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CHAPTER 2
The Constitution

Multiple Choice Questions

1. Which of the following principles are found at the core of the Canadian constitution?
   a) parliamentary democracy
   b) republicanism
   c) unitary governance
   d) All of the above

2. Which of the following elements is *not* an element of Westminster parliamentary democracy?
   a) rule of law
   b) sovereignty rests with the Crown
   c) confidence principle
   d) federalism

3. A system in which citizens elect officials to make decision on their behalf is:
   a) direct democracy
   b) representative democracy
   c) responsible government
   d) autocracy

4. Federalism in Canada divides political powers between the central (_____) and multiple subnational (_____) governments.
   a) provincial; federal
   b) federal; provincial
   c) executive; provincial
   d) federal; executive

5. How is Canada's constitutional monarchy different than an absolute monarchy?
   a) In a constitutional monarchy, the king or queen acts on the advice of governments.
   b) In a constitutional monarchy, the authority of the Crown can be described as "invisible".
   c) Canada's monarch and her representatives serve primarily as symbolic representatives of Canadians.
   d) All of the above

6. Which of the following symbolizes the equal-order relationship between the Crown and First Nations people?
   a) two-row wampum
   b) the residential schools system
   c) the British North America Act, 1867
   d) the Act of Union, 1840

7. Which of the following is *not* an element of democracy in Canada?

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a) electoral democracy
b) party democracy
c) consensus government
d) corporatist democracy

8. What is the principle that no one is above the law and that any powers granted to elected or non-elected officials must be conferred by legislation?
   a) the rule of law
   b) the divine right of kings
   c) responsible government
   d) peace, order, and good government

9. Responsible government requires which of the following?
   a) The political executive must maintain the support of the legislature.
   b) The governor general is elected in free and fair elections.
   c) The federal government always runs a balanced budget.
   d) The Crown maintains the confidence of both houses of parliament at all times.

10. Which of the following practices have developed over time to help shape the concept of responsible government in Canada?
    a) confidence principle
    b) ministerial responsibility
    c) cabinet solidarity
    d) All of the above

11. Canada's electoral democracy is structured primarily around:
    a) ethnic groups
    b) class
    c) unions
    d) territory

12. Which of the following is true of treaties in Canada?
    a) They are formal agreements among Canadian provinces .
    b) They are found in the Constitution Act, 1982.
    c) They establish mutual duties and obligations between the Crown and Indigenous peoples .
    d) They were extinguished at the time of patriation.

13. Which of the following court cases helped enforce Indigenous title and treaty rights?
    a) R. v. Sparrow (1990)
    b) R. v. Marshall (1999)
    c) Daniels v. Canada (2016)
    d) All of the above

14. Upon Lord Durham's recommendation, the British government passes which Act to reunite Upper and Lower Canada under a common legislature?
    a) The Act of Union, 1840
    b) The Royal Proclamation of 1763
    c) The Constitution Act, 1982

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d) The British North America Act, 1867

15. What did the British North America Act, 1867 establish?
    a) the Republic of Canada, with the founding provinces of Ontario, Quebec, New Brunswick, and Nova Scotia
    b) the Dominion of Canada, with the founding provinces of Ontario, Quebec, New Brunswick, and Nova Scotia
    c) the Country of Canada, with the founding provinces of British Columbia, Northwest Territories, Ontario, and Quebec
    d) the Federation of Canada, with the founding provinces of Canada West, Canada East, Newfoundland, and Prince Edward Island

16. What is the process through which Canadian governments gained the authority to amend the country's main constitutional documents?
    a) patriation
    b) convention
    c) referendum
    d) consensus

17. What is a constitutional convention?
    a) a formal change to the Canadian constitution
    b) a binding, unwritten rule based on reason, precedent, and agreement
    c) a written rule based on moral norms we are honour-bound to follow
    d) an annual meeting of first ministers to review the constitution

18. Which of the following is an example of a constitutional convention in Canada?
    a) At the request of a prime minister, the Crown dissolves parliament.
    b) In recent years, Supreme Court justices have appeared before parliamentary committees.
    c) Cabinets should be balanced based on gender.
    d) Budgets must be balanced.

