Quebec and the Future of Canada

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Quebec and the Future of Canada

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Québec occupies a highly strategic position. It straddles the important St. Lawrence River and if the province left the confederation it would divide Canada in two.
The narrow defeat, by 50.6 per cent to 49.4 per cent, of the October 1995 referendum on Quebec sovereignty means that the issue of Quebec's status in Canada is far from settled.

Canada, unlike Australia, was established by two 'founding peoples' with distinct cultural traditions. This has profoundly influenced the nature of Canadian politics and society. Rather than diminishing over time, these differences have increased in recent years, because of changes in Quebec society and politics, and have produced pressures for a renegotiation of the compact underlying Canada as a state.

Until the 1960s, Quebec was a socially conservative, underdeveloped agricultural province under a political elite content to allow an English-speaking dominance in the economy and in Canadian federal politics. The long post-war economic boom brought economic and social change to Quebec and the emergence of a new generation of Quebeckers seeking to be part of wider Canadian and international society. These developments, known as the 'Quiet Revolution', were accompanied by the growth of Quebec nationalism.

The strength of Quebec separatism has varied over the years, reaching a peak around 1980, subsiding during the 1980s and reemerging in the 1990s. The attempt to renegotiate the terms of the Canadian confederation in the Meech Lake Accord of 1990, while responding to rising Quebec separatist demands, stirred up misunderstanding and feelings of animosity on both sides of Canada's linguistic divide. The failure of the Meech Lake Accord of 1990 and the Charlottetown Accord of 1992 were the background to the 1995 referendum in Quebec.

Another referendum cannot be held in the life of the current Quebec government, which has four years to run. Support for separatism might change significantly over that time. If a referendum were to succeed, however, the secession of Quebec might lead to a break-up of Canada because of the physical separation of the eastern maritime provinces and separatist tendencies in the western provinces.

Canada, along with Australia, has been viewed as one of the world's model multicultural societies, and its near break-up is likely to lead to considerable reflection on the place of multiculturalism in Canada's social fabric. However there are few implications for Australian multiculturalism in the recent referendum. The separatist movement in Quebec has not resulted from the fostering of separate ethnic identities through multiculturalism, but is the result of the nationalist aspirations of one of the two culturally and linguistically
different 'founding peoples'. No particular ethnic group in Australia forms a majority in any of Australia's states (or even electorates).

Several commentators have sounded a warning in the Canadian experience for Australian multiculturalism, in that the fostering of diversity could potentially be at the expense of national unity. However (besides the fact that that multiculturalism has had very little to do with the secession movement in Quebec), there are differences in how the policy has been implemented in Canada and Australia. While we have chosen not to follow Canada's example of legislating for multiculturalism, Australia has gone much further than Canada in developing the programs and services which are seen as underpinning the policy, such as interpreting and translating, and English language teaching. As well, greater emphasis has been given in Australia to spelling out the limits of multiculturalism, and responsibilities as well as rights under the policy.

The status of Quebec has been one of the principal elements driving constitutional change in Canada since the eighteenth century. The Lake Meech Accord and the Charlottetown Accord were failed attempts to solve the Quebec problem through rebalancing the powers of the federal and provincial governments.

The Canadian nation faces an arguably greater threat to its identity from the influence of the United States than from its own cultural divisions. While this may be true, Canada will probably be preoccupied with renegotiating the compact between its two 'founding peoples' for some time to come.
Introduction

On 30 October 1995 the five million voters of the Canadian province of Quebec went to the polls to decide whether their province should become 'sovereign' or retain its existing status in the Canadian confederation. As opinion polls had indicated, the electorate of Quebec was evenly divided on the issue. The referendum was lost by virtually the narrowest margin possible: 50.6 per cent for 'No' compared with 49.4 per cent for 'Yes'. The vote, however, was unevenly divided along linguistic lines. Amongst the French-speaking majority, sentiment was clearly in favour of secessionism, or 'sovereignism' as they prefer to call it, with around 60 per cent supporting the 'Yes' position. Almost every area outside the large cities voted 'Yes' in large majorities. On the other hand, Montreal, the largest city in Quebec and home to many of the non-French speaking population, voted solidly 'No' with some areas recording a 'No' vote from 6 to 10 times the vote for 'Yes'.

These results, although a setback for the secessionists, mean that the issue of the status of Quebec is far from dead. This was made clear by Jacques Parizeau, who was (until his resignation after the referendum) Premier of Quebec and leader of the separatist Parti Québécois, who told his supporters that after such a result 'you roll up your sleeves and you begin all over again'. The depth of feeling on the issue and its potential to cause tension in Canadian politics was underscored when Parizeau made his much-criticised comment that the separatists had been defeated by 'money and the ethnic vote' and other comments that suggested that the only true Quebeckers were the French-speakers. This was of particular concern to the English-speaking and indigenous populations of Quebec, undermining their confidence that an independent Quebec would be inclusive of all communities.

