

BRIEF TO THE SPECIAL JOINT COMMITTEE
OF THE SENATE AND OF THE HOUSE OF COMMONS
ON THE CONSTITUTION OF CANADA

Manitoba Parents for Ukrainian Education Inc.
302 - 296 Garry Street
Winnipeg, Manitoba R3C 1H3
(204) 943 - 9131

Winnipeg, Manitoba

29 December 1980

"Canada's identity has been symbolized in many ways. It has been compared to a mosaic, a flower-garden, a rainbow, a cathedral, a tapestry and the sun streaming through stained-glass windows. The symbols in themselves are unimportant; what is important are the things they all have in common.

...they generally ignore a cultural dimension common to all ethnocultural groups, namely, language. Paeans are sung to cultural pluralism by scholars, intellectuals, and politicians, but the reference points are primarily religious and political. Canadians are all free to worship and to vote as they please, but the pluralism rooted in ethnicity (and thus the pluralism of language) is generally ignored, possibly in the hope that it will somehow go away."

First Annual Report, Canadian Consultative Council on Multiculturalism, 1974.

MANITOBA PARENTS FOR UKRAINIAN EDUCATION INC.

Manitoba Parents for Ukrainian Education Inc. (M.P.U.E.) was founded in June 1980 with the objective of assisting in the development of the English - Ukrainian programme in Manitoba's public schools and of other supplementary Ukrainian language programmes in the province.

In July 1978, the Government of Manitoba amended the Public Schools Act to permit the use of languages other than English and French as languages of instruction in public schools. In that same year the Minister of Education approved the English - Ukrainian programme on a pilot basis, permitting the use of Ukrainian as a language of instruction for half of each teaching day.

The programme commenced in September 1979 with 120 children enrolled in 6 classes. In the current year of the programme, its second, there are 268 children enrolled in 13 classes in Manitoba. As a partial immersion programme, it is the only option available for children to acquire and develop language fluency in Ukrainian. Studies of a similar programme in Alberta indicate that in all subjects, both those taught in Ukrainian and those in English, students achieve at least as well as their unilingual peers while becoming effectively bilingual in a natural environment.

RIGHTS AND FREEDOMS IN THE NEW CONSTITUTION

"It is the Canadian predicament to unite people to live in peace without at the same time depriving them of their identity either as individuals, groups or nations. If Canadians can show the world how a people of various backgrounds can live together in unity and peace without first destroying a sense of pride in one's ancestral background, this world will be a unique achievement and a model for the rest of the world."

(Dr. M.R. Lupul, 28 August 1980)

Members of the Manitoba Parents for Ukrainian Education endorse the need for a new constitution which would accurately reflect the cultural diversity of Canada. M.P.U.E. supports the entrenchment of fundamental human rights and freedoms in order to ensure fair treatment for all peoples and individuals in Canada. It is our feeling that this new Constitution must govern the rights and freedoms of all individuals and the rights of groups on a national basis. Although some of those provisions may limit powers currently held by provincial governments, we nonetheless believe that the intentions expressed in the proposed Canadian Charter of Rights and Freedoms are correct.

The Charter of Rights in the Constitution serves as a guarantee to groups and individuals that uniformity will not be imposed by the majority and that the minority will be assured that their autonomy shall be respected; the Charter should provide a basis of active support by the majority for the development of minority group concerns and aspirations.

Canada's current cultural and territorial features are marked by four specific elements which may be considered mutually conflicting with the concept of a Canadian federation, but which must be acknowledged as those specific features which identify and delineate Canada from the American society south of the border. These elements can be described as regionalism, official bilingualism, native rights and cultural pluralism.

We are deeply concerned that the Proposed Resolution Respecting the Constitution of Canada does not define or recognise the reality of Canada's cultural diversity nor does it protect the full range of rights and freedoms of all Canadians, both as individuals and as groups. It is our contention that the four elements of Canadian society are not given the

attention necessary in order to create a significant interface between what Canadians have been given to understand as distinct solitudes of this society.

The Proposed Resolution was formulated without consultation with the Canadian people. It completely ignores recommendations put forth to the Federal Government by representatives of the Ukrainian Canadian community and other minority cultural communities during the past 15 years. We see in the Proposed Resolution the continuation of discriminatory clauses which relegate Canadians of origins other than Anglo-Celtic or French to a lesser status in a country in which they are allegedly to be "equal" citizens.

