Official Languages Act, the Competition Act, the Customs Act and the Young Offenders Act. Ms. Dawson holds a BA (Honors Philosophy) and a BCL (Civil Law) from McGill University, an LLB (Common Law) from Dalhousie University and a Diplôme d'études supérieures en droit (droit public) from the University of Ottawa. Ms. Dawson was made a Queen's Counsel in 1978 and was named a Member of the Order of Canada in 2007.



Alexandra Dobrowolsky PhD

Dr. Alexandra Dobrowolsky is currently a Professor of Political Science at Saint Mary's University who works in the fields of Canadian and Comparative Politics and Gender and Politics. She has published widely on themes of representation, democratic reform and citizenship, and in policy areas that range from constitutional and social policy to security and immigration policy. She is the author of *The Politics of Pragmatism: Women, Representation, and Constitutionalism in Canada* (Oxford 2000) and co-editor, with Vivien Hart, of *Women Making Constitutions: New Politics and Comparative Perspectives* (Palgrave Macmillan 2003). She has also co-edited *Women, Migration and Citizenship: Making Local, National and Transnational Connections* (Ashgate 2006), and most recently published a collection entitled *Women and Public Policy in Canada: Neoliberalism and After?* (Oxford 2009).

Dr. Dobrowolsky has a BA from the University of Toronto and Queen's University, MA from Dalhousie University and a PhD from Carleton University.



Judith Erola PC

Ms. Judith Erola is a former Canadian politician, who represented the riding of Nickel Belt in the Canadian House of Commons from 1980 to 1984. She was a member of the Liberal Party. Prior to her career in politics, she worked as a radio and television broadcaster in Sudbury. At CKSO-TV, she made history as the first woman employed by a Canadian television station as a weather reporter. She later became an account

executive for CHNO. Ms. Erola was elected to the House of Commons in 1980 and was named to Pierre Trudeau's final cabinet, holding the positions of Minister of State for Mines, Minister of State for Social Development, Minister responsible for the Status of Women and Minister of Consumer and Corporate Affairs. She was also the first woman ever appointed to the cabinet's priorities and planning committee, which debates and decides on the direction of government policy. In 1987, Ms. Erola became president of the Pharmaceutical Manufacturers' Association of Canada, a position she held until her retirement in 1998.



Alain-G Gagnon PhD

Dr. Alain-G. Gagnon is currently a Professor of political science at the Université du Québec à Montréal (UQAM) and has held the Canada Research Chair in Québec and Canadian Studies since 2003. From 1982 to 2003, he taught at the universities of Queen's, Carleton and McGill. He is the founding director of the Centre de recherche interdisciplinaire sur la diversité (CRIDAQ) and the director of the Groupe de recherche sur les sociétés plurinationales (GRSP). Mr. Gagnon has published extensively in English. He has co-authored *Canadian Politics* (with Jim Bickerton, now in its fifth edition), *Canadian Political Parties* (with Brian Tanguay, now in its third edition), *Federal Democracies* (with Michael Burgess), and *The Case for Multinational Federalism*. The quality of his work has been acknowledged by several organisations. He received the 2007 Josep Maria Vilaseca Award (Institut d'Estudis Autònoms, Generalitat de Catalunya), Marcel-Vincent Merit Award (2007), the Société québécoise de science politique 2008 Excellence Award, the 2010 Santander Award for Excellence in Research (Universidad Carlos III, Madrid) and the 2010-2013 Trudeau Award.



Philip Girard PhD

Dr. Philip Girard is based at the Schulich School of Law, Dalhousie University, where he holds the title of University Research Professor and is editor of the *Dalhousie Law Journal*. He has published widely in the field of Canadian

legal history, his best-known work being the award-winning biography of one of the key players in the patriation saga, *Bora Laskin: Bringing Law to Life* (2005). Dr. Girard is currently James Lewtas Visiting Professor at Osgoode Hall Law School, and associate editor of the Osgoode Society for Canadian Legal History. Dr. Girard received his BA from Brock University, his LLB from McGill University, his LLM from the University of California Berkeley, and PhD from Dalhousie University.



