Practical and Authoritative Analysis of Key National Issues

A YORK UNIVERSITY publication of the CENTRE FOR PUBLIC LAW AND PUBLIC POLICY and the ROBARTS CENTRE FOR CANADIAN STUDIES.

THE JUNE 12 AGREEMENT: A COMMON PROJECT FOR QUEBEC'S FUTURE

by Daniel Turp

The evening of April 7, 1995, might well have been a turning point in the history of contemporary Quebec and Canada. On that evening, Lucien Bouchard, the leader of the Bloc québécois, delivered the opening speech to the first national Convention of the Bloc québécois. He proposed that the sovereigntist project "quickly take a turn (virage) which will bring it closer to Quebeckers and open a credible future avenue for new relationships between Quebec and Canada, responding to their legitimate concerns."

Continued, see "Quebec's Future" on page 98.

SOVEREIGNTY ... BUT WHERE'S THE ASSOCIATION?

Analyzing the Three-Party Blueprint for Quebec Secession

by Robert Howse

"... toute société sans loix ou sans Chefs, toute union formée ou maintenue par le hasard, doit nécessairement dégénérer en querelle et dissention à la première circumstance qui vient à changer; l'antique union des Peuples de l'Europe a compliqué leurs intérêts et leurs droits de mille manières; ... leurs divisions sont d'autant plus funestes, que leurs liaisons sont plus intimes; et leures fréquentes querelles ont presque la cruauté des guerres civiles."

J.-J. Rousseau, Extrait du projet du paix perpétuelle de Monsieur L'Abbé de Saint Pierre

On June 12, 1995, the Parti québécois, the Bloc québécois and the Action démocratique party (Mario Dumont) formally agreed on a blueprint for Quebec secession. The three-party agreement is often de-

> Continued, see "But Where's the Association?" on page 100.

VOLUME 3, NUMBER 7 MAY/JUNE 1995

Single Copy \$5.00
The June 12 Agreement: A Common Project for Quebec's Future by Daniel Turp
Sovereignty But Where's the Association? by Robert Howse
The Charter's Impact on the Criminal Justice System by Jamie Cameron
Let's Talk—The Quebec Referendum Canada's Future by James Tully
Egan Case a Breakthrough for Gay Spouses by Bruce Ryder
Supreme Court Takes Step Forward on Equality Rights by Patrick J. Monahan
A Three-Sided Deal: Who Won, Who Lost? by Daniel Latouche
From the Projet de société to Brokerage Politics: Forging a New Country or Winning the Campaign?

by Jane Jenson 115

by Eric Tucker 117

Injustice at Westray: A Case

History Repeating Itself

"Quebec's Future" continued from page 97.

VIRAGE

Much has been written and said about the virage initiated by the Bloc. Yet, the thrust of Mr. Bouchard's argument was simple and straightforward: sovereigntists should give effect to the direction Quebeckers want reflected in the proposal that they would be called to vote on in the 1995 referendum. This direction was expressed loud and clear during the hearings of the regional and national commissions on the future of Quebec. The path Quebeckers were clearly asking their leaders to embark on was one where the relationship that Quebec should propose to Canada (after having opted for sovereignty) would be defined in a more clear and explicit fashion than in the Draft Bill on the Sovereignty of Quebec. In his speech, Mr. Bouchard attempted to address those concerns and present a more detailed foundation for a Quebec-Canada economic union. He suggested that the establishment of a new economic partnership could flow from a global agreement and suggested the common institutions of such an economic union-that is, a Parliamentary conference, a community council, a secretariat and a court.

Mr. Bouchard's proposal was echoed in the report of the National Commission on the Future of Quebec released on April 19. It recommended, among other things, that the government and the future Bill on Sovereignty authorize a sovereign Quebec to propose and negotiate common and mutually advantageous political structures. In the meantime, Mr. Bouchard's proposal was being refined by a Bloc québécois' Working Group on the Economic Union and Common Institutions (that I was called upon to chair and which heard leading experts). This group looked into foreign experiences of economic and political integration and, in particular, at the ongoing experience within the European Union. While the Working Group was drafting its report and recommendations, preliminary discussions followed by formal negotiations between the Partiquébécois, the Bloc québécois, and the Action démocratique du Quebec

"The uniqueness of the past, present, and future relationship between Quebec and Canada deserves to be pursued through an original deal that establishes common jurisdictions and an inventive institutional framework."

began. These discussions led quickly to an agreement in principle that was initialled by the leaders on June 9, approved by the three parties on June 11, and finally signed and sealed by the leaders in Quebec City on June 12, 1995. A common project for Quebec's future had thus matured rapidly and been designed only two months after Mr. Bouchard's call for a *virage*.

