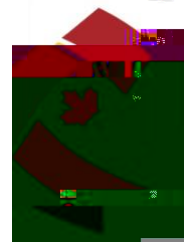


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We see a similar ten legacy of the failure of the 1982 constitutional deal. As various Supreme Court decisions continue to consent which were imposed on a national minority without its outside Quebec often take the lead on these controversial decisions. This political dynamic will soon be revisited as Bill 62 makes its way to the Supreme Court of Canada. Of course, Quebec courts also interpret the Charter and their decisions are often consistent with Supreme Court of Canada rulings. Nevertheless, the constitutional tensions between Quebec and Canada make it easy for those seeking opportunities to advance particular causes to frame Charter rulings or central state policy decisions as impositions on a national minority. And this politics will be repeated until Quebec is full partner and signatory to the Canadian Constitution.

Quebec and Canada need to work together to defuse an unhelpful and strategic form of politics that one outlined in the Affirmation Document, which otherwise offers a fresh and generous perspective on the future of Quebec-Canada relations. My suggestion is that it may be easier to move forward by framing discussions in terms of a renewed compact rather than a need to recognize Que

identity is partly at stake in these discussions. But the way forward is to articulate why specific features of this identity language, culture, and other means to sustain a way of life in the province make the stakes higher for Quebec than other provinces. Identifying these stakes in some detail would help clarify what exemptions Quebec requires from national policy provision and this could provide the foundation for a fairer and more impartial form of democratic federalism.

This process should also invite Indigenous communities to articulate their particular stakes and to consider these stakes as part of a renewed constitutional deal that allows for differentiated integration amongst the partners of Canada. Again, the aim should not be, in the first instance, to protect the specific identity the Mohawks or Anishinabeg. The protection of identity is an outcome of the agreement reached by all the partners rather than the primary and leading aim of the process. Instead, the aim is to establish