

we don't have this slowdown, this transition period, the future national existence of English-speaking Canada will be gravely weakened because its reconstruction will have occurred in the context of a demoralized central government and very strong provincial governments.

So to recapitulate, if we're talking of continuing within federalism we've got to make this big intellectual and normative judgement of the extent to which the *Charter* can be differentially applied in Québec. Second, we have to decide how great a departure from the principle of equality of the provinces is acceptable, making very clear that the real issue is the status of M.P.s in the House of Commons, not

the lesser question of variations in the status of the several provincial governments. Third, if a future within federalism is not to be our fate, we have to think very seriously about ways and procedures for English-speaking Canada to get its act together, which is not possible in the existing constitutional structure.

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[A more elaborate presentation of the argument will be published in a volume of research papers commissioned by the Business Council on National Issues, to be edited by Professor Ronald Watts of Queen's University.]

QUÉBEC AFTER MEECH: ON THE THRESHOLD

Lise Bissonnette

I will not dwell too long on the Meech failure. I do not think it is worth it anymore except to say that I am not one to pursue a witch hunt against some individuals for its failure, be they Mrs. Carstairs, Mr. Wells, or Mr. Harper. I think that much of the press indulged too much in that. In the end, why do political deals fail? It is not because of individuals, but because they have to fail. Conflicting visions of Canada were clashing over the Meech Lake Accord and they were, in my view, impossible to reconcile while they were both absolutely legitimate.

In all of my editorials I have written that I understood perfectly why people opposed the Meech Lake Accord and why people in Québec wanted it. In both cases, one was not more of a culprit than the other. It is possible that legitimate views conflict, and so if you cannot reconcile them, you just don't. You just stop trying, at least for this kind of accord. Should Meech have been signed, I am totally convinced that the clash would have manifested itself nevertheless in the future. We would have had a period of calm, no doubt, but ten years from now the same problems would have come up again. Meech failed, then, and that is it.

I wish to address here a few of the clichés that some of my friends and colleagues, very often from the English-speaking press in Canada, are still challenging. First, and I am totally convinced of this, Québec will not go back

to the negotiating table, at least the negotiating table as we know it. Québec will not abide by the present constitutional rules whereby one or two smaller provinces can challenge a majority's consensus. That is quite clear. We can have discussions about it, of course, but I do not see any kind of Meech II if that means we go by the same rules.

Second, the post-Meech mood of renewed nationalism is a resilient one in Québec. I recall this summer, when the Mohawk crisis erupted in mid-July, when I read many an editorial in English Canada that triumphantly stated that the national question would go on the back-burner and that Québécois would soon forget about their mood of the 24th of June. Well, if you look at the opinion polls today, you will see that they are consistent with where they were just at the time of the failure of the Meech Lake Accord. So this is not something that is going to just go away when the public mood changes. And that is quite remarkable because if you watch public opinion today on any other question, it is usually very volatile. But in Québec, this stand in favour of larger sovereignty or political autonomy is there, and it seems there to stay.

Third, if Canada has any chance to remain a country, it will have to accept many greater changes than most people outside of Québec are presently prepared to accept. This is in contrast to those who argue that, if Canada is to remain

a country, it must not accept radical change except for a Triple E Senate.

I was asked to deal specifically with the work of the Commission on the Political and Constitutional Future of Québec — the official name of the Belanger-Campeau Commission. The Commission was created, admittedly with some difficulty, over the summer but is now in full speed. The commission has such a large mandate that it can operate almost without a framework. The Commission's enabling legislation says only that the Commission must look at the future of Québec and make recommendations. That's about all.

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It is an enlarged parliamentary commission, and it is supposed to report to the government in March and may make any recommendations it wants on Québec's future. So it might come up with not only constitutional recommendations, but other kinds of recommendations as well.

I am among the pundits who sharply criticized the Commission from the beginning, basically because of its membership. It is overloaded with businessmen, and has no representation to speak of from the intellectual and cultural communities that are still, in my view, Québec's most dynamic forces when it comes to reflecting on the future, whatever the new entrepreneurial class might say in Québec right now. It is also threatened by the fact that most members have arrived there with an agenda that is dictated by their own party or by their own interest group. Their mandates are pre-defined. They are not sitting there as individuals but, rather, as formal representatives of unions, for example, or corporate associations or federal or provincial parties, et cetera, so I don't think that they are as free as they should be to think, without prejudice, about the future of Québec.