Specifically, we are concerned that Section 1 of the proposed Charter, which

"guarantees the rights and freedoms set out in it
subject only to such reasonable limits as are
generally accepted in a free and democratic society
with a parliamentary system of government",

provides too much leeway in allowing the suspension of the Charter.

The internment of Ukrainian Canadians during the First World War was carried out by a government which apparently felt that it was acting in a manner consistent with "generally accepted" principles of Canadian society at the time. This unjust and arbitrary treatment of Canadians was repeated again during the Second World War with Japanese Canadians.

Recommendation

Because the limitations clause in Section 1 is so broad in its application and because it would do nothing to prevent a repetition of this kind of systematic abuse of fundamental rights which the Constitution is designed to protect, Manitoba Parents for Ukrainian Education recommends that Section 1 of the proposed Charter be deleted.

"Freedom in society exists for all or, finally, it does not exist for any. The extent to which freedom exists in a country may above all be seen in the way in which that country treats those groups within it that are in the minority."

A National Understanding: Statement of the
Government of Canada on the Official Languages
Policy, 1977

CANADA: A MULTICULTURAL NATION

"To speak of the Ukrainian experience, the Ukrainianism that I am familiar with is a Canadian phenomenon. There is a distinctive Canadian culture; our literature has its unique themes, our music reflects our involvement with Canada, our community structures witness our participation in Canadian life. It is this that we are interested in developing, it is this that is being developed."

B. Krawchenko, Canada: Multicultural Symposium,
Toronto, 1970

On 8 October 1971, Prime Minister P.E. Trudeau announced that the Government of Canada had accepted the recommendations of Book IV of the Report of Royal Commission on Bilingualism and Biculturalism. This was the clearest and only recognition to date of Canada's identity. The policy gave full and equal rights to all cultural groups to develop in a Canadian environment.

The recognition of these rights institutionalised what was already fact: that cultural pluralism is the permanent national character which defines a significant dimension of the Canadian identity and, secondly, that individuals, as members of minority groups, did not emigrate to Canada in order to assimilate into a homogeneous culture.

At the time of Confederation, there were two dominant cultural and linguistic groups in Canada: Anglo-Celtic comprising 64% of the population, and French, comprising 31% of the population; 5% of the population spoke neither French nor English. The native population was not included. During the past 115 years, the demographic picture of Canada has changed dramatically.

According to the 1976 mini-census, the proportion of Canadians of non-Anglo-Celtic, non-French origins has grown to 28%, the Anglo-Celtic proportion has dropped to 44% and the French proportion to 28%. These demographic trends can be expected to continue for the following reasons:

- 1) the Anglo-Celtic group has a high proportion in the over-65 age group, while all others have high proportions in lower age groups;
- 2) there is a small number of French-speaking immigrants landing in Canada; and

- 3) while the Anglo-Celtic group forms one of the largest immigrant groups, their proportion to all immigrants is substantially less than their proportion to the current total population.

That cultural pluralism is a permanent feature of Canadian society is demonstrated by 1971 census statistics, which indicate that 76% of all Canadians were born in Canada. Ethnicity, then, is not a terminal process ending in assimilation. When we speak of minority cultures in Canada, we are not referring to an alien, transitory phenomenon, but rather an indigenous Canadian dimension.

As Ukrainian Canadians we have played a critical and founding role in the building of the Canadian nation. From cultivating land in western Canada to building railroads and factories to contributions to the development of the arts and as professionals in various fields, Ukrainian Canadians have shown that they are one of the many people who have contributed to the founding of Canada as we know it today.

Too often it has been argued that immigrants came to Canada having made a conscious choice to assimilate into a homogeneous culture. For many, the very reason they came was to escape cultural, social and economic oppression to which they were subjected in their homelands. Some groups negotiated what may be regarded as cultural and religious rights in their coming to Canada.

This was certainly true for the Doukhobours during their mass migration from the U.S.S.R., as well as the Mennonites and other groups. One must also be aware of the fact that in the three Prairie provinces there existed, until 1916, numerous schools whose primary languages of instruction were not English.

All too often, we have arguments thrown at us regarding our status as a group in this country. How many times we have listened to the range of arguments:

- people don't want multiculturalism
- Ukrainians are not united; who really speaks for you?

