In speculating about the relevance of the Court Challenges Program, John Benesh of the Canadian Bar Association told us:

> Maybe, if 100 years ago, we had implemented fully the equality rights and the language rights that we are struggling with. . . we would not have the problems that we have now. I don't know if you can do it in terms of the immediate dollars and cents of going to court. You can certainly do it on the cost to society of the continual aggravation and degradation of individuals who do not have their rights (Issue 12, p. 10).

During the current constitutional negotiations, it is obvious that people and governments in this country are striving for inclusiveness and fairness — the best Canadian virtues. As John Benesh put it plainly:

> What's the real purpose of law? To try to ease the terms of interaction in society. It is not to punish. . . Law is the grease that makes the social contract work. As such this program has opened the eyes of people to their freedoms and, if I can use a legal term, has crystalized rights we always had but may not have know we could have claimed (Issue 12, p. 5).
>
> . . .the brilliance of this program is that it tries to take the individual rights and deal with collective issues so that a large group of people benefit. The benefits are not just for the individual in the wheelchair; the benefits are to the society as a whole. . . (Issue 12, p. 12).

We are left with repeating the conclusion from our 1989 report:

> In the Committee's unanimous view, the Court Challenges Program ranks as a distinctive Canadian achievement in the area of human rights (p. 26).

When we tabled our earlier recommendations to Parliament, we also stated that:

> If the value of public access to Charter rights that underlay the launching of the Court Challenges Program is accepted, then there are really only two arguments that could justify termination of the program. . . It could be argued that the program has achieved what it was intended to achieve and is now dispensable, or that it has not (and cannot) fulfill the intentions of its originators and should be allowed to lapse because of ineffectiveness (p. 26).

Two years ago we rejected these possibilities and we reject them still.

We support the reinstatement of the Court Challenges Program. It is necessary both that the critically important work of the Program shall be maintained and that its independence shall be ensured. We would like to protect the Program from the vagaries of the fiscal and financial imperatives of any government in the future.

Harking back to our 1989 report, we also seek to find a means of implementing our recommendations that the Court Challenges Program might be expanded to cover challenges to provincial legislation (Recommendations 6 and 7). At the same time, we wish to emphasize