

of this multicultural heritage expressed their concern to the Committee that the "linguistic duality distinct society" rules of interpretation might have negative implications for the status of multiculturalism in Canada.

Section 97 states:

Few if any of the representatives of ethnocultural communities objected to describing linguistic duality as a fundamental characteristic of Canada nor did any deny the importance of recognizing the distinctness of Quebec society within Canada. Their objection was to a definition of Canada that includes linguistic duality but does not speak of multiculturalism; that identifies Quebec's distinctness but is silent about other distinct elements in the Canadian mosaic—

To correct this omission they proposed to amend section 2 as it was described in the report.

The report goes on to state:

The Joint Committee fully agrees with the vital importance of our multicultural heritage but we do not share the concerns expressed with regard to the omission from section 2 of any mention of multiculturalism. Section 2(1)(a) does not purport to offer a comprehensive definition of Canada. It is, as we have indicated, an articulation of one of the fundamental characteristics of Canada. Had first the ministers attempted to formulate a comprehensive definition that captured all of the fundamental characteristics of Canada they would have gone far beyond their agenda of dealing with amendments necessary to enable the Government of Quebec to give its willing assent to the Constitution.

The committee also agrees that... the determination of ethnocultural groups to ensure that recognition of Canada's linguistic duality and of Quebec's distinct society does not override recognition of our multicultural heritage. That, we believe, is the intent of section 16 of the Accord.

We see no reason to doubt that the First Ministers, all of whom expressed strong support for multiculturalism, will address this topic in their further constitutional discussions and we have no hesitation in recommending that the topics be added to their agenda at one of their forthcoming conferences.

I would also like to mention that the other political parties issued minority reports. The NDP minority report also recognized the importance of our concerns, but said that they should be addressed at a future round.

The Liberal minority report most accurately reflected our concerns. They recommended an addition to section 1 that would recognize the multicultural nature of the Canadian society, and they recommended that section 16 be amended to protect the entire Canadian Charter of Rights and Freedoms.

Mr. Chairman, the Canadian Ethnocultural Council feels that it is still possible to amend section 2, the recognition of multicultural Canada, and that it should be addressed by the First Ministers.

If this is not possible, we feel that at least the agenda for the future First Ministers' Conference should be amended and multiculturalism should be included in section 13 of the accord.

Mr. Chairman, I should like to assure you that one of the most important goals of CEC, the organization mentioned here as representing thousands of regional and local groups, and so on, is to have multiculturalism embodied in the Canadian Constitution, the reality which reflects the fabric of Canada and the unity and diversity of Canadian society.

The Chairman: Thank you very much, Mr. Corn and Mr. Binavince. We will now go to questions from members of the committee. I have Senator Marsden first, to be followed by Senator Stewart.

Senator Marsden: I wish to thank the witnesses for appearing today and for their useful testimony—both in what they have said for the record this afternoon and in their written brief.

Mr. Chairman, may I assume that the written brief will be appended to the documentation for this afternoon's session?

The Chairman: I do not believe it has been the practice, Senator Marsden, to have the briefs appended as part of the documents. It is a matter of the number of briefs that we would have to print. But, as you know, the briefs have been distributed to all members of the committee.

Senator Marsden: Let me put it into the record, then, that I think the written brief was useful and is worth re-reading.

I have two short questions for clarification.

In your written brief and in what you have said this afternoon you mentioned the guarantees of women's rights in addition to the particular concerns that you are raising here this afternoon. In your executive summary you state: "... to ensure better guarantees of women's and aboriginal rights." Many people in this country are of the view that the Canadian Charter of Rights and Freedoms does provide strong guarantees of women's equality. Are you suggesting that that should be improved or that the paramountcy of the Charter should prevail in the Meech Lake agreement?

Mr. Binavince: We are concerned that the Meech Lake Accord has the ability to override the Canadian Charter of Rights and Freedoms. We agree that sections 15 and 28 of the Canadian Charter of Rights and Freedoms grants protection to women, but, unfortunately, the Meech Lake Accord, in view of section 2, would allow governments to override and desist.

I am aware that Professor Lederman and Mr. Fortier, in testifying before the committee of the House of Commons, stated that that fear was paranoid and that we should not be afraid of the accord. The concern is very simply this: If it is only paranoia, there is one way of appeasing the people: Women and aboriginals, as well as the Ethnocultural Council, feel that it should be spelled out to ensure that the fear does not need to exist.

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Senator Marsden: On your recommendation that the distinct society concept be defined in the accord, may I ask if you