- things are fine ... progress has been made. Don't you appreciate what we have done for you?
- you are too pessimistic. Things are not all that bad.
- you don't understand, you don't see the problem in the right light
- your structures and cultural associations are not responsible. They are inefficient
- you ask for too much too soon ... there are limits
- we must consider the French fact in Canada first. French Canadians deserve their rights first.

There is no place in Canada for arguments of that nature. As a multicultural society, there are three major objectives which the policy of multiculturalism was designed to promote in the development of a strong, unified, culturally plural society:

- 1) the development of an awareness and an acceptance of minorities as an integral part of the Canadian composite;
- 2) the development and encouragement of the entire Canadian community to act as a stimulant and a catalyst in the growth and development of the minorities and the creation of an environment for individuals to identify with these communities; and,
- 3) the provision of a mechanism for the articulation and appreciation of the needs of the minorities, combined with a mechanism to enable the society as a whole to respond to these needs.

In announcing the policy of multiculturalism, Prime Minister Trudeau stated that

"National unity, if it is to mean anything in the deeply personal sense, must be founded on confidence in one's own individual identity; out of this can grow respect for that of others and a willingness to share ideas, attitudes and assumptions. A vigorous policy of multiculturalism will help create this initial confidence. It can form the basis of a society which is based on fair play for all."

The Special Joint Committee of the Senate and of the House of Commons, chaired by Senator Gildas Molgat and Mr. Mark MacGuigan, recognised the

need to provide an outlet for the development of the multicultural nature of Canada by advocating the recognition of that fact in the new Constitution. The Committee rejected the theory "that Canada is divided into only two cultures", because that theory is "too confined to do justice to our reality as a people." The Committee suggested that the new Constitution should reflect

"what kind of nation Canada is: a free people in a free society; a country characterized by rich diversity in linguistic communities, cultural heritages and regional identities; a country where individual fulfillment is the fundamental goal of society."

In A Time for Action: Toward the Renewal of the Canadian Federation, released by the Government of Canada prior to the publication of its Constitutional Amendment Bill in June 1978, the government made the following clear commitment to the enhancement of Canada's mosaic of cultures in the future renewal of the Canadian federation:

"For more than a century, people of other ethnic origins have come to Canada and settled beside those of British and French ancestry. A large number of them have joined the English-speaking majority and others the French-speaking majority, without in the process losing their identity.

With the sheer weight of their numbers, it is natural that the French and British cultures occupy a major place in Canada. But there is no question of having only one or two official cultures; Canadian society must promote cultural diversity, clearly and explicitly.

This diversity will only be protected if we ensure that Canadians of ethnic origins have equal opportunities and full protections against discrimination.

Our French and British traditions have not been weakened by the multicultural character of our society. On the contrary, by good fortune this increasing diversity has helped reduce the old rivalry between them. They have also been invaluablely enriched and revitalized in all fields -- from the arts and sciences to economics and politics. Our two principle cultures will in no way be diminished by the determination of new communities to preserve their own cultural heritage.

We must therefore do more to develop and enhance all the elements of the Canadian mosaic. We must also significantly increase exchanges between our cultures, so that every Canadian has the chance to discover, appreciate and respect the heritage of his fellow-citizens."

The British North America Act, therefore, cannot be viewed simply as a document which is in dire need of updating. At its core, the Constitution is a creed, a statement of our values and aspirations, a national inheritance for generations of future Canadians. Aside from defining freedoms, distributing powers of decision-making and generally establishing relationships between citizens and governments, the Constitution must also elevate the common principles of the Canadian people. The heart of the Canadian experience has been the mosaic of diverse peoples. Unless the new Constitution gives recognition to our multicultural nature and unless the rights of the minority groups are guaranteed, then in the long run the programmes which have emerged over the last decade to promote multiculturalism will serve much like morphine does to a cancer victim - it does just enough to take the pain out of dying, but does nothing to substantially alter the condition.

Canada's minority cultural groups have had to live dangerously, knowing that the survival of their cultures was not guaranteed as a right, enshrined in a constitution but rather was something that existed, if at all, at the pleasure or whim of the majorities. The majorities have been unable to eradicate the memories and spirit of Lord Durham. Once used to suppress the rights of the French, the impact of this same mentality has now been transferred to the minority groups. There exists the insidious belief that somehow the granting of rights to the minority groups will mean the balkanisation of the country or that these rights are frills that can be afforded only when more practical needs or the needs of the French are met. If we are to live in harmony then the spirit of Lord Durham must be laid to rest.