Canada and the growth of Quebec separatism, and discusses the attempts which have been made to alleviate the concerns of French-speaking Canadians while maintaining the integrity of the Canadian confederation. The paper discusses the constitutional aspects of the issue and the implications for the ideas and policies of multiculturalism, including reference to the implications (if any) for multiculturalism in Australia.
Canada and the Development of Quebec Separatism

The Origins of Canada's Linguistic Divide

Canada, like Australia, is a country created by immigration. Unlike Australia, however, Canada was established by 'two founding peoples'; by settlers from France on the one hand, and from Britain and Ireland on the other, two distinct European cultures with differing linguistic, religious and political traditions. The presence of two parallel cultural mainstreams, into which later immigrants were absorbed, has been an enduring feature of Canadian society, profoundly influencing the nature of the Canadian state and the conduct of Canadian politics. Rather than diminishing over time, these differences have increased in recent years and have produced pressures, from one side at least, for a fundamental renegotiation of the compact underlying Canada as a political entity.

Canada's population of 26 million is composed of a little over 6 million French-speakers (most but not all of whom live in Quebec) and around 20 million speakers of English and other languages. The non-English-speaking component includes the indigenous peoples of Canada and some of the post-WWII immigrant population. While a few of these have learnt French, most have adopted English as their second language because of its predominance in Canada and internationally.

It was the French who, in the mid-1500s, first explored the region that was to become Canada and established colonies along the St Lawrence river in the early 1600s, including the settlement of Quebec in 1608. While English colonists settled along much of the Atlantic coast of America, the area around the Great Lakes and the St Lawrence valley was dominated by the French. In 1663 Quebec became the royal province of New France, administered according to French law. In the 1700s, conflict between Britain and France spilled over into the American colonies, leading to an eventual British victory in 1759 and a British takeover of French possessions.

The British government initially assumed that the establishment of English law and an influx of English settlers would swamp the small French-speaking community. But against the background of growing conflict with the thirteen colonies which were to become the United States, Britain looked to the French-speakers for support. The Quebec Act of 1774 allowed the continuance of French civil law and the semi-feudal French system of land tenure, and protected the central role of the Catholic Church in Quebec society. The small numbers of English settlers dominated commerce and industry, while the majority French-speaking population remained agricultural and under the influence of conservative landowners and the Church. Quebec retained a predominantly French character while the rest of Canada was settled by the pro-British Loyalists fleeing the United States after 1776, and by continued settlement from Britain and Ireland.
The pattern of an economically and socially backward French-speaking Quebec largely cut off from development in other parts of Canada was to prevail throughout the nineteenth century and into the twentieth. This was typified by the tenure of Premier Maurice Duplessis, who dominated Quebec for almost two decades from 1936, and who refused to accept federal grants for programs such as universities in order to defend the dominance of Church education.

The Emergence of Quebec Separatism

The 1950s and 1960s, however, saw the phenomenon of the Quiet Revolution (a term which came into currency with the election of a Liberal government in Quebec in 1960) as Quebec society began to change with the economic development of the long post-war boom. The economic and social programs of a provincial Liberal Party government fostered a new generation of educated French-speakers eager to take a greater role in the economy and government. This was accompanied by a new sense of Quebec nationalism, a growth which was fanned by French President de Gaulle's famous declaration of 'Vive le Quebec libre' upon his visit in 1967. In October 1970 Quebec terrorists kidnapped and murdered a Quebec government minister.

Prime Minister Pierre Trudeau, during his long tenure in office from 1968 to 1984, responded to the issue of the 'two nations' in Canada by promoting bilingualism in government and encouraging the participation of French-speakers in public life. While this improved the situation of French-speakers outside Quebec, it did little to assuage nationalist feeling in Quebec, particularly because Trudeau promoted centralist policies which refused to tolerate special privileges for one province. Moreover, measures such as official bilingualism irritated many English-speaking Canadians, particularly in provinces where hardly anyone spoke French and where the cost of these measures were regarded as an irksome burden. Such irritation was, in turn, regarded as hostile intolerance by many Quebeckers.