19. What is the settler colonial concept meaning unoccupied or uninhabited?
    a) *habeus corpus*
    b) two-row wampum
    c) *terra nullius*
    d) no man's land

20. What does the process of judicial review entail?
    a) Governments may refer questions and legislation to the courts for an opinion.
    b) Citizens, corporations, interest groups, and other levels of government may challenge the authority of government decisions.
    c) Courts may rule on the constitutionality of particular pieces of government legislation.
    d) All of the above

21. What formal ruling resulted in the eligibility of women for appointment to the Senate?
    a) The Labour Conventions case
    b) The Persons case
    c) The Citizens Plus case

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d) The Patriation Reference

22. The Canadian constitution has been described as a "living tree" because:
    a) it requires constant care and attention
    b) it is young and vulnerable
    c) it grows and evolves with the times
    d) it embodies Indigenous traditions

23. Why was the Persons case (1929) significant?
    a) The ruling saw the court decree that Canadian women were in fact "persons" under the law.
    b) It enshrined women's reproductive rights across the country.
    c) The ruling saw the court affirm that Indigenous Canadians have the inherent right to self-government.
    d) It challenged the legality of French language laws in Quebec.

24. In 1848, which colony became the first member of the British Empire outside of the United Kingdom to achieve responsible government?
    a) Nunavut
    b) Nova Scotia
    c) British Columbia
    d) Saskatchewan

25. What was the major reason that leaders from Prince Edward Island and Newfoundland refused to join Confederation in 1867?
    a) They wanted control over their natural resources
    b) They did not want sovereignty to remain vested in the Crown
    c) They wanted designated seats on the Supreme Court of Canada
    d) They thought Confederation ceded too much authority to Ontario and Quebec

26. In 1996 the federal government passed An Act Respecting Constitutional Amendments which effectively gave Quebec, Ontario, BC, and Alberta _____.
    a) complete autonomy over immigration
    b) the ability to directly select Supreme Court justices
    c) the right to self-government
    d) vetoes over future changes to the constitution

27. What is a system of governance recognizing the equal-order relationship between First Nations and the Crown known as?
    a) consensus government
    b) sovereignty-association
    c) responsible government
    d) treaty federalism

28. What is a legal arrangement wherein Quebec would be politically independent but maintain economic ties with Canada known as?
    a) reconfederation
    b) devolution
    c) sovereignty-association

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d) none of the above

29. The Kitchen Accord reconciled which two constitutional sticking points?
    a) the inclusion of referendums in the constitution and the need for judicial review
    b) parliamentary supremacy and the amending formula
    c) the Charter of Rights and Freedoms and the inherent right to Indigenous self-government
    d) the role of the prime minister and the role of premiers

30. The 7/50 amending formula requires _____ for ordinary changes to be made to the constitution.
    a) written consent of 7 premiers within 50 days
    b) consent of parliament & 7 provincial legislatures, representing half of Canada's population
    c) approval of 7 Supreme Court Justices and 50 per cent of the votes in a nationwide referendum
    d) support of parliament and half of the provincial legislatures within 7 years

31. What was the Night of the Long Knives?
    a) the evening of the 1995 Quebec referendum on sovereignty
    b) the evening Queen Elizabeth II signed the Proclamation of the Constitution Act, 1982
    c) the time Quebec was absent from negotiations over the final deal to patriate the constitution
    d) the night before Louis Riel was hanged for treason

32. What was the failed constitutional amendment package of the early-1990s that would have recognized Quebec as a distinct society and advanced the cause of Indigenous self-government?
    a) Meech Lake Accord
    b) Charlottetown Accord
    c) Patriation Accord
    d) Mulroney Accord

33. Which of the following was *not* an element of the Triple-E Senate proposal included in the Charlottetown Accord?
    a) that senators be elected not appointed
    b) that all provinces have an equal number of senators
    c) that the Senate be more effective than ornamental
    d) that the Senate be more efficient in scrutinizing government bills

