will allow what I call an "à la carte" amending process where revision in large blocks has proved to be impossible.

Besides, the other means of breaking the deadlock that have been referred to in the House do not really exist.

• (1650)

For instance, it is very obvious that calling a constituent assembly now would not solve the problems facing Canada. We would spend an enormous amount of time just in determining the rules that would then regulate the process, to establish who would be represented where and on what basis, how decisions would be made, how the vote would be taken. We should then have a lot of problems to solve. It has also been suggested that resolutions be passed in all provinces and in Parliament. The proposals were to be identical. Obviously, it would take decades to be done. On the other hand, it is quite obvious that there is a sufficient consensus among the population on the content of that legislation. As co-chairman of the Task Force on Canadian Unity I had the Hon. John Robarts who was constantly raising this issue and asking us how could anyone reach finality.

[*English*]

"How to reach finality in this matter."

[*Translation*]

Well, I see—at least in the press—that Mr. Robarts has also decided to support the government action on that issue. Indeed the Minister of Justice and Minister of State for Social Development has quoted the Leader of the Official Opposition (Mr. Clark) himself who in other circumstances has propounded views similar to those we are expressing today.

Mr. Speaker, will this resolution change the balance of power between the two levels of government? Does it diminish the powers of the provinces for the benefit of the central government and, if so, does it do it unacceptably, without their expressed or implied consent? Let us consider the situation more in detail. Does patriation in itself upset the balance of power between the two levels of government? I think that the protection of provinces by London has long since been a myth used by some provinces as a simple bargaining lever. And who is still opposed to patriation? Not too many people as far as I know. Some people, including myself, regret that it should come about this way. Others would have preferred, and so would I, that certain important and meaningful amendments be made either before the constitution was patriated or at the same time. But everyone agrees about this. Others suggest, at least according to what I have read, that patriation should occur after a review of all the components of the Constitution. This is obviously unrealistic since we would already have to review some elements which had already been reviewed before the patriation formula was developed. It is obviously unrealistic.

Third, is the formal amendment procedure proposed in this resolution acceptable? Mr. Speaker, I would have to spend several minutes on this subject to dissect what the resolution contains in this regard. Moreover, I have the impression when I look at the Minister of Justice (Mr. Chrétien) that the last word has not been said on this matter and that there will be further exchanges. I hope for my part that we shall be able in the next two years to develop a formula which can be accepted by the central government and the provinces, which will be respectful of both orders of government and which will not include the concept of unanimity, of vetoes and opting-outs. I believe we can do this. The report of the Task Force on Canadian Unity, to which I have already referred two or three times, included, in my opinion, a formula which met this objective while granting power of agreement to the people. However, I must admit that this formula required the existence of a chamber of provinces which would vote on the resolution on a simple majority. But since some people still defend this type of an upper chamber, we might be able to apply this formula one day.

What about the entrenchment of basic rights? Here again, Mr. Speaker, there are two opposing views, the one which maintains that the basic rights, which are fundamentally evolutionary, are best guaranteed by the federal and provincial legislatures which are more conscious of the subtleties of social evolution. There is also a view which maintains that the basic rights are inalienable rights which are best protected by the Constitution itself, to which must submit both the legislatures when they legislate and the judges when they interpret the statutes. Both of these positions can be defended. For my part, the choice is simply one of wisdom and political caution, one of, and I quote:

—prevailing philosophy—

—as Jennings, who, as everyone knows, is a highly recommended author, says.

One thing for sure, the prevailing philosophy today leans toward entrenchment and several speakers have referred to this trend in Canada, in countries governed by common law or civil law, within international bodies. It has been said that the Task Force on Canadian Unity stood as an exception to this trend. This interpretation is wrong. In fact we were going much further than the present resolution in the way of enshrining and institutionalizing bilingualism at the federal and provincial levels. Our report may have recommended a slower process than the present resolution does on rights relating to education in both official languages, merely as a matter of prudence. However it recommended—I suggest my friends read it if they feel it was the opposite—that entrenchment be effected as soon as a provincial consensus would be expressed. And in fact, one could think it had already been expressed in the meetings held in Montreal and St. Andrew's in 1978. One can also think it is now being expressed, at least in English-speaking Canada, and I would think also in French-speaking Canada—maybe not at the government level, on this subject.