Edward Goldenberg MA, BCL

Mr. Edward Goldenberg has a corporate practice and is a leader of the firm's government affairs and public policy practice, advising clients on governance issues, public policy and government relations. Mr. Goldenberg has a distinguished background working with the Government of Canada, having been the Senior Policy Advisor to the Prime Minister of Canada (1993-2003) and the Prime Minister's Chief of Staff (2003). During his long involvement with the Prime Minister's office, he was heavily involved in the preparation of 10 federal budgets, meetings between the Prime Minister and the provincial premiers, meetings with the heads of government of numerous countries, including all of the G-8 countries, Team Canada trade missions and cabinet committee meetings.

Prior to these roles, Mr. Goldenberg acted in various capacities in the federal government, including in all the major economic departments and as Special Constitutional Advisor to the Minister of Justice (1980-1982). He is one of the authors of the *Charter of Rights and Freedoms*. Mr. Goldenberg was awarded an Honorary Doctorate of Laws from McGill University in 2004. He recently authored the best-selling book *The Way It Works: Inside Ottawa*. He is a board member of the Canadian International Council, a non-partisan, nationwide council established to strengthen Canada's role in international affairs. Mr. Goldenberg received his BA (Economics and Political Science), MA (Economics and Political Sciences), and BCL from McGill University.



Chantal Hébert

Ms. Chantal Hébert is a national affairs writer with the Toronto Star and a guest columnist for *Le Devoir* and *L'Actualité*. She is a weekly participant on the political panel at Issue on the CBC's "The National" as well as Radio-Canada's "Les Coulisses du pouvoir." Ms. Hébert began her career in Toronto as a reporter for the regional newsroom of Radio-Canada in 1975 before moving on to Parliament Hill for Radio-Canada. She has served as parliamentary bureau chief for *Le Devoir* and *La Presse*. Ms. Hébert is a graduate of Glendon College, York University. She is a Senior Fellow of Massey College at the University of Toronto and holds an honorary doctorate from Bishop's University. She is a recipient of two Asia-Pacific media fellowships (Malaysia and Japan) and is the 2005 recipient of the APEX Public Service Award. In 2006, she received the Hy Solomon award for excellence in journalism and public policy as well as York University's Pinnacle Achievement Bryden Alumni award. She is the author of a 2007 book titled *French Kiss: Stephen Harper's Blind Date with Québec*.



Linda Hughes

Ms. Linda Hughes is the 19th Chancellor of the University of Alberta. She has been a leading figure in Canadian media for over twenty years and continues to be one of Canada's most influential communicators and advocates for education. Ms. Hughes was the first woman in Canada to hold the position of publisher of a major newspaper. She began her career in journalism upon graduation from the University of Victoria (1972 Honours BA) when she was hired by the *Victoria Daily Times*. In 1976, she joined the *Edmonton Journal* and a progression of newsroom management positions followed, including City Editor (1981) and Editor-in-Chief (1987). In 1992, she was named Publisher and President. In 2003, she became General Manager, Alberta Region, for CanWest Media Works. She retired in 2006. She has served on the boards of the National Newspaper Awards, the Journalism Foundation of Canada and the Committee to Protect Journalists. She was a member of the board of the Social Sciences and Humanities

Research Council of Canada from 2002 to 2008, and currently serves on the board of the Torstar Corporation. She has received honorary degrees from Athabasca University, the University of Alberta and the University of Victoria.



Guy Laforest PhD

Dr. Guy Laforest holds a PhD in Political Science from McGill University. Currently, Dr. Laforest is a professor in the Department of Political Science at the Université Laval. His areas of interest and teaching include political philosophy and history of political ideas. He has published numerous works during his career. His most recent articles, both published in *Le Parlement Canadien*, include “Comprendre la vie politique au Canada et au Québec” and “Le fédéralisme exécutif : problèmes et actualité.”



