

ASSEMBLÉE NATIONALE

PREMIÈRE SESSION

TRENTE-QUATRIÈME LÉGISLATURE

Journal des débats



**COMMISSION ON THE POLITICAL
AND CONSTITUTIONAL FUTURE
OF QUÉBEC**

Chairmen: Messrs. Michel Bélanger et Jean Campeau

Québec City, Wednesday, December 19, 1990

No 23

**Published under the authority of the President of the
National Assembly, Mr. Jean-Pierre Saintonge**

QUÉBEC



Note de l'éditeur:

Ce fascicule contient une traduction des débats qui se déroulent à la Commission sur l'avenir politique et constitutionnel du Québec. Cette traduction est assurée par la Direction de la traduction et de l'interprétation du ministère des Communications.

Editor's note:

This fascicle contains a translation of the debates being held by the Commission on the Political and Constitutional Future of Québec. The translation is carried out under the supervision of the Direction de la traduction et de l'interprétation at the Ministère des Communications.

Abonnement: 250 \$ par année pour les débats des commissions parlementaires
70 \$ par année pour les débats de la Chambre
Chaque exemplaire: 1,00 \$ - Index: 10 \$
(La transcription des débats des commissions parlementaires est aussi disponible sur microfiches au coût annuel de 150 \$)

Chèque rédigé au nom du ministre des Finances et adressé à:
Assemblée nationale du Québec
Distribution des documents parlementaires
1060, Conroy, R.-C. Édifice "G", C.P. 28
Québec, (Québec)
G1R 5E6 tél. 418-643-2754

Courrier de deuxième classe - Enregistrement no 1762

Dépôt légal
Bibliothèque nationale du Québec
ISSN 0823-0102

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Québec City, Wednesday, December 19, 1990

Hearings: Organizations and Experts

(9:09 a.m.)

The Chairman (Mr. Jean Campeau): I declare this sitting of the Commission on the Political and Constitutional Future of Québec open. I should like to remind you that the mandate of the Commission is to study and analyse the political and constitutional status of Québec, and to formulate recommendations in that regard.

Today, once again, the sitting will be devoted to hearing persons and organizations that have sent briefs to the Commission. Our first guests this morning are the representatives of the Coalition pour la défense des services français de Radio-Canada. The hearing will last 30 minutes. Mrs. France Dauphin will speak for the Coalition. Good morning, Mrs. Dauphin. Would you please introduce...

**Coalition pour la défense des services
français de Radio-Canada**

Mrs. Dauphin (France): Good morning. Yes, with pleasure. On my right is Mr. Mark Charette, announcer for the Matane region; beside him, Mr. Christian Martineau, producer for the Québec region, and Mr. Gilles Provost, journalist; on my left, Mr. Michel Parenteau, coordinator of the Coalition pour la défense des services français de Radio-Canada.

We wish to thank the Commission for agreeing to hear our Coalition. We must say that we are still reeling from the shock of the latest Radio-Canada budget cuts. We are very sad about what is happening to Francophones in the Bas-Saint-Laurent, Gaspésie and Côte-Nord regions. For us, in fact, this is an expression of the reality of Québec as a province like the others. When we are not considered distinct, this is what happens.

Just like that, we have had three stations cut. What is terrible is that in the regions television had become the public square of yesteryear. It enabled Francophones to talk to one another, to see one another, and it is vital to be able to see one another. Television was a forum for exchange. And now we are told: No, that's finished, we have to act differently. At the Coalition, we are rather disappointed that Québec, the gouvernement du Québec, which we think of as the real guardian, the faithful watchdog of Francophone culture, is not reacting more strongly, is not demanding that the federal government not do such things, to protect Francophone culture in a particular way, because we are surrounded by a sea of Anglophones and for us, it is important to keep one another in view. It is important for the regions be present on television. We must not have to go back to radio.

Now, having said this, we are absorbing the shock. We wish to tell you a bit about the Coalition. It was created in 1988 and is a broad association of journalists, producers, creators, artists, musicians, actors and authors. It is a federation of the employees' unions of the CBC French Service, the Management Association, Québec Section, the Union des artistes, the Musicians' Guild, the Société des auteurs, chercheurs, documentalistes et compositeurs. In 1988, we decided on a goal, which was to make the people, public opinion, parliamentarians, the government, aware of the position of the CBC French Service. We wished, and we still wish, we demand that measures be implemented to enable Radio-Canada to truly play its vital cultural role with the Francophone community.

Why was our association founded in 1988? At that time, we had really reached the bottom of the barrel. Since the end of the 1970s, we had witnessed a series of cuts which are discussed, as a matter of fact, in our brief, and which made the situation of the CBC French Service really unbearable. We shall return to this. Our organization was created to demand, in fact, legal and administrative recognition of the distinct character and particular needs of Radio-Canada. This is the only way, we feel, we can do our work fairly and give Francophones their due. We also asked for increased, equitable financing for the French Service, comparable to the funding that was provided for the CBC English Network.

Third, in 1988, we set ourselves a third mandate, that of assuring infrastructures and resources appropriate to the needs of expression of French-speaking communities in the regions. The French Network is ill-equipped, in terms of infrastructures, to reach Francophone communities throughout the country, and in Québec in particular.

I would like... I'll take a few minutes to tell you what has happened in the past 10 years. In 1980, the budget for the English Network was 10% higher than that of the French Service; in 1983-1984, the difference was 80%. And I would like to remind you that when we produce programs, it costs the same if we have to travel, make scenery, design costumes, etc. How did it come about that the difference was so great?

In 1989-1990, the budget growth allocated to programming activities was \$65 million. Fine. We thought we'd try to make good some of our losses. But 71% of that amount went to the English Network, and only 29% to the French. That was no help! What did they say? They repeated: There is a problem, you see, Canadian identity on the English Network, it's not easy, not easy at all. The Americans are there, competition is stiff, you have to understand that

we compete with the Americans, and you Francophones don't compete with anyone. So we have to have huge resources, because we have to compete with "Dallas", and "Dallas" is very expensive. So we need a lot of money. It was somewhat in this vein that things were explained to us.

I would like, with reference to news alone, to remind you that a program we all know very well, "Le Point", had a budget of \$3.34 million in 1989-1990. On CBC, its counterpart, "The Journal" had a budget of \$8 million. It seems to me that Francophones are entitled to the same quality of news in Canada. How is it that it costs less to produce the news in French? I do not understand. However, we have a good audience rating for "Le Point"; when we speak of an average weekly rating of 700 000, this is very comparable to what happens on the English Network, in proportion to our population.

This all led to an impoverishment on the cultural level; there are almost no more drama programs. I'll quote you what Pierre Gauvreau said to me: You know, when we have a success like "Les filles de Caleb", and we have an audience rating of 3 million, we're told: Oh! Yes, but for us, "Anne of Green Gables" is a great success, we have 6 million. He went on: I conclude that since we have 20% of the population of Canada, when "Les filles de Caleb", by author Ariette Cousture, has an audience of 3 million, it is a very great success. And I say to myself, in this event, we are not rewarded, on the contrary, we are told: Since you are successful, you do not need any more resources. And it even goes so far as... He said: For "Cormorant", it took two years before they agreed that I should go to Kamouraska, it was so expensive. At the same time, there was "Chasing Rainbows", a successful series on the English Network. Well, in their case, the members of the Toronto team were filming in Montréal. That costs a lot, all that.

So, we have come to tell you, Ladies and Gentlemen of the Commission, we have come to tell the Commission, that there can be no further question of the status quo. We cannot conceive of continuing like this, without any recognition of our distinct character, because Radio-Canada can no longer hold its own, it cannot get funding, it doesn't manage to have the resources, find the programs, place cultural programs in the schedule, reflect the creative gifts of our writers and the talents of our performers, or even give good coverage of the news.

The Chairman (Mr. Jean Campeau): Would you please move on to your conclusions?

Mrs. Dauphin: Yes, we ask you then. What we say is: No status quo. If we are speaking of constitutional reform, we say it is essential, for

good coverage, for us to play our role properly, that the distinct character of Francophone society, of Québec society, be entrenched in the Constitution. In the event of sovereignty, we ask you to hold a thematic forum on the future of federal institutions such as, for instance, Radio-Canada. We have to talk about the issue, and we have to settle it, because, for us, what is even more important is to ensure that our people have high quality French-language radio and television.

The Chairman (Mr. Jean Campeau): Thank you, Mrs. Dauphin. The first question of the day comes from Mrs. Pauline Marois.

Mrs. Marois: Thank you, Mr. Chairman. Welcome to our table. I think it is obvious we will agree about the importance of such a powerful tool as the electronic media for defending the progress of a culture, for defending the environment of a culture and, in that regard, your cry for help is surely significant, it is certainly important for it to be made.

You say in your preamble, starting with the definition of your goals, the goals you defend, you say: So far, our efforts have been constantly disappointed, as evidenced in this brief. Considering the current situation at Radio-Canada, do you still feel the objectives you seek are attainable? that you can still be heard? Because, if I understand what is happening, the cuts we are experiencing are not what you want. My subquestion is: Are the cuts currently applied by Radio-Canada, are they proportional, with respect to the weight represented by the numbers in the Anglophone community and in the Francophone community, or is there another criterion applied, a bit like you have suggested?

Mrs. Dauphin: Mr. Parenteau will answer.

Mr. Parenteau (Michel): Yes, I will start with your second question, and then come back to your first. You ask whether the budget cuts applied respect any criterion such as the weight of numbers and so on. Since 1988, the Coalition has demanded one thing, that Francophones be recognized as entitled to the same quality of radio and television as Anglophones. It is not a matter of demographic weight, as Mrs. Dauphin said a few moments ago. It costs just about as much to produce good programs in French as in English.

So we find it hard to understand why, for instance over the past 15 years, in 1976, the programming budgets for the two services, French and English, were equal, whereas today there is an 80% to 90% difference between them. What we demand is not that cuts be applied on the basis of a criterion such as demographic weight, I don't know, like 29% for French

services and 71% for English services. What bothers us is that, in the past five years in particular, the process of cuts and downsizing has been accelerated at Radio-Canada, which means that the goal we set ourselves as a Coalition, and here I return to your first question, it is becoming more and more illusory in the present system that we will conceivably be able to attain it. The more the budget and spending of Radio-Canada are cut back, the more impossible it becomes to seek real equity between French and English services, and this is in essence the tenor of our brief today. What we believe is that the federal system today may not have the ability and does not seem to have the political will to maintain equitable services in French and in English to serve all the people of Canada. And that brings us to ask the Commission whether, under such circumstances, considering that television and radio, but especially television, is an extraordinary factor today, extremely powerful for the development and affirmation of a cultural personality and that there can be no sovereignty without such cultural personality, solidly grounded and well developed, we say that eventually we will have to deal with the question, including its political and constitutional ramifications. And that is why we are here today.

Mrs. Marois: Fine. In that respect, what we sometimes feel is that the feds have more or less taken it for granted that Québec was making its way toward sovereignty and that they were avoiding the worst. You react to that. No, that is the feeling we end up having because we say: Actually... I think your analysis, your premises – and I am pleased that you have come back to the concept of the weight of numbers because I had fully understood but wanted to return to the matter – are entirely relevant but the facts absolutely contradict your expectations. So I say: If... Because in the past, Radio-Canada always claimed and the federal government always claimed that Québec's culture had remained strong, in the final analysis, thanks to the action taken by Ottawa. As for me, on the other hand, I have always, that is, we have always had the impression that there were also a number of efforts made by the people of Québec themselves, to take themselves in hand and take responsibility for their own lives. I don't know whether you would like to comment on that.

Mrs. Dauphin: Yes, you are quite right and what we can see from the cutbacks is that in fact it has been decided that Québec is a province like all the others. And what we had as a final message, when we were thinking about what we would tell you, is that you should hurry up and get on board because the house is being emptied. And on the French Network, that is what is happening, the house is being emptied.

So you are going to be left with I don't know what; if, however, you wanted sovereignty, things are being emptied. We are not making any more programs, we are not assuring the succession. What are we doing?

Mrs. Marois: A sovereign Québec should, I imagine, continue through a similar corporation, it would be called Radio-Québec, and include what is going on at Radio-Canada. Should we, as a matter of course, continue to offer services to Francophones outside Québec?

Mr. Provost (Gilles): But it seems to us extremely important, in any event, that there be a public information network in Québec so that the regions can develop and organize. We have only to examine, in fact, the role of television in Acadia, how the region has discovered itself, structured itself and made a name for itself. Some people have come out of that region thanks to television. And in this regard, it is essential that in Québec, whatever its status, the vitality of the regions be assured with the help of a strong public network. It is not private enterprise that will present public affairs in Gaspé. We must not have any illusions. And you may well ask what assistance an independent Québec could offer the Francophone communities in the rest of the country. I think it is difficult to see how that could be done in practice, but it seems to us quite evident that, if Québec separates, the rest of Canada will not make much effort for those communities. And there will surely be a replacement to be established. The form remains to be defined.

The Chairman (Mr. Jean Campeau): Thank you, Mrs. Marois. There are five speakers for the next group of questions. If each of them can be brief, we will have the time to hear all five. First, Mr. Turgeon, followed by Mr. Proulx and Mr. Larose.

Mr. Turgeon: Thank you, Mr. Chairman. I think it is important to understand that the Coalition before us is highly significant because it represents all the creative and technical people with Radio-Canada. You show very clearly that the status quo is intolerable, that federalism, as perceived and practised at Radio-Canada, is really, it ends up in a systematic unfairness toward Francophones, the recent cutbacks made in the regions by the Canadian Broadcasting Corporation; of course, a number of regions of Canada have had cuts in their local and regional services. It is not only in Eastern Québec that this has been done; elsewhere in the country people have also reacted. But without wishing to be paranoid, I think we can quite readily agree that the cuts made in this way in the Francophone community have far more impact on its identity than among Anglophones,

particularly when the sole French voice that existed in several of these places is silenced. There is one thing that seems important to me to clarify at this time, and that is there is no paradox in demanding full powers for Québec and its sovereignty, for instance, at the same time as we urge that Radio-Canada should be playing its proper role. When we are in a system, we should demand the maximum from the system, since we are paying for it.

We should note carefully, it is at the very same time as we are fully involved in the federal system that we are witnessing its dismemberment, not to speak of the disintegration we are experiencing. It is certainly not sovereignty that has done this. And, furthermore, in the past 10 years, as you have so clearly demonstrated, the differences between the resources made available to French-language productions and those allocated to English-language productions have become more and more noticeable, because money is apportioned in accordance with demographic weight whereas it should be 50-50, at least as far as production budgets are concerned.

So I have two questions: In view of the fact, and you say it very well, that the deterioration of Radio-Canada impoverishes Québec society, what do you advocate in the short and medium term? Mr. Masse says that he is cutting in the regions in order to take the money and allocate it to production in large centres. Do you believe this? And, second, in the same vein as what Mrs. Marois asked, are you afraid, you who work at Radio-Canada, you who earn your living from day to day at Radio-Canada, are you afraid when we talk about repatriating that in a sovereign Québec?

Mrs. Dauphin: When Mr. Masse says it will be done from Québec City, we, workers with the French Service, know that we do not have the means because we have to calculate that the most recent cuts we have had came after we were already at the bottom of the barrel. I am not certain that the English were as close to the bare bones as we were, and once we were there, they said: Now, a final cut. And three stations disappeared. Well, in our case, there was a member who left because we had really reached rock bottom. So when we ask Québec City, for instance, whether it enjoys making the grand opening in the large region, for we are playing with words, here — we used to have little regions, now, we have a large region — whether it rejoices at the situation, the answer is that they don't know how they are going to manage, if they don't get more money, how they will be able to cover this, how they are going to deal with that. They do not believe in it, they will not manage. As for the question of being afraid, I will say we believe strongly in public radio and television, we believe strongly in the Francophone community, for we are working on

the French Network, then we are not afraid, we're really not afraid. It cannot be that we won't be able to understand one another and that the expertise we have developed, for it must be fully understood that we have an expertise in radio and television, won't be used to serve the Francophone community; that we cannot believe. So we are not afraid.

The Chairman (Mr. Jean Campeau): Thank you. Mr. Proulx.

Mr. Proulx: Thank you, Mr. Chairman. Perhaps I was naive in believing that there was no longer anyone in Québec or in Canada who needed to be convinced of the importance of radio and television, especially in the regions. Unfortunately, we realize today that there are still many people who are not aware of the place taken by radio and television, and their importance for social, economic, cultural and political development, and even more in the regions because people there are at a greater disadvantage for all kinds of reasons. And I realize in addition, again, as I often say, that we are increasingly governed by small-minded accountants, who know only how to add up columns of figures, and that is most unfortunate.

(9:30 a.m.)

My comment, I do not have a question as such, is just to support you in your approach, since it simply reflects what we have already realized for some time, from general discussions in the rural world, that we are excluded from prosperity in all its forms. And I think we should quickly undertake an extra effort to hold steadfast, until, as I hope, we move rapidly toward our sovereignty and, from there, be able to use what we have paid for to establish, use what we have paid for in terms of money and effort, on behalf of the greater prosperity of Québec's people. Thank you, Mr. Chairman.

The Chairman (Mr. Jean Campeau): You don't have a question?

Mr. Proulx: Well, a question... They can comment if they wish. I think everyone would like to make a comment.

The Chairman (Mr. Jean Campeau): OK, if you agree, don't answer!

Mr. Provost: I think there are a number of people who have appeared before this Commission and stressed the importance of the regions in a sovereign Québec. I think the decision of Radio-Canada goes in exactly the opposite direction, that of centralization in the large centres, Montréal, Québec City, etc. And if we accept that, if Québec does nothing to counter that trend, once the structures are destroyed, it

becomes very difficult to change.

The Chairman (Mr. Jean Campeau): Perfect. Thank you. Mr. Larose.

Mr. Larose: Thank you, Mr. Chairman. My preamble is along the same lines as the last speaker. It is true that during the tour of the regions made by the Commission, visiting a number of towns in Eastern Québec, and in the Saguenay-Lac-Saint-Jean, Abitibi, Outaouais and Estrie regions, it seems to me that if it was not a great discovery that was made, there was at least a much greater awareness that resulted from that tour, that we cannot redefine Québec without calling on regional dynamism, without redefining the relationships between, I was going to say, the capital and the regions, or the bureaucracy and the field, in a word, unceasing appeals to equip the regions and rely on their vitality for economic development and regional development. I think they were fairly systematic and very sensitive pleas.

I would now like you to give us a little information on television coverage in the regions since Radio-Québec undertook a rather drastic operation a few years ago. Here it is Radio-Canada. What remains in the regions, apart from the private sector, which must usually satisfy criteria that are not all dishonourable, but let's say may have other objectives, primarily, apart from providing information? What is the situation, particularly in the East? I have a sort of impression that a "demo" of 5000 persons, 5000 persons in Rimouski can be considered the equivalent of several hundred thousand in Montréal and must mean something. What is the coverage at the moment?

Mr. Charette (Marc): Current coverage is: every day starting at 5:30 p.m., between "Ce Soir" from Québec City, everything that is produced between 5:30 and 7 p.m., is a period in which, from Québec City, until 6 p.m., it is the period from Québec City exclusively, when social activities, cultural activities in Québec City are discussed and there may be an attempt - so far it has not been convincing - to cover a bit of the cultural sector in Rimouski, Gaspé or Sainte-Anne-des-Monts. But for the moment, there is nothing conclusive and, obviously, the larger population of the Québec City area will be dissatisfied because it will not receive the same coverage it had before.

After 6 p.m., what we receive is news commented on in Québec City with an editorial choice from Rimouski or from a journalist established on the Côte-Nord to cover the vast region made up of the Bas-Saint-Laurent and the Gaspésie, which is almost twice as big as Belgium. On the Côte-Nord, there will also be a reporter, who will have to send news to Québec City by bus, since there is no micro-wave transmission

system between the Côte-Nord and Rimouski. And since the announcement of President Velleux, a micro-wave system has been installed. Previously, we were hooked up by satellite, with a picture quality of the 1990s. Now, we are connected with a micro-wave system and receive a poorer picture. And the cost of setting up the micro-wave system since December 5 has been calculated at \$2 million a year, to transmit a poorer quality picture and only as far as Rimouski.

What will happen now, if we wish to cover the region from Gaspé to Rimouski? We will have to make do, as in Sept-Îles, with the bus. In other words, the news will arrive 24 hours later in Montréal or Québec City, except in winter storms, when it will be 48 hours later. And the editorial choices will be made by Québec City and by Montréal.

Mr. Larose: And it appears that we can send men to the moon!

A voice: Yes, sir.

Mr. Charette: And we do not send signals into regions which, in my opinion, are clearly defined: the Côte-Nord is a clearly defined region, with its population; the Gaspésie is a clearly defined region and the Bas-Saint-Laurent is a clearly defined region as well. And therefore I consider that we should have television in keeping with the peoples of those regions.

Mr. Larose: Thank you, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Thank you. The next two speakers, quickly, if possible. Mr. Gabriel Desjardins, followed by Mr. Bouchard.

Mr. Desjardins: Thank you, Mr. Chairman. I must say I am very divided about what you are saying here today. Regarding the cuts in Québec, in the Côte-Nord, Gaspésie and Bas-Saint-Laurent regions, I am very much aware of this reality and have said so to my colleagues. The answer lies elsewhere. But, in Abitibi-Témiscamingue, if you are talking about a national mandate, you have never had a physical presence in our region. And in that regard, I wish to ask you: What have you done to help a region like mine develop a presence? If it weren't for the private sector in our region, and I mean the private sector, which I sometimes denounce because there are certain things... We talk to one another, but at least the private sector enables my people to keep pace with the rest of Québec. And when we speak of a national mandate, I have to tell you that there are regions of Québec that have never been represented by your corporation, and this is a war I have been waging since 1985.

My question. We must not deny the development of the private sector in terms of television in our region. The private sector plays a damn important role. You have only to look at the audience ratings to see how popular it is. You have an advertising deficit of \$30 million at the Corporation. If I had money to invest, I would look very carefully at your program schedule before doing so. Because, for one high quality program, there are three or four that are not very interesting for investors. So, don't you think that there is work to be done in reviewing your program schedule to attract investors, when we live in a competitive system like the one that dominates the world of television at the moment?

Mrs. Dauphin: I will answer. In television we certainly have deficits. You must see that from the time when the federal government started to withdraw from financing Radio-Canada, it said we should seek funding from advertising. But we have to realize that the advertising base is very limited for Francophones. So we had to suffer the consequences. When you talk to me about quality, I will quote Mr. Chamberland of TVA who said: Our job is to bring the audience to the advertisers. That is our job. I think that the role of public television is to provide what others do not wish to offer because it does not pay and does not have much of an audience rating, but is indispensable for the promotion of a culture, for complete news. If we start to play with audience ratings, I think we would deprive the Francophone community of a type of information that is not offered, because it does not pay and will not help increase...

Mr. Desjardins: Are you saying that the private sector does not fulfil that mandate, to a considerable extent, with regard to culture and propagation of Québec culture? Do you deny that right and that fact, which seem quite evident to me?

Mrs. Dauphin: We deny nothing of the sort. We believe in the presence of the private sector and we say that it would not be a good idea if the public sector were a monopoly. But it is no better if the private sector is a monopoly. The ideal is a kind of fine mix, good chemistry between the two. But impoverishing the one to give the others a chance... Because when you talk of the private sector, I could quote other persons who say: What is the private sector? As soon as they seek funding from Telefilm Canada, you can't say they are still really private. There is a bit of a public aspect to your business, and the further you go, won't there be more of a public factor in the case? It's easy to mix the two.

The Chairman (Mr. Jean Campeau): Mr.

Bouchard.

Mr. Bouchard: We must be honest enough to recognize that there has been a beautiful Canadian dream, a very beautiful Canadian dream, and that one of the finest fruits of the Canadian dream was the CBC. And we all know full well that our cultural foundations were formed, in large part, alongside and in the shadow, benefiting from the cultural giants, those tremendous cultural workers, all those who have worked with the CBC French Service, Radio-Canada. I am thinking of Miville Couture, when we were young, and his radio broadcasts. All our memories are associated with something related to Radio-Canada. Because at that time the federal government had decided to take responsibility for the development of Québec culture, and did so in a most remarkable fashion, invested the resources to achieve its goal, and made great sacrifices in so doing. And it built one of the fine things of Canada, Radio-Canada.

Today we are witness to the failure of the Canadian dream, one of the signs of the failure of this dream is precisely the mistreatment meted out to, and even the disparagement of, one of its finest fruits, Radio-Canada. And now the bottom of the barrel is being scraped to find arguments justifying what is being done to Radio-Canada. The minister who is Radio-Canada's protector, my friend Marcel Masse, has just declared that the reason why Radio-Canada budgets cannot now be maintained is that this would be a communist measure. And I read this in the *Toronto Star*, I did not see it in the French-language press. I have in front of me an article in the *Toronto Star* of December 18, in which Mr. Masse says that... I'm going to read it in English, because... For Francophones, the word "communiste" is in it. He says and I quote: "We cannot insure that one sector above others will have a total protection, because that is a communist system we will have."

In other words, Mr. Masse explains that Radio-Canada is a communist measure, and that the Canadian government was communist the whole time, when it created and while it maintained Radio-Canada, that Mrs. Thatcher was communist to maintain the public television system, one of the finest in the world, in Great Britain, that France is a communist country. This is the point we have reached. It is scandalous. And this is the federal government minister who is supposed to protect Radio-Canada. So, in my opinion, the conclusion I wish to suggest, but you will tell me whether it is sensible, is that there is something virtually impossible now for you in what you ask. You are asking that the two networks be divided, that the French Service, Radio-Canada, be separated from the CBC English Network. But how can the Corporation, in the context of a federalism at the end of its tether, of federalism in the

disarray it is in today, do that, when it is assigned a mission of Canadian unity, a Canada-wide mission? In the present circumstances, the CBC simply cannot, logically, do that. And if it can't, we will have to think of some other solution. What will it be?

Mr. Parenteau: It is a little for that reason that we conclude, which is not in the brief we had submitted earlier, as to the necessity, at least from our point of view, either under this Commission or otherwise, for us, as Quebecers, to rapidly examine, at a thematic forum or some other event, the future of all federal institutions, particularly this one, which is extremely important for cementing our society culturally, for the very substance of our society. We do not yet have an answer to the issue you raise. Today we find ourselves in a situation where, while we believed we were making some progress, it was agreed in Bill C-40 just passed by the House of Commons, the same day moreover as the cutbacks were announced, it was agreed at the CBC to recognize the distinct character of the French Service. Except that, on the very same day, the cutbacks were applied, considering Québec to be one province among 10, which means that Mr. Veilleux explained the cuts of Rimouski, Matane and Sept-Îles by saying that, throughout the country, a single regional station per province would be maintained. Furthermore, this is false for the Maritimes, since there is only one French-language station for the four Atlantic provinces, but a single regional station per province; Québec, like Ontario, like Manitoba, like New Brunswick, the same thing, the same treatment.

In all this, it is forgotten that Québec is the home, the only home for Francophones in America. We are short-changed in relation to that. We have no solution, we know very well that we are faced with something of a dead end, just as present-day federalism seems to be facing an impasse. Radio-Canada, and what we have come here to present, we ourselves find ourselves faced with a kind of impasse in regard to solutions to be considered. In addition, it is obvious to us that Québec will have to assume far more responsibilities than it does now in the field of broadcasting. There can be no escape, we cannot simply rely on the services of the private sector. Just look at a bit of what is currently happening with the present cutbacks. Please allow me two seconds to explain what is going on. For several months we have heard Mr. Pouliot, Mr. Gouin of Télé-Métropole, Mr. Pouliot of Quatre-Saisons complain of the unfair competition of Radio-Canada. What happens is that the more Radio-Canada's funds are cut, its public funds, the more Radio-Canada, to try to maintain a semblance of quality programming as it did 5, 7, or 10 years ago, is obliged to turn, to be more aggressive on the advertising

market.

(9:45 a.m.)

It's the domino effect. So the new cuts, again the domino effect, mean a blow not only aimed at Radio-Canada, but at the whole French-language broadcasting system in Québec. And that is very serious, and Québec will, in my opinion, in the opinion of the Coalition, have to assume its responsibilities on a far broader basis, not only in the field of communications, of communications technology, but in that of broadcasting generally. And this is the choice we are faced with today, at the same time as we face a political and constitutional choice of wider scope.

The Chairman (Mr. Jean Campeau): Now, Mrs. Hovington.

Mrs. Hovington: Thank you, Mr. Chairman. Mr. Parenteau, Mrs. Dauphin, Mr. Charette, whom I know better because he comes from the Matane region, Mr. Martineau, Mrs. Dauphin, Mr. Provost, welcome to the Bélanger-Campeau Commission. Please permit me, on behalf of the Government party I represent this morning, to thank you for your brief.

You will understand that, as MNA for Matane, which is located in the Gaspésie, I am bound to object to the savage cuts that Radio-Canada has just made in Eastern Québec. Whether the stations were closed in Sept-Îles, Rimouski, Matane, Carleton or Gaspé, they are incomprehensible. A cutback like that, the closings that Radio-Canada has just brought about in Eastern Québec, are unacceptable.

In my view, this move shows a lack of respect for people and institutions. It goes counter to regional development; moreover, it means the flight of our young people from the regions, the flight of our young brains and managers. Because these young people have been trained and this training is essential, apart from the actual work these young people do on the job, it is essential to the progress of a community. It is an incommensurable asset that is being lost in the eastern part of Québec.

Mr. Desjardins, as far as I am concerned, private enterprise cannot take up the slack in this regard. We have the private sector in Rimouski, we have CEFER in Rimouski, a station of very high quality. But can CEFER reach as far as Gaspé, as Carleton? Can the private sector fill the needs in this regard? And to my way of thinking, the population base is not large enough to make private enterprise advertising profitable. And the presence of Radio-Canada in a region like ours has the effect of raising the quality of news in terms of information and forces the private network to maintain a high quality of information as well, I feel.

I have the impression that Eastern Québec

is paying for the maintenance of the policy of bilingualism in Western Canada. Why should French-language stations be maintained in the West, when they are being cut here in Québec? And how can we conceivably maintain news coverage from Québec City, when in addition half a million dollars are cut? It is insane, when we think that the Gaspésie is some 1000 kilometres in circumference. The Gaspésie alone is as large as Switzerland. And when we consider both the Gaspésie and the Bas-Saint-Laurent, the region is as large as all the Benelux countries together. How can we conceivably serve such a large territory and its people from Québec City? But I tell you that we'd have to have an earthquake or some other catastrophe for the Gaspésie to be discussed in the news, I guess.

The station closings in Eastern Québec mean a loss of 550 jobs, sorry, I mean 150 jobs. This deprives a whole region of an essential development tool. It cuts regional information off from a cultural tie that is indispensable. And I say that the people of the Gaspésie have the right to hear about what is going on in their region and nearby.

The Minister asked yesterday about a motion introduced in the National Assembly to the effect that the federal government should maintain the three stations in Eastern Québec, and my colleague the Minister of Communications asked, addressing Mr. Marcel Masse: Do you think, do you really think that Francophones should be content with programs that do not cost as much as those designed for Anglophones? And I will ask: Do you think the people in Eastern Québec are entitled to less information than all the large centres of Québec?

And when the Bélanger-Campeau Commission toured the regions, the demand came from every organization in the municipalities: Decentralize powers, bring decision-making closer, get closer to the people. And Radio-Canada is in the process of centralizing information in Montréal and in the large centres. And it is from this point of view that I find the cuts unacceptable.

We can ask questions about the magnitude of the budget cutbacks imposed on Radio-Canada since 1984, compared with those related to other federal institutions. And how the cutbacks have affected the French Service in comparison to the English Network? You are quite right to ask the question. We should also ask questions about the allocation of budgets to Radio-Canada and the CBC, and we are not the first to do so. The financing, the underfunding of the French Service has been recognized many times even by the management of the Corporation.

In January 1989, the Vice-President of Radio-Canada, Mr. Delaney, confirmed in public that the French Network suffered from significant underfunding. I could say more, Mr. Chairman, but I know our time is limited and I

would like to come to a question that Mr. Bouchard touched on just now. How, and I know you said you did not have the answer, but I would still like to ask it again, could the CBC French Service become distinct in actual practice? How could we reconcile in practice separating the French Service with the mission of Radio-Canada respecting the development of a national Canadian identity? How could we manage that in practice?

Mr. Provost: I think there is no contradiction between defending the French fact and defending national unity in Canada. As long as French-Canadians are part of Canada, defending national unity and reflecting the diversity of cultures in Canada also imply a presence in the regions. Defending national unity does not mean only defending Toronto and Montréal. And, in that sense, I think if you go from the level, that is from the philosophical level, if you go to the practical level, it is clear that the real means is to give equivalent budgets for programming to the two networks. I understand that there are more regional stations in the English Network in the rest of the country, but with respect to hours of programming, there should be comparable budgets in the French and English networks to assure comparable programming. I think we would work for national unity in that manner.

The Chairman (Mr. Jean Campeau): A brief comment, Mrs. Hovington.

Mrs. Hovington: All I hope is... you know there are people in the Gaspésie who have set up Radio-Canada's logo in the cleft of the Rocher Percé and they say they will leave the banner there until Radio-Canada reopens the Eastern Québec stations. I sincerely hope it will, for Eastern Quebecers are proud people, who are gradually taking themselves in hand and need to develop their sense of belonging. It is not by cutting off their own news, cutting off their cultural ties, that we will enable the people of Eastern Québec to remain proud.

The Chairman (Mr. Jean Campeau): Thank you, Mrs. Hovington. And thank you, Mr. Provost, Mr. Martineau, Mr. Charette, Mrs. Dauphin and Mr. Parenteau, for coming this morning to discuss with us the situation of the French Service of the CBC.

(Proceedings adjourned at 9:53 a.m.)

(Proceedings resumed at 9:55 a.m.)

The Chairman (Mr. Jean Campeau): We will resume our work, and I am told that we are already nearly 25 minutes behind schedule. So you will permit me, for the rest of the morning,

you will forgive me rather if I push you a little, if I try to make things move more quickly. Now we welcome the Union des producteurs agricoles. Their appearance has been eagerly awaited by certain members. I urge members, as I just said, to avoid preambles if possible, and go straight to the heart of the matter with their questions. And I am sure Mr. Proulx will not feel offended.

Mr. Proulx: Thank you, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Please introduce your colleagues, Mr. Proulx.

Union des producteurs agricoles

Mr. Proulx (Jacques): Thank you. Since we must save time, I will introduce Mr. Pierre Gaudet, who is the senior vice-president; Mr. Jean-Yves Couillard, second vice-president; Mr. Yvon Proulx, agricultural economist, farmer and university professor; and Mr. Yvan Loubier, assistant in our economic service. If you permit, I will ask Mr. Gaudet, our senior vice-president, to present our brief.

Mr. Gaudet (Pierre): Mr. Chairman and members of the Commission, first I wish to thank you for agreeing to hear us this morning. Judging from the Chairman's remarks, our visit was eagerly awaited. Since Christmas is approaching, it is probably a gift we bring you today.

The first thing that seems important to me is to describe our organization properly. The Union des producteurs agricoles, or UPA, represents all agricultural producers in Québec. There are 48 330 of them. The Fédération des producteurs de bois is affiliated with the UPA. It represents the interests of 120 000 owners of private wood lots, 35 000 of whom are also agricultural producers. The role of the UPA is to defend and promote the economic, social and moral interests of its members, to maintain unity and coordinate the action of all the union's structures. There are 178 basic unions, with between 200 and 500 members, 16 regional federations, 214 specialized unions, and 18 specialized federations and 18 specialized groups. The federations and affiliated unions administer over 20 joint marketing plans, for a farm value of \$3.6 billion. Close to 90% of our members participate in these marketing plans.

The Union des producteurs agricoles is extremely interested in any question related to the future of Québec. The participation of the UPA in all the major debates, past and present, not only regarding the sector it represents, but also all the questions that affect Québec citizens generally, such as the protection of the French language, the environment, the economy as a whole, the constitutional debate about Meech Lake and the future of the rural community

testifies to its constant commitment to the matter. Québec farmers and private wood producers are very happy to make a contribution to the work of this Commission on our constitutional future, a major exercise we hope will be decisive in achieving a new status for Québec.

We will not hide the fact that, when the draft constitutional agreement was signed at Meech Lake two years ago, the UPA was opposed. We were disappointed because there were no provisions regarding agricultural and forestry matters, but even more were we disappointed by the timidity of Québec's demands. Since this minimal agreement was rejected by the rest of Canada and the obvious distinct society denied, it is clear for us that there must be a new framework defining without any ambiguity the relations between Québec and the other provinces of Canada. The constitutional status quo is impossible. We must open a new page in the history of Québec, a happier history where federal-provincial frictions, the waste of time and energy they entail, the countless impediments to the cultural, social and economic development of Québec are a thing of the past. In the light of the failure of Meech Lake and the whole dynamics which has been present in Québec for several decades, but which has been intensified during the most recent constitutional debate, we think the time has come for Quebecers to take their own future in hand.
(10:00 a.m.)

Taking our future in hand means no longer counting on the good will of the other provinces of Canada and a central government for our development and lucidly plunging into the great challenges of the decades to come. Taking our future in hand means demonstrating the maturity of any modern nation and remaining open to the economic realities tying us to the East-West economic space, North America and the international environment. Taking our future in hand means above all choosing as a society, as a determined and dynamic people, what suits us in terms of collective and individual development.

After mature reflection, a broad consultation among our members and a final debate at the UPA general conference, the orientation of the agricultural world of Québec could not be clearer. Our delegates voted, 99% of them, for Québec sovereignty accompanied by an economic union with our partners in the rest of Canada. And I must point out here that our delegates held mandates from their constituent assemblies, the basic unions, regional federations and specialized federations. Québec's farmers made a choice, which is in fact the normal outcome of our distant and recent history. The Meech Lake failure simply speeded up the process.

For example, last year at our general meeting, Québec farmers voted unanimously for

the repatriation to Québec of exclusive jurisdiction over agricultural matters. This constitutional orientation was based on the conviction that we had the power to do better in our sector, build an agriculture and a country in our own image and in accordance with our priorities. We are confident of our resources and are ready to take up the challenge for the coming years.

Here I would just like to add a little aside and tell you that we, the people of the land, the men and women who cultivate, who put on boots and overalls, and go out to look after the calves, cows or pigs, or work in the fields or elsewhere, we are proud of our profession but at the same time we are sure of our ways and means, which have proved themselves in the past few years. When we adjust our ploughs to go out to the fields, we are convinced of the capacity of our tractors, the efficiency of our machinery, but we also know that when we get to the fields, conditions may be different and then for all those who wish to know what conditions will be like in the future, we say we'll adjust things when we get to the fields. That's where things happen.

The current political and constitutional context does not allow us to deal with the great challenges of Québec: the protection and promotion of the French fact, the fight against underemployment, poverty, demographic revitalization, ending the deterioration of the inhabited territory and the dilapidation of agricultural and forest land, as well as the protection and regeneration of the environment. In the future we must master the instruments of change.

In agriculture, we have had our share of federal-provincial frictions, related to jurisdictions vaguely defined in the Constitution. We have had our share of battles for the recognition of our vision of agricultural development, for the respect of equity in federal intervention. In Québec, it must be remembered that we produce 16% of Canadian farm revenues and receive 6% of federal spending. In fact, whether on the national or international level, the example of the recent GATT negotiations, our experience with the federal government is one of chronic misunderstanding of the virtues of the four pillars of the agricultural policy applied in Québec: farm credit, income stabilization insurance, crop insurance, and supply management. In short, in the agricultural field, the federal system which must accommodate the East-West duality serves us ill and is no longer appropriate.

I think I must indicate a factor that is important at this point. Québec's farm producers have until now developed production in terms of a market we master better, that is, the Canadian market. We stepped up production somewhat to be able to export. This is a historical fact in

Québec. However, it must be understood that agriculture in Canada has been developed on the basis of a world market, which explains the duality of agriculture in the East and in the West.

The costs related to the policy of excessively high interest and exchange rates exceed the net benefits from federal transfers. Therefore we decided, as a group of producers, to state our views and say exactly what we wanted. After serious reflection and consultation with our members, there is no doubt in our minds that the only way that Québec will some day control its levers, and fully realize its aspirations is to rapidly achieve the status of a nation, a sovereign nation capable of assuming its own destiny with pride, clearheadedness and maturity.

Therefore, we recommend that the Commission on the Political and Constitutional Future of Québec rapidly define a political and constitutional blueprint for the nation of Québec; propose that the gouvernement du Québec seek a democratic sanction for this project for a sovereign Québec by way of a referendum as soon as possible and if this ultimate test of the democratic will of the people of Québec proves conclusive, that it advise the gouvernement du Québec to undertake immediate negotiations on an economic union with Canada and on Québec's accession to international arrangements, agreements and treaties.

In conclusion, Mr. Chairman, the stand taken by the farm and forest producers in favour of a sovereign status for Québec, accompanied by an economic union with Canada is evidence of two convictions. The first is that not only do we see the need for major changes on the political and constitutional levels, but we are convinced of our ability, in a sovereign Québec, to achieve great things in the sectors where we work.

However, the farm and forest producers of Québec entertain no illusions: if Québec democratically achieves its sovereignty, the effort must still be made to define the farm and forest sectors we want for the future, on the basis of the four pillars of our agricultural policy, supply management, income stabilization, farm credit and crop insurance, with all the resources required to attain our goals. They will also have to mobilize all their strength and work to come out on top in potential negotiations with our trading partners. These negotiations involve a risk factor, as we are well aware. But we are prepared to take up these challenges with as much courage and determination as did our fathers and mothers throughout Québec's history.

The farm producers also have a second conviction and this is just as deep-seated: We are convinced that we will be there in full force when the time comes to build, with all the citizens, this country of Québec. We shall be there to design this blueprint for society that we

cherish, a dynamic, prosperous society, concerned about social justice, about the distribution of wealth throughout Québec.

The Chairman (Mr. Jean Campeau): Thank you, Mr. Gaudet. I must remind members: Not too many whereases, direct, straightforward questions. Mr. d'Anjou, followed by Mr. Dufour.

Mr. d'Anjou: Good morning. In your brief, you state clearly that you wish to keep the Canadian economic space and, in particular, on page 23, you say, specifically, that in any negotiation of an economic union with Canada, the maintenance of this allocation, the allocation of production quotas, in agricultural and dairy sectors, and import controls must be considered to a first priority. These quotas are established under a federal system that entails an agreement to allocate the production of certain products among various producers. From the moment that there is no longer a federal system, there would, of necessity, have to be an agreement. And I wonder if the chances are good, if we really burn all our bridges in later negotiations, if the chances are good that we will be able to maintain production quotas. I would like someone to explain whether article 11 of the GATT can protect production quotas.

Mr. Proulx (Jacques): Obviously the chances are excellent, because we must not forget that shares, quotas, definitions and so on come under international conventions to a considerable extent. Everyone within a given area has an interest in being able to protect acquired rights, the tools that have proved their worth till now. To round out this answer, I am going to ask Yvon Proulx, who is an agricultural economist, to provide further particulars.

Mr. Proulx (Yvon): Yes. Listen, as I said to Mr. Jacques Proulx, the chances of succeeding in getting a commitment to maintain this system in Canada are excellent; they are actually obvious. You have to realize that it is not only in Québec... Those who have many fears about this undoubtedly forget that it is not only in Québec that people are interested in maintaining this entire system. Of course, we have a substantial proportion of the dairy quota, 48%, it's quite obvious, it's more than our consumption. But there are 52% quotas, held by producers in other Canadian provinces. In the egg, milk and poultry sector, the proportion of quotas we hold is much smaller than that for milk. That means there are producers elsewhere in Canada who hold a much more substantial proportion of these markets than we do. These producers are extremely interested in seeing this entire system maintained, and they are certainly prepared to negotiate the continuation of the system and the

continuation of the division of the market we now have. That's self-evident. In fact, you will be aware of this if you keep up with agricultural news. If you had seen what happened at the annual meeting of the Ontario Federation of Agriculture very recently, a substantial proportion of the time was devoted to defending, advocating and saying they would defend this system internationally and nationally. It never crossed anyone's mind in this annual meeting to question the fact that the system was going to be put on the back burner or shelved because a constitutional problem was being discussed in Canada.

Mr. d'Anjou: If I have understood correctly, the GATT agreements do not protect production quotas?

Mr. Proulx (Yvon): Of course they do.

Mr. Gaudet: I think another element has to be added at this time. We have to understand how we got in the situation we are now in. What happened to put us there is that, in production in Québec, the producers decided to acquire tools, discipline. It was the producers themselves who decided to acquire these means. The quota systems exist because the producers wanted them. The producers were supported by the State, of course, but, at the beginning, it was the producers who wanted them. One element is important now, regardless of the political status of Québec. Regardless of the division of the Canadian market, it is a continual, yearly debate. I'll give you an example: in production such as poultry for eggs or poultry for meat, a production schedule is established each year. Because the schedule is drawn up in advance for a period of one year, each year, the same debate takes place about the criteria the producers support for participating in the national agreement. But, regardless of the status, the division of the Canadian market is not something that can be taken for granted by Québec producers. It can't be taken for granted; it's a continual debate. This means that we have to maintain our negotiating ability. And you have to understand that the other parties across the table from us when we discuss the division of the market take their own interests into account. When you ask me a question like that, it refers to... if I were the only partner imposing rules on the others... But we have to understand that the others who are facing us also have economic exchanges, in agricultural terms, to be carried out with us. If it proved necessary, we could go further in this regard.

Mr. d'Anjou: Thank you.

Mr. Proulx (Yvon): Perhaps supplement through article 11.

The Chairman (Mr. Jean Campeau): Perhaps, could it be included in another question?

Mr. Proulx (Yvon): OK.

The Chairman (Mr. Jean Campeau): Mr. Ghislain Dufour.

Mr. Dufour: I am going to give you the opportunity, Mr. Proulx, because I am going to continue along the same lines. In what way... the problem you have today, and I agree with Mr. Gaudet, there are negotiations, we can assume hypothetically that they will continue... in what way would a sovereign Québec give you more clout than you now have in regard to the problems you have with Canada? And in the same vein, I clearly understand your problems in the Canadian delegation to the GATT - Mr. Proulx has just experienced them - but in what way would a Québec that is alone give you more power than a Québec within Canada?

Mr. Proulx (Jacques): First of all, we have to stop thinking that Québec will be alone. Québec is going to be with a set of countries that have the same philosophy. Wherever that may be. Everyone has special interests in that regard. The shortest answer I can give you to the question about the way in which things will improve is that I would rather be seated at the table speaking loud and clear than be obliged to whisper in the ear of a person who is going to speak for me. That's how things will be better.

(10:15 a.m.)

Mr. Dufour: That's in the GATT, but at the Canadian level...

Mr. Proulx (Jacques): Even at the level... At the Canadian level, listen...

Mr. Dufour: No, no... At the Canadian level...

Mr. Proulx (Jacques): You are surely aware, as Pierre brought up earlier in his presentation, that we have two types of agriculture in Canada...

Mr. Dufour: Contradictory types.

Mr. Proulx (Jacques): And it's been that way since Canada's beginnings. Québec chose an agriculture... it chose to diversify its agriculture. Agriculture in Québec chose to participate actively in the blueprint for society which developed in Québec. And from then on, it entered into a kind of social contract with all of Québec society, and agreed to pay the price, as did the rest of Québec society. So, its agriculture developed according to its needs, according to its capabilities, and it assumed the res-

ponsibilities thus implied. All the while, Western Canada in particular... Because when I speak of Québec, Ontario used somewhat the same model, the Maritimes, more or less. During this time, the rest of Canada developed another type of agriculture, i.e. that of high-ranking civil servants, a monoculture, an export agriculture, which, in fact, is based on nothing except the good will of unknown or unseen decision-makers, or shall I say, not unknown but unseen, so much so that the federal government has always favoured, which I think is no secret to anyone, agriculture... as far as the federal government is concerned, the department has always favoured... And the best example of this is that the Department of Agriculture in Ottawa is probably one of the few remaining departments where - I'm not speaking of non-Francophones because I'll be sure to get rapped on the knuckles for it - where the decision-making levers are actually still in the hands of people from Western Canada.

Mr. Dufour: Mr. Proulx, I won't attempt a reconciliation between you and the federal government...

Mr. Proulx (Jacques): No, it isn't that...

Mr. Dufour: We only have 10 minutes, you and I. In your brief, you conclude: "If Québec achieves sovereignty democratically, all the work will still have to be done." You come here and tell us this, all or almost all the groups come and tell us the same thing, can you imagine the colossal amount of work that will be left to do in Québec the day after. And you say, a little further on, or earlier in the brief, that even if, by and large, and this is one of the only briefs to say it, the federal government was perhaps beneficial to Québec, it is not the case with agriculture. The problem, as far as I'm concerned, and I brought it up with Mr. Turgeon, for that matter, when he came to defend the culture question: Who is to say that in a future, sovereign Québec, the repatriation of income tax moneys paid to Ottawa will in fact go into agriculture? So many demands have been made around this table. I was listening to Radio-Canada before, the spokespersons for Radio-Canada... as you can well imagine, Radio-Québec will ask for a lot of money! I, for one, wouldn't want to be Minister of Finance the next day, Mr. Proulx!

Mr. Proulx (Jacques): Well, myself...

Mr. Dufour: What guarantee will you have, a little...

Mr. Proulx (Jacques): There is no more guarantee there than elsewhere, but leave it to us, we will go after our share.

Mr. Dufour: Yes, but the problem for me is that I've heard 250 briefs, and 200 of them say what you say, and there won't be more money simply because we're sovereign! Therefore...

Mr. Gaudet: The difference between dream and reality becomes apparent when we get down to the question of work. And we, the producers, are used to work, and we are not at all concerned about our ability to do it. I gave an example before, which might seem superfluous to people who, like yourself, work at very specialized levels, except that if there are no ordinary people at the lower levels who put on their work boots, if there are no ordinary people at the lower levels doing the real day-to-day work, you can do what you want, but I mean, at the end of the line, you won't have...

Mr. Dufour: I agree with you...

Mr. Gaudet: Try, just for laughs, to take a \$100 bill and cook it in a saucepan!

Mr. Dufour: What I mean to say, Mr. Gaudet...

Mr. Gaudet: Tell me what it tastes like!

Mr. Dufour: These ordinary people, who will want to listen to Radio-Québec everywhere, who will want the best in education services, who will want better health care services, will have to rely on producers like yourself; you are the ones who create the wealth, I agree with you on that.

Mr. Gaudet: I simply want to add, Mr. Dufour, that what seems important to me is that, in the final analysis, we are not worried about our capabilities, because our people have been at work for 60 years and have proved themselves. We have proved ourselves and we don't have to do it all over again. It is realistic to say: In any case, nothing can be taken for granted, no matter what the status is, and with the constitutional status of a nation, we will have more ways and means of taking action, because we won't be addressing a middleman, we'll be speaking directly to those around the table where the action is.

Mr. Dufour: Anyhow, I find your brief very honest when you say that everything will still have to be done.

Mr. Gaudet: Honesty comes naturally to us.

Mr. Dufour: You are more or less owners of businesses.

Mr. Proulx (Jacques): Yes, and it's probably worthy of note that we have 40 000 small and

medium-sized businesses controlled by owners who do both the work and the administration. We are very important businesses. And I think they know what they're doing when 99.3% of them decide that they want sovereignty for Québec.

Mr. Dufour: I should tell Mr. Proulx, for that matter, that the CSST is one issue on which we share the same side of the table.

Mr. Proulx (Jacques): That's right.

The Chairman (Mr. Jean Campeau): We now have Mr. Ouellet.

Mr. Ouellet: Thank you, Mr. Chairman. I read your brief very carefully. I would like to ask you why you absolutely always feel the need, in order to justify the position you've taken, which is to recommend sovereignty, and I have no objection to your doing it, you have every right to do so, but in order to support this position, you feel the need to discredit the federal government's agricultural policies, and I wonder why.

It reminds me of this father with two daughters, one who studies at the Université de Sherbrooke, and the other who studies in New York. Evidently, it costs him much more to pay for studies and living expenses for his daughter in New York than for the one in Sherbrooke. The fact that the one in New York costs him more doesn't mean that he loves the one in Sherbrooke less. The Canadian agricultural policy is divided into very specific sectors. The dairy policies apply to Québec, the grain policies apply mostly to Western Canada. The Canadian government has programs to help agricultural producers in Western Canada compete on the international market. Obviously, it costs more to help them compete with American producers, who are heavily subsidized, or with European producers, who are very, very heavily subsidized. On the other hand, with respect to the Government of Canada, past or present, you are unfair in claiming that it does not do its share for the agricultural producers of Québec. The dairy production program is a program with quotas which protects and heavily subsidizes the dairy producers of Québec.

You said it, 48% of dairy production, of industrial milk, is controlled by Québec producers. Consequently, when you answered Mr. d'Anjou's question earlier, you said: The GATT protects us. The GATT protects a program with quotas like this within a country. If Québec leaves Canada, Québec can have its own program of quotas for industrial milk for Québec, for its new country. Canada, protected by the GATT can also have its program within Canada. But earlier Mr. Gaudet was saying: We must constantly fight to try and hold onto our 48% quota, because the

other producers want a slice of it. But the question is a very simple one. Do you not think that, once outside, they will try, not the next day, for you certainly can't change your production and produce enough to meet your needs immediately, but over a period of months and years, the dairy producers in the rest of Canada may perhaps want, within a Canadian framework, to become self-sufficient. That is my first question.

My second question relates to what you say at the outset, that you are against Meech Lake. Good. You were against Meech Lake, you thought it wasn't a good idea, and then later on in your brief, we read and note that it was because of the failure of Meech Lake that you finally decided that Canada was not a good idea, and that enough was enough. Therefore, I ask myself, if Meech Lake had been passed, would the UPA have taken a different position? Would the UPA have remained pro-Canada?

Mr. Proulx (Jacques): I'm sorry, I didn't understand, just the last part.

Mr. Ouellet: If Meech Lake had been passed, would you still be sovereignist?

Mr. Proulx (Jacques): Yes.

Mr. Ouellet: ...Or would you have agreed to...

Mr. Proulx (Jacques): Yes, because Meech Lake was extremely hazardous for us, because it opened...

Mr. Ouellet: So you were against Meech.

Mr. Proulx (Jacques): Yes, we were against it.

Mr. Ouellet: Regardless of whether it was passed or not...

Mr. Proulx (Jacques): There was no... we were against it, we didn't want it to pass, but...

Mr. Ouellet: Fine. So why are you now making such an issue of it, and reproaching those who supposedly prevented Meech from being passed?...

Mr. Proulx (Jacques): We aren't making an issue of it. We are simply exposing the facts.

Mr. Ouellet: Yes, you do make an issue of it, because I read in your brief, and, in the final analysis, it is one of the basic reasons why you tell your members that separation is necessary, and I ask myself... I accept that the UPA took a stand in favour of sovereignty, but was it voted on by secret ballot, or at a general meeting

where a vote was taken by a show of hands done quickly in a matter of a few minutes?

Mr. Proulx (Jacques): May I begin with your last question?

Mr. Ouellet: And you will answer the first one too.

Mr. Proulx (Jacques): You will be very pleased with us besides, because, first of all, we are not new wave nationalists, you know that, Mr. Ouellet. You were a minister in Ottawa for a long time, and you know that our claims were always made in the best interests of Québec. There were fundamental reasons.

Mr. Ouellet: I accept that. I accept that.

Mr. Proulx (Jacques): Throughout history, our positions have always been very clear on that score, very, very clear. You remember that last year, at our conference, we passed a resolution asking the provincial government to repatriate all powers concerning agriculture, the whole jurisdiction, if Canada is not able to respect Québec's demands. It was passed unanimously at the conference, unanimously. We continued to make headway, as did everyone else. It was easy enough, it's obvious that it was easy enough. We conducted a poll which revealed that 72% of the people – and you can examine our questions and contest them you like, but they are not biased – 72% of our people decided they wanted either independence or sovereignty. So, let's stay with sovereignty. The remaining 5% and a bit wanted to keep the status quo.

An important fact should be pointed out: 40% of our Francophone farmers want sovereignty, a fact I'm very proud of. That must be because they have complaints. Then the resolution was... There was a committee formed which looked at the whole situation, which elaborated a proposal. This proposal went back to the grass roots, back into our regions, and was discussed by the local unions, and then brought back to the conference to be discussed in workshops, where, I must tell you, it was the subject of great deliberation. Changes were made. Things were added to it, and let me tell you, there was a great deal of discussion on it before it was brought before the plenary session where 99.3% voted in favour of the resolution. So, three against, two abstentions.

Mr. Ouellet: By a show of hands.

Mr. Proulx (Jacques): By a show of hands, yes.

Mr. Gaudet: It perhaps should be pointed out that it's part of our history. The kind of

vote taken in the UPA structure... it isn't an election for the leadership of a political party with all the hoopla of a convention. People get up when they want to, and remain seated if they don't want to get up. This is how things are done within the union's organizational structure; that's how it functions.

Mr. Ouellet: How many remained seated?

Mr. Gaudet: I, myself, I agree with you...

Mr. Ouellet: How many remained seated?

Mr. Gaudet: Two, Mr. Ouellet. So, Mr. Chairman, I would also like to point out that in...

Mr. Ouellet: Union scare tactics.

Mr. Gaudet: I simply want to point out, Mr. Chairman, that in my initial presentation, I neglected to tell you that I wanted to table the two resolutions adopted at our conference, which are right here before us. This will allow everyone to understand exactly what the people stood up for.

The Chairman (Mr. Jean Campeau): Perfect, Sir.

Mr. Proulx (Jacques): The other... If you will just allow me to add two other questions, Mr. Ouellet. First, we do not discredit the federal government. I'm sorry, Mr. Ouellet. We are simply stating the facts, the situation as it stands. When, for example, we present tables which compare the percentages spent by Québec with those spent by the federal government in Québec, we are not the ones, you are the ones who tell us that we are all Canadians, that we should all be treated equally. And I, myself, see the inequalities. These are tables we are presenting, these are facts, these represent the situation as it is. It's not a question of discrediting anyone. And maybe on the quotas, if...

A voice: Yes, I would like to add...

The Chairman (Mr. Jean Campeau): We can talk about quotas in the context of another question. So we carry on now with Mr. Nicolet.
(10:30 a.m.)

Mr. Nicolet: Thank you, Mr. Chairman. I would like to hear what you have to say about quotas because I think it's a subject which has come up time and again in the regions. I won't go back to the circumstances of its being raised, but I believe it would be important to explain the underlying economic realities holding Québec and the rest of Canada in balance. You were

reproached for holding onto a protected market by the system of quotas, and for not being implicitly in a position to compete on an open market. And I would like to hear your views on the ability, and this added an extremely interesting dimension to your brief, on the ability of Québec agriculture to adapt to this reality. And I would have a second question, which we can come back to later, which is of an entirely different order.

Mr. Proulx (Jacques): I will ask Yvon Proulx, who...

Mr. Proulx (Yvon): Well, yes... first I want to say that, on the subject of quotas, since it has come up again, in reply to Mr. Ouellet, who said a minute ago that in a system where Québec was sovereign, Canada would develop its own system for managing supplies, and we, ours, and Canada would set out to produce and replace what is now produced in Québec and consumed in the rest of Canada... Unfortunately, Canada is not in a position to do that, because developing an alternative production capacity, a capacity for replacing the supplies which now come from Québec, is something which would take three or four years. Once the three or four years were up, once they were ready to put the supplies on the market, by virtue of the present GATT rules, they would have to continue to import what they have traditionally imported. They will have to continue to get supplies they had to get elsewhere while they developed, while they tried to develop this alternative production. Like ourselves, if there was management of beef supplies, the \$750 million worth we get from Alberta... if we were to decide to develop our own supply... once we had developed that production capacity, we would have to continue to import what we have traditionally imported. These are the current GATT rules, covering a five-year period. Of course, it takes four years to develop this alternative production capacity.

Mr. Ouellet: Yes, but you will lose a little bit every year.

Mr. Proulx (Yvon): In such a way that they won't be able to do it.

A voice: In other words, after four years, after having invested in a capacity...

The Chairman (Mr. Jean Campeau): It's Mr. Nicolet's question.

Voices: Ha, ha, ha!

Mr. Nicolet: Ha, ha, ha! It's alright, Mr. Chairman. I'm not at all offended that the answer is directed elsewhere.

Mr. Proulx (Yvon): Mr. Nicolet also mentioned Québec's ability to compete. We produce milk, which is a protected sector. Even in the dairy sector, our ability to compete is very real. Even the worst scenario, like the rest of Canada wanting nothing to do with negotiation in this area, we are in a position to fight back. Remember that the dairy sector in particular, you know that with milk for drinking purposes... milk for drinking purposes is supposed to reflect... it is administered provincially, the costs of production, calculated in each province. Do you know where the price of milk for drinking purposes is lowest? In Québec, obviously. Which means that the costs of production are lowest in Québec; consequently, we are fully capable of defending ourselves on that score. There's no problem there.

Mr. Nicolet: And in relation to the United States perhaps?

Mr. Proulx (Yvon): In relation to the United States, I read something yesterday which may surprise you. Do you know that in the United States, for five or six years now, a policy has been administered for reducing subsidies, for deregulation and free flow of goods? Well, the article I was reading yesterday said that during that period, so many producers went bankrupt, so many producers became discouraged, that production fell drastically, so much so that they were left with a certain shortage of these products, and that the price of dairy products, the price of milk in the United States rose to unprecedented heights, and that the consumer is paying for it and will continue to pay for it. Consequently, the policy in the United States has been to reduce subsidies, to reduce prices, as an offensive aimed at winning back world markets which had been lost earlier through their own mistakes; we won't discuss it in detail, but American producers are feeling it, really feeling it. Farm bankruptcies, bankruptcies of agricultural banks in the United States are extremely numerous. The Americans try to display an extraordinary ability to compete. But take a look at what is happening in concrete terms. Not to mention, obviously, the instability and disorganization with regard to production.

Mr. Nicolet: On another subject, I believe I still have a little time, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Yes, Sir.

Mr. Nicolet: We know how important quality of life is to the expansion of Québec agriculture in the regions. And from the viewpoint of a blueprint for society, what constitutional or other guarantees would you like to see in the structure of a reconceived, restructured Québec, to ensure this quality which is so essential to

your production?

Mr. Proulx (Jacques): I must tell you that, in the very near future, at the estates general to be held in February, we will be ready to present all the requirements around which this quality of life revolves. So I think this constitutional debate, this extensive rethinking of the rural community, of all partners, comes at a good time, and I cannot set priorities this morning without showing lack of respect for the other partners in the rural community. So, I will say that, as of the morning of February 6, we will be in a better position to present our demands, maybe not completely, but as accurately as possible, because agriculture has realized that it cannot meet the needs of the milieu by itself. All of agriculture, along with the rest of the rural community, will be important in the new constitution, in the new Québec. Thank you.

Mr. Nicolet: Thank you, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Good. We carry on now with Mr. Larose.

Mr. Larose: Thank you, Mr. Chairman. Did you say earlier that 40% of your Anglophone producers had responded positively?

Mr. Proulx (Jacques): Yes, I don't say Anglophones, but non-Francophones. So, it's the great majority of Anglophones or Allophones.

Mr. Larose: OK. I would like you to tell us a bit about the producers in English Canada, or your counterparts in English Canada. Because when we look at all the different organizations that came before us, and try to identify their counterparts in English Canada, it would seem that there are many approachable people on the other side. Take the unions, for instance. Bob White, first of all. He says: Look, democratic decisions must be respected. For sure, morally speaking, people must negotiate. If we look at women, it was talked about too, but on the whole, the groups which appeared before us are not happy with their counterparts. That is to say, they would like things to work well and to be harmonious, but if things should develop otherwise, they will respect that too. As far as the producers are concerned, what are the feelings... are they... I heard your rather pragmatic description of the world scene. Would Anglo-Canadian producers not be pragmatic? In other words, the somewhat apocalyptic description we get of English Canadians being sleeping monsters, who could easily get completely out of hand when roused, no longer recognizing their own interests, going into a blind rage, wanting to jeopardize the rights of their minorities, taking over our territory... Could we already be allied with these monsters?

You know, or... Or in such a way as... As for myself, I simply want to know: Is there talk on the other side? Even with a battle going on, is there still talk?

Mr. Proulx (Jacques): So, look, the other side, as far as the other side is concerned, relations are very good with English Canada, with the farmers, for that matter. They are civilized people and all the rest, even if their views on agriculture, on the development of agriculture, are not the same as ours. They are people who, for all sorts of reasons... I think the first reason is the different way of seeing a society; we are Latins, they are Anglo-Saxons. What can I say? We don't develop at the same pace, we don't see things the same way. Our relations are excellent, and I must tell you that, on a Canadian level, we have played and still play a very important role with these farmers. We've enabled them to develop tremendously. So everything is not black there, nor will everything turn white tomorrow morning. I think our brief is clear on that score.

With regard to the overall policies, the few overall policies which have developed in Canada, I would say, and I'm proud of it, that it was Quebecers in particular who helped other producers develop. There's no recrimination in this regard, except for a few particular groups. On the whole, there's no great conflict or anything of that sort with Canadian producers. Still, we are fed up just the same. We're tired of having to prod them. We are tired of having to continually explain to them the importance of farmers having an income. You know, we are weary, weary of having to prod others. And we always have to begin again, and that's a problem. There's no end to it. We've made some gains over the years, we made a lot of gains, but you can never count on them... That's the problem. It's never settled once and for all. One always has to begin again. I could talk about the battle of Crow's Nest Pass, when no sooner had the ink dried than they were trying to trip us up again from the other side. On the contrary, there is the old Anglophone mentality, the old mentality of the federal government on agriculture, of holding onto policies which are largely outdated. It's a mentality that's firmly fixed, that can never be uprooted. And this is where we have major problems.

Mr. Larose: Do I have a little time left, Mr. Chairman?

The Chairman (Mr. Jean Campeau): Just for a quick one.

Mr. Larose: OK. I just wanted you to specify the democratic quality of your procedures, because I know well that demagoguery is often the argument used by those who have no

argument. You said that it was a vote with 97% or 98% massively in favour, but that it was the result of mandates taken in each of your local units. Is that correct?

Mr. Proulx (Jacques): Yes, Pierre.

Mr. Gaudet: I, myself, think it important to explain the procedures we followed in relation to the brief. Former UPA positions, other conferences took a stand, but in relation to the brief, the General Council of the UPA, that is, the presidents of each of the federations, regional as well as specialized, gave a mandate to a committee to prepare a brief, and appointed members to the committee who were also producers, plus a few technical resource persons. The brief blueprint was then submitted to the members of the General Council and to each level of authority in the organization. The brief you have taken note of today was voted on by the conference. In order to get a somewhat broader consensus outside the organization, so as to guarantee against possible allegations of arm-twisting, which we wanted to avoid, we asked a specialized firm to conduct a poll among producers, among the 48 000 on the list, taking into account territorial distribution in relation to the number of producers per region, and distribution in relation to production as well, all of which was done. The result was as follows: 99.2% or 99.3% of the delegates voted in favour of adoption of the brief, and adoption of the resolutions which are tabled here; both resolutions, one of which demands specifically that women's rights be recognized in the Constitution... That is the system we used, and I can honestly say that we are very proud of it.

Mr. Larose: Thank you.

The Chairman (Mr. Jean Campeau): We shall now continue with Mr. Turgeon. Quickly.

Mr. Turgeon: Very briefly. I must tell you that I've been fortunate enough, thus far, to play the role of a farmer many times, especially on television. I must look like one.

Voices: Ha, ha, ha!

Mr. Turgeon: I'm very proud of it, because if you look closely you realize that people who work the soil, I don't know why, but it seems that people who work the soil are not capable of being illogical.

Having said that, Mr. Proulx, you told us that you represent 40 000 small and medium-sized businesses. That's enormous, 40 000 small and medium-sized businesses. Actually, enough to make our friend, Ghislain Dufour, of the CPQ, shake in his boots... 40 000 small and medium-sized businesses. But what happened all of a

sudden to make 40 000 small and medium-sized businesses in Québec unafraid of sovereignty?

Mr. Proulx (Jacques): I must tell you that the lack of fear isn't sudden. They have been convinced for a very long time now, that it's the logical outcome. Sovereignty is the culmination of an ongoing process they've been part of for many years, a great many years, made possible by the trade union movement, by combining their forces, by the recognition of a multitude of things. So it is a progression which is altogether natural, and after looking elsewhere in Canada, elsewhere in the United States, elsewhere in the world, they are ready to take it all on. They feel ready because they have equipped themselves with the instruments and the means. They have learned to work together. They have assumed responsibility and realized over the years that they had the best organization, that they had developed a model which was being imitated again and again throughout the world, and that it was a model for the future, that is to say, one for the family farm, for the right to property, management, for controlling one's situation.

(10:45 a.m.)

They are saying: Why would we not continue, why not go further, and give ourselves the means to control our own affairs in an overall way, and not merely in farm or municipal matters? It's entirely natural for them, and I think the results are there to prove how natural it really is, because they see that elsewhere in the world, where people have complete autonomy, they are able to develop culturally, socially, economically and politically. Difficulties still lie ahead for them, there will be other struggles. Nothing can be taken for granted, except that we will stop whispering in the ears of others.

The Chairman (Mr. Jean Campeau): The next group of questions belongs to the Government parliamentary group. Mr. Gilles Rémillard.

Mr. Rémillard: Thank you, Mr. Chairman. Gentlemen, welcome to the Commission. You represent people from one of the finest occupations in the world, if you will allow me to pay homage to you, that of feeding their fellowman. The brief you present advocates sovereignty-association. If I may, I would like to return to certain elements of the discussion we've had so far concerning the possible consequences for your members of sovereignty-association or independence on agricultural markets.

We know that in all international organizations, the agricultural issue is one of the most difficult. It must be borne in mind, for example, that in the European common market, the Group of 12 of Europe, the very existence of this federation, of this Confederation, of this

association of European States, is regularly called into question. It is called into question because there are very difficult discussions with respect to the distribution of agricultural quotas. You've just returned from the GATT meeting, Mr. Proulx, where the agricultural issue almost led to the break-up of the GATT.

Our problem is perhaps one of the big paradoxes of this century. While thousands and millions of people are dying of hunger, poor children dying of hunger every day in some part of the world, here at home, the problem is that we produce more agricultural products than we are able to consume. As a result, the economic interplay is often difficult to establish. This is the context here at home, in Canadian federalism, in which the distribution of agricultural products has been carried out, as we know. We usually say: Québec is the milk cow of the Canadian federation. As we said that Western Canada was the granary, etc.

I have some statistics here which were sent to me. They say: Québec buys almost 20% of its fodder supplies and almost 90% of its grain supplies for human consumption from Ontario and Western Canada, at a cost of more than \$200 million annually. From Ontario mainly, we buy large quantities of a variety of fresh, processed and prepared food products: fruits, vegetables, eggs, chicken croquettes, cooked foods, etc. From Alberta, we buy close to \$1 billion worth of beef annually. From the Maritime provinces, we buy almost all our frozen, fried potatoes. And some other statistics. It says here: Québec produces 21.8 million hectolitres of industrial milk, generating slightly more than \$1 billion in cash receipts for the farms. It says: The latest data indicate that in 1989, there were 60 plants for processing dairy products, 24 of which were cooperatives, and 36 privately owned, distributed throughout all the agricultural regions. The shipment value of these businesses totals close to \$3 billion.

With all these statistics, all these data, your members took a very clear position in favour of sovereignty-association. But the experts all came as well and said to us: Be careful! Sovereignty-association means discussion with others, partnership. If it doesn't work, we must be ready for independence. And even you yourself, earlier, if I understood you correctly, said: Fine, independence or sovereignty-association. Have you weighed the consequences, in relation to these markets, for Québec farmers? Have you weighed them in the balance? Do you have any reactions to share with us in the light of these economic data?

Mr. Proulx (Jacques): Yes. I will answer very briefly, and Mr. Loubier will finish. Because you have come up with a lot of real data. Yes, we weighed this very carefully, and if we had more time, we could set down, whenever time

permitted, how the producers reacted. For instance, how did the dairy producers respond to the positions we took? This is very significant. We weighed all that in the balance. Obviously, all hypotheses were advanced. But I think your answer is in the question. When you look at everything the others export here, we have tremendous negotiating clout. Yes, we produce a lot of milk, but they sell a lot here at home too. If you will allow me, Yvan could perhaps finish by commenting on the data.

Mr. Loubier (Yvan): Precisely, as Mr. Proulx underlined, an interdependence between the Canadian provinces has grown up with regard to manufactured food products. Québec has a trade deficit with Ontario, for example. Ontario ships some \$1.5 billion worth of manufactured food products, whereas Québec's shipments of manufactured foodstuffs are only valued at \$1 billion. So there is a \$500 million deficit in favour of Ontario in terms of this trade.

You mentioned beef from Alberta. It supplies 90% of the Québec market. And Albertans sold an average of \$750 million a year over the last three years on the Québec market. The same is true for potatoes from Prince Edward Island and New Brunswick, with shipments valued at \$37 million annually. So an interdependence has been created, and that is what makes us say that the other Canadian provinces would not be giving anything away by allowing us to maintain the excess quotas for industrial milk production, which are counteracted by the shipping of dairy products in the other Canadian provinces. They wouldn't be giving anything away, since they export products to us as well.

Secondly, they wouldn't be giving us anything, because the present GATT rules, which takes me back to the original question, can recognize economic union within the area of a sovereign nation, as they did for the European Economic Community, and recognize the application in this area, in this type of economic union, the application of article 11.2(c)(i) of the GATT which provides for control of imports.

Mr. Rémillard: If sovereignty-association were negotiated, would the same kind of agricultural production be envisaged, or would you like to negotiate a new sharing, that is, a more balanced beef production, or I'm not too sure what? Would you want us to sanction, in a partnership agreement, what already exists, or would you perhaps entertain the wish to renegotiate everything?

Mr. Proulx (Jacques): Look, if we had to decide this morning, I would say that we should negotiate what exists right now. We have an expertise, expertise in production, in processing...

in some areas of production through our cooperatives, we are still almost 100% present. I mean to say: We put it on the table, we discuss it this morning. Obviously, in certain sectors, we can conclude certain things. It would be important to try and get certain production volumes, if you will. But all this needs to be thought about in the context of a discussion, of negotiation. And everything will depend as well on the direction given to the development of Québec society in general, and agriculture in particular. So this morning, it is premature to say: We will try to boost our beef production a bit, a little more of this, a little more of that. That will be up to us to decide. It will be up to those involved to decide... For example, we can decide to produce x% less milk in order to favour beef production, or to favour sheep or poultry production. But we are not in a position this morning... It's evident that there is room. There is a lot of room in certain areas of production, a lot of room. Maybe, so as to secure a strong negotiating position with our chosen partners, which will most likely be the other provinces, we might try to open more markets for what we import from elsewhere. By elsewhere I mean other countries such as Australia, New Zealand or even the United States, or I don't know... even further afield. Because we are promoting economic union, first and foremost.

Mr. Rémillard: If the GATT collapses or suffers a setback, which is highly possible, you are very aware that it would mean we would be left with the rather large-scale continentalization of economies. Which means that in North America, there is this group we are coming closer and closer to creating: The United States, Canada and Mexico. And in Europe there will be the Group of 12, the Group of 22, and even in Eastern Europe, there's the Warsaw Pact, which will become more and more of a trade pact as well. There will be Asia. In short, a real continentalization will materialize. In this context, and always in relation to our dairy production, which, for us, is practically the keystone of our agricultural economy, do we have potential clients other than the Canadian provinces?

Mr. Proulx (Jacques): Obviously, if the GATT collapses, we would have to substantially rethink our entire production, every aspect of our structure. Québec has a future in that it can maintain and even improve its position as the best, and have very specialized niches. There's no other way out. Québec, in our opinion, has no outlet in volume trading, but it has outlets in very specific things, in premium quality things. For us, really, the very specialized niches are the passport to the future, the passport to prosperity for our agricultural community, and, I think, for the rest of society.

Mr. Rémillard: Do I understand you correctly? Are you telling me that it's important, then, to hold onto our position, and to protect the GATT? Is that what you're telling me?

Mr. Proulx (Jacques): I am more optimistic than you. I don't think the GATT will collapse, but I think we should make every effort possible to keep the GATT, because the future isn't in bipartite agreements, but in multi...

Mr. Rémillard: So in that context, you told us a while ago that you would rather speak out than whisper.

Mr. Proulx (Jacques): Yes.

Mr. Rémillard: On the other hand, speaking out when you belong to a group like Canada can have its clout. I was looking at a brief, for example, that we will hear tomorrow, Mr. Daniel Latouche's, I believe. Mr. Latouche writes in his brief: "This doesn't mean that Québec will not have to make adjustments. In certain cases, the effects on Québec will be more deeply felt because Québec will no longer have the benefit of Canada's negotiating strength. To maintain that Québec would have more influence at the GATT than Canada, at the present time, is to fantasize". Who's fantasizing here?

Mr. Proulx (Jacques): Listen...

Mr. Gaudet: The fellow wrote that.

Mr. Proulx (Jacques): That's right. I disagree with that entirely, because, as I explained to you before, there are obligations. Canada has a policy at the international level. We had a position, the last one, at the GATT, which is a position acceptable to everybody, because we made many compromises, but which is based on... which isn't firm, we can talk about it among ourselves, which, in fact, is extremely shaky, and you know that better than I because you move in the highest circles. I would perhaps ask Yvan to give you some examples, just the same, of much smaller countries than Canada which have a lot of clout in international affairs.

Mr. Loubier: To begin with, it must be pointed out that the GATT functions by consensus of its 105 contracting parties. Obviously, in the present agricultural debate, two blocs dominate, the United States and the European Community. But under normal circumstances, it functions by consensus, and by alliances of groups of countries with common interests to defend. So Québec's weight within it depends on the alliances it could form with countries defending the same general views on

international trade, or on agricultural development. There are certain sovereign states which are comparable to Québec right now, but who have a say in the discussions, and who form these alliances to win an eighth agreement which would be advantageous for them. There's Switzerland, there's Norway, there's Sweden, there's Denmark, there's Austria. A sovereign Québec would be third among countries of the OECD in terms of per capita wealth. It would rank fourteenth among the 25 countries of the OECD, in terms of the GDP, of the gross domestic product. So we are not in such a weak position as all that on an international level.

Mr. Rémillard: I don't want to interrupt you, but time is running short, and I would like to ask you a question. In this context, should we not be fully aware that Québec, being so specialized in terms of its agricultural production, could be vulnerable? And I make the connection with what Mr. Proulx just said. Given that our agricultural production is primarily focused on dairy production, and dairy products are overproduced just about everywhere in the industrialized world, and on poultry farming, which is also in the same situation, does this not make us vulnerable if we are not part of a group such as the Canadian group, when we go to negotiate, first, on the international scene, and then, over our agricultural products?
(11:00 a.m.)

The Chairman (Mr. Jean Campeau): Quickly, if you will.

Mr. Loubier: I wouldn't say so, Mr. Rémillard, because Québec agricultural production is fairly diversified. There isn't only... Well, milk is predominant, that's evident, but it is diversified just the same. Even compared with agricultural economies, even on a world scale. The second point is that the dominant sector, the dairy sector, has been one of the most widely discussed, apart from grains, during the last four years of GATT negotiations. And we've almost reached a consensus, except for the United States and Australia, in saying that dairy production has such a natural propensity to increase its productivity that it must be controlled through the discipline of production by quota, and possibly, the application of article 11.2(c)(i) of the GATT. So I feel we are less vulnerable in Québec than in many other places where the agricultural economy is based on grains and oilseeds, for example.

Mr. Rémillard: I would have other questions, but I understand, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Thank you. We go now to the Official Opposition parliamentary group, Mr. Jacques Brassard.

Mr. Brassard: First, I have a great deal of respect for Daniel Latouche, but on the subject of agriculture, I'm more inclined to put my faith in Jacques Proulx.

Having said that, I would like to go back to Mr. Ouellet's Christmas story and finish it. He didn't finish it. A father had two daughters, one who studied in New York, the other in Sherbrooke. Inevitably, it costs more to study in New York, we know that. Except that what he left out was that the father rented a beautiful apartment for his daughter in New York, whereas the daughter in Sherbrooke lived in a boarding house. During the summer, he treated the one in New York to trips to Europe, while the daughter in Sherbrooke had to work at minimum wage to pay for her studies. End of story. So, understandably, the daughter in Sherbrooke is plagued with doubt and says: "Maybe my father loves me less than he loves my sister in New York".

All that to say that this is the conclusion one comes to when one sees that Québec produces 16% of the total agricultural output in Canada, and only receives 6.4% of federal outlays, of federal subsidies of all kinds. It's glaringly obvious, as you said, Mr. Proulx, those are the incontestable facts. They are not opinions.

But you indicate as well that, not only do present policies favour, first and foremost, all of Western Canada and the grain farmers, but we realize that as far as plans and new policies to be implemented are concerned, which is what we glean from the paper, from the policy statement, "Partners in Development", issued by the federal government, we realize that the federal government plans to repeat itself, and implement policies which will accentuate this inequality even more, and which will stiffen competition for Québec producers. And that's within the federal system, it isn't... Québec is not sovereign, it's within the federal system. I would like you to give us a few details on this.

Mr. Gaudet: Well, I think one element must be understood. The exercise carried out by the federal government last year to review Canadian agricultural policy was primarily aimed at looking at what Canadian agriculture's position would be at another negotiating table, called the "GATT negotiations".

What we understand, what we, the agricultural producers of Québec, have no difficulty understanding, is that under the guise of an exercise in rationalization, Québec, in the final analysis, is on the road to ruin. And I think that this hasn't come from nowhere. Let's recall the destructive effects of federal government intervention. Let's recall that in 1973, a Canadian study said that it should not... that agriculture should be developed west of the Ottawa River. Ever since then, on every issue, in

every debate, the same model reappears on the table. It has reappeared with every issue. To give just one example, when we spoke of policies which are... When we say: We are looking for a policy which is equitable... A policy which is equitable according to our definition of the word, but which can be questioned by others... it means that when there is intervention in regard to a product, the intervention should be the same across the board, it should have the same basis, regardless of where the product is made in Canada.

One federal policy that is equitable in Canada is the dairy policy. There is only one. For a milk producer, whether he is in Québec, in Manitoba, in British Columbia or in Prince Edward Island, intervention is based on hectolitres and is the same for everyone. Except that what is being discussed, which is the matter you referred to, Mr. Brassard, the only equitable Canadian policy is now being called into question by the Canadian government, and on the basis of negotiation at the GATT. It's a subtle exercise, but remarkably effective in the long run. What we've done here, we, the Québec producers, we have developed on the basis of what historically have been our mainstays, which we refer to in our documents.

The other element which seems to me to be important for all the members of this Commission is the brief, is the section of the presentation which we had already tabled last November 2, the analytic basis we referred to in coming to this kind of conclusion; otherwise our brief would have been injudiciously thick for presentation, given your availability. So it is evident that the goal itself of the policy review of the overall Canadian structure at this moment, a partner in development, is such that we are not on the map in the discussions as a whole, but what is tabled are the same old arguments, the same ones being brought up again. Examples such as the one Mr. Proulx referred to earlier, the Crow's Nest Pass issue is one. How is it that, in the grain sector, when there is intervention based on production, the intervention is different in the West compared with Québec? Yet, I am a grain producer in Québec. I don't produce milk, I produce grain. Market conditions are as important to my business as they are to a business in Saskatchewan or in Medicine Hat, Alberta.

Mr. Brassard: So, if I understand you well, within the present federal system itself, there are not only inequalities with respect to Québec agricultural producers, but there are real dangers that could become even more serious in the future.

Mr. Proulx (Jacques): It's obvious from what is happening right now, the opening up, the tearing down of barriers, the opening up of

markets, in fact, the opening up to the world... It's extremely dangerous because grains are still the mainstay of Canada's production, still a major concern for the government, and the world grain market is in a terrible bind. So, certainly agriculture in the eastern part of the country is in great peril, particularly in Québec.

Mr. Brassard: Thank you, I want to come back to the GATT, Mr. Proulx. You presented an interesting image at the beginning when you said that the Canadian representative was seated at the table, and the only recourse you and the government of Québec had was to try and whisper in his ear when negotiations and discussions were taking place. When we look at the evolution of the Canadian position at the GATT, and the efforts undertaken by the Québec government and the UPA to ensure that their aspirations, expectations and interests would be properly and adequately defended, I have the impression that either the Canadian representative at the table was deaf, or there was so much noise around the table that he had trouble understanding what was being said. I would like you to tell us, to tell the Commission about the difficulties you had, the trials you went through to see to it that the interests of the agricultural producers of Québec would be taken into account and defended in the position taken by Canada at the GATT.

Mr. Proulx (Jacques): I must tell you that, precisely, over the last four years, in relation to the GATT, or I would say, over the last 10 years, in relation to the many confrontations, had it not been for the great solidarity between the agricultural community and the Québec government in the face of the many attacks, we would have long ago lost many of the gains we had made, and large slices of our competitive worth, of our present competitive capability. It was only in the last month, or two at the most, or one month rather, that Canada made its position known. Before that, Québec agriculture was not protected in any way. It was even offered up as easy prey to try and obtain outlets for grains. What made the government move? Well, I think it was the persistent pressure, which again points to this solidarity between the Québec government and, in fact, the Québec people, the different parties from Québec, the different partners from Québec, against the position elaborated up until that point. The battles are never-ending. Last year, we had to get 12 000 Québec agricultural producers to climb Parliament Hill to demonstrate and show the government...

So it's a continual waste of time, effort and money, spent to gain acknowledgment for what we have achieved for ourselves and paid for in Québec. And that is what is so infuriating in the end, not only are we putting a lot of

effort into development, into shaking off the old stigma, and trying to rise above it, but we are investing our own money twice over, because, as Canadian citizens, we are paying for development elsewhere.

Furthermore, it's the prevailing situation right now, and the whole GATT debates. The crux of the matter is that the federal government is stuck with such a big deficit and so forth, loaded down with so many major problems, as we well know, and it wants to foist the bill onto the provinces. Québec has been absorbing, footing the bill for a long time now, and in the case of agricultural programs, it's the producers who are carrying the load, and now the feds want to palm it off on others, but the others can't handle it because they never learned to carry their weight and shoulder their responsibilities. And what is in the table is most revealing, the one we sent you on November 2; this table lists how federal and provincial expenditures are divided, and for Québec, you have 64% of the total budget for agriculture which is spent in Québec, compared with 36% from the federal government, and in Ontario, the federal government outlay is 52%; in Manitoba, 85%; in Saskatchewan, 88%, in Alberta 71%, compared with 36% for Québec.

So either we're Canadians or we're not. We pay the same taxes as everybody else, and that's what we get. And these are the stakes right now. The fundamental question is: Who is going to support what in the future? And this has repercussions on a world scale. And Canada has its back up against the wall. It is stuck with this situation, and that is why I say that we support the position we have there, even if, at the present time, it is more fragile than a porcelain vase hanging in the balance. And if you had seen, and I'm not giving away any secrets, how the prime ministers of the other provinces behaved, and continue to behave, particularly, Grant Devine and a few others, who are caught with an horrendous agricultural problem... well, it frightens me, it frightens me terribly, because that position will become, for Québec, Québec is the only one targeted at the moment. And they are trying, by every means possible, to point the finger at Québec as the one responsible, along with a few others, for Canada's inability to develop its agriculture and so on. So, at least if we were at the table, they would have to pass their failures off onto the backs of other provinces. And, I, myself, say that the day we are no longer there, do you know who will shoulder the unbearable burden? It will quite possibly be Ontario or other provinces.

(11:15 a.m.)

The Chairman (Mr. Jean Campeau): One last question, Mr. Brassard.

Mr. Brassard: Therefore, a vulnerable

position. Canada's position is vulnerable, as you say, and it's clear that from the moment the... If Québec had a seat at the table, I think it has been clearly demonstrated that the Québec government, I think it should be admitted, has easily recognized the interests of Québec agricultural producers, has come quite easily to their defence, has very quickly become an ally to the Québec agricultural producers. I think it must be said, it must be conceded. Consequently, if Québec were a State, a country, you would be less worried about its behaviour at the negotiating table. That is how I interpret your words. I'm undoubtedly right, because I have a last question to ask you on the subject of urgency.

Until the appearance of Mr. Dion, the feeling was almost unanimous that it should be decided quickly. We must not hem and haw, we must not drag our heels, if I may use the expression. It must be decided quickly. Mr. Dion came and said that we should take our time, that we should take all the time we need. We must not rush into anything, and after that, it began again. After Mr. Dion, groups came back, as you did, and said there was an urgency. I would like to hear your comments on that. The reasons why you say there is an urgency to deciding.

Mr. Proulx (Jacques): The main reason is that 86% of our people, the people we represent, tell us that the problem must be settled very quickly. We can't go on living with this uncertainty. So, obviously, from the media's point of view, June 24 would be a very good day. Moreover, since we already have to give our employees a holiday on that day, we could kill two birds with one stone.

Mr. Brassard: ...The 2nd so that we can celebrate the results on the 24th.

The Chairman (Mr. Jean Campeau): So, Mr. Yvon Proulx...

Mr. Brassard: Or the 23rd so that we can celebrate the results on the 24th.

Mr. Proulx (Yvon): If you will, one day either way won't...

The Chairman (Mr. Jean Campeau): The period is over, unfortunately. Mr. Yvon Proulx, Mr. Loubler, Mr. Jacques Proulx, Mr. Gaudet and Mr. Couillard, thank you for coming and sharing your views on Québec agriculture, hence, on Québec's future. You would be very helpful if you withdrew immediately into the back corridor, because we are already running quite late.

(Proceedings adjourned at 11:18 a.m.)

(Proceedings resumed at 11:20 a.m.)

The Chairman (Mr. Jean Campeau): We are resuming our work. We welcome the Union des municipalités du Québec, and I suggest the same procedure as for the previous presentation. We will try to be quicker, and trust that our guests will not be offended if our questions are direct, and if the introductions are shorter than normal. So, Mr. Jean-Claude Beaumier. OK. Mr. Mercier, would you introduce the people in your party.

