

WHAT COURSE FOR CANADA?

BY DAVID V.J. BELL

In less than two months, we will reach the first anniversary of the Quebec referendum that very nearly resulted in the deconfederation of Canada. Looking back over the past ten months, comforting developments are hard to find. Apparently disoriented by the slender margin of the "No" side victory, Prime Minister Chrétien has found it difficult to plot a course for the Canadian ship of state. He seems

Plan B veers off at right angles to the course of conciliation, outlining in tough language the ground rules for a legal secession and emphasizing the pain and difficulty this course entails for both sides, while at the same time insisting that, without prior agreement on ground rules, chaos will result.

to be tacking against the strong winds of change, heading toward conciliation at one time, confrontation at another. Perhaps only such a zig-zag course will permit Chrétien to make any headway in Quebec while maintaining support in the rest of Canada (ROC).

The two alternative direc-

tions that define the present strategic course Chrétien has chosen have been called Plan A and Plan B. Plan A loosely describes a number of measures intended to increase Quebecers' desire to remain in Canada, thus stealing the wind from the sovereigntist sails. Plan B veers off at right angles to the course of conciliation, outlining in tough language the ground rules for a legal secession and emphasizing the pain and difficulty this course entails for both sides, while at the same time insisting that, without prior agreement on ground rules, chaos will result. We may even encounter violence, Gordon Robertson cautions.

As the nautical metaphor suggests, and Jane Jenson and Antonia Maioni point out, Plan A and Plan B are implicit in each other—together they define Chrétien's strategy. But will they be effective? Are they truly complementary? Should an entirely different course be followed?

Jenson and Maioni argue strongly that some elements of Plan B may undermine Plan A. They are particularly concerned with the suggestion that Quebec might be partitioned to permit sections of the population to opt out of a sovereign Quebec and remain part of Canada. They fear such "partition discourse" will do little to reduce support for the "Yes" side, but will instead make it "harder for Quebecers to support federalism."

Other contributors to this issue of *Canada Watch* agree that some version of Plan B is required; they have differing

views on how secession might be accomplished legally and whether Plan B should deal with substantive concerns or be confined to procedural issues. According to some constitutional lawyers, any referendum is purely "consultative." The outcome of a vote in favour of secession would take full legal effect only after the Canadian constitution were formally amended following procedures outlined in Part V of the *Constitution Act, 1982*. Were Quebec to issue a unilateral declaration of independence (UDI), such action would contravene Canadian law and find little support in international law, insist Peter Hogg, Patrick Monahan, and Michael Bryant.

Legality and legitimacy are seldom congruent, however; while agreeing that ground rules must be established prior to another referendum on sovereignty, José Woehrling rejects the notion that Quebec must await the outcome of attempted formal amendments to the Constitution in order to achieve secession. Woehrling contends that a UDI could be a legitimate course of action in the event the ROC became paralyzed by the amending formula outlined in the Constitution to which Quebec has never given formal assent.

Two contributors support a new direction for federal policy. Reporting the results of a May workshop attended by 22 academic experts and other leaders, John McCallum urges that we revitalize and rebalance Canada's federation in accordance with five key principles or themes, and offers ten recommendations for immediate action. Judy Rebick recommends introducing a Plan C that would involve a search for common ground based on recognition of the "right of self-determination for all three national commu-

nities" in Canada, including the Aboriginal peoples.

Whatever course is chosen, Canada is headed into difficult waters. Those who must set the course, and those who must live with the consequences, will welcome the frank discussion of alternatives presented in this issue of *Canada Watch*.

In retrospect, it is frightening how poorly both sides were prepared for a "Yes" vote in last year's referendum. The country is facing an enormous challenge, one we can ill afford to ignore or hope it will go away.

However one views Chrétien's pre-referendum strategy of refusing to discuss a possible victory for the sovereigntists, the "taboo" against such discussion has been irrevocably broken. Moreover, we must go beyond talk to action, whether through administrative agreement, contingency legislation, reference to the Supreme Court, or some combination of all of these. Nor can we ignore the political cultural context of change. It is interesting in this regard to note the response of Reginald Gervais, a city councillor in Jonquiere who voted "Yes" last October, to the recent outpouring of material and financial support from "ordinary Canadians" to the flood victims of the Saguenay region: "You can't help but feel more Canadian and appreciate being Canadian. Can you say thank you for us?" [*Maclean's* (5 August 1996) 22].

There may indeed be room for common ground and, as Judy Rebick suggests, even a role for a Constituent Assembly.

David V.J. Bell is Director, York Centre for Applied Sustainability, and Professor, Faculty of Environmental Studies, York University.