The growth of separatist opinion saw the Parti Quebecois come to power in 1976. The new Premier, René Lévesque, promoted the idea of 'sovereignty-association' under which an independent Quebec would maintain close economic association with Canada through a common currency and unrestricted trade. In 1980 Lévesque sponsored a referendum on the issue which, however, was opposed by 60.4 per cent of voters, with French-speakers voting 52 per cent against. Fears about the economic cost of independence, symbolised by the transferral of assets by many English-speaking businesses to other provinces as the referendum approached, apparently overcame separatist sentiment. Despite Lévesque's refusal to ratify the Constitution Act of 1982 after it had been 'patriated' from the British Parliament, with the re-election of a Liberal provincial government in 1985, independence seemed a dead issue.
The Meech Lake Accord and the Revival of Separatism

The late 1980s saw a 'dramatic reemergence of the Quebec independence movement', when the federal Conservative government of Brian Mulroney attempted to overcome the constitutional anomaly of Quebec's non-ratification of the Constitution Act with the Meech Lake Accord of 1987. Mulroney, politically predisposed against the Liberals' more centralist vision of confederation, was willing to weaken the central government in order win Quebec's acceptance. The Accord included greater powers for the provinces and special provisions for Quebec to recognise it as a 'distinct society', to give it a constitutional veto and more control over immigration. The government of Quebec and most other provinces gave their assent to the Accord, but three provinces refused to sign. Negotiations and public debate dragged on until the final collapse of the Accord at the deadline of June 1990. The controversy over the Accord revived old hostilities and emotions on either side of the linguistic divide were inflamed. Many English-speakers considered that Quebec had already received too many concessions and yet demanded more privileges, while many Quebeckers felt increasingly alienated from English-speaking Canada.

The reemergence of separatist feeling in Quebec during and since the Meech Lake controversy also reflected the fact that the province underwent significant economic development during the 1980s and 1990s. Manufacturing, service industries and production of hydroelectricity have burgeoned in recent years and Quebec now has a strong export trade with the United States. Prosperity has overcome much of the previous lack of confidence in an independent Quebec's economic viability. The Parti Quebecois was rebuilt after its defeats of the 1980s and went on the win the provincial election of 1994. The recent referendum was held as part of the program of the new government.

Secessionism and the Future of Canada

The close result of the referendum and the statements of separatist leaders make it clear that Quebec's status will continue to be a major issue in Canadian politics. A public opinion poll a few days after the referendum showed 67 per cent of Quebeckers wanted another referendum. Under Quebec law, however, such a referendum can be held only once within the term of a government, and provincial elections are up to four years away. This leaves the federal government a breathing space during which it may be able to negotiate a compromise with the government of Quebec. Moreover, there are many economic and political developments which could occur during the four years and separatist sentiment could wane as it has in the past. The PQ can maintain popularity while championing the cause of Quebec nationalism, but actually administering the province, which has severe debt and fiscal problems, may put its popular support to the test. On the other hand, the Quebec government might change the law on referendums or even resign.
before its present term is completed, clearing the way for yet another referendum in the near future.

If a future referendum were to succeed, the effects on Canada as a whole could be wider than just the departure of Quebec. The small, underdeveloped eastern maritime provinces of Newfoundland, Nova Scotia, Prince Edward Island and New Brunswick would find themselves physically cut off from the rest of Canada and might seek independence or, attempt to secure their uncertain economic future by joining the United States. Separatist sentiments have also been expressed in western provinces such as Alberta. The west has long resented what it has seen as the domination of Canada by Ontario and Quebec, and in recent years greater economic development in these provinces has seen both an enhanced sense of difference and a confidence in their potential economic independence. Such feelings, although not strong at present, could grow in the context of secession by Quebec. Some of the indigenous Canadians of Quebec have said they would secede from an independent Quebec, and in the circumstances of a break-up of Canada, might seek some form of independence along with the other native peoples of Canada (the northern parts of Quebec, where most of the indigenous people live, were not joined to the province until this century, some parts as late as the 1940s).

Even if the Quebec separatist movement does not regain the initiative after its narrow defeat, developments since the Meech Lake Accord suggest that Canadian federalism is destined to become looser, with greater powers being devolved to the provinces. Although the Canadian constitution appears to grant the weight of power to the centre (any power not specified in the constitution is deemed to be a federal responsibility), historical developments have lead to a greater role for the provinces than in the Australian federation. If further concessions are made to Quebec, and with growing anti-federalist feeling in other parts of the country, most provincial governments will probably demand (and gain) some similar matching powers.

Implications for Australia

The similar historical experience of Canada and Australia is reflected in the similar constitutions of the two countries. The special Canadian issue of bilingualism, however, means that the difficulties of Canadian federalism are unlikely to be duplicated in Australia, notwithstanding the occasional separatist rhetoric of some leaders in Western Australia and Queensland. Greater devolution of power to the Canadian provinces could, however, become an example in the emerging debate over the relationship between the states and the Commonwealth in the Australian federation.