Union des municipalités du Québec

Mr. Mercier (Ralph): Yes. Mr. Chairman, Ladies and Gentlemen of the Commission, I am pleased to introduce the delegation of the Union des municipalités du Québec. On my immediate right is Mr. Jean-Claude Beaumier, mayor of Cap-de-la-Madeleine and Vice-Chairman of the UMQ; on my right, Mr. Normand Mandeville, mayor of Dubuisson, chairman of the Vallée-de-l'Or RCM and member of the UMQ board of directors; Mr. Jean-Paul L'Allier, mayor of Québec City and member of the board of directors; and, on my extreme left, Mr. Raymond L'Italien, general manager of the Union des municipalités and Mrs. Diane Lambert, legal consultant and research assistant.

I feel it is important to indicate that the Union des municipalités du Québec is an organization which consists of and represents municipalities as well as RCMs and urban and regional communities. Our members administer 85% of the municipal budgets and represent 80% of Québec's population. Armed with this representativeness and convinced that we have a vital role to play on Québec's political scene, the Union des municipalités du Québec wants to make you aware of its position with respect to the new sharing of jurisdictions and of political responsibilities in Québec.

Our society's recent evolution has ensured the right of citizens to participate in the administration of public affairs. This right is a recognized democratic principle, and it is locally that this right can be exercised most directly. The municipalities form a front-line level of government in protecting the citizens' interests. Citizens can express their needs and sensitize the municipal officers directly at municipal meetings. Therefore, an election every four years is not the only basis for exchange with voters.

The existence of local communities vested with real responsibilities enables an administration to be both effective and close to the citizen. This movement has been ensured over the years by the growing responsibility of municipal decision-makers, who have acquired a fiscal autonomy for Québec that is unique in America. However, the number, the territory and

the powers of local administrations exist only according to the pleasure of the National Assembly. This situation is a vestige of colonial times, when democratic foundations were not very sound. The fiscal autonomy acquired through the application of what we call "the 1980 fiscal pact" makes it easier to balance the municipalities' budgets. This financial autonomy thereby allows the municipalities to attend to the interests of the citizens.

After making numerous observations, the Union des municipalités du Québec believes that one of the ways of giving greater importance to, of respecting the pre-eminence of the citizens, will be to ensure the existence of a local order of government which is democratically elected, responsible and autonomous in its fields of competence. This sort of guarantee would establish the basis of citizen representation toward these elected representatives.

For the Union des municipalités du Québec, the adoption of such a guarantee must in no way be subordinate to the results of the current discussions on the constitutional future of Québec. Still, this recognition will be all the more necessary should Québec repatriate the powers that give it room to manoeuvre and a new potential.

The Union des municipalités du Québec therefore recommends that all blueprints for society be hinged on the pre-eminence of the taxpayers and include official recognition of the status of the municipalities in a constitution, fundamental law or charter. The municipalities could in this way benefit from a delegated form of government, with enshrined and defined constitutional guarantees, which would truly serve the interests of the member citizens of their local communities.

The Commission should be reminded that these citizens delegate part of the responsibility for our society's political future to the municipal authorities. This share is increasing, whereas all the analysts of political institutions recognize the limits of the State as provider and the return and strengthening of community and local values. This evolution will foster the rapid development of local governments. As a corollary, the municipal authorities will need to have the guarantee of stability and growth. The municipal status to be established in a Québec which has repatriated some or all of the powers of an autonomous government should also include the other guidelines outlined by the Union des municipalités du Québec: ensuring the pre-eminence of the taxpayer, both individually and collectively, in the protection of his or her economic, social and cultural interests; imposing no taxation without representation; establishing a formal means of transferring responsibilities between governments; making no transfer of responsibility without a transfer of powers; maintaining the power to tax and to spend;

making sure that all transfers of responsibilities are made with regard for the rule of efficiency.

These guidelines should transcend and govern all discussions on the political and constitutional future of Québec. The taxpayers' interests do in fact compel the leaders to agree with one another in order to assure Québec of a greater competitive capability in its products, its standard of living, its taxation system and other economic or social criteria. The municipal authorities themselves are prepared to reassess certain aspects of their organization with a view to increasing regional synergies and ensuring efficiency in the services they offer to the citizens.

Therefore, the current delegation of responsibilities by the municipalities to a regional administrative level, such as the RCM, should be encouraged. This must be done with respect for the needs, means and differences that make up Québec's municipal structure. Should the Québec government repatriate powers in their entirety, the UMQ would insist on the implementation of a decentralization policy. In this event, according to the effectiveness and in the interest of local communities, certain groupings will become inevitable and even essential. Furthermore, a review of the laws and regulations respecting the municipalities will be necessary.

Finally, the following are the recommendations of the Union des municipalités du Québec for the political and constitutional future of our province. In accordance with the principles I have outlined, the Union des municipalités du Québec rejects the constitutional status quo. Furthermore, the Union des municipalités du Québec cannot endorse an alternative to the current constitutional situation, completely and without reservation, unless it complies with all the guidelines concerning the interests of the citizens. Consequently, the Union des municipalités du Québec demands that all Quebecers have the right of inspection as to Québec's political and constitutional future by taking part in public consultation following the work of this Commission. The Union des municipalités du Québec also recommends that the government organize a campaign to adequately inform the people and clearly define what is involved in this process of formal consultation.

Messrs. Chairmen and Ladies and Gentlemen of the Commission, the Union des municipalités du Québec thanks the Commission for hearing our organization's comments.

The Chairman (Mr. Jean Campeau): Thank you, Mr. Mercier. We will move on directly to Mr. Rémillard.

Mr. Rémillard: Thank you, Mr. Chairman. Mr. Mercier, Honourable Mayors, welcome to this Commission. Your participation here is very important to us. You represent a level of

government which is an integral part of Québec's political, cultural and economic life. And this is why we hoped that a member of this Commission would be representative of, not necessarily a representative, but representative of the municipal structure. In that context, one aspect of your brief which interested me a great deal is your mention of the possibility of enshrining the existence and even the powers of municipalities in a Québec constitution. Have I understood correctly? Is this what you mean by your suggestion of sanctioning the role of municipalities by legislation?

(11:30 a.m.)

Mr. Mercier: That is correct, Mr. Rémillard. We must be aware that, at present, the Canadian Constitution of course grants the provinces power to delegate, to create municipalities and, since 1867, we have become creatures of the provincial government. I believe that now it is essential and in the interest of the local community that we be able to fully assume our responsibilities, which means having this constitutional guarantee within a Québec charter in the near future.

Mr. Rémillard: In that context, I think the suggestion is an interesting one, because the Commission has visited the regions of Québec, and one of the essential conclusions that has been reached following our tour is certainly that, everywhere, in all of the regions, we have been told: It will be necessary to rethink decentralization. Too often concentration, deconcentration and decentralization have been confused. We will need to be able to decentralize toward the regions, and several groups have suggested that, politically, the municipalities, the RCMs, could be one of the most interesting elements in decentralization. You are touching somewhat on that subject when you say that the powers should be divided between the Québec government and the municipalities on the basis of efficiency, and I follow you, and you even go as far as to say that we should also provide for taxation, that is, there is a direct relation between the powers that one gives and the principles of taxation that you would receive. Therefore, if I understand correctly, taxation power would be ensured by the constitutional text itself. Is this how you see it?

Mr. Mercier: First, before transferring additional responsibilities, we must have certain assurances that these same responsibilities cannot be changed overnight. We must not find ourselves in situations such as those that we have experienced recently or could experience. Except that, in terms of the means of financing, it really goes without saying that if we take on responsibilities, this same constitution must also include the possibility of financing means that are suitable for the services we will soon have

to render to the population, perhaps differently or perhaps more efficiently, more effectively.

Mr. Rémillard: I understand that you are referring to a constitution. The fact that you want us to recognize in legislation, in a definite manner, the existence of the municipalities, with their powers, including taxation power, implies that you are referring to some sort of constitution. A moment ago, at the end of your presentation, Mr. Mercier, you told us: We reject the status quo. However, you did not take a direct stand on the constitutional direction to be followed, except that in finishing I believe your final words were: There should be public consultation. Are you referring to elections, to a referendum? What is public consultation? And what should the focus of this public consultation be?

Mr. Mercier: Undoubtedly, in choosing a new society, I think it would be necessary, it would be essential that the citizen, in the local community, be able to express his views. Therefore, I believe that any form of consultation, whether a referendum or something else, possibly a referendum, must, at the end of this Commission, and as quickly as possible, be set in motion, I think, providing the citizen with all the necessary information, locally, so that he can also understand what could possibly be at stake or be brought into question following this Commission's activities.

The Chairman (Mr. Jean Campeau): Mr. Maciocia.

Mr. Maciocia: Yes, Mr. Chairman, thank you. Mr. Mercier, on page 18 of your brief, to quote your text, you say: "Our society's evolution has ensured the citizens' right to participate in the administration of public affairs. This is a recognized democratic principle, and it is at the local level that this must be exercised most directly." I concur with this, I agree with you entirely, but I have a question to which I have never received a precise answer. I want to know: How is it that in the municipal elections the rate of participation is much lower than at the provincial level? What is the reason? Is the citizen not aware of this? In your opinion, is there a reason for it? You know, in most municipalities, about 45% or 50% of the people participate in municipal elections, whereas there is about 75%, 80%, 85% participation at the provincial level.

Mr. Mercier: Look, maybe we differ in opinion with regard to election participation statistics, whether provincial or municipal, except that I must tell you, or talk about what I know. I feel that, overall, in Québec, participation in municipal elections is still relatively good, if

not excellent. There could be certain instances where I think the citizens are well served locally, they are satisfied with their local government, and this could be directly reflected in the participation at election time.

However, if there is a place where the citizen can express himself freely, easily, and where communication can take the form of an honest dialogue with his municipal officer, this is surely at the municipal level. The municipal councils meet at least once a month, twice in certain cases, and it is possible for many answers to be obtained prior to the election. Now, I know that my colleague, and the mayor of Cap-de-la-Madeleine, would like to talk about this, and the Commission will of course give him the opportunity to do so.

Mr. Beaumier: To respond to the question on participation in elections, it also depends on how the candidates have presented themselves and on the nature of the candidates. In the Trois-Rivières region, we have actually had a 70% voter turnout. Why? Because people were interested in the election. In the region, in the neighbouring municipality, there was no election; therefore, several seats on the council went to aldermen, for instance, and this is why. When you have a good political debate, at the municipal level, the federal level or the school board level, there are people who are going to vote. It is when the debates are dull that you don't see anyone getting interested.

Mr. Maciocia: No, no, I understand very well, but I asked the question only to get an idea of your opinion on the matter of this unbalanced participation in elections.

But, my second question, Mr. Mercier, is: When you speak of the municipalities' new powers, are these exclusive powers, as opposed to delegated powers, or powers which are delegated between the province and the municipalities?

Mr. Mercier: I think it is quite obvious that with a sharing of powers there is perhaps a complementarity that can be achieved between those assumed by the central government and those assumed by the municipality. Still, they must once again agree on the meaning of efficiency, of effectiveness. I also think, in terms of providing services, clearly, that the citizen clearly understands that this implies the best service at the lowest possible cost.

On this point, it is not impossible that the municipalities take on services, or at least responsibilities, that are exclusive to them. Except that, in the present situation, you must admit that, in the various spheres, with the current sharing, with respect to the governments as we know them, there is duplication, if not triplication. This is the municipalities' intention

when they ask that the powers they hold be clarified and defined in a constitution, one that will also be able to retain all the elements of a charter of local communities. However, included in this charter of local communities, there must be a constitutional guarantee that the rules of the game cannot be changed overnight.

Mr. Maciocia: A moment ago, you spoke of the best service at the lowest cost. Would you go as far as to propose an asymmetrical sharing with the province? A moment ago, you spoke of the best service at the lowest cost. Would you go as far as an asymmetrical sharing, knowing full well that there are municipalities that can allow themselves, because of their large population and a taxation project, let's say, to provide services with the taxes they collect, since they have a lot of people. There are other municipalities or other regions that cannot afford to do this, owing to a sparse population. Do you think you would go as far as sharing powers asymmetrically?

Mr. Mercier: We must be aware that within the sharing of responsibilities, as you have so eloquently stated, I believe there are choices that must be made on the local level. However, there are still essential services, and we may find ourselves in situations where, in order to provide these essential services and these same services chosen by one or two local communities, it would be advantageous to have some sort of group that could improve the provision of these services in terms of cost and quality. I hope this answers your question about population or the possibilities of acquiring certain services or at least shouldering them, owing to an increase or decrease in the population density of an area.

Mr. Maciocia: My final question, Mr. Chairman, is the following. You mentioned a referendum, at the end of the sittings of this Commission, let's say, on the report that this Commission is going to submit to the government at the end of March. Should the focus of this referendum be only the constitutional status of Québec or should it also involve the sharing of powers by Québec and the municipalities?

Mr. Mercier: Well, look. On this point, I think that first, because I think that the Commission has a unique sort of mandate, concerning the citizens of Québec and allowing them to express themselves freely through the representation of various groups. In my view, in this context and in the upcoming referendum, there are choices that will have to be made. I think there are choices, probably, and I do not want to predict the outcome, though, according to the Commission's recommendations, there will probably be choices that will have to be made by

the Québec society. And, in this respect, as I was telling you, it is essential that we have consultation, a referendum to allow the citizens of Québec to express themselves and to become familiar with what is at stake in its entirety. In terms of defining powers, I think this is still a situation where both sides must agree, once the Québec people have made their choice.

The Chairman (Mr. Jean Campeau): Thank you, Sir.

Mr. Maciocia: Thank you.

The Chairman (Mr. Jean Campeau): Mr. Chevette.

Mr. Chevette: Thank you, Mr. Chairman. Mr. Chairman, in the conclusions, we see that the Union des municipalités wants Québec to be a free society. Just before these, it states that it is a distinct society. You state this very clearly. You speak of duplication, of overlapping, of disregard for spending powers: by its spending powers, it does not respect, for all practical purposes, what is intended by sections 91 to 97 of the Canadian Constitution. I, for one, would like to know, after all this, you demonstrate it very well and say that we want to be a free and evolving society, and so on, I would like to know what powers we require in order to be all that.
(11:45 a.m.)

Mr. Mercier: Look, we could perhaps discuss powers at length, but what is important, I think, is that the aspects or the definition of power be very clear. Even now, under the Charter or in the Canadian Constitution, we find powers given to the government on the provincial level which are stretched to the limit wherever there is a lack of specificity. Therefore, once again, what remains comes under the authority of the Canadian government. In terms of the municipalities, we go as far as to imply, and I mentioned this a moment ago, that in the end the provinces have had the choice, as I also indicated, since 1967, of creating municipalities or, by delegation, forms of local institutions that can in fact govern local services.

This point is completely obscure, I think, and it is totally non-specific in terms of changing the rules of the game overnight, for example, quite recently, whereas we mention and we agreed on a fiscal pact, in 1980, with the central government and today we decide or suggest changing the rules of the game, without the local community necessarily being in agreement, therefore without the citizen's consent. I think this is one aspect, or that these are unacceptable paths, and that very soon guarantees must be enshrined in a constitution which defines our powers and gives us the free choice in local communities to govern ourselves

as the citizens wish.

Mr. Chevette: And, in order to ensure those powers, what powers does Québec need that it does not currently hold? Because, if in a new sharing of powers you want to obtain those powers that you very clearly specify, which ones must Québec obtain in order to guarantee what you are requesting?

Mr. Mercier: I believe my colleague, Mr. Mandeville, would like to comment on this point.

Mr. Chevette: I would like him to repeat the demonstration he gave in Val-d'Or.

Voices: Ha, ha, ha!

A voice: Well, there it is.

Mr. Mandeville (Normand): Here it is. We currently have three types of administration, or three horizontal governments, let's say. But, of these three, there is only one that is not recognized constitutionally, so that, with sections 91 and 92 and all the sections of the Constitution, the municipalities actually have, let's say, a minor league role to play. At this point, we would not want to fall into corporatism; still, we must admit that in many ways we are performers. We are not decision-makers, we are performers. We are creatures, not even in the true sense of the word, we are creatures of the provincial government. This is the intent of the Constitution, and the Constitution even allows penetration of any field, even where the provincial government has a consecrated role. If it is in the public interest or in the interest of the country, the federal government can interfere with the provincial government. But, those of us who are not even recognized, the municipalities that are not even recognized in the Constitution, what in fact are we? We are told, you can buy pencils, but they are going to be green. But, be careful, they must contain the standard amounts of yellow and blue. Therefore, the municipalities are now governed by standards. And, at the other end of the spectrum, well, the municipal councils are the ones that have to implement those standards. You know, all the governments are important, but there is one that we cannot do without, and that is the local government. And, perhaps, in order to respond to the question that this gentleman asked a moment ago, if there is little participation in elections, this is because here we resolve our problems as we go along and we are the best performers.

Mr. Chevette: But we feel we are over-governed by too many levels of government. There is the local government, which you would henceforth like to see enshrined in a constitu-

tion. You do not say which; you do not say whether it is the Canadian or a Québec constitution. You say that powers must be repatriated, in whole or in part. This is clever, but you do understand that our role is to have you say a little more, to get you to be a little more precise, if we want to take advantage of your expertise and experience to write a report which is based on realities. Don't you think it would be easier for a government that holds all its powers in a sovereign Québec to truly enshrine the rights and powers of the local levels in a constitution that is typical of Québec?

Mr. Mercier: Mr. Chevette, it is true to say that we must speak of a Québec constitution. And, if we examine certain aspects of decentralization, we clearly demonstrate that, in a repatriation of powers, Québec should surely better assume, and I think much more efficiently, the aspect of economic development, regional development, where there is currently quite a distinct if not, in certain cases, an extraordinary overlapping. Furthermore, there is the whole matter of manpower training, of occupational training, where there is also quite a remarkable overlapping at present. In the fields of communications, immigration, even language, Mr. Chevette, I think that we, the municipalities, must find, and we can speak in these terms, a definition within a constitution, a charter for ourselves which would be guaranteed by a Québec constitution, of the powers, which are defined and very clear, and I think that the remainder, from agreements that could be included in this same charter, can be assumed in a responsible fashion by the municipalities. This has been proven in recent decades, particularly between 1980 and 1990. Who was able to administer themselves more effectively than the municipalities in Québec? I think that the statistics can easily be verified.

Mr. Chevette: I would like to ask Mr. Beaumier a question. Mr. Beaumier was one of the Commission members at the sitting at which the UMRCQ gave its presentation. There was a sentence in the UMRCQ's brief which was very clear and which read as follows: Repatriate all the powers, all the economic, social, cultural and political levers to Québec. Do you share the opinion of the UMRCQ?

Mr. Beaumier: If you are asking Jean-Claude Beaumier, and not the vice-chairman of the Union de municipalités, I will answer yes. I agree that as many powers as possible must be repatriated so that our province develops in a unique way and not according to 10 other provinces that impose things or rules of the game that are not our own, that is my answer as Jean-Claude Beaumier. As chairman of the Union des municipalités du Québec, I must tell

you the following. For 30 years, the municipalities have been afraid, for 30 years the rules of the game have been imposed on us, or we have agreed on the rules of the game and then not respected them. The best example of this is Bill 73, which enabled small or medium-sized municipalities to provide themselves with public transport. We accepted the rules of the game and many joined in the game.

Now we are quite simply being told: You are all alone in the game. We give you the bat and the ball, and you play on your own. We don't want to play any more. What would have happened if we had asked: Is this for 10 years or for 20 years? Would as much public transport have been organized in the regions? Would we have had the structures we have now? And this is the sort of thing that worries us, and this is why we cannot tell you where we are going or which constitution is the best. We do not know the role we will be required to play within that constitution. This causes worries for the municipalities. There is the UMRCQ, which wrote a report on a survey of sorts that was carried out among the mayors and that gave a result. We did not write it. Why? Because our board of directors told us: Look, if we could tell what clear and precise proposal was being suggested to us, tomorrow morning we will give you a clear and precise response to it. And that was the last board of directors meeting we held. This is why we seem to be undecided, to be somewhat outside the debate or not willing to get involved. We do not know what actual place is in store for the municipalities. As municipalities, we agree. You know, we do not want any more bills like Bill 125, Bill 138 and Bill 88, because we always feel as though we are pleading, begging for something and this is not what we want. Once and for all, we want our responsibilities to be defined, and, until proven otherwise, at least until now, we have demonstrated that we are capable of shouldering these responsibilities, and we have done more than was asked of us, because our people have requested more of us than the law allows us to do.

The Chairman (Mr. Jean Campeau): Mr. Léonard.

Mr. Léonard: Mr. Chairman, I would like to greet the UMQ members at this table. It is my pleasure to talk to them and to ask them a question. Back then, I occasionally had the opportunity to criticize the fact that there was a kind of competition between the two governments, the provincial and the federal, with respect to the municipalities. At that time, I regretted this situation, because deep down I felt they would eventually pay the price. Sure enough, what we are seeing now, at least in terms of finances, is that they are required to pay part of the federal deficit indirectly, because

what we are seeing is that the Québec government is in a difficult financial situation, since the federal government has accumulated a debt which it has passed on down the line.

I would simply like to reflect and then hear your thoughts on the matter. Actually, the municipalities want to play a role, to be sure, and the Québec government was put in a position of competing, in a way, and in several fields it had to exert a centralizing pressure to better affirm itself, to the detriment of all sorts of local communities, especially the municipalities, and, if the constitutional situation is clear, it seems easier to have a much clearer role for the local political institutions and, in that respect, security, particularly for the municipalities, would mean having the national question resolved. I would like to hear what you have to say.

Mr. Mercier: Yes. This is perhaps a real aspect. That is correct.

Mr. Léonard: In other words, instead of three of us sharing the pie, there will be two.

Mr. Mercier: That is one way of seeing it. We are also currently noticing that, in the Canadian Constitution, we, the municipalities, are faced with the problem of becoming mere creatures of the central Québec government. On this point, I would once again emphasize that, regardless of the decision that is made or the directions that could be taken later in Québec, I think it is essential for the municipalities to have guarantees, in a local community charter and entrenched in a Québec constitution, that the powers granted to it will not be changed overnight. I think this is an essential element. And I know that my colleague from Québec City, Mr. L'Allier, also has an opinion on the matter, which you will certainly allow him to express.

Mr. L'Allier (Jean-Paul): Mr. Chairman, I think the question that was asked deals essentially with job duplication and the cost of this for the municipalities. Let's admit that a great many things that we are asking and hoping for today could have been resolved, at least theoretically, without the present debate. The fact that Québec decides to recognize, as Minister Rémillard said, that the municipalities within its territory constitute an order of government, a level of government, and that it does not cease to subject each of its municipalities either to a general law, which sets them all up on the same footing, or to private laws, because all of us are actually governed by private laws and not by a public bill. The charter of the City of Montréal is a private law, the charter of the City of Québec is a private law, as though we were really pressure groups, organized with a certain power of taxation, but

pressure groups all the same. Therefore, this can definitely be resolved. But the duplication of jobs for the municipalities, and for the cities in particular, and for a city like Québec, for example, is always costly, not only in terms of the expense they involve, but often because of what they prevent us from doing. Québec City, for instance, is a heritage city and I would cite it as an example. Everyone acknowledges that there is an important heritage concentration here, at least for French-speaking Quebecers and Canadians.

(12:00 noon)

However, the two levels of government intervene to plan the development of history, as seen from Québec City or from Ottawa, with relative coherence. And, most of the time, the fact that we disagree blocks budgets. We can visit all the gardens, talk about regional development, talk about education, talk about communications, talk about culture, talk about housing. Let's take the example of housing. In our cities, whose centres are poor because they are old, the federal government had policies which were meant to favour low-cost housing. Instead of the resources being distributed on a monetary basis, they were distributed according to the number of housing units. As a result, for a low-cost housing unit in Toronto, Ottawa could pay out up to \$140 000, whereas, in Québec City, \$43 000 was received for a low-cost housing unit. Each time we were entitled to \$43 000, Toronto was entitled to \$140 000 for the same purpose. This is very expensive, all this is extremely expensive.

In my view, anything that could reduce duplication of jobs or eliminate it would be advantageous to the Québec community as a whole. I would add a final example, Mr. Chairman, which appears to be secondary but which is very important: international activities. Québec has always, almost traditionally, wanted to assert itself, because it wanted to use this difference in order to develop. This is a positive thing. Certain people see it as a handicap, others see it as an asset.

Let's take the more specific example of the budgets that CIDA, the Canadian International Development Agency, proposes spending, by way of the municipalities, in a project called "Africa 2000". The fact that the program is directed toward municipalities means that, elsewhere in Canada, most of the provincial governments do not take offence, and the English-language municipalities have in fact taken a large part of this budget. Here in Québec we have not had access to it, because the provincial government, following its traditional policies, has used screening, saying: You are first going to go by way of us. And, after two or three years, the agreement has not yet been implemented. The clear result is that, if we want to have a place on the international level, we must achieve it

with a sort of double taxation, by taking money from somewhere else and here as well. Our money which is there, however, is helping others.

The examples we could give are infinite. Duplication of jobs is costly. This situation is not improving and it is very often the result of technocratic conflicts that do not find a solution, unless decisions are made at the political level.

The Chairman (Mr. Jean Campeau): Thank you, Mr. L'Allier. We will now move on to Mr. Nicolet, followed by Mrs. Pagé and Mr. Beaudry.

Mr. Nicolet: Thank you, Mr. Chairman. It gives me great pleasure to greet my colleagues of the Union des municipalités du Québec. If you would allow me, Mr. Chairman, I would like to go back to the question that Mr. Maciocia asked my colleagues a moment ago about participation in municipal elections. There is perhaps another dimension which was not brought out in the exchanges and which I think is important to mention. Property qualification in the municipalities is such that, implicitly, a low level of participation is favoured. I will explain this. In local elections, property owners have the right to vote, even if they neither reside nor are domiciled in the municipality. For property owners outside the community who vote, getting involved sometimes entails considerable sacrifices. Certain types of municipalities are more sensitive to this kind of phenomenon than others.

But, to get back to your brief, you treated the problem of constitutional recognition with a great deal of conviction and thought compared to others who discussed it here this morning. In your attitude, I perceive some apprehension of the existing system. Is this fact of being simple creatures of the government... could you expand further on the problems this represents for you?

Mr. Mercier: Mr. Nicolet, I think this has been very obvious, especially just recently, when we tried in a statement of principles that is supposed to lead us to believe in a decentralization of the central government toward the municipalities, whether we are given one course or a full-course meal, a menu which shows us that we will not necessarily take on additional responsibilities. And I am referring to last week's declaration or presentation of the government proposal which also reveals additional responsibilities which the municipalities must assume, particularly financial ones, which means further local taxation of our ratepayers. You know, in 1980, a pact was made between the government and the municipalities, and I think that, since then, in the past 10 years, the municipalities have managed to govern

themselves remarkably well. And, in terms of finances, I think one could say their achievements have been excellent. But, with the sweep of a hand, overnight, it is decided to change the rules of the game. And, in my opinion, these things are totally unacceptable. It is essential, in my view, that we be able to agree on amendments, on changes, and that the municipalities have the power to restrict the intentions of the, or of a government. The only way that we will have guarantees, Mr. Nicolet - and I repeat, because I believe this is much too important - is within a charter of local communities and guaranteed by a constitution. Therefore, if a Québec constitution can guarantee that we will assume power, with all this entails, including, of course, the models or methods of financing, this is definitely how we, the municipal officers, will react, in a way that is much more beneficial and also more agreeable for our citizens locally.

Mr. Nicolet: Thank you, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Mrs. Pagé.

Mrs. Pagé: Gentlemen, Madam, from the beginning of this Commission's work, we have heard a great deal of talk about regional development and, necessarily, about political decentralization. I don't want to be a spoilsport this morning, but I would like to ask you a few questions in this regard. For my part, I have a feeling that both the best and the worst could result from decentralization. It could be a means that we give ourselves, bringing us closer to the citizens and thereby increasing the democratic value of our public life, our political life. It may certainly enable us to respond more quickly and adequately to the needs that are actually expressed by the people, but it could also result in us shovelling in someone else's backyard or in increased disparities between certain regions and perhaps even in the introduction of inconsistencies into the political view we may have of certain elements. So, in your brief, you speak of political decentralization and of the rule of efficiency. I have two questions related to both my preamble and to this rule of efficiency. First, in terms of the principle issues, such as protecting the environment, or protecting our heritage, or public transport, which responds to the needs of planning, of development, of protecting the environment, don't you think we need to share certain jurisdictions with the central government? And, if so, what kind of distribution would you envisage?

My second question. We talk about decentralization. We set up health boards. We retain the Fédération des commissions scolaires, the school boards. You mention reinforcing the municipalities' power. How would we pursue the

objective of efficiency in this proliferation of local governments or local administrations that you seem to want to establish? I agree that there is a need to decentralize, but I feel we are perhaps in the process of reintroducing numerous jurisdictions at the local level too. And, in this respect, how do you think decentralization could be more efficient?

Mr. Mercier: Well Madam, in terms of the environment, I think there are certain principles, and this is not unique to this sector, we see the same thing in education, there are certain missions which must remain so-called national policies. Therefore, it is quite clear, in certain sectors such as this, particularly in the environmental sector, that we must agree on a sharing of responsibilities. However, in the division, responsibilities must still be clearly defined and modifications or major changes must not be made overnight, or at least it should not be possible to do this unilaterally.

In this respect, it seems to me, and it seems to us, that the citizen is definitely going to be better served, at least in environmental matters. Who is closer to the problems than the municipalities? I believe this was seen, for example, in Saint-Basile. In the case of Saint-Basile, when the problem arose, who was the one to immediately go and see what was happening? Was it the government? I don't think so. It was the mayor of the municipality; he was on the spot. Now, was it — and I do not want to reach a conclusion on this today — was it the municipality's problems or was it the central government's problem? It is not apparent, unless the roles are well defined, and I think we will easily find that everyone will be served more effectively, and the principle of efficiency will be upheld.

But on the issue of public transport, for example, I think this is a choice which should certainly continue to be made at the local level. The local communities must express themselves and, depending on their ability to pay, I think they must also decide on what is necessary and what is not. Therefore, it would not be impossible to find that choices have been made on this matter, to find there are some variations in some areas. This is not impossible, and I think it does happen. But these are still the local community's choices. All the same, there is the principle of so-called national policies, and I believe that Québec society must agree on this. There are certain aspects which must never be neglected, and the mode of operation which will serve everyone, all across Québec, in a fair and equitable way, must be defined. I don't know whether this answers...

Mrs. Pagé: So, to summarize your answer, you are telling me: Yes, there are sectors where there must be sharing, where national policies

are necessary. What will be important is agreeing on the definition of this sharing and the responsibilities of the two orders. In response to my second question, to what I see as a proliferation of local structures, of health boards, of school boards, of the municipality serving some other purpose, and probably setting up a structure whenever a matter is assigned to the local and municipal level. How do you reconcile the principle of efficiency with this? And how, in the medium term, do we avoid the very problems that you have outlined in terms of duplication and overlapping and the costs related to the operations of structures, and so on? I would like to hear your comments on the matter.

Mr. Mercier: All right. Actually, my colleague from Québec City, Mr. L'Allier, would like to explain this to you. I am going to give him the opportunity to do so.

Mr. L'Allier: Briefly, Mr. Chairman. Madam, the government source always tends to arrange things according to its own needs. The Conseil du trésor does it for the departments, the departments do it for their clientele, their clientele does it for the citizens. Therefore, your fear of the proliferation of structures is well founded, if this is an objective in itself. So I think that we must establish a standard for ourselves, that the structures are there to serve as a vehicle for the services we owe the citizens, such as advisory services and support services. With time, if we are not wary, the structures become a means of supervision and control and tap more and more resources to increase their control and supervision capacity, and decrease their ability to support, oversee and pursue development. This is true in a unitary State, where there is only one level of government. Imagine what happens when there are three, when the control and supervision mechanisms are multiplied to the detriment of the quality and energy put into development.

What has just taken place in the discussions between Québec and the municipalities has this impact. No one from our side questioned the fact that there is a deficit and that work will have to be done on it within the Québec government. What we found disastrous was that the government has not conducted an impact study, when all the partners are required to submit impact studies for the slightest social movement, even for relocating a telephone booth. And, in the case we are discussing here, there has been no concern about the impact on the municipalities, and on their development effort, on the fact that certain cities are old, that others are cultural, that others are in social difficulty, etc. One has portrayed an accounting problem, and said: The policy will adapt automatically. I think that the opposite is what must be done. Let's make political choices and

let's adjust the accounting mechanism.

So to respond to your question very exactly, the proliferation of local structures is often an evasion by centralized administrations; at the same time, it is very ambiguous, because it is only an apparent response to the request for the people's participation. To illustrate this, the people request decentralization because they want to get involved, to join forces, not in day-to-day administrative matters, but in choosing a direction. It is the same thing when the answer comes from Québec City or from Ottawa. We hear the request for decentralization. If it comes from the Montréal region, for example, we find that considerable effort has been put into decentralizing as far as Drummondville. Then the people of Montréal are forced to go and work in Drummondville. The picture I have drawn is a caricature to demonstrate that not all the steps are ever carried through. What we want in decentralization is always transformed solely into deconcentration.

(12:15 p.m.)

Mrs. Pagé: Thank you.

The Chairman (Mr. Jean Campeau): Mr. Beaudry.

Mr. Beaudry: Thank you, Mr. Chairman. I would refer to your report on the monetary policy, in which you say that this monetary policy has a very severe, a very serious effect on the municipalities. Specifically, on page 14, you say that the municipalities of Québec in particular are affected by that policy, since the debt service of Québec's municipalities is 24% of our consolidated budgets, whereas Ontario's is about 7%. Naturally, this seems like an enormous proportion to me, and I wonder how it is that the municipalities' percentage of debt service is so different from Ontario's. Is it because there has been disproportionate federal support or provincial support, or are the municipalities living above their means, or are there more services in Québec? I would like to hear your comments on this subject.

Mr. Mercier: Well, first, is it true that... In the monetary policies currently in force, I think that Québec, and particularly its municipalities, are at a disadvantage, as you have indicated. We have a debt service of around 22% or 24%, whereas Ontario's is 7%. We must also realize, however, that Ontario's rules of municipal taxation are not the same as Québec's. They are not the same and you have pointed this out. Could Ontario and the municipalities of Ontario have received funds from the federal government, which may have contributed to reducing their debt service? This is not impossible. Certainly, in analysing the situation, there are aspects which demonstrate that Ontario's municipalities are in fact favoured in certain

cases. One must also realize that, in Québec, significant investment had to be made in our infrastructures, which meant that we found ourselves, we still find ourselves in the situation we know today. However, in my opinion, the disparities between Québec's municipal taxation and Ontario's municipal taxation are more closely related to the structures. Still, I believe there are certain instances which can be found, if we look into the matter, where Ontario has received favours or gifts from the Canadian government.

Mr. Beaudry: In this line of thought, when you speak of the taxation power you want to obtain, do... Certainly, you want to have powers. You want decentralization, but you also want to have equivalent taxation powers. In those taxation powers, you refer to income taxes, and in reference to the question that Mr. Léonard asked me a moment ago, in our current situation, because you speak of recovering powers, you do not really take a stand on sovereignty; however you do, of course, say that certain powers should be recovered in order to avoid duplications, etc. But, should you be recognized in a constitution as a government order and granted powers to levy income taxes, direct income taxes, what effect do you think this could have if we were not sovereign? There would then be three levels of income tax, if I correctly understand your argument. There would be one at the municipal level, apart from your power to levy property taxes, there would be one at the provincial level and there would be another at the federal level. It is in this context that you are requesting the right to be able to tax or collect funds by a direct or indirect income tax, or is it in another manner?

Mr. Mercier: Yes. There could in fact be agreements which would enable us to share the tax levied on income. But I still think that all this is part of a mechanism that must also be defined very soon, also to enable us to agree with each other. But what is major and what is important is to be able and to also have the resources to, in fact, assume the services provided for the people. At present, when we look at the transfers that are made, or at least those which are intended, I do not think that in its present form that could be equitable. Income taxes are collected and the municipalities are asked to be responsible for certain services or, in fact, the financing of certain services and, as far as I know, there has been no mention of reducing the income tax.

I therefore believe that a new definition, a commitment, must be made on both sides to find solutions for financing which are more equitable for Québec society as a whole and which therefore also suit those who are perhaps less affluent as well as those who are more affluent.

You know that there are now sectors, we must admit, that are perhaps, just perhaps, affected by taxation; perhaps they are even, I would say even, virtually exempt. I am not going to mention them, but you can imagine which ones they are, you know them. Certain companies within some sectors also generate very high revenues. And I think that, in this regard, there must be a new definition. Now, in the discussions we just had on the Québec tax system with regard to the municipalities and Ontario's tax system, we must also be aware that here in Québec the municipalities receive 5% of their financing from the Québec government, directly or indirectly, either by equalization or through various grants. This is not the case in Ontario, where they receive 35% of their financing. So, as you pointed out, in terms of tax systems from one province to another, there are definitely significant differences.

Mr. Beaudry: This is the essential disparity which results in the debt service of the municipalities being so much higher in Québec than in Ontario. Actually, equalization in Québec is totally disproportionate to equalization in Ontario in relation to its municipalities.

Mr. Mercier: I would not go so far as to say that it is the only element, but it is one of them...

Mr. Beaudry: No, it is not the only element, but it is an important one.

Mr. Mercier: You're right.

The Chairman (Mr. Jean Campeau): This brings us to the end of the time period allocated for the Union des municipalités du Québec. Mr. L'Allier, Mr. Mandeville, Mr. Mercier, Mr. Beaumier, Mrs. Lambert and Mr. L'Italien, thank you for your contribution to the work of the Commission on the future of Québec.

(Proceedings adjourned at 12:25 p.m.)

(Proceedings resumed at 12:28 p.m.)

The Chairman (Mr. Jean Campeau): We will resume our proceedings. Can anyone find the Association minière? Gentlemen of the Association minière, welcome to this Commission. Which one of you is to introduce his colleagues?

A voice: Mr. Drouin.

The Chairman (Mr. Jean Campeau): Fine.

Association minière du Québec

Mr. Drouin (Claude): I am Claude Drouin,

general manager of the Association minière du Québec. To my immediate left is Mr. Normand Ouimet, chairman of the Association minière du Québec; to his left, Mr. Jean Roberge, who is my assistant at the Association; and to the right is Mr. Dan Tolgyesi, who is general manager of the Minnova mines group in Québec. Mr Ouimet will be giving the presentation.

The Chairman (Mr. Jean Campeau): All right, Sir.

Mr. Ouimet (Normand): Messrs. Chairmen, Ladies and Gentlemen of the Commission, we would like to thank you for agreeing to meet with us this afternoon. The Association minière du Québec represents all of Québec's mining producers, with the exception of the producers of asbestos, stone, sand and construction materials. The total production value of the mineral sector in 1989 was \$2.8 billion and the contribution of AMQ members in this total amount was \$1.8 billion. Québec's mining sector employs 21 000 workers directly, all of them in the regions. AMQ members employ 13 000 workers.

The AMQ's objectives in coming before the Commission is to outline the political climate we believe must prevail if Québec and its mining industry is to prosper and maintain its role as a driving force of regional economy. Our presentation will be very short. We do not intend to further the arguments of the large horizontal associations, such as the Conseil du patronat du Québec. In our view, belonging to a federation provides many more possibilities and a better quality of life than being isolated in independence. In addition, we believe that a major review of the Canadian Constitution is required to settle the current disagreements, and it is important that each of the provinces come out as a winner in this exercise.

We believe the need to make major changes to the present Canadian Constitution must be acknowledged. The debate is centred on seeking ways to persuade our present partners to agree to make changes, although the failure of Meech Lake demonstrates the difficulties that our political representatives face in implementing these changes. In our view, as long as Quebecers seek formulas which are in keeping with our needs alone, our other partners will not be interested in entering into discussions with us, whether in the absence of, before or after a declaration of sovereignty. We therefore strongly recommend that the work be directed toward finding models in which the other provinces are also interested, so that they too will benefit. These elements will form a renewed constitutional system, without extremist positions. We must be willing to discuss the objectives we are setting for ourselves objectively, so that Confederation responds to the wishes of its

members and enables each province to evolve as freely as possible.

The single wicket approach should guide our reflection during the constitutional review. One of the most frustrating problems for industry in the current federal system is that of double jurisdictions. It is important to sort out these problems to eliminate the conflicts that ensue from them, to realize important savings for government and industry, to simplify the work of targeted clientele and to improve performance in all private and public firms.

It is absolutely necessary that the federal government and the provinces combine their efforts wherever it is possible and desirable. The primary objective of the exercise must be to have only one representative in most of the fields of activity. Québec is seeking increased autonomy in several areas, as several of the speakers who have come before this Commission have illustrated, including the group that preceded us, and we can be sure that the other provinces are seeking this very autonomy. These fields of interest constitute the fields of agreement between the provinces and they are the fields from which the federal government must withdraw in order to respond to the expectations of all Canadians.

As regards the problem of regional disparities and shared-cost programs, the federal government can take this into account in taxation through specific tax abatements for each province, as it currently does for Québec. The number of shared-cost programs must be reduced to avoid the problems created by endless and increasingly inflexible federal-provincial negotiations. Specific tax abatements can give the provinces the autonomy they need to act according to their own priorities, which they necessarily know better than the federal government.

The Chairman (Mr. Jean Campeau): Could you move along to your conclusions, Sir, since our time is running out?

Mr. Ouimet: To conclude, we believe it is essential to seek an effective federalism. The formula allows for technological exchanges. It makes possible an undeniable peace-keeping force at the international level. It procures stability and a high standard of living for its inhabitants. The common interests of each of the provinces must be identified in order to find solutions to the constitutional problem. As long as the debate remains introverted, we find it hard to believe that the other provinces will support us in negotiating new agreements, whether before, after, or even in the absence of a unilateral declaration in favour of increased sovereignty. We must rediscover the confederate spirit which gave birth to Canada and return maximum autonomy to the provinces, so that

they can achieve their full potential according to their own objectives. Mr. Chairman, Ladies and Gentlemen, thank you.

The Chairman (Mr. Jean Campeau): Thank you, Sir. Mrs. Pauline Marois.

Mrs. Marois: Thank you, Mr. Chairman. Welcome to our deliberations. I'll start with your last sentence, which is in your brief. You seem to take it for granted that the other provinces are seeking appreciably the same autonomy as Québec. Let me say that, on the basis of my experience in negotiating the repatriation of powers with the other provinces, I do not draw the same conclusion. Behind the scenes everyone agrees, but in front of the federal minister responsible, when it's a question of putting up a solid front to repatriate powers, solidarity suddenly melts like snow in the sun and nobody wants the powers. The provinces want money, they want services, but they don't want powers. Perhaps your analysis and knowledge of the milieu lead you to draw different conclusions. I would like to discuss these conclusions. Suppose we repatriate the powers you acknowledge that we must repatriate, based on the position of the Conseil du patronat and the Chambre de commerce. You realize that we're asking for a lot, but let us assume that this is what happens. If Québec wants all of these powers and the other provinces don't want them, you say that provision will be made for financial compensation, but how can we proceed given our method of government?

Mr. Ouimet: First, if you read our brief carefully, we do not claim that the additional powers sought by the other provinces necessarily fully reflect what Québec wants. What we are suggesting is seeking a middle ground from which we can resume discussions; we hope this will lead to a renewed federal agreement, but based on mutual agreements. We are aware, I think, that Québec is special and that some of its demands may be unique, except that we must find a middle ground from which to resume discussions.

Mrs. Marois: I... Yes, go ahead.

Mr. Drouin: Perhaps I could add something. We acknowledge that it is hard to obtain absolute agreement. This is why we speak of a specific tax abatement to take into account the particularities of each province.

Mrs. Marois: Alright. I'd like to return to the ease with which we discuss and establish agreements. On page 5 of your brief you say: "We do not anticipate any major problems in conducting a thorough revision of the Canadian Constitution". I think you're being optimistic and

have a hard time... I would like to endorse what you are proposing because it would certainly make things easier. But we've been discussing for 50 years. Starting with Duplessis, followed by Lesage, Johnson, Bertrand, Bourassa, Lévesque and Bourassa again, up to last year, three years ago, with minimum demands which were rejected by... We can go on about who rejected it, who accepted it, but the agreement was rejected. We didn't sign it. If we wish to obtain powers or exchange the methods of sharing responsibilities, the amending formula will always be an obstacle, as it was in the case of Meech Lake. What do you suggest we do to arrive at the solution that you are proposing?

Mr. Ouimet: Going back to the sentence you quote in the brief, it must be pointed out that we, in the mining industry, anticipate that during the period, which could be fairly long, we agree, where the parties would have to negotiate on the basis of shared interests or, in any event, the decentralization of powers from Ottawa to the provinces, we feel that in the mining industry this period should not significantly upset our operations. We feel that this situation would be much less disruptive than an unknown situation or one in which we burn all our bridges. We are not the only ones to express our anxiety in this regard. I believe that Mr. Dion and a number of other witnesses, the economists, among them Mr. Raynauld, did the same. That was the meaning of this sentence in our brief, Madam.

Mrs. Marois: One last question because I know the Chairman will prevent me from continuing. What you are saying is going somewhat against the current of what business associations have been telling us. They maintain that if discussion is prolonged it will continue to create uncertainty because we don't know what the outcome will be. But you say: Well, it may be lengthy but that doesn't bother us so much provided we maintain the link. However, if the discussions are drawn-out, will this not create uncertainty, as a result of which, for example, Ottawa will stop developing programs in Québec or will withdraw from them, or will certain investments not be made here because the rules of the game aren't clear? Is it not in your interests and in the interests of Canada to promptly clarify the situation while maintaining economic links with the rest of Canada? I agree with you.

Mr. Ouimet: Listen, I think what we have learned from Meech Lake shows us that this situation cannot be settled within several weeks by a few intervening parties. I think the debate is a far-reaching one and must be carried out as calmly and quickly as possible, we agree that this would be ideal. We are aware, however, that

we must rethink Canada, redistribute powers, and we are aware that these things cannot be done in one month. When we said earlier that this could take some time, I think that it will take a lot more time than we wanted to spend over Meech Lake.

Mrs. Marois: Thank you, Sir.

The Chairman (Mr. Jean Campeau): Fine, Madam. Mr. Dufour, followed by Mr. Desjardins.

Mr. Dufour: Thank you, Mr. Ouimet, to you and your group. Your brief deals with economics and is important with respect to the Commission's deliberations. Your viewpoints reflect the main concerns expressed by the business community. As you clearly state on page 2 of your brief, "we have no intention of reiterating the arguments of the main horizontal associations such as the Conseil du patronat and the Chambre de commerce du Québec and, by a large, we share their point of view".

First question: The mining sector in Québec is important, what you represent is important. You say that you employ 21 000 people. What is the spinoff effect of the mining sector on the overall employment in all regions?

Mr. Ouimet: I don't think the experts fully agree on the multiplier, but mention is usually made of three or four jobs.

Mr. Dufour: So, generally speaking, like the manufacturing sector. When you speak before us about your brief, you are talking about 80 000 or so jobs.

Mr. Ouimet: Please also allow me, Mr. Dufour, to mention that these jobs are by and large in the regions. The mining industry is an important economic driving force and often paramount in certain regions. Many jobs also depend on the mining industry in the Montréal and Québec City regions, and elsewhere. Now, this is an opinion, so... Yes.

Mr. Tolgyesi (Dan): Mr. Dufour, if you'll allow me, I'll take the example of QIT. There are 400 jobs in Havre-Saint-Pierre which produce... working in an iron mine. For 11 months of the year, the 400 workers supply installations in Sorel, where there are about 1800 direct jobs in the installations, in addition to all the suppliers in the region. So, you have the example.

Mr. Dufour: OK. I think you have clearly illustrated the importance of a sector such as yours in terms of job creation and, as the Prime Minister has said, it maintains employment and maintains the workers' standard of living.

In the current political debate you pose a number of questions, and in your brief you say — with respect to employment — that were Québec to obtain its sovereignty, the transition period would result in disturbances which would economically destabilize a number of firms. I would like you to elaborate on this in a responsible way.

Mr. Ouimet: In our brief, we stress that we do not control metal prices, which are set internationally. What determines our international competitiveness in meeting metal prices are local conditions. For many weeks, as Québec citizens, we, too, have been listening to presentations made to this Commission, and when responsible individuals tell us what could occur in the interim should Québec declare its independence, we are deeply concerned about maintaining our ability to sustain international competitiveness with respect to metal prices, over which, I repeat, we have no control.
(12:45 p.m.)

Mr. Dufour: I am satisfied with your response. Thank you.

The Chairman (Mr. Jean Campeau): Mr. Desjardins.

Mr. Desjardins: ...distinguished greetings to a genuine Abitibian, Mr. Ouimet. Mr. Ouimet, the brief you are submitting to the Commission draws us to the heart of the current debate in Québec. It is important, when we ask you questions, to refer scrupulously to the text in front of us, to avoid looking like people who brandish scarecrows. People who know me at home are aware that I'm not that type. But we do have questions to ask you. Your brief is simple: You are in favour of a renewed federalism which would encompass, in a federal perspective, all of Canada's problems, and you want us to have a constitution that can satisfy all of these problems.

My question deals more with... On page 2 you say: "We believe that adhesion to a federation offers greater possibilities and a better quality of life than isolation in independence". My question is: Why? And my second question... because mines, Mr. Ouimet... and there people seated around this table who are regionalists. There are 35 mines where I come from. There are thousands of workers, there are scores of SMBs which have developed as a result of a new mining technology, thanks to the mining industry. We're talking about thousands of jobs.

Well, those people are entitled to hear from you, who are in a good position to tell us... This famous transition period about which much is said, based on a referendum, the proclamation of independence and, the negotiations that must be undertaken with the rest of Canada... we're

talking about years. And I ask you, you who are aware that the mining industry might be very fragile — because if anyone owns mining shares, if there's something we're afraid of every day it's opening the newspaper to see how much the shares have tumbled because of upheavals in the world — I am asking you to be able to tell us if you can assess, in a region such as mine or the regions of other people here, the regionalists who have mines, what effect this might have.

Mr. Ouimet: We have heard all sorts of versions before the Commission concerning what might happen. We can tell you that what concerns us very deeply with regard, for example, to the debt that a sovereign Québec would have to assume, to what might happen to interest rates, to what might happen, for instance, to our ability to satisfy the needs of Québec workers in terms of wages and from other standpoints. Quebecers, people in the regions and, in particular, our employees in the mining industry are well paid. These same people are also accustomed to a high standard of living; it might be hard to maintain during a period which, according to the experts, could be fairly long. I must stress that we do not claim to be economists or anything else, except perhaps mine management experts.

We believe that all of these elements could have a significant effect on the economic situation of the regions and the economic situation of mines.

Mr. Desjardins: ...question about the observation that "adhesion to a federation offers greater possibilities and a better quality of life than isolation in independence".

Mr. Drouin: Perhaps I could simply draw an analogy with our industries. There are small, medium and big mines. We know that it is fairly easy to find capital to open or expand operations in a big mine. However, it is harder to find startup capital in the case of smaller mines. You are aware of a number of them in your riding which are having trouble getting started because they're small. The same thing is true of a State. A small State... That is what the free trade debate was all about. A big market in the south and a small market in the north. Now, it's my impression that... I have always believed that a giant gets along better than a dwarf.

Mr. Ouimet: Perhaps you have hit upon a very important point, Mr. Laberge. When the vein is exhausted, it's exhausted. What we need is an economic climate in which it is possible to find capital to seek out other veins and maintain the mines in the regions. We think...

Mr. Desjardins: You've changed interlocutors. I didn't realize it. Mr. Laberge was

registered.

The Chairman (Mr. Jean Campeau): I would have interrupted Mr. Laberge. He was not given the floor but as our guest had started to speak I thought he was answering your question at the same time. Back to you, Mr. Desjardins.

Mr. Desjardins: One final question. You state in your brief that sovereignty could affect local production costs because the increase would make your industry less competitive on international markets. Would you care to elaborate?

Mr. Drouin: We talk about this in the brief. The cost price of our products is set by the international market. The operating price is determined by local conditions: manpower, materials and so on. Our cost price doesn't change every time the cost of materials goes up. We achieve a certain margin, and suddenly we exceed it. Perhaps you were here yesterday; you didn't see it but the television news showed interest rates on loans here in Québec in relation to the rest of Canada, and in Canada in relation to the United States. The interest rate is what must be paid to make business investments. If the cost of borrowing money rises, this must be deducted from the cost price of mining companies. We're limited by the ceiling. We must always stay below it.

Mr. Desjardins: Thank you.

The Chairman (Mr. Jean Campeau): Could you put in a good word with Mr. Wilson on our behalf, Mr. Desjardins, to have interest rates brought down?

Mr. Desjardins: ...

The Chairman (Mr. Jean Campeau): I would like to make one remark. You said that people look in the newspapers every day to see if mining stocks have gone down. Don't they occasionally go up?

Mr. Desjardins: People always think that they drop more than they rise.

The Chairman (Mr. Jean Campeau): We now turn to Mr. Savoie.

Mr. Savoie: Thank you very much, Mr. Campeau. I would like to join those who have congratulated the Association for being here, and for its brief, which I feel is extremely viable, concise, precise, one containing the following caveat: We must be careful, the situation is a sensitive one. The mining industry obviously favours regional development and job creation in the regions. The course which the current constitutional crisis might take could put the

mining industry at a disadvantage and undermine the economic well-being of the regions.

This is also what I suspect. If we are unable to control as we must the cost of our constitutional option, the mining industry is likely to suffer. The question that comes to my mind, in particular, has the opinion stated by the Association minière achieved a consensus within your association?

Mr. Ouimet: We presented our brief at the latest general meeting of the Association. There was a complete consensus concerning the content of the brief; everybody agreed with the content.

Mr. Savoie: With respect to the comments you received from your members with regard to investment in the Abitibi region, for example, what might the impact of the constitutional position be in which we would be put at an economic disadvantage? Will there be a reduction? Might it be possible to contemplate, for example, a significant drop in investment in the Québec mining sector, if Québec were to go it alone?

Mr. Drouin: In my view, everything depends on the prevailing climate. That is why, in our brief, we suggest proceeding cautiously. Much has been said about stability, about creating a stable climate. We also propose a second formula. We haven't repeated it, but I want to repeat it. We suggest that Quebecers stop looking at the question in an inverted fashion. Whether we sign an agreement with the rest of the country today, tomorrow or the day after, we'll have to find a middle ground. That is why we must think of all of our partners.

We are federalists. It's clear that we must sign agreements with someone. But the matter of saying we'll have problems with investments? Yes, if there's a crisis investment may well cease for a time. It will come back, but it may be too late. We must bear in mind that we live in a region. When investment stops in a region, even temporarily, the effects may last a long time.

Mr. Savoie: There is, nonetheless, an element of risk. You necessarily attribute an element of risk to financing operations, for instance. I could even mention the notion of technology transfers and knowledge gained from other provinces such as Ontario and British Columbia, whose mining activities are more extensive in absolute figures than ours. So, according to you, all of this may, perhaps not necessarily, but there is a risk that it will work against the development of the mining industry in Québec.

Mr. Drouin: If you look at our brief, we say somewhere in it that the Québec mining

industry is Canadian. There are several owners who own shares all over the place. Money is tight, so we invest here and there, wherever opportunities are best. That's normal.

Mr. Savoie: Right. I found that interesting because this is one of the few sectors in which jurisdiction is clearly shared. The mining industry or sector falls under provincial jurisdiction. It falls under our jurisdiction and I think we exercise this jurisdiction to the satisfaction of the industry overall. For example, the federal government often intervenes for the benefit of the industry, indeed its intervention is often sought. However, where the situation in the mining industry is clear with regard to the sharing of jurisdiction, you come along and tell us: Let us maintain the link, we are capable of operating in this sector. If the link is broken and this causes a crisis with the other provinces, regional development is sure to feel it.

Mr. Drouin: That is the main impact.

Mr. Savoie: And we're talking about jobs...

Mr. Drouin: No, we say it quite bluntly, we're not talking about fear.

Mr. Savoie: No, no, on that point we agree fully.

Mr. Drouin: I'm telling you frankly that things have changed over the past 20 years, except in the countryside where people reacted emotionally on the market in 1987. In late 1987 during the stock market crash people weren't reacting rationally but emotionally. They will react emotionally if links are broken.

Mr. Tolgyesi: Mr. Savoie, you are aware that it takes many years to set up a mining industry and bring it on line. Mining exploration can take 5, 6 or 10 years and it can take 4 or 5 years to set up mining operations, and only then does the mine begin to produce. There is a period of instability, I cannot say whether it will last one month, one year or 10 years, regardless, but these periods can seriously disturb the necessary work so that after, market conditions may change. So, what we didn't do when we should have, we cannot do after because it will be too late. Metal prices are cyclical, and we have to deal with this fact, otherwise we may miss the boat. When we talk we are not talking about fear, but about our concerns because it is not only the period that can affect us adversely, but afterward the effects may be so detrimental that perhaps we'll miss the boat. Development won't take place.

The Chairman (Mr. Jean Campeau): Mr. Savoie, time is up, unless you have a brief

comment.

Mr. Savoie: Yes, one last comment, Mr. Chairman, with your permission. Very quickly, does the Canadian Mining Association share your viewpoint on some sort of renewed federalism?

Mr. Drouin: We didn't consult the Association.

Mr. Savoie: You didn't consult the Association.

Mr. Drouin: No.

Mr. Ouimet: This is the position of the Association minière du Québec, of Québec mine operators.

Mr. Savoie: Only in Québec. Fine.

Mr. Roberge (Jean): To add to the question about insecurity and uncertainty, we know that the mining industry - I hope you have fully understood - operates upstream and downstream. Uncertainty makes it harder to invest and makes it less attractive to invest in Québec to develop a mine, which takes time. Downstream there is the other problem, where the international clientele may lose interest while uncertainty prevails and seek supplies from our competitors such as Australia, South Africa, the USSR or other countries. So,...

Mrs. Marois: I was going to say that the industry in South Africa is stable, is it not?

Mr. Roberge: Mining companies are stable there, but instability has existed for so long that they are used to it. But for...

A voice: Unstable stability.

Mr. Roberge: ...but for Québec upstream and downstream, insecurity and shilly-shallying would cause investment problems upstream and among clients who, for some time, would look elsewhere and perhaps be content to continue to look elsewhere. Afterward, we'll find ourselves back at square one.

The Chairman (Mr. Jean Campeau): Fine. Mr. Drouin, Mr. Ouimet, Mr. Roberge, Mr. Tolgyesi, thank you for sharing with us your concerns about the future profitability of mining operations. Thank you, gentlemen.

(Proceedings adjourned at 1:01 p.m.)

(Proceedings resumed at 3:45 p.m.)

The Chairman (Mr. Jean Campeau): We will begin shortly; please take your seats. We will

resume our deliberations and welcome Mr. Ivan Bernier, a guest expert. Welcome, Mr. Bernier. Please allow me to make a few remarks to members of the Commission before you begin.

My remarks are similar to those which were made when we began questioning various experts. I think that, in all fairness to members of the Commission, to you, Mr. Bernier, and to all those listening to us, I am taking the liberty to speak on behalf of all members. Thank you for appearing this afternoon. All of the members have certainly read your brief. People always say that and I would like to say, as I said the other time: Some members have perhaps even read it twice. Your brief was certainly deemed to be good by the Steering Committee, which invited you to appear today.

Now, do not be surprised if, when the question period arrives, some of the questions are direct and perhaps blunt. This is because we want to take the best possible advantage, in the positive sense, of your presence. You have been granted one hour; we want to get as much information as possible from you. Obviously, preambles and lengthy references must be avoided. With that, I leave you to present your brief. You have 10 minutes.

Mr. Ivan Bernier

Mr. Bernier (Ivan): Thank you, Mr. Chairman. Members of the Commission, my remarks this afternoon are not intended to be a detailed, systematic statement of my position on the political and constitutional future of Québec. Instead, they answer eight precise questions raised by the Commission and are intended primarily to spark the Commission's reflection by providing a number of important reference points when it defines the future political and constitutional status of Québec.

Before I broach each of these questions, I would like to emphasize that the Commission's deliberations are part of a political process which, whether we like it or not, will affect the conclusions we are likely to draw. By rejecting the Meech Lake Accord, the rest of Canada has unequivocally rejected Québec's most basic demand, that is, recognition, in the Constitution, of Québec as a distinct society with the appropriate means of ensuring its survival and development. This gesture, whose fundamental significance is clear to everyone, was bound to elicit a reaction which there was every reason to fear outside Québec. It is now up to Québec to take the initiative.

The Québec government's initial response, which was firm and measured, included two unprecedented promises. First, there was no question of Québec's further discussing its constitutional future with 11 interlocutors. Discussions would be bilateral. From a constitu-

tional standpoint, this meant that Québec, having rejected the normal amending process, was excluded from the Constitution. Second, Québec, by placing itself theoretically in a position of independence, intended to freely decide how far it was prepared to go with the rest of Canada. In the wake of this initial commitment, Québec must now propose to the rest of Canada a realignment of Québec-Canada relations which leaves no doubt whatsoever about its distinct character.

What problems are raised with regard to the political and constitutional status of Québec? The first problem I would like to broach is that of the political stalemate between Canada and Québec. Not only has the impasse become obvious, in my view, but it also implies significant costs. We must find a way out of the deadlock. Indeed, during a recession such as the one we are now experiencing, at a time when important economic issues have been raised, we are still debating the constitutional future of Québec. Commissions are appearing here and there in Canada to endeavour to find a possible response to the position Québec adopts with respect to its status. We have been dealing with similar problems for the past 30 years. We negotiate regularly with Ottawa. A number of commissions and various reports have sought answers to the standoff between Canada and Québec. At present, I think it can be said that we've hit a dead end.

For the good of Canada and the good of Québec we must find a solution to this deadlock. Not only... When I say for the good of Canada and the good of Québec, it is not merely a question of economics, but a matter of the autonomous development of each of the two parts of Canada. Québec is seeking to develop itself according to its own course. Canada is endeavouring to do the same thing. Both often find themselves facing different attitudes.

That said, how can we extricate ourselves from this impasse, and what are its causes? The same two concerns have prevailed, by and large, over the past 30 years. Québec has sought the broadest margin of autonomy possible, while preserving a number of economic factors, within a structure encompassing Québec and Canada.

Now, we have reached a point where marginal or minor changes or even more substantial ones where it is a question of acknowledging the uniqueness of Québec society are still not acceptable. We must undertake more significant changes. We must find solutions that allow us to get out of the stalemate.

What I am suggesting in my brief is a notion which crops up constantly in the discussions you have heard on several occasions, that is, two solutions, one related to constitutional law, the other to international law. The solution centred on constitutional law seeks a realignment, under a single constitution governing

Québec and Canada, which would make possible an economic union while Québec would keep most of the other fields of jurisdiction. The solution focusing on international law entails a declaration of independence combined with negotiations aimed at achieving economic association with the rest of Canada.

Essentially the same idea prevails in both instances: a maximum of autonomy for Québec and economic association with the rest of Canada. When we listen to what Quebecers have to say about both questions, there is ambiguity, constant ambiguity. Are we talking about independence or are we talking about sovereignty-association? Are we still talking about constitutional law or about international law? These are the questions that concern me in my brief and in my comments this afternoon. I think we have to attempt to elucidate this ambiguity. We cannot put a question to Quebecers through a referendum which does not clarify matters or state matters so that we know exactly where we stand. If we look at the opinion polls and note that 66% of respondents claim they are in favour of independence or sovereignty-association, we must know precisely what we are talking about. Are we talking about sovereignty-association but not independence? Are we talking about both at the same time? Are we prepared to adopt one solution or both? Much needs to be clarified in this regard. This is what I have endeavoured to do in my brief, by presenting both hypotheses or both methods of squaring the circle, if you will, that is, the broadest possible autonomy for Québec in political terms within an economic association.

The means available in constitutional law are few. We could envisage a confederal approach which assumes that Québec would exist or coexist with the Canadian Federation, would no longer be part of the Federation, but would coexist alongside the Canadian Federation, associated with the latter in a confederation. Still in the realm of constitutional law, if we contemplate a federal approach, we arrive at the notion of asymmetrical federalism, with extensive decentralization for Québec and a more or less similar status to what exists at present for the other provinces. In my view, this represents both hypotheses which can be contemplated if we are talking from a constitutional standpoint about the massive decentralization of powers to Québec.

Now, if we look at decentralization leading to a status based on international law, there is obviously no need to dwell on the question. Contrary to some comments which have been made, I think that we would have to quickly establish from the outset Québec's sovereignty or independence and launch negotiations with a view to associating with the rest of Canada.

These are the two main approaches open to Québec to achieve its objectives, one based on

constitutional law and one based on international law. How feasible are the two approaches? It strikes me that the solution centred on constitutional law, starting with asymmetrical federalism, is the hardest to achieve because it presupposes central institutions, granting Québec and the rest of the country different weights so that on numerous issues Québec representatives should remain silent or abstain to allow the rest of Canada to debate those matters which concern it more directly. In the literature, this has usually been deemed a fairly important obstacle, if not detrimental to the achievement of such a status.

With regard to the confederal approach, I think it may be possible to achieve what might be called an autonomous associated State of Québec within a Canadian confederation. History provides us with a number of examples which suggest that such an approach was workable, although the States in question usually did not survive very long.

Despite everything, one possibility probably warrants consideration, and I suggest that the Commission might take a closer look at the significance of the status of a sovereign State associated with a confederation. Until now, I have not often heard this hypothesis debated and I feel that it is worthy of consideration.

If this hypothesis is not accepted, I think the only other possible way to achieve the degree of decentralization of powers contemplated is independence, combined with economic association with the rest of Canada.

What role can the Commission play in attaining either of these suggestions? I think that the Commission must first seek the broadest possible consensus concerning the analysis of problems and the elaboration of Québec's objectives. Even before we look for a solution, whether the approach is constitutional or confederal, or one based on international law, independence and economic association, we must establish as clearly as possible the problems Québec is facing and the objectives we are pursuing. If, in terms of the process at least, we obtain a fairly broad consensus, I think that this may affect subsequent events.

Next, the Commission should probably indicate its own choice, a process based on constitutional law or a process based on international law, asymmetrical federalism involving significant decentralization, or a confederal status. Once the choice has been made, it will remain to establish the attendant procedure. It seems to me that we cannot avoid a referendum, which should be held quite quickly, during which we could ask Quebecers the following question: Are you in favour of the massive decentralization of powers in Québec's favour, through an approach based on constitutional law leading to a confederal status, or are you in favour of the independence of Québec combined

with economic association with the rest of Canada?
(4:00 p.m.)

In either case, I believe it is absolutely essential that a deadline be established for carrying out and concluding negotiations on a confederal status if that is the course chosen. Beyond this deadline, in the event of failure, we must move on to the other solution, that is, to independence, because, regardless of what happens, it strikes me as essential for Québec to maintain the initiative given the current state of affairs. Québec must absolutely maintain the initiative, otherwise the whole process will be beyond its control and it will be hard to settle the matter. The essential effect of Meech Lake was to give Québec the initiative. It is now up to Québec to propose a solution which enables it to solve the basic problem I outlined at the beginning, which is the political deadlock between Canada and Québec. Thank you.

The Chairman (Mr. Jean Campeau): Thank you, Mr. Bernier. We will begin the questions with Mrs. Lorraine Pagé, followed by Mr. Poissant.

Mrs. Pagé: Good afternoon, Sir. The first question I would like to ask is this. You have spoken of decentralization and asymmetry. Since the Commission began its deliberations, we have heard on numerous occasions that decentralization went completely against the need expressed by English Canada. I would like to know if this is your understanding of the situation. Second, when Mr. Chrétien appeared before the Commission this week, he talked about asymmetry but also specified that this asymmetry could only be contemplated with respect to shared powers, those powers in which there is overlapping between the federal and provincial governments. Do you agree that we must share this perception when we are talking about federalism? These are my first two questions, and if any time remains, I have another one.

Mr. Bernier: I'll leave some time; I'll go quite quickly. With respect to the massive decentralization of powers and English Canada's reaction, I think we can take it for granted that English Canada will not look kindly on this solution. However, the question that remains is, are other solutions possible? If I have fully understood Mr. Bourassa's statement last June and bearing in mind the general attitude of Quebecers, the other solution proposed, that is, marginal decentralization, modifications, and renewed federalism, does not seem to have been chosen.

Starting with the government's position, with Mr. Bourassa's position, when he stated that it was no longer a question of 11-way or

10-way negotiations, but two-way negotiations, that meant that we were no longer proceeding under the current constitutional amending formula. At least in political terms we were refusing to participate in a process whereby we discussed marginal changes with respect to Québec's current status. The other hypothesis raised by Mr. Bourassa, which was... we might well ask ourselves whether Québec should be granted massive decentralization. How can we achieve this goal without changing the Constitution? I think that... My interpretation of what Mr. Bourassa said in this regard is that Québec was going to establish what it intended to propose to the rest of Canada and the rest of Canada had to decide whether or not it agreed. In this perspective he was quite right to say that the process involved two-way negotiations, not 11-way negotiations.

As for asymmetry, I think this position reflects Mr. Chrétien's perception of what is achievable, but I don't think it reflects what Québec maintains are its essential needs.

Mrs. Pagé: A close examination of your brief reveals that, whether our course centres on constitutional law or international law, you suggest that we must first declare our sovereignty. Thus, you exclude discussions within the framework of federalism that would mean piecemeal changes. When you discuss a solution based on constitutional law involving a confederation, you broach the question of common authorities or agencies which might be established. First, could you be a little more specific about this point? Second, would we not come up against strong objections from English Canada concerning the establishment of new structures shared by both States, but which give Québec considerable weight when needs or policies are defined?

Mr. Bernier: OK. What I wanted to say in greater but, unfortunately all too brief detail about the question of a confederal status is that it is possible. We could envisage the status of an autonomous State within what could be deemed a Canadian constitution, valid for Québec and for the rest of Canada, but this means there would be two types of relations with Canada. First, there would be a document spelling out Québec's status in relation to the rest of Canada, and a second document concerning Canada itself.

This status is perhaps not entirely unexpected. When I was working on this hypothesis, I had in mind Puerto Rico which is an autonomous, free State associated with the United States but which, in actual fact, appears no different from Québec at present and whose powers are certainly not as broad. If we pursue the matter, it becomes apparent that, while Puerto Rico enjoys some measure of autonomy, it does not take part in the central management of

the United States. So, this is not necessarily the ideal status; certainly not the one Canada would want.

However, on the basis of such an example, we can envisage a hypothesis where Québec would enjoy all the powers except those needed to manage the economic union and, as I noted in my brief, a number of common powers governing other fields related to competition or areas of common agreement.

Let us return to institutions. Would institutions be a problem in this instance? In my view, institutions under a confederal system would not necessarily be much different from those we would find were Québec and Canada to engage in economic association. Provided these institutions were an outgrowth of Québec-Canada relations, they would not be very cumbersome. They would involve perhaps a board or ministerial council, with procedures for solving disputes through a judicial body approved by both parties. It is possible to build something fairly simple around this notion, but this applies only to Québec-Canada relations.

As for the rest of Canada, it would continue to have its own system. If we were to examine the situation in light of international law, we would find essentially the same thing: Québec would be independent or sovereign and various institutions would oversee the economic association.

Mrs. Pagé: So, you suggest that we follow either course, but that we will achieve the same thing.

Mr. Bernier: That's what I wanted to stress, to some extent... Yes?

Mrs. Pagé: Have I summarized too much in saying that?

Mr. Bernier: No. No.

Mrs. Pagé: Good.

Mr. Bernier: I think this is fairly typical of the current confusion in the minds of Quebecers. Many of them, when they talk about sovereignty-association, have in mind an independent State, but not necessarily an independent State maintaining fairly close links with the rest of Canada, but not necessarily independent. Much remains to be clarified in this respect.

I would simply like to point out that last evening, for example, Louis Bernard was here to explain his position and suggested that there be a declaration of independence, but for before two years, if I understood correctly. During these two years, we would negotiate with the rest of Canada to achieve sovereignty-association. What exactly is this sovereignty-

association if not independence? It was my impression that the day independence arrived it would be more like sovereignty-association. There's something worthy clarifying here. I think this reflects fairly well the confusion in the minds of Quebecers.

At some point, I think we simply must ask: Do we want to maintain relations based on constitutional law with extensive decentralization, almost total autonomy, except for those powers which would be delegated to central authorities with respect to management of the economic union, with an opting-out clause? Under a confederal approach, it is possible to preserve the right to opt out, the right of secession, if you like. All of this is possible. You see how we end up with almost the same situation, but from two different standpoints. I don't know what the reaction of Quebecers is.

Ultimately, I think their response will depend on the degree of importance they accord the Canada-Québec link. Depending on whether they maintain fairly strong ties with the rest of Canada, they will probably opt for an approach centred on constitutional law. If not, if they deem it more important to Québec's development to achieve their objectives in an international framework, then the other approach will be chosen.

The Chairman (Mr. Jean Campeau): If you like, Mr. Bernier, we will now turn to Mr. Poissant.

Mr. Poissant: Thank you, Mr. Chairman. I would like to make an observation. I'll just take 20 seconds. Twice, yesterday, we were told that Québec's debt in relation to Canada is offset by our assets. In terms of government accounting, I think these are entirely separate things: debts are due for payment and assets are not necessarily realizable. Perhaps one could claim that a woman with a \$50 000 home who has a \$50 000 mortgage has no debt, neither assets nor liabilities, but government accounting is another matter altogether.

That said, I would like to thank you for the first remark you made: "My remarks this afternoon are not intended to outline in detail and systematically my position on the political and constitutional future". I think this is important. What we are seeking is objectivity. We are seeking information...

The Chairman (Mr. Jean Campeau): I beg your pardon, but as you are the first one to fall into the trap, could you ask your question? I don't want to be...

Mr. Poissant: OK. I'm going to ask you a question. Five professors from the University of Ottawa in Hull said that unilaterally declaring our sovereignty was unconstitutional. I don't

wish to claim that they are five times better than you or five times more competent than you, but what is your reaction?

Mr. Bernier: That Québec's declaring its independence is unconstitutional? Fine. I think we have to distinguish a declaration from its constitutional impact. The declaration in itself has neither to be constitutional or unconstitutional, it is a declaration and we must then examine its impact. At present, in constitutional law there is no measure which provides for separation or independence as such outside the stipulated amending measures. No provision has been made for the right of secession based on a simple declaration. There is – and that's the only thing in the Constitution – a right to amend the Constitution to take into account new situations. If independence must be achieved through a constitutional amendment, this is something that has yet to be carried out, but it's not the only way to achieve independence.

Mr. Poissant: I'd like to go back to the question Mrs. Pagé asked you. All that remains, in the end, is international law. Is that right? The right to self-determination. Is that correct?

(4:15 p.m.)

Mr. Bernier: From an international standpoint, it is the right to self-determination. But to state the case perhaps more clearly and more simply, any declaration of independence in international law is, eventually, a question of its effectiveness. In international law, a declaration of independence is, first and foremost, a question of effectiveness. Is it effective or not? Two factors must be taken into account: the position of Canadian authorities, the first element of effectiveness, and the position of the other States, the second element of effectiveness.

Mr. Poissant: That proves one thing, that it's not very easy. We're still not out of the woods!

One last remark, Mr. Chairman. Yesterday, I made a comment which was made in Mr. Turp's brief, and you touch on the matter briefly when you say on page 10 of your brief that we could first attempt to make the best possible use of existing federal institutions, according to an initial scenario. Do you mean during the transitional period?

Mr. Bernier: No. I was looking at the possibility of Québec's demands for the massive decentralization of powers – this is what has come out of discussions up until now – being satisfied in constitutional changes which would apply to all the other provinces. It is the tradition in Canada that there be no special

status; if decentralization occurred, it would occur for all of the provinces. All of the provinces are equal, so there is no problem with regard to institutions, there is not need to make provision for special procedures governing Québec. The same institutional procedures are maintained, but the provinces' powers have been increased and those of the central government have been decreased. A typical example of this approach is reflected in the observation that we should have four regions in Canada, all equal, and all with increased political powers.

The catch is that I am not at all sure, politically speaking – and this is a political judgment – that this satisfies the expectations of the Maritime Provinces or the Western Provinces. This type of approach would impose on the other provinces – and this touches upon the political stalemate I was talking about – objectives and concerns which they do not share. My feeling is that they won't want anything to do with it. As a result, we are compelled to move in another direction, away from the equality of the provinces overall, but in a direction leading to marked asymmetry.

Mr. Poissant: Thank you.

The Chairman (Mr. Jean Campeau): Does that answer your questions? Next, Mr. Beaudry, followed by Mr. d'Anjou.

Mr. Beaudry: On page 5 of your brief, Mr. Bernier – I'd like to know if I have understood properly – while answering the second question: In which fields might Québec enjoy full jurisdiction? A-B; concurrent or shared jurisdiction? You answered: Because the Québec economy is an open one, it would be irrational to cut Québec off from a market which is open to it virtually without restrictions; it would be advisable for it to continue to belong to a Canadian economic union. I understand that, under either option – you analyse both – this is an absolute. To this end, you add: In concrete terms, this demands that it first renounce – not that it cooperate – the right to exercise any jurisdiction over international trade regulations, tariffs and so on, and over monetary matters, in favour of common institutions. Do I understand you correctly when you say that in order for Québec to survive in a reasonable fashion and maintain its standard of living with either option, it must forego its jurisdiction over economic matters, with respect to the currency, for example, in favour of the federal government, which could be one of the common authorities as you mentioned earlier when you answered Mrs. Pagé?

Mr. Bernier: I think that my essential point is quite clear. To achieve an economic union – I didn't say to achieve Québec's economic

survival – to achieve an economic union, taking it for granted that such a union was desirable.

Mr. Beaudry: However, you do recommend it...

Mr. Bernier: Yes, absolutely... I recommend this economic union because I feel that, under the circumstances... Allow me to digress. Twenty years ago, when these constitutional matters were discussed, the economic issue was raised in a context where it was certainly not obvious that Québec was in a position to fend for itself economically. In any event, the question could be raised, and rightly so.

At present, this is no longer the problem. I think there is a consensus that Québec could fend for itself economically, even if it were independent. But the question that has just been raised, and the one that I broached, is the importance in the current international context of maintaining existing links, ones that give us access to a market, given that we need markets because we export a considerable portion of our output. I think it would be irrational – that is the expression I used – to backtrack or demolish this economic union, then rebuild it. In both processes I have deemed economic union to be eminently desirable. All things considered, we must seek to maintain it. That said, we can do so through an approach based on international law, or one based on constitutional law.

Mr. Beaudry: When you add, on page 5: "...to facilitate, generally, the achievement of the objectives of the economic union – which you, of course, consider to be desirable – Québec should grant to the common institutions a general power of intervention in all fields – that's quite general – of economic activity as soon as such intervention seems to be functionally necessary to attain the objectives pursued". The question I would like to put to you is that, at present, the federal government is often accused of intervening in all manner of fields: health, education, agriculture, in all sorts of fields which are theoretically under provincial jurisdiction, but because there are economic overtones or because research is involved, Ottawa gets involved. What you are saying, then, in your proposal, is that it is advisable to maintain a common institution. Whether it is called the federal government or a common institution, as you would have it, it is advisable for the survival – perhaps not for Québec's survival but for its economic viability – it is desirable to maintain these institutions, allow them to intervene at all times in any and all fields, provided the economy is involved and the institutions in question or the federal government deem it desirable to do so. Is that what you are saying?

Mr. Bernier: That's about it. There is one slight distortion which is...

Mr. Beaudry: We'll straighten up the bar somewhat if you like.

Mr. Bernier: I think that anyone who is keenly interested in the operation of an economic union – one example that comes to mind is the European Common Market – will quickly realize that beyond the elimination of obstacles to trade, negative integration, beyond the implementation of certain common policies – trade policies, monetary policies or even policies governing other sectors – there are always unforeseen circumstances. There are always sectors where, possibly, it appears necessary to adopt common approaches. What I say subsequently in the brief – and this is also important – is that all of this is achieved through consensus.

Mr. Beaudry: Of course.

Mr. Bernier: That is, insofar as Québec in agreement with Canada deems that the regulation of certain aspects of economic life should be covered by a common approach and they agree on such an approach, I think this is eminently desirable.

Mr. Beaudry: Under the circumstances...

The Chairman (Mr. Jean Campeau): I'm sorry but your time is up. Perhaps if there's time at the end we can come back to the question. Mr. d'Anjou has the floor, followed by Mr. Dufour.

Mr. d'Anjou: Good afternoon, Mr. Bernier. Your brief is very interesting. You seem to emphasize and strongly advocate maintaining economic ties, through a veritable Canadian economic union, to preserve what has been achieved and enable Canada as a whole and Québec to develop as a result. When we speak of an approach centred on constitutional law or on international law, regardless of the approach adopted we must have common institutions, once we decide on an economic union, otherwise it will be impossible to achieve a functional economic union. In light of the current situation, do you prefer either of the approaches?

Mr. Bernier: If we start with the premise that we want to maintain a number of existing structures and also achieve a number of other objectives which I outlined in my brief – I think I have clearly indicated the importance I attach to maintaining what I dubbed a common citizenship and economic links, including the free circulation of persons, in particular, in the broadest sense – I find the hypothesis of a

confederal structure interesting. A priori, it is the one I prefer. Of course, this gives no inkling of the problems which would be raised, but in terms of a personal choice, it is the one I find most worthy of consideration. That said, insofar as it is non-negotiable, it must be clear that the only other alternative is, automatically, independence. Under the circumstances, I wonder if independence could include economic association.

Mr. d'Anjou: What do you mean? Could subsequently allow association, or...

Mr. Bernier: I beg your pardon?

Mr. d'Anjou: When you say: I wonder to what extent independence...

Mr. Bernier: What I mean is, if Canada is unable to negotiate a confederal arrangement...

Mr. d'Anjou: Confederal.

Mr. Bernier: ...with an economic association, I think there is a chance that it will also be difficult when we examine the question of independence, because the same situation prevails in both instances. What we must bear in mind is that, in some respects, we are choosing a process to achieve appreciably the same outcome.

Mr. d'Anjou: Can we then conclude that the constitutional approach is unthinkable, unless English Canada displays a strong political will...

Mr. Bernier: Absolutely.

Mr. d'Anjou: ...to agree to seriously negotiate?

Mr. Bernier: I think I also clearly stated that all of this hinges on the political will of the parties concerned. Whether we opt for an approach centred on international law or one centred on constitutional law, we will still come up against the problem of achieving a political consensus.

Mr. d'Anjou: Thank you, Sir.

The Chairman (Mr. Jean Campeau): Mr. Dufour, who will use the time granted to the Chair.

Mr. Dufour: Thank you, Mr. Campeau. Mr. Bernier, I must say I'm having some trouble with your presentation because you are one of the only experts who has dwelt on both of the hypotheses presented. There may be options, but they are not obvious. My questions will focus on the federal system, then on sovereignty. In the first instance, I will speak about immigration.

What you seem to be saying is that, under renewed, modern federalism, jurisdiction should automatically be shared. Thus, it is not right for Québec to demand full responsibility for the question of immigration. Do I follow you?

Mr. Bernier: Under a confederal system, rather than a federal...

Mr. Dufour: Oh, fine! You are saying "confederal".

Mr. Bernier: Yes, yes, that is indeed what I said.

Mr. Dufour: You mentioned confusion earlier.

Mr. Bernier: Under a confederal approach, which is constitutional in nature, I believe, in what I am proposing, personally, in any case, that it would be useful to share jurisdiction over immigration and citizenship.

Mr. Dufour: Under a federal system, under modern federalism, would Québec have sole jurisdiction or would it share this jurisdiction?

Mr. Bernier: I think that...

Mr. Dufour: I am not talking about confederation.

Mr. Bernier: Pardon?

Mr. Dufour: Federalism.

Mr. Bernier: Under federalism, I think that, a fortiori, we must recognize what a shared jurisdiction is, because it would be ridiculous to say: I'm in favour of shared jurisdiction under a confederation then backtrack with respect to a federation.

Mr. Dufour: Fine. I'll continue on the time allotted to the Chair. With regard to aboriginal peoples in a sovereign Québec, at the end of page 3 you say that aboriginal peoples, like new Quebecers, will refuse to be manipulated and will not want others to decide on their behalf about their development and fate. What do you mean by that?
(4:30 p.m.)

Mr. Bernier: Briefly, I mean that, when we talk about the development of Quebecers, we must bear in mind that Quebecers means all Quebecers, English speakers, members of the cultural communities, aboriginal peoples and, of course, the French-speaking majority. In this Québec which is seeking to develop, we must find solutions which satisfy the expectations of aboriginal peoples, but we must — this is what I had in mind in particular — we must understand

that the unity of aboriginal peoples extends beyond Québec's borders, that they also have concerns which span the entire nation. I believe they have said so and will constantly repeat it, and this is why I favour maintaining links which enable all Canadians and Quebecers to move freely from one end of the country to the other, whether we opt for independence or a constitutional approach.

The Chairman (Mr. Jean Campeau): Fine. We now turn to Mr. Rémillard.

Mr. Rémillard: Thank you, Mr. Chairman. Mr. Chairman, we are obviously pleased to welcome Mr. Bernier, Professor Emeritus in the law faculty at Université Laval, professor of international law, and a member of the Macdonald commission on the Canadian economy. Mr. Bernier's solid expertise may be of use to us today in analyzing certain questions. What I have noted, Professor Bernier, in your presentation and your brief, is that the notion of sovereignty-association is not a concept in itself. There are two concepts: sovereignty and association; the hyphen between them is significant. Consequently, what you are saying is that sovereignty-association exists insofar as there is association, or a willingness to associate.

We must examine each element separately. You referred to Mr. Louis Bernard, who yesterday gave some of the most interesting testimony we have heard before the Commission, along with that of Mr. Dion. Mr. Bernard said very clearly that if we pose a question for the referendum, we would have to pose the question on independence, requesting a mandate from Quebecers concerning Québec's independence and the possibility of negotiating sovereignty-association. I think this has to be understood. In this regard, I think you have made a very important contribution today by insisting on this aspect. There is association when there is a willingness to associate. This means that we must speak in terms of independence if we wish to break our ties with the federal system. Is that how you see... Have I understood you?

Mr. Bernier: Yes, in my view, if we talk about sovereignty-association, there must first be independence, sovereignty. Sovereignty and independence, autonomy - what I have heard of the Commission's deliberations until now - continue to be used as more or less equivalent concepts.

Let me explain briefly how I see them. Sovereignty is the internal expression of independence, which is the external, international manifestation of sovereignty. Autonomy is the ability to act; it may be more or less extensive, depending on whether one voluntarily agrees to limit one's own sovereignty. When we obtain the status of sovereignty-association, this means

that, being sovereign and possessing all powers, we have agreed to limit the exercise of our sovereignty, not sovereignty, but the exercise of our sovereignty such that we find ourselves in a situation in which autonomy is not quite the same.

Mr. Rémillard: Would a question asked during a referendum, for example, the following question put to Quebecers: Are you in favour of mandating the Québec government to negotiate sovereignty-association? Would such a question elicit the legitimacy and support needed to launch such negotiations?

Mr. Bernier: I must confess that I would not be in favour of such a question. In my view, we should first ask: Are you in favour of an independent Québec, Québec having declared its independence, having achieved its independence, negotiating an agreement to associate with the rest of Canada?

Mr. Rémillard: I greatly appreciate this legal and economic clarification. That is my second question. You are a specialist in the realm of international trade and international rules. Québec declares its independence tomorrow. What rules in international law currently govern sharing?

Mr. Bernier: You mean the sharing of...

Mr. Rémillard: The sharing of debt, assets or whatever. We'll have to negotiate on the basis of being independent, right from scratch. What rules of international law apply? Do such rules exist? This situation has already cropped up, I imagine. Other countries have dealt with similar questions. Can you cite any international rules?

Mr. Bernier: In particular, I would refer you to the study by Professor Arbour, who examined precisely in the case of Québec all of the problems related to the succession of the State. Basically, what must be acknowledged is that, when some measure of agreement has presided over the achievement of independence, the succession of the State usually occurs on the basis of what is incompatible with the maintenance of independence. If there are preexisting arrangements which are incompatible with Québec's independence, we must establish whether or not Québec agrees to maintain them and at what level it agrees to maintain them. Naturally, the other parties to the agreement may also have something to say if they, too, are affected by the change of status. Should there be no change on either side, the succession may occur almost automatically.

Mr. Rémillard: Good. If we're talking about

independence, because we have clearly established the principle that we're talking about independence, in this instance what international rules apply to the Canadian debt?

Mr. Bernier: Normally, the debt would have to be shared. However, under international law, if Québec refused to assume any portion of the debt, this would raise the question of Canada's ability to impose it or alter Québec's refusal to pay the debt.

Mr. Rémillard: Are you saying that we have no obligation with respect to the debt? That we can say: Fine. We're independent, so take care of the deficit yourself.

Mr. Bernier: No, I don't think that's what will happen. That's not what would happen, but I am saying that, if we were to push things — in some instances, a State would refuse, especially during decolonization — it may well be that any debt is simply rejected. That said, I believe it is entirely speculative to think that Québec would refuse to discuss and negotiate the sharing of the debt under these conditions.

Mr. Rémillard: Well, if we negotiate, are there international rules which stipulate what portion of the debt...

Mr. Bernier: No, there aren't...

Mr. Rémillard: There are none.

Mr. Bernier: ...there are different examples, there are different types but there are no rules which clearly stipulate what must be accepted and rejected.

Mr. Rémillard: Is the same thing true, for example, of federal government property in Québec? Are there international rules which offer guidance with respect to separating and...

Mr. Bernier: No. I don't think so. Things that are absolutely imposed on Québec, no.

Mr. Rémillard: Let's take...

Mr. Bernier: Should Québec become independent, no.