Howard Leeson PhD

Dr. Howard Leeson became the first Deputy Minister of Intergovernmental Affairs for the province of Saskatchewan in 1979 and was the chief civil service negotiator in the 1981 federal-provincial discussions that led to the patriation of the constitution. In 1982 he joined the faculty of the Department of Political Science at the University of Regina. In 1992 he took a leave of absence from the university and was involved as the Chief Negotiator for the province of Saskatchewan during the period leading up to the Charlottetown Accord. Dr. Leeson has published numerous books and articles during his career. Foremost among his books are, *The Patriation Minutes*, (2011) a summary and critique of the constitutional negotiations in November of 1981, *Canada Notwithstanding*, co-authored with Roy Romanow and John Whyte, a history of the patriation of the Canadian constitution, (A Twenty-fifth Anniversary edition of this book was re-published in 2007) *Grant Notley: The Social Conscience of Alberta*, and *Saskatchewan Politics: Crowding the Centre*, released in July of 2009. His various articles include, “*The Sources of Constitutional Change in a Federal State: Saskatchewan a Case Study*” *The Supreme Court Law Review*, second series,

volume 36, 2007 and *Section 33, the Notwithstanding Clause: A Paper Tiger?* for the Institute for Research on Public Policy. Dr. Leeson received his MA and PhD from the University of Alberta.



Hon. Peter Lougheed PC, CC, QC

Mr. Peter Lougheed is currently Counsel at the Calgary based law firm of Bennett Jones LLP, and serves as a Director of several public and private companies. He is the Canadian Co-Chair of the North American Forum and is the Chancellor Emeritus of Queen's University. He is a Companion of the Order of Canada, holds eight honorary degrees from Canadian universities and is the recipient of an Alumni Achievement Award from Harvard Business School. Mr. Lougheed served as Premier of Alberta from 1971 to 1985.



Louise Mandell LLM, QC

Ms. Lousie Mandell has, for three decades, devoted her professional life to the advancement of her many First Nations clients aboriginal title and rights and treaty rights. She was brought into the area of aboriginal law when it was in its infancy, working under the direction of the late Grand Chief George Manuel, President of the Union of British Columbia Indian Chiefs and the World Council of Indigenous Peoples. Acting for UBCIC, Louise was legal counsel in their fight against the patriation of the Constitution. Since then, she has devoted her efforts to implementing constitutional change, including participating in advancing a number of leading cases, including: *Guerin*, *Sparrow*, *Van der Peet*, *Delgamuukw*, *Haida*, *R. v. Bartleman*, *Saanichton Marina v. Claxton*, *Morris and Olsen*, *Osoyoos v. The Town of Oliver* and the historic costs order decision in *Jules and Wilson*. Louise was appointed Queen's Counsel in 1997, and in 2001, was awarded the Georges Goyer Q.C. Memorial Award for exceptional contribution to the development of Aboriginal and treaty rights jurisprudence across the country.



Marilou McPhedran CM, LLM

Professor Marilou McPhedran was made a Member of the Order of Canada in recognition of her co-leadership (1980 through 1982) of the national women's rights lobby, the Ad Hoc Committee of Canadian Women on the Constitution – to strengthen women's rights in the Canadian constitution, which resulted in changes to the text in s.15 and the addition of s.28 to the *Charter*. A former chief commissioner of the Saskatchewan Human Rights Commission, she is a professor at The University of Winnipeg, where she is the dean (principal) of Global College and directs the Institute for International Women's Rights, teaching her "evidence-based advocacy" and "lived rights" models of multi-sectoral partnerships and actionable knowledge sharing, as part of the Global College interdisciplinary degree program in Human Rights.



