

Language Rights

a period. There is indeed no reason why they should accept a one-sided settlement which simply gives the province an indulgence and gives them nothing at all—

Manitoba in effect says this in the agreement. "For nearly a century the constitutional obligation to legislate bilingually has been violated, even after that obligation was reaffirmed by the Supreme Court of Canada. We ask these breaches to be excused and our laws to be declared valid, and also a further breathing space for future compliance. In exchange, we offer bilingual services from central provincial agencies, and from others, where the circumstances make it reasonable."

Surely this says, "It is true that we have been in breach of our obligations, but we will now make good and settle in a way which will compensate you fully".

Surely this tells all Canadians that our constitutional system can cure historic injustices and potential legal crises. It invites Canadians to rely in confidence on their constitution and in the good faith of their provinces and country. It renews and strengthens our federation.

[Translation]

The agreement of May 16, 1983 and the proposed constitutional amendment contain a number of points, Mr. Speaker, which may be summarized as follows:

First of all, it is stated that any Act of the legislature of Manitoba enacted after January 1986 is of no force or effect if it is not printed and published in both official languages. Unilingual Acts enacted before January 1986 shall remain in effect until 1994, and this applies also to any Act enacted after January 1986 as an amendment to a unilingual Act. Any public general statute included in the Revised Statutes of Manitoba, 1970 and any public general statute enacted after January 1970 is of no force or effect unless printed and published in both languages before 1994. A general revision of public general statutes shall be printed and published before 1994.

In addition, certain private Acts, public municipal Acts or any public general statute referred to in the schedule to this amendment, are of no force or effect unless printed and published in both languages before 1994.

Mr. Speaker, the net result of this agreement is to reduce the task of translating 4,400 unilingual Acts to that of translating the 400 Acts judged to be most relevant. An orderly and realistic time frame for translation had to be established, to preserve the validity of unilingual legislation in Manitoba for ten years. In exchange for this compromise, the constitutional amendment would enshrine the right of the public to use French or English to communicate with certain Government institutions and with the legislature of Manitoba, and to receive available services.

The historical and constitutional crisis would thus be resolved, and by meeting this challenge, the legislature of Manitoba and the parliament of Canada would be establishing the basis for dealing in a just and equitable manner with minority rights in the rest of Canada. To quote once more constitutional expert Stephen Scott, testifying before the legislature of Manitoba:

[English]

Franco-Manitobans are, it is true, relatively few in number. But the province of Manitoba was created by the Parliament of Canada on the basis of legislative and judicial bilingualism; and the violation of these guarantees, for more than

ninety years, can be, has been, and is, cited by French-speaking Canadians elsewhere as proving that our Constitution—our country—cannot keep faith with its citizens. Surely if we are to have a country founded on respect for the rule of law—of any country at all—we must leave no basis for such beliefs.

[Translation]

For the same reasons, Mr. Speaker, the constitutional agreement of May 1983 received the solemn and unanimous support of this House in the form of two resolutions on French language rights in Manitoba, adopted here in the House on October 6, 1983 and on February 24 of this year. Mr. Speaker, I shall recall, if I may, the most important and most relevant passages of these resolutions. First of all, on October 6, and I quote:

Whereas it is in the national interest to support continued efforts by the Government and Legislative Assembly of Manitoba to fulfil effectively their constitutional obligations and protect the rights of the French-speaking minority of the province;

(1) the House endorses, on behalf of all Canadians, the essence of the agreement reached by the Government of Canada and the Government of Manitoba, with the participation of the Société Franco-Manitobaine, on May 16, 1983, to modify the *Manitoba Act, 1870*;

The House invites the Government and Legislative Assembly of Manitoba to take action as expeditiously as possible in order to fulfil their constitutional obligations and protect effectively the rights of the French-speaking minority of the province.

This passed unanimously.

On February 24, 1984, there was another resolution, and I quote:

Whereas the Legislative Assembly of Manitoba, after several months of debate, is being prevented from bringing the constitutional resolution to a vote, and therefore from fulfilling its constitutional obligations;

(1) the House urges the Government of Manitoba to persist in its efforts to fulfil the constitutional obligations of the province and protect effectively the rights of its French-speaking minority in a spirit of tolerance and civility, amity and generosity;

(2) the House urges the Legislative Assembly of Manitoba to consider such resolution and legislation in an urgent manner so as to ensure their timely passage.

Mr. Speaker, it also passed unanimously.

One of the Supreme Court's roles is first and foremost to uphold the Constitution of the land and to ensure that its provisions are adhered to. For that reason, the Court did not hesitate in 1979 to declare void chapter 3 of the Quebec Charter of the French Language, which violated Section 133 of the Constitutional Act of 1867. The Court in *Blaikie* then found that section 133 of the British North America Act required that official status be recognized to both languages, English and French, in Quebec's and Canada's legislation and courts. For that reason, the Supreme Court found unconstitutional the 1980 Act titled "An Act to Provide that the English Language shall be the Official Language of the Province of Manitoba." That Act, which purported to make English the official language of the province by abolishing the use of French in Manitoba's legislation and courts was rendered inoperative by *Forest*. The practice which had prevailed over 90 years and the political difficulties caused by the Supreme