Mr. Rémillard: Let's take international treaties in relation to independence — I insist: I think you have very clearly established that we must not talk about sovereignty-association but independence, as sovereignty-association may follow, but independence must be achieved first. In this framework, what would happen to a treaty like the Free Trade Agreement with the United States? Would it continue to apply to an independent Québec?

Mr. Bernier: The treaty in question could hardly continue to apply integrally because, from the outset, it raises problems related to the adjustment of its content and the problem of the American reaction to a third partner, in that, with regard to central institutions, if we take only the bilateral commission, we would have to have a trilateral commission or something similar, which means intervention from the American side. This would not happen automatically. In another instance involving a different treaty, it might be sufficient for Québec to state its willingness to assume all of the commitments. If there are no problems, things can go on as before. In terms of the Free Trade Agreement, I think that, strictly speaking, we would have to gauge the Americans' reaction; given that the Americans have a commitment to the rest of Canada, we would also have to gauge the reaction of the rest of Canada.

Mr. Rémillard: Can the same be said, Professor Bernier, of all the other treaties in which Québec is directly involved? I am thinking of GATT or of other treaties in which we might be involved at the time Québec achieves its independence. If such treaties did not necessarily apply to Québec, would we have to renegotiate them as an independent country?

Mr. Bernier: In the case of GATT, I don't think there would be any question of renegotiating GATT, but a question of asking to join GATT as an independent country. In the case of all multilateral agreements, I believe we must exclude the possibility of a new partner demanding to renegotiate the agreements, although there is a possibility that the new partner would assume or request its adhesion as a new party.

Mr. Rémillard: Am I correct in saying that you are proposing two options: either we renew federalism from the inside, based on an internal constitution, or we proceed on the basis of international law by first declaring our sovereignty, which is independence? Is that what you are saying?

Mr. Bernier: Essentially, what I have endeavoured to stress is that marginal changes were not really on the agenda, either for the Québec government or Quebecers in general. The only hypothesis remaining was the massive decentralization of powers; in constitutional terms, this could only be achieved in an associated autonomous State or under a more or less confederal arrangement. If we reject this hypothesis or it doesn't work, the only other solution is to proceed under international law.

Mr. Rémillard: To negotiate sovereignty-association, we must achieve independence?

Mr. Bernier: To achieve sovereignty-association as such, we must obtain our independence; however, if we wish to proceed on the basis of constitutional law to achieve the equivalent, we can propose a regime to the rest of Canada and the latter can accept or reject it.

Mr. Rémillard: Do you mean that we could attain more or less the same objectives as you have stated through sovereignty-association, that we could achieve it by thoroughly modifying the current regime, in a federal system?

Mr. Bernier: Yes.

Mr. Rémillard: Yes, that's what you're saying?

Mr. Bernier: Yes. What I am saying, essentially, is that if you want an economic union within the Canadian constitutional regime, based on the existence of an autonomous State enjoying the right to withdraw, to secede, with powers vested in common economic institutions, you end up with something strongly resembling what might be called sovereignty-association.

Mr. Rémillard: Very good testimony, Mr. Chairman, there's my proof.

Voices: Ha, ha, ha!

The Chairman (Mr. Jean Campeau): Mr. Jacques Léonard.

Mr. Léonard: Mr. Chairman, Mr. Bernier, in reading your brief, we realize that we are pursuing essentially the same objective, that we are moving in the same direction. We want to maintain an economic union with Canada. Perhaps I would quibble a bit more about the word "union", because we'd have to see exactly what it entails, but our party has always hoped for and advocated an economic association. However, sovereignty was political. What I especially appreciated in your brief is the first two words you use: the constitutional approach and the international approach. In my view, this accurately reflects the decision we have to reach. In terms of the constitutional approach, you raise the idea of a confederation. If we are talking about a genuine confederation, I ask myself: Does this not assume that Québec achieves its sovereignty and that, subsequently, bearing in mind the degree of autonomy it wants to obtain and the situation in Canada where the asymmetry we are seeking is denied us and was so especially in the case of Meech Lake, do we not have to achieve sovereignty?

Mr. Bernier: That is so...
(4:45 p.m.)

Mr. Léonard: That implies...

Mr. Bernier: ...insofar as we favour, from the outset, the recognition of Québec as an independent entity, I think that yes, we could say that. What I have attempted to stress is the other part. If we want to focus on something that maintains for Canadians and Quebecers what are perhaps stronger ties, with sovereignty that remains sovereignty under a common constitution, then we are looking at a confederal approach. This is essentially what I meant.

In reality, what strikes me as essential is that if we want to proceed in this manner, to avoid having to subsequently backtrack, we'll have to ensure that Québec preserves the right to secede under a confederal regime.

Mr. Léonard: So...

Mr. Bernier: So, Québec will achieve its sovereignty through the realization of its right to secede if things don't work out.

Mr. Léonard: But on page 13 you say, or on page 10, that such a hypothesis, in reality, has virtually no chance of being proved correct, given that... And on page 13, you say that in the case of Canada, the failure of Meech Lake unfortunately suggests that such an arrangement would be difficult, if not impossible. I am trying to draw conclusions. I don't know what...

Mr. Bernier: You're right. I must admit that, following the failure of Meech Lake, I really did think that it was the end of the process and that we had to proceed in another fashion. However, I believe that, under a democratic approach - what I deem to be a democratic approach - we still have to ascertain what exactly it is that Quebecers want. Do they want an approach that maintains links between Québec and the rest of Canada, under the same Constitution, or do they wish to be independent?

Mr. Léonard: We can verify that.

Mr. Bernier, I'd like to return to the matter of sharing the debt or assets. There is the Vienna Convention. Also, Professor Arbour drew up a treaty; there is also Professor Brassard, or rather Jacques Brassard, of the Université de Montréal, who stated that he felt his book was ready, except with respect to the latest deliberations of the UN, which tabled its report in 1983 or 1984, and dealt extensively with the question of the succession of the State.

I do think there are significant precedents where the question of the debt has been extensively dealt with. In my opinion, this should not pose a problem.

The point I would like to make is that,

from a political standpoint, bearing in mind what you have said, basically it is really English Canada and the federal government which have an interest in sharing the debt.

Mr. Bernier: Absolutely.

Mr. Léonard: This means that we're holding the right end of the stick. Perhaps that will reassure Mr. Poissant. Do you feel that Québec has the advantage in terms of negotiations?

Mr. Bernier: On this question I would say yes, but this question cannot be dissociated from other matters and it must be examined in a broad perspective.

Mr. Léonard: I agree. Perhaps in other respects we enjoy fewer advantages, but on this matter, at least, it must be recognized that we enjoy a considerable advantage. The situation is no longer the one prevailing in 1980, at the time of the referendum, when the federal debt was proportionally much smaller. It totalled \$80 billion then. Today it is approaching \$400 billion. I don't know if you have any remarks on the subject, but this strikes me as a major point in the current economic situation, if we look at economic association and the advantages we enjoy.

Mr. Bernier: Yes, but I have listened to debate on the question of the debt. While I do acknowledge that it is of considerable importance were we to achieve independence, I think we have extended the matter to political considerations which are not necessarily very compatible with the objectives that I have set in my brief, which is to maintain a strong economic union with the rest of Canada. Under the circumstances, the question of sharing the debt has already been raised. Quebecers must assume their share of the debt. At present, every Quebecer, every Canadian, is paying his share of the debt. If the economic union is maintained, we will have to see what becomes of the debt.

Mr. Léonard: Yes. I think what you're saying is that we are already assuming the service on over \$10 billion of the federal debt each year. This is what we contribute to the debt through the federal budget.

I would like to ask you another question. You briefly alluded to the Nordic Council, which encompasses the Scandinavian countries. Do you not feel that we can draw an analogy with the current situation, in any event, that this is a model it would be in our interest to examine, even though the situation does not prevail here?

Mr. Bernier: Yes. You saw what I had to say about the Nordic Council, which is like all

the other examples contemplated. Every time we try to transpose something, whether it's Puerto Rico, the Nordic Council, or the European common market, we come up against the problem of ascertaining to what extent... That may be noteworthy. It can give us a number of ideas, but the situation can never really be transposed as such. The situation in that region is not necessarily the same as the one prevailing at present between Québec and Canada. If there are worthwhile elements, we must look closely at which ones are relevant.

Mr. Léonard: In particular, when you subsequently allude to the confederal commission model, or the common commission in the event Québec becomes sovereign, would the practices of the Nordic Council not be of considerable use to us?

Mr. Bernier: I think these are matters we must examine closely, to establish what we can learn from them, but without necessarily saying... Once again, in each case there are perhaps lessons or experiences which are worthwhile, but beyond that, I fail to see how we can say: What can we do with that? Should we copy them completely? If we choose this type of organization, we must determine to what extent we can make it work according to such and such an approach. I can't go much further on this.

Mr. Léonard: Yes. Very well. In the last paragraph on page 13 you say: "Contrary to what is occasionally suggested, it would be in the interests of Canada and Québec for negotiations to take place as quickly as possible". I agree with you. However, some witnesses have told us that this would take a great deal of time, in particular Mr. Chrétien who, this week, suggested that it could take years, 10 years, and that we still wouldn't have finished. In my view, it is in the interests of all concerned to settle the matter as quickly as possible, especially the business community, to avoid instability. So, we should get on with it quickly. What do you think?

Mr. Bernier: Yes. Next to this passage I noted an additional justification. Here, I mention that the prospect of breaking up the territory into two regions would make people stop and think because we would want to maintain some degree of unity in Canada as a whole, at the risk of disintegrating. One other element I noted was the growing cost for both parties of this type of strategy. If Mr. Chrétien says that it will take a long time and that negotiations will be drawn out, it must be understood that Québec will not bear the cost alone; the rest of Canada will, too. When I spoke at the very beginning of my presentation about the need to break the

uncertainty which has persisted for 30 years, I think that is part of it. If we want things to be clear for external observers, from an economic and other standpoints, it is absolutely essential that we come up with something that is clear.

The Chairman (Mr. Jean Campeau): Mr. Léonard, your time is up.

Mr. Léonard: Thank you.

The Chairman (Mr. Jean Campeau): One last question for you, Sir. With reference to Mr. Rémillard's question, I would like to return to his comments on free trade. Should any important province, regardless of which one, separate from Canada, would the Canada-U.S. Free Trade Agreement stay the same? Would it be the same for Canada?

Mr. Bernier: For the rest of Canada?

The Chairman (Mr. Jean Campeau): Yes.

Mr. Bernier: Well, that poses the same problem for the rest of Canada, as it would be broken up. In essence, the treaty would remain the same. What we need to ascertain is whether it is still applicable to the rest of Canada. Under the circumstances, I don't think Canada would ask or suggest to the United States that its adhesion to the Free Trade Agreement be altered and, failing a gesture of this sort on the part of Canada, the United States would continue to seek the application of the Free Trade Agreement, although there would be every reason to clarify Québec's situation. Because Québec does not participate in the agreement, the situation would not be at all the same for the rest of Canada. Canada's commitment would no longer be as it was at the outset and it would be necessary to consult with the Americans to establish whether this was acceptable.

Initially, I don't think Canada will seek to abolish its adhesion or will not automatically call its adhesion into question. The United States will wait. Both parties will probably bide their time to see how the situation as it pertains to Québec, in particular, evolves. It is not unthinkable that, with a few minor adjustments, the agreement will continue to hold between both parties.

The Chairman (Mr. Jean Campeau): Fine, Mr. Bernier, thank you for taking the time to answer our many questions. Thank you for your testimony. Thank you, too, for the clarity of your remarks.

Mr. Bernier: Thank you, Mr. Chairman.

(Proceedings adjourned at 4:57 p.m.)

(Proceedings resumed at 4:59 p.m.)

The Chairman (Mr. Jean Campeau): We will continue our deliberations with the Conseil d'intervention pour l'accès des femmes au travail. Welcome, Ladies. We welcome Mrs. Bégin, who is president of the Conseil d'intervention. Would you kindly present the people accompanying you.

**Conseil d'intervention pour
l'accès des femmes au travail**

Mrs. Bégin (Martine): I would first like to say hello and stress how much we appreciate being invited to appear here today, despite our continuing to deplore the fact that women, as a social group, have not obtained any seats on the Commission. I would now like to introduce my colleagues. To my right is Mrs. Micheline Simard, a member of the Conseil d'intervention pour l'accès des femmes au travail, and Mrs. Marie-Claude Martel, a member of the board of directors, who will present a summary of our brief.

The Chairman (Mr. Jean Campeau): Mrs. Martel, you have the floor.

Mrs. Martel (Marie-Claude): Thank you. The CIAFT brings together women who are seeking to develop the employability of Québec women through federal or provincial programs. The organization's objectives focus primarily on the feminist principle that the autonomy of women is first achieved through financial autonomy and, therefore, through access to employment. The CIAFT feels that it is obvious that, in order to achieve the basic goal of training women, we must adopt a clear policy in this realm which satisfies the differences and needs of Québec and Québec women. Federal intervention in Québec in the fields of occupational training, income security and employment continues to proliferate, without emphasis being placed on economic growth and the development of manpower, thereby hindering the establishment of an efficient policy.

It is essential for women to be able to rely on a full employment policy, accompanied by a genuine equity and equality policy. Without a clear policy under which their needs can be considered, the CIAFT feels that the employment situation of Québec women will not improve. Our organization feels that a full employment policy is a vital condition for generally improving the living conditions and reducing the social cost now associated with precariousness and poverty. Moreover, the CIAFT formally advocates that Québec alone be responsible for achieving full employment. It feels that the question must directly involve political authorities and socio-economic partners in the local and regional milieu.

At another level, our brief stresses the

need to adopt a family policy that is not centred solely on the birthrate but which is capable of concretely highlighting the family and its social role in a province whose linguistic, cultural and other traits are becoming increasingly distinctive.

We advocate repatriating to Québec the various legislative and administrative powers governing all fiscal measures affecting the family, to make possible the elaboration of a veritable family policy which takes into account the dual status as mothers and workers of Québec women.

Because immigrant women experience double discrimination in a new, egalitarian society, it is obvious that the full repatriation of powers governing immigration will ensure that immigrant women receive all necessary services with regard to socialization, language training and access to employment.

We are convinced that the struggle carried on by women to achieve their autonomy is closely tied to the process that Québec is going through at present. The CIAFT feels that women, as a social group, have an interest in choosing the broadest possible autonomy for Québec in order to define a social blueprint for, by and with Québec. Obviously, the CIAFT deems it essential to enshrine the right to equality of women in a Québec constitution.

Through its frequent contacts with a number of Canadian and Québec women's groups, the CIAFT has observed, contrary to groups whose allegiance is to Canada, that Québec feminists are making demands and displaying greater confidence in the provincial government than in the federal government. This is a striking feature of Québec groups, their strategy and their option. All of this has led the CIAFT to firmly align its recommendations respecting occupational training, employment, immigration, the family, and attendant taxation measures with the option of a sovereign, autonomous Québec.

This position was adopted unanimously during our general meeting last November. We are ready to answer questions.

The Chairman (Mr. Jean Campeau): Thank you, Madam. We will begin the questions with Mr. Claude Dauphin.

Mr. Dauphin: Thank you very much, Mr. Chairman. First, if you'll allow me, I'd like to welcome on behalf of the Government party the Conseil d'intervention pour l'accès des femmes au travail. To simplify things during our discussions, I think we'll simply call you the CIAFT. I have noted that you are in favour of Québec sovereignty. First, you clearly, firmly demand the repatriation of exclusive jurisdiction for Québec over occupational training; in fact, last week the minister responsible made such a demand. The government's intention is to request the

repatriation of these powers which, in any case, fall under the exclusive jurisdiction of Québec, without federal interference, and with the appropriate budgets that will be returned to us. Obviously, you also demand exclusive jurisdiction over employment, the family and immigration. I have two or three questions to ask you.

The first one concerns... First, I would like to refer to page 16 of your brief where, in one of your recommendations, you say: "The CIAFT reiterates its recommendations respecting the urgent need felt by women for a genuine full employment policy which encompasses an equality and employment equity policy aimed at fostering the development of employment in all regions of Québec. In addition, the CIAFT formally advocates that such initiatives aimed at developing employment be carried out under the sole jurisdiction of Québec and deems it essential that political authorities and socioeconomic partners in local and regional milieus be directly involved in the matter." How do you perceive the involvement of local and regional authorities? How do you see their getting involved? Second, should these local and regional authorities have exclusive decision-making powers or simply adjust to policies adopted elsewhere?

Mrs. Bégin: What is clear, I think, is that a full employment policy must be broad and include a series of measures respecting occupational training, employment and integration of the labour market. Socioeconomic partners — when I say socioeconomic, I believe it is important to note that there are economic partners, but also social partners, that is, groups, women, young people, various intervening parties concerned with employment who must get involved at the local, regional and national levels. Once these intervening parties or partners have been brought together, I think they will have to identify and structure their organization to arrive at a full employment policy. It is hard for us to say to what extent the powers should be... which power should be local, which power should be regional, and which power should be national. However, I do feel that there are powers that could be national because they affect all Québec manpower policies, but we must respect regional disparities or particularities. This means thinking creatively in order to distribute local, regional or national powers, depending on the type of organization the partners adopt, but bearing in mind regional particularities, of course.

Mr. Dauphin: Thank you, I have a second question. I'll go more quickly than for the first one, because five minutes go by quickly. With respect to immigration, on page 21 of your brief you refer to immigration, which contributes significantly to Québec society. A number of

groups which have appeared before the Commission have often alluded to the possibility of establishing incentives to enable immigrants to settle in the regions rather than the Montréal region. Have you thought about this matter? Would you care to comment on it? Do you feel it would be a good thing to encourage new immigrants to settle in the regions in order to better integrate into French-speaking society?

Mrs. Bégin: OK. Just before Micheline speaks - she'll talk about our ideas on this question - I think it is important, all the same, to point out that the polarization or the confinement of immigrants to the Montréal region is not unique to Québec. I think this is true throughout the northeastern portion of the North American continent, where new arrivals in the United States, the rest of Canada and Québec tend - this isn't the term I should use, but - to congregate in the major urban centres. Under the circumstances, I think it would be hard... In any event, I think we have to keep this in mind and not imagine that we can reverse a trend which exists outside Québec as well simply by using incentives. However, perhaps we could use incentives. We must always bear in mind that it is not solely in Québec that the members of the cultural communities tend to concentrate in major centres. I don't know whether Micheline has something to add to that.

Mrs. Simard (Micheline): I would simply like to add the CIAFT's position concerning the status of immigrant women. What we want to ensure in a new Québec society, along with a distinct society, is that they receive, on the same basis as immigrant men, the same training and support, the same support to integrate into Québec society, to speak French and, very likely, to join the labour force, to prepare them for all that. This is not the case at present.

To enter the country and have access to the country, immigrant women must indicate from the outset that they wish to work in order to be eligible for the COFIs, to obtain the usual language training and support services.

So, we said to ourselves: If we really want to integrate immigrant women into the French-speaking community, they must be entitled to the same support as their spouses and as other immigrants entering the country.

Mr. Dauphin: Do I have any time left, Mr. Chairman?

The Chairman (Mr. Jean Campeau): One short question.

Mr. Dauphin: A short question. First, a comment. I have had the opportunity to work on this question and immigrant women were indeed the most vulnerable when we studied the cultural

communities.

Second, sovereignty. I assume that you are advocating sovereignty-association and not independence, pure and simple. In your brief you have not taken a stand on the matter. Second, if you are... if you have reflected on the matter, how do you think we can go about it? A referendum, elections?

Mrs. Simard: Well, fine. We don't... We didn't explicitly indicate whether we preferred a referendum or whatever. We might have answered a bit later. In any event, what we seem to stress, as I see it, is how Québec sovereignty might enhance the living conditions of women. We feel it is imperative that our future be solidly based on equality, and respect for fiscal, legal and economic rights. We also believe that it is in the interests of women that Québec become a sovereign nation. Instead of constantly struggling at two levels, we could more readily exercise our influence in order to obtain recognition of the rights for which we have fought for years. This would avoid dispersing our energies... We feel that Québec will be in a better position to satisfy the needs of women because it is culturally much more attuned to our aspirations. We also believe that it will be much easier for us, for Québec, to set various economic levers in motion, so that economic conditions for women, which are now inadequate under the federal system, will enjoy greater justice, equality, and... In any event, as I mentioned earlier, with regard to the economic rights of women.

Mr. Dauphin: ...

The Chairman (Mr. Jean Campeau): Thank you, Madam. We now turn to Mrs. Pauline Marois.

Mrs. Marois: Thank you, Mr. Chairman. Hello, and welcome. We have known each other for some time through your work with various women seeking employment and I think we should stress the fine work you have accomplished with a number of Québec women. You are the third group, or this is the third brief in the past two days which has broached the matter of Québec's differing expectations with regard to the powers to be exercised here as opposed to the expectations of the other provinces respecting the same powers. What I mean is, people are saying: Do the other provinces really want the powers Québec is seeking? Basically, we could decentralize powers elsewhere, as we are asking here. On page 23 of your brief you state: Through its frequent contacts with a number of Canadian and Québec women's groups, the CIAFT has observed that, contrary to groups whose allegiance is to Canada, Québec feminists are making demands

and displaying greater confidence in the provincial government than in the federal government. I would like you to elaborate on this matter. You give a number of examples. I would like you to talk about this question and tell us, in essence, how and why Québec feminists – you alluded to the matter briefly in your last answer – display more confidence in the Québec government than in the federal government, while the reverse is true in the other provinces.

Mrs. Bégin: What should be noted in this regard is that feminist demands and values are similar from British Columbia to the Maritimes, and that includes Québec. Another point in common is that Canadian and Québec feminists prefer to work with a single government. So much for the points in common. I think you understand, in any event, according to what we said earlier and what is mentioned in the brief, that we do not choose the same interlocutor. I think we don't choose the same interlocutor because Québec feminists are used to working with the provincial government, with which they have more in common. It is a government which has the same cultural values as Québec women and it's also... Well, let me say that we're a distinct society in this respect, too. (5:15 p.m.)

Perhaps I could give you an example. I have worked with women, with feminists in Canadian groups, or groups working in the realm of occupational training or equal opportunity programs, and it is clear that these groups do not want to repatriate jurisdiction over occupational training, manpower and the labour market. There is no question of their repatriating these powers to their respective provinces because they have more confidence in the Canadian government, while the opposite is true for us. I think we understand each other on this question and we support the demands they submit to the Canadian government; I think they understand that we address our demands to the Québec government.

We should not expect women across Canada to unanimously support the repatriation to the provinces of powers governing occupational training. In my opinion, only Québec women would support and will support such a demand. This should give you a clearer idea of the disparities between Québec women and Canadian women. As Micheline said, I think it is because this power is closer to us and resembles us more closely; obviously our influence is all the greater because we work with people who resemble us and who have the same values. So, I won't start again because I have already said it. Does that answer your question?

Mrs. Marois: I think the demonstration you make is important, because it is not theoretical,

but a very concrete representation of different practical experiences. As a result, when we contemplate the possibility of suggesting the decentralization to the provinces of all powers, there will be an outcry over some of the powers in the rest of Canada. I am thoroughly familiar with the question and have seen women refuse powers that we were clamouring for here.

A second factor touches somewhat on what Mr. Dauphin said at the beginning of his remarks: The Québec government has requested the repatriation of jurisdiction over manpower, an element of occupational training, pardon, which is an element in a full manpower policy. There is already opposition; I am thinking of the *Chambre de Commerce du Québec* which maintains that this is insufficient to truly have in hand everything we need to tackle the problem of manpower training and reemployment in the wake of such training. They are demanding the repatriation of jurisdiction over unemployment insurance and social security measures. Do you also share this viewpoint in terms of your work among women?

Mrs. Bégin: Yes, we share this opinion because we are demanding not only the repatriation of powers governing occupational training but the repatriation of all powers needed to implement a full employment policy, which includes economic levers, powers governing manpower, unemployment insurance, reintegration into the labour market and so on. I think the brief also mentions policies governing immigration and the family. These are the areas we have targeted as being essential if we are well and truly to tackle the problem of occupational training, manpower adaptation, and integration into the job market pursuant to a full employment program. I draw your attention to the final demand of the brief, which is the attainment of an autonomous, sovereign Québec. If we have drawn this conclusion it is because we said to ourselves: Even if we repatriated all powers governing occupational training, manpower, immigration, the family and taxation measures related to the family, this would not suffice because we would have to face the fact that we do not have the economic levers to create a full employment policy; with respect to the family, we would not possess all the powers related to health and social services and we would constantly have to face the fact that this is insufficient to create a society which we deem satisfactory. I would go even further and say that even if we managed to repatriate powers in all of these areas, we said to ourselves that, given our experience under the federal system, there would be no guarantee that the federal government would not start to interfere in these fields, even if we obtained jurisdiction over all of these matters within 5 or 10 years. In our view, it is not sufficient to repatriate powers

governing occupational training. We must repatriate all of the powers, period.

Mrs. Marois: Thank you.

The Chairman (Mr. Jean Campeau): We now turn to Mr. Jacques Bertrand, followed by Mrs. Campbell Steer and Mrs. Pagé.

Mr. Bertrand: Thank you, Mr. Chairman. Ladies, you have given Mrs. Marois answers to many of the questions I wanted to raise, but what struck me when I read your brief was that you make six proposals in particular. I looked at the first five and said to myself: You could simply have forgotten them and kept the considerations and whereas and concluded with the sixth proposal, which is Québec's autonomy. At one point, I wondered whether the first five proposals weren't an opening to maintain some form of renewed or modern federalism, as Mr. Dufour put it.

If not, if you are indeed advocating independence, would you like to enshrine special rights for women in a Québec charter? If so, which ones?

Mrs. Bégin: Yes, indeed, I think that in the brief we specify that one of the most important things is to enshrine women's rights in the Québec constitution. I'm neither a constitutional expert nor a... I'm not an expert in this field. What I can do is refer you to the current Québec Charter of human rights and freedoms, especially Chapter 1, where women's rights are explicitly set out. In our view, it is essential for these rights to be enshrined in the Québec constitution.

That said, I think that we mustn't be naïve. We feel that it is clearly not enough to simply acknowledge these rights on paper. We're warning you in advance. What we want is the actual recognition of equality. Good. To this end, I believe that it's obvious there must be legal recognition and we are demanding that such recognition be included in a Québec constitution.

Mr. Bertrand: May I ask another question?

The Chairman (Mr. Jean Campeau): A brief one.

Mr. Bertrand: It will be brief. You seem deeply disturbed when you compare professional and general training, the ease with which professionals integrate into the labour market, the problems encountered by those with general training, some employed full time, others part time, lower remuneration and so on. Are you slightly more optimistic today when you look at the proportion of men and women now attending schools, universities and colleges?

Mrs. Simard: Naturally, if you look at the statistics you'll see that women are more numerous at the undergraduate level in university. This is encouraging. What is discouraging is that women are less numerous at the graduate level, although they are more numerous at the undergraduate level. At the doctoral level, the gap is enormous. In our view, this is because women have family and other responsibilities which prevent large numbers of them from reaching the doctoral level.

Now, what is important, in your question, too, is this: If we link all of this to training and the education of women, we can also examine the context in which Québec sovereignty may well pose a question concerning how hard it will be for women to occupy various positions. In our brief we note: At present, given their two roles, women are at the bottom in the tertiary or services sector, and are among the poorest of the poor in society. Will sovereignty improve the poverty of women? How? The CIAFT looked at this question. Obviously we do not claim that it will not be difficult at some point. We give as an example... we had the pleasure of giving as an example the fact that when you have an operation, it's because you're sick; Québec society is sick; we deem it to be sick. It is rejected by the rest of Canada. It has waited... and is now undergoing an operation. When you undergo an operation, it's for your own well-being. You don't feel better overnight, it takes time to get better. Perhaps a month later or... If you've had your liver removed, your liver will function better after.

We said to ourselves that the context is more or less the same. Women will undoubtedly enjoy a better position because they will have acquired or will exercise the power to directly influence governments in order to change things, at least to improve the economic lot of women in our society. We are very anxious to achieve that. We have also adopted, as an underlying principle, that the autonomy of Québec women can be achieved through the autonomy of Québec. We sincerely believe this.

Mr. Bertrand: Congratulations on your brief.

The Chairman (Mr. Jean Campeau): Mrs. Campbell Steer.

Mrs. Campbell Steer: Thank you, Mr. Chairman. I would also like to discuss with you the notion of your constitutional choice, even though I do respect it, because I would like to know how the choice of status in itself will enhance the status of women. Prejudice will still exist. Marital violence will, unfortunately, still exist. Were we to completely repatriate jurisdiction in all of the fields mentioned, such as family policy, training, manpower and

immigration, why is sovereignty necessary? If I understand you correctly, it's really to prevent future interference.

Mrs. Simard: Present and future.

Mrs. Campbell Steer: But if we obtain exclusive jurisdiction over these matters in Québec...

Mrs. Simard: It means splitting...

Mrs. Campbell Steer: ...under modern federalism or whatever.

Mrs. Simard: What I was denouncing earlier was... What I was saying was that, in fact, the situation won't change overnight. The problems won't disappear overnight.

Mrs. Campbell Steer: That's right.

Mrs. Simard: But the fact that we don't have to fight at two levels... Because at present, with respect to marital violence, with respect...

Mrs. Campbell Steer: Yes, but if we achieved complete repatriation there would be only one level: Québec.

Mrs. Simard: One level of government: Québec. Then our power to influence would be much greater and society, what we were saying earlier, the Québec government is much closer to us.

Mrs. Campbell Steer: But that means that, if we had, in quotation marks, one federalism...

Mrs. Simard: Renewed.

Mrs. Campbell Steer: ...modern and Québec obtained exclusive fields of jurisdiction, we would be just as far ahead or would there be a risk, as you said earlier, of future interference?

Mrs. Simard: OK. There is indeed future interference...

Mrs. Campbell Steer: I only want to understand.

Mrs. Simard: Yes. That's right. I think we can protect ourselves from present and future interference but I think we must look... We focus a lot on how sovereignty could improve the lot of women. I think we should also examine how federalism has served or done a disservice to women in Québec in past decades. I don't think these are hypotheses, but the actual situation. Women are still poor and are always among the least privileged of the underprivileged. All we can do, in my view, is observe that this is

partly due to the federalist system. This is one observation we can make.

Mrs. Campbell Steer: But it's also partly because of men.

Mrs. Simard: To a large degree.

Voices: Ha, ha, ha!

Mrs. Campbell Steer: And other... I beg your pardon, but it's true.

Mrs. Simard: In my opinion, there are a lot of men in the federalist system.

A voice: Yes! A man who strikes his wife doesn't think he's in a federal system.

A voice: Right.

Mrs. Simard: Of course.

A voice: So, tell him!

Mrs. Simard: Yes. I agree with you. In this case, there's no problem. I agree entirely. But I do think that...

Mrs. Campbell Steer: There are two other things I'd like to know. In my view, in a future economic situation, even if we have attained sovereignty, even if we have attained a modern federalism, do you not agree with me - and you can say no - that it's a fact that this has nothing to do with the constitutional status? That the last people to join the labour market are the first ones to lose their jobs? The people I'm talking about are young people, women, the underprivileged. There are good reasons for this. We have collective agreements... We have seniority policies and all sorts of other things for which there are good reasons, but I think that this is not due to the status, but is simply a fact. Even if we have a labour policy centred on the status of women, this is a pity, because it's always "last in, first out".

Mrs. Simard: I think this is what often happens under the current system. This highlights the importance of our demand for a full employment policy. Under a full employment policy, we manage jobs, not unemployment, as is now the case. This also makes it possible to reach economic decisions not only on the basis of interests rates, the value of the currency or the inflation rate, but to make economic decisions with a view to maintaining as many quality jobs as possible for everyone.

Mrs. Campbell Steer: There are many reasons. I do believe that a full employment policy has desirable features. I don't necessarily

agree with all policies, but I do know that there are things that we must seek.

One other thing. Do you think that we should perhaps copy or take the best facets of the system adopted in Ontario respecting equal pay for work of equal value? That is a provincial policy.

The Chairman (Mr. Jean Campeau): This will be your last question.

Mrs. Martel: At present, what the CIAFT is demanding with regard to pay equity is a closer look at what's happening in Ontario, although there are things which absolutely must be changed in a proactive Québec law. The CIAFT is part of a coalition seeking pay equity and there are things which do not apply to non-union workers, to women earning low incomes and who are not members of structured associations or labour groups. This is what we must change in Québec in our policies or in a proactive law which should be updated shortly.

The Chairman (Mr. Jean Campeau): I now give the floor to Mrs. Pagé. Madam, is that alright? Mrs. Pagé, please proceed.

Mrs. Pagé: Yes, well, first of all I would like to say that I appreciated the illustration you propose in your brief because in certain specific sectors like Immigration, the family, training and manpower, the splitting has been detrimental to a group called "women" who have been discriminated against for centuries, if I want to be optimistic, and I could say for millennia, if I want to be realistic. Fine. Now, then... this is important because we are often told: A two-tiered government helps the weakest members of society. In the case of women, such has not been the case.

Second element, and this is important. This is a remark that ties in with the first question Mrs. Campbell Steer asked. It is interesting because it is a vision of federalism from the inside to see federalism as being dynamic. Various forces are present. In terms of women's issues, feminists are acting in a contradictory manner within Canada. Even if we repatriate powers to Québec, feminists in the other provinces will dismiss it. Even if we succeeded in doing so, federal interference will become apparent fairly rapidly because of intrinsic forces. It is important to see this, to listen and to understand it when feminist groups accustomed to working with Canadian feminist organizations are talking. I am not making a value judgment about the choices of women in the other provinces.

Now, my question. I understand that independence is necessary to improve the lot of women, but it will not be sufficient unless we do a number of things. You suggest enshrining

rights in the Québec constitution. I have no trouble accepting that but, you know, we do have legal equality, but that doesn't necessarily mean that we actually have equality. It's not because it is written in the constitution that we are equal and that everything will be shared fifty-fifty. Right? Well, beyond the rights enshrined in the constitution, have you thought about procedures to ensure that, for example, when the constitution is written, half of the framers of the constitution are women? Second, have you also thought about measures which would guarantee the equality of women when new Québec institutions are established?

Mrs. Bégin: I don't think we have thought a great deal specifically about... Fine. Should the constituent assembly that draws up the constitution be made up of men and women? In response, I would suggest you look at the brief submitted yesterday by the Fédération des femmes du Québec, which is...

Mrs. Pagé: You share the viewpoint...

Mrs. Bégin: ...of which we are members.

Mrs. Pagé: Perfect.

Mrs. Bégin: We haven't thought about the various measures which might be contemplated to ensure the place of women in the different institutions which might be established. However, I do believe that any new law or institution should take into account the injustices of which women have been the victims, especially on the labour market. Serious thought should be given to implementing affirmative action programs everywhere, in school boards and in private businesses. In this respect, we won't insist on how many employees are necessary for the employer to set up an affirmative action program, but I think there should be a firm political willingness in this regard. We must also have proactive legislation governing pay equity. We must have measures which heighten the awareness of or assist young women in choosing various job sectors. There is no point in offering them guidance in selecting non-traditional sectors if the women in question have to face the fact that they will not find jobs because there is no affirmative action program.

These are the kind of measures that seem absolutely necessary in a sovereign Québec or in a new society. As I said earlier, it is clear that it's not because we write these things down that the situation will change. What I also said was that we are issuing a warning that, even if you write it, we will be there to tell you: Yes, but in fact, what we want is this, this and this. I think you might invite us a second time so that we can tell you exactly what this, this and this entails, because it could be more explicit, or at

least more precise. This is not what we focused on, by and large.

Mrs. Pagé: But I won't always be sitting here; I'll be with you to ensure that we don't just have things in writing.

Mrs. Bégin: Invite us again. Thank you.

The Chairman (Mr. Jean Campeau): Thank you, Ladies. Thank you, Mrs. Bégin, Mrs. Martel, Mrs. Simard. Thank you to the Conseil d'intervention pour l'accès des femmes au travail for joining us today to discuss with members of the Commission access by women to jobs.

Mrs. Bégin: And until next time.

The Chairman (Mr. Jean Campeau): Fine, Madam.

(Proceedings adjourned at 5:36 p.m.)

(Proceedings resumed at 5:38 p.m.)

The Chairman (Mr. Jean Campeau): We now welcome, by invitation, Mr. Henri Brun, an expert in constitutional law. Mr. Brun, you have 10 minutes to summarize your brief.

Mr. Henri Brun

Mr. Brun (Henri): Fine. Mr. Chairman, members of the Commission, I thank you for inviting me here to share with you my opinions on the future of Québec and, more specifically, of course, the question of our future relations with Canada. What I have to tell you is not very complicated, and can be summarized in three proposals. First, we must act, at least temporarily, as if Québec were a sovereign State. This strikes me as the appropriate manner in which to broach and deal with the question of relations between Québec and Canada at this point. Second, in the longer term, we must ensure that there are as many links as possible between Québec and Canada but, in my opinion, as few common political structures as possible. I feel that this is the advisable response in the long run. Third, I think we must consult Quebecers through a referendum before launching discussions with Canada. This strikes me as the way to achieve the best solution to the question, beyond what I or others may hope for.

I will return to each of my three proposals and deal with each one in the appropriate amount of time. First, the question of acting as though Québec were a sovereign State. Why? Why should we do so? Simply because it strikes me that the current regime, the current constitutional regime is incapable of renewing itself and I feel it is pointless to expect anything

significant of it. To solve the problem, even for a limited time, we must withdraw from the current constitutional regime. Concretely, in the immediate future, this means avoiding at all costs what I dub the "Mulroney temptation", regardless of how congenial such a temptation may seem. We took "le beau risque" and the time for risk has passed. What is being asked of us is that we launch negotiations to successfully change the manner in which we amend the Constitution, then amend the Constitution. I think we should let the matter drop.

In my opinion, the question at this juncture is to ascertain how, hypothetically, a sovereign Québec should associate with Canada and not how Québec should withdraw from the Canadian Federation or break up this Federation. We must reason... It seems to me that we can summarize matters in this way in terms of broaching or dealing with the question. We must reason in terms of opting in, not in terms of opting out.

My second proposal, the most important one, is that we maintain in a more distant future as many links as possible with Canada with as few political structures as possible. What does that mean? Why should we do this? First, I think it should be noted that the question of Québec-Canada relations is a broad one which, before it is a sectorial economic, social or other question, is a broad one of a political and legal nature.

It is not a question of ascertaining whether it is desirable to maintain as many links as possible with Canada and quality links at that. Rather, it is a matter of ascertaining what political and legal form such links should take. In my view, it is the "how" which is in question rather than the "what".

It strikes me that our experience in the Canadian Federation reveals that, in light of our unique position in North America, our relations with Canada must henceforth take the form of ad hoc reversible agreements. They should not take the form of political structures. Why? Essentially because, in my opinion, central structures, common structures when they are political are driven by an intrinsic centralizing dynamic.

When these common institutions are political, they have autonomous powers or, if they do not have such powers, they quickly acquire them; they acquire more and more powers and constantly. They do so to such an extent that after some time we are no longer able to distinguish the creature from the creators. I think that, to some degree, this is what has happened in Canada. Very often, people speak in such a way as to suggest that the opposite is true: It is federal institutions which created the provinces in Canada.

It seems to me that Québec, given its unique position, if it really values its identity, cannot allow itself this risk, cannot allow its

ability to act, its ability to act in its own interests, to be constantly undermined.

Very briefly, then, I think that Québec cannot be content, given its situation, with simply being autonomous in certain realms. It must maintain jurisdiction over its jurisdictions, that is, it must always be able to define what falls under its jurisdiction. That, essentially, is sovereignty. I think that Québec must choose to be and to continue to be a sovereign State.

Well, as for Québec's relative vulnerability, I don't intend to elaborate here. I don't think it necessary. With regard to the other question, the other facet of the question – what I called the intrinsically centralizing nature of common political institutions – there is perhaps good reason to dwell further on the matter. I'll do so briefly, by referring to that portion of the Canadian federative experience that I know best. I'll deal with my field.

I am referring to the work of the Supreme Court of Canada and, above all, to the jurisprudence of the Supreme Court in recent years. I think that this jurisprudence reveals quite vividly the ineluctable, inevitable dynamic which exists when common institutions are political. It is generally thought in Québec that Canadian federalism is frozen, doesn't change, and that is why it causes us problems. I don't think this is true. Canadian federalism does change. In recent years, it has changed a fair amount, especially under the aegis of the Supreme Court of Canada.

I maintain that, over the past 10 years, the rules of Canadian federalism have been changed radically in some respects by the Supreme Court of Canada without our being aware of it and, obviously, the constitutional changes effected by legal means have the advantage or disadvantage, depending on your point of view, of being carried out discreetly. What the Supreme Court has done over the past 10 years could never have been accomplished democratically by open constitutional amendments. I give a number of examples. I could talk at length about this matter, but I do give two or three examples.

First, I mention the fact that, in recent years, the Supreme Court of Canada has resuscitated from its ashes the old theory of the national dimension. What is the theory of the national dimension? Well, briefly, it is a theory according to which the courts and the Supreme Court of Canada may, as a last resort, decide on a matter falling under provincial jurisdiction according to the Constitution, that the Constitution entrusts to the provinces, a question of this nature suddenly becomes a matter of federal jurisdiction. Why? Simply because, in the eyes of the Supreme Court, the question has a national dimension, is of national interest. You may well say: Yes, but is there at least a basis for exercising this power related to the national dimension? To all intents and purposes, no. What

the Supreme Court tells us is that we must ask ourselves whether the provinces could adequately deal with the question. If the Supreme Court says no, that we cannot trust the provinces, the question is too broad, too important – like the environment, for example, there was a case involving the marine environment where the Supreme Court decided thus – well, at that point, pursuant to the theory of the national dimension, the question falls under federal jurisdiction.

The second example concerns trade. Until very recently, federative powers governing trade were shared in the following manner. Extraprovincial trade, that is interprovincial and international trade fell under federal jurisdiction and trade within the provinces fell, in the past, under provincial jurisdiction, as a result of the jurisprudence of the legal committee of the Privy Council, replaced in 1949 by the Supreme Court. English Canada has never accepted the sharing of jurisdiction in the realm of trade; the question was the basis for its campaign to replace the Privy Council by the Supreme Court of Canada. Finally, the Supreme Court of Canada very recently decided that the federal government was perfectly qualified to act, to legislate in the realm of trade, generally speaking.

The only indication the Supreme Court has given us is to ask itself whether the question of trade could be adequately dealt with by the provinces. If the answer is no, then it is the federal government that is qualified. The only limitation imposed by the Supreme Court with regard to this new sharing of economic jurisdiction is that the federal government may not legislate with regard to a particular type of trade. The federal government may not legislate, for example, with respect to the apple trade, but it may legislate with regard to trade in general. The federal government could adopt a trade code tomorrow; there would be no problem with its doing so. That is, indeed, what it has done by recently adopting legislation governing competition.

More generally, what must be noted is the impact this has on provincial civil law, which is said to be one of the distinctive facets of the Province of Québec. Also, in a general way, it must be acknowledged that this means that all Québec policies, all provincial economic policies must fall within a set framework, even when internal matters of concern to the provinces are involved. Similar rules applied to communications: Extraprovincial communications fell under federal jurisdiction, while communications within the provinces fell under provincial jurisdiction. This was how it was. This jurisdiction was extended to businesses involved in communications. Extraprovincial communications firms were deemed to be federal businesses, which were not subject to provincial law. Until very recently, until 1989, in

fact, it might at least be thought that it was not sufficient for one company to link up its facilities with those of another company in order to become an extraprovincial communications company falling under federal jurisdiction.

In 1989, the Supreme Court decided, with respect to a provincial telephone company operating exclusively within a province, a public company, Alberta Government Telephones, simply because, of course, the Alberta Government Telephones network is connected to other networks. What does this mean? This means that all communications businesses are deemed to be federal because all communications businesses are connected to networks which now extend beyond the provinces. This means that the following businesses are communications businesses: telephony, aeronautics, bus transportation, truck transportation, all of these things, but also hydroelectric transmission. We might well wonder whether Hydro-Québec has simply become a federal business, and whether the Hydro-Québec Act has not become invalid.

Well, I could give other examples but will limit myself to these. Quite simply, this is what inspires my conviction that we must avoid common political institutions. In this instance, it is the Supreme Court, and the Supreme Court is simply playing its role, no less, no more.

The Chairman (Mr. Jean Campeau): Unless you have some brief conclusions, Mr. Brun, we'll now begin the questions.

Mr. Brun: I'll conclude in the following manner with regard to my third proposal. My third proposal dealt with the manner in which we arrive at the right answer, to ascertain whether what I or someone else is proposing is the right solution, and I said that it seemed to me that, to this end, before we launch negotiations or discussions with Canada, we must consult Quebecers through a referendum and not simply undertake discussions by saying to our interlocutor that there might possibly be a referendum.

I can return to this matter because, in my brief, I go just a little bit further. I broach a question, the question which may be asked, why I asked it in the manner I did. Perhaps we can return to this during the question period. I'll stop here as my 10 minutes are up. Thank you.

The Chairman (Mr. Jean Campeau): Fine, Mr. Brun. Mr. Jacques Brassard will ask the first question.

Mr. Brassard: Thank you, Mr. Chairman. First, I would like to thank Mr. Brun for accepting the Commission's invitation to testify before us. I'll go immediately to my first question, which relates somewhat to what you

have just said. In your brief you say that Canadian federative integration has been marked by an uninterrupted stream of big and small centralizing coups d'état that Québec can no longer afford, which, obviously, puts paid to the thesis advanced by some people that since 1967 the history of Canada has seen periods of centralization followed by periods of decentralization. This is not what has really happened. You, who are familiar with constitutional law, maintain that we have seen an uninterrupted stream of coups d'état. There has been a constant centralizing trend for a long time.

But what you highlight – and this strikes me as important – is that it is not just the federal government that is a driving force behind centralization. It is, but so are the courts, the legal system and the Supreme Court. You mentioned this in your presentation. Perhaps you could also add that, since 1982, since the introduction of the Charter, the enshrinement of a Charter in the Constitution, is it correct to say that this Charter has become one more tool in the hands of the Supreme Court, both to standardize and centralize?

Mr. Brun: Perhaps I should first say that when I speak in this way of the Supreme Court of Canada, I am talking about institutional questions, I am talking about questions pertaining to systems and structures, I am not talking about people. I think that there is something ineluctable there that we cannot avoid. I wanted to make this clarification.

The role of the Supreme Court is a normal role. Today, or at least in recent years, the Supreme Court clearly has or has had the feeling that Canada must express itself with a single voice on matters of importance in the world. The Supreme Court deems itself to be invested with a duty in this respect, this is very clear. As a result, it adopts certain positions with respect to the sharing of jurisdictions. It also adopts positions concerning the application of human rights, as enshrined in the Canadian Charter. There is no doubt in my mind that the Canadian Charter in itself, but especially as the Supreme Court interprets it, is most assuredly standardizing, and very likely centralizing. Once again, the Supreme Court is simply accomplishing the task it is supposed to. That's all.

There are clues: First, the very existence of the Charter compels the Supreme Court to interpret human rights in the same fashion from coast to coast. It is hard to see how it could give different interpretations. Would a distinct society clause have changed something in this respect? This is another matter, but under present circumstances, no, there is no distinction. This in itself in standardizing. The human rights enshrined in the Constitution are the first criteria which make it possible to

interpret the entire body of law, whether federal legislation governing competition, or the Civil Code of Québec. The entire body of law. The standardizing effect strikes me as flagrant.

In addition, the Charter itself contains certain provisions which encourage the Supreme Court or which the Supreme Court interprets as encouraging it to standardize. Probably the most important clause in the Canadian Charter is what is called the "reasonableness" clause, whereby human rights are to be interpreted within a free, democratic society. This is Section 1 of the Charter. Well, this reference to a free, democratic society was interpreted as referring first and foremost to what happens in other countries or in other political units deemed to be free and democratic. Now, when it is provincial law that is in question, on behalf of the human rights stipulated in the Charter, what do we look at first? We look at what is happening in the other provinces. And if the rule is similar in several other provinces, it is likely to be considered reasonable. Otherwise, it is likely to be deemed unreasonable. There it is. I don't know if I have answered your question.

Mr. Brassard: Yes.

Mr. Brun: I think I'd better stop.

Mr. Brassard: I would like to ask you another question, Mr. Brun. You are one of the few Québec jurists and constitutional experts to write a book about the Québec territory. I have it here; it was published in 1974. I don't know whether it is still in the bookstores. As you know, since the Commission began its deliberations, several witnesses have evoked the possibility that, should Québec obtain its sovereignty, its territory as we now know it will be broken up. There would be, in other words, an attack on its territorial integrity. I know this goes back a long way, you were not warned about the question. But as you have already examined the question of the Québec territory, I would like you to talk about it. Do you think there is a risk for Québec of losing part of its territory should it become sovereign?

Mr. Brun: Yes, just as you've said, but I cannot prepare an immediate answer to the question. Nonetheless, I am quite confident that Québec is fully entitled to self-determination with its current territory. I think that this idea, because the question refers in particular to the Northern territories, which were annexed to Québec after 1867. I can hardly believe that people might start asking questions about the territories of 1867...

Mr. Brassard: Yes, yes, that is exactly what people say.
(6:00 p.m.)

Mr. Brun: ...that Québec already possessed when it decided to establish this federation with several others. Well. Then, there were territories which were annexed, significant territories, in 1898 and 1912, the Northern territories in the Hudson Bay region. In terms of constitutional law, these territories were annexed by constitutional amendment. At that time, the Canadian Constitution was amended in due form according to the constitutional amending formula of the time, so that the territories of Québec were enlarged in this manner, as the other provinces were, for example. It seems to me that to claim that Québec's attaining sovereignty would mean that these territories could be withdrawn illustrates what I said earlier about the confusion between the federal government, the federation which was created by the provinces and the very existence of these provinces. Basically, the federal government has not given Québec a present; the territories were not given by the federal government, they are territories which were ceded in, I don't remember exactly what year, by the British Crown, and these territories were simply added little by little to the provinces. In other words, if Québec and Ontario and the other two provinces had not formed the Canadian federation in 1867, these territories would have been attached to Lower Canada or Québec, as they were in Québec, by constitutional amendment in 1898 and 1912. I really fail to see how anyone could go back over this when we achieve sovereignty. That is what I can say with a minimum of preparation.

The Chairman (Mr. Jean Campeau): We now turn to Mrs. Pagé, then Mrs. Campbell Steer... No? Not you?

Mrs. Pagé: I wasn't registered.

The Chairman (Mr. Jean Campeau): Then you have the floor, Mrs. Campbell Steer.

Mr. Brun: Good evening, Madam.

Mrs. Campbell Steer: Yes. It seems to me that your testimony centres on the question: In order to associate with potential partners, which are to our best advantage, political structures or special agreements? Am I right? If Québec signs agreements with respect to particular situations instead of establishing political structures with a notice of termination clause, are we not running the risk of mainly economic problems that the possibility of a rupture can represent? I imagine that, if we can terminate the agreement, our partner could do the same.

Mr. Brun: Yes, I have no objection whatsoever to signing what I have called ad hoc, but reversible, agreements nor to signing agreements which may last for significant periods

In some instances, 5 or 10 years, depending on what is at stake. In the meantime, I believe that, as long as the agreements are in force, Québec should keep its word.

Mrs. Campbell Steer: But, it's just like you said somewhere in your brief, you say that - I underlined it - on page 5, I think: "They should also contain notice of termination clauses".

Mr. Brun: That...

Mrs. Campbell Steer: That suggests to me that it could be...

Mr. Brun: Yes, but that...

Mrs. Campbell Steer: ...perhaps a degree of instability.

Mr. Brun: A notice of termination clause in a bilateral agreement doesn't necessarily mean that we can terminate the agreement instantly. It may well be stipulated that the notice of termination clause leading to the termination of the contract is valid for five years. For example, it is possible to avoid specifying the duration in an agreement and specify that there is a possibility of terminating...

Mrs. Campbell Steer: ...only in certain situations where...

Mr. Brun: Yes, in certain situations and provided that a deadline is respected. The agreement can be terminated for...

Mrs. Campbell Steer: OK. Let's try turning the question around. Perhaps you could explain further why possible structures such as genuine federations, in which the member sovereign States hold the residual powers and certain powers are delegated, or associations similar to the European Community, cannot be designed so as to make them more responsive to our needs, but more stable in economic terms?

Mr. Brun: I must point out that I do not foresee its being possible to reach significant numbers of sufficiently broad agreements like that without some form of institutionalization. I do understand that it's necessary to have some types of institutions. What we should avoid as much as possible are political institutions and, in particular, I mean elective institutions, because such institutions, as I said earlier, must almost, by definition, have autonomous powers. Without them, their presence is completely ludicrous.

It's rather preposterous to have common, central, political - meaning elective - institutions without power. So, they have to have autonomous powers. If their powers are not autonomous, they will become so and will inten-

sify by virtue of the intrinsic dynamic I alluded to earlier.

For this reason, I feel that, in light of Québec's current situation, it would be preferable by far and much safer for Québec, given its unique position, to content itself with combining these agreements with non-political, non-elected institutions, that is, mixed committees, for example, including a mixed departmental committee, a committee of experts, to ensure the implementation of administrative measures, an ancillary tribunal to ensure the implementation of legal measures. In my view, this could well be necessary and plausible, and much less dangerous for Québec.

Mrs. Campbell Steer: Thank you very much. Thank you, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Mr. Proulx.

Mr. Proulx: Thank you, Mr. Chairman. Mr. Brun, certain aspects of the expertise you are sharing with us today are extremely interesting, since they had not been brought up prior to today, particularly the entire matter of the Supreme Court. I find it important that we discuss the issue and develop it, because that theory of the national dimension... I can tell you that, in agriculture, over the last few years, we... This is a very subtle way to put obstacles in our way, in fact, and to gradually destroy the specific policies we had adopted in Québec.

Therefore, I would have a number of questions about the Supreme Court, but you elaborated very well. I could just add one question: At what point in the process should Québec set up its Supreme Court?

Mr. Brun: Oh, gracious! That sort of takes me back to the last part of my brief, in which I modestly suggested that the public be consulted, first of all, before negotiations are undertaken. Once that has been done, in my opinion, Québec would be in a good position to undertake discussions with the federal government, with a referendum result on the table. Let's suppose that if Québec is in favour of sovereignty, it is not obliged to be in any great rush, to declare sovereignty the day after the referendum, the way I see it. What is especially important is a clear referendum result, on the table for discussions with English Canada. And the declaration of sovereignty that should follow at some point could come at a later date, in terms that I could see... In terms of years, two or three years later; that wouldn't bother me. That wouldn't scandalize me and, meantime, what will be going on? The discussions I mentioned earlier, since Québec will have a basis on which to take action: a clear referendum result. Canada, faced with this referendum result, will be duty-bound

to discuss in good faith; we'll see after that... I think that things, on that basis, can be done progressively. Areas of federal jurisdiction could be patriated gradually, not necessarily in one fell swoop. And, at the time the patriation would take place, we could also discuss agreements for the future on the different basis that I am for, the basis of one-by-one ad hoc agreements.

The case of the Supreme Court would fit into that context. At one point or another, the question of judicial hierarchy in the country would have to be broached; patriation would be necessary; the Canadian federation is ultra-centralized, even more in the Legislative and Executive branches of government. And, given the tendencies of the Supreme Court, it is probably one of the areas we would have to tackle as quickly as possible if we are to have our own complete hierarchy. In my two or three years to which I was alluding, I think it is a subject that should be broached as of the first year.

Mr. Proulx: I would also like... Concerning the referendum, don't you think it's ambiguous? At any rate, I find it hard to follow your suggestion. Are you suggesting that the referendum ask the question of sovereignty? Or a question on... on a mandate to negotiate it? That part is not clear to me. I would appreciate your explaining further.

Mr. Brun: In the way I formulated the question, tentatively, the idea of a mandate or of negotiation is not the most important thing. On that score, I could have stated the question differently. What is truly important, the way I see it, is that the question to submit to the public in a referendum, first of all, bear on two possible options and, second, bear on two options only. That doesn't need a statement, to be expressed in terms of negotiation. That's secondary; I could have... We could certainly do it differently. But it seems to me essential that there be two options, and a very clearly worded choice between them. And it seems to me important there be both so that the debate take place on both rather than on one option alone. We are often told that the burden of proof is the people who are for change, for sovereignty. I disagree. I feel that the burden of proof is on both sides and that, if we are to speak in terms of trials, there are two upcoming trials... there is the trial of separatism, but also a trial of the federalism that has been with us so far.

On the other hand, I said two options, but not more than two options. Because, in my opinion, it is essential that each option be simple and clear; therefore, that the first bear on federalism as it stands... There. Let it be expressed that way. Negotiate a new federative agreement, or let it be said, very simply, a new Federation... Do you agree with a new

Federation? And whether it be new or not matters little in my opinion; the essential point is there. Whether that federalism be renewed or not, the essential point is there. We must know whether the public agrees with federalism and what it comprises as necessities.

There is a whole series of elements within federalism, especially including, first and foremost, a displacement of sovereignty throughout the Federation. And I would say the same, to be logical, about the second option of the question; I am returning to the question that Gil Rémillard asked Ivan Bernier earlier. I think the second option must also be clear and bear truly on sovereignty. Perhaps we can add, here too, as we can add in the case of the Federation, speaking of a new federative agreement, in fact, some form of renewal. In such a case, perhaps we can bring up the possibility of one-by-one agreements, and therefore speak of assorted sovereignty, as much as possible, of agreements on all manner of subjects. But I think that it should always be clear that the object of the second option is sovereignty. The rest is uncertain, not entirely depending on Québec. We have to know whether the people are for sovereignty per se.

The Chairman (Mr. Jean Campeau): The Mem...

Mr. Proulx: That would have to be a statement, not a question. It is just to tell me what jurisdiction we could share with other countries.

(6:15 p.m.)

The Chairman (Mr. Jean Campeau): Keep that. Mr. Brun, please answer that with the other question. Mr. Desjardins, followed by Mr. Libman.

Mr. Desjardins: Thank you, Mr. Chairman. Thank you, Mr. Brun, for having agreed to participate in our work. You know, we read so much material. We are submerged to the extent that perhaps we see ambiguity where there is none. Your brief brought up ambiguities. In particular, you seem to be saying that what is important in a sovereign Québec is to preserve that sovereignty in an absolute fashion. But, you know that if, assuming you have to negotiate economic agreements with international entities and defence agreements with international entities, or even a free trade agreement with the United States, you are agreeing to cede a bit of your sovereignty. But I am going to ask you another question; that one should be debated with other experts, I feel. On page 8, last paragraph, when you say that it would be in Québec's interest to negotiate or do business with a number of different partners of comparable weight, I hope that you yourself evaluate all the latitude when you... Nor do you

specify further what that can mean, except by the expression "of comparable weight". Similarly, you cite countries, France and the United States too, in another answer in which you state that we could do business with these partners. However, France and the United States, in many ways, do not bear the same weight as Québec. You know very well that Québec is no longer in the Big Seven either. So, just see the ambiguity that can be interpreted in light of your allusions.

Mr. Brun: All right, I shall begin by...

Mr. Desjardins: Yes, please do.

Mr. Brun: ...last but not least. No, I must say that in question 8, when I was broaching this matter of relations with partners of comparable weight, I was not speaking, not at all, of Québec. Very simply, and I'm giving a modest partial answer... I'm saying that in that way because I am not at all in my field; I am not an expert in international law or European law... to those who say: Yes, but what do you think of the European example? We hear that so often. Well, that can be answered in two parts.

First, Europe is not a federation; it is still very far from federative integration. And, second, even if we want to see in that the start-up of an integration of that type, I say that the countries in Europe - and I am not referring at all to Québec in question 8 - that allow themselves to be involved in the start-up process, at the very outset, are countries that have age-old cultures, and which do that multilaterally among themselves, among countries of comparable size and weight. This is precisely not the case at all of Québec. And even if we wish to see in the example of Europe an example of federative integration, here again, this is not at all the case. Even if we wanted to see in it an example of federative integration, embryonic at least, I think that we should avoid applying it to the case of Québec. Québec is in a radically different situation, with its 7 million members of a society, a collectivity, on the North American continent with a different culture. I think that calls for means other than the means that can be called for, economically speaking, in relations between France, England, and Germany. Well! I am aware that you can get me by telling me that Luxembourg is smaller; but, well, in all, there is still a balance between countries with age-old cultures, that have gained assurance accordingly - which is not exactly our case - and that are of comparable weight. So, I was speaking of Europe only, just to say that, in my opinion, it was not a point of comparison for defending or promoting integration, the choice of federative integration for Québec.

Mr. Desjardins: The first question on

belonging... there, multilateral and international entities...

Mr. Brun: Oh, well, perhaps I reacted rather hastily while you were talking because it is certain that... It is when there is contact with another, when one State enters into contact with other States, it makes agreements; it pools the exercise of its sovereignty, but if it does it while guarding intact its power to reverse, or invert, things, this is completely different from the federative situation in which, by definition, sovereignty is abandoned and is passed on to the federal government. In Canada there is one country at present, no? There is a sovereign State, Canada, but Québec is not sovereign; nor is Ontario.

Mr. Desjardins: Because we have spoken of the Free Trade Agreement with several experts, I think that it is a reference that could be interesting. There is a whole gamut of hypotheses in which an independent Québec would be situated during negotiations or in a free trade agreement with the United States. Are these hypotheses included or are they not? Is it English Canada that is recognized, or is it Québec? Fine. Assuming that Québec...

The Chairman (Mr. Jean Campeau): One quick, short question, Sir.

Mr. Desjardins: ...has to negotiate a free trade agreement with the United States, you know all the spectres looming over the free trade debate, by saying... the attacks on our social programs... by saying that there is a possible undermining of loss of sovereignty, or of the power of control, of certain programs here in Québec. You know what was discussed. So...

Mr. Brun: Which is precisely why, I think, in the case of Québec, it is well indicated, given Québec's specific identity and special position in North America...

Mr. Desjardins: But would you go so far as to advise Québec not to...

Mr. Brun: ...not to ever commit itself other than in terms, and never definitively.

Mr. Desjardins: Therefore, you would ask Québec to revise the free trade agreement if it had to negotiate it with the English Canada-United States community...

A voice: The treaty is irreversible.

Mr. Brun: I think that what is of primary importance, at any rate, is that a free trade agreement between Québec and the United

States, by hypothesis, the hypothesis you mentioned, that Québec could backtrack one day or another; and that does not mean, once again, as further to the question earlier, that it could allow itself to do it any time. Its international credibility would be at stake like that...

The Chairman (Mr. Jean Campeau): Mr. Libman.

Mr. Libman: Thank you, Mr. Chairman. Mr. Brun, welcome to our Commission. I too wish to refer to your question on page 9 of your brief, which states: Do you want Québec to negotiate with Canada for: 1. a new federative-type agreement? or 2. Do you want Québec to negotiate agreements with Canada, bearing, for example, on currency, defence, navigation, the protection of minority groups, while remaining a sovereign State? Now, I presume that you are including in that question the free flow of goods, services, capital and people; I presume that that's included in the agreement that you want to sign with Canada as a sovereign State?

Mr. Brun: Personally, yes, I would certainly be prepared to go very far in negotiating agreements with Canada on those points. I have chosen a few examples, and my sole criterion was to situate them in different sectors, such as economic and social. But, they are examples.

Mr. Libman: OK. So, in declaring sovereignty, Québec automatically gains all jurisdictions. That's automatically included in your analysis. OK. So, you are also speaking of future relations with Canada on page 6, when you mention the fact that you prefer a good-neighbour policy, and so forth. Well, this being said, I would like to discuss the dynamics of the negotiations a bit, because it is very important to realize that, if there are negotiations between Canada and Québec, if Québec wants to have everything it is asking for, this will not be acceptable to Canada, and vice versa. Therefore, if negotiations are to be fruitful, there should be compromises on both sides. So, there lies the question. What compromises or concessions would Québec make to have fruitful negotiations? Like that, we can have a situation in which there would be good-neighbour relations with... to whom exactly were you referring?

Mr. Brun: I think that the difficulty between us is that we are not starting from the same point; we don't have the exactly same starting point. You speak of asking. In my view, those times are over. We have nothing to ask Canada for. We'll make offers to Canada from now on. What we will offer Canada is the possibility of signing numerous agreements in different areas; there will be give and take, yes,

of course, and that is how I see things. It seems to me that that is the only way to arrive at something viable.

Mr. Libman: So you agree that there will be concessions on both sides?

Mr. Brun: Yes, of course. Within the framework of one-by-one agreements.

Mr. Libman: OK. Secondly, you also mention, in your examples, agreements for the protection of minority groups. Could you be a bit more explicit on that point? Can you tell us just what an agreement for the protection of minorities would entail?

Mr. Brun: Yes. I have the feeling, although I could be wrong... here we're in the future; we're looking at the future... but I have the feeling that it is perhaps a good example of cases in which by giving our relations with Canada, Québec-Canada relations, a form other than a federative-type political integration, by using rather the formula of one-by-one agreements, we could arrive at much better results. I think that a Québec-Canada agreement on the protection of minority groups could protect the minorities well, and I am thinking particularly of the English minorities here and the French minorities in the other provinces. I think we could arrive at much better results.

Mr. Libman: But when you speak of agreements, you do not talk of upholding the Supreme Court of Canada. In your analysis, you want a Supreme Court of Québec to be created, I presume.

Mr. Brun: Yes. Note that, in abstracto, even this idea has nothing absurd about it. Look at independent Canada, the Canada that became sovereign, probably the key date being the Balfour declaration in 1926. Canada became a sovereign State, and yet it kept as a court of last resort the Judicial Committee of the Privy Council in London until 1949. So, you see, there was an agreement on that very precise point. That suited everyone at the time. Therefore, in the abstract, the idea could include an agreement on the Supreme Court of Canada, but because of what I said earlier about my assessment of the constitutional arbitration of the Supreme Court of Canada, I would hope that there is no agreement of this nature in this case.

The Chairman (Mr. Jean Campeau): A short statement, Mr. Libman.

Mr. Libman: Just recently, to continue a bit in the perspective of Mr. Brassard, the territorial question... if the right to self-determination of a nation, of a people, is

recognized... you spoke earlier of Rupert's Land for example, but, in another way, from another perspective. If the question arises... self-determination for an aboriginal community... to claim that part of Québec, do you recognize that?

Mr. Brun: I admit that the question is much more difficult if we add that element to it. Simply put, the idea submitted earlier to the effect that the federal authorities might take some of Québec's land away at the time of sovereignty seems ludicrous to me. But, when we think of the question of the aboriginal people, and the territories, that does not necessarily cover all those territories. There are parts of those territories that have already been the object of agreements. There are others on which there are no aboriginal people, but there are other parts of those lands on which there are not only aboriginal people, but on which the aboriginal people are the majority. They are practically the only people living there, and that certainly poses a much more difficult question, and a complex dual question of self-determination.

The Chairman (Mr. Jean Campeau): Mr. Beaudry, on behalf of the Chair, if you could ask a question without a preamble or postponement.

Mr. Beaudry: I have a little bit left to say, Mr. Chairman. Thank you very much. This is still in relation to the question of Mr. Brassard and Mr. Libman. You answered Mr. Brassard earlier when you said you felt that, except for the aboriginal problem, it would seem that the territory of Québec could be assured in the context of sovereignty. Professor Maurice Arbour, of the Law Faculty at Laval University, published a book on public international law, and I'm certainly not trying to kid you at all, I feel it would be important for the members of the Commission to know more about that issue. (6:30 p.m.)

In that book, he says that the minimum regime applicable to all categories of successions of State... and I am skipping some... territorial treaties include not only boundary treaties but also all treaties that attach obligations to a given territory, for the benefit of one or more States, such as the use of a river. Then, he concluded that the cardinal principle of that chapter is that change of sovereignty has no effect on the clauses of a territorial treaty. The successor-State must therefore respect all the terms of the treaty. If Canada, were there a treaty, added part of Québec land to certain conditions, that could mean that Québec would have to respect that treaty...

A voice: Yes, but...

Mr. Beaudry: ...for the benefit of Canada. And I should like that question, Mr. Chairman, to be debated by the Commission. I understand that we don't have time to do it today, because there are so many questions before the floor. I am not saying that I'm right, by saying that that contradicts what he said to Mr. Brassard, but I think that that question should be studied in greater depth because it would seem that we do not have quite the same concepts of the matter; that would benefit everyone.

Mr. Brun: I agree...

Mr. Beaudry: You can answer by an example.

Mr. Brun: ...with you that it is a difficult question, and I conceded from the very outset, earlier, that it is a question for which I had no immediate prepared answer. However...

Mr. Beaudry: That's why I told you that I was not trying to kid you.

Mr. Brun: ...in relation to what you just said, I think there is still, very rapidly, a slight precision to be made. You are speaking of treaties. You are therefore speaking of international relations, and therefore of territorial annexation that would have resulted prior to separation, prior to the resultant secession...

Mr. Beaudry: ...due to Québec. Rupert's Land.

Mr. Brun: Oh no, not at all.

Mr. Beaudry: ...it seems it was brought up before the Commission.

Mr. Brun: Mr. Beaudry...

Mr. Beaudry: I don't know. I didn't check it out.

The Chairman (Mr. Jean Campeau): Very well; fine.

Mr. Brun: But not at all; on the contrary. And that's what makes the difference. These Northern territories were annexed to Québec by constitutional amendment. That's domestic, constitutional law. We followed to the letter at the time the applicable constitutional amending formula; all this to say that the territory in question, rather than remaining federal land, will belong to the province. Then... No, that is not at all the same thing that may result from commitments resulting from any treaties.

Mr. Beaudry: Apparently this would not be a condition, however.

The Chairman (Mr. Jean Campeau): I shall pass the floor quickly now to Mr. Bouchard.

Mr. Bouchard: I must say, to return to the spectres to which Mr. Desjardins referred, which were brought out by the Liberals against free trade, that I am slightly surprised to see that the Conservative Party is using the same spectres, this time against free trade, defeating the purpose of sovereignty. The fear of sovereignty must be strong in Ottawa, if even the discord surrounding free trade is up against a truce to show that sovereignty seems dangerous.

We have spoken considerably since yesterday about the dynamics of centralization, characteristic of Canadian federalism. Mr. Migué in particular, yesterday, spoke to us about it in depth. I found, for my part, that he did not really explain the reason for which this phenomenon exists, this movement of attraction towards the centre. You have given us a partial answer today, referring to law. Law can occasionally make up for the shortcomings of economics, in other words, by telling us that it is due to the judicial process that that is happening in particular. This is one aspect, and not the only one, of course. And, I am convinced that that is not going to affect the impartiality of the judges. There is a widespread phenomenon: the whole is more important than the parts, the interests of one part taking precedence over the second, and we can understand why. Mr. Duplessis had a much less complex formula when he compared the Supreme Court to the Tower of Pisa, saying that it leaned, and always to the same side.

However, yesterday Mr. Migué had started to prepare a partial answer which seemed interesting to me but, because of a lack of time, was unable to continue. He told us that there were perhaps means, there must be means to include mechanisms in the Constitution which would check this movement towards the centre. So, I wanted to ask you, Mr. Brun, since you have studied these matters, whether it is conceivable to imagine this type of mechanism, this type of check, this type of doorstep, so to speak, in the Constitution? And, if need be, supposing there is one, can we convince English Canada and the other provinces to agree to their being included in the Constitution?

Mr. Brun: No, I don't believe that would be possible. I don't believe it, and I don't believe that there is an example of that in other regimes, in other federations or at least in what regards the exercise of judicial power, whether there are more guarantees given to the members of the Federation or to a member of the Federation in particular. You know, according to our present constitutional law, Québec has three

judges on the Supreme Court: three judges out of nine; that's a lot. That is not in the Constitution, specifically, but it is in ordinary constitutional law. I think it is guaranteed at least conventionally. That is a considerable step and I don't see how we could ask that a province have more members on the Supreme Court, or that the votes, the decisions, required qualified majorities. I have never seen that anywhere, to tell you the truth. These three Québec judges are appointed by the federal government, they too, like the six others, by the federal Prime Minister. The formula could vary a bit, but I don't see how one province or several provinces could appoint judges to the Supreme Court of a federation. That is absolutely impossible for me to fathom.

Therefore, I do not see any easy safety valve, any means of remedying this centripetal dynamic. I think it is something that is obvious, that is profoundly institutional, with highs and lows. That was brought up. There are times when... But, overall, there is a global movement, or trend, a trend of great magnitude which is going in a very specific direction.

You mentioned the Tower of Pisa, Mr. Duplessis's allusion. We could hardly use it today. It would describe the situation poorly because, referring to that idea makes us think of the use of quantitative measures, to know whether the provinces win more often than the federal government at the Supreme Court, and so forth. But that is not really the question. The quantitative results are rather insignificant. We must really look at what we're talking about. And, at the present time, this is a process of tutorship, or almost. The reasoning of the Supreme Court at present comes down to this, more or less: the provinces are not capable. There is a chronic lack of confidence in the provinces, and this is rather paradoxical when we realize that the provinces created this federation, after all.

The Chairman (Mr. Jean Campeau): If you will, Mr. Brun, we shall now go on to a Government parliamentary group. Mrs. Louise Bégin.

Mrs. Bégin: Mr. Chairman. Speaking for my group, Mr. Brun, I should like to thank you for having answered the invitation of the Commission. If you will, I shall begin with my questions. In your brief, Mr. Brun, you propose an idea which is quite original, based on your conviction that Québec can no longer allow itself to opt for integration through a political structure, which would involve abandoning sovereignty, abandoning jurisdictions, her jurisdictions. Consequently, you suggest that Québec be a partner of Canada's through ad hoc agreements, or one-by-one agreements, and that the only joint institutions would be technical committees

set up to enforce the ad hoc agreements. My first question is this: To your knowledge, does there exist in the world structures that completely exclude all political representation of partner States?

Mr. Brun: I am not an expert in international law, and in that respect I am not entirely in the position of my colleague, Ivan Bernier, who was here earlier and whose field it is. I'm ill at ease; I don't think I am capable of answering your question on international comparison adequately.

I can say, however, that my position is perhaps not quite as rigid as you have described it. I followed 80% of what you said. I bowed assent and, at the end, I was grimacing a bit. I don't preclude the fact that certain agreements, the most important agreements that Québec would have with Canada, necessitate setting up structures, institutions which would have more to do than mere enforcement, as you stated. I think that an interdepartmental committee seconded by a team of experts... because I would not leave that entirely in the hands of experts... could play an active role, a dynamic role of effectively promoting the agreement or agreements in question, which would do much more than mere enforcement. Enforcement could be given over to another type of institution, that I could see very well, too... judicial-type institutions, bilateral ones, I feel, a little like what exists under the aegis of the Free Trade Agreement with the United States, a parity tribunal, bilateral, to ensure enforcement, that is, to make decisions executory when one party does not respect the terms of any treaty in question.

Mrs. Bégin: But, Sir...

Mr. Brun: Therefore, the difference is not as big as you said.

Mrs. Bégin: But, Mr. Brun...

Mr. Brun: It's a bit figurative towards the end.

Mrs. Bégin: But what makes you believe that English Canada will accept an association that is not founded and will evolve only through ad hoc agreements that Québec will be willing to sign?

Mr. Brun: That is no doubt a challenge. We are speaking of the future, and I have no crystal ball. Jurists, even less than economists, like to make predictions. But, still, it seems to me... First, as long as we have not put on the table discussions with Canada and a clear-cut referendum result, we will not be able to expect to have significant indications of Canada's intentions. I put myself in Canada's shoes and

would act the same way. And even despite that, you will admit with me that we don't very often hear authentically English Canadian voices threaten us with closing all doors and windows to whatever type of communication with Québec after it has decided on sovereignty. These things come back periodically, but, more often than not, through Québec spokespersons.

I have just returned from a trip in Western Canada — not a very long one — and I can't draw too many conclusions; but still, I did spend three weeks there, especially in Alberta and British Columbia, particularly in university circles, the Law Faculty, and we discussed these things a great deal. I can tell you that at no time, at no time whatsoever, did anyone lead me to believe that we would be given a hard time if we opted for sovereignty, or that in no case would there be reluctance to negotiate with us. At no time did I ever hear that. But it seems that, assuming there is a clear referendum, as the people would decide, Canada could find a number of interests in negotiating this kind of agreement with Québec. In fact, I think we should not be too injurious towards Canada. We should not speak merely of the interests of Canada, of English Canada. I think that English Canada is also an eminently civilized country; it is eminently ethical, and it is rooted in democratic traditions, traditions of British origin that are solidly anchored in accession to independence, in accession to sovereignty. I have confidence in Canada a priori.

Mrs. Bégin: Also, Mr. Brun, on page 12 of your brief, you claim that an affirmative referendum in favour of sovereignty, along with the failure of Meech Lake, and the declarations of Mr. Bourassa of last June 23 and 24, would create a de facto situation in law and would fully justify Québec's actions, and absolutely oblige Canada to make, one after the other, the different tangible gestures that would lead to the reality of Québec sovereignty. In what sense, Mr. Brun, do you use the words, "would absolutely oblige Canada"?

Mr. Brun: That's a bit strong. But it is as I was just saying, or just about. I think that this context I just described, the strongest component of which would be, of course, by hypothesis, a clear referendum result in favour of sovereignty, but along with the failure of the Meech Lake accord and the declarations of the Prime Minister, Mr. Bourassa, last June 23 and 24...

Mrs. Bégin: Because, you see, Mr. Brun, in international law, everyone has come to tell us here that, speaking of the debt, Canada would perhaps negotiate with Québec because we would share the debt in terms of international law, but I do not see how Canada would be obliged to

negotiate other agreements with us further to Québec's independence or sovereignty. The debt, I understand very well. There is international law. But, in other areas, and it's that, especially... because when I read your brief, I shared part of your claim about the debt. But, when you say... And in the other concrete actions, there I wish you would identify them for me. Because I am not sure that Canada would be... Well, I don't mean it wouldn't do it, but to claim categorically that it would, I'm not prepared to say that.

Mr. Brun: Yes, in the absolute, you are right. To the extent to which there would only be a question of determining future things, you are correct that, in absolute terms, Canada could... we can imagine that... decide to close all hatches, all manner of contacts and relations with Québec. But that is because here, I am affirming this in a much broader context. Following a referendum, in this hypothesis, discussions would have to be undertaken with Canada, not only to sign agreements for the future, but to ensure harmonious patriation of the matters that have so far been under federal jurisdiction.

And that, that aspect of things, that is, to accomplish in fact and in law, at the end of the line, to accomplish the result of the referendum, I feel that Canada could not hedge on that, by virtue of its international commitments. Canada has signed a number of documents recognizing the right to self-determination, the right of the people to determine their own future democratically.

On the other hand, at this point, Canada, it is true, could refuse to speak about whatever matter concerning the future, refuse to look into the future, to put up a few bridges, a few contacts for the future. I tell myself that this is no doubt a very slight possibility and that, while negotiating patriation of jurisdiction, we could negotiate in a valid, gradual way, before even arriving, as I was saying, at a unilateral declaration of sovereignty, at foreseeing at the same time as patriating jurisdictions, agreements to replace them in the future, for the future. In the absolute, however...

The Chairman (Mr. Jean Campeau): Any other questions?

Mrs. Bégin: Yes, one other question, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Very short.

Mrs. Bégin: Very short. It concerns the referendum question, Mr. Brun. When I read the referendum question you are proposing to us, I was a bit surprised, because you say that we

should... The question must be the following, if you will permit me: Do you want Québec to negotiate a new federative-type agreement with Canada? And you say: We must not determine... We have to take for granted that it will be the Canadian federative agreement we are living under today. Now, you know, Mr. Brun, that at the present time... I feel that the Commission, here, has observed that the status quo per se has been rejected. Now, if you ask us: Do you want to negotiate a new agreement with Canada of a federative nature such as we know it? And there, there is a consensus we no longer want. Automatically, people will go for the second. And, isn't this telling the public what you want, that is, to opt directly for sovereignty?

And there again, I am a bit... Faced with your question, you say: Do you want Canada to negotiate with... Do you want Québec to negotiate agreements with Québec bearing, for example, on currency, defence, while remaining a sovereign State? According to your question, we would already be sovereign. You are going to the people to say: We are sovereign. Do you now want to negotiate an agreement on currency and defence with Canada? But there, I can't see why you want to consult the public if sovereignty is already a fait accompli.

Mr. Brun: On the first element of your question, I stress insistently that I am speaking there of a new federative-type agreement. And I have no objection to people speaking thus about a new agreement to properly mark the fact that the choice offered in this first branch of the alternative includes a federation that is as renewed as we can imagine. But I think it would be possible to explain, in some very simple document, accessible to the public, what is meant by a federative-type agreement, no matter how renewed it is. There are elements that are utterly essential to this state of things and there are also necessary corollaries from which we will never be able to escape. But that can be clearly explained.

The Chairman (Mr. Jean Campeau): Well, thank you for your brief. Thank you also for your remarks before this Commission. I trust your expertise and experience will be very useful to us. Thank you.

Mr. Brun: Thank you.

The Chairman (Mr. Jean Campeau): We shall resume work at 7:30.

(Proceedings adjourned at 6:51 p.m.)

(Proceedings resumed at 7:46 p.m.)

The Chairman (Mr. Jean Campeau): We will resume our work by welcoming an invited expert.

Mr. Charles Taylor is an internationally renowned political scientist, philosopher and humanist. You have 10 minutes, Mr. Taylor, to summarize your brief.

Mr. Charles Taylor

Mr. Taylor (Charles): Thank you very much, Mr. Chairman. I would like to thank you and the members of this Commission for having asked me to present my viewpoint here. In the few minutes I have at my disposal, I would simply like to situate my brief in relation to the debate which it addresses. I understood that the purpose of this Commission was to redefine, in complete freedom, Québec's relationship with neighbouring societies and its status within the continental framework. In my opinion, a distinct society, free to control its own destiny, is precisely one in which we go back to square one, as it were, and totally rethink what our status should be, instead of constantly taking our history and development into account and reconsidering our situation in the framework of the Constitution drawn up in the past. This means viewing Québec's situation from a totally new perspective. It is the essence, I think, of the extraordinary consensus that has emerged since the death of Meech Lake. We didn't agree and we still don't agree on the objectives or the solutions, but we do agree that the problem should be reconsidered from a totally new perspective. I think, therefore, that we should hold a debate, dealing initially with our goals. Which status or structure would we find most appropriate? I don't think we've really started discussing these issues yet. Instead, we've avoided them. I think it's time we discuss the fundamental question: What are we aiming for?

Rapidly, I would first like to tell you how I would answer this question. I think I would say that the best solution for us in Québec is a relationship, a structure, a federal link with the other societies that are currently part of Canada. Very briefly, I see four reasons why this answer is better than others.

First, the French-speaking community has left its mark on the rest of Canada outside Québec. One million Francophones live in this part of the country and, officially, its federal structures are already bilingual. A great many English Canadians have learned French. For those of us in the heart of French-speaking America, they constitute, as it were, a buffer, a potential ally in our struggle not only for survival but also for the development of our society in the future. It would be better to be surrounded by and allied with a society which, to a certain extent, is open to French, than to be isolated as the only Francophone community on this continent.

Second, we share with the rest of these societies a number of social programs and a

system of economic management that differentiate us from the United States. For example, we have a health insurance system that is very different from that of our neighbours. Since we share this continent with this economic giant, we will always be under a certain amount of pressure to bring our social programs and taxation level into line with those of our neighbours to the south. To maintain the programs we cherish, it would be preferable, once again, to be allied with other societies that have the same system.

Third, we want to maintain an open economic zone. Everyone is agreed on this point. Of course, there are several ways of doing this. There's also sovereignty-association. But, in my opinion, a federal framework is a more reliable and stable framework for maintaining this economic zone.

Last, we must remember that here, in the northern part of the continent, we have a vast supply of resources, some of which have yet to be discovered, and Québec must not renounce, from the outset, joint management of these resources in the future, a situation that could be highly profitable for us.

These are the four reasons why I am in favour of a federal solution. We know that our current federal structure has certain disadvantages, primarily because we were unable to obtain recognition as a distinct society, with all that this implies in the present situation. Therefore, we must talk not only about a federal structure in vague terms, but also about a new federal structure that would constitute a break with the past, that has the key feature of recognizing Québec as a distinct society, with all that this implies, including the possibility of asymmetrical federalism, where Québec does not have the same role as the other parts of the federation. These are goals we should try to achieve.

What prevented this from happening in the present context? To summarize the situation very rapidly, I think that this can be explained by the fact that, throughout the rest of Canada, Canada has traditionally been viewed through a prism. I could even say that the rest of Canada, or most of it, has continued to cling to a certain number of images that have no relation to reality: images of the Canadian mosaic, an image of Canada where all provinces are absolutely equal and uniform, the image of a "one-nation" Canada. There are all kinds of images that have had a considerable impact on our English-speaking compatriots and that, in the end, have prevented them from recognizing the reality of Québec and from granting us our rightful place in this federation.

Clearly, I think it should be noted that we will not be able to convince them by trying to make reforms and amendments on the basis of present-day Canada. Instead, we should propose

something new and different. I suggest that Québec propose, not that Canada be amended on the basis of its historical definition, but that we start from scratch and rebuild a federation in which Québec is clearly recognized.

And this is the substance, purpose and spirit of my brief. The question is: Can we make them negotiate on these terms? Frankly, I don't know. I'm not sure. But I will say this, Mr. Chairman: I'm not the only person who doesn't know. There isn't anyone in this room or anyone in this country who can predict the outcome of the identity crisis, so to speak, which English Canada is undergoing at the moment and which it will continue to undergo for some time. And I will also say this: problems arise not only in predicting our partner's answer to my proposal, for all the proposals now on the table, whether for sovereignty-association or full independence, require our partner's consent to a certain extent. In the case of sovereignty-association, it's obvious. But full independence... we can't leave Canada without concluding certain agreements on outstanding questions: the national debt, the Seaway, etc. We need an agreement with our partner but, at the moment, unfortunately, none of the proponents of the various solutions can predict our partner's reaction to their proposal. We must all create, as it were, the English Canada of our dreams to be able to negotiate with it.

But, in conclusion, what I can't accept is that we draw premature conclusions solely on the basis of the answers we presume English Canada will give, that we dismiss the solution which I think is the best, namely, the federal solution. Let's not say: English Canada won't agree to this, so let's opt for independence, let's opt for sovereignty-association. On the contrary, if need be, let's let English Canada refuse the solution that is best for it and for us if it lacks the foresight or is irresponsible or stubborn enough. But let's not do the job ourselves by rejecting the solution that would be best for us and our children. I've followed the discussions to date with some concern, since this basic question does not seem to have been addressed. Let's forget about our predictions about English Canada's answers and settle this question first: What, in our opinion, is the best solution for us, as Quebecers? Let's try to find a way of negotiating this with the rest of Canada. If necessary, I could make several comments to elaborate on this question, but I simply wanted to introduce the subject, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Thank you, Sir. We will first hear from Mr. Ghislain Dufour, who will be followed by Mr. Larose.

Mr. Dufour: Thank you, Mr. Chairman. I must say that I was very pleased to read your brief. I have three or four questions, so I'll ask

them quickly. First, I had the impression, on page 10 of your text, that you were more definite about the possibility of English Canada agreeing to negotiate with us, because, in the second paragraph, you say: Contrary to those who believe that because English Canada has refused... would not agree to more extensive changes, it's very possible that more profound modifications would be easier to accept..." And you present the opinion of the constitutionalist Alain Cairns of the University of British Columbia, which is precisely in keeping with this view. I have the impression that you've tempered your comments in relation to your text. Is this voluntary or...

Mr. Taylor: No, no. It's just that I only had 10 minutes. And I'm very pleased that you've asked me this question. Yes, I think that we have to understand, to a certain extent, the mentality, the limited framework in which many English Canadians have considered this question. This is because they have always had a certain conception of Canada. Therefore, when we asked them to try to amend the Constitution of this traditional Canada, they were hampered by a number of images they couldn't dismiss. But, what if we made them a very different proposal? Listen friends, Canada as you have always perceived it really did exist. I think that this has to be acknowledged in Québec. This traditional Canada did exist. It's no longer an option. We're now offering you something different. We're offering you a new federal agreement, or, if we can't work things out, we'll have to separate. Given these options, it's very possible that English Canada would answer quite differently. And, since I've already looked into this question with certain experts like Alan Cairns, who are fairly well informed, I'm not pessimistic in this regard. There's a tremendous difference between a proposal to amend Canada as it exists today, a suggestion that elicits a number of atavistic reactions, so to speak, and certain reflexes, and a proposal to overhaul the entire system.

Mr. Dufour: This is because you asked for an opinion in British Columbia. We're really in English Canada.

Mr. Taylor: Yes.

Mr. Dufour: In which case, you get this kind of answer. Second question, Mr. Taylor. Some people have said that the type of sovereignty we have to a degree in some sectors in Québec, at the quantitative level, in any case... that sovereignty-association is a form of federalism. What do you think?

Mr. Taylor: Well no. Strictly speaking, this is not true. It must be said that, at the moment,

the term sovereignty-association is used in all kinds of contexts in Québec. There are many people, and surveys show this, who say they're in favour of sovereignty-association, and when you ask them if there will be elected representatives in Ottawa, they say yes. But, strictly speaking, jurists and political scientists don't like it when words are used somewhat carelessly. There's a considerable difference. This is because, in one case, central powers are merely delegated powers that may be withdrawn at almost any time or at regular intervals, while, in the other case, that of a federal system, certain powers are vested in the central government. Therefore, there's a very profound difference, a difference in principle, which has to be...

(8:00 p.m.)

Mr. Dufour: This answer confirms the confusion surrounding various words. One last question: the Free Trade Agreement with the United States. This is a question that proponents of free trade are constantly asking constitutionalists. Do you think that the United States should respect, with a sovereign Québec, the terms of the Free Trade Agreement negotiated by Canada with the United States?

Mr. Taylor: That all depends on the way in which separation is achieved. If it is sudden and Québec simply withdraws, a new country will be formed, and no one will be obliged to conclude any agreement whatsoever with it. We can imagine other scenarios where separation would be achieved by some kind of mutual agreement, etc. and a situation where, of course, it would be agreed that the two countries created as a result would accede to the Free Trade Agreement. However, there are other possible scenarios that would definitely place Québec in a dangerous situation.

