

*The Constitution*

further than the agreement. I am happy with the changes that have been made, with the exception of those concerning the equality of men and women, but it cannot be argued that Parliament is bound by this agreement. The government was not bound by the agreement and neither is Parliament. My third comment is, more specifically, that the Parliament of Canada has a fundamental duty to find ways of persuading Quebec to participate in this agreement. My party will introduce amendments to improve the contents of the resolution, but the absence of Quebec affects its very foundation. Aside from the question of how effective the resolution can be if Quebec does not participate, I believe we all agree that it would be far better if Quebec were also included. The government has shown the same attitude with respect to the new Sections 39 and 58. It has, in fact, been my opinion since the agreement was tabled in the House. We must all work together to make the Constitution reflect the interests of all Canadians.

[English]

The Minister of Justice spoke during his remarks of the amending formula. I will not comment upon the acts of acrobatics that he had to contemplate to speak so favourably of an amending formula which he condemned so vigorously not many months ago. Of course, the amending formula has been before the House previously, precisely on October 22 last year, when I proposed the amending formula along with patriation as a means to bring our Constitution home. I do not intend to comment on the fact that other parties are now embracing what they once rejected, but rather I want to comment quite seriously on the regrettable irony that a proposal which has been around so long was studied so little by people who pretend to be constitutional experts. Simply because the federal government expressed disapproval, respected commentators suspended their own judgment of the merits of the Vancouver amending formula.

**Some hon. Members:** Hear, hear!

**Mr. Clark:** Perhaps if they had taken this formula more seriously some time ago, its advantages would have been evident earlier and advocated earlier than was in fact the case. I raise this because there is a similar danger that normally thoughtful members of the House or of the public or normally thoughtful commentators might also accept unexamined some of the other assumptions of the government's present case. One must remember that on a constitutional matter the government's assumptions have been proven wrong consistently—proven wrong by public opinion, proven wrong by Parliament, proven wrong by the Supreme Court of Canada, and proven wrong by the provinces. At the very least their assumptions deserve careful scrutiny, and most particularly that is the case when the Constitution, the unity and perhaps the future of the country are at stake.

I suggest that one false assumption is the suggestion that initiatives by Parliament will unravel and doom the accord signed by the ten first ministers two weeks ago. There is

absolutely no evidence that individual premiers or provinces are so opposed to the equality of men and women, to the concept of aboriginal title and to the idea of just compensation for the provinces, that Parliament's actions in Parliament's jurisdiction will cause any province to pull out.

**Some hon. Members:** Hear, hear!

**Mr. Clark:** Indeed, many of us and many Canadians believe Parliament is here precisely for the purpose of acting in Parliament's jurisdiction. We are a deliberative and legislative body, not a rubber stamp for a prime minister or for premiers. That obligation to act is most profound in fields where Parliament is the sole or crucial custodian of vital national interests, such as the state of our aboriginal people or the unity of our divided nation.

For years my party and I have argued for a country where the provincial legislatures and the federal Parliament were both strong. Having made that case, we do not now propose to abandon our duty as the federal Parliament simply because the provinces have exercised their duty. The debt of our special obligation to Canada's original people is clear and unchallengeable.

I suggest there is also a special duty in today's circumstances to heal the division the premiers and the Prime Minister left between the rest of Canada and the province of Quebec. One could argue that the recent divisions within Quebec or about Quebec have been fought within the French Canadian family, between the francophone Premier of Quebec and the francophone Prime Minister, both from the province of Quebec. Today, however, the division is quite different. On one side is the Canadian government and the nine provinces where Francophones are a minority; on the other side, by accident or by design, is the one province where Francophones are the majority. That is the division of which separatists have dreamed. That can very easily be portrayed as the rejection of the French minority by the non-French majority in the country.

● (1420)

Madam Speaker and my colleagues in the House, only one agency can bridge that gap with authority, doing so in the name of all of Canada, and that is this Parliament, where Canadians of non-French origin constitute the majority, but where all of us, of whatever origin, are determined to build an accord large enough for the people of Quebec to feel comfortably at home.

**Some hon. Members:** Hear, hear!

**Mr. Clark:** If there was ever a time for the national Parliament to speak and act for the nation, now is that time. Instead of being silent and afraid to act, we should be creative, seeking to build on the progress of the last 12 months. Just as most first ministers were prepared to put down personal prejudice in the national interest, so too, I hope, might we rise above partisan, personal or regional interest to find solutions for our country, Canada.