A break-up of Canada would, however, be of some significance for Australia on the international stage. Canada and Australia have similar populations and resemble each other in both the size and structure of their respective economies. Considerable compatibility of interest has enabled close cooperation between the two countries in world forums such as
the UN and in international negotiations such as the Uruguay Round of GATT where Australia and Canada worked closely as partners in the Cairns Group. A diminution in the relative strength of Canada in international affairs would, for Australia, mean the loss of a valuable partner.

**Implications of the Quebec Referendum for Australian Multiculturalism**

Besides the similarities already mentioned, Canada and Australia have a good deal in common in their immigration and related social policies. Both have highly developed and non-discriminatory immigration programs, and in both countries there have been high levels of federal government involvement in migrant settlement and ethnic relations. In both countries multiculturalism has, in recent years, been presented as both the central defining feature of national identity, and a primary source of national social, economic and cultural strength.

The recent sovereignty referendum is likely to lead to considerable reflection on the place of multiculturalism in Canada's social fabric, and some Australian commentators have sounded a warning for Australia. However there are few direct implications for Australian multiculturalism in the near break-up of Canada. Quebec, the second largest Canadian province (containing a quarter of the national population), has its own distinct culture and language, unlike any Australian state or any other Canadian province. Over 83 per cent of Quebeckers speak French as their first language, about 9 per cent English, and about 8 per cent an immigrant language (compared to the rest of Canada; 80 per cent English, 5 per cent French, and 15 per cent 'other'). No particular ethnic group forms a majority in any of Australia's states (or even any electorate).

The essential difference between Canada and Australia is that multiculturalism in Canada was grafted onto what was already a bilingual and bicultural nation. The separatist movement in Quebec has not resulted from the fostering of separate ethnic identities through multiculturalism, but is rather the result of the nationalist aspirations of one of the two culturally and linguistically different 'founding peoples' - the French Quebeckers. Quebec provincial authorities would appear to have been less than fully committed to the federal government's multiculturalism (for example insisting on the primacy of the French language in its schools), and to have viewed it as at best irrelevant to their aspirations. Canada's bicultural character has thus complicated - and been complicated by - multiculturalism. Multiculturalism has, in effect, been seen in Canada as exacerbating tensions between Quebec and the federal government, and the nationalist sentiments of French Quebeckers, who have seen their status in the officially bilingual and formally bicultural nation eroded.
Multiculturalism in Canada and Australia compared

Since 1951, about 15 per cent of Canada's population has been overseas-born (compared with Australia's current 23 per cent). As in Australia, source countries have changed considerably over the last 30 years. In the 1960s, 80 per cent of Canadian immigrant were from Europe (including Great Britain), the USA, Australia or New Zealand. By the 1980s, the major source regions were Africa, Asia, the Caribbean, and Latin, Central and Southern America.

Multiculturalism as public policy in Canada as in Australia is based on the pragmatic belief that respect for people's cultural identities is the most effective way of helping ethnic communities to become active members of society. It is based also on the principles that people should be free to maintain their languages and cultures, and that shared values of freedom, democracy and tolerance of others are more important than differences.

While the policies and rhetoric of multiculturalism have been similar, however, the style of multiculturalism in Canada and Australia has differed. Multiculturalism has been given greater political and institutional emphasis in Canada. It is embedded in the Canadian Charter of Rights and Freedoms (clause 27 of the Constitution Act of 1982 invokes the courts to interpret individual freedoms in a manner consistent with Canada's 'multicultural heritage', and the compliance of agencies and institutions is enforced through legislation (the Multiculturalism Act of July 1988). (The Multiculturalism Policy of Canada, as detailed in the Canadian Multiculturalism Act 1988, is at Appendix 1). In 1991 a federal Department of Multiculturalism and Citizenship was established (since split into the two departments, Immigration and Citizenship, and Canadian Heritage).

While Australia has (deliberately) not followed the 'high road' of legislating for multiculturalism, in Australia the programs and services which are seen as providing essential underpinning for the policy, such as interpreting and translating, and English language teaching, are far more developed than in Canada. Another difference is that greater concern would appear to have been given in Australia to allaying potential fears and concerns amongst the broader community regarding the policy. Unlike in any comparable Canadian publication,14 for example, emphasis is given in our 1989 National Agenda for a Multicultural Australia to spelling out the limits of multiculturalism, and emphasising responsibilities as well as rights, namely:

- all Australians should have an overriding and unifying commitment to Australia, to its interests and future first and foremost
- all Australians should accept the basic structures and principle of Australian society—the Constitution and the rule of law, tolerance and equality, Parliamentary democracy, freedom of speech and religion, English as the national language and equality of the sexes
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- all Australians should accept the right of others to express and share their views and values.