Mr. Dufour: In your opinion, the automatic succession of the sovereign country that Québec would form is quite debatable.

Mr. Taylor: It can't be taken for granted.

Mr. Dufour: It can't be taken for granted.

Mr. Taylor: And we should also bear in mind that, in the end, we can't do anything without concluding some kind of agreement with the rest of the country. Regardless of the solution we opt for, we'll have to obtain the consent of the other parties, reach an agreement with the other parts of the country.

Mr. Dufour: Thank you, Mr. Taylor.

The Chairman (Mr. Jean Campeau): Mr. Larose.

Mr. Larose: Thank you, Mr. Chairman. I

find your brief very stimulating. I'll definitely be frustrated by the limited amount of time we'll have to ask a certain number of questions. At one point, you say that the Constitution of 1867 died on June 23, 1990. At the same time, you say on page 5 that, ultimately, your plan is to nevertheless try to continue the experience, while giving concrete expression to the viewpoint developed by Laurendeau throughout his various endeavours.

It seems to me that, to rebuild the country, we must first ask ourselves: Who lives in Canada? And I ask you this question point-blank. It is said that Canada is currently made up of four realities. There are the Maritimes, a region with a homogeneous population of British extraction; there's Québec, a region with a homogeneous Francophone population; and there's the rest of Western Canada, which is more multi-ethnic, with two major concentrations of Francophones in Acadia and Ontario. Ethnic groups allied with Native people are the rising forces in this country, the progressive forces.

Is your proposal a continuation of the basic principles underlying Meech Lake, which, once again, was designed to recognize the two founding peoples? And, therefore, isn't this a dead end, given that the accord was rejected for precisely this reason, namely, that Canada is no longer two founding peoples, but also Natives and multi-ethnic groups? Yes, there are English people; yes, there are French people. But, there are no longer only English people and French people. I don't know.

Mr. Taylor: Yes. But two things can be said in answer to your question, which is excellent. It gets right to the heart of the matter. First, I will repeat what I said earlier. Meech doesn't prove anything, because Meech was a proposal to amend the existing Constitution. We asked English Canadians: Is the Canada that you traditionally recognize truly protected by the Meech amendment? Some said no; many said yes. Opinions were very divided. But, in the end, they said no. We want to make them another proposal: not, does this resemble the traditional Canada of your dreams, the one you learned about in your school textbooks, etc., but, is this a system that might allow us to live together now? Is it the best way or not? This is a different proposition.

Second, the duality of Canada does not conflict with multiculturalism or the ascendancy of aboriginal people. The current Canadian reality is as follows. There are two main societies, each of which is defined by a hegemonic language: English in one case, and French in the other. Multiculturalism exists in each of these societies. We are also experiencing this here in Québec and we'll have to deal with it a bit more effectively and consciously. There are also Native societies in each of these societies that should be granted extensive powers

with regard to self-management and self-government. But this doesn't take away from the fact that the northern part of this continent is made up of two main societies defined by their hegemonic language, so to speak, the main language of communication. This is the duality of Canada. It will exist, even if Canada breaks up.

Mr. Larose: On page 6, you talk about a proposal which, historically, has always been designed to differentiate us from the United States. Shouldn't we acknowledge the fact that, over the past decade, many changes have taken place in Canada, with the result that the distinctive character of Canada has become less apparent? I'm thinking, in particular, of the trend toward privatization and deregulation. In my opinion, the Free Trade Agreement illustrates the split. It must be remembered that it was Québec that pushed the Free Trade Agreement through. Therefore, with regard to Canada, this society that is distinct from the United States... it seems to me that we have all the conditions, including the Charter introduced in 1982, for the erosion of the distinctive character of Canada, and that the rampart is stronger in Québec. This is why Caldwell, notably, said after visiting us that an independent Québec is perhaps the only place where we can live as Canadians.

Mr. Taylor: I think living in Québec, regardless of whether it is independent or not, is a formality. However, I think you're definitely making a fundamental mistake as far as Canada is concerned. Canada, and I'm talking about English Canada, is a very different society from the United States. Since this distinction isn't based on a difference in language, it's not as obvious as it is here. However, there's a different political culture. Think about this for a moment. There's a kind of welfare State in English Canada that is similar to our own, that we've built together and that is very different from the style of government in the United States. Canadians cherish this difference very highly. There's a different style of economic management. Yes, there are times when we lean a bit toward the right or toward the left. But think about the American Right: Reagan's Right, the Republican Party Right. In Canada, the Right is represented by the Reform Party in the West. These are marginal movements.

In English Canada, there's a different legal culture, I'd say. Even cases where Canada seems to resemble the United States highlight this difference. Yes, we have a charter of rights, just as the United States has a bill of rights. But we have a "notwithstanding" clause. This is a typically Canadian compromise. Perhaps they think we're illogical, but, nevertheless, this represents Canadian culture. We must bear in mind that the "notwithstanding" clause was introduced at the request of the Prime Minister

of Manitoba at the time and not at the request of Québec. There is definitely a fundamental difference, and I don't think we should delude ourselves in this regard.

Mr. Larose: I would like to ask you a question about your approach. You propose that we overhaul the system from top to bottom and, to get the process under way... I must admit that I'm looking for the catalyst. It's certainly not through the incantations and demonstrations that could be made by pursuing the debate, that the real leaders, so to speak, of English Canada will feel they're being challenged. In other words, if we simply went ahead with the project, wouldn't others then jump on the bandwagon?

Mr. Taylor: Well, that depends on the project. You talk about going ahead with the project. If you mean that independence should be declared, you're starting to carry out your project but not mine. And I think mine is better. But you're right. There's a problem: the problem of Québec's credibility. We lost Meech Lake because they didn't think we were serious. They think so now, but it's too late. They didn't think we were serious, and we have to show them we're serious.

There are several mechanisms. I didn't really go into this at the end of my brief, but I think that, at some point, perhaps, we should hold a referendum in Québec beforehand. A referendum that, if we have a consensus, could, I think... it's up to you, it's perhaps your mission in history. If this Commission reaches a consensus, a real consensus, I'm sure that we'll be able to hold a referendum without the rifts of 1981 and with a large majority of Quebecers by saying something like this: my proposal is "That we negotiate a new federal agreement, but unlike the situation under the current amending formula, failure to reach an agreement would not mean returning to the status quo. Unfortunately, this is no longer possible. A failure would mean that Canada would no longer exist." If we were able to get this across to our partners, the rules of the game would be completely different. And I agree with you: we have to find a credible way of doing so, but let's not lose our heads right at the beginning.

Mr. Larose: If I understand your proposal correctly, it could involve a Québec referendum...

Mr. Taylor: Yes.

Mr. Larose: ...which means a definite will. You don't call it independence, but in your proposal, on page 7, your... it's nevertheless a proposal that leaves Québec considerable room for autonomy. Therefore, a referendum which says this, which sends out a clear message, you say in your text, with a deadline... And if

nothing happens, independence might be declared. Is this the sequence you're proposing?

Mr. Taylor: Yes, but it doesn't involve independence. It's a new federative project. However, if it fails, we'll definitely be faced with independence, or sovereignty-association, in short, another way...

Mr. Larose: You object to a referendum question that makes precisely this proposal, that is: We'll go ahead with the association project. Or let's suppose we opt for your proposal and in the same question... If it isn't carried out within a given time limit, this would mean independence. Would we ask this question at the same time?

Mr. Taylor: We may have reached a consensus, yes, a referendum with a proposal on two levels: what we want to achieve and the consequences of failing to do so. This might be a way of making Québec's intentions a little clearer.

Mr. Larose: Thank you, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Mr. Nicolet.

Mr. Nicolet: Thank you, Mr. Chairman. If I may, I would like to continue along the same lines as Mr. Larose, who had started systematically going over certain points mentioned in your brief, which I also found very interesting. If I may, I would like to compare them to the comments made yesterday by Mr. Bernard, because I think they reflect in a different way both sides of the same coin. In this perspective, I refer you to the second paragraph on page 10 of your text, which reads as follows. This is an excerpt: "It's very possible that more profound modifications would be easier to accept provided they were proposed within the framework of a new structure rather than within that of Canada as we have known it in the past."

If I may summarize what Mr. Bernard had to say on this subject, he put the very essence of Canada into perspective by emphasizing that some of the demands considered minimal by Québec are basically paradoxical in the eyes of English Canada. It's a bit like asking the most beautiful girl... She can only give what she has. And English Canada cannot satisfy Québec's expectations without denying its very essence. How do you react to this analysis of Canadian reality?

(8:15 p.m.)

Mr. Taylor: I think it's very wrong. In any proposal to redefine traditional Canada, it's an image of English Canada in the context of the Constitution of 1867, in an historical context. I

totally agree. Experience has shown this to be true. Some people agree, but not the majority. I see English Canada faced with another choice. It's no longer a choice of maintaining the traditional Constitution or of changing it; instead, we will have to choose between a new federal agreement or no federal agreement at all. English Canada will then be obliged to think on another level. It's obvious that if we ask them: In your opinion, does Canada, as you traditionally perceive it, have enough room for Québec? As in the past, opinions will be divided.

But that's not the kind of proposal I envisage. And just think... Think of all the people who were opposed to Meech Lake, if only during the last round... There were quite a few. All of them took it for granted that the status quo was the alternative to Meech Lake. They constantly argued on the basis of this way of thinking. We don't want to accept this change because what we now have is better. We don't want to adopt a new amending formula because the one we now have is better. Such arguments were based on the reasoning that the status quo was the only alternative, and people prefer the status quo. Faced with another choice, English Canada will react very differently. I don't claim to know their answer. All I know is that the rules of the game will be entirely different.

Mr. Nicolet: For example, if we could continue discussing this question for just a few more minutes. Linguistic rights are an area where English Canada still has a fundamentally different view of things, in the context of the Charter of Rights and Freedoms, as opposed to Québec's reality, the "notwithstanding" clause, etc. Don't you think that... Even Mr. Dion, in his presentation the other day, said that we should remove entire sections from the Canadian Charter and refer to the Québec Charter. Don't you think that, basically, this proposal is unacceptable to English Canada?

Mr. Taylor: Not necessarily. You're touching on a very sensitive point because, at the moment, for many English Canadians, the Charter represents, as it were, a mechanism that has the potential to link them together as citizens; however, they also see it as a means of protecting individual rights alone. And it must be said in passing that this is not in keeping with the present Canadian Charter, which is intended to blend and balance individual and collective rights. However, it is impossible for Québec to see the Charter as a mechanism for defending individual rights alone. And this ambiguity must be eliminated. This is quite obvious. But there are several ways of doing so. Meech suggested one way, didn't it? Namely, an interpretation clause. I would go even further in this direction. We should rewrite section 1 of the Charter which establishes, as it were, the terms or

framework in which the other sections should be applied. And we should make it clear in this first section that the application of the Charter in Québec should take collective goals into account. Or we could do what Professor Dion suggested. There are several ways, but I agree with you, the question of the Charter must be settled. It must be clarified.

Mr. Nicolet: Do I still have a bit more time, Mr. Chairman?

The Chairman (Mr. Jean Campeau): Yes, Sir.

Mr. Nicolet: A little bit? I would like to refer to page 15 of your brief and, again, compare it to what Mr. Louis Bernard said yesterday. You say with considerable emphasis, and I quote: I dismiss from the outset a catastrophic scenario whereby English Canada would break up as a result of its internal divisions, etc. I would like to confront you with the scenario where Québec decides to separate. And Mr. Bernard, on reflection... and I don't think I'm oversimplifying his remarks, which were to the effect that Canada might be able to achieve a certain unity in the near future. But he also said that he wasn't so sure he'd bet on this 15 years from now. How do you react to this analysis of the situation, bearing in mind that, in Mr. Bernard's view, the survival of English Canada without Québec is important for the balance of power with the United States?

Mr. Taylor: Well, I fully agree with him on these last few points. I read the review of his brief in *Le Devoir* this morning. I agree with him entirely. It's very important. Moreover, I said so a few minutes ago. My predictions, however, are a bit the opposite. If English Canada rides out the crisis it will face in the near future, gets through the next three to five years, it has a good chance of surviving. But it might break up on account of this crisis. I'll tell you why. Québec's challenge, if I may refer to it as such... the challenge facing Québec in wanting to amend the agreement will elicit very different answers in the various regions, regardless of the changes proposed. A priori, Ontario will be more favourably inclined to them than the West. Very sharp and profound divisions will then emerge in English Canada on how to respond to Québec's proposals. If they can make it through this difficult period, maintain a certain degree of unity and arrive at a consensus on our proposals, they have a good chance of surviving. But if they don't, this will be a very dangerous time for them and, I agree with Mr. Bernard, for us.

Mr. Nicolet: Thank you, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Mr. Cameron, followed by Mr. Desjardins.

Mr. Cameron: M. Taylor, comme il fallait s'y attendre, votre mémoire est l'un des plus civilisés et intelligents que j'aie entendus jusqu'ici devant cette Commission. Comme vous le savez peut-être, je suis ici, tout comme mes collègues, pour représenter les barbares. Je le dis d'ailleurs avec le plus grand sérieux, croyant que pour discuter de l'avenir politique du Canada et du Québec, nous devons comprendre que les arguments des plus raffinés, des plus tolérants ou des plus raisonnables sur le plan politique ne reflètent pas toujours fidèlement ce qui va arriver.

Au sujet du Lac Meech dont on semble vouloir faire et refaire encore l'autopsie devant cette Commission, je voudrais juste dire en passant que je suis surpris du fait qu'on ait rarement mentionné quelques-uns des motifs les plus évidents de l'échec du Lac Meech qui ne sont pas liés au rejet du Canada anglais, à Elijah Harper ni à d'autres éléments de même nature. C'est d'abord que, de toute évidence, le premier ministre du Canada n'avait pas à l'époque et malgré ses vertus, la confiance de la grande majorité des Canadiens, qui ne le prenaient pas très au sérieux. Deuxièmement, l'ancien premier ministre du Canada, M. Pierre Trudeau, quoiqu'on dise à long terme de ses qualités ou de ses défauts, a critiqué et détruit l'Accord dans un discours magnifiquement clair. C'est surtout, enfin, que l'adoption de la loi 178 et les conséquences de la clause nonobstant, même si on peut justifier cette dernière, semblaient tout de même le point final aux yeux de beaucoup d'entre nous, non seulement ici au Québec, mais aussi dans le reste du Canada.

Je pense que beaucoup d'entre nous, malgré nos convictions politiques très différentes, que nous soyons conservateurs, libéraux ou radicaux, que nous soutenions, de fait, la suprématie du Parlement ou l'utilisation de la Charte des droits, avions l'impression que malgré l'occasion magnifique qui nous était présentée de faire un choix et de nous entendre, avons laissé passer cette chance, sans nous appuyer sur un rejet majoritaire...

The Chairman (Mr. Jean Campeau): M. Cameron, M. Cameron, votre question s'il-vous-plait.

Mr. Cameron: ...mais au contraire sur l'opinion la plus en vogue, la plus tapageuse et la plus puissante.

Maintenant ma question, qui porte sur votre conclusion. Vous exposez l'idée qu'il faudrait en effet suivre le modèle de Charlottetown, soit imposer un choix au Canada anglais et dire voilà ce qui en est. Ou le Canada remplit ses promesses ou il ne le fait pas; c'est l'un ou l'autre. Ça équivaut à brandir un bâton de dynamite allumé pour dévaliser une banque. L'argument probable est celui-ci: bon, pas

d'entente possible avec le Canada, Ottawa ou toute autre partie. Si c'est le cas, selon vous, qu'est-ce que le Québec pourrait gagner ou perdre dans les faits?

Mr. Taylor: C'est très difficile à prévoir. Me demandez-vous de poser comme hypothèse un refus de leur part de négocier un fédéralisme renouvelé? Nous n'avons plus alors que les solutions menant à l'association, sous une forme ou une autre, d'États indépendants. À mon avis, c'est sûrement la seule autre solution. En voyez-vous une autre vous-même, M. Cameron?

Mr. Cameron: Ne voyez-vous pas le problème, qui ne me semble d'ailleurs pas avoir été assez évoqué devant cette Commission? En matière de gains politiques pour le Québec, que les négociations visent la souveraineté, la souveraineté-association ou le fédéralisme renouvelé, le résultat est nul à coup sûr, c'est-à-dire que le Québec gagne ce que le Canada perd; pas nécessairement les Canadiens, mais l'État canadien. Ce n'est pas comme une transaction commerciale qui profite aux deux parties. Au contraire, plus le Québec y gagne, plus les relations subséquentes avec le reste du Canada se détériorent. En d'autres mots, si le Québec fait un mauvais marché, ses relations avec le reste du Canada seront excellentes. Si, par contre, le Québec est très bien servi, il aura de très mauvaises relations avec le reste du Canada. Personne ne s'en rend-il donc compte?

Mr. Taylor: Non. Je pense que vous décrivez là la situation qui résulte de la Constitution et du jeu politique actuels. Il y a un peu de vrai dans ce que vous dites. Je suggère que nous sortions de cette situation et que nous parvenions à une entente profitable pour tous. Le Québec peut être une société distincte, peut avoir la latitude dont il a besoin et ce, au sein d'une Confédération dans laquelle le reste du Canada accepte ce que nous faisons. Par contre, la situation actuelle nous oblige à une série de suppositions qui ne peuvent nous convenir en bout de ligne, soit l'égalité des provinces et l'application uniforme de la Charte. Chaque geste que nous posons dans ce contexte produit un contrecoup. Je suggère donc que nous sortions de ces ambivalences pour négocier une nouvelle entente. Vous savez, nous pourrions tous y gagner. Il ne s'agirait plus d'une partie nulle. Je suggère de modifier les règles du jeu.

Mr. Cameron: Je souhaite que vous ayez raison.

The Chairman (Mr. Jean Campeau): Mr. Desjardins.

Mr. Desjardins: Mr. Taylor, I must tell you that the previous speakers said that they had

read with interest... My colleague on my left said that he found it stimulating. I will add that I was enthralled by your document and want to tell you that I fully agree with your analysis and your gamble on renewed federalism, modern federalism. When I say that I was moved in reading your brief, it's because you call upon...

The Chairman (Mr. Jean Campeau): Once again, Mr. Desjardins, meetings of experts... I will repeat the rules: The rules are that we bring in an expert to hear him and not so that he can hear us. Excuse me for taking you up on this; I could have reprimanded Mr. Cameron earlier, but...

A voice: Well, you could have done so earlier, for heaven's sake!

Mr. Desjardins: I understand. You call upon Canada as a whole, which many people are denouncing at the moment, which is part of our folklore and poetry... we often hear this. And I think you give it truly concrete meaning: it provides protection for the Francophone community here and also defends it against the giant to the south. I have a question. Earlier, someone asked what would eventually make English Canada more generous than Meech was with regard to future demands. Doesn't the answer lie in the serious reflection that English Canada must undertake to realize that Québec is essential to its definition and to perhaps agree, as a result, to more than Meech offered?

Mr. Taylor: Yes, because they need us too. Most of the reasons I gave earlier to show why a federal framework is better for us than any other... most of these reasons are valid for English Canada.

Mr. Desjardins: Has English Canada started thinking about these questions? Do you think that, right now, they're thinking about what's going to happen?

Mr. Taylor: Yes, I'm following the situation very closely. It's interesting. At the level of the political, academic and intellectual elite, yes. At the level of the general public, not yet, unfortunately. The general public is still not aware of the problem; however, it's extraordinary how much it is being discussed by those who are thinking about the future of this country: constitutionalists, experts in political circles. I talk with these people constantly and they're making real progress.

Mr. Desjardins: My second question deals with the Supreme Court. Several jurists and some speakers here have accused the Supreme Court of treason. It's true that some of the judgments

handed down by the Supreme Court have been detrimental to Québec. There was a provision in Meech, which you are familiar with, that established a new formula for appointing judges to the Supreme Court. Modern federalism cannot be achieved without reforming the Supreme Court. I would like you to tell us how the Supreme Court might be reformed.
(8:30 p.m.)

Mr. Taylor: Well, it might be a good idea to have a constitutional court like they do in the Federal German Republic. Because we now have a Supreme Court that does two jobs at once. It's the highest court for all kinds of proceedings, whether criminal or civil, etc., and, at the same time, it's a constitutional court, a court that must settle differences between the various levels of government. It might be a good idea to separate these two functions, as is the case in certain countries like the Federal German Republic, and to have a constitutional court, whose sole function would be to settle questions of jurisdiction and other constitutional matters. It could include not only members appointed by the federal government, by one of the potential parties, but by both sides, as it were: the constituent members and the federal government. This might create a court that would not only make fair judgments, let's hope, but also win everyone's confidence.

Mr. Desjardins: OK. Thank you

The Chairman (Mr. Jean Campeau): We will now hear from Mr. Maciocia.

Mr. Maciocia: Thank you, Mr. Chairman. Thank you, Mr. Taylor, for your brief, which I also read very carefully. Granted, Mr. Chairman, my preamble is a bit long, but I have to present the preamble to introduce my question.

The Chairman (Mr. Jean Campeau): Your question will have to have been answered.

Mr. Maciocia: Yes. First, Mr. Taylor, I would like to quote some passages from your text which, in my opinion, are very important and make a great deal of sense. It's a call to reason... you should follow the proceedings of this Commission right to the end and keep track of Québec's progress every step of the way. And I quote. On page 8 of your brief, you say: "Above all, we must not reduce our aspirations according to the disappointments we have had in the past." On page 11, you continue: "We will be able to define our destination only in relation to the problems encountered along the way." And on page 3, you say that Québec should associate itself politically with the other regions of Canada for two reasons: first, to maintain a balance in relation to the United States and,

secondly, to exert a certain amount of influence at the international level. To support your first reason, you remind us that Québec's style of economic management is different from that of the United States, because here, both in Québec and in Canada, the government plays a much more active role in the economy. Many advocates of sovereignty and independence who also favour government intervention tell us that it's not important what Canada does, even if, in the long term, it joins the United States. This wouldn't affect Québec. If I understand you correctly, this reasoning is somewhat faulty. Since Canada has the same system of economic management as Québec, this would lessen the pressure on Québec to adopt the American system of management, where the government intervenes to a lesser extent. Could you elaborate on this a bit, Mr. Taylor?

Mr. Taylor: Yes, here in Québec - it's extraordinary when we compare our situation with that of the United States - we have institutions, such as the Caisse de dépôt, which have played a very important role in developing the Québec economy and have made it possible to revolutionize that economy. We're feeling the effects of this phenomenon at the moment. And, in all sorts of ways, the number and size of our government corporations represent a style of economic management that is rather similar to that of certain European countries and, as I said, to that of Japan in some respects. It is different from the style of management found in most Anglo-Saxon countries - not most, but at least in the United States and England, under the Thatcher government, that is - where it is believed that the State should be separate from the economy, which I find rather dogmatic. Well, I think this style of management has been very important for us. If we hadn't adopted it, I don't see how we would have made the economic progress we've made or francized the economy as we have done. It's important to be able to maintain it. And, in this respect, I think we now enjoy a certain degree of solidarity with other Canadian societies which, without going as far as we have in Québec, pursue, nonetheless, an economic management policy that resembles ours more closely than it does that of the United States. Historically, Canada was also created, for example, by government corporations, government initiatives, etc. As in all these areas - language, social programs and economic management style - we will maintain our distinctive character more easily if we are allied with other societies in the northern part of this continent that operate according to the same style.

In other words, the complete disappearance of English Canada would be disastrous for us. We have to face this. We have to take this into account in all that we do, and we will have to bear it in mind in the future.

Mr. Maciocia: Mr. Chairman, I would like to go back to page 10 of your brief. Several people have already referred to it. On page 9, you say that June 23, 1990, with the failure of Meech Lake, marked the death of the 1867 Constitution. On page 10, you encourage us by saying that, according to Mr. Cairns of the University of British Columbia, it is wrong to think that English Canada will refuse more extensive changes than those proposed by Meech. According to your reasoning, for this to happen, English Canada would have to realize and understand that they must forget the past and act in the framework of a new constitution. My question is as follows: What means should be envisaged to make them share this vision of starting over on a new footing?

Mr. Taylor: As I said earlier in speaking with Mr. Larose, I think that we have to convince them that they can no longer live in the past. We must find a way of convincing them that there can be no going back, that we won't negotiate in the framework of the current amending formula whereby, regardless of whether we reach a perfect agreement or not, we return to the status quo. And, as I said earlier to Mr. Larose, I think that having Quebecers express their opinions as a whole, as a society with access, for example, to a referendum or some other similar mechanism would probably be one of the most effective ways; moreover, it's probably unavoidable.

I am convinced that when they realize that they cannot live in the past and that they must build the future, many things will be possible, because the same factors — not all of them, but three of the four factors I mentioned earlier, that make federalism the most effective system for Québec — will also be valid for our partners. Breaking up the country would be just as disastrous for them as it would be for us.

Mr. Maciocia: One last question, Mr. Chairman, if you don't mind. As far as the process is concerned, your ideas are somewhat similar to those of Mr. Léon Dion, when you talk about an ultimatum. You're more careful than he is, however, to show your willingness to collaborate. I would therefore like to ask you to comment on an opinion that has often been expressed during this Commission. If Québec becomes independent and envisages negotiating only after the fact, during its declaration of independence, Canada will interpret this as a rupture or a sign of confrontation that will be very conducive to making reason prevail over vengeance. Then, in negotiating the association that would follow independence, Canada might think that Québec is almost crying for help and, in my opinion, this wouldn't put us in a very good position to negotiate. Do you think that this opinion is fairly realistic?

Mr. Taylor: Yes. I agree with it entirely. Declaring independence is not a gesture that would be likely to open negotiations with the rest of Canada. On the contrary, it's a gesture of refusal and reflects a lack of openness. On the contrary, by saying that we want to negotiate a new agreement, that we find the present structure unlivable and that, if negotiations fail, we will be obliged to withdraw from the present Constitution... this is what we should do, because I think it's the truth. It's the political and sociological reality of modern Québec, and we have no reason to hide it. However, I think it would be absurd to precipitate a legal separation, with all the uncertainty that this would create as far as the legal status of all our relations is concerned, with all the economic chaos that this might entail. I don't see how we can hope to make any progress by making this kind of gesture beforehand. We have to make it clear that the consequence of failing to conclude an agreement would be the end of the country. But if we want to negotiate with our partner, we mustn't destroy the country from the start. I will also repeat what I said at the end of my brief: we must tell them the bitter truth, because an ultimatum has to be issued; however, we can also be open at the same time and tell them that, just as we are asking them to discuss our agenda, we're also prepared to consider their problems and proposals. By showing that we are firm, but not unwilling to listen and work with them, I think that we will be able to persuade them to negotiate on a new level.

Mr. Maciocia: Thank you, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Mrs. Blackburn.

Mrs. Blackburn: Thank you, Mr. Chairman. Good evening, Mr. Taylor.

Mr. Taylor: Good evening.

Mrs. Blackburn: I must say that your proposal has the merit of being original, in the sense that this is the first time that anyone has dared, at least, that anyone has said to us here, during this Commission: Let's erase 123 years and start over again in Charlottetown in 1864. You say: We really must rebuild the country, start over again by dismissing the hypotheses of old structures and quarrels and abandoning old reflexes. Your proposal seems to disregard the current legal and constitutional situation, the past, and Canada-Québec relations, which, as you know, have been marked by failure and abortive plans for negotiation. You opt for the federal solution, but, at the same time, you say that Canada might be ready to sit at the negotiating

table, provided we want to start redesigning the country again. But, at the same time, you warn us: Canada is far behind. And I would add: Canada and Québec have opposite conceptions of the role of the State. Moreover, this explains our frustrations. In Québec's case, it's decentralization while, in Canada's case, it's an English Canada, a strong Canada. You tell me: Things are changing. Fine. But given the hypothesis you propose by saying: Let's hold a referendum where we... Allow me to say that I think this resembles harassment and blackmail to a certain extent. And since they often accuse us of blackmail... You say: We propose that they negotiate a new country and, if they don't, we'll opt for independence. What kind of deadline would you set?

Mr. Taylor: I would give them a chance...

Mrs. Blackburn: I said "deadline".

Mr. Taylor: Deadline.

Mrs. Blackburn: What timetable or agenda?

Mr. Taylor: Well, that would have to be discussed. I wouldn't want to rush things because, as I told you, we must remember that they still have a long way to go, and that, frankly, they have to deal with an identity crisis, to use a psychological term. Therefore, it shouldn't be a matter of weeks or months. It should be a matter of years. I can't set a precise time limit at the moment. Things can't go on indefinitely. However, we should set a time limit that isn't too short or too long if the process is to... Or else dates for getting the process under way, and a time limit so that the process may be brought to a successful completion.

Mrs. Blackburn: But again, are you talking about two years, five years when you think of...?

Mr. Taylor: It might take two years, three years, something like that, yes.

Mrs. Blackburn: Several people have told us: We have to act quickly, since the more insecurity there is, the more the situation will deteriorate, both with regard to Canada-Québec relations and to the economic situation. Do you share this view?

Mr. Taylor: Yes, but we can't go faster, let's say, than the evolution of opinion in English Canada. I wanted to come back to this, because people are deluding themselves. I think that the advocates of independence, excuse me, often delude themselves in this regard... as if we could decide our future ourselves, provided

this future involves independence. But no, on the contrary, even full independence would require the consent of our partner to avoid very dangerous chaos. And, in that case, we unfortunately must progress at the same rate as our partner, to allow him to understand that he is facing a new reality, regardless of whether this reality is independence or, as I propose, a new federation. We can't rush things. If we try to move too quickly and find ourselves in a chaotic situation where our partner is still unsure of his identity, because, as you know, English Canada doesn't exist yet politically, this could have disastrous consequences, not only for us, but also for them. Therefore, regardless of our hypothesis, we have to act quickly, but not more quickly than our partner is ready to act.

(8:45 p.m.)

Mrs. Blackburn: Very well. You say: Given the hypothesis that it doesn't work out, it's independence, to use your expression, because we still have to understand each other on it, "pure independence", others say "full". But you say: It's independence. Therefore, you imagine that sovereignty or independence is the result and the consequence of a failure. Whereas for more and more Quebecers, and for those who have come here, it's the result of a long process of reflection by a people that has reached maturity and that says: I want to have my independence, to manage my powers, my means, my taxes, my laws, my development. And that says at the same time: But, I am very ready to maintain agreements with my neighbours...

A voice: Offer...

Mrs. Blackburn: ...to offer... collaboration with my neighbours who watched me grow, develop, it's really Canada. But have you ever thought that this is perhaps where Quebecers are at?

Mr. Taylor: Yes. Have I thought about it? Yes. Have Quebecers reached a unanimous decision about it? Personally, I doubt it.

Mrs. Blackburn: No, unanimous...

Mr. Taylor: There is strong division. I respect the independence movement's opinion. It must be said that I don't entirely understand it. Could you perhaps, for the first time, explain it to me so that I can understand it? Is it an emotional question that precludes reasoning? Or is the separatist option superior to the one I propose for concrete reasons that could oppose the reasons I've presented? Because I must say that in the decades that I've heard separatists' rhetoric, I've yet to hear the answers to the fairly simple and basic arguments that I'm presenting tonight in my brief.

A voice: That country of his doesn't work.

Mrs. Blackburn: But, I'm not sure that you understand. You're offering us federalism that is by definition, and several experts have come here to tell us that, fatally centralist. Whereas here we demand powers.

Mr. Taylor: Who said that?

Mrs. Blackburn: Secondly, your English Canada... pardon me, English Canada. Excuse me, because you are a Quebecer, like me and everyone in this room. So, English Canada, that would be able, you say, to participate in talks to rebuild the country... Would this English Canada, in the event of Québec's choosing sovereignty or independence - because for me they're one and the same - would this English Canada really refuse to negotiate agreements? Or would it refuse offers of collaboration made by Québec, even when it serves their interests? Because a while ago you said: Canada needs Québec.

Mr. Taylor: Yes. Two things. First of all, I don't agree with you that federalism is necessarily centralist.

Mrs. Blackburn: Hey, I didn't say that.

Mr. Taylor: The history of Canada shows the opposite. We were founded by founders who wanted a country that was practically unitary, so much did they want to be distinguished from the United States, which had just gone through a civil war. History accomplished the opposite. Canada became decentralised, the 1867 plan notwithstanding. Therefore, that rule doesn't hold.

But, to come back to your question, it's possible that Canada would be very reasonable faced with the independence or the sovereignty-association proposition. But no one knows. I am myself not any more capable of foreseeing it than you are. Both of us are in the same situation, Mrs. Blackburn. Each of us has a proposition to make to English Canada which is very different. But no one among us is capable of answering for - I'm going to use your expression in another sense - for our English Canada. That is to say, my English Canada, or the Canada that I would like to create, or the one that you want to have. We are not capable of answering history for the existence of that English Canada. It's unpredictable.

Mrs. Blackburn: With all due respect... We've been negotiating for 30 years. And now you say, with one magical word: Let's erase all that, as if nothing existed... as if nothing had existed; 123 years of building also, of habits, of institutions, and of good things as well. But all of that taken together... we forget all that and

start over. That seems, a bit, if you'll pardon the expression, utopian to me, because to me it doesn't seem to be very realistic. As I'm aware that my time is up, or just about, Mr. Taylor, I'd like just one final question as a follow-up to a question that was put to you a while ago. Given a hypothetical independent Québec, is it not true that by virtue of the Vienna Convention on the succession of States the successor State is responsible for and endorses all the agreements signed on its behalf while it was part of the federated State... the predecessor?

Mr. Taylor: But what's a successor State?

Mrs. Blackburn: The successor State, by virtue of the Vienna Convention, is an independent Québec. Therefore, the agreements signed while it was part of Canada apply to Québec unless there is an express desire to renegotiate the agreements, for example free trade, normally, they apply in their entirety. And in the case of free trade, in particular, considering the fact that, according to English Canada, it was Québec that pushed it through, is there any reason to believe that the United States would play hard to get by saying: No, we have to start free trade negotiations from scratch?

Mr. Taylor: That's quite possible. If we had to renegotiate from scratch, who knows what conditions the United States might impose on us? But the question that you're asking, if it's really a successor State duly created and with legal continuity, you're right. But everything depends on the legal continuity. How do we plan on getting out of Canada? If we get out hurriedly, leaving a gap, an abrupt solution of legal continuity, we can't be responsible for it. Therefore, we come back once again to the partner's response. And personally, I think that your proposition is just as utopian as mine. Do you think that after all the resentment created in this long debate with English Canada, the brutal refusal that you want to make to Canada, the slap in the face you want to give it, that this will lead Canada to willingly negotiate with Québec?

The Chairman (Mr. Jean Campeau): Madam.

Mrs. Blackburn: Thank you, Mr. Chairman. Do you believe in the right of Quebecers to self-determination? If so, the successor State could be set up following a declaration that would come after a referendum in which we would obtain a majority.

Mr. Taylor: I believe in the right to self-determination because it's a political principle that is absolutely fundamental to me. But we're

talking on another level. We're talking about international legality; that's something other than principles we espouse here, tonight.

Mrs. Blackburn: Thank you, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Mr. Taylor, thank you for having accepted our invitation to come discuss your brief with us. The members of the Commission will surely remember your wisdom. Thank you very much, Mr. Taylor.

Mr. Taylor: Thank you.

(Proceedings adjourned at 8:54 p.m.)

(Proceedings resumed at 8:56 p.m.)

The Chairman (Mr. Jean Campeau): So, we continue our work with the Société professionnelle des auteurs et compositeurs. Mrs. Lise Aubut, welcome to the Commission. Would you kindly introduce your colleagues?

**Société professionnelle des
auteurs et compositeurs**

Mrs. Aubut (Lise): To my right, Mrs. Magda Tadros, director general. To my left, Mr. Sylvain Lelièvre, vice president of our association.

The Chairman (Mr. Jean Campeau): So, you have five minutes for the presentation of your brief.

Mrs. Aubut: Thank you. Mr. Chairman, Ladies and Gentlemen of the Commission, the SPACQ is the professional organization that groups all the authors and composers who write songs and all the repertoire currently used. Furthermore, behind me, as you well realize, there are three generations of authors. Because you've gotten our brief and we've tried to express ourselves as clearly as possible, in this introduction I would prefer to talk to you about the economic reality we face as creative artists in Canada. Our salary is known as copyright. It is controlled by the federal copyright law and managed by the Minister of Consumer and Corporate Affairs of Canada.

We are the base for an enormous music and art industry. Yet our economic situation is extremely difficult. The law recognizes two rights for us: the right to perform publicly and the right to reproduce. In the application of the law, Canada can't have a double standard. Therefore, we have to live with the desiderata of the Anglophone majority and be satisfied, in the area of concert rights, for example, with revenues running from \$100 per \$10 000 in box office receipts, and that \$100 has to be divided among 20 songs performed on average during one

concert, these 20 songs themselves having three intermediaries: a publisher for 50%, and afterwards, you have to divide by two again for the author and the composer. Which means that in a best-case scenario, if you have receipts for \$10 000, a person who's written the lyrics of one song will get \$1 per performance at best.

As concerns radio, where we also have public performing rights, no Québec content is imposed by the CRTC. Which means that a radio station can satisfy CRTC requirements by playing 30% English Canadian content and material that is entirely French from outside Québec. As for cable, we have no copyright, even though many programs are based on music. There are neither public performing rights nor reproduction rights. In television, we have public performing rights and reproduction rights, but reproduction rights, albeit legally recognized since 1924, have never really been paid to us by the big stations which have always refused to do so. We've just won a major Supreme Court battle with the Bishop case, but the stations have taken advantage of the situation to come back to the law, phase 2, and to try to obtain an exception that would exempt them from paying rights to us.
(9:00 p.m.)

As for private copy, presently there is no legislation. We are, therefore, the raw material and the poor relatives of a cultural industry. English Canada sings in English and has the world as its market. As for Quebecers, our market is Québec, France, and if we're really lucky, a few Francophone countries.

To build our future, it is therefore impossible for us to keep on functioning in the present federal context. We must obtain all our powers with regard to copyright and telecommunications. In this perspective, we could then have a real copyright law in Québec, adapted to our real market, since other Francophone markets have real copyright laws which are written for the creative artists, managed by a ministry devoted to culture, a law that includes private copy and that allows the existence of companies for the collective managing of exclusive rights, capable of imposing tariffs and of guaranteeing minimal security to its members.

To ensure our future in this context, we have only two choices: become Americans, have the world as a market, or take responsibility for ourselves. We have chosen to be sovereign. And our preoccupation covers more than our personal interests. We sincerely believe that the dynamism of our songs makes our identity a rallying point for us. This was certainly the gist of Felix Leclerc's words when he addressed young people, saying "Sing, and Québec will never die".

In closing, I'd like, if you'll allow me, to read a telegram we have just received, and which is signed by Gilles Vigneault: "Ladies, Gentlemen, as concerns the naming of the

country to be established, song has not been the last to take up its responsibilities. Song has long had rights which it must lay claim to today; this new obligation to see them recognized and to defend them. Now it so happens that this quest coincides amazingly with that of the country which song so loudly proclaimed and today that may prove to be indissolubly linked. Long live the song, may the country be". It's signed, Gilles Vigneault. Thank you.

The Chairman (Mr. Jean Campeau): Thank you, Mrs. Aubut. Just in case, I remind you that applauding is not allowed here, in the Red Room. So now we'll begin with Mr. Guy Bélanger.

Mr. Bélanger (Laval-des-Rapides): Well, good evening. As I have five minutes to question you, consider yourselves nothing if not warmly welcomed. And I'll go on directly to your brief.

I read on page 2, but first just a small clarification, before my friend Turgeon pounces on it, you say: "We could not, therefore, reflect on the political and constitutional future of Québec without reflecting on the future of song as well, among other things." Mr. Turgeon would say, of its culture. I'd rather add that nuance, aware that song is part of our culture and that perhaps it is one of the most beautiful reflections, or one of the most charming or interesting, but that it is, I think, part of culture. And at that level, it does my heart good to hear you this evening, because first of all, after seven weeks, of the 250 briefs heard on the economy, on debt-sharing, on this, that, and the other, there are little bits we forget, or there are big chunks we forget, which, like culture among others, we haven't referred to for a little while. So this affords a breathe of fresh air that could prove of interest.

So without further ado, I'll move on to the gist of your brief.

At one point you tell us, and I very much appreciated that image, that there are differences between the Anglo-Saxon and the French concept of the protection of creative works. Moreover, you've referred to it just now. What you call author's rights, and what we call author's rights in Québec, the English call "copyright". I believe I've understood that distinction, but I'd appreciate if you commented a little further on that, please.

Mrs. Aubut: Well, one of the main things, I think that English Canadians refer to this "copyright" law as a law on usage and reproduction. Whereas copyright laws, as known in Europe, are first and foremost based on moral rights and written for creative artists and afford creative artists the possibility of expressing themselves and of living, whereas a law on reproduction rights, is very difficult for us to live under because it's subject to... For example,

we have companies that manage the right of public performing, these companies are subject to the courts dealing with copyright issues, these are themselves dependent on Consumer and Corporate Affairs. So, it's understood that when we think "usage", we think "user", and there's always a kind of balance between the two. And often in favour of the user who has more lobbying power.

Mr. Bélanger (Laval-des-Rapides): I thank you for having answered briefly and so precisely. It allows me to ask other questions. Among other things, you've also told us, and I well understand your requirements at that level, but for the sake of the discussion, you've told us how the current policies are applied by the radio stations. By that I mean, for example, the CRTC makes Canadian content mandatory and Francophone content as well. But ultimately, don't radio stations opt for Québec content in French? There seems to be a problem at that level.

Mrs. Aubut: Well. For us, the problem is simple. If, for example, a major radio station in Montréal decides to use English Canadian content or Canadian instrumental content and on top of that, uses French songs from France, we're completely excluded from their programming. Which means that the money generated by radio stations goes to foreign creative artists.

Mr. Bélanger (Laval-des-Rapides): O.K. Therefore, it's probably in that sense that you recommend a radio board that would also have to channel American products, limit their influence in Québec, and that, at the risk of limit freedom of expression and freedom of reception. I'd like you to comment on that as well.

Mrs. Aubut: We think that... I don't think that we wish to limit the freedom of expression of anyone whatsoever. But to limit...

Mr. Bélanger (Laval-des-Rapides): But you're aware of the problems we have with the Charter, the judges and everything?

Mrs. Aubut: Having a choice, making a choice for our culture and its economic survival, that isn't limiting others and I think that it's the bottom-line. And all the same you know that, in North America, Québec constitutes 5 million Francophones on one continent. And if we don't have the strength to link arms and to have the tools that will allow us to develop on the economic level, we are doomed to disappear. And it's really sad when you think of authors because, you know, to live off one's creative work in Québec, in terms of copyright, it's practically impossible. Behind me are three generations of creative artists, and I can tell you that if they hadn't had other careers, such

as singing, in which they were performers, there wouldn't have been five people in Québec who could really have lived off copyright royalties.

Mr. Bélanger (Laval-des-Rapides): But are Québec's current statutes within Canada a hindrance or will other powers have to be patriated? Are there legal problems in doing what you just said within the present context?

Mrs. Aubut: Well, in the present context, we're not experts, we're authors. What we can say in light of what we've been able to study and know, in the course of our experience, is that in order to obtain these powers, we must be sovereign.

The Chairman (Mr. Jean Campeau): Mrs. Harel, the floor is yours.

Mrs. Harel: Mr. Chairman, you remind us very often that applause is not allowed here but I can tell you that even when it's disallowed, it happens that sometimes it reverberates as if there actually had been some, even if there wasn't any. And it's at those moments that there's emotion. And it didn't only happen when the song people were with us; it happened to us at other times as well. But it happened to us a while ago when you read us Gilles Vigneault's message. And I want to say bravo to you! Thank you for the three generations of Francophone songwriters who accompany you tonight and, in fact, state like you on page 13 of your brief, that to insist on sovereignty with regard to copyright and communications is simply to insist on sovereignty. And when Mr. Bélanger asked you, and justifiably so, whether there is any impediment now, well, it's called the British North America Act; I'm thinking of article 91, section 23, and unless we can get rid of the British North America Act with one sweep of a magic wand, it's going to be difficult to legislate, if I understand correctly, in the manner of French civil law, rather than in the manner of English common law. Have I understood correctly?

Mrs. Aubut: Absolutely.

Mrs. Harel: You know that the minister responsible for reforming the Civil Code tabled a bill of 3500 articles that's going to, for the first time since before Confederation, completely revamp the Napoleonic Code. Do you intend to move in order to be able to immediately, at the time when work on reforms is undertaken next spring, introduce amendments that may not be enacted immediately but that will be right after the referendum on the future of Québec?

Mrs. Aubut: Listen, we consider it an excellent suggestion and we won't fail to do so.

Mrs. Harel: I don't know if my colleagues have any other questions to ask you. In fact, it seems to me that your brief is very, very direct as concerns authors and composers. There's one major impediment, which is the one we indeed identified. And I don't know if you'll let me say this, because you have beside you Mr. Lelièvre, and he has a song that I've always very much liked, in which he says: "I leave you to find who yours might be." He was talking about the fact that everybody is always someone else's Iroquois.

Mr. Lelièvre (Sylvain): Ha, ha, ha! I'm not going to sing it for you!

Voices: Ha, ha, ha!

Mr. Lelièvre: What it said exactly was: "We're always someone's Iroquois, kind of, whether we be Quebecers, Bretons, Blacks, or Cajuns, I leave you to think who yours might be, we're always someone's underdog, kind of".

Mrs. Harel: That's it. But your market, you've chosen it. Your world market, it is Francophone?

Mrs. Aubut: It is absolutely Francophone. It's limited to Québec, France, and a few Francophone countries, mainly Switzerland and Belgium.

Mrs. Harel: And that's exciting?

Mrs. Aubut: Well, it's exciting because it's a choice. We've chosen to live and to write in French, to be proud of it and to pay the price.

Mrs. Harel: And this price, isn't it too high?

Mrs. Aubut: Well, we're trying to do things in such a way that we can improve our lot, for example, by reforms that could be really worthwhile.

Mrs. Harel: Well, I thank you. I don't know if my colleagues... really thank you for being with us tonight and to say bravo to you.

Mrs. Aubut: Thank you very much.

The Chairman (Mr. Jean Campeau): Thank you, Mrs. Harel. Now we'll go on to Mr. Turgeon, who'll be followed by Mr. Libman.

Mr. Turgeon: Thank you, Mr. Chairman. You'll allow me to, first of all, greet a few of the members of the three generations of authors-composers that are here: Mr. Raymond Lévesque, Mr. Michel Rivard, Pierre Bertrand, Marie-Denise Pelletier, Francine Raymond, Richard Séguin,

Paul Piché, Edith Butler, and a few others that you recognize. It is they, Mr. Chairman, who were the first, along with others, to say aloud and to commit to song what they were not afraid to call from the outset, the country.

This afternoon, Mr. Chairman, in Ottawa, the Minister Marcel Masse tabled an important bill in first reading, a bill long awaited by the cultural milieu. It's the bill on the status of artists. It was the culmination of seven years of strenuous pressure by several of our associations. In fact, all of that had gotten under way in the office of André Ouellet when he was Minister of Labour. But I think that we'd concede that it was Marcel Masse's political insistence that gave us this bill.

But I want to point out to you that the tabling this afternoon occurred three years almost to the day after the Québec government gave us its bill on the status of the artist, which was, at that time, a first in the West and maybe even a first in the world. Therefore, it took three years, more than three years even, to coordinate simple little work policies, work relations within our respective trades.
(9:15 p.m.)

There's another big item we were expecting for the end of this session and for the end of this year, and that is the revision of the copyright law, phase 2 that had been promised you. Don't be disappointed, we're not getting it. Work is adjourned in Ottawa. But it's aberrant to see that Québec, whatever the regime we have lived through to date, hasn't repatriated something as fundamental to its culture as the area of copyright. To hear you, maybe it's just as well, finally, that we didn't get the law from Ottawa, because perhaps we wouldn't have gotten the law we wanted. And as for me, what I want to find out from you, is why you're convinced that a sovereign Québec would give you the law as you want it rather than the Canadian law that you would have gotten? And why you're convinced, to allay the fears of certain of my friends around the table, that a sovereign Québec would not lead to cultural isolation?

Mrs. Aubut: I think that, fundamentally, a real copyright law is written for the creative artist. That's the main difference, I think, with the present Canadian law which is somewhat Anglo-Saxon, which is slightly hybrid, in the sense that it recognizes the right to intellectual property, but that it also recognizes a large part for the users.

I'm confident that Québec, in endowing itself with its own law, a copyright law, managed by a ministry dedicated to culture, could include all-encompassing reproduction rights, that is to say, without exceptions. The big problem we have now with the federal law in phase 2 is that we have no intention of having this bill passed. In fact, we don't want it to pass because the

television stations are seeking an exception at the level of reproduction rights, and we've just won our brawl at the Supreme Court, after I don't know how many years and after those people have gotten a free ride since 1924 in not having paid any rights whatsoever to creative artists. We feel that that's really the ultimate abomination.

Furthermore, a Québec law could more easily include private copy. Often, at the federal level, the major problems that keep cropping up are always questions of balance of payment vis-à-vis the United States. I think that those issues would never come up in Québec where in this case we use mostly Québec songs.

We could also have a single management company that could enable us to set tariffs and to have social measures to help creative artists. For example, when we talk about social measures, we're thinking of pension plans, we're thinking of how things work in Europe. All countries which have real copyright laws, if we think of France, for example, of Germany, keep 25% of revenues, excuse the expression, but "off the top", for the social needs of their country, that is to say, they turn them into pension funds and they reinject them into the culture of their own country. It's out of the question for us in the present federal context because not only do we have the problem of the users, but we also have the problem of our English Canadian colleagues who don't understand our demands, who don't necessarily have the same mentality, and who, anyway, aren't very interested in what's happening in the Canadian market since, for them, what they're aiming at is the United States and through the United States, the world market. It's an absolutely enormous difference.

The last thing that could be very important for us is that a copyright law would reflect our real market, since in Francophone countries there already are real copyright laws and they don't understand our way of working either. It's very, very hard and it keeps us in absolutely aberrant living conditions.

I think that when we're an author or a songwriter, our main creativity is exerted in the field of cold, hard cash, in trying to hold on to this profession that we have, and in trying to finance ourselves by other means.

Mr. Turgeon: Finally, and very briefly, not having a copyright law today in a country such as ours, is tantamount to robbery.

The Chairman (Mr. Jean Campeau): Mr. Libman. Excuse me. We're moving on to Mr. Libman.

Mr. Libman: Thank you, Mr. Chairman. I don't want to be a troublemaker, but unlike the three speakers who preceded me, I can't agree

with your brief. You want independence or sovereignty for Québec, but don't you believe that a simple agreement between the federal government and the government of Québec or the repatriation of power with regard to culture would allow you to attain your objectives without necessarily having to seek sovereignty for Québec?

Mrs. Aubut: I'd like to say two things to you. First of all, the Constitution forbids it. The copyright law, it's not possible to recover it like that with a simple agreement. Secondly, I'd like to make a little remark, namely, that I think that your Anglophone minority in Québec would fare very well with a Québec copyright law which would better protect their rights and which would, on the other hand, give them leisure to have the world as a market as well.

Mr. Libman: I didn't ask that question, I asked another one, but...

Voices: Ha, ha, ha!

Mr. Libman: We could always have negotiations to, perhaps, give those powers to Québec. You haven't necessarily answered my question, or maybe I didn't understand your brief, but demanding sovereignty for Québec in order to attain your objectives, I don't exactly see the connection with the desire to seek the complete sovereignty of Québec.

Mrs. Aubut: Listen, I'll repeat that we're not experts, but that in our opinion, we can't demand that particular power without demanding sovereignty because the copyright law is enshrined in documents that prevent us from negotiating it.

Mr. Libman: We can always negotiate constitutional amendments except, perhaps, that there have been some failures recently.

My second question concerns, to a certain extent, your answer to my first question. In the event of the sovereignty of Québec - we've heard talk of this a few times by the Parti québécois - do you envisage the possibility of limiting the number of English radio and television stations in Québec, in the event of the sovereignty of Québec?

Mrs. Aubut: I think that that's an aspect that we haven't thought about. Our viewpoint isn't a limiting one; it's a viewpoint that would ensure survival of our creative artists in Québec. Our idea isn't to restrict anyone in the expression of their cultural or linguistic specificity.

Mr. Libman: O.K. So, just in finishing on that point, a while ago you talked about the

American influence. This immense influence, this immense attraction exerted by the United States, do you think it will decrease if Québec is sovereign? That immense culture will always be there, its influence will always be there. How can the sovereignty of Québec decrease this extraordinary attraction, this extraordinary influence? How do you see that situation existing? Are we going to limit the American television stations? How can the sovereignty of Québec really attenuate this immense influence from the south?

Mrs. Aubut: It doesn't consist of limiting the American influence. An influence can develop in its own way. But what we want is to protect what we have and provide ourselves with the tools to build our future. And we figure that if we had the chance to sing in French, if, on our airwaves, there were French content that already guaranteed revenues, that's what we ask for. We're not trying to limit anything whatsoever. And I think that that's always been. You know, creative artists aren't people who are restrictive, basically.

The Chairman (Mr. Jean Campeau): Mr. Ouellet.

Mr. Ouellet: Thank you, Mr. Chairman. Mrs. Aubut, it pleases me to take up with you again a discussion that we had several years ago. I must say that I'm entirely in agreement with your brief, except, obviously, for one conclusion, and you know which one.

Obviously, it warms my heart because you say yourself on page 13 that one doesn't demand "the sovereignty of a country on the sole basis of its needs in matters of copyright law and communications". I think that you have in your brief the solution to the problem. The solution to the problem is an amendment to the Constitution of Canada, at article 91, that would give Québec the possibility of having its own copyright. Obviously, it comes in under the problem of constitutional amendments, but I think that the thesis you present to us is very, very strong and warrants that there be a constitutional amendment. And I believe that in a context in which we can get major changes to the Constitution of the country, if there still is a country that includes Québec, I think it's possible to request and to obtain a Québec copyright.

I'd just have a short question and it's not to stump you because, on the contrary, I think that you are perfectly right and the authors and composers are entitled to royalties. It's altogether legitimate. In a context in which Québec would have its own law and, obviously, adhere to international conventions that exist, and respect its agreements, how would you avoid paying substantial royalties to foreign authors

and composers, outside Québec? Have you envisaged this possibility of ensuring that it would not become too burdensome, either, for Québec to pay royalties? Because the argument that is served up to us is that the balance payments to the United States are enormous for Canada. In that situation there could perhaps be payments that would be a little burdensome for Québec. Have you thought of the way of solving that particular problem?

Mrs. Aubut: We don't think that can really happen, for several reasons. When we travel through English Canada, and, as you know, we do it a lot, what happens is that there's a large-scale use of American music, even in shows. To such an extent that, as I say, no Anglophone authors are with us on this because they don't understand our demands. If we had a Québec law, and if, for example, using certain measures, we set money aside to be used for funds to go to artists... that's what happens in France. When they hold back 25%, they hold it back as much from Madonna as they do from anyone else in the world. And that generates lots of revenues and lots of possibilities for the creative artists. Then, as we said a while ago, having control of one's copyright is not everything. If we have the base, we also have to have means of communication. If we have means of communication, I believe that the organizations that are established should work to see to it that running a deficit is not possible.

Mr. Ouellet: I hope that comes true...

Mrs. Aubut: Well, that's all.

Mr. Ouellet: ...perhaps in a new Canada.

Voices: Ha, ha, ha!

The Chairman (Mr. Jean Campeau): Mrs. Harel, since as how you haven't used up your five minutes, there's 30 seconds left.

Mrs. Harel: Yes, thank you.

Mr. Brassard: Yes, well...

Mrs. Harel: There's a remark Mr. Brassard would like to make.

Mr. Brassard: Well, simply, it's that I find Mr. Ouellet's suggestion extremely interesting and it could be made fairly quickly, that particular amendment, if we were given the guarantee that at least seven provinces, representing 50% of the population, would agree.

Voices: Ha, ha, ha!

Mr. Brassard: That's the amending formula.

Seven provinces representing 50% of the population are required. Therefore, if they gave us the guarantee that there would be seven provinces, I'm convinced that the Liberal government would send on a request for amendment.

A voice: ...a long time.

Mr. Brassard: No, the Government of Québec would send on a request for amendment.

The Chairman (Mr. Jean Campeau): So, Mrs. Aubut, do you have a comment?

Mrs. Aubut: Well, listen. Yes, we would have a comment further to Mr. Ouellet's remarks, namely, that one has to be party to big international agreements in order for there to be reciprocity. Therefore, there is certainly a way, if you will, in practice, of getting our copyright in a manner that is positive and fair for Québec and for all creative artists.

A voice: Except that we have to be a country.

A voice: We surely have to be a country.

The Chairman (Mr. Jean Campeau): Well, Mrs. Tadros, Mr. Lelièvre, Mrs. Aubut, thank you for your testimony, thank you for having come here to defend your ideas before the Commission on the Political and Constitutional Future of Québec.

Mrs. Aubut: Thank you, Mr. Chairman.

(Proceedings adjourned at 9:29 p.m.)

(Proceedings resumed at 9:33 p.m.)

The Chairman (Mr. Jean Campeau): We now receive Mr. Jean-Yves Grenon. Excuse me, Gentlemen, we will hear Mr. Jean-Yves Grenon, who is a jurist and not a political scientist. So, Mr. Grenon, you'll be with us for one hour. If you wish to do a ten-minute summary of your brief.

Mr. Jean-Yves Grenon

Mr. Grenon (Jean-Yves): Mr. Chairman, members of the Commission, Ladies and Gentlemen. First, I am very flattered by the invitation of your prestigious broader-based Parliamentary Commission. I thank you for the opportunity you have given me to speak as an expert.

I must admit and ask you... I should make amends for failing to answer the eight questions you asked me. I have only answered the eighth, which deals with integration problems. I really felt I was not competent enough to answer the

other questions. However, fields of integration constitute a subject with which I am relatively familiar, so I have only answered that question.

Much has been said about communities, which are the main theme of my brief, and they were mentioned recently before your Commission, which I was happy to hear. My association with the community concept dates back to the very beginning of the European Economic Community, since I was fortunate enough, in 1957 as a young secretary at the Embassy in Rome, to be invited to accompany my ambassador, Mr. Pierre Dupuy, to Campidoglio, Rome's city hall, to witness the signing of the Treaty of Rome. And I remember both the euphoria and the scepticism that reigned in the wake of this imposing ceremony. And today, more than 40 years later, I have been fortunate enough to note recently that in Europe, the flags of the member States of the Community fly alongside the star-studded flag of the European Economic Community. And this flag flies everywhere, not only on public buildings, but in the least official places, on beaches and in front of restaurants, for example. This is a sign that the European people have accepted the community formula as one that will yield the benefits it hopes to derive.

For us, in any case, the European Community is not necessarily a model we should import, but it can provide us with a particularly fertile source of inspiration. And I have noted that the community concept is gaining ground in the constitutional debate on Québec's destiny, for I, myself, had an opportunity to discuss it in Montréal, before the Société québécoise de droit international on November 16. I was pleased to note that figures as prominent as my friend, Mr. Jacques-Yvan Morin, mentioned the concept before you. And I also noted that Mr. Claude Castonguay, in a brief he submitted to you, alluded to the European Community concept.

The idea I proposed in the brief is perhaps somewhat premature and idealistic, but I would like to point out that, in my opinion, which I hope you share, it is not utopian. It may take time before it gains ground, but I think it will be realized.

Firstly, before I briefly outline the text or the main elements of the brief, I would like to give you a somewhat personal definition of community spirit or the heart of a European community, this relatively modern form of central management of various matters. I would say that a community is a functional, largely apolitical way of managing certain competences by an authority composed of experts, impartial experts who are independent of the government, non-elected experts whose only concern is the greater good of all the people.

For all practical purposes, this community formula replaces one order of government. The European Community did not want to create a new level of government to manage certain

competences that it thought would be better managed in common, rather than individually. As you have recognized, this is the principle of subsidiarity. This common, apolitical management of a number of major matters has been entrusted to the European Community. This is more or less the idea I wanted to discuss in the brief I was fortunate enough to be able to present.

My starting point was the following basic assumption. If no form of renewed federalism can satisfy Québec and the other provinces of Canada, Ottawa may have to propose a form of confederation of regional States. A confederation – and here we are in the realm of the hypothetical – is not necessarily the thesis I support, but I expound upon this assumption as a starting point. A confederation is an order of government, a second level of government, with all the inherent danger of a resurgence of the conflictual practices of which we are aware. This is why it seems to me that, instead of a confederation of States, we should envisage a functional, apolitical community partnership as the Europeans have achieved, whose success is obvious and so resounding that all the neighbouring countries of the 12 member nations are trying to join the European Community.

This community, which I have baptized and named "the Canadian economic community", would in my scenario replace the central government and would sit in the Ottawa-Hull region. It would be made up of five or six regional sovereign States, Canadian but sovereign. This is the part of the scenario that is a little, for the moment, audacious, but I think it is necessary to have a little audacity at times. This community, as you say, would have institutions, a Parliament which would be elected and which would have, unlike the European Parliament, a legislative power, which is to say it would have community laws. But at the heart of the community, this Canadian economic community, would be the supreme authority, similar to the present European Commission, and it would be composed of specialists, experts, appointed by, proposed by the participating governments but approved by the community Parliament, and their role would be to administer the jurisdictions assigned them in the common interest. And they would be in the best position to arbitrate divergent regional interests.

We know that at a certain level, and I am using an expression of Paul Cambon's, "At a certain level the oneness of common interests emerges and becomes imperative, horizons expand and viewpoints tend to converge".

In such an arrangement there would also of course be a council of ministers, and a court of justice that would ensure the interpretation and application of a new legal order, which would be parallel to, or juxtaposed to, the legal orders of the five or six sovereign States making up the community. What jurisdictions would be assigned?

Well, in a community, the number can vary; it's up to the member States to agree on them. Essentially, it would undoubtedly be necessary to attribute to it jurisdictions that approximate the customs union, the four great freedoms, leading to a market, or maintaining a single market, competition policy, common trade policy, customs union, single currency, and a number of common or harmonized policies, in areas of common interest that I will indicate later.

Such community jurisdictions must always be exercised with due respect for the political, cultural and social integrity of the people of each member State. This is very important, and in a community, is achieved by means of a directive, or a law to be submitted to the national parliaments so that they can amend it to suit their own needs, and through the mutual recognition of technical and industrial standards.

What would be the advantages of such a community? The alliance of inevitable trade interdependence and indispensable independence, necessary to protect and promote the basic values proper to each people and region. The EEC succeeded in doing this.

This is also an opportunity to rearrange the division of competences so that it is better adapted to modern life than the anachronistic division we know today, and would make it possible to avoid the more or less permanent state of confrontation between the two levels of government, especially when they are of disproportionate dimensions, as well as administrative overlapping and double taxation. This would enable everyone to share, permanently and equitably, the dividends of a common prosperity, collectively alleviate the dangers of crises, and ensure the transparency that is so important in business circles, including foreign investors and so forth.

And finally, to retain a good portion of existing federal achievements, thereby safeguarding a tradition, a transition towards a community formula, a transition that could be relatively easy and cheap, towards a community setup which would replace one order of government. In broad terms, that is my somewhat audacious scenario, but I do not believe it reckless of me to propose it, and I would be very happy to discuss it with you, Ladies and Gentlemen of the Commission.

The Chairman (Mr. Jean Campeau): Thank you for your statement, Mr. Grenon. The first to speak will be Mr. Jacques Léonard.

Mr. Léonard: Thank you, Mr. Grenon, for coming here. In Mr. Grenon, I salute a compatriot, for we come from the same village...

Mr. Grenon: Saint-Jovite.
(9:45 p.m.)

Mr. Léonard: Saint-Jovite. Mr. Grenon, you have tried to apply the concepts of the European communities to Canada and Québec and I think we ought to be grateful to you for this, for at the same time we can find out about the instruments used by the European Community. But before questioning you about this matter, let's say, I want first to clear up certain things. Your brief is not very explicit about the political status of Québec within such a community and, in fact, you wrote an article for *Le Devoir* last November 3rd in which you said that the CEC would be composed of participating governments, States, regions or other forms with similar powers. My question, then, is simple. Will Québec have, or does it have, in the CEC framework you envisage, the status of sovereign State, of participating country? And are you proposing a real confederation in the CEC or one in which Québec keeps its status of federated State, in which case is not your proposal of a Canadian economic community a proposal for renewed federalism?

Mr. Grenon: Thank you for a very pertinent question, my dear compatriot of Saint-Jovite, Mr. Minister. Well! If you look at page 2 of my brief, I say there, and have referred to it in my presentation, that the CEC would be composed of five or six sovereign States, and I include Québec among these of course.

Mr. Léonard: Then in regard to the community Parliament you envisage, first question. Will Québec have minority representation there and would it have a right of veto over application of community law in its territory?

Mr. Grenon: When one is a member of a community, such as the European Community, there are advantages, disadvantages and above all fairly considerable legislative constraints. They are part of the rules that must be accepted, or that cannot be accepted if we do not want to be part of, to participate in this type of arrangement. There would therefore be constraints for Québec as for the other participating States. The big advantage of a formula of this type is that common interests are taken into account more and in a more neutral, more impartial manner by the specialists who administer the supreme authority. Therefore the danger of one of the participating States being systematically marginalized or in difficulty is less, in my opinion. In any case, an example of this kind is easy to find in the European Community. These dangers are less than in the framework of an order of government. This is why I think that my formula could considerably lessen the danger of any of the States, including Québec, finding itself perpetually or frequently marginalized in relation to the other partners.

Mr. Léonard: Yes. I would say, however, that the danger is one of relying in the end on an absolutely technocratic institution, because that is the definition of what you are telling us about. If you will allow me, I will go a little further. In your November 3rd *Le Devoir* article you have this to say about CEC jurisdictions: "To fulfil its mission, the CEC will find itself attributed, and not simply delegated, the desired competences according to the principle of subsidiarity, in virtue of which the community must be assigned only the competences it can exercise better than any of its participating governments." If we consider the experience we have had with the Supreme Court, and only this afternoon someone explained the extent to which centralizing tendencies were becoming apparent in Supreme Court judgments, it is not very reassuring for Québec. I am going to ask you a question about this. Will community law adopted by the CEC Parliament take precedence over Québec law adopted by the National Assembly in cases of conflict or are we to adhere to this principle of subsidiarity?

Mr. Grenon: With regard to community legal order as it is practised in Europe, which is the key to a viable community, it is necessary that community law, in well defined areas of jurisdiction, and of course in economic domains which would be assigned, not the others of course, the community court of justice which, in my project, would replace the Supreme Court and which would render judgments in a common, community perspective, in terms of community law, the judgments rendered and community law must always take precedence over the laws of member States. That is an existential condition of a community. If community law did not take precedence, well, it would not be worth setting the community up. It is in the interests of the community that the areas in which this law takes precedence be relatively limited. And these areas have been clearly pinpointed; it is not a long list.

Mr. Léonard: Would you give the community taxation powers?

Mr. Grenon: No. If you reread... Finally, in short, I mention that such a community would make it possible to avoid double taxation because the community has its own resources. The Community does not receive, does not tax citizens who live in Europe. It receives... Its budget comes from three sources, which are its own. Customs duties, those that are paid for all products entering the Community's domestic market, which go automatically to Brussels. That's the first source. The second is the 1% of European VAT collected by the States, and automatically paid into the budget of the Community. The third source consists of fines,

for the Community is authorized to impose fines on individuals and companies which violate the rules of competition. A little like our antitrust rules, they constitute a system of regulations to ensure fair competition. Companies that adopt dominant positions or that engage in dumping and the like, well they are obliged to pay a fine. And these are paid to Brussels. Therefore, the Community gets its budget from sources that are its own and it must be balanced every year. There is therefore no double taxation in a community system.

Mr. Léonard: Three minutes?

The Chairman (Mr. Jean Campeau): Two.

Mr. Léonard: I have two minutes left, it seems. I ask you what the chances of achieving such a community, or a concept of Canada such as you have presented are, and I would also like to ask another question. Given that you have been in charge of the Agreements Division in Ottawa, do you think the adjustments to be made to the free trade treaty to integrate Québec, Canada and the United States would be easy to accomplish?

Mr. Grenon: Well, in the case of a community such as the CEC, adjustments of this kind don't come up. And I will explain why.

Mr. Léonard: Yes.

Mr. Grenon: Because the Free Trade Agreement has to do with what is called trade policy, that is, external trade policy, and trade agreements are automatically included in that. And the trade policy in a community has to do necessarily with that community. And a community of this kind has the right to exercise what we call the *ius tractatum*, or "treaty-making power", and it would exercise it automatically, it would inherit it automatically with no complications whatsoever. That's how it's done in the European Community, for that matter, since at the GATT, to use it as an example, it's the Community which has the say, the voice, which is the only one to speak before the GATT authorities, and the 12 member States of the Community sit in the back benches and listen, but they participate, of course, in the formulation of Community policy concerning the GATT.

Mr. Léonard: My question, Mr. Grenon, is finally... I understand that in this case, in keeping a community, the original free trade treaty would continue, but given a hypothetical situation in which Québec becomes sovereign and has more direct control over its dealings with the United States, do you envisage any difficulty

in modifying or renegotiating a free trade agreement for Québec?

Mr. Grenon: Well I think that, given the content of the present Free Trade Agreement, it would inevitably come under trade agreements and, therefore, none of the member States of this Canadian economic community would have the latitude to modify it, except within the community itself, or through the vote of the community, and, in any case, any change in an agreement of this kind is made bilaterally, and cannot be unilateral. Of course, the other party, the United States, would have to consent to the modifications asked for by the Canadian economic community, given the nature of this agreement in particular.

The Chairman (Mr. Jean Campeau): Thank you, Mr. Léonard. We carry on now with Mrs. Pagé, who will be followed by Mr. Dufour and Mr. Bouchard.

Mrs. Pagé: Yes, Mr. Grenon, I am looking at the first pages of your brief where you present three options: the first, which is aimed at making Québec a sovereign State which would negotiate new agreements, new trade agreements, among others; a second option, which is vastly renewed federalism; and the third option, which you dwell on at greater length, and about which Mr. Léonard has just asked you a certain number of questions.

What intrigues me about this approach is that, while you talk to us at length about the third option, I have the feeling that we will have to choose between the first and second.

Mr. Grenon: I'm not convinced.

Mrs. Pagé: Yes. It's precisely on this point that I would like to hear what you have to say, Mr. Grenon.

Mr. Grenon: I'm not convinced of it. Furthermore, these three options don't only appear in my brief, but in an article you've probably seen..

Mrs. Pagé: That's right.

Mr. Grenon: ...somewhere.

Mrs. Pagé: That's right.

Mr. Grenon: In *Le Devoir*. But I don't repudiate these hypotheses or these three options, on the contrary. Later maybe, we can examine together, if you will, the notion of a... community in a framework other than the one I've just proposed with five or six States. But I wanted, first of all, to present what seemed to me to be the ideal solution, for Québec as well,

because with five or six, a balance is more easily struck than with two. Counterbalances are established, and a community of 12 in Europe works very well. With only two, it would not function as smoothly, in which case safeguards have to be much more specific, much more meticulously worked out.

So, I wanted, first and foremost, to set forth the formula which appears to me to be the most advantageous, for Québec as well, given this melding of several States, and the formula which most resembles what is so successfully practised in Europe.

Mrs. Pagé: I understand what you're saying about this very well. I have no problem whatsoever with the ideal. But I do have a problem with the realities. Given that you were in Ottawa for some time, does your understanding of Canada and the other regions of Canada lead you to believe that there is any momentum in the other Canadian provinces in the direction of attaining the status of sovereign States, which, in turn, would make the creation of this Canadian economic community you speak of possible?
(10:00 p.m.)

Mr. Grenon: I share your skepticism concerning this ideal, as it relates to the other regions, at least for the moment. But if the idea were taken up by prestigious, important and influential personalities in their respective milieus, outside Québec, and, in a sense, I'm calling on them here tonight; if the idea were taken up again, I'm not so sure that in a year or two, it wouldn't gain ground, since it would appear, in the eyes of the other regions or provinces, to be advantageous to entrust certain economic matters, in fact, trade matters, to an impartial, apolitical administrator, outside the fray, rather than continue with a system of two levels of government which by its very nature is almost confrontational. So, I share your skepticism in the short term, but I entertain a certain amount of hope, should people outside Québec hear this call, and be ready to make it their own; I'm not sure the other regions wouldn't seriously consider it.

Mrs. Pagé: Let's continue on the path of skepticism.

Mr. Grenon: Yes.

Mrs. Pagé: I don't want to discourage you any more than is necessary at this point.

Mr. Grenon: No, no.

Mrs. Pagé: I read a declaration by Mr. Rae, the Premier of Ontario, who seems to be moving in the direction of a stronger Canada. And I don't have the impression that Mr. Clyde Wells

is headed toward an affirmation of nationalism for Newfoundland. So, let's continue along the skeptical path and come to the conclusion that there were no torchbearers for your idea, which is a seductive one in some respects, and that, finally, we are left with making a choice between a sovereign Québec State which must negotiate with a partner to establish an economic partnership or to sign other agreements it deems to be worthwhile, and the second option of renewed federalism. In your opinion, Mr. Grenon, even if both options highlighted in your text lend themselves to a certain number of problems, of restrictions, which would you be inclined to choose if the ideal path were closed to you?

Mr. Grenon: If the ideal path of a community of five or six States... and Québec had to move toward a bilateral association with Ottawa, what I would hope for, if this hypothesis were to materialize, would be that, instead of negotiating an international and intergovernmental-type agreement, purely and simply, given the disproportion between the partners, I am somewhat wary about how these agreements work in practice. I saw too many agreements, which on paper were synallagmatic, in which each party had its rights and obligations, but, in practice, might is always right. So, what they want... rather than have institutions with equal partners, mixed committees to ensure a certain security, I would prefer to see in these agreements the creation of a higher community authority similar to the one I envisaged in the framework of a CEC, transposed to a bilateral level, so that each of the two parties trusts and gives this higher authority considerable administrative powers, within the limits of jurisdictions, albeit very restricted, it would be given. I think that with a community formula for community administration, rather than an intergovernmental or international type of administration, Québec would feel much more reassured, and the possibilities of having its point of view, its future interests favoured by greater overall prosperity would make this formula more advantageous than a formula involving strictly intergovernmental relations. And that is why I would like to see this relationship invested with a higher, community-type authority, impartial and apolitical.

The Chairman (Mr. Jean Campeau): If you will, Mr. Grenon, we'll continue now with Mr. Dufour.

Mr. Dufour: Thank you, Mr. Grenon. In any case, I'll continue in the same vein as Mrs. Pagé. On page 2, you, in fact, reject sovereignty. You reject it saying that Québec would be too inconsequential economically to debate issues with a much larger, much stronger Canada. And

you say: I've often observed that in this area, which is what you just said, that might is right. From your experience as a diplomat, I would like you to illustrate a case or two in point, of States which, after becoming sovereign, were not able to create the economic associations they hoped for.

Mr. Grenon: First, I should point something out. Nowhere did you see, and I don't think I said in my presentation that I rejected sovereignty. I meant sovereignty in the form...

Mr. Dufour: No, no. It is necessary to arrive at your third proposal. I agree with that. But...

Mr. Grenon: I even spoke of sovereignty for several States, for that matter.

Mr. Dufour: But, let's say precisely: I've often observed that in this area, might is right. Do you have one or two cases in mind?

Mr. Grenon: Yes, I would have several cases. But unfortunately, I would have to cite countries. I would have to be fairly accurate and I still have to practise discretion, and could not speak publicly. But now that I'm free of obligations as a diplomat, as a civil servant, I can contemplate a more recent agreement, with which I was not associated as a civil servant because I was no longer in the field, which has certain imbalances, some substantial and some less so. And that is the Free Trade Agreement that we know.

Mr. Dufour: So let's put aside that issue...

Voices: Ha, ha, ha!

A voice: We had better.

Voices: Ha, ha, ha!

Mr. Dufour: ...respecting diplomatic secrecy, I'll come back to the proposal Mr. Léonard dwelt on, which is the system of community law. You say two things. You say that it would be done quickly and would not be costly.

Mr. Grenon: I beg your pardon, I did not say quickly, I said not costly. As for quickly, I said the transition would be relatively smooth, because, as Lise Bissonnette said in her editorial for that matter, Canada already has community to spare.

Mr. Dufour: Exactly, exactly.

Mr. Grenon: So, in actual fact, in a transition from government order to community

order, there would be few things to change. It would be a community with a lesser role than the present federal government. Because the government...

Mr. Dufour: You say relatively easy.

Mr. Grenon: Relatively easy.

Mr. Dufour: For me, what is easy doesn't take long.

Voices: Ha, ha, ha!

Mr. Grenon: Ah, not necessarily.

A voice: I understand. I'm happy to know that.

Voices: Ha, ha, ha!

Mr. Dufour: But Mr. Chairman, still, does it have to be easy. So my question is as follows. You propose a system of community law which would include Québec civil law and common law. In this institution, and this is along the lines of Mr. Léonard's question, did you really say that, in certain well identified areas, the legal system of the community would prevail?

Mr. Grenon: It's automatic. It's an existential condition of the community. But as I said, this community has much more limited powers than the present central, federal government system.

Mr. Dufour: Given your experience, how long would it take to discuss and negotiate this agreement?

Mr. Grenon: Pardon me? I didn't understand your question very well, I'm sorry.

Mr. Dufour: Considering everything involved in this plan, which we don't know about, how long do you think it would take to negotiate?

Mr. Grenon: Well, first of all, it depends on which scenario we're talking about. If we're talking about a scenario with five or six sovereign States making up a community, the process is probably slower. If it's a two-partner scenario, let's say Québec and Ottawa, well, then, it could be... First, a community plan would have to be drawn up... five or six months, then it would have to be endorsed by both governments, which could take about two years, provided the political will is there, on both sides. It is a precondition.

The Chairman (Mr. Jean Campeau): Is this too quick?

Mr. Dufour: I can't even tell.

The Chairman (Mr. Jean Campeau): Mr. Bouchard.

Mr. Bouchard: Thank you. Good evening, Mr. Ambassador. I would first like to greet you by reminding you that we worked together while you were in Strasbourg...

Mr. Grenon: Of course.

Mr. Bouchard: ...serving as Canadian Consul General. Mr. Grenon, first, to simply understand the general framework of the project you are proposing, there would be Parliament, there would be a tribunal, there would be the court, there would be the commission.

Mr. Grenon: I call the commission the supreme authority.

Mr. Bouchard: Yes. Which body would make the decisions currently made by the federal government?

Mr. Grenon: The supreme authority.

Mr. Bouchard: The authority which would be made up of delegates from the sovereign States?

Mr. Grenon: No. The supreme authority is comprised exclusively of specialists. It is presided over by a chairman and includes a few vice-chairmen and 5000 or 6000 public employees. There are 15 000 in the European Community. We could be less ambitious.

Mr. Bouchard: This would solve Mr. Baudry's problem, if I understand correctly. Unfortunately, he is not here.

Those people became discouraged too quickly because we found the solution.

Mr. Grenon: The project was too ambitious.

Mr. Bouchard: No, please go on.

Mr. Grenon: So, a supreme authority, such as the commission itself, certain communities... A supreme authority is another word I borrowed from the European Coal and Steel Community. The supreme authority consists of specialists, independent members, who are very well paid, which enables them to be independent, impartial, and who are nominated. The chairman and the 12 vice-chairmen or the 10 vice-chairmen are nominated by the council of government ministers, but appointed by the community Parliament.

Mr. Bouchard: Nominated by the national sovereign governments?

Mr. Grenon: Yes, yes, we are still talking...

Mr. Bouchard: The member governments. The member States.

Mr. Grenon: We are still talking about governments. The two or six sovereign governments which have formed this community.

Mr. Bouchard: And appointed by Parliament.

Mr. Grenon: But they would be appointed by the community Parliament.

Mr. Bouchard: Would there be voting in Parliament?

Mr. Grenon: Pardon?

Mr. Bouchard: Would there be voting in Parliament?

Mr. Grenon: There would be voting in Parliament.

Mr. Bouchard: To initiate these appointments?

Mr. Grenon: That's right. And to provide democratic credibility. Furthermore, in today's European Parliament, there is a lack, a democratic deficit, of which you are well aware, because there are no legislative powers.

Mr. Bouchard: Yes.

Mr. Grenon: In my Parliament, the community Parliament would have legislative powers. But the supreme authority would have the initiating power and, in the same way as a trust, it would conduct the operations, although there would be very definite parliamentary control, in order to prevent an abuse of power.

Mr. Bouchard: Yes, would the authority answer to the House?

Mr. Grenon: It would answer to Parliament.

Mr. Bouchard: But, without being elected?

Mr. Grenon: Pardon?

Mr. Bouchard: Without being elected?

Mr. Grenon: Well, now! If it were a six-member community, in the first hypothesis, I would prefer an elected Parliament to provide the group of regions, the States which are actually participating, with a sense of belonging. If it were a two-member community, I believe that a Parliament of delegated members, who are

not elected but who have already been elected in their own Parliaments could suffice.

Mr. Bouchard: What you are really proposing is a federation, a sort of federation, since Parliament would possess legislative powers. It could pass restrictive legislation. There would be allotted jurisdictions. And, if I understand correctly, this is somewhat similar to the federal model, isn't it?

Mr. Grenon: Yes. As a matter of fact, the word federal, if we examine its etymology, comes from the latin "feodus", which means to share, to make communal.

Mr. Bouchard: Yes.

Mr. Grenon: So, from an etymological point of view, federal and community are alike. And the main difference is that it is the supreme authority, which is nonpolitical, that has the principal role. Parliament has a less important, legislative role.
(10:15 p.m.)

Mr. Bouchard: So I wonder if that is not where the shoe pinches, in Parliament. Having representatives elected by universal suffrage in a Parliament in Ottawa and hoping they will confine themselves to a modest role, subject to the dictates of public employees, of people who have not even been elected, who claim to form the government, is this not a little naive?

Mr. Grenon: It may appear to be a little...

Mr. Bouchard: You will allow me to say that, since you know that Parliament has a somewhat natural propensity, first, to assume powers and, second, to extend them and control everyone. This is the vice in federalism that people denounce. Would this virus, injected into Canadian federalism, which changed it into a decentralized body that has gradually transformed itself into a very centralized machine, would it not go and settle inside the structure that you are proposing?

Mr. Grenon: Well, first of all, it must be said that this Parliament would not necessarily be representative of the regions. It would be something like the European Parliament, where the political affinities result in groupings and the objective of these parliamentarians is a communal objective.

Mr. Bouchard: Would there not be a geographic link between an elected officer and an electoral district?

Mr. Grenon: There should be one for election purposes, as there is one in Europe at present. But once they are in Parliament, the

European Members no longer have a geographic link. They do not represent their districts. They belong to groups with political, socialist, rightist, leftist affinities, whatever. In addition, they sit in semicircular fashion, they are not seated by country.

Mr. Bouchard: Yes, but they do not have any powers.

Mr. Grenon: That's true; they do not have any powers.

Mr. Bouchard: They deliberate. They propose motions on seals and all...

Mr. Grenon: That's correct, yes. You're right.

Mr. Bouchard: But, the moment that you confer powers on them, they are going to want to assume them.

Mr. Grenon: Yes. Well, with...

Mr. Bouchard: Are you not going to perpetuate the present conflict we have between our orders of government? You have Members of Parliament who represent the same district and, since one goes to Ottawa and the other to Québec City, competition is immediately sparked between the two. Are you not going to duplicate this model?

Mr. Grenon: Except that the first group's objective is not the same objective as the others. And it was to make good the democratic deficit suffered by the Community that, at least conceptually, I had envisaged the idea of a Parliament which would also be legislative. But, decidedly, this is not the heart of a community either. The heart of the community is this impartial supreme authority that takes the place of a government subject to the uncertainties of elections.

Mr. Bouchard: Therefore, if absolutely necessary, you would be willing to agree to this Parliament's not being elected by universal suffrage? To its being like a delegated Parliament? To its not having any powers? Would you?

Mr. Grenon: I think so, after examining the possibility more closely.

A voice: Well, that's fine.

Mr. Grenon: In light of... If the supreme authority... If a consensus had been arrived at, on there being complete confidence in the high authority, a priori, I would not have any objection.

Mr. Bouchard: A government of public employees, of bureaucrats.

Mr. Grenon: A government of public employees... Furthermore, this would not be a government. This is a word I want to remove from my vocabulary. I would rather speak of a community and of apolitical community management.

The Chairman (Mr. Jean Campeau): All right? If you don't mind, we will now move on to Mr. Benoit.

Mr. Benoit: Mr. Grenon, thank you for joining us here this evening. It is an honour to have you with us. I would like to go back to part of Mrs. Pagé's question and part of Mr. Dufour's question, when they asked you whether the rest of Canada could actually give serious consideration to this innovative community option. You told both of them that it "depended on the political will". Do you subscribe to the thesis put forth by some that Québec would be 15 or 20 years ahead of the rest of the country in its ideas, in the depth of its thought, as a result of the various stages we have had to go through, the Referendum, the 1976 election, etc? So, do you subscribe to the thesis that we would be so far ahead of the main body of runners in our constitutional thinking that we would have to wait a long time for the rest of the country to arrive at that kind of compromise?

Mr. Grenon: I think that waiting 10 or 15 years would be a waste of time. In my view, if this community notion did not climb the Canadian ladder in the next two or three years, it would be necessary to envisage a scenario of a bilateral community formula rather than a six or seven-member formula. No, I would not consider it. I personally would not have enough patience to wait 12 or 15 years. In any case, at my age, if I want to see the fruits of my reflection, it would be somewhat rash to wait that long.

Mr. Benoit: Therefore, in your proposal, if I may refer to the article in *Le Devoir*, you mention that there would be a referendum to approve all of this, a referendum held from one side of the country to the other. Would you hold this referendum in each of the six sovereign States independently, or would this referendum be held across the entire country?

Mr. Grenon: I think that, for purposes of cohesion, and if the project were a draft treaty prepared by groups of experts and then approved by the six, by the five or six sovereign governments, if they retained this draft as a model, as a proposal, I believe the referendum should be held simultaneously in the five or six

sovereign States, the future members of the Canadian economic community.

Mr. Benoit: A few hours ago, we heard another expert, Mr. Henri Brun, who suggests that the European model cannot be applied here, because, unlike what we have, in Europe we find, and I quote: "Sovereign States, ancient cultural foundations, a multiplicity of partners". What is your opinion on this, Mr. Grenon?

Mr. Grenon: As far as the sovereign States are concerned, I propose having sovereign States. So, the proposal made by my learned colleague, Henri Brun, is no longer an objection, since from the angle I have in mind, sovereign States would automatically become sovereign when their economic community is created. With regard to other cultures, or the other factors, I see these as secondary.

Mr. Benoit: In the article from *Le Devoir*, which I took the liberty to emphasize, since you mentioned it in your brief, it says that the EEC itself made a point of honouring the directive, which is more flexible than the regulation. I am not a constitutional expert, after seven weeks on the constitutional Commission, and I am not sure whether I will become one either. Could you briefly explain to me the differences between a directive and a regulation?

Mr. Grenon: Certainly. A regulation is the equivalent of a community law, let's say, respecting an issue of competition, an issue... whatever issue, within a community. A regulation is a law that applies directly and immediately to each citizen of the twelve States, word for word. It becomes law as soon as it is proclaimed.

A directive is also a community law, but one which is sent to the 12 capitals of the 12 member States and the 12 capitals transform this community law into a national law which becomes mandatory for its citizens. Therefore, the directive is more flexible, since it allows each member State to make a French, German or Italian law part of its own laws. The directive has a purpose, an objective, an obligation to produce the same result for everyone, but the means of legal implementation or application are left to each national Parliament in order to respect the national identities and the spirit which is peculiar to each nation.

Mr. Benoit: Mr. Chairman, one final question. Still with reference to the article in *Le Devoir*, you speak of several consolidations. You say: The consolidation of a large common market must be achieved through four kinds of movement, the movement of goods, of services, of people and of capital. You go on to say: In addition to a common trade policy proper to a customs union and a single currency, the CEC

could adopt common policies in... And here you list a long series of possible areas including regional development. We have just returned from a tour on which we had the opportunity to become familiar with all of Québec's regions, and everywhere we went we were told: Regional development is finished. We do not want anything coming to us from Ottawa or from Québec City, we want to do it here at home. How could anyone think of working on a formula like yours and ultimately eliminating regional development?

Mr. Grenon: Well, your observation is a very pertinent one and on this matter I could say that in the community the language would be different from what you heard, because in the European Community the Community itself allows for a great deal of regional development to enable the regions to reach the desired economic level, so as not to be, so that the Common Market does not benefit only the large States and is therefore favourable for all the regions. That is, according to their comparative advantages, and the Community makes a considerable effort by spending substantial amounts of money in 200 European regions, which are identified as such. However, parallel to this community effort, even to the Community's budget, each of the 12 member States also has quite a distinctive regional development policy and these two regional development policies are prepared in accordance with both the Community and the national policies. And it is often the Community that returns the community funds to the 12-member State, which, having agreed upon certain structural reforms or other kinds of reforms, manages, administers them in the regions. Therefore, the two orders of management, one governmental, the other apolitical, collaborate in regional development. And, in my view, there are not too many people involved in this field, since the needs are great, at least in Europe. And I imagine that the situation here could be analogous. The advantage of regional development carried out by a community is that it is seen not as being imposed by an order of government but as coming from a community's supreme authority, which is not political.