J. Peter Meekison OC, PhD

Dr. Peter Meekison is currently Chancellor and Board Chair of Royal Roads University. He is an Adjunct Professor of Political Science at the University of Victoria and Distinguished University Professor Emeritus of Political Science at the University of Alberta. Dr. Meekison served for 10 years (1974-1984) with Alberta Federal and Intergovernmental Affairs, 7½ of those years as Deputy Minister. He returned to the University of Alberta as Vice-President (Academic) from July 1984 to August 1991. In June 1993, he was appointed Commissioner on the Royal Commission on Aboriginal Peoples. Throughout his time in government, he worked extensively on constitutional negotiations and the issue of national unity. After returning to the University, he continued to serve as a constitutional adviser to the Alberta government, participating in both the Meech Lake and Charlottetown Accord negotiations. In June 1986 he was appointed an Officer of the Order of Canada. Dr. Meekison received a BSc (Mechanical Engineering) in 1959 and BA (Political Science and Economics) in 1961 from the University of British Columbia, an MA (Political Science) in 1962 from the University of Western Ontario and a PhD (Political Science) in 1966 from Duke University.



Robert Normand QC

Mr. Robert Normand was admitted to the Québec Bar in 1960 and appointed Queen's Counsel in 1971. He was Deputy Minister in the Québec Government for 18 years, serving under 16 different ministers and seven First Ministers belonging to three different political parties. He was named Deputy Minister of Justice (1971-1977), of Intergovernmental and International Affairs (1977-1982) and (1996-1996), and of Finance (1982-1987).

Mr. Normand was the President and Publisher of *Le Soleil*, the main Québec City Daily Newspaper (1987- 1993); President of Télé-Québec, a public television network (1996-1999); and a Member of the Board of the Laurentienne Insurance Company (1990-1993), the "Caisse de depot et placement du Québec (1982-1987), the "Credit Lyonnais canada" (1989-1994) and the Canadian Investment Dealer Association (1989-1994). In addition, he has held the following positions: Honorary Consul General for Sweden, in Québec City (1989-1994); Chairman of the Canadian Uniform Law Conference in 1975; Vice-President of the Canadian Institute of Research on Public Policy (1988-1994); Chairman of the Supervisory Board of Security for the Olympic Games of 1976; Member of the Spicer Commission on the Future of Canada (1991); Chairman of the Québec Symphony Orchestra (1988-1991); Chairman of "l'Ecole nationale de l'humour" (1996-1999); Officer in l'Ordre national du Québec (2009); Commander of the Royal Order of the Polar Star of Sweden (1994); and Chevalier de la Legion d'honneur de France (2001).



Hon. A. Brian Peckford PC

Mr. Brian Peckford was the Premier of Newfoundland from 1979 to 1989, the youngest First Minister in 150 years. Before his election in 1972 to the House of Assembly, the first ever Progressive Conservative for the district of Green Bay, he was a high school teacher in Springdale, Newfoundland. Upon his retirement from politics in 1989, Mr. Peckford ran a consulting firm for 21 years serving

clients in Western Europe and North America. Mr. Peckford is best known for his administration's ground breaking Atlantic Accord, an agreement with the Federal Government which provided revenues to Newfoundland and Labrador's offshore oil and gas resources as if those resources were on land. He holds an Honorary Doctor of Laws degree from Memorial University of Newfoundland, is a Member of the Privy Council of Canada, served on the Board of the Canadian Broadcasting Corporation for five years and authored a book in 1982 entitled *The Past in the Present* detailing Newfoundland's turbulent economic history. Mr. Peckford has conducted public inquiries for the Governments of British Columbia (Fraser River salmon and the administration of the fishery) and Canada (Chair, Expert Panel on Chronic Disease), and remains active in resource development and in public affairs in British Columbia serving in an advisory capacity with the BC Conservative Party. He is Chancellor of Sprott Shaw Degree College, Vancouver, British Columbia.



Hon. Roy Romanow PC, OC, SOM, QC

Mr. Roy J. Romanow served as Premier of Saskatchewan from 1991 until 2001 and was first elected a Member of the Saskatchewan Legislature in 1967.

