

CanadaWatch

PRACTICAL AND AUTHORITATIVE ANALYSIS OF KEY NATIONAL ISSUES

a publication of the York University Centre for Public Law and Public Policy and the Robarts Centre for Canadian Studies of York University

SPECIAL DOUBLE ISSUE: CANADA AFTER THE REFERENDUM

POST-REFERENDUM REFLECTIONS: SOVEREIGNTY IS ALIVE AND WELL, PARTNERSHIP REMAINS THE ROADMAP TO THE FUTURE

BY DANIEL TURP

The disconcerted voices and messages sent to Quebecers from the rest of Canada and the hope that Mr. Bouchard, following his November 21 announcement, will become the leader of the Parti québécois merit examination. Many Quebecers believe that the sovereigntist option is alive and well. Such a belief is also founded on the referendum results and the shifting roles in Ottawa and Quebec City.

EXAMINING THE RESULTS OF THE OCTOBER 30 REFERENDUM

No serious analyst from Quebec, Canada, or, indeed, the rest of the world has misread the October 30 referendum results. As can be seen from the

table (see page 42), 49.42 percent of those Quebecers who cast valid ballots voted "yes" to a question that would have authorized the National Assembly of Quebec to proclaim Quebec sovereignty. By contrast with the 1980 referendum question, which would have given no such mandate to the government of Quebec, the vote of October 30 is a clear indication that Quebecers seriously considered the option of sovereignty and almost gave it a majority in 1995.

With a question that was more daring, there was an 8.98 percent increase in support for the Yes side (49.42 percent in 1995 versus 40.44 percent in 1980) and such an increase is

reflected in all age groups. Hence, of those aged 18 to 34, the "yes" voters were 51 percent in 1980 and 55 percent in 1995; of those aged 35 to 54, the "yes" voters were 51 percent in 1980 and 52 percent in 1985; and of the people over age 55, the "yes" voters were 28 percent in 1980 and 32 percent in 1995. Regarding the geographic distribution of the vote, one must realize that the "yes" vote was

in the majority in 80 of the 125 ridings of Quebec (64.00 percent), whereas it had won only 22 out of 110 ridings in 1980 (24.20 percent). The obvious consequence of this progression of the Yes side is the equivalent loss of the No side. The decrease from 59.56 percent to 50.58 percent, the losses in all age groups, and the new geographical voting patterns are of

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FACING REALITY (AND THE NEXT REFERENDUM)

BY JEFF ROSE

On October 30, Canada came within 50,000 votes of national disintegration. As federalists face up to that reality and begin planning for the next referendum, here are some considerations they might bear in mind.

THE PROMISE OF CONSTITUTIONAL CHANGE

First, however ill-advised those pledges may have been, failure

to come through on the federalist leaders' recent promises of constitutional change could engender bitterness in Quebec, virtually guaranteeing majority backing for the separatists in the next referendum.

Parliament should, therefore, take the first step toward fulfilling the leaders' promises, ideally before Christmas. This

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step ought to comprise declaratory wording that recognizes Quebec as a distinct society and that provides a de facto veto over significant constitutional change.

Because the federalist leaders' pledges were vague, virtually any formula of words, particularly with regard to Quebec as a distinct society, could be described as fulfilling them. Likewise, any formula of words can be rejected as insufficient. It ought to be apparent, however, to even the most stubborn practitioner of what might be called thesaurus constitutionalism that declarations containing sly resonances but little substance would be worse than nothing.

In the next few months, the national government should offer the provinces a genuine realignment of responsibility in the area of labour market training, accompanied by a fair distribution of the available money. Quebec had a good case for the arrangement that would have been permitted under the Charlottetown Accord, and certain other provinces, notably Ontario and Alberta, have at one time or another expressed interest as well.

Taken together, these elements — distinct society recog-

niton, de facto veto, and labour market training — would begin to create a new track record, demonstrating Canada's capacity to evolve, at least insofar as the national government is concerned.

Second, federalists should confirm that their continuing objective is to obtain the public support necessary to enable the Constitution to be modified, at the opportune moment, in the foregoing areas. The possibility that these issues could form the basis of a future federal referendum should not be ruled out. The most sensible forum in which formal discussions could begin to take place would be the one scheduled for 1997. Federalists have every justification in explaining, however, that as long as separatists hold power in Quebec City, it makes no sense for federalists to attempt a traditional constitutional offer because it will be rejected by the Quebec government for its own strategic reasons.

Coordination among federalists will be required because there are voices among Quebec Liberals who, for reasons of electoral tactics, leadership positioning, or pure habit, will be inclined to seize the leverage created by the recent vote and

use it against Ottawa themselves, on behalf of Quebecers. These federalists should reflect seriously on where this would be likely to leave federalists in the rest of Canada (ROC).

It is time for a profound democratic enterprise aimed at defining the core values and unifying assumptions of a hypothetical Canada without Quebec, including the conditions of exit of a sovereign Quebec, to begin to unfold.

BROADENING THE AGENDA: EXIT QUEBEC?

Third, it is time for a profound democratic enterprise aimed at defining the core values and unifying assumptions of a hypothetical Canada without Quebec, including the conditions of exit of a sovereign Quebec, to begin to unfold. Obviously, the development of the greatest possible measure of general consent will ultimately need to be fashioned through the political system and political insti-

tutions. But the Canadian public will insist that such an endeavour emerge in a genuinely unscripted way — and rightly so — rather than be strategically managed.

