

Report of the
Royal Commission on
Bilingualism and
Biculturalism

Book V The Federal Capital

Book VI Voluntary Associations

PROPERTY OF - PROPRIÉTÉ DU
PRIVY COUNCIL OFFICE
BUREAU DU CONSEIL PRIVÉ
INFORMATION SYSTEMS & SERVICES
SYSTÈMES & SERVICES D'INFORMATION

ACCESS CODE / CODE D'ACCÈS ADNT
COPY / ISSUE / EXEMPLAIRE / NUMÉRO C-2

FC145
.B55
C3
v.5-6
C. 2 aa

**Report of the Royal Commission
on Bilingualism and Biculturalism
Volume 5**

Royal Commission on Bilingualism and Biculturalism



To His Excellency
The Governor General in Council

We, the Commissioners appointed
as a Royal Commission, beg to submit
to your Excellency
Volume 5 of our Final Report

A. Davidson Dunton, Co-Chairman
Jean-Louis Gagnon, Co-Chairman
Clément Cormier, c.s.c.
Royce Frith
Paul Lacoste
Gertrude M. Laing
André Raynauld
J. B. Rudnyckyj
F. R. Scott
Paul Wyczynski

Peter C. Findlay, Co-Secretary
Gilles Lalonde, Co-Secretary

Michael Oliver, Director of Research
Léon Dion, Special Consultant on Research

Ottawa, February 14, 1970

©Crown Copyrights reserved

Available by mail from the
Queen's Printer, Ottawa,
and at the following
Canadian Government bookshops:

HALIFAX
1735 Barrington Street

MONTREAL
Æterna-Vie Building, 1182 St. Catherine Street West

OTTAWA
Daly Building, Corner Mackenzie and Rideau

TORONTO
221 Yonge Street

WINNIPEG
Mall Center Building, 499 Portage Avenue

VANCOUVER
657 Granville Street

or through your bookseller

Price: \$3.00 (subject to change without notice)

Catalogue No. Z1-1963/1-5/5

QUEEN'S PRINTER FOR CANADA
Ottawa, 1970

Book V The Federal Capital

Chapter I Introduction 3

- A The Significance of Capital Cities 3**
 - The role of the capital 3
 - Symbol of the whole country 3
 - Legislative and administrative centre 4
 - Location 4
 - Political difficulties in choosing a capital 4
 - Methods of resolution 4

- B Our Concern with the Capital 5**
 - Public concern 5
 - Effect of the capital's Anglophone image 6

- C Capitals in Bilingual States 7**
 - Brussels 7
 - Helsinki 9
 - Bern 10
 - Pretoria and Cape Town 11

- D The Canadian Experience 12**
 - Union of the two Canadas 12
 - Ottawa as capital of the United Province 13
 - Ottawa as federal capital 14
 - Jurisdictional change 15
 - Importance of the capital's geographic location 15

Chapter II Federal, Provincial, and Local Interests in the Federal Capital 17

- A Defining the Capital Area 17**
 - The juridical and constitutional capital 17
 - The metropolitan census area 18
 - The National Capital Region 18

- B Federal Jurisdiction and Federal Interest in the Capital Area 19**
 - Federal jurisdiction 19
 - Federal interest 20
 - Difference between jurisdiction and interest 20
 - History of federal interest 22

- C Relations among Federal, Provincial, and Local Interests 22
 - Predominance of the provincial-municipal perspective 23
 - Provincial linguistic policies 23
 - Municipal linguistic practices 24
 - Other areas of interest 25
 - Effect on local attitudes 25
 - Summary 27

Chapter III The Principle of Equal Partnership 29

- A Introduction 29
 - Effect of different settings 29
 - The general principle 29
 - Linguistic régimes 30
 - At the federal level 30
 - At the provincial level 30
 - At the local level 30
 - The reality: some continuing inconveniences 30
 - The federal capital a special case 31
- B The Linguistic Patterns of the Capital Area 32
 - Language characteristics of the capital area 32
 - Socio-economic factors 33
 - Residential patterns 34
 - Bilingualism 35
 - Linguistic patterns and equal partnership 36
- C Equal Partnership in the Capital Area 36
 - Discomfort of Francophones in the capital 36
 - Services and facilities 36
 - Ottawa's competitive position 39
 - Place of individual bilingualism 40
 - Role of the public sector 40
 - Recommendation 1 41

Chapter IV The Role of the Federal Government 43

- A Channels for the Expression of Federal Interest 43
 - The National Capital Commission 43
 - Drawbacks in fostering equal partnership 44
 - Department of Public Works 45
 - Shortcomings of linguistic policy 46
 - Location of federal buildings 46

The federal government as "taxpayer"	47
Imbalance between Quebec and Ontario sectors	48
Lack of federal representation	49
Location of federal cultural agencies	49
Other federal agencies	50
Transport facilities	50
RCMP	50
Summary	50

B	A More Positive Federal Policy	51
	Breadth of viewpoint	51
	Jurisdiction	52
	Need for change in symbolism	52
	Power of example	53
	Alternative of twin capital unacceptable	53
	Residential distribution	54
	Need for federal participation	54
	Place of provincial and local interests	54
	Recommendation 2	55

Chapter V **Proposals for the Capital Area** **57**

A	Introduction	57
	Need for change in attitudes and institutions	58
	First steps	58
	A Capital Territory	58
	A Tripartite Agency	59
B	A Programme for the Capital Area	59
1	Government services	59
	a) The federal image in the capital	59
	Provision of services	59
	Signs	60
	Recommendation 3	60
	Elevator operators and commissionaires	60
	Telephone facilities	61
	Leased buildings	61
	Recommendation 4	61
	Grants for public works	62
	Recommendation 5	62
	Priority for institutions of high public visibility	62
	Recommendation 6	63

- b) Provincial administration 63
 - Recommendation 7 63
 - c) Municipal and regional government 65
 - Municipal government 65
 - Need for linguistic equality in municipal services 65
 - Importance of Ottawa's role 66
 - Suggested first steps towards bilingual services 66
 - Second stage 67
 - Third stage 67
 - Recommendation 8 68
 - Regional government 68
 - Recommendation 9 69
 - Municipal councils 70
 - d) The courts 70
 - Recommendation 10 71
- 2 Education 71
- Provincial developments 71
 - Remaining problems 72
 - The local level 72
 - Ontario sector 72
 - Financial resources of Ottawa school boards 73
 - Facilities 76
 - Certification level of teachers 76
 - Need to equalize school board revenues 77
 - Secondary schools 77
 - Quebec sector 78
 - Financing 78
 - Role of federal government 78
 - Representation 79
 - Recommendations 11 and 12 8
 - Language and confessionality 82
 - Recommendation 13 83
 - Post-secondary education 83
- 3 Mass media, cultural activities, economic life, and professional services 83
- Recommendation 14 84
 - Cultural activities 84
 - Economic life 85
 - Predominance of English 85
 - Suggested changes 85
- 4 Economic disparities in the capital area 86
- Differences in average income 86

	Transportation and communications	87
	Recommendation 15	88
	Government buildings	88
	Recommendation 16	89
	Federal grants and taxes	89
	Conclusion	90
C	Co-ordinating the Programme: A Tripartite Agency	90
	Recommendation 17	90
	Jurisdiction of the Tripartite Agency	90
	Geographic boundaries	91
	Representation	91
	Financing	93
	Functions	93
	Powers and responsibilities	94
	An evolutionary process	94
	Other aspects	95
D	Conclusion	95
	Recommendations	96
Appendix I	Terms of Reference	103
Appendix II	A Note on Public Attitudes	105
Appendix III	Institutional Arrangements for a Capital Territory	109
A	Geographic Boundaries and the Territorial Integrity of Ontario and Quebec	112
B	Governmental Institutions for a Capital Territory	113
C	Guarantees for Fundamental Rights	115
D	Regional Development	116
E	Appropriate Financial Arrangements	117
F	Education	118
G	Legal Systems and the Administration of Justice	120
H	Conclusion	121

Book VI **Voluntary Associations**

Introduction 125

- Field of our study 126
- Sources of our information 126
- Ethnic associations not included 127
- Conclusions generally valid 127
- Equal partnership in associations 128
- Description and analysis 129

Chapter I **Voluntary Associations in the Context of Canadian Dualism 131**

- A** Types of Associations and the Roles of the Two Groups 131
 - Interrelation of the two objectives 131
 - Harmony or equality 131
 - What we mean by voluntary associations 132

- B** The Role of Voluntary Associations in Society 133
 - Membership in voluntary associations 133
 - Extent of participation and influence 134
 - The situation in Canada 134
 - Voluntary associations in contemporary society 135
 - What associations do for their members 135
 - Voluntary associations and the community 136
 - Public opinion 136
 - Resolving conflicts 137
 - Political influence 137

- C** Voluntary Associations and Relations between Linguistic Groups 138
 - External aspects 138
 - Internal aspects 139

- D** The Response to the Existence of Two Linguistic Communities 139
 - Equal partnership and institutional survival 139
 - Effects of inequality 140
 - Results of an inferior position 140
 - Different needs of individuals and groups 141
 - Summary 141

- E** Obstacles and Opportunities 141
 - General focus 141

- The numerical proportion 142
- The North American setting 142
- The origins and history of the association 142
- Political conditions in the country 143
- Benefits and costs of membership 143
- The objectives of an association 144
- The aspects of our research 144

Chapter II**Objectives 147**

- A A Classification of Associations 147**
 - Focus of association efforts 147
 - Member-oriented associations 147
 - A multiplicity of aims 148
- B Chances for Equal Opportunities in Different Kinds of Associations 148**
 - Recreational associations 148
 - Utilitarian associations 149
 - Projective associations 149
 - Education-oriented associations 149
- C Divergent Aims 150**
 - Anglophone and Francophone views of association aims 150
 - Examples 150
 - Disparities in aims may go unnoticed 151
- D Differences in the Ranking of Objectives 152**
- E The Danger of Stereotypes 153**
 - Idealizations and caricatures 153
- F Objectives in Associations with External Links 154**
 - Objectives linked to conceptions of society and the country 154
- G Canadian Unity as a Goal 155**
 - Danger of irrelevant objectives 156
 - Current adjustments reflect prevailing views of Canadian society 156

Chapter III**Activities 157**

- A The Commission's Perspective 157**
 - 1 Two foci of attention: the individual and the association 157**

- 2 General activities 157
 - Explanation of activities 157
- 3 Obstacles to equal participation 158
 - The language obstacle 158
 - The feeling of strangeness and being a minority 159
- B Participation and the Major Categories of Activity 159**
 - 1 Participation and the dissemination of information 159
 - Production of information 160
 - Language as a vehicle for culture 160
 - 2 Participation and training 161
 - Prohibitive costs 162
 - Consequences of geography and economic inequality 163
 - 3 Meetings and conventions 164
 - Consequences of "the game of numbers" 164
 - 4 Resolutions 165
 - Resolutions peripheral to the association's purpose 165
 - 5 Exchanges 166
 - 6 Social events 166
 - 7 Participation and the administration of associations 167
 - 8 Particular activities 167
- C The Importance of Co-ordination 167**
 - The cost-benefit approach is useful 168
 - The need for joint planning 168
 - Who initiates programmes? 168
 - Co-ordination related to communication 169
 - Summary 169

Chapter IV Structure 171

- A Organizational Forms 171**
 - 1 General 171
 - Formal and informal arrangements 171
 - Association constitutions 171
 - Parallels between associations and Canada's constitution 172
 - 2 Two basic types: common and parallel 173
 - A criterion for assessing each organizational form 174

- B Common Associations 175**
 - 1 Advantages 175
 - Common associations and utilitarian objectives 176
 - 2 Drawbacks 176
 - Underrepresentation of Francophone interests 177
 - Expenditure of funds 177
 - 3 Some means of coping with the drawbacks 178
 - A modification of the unitary form 178
 - Associations composed of provincial organizations 179
 - The two official-language minorities 179
 - The parish or diocese as a base 180
 - Another "game of numbers" 180
 - Do Quebec leaders speak for all Francophones? 181
 - A parallel with the political world 182
 - Internal differences in the response to change 182
 - The need to recognize internal change 182
 - The region as a base 183
- C Parallel Associations 184**
 - 1 Advantages 184
 - 2 Drawbacks 185
 - Resentment against trying to create common associations 186
 - Some problems for Francophones in parallel associations 187
 - Backlash 187
 - Both groups strive for survival 188
 - Structure is related to objectives 189
 - The costs of segregation 189
 - 3 Methods of coping with the drawbacks 189
 - The two types of parallel associations: linked and separated 189
 - a) The linked model 190
 - Joint committees 190
 - Contacts among permanent officials 191
 - b) The separated model 192
 - The "peaceful" evolution of the separated model is possible 192
 - Unity and uniformity are not the same thing 193
 - The split as a useful device 193
- D Representation 194**
 - 1 Representation of the official-language minority group 194
 - Two areas of disagreement 194

- Who or what is to be represented? 194
- How should representatives be chosen? 195
- Representation in associations and the nature of Canada 195
- Representation on the basis of five regions 195
- Representation on the basis of two communities 195
- The double majority 196
- The "Quebec spokesman" 196
- Consequences of the "acculturation" of the "Quebec spokesman" 197
- Successful accommodation may be costly and painful 198
- Short-cuts may be harmful 198
- Regional representation 198
- Representation of the two official-language minorities 199
- 2 Representation outside Canada 199
 - Two manifestations of the problem 199
 - Problems of representing associations are linked to views of the nature of Canada 199
 - Similarities and differences between the political and the associational world 200

Chapter V

Communications 201

- A The Importance Adequate Communications 201
- B The Cost-Benefit Balance 202
 - 1 The prevalence of the English language 202
 - 2 Psychological costs 202
 - 3 The penalties for acting as translators 203
 - 4 Respect for language and culture 204
 - The consequence of seeing one's language mangled 204
 - Problems inherent in translation 205
 - The language used affects the message it conveys 205
 - "Why bother translating into French: everybody understands English here!" 205
- C Methods of Coping with the Problem 206
 - 1 A realistic assessment of the costs of bilingualism 206
 - 2 The need for frankness 207
 - Conditions under which conflict may be useful 207
 - 3 The importance of well-established officials and leaders 207

- 4 Passive bilingualism 208
- 5 Simultaneous interpretation 209
 - Repeating statements in the other language 210
- 6 Special meetings, conferences, and committees 210
 - Special committees 210
 - The dangers of special committees 211
 - The short life-span of some committees 211
- 7 The exchange of executive members and delegates 212
- 8 Bilingualism among the staff 212
- 9 Joint headquarters and personnel 212
- 10 Conclusion 213
 - The importance of concerned individuals 213

Chapter VI Conclusions 215

- The interrelations of the four aspects 215
- Variations in flexibility: a ranking 215
- Advantages of variations 216
- Dangers of partial reforms 216
- Costs of separation 216
- Interaction between groups is enriching 217
- The dangers of widespread segregation 217

Appendix I The Terms of Reference 225

Appendix II A Case History 226

Appendix III The French Commission: Canadian Welfare Council 229

Appendix IV Quotations Originally in French, Translated into English in the Text 233

*C'est la capitale qui, surtout,
fait les mœurs des peuples ;
c'est Paris qui fait les Français.*

Montesquieu

A. The Significance of Capital Cities

1. In Book I of this *Report* we discussed briefly the status of the two official languages in the federal capital area and made a recommendation¹ concerning the linguistic régime that should be applied to the area. But we also noted that more than a new linguistic régime was required to achieve a seat of government fully appropriate to Canada today. In this Book we shall outline the changes we think are necessary.

2. In thinking about the federal capital, we have tried first of all to see the issues in broad perspective. We have looked not only at the Canadian situation in some detail, but also in a more general way at the problems and solutions that have been developed for the capitals of other countries. Such an approach has enabled us to visualize more clearly the role that the federal capital should play in Canadian life—a role that has two quite distinct aspects.

3. First, a capital is a symbol of the country as a whole. It should express, in the best way possible, the values of the country as a whole, its way of life, its cultural richness and diversity, its social outlook, its aspirations for the future. This symbolism has both an internal and an external dimension. Citizens from across the country who visit their capital should find in it a fuller understanding of their country's traditions and a pride in personal identification with it. Similarly, visitors from other countries should be able just as readily to find tangible expression of the values of a country with which they may be unfamiliar.

The role of
the capital

Symbol of the
whole country

¹ *Report of the Royal Commission on Bilingualism and Biculturalism*, I, § 380.

Legislative and
administrative
centre

4. In the second place, and on a more practical plane, a capital is a legislative and administrative meeting place for legislators from every constituency in the country; it must offer a suitable environment for these activities. Most modern states place considerable stress upon offering career opportunities in the public service of the country on equitable terms to all its citizens. To the extent that the capital is an uncongenial or disadvantageous place to work for any sector of the population, such an aim is frustrated. Moreover, many private citizens visit the capital to deal with government, and they too must be able to do so without undue inconvenience. In short, it is important that a capital offer a satisfactory working environment within which the business of government may be conducted; to the extent that it does not, the result will be a loss of efficiency and morale.

Location

5. The location and development of an appropriate national capital are matters of considerable importance. Some countries have had no particular problem of choice. London and Paris are examples of cities that, at an early date, outstripped all possible rivals in terms of historic claims, population and skills, economic vitality, and cultural predominance. Rome, Berlin, Tokyo, Vienna, Madrid, and Mexico City are similar examples of major metropolises that became capitals of their respective states without significant rivalry from other cities.

6. In other instances, the development of a capital has been the result of a deliberate political decision: the creation of Canberra as capital of the Australian federation and the more recent founding of Brasilia are illustrations of this. In Brazil the removal of the capital from the existing metropolitan centre of Rio de Janeiro to a new site far in the interior emphasized a national policy of turning towards a previously underdeveloped part of the country.

Political diffi-
culties in
choosing a
capital

7. On occasion the selection of a capital may be a deeply divisive political issue. Different regions with varying economic interests may contend vigorously for the prize, and this cleavage may be aggravated if religious, ethnic, or linguistic cleavages are also present. Even in countries of highly homogeneous populations, such as Australia, the question of an acceptable capital was one of the obstacles to federation.

Methods of
resolution

8. Tensions over the selection of a capital have been resolved in a variety of ways. The Republic of South Africa, to pacify the conflicting claims of the previous colonial capitals, divided its capital functionally: Cape Town became the seat of the legislature; Pretoria became the administrative capital; and even Bloemfontein was recognized in becoming the seat of the Appellate Division of the Supreme Court.

9. Another possibility is for the capital to move from place to place. In Switzerland prior to 1848, the Secretariat of the Confederation rotated

at two-year intervals among Zurich, Bern, and Lucerne. Such a solution would hardly suit the administrative structures of the modern state.

10. The Republic of Pakistan has seen some elements of both these solutions: the 1956 Constitution provided for meetings of the National Assembly and the Supreme Court to rotate between Karachi in West Pakistan—the federal capital—and Dacca in East Pakistan. The 1962 Constitution provided that the new site of Islamabad in West Pakistan would become the principal seat of the federal government for administrative and diplomatic matters, while Dacca would be a “second capital” and the seat of the National Assembly.

11. The more usual solution to rivalries over the choice of a capital, however, is to seek agreement on a more or less neutral site—that is, one that is easily accessible to all and that reduces as far as possible the relative advantages and disabilities of the various interest groups involved. In a highly diversified country the choice of an acceptable capital may be a complex decision.

12. But the original selection of a capital is only a first step. A successful capital must continue to reflect the values and aspirations of all major interests in the country. By virtue of what it symbolizes, it can become in time a powerful stimulant to loyalty and identification with the country as a whole. Wherever political, social, economic, ethnic, or religious cleavages run deep, the potential role of the capital as an agent of unity is correspondingly greater.

B. Our Concern with the Capital

13. In the light of the background we have just described, it is hardly surprising that questions concerning the capital arose from our earliest public meetings in 1963. Three speakers commented on the cultural milieu of the capital at the preliminary hearings of November 7 and 8, 1963, and the topic was frequently raised at our informal regional meetings, held between March 18 and June 16, 1964. Many of the formal briefs submitted to us mentioned the federal capital, several analyzing it at some length. From the time that our own research programme was first formulated in October 1963, a study of the capital was listed among the projects to be undertaken.

Public concern

14. The formal briefs contain a wealth of observations and perceptions about the capital. Much testimony suggests that the language and culture of English-speaking Canada predominate there; that English is the sole official language; that a Francophone resident or visitor from Quebec cannot feel “at home” there; that the federal capital is

like a foreign territory to a substantial sector of the Canadian population. As illustrations of this predominance of English, various briefs mention the refusal of Ottawa City Council to permit traffic signs in French; the predominance of English signs on federal public buildings; the difficulties of obtaining service in French in the shops; and the obstacles to testifying in French in local courts. Though the picture may have to be shaded or qualified after closer study, this is the image of the capital that emerges from the briefs presented to us, and it is a picture shared by Francophone and Anglophone Canadians.

Effect of the
capital's
Anglophone
image

15. That such an image should be held by substantial numbers of Canadians has important consequences for the federal government. Our terms of reference ask us "to make recommendations designed to ensure the bilingual and basically bicultural character of the federal administration."¹ To the extent that the atmosphere of the capital impedes the recruitment of adequate numbers of Francophone public servants from Quebec, or induces them to leave the federal Public Service prematurely, or promotes their Anglicization and estrangement from their original cultural background, to that extent the capital fails to fulfil its role as the seat of the federal government. Since these questions have been studied more fully in Book III² we need not enlarge upon them here, but their importance can hardly be overstressed.

16. In the second place, there are discernible beginnings of a development that may bear more directly on the capital itself: some agencies, unable to recruit the staff they want in Ottawa, have extended their headquarters operations to Montreal. The Translation Bureau is an example. To facilitate recruitment of translators, the Bureau established a division in Montreal, which in 1965 rivalled in size and output the General Translation division in Ottawa.³

17. Further, the following federal agencies have their principal addresses in Montreal rather than in Ottawa: Air Canada, Canadian National, the Canadian Overseas Telecommunications Corporation, the administrative offices of the Industrial Development Bank, and the National Film Board.⁴ When the Fowler Committee on Broadcasting reported in 1965, it recommended that the headquarters of the Canadian Broadcasting Corporation be moved from Ottawa to one of the major production centres, and it preferred Montreal above Toronto

¹ The terms of reference are given in full in Appendix I.

² *Report of the Royal Commission on Bilingualism and Biculturalism*, III, §§ 567-8 and 700-11.

³ Jacques LaRivière, "La traduction dans la fonction publique," a study prepared for the R.C.B.&B.

⁴ A more recent example is the Canadian Livestock Feed Board, established in May 1967. For the discussion on its location, see Canada, House of Commons, *Debates*, October 11, 1966, 8536-7, 8541-50.

in part because "the two national languages and cultures meet there more completely than in any other city in Canada."¹

18. Of course, it is difficult to assess how far linguistic considerations alone counted in the decisions to locate these agencies outside Ottawa; Montreal clearly has other advantages of a major commercial and industrial metropolis. As well, some other federal agencies, including the Canadian Wheat Board at Winnipeg and Polymer Corporation at Sarnia, have their headquarters in neither Ottawa nor Montreal. Nevertheless, it seems clear to us that if in the long run Ottawa cannot provide a satisfactory setting for a public service representative of both the Francophone and the Anglophone population, the probable result will be a slow attrition of federal activity in that city to the advantage of other more suitable environments.

19. From the beginning of our inquiry it was clear to us that equal partnership, the central notion of our terms of reference, was not being achieved in the federal capital area. However, before proceeding further it was necessary to study the precise nature of the problem and to consider what remedies were possible.

C. Capitals in Bilingual States

20. With these considerations in mind we looked more closely at the capitals of certain countries that had been examined in some detail by our researchers,² to see how they have applied the principle of equal partnership between linguistic groups.

21. We begin with Belgium because that country has perhaps gone furthest in enacting special linguistic provisions for its capital city. The choice of Brussels as capital in 1831 owed something to its central position in a geographic sense, and something to the fact that, because the new kingdom was reacting strongly against its former domination by the Netherlands, the rival city of Antwerp, close to the Dutch border, was not considered acceptable. Once chosen, Brussels developed rapidly into a large metropolitan capital, whose population of over a million in 1961 accounted for some 11 per cent of the total Belgian population. In the process of expansion, a Dutch-speaking majority of 67 per cent

Brussels

¹ *Report of the Committee on Broadcasting, 1965* (Ottawa, 1965), 132.

² This section is based on the following studies prepared for the R.C.B.&B.: J. Brazeau, "Essai sur la question linguistique en Belgique"; Centre de recherche et d'information socio-politiques, "Le bilinguisme et le biculturalisme en Belgique"; T. Miljan, "Bilingualism in Finland"; J. Meynaud, "Le problème des langues dans l'administration fédérale helvétique"; J. Meynaud, "Le problème des langues dans l'économie helvétique"; P. Welsh, "Plurilingualism in Switzerland"; J. J. N. Cloete, "Bilingualism in the Public Sector in South Africa"; K. Heard, "Bilingualism in South Africa"; W. G. McConkey, "The Bilingual and Bicultural Structure of the White South African Educational System."

in 1846 dwindled and gave way to a strong French-speaking majority of 71 per cent at the 1947 census. The rapid growth of a preponderantly French-speaking capital city in the middle of a formerly Dutch-speaking countryside has been one of the major grievances of Flemish Belgians, and even today the sharpest tensions are in the formerly Dutch-speaking suburbs, which are being increasingly populated by French-speaking middle-class citizens.

22. The solution attempted by Belgium has been to promote bilingualism of public institutions in the capital as completely as possible. As part of its extensive legislation on linguistic matters, the central government has imposed heavy obligations on municipal authorities to serve the public in both official languages. This has been a central solution imposed by parliament in the context of the country-wide situation; it is doubtful that local political forces would or could have done as much. It was made possible in a political sense because the Dutch-speaking population, while a minority in the capital, has a slight majority in the country as a whole.

23. A few examples will illustrate how far the arrangements for Brussels differ from the principle of territoriality applied in the rest of the country. For the municipalities of the capital area, communications to the general public must be in both French and Dutch, and individual citizens must be served in their own language. In criminal trials in Brussels, the language used by the accused becomes the language of procedure in courts of first instance and on appeal. While elsewhere the language of education is French or Dutch according to the region, the capital area has two parallel educational systems, and students must be taught in their mother tongue. There is no free parental choice on this point. Unlike those in the rest of the country, Brussels schools are required to teach the second official language as a subject, beginning with the eight- to nine-year-olds. Street names appear in both French and Dutch—*Rue de la science* and *Wetenschapstraat*.

24. Perhaps the most interesting feature is that the central government introduced in 1963 a control agency to oversee public linguistic use in the capital by creating the office of Vice-Governor of Brabant. Among other functions, this official is charged with supervision of the linguistic laws as they apply to the capital. He holds certain control over municipal by-laws, to ensure their publication in both official languages, and he has a more positive mandate to develop educational institutions, promote acknowledgement of the official languages, encourage cultural activities, and generally co-ordinate the development of the capital in its national and international setting.

25. Brussels, then, exemplifies a large metropolitan capital provided with a special bilingual status by central government legislation and situated between two unilingual sectors of the country. Legal equality between the French and Dutch languages has been pursued systematically despite the preponderance of Francophones in the city's population. In such a setting various areas of friction still remain, but in recent years the population of the capital has proved a moderating influence, a third force helping to mediate between the more extreme positions taken on linguistic issues by the populations of the unilingual sectors of the country.

26. In Finland the language laws are applied according to the linguistic composition of each municipality, as we noted in Book I.¹ The capital city, Helsinki, is in this respect no exception: as in other municipalities with an official-language minority exceeding 10 per cent, central government services must by law be provided in Finnish and in Swedish, with the language of the majority in the district concerned determining the internal language of work. Helsinki

27. Like other cities in Finland, Helsinki—or Helsingfors—has a strong Swedish heritage, a reminder of the time when the Finnish-speaking population was predominantly rural and the population of the towns was mainly Swedish-speaking. Increasing urbanization brought about a Finnish majority in the capital after 1900 and a strong preponderance since the 1920's, but even at the census of 1960 those who spoke Swedish constituted 14 per cent of the population in the capital, compared with only 7 per cent in the country at large. Helsinki, like Brussels, has become a relatively large metropolitan centre, accounting in 1960 for 10 per cent of the country's population, and it is today the principal cultural centre of Finland for both official-language communities.

28. Our chief interest in Helsinki was in discovering local political and administrative institutions that functioned practically and regularly in both official languages. At the time of our study, 13 of the 77 members of the elected City Council belonged to the Swedish People's party. Swedish-speaking members made it a normal practice to use Swedish at Council meetings, and news releases to the public were given out in both languages.

29. In all bilingual municipalities, central government services are provided in both Finnish and Swedish, and a certain linguistic competence is required of all public servants. In addition, Helsinki has developed comparable linguistic requirements for its own municipal employees. A city by-law establishes five levels of linguistic competence

¹ *Report of the Royal Commission on Bilingualism and Biculturalism*, I, § 221.

and assigns each civic position to one of the levels. Two points stand out. First, since Finnish is the language of the majority of the population of Helsinki, qualifications in Finnish are more stringent at each level than those in Swedish. Second, the two higher linguistic categories apply to the more senior civic positions, such as heads or deputy heads of departments. For example, the highest level, demanding a "complete control" of Finnish and a "good" ability to write and speak Swedish, applies to only five of the most senior administrative positions, namely, the City Clerk, the City Solicitor, the City Archivist, and the two senior officials of the Tax department. The next category, covering some 84 positions, requires a "complete control" of Finnish and a "satisfactory" ability to write and speak Swedish. The city offers training courses to enable its officials to learn the second language.

30. In Helsinki, then, even though there has been less stress on full legal equality of the official languages than in Brussels, both linguistic communities have found a satisfactory environment. Despite an increasing imbalance of numbers in recent decades, the capital of Finland has developed such an effective institutional bilingualism that the Swedish-speaking minority—perhaps on account of its relatively prosperous economic status—has had no major grievances on linguistic matters.

Bern 31. Bern, the capital of Switzerland, is a relatively small city, comprising at the 1960 census only 163,000 persons, or about 3 per cent of the country's total population. It is surpassed in size by Zurich, Basel, and Geneva, but it is more centrally located than any of these. It is largely German-speaking: in 1960, some 6 per cent of the population was of French mother tongue and 6 per cent was of Italian mother tongue, though four-fifths of the latter were not Swiss citizens. Thus citizens of the two smaller official-language groups are underrepresented in the capital in comparison with their numbers in the Swiss population as a whole.

32. Bern's cultural tradition, however, is rather complex. In earlier periods the Bernese aristocracy played a leading part in the politics of the Swiss Confederation and ruled over some of the French- and Italian-speaking territories of today's Switzerland. Though German-speaking in its origin, this aristocracy was highly receptive to French culture and spoke French as the common language of European polite society. Yet there has remained a strong tradition of local pride, pride in the Bernese German dialect, in cantonal particularism, and, as elsewhere in Switzerland, in municipal autonomy. This complex heritage has direct implications for Bern today as capital of the Swiss Confederation.

33. The Swiss formula for linguistic accommodation, as we have noted in Book I, rests on a firm belief in the principle of territoriality,¹ which in this context means a recognition that any canton or any local linguistic area has a right to preserve its linguistic character against all influences tending to alter or endanger it. In Bern this tradition of local autonomy in linguistic matters has proved stronger than the city's role as capital. Accordingly the municipality itself is officially unilingual: municipal services and street signs appear in German only; and German is the language of instruction in public elementary and secondary education. In short, there is little formal recognition of the fact that the canton of Bern—of which the city of Bern is also the capital—has two official languages, and that the Confederation has three.