The Proposed Resolution Respecting the Constitution of Canada does not implicitly or explicitly recognise that Canada is a culturally and

linguistically diverse country, while much attention has been paid to English - French bilingualism. Bilingualism is but one dimension of Canada's linguistic and cultural policy, the other being multiculturalism. This slighting of multiculturalism is a serious deficiency in the Proposed Resolution.

There are those who argue that "multiculturalism" will be placed into a preamble after the constitution is patriated. It is said that the provinces cannot agree upon a preamble and it was because of the provinces and not the federal government that the constitution did not recognise Canada's cultural diversity. The strength of this argument may be gauged from the fact that the same federal government did not hesitate to ignore the equally divided wishes of the same provinces and unilaterally invaded a well-known area of provincial jurisdiction, namely education, in the matter of English - French minority language rights.

Recommendation

Manitoba Parents for Ukrainian Education proposes, therefore, that the following addition must be made under the heading "Non-discrimination Rights" as Section 15 (3):

"Everyone has the right to preserve and develop their cultural and linguistic heritage."

LANGUAGE IS THE KEY TO CULTURE

"Without its own language, a culture evolves into a caricature. Its soul and distinctiveness vanish, leaving behind only a loose collection of superficial trappings. It becomes as mute as a violin without strings, and the only value remaining lies in the commercial distribution of ornaments."

Robert Muir, M.P., evidence to the Standing Committee on Broadcasting, Films and Assistance to the Arts, 6 November 1973.

Inherent to this discussion on the new constitution and the guarantee of rights for minority cultures is the recognition that in order for minority cultures to exist and develop, their respective languages must also be protected. Questions of language and culture are rooted in the experience of daily life, inseparably linked with the social, political and economic institutions which frame the existence of a people and which should satisfy their many needs and aspirations.

The Royal Commission on Bilingualism and Biculturalism consistently noted that language is the key to culture; to quote one of these passages:

"Language is the most evident expression of a culture, the one which most readily distinguishes cultural groups even for the most superficial observer. In terms of our mandate, this statement means that the problems of bilingualism and biculturalism are inseparably linked."

In 1972 the Special Joint Committee recognised this inseparable link between language and culture by accommodating regional governmental recognition for languages other than English and French.

Sections 16- 22 of the Proposed Resolution refer to English and French as the official languages of Canada with

"equality in status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada."

These sections recognise the linguistic reality of Canada, a country which is linguistically dominated by two territorially defined linguistic communities. French and English are the only two official working languages of Canada, acting as the common denominators of the many languages which are the expressions of Canadian identity.

The French population can make claims to special priveleges as provided in Sections 16 - 22 that no other group can make. It is not because of the two founding peoples concept, which must be rejected on the basis that it overlooks the status of the native peoples. Rather, it is because the French number almost 7 million people. Most of them have retained their mother tongue and most of them use it as the every day language of work. They have numerous large daily newspapers, radio and television stations and major universities. No other cultural group is in a similar position. Therefore, for geographic, political, economic and for practical reasons, the French are not just like any other cultural group other than the Anglo-Celtic.

It is for these reasons that this country has been bilingual and will remain bilingual. The B.N.A. Act reflected this reality at the time of Confederation and the Official Languages Act guaranteed an equality of service for both official language minority groups at the level of national governmental institutions across Canada. Together with these guarantees also came extensive support of the cultural, political and institutional elements which reinforce language usage, in particular for the French minority outside Quebec.

We submit, however, that in view of the pervasive use of the two official languages, Section 22 of the Proposed Resolution does not serve to protect the developmental rights on a national and equitable basis for the other minority languages. We note that several challenges before the Canadian Radio, Television and Telecommunications Commission and the Governor-General-in-Council of the Canadian Broadcasting Corporation's proscription on the use of languages other than English and French were denied in spite of Section 38 of the Official Languages Act, whose wording was almost identical to that of the proposed Section 22.

Unless concrete positive clauses are included in the new Constitution guaranteeing the linguistic rights of all minorities, then one cannot claim that this Constitution will guarantee the exercise of full rights and freedoms by minority groups in the face of the two majority cultures.

Majority languages are heard on the street, used in the educational systems, read in the newspapers and brought into the home by the electronic media. The minority language stops being relevant as a language for daily use and becomes dangerously impoverished. The most serious consequence of this is the disenfranchisement of the minority language from the essential aspects of social reality. As a direct result, the culture becomes fossilised, the culture and language are considered anachronistic and there is an immediate flight by members of that group from their own language and culture, and assimilation into the majority culture and language. In order to stem this tide effectively, elements of Canadian society must be at the disposal of those who desire them.