The multicultural debate

Canadian critics of multiculturalism have argued that 20 years of the policy and 'too much multiculturalism' have contributed to an erosion of a sense of national identity, cohesion and purpose amongst Canadians, which has made the disintegration of the nation thinkable. To some critics, the concept of English speaking Canada has deteriorated to the point of no return, where groups 'co-exist as collectivities of interests'. The worsening of the financial situation has led to increased questioning both of recent high levels of immigration (seen as too many people in too short a time, who are too different to be able to be integrated into the Canadian way of life), and of multiculturalism (seen as official encouragement of difference and the stressing of separate identities at the expense of common citizenship).

The rise of the anti-multiculturalism Reform Party (close to being the largest minority party in the Canadian Parliament), has ended bipartisan political agreement and support for multiculturalism, and intensified recent debate. Commentators have reported increasing public disillusionment and cynicism regarding the promises and programs of multiculturalism, and widespread perception of politicians as pandering to ethnic electorates. Supporters of multiculturalism point to the lack of any viable alternative as a public policy for dealing with the multicultural reality of contemporary Canada.

While there is no parallel with Australia in Canada's deep provincial language and cultural divisions, several commentators have sounded a warning against Australian complacency and the taking of national unity for granted. Bob Birrell, in his recently published book A Nation of Our Own, warns against what he sees as disparagement of Australian history and denial of an Australian identity in the contemporary view of Australia as a nation of diverse cultures, operating within a framework of shared democratic values. He argues that the peculiarly Australian democratic and egalitarian values which emerged at the time of federation, and particularly the tradition of a 'fair go', are what has made multiculturalism work in this country, and facilitated the incorporation of immigrants as equal and active citizens. He argues further that, as in Canada, two decades of emphasis on our ethnic diversity has contributed to a weakening of the idea that Australia constitutes a community bonded together as a 'people'.

Proponents of multiculturalism argue on the other hand that the continuing relative disadvantage of immigrant groups in the mainstream of political and economic life in Australia is evidence that we need more multiculturalism, the next stages of which are to address the need for 'fundamental change' in our essentially 'Anglo' national institutions, and to embrace 'civic pluralism' as the core value of our citizenship as an outward-looking nation in an age of globalisation.
The Canadian Constitution and Quebec

The earliest formal constitutional documents for Canada were, in part, developed in an attempt to resolve the differing interests of the English-speaking and French-speaking populations of Canada. They included the Royal Proclamation of 1763, the Quebec Act of 1774 and the Constitutional Act of 1791. In 1867 the British North America Act united the provinces of New Brunswick, Nova Scotia, Ontario and Quebec into Canada. This legislation was refined in 1875 by the British Parliament enacting The Parliament of Canada Act. This enabled the Canadian Parliament to delimit its privileges, powers and immunities.

As recently as 1931, the British Parliament passed The Statute of Westminster that essentially conferred full formal independence upon Canada. The Statute of Westminster, however, did not allow Canadian citizens to amend their own Constitution and it also provided that the final court of appeal was the Privy Council, a British court. In 1949, the law was changed to abolish appeals to the Privy Council but it was not until 17 April 1982, with the passing of the Constitution Act 1982, that Canada received the right to amend its own Constitution. In addition to determining the powers of the executive, legislature and judiciary, the Canadian Constitution also contains a Charter of Rights and Freedoms which was added in 1982.

The Existing Constitutional Provisions

The Canadian Constitution is not simply one document. In fact, section 52 of the Constitution Act 1982 incorporates some two dozen British and Canadian statutes and orders-in-council. These laws, together with the Constitution Act 1982, constitute the 'supreme law of Canada' and prevail over any inconsistent legislation. This is very similar to section 109 of the Australian Constitution which provides that where there is an inconsistency between Commonwealth and State laws, the State laws are invalid to the extent of the inconsistency.

The Canadian Constitution provides that the federal government has control over money, foreign policy, defence, banking, currency, postal services, trade and commercial policy as well as some parts of transport and agriculture. The provincial governments have a high degree of autonomy and are able to impose taxation (other than customs and excise or property taxation) to raise their own revenue. They also have control over education, health, some parts of agriculture, industry and resource development. However, it is in some of these areas that the delimitation of powers between the federal government and the provincial governments is less clear. Some claim that the federal/provincial relationship is becoming more strained, due to the uncertainty in the allocation of powers in areas such as health, education, culture and communications.\(^{24}\)
Constitutional Reform

The issue of Quebec has made the Canadian Constitution a focus of major political discussions since 1982. The debate culminated in the Meech Lake Accord of 1987. Article (1)(b) of the Meech Lake 1987 Constitutional Accord provided:

(1) The Constitution of Canada shall be interpreted in a manner consistent with
    (b) the recognition that Quebec constitutes within Canada a distinct society.

and Article (3) provided:

The role of the legislature and Government of Quebec to preserve and promote the distinct identity of Quebec referred to in paragraph (1)(b) is affirmed.