In 1979, he was appointed Saskatchewan's Minister of Intergovernmental Affairs, and was one of the key players in the federal-provincial negotiations that resulted in the Constitutional Accord and the Canadian Charter of Rights and Freedoms in 1982. In 2001 he was appointed to head the Royal Commission on the Future of Health Care in Canada, which submitted its final report entitled "Building on Values" the following year. Mr. Romanow was recognized by the Pan American Health Organization in 2003, receiving the Administration Award for his work on the Health Commission and his commitment to human rights and justice initiatives. In late 2003, Mr. Romanow was appointed to the Privy Council of Canada and was named to the Security Intelligence Review Committee. Since 2003, Mr. Romanow has been the spokesperson for the Canadian Index of Wellbeing and chair of their advisory board. In

November 2003, Mr. Romanow was invested as an Officer of the Order of Canada. Currently, he holds the positions of Senior Fellow in Public Policy at the University of Saskatchewan and Visiting Fellow in the School of Policy Studies at Queen's University. He is also the recipient of several honorary degrees.



Peter H. Russell FRSC, PhD

Dr. Peter Russell taught political science at the University of Toronto from 1958 until he became a pensioner in 1996. He has been a pioneer in opening up the courts and the constitution as a field of political science inquiry. His book, *Constitutional Odyssey: Can the Canadians Become a Sovereign People?* deals extensively with the patriation of Canada's constitution in 1982. He wrote an essay on the Supreme Court's decision in the *Patriation and Québec Veto Reference cases*, entitled "The Supreme Court Decision: Bold Statecraft Based on Questionable Jurisprudence," in Peter Russell et al, *The Court and the Constitution*. His review of Ron Graham's *The Last Act: Pierre Trudeau, the Gang of Eight and the Fight for Canada* will appear in the September 2011 issue of "The Literary Review of Canada." Mr. Russell is the founding Principal of Senior College at the University of Toronto.



David Schneiderman LLM

David Schneiderman teaches Law at the University of Toronto where he his research and teaching focus is on Canadian and US constitutional law and on international investment law and law and globalization. He has authored numerous articles and edited several books on Canadian and comparative constitutional law and constitutionalism and globalization, and recently authored *Constitutionalizing Economic Globalization: Investment Rules and Democracy's Promise* (Cambridge University Press, 2008). Professor Schneiderman has been Visiting Professor of Law at Georgetown University Law Center and Fulbright Visiting Scholar at the New School for Social Research and the School of Law, Columbia University.



Richard Simeon PhD

Dr. Richard Simeon is a professor emeritus of Political Science and Law, University of Toronto. He is a graduate of the University of British Columbia (1964), and received his PhD in Political Science from Yale University in 1968. Dr. Simeon has also served as Director of the Institute of Intergovernmental Relations and of the School of Public Administration, both at Queen's University, Kingston. Dr. Simeon's contributions to public service include: Research Coordinator, Institutions of Federalism, with the Royal Commission on the Economic Union and Canada's Development Prospects; Vice-Chair of the Ontario Law Reform Commission; and adviser to Ontario governments on constitutional and intergovernmental matters. He also provided advice on constitutional development in South Africa between 1995 and 1997. Dr. Simeon has held visiting appointments at the University of British Columbia, Essex University, the Australian National University, and the University of Cape Town. In 1998, he was the Mackenzie King Visiting Professor of Canadian Studies at Harvard University. Dr. Simeon's research and writing has focused on Canadian politics and public policy, with a special emphasis on federalism, the constitution and intergovernmental relations. More recently, Dr. Simeon has explored broader issues in contemporary governance, both in Canada and comparatively.