The Commission is also hindered by the fact that it is co-chaired because Mr. Bourassa and Mr. Parizeau were unable to agree on the chairperson. One, Mr. Belanger, is categorized by us in the press as being a federalist and, the other, Mr. Campeau, as wearing an independantiste label. They both deny that this is so, and say that they are nonpar-

tisan and all that. Of course, they are not people who have been in active politics, but they have been unable to escape that kind of categorization and description.

By and large, however, whatever we might have said at the very beginning, the Commission is able to function quite well. The hearings have now been completed both in Montreal and Québec City, and the Commission is beginning to travel to other regions in the province. The hearings are televised, widely reported on, and attract a lot of attention.

Many more people than I would have thought cared to participate in the hearings, despite their being given very short notice to make a presentation, and a lot of them have made written submissions to the Commission. In fact, we at *Le Devoir* are deluged with memoirs from all sorts of people who want to get in our pages because they can't go to the hearings or because there is not enough time to hear all of them. So it is a massive review, but it's really a very lively discussion. The estimated total of presentations will be around five hundred, and they come from all political horizons. Despite some ugly scenes, when strong differences were voiced in strong language — but they were less ugly than what we have seen recently in the Senate — most of the hearings have been quite calm.

When the Commission put an end to its hearings in Montreal, there was some talk of an already emerging consensus, the main elements of which were the following. First, I think it is quite clear that almost every member of this Commission, and it has got members of all political stripes, will agree that the status quo is unthinkable.

Second, they will agree, admittedly a very large and sketchy agreement, that Québec needs much more political autonomy, notably in the fields of immigration, communications, culture, industrial policy, research and development, and agriculture. I would add the topic of manpower training and development which is fastly rising to the top of the agenda in Québec. But, as Mr. Parizeau says, if you add all of the fields that people have been invoking before this Commission, you end up with quite a sovereign country. Although it is not the same people who are asking for the same powers, nevertheless, the real trend is towards much more power to be exercised by the provincial government.

Third, the preferred solution, and that, again, is just an emerging consensus, would be either a very decentralized federation or something like sovereignty association. There is more and more talk about this, even in the governing

Liberal Party of Québec. You hear continuously people matter-of-factly saying: "Well, you know, we're looking at sovereignty association." This was absolutely unthinkable ten years ago at the time of the May 1980 Referendum. The same people that were on the "no" side at that time are now talking about sovereignty association, which they voted and fought against in 1980 as if it were the most natural thing on earth. This is true especially among the young members of the Liberal Party, a very active wing of the Québec Liberal Party. Mind you, a consensus is not unanimity, and I am certainly not saying that the Equality Party, which is the Anglophone-protest provincial party, is party to such a consensus. But, by and large, the Péquistes and the Liberals would agree in this general sense, though the Péquistes and the Liberals are fighting like mad over questions of strategy and over details of the final design of a new status for Québec. The kind of sophisticated questions that they are asking, for example, is: do you need a supernational structure like the European Community or another kind of structure, and do you need to still send people to Ottawa or not?

Most public opinion polls are supporting the general consensus developing within the Commission, with, perhaps, two-thirds of the Québec population supporting the idea of some kind of sovereign Québec formally associated with the rest of Canada. To put it in a more sophisticated way, I think that most members of the Commission today would gladly settle for a kind of "confederal solution". That means a very decentralized federation such as the one that Europe is talking about. If you want to hear a lot about Europe, come to Québec right now for people have taken a great interest in Europe. They are discussing Europe almost as much as they do in Great Britain these days.

Premier Bourassa's own obsession with the European model has often led him to overstate the case and, in my view, to forget conveniently that Europe is still basically a collection of very sovereign states. These states are still far from political union, and they are still battling a lot over trade liberalization. Most Québécois would nevertheless agree that the Canadian solution, such as the one the Europeans seem to be contemplating, would be good for Québec and for Canada.

There is, then, a basic consensus in Québec on the overall objective. The burning question, and the one that is rapidly emerging as the most important issue, is about strategy. How do you achieve a sort of economic Canadian community just like the EEC on this side of the Atlantic? In Europe, and I think this is the basic difference that we must not forget in Québec, people are sort of enthralled by the building

process that they are engaging in. Countries are working together to find common ground and they have a distinct sense of purpose about building Europe. In Canada, if we really wish to get where Europe wants to go, we would have to start from totally another point. We would have to deconstruct the present Confederation, break it into several parts, and only then would we be able to find some new common ground. This is a process unheard of and, I think, almost impossible to see, at least at first sight.