THE CAMP DU CHANGEMENT

This agreement is of great historical consequence. It is the result of a skillfully drafted compromise that takes into account the varying sensibilities of the promoters of sovereignty for Quebec and underscores the solidarity of the camp du changement. This expression, coined by Jacques Parizeau, describes those parties, groups and individuals that favour change in the constitutional and institutional status of Quebec and maintain that the status quo is inadmissible. This camp now includes the Action démocratique du Quebec, which put forward its own blueprint for a new Quebec-Canada Union on May 5-Une nouvelle Union Québec-Canada: institutions

et principes de fonctionnement. It joined with the Parti québécois and the Bloc québécois in reaching "agreement on a common project to be submitted in the referendum, a project that responds in a modern, decisive and open way to the long quest of the people of Quebec to become masters of their destiny." These three parties have furthermore agreed "to join forces and to coordinate efforts so that in the coming referendum, Ouebeckers will be able to vote for a real change: to achieve sovereignty for Quebec and formally propose a new economic and political partnership with Canada, aimed particularly at consolidating the existing economic space."

A careful reading of the agreement, as well as the report of the Bloc québécois' Working Group on the Economic Union and Common Institutions, "Sovereignty and Interdependence—Harmonizing the Essential with the Inevitable: A Proposal for an Economic and Political Partnership Between Quebec and Canada," reveals that Quebec will offer Canada a partnership that is primarily economic. This partnership would focus on the maintenance of the free flow of goods, persons, services and capital within a common economic space comprising a sovereign Quebec and Canada. The partnership could also have some political features, including citizenship. It also foresees the possibility that the member states of such a partnership could reach agreement in areas of common interest such as international representation, defence policy, environment protection and the fight against arms and drug smuggling, to take but a few of the examples listed in the agreement in principle. These features could be enhanced by an institutional framework that proposes not only that a council of ministers be the main architect of the partnership, but also that a Parliamentary assembly look into the work of such council and periodically assess the state of the partnership.

The agreement states, on the other hand, that this proposal reflects the interests of both Ouebec and Canada. It does note, however, that the decision that Canadians will take in this regard cannot, of course, be predicted. Canadians should take a close look at the agreement. They will find a novel form of union with Canada, novel even in its appellation (naming), since there are no partenariats or partnerships of this kind anywhere in the international community. The uniqueness of the past, present, and future relationship between Quebec and Canada deserves to be pursued through an original deal that establishes common jurisdictions and an inventive institutional framework.

Canadians should also realize that this agreement shows the extent to which political parties in Quebec are committed to the idea of maintaining a mutually advantageous link with Canada following sovereignty. This proposal only reiterates in reality what has been a longstanding position of sovereigntist parties, groups, and movements in Quebec. It should not be forgotten that René Lévesque presented in September 1967 a manifesto in his Option-Quebec, another historic document in Quebec's quest for sovereignty. All political parties in Quebec, including Robert Bourassa's Liberal Party during the post-Meech period, have contributed to the consolidation of a consensus that envisages sovereignty and association as a solution to Quebec's future, rather than breakup or separation. That explains why Quebeckers and their political parties do not favour severing economic or even political ties with Canada. It is also why slogans used by the detractors of sovereignty such as "no to separation," sound hollow. Such slogans will be of little help in an eventual referendum campaign.

Sovereigntists believe that the agreement and the set of proposals that it contains are a valid answer to the wishes and concerns of a great majority of Quebeckers. Current polls indicate that the agreement in principle is well-received in Quebec. The CROP poll conducted from June 15–25 gives a slight advantage to the sovereigntist forces in Quebec. Some believe that a better knowledge of the agreement will confer a more decisive lead to the sovereigntist forces in the weeks

and months ahead. During l'hiver de la parole (the winter of words), Quebeckers partook in a very stimulating exercise in participatory democracy before regional and national commissions on the future of Quebec; le printemps du virage (the springtime of change) led to the June 12 historic agreement and l'été est à l'espoir.

Daniel Turp is a Professor of Law, Université de Montréal and President of the Policy Committee of the Bloc québécois. Professor Turp was also a member of the enlarged National Commission on Quebec's future.

Canada Watch

Practical and Authoritative Analysis of Key National Issues

Volume 3, Number 7 May/June 1995

Editors-in-Chief Jamie Cameron Centre for Public Law and **Public Policy**

Daniel Drache Robarts Centre for Canadian Studies

Columnists This Issue Jamie Cameron York University

Robert Howse University of Toronto Jane Jenson Université de Montréal

Daniel Latouche Institut national de la recherche scientifique

Patrick J. Monahan York University

Bruce Ryder York University

Eric Tucker York University

James Tully McGill University

Daniel Turp Université de Montréal Production

WordsWorth Communications

Canada Watch is produced jointly by the York University Centre for Public Law and Public Policy: Phone (416) 736-5515, Fax (416) 736-5546 and the Robarts Centre for Canadian Studies of York University: Phone (416) 736-5499, Fax (416) 736-5739.

ISSN 1191-7733

Subscription Information

Canada Watch is published eight times per year. Subscription rates effective

this issue are as follows:

Institutions \$75.00 Individuals \$35.00 Students \$20.00

(Outside Canada add \$10.00)

© Copyright 1995 Centre for Public Law and Public Policy; the Robarts Centre for Canadian Studies

Printed in Canada