

# SHIFTING THE TERMS OF DEBATE

by Kenneth McRoberts

The basic difficulty with the Charlottetown Accord is that rather than accommodating the primary constitutional projects of Quebec and English Canada, it frustrates them. Although appearing to respond to each project, it does so through contradictory measures whose limitations are bound to produce discontent. This can be clearly seen in the rise of opposition to the Accord over recent weeks. In response, Yes forces are seeking to shift the terms of the pre-referendum debate from the merits of the agreement to the alleged consequences if the agreement is not passed. This strategy may place them on much stronger ground.

## CONTRADICTIONS WITHIN THE ACCORD

For 30 years, the focus of demands from Quebec has been to heighten the powers of the Quebec government. Yet, while recognizing the Quebec government's responsibility "to preserve and promote the distinct society of Quebec," the Accord does not significantly expand the powers of the Quebec government. The main "gain" for Quebec is in an entirely different area from the division of powers: representation in the House of Commons is heightened and there is a guarantee that it cannot fall below 25 percent. This, moreover, is to compensate for a "loss" in Quebec's Senate representation from 24 to 10 percent.

By the same token, the most powerful demand from English Canada has been reform of the Senate, especially along "Triple E" lines. Yet here, too, the Accord seems to fall short. Although the new Senate will have equal representation from each province, its powers are too limited to guarantee effectiveness. For that matter, its members are not neces-

sarily elected. And the price for the semblance of a "Triple E" Senate is reinforced central Canadian representation in the House of Commons.

## OPPOSITION IN QUEBEC

In Quebec, the absence of significant additional new powers for Quebec was sufficient to trigger the departure of the "nationalist" forces in the Quebec Liberal Party, led by Jean Allaire, author of the party's 1991 constitutional position, and Mario Dumont, leader of the Liberal youth wing. Although the party leadership may have been able to contain the number of militants who followed Allaire and Dumont in their open dissent, the acquisition of these relatively high-profile Liberals has helped the Non organization to present itself as a broad-based movement, extending beyond *indépendantistes* to nationalist federalists.

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The failure of Bourassa to secure additional powers for Quebec was also the central complaint in the secretly recorded and recently released telephone conversation between two of his most senior officials. They lamented the way in which Bourassa had "caved in" to the other first ministers. Attempts to prevent publication of this transcript in Quebec have only ensured that when published in Quebec, it will have a major impact, undermining

the public's confidence in Bourassa's capacity to defend Quebec's interests.

## WESTERN CANADIAN RESENTMENT

In western Canada, reaction has begun to develop against the limitations of the reformed Senate. Among the numerous "ambiguities" that Preston Manning has found in the agreement, the most distressing to Reform Party militants in Alberta is the failure to conform clearly to the "Triple E" model. Quebec's guarantee of 25 percent of the Commons seats only compounds the sense that central Canadian interests will continue to dominate. The reaction to the 25 percent guarantee is especially strong in British Columbia where feelings are high over the failure of the province to receive as large a number of seats as its rapidly growing population might warrant. As a result, surveys suggest that opposition to the Accord is as strong in Alberta and British Columbia as it is in Quebec.

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## STRESSING THE CONSEQUENCES OF THE ACCORD'S REJECTION

In Quebec, Bourassa is seeking to counter opposition to the Accord by claiming that a "non" vote would plunge Quebec, and Canada, into economic and political instability. In fact, it would precipitate nothing less than the breakup of Canada. On this basis, the "yes" vote wins by default — as being "risk-free." For his part, Prime Minister Mulroney

has warned Quebeckers that a "no" vote would lead to negotiation of Quebec's separation.

In the rest of Canada, federal and provincial government leaders are similarly arguing that a "no" vote would necessarily lead to political and economic instability. Conversely, a "yes" vote would bring constitutional peace. (At the same time, of course, they stress that a vote in favour of the agreement would be a vote of confidence in Canada.)

Such essentially "strategic" arguments are inherently speculative. There is no certainty that rejection of the Accord would lead to major new economic difficulties. Arguably, the money market has already taken into account the prospect of a "no" vote. After all, the collapse of the Meech Lake Accord was fol-

lowed by a surge in the dollar. However, one could also credibly argue that the failure of a second attempt to renew the constitution would have much more serious repercussions. The options would have narrowed and there would probably be little disposition among political leaders, let alone the general public, to initiate a new round of discussion and negotiation. The potential for resolving the Canadian crisis through a "renewed federalism" would be significantly reduced.

By the same token, the political and economic impact of a "no" vote would vary with the form it takes. A "no" vote in English Canada coupled with a "yes" vote in Quebec could be very destabilizing: Quebeckers would feel an even stronger sense of rejection than they did after the collapse of the Meech

Lake Accord. Conversely, a "no" vote in Quebec coupled with a "yes" vote in all the other provinces could cause many English Canadians to feel enormous frustration with Quebec. A "no" vote in both Quebec and a few English-Canadian provinces might be less destabilizing.

Nonetheless, however speculative, arguments about the negative consequences of a "no" vote may prove powerful in shaping the referendum decision. Equally powerful in English Canada (but not Quebec) would be appeals to Canadian patriotism. In the process, grievances over the terms of the Accord might be overlooked—at least temporarily.

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## THE CHARLOTTETOWN ACCORD

by Peter Lougheed

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*On September 23, 1992, former Alberta Premier Peter Lougheed delivered the inaugural Pierre Genest Memorial Lecture at Osgoode Hall Law School. The following is a partial transcript of his remarks.*

What are the implications of a "yes" vote on October 26? Well, obviously I feel very positive in that then we can get on with a job-creation focus. Now, two arguments have been raised against this — both of which I think are simply wrong.

First, some have suggested that if we vote "yes" in Quebec and elsewhere, it won't end anything. Quebec will be back at the national table with more demands from the nationalists. Second, there's another view that says vote "no" and we'll have a constitutional moratorium for five years. My view is that these arguments are simply wrong, and I would like to explain why.

If you go back to the period 1981 to 1986, what was troubling Canada was

that we had a country and a constitution of which Quebec was not legitimately a part because they hadn't signed it. The motivation to respond to Quebec wasn't threats, the motivation was the view that we really had to have a constitution with Quebec a signed party to it. The motivation was to get them to sign up.

So if after October 26 there is a "yes" vote in Canada and elsewhere, the government of Quebec, the Assembly of Quebec in its majority, will be obliged to sign up. After the signature, it's over. Yes, it's over. It won't get on the national agenda for a dozen years. I was there in 1977 and 1978, and I saw the PQ try to put it on the national agenda and they didn't even get close. And after what we've gone through in this country

between 1987 and 1992, it won't get on the agenda. So for those people who make the argument, which I believe is fallacious, that if we vote "yes" we'll never satisfy the demands of Quebec nationalists, I say this: yes, they'll always be there. The nature and the history of Canada will make it so. But the concept that these demands will be on the national agenda in the period ahead of up to a dozen years, in my opinion, is false.

Now there's another view, which primarily comes from the West, and it says: "Vote 'no.' The deal's not perfect. We'll have a moratorium for five years, during which time the status quo will continue and then we'll negotiate again." Well, my

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