The First Report of the Canadian Consultative Council on Multiculturalism spoke clearly of the unacceptability of this development:

"Without language, cultural pluralism or, to use the contemporary term, 'multiculturalism', emerges as a truncated multiculturalism, confined to such aspects as folk dancing, embroidery on women's clothing, decorative arts such as Easter Egg painting, instrumental music, or even folk songs (including Christmas carols) with words which few can understand or are encouraged to learn.

In short, truncated multiculturalism is unacceptable because it is essentially folk culture, a phenomenon whose place and function in Canadian society has hitherto been badly misunderstood."

Current demographic trends are pointing in that direction. While the proportion of the Anglo-Celtic group has been steadily declining, the percentage of people who claim English as their mother tongue has risen to about 60%. At the same time, the proportion of those whose mother tongue is neither English nor French has declined to about 13%. Therefore, less than one-half of the third group (27% of the total population) claimed a mother tongue other than English or French. The result of these factors is that although the non-Anglo-Celtic, non-French portion of the population is growing, that portion of this third group which retains the mother tongue is declining. If the present trend continues for one generation there will be three groups almost equal in total numbers but the "third" languages will be dying out.

Education is one of the most critical elements which can assist minority groups develop their cultural and linguistic heritage. Having a child's mother tongue used in the school system may be a factor necessary to convince a child that his/her mother tongue and culture are not anachronistic elements of his/her life, meant to be forgotten and hidden in a cupboard or visited in a museum. It is the stimulating factor which will actively encourage youth to use and develop an ability to understand and use languages other than English and French and to live the cultures which are such an integral element of Canada.

A number of studies have stated that beyond a singular doubt the educational system plays a critical role in the development of a child's cultural orientation; most notable amongst these is the Report of the Work Group on Multicultural Programmes of the Board of Education for the City of Toronto (1975). The Work Group reflected on the role of education in Canadian society in two very telling passages:

"It is clear to us that the educational system must play a role in developing a true multicultural society, and all that implies. If a multicultural society and the equality of education are to mean anything, then a child's cultural heritage must not be a handicap.

.....

It is generally known that school transmits A DOMINANT MESSAGE to the young personality for whom the cultural heritage which that institution represents is alien. In its simplest terms, the message is that the cultural heritage in which his personality anchors itself, is invalid. Silent, certainly, non-verbal, persistent and unmistakable, the message bombards his consciousness from all sides of the new cultural enclave manifest in the classroom, the hallways and the offices of the school, to say nothing of the blunt expectations, directions and instructions of the staff which control it."

Another Canadian study nominated the educational system as the prime agent of linguistic retention and felt that the emphasis should be placed on the inclusion of minority language programmes in the public school system as opposed to having parents organise and support supplementary and community schools; the supplementary programmes were found to partially prevent children attending them from participating in normal activities

with other children after normal school hours, creating resentment for the children attending the extracurricular programmes directed against the community school and eventually against the culture (K.G. O'Bryan, J.G. Reitz, O.M. Kuplowska, Non-official Languages: A Study in Canadian Multiculturalism, 1976).

All minority groups have recognised the importance of the educational system in preserving their heritages. However, if a public system of schooling is vital to the interests of the nation then the individual boards must be made responsive to the needs of all communities, including the cultural minorities. Without this obligation, there will continue a proliferation of separate schools serving only the narrowly defined concerns of specific groups. A society which purports to reject the notion of a melting pot must ensure that the ethic of multiculturalism pervades its most fundamental institutions and that within this ethic opportunities permitting language instruction must be guaranteed where numbers warrant.

It is not sufficient to suggest that the use of the unofficial minority languages is not forbidden, that school boards or provincial legislatures have the right to make provisions for their use. Given enough time, given enough rejections, the minority groups will eventually exhaust themselves, grow more tired and will be forced to give up. Nor is it necessary to take away these rights; they can be granted to us only after long struggles and access to them can be made difficult. It is only necessary to wait and never provide for our most fundamental needs in the area of education. We do not have control over school boards. We are not perceived as landlords but as tenants.

