

tus (the warning was also to Ottawa, but there is no doubt where their primary attention will be focused). Quebec, it should be remembered, has one of the heaviest cumulative debt loads of any province. The "ma-

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*Despite campaign protestations that Quebec must be spared the right-wing assaults of Mike Harris's Ontario, there are brutal fiscal realities and very tough choices facing the PQ government, choices that Mr. Parizeau has adroitly avoided by retirement, but that cannot be avoided by his successor.*

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gic wand" of sovereignty would not, of course, have swept away this problem. Quite the contrary. But the wand, with its false promise, was broken on October 30. A PQ government, as a government rather than as an evangelical electoral entertainment, does not possess even a rhetorical alternative to combat the power of international capital in defining and confining the agenda of governments. Ask Bob Rae if you want to find out what happens to social democrats in provincial office. And to top it all off, soon the effects of Ottawa's downloading of costs for health and post-secondary education will be coming down the pipe.

A simple primer for the péquistes: the only real room for savings in provincial budgets is in health and education and, here, the primary scope is in the public sector wage bill. Labour solidarity will quickly dissolve when unionized workers find themselves the targets for cut-

backs and their job security down the drain. Social movements will shrink back in horror when, far from making new gains, as promised, they will likely see old programs and benefits, to which they believed themselves entitled, withdrawn or pared back. Off-loading costs to the municipalities (the dog-eat-dog mirror of what Ottawa is doing to the provinces) will gravely threaten the integrity of the decentralization and regionalization initiatives of the PQ, not to speak of intensifying ugly squabbles over ever-diminishing spending resources.

Of course, Mr. Bouchard could try wearing the premiership as nothing more than a decoration pinned to his chest, while singlemindedly pursuing his *neverendum*. This could be done only at the cost of economic catastrophe for the province. Or it could be done by plunging Quebec immediately into a second referendum, or, worse, a snap election that the PQ would attempt to treat as a sovereignty vote, presumably to be followed by a unilateral declaration of independence, even if they had won a plurality of seats with a minority of votes. To say that the latter options are high-risk scenarios would be a vast understatement. The more sensible course will be to try to provide what they promised in the last election campaign: sound, competent government of the province. But it is very difficult to see how they can emerge from the wrenching decisions that this will involve, with anything like the "solidarity" so artificially, and irresponsibly, constructed in the run-up to the referendum.

For the sovereigntist dream, October 30 may be a case of "so near, yet so far." Close, but no cigar. ♦

*Reg Whitaker is professor of political science at York University.*

## EDITORIAL

# SIX PRINCIPLES ON WHICH TO STRUCTURE A CANADIAN RESPONSE TO THE REFERENDUM

BY PATRICK J. MONAHAN

On May 14, 1980, Pierre Trudeau staked his and all Liberal Quebec MPs' seats on a pledge to effect constitutional renewal. Now Prime Minister Chrétien has made "change" the watchword of the 1995 No campaign.

Just as in 1980, some elements of "change" may need to wait until there is a federalist government in power in Quebec City, but what is included in the concept of change is easy to define. During the final days of the referendum campaign, the prime minister identified three items that his government would proceed with in the event of a "no" vote:

1. a recognition of the distinctive character of Quebec society;
2. a guarantee that no future constitutional changes that impinge on Quebec's powers will be made without Quebec's consent; and
3. devolution of powers to all provinces.

Some commentators have raised objections to the first two items on this list. On the one hand, the rest of Canada appears to be in no mood for a new "Quebec round" of constitutional negotiations. At the same time, the Quebec government has already indicated that it is unwilling to engage in any negotiations aimed at renewing federalism. Lucien Bouchard has described any further discussions about distinct society as "boring." The PQ strategy is to discredit any new "offers" from the rest of Canada, thus proving that Mr. Chrétien's promises of change during the

referendum were hollow and meaningless.

I have no quarrel with those who observe that reopening the constitutional file — and particularly the loaded phrase "distinct society" — is fraught with difficulty. My response is simply to observe that Mr. Chrétien

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*Regardless of the merits of these promises of constitutional change, the fact remains that they have been made. Either the promises will be honoured, or those who made them will pay the price.*

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tien made formal promises to the Quebec people that these matters would be addressed in return for a "no" vote. Some commentators in English Canada have criticized the PM for making these promises, and argued that a different referendum strategy would have produced a more successful outcome. The fact is, however, that had these promises not been made, it is very likely that the Yes side would have gone over the 50 percent mark on October 30 — a result that would have produced an economic and political meltdown across the country. In any event, regardless of the merits of these

*Six Principles To Structure a Canadian Response to the Referendum, continued on page 24*

## SIX PRINCIPLES TO STRUCTURE A CANADIAN RESPONSE TO THE REFERENDUM *from page 23*

promises of constitutional change, the fact remains that they have been made. Either the promises will be honoured, or those who made them will pay the price. In this particular instance, that "price" will be paid not merely by particular politicians, but by all Canadians, in the form of a divided country and a dramatically lower standard of living.

