

*Constitution Amendment, 1987*

we can communicate what it was like to be a black Canadian at that time in Amherstburg. Some Hon. Members will know that there was a great deal of intermarriage between the black population and the Indian population. Many of the black community were eligible to have Indian papers. No matter how bad the situation of aboriginal peoples was at that time, and no matter how bad conditions remain for aboriginal peoples, in the Canada of my childhood it was better to be an Indian than a black.

I love this country. I have loved this country, as many have within it, as a result of a test of that love. In some measure, our faith has been fulfilled. I have come to a greater understanding of it. Canada is not Canada without Quebec. There can be no doubt about that. That is not to say that other portions of Canada are indispensable. But clearly Canada is unique in large measure because of its unique history and the existence of two cultures and two languages as the basis for its ultimate origin.

In 1980 when the referendum issue arose in Quebec, like other Canadians I met it with some fear, consternation, and puzzlement. Would our country be divided as a result? Like many in the country, I celebrated the outcome. During that debate certain promises were made, and certain assurances were provided to meet the concerns of Quebec and make Canada whole.

In 1982 we had the Constitution Act of that year. Essentially two things were accomplished, the patriation of the Constitution and the Charter of Rights. But Quebec was left out of it. Perhaps the time was not right, perhaps we had achieved the level of evolution appropriate only to what was actually accomplished in 1982. Changes occur when history makes change possible. That Charter of Rights was extremely important. There are those who even now have great concern about the relationship of the Charter of Rights to the powers of Parliament and the legislatures.

I can recall having been engaged with a colleague of mine in government in another province over the question of the view held by many that Parliament is supreme and should remain supreme, and the view which I advocated that there was a necessity for a Charter of Rights. Parliament as the supreme governing body, unimpeded by Charters of Rights, are appropriate to countries with homogeneous populations ruled by a majority. In Canada in part that fact was recognized in the distribution of powers between the Province of Quebec and the peculiar and necessary concessions made in recognition of the character of that province. But now this country has become increasingly diverse. By virtue of the will of the majority, Parliament cannot protect the minorities that are unable by their numbers to elect majorities in Parliament.

Of course, a classic example is in the United States where, if the black people of that country had waited until Congress had eliminated segregation, segregation would exist in the United States until this day. It was only because there existed a constitution, which was ultimately interpreted by the courts,

that led to the elimination of segregation there. That is the lesson of history of the need for the protection of the rights of minorities which can only be provided by a Charter of Rights, as we have in the Constitution, although, it will be my submission that the Charter is inadequate.

While the 1982 Constitution Act was necessary, it was inadequate. It excluded Quebec, not legally, because it is bound by the Constitution as adopted then, but in terms of its spiritual participation and the extent to which the allegiance of the people of Quebec is won to it.

As time has passed and Governments have changed, Quebec imposed five conditions in order to join the constitutional compact. I am sure we all know what those are. The recognition of Quebec as a distinct society, a greater role in immigration, a provincial role in the appointments to the Supreme Court, limitations on federal spending power, and a veto for Quebec in constitutional matters.

The Meech Lake Accord must be looked at both in terms of process and results. There can be no doubt that the process was flawed. Never again should 11 First Ministers and their associate bureaucrats engage in this kind of process. The future must ensure that there will be full participation of Canadian citizens in any future constitutional change, so that it is fully reviewed and full support across the country is won.

● (1320)

Let us look at what has happened as a result of the Meech Lake Accord. There is a great deal of concern about what is perceived as a decentralizing thrust of the Meech Lake Accord, that increasing power is being accorded to the provinces. It must be said that one problem with the country is that it has been too centralized in too many respects. The land is vast and its people are diverse. In order for people to feel that they are a part of this vast land, they cannot be subject to the rule that all decisions must emanate from the centre of the country. If they are, the regions at the periphery will never feel a part and will lack control and if they lack control, they will feel alienated as persons and as regions.

The Meech Lake Accord and the constitutional changes which it advocates propose that there should be consultations on appointments to the Senate. This has been much criticized as according provincial control over the Senate, but the Meech Lake Accord says that there must be agreement between the federal level and the provincial level and that there should be consultation. What could be more appropriate? It does not suggest that only the provinces shall appoint or that they will overrule the federal Government.

In respect of the Supreme Court, similar conditions are imposed. We recognize that similar conditions are involved in the appointment of members of the Supreme Court of the United States which have not resulted in a situation of paralysis. It ought to be possible for people of reasonable mind