34. Yet, at the informal level, there is more accommodation in linguistic matters than might appear at first glance. Educational difficulties for Francophone children of both cantonal and federal public servants are alleviated by a system of government grants to a private French-language school. The cantonal schools begin instruction in one of the other official languages at an earlier age than do most other cantons. French is almost universally spoken in the commercial sectors of the city, as well as in governmental circles. In spite of Bern's status of official unilingualism at the municipal level, a Francophone Swiss or visitor can lead a complete and rounded life in French without resorting to the language of the majority—though the same possibility does not seem to exist for those whose mother tongue is Italian.

35. In short, the local autonomy of the capital city has been given priority over the linguistic considerations of the Confederation as a whole, at least at the institutional level. The reasons may be found in the highly decentralized nature of Swiss society. That this system has worked without excessive friction has been due to a broad accommodation to one of the minority languages in practice, as well as to the high historical prestige of the French language and culture among the Bernese themselves.

36. South Africa's decision to establish a divided capital has already been mentioned. About the linguistic arrangements in the two cities concerned, little need be said. We have already described in Book I how South Africa has chosen to apply the principle of personality in language matters,¹ by virtue of which governmental services and educational facilities are made available in both Afrikaans and English everywhere in the country. Further, the second official language is taught on a compulsory basis in all schools, and high standards of

Pretoria and
Cape Town

¹ *Ibid.*, § 231.

achievement are demanded. In such a setting there is no need for special linguistic arrangements in Cape Town or Pretoria: citizens speaking either official language are able to deal with public authorities in either Afrikaans or English, and services in the private sector are also extensively available in both languages.

37. On a more informal level, some balance is achieved in that Afrikaans is the more frequently heard language in Pretoria, while English is more usual in Cape Town. Neither city can be considered the major metropolis of South Africa in the sense that Brussels is in Belgium or Helsinki in Finland. At the 1960 census Cape Town accounted for 3 per cent and Pretoria for 2 per cent of the total South African population.

38. South Africa, then, is a country that has not felt the need to make special linguistic arrangements for its two capital cities, primarily because measures for equality of the two official languages have been applied on a country-wide basis.

D. The Canadian Experience

39. In historical perspective, Canada has had more than its share of difficulties in selecting and developing an acceptable federal capital, and the problem had its origin long before Confederation. For almost half a century after the division of Canada in 1791, the two colonies had their separate capitals, Lower Canada at Quebec City—whose claims as a seat of government extend back to 1608—and Upper Canada—after a brief episode at Newark (Niagara-on-the-Lake)—at the town of York, which became the city of Toronto in 1834.

Union of the
two Canadas

40. The union of the two Canadas in 1840 gave rise to the problem: several cities contended for the honour of becoming the capital of the United Province, and the issue quickly became a source of bitter political division. From 1840 until Confederation, the “seat of government” question was seldom far below the surface of political debate.

41. At first, Lord Sydenham, the Governor General, chose Kingston, midway between Montreal and Toronto. A handsome neo-classical limestone building was constructed to house the Parliament of the United Province; today it serves as Kingston’s City Hall. The choice, however, soon proved unpopular in the legislature, and, after heated debates, a formal motion was passed in November 1843 to transfer the capital to Montreal, at that time the largest urban centre of the United Province. Montreal’s tenure also proved short, however, for

¹ *Ibid.*, §§ 234-8.

following the riots and burning of the Parliament Buildings precipitated by the passage of the Rebellion Losses Bill in 1849, the capital was transferred again.

42. For a time a solution was sought by means of a rotating capital: the seat of government alternated between Quebec City and Toronto, being first moved to Toronto in 1849, then to Quebec City in 1852, back to Toronto in 1855, and back again to Quebec City in 1859, where it remained until 1865. The alternating arrangement soon proved so expensive and inconvenient that the search for a more permanent arrangement was renewed.

43. However, the rotating or "perambulating" system was not without advantages. In 1855 the Governor General, Sir Edmund Head, reported that, after sessional residence at Quebec City, the Upper Canadian members had learned more about French Canada and had shed some of their prejudices "by living in good fellowship and brotherhood with their French brethren." He also felt the Lower Canadian members would similarly benefit from residence in Toronto. Sir Richard Cartwright, writing almost half a century afterwards of his own first experience as a member of Parliament at Quebec City in 1863, gave similar testimony as to how such an experience broke down the "English insularity of thought" of the members from Ontario.¹

44. When the question of a capital could not be resolved by domestic means, the legislature agreed in 1857 to petition the Queen to select a permanent site by an exercise of the royal prerogative. Though claims were advanced on behalf of all the contending cities, a confidential memorandum by Sir Edmund Head is believed to have been primarily responsible for the selection of Ottawa by the Queen's advisers.²

Ottawa as
capital of
the United
Province

45. The crucial paragraph of his memorandum, which has often been quoted, stresses the unique locational advantages:

Ottawa is the only place which will be accepted by the majority of Upper and Lower Canada as a fair compromise. With the exception of Ottawa, every one of the cities proposed is an object of jealousy to each of the others. Ottawa is, in fact, neither in Upper nor Lower Canada. Literally it is in the former; but a bridge alone divides it from the latter. Consequently its selection would fulfil the letter of any pledge given or supposed to be given, to Upper Canada at the time of the Union. The population at present is partly French, English and Irish. The settlement of the valley of the Ottawa is rapidly increasing, and will be at once stimulated by making it the capital.

¹ W. Eggleston, *The Queen's Choice* (Ottawa, 1961), 101; Sir Richard Cartwright, *Reminiscences* (Toronto, 1912), 6-8.

² The full text is worth careful study even today. See the extensive extracts in Eggleston, *The Queen's Choice*, 102-3, 106.

In this passage, as in the rest of the memorandum, geographic location is a prime consideration; he ruled out both Toronto and Quebec as lying too far at the extremes of the province to be acceptable to representatives from the other half; a central city afforded the best chance for compromise. The brief reference to the ethnic and linguistic balance of the contemporary population of Ottawa is not further stressed as his argument continues.

46. The Governor General did go on to emphasize quite explicitly, however, that the capital should be in Upper Canada, and he made quite clear his own view that the upper portion of the province would sooner or later predominate over the lower—even apart from any plans for federation of British North America. In his view, any solution that placed the capital in Lower Canada—even in Montreal—would, therefore, leave the question open to re-examination as soon as the preponderance of Upper Canada was clearly established. In his view, the successful resolution of the problem lay in selecting a site that, while *in* Upper Canada, would satisfy the commercial interests of Montreal. On this basis could be built a sufficient consensus. Ottawa fulfilled these requirements.

47. In taking such a stand, Head clearly shared the attitudes that his predecessor, Lord Durham, had expressed 20 years earlier; he had felt that the French Canadian influence in Canada was bound to diminish in time. Such a viewpoint proved to be an augury for the future: Head's repeated suggestion that the capital should be "literally in Upper Canada" was clearly at variance with his first suggestion that "Ottawa is, in fact, neither in Upper nor Lower Canada." This fundamental ambiguity was to grow sharper with the passage of time.

48. Head discussed other arguments for making Ottawa the capital, but we need not be concerned with the details here. Some had only a temporary significance. He was impressed with the military advantages of Ottawa: the problems of attack from the American border are raised six times in the three-page memorandum. He believed that the larger cities offered too many opportunities for lobbying the government. He felt that it was questionable whether in America legislation could best be carried out in a great commercial city. Among more incidental advantages, the selection of Ottawa would stimulate the settlement of the Ottawa valley and develop the country inland from the frontier; it would lie astride the Ottawa River route to the west; and even the Rideau Canal, which he considered "a dead loss" to that point, might be turned to some advantage.

Ottawa as
federal capital

49. Though Ottawa was officially chosen as capital at the end of 1857, the government of the United Province was not transferred

there until after the completion of the Parliament Buildings, in 1865. Its history as Union capital was short indeed, for by 1866 it was selected by delegates to the Quebec Conference as capital for the proposed federation of British North America. The continuance of the federal capital on the same site was hardly surprising, for the new Parliament Buildings, as critics noted, were built on a grander scale than was required by the Province of Canada at the time.

50. The transition from provincial to federal capital thus did not bring immediate changes in the physical development of Ottawa, but it did bring one major jurisdictional change, which appears to have attracted little notice during the preliminaries to Confederation. The Union Parliament, which held its first and only session in Ottawa in 1866, had the rather rudimentary structure of municipal government in the United Province within its own legislative competence. The federal Parliament that succeeded it in 1867 was in a very different position. Its seat was in a city over which it had, by the terms of federation, no direct legislative control, a city subordinate to the new provincial legislature in Toronto. As well, the growing settlement across the Ottawa River was similarly placed under the control of still another provincial legislature in Quebec City.

Jurisdictional
change

51. Although Sir Edmund Head's private memorandum did refer briefly to the French, English, and Irish origins of the Ottawa population of the period, the ethnic composition of the proposed capital appears not to have been a major factor in its selection. In an age when transport and communications were considerably more difficult than they are today, geographic location appears to have been the first consideration.

Importance of
the capital's
geographic
location

52. Still, Head's repeated admonition that the capital must be *in* Upper Canada rather than across the river was not without its long-run implications. Ottawa has remained an Ontario city, and our research on its contemporary language use encountered a host of illustrations of the point. In 1857 Head had noted the bridge that linked Ottawa to Lower Canada. By 1965 the urbanized sector of the capital area had spread widely on both sides of the river, and the number of bridges had increased to four, but the river they span remains, in a psychological sense, perhaps the widest in Canada.

A. Defining the Capital Area

53. The concept of the federal capital may be understood in at least three ways. First, there is the notion of a capital in the most direct juridical and constitutional sense, which is customarily taken to mean the city of Ottawa.¹ The present concentration of federal buildings in the city lends credence to this notion, and indeed, the federal government's recent decision to locate some government departments in Hull resulted in some debate on the grounds that the city of Ottawa is the capital. Also, at one time some buildings such as the Royal Mint had, by federal statute, to be located in Ottawa. Of late, however, this concept of the capital is being questioned. To use the same example, the Currency, Mint and Exchange Fund Act, as amended in 1968, now allows the Mint to be located anywhere "within the national capital region."² However, this distinction was not often made in the past and has been of considerable consequence to the development of the whole region.

The juridical and
constitutional
capital

¹ Yet the British North America Act is imprecise on this point. Section 16 merely says: "Until the Queen otherwise directs the Seat of Government of Canada shall be Ottawa." By contrast, section 68 designates the original four provincial capitals as "City of Toronto," "City of Quebec," "City of Halifax," and "City of Fredericton." Ottawa had become a city in 1855, and at Confederation comprised an area of 1829 acres, or about three square miles, as compared to 45 square miles today.

² During the debate of Bill No. S-23 (An Act to amend the Currency, Mint and Exchange Fund Act and the Criminal Code, S.C. 1967-68, 16-17 Eliz. II, c.26), a proposed amendment suggested by the Opposition that would have substituted the words "national capital region" with "Ottawa" was defeated. In his defence of that section of the bill, the minister of Finance stated: "There are many departments in the government of Canada that have offices in other parts of the national capital region and I can see no reason why the mint should be an exception. I recognize of course, that it is almost universal practice to have the mint located in the capital region, but there is no specific reason why it should be located in the city of Ottawa any more than should the printing bureau or any other department of government. There is nothing sacrosanct about the mint which would require that it be located within the municipal boundary of Ottawa. Indeed, in the interests of the country as a whole I would have thought it would be well not to have the national capital region identified with the province of Ontario but rather as a part of a complex of Ontario and Quebec." Canada, House of Commons, *Debates*, February 8, 1968, 2nd session, 6512.

The metropolitan
census area

54. Second, the federal capital can be thought of more generally, as the entire built-up area that has grown up around Ottawa and Hull to accommodate the population that lives and works in an urban setting. At the 1966 census this urban area, comprising 13 different municipalities, had a combined population of almost half a million and an area of about 335 square miles, including some parts which were still rural. This is the area selected for close study in our research on the capital, and it is also the area for which the Dominion Bureau of Statistics provides the most complete social and economic data as one of Canada's 17 metropolitan census areas.

55. This concept is the most realistic view of the present-day capital in two other senses. First, the local population has been increasingly moving to the suburbs: by 1966, 41 per cent of the urban population lived outside the city of Ottawa. Furthermore, the surrounding municipalities are becoming, to a limited extent, locations for federal departments and agencies. The Canadian Government Printing Office is now in Hull, the Office of the Chief Electoral Officer was for a time in Eastview (although it is now back in Ottawa), and a new complex of buildings is at present under construction to the west of Ottawa in Nepean township; some buildings are already occupied.

The National
Capital Region

56. A third conception of the federal capital is the National Capital Region, a still larger area, over which the federal government has given statutory powers of planning and development to a federal agency created for that purpose. As far back as 1927, the Federal District Commission was granted powers to plan, develop, and improve the capital area on both sides of the Ottawa River; its successor, the National Capital Commission, today has jurisdiction over an area of approximately 1,800 square miles shaped roughly like a square, with the urban core near the centre. Much of this land is still rural or suburban (*see* map at p. 122).

57. The Ontario portion of the National Capital Region, comprising some 1,050 square miles, has boundaries roughly parallel to those of the new metropolitan government—the Regional Municipality of Ottawa-Carleton—recently established by the province of Ontario. Though the lines do not coincide, the two jurisdictions are almost identical in size and very similar in the areas covered.

58. What we mean by the term "federal capital" varies somewhat depending upon the context in which we use it. In the constitutional and judicial sense, the capital is the city of Ottawa. When we speak of it in the light of present-day linguistic and social problems, we include in the federal capital the 13 municipalities of the 1961 metropolitan census area. When we think of long-term planning and expansion, we see it as a wider area, roughly that of the National Capital

Region. (On the Ontario side, the federal and provincial governments are substantially in agreement on the extent of this area.)

B. Federal Jurisdiction and Federal Interest in the Capital Area

59. It is relatively easy to suggest a general principle of equal partnership for the capital; it is far more difficult to demonstrate the ways in which it might be implemented. In our study of the national capital, we say that one of the most outstanding facts was the complexity of governmental relations in the area.¹ There are many problems stemming from divided jurisdiction; this is not surprising, for it is clear that divided jurisdiction is a permanent and basic characteristic of federal states. In federal capitals, however, the problems of divided jurisdiction tend to multiply from the very fact that the federal authority is physically present and interacting with local authorities and local interests.

60. All federations have encountered problems in the government of their capitals, but they have sought to resolve these problems in a variety of ways. A Canadian authority on municipal government, Professor D. C. Rowat, has noted that six capitals (including Ottawa) come under the jurisdiction of a state, province, or canton, while nine come within a federal district. Vienna is itself a state of the Austrian federation, while Lagos is a federal district, following the restructuring of the Nigerian federation.² Each type of solution has certain advantages and each raises characteristic problems.

61. To clarify the respective roles of the four levels of government in the capital area—that is, federal, provincial, municipal, and regional—we define these roles in two different ways and seek to distinguish between them.

62. To take the federal government first, one may define the federal role first in terms of constitutional jurisdiction, that is, what the federal government or its various agencies can do in its own right. The federal government has the same competence in the capital area as in any other part of Canada. Its departments and agencies operate post offices, collect taxes, distribute pensions and family allowances, and so on. But beyond this, the federal government through its agencies has the power to do something more by the very fact that the area is the seat of the federal government. By federal statute the National Capital

Federal
jurisdiction

¹ K. D. McRae, ed., *The Federal Capital: Government Institutions*, Studies of the R.C.B. & B., No. 1 (Ottawa, 1969).

² See D. C. Rowat, "The Problems of Governing Federal Capitals," *Canadian Journal of Political Science*, I, No. 3 (September, 1968), 345-6.

Commission has had since 1959 various legal powers related to its general purpose of improving and developing the National Capital Region. Its predecessors, dating back to 1899, had a similar function, though over a smaller territory. Other federal agencies also enter the picture. For example, the Royal Canadian Mounted Police are responsible for policing Parliament Hill and the federal parkways.

63. Since the written Constitution of Canada makes no express grant of power to the federal government in relation to its seat of government, the precise limits of these powers for the capital area are difficult to set down. All the same, they do exist. One illustration of this may be seen in the *Munro* case, in which the Supreme Court of Canada upheld the right of the National Capital Commission to expropriate land for the purpose of developing the capital.¹ The boundaries of federal jurisdiction have thus been established by a network of custom and judicial precedent rather than by explicit constitutional grant. Of course, opinions may differ as to whether federal jurisdiction over the capital area is presently insufficient, adequate, or dangerously large or ill defined.

Federal interest

64. A second and less legalistic way of looking at the federal role in the capital is to consider, in a broader sense, the areas of federal government involvement or concern, whether through its own agencies or through joint action with other levels of government. For this notion we might apply a term current in American urban studies: "federal interest." As defined by one authority in the context of metropolitan Washington:

Federal Interest . . . connotes involvement and degrees or kinds of involvement by the many agencies and officials of the federal government. Federal Interest . . . consists, then, of what federal officials and agencies do and how they do it in the National Capital region, whatever the constitutional basis or the local jurisdiction.

In this sense, Federal Interest becomes a political, not a legal concept.

He goes on to note that the federal interest is manifested differently in the District of Columbia, where the federal Congress has special legislative authority, and in the suburban municipalities in the adjacent states of Maryland and Virginia, where it has not.²

Difference between
jurisdiction and
interest

65. Some Canadian examples may serve to illustrate the differences between federal jurisdiction and federal interest as we have defined them. The National Capital Commission and its predecessor, the Federal District Commission, were given broad planning powers by statute, which resulted in the publication in 1950 of the comprehensive *Plan*

¹ *Munro v. National Capital Commission*, *Canada Law Reports*, Supreme Court of Canada, S.C.R. 1966, Part VIII, 663.

² Royce Hanson, *The Anatomy of the Federal Interest* (Washington, D.C., 1967), 13-4.

for the National Capital.¹ Yet these federal agencies have never been able to implement the master plan directly, since legislative authority over planning is a provincial matter. Accordingly, to further the federal concern for planning in the capital area, the planning services of the National Capital Commission often are made available to those municipalities desiring them. Again, since the federal authorities can implement the master plan for the capital on federally owned lands, in practice they have compensated for the absence of legislative jurisdiction by extensive purchases and expropriation.

66. Another example of federal interest in this sense is the activity of various federal agencies which, while country-wide in scope and purpose, have had a rather large impact on the life of the capital area as a result of their physical presence and activity there. Examples of this include the National Museums, the National Library, and the National Arts Centre. All in all, federal agencies account for a substantial portion of the cultural activity in the capital area.

67. In the context of the Canadian federal capital of today it would seem that the federal interest is considerably wider than direct federal constitutional jurisdiction. Presumably this is at least in part due to the absence of any explicit legislative competence for the federal government. One consequence has been that the federal interest has taken the form of heavy financial involvement in the area. Annual federal expenditures on development and improvement alone in the capital area vary from year to year but have been as high as 36.6 million dollars in 1967-8.²

68. Of course, opinions will vary as to what activities belong properly to the federal interest in the capital. There are doubtless many who would consider its present extent as dangerous, and even unconstitutional. Some might wish to see federal government concern restricted rigorously to areas explicitly within its own jurisdiction. On this point we think two comments should be made. First, while the notion of jurisdiction defines which level of government has ultimate legislative authority, the concept of federal interest opens up possibilities of joint action and intergovernmental co-operation, and also, it must be admitted, possibilities of divergence and conflict. Second, in deciding this question it seems sensible to consider first what would be a rational allocation of responsibilities in the capital among federal, provincial, and local authorities, clearly recognizing that this is a problem characteristic of all federal states, not just of Canada. Then it may be asked whether this allocation calls for jurisdictional changes.

¹ National Capital Planning Service, *Plan for the National Capital*, General Report Submitted to the National Capital Planning Committee (Ottawa, 1950).

² *Annual Report of the National Capital Commission*, 1967-8.

History of federal
interest

69. The question of what has been the federal interest in practice may perhaps best be seen from an historical perspective. Speaking generally, one can identify three broad topics of concern in the past. The first has been the provision of government buildings, beginning with the Parliament Buildings before Confederation, and continuing, through the further acquisition of federally owned and leased space, to the present day. This is of course a basic prerequisite in any capital, and is today handled primarily by the department of Public Works.

70. A second concern has been the improvement of the physical appearance of the capital. This phase, which began only in the 1890's, was first given institutional form with the creation of the Ottawa Improvement Commission in 1899. Today it remains the prime purpose of the National Capital Commission.

71. A third, more recent, less precisely defined concern of the federal government has been with the cultural aspects of the capital. It is more difficult to trace the emergence of this concern with precision. The National Gallery had its modest beginnings in 1880. Undoubtedly the *Report of the Royal Commission on National Development of the Arts, Letters and Sciences* (the Massey Commission) in 1951 was a major stimulus to a wider federal role. The new National Gallery building (1959), the National Library (1967), and the National Arts Centre (1969) have all been achieved in the wake of this report. Another important aspect, often taken for granted, is the extent to which the federal government has contributed to the development of parks and recreational facilities in the region.

72. Only in very recent years, however, has this interest in the quality of cultural life been extended to include a federal concern that the image presented by the capital to the visitor or newcomer should adequately reflect both of Canada's official languages. Even today no federal agency seems to have become explicitly and centrally concerned with the problem; in the long-drawn-out battle over bilingual traffic signs in the city of Ottawa,¹ to take one minor example, no persistent and vigorous federal voice has been heard. However, it seems reasonable to predict that in the years immediately ahead this issue will become a fourth distinct topic of federal concern in the capital.

C. Relations among Federal, Provincial, and Local Interests

73. In the same way we have defined a federal jurisdiction and interest in the capital, we may think of corresponding provincial and local jurisdictions and interests. Both these levels of government have

¹ See McRae, ed., *The Federal Capital*, Appendix C.

a broad jurisdiction everywhere in the capital area, and the two levels are interrelated in the sense that, under section 92 of the British North America Act, authority over municipal governments is vested in the provincial governments.

74. Generally speaking, the respective jurisdictions of the provincial and municipal governments in the capital area are the same in extent as those existing in other parts of Ontario and Quebec. Yet here also the position is not entirely clear-cut, for the powers of provincial and local authorities in the area are blurred and even diminished by virtue of those federal powers of developing and improving the National Capital Region we have already mentioned.

75. We have noted that the federal interest, in the broad sense, is considerably more extensive than the area of formal federal jurisdiction. At the provincial and municipal levels the discrepancy seems not to be so wide, perhaps because the relevant jurisdictions are already quite extensive. Nevertheless, the distinction remains and examples of variations can be found. To cite just one case, prior to 1959 the cities of Ottawa and Hull each had the right to name a representative to the Federal District Commission; they have sought ever since to regain this right with respect to the National Capital Commission. Even in the absence of formal representation, however, it seems clear that there is considerable co-operation and interaction between area municipalities and the Commission.

76. We have gained the firm impression, after considering at some length the roles of the three levels of government in the capital, that the provincial and municipal levels—in combination—leave a far stronger and more direct imprint than the federal one on the pattern of life of the citizens. This conclusion is hardly surprising in the light of the Canadian federal system in general, but we think it worthwhile to note it specifically in relation to the federal capital area, since each level of government has its own legitimate perspective, within which it pursues its prescribed objectives. Thus the fact that the provincial-municipal perspective predominates even in the federal capital area is important.

77. Our research on the federal capital concentrated most intensively on the linguistic policies of the various levels of government there.¹ With respect to the level of *provincial* government services, in general the provincial government offices in the Quebec sector of the capital area were better organized to serve the public in both French and English than were those in the Ontario sector. While three out of 11 local offices on the Ontario side offered reasonably complete service

Predominance of the provincial-municipal perspective

Provincial linguistic policies

¹ For a detailed view of the findings, see *ibid.*, Chaps. II-V.

in both languages, all 12 of the local Quebec offices did so. While approximately 22 per cent of Ontario public servants in the capital area were bilingual, about 90 per cent of their Quebec counterparts were. Both figures, however, were above the province-wide averages for public servants—8 per cent in Ontario and 62 per cent in Quebec.

78. Linguistic policy in each province was left substantially to individual departments, resulting in considerable variation from one office to another. In both sectors there was evidence of some pragmatic adjustment to the linguistic needs of the population served, but "It would appear that in the first hundred years of Confederation no significant consideration has been given by either province to the peculiar linguistic and cultural needs of the Ottawa area in its role as the capital of Canada."¹ In a word, official linguistic practice at the provincial level in both sectors of the capital is modelled closely on province-wide norms; these norms have been relatively generous in Quebec, though less so in Ontario.

Municipal
linguistic practices

79. The linguistic practices of the municipal governments of the capital area are similar. In the city of Ottawa, official communications with the public—as well as the internal language of work—are mainly in English, telephone requests in French encountered difficulties in certain departments, public notices and forms were frequently available only in English, and about 29 per cent of the salaried staff were bilingual in French and English. On the whole, however, "the strongest impression that emerges from an examination of the Ottawa administration itself is that it views linguistic and cultural questions from a fundamentally provincial perspective. Nowhere in this phase of the study did we discover any significant sentiment that Ottawa's position as the federal capital should have a bearing on language policy at City Hall."²

80. The other 12 municipalities of the Ottawa metropolitan area showed just as strongly the influence of the provincial framework: "Quebec both obliges and encourages its municipalities to be bilingual; Ontario does not."³ The consequences of this basic difference were seen in services offered to the public, in official documents, in linguistic requirements or preferences in the recruitment of staff, and in the degree of staff bilingualism.

81. The city of Vanier, the only municipality in the Ontario sector with a majority of Francophones in its population, was of particular interest. Even here it was found that the municipality's relations with the province were a major influence on language use: "All eight depart-

¹ *Ibid.*, 67.

² *Ibid.*, 71.

³ *Ibid.*, 112.

ment heads who were interviewed either stated or implied that this factor was extremely potent in buttressing the use of English by the administration. Not only are all direct relations with the province carried out in English but, in one department at least, matters which the department head believes might reach the province are dealt with in English."¹ If provincial norms impose certain requirements in terms of English, however, Vanier is also interesting in that it demonstrates how successfully bilingual services to the public can be developed by municipal initiative alone, without provincial encouragement.

82. There is no need to multiply the evidence as to language. Our point is simply that provincial and municipal influences in combination have contributed heavily to shaping present linguistic arrangements in the capital area, and that these arrangements have been almost invariably viewed in the perspective of Ontario or Quebec, depending on the sector concerned, rather than of Canada as a whole.

83. This conclusion may be extended far beyond the question of linguistic arrangements. The school systems of the capital area are organized according to patterns characteristic of Ontario and Quebec respectively. The courts in each sector follow the same linguistic practices and the same organization as in the remainder of each province. The elected municipal councils are established according to province-wide legislative norms, and so on. When an issue involving a difference of outlook between federal and local authorities arises—as for example, the present controversy over heights of buildings in Ottawa—it is the city that decides on the building permit and a provincial agency, the Ontario Municipal Board, that hears objections from interested parties (including federal agencies) and makes the ultimate decision.

Other areas of
interest

84. This pervasive imprint of provincially oriented institutions on the life of the region has left its mark on the attitudes of the population in both sectors of the capital. The Ottawa River, as we have already noted, is in a psychological sense very wide indeed. The wall of separation between the two sides was asserted categorically and in some sense officially in the city of Ottawa's own brief to the Jones Commission:

Effect on local
attitudes

Despite the fact that economically the Ontario and Quebec communities are tending to form a whole with a common pool of labour, with a developing pattern of standard labour rates as between communities and with a large volume of interprovincial and interurban commerce, nevertheless the physical fact of the River and the political fact of a provincial boundary must be recognized as having established perhaps for all times two municipalities whose governments must continue to separate.²

¹ *Ibid.*, 104.

² Brief submitted by the City of Ottawa to the Ottawa, Eastview and Carleton County Local Government Review, April 1965, 2.

85. That this is not an isolated phrase is borne out by many other examples. A motorist on reaching the Ottawa city limits is greeted by signs that record the present city population as 299,000, and the "metropolitan" population as 401,000—a figure that clearly ignores the Quebec sector of the metropolitan area as defined by the federal census. In March 1968, Ottawa's Board of Control recommended dropping a city by-law requiring that city employees reside within the city limits. The restriction was subsequently partially eased, but a majority of City Council insisted that city employees must reside in Ontario, and the law was amended accordingly.¹ But the most ubiquitous evidence is undoubtedly the language of traffic signs and highway markings; throughout the Ontario sector the bilingual signs of the federal driveways stand out in sharp symbolic contrast with the more numerous municipal and provincial ones in English only.

86. The strength of local and regional feeling in the Ontario sector has been succinctly epitomized by an area member of Parliament, who told the House, "The national capital, Ottawa, has a dual distinction; first it is the shire town or county town of the county of Carleton and, second, it is the capital of Canada."² No close observer of the local scene will be unduly surprised at the apparent order of priorities.

87. The Quebec sector reveals a similar tendency for attitudes to be locally or provincially oriented, and in part this may be seen as a simple reaction to attitudes in the Ontario sector. However, the different circumstances of the western Quebec region lead to differences in emphasis. Economic problems bulk large. Residents of this sector, which is the smaller and less prosperous of the two, are constantly aware of the larger urban area across the Ottawa River, but their sense of alienation is increased by the feeling that they have not participated fully in the major "industry" of the capital area—the federal administration. There is a similar feeling that the western Quebec region, which is isolated geographically from the rest of the province, has been neglected by the provincial government as well. On the other hand, the predominantly Francophone population of this sector of the capital is conscious that by virtue of its strong Francophone majorities both regionally and in the province at large, it has no significant linguistic problems compared to those of the Francophones of Ottawa. One proposal that appears to have found considerable support has been the creation of a provincially appointed Commission québécoise de la région de la capitale nationale, which would generally assume the

¹ City of Ottawa By-law 108-68, passed April 16, 1968.

² Richard A. Bell, in Canada, House of Commons, *Debates*, October 11, 1966, 1st session, 8536.

functions of the federal National Capital Commission and also play an active part in the development of the wider western Quebec region.¹

88. We consider that the provincial border has had profound consequences for the Francophone community in the capital, for it divides this community almost exactly in half. The one half is most acutely concerned with problems of underdevelopment in the economic sense, and looks primarily to Quebec City for their solution; the other is pre-occupied with problems of cultural preservation as a Francophone minority in an Anglophone region and province. In such a setting, an integrated, culturally productive Francophone community has, quite understandably, been unable to develop and thrive.

89. In summary, we consider that both Francophones and Anglophones in the capital have developed an outlook strongly influenced by regional and local considerations, and that the institutional framework has contributed heavily to the formation of that outlook. In particular, we are concerned about the apparent effects of the provincial boundary on the formation of attitudes. In accordance with our terms of reference, we have taken as our basic principle the development of a capital based on an equal partnership of Francophones and Anglophones. Yet we cannot see the basis for doing this in a setting where half the Francophone population feels alienated and physically cut off from the centre of federal government activity in the capital and the other half lives as an underprivileged linguistic minority in conditions where equality has for generations been manifestly absent.

Summary

90. This is our perception of the present situation of the capital. In formulating proposals for reform we shall constantly bear in mind that two quite distinct major problems are involved. First, the predominantly Francophone Quebec sector must attain a position of full participation in the area's role as federal capital. This perspective in no way denies the need for independent socio-economic development of the Quebec sector, through whatever measures the federal, provincial, or municipal levels of government may undertake separately or together; it merely underlines our concern with the relation of the Quebec sector to the capital region. Second, the Francophone minority in the Ontario sector must attain a position of equality with its Anglophone fellow citizens. Both problems must find a solution if a meaningful equal partnership is to develop in the capital area. Nor may we forget that there is a small Anglophone minority on the Quebec side. Our study of the capital area revealed no major difficulties and relatively few inconveniences for these Anglophones, but their position also should be measured against our basic principle of equality.

