

## **Centre for Cultural Renewal Calls for Establishment of Constitutional Forum**

The Centre for Cultural Renewal calls upon the Government of Canada to rethink the principles that ought to apply to any program of governmental assistance for constitutional litigation by establishing a Constitutional Forum.

Mr. Iain Benson, the Centre's executive director, asserts, in response to the recent discussion pertaining to the cancellation of funding for the Court Challenges Program, that the current model fails to facilitate meaningful dialogue and compromise on complex cultural issues.

Benson raises general concern about using the courts rather than civil debate and discussion to develop public policy. This concern, and the proposed solution, a Constitutional Forum, were recently put to the House Standing Committee on Justice and Human Rights (November 6, 2006). Benson was told after his testimony that his proposal is likely to be of great assistance to the Justice Committee and to the government in the future.

Benson, and the Centre for Cultural Renewal, call for the establishment of a Constitutional Forum, with governmental assistance, to bring together diverse viewpoints on key debates of the day (health care, labour relations, equality and expression litigation etc.) so as to foster genuine civil dialogue rather than encourage a too ready resort to the courts before the civil debate has matured or even occurred.

The establishment of a Constitutional Forum to foster discussion and debate from representative organizations will go a long way to encourage genuine dialogue and ameliorate a spirit of "sectarianism" between groups of differing perspectives on issues of the day. Such a body, if it is seen to have a role in a reinvigorated place for constitutional 'dialogue', might well come to be seen as important to politicians and the judiciary for the analysis so often missing in the vast areas of non-discussion that end up seeking the "winner take all" results of court-based processes. Use of such a forum could, in fact, be incorporated into a litigation assistance program as a requirement prior to financial support being given. This would go a long way to restore confidence in the representative nature of any assistance program and in the rigour of its analysis.

A constitutional forum of this sort would be innovative, creative and progressive in Canada. It would build upon and advance what has gone before while correcting the errors that became manifest in the Court Challenges Program."

For a more detailed analysis and rationale, please consult the Centre's Brief put forward by Iain Benson in his invited testimony before the House Standing Committee on Justice and Human Rights titled *To Encourage Civil Dialogue: A Principled Analysis for Governmental Support of Constitutional Development in Canada* at [www.culturalrenewal.ca](http://www.culturalrenewal.ca).

For further information, please contact the Centre for Cultural Renewal at 613.567.9010. The Centre exists to further discussion and analysis about pluralism and civil engagement in Canadian society today.