

*The Constitution***GOVERNMENT ORDERS**

[Translation]

THE CONSTITUTION

RESOLUTION RESPECTING CONSTITUTION ACT, 1981

The House resumed debate on the motion of Mr. Chrétien, seconded by Mr. Roberts, for an address to Her Majesty the Queen respecting the Constitution of Canada.

And on the amendment of Mr. Epp, seconded by Mr. Baker (Nepean-Carleton)—That the motion be amended in Schedule B of the proposed resolution by deleting Clause 46, and by making all necessary changes to the Schedule consequential thereto.

Mr. Louis R. Desmarais (Parliamentary Secretary to Minister of Labour): Mr. Speaker, I believe I can shed some light on the debate because of my status as a French-speaking Canadian raised in an English-speaking province without, of course, presuming that either my personal feelings or political convictions run deeper than those of my esteemed colleagues, whatever their vision of the shape of our country's future. My background as a Canadian whose mother tongue is French, who was born and raised in Sudbury, Ontario, but who has been a Quebecer by adoption for the past 15 years, entitles me to offer a perspective based on live experience rather than abstract considerations.

At the outset, Mr. Speaker, let me briefly attempt to answer the basic question around which all subsequent debate must revolve: why does Canada need a new constitution? The reasons—which for so many peoples of the world are self-evident—are, unfortunately, often clouded and confused by our country's peculiar history, traditions, social evolution and development to nationhood. Unlike the great republic to the south, with which we share the longest undefended border in the world, Canada's birth was gradual and discreet, without cannon fire or trumpet blast, battle hymn, slogan or philosophy designed to turn the world upside-down. There are even those who maintain that the British North America Act was, in reality, little more than a trade pact, aimed at establishing harmonious interaction between Upper and Lower Canada, while providing a measure of solidarity against the danger of a takeover by the expanding United States.

But whatever the motives of Westminster, the coming of confederation in 1867 marked the beginning of our gradual drift toward the realization of our identity, our uniqueness, our right to take our place among the sovereign nations of the earth. Now it is obvious, Mr. Speaker, that in the absence of armed conflict or violent rupture, Canadians felt no immediate urgency in establishing a distinctive identity. But as the decades passed, the generations came and went, pressures inevitably began to build for a distinctive flag, national anthem, and finally, for our own Constitution, which would

reflect the ideals and aspirations of all the diverse elements which have contributed to the building of our nation.

But why, many still ask, do we have to have a written constitution?

Why not just go along with the provisions of the BNA Act which, they argue, has served Canada well for more than a century?

Why not carry on in the British tradition of reliance on precedent, custom and jurisprudence, instead of attempting to enshrine fundamental principles in law?

Mr. Speaker, the initial answer is that Canada is not a nation-state like Britain or many of its European counterparts. This country is a mosaic, made up of people from every corner of the globe, of widely different origins, customs and backgrounds. Thus, to rely merely on implied consensus, deriving from the common ideals of a homogeneous population, is patently unworkable and unjust in this country today.

Moreover, we must realize that, despite our attachment to elements of custom and tradition, deriving from language and cultural ties with our European ancestors, Canadians are North Americans, we are North Americans who have elected to live within a federation. Thus, in defining our political structures realism dictates that, while we may draw on the experience of another federation such as Switzerland, coupled with what we deem most valuable in the systems of European nation-states, the end result must be a faithful reflection of our own distinctiveness. All very well and good, is the reaction of some to arguments such as the foregoing, but, they ask, why not confine our Constitution to a general statement of principle, a declaration of *de jure* sovereignty to ratify the *de facto* sovereignty Canada has already established with past actions, such as its separate declaration of war in the last world conflict.

And it is here, Mr. Speaker, that we get to the nub of current opposition to the government's constitutional proposals. And objections range all the way from global mistrust of constitutional definition of rights under a Canadian charter of individual rights and freedoms, to taking of issue with specific provisions, such as the entrenchment of language rights. In the absence of any specific guarantees, Canada, in fact, tends to follow the British tradition of the primacy of "law, order and good government" when the chips are really down.

So, despite the illusions fostered through the impact of American films, television and the like, but in the absence of specifically defined constitutional guarantees of individual rights, there is a less dramatic but more serious aspect involving infringement.

Recent examples might include imposition of the War Measures Act in 1970 or, in the more distant past, the wartime internment of Canadians of Japanese origin—is deemed bureaucratic expediency at all levels of government.