¹ See Le Conseil économique régional de l'Ouest du Québec, *Le territoire québécois de la Région de la Capitale nationale* (Hull, 1967), 38-42.

A. Introduction

91. In earlier volumes of this *Report*, we have discussed at some length our interpretation of the notion of equal partnership in different settings. In our view, the principle can be looked at separately in relation to linguistic régimes, educational structures, the work world, mass media, the arts and letters, and so on. But it must also be looked at somewhat differently in different jurisdictions; that is to say, its meaning at the federal level may be different from its meaning at the provincial or local level, and even different from one area to another within the same province.

Effect of different settings

92. The reasons for these variations may be traced to the complexities of Canadian society. In some parts of the country, English predominates; in others, French; in some areas, French and English have coexisted for a considerable period. It is clear to us that the geographic distribution and the degree of concentration of those who speak French or English suggest criteria as to what kinds of services ought to be provided in either language. In great metropolitan areas more may be possible than where settlement is sparse.

93. Similarly, existing political structures are important. Canada is a federal state, and the provinces are in many respects independent of the federal government. Throughout our work, therefore, we have sought solutions that will fit the geographic, demographic, and political configurations of Canada.

94. Beyond this, we have recognized in earlier volumes that certain real choices lie before Canadians today. In Book I we considered and

The general principle

rejected solutions based on a general extension of unilingual territories; instead we deliberately opted for the principle that the official-language minorities—both the Anglophone minority in Quebec and the Franco-phone minorities in other provinces—should continue to exist and to thrive wherever they are numerous enough to be viable.¹

Linguistic régimes

95. Turning now to more specific applications of equal partnership, we described in Chapter V of Book I the linguistic régimes we consider to be appropriate to each of the three levels of government in Canada—federal, provincial, and local. A fourth section of the same chapter touches on the special situation of the federal capital.

At the federal level

96. To summarize our position briefly, at the federal level we visualize a policy of full equality of the official languages, so that the public may deal with any part of the federal administration in French or in English at its option anywhere in the country or abroad. In Book III we also proposed measures to bring about greater linguistic equality within the federal Public Service, so that Francophones can participate on equal terms with Anglophones in the concerns of the federation as a whole. In a word, our view is that federal institutions should be fully bilingual in both a symbolic and a practical sense.

At the provincial level

97. At the provincial level we suggested that three provinces might appropriately be officially bilingual; they would maintain bilingual linguistic régimes with respect to provincial legislation and the functioning of the legislature, the provincial public service, provincial courts, and education. Provinces not officially bilingual would nevertheless equip themselves to deal with local administrations operating in the minority language in bilingual districts. In all provinces, however, we recognize that the language of the majority will predominate, and that the degree of predominance will depend on numerical proportions.²

At the local level

98. At the level of local government we stressed the formation wherever appropriate of bilingual districts in which the services of all levels of government would be provided in both official languages. Within these districts, municipal councils and local government services to the public, as well as the services provided by the senior governments, would operate in both official languages. Minority-language schools would also be available.

The reality:
some continuing
inconveniences

99. Nevertheless, even the combined measures we advocate will not remove all inconveniences for Canadians living as members of an official-language minority. Even in the bilingual districts, the minority will clearly be expected to learn the language of the majority, for the

¹ See *Report of the Royal Commission on Bilingualism and Biculturalism*, I, §§ 253-8.

² Cf. *ibid.*, § 319.

latter will undoubtedly continue to be the normal working language of the population in the province concerned.¹

100. In short, from the standpoint of the official languages, in every province there is a relation between a minority and a majority, and this stems from the demographic structure of Canada. While New Brunswick has an official-language minority of 35 per cent, the other provinces have considerably smaller ones, ranging from the English mother-tongue minority of 13 per cent in Quebec, through French mother-tongue minorities of approximately 7 per cent in Prince Edward Island, Ontario, and Manitoba, down to less than two per cent in British Columbia and Newfoundland.²

101. For the three central provinces of Ontario, Quebec, and New Brunswick, where 89 per cent of the members of the official-language minority live,³ we recommend full legal rights for both official languages. But in no province of Canada can it be said today that French and English are on a basis of equality in a sociological sense. In every province either French or English predominates. This is a matter not of law but of demographic and social structure. Some may deplore this absence of equality at the provincial level, but it is part of the Canadian reality.

102. In the context of Canada today, therefore, it is difficult to think of any sizable territory that may be considered, both in a juridical and a sociological sense, to be in a state of equilibrium in terms of the official languages. We think it important that such a territory should exist with respect to the federal capital. For if the capital of a bilingual country is to command the respect and loyalty of its citizens of both official languages, it should not reflect the dominance of one language over the other.

The federal capital
a special case

103. Some will ask if it is possible in the circumstances for Canada to have a bilingual capital. No one can answer this question with certainty. But we are going to propose that a serious attempt be made to develop a bilingual capital, and all our recommendations concerning the capital have been formulated with that aim in view.

104. In this respect the federal capital is like the federal government itself: it should be regarded as the property of neither Francophone nor Anglophone Canadians, but as the product of the fruitful collaboration of both, as a symbol of the things they have in common.

¹ *Ibid.*, §§ 319, 406.

² In other words, only 3 per cent of the Canadian population lives in New Brunswick, the one province where an official-language minority exceeds one third of the population. In South Africa, by contrast, 80 per cent of the white population lives in the two provinces that are linguistically mixed to this degree.

³ Cf. *Report of the Royal Commission on Bilingualism and Biculturalism*, I, § 289.

B. The Linguistic Patterns of the Capital Area

Language characteristics of the capital area

105. In the research findings on the federal capital, some of the linguistic characteristics of the Ottawa metropolitan census area population and the relation between linguistic and certain other social and economic data have already been presented in detail.¹ It is sufficient here simply to summarize some highlights of that analysis. Except where otherwise indicated, these data are based on the census of 1961, the latest data for which detailed statistics by mother tongue are available.

106. The overall population for the 13 municipalities of the Ottawa metropolitan census area was 429,750 in 1961, and 489,392 in 1966; for the National Capital Region, it was estimated at 492,588 in 1961 and 563,637 in 1966.

107. In the metropolitan census area as a whole, 56 per cent of the population had English as mother tongue, 38 per cent had French, and 7 per cent had other languages.² This proportion is closer to an even balance between French and English than the figures for any other major metropolitan centre in Canada, and it is also somewhat closer to an even balance than the figures for Canada as a whole.

108. The population is distributed unevenly between the Ontario and Quebec portions of the metropolitan area: 78 per cent live in Ontario, 22 per cent in Quebec. Within *each* province considered separately, there is a greater linguistic imbalance than for the metropolitan area as a whole: in the Ontario sector some 68 per cent are of English mother tongue as compared to 24 per cent of French; in the Quebec sector, 85 per cent are of French and 14 per cent are of English mother tongue.

109. The population of English mother tongue is heavily concentrated in the Ontario sector (94 per cent), as is the population of mother tongues other than English or French (95 per cent); those of French mother tongue are divided almost exactly equally between the two sectors (51 per cent in Quebec, 49 per cent in Ontario; *see* Table 1).

110. In both sectors of the metropolitan area, the distribution of mother tongues varies considerably from one municipality to another. In Ontario the figures in 1961 ranged from an English mother-tongue majority of 90 per cent in Nepean to a French mother-tongue majority of 61 per cent in Vanier. In the Quebec sector the range was from a French mother-tongue majority of 96 per cent in Pointe-Gatineau to an English mother-tongue majority of 52 per cent in Lucerne (then called Hull South).

¹ K. D. McRae, ed., *The Federal Capital: Government Institutions*, Studies of the R.C.B.&B., No. 1 (Ottawa, 1969), 1-40.

² Percentages add to more than 100 because of rounding.

Table 1. Distribution of Population in the Federal Capital

Distribution of population within mother-tongue groups, by provincial sector—Ottawa metropolitan census area, 1961

Mother tongue	Ontario		Quebec		Ottawa metropolitan census area	
	Number	%	Number	%	Number	%
French	80,084	49.4	81,896	50.6	161,980	100
English	225,845	94.4	13,442	5.6	239,287	100
Other	26,970	94.7	1,513	5.3	28,483	100
All mother tongues	332,899	77.5	96,851	22.5	429,750	100

Source: Census of Canada, 1961, Cat. 92-549.

111. The city of Ottawa itself had an English mother-tongue majority of 70 per cent, but its French mother-tongue minority of 21 per cent was in absolute figures the largest French mother-tongue group in the metropolitan area, numbering 57,000 as compared to the next largest French mother-tongue group of 51,000 in Hull.

112. Differences in mother tongue can also be related to socio-economic differences, though for precise comparisons it is often necessary to resort to data based on ethnic origin in the absence of data based on mother tongue.

Socio-economic factors

113. Unlike the situation in other cities, about 34 per cent of the male labour force in the Ottawa metropolitan area was employed in the public administration sector in 1961, as compared to only 6 per cent in the Toronto and Montreal areas. By municipalities, the proportion of the total labour force employed in the public administration sector was 36 per cent in Ottawa and 35 per cent in Vanier, but it dropped to 24 per cent in Hull and 13 per cent in Gatineau.

114. Some significant differences were found in the professional structure of the metropolitan area when it was analyzed according to ethnic origin. For example, 43 per cent of the male labour force of British origin worked in the public administration sector, but only 26 per cent of males of French origin did so.

115. Similar differences also showed up when different occupational categories were analyzed. For example, 35 per cent of the males of British origin, but only 17 per cent of males of French origin, were in

administrative, professional, or technical employment. Conversely, 38 per cent of males of French origin, as against 18 per cent of those of British origin, were in the craftsmen and labourer categories.

116. Levels of schooling also revealed significant variations. In 1961, 46 per cent of working males of French origin had elementary education only, as compared to 18 per cent of those of British origin. Conversely, 23 per cent of those of British origin had at least some university training, compared to 10 per cent of those of French origin.

117. There were also sizable differences in employment income. The average for males of British origin in 1961 was \$5,504 per year; those of French origin averaged \$4,008 per year. In the Ottawa area a considerably higher proportion of the disparity could be attributed to differences in educational level and occupational structure than was the case in either Montreal or Toronto.¹

Residential
patterns

118. Beyond the distribution of mother tongues in each municipality, a more detailed study of residential patterns was done by studying the language distribution in the 80 individual census tracts of the metropolitan area. It was found that, for both French and English mother-tongue groups, roughly two-thirds of each group lived in tracts of relatively high (70 per cent or more) linguistic concentration. That is, those of English and French mother tongue tended to reside in areas where their language was a substantial majority.

119. When linguistic concentration was examined in conjunction with the average income level of each tract, it was found that higher-income tracts tended to be areas of high concentrations of those of English mother tongue. To put this another way, 91 per cent of those of French mother tongue who lived in the 40 upper-income census tracts lived in areas of high concentration of English and other languages. Of these 40 tracts, only one, sector 107 in the north part of Hull, had a French mother-tongue majority (74 per cent). There is, then, little tendency for the middle- or upper-level Francophone population of the area to cluster in culturally homogeneous residential areas, such as would be analogous to Westmount or the Town of Mount Royal in the Montreal area.

120. Census tracts with lower average incomes tended to be more varied as to their linguistic composition, ranging from tracts with high concentrations of those of French mother tongue through several very mixed tracts to some with correspondingly high concentrations of population of English and other mother tongues.²

¹ See McRae, ed., *The Federal Capital*, 213-21.

² See *ibid.*, 30, 202-3.

121. Federal public servants, to a greater degree than the population at large, tended in 1961 to reside in the Ontario sector, and the tendency became more pronounced at the upper salary levels. Thus, while 78 per cent of the general population lived in the Ontario sector, the proportion rose to 85 per cent for federal public servants and to 96 per cent for those earning over \$10,000 per year. Even for public servants of French mother tongue the same tendencies were visible; while 49 per cent of the area's population of French mother tongue lived in Ontario, the proportion was 61 per cent for public servants of French mother tongue and 79 per cent for those earning over \$10,000 per year.

122. A more detailed study of residential patterns of federal public servants by sectors of the urban area suggests that while the federal Public Service as a whole shows tendencies towards linguistic concentration in certain sectors, those at the upper salary levels have a residential pattern less directly linked to their mother tongue. However, in 1961 those of French mother tongue formed only 9 per cent of public servants earning over \$10,000 per year; had they been more numerous, the residential pattern might have been different.

123. A further relevant question is the incidence of individual ability to speak both French and English. The capital area lies within the broad belt of bilingual territory that stretches from the eastern townships of Quebec through the Montreal area to the eastern counties of Ontario, and up the Ottawa valley into northern Ontario. At the 1961 census, 31 per cent of the population in the Ottawa metropolitan area reported a knowledge of both French and English, as compared to a country-wide average of 12 per cent. For the area's labour force this figure rises to 41 per cent.

Bilingualism

124. As elsewhere in Canada, bilingualism was more frequent among persons of French origin. Some 60 per cent of those of French origin, as against 10 per cent of those of British origin, were reported to be bilingual. Both figures, however, were more than twice the respective country-wide averages.

125. We attempted to discover whether bilingual members of the labour force in the Ottawa metropolitan area were used in any special way in the labour market. On the basis of 1961 census data, we concluded that ability to use both French and English in the work world was neither concentrated in specific occupational categories that demand frequent public contact nor remunerated in any special way in most occupational categories. There was every evidence that at that time the supply of bilingual skills considerably exceeded the demand for them.

Such a conclusion reinforces other evidence suggesting that the language of work in the capital area is predominantly English.

Linguistic patterns
and equal
partnership

126. The linguistic, social, and economic characteristics described here have a direct bearing on how equal partnership might be implemented in the capital area. Clearly, more is involved than language rights alone, more than a simple balancing of numbers. Beyond these necessary but elementary foundations there is a whole range of social, economic, geographic, educational, and even psychological factors to be considered in moving towards a realistic and meaningful concept of equal partnership. It is supremely important that we bear in mind the existing pattern of linguistic and social relations in the capital in proposing specific changes.

C. Equal Partnership in the Capital Area

127. Our objective, then, is to spell out for the capital, as we have done elsewhere for other parts of the country, what we consider to be the most appropriate way of applying the principle of equal partnership in this particular setting. As we have seen, the jurisdictional and demographic setting is complex, and the answer will not be an easy one. Yet this should not deter us from trying to apply this general principle.

Discomfort of
Francophones in
the capital

128. Perhaps the strongest impression to emerge from the large volume of attitudinal material concerning the federal capital is that French-speaking Canadians do not feel "at home" there. This generalized feeling of not belonging, which is particularly strong among Francophone visitors or newcomers to the capital, seems to be perceived readily enough by Francophones and Anglophones alike, though the latter may not be so sensitive to the consequences that this may have on the attitudes of the former towards Canada as a whole.

129. While we recognize the strength of the sentiment expressed in this way, we do not believe that the notion of "feeling at home" can be a useful way of defining our objective. Such terms are too vague and imprecise, and they cannot easily be defined or analyzed. Some individuals would feel "at home" virtually anywhere; others, nowhere. Besides, there is a real possibility that even an ideal federal capital from the standpoint of equal partnership would at first seem novel to someone who had previously lived in a homogeneous, unilingual, and unicultural environment.

Services and
facilities

130. Instead of dealing with the situation at the levels of feelings and perceptions, we have tried to look at the problem more specifically, by analyzing the services and facilities that a resident or visitor will

have occasion to use in daily life. Most of these contacts involve the use of language, either in written or in oral form.

131. The range of activity a citizen has in living his daily life may be looked at in various ways. One useful distinction is between the services he obtains from governments at all levels and those offered by private firms or individuals. Services in the public sector may be more easily regulated as to language use. Another useful distinction to bear in mind is the notion of *linguistic rights* as distinct from the notion of the *range and quality of facilities* available in any given language to those who can speak it. By the word "facilities" we mean any of a long list of institutions and activities in both the public and the private sectors, including general governmental services, educational institutions, cultural activities, shopping, and medical and dental services, to name only a few important examples. This list could be lengthened, but it will be seen as we proceed that educational and cultural facilities are perhaps the most important areas for closer study.

132. Briefly, our position is that achieving equal partnership in the federal capital requires both the equalization of linguistic rights and the improvement of existing facilities—especially educational and cultural facilities—available in the capital area to the minority-language group.

133. The equalization of linguistic rights in the capital area has already been dealt with in Book I. It may be worth repeating four of the points we recommended there:

a) that the English and French languages should have full equality of status throughout the area; b) that all services should be available at all levels of public administration in the two languages; c) that the use of both English and French should be permitted in the deliberations of all local government bodies, that all by-laws and regulations should be recorded and printed in the two languages, and that all important public documents and all administrative services should be available in both languages; d) that all courts should permit pleading in the two languages, and that lower courts should be equipped to function in both.¹

We shall explore later what this would mean in more concrete terms for the governmental and judicial structures of the area.

134. In a situation where one language is predominant in a sociological sense, equality of linguistic rights considered in isolation could seem rather empty and formalistic. It would be consistent with our notion of equal partnership only if it were matched by other areas where the other official language was similarly dominant. But for the capital this is insufficient. As we have said, we think that the territory

¹ Report of the Royal Commission on Bilingualism and Biculturalism, I, § 380.

of the capital should be linguistically balanced in terms of the official languages, an area where neither tongue is disadvantaged, and this not only in legal terms but in practical daily living. We therefore conclude that full equality of linguistic rights is a necessary condition for the capital area, but that it is a beginning only. Something more is needed.

135. The second avenue of development lies in equalizing the range of facilities available in French and in English respectively in the capital area. In one respect we have touched on this point in Book I, when we recommended for the capital "that publicly supported education should be as available in French as in English and should be of the same quality."¹ At that time we singled out education because it was already clear that this was one of the crucial problems of the capital, but the principle that we may take as our general objective is that all facilities and services should be available in French and should be comparable in range and quality with those available in English in the capital area.

136. To make clear our thought on this point, the principle can be restated in another way. Any resident of the capital should have the opportunity to live a full and complete life either in French or in English, without experiencing a sense of loss or deprivation by comparison with opportunities that would have been available had he been living in the other language. This seems to us to be the only practical basis upon which all Canadians can participate fully and equally in the life of the capital.

137. Of course, under such an arrangement, there is no doubt that those who know *both* French and English would find a more varied life open to them than would unilingual citizens of either linguistic group, because activities in French and activities in English, while comparable in their general extent, would doubtless differ in detail. Those who can participate in both will thereby derive a handsome bonus. Nevertheless our first concern, as we said elsewhere,² is not to make individual Canadians bilingual but to recommend the conditions under which French- and English-speaking Canadians may develop their country on the basis of equal partnership. As a basic premise, we think that the capital should offer an interesting and varied life to unilingual persons speaking either French or English.

138. There is one compelling reason for the sort of policy we are recommending. The federal capital is the concern of all Canadians, and not just of its own residents. Practically speaking, it should be thought of as part of an open, mobile society. In the work world,

¹ *Ibid.*

² *Ibid.*, General Introduction, §§ 29-30.

transfers to the capital from other parts of Canada and vice versa will be frequent, and families will have to find an environment in which they can move freely. Children must find compatible educational systems, and so on. If the population of the capital were relatively stable, bilingualism might become the norm, but this would restrict the mobility of population we nowadays associate with a highly developed industrial economy. Therefore we feel that, as a matter of policy, those choosing to live their lives either primarily in French or primarily in English should be able to do so in the capital without inconvenience. The fact that 60 per cent of the population of French origin are bilingual, whereas only 10 per cent of those of British origin are, indicates that this is not the case.

139. Up to this point, we have talked of equal facilities in French and English in the context of the Ottawa area alone. But population mobility introduces another, more practical, consideration. In a situation where the skills needed in modern government are also in heavy demand in other sectors of the work world, the labour market in the capital must attract personnel in competition with other Canadian cities, including large metropolitan centres such as Montreal and Toronto, which may have a considerably wider range of activities to offer their residents. As a consequence, Francophones who are considering the attractiveness of living in the capital will compare facilities available there in French not only with those available in English in the same area, but also with those open to them should they choose to live in Montreal or Quebec City. Similar choices are, of course, open to Anglophones who contemplate living in the capital: they may prefer Toronto or Winnipeg or Vancouver.

140. We believe that this factor of alternative career opportunities in other centres, which will always be present, should induce the federal government to give serious attention to the quality of life in the capital area. The capital should reflect, as far as its size and population permit, the best aspects of life in Canada, and to the extent that it does so it will be that much easier to attract the skilled personnel—both Francophones and Anglophones—that modern government requires. It is both practical and sensible for the federal authorities to take an interest in the capital, because in the long run the benefits will accrue to the federal government itself, as the employer of roughly one-third of the local labour force.

141. Our proposals for the capital will involve no diminution of anyone's existing linguistic rights, or of any facilities presently available. The principle that we propose is that a more complete range of services should become available in both French and English. In no sense would

Ottawa's competitive position

any existing facilities be curtailed. Members of the public would be served in French or English at their own choice. In the present context of the capital, this would mean a considerably expanded range of services to be offered in French in the Ontario sector, but there might also be more modest improvements in the services offered in English in the Quebec sector.

Place of individual
bilingualism

142. It may be objected that to serve the public in both French and English requires bilingualism on the part of the person who provides that service. This is of course true, up to a certain point, and we have explored some of the implications of this point elsewhere.¹ A policeman on point duty, or a tourist guide, or a cashier at a cinema, may well have to be bilingual if he is to perform his job effectively. But where several persons are associated in providing the same service, such as sales personnel in a department store, or municipal clerks in a large department, then clearly not all of them need be individually bilingual in order to provide effective service to the public in both languages. In our judgement, those situations where full fluency in French and English is needed will form a relatively modest proportion of the work world. On the other hand, our research on the capital area has suggested that there may be many bilingual individuals at work in situations where their language skills are seldom if ever used.

Role of the public
sector

143. In this chapter we have developed a general principle as to how equal partnership might be conceived in the federal capital. We have talked of the whole range of facilities used by the public in the complexities of daily life, while recognizing that only a certain number of them lie directly in the public sector. In terms of implementation, the most immediate reforms could undoubtedly be carried out within the public sector. Yet two further observations may be made. First, we should not underestimate the force of example in the public sector as an influence on behaviour in the private sector: it is difficult to imagine that, in a capital where all public services in the broadest sense were fully and freely available in both languages, the private sector would be radically different. Second, selected services in the private sector could be brought within the reach of public policy by a variety of means: linguistic legislation, agreements and contracts between governments and private organizations,² and so on. We shall have occasion to look at specific examples below, such as leasing agreements between the federal government and private lessors or construction contracts involving federal government expenditure.

¹ *Ibid.*, III, §§ 803-8.

² See *ibid.*, I, § 278.

144. Our general principle, in any case, is clear. It is time to restate it in the form of a general recommendation. Accordingly, we **recommend, for the present federal capital and areas to be designated as part thereof, that the French and English languages have full equality of status, and that the full range of services and facilities provided to the public be available in both languages throughout the area.** This is, indeed, more than a recommendation to governments: it is an invitation to the private sector as well. If we have phrased it more positively and more comprehensively than our recommendations for other parts of Canada, it is because we are dealing with a capital, and behind that capital stands the reality of a bilingual Canada. Recommendation 1

A. Channels for the Expression of Federal Interest

145. The existence of the Ontario-Quebec boundary has profoundly influenced the relations between the two provincial sectors of the capital area, but there is one level of government that has some jurisdiction over both sectors—the federal authority. Our attention accordingly turns to the functioning of the federal government and especially of those specialized agencies and departments that have had the most to do with the development of the capital itself.

146. We have noted earlier that federal activity to date in the capital area could be grouped around four broad areas of concern: the acquisition and maintenance of public buildings, whether as owner or tenant; the planning, development, and embellishment of the capital in keeping with its significance to Canada as a whole; the development of various cultural and museum facilities appropriate to Canada's capital; and an emerging concern with the linguistic image offered by the capital area.¹ To give expression to these concerns, a considerable number of different federal agencies have been active, and it is worth reviewing their record briefly² in order to clarify just how far they have served to integrate the two sectors of the capital, and to equalize the position of the official-language minority, particularly in the Ontario sector.

147. The National Capital Commission is the sole federal agency whose activities are concerned exclusively with the capital area. Its broad purposes are defined as follows: "The objects and purposes of the Commission are to prepare plans for and assist in the development,

The National
Capital
Commission

¹ See §§ 69-72.

² For a more detailed analysis of these agencies, see K. D. McRae, ed., *The Federal Capital: Government Institutions*, Studies of the R.C.B.&B., No. 1 (Ottawa, 1969), Chap. V.

conservation, and improvement of the National Capital Region in order that the nature and character of the seat of the Government of Canada may be in accordance with its national significance."¹ In accordance with these purposes, the NCC is given broad powers to acquire and develop property; to manage other government property on request of other agencies; to construct parks, highways, bridges, and other works; to do research in connection with the planning of the Region; to co-ordinate the development of public lands; to approve the site and plans for all buildings on public lands; and generally to do those things "incidental or conducive to the attainment of its objects and purposes."²

148. A further section of the Act makes it clear that the power to acquire land includes powers of expropriation.³ Lacking any power to control the use of land not owned by the federal government, the NCC has implemented some of the main features of the National Capital Plan, most notably the Greenbelt in the Ontario sector and Gatineau Park in the Quebec sector, by acquiring ownership of the lands concerned. In the process, expropriation has been used extensively.

149. At first glance, the NCC might seem an agency well suited to promote the equal partnership we envisage. Its powers extend on both sides of the Ottawa River and are coextensive with the National Capital Region, comprising an area of roughly 1,800 square miles; it has been able to obtain substantial amounts of money for developing and improving the Region; its policy of bilingual signs on federal driveways and parks contrasts visibly with the practice of most of the Ontario sector in particular.

Drawbacks in
fostering equal
partnership

150. Nevertheless, we think that in its work to date the NCC has not been particularly successful in meeting the major requirements of equal partnership and that several reasons help to explain its lack of success. In the first place, while the NCC's statutory mandate to work so that the "nature and character of the seat of the Government of Canada may be in accordance with its national significance" might well include some notion of the linguistic and cultural complexion of the capital, the specific powers given to it are clearly and overwhelmingly oriented towards physical development. It is scarcely surprising that, under both the 1958 and earlier legislation, cultural and linguistic factors have in fact been a rather incidental concern.

151. Secondly, despite its considerable achievements in the physical improvement of the capital, the NCC has not had strong support from the public. Its reliance on purchase and expropriation as the only available means of controlling land use have cost heavily in public

¹ National Capital Act, S.C. 1958, 7 Eliz. II, c.37, s.10(1).

² *Ibid.*, s.10(2).

³ *Ibid.*, s.13.

sympathy. The fact that commissioners are appointed by the federal government has deprived it of an independent political base and has made it difficult for the NCC to deal with elected officials of area municipalities on terms approaching equality. In neither sector of the capital does the NCC appear to have a reputation of being responsive to public opinion.

152. In the Quebec sector, this feeling is heightened. In the first place, the expropriation of land by a federal agency in Quebec territory has been a sensitive issue since the late 1940's. Secondly, the NCC's critics question both the division of development funds between the two sectors and the specific ends to which funds are devoted on the Quebec side. As one area political representative emphasized to us in an interview, the NCC is "useful for Ottawa, Hull gets only the crumbs." Further, its concern with parklands and recreational space around the borders of Hull is sometimes seen as stifling the city's prime need for industrial expansion and more employment opportunities. Finally, it seems to have a reputation among local Francophones of being predominantly an Anglophone organization.

153. Whatever the merits of the argument, it is clear that the NCC does not enjoy the full confidence of residents of the Quebec sector. Nor does it have the requisite powers for developing the social and economic environment of the capital. As presently constituted, it, by itself, is not an ideal agency for furthering equal partnership. In order to do this it might very well require major modifications in its structure, in its basic policy towards the Quebec sector, and a clearer mandate to deal with linguistic and cultural matters.

154. The department of Public Works is a second agency that plays an important and active role in the development of the capital. Its greatest impact arises from its responsibility for the provision of the buildings needed to accommodate federal government activities. This department is responsible, in consultation with the NCC and the agency to be housed, for developing the plans, choosing the site, and financing construction of practically all buildings owned by the federal government. When construction is completed, the department also remains responsible for maintenance and repairs. It is similarly charged with arranging leased space in privately owned buildings as required.

Department of
Public Works

155. In the capital area, with its preponderance of federal administration as the largest economic activity, the pattern of federal buildings has an enormous influence on the development of municipalities and municipal services. The circulation of traffic, transit systems, water, sewage, and power services, and even the growth of new housing developments are all directly affected by the process of federal expansion.

sion. As a particular case, the postwar decision of the federal government to decentralize its buildings into several clusters near the periphery of the urbanized area at that time has had major consequences for road networks, transit patterns, and other municipal functions.

156. More generally, the department is concerned with marine and harbour projects, roads, bridges, and other engineering works throughout Canada. In the capital area the department has administered the federal contribution to a number of projects financed in collaboration with provincial or municipal governments, or both. Recent examples are the Queensway, the MacDonald-Cartier bridge, and the Heron Road bridge, all of which have considerably changed the traffic situation in the capital area.

Shortcomings of
linguistic policy

157. However, the department of Public Works has not given a strong lead, either towards linguistic equality in the Ontario sector or to a better balance of activity as between the Ontario and Quebec sectors. With respect to linguistic equality, the department is responsible for signs on federal buildings, and for providing elevator operators within them. Our research found no special policy on signs for the capital area, and a policy of supplying bilingual elevator operators only when the agency concerned specifically requested them.¹ Its role here has been largely passive.

Location of federal
buildings

158. A more serious question is the location of federal buildings. In this area, our study revealed a serious imbalance between the Ontario and Quebec sectors of the capital, and this imbalance appears to have increased during recent years. As may be seen from Table 2, the total amount of space available to the federal government in the capital has increased substantially in the four-year period 1964-8, and in particular the amount of leased space has multiplied some 2.5 times. The proportion of this space in Hull, however, has diminished from 11 per cent in May 1964 to 9 per cent in March 1967 to 6 per cent in August 1968. For leased space, the proportion in Hull fell from 5 per cent in May 1964 to 3 per cent in August 1968. It must also be noted that 85 per cent of the leased space in Hull is presently classified as warehouse and storage space only, a use that provides few employment opportunities and low tax assessment.

159. The location of federal buildings in the capital is, in our view, an important key to the development of equal partnership, particularly as it relates to the relatively underdeveloped state of the Quebec sector. While we have noted a number of ministerial statements concerning plans for a more rapid development of the Quebec sector, against these must be set cold statistical evidence of recent expansion of

¹ See McRae, ed., *The Federal Capital*, 133, 135.

federally owned and leased space, which indicates that the imbalance between the Quebec and Ontario sectors has become not less, but greater. Thus, even with the recently announced major development plans of the federal government,¹ correcting the relative disparity will require sustained action.

Table 2. Location of Federal Buildings

Amount of floor space owned and leased by the federal government—Ottawa, Eastview (now Vanier), and Hull, 1964 and 1968 ('000's of square feet)

Municipality	Federally owned		Federally leased		Total	
	May 1964	August 1968	May 1964	August 1968	May 1964	August 1968
Ottawa	7,836	10,655	1,738	4,797	9,574	15,452
Eastview	0	79	79	56	79	135
Hull	1,075	801	94	152	1,169	954
Total	8,911	11,535	1,911	5,005	10,822	16,541

Source: Department of Public Works.