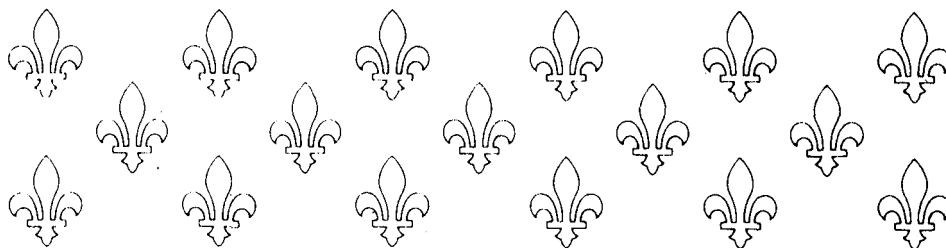
Mr. Benoit: The bell is reminding us of the time, Mr. Grenon. Thank you ever so much. It has been an honour to have you with us this evening. Thank you.

Mr. Grenon: Mr. Chairman, if I may have just a second. To conclude, I would like to make a suggestion. I would hope that in its report this Commission will not hesitate to recommend to the Québec government that it establish a small working group consisting of a few specialists to conduct a study on the pertinence and the timeliness of a central community administrative

model similar to the one I have proposed, regardless of the political scenarios that may be envisaged. Thank you, Gentlemen, Ladies.

The Chairman (Mr. Jean Campeau): We will make a note of it. So, Mr. Grenon, thank you first of all for preparing your brief and for coming to explain it to us. The members will certainly remember you as an expert with innovative ideas. Thank you.

(End of sitting, 10:28 p.m.)



ASSEMBLÉE NATIONALE

PREMIÈRE SESSION

TRENTE-QUATRIÈME LÉGISLATURE

Journal des débats



**COMMISSION ON THE POLITICAL
AND CONSTITUTIONAL FUTURE
OF QUÉBEC**

Chairmen: Messrs. Michel Bélanger et Jean Campeau

Québec City, Thursday, December 20, 1990

No 24

**Published under the authority of the President of the
National Assembly, Mr. Jean-Pierre Saintonge**

QUÉBEC



Note de l'éditeur:

Ce fascicule contient une traduction des débats qui se déroulent à la Commission sur l'avenir politique et constitutionnel du Québec. Cette traduction est assurée par la Direction de la traduction et de l'interprétation du ministère des Communications.

Cette édition remplace celle qui a été distribuée en janvier dernier et dans laquelle avait été omis, par inadvertance, l'échange de propos entre M. Robert M. Libman, chef du Parti Égalité et Mme Pat Brehaut, porte-parole de l'organisme Canadian Parents for French.

Editor's note:

This fascicle contains a translation of the debates being held by the Commission on the Political and Constitutional Future of Québec. The translation is carried out under the supervision of the Direction de la traduction et de l'interprétation at the Ministère des Communications.

This edition replaces the one distributed last January in which, by oversight, the viewpoints exchanged between Mr. Robert M. Libman, Leader of the Equality Party and Mrs. Pat Brehaut, spokesperson for the Canadian Parents for French Organization, were omitted.

Abonnement: 250 \$ par année pour les débats des commissions parlementaires
70 \$ par année pour les débats de la Chambre
Chaque exemplaire: 1,00 \$ - Index: 10 \$
(La transcription des débats des commissions parlementaires est aussi disponible sur microfiches au coût annuel de 150 \$)

Chèque rédigé au nom du ministre des Finances et adressé à:
Assemblée nationale du Québec
Distribution des documents parlementaires
1060, Conroy, R.-C. Édifice "G", C.P. 28
Québec, (Québec)
G1R 5E6 tél. 418-643-2754

Courrier de deuxième classe - Enregistrement no 1762

Dépôt légal
Bibliothèque nationale du Québec
ISSN 0823-0102

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- * Mr. Denis Verrette, idem
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Québec City, Thursday, December 20, 1990

Hearings: Organizations and Experts

(9:36 a.m.)

The Chairman (Mr. Michel Bélanger): Come to order please!

I would ask the commissioners to take their seats. We will be starting in a few minutes.

I declare this sitting of the Commission on the Political and Constitutional Future of Québec open. May I remind you of the Commission's mandate, which is to study and analyse the political and constitutional status of Québec and to make recommendations thereon. Today, we will be hearing the following groups and experts who submitted a brief: the Secretariat of the Assembly of First Nations of Québec and Labrador, for a one-and-a-half hour presentation; Mr. Daniel Latouche, a guest expert, for one hour; Canadian Parents for French, for 30 minutes; Mrs. Nicole Duplé, a guest expert, for one hour; Action pour les Franco-Américains du Nord-Est, for 30 minutes; Mr. Vély Leroy, a guest expert, for a one-hour presentation, and finally, for 30 minutes, the Regroupement des associations des cycles supérieurs du Québec inc.

For this first one-and-a-half hour presentation, the speaking times are as follows: 10 minutes for the presentation of the brief, 15 minutes for the Government parliamentary group, 15 minutes for the Official Opposition parliamentary group, 40 minutes for members registered with the Chair, each of whom are entitled to a maximum of 10 minutes, and 10 minutes for the Chair.

We will, therefore, start with the Secretariat of the Assembly of First Nations of Québec and Labrador. Welcome, Mr. Konrad Sioui, Regional Chief of the Assembly of First Nations of Québec and Labrador. The floor is yours to introduce your colleagues and present a summary of your brief.

**Secretariat of the Assembly of
First Nations of Québec**

Mr. Sioui (Konrad H.): Thank you, Mr. Chairman. It is an honour for us to be here this morning. With me are, to my right, the vice-chief of the Algonquin nation, Chief Oscar Kistabish and, to my left, one of the chiefs of the Innu nation, Chief Maurice Vollant of the Washat Mak Mani-Utenam community.

Before I begin, there's something I'd like to say, briefly. Some of our nations, some of our representatives have presented briefs before this Commission. Others decided not to do so for internal reasons that concern them alone. The Cree nation, for instance, decided to hold its own commission of inquiry within its nation, among its members, and so on. I have a message from Grand Chief Michael Mitchell of the

Mohawk nation, who sends you his greetings, first, and at the same time asks me to tell you that he is also going to file or submit a document supported by the Assembly of First Nations. I also have a document, Messrs. Co-chairmen, that I have taken the liberty of including in my presentation although we didn't receive it until late yesterday. This document supports the positions of the Assembly of First Nations or, at the national level, the Native Council of Canada. If you don't have any objections, I will file it, table it eventually.

As you mentioned, I am the vice-chief or vice-president of the Assembly of First Nations, the national organization that represents registered status Indians across Canada. In Québec and Labrador, I perform the duties of regional chief for all members of the First Nations that live in this vast area. Some of our First Nations signed treaties with the Crown and therefore have certain rights arising from these treaties. We all have ancestral rights as Native peoples. In Canada, we include 50 distinct nations, 11 of which are established in Québec and Labrador. This means that there are over 50 distinct languages spoken by the members of our nations. In addition, given the circumstances, many of us speak English and share English customs. Here in Québec, naturally, the majority of Natives speak French and share French customs. But we are first and foremost citizens of our First Nations, regardless of whatever else we may be.

The Inuit of Québec, the James Bay Cree and the Naskapi of northeastern Québec occupy land, under treaties, which accounts for approximately one-half of the land mass of Québec. The Montagnais, Attikameks, Algonquins, Micmacs, Mohawks, Abénakis, Malécites and my own people, the Huron-Wendat nation, have ancestral titles to about one-third of the balance and we also occupy many areas designated as reserves under the Canadian Indian Act. The Canadian Constitution recognizes and confirms our existing and ancestral rights and our rights under treaties, and we can exercise these rights in this province.

Having said this, I'd like to make it clear that my presence here today, on behalf of the Assembly of First Nations, must not be interpreted as an endorsement of outright independence for Québec. I am here in the interests of friendship, in the interests of cooperation and in the interests of intellectual integrity.

I will disagree with you and I'm sure that you'll disagree with me, but I'm also sure that we'll continue to be friends and seek justice for our respective peoples. What is more, I hope that we'll agree on many other points.

Now for the task at hand, Messrs. Co-chairmen. According to Bill 90, your duties include examining and analysing the political and constitutional status of Québec and making recommendations thereon. If you don't mind, I'd like to say right at the outset that the first part is easy. Québec is a province or a constituent component, politically and constitutionally, of the Canadian Confederation. Constitutionally speaking, Québec is equal to the nine other provinces. Like all the other provinces, Québec has the right, for instance, to use provisions in the Charter of Rights and Freedoms, which came into force in 1982 when the revamped Canadian Constitution was proclaimed. And, constitutionally, Québec exercised its right to use the "notwithstanding" clause of this Charter. Like all the other provinces, Québec also has the right, to take another example, to take cases to the highest court, the Supreme Court of Canada, for appeal. And Québec has taken advantage of this right. I know this because Québec appealed the Sioui case concerning the Hanneorak Treaty of 1760 with the Huron-Wendats, and the Sioui involved were my brothers and I.

So, what I'm saying is that Québec's political and constitutional status is the same as that of the other provinces, in keeping with the power described in section 92 of the Canadian Constitution Act of 1867. And Québec is a dynamic, strong player in the Canadian Constitution game. To invoke, and rightly so, its right to turn the Canadian Constitution to its advantage and seek reforms to constitutionally recognized Canadian institutions, Québec doesn't need to abandon its Canadian constitutional sovereignty. And no one has objected to Québec's exercising its authority as a sovereign power within the Canadian Confederation.

You are just as familiar as I am, Messrs. Co-chairmen, with the events of last summer, when Québec used its statutory right, in accordance with Canada's National Defence Act, to call on the Canadian Armed Forces to assist Québec's civil authorities at Kanesatake and Kahnawake, when the federal fiduciary authority failed to act. No other governments opposed Québec's right to do this. Québec therefore took action.

Now that I think I've helped you with the first part of your task, there are some problems with the second part: making recommendations with regard to Québec's political and constitutional status. Messrs. Co-chairmen, it's not my job as a spokesman for the First Nations to say whether Québec should change its status or not or to say how it should be changed. This is an issue that concerns Québec and its other partners in Canada, the provinces and the federal government.

My duty on behalf of the First Nations is, as far as possible, to ensure that there are no

provisions that would compromise our rights, interests or goals. It is also not my duty to enter into a debate with anyone who advocates a unilateral declaration of independence by Québec, which would definitely be illegal under Canadian law by the way, as well as under international law. You are well aware that the Canadian Constitution does not contain any provisions that allow provinces to separate from Confederation and international law prohibits the termination of any existing nation State without consent.

Now, I'd like to return to the question of the political and constitutional status of the First Nations of Canada that live in what we now call the Province of Québec, and also to the question of our rights, interests and goals... which, as I said or already mentioned, must not be comprised by any decision made by Québec. (9:45 a.m.)

Messrs. Co-chairmen, there's an assertion in the preamble to Bill 90, which establishes your Commission... the first assertion, in fact, is that Quebecers should have the right to self-determination. You should know that the Assembly of First Nations has never intended in its resolutions to deny the Québec people their legitimate right to politically and constitutionally define themselves. I would like to point out, however, that the only peoples mentioned in the Canadian Constitution and recognized as such are Native peoples, including the Indians of the First Nations. When we've asked for this freedom or right, though, as Québec is doing, it has been denied us by the federal government and the provinces, including Québec. They're afraid that if Native peoples exercise their right to self-determination and opt for full or absolute sovereignty, Canada will be dismembered and its territory reduced, and this is prohibited by international law.

Our critics fail to admit that for five years, during the premiers' constitutional talks on issues that concern Native peoples, we tried to negotiate our voice in the Canadian Confederation, within the Canadian Constitution rather than outside it. We have absolutely no intention of breaking up the country. What we want is for our internal sovereignty to be recognized and protected by the Canadian Constitution, in the same way that the internal sovereignty of Québec and the other provinces is recognized and protected. Four years ago, my colleague Chief Joe Mathias of the Squamish nation, in what we now call British Columbia, explained at a meeting of the premiers what we mean when we introduce the general idea of sovereignty. If you don't mind, Gentlemen, I'd like to quote his statement: "Our intention" he said "is not to enshrine Indian sovereignty in the Constitution in such a way that Native peoples are placed above federal and provincial sovereignty. What we want is a balance. We don't want Native sovereignty over Canada or

federal-provincial power over us, but rather a balance, with a level of federal-provincial government and a Native government enshrined in the highest law of the land." (translation)

Messrs. Co-chairmen, you must wonder why the First Nations want their sovereignty protected. What do we want constitutionalized? Let's go back to Chief Mathias and the way he explained this on behalf of the Assembly. The First Nations exist, we survive, we have our own cultures, we have our own languages, our own religions, and so on. Before colonization by the Europeans, we had land. We exercised our jurisdiction over this land. When the Europeans landed here, they didn't see 560 Indian bands confined to ancestral or traditional tracts of land. They saw Native peoples, the First Nations, exercising their jurisdiction over this land. This is the initial sovereignty, Messrs. Co-chairmen, that we never surrendered. The Europeans didn't "discover" our land. They didn't settle on uninhabited land; these lands were already inhabited. Nor were we conquered by the French or English during territorial wars. The First Nations of Québec did not surrender any land to the French or anyone else.

Messrs. Co-chairmen, it is an undeniable fact that the French had no title to the traditional lands of Native Peoples that could be transferred to the English after the Battle of the Plains of Abraham.

I won't apologize for indulging in this short history lesson because I believe that it's very, very important for Quebecers to realize or for Québec to realize that the Native peoples never legally surrendered or lost their titles or their jurisdiction over their ancestral lands. School children are told that France relinquished Canada to Great Britain in the Treaty of Paris of 1763 and that, with the exception of Saint-Pierre and Miquelon, all of the terra firma of North America east of the Mississippi then came under the control of the British. What French land? You can't surrender something that you don't even have and France had no legal title. And even if they had, later in that same year, 1763, the British sovereign recognized our nationality and our internal sovereignty as First Nations in a royal proclamation. In the Sioui case I mentioned earlier, the Supreme Court of Canada unequivocally declared this year that the First Nations were recognized as independent nations by the French and English crowns and that we never surrendered our nationality of our own free will. The Québec Act, 1774, which is recognized today as the basis for the freedom of Quebecers within Canada, did not annul the royal proclamation of 1763. The rights and freedoms stipulated in that proclamation were preserved specifically as a part of the supreme law of Canada by section 25 of the Canadian Constitution Act, 1982, and they still exist, to an even greater extent than the Québec Act, 1774.

Yes, I'm completely familiar with the seigniorial system and territorial titles that the French established here in Québec, but, as I have just mentioned, these First Nation territories were not uninhabited and they were not "discovered". Since our peoples were not conquered and we did not transfer our land by treaties, the seigniorial system had no legal basis.

Mr. Chairman, I repeat that the internal sovereignty and jurisdiction of the First Nations, including our right to self-government within Canada, remain intact, despite the existence of all the provinces, Québec included. Therefore, if the Québec government planned to separate from the rest of Canada, or even if the rest of Canada gave their consent to such a separation, very serious consideration would have to be given to the rights of the First Nations, including our title to traditional lands.

In effect, Gentlemen, we will also need to discuss the provisions in our treaties with the Crown in Canada. There's the Hannevorak Treaty of 1760, for example, the object of the Sioui case, there's the James Bay Agreement and there's the Northeastern Québec Agreement. The rights included in these treaties are protected by section 35 of the Constitution Act, 1982. And, according to the Supreme Court of Canada, our rights arising from treaties as well as our ancestral rights must be interpreted with flexibility in contemporary terms. Therefore, they haven't been extinguished. I'd like incidentally to refer you to the 1985 Simon case and the 1990 Sparrow case. In international law, at this very time, the rights of aboriginal peoples are also evolving. Last year, the International Labour Organization adopted Convention 169. This Convention revised the former Convention 107, which was based on the idea of assimilation, or at least on the integration of aboriginal peoples into the dominant societies that existed about 40 years ago.

The international community as a whole now rejects the ideas of assimilation and integration. Convention 169 talks about aboriginal peoples' possession of and jurisdiction over traditional lands. It talks about consultation and mutual consent. It talks about cooperation rather than domination.

The era of colonialism is over. We are living in a time of human rights, rights of nations and self-determination. The United Nations itself is presently engaged in drafting a declaration of human rights for aboriginal peoples, which represents a step backwards for governments that want to impose their will and their laws on aboriginal peoples.

Mr. Chairman, given the existence of the provincial and federal governments, I believe that my statements and those of my colleagues in other Native nations have made it clear that we wish to exercise our right to decide how we

wish to conduct our lives. Our positions are based on historical facts. We have always been here, exercising our own jurisdiction over our own peoples and traditional lands. As sovereign nations across Canada, we are co-founding nations. Our positions are also based on anthropological facts. What we have in common is that we are nations of culturally distinct origin.

The distinctions between us are even greater than those between English and French Europeans, in terms of language, religion, way of life and perception of the world. Last year the Québec Minister of Justice asked us to accept... Let me quote what was said: "The sole objective of the constitutional accord of June 3, 1987 was to make amends for injustices committed against Québec by the Constitution Act, 1982 and to allow Québec to regain its standing as a leading partner in the Canadian Federation." So, why not make amends for the injustices committed against the First Nations?

If Québec needs to be described as a distinct society to do it justice, then isn't it essential to describe the First Nations in the same way? If French culture needs to be forcefully preserved in the Constitution, why wouldn't this be vital for our cultures? How can Francophones and Anglophones be considered the two founding peoples of this country when it was inhabited by Native peoples at least 70 centuries before Julius Caesar conquered the forebears of the French and the English?

Messrs. Co-chairmen, if you don't mind I'd like to explain at this point why we were opposed to the signing of the 1987 constitutional agreement, the Meech Lake Accord. It wasn't because we like Quebecers any less, but because we like Native peoples more. It's very important to understand that between 1987 and 1990, our sole aim was to make concrete amendments to the agreement and not to kill it. We were never in a position to make any changes at all. We never said "no" to Québec. Without amendments, as it stood, this agreement would have constitutionalized a false view of history, complicated the present and distorted the future. Although the legitimate concerns of Québec need to be met, our legitimate concerns also need to be satisfied. Although Québec has been waiting for justice since 1763, we've been waiting for it too. As far as Québec is concerned, at least the French Civil Code and the Roman Catholic religion were reinstated by the Québec Act, 1774. At least the sovereignty of Québec associated with the sovereignty of the other provinces was adjusted in the Canadian constitutional agreement of 1867. But in our case, the laws and traditional religions of the First Nations were suppressed and exercise of our sovereignty denied by the British and Canadian governments. We can therefore sympathize with your situation and your aspirations more than

anyone else, but if justice is to be doled out, Native peoples must be at the top of the list.

You know, the late premier Lévesque suggested that if we helped Québec, Québec would help us in return. We answered that the opposite should be the case. As soon as the Meech Lake Accord was drafted in 1987, a great deal of pressure was put on Native peoples so that they would support this arrangement, and all kinds of promises were made. But when all was said and done, there were no firm guarantees that we'd have been significantly involved in talks on the so-called Canada clause or that we'd be recognized as a distinct society. And there wouldn't have been any specific provisions recognizing our existence as a fundamental characteristic of Canada.

Mr. Chairman, I'd like to tell you and the other members of this commission as well as all Quebecers that the Native peoples strongly urge you to seriously consider remaining within Canada. Let's avoid the tactical error of concluding a deal behind closed doors. And let's sit down together with all the real components of Canada, and work towards integrating our collective interests, under a confederal or federal national council for example, taking up the talks as if Canada simply didn't exist anymore. Let's create it together: the Québec people and Native peoples will be given leading roles, you can count on that. Otherwise, we reserve the right to hold our own referendum in which all the citizens of the First Nations in Québec and Labrador and in Canada will choose the kind of political and constitutional alliance that they would like to continue to belong to of their own free will.

Finally, Messrs. Co-chairmen, I'd like to thank you for giving me this opportunity to appear before you and the other honourable members of the Commission. I am now ready to answer your questions.

The Chairman (Mr. Michel Bélanger): We're going to begin with questions from members who have registered. Mr. Libman has the floor first, and then Mrs. Simard.

Mr. Libman: Thank you, Mr. Chairman. Mr. Sioui, I found your brief inspiring and I personally hope that the government will initiate a process for reflection on Native issues, Native demands, next year. I think that now is the time, with the new Minister, to create a task force or study group or committee, so that many of your demands can finally be met. (10:00 a.m.)

My first question is related to a sentence in your brief which you just read. You say on page 13: "Mr. Chairman, I'd like to tell you and the other members of this Commission as well as all Quebecers that the Native peoples strongly urge you to seriously consider remaining within

Canada." First of all, could you elaborate on the reasons for your making this statement? And secondly, could you tell us about the ties that Native peoples want to keep with the federal government, regardless of what Québec's constitutional status is?

Mr. Sioui: I think that this is an important question and I'm going to try to answer it as best as I can. The Amerindians and the Inuit are not used to being confined within boundaries, to living within borders or... etc. We think of ourselves as North Americans first and foremost. For us, it's extremely important to live in harmony with our brother and sister Amerindians, the other nations, and this is why we say that we should remain open to the vast regions, to Canada, to North America, to what we call the Turtle Island. North America is our island. The Hurons call themselves the Wendats, or inhabitants of the island... those who live on the island of North America.

We have rights that are constitutionalized, we have treaties, we have alliances, we have arrangements that go beyond the borders of Québec. Our nations aren't necessarily all confined within Québec. There are Crees outside Québec; there are Micmacs outside Québec; there are Hurons, Montagnais, Inuit, etc. For the First Nations, it is absolutely vital that this dimension exist and be maintained.

When we talk about remaining within Canada, we don't necessarily mean maintaining the status quo. We don't necessarily mean not changing the federal system. We're saying that extensive changes need to be made. We're saying that it has to be completely revised. We're saying that the Québec people has a rightful place. We're saying that before any kind of negotiations are undertaken, the rightful place of the First Nations must be recognized in a new federal constitution, in a declaration of the rights of peoples.

This is basically what we mean when we say we should keep our ties, keep our economic ties, political ties, social ties and cultural ties, because we need to keep and maintain these ties. And also because it's important - perhaps this is a little like what Louis Bernard was saying on television the other day - we must remain open-minded, interdependent... sovereignty, yes, but within a context of interdependence. This is the rationale behind our saying: Let's remain strong and work hard to maintain ties of all possible kinds with the rest of Canada. It doesn't mean that we can't also maintain ties with the United States, or Europe, but these ties must not be destroyed.

Even if the Canadian federal system hasn't treated us well, the First Nations don't want the status quo well maintained. We have serious recriminations against this system which has kept us in a State of extreme dependence. We want it

renewed and we want to be closely associated with the people of Québec in the way that Mr. René Lévesque always assured us we would be. Both of our peoples, our nations, have been neglected; they're not treated as North Americans on North American soil. And together, in solidarity, these two nations must regain the place that is rightfully theirs in this Constitution.

Mr. Libman: Canada's old Constitution. O.K. Secondly, could you elaborate on or clarify how you see your self-determination, your sovereignty within this context?

Mr. Sioui: We value our self-determination; we value our sovereignty. Apparently, when we talk about sovereignty or self-determination in Canada, it's like we were communists. Just recently, George Bush wrote a letter, which I saw, to the President of the Indians in the United States. He talked about, George Bush talked about self-determination, sovereignty on the part of the Amerindian tribes in the United States. This is what we mean when we say "within Canada"; we say within Canada, within the Federation. This doesn't mean - and let me repeat this, Mr. Libman, it's important - that we promote the status quo. It doesn't mean that we want everything to remain as stipulated now in the Canadian Constitution. Quite the contrary, we want major reforms, but the First Nations of Canada have historical ties and these historical ties can't just be destroyed. We are historically tied, as I was saying a few minutes ago, by treaties, by agreements, etc., and we want to continue to work on these elements, we want to continue to count on them. We're just beginning to see a bit of light at the end of the tunnel, as far as the courts are concerned, the Supreme Court of Canada, for example. We're just beginning to win cases, to be recognized as a nation, with negotiations between nations, between equals, these principles. These are the principles upheld by today's legal system.

Mr. Libman: Thank you. Once again, I can't stress strongly enough the importance of one of the main mandates of the government in 1991 being to create a structure for dealing with Native issues. Thank you, Mr. Chairman.

The Chairman (Mr. Michel Bélanger): Mrs. Simard, followed by Mr. Marcotte.

Mrs. Simard: Good morning, Mr. Chairman. I understand that you have come here, obviously, to remind us of your mission, which is to defend the interests and rights of the First Nations. And we also understand that the provinces, or borders as they are defined in the modern political context, don't necessarily exist for your peoples. In fact some of them live on land in

Québec, Ontario and other provinces and even outside of Canada, in the United States. Fine. We're aware of that. I am a little surprised, however, by what I read on page 4 of your brief, where you say: "... a unilateral declaration of independence by Québec, which would definitely be illegal under Canadian law by the way, as well as under international law." I'd like to know whether you recognize - setting aside for the moment the specific problem of Native peoples, which I think everyone here acknowledges - do you recognize the right of Quebecers to self-determination and to democratically decide on their political future? I didn't hear you say this, I didn't see or read it in your brief. Maybe I haven't understood you correctly, but I'd like you to give me a clear answer to this question. And if you don't agree that we have a right to self-determination, could you tell me why? And if you do, have you given any thought to how the people of Québec could be consulted on the question of its political future when the time comes?

Mr. Sioui: As a Native nation, as a First Nation, we'd be in a very poor position to tell anyone or insist that anyone - a group, nation or people - tell them what to do, as groups that mutually recognize each other. We don't want people telling us what to do and we certainly won't tell Quebecers what they should do. Only the people of Québec can legitimately decide on its future.

Mrs. Simard: So, if I understand you correctly, you recognize the right of Quebecers to self-determination and acknowledge that no one else should decide on their future. Quebecers should decide on their own future. Is this what you're saying?

Mr. Sioui: We recognize the right of the Québec people to decide for itself. If it opts for self-determination, it alone can decide what it wants as it sees fit. Will they choose a form of sovereignty-association or independence? This is for the people of Québec to decide. On the other hand - and this is what's important for us, the First Nations - within this new Québec, we have rights to protect, we have rights that need to be more strongly assured, we have alliances with the other First Nations in the country and in North America and we want to make sure that these things will be protected by some institution or constitution that will be created or will take shape. And for this reason, it's vital for us too. The First Nations' need for self-determination and sovereignty also has to be recognized. This is also what we mean when we say that it's not true that there are two founding peoples of this country, two levels of government. This is false, Mrs. Simard. The First Nations are the founders. The First Nations are

co-founders of this country, and maybe more than that. The First Nations never surrendered their jurisdiction, never surrendered their right to self-determination. And in this context, when we say "yes, we agree", maybe we're introducing a new possibility too. I think that our text is very explicit in this regard. But if self-determination for Québec were to involve grabbing anything from us, taking anything away from us, however, or dispossessing us of something that we don't want to give up for reasons of our own, then we're telling you that we won't tolerate it.

Mrs. Simard: For many of us, there is no contradiction or opposition that needs to be recognized between Quebecers' right to self-determination and similar rights for the First Nations or Native peoples. And for many of us, none of these rights are subordinate to any others. I want to make this very clear and I think it's important for me to point it out to you. When I read your brief, however, I didn't find a clear reaffirmation of the right of Quebecers' to self-determination. And you can rest assured that many people have come to talk to us, needless to say, about what Native peoples want, and that their remarks were favourably received by many people; we don't see any opposition or contradiction and we certainly don't see any need to give greater priority to one group's rights over another's.

Mr. Sioui: That's how you see things, but we don't share your views in this regard. We see the necessity for ensuring our rights and ensuring them completely, having them enshrined and having them upheld and recognized. Because, as things are now, our rights are held up to ridicule, our constitutional rights are mocked. And when we make headway, in the Supreme Court or elsewhere, there are still Québec and Canadian institutions that do not recognize the very basis of these rights. And this is why we'll always want to defend the interests of our nations, because if there's anyone who's been ignored in Canada and North America, it's the First Nations. And we've always been broad-minded about this, our peoples have always upheld pacifist ideals and been open to others. We can still be like this, and today is proof of that. But we're saying that there are treaties that have been disregarded, agreements that have been ignored, judgments that haven't been respected and things that have been said. We don't want any more of this kind of thing. And you should understand how we feel.

Mrs. Simard: But I don't think that you realize that we do understand. That's just the point. You haven't really understood what I've been saying. We agree with what you're saying. I've just assured you of this. There's no one

here who wants to ignore or disregard what you've been demanding for so long. Quite the contrary. In fact, many of us approve. I just meant that the balance of rights that you want is something we're trying to achieve too. There mustn't be any misunderstanding. You mustn't get the impression that this isn't true. Absolutely not. It's true that you've been laughed at and held up to ridicule. We've seen many examples of this and, needless to say, the events of last summer underlined this.

Mr. Sioui: O.K., you mustn't feel guilty. I'm not trying to make you feel guilty.

Mrs. Simard: No, I don't feel guilty. Not me personally, anyway.

Mr. Sioui: But... maybe I've understood only too well. I don't see any Natives here around this table. We were invited to come here and present a brief, but Native peoples are not represented within this inner circle. Where do we belong? Outside the circle? We've come here to tell you that we want constitutional recognition too. If Québec eventually wants to ensure its own self-determination, we want to be on an equal footing too. We want formal declarations of mutual recognition between nations. And we've also come here to tell you that we'll no longer tolerate the relationship of dominance, of the majority over the minority, that has always existed.

(10:15 a.m.)

The Chairman (Mr. Michel Bélanger): We'll now hear from Mr. Marcotte, who is sitting in for Mr. Poissant.

Mr. Marcotte: Thank you, Mr. Chairman. Mr. Sioui, on pages 9 and 10 of your brief, you say that your rights under treaties, which you list, are protected by section 35 of the Constitution Act, 1982. Québec did not support this Constitution. Mr. Harper of Manitoba contributed somewhat to the death of Meech Lake. If the Meech Lake Accord had been accepted, wouldn't the cause of Native peoples in Canada have advanced more quickly? Right now, any changes to the Constitution are at a complete standstill.

Mr. Sioui: That's a good question. Section 35 is the section of the Canadian Constitution that essentially recognizes the vested rights of Indians, Métis and the Inuit. It guarantees and confirms laws derived from treaties, or aboriginal rights. We put section 35 to the test in court and found, in the Sparrow case for example, that it contained quite a lot. And we're going to continue to work on this, on confirming our rights, even the right to self-determination. We think that this right is an inalienable right that we never surrendered.

Elijah Harper, democratically, in his Legislature, voiced his opposition to an agreement that apparently most Quebecers weren't happy with, that most Anglophones weren't happy with and that most Amerindians and Inuit definitely weren't happy with. This is what I hear from everyone I meet in my travels and when I talk to people in Québec, people in English Canada and people in the First Nations. This was the only thing that Elijah Harper did in the three years between 1987 and 1990. We in the Assembly of First Nations tried to have corrections made to the Meech Lake agreement. According to Meech Lake, there were two founding peoples in Canada, the English and the French, and two levels of government, federal and provincial, which prevented us from ever having a third level of government in the Canadian Constitution. This is what we want as a people: jurisdiction. Autonomy is not just a question of delegation of authority, Mr. Marcotte.

Mr. Marcotte: Actually...

The Chairman (Mr. Michel Bélanger): ...

Mr. Sioui: Yes, I'd just like to finish what I was saying. Also, Meech Lake, as Mr. Rémillard told Erasmus and myself and other leaders personally, that week we spent in Ottawa that ended up costing us so much... Meech Lake, in the final analysis, also taught us that for new provinces to be created - I'm talking about the Yukon and the Northwest Territories here - the provinces had to be unanimously in favour, and that Québec was going to use its power of veto to prevent a new province from being formed. Why? Why shouldn't the Northwest Territories have provincial status, even if the majority of the population is made up of Native peoples? Is that the problem? When you get right down to it, it's things like that... Meech Lake also prevented the full and active participation or presence of the First Nations or Native groups in Canada in constitutional talks, in future constitutional talks, regarding the fisheries for example.

I think that we have a contribution to make in the field of fisheries. Our aboriginal hunting, fishing and trapping rights are recognized, and I think that we should have some input in this area. So, there were things that we wanted amended, that we wanted changed. Besides, we did try to make changes, with "accompanying resolutions" and "accompanying amendments". There was, however... The Charest Report, in our opinion, when it comes right down to it, was also worth taking a look at, at least as far as questions that concerned the First Nations were concerned. Where others were concerned too probably, I don't mean to deny anyone their rights, but our rights...

Actually, we may have been a little better off with the Meech Lake Accord, with the proposals arising from the Charest Report. In this sense, I can tell you that it wasn't the Amerindians, which is what has always been claimed... But there were nevertheless accusing fingers pointed at us last June 24th, when we were invited with our wives to a reception. Yes, there were, and we were very rudely reprimanded, in front of other guests and in front of members of the press, for having killed Meech Lake. I think that this was unfair.

Mr. Marcotte: A little while back, you said that the Huron nation actually has rights that extend over North America. Do you mean that you consider that the United States can also give you certain rights?

Mr. Sioui: Mr. Marcotte, the United States border is an incredible irritant. We saw what happened last summer, last spring, at Akwesasne. I mentioned Grand Chief Mike Mitchell earlier... We're aware of the problems that it can create. The degree of jurisdiction isn't the same. Casinos are a common thing in the United States. The Navajos have them, the Hopis, the Seminoles, the Mohawks, many nations are autonomous in this regard. It's called "the internal sovereignty". For 20 years, 25 years, jurisprudence has built up in the U.S. Supreme Court that gives them the right to equip themselves in ways such as this for their development. In Canada, we haven't reached that point. Certainly, at the territorial level, many of our nations have links with their brothers and sisters in the United States. A long line was drawn, separating Canada from the United States.

I don't really want to cover any more ground than necessary. We're only speaking in terms of the Canadian context, even though we know that in 1794, for example, the Jay Treaty was ratified solely by the Americans and that the Canadians refused to ratify it, and that if they had it would in fact have given us the right to take our property over the border freely — one might see it as a kind of old-fashioned form of free trade. But Canada never actually ratified this. Nevertheless, I want to remain strictly within the context of Canada, so to speak.

Mr. Marcotte: Thank you, Mr. Chairman.

The Chairman (Mr. Michel Bélanger): Mr. Turgeon, who'll be the last speaker in this group.

Mr. Turgeon: Mr. Sioui, if Quebecers were to decide in the near future to determine where they stand on the issue of their best possible future, would the Native nations who live in

Québec participate in this consultation? Would they participate in a referendum?

Mr. Sioui: The Native nations that live within the boundaries of what we call Québec will be obliged to continue, as I was saying a few minutes ago in reference to the Cree nation, and this is just an example, to do their homework, to verify things and conduct their own investigations or have their own commissions of inquiry.

Mr. Turgeon: But would you participate in a referendum initiated by the Québec government?

Mr. Sioui: Before we'd want to participate in a referendum initiated by the Québec government, we'd start, all of us, in every community, for every one of our nations, to look at how we see ourselves in this whole context. What are the questions involved? What are the issues? What are the key proposals? And so on. I think that we have to do our own homework too. We're involved. Since our only role here at these commission proceedings is to present a brief — what amounts to taking an hour and a half to explain our position — we don't have all the latitude that we might have had if we'd been a party to your commission. We therefore have to create our own commissions. I repeat: there are nations who are already doing this and there are nations who file briefs with this commission here. We at the Assembly of First Nations held a national conference just last week, in Ottawa, and decided to form our own national commission. If you wish, I can give you a copy of this commission. But first of all, Mr. Turgeon, we're going to have to look into those factors that affect us directly. This doesn't mean that we reject or will not participate in anything. It does mean, though, that we're going to study the matter and do the homework required too.

Mr. Turgeon: I'm having a bit of trouble following you. Other people, before you, came here and declared that there'd be no question of their participating in a Québec referendum.

Mr. Sioui: That there'd be no question?

Mr. Turgeon: ...of their participating in a Québec referendum. They said that it wasn't their concern. And now you come and ask us why it is that you're not represented at this table. It makes one wonder if there aren't two schools of thought here.

Mr. Sioui: The people around this table are here to defend interests. Often, to help answer questions, add to answers given, saying: Yes, but how would the First Nations, how would Native peoples in Québec react to such-and-such a

thing, for example? Some of the speakers asking questions also make recommendations, etc. Maybe just having this perspective, the Native perspective needed for any constitutional debate whatsoever, I personally think, and I'm not the only one who feels this way, I think that this is necessary, that this is fundamental. I didn't tell you that Native peoples were going to participate in a Québec referendum. I think that you must have misunderstood me if this is what you think.

Mr. Turgeon: No, I don't think that in fact.

Mr. Sioui: I've told you that we have to do our own homework, that we're involved in a process that requires this. Some people have already done theirs. The Innu, for example, who you met in Sept-Îles, have done studies, they've done their duty. As you say, they've felt the pulse of their people, and now they're in a position to speak out very freely about the steps that should be taken. They concluded that eventually there will have to be a declaration of the rights of peoples, mutual recognition: the nation-to-nation principle that has to be the first step if we're really going to have negotiations that are any different from those we've seen, where one group was consistently dominant.

Mr. Turgeon: Mr. Sioui, you say that it's not your place to tell Quebecers what to do. At the same time, though, you urge them to remain within Canada. How did you arrive at this suggestion? In the answers that you yourself have been giving us, you say that you don't have any more guarantees within the system than you would supposedly have within a sovereign Québec.

Mr. Sioui: Simply because... First of all, I should tell you something so as to place relations between Québec, or Quebecers, and Amerindians in a historical context. These relations go back a long time, probably longer - I said this often last summer and I don't really want to repeat myself - but they probably go back longer than any other relations existing between a Native people and a non-Native people in North America. We've managed to understand each other, we've managed to get along with each other and we've even managed to conclude modern agreements. And, from this point of view, I've always wanted to condemn those who say that Native peoples are the ones who have possibly been treated the worst in Québec society, who have been the most misunderstood, etc. I refute this and I'll continue to do so. What you have to understand, Mr. Turgeon, is that our relations go beyond, extend far beyond the framework of Québec's territorial boundaries, and that we feel as one

with the other First Nations in Canada.

Mr. Turgeon: So, with this in mind, would you give priority, if Québec were to become sovereign and four-party negotiations, let's say, were immediately initiated, between the Assembly of First Nations, Canada, the United States and Québec, would you place a priority on our settling this whole problem of yours over the entire territory together?

Mr. Sioui: Given an official declaration recognizing our peoples as nations, as people with the right to self-determination and people with the right to independent jurisdictions or powers, we wouldn't have anything against participating in the kind of talks you refer to within a context like that.

Mr. Turgeon: Fine.

The Chairman (Mr. Michel Bélanger): We'll now move on to the questions of a representative of the party forming the government. Mr. Sirros.

Mr. Sirros: Thank you, Mr. Chairman. First, I'd like to welcome Mr. Sioui and the representatives of the Assembly of First Nations, Mr. Volland and Mr. Kistabish. We've already had the opportunity of hearing representatives from specific nations or communities. Now, you are here today to represent the Assembly of First Nations, which plays the role, if I am right, of coordinating Native claims or demands in relations between Natives and non-Natives. And, because of this, you are probably the ones who have dealt the most often with the issue of sovereignty, independence or renewed federalism, etc. It's somewhat along these lines that I'd like... because I found your whole presentation extremely interesting and could spend hours discussing all sorts of things with you. In the 10 or 15 minutes I have, though, I don't think I'll be able to cover any more than one or two of them.

But I'd like to begin by asking Mr. Turgeon's question of a few minutes ago in another way. Would you agree to Québec's declaring its independence or sovereignty following a referendum before it arrives at an agreement with Native peoples on their standing and the distribution of powers between the new country of Québec and Native peoples?

Mr. Sioui: No.

Mr. Sirros: I think that's what he meant by his question.
(10:30 a.m.)

Mr. Sioui: No. That would be giving Québec carte blanche. It would be asking too much of Amerindians and the Inuit, who have been

deceived too often and for too long. I don't mean that we don't trust the people of Québec and its institutions, but rather that we have to protect what we've already achieved and we have to protect our peoples - our people - too. Before any declarations of independence are made, we have to at least make sure that territorial questions are dealt with. Mr. Siros, in no way whatsoever have the great majority, and I'd even say all of the nations that live here, on Québec territory, ever surrendered their land title. They still possess their lands. They are still nations that have a fundamental right, which is recognized in the Canadian Constitution and which the nations themselves recognize anyway, to their self-determination. The territorial issue therefore merits a great deal of consideration.

Mr. Siros: So, what you're saying is that you couldn't accept the outcome of a referendum on the declaration of sovereignty or independence unless the status of Native peoples in the new country of Québec had first been agreed upon. And, my second question along these lines, since you say that before any referendum at any point, regardless of the option submitted to the people, we have to reach an agreement first... this brings a question to my mind. Would such an agreement be possible, in your opinion, between now and the month of June? Or...

Mr. Sioui: Well...

Mr. Siros: Because some people have been proposing a referendum for the month of June, I believe.

Mr. Sioui: Personally, Mr. Siros, if, like Mr. Turgeon and I were just talking about, we reach a point where we can recognize each other mutually and there are official texts, official declarations, to back this up, and if Native peoples, Native nations had this equal status, this recognition that we want and that you also want, then this would certainly open the door to meaningful talks or discussions. But we have to begin at the beginning. We have to begin with something that will allow us to believe in something, that will allow us to trust a system that we'll want to renew. So, there'd be a lot of work to do between now and June - it's not much time. But I think that this also depends on what kind of recommendations your commission is going to make. What will these recommendations result in? If the status quo is maintained as far as Native issues are concerned, relations with Native peoples, well then, you'll have already made the decision. You have a role to play. Like they say: The ball's in your court. As for us, we're open, we're interested, we want things to change, we want to revise things,

we want to be a party to the talks.

Mr. Siros: And, by saying this, you bring up something that people have been talking about for some time now: the idea of a third level of government by Native peoples. And you're saying that you'd like Québec to decide to remain within Canada, but not necessarily according to the status quo, and that you'd like Canada to be redesigned, with the First Nations around the same table. So, you're talking about talks involving at least three parties: English Canada, French Canada and Native peoples. This is what you're suggesting when you talk about the possibility of considering a third level of government. I have a bit of a problem with the idea of another level of government when I look at things in concrete terms. You yourself mention 540 different communities. There may be conceivable ways of having powers that are delegated or enshrined or written into the Constitution in all of these communities, but I'd like you to elaborate on this a little. What kind of powers do you anticipate for this third level of government? What kind of constitutional guarantees are you thinking of? And, a second thing: should Québec separate, I gather that your position would be the same in relation to Québec's central government. Is that right?

Mr. Sioui: O.K., I'm going to try to answer your question from the right angle. Our constitutional position hasn't changed, Mr. Siros, since 1982, when we wanted to begin having constitutional talks on the enshrinement of our rights. The right inherent in self-determination, in self-government, has always represented the basis, the very foundation, of what Amerindians, the Inuit and Native peoples want. We've always defended and will continue to defend powers that go beyond the delegation of authority. Within a federal framework, for example, based on the Canadian Constitution, the right that we want and the powers that we want are often powers that concern our everyday lives: education, health, social services, economic development. I could name others as well. It's a bit like the question that Mr. Rémillard asked Mr. Chrétien: Are you ready to recognize our full power over and complete responsibility for such areas as immigration, for example? I remember Mr. Rémillard asking Mr. Chrétien that.

I wouldn't want us to start talking in circles. I want us to be more direct. I would like to say, however, that it's true that federalism as we know it is a fairly harsh, inflexible system, and that things have to be considered in this light. I'd also understand your skirting the issue a bit. But would you be ready to allow Amerindians power over these areas within a defined framework, within a constitutionalized framework? So that they can eventually, I don't

mean tomorrow morning... First of all, there aren't 540 nations and 560 bands: there are 50 nations. So I didn't necessarily mean that the 50 nation governments would apply tomorrow morning for full recognition of their powers in all the areas that might be recognized in a revamped constitution. Some nations are ready to take on these responsibilities, while others may not be quite as ready. All these things have to be respected. There are some provinces that are less advanced than others, in matters that concern them.

I therefore think that with renewed federalism we'd have to ensure that there was a renewed constitution that recognizes first and foremost the sovereignty of the peoples concerned, our two peoples, this ability to give ourselves a charter via a constitution. The great law, as Indians call this charter, this constitution, the great law would provide us with these powers.

Mr. Sirros: I'm told that I have about four or five minutes left, and I'd like to discuss the questions of assimilation and integration with you.

Mr. Sioui: Fine. Go ahead.

Mr. Sirros: O.K. Let's start, because it's a subject that also comes up frequently. You say that you're... You reject assimilation, but you also reject integration. Personally, what I've always understood is that by assimilation – and I understand your not wanting to have anything to do with it – you mean the renunciation of identity, culture and distinct characteristics for the purpose of fusion with a majority on a given territory. In my opinion, that's what assimilation is. Integration, however, is not quite the same thing – not at all, in fact. And I agree that there may have been some confusion here in other discussions that have taken place over the past. But as I see it, integration refers to the preservation and even development of identity and distinct character combined with the possibility of participating in and profiting from the presence of a majority, so to speak. According to this meaning, if I take you for an example, I might say that you are well integrated but that this doesn't make you any less an Indian. Do you agree with my definition? Or, if you reject assimilation and you reject integration too, what does that leave us with? Is isolation all that's left?

Mr. Sioui: It's not disintegration, anyway. That's for sure.

Voices: Ha, ha, ha!

Mr. Sioui: Do we ask the French to hang on to their wooden clogs and their wigs so that

they'll be recognized as being French? Do we ask Amerindians to hang on to their feathers and moccasins? I think that we live in a world where integration is necessary. When we Natives say that we want to be part of things, when we say that we want to be recognized in a revamped constitution, we don't mean without Canada or without Québec, but rather with Québec and with Canada. There's a fundamental difference. I think that it's easy to get bogged down in discussions on integration and assimilation. We've lost a lot of our nations. Many of our nations are dead, extinct. You'll remember the book "The Last of the Mohicans". They are gone, but there are many Mohicans. In my own nation, the Hurons, there were 300 000 members when we met Jacques Cartier: 300 000 Hurons united under a democratic system which in fact served as a model to North America and the world as well.

Today, only one-tenth of the Amerindians in North America are left. There were ten times as many of us than there are today, in 1990. We were victims of a bacterial bombardment. We were exterminated by smallpox, not by wars with the Iroquois. We have to face facts, and that's what happened. So, we continued to live, to survive. Some of our nations were forced to go for reinforcements, as they say. The Huron nation, for example, or what was left of the Huron nation... and now, today, there are Hurons in Québec and there are even Hurons in Oklahoma. But we all belong to the same group.

What I mean is that we managed to survive that hell. We managed to preserve our languages, our customs, our traditions, our habits and our values despite all that. Perhaps there wouldn't be any more Amerindians today if it hadn't been for the density and vastness of our forests.

Mr. Sirros: I understand that and it's why I was trying to see if we might agree with each other, at least to the extent of defining integration as structures and controls that allow you to preserve and develop your identity and at the same time to have a basis for building relations with the rest of society, and therefore to profit from the existence of the rest of society. This is what integration means to me. So, when I see it linked with assimilation, I understand what you say, and I feel that it might be appropriate to make a distinction, because we need to have a frame of reference in which to develop our relations.

I just want to follow through a bit on this in the two minutes I have left, Mr. Chairman. One? Thirty seconds?

The Chairman (Mr. Michel Bélanger): In the minute you have left.

Mr. Sirros: O.K. In the minute I have left. Regarding the definition of this framework and

the definition of a new relationship between Natives and non-Natives, at least as far as Québec is concerned at present, you support the necessity for a commission of inquiry, promoted by a number of democratic groups I believe. Are you inflexible as far as this idea of a commission of inquiry is concerned — a commission, I believe, that would not necessarily focus on the conflict of last summer, if I understand you, but more on analysis, history and investigation, or would you be prepared to anticipate cooperating on an initiative that would allow us to make some decisions or, at the very least, to take concrete steps within a fairly short period of time? Are you "married" to this idea of a commission of inquiry, or would you be prepared to consider other options?

Mr. Sioui: I think that if we were "married" to commissions of inquiry, as you put it, we'd be bigamists, maybe with even ten "wives" or so. There's an unbelievable number of commissions of inquiry that have been set up: 35 or 40 groups, including Québec's unions, all of Québec's grassroots groups, Québec society, all came to see us or meet with us, saying: Why don't we propose a commission of inquiry to the government on relations, the improvement of relations between Quebecers and Amerindians? We have suffered, it has to be said. We suffered all last summer — everyone did. Certain relations broke down. And it hurt. But we have to get back to relations that are even better than they were before. There mustn't be any trace of discrimination or segregation in a future relationship.

With this in mind, we endorsed the proposal in a general assembly because we also value these relations that we describe as historical. And we value these ties. They'll always be important to us.
(10:45 a.m.)

I met Mr. Gilles Duceppe of the Bloc québécois, for example. Mr. Duceppe suggested that we set up a commission of inquiry co-chaired by himself and I, possibly, or by others. But his proposal was interesting. All sorts of initiatives are being proposed. Mr. Mulroney has proposed certain initiatives in connection with a national commission of inquiry. We have proposed our own. Certain nations have proposed theirs. I'm certain that the Parti québécois will soon propose its own, if they haven't already. So, it seems to me that everyone is proposing commissions of inquiry and that we're going to have to stop if we don't want to get bogged down. What we're saying is that, first of all, we're prepared to participate in commissions, we're prepared to state our position, as we're doing here today, but, at the same time, I want to make it clear that the commissions that will take priority over all the others will be our own commissions, and particularly the national

commission that we've just set up.

The Chairman (Mr. Michel Bélanger): We will now move on to the questions from a representative of the Official Opposition. Mr. Perron.

Mr. Perron: Thank you, Mr. Chairman. Obviously, on behalf of my colleagues in the Official Opposition of the National Assembly, I'd like to welcome Mr. Sioui and his colleagues to these proceedings and to thank them for their presentation.

Mr. Sioui, you and your colleagues understand that we are here and that we must arrive at some kind of agreement. I and my colleagues — many of whom are here around this table — acknowledge that the First Nations were here before us, in other words before the Whites and others arrived. I'd like to remind you very quickly of the project spearheaded by Mr. René Lévesque in 1983, which came before the Cabinet for the first time on February 9 and which included 15 principles. I'd also like to remind you of the famous motion presented and headed by Mr. René Lévesque himself on March 19 and 20, 1985, which in fact recognized you as a nation and recognized your rights to autonomy, etc. I firmly believe that there are many people around this table who are prepared to go as far as including many factors and many rights, if not all rights, including the names of all the Native nations recognized by this motion, ten plus another one later on, in other words, which makes eleven nations... I believe that this needs to be in a Québec constitution.

As far as I'm concerned, Mr. Chairman, I've had about enough of the Canadian Constitution, and it's even beginning to make me sick. There is no way that we can agree on anything it should contain whatsoever, whether it be a souped-up Meech Lake or a honed-down Meech Lake, and this is why I have been pro-sovereignty for 35 years — 35 years as of this past December 16, I might add. I think that it's time we stopped fooling around with it, and that we also have to stop fooling around with negotiations with Québec's Native nations. We have to stop wasting our time on endless studies and get down to taking concrete steps.

Someone just told me a little while ago that the government had once again asked the Native nations if it could talk things over with them to what could be done so that an understanding could be reached, and the answer that was given, by someone you know I believe, was: You already know all about what we want, so that's what we have to sit down and negotiate.

As far as the question of Native presence on this constitutional commission is concerned, you are well aware of the stand that I

took - we met and talked about it in fact - but the government refused to include you as the 37th member unless a Liberal Party member or liberal MLA was included.

Regarding the question of the commission of inquiry, I believe that you've already received a letter signed by the leader of the Official Opposition, Mr. Parizeau, agreeing to this and, as far as we're concerned, we're ready to cooperate with the Native nations and the 40 or so groups that you mention so that this commission of inquiry can come to be and so that our peoples can get together and work towards arriving at concrete results.

There are many questions I could ask you, but my colleague from Hochelaga-Maisonneuve, Mrs. Harel, is going to ask you some questions too. The first question I want to ask you, Mr. Sioui, is this: How would you react to a proposal that would entail the recognition of the rights of the Native nations in Québec in a Québec constitution that would make them partners in Québec's economic development, while providing them with ways of ensuring their own economic, cultural and social development? Would you accept a pact such as this within a sovereign Québec?

Mr. Sioui: First of all, I'd like to thank you for welcoming us here, Mr. Perron. You've made some good points. You referred to Mr. Lévesque and his very profound belief in the recognition of the rights of Native peoples. And we're aware of it. Sometimes, we miss him a little.

This question would be worth looking into, and would be worth analyzing, evaluating and testing too. In your question, you don't mention the inherent right - it's very important to add the qualification "inherent" - to self-determination. The proposal in your question only refers to a delegation of authority, and it may also lack a bit of substance. But we'd have to analyze it within its context, to see if all of our First Nations could eventually live with what you propose, with the answers to your question, if the answers were in the affirmative, however. But I can tell you that we look favourably on the initiatives dealing with the rights of First Nations instigated by the Parti québécois, but I think that we'll have to go a bit farther.

Mr. Perron: Fine. Mr. Chairman, I think that Mr. Sioui is alluding to this new document which is presently going the rounds among Native nations and which, all in all, extends far beyond the North American context with regard to Native issues.

Another question that I'd like to ask you: The minimum, in my opinion, in our opinion, and in your opinion too, that could be included within a Québec constitution, initially, are sections 25 and 35 particularly. Personally, if I refer to the document that you mentioned and to

the one I've just mentioned, I feel that this wouldn't be going far enough. This is why I want to ask you this: What rights would the Native nations like to have enshrined in a Québec constitution, so that we can settle the famous question that is still a Sword of Damocles hanging over everyone in the world now, for the 11 Native nations in Québec? Would it be first of all to recognize the name of each and every nation within the constitution? Would it be to recognize sections 25 or 35 and then add to other things? Could you explain what you'd want for the Native nations in a Québec constitution?

Mr. Sioui: Mr. Perron, first of all, the sovereignty of First Nations or Amerindian tribes in the United States is much more defined, much more recognized than it is anywhere in Canada, including Québec. In many cases, this recognition stems from the legal system and not politics. That's why what's happening now in Canada at the legal level is a positive thing. The Supreme Court of Canada, with its learned judges from Québec, Justice Lamer who wrote up a scholarly judgment in the Sioui case, Justice Dixon... who have all promulgated human rights in the final analysis, section 25, and given a broad interpretation to human rights and individual rights, etc., section 35, to the recognition of the rights of Native peoples... The right to self-determination is fundamental. Before elaborating on the rights we want, the one that comes first is the inherent right to self-government. Clear, official recognition of this right for Amerindians, whether it be within a declaration or some official document or other, is the important thing, even going farther perhaps than a resolution voted in the National Assembly, because we know that the Liberals didn't vote, in terms of this resolution, and for reasons that...

Mr. Perron: They voted, but they voted against it.

Mr. Sioui: Yes, they voted against it, perhaps because this resolution made no reference to the Constitution, to section 35, for example. It was "within Québec" and Amerindians have rights "within Canada" too - even those, including those of Québec. From this angle, what would have to be recognized first and foremost is its own inherent right to self-determination and self-government. Now, which rights do we want? What we're interested in is rights that affect us, as I was telling Mr. Sirros a little while ago, that affect us directly. We don't want to create an army, or print our own currency; we don't want isolated territories where we are sovereign, for example, and can therefore disregard certain principles of life in society and have respect for others. What we want is rights

that enable our nations to advance – not a delegation of authority. Education, for example; we think that we can develop in the field of education. The whole field of health, social services, economic development; rights such as these, that will enable us to have access, as an autonomous government... We're not speaking in terms of 590 communities, although this certainly doesn't prevent communities from having agreements, but rather in terms of nations. In Canada, we're talking about 50 nations, and in Québec, since we always include Labrador because we don't make any distinction, we're talking about 11 nations.

The Chairman (Mr. Michel Bélanger): Mrs. Harel, there are about three and a half or four minutes left.

Mrs. Harel: Thank you, Mr. Chairman. Mr. Sioui, a few minutes ago, you referred to the concept established by the U.S. Supreme Court at the beginning of the century, which is actually that of dependent internal nations. When I read your brief, I thought that it might be in the interests of the intellectual integrity you uphold to clarify in fact the concepts that we've been talking about. Particularly that of internal sovereignty and sovereignty that gives rise to political independence. I'm sure you're aware that it's not sovereignty that Quebecers want, but political independence. And what you want, since you show a great deal of interest in the concept established by the U.S. Supreme Court, is internal sovereignty. I believe that this is what you really want.

This helped me understand the uneasiness I felt in reading your brief. Because, as a firm believer in our relations as equals, I think that it is our duty to be sincere. And I felt very uncomfortable when I read your brief. First, because of its misconceptions, with regard to sovereignty particularly, when you talk about it in connection with Québec. I'd like to refer to the third paragraph on page 3, for example, where you say that no one has objected to Québec's exercising its authority as a sovereign power within the Canadian Confederation. When I read that, I asked myself: If this were true, how could the Constitution Act, 1982 have been imposed on Québec without its even having signed it, when the National Assembly had adopted a motion refusing to sign or ratify it? If we really had any authority that we could exercise as a sovereign power, this wouldn't have happened. And the Constitution wouldn't apply now – this Constitution which was forced upon us and under which our laws are now being invalidated.

Your brief also contained another serious misconception, to tell you the truth. You're the first person – and this is paradoxical, since you yourselves demand sovereignty – you're the first

person to refer to a supposed right on the part of Canada to deny us sovereignty, on page 5, and to say that it would be denied us under international law. I can tell you that all of the experts in international law that we've heard during these proceedings have said exactly the opposite. And Mr. Chrétien, who was sitting where you are, even told us that as a believer in democracy he would bow to the decision made by Quebecers. So, I get the impression that we should make it clear, on both sides, that our desire for sovereignty, at least that of those who favour sovereignty, is a desire for political independence, and that your desire for sovereignty, which is also legitimate, is a desire for self-government, in keeping with the American concept of dependent internal nations.

The question that I absolutely want to ask you is this. On the final page of your brief, you say that you reserve the absolute right to hold your own Canada-wide referendum. Now, 11 of the 50 Native nations live in Québec. Should the results of this Canada-wide referendum be divergent, with a majority of the nations living in Canada supporting a different option from that supported by a majority of the nations living in Québec, whose will would prevail?
(11:00 a.m.)

Mr. Sioui: That's your question?

The Chairman (Mr. Michel Bélanger): This will be your last answer, since time is running out, but you must of course take all the time you need to answer it.

Mr. Sioui: Fine. I'm going to begin with the beginning. Québec has, just recently in the Sioui case, for instance, joined forces with the federal government. The federal government intervened in the Supreme Court of Canada to attempt to deny or reduce the rights of Amerindians, the Huron-Wendats, particularly, who pleaded for nine years before Québec's different courts and then ended up before the Supreme Court. And often, Québec calls upon the federal government for help, calls upon Canada. Setting aside the question of whether it's the PQ or the Liberals, Québec, the Québec government appealed to Canada. It called upon Canada again last summer, so that Mr. Mulroney could allow the Canadian Armed Forces to take over control of Amerindian communities. From this angle, Québec has not lost its ties with Canada, and it even makes frequent use of this relationship. When it needs it, it makes use of it. There's no need for anyone to get upset about my saying this, I'm merely stating a fact. If Québec were to become sovereign at some point, Québec wouldn't need these tools anymore: it'd have its own tools, obviously. What we're saying, because this is what we were told at the United Nations, Mrs. Harel, is that we were told that there's not a country in the world that will

recognize the secession of a people from a nation State if the nation State in question protects the fundamental, human, social and cultural interests of the people that necessarily wants to separate or achieve its independence from the nation state. This is what we were told by international lawyers. Because we talked about independence, about sovereignty, about self-determination, and what all these terms amount to, when it comes to saying what we want exactly, is full autonomy. That's why we talk about it in our text, because it's what the First Nations were told directly. You refer to the internal sovereignty of First Nations or tribes in the United States. Obviously, if George Bush can write to the Native People of the United States about their sovereignty and their self-determination, it's because no one is afraid of the Amerindians' separating from the United States. No one is afraid that it will disrupt everything, that the Amerindians and the United States will wage war on one another or anything of that sort. It's accepted, these terms are appropriate to the framework which concerns us. American jurisprudence in Native affairs has a direct impact on our rights and, in this sense, as far as we're concerned, it's important to look at what's going on in the United States. Internal sovereignty is important for us too. It...

The Chairman (Mr. Michel Bélanger): Have...

Mrs. Harel: Mr. Chairman...

Mr. Sioui: Yes?

The Chairman (Mr. Michel Bélanger): I was just going to say: Have you come to the end of your answer?

Mrs. Harel: But he hasn't answered my question about the referendum yet.

The Chairman (Mr. Michel Bélanger): You'll just have to make a note of that, Mrs. Harel...

Mrs. Harel: The Canada-wide referendum...

The Chairman (Mr. Michel Bélanger): We've already gone five minutes over time.

Mr. Sioui: The referendum?

Mrs. Harel: Yes, the pan-Canadian referendum.

Mr. Sioui: The pan-Canadian referendum.

Mrs. Harel: And a different response from the Native nations living in Québec versus those in Canada.

Mr. Sioui: I was talking mostly about a

referendum... Look, we think that Amerindians are eventually going to have to get together and talk things over, that Amerindians are going to have to make their voices heard via their national organizations. Since the Assembly of First Nations is a national organization representing the First Nations, we're going to want to talk to each other about this. We're going to want to have our say too. And I'm telling you that these discussions may go beyond the context of Québec and Labrador and that eventually we may get together and talk this over with all the Amerindian, Inuit and Native peoples in Canada, so that we can determine our position within Canada. That's all I was saying. This doesn't mean that we're denying Québec's right to hold its own referendum, but it also doesn't mean that we need to be hostages because of a situation or a decision that is made. We want to have our say in this way, too... democratically.

The Chairman (Mr. Michel Bélanger): Does that answer your question, Mrs. Harel?

Mrs. Harel: No.

The Chairman (Mr. Michel Bélanger): Not yet. Well then, we're just going to have to make a note of it. Now, the answer was not...

Mr. Sioui: I'll explain it all to you when we meet.

The Chairman (Mr. Michel Bélanger): ...complete. You can always continue your conversation with Mr. Sioui. Mr. Sioui, as the Regional Chief of the Assembly of First Nations for Québec and Labrador, and as a principal member of this delegation, I'd like to thank you for your presentation, for coming here to talk to us, for tabling this brief, and for answering our questions. We also extend our best wishes on this last day of our proceedings before Christmas.

Mr. Sioui: We extend our best wishes also.

The Chairman (Mr. Michel Bélanger): As well as Chief Vollant and Chief Kistabish.

Mr. Sioui: We wish you the same, Mr. Chairman. We offer you and the members of the Commission our season's greetings.

The Chairman (Mr. Michel Bélanger): A little while ago, you mentioned some documents that you'd like to leave with us.

Mr. Sioui: Yes.

The Chairman (Mr. Michel Bélanger): I'd appreciate your leaving them with the

secretariat. Mr. Rousseau, behind you, will take care of it. Thank you.

(Proceedings adjourned at 11:07 a.m.)

(Proceedings resumed at 11:09 a.m.)

The Chairman (Mr. Michel Bélanger): I'd like to ask the Commission members to return to their seats. We're now going to hear from some experts that we invited here to answer some questions for us. They've submitted a brief, which we have here before us this morning and which they will quickly present before answering our questions. Not only do I ask you, Ladies and Gentlemen of the Commission, I urge you to return to your seats.

So, Mr. Latouche, since you're familiar with the procedure here, if you wouldn't mind presenting your brief, which the Commission members have read, in order to open this one-hour debate. You have ten minutes for your presentation. The floor is yours.

Mr. Daniel Latouche

Mr. Latouche (Daniel): Thank you, Mr. Chairman. Thank you for your invitation. I assume that it's the political scientist you've invited and not the journalist or the controversialist. Like most of you, I wear many hats, but I hope today that I will only have to use one, that is, that of the academic who, for 25 years, has made Canadian federalism and English Canada his main professional concern. As you may have noticed, I took your questionnaire very seriously. I stuck to your questions by not answering, at least not too openly, those that weren't there. I would like at this time to stress three points which seemed important to me and which, between the time the text was written and now, things may have taken place. First of all, I noticed that for some time, the debate at the Commission and in general seems to focus on the best way of negotiating with the rest of Canada. This is an important discussion, but seems secondary to me in relation to the main question, which is that of the best political status for Québec, and I will reformulate that question: Is this best political status is as a Canadian province or as a sovereign State?

I noticed that many of you were discussing whether we need a referendum in June or July. You will probably be discussing the formulation of the question soon. That's a captivating topic, I agree, but it seems to me that you're counting your chickens before they're hatched by focusing on details. I think it's time to get back to what is at the heart of the debate: whether Québec should be a Canadian province or a sovereign State. I noticed that it was easy to slip up in a debate on moral and economic superiority or the profitability of federalism. I think that's a false

debate. In Québec's case, it isn't federalism with a capital F that we are choosing or rejecting, it's the federalism of a Canadian province. We aren't making a choice in the abstract and there is no shame in this provincial status to my knowledge.

Basically, the argument in favour of sovereignty, the one which seems to me to be the decisive one in any case, is that of the new international political and economic context and the best way of getting involved in it, this international context has been greatly discussed and, in general, I think that the whole has often been confused with the parts. That's how a globalization process has been confused with the situation and the strategies of the players in this globalization. This globalization compels all players to review their positions, their strategies. This implies evaluating their strengths, their weaknesses, that's what is called, in today's jargon, comparative advantages. In my text, I list some of Québec's comparative advantages, this self-regulating ability, this ability to "internalize" external changes, on which I base my position in favour of abolishing political protectionism, a position which largely falls in with the same arguments, the same lines as those who recommend, or those who have recommended - in a debate which has recently become well known - the abolition of trade protectionism.

The second point which I would like to stress this morning: English Canada. I don't think... I believe that we have never talked so much about English Canada in this august edifice than in the last few weeks. Probably we have never talked so much about it in Québec either. There are two or three things that I would, however, like to bring up. An assertion which is often made is that English Canada will never agree to negotiate Québec's sovereignty, or if it does, it may demand an enormous price before recognizing our new status. Another argument that we hear about English Canada's reactions is that English Canada is set up in such a way that only an official threat, the infamous hammering on the table by means of a referendum announcing a future separation, can motivate them to act, and to give us Meech Lake II, for example.

In my opinion, that's entirely wrong, and, in order to break away from Professor Dion at this point, it's not only wrong, but, ultimately, it's almost insulting to English Canada to say that Quebecers have to make such threats for English Canadians to agree to recognize a choice that was democratically made. English Canada is negotiating with Québec, it has long been negotiating with Québec, either in the Constitution, or in all the political systems that we've had, and it will continue to do so. It negotiates with us because we control a territory which, in their view, must not be permitted to

fall into or pass into American hands. In my opinion, it isn't just a question to them of economic profitability in negotiating with us, it's also a question of geopolitics.
(11:15 a.m.)

A third point, and this is the last that I want to make this morning, at the outset, the question of strategic calculations. There seems to be an idea floating around that, once again, by hammering on the table by means of a referendum on sovereignty, it will be possible to make Canada move in the direction of a new federalism. I already said what I've concluded about our view of English Canada, but, simply from a strategic point of view, we should think twice before rushing into a referendum whose sole goal would be to make the other party submit. I would like to point out that this negotiating mandate strategy has already been attempted in Québec. I was heavily involved in it, and the least that can be said about it is that it didn't produce the anticipated results.

In fact, the horse was dead even before it even left the starting gate. But those who subsequently had to negotiate Meech Lake know very well the costs they had to bear for this aborted attempt of five or six years before. And that's what made me say at the time, and I think that the Minister will remember, that the Meech Lake negotiation had been an amazing feat, one of the most beautiful negotiations in the history of negotiations, given the two and a half commitments that the negotiators left with. It must be said that, given the power relationship, they also started out at a disadvantage with respect to what they wanted to obtain. And I would like to point out that during the Meech Lake ratification process, the infamous threat: "If it doesn't pass, everything will fall apart", if I didn't hear the Minister say it once, I heard him say it 55 times, the Prime Minister included. It didn't produce results because, basically, it had already been more or less attempted in 1980.

Let's admit that, even if the strategy works, and the rest of Canada, panicking with a knife at its throat, decides: OK, OK, you're serious this time, we will negotiate. Do you really think, especially those of you who have often negotiated, do you sincerely believe that such a negotiation will produce results? Do you negotiate well when you negotiate with a knife at your throats? Do you negotiate well, secondly, when you know that the other party didn't want, for one reason or another, to go all the way in its arguments? That gives us another advantage in this negotiation.

Do you believe that English Canada, to which this country also belongs, will forgive us for this emotional blackmail? How can you believe that not only the negotiations... but we will have to live with the result of these negotiations. And, finally, do you believe that in

granting Québec two, three, seventeen, twenty-two additional powers, the Québec problem will disappear? Do you really believe, even if support for sovereignty is reduced by half, seems to fluctuate day by day, season by season, if it drops again to a low of 30%, do you believe that this country of renewed federalism will be liveable? And if the strategy doesn't work, and if English Canada forces us to carry out our threat, do you really believe that we will be able to rush into sovereignty if everyone knows, and we most of all, that our first choice was something else? That doesn't seem to me to be a very good way of starting up in business, if I may use the metaphor.

I therefore arrived at the conclusion that there are costs and difficulties in changing the political status. That seems obvious to me. If there weren't, I suppose that we would have done it long ago. We aren't incapable at this point.

But there are also costs in not doing anything and, above all, there are costs in not seizing the strategic opportunity when it presents itself. I would like to mention two of these strategic costs. First, as Mr. Louis Bernard discussed a bit, when we turn down a strategic situation, an opportunity, a strategic loophole, often the other party's situation deteriorates or continues to deteriorate. There is a right time to buy a company. Often, one month later, there is no longer anything left to buy. Therefore, we aren't the only ones who'll have to bear the costs of passing up this opportunity, but the other party as well. And, since we all seem to be in agreement on that, that we will have to live with Canada, either within or without, everything that is bad for English Canada is also bad for Québec as a province or for Québec as a country. English Canada will be our main economic partner. If it were to disappear or fall apart, it will become a sort of Argentina.

The Chairman (Mr. Michel Bélanger): Sir...

Mr. Latouche: It's the companies of Québec which, indirectly, will...

The Chairman (Mr. Michel Bélanger): ...Mr. Latouche...

Mr. Latouche: I've finished.

The Chairman (Mr. Michel Bélanger): ...I really don't want to interrupt you, but the ten minutes are already up. You have another point that you want to mention, don't forget.

Mr. Latouche: The other point is simply to say: Obviously, if we pass up a strategic opportunity, as everyone knows, if you don't buy a company when the opportunity presents itself, the next time, when you ask for credit from

your banker, he will be the first to say: Why didn't you do that the last time? What is there deep down that makes it so difficult or makes you unable to make such a decision? That seems to me to be the cost in not jumping through the strategic loophole which is open to us right now.

The Chairman (Mr. Michel Bélanger): Thank you, Mr. Latouche. We will begin with the questions of a representative of the party forming the Government. Mr. Rémillard.

Mr. Rémillard: Thank you, Mr. Chairman. Mr. Latouche, welcome to the Commission. Thank you for agreeing to be an expert, because you are testifying before us as an expert, sociologist, political scientist, who has written a lot, who has thought a lot about the situation of Québec and of Canada in recent years. Your brief is well written, you answered the eight questions that were asked. You tell us that sovereignty is the best model to meet the needs of trade globalization, and your brief is interesting in that it, or the answers to the questions that we asked you, are couched in terms of the globalization of relations at all levels, political, cultural and economic, and that's interesting. You told us: Sovereignty is not a panacea, but it seems to me to be the best model. And you link certain consequences to this sovereignty, especially on page 9 of your brief, in the middle of the page, where you wrote, and I quote: "Direct participation in the international system will require a growing number of adjustments and, in many cases, it will no longer be possible to make all citizens of Canada bear the costs of these adjustments. In some cases, the effects on Québec will be greater, because Québec will no longer benefit from Canada's negotiating strength." (translation) And then you said a sentence that I have already taken the liberty of quoting, and I will quote it again: "To claim that Québec will have more influence in GATT than Canada has right now is a myth." (translation) This is an important sentence because we have heard representatives from the Union des producteurs agricoles who also came to plead in favour of sovereignty and who, as you know, are party to the GATT discussions, Mr. Proulx was there, and he told us that he would prefer speaking directly at the table than to have to whisper in the ear of a federal representative. And you come to us with this sentence that it's a myth to say that we will have more power, in GATT for example, if we became sovereign. How can all this be interpreted?

Mr. Latouche: I don't know if I must answer the academic or the Minister.

Mr. Rémillard: The academic is full price; the Minister is marked down.

Voices: Ha, ha, ha!

Mr. Latouche: It seems to me that to assert - I could have used the same arguments for the international monetary fund or for UNESCO - that if Québec participated directly on its own behalf, it would have more say in making the organization's positions change in its favour or go in a direction which it would prefer than Canada does now is to make an excessively erroneous judgement about Canada. That amounts to saying that the country, as it stands, with its 25 million citizens and I don't know how many special drawing rights, that Québec, which comes after, will have more powers than Canada has now. I don't see how we can hold this kind of debate.

On the other hand, as you put it very well, regardless of the strength that we may have at the negotiating table, I think that it is always preferable to speak on one's own behalf than to - as the person you mentioned said - whisper into the ear of someone else. That implies an intermediary level. That especially implies - and that's what I was wanting to get to - that implies "internalizations", the costs of direct participation at the international level, because there will be some. Fisheries, for example, in Québec... it's certain that not all our problems will be settled. We will have to make choices. But, at least, our participation will be direct. And therefore, the costs will be directly "internalized".

Ultimately, my argument is - I would be tempted to say that of Mr. Gorbachev, although I'm not sure this morning - it's a plea for truth about the costs, the truth about the political costs and the truth about the economic costs. And I think that we are relatively better equipped to make these choices, "internalize" these costs within Québec, than to whisper in someone else's ear. Because that's the issue. Is it better to whisper than to speak for ourselves? I think that this has been proved and that this commission is a good example of this. We are better off speaking ourselves than to whisper in the ear of those who speak on our behalf.

Mr. Rémillard: Mr. Latouche, earlier you referred to some of the speakers who came to testify before us. You referred to some of them who proposed questions for a future referendum. And you said, if I understood you correctly: You're counting your chickens by focusing on details. You must first be familiar with all aspects of the situation and really know what you want to do. Mr. Louis Bernard came to testify before us about that. His testimony was forceful, and he proposed a question that should be asked. His question, I'll summarize it, is to ask Quebecers: Do you agree that the Québec government should declare Québec's independence and begin to negotiate sovereignty-association?

With this question, we are referred to the fact that the concept of sovereignty-association is not a concept in itself, as Mr. Bernier, for example, came to tell us, but a concept which could become a reality only if we become associated and the others want to become associated. Therefore, in conclusion, and Mr. Bernard and Ivan Bernier told us this yesterday: We must declare independence first if we want to think in terms of sovereignty-association. Is this your view as well?

Mr. Latouche: Yes, and I suppose that this is also one of the elements which adds to the complexity of the problem, which means that the stakes – it was you who mentioned it on several occasions – of this other referendum will be even higher than those of the last Referendum. When we do the thing the second time, we must be even more sure of winning. You were entirely right to point that out on several occasions. And, I also think that we can't agree to limit sovereignty in an association if we haven't obtained the powers or the legal status to do so. Therefore, there's much more there, I think, which deserves our attention right now than to find out whether we should hold a referendum before or after the construction workers' holidays this summer.
(11:30 a.m.)

Mr. Rémillard: I like your way of approaching things as regards public consultation, whether it's a referendum or something else. You are telling us: Don't rush into anything, let's first make sure that we are very familiar with all aspects of the problem. And if there were a referendum, we must ask for a mandate based on independence, because sovereignty-association can only follow from independence.

Mr. Latouche: If you...

The Chairman (Mr. Michel Bélanger): This will be your final answer to Mr. Rémillard, Mr. Latouche.

Mr. Latouche: Yes. I will answer yes. We must, at the very least, at the very minimum, wait for the Commission to table its report before organizing the referendum. This is the report which will determine the strategic context. And basically, the only possible answer to your question is to say: Everything depends on the Commission report, whether it is unanimous, divided; what it recommends... That's what will determine the right time, the "timing", the content of the referendum. I certainly don't have to remind you of that.

Mr. Rémillard: A message of wisdom.

The Chairman (Mr. Michel Bélanger): On these words of wisdom, the floor now passes to

a representative of the party forming the Official Opposition. Mr. Brassard.

Mr. Brassard: Thank you, Mr. Chairman. Mr. Latouche, your brief is, at the very least, an original and sometimes paradoxical demonstration, in some respects, in favour of sovereignty because it doesn't include the arguments usually given in favour of sovereignty. In this respect, it's very interesting, even if it might seem confusing for some. It's a bit like Mr. Migué, who came to speak to us here about true federalism, which obviously has nothing to do with the Canadian federal reality. This federalism probably exists only in Plato's heaven. But you are advancing interesting arguments in favour of sovereignty because, as the title of your brief indicates, you place all this within the new international economic and political order. If you are in favour of sovereignty, it's because that will finally give us access to the international level. My first question deals with just that main reason that you give. You are drawing a parallel between economic free trade and what you call political free trade, which sovereignty would give us. Sovereignty would, to some extent, be the political corollary of economic free trade. I would like you to discuss this interesting parallel in greater detail.

Mr. Latouche: Like all good ideas, when we push them too far, they become less good. So, I wouldn't want to go too far because I think that the paradox could turn against its author. But it seems to me that, in fact, Québec currently possesses, in its way of doing things, in its way of making decisions – and I'm referring again to this commission, and I've also been writing this in a certain daily since the beginning – that this seems to me to be a future approach to other problems, to other issues too. This is what makes me believe that, in the same way as during the free trade debate, we said that our companies were maybe under-capitalized, maybe this, maybe that. But there are a certain number of practices in Québec – which are called working together, which are called deposit and investment fund, partnership, we are familiar with them – which perhaps give us a certain confidence, often too much confidence in some cases, to forge ahead and that produced the results that we experienced during the free trade debate. I don't see why we wouldn't be able, with the political tools that are increasingly being implemented in Québec, why we wouldn't be able to play the game of free political competition with all that that means too. I'm not one of those who deny the difficulties and the costs. I have trouble understanding the argument which tells us that we are no longer capable, that we are not capable. Therefore, it isn't... I can't... I could give you a long demonstration of this at another time and place,

but I simply mentioned, for example, that during the week when I wrote this brief, there were several speeches here from the other side on policies: the policy on this, the health policy, the policy on... We in Québec are experts in creating policies – often not the best ones – and to continue with them through changes in governments, to adjust to them relatively easily. I think that that's just as advantageous on the international scene, as a sovereign State, about a hundred years ago... I would like to point out that when Canada was created, it was also created rather like a State with sovereignty-association with Great Britain. At the time, our participation in the British Empire gave us a certain number of advantages. I think that now, these advantages – which are comparative from a political perspective – that we possess them internally. I would like to be able to see them show what they're capable of, as our companies will be able, I hope, to show what they're capable of, even during this recession.

Mr. Brassard: You talked about that during your presentation when you spoke about Mr. Dion, Professor Dion, who came to recommend what is more or less another last chance to renew federalism. You said: We must not resort to blackmailing federalism again, that would only place us, once again, at a dead-end, at an impasse. And Mr. Bernard came to tell us that we must stop preventing English Canada from establishing a country in its own image and likeness. Do you agree with the fact that Québec, for a number of years, has prevented English Canada from making Canada a country which suits them, and that to resort to blackmailing federalism again would once again hold English Canada back in its aspirations to build a country to its liking?

Mr. Latouche: Yes, you are entirely correct. I think that English Canada is currently on the move. Personally, I find it more fascinating to see the emergence as a nation...

A voice: Let's call a spade a spade.

Mr. Latouche: ...of English Canada than even the emergence of Québec. Québec has already been written into the script. We are following the lines, we are following the acts, we are following the scenes. English Canada, for a political scientist, is even more fascinating, and its birth dates are the free trade debate, when they had to talk about culture for the first time, and before that, it was the Constitution of 1982 which, if you forget the question of Québec, fits Canada like a glove. That's why they feel very comfortable with it, they recognize themselves in this Constitution, and, simply from a technical point of view, again forgetting the question of Québec, I think that

we must take our hats off to this type of document. It isn't easy, even for a country or a society such as English Canada, to give itself a constitution, with, in addition, Québec more or less making life difficult for it back in 1982.

Secondly, as a Quebecer and as a Canadian, I'm beginning to feel a bit uncomfortable. We have often used the image: Aren't you proud of your Canadian passport when you're abroad? I'm beginning to be uncomfortable and to be a bit ashamed of our inability to move towards political liberalism, and this life saver that we keep throwing ourselves in the form of inventing last chances. If there is something that makes me ashamed of my status as a Canadian Quebecer, it is much more that than Mr. Chrétien or the policies of this or the policies of that.

I don't know if you, collectively or individually, still want to continue along this path for 20 years, this once last chance which, as you know, always leads to another. By definition, a last chance is followed by another last chance. In my opinion, the last chance was the last time.

If we want to continue paying the enormous costs of playing this game of one last chance, if we are rich enough to do so, so much the better, let's continue. But I should think that all of you here have other things to do in life than to speechify forever, I'm looking at the Chairman who is looking daggers at me...

The Chairman (Mr. Michel Bélanger): No, no, I was thinking about your 20 years, and then I was wondering if that was a guarantee that I will be here for the next 20 years. It was... my mind was on another track. Continue.

Mr. Latouche: That's my stand. It seems to me that we can no longer pay the costs. I think that we can no longer pay for the debates we are currently having about the CBC. We will have to pay, for example, for a debate on what type of state-run television we want to have in Québec. And I can guarantee that, in three weeks, the debate on the CBC in Rimouski will fly off at which tangent, you can bet your bottom dollar, will fly off at a tangent in Prince Edward Island, they are treated much better here in Québec. If this sort of expertise interests us, I'm looking at Mr. Turgeon, basically I tell myself that it must be people who are in the field of theatre, or theatre arts, they are used to rehearsing the same characters and the same plays. I don't know if politically, and even economically, whether we can pay for that much longer.

The Chairman (Mr. Michel Bélanger): The floor is now Mr...

Mr. Brassard: ...just to ask Mr...

The Chairman (Mr. Michel Bélanger): You guarantee a short answer?

Mr. Latouche: Yes.

Mr. Brassard: Mr. Latouche, how do you explain Mr. Rae's reaction in this regard, when he said that Canada isn't negotiable, knowing full well that, based on Québec's aspirations and demands, it can only prevent them further and longer from establishing the country they want?

Mr. Latouche: Well, your question contains its own answer. Mr. Rae is caught in an institutional role, which is that of Premier of the largest Canadian province which, if Québec ever decided to become a sovereign State, would represent 53% of the Canadian GNP and 49% of Canada's population. They have another sort of problem. And I think that Mr. Rae has already started thinking about how this Canada will be organized without Québec, Canada outside Québec, to use another expression. Therefore, I would basically explain it like that.

The Chairman (Mr. Michel Bélanger): The floor is now Mr. Holden's, who will be followed by Mr. Nicolet and Mr. Ouellet.

Mr. Holden: Thank you, Mr. Chairman. Mr. Latouche, I've been following you for a long time on television and radio, and I have always found you to be very reasonable and very intelligent. And, moreover, I've had groups of your students at McGill from time to time who have always said that you were one of their best professors, and that led me to invite you to lunch to talk about politics.

But currently, we are talking about your brief which I find... Your brief... What I like about you is your sense of humour when you end with: "After all, the Germans had only two States, two governments and two ideologies to amalgamate; as for us, we will also have to make provision for jurisdiction over the MacDonald-Cartier Bridge." (translation) That sets the tone for your brief.

I was also going to ask you Mr. Brassard's question about Mr. Rae, but you completely settled that. So I have only one question, on page 11 of your brief, you said: "In a multipolar world, it is no longer so much controlling the agenda or the ability to impose one's views which is important, but the ability to adjust quickly, and at the lowest possible cost, to the new international systems." (translation) But, for someone who has already been in on planning, as is said here, your strategic planning, I have always believed that it was those who had control over the agenda who ensured that things worked. And today, in my opinion, the agenda is in the hands of the current government of the Province of Québec. Isn't a bit idealistic to say

that it isn't so much control over the agenda than the other elements in this decision?
(11:45 a.m.)

Mr. Latouche: I was basically referring to the international scene here. It wasn't too long ago when the United States, not to name names, could, whenever they wanted, impose an international conference on this or that, impose their agenda and there you have, in a situation of supremacy, you are entirely right to point out that this control over the agenda is fundamental. Currently, you have only to look at the last GATT negotiations. In a world in which the centres of power, whether it's Europe, Germany, the new Germany, the USSR, we know what's happening to it, the United States, in this world in which the power is distributed more widely, first of all, it's much more difficult to control the agenda, and secondly, I think that it gives a better chance than ever before to the smaller units which, in any case, never control the agenda, the trigger, to use a relatively simple, and not to say simplistic, expression, to skillfully pull out because they can round on the State more quickly following the compromises, following the decisions which will be made by that State. Therefore, my reference was basically international and the term "international system" is a technical term and not legal involving... In English, we say "issue area". How an issue area, whether it's the fight with drug dealers, trade, the environment, Antarctica, each of these things has an international system that goes with it. It's easier to come out at an advantage in a multipolar world than in a bipolar world or in a world, a planet, that is very supremacist.

Mr. Holden: But more on a, let's say, down-to-earth level: the question of Canada's future, your comments on the agenda wouldn't be as applicable.

Mr. Latouche: Well, I think that, right now in Canada, no one controls the agenda anymore. We have lost the list and we have created all sorts of mechanisms to try to set an agenda for ourselves. The Canadian central government obviously no longer controls the constitutional agenda and that's why...

The Chairman (Mr. Michel Bélanger): Mr. Nicolet, followed by Mr. Ouellet and Mr. Turgeon.

Mr. Nicolet: Thank you, Mr. Chairman. I would perhaps like to begin by reading four lines from your text as a preamble and also as a Christmas message to my colleagues here around the table. Nevertheless, one of the major contributions that the Commission could make is to defuse this so-called complexity, to bring it down to more realistic proportions. If there were also a means of keeping things in perspective

and preserving the humour of the situation, many of us would be eternally grateful to you. And this leads me to tell you that, in your capacity both as a journalist and as a political scientist, you have said some fairly generous things about this commission, and I would like to take you back to the operation of this new institution and ask you very specifically if, as the media say, the two political parties present here around the table are hardening or specifying, you choose the word, their positions on the entire problem with which we are faced. Will you still be able to say advantageous and favourable things about the very operation of this commission at the conclusion of its mandate?

Mr. Latouche: I wasn't expecting that. Ha, ha, ha! Yes, because personally, I've always thought that we couldn't disregard the economy of politics in its most political, partisan, division, Government, Official Opposition sense just when Québec is getting ready to make one of its most important decisions. I'm not one of those who spends their lives in trying to eliminate the apolitical from politics. Therefore, personally, it doesn't worry me to find out that there will be a tug-of-war in organizing the Commission's brief or answer. If there weren't, as I have already written, that would be a bit distressing. What good are our political parties and where have they been for the last 20 years, if all of sudden everything disappeared? But I think that the presence of non-partisans at the table changes the equation and will increase the costs of a partisan spirit that is excessively, I would almost even say, vulgar. Because whether this ends in the red or in the black, I think that some of you won't be caught participating in this type of exercise again; that, I think, we will have to do many other things whether we stay within Canada or outside Canada.

Therefore, no, that doesn't worry me. I'm a bit sorry for those who will experience it, but if we want to have a change, and if we want to live democratically, we can, with difficulty, build the economy of politics with agendas, careers, with strategies. And moreover, ultimately, if you are here, it's that somewhere deep down, you like that at least as much as hockey. And regarding the question of complexity, I know that this isn't perhaps the time in a commission to talk about it, but my suggestion was sincere. It wasn't a play on words. If you really think that the Canada-Québec situation is more complex than the 11 000-page, German-East German treaty, I think we have a major problem and that the expression "highly advanced self-centredness" would apply.

The Chairman (Mr. Michel Bélanger): A short question, Mr. Nicolet?

Mr. Nicolet: I don't know if it will be

short, but throughout the brief, and I'm again referring to your brief, you speak about the necessity of reestablishing the various events in their proper perspective and in their proper sequence in an attempt to clarify the situation. On page 13, you also briefly spoke about the sacrifices, etc., of Québec-Canada relations. I was wondering, in your view, what are the sacrifices that we should be ready to make to preserve the Canada-Québec economic ties that we now have? You didn't directly address this dimension of the situation in your text.

Mr. Latouche: I will mention only one. Personally, I have always thought that control over our currency was, if not the main reason, one of the major reasons why Québec must become sovereign or independent. On this topic, I have had some pretty interesting and technical debates with the sovereignists who would, I think, let control over currency go just a little too easily. This is one of the tools or sacrifices which I think that, perhaps, things being what they are – and we all have mortgages to pay, payable in Canadian dollars – perhaps this is the sort of sacrifice that we must make and that we must contemplate, at least for a period similar to that of Ireland, for example. But it's this sort of sacrifice that I had in mind.

The Chairman (Mr. Michel Bélanger): So, we will now turn to Mr. Ouellet, who will be followed by Mr. Turgeon and Mr. Dufour.

Mr. Ouellet: Thank you, Mr. Chairman. Mr. Latouche, thank you for your participation in the Commission's work. Your brief, in my view, as is very well known...

Mr. Latouche: Ha, ha, ha!

Mr. Ouellet: ...on page 1. You refuted, and rightly so, I think, an oft-repeated assertion that there is no possibility of having constitutional amendments, of making arrangements within Canadian federalism which could be favourable to Quebecers. I think that you said that, and there are many examples where that has been proved, and I'm grateful to you for that. My question concerns an assertion that you made on page 2, which also seems to me to be fairly important, because you finally say on page 2 that we pretty much succeeded in settling 80% of our problems. And then you said: Obviously, the 20% left, as long as they remain unsolved, take on an importance that is blown all out of proportion, and which we must be on our guard against. It's obvious that this world is not perfect and that, regardless of the political system that we have, it will never be perfect. And then you said: In the Canadian system, there are 20% which have not been settled and these 20% take on an importance that is all out of proportion as long

as they remain unsolved, and you warn us that we must be on our guard against blowing them out of proportion.

