

CHARGES OF ECONOMIC TERRORISM ALLOW PARIZEAU TO AVOID TOUGH QUESTIONS

by Patrick J. Monahan

The response within Quebec to my recent study on the consequences of Quebec separation, while predictable, was also extremely disappointing. Premier Jacques Parizeau, when informed by reporters that the C.D. Howe Institute was claiming that separation would be an economic and political disaster, dismissed the findings without bothering to read the study. Here was another "economic terrorist" out to scare Quebecers into voting "no" in the referendum. Such threats are so far-fetched, according to Premier Parizeau, that they do not even deserve a response.

The Quebec francophone media, taking their cue from the premier, focused their coverage almost entirely on the denunciations by Premier Parizeau and Bernard Landry. The arguments and analysis in the study itself were mentioned only in passing, since the musings of an economic terrorist are hardly worth taking seriously.

QUEBEC PREPARES FOR A UDI

My study (entitled *Cooler Heads Shall Prevail*) essentially argued that the draft bill on sovereignty that was tabled in the Quebec National Assembly in December contemplates a unilateral declaration of independence (UDI) by the province of Quebec. I argued that such a UDI would be illegal under existing Canadian law. (This point should hardly be controversial since virtually every scholar who has examined this issue—both inside and outside of Quebec—has come to a similar conclusion.)

I then argued—and here I am on ground that is admittedly more controversial—that Canada would contest the validity of a Quebec UDI. I claim that Canada would respond in this way for two reasons.

First, it is in Canada's self-interest to resist a UDI in order to ensure that Quebec separates from Canada only on terms and conditions that are agreed to by both parties. A key issue in this regard is responsibility for the Canadian debt. A portion of

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the existing Canadian debt can only be transferred to Quebec if Quebec agrees to accept responsibility. Absent such an agreement, the interest cheques from Quebec will be "delayed," as Premier Parizeau has already reminded Canadians on a number of occasions.

The second reason Canada would challenge a Quebec UDI is because the UDI must almost certainly fail if Canada takes a firm stand against it. Challenging a UDI does not involve the sending of troops or the use of force, as I demonstrate in my paper. Rather, it simply requires Canada to state that it regards the UDI as unconstitutional and of no force and effect, and that it will be "business as usual" in Quebec until further notice. The government of Canada controls the airports, seaports, key federal buildings, and all the entry

points into Quebec. The Quebec courts (whose judges are appointed by and paid by Ottawa) will likely agree that the UDI is unconstitutional and that the laws of Canada remain in force in Quebec. Even assuming some measure of popular support for the UDI among the general Quebec population, hundreds of thousands of Quebecers will certainly reject the validity of the UDI and declare their continued allegiance to Canada. (In fact, I expect that the vast majority of Quebecers, long accustomed to seeing their governments obey the law, would regard a UDI as illegitimate regardless of how they had voted in the referendum.)

As I point out in my paper, under international law Quebec must demonstrate that it is in effective control of Quebec territory in order for the UDI to succeed. The test of effective control not only requires that Quebec be able to enforce its own laws, but that no other government (that is, Canada) exercises jurisdiction over Quebec territory. It is difficult to see how Quebec could satisfy this test, absent agreement from Canada.

AGAINST FEAR MONGERING

Some Quebec commentators have labeled these kinds of scenarios as totally absurd and motivated by a desire to scare Quebecers into voting "no." If Quebecers vote "yes" in the referendum, it is claimed, the rest of Canada (ROC) will quickly agree to reasonable terms of separation. The ROC will act rationally and pursue a cooperative strategy because the costs associated with any other response are unacceptably high.

But this criticism misses the point of the arguments that I and others have been raising. My claim is precisely that the ROC will react rationally in the face of a "yes" vote—but that "rationality" in this context

means acting in the ROC's own self-interest, rather than in the interests of Quebec. In particular, the ROC will insist that Quebec can secede only on the basis of terms and conditions that are acceptable to both parties—rather than through a unilateral declaration of independence by Quebec (as Mr. Parizeau's draft bill contemplates). Far from being "irrational," this insistence on joint terms and conditions is simply a natural response to the aggressive negotiating position taken by Premier Parizeau in the draft sovereignty bill.

As for the suggestion that raising this argument is somehow "undemocratic," surely democracy requires that all Canadians (including those

in Quebec) have a right to know what is really at stake in the forthcoming referendum. Otherwise, citizens are left to make a fundamental choice about their future without a clear understanding of the likely consequences. In fact, it is those who seek to suppress a full and open debate through charges of "economic terrorism" who are the real elitists, since they assume that ordinary citizens will be incapable of making an informed judgment if they are exposed to arguments on both sides of the issue.

I remain convinced that all Canadians have an obligation to debate openly the real costs and consequences of Quebec separation. But this, of course, cannot be the whole

debate. We also need to respond to Quebec's legitimate aspirations—as well as those of other provinces—by providing greater room in our federation for provincial autonomy within areas of exclusive provincial jurisdiction. The fiscal pressures facing the federal government seem to make such an accommodation inevitable, which is a fortunate coincidence. It is also a reason for assuming that, in the end, cooler heads will, indeed, prevail in Quebec City as well as in Ottawa in this debate.

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THE NEW KINGMAKERS

by Daniel Latouche

Doomsday scenarios, such as Patrick Monahan's *Cooler Heads Shall Prevail*, are no strangers to the Canadian way of doing things. In fact, the country was founded following the "mother of all scenarios": a possible invasion by a restless post-Civil War America. We have had similar periods of intense scenario-making in recent years: at the time of the FLQ crisis, when the Parti québécois first took power in 1976; during the free trade debate of the late 1980s; and, more recently, following the Meech debacle. We are now witnessing the fifth wave of cataclysmic scenario writing.

On the whole, the intellectual legitimacy and the scientific credibility of these scenarios has been somewhat limited and all indications are that the present vintage of "what-if" exercises will not be much better. One of the reasons, of course, is that most scenario makers do not actually believe in their product or even

in the probable occurrence of the triggering event, in this case a "yes" vote in the upcoming Quebec referendum. Their scenarios are to be seen strictly as contributing to the propaganda war as performed by well-intentioned intellectual mercenaries who take quite literally the necessity to "stand on guard for thee."

This is not to say that such exercises are futile; they are actually quite effective as ideological tools, but their main value lies in what they tell us about the country and its own political foundations.

It should be noted that all such scenarios agree that the reason for the coming cataclysm is Quebec and its insistence on remodeling the political configuration of this part of North America. Throughout the analysis, Canada (also known as the "rest of Canada" (ROC)) is usually presented as a somewhat tranquil, a bit naive, and always sympathetic

partner who could soon be confronted with a host of demands for which it is not responsible and which are likely to induce irrational reactions. In any case, the ROC is not to be held responsible for any such reactions because Quebec leaves it no choice but to succumb to its fears of the unknown.

While Canada is pictured as the helpless "male" partner, Quebec is seen as the "female" accomplice, one whose own "illogical" behaviour is likely to bring turmoil to the relationship. Quebec, it seems, needs to be told ahead of time that any set of unrealistic demands will not be met, not so much because demands are unfounded, but simply because the "male" partner is not psychologically equipped to deal rationally with them. Such warnings are seen as serving two purposes: first, to bring some sense to the "other" side,

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