

reimburses the province for off-reserve provincial and municipal social assistance. According to federal-provincial studies, this has resulted in a decrease in provincial revenues in 1992-93 of \$23.7 million gross on the social allowance program, \$10.3 million gross on municipal assistance, and \$4.2 million net on child welfare recoveries. The total net cost to Manitoba after calculating the Canada Assistance Plan contributions that the federal government makes to these programs for all residents (regardless of Indian status) is \$21.2 million for 1992-93. Some people estimate that the provincial costs for Indians, given the birth rate statistics, will rise to nearly \$100 million by the turn of the century in the province of Manitoba.

The off-loading issue is important, from a Treaty First Nations perspective, because it indicates further erosion of the historic relationship between the Crown in right of

Canada and First Nations. This is worrisome because it demonstrates a shuffling of responsibility for treaty rights, or even a diminution of treaty rights by dispersing responsibility to the provincial governments. This may lead to a patchwork across Canada of the standards for fulfilling treaty obligations, depending on the "friendliness" and commitment of a particular provincial government at the time the federal government off-loads. Considering that Treaty First Nations have never fully enjoyed treaty rights because of the intransigence of the federal Crown, it is especially troubling that responsibility for key areas can be shifted to the provinces.

A review of the entire area of fiscal responsibility for aboriginal peoples is long overdue. The federal government cannot conduct such a review in isolation; nor can it think it will appease aboriginal peoples through a sham consultation proc-

ess where the aboriginal peoples are lumped in with interest groups. Legitimate issues of rights, especially treaty rights, are at stake, as is the sincerity of the Liberal commitment to implement self-government. Apart from some innovation in the area of youth internships and youth training, the government proposals for reform demonstrate that the government has no grip on the process or substance of reform in this area.

*Professor Mary Ellen Turpel is an Associate Professor of Law visiting at the University of Toronto Law School.*



## WOULD THE REAL STATUS QUO PLEASE STAND UP?

by Daniel Latouche

### TAKE-IT-OR-LEAVE-IT FEDERALISM

Against all odds, the constitutional status quo has made a remarkable comeback and is now offered as the only viable option for Canada. The country, as we are often reminded, managed very well before the recent round of constitutional negotiations. Are not Canadians a status quo people? And what is wrong with a little status quo *for a change*.

As the Prime Minister has made abundantly clear, there will be no devolution of powers to the provinces, no redefinition of Quebec's place within confederation and no new deal with the First Nations. Welcome to the "Take-It-or Leave-It" federalism.

### A CAMPAIGN OF CENTRALIZATION

But, of course, this status quo has a special bent to it. As Maurice Duplessis used to say about the Supreme Court, "It's independent all right, but we know which [way] it is leaning." One of the few things on which Quebecers agree, federalists and sovereigntists alike, is the firm belief that the federal government, under the guise of bringing peace to the constitutional front, has already decided to embark on a widespread campaign of centralization, trying as best it can to circumvent the provinces to deal directly with so-called "ordinary" Canadians. In the health and welfare area, university education, science and technology, fisher-

ies, agriculture, tourism — to mention only those dossiers which have emerged in the last three months — Ottawa wants to use the coming massive funding cuts it envisages to recuperate those decision-making powers that it was forced to give to the provinces. For example, the Axworthy reforms can only be implemented if Ottawa unilaterally modifies its long-standing agreements with Quebec regarding tax points. Apparently, it can do so unilaterally.

### NO ALTERNATIVE

Why is the federal government so willing to take the chance of offering absolutely no alternative to

*Continued, see "Please Stand Up" on page 24.*

*"Please Stand Up,"*  
*continued from page 23.*

Quebeckers on the eve of a referendum, when we all know that the absence of such an alternative is one of the most potent weapons in the hands of the PQ. It is traditional to try to undermine the major argument of the other side and refrain from beefing it up. In this case, Ottawa has already announced that it will spare no effort to convince the Québécois that a "no" vote on the referendum is actually a "yes" vote to the status quo.

The easy answer, of course, is to assume that Ottawa does not want to repeat the same error as in 1980 when the victory of the No side was actually interpreted as supporting a renewal of Canadian federalism through a new round of constitutional talks. For Jean Chrétien and the Liberal party, this reopening of the constitutional can of worms is judged to have been a catastrophe, not so much for the country or for Quebec, but for the Liberals themselves: they were expelled from power the moment the constitutional agenda came alive again.

No doubt, there is some truth in this explanation because the Chrétien government, as certain as it is of a massive referendum triumph, wants to make sure its coming victory is not re-interpreted away from them. But this is an awfully big gamble to take. If, for any reason, the Parizeau referendum becomes a referendum on the status quo, then Ottawa, and Canada for that matter, are left with absolutely no fall-back position. It is difficult to imagine that the Canadian government is willing to take such a chance — to let the country dissolve for its failure to have presented a counter-proposal to sovereignty. No, there must be something else behind such a reckless refusal.

It becomes clearer when one imagines the required content of a

successful and attractive package. It would have to be acceptable to Quebec, of course, but also to the rest of the country, to the First Nations, to the provincial premiers, as well as to all those groups that opposed Charlottetown. It is not too difficult to figure out the specifics of such a package. For one, manpower training, culture and language, regional development, post-secondary education, and research and development would have to be "given" back to the provinces. A number of them would undoubtedly refuse such an offer. Quebec would clearly accept it and make use of these new "powers" to fully implement its own model of social solidarity and integrative concentration. This model clearly implies a move toward more equalitarian social policies, more regional and local empowerment, less obsession with the deficit and inflation, and a push toward full employment through a more strategic role for the state.


Even a superficial reading of the recent Axworthy project shows how unacceptable such a turn toward a renewed social democracy is to the Liberal party. Their major preoccupation is not so much to "save" the country from the separatists, but to make sure the country does not use the pretext of a constitutional crisis to experiment with new ideas. Quebec has made clear its intention of moving in the same direction as that already taken by Sweden and a number of western countries. But the Quebec situation is a dangerous one and could serve as both an example and a pretext to the rest of the country.

Will the Liberal strategy work? Perhaps. In Quebec, those who oppose the sovereignty project are precisely those who would benefit from a turn to the right in Canada. They have their back to the wall as they know full well that the only way a

sovereign Quebec can make it in the new global age is through a renewed commitment to social democratic ideals and policies.

Only two "Canadian" politicians, Joe Clark and Jean Charest, have found the courage to denounce this refusal to confront our constitutional impasse. As for the Reform Party, it occasionally makes noises about rebuilding the country from political scratch while leaving little doubt that come referendum time, they will not object to the Chrétien crusade to save the country. There are close to 500 elected politicians in the nine provincial legislatures of Canada and so far not one has protested this surprising resurrection of the status quo.

Could it be that Canada is, indeed, a status quo paradise? John A. Macdonald would not have been happy.

*Daniel Latouche is a political scientist with the Institut national de la recherche scientifique in Montréal and a columnist with Le Devoir.* 

*Canada Watch* welcomes submissions on issues of current national interest. Submissions should be a maximum of 1,000 words.

Write or fax us at:

**Canada Watch**  
Osgoode Hall Law School  
Room 454  
4700 Keele Street  
North York, Ontario  
M3J 1P3

Tel: (416) 736-5515  
Fax: (416) 736-5546