Whilst the Meech Lake Accord was defeated, the issue of Quebec's independence did not disappear. Almost a year later, on 20 June 1991, the National Assembly of Quebec passed legislation which required a referendum to be held in either June or October of the following year on Quebec's independence.

The question of Quebec's status was re-examined in a series of Constitutional debates which resulted in the production of a new package of constitutional reforms. This package was called the Charlottetown Consensus Report and was accepted by Canada's political leaders on 28 August 1992. The package was then called the Charlottetown Accord and a referendum was held on 26 October 1992 which asked Canadians to vote on the following question:

Do you agree that the constitution of Canada should be renewed on the basis of the agreement reached on August 28th, 1992?

The result of the referendum was that 57% of voters said 'No'. Many reasons have been proffered as to why the referendum failed, including the failure to 'expand significantly the powers of the Quebec government', according to Professor McRoberts. Another factor identified by Professor Monahan, was that there was 'no generalized consensus on the nature of the proposed constitutional changes that were necessary'. Or perhaps, as Professor Turpel suggests, it was the indigenous peoples' votes that were against the Charlottetown Accord:

Aboriginal people, communities, and leaders were justifiably suspicious of a deal reached with governments.

With the failure of the two major constitutional accords, the Meech Lake Accord 1987 and the Charlottetown Accord 1992, in such a short period of time, the issue of Quebec's independence still did not recede.

On 7 December 1994, Premier Jacques Parizeau tabled a draft Bill in the Quebec National Assembly. The draft Bill was designed to enable the province of Quebec to make the transition to a sovereign country via a democratic process. The Bill was not designed to be
the new constitution for Quebec, in the event that the vote for secession was successful. Rather, it contemplated that the Quebec National Assembly would draft a new constitution once secession had been determined. The Bill set out the steps to be taken to draft, publish, discuss, approve and finally put to a referendum the new Constitution for Quebec. With the failure of the recent referendum, constitutional debate of such a fundamental kind has receded as an immediate issue, but it is very likely to reemerge if the Quebec separatists regain the political initiative.

**International Law on New States**

The legal mechanism for a region such as Quebec to secede and emerge as a new sovereign state is an international law mechanism. This is primarily because sovereignty of an entity is, at least partly, conferred by the recognition of other sovereign states once the customary international requirements have been met. The customary international law requirements for sovereign statehood are essentially those that are set out in the *Montevideo Convention of 1933*:

1. That the State has a defined physical territory and has exclusive control over that territory;
2. That the State has a permanent population residing in the territory;
3. That the State has a government; and
4. That the State is viable, in the sense that it has the capacity to enter into relations with other States.

Certainly Quebec meets all of the above criteria. In fact with a population of around 7.3 million and a physical territory of some 1,540,680 square kilometres Quebec would easily exceed the minimum required to be viable. The *Financial Review* reported on 1 November 1995 that Quebec's Gross Domestic Product was around $165 billion which is sufficient to rank Quebec 17th in the OECD. On criterion 4 above, in excess of 40% of Quebec's goods and services are sold outside its borders, therefore Quebec has a demonstrated capacity to enter into relations with other States. Therefore, from an international law perspective, there are no bars to Quebec achieving independence.

**Conclusion: Canada's National Identity**

The outcome of the October referendum has certainly not resolved the issue of the relationship between Quebec and the rest of Canada. Most supporters of separation are, at present, keen to hold another referendum which they appear to be confident would succeed in winning the small number of additional votes necessary to take Quebec to independence. The Federal government, on the other hand, has interpreted the result as
creating both an obligation and an opportunity to reform the Canadian confederation. Whether Ottawa can succeed in such an endeavour is very much an open question.

The one issue which is clear, however, is that the referendum debate has further underscored the more basic question of Canada's national identity. Canada was formed of an alliance amongst English and French settlers and the British crown, all of whom were united by a desire to form a counterweight to the American continental republicanism of the United States. The influence of the US has been a constant of Canadian history: in the 1850s, for example, there was serious talk of union with the US which was only abandoned because the US became engulfed in a bloody Civil War. The strong central government established by the 1867 constitution was partly shaped by that experience.

Notwithstanding their powerful and even resentful sense of difference from other Canadians, Quebec nationalists still retain a common history and arguably a common future with the rest of the peoples north of the US border. It is perhaps for this reason that even at the heights of separatist feeling (around 1980 and in the lead-up to the recent referendum), the Parti Quebecois has not been prepared to put a referendum question which directly asked for support for independence. Clear support for independence, as distinct from some form of 'sovereignty-association' has rarely been high, and after the failure of the 1980 referendum it fell to 15 per cent (See Appendix 2). In the 1995 referendum voters were asked if they agreed to the proposition that 'Quebec should become sovereign, after having made a formal offer to Canada for a new economic and political partnership'. Quebec nationalists have found it very difficult to reach consensus on the practical implications of notions such as 'sovereignty-association'. Studies around the time of the 1980 referendum indicated that some supporters of 'sovereignty-association' thought it would mean that Quebec would remain a province of Canada and continue to elect members of the federal parliament.

