

Language Rights

This resolution is about fairness. It is about decency. It is an invitation for co-operation and understanding. It speaks to the finest qualities in this nation.

[Translation]

The Leader of the New Democratic Party also supported this motion, and he said:

[English]

—what we are doing today in unanimously supporting this resolution goes beyond support for the details of a particular Bill in a single province on a given date. We are now acting in the spirit of those who created Canada in 1867, who out of necessity and by imagination created our fundamental duality. We are supporting a spirit of tolerance and a respect for diversity which should always be the hallmark of Canada and of Canadians. Never again should any Canadian say—

[Translation]

"In am a stranger in my own country."

Mr. Speaker, as I pointed out at the beginning of my speech, the resolution I have just proposed in the House is indeed the resolution tabled by the Attorney General of Manitoba, Mr. Penner, in the legislature of Manitoba on July 4, 1983. In concluding, I would therefore like to quote Mr. Penner's last words, because they are very appropriate today:

[English]

Let us tell Manitobans, you have nothing to fear. Let us tell Manitobans rather, you have everything to gain. You will have not only paid history's debt in a reasonable and an economical way, you will have done something, we can say to ourselves and to Manitobans, you have done something for Canadian Unity that will live long in the history books, long after we have left this place of noise, strife and turmoil.

[Translation]

Mr. Speaker, I urge the House to adopt this resolution.

● (1730)

[English]

Hon. Jake Epp (Provencher): Mr. Speaker, the resolution that is before the House today is a distinct departure from the motions which have been passed in the House on two previous occasions. The resolution before the House today is a constitutional amendment, which is possible under the provisions of the Constitution Act, 1982, but one which, if the process were accepted, would violate the federal spirit of Canada. It does not reflect in process of time the situation in the Province of Manitoba, either in the Legislature or among the citizens of Canada at this time. It is my intention this afternoon to point out to the House why this approach is wrong, why this approach is divisive and why this approach will not lead to solutions which we all seek.

Constitutional amendments must be approached with care. They must be clothed by the vision of the future. They must be tempered by the awareness of history, and they must be constantly governed by a commitment to fairness. I suggest that the resolution before us today and the manner in which it has been introduced by the Hon. Member does not meet those criteria.

Put in simpler terms, constitutional amendments, if they are to have legitimacy, must be seen by the public as doing the right thing. I say to the Hon. Member today that the approach

he has taken does not meet the criterion of doing the right thing. Why not? All Members in this House, Manitobans and most Canadians, are aware of the debate that has taken place in our province, in the Legislature and in our homes over the last months. The matter has been thoroughly discussed in my province. What is important is that, despite those discussions, a process is now entrained which should not be tampered with or modified by any intervention in this House, that is, that this matter will be before the Supreme Court of Canada on Monday next, June 11.

Those hearings will begin at that time. No one in the House can determine what will be the decision of the court. No one in the House should use his parliamentary position to predetermine any modalities that the court might recommend or that the province of Manitoba might take in the Legislature. The Supreme Court decision could necessitate major changes to the very resolution before the House today. It is my submission that that kind of approach is improper and obviously does not appreciate the reality of the situation.

The Member who has introduced this resolution suggested in a letter to my Leader that it would be advantageous for the House to express once again its opinion on this subject through a constitutional amendment, something we have never done before, and that this would be helpful to the court as it begins its hearing. My concept of executive powers, of legislative powers and the division of legislative powers and judicial powers is very clear. I do not believe that we should use Parliament, when we know that this matter is before the courts as of Monday, to try in whatever form—if in fact we could, and I suggest we might not be able to—to send signals in any way, to give impressions or to leave opinions on the record of which the court would then be apprised. The court is independent and should be left as such.

What we have before us is an amending process. I remind Members of the House and Canadians generally that those of us from western Canada who sat on the special joint committee studying the constitutional resolution argued literally for months that a constitutional amendment, that is the process by which our Constitution would be amended in the future, should reflect the reality of Canada and that a constitutional amendment proposal such as produced by the Government, which would trench for all times that certain provinces and, therefore, certain Canadians would have a veto power and, therefore, others would not, was not a reflection of the reality of Canada and in fact would make those of us who did not live in those provinces or those who come after us second-class citizens.

Our Constitution today has three amending formulas. The burden of our argument was that we should not have imposed on us from the outside constitutional changes which we ourselves must determine. I remember the long debate regarding language and culture and a specific amending formula under Section 43 which was introduced that would allow the provinces—I know that for a long period of time the debate was relative to the Province of Quebec—to determine that aspect of any amendment relative to their constitution and language.