Schools and language training are largely a matter of tax support. We are all tax-payers without distinction being made between those who are of French descent or those of Anglo-Celtic descent or those of any other descent. It is an old and accepted maxim of British parliamentary democracy that there can be no taxation without representation. Since we pay taxes, we then have the right to decide where those taxes go. When the third portion of the population is soon going to be equal in number to the other two, there is

no reason why their tax dollars cannot be used for teaching in the other Canadian languages. The Proposed Resolution, however, does not take into consideration these fundamental questions and does not provide for the guaranteed exercise of rights by the linguistic minorities.

Sections 16 - 22 of the Proposed Resolution entrench official bilingualism on a national basis. Section 23 appears to be a natural extension of official bilingualism. However, underlying this Section are three unwritten assumptions:

- 1) language is the key to culture;
- 2) the educational system must fulfill its critical role as the vehicle in teaching languages; and,
- 3) without the guarantees of the majority of each province, together with the necessary support of governments, assimilation is inevitable for all cultural minorities.

These same assumptions also apply to all of Canada's non-French, non-Anglo-Celtic minority groups. By singling out only the English in Quebec and the French in the other provinces, the Federal Government has implicitly and explicitly granted second class status to the other minority groups. Just as the B.N.A. Act could not in 1867 deny the cultural duality of Canada at that time, so today, the new Constitution, by granting educational rights to only two minorities, completely rejects the reality of Canada as a multicultural and multilingual nation.

We are deeply concerned that the Government of Canada has chosen to invade provincial rights in education on behalf of one minority in Quebec and another in the other provinces, while not doing so for the other minority cultures whose linguistic and cultural rights are equally pressing.

Recommendation

Manitoba Parents for Ukrainian Education proposes that if the new Constitution is to treat all individuals and all groups as equals and if the new Constitution is to guarantee minority language rights in provincial educational systems, then that guarantee cannot be confined to one linguistic combination, but must embrace all that are viable through the following provision of Section 23

of the Proposed Resolution:

"Citizens of Canada shall have their children receive their primary and secondary school instruction in the language of the majority of the population of the province in which they reside and in any other language(s) in accordance with the expressed desire of parents in any area of the province in which the number of children of such citizens is sufficient to warrant provision out of public funds of minority educational facilities in that area."

The above proposal renders Section 23 (2) unnecessary and it should be deleted.

By omitting "first language learned and still understood" of the original proposal, all children, not just French, will have the right to be educated in French. The omission of "English ... linguistic minority population" ensures the primacy of the French language in Quebec while at the same time not denying anyone the right to acquire a second and/or third language of their choice in Quebec.

The original clause also carried the unfortunate implication that all other cultural minorities are of little consequence in Quebec. While they must certainly learn French and should know some English, they should also have the right to learn their ancestral language and become trilingual because they live in a multicultural country which values its cultural and linguistic diversity.

The new Constitution must guarantee a basic equality of linguistic status, but not of usage, for all languages, which is so vital to the development of a viable multicultural society; this can only be done by guaranteeing the possibility of numerous bilingual combinations without endangering English outside of Quebec or French in Quebec. By doing so, we can also expect a strengthening of the major bilingual combination, English - French, for we are thoroughly convinced that this main combination can only benefit from the presence of other linguistic combinations, particularly west of the Ottawa Valley.

THE CONSTITUTION AND CANADIAN REALITY

"In particular we suggest that all Canadians examine closely the concept of democracy itself. Too often, it has been reduced to the simple game of majority vs. minority,"

Preliminary Report, Royal Commission on
Bilingualism and Biculturalism

Canada's cultural minorities have never adequately shared in the distribution of powers nor have they received concrete guarantees for their survival and development within the framework of the British North America Act or any Act of the Canadian Parliament. On the contrary, despite their major contribution during a century of great development and growth of this country, these groups have been the victims of nativist sentiments and of rivalries between the English and the French and between the regional elements of Canada. The sole concession to minority groups was the announcement of the policy of multiculturalism, recognising the multicultural character of Canada.

In the present search for a new accommodation between the contending forces of Canadian society, any concessions between the English and the French sectors of our society and between the provinces and the federal government must not be made at the expense of the minimal gains that have been achieved by the minority groups.