And you conclude that we must become independent. I find that a bit excessive, given your suggestion of being on our guard against going so far.

Mr. Latouche: You agreed with the first part. I will summarize my suggestion of being on our guard as follows: Let's guard against turning upside down the entire political and constitutional organization and the emergence of this English Canada that is beginning to emerge, let's guard against questioning this again in an attempt to achieve perfect federalism. I think that federalism, for me, is like a scientific paradigm. It's something which enables you to take a certain number of steps. If you hurry it along and if you implement everything, absolutely everything to change the situation from 80%, 90% - this is an image - I think that then it would no longer be profitable to do so. This would change absolutely nothing in the performance of this federalism for the 80% and, personally, I have always been a bit flabbergasted when I hear sovereignists say: Well, now, we are capable of achieving independence, but before, it was a gulag. If it were a gulag, how is it now we can do what we want to do?

Federalism is a political system. If we must really cut corners to get settled or to settle the 20% that remain, it becomes a discussion on how many... angels on the head of a pin? There are philosophers who have written hundreds and hundreds and hundreds of pages on that or what will happen when, if the earth is flat, we begin to fall? I would like to point out that there are whole libraries on that subject. Is it worth doing that, or wouldn't it be more worthwhile to change the paradigm?

Mr. Ouellet: I would go with you to the end of the pin before falling, because perhaps we would fall with Québec and that's what's worrying me. I don't want this to become a question of fear. But you yourself said: In wanting to do too much, we may lose a lot of what we have gained.

There is another aspect which is important and you mention it in your brief and Mr. Dion told us that too. Having full powers, both internal and external, is almost utopian. If we look at the countries of the world, maybe the United States, but even there, they need money from the Japanese and the Germans. There aren't really any countries in the world which can say that they have full powers. So, an independent Québec, obviously, and you point this out, would have problems that are not only political but also economic, and even, on an international level, in response to Mr. Rémillard, you said it

well, Québec would play a very small role. Why go there? What do we want to do? What do we want to evoke? Pride? What's the point? Haven't we arrived at the end of the pin? Isn't there a danger of falling and losing what we have gained?

(12:00 noon)

Mr. Latouche: No, I don't think so. If Québec, in becoming sovereign, lost what it gained during approximately one hundred years of federalism, these gains must have been a very superficial veneer anyway. I am in complete agreement when it was said that Canadian federalism has established a certain school of democracy for Québec, this Parliament. If the fact of moving on to the next step will make us lose that, it's because the school was maybe not as good as I thought. If your question is to ask me: We have a certain number of problems in Québec right now, why go out and look for more? For example, why do we have to ask ourselves whether or not we must send our ship to the Persian Gulf? My answer is that, in the 21st century, I think that we will no longer be able to avoid the magnitude, the extent of each one's means, in pooling all the data in the equation of the problem. It's certain that, if we separate them, it seems easier because we have only, at the most, to worry about the MacDonald Bridge and the Gulf is much bigger. But that's a question of judgement. Is it to Québec's advantage to move towards political liberalism, to take down its protectionist barriers of Canadian federalism, which provide advantages as do the economic protectionist barriers, or is it more advantageous to change the paradigm? There again we get back to a difference in opinion.

The Chairman (Mr. Michel Bélanger): So, Mr. Turgeon, followed by Mr. Dufour.

Mr. Turgeon: You're right, Mr. Latouche, sometimes I feel like I'm in a comedy here, and other times I feel like I'm in a tragedy. It must be because there are good actors around the table. I like your way of arguing, Mr. Latouche, because, ultimately, you always take us back to what's important. And the root of the issue, as you said, is what we have to ask ourselves: Do we want Québec to remain a province, or do we want Québec to become a country? First, I would like to find out what you expect from this commission. Do you expect that it will rule on this, that it will say: We must be this or this, or that it will simply decide that the people must decide?

Mr. Latouche: I think that, if it brings problem A down to B, its true proportions, more or less within the time frame you mentioned and that, secondly, it recommends a referendum or a decision or a process based on these terms, I think that the Commission would have taken a

step forward. Maybe more important and interesting than simply drawing up a list of powers: 92.4% on one side, the rest on the other side, Sable Island to the federal government, highways to the provincial government, etc. That doesn't seem to me... The Commission would probably shilly-shally even better: I'll give you four powers, we'll take six. But I don't think that this will subsequently be profitable or workable in the public eye. And it's especially difficult to negotiate afterwards if someone arrives with a list of powers, and that's why I'm holding back on that.

Mr. Turgeon: So, you're saying that you are arguing for truth about the costs, that is: What will it cost, for example, if we want to achieve sovereignty? But also: What will that give us?

Mr. Latouche: And what will it cost to do nothing...

Mr. Turgeon: Exactly.

Mr. Latouche: ...and to continue like that?

Mr. Turgeon: So, briefly, how can we calculate these costs? Can we use equations?

Mr. Latouche: I think that it's all the briefs together. All the advantages and the... I can't believe that we'll forget them after, what, 500 briefs, approximately 100 experts. I can't believe that the values for the equations aren't there. And, when you get right down to it, you are the auditing offices for the company Québec inc., and they are all here. It's up to the Commission to do its work. Good luck, but...

Mr. Turgeon: One last thing. There are many experts, many groups who came to tell us: Watch out, what Québec must decide, it must do so based on the reaction of our partner. We must watch out, they may fear the other side, they may have all sorts of reactions. Finally, it's what Mr. Dion told us, it's what Mr. Taylor told us last night: Let's try to lessen the shock of the other side. It's sort of a feeling of guilt that we have. That's perhaps in keeping with our Judeo-Christian training. What can we do to get out of that, Mr. Latouche? Must we bear that in mind when we make our decision?

Mr. Latouche: You surprised me, with the Judeo-Christian stuff. Yes, we must have that and I do not necessarily see it as the result of a feeling of guilt, I see it especially as a very bad way of negotiating if you adjust, and you said it moreover, your negotiating positions in advance based on what the other party announces that it will give you or won't give you. We don't have to go to the extremes in some negotiations. But we must realize that this type of approach has

been used twice in the last 10 years. Once in 1980 with a Referendum, and the other time with the Meech Lake Accords. And, on both occasions, it didn't work. It didn't produce the results...

The other party simply didn't behave as we would have like them to. That seems to be fairly obvious. If they had behaved the way that we wanted them to, we wouldn't have the problem "in the first place", if I may use the expression.

The Chairman (Mr. Michel Bélanger): Mr. Dufour, who will be the last speaker for this presentation.

Mr. Dufour: Thank you, Mr. Chairman. Mr. Latouche, I am used to reading your work. It's generally easy for me to do so. I will say, like my colleague Brassard this morning, not only do I find this confusing, but I find it very confusing. I find that you are magnificently playing the role of antithesis. You say that the federal government was good for Québec. You say that the status quo is not a bad option. You say that federalism can be renewed. And you opt for sovereignty. I'm having a little trouble understanding all this.

Notwithstanding that, I would like you to comment on a sentence that you wrote at the end of the first page. You said: "If we cannot sway Newfoundland, we definitely will not be able to make Spain or Mexico see reason. So we must keep in mind that, in a sovereign Québec, we will be alone in negotiating a free trade agreement with Mexico." So, if I take your sentence literally, we won't go very far.

Mr. Latouche: Yes, it's your choice to go paragraph by paragraph, sentence by sentence if you want to, but I think that you know very well what that sentence implies. It's simply a recognition of reality. If you are trying to tell me that Mexico is less important, has fewer tools for its size than Newfoundland, I think that... I doubt that that's what you are trying to say. And if such were the case, I think that you have a very serious problem in perceiving political and economic balances on this planet. It's true that it may seem paradoxical to you, perhaps I wanted to play on this paradox at the time. Some intellectual gymnastics have never hurt anyone.

Mr. Dufour: It's that...

Mr. Latouche: And, moreover, I think that the arguments of book-keeping and profitability, on both sides, if you don't know them now, you'll never know them. Maybe some truth about the costs also implies truth about ideas and truth about the perception of reality. And I think that, even so, it will be more difficult to sway...

Mr. Dufour: Except that, when you touch on that sort of question, we are definitely not using intellectual gymnastics. Because it's something which is coming, which will soon present itself, this sort... We have already begun, to all intents and purposes, negotiating with Mexico.

Second question, Mr. Latouche. Yesterday, or the day before yesterday, Mr. Bernard, in his five thoughts on the constitutional problem, was strongly questioning what he called Canada's "persistence" by saying: In this whole approach that is being taken, we must still be careful, because if we found ourselves alone, a small Francophone nation in North America, because Canada is for us a sort of protective framework, it could be difficult to live. The question I'm asking you is: Do you believe that there could be a problem of Canada disintegrating should Québec achieve sovereignty?

Mr. Latouche: I have long thought in these terms, but I must say that since the Constitution of 1982, since the free trade debate, and thirdly - the third act in the birth of this English Canada - since the Meech Lake debate, I no longer have any fears about the possibility, the willingness of English Canada to maintain its unity, its cohesiveness, to organize itself differently and to learn a lesson from this co-existence. Therefore, that no longer frightens me, but, however, you are right in mentioning that - I will add a final paradox which will perhaps make your dinner uncomfortable - in fact, if Québec's sovereignty does lead to the political failure of the one which we would all say will be Québec's main economic partner - it won't be Vermont - it's a cost that should be considered in the decision equation.

Mr. Dufour: One question, very, very quickly, and it's about what you just said.

The Chairman (Mr. Michel Bélanger): This will be the last.

Mr. Dufour: Therefore, you don't foresee a disintegration. You are even talking about the short-term cohesion of English Canada. You didn't say so, but I think so. Which means, therefore, that in a renewed federalism, we would really have a partner with which to debate because the problem which we always face is what we have in common. Therefore, there would really be, as a result of what you said before, there would automatically be a true partner in front of us.

Mr. Latouche: Yes, but I think that perhaps it will go more quickly and more cohesively at the negotiating table if Québec opted for sovereignty. Because, currently, as all those who have negotiated with English Canada know, the

first sentence said by every English Canadian negotiator is: We don't exist as English Canada. Which then makes the task of all negotiators fairly complicated.

Mr. Dufour: But you just told me...

Mr. Latouche: Therefore, I think that one of these days they will have to say so. Again, is it easier to bring them to point X by one path over another? But you are entirely correct; they will have to come to it, one way or another.

The Chairman (Mr. Michel Bélanger): Thank you, Mr. Latouche, for this presentation, which was even more paradoxical, perhaps, than your brief. I must say that when you all but told us that there was a good chance of staying here for 20 years, I began to add that to my age and I thought that that was a guarantee of long life. But I know that that isn't what you meant as a paradox. Thank you, then, for your presence, for answering our questions. And we will now hear from the Canadian Parents for French...

(Proceedings adjourned at 12:13 p.m.)

(Proceedings resumed at 12:15 p.m.)

The Chairman (Mr. Michel Bélanger): I would ask the Commission members to resume their seats. We will now hear from a group which submitted a brief to us, and which is called the Canadian Parents for French. Si je me fie à mes notes, je crois que c'est Mme Brehaut qui sera la porte-parole du groupe. Si vous voulez bien nous présenter vos collègues et faire la présentation de votre mémoire.

Canadian Parents for French

Mrs. Brehaut (Pat): Mr. Chairman, Ladies and Gentlemen, je vous remercie d'avoir permis à l'association Canadian Parents for French (CPF) de venir vous rencontrer. J'aimerais tout d'abord vous présenter Mme Diane Carlucci, qui siège à notre conseil d'administration national en tant que directrice pour l'Ontario. Mme Carlucci est bilingue et se fera un plaisir de répondre aux questions en français. Mme Jos Scott, notre directrice générale, nous accompagne également. Notre directrice pour le Québec, Mme Pat Webster, est actuellement à l'extérieur du pays et n'a donc pas pu se joindre à nous.

Nous sommes venues dire au peuple québécois, principalement aux familles du Québec, que de plus en plus de Canadiens sont en faveur de la protection du français. Leur vision de l'avenir comporte un engagement à long terme de promouvoir l'apprentissage de la langue française. Nous ne croyons pas que vous ayez entendu, jusqu'à maintenant, de vrais Canadiens qui portent un intérêt réel aux vrais Québécois. Je

suis heureuse de l'occasion que vous me donnez de pouvoir vous adresser la parole en anglais. Canadian Parents for French est un organisme composé en majeure partie de familles de langue anglaise, dont la mienne est tout à fait représentative. Mon mari et moi, nous avons grandi à Calgary. Le peu de français que nous connaissons, nous l'avons appris à l'école secondaire. Déplorant le fait de ne pouvoir mieux nous exprimer en français, nous nous sommes promis de donner à nos enfants la possibilité de devenir bilingues. Nous les avons donc inscrits au programme d'immersion en français à Edmonton et nous sommes devenus membres de l'association Canadian Parents for French afin d'assurer à tous les enfants canadiens la possibilité d'apprendre le français. Je suis heureuse et fière de vous dire que nos deux enfants auraient fort bien pu vous présenter cet exposé en français et qu'ils m'ont fortement incitée à venir vous parler aujourd'hui de nos sentiments.

Les membres de la CPF ont toujours cru que l'objectif de l'apprentissage des langues était de pouvoir mieux communiquer avec les autres et d'établir un climat de tolérance et de compréhension mutuelle dans l'ensemble du pays. Malheureusement, les médias et les activités de certains groupes d'intérêt ont donné l'impression aux Québécois que la majorité des Canadiens vivant à l'extérieur du Québec ont une opinion négative du Québec et de la langue française. Nous savons que cette opinion n'est pas représentative de ce que les Canadiens pensent réellement. Je vous ai déjà remis une lettre, dans laquelle je cite des statistiques provenant de plusieurs sources différentes, qui prouvent la bonne volonté du peuple canadien. Permettez-moi d'en citer un extrait. Selon un sondage réalisé pour le *Globe and Mail* et la CBC et rendu public au cours du mois de juillet 1990, 67% des Canadiens croient que nous devons maintenir la politique du bilinguisme, avec le français et l'anglais comme langues officielles dans l'ensemble du pays. Nous croyons que les familles canadiennes expriment leur vision de l'avenir par les choix qu'elles font pour leurs enfants. Ces choix, pour un nombre toujours croissant de familles, englobent l'apprentissage et l'utilisation de la langue française.

Depuis 1977, les inscriptions aux programmes d'immersion en français ont augmenté de 650% dans l'ensemble du pays. Pour l'année scolaire 1990-1991, plus de 250 000 élèves se sont inscrits à ces programmes et deux autres millions d'élèves apprennent le français dans le cadre de leur programme d'études régulier. Pourquoi les familles choisissent-elles d'inscrire leurs enfants à des programmes de français? Je suis bien placée pour savoir que l'immersion en milieu francophone, entre autres, n'est pas facile. Cela exige un grand effort. Les familles et les enfants qui choisissent cette voie y consentent librement, en tant que Canadiens;

c'est pour eux une contribution à l'avenir du pays. Ces mêmes parents, par l'intermédiaire de Canadian Parents for French, choisissent de travailler avec les minorités francophones hors Québec, car ils soutiennent le droit de ces minorités de protéger leur langue et leur culture.

Nous croyons que plus nous travaillerons ensemble de cette manière, plus le fait français sera fort et solide au pays. Il y a quelques jours, une diplômée d'un des premiers programmes d'immersion en français est devenue boursière de la fondation Cecil Rhodes. C'est la première fois en 30 ans qu'un tel honneur échoit à une personne originaire de l'Île-du-Prince-Édouard. En 1986, cette même élève, Heather Morrison, a été interviewée par un journaliste du journal *Le Droit* à Ottawa, après avoir gagné un concours d'art oratoire en français. Au journaliste qui lui demandait pourquoi une étudiante de l'Île-du-Prince-Édouard avait tant à cœur d'apprendre le français, elle a répondu: *It's important to be able to communicate with as many people as possible.* Les jeunes gens comme Heather ont besoin d'un point de mire et d'un guide lorsqu'ils investissent des efforts pour apprendre le français.

Un Québec fort au sein d'un fédéralisme renouvelé pourra leur fournir ce point de mire et jouer ce rôle de guide. Le Québec est important pour nous tous, en tant que foyer de la langue et de la culture françaises au Canada. Les jeunes gens qui apprennent le français aujourd'hui sont ceux qui, demain, pourront diriger les collectivités et prendre les décisions. Selon plusieurs enquêtes réalisées au cours des dernières années, ce sont les jeunes qui ont l'attitude la plus positive envers le bilinguisme au Canada et envers les collectivités qui parlent les deux langues officielles.

Ces jeunes, sur lesquels nous misons aujourd'hui, dirigeront demain un Canada plus fort et plus riche, un Canada dans lequel le Québec pourra se sentir un peu plus chez lui. Je vous remercie.

The Chairman (Mr. Michel Bélanger): We'll move first to a question from a representative of the Official Opposition party, Mrs. Blackburn.

Mrs. Blackburn: Thank you, Mr. Chairman. Mr. Chairman, I would first like to welcome... I'd like to welcome you and thank you for having come before us to participate in our discussion on Québec's political and constitutional future.

I appreciated your having quoted figures on the growing interest on the part of an increasing number of English Canadians in learning or in having their children learn French. You say that the knowledge of French should foster the development of a little more tolerance with regard to Québec. This is very welcome. You also say, and I share your opinion, Professor Taylor

said this yesterday when he came before us, that the more people there are able to communicate in French, the less pressure there will be on French Québec. And I share this opinion. However, there used to be a number of very interesting communication tools, I'm thinking of TV Ontario that we used to get on cable but which we can't get anymore. I had the opportunity to watch a few broadcasts which I found very interesting and which showed what was being done by Francophones in Ontario. We can't get it anymore. CBC is also gradually withdrawing from Québec territory, with the blessing of the Canadian government and its ministers, it's as if the entire federal government had decided to withdraw from Québec, even before Québec has decided to secede. And you'll notice it's doing the same thing with Via Rail, Canadian National, Petro-Canada.

But to refer more specifically to your brief... First, a short question. Radio-Québec. Are you able, through cable television, to receive Radio-Québec broadcasts?

Mrs. Carlucci (Diane): I live east of Ottawa in the Ottawa Valley...

Mrs. Blackburn: Oh! So you have it then...

Mrs. Carlucci: We get CBC Radio-Canada, yes. We always watch the Téléjournal.

Mrs. Blackburn: But do you have Radio-Québec, which is the equivalent of TV Ontario?

Mrs. Carlucci: To my knowledge, I don't know, no.

Mrs. Blackburn: OK. A more specific question, because you know the Commission here has a mandate to formulate recommendations on the political and constitutional future of Québec. You say: Québec must be the spearhead of French culture in North America, it must remain strong to be able to convince or influence the federal government to maintain and develop bilingualism throughout Canada. But don't you think that a Québec in possession of all its faculties, a sovereign Québec with full authority over its resources in the areas of cultural, social and economic development, could contribute to or constitute an especially valuable partner for any community wishing to maintain, develop and enrich a second language, French, for example?

Mrs. Carlucci: It's obvious that if Québec becomes independent, English Canada, as we discussed with Mr. Latouche, will continue trying to establish ties with Québec. But our fear is that, if Canada loses Québec, what will happen to our federal programs encouraging bilingualism throughout Canada, encouraging French language

and culture throughout Canada? What will become of these programs if we lose the very heart of our French language and culture?

Mrs. Blackburn: But you know, it could be your provincial government. I'm thinking of other countries where French is the second language and is taught in all schools right from the elementary level. OK. This has varied, of course, over time, in Armenia, Poland, Spain, Portugal - here I'd have to brush up on my knowledge in this area - with whom we are in contact quite frequently through meetings of French-speaking countries whose official or second language is French, and it's not their central government that forces them, it's simply the population's desire to develop a culture, and the people's culture resembles the Francophone, Latin culture. Therefore, it's French that becomes the second language, that is taught in schools. Couldn't this be envisaged as a possible option in the case that Québec becomes independent?

The Chairman (Mr. Michel Bélanger): Last question, Mrs. Blackburn.

Mrs. Blackburn: Thank you, Mr. Chairman. That's all.

Mrs. Carlucci: You said that the federal government makes bilingualism compulsory. We are of the opinion that the federal government does not make bilingualism compulsory; it gives the public opportunities to become bilingual and it is the Canadian people who decide: We want to participate in these programs.

The Chairman (Mr. Michel Bélanger): All right, I now have four speakers among the members. If each of them is careful, we will perhaps be able to hear them all without going over the time allotted. Mr. d'Anjou, Mr. Proulx, Mr. Desjardins and Mr. Libman. Mr. d'Anjou will begin.

Mr. d'Anjou: Good day, Ladies.

Mrs. Carlucci: Good day.

Mr. d'Anjou: Welcome. I'd like to congratulate you on the excellent work you're doing to promote bilingualism and the French language in particular. I think this is what truly sets Canada apart from the United States. It's perhaps the most obvious difference between Canada and the United States, the fact that a considerable proportion of the population speaks French while others recognize bilingualism particularly in federal institutions. I'm certain that as concerns personal relations, there's no problem. It's not a problem of personal relations between Canadians in Québec and those in other

provinces. It's a collective problem, I think, and here I'll ask you a very brief question: Québec is holding out for a great many more powers because it functions perhaps differently from the other Canadian provinces. Do you believe it would be possible to maintain Canadian ties between Québec, the other provinces and the federal government, while granting more autonomy or a degree of sovereignty to the Québec government, so as to fulfil the aspirations of the Québec population?

Mrs. Carlucci: We members of Canadian Parents for French firmly believe that Québec is truly a distinct society, and that this distinct society is entitled, as you say, to more powers than the other provinces. And in this context, we support Québec in its quest for additional powers, but as part of Canada.

Mr. d'Anjou: Je vous remercie beaucoup.

The Chairman (Mr. Michel Bélanger): Mr. Proulx, followed by Mr. Desjardins.

Mr. Proulx: Thank you, Mr. Chairman. In your brief, you blame the media for the widespread belief that Anglophones harbour negative feelings toward Québec. And you point out, in particular, the issue of Meech Lake. You're not the first to have pointed this out here. However, when we look closely at the specific issue of Meech Lake, we quickly realize that it wasn't just Messrs. Filmon, Clyde Wells and McKenna who were against it. They were strongly supported – and this was proved in surveys – by a large majority of Canadians in their opposition to Meech Lake. Very recently, a survey was done in Ontario where again, a large majority of people were for the status quo and said that things are fine just as they are, even if Québec is not part of the Confederation. And when I look at all the struggles that have been going on, the battles that have been fought for many years now, especially by Francophones with the school boards over the right to administer their own school boards and have their own schools and so forth, I get the impression it's not a bad... The newspapers, the media depict a reality that exists. Am I right, could I continue to assert that it's only the media that continue to...

(12:30 p.m.)

Mrs. Carlucci: As concerns Meech Lake, what was unfortunate about Meech Lake was that if someone didn't support it, this meant that they were immediately pigeonholed. You don't support Meech, therefore you don't support Québec, you don't want Québec in Canada. Many English Canadians, just because they weren't in favour of Meech Lake, that doesn't mean that they didn't support Québec. We, with all our members, we discussed this.

They were in favour of Québec as a distinct society and, among them, there were some who didn't support Meech, not because they didn't want Québec in Canada, but for other reasons. I think this is truly the way it is throughout Canada.

Then, to give you an example proving that Anglophones throughout Canada truly support French language and culture... Of course you know the whole story of Sault Ste. Marie and what happened in Ontario, all the municipalities that declared themselves unilingually English. So suddenly people got the impression that, whoa! everyone, all Anglophones wanted to declare themselves unilingually English. As you say, Ontario wants to support the status quo.

What people are forgetting is that, okay, there were only 71 municipalities out of 839 that declared themselves unilingually English. Among these, there were other municipalities which decided to reject this resolution, and still others that adopted bilingual resolutions. The proportion of people living in municipalities where people said yes to French language and culture is much greater than the proportion of those who said no.

Mr. Proulx: But do you feel that just speaking French will be enough for Québec, or that this commitment must be shown in other ways as well? I feel that it's not just learning to speak French or English...

Mrs. Carlucci: Absolutely not.

Mr. Proulx: ...that shows respect for others...

Mrs. Carlucci: No.

Mr. Proulx: ...it's respecting their traditions, their... Just what is it? Just how do your people interpret the Québec difference? In exactly what ways are they prepared to recognize that Québec is different? It's all very well to say that you recognize a distinct society. Once you've said that, you can let things lie and you don't have to involve yourself any further. What is, for your people, the people you represent, Québec, the Québec difference and how far are you prepared to go to recognize it?

Mrs. Carlucci: For our people, as you say, recognizing French language and culture in Québec and throughout Canada means recognizing Francophones' right to French-language education from kindergarten through to the postsecondary level. It's their right to receive French-language services from the federal and provincial governments, as stipulated in Bill 8 in Ontario, which is supported by Anglophones.

So, these are their rights. Their right to be a strong society instead of being overwhelmed by

Anglophones. They must have rights to prevent the assimilation of Francophones in Québec and in the rest of Canada, rights that prevent this.

Mr. Proulx: OK. But you are, unfortunately, a minority, like ourselves, who believe this.

Mrs. Carlucci: I don't agree. I don't think we're a minority. This is why we've come here today, to tell you that we're not a minority. We're a majority, an ever-growing majority.

Mr. Proulx: Yes, well, nevertheless, the facts - getting back to the examples I used earlier - just to have the right to have school commissioners, to have the right to have schools, you need a majority. The governments function based on surveys, based on what the majority thinks, insofar as possible at any rate. I imagine that it's the same for the governments in other provinces.

You tell me that you're the majority who think this way, but despite this, in actual, everyday fact, this is not what's happening. Could it be that the governments, the lawmakers in other provinces are disregarding the majority of their citizens, the vision of their citizens?

Mrs. Carlucci: No. I think that over the last 10 or 20 years, things have been changing in Canada. We have to wait for the generations to grow with these changes. So we often have, among the population, 50-year-olds who are opposed, as mentioned in our brief, or who have difficulty accepting French language and culture, while young people have no difficulty whatsoever accepting it. That's why we have to wait. A great deal of progress has been made in Canada in the areas of schooling and rights. Over the last 20 years, a lot of progress has been made, and it will continue.

Mr. Proulx: Thank you.

The Chairman (Mr. Michel Bélanger): Mr. Desjardins, followed by Mr. Libman.

Mr. Desjardins: Mr. Chairman, I'm going to continue in the same vein as Mr. Proulx with my questions, because I think this is an area that won't be touched on often in the debate here in Québec. And ultimately, as a backdrop, you're part of our debate. I'll go a bit further with the questions Mr. Proulx started because based on the information contained in your brief, it's obvious that, for those outside Québec, learning French is all the rage. But this doesn't seem to show, when we look at the results of Meech. I'm satisfied with my reasons, I'm not here to discuss them, but I'm very pleased to hear yours.

So, my question will be a simple one, and it raises yet another: What are the reasons, in your opinion, that Meech failed? And how can

someone like me, who still believes in federalism, have confidence that in English Canada there are people who are prepared to negotiate what could be called Meech Lake II? Can you give me reasons to believe this?

Mrs. Carlucci: The reasons why, based on discussions among our members, Meech Lake failed...

Mr. Desjardins: How many members do you have?

Mrs. Carlucci: In Canada, we have 18 000. Many of our members, or rather, not only by discussing with our members, but with other Anglophones as well, many people believe in a very strong federalism, and Meech Lake cancels out a strong federalism. It gives all the powers to the provinces, not only to Québec, but to all the provinces. So that was a problem.

Another problem was that people were against Meech Lake because of the way it was decided.

Mr. Desjardins: In this respect, do you think it's possible to amend the process?

Mrs. Carlucci: If the federal government is willing, I think it's possible to do what the population wants.

Mr. Desjardins: And the current State of English Canada, how do you gauge it? How do you gauge its feeling toward Québec, toward the debate currently going on and the conditions we're preparing to negotiate with you?

Mrs. Carlucci: Listen, Mr. Desjardins, after Meech Lake, after the failure of Meech Lake, as we said in our brief, there was the CBC and *Globe and Mail* survey which indicated that 68% of all Canadians supported Canada's two official languages. If we continue supporting the two official languages of Canada, it's certainly because we continue supporting Québec as part of Canada. Without this, why have two official languages?

Mr. Desjardins: But I'd still like to continue with my question: Does English Canada... You live there, in English Canada, you speak with the people there. When we sit down to negotiate Meech, will they be receptive? Will they be able to do it?

Mrs. Carlucci: I'm sure of it and if things are well explained: yes.

Mr. Desjardins: Thank you.

The Chairman (Mr. Michel Bélanger): Mr. Libman.

Mr. Libman: Merci M. le Président. Je crois que votre présence ici aujourd'hui est très importante. Elle nous livre le message peut-être le plus important que vous puissiez nous transmettre, car une des idées fausses que semblent avoir certains partisans du séparatisme au Québec est que le reste du Canada est hostile au Québec. Et il est très important que vous nous ayez dit aujourd'hui que cela n'est pas nécessairement le cas. Nous avons trop souvent vu à la télévision certains groupes de francophones piétiner le drapeau du Québec ou faire des discours incendiaires contre le Québec, mais ces groupes ne représentent en fait qu'une minorité dans le reste du Canada, une minorité que le Québec perçoit parfois comme la majorité. Alors, si votre message positif peut être mieux compris, mieux compris par les commissaires, mieux compris par le Québec, et s'il peut être répété le plus souvent possible, le plus haut possible, peut-être pourrions-nous ralentir cet élan, diminuer un peu la colère et l'animosité qui existent entre le Québec et le Canada.

Ma première question porte sur le bilinguisme officiel. Notre Charte des droits permet à toutes les provinces de décréter le bilinguisme officiel dans leur territoire. Croyez-vous que cela soit possible aujourd'hui que toutes les provinces deviennent bilingues? Croyez-vous que la perception que l'on a au Québec que le reste du Canada est contre le bilinguisme est fondée? Y aurait-il une révolte dans le reste du Canada si les provinces choisissaient d'être officiellement bilingues comme l'a fait le Nouveau-Brunswick? Croyez-vous que l'on accepterait cela?

Mme Brehaut: Eh bien, je ne crois pas que les provinces... je ne crois pas que les citoyens des provinces soient prêts à accepter que les gouvernements provinciaux choisissent le bilinguisme officiel. Je crois... si c'est bien là ce que vous me demandez... c'est bien cela, n'est-ce pas?

M. Libman: Oui. À ce propos, vous avez dit qu'on appuie le projet de loi 8 en Ontario, et je crois que le reste du Canada est réceptif aussi au bilinguisme, contrairement à l'idée que...

Mme Brehaut: Je le crois aussi, et je crois qu'on se dirige dans cette direction. Au cours des dix dernières années de ma participation à l'organisme Canadian Parents for French, j'ai constaté d'énormes changements en Alberta, ma province natale. Nous sommes passés d'un système où il y avait absence totale d'intérêt pour les francophones et pour la langue française à une situation dans laquelle les francophones de l'Alberta commencent à avoir des droits en tant que francophones. C'est le début d'un processus. Je crois que les francophones commencent à être

reconnus et que le Canada anglais commence à comprendre. C'est toutefois un long processus, et il me faut répondre que non, je ne crois pas que le Canada soit prêt à accepter le bilinguisme officiel dans les provinces actuellement. Je crois que cela viendra plus tard.

M. Libman: D'accord. Vous avez fait une observation très importante quand vous avez dit que de plus en plus de jeunes sont bilingues en raison de l'essor des programmes d'immersion dans le reste du Canada. On peut donc être très optimiste pour l'avenir et croire que la langue française sera reconnue au même titre que la langue anglaise.

Voici ma dernière question: en tant que membre de l'organisme Canadian Parents for French, estimez-vous que les lois restrictives en matière de langue au Québec vous rendent la tâche plus difficile dans votre effort de promouvoir l'apprentissage du français à l'extérieur du Québec?

Mme Brehaut: Je crois que dans les derniers mois, cela a été plus difficile. Mais je crois que cela vient principalement du manque de compréhension et de l'image que projettent les médias. En général, je ne crois pas... je ne sais pas vraiment quoi vous répondre.

M. Libman: ...à cause de certaines des lois en matière de langue au Québec, diriez-vous?

Mme Brehaut: Oh! oui, je le crois. Et je crois qu'il est évident que la question de l'affichage au Québec a fait couler beaucoup d'encre dans tout le Canada. Les gens étaient en colère et ils se sentaient blessés, parce qu'ils ne comprenaient pas la nécessité d'adopter une telle loi. Car je crois qu'il s'agit bien d'un manque de compréhension. Je crois qu'il est important que le Canada anglais comprenne que le Québec, dans ses institutions, a la volonté de reconnaître les anglophones du Québec. C'est l'un des messages que notre organisme transmet aux Canadiens anglais, car ils ne comprennent pas. Je crois que lorsque les anglophones de l'Alberta entendent qu'un commerçant au Québec ne peut plus installer d'affiches en anglais, ils sont fâchés et ils se disent: "On ne fait pas ça à nos francophones de l'Alberta. Comment peuvent-ils faire ça?" Et je ne crois pas qu'ils comprennent les institutions que vous avez et le respect et les droits qu'ont les anglophones au Québec. Ainsi, en réponse à cette colère, nous expliquons que les anglophones du Québec ont une reconnaissance que de nombreux francophones à l'extérieur du Québec n'ont pas encore.

M. Libman: Je vous remercie. Continuez votre bon travail.

The Chairman (Mr. Michel Bélanger): Mr. Bélanger, for the Government party.

Mr. Bélanger (Laval-des-Rapides): Good day, Ladies. I read your brief with a great deal of sympathy. It's... I think we're up to some 350 briefs read now, and 250 heard, so naturally it's harder to touch a chord at this point. But I came across something appealing in your brief which raised two basic questions. The first - and please don't think I'm being aggressive, on the contrary, I find you very likeable - but I'd like to know: Qu'est-ce qui se passe avec APEC? What is your reaction to this movement? You say, on page 3, that you've been fighting them, that you've implemented a number of things. But... Because here in Québec, all people talk about is the APEC, the meetings they organized where they used our flag as a doormat to wipe their feet on. But we've never heard of you. I've never heard of Canadian Parents for French. I wasn't aware of your group's existence. This is the first time, and I find it a shame that you're not more in the public eye. What's been happening? What's going on?

Mrs. Carlucci: The reason you don't know us is that it doesn't make for good TV material to see a group of Francophones, a group of seventh-grade students meeting with a group of Anglophones. Seventh-grade students who get along well, who like each other, who have fun together. This stuff doesn't make for good TV. But trampling a flag does, and this is what gets two minutes on the news bulletin. That's why we're never on TV, because we take positive action. In fact, in Québec, we're planning a public speaking competition in May to which I'd like to invite all the Commission members. Five or six students from the secondary level will be chosen to come to Québec City in May to give speeches. Francophone and Anglophone students will give speeches for which they won awards at the provincial level. Here again, this program has been going on for 5 or 6 years now, and we've never made the news. These are positive things, and positive things don't make TV.

Mr. Bélanger (Laval-des-Rapides): If I understand you correctly, you have to practically kill someone to make the news. I say this jokingly, but it's very close to the truth and I understand you. It's really a shame.

Mrs. Carlucci: Absolutely.

Mr. Bélanger (Laval-des-Rapides): Because good news is never newsworthy.

Mrs. Carlucci: That's right.
(12:45 p.m.)

Mr. Bélanger (Laval-des-Rapides): It's really a shame. But this morning, I find it really

interesting that you're here. Because when I read your brief, I said to myself: This is great, it's full of good intentions and positive things, but your basic message, what do you want to tell us, we Quebecers, this morning? What is the basic message you want to get across to we Quebecers this morning?

Mrs. Carlucci: When you begin discussing what you're going to do after the Commission, what the results are, we want you to keep in mind that English Canada is not against Québec. The majority of English Canada is for Québec and wants Québec to remain part of Canada.

Mr. Bélanger (Laval-des-Rapides): But do people acknowledge that Québec is different? You know, we have a joke here, that's heard sometimes in Québec, it goes like this: What's the difference between Canada and the United States? The answer is: Québec. What's your reaction to this?

Mrs. Carlucci: It's true that Québec offers a lot to Canada. Canada was originally made up of English Canada and French Canada, that's a fact. I like the comparison Adrienne Clarkson makes sometimes. She says that the union between French and English Canada is the backbone of the country. And what happens when you take away the backbone?

Mr. Bélanger (Laval-des-Rapides): I like that statement. In your opinion, does English Canada...

The Chairman (Mr. Michel Bélanger): ...question, Mr. Bélanger.

Mr. Bélanger (Laval-des-Rapides): Do I have time for one last quick one?

The Chairman (Mr. Michel Bélanger): Yes, this is your last one.

Mr. Bélanger (Laval-des-Rapides): Does English Canada realize that French is drowning? There are 6 million of us, maybe 7 million overall according to your figures. We were told that there are close to 1 million in the northern United States, in the States bordering Québec. Let's say there are 8 million in an area whose total population is 300 million. This isn't much, and it's rather threatening. In Québec, we have to adopt measures to protect our language and to ensure its continuity, so that it doesn't become a piece of folklore in Canada or America, but remains a living, dynamic reality. So Bill 101, Bill 178 were necessary. Measures such as these were necessary, although they made people angry, because they were misunderstood. We didn't want to say on our side

either, to the Anglophones: We don't want you anymore. All we want is to be able to live in French. You know, I've been lucky in life, I pilot aircraft.

I know a great many pilots. Did you know that the Canadian skies are English and English only, and that we had to fight to be able to speak French in the skies of Québec? This is something we managed to obtain. But as soon as I leave Québec, I have to communicate strictly in English. For those who aren't familiar with the English language, this means they are limited. A few years ago, this meant such people couldn't even land at Dorval, Mirabel or other such major airports, because communication there was solely in English. Now they can. The Association des gens de l'air stepped in and solved this problem. But in the rest of Canada, I can't fly in French. For those who are unilingual Francophones, the skies ARE the limit. How do you see these measures?

Mrs. Carlucci: I see that a lot of progress has been made in Canada over the last 20 years, Bill 8 in Ontario for example...

Mr. Bélanger (Laval-des-Rapides): When it comes right down to it, what I want to ask you is, you're saying to us... You don't want any English signs in Québec. I say: Try and understand that we're experiencing the same frustrations on a daily basis in the rest of Canada. I gave you this example, not everyone's a pilot, but I could have used the example of road signs, which are only in English. I don't know if you...

The Chairman (Mr. Michel Bélanger): Bring on your last question, Mr. Bélanger!

Voices: Ha, ha, ha!

Mr. Bélanger (Laval-des-Rapides): This is my third "last question".

The Chairman (Mr. Michel Bélanger): Maybe we'll be lucky the third time.

Mr. Bélanger (Laval-des-Rapides): Yes, yes, I'm sorry, Mr. Chairman. You do understand that what Bill 178 seems to have caused in your part of the country is what we experience daily in Canada? Do people understand this?

Mrs. Carlucci: Perhaps not sufficiently, because it has to be explained in even greater detail, as Pat said. People have to understand why Bill 178 was established and what it does to the Anglophone minority in Ontario... excuse me, in Québec, and they also have to understand how the Anglophone minority lives. Do they risk being overwhelmed like the Francophones risk

being overwhelmed throughout the rest of Canada? I think that more explanation is needed when laws are passed.

The Chairman (Mr. Michel Bélanger): I would like to thank you, Ladies, Mrs. Carlucci, Mrs. Scott, et vous, Mme Brehaut, pour cette présentation fort intéressante de la part des Canadian Parents for French. Proceedings are now adjourned, we will resume at 3:30 p.m.

(Proceedings adjourned at 12:53 p.m.)

(Proceedings resumed at 3:32 p.m.)

The Chairman (Mr. Michel Bélanger): Come to order, please!

I would ask the Commission members to please take their seats.

We resume our proceedings with an expert who accepted our invitation, Nicole Duplé, professor at the Université Laval law faculty. Mrs. Duplé, for this presentation, you have 10 minutes to summarize your brief, and then there will be a question period. You have the floor, Madam.

Mrs. Nicole Duplé

Mrs. Duplé (Nicole): Thank you, Mr. Chairman. Before I start, I'd like to thank the members of this commission for allowing me to make my contribution to the study it has undertaken. I am well aware that it is a privilege, and I'll try not to abuse it. I'll try to keep it short and quickly summarize the brief I submitted to you.

I was a very strong supporter of the Meech Lake Accord right up until its death last June 23. I defended it as I did, because I saw in it a desire to bring about constitutional renewal at a later stage, so that when the Accord died, I, like many of my contemporaries, suffered a crushing disappointment. For me, it also indicated that the link between Québec and the rest of the Canadian federation need to be reviewed, as I stated in my brief.

Since it's true in the end that it's an ill wind that blows no good, I am convinced that the three years of waffling about the Accord... adopt it, don't adopt it, ratify it, don't ratify it... have not been wasted. There seems to me to be enough evidence to show that this period has allowed Québec to voice its constitutional, what I would call traditional, demands, based on the fundamental values of our society.

I believe that our view of the political and constitutional future of Québec must be seen more or less within the context of these fundamental values.

I think we have to take a quick look at what's gone on in the past 25 years to see that Québec's constitutional claims have been

characterized by their scope. That is patently obvious. The regularity with which they have been stated by successive governments is precisely what allows us to consider them traditional. And they have dealt with a wide variety of areas of legislative jurisdiction, and also with federal institutions.

Today, as in the past, and probably more so since the death of Meech Lake, Québec is claiming powers that it feels capable of exercising, and which are needed in order to satisfy its needs and achieve its goals, which, to varying degrees, are too specific to be adequately served by a central power.

Québec's traditional demands are consistent. They clearly express the legitimate determination of the successive governments that formulated them to hold the levers of economic, social and cultural development of our society. 123 years of federalism have given us an opportunity to determine, quite accurately, that federalism does not take its inability to dissociate itself from some of the problems of a modern society sufficiently into account. For problems requiring a global solution, shared jurisdiction is capable of providing only partial solutions. The federal Parliament provides one part of the solution, the provincial Legislature provides another part, but the problem itself is not necessarily solved.

The search for a solution to the current constitutional impasse must take into consideration two major options which are diametrically opposed, at least in legal terms. The first is to maintain the federal link which unites Québec with the rest of Canada, with some reorganization so that Québec's needs are satisfied, of course, if that's possible. The second is basically the opposite, to cut the link and, at the same moment, declare the birth of the State of Québec. All the possible solutions currently proposed for the political and constitutional crisis are inevitably linked to one of these two routes, with possible adjustments, avenues or detours. Consequently, the people of Québec should be clearly presented with the alternative between sovereignty and reworked federalism.

It seems to me that currently, a fairly clear consensus on maintaining, as much as possible, a common economic territory for Québec and the rest of Canada has been reached. Consequently, I feel that this commission should focus on providing a response to the following question, a threefold one. First: Given the powers that Québec intends to wield to effectively meet its specific needs, and given the need to maintain an economic and monetary union between Québec and its current partners, what possible solutions do the federalist option and sovereignist option provide, respectively? Secondly: Which of the theoretically possible options is best? And finally, the last question, but not the least: Which is the most realistic?

I didn't examine the federalist option in great depth in my brief because, let's face it, in 20 pages you can only say so much. And, again very briefly, I'm going to remind you that, given the scope of the powers which would have to be transferred to Québec, the only possible solution in the case of renewed federalism would be to leave the federal government with only those powers that would allow it to run, to maintain an economic and monetary union and perhaps some other jurisdictions, but a very limited number, transferring the rest of the powers a State is likely to exercise to the provinces, or to Québec. I say "or to Québec" in this last proposal. Evidently, this presupposes that a consensus on a, so-called asymmetrical, federalism had been reached.

The sovereignist option is very straightforward as well. After proclaiming the birth of a new Québec State, perhaps differentiating it just until a Canada-Québec accord was reached, the economic union which would be instituted in the current Canadian territory would result in a treaty which could establish a greater or lesser degree of integration, obviously. And how far the actual integration went could be seen in the confederative institutions which would be established.

When Québec has to choose from among the two main options, and in order to achieve its goals, it will, unfortunately, have to deal with two unfortunate realities. The first is that the amending formula... we realized it recently... practically condemns Canada to a constitutional status quo, which forces Québec to come up with a strategy designed to work around this current negotiating dynamic. The second is that, even if we reach a compromise on the amending formula, find a trick to override it... only momentarily... we'll still have to recognize the problems inherent in negotiating with our partners, who do not seem in any great hurry to understand that a certain Canada died last June 23. It will be necessary, however, to force them, without offending them, I hope, to make certain concessions. Therefore, it seems to me that when Québec has decided what powers it wants to hold more or less exclusively, there can be no discussion on this decision in principal.

Québec would, however, have to proceed in such a way as to minimize the danger of seeing positions surrounding Québec's claims become radical. Confrontation between Québec and Canada can only be harmful to both. What we need to do, in the end, is convince our representatives that some arguments are basically useless and that discussion has to be centred on the common goal to be achieved, a goal common to the two distinct societies we form. This common goal, once again, is to maintain a common economic territory within which we can act jointly, without alienating one another. We

have to stop defining one group with respect to the other, pitting one against the other.

I believe that, ultimately, the proposals to be discussed come down to very little. To repeat, there are two of them. There's the discussion on federalism, which I qualified with the term minimal, because I didn't have a better term on hand or on the tip of my tongue, but minimal federalism could have many variations. I suggested a few in my brief. The other possibility would be to discuss a confederative-type union between Canada and the State of Québec. Therefore, given all the elements previously mentioned, I believe that the Québec government should let its representatives know its views on the option I just presented to you. It should clearly set out its requirements and then leave it up to the rest of Canada to propose a solution to the current impasse. We have to force this other Canada to come to a consensus. It must reach a consensus and must be told that if they fail to do so, it would mean inevitable acceptance of Québec sovereignty. When I say Québec sovereignty, I mean the birth of the State of Québec.

The Québec government should declare itself open to any serious proposals for changing the current constitutional situation, which would have a reasonable chance of succeeding, on the condition, of course, that these proposals are made by a single spokesperson and negotiator acting for the rest of Canada. It's up to the rest of Canada to find a way to voice its acceptance or rejection. Responsible to the public, the government must be able to freely determine the point at which it's no longer possible to hold out any reasonable hope for seeing negotiations concluded to its satisfaction, or at least the satisfaction of those who gave it its mandate, I mean the men and women of Québec. A clear mandate would thus allow it to negotiate a harmonious end to federalism, if possible, or so I hope. And if the political climate allows, to negotiate a treaty of economic union which, as I said earlier, could take the form of a more or less integrated confederative union. Thank you for your attention. Obviously, I'm prepared to answer all your questions.

(3:45 p.m.)

The Chairman (Mr. Michel Bélanger): Thank you, Madam. We will begin with questions from members registered with the Chair. First, Mrs. Pagé, followed by Mr. Béland and Mr. Dufour.

Mrs. Pagé: Good afternoon, Madam. I would like to be sure that I understand the scenario you're proposing. First, you're asking us to identify all the powers Québec wants exclusive jurisdiction over and to let our partner know. You are also telling us: There can be no discussion on this decision, and we have to wait for English Canada to respond or identify the means that will allow it to undertake

negotiations with Québec on the repatriation of the powers Québec wishes to have. There is, therefore, a certain amount of time for us to await the decision of English Canada. Now, if we get the answer we wanted, then that would be OK. If we don't receive a satisfactory response, or if they want to hold discussions to negotiate the powers we identified... you've already warned us that we couldn't discuss the powers we want to repatriate... we would automatically have to undertake a process to achieve sovereignty, and you tell us that at that time, what we'll need is a widespread public consensus, from which I read referendum. Following this is another period, during which Québec will reassess its situation, I will use exactly your words: "An intermediary period to discuss the final points and negotiate the nature and scope of the ties that the two States would maintain afterward." (translation) And you talk about a reasonable waiting period.

Therefore, a second reasonable waiting period, I understood that there would be two in your process. The first reasonable waiting period to wait for English Canada's response. The second reasonable period... how long is that for both? Do I correctly understand your proposed scenario?

Mrs. Duplé: Yes.

Mrs. Pagé: Or do you see any other alternatives?

Mrs. Duplé: No, no. You understood the thrust perfectly. You've even repeated, almost word for word, what I told you. Yes, I believe, first of all, that there cannot be discussion on the nature of the powers we desire, I should say repatriate... that's not exactly the right term, but the idea is there... for the good reason that this is a decision which will already have been taken collectively.

To the extent that we reject the status quo, where we ask ourselves what Québec society needs, what needs we want to take responsibility for and, in consequence, to which we wish to respond in an effective manner, I mention in my brief that for me, federalism carries certain dangers along with it which have become evident with time. I think that other legal experts have come here to tell you about them, there are overlapping powers and inevitable encroachments and, therefore, the best thing to do is to reduce the possibility of overlapping and, in consequence, limit federal powers.

Therefore, for me, it can basically be summed up as follows: reject the status quo, that's in order to accomplish something. If we're rejecting it to accomplish something, that something is to hold most of the powers, except those allowing us to realize an economic union, a coherent economic whole, which would be viable.

OK?

This means that, finally, at the end of this first phase of reflection, the desired powers have been identified. No discussion on this is possible, because otherwise we haven't rejected the status quo. If we've rejected the status quo, that means that there's no discussion possible on these elements.

Now, based on this principle, which is not open to discussion, it remains to be seen what can be discussed. This would be centred solely on how to achieve these objectives. There are two ways. There is, as I pointed out, a federalist way, which ultimately, if you look at things from a functional standpoint, ends up giving Québec a vast amount of autonomy. It's a form, if you wish - I keep wanting to use words that have been used so advisedly or ill-advisedly that I'm afraid - it's a sort of autonomy with a minimal association, OK, but within the federalist option. Then there's the other option which, when examined from a functional standpoint, if not from a legal standpoint of course, resembles this first, federalist option. That's the confederative solution with a greater or lesser degree of integration.

When we look at the two solutions in light of what we want to achieve, even in functional terms, they are somewhat similar. Great. Therefore, it seems to me that English Canada - as you call it, because I think that we also have to realize that people in the rest of Canada aren't only English - that the rest of Canada must recognize that there's only one option. There is nothing else to discuss, but we have to bring them to that realization. Listen, there's a proliferation of commissions right now, OK? And everyone wants to talk about Canada's future, about Canada's greatness, without asking what Québec wants. Or they ask what Québec wants but merely ask the question. They don't know what we want, so let's tell them. Let's tell them.

The Chairman (Mr. Michel Bélanger): OK, we'll move on to Mr. Béland, followed by Mr. Dufour and Mr. d'Anjou.

Mr. Béland: My question is along the same lines, Madam. Here at the Commission, many witnesses have underscored the urgent need for action. I remember the first brief, from the *Chambre de commerce du Québec*, which, after having presented us with a long list of things to be repatriated, told us: We expect this to be done in one year. Fine. When you talk about a referendum, when do you see it taking place? Would that have to be one of the conclusions drawn by our Commission, to set that date? And when you say that this step should be based on a widespread consensus, do you mean by that that it should be greater than a mere majority? That it would first be necessary to determine a

higher percentage so that it is a widespread consensus?

Mrs. Duplé: Yes. You see, in terms of the scale of the referendum, once Québec has finally decided to claim the powers I mentioned, it seems to me that the referendum would have to give the government a mandate to negotiate, if you will, the minimal federalism option, and to determine the deadline for the response from the rest of Canada. In my opinion, this is a way to save time, because we're letting Canada decide on the option we're presenting, something that's not obvious if you offend them by saying: I want sovereignty NOW, so let's reach an agreement to build something else.

I think that if you lead them to realize that they can't answer, or that they can respond to the request that we are making, we have saved time. If they realize that they can respond, it'll go really smoothly. We'll give them time, and it's the government who's going to say how long, because at a certain point, they're going to have to decide. We'll give them a certain amount of time to realize what we're asking them. If they decide and say: No, it's not possible, it's so far from what we envisage that it's impossible to meet your expectations. OK, let's immediately move on to the sovereignist option. The mandate for sovereignty would be in the hands of the government as soon as it begins negotiations. It's all there, in the question we ask them.

Mr. Béland: In the first question.

Mrs. Duplé: As far as I'm concerned, yes.

Mr. Béland: OK, great. And the widespread consensus?

Mrs. Duplé: OK, the widespread consensus, you see, I said that in my brief because it puts one of my concerns to rest. You see, I think that there's going to be... Right now, we have a large enough consensus to support sovereignty, right? We look at the polls and we find that there are sometimes 64%, it changes every day, in favour of sovereignty, BUT with some type of association. But I would say that this consensus is still relatively shakeable because the big defenders of federalism haven't yet arrived with their capital and their sometimes unsettling arguments, which can be unsettling. If we have to opt for the sovereignty path, I think that we'll have to be solidly united to make our way down it. And if the rest of Canada is faced with having to say to us: We have no choice but to accept the fact that you are sovereign because we cannot respond to your expectations, good-bye, let's try to be good neighbours, and let's try to establish good relations. If that's it, well then, at least people who look longingly to

federalism, people who would be afraid that we're not asking the real question will be convinced that there's nothing else to do. Therefore, in my opinion, it has the advantage of strengthening consensus on the only path that lies open, of tightening our belts, because there will be some tough times.

Mr. Béland: At what level? The majority is enough for you...

Mrs. Duplé: A majority is normally enough for a referendum, for a mandate. Now, the steps, the way I set them up, are going to force all those who would have preferred renewed federalism to rally to the ranks of the others. It's not that I prefer one solution to another, I haven't allowed myself to favour one or the other.

Mr. Béland: Thank you, Madam.

The Chairman (Mr. Michel Bélanger): Mr. Dufour, followed by Mr. d'Anjou and Mr. Nicolet.

Mr. Dufour: Thank you. Mrs. Duplé, I'm going to go a little further than Mr. Béland. Majority, that means, for example, 52-48. You see the problem, first of all in Québec, with our 48% who would have voted against, and the type of mandate that it would have had in English Canada? A majority of that type doesn't disturb you?

Mrs. Duplé: Listen, if I was going to be disturbed about such a majority, I'd be very upset every time a legislative body adopted a bill. It seems to me that the majority, in a democracy, is the majority. It is possible that, under extenuating circumstances and for burning issues, a qualified majority would be required. If, at this commission, you recommended a majority of greater than 50% plus 1, that's your prerogative.

Mr. Dufour: Look, personally, I don't want to get into that. I was just expanding on what Mr. Béland said. Rather, I want to refer to the question of information, because you said that a referendum would be needed, and quickly. What I have noticed around this table... of course, I understand that you're a specialist in this field, you understand all the terminology, it's easy... but what I have noticed about the other members of the Commission is that there are problems when it comes to defining the terms and, especially, the scope given to the terms. You don't think that a relatively short period would allow us to properly inform the public?

Mrs. Duplé: I didn't say... It wasn't me who said that I wanted it in June, was it? It was someone else.

Mr. Dufour: No, no. You didn't talk about June. No, no, no.

Mrs. Duplé: No. I really want...

Mr. Dufour: Not June 24. You didn't say it.

Mrs. Duplé: Personally, my main concern is that, specifically, we're approaching this vital phase of our collective existence with a very clear-cut situation. I believe we really do have to take the time to let the public know, and I said this earlier, about the risks and I mean the real risks. What IS sovereignty? What IS this autonomy, which it can also be called if approached from the angle of sovereignty-association? People are so confused...

Mr. Dufour: I agree completely.

Mrs. Duplé: ...that it's necessary to clarify these concepts. The public has to be clearly warned of the risks.

Mr. Dufour: I would like to draw your attention to page 15 of your brief for a second. You say: "If Québec withdraws from the Canadian federation, this withdrawal, in itself, will establish the State of Québec..." (translation).

Mrs. Duplé: Yes.

Mr. Dufour: ...without the need for any legal formalities. If Québec's determination to acquire full sovereignty is based on a consensus of the people of Québec... even there, after Mr. Béland's question, what is a consensus? But there, you say... clear, manifest and not open to discussion, this determination, expressed unequivocally, will be sufficient for the State of Québec to be born, for this State to exist for as long as Québec authorities are able to ensure the activities of the new public order." (translation) (4:00 p.m.)

I can link that to the sentence that follows. "If we intend to have a legal relationship with the rest of Canada, it would be better to proceed by means of constitutional amendment" (translation). I am trying to understand. Is there a far-reaching sovereignty and a limited sovereignty? What is your reference to a legal relationship? I mean, let's say we choose a common currency, we'll have to have a legal tie. Therefore, would we have to proceed by means of constitutional amendment? What distinction do you make between the two?

Mrs. Duplé: You were talking about the confederative option there, but there's also the federative option. If we have to negotiate with our partners, we cannot, afterward, establish legal ties. It's necessary to clear up old legal questions. When Canada achieved independence in

1931, legal independence, there was a time, a point at which Canada became a State in the accepted sense of the word. They preferred to, really, to clear up, to keep legal files neat, to proceed by adopting the Statute of Westminster. That's what I mean to say. That's one argument against the concept of sovereignty, but it's not a good argument. There is a way to achieve sovereignty which is, perhaps, a bit brutal, but which is, nonetheless, effective. It is to unilaterally declare our intention to become a sovereign State no matter what. Recognition or lack of recognition by the legal bodies of other States is another matter, but, in my opinion, it would be better, if we want, and if the climate permits, to have legal relations with our partners. Fine! We are going to have to go through legal formalities. That's all.

Mr. Dufour: Quickly, and I'll close here...

The Chairman (Mr. Michel Bélanger): You've already gone over your limit, Sir... The time.

Mr. Dufour: Should sovereignty be chosen, do you think English Canada will negotiate on an emotional level or a rational level?

Mrs. Duplé: That's a question that obviously depends on the situation at the time negotiations are undertaken. I believe that presently, I'd have to say that it is going to be... That the discussions will be very bitter. Now, as people in the rest of Canada become increasingly aware of what's going on in Québec... and it's taking time. I don't know if there's someone, somewhere who isn't distributing information properly, I don't know, but it's taking a long time. But I believe that as soon as the rest of Canada becomes aware of what's unfolding in Québec, they will come to their senses. Listen, it's in our best interest, as I already said, to negotiate in order to maintain a viable Canada, and a viable Québec. Québec within Canada or Québec and Canada. Our ship is in danger of sinking, but so is theirs.

The Chairman (Mr. Michel Bélanger): Mr. d'Anjou, followed by Mr. Nicolet and Mr. Desjardins. You'll have to speed it up a little if we're going to get through all three.

Mr. d'Anjou: Good afternoon, Mrs. Duplé. This will be very brief. I've noticed certain constants in the opinions provided by experts and the those expressed by several individuals. I wouldn't say there is unanimity, but it seems very clear that the status quo has been ruled out, as you stated clearly. There also seems to be an overwhelming majority which feels that economic and monetary union with Canada is a necessity. Everyone wants greater sovereignty for Québec, many more powers. But the

interesting thing in your presentation is the time limit. I see a double limit. One before asking peoples' opinions, so that they have time to familiarize themselves with the risks, and then a second one following that, to give us and English Canada the time to react, get organized and negotiate, as much as possible, an economic and monetary union. Is that right: two deadlines?

Mrs. Duplé: Yes. And your question gives me a chance to complete my answer to Mrs. Pagé. There's also a deadline which must necessarily... If ever we decide that the sovereignist option is the only one possible because the rest of Canada will have rejected the other, finally, and here I think I have to put off the "coming into effect" of the declaration of sovereignty, and that's where we're going to have to leave ourselves enough time to negotiate an alliance, because declaring sovereignty for Québec implies that we are suddenly going to take control of all the levers in our society. That means we'd have to be ready, all of a sudden, to assume these responsibilities. I think that's an awful lot all at once. Treaty negotiations will, ultimately, be the time... if it does come to pass... that we can make our decisions and realistically implement this decision.

Mr. d'Anjou: Thank you, Madam.

The Chairman (Mr. Michel Bélanger): Mr. Nicolet.

Mr. Nicolet: Thank you, Mr. Chairman. Madam, I am taking advantage of your presence among us to round out my education a little. You referred earlier to the Statute of Westminster. It was a piece of legislation adopted in London. Looking at the situation you describe on page 15 and following, won't we find ourselves in a different situation? In the sense that the declaration of Québec sovereignty comes from Québec and that, in this transition period that you call a "deadline for the coming into effect" or the coming into force of sovereignty, we are going to take a certain number of actions? I am thinking in particular of the whole legal system, which is going to have to be adapted to this new reality. And, specifically, if it can be simplified, the body of federal law. Legally, what consequences do you foresee and how do you envisage the process, since it wouldn't be Ottawa, but Québec itself that has to build the bridge? Can you elaborate on that a little, please?

Mrs. Duplé: Yes. I only brought up the Statute of Westminster to show that in time, a divorce between the acquisition of sovereignty, and then the recognition of this sovereignty in an official legal act is possible. That's all; that's

the only comparison. Now, for the transition period. If we have to assume all sovereign powers, the powers of a sovereign State, it will, in effect, be necessary to foresee a situation in which all the legislative responsibilities that a sovereign State might encounter will be assumed. This transition will have to be accomplished while maintaining as much stability as possible. Currently, we have two legal systems which were formed in completely different ways. One which governs public law, and the other, which governs private law. In private law, the continuity will happen on its own, I think. But in public law, we normally work with English-style public law, I mean "common law". I think that for a very short time, we're going to have to use institutions based on the current model. Things of such importance cannot be dealt with all at once: changing the legal system and then setting the course for our collective future and maintaining stability. I think it's too much. Therefore, leave us time to get the situation well in hand. After that, we'll change it if necessary. I think it would require so much mental gymnastics that we would be plagued by terrible uncertainty.

Mr. Nicolet: Thank you, Mr. Chairman.

The Chairman (Mr. Michel Bélanger): Mr. Desjardins.

Mr. Desjardins: Thank you, Mr. Chairman. Quickly then, Mrs. Duplé, good afternoon. You seem to favour... Among all the federalist theses that you have presented to us, objectively, minimal federalism seems to be the one that complies with your requirements and which would be acceptable to Québec. You link that to an elected Senate. You recommend an elected Senate. And you know how important a priority it is for English Canada. But for some, renewed federalism could also mean the complete elimination of a Senate. And I'm getting this from the fact that your minimal federalism delegates so little power to the federal government that I mean, what the hell would the senators have to do with the powers you're leaving for the central government? That's my first question.

My second is on page 18, I'll read you the quote. You say: "The Québec government would have to declare itself open to any serious proposals for changing the current constitutional situation, which would have a reasonable chance of succeeding, on the condition, of course, that these proposals are made by a single spokesperson and negotiator acting for the rest of Canada." (translation) I think you see the problems with that yourself. There's already an amending formula on the table, and the problem of identifying the federal spokesperson. I would like to hear, to know, who it is?

Mrs. Duplé: First of all, with regard to the Senate, the election of senators, with all due respect, I have to point out that I talked about considering this solution. This proposal will have to be considered because the Western provinces are going to put it before us. OK? I didn't say we had to accept it. I already made remarks to the contrary elsewhere. And I say that we're going to have to show some inventiveness. We're not stuck with the pre-established model. We have the opportunity and the necessary intelligence to come up with participatory models which would allow Québec to retain its relative pull in the federation by having its interests recognized within federal institutions. On the other hand, though the federal Parliament would be given very few powers, it wouldn't truly be few because to maintain a monetary economic union, to maintain a functional group that's going to respond to communal needs - I'm adding to this economic union, the bringing together, for example of all... mail, transportation... That's a lot.

Mr. Desjardins: Do you really need senators for that?

Mrs. Duplé: Pardon me?

Mr. Desjardins: Do you need senators for that?

Mrs. Duplé: No, but that's not my solution. I said we'd have to take a look at it. To answer your second question, I'm sorry...

Mr. Desjardins: It was about English Canada's spokesperson.

Mrs. Duplé: Ah yes! I didn't say that that's the only spokesperson who's going to bring us the answer that will allow us to change the Constitution. I simply wanted to suggest that that was the way to avoid the waffling and the way to respond to what Mr. Bourassa has already said: We will no longer have an 11-sided negotiation. Someone's going to have to bring us the answer by telling us: OK, we're ready to adopt, to have the solution you arranged adopted by our respective Assemblies. There you go.

The Chairman (Mr. Michel Bélanger): We will now move on to questions from the Government party representative, Mr. Rémillard.

Mr. Rémillard: Thank you, Mr. Chairman. I am especially pleased to welcome Professor Duplé. I have to say that the faculty of law at the Université Laval was honoured this week. We received...

A voice: It was luck.

Mr. Rémillard: There's no such thing as luck, Mr. Chairman, only necessity. Professor Monod earned the Nobel Prize he was awarded. In the same context, I was saying that we welcomed Professor Otis, yesterday, Professor Brun, Professor Bernier and yourself, whom we welcome with great pleasure today. The first message I get from your brief, is that you are telling us that Québec must clearly establish what it wants, in the sense that Meech was the foundation on which we hoped to build. That wasn't all Québec wanted. For the first time a Québec government agreed to move in two steps, five conditions which were to be the foundation for the building that we wanted to build, and then our proposals for reform of legislative jurisdictions and federal institutions. We weren't able to build those foundations. And you tell us, very rightly so, that for you, the death of Meech signifies the death of federalism as we knew it. We have to look to the future, to a new federalism. You talk about renewed federalism in terms of regions or minimal federalism as you call it, an expression I find interesting, or you talk about sovereignty-association. In your renewed federalism, in terms of regions or otherwise, it doesn't matter where, I understand that it means relatively major changes to the existing situation; very substantial changes. The question that comes up, obviously, is once we've made all our demands in terms of such a federalism, what are our options and how can we go negotiate them with Ottawa? What will we need if we're to go and successfully negotiate such conditions with Ottawa? Because it's Ottawa we'll have to negotiate with. Ottawa will be able to negotiate with the other provinces, if it wants to, afterwards.
(4:15 p.m.)

Mrs. Duplé: OK, my answer to that question is that the only thing you need in order to negotiate effectively is a mandate for sovereignty in a case where, specifically, negotiations related to minimal federalism, which is the first proposition, would fail. My strategy - that's a fine word for so few things, but it comes to me - the strategy that I recommend, ultimately, or which I state, is designed specifically to force English Canada to acknowledge where we stand in Québec. I am almost convinced that it's impossible for English Canada, currently, to give in to Québec's demands.

I already said that Meech Lake was rejected in large part because certain people saw in it, and this has often been said and repeated, the seed of asymmetrical federalism, right? And that, ultimately, is what convinced the Canadian public, because only Mr. Wells and Mr. Harper caused the death of Meech Lake. It's the whole of the Canadian public that ultimately became convinced that Meech was something abominable,

because Meech would lead to Canada's failure, to the dismemberment of Canada. Personally, I say it's because, obviously, people believed that it contained the seeds of asymmetrical federalism, and it's true, I can say that now. I am convinced that that's true because, for me, it's obvious that by making them recognize that Québec was a distinct society, and that the National Assembly's role was to protect the majority culture, to promote it while respecting the minority culture, while maintaining it, for me, that was legitimizing, by extrapolation, subsequent claims. And it was these claims that I was awaiting, and they never came.

Mr. Rémillard: Therefore, if we return to your proposal for a referendum on sovereignty as a means to...

Mrs. Duplé: Yes.

Mr. Rémillard: ...negotiate, this sovereignty is sovereignty-association, if I understand you correctly. Because you told us earlier: The common goal is common economic ground, sovereignty-association. But, in your opinion, does the concept of sovereignty-association exist in itself, in law, in constitutional law? Can we see sovereignty-association as a concept?

Mrs. Duplé: I will say no, because, in fact, I want to say no, because, for me, the term sovereignty-association is a purely descriptive term for a reality which could just as easily exist within the context of federalism... Federalism is a form of sovereignty-association. I would say, to be more precise, because I don't want to mix all these terms, I don't like to manipulate them. I don't like that. You're forcing me to. But I would like to say that federalism could be seen as a balance between sovereignty... autonomy, I prefer to talk about autonomy... between autonomy and the lack of autonomy. Sovereignty, in the legal sense of the word, belongs to the State, is inherent in the State. Therefore, a sovereignty-association, from the legal standpoint, if you want to give it a legal connotation, is the link that has to exist between a sovereign State and another State, another legal entity.

Mr. Rémillard: If I understand you correctly, what you're telling us is that it would be necessary to hold a referendum, a public mandate for sovereignty. In fact, in your opinion, this is a referendum, a mandate to seek independence? This would be, the concept of sovereignty within this context, this is independence, because association could come later if our partners want to become associated. I would like us to be able to make this distinction...

Mrs. Duplé: Of course.

Mr. Rémillard: ...between sovereignty-association and independence as such. And what would your referendum address?

Mrs. Duplé: OK. I'd like to set aside the term sovereignty-association because I could either describe its functional aspect, or I could talk about it within a federalist context. Within that context, I'll say that Québec would have to negotiate as much latitude as possible, creating as few links as possible. The association would be minimal and the autonomy maximized. But we would be within a federalist context. From a functional standpoint, it would be almost sovereignty, or sovereignty minus what was left to the federal government. Also from the operational standpoint, we can look at things differently. The opposite option, I mean the option in which Québec proclaims its sovereignty and seeks to establish legal ties with Canada... that's two legal entities which are going to be linked. They are going to be linked by a treaty, a treaty under which Québec, a sovereign State having complete jurisdiction, is going to transfer a certain number of those jurisdictions to confederative institutions. Therefore...

Mr. Rémillard: But, if I understand you correctly, your position is basically the same as Léon Dion. You are telling us, first of all, like Professor Dion: Determine what you want as Quebecers: jurisdictions, powers. Establish that very clearly. Now, to go negotiate, Professor Dion tells us: Go negotiate with Ottawa, take maybe two years and if that doesn't work then you have your referendum on independence.

You're telling us to go negotiate, have a referendum beforehand and have the mandate for independence already. But both of you are talking about a mandate to seek independence by asking Quebecers.

Mrs. Duplé: To answer very simply, I would say that as soon as the status quo is rejected, we are drawn irrevocably down that path. Rejecting the status quo means not accepting the current system as being set in stone. If our partners don't respond to our needs, what does that mean? If we continue to reject the status quo, fine, that means that there is only one path of the options to follow. Therefore, to answer very simply, yes.

Mr. Rémillard: Do you feel then that this mandate to seek independence could be in the bag but that the National Assembly wouldn't use it until negotiations were completed?

Mrs. Duplé: I don't know if it's a good idea to keep mum like that, because the mandate to seek sovereignty, sovereignty with a capital "s",

to proclaim the birth of the State of Québec, it would be useful precisely to force Canada, the rest of Canada, to see a reality that it has a tendency to want to cover up with various considerations. Therefore, I believe that it's important to show that we have an alternative, an alternative path, and that it is sovereignty.

Mr. Rémillard: Am I summarizing your argument correctly if I say, Professor Duplé, that we have to make extremely substantial changes like those you...

Mrs. Duplé: Yes.

Mr. Rémillard: ...describe in your brief? And that, to negotiate these substantial changes, we have no other choice but to have a public mandate to seek independence, and that, when we have this mandate we will go negotiate with Ottawa? Is that your process?

Mrs. Duplé: That's it. And when I say negotiate, finally when you say negotiate with Ottawa, I'm not sure it would be Ottawa. There are precedents in the past, which I have cited in my brief, which I found in the history of previous constitutional negotiations, where one of the premiers took charge of the matter and achieved, facilitated, if you will, consensus, and it was at the negotiating table that the federal government and the provinces were brought together. Why couldn't that be the case? Why? I'll leave that. I don't think it's any of our business. I think it's up to them now. The answer has to come from the rest of Canada. Why worry about their problems? We had our problems; they didn't ask the same questions as us, so.

Mr. Rémillard: But what you're telling us is that...

The Chairman (Mr. Michel Bélanger): This will be your last question, Mr. Rémillard.

Mr. Rémillard: What you're saying is that we can't get our terms mixed up. And so that we don't get them mixed up, we have to understand that sovereignty-association cannot be achieved unless we first achieve independence.

Mrs. Duplé: If you accept the fact that sovereignty-association has a specific legal connotation, I would say yes.

The Chairman (Mr. Michel Bélanger): We'll now move on to a representative of the Official Opposition party. First, Mrs. Blackburn.

Mrs. Blackburn: Thank you, Mr. Chairman. Good afternoon, Mrs. Duplé, thank you for your contribution to the work of our Commission. I'm just going to highlight one of the things you

mentioned and then I'll move on to the questions. One of the statements which I feel it would be useful to repeat now, because yesterday it seemed to me that some people were a bit vague as to what you're telling us. On page 15, the sovereignty choice: "If Québec withdraws from the Canadian federation, this withdrawal, in itself, will establish the State of Québec without the need for any legal formalities." (translation) I'm glad you said so, because it didn't seem to be very clear to everyone, nor to the members of this Commission. If I understand you... and I am going to try to in light of three or four remarks you made throughout your presentation... If I understand the scenario you're proposing, first of all, you don't have many illusions about the possibility that Canada or the other provinces will accept minimal federalism. And you say that several times. And, at the same time, you say: Let's go make them an offer, aware that, very likely, they are going to refuse it, but that it will put them in a better mood to negotiate an economic and monetary union? Because it seems to me that your goal is to not break the existing ties. Have I understood you?

Mrs. Duplé: Yes, yes.

Mrs. Blackburn: Great.

Mrs. Duplé: There you go.

Mrs. Blackburn: It seems to me... Because you say at one point: Doing it like that, or following the work of the Commission, would be a brutal way to make our decision...

Mrs. Duplé: Yes.

Mrs. Blackburn: ...and the way to do it is to give them this chance to say "no" to us once again, after that, we could say: We've tried everything. We can continue to have neighbourly relations which are useful and productive. I understand that perfectly. Until now, we had different experts coming here to tell us that this method... and I'm using their terminology here: of blackmail, of putting on the pressure, of making ultimatums, of harassing the federal government, of holding the knife to their throat - and there I take Mr. Dion's expression - was creating so much tension in English Canada that it threatened to blow it up. And, according to Louis Bernard, the Québec public doesn't have the right to impose its vision of the country on Anglophones in the other provinces. We don't have the right to ask them to "scrap" - excuse the expression - their country and, in that sense, Mr. Bernard says: We're risking a blow up and he doesn't want that because we need a strong, united Canada and a strong, united Québec. And Mr. Adam, today, in *La Presse* - you no doubt read it, the

title is "Ces fédéralistes qui se sont piégés par leur chantage à l'indépendance" - sort of picks up where Mr. Latouche left off in what he was saying to us this morning. He said: People can't bluff, they can't continue to bluff because tomorrow... Mr. Bourassa said: It's over. Negotiating with 11, eh? Therefore, since we can't bluff, what would be the advantage, once more, of telling them: The last chance? You don't think that they'll realize that it's really a bluff? And I think that you believe it because you don't believe that they're going to accept it. But what's the advantage for us? You say that they are going to be in a better mood to negotiate an economic and monetary union. That's it. That's the advantage?

Mrs. Duplé: Listen. I think that up until now, constitutional discussions have been confrontational. Each of us has brought a list of changes that we wanted made to the Constitution and we've discussed these lists. Without really knowing where we're heading, each of us is yanking the chain. The Western provinces want something, the Eastern provinces want something else, Québec wants something else again and sometimes we reach an agreement with another province by chance. I think that by showing them what we want, that it's the last time, and that we have a mandate to seek independence, OK? By showing them what we want, we're throwing our claims in their faces. There won't be any more waffling. There won't be any bluffing. It's not a bluff because it's this or it's that.

Mrs. Blackburn: Do you realize... Yes, pardon me.

Mrs. Duplé: If you will allow me, Madam...

Mrs. Blackburn: Please.

Mrs. Duplé: Yes. Fine. I can't remember what I was going to say. This is awful.

Mrs. Blackburn: I'm sure it'll come back to you. Do you realize that the model you're proposing could take three years, just like Meech, because of the amending formula? Because once the nine provinces have agreed on what proposal to make to Québec, it will have to pass in each one. You don't find that a little long? You don't think that the tensions it might cause would be detrimental to the social, political and economic climate of all of Canada, including Québec?

Mrs. Duplé: I'd answer that... First of all, I wasn't quite through earlier. They could very well refuse minimal federalism on their part. In fact, I think that's what will happen because I believe that the rest of Canada simply wants a

strong Canada. That's very clear. But nothing is preventing them from accepting, in light of the current situation, asymmetrical federalism that would give Québec a completely unique status. Now, to respond to the proposal for the amending formula, there is legal time and there is real time. The real time, it's Québec who's going to impose it. The others are going to be told: Listen, you have so much time – that's the government, and I'll leave it to the government's discretion – you have such and such a period to decide. Hurry up, because when that time comes, if we don't see anything happening, it's over and we're going to move on to our final decisions.

Mrs. Blackburn: And how much time would you give them?

Mrs. Duplé: Fine, for me, it would be less than three years, and because...

Mrs. Blackburn: It would be necessary.

Mrs. Duplé: No. Why so much time? It's not that difficult to realize that Québec has reached a turning point and that... It doesn't take much time for governments to say: Yes, we might accept that. We'll discuss it afterward. I said that any reasonable proposal that would allow us to move in this direction could be acceptable to the Québec government. And I'm going to tell you that we're at a critical turning point in our collective existence. In my opinion, it's not six months, it's not one year that's going to change things. Let's take a little time to make the right decisions, because they will be final.

The Chairman (Mr. Michel Bélanger): Mrs. Marois.

Mrs. Marois: Thank you, Mr. Chairman. Good afternoon, Mrs. Duplé. Personally, I'd like to backtrack a little, at least a few minutes, on the concepts, to make sure I've understood them; after that, I'd like to go over the notion of asymmetrical federalism with you. It's interesting because you spoke about it... Evidently, you didn't go into great detail, but if we could go over it a little. In the white paper we submitted, "Nouvelle entente Québec-Canada", we were defining the notion of sovereignty by saying, by referring to international law and, in relation to what Mr. Rémillard asked you earlier, it seems clear that we can say that it's the power to decide for oneself without, of course, being submitted under law to any external or superior force. Therefore, it's essentially the power to make laws, to impose taxes and to represent yourself.

Mrs. Duplé: That's it, another State.

Mrs. Marois: Yes, that's another State

entirely, and that State can decide to become associated...

Mrs. Duplé: Yes.

Mrs. Marois: ...with another, in a confederative pact, for example.

Mrs. Duplé: Yes.

Mrs. Marois: We understand each other.

Mrs. Duplé: Yes.

Mrs. Marois: Therefore, we could become a sovereign and associated country.

Mrs. Duplé: Yes.

Mrs. Marois: And there, it seems to me that that's... that defines the two terms we have here, before us quite well. Sovereignty, association. Therefore they can exist in law; those are concepts that can exist in law.

Mrs. Duplé: Yes, but it's a question of convention.

Mrs. Marois: OK.

Mrs. Duplé: Because we could very well agree to talk about minimal federalism, from a strictly functional viewpoint, by using the concept of sovereignty-association. That is to say that there's still more sovereignty than association.

Mrs. Marois: Yes, OK. Great, we understand one another. Good, I'm going to return to asymmetrical federalism. It's interesting because we've been debating it for a little over two days, because there are organizations who came, I'm thinking, among others, of a business organization that appeared yesterday, that said: We believe that all powers would have to be decentralized and distributed to all the provinces, and certain provinces could decide, in effect, that they don't want certain powers, and then we'd end up with, I imagine...

Mrs. Duplé: Yes.

Mrs. Marois: ...a concrete definition of asymmetrical federalism. You're not very optimistic. I have to tell you that I'm not either, because I believe, like you, that the rest of Canada really wants a strong central Canada. Fine. But let's run with this hypothesis of asymmetrical federalism.

Mrs. Duplé: Yes.

Mrs. Marois: And would that imply

reexamining institutions and redefining, for example, how we choose our representatives in Parliament within that federation? And there, how do we ensure that if I, for example, I had all the powers in Québec, with the exception of defence, postal services and let's say some others, do I have the same way when I vote on Parliamentary decisions involving powers which are otherwise held by the central power, but which are my responsibility? I'd like to hear what you think about that.

Mrs. Duplé: No, obviously. Minimal asymmetrical federalism - we'll use the same terminology, if you don't mind - would entail reviewing Québec's participation in federal institutions because if Québec, for example, were the only one to have repatriated, to some extent, recovered most jurisdictions, the rest of Canada being subject to the same system, let's say... OK. Fine! Obviously Québec has nothing to say, nothing to do, nothing to decide in terms of decisions that only have an impact on the rest of the federation.

I think it would be a little complicated. But it would be feasible. It would be a little more complicated to foresee Québec MPs or representatives - perhaps not MPs; we'd have to see - who would intervene only when Québec's interests are involved. These participatory mechanisms would require some thought, but, to me, it wouldn't be impossible. There's always a solution.

Mrs. Marois: Excuse me. As you say in your brief, it's theoretically...

The Chairman (Mr. Michel Bélanger): This is your last question, Mrs. Marois.

Mrs. Duplé: Excuse me? I didn't understand.

Mrs. Marois: As you say in your brief, it is, basically, theoretically possible.

Mrs. Duplé: It's theoretically possible with the current state of affairs. Will it always be theoretically possible when the rest of Canada sees where we're going? We'll have to rethink it, that statement. It's a little... I wouldn't want to take it too lightly. The situation might change.

Mrs. Marois: Yes of course. One last little point. You spoke briefly about the information we have to provide to our partners so that they can decide. How do you think we should proceed once we've clearly established our position, our direction? How do we go about letting the rest of Canada know? What do we stress? Who do we tell? Mr. Morin also gave some hint as to these problems.

Mrs. Duplé: I really don't know much about

the channels of communication at the government level. However, I think that there must be an official network which is designed specifically to distribute such information. The work of the Commission for example, all the briefs, as you know, everyone is involved in drafting summaries? Why not use these summaries, send them to other governments? They would then assume responsibility for informing the people they represent because it would be a very serious thing if they didn't, very serious.

Mrs. Marois: Ah! You're shifting the responsibility to them. You're saying give them the tools.

Mrs. Duplé: Yes, or the media.

The Chairman (Mr. Michel Bélanger): That really was your last one earlier, Mrs. Marois.

Mrs. Marois: I know. I know, Mr. Chairman, but without it, we're not making proper use of all the information.

The Chairman (Mr. Michel Bélanger): Ah! Ah! You even did it knowingly.

Mrs. Marois: Ha, ha, ha!

The Chairman (Mr. Michel Bélanger): That's awful. Well, Mrs. Duplé, unfortunately, that's all the time we set aside. I thank you on behalf of the whole Commission for the very interesting brief you submitted and also for having graciously agreed to come and answer our questions.

Mrs. Duplé: Thank you.

The Chairman (Mr. Michel Bélanger): We're going to be receiving the group Action pour les Franco-Américains du Nord-Est now.

(Proceedings adjourned at 4:38 p.m.)

(Proceedings resumed at 4:40 p.m.)

The Chairman (Mr. Michel Bélanger): We will now continue with a presentation from the group Action pour les Franco-Américains du Nord-Est. Mr. Paul LaFlamme, chairman of the group, will introduce his colleagues and then give the five minute presentation which precedes a half-hour hearing. Mr. LaFlamme, you have the floor.

Action pour les Franco-Américains du Nord-Est

Mr. LaFlamme (Paul): Thank you, Mr. Chairman. We have already passed out several

copies of the pages of the text we want to discuss today.

Mr. Chairman, allow me to introduce the members of the board of directors that are present. I am Paul LaFlamme, chairman of ActFANE and director of sales and marketing for Spectrum International in Massachusetts. To my right is Dr. Éloïse Brière, professor of French with the Department of French Studies at State University of New York in Albany. To my immediate left is Réal Gilbert, director of U.S. operations for Les Coopérants of Montréal. He is ActFANE's past chairman, an international representative and chairman of the Fondation de la langue française. To my far left is Yvon Labbé, director of the Centre franco-américain of the University of Maine at Orono and editor of the newspaper Farog-Forum. I will begin with a few words.

The Chairman (Mr. Michel Bélanger): Please do.

Mr. LaFlamme: Franco-Americans are profoundly affected by everything that happens in Québec. Had there been no Quiet Revolution, ActFANE, the organization I chair, would never have been created and the 3 million Americans of Québec origin in New England and New York would be without a structure to look after their needs and dreams today, as the 20th century draws to a close.

Franco-Americans are so closely concerned by everything that happens in Québec that delivering Québec from the great darkness also delivered the Franco-Americans from this tiny cramped Canada in the northeastern United States. Clearly, any other changes occurring in Québec would leave no Franco-American indifferent since, unlike any other group belonging to the U.S. cultural mosaic, Franco-Americans are unique in their fundamental ties to the culture of their origins.

The umbilical cord linking us to our Québec cousins has never been cut since the U.S.-Québec border has never been impermeable. We have never had to cross an Atlantic Ocean or a Berlin wall. Our blood ties are nourished each time one of us goes to Québec to visit relatives. We see Québec as our past, our history, the very heart of the French fact on the American continent, a heart beating for us all. The stronger this heart, the stronger the identity of the Franco-American people, and the better our chances of continuing to speak French in the 21st century.

However, we do not see Québec simply as the past and a guarantee of our identity. We see Québec as the solution to the dilemma of having been born a Francophone on this continent. Québec allows us to transform this dilemma into a great opportunity. Thousands of Franco-American businessmen and businesswomen already know this, since Québec is also our future, our

entry into many economic, cultural and emotional ties linking the Francophone community.

Clearly, if we want to endorse a modern, dynamic North American Francophone identity, we turn to the Québec model, since it is the model allowing us to be ourselves while remaining North Americans. It is the model that gives us access to the international Francophone community, especially since Québec is the interface between the Francophone world and America.

This is why, today, we are daring to offer the following recommendations:

First, that the terms of the current political debate be changed by broadening its geographic application. It is no longer a matter of two founding peoples in Canada, but one of four cultural communities in North America: the Amerindian community, the French community, the Hispanic community and the English community. While remaining faithful to history, this new debate is more global, allows all North American Francophones to be included, and respects the rights of the other communities.

Second, that decisions regarding Québec's political future be made by Quebecers using the most democratic means possible.

Point number three, that an independent Québec should not hesitate to enter into the necessary agreements with its neighbour, the United States, and to do so, Québec should not hesitate to seek the support of Franco-Americans.

Fourth, that Franco-Americans be included in a political representation mechanism for Francophones outside Québec within the National Assembly.

Point number five, that Québec be able to offer citizenship to persons of Québec origin living outside Québec who apply for such citizenship.

Sixth, that Québec stick to its decision on the choice of immigrants based on their ability to speak French and their interest in the French culture.

And finally, that Québec increasingly stress the use of French in its economic relations abroad, especially with the United States.

Thank you very much. We are ready for your questions.

The Chairman (Mr. Michel Bélanger): Thank you, Mr. LaFlamme. I give the floor first to a representative of the Government party, Mr. Dauphin.

Mr. Dauphin: Thank you very much, Mr. Chairman. First, I would like to welcome Action pour les Franco-Américains du Nord-Est. On behalf of the Government party, I would like to tell you that we are very pleased to have you here with us today in the context of the work of the Commission on the Political and

Constitutional Future of Québec. I have a few questions for you. First – even though I've just received the new version and I think it's a lot clearer – when you state in point number four, which you have just read: "That Franco-Americans be included in a political representation mechanism for Francophones outside Québec within the National Assembly." We had the opportunity of hearing groups of Francophones from outside Québec, notably Ontarians and Acadians, who suggested intensifying the ties between French-speaking communities. I am convinced that it is in this same vein that you want to intensify these ties. Now, my question is: As concerns these ties, what type of structure or what type of link do you see, apart from the one identified in point number four of your document?

Mr. LaFlamme: I will ask Mr. Labbé to comment on this question.

Mr. Labbé (Yvon): OK. First off, we already have ties with the *Secrétariat des peuples francophones* here in Québec City and we have ties in various places. I'm from Maine... So, we all have our own ties, from the university to... Throughout Québec, especially in the Beauce. Because I'm from... that is, my family is from the Beauce. So, the mechanisms, to my mind, should be developed and we are trying to develop some between the Chaudière and Kennebec river regions, which we would like to call Chabec. There have been meetings at Skowhegan, Maine and Sainte-Georges de Beauce. We are setting up an association based on our common heritage – in Skowhegan and the Kennebec River valley, there are many Franco-Americans especially from the Beauce – and establishing economic and cultural links, educational exchanges and the like. This is a model we are establishing right now.

Mr. Dauphin: OK. If I may, Mr. Chairman. God knows that in terms of Québec's international exports, relations with the United States are extremely important for Québec. I think that more than 75% of our international exports go directly to the American States, especially Vermont and the other northeastern States. At some point, you say that of 3 million, there are still about 1 million who speak French in the home. You also say that, eventually, there might be a desire to repatriate to Québec, depending on the political choices we make. As I said earlier, we heard other groups of Francophones from outside Québec who didn't necessarily tell us that. I'd like to know the difference between those Franco-Americans who might want to come back to the homeland and those Francophones outside of Québec who want to maintain good ties with Quebecers. But I didn't really get the impression they wanted to

come back to Québec.

Mr. LaFlamme: I'll ask Dr. Brière to answer that.

Mrs. Brière (Éloïse): Well, it seems to me that there are two types of possibilities here. Like the Acadians or other Francophones outside Québec, there are some Franco-Americans who do not wish to return or be repatriated to Québec. And there are some who think that the idea is something to think about. Having said this, I think that what we'd hope, perhaps, is that Québec could offer a status not necessarily of legal citizenship, but rather of cultural citizenship for Franco-Americans. Because, after all, Franco-Americans that harken back to Québec are not just anyone; usually it's your cousin, uncle or aunt. Franco-Americans are seeking just that, namely, that this special, unique relationship be recognized. We have, indeed been like Lorenzo Surprenant, not listening to Maria's voice and remaining in the States. But that doesn't mean that our emotional ties have been cut. And, I think that's especially what we want to stress, and there are some Franco-Americans who would definitely like to come to live in Québec, and they would like this desire to be recognized.