Part of this enterprise would need to be accomplished well before the next referendum. This is the part respecting the ROC's conditions of exit for Quebec. Initially, therefore, more energy should be put into this particular aspect, and it should be accomplished first. It could have a profound effect on the thinking of Quebecers in the next referendum itself.

The rest of the enterprise would not need to be fully accomplished before the next referendum, and the result of that referendum could, in fact, render unnecessary any further effort. But it should be started now. This is the part often referred to as defining the terms of reconfederation. At stake would be the kind of country in which the ROC would want to live together in the hypothetical wake of Quebec sovereignty.

This has a Pandora's box aspect; its contemplation moves some people to sarcasm and others to migraines. In their own self-interest, most Canadians would understand the importance of self-discipline in

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such an undertaking, though it would still have the potential to become clogged and conflictual, thereby giving ammunition to the separatists. But, frankly, a democracy that just came within 50,000 votes of its national undoing has little choice about whether or not to undertake such a discussion.

The point is not to begin to accept a sovereignty scenario as inevitable, which it is not. The point is that, on grounds of simple prudence, a collective effort should begin, without delay, in order to think through Canada's future in the hypothetical context that came perilously close to reality in October, even as federalists are striving actively (and perhaps successfully) to avoid it.

DEFINING CANADA'S INTERESTS

Fourth, returning to the issue of exit conditions for Quebec, the ROC should try to reach the greatest possible measure of general consent on the meaning of their collective self-interest and on their response to the issues that could end up on a table of negotiation between Quebec and the ROC. This would include issues such as citizenship and passports, the use of a common currency, the time frame and conditions of Quebec's accession to NAFTA, borders, the division of assets and debts, aboriginal sovereignty, the nature of the economic ties, coas-

tal waters, labour mobility, customs and immigration issues and a whole host of other issues on which the separatists have, until now, been able to characterize the ROC's self-interest with sole authority in the eyes of many Quebeckers.

In place of that characterization, Quebeckers would be provided with insights into what the other solitude would actually mean by Quebec sovereignty, if it were ever to come to pass. The motivation for this would not be that of strategically discomfiting the advocates and supporters of a sovereign Quebec but, instead, that of genuinely defining, for the ROC's own sake, the boundaries of its collective self-interest if it were ever obliged to deal with Quebec as a foreign country, as a competitor.

Fifth, would the ROC's conditions be tough? Possibly; possibly not. The key point is that whatever they would be, they would be real and, thus, incapable of being dismissed on any rational basis as posturing. Instead of assessing the costs and benefits of sovereignty by making assumptions about the ROC, Quebeckers would be facing real evidence about how the ROC would see its collective self-interest in relation to a sovereign Quebec. It would then be up to Quebeckers to recognize the fundamental significance of this information for

their ultimate self-interest and for the choice they will be making in the next referendum.

Accordingly, it could make strategic sense for federalists to help develop the greatest possible measure of general consent in the ROC on the conditions of exit, and then help provide this

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to Quebeckers, in various respectful and effective, formal and informal ways for their knowledge and consideration.

There is, of course, no guarantee that Quebeckers would value such information above their own longstanding beliefs about the ROC, the power of leverage, and the transformational capacity of social solidarity. But this may be the only approach federalists have that would be capable of overcoming in some Quebeckers' minds the complicated intellectual meshwork of experience, intuition, and faith on which many Quebeckers' support for the sovereignty project rests.

Sixth, the fact that Quebeckers would be receiving this information at more or less the same time that the federalist leaders' promises were being fulfilled would have a certain

symbolic completeness in relation to the choice Quebeckers will be making in the next referendum. This might help to produce the referendum outcome that most Canadians would prefer. But if Quebeckers were to decide that they wanted to become sovereign, notwithstanding the real evidence that would be before them for the first time about how the ROC would actually see its collective self-interest in relation to a sovereign Quebec, that would add a democratic element to the equation that would be compelling. And Quebeckers would have to live with what they had wrought.

THE NEXT AND FINAL REFERENDUM

Seventh, the next referendum will be the final one for the foreseeable future. Either the sovereignty side will increase its support, in which case the separatists will win because the increase that is needed to give them a majority is minuscule, or support for that side will decrease, in which case, treading in the wrong direction after three losses, the separatists will have a hard time rationalizing yet one more vote in this generation.

If any federalists are thinking of trying to shut down a third provincial referendum through creative juridical devices, they should follow the idea through in their minds until they get to the endgame, at which point they should abandon such thoughts. Instead, their goal should simply be to move Quebec popular sentiment back onto a more propitious footing before the next referendum. ♦

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A NOTE ABOUT SUBSCRIPTIONS

As noted in our previous issue, commencing with vol. 4, no. 1, *Canada Watch* is being published six, rather than eight, times per year. In addition, vol. 3 of *Canada Watch* included only seven issues, rather than the eight we had originally planned. To ensure that our subscribers are not negatively affected by this change, current subscriptions will be extended by one issue. For example, a subscription that was due to expire with vol. 4, no. 1 will now extend through vol. 4, no. 2. Renewals after September 1995 will run for six issues. ♦