

Mr. Corn: I would say only that at the time the act was introduced during the term of Prime Minister Trudeau there was nothing in it about multiculturalism. One of the first actions of CEC was to include multiculturalism. When the first report came out, and there was nothing in it about multiculturalism, we wrote immediately to the Prime Minister and all premiers, and a catch-up clause was developed, and so on.

Mr. Binavince: I would like to read section 27, which emphasizes my point. It says:

This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

That is a directive to the courts. What the Constitution is really saying is that when you read section 2, section 7, or any other section, you should interpret it in such a way that multiculturalism will be preserved.

Senator Bosa: In other words, you would feel better if there were an act of Parliament that included the particulars and characteristics of multiculturalism, to which the judges could make reference.

Mr. Corn: Multiculturalism should be included in section 2: bilingual and multicultural Canada.

Senator Bosa: Recommendation 3 in your brief recommends that the wording in section 16 be substituted with the following:

Nothing in this Accord affects the Canadian Charter of Rights and Freedoms.

There is no mention of multiculturalism here.

Mr. Corn: It is in another recommendation. There are three recommendations; this is the last one, the catch-up clause.

Senator Bosa: Then this is just an abbreviated form of what is contained in another section of your brief.

Mr. Corn: That is right.

Senator Bosa: Section 16 of the Meech Lake Accord refers specifically to sections 25 and 27, which I thought would reinforce that particular aspect of the Constitution Act, 1982.

Mr. Binavince: The purpose of recommendation number three simply tracks the position of the women's group, because there is the fear, which we share, that because of section 2 there is the possibility of the Charter becoming subordinated to the Meech Lake Accord. It should be made clear that the Charter is really the apex of constitutionalism. The Meech Lake Accord is just a finishing touch in the whole attempt. Because of the danger of interpretation we subordinate the Meech Lake Accord to the Charter.

● (1550)

The Chairman: Senator Argue and then Senator Haidasz. I would remind the honourable senators of my request.

Senator Argue: Honourable senators, we have had presented to us this afternoon on behalf of the Canadian Ethnocultural Council a comprehensive and very important document. I

would like to ask either Mr. George Corn or Mr. Emilio Binavince this question: In light of the many and substantial recommendations you have made for changes to the Constitution, how do you feel about your chances of getting many of them through, considering the unanimity clause that is currently in effect? Does that clause not make the adoption of these recommendations almost impossible for the foreseeable future?

Mr. Corn: Mr. Chairman, I would like to answer this question. We devoted our time and study to trying to improve the accord. It is up to you to make the decisions as to what you will accept and what you will not accept. We believe that it can be done, but you must make the judgment as to whether or not it can be done. If it can be done, then we would ask you to support our recommendations. If it cannot be done, then we are still welcoming Quebec into our Constitution as it exists.

Senator Argue: I think we can support in general the important propositions you have put before us. Given all the difficulties that exist under the Meech Lake Accord, and given the unanimity clause—and you say that it is our responsibility and not yours to push the recommendations through, and I appreciate your point—would you not, really, breath a sigh of relief if, after the three-year period, the accord were not ratified and you could go back to where you were before and take your chances with the seven-out-of-ten formula rather than the current formula? Would it not be easier to get seven provinces in to line as opposed to ten?

Mr. Binavince: I am not very knowledgeable in the science of the practicality of getting matters such as this through. If I were orchestrating the effort to push the accord through with this long list of recommendations it would likely invite a rejection of the whole thing because of the impracticality of considering all of them. Given the number of recommendations, one might take the position that the entire Meech Lake Accord is wrong. It would have been nice for practical reasons to zero in on one or two recommendations. However, the purpose of the council is simply to educate those who have the ability to make decisions. We hope that along the way, while you are considering all the practical questions, you will be able to select what is important. What we did today was simply highlight what we think are the two important items—that is, section 2 and the appointing power with respect to judges. That does not preclude anyone who would like to sponsor particular aspects of our recommendations from doing so and attempting to get them through the negotiations. We believe that it will become more difficult in the future to change the Constitution.

Senator Argue: You have pointed out that you would like your share, the multicultural share, of Senate appointments. You say that such appointments constitute 15 per cent of the appointments now made and that you would like to see it go to 33 per cent, which is a difference of 18 per cent.

My question is in two parts. First, are there some groups in the multicultural community who you think should be represented in the Senate—perhaps Ukrainian people, other East Europeans, Asians, people from the Middle East or Africa, or