

The Constitution

support of his party in this House, not the product of a Canadian consensus.

At that point in time it was not an easy thing to say because it appeared that the constitutional proposals would be rushed through the House before Christmas, that they would be sent off to the parliament of the United Kingdom for endorsement, brought back to Canada and enacted in great fanfare and celebration on July 1, 1981. That was the proposition put forward by the Prime Minister in the House. Today we see that schedule has not been continued. The Prime Minister has admitted the difficulty we confront in this proposal. He has delayed the debate, and it is obvious he was mistaken in the first place because, as a result of the delay in the debate and the continuation of the consideration of the constitutional provisions, no amendments were brought forward. Changes were made which the last member who spoke admitted were valuable changes that made the charter of rights one of the best pieces of legislation in the world.

This brings me to another point. Members of the government party have stood up time and time again and called the charter of rights the best constitutional provision in the world. I had occasion to deal for one year with a group of students who studied the constitutional provisions of the world. They are written in many books; I have one or two to which I should like to refer. For example, there is a reference in a constitution to a society in which the rule of law, fundamental human rights and freedoms, equality and justice—political, economic and social—with be secured for all citizens. That is the constitution of Bangladesh. I could quote provisions from the constitution of Haiti which would indicate that things are perfect and all rights are preserved in that nation. I can quote a constitutional provision from Sri Lanka which ensures mobility rights to all persons in that country. Guatemala has provisions which would rival the charter of rights now before us.

● (1730)

So my message to you, Mr. Speaker, and to the members of this House is that it does not matter what you put in a constitution if you do not have the spirit of the people behind it. If anyone wishes to come over to my seat, I can show them the constitution of El Salvador, which is of so much concern to my friends to the left. They think, and they have the audacity to say in this House and elsewhere, that they know how to solve the problems in El Salvador. Mr. Speaker, my friends to the left do not now how to solve the problems in El Salvador or anywhere else in this hemisphere.

Some hon. Members: Hear, hear!

Mr. Crosby: The gang of four is rising up because of disputes in that party; they cannot solve their own problems. But that does not bother them. They are prepared to solve the problems in El Salvador or anywhere else where they think socialism can take over and destroy the country, as it has destroyed the economies of so many countries in this world. We are not fooled by that talk. We are not afraid to stand up

for the free enterprise system and endorse a system of government which responds to human challenges, honours incentive and respects the work ethic. There is nothing wrong with that.

As I have said, in the province of Nova Scotia there has been much consideration given to this constitutional debate. I was very proud of the Premier of Nova Scotia, the Hon. John Buchanan, when he appeared before the constitutional committee to state the position of the province of Nova Scotia. He said:

—we Nova Scotians believe that we have a special stake and a special responsibility in what is happening to Canadian federalism at the present time. Apart from our native peoples we are first among Canadians, . . . we were one of the four original provinces in that federation of 1867 and we brought to that federation a great deal—a great deal of history, of law, of government, of purpose and not least of all, we brought to the union of 1867 our commitment to serve in a constructive way in the new federal state that had been created.

We feel that we have special responsibilities to preserve and to protect the understanding of 1867.

That is what the Premier of Nova Scotia did when he came before the constitutional committee; he came to protect and preserve the confederation which was established in 1867. He did not come to that committee to debate any minute points of constitutional law, of what the rights of the government were in relation to the enactment of constitutional law and what right the government had to ask the Parliament of the U.K. to pass a law. He came before the committee in the interests of preserving this confederation. I was proud of him. What his message was when he came was simply this: the provinces must be consulted in relation to constitutional reform. There must be a process whereby the provinces can have the opportunity to consent to and concur in constitutional changes. Without that consent, without that concurrence, the constitutional changes are a threat to the Canadian confederation. You'd better believe that, Mr. Speaker.

Reference has been made many times in this House to the British North America Act. I wish to comment very briefly on the existence of that act, because sometimes it occurs to me that people are not quite certain about what is involved. The BNA Act is a statute of the parliament of the United Kingdom which was passed in 1867. Over the years it has been interpreted by the judges in Canada and formerly by the Privy Council in order to meet the needs of the Canadian economy and of the Canadian people as we have grown over the years. It has been regarded as a "living tree", something which has lived over a period of 100 years since confederation. It is flexible. It allows for change. It allows Canadians to develop their economy and their individual interests. It is not a document to be trifled with or to be put aside for some draftsman in the Department of Justice to determine what is an appropriate constitutional provision for the people of Canada.

There have been many battles under the BNA Act with regard to interpretation of its provisions. None is more important to the people of eastern Canada, in particular to the people of Nova Scotia and Newfoundland, than the dispute over offshore resources. This is a provision which, if it could be solved by the Prime Minister and the Government of Canada, would give rise to an economic development on the east coast