160. The position of the federal government as landowner and proprietor of a large array of public buildings in the capital area has gradually led it to assume a further role of taxpayer to the municipalities of the area. The major proportion of federal payments to municipalities, that relating to departmental buildings, is paid by the Municipal Grants division of the department of Finance as a grant in lieu of taxes.² This grant is determined according to principles defined in the federal Municipal Grants Act,³ but some federal agencies pay on their own behalf a similar grant to municipalities, and certain Crown corporations pay ordinary municipal taxes instead of grants in lieu of tax. The amounts involved are substantial. For the capital area in 1967, grants paid by the Municipal Grants division in respect of departmental property amounted to almost \$10 million, and the total of grants and taxes paid on behalf of all federal property was just under \$12 million.⁴

The federal government as "taxpayer"

161. Generally speaking, the Municipal Grants Act places all municipalities in Canada on a uniform basis. Any municipality containing

¹ Canada, House of Commons, *Debates*, May 29, 1969, 1st session, 9203.

² See McRae, ed., *The Federal Capital*, 128-9.

³ Municipal Grants Act, S.C. 1951, 15 Geo. VI, c.54.

⁴ Figures supplied by the Federal-Provincial Relations division, department of Finance.

federal property may apply for a grant, which is calculated by applying the current effective tax rate of the municipality to the assessed value as determined by the department of Finance in consultation with municipal assessors. In Quebec, grants are sometimes paid directly to school boards. Certain classes of property are specifically exempted in calculating the grant—for example, parks, monuments, museums, libraries, and art galleries—but these would in most places be exempt from tax even if not federally owned. Grants paid directly by Crown corporations and other federal agencies are calculated on similar principles.

162. In brief, the federal government and its agencies, acting as taxpayers, have tried to accommodate themselves to existing municipal tax systems. While certain safeguards, controls, and ministerial discretion remain in the legislation, the principle has been to place federal property as much as possible on the same basis as taxable property. This principle applies in the capital area as elsewhere, with the one significant exception that the grant in respect to the Parliament Buildings is based on the cost of municipal services supplied rather than on their assessed value of \$22 million.

163. The heavy concentration of federal property in the capital, which results in annual federal payments to the city of Ottawa several times larger than those to any other municipality in Canada, has not led to any special arrangements for the capital area. It is perhaps worth remembering that, prior to 1951, the city of Ottawa received special payments under the Ottawa Agreement Act of 1944.¹ While these payments were relatively modest, they recognized the principle of a special relation between the federal and municipal authorities in the capital. With the passage of the first Municipal Grants Act in 1951, the capital was placed on the same footing as all other municipalities throughout Canada.

Imbalance between
Quebec and
Ontario sectors

164. While there are some obvious advantages in having a well-defined formula for the administration of federal grants to municipalities, the present system has beyond doubt aggravated the unbalanced development between the Quebec and Ontario sectors. The municipal grants system deals with each municipality (or school authority) in isolation, without reference to its neighbours. One consequence of this is that, for the National Capital Region in 1967, federal payments in the Ontario sector accounted for 95 per cent of total grants and taxes of \$12 million, while the Quebec sector, with few federal buildings, extensive federal parklands, and 25 per cent of the population received only 5 per cent of grants. The city of Ottawa alone, with 52 per cent

¹ Ottawa Agreement Act, S.C. 1943-4, 7 Geo. VI, c.10.

of the National Capital Region's population, received 89 per cent of the total. We estimate that assessment on federal property and federally leased property eligible for grants in the city of Ottawa constitutes approximately 40 per cent of total commercial-industrial-federal assessment.¹ Since federal government is the major "industry" of the area, these payments have made possible a standard of services in the city of Ottawa that less-favoured municipalities in the area simply cannot match.

165. Furthermore, just as the imbalance of federal buildings has increased in recent years, so has the Quebec sector lost ground in terms of municipal grants and taxes. A private study carried out by the Hull Chamber of Commerce found that, for the decade 1954-64, the city of Hull received as payments under the Municipal Grants Act a total of 8 per cent of the amount paid to the city of Ottawa;² we have found that for 1966 and 1967 the corresponding proportion was 5 per cent.

166. Nor has the present system of grants contributed in any way to linguistic equality within municipalities. Since the object of the Act is to make the federal government as close to an ordinary taxpayer as possible, grants under the Municipal Grants Act are unconditional. Yet, historically, taxation has generally gone hand in hand with representation. One curious feature of the grant system is that, in the city of Ottawa at least, the largest single "taxpayer" has had no formal voice in the city administration to which it contributes so heavily, even on issues of the most direct federal interest.

167. We have previously mentioned a further role of the federal government as a substantial contributor to the cultural life of the region. Four major cultural agencies have their principal physical location and focus of public contact in the capital:³ the National Gallery, the National Library, the National Museums, and the National Arts Centre.

168. Since the first three of these will be examined in a later Book of our *Report* from the standpoint of their language use and their contribution to equal partnership, it is unnecessary to go into these points here. On the point of their physical location within the capital area, however, it should be noted that all four are wholly located in the Ontario sector. The National Gallery, the National Arts Centre, and the National Library—the latter sharing a building with the Public

Lack of federal representation

Location of federal cultural agencies

¹ This figure does not include those federal agencies, such as the NCC, CNR, and Air Canada, that pay grants directly to the city.

² "Mémoire sur la nécessité d'un regain industriel à Hull," brief presented to the city council of Hull by the Hull Chamber of Commerce, December 10, 1964, Appendix D, 41.

³ The Canadian Broadcasting Corporation has its headquarters in the capital but a public contact that is more diffused throughout the country.

Archives—are all in downtown Ottawa in close proximity to Parliament Hill. The primary display facilities of the National Museum of Man and the Museum of National Sciences are in the rather imposing old Victoria Memorial Museum, which housed the federal Parliament itself for several years after the fire of 1916, about a mile to the south. Other exhibit sections of the Museum lie further afield, particularly the Museum of Science and Technology on St. Laurent Boulevard and the National Aeronautical Collection at Rockcliffe Airport; each of these is about four miles from Parliament Hill. The point is simply that the location in the Ontario sector of all these cultural and museum facilities, which are major points of interest for tourists and residents alike, has served to reinforce the widespread image of the capital as an Ontario city rather than a metropolis spanning the Ottawa River.

Other federal agencies

169. This analysis of federal interest in the capital could be extended considerably by analyzing other federal agencies. To do so would reveal further examples of the failure of federal policy to take account either of the imbalance between the Quebec and Ontario sectors or of the implications of equal partnership within each one. Perhaps one example of each will illustrate the two themes.

Transport facilities

170. The first concerns transport facilities. The development of Uplands Airport as the major air terminal for the region and the relocation of the Union Station have exerted a major influence on the pattern of development of the capital area. Both these termini are located along the southerly edge of the urban area, the airport about 7 miles south, and the railway station about 3 miles to the southeast, of Parliament Hill. Both locations place the Quebec sector at a disadvantage in relation to the Ontario part of the urban area, and, in the case of the rail terminus, the disadvantage is the more obvious by comparison with the relatively central location of the former Union Station.

RCMP

171. Secondly, the Royal Canadian Mounted Police affords an example of failure in relation to linguistic equality. Far from having bilingual personnel policing federal driveways and property in the Ontario sector, the force has even had to admit the accuracy of complaints that constables patrolling parkways in the Quebec sector spoke English only, a situation that arose from an acute shortage of bilingual personnel.

Summary

172. In summary, federal policies—or, in some situations, the lack of a federal policy—concerning the development of the capital area have played an inescapable part in the development of different conditions of life for Francophones and Anglophones in the capital area. There is a striking imbalance between the Quebec and Ontario sectors. This has been intensified by siting the overwhelming majority of federal

government buildings on the Ontario side, including all major cultural and museum facilities, as well as transportation terminals. It has been intensified by the distribution of federal grants to municipalities, which has given the Ontario sector an overwhelming—and apparently still increasing—proportion of federal payments. There is a similar imbalance in development expenditures by the NCC, though here it has more often been the purpose rather than the amount of the expenditure that has been felt inappropriate by residents of the Quebec sector.

173. The achievement of conditions of equal partnership within each sector is perhaps less obviously a federal responsibility. Yet we have noted that the federal government, the largest “taxpayer” in the area, has made no public representations to municipalities respecting language use, even in the city of Ottawa where it contributes at least 40 per cent of the tax revenue from commercial-industrial-federal property. The department of Public Works, as responsible for federal buildings, has had a relatively passive policy on language use even in matters fully under federal control.

174. In brief, the relevant federal agencies have paid insufficient attention to the requirements of equal partnership in the capital. They have only begun to develop policies that will assert the federal role in the face of the very strong influence of the provincial and municipal institutional framework on the patterns of language use. We think it is essential that federal policy continue to develop on this question.

B. A More Positive Federal Policy

175. The case for a more effective federal policy regarding equal partnership in the specific context of the capital does not follow automatically from the present weakness of federal interest. We think there are several reasons why the federal government should continue to take initiatives in developing a capital area in which the present anomalies and discrepancies would eventually disappear.

176. In the first place, there is a certain logic in the idea that the federal level of government should be actively concerned with the conditions of life in the capital. The linguistic and cultural complexion of the capital should reflect the aims and concerns of the entire country. On the other hand, provincial and municipal governments operating in the capital area are guided by different interests, different priorities, different perspectives. It seems clear that the federal government is best situated to view the capital in the context of Canada as a whole, and that in future developments it should act to ensure that this perspective is properly recognized.

Breadth of
viewpoint

177. One may draw a parallel here between the physical development of the capital and its cultural and social development. The former is entrusted to a federal agency whose stated purpose is to see that the nature and character of the seat of government are in accordance with its "national significance." Just as logically, the linguistic and cultural character of the capital are obviously a matter for federal concern, though the most appropriate channels of implementation may be different.

Jurisdiction

178. A second reason for a more effective federal policy is that the federal government is the only one of the existing levels of government—federal, provincial, regional, and municipal—with legal jurisdiction over the entire capital area, whether that area be defined as the National Capital Region or the Ottawa metropolitan census area. While development in both the Quebec and the Ontario sectors may well remain a responsibility of provincial authorities, as long as federal activity remains a major "industry" of the area the federal government will have responsibility for ensuring more equitable growth throughout the capital area.

179. Some persons might expect that accelerated industrial development or direct provincial action alone might make up for federal deficiencies in the Quebec sector. Our own view is that present superior standards of governmental services in the Ontario sector—an advantage made possible in large part by the far larger federal presence there—will offer strong inducements to the private sector to locate in the Ontario sector. Further, certain government-related enterprises in the private sector, such as private research laboratories and offices of national associations, find advantages in being located close to relevant federal establishments. Thus, even with increased developmental activity by the province of Quebec, the federal level will have an important part to play.

Need for
change in
symbolism

180. A third reason for a more active federal role in the capital is to change the symbolism presently associated with the capital. In the minds of many Canadians throughout the country, the capital as symbolized by the city of Ottawa has acquired in recent years a certain minor notoriety as a city where, for example, citizens must deal with City Hall in English, where they must speak English in the courts, where schooling in French is inferior in quality to schooling in English, where even bilingual traffic signs have encountered strong opposition in City Council.

181. We consider this symbolism is somewhat misplaced, in that it does not take sufficient account of the provincial framework. We found that in these matters Ottawa resembled all other municipalities

of the Ontario sector, except for Vanier. Moreover, we are aware that significant changes in attitudes and practice are well under way. Yet the symbolism undoubtedly exists, and it attaches closely to the city of Ottawa, as the historical and legal capital. We should like to see that symbolism changed and made more consonant with the value of a federal system based on the concept of equal partnership as developed in the various Books of our *Report*.

182. Finally, a more positive federal policy in the capital would constitute a concrete, working example of the federal government's concern for equal partnership in the wider Canadian context. It would demonstrate to the whole country to what extent one community of Francophones and Anglophones could live together on the basis of fully equal rights and facilities. As such it could constitute a guide and perhaps an inspiration for the bilingual districts we have proposed for other parts of Canada, where demographic and social conditions may be less favourable to the achievement of such equality.

Power of example

183. In proposing an expanded role for the federal government in ensuring facilities in French and English throughout the capital area, we are conscious of making a deliberate choice. There is an alternative. The capital area, apportioned as it is between the provinces of Ontario and Quebec, could be considered as two territorial sectors, each with its majority- and minority-language group, each offering a full range of cultural and other facilities that reflect the values and aspirations of the majority in that province. In a word, there would be a twin capital, the nuclei of which would be the cities of Ottawa and Hull, with their development on a comparable basis depending mainly on the provincial orientations. In this view, facilities in the capital area would exist for Francophones primarily in the Quebec sector and for Anglophones primarily in the Ontario sector. The role of the federal government would be circumscribed. Such a principle might have certain points in its favour, but, as stated in Chapter III, we prefer the principle that equal rights and facilities be made available throughout the region for three main reasons.

Alternative of
twin capital
unacceptable

184. First, it is more appropriate to the present population patterns. Roughly half the French-speaking population and more than three-fifths of the Francophone public servants now live on the Ontario side of the Ottawa River. As we observed in Book I, nowhere else in Canada is there a comparable concentration of Francophones who have so few language rights. Barring a major change in residential patterns, a twin federal capital would not achieve the results we seek for approximately half the Francophone community in the capital area.

185. The second reason is that a capital should serve as a meeting place where persons of different languages and from different parts of Canada may, in a very general sense, live and work together. If the long-run result of a twin capital were to be two linguistically separate residential sectors—one Francophone, the other Anglophone—separated by the Ottawa River, some of the most obvious advantages of having a federal capital would be lost.

186. The third reason is purely symbolic. Just like other institutions of the federal government, the capital should stand for those things all Canadians have in common. A twin capital would tend to minimize those common values.

Residential
distribution

187. In advocating a principle of equal linguistic rights and equal facilities throughout the capital area, we are not advocating a positive policy to change the residential distribution of Francophones and Anglophones. Indeed, there are varying degrees of linguistic concentration in many residential areas of the capital today, and increased numbers of Francophones in the middle and upper levels of the federal Public Service might well tend to increase linguistic concentration in some of the suburban areas.

188. Our position is simple. We feel that public policy should not be an instrument promoting linguistic concentration by simply leaving some areas inferior to others in the rights and facilities that they offer to either Francophones or Anglophones. Instead we suggest a policy that maximizes effective freedom of choice of where one lives. In the capital, it becomes particularly important that any resident should be able to live in any particular residential area he chooses without encountering linguistic inconveniences. The policy we propose of equal rights and facilities throughout the area is designed to that end.

Need for federal
participation

189. Achieving this goal requires the explicit and active participation of the federal government in shaping developments in the capital region. We shall have occasion to discuss below some of the more direct implications in terms of bridges between the Quebec and Ontario sectors, the roads network, transport facilities, and the location of federal government buildings. But most important is the concept of a greater role for the federal government in the future of the region.

Place of provincial
and local interests

190. Before concluding this chapter, we must add a word of qualification, lest we be misunderstood. We have examined the federal interest in the capital and found that it has been regrettably weak and uncoordinated from the standpoint of our terms of reference. On the other hand, we have been made aware of strong provincial and local interests in both sectors of the capital. It is not our wish that these interests, and the institutions that express them, should disappear. We have called

for a strengthening of the federal interest, but what we envisage is the redressing of a balance, a search for the appropriate weighting of local, provincial, and federal considerations. A capital belongs in some senses to the country as a whole, but local residents have legitimate interests that concern only themselves, and these must have suitable channels of expression. This is a problem for capital cities generally, but it is felt more acutely in federal states.

191. In short, our position is that the capital area should continue to evolve a vigorous and efficient system of provincial and local government but, on the broad issue of equal partnership between Francophones and Anglophones, we should place the interests and perspectives of Canada as a whole on a par with local considerations. We may note that many other issues, such as zoning and height regulations in downtown Ottawa, pollution control of the Ottawa River, and problems of urban planning and development generally, also involve difficulties in drawing a proper boundary between federal and provincial or local interests and responsibilities. But we need not discuss topics of this kind here except to the extent that they affect our own theme.

192. Our real concern remains the question of equal partnership between Francophones and Anglophones, and how it may be achieved in the capital. In our view, the need for a greater federal initiative is clear. Therefore, **we recommend that the federal government assume a direct, positive role in promoting equal partnership in all its aspects between Francophones and Anglophones in the present federal capital and in areas to be designated as part thereof.** We shall discuss in the next chapter how we believe this should be done.

Recommendation 2

A. Introduction

193. Appropriate developments in the capital area depend on a delicate balancing of the principle of equal partnership with present conditions in the capital area and what can be done immediately to initiate changes in the direction of equality.

194. Essentially, our proposals are based on the following: for the capital area, a régime of complete linguistic equality and a full range of services and facilities available in French and in English; the implementation of changes proposed elsewhere in our *Report*, together with specific reforms to be proposed in this chapter to bring about linguistic equality; the formation of a Tripartite Agency to assume responsibility for advising the governments involved on the planning and co-ordination of future development in the region.

195. In principle, the concept of equal partnership applies not only to public authorities but to the private sector as well. Our general recommendation concerning this concept is worth repeating here: "that in the present federal capital and in areas to be designated as part thereof, the French and English languages have full equality of status, and that the full range of services and facilities provided to the public be available in both languages throughout the area."¹ This recommendation, while specifically directed at all levels of public administration, is also an invitation to the private sector to create in the capital a linguistic environment more conducive to equal partnership than has been the case in the past.

¹See § 144.

196. Much more than formal linguistic rights is involved. Indeed, the practical problems of achieving equal partnership in the capital focus upon two major issues: removal of certain basic inequities between the Quebec and Ontario sectors; and achievement in each sector, but particularly in the Ontario sector, of equal rights and facilities by the official-language minority.

Need for change
in attitudes and
institutions

197. In calling for a régime of complete equality in the capital area, we are fully conscious of the magnitude of the change proposed. It will require co-operation and understanding among the authorities concerned and understanding among the public involved.

198. Also, while certain far-reaching changes in attitudes will be required, the possibility of basic institutional reforms must also be considered. We are convinced that present attitudes concerning the capital are closely associated with present institutional arrangements and that therefore it is essential to consider altering the institutional framework rather than trying to change patterns of thought while institutions remain the same.

199. Over the long term, the changes that will occur are large and difficult ones; they cannot be accomplished all at once. There must be a process of interaction, in which institutional reforms will tend to produce more open attitudes, and these in turn will pave the way for establishing a régime of full equality.

First steps

200. Many steps can be taken immediately. We expect that certain reforms recommended in other Books of this *Report*, particularly changes in the federal Public Service and in educational systems, will be implemented. Many of these are already under way. As well, in this Book we suggest several quite specific reforms for the capital area itself, reforms that aim at reducing some of the elements of imbalance revealed in the course of our research. Taken as a whole, such reforms can go some distance towards establishing full equality of facilities and services in the capital area. From this standpoint they are justified in themselves. In addition, they could pave the way for a more elaborate reform of institutions which could perhaps ultimately integrate the two sectors into a new jurisdiction founded on full equality.

A Capital
Territory

201. An alternative to the establishment of the Tripartite Agency we recommend could be the creation of a new Capital Territory, an idea that was proposed in our public hearings, and that has been much discussed recently. Indeed it has a long history in Canada, dating back to 1872 at least.¹ In reviewing recent public attitudes, we have found evidence of a substantial body of opinion in favour of a new jurisdiction

¹See D. C. Rowat, "The Proposal for a Federal Capital Territory for Canada's Capital," in Ontario Advisory Committee on Confederation, *Background Papers and Reports* (Toronto, 1967), 215-82.

or “federal district” despite the fact that no specific proposal has yet been officially put forward at any level of government. In Appendix II we look briefly at this evidence. While it is not conclusive, it does suggest that there exists even now sufficient interest in the question for the idea of a Capital Territory to be given serious study. In the longer perspective it is one possible means for the full realization of the developments we feel necessary. However, it could not be accomplished overnight, and at present serious objections exist to its ever being realized.

202. Hence, for the immediate future we shall propose other measures. Specifically, we think that steps should be taken at once to establish a continuing formal Tripartite Agency that would be given by the three governments directly involved (federal, Ontario, and Quebec) broad advisory responsibility for the planning and co-ordination of immediate developments in the area. This body should also provide one of the vehicles through which elaboration and discussion of longer-range developments in the capital region can be carried on. A later section of this chapter discusses this Agency in more detail.¹

A Tripartite
Agency

B. A Programme for the Capital Area

1. Government services

a) The federal image in the capital

203. There can be little doubt that in recent years the federal government has been gradually moving towards provision of services in both official languages. In a general sense, this has already become federal policy for the capital area. Yet our research on the capital area brought to light considerable gaps between this policy objective and prevailing practice.

204. Our basic recommendation for the capital area was, in part, “a) that the English and French languages should have full equality of status throughout the area; b) that all services should be available at all levels of public administration in the two languages. . . .”² For the federal government this means that all situations of public contact—whether post offices, the local income tax offices, employment centres, transportation terminals, or other similar agencies—should be staffed in such a way that Francophones and Anglophones alike may obtain service at all times. In practice, Anglophones are at present likely to

Provision of
services

¹See §§ 300-16.

²*Report of the Royal Commission on Bilingualism and Biculturalism*, I, § 380.

have few problems. For example, of some 2,725 public servants in 19 selected agencies operating in situations of frequent public contact in the capital in 1965, over 99 per cent could perform their duties in English. However, only 32 per cent could do so in French.¹ Clearly, improvement in the provision of French-language services will be required.

205. From a policy standpoint, these situations would seem to be already covered with respect to the capital by section 4 of the Public Service Employment Regulations² and by the Official Languages Act. The latter, for example, is quite explicit in stating that:

Every department and agency of the Government of Canada and every judicial, quasi-judicial or administrative body or Crown corporation established by or pursuant to an Act of the Parliament of Canada has the duty to ensure that within the National Capital Region, at the place of its head or central office in Canada if outside the National Capital Region, and at each of its principal offices in a federal bilingual district established under this Act, members of the public can obtain available services from and can communicate with it in both official languages.³

Signs

206. Policy in other aspects of the federal presence has been less fully developed. For example, in the somewhat formal and symbolic question of external and internal signs on federal buildings, a considerable number of federal buildings in the capital area still display signs in English only. The Canada-wide policy of the department of Public Works, which manages and maintains practically all federal buildings in the capital area and elsewhere, has been to affix bilingual signs on new or renovated buildings, but not on existing buildings, except at the request of the agency occupying the building.

Recommendation 3

207. To our mind, this rate of change is not rapid enough for the capital area, if only because of the symbolic importance of the question. A more positive policy is needed. Accordingly, **we recommend that all external and internal signs on all buildings under the control of the department of Public Works in the capital area be made bilingual within two years.** This recommendation also applies to buildings not administered by the department of Public Works but occupied and controlled by Crown corporations and other federal agencies.

Elevator operators and commissionaires

208. We found no general linguistic policy with respect to either elevator operators or commissionaires, except that bilingual personnel were being supplied to the few agencies that have specifically requested them. All elevator operators, and also commissionaires having any significant degree of contact with the public or with public servants,

¹See K. D. McRae, ed., *The Federal Capital: Government Institutions*, Studies of the Royal Commission on Bilingualism and Biculturalism, No. 1 (Ottawa, 1969), 134.

²See *Report of the Royal Commission on Bilingualism and Biculturalism*, III, §§ 352-3.

³Official Languages Act, S.C. 1969, 17-18 Eliz. II, c.54, s.9(1).

should be able to function in both French and English in these contacts. The degree of linguistic ability needed for these purposes is probably not excessive. At the same time, to implement such a policy too rapidly would cause individual injustices. But within five years, all elevator operators in federally owned buildings and all commissionaires having significant contact with the public or with public servants, should be able to perform their normal duties in both French and English, and all new appointees to such posts should henceforth meet the same requirements.

209. One question concerning telephone facilities—government listings in the standard telephone directory—may be mentioned as an illustration of the need for the federal government to examine its own image down to the smallest details. The principal Government of Canada entry appeared in both languages for the first time in the 1968 edition of the Ottawa-Hull directory. However, the French version follows the English instead of occurring in normal alphabetical sequence. In addition, the yellow-page entry appears in English only. Such matters, which can cause inconvenience and irritation far beyond the cost of the appropriate adjustments, should be corrected and in future prevented.

Telephone facilities

210. Telephone operators for the federal government are supplied by the Bell Telephone Company. In 1965, 45 per cent of government operators in the Ottawa-Hull area were bilingual. Since there are well-defined procedures for transferring calls from one operator to another in the event of linguistic difficulties, no specific recommendation on this point seems necessary.

211. A problem of a different type arises with respect to buildings leased rather than owned by the federal government. From the early years of this century, the federal government has depended on privately owned buildings for a part of its space requirements in the capital, and in the last few years the proportion of federal space that is leased rather than owned directly has risen rapidly from 17 per cent of the total in May 1965 to 30 per cent in August 1968. In these leased premises the federal government has lacked direct control over the linguistic environment, and this seems somewhat anomalous in buildings where the federal government is the principal or sole tenant.

Leased buildings

212. The adoption of a policy that we mentioned briefly in Book I of our *Report*¹ would be effective here. This is the addition of an appropriate clause on language use in contracts and agreements for the lease of space to federal agencies. Accordingly, **we recommend that all rental contracts for federally leased buildings or parts of buildings in**

Recommendation 4

¹See *Report of the Royal Commission on Bilingualism and Biculturalism*, I, § 278.

the capital area have a clause containing appropriate provisions for language use on the part of the lessor and his employees or agents, including bilingual internal and external signs on the building itself and provision of services in French and English by elevator operators, commissionaires, and other personnel in contact with the public or with public servants. Such a provision could be instituted at once with respect to all new rental contracts. Those in existence now might be modified in the same sense with the agreement of the owners.

Grants for public works

213. There is another way in which the federal government could use the same strategy to extend equality of the French and English languages in the capital. Both the federal government and the National Capital Commission have frequently given grants-in-aid for various public works in the area such as filtration plants, trunk sewers, highways, and bridges. Sometimes these grants have been made subject to certain conditions. For example, the Ottawa Civic Centre was aided by the federal government on condition that federal priorities on the overall timing of construction projects were observed.

Recommendation 5

214. The federal government might in appropriate cases attach linguistic conditions to special grants made in the capital area. Clearly, many of these works projects might have no linguistic significance at all, but in the case of a bridge, a highway, or a municipal centre, it would be only fitting for the federal government to ask that linguistic equality be observed on the completed project—and perhaps even during the construction phase. Had this policy been in effect in the past, for example, the controversy over unilingual signs on the Ontario approaches to the new Macdonald-Cartier interprovincial bridge in 1965 could have been avoided. Accordingly, **we recommend that federal grants-in-aid (including National Capital Commission grants) to municipal or provincial public works projects in the capital area be given subject to an undertaking that appropriate recognition of the two official languages be observed on the project when completed.**

Priority for institutions of high public visibility

215. Certain federal institutions stand apart because of their greater public visibility. Among them are the Parliament Buildings, the National Gallery, the National Museums, the National Library and Public Archives, and the National Arts Centre. To these buildings one may add the RCMP patrols on Parliament Hill and on federal parkways. These institutions together constitute in some sense a Canadian show-case, and for this reason their priorities for achieving linguistic equality should be somewhat higher. Indeed, some of them have already made very considerable progress towards linguistic equality. Accordingly, we suggest that for federal institutions in the capital area that have frequent or widespread contact with the public because of the services they provide, a programme for moving towards linguistic equality should

include the following time schedules: a) for all external and internal signs, one year; b) for elevator operators, commissionaires, and security guards, one year; c) for RCMP patrols on Parliament Hill and federal parkways, two years.

216. What remains to be discussed is the more intangible question of the conditions under which services in French and English are offered to the public by the federal authorities. Services in French have frequently been available in federal institutions in the capital, but only at the specific request of those seeking them. Moreover, they are not always available, and a Francophone using his mother tongue with a stranger in the capital area always risks a failure to communicate, a possible embarrassment, even a rebuff. To remedy this situation, we **recommend that, in all activities of federal agencies in the capital area, services in French be freely and publicly offered on the same basis as services in English, and not merely be made available exceptionally or on request.**

Recommendation 6

217. The matters raised in this section may seem to some rather peripheral to the larger issues of the work world discussed in Book III, but they are nevertheless important. The federal government could achieve much in the capital area by adopting a comprehensive, well-planned linguistic policy for activities within its present jurisdiction. It could do more by extending such a policy through its contractual relations with other governments and with the private sector. Most of all, it is in a position to set a firm, consistent example of linguistic equality in the capital.

b) Provincial administration

218. Book I of the *Report* suggested that, as a minimum, our proposals for bilingual districts should be applied in both sectors of the federal capital area.¹ Specifically, as a stage towards the implementation of an appropriate language régime for the capital, we **recommend that Ontario and Quebec accept in principle that all provincial services provided in their respective sectors of the federal capital and all services provided by the provincial capitals to residents in the federal capital area be available in French or English at the option of the individual citizen, and that this linguistic provision become a right guaranteed by provincial statute.** Several provincial government departments in Ontario are currently providing services in languages other than French or English. In making this recommendation it is not our intention that these additional services should be in any way interfered with or diminished.

Recommendation 7

¹*Ibid.*, §§ 371-80.

219. For the province of Ontario, implementation of this recommendation will involve considerable change. Some departments will have to continue improving the linguistic capacity of their personnel. Letters from Francophone citizens or associations, which hitherto have been answered in English, will be answered in French—a point that is already the announced policy of the Ontario government.¹ Initial approaches to residents of the federal capital area might be made on bilingual forms. The range of printed documents available in French will have to be increased considerably, and so on.

220. More important than any specific change, however, is the need for a change in attitudes towards the provision of services in French. All too often Ontario departments have offered services to the public in French only when it was considered necessary to establish communication; if the citizen spoke sufficient English, the burden of using an unfamiliar language was placed upon him rather than upon the official. This is why our recommendation states explicitly that the choice of language should be at the option of the citizen.

221. For the Quebec sector, the changes required of the provincial administration are more modest. In 1965, all 12 of the Quebec departments having offices in the federal capital area offered service in English as well as in French, though one department reported a policy of using French except where communication in that language was impossible. Roughly 90 per cent of local staff were able to work in either French or English. Replies to correspondence were written in the language of the original request. A few departments reported gaps in printed documentation available in English.

222. Both provinces appeared to lack any general linguistic policy for the federal capital area. Linguistic provisions seems to be left largely to the discretion of local officials in each department. While it was possible to discern general provincial norms—which were more generous in Quebec than in Ontario—there were substantial variations in both sectors from one department to another. Provincial linguistic policy in the capital area should be made uniform and clearly understood through its embodiment in legislation. Besides, the linguistic minorities in both sectors of the federal capital would feel more secure if the equality of French and English in the area rested on law.

223. As emphasized already, each sector of the federal capital area today shows strongly the imprint of the province in which it is situated. A statutory recognition of the equal status of French and English in these two sectors by each of the provinces concerned would con-

¹Premier Robarts, Statement to the Constitutional Conference of Prime Ministers and Premiers, Constitutional Conference, *Proceedings* (Ottawa, 1968), 35.

stitute a most important step towards the achievement of a federal capital that would adequately reflect the values and ideals of a bilingual federal state.

c) Municipal and regional government

224. Much of what we have said about provincial government can be applied to the various categories of local government in the capital area. Since municipal institutions are created by the provinces and subject to their overriding control at many points, it is hardly surprising to find a substantial degree of parallelism between the local and provincial levels. There is, however, one significant difference: while the provincial jurisdictions of both Ontario and Quebec lie predominantly outside the federal capital area, the local jurisdictions with which we are concerned in this section lie wholly, or at least primarily, within that area. Thus, for municipalities closely bound up with the capital and what it symbolizes, the potential for the full realization of linguistic equality may be somewhat greater than for their respective provinces as a whole.

