

QUEBEC: THE SECOND REFERENDUM

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The time has come to reap the fields of history. The time has come at last to harvest what has been sown for us by four hundred years of men and women and courage, rooted in the soil and now returned to it. The time has come for us, tomorrow's ancestors, to make ready for our descendants harvests that are worthy of the labours of the past. May our toil be worthy of them, may they gather us together at last ...

So begins the Quebec declaration of sovereignty, and so it continues for five or so pages recalling the French settlers who took over land from Abitibi to Iles-de-la-Madeleine and from Ungava to the American border.

'L'hiver nous est connu ... '. We know the winter in our souls. The Quebecois have certainly constructed around their independence movement a literary and musical fantasia that makes Scottish nationalism appear dreary by comparison. There are some 1200 words in the declaration invoking struggles and wrongs done in years past before the key lines, in fact the only ones that matter, are reached:

We, the people of Quebec, through the voice of our assemble nationale, proclaim: Le Quebec est un pays souverain.

But given the chance to proclaim accordingly, on 30 October 1995, the people of Quebec declined to do so. They declined by as narrow a margin as could have been imagined, just over 1% - less than the 1.82% of spoiled ballot papers. The result on an astonishing 93.4% turnout was 50.56% No to 49.44% Yes. So Quebec remains one of 10 provinces in the Canadian federation and, like Scotland, squirms uncomfortably in a constitutional

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straight-jacket fashioned for it by those who wish to constrain its political expansion.

That the Quebec community was split 50-50 was confirmation of what was widely known. That the actual winning majority should be so tight is a continuing cause for anxiety. Had it been decisively against independence, Ottawa could have rolled down the shutters and ignored pleas for a re-negotiation of Quebec's status. Equally an indisputable Yes vote would have caused the kind of tremors in Canada that would have opened up a new political landscape, leaving no one in any doubt that change was necessary.

The actual result has proved a major anti-climax. It ended the career of M. Parizeau, leader of the Parti Quebecois - for inappropriate remarks in the disappointment of defeat in which he blamed big money and the ethnic vote. It left Jean Chretien, the Quebecer who heads the Liberal administration in Ottawa, pondering an immediate period of decision-making that could make or break his own career.

TYPES OF MANDATE

Several facets of the referendum and the 15 years preceding it reflect on Scotland's experience. Quebec opted for a simple majority, 50% plus one. Evidently, the administrators in Quebec City decided against adopting the 40% rule imposed by the UK government on Scotland's constitutional referendum of 1979. If they had won, the Parti Quebecois would have taken this as their mandate for independence. In other words with 50% of the voters plus one they would have declared UDI - or at least they would have claimed the right to declare UDI, not at all the same thing as we shall see.

This approach was surprising for two reasons. First, it is a generally accepted rule that major constitutional reform requires more than a simple majority. It is true that any country could claim its independence with just over half the votes but, as was evident in the question posed, this was in reality *not* a referendum on the question of independence. Instead it was seeking popular support to allow Quebec to argue for a new constitutional arrangement with Canada from a position of strength. It would have strengthened M. Parizeau's hand enormously both in Canada and without if he had an unchallengeable mandate of, say, two thirds of the electorate. He was clearly unwilling, and in the light of events, correct to limit his ambitions to a simple majority.

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On the other hand, if the PQ was ready to threaten secession on such a wafer thin majority as 50% plus one, why had it not already applied the same principle to its majority in the National Assembly? The Scottish National Party have stated that they would take as the clearly expressed wish of the people for independence either 50% plus of the Scottish votes in a general election or 50% of the seats. Within a Scottish parliament they would apply the same formula to claim independence.

Yet the PQ had more than half the seats in the National Assembly - 77 to the Liberals 47. Since, like the SNP, the PQ has one primary reason for its existence - independence - no-one voting for it should be in any doubt about what it stands for. To have backed the party's candidates in the provincial election last year was tantamount to a declaration of faith in sovereignty by the voters, or at least so M. Parizeau could have argued. Taking that as his cue for negotiating with Ottawa he could then have taken whatever deal he struck back to the people and put that to them in a referendum. Instead he risked all by demanding what was in effect a second endorsement from the electorate.

