

UNSTABLE FOUNDING: PQ ASSUMPTIONS AND THE INDEPENDENCE PROJECT

Douglas Brown

BASIC ASSUMPTIONS

The Parti Québécois goal of independence for Québec is based upon many assumptions about the problems facing contemporary Québec and the types of constitutional and institutional solutions which independence would provide. There are also assumptions made, some more explicit than others, about the transition to independence and the nature of the long-term relationship of Québec with Canada. It is important to understand and to challenge these assumptions, and to strip away the self-interest and wishful thinking if one is to form a reliable judgement about the feasibility of the *projet d'indépendance* as a whole. My argument will be that the PQ's questionable assumptions about short-term negotiations with surviving Canada and its longer-term structure and relations reveal an unstable foundation for the establishment of a new state.

The Parti Québécois document *Québec in a New World* is full of broad premises about the role of the state in the Québec society and economy.¹ These include the assertions that Québécois would be better off socially on their own; that full employment would be achievable; that an independent Québec could pursue a unique industrial strategy; and that there would be more fiscal resources for the state to employ. More generally there is the assumption that Québec's economic, social and political problems can only be solved by a *projet de société* which entails a large dose of economic and cultural nationalism. All of these assumptions — shared as they are, no doubt, by a large portion of Québécois — are of arguable merit in the 1990s, let alone in the 1960s when they were first formulated.

Yet it is not my goal to dwell on these broader premises but on assumptions about the independence project which involve Canada as a whole — or as I will put it, “surviving Canada.”² For there are many key assumptions made about surviving Canada that impinge crucially on the success of the overall venture. First is the frequently made assumption that there is a coherent political entity known as “English Canada” whose collective actions can be predicted and whose basic interests can be divined. Second is the related assumption that in the negotiations leading to independence, “English Canada” will come together in sufficient time and with sufficient coherence to ensure a smooth and productive transition to independence. Third is the assumption that a close economic relationship is in the interests of surviving Canada. And, fourth is the assumption that surviving Canada would in fact survive, rather than fragment even further. These assumptions can be illuminated by examining the process that might lead from a referendum campaign through to negotiations for Québec independence, and to the long-term relations that might prevail among two or more new states.

GETTING TO YES

Until recently the PQ program was clear about a step-by-step process to independence. First would be the election of the party; second would be a solemn declaration in the National Assembly of Québec's intent to “accede to full sovereignty”; third would be “discussions” with the federal government to establish a timetable and modalities for transferring powers and dividing assets and debts; fourth would be legislation creating a commission to draw up a constitution for a “sovereign” Québec; fifth would be

a referendum to “speak on the sovereignty of Québec” and be the act of creating independence; sixth would be the proposal of “mutually advantageous forms of economic association to the federal government.” These proposals would include joint institutions to manage the relationship.³

Since the election of the PQ in September 1994, aspects of this “triggering” process have been in doubt. The National Assembly has not yet convened and it may be some months before a solemn declaration is debated and the constitutional commission established. The timing of these steps is unclear, and other aspects of the triggering process may change.⁴ This is not wholly unexpected, as timing and sequencing are the essence of political strategy and are unlikely to be completely revealed in advance. The process has also been affected by the election itself. The PQ victory, solid in terms of a majority government, was not as overwhelming as many had predicted. The Liberal party was not decimated, was not shut out from predominantly francophone seats, and — more importantly — was practically tied with the PQ in terms of popular vote. This has been widely (if too optimistically) interpreted as depriving the PQ of the momentum it required to proceed unabated with its triggering process.

There has been considerable debate outside Québec about the PQ’s proposals, including a questioning of the very notion that Québec *can* secede, about whether it has a right of secession or of self-determination, and other such legal arguments. I will not wade into these issues, but boldly make an assumption of my own — one that is of course shared by the PQ — which is that if a majority of Québécois vote fairly and freely in a referendum for an independent Québec, that vote — regardless of the legal niceties — would be accepted in political terms as binding in both Québec and Canada as a whole. From this perspective, the process begins (or ends) with the referendum.

Yet, the support for “sovereignty” has been declining. In the three month period before the election, support in Québec dropped, according to one polling firm, by as much as six percentage points.⁵ Indeed, part way through the election campaign the PQ itself changed its campaign tactics to emphasize “good government” rather than the sovereignist program.