34. What is the doctrine under which legislatures and executives, not courts, define key elements of public policy?
    a) Republicanism
    b) Constitutional convention
    c) Responsible government
    d) Parliamentary supremacy

35. What is the function of Section 1 of the Charter of Rights and Freedoms?
    a) it allows governments to pass laws that place reasonable limits on citizens' liberties
    b) it allows Canadians to keep and bear arms
    c) it allows governments to prosecute citizens who commit crimes against other citizens
    d) it establishes peace, order, and good governance as the fundamental premise

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36. What is the Oakes test?
    a) a model used by the courts to determine whether Charter breaches are acceptable
    b) a framework for governments to apply the notwithstanding clause
    c) a means of determining which amending formula applies
    d) a formula for deciding which government have a veto on constitutional amendments

37. Which of the following elements are not included in the Charter of Rights and Freedoms?
    a) Indigenous rights
    b) mobility rights
    c) democratic rights
    d) legal rights

38. Reconciliation is best understood as the process by which:
    a) respectful relationships among Indigenous and non-Indigenous people are established
    b) Quebec and the rest of Canada resolve historic disputes
    c) judges and legislatures resolve disputes over human rights
    d) the House of Commons and Senate agree on final language for legislation

39. Which element was included in the Charter because of eight premiers' concerns about the courts having final say over human rights?
    a) general amending formula
    b) reasonable limits clause
    c) notwithstanding clause
    d) Canada clause

40. Why was the Bill of Rights limited in its effectiveness?
    a) it did not apply to provincial governments.
    b) it did not hold precedence or primacy over other laws.
    c) it contained no prescribed remedies in the event of a violation.
    d) All of the above

41. Where does ultimate sovereignty rest in Canada?
    a) the Crown
    b) the people
    c) the prime minister
    d) the Supreme Court

42. Canada's system of government features:
    a) an opposition consisting of members outside the governing party
    b) a judiciary independent from government influence
    c) a government supported by a majority of elected legislators
    d) all of the above

43. Which constitutional principle states that no one is above the law?
    a) parliamentary supremacy
    b) judicial review
    c) rule of law

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d) fusion of powers

44. A constitutional monarchy is a system in which:
    a) a monarch reigns, but elected officials rule
    b) a monarch rules and elected officials administer
    c) a prime minister reigns like a monarch
    d) a monarch rules at the people's request

45. A representative democracy is one in which:
    a) politicians appoint bureaucrats to represent the public
    b) citizens represent their own interests through referendums
    c) citizens elect politicians to make political decisions on their behalf
    d) politicians appoint citizens to serve in deliberative bodies

46. In Canada, the Crown:
    a) is the seat of power in Canada
    b) is a legal concept establishing the supremacy of the monarch over all branches of government
    c) must approve all government actions before they come into effect
    d) all of the above

47. In Canada, federalism:
    a) divides power among provincial and federal governments
    b) divides power between the judicial, legislative, and executive branches
    c) divides power between Indigenous governments and the Crown
    d) all of the above

48. In Canada, Indigenous and treaty rights:
    a) were acknowledged by the Crown as early as 1763
    b) were embedded in the British North America Act, 1867
    c) were embedded in the Charter of Rights and Freedoms
    d) All of the above

49. Which of the following laws did not apply directly to the concept of French-Canadian rights?
    a) Quebec Act of 1774
    b) Constitutional Act of 1791
    c) Act of Union, 1840
    d) Statute of Westminster, 1931

50. Which of the following demands was included in Quebec Premier Robert Bourassa's five conditions for engaging in constitutional negotiations in 1986?
    a) sovereignty-association
    b) recognition of Quebec as a distinct society
    c) Quebec's control over Indigenous lands in its territory
    d) All of the above

True or False Questions

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1. All elements of the Canadian constitutional order are written.

2. Canada's constitution is the supreme law of the land, meaning that all other laws must be consistent with its principles.