This may have been tactically naive as indeed much of M. Parizeau's actual campaign was, betraying an inclination towards sentimentality rather than pragmatism. Or it was a tacit recognition of the true state of the voters' intentions. Because underlying the 77-47 split between PQ and Liberals in the National Assembly was the percentage votes which broke down as 44.7% to the PQ and 44.3% to the Liberals. The PQ was in power by a hair's breadth, the lucky recipient of the vagaries of the voting system, a phenomenon not unknown in Scotland. First opinion polls after those elections found only 38% backing sovereignty. There was, too, anecdotal evidence that many votes went to the PQ as a reaction against the Liberal administration rather than a positive vote for the PQ and separation.

So the electoral foundation of the PQ campaign for a Yes was not as steady as many had assumed. M. Parizeau did have a unique advantage over his predecessors at the time of the 1980 referendum which also ended with a No vote, that time by 60% to 40%: he was in partnership with like-minded colleagues in other parties. Like the alliance inside the Scottish Constitutional Convention, the PQ worked closely with their soulmates in Ottawa, the Bloc Quebecois, which forms the official opposition and whose leader Lucien Bouchard stepped in to take over the running of the final days of the Quebec campaign as M. Parizeau foundered amid accusations of sexism and hints of racism. The third partners were the smaller Action Democratique Du Quebec,

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led by the young Mario Dumont. This alliance of interests helped to broaden the Yes vote appeal. Something similar would be likely to happen in Scotland were there to be a referendum on the constitution. In a three-way question Labour and the Liberal Democrats might find it convenient to share the devolution ticket, although Labour now says it will count votes for the party at a general election as a mandate for establishing an Edinburgh legislature, a dubiously democratic manoeuvre for constitutional change but one which may be expedient in the light of Quebec's experience.

DEVOLUTION AND NATIONALISM

The key difference to be observed by the Scottish political community of course is that Quebec has been in possession of its own legislature since the birth of the federation. It already has the kind of devolution - indeed in some areas considerably more - that an assembly would assume in Edinburgh. The critical point is how little impact that devolved power has had on nationalist aspirations. Far from dampening down the embers of nationalism, limited local self-government has fanned the francophone self-confidence. If the long-term aim of Labour is to deflate the nationalist movement, then the lessons of Quebec are not encouraging. In 1980, 40% wanted independence. After another 15 years of running their own affairs later, 49% want it. Every country and case is different, but the principle lying behind much of Labour's support for devolution, that it will, in Shadow Scottish Secretary George Robertson's words 'stop nationalism in its tracks', appears to be contradicted by Quebec. Liberal Democrats should consider too that their argument that federalism takes the inter-regional strains out of reform because it treats all areas equally is also disproved by the Canada/Quebec impasse.

There may be other explanations for Quebec's continuing frustrated love affair with sovereignty.

In 1987 the federal government and the 10 provinces agreed a new deal at Meech Lake, signing the accord named after the meeting venue. In essence Meech Lake offered all provinces the opportunity to opt out of the federation on a pick-and-choose basis. Each province could take to itself what powers it chose to administer independently. Thus Quebec earmarked such matters as employment and training to add to its education system where the move between school, college and workplace would be streamlined at provincial level (and transformed completely into French).

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It was this agreement which promised to do what nothing else previously had, and stop all but the most hardline separatism. This was the solution for the foreseeable future, one the other nine provinces could live with because it meant Quebec was not being offered anything they weren't. For Quebecers their provincial government could select the areas for outright autonomy and avoid taking powers which would damage its relationship with Ottawa.

There was one flaw. Too much time was given for ratification. As Flora McDonald, the former deputy Prime Minister, with life long links to Scotland, said, this was an opportunity lost. Three years were allowed for ratification and, as other domestic matters crowded in on the other nine provinces, the strain of implementing Meech Lake became too much. The overriding need to keep Quebec onside was forgotten when the provincial parliaments of Manitoba and Newfoundland went to the vote. They narrowly turned down Meech Lake which required unanimity.

Quebec was stung with resentment. After putting aside its demands to become a sovereign state in favour of Meech Lake, it felt it had been betrayed and more wasted years had elapsed. Canada at that stage appeared to have acted with political maturity. It had accepted the sense of isolation and bitterness expressed by the francophones of Quebec and acted. Meech Lake was a substantially more significant initiative than, for example, Ian Lang's Taking Stock exercise begun prior to the 1992 election. Had it succeeded, Canada could have pulled off the trick of both satisfying nationalist demands and retaining the integrity of its nationhood.

There is another even larger question about Quebec that finds echoes in Scotland. Polling here shows anything up to a third of Labour voters preferring independence to devolution and a similar number of SNP voters favouring devolution. A party ticket can buy a trip to unexpected destinations. Do many Labour voters wish Scotland to be independent but simply don't like the politics of the SNP? Will nationalists settle for a devolved parliament but vote SNP as a lever to get it?