Speaking to the Belanger-Campeau Commission, three representatives of the Québec Association of Economists, all from very different political backgrounds, agreed on one thing: unless the rest of Canada is ready to re-think Confederation on its own, we are in for troubled times. People are beginning to face that fact in Québec also.

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There is no stopping Québec's movement towards more political autonomy. But if there were to be an angry reaction in other provinces, it could create certain economic turmoil and paralysis for years. That is not blackmail, by the way. It is just stating the facts. If you can't stop the movement in Québec, and if cooperation is not forthcoming from the rest of Canada, we're in for trouble. So we might as well face that, and that is very much a part of the discussion in Québec also.

I would buy the hypothesis of my colleague Don Braid in his just-published brilliant book, *Break Up*.¹ I would expect more tensions and resistance from Ontario than from the West because I feel that a true Confederation is also sometimes hoped for in this part of the country, whatever the specific hostility to some of Québec's demands or policies. I won't dwell further on what the West could do. I am only warning that your answer to these questions will have to come sooner rather than later.

More and more, the Belanger-Campeau Commission and the many groups involved in the present debate are coming to the realization that a referendum will have to be held in Québec in order to give other Canadians a clear sign that one-on-one negotiations are needed. We don't know what the question would be in that referendum, but no Québec Government, be it the Parti Québécois Government or the Liberals, could afford to just get elected or re-elected next

time around and say: "Well, this is the Québec consensus and here we go." I think that other provinces, quite legitimately, will ask that the Québec population say something clearly, and not only in an election. So there is more and more talk of an early referendum once the work of the Belanger-Campeau Commission is completed.

Ontario's throne speech in November 1990 stated in a very bland way — I was quite surprised that they didn't seem to have one idea about constitutional issues — that the next five years will be crucial for the settling of Canada's constitutional problems. I think that they've got the numbers wrong (and you might say that that happens from time to time). By next summer, one moment of truth might be upon us.

For my part, I am still of the view that a meeting of minds is possible if there is, in places such as this one, a deep desire for change, and not only for a Triple E Senate.

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[This essay is an edited version of a presentation before Alberta's Constitutional Reform Task Force, Roundtable III, November 23, 1990 "Restructuring Federalism"].

1. Don Braid and Sydney Sharpe, *Break Up: Why The West Feels Left Out of Canada* (Toronto: Key Porter Books, 1990).

CANADA AND QUÉBEC PLAYING CONSTITUTIONAL CHICKEN: THE VIEW FROM AN AUSTRALIAN PEDESTRIAN

Greg Craven

Over the past five months, I have toured Canada talking on the general subject of secession, with specific application to the present Québec-Canada scenario. My slender qualifications for this pilgrimage to Montreal via Vancouver, Calgary, Edmonton, Halifax, Victoria, Kingston, Toronto and Saskatchewan is that I have written a book on the subject of secession in Australia, which naturally also seeks to place secession in a rather more general context. Thus, any perceptions which I may bring to the present vexed topic of Québec's secession from Canada are confessedly not those of a Canadian constitutional expert: rather, they are the views of one who knows something about secession from federal states, but who does not profess to know a great deal about secession from Canada. I will attempt to make a few succinct points which seem to me be worth setting down.

The first is that judging the situation not by reference to timeworn truisms of Canadian constitutional debate ('Québec has whined for two hundred years, she'll whine for another two hundred, there's no problem'), but rather from the perspective of the common course of secession movements in federal states, the situation is very serious indeed. What Canada faces in Québec is a separatist movement of long-standing, fuelled by ancient feelings of ethnic difference and intensified by a perception of recent and continuing ill-treatment. Such movements are of extraordinary potency

and danger to their parent states, as multiple historical instances attest.

Moreover, there can be little doubt that the emotional engagement between Québec and English-speaking Canada has been dissipating on both sides over a long period of time — a process accelerated by the recent contretemps over Meech Lake — and is now rapidly approaching the point at which even the minimal degree of involvement represented by mutual dislike has been replaced by the indifference of an irritated weariness. The truth is that, like some battle-scarred couple, Québec and Canada appear no longer to care very much, and it is precisely this feeling of disengagement that has caused other federations to reel and some to totter in the face of secession movements. To anyone who has been a student of secession movements in other federal states, whether in America, Australia or elsewhere, Canada shows every sign of being a federation on the very edge of disintegration.

Of course, to many Canadians, this will be anathema. I have already branded myself as, at best, a doom-sayer (and an ignorant foreign doom-sayer at that), and probably as something worse: a 'Meechie', or even (yes, I have heard the term used) a 'collaborator'. To such Canadians I will add insult to injury by suggesting that they themselves in fact fit