3. Since patriation of the Constitution in 1982, the monarch is no longer Canada's head of state.

4. Even though Canada is a representative democracy, ultimate sovereignty resides with the Crown, not the people.

5. The Royal Proclamation of 1763 recognized the nation-to-nation relationship between Indigenous people and the Crown.

6. The Quebec Act of 1774 granted government officials in Quebec the right to openly practice their Catholic faith and implement French legal traditions in civil matters.

7. A constitutional convention is a written rule based on custom and past practice that binds politicians to adhere to the traditions of the constitutional order.

8. As of 1931, any formal changes to the Canadian constitution did not have to go through the British government.

9. The Canadian constitution was patriated following a nationwide referendum in 1982.

10. The Kitchen Accord resulted in the establishment of a third order of government for Indigenous people in Canada.

11. In 1986, Quebec Premier Robert Bourassa released five conditions for Quebec to engage in constitutional reform, one of which included a Quebec veto over all constitutional amendments.

12. The Meech Lake Accord failed because it failed to receive majority support in the Senate.

13. Despite the recognition of Indigenous rights, the Charlottetown Accord did not have support from national Indigenous leaders.

14. The Charlottetown Accord failed to pass in the legislatures of Manitoba, Prince Edward Island, and New Brunswick within the requisite timeframe, rendering it dead as a constitutional amendment package.

15. The predecessor of the Charter of Rights and Freedoms was the Canadian Declaration of Human Rights.

16. The notwithstanding clause allows governments to breach certain Charter rights provided they do so publicly and for renewable five-year periods.

17. The Charter of Rights and Freedoms contains an explicit and exhaustive list of social rights, including the right to housing, education, and healthcare as well as protection on the basis of sexual orientation.

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18. The Charter applies only to Canadian governments, not to private disputes between individual Canadians, businesses, and other organizations.

19. The dialogue model refers to a process by which judges, legislatures, and executives interact with one another to define rights and freedoms.

20. Judges in Canada are empowered to strike down laws that are not compliant with the Charter of Rights and Freedoms.

21. The citizens plus model is an approach suggesting that Indigenous people possess the rights and freedoms afforded to all Canadians, plus an additional set of rights unique to Indigenous people.

22. The Canada Clause was a simplified amending formula proposed in the failed Charlottetown Accord.

23. Canada is called a "liberal democracy" because the Liberals are its natural governing party.

24. The Charter of Rights and Freedoms over-rode the many human rights enumerated in the British North America Act, 1867.

25. In Canada, the concept of self-government revolves around the individual right to life, liberty, and the pursuit of happiness.

26. Canada's constitutional order remains subject to review by the Justice Committee of the Privy Council in Britain.

27. The British Parliament may pass legislation to amend the Charter of Rights and Freedoms.

28. LGBTQ2+ rights are enumerated in the written text of the Charter of Rights and Freedoms.

29. Louis Riel was a New Brunswick Metis leader responsible for his province joining Confederation in 1867.

30. The Night of the Long Knives took place on the closing night of the Charlottetown convention that led to the British North America Act, 1867.

Short Answer Questions

1. Identify and describe the key features of the Westminster model of parliamentary democracy.

2. What is the difference between the fusion of power and the separation of powers? Identify a possible consequence or outcome for each.

3. Describe the legacy of the Quebec Act of 1774 and its impact on Canadian politics today.

4. What does it mean when Canada's Constitution is referred to as "a living tree"?

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5. Despite support from all 10 provincial premiers, the prime minister, and the cabinet, the Meech Lake Accord failed to be ratified as a constitutional amendment package. What were some of the main objections to the Meech Lake Accord?

6. What is the Oakes test and how is it employed?

7. What were some of the criticisms of the Bill of Rights, 1960, that led critics to support the entrenchment of the Charter of Rights and Freedoms in the constitution?

8. How were rights and freedoms protected in Canada prior to the Charter?

9. Explain the difference between representative democracy and direct democracy.

10. How does responsible government operate, and why is it considered fundamental to Canada's system of parliamentary democracy?

