

because most federal and provincial politicians cannot conceive of a system in which one province operates on a half-in, half-out basis. The problem here is simple: the advocates of "special status" have never proposed a workable plan — except, of course, the open-ended ad hocery of opting out.

During the Trudeau-Lévesque years, the "special status" option virtually disappeared, only to return, smelling of mothballs and the Queen's

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University Institute of Intergovernmental Relations, as federal Conservatives celebrated the shotgun nuptials between Brian Mulroney and Lucien Bouchard at Meech Lake. The October referendum once again demonstrated that the "special status" option remains unacceptable outside Quebec while its appeal in Quebec remains strong. So what conclusions should be drawn?

The first is that Quebec federalists must now face the obvious conclusion that there are really only two options for their province. One is independence, the logical choice for Jean Allaire and Mario Dumont. The other is a federal system not very different from the existing one in which Quebec's distinct society will be protected by the efficient exercise of its existing powers, its political clout at the federal level, the notwithstanding clause and a pragmatic, gradual redistribution of powers as need is demonstrated. As Quebeckers are weighing these options, Canadians elsewhere in the country will have to realize that they will be obliged, in the near future, to accept Quebec's

choice in the full understanding that the preferred choice may well be independence. This clearing of the air is the first benefit of October 26.

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The second benefit is that the issue of self-government for the native people can, or at least should, now be treated separately from the other questions with which it was unfortunately entangled in the Charlottetown Accord. If the various governments, separately or together, can take the framework for self-government established in the Accord and flesh it out in a way that will remove the doubts of both natives and non-natives about the many fuzzy edges left unspecified at Charlottetown, there is no reason why this issue should not be amicably resolved. Some native leaders have emerged from the referendum depressed and bitter, and that is understandable, but their task may have been made easier in the long run if they can now present the case for self-government as valuable in its own right rather than as simply a bargaining chip in the larger constitutional lottery that federal-provincial relations has become since 1984.

One can only hope that the native people and their supporters will press at once for renewed discussions of self-government because that would result in yet another positive result. It might prevent the Mulroney government from fulfilling its promise to concentrate exclusively on the economy. Given the government's record in that field to date, single-minded concentration may produce results even more disastrous than its record on the constitution.

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CANADA AFTER CHARLOTTETOWN

Picking up the pieces won't be as easy as some imagine

by Patrick J. Monahan

In the weeks immediately following the October 26 referendum, political leaders and pundits were literally tripping over themselves in their hurry to minimize the consequences of the sweeping "no" vote. The same authorities who had been predicting dis-

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aster if the Accord were defeated now suddenly reversed course. With the body still warm, we were told that the death of Charlottetown was not a "no" to Canada, but rather a "no" to the country's political elites and a "no" to a bad deal.

The money markets certainly seemed persuaded. On October 27, the Canadian dollar held firm and the Toronto Stock Exchange registered its third biggest gain of the year. Onward to the economy!

But the consequences of the failure of Charlottetown are unlikely to be as insignificant as these post-referendum analyses would have us believe. The defeat of the Accord is likely to provide a major boost to the forces of fragmentation, regionalism, and division, at least over the medium to long term.

Consider the following political realities facing Canada after the defeat of the Charlottetown Accord.

1. *We may now have a constitution that is, for all practical intents and purposes, virtually unamendable.*

Some have argued that Charlottetown was simply the rejection of a particular set of amendments and does not foreclose negotiation of a "better deal" in the future. But the practical problem is in imagining what this "better deal" would look like.

For Quebecers, a "better deal" means more powers for the province of Quebec. But Quebec's demand runs up against opposition elsewhere to any further devolution, combined with a categorical rejection of any "special status" for Quebec.

For the west, a "better deal" means a stronger Senate with equal representation from each province, and no "special guarantees" for Quebec (such as the 25 percent floor in the House of Commons). But the only reason that Quebec was prepared to accept an equal Senate was that its political weight in the House of Commons and the federal Cabinet was guaranteed. Remove the guarantee of Commons seats and the equal Senate becomes totally unpalatable for Quebec.

Finally, for aboriginals, a "better deal" means greater recognition of their "sovereignty" within Canada. But this demand runs up against the concerns of non-aboriginal Canadians, whose interests must also be factored into the equation.

In short, although Canadians in all parts of the country apparently believe that a "better deal" is possible, it is difficult to see how this is the case. Any attempt to improve the position of one group or constituency will immediately raise a red flag elsewhere.

2. *The practical unamendability of the current constitution is reinforced by the fact that any future*

amendments must be approved by referendum.

The October 26 referendum set an important precedent. Having consulted the people directly on one occasion, it makes it practically impossible to avoid consulting them on all others.

This is an important gain for democracy. But it further narrows the passageway through which constitutional amendments must pass in order to become law.

The international experience suggests that the only type of constitutional amendment likely to survive a referendum is one that is narrow, focused, and specific. Indeed, in Australia, it is virtually axiomatic that any proposed amendment must

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be of the "stand-alone" variety if it is to succeed in a referendum. Complicated packages of amendments, such as the Charlottetown Accord, are not put before the people for the simple reason that they are almost always defeated.

But here's the problem. We in Canada are required to deal with all outstanding constitutional demands at the same time (this being one of the major "lessons" of the failure of Meech Lake) and thus are precluded from proposing simple, "stand-alone" amendments. Any future constitutional package would be of the Charlottetown variety—complicated and sprawling—and would be just as vulnerable in a referendum.

3. *The defeat of Charlottetown thus means that the choice for Quebecers is between the status quo and sovereignty.*

Since the early 1960s, federalists in Quebec have built their constitutional strategy on a program of "renewed federalism." Even Pierre Trudeau felt it necessary to promise Quebecers something called "renewed federalism" in return for their vote in the 1980 referendum. There has been no major political party in Quebec for the past generation that has defended the constitutional status quo.

But the reality is that "renewed federalism," if it involves formal constitutional amendments, has been exposed as a pipe dream. This forces Quebec federalists back to a defence of the status quo, perhaps with some modest "administrative improvements" to enhance Quebec's authority over such fields as labour market training.

As Mr. Bourassa is fond of observing, a week in politics is a lifetime, while a year is an eternity. Fortunately, we are at least a year away from the next showdown on Quebec's political future. And, unlike following the demise of Meech, there is no sense within the province of Quebec that they have been "rejected" by the rest of the country. But the looming political battle over the future of Quebec will now be fought on ground that has been hand-picked by Lucien Bouchard and Jacques Parizeau. In a campaign that pits sovereignty against the status quo, even the Vegas bookies would be well advised to decline posting any odds.

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