

Canada is both an Atlantic and a Pacific Rim nation with unusually privileged access to the North American market. Canada's future lies in reaching outward, not looking inward, and by building on the strengths of the Canadian brand name, one of the most recognized and respected in the world.

Quebecers must be convinced that they, too, benefit from Canada's place in the world because of its trading alliances, the strengths of its economy, and its place in the community of nations, as evidenced by the high respect accorded to it in such organizations as NATO and the United Nations.

It is my hope that, through the vehicles which I have outlined, Canadians who live outside Quebec will begin to know and appreciate the hopes, the dreams and the fears of a Quebec society.

What form should this take? There are those who would shy away from constitutional change, intent on resolving our problems through administrative agreements. I believe that if we are to make changes that will ultimately result in Canada and all of its component parts functioning more effectively and efficiently, we might as well open up the Constitution; as has been stated by a noted constitutional scholar, Professor Max Cohen, "the revered script of our national passion play."

When determining what prescriptions may be utilized to resolve the differences within our country, one need look no further than the Meech Lake Accord and certain parts of the Charlottetown Agreement. Before discussing the sections of the Meech Lake Accord which may benefit us, let us in this chamber reflect on the fact that it was initiated by Prime Minister Mulroney, supported by the Right Honourable John Turner, as Leader of the Opposition, as was the Charlottetown Agreement supported by Mr. Chrétien when he was opposition leader.

• (1510)

The section of the Meech Lake Accord which attracted the most comment, both negative and positive, was the distinct society/linguistic duality section. The Constitution Act 1867 was to be amended to include a new rule of interpretation whereby the Constitution could be interpreted so as to recognize linguistic duality as a fundamental characteristic of Canada, and Quebec as a distinct society. More than a million francophones live outside of Quebec.

Controversy swirled around the question of what was meant by this clause for Quebec and for the rest of Canada. The distinct society clause articulated in the Constitution a political and sociological effect. Its effect was best described by Senator Beaudoin, prior to being summoned to the Senate, when he appeared as Professor Beaudoin before the Special Joint Committee on the Meech Lake Accord.

In my opinion, as in the opinion of a good number of lawyers, the recognition of a distinct society ... is an explicit

and important interpretive clause but it does not change the distribution of powers or the Canadian Charter of Rights and Freedoms. But it can, in certain cases, in particular under section 1 of the Charter and in grey areas concerning the distribution of powers, give more weight to certain arguments.

... it is an express rule of interpretation. It is important. It is fundamental. It may influence the interpretation of the courts under section 1 of the Charter or the interpretation of the division of powers, but it is not more than that and it is not less than that. It is a rule of interpretation.

The Right Honourable Robert Stanfield also expressed an opinion on the distinct society wording when he said:

It is true it recognizes something special about Quebec — not for the first time, by the way — and a role for Quebec in connection with that identity. But it is a very limited thing. There are no specific powers given to Quebec in that connection. I find it very difficult to see how that puts the country on any kind of a slope, and I do not have any difficulty living with that degree of asymmetry in the Constitution.

On the other hand, I think that we have been on a very slippery slope following 1982. That is the slippery slope. If the accord that has been negotiated is rejected, I think we are on a very slippery slope indeed. To me, that is the slippery slope we should be watching.

The accord went on to deal with immigration, giving constitutional recognition to federal-provincial immigration agreements such as those negotiated between Quebec and Canada since 1971. It constitutionalized Quebec's traditional veto over major constitutional change. It also dealt with the Supreme Court of Canada. It set out in the Constitution Quebec's right to have three judges from Quebec on the court, and established a procedure whereby provinces would nominate judges and the federal government would appoint them from the list of nominees.

The accord also contained a mechanism for governing the establishment of new shared-cost programs between the provinces and the federal government. This clause attempted to regulate the use of the federal spending power in areas of exclusive provincial jurisdiction. It obligated the federal government to provide reasonable compensation to the government of a province "that chooses not to participate in a national shared-cost program" if the province carries on a program or initiative that is "compatible with the national objectives."

While the accord went on to deal with changes in the method of appointing senators, and constitutionalizing federal-provincial conferences, I believe that both of these matters will have to be addressed anew later on.