I conclude that the "do-nothing" option on the three items identified above is no longer viable. If this is accepted, it leads immediately to the next question: What is to be done? I suggest that any actions taken over the next 12 months be guided and informed by the following six principles.

### 1. Keep the agenda as short as possible.

Any attempt to develop a comprehensive constitutional package would be doomed to the same sorry fate that befell the Charlottetown Accord. The Charlottetown experience demonstrated that there is simply no consensus on the need for, much less the terms of, any fundamental rewrite of the Canadian Constitution. I suggest that the agenda be limited to the three items identified earlier: distinct society, veto over constitutional change, and devolution of powers.

### 2. Proceed with each item separately rather than as a single package.

The three agenda items should be "delinked" so that progress on one item is not conditional on progress on any other. International experience with constitutional change suggests that this kind of incremental, piecemeal approach is more likely to succeed than is an attempt to develop a large package of amendments.

### 3. Respect the principle of the equality of the provinces.

In the wake of the referendum, certain academic commentators have suggested that the solution to the impasse is some form of "special status" for Quebec. These commentators envisage an asymmetrical arrangement, whereby Quebec would receive additional powers or jurisdiction that would not be granted to the other provinces. Supporters of "asymmetry" argue that it is the only way to reconcile Quebec's desire for more powers with the rest of the country's desire for a "strong central government."

The difficulty with the approach is simply that there is no public support for it outside the province of Quebec. If there is anything that has been made crystal clear over the past decade, it is the fact that Canadians outside Quebec will not countenance any form of "special status" for a particular province. In my view, asymmetry is a total non-starter outside Quebec and is not worth serious discussion. Any changes to the division of powers must respect the principle of the equality of the provinces. Further, any recognition of Quebec as a "distinct society" must be defined in such a way as to counter the suggestion that it amounts to "special status" for Quebec.

Critics of this approach argue that it is doomed to failure because Quebec's demands for devolution of powers will inevitably exceed the willingness of Canadians elsewhere to decentralize powers to the provinces. I am not at all certain that this analysis is correct because polls have consistently demonstrated strong public support for devolution. But even if this were so, it would merely indicate the

impossibility of achieving a political accommodation acceptable to all parts of the country, rather than represent a justification for abandoning the principle of provincial equality. Nor is the fact that the Constitution already contains a number of exceptions to the princi-

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*It goes without saying that governments should not take up the suggestion made by Premier Wells and others to establish some form of "constituent assembly." A constituent assembly would have to be elected for it to be legitimate. But what would give these elected representatives any greater legitimacy or right to make decisions than governments, which are themselves elected?*

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ple of provincial equality a justification for abandoning the principle. The exceptions that do exist are relatively narrow and are, in some cases, already regarded as politically controversial. (See, for example, the guarantees for "denominational schools" that exist to varying degrees in different provinces.)

In short, if there is to be an accommodation with Quebec that is acceptable to the rest of the country, it will necessarily respect, to the greatest extent possible, the principle of the equality of the provinces. This is not to say that such an accommodation will necessarily be achieved, but merely that any attempt to construct an

accommodation based on the principle of asymmetry is not realistic or practical.

### 4. Do not convene a formal constitutional conference prior to April 1997.

There is no need to commence any new "round" of formal constitutional negotiations. The amending formula contemplates legislative resolutions passed by individual legislatures and Parliament. It does not mandate any formal constitutional conferences (except for amendments dealing with aboriginal matters). I believe it would be unwise to convene one in the near future. Canadians have no patience for politicians travelling to hotel ballrooms across the country, at taxpayers' expense, discussing constitutional minutiae. Any formal constitutional conference would highlight divisions among the premiers, and would provide Premier Bouchard with a national platform to attack and discredit the prime minister. This is not to suggest that the federalist side should not proceed in a coordinated and orderly fashion. I simply suggest that there is no need for a formal constitutional conference in advance of the meeting mandated for April 1997.

### 5. The federal government should take the lead.

This fifth principle follows necessarily from the fourth. If there is no formal set of constitutional negotiations or conferences, the initiative must come from Ottawa. Provinces should be discouraged from introducing constitutional resolutions of their own, unless such an initiative were sanctioned by Ottawa. It is imperative that there be a coordinated federalist response, and this coordination can come only from the na-

tional government. Moreover, I believe that Canadians outside of Quebec still look to the national government to play a lead role on national unity matters. This is not to suggest that the provinces should be passive or that Ottawa should move unilaterally, without advance notice and consultation with the premiers. Further, certain provinces, particularly Ontario, have a key role to play in the process. Nevertheless, I believe strongly that the first move in any new initiative must come from Ottawa.