**Municipal
government**

225. Of prime importance is linguistic equality in municipal services. When a citizen in the federal capital area telephones his civic administration, either in French or in English, he should be connected at once with an appropriate official who can explain the problem in all its intricacies in the citizen's own language. The same applies in face-to-face interviews, and correspondence from the public should be answered in the language of the original request. Documents and notices for the use of the public—including promotional material, maps for visitors, and even documents originating with provincial authorities for use by municipalities—should be available in either language or in bilingual form. Most important, however, a citizen should be able to expect such services as a matter of course from every department of the civic administration.

**Need for linguistic
equality in
municipal services**

226. In the course of our research, the linguistic practices of the 13 municipal administrations of the Ottawa metropolitan area were examined.¹ Every one of the eight municipalities in the Quebec sector—including some with very small municipal staffs—had managed to provide a wide range of services to its population in both French and English. Many of these bilingual services were required by Quebec municipal law, and their provision was facilitated by fairly high levels of competence in both languages on municipal staffs. In the Ontario sector we found only one municipality—the city of Eastview (now Vanier)—that compares with the Quebec municipalities in providing a

¹See McRae, ed., *The Federal Capital*, Chaps. III-IV.

large range of municipal services in both French and English. It had made special efforts to do so, and in 1965 roughly 75 per cent of its municipal staff were considered individually capable of carrying out their work in both languages. The other four municipalities of the Ontario sector, together accounting for nearly three quarters of the area population, were closer to the norms for the rest of the province. Services were available in English in every department and at all levels; services in French were not entirely absent, but were severely limited both in range and quality. Among these municipalities was the city of Ottawa.

Importance of
Ottawa's role

227. The role played by the city of Ottawa in the life of the capital area is of special importance. In the first place, the city of Ottawa, rather than the Capital Region generally, represents for many Canadians the symbolic capital of Canada. To speak more practically, Ottawa accounted for 59 per cent of the metropolitan census area population in 1966, and in 1965 it employed about 80 per cent of the area's civic employees. Though a majority of its residents are Anglophones, Ottawa has the largest number of Francophones of any municipality in the capital area—or indeed of any Canadian municipality west of metropolitan Montreal. In addition, the experience gained and the example set by Ottawa in adapting its linguistic practices will help ease the process of transition for the suburban municipalities in the Ontario sector. For both practical and symbolic reasons it is important that Ottawa should lead the way in the development of bilingual municipal services among the Ontario municipalities.

Suggested first
steps towards
bilingual services

228. To be sure, it cannot establish bilingual services overnight, but a gradual improvement of services available in French would be feasible through a series of three co-ordinated stages. In the first phase, certain reforms could be achieved very quickly. In particular, the city's telephone contacts with the public could be improved. As a start, its main directory listing of departments could be in French and English, so that Francophone residents could reach civic agencies more easily. Unilingual telephone operators at the central City Hall switchboard, who were found to be curtaining off calls in French from civic departments fully capable of handling them, could be either taught simple formulae for transferring inquiries to bilingual operators or transferred to less sensitive duties. As a further step, Ottawa could use a bilingual salutation for all incoming telephone calls, as does Vanier. These simple measures would remove a substantial psychological barrier to the use of French at City Hall.

229. In the same way, some civic departments might make more extensive provision for oral services in French by examining the pattern of public contact of its present bilingual and unilingual employees. It

seems possible that some minor adjustments to these patterns might increase the city's capacity to give services in French. Where these adjustments are insufficient, a specific policy of recruiting bilingual receptionists and secretaries as vacancies occur, or, if necessary, occasional interdepartmental transfers, would achieve the desired objective.

230. Similar short-run steps might also be taken concerning written language use. The city could establish a general policy that all incoming correspondence in French should be answered in French. Some departments do so already, and a progressive extension of the practice to all departments should be feasible. General notices to the public could be issued on bilingual forms, as is done by a few departments already. This policy could be progressively extended to cover all forms and documents issued by the city for public use, including tourist material and also documents originating with or prescribed by the province of Ontario.

231. In this first phase, the demand for service in French may not be extremely heavy, but this initial demonstration of increased capacity to give services in French will invite more frequent use of the language in public contacts with city departments, and greater use will in turn encourage the city to develop its capacity still more.

232. In the second stage, the appropriate goal could be that a suitable proportion of the city's professional, technical, and other specialized staff in positions of public contact be able to deal directly with the public in French or English at the option of the citizen. In some departments this practice exists now, at least to some extent. As this capacity expands, the quality of services offered in French will be considerably improved.

Second stage

233. We believe this is a realistic medium-term goal for the Ottawa civic administration. A knowledge of both French and English should become a larger factor in staff recruitment than it was at the time of our study. Greater numbers of technically qualified Francophones will be entering the labour market as a result of recent educational developments in Ontario and Quebec. In the capital area itself, more Anglophones should be learning French adequately in school, as a result of an earlier beginning and better teaching methods. The work situation itself, with its increasing documentation in both languages, will be a place for improving employees' linguistic facility. Finally, the governments concerned might discuss the admission of some employees of capital area municipalities into federal language-training programmes.

234. In the third and final stage, it might be expected that the heads of civic departments and other senior officials would themselves be

Third stage

able to carry out their departmental duties in either French or English as required, and that this would become a normal qualification expected of senior municipal officials in Ottawa and other capital area municipalities. That this stage is not an unrealistic or impossible goal for a municipality in the federal capital is suggested by the fact that other smaller municipalities of the area, most notably Hull and Vanier, have substantially achieved it already.

235. The city of Ottawa's potential capacity for providing service in French is quite large. Neither money nor personnel should be a serious obstacle. Ottawa is one of the wealthier municipalities of the capital area and, in 1965, 29 per cent of its salaried staff were bilingual—a higher proportion than for the city population as a whole. The problem, in our judgement, is not one of resources, but of attitudes. Until now, the provision of services in French has simply not been given sufficient emphasis in the scale of civic priorities.

Recommendation 8

236. We consider that the balance of political forces in Ottawa municipal politics is by itself inadequate to bring about the necessary changes. Consequently some degree of external stimulus may well be needed. In order to develop the sort of linguistic régime appropriate to municipalities of the capital area, **we recommend that the full range of municipal services be provided in French and English in the capital area and that this be guaranteed by provincial statute.** The case for a statutory guarantee is much the same as the argument for a guarantee of linguistic rights in provincial services. We believe that those who live in the capital area should be able to expect municipal services in French or English universally and as a matter of right, and not just at the discretion of municipal authorities. In this way, any citizen of the area who belongs to an official-language minority, whether within his municipality, in his province, or in the capital area as a whole, would have his linguistic rights recognized by law.

237. As we have noted earlier, the federal government also has a substantial interest in the linguistic régime of the capital area, and has had an enormous influence on the development of the area. Since both these levels of government have an interest in the matter, joint consultation would be appropriate in order to agree on policy objectives.

Regional
government

238. The recently established regional municipality of Ottawa-Carleton coincides largely with the Ontario sector of the National Capital Region. Given its wide range of responsibilities, this body will clearly come to play a major role in the capital area. It will undoubtedly also affect relations between the two official-language groups.

239. In the first place, the Francophones of Vanier and, to a lesser extent, of Gloucester township have in the past been able to make their presence felt within these municipalities. In the regional municipality,

however, the Francophones of the Ontario sector are in a minority. There is thus an evident danger that Francophone minorities, which were of direct significance in smaller units and so received satisfactory accommodation of their linguistic requirements, will no longer secure adequate service in their language from the larger and more removed regional government.

240. This danger is increased, in the second place, by the predominant role in regional affairs played by the city of Ottawa, with its poor record in the past for provision of bilingual services. The city has a majority of members in the Regional Council and has transferred many of its staff—some departments *en bloc*—to the new municipality. The influence of the civic administration on the regional government was one of our reasons for urging the early adaptation of the former to a bilingual régime.

241. There also has been continued discussion of regional government in the Quebec sector of the federal capital area, and recently the elements of a master plan have been set out by the province.¹ Since the Quebec municipalities individually have generally coped successfully with providing services in the two official languages, their merger in some form of regional administration is unlikely to raise as many linguistic problems as in the Ontario sector. Nevertheless, the general principles are applicable in both sectors.

242. The development of regional government can aid the progress towards linguistic equality simply because it presents an opportunity for the formal statement of new linguistic policies and the implementation of new practices. On the Ontario side this opportunity does not seem to have been grasped: the enabling Act contains no linguistic provisions; no explicit policy of equality has been enunciated by the regional government; and the old practices of the city of Ottawa seem likely to prevail in the new setting. What is required is more than a few largely symbolic measures, viewed as concessions to a linguistic minority. Many members of this minority form a majority within their own municipality. The preservation of their existing facilities, above and beyond the reasons advanced above, means that the regional municipality must see itself not even as a bilingual district, but as an administration in which the two languages are on a footing of equality. Therefore, as in the case of services from municipalities, **we recommend that the full range of regional government services be provided in French and English in the capital area and that this be guaranteed by provincial statute.** We further urge that the federal government and the two provincial governments, working in consultation, maintain a continuing concern for appropriate linguistic measures at the regional level.

Recommendation 9

¹Outaouais Regional Community Act, S.Q. 1969, c.85.

Municipal councils

243. In Book I, we recommended "that the use of both English and French should be permitted in the deliberations of all local government bodies, that all by-laws and regulations should be recorded and printed in the two languages, and that all important public documents and all administrative services should be available in both languages. . . ." ¹ However, language use in local government bodies such as municipal councils and boards of education depends to a great extent upon the local situation—the mother tongue of those elected to these bodies and of the electorate, the weight of past practice in the councils, and the ability of administrations to serve them in two languages. Obviously, these forces will mean that many local bodies will continue to operate unilingually for the most part in the near future. The essential point is that the right to use either French or English should be guaranteed through provincial legislation. With the passage of time, provincial and federal attitudes and policies should work to erode the present unilingualism of many councils.

d) *The courts*

244. In Book I, we recommended that in the capital area "all courts should permit pleadings in the two languages, and that lower courts should be equipped to function in both. . . ." ² The right to use French or English is already constitutionally guaranteed for all courts in the Quebec sector and for all federal courts by the British North America Act. The recommendation is thus mainly addressed to the Ontario legal system.

245. The major difficulty in the way of developing the bilingual capacity of Ottawa area courts is that they form an integral part of a system designed to serve the needs of a presently unilingual province (since the Quebec legal system as a whole is bilingual, the courts in the Hull area of the capital are not faced with this difficulty). Because Ottawa cases may be appealed to the unilingual Ontario Court of Appeal, it is felt that all documents and pleadings that may be placed before this court must be in English. Similarly, documents registered in Carleton county must be in English so as to be available for title searches and the like by presumably unilingual Anglophones in other parts of the province.

246. Following publication of Book I of our *Report*, the Ontario government established a task force to deal with the question of bilingual justice. Provincial practice generally continues to shape the linguistic practice of Carleton county, with the anomalous result that one part of the capital area of this country is inadequately equipped to

¹ *Report of the Royal Commission on Bilingualism and Biculturalism*, I, § 380.

² *Ibid.*

administer justice in the two official languages of Canada. High priority must be attached to the removal of this anomaly.

247. While reform of the Ontario legal system as a whole is required, certain steps might be taken immediately in the capital area. For example, first instance and trial *de novo* hearings in courts of criminal jurisdiction might be held in French at the option of the accused, with the transcript of the proceedings being later translated in the case of an appeal. Some forms used by these courts—summonses, traffic tickets, and so on—might become bilingual. The provision of interpreters could be put on a more regular basis and be made free of charge. Steps might be taken to ensure that the staff of such courts in contact with the public include persons fluent in both languages.

248. Analogous arrangements could be made with reference to first instance hearings in courts of civil jurisdiction, although there the problem is more complicated by reason of pleadings and other pre-trial proceedings—especially where all parties to the proceedings are not of the same official language. Nevertheless, such measures would all help to equalize linguistic rights in the Ontario courts of the capital area.

249. Pending reform of language use in the Ontario legal system as a whole, therefore, **we recommend that immediate provisions be made by the province of Ontario to extend the use of the French language in the courts that sit in the Ontario sector of the federal capital area.**

Recommendation
10

2. Education

250. Book II of our *Report* was devoted to education, and the general policies and recommendations elaborated there are applicable to the capital area. However, because the federal capital is a special subject, a more detailed examination is required. The provision of educational opportunities and facilities in the Ontario and Quebec sectors of the capital area must be viewed within a provincial context. Within each province, responsibility for education is distributed between the provincial departments of education and their respective local boards. Thus it is necessary to review developments at the provincial level of policy and administration, and to consider in detail the organization and administration of educational institutions at the local level. The part played by the federal government in its role as a taxpayer in the federal capital must also be examined.

251. Both Ontario and Quebec have recognized the importance of official-language schools for the minority. In both provinces, large-scale changes are still under way in educational policy and practices,

Provincial
developments

and thus it is difficult to describe with certainty the stages that may have been reached or the progress achieved. The Ontario department of Education is in the process of changing its entire French-language programme in the direction of our recommendations and those of its own special Committee on French-language schools.¹ The province of Quebec is continuing its long-range process of reorganizing and developing its educational policies and facilities.

Remaining
problems

252. Some major problems remain to be overcome. The scope and quality of educational opportunities in the French language in the Ontario sector of the federal capital area still require attention. There is little doubt that shortages of well-qualified Francophone teachers and French-language texts and other teaching materials still exist. For example, in 1968 over 25 per cent of the teaching staff in Ottawa French-language separate schools at the elementary level held certificates below the general provincial minimum, as compared to 10 per cent in the English-language separate schools and none in the English-language public schools.² More important, the French-language secondary level is undergoing great expansion in Ontario; at this level are encountered some of the most complex problems.³ Similar problems are being encountered in Quebec, though less extensively since historically English-language schools in that province have maintained a good rate of development.⁴ Nevertheless, the tremendous demands being placed on educational resources generally, and the special problems associated with official-language minority schools, are just as prevalent in Quebec as in Ontario and require the same long-range considerations.

The local level

253. While problems persist at the provincial level, much has been achieved and important improvements should result from provincial action now in progress. But it is also necessary to examine the organization of educational administration at the local level in the capital area in order to comprehend all the factors involved. In doing so, we have had to consider schools as divided by religion rather than by language, since this is the basis on which the organizational arrangements, and statistical data, are established in both provinces. There are two main perspectives, finances and representation; they will be considered in turn.

Ontario sector

254. The largest numbers of students using an official minority language are found in the Ontario sector of the capital area. Most Francophone children in the Ontario sector at the elementary level attend separate schools. Our research showed little evidence of general

¹ *Report of the Committee on French Language Schools in Ontario*, Ontario Department of Education (Toronto, 1968).

² Figures provided by the Ottawa Public and Separate School Boards.

³ See *Report of the Royal Commission on Bilingualism and Biculturalism*, II, §§ 211-37.

⁴ See *ibid.*, Chap. IV.

disparities between the French and English sectors in the separate schools, but did indicate wide variance in the standard of facilities and services provided by the separate and public schools respectively.

255. Since the standard of service is dependent on financial resources, our research included an analysis of revenues for the two Ottawa elementary school boards, separate and public. In summary, the Public School Board in Ottawa has had revenues exceeding those of the Separate School Board by over \$29 million in the period analyzed, while serving slightly fewer students. Per annum, the average per pupil difference in revenue was \$147, and it has fluctuated from a low of \$123 in 1960 to a high of \$173 in 1962. Extending the analysis back another decade, our research showed an accumulated difference in revenues for the two boards of about \$50 million. Table 3 shows the comparative revenue picture since 1960.

256. The reasons for this difference are found mainly in the tax system in Ontario, and the manner in which tax assessments are allocated to each school board. For elementary school purposes, taxes are allocated on the basis of the religion of the taxpayer. All tax revenues not specifically directed to separate schools by Roman Catholics automatically go to the public schools. Corporate taxpayers, in order to assign a proportion of the corporation's commercial tax to the separate schools, must demonstrate that the proportion allocated does not exceed the proportion of shares owned by Roman Catholics.¹ Moreover, the amounts of some provincial grants are determined on the basis of a given board's share of local taxes, thereby compounding any differences in the tax base.

257. The consequences of this system can be pronounced. In 1961, the census recorded that Roman Catholics constituted over 45 per cent of the total population of Ottawa. It is unlikely that this proportion has changed markedly in the intervening years; yet in 1968 the Ottawa Separate School Board received approximately 29 per cent of the total residential and 8 per cent of the total commercial tax assessment in Ottawa. In the period 1960-8, more than 75 per cent of the total assessment went to the Public School Board, which was responsible for some 47 per cent of the elementary school population. Table 4 shows these differences in tax revenues. Some progress in equalizing revenues between school boards has been made, of course, through the Ontario Tax Foundation Plan (the "Robarts Plan"), which came into effect in 1963. A comparison of Tables 3 and 4 demonstrates that provincial grants have substantially consolidated the financial position of the separate schools, for example reducing the disparity in revenue per

Financial resources
of Ottawa school
boards

¹The Separate Schools Act, R.S.O. 1960, c.368.

Table 3. Total Revenue per Pupil—Ottawa Public and Separate School Boards, 1960-8

Year	Public School Board				Separate School Board				Difference		
	Total revenue (\$000,000)	Enrolment	Revenue per pupil (\$)	Total revenue (\$000,000)	Enrolment	Revenue per pupil (\$)	Total revenue (\$000,000)	Enrolment	Revenue per pupil (\$)	Gross (\$000,000)	Per pupil (\$)
1960	7.71	24,371	316	4.40	22,740	193	3.31				123
1961	8.90	24,551	362	4.93	23,817	207	3.97				155
1962	9.89	24,799	399	5.60	24,788	226	4.29				173
1963	10.44	25,074	416	6.33	25,638	247	4.11				169
1964	11.17	25,647	436	8.00	26,600	301	3.17				135
1965	11.65	26,014	447	8.60	27,243	315	3.05				132
1966	13.01	26,110	498	9.97	28,981	344	3.04				154
1967	14.54	26,551	547	12.59	30,036	419	1.95				128
1968 (est.)	16.83	26,551	633	14.59	30,781	473	2.24				160
Total	104.14	239,668		75.01	240,624		29.13				

Source: Budgets and annual reports of the Ottawa Public and Separate School Boards, 1960-8.

Table 4. Tax Revenue from Residential and Commercial Assessments—Ottawa Public and Separate School Boards, 1960-8

Year	Public School Board			Separate School Board			Difference per pupil (\$)
	Total tax revenue (\$000)	Enrolment	Tax revenue per pupil (\$)	Total tax revenue (\$000)	Enrolment	Tax revenue per pupil (\$)	
1960	5,817	24,371	239	2,420	22,740	107	132
1961	6,717	24,551	274	2,639	23,817	111	163
1962	7,299	24,799	294	2,990	24,788	121	173
1963	7,573	25,074	302	2,987	25,638	117	185
1964	7,962	25,647	310	2,823	26,600	106	204
1965	8,432	26,014	324	2,594	27,243	95	229
1966	9,355	26,110	358	2,784	28,981	96	262
1967	11,263	26,551	424	3,196	30,036	106	318
1968 (est.)	12,799	26,551	481	3,376	30,781	109	372

Source: Annual budgets and reports of the Ottawa Public and Separate School Boards, 1960-8.

pupil in 1967 from \$318 to \$128. Nevertheless, while the situation has improved, the basic anomaly persists.

Facilities 258. Differences in revenue have had an effect on the quality and quantity of education available in the two elementary systems. One measure is the actual facilities the two boards have been able to provide. In the number and type of classrooms available, the Public School Board has been able to provide more special facilities, such as gymnasias, home economics and industrial arts classrooms, and other specialized facilities. In 1967, all but one of the public schools had gymnasias, while only 14 of the 93 separate schools were equipped with equivalent facilities. This represents a considerable inequality for the separate schools, which most Francophone children attend. Table 5 summarizes the relative position for some of these facilities.

Table 5. Classrooms and Special Facilities in Ottawa Public and Separate Schools, 1967

Type of room	Public schools			Separate schools		
	Total number	Classrooms per school	Pupils per classroom	Total number	Classrooms per school	Pupils per classroom
Regular	940	18.0	28	887	9.0	33
Gymnasium or all-purpose	52	1.0	510	14	0.2	2,145
Kindergarten	67	1.3	396	84	0.9	357
Home economics and industrial arts	49	0.9	541	51	0.5	588

Source: Figures provided by the Ottawa Public and Separate School Boards.

Certification level of teachers 259. Another measure is the comparative certification level of the teaching staffs hired by the Public and Separate School Boards. In 1967, on a standard "teacher qualification scale" used for salary purposes, a comparatively lower proportion of separate school teachers were above level IV, which requires a university degree or better. Part of the explanation for this has been that, because lower revenues are available to the separate school board, it has been unable to attract and retain the more qualified teachers through offering salaries comparable to those offered by the Public School Board. This is one aspect in which direct comparison between French- and English-language schools was feasible. A significant proportion of the French-language teachers fell below the generally accepted minimum level required by the department of Education. Also, comparatively fewer French-language teachers, as compared to the English-language teachers, had upgraded

their standards. This is probably a reflection of the less-developed educational programme available to Francophones in Ontario, especially teacher-training opportunities. Table 6 summarizes these certification levels.

Table 6. Teacher Qualifications—Ottawa Public and Separate School Boards, 1967

	Public School Board		Separate School Board			
	Number	%	English		French	
			Number	%	Number	%
Pre-level I ¹	0	0	71	10.8	187	26.5
Level I	521	43.1	334	50.7	298	42.3
Level II	288	23.8	88	13.4	100	14.2
Level III	147	12.2	46	6.9	37	5.2
Levels IV and above	253	20.9	120	18.2	83	11.8
Total	1,209	100.0	659	100.0	705	100.0

Source: Figures provided by the Ottawa Public and Separate School Boards.

¹ Do not satisfy minimum requirements of Level I.

260. Our study of the educational systems in the Ontario sector indicated that, by measures used, Anglophone pupils generally have had more qualified teaching and better-equipped schools offering a wider range of courses in the public schools than were available to the Francophone pupils in the separate schools. Means seem necessary for equalizing the annual revenue of the two school boards, as well as for overcoming the effects of past disparities which have given the Public School Board superior facilities.

Need to equalize
school board
revenues

261. At the secondary-school level since 1968, when the French-language schools were taken over by the public secondary board, financing of secondary education in Ontario has presented fewer disparities. English- and French-language schools are now financed from the same general fund, and all taxpayers pay the same rate, except that those Anglophone Roman Catholics who have chosen to attend private schools pay additional tuition fees. Many of the problems noted above for the elementary level persist at the secondary level, but a basic step towards amelioration of these has been taken with the amalgamation of French- and English-language secondary schools. However, the question of allocating scarce financial resources between the French- and English-language schools will continue to be difficult,

Secondary schools

and it is essential that the interests of the Francophone population be adequately represented in this regard.

Quebec sector

262. In the Quebec sector of the federal capital area, the English-language Protestant schools are comparatively well established in relation to the more numerous French-language Roman Catholic schools. In contrast to Ontario, taxation policies in Quebec are such that the revenues per pupil received by the various school boards or commissions are roughly equivalent. These policies are designed to ensure that all school boards in Quebec receive approximately the same basic revenues per pupil, thereby ensuring that all boards are able to maintain a minimum level of services and facilities.

Financing

263. With this programme of basic "normalization," the Anglophone Protestant community has been able to maintain a high rate of expenditure on education. In fiscal 1967-8, for example, expenditures per student by the Protestant and Catholic school boards in Hull were quite comparable. At the same time, however, because the average assessment for Protestant taxpayers was over \$30,000 as compared to approximately \$8,800 for Roman Catholic taxpayers, a differential taxation rate was applicable—1.30 mills for Protestants and 2.10 mills for Roman Catholics. Thus, while Quebec's taxation policies normalized revenues for the various boards, the relative economic positions of Roman Catholics and Protestant taxpayers resulted in differentials in taxation rates.

Role of federal government

264. As well, in regard to the financing of education in the capital area, the federal government's role as a major property owner and lessee in the area must be considered. In terms of municipal taxation, the Crown, as lessee, controls some 31 million dollars of assessment in the Ontario sector, which under Ontario legislation could be apportioned between the separate and public schools. Without direction from the lessee, according to Ontario legislation, the owners of the buildings direct the taxation revenues and, as was noted above, for the most part these revenues go to the Public School Board. Municipal grants in lieu of taxes on federally owned properties are another avenue through which the contribution of the federal government could play a role in educational financing. For the city of Ottawa alone in 1967, these amounted to about \$3 million, and in the past none of this money was allocated to the schools but was part of the city's general funds. Whatever developments occur in the capital area, we consider it imperative that the federal government examine the consequences of its financial participation in education in the capital area and take the necessary steps to ensure an equitable distribution among the school systems therein.

265. In conclusion, it must be remembered that our primary concern is the availability of educational opportunities for Francophone and Anglophone students. In Book II, we recommended that "the right of the official-language minority to have its own schools be dissociated from any consideration of the confessional character of these schools."¹ Of necessity, most of the analysis here has been made on the basis of religious distinctions, but this analysis of the different revenues and levels of expenditure available to the respective school boards in the capital area is of interest to us only so far as it reflects different standards of service available to Francophone or Anglophone students. Nor is it our concern to make specific recommendations concerning taxation principles and practices, which are complex and have implications beyond our mandate. Nevertheless, expenditures on education are important in the context of our basic approach to development of the capital area and involve all levels of government so far as finances are concerned. Revenues available to school boards in the capital area should be examined by the two provinces concerned, and by the federal government, with a view to ensuring that disparities between the boards that may influence the level of service to either official-language minority are eliminated.

266. Another important aspect of school administration is that of representation on local boards and commissions. Unless elective and administrative structures at the local level are positively responsive to the particular needs of the minority-language schools, it is unlikely that the education provided in those schools will ever compare with that available to the majority. In our view, present arrangements in the Ontario sector of the capital area offer little guarantee of such responsiveness. At a time when the provinces are moving towards larger units of administration, the Francophone population in Carleton county is still spread among four local administrations: the Carleton County Public School Board for public elementary and all secondary schools in the county; the Carleton County Separate School Board; the Ottawa Board of Education for all public elementary and secondary schools in Ottawa, Vanier, and Rockcliffe Park; and, finally, the Ottawa Roman Catholic Separate School Board for separate elementary schools in Ottawa, Vanier, and Rockcliffe Park. Consequently, the political voice of the Francophone ratepayers is dispersed. At the elementary level there is no clearly defined formula for Francophone representation, while at the secondary level their only channel is an advisory committee. To ensure that French-language schools develop on a basis of equality, Francophone participation in the direction of operation of these schools must be strengthened and clarified.

Representation

¹Report of the Royal Commission on Bilingualism and Biculturalism, II, § 420.

267. In the Quebec sector each group administers its schools independently, with the exception of the Anglophone Roman Catholics, who form part of the Catholic school system. As well, the size of school districts varies according to the level of schooling and the population being served. Thus, on the elementary level, the jurisdiction of the Protestant School Board of Greater Hull spans three counties to serve its small and scattered Anglophone population. Also on the elementary level, La Commission des écoles catholiques de Hull, on the other hand, covers a much smaller area because of the high concentration of Franco-*phone* Roman Catholics within the municipal boundaries of Hull. Briefly, this diversity in size of administrative units consolidates the more dispersed minority into a more viable administrative unit.

Recommendations
11 and 12

268. For the Ontario sector, similar measures should be adopted to consolidate the interests of the Francophone pupils in Carleton county. Carleton county is an identifiable administrative area in the provincial framework for which special arrangements could be made, and most English-language elementary and secondary public schools in the province already come under a single county administration. While it might be advantageous to consolidate all French-language schools under a single jurisdiction so that they too can take advantage of the benefits that larger units of administration provide the present public school system, such a step would be in conflict with the confessional nature of the French-language elementary schools. Thus, it is unlikely that both elementary and secondary French-language schools could come under the same board as is the case with the English-language public schools. Nevertheless, it would be possible to incorporate all French-language elementary separate schools in Carleton county under the jurisdiction of a single board, as well as incorporating all public secondary French-language schools under the jurisdiction of one board, thereby facilitating the provision of special services and programmes, minimizing costs such as transportation, and making the boards better able to attract and retain their professional talents. Therefore, **we recommend that all French-language elementary schools in Carleton county be placed under the jurisdiction of the Ottawa Roman Catholic Separate School Board. We further recommend that all French-language secondary schools in Carleton county be placed under the jurisdiction of the present Ottawa Board of Education.** These two steps would consolidate the schools serving the Francophone population in the Ontario sector of the capital area, thereby making French-language education more administratively viable. The form this reorganization would take could be unique to the capital area, though still compatible with the provincial framework.

269. Reorganizing the schools along these lines would still result in four different school boards in the Ontario sector of the federal capital area: first, a public board responsible for administering the English-language elementary and secondary public schools in Ottawa, Vanier, and Rockcliffe Park and all French-language secondary schools in Carleton county; second, a public school board responsible for English-language elementary and secondary public schools in Carleton county—except for those in Ottawa, Vanier, and Rockcliffe Park; third, an elementary separate school board administering all French-language elementary schools in Carleton county and the separate English-language elementary schools in Ottawa, Vanier, and Rockcliffe Park; and fourth, an elementary separate school board administering the rural part of the county for the English-language separate schools. However, in this arrangement the Francophone students would be divided between only two boards, and the administration of the schools would thus become more clearly defined for linguistic purposes, giving language the importance it deserves in the federal capital.

270. In Book II we suggested that “When there are enough schools of each kind in a single district, the school board should divide into two committees, one for each kind of school. Each committee would make the administrative decisions relating specifically to the school represented by the members of the committee. The two committees would meet together for decisions affecting all schools in the district.”¹ Thus, within each of the boards outlined above where a Francophone student population exists, we suggest that a committee system be introduced. The Ottawa Separate School Board’s past experience with this type of bicameral structure proved a successful method of running a bilingual administration, and this is the approach we feel should be adopted for the board administering French-language secondary schools in Carleton county.

271. This reorganization would present certain problems in determining the taxes to be allocated to each board. The most complex problem would be presented by the Francophone ratepayers in the rural parts of the county, who would be receiving educational services either from the urban separate school board or the combined secondary school board. A solution would be to have reciprocal arrangements among the boards such that the Carleton county public and separate school boards would continue to levy taxes on all ratepayers in their school districts, and then pay the appropriate Ottawa-Vanier-Rockcliffe Park school board the equivalent average tax revenue per pupil for each pupil resident in that district who attended a French-language

¹*Ibid.*, I, § 442.

elementary or secondary school operated by either of the Ottawa-Vanier-Rockcliffe Park school boards. These latter boards could include these additional students and schools in their applications for provincial government grants.

272. Representation on the two boards operating French-language schools is a complicated matter. While a committee system for each of the two school boards should assure that the interests of the Francophone population will be concentrated within the board itself, it is impossible under present election practice to guarantee that this populace would be represented by Francophone personnel. We suggest that the province and the local boards concerned examine the question of representation for Francophones and devise means to ensure that the interests of the Francophone community are not submerged, particularly in such areas as the appropriation of finances and the recruiting and hiring of teachers. The issue of representation does not present itself in the Quebec sector to any great extent at this time, except that difficulties may occur in accommodating Anglophone Roman Catholics, who are a small minority in the Quebec sector. Otherwise, the major school boards operate independently of each other, thereby allowing Anglophone Protestants and Francophone Roman Catholics to be represented by Anglophone Protestants and Francophone Roman Catholics respectively. Nevertheless, in the event that changes are being considered, the same principles should be applied.