11. Explain the differences between conventions, customs, practices, and norms.

12. What role did Indigenous people play in the passage of the Constitution Act, 1982, and the mega-constitutional negotiations that followed?

13. What was the outcome of the Kitchen Accord in 1981?

14. What were Robert Bourassa's five demands for Quebec to engage in Constitutional negotiations in the mid-1980s?

15. What was the Canada Clause, and why was it so important to the negotiation of the Charlottetown Accord?

16. What were some of the premises for Indigenous self-government outlined by the Royal Commission on Indigenous Peoples (RCAP)?

17. What is the nature of the ongoing debate between charterphiles and charterphobes?

18. Has the notwithstanding clause been invoked frequently? Why or why not?

19. Explain how the Ford case (1988) illustrates the limited nature of rights and freedoms in Canada.

20. What is citizens plus and how does it relate to the Charter of Rights and Freedoms?

Essay Questions

1. Some have described patriation as an uncertain victory for the first ministers involved in the deal. Why is that? What are some of the outcomes of the mega-constitutional period that

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attempted to address the ramifications of this uncertain victory?

2. Explain how ordinary changes to the Canadian constitution are made, taking into account the amending formula and subsequent federal government legislation regarding constitutional amendments.

3. What were the key differences between the Meech Lake Accord and the Charlottetown Accord? Why did each one fail to achieve constitutional amendment?

4. What is treaty federalism and how does it compare to other worldviews on Indigenous self-government?

5. Compare the processes involved in patriating the constitution with those employed to amend it during the Charlottetown round of constitutional negotiations. Which set of processes aligned more closely with the principles of parliamentary democracy?

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Answer Key

Multiple Choice Questions

1. A
2. D
3. B
4. B
5. D
6. A
7. D
8. A
9. A
10. D
11. D
12. C
13. D
14. A
15. B
16. A
17. B
18. A
19. C
20. D
21. B
22. C
23. A
24. B
25. D
26. D
27. D
28. C
29. B
30. B
31. C
32. B
33. D
34. D
35. A
36. A
37. A
38. A
39. C
40. D
41. A
42. D
43. C
44. A
45. C
46. C
47. A
48. A
49. D
50. B

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True or False Questions

1. F
2. T
3. F
4. T
5. T
6. T
7. F
8. F
9. F
10. F
11. T
12. F
13. F
14. F
15. F
16. T
17. F
18. T
19. T
20. T
21. T
22. F
23. F
24. F
25. F
26. F
27. F
28. F
29. F
30. F

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Short Answer Questions

1. Liberal democracy, which is a political system in which equality, rights, and freedoms are protected through public debate and free and fair elections. Representative democracy, which refers to political systems were citizens freely elect officials/representatives to make policy and governance decisions on their behalf. Constitutional monarchy, a system in which the sovereignty of the Crown (ruling king or queen) is upheld but exercised by elected officials. Responsible government, which requires that a first minister and cabinet maintain the confidence of the lower house of parliament or else lose their mandate to govern.

2. Fusion of powers means cabinet ministers are selected from, and remain directly accountable to, the legislature. This can result in the executive having greater control over the legislative process (often making it seem relatively streamlined and unobstructed). Separation of powers sees an executive that is not directly accountable to the legislature, often resulting in political debate and conflict between the executive and the legislative branches.

3. The Quebec Act, 1774, granted government officials in Quebec the right to openly practice their Catholic faith and implement French legal traditions in civil matters. It also placed a considerable amount of reserved land, newly acquired after the Royal Proclamation of 1763, under the control of the new province. These arrangements bred resentment amongst the other colonists as these entitlements were unique to French Canada. Similar protections persist to this day, embodied in the BNA Act, 1867.

4. This quotation reflects the view that the Canadian constitution should not be static or interpreted word-for-word as an ordinary statute, but rather grow and evolve with the times in order to meet the needs of an ever-changing Canadian society.