The degree to which a federal political system succeeds is affected by the extent to which provincial or regional units represent homogeneous groupings. There does not exist a precise coincidence of regional boundaries and of the various linguistic or cultural groups in other federal countries such as Switzerland, Belgium, India or Finland. The greatest difficulties in such countries as Switzerland, India, Malaysia and Nigeria have arisen in those provinces where there has been the greatest mixtures of minority groups. In all cases, particularly where one finds smaller minority groups within provinces dominated by larger minority groups, a special responsibility must be undertaken by the Federal Government as the guardian of minorities against oppression by provincial governments and by the majority group of that province.

The granting of full rights to non-English, non-French languages is not diametrically opposed to the needs of the official languages; rather, they interact, enrich each other and guarantee that the entire population will create an environment for individuals to identify with these communities.

English - French bilingualism cannot stand alone because minority groups will not accept bilingualism as defined in the Proposed Resolution without provisions for multiculturalism. If forced to choose between the two elements, they will choose the English, convinced that English - French bilingualism is only possible where the principle of bilingualism itself is honoured - and only a healthy respect for multiculturalism can ensure that.

In its second report, the Canadian Consultative Council on Multiculturalism stated that

"It is the Council's firm belief that promotion of language learning will not only strengthen Canada's multicultural identity, but will also render official bilingualism more acceptable. The broadening influence of knowing other languages can only lead to greater understanding of the need to guard against cultural annihilation on an English-speaking continent."

Most French Canadians outside Quebec are probably well-disposed toward the Proposed Resolution; many, however, are probably uncomfortable with the provisions of Section 23 (1). They are exclusive, singling out the English in Quebec and the French outside Quebec for salvation, as if only their survival as groups were threatened. We must note that in the Prairie provinces the French are outnumbered by Germans and Ukrainians, in British Columbia by Germans, and in Ontario equalled in numbers by Germans and Italians. In these circumstances, French Canadians may be concerned not to harvest the bitter and frequently ugly results of disaffection which usually accompany privileged minority status. If proceeded with, Section 23 will not cool the hot coals of bigotry particularly in western Canada, which, it appears, are just waiting to be fanned. Should that happen, everyone interested in bilingual education will undoubtedly suffer and all bilingual classes will be the ultimate victims.

Obversly, French Canadians should also take careful note of the words of the late Professor Robert Painchaud, who stated that

"the Franco-Canadians of Western Canada must understand that bilingualism and multiculturalism are not adversary, but complementary policies. Multiculturalism can only strengthen the existence of the French Fact and greatly assist the cause of bilingualism."

A poignant quotation from The Heirs of Lord Durham: Manifesto of a Vanishing People is equally applicable to the position of the other minority groups:

"We the Francophones outside Quebec are a distressed people but we will no longer delude ourselves with the illusion that has for so long been fed to us: that we are the reason for this country's existence and that we have a special vocation to take an active part in the development of the two founding nations. These words are meaningless for people who no longer feel at home.

We have been manipulated without our knowledge. This was done so cleverly that we actually believed for a while that any opposition would be useless.

We want to make known our plight and explain why we refuse to be treated as pawns in a national chess game.

We are through with deceitful words which cover up the wrong, through with the short-lived policies in which we so naively believed. We are also through with hiding our situation from everyone, afraid of admitting what we knew about ourselves. Finally, we are through with the thanks extracted from us making us feel guilty.

We face tremendous challenges. Today, our rights are illusory. Our schools are centres of assimilation. Access to our network of radio, television and other communications systems is escaping us. Our national collectivity and soul is gradually vanishing."

Too often the contributions of the minority cultures are thought of in terms of quaint old world customs and traditions carried to Canada to satisfy emotional needs and titillate Canadian audiences. Minority cultural group participation in Canadian life has tended to emphasise preservation. We are not interested in living in historical museums.

RECOMMENDATIONS

1. Delete Section 1 of the Canadian Charter of Rights and Freedoms.
See page 4 of this brief.
2. Add the following as Section 15 (3) under "Non-discrimination Rights":
"Everyone has the right to preserve and develop their cultural and linguistic heritage." See pages 5 - 10 of this brief.
3. Amend Section 23 (1) as follows:
"Citizens of Canada shall have their children receive their primary and secondary school instruction in the language of the majority of the population of the province in which they reside and in any other language(s) in accordance with the expressed desire of parents in any area of the province in which the number of children of such citizens is sufficient to warrant provision out of public funds of minority educational facilities in that area."
See pages 11 - 17 of this brief.
4. Delete Section 23 (2) rendered unnecessary by the proposed Section 23 (1) above. See page 17 of this brief.