OBFUSCATION

Is Quebec playing an elaborate fraud on Canada? This question arises from the policies pursued by the PQ as opposed to their political language. And as was suggested at the start, the question asked in the referendum is a study in obfuscation.

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It read:

Do you agree that Quebec should become sovereign after having made a formal offer to Canada for a new economic and political partnership within the scope of the bill respecting the future of Quebec and of the agreement signed on 12 June 1995?

The first eight words would have sufficed as M. Chretien stated in parliament: 'If they were to put the question Do you want to separate from Canada or not, then I would say OK, I'd be the first to recognise it, if they were honest enough to put a perfectly clear question to Quebeckers.'

The remainder of the question is a reference to two things - the tripartite alliance of parties which was underwritten by a seven-page document of aims and objectives - and the draft bill presented to the Quebec National Assembly outlining how they would proceed towards independence. In the same way that few Scots ever actually read the Scotland Bill of 1978/79, so the overwhelming majority of Quebecois know little of the detail of the draft bill or the agreement.

A reading of the draft bill explains much. First it authorises the National Assembly to proclaim Quebec's sovereignty but, significantly only after discussion with Canada: 'The bill provides that the proclamation of sovereignty must be preceded by a formal offer of economic and political partnership with Canada ...'. This would follow the lines of the agreement struck between the parties. Here in the small print it becomes clear that the preferred model for sovereignty in Quebec is not outright independence but improving its status within a re-worked federation through the negotiation of an improved relationship with the rest of Canada. Among the areas in which agreement would be sought were a customs union, and the free flow of individuals, goods, services and capital; the Canadian dollar would remain the common currency of both countries. The national debt, after disaggregation, would be jointly managed. Joint political partnership would include joint citizenship. 'Nothing', says the partnership agreement, 'will prevent the two member states from reaching agreement in any other area of common interest' such as: the inter-provincial trade agreement, reaching common positions on international trade through World Trade Organisation and North American Free Trade Area, joint international representation so that a common voice could speak whenever appropriate in international organisations, harmonisation of transportation including access to airports,

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common defence to allow joint participation in NATO and NORAD, common agreements on postal services ... and so on.

To run this inter-state partnership, Quebec proposed a Council, a Parliamentary Assembly, a Tribunal and a Committee. The Council would be made up of ministers from either state and would implement their treaty agreements working through a permanent secretariat. Unanimity would be required but since it has echoes for the Council of Ministers in the European Union how long might it be before tricky questions were handled by qualified majority? Another echo of Europe comes in the Assembly which would straddle Quebec's independent parliament, Ottawa's federal parliament and, where appropriate, each of the remaining nine provincial parliaments. It would hold public sessions where the members selected from among already elected MPs in both Ottawa and Quebec houses could be seen discussing their joint arrangements. Yet its composition would reflect the collective population distribution of the countries, giving Quebec only 25% of the seats. This seems an unusual arrangement for a newly sovereign state to propose, putting itself in a subordinate position to a powerful near neighbour when matters of significant national interest are under discussion. The Tribunal would arbitrate in matters of dispute and the Committee would supervise the establishment of the new structure.

Such a system suggests that far from leaving Canada, Quebec was intent on tying itself ever more closely to it, albeit from the giddier heights of sovereign statehood. The PQ and its partners recognised what they called 'common interest' which is in fact a fundamental need of each other. The old-style marriage papers would have been torn up to be replaced by a new contract of understanding and the couple would have lived together as they always had done. Only if negotiations failed to produce the result they wanted would the separatist partners have threatened secession - the common interpretation being that the referendum mandate provided the club with which Ottawa could be beaten into submission.

Beneath the surface of Quebec nationalism is a second agenda. It is one of reshaping an existing and successful political arrangement to give more authority to Quebec reflecting what most people, including many No voters this time, regard as its equal status as a founding nation along with Britain of modern Canada. The dilemma for nationalist politicians is that they may wish to pretend they were offering more powers to their people but would that attract more support or less? Would a stark In or Out question have scared off more voters than the Yes side won? The time, as the declaration of

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sovereignty could have it, may now have come for more honesty from Quebecers rather than threats of withdrawal from federation. If the Yes vote had won and if Ottawa had then resisted Quebec's overtures, many activists in the PQ would undoubtedly be ready to make the move of secession from federation. How many fellow Quebecers would let them is another matter. Perhaps grounds for another referendum?

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