The separatists also face the problem that actually negotiating a sovereignty agreement with Canada would be a difficult task, both in a legal and political sense, there being few, if any, precedents for the secession of part of a economically developed democracy. While an independent Quebec might seek close economic relations with Canada, there is no guarantee that public opinion within a truncated Canada (particularly in the western provinces) would allow the federal government to negotiate such arrangements. In addition, while statements by PQ leaders have implied that an independent Quebec would automatically take its place in the North America Free Trade Agreement (NAFTA), its entry would have to be negotiated with the other members.

While many Quebeckers tussle with what has been called their 'perennial dilemma', such ambivalence about their attachment to Canada reinforces a feeling amongst many English-speaking Canadians that the Quebeckers want the benefits of Canadian nationhood without contributing towards building the common identity which would give it meaning. Other observers fear that the issue has diverted attention away from other more pressing issues about the identity and future of Canada. In the words of expatriate Canadian, Dr Ann Capling:
Constitutional wrangling and thwarted nationalism have consumed the emotional and intellectual energy of Canadians for nearly ten years. ... Canada's angst will continue and, in the process of looking inwards, Canadians risk overlooking a far greater threat to their collective and individual identities, apparently oblivious of the possibility that Quebec and Canada could be swamped by growing American continentalism, as embodied by the sweeping provisions of the North America Free Trade Agreement.31

But even if the homogenising influence of Canada's massive southern neighbour is indeed a greater threat to Canadian identity than its own cultural divide, the fact remains that the survival of Canada depends on accommodation between its 'founding peoples'. Canadian politics in the days before the 'Quiet Revolution' were constituted largely on the basis of the marginalisation of one of these two peoples. Since that time, French-speakers have assumed a role in the political and economic life of Canada which is commensurate with their numbers. This has not, however, broken down French-speaking Quebeckers' sense of their cultural distinctiveness, and economic development in the province has only heightened feelings amongst many Quebeckers that they are capable of going it alone. The failed attempts to reformulate the Canadian constitution (the Meech Lake and Charlottetown Accords) succeeded only in increasing the sense of distance between the two peoples. Many within the French-speaking community now seek not just a greater role in the Canadian polity but a more fundamental renegotiation of the compact forming the basis of the Canadian state. Some English-speaking Canadians, however, have become impatient with what they see as a call for special privileges and endless concessions. Accommodating Quebec's aspirations in a way that can win the agreement of English-speaking Canada will be one of the central challenges facing Canada's political leadership for some time to come.

Endnotes

1 Statement by Jacque Parizeau on 31 October 1995. Text supplied by Canadian High Commission.
2 ibid.
5 ibid., p.8.
6 Mary Cooper, 'Will Canada Fall Apart', Editorial Research Reports, May 1990, p.277.
7 Steven Holloway, 'Canada Without Quebec', Orbis, Fall 1992, p.535.
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9 AFP, 12 November 1995.
11 Mary Cooper 'Quebec Sovereignty', CQ Researcher, 6 October 1995.
12 See for example Jacques Parizeau, Premier of Quebec, in 'Should Quebeckers vote to separate from Canada?', in Foreign Policy, Summer 1995.
13 Mary Cooper, op.cit.
14 For example, Multiculturalism: What is it Really About?, Canada, Department of Multiculturalism and Citizenship, 1991.
17 Including Neil Bissoondath, op cit.
20 Professor of Sociology, Monash University, Melbourne: Longman, 1995.
22 Castles, Prof. S. in Multicultural Citizenship, Research Paper, Department of the Parliamentary Library, forthcoming.
23 Mary Kalantzis, speaking at the Global Cultural Diversity Conference, Sydney, April 1995.
24 Duhamel, R. We Must Sort out The Sharing of Powers (1991) v12(9) Policy Options, 32-33. At the time of writing the article, Ron Duhamel was the Canadian Liberal Member of Parliament for St. Boniface, Manitoba.
25 The Charlottetown Accord, the Referendum, and the Future of Canada (1993) at p256. Professor Kenneth McRoberts, Director of the Robarts Centre for Canadian Studies and Professor of Political Science at York University.
26 Ibid p239. Professor Patrick Monahan, Centre for Public Law and Public Policy at York University.
27 Ibid p143. Professor Mary Ellen Turpel, Assistant Professor of Law, Dalhousie University.
28 Julius Grey, 'Will Canada Survive?', Options Politiques, Jan-Feb 1993, p.38.
29 Pinard, op. cit., pp.480-485.