Mr. Dauphin: Do I have...

The Chairman (Mr. Michel Bélanger): One last, very short one.

Mr. Dauphin: One last short one. Perhaps a comment. To conclude, I would like to thank you again for coming. Congratulations and tell your compatriots not to forget their French. Thank you very much for coming.

The Chairman (Mr. Michel Bélanger): Thank you, Mr. Dauphin. We will now move to a representative of the Official Opposition party, Mrs. Marois.

Mrs. Marois: Thank you, Mr. Chairman. Welcome to our sittings. Your brief is short, but heartfelt. Without sticking your noses into our domestic business, you are very careful saying: Quebecers are the ones who will have to choose their status. In speaking about Québec, you also say in your document: A heart beating for us all. The stronger this heart, the stronger the identity of the Franco-American people, and the better our chances of continuing to speak French in the 21st century. As far as you're concerned, does Québec sovereignty seem to be a plus and something that doesn't threaten your future?

Mr. Labbé: As far as I'm concerned, it's not threatening at all because, in my view, the stronger Québec culture, the easier it will be

for us to return, to revitalize, to better know our history, and also to penetrate the U.S. public system, which we are just beginning to penetrate. I think that the States, especially the States bordering on Québec – New Hampshire, Maine, New York... It's very interesting for us to look northward and feel the warmth emanating from the north.

Mrs. Marois: Ha, ha, ha!

Mr. Labbé: So that's how I see it. I think it's a good thing.

Mrs. Marois: Do you have anything else to add? That's it? Something I ask myself each time I look at what's happening in the northeastern States is: What are the institutions that enable you to keep your language, to allow it to evolve so that it becomes a means of communication between you?

Mr. LaFlamme: Dr. Brière.

Mrs. Brière: We have succeeded in preserving our language for a century and this is one of the miracles, indeed, triumphs, and one of the best-kept secrets of private schools in the United States. Franco-Americans, who were not of the upper middle class, may I remind you, built, over a century, a school system that is unequalled in the United States – more than 200 bilingual schools at the elementary, secondary and even university level – we built it, and for a century we have maintained our language. Clearly, with the decline of religious calling over the past thirty or forty years, it has been more difficult to keep this system going. We have to depend on public institutions and, naturally, this is a problem. The language has not been maintained as it is here in Québec, where you have succeeded in setting up institutions, laws, etc. So, we depend on public institutions and our agencies and there are, after all, Franco-American schools; they continue to exist.

Mrs. Marois: In the public system?

Mrs. Brière: In the private system.

Mrs. Marois: In the private, not the public system. So, French becomes a second language?

Mrs. Brière: Exactly.

Mrs. Marois: That's what it is in terms of learning. Another question, more in terms of the institutional ties we could have. My colleague across the way, Mr. Dauphin, asked what you were proposing where the National Assembly was concerned. Clearly, there is the Francophone community. Have you thought of any specific tools, or specific institutions that would allow

us to preserve or intensify ties between those who speak French in Québec and those who speak French in the northern United States?

Mr. Labbé: In June, for instance, you held, here at Université Laval, a symposium sponsored by CEFAN, Chaire pour les études francophones nord-américaines. So, there you go. You have an institution that sponsored a symposium on Quebecers and New England Franco-Americans. It's the beginning, it's a start, it could grow along those lines.

Mrs. Marois: Through existing institutions either here or there, could ties be established and perhaps increasingly institutionalized?

Mr. Labbé: I think so. At home especially. The University of Maine at Orono has been known for about twenty years now; it holds lots of activities on that subject and it at least has a Franco-American centre. But, where higher education is concerned, things could be stepped up. There are also activities at New York University in Albany. I think these studies at the higher levels should give Québec or Québec studies and Franco-American studies a higher profile.

Mrs. Marois: OK. I think that... Is there time for a really short one, Mr. Chairman?

The Chairman (Mr. Michel Bélanger): It'll have to be a really, really short one.

Mrs. Marois: On citizenship, my colleague would like...

Mrs. Blackburn: You say that Québec could offer citizenship to persons of Québec origin living outside Québec and applying for it. Are you speaking of immigration and dual citizenship, a little like what was discussed between Québec and France at one point?

Mr. LaFlamme: Mr. Gilbert.

Mr. Gilbert (Réel): The answer is very easy, Madam. Yes, that's exactly what we're talking about.

Mrs. Blackburn: Dual citizenship?

Mr. Gilbert: Yes.

Mrs. Blackburn: All right. That's interesting. Because that had been mentioned by the Conseil de la vie française en Amérique.

The Chairman (Mr. Michel Bélanger): We will now move on to members' questions. Mr. Turgeon, followed by Mr. Libman.
(5:00 p.m.)

Mr. Turgeon: Thank you, Mr. Chairman. Personally, I feel that your testimony is very interesting but, at the same time, I find it very surprising. I'd like to know why Franco-Americans would be interested in being repatriated into sovereign Québec but are not interested in being repatriated now.

Mrs. Brière: I think it's really a question which is unrelated to sovereignty. Franco-Americans who have wanted to be repatriated to Québec have done so for a long time. I don't think that sovereignty will change this personal desire. Sovereignty will, perhaps, change the ease with which they can make these changes. That's the only difference.

Mr. Turgeon: Out of 1.1 million Franco-Americans, there are about how many that might wish to come back? Do you have an estimate?

Mrs. Brière: It's impossible to say, but, in our personal contacts, in speaking with people, it's a very real subject of conversation that comes up time and again. People are fascinated by Québec's dynamism, its *joie de vivre*, the warmth of the human ties found here and not found at home. Given social changes, this is something that is discussed in Franco-American circles.

Mr. Turgeon: If I understand correctly, you who live in the United States, you tell us to insist, when we do business with the Americans and not just the Franco-Americans, but when we deal with them, that we should insist on dealing in French and even that we should insist on having our government do business with the U.S. government in French. Is that what you're saying?

Mr. Labbé: Yes, insist as much as possible, because you have an elephant there and maybe...

Mr. Turgeon: How would it be received in the States if we tried that?

Mr. Labbé: It depends where you go. If you go to Manchester, New Hampshire to do business, you will be very well received by the authorities, I'm sure. In Lewiston, Maine, you'll be well received and perhaps in Albany, New York. So, you'll have... for instance, the Speaker of the House of Representatives of the State of Maine is a Francophone. You will be very, very well received there in French. So, there are a number of places.

Mr. Turgeon: One last short question. What is the daily life of a Franco-American from a linguistic viewpoint? Is it in the family, from breakfast to supper and so forth. Does all this go on entirely in French?

Mr. Gilbert: I'd say not. I'd say we live in English, Sir.

Mr. Turgeon: And when does the French come in?

Mr. Gilbert: When we're at home, when we talk with our relatives, and when we're in meetings, in agencies that preserve the language, like CEFAN, all sorts of agencies to which we belong because we want to preserve our language.

Mr. Labbé: There's a certain amount of dynamism there too, you know. You know that until 1976, in Maine, there was a law prohibiting the teaching of subjects in a language other than English... until 1976. We managed to get rid of it. The KKK was active in Maine against the French. So, we are trying to regain our capacity to speak it and also to get the means, whether through Québec or otherwise, to reimmerge ourselves, to revitalize ourselves, and also to penetrate public institutions especially to have French taught as a mother tongue and not as a foreign language. This remains to be done, but we're trying to do it.

The Chairman (Mr. Michel Bélanger): Mr. Libman, followed by Mrs. Simard, who will be the last speaker.

Mr. Libman: Thank you, Mr. Chairman. Two sentences struck me in reading your brief, and I'd like to point them out today. The first is: "To ensure a better future for cultural and linguistic minorities throughout the world." And the second is: "To take or have the means necessary for the development and dissemination of the French culture and language, not only on its own territory, but throughout all of North America."

So, in light of these two sentences, I would like to get your opinion on Québec's language laws and the protection of the French language in Québec in a North American context and your context. Because Québec Anglophones speak the same language as the majority of this enormous whole, but Québec is their home. And Québec Anglophones are in favour of promoting and protecting the French language in Québec in the North American context. But the existing language laws in Québec... Bill 101, for instance, contains discriminatory clauses, certain restrictions. And Québec Anglophones feel that these restrictions are unrelated to protecting and promoting the French language in Québec and in North America. This is why they are massively opposed to the spirit of this law. So, I want your opinion on that. Is it necessary to have these language laws or the restrictions in these language laws to truly ensure the cultural security of the French language in North

America? And, in light of the sentence where you talk about the means necessary for developing and disseminating the French language and culture, do you think that these restrictions are necessary in the North American context?

A voice: Mrs. Brière?

Mrs. Brière: I don't know exactly what restrictions you are referring to but, at any rate, these legal restrictions are Québec's business. It's up to Québec to adopt the laws it needs. It's up to the Québec people, whether English or French-speaking, to determine which legal routes will best allow it to survive. As for the dissemination of the French language elsewhere in the North American continent, I don't think it's a question of law. It's a question of teaching, of passing on culture. What we want is for Québec to remain French-speaking because this element is absolutely essential to its identity, just like speaking English is an essential element in the identity of English-speaking Quebecers. And that is part of the most basic human rights.

Mr. Libman: OK. But that's why I asked the question. In the North American context, do we need to find other positive means, constructive initiatives to allow this language to spread and to develop rather than setting linguistic restrictions?

Mrs. Brière: Obviously, any constructive, positive measure to spread the French language in North America should be welcomed, eh? That's obvious.

Mr. Libman: OK. Secondly, finally, Québec's Parti québécois recently spoke of a law permitting the return of people who left Québec. What do you think of this concept for attracting Francophones who left?

Mr. Labbé: Personally, my view is that I think it's very good and I could be attracted myself, but I think there it could be a two-way street. If we look at this region of North America, there's Maine, New Hampshire, New England and Québec, and there are about 8 million, 10 million Francophones... so we can look at them as a whole. So, repatriating is great. They're full of all kinds of values. I think it would attract many people. They could come for a month, two months, a year, two years, maybe forever, but I think it's a good idea.

The Chairman (Mr. Michel Bélanger): We'll now turn to Mrs. Simard.

Mrs. Simard: Hello, Mr. Chairman. Just a word to tell you that it's very pleasant to hear

you. And I speak from experience since I have relatives who still speak French but who emigrated more than a century ago to Massachusetts and who keep in touch with us regularly. It's obvious from what you say that the stronger Québec is, the more Francophone it is, the more support you'll have for your actions and the very survival of your community in the United States. And you ask quite specifically for a number of things which, in my view, would be easier to carry out if Québec actually had the powers to carry them out because, in some cases, what you are asking is impossible in the current framework. So, you aren't sticking your noses into our affairs but, if we are to deduce that if these are really your goals and if you want us to carry them out, a number of decisions will have to be made. In recommendation 4, you even speak of a mechanism for representing Franco-Americans within the National Assembly. Have you given any thought to the form this might take? I'd like to hear your thoughts on that recommendation in particular.

Mr. Labbé: We spoke earlier about the fact that, at home, in the State of Maine, there is a mechanism providing Amerindians with representation in the Legislature, and they are almost sovereign. There are Indian reservations but they are represented in the Legislature. They do not have the right to vote, but they are entitled to participate in debates and to table draft legislation along with others. However, they are not allowed to vote. So, they are represented; this is the type of mechanism of which I spoke, one which would be possible. And I, personally, would be pleased, if this were to happen, for it to be a Franco-American. We don't all agree. We aren't unanimous, but generally...

Mr. LaFlamme: Could I ask Mr. Gilbert to add a word on this subject.

Mr. Gilbert: OK. Mr. Labbé answered your question accurately, Madam, except for one thing. We were thinking about a minister whose portfolio would include, let's say, the Francophone community and Franco-Americans. We learned that you have a minister responsible for relations with the Francophone community, but we didn't know what was included in his portfolio; we have just found out. So...

Mrs. Simard: So, now you might be able to use this.

Mr. Gilbert: That's right.

The Chairman (Mr. Michel Bélanger): Well, let me thank you especially for the example of loyalty and determination you have shown in

being descendants of Quebecers who are able to speak to us in a French that does honour to your origins; we can recognize the Beauceron in one of you, and some other origins. It is very pleasant to hear you, especially since you have made this detour in a season when trips are not always easy. I hope that you will, nevertheless, enjoy your stay in Québec City and, on behalf of my colleagues, I thank you.

Voices: Thank you.

The Chairman (Mr. Michel Bélanger): We will now hear Professor Vély Leroy, an expert we invited to appear.

(Proceedings adjourned at 5:12 p.m.)

(Proceedings resumed at 5:14 p.m.)

The Chairman (Mr. Michel Bélanger): Come to order, please.

If the members of the Commission would be good enough to take their seats. We will now welcome Professor Vély Leroy, an expert who has answered our invitation by sending us a brief that answered our questions. Professor Leroy, you have 10 minutes to present the main points of your brief and then we will move to the questions. The floor is yours.

Mr. Vély Leroy

Mr. Leroy (Vély): Thank you, Mr. Chairman. Ladies and Gentlemen of the Commission, in accepting your invitation, I intend to take part in building the broad synthesis towards which your efforts are leading. But it goes without saying that each of us should insist specifically on the issue he is best able to address. As such, I have much more to say on the monetary issue as pertains to Québec and of much better quality than on other matters.

By the way, your question reflects a good deal of concern for synthesis and, while starting from the supreme idea of protecting and promoting the identity of Québec, it also converges on maintaining and promoting Quebecers' standard of living.

One thing is certain, Quebecers are worried about the death of their culture. Moreover, Quebecers have shown an unflagging commitment to the consolidation of the gains of the Quiet Revolution: education, the arts, industrialization, prosperity through economic freedom, social security that respects economic freedom, all that in barely a quarter-century. Intellectual growth, noted artists, a whole new generation of entrepreneurs skilled in high technology, highly qualified manpower, a public service experienced from decades of negotiations, either with the federal government, other provinces or foreign or international bodies.

After such a short gestation period, the ability to form such an impressive human capital testifies to the vitality of Québec society, comparable to a tree in its prime. Is it any wonder then that Québec nationalism is on the rise? Our success reinforces our self-esteem, a bit like the effect, the cause. It is just as valid to argue that culture is a vital principle in promoting the standard of living as to argue that the standard of living is a vital principle for the promotion of culture, from which it follows that it is necessary to reconcile, through political powers and economic powers, Quebecers' legitimate aspirations with converging solutions.

Québec's refusal to return to the constitutional table is equivalent to its rejection of the Canadian political system. What is the choice now facing Québec? In my view, either remain within the Canadian political system with the risks that system involves, or leave the Canadian political system with the risks departure involves – risks for the others as well. Therefore, it is reasonable that everyone seek solutions that reduce the absolute level of risk.

To remain in a Canadian political system, even if overhauled, means to remain one province among others, which doesn't contradict the expansion of constitutional powers when, prompted by the same civic spirit, all the parties agree to extend the same privileges to all. But there, the English-speaking communities would have to share the same apprehension concerning cultural survival as Québec and it also would end up not wanting to follow the federal cortege under the canopy of a strong federal government.

To leave the Canadian political system means independence, that is sovereignty with its train of powers, from which follows the right to enter potestative forms of integration with other States: customs union, common market, monetary union, security and cooperation union, all involving varying degrees of political links among the contracting States.

I now turn to the monetary question. I'll begin by assuming no change in Québec's status, and afterward I'll consider the situation assuming an independent Québec.

Theories on an optimal monetary sphere are known. They start with the observation that a division of the world into defined regions, according to the dual criterion of internal factor mobility and external immobility of factors of production, best suits the existence of one monetary sphere per region. In other words, one region, one currency. This is matched with flexible rate systems between currencies. A proposal designed not to undo existing national monetary spheres, but to inform the choices of monetary union projects among countries that abdicate their monetary sovereignty. The optimal monetary sphere thesis is very evocative; it especially highlights the relation between the

pursuit of objectives such as full employment and external balance, on the one hand, and the exercise of monetary sovereignty, on the other. Unfortunately, the real world is not always accommodating to otherwise brilliant ideas.

So, it isn't practical to regionalize the Canadian monetary sphere by dividing it into optimal monetary sub-spheres. However, the same monetary sphere could be considered with a system of federal reserve banks under a central board. The central board would be charged with developing monetary policy.

First feature of this new system. The new system is oriented neither toward the purchase nor the sale of securities issued by the central authority, whether this be a central government, a confederal government, or a supreme community body. In carrying out this task as a central bank, each federal reserve bank henceforth buys and sells the securities of the government of the region for which it is the central bank, as well as any other type of instruments for which it has been authorized. For instance, a region could authorize its federal reserve bank to purchase the securities of a large government corporation as well as certain commercial notes. By restricting the access of the federal or confederal authority to the central bank, the new system also restricts its spending power, and so implies a redistribution of constitutional powers.

Second feature. Each federal reserve bank is the depositary of the essential cash reserves of deposit-taking institutions operating within its region. This would not only ensure an effective inter-institution payments system, but also serve the purposes of monetary policy. In addition, each federal reserve bank could be authorized to require a reserve from financial institutions under its jurisdiction, in the form of government securities and other instruments.

Third feature. The system's central board includes many members including a permanent representative from Québec, in this case the president of the bank of Québec.

Concerning the organization of the central bank of Canada, the constitutional and political problem provides the opportunity for a renewal from which could emerge a similar system to that of a federal reserve system. Some of the advantages I see are: first, the presence of the regional federal reserve banks on the central board that develops monetary policy; second, representation on the board of each federal reserve bank of the region's main economic interests; third, the regions would be given the opportunity to adapt the regulation of some activities of their financial institutions as it suits them, provided, of course, their are minimum grounds for agreement concerning what must apply to all institutions. It is useful to note here that diversity is rather an asset. The American and German systems are references.

Now for the other hypothesis: an independent Québec State. The Canadian dollar then becomes a foreign currency since it is issued by another State. Therefore, assets in Canadian dollars would be equivalent to assets in foreign currencies. But that does not conflict with a decision to make the Canadian dollar legal tender in an independent Québec.

An independent Québec would have to choose from among three basic options. First: adopt one or two foreign currencies and make them legal tender in Québec; either the Canadian dollar, or the American dollar, or both. Second option: create a central bank of Québec that would issue Québec's currency, applying the right of a sovereign State to introduce its own currency, monetary institutions and accompanying measures to apply its monetary policy. Third option: create a central bank of Québec and enter into a monetary union with Canada, either a common currency system or a separate system. A federal reserve system, as I just described, is suited to a common currency system. And the current Canadian dollar could be that currency. This solution offers the double advantage of renewal and continuity.

But let us now move to the other hypothesis. United, though under separate systems for their respective currencies, an independent Québec and Canada would have to institute a Canada-Québec monetary system involving at least three things: first, an exchange mechanism based on a fixed but adjustable rate of Québec currency into Canadian currency; second, a basket composed of Canadian currency and Québec currency, similar to the European ECU or special drawing rights, to be used as the unit of account, method of payment and reserve currency between the two contracting parties; finally, mutual credit mechanisms, to meet very short-term, short-term and medium-term needs. In this regard, the European monetary system gives us a reference. But the day is perhaps not far off when North America itself will have a regional monetary system.

The initial conditions, objective and subjective, seem to favour monetary union. What are the objective conditions? First, capital mobility; second, the openness of the economies of Québec and of Canada to each other and to the world; and third, the financial integration of Québec and Canada. These are the objective conditions.

Now the subjective conditions: first, Québec's aspirations for sovereignty; second, the public's repugnance, both in Québec and in Canada, for measures that, in the event of a tragic upheaval, would mean either exchange controls, control on the movement of capital, or the blocking of the financial system; third subjective condition, a community of view between an independent Québec and Canada

concerning the goals of economic policy and economic ethics.

Some reasons tend to influence public opinion in favour of a common currency in the institution of a Canada-Québec monetary union, which does not conflict with the formation of a central bank of Québec. Clearly, a monetary union would closely link Québec's currency with the Canadian currency and, reciprocally, is in keeping with the sovereignty project and raises no special technical problems. Thank you for your attention.

The Chairman (Mr. Michel Bélanger): Thank you, Professor Leroy. We will begin with questions from a representative of the Official Opposition party, Mr. Léonard.

Mr. Léonard: Thank you, Mr. Chairman, thank you, Mr. Leroy. I think you've made a very clear presentation. The options are clear: stay or leave, with the risks each option involves. I'd also like to thank you because basically, reading and hearing what you have to say, which I had the opportunity to do, I think you're particularly qualified to demystify the currency question. And I think many of us were interested to hear you, and I'm sorry Mr. Ouellet isn't here, because he would've seen that the Canadian dollar would not necessarily fall. In short, there's nothing dramatic in this. And above all, I recall your conclusion, that the sovereignty blueprint raises no special technical problems concerning currency.

I would like to ask an initial question because, in your brief, you discuss the various monetary options available to Québec, whether it remains within the Canadian federation or becomes sovereign. You imagine two scenarios. But you do not give an opinion on the political status of Québec, the status you prefer. But, could we conclude that you are rather in favour of sovereignty, since the monetary solution you prefer assumes sovereignty? I had the impression that your imagination was particularly active in that scenario.

Mr. Leroy: Well, then. I think Québec has everything needed to be a sovereign nation. And that's why I wanted to say at the beginning that Québécois have shown an unflagging commitment to the preservation of the gains of the Quiet Revolution and the impressive human capital they represent and have been able to accumulate in barely a quarter-century, for me, is the starting point of the existence of a human wealth that completes the natural physical riches that already exist in Québec and, for me, result in the monetary issue being of secondary importance. Since the human and physical riches are here, and the know-how is here and there is ample evidence of this, it really seems to me that the starting point is to know that,

basically, there are men and women and material resources and technical or technological expertise, as you will, that will raise no difficulty concerning the monetary issue.

I would also add that financially, we are a highly developed, an ultra-developed society in which people are already used to cheques and used to holding the bulk of their funds in bank deposits. People therefore, consequently are not people who worry about whether or not their funds are in the bank. They know how things work in general terms. As for my political preferences, I think they follow from the brief I've presented and that the current situation absolutely conflicts with, let's say, the guarantees, if you will, or Québec's efforts to obtain guarantees concerning the health of its culture and identity.
(5:30 p.m.)

However, I would say, basically, why not a sovereignty that I would interpret as independence? I realize there is, or, for me, the sovereignty of a State means the independence of a State. So, it wasn't my intention, if you will, to play with words and I set out the two possibilities squarely: either we leave the system or we remain in it. Whether the system is renewed or overhauled, you remain a province like the others.

Mr. Léonard: Very good. Since in your brief you maintain that it would be preferable, in Québec, to have a monetary union, because that's the conclusion of your document, could you tell us what the rest of Canada would stand to gain from negotiating such a union? I know there are some who doubt it, but in monetary terms, for instance, why would it be in Canada's interests to negotiate with Québec?

Mr. Leroy: Well, first, there's the very principle according to which the currency, in our society, is what we call fiduciary money, termed a fiduciary money, in other words, it's based on confidence. In other words, believe me, there's no specific metallic reserve, nor any reserve in special physical things that guarantees the money that exists as coins, notes, or the money that exists as bank deposits. It's confidence, so it's fiduciary money. And a bank deposit is based on trust to an even greater extent than a Bank of Canada bank note, for instance. But if, let's say, you were to tender a Canadian bill to the Bank of Canada and ask for payment of the bill, you would be thanked, of course - thanked for your thoughtfulness in having returned a used bill, and you would be given a new bill. That's what it means.

Voices: Ha, ha, ha!

Mr. Leroy: And when we go further and look at how, let's say, the offsetting entries

exist on a central bank's balance sheet, not just our's, but the balance sheet of any modern central bank, you have paper on the assets side and nothing but paper on the liabilities side. What does that mean? It means that on the assets side you have government securities, which make up virtually 98% or 99% of assets, and on the liabilities side, you have deposits and, especially, outstanding notes, which again is paper. And that's why we say we live in a paper currency system. So, at that point, Canada, by definition, the rest of Canada, I mean, by definition, where the largest amount of the money supply is concentrated, because they are more numerous, clearly would be the biggest losers from not wanting to negotiate a monetary union.

Mr. Léonard: Why would they be such big losers?

Mr. Leroy: Because there would no longer be confidence in this currency and, by definition, in every country in the world, experience has proven that the residents of the country are the first to move their capital elsewhere, not foreigners. Since they hold the largest share of the money supply in the country in question. So, Canadians themselves would be the first to move their capital elsewhere in the event that there would in fact be a crisis of confidence in the Canadian dollar.

Mr. Léonard: What you're telling us clearly, means finally that, when independence comes, it will be in Quebecers' interests to hold Canadian dollars.

Mr. Leroy: I didn't go that far. I've offered options. The question: Is it more advantageous to contract a monetary union than not, that's another kettle of fish. I spoke of the necessary conditions, objective and subjective, in favour of that. But I didn't do a cost-benefit analysis of a monetary union with the rest of Canada. Let me say this: For instance, if we think of monetary policy, in a country like Canada, here's what distinguishes it in relation, let's say, to what could, you can imagine, happen in the case of the European monetary system. In Canada's case, and in the case of every country, monetary policy always needs to be anchored to some geographic point. For instance, here, the anchoring point is Toronto or Ontario. It's not inevitable, I mean, rather, it's inevitable, that is, that it's the place where economic activity is strongest, where financial activity is strongest. So, if the Bank of Canada's objective is monetary stability, and in particular price stability, it's quite normal for it to have a choice between two possibilities: either mount an inflationary policy in the other regions to bring them up to the same level of inflation as

Ontario, or, using a policy to dampen domestic demand, reduce the inflationary pressures prevailing in Toronto to a lower level. Since the central bank prefers monetary stability, and in particular price stability, which is quite normal, I don't disagree with that. That means that the other regions in the union, not the union, but in fact the country called Canada, obviously, suffer the consequences of this policy.

Be careful now, because a possible cost of a monetary union is that the less inflationary regions suffer or experience a lack of prosperity because monetary policy is aligned with the inflationary region whose inflationary tendency it wants to moderate.

Now, this is very different. The economic situation is very different from the situation in the European monetary system because in the European monetary system, there is also an anchor point, West Germany. But that's the country with the lowest inflation. And therefore, consequently, because it has the lowest inflation, the system's monetary policy can target prosperity instead and have the others participate.

So, this means that my approach to the problem, in the brief I've submitted to you, does not proceed from a cost-benefit analysis, but proceeds from an analysis of the subjective conditions and the objective conditions that tend to favour the monetary unification of Canada, in the event of Québec's independence.

The Chairman (Mr. Michel Bélanger): We now move on to questions from the members. Mr. Bouchard, followed by Mrs. Campbell Steer.

Mr. Bouchard.

Mr. Bouchard: Thank you. In other words, if you're right and rational interests prevail, English Canada, in the event of Québec's sovereignty and Québec's preferred option of setting a common currency, would benefit from accepting the definition of a monetary union. Good, and it's even likely that it would agree to that, after the initial prevarications that, I imagine, the political upheaval would cause.

However, let's assume, because we still have to consider fall back positions, that the pessimists are right and that English Canada hardens its position and rejects the evidence of interest and reason, and that Québec is forced to adopt a currency other than the Canadian dollar. You consider options there, but is one of the options, because it's been mentioned many times, could it not be, among others, that Québec issue a Québec currency, but pegged at a fixed exchange rate with, for instance, a currency like the American dollar?

Is that a fall back position that could be considered and, if yes, would it be viable?

Mr. Leroy: Well, your question is fairly

complex. I'll say this. First, let's begin by knowing, before asking, where the problem lies. The problem isn't with trade and payment relations at the public's level. You and I will continue to write cheques as though nothing had changed. Nor does the problem lie with the relations between the public and deposit-taking institutions. Nor does it lie with the relations among deposit-taking institutions. Rather, it lies with the central bank and the deposit-taking institutions, that is, the banks, caisses populaires and others. And I'm absolutely unconcerned, because the private banking system has already shown, and continues to demonstrate, with the existence of the Eurodollar market, the Euro-currencies, that it's able to manage its own affairs and manage things so that there's as little disturbance as possible.

For that matter, Canada didn't have a central bank before 1935. And before 1980, there was no, the Canadian Bankers Association managed the clearing system in Canada. Let's say, there was no Canadian payments association before 1980. So, I'm not worried on that score.

And suppose the other side refuses and right away there's the option that consists in saying, listen, a sovereign State declares which currencies it will accept as legal tender. So, we declare that the Canadian dollar is legal tender in Québec and that the American dollar is legal tender in Québec. In other words, we become a model, if you wish, we become a sovereign State that simply adopts the currency of another sovereign State. That's the first stage.

Mr. Bouchard: There are two stages, I think.

Mr. Leroy: The first stage. Now, let's say...

Mr. Bouchard: I want to understand you...

Mr. Leroy: Pardon?

Mr. Bouchard: Just so I understand and follow you. That's the hypothesis where, even if English Canada were to reject a monetary union, we would still decide, we would have the right, and we could do so in practice, to accept the Canadian dollar as legal tender in Québec and another currency as well. American for instance.

Mr. Leroy: Absolutely. French currency, if we want. In fact, there are all kinds of cases in Canadian monetary history where, before 1871, the law that standardized currencies in Canada, there existed an enormous number of different currencies from all parts, including the Spanish peseta that circulated in Canada. There's no problem there. And you are absolutely within your rights to say: Well, listen, I declare that the American dollar is legal tender here, that

the Canadian dollar is legal tender here, or whatever currency you can think of. Now, suppose we say: Listen, we want to issue a Québec currency...

Mr. Bouchard: But...

Mr. Leroy: Yes?

Mr. Bouchard: ...no problem, but why not do it? Why do people adopt a national currency? No problem...

Mr. Leroy: Ah! There...

Mr. Bouchard: ...after all, there must be some?

Mr. Leroy: ...it's because, there are two major considerations here in fact. On the one hand, from a completely abstract point of view, you could say that it's not really in the interest of countries to be sovereign in monetary terms. But all countries do not say that; and few say so, by the way. And even if you take the case of the European monetary system, we still haven't seen the day when all the national currencies will disappear and be replaced or combined in a single currency. It's been going on for 30 years and still isn't finished. But still, there's been a start, a beginning of integration, monetary unification...

Mr. Bouchard: No. But if you'll allow me. If we do that, if we accept other currencies as legal tender, then, we're at the mercy of the monetary policies those countries may decide. We'd have no say...

Mr. Leroy: I agree with you.

Mr. Bouchard: We agree, so there's a serious disadvantage there.

Mr. Leroy: Not necessarily. Let's say, you're not necessarily bound by the policies of others, provided you can effectively have laws that concern you. For instance, to illustrate, you could think of a Québec that would be a kind of tax haven for certain banks and therefore absolutely attract all the credit needed. And again, we mustn't only think of currency that's legal tender, that people use... And in fact, we mustn't believe that Quebecers themselves mainly use legal currency to make payments. Legal currency means in the sense of bills issued for circulation by the Bank of Canada and notes. But the greatest quantity, the largest portion of money Quebecers use to make payments is not legal currency. Neither is it counterfeit money. In fact, they use methods of payment that are bank credit cards or cheques to settle a debt. That's not legal currency. Finally, there's no law

in Canada that says bank deposits are legal currency. It's not illegal to have bank deposits, but that doesn't mean the bank deposit is a legal currency. Moreover, deposit-taking banks are required to convert deposits into legal tender. That's what's written in savings account passbooks, to convert deposits into legal tender. So, we live in a system where the private banks and caisses populaires are part of the money creation mechanism and the essential counterpart of this creation of money is the fact that these institutions extend credit. Trust is everything.

The Chairman (Mr. Michel Bélanger): Does that answer your question, Mr. Bouchard?

Voices: Ha, ha, ha!

The Chairman (Mr. Michel Bélanger): We'll continue anyway; it'll probably be raised again. Mrs. Campbell Steer...

Mrs. Campbell Steer: Me too, perhaps...

The Chairman (Mr. Michel Bélanger): ...followed by Mrs. Simard and Mr. Béland.

Mrs. Campbell Steer: Perhaps you could clarify the situation for me. If we're in a sovereign Québec and we choose a Québec currency with a fixed exchange rate against another currency, that is, one of ours gives two U.S. dollars, or whatever, don't we simply import their monetary policy by having a "paid rate" like that?

Mr. Leroy: Look, these days, fixed exchange rate systems, absolutely fixed and virtually irrevocable are relatively few and the cases that do exist are completely insignificant in relation to what they represent at the world scale...

Mrs. Campbell Steer: But for...

Mr. Leroy: ...but we live in a country that's fairly wealthy, fairly developed and whose financial markets are highly developed. Consequently, I don't think it would be wise, if ever there were a Québec currency, and it were defined in relation to the U.S. dollar, to say we have to set a fixed exchange rate once and for all. These days, there are fixed exchange rates that are adjustable, that is, what's called crawling pegs, or sliding parities. Yes?

Mrs. Campbell Steer: But that means that if we don't set a rate, won't the market set it for us? And we'll have either a discount or a premium...

Mr. Leroy: At any rate, we'll need the market's support to set a rate. But it's not a fixed and irrevocable rate. It's an adjustable

rate.
(5:45 p.m.)

Mrs. Campbell Steer: OK. If I'm in a federal structure now, you've suggested regional banks, a little like the U.S. or German systems. Isn't it true that their systems, that is, the U.S. and German systems, do not involve a real possibility of setting monetary policy at the regional level? I thought, particularly for the U.S., that they had a regional system especially and at the very outset in order to have a clearing house, a clearing mechanism because during those years, they were disqualified banks, and because of that, they had to have their regional system. The regional system you contemplate involves a lot more monetary policy at those levels.

Mr. Leroy: I'll explain. In the American system, the overriding principle at the creation of the American system was a principle in which concerns about the regionalization of the banking system were present. And so we have 12 federal reserve banks, headed by an institution. And what you have to realize about the American system, there's a committee of governors and this committee must assess and finally set the interest rates the federal reserve banks charge to people who borrow from them, institutions who borrow from them. But the initiative to change the rates at the level of the federal reserve banks doesn't come from the committee of governors, but from the regions. For instance, the Federal Reserve Bank of Dallas, the Bank of New York, can make representations with the committee of governors to change the discount rate of the Bank of New York or the Bank of Dallas. And it's not a foregone conclusion that the committee of governors, let's say, will agree to the request. But basically, we have... let's say the initiative comes from the regions. And, let's say, you can read, let's say, in the annual report of the Federal Reserve Board, of many cases of this kind where the regional banks take the initiative, but it can be rejected. And it also happens that some banks are successful, and others follow after two or three days. First.

Second, in the case of the American system, depending on where, the city, where the federal reserve bank is located, well, depending on where it's located, the assets, the composition, the structure of its assets will vary. For instance, clearly, the Federal Reserve Bank of New York will have much more of its assets in foreign currency than, say, the Saint Louis bank. And the farther south you go, the more the bank's assets are composed of securities of U.S. federal agencies working in the region. So, there is a concern for that.

Now, I haven't recommended one system over another, but from what I've said in the brief, it would be possible to conceive of, and I didn't mention this earlier in my presentation, it

would be possible to conceive of five regions: Atlantic, Québec, Ontario, Prairies and British Columbia, in which it would be possible to have the same type of system with regional interests represented on the board of governors.

Mrs. Campbell Steer: But, up to a point, I think the system you're proposing is a little more elaborate than the American system or the German system.

Mr. Leroy: That remains to be seen.

Mrs. Campbell Steer: The other thing I'd... Perhaps for the members rather than for Mr. Leroy who, I'm sure, already knows. I think it's true that there are currently two Québec governors of the ten at the central bank.

Mr. Leroy: I'm not a governor, Madam.

Mrs. Campbell Steer: Directors on the board.

Mr. Leroy: They are members of the board of directors. It's not the same thing.

Mrs. Campbell Steer: Yes. But doesn't the board of directors have power?

Mr. Leroy: Ah! No, no. Not at all. They don't determine monetary policy, not the board of directors. The board of directors of the Bank of Canada is there for internal matters: accounting, housekeeping, not for monetary policy.

Mrs. Campbell Steer: That means that Mrs. Saucier and Mrs. ...Gaucher have no say in bank policy.

Mr. Leroy: I don't believe so.

The Chairman (Mr. Michel Bélanger): Mrs. Simard followed by Mr. Béland.

Mrs. Simard: Mr. Chairman, clearly, there are people around the table who are more knowledgeable than me in this field. I'll try to understand. In any event, what you've just said, is that the monetary system has to be changed. Fine. Among other things, you've spoken of a problem we currently have, especially in Québec and in Eastern Canada, that because interest rates are extremely high, the dollar is higher.

So, changes are needed. You've proposed models. Do you think it would ultimately be easier to make changes in our systems if Québec were to declare itself sovereign and repatriate the powers to propose changes, perhaps negotiate them, but, nonetheless, if it's impossible to negotiate, to adopt a system that, perhaps, comes closer to its interests?

Mr. Leroy: Yes. I'll begin my answer with a slight correction because I don't want to be misinterpreted. I didn't say the system was working badly. I said the direction of monetary policy was based on what is happening in the centre of the country and that the centre was more inflationary than the outlying regions. But, should the contrary be the case, in other words that the centre is less inflationary, all the regions would benefit from a more liberal monetary policy. That's what I said.

The second thing, to return, yes, to your question, is that it's not necessary, in terms of currency and finance, to be sovereign to renegotiate agreements or overhaul systems. That's not necessary. Some believe it's easier to have one component that forces the other to negotiate. That's a double-edged sword to the extent that, by forcing the other to negotiate, let's say by using this type of, in quotation marks, political blackmail, it's also possible to destroy confidence in the currency that everyone is trying to preserve and, in the aftermath of that action, the currency could become an undesirable currency for Québec. We could end up with a situation where, if we haven't negotiated and have done a lot of damage to the currency, it would no longer be a currency in which Quebecers themselves would be interested in the future and, at that point, it would be necessary to change allegiance and seek to negotiate something with the United States.

Now, I'd say this. There is what's called the "irreconcilable trinity" in monetary policy. The irreconcilable trinity means this: wanting mobility of capital, wanting a fixed exchange rate and wanting to exercise full sovereignty in terms of monetary policy. An irreconcilable trinity. In other words, there are contradictions. There will be conflicts among the three objectives. Which means the cost-benefit analysis, if you will, of the choice of a union and the choice of a partner with whom a union is negotiated, must be based above all, let's say, on the promise that the partner with whom we want to negotiate will lead to two things: greater monetary stability and, at the same time, greater prosperity. So, if we were told that in the future, Canada's monetary policy, for instance, would pay less attention to price stability and more to prosperity, even at the risk of some inflation, that would be a policy that, in any event, you could expect to have reversed in the more or less short term.

The Chairman (Mr. Michel Bélanger): Mr. Béland.

Mr. Béland: Thank you, Mr. Chairman. Mr. Leroy, I was very anxious to hear you because very few briefs have discussed the currency issue. There've obviously been many which,

probably more worried, spoke about a monetary union, hoped for a monetary union, but few have proposed alternatives to the case in which a monetary union wouldn't be negotiable or couldn't be negotiated. You have done so. You even propose a Québec currency. You take a chance because others who have done so have been ridiculed, at least by Québec columnists. And while it's often been maintained here that English Canada would react badly to any proposal of sovereignty for Québec, I've read with astonishment, over the past few weeks, in various specialized magazines, English-speaking economists who look at the situation with a great deal of calm. There was one, among others, I won't read it all, from the University of Regina, Brian Scarfe, who said that those who maintain or pretend that a new Québec dollar would depreciate compared to the Canadian dollar are fooling themselves.

First, I'd like to ask you if you agree with that, and second, what are, and this is for our purposes, the factors that are taken into account in valuing one dollar compared to another? Not many people have discussed that with us. Could you do so briefly? I realize I don't have much time.

Mr. Leroy: Fine. I think we have to make a distinction, yes? Between the short term and the long term. In the long term, economic coherence is the determining factor. What do you mean by economic coherence? It's the logical relationship between the value of the currency domestically, that is, its purchasing power, externally, that is, in relation to other currencies, the relation that exists between that and the vital strengths of the country's economy. In the long run, that's the winner. Look at Switzerland, look at Japan, look at federal Germany. In the short term, you need a measure of financial or accounting coherence. In other words, there are short-term or even very short-term interventions to prevent certain movements of a speculative nature or to prevent certain orientations that could hamper our short-term competitiveness. So, in the short term, there are central bank interventions or interventions of the agency that looks after exchange rate stability that, effectively, indicate we want to prevent exchange rate fluctuations. If it is a floating rate, you want to keep it within a certain tunnel. A tunnel that's set and maintained for a day, perhaps for half an hour, or, say, a morning or an afternoon. For instance, if you look at the Canadian dollar over a certain time, you will note that in fact it moves in steps. In other words, it's like steps on a stairway. Right? It either falls by steps or increases by steps. Which means that the central bank has an idea of the fluctuation zone within which it will allow the dollar to move.

Good. So, fundamentally, in the long term,

economic coherence, that is the relation between the currency and the country's vital forces. And, in the short term, you have interventions that often reflect, by the way, concerns like the following. For example, should the dollar be allowed to appreciate too quickly? Or should it be allowed to fall too quickly? If it appreciates too quickly, in the short term, some sales contracts, either that are about to be negotiated, or that are about to be realized, will be lost because they are appreciating too quickly. And if it depreciates too fast, then, the machinery of production doesn't have time to react to offset the inflationary pressures that arise from the fact that the dollar is falling too fast on the market. Everyone, here, has had the experience of going to Provigo or Steinberg or another supermarket when the Canadian dollar is falling too fast and seeing that there's been a spectacular increase in the price of vegetables, tomatoes and grapes, and pretty quickly. So, that's what we want to avoid in the short term.

But in the long term, there has to be economic coherence. And there, you've got countries like Switzerland or Germany that are models of monetary stability. But I would add this. Currency won't work miracles. On the contrary. Rather, money makes people mad. This is what I mean. I mean that monetary policy isn't just a set of mechanisms, a package of interventions or instruments to be used. Rightly understood, monetary policy must be placed in the context of all decision-makers in an economy. In particular, I'm thinking of this: If Québec were to adopt a Québec currency with fixed exchange rate, monetary discipline and wage discipline will be necessary to ensure price discipline and discipline of production costs. And if Québec adopts a Québec currency with a floating exchange rate, the same discipline will be necessary. For instance, you couldn't say: Let's allow the Québec dollar to depreciate and adjust wages and incomes proportionally. Which would mean there would be absolutely no advantage to having a currency with a floating exchange rate.

The Chairman (Mr. Michel Bélanger): So, now, questions from a representative of the Government party, Mr. Benoit.

Mr. Benoit: Thank you, Mr. Chairman. Mr. Leroy, you conclude your brief by saying that the day is perhaps not far off when North America will also have a regional monetary system. I'm starting from a premise by saying that if that were to happen, the currency would probably be the American dollar. In the magazine *World Money Analysis*, I read, a few days ago, that the "U.S. dollar remains the world currency, preferred by more central bankers than any other currency in the world." There are 29 currencies directly indexed to the U.S. dollar.

Thirty other countries follow U.S. policy very closely. Why would we, who are next-door neighbours, my riding is five minutes by car from the American border, why would we. When you're telling us that the trend, the direction is eventually the American dollar, and over the entire continent, why would we, who are thinking of making big moves, not immediately head for the United States and skip the stage of negotiating with Canada?

Mr. Leroy: Thank you, Sir. First, I didn't say and my sentence doesn't imply that the day there's a regional monetary system in North America, the American dollar will be the system's currency.

Mr. Benoit: I added that.
(6:00 p.m.)

Mr. Leroy: You're the one who says that. So, I disagree with that, for a very simple reason, namely that when you talk about a regional monetary system and if you want to avoid the pitfalls of the system we had under the Bretton Woods system, that is, with the American dollar as the benchmark, the benchmark American dollar, and, consequently, the United States did not have to make any adjustments and the others had to adjust. So, that causes asymmetry. That's what the Europeans wanted to avoid by creating the ECU. The ECU is not a German currency. It's a composite currency, a cocktail of currencies, a basket of currencies in which various currencies participate according to their relative economic weight.

So, if I've evoked the possibility of a North American regional monetary system, it's not centred on the U.S. dollar. It will be, call it *luna* if you want, with the U.S. dollar, the Canadian dollar, the Québec currency and the Mexican peso. OK. I mention that because, before answering the second part of your question, you understand that it would have been impossible for Canada to negotiate a free trade treaty with the United States unless an economist had been able to calculate the costs and the benefits. In order to calculate the costs and the benefits, you have to know what currency you're using. And once you know the currency you're using, you have to apply an exchange rate.

So, it's not at all surprising that since the free trade treaty has been in effect, the Canadian dollar has appreciated in relation to the U.S. dollar because, if it had been allowed to drop any more, all the calculations of comparative advantage the Canadians and Americans did would obviously been completely wrong.

So, it's clear that those who estimated the costs and benefits of the free-trade treaty must have chosen a target level for the exchange

rate. That's what that means. Now, Canada and the United States, which one will adjust? Canada, clearly, because it's smaller. Québec and the United States, if we take the American dollar, it's clear we would have to adjust. It would be an asymmetrical system.

Now, why the U.S. dollar? That depends on what objective Québec society wants to set itself. If the objective were to say: Let's tie our currency to the most prosperous centre and the centre where monetary stability is best protected, the centre with the lowest inflation, we would have to leave the rest of Canada and join the United States. It's simple. In the long run, we would be winners.

Now, I spoke of subjective conditions because psychology also enters the picture. I spoke of objective conditions because, there again, that matters. But obviously, the choice is eminently political.

Mr. Benoit: Mr. Leroy, you briefly touched on control of capital movements. There will be a transition period that will be more or less accepted by our neighbours or even by people here, as you mentioned. Italy had controls on the movement of capital until July of this year. Switzerland, Spain, Ireland and Portugal will have controls on the movement of capital until 1992. Many countries have had them during their history. Can that be seen as a possibility so that things are more stable while we negotiate, while undertake all these transactions, that there would be exchange controls for a year, two years, three years? France had them until a few years ago. Could a stabilization measure be considered while we negotiate with the rest of the country?

Mr. Leroy: I'll consider your two questions as a hypothesis you evoke, yes? So, when I answer, I wouldn't want to be misinterpreted and be reported as having said there will be controls on capital. I haven't said that.

Here's what has to be understood. Canada, as it is now, is not a monetary union. After all, what did we unify? We didn't unify distinct national currencies to form the Canadian dollar. We don't have a monetary union here. Let's understand this, a monetary union is the unification of distinct national currencies. So, already, when you talk about a monetary union with the rest of Canada, you assume that Québec has its own currency and, afterwards, there is a union.

Some will say that that's a useless detour. It isn't useless because, obviously, it could be a very profitable strategy to proceed in this way. But that's not a problem. Now, why does Spain have controls on capital? For a very simple reason. Spain is part of the European Economic Community and here's what happens. If Spain allowed its capital to leave freely, capital would

flow to Germany, to France, to wherever there is a strong currency, where prosperity and monetary stability are best protected and, to prevent capital from leaving Spain for Germany, the Spanish government would obviously be forced to take restrictive measures, to raise interest rates to keep capital in Spain. And if you do that at the same time as you're trying to integrate Spain, you won't achieve integration because, basically, there will be higher interest rates to prevent this capital from leaving. With higher interest rates, it's clear that it's penalizing itself in terms of investment and growth. Now, the perspective of a monetary union, and, let's say, a commercial, customs or economic union, well, that presupposes that economic performances are tending to converge. So, you tolerate, tolerate, let me repeat, the imposition or continued imposition by some countries of controls on capital movements precisely to integrate them more thoroughly.

Mr. Benoit: And concerning the question I asked, could that be an ideal measure for the transition period for Québec or even for Canada?

Mr. Leroy: Concerning the transition period, let me repeat what I said at the beginning. As far as I'm concerned, if the political will is there, I don't see any problem, for a very simple reason. The issue we're discussing doesn't concern us at all as consumers, directly, as to how we pay off our debts, as to how we use money to make payments. This issue concerns the government at the highest level and its central bank, and I don't think it's an issue that will be talked about on the streets. It's an issue that will be discussed by people of good will and, one day, we'll learn that, well, good, there's no problem any more. It's clear that we can't do two things: either seek monetary stability overall; seek to join a whole that we want to keep stable and, at the same time, issue threats. And I repeat that ultimately, everyone would be the big losers because, in fact, all assets in Canadian dollars would de facto be depreciated on the market.

Mr. Benoit: Thank you, Mr. Leroy.

The Chairman (Mr. Michel Bélanger): Mr. Leroy, on behalf of the Commission I thank you for having accepted our invitation to answer our questions and defend this brief before us today.

Mr. Leroy: Thank you.

The Chairman (Mr. Michel Bélanger): We now welcome the Regroupement des associations des cycles supérieurs du Québec.

(Proceedings adjourned at 6:07 p.m.)

(Proceedings resumed at 6:10 p.m.)

The Chairman (Mr. Michel Bélanger): Would the Commissioners kindly take their seats. We now have the last group for today, and the last group of this first major series of public hearings this year. You are to be congratulated for having the courage to appear last, but perhaps you didn't have much choice. Our timetable is fairly tight. So, welcome and I remind you that, for a 30-minute presentation, you have five minutes to summarize your brief, which the members of the Commission have received and read. You have the floor, Mrs. Mawhood. Please introduce the other members of your group.

Regroupement des associations des cycles supérieurs du Québec inc.

Mrs. Mawhood (Rhonda): Thank you, Mr. Chairman. We wish to thank the Commission for inviting us to make an oral presentation of our brief. Allow me to begin by introducing myself and my colleagues. I'm Rhonda Mawhood, president of the RACSQ. I have a bachelor's degree in history and political science. I'm studying history in the master's program at McGill University. To my right, Jean-Pierre Paré, vice-president and secretary of the RACSQ, who holds a master's degree in physics and is working towards a doctorate in mathematics at the École polytechnique. Nathalie Lapointe, vice-president of communications for the RACSQ, who has a master's degree in French literature and is working toward a doctorate in French literature. Denis Verrette, outgoing president of the RACSQ, who's studying for a master's degree in regional development and areal planning while working as an urban planner. Éric Darier, outgoing vice-president of the RACSQ, who holds a master's degree in European studies and is a student in Canadian and Québec studies at McGill University, and Alain Marc Couturier, president of the Union des gradués inscrits à Laval, who has a bachelor's in economics and is working towards a master's degree in educational administration at Université Laval.

Although the Regroupement des associations des cycles supérieurs du Québec, the RACSQ, was incorporated only in September, 1990, it is the outcome of a cooperative process which began in the early 1980s involving a number of university graduate associations including those of the École polytechnique, Laval, McGill, Sherbrooke, Rimouski and Concordia.

This brief was prepared by representatives from Laval, McGill and Sherbrooke and the École polytechnique, representing in all more than 15 000 graduate students.

To the increasingly less visible minority of orthodox federalists in Québec, if the Canadian problem is to be resolved, Quebecers must

become more actively involved in Canada's destiny. In Québec, the traditional option has been to redefine the pact of Confederation. To Canada enthusiasts, federalism will always be given a last chance. However, considering the differences in the very perception that Canadians outside Québec and Quebecers have of the ties which bind them, this approach is handicapped from the start. By trying to avoid making waves, those who promote the repatriation of powers piecemeal are evading the basic problem, ignoring in particular the perverse effects of the spirit and letter of the British North America Act. This modest approach, even if it were successful, wouldn't get us very far either.

The rest of Canada, after believing it had settled the problem of Québec, wouldn't allow itself be continually swayed by further constitutional demands, demands which, we can see, have the effect of encouraging demands of an altogether different kind in various parts of the country. This strategy mobilizes too much energy for too few results. The certain failure of the negotiations brings us back to deciding between some form of status quo and the full exercise of the Québec people's right to self-determination. The rejection of the Meech Lake Accord demonstrated the incapability of Canadian federalism of turning over a new leaf by respecting the legitimate aspirations of Québec. Faced with this dead end, Québec can no longer confine itself to begging for transfers of powers from Ottawa.

Consequently, the RACSQ is of the opinion that the only realistic and thinkable constitutional option for Québec is sovereignty, that is, the exclusive power the National Assembly would have to enact its laws, levy its taxes and sign treaties.

In a democracy, the people are sovereign. It is imperative that Quebecers be given their say concerning their constitutional future and that this consultation take place within a reasonable time period.

Il semble évident que la coordination des politiques monétaire, économique et internationale serait possible entre un Québec souverain et un Canada amputé du Québec. Il est toutefois très peu probable que le Canada privé du Québec accepte cette solution sans opposition. Si l'accord du lac Meech, qui représentait les conditions minimales exigées par le Québec, n'a pas été signé, il est certain que le reste du Canada n'acceptera pas une réforme plus importante du fédéralisme canadien. Pourquoi le Québec perdrait-il son temps à négocier une réforme qui serait, de toute façon, rejetée? Et avec qui négocierait-il une telle réforme? Pendant ce temps, l'impasse constitutionnelle continuerait d'ébranler la stabilité économique et la confiance politique dont toute économie a besoin. Dans ce contexte, il serait plus logique pour le Québec d'affirmer sa souveraineté

immédiatement. Rien ne l'empêcherait ensuite de signer ultérieurement des traités monétaires, économiques et autres avec le Canada.

Sovereignty is not an end in itself. It's a means of implementing here in Québec a blueprint for a more just society whose laws are based on principles of freedom and democracy. It is therefore important that a new social contract reaffirm the right of every people to self-determination, reaffirm that Québec is a Francophone State, reconnaisse les droits des Premières Nations, reconnaisse les droits historiques des anglophones du Québec, réaffirme tous les droits reconnus dans la Charte québécoise des droits et libertés de la personne, principalement ceux des femmes, undertake to adopt a policy against all discrimination against women, undertake to ensure a healthy environment respectful of ecology, reaffirm the right to a universal health care system providing free, public, quality services, recognize the right to an accessible, quality education, recognize the importance of research and of researcher training for the development of the Québec society, undertake to adopt a policy aimed at full employment and undertake to ensure tax fairness.

The RACSQ hopes that the expanded parliamentary committee on the political and constitutional future of Québec will take our comments and recommendations into account. It is important for the Québec of tomorrow to take the necessary decision today. The rising generation that the RACSQ represents cannot spend the rest of its life fighting for the constitutional project of sovereignty. Our generation wants to forge ahead and build a more just society on the established foundations of sovereignty. Thank you.

The Chairman (Mr. Michel Bélanger): Thank you, Madam. We'll now begin with the questions from the members. Mrs. Pagé, then Mr. Marcotte.

Mrs. Pagé: Thank you, Mr. Chairman. Welcome! I have to tell you that it's especially stimulating to finish off the year 1990 with your brief because it talks about the future and, in particular, just before the summary included in your brief, there's a very short sentence at the end where you say: "The rising generation that we represent does not want to spend the rest of its life fighting for the constitutional project of sovereignty. Our generation wants to forge ahead". Personally, I think that the responsibility we have, as the generation that's no longer rising, but stagnating...

Voices: Ha, ha, ha!

Mrs. Pagé: ...some of us are more stagnant than others, if you get my meaning.

Voices: Ha, ha, ha!

Mrs. Pagé: ...is perhaps to enable the rising generation to go on to other matters, to continue to move forward. I think that the generation which preceded us has done that for us. And I think that we, as a generation, must allow you to go on to other things and to proceed farther down the path leading to the fullest development possible of all Quebecers. And I also think that you have reminded us of an important matter, particularly with the new social contract you speak of, and that is that there are things which we have developed for ourselves and we must acquire the means to be able to continue together to do so, because they are factors of progress, fairness and equality.

So then, I'm going to ask you my question. In this new social contract, which points, in your opinion, should be - I won't say "enshrined" because another party who appeared before us said that only the dead can be enshrined - which ones should be guaranteed as constitutional rights under a new Québec constitution?

Mrs. Mawhood: Thank you. I believe Mr. Paré could answer that question.

Mr. Paré (Jean-Pierre): I'd have to admit, Mrs. Pagé, that it's perhaps a bit difficult to answer your question. The gist of our document must be clearly understood. Our brief is meant to be a historical and political analysis of Québec's constitutional situation since the Conquest basically, and, in our analysis, our aim, our objective, is sovereignty and, at the end, we in fact added that sovereignty is not an end in itself, it's an objective we want to attain, but we must give some substance to this sovereignty and, tied to this objective of sovereignty, we developed certain key points that a social contract in the constitution of a sovereign Québec simply must contain.

So then, it is absolutely essential that these 12 points be included in the social contract for a sovereign Québec. If you say to me that, constitutionally speaking, would this be done through legislation? Should matters of this kind be in the constitution? That goes a bit beyond the argumentation in our brief. In our view, any self-respecting people that truly wants to found a real country must have basic tools, basic principles, and we believe that the 12 principles we've spelled out positively must be among the basic tools of a sovereign Québec.

But concerning the fact that... Must these basic tools be built into the constitution or be included in acts or decrees, things of that nature? It's a relatively technical question nevertheless, but since we're an alliance of graduate associations, maybe I'll draw your attention to point 9, the recognition of the right

to an accessible, quality education. And regarding this particular point which concerns us more directly, I'd perhaps like to hand the floor over to Mr. Verrette who could maybe discuss...

Mr. Verrette (Denis): Yes, just to develop it in maybe a little more detail. I don't know whether it would have come up later in relation to this question of education in the current constitutional framework as something of a demonstration of the differences in perception between English Canada and Québec in an area, if you like, which is nonetheless clearly defined in the Constitution, education on the one hand, and on the other hand, a field of jurisdiction where Québec has always jealously safeguarded its jurisdiction. Well, despite that, very briefly, I merely want to say that the federal government intervenes. It intervenes by means of transfers which, though unconditional, therefore, some will say, very flexible, nevertheless give the federal government certain powers, such as being able to reduce its contribution whenever it likes, which makes it more difficult for the Government responsible, that of Québec, to plan postsecondary education. So, that could be an example of overlapping. In English Canada, there are pressures being exerted on the federal government to have it intervene in education, pressures which we consider, having dealt with these associations, to be perfectly legitimate and only natural from their point of view. And when renewed federalism is proposed to us, this is the sort of bargaining that we can never do because perceptions of the areas where we share responsibilities are not the same, are fundamentally different, and if we apply this logic to several areas, that is what may explain a number of constitutional failures, not just Meech Lake, but other previous ones which we tend to forget because of the importance of the last one.

Mrs. Pagé: Thank you.

The Chairman (Mr. Michel Bélanger): Mr. Marcotte.

Mr. Marcotte: Thank you, Mr. Chairman. You say in your brief that independence would permit a fairer distribution of wealth, a more just society. I'd like you to expand on that and perhaps specify for us the current injustices that would be corrected by independence.

Mrs. Mawhood: I'd again like to let Mr. Paré have the floor.

Mr. Paré: Regarding that matter, I would give much the same answer as I gave Mrs. Pagé. The essence of our document is not that such and such a point positively has to be in the constitution or that a particular point must be

included in the rights of a sovereign Québec, things of that sort. It's a historical analysis of Québec's constitutional situation over the past 300 years or so and our analysis leads us to sovereignty, except that, as we say in our document, sovereignty is not an end in itself.

All societies – take, for example, the United States of America and the Declaration of Independence, we might also consider the British North America Act – all self-respecting societies that make a common pact absolutely must lay the foundations of a social contract and we believe that these 12 principles must be recognized in a social contract for a future sovereign Québec. We're not saying that all these points cannot possibly be recognized in a distinct society or in a renewed federalism. A moment ago, Denis did stress, however, with respect to point 9, that there are major problems which concern us particularly, but these 12 points are really major points of great importance which, in our view, must be included in a social contract.

Mr. Marcotte: I don't quite see the connection with the distribution of the public wealth, as a matter of fact. As far as the constitution is concerned, you have certain injustices which could be corrected and so on, but you say that independence would permit a fairer distribution of the national wealth or...

Mr. Paré: In that area, it's really a question of... I'll come back again to my point about the social contract. If the Québec people choose to become sovereign, what are our basic building tools? What type of society do we want to found? We believe that these 12 principles here, among others, must be included in that.

Mr. Marcotte: OK. Another question. What would be the stages that should be followed to attain sovereignty?

Mr. Paré: Concerning the stages as such, I don't want to appear older or maybe younger by saying this but I've been interested in politics for quite a few years now, and ever since I was just about that high I've been hearing about independence, sovereignty, renewed federalism, asymmetrical federalism, profitable federalism and so on. And our generation, people under 30 – we're all under 30 here – is really fed up. We really want to see the deadlock broken and we really want to be able someday, which maybe, let's hope, isn't so far off, to move on to other projects. There was the Meech Lake Accord which fell through a few months ago. And now Québec is on the move with this commission, and you are the privileged witnesses to that. Québec is on the move and, concerning the ways to achieve sovereignty, I believe that, no matter what constitutional objective Quebecers might choose, sovereignty or whatever, I believe

that, in a free and democratic society, it is the people who are sovereign. And I think that, in this problematic, after this commission has completed its work – it's being talked about a lot, etc. – it's absolutely essential for Quebecers to be consulted within a reasonable time period, as we said. If you ask us to specify the number of months and so on, we've discussed it and an objective of one year at the most would be good.

Mr. Marcotte: That's all, Mr. Chairman.

The Chairman (Mr. Michel Bélanger): We'll now turn to the questions from a representative of the Government party, Mrs. Pelchat.

Mrs. Pelchat: Thank you, Mr. Chairman. Ladies and Gentlemen, thank you for taking part in our proceedings and perhaps, as Mrs. Pagé was saying, for concluding them so nicely. I have two very specific questions. You say – your brief is clear on this – you're in favour of an assertion of sovereignty, therefore of a declaration of Québec's independence, and you say that, once that's done, Québec will then be able to negotiate or envisage the negotiation of economic treaties with the rest of Canada. However, on page 6, you don't seem at all convinced that the rest of Canada would agree to negotiate, since you say it's obvious that a coordination of monetary, economic and international policies could be envisaged between a sovereign Québec and a Canada without Québec. However, it's most unlikely that CWQ (Canada Without Québec) would unanimously approve this solution. Could you elaborate on the main reason for which Canada would refuse to negotiate an economic agreement? Go ahead, Mrs. Mawhood.

Mrs. Mawhood: I'm going to ask Mr. Darier to answer the question, if he will.

Mr. Darier (Éric): I'll simply say that what we've concluded is that we mustn't wait for English Canada to say that it wants to negotiate before we achieve sovereignty. Because it's obvious that, if we wait for that, as if we're waiting until all the reassuring evidence is in, because, as perhaps Mr. Bernard said the day before yesterday, there's always a risk in doing something as there's a risk in doing nothing. So what we think is that we should... Quebecers shouldn't wait for Canada to show a willingness to negotiate before going ahead with that because we think that, strategically, English Canada, as Mr. Rae perhaps again proved yesterday... (6:30 p.m.)

Mrs. Pelchat: But I think that's clear. You say that, to begin with, we would declare Québec's independence...

Mr. Verrette: Sovereignty, and then...

Mrs. Pelchat: ...and after that, we'd negotiate.

Mr. Verrette: Faced with a de facto situation which would remove a burden, that of the "what", what do we negotiate? Sovereignty.

Mrs. Pelchat: Yes, but you seem to be saying that, once we'd done that, Canada would refuse to negotiate. That's what I'd like to hear you comment on, Mr. Verrette.

Mr. Verrette: No, no. What the text means is that, as long as that's not done, Canada, with regard to other agreements, or even regarding that, is always going to demonstrate an unwillingness to negotiate. And that applies both to the past and, possibly, to the foreseeable future.

Mrs. Pelchat: Now, a second question, and I'd like you, Madam, to answer the question. You say, at the conclusion of your social contract, that the vested rights of Anglophone Quebecers positively must be recognized. And I think that personally I totally agree with you. And all the members of the Commission here, without exception, have come out in favour of protecting the vested rights of Anglophone Quebecers. Even the Mouvement Québec français, which is composed of the CSN, the UPA, the CEQ, the QFL and the Union des artistes, claims to agree with that. Those people are practically all at this table. Actually, I think I'm about the only one who isn't a member of the Mouvement Québec français. Except that where the recognition of the vested rights of Anglophones gets a bit more complicated is when you try to define those rights. I'll give you a very concrete example. This week, the Anglophone community, through the voice of Alliance Québec, came to tell us that, in their view, the posting of bilingual signs is a vested right, a fundamental freedom. They base their stand on a judgment of the Supreme Court of Canada and even on an opinion by the Commission des droits de la personne du Québec. Now, that right has been taken away from Anglophones and justified by saying that - and this was repeated this week by several members of the Commission - "Oh well! You know, the posting of bilingual signs is not really a right, it's not really a fundamental freedom, it doesn't really come under section 2 of the Canadian Charter or under section 7 of the Québec Charter which states that everyone has the right to freedom of expression".

So it's important. I'd like to hear your comments on that. What do the people of the Anglophone community mean by a vested right?

Mrs. Mawhood: Very well then. When we

speak of the vested rights of Anglophone Quebecers, we're referring mainly to the rights to social services in English, that is, services in hospitals, in schools, from elementary school up to and including McGill, and also... Well, that's basically what we mean by fundamental rights, namely the right to receive social services in one's own language. We recognize that maybe Anglophone Quebecers are a numerical minority in Québec but that we're certainly not a cultural minority in North America. As we all know, North America is a continent where English is the customary language.

Mrs. Pelchat: That was the distinct society clause.

Mrs. Mawhood: I beg your pardon?

Mrs. Pelchat: That was the distinct society clause.

Mrs. Mawhood: Yes, right. So... That's right, it's social services in English. As for the right to post signs in English, we see a clear difference between the freedom of political expression, that is, the right to put up signs during election campaigns...

Mrs. Pelchat: Opinions.

Mrs. Mawhood: Right, OK... between the freedom of political expression and the freedom of commercial expression, if you like.

Mrs. Pelchat: Fine.

Mrs. Mawhood: And we don't consider the right to post commercial signs in English to be a fundamental right.

Mrs. Pelchat: Thank you.

The Chairman (Mr. Michel Bélanger): We'll now move on to a question from a representative of the Official Opposition party, Mr. Léonard.

Mr. Léonard: Thank you, Mr. Chairman. So, welcome! I'd like to point out that you represent basically the cream of our youth who have gone to university and have now reached the master's and doctoral degree levels, and I think we're talking to those who will be leading the country in the future. And so, to my mind, your thoughts on the status of Québec have an impact on us here and they have an impact on the entire Québec society. I'd also like to underline the fact that you are students representing several universities, including two of you from McGill University. And that too, in my opinion, is a very good indication of what the future may be and must be because there will be Anglophones and Quebecers from Laval, Montréal

and so on. I myself was in a university environment where there were in fact students from everywhere; they became integrated into Québec just as you have. That didn't mean that they assimilated; they integrated. I make a clear distinction between the two.

As well, I'm pleased with your brief. There is one thing I'd like to say about your blueprint for society. I can understand that you're in a hurry, that you certainly don't want to take as much time as we did to make the idea of Québec sovereignty emerge. I mention this because I've been doing it for some time now and because you'd like to settle the matter quickly. I agree with you that the time is now right. In relation to your blueprint for society, I had the opportunity to be present when the secretary-general of the CSN came in September to declare, contrary to the statement he had made last spring, that, henceforth, the CSN supported sovereignty unconditionally, that is, he wasn't making their support for sovereignty conditional upon a blueprint for society because they came to tell us that that was an issue which could be discussed at a later date. So, what I personally also see as only right and natural is that, later on, there could be a social-democratic party at the helm and, after that, a more conservative party. That's all part of the democratic process, as it were.

I can understand your demanding a blueprint for society, but you'd agree to leave it aside long enough for the dust to settle, that is, until we've achieved sovereignty?

Mrs. Mawhood: I don't think it's necessary to postpone the social contract. I believe it's important, on the one hand, to achieve sovereignty and, on the other hand, to remember this social contract and to tell ourselves that it's absolutely necessary for the future Québec society to be a more just, more democratic, society than it already is. I believe it's very important to keep this social contract in mind while, at the same time, attaining sovereignty. I don't see the necessity of separating the two projects.

A voice: Ha, ha, ha! That'll give you food for thought.

The Chairman (Mr. Michel Bélanger): You had one last question, Mrs. Simard?

Mrs. Simard: It's a comment.

The Chairman (Mr. Michel Bélanger): A comment requires no reply.

Mrs. Simard: I just want to correct what Mr. Léonard said. You see, the CSN...

The Chairman (Mr. Michel Bélanger): Since

its Christmas time, I'm going to allow the correction.

Mrs. Simard: The CSN holds the same position as you, that is to say, there's no condition attached to our support for the sovereignty option because we believe that it is through sovereignty that we're going to be able to implement our blueprint for society, which is very much like yours in every respect.

Mrs. Mawhood: Thank you.

Acknowledgements and Best Wishes

The Chairman (Mr. Michel Bélanger): So, in closing let me thank you, Mr. Couturier, Mr. Darier, Mr. Verrette, Mr. Paré, Mrs. Lapointe and Mrs. Mawhood for this interesting presentation to our commission. Before concluding our proceedings today, I'd like to extend, on behalf of all the members of the Commission, our warmest thanks to all the secretariat staff as well as to the broadcast technicians...

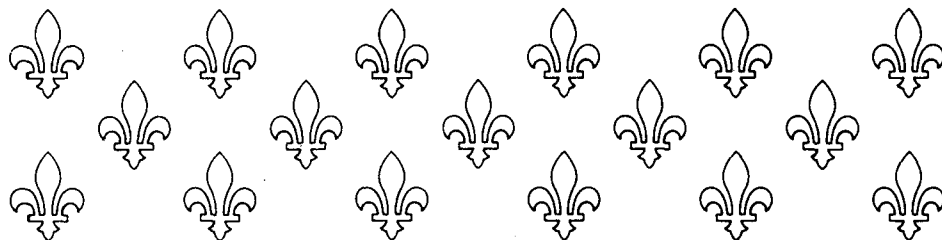
Voices: Hear! Hear!

The Chairman (Mr. Michel Bélanger): ...and to the staff responsible for transcribing our proceedings. Our thanks for their consistently solid support and for keeping their good humour in all, or virtually all, circumstances. I wish all of you a merry Christmas and a happy New Year and I remind you that our public sittings will resume on Tuesday, January 15, at 9:00 a.m., in Montréal, in the Windsor Room. Thank you. The proceedings are adjourned.

A voice: Merry Christmas!

(End of sitting, 6:39 p.m.)





ASSEMBLÉE NATIONALE

PREMIÈRE SESSION

TRENTE-QUATRIÈME LÉGISLATURE

Journal des débats



**COMMISSION ON THE POLITICAL
AND CONSTITUTIONAL FUTURE
OF QUÉBEC**

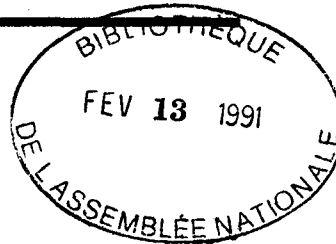
Chairmen: Messrs. Michel Bélanger et Jean Campeau

Montréal, Tuesday, January 15, 1991

No 25

**Published under the authority of the President of the
National Assembly, Mr. Jean-Pierre Saintonge**

QUÉBEC



Note de l'éditeur:

Ce fascicule contient une traduction des débats qui se déroulent à la Commission sur l'avenir politique et constitutionnel du Québec. Cette traduction est assurée par la Direction de la traduction et de l'interprétation du ministère des Communications.

Editor's note:

This fascicle contains a translation of the debates being held by the Commission on the Political and Constitutional Future of Québec. The translation is carried out under the supervision of the Direction de la traduction et de l'interprétation at the Ministère des Communications.

Abonnement: 250 \$ par année pour les débats des commissions parlementaires
70 \$ par année pour les débats de la Chambre
Chaque exemplaire: 1,00 \$ - Index: 10 \$
(La transcription des débats des commissions parlementaires est aussi disponible sur microfiches au coût annuel de 150 \$)

Chèque rédigé au nom du ministre des Finances et adressé à:
Assemblée nationale du Québec
Distribution des documents parlementaires
1060, Conroy, R.-C. Édifice "G", C.P. 28
Québec, (Québec)
G1R 5E6 tél. 418-643-2754

Courrier de deuxième classe - Enregistrement no 1762

Dépôt légal
Bibliothèque nationale du Québec
ISSN 0823-0102

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Montréal, Tuesday, January 15, 1991

Hearing of Organizations and Experts

(9:17 a.m.)

The Chairman (Mr. Jean Campeau): I declare this sitting of the Commission on the Political and Constitutional Future of Québec open. I'd like to remind the participants that the mandate of the Commission is to study and analyse the political and constitutional future of Québec and make the appropriate recommendations. Today's sitting will be entirely devoted to the briefs of individuals and organizations.

Our first presentation this morning will be that of the City of Montréal, represented by Mayor Jean Doré. Mr. Doré, if you would introduce your colleagues.

Ville de Montréal

Mr. Doré (Jean): Mr. Chairman, Mr. Co-chairman, the people with me this morning are, to my immediate right, Jean-Robert Choquette, director of the executive committee of the City of Montréal; and next to him, also on my right, Benoit Gignac, assistant director of Communications.

The Chairman (Mr. Jean Campeau): Thank you, Mr. Doré. You have 10 minutes to present your brief.

Mr. Doré: Thank you, Mr. Chairman. Messrs. Co-chairmen, Ladies and Gentlemen of the Commission, we have always maintained that it is not the role of an institution like the City of Montréal to take a stand on a possible change in the constitutional status of Québec. Moreover, having just come out of an electoral campaign, I have not received, or rather I have not solicited any mandate from Montrealers to speak on their behalf. That said, it is also clear to us that the City of Montréal, given its intrinsic importance and historical role in the development of Québec and Canada, has a duty to address the issues studied by your Commission. Thus, we hope that our brief will make a significant contribution by underscoring the need to take into account in your work the responsibilities assumed by Montréal and the requirements involved in its development, and in a broader sense, stress the tools that Québec must acquire to take charge of its future. And as is often the case, some of the keys to that future can be found in our past.

When the Canadian federation was formed in 1987, it rested on a vision embodied 12 years later by the National Policy. This policy consisted of three complementary aspects designed to form an autonomous economic space north of the 45th parallel: an immigration policy, the construction of a transcontinental railroad

network, and the erection of high customs barriers. This project managed to initiate and ensure the growth of a dynamic internal market under the direction of the federal government until the Great Depression in the early 1930s.

After this economic crisis, it became clear that the federal government had to be endowed with the powers needed to stabilize this market and redistribute wealth among the country's individuals and regions. We gradually saw the emergence of such major vehicles for Canadian macroeconomic and redistributive policies as the Bank of Canada in 1935, the unemployment insurance system in 1940 and other programs of transfer to individuals, followed by the conditional and unconditional programs of transfer from the federal government to the provinces. It was, in many ways, the birth of a Keynesian Canada.

The recession of the early 80s triggered a reexamination of this entire economic and political system, given the dual necessity of adapting Canada to the globalization of markets, and finding solutions to the financial crisis of the Canadian government. The National Policy had for many years ceased to correspond to the priorities of the time, while the macroeconomic policies, which were the legacy of the post-war years, proved to be less and less capable of halting recessions. So for the past 10 years, Canadian political institutions have found it harder and harder to reflect the new vision of a Canada open to the world. Québec and Canada must now try to identify a political framework that can deal with these new realities without losing what they've gained and without disowning what made them original.

In our view, the current political context requires that Québec define a new blueprint that takes into account not only the fact that our society is distinct from that of the rest of Canada, but that it is also very different from what it was at the end of the last century. To do so, Québec must adopt a true national policy whose central objective is no longer to create, protect and manage an internal market, but rather to adapt our society to a world in which obstacles to cultural and economic exchanges are rapidly disappearing not only on this continent, but throughout the world.

This national policy should consist of three main sections, a population policy, a strategy to adapt to the globalization of markets, and the development of strategic infrastructure networks.

The population policy must make it possible to coordinate in a strategic perspective government action in the areas of education, manpower, job-training, immigration, language, culture, health and social services, environment and urban planning.

The strategy to adapt to the globalization of markets must aim at diversifying Québec's business partners and the content of its exports while at the same time preserving its gains on the North American market, thereby increasing the impact of its trade on the collective wealth. To attain this goal, we must increase the level of competence of our manpower and develop our ability to innovate.

As well, the development of our major infrastructure networks must take into account the increasing importance of an information-based economy and contribute to improving our capacity for innovation. To achieve this, the communications and telecommunications infrastructures, support facilities for research and development, and the major cultural facilities must be in the forefront of our collective investment priorities.

Basically, by proposing such a national policy rather than new operative models, we, the people of Montréal, are saying that political structures are not an end in themselves. What they must do first and foremost is to facilitate mobilizing our resources to carry through a common project. For Québec, this project must take the form of what we define as Québec's new national policy. Just as the Constitution of 1867 did not foresee any overlapping of jurisdictions in the implementation of the National Policy, there should be no overlapping in the strategic aspects of Québec's new national policy. In particular, regardless of the political system chosen, all the tools that make up the population policy should be the exclusive possession of the State of Québec.

We also propose that Québec define a clear political space for its local and regional communities. Generally speaking, local administrations should be given the mission of managing the various milieux that make up Québec society, while respecting, of course, the main priorities and sectorial policies established by the State. The Québec State should draft its own policies and define its own methods of action so as to enable local communities to coordinate them, manage them, and adapt them to their own needs and characteristics.

Mechanisms for interaction that will have to be defined between, let's say, the vertical action of the State and horizontal action of local administrations could then allow the latter to make an effective contribution, of this we have no doubt, to the attainment of the national policy's main priorities.

Montréal knows what it needs for its development and for its participation in the development of Québec and Canada. When the Canada of the National Policy and the Keynesian Canada were capable of offering a real blueprint for society that truly mobilized resources, Montréal contributed in an efficient manner and benefited. When this blueprint gradually became

outdated and irrelevant, Montréal experienced increasing difficulty in contributing to the growth of Canada and Québec. For this reason, a high priority must be placed on clarifying the issues and mobilizing our society's resources with a view to achieving a new common goal.

The special dynamics of Montréal must be seen as the result of four main vocations that are explicitly set out in the brief. They can be described as international, metropolitan, regional and local. On the basis of these four vocations, it is imperative to develop a true partnership between Québec and its metropolis to concentrate on the main priorities of the national policy. In recent decades, Montréal has had to contribute, and did so in an extremely dynamic fashion, to the diversification of Québec's exchanges with the rest of the world, and this contribution could, we are convinced, improve if there were closer ties between the economy of the metropolis and that of other regions of Québec.

Ladies and Gentlemen of the Commission, I think you will have gathered from our statements that we are not among those who believe that the constitutional status quo still meets the requirements of Québec or of the rest of Canada. It has become outdated, incapable of rallying the resources of the two societies in the pursuit of a common goal. Apart from this status quo, the City of Montréal does not reject a priori any political or constitutional alternative, including sovereignty, provided this alternative is democratic and explicitly approved by a majority of Quebecers, upon the initiative of the National Assembly. But beyond calling into question the status quo, we maintain that in its course of action, Québec must ensure that the political structures it adopts will enable it to pursue efficiently and democratically the main priorities of a national policy as we have proposed it; this policy could give Montréal the means to contribute fully, as a large city and metropolis of Québec, to the principal goals pursued by our society as a whole.

Moreover, whatever political system Québec chooses, it must be based on a Québec constitution that recognizes its political institutions, rights and freedoms, democratic values, and the fundamental principles that must be respected in its laws and jurisprudence. This constitution must also provide for the political space that will be occupied by local and regional communities.

The Québec definition of rights and freedoms should recognize individual rights as well as collective rights, by asserting the will of Québec to be and to remain a nonracist, nonsexist and nonviolent society. While respecting the French character and face of Québec, it must affirm the right of citizens of any origin to participate in the development of a pluralistic society. This definition should also

incorporate the principles of equity stemming from the concept of a viable development, and recognize the right of future generations to inherit a healthy environment.

Ladies and Gentlemen, in conclusion, I would say that it is urgent, particularly for Montréal, that Québec and Canada put a rapid end to uncertainty regarding their political future. The City of Montréal hopes that the rest of Canada, which in its own way is facing the same issues as Québec society, will also clarify its main societal options. In this way, it would be possible to see to what extent the visions of the future of the two societies are reconcilable, and determine, on the basis of common interests, possible mechanisms for cooperation to be developed together in the new political system that, one way or the other, they must define. But in the meantime, Québec must delve deeper into the issues and step up the pace. We, Montrealers, hope that the National Assembly, inspired by the recommendations of this Commission, will set a relatively rapid timetable to complete the review of your political and constitutional options, so as to submit them in clear terms to the population, in the appropriate democratic form and, finally, initiate and carry through the process of transition to a new balance of power and common challenges that have become imperative. Thank you for your attention, Mr. Chairman.

(9:30 a.m.)

The Chairman (Mr. Jean Campeau): Thank you, Mr. Mayor. Before starting the question period, I would like to remind you of how time is allocated to the members of the Commission in a one-hour hearing: 10 minutes for the parliamentary group, 10 minutes for the Official Opposition group, 25 minutes for the registered members, each of these members having 5 minutes, and 5 minutes for the Chair.

Let's start the question period with Mr. Gil Rémillard.

Mr. Rémillard: Thank you, Mr. Chairman. Mr. Mayor, on behalf of the government, it is a great pleasure to welcome you to this Commission as we begin our work in 1991. I must say this is an auspicious beginning, since your brief makes an interesting and substantial contribution to our work, for which I am grateful. There are many things in this brief. But the first thing that struck me as important to our work is the historical perspective in which you place our task, which is to come up with a new political and constitutional status for Québec. This is important because you establish the road to federalism on the basis of development, which has often been associated with difficult economic periods, as you remind us in your brief.

Among other things, on page 55, you place a great deal of importance, and rightly so, on

what you call the era of overlapping and duplication, meaning that, beginning in the 1930s, there were many measures taken on the part of the federal government in jurisdictions reserved for the provinces under the 1867 pact. You have very aptly shown that this duplication of jurisdictions, which from the beginning violated the Constitution, led to very serious administrative difficulties.

If I turn to page 68 of your brief, in the paragraph in the middle, you say that the past few years have shown to what extent our manpower policies and efforts in matters of job-training have become ineffective. The major part of this failure has rightly been attributed to the incredible federal-provincial dispute in this matter. But, as you go on to say, the growing importance of the local and regional aspects of manpower adaptation were sadly neglected.

You also argue for new political structures, a Québec constitution, and this is also an important contribution because it is placed in context, regardless – because you do not take a definitive political stand – of whether it's renewed federalism or sovereignty, you speak of a constitution of Québec, and you'd like to see regional power and municipal power defined in this constitution. My question is as follows: How do you see what you call a political space which is to be defined in the Québec constitution for the municipalities? What, in the Québec constitution you have in mind, would guarantee the powers you seek?

Mr. Doré: Sir, what we tried to do in that document, with regard to the question you're asking, is to, how would I put it, to reconcile what, historically, has too long been opposed, that is, the development of the metropolis and its regions, keeping in mind the fact that, in many cases, the development of Montréal has often been achieved at the expense of the regions, and vice versa.

We argue the case for closer ties between Montréal's economy and that of the regions, but in the brief we also point out that, when we look at the way in which the government, whether it be the federal or Québec government, has always analysed the specific problems of standardized policies, it did so based necessarily on vertical action sectors; we also touch on questions of manpower training, and questions of immigration. Each of the government departments offers its policies; these are often developed at the central level and are administered by regional or even local offices of the same departments.

What we are saying is that the reality of Québec in 1990 is first and foremost an urban reality. Over 80% of our population lives in cities, whether it be Montréal and the surrounding area or other large centres in rural areas; this is a fact.

We maintain that local communities have to be able to take the policies developed at the national level and adapt them to local needs. You refer to manpower policies and to overlapping, but there would be no overlapping and, in what we propose, it would be the exclusive business of the Québec State, the Québec government, to settle problems, undertake the challenges of adapting our manpower to the requirements of globalized markets, assuring a better quality of training and stop wasting resources.

My example is based on Montréal, for reasons you can understand and I think that this is also the example given in the brief. When we have social problems in certain neighbourhoods, seen through the eyes of the government, these problems may be perceived as young people dropping out of school; from the standpoint of the department of public safety, we are seeing an increase in crime related to delinquency and/or drug trafficking; from the standpoint of the department of industry, commerce and technology, there is an unacceptable rate of unemployment among young people, but the fact remains that all these problems are usually experienced on a neighbourhood or regional scale, and all are interconnected; to face these problems, we have to have people who are concerned with the educational network, people who are concerned with the urban environment; we need people who are concerned with training, in some cases, or reentry into the school system or, in other cases, job training.

What we'd like to see is, without reproducing on a Québec scale any of the overlapping, and this is where the danger lies... I have seen briefs that advocated a constitution in the strict sense of regional governments. We don't mention anything about regional governments. We talk about a political space enabling regional and local communities to manage and adapt the national sectorial policies. In our view, it is vital to avoid reproducing, within the Québec government, the federal-provincial jurisdiction conflicts that exist between the regions and the federal government. That would be a catastrophe. Clearly, what we need is to make sure that regional and local communities, which play an important coordinating role and which are capable of mobilizing resources, are given the means to do so.

Allow me to give you one last example. The Québec government is starting to move in that direction. When I look at the underlying spirit of the health and social services reform proposed by Minister Marc-Yvan Côté, I can see the beginning of a reexamination of the traditional strategy of settling everything at a single stroke, which is what the Québec department of health and social services is doing, and of saying that the nature of services and priorities will be adjusted to reflect the needs at the regional and

local levels.

If this can be done for one sector, perhaps we should think about doing it across the board, in acknowledgment of this reality; to my mind, this is the best way for Québec to acquire the means to respond to the needs of the regions and of Montréal, needs which are not opposed but rather complementary and, in many cases, similar, and most of all to mobilize resources that are up to the challenges we have to face and that will be more efficient in managing the public resources at the disposal of communities.

Mr. Rémillard: Mr. Mayor, I'd like to go back to these tools that Québec should have for its regional economic development, and hear more about the finer points of your arguments. For example, you're not in favour of a regional power, a regional government. Neither are you in favour of decentralization that would extend to powers determined by a Québec constitution where the regions are concerned. These are the shadings that I seem to gather from your brief and the explanation you just gave us. But are there, at the moment, jurisdictions that Québec does not have and that it should have to accomplish what you suggest with regard to development of the municipalities and the regions?

Mr. Doré: When I suggest - I think we have been quite clear as far as the policies that affect the population are concerned - when we suggest that Québec should exercise exclusive powers in taking up the challenge of Québec society's opening up to the world, based on the interests of its population, of course, when we say that this should be the exclusive job of the Québec government, which manages policies in matters of education, job training and manpower... It's clear that, in the current political context, there is a proliferation of overlappings, and I don't think that the federal government is in a position to meet the specific needs not only of the regions, but of Québec in particular.

When we talk about culture, language, immigration... Article 95, for example, in the current constitution, makes it a sort of power giving the provinces certain responsibilities from the standpoint of immigration, but it's first and foremost the entire federal government that has the main responsibilities. There can't be a provincial legislation that contradicts the laws of the federal Parliament. I think we have just put the finger on... When we speak of urban planning and related policies, including housing, when we speak of the environment, I think we're talking about an instrument of power that Québec needs, to face the issues defined in the brief, an instrument that it can call its own, which is currently lacking, and which we clearly don't have when it comes to Montréal and the

regions.

The Chairman (Mr. Jean Campeau): A brief comment, Sir.

Mr. Rémillard: Yes. The reason I asked was precisely because I was referring to all the areas you mentioned, Mr. Mayor: housing, the environment, education, manpower, culture and immigration — the immigration issue which has just been settled in a most interesting way — I was wondering if, in addition to the spending power of Ottawa which made these duplications possible, there were other obvious problems preventing us from achieving what you want to achieve.

Mr. Doré: I'll give you another example, Mr. Chairman, if I may.

The Chairman (Mr. Jean Campeau): Quickly, Mr. Doré.

Mr. Doré: Very quickly. The communications and telecommunications sector. We mention this in the document. It was not political choices and discussions that brought about the evolution of the federal government, it was often decisions of jurisprudence, either by the Privy Council or the Supreme Court of Canada. The communications and telecommunications sector is, in 1990, what railroads were in 1867 for Canada, what it is for Québec. In my view, if Québec wants to take up its own challenges as a distinct society in the future, these are strategic sectors that it must be in a position to control fully and, once again, without interference from the federal government, such as we're experiencing at the moment. In my opinion, this is a vital issue for the future of Québec.

The Chairman (Mr. Jean Campeau): Your turn, Mrs. Harel.

Mrs. Harel: Thank you, Mr. Chairman. May I ask you to reserve some time for the Opposition leader from the time allotted to us?

The Chairman (Mr. Jean Campeau): As long as you don't take too long.

Mrs. Harel: Yes, and provided...

Voices: Ha, ha, ha!

Mrs. Harel: I know the Mayor's phenomenal oratorical skills, so we'll do this between the three of us. Your brief is very inspired, some would say very researched; I don't know if I sum it up properly by mentioning three of your proposals, namely, on page 66, your observation that the Québec provincial administration has come to consider itself the bearer of a genuine

blueprint for society and behaves as a veritable national State. As a result, you tell us that the conflict was inevitable, as is the need, after thirty years of ceaseless quarrels, to put an end to all that. That's the first observation. On page 58, you say that a new social contract is needed. You propose a national policy, but a Québec rather than Canadian policy, this time. Your third observation is that this Québec national project must take precedence over a redefinition of the constitutional mechanisms. Therefore, what you propose is that Montréal become the metropolis of Québec.

(9:45 a.m.)

In fact, there is in all this a kind of historical perspective and you explain quite well this far-reaching change and absolutely strategic role that Montréal has played as a metropolis of Canada, dedicated to the development of the Canadian economy rather than the Québec economy. I wonder if this is not the actual source of the misunderstandings, so to speak, and at times of the incipient opposition that has often arisen between the Québec of the regions and its central city, which was not its metropolis.