Language and
confessionality

273. A matter of particular importance for the capital area is that of instruction in the other official language without a concomitant commitment to confessionality. Considerable progress has already been made in both provincial sectors in second-language teaching, but parents who wish to have their children educated completely in the other official language now encounter considerable difficulty in enrolling their children in appropriate schools, because of their religious affiliation. In the Ontario sector, teaching of the second official language is now available in many schools in the earliest grades. But an English-speaking Protestant parent in Ontario wishing to have his child educated in French finds that in addition to paying normal taxes, he must also pay a monthly tuition fee to have his child enrolled in a French-language elementary school. Also, French-language elementary schools must of necessity restrict enrolment of Anglophone pupils to prevent interference with the progress of Francophone students, thus presenting another barrier even if the additional fee is not a deterrent to Anglophone parents. Similarly, some Francophone Protestants and others who desire for their children a secular education in their own language find that no public school is available giving instruction in French. In

the Quebec sector similar barriers no longer exist. All parents have the option of having their children educated completely in French.¹

274. The special role and needs of the federal capital of the future will require fluently bilingual people, and school boards in the region should be prepared to make special efforts in this regard. Therefore, we recommend that the province of Ontario and the local school boards concerned examine the possibilities of offering educational opportunities where instruction is given in the second language in the federal capital area, without religious and financial restrictions upon those parents wishing to have their children educated in the other official language. Among the possible solutions in Ontario would be to have the present separate school boards, which have the necessary teachers and texts, operate special non-confessional schools or classes, with the public school boards underwriting the cost through a transfer of funds on a per pupil basis.

Recommendation
13

275. Our last area of concern is with the availability of post-secondary training in the capital area. As we pointed out in Book II, an expansion of opportunities for post-secondary training given in the French language is desirable. The number of degree programmes offered, particularly in the University of Ottawa, should be expanded,² and there is considerable need for an expansion of courses in the technical colleges.³ At this level, where there is substantially more student mobility, there is a great need for more interprovincial co-operation and co-ordination in such matters as admission requirements, programme development, and student financial aid in order that the provincial boundary does not act as an artificial barrier to either Francophone or Anglophone students who wish to attend an institution in a province of which they are not residents. As well, increased co-operation would be most desirable in teacher-training programmes and certification requirements in order to tackle the problem of teacher shortages in such specialized aspects as teaching of the second official language and particularly in French-language instruction in Ontario.

Post-secondary
education

3. *Mass media, cultural activities, economic life, and professional services*

276. In the mass media and cultural activities in the capital area, both linguistic communities have their own structures and institutions, developing from their respective traditions and serving the two communities to the extent that these traditions and their resources permit. There

¹S.Q. 1969, c. 9—a Bill to promote the French language in Quebec.

²See *Report of the Royal Commission on Bilingualism and Biculturalism*, II, § 473.

³Paul A. Comeau, "Franco-Ontarians and Algonquin College" (mimeographed, Ottawa, 1969). Recommendations in this survey have recently been adopted by Algonquin College, which has accordingly expanded its programme.

are two main aspects to be considered. The first is the extent to which these institutions serve the respective linguistic communities. The second is the relation between the two communities, the ways in which they interact and the ways in which the mass media and cultural activities may provide opportunities for better mutual understanding.

Recommendation
14

277. In the first of these, both language communities are basically well served in the capital region. We have mentioned earlier the need for appropriate linguistic services to the public in the major cultural institutions in the region, and re-emphasize this as an important part of ensuring equal service to the two linguistic communities. Beyond this, however, certain disparities still exist, reflecting the basic differences in the resources available in the two sectors. Specifically, the availability of mass media outlets broadcasting in the French language has been more limited than those broadcasting in English. Given the importance of the mass media now and in the future, this is a matter requiring continuous attention. Consequently, **we recommend that the Canadian Radio and Television Commission, in granting future licences and renewing licences presently held, give priority to the principle of linguistic equality in the federal capital area.**

Cultural activities

278. The arts and letters and the mass media also can play a most important part in furthering mutual awareness, knowledge, and understanding between the two linguistic communities. Their potential significance needs no elaboration, but the ways in which this potential can be fulfilled merit consideration.

279. The population of the capital area includes significant Franco-phone and Anglophone communities and the two main linguistic and cultural traditions of Canada come together in daily life. As well, Canadians from all parts of the country visit the capital because it is the capital, or in many cases live there for portions of their lives because it is the centre of Canada's federal political life. Visitors from other countries, often in Ottawa either to represent their governments or to transact their own affairs with the federal government, bring an added dimension of potential vitality and, at the same time, impose a special necessity that the capital truly represent the country. For these reasons, the capital area presents both a special challenge and an opportunity for the expressive arts.

280. Perhaps most important is the necessity that those who are engaged in these activities be sensitive to the existing opportunities. There are many means available, ranging from better coverage of the two communities by the mass media to joint activities in the various arts and letters. A continued evolution in attitudes and approach, and an increased awareness of what can be achieved in response to the special character of the capital area, could result in substantial

progress. Recent developments, both in federal institutions and in much of the activity that might be characterized as more local, are encouraging in this regard.

281. It is evident that in the day-to-day economic life of the capital area, the private and public sectors are interrelated, and that the public sector exerts quite a strong influence on the private. Our research on the private sector in the capital area was not as extensive as the work we did concerning public institutions, but it did reveal a number of changes that could be made. We make no formal recommendations here; rather we intend to discuss areas of concern and suggest measures we feel could be undertaken for the improvement of the linguistic capacity of private institutions.

Economic life

282. Our research showed that in economic and professional services in the capital area, English is the predominant language; such services are almost universally available in English, but far from universally available in French. In many cases investigated, service in French was obtainable, but only after some persistence on the part of the client and often through calling in another, bilingual, staff person. In important aspects of daily life, shopping, and professional services, members of the Francophone community must often make an extra effort in order to obtain services at all, and if they wish to obtain them in their own language they may encounter real difficulty.

Predominance of English

283. As with public services, the private sector should make every effort to recognize and accommodate linguistic duality in the capital region. Again, there are small but important measures that can be adopted quickly without great expense or trouble but that can be of great symbolic and some practical effect. These include, as before, listings in French as well as English in telephone directories, increased bilingual capacity among staff who meet the public on the telephone or in person, and, in larger organizations, institutionalized arrangements ensuring that both Francophone and Anglophone clientele can receive service in their own language. These measures, of course, are relatively minor and easy to implement; nevertheless they are important aspects of everyday life and warrant the continued attention of those involved.

Suggested changes

284. Over the longer term, more systematic steps should be taken. Deliberate arrangements could be made to take advantage of linguistic skills already available in many organizations, and recruiting policies could be adjusted to a more specific orientation of providing service to the public in both French and English wherever a potential demand exists. Also in this stage, we see the possibility of increasing numbers of people in the local labour market whose preferred language of work will be French, as a result of educational changes already under

way in the area. Larger firms who employ substantial numbers of persons should increasingly consider this point in their personnel and work policies and practices, and make provision for it. Working in the French language in the private sector is a natural concomitant of a federal capital where full linguistic equality exists and where, in the public sector, Francophones will increasingly be able to work in their own language.

285. In this connection, public authorities should provide as much specialized assistance as possible, for instance, by making available to the private sector glossaries of technical terms devised for the federal Public Service and by co-operating in specialized language courses in certain technical areas.

4. Economic disparities in the capital area

286. In forming the various sections of our *Report* we have constantly been brought to face the hard world of socio-economic realities. A catalogue of linguistic rights may be drawn up but, in the end, to give someone the right to live and work in his own language without at the same time being concerned with the quality of the life he leads in this language is to substitute a narrow formalism for a realistic solution to the problems of a bicultural country. Thus in this section we must turn to consider economic inequalities in various parts of the capital area.

287. Indeed, the concept that the capital area should be a place where a free choice of residence prevails requires that the economic position of the various municipalities be considered. As long as some of the area's towns continue to be better off than others, the range and quality of services available will vary from one part of the capital to another. Moreover, the municipalities that are more favoured are likely to retain their lead as they continue to attract the lion's share of new residents and new industries and thus to expand their tax base at the expense of the less fortunate cities and towns.

Differences in
average income

288. As a rough measure of the present state of relative prosperity in the capital, the average earnings in the area municipalities may be compared (Table 7). In 1961 the average labour income of male wage-earners in the whole metropolitan area was \$4,407. Two of the five Ontario municipalities fell below this level; both had a high proportion of their population of French mother tongue. In only one of the eight Quebec municipalities did the average earnings rise above the average for the metropolitan area; this was the Quebec municipality with the highest proportion of the population having English as mother tongue. In short, Quebec municipalities were disadvantaged in com-

Table 7. Male Labour Income and Mother Tongue

Average earnings of male wage earners, 15 years and over, and proportion of population of French mother tongue, by municipality—Ottawa metropolitan census area, 1961

	Average annual earnings	Percentage of French mother tongue
Ottawa metropolitan census area	\$4,407	37.7
Rockcliffe Park, Ont.	8,326	10.4
Nepean, Ont.	5,302	3.8
Ottawa, Ont.	4,651	21.2
Lucerne, P.Q.	4,496	45.1
Gloucester, Ont.	4,049	39.6
Eastview, Ont. (now Vanier)	3,913	61.0
Gatineau, P.Q.	3,804	87.1
Aylmer, P.Q.	3,705	56.0
Hull, P.Q.	3,530	90.2
Pointe-Gatineau, P.Q.	3,375	96.4
Templeton, P.Q.	3,087	85.2
Deschênes, P.Q.	3,047	68.0
West Templeton, P.Q.	2,843	61.9

Source: Census of Canada, 1961, Cats. 92-549 and 95-528.

parison with those in the Ontario sector, and municipalities with high concentrations of Francophones were disadvantaged in comparison with those that were mainly English-speaking.

289. This situation is certainly not the result of factors arising in the capital area alone. The whole of western Quebec is underdeveloped in relation to most parts of the province. However, factors specific to the capital can also be identified, and in many of these the government of Canada is far from a disinterested bystander. In the following paragraphs we shall examine the part the federal government has played in contributing to the existing disparities and the part it could play in helping remedy them. That it has an immediate interest in so doing seems evident. The current state of economic imbalance in the capital area is scarcely a good advertisement for Canada and represents an important aspect of inequality between the linguistic groups.

290. For both the Quebec and Ontario sectors of the capital area to have equal access to the opportunities, services, and amenities available in the metropolitan area, continued development and improvement of existing roads and bridges will be necessary. While we do not wish to make specific recommendations about these practical aspects

Transportation
and
communications

because so many factors outside our terms of reference are necessarily involved, we do wish to point out that from the perspective of a more equal partnership in the capital area they are of great potential importance. Both public transit systems and roads and bridges are necessary elements in the infrastructure for future development of the region. In addition they will play a key part in the integration of the capital area through facilitating communication between its two sectors.

Recommendation
15

291. Two examples will perhaps make this point clearer. In the federal capital area at this time, both the airport and the railway terminus are located to the south of the city of Ottawa. While the reasons—both historical and contemporary—for the decisions that resulted in these locations are doubtless valid, one consequence is that residents of the region who live in the Quebec sector are relatively inconvenienced. We do not by any means wish to suggest a relocation of either of these services, but merely use them as illustrations of the way in which such arrangements, however valid on their own merits, can have an impact on choice of residence. Improvements in this field most probably lie in the rapid transit systems of tomorrow. However, **we recommend that the question of convenient access to transportation and communication services for the various parts of the capital area be given greater consideration in the future by the federal government and provinces of Ontario and Quebec.** Only in this way can certain disparities between the two sectors be overcome, and real freedom of choice of residence made meaningful in the capital area.

Government
buildings

292. Another important factor in the economy of the region is the location of federal buildings. In the capital area, the federal government is the largest industry, the largest employer, and the largest landowner. Decisions about the location of federal buildings of all kinds will therefore have a strong effect on choice of residence and transportation patterns. As outlined in Chapter IV, the preponderance of federal buildings, both leased and owned, in the Ontario sector is overwhelming; moreover, the imbalance between the Ontario and Quebec sectors appears to have increased in recent years.

293. Of course, many factors are involved in deciding upon the location of buildings. For this reason, a simple quota system for the various municipalities in the federal area is not appropriate, nor is any particular formula for future investment. Furthermore, the present imbalance cannot be swiftly corrected, given the scope of capital investment that would be required. Nevertheless, the importance of the symbolic and practical value of locating a greater number of federal buildings in the Quebec sector must be stressed. Not only would much be achieved in terms of equalizing access to federal services for citizens of the region

and employees who may work in these buildings, but the physical presence of more federal buildings in the Quebec sector would provide tangible evidence of the development of a genuinely integrated capital area.

294. Recent statements by federal ministers form encouraging evidence that the importance of this aspect is now well understood. The recently announced government policy is aimed at eliminating the disparities in the capital area over the next 25 years.¹ However, until the regional disparities are actually removed, **we recommend that any future planning for investment in federally owned or leased buildings in the capital area include a programme specifically aimed at correcting the present imbalance between the Ontario and Quebec sectors.**

Recommendation
16

295. Linked to the distribution of government buildings are the federal grants paid in lieu of municipal taxes. As pointed out above, the municipal grants system takes each municipality individually without reference to its neighbours. Thus arises the situation in the capital whereby one city, Ottawa, receives nine out of ten federal tax dollars coming into the area, while the adjoining municipalities must divide the rest among themselves. We concluded earlier that "these payments have made possible a standard of services in the city of Ottawa that less-favoured municipalities in the area simply cannot match."²

Federal grants and
taxes

296. With the exception of some payments made directly to school boards in the Quebec sector, federal grants in lieu of taxes go to the municipality and are spent as the municipality decides. Some of this money is employed for services the municipality provides to federal building—water supply, sewage disposal, and the like. However, local taxes are also expended on general municipal services such as schools, welfare, and roads. Since the federal grants are largely calculated on the same basis as the municipal rates—taxable property—federal grants in lieu of taxes are spent both to provide services to federal property and to provide services to the wider community.

297. While the continued dispersal of government buildings will do something to alleviate this disproportion, the existing concentration within the city of Ottawa is such as to make for an uneven distribution of grants for the foreseeable future. This concentration, moreover, is so pronounced that, whereas in other metropolitan areas differences in payments to surrounding municipalities may occur, nowhere else is there a comparable concentration of federal government activity on the scale of that found in the capital. There is thus some grounds for treating the Ottawa area as a special case.

¹Statement by the Hon. Jean Marchand, minister of Regional Economic Expansion, Canada, House of Commons, *Debates*, May 29, 1969, 1st session, 9203-5.

²See § 164.

298. This is a matter requiring detailed study. Again, because of the complexities inherent in taxation policies and practices, and because factors outside our terms of reference are necessarily involved, we have no specific recommendations to make. Rather we wish to point out the implications of taxation policies for the equalization of services throughout the capital area. In allocating the proportion of federal moneys devoted to community services among the municipalities of the Ottawa metropolitan area, consideration must be given to this question.

Conclusion 299. In conclusion we can only reiterate the importance of a better balanced economic situation throughout the capital area. The present disparities, coinciding largely with linguistic divisions, are a serious threat to the idea of an integrated capital area. Moreover, there can be no doubt the citizens of the less-advantaged municipalities feel acutely the injustice of their situation. The federal government through its construction and financial policies can take some important steps in remedying the current imbalance, but the co-operation of the provincial and municipal authorities will also be required.

C. Co-ordinating the Programme: A Tripartite Agency

Recommendation 17 300. The measures we have recommended will require co-operation and co-ordination of effort and activity among all levels of government. To ensure that such co-operation and co-ordination take place, **we recommend that the federal government and the provinces of Quebec and Ontario establish a specific advisory Tripartite Agency to be charged with the responsibility for detailing co-ordination of the programme we have outlined for the federal capital area.** While the precise format to be developed for this Agency will be a matter of negotiation among the three governments named in the recommendation, with those municipalities directly affected participating in the discussions, a number of observations are possible at this stage.

Jurisdiction of the Tripartite Agency 301. This Agency would have no jurisdiction beyond that assigned it through the mutual assent of the three governments. We envisage no changes in jurisdiction or territory at the outset. But we do place considerable emphasis on an enhanced and strengthened role for the federal government, whose authority in this respect has been recently clarified by the Supreme Court of Canada.¹ In proposing a new agency we do not intend to lessen federal responsibility and initiative. We seek rather to make possible a co-ordinating of plans where jurisdiction

¹*Munro v. National Capital Commission, Canada Law Reports, Supreme Court of Canada, S.C.R. 1966, Part VIII, 663.*

is divided or uncertain to ensure the widest possible acceptance of federal proposals and to lay the basis for joint action where it may seem appropriate to delegate particular functions to the Agency. Most important, we feel it essential that there be greater co-ordination between the federal and provincial governments in planning the development of the region as a whole. Thus it is imperative that the three governments work co-operatively from the outset in establishing the Agency, which would be brought into being through a tripartite agreement spelling out its powers, functions, and procedures. Some introductory steps have already been taken in this direction, with a tripartite intergovernmental committee (Ontario, Quebec, and federal governments) formed in 1968. However, we feel that the symbolic and practical importance of the capital area warrants more substantial action. For this reason, we are recommending that a formal advisory agency be created, if necessary through the passing of concurrent legislation in the three legislative bodies concerned, but certainly with clear and mutually agreed responsibility to advise on the development of the area.

302. An important first step, naturally, is agreement on the geographic boundaries of the area that is to be the subject of this co-operative effort. A variety of factors will shape final decisions, many of which lie outside our immediate concern. Considerable progress has already been made by the respective provinces in demarcating the logical boundaries for socio-economic and administrative development in their sectors, and little difficulty should be encountered in reaching agreement on the overall area in which the Agency we propose should play its part. It can be anticipated that each of the provinces, from their experience and expertise with local government, will be able to delineate clearly the territorial limits they feel most advantageous in their sector. Equally important will be careful assessment by the federal government of the territories in both provincial sectors in which it should play a role, either through a direct concern with the populace as a major employer or as the level of government concerned with equitable development throughout the region and with the broader goal of developing a capital region appropriate to Canada.

Geographic
boundaries

303. Two other questions arise immediately. First, what of the other provincial governments, who represent other citizens interested in the capital region of the country? Second, there exists in the capital region a host of local government institutions that have grown up in response to the needs of the region. Shaped by many factors—history, economics, social developments—these institutions represent citizens who have a direct interest in specific developments in the region. How can their myriad interests be taken into account?

Representation

304. Many of the issues involved lie within the direct competence of Ontario and Quebec, but the participation of all Canadians in some aspects of the development of a capital region is both desirable and necessary. Two avenues exist for the expression of the interest of citizens of provinces other than the two whose territorial prerogatives are involved. First, of course, is the federal Parliament; in an important sense, the participation of the federal government in a tripartite instrument would ensure that the interest of all parts of the country are represented. The second vehicle is the Continuing Constitutional Conference, wherein all provincial governments may speak for their people on those aspects of proposed development of common interest to all Canadians. To these could be added a third: as concrete developments occur and the new Agency becomes operational, a variety of consultative committees could be established, to which all provinces could make appointments, on particular areas of concern such as cultural developments, architecture and design, transportation, and urban development. Successful precedents for such arrangements exist in Canada, most notably in the centennial celebrations and Expo 67. In short, we do not anticipate serious difficulty in meeting two important objectives—representation and participation for all parts of the country—either through formal government institutions or through additional consultative mechanisms.

305. Local participation and representation present a more difficult problem in the long run. A federal region is an abstract concept, which must achieve concrete administrative application. Local institutions are engaged every day in that concrete application. The interests and rights of local residents must be protected and built into any developments aimed at bringing the concept into being. We rely on the provincial governments, which have constitutional jurisdiction over local institutions, to protect the principles involved, and we feel certain that increased federal participation can be accomplished successfully without jeopardy to these principles.

306. The structure and functions of the Agency must be decided in detail by the parties concerned. Political realities and developments in related fields will, in the final analysis, decide many of the issues raised here, but there are certain general observations our research and analysis equip us to make.

307. As noted above, the paramount structural question is ensuring adequate representation of the various interests involved on the policy-making body of the Tripartite Agency. Ultimately perhaps, its members could be elected by the populations directly concerned. However, a major difficulty arises at the outset from the disparity in population in the two sectors as well as the imbalance between Francophones and

Anglophones in the whole region. This and other practical obstacles suggest that popular elections are impractical in the early stages, and early establishment of the Agency must take precedence. The first members to the policy body in the Agency could be appointed by the federal, Ontario, and Quebec governments respectively, with the provincial appointees being selected through consultation with local bodies concerned. Local government institutions, which are evolving rapidly in both sectors of the region, would continue to play an important role, and as new structures evolve, the long-term goal of electing members may well be achieved.

308. We propose that the operating costs of the Agency be shared by the three governments. These costs would not be large at the outset; the major requirement would be for a small secretariat to provide the necessary technical and administrative services. The Agency initially would be an advisory steering mechanism for co-operative development in the capital region. The relation of existing bodies, such as the National Capital Commission and provincial regional agencies, to the new tripartite planning body will pose some problems; again, these questions must be left to negotiation.

Financing

309. This brings us to the functions. The primary objective must be to provide a mechanism through which the diverse interests and levels of government can be further studied, clarified, refocussed, and co-ordinated towards the development of a capital region appropriate to Canada. Thus, heavy emphasis must be placed first on the accumulation of detailed knowledge about the region. Much has been done: our research provides much useful information on the linguistic, cultural, and socio-economic character of the region; the NCC has impressive amounts of information on resources and infrastructure. The two provinces, in moving towards regional administration, have accumulated much insight and information about the territories and peoples under their jurisdiction; and local governments know well their own resources and problems. What is required is a new synthesis of these, and the Agency we propose would have as a first priority steps in this direction.

Functions

310. A second immediate emphasis will then be on the sharing of information about programmes intended by each of the three governments in their respective jurisdictions, and on efforts at ensuring co-ordination and meshing of these. This will be a complex and, no doubt, occasionally frustrating process, for all levels of government in the region are involved in complex and costly practical programmes. Yet a start must be made and a co-operative approach provides the only realistic avenue.

311. Certain activities directly involving language considerations should also be immediate concerns for the Agency. Many aspects of the linguistic and cultural development touched on in this *Report* require further study. As the various governments involved continue to take steps aimed at the orderly development of the capital area, new problems and opportunities will emerge. At the outset, the Agency we propose would not operate as an executive agency of the governments involved, responsible for programmes. Each government would continue within its own jurisdiction as it saw fit. Rather the Tripartite Agency is intended initially as a mechanism to advise on co-ordinated development, and as such would require only technical competence in the planning field.

Powers and responsibilities

312. But "co-ordination" is more than co-operative planning. Certain specific powers may be required to resolve conflicting points of view in the interests of the whole, and to enable the Agency to carry out its mandate for planning and co-ordination. We cannot specify in advance what powers may be required. Again, this is a question best left to negotiation and mutual consent among the governments concerned, and to development in the future as experience accumulates.

313. Certain administrative functions, however, seem appropriate for the Agency in the very near future. An early responsibility could be that for standardizing road signs throughout the region, a simple yet symbolically important aspect of daily life. Likewise, co-ordinated promotion of the region—both tourist and industrial—could become an immediate responsibility. This would not include such aspects as tax incentives and municipal services, but rather the provision of data, publicity, and personal services. Finally, the co-ordination of educational facilities and opportunities might be included in the fairly near future.

314. As well, the Agency might move quite quickly towards assumption of responsibilities which, while not primarily involving languages, are related to the development of both parts of the region on a more equal basis. For example, in the field of local transportation, some responsibilities for integrating and co-ordinating existing systems might be devolved to the Agency, even though the basic responsibility for capital and operating expenses might remain where it is for some time to come. Similarly, urban development and economic expansion might well come within the purview of the Agency, again with the main emphasis on planning and co-ordination, while leaving execution or implementation to the appropriate authorities.

An evolutionary process

315. We expect that an evolutionary process would occur through this Agency. In the immediate future, the objective would be co-ordination of developmental programmes. In the second stage, the

three governments might progressively delegate certain specific executive and administrative responsibilities on a provisional basis and, as experience and confidence accumulated, might extend these to include all aspects of regional administration that would be most appropriately handled on a regional basis. In the final stage, the Agency might be delegated quasi-autonomous jurisdiction over activities in which it had proven competent and effective.

Other aspects

316. Such an agency would also have other important though less specific functions. It would provide a forum for continuous discussion among the three governments of future long-term developments. Related to this, it would provide a focus for public discussion of the long-term possibilities. Whatever may be the long-run development of a Capital Territory, a formal advisory mechanism could contribute much to the kind of development we feel desirable in the present capital area.

D. Conclusion

317. This Book is based on two simple premises. The first is that Canada requires special arrangements to ensure that its capital region adequately reflects the nature of the country. The second is that the federal government must assume a greater role in bringing about these arrangements simply because it is the only level of government whose constituency is the entire country. To this end, we have proposed both specific measures to be taken by the federal and provincial governments and an advisory mechanism to encourage co-ordination in the planning of developments in the region.

318. Action should begin and continue in the development of a capital region where linguistic equality prevails. To this end, we have spelled out specific areas where steps must be taken and we have made a number of recommendations. In addition, because of the demographic and jurisdictional complexity within the capital region, we have recommended the formation of a Tripartite Agency to advise the governments involved in the implementation of these steps. Taken together, both kinds of recommendations provide the elements of a workable approach to the development of a capital region appropriate to the Canadian context.

- 1. We recommend, for the present federal capital and areas to be designated as part thereof, that the French and English languages have full equality of status, and that the full range of services and facilities provided to the public be available in both languages throughout the area. (§ 144.)**
- 2. We recommend that the federal government assume a direct, positive role in promoting equal partnership in all its aspects between Francophones and Anglophones in the present federal capital and in areas to be designated as part thereof. (§ 192.)**
- 3. We recommend that all external and internal signs on all buildings under the control of the department of Public Works in the capital area be made bilingual within two years. (§ 207.)**
- 4. We recommend that all rental contracts for federally leased buildings or parts of buildings in the capital area have a clause containing appropriate provisions for language use on the part of the lessor and his employees or agents, including bilingual internal and external signs on the building itself and provision of services in French and English by elevator operators, commissionaires, and other personnel in contact with the public or with public servants. (§ 212.)**
- 5. We recommend that federal grants-in-aid (including National Capital Commission grants) to municipal or provincial public works projects in the capital area be given subject to an under-**


taking that appropriate recognition of the two official languages be observed on the project when completed. (§ 214.)

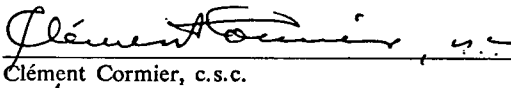
6. We recommend that, in all activities of federal agencies in the capital area, services in French be freely and publicly offered on the same basis as services in English, and not merely be made available exceptionally or on request. (§ 216.)
7. We recommend that Ontario and Quebec accept in principle that all provincial services provided in their respective sectors of the federal capital and all services provided by the provincial capitals to residents in the federal capital area be available in French or English at the option of the individual citizen, and that this linguistic provision become a right guaranteed by provincial statute. (§ 218.)
8. We recommend that the full range of municipal services be provided in French and English in the capital area and that this be guaranteed by provincial statute. (§ 236.)
9. We recommend that the full range of regional government services be provided in French and English in the capital area and that this be guaranteed by provincial statute. (§ 242.)
10. We recommend that immediate provisions be made by the province of Ontario to extend the use of the French language in the courts that sit in the Ontario sector of the federal capital area. (§ 249.)
11. We recommend that all French-language elementary schools in Carleton county be placed under the jurisdiction of the Ottawa Roman Catholic Separate School Board. (§ 268.)
12. We recommend that all French-language secondary schools in Carleton county be placed under the jurisdiction of the present Ottawa Board of Education. (§ 268.)
13. We recommend that the province of Ontario and the local school boards concerned examine the possibilities of offering educational opportunities where instruction is given in the second language in the federal capital area, without religious and financial restrictions upon those parents wishing to have their children educated in the other official language. (§ 274.)

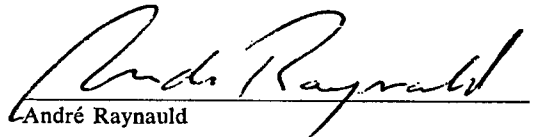
- 14. We recommend that the Canadian Radio and Television Commission, in granting future licences and renewing licences presently held, give priority to the principle of linguistic equality in the federal capital area. (§ 277.)**
- 15. We recommend that the question of convenient access to transportation and communication services for the various parts of the capital area be given greater consideration in the future by the federal government and the provinces of Ontario and Quebec. (§ 291.)**
- 16. We recommend that any future planning for investment in federally owned or leased buildings in the capital area include a programme specifically aimed at correcting the present imbalance between the Ontario and Quebec sectors. (§ 294.)**
- 17. We recommend that the federal government and the provinces of Quebec and Ontario establish a specific advisory Tripartite Agency to be charged with the responsibility for detailing co-ordination of the programme we have outlined for the federal capital area. (§ 300.)**

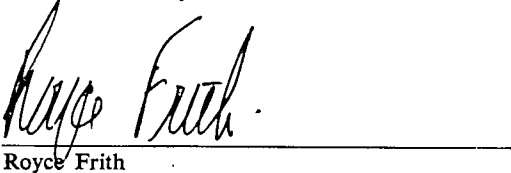
ALL OF WHICH WE RESPECTFULLY SUBMIT FOR
YOUR EXCELLENCY'S CONSIDERATION

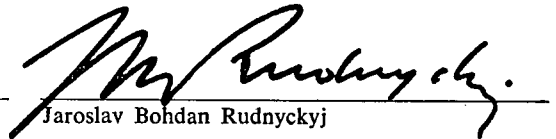

Jean-Louis Gagnon

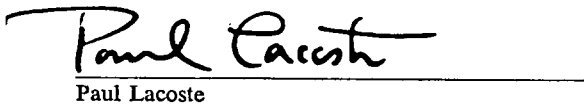

A. Davidson Dunton


Clément Cormier, c.s.c.

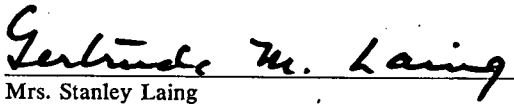

André Raynauld


Royce Frith


Jaroslav Bohdan Rudnycky

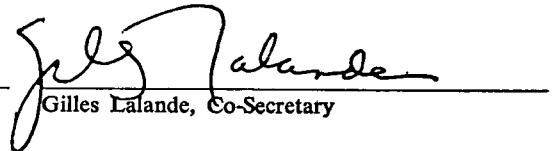

Paul Lacoste

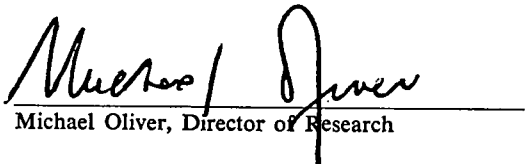

F. R. Scott

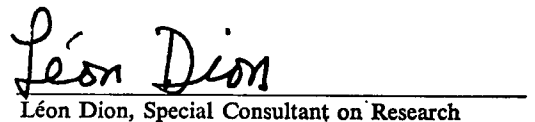

Mrs. Stanley Laing


Paul Wyczynski


Peter C. Findlay, Co-Secretary


Gilles Lalande, Co-Secretary


Michael Oliver, Director of Research


Léon Dion, Special Consultant on Research

February 14, 1970

P.C. 1963-1106

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council approved by His Excellency the Governor General on the 19th July, 1963.

