

*The Constitution*

be nervous about the extent to which we are discharging that responsibility adequately.

I said there were two aspects to the resolution. One was the denigration of the power of the individual voter. The second was the dismantling of the federal system. Of those two issues, the most difficult to comprehend is the dismantling of the federal system.

The Minister of Justice (Mr. Chrétien) and others on that side indicated that there is no rearrangement of powers in this country. I think I have built a reasonable case to show that the powers of the voters have been diminished. However, those on the other side seem to leave us with the notion that the rights and privileges of the governments elected in the provinces are not seriously affected.

I ask members opposite, and anybody watching us today, to get a copy of this resolution. It will be seen that the provinces are specifically referred to 31 times in the resolution. If their powers are not to be significantly affected, why is it necessary to refer to provincial legislatures 31 times?

A federal system is not built on a principle of decentralization. If you examine the experts and constitutional theory, you find it is built on the principle of non-centralization. It is a form of government which does not exist universally throughout the world, or even universally throughout the free world, but it exists in some countries, not because it is preferred but because it is the best of government for a particular nation and its people.

The Fathers of Confederation and those who up to this point have been responsible for the affairs of the nation were and have been wise in the extent to which they have done their best to pay attention to the fact that any successful federation will adhere to the principle of non-centralization. Within that concept it is important to note that the various political entities, the various kinds of government in a true federation, are sovereign in their areas of jurisdiction. That has been the understanding in this nation until this point, that that sovereignty of jurisdiction exists constitutionally. It does today, and it cannot be taken away unilaterally without the agreement of those who are affected. To do that constitutes a revolution. It runs counter to any basic understanding of what a federation is all about.

The importance of the notion of a federation in a nation like Canada is twofold. This process we are engaged in today demonstrates clearly the importance of protection from arbitrary action by a transitory majority in a single level of government. Where would we be today if we did not have more than one level of government to object to the revolution which is being attempted in this House? The voters of this country need to be protected from the tyranny of transitory majorities, and I suggest that it is our federation and the interplay between the different constituent elements which provide us with that protection. Because of the size of this nation, territorial democracy is an important concept, and those who would deny the importance of that concept invite us all to run the risk of separation of the nation.

● (1740)

The true nature of a federation involves legal jurisdiction, and hon. members opposite, today and on other days, in addressing themselves to the amending formula have talked about its fairness because every region is represented. Where in this federation is there a regional government? In this federation we have ten provincial governments, the government of Yukon, and the government of the Northwest Territories. We do not have regional governments. We have provincial governments. That is the nature of this federation, and those are our nation's states. The provinces have legal jurisdictions guaranteed in the Constitution of Canada, and it is the Liberal government which is unilaterally trying to take those guarantees away from the Canadian people. I suggest that will not wash.

It is interesting to note also that scholars of federations talk not just about legal jurisdiction, but they also talk about the spirit and the practices of a federation. The spirit involves honouring the partnership and acknowledging that we are a federation, and to ignore the spirit is to weaken the spirit and weaken the will to survive. It is like a marriage. A marriage licence is a very simple, straightforward document. Not much is written on it. The terms and conditions are not specified, but those evolve and marriages last and prosper if the partners work at it. They decay and split apart if the need for partnership is not acknowledged and partnership is not worked at.

Today we have a situation in which eight of the ten provincial governments and the governments of both the Yukon and Northwest Territories—ten of the 12 governments which represent the areas of this country—are opposed to these constitutional amendments. I think it behooves all of us to think of that. If that opposition can be overcome by legal means which do not pay attention to the spirit and the practices of the federation, then what will happen to this nation? Are those risks worth running for all parts of this package?

I have said in committee and to the Minister of Justice that this proposal attempts to separate Canadians from their governing traditions, their legal traditions, and their economic traditions. The best word I can think of to describe those who support it is "separatist". Those who seek to separate are in fact the true separatists in this confederation of ours.

In my attendance at the constitutional committee hearings I thought that perhaps with the passage of time and process we might arrive at a Constitution which I felt was supportable, but in my attendance at those committee hearings I was an unwilling participant in a bad process, and we have produced a bad resolution which will not do good things for Canada.

I have sat many times and thought about what would constitute a good process. Perhaps I will just sketch that out briefly for the House. I think a good process of constitutional renewal would begin with an invitation to Canadians in all walks of life—whatever their responsibilities or stations—to submit to some central place their ideas on the constitutional problems which exist in the country, and their suggested solutions. Armed with that kind of input I suggest that a