

*The Constitution*

[Translation]

**The Acting Speaker (Mr. Ethier):** Order please. I regret to inform the hon. minister that his time has expired.

The hon. member for Broadview-Greenwood (Mr. Rae) has the floor.

[English]

**Mr. Bob Rae (Broadview-Greenwood):** Mr. Speaker, the theme of my remarks is taken from the great teacher Hillel, who asked three famous questions: "If I am not for myself, then who is for me? But if I am only for myself, then what am I? And if not now, when?"

The first question, "If I am not for myself, then who is for me?", strikes at the core of the dilemma in which we Canadians find ourselves. The Fathers of Confederation, some 114 years ago, worked hard to produce in Canada a Constitution that reflected the needs of that time. That we are here today is a measure of their success, but like all measures it was not perfect for all time.

Since the British North America Act of 1867 was an act of the British parliament, the only way it could be amended was for the British parliament at Westminster to make the changes. The British parliament has done this at the request of the Parliament of Canada several times over the past 100 years. Since 1867, it is important to know, Canada has become self-governing in most important senses of the word.

Yet, Mr. Speaker, there has always been something missing. That something has been the means to forge our own constitutional identity here in Canada. Hillel's question puts it very clearly; we have to be for ourselves before we can be for anyone else. Yet, Mr. Speaker, we cannot be fully for ourselves so long as the Canadian Constitution remains an act of the British parliament and not something which truly belongs to the Canadian people.

This debate is not just a bunch of lawyers arguing about the meaning of sovereignty. The patriation of the Canadian Constitution is a critical step in Canada's coming of age. Patriation is not the last step to nationhood but it is a necessary step. If we are to focus in the next decade on the task of patriating our economy, which I believe in profoundly, we have to act now on the question of the Constitution. The division in the country is over how this should be done.

Hillel's second question, "If I am only for myself, then what am I?", speaks directly to this debate. If our preoccupation becomes not what is best for the whole country, but simply what is best for a province or a region, or even, I might say, what is simply best in the immediate or short-term interest of one political party or another, then Canada will clearly be the loser. No province likes the prospect of losing an absolute veto over any future constitutional change, but the hard fact is that if we give a veto to each and every province we shall never achieve any significant progress in reworking the Canadian Constitution.

This resolution does not necessarily impose an amending formula. What this resolution says is: Here is the best effort to

date. If the premiers can find a better one, we will let the Canadian people decide between the two in a referendum.

Eight of the provincial premiers met last week and produced a new amending proposal. They did not deal with the charter of rights, they did not deal with native rights, they did not deal with the question of equalization, or even with the question of provincial control of resources; they dealt with one question and with one question only, and that was the amending formula.

There is, of course, a vital difference in principle between the method of amendment proposed in this resolution and the method proposed by the eight premiers. Under the first, that which is contained in the federal resolution, the constitutional amendments approved by the federal government and the provinces would apply to all Canadians and to all provinces. Under the second, that of the eight premiers, provinces that did not like an amendment because they thought it affected their existing powers could simply opt out.

In my view, the eight premiers' proposal is a classic example of people being only for themselves. It denies the essence of the creation of the federation of 1867. Frank Underhill once described a nation as a "people who have done great things together in the past and look forward to doing great things together in the future". An "opt out Canada" means that what we have in common in Canada would be constantly under threat. If one province or any group of provinces continually exercised their power to opt out of changes they did not like, Canada would no longer be a people who did great things together in the future, and I question whether we could long survive as a nation.

In refusing to deal with the charter of rights now, the eight premiers have made much of the fact that they represent 60 per cent of the Canadian people and that we should put off consideration of the charter until some unspecified time. They have also said that any provincial majority should be able to opt out of any features of the charter they do not like as well as future amendments.

• (1550)

The premiers have failed to recognize that three times in the past decade all three federal parties have gone on record as favouring a charter of rights for all Canadians. Do not the members of this House represent Canadians who live in those eight provinces? Is the House of Commons not in Canada? Do we not speak for Canadians? Do Canadians in Manitoba really want fewer or different fundamental rights than their cousins in Saskatchewan or Ontario? And can we survive as a country if the fundamental attributes of citizenship are different in neighbouring provinces?

I want to turn now to the third principal feature of the resolution, the charter of rights itself. I want to say a few words about what the charter will do, why it is necessary and why it is important that we include it as part of this resolution. In doing so, I am answering Hillel's third question, which was the theme of my remarks: "And if not now, when?"