The Committee of the Privy Council, on the recommendation of the Right Honourable L. B. Pearson, the Prime Minister, advise that

André Laurendeau,¹ Montreal, P.Q.
Davidson Dunton, Ottawa, Ont.
Rev. Clément Cormier, Moncton, N.B.
Royce Frith, Toronto, Ont.
Jean-Louis Gagnon, Montreal, P.Q.
Mrs. Stanley Laing, Calgary, Alta.
Jean Marchand,² Quebec City, P.Q.
Jaroslav Bodhan Rudnyckyj, Winnipeg, Man.
Frank Scott, Montreal, P.Q.
Paul Wyczynski, Ottawa, Ont.

be appointed Commissioners under Part I of the Inquiries Act to inquire into and report upon the existing state of bilingualism and biculturalism in Canada and to recommend what steps should be taken to develop the Canadian Confederation on the basis of an equal partnership between the two founding races, taking into account the contribution made by the other ethnic groups to the cultural enrichment of Canada and the measures that should be taken to safeguard that contribution; and in particular

¹ André Laurendeau died on June 1, 1968. On October 8, 1968, Jean-Louis Gagnon was appointed Co-Chairman and André Raynauld was appointed a member of the Commission.

² The resignation of Jean Marchand from the Commission was accepted on September 21, 1965. On November 22 of that year Paul Lacoste, formerly one of the Co-Secretaries of the Commission, was appointed to fill the vacancy created by M. Marchand's resignation. On May 1, 1966, Prof. Gilles Lalonde of the University of Montreal was appointed Co-Secretary.

1. to report upon the situation and practice of bilingualism within all branches and agencies of the federal administration—including Crown corporations—and in their communications with the public and to make recommendations designed to ensure the bilingual and basically bicultural character of the federal administration;

2. to report on the role of public and private organizations, including the mass communications media, in promoting bilingualism, better cultural relations and a more widespread appreciation of the basically bicultural character of our country and of the subsequent contribution made by the other cultures; and to recommend what should be done to improve that role; and

3. having regard to the fact that constitutional jurisdiction over education is vested in the provinces, to discuss with the provincial governments the opportunities available to Canadians to learn the English and French languages and to recommend what could be done to enable Canadians to become bilingual.

The Committee further advise:

- (a) that the Commissioners be authorized to exercise all the powers conferred upon them by section 11 of the Inquiries Act and be assisted to the fullest extent by Government departments and agencies;
- (b) that the Commissioners adopt such procedures and methods as they may from time to time deem expedient for the proper conduct of the inquiry and sit at such times and at such places as they may decide from time to time;
- (c) that the Commissioners be authorized to engage the services of such counsel, staff and technical advisers as they may require at rates of remuneration and reimbursement to be approved by the Treasury Board;
- (d) that the Commissioners report to the Governor in Council with all reasonable despatch, and file with the Dominion Archivist the papers and records of the Commission as soon as reasonably may be after the conclusion of the inquiry.
- (e) that André Laurendeau and Davidson Dunton be co-Chairmen of the Commission and André Laurendeau be Chief Executive Officer thereof.

R. G. ROBERTSON

Clerk of the Privy Council

We did not ourselves undertake any systematic research on public attitudes towards the federal capital. During our extensive research on other aspects of the capital, however, a good deal of attitudinal material came to our attention. Among the earliest suggestions from the public was the question of a federal capital district that would be officially bilingual, and further comment on this topic was invited at the Preliminary Hearings in Ottawa on November 7, 1963. After that date the federal capital was a fairly frequent topic of comment, both at the informal hearings held at various Canadian centres and in the formal briefs.

The briefs that mentioned the capital were all but unanimous on one point: Canada should have a "bilingual" or "bicultural" or "neutral" capital where Francophones and Anglophones can meet on a basis of complete equality. Some briefs made the point in a more negative way by deploring existing linguistic arrangements in the capital. In any case, the briefs showed as high a degree of consensus on this point as on any issue that has been before us. It is perhaps worth noting that certain briefs which argued for more restricted linguistic rights for official-language minorities than those we have recommended nevertheless supported the principle of equal linguistic rights in the capital itself.

Of the briefs that mentioned the capital, some asked for an officially bilingual capital—a "show-case," a "joint venture" of Francophones and Anglophones, and similar phrases were used—

without any further indication as to how this should be arranged; others merely criticized existing linguistic practices in Ottawa. A number called for some form of federal district, and others, without using the term, called for the capital to become an autonomous area independent of the provinces; two briefs expressed opposition to a federal district, and two others advocated provincial or "city-state" status for the capital area. Of the remaining briefs, several suggested basically a variety of specific reforms within the existing constitutional jurisdiction—though here also a federal district reappeared in two briefs as a possible solution, to be achieved either by long-run evolution, or as an alternative in the event that intergovernmental co-operation proved unsuccessful. One brief defended existing arrangements and opposed change.

Three of the organizations that presented briefs reported the opinions of their membership on the question of an autonomous federal district. Of 353 members of the Association des femmes diplômées des universités, 75 per cent were favourable, 12 per cent were opposed, and 13 per cent gave no opinion. Francophone members were 157 in favour to 5 against; Anglophone members were 107 in favour and 38 against.

The New Democratic Party of Ontario put this question and others to all members of its Provincial Council and also sent the questionnaire to all riding associations. Of 213 replies received, 61 per cent favoured a federal capital district,

27 per cent were against it, and 11 per cent gave no opinion. The Provincial Council favoured a federal district by 27 to 5, with one uncertain; the mailed-in replies were 103 in favour to 53 against, with 23 giving no opinion.

A third organization, La fédération des collèges classiques, sought the opinions of its member institutions on a "neutral" federal capital removed from the provinces. Of the 50 replies received, 46 were in favour, 3 were against, and one gave no opinion.

It might, of course, be argued that those presenting briefs to us were a somewhat unrepresentative segment of opinion in that they may have viewed the federal capital primarily from the perspective of our own terms of reference—particularly from the standpoint of equal partnership. For this reason, although we did not ourselves undertake systematic research on attitudes, we have noted with some care whatever evidence became available from outside sources. In this way we obtained results from four local surveys, of which three refer to the Ontario sector and one to the Quebec sector.

The three surveys in the Ontario sector all date from 1967. The first, conducted by two faculty members of Carleton University, Professors J. Scanlon and R. March, in January 1967, was based on a sample of 80 persons from the Ontario sector of the Ottawa metropolitan census area. Although the sample is small, this was the only survey designed to cover most of the population in the Ontario sector. It asked first for preferences as to the form of government for Ottawa, and later a second, direct question: "Are you in favour of turning the national capital area into a federal district?"

The second survey, conducted by Mr. A. B. R. Lawrence, M.L.A. for Carleton East, in his own constituency in March 1967, was a mailed questionnaire in English and French to 14,000 constituents, of whom about 2,000 replied. Its categories were similar to those of the first Scanlon-March question, and the results for both surveys have been tabulated in Table A-1. It might be noted that the Ontario government's proposal for a regional government in the Ontario sector of the capital area was officially announced on February 1, 1967, between the two surveys; this may account in some degree for the higher support for regional government in the following month. In the Lawrence survey it was reported that the response patterns of returns completed in English and in French were broadly similar, with a somewhat greater interest in a federal district discernible among the returns in French.

The third survey was conducted in November 1967 by the Hon. R. A. Bell, M.P. for Carleton and candidate for the altered federal riding of Grenville-Carleton, among the residents of those areas. A questionnaire on several issues of public policy was mailed to 58,000 electors, and 7,000 replies were received. In this survey, respondents were asked whether they approved or disapproved of specific propositions, so that the result on the federal district issue may be compared with the second Scanlon-March question (see Table A-2).

The only survey to date in the Quebec sector has been one conducted in May and June 1969 by the municipality of Lucerne. It also was in the form of a mailed questionnaire sent out to 3,000 ratepayers, of whom 516 returned replies up to July. This inquiry focussed only upon the preferred system of municipal government, mentioning a federal district and two forms of

Table A-1. Preferences as to a Form of Government for the Ottawa Area (Percentages)

Survey	Sample (number)	Federal district	Eleventh province	Regional or metropolitan government	City to annex suburbs	No change ¹	Other and no opinion	Total
Scanlon-March	80	40	0	13	1	23	23	100
Lawrence	2,000	27	4	30	10	10	19	100

¹ The Scanlon-March Survey stated: "retain present Board of Control."

regional government as alternatives to the present system. Of the replies received, 71 per cent favoured a federal district, 27 per cent favoured one or other form of regional government, and 2 per cent supported the present system (Table A-3).

Apart from being the most recent sampling of local opinion, the Lucerne survey is also interesting because it asked respondents whether they considered themselves to be of English or French "culture." Many respondents wrote in "both" or simply "Canadian" or "other" to this question. As was the case with the Lawrence survey in the Ontario sector, there appears to be some tendency for the minority (those of "English culture" in this case) to be more favourable to a federal district. Nevertheless, the clear majority in favour of a federal district in every group is striking.

All these surveys are open to criticism on certain technical grounds. None covers the whole metropolitan area. We have as yet no completely reliable evidence as to the form of government preferred by the entire population of the capital area. Yet, even allowing for a certain margin of error, all the surveys suggest strongly that some form of federal district for the capital is a realistic and preferred form of government for a far from negligible proportion of the local population *even at the present time.*

In the next Appendix, some of the arrangements that might be appropriate for the governing of a capital territory based on a mature concept of equal partnership are discussed. Their adoption as a programme for the immediate future has not been proposed; in our judgement certain more immediate and practical improvements could come

Table A-2. Should the National Capital Area Become a Federal District? (Percentages)

Survey	Sample (number)	Approve	Disapprove	No opinion or don't know	Total
Scanlon-March	80	50	40	10	100
Bell	7,000	44	24	32	100

Table A-3. Lucerne Survey: Preferences as to the Form of Government for the Federal Capital Area (Percentages)

Group	Sample (number)	Federal district without provincial jurisdiction	Regional municipality and provincial planning corporation	Regional municipality and joint federal-provincial- municipal planning corporation	Status quo	Total
"English culture"	222	86	2	11	1	100
"French culture"	137	68	8	22	2	100
Others ¹	157	52	24	21	3	100
All groups	516	71	10	17	2	100

Source: Figures supplied by the municipality of Lucerne, July 9, 1969.

¹ Includes English and French, other than English or French, and "Canadian" not otherwise specified.

first. Yet the attitudinal data that we have now suggest that discussion of a Capital Territory is by no means a Utopian exercise. For many residents of the area, the idea exists now. In time, support for it might grow into a broader consensus, particularly if the problems inherent in

establishing it are progressively resolved through rational discussion and negotiation. Present attitudes are closely associated with present institutional arrangements and are an important factor that will ultimately determine what kind of capital Canada will have in the future.

The essence of a Capital Territory may be stated in three points. First, it could entail the establishment of a new jurisdiction over both the Quebec and the Ontario sectors of the area to be designated as the federal capital. For this area, provincial jurisdiction as it exists today would cease. The provinces of Quebec and Ontario, however, might well continue to have some role *within* the new jurisdiction, depending on the form of government to be established. The important thing is that the present provincial level of government would be replaced by a new body more closely fitted to the requirements of the federal capital.

Second, this new jurisdiction would develop a new governmental structure. This structure could carry out many of the functions presently performed by the provinces. For example, it could administer educational systems, oversee municipal affairs in the area, provide welfare services, exercise taxing powers, and so on. But a territorial government would not necessarily have the same list of powers as the provinces, since the special conditions of the federal capital might well require somewhat different arrangements. For example, while a province may amend its own constitution, the power to amend the territorial constitution might be vested in the federal government rather than in the territorial government.

Third, such a territorial government need not stand in the same relation to the federal government as the provinces do. In Canada's federal

system, provinces are autonomous within the jurisdiction allotted to them by the Constitution. The territorial government, while exercising a broad jurisdiction over many of the normal provincial areas of concern, could nevertheless do so subject to limits, guarantees, and general norms established from time to time by the federal government, or through federal-provincial consultation and agreements. To proceed otherwise would be to ignore an important issue basic to this approach: the continuing development of a stronger federal participation in the government of the federal capital.

While the question of a "federal district" has been a frequent topic of discussion in the newspapers and the broadcasting media, and has become even more intensive during the past few years, a good deal of the public discussion has been clouded by emotionalism and false issues. Nevertheless, the real issues should be considered calmly and on their own merits. Therefore, in order to further public understanding and discussion of these issues, some of the more important of them are treated separately in this Appendix in full recognition that the views presented here constitute only a first approach to some extremely complex problems.

From the perspective of bilingualism and biculturalism, the development of a Capital Territory in the long run would be a desirable goal if it can best accomplish the objectives of full equality as our Commission has defined them for the capital area. Some results it might

reasonably be expected to accomplish are the following. It could provide a most effective framework for overcoming the present economic imbalance between the Quebec and Ontario sectors. It could radically alter relations in the area—in particular, relations between members of the majority and the minority. It could afford a better chance for the development of a vigorous, self-reliant Francophone community in the capital area, overcoming the present demographic pattern that divides the Francophone population almost exactly in equal parts on either side of the provincial boundary.

Other reasons beyond this perspective have also been advanced for the creation of a federal district or Capital Territory. Perhaps the most important is that such a structure could enable a more effective implementation of urban and regional planning, and especially of the National Capital Plan of 1950. A new jurisdiction over both the Quebec and Ontario sectors could also facilitate closer co-ordination of municipal and regional services, such as a public transportation system and a co-ordinated network of roads.

However, many detailed questions are involved in working out the possible institutional structure of a Capital Territory, such as territorial boundaries, legislative and financial arrangements, linguistic and cultural guarantees, the relations between civil law and common law, the restructuring of educational systems, and others. Most of these questions would have to be settled through complex and far-ranging negotiations between the federal government and the two "founding provinces" of the Territory—Quebec and Ontario.

As well, there exist at present certain formidable obstacles to the creation of a Capital Territory, upon whose understanding and appropriate resolution the achievement of full equality between Francophones and Anglophones in the capital in great measure depends. The provincial framework, as we noted in Chapter II, is immensely strong in its influence on the outlook and attitudes of residents of the federal capital. Residents in the area therefore tend to view the prospect of a federal Capital Territory in rather different perspectives according to their province of residence. There are corresponding differences

between Quebec and Ontario attitudes among those residents outside the capital area itself.

In the province of Quebec, perhaps the first and most obvious characteristic of prevailing opinion is a massive mistrust of any arrangement that would involve the establishment of any new Anglophone majority. Related to this is a deep-seated fear of assimilation. Those who share these feelings believe that Canadian history to date affords no example whatever of a successful partnership between Francophones and Anglophones on terms of real and lasting equality. Consequently, in the Quebec sector of the capital there are serious apprehensions that the loss of majority status in the area would endanger the linguistic heritage. Moreover, residents of the Quebec sector would seem to have little to gain from a linguistic standpoint in becoming part of a Capital Territory; their language arrangements are basically satisfactory now.

Beneath this basic suspicion of Anglophone majorities undoubtedly lies a strong scepticism as to the probable efficacy of the federal government's linguistic policy in the capital. Francophones in the Quebec sector doubt that linguistic rights can be guaranteed so that they are fully secure, and they want some evidence of success in the present capital area in order to balance the risks of the larger venture against its advantages.

For the Hull area, a Capital Territory also raises the prospect of being integrated more fully into the economic life of the region. Even this arouses some rather justifiable suspicion. The Quebec sector of the capital has suffered from such a delay in economic development that institutional reforms alone are unlikely to change basic attitudes. Indeed, there is no guarantee that a Capital Territory would automatically bring the Quebec sector parity of economic development with the Ontario sector; some deliberate policy to make up for past neglect would seem necessary.

Finally, the creation of a new jurisdiction of any kind for the federal capital raises the question of the territorial integrity of the province of Quebec. The growth of nationalist sentiment since the 1930's and the Privy Council decision in the Labrador case in 1927¹ have made this a highly sensitive issue. Indeed, the present

¹ *Dominion Law Reports*, 1927, Vol. 2; Re Labrador Boundary (Toronto, 1927), 401-29.

functions of the National Capital Commission in the Quebec sector, and particularly the Commission's powers of expropriation, have been the target for much criticism locally. The objective of maintaining Quebec's autonomy as fully as possible over its entire territory has become a central tenet for a wide range of public opinion in the province. To find a formula that reconciles Quebec's territorial integrity with the need for an integrated federal capital is perhaps the central obstacle to be overcome. These and other questions are dealt with in full detail from the Quebec perspective in the *Rapport de la Commission d'étude sur l'intégrité du territoire du Québec*, and solutions based on provincial initiatives are advanced therein.¹

The obstacles on the Ontario side are probably different in both focus and intensity, but they are real nonetheless. The people of Ontario would undoubtedly regret the detachment of the third largest urban area in the province, and the effect on provincial government revenue would be significant. The area in question, while not among the earliest parts of the province to be settled, has strong historical traditions dating back to the early 19th century. Yet there does not appear to be the same sense of distance between the province and the federal government as is felt in Quebec. Recent developments in the province also suggest that there is a willingness in Ontario to accept changes if it can be demonstrated that they advance the cause of Canadian unity.

On the other hand, in the capital area itself there might be a stronger resistance among the Anglophones to the creation of a new jurisdiction. This feeling is compounded of a number of motives. Anglophones will clearly be reluctant to change a system of institutions that has provided efficient government and a high standard of services in the urbanized area. There may be some fear of unknown or imagined alternatives, and particularly fears of a loss of privileges at various levels. Many Anglophones may be hesitant to support bilingual facilities and services when the unilingual English-language ones they know have never caused them personal inconvenience. Finally, the residues of old religious differences still linger in the attitudes of the Ottawa Valley, and to some extent even in the capital area itself. On the whole, the major obstacles on the Ontario

side are the local ones; to surmount them, a carefully fashioned structure of government for a Capital Territory would have to be developed.

Apart from its importance for the capital area itself, a Capital Territory would have certain effects outside the limits of its own jurisdiction; these consequences require careful study. The Quebec sector of the capital is the major urban centre for the four counties of western Quebec: Hull, Gatineau, Papineau, and Pontiac. These counties constitute a distinct economic region, somewhat isolated from the rest of the province, and separated by the provincial boundary from the Ottawa Valley counties of eastern Ontario. Since Hull is the only major urban centre in the region, it is clear that its inclusion in a Capital Territory might involve serious adjustments in the regional economy. At the least, these would have to be studied in some depth before a new jurisdiction could be established.

The problems for the adjacent Ontario counties are scarcely the same. Eastern Ontario has urban centres other than Ottawa and good transportation connections. However, creation of a Capital Territory would have consequences for the Francophones scattered throughout the province, for whom Ottawa is a major focus of organizations and associations, a cultural centre, and almost a spiritual capital. The Ontario Francophones outside the capital might ultimately draw inspiration and strength from a régime of equality in a Capital Territory, but the short-run consequences will require study and adjustment nonetheless. In particular, the consequences of removing approximately one-fifth of its Francophone population from direct provincial jurisdiction will require close attention.

The economic problems of western Quebec and the cultural problems of the Ontario Francophones outside the capital are not, perhaps, paramount issues; higher priority could be given to the principle of equal partnership in a federal capital worthy of Canada. Nevertheless, issues such as these show the necessity for careful study, for a new jurisdiction for the capital area ought not to be founded on injustice to smaller or weaker groups that will have to remain outside.

In addition to the rather general obstacles already outlined, there is a range of practical questions involved in creating a workable Capital

¹ See Quebec, *Rapport de la Commission d'étude sur l'intégrité du territoire du Québec*, Vol. 1.2 (Quebec, 1968), 65-79.

Territory. As long as these questions remain unsettled, they will constitute an additional source of hesitation for Francophones and Anglophones alike. For example, what arrangements would be made concerning the two systems of private law presently operating in the area, that is, civil law in Quebec and common law in Ontario? What would be done to restructure the complex set of educational systems? What protections would be provided for political rights, and for local interests? The list could easily be extended.

These questions are not just hindrances to be surmounted; a Capital Territory would have to be shown to be capable of improving on existing arrangements in these fields. The present hesitation and mistrust of a Capital Territory are understandable and justified until its structures are worked out and its advantages agreed upon. This consideration applies especially to Francophones living in the Quebec sector. In a federal Capital Territory they would surrender their present position of a linguistic majority; their compensating advantages of full integration in the capital area and adequate linguistic guarantees must be spelled out firmly enough to make the change worthwhile. If the steps recommended in Chapter V for the immediate future prove effective, these obstacles will diminish in significance as mutual trust and co-operative procedures develop. As this occurs, the ideal of a Capital Territory may well emerge as a viable alternative for the capital region.

However, it is obvious that to develop satisfactory arrangements for a Capital Territory would be no easy task. Many diverse interests have to be considered, and much political negotiation would undoubtedly be required on the part of the governments concerned. At this stage there are no final answers or precise formulae to propose; what is set down below may serve rather as an agenda for serious public dialogue.

A. Geographic Boundaries and the Territorial Integrity of Ontario and Quebec

Although establishing precise boundaries for a Capital Territory requires specialized knowledge, it is possible to note certain conditions to be fulfilled in arriving at such boundaries.

First, the decision should be made on the basis of the best possible forecast of the long-run development of the capital area. Since changes in territorial jurisdiction are difficult to obtain, a decision for the capital area should be made in view of its expected development over at least the next century, or as far ahead as projections for development can be made meaningful. Several existing federal capitals have outgrown the original districts created for them. In Canada, where a major reason for the establishment of a Capital Territory would be the provision of a guaranteed régime of linguistic and cultural equality for Francophones and Anglophones alike, it would be important that such a régime should extend into the outlying suburban areas, where most new residents of the capital will tend to settle.

For the Ontario sector, there would appear to be a substantial consensus as to the appropriate limits of the capital area. The Ontario portion of the federally defined National Capital Region comprises 1,050 square miles; the provincially established regional municipality of Ottawa-Carleton comprises 1,060 square miles. Though the boundaries are not identical, the two regions overlap substantially and both extend a long way beyond the present built-up areas.¹ Only considerations of development over the very long run would seem to require a significant change.

In the Quebec sector the situation is less clear. The Quebec portion of the National Capital Region, as defined by federal statute, comprises 750 square miles. The 23 municipalities that have been involved in recent discussions about regional government in the Quebec sector, and which are situated wholly within the National Capital Region, together comprise only 540 square miles. The delimitation of suitable boundaries for a Capital Territory in this sector would involve discussions between the Quebec and federal governments based upon a careful consideration of the long-run development of the Quebec sector in relation to the federal capital area as a whole. It seems quite probable that with the removal of physical and jurisdictional barriers this sector would account for an increased proportion of the developed area of the capital.

¹ In December 1968, the government of Ontario proposed the limits of the regional municipality of Ottawa-Carleton as the "logical boundaries" of the Ontario portion of a formally designated Capital Territory.

The question of territory, however, is far more than a matter of suitable boundaries. Creation of a Capital Territory including both the Quebec and the Ontario sectors would require the creation of a new jurisdiction independent of both existing provincial jurisdictions. Correspondingly, the ordinary jurisdiction of each province over its own sector would be replaced by the new jurisdiction over the combined Capital Territory.

It is at this point that the case for a Capital Territory encounters one of the strongest arguments advanced against it by many people in Quebec: that a change of this nature would involve an irrevocable cession of Quebec territory and population to an unknown and untried new political unit which would have an Anglophone majority; and that the past history of English-speaking Canada affords no grounds for optimism on this point. It is necessary to recognize the force of this argument and the intensity of feeling that it generates. If a Capital Territory is to become a reality, this issue must be resolved in a way satisfactory to all concerned.

As a first approach towards the discussion of this issue, three comments can be made. First, no outright cession of territory seems to be required. The provincial governments could proceed either by a lease of territory and jurisdiction to the new authority, or perhaps by a delegation of powers alone.

Second, whatever arrangement is made need not be made in perpetuity, though it would require sufficient stability to support major developmental programmes by both federal and private interests. In the event that the major objectives of cultural equality were not attained, or that the Canadian Confederation were dissolved or substantially altered, or that the federal capital were transferred elsewhere, both provinces could be guaranteed a clear right of recovery of the territory relinquished in their respective sectors.

Third, it may be noted that by the establishment of a Capital Territory the federal government would not become the absolute owner or proprietor of the land lying within the Territory. In the past, the federal government, acting through the National Capital Commission, has acquired considerable amounts of land simply to control its use. If the federal interest were suitably represented in the governmental arrangements for the Territory, the role of the federal government

as a landowner might actually diminish, for its holdings could then be related more directly to its own needs and projects.

B. Governmental Institutions for a Capital Territory

The question of a possible form of government for a Capital Territory has given rise to some major misconceptions. All too frequently in Canada, any proposal for a special capital territory tends to be identified at once in the public mind with the system developed in Washington, D.C., which has the oldest and best-known of all federal districts. There are, however, many variations in governmental arrangements for federal capitals, and each federal state must develop a set of institutions to resolve its special problems.

Although a Capital Territory could provide a new setting for the resolution of a whole range of local and federal issues, the pattern of institutions that might be evolved for such a territory need not be vastly different from those existing today. For example, it is likely that residents of the area would retain three distinct levels of government: federal, municipal, and a new territorial government for the Capital Territory itself. The federal and municipal levels would not be greatly affected by the creation of a Capital Territory. In particular, the federal and municipal franchise could continue unchanged. As elsewhere in Canada, members would be elected to the federal House of Commons for capital area constituencies, and similarly the area would be appropriately represented in the Senate.

The territorial level of government raises more interesting questions, because clearly some new body would have to be developed. At the start, two extreme positions can be identified and rejected. On the one hand, it seems unlikely that the territorial government would be under any form of direct federal control, whether that of a parliamentary committee, a ministry, or federally appointed officials or commissioners. Such a system would be too much at variance with the long traditions of self-government of the capital area. On the other hand, the territorial government should probably have rather less autonomy than a province, for otherwise the

interests of Canada as a whole in the federal capital would be expressed inadequately. A successful solution must lie somewhere between these extremes.

The proposed government for the Territory can be looked at in a number of different ways. Some have seen it as an enlarged municipal government, a regional municipality, operating under the federal government rather than under a province. Some have seen it more as a substitute for a provincial government. It might also include some elements of both these levels, together with other elements distinctive to its special role as an agency administering a federal capital. It is clear that the problem of allocating responsibilities to the various levels of government is complex, though an eventual solution on these lines might well prove significantly less complicated than the present four-tier arrangement for the area, which includes the federal government, two provincial governments, two regional governments, and a large number of municipal governments—plus the further possibility of an eventual Tripartite Quebec-Ontario-Federal Agency to co-ordinate the policy of all the others.

Discussion of a territorial government must resolve two main questions: its structure and its powers. In both, the central issue would seem to be the question of reaching an appropriate balance between the interests of the resident population and those of Canada as a whole.

Concerning structures, the appropriate legislative authority for the Territory would seem to be a council directly elected by the residents of the area on the basis of single-member constituencies. Such a body would serve to protect regional interests above the municipal level and it would provide the residents with a legislative authority directly responsible to the electorate of the region. It would be in accordance with Canadian electoral practices in other jurisdictions, and it would provide a forum for the integration of the present Quebec and Ontario sectors into a single federal capital.

Electoral constituencies would doubtless be arranged according to population and with some regard to existing municipal boundaries. However, in the short run, the Quebec sector might have an undesirably low representation, and each

sector might be guaranteed a minimum proportion of the seats—perhaps one-third—on the same principle that Canadian provinces are guaranteed a minimum representation in the federal House of Commons regardless of population.¹ It must be remembered that Francophone representation will be considerably higher, because half the present Francophone population lives in the Ontario sector.

If a directly elected council assures a voice for the interests of the regional population, there remains the problem of representing the federal interest, the interest of Canada as a whole. It is doubtful that this should be done through federal appointment of officials to the same territorial council: the experience of legislatures that have combined elected and appointed members suggests that such arrangements are seldom satisfactory. It would probably be better to provide a safeguard for the federal interest—that is, for the interests of Canada as a whole in the capital area—either by a power of review of territorial measures vested in a federal parliamentary committee, or by a power of federal disallowance of such measures, or by some similar means. The grounds for exercise of this overriding power could be specified quite explicitly in the constitution of the Capital Territory. The fact of popular election of the territorial legislature should be a sufficient deterrent to misuse of this power and a guarantee of vigorous expression of local interests.

As to the distribution of powers between the various levels of government, only a general indication can be given until the question has been discussed seriously among the levels of government concerned. At the municipal level, a continuing list of local government responsibilities can be visualized. Quite apart from any question of establishing a federal territory, these powers appear to be shrinking as large metropolitan areas move towards regional government. The next level, the territorial government, might be given, first, those powers that, broadly speaking, nowadays fall to the regional or metropolitan governments, and, second, many of the powers currently exercised by the provinces. However, it might be decided that, with respect to the new Capital Territory, some current provincial responsibilities might be left to the federal Par-

¹ By Section 51A of the British North America Act, 1867, as amended by the British North America Act, 1915.

liament on the ground that they relate more closely to the interests of Canada as a whole than to the local population. Possible examples might be the power to amend the constitution of the Capital Territory, or to borrow money, or to construct major public works.

It would be important that the territorial government and the federal government should not stand too far away from one another. There must be some element of flexibility in order to meet the constantly shifting range of regional and federal interests that would have to be reconciled. Most of the ordinary powers of the territorial government could be capable of amendment or redefinition by federal statute, relying upon the political strength of the elected members of the territorial council to forestall undue federal encroachment. Through such a division, a balancing mechanism might be developed to resolve new conflicts between regional and federal interests as they arise.

Certain matters, however, would doubtless be considered too important and too fundamental to be left to the discretion of the federal Parliament. For these matters—and among them linguistic and cultural rights must be included—firm guarantees must be found.

C. Guarantees for Fundamental Rights

In the context of this *Report*, the most important single reason for forming a Capital Territory would be that it would create a setting in which might be realized to the fullest degree possible an equal partnership between Francophone and Anglophone Canadians in conducting the affairs of a federal state. To this end it is essential that the linguistic and cultural rights of Francophones and Anglophones in the capital should be placed on a footing of complete equality. If this equality cannot be firmly assured, there would be far less justification in asking the provinces of Quebec and Ontario to co-operate. Indeed, both provinces might insist on firm linguistic and cultural guarantees as part of the agreement by which the Capital Territory would be established.

For this reason it would be essential that there be firm, constitutionally entrenched guarantees for linguistic and cultural rights in any

future Capital Territory. These rights should be both specific and enforceable: in a specified range of facilities—including all levels of governmental administration and public agencies, courts and tribunals, all programmes of elementary and secondary education, and publicly supported cultural facilities—services of comparable standards should be freely available in both French and English. This list is merely illustrative; other areas might be added during the negotiations between the governments concerned. It is even worth considering whether similar guarantees ought not to be extended to certain parts of the private sector, such as, for example, services offered by large retail establishments, or services offered to visitors and travellers. Of course, other kinds of rights, such as barriers to discrimination in housing or employment, could be protected in the same way.

Since in the capital area as a whole even the present position of French is precarious, formal legislation setting out a specific policy of language protection and development is needed if the capital area is to afford a base for equal partnership between Francophone and Anglophone citizens. Linguistic rights should be spelled out explicitly and positively in law, and the broad framework of this linguistic régime for a Capital Territory should not be alterable by decisions of a majority of electors in the region but should be firmly entrenched in the constitution of the Capital Territory as a basic and universal right.