Neil J. Sterritt

Mr. Neil Sterritt is president of Sterritt Consulting, and specializes in a range of aboriginal/indigenous issues in Canada and overseas. He is an authority on aboriginal governance and authored the *First Nations Governance Handbook* (Queens Printer 2001, 2004). Mr. Sterritt was Director of Land Claims for the Gitksan-Carrier Tribal Council (1977-1981), and President of the Gitksan-Wet'suwet'en Tribal Council (1981-1987). During his presidency, he commenced and oversaw the precedent-setting Delgamuukw aboriginal rights and title case, and was an expert witness in that case. Mr. Sterritt also played an active role in the First Minister's Constitutional Conferences, from the beginning of the process in November 1981, continuing on through the Charlottetown

Accord process in 1991-92. He worked as Director of Land Claims and Self-Government for the Assembly of First Nations in Ottawa from 1989 to 1991, and served from 2002 to 2008 on the International Advisory Committee on Indigenous Community Governance, which dealt with governance issues throughout Australia. He is, and has been, an active member on many boards and agencies, including: Royal Canadian Geographic Society (Governor 1992-1998; Fellow 1998 to present); Royal British Columbia Museum (Director 1996-2000; 2003 to present); Nicola Valley Institute of Technology (Director 2004-2008; Board Chair 2008 to present). In June 2008, the University of Toronto bestowed on Mr. Sterritt an Honorary Doctor of Laws Degree.



Don Stevenson

Mr. Don Stevenson was the Deputy Minister of Intergovernmental Affairs of Ontario from 1978 to 1984. In his 30 years with the Ontario government from 1959 to 1989, he was a delegate at 37 First Ministers Conferences. He was secretary to the Advisory Committees on Confederation to both Premiers Robarts and Davis and was Ontario's representative to the Québec and federal governments from 1985 to 1989. He was with the federal department of External Affairs from 1956 to 1959. Following retirement from government in 1989, he was for five years a founding member of the Canadian Urban Institute and taught politics at Glendon College in Toronto. He is a former president of the Institute of Public Administration of Canada.



Barry L. Strayer BCL, SJD, OC, QC

Mr. Barry Strayer is currently on an advisory committee of the Canadian Bar Association assisting the Nepal Bar Association in writing a new constitution for Nepal. He is the author of *Judicial Review of Legislation* (1968), revised as *The Canadian Constitution and the Courts* (2nd ed. 1983, 3rd ed. 1988), and author of numerous articles on Public Law. Professor of Law, University of Saskatchewan 1962-68; Mr. Strayer has taught constitutional law courses in the Faculty of Law, University of

Ottawa 1973-78. He was also an adviser to the Government of Saskatchewan from 1960-61 and to the Government of Canada (1967-83) on constitutional reform and patriation of the constitution; one of federal counsel in the Newfoundland Court of Appeal and the Supreme Court in the *Patriation References*. He also negotiated patriation arrangements with the United Kingdom. Mr. Strayer was a Judge of the Federal Court, both Trial Division and Court of Appeal, 1983-2004; Chief Justice, Court Martial Appeal Court, from 1994-2004. Mr. Strayer was a constitutional adviser to the Republic of Seychelles (1979) and Government of Hong Kong (1989). Mr. Strayer has a BA, LLB (University of Saskatchewan), BCL (Oxford), SJD (Doctor of Juridical Science, Harvard).



Roger Tassé OC, QC

Mr. Roger Tassé had a long career in the federal government serving as Deputy Solicitor General from 1972 to 1977 and Deputy Minister of Justice and Deputy Attorney General from 1977 to 1985. As Deputy Minister of Justice, he was the Principal Constitutional Advisor to the Government of Canada at the time of the 1980 Referendum on Québec Sovereignty and in the federal provincial negotiations that followed and led in 1982 to the Patriation of the Canadian Constitution and the adoption of the Canadian Charter of Rights and Freedoms. He served as Constitutional Advisor to the Government of Canada in the negotiations of the failed Meech Lake (1990) and Charlottetown Accords (1992). His years of legal practice were interrupted by a three year period during which he served as Executive Vice-President (Legal and Environmental Affairs) at Bell Canada (1988-1991). Mr. Tassé went back to private practice after leaving Bell Canada, first with Fraser Beatty and thereafter with Gowlings until June 2010. His practice continued to include constitutional and federal public law as well as First Nations issues. Since leaving Gowlings, he has continued to be involved in providing consulting services to a few of his clients.

