

14. **Right of "self-determination".** It is difficult to discern any consensus at all as to the conditions of an internationally-recognized right of self-determination: who enjoys it; when and how it may be exercised; and what territory it applies to. It cannot plausibly be a right to assert repeated fresh claims, each of which would bring the state to an end at any time. It seems preposterous to assert that Canada can be brought to an end at any time at the demand of one of its provinces. So far as Québec is concerned, the population of Québec, through its elected representatives or its voters, opted for Canada in 1867 and again in 1980. I would argue that the issue of self-determination, if it existed, is closed; the people and province of Québec remaining free, like all others, to seek constitutional change within the Federation by constitutional processes. Assuming, however, that the French-Canadian people within Québec, as a group, have a moral or an international-law right of self-determination, so do others in the province: aboriginal peoples, for example, and other non-French-Canadians. And any right of French Canadians to self-determination can extend only over a limited portion of the present territory of Québec.

15. **Partition of Québec.** Demands for the independence of Québec thus compel consideration of partition of the province. In the event that Québec seeks, and Canada permits, the independence of Québec, new provinces of Canada could and should be established, or a rump province retained, both (1) in what is now northern Québec, and also (2) in those portions of southern Québec remaining loyal to Canada.

16. **Bargaining on reform.** Bargaining on constitutional reform must not take place on the basis that Québec can secede if it is dissatisfied with the progress or with the results. Rather it should be based on the principle that all legitimate concerns of Québécois, and of other Canadians, can be accommodated by balanced measures of reform.

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It is apparent to me that after 25 years of almost continual talk about constitutional change, the divisive issues remain, and new, divisive issues have materialized. Nothing has been resolved. Further, even academics are provincial (or regional) in their understanding of these matters. Québécois have little sense of prevailing currents of opinion outside their province; much of Western opinion is exotic to non-Westerners; nobody outside of Atlantic Canada is interested in opinion there; and few have anything to say at all in response to native political claims.

As well, I find it interesting that academics have retreated into generalities. What I mean is that they seem loathe to discuss particular proposals. This is quite a change from the latter part of the 1960s and the 1970s, when such proposals abounded and were almost all the products of university professors. The proposals contained in the studies of the Macdonald Commission seem to have been the last academic gasp. The Meech Lake proposals were the work of

politicians and their advisors. Since then, the proposals circulating have been drafted by private citizens, members of think tanks and so on. There is nothing wrong with this, of course. But I do think that academics who are trained to understand the dynamics of political institutions have not contributed enough to public discussion on this score. For example, Senate reform should be a major issue to smaller provinces. In Atlantic Canada, there has been virtually no debate at all about the merit of competing proposals, just elementary statements for or against the idea of election. Perhaps that will change when the federal government presents its proposals to the Senate-Commons committee that it is planning to establish in the fall.

I am not overly optimistic that Canadians and their political leaders will resolve the constitutional impasse at which we seem to have arrived. I do think that if the recession continues, or worsens, the popular will for major change will dissipate, at least in the short term.