In addition, in order to safeguard these basic linguistic rights, a whole series of levels by means of which linguistic equality can be made meaningful would be required. In the first instance, the pattern of political representation would give considerable scope for action at the political level. There would be fairly strong representation of Francophone electors in the territorial council; in all likelihood about 40 per cent of its members would represent predominantly Francophone constituencies. Above the territorial level the federal Parliament could also have the power to review measures affecting the linguistic régime of the capital. A parliamentary committee for this purpose could appropriately give equal representation of Francophones and Anglophones in its membership.

Secondly, there could be a body of formal language legislation, wholly or partially entrenched

in the constitution of the Capital Territory, on the basis of which appeals could be made to the courts if the linguistic rights of a citizen were violated or ignored. Such legislation could also contain provisions enabling the federal Commissioner of Official Languages to act as an ombudsman in linguistic matters and so resolve many complaints without resort to formal legal action.

If these combined political and legal safeguards were felt to be inadequate, there remains another possible line of defence. Ontario and Quebec would be the "founding provinces" of the Capital Territory in the sense that their willingness to relinquish territorial jurisdiction is necessary in order to create a new jurisdiction over the capital. Arrangements could be made in the negotiation of the original agreement that changes in the basic linguistic régime of the new Territory would be subject to review not only at the federal level but also by Ontario and Quebec. In this way each linguistic group in the capital could expect some degree of protection on linguistic issues by a senior level of government in which its own language and culture predominated.

In considering safeguards for linguistic and cultural rights, it is important that the guarantees should apply equally to both languages. On the basis of present population patterns it seems highly likely that Francophones would at first be in a numerical minority in a Capital Territory, no matter what boundaries were established. Nevertheless, given the régime of full equality essential for the capital area, it is not impossible that in the long run the linguistic balance in the capital might change. If this happened, it would be important for Anglophones to have at their disposal the same guarantees that are proposed in the shorter run for Francophones.

Above all, the provision of firm linguistic guarantees in the Capital Territory should diminish the psychological effects of "minorization"—the feelings of defensiveness and insecurity that tend to develop within a group in a situation where their own cultural values are under pressure from those of a more numerous or more powerful group. If Francophones in the capital can be made to feel that they are in the

fullest sense equal partners with their Anglophone neighbours in the life of the capital and in conducting the affairs of the federal state, this would have a powerful effect not only in the Capital Territory itself but throughout French-speaking Canada.

D. Regional Development

Chapter V touched on the imbalance between the Quebec and Ontario sectors of the capital, and between Francophones and Anglophones within each sector, and indicated some of the remedies that might be initiated at once to reduce these imbalances. In a Capital Territory under a single integrated jurisdiction there would be possibilities for a more complete attainment of equal opportunities between Francophones and Anglophones. This aim should be pursued not for the benefit of the Capital Territory alone but also to demonstrate the possibilities of equal partnership to the whole of Canada.

A policy to give effect to this concept of partnership should be embodied in a formal statement of principle. In this connection one of the constitutional provisions of Finland is relevant. It reads: "The State shall provide for the intellectual and economic needs of the Finnish-speaking and the Swedish-speaking populations upon a similar basis."¹ The effect of this broad declaration of principle is not seen in any formal machinery for its implementation. There is no specific legislation and no particular institution designed to implement it. This constitutional clause is simply a general principle that may be appealed to if one cultural group considers itself disadvantaged when political decisions are being made.²

The constitutional arrangements for a Canadian Capital Territory should include some similar declaration. As in Finland, such a declaration of principle would have no specific mechanism for its enforcement. However, it would serve as a constant reminder of the earlier agreement to develop a capital based upon the principle of equal partnership.

¹ For the full text of article 14, in which this clause occurs, see *Report of the Royal Commission on Bilingualism and Biculturalism*, I, footnote to §218.

² In this connection it should be remembered that the Swedish-speaking population of Finland accounts for only 7 per cent of the total.

The consequences of such a declaration would be reflected in various aspects of public policy that might evolve with respect to the planning and development of the Capital Territory. Chapter V indicated some of the aspects of that development that might be relevant during the short run: roads, bridges, and transit systems; the location of future federal buildings; the distribution of federal grant and tax payments to the municipalities of the capital area. As was made clear in that chapter, considerable changes are possible in the short run. However, for the longer-run development of policy in the capital area, the adoption of a formal statement of principle as a basis and inspiration for future development could have a powerful effect.

There remains for consideration the allocation of the costs involved in pursuing the economic and social development of the new Capital Territory. While the measures to promote equal partnership would doubtless have some direct impact on the general prosperity of the capital area, a primary reason for undertaking them is that their benefits would be Canada-wide. For this reason the federal government, and not the regional government, should be prepared to meet the bulk of the costs.

E. Appropriate Financial Arrangements

One recurring problem of governing any capital city is how to maintain an equitable balance between the legitimate interests of the local population and the equally legitimate concern of the country as a whole that the capital should appropriately reflect national aspirations and values. The same problem recurs in another form in the financial field. Here, too, there must be an appropriate distribution of financial burdens and control between the local residents and the population of the entire country. Though the problem is universal, its resolution is more difficult in federal states.

One of the arguments sometimes raised against any kind of "federal district" is the danger of fiscal dependency upon a powerful and possibly arbitrary federal government. In the United States, the budgetary dependence of the District of Columbia upon the unpredictable decisions of congressional committees has given considerable

substance to this objection. Although the argument as applied to Canada may arise from a simple fear of change to something new and unknown, or to suspicions of higher taxes, it is important to recognize that underlying these attitudes is a real problem in intergovernmental financial relations.

If both local and federal interests are to find their due expression in the capital, each must have appropriate areas of financial autonomy. This purpose could best be served in a future Capital Territory by the establishment of clearly defined fiscal responsibilities and corresponding revenue sources for each level of government in the Territory. In this respect the position of the new territorial government might be rather similar to that of a province.

To illustrate the point more specifically, both the municipal government and the territorial government might have their respective sources of tax and other revenues, such as property taxes, gasoline taxes, sales taxes, and so on. These would be levied, at levels determined by the elected representatives of the governments concerned, for the carrying out of municipal and territorial programmes. Unlike the present system for the two provincial sectors of the capital area, the taxes levied by the territorial government would be uniform throughout the Capital Territory. The territorial government would receive certain federal transfer payments, on a similar basis to those of provincial governments, as its share of certain shared-cost programmes in the health care, welfare, or educational fields. In all these respects, the analogy with a province would be close.

In the federal field, the situation is somewhat different, for the federal government would have two distinct roles. First, it would provide to residents of the capital the same range of services and collect the same taxes as it does from residents of the provinces and territories. Further, because of its considerable physical presence in the capital area, it would require municipal services for which it would pay on the same scale as a private individual or corporation. The federal government should not enjoy a more privileged position with respect to payment for services to its buildings and its employees than that of a business firm or a private ratepayer. Making this point, however, does not preclude a revision of

the municipal grant structures in the capital area along the lines discussed in Chapter V, so as to bring federal grants into closer alignment with the actual incidence of costs for educational and municipal services.

The other role of the federal government, however, would be more distinctive. A federal capital should reflect both in its physical setting and in its linguistic and cultural image the values of contemporary Canada. This is a concern of Canada as a whole. Therefore the specific costs of developing a Capital Territory worthy in both a physical and a cultural sense to be the capital of Canada should be assumed wholly by the federal government. With respect to physical development, this principle is already substantially recognized in the work of the National Capital Commission. With respect to measures promoting equal partnership in the capital in a linguistic or cultural sense, the responsibility has not yet been fully assumed by *any* level of government. In a Capital Territory, the full financial costs of such measures, including the cost of overcoming the present unbalanced pattern of development of the area, could be undertaken by the federal government.

At this stage it is not easy to say what kind of agency should carry out this special federal role in the development of an appropriate capital for Canada. It is not even clear whether one agency should be responsible for both physical and cultural development, or whether responsibilities should be divided among two or even more agencies according to the type of measure concerned. However, two things do stand out clearly: first, there is a clear policy objective to be pursued from the standpoint of Canada as a whole, and a corresponding federal financial responsibility for meeting the costs; second, in a Capital Territory of the sort in view here, even this special federal role of capital development will require co-operation between federal authorities and the elected representatives of the territorial government, because federal and local objectives must be co-ordinated and reconciled.

In the last analysis, no matter what arrangements are adopted for a Capital Territory, one cannot expect to eliminate all sources of friction in local-federal financial relations. Nevertheless, these frictions might be minimized if the roles

and objectives of the different levels of government were clearly defined and each level possessed independent revenue sources appropriate to its responsibilities.

F. Education

Any satisfactory educational arrangements for a Capital Territory would have to fulfil three criteria. First, they would provide parallel, substantially independent educational systems for Francophones and Anglophones, neither one of them being in any sense subordinate to the other. Second, both these systems would provide for transfers of pupils into or out of the Capital Territory with minimum difficulty, in order not to impede the mobility of those who work—or who may wish to work—in the capital area. Finally they would be adapted to the special needs of an environment where two official languages are in widespread use, by giving special attention, among other things, to teaching the second official language.

In terms of structures, two separate educational systems would be envisaged, one for Francophones and the other for Anglophones, in the fields of elementary and secondary education. Each system would operate substantially independently of the other in terms of administration, curriculum planning, and teacher training, and each would serve a constituency of students on both sides of the Ottawa River. In one sense, these parallel independent structures would mark a departure from the discussion in Book II. There it was emphasized that minority-language schools should *not* be divorced in administrative or financial terms from the schools of the majority in the province concerned.¹ In a Capital Territory, where neither linguistic group would be in a minority status, relations with other educational jurisdictions outside the capital may prove more important than the interaction of the two systems within the Capital Territory.

Specifically, it seems likely that the French-language educational system in the capital would develop close ties on many different questions with the educational system of Quebec, because the latter is the largest and the most dynamic

¹ *Report of the Royal Commission on Bilingualism and Biculturalism*, II, §§ 425-6.

French-language system in North America. Links of this kind would facilitate the most frequently encountered transfers of Francophone students—those between Quebec centres and the federal capital. They would also facilitate admission to Quebec's French-language universities, thus widening the options open to Francophone children in the capital. The Anglophone educational system would no doubt work in close conjunction with the Ontario educational system, but since transfers of Anglophone students to and from other provinces are also numerous, educational planning might take into account the curricula of the other predominantly Anglophone provinces as well. In brief, the two educational systems in the capital must necessarily mesh with the corresponding majority-language systems in the other provinces if the basic requirement of population mobility is to be met.

In terms of size, both educational systems would be large enough to be viable. The Francophone system would probably account for about 40 to 45 per cent of the children in the schools, depending on territorial boundaries and certain other factors. Both systems could easily manage their own teacher-training institutions, although it is to be expected that accreditation agreements with the provinces would supplement local programmes. They would even be large enough to do their own research on the special educational problems and needs of the capital area, while on more general issues they would undoubtedly rely on educational research undertaken elsewhere.

In a capital symbolizing the equality of the two official-language groups, there ought to be a fundamental change in the principles of financing education. Hitherto, the various communities—religious communities in this case—have each been responsible for financing their own school systems, with the result that economic disparities have been directly reflected in disparities in educational facilities, differential tax rates for school purposes, and differences in the salary levels of teachers. All these disparities should disappear. Two basic principles should apply in the financing of education in a Capital Territory: the tax burden on the ratepayer should be identical for both school systems, and the average revenue per pupil for each educational level should be the same in both school systems.

On the means of equalization there is clearly room for negotiation, but the principles themselves are central to the whole concept of equal partnership in the capital.

In any restructuring of school systems in a Capital Territory, the issue of confessionality is bound to arise. This delicate issue has already been discussed at some length in Book II.¹ There it was made clear that, without prejudging the question of whether schools should be confessional or non-confessional, the needs of the linguistic communities should receive prior consideration. In the context of a Capital Territory this means that the confessional issue ought to be considered within the context of French- and English-language educational structures respectively.

Until recently, practically all French-language education in the capital area has fallen within a confessional framework. Therefore, some element of confessionality would probably continue under any new structure, although one would hope that some arrangements might be made to accommodate the very small number of non-Roman Catholic, Francophone families who are too few in numbers to constitute a separate educational stream. Among the Anglophones, there would be a considerable minority of Roman Catholics—comprising perhaps a third of the Anglophone population—who have had confessional schools in the past and who might wish to continue them in a new structure. At the same time, these schools have laboured under various difficulties in the past, and there might be opposition to extending full public support through the secondary level, since this is not done now in the Ontario sector where most Anglophones live. The issue is obviously difficult. However, it ought to be resolved—in an atmosphere of tolerance and understanding of the minority position—within the framework of an English-language school system.

As mentioned earlier, each of the new educational systems would be able to adapt its curriculum in its own way to the special linguistic situation of the Capital Territory. Nowhere else in Canada would the two languages meet on such a basis of full formal equality. In these circumstances, it is to be expected that both systems would give rather special attention to the problems

¹*Ibid.*, §§ 408–21.

and methods of teaching the second official language. Even now in the capital area, local educational authorities in both the Ontario and the Quebec sectors depart from provincial norms in a number of ways, including earlier introduction of second-language instruction (in some municipalities at kindergarten level), experimental teaching of secondary-level subjects through the medium of the other official language, and short-term exchanges of Francophone and Anglophone pupils. The school systems of an officially bilingual Capital Territory could do much more in this direction, and the experience so gained would be of benefit not only in the capital but everywhere in Canada.

This is not to suggest that the French- and English-language school systems of the capital will approach second-language instruction with the same emphasis, or in the same way. For the time being, at any rate, the linguistic milieu of the capital area is predominantly English, and this influence is felt even in the Quebec sector. Francophone educators, confident that the milieu itself is a powerful aid to second-language learning, may prefer to give a higher priority to the correct teaching of the mother tongue, at least during the early grades. Most Anglophones derive less assistance from the present capital environment, and there is strong evidence that many English-speaking parents wish their children to become fluent in French through sufficient exposure to it at an early age.¹

The very strength of this motivation to become bilingual may raise a further problem. Of the 13,800 children in Ottawa French-language separate schools in 1968-9, almost 3,000 came from families where English was the main language used at home, and this has given rise to concern among Francophone parents that an influx of these proportions may retard the progress of children who are more fluent in French and may endanger the culture of the minority group. This problem has already been discussed in Book II. There it was recommended that parents of both the majority and the minority group should have the right to choose for their children between a majority-language school and minority-language school, but also that the linguistic and cultural

character of minority-language schools should be protected, where necessary, by limiting the numbers of majority-language pupils.²

In a Capital Territory, however, neither language would be in a minority status: how, then would this issue be resolved? As far as can be foreseen, there is likely to be continuing and even increasing pressure from Anglophone parents to enrol their children in French-language elementary schools; it seems quite likely that these schools—in some parts of the capital at least—will require measures to protect their linguistic character. On the other hand, there are obvious advantages in having an increased proportion of the capital area population capable of handling both official languages with ease. All of this suggests that in a Capital Territory special arrangements should be made wherever necessary to enable any parents who so choose to have their children educated in the official language of their choice, even if this language is not the normal language of the home.

G. Legal Systems and the Administration of Justice

One further question of some difficulty for a Capital Territory arises from the differences between the existing legal systems of the two sectors. These differences arise not merely from the fact that Ontario and Quebec each have their own body of statute law, but also, and more fundamentally, because the private or civil law systems of the two provinces have different origins. That of Ontario is founded on the English common law, that of Quebec on French civil law. Of course, certain other fields of law, including the criminal law, are under federal competence and so apply to both sectors in the same way.

Despite these shared areas, the fundamental question remains: how could the civil-law and the common-law systems be reconciled in a Capital Territory? It would be unreasonable to expect either sector of the new Territory to give up its existing legal system. Each is too deeply rooted in the history and tradition of its respective

¹ A recent canvass of 6,300 English-speaking families by the Ottawa Separate School Board showed that 84 per cent wanted their children to become fluent in French by the end of Grade VIII, and that 77 per cent favoured a more intensive programme of instruction in French of one hour a day or more. *Ottawa Citizen*, February 11, 1969.

² *Report of the Royal Commission on Bilingualism and Biculturalism*, II, §§ 405,407.

sector to be surrendered lightly. Each may be said to represent a basic expression of the culture of its area. Nor is it realistic to expect the two traditions to fuse or join together, at least for the foreseeable future. The differences both in content and in thought patterns seem too great. Accordingly it would be preferable for each sector of a Capital Territory to retain its existing legal system. Indeed, this might well be one of the provisions that could be safeguarded by an entrenched constitutional guarantee. In this one respect, a continuing difference would exist between the two geographic sectors of a Capital Territory.

Thus, at the outset, the Ontario portions of a Capital Territory would be subject to relevant Ontario law and the Quebec portion to relevant Quebec law in effect at that date. Both systems would be modified by ordinances or enactments of the territorial government as the systems evolved.¹ In certain areas, the territorial government would be making two kinds of law, one for each sector, as circumstances required. There is no particular juridical difficulty in this, and indeed, as one historical precedent, the Parliament of the Province of Canada did so on a considerably larger scale for the same two legal systems between 1840 and 1867. Of course criminal law, and indeed all federal laws of general application, would be applied in the normal way in both sectors, just as in a province.

Under these arrangements, one difficulty would arise, but it would be of a transitional nature. The Ontario statutes and law reports are available only in English, so that at the outset the Ontario sector's laws would be available only in that language. However, the introduction of written pleadings and other procedures in the French language, the appearance of judgements in that language, and the bilingual version of all "new" law in the form of ordinances, would eventually transform the Ontario sector's law into

an effective bilingual instrument. Quebec law is bilingual already.

The structure of the courts would reflect the parallel legal systems. The lower levels of courts having jurisdiction over civil cases—that is, the levels that would correspond to the existing courts of original jurisdiction in each sector—would operate according to the legal system applicable to their sector. Above these courts there would be a common appeal court exercising jurisdiction over the entire Territory. Where appropriate it would sit in separate civil-law and common-law panels, or in any case be structured so that the appeals were decided by judges thoroughly grounded in the legal tradition concerned.²

H. Conclusion

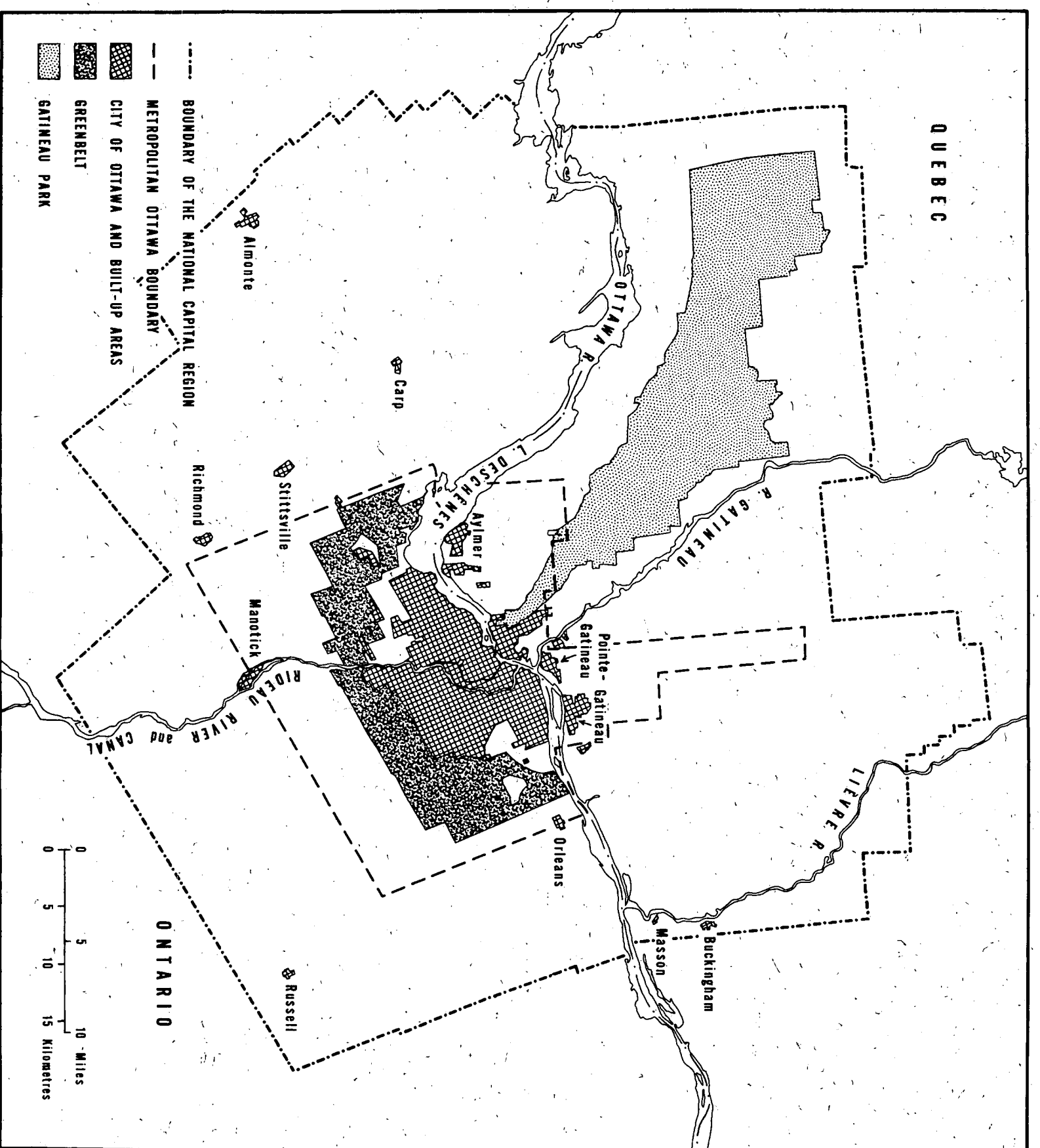
The preceding pages have touched briefly and tentatively on some of the institutional arrangements that might exist in a future Capital Territory. These reflections concern primarily the problems that have been central to the Commission's terms of reference and to its research on the capital. To make the picture complete they must be set beside all the other issues facing the capital region: economic growth, transportation, pollution control, and so on.

From the Commission's vantage point, the most persuasive argument for a Capital Territory is that it would open the way to the eventual attainment of complete linguistic equality. In a legal and institutional sense, there could be full equality of linguistic rights. With a positive policy of regional development, there could be a reduction of the sectional economic disparities that have characterized the capital area in the past. In time, these measures could produce a psychological climate of equality.

¹ The Australian Commonwealth Territory at Canberra began in a similar way, using the state law of New South Wales until this was gradually replaced by enactments made specifically for the Territory.

² One brief to the R.C.B. & B., submitted by J. H. MacDonald, an Ottawa barrister, suggested that the existing Exchequer Court of Canada might be assigned a jurisdiction of this kind.

THE NATIONAL CAPITAL REGION



1. Book VI, dealing with Voluntary Associations in Canada, is an integral part of the series of Books constituting the *Report* of the Commission's inquiry into the existing situation between the two official-language groups. However, because of the nature of the subject, it does depart from the style and format of preceding Books, notably in the absence of recommendations. Voluntary organizations exist in Canada in great numbers and in a wide variety of forms, and they cannot be categorized in such a way as to permit us to draw precise conclusions and make recommendations in the usual style of Royal Commission reports. But this does not diminish their importance as social institutions influencing the political situation and the decisions Canadians will take in respect to future cultural relations. In accordance with our terms of reference, which instructed us "to report on the role of public and private organizations . . . in promoting bilingualism, better cultural relations and a more widespread appreciation of the basically bicultural character of our country,"¹ we have included this study of voluntary associations in our *Report*. We considered that the most effective presentation of this Book of our *Report* was by analysis of the problems which came to light during the inquiry, and a description of the various solutions devised to meet them, as illustrated by the experiences of certain voluntary associations. From these we have drawn some general conclusions, but the whole Book should be considered primarily as a guide to Canadians engaged in the field of voluntary action who are anxious to contribute positively to the resolution of some of the problems of inter-cultural relations.

¹ The terms of reference are given in full in Appendix I.

Field of our study

2. It was impossible to undertake a complete survey of all voluntary associations, but our information has been gathered from a wide variety of sources. There are few established sources of documentation in this area, and our research programme represents the first significant effort in this field in Canada. Detailed studies were undertaken of more than 20 associations whose objectives can be classified according to the following fields of interest: recreational and athletic activities of young people; educational, business, political, professional, farm, and labour union interests; and those concerned with community improvement and local government. Whenever a country-wide association contained a Francophone or Quebec section, or when an interest was pursued by an independent French-speaking association as well as an English-speaking one, a study was conducted of each as well as of the relations between them.

3. This Book makes very little mention of three important categories of voluntary associations: labour unions, business associations, and political parties. We are aware of the fundamental role that these associations play in the democratic process, and of their influence on the relations between the two linguistic communities. Political parties particularly perform a special role since they are voluntary associations in some of their aspects, and yet they usually also have a clearly expressed and understood aim of gaining political power and, through it, influence over the state. However, we were not able to do sufficient research in these areas to allow us to reach firm conclusions. Our purpose, moreover, was not to study the functioning of voluntary associations in society in a general way, but to examine the relations between Francophones and Anglophones in the field of voluntary organization. We therefore selected for study those associations which provided the most practical accessibility and were the most useful for purposes of illustration. A number of our research studies on a variety of aspects of bilingualism and biculturalism have also provided important sources of knowledge, even though they did not specifically deal with voluntary associations. Some studies were undertaken with this Book in mind and it is on these,¹ as well as on our regional meetings, public hearings, and the briefs presented to the Commission, that we have drawn most heavily in preparing these pages.

Sources of our information

4. During the public hearings, we heard many relevant views and were told of many pertinent experiences, and a wealth of material was made available to us by voluntary associations who took the trouble to submit briefs or who communicated with us in other ways. These were

¹ For a complete list of our studies, see *Report of the Royal Commission on Bilingualism and Biculturalism*, I, Appendix V.

living sources of information which complemented the formal studies. A number of associations generously responded to our researchers' invitation to discuss with their leaders and officers the practices, policies, and issues arising out of Canada's cultural heterogeneity; they have also provided an impressive amount of information in the form of association literature, official records, correspondence, and, most important, personal recollections. Much of this information was, naturally, made available in confidence on the understanding that it would be used with sufficient discretion to protect any particular associations or individuals from inconvenience and from odious and embarrassing publicity. This Book is not concerned with any given association but with the way in which the voluntary associations as a whole affect the lives of the two communities and the relations between them. From these points of view one can generalize about experiences of Canadian Francophones and Anglophones with and in voluntary associations, without considering any specific association in detail.

5. We have sometimes identified associations by name in order to illustrate a general point, particularly when a rather abstract argument can thus be made more concrete and specific. In such instances the example was chosen because of its illustrative qualities and not necessarily because the association mentioned is considered to be particularly important or because we feel that it merits special praise or blame. Some associations are cited more than once as examples, either because their briefs or presentations to our hearings were particularly relevant to this Book or because our researchers have found it useful to refer to them fairly frequently in their studies.

6. Our terms of reference also direct our attention to "the contribution made by the other ethnic groups to the cultural enrichment of Canada," and Book IV of our *Report* is devoted to this part of our mandate. Although some of the more general descriptive material will apply to voluntary associations discussed in Book IV, in the present text we are concentrating on the Anglophones and Francophones, regardless of their ethnic origin. It is generally understood that most Canadians whose ancestors are neither English nor French belong to one of our two major linguistic communities. We have therefore excluded the special consideration of voluntary associations catering to the *ethnic* interests of Canada's minorities, even those serving Canadians of British or French origin, such as the Sons of England and the Société Saint-Jean Baptiste. These organizations fall outside our immediate concern.

7. This Book generalizes about a certain number of Canadian voluntary associations, and we must emphasize the fact that exceptions exist to virtually any one of the many generalizations made. Moreover,

Ethnic associations
not included

Conclusions
generally valid

voluntary associations are constantly evolving, and many have changed significantly since the material for this Book was compiled, including, probably, some of those organizations we have mentioned. The overall picture nevertheless describes what we observed *on the whole*, and we feel confident that such changes as may have taken place have not invalidated our conclusions.

Equal partnership
in associations

8. Since satisfactory relations between Canada's two language groups can be achieved only when conditions of equality prevail between them, and since voluntary associations often affect the occupational, personal, and civic competence of their members, it follows that if the Canadian Confederation is to be developed on "the basis of an equal partnership," the benefits Canadians derive from belonging to voluntary associations must be roughly equal between Francophones and Anglophones. If members of each cultural group are to benefit to a like degree from belonging to an organization such as a voluntary association, the costs in terms of time, effort, and money must be broadly comparable and cannot consistently favour one of the two language groups.

9. Voluntary associations are, by definition, private organizations catering to an enormous variety of interests of their members. In a free society they must be allowed to function with a very high degree of freedom. Under these conditions it is particularly important that their members and leaders realize that the policies and actions of their associations nevertheless vitally affect the society of which they are a part. More specifically, in Canada they should be aware of the fact that unequal opportunities for participating in their associations directly affect the relations between the members of the country's two official-language groups as well as their relative status. If both are to have the potential to contribute to and participate fully in the life of Canada, they must be able to develop their respective talents and skills to a comparable degree, and to gain from the same experiences; unequal access to the benefits offered by voluntary associations prevents them from doing so.

10. Until now Canadians have not had enough information about the costs and benefits of equal partnership, and about the conditions under which it can be attained, to decide whether it is a goal they should pursue. This decision will be made by them through their political parties and governments. It is our task to determine to what extent equal opportunities for the two official-language groups now exist and to suggest how a greater degree of equality might be achieved.¹

¹ See *ibid.*, General Introduction, § 64.

11. In this Book we present some of the experiences of Francophone and Anglophone Canadians in voluntary associations. Our objective is to describe and analyze the nature and basis of the relations which have generally developed between the two cultural groups in their associational contacts and to show how they have met the problems they have encountered. A description and analysis of this sort is particularly important since in the field of voluntary action it is impossible to address extensive recommendations to governments. The most fruitful contribution of a Book such as this is to present some of the facts required for an informed decision about whether Canadians wish to adopt the goal of creating a country based on the equal partnership of the two linguistic societies. If a decision is made to pursue this goal, this Book may become a useful handbook for those concerned with realizing this objective.

Description
and analysis

12. Our descriptions and analyses of relations between the two main cultural groups in Canadian voluntary associations provide a rich storehouse of experiences and serve to indicate where tension points have arisen between Francophone and Anglophone Canadians and how they have been dealt with. This Book should help members of voluntary associations interested in assuring that the benefits of membership are enjoyed equally by both official-language groups, in forestalling or containing crises, and in promoting better cultural relations, to draw on the experiences of others. But we would like to point out that the text as a whole must be considered, and not just the conclusions. We consider our principal task here to be exposing the problems and examining various options which have been used to deal with them. Those interested will, consequently, be able to learn from the successes, and to avoid repeating the errors, of others while participating in voluntary associations in a culturally mixed society. We hope that they will also more fully realize the degree and manner in which voluntary associations affect relations between cultural groups outside and beyond their own internal concerns.

13. If Canadians want to develop the Canadian Confederation on a basis of equal partnership, a large number of them will have to become aware of the way in which much of what they do has important, inescapable consequences on the relations prevailing between members of the country's two official-language groups. A growing number of Canadians will have to wish to act in response to this increased awareness—they will have to be prepared to pay the price for equal partnership in their individual, group, and public lives. Voluntary associations will have to play an important role in this process.