You also tell us that you now want to play the role of metropolis of Québec. Obviously, a federalist would look in vain in your brief for a Canadian vocation in the four vocations you assign to Montréal. Strictly speaking, they are Québec vocations. There is, in all this, something very similar to what we were told in the regions, during the Commission's tour, namely that redefining the political status of Québec constitutes a tremendous opportunity to redistribute power in Québec, and return powers to Québec, which means not only to Québec City, but also to Québec as a whole, which might give rise to a new alliance. That said, how can Montréal be a metropolis without Québec becoming a country?

Mr. Doré: But Montréal is already a metropolis.

Mrs. Harel: Whose metropolis?

Mr. Doré: You say that Montréal is the metropolis of Québec, but I maintain that the influence of Montréal goes far beyond Québec. East of Kingston, as far as I know, and all the way to the Maritimes, the principal city is Montréal. In my view, the strong influence of Montréal can be felt in eastern Ontario, and in the northeastern regions bordering on the United States, as well as in the Maritimes. This is a fact. What we're saying in the brief is that, when Québec and Canada had a clear blueprint for society, in 1867, it was to form a major economic space north of the 45th parallel along an east-west axis, because the Americans went back on their reciprocity agreement, because

Great Britain became a free-trader and because Canada could no longer exist without developing; Montréal has always benefited from this trend, when the issues were clear and the projects stimulating. And in the days that followed World War II, Montréal benefited from the so-called Keynesian policies of redistribution, at a time when the major part of the economic development was centered on the Great Lakes area.

What we're saying now is that, in order for Montréal to continue to develop, and to be able to settle the problems that have plagued it for far too long... It is shameful to think that more than 100 000 people in a city of 1 000 000 like Montréal are dependent on social assistance programs. It is shameful not to be able to use these human resources, in a situation where they can be productive. It creates a major burden for the metropolis and for Québec as a whole. To remedy the situation, we need to define the major issues. What we're saying is that a national policy, a new national policy, as defined in our brief, would give the metropolis the appropriate framework for this city to continue playing its role fully, not only with regard to its contribution to Québec's opening onto the world, which it is already doing, but also from the standpoint of economic advancement and the cultural flowering of Québec.

I would say that Montréal needs to have these issues clearly defined; it needs a catalytic blueprint for society, an end to major problems related to duplication and, in some cases, inefficiency, so that it can continue to play its role and develop even more vigorously and, basically, contribute to the growth of Québec. That's what we're saying in this brief and I think that, seen in this light, the proposal we make is quite clear.

Mrs. Harel: Absolutely. Montréal is an international city. You also tell us that Québec must adopt a Québec national policy and that Montréal will be instrumental in achieving our objectives. This Québec national policy - this is clearly stated on page 17 - is all the more important in this perspective. You say that Québec must define its blueprint for society, its own national policy, given the failure of the federal policy. Here, I don't know whether this is a figure of speech, but you tell us that we no longer have to reject the status quo, that it disappeared by itself, victim of its own out-datedness. I'd like to believe that this is true. But although it may no longer figure among future projects, the status quo is still a straightjacket that stifles the 100 000 Montréalers waiting for job training. It is still a straightjacket for these people, who outnumber Ontarians in the same situation by 100 000, with a population lower by 2 000 000. So, how do we get rid of this constitutional status quo and

what measures should be taken to avoid remaining in this status quo?

The Chairman (Mr. Jean Campeau): Mr. Doré.

Mr. Doré: Mr. Chairman, I would say that we are central to this process. My participation in this Commission today, on behalf of the City of Montréal, which is an important political institution in this distinct Québec society, the very work of the Commission, this unanimous decision of the National Assembly to give a broad mandate, not only to elected officials, but also to people who are representative of all areas, and to do so in a relatively short period of time, given the importance of the issues at stake and the importance of the work ahead, I would say that we are part of this process and this is why we want to make a contribution. In the brief, we clearly state that there is a pressing need to settle these questions.

We hope that all this will take place in a relatively short time and we say that this process will have to be carried through, and that the choice of Québec will be that of Montréal, if that choice is a democratic one, clearly voiced by Quebecers, at the initiative of the National Assembly. We'd like to see Québec adopt a catalytic blueprint for society, in which Montréal can play its role fully, and we fervently hope that this question can be settled as rapidly as possible, and I would say that the process undertaken by all the members of the Commission at this table is part of this resolution to settle the problems we are facing.

The Chairman (Mr. Jean Campeau): Mr. Parizeau.

Mr. Parizeau: Mr. Mayor, I was very impressed by the description of the Canadian national policy contained in your brief. In Québec, we are too inclined to forget the importance of the National Policy in the building of Canada. Railroads and customs duties have created Canada as a political entity, not just an economic space. This is so true that, when British Columbia wanted to join Canada, British Columbia demanded the construction of a transcontinental railroad by a certain date as a condition of its entry into the Canadian federation. The National Policy has created Canada as we know it today, politically and economically. With the result that, of course, we can see a growing need, from today's vantage point in history, for a Québec national policy, what you call a population policy, as clearly defined in your brief. You indicate exactly how far it extends. It extends to the environment, not to mention all the usual public services such as education, health and culture.

When you speak about the globalization of

markets, which must aim at diversifying the trade partners of Québec, you're talking about Québec assuming control over its trade activities. In the third section of the national policy you describe, you say that the major infrastructure networks, which for you are the communications and telecommunications infrastructures, support facilities for research and development, major cultural facilities, large transportation networks for goods and people, should not be duplicated, and should be established as a priority of this national policy. This leads me to conclude, Mr. Mayor — but I'd like you to explain to us whether this is as clear in your mind — that the Québec national policy you propose, that you suggest, is in fact a policy to build a country called Québec, just as the Canadian national policy served to build a country called Canada. Am I correct?

Mr. Doré: Mr. Chairman, what we tried to do was to analyse the forces that ultimately shape political structures. We're saying that political structures are not an end in themselves. Out of nostalgia or whatever, we tend to cling to certain images or structures... We thought it would be helpful to return to these historical perspectives for a better understanding. To know where we're going, it is always better to know where we started from and what lessons we can learn. First, political structures as they exist in 1991 — I often say 1990, but we have all wished one another a happy new year, so this is 1991 — we have to realize that these structures are inadequate both for Canada and for Québec. They are inadequate for Québec as a distinct society, just as they are inadequate for the rest of Canada. And I am in a position to know; I'm in regular contact, every week you could say, with my colleagues in English Canada, in large cities in Western Canada, central Canada and Ontario. The concerns and problems we're experiencing in Montréal are very similar to those that prevail in other regions of Canada. Their concerns and some of their questions, especially those that were raised within the Canadian Federation of Municipalities, all call into question the political structures of 1867, as they have come down to us, and English Canada is dealing with the same issues when it comes to the globalization of markets, adaptation of resources, information-based economy, a type of economy based not on geographical boundaries but on skills, all the tools needed to deal with these problems. The process under way in Québec is designed to ascertain what we need to do, as a distinct society. And I hope that a similar process will be undertaken by English Canada so that we can work out an arrangement.

But when you ask whether we suggest that this national policy and all the elements proposed in our brief would help fashion the Québec of tomorrow, I would say that I certainly

hope so. I certainly hope that the proposal we have made to this Commission, our contribution from the standpoint of analyzing the issues and the problems, and what it takes to solve them, without speculating on a definitive arrangement and the constitutional status this entails, I would hope that this is a fair analysis, one that corresponds to the reality of Québec in 1991 and which will enable us to adopt whatever measures are needed to continue developing our society, and especially to ensure the fulfilment of all Quebecers, which is to say their right not only to the fulfilment of their culture, but also, and above all, their economic fulfilment and a better redistribution of wealth in our society. This, I think, is what our contribution hopes to achieve.

The Chairman (Mr. Jean Campeau): Let's go on to Mr. Jean-Claude Beaumier, followed by Mr. Beaudry and Mr. Dufour.

Mr. Beaumier: Thank you, Mr. Chairman. Good morning, Mr. Mayor. My first question was partially answered when you answered the question asked by Mr. Rémillard, but I'd like to repeat it because there's a part of it that wasn't answered, namely, in a new political context... First of all, I look at the statement on page 13 of your brief, where you say that the central power crisis will inevitably lead to a change that promises to be radical with regard to the place and delimitations of our society's local powers. My question is as follows: In a new political context, what is the place and delimitation of the local powers you foresee?

Mr. Doré: What place and delimitations, was that your question?

Mr. Beaumier: Yes.

Mr. Doré: I understood the question. The place of local powers. Look, the Québec of 1991 is an urban Québec; people live in cities. Even when we speak of the regions of Québec, most of the population is concentrated in a number of urban agglomerations which are important centres of economic development, important providers of services and even cultural centres of attraction. If you look at the world in general, as economic frontiers disappear, and as the globalization of markets becomes more widespread, the role of federal governments is radically changed.

Basically, it's more complex, in many ways, to manage free trade than to manage a traditional protectionist policy. A protectionist policy can be managed with macroeconomic tools and tariff barriers. But when you open the door to the world, when you want to adapt and ensure development in a much broader, more competitive context, you find problems that affect the very lives of people in their

communities and their ability to adapt, to acquire the training, and in some cases, the ability to create jobs and sustain employment. All these are problems that people in cities and local communities experience.
(10:00 a.m.)

If you look at Europe, for example, you now have a development of European regions that transcends, in many cases, national boundaries. What you have are open lines between cities like Milan, Lyon, and Barcelona, for example, an old Renaissance triangle which is in the process of being recreated. Why? Because the economy develops around urban centres. That's where the research tools are concentrated. That's where the tools for new information-based economy are concentrated. That's why we're saying that if we want to take up the challenges of 1991, we can't do so strictly with a central, centralized government, whether it be the federal government, or the government of Québec with all or a portion of the powers of the federal government; we have to find a new arrangement.

To mobilize resources in accordance with these objectives, we have to give the regional and local communities the financial and decision-making ability to adapt and manage sectorial policies to reflect their particular needs. I consider that the Montréal region forms part of one of the Québec regions. From that standpoint, when we say that the Québec constitution must allow for this political space to be defined, that's the direction we're taking. In our brief, we don't want... We think that local elected officials working on a regional scale...

We don't need to create new structures of a regional-government type. We believe that the action of elected officials has a democratic legitimacy. In that respect, we could cite the example of the school boards - I can see that Mr. d'Anjou next to you, must share that concern also - we have to create a space to coordinate these central policies at the local level, and that's what our brief is driving at.

Mr. Beaumier: One more question, Mr. Chairman?

The Chairman (Mr. Jean Campeau): Yes, you have time.

Mr. Beaumier: Mr. Mayor, do you believe that it is essential in the recommendations that the Commission will make to mention unequivocally the role and place that cities and regions must play and occupy?

Mr. Doré: Could you repeat that, Mr. Beaumier? I'm sorry.

Mr. Beaumier: The Commission will be making recommendations.

Mr. Doré: Yes.

Mr. Beaumier: Do you think that it is essential, in these recommendations, to mention unequivocally what the place of the cities and regions will...

Mr. Doré: Yes, I think it would be in the interest of the Commission to do so, and I'll tell you why. If we want the Commission's recommendations to echo what I'd like to see... I think the Commission, given the abundance of briefs that I have had the opportunity to read as an observer, let's say as someone interested in the work of the Commission, will have the tools it needs. The Commission will have to propose a new blueprint for society to the National Assembly. To win the support of Quebecers, this blueprint must conform to the expectations of the people of Québec. I think it is important to give a place to the regional and local communities if this blueprint is going to be accepted by Quebecers.

The Commission has repeatedly heard about the concerns of Québec's various regions - whether it be in the Lower-Saint-Lawrence, Abitibi, and so on - all the regions who told us of concerns similar to those of the Montréal region, which I represent, as Mayor of the central city. We must reconcile what has often been perceived as contradictions between the metropolis and the regions. Montréal needs the regions and the regions need Montréal. This new urban reality in the Québec of 1991 must be included in the concerns of the Commission because that's where the everyday challenges lie, and also where, in a way, the future of Québec lies, from the standpoint of the challenges that we, as a micro-society in an international community, will have to take up. This is why I do think that the Commission should...

The Chairman (Mr. Jean Campeau): Thank you, Mr. Beaumier. Let's go on to Mr. Beaudry.

Mr. Beaudry: Thank you, Mr. Chairman. Mr. Mayor, in the comments you just made to Mr. Beaumier regarding the fact that Montréal needs the regions and that the regions need Montréal, I notice that, in your report, on page 21, you speak about a population policy. You note that four people out of five in Québec live in cities. Then you go on to say that what is needed is a Québec population policy based on a dynamic notion of the urban phenomenon, a true "horizontal" policy that incorporates the environmental, social, cultural and demographic aspects of a city. Québec has long neglected this central aspect of its reality, which to some extent accounts for the uneasiness it often feels when dealing with its metropolis.

I also noticed in your report - at least

that's the impression I got - that you seem to say that Québec is not doing as much as it should to help the metropolis prosper and develop, and to gain better recognition worldwide, to have a better worldview. We toured the province - this is in the province, like I said - and the regions complained that Québec's policies are too often centred on Montréal and that, too often, the regions are neglected in every respect, so that there is a continual exodus to Montréal. And they said that this policy of Québec would have to be changed so that decentralization of Québec can take place not only at the government level, but also at the industrial, commercial and other levels, from Montréal to the regions. And how can we at this commission reconcile these things, so that you can be satisfied and get more, while satisfying the regions by taking things away from you?

Mr. Doré: No. That's where the mistake is, I think. It's not a question of taking away anything from anybody. I think we must be clear on this. What is often... To a large extent, the problems of Montréal are those of Québec. Many of the problems we have in Montréal are problems that Montréal assumes on behalf of Québec society. If you take the problem of integration of new arrivals, for example, this is a problem which is not a Montréal problem, it's a Québec problem, which is experienced in Montréal, and what I'm saying is that we don't have the tools, as a city and as a region, to always deal with it. This is a reality. We can't ask the educational system... Here's an example. When I speak of adapting national policies according to the needs of the regions, let's take the example of education. How can we ask the system to deal with this integration when we have a fixed standard of one teacher for every 28 students in Montréal and this teacher has 15, 17, 20 students who are new immigrants? This is a lot to ask of the school system, it is a superhuman task that we ask teachers to do. Maybe we should recognize that additional resources are needed, not in the city of Montréal, but for everything that Montréal is experiencing, so that we can fully assume this role, on behalf of Québec, of better integrating new arrivals; maybe we'll need not one teacher for every 28 or 30 students, but perhaps, for one or two years, one teacher for every 15 or 16 students so that these teachers can accomplish this kind of task.

I'll wrap up this example by saying that the exodus to Montréal is often one that... Yes, there are people who leave the regions because the regions don't give them the opportunity to grow. Why? Because in many cases, the sectorial policies of the Québec or federal government are not adapted to their needs. This is why it's important to give the regions, and local

communities, the ability to adapt these policies according to their needs, to create and manage certain areas of life. This might prevent people who are ill-equipped and ill-prepared, and in certain cases, lacking in technical training, from coming to Montréal in the hope of finding a job that they don't find because, in many cases, they don't have the training to take on the jobs that are being created in Montréal, which are often of a technological nature, in medium and high-technology industries.

I quite understand the concern of these regions at being drained of their dynamic elements, I wouldn't want the problem to become worse, but to put a stop to it, it is imperative to give the metropolis the tools it needs, and give the regions the policies, and the ability to manage national policies according to their needs. Most of all, we must make sure - which is something the brief says very clearly - there is a dichotomy, a clear gulf between the economy of Montréal and that of the regions, with an economy centred on regional resources, an economy centred on the manufacturing industry, and the leading tertiary services in Montréal. But in many cases, we realize that Québec productivity would gain tremendously if there were closer links between the economy of Montréal and that of the regions, if, I would say, the emphasis were on a systematic sub-contracting strategy in Québec, if we reduced our import needs.

One of the significant charts in this document shows that, in the outlying areas of the Montréal, Sorel, Joliette, and Tracy regions, if we look at where the goods are coming from, in the manufacturing industries of these regions, we can see that, for the most part, more than 55% come from outside Québec. If we could make sure that a part of these goods are produced under sub-contracts in Québec and the regions, if we forged stronger links, I think we'd be able to solve what only seems to be contradictions.

In closing, I would say that Québec would benefit from making better use of its metropolis. This city is a tremendous tool for the economic development and cultural flourishing of Québec.

The Chairman (Mr. Jean Campeau): Your turn, Mr. Dufour.

Mr. Dufour: Thank you, Mr. Chairman. First I'd like to tell Mr. Doré that his is a substantial brief. We particularly appreciated the economic concerns that are portrayed so well, especially on pages 44 to 50. It has often been said that when all is well in construction, all is well elsewhere. I think we can also say that when Montréal's economy prospers, most of the province also prospers.

We also take note of your assertion that efforts have to be made to solve the population problem. I think we could easily contemplate a

Ministry of the Population with regard to the City of Montréal.

I have two questions. First, on page 112 — and here I am speaking directly to the political man — you say that insofar as the choice of Québec will be democratically and explicitly approved by the majority of its people, that choice will be Montréal's choice. My question, I repeat, is directed at the political man. What, for you, consists a majority in this case?

Mr. Doré: Let me go back to that passage. We're saying that insofar as the choice of Québec will be democratically and explicitly approved by the majority of its people, at the initiative of the National Assembly, Montréal will go along unconditionally. I think that if we want to understand one another, we hope and I hope that the work of this commission... There seems to be a significant divergence of opinions in what I have read up until now in the briefs that have been submitted to you, about a number of concerns and, I would say, issues at stake for which Québec must have the tools. I think it is possible to present all Quebecers, regardless of their origins, with a blueprint for society which will be exciting and stimulating, a blueprint which will enable them to face the challenges of a micro-society in an international community, which is what Québec society is, and, I would say, of a pluralistic society open to the world and in which everyone has a place.

I think that, if we make this effort, the Commission will be capable of doing likewise and the National Assembly could take it from there. When we speak of a choice democratically and explicitly approved at the initiative of the National Assembly, of course we're talking about everything that stems logically from a referendum initiated by the National Assembly. We are not talking about the initiative of a government. Just as the Commission was created by the Assembly, I think it would be normal that, by extension, the Assembly be able to consult the people of Québec. I am convinced that we would find ourselves with a choice explicitly and broadly approved by the people of Québec. From that standpoint, I think we could get things moving in the right direction. And a logical extension of this, a little further down, as you may have noted, is the somewhat pressing need to settle these questions.

Mr. Dufour: Mr. Mayor, you have used the word "explicit", but you have not answered my question regarding a majority. So, let me put you in a situation...

Mr. Doré: On that subject, all I can say is a majority is a majority. A majority generally begins at 51%. I wasn't talking about an absolute majority or a simple majority. When I

say that I hope this consensus will be as widespread as possible, I think that if a commission makes recommendations along the lines of the widespread consensus that seems to be emerging, it will be largely supported by Quebecers, which would constitute more than a simple majority. We might even be looking at an absolute majority. I think it is important to rally the majority of Quebecers so that we can move forward and deal with the important issues that concern us.

Mr. Dufour: Let's assume we have a majority of 60-40. That's more or less what the surveys show at the moment — Gérald, come on! Didn't you see the latest surveys — all right, let's assume 65-35! How would the Mayor of Montréal deal with a situation where 35-40% of his population disagrees with the plan?

Mr. Doré: Allow me to repeat what I have said from the start: as Mayor of Montréal, I wasn't given a mandate to speak out on the constitutional status of Québec.
(10:15 a.m.)

That said, I would feel very comfortable. I was recently elected with a 60% majority, and I consider that I have a very broad mandate from the population of Montréal to represent it before you today and tell you about our contribution.

Mr. Dufour: But when one decides on the future of a country, Mr. Doré, I think the kind of comparison that you're making with a municipal election doesn't apply. If I may refer to page 58 of your brief...

The Chairman (Mr. Jean Campeau): A short question, Mr. Dufour.

Mr. Dufour: Yes. You talk about a blueprint for society. I think it was Mrs. Harel who brought it up earlier. You maintain that the integrity of a Québec blueprint for society must have priority over the redefinition of constitutional mechanisms. I'd like you to tell us more about that, briefly.

The Chairman (Mr. Jean Campeau): Very briefly, Mr. Mayor.

Mr. Doré: Very well. It always comes back to the same thing, doesn't it? Political structures are not an end in themselves. They are only a means of attaining objectives. We think that the first thing to do is to define a blueprint for society and adapt it to the needs at hand, to define structures in regard to the tools we must have to turn this plan into reality. That's the thrust of our recommendation.

So, when we say that the integrity of a blueprint for society must take precedence over the redefinition of mechanisms, we're saying that

this is not the time to get tangled up in trying to settle in advance what the arrangements will be. Let's start by defining the priorities; that's what we tried to do. I think we have made a real effort that way. Some might say that the brief is a little too economic or macroeconomic. I think it has the merit of making a contribution to this commission, precisely for that reason. So, I maintain that we must define this blueprint for society and the mechanisms for an arrangement, from a political and constitutional standpoint, will naturally follow. That's the gist of the passage you read.

The Chairman (Mr. Jean Campeau): We have two more people to get through: Mr. Ouellet and Mr. Turgeon. Go ahead, Mr. Ouellet.

Mr. Ouellet: Thank you, Mr. Chairman. I too would like to congratulate the Mayor and his colleagues on the quality and excellence of their brief. I think that it was done very seriously and very constructively. In certain aspects, it passes a judgment which is perhaps a little harsh but objective, I think, on the Canadian policies that have at times worked to the advantage of Montréal and at times to its disadvantage.

I'd like to draw your attention to page 59, where you make an assertion that seems important to me. You ask whether the federal-provincial quarrels of today will turn into the regional national confrontations of tomorrow. And, on page 68, you maintain that it is imperative to define effective interaction mechanisms between the Québec government and local administrations.

I'd like to ask you to give us more details on the mechanisms you have in mind. I find this to be a very important suggestion, but I presume that you haven't had the time to elaborate on this aspect. It might be interesting for us to hear from you what mechanisms you have in mind and how they should be applied to avoid unnecessary disputes.

Mr. Doré: If I may, Sir... Of course, I have had the opportunity, in reply to the Minister earlier, and in reply to Mr. Beaumier, to try to address that concern. I clearly said that we don't advocate the creation of regional governments. Therefore, clearly, we're talking about a government, in the broadest sense, with all that it entails.

What we realize, however, is that we can no longer manage local communities as simple creations of the National Assembly, as was the case in the past. I'd like to stress that from that standpoint, to my mind, and I think in the opinion of many of my colleagues involved in municipal affairs in Québec, the process we'd like to see, the one that should normally begin with the government of Québec, which was

unfortunately somewhat shunted aside during recent measures by the new Minister of Municipal Affairs, this process, what did it consist of? It consisted of trying to identify how, in a context of scarce resources, we could better manage the public dollar allocated to public services, how to reduce, ideally, the cost of public services in the context of competition on an international scale, because these costs have a significant bearing on our ability to compete, and therefore on the related tax costs, how to do this through an analysis, or I should say a reexamination of the reality of 1991, of Québec in 1991, in terms of regional and local communities with respect to the organization as we have always understood it.

In general, cities were designed basically as managers of concrete, streets, roads, and snow and waste removal. More and more, whether they want to or not - and Montréal is a fine example of this - cities are involved in all sorts of important issues on the social and societal levels, from vagrancy and juvenile delinquency to the problem of drugs, etc. This is true for Montréal as it is true for the regions. We can no longer deal with these problems strictly through a sectorial and national strategy. We need strategies that are adapted to local needs. This presupposes a reexamination and a reorganization. I don't have a formula. What I am saying is that we must develop a political space.

Ultimately, how should all this be coordinated? I think we should make the effort to take a new look at the problem. The brief does not presume to do so. It is my hope that, with the government of Québec, notwithstanding the immediate concerns that have more to do with the budget than with reviewing the organization of services, this reexamination can be done. There is an open door, as I said, with the proposal for a reform of health and social services, but that should be taken further. It is clear that, in the present context, neither the Québec government, nor the federal government, nor the cities are equipped to face the challenges of the urban reality of 1991 and, from that standpoint, there is a cost to pay for all this and that cost can ultimately be very dear in terms of social services, and undermine our ability to compete, as a society, on the international scene.

Mr. Ouellet: Specifically, what you have in mind are new responsibilities, with the financial powers needed to assume them...

Mr. Doré: Yes...

Mr. Ouellet: ...in the field of social assistance, for example...

Mr. Doré: ...and which would not be...

Mr. Ouellet: ...in the field of housing, in the field of...

Mr. Doré: Precisely. In urban planning, just as, in certain cases, in the environment.

But, at the same time, I'd like to stress that they should not be subject to the ups and downs of the economy, to the funding needs or budget imperatives on the eve of a budget speech; nor should they be subject, for the most part, to changes in government. This is why it's important for us to find a way to make room for this reality. This would meet not only the needs of Montréal but, I repeat, the needs of the regions. My colleagues in the regions, with whom I am in contact daily, tell me that they don't have the tools to meet these challenges, any more than Montréal does. I think it would be important for us to have... If we make the effort of finding out what we need in 1991, we must...

The Chairman (Mr. Jean Campeau): Your turn, Mr. Turgeon.

Mr. Turgeon: Thank you, Mr. Chairman. Mr. Mayor, the more I listen to you, the more I wonder how we can attain the goals you propose other than by sovereignty. But that may be my interpretation of the events. It's a good interpretation? Thank you.

Mr. Mayor, the Mayor of Montréal says that in the constitution that Québec will have to adopt, regardless of its status, there should be a recognition of collective rights and individual rights. What I'm asking you is how, practically speaking, these two can be reconciled. How, for example, will we make sure that the legislation protects the rights of the Francophone community without violating, to some extent, the individual rights of Anglophones?

Mr. Doré: If you'll allow me to quote from the text, you'll see that what we say is, in fact, the reverse. The Québec definition of rights and liberties should recognize individual rights no less than collective rights. Generally, in a constitution, collective rights, and the organization of the government, are defined. Earlier we spoke of a political space in terms of local and regional communities. We'd like to see individual rights recognized, but with the possibility of incorporating... how would I put it... a number of collective rights.

Let me give you three or four examples off the top of my head. I think that the right of association is a fundamental right which must be entrenched in a constitution. I think that the rights of aboriginal nations and the respect of treaties could also be part of it. Personally, I believe that the Anglophone minority's right to retain control of its institutions must not depend exclusively on legislation from the National Assembly, but should normally be recognized in

the constitution. But I believe, and this is what we add, that we might be able to innovate. Why not recognize, at least in principle, the right of future generations to an environment... I would say not only to an environment, but globally... Yes, to a viable environment and habitat.

Why not take on the obligation, as a society, in the constitution, of making sure that as we consume our resources - particularly when they are renewable - we also ensure that future generations will continue to have these resources; that, in the economic decisions we make, we look at the environmental impact to ensure that future generations will inherit a livable habitat, that it will be a society in better condition than the one we inherited, and that we pass on to future generations the ability to make their own choices and see to their own development? This is what I mean by the collective rights that, in general, are not found in constitutions and that, personally, I'd like to see in a Québec constitution.

Mr. Turgeon: One last thing. As far as Montréal is concerned, Mr. Mayor, do you make a distinction between multiculturalism and interculturalism?

Mr. Doré: It's elementary. Interculturalism, as we practice it and live it in the metropolis, is really a willingness to bring all the cultural communities, the 80 cultural communities in Montréal, together to share concerns, to share cultural exchanges and to make one another's lives richer, but around a linguistic space, a cultural space, which is that of the majority. Of course, we hope to be able to develop and maintain the traditions of the various cultural communities, but what we hope for most of all is closer ties between the various communities, and the enrichment of the Francophone community through the contribution of other communities, not just culturally, but also economically. I must stress that, in Montréal, just as in the rest of Québec, the importance of cultural communities, the ties that these communities maintain with their country of origin and the development of these ties have often been undervalued. But they could be strengthened, not only culturally but also economically. For us, interculturalism is a matter of respecting the rights, as well as the cultural and linguistic space of the majority, and at the same time enriching the Québec community through the contribution, in a pluralistic context, of the various communities that make up Québec society.

The Chairman (Mr. Jean Campeau): Mr. Mayor, Mr. Choquette, Mr. Gignac, thank you.

Mr. Doré: Thank you, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Thank

you for meeting with us this morning, and thank you for your contribution to the work of this Commission on the Political and Constitutional Future of Québec. We would be much obliged if you could clear the room rapidly.

(Proceedings adjourned at 10:27 a.m.)

(Proceedings resumed at 10:32 a.m.)

The Chairman (Mr. Jean Campeau): Kindly go back to your seats.

We now welcome Professor Soldatos, who is appearing before this commission as an expert. The hearing will last one hour. Mr. Soldatos, you have 10 minutes for your presentation, after which you will be asked to answer the questions of the members of this commission. Go ahead, Mr. Soldatos.

Mr. Panayotis Soldatos

Mr. Soldatos (Panayotis): Mr. Chairman, Ladies and Gentlemen, members of the Commission, I'm very pleased and honoured to have this opportunity to speak to you, with regard to the brief requested and presented. The time is limited so I'll be very brief, I must be brief. I see two main lines of thought in this brief. The first is a response to the invitation to demystify, or clarify, if the word "demystify" is still unpopular, the concepts at the heart of the debate on the constitutional and political future of Québec - sovereignty, federalism, association - to see whether their contents converge and to avoid what I call the war of concepts or terms. The second objective is what I call comparative intelligence, or looking at what's going on elsewhere. We're a distinct society, but we're also an advanced, Western, democratic and industrial society. Therefore, we can situate ourselves in the context of certain other experiences and situations where lessons have been learned.

The first feature, then: demystify the concepts. I'm not trying to make them go away, I'm trying to say that if we take sovereignty, we aren't turning towards the sovereignty of centuries past, we're turning towards the sovereignty of the second half of this century, towards the third millennium. And when we do this we see that sovereignty is breaking up like the nation-State is breaking up, due to the fact that it already had holes in it. And what put the holes in it has often been cited: international interdependence has meant economic costs circulate more and more, penetrating the economic frontier, which is one of sovereignty's frontiers, and making it porous. The second element in this perforated feature is the widening gap which exists between the political frontier and the economic frontier. We're

experiencing it with free trade, we've tried to broaden the economic framework while being in a political framework which may in fact be out of sync. And we're also seeing that sovereignty manifests a functional inability to meet needs, because we are sovereign to legislate, especially to create what we call legislated programs. When the nation-State is in debt both domestically and internationally, it isn't always capable of creating legislated programs. Look at what Mr. Reagan did at one point; he said, there you go, exercise some authority, assume some duties, some programs. "Mandating without compensating," as the saying went. This was transferred to other levels of government, which people weren't too pleased with. There is, therefore, a perforation of sovereignty when a globalized economy evolves.

Second feature. Sovereignty is being "functionalized." There is what we call functional sovereignty. There are levels of government which exercise their sovereignty in terms of duties: federated States, international cities. I looked at some statistics the other day. If we considered California's gross domestic product, the State would rank eighth among 170 sovereign States, well ahead of Canada, China, Brazil, Spain and India. So there is in fact an evolution, new actors are allowed to perform economically desirable duties even if, politically or constitutionally, these duties aren't set down in writing.

So, sovereignty is not only perforated and functionalized, a third phenomenon goes with it: the division of sovereignty. Sovereignty is divided. In the European Community, as the courts clearly put it, it wasn't authority that was to be transferred to the Community, but sovereign rights in certain fields. This is one way sovereignty can be divided, thus enabling sovereignties to share certain rights which, nationally speaking, are merely formal, since they can't be exercised. But with integrative interdependence, they can be exercised.

Take the GATT, for example. Do you think that Portugal, Greece or Ireland - or even France - could defend their agricultural issues if the defense wasn't made through the intermediary of the European Community, the sole body responsible for trade policy? So things are shared without sovereignty being lost. Things open up because the business of others or member States is taken care of and, at the same time, countries are given a stronger voice. As Jacques Delors, the president of the commission, said: Being among the world's greats also means having the space and the numbers to do it. So, that, then, is the first element on sovereignty.

The second element is on federalism and association. I didn't make this up, but according to international integrative practice - and the theory agrees with this unequivocally - federalism and association are found on a

continuum with a hypercentralized unitary State at one extreme, and an international organization at the other. Each system, federalism and association, provides ingredients in varying proportions, and these differences in proportion are what carries us along the continuum from one to the other. The European Community is termed supranational, but there are forms of federalism, primarily normative. We mustn't forget that, in the European Community, community legislation takes precedence over national legislation, and the adoption of such legislation directly and immediately affects individuals and legal entities. Therefore, it is the Community which creates laws in these fields for all citizens, companies, institutions and member countries.

There's also a supranationality, a decision-making federalism. More and more, things are decided by a qualified majority: for the Europe of 1992, two-thirds of decisions are made and will be made by a qualified majority. And in this qualified and balanced majority, the four biggest European powers have only 40 votes, while a majority calls for 54 votes. Therefore, even the four major powers cannot make decisions by themselves.

There's also an institutional sovereignty, a supranationality, an institutional federalism. All the legislation of the Community issues from the commission. Bills may only be proposed by the commission. And the commission is a body independent of the member States and governments. And then, there's a federalism or a supranationality or a prefederalism of authority. After 1992, the commission - Jacques Delors may have exaggerated a little - will have to take care of 80% of the socio-economic issues of its member States. There is, therefore, a transfer of authority in the major spheres of activity at this level.

So, do you see what the concepts are? If we change the balance, we change and move along the continuum from one end to the other. I maintain that we must see which balance interests us, in which institutional context, to do what I said: to achieve the right consistency in the constitutional mix. Because it isn't just a matter of ingredients, it's the right way of putting them together, measuring them and mixing them.

The second point in my brief is the question of comparative intelligence. If we look, for example, at the European Community, what do we learn? The first lesson is the need to be able to create, together, a new economic framework in order to be among the world's greats, as someone said earlier and as Jacques Delors has said. That's why the Common Market was created. That's why they accepted the home markets of 1992. That's why they're moving towards monetary and economic union. Therefore, the idea of grouping together in a hostile world,

in terms of economic competition, is the first lesson. And I think that here, in our society, there's a consensus on the importance of the economic framework.

The second thing we learn is what I call the proportionality between the economic content of an integration and the political institutions surrounding it. The Common Market can't be made with institutions belonging to the European Free Trade Association or the Benelux countries or other organizations. Why is there a need for proportionality, for strong institutions in a sustained, major economic integration?

The first reason is decision-making rationality. Decisions can't be made according to consensus and intergovernmentalism. If the Europeans had done that, they wouldn't have been able to make two-thirds of the legislation for the Europe of 1992, they wouldn't have succeeded. It was with reluctance that the political elite agreed to reinforce the institutional mechanism in the 1986-1987 Single Act. And, last December, it was with reluctance that many governments signed - the heads of State of the governments - a declaration for the two intergovernmental conferences which highlight the importance of further reinforcing the institutional decision-making system of the European Community. Otherwise, they would have had a Meech Lake every week, a federal-provincial conference every week to decide on economic and monetary matters and the free movement of production factors.

The second reason for proportionality is what I call institutional rationality. Who's going to think of linking and incorporating the interests of the 12 member States - the 2, or 4, or 6 here, I don't know which division you're going to prefer or suggest - who's going to incorporate the interests? Who's going to facilitate compromises? Who's going to propose legislation to meet an initial consensus? If the European Community didn't have the commission which, being strong, has the sole power to propose legislation, how do you think the 12 member States in the Council of Ministers would, together, be able to come up with a text for a bill? It would be impossible. Therefore, institutional rationality is fundamental.

Last but not the least, is the matter of democracy. The Community has experienced a deficiency in democracy as a result of, in fact, there is legislation - I said that 80% of the legislation at the Community level - but institutions still haven't been democratized. The Parliament still doesn't enjoy all powers. There's a deficiency. What is more serious, is that this deficiency is accompanied by the fact that the national parliaments have lost their authority in this field. So, the transfer, either to a technocratic executive, or to an inter-governmental council, is therefore, the absence of democracy, in the sense of having either a

common Parliament or national Parliaments take care of it. Therefore, it's necessary to think of having proportionality between the management of vital economic matters and types of institutions that are sufficiently efficient, rational and democratic to be able to decide all this. That's what it's all about.

The Chairman (Mr. Jean Campeau): We haven't much time, could you wrap it up quickly?

Mr. Soldatos: My conclusion is that we must obviously – and I think there's a consensus on this – come up with an economic framework, manage to maintain a sufficiently broad and consistent economic framework. To do so, we have to agree, within common, strong and democratic institutions, to be able to share sovereignties; sharing these sovereignties doesn't mean losing them. And we must take care that the institutional balance of power in this system doesn't put us at a disadvantage. Therefore, we have to look at the world. Because although Québec is a society which is different and distinct from English Canada, Québec is no more different from English Canada than Portugal is from Denmark, than Greece is from Great Britain or than Italy is from Germany. Therefore, if two societies this different, but nonetheless industrial, advanced and democratic, managed to agree on things... on sharing things in common... I think that we have to look around us. Otherwise, we'll find ourselves in the position of Louis XVI, to whom Mirabeau said: Sire, you would be well-advised to take a look at the world outside.

(10:45 a.m.)

The Chairman (Mr. Jean Campeau): Thank you, Professor Soldatos. Mrs. Blackburn, you have the floor first.

Mrs. Blackburn: Thank you, Mr. Chairman. Professor Soldatos, I'd like to thank you for having agreed to participate in our hearings. I'll quickly turn to what caught my attention in your brief: first of all, it's very structured, it's also very rigorous, but it's essentially based on a reform of federalism which would include a Canada divided in four, headed up by a union government. This Canada of four regions assumes that six provincial parliaments will disappear and, obviously, a territory as well. At the same time, if I understand correctly, Québec will retain the same weight it holds now because it'll be in proportion to its population. You're acting a little as if the essential problem facing Canada and Québec was related to structures and not a more far-reaching problem tied to the distinct society. So, I'd like to hear what you have to say, and get a few more details on the powers which your new structure would confer on Québec, and which fields they would be in, and

how these powers will enable us to meet the aspirations of Quebecers, who are calling for more room to manoeuvre to ensure what is called the distinct character of Québec.

Mr. Soldatos: The two things I proposed were, as I said earlier, on the one hand, there's a need to share, for economic reasons, and on the other, if we do that, we can't abandon the institutional level, it isn't practical, as I said, to manage a system of economic and monetary union at this level in a federal-provincial, intergovernmental, and consensual manner. I repeat what the Europeans were able to understand – which wasn't easy – which is that from the beginning of the creation of the common market, preliminary documents illustrate it, but also when the Single Act was passed, the only element which tipped the scales towards reinforcing Community institutions in the Single Act, through strengthened qualified majority voting and more powers for the European Parliament, was the need for efficiency in the adoption of all the decisions, nearly 300, for the home market. Therefore, they realized – in the old countries – that they couldn't decide to create a common domestic market without reinforcing institutions. So, if we take these two principles, what do we do? What I've said in my text, the division I'm proposing, I find it difficult. I'm presenting the two faces of Janus, but I'm not choosing; it's up to the Commission, Parliament, the government, and the people to decide. What I'm doing is presenting and drawing your attention to such and such an aspect, so as to not reinvent things.

To answer your question, I find it hard to understand – and this has been said here – how an economic and monetary union would function as far as dual decision-making is concerned. If we say a qualified majority, if we give English Canada a qualified majority, we'll always be the minority of the two, and all decisions will be made; in the EC, there are 12. If there were 3, 4, or 5, we'd have majorities that aren't always hostile or opposed to the interests of Québec. We agree with the West on certain issues, such as free trade; we agree with the Maritimes on issues such as matters of regional development, etc. If there were some flexibility on the level of partners, I believe that this would be more of a possibility. In terms of decision-making – there are other difficulties, but just in terms of decision-making – I find it hard to imagine, first of all, an economic union, a dual Canadian union and, it's even more difficult when the other half is a federal system with 10 members, 9 plus 1, which have to agree. That, then, is a fundamental difficulty. That's why I say that we need a new way of dividing things...

Mrs. Blackburn: Yes.

Mr. Soldatos: ...which would enable us to redistribute things, find a qualified majority, achieve a balance in accordance with our interests.

Mrs. Blackburn: Yes. Mr. Chairman, Québec would therefore be a minority. Canada would be a country divided in four, a government of the union. Then, in short, the situation, which is the subject of numerous demands on the part of Québec, wouldn't change much. But I'd just like to look at another aspect of your blueprint: its feasibility. Has English Canada given us any reason to believe that six provinces and six parliaments would be willing to shut down? That's the first question. Second question: is English Canada capable of seeing this problem from such a viewpoint that they'd say the Québec problem is big enough for us to abolish their Parliament, that would be... Are the people in the other provinces open to this hypothesis? The impression is that this is sort of created in the minds - a good thing, too, because thinkers have to think - but that it's more in the minds of thinkers than based on any reality. So, if your plan is to create a Canada divided in four, is it feasible, is it desired by the other provinces? You've talked a lot about provinces which are breaking up, fragmented, to use your word, and said that it would be difficult to speak for them. So, how are these provinces going to agree to such a suicidal move? And is it feasible? And even if this were negotiable, because the amendment process would have to be modified - you know more about this than I do - in your most optimistic hypothesis, how many years do you think such negotiations would take?

Mr. Soldatos: As for the last part of your question, I think that it would be pure speculation; therefore, I won't attempt to estimate the number of years. The European Community negotiated for years, it's been negotiating for the last 40 years. It negotiates all the time. It changes in terms of content, institutions and structure. There's constant negotiation; this is normal over the lifetime of States, individuals and communities.

The question you've asked is somewhat along these lines: why will they agree to this when, with Meech Lake, they didn't even agree to the minimum? That's what it boils down to. My answer has many elements. First of all, if we think that they wouldn't agree to change the way Canada is divided up, I don't see why they'd agree to a dual economic union because, obviously, if it's dual there'd be more to do before they'd agree to share 50-50... Therefore, behind the hope that an economic and monetary union is possible is the idea, nonetheless, that Québec could economically succeed in maintaining the framework. If we think about this, I can say

that the idea of a new division is all the more possible. Even more so when you consider that there is a regionalism in English Canada, outside of Ontario, which has a lot of people wishing for a higher profile. We aren't the only ones to feel this way. We're the only ones with the distinct, national aspect. But economically and socially, there are many people who'd be delighted to be equal partners because of a new division of the country.

Another element to consider is that English Canada - I think that the crisis we're experiencing, the creation of a commission, the consensus that the Commission will determine and what people could say during a referendum will be a deciding factor. Unless we think that English Canada, or English-speaking Canada as I prefer to call it in my text because English Canada indicates a non-existent homogeneity, if English-speaking Canada realizes that there's a consensual blueprint for society accompanied by a popular will which could come out here first and then at other levels, such as the Assembly and the population, I think that it will have to negotiate. It will have to negotiate. If we hope to negotiate association, we can also hope to negotiate this association but not a dual association because I think there'd be inflexibility. I haven't found any jurists who'd be able to tell you how a majority could be constituted with only two elements, I can't do it. So it's the same problem. I'm making things easier by finding new ways of dividing the country which respond to the aspirations of many regions in Canada and which enable us to create changeable majorities. In the European Community, the same member States don't always take the same sides. Majorities change with the issue. We'll find allies, but if the country is divided into 10, our bargaining power - I emphasized this in the report - federalism is a balance of diversity and unity. But there's also bargaining power in federalism. If we change, we improve the bargaining power of institutions and, through common institutions, we'll have better control over the decision-making process.

Mrs. Blackburn: Your proposal basically aims to modify federalism and, or so you seem to imply, meet the needs of English-speaking Canada, to use your expression, rather than meet the more specific needs expressed here before this commission of Quebecers. The model that you're proposing, and on which you are a recognized expert, is the European Economic Community. In the European Economic Community, the subjects or the objects of authority are set out in a treaty. You agree with me on this. The members are sovereign countries which, when they decide to, can opt out. Do we agree on this?

Mr. Soldatos: No, not exactly.

Mrs. Blackburn: In other words, there's a time limit to do it, but they maintain their sovereignty, the status of sovereign State, except for the subjects they've excluded, for which they limit their sovereignty between associations.

Mr. Soldatos: Please go on.

Mrs. Blackburn: So, why haven't you looked more closely at, or examined further the Scandinavian countries which have a less administrative, less restrictive association that's just as effective, which better resembles our culture in terms of economic relations?

Mr. Soldatos: You've said something... I think I'd like to address this immediately. You said that my report wasn't aimed at accommodating English or English-speaking Canada. Far from it. My report aimed to say: if you agree on the economic and monetary union, who is going to be your partner and which institutional and decision-making mechanism will you use? I find that duality has this inflexibility.

Now, as for the European Community, the division of authority is considered, the court of justice said it, the States didn't react, it is considered to be irreversible in the sense that the transfer of authority over sovereign rights in this sphere may not be taken back. Politically, obviously, anything goes, countries can withdraw. However, when it comes to economic interdependence, it was legally and unanimously accepted that the transfer is irreversible. Therefore, in the sphere covered by the Community, the States cannot participate in the same scope of activities, and when the Community legislates it was said that the Community is superimposed on this legislation just like federal legislation. That's why I'm trying to see the content rather than the concept, the term.

As for the Nordic Council, I thought that the idea was to move towards those who're succeeding rather than those who're failing; the dying and the losers don't interest me. The Nordic Council, the members of the Nordic Council, economically, are Denmark in the European Community and the other members of the European Free Trade Association. The European Free Trade Association is now trying to get things going. It has free-trade agreements with the Community and some countries in the Association want to leave. Sweden is interested in joining the Common Market, Austria has already requested membership and Norway has already signed an agreement for membership in the Community which was rejected. But it's thought that if Sweden joins, Norway will follow; the next countries will be Norway, Sweden and Austria after 1992.

Therefore, though these countries are drawn by the lure of a home market, I wouldn't move

towards the more cultural and social cooperation which is important in Scandinavian countries. But economic matters, in the Scandinavian countries, are taken care of in the European Free Trade Association and these countries are candidates for the European Community. This proves that they don't, economically speaking, have the essential framework of alternatives.

The Chairman (Mr. Jean Campeau): Fine, Professor Soldatos. We'll now move on to the next set of questions. Mrs. Côté, Mr. Charles-Albert Poissant, Mr. d'Anjou, Mr. Gabriel Desjardins and Mr. Marcel Beaudry. Mrs. Côté, you have the floor.

Mrs. Côté: Yes. Thank you, Mr. Chairman. Mr. Soldatos, I think that you're inviting, with good cause, the Commission to analyse the problem of Québec's future constitutional status from four viewpoints: the experience of Canadian federalism, Québec's aspirations, English Canada's aspirations, and the international environment. You indicate certain elements of response and, as a result, you're proposing a framework of renewed federalism in a Canada composed of four regions. You...

A voice: ...

Mrs. Côté: In any event, please let me finish and you'll be able to respond, there's no problem, I'll listen to you, you can count on that.

You're inspired by the structures of the European Community because you also have experience and expertise on this subject.

Taking this into account, but especially taking into account all the messages delivered by the people who've participated in these public hearings, first of all, what makes you truly believe that Québec could be happy with diluted powers when groups have come here saying that many powers must be repatriated and, when the list is drawn up, it's obvious that there are very few left for the central government? Secondly, how can Québec be empowered to find its answer by requiring others to ask the question, in the sense that we currently know, through our contacts, that British Columbia and New Brunswick in particular wouldn't necessarily be interested in entering the division of Canada you're proposing?

I found it somewhat intriguing when you said that Québec is in a constitutional impasse, it must define its status. To meet this challenge, let's ask the other provinces to ask their questions and then form a group. I'd like you to tell me what the justification for this is, in relation to the four viewpoints, which I find very interesting. I think that they must be asked in light of these four viewpoints.

(11:00 a.m.)

Mr. Soldatos: I think that this is reality. If Québec thinks that it must try — and that's the idea — to have an economic framework, an economic and monetary union and a common or home market, if that's the idea to be tried, we won't necessarily have such and such a thing, whether or not you call it federalism. I explained that the concept has to be demystified. The Community is one form of federalism because there are four forms of federalism. I gave all this at the beginning of my presentation. Fine. Let's forget the terms. If the idea is to share a certain number of economic and monetary activities — and we know what we're referring to — if we're to do this rationally in terms of decisions, the question arises: with whom? And when we ask with whom, we must negotiate. We can't draw up a list of powers and give it to the other party saying: create an economic and monetary union according to this outline. The Community won't negotiate two years from now; it's been negotiating for 40 years to modify the distribution of powers, in one way or another. Therefore, we have to negotiate. We have to have an outline, but this list is to be negotiated. That's my first answer.

As to the second answer, I don't see how the idea of an economic framework couldn't appear rational to the rest of Canada because people are already defending the cost of non-Canada like the cost of non-Europe, non-home market, if you will. That's what it's called. It must also be said that positions change. There are bargaining positions and, later on, realistic positions that must be adopted when faced with the steadfastness and attitude of the party on the other side of the bargaining table. The most striking example is that of Great Britain. It rejected the idea of European integration. It created the European Free Trade Association to compete with the European Community and it requested membership two times. It was turned down. It didn't get mad; it went back a third time. And it was accepted. So if we look at countries like Great Britain, which were hostile, if we look at Sweden which had never thought of negotiating membership, and even in Switzerland... Today, it's even being discussed in Switzerland. Everyone knows there are problems, but they're being discussed. People see that there are economic realities. As Delors said: to be among the world's greats. Canada is the only advanced industrial society among the seven member countries of the Big Seven which has a market of only 25 million people. That was the argument made for the Free Trade Agreement, etc. The others — there are smaller countries, like Portugal, Greece and Ireland, but they're part of a 340 million-strong market and this reality is forcing those such as the British elite, the French elite and others who weren't ready to sacrifice sovereign rights, to transfer, as the court of justice said to the European

Community — have accepted this reality.

Are Canadians, are Quebecers more unrealistic than the rest of the world? If we are, we'll pay the price. But I think that we're realistic. What we're trying to do is ensure that the economic framework won't run counter to what was called the hope of maintaining a distinct cultural and linguistic society in an area of the world which, because of the cultural and linguistic environment, creates a difficult bargaining position. That's why I'm saying that we can't do this counter to every economic, institutional and decision-making rationality, because it'll fail. It'll fail like the so-called free trade association which is looking to go elsewhere, like organizations which no longer have a real life, internationally speaking, which are no longer major players in international economic relations. And we in Québec must hope, as an advanced industrial society, to remain among the major players in the world. Not for us; for our community, for our people.

The Chairman (Mr. Jean Campeau): Fine, Professor Soldatos. Madam, your time is up. We'll now move on to Mr. Poissant.

Mr. Poissant: Thank you. Mr. Soldatos, in fact, our problem, on which we'll have to decide... The questions asked earlier by Mrs. Blackburn are the questions that I expected to ask Mr. Tremblay, who is going to follow you. The problem is: what will be the best way, in your opinion, to negotiate with the rest of Canada? I can't be any more specific than that. I don't know if it'll be with the federal government, or with Ottawa and the other provinces, or the other provinces and Ottawa. That's where the problem lies. It's that we want to fix a so-called situation while the real problem we have is... And that's why I'm surprised that sometimes there are so many supporters of sovereignty in Québec because, at the moment — it is after all January 1991 — we're trying to understand how we're going to negotiate this whole question of sovereignty association, if there is one. But there are people, unless communications have perhaps been biased... I'm a little surprised. So, myself, today, I'm asking you the question that I will perhaps ask Mr. Tremblay a little later: how are we going to manage to negotiate either a decentralized federalism or else a sovereignty association? In my opinion, the two are more or less the same thing. What is the best way, in your opinion, that we, the members of this Commission, can recommend to Quebecers, that is to say, how can we, first of all, reach a solution to this?

Mr. Soldatos: Yes, two preliminary things. First of all, sovereignty is not — I've said so in my report, I believe; in any event, I've written

it quite often — an anomaly of history. There are 170 sovereign States and this isn't... The question arises: what do we do, like the sovereign States did in Europe, to avoid compromising the socioeconomic future of the people and of Europe itself, those of us from this continent, this part of the continent that we share? So the question isn't one of sovereignty or federalism or association, it's a question of finding a system which could meet these needs in concrete terms. Moreover, in Europe, there are all sorts of ideas on supranationality, prefederalism, quasi-federalism, community and all that. But the fact is, things are getting done. Divisions are being made, institutions are being created, reinforced and developed. This is just the beginning.

Now, with regard to how to do this, I think that there are two faces to Janus, as I've already said. One is the face that gives us the legal advantage. Sovereignty first, and then economic or monetary union, new federalism, whatever you want to call it, or prefederalism afterwards. There's a legal advantage; we're equals and we negotiate. This is one face of Janus and we have to recognize this reality; this legal reality carries a certain weight. On the other hand — I'm trying to show both faces; it's up to you to decide — this scenario calls for caution. It has an advantage, but there are drawbacks as well.

First of all, the notion of equals is only partly a legal issue; don't imagine that Portugal or Greece negotiated as equals with the others in the European Community. The economic weight of the party negotiating is important. So equality in the economic and demographic sense doesn't ensure equal importance. We might have it legally, but the others know exactly where we stand.

The second difficulty we see here is that we have to negotiate independence. Independence takes a long time to negotiate and if we negotiate the two things separately, the only thing that happens is that there are times we could be negotiating both at the same time, because if we separate the package deal — what we're going to separate, what we're going to take, etc. — it might work well rationally, but functionally, it means doing some things twice. If we say: we're going to separate, but we're ready to, etc. in fact, you're implicitly negotiating two things at the same time. Therefore, if we say that we're negotiating to separate and stop there, the attitude of English Canada will be different than if we simply said: we're negotiating. So negotiation which allows us some flexibility to give and receive if we're negotiating on two fronts seems like a good idea to me.

The other question is economic uncertainty. If we negotiate both faces, if you will, the period of uncertainty is prolonged. The other

problem I see is the balkanization of English Canada. Obviously, if we say that we're negotiating a new way of sharing power, like communities, like others do, I think the shock is logically not as great as if we said that we wanted to leave and maybe later... We don't know under what conditions, because we're not going to negotiate association and separation at the same time. We're not telling them exactly, we aren't starting to negotiate post-separation at the same time. Therefore the shock to Canada is very big, not the psychological shock, I'm not a psychologist, but the economic shock which will occur nationally and internationally, and the political shock. We saw Meech Lake. Meech Lake wasn't simply the rejection of Québec. It was also proof of the fragmentation of English Canada, an example of how difficult it was, for a federal government and a majority of provincial governments which had committed themselves to the agreement, to successfully see it through. Therefore, there's a fragmentation. We have to know who we're going to negotiate with. This element must be handled carefully if we think it's important to have an economic and monetary union... If we don't think this is important, very well, we can hit him hard, throw him off balance, and leave, never to return.

So, that's my answer, as to how to do it. I believe we have to be able to demystify these conceptual elements, to succeed in proposing a blueprint for society which includes sharing powers and institutions by taking inspiration from things happening elsewhere, to succeed in reaching a very strong consensus here, and going to the National Assembly and negotiating. Who will we negotiate with? I don't think it's absolutely necessary that we negotiate with English Canada within a constitutional framework. We could negotiate with the current federal government and then it's up to the government to sell its own side on the idea. If that doesn't work, because no one is telling us whether this division will succeed or even whether an economic and monetary union will succeed either, at that point, we will at least have negotiated. Everyone agrees that we have to negotiate a certain number of things. For my part, I think that we have to see the interdependence of the things to be negotiated and negotiate with the federal government. If the government isn't capable of convincing the other party and of selling and delivering the goods, as was the case with Meech Lake, obviously, well we'll just have to negotiate an economic space.

The Chairman (Mr. Jean Campeau): I'm very sorry, Mr. Soldatos, time is running out. Mr. d'Anjou.

Mr. d'Anjou: Mr. Chairman, you must be

happy this morning that, for once, the questions are shorter than the answers.

Mr. Soldatos, as I understand it, your brief says that the stronger the monetary and economic union, the greater the necessity for maintaining a political link with the rest of Canada. Have I understood this correctly? Before you answer, I'll ask my second question right away: in reference to the Free Trade Agreement with the United States, you seem to say in your brief that it would be to Québec's advantage to form a common front with the rest of Canada, in order to obtain a stronger bargaining position in regards to its eventual partners, i.e., the U.S. and also Mexico. Those are my two questions, Mr. Soldatos.

Mr. Soldatos: You say that an economic and monetary union requires the maintenance of a political link. You see, it's always a conceptual problem - I won't go into it here - that turns into a political one. I'm not saying to maintain a political link, I'm saying to create a political link. A political link must be created. We must have institutions that are proportional to the content of the economic and monetary union. Though you're saying maintain a link, there are others who fear this link. What's important is that there must be a political link. It can be new, it can be different, but there has to be one. We can't have something like the Nordic Council along with the economic and monetary union because they aren't economic, they involve something else. That's my answer to the first question. So, maintain or create? I say that we must create, because what I'm proposing is a profound restructuring of the system. You say federalism, I say a profound restructuring of the existing realities. That's all I said. I don't mean just a cosmetic restructuring. It's a complete upheaval of the system, but with a logical approach. I'm not going to take the European set-up and paste it on here, I'm simply going to draw my inspiration from their guiding principles, not from their institutional set-up. It's the principle of proportionality. It's been around for 40 years. We must take into account that these 12 political elites who accept both a strong economic and political link aren't living in a dream world.

The second question was on free trade. Yes, in fact, we have to realize that Québec's situation has changed because of free trade. Canada used to operate on an east-west axis. In the previous century, the national policy of MacDonald and his colleagues was to erect barriers to create a country; to create Canada first and then create Canadians afterwards, as I said in my brief. Well, we created Canada, but we didn't create Canadians. Free trade removes the east-west barriers, the obstacles to trade, the diversion of trade created to promote the horizontal arrangement. Verticality is already

decentralizing the Canadian economic framework. We're already operating within a much larger framework than we were before the Free Trade Agreement. But these things, the larger framework, our freedom from the absolute horizontal constraints created by Canadian protectionism, and the disappearance of the economic border, lead to new responsibilities. In other words, we have the only free-trade zone that is more than a free-trade zone. I've said this many times in my writings; there's also a common market in energy, as well as services and investments. It's not the traditional European model of free trade but rather an elliptical common market that is being created. This gives us the responsibility of handling this matter, of conducting negotiations on the non-tariff barriers that will affect the vital interests of Québec and English Canada. We are the smallest. I cited the example of the Benelux countries. They created Benelux, but with the idea of going much further. The Benelux member nations were at the origin of the creation of the European Community. So why have they kept Benelux? Because, inside the European Community, these three small countries are able to harmonize their policies before carrying on a dialogue with the other members. Benelux could be abolished as far as its content is concerned since, for the most part, the European Community has taken charge of things. But they are still there and they remain. The Benelux organization has even been improved. They created a court of justice a few years ago. There's a need for joint action. There must be convergence between English-speaking Canada and Québec on certain points involving their economic framework, in order to face the challenge of free trade. This arrangement is unique in the world because it is both asymmetrical, involving a superpower, and dyadic, involving two parties. There's no other common market arrangement in the world that comprises a multidimensional superpower and a second party. Therefore, we must ensure that there's cohesion north of the U.S. border so that we can carry on a dialogue on all these matters, which are becoming increasingly complex, particularly if Mexico joins the equation, or do you believe... If we can't figure out what we want vis-à-vis this triangle and we can't work at it together... As independent entities, we are convergent; we must find areas of convergence. (11:15 a.m.)

The Chairman (Mr. Jean Campeau): I see. Does this answer your question, Mr. d'Anjou?

Mr. d'Anjou: Yes, thank you, Mr. Chairman.

The Chairman (Mr. Jean Campeau): We now go to Mr. Gabriel Desjardins.

Mr. Desjardins: Thank you, Mr. Chairman. Mr. Soldatos, on page 4 of your brief, in the

first two lines, you say that it's imperative for Québec to quickly establish a consensual model for change, which then must be approved by the population. I'd appreciate if you'd answer my first question with a simple yes or no because I have a series of them. Would you, personally, in a future referendum, like to see the population of Québec consulted on the proposal to create a Canada of regions, which has been put forward by other people both in Québec and the rest of the country? Would you, personally, like Quebecers to be polled, to be asked a question on this type of structure, this new type of political structure involving four regions, yes or no?

Mr. Soldatos: Please try not to ask me a yes or no referendum-like question because we're not voting today, we're answering questions.

Mr. Desjardins: Yes, but do you agree with holding a referendum after the Commission finishes its hearings and the Government of Québec makes a decision? Yes. Go ahead.

Mr. Soldatos: The notion of a referendum... I'll answer, but my answer isn't... It's of no importance. The thing that's important is the content.

Mr. Desjardins: Then, would you like your option of a new Canada of regions to be included in the content of a referendum question presented to the Québec population, yes or no?

Mr. Soldatos: Referendums have been held on the question of economic association. Denmark had one, Great Britain had one. It's normal to ask the population what it thinks of the type of society we propose. It's normal.

Mr. Desjardins: So, you would agree with...

Mr. Soldatos: The idea of a referendum...

Mr. Desjardins: ...consulting the public on this option.

Mr. Soldatos: On what option?

Mr. Desjardins: The one that you... A Canada made up of four regions, Québec, Ontario, the Maritimes...

Mr. Soldatos: There. I'll answer that. There's a risk. If you ask the population: Are you... If, say, Denmark or Norway, when Norway signed the Common Market agreement, it held a referendum that stated: this is the agreement we've reached, are you in favour of it? The Norwegians said no. But the content was quite specific.

When we say we want to create an

association, we don't know if it involves free trade, a common market, monetary union or economic union. We don't know what's going to come out of the negotiations. I'm in favour of telling the people: these are the exact contents of our proposal, on which we have reached a consensus. Are you in favour of it? But it still has to be negotiated with the others, because...

Mr. Desjardins: So, you'll agree that, to present such a proposal to the people of Québec, to get it done quickly, we also have to know what English Canada will think of it because English Canada is also involved in the proposal. Therefore, it's difficult to imagine how we could succeed in presenting to the Québec population a model of the political structure like the one you are proposing in such a short time frame. I'm not at all sure that Québec is ready at this time to thoroughly grasp this new structure, no more than English Canada is. The idea is commendable, as I said, it has been proposed by others, but it will take some time before such an important question can be presented to the population of Québec in a clear-headed way.

Mr. Soldatos: History has shown that people in a hurry don't attain their goals. People who are motivated and galvanized attain their goals. Therefore, I have no problem with negotiating a blueprint for society with our prospective partners. The danger is that it's similar to what happened ten years ago or so. When you propose association, the others, even for strategic reasons, just have to say no, we aren't interested and you've checkmated yourself; your option, your referendum, is of no importance. I think that the important thing, especially with the complexity of the situation, as I have tried to demonstrate, the monetary and economic union, the institutions, all that, we have to be more specific. If the Commission manages to clarify things, we'll still have to... We can consult the population, and then, later, we can ask it to ratify the results of the negotiations. There could be two stages. In Italy, during the last elections, there was a referendum on the monetary and economic union, which was held concurrently with the elections. The vast majority of Italians were in favour of the proposal. The referendum was held for consultation purposes. There could also be a referendum to ratify the agreement reached with the others.

I can't see how one could say no to a referendum on an option agreed to by this Commission and the National Assembly and held for consultation purposes. If, on the other hand, a referendum is desired and required at some point, to ratify a concrete proposal to be presented to the population because it is believed that it can be negotiated; whether the others accept it or not, etc., is of no importance. If

there's a specific proposal, the population must be asked to give its opinion on the question because it is fundamental.

The Chairman (Mr. Jean Campeau): Now we'll go to Mr. Beaudry.

Mr. Beaudry: Mr. Soldatos, on page 20 of your brief, you speak of the possible fragmentation of Canada, within the context of Québec's separation. You also say in the same section that we may be underestimating the ability of Ottawa to negotiate with, or deliver the goods to Québec, in the sense that you question whether Ottawa has the legal capacity to negotiate with Québec once independence has been proclaimed. I'd like to hear your opinions on this. Why do you say this?

Mr. Soldatos: I wrote something on the subject, which has become fairly popular, namely that one of the fundamental variables in the success of an integrated international federal structure is the ability of government leaders to adapt and respond. For example, if you had had unstable governments without leadership, and elites without a sense of direction, the European Community would never have been created. This has always required elites capable of leading and overcoming problems. Here, we're talking about English Canada and Québec. Look at Europe after World War II. I imagine that they had to overcome many more difficulties than we're facing now. In their case, there were deaths involved. So, an ability to adapt and respond is required.

Certainly, since the Meech Lake episode, a fragmentation has been observed in English Canada, which isn't just cultural or anything else. There's a problem with the ability of the federal government, as well as some provincial elites, at certain levels, to deliver the goods that have been promised. This has also been observed in the other provinces.

We are faced with this reality, and it won't go away. Those favouring a common economic and monetary framework - I think there's an overwhelming consensus on this point - must recognize that negotiating such an arrangement won't be easy because the other side is fragmented. What we must do, in fact, is try not to stir up passions but rather say coolly: these are the contents of the system we propose. Instead of being called this, it's called that. The debate has become ideological, which doesn't create...

Mr. Beaudry: Mr. Soldatos, I'm not referring to the difficulty of negotiating, but to the question of jurisdiction, the right that Ottawa has or doesn't have to negotiate the separation of Québec or the powers that Québec would possibly like to recover. In your opinion, have I

understood your brief correctly, when I take it to mean that Ottawa could, as a result of the dismantling of Canada, with the province of Québec breaking away... In your opinion, if this happens, will Ottawa still have the jurisdiction to negotiate with Québec over various powers or other matters, without the participation of the other provinces?

Mr. Soldatos: I'm not very optimistic about the idea of negotiations between more than two parties. I think that, outside the constitutional system, there can always be, there's nothing to stop the political elites from negotiating certain things. I think that, outside of the existing procedures, there's a central power with responsibilities in this area. Is it ready to ascertain whether it agrees with our proposal so that it can convey it in its own way, first politically and then legally? I believe that proposals must be conveyed politically before they can be worked out legally.

Mr. Beaudry: Are you saying that it must be conveyed politically and legally before an answer is given or that it isn't necessary to convey it? That's the question.

The Chairman (Mr. Jean Campeau): This will be your last chance to speak, Mr. Beaudry.

Mr. Beaudry: Yes, I understand, but I'm trying to get my answer. Ha, ha, ha!

Mr. Soldatos: It must do it first, so that it understands what Québec wants. It must be able to negotiate with Québec so that it understands Québec's position before it goes to speak with the others. If it doesn't do it - I can't say whether it will or whether it will be able to - it's hard to see how this type of profound restructuring could be accomplished with this fragmentation, with several parties taking part. That's what I'm saying. I'm not saying... I don't have a crystal ball. I think that if we have a blueprint here, we must be able to present and promote it. If there's no one to receive it, we'll draw our own conclusions. If there's no one to receive it.

The Chairman (Mr. Jean Campeau): Mr. Rémillard now has the floor.

Mr. Rémillard: Thank you, Mr. Chairman. Professor Soldatos, on behalf of the government, I'm pleased to welcome you to this Commission. Thank you for accepting our invitation to appear before us. I read your brief with a great deal of interest. You are a specialist in Canadian federalism, particularly in the area of international relations. You have studied and taught a great deal on this subject and you are now proposing a new model for federalism which

would divide the country into four regions: first, the Western provinces, including British Columbia, Saskatchewan, Alberta and Manitoba; then, the Ontario region; then, the Québec region; and lastly, the Atlantic provinces, including Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland, which would make up the fourth region. The idea is not new; it has been discussed for a long time. It is even, I would say, entrenched in the Canadian constitution, in the make-up of the Senate. The Senate was designed, organized, and has even evolved in terms of regional representation from the four major regions in Canada.

Professor Soldatos, I'd like to confess something to you. When we tried to get back Québec's veto, which we lost in 1982, when we tried to get it back in the Meech Lake Accord, we wanted to propose an amending formula that was somewhat similar to the one in the Victoria Charter, in other words, with vetoes for the four regions of Canada. I must say that we received a very strong, very categorical reaction from all the provinces: no, we don't want this kind of federalism. Alberta wasn't interested in having decisions imposed on it by its other three partners in the West; nor were Nova Scotia or the other Atlantic provinces; and that is how we arrived at the Meech formula, with vetoes for each province.

Referring to your brief, particularly on page 21, where you say that as far as the powers of the union are concerned – in other words, the Canadian union with its four regions – it would inherit those of the current federal system, I have a few problems following you. What are you proposing? Are you proposing a form of the status quo with a few cosmetic changes?

Mr. Soldatos: Could the Honorable Minister tell me what page this is on?

Mr. Rémillard: Page 21. Or are you really proposing a new political structure that could revive federalism and satisfy Québec?

Mr. Soldatos: I'll begin with the last point. When I say inherit from the current federal system, minus the powers to be transferred to the members of the union, that means, obviously, that the powers already exist. We know that States take care of various things. What I meant to say is the federal government takes care of certain things and the provinces take care of certain things. In a union, when you create a political link, you take the existing powers and decentralize, distribute, share and separate them, but you can't dream up powers that don't already exist in the current federal system. When I say federal, I don't mean central. The federal system comprises two levels of government. So, you must look at all the powers that exist here,

as in Europe or elsewhere – you can't invent economic, monetary, political powers, etc. – and distribute them. This is what I meant. Therefore, it's not a question of taking what is given to Ottawa, etc., and giving it back as is, without changes.

Second point. I don't want to be the promoter of the system. I call it the Canadian economic union, you call it federalism, others call it... I call it a supranational State with an economic and monetary union based on strong, rational and democratic institutions. You can call it what you want, I call it supranational. This is precisely why in Europe, in Brussels, they said regulation rather than law, to avoid offending the nationalist sensibilities of the member nations. But, in fact, these regulations are laws. It's an understatement, as our English friends say. So, you can call it what you like... I call it supranational.

Another point: the veto, etc. I believe that problems arise when you try to use the same dynamics. You'll have problems convincing the others because, after all, the veto, which they call a piecemeal reform, was rejected by the Europeans. Recently, the Europeans were tempted to create the monetary union without Great Britain. They were tempted to create a two-speed Europe, with a variable geometry. But they resisted the temptation because changes shouldn't be made in a piecemeal fashion.

A body of plans presented as a coherent whole and with its own logic could prevail. I don't think societies, including English Canada, are suicidal, in other words, adherents to the policy of all or nothing. If Québec has a coherent, rational and democratic plan to propose, we must fight to negotiate it. If the others are reluctant, it's easier for them to agree to a plan that is logical, new and innovative and that will carry us over into the third millennium, than to revert to piecemeal changes that, under the current constitutional context, could be dragged out and become the subject of counterattacks, etc.

I believe that, if we have an innovative goal, the battle will centre on this rather than on sectorial aspects. Sectorial items are sometimes much more difficult to negotiate than global items. If your system is logical... Free trade was accepted here by the majority after more than a century of rejection due to what were essentially political fears. We didn't always pay so much attention to economics. Societies evolve. Ours, too, has evolved. We broke with tradition; there was a rupture. I'm not professing any opinion on the validity of the break, but I do say that the Québec society, like Canadian society as a whole, accepted something, continentalism, that in the past was inadmissible in the field of Canadian-American relations. So, I think that you have your answer in this acceptance of continentalism.

Mr. Rémillard: You are seeking a solid economic framework to ensure the economic development of Quebecers within Canada. This element has shown up in all the polls. Quebecers want their economic development to be guaranteed. You are perfectly right to seek this economic framework, which would enable us to develop. But, I'm trying to gauge the extent of the changes that you are proposing, in particular, the item in your brief on page 10, where you ask a question. I'm having a hard time finding the answer. The question is on page 10, in the middle of the page, where you ask whether federalism and sovereignty association are opposites or, in fact, intersect. What's your answer to this question?

Mr. Soldatos: They intersect. I've tried at length, and it's in the dozen volumes I've written on the quasi-federal aspects of the European Community's system. I stated that, within the Community's jurisdiction, its laws take precedence over the laws of member nations. I said that decisions are made on a majority basis. I said that there's a court of justice that can condemn member States for disobedience. The court of justice has declared that Community law takes precedence over national rights. I said that there's a commission which, alone, makes legislation and which is composed of 17 experts which the governments of the member nations have absolutely no control over, which legislates through proposal. The Council, which is made up of representatives from the member nations, can do nothing with the sovereign governments.

For me, these things intersect. The European Community has shared sovereign rights in certain domains, and has federal-type institutions to manage these rights. But there are also areas that remain under national jurisdiction. Certain dynamics are found, there are precepts, there's an intersection. You can't say that the European Community's system is either sovereignty or association. It's an innovative blend which, despite many problems, is making progress, as we can see, is moving towards... A parliament was elected by universal suffrage, despite the fact that the Treaty of Rome only speaks of an assembly, and not even a parliamentary assembly at that, just the word assembly was used, just this word. In everyday usage it came to be known as the European parliament, although it wasn't officially called this until the Single Act of 1986, and it has only been an elective body since 1979.

This is how it evolved. The word assembly or parliament made people afraid, as did the term law, rather than regulation. So, I believe in intersections. Twelve major nations of the industrialized world have achieved these things. And I've also observed that it wasn't just a question of the political and social elite. There's

also the socialist group, the socialist parliamentary group in the European Parliament, which is the biggest parliament in Europe. Its leader, Jean-Pierre Cot, has said that the European Community is essential in terms of economic and monetary union, in terms of strong institutions, to ensure that social policies are implemented: without the accompanying social and regional policies, the free movement of production factors would be catastrophic for small and medium-sized businesses, for the weaker regions, and for workers. Therefore, there must be people to legislate policies to accompany the opening of markets and there must be institutions that are strong enough to implement these policies.

The Chairman (Mr. Jean Campeau): I'm very sorry, Mr. Rémillard, but unfortunately we've run out of time. Thank you, Professor Soldatos, for your enlightening presentation to the Commission.

Mr. Soldatos: Thank you.

(Proceedings adjourned at 11:36 a.m.)

(Proceedings resumed at 11:38 a.m.)

The Chairman (Mr. Jean Campeau): We'll now hear the testimony of Professor Rodrigue Tremblay, who appears before us as an expert. Mr. Tremblay doesn't need any introduction, I think. The hearing will be one hour long, like the previous one. Mr. Tremblay, you have 10 minutes to present your brief. Please go ahead.

Mr. Rodrigue Tremblay

Mr. Tremblay (Rodrigue): Thank you very much, Mr. Chairman. Mr. Chairman, Mr. Co-chairman, honorable ministers and members of the Commission, I had prepared notes that could have taken up at least half an hour. Since you have been generous enough to grant me 10 minutes, I will attempt to summarize the two documents I submitted to the Commission: a brief filed in October and an experts' report filed in November. My arguments will have to be presented rather succinctly, but I hope to have the opportunity to elaborate on several points during the question period.

Let me say first that 1991 is a historical year, politically and constitutionally speaking, for Québec. It was in 1791, in fact, that we had our first responsible government with the Constitutional Act, complementing the Québec Act of 1774, which had given French Canadians of that time civil rights in the areas of language and religion, but it was not until 1791 that the colonial executive council gave us the political right to pass our own laws and impose our taxes.

This Constitutional Act came about, curiously enough, after the large-scale consultation made by the governor of Québec of that time, Governor Carleton, known as Lord Rochester, to bring about major political change.

A quick look at the political systems we've had here, since we tend to think of the present political systems as being ironclad, shows that Québec has gone through at least four political systems since the St. Lawrence Valley was settled. We lived under the French colonial system for more than two centuries, we were a British colony for more than a century, and since the Constitutional Act of 1867, we have lived under a confederal or federal system. Since 1982, we have been in a sort of constitutional limbo, with a constitution that was repatriated by Great Britain and amended to curtail the powers of Québec in certain areas, but was not ratified by the government that was supposed to negotiate this constitutional repatriation and the new arrangements.

I shall now come to the fundamental questions faced by the Commission. What is the political problem of Québec? What is its constitutional problem? And what are the solutions I call legitimate, realistic and mutually exclusive from which the Québec people must choose in a possible consultation? The political problem can be summed up rather quickly. I believe that two nations are governed by the present Canadian political system, but the system is set up as if there were only one. This accounts for the confusion, for the different perceptions we have of our political system, depending on whether we live in English-speaking Canada or Québec. English-speaking Canadians are speaking less and less in terms of the Canadian federation, and more and more in terms of "the nation", just as the Americans or the French refer to their countries as "nations". In Québec, people also use this word: we have the National Assembly. The CBC network calls one of its programs "The National". Clearly, people are referring to two different nations. When Jean Lesage spoke of the State of Québec, clearly he meant the nation of Québec, while in English-speaking Canada, "the nation" is defined as Canada in its entirety.

Now, Canada's demographic composition has changed a great deal since 1864 or 1867. It makes me smile when certain members of the university community suggest that we should revert to the way of thinking of 1864, because Anglo-Saxons now make up a very small minority of English-speaking Canada. English-speaking Canada is now made up of people who come from all over the world, and how do you think Ukrainian Canadians, Hindu Canadians, Italian Canadians or people from Jamaica will take to the idea of a distinct Francophone society when these people think of themselves as a perfectly distinct part of this giant mosaic or melting pot

that Canada has now become?

This is the fundamental misperception that has emerged from the debate over the Meech Lake Accord. In discussion groups, English-speaking Canadians said that they want to be a distinct society: "But we are also a distinct society in Newfoundland", and "We are also a distinct society in Manitoba." Why would they be any more distinct than we Quebecers? And they are right, because for many people living in English Canada, English is a second language.

On the subject of this ever-changing mosaic within English Canada, the demographer Jacques Henripin told me recently that 37% of the population of Toronto was born outside Canada. The English Canada of today is far different from the English Canada of 1864 or 1867. In this Canadian system, clearly, Francophones, both inside and outside of Québec are thought of as one minority among many. They have certain historical rights, set out in texts like the Constitution Acts of 1867 and 1982, but they are only one of several minorities that will keep some of their distinctive traits as time goes by, but should eventually merge with the rest of Canada.

The other day I received a text from one of my best-informed colleagues in English-speaking Canada, the economist Richard Lipsey. In a lecture he gave in Vancouver on December 13, I think he got to the root of the problem for English Canadians vis-à-vis Québec. He said, and I quote: "In my view, the battle of Québec to preserve the French language and culture will probably be lost over the next 50 to 100 years." This is how enlightened people in English-speaking Canada generally feel. They feel that because of the globalization of markets, the continentalization of the economy, the media's power to enter homes daily, the increasing waves of immigration caused by problems all over the world, Canada will become a large country with 50 or 60 million inhabitants within three quarters of a century, and naturally, it will be very difficult for Québec to remain a distinct society in North America.

I confess, Mr. Chairman and Ladies and Gentlemen of the Commission, that I find myself pretty much in agreement with this prediction. I think that when Québec's percentage of the Canadian population dwindles to its lowest level, around 20%, which will happen some time around 2050 or 2060, Québec will be under enormous pressure to ally itself with the rest of North America, and this is an Anglophone world. I will simply make a remark in passing. In my department at the Université de Montréal, the largest university in Québec and one of the largest Francophone universities in the world, 95% of all documents published are now published in English, and the same is true in all the science departments: chemistry, physics. Just

imagine, then, what it will be like in the year 2025 or 2030.

This is the political problem that being a distinct society poses in North America: whether Québec should remain a distinct province in a pan-Canadian system with 10 provinces and soon 12, or whether it should become a sovereign State on its own territory with all the economic, commercial, financial and monetary interrelations which that entails.

Now I don't want to dwell too much on the constitutional problem. Our present situation is utterly unacceptable: we are one of the only civilized peoples in the world living under a constitution that was imposed on us. The 1982 Constitution is somewhat like the events of 1840, when Québec was forcibly unified with Ontario and English-language laws were imposed on it for 27 years, from 1840 to 1867. Thus, here we have an unacceptable situation, and I don't think that anybody who has appeared before this Commission has claimed that the present constitutional status quo was acceptable.

The Chairman (Mr. Jean Campeau): Your text is interesting, but the Commission members would like to ask you some questions. Could you make your concluding remarks, to allow us enough time for that?

Mr. Tremblay: I will conclude by saying... And if we refuse the status quo, we will also have to refuse unilateral independence in the immediate future for all kinds of reasons that I outline in my two texts, but in the final analysis, only two options are realistic, legitimate and mutually exclusive. Either we decide to negotiate within the present Constitution of 1982, which establishes parameters of 10 provincial governments and a central government and includes two sections, 48 and 38, which establish when and how this Constitution can be amended. We would have to have a list of powers to transfer, exchange or reorganize with the central government and with the governments of the other provinces; this would be completely legitimate. The problem is that our experience with the Meech Lake negotiations shows that English Canada has almost no inclination for a major political upheaval.

Since we are not "politically" a part of that Constitution, even though it applies legally to Québec, our other basic option is to refuse to enter it, and to declare that the Québec government, one of the oldest parliaments in the world, along with those of Iceland, Great Britain and the United States, has dominion over the laws, taxes and treaties having application on its own territory, and to work together with English Canada on ways to maintain and strengthen the economic, commercial, financial and monetary ties among all the different regions of Canada.

This choice must be made by the people of Québec. I do not believe that you, the 36 bipartisan and bicorporatist members of the Commission, should make any special efforts to find a magic formula between these two options. People's interests are divergent. We do not live in a totalitarian society. It would be very dangerous, in my view, for the Commission to reach a unanimous decision in an area as basic as the political and constitutional future of Québec. All you can do is to reach a consensus in four areas, on the particular constitutional and political problems of Québec, on the major options which I call legitimate, realistic and mutually exclusive, on ways for the people of a sovereign Québec to decide on one of those options, and lastly, on whether or not you should declare yourselves in favour of one of those options. On these last few points, I do not believe we can afford to spend three or four years mulling over our options. Uncertainty could only make the situation worse, and would not serve anyone in either Québec or English Canada. Thank you very much, Mr. Chairman.

The Chairman (Mr. Jean Campeau): We will now proceed to the question period. There are several members waiting their turn. If everyone asks clear, brief questions, and if you cooperate by answering them succinctly, everyone can have a turn. First question, Mrs. Campbell Steer.

Mrs. Campbell Steer: Thank you, Mr. Chairman. Mr. Tremblay, I found your brief most enlightening, as did the other Commission members, and I regret not having paid more attention during my high school economics course, since I'm here now.

Québec has achieved a great deal, economically, but on page 25, you state that if the Québec government were to assume the full powers of a politically sovereign State, its identity could be consolidated and its standard of living guaranteed. Can such a thing actually be guaranteed? I think it is a desirable thing, but this guarantee strikes me as a pretty tall order.

Mr. Tremblay: You're right. There are no guarantees in this world. Except that, as I explain in this expert report, the notion that people's prosperity and standard of living depend on governments is a very socialist one, and does not stand up to the facts. A population's standard of living depends on the units of production on its territory. And it is obvious that changing a few commas in constitutional texts or political and constitutional agreements will not alter the amount of natural resources, capital or technologies a society has. The danger is that even though governments are not a source of affluence, they can be a source of poverty. And my greatest concern — and I'm sure that the other economists who have spoken

before the Commission also expressed it — is the enormous debt that the federal government has accumulated, with a debt service that is swallowing up the annual budget; within the next few years, it will likely jeopardize the social services the public has come to expect.

Recently I was looking at figures for the thirties. I was struck by the fact that in France, in 1935, 40% of the budget was allocated to servicing the debt. Now, the Canadian government is rapidly approaching this percentage and it is astounding that...

Mrs. Campbell Steer: I agree with you that the amount of the debt is really...

Mr. Tremblay: I'm having a lot of trouble hearing you because there is a strong echo. Could you please speak a little louder, Mrs. Steer?

Mrs. Campbell Steer: I said that you are quite right about the effect of the debt and the deficit on the provincial and national economy. But I also wanted to return to page 12 of your brief, where you say, "As long as the Québec economy is competitive and commercially integrated..." I just wanted to ask you a bit more about the notion of competitiveness, because, in my opinion, you are leaving us with a big "if", because our wage levels are quite high, our fringe benefits should remain as high as they are now, higher than they are in the U.S. Our cost of financing is also higher. In my opinion, the only thing left for Québec to improve is its productivity.

Mr. Tremblay: I agree with you completely.

Mrs. Campbell Steer: Why do you think our productivity will improve or are there possibilities you would like to present to us? Because I think it is just about the only tool we have left.

Mr. Tremblay: That's a very good question. I just finished writing a chapter about productivity in a book to be published in March. Québec has made great progress in its productivity, and as a result in the standard of living. Québec lagged close to 20% behind Ontario 25 years ago; now the difference is only 6%. So, we've made tremendous progress in industry, in the private sector of production. I predict that by the year 2000, with the North American Free Trade Agreement, which will force us to become more competitive, with company mergers, with companies extending their production lines, our level of productivity should approach that of Ontario or the U.S.

On the other hand, productivity includes not only private production costs, but the cost of public services, and that's where I think

we're feeling the crunch. The public sectors of both Ottawa and Québec need to step up their productivity in order to provide the types of services that cost less in terms of taxes, which ultimately penalize our producers, our companies, because they translate into higher production costs. With two levels of government, when there are two managers within the same system, there is a danger of a "divide and conquer" mentality, and in the end, the status quo tends to perpetuate itself. In Québec, as in the other regions of Canada, but especially Québec because the Québec economy is very dynamic right now, the public sector will also have to become very efficient, so that the economy as a whole can be efficient.

The Chairman (Mr. Jean Campeau): Very good. We will now hear Mr. Dufour, who will be followed by Mr. Nicolet.

Mr. Dufour: Thank you, Mr. Chairman. When Louis Bernard, an expert, appeared before us around Christmas, he voiced his concern that if Québec should ever declare its independence, Canada would eventually break up, even though this should not prevent Québec from pursuing its own course. How do you react to Louis Bernard's concern?

Mr. Tremblay: I received a copy of Mr. Louis Bernard's text, which he was kind enough to send me. I am not as pessimistic as he is, because polls reveal that fewer than 10% of English-speaking Canadians favour political union with the U.S., because that country is involved in wars all over the world and has many responsibilities, and I don't think that young English-speaking Canadians want to be subjected to the American draft. I think most of English Canada feels this way; not even a rather "sovereignist" party like the Reform Party of Alberta, is advocating the break-up of Canada. On the other hand, I think that as long as English Canada wants to remain separate from the United States — which is completely legitimate even if it maintains very close ties with the U.S. — it is in their interest to collaborate with Québec, in the same way as the Benelux countries work together in addition to collaborating within the European Economic Community, as professor Soldatos pointed out a moment ago.

Mr. Dufour: You don't go nearly as far as Mr. Bernard, if I understand you correctly. But assuming that it is a possibility, do you take back the predictions you made in the seventies, when you mentioned as a third option the possibility of joining the United States?

(12:00 noon)

Mr. Tremblay: No. My 1980 book, entitled, "La troisième option" dealt with a confederal

option that did not mention joining the United States. You are no doubt referring to my other book, published in 1970, which talked about a North American common market and the status of political sovereignty for Québec. I do not know which of the two you are referring to; I could talk about both.

Mr. Dufour: I am referring to the book on the United States.

Mr. Tremblay: On the common market.

Mr. Dufour: Yes.

Mr. Tremblay: Yes. The common market is in the process of becoming a reality. I think that without Québec, the North American Free Trade Agreement would never have seen the light of day. There would have been a repeat of the 1911 scenario; that year, a treaty had already been negotiated, but was never ratified because Laurier's Liberal government lost the election of September 1911. In the 1988 election, if Québec had not come out solidly in favour of the Free Trade Agreement, it would never have become a reality. This is a well documented historical fact, and is very well understood in both Washington and Ottawa.

Thus, things are moving. I think that after Easter, negotiations will begin for Mexico to enter the Agreement, and the renewed, broadened treaty should come into effect on January 1, 1993. After that, changes will be made because problems will have to be worked out, consistent proposals at the continental level. We're undoubtedly moving toward stronger economic, monetary and financial ties within America.

Mr. Dufour: I am satisfied with that answer. If I have a little more time, I would like you to comment on this quickly. I don't know whether you're a member of the Association des économistes québécois.

Mr. Tremblay: I participate a lot in their projects. It's mainly an association of economists who are not affiliated with any university...

Mr. Dufour: Fine. Well, they concluded...

Mr. Tremblay: ...and operate in the private and public sectors.

Mr. Dufour: ...that if Quebecers make a decision, Québec can unilaterally impose this option. But this method would simultaneously set the cost, which, in this context, could be high. Do you share this conclusion?

Mr. Tremblay: Here again, they were good enough to send me a copy of it. I spoke with

Claude Forget and Pierre Fortin, who contributed to this report. In the final analysis, everything influences the economy: wars, changes in government, constitutional and political negotiations, certainly. The costs and time involved in the transition from one political system to another must be kept to a minimum. Germany proved last year that, if necessary, two elections and a referendum can be held within the same year, and that sometimes the whole process has to be accelerated. I do not believe, on the other hand, that the transition cost would be very high if Québec wanted to change its constitutional and political status, because it is not a matter of creating a new economic, commercial, financial and monetary arrangement. The ties already exist. They are very strong, and they include long-term contracts that cannot be broken, even if politicians tried to do so.

What's important is that things should be clear, that the people of Québec make clear and careful choices and that we work with the real situation instead of resorting to wishes and threats; the last thing we need is threats. I believe, and I mention it in my documents, that it is absolutely essential that the people of Québec decide on this. Obviously, it would seem...

The Chairman (Mr. Jean Campeau): Pardon me. Maybe you could pursue the other question.

Mr. Tremblay: Yes.

The Chairman (Mr. Jean Campeau): In that case, I would give the floor to Mr. Nicolet.

Mr. Nicolet: Thank you, Mr. Chairman. I have three brief questions. First, to follow up on what you were telling Mrs. Campbell Steer, do you think that greater decentralization in Québec can help achieve greater efficiency in the public sector?

Mr. Tremblay: Yes. I think there are a lot of