

tutional recognition of duality, informal efforts to find a mutually acceptable formulation should continue.

PROGRESS AND SETBACKS

There has certainly been some progress. The federal government's Speech from the Throne contained positive recommendations in the areas of labour market training, the federal spending power, and rebalancing the federation. Our own recommendations built on these proposals. In a June 14 speech, Ontario's Minister of Intergovernmental Affairs expressed support

for recognizing Quebec's uniqueness in the Constitution. She added that we must create a climate where Canadians can support this recognition, and that we must start with administrative renewal of the federation that would provide real evidence that the federation is flexible enough to support Quebec's distinctiveness. These sentiments are on the same wavelength as our own document.

Notwithstanding these and other signs of progress, a comprehensive action plan has not yet emerged. The key, in our view, is an eventual constitu-

tional recognition of Quebec's unique position in Canada, but this must be preceded by non-constitutional actions that speak to the aspirations of Canadians in all parts of the country. Important ingredients include measures to rebalance the federation and provide a greater role for provincial governments in appointments to central institutions. The principle of fiscal equality could help persuade Canadians that "distinct society" for Quebec is a matter of respect and principle, not a smokescreen for special privilege and fiscal advantage.

At the moment, however, the political will to run with these issues does not exist. While we hope that our proposals might still prove useful at the appropriate moment, the timing of any action rests with our political leaders as influenced by public opinion. Meanwhile, the country remains in a state of remission, and the risk of inaction increases with the passage of time.

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PLAN C: FINDING COMMON GROUND

BY JUDY REBICK

In the debate about Plan A and Plan B, I would like to introduce the need for Plan C—finding common ground. The problem with Plan A and Plan B is that they assume winners and losers in the sovereignty debate. Plan A supposedly defeats the sovereigntists, which should by now be clear is sheer fantasy. Whether or not there is another referendum in the near future, and whether or not the "Yes" side is victorious in that referendum, it seems very clear that sovereignty will remain the option for a growing sector of the Quebec population. Plan B prepares for the worst, a "Yes" vote in a future referendum. No one can dispute the importance of Canada being prepared for such an eventuality. To do otherwise is to hide our heads in the sand, but to develop Plan B is to assume that "separation" is inevitable after a "Yes" vote. Since the closest possible relationship between Quebec and the rest of Canada is desirable for everyone who currently lives

within the Canadian state, why not try and find a solution that maintains a close relationship rather than assuming deep division?

Plan C attempts to find common ground. Is there a solution to the relationship between Quebec and the rest of Canada that can satisfy the majority of people on both sides of the sovereignty-federalism debate? While such a solution is difficult to envision in the current state of polarization on one side and denial on the other, I believe it is politically possible.

The basis of Plan C must be the right of self-determination for all three national communities within the Canadian state. The issue of aboriginal self-government is not a Quebec problem, it is a problem for all of Canada and it should be negotiated at a pan-Canadian level. The people of Quebec have the right to decide if they wish to remain part of Canada and that means by simple majority rule. Clearly, a tiny majority will

put the Quebec government in a very difficult negotiating position, especially given the current polarization inside Quebec, but a majority vote in the referendum must be accepted in the rest of Canada as a mandate. Finally, the people in the rest of Canada have the right to approve any new arrangements negotiated between Canada and Quebec.

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Before we can talk about solutions to the crisis, we have to look more closely at its cause. Why do we face a constitutional blockade? Why is it that ideas like asymmetrical federalism cannot get heard? Why is Canada losing its appeal to more and more people in Quebec?

THE 1982 CONSTITUTION

One source of the problem is the 1982 Constitution, which made provincial rights the keystone of Canadian federalism. Whether or not Quebec is upset about not signing the 1982 Constitution, do the rest of us really want a country in which provincial premiers, never elected on constitutional issues, are the principal gatekeepers of the Constitution? By adding a regional veto to the amending formula in the Constitution, Prime Minister Chrétien has made an almost impossible situation totally impossible.