Much could be said about the nature of public opinion in Québec regarding independence. For our purposes, however, it is sufficient to note, first, that there exists at least some confusion among public opinion in Québec about what “sovereignty” means and, second, that public opinion in favour of the PQ option has not been strong enough in the past two years or more to enable the PQ to win a referendum on independence.⁶ To state the obvious, something will have to happen to Québec opinion for the PQ to succeed. And that something would have to involve a deterioration of the relationship between Québec and “English Canada.” The highwater mark of support for “sovereignty” came with the rejection of the Meech Lake Accord. One would argue that only in the face of a similar rejection or humiliation of Québec, sufficient to create solidarity among francophone Québécois, could a winning level of support be obtained.⁷ The point is not so much to speculate on what would create this reaction, as to point out that as a necessary if not sufficient condition for a yes vote in the referendum, such a reaction may also affect the atmosphere for the transition to independence and the negotiation of longer-term relations. Put another way, the very polarization of emotional and political sentiment leading to a yes vote would also lead to strained relations during and after the transition.⁸

ACCEPTING A YES

The achievement of a yes vote in Québec would come quickly and relatively unexpectedly. It would not be a scenario that had been given enormous forethought outside Québec, and it is clear that there would be no official “pre-negotiation” of the terms of secession. The PQ program, which envisages a series of discussions preceding the referendum, seems to be wishful thinking at best. As long as the results of a referendum cannot be confidently predicted in advance — and I foresee no other scenario for a vote which takes place by the end of 1995 — the federal government and the nine other provincial governments will act as if the referendum will be defeated. Thus, a yes majority would provoke an immediate and prolonged crisis.

While some voices would be raised to oppose Québec secession, or to propose unilateral terms which would only lead to unacceptable outcomes (for example, that Québec could not leave with its current boundaries intact), the more likely scenario is that opinion in surviving Canada would accept the verdict

of Québécois. Beyond this, however, it is difficult to predict what would occur.

The PQ program always refers to negotiations with the federal government only. This is "normal," as they would say. The very foundations of the sovereigntist movement in Québec are based on the premise that Québec is one of the two founding nations of Canada, caught within a constitutional straight-jacket which refuses to recognize that fact. This normative position blinds the PQ, however, to the realities of surviving Canada. They assume a monolithic English Canada where none exists; a federal government with sufficient leadership and legitimacy to speak on behalf of "English Canada"; and a political process that by its very nature will produce a new binational relationship.

While it may be sophism to assert that Québec cannot legally secede — as if that could prevent it from happening — it is another thing entirely to say that Québec's independence project does not need and assume a peaceful, legal transition of power. The financial integrity of the surviving states would demand that negotiations proceed quickly and decisively, and with minimal disruption to the rule of law. This pressure would be present in a post-referendum crisis, but so also would be the realities and difficulties of constitutional politics in Canada. According to some analysts, for Québec to leave constitutionally would require the unanimous consent of all of the provincial legislatures (including Québec).⁹ Political calculus also would require the consent of the Aboriginal Peoples and, according to some commentators, the consent of the people of surviving Canada in their own referendum or constituent assembly, or both.¹⁰ Do we really have any hope that such agreement would be forthcoming quickly given recent experiences with the Meech Lake Accord and the "Canada Round"? And how long could things drag on before unilateral action is taken by Québec — or by the bondholders? These questions cannot be answered with certainty, but they are crucially germane to the foundational assumptions of the Québec independence project.

NEGOTIATIONS

As noted already, a peaceful transition to independence is a vital assumption for the PQ. The nature of the transition is also important in that it is in this period that much of the continuing character of the relationship of the surviving parties depends — the path dependency phenomenon which economists,

among others, often cite as determining behaviour. According to this view the political, economic and financial climate surrounding the negotiations for independence will determine the shape of longer-term relations, closing some avenues and opening others.¹¹

Let us examine PQ assumptions about key negotiation items. Four of the most sensitive issues to be settled in the transition would be those dealing with armed forces, territorial boundaries, citizenship, and Aboriginal Peoples. The PQ programme discusses the need for Québec to "maintain armed forces proportionate to its size and needs," but does not address the issue of how to divide military personnel and equipment and how to provide temporary aid to civil authorities in the event of unrest. On the issue of the boundary the PQ are more forthright: there would be no negotiation — Québec's boundaries cannot be changed without its consent under current constitutional rules — thus Québec would take these boundaries with it to international status. It is a breath-taking leap of logic, and one which is already being challenged. My own view is that Québec's boundaries could not be changed without less than peaceful outcomes, but neither could Québec's territorial integrity be sustained without surviving Canada officially recognizing and thereby guaranteeing it. This would be a difficult step for surviving Canada to take, but one which would give it a powerful negotiating position over other issues.