It goes without saying that governments should not take up the suggestion made by Premier Wells and others to establish some form of "constituent assembly." A constituent assembly would have to be elected for it to be legitimate. But what would give these elected representatives any greater legitimacy or right to make decisions than governments, which are themselves elected? Who would define the mandate, membership, or terms of reference for such a body? Would there be special representation or "set asides" for particular groups, such as aboriginals, women, racial minorities, francophones outside Quebec, anglophones in Quebec, the disabled, trade unions, and a host of other interest groups? These questions may seem to be quibbling over details, but any responsible government contemplating such a proposal had better have answers to all of them before it proceeds.

More fundamentally, even if a legitimate constituent assembly could be established, and even if such a body could come to some "agreement" as to the terms of a revised constitution, the result would be a broadening rather than a narrowing of the agenda. The country would be presented with a comprehensive rewrite of the entire

constitution, just as was attempted in Charlottetown. As in Charlottetown, the concerns of Quebec would likely be buried or inadequately represented in both the process and the outcome. The danger is that Canada would be presented with a constitution written by and for special interests. Is it plausible to imagine that this would bring constitutional peace to the country? Surely the answer to such a question is self-evident.

#### 6. Take the path of least constitutional resistance.

This principle suggests that non-constitutional options should be preferred over constitutional ones. Moreover, in the event that a constitutional amendment must be proceeded with, amendments under the less-restrictive 7/50 formula should be preferred over those requiring unanimity. This principle also reflects my earlier suggestion that constitutional amendments should be treated as separate "stand-alone" items rather than as a single package because the chances of securing the necessary consent for a limited, narrow amendment are significantly higher.

These six principles provide a general framework to guide the federal response in the months ahead. What remains is to define, in concrete terms, the nature of the federal initiatives that should be undertaken in the areas of distinct society, veto and devolution of powers. That task, as well as the consideration of how Canada ought to prepare for the next referendum, will be the subject of a future *Canada Watch* column. ❖

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## AN EXEMPLARY REFERENDUM

BY PIERRE DROUILLY

With such a small majority for the No forces (52,448 votes), the sovereigntists might be tempted to blame the anglophones, the francophone voters of the Outaouais, the older voters, and the First Nations who voted against them. But the results of the referendum need to be examined more carefully to discover the social base of the "yes" and "no" votes.

### THE ELECTORAL PARTICIPATION

The electoral participation in the Quebec referendum was exceptionally high. With 93.5 percent of voters going to the polls, this referendum set a record for Quebec and even for Canada. Even the 1980 referendum — which was at the time a historical record since Confederation — attracted only 85.6 percent of voters.

A closer look at the 1995 referendum reveals that out of 125 ridings, the participation exceeded 95 percent in 23 ridings and was lower than 90 percent in only 5 ridings. A statistical analysis shows that there is no significant correlation between the rate of participation and the linguistic profile of the ridings. The differences are more likely to be linked to the social stratification of the ridings. As usual, the suburban voters participated more (95.2 percent around Montreal) than the voters in the peripheral areas of Montreal (89.8 percent in northwestern Montreal, 90.2 percent in Bas-Saint-Laurent/Gaspé-Côte Nord, and 92.7 percent in Saguenay/Lac-Saint-Jean). In every riding, though, the 1995 rate of participation exceeded that of 1980. Such a strong participation could have been foreseen. Indeed, the number of registered voters was

higher than last year by 2,000. As well, a large number of people (300,000) voted in advance.

### THE PROGRESSION OF THE SOVEREIGNTIST MOVEMENT

The number of registered voters better translates the actual level of support while it allows comparisons that are not based on the level of participation. With the support of 49.4 per-

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*A closer look at the "yes" votes among the francophones allows an interesting sociological analysis of the electoral habits of the Quebec francophone electors.*

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cent of the registered voters, the No forces actually did worse in 1995 than in 1980, when they relied on 50.1 percent of the registered voters. On the other hand, the sovereigntist forces got the support of 45.4 percent of the registered voters compared with 34.0 percent in 1980. Another comparison of figures reveals that at Charlottetown in 1992, the No side gained the support of 45.9 percent of the registered voters (and 56.7 percent of the valid votes). Moreover, compared with the elections of 1981, 1993, and 1994, the sovereigntist movement achieved its second best score. Indeed, 40.2 percent of the registered electorate voted for the Parti québécois in 1981, while 35.8 percent voted for the Bloc qué-

*An Exemplary Referendum,  
continued on page 26*