

The federal proposals were tremendously controversial. They were seen as a massive federal power grab; the provinces resisted any constraints on their current or future sovereignties. Also, there were many who argued that securing the economic union in the constitution was entrenching a specific, market-oriented approach to economic policy.

### THE BEAUDOIN-DOBBIE APPROACH

The Beaudoin-Dobbie Report offered a compromise, but much weakened position on the economic union. The common market clause would be replaced with the statement that Canada is an economic union within which goods, services, persons and capital may move freely. There was no commitment to policy

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harmonization. The economic union would be the joint responsibility of the federal, provincial and territorial governments and they could not by law or practice impose restrictions inconsistent with the economic union, although a long list of exceptions was allowed especially for regional equalization and development. Disputes would be settled by a trade tribunal with power to make binding decisions.

In an important innovation, the Beaudoin-Dobbie Report recommended a separate declaration in the constitution committing governments to the economic union, to be paired with a social covenant committing governments to providing, inter alia, health care, adequate social services and benefits, and primary and secondary education. The Report asked: why have we come together as a nation and what unites us and should be common to us all?

The Report answered that we have come together to form an economic union and that some of the extra wealth generated should provide basic services as outlined in the social covenant. The Report links economic integration and sharing.

### THE MULTILATERAL ROUND

The latest multilateral round of constitutional negotiations adopted the Beaudoin-Dobbie approach, but has weakened the economic union still further. The expanded common market clause would not be justiciable, and no dispute mechanism is proposed. New commitments to the social and economic union would be paired, but each is merely a statement of policy objectives and explicitly would not be justiciable. No mechanism for monitoring the social and economic union is proposed; it would be determined by a first ministers' conference. Furthermore, as the economic union provisions are weakened, the explicit commitments to decentralization, regional equalization and aboriginal self-government are strengthened.

But we cannot have it both ways. Decentralization of powers allows more autonomy and diversity, but economic integration means a loss of sovereignty and a degree of economic and social policy harmonization. International experience suggests that coordination of a decentralized system will be difficult and the economic union will fragment. Ironically, if Canada were to follow the current world trends, the parts would seek to bring themselves together again. We would have to recreate national authority. But we will be poorer in the interim.

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## QUEBEC REPORT

### UNDERSTANDING THE DYNAMICS OF THE CANADA ROUND

*by Guy Laforest*

Seen from Quebec, the results of the multilateral negotiations on the constitution are meagre at best. It looks as if the sixteen groups have agreed on the formulation of the distinct society clause suggested by the federal proposals back in September 1991, and adopted by the Beaudoin-Dobbie Report. The clause will be in the Charter, defined and, thus, limited to language, culture and civil law; it will be placed in a sub-section of a clause dealing with the ancestral rights of the native peoples; moreover, it will not include any specific reference to the obligations of promotion of the distinct society by the government and National Assembly of Quebec such as those that could be found in the Meech Lake Accord. Those obligations are likely to be mentioned somewhere in the Canada clause if a deal on its legal formulation can be arrived at sometime before the end of this century.

Compared with the centrality of the distinct society provision in the Meech Round, this is very disappointing for Quebec nationalists, for the large coalition of forces that recognize themselves in the Allaire and Bélanger-Campeau reports. This will provide additional ammunition to those who think that Canada is fundamentally unable to recognize, even indirectly, the national dimension of the Quebec question. I am convinced that when, and if, Quebec's own Commission on renewed offers of federal partnership studies the new formulations of the distinct

society clause, it will find them profoundly unsatisfactory. But, as the Premier of Quebec, Robert Bourassa, is likely to ask his fellow citizens in the upcoming weeks, would you break up a country for the sake of a few words in a distinct society clause? Would you ignore the imperatives of geography and economic security for the sake of symbolic recognition? I see in the repetition of interrogations like the previous ones by governmental figures such as Premier Bourassa the current predicament of Quebec in the Canada Round.

### GOING BACK TO THE TABLE?

Gil Rémillard, the minister responsible for Canadian intergovernmental affairs, has stated recently that Quebec has not consented to any of the specific points agreed to by the various players in the multilateral negotiations. I have every reason to believe that Mr. Rémillard meant what he said. Whenever Quebec goes back to the table, it is bound to ask for modifications on all fronts. I am sorry for Bob Rae, Ovide Mercredi and their innumerable advisers, but their work so far amounts to no more than the end of the beginning.

While Quebec is not pleased by any of the agreements reached at the table, its leaders ponder with great circumspection the consequences of failure. The propositions on the division of powers are almost a farce, confirming provinces in some of their jurisdictions, thereby tacitly condoning federal interventions in other provincial fields. But would you destroy a country for a few more lines in section 92 of the *Constitution Act, 1867*? An elected, more effective and almost equal Senate could reduce the legitimacy of provincial institutions such as the National Assembly. But in the final analysis, "in the crunch," would you

risk the "adventure of independence" merely on the ground of your opposition to a second federal legislative chamber? The addition of new provinces following the simple procedure of an agreement with Ottawa could further reduce the weight of

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Quebec in the institutions of executive federalism. However, if you are prepared to be one in eleven, wouldn't you prefer to be one in thirteen or fourteen, rather than secede from one of the best countries in the world according to the United Nations?

### THE QUEBEC BOYCOTT CONTINUES

There will be no referendum on independence or "strong sovereignty" in Quebec in 1992. Robert Bourassa has decided that he does not want to be remembered in history as the person who caused the demise of Canada and the permanent division of the Liberal Party in Quebec. Whenever Mr. Bourassa has gone to a major constitutional negotiation, he has given his own agreement to the compromise at hand: Victoria in 1971, Meech Lake in 1987, Langevin Building in June 1987, and Ottawa in June 1990. The Victoria Charter was destroyed by the intelligentsia and public opinion in Quebec; the Meech Lake compromise was shattered for all sorts of reasons, but certainly not because of Mr. Bourassa's own actions. Robert Bourassa knows in his bones that if he goes back to the table, he is condemned to agree with the others. Because of Victoria, he does not know whether or not he will be able to sell the deal to Quebec; because of Meech Lake, he does not

know whether or not Canadian leaders will respect their signatures or follow their own constituencies. Surrounded by such doubts, I take it that the Premier of Quebec will continue to boycott, at least formally, the constitutional table. He will wait for the new developments in the unfolding of the Canada Round, secure in the knowledge that a federal referendum, whatever its results, will not solve the constitutional anxieties that are, possibly, the fundamental characteristic of both Quebec and Canada. Would you behave any differently?

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