5. Objections included: the declaration of Quebec as a distinct society; the establishment of more provincial vetoes over constitutional amendments; the exclusion of more comprehensive reforms related to Indigenous self-government; and the process of negotiation, itself (which was confined to first ministers behind closed doors).

6. The Oakes test is a model employed by the court to assess the constitutionality of a law that breaches Charter rights. If the court determines that a law violates a Charter right, judges consider whether the overall objective of the law is sufficiently important as to justify that breach. If the answer is yes, the court asks whether the measures the law takes are suitable and proportionate to achieve those objectives and, ultimately, whether the means justify the ends.

7. The Bill of Rights had not prevented violations of human rights in Canada since its inception (e.g. the Sixties Scoop); it lacked the necessary scope to prevent future human rights abuses from occurring; it did not apply to governments beyond the federal level; it did not hold precedence over other federal laws; it contained no prescribed remedies should it be violated; and the rights it prescribed were static and remained defined as they were at the time of the bill's passage.

8. Prior to the Charter, rights and freedoms were protected through the Canadian Bill of Rights, which detailed Canadians rights and freedoms with the federal government, as well as provincial human rights legislation.

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9. A representative democracy is a democratic system in which most policy decisions are made by politicians elected by citizens to represent their interests in the legislature. In direct democracy, citizens make political decisions by themselves by voting directly on issues.

10. Responsible government mandates that the political executive (cabinet) maintains the support (confidence) of a majority of the elected representatives present in the legislature on major issues. Failure to maintain such support would require the government to resign or be stripped of its power and provide the opportunity for a new government to secure the support of a majority of elected representatives. This provides an important measure of legitimacy for an elected government within a representative democracy. It also ensures the political executive is accountable to a body of legislators elected by the public.

11. Conventions are constitutionally binding rules supported by precedent. Customs are traditions that are generally binding by habit. Practices are the things that we have been trying out and are subject to change. Norms are moral rules that we are honour-bound to follow.

12. Indigenous leaders placed pressure on the federal government in the lead-up to the passage of the Constitution Act to counter the assimilationist tendencies of the federal government. In the mega-constitutional negotiations, first ministers agreed to hold a series of constitutional conferences with Indigenous leaders, which led to reforms to section 35 to clarify that "treaty rights" refers to rights that exist through land claims agreements and rights that may be acquired in the future. The Native Women's Association of Canada also pressured the government to guarantee treaty rights for men and women. Indigenous organizations' involvement set a standard for future rounds of negotiations that their input would be needed in any new constitutional deals.

13. The Kitchen Accord was an aspect of the constitutional patriation process which saw an agreement negotiated between three justice ministers that facilitated the successful passage of the constitution. The agreement saw the general 7/50 amending formula being packaged alongside an entrenched Charter of Rights and Freedoms with a notwithstanding clause.

14. In an effort to secure Quebec's support for continued constitutional negotiations in the mid-1980s, Premier Robert Bourassa released five conditions that were required in order for his province to engage in on-going discussions: constitutional recognition for Quebec as a distinct society; a Quebec veto over all constitutional amendments; total control for Quebec over all immigration to the province; input into all Supreme Court appointments, and a guarantee of three seats on the nine-person court being reserved for Quebec judges; and strict limits on federal spending power that would allow provinces (not just Quebec) to opt-out of national programs with full federal compensation.

15. The Canada Clause sought to define the fundamental qualities of Canadian democracy. In addition to recognition of Quebec as a distinct society, it included commitments to uphold Indigenous rights and parliamentary supremacy, as well as respecting individual and provincial equality.

16. RCAP outlined the following premises: that the right to be self-governing came from the

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Creator, that Indigenous self-government is protected through international law, that Indigenous self-government was recognized by the first European settlers and was never ceded by Indigenous peoples, and that Indigenous self-government is enshrined in the Canadian Constitution.

17. Charterphiles are generally supportive of using the Charter and are supportive of the enhanced role that judges play in human rights, while charterphobes are uneasy about the Charter's use and are critical of the rise of judicial supremacy.