30 A Blais & R Nadeau, 'To Be or Not to Be Sovereigntist: Queckers' Perennial Dilemma', *Canadian Public Policy - Analyse de Politiques*, XVIII, 1, 1992, pp.89-103.

The Multiculturalism Policy of Canada

(Excerpts from the Canadian Multiculturalism Act, July 1988)

(1) It is hereby declared to be the policy of the Government of Canada to:

(a) recognise and promote the understanding that multiculturalism reflects the cultural and racial diversity of Canadian society and acknowledges the freedom of all members of Canadian society to preserve, enhance and share their cultural heritage;

(b) recognise and promote the understanding that multiculturalism is a fundamental characteristic of the Canadian heritage and identity and that it provides and invaluable resource in the shaping of Canada's future;

(c) promote the full and equitable participation of individuals and communities of all origins in the continuing evolution and shaping of all aspects of Canadian society and assist them in the elimination of any barrier to such participation;

(d) recognise the existence of communities whose members share a common origin and their historic contribution to Canadian society, and enhance their development;

(e) ensure that all individuals receive equal treatment and equal protection under the law, while respecting and valuing their diversity;

(f) encourage and assist the social, cultural, economic and political institutions of Canada to be both respectful and inclusive of Canada's multicultural character;

(g) promote the understanding and creativity that arise from the interaction between individuals and communities of different origins;

(h) foster the recognition and appreciation of the diverse cultures of Canadian society and promote the reflection and the evolving expressions of those cultures;

(i) preserve and enhance the use of languages other than English and French, while strengthening the status and use of the official languages of Canada; and

(j) advance multiculturalism throughout Canada in harmony with the national commitment to the official languages of Canada.
(2) It is further declared to be the policy of the Government of Canada that all federal institutions shall:

(a) ensure that Canadians of all origins have an equal opportunity to obtain employment and advancement in those institutions;

(b) promote policies, programs and practices that enhance the ability of individuals and communities of all origins to contribute to the continuing evolution of Canada;

(c) promote policies, programs and practices that enhance the understanding of and respect for the diversity of the members of Canadian society;

(d) collect statistical data in order to enable the development of policies, programs and practices that are sensitive and responsive to the multicultural reality of Canada;

(e) make use, as appropriate, of the language skills and cultural understanding of individuals of all origins; and

(f) generally, carry out their activities in a manner that is sensitive and responsive to the multicultural reality of Canada.
### Table 1:
**Support For Independence in Quebec, 1962-1991**
*(Average Support, in Percent)*

<table>
<thead>
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<th>For (polls)</th>
<th>Against</th>
<th>Undecided</th>
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<td>8</td>
<td>17</td>
</tr>
<tr>
<td>1968-72</td>
<td>6</td>
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<td>1973-74</td>
<td>2</td>
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<td>1976</td>
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<td>24</td>
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<td>2</td>
<td>23</td>
<td>12</td>
</tr>
<tr>
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<td>2</td>
<td>22</td>
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<td>46</td>
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</tr>
<tr>
<td>1991</td>
<td>8</td>
<td>45</td>
<td>11</td>
</tr>
<tr>
<td>1990 (Feb-Apr)</td>
<td>4 (polls)</td>
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<td>46</td>
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<tr>
<td>1990 (May-Jun)</td>
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<tr>
<td>1990 (Nov-Dec)</td>
<td>2 (polls)</td>
<td>56</td>
<td>.36</td>
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<tr>
<td>1991 (Feb-Jun)</td>
<td>5 (polls)</td>
<td>46</td>
<td>43</td>
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<tr>
<td>1991 (Sep-Oct)</td>
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### Table 2:
**Support For Sovereignty-Association, 1970-1991**
*(Average Support, in Percent)*

<table>
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<th>Years</th>
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<th>Not Favorable (polls)</th>
<th>Not Stated (polls)</th>
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<tbody>
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<td>32</td>
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<td>1991</td>
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<td>10</td>
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<tr>
<td>1990 (Mar-Apr)</td>
<td>2 (polls)</td>
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<td>33</td>
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<tr>
<td>1990 (May)</td>
<td>2 (polls)</td>
<td>61</td>
<td>27</td>
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<tr>
<td>1990 (Nov-Dec)</td>
<td>2 (polls)</td>
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<td>28</td>
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<tr>
<td>1991 (Feb-Jun)</td>
<td>4 (polls)</td>
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<td>32</td>
</tr>
<tr>
<td>1991 (Sep-Dec)</td>
<td>3 (polls)</td>
<td>55</td>
<td>34</td>
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