While the constitutional conferences leading up to the Charlottetown Accord came up with the solution of asymmetrical federalism as a way of maintaining a strong federal government for the rest of Canada, and Quebec got the powers they desired, politicians dropped it like a hot potato, saying it could not be sold. I suspect the reason was much more that they did not want to sell it. Much of the anti-Quebec sentiment in the country is not chauvinism, but rather a real resentment that Quebec has so much power in

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Ottawa, the Prime Minister and Finance Minister, for example, and still wants more in Quebec City. The proposal for asymmetrical federalism that would mean a transfer of powers from Ottawa to Quebec City would be acceptable to most Quebec nationalists and, I believe, most Canadians outside Quebec, but would mean a reduction of power of the Montreal potentates who have played a central role in Ottawa since Trudeau was first elected. In fact, creating a Quebec elite with a strong self-interest in maintaining status quo federalism was central to the strategy of Lester Pearson, Pierre Trudeau, and Brian Mulroney in their battles against Quebec nationalists. This elite has now become a major barrier to any new solutions to the Quebec-Canada relationship.

These two problems combined with economic fundamentalism have led to radical decentralization as a solution. Instead of recognizing that a new partnership is needed between Canada and Quebec, politicians with a not-so-hidden agenda of reducing the size of government are pushing for all power to the prov-

inces. This is really the recipe for a break-up of the country. Preserving our social cohesion in a globalized economy is the keystone of a country. Decentralization will mean a race to the bottom among the provinces and a destruction of the national social programs that, for most Canadians, are synonymous with Canadian identity. What is more, decentralization alone does not respond to the

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aspiration of the people of Quebec for recognition as a nation. Ironically, there has been more resistance in Que-


bec to the destruction of national social programs such as family allowance, pensions, and unemployment insurance than almost anywhere else in the country. The decentralization of social programs will probably weaken Québécois ties to Canada even further.

By demanding more of a people's voice in the process of constitutional change, most Canadians are recognizing that the politicians who have led the process have done so more from self-interest than the common interest. But for a Constituent Assembly to have any success, there must be some new parameters to the discussion.

What we need is Plan C, a new partnership between Canada and Quebec that meets the needs of people across the country. Plan C could mean federalism with most powers being transferred from Ottawa to Quebec, with a corresponding loss of political representation in and cash transfers from Ottawa. Plan C could mean a confederal state with two national houses of Parliament, one in Quebec City representing Quebec, and one in Ottawa representing the rest of Canada, with com-

mon concerns like foreign affairs, defence, monetary policy, and social standards being decided by a new binational structure. There would still be a country called Canada, but it would be structured very differently.

Aboriginal self-government could be dealt with through tri-national negotiations, equal to equal as the Aboriginal leaders have demanded. Minority language rights and equality rights for women and minorities could also be guaranteed at the tri-national level. People in the rest of Canada could decide the relationship of their provincial governments to the national government without reference to Quebec's needs.

Instead of debating how to hold on to a federalist system that is not working well for any of its citizens, we could be debating what kind of social and economic union we need to face the world of the 1990s together in partnership. Plan C can help us thrive on our diversity rather than being torn apart by it. 

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PLANNING FOR PLAN B

BY PATRICK J. MONAHAN & MICHAEL J. BRYANT

In a recent study published by the C.D. Howe Institute, Canada Watch Co-Editor Patrick Monahan and Toronto lawyer Michael Bryant set out a series of principles for guiding the federal government in developing a Plan B strategy. We have reprinted two excerpts from this study. The first summarizes the authors'

conclusions based on a review of the international approaches to secession. The second discusses three of the authors' key proposals—a reference of certain important legal issues to the Supreme Court of Canada; the enactment of so-called "continuity legislation" by Parliament; and the appointment of

a panel of internationally recognized experts. [Original citations are omitted from this excerpt.]

THE INTERNATIONAL EXPERIENCE

Before attempting to design a set of ground rules to govern secession in Canada, we believe it essential to review the manner in which other states have approached the issue (and in which Canada and some other states have approached other kinds of referendums). ...

Our first task was to examine all constitutions that con-

tain provisions dealing directly or indirectly with the issue of secession. We then studied the referendums of other nations and subnational groups considering secession or a similar infringement on a nation's sovereignty.

On the basis of this review, we offer the following generalizations about the international approach to secession and similar issues:

1. Secession is usually prohibited.
2. Unilateral secession is always prohibited.