18. The notwithstanding clause is involved infrequently. The federal government has never attempted to invoke it. Provincial governments in Western Canada have threatened to invoke it, yet few such laws have come into effect. Quebec invokes the clause more frequently, such as when the Legault government passed its law barring Quebec public servants from wearing religious symbols.

19. Ford case provides a good example of the notwithstanding clause and the Oakes test in practice. Despite the Supreme Court ruling in favour of the merchants, the Quebec government made only minor changes to the law and invoked the notwithstanding clause to protect it from further judicial scrutiny.

20. Citizens plus is the notion that Indigenous peoples (ought to) hold a special set of rights in addition to those conferred by Canadian citizenship. This means that they would hold all of the rights contained in the Charter, plus a set of rights unique to Indigenous peoples (including treaty rights).

Essay Questions

1. Patriation was described by some as an uncertain victory due to several constitutional shortcomings which soon became apparent after patriation, along with some concerns and frustrations with the negotiation process itself. This includes the failure to fully address Indigenous people's right to self-government and the failure to incorporate Quebec's interests fully into the new framework.

   Following patriation, first ministers met with Indigenous groups on several occasions to address the appropriateness of further constitutional amendments to alleviate their concerns. While not all of the issues related to self-government were resolved, there were some reforms made to section 35 that clarified that treaty rights encompasses those rights that exist at present through land claim agreements as well as those rights that may be acquired in future. Also, as a result of pressure from Native Women's groups, treaty rights were guaranteed for both men and women. After being cut out of the constitutional process at the last moment, feelings of anger and disappointment were rampant in Quebec. In 1986, Premier Robert Bourassa released five conditions for Quebec to agree to engage in amendment negotiations. Prime Minister Brian Mulroney agreed with Bourassa's terms as a basis for further constitutional discussion, as did the other provincial leaders and thus began the "Quebec Round" of negotiations.

2. Ordinary changes to the constitution are made through the general formula, also known as the

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7/50 formula. This requires consent from Parliament, as well as the legislatures of at least 7 provinces comprising at least 50 per cent of the population of the provinces combined. Since the passage of the Act Respecting Constitutional Amendments in 1996, Parliament's support for any amendment is contingent on Quebec, Ontario, BC, and Alberta being in favour. (Those provinces now have effective vetoes on all amendments.)

3. The Meech Lake Accord focused almost entirely on resolving Quebec's grievances with the patriation deal. The Charlottetown Accord expanded the scope of constitutional reforms to include the right of Indigenous peoples to self-government and the creation of a "Triple-E" Senate (among other reforms).

   The Meech Lake Accord failed to pass in the legislatures of Manitoba and Newfoundland. The Charlottetown Accord failed in a nation-wide referendum by a margin of 55-percent to 45-percent.

4. Treaty federalism is a system of governance that recognizes the equal-order relationship between First Nations and the Crown, and that seeks to establish new institutions to represent Indigenous people in Canadian democracy (e.g., a separate house of parliament). Other views on Indigenous self-government may argue that treaty federalism would create separate institutions or systems of rights for Indigenous peoples, which would only exacerbate the socioeconomic gaps that exist between Indigenous groups and non-Indigenous groups. On the other hand, a second worldview on Indigenous self-government may argue for a citizen plus model, where Indigenous self-government should be considered within the confines of the Canadian state and citizenship, without the formal establishment of independent, sovereign nation-states that treaty federalism may add.

5. The deal to patriate the constitution was made by first ministers (excluding Quebec) and the federal government, whereas the process involved in the Charlottetown round of negotiations involved first ministers as well as leaders of major Indigenous organizations. The Charlottetown Accord also needed to receive unanimous support of all provincial legislatures and Parliament, unlike patriating the constitution. The Charlottetown process culminated in a nationwide referendum. Ensuring that legislatures get a chance to vote on the changes aligns more closely with the principles of parliamentary democracy. The addition of a referendum introduced direct democracy into the process, adding a layer beyond representative/parliamentary democracy.

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