On the matter of citizenship, the PQ program foresees the granting of citizenship to all current Canadian citizens choosing to stay or live in Québec, and leaves open the possibility of Canada recognizing as citizens those in Québec who request it. They assume that Canada will continue to allow dual citizenship. It seems to me most unlikely that Québécois would be granted any but the most temporary rights to Canadian citizenship, but the climate of the transition could impact significantly on how this issue is settled. Compared with citizenship, the rights of Aboriginal Peoples potentially are a much more explosive issue. The PQ program promises that the rights of Aboriginal Peoples would be preserved, but is not specific with respect to the fiduciary obligations of the Crown and, more fundamentally, does not address how the right of self-determination of Aboriginal Peoples could be respected without allowing for the possibility that they might determine to stay in Canada.

This is not to suggest that any of these issues, as difficult as they would be to resolve, would constitute

a deal-breaker. But each would have to be settled — and quickly — for a peaceful secession to occur. And such sensitive political questions would consume an indeterminate amount of good will and strain the solidarity of surviving Canada. While this assessment is important in itself it is also important in the extent to which it colours calculations of interest and intent with respect to long-term relationships.

LONG-TERM RELATIONS

The issue of long-term relations between Québec and surviving Canada is really about the desire and feasibility for economic and political integration. The PQ and Québec nationalists generally are, it seems to me, fundamentally schizophrenic with respect to economic integration. There is much talk of maintaining the Canadian economic space, while at the same time talk about the ability to have made-in-Québec industrial and macroeconomic policies. The two are not compatible, although there are degrees of incompatibility. Without necessarily linking sovereignty with association (after all, Parizeau parted company with Levesque on this issue), the PQ program nonetheless assumes that it is the interests of Canada to negotiate a wide-ranging economic association, including a monetary union, a customs union, and a free trade area where goods, services, capital, and labour could move freely.

What is key to the PQ proposals is the assumption of a reciprocal desire for economic integration in surviving Canada. But surviving Canada is likely to hold out for the type of economic integration that is in its interests. The pain and bitterness of separation would have at least some impact upon how the interests of surviving Canada are perceived. Of course, the calculation of that interest is apt to be confused with shorter-term political interests in the minds of those negotiating the terms. In such an environment, surviving Canada is unlikely to agree to sustain the level of economic integration now prevailing in Canada. The legislation, regulation and many common policies which have underpinned the Canadian economic space have been sustained by governments in Parliament with strong Québec participation. Even if these laws and policies were kept in place temporarily, one doubts there would be the will to sustain them in the long term without the support of strong political institutions.

This leads to a difficult — perhaps the most difficult — issue surrounding the Québec-surviving

Canada relationship. As the European Union is finding out every day, economic integration beyond the level of an initial free trade area (such as between Canada and the United States) requires the “positive integration” of political institutions. Europe has been building these institutions for years, but a Europe of 12 and a Canada-Québec of 2 are very different prospects, both in numbers and in dynamics. Surviving Canada is unlikely to enter into a relationship that gave Québec a veto over joint institutions, and Québec is unlikely to agree to be placed in a permanent minority situation in terms of voting rights. This would leave a relationship built on the non-binding consultation of international relations: fine if one is content with a free trade agreement, but not a sufficient level of political integration for the higher levels of economic association contemplated by the PQ program, let alone the existing level of integration achieved by the Canadian federation. If this assumption of mine holds, then the result of independence would be considerably less economic integration between the surviving partners than is now the case, with much attendant economic disruption and cost. An independent Québec could of course negotiate its way into the Canada-U.S. Free Trade Agreement and NAFTA — but again, this would not substitute for the existing close economic relationship within Canada.

SOLID AS A ROC?

The final assumption which the PQ tends to make is that “English Canada” will survive the separation of Québec to become a prosperous and stable political and economic partner. This assumption is key to its dream of binational parity in joint institutions, to its premise of continued access to a Canadian economic space, and to its occupying a comfortable geopolitical niche in North America. But what if little or nothing of Canada survived? What if the train of events set in motion by the secession of Québec ended in further balkanization? There are many centrifugal forces already at play: eroding east-west trade links; disintegrating elements of social cohesion and equity; the increasing importance of non-Canadian economic linkages, such as the Pacific Rim. All of these trends would be accelerated with the departure of Québec, and it cannot be confidently predicted in advance that the equilibrium political configuration would be an awkward federation of nine.¹²

The stability of surviving Canada is a question that loops back to the issues of transition and the

negotiation of the terms of secession. If Canada outside Québec could not get its act together, as various political actors spent more energy looking after the prospects for their own regions, then effective negotiations with Québec would be at risk. In such a scenario, Québec could be tempted to cut short the interminable delays and proceed unilaterally, but at the risk of increasing uncertainty even further. Among other costs, the financial burden of such continuing uncertainty would be heavy.

In summary, the prospects for success of an independent Québec hinge crucially on questionable assumptions about the interests, actions, and stability of surviving Canada. Under current conditions of public opinion, Québec-“English Canada” relations would have to undergo considerably more polarization than now exists for the PQ to win a referendum on sovereignty. The heat of such polarization would contribute to the other difficulties of sustaining an effective and peaceful transition to independence, namely, the unpreparedness of surviving Canada for the separation and the problems of reaching agreement in surviving Canada on anything but the most minimal of terms with Québec. The pain and anxiety of the breakup would colour the heightened consciousness of surviving Canada’s own interests and result in a much reduced level of economic and political integration. Further reinforcing the difficulties of reestablishing long-term relations would be the uncertain stability of surviving Canada itself. Québec would face an interlocutor which has no current legal or political standing, a weak and often unconscious sociological basis, and widely differing economic and fiscal interests. The irony of the Québec independence project is that to create one new country requires the destruction of another. And the consequences of destroying the present Canada may be that no Canada at all would survive, jeopardizing the future of Québécois and Canadians alike. □

Douglas Brown

The author is Executive Director of the Institute of Intergovernmental Relations, Queen’s University. I would like to acknowledge the debt of many discussions with various colleagues on these issues, in particular Robert Young, Keith Banting, Ronald Watts, David Cameron and Peter Leslie.

Endnotes

1. The National Executive Council of the Parti Québécois, *Québec in a New World: The PQ’s Plan for Sovereignty*, trans. R. Chodos, (Toronto: James Lorimer, 1994).

2. There is no easy way of briefly referring to the political entity that will exist outside of Québec if Québec were to separate from Canada, because no such entity exists now and many Québécois will be profoundly ambivalent about losing the very name which as “Canadiens” they partook of for generations, until now. I choose “surviving Canada” because it connotes the legal status of a successor state as well as the psychological status of a casualty of political and constitutional trauma. Besides, it is so “Canadian” (or at least so says Margaret Atwood in *Survival: A Thematic Guide to Canadian Literature* (Toronto: Anansi, 1972)).
3. *Québec in a New World*, *supra* note 1 at 44-45.
4. For a discussion of this concept see reports in the *Toronto Globe and Mail* (4-5 August, 1994); *Montréal La Presse* (22-23 September, 1994).
5. The “Léger et Léger” poll for June 1994 found 42 percent support for Québec sovereignty while the same firm found only 36 percent support for the same question in September.
6. For a discussion see Maurice Pinard “The Secessionist Option and Québec Public Opinion, 1988-1993” *Opinion Canada* 2:3 (May 1994).
7. This point is made in Richard Nadeau and Christopher J. Fleury “Cross-Pressured Nationalists and the Sovereignty Decision: Evidence from the Québec Case,” paper presented to American Political Science Association Annual Meeting, New York, September 1-4, 1994.
8. This point is made by Robert Young in his study of the polarization leading to the separation of the Czech and Slovak Republic. See *The Breakup of Czechoslovakia* (Kingston: Institute of Intergovernmental Relations, Queen’s University, 1994); see also his paper “How Do Peaceful Secessions Happen?” *Canadian Journal of Political Science*, forthcoming.
9. For discussion see Neil Finkelstein and George Vegh, *The Separation of Québec and the Constitution of Canada* (Background Study No. 2 of the York University Constitutional Reform Project) (North York: York University Centre for Public Law and Public Policy, 1992) at 5-32.
10. For further discussion see Finkelstein and Vegh, *ibid.*, and Maureen Covell, *Thinking About the Rest of Canada: Options for Canada Without Québec* (Background Study No. 6 of the York University Constitutional Reform Project) (North York: York University Centre for Public Law and Public Policy, 1992).
11. I am indebted to Robert Young for his analysis and emphasis on the importance of the transition.
12. For a full discussion see Keith G. Banting “If Québec Separates: Restructuring North America” in R. Kent Weaver, ed., *The Collapse of Canada?* (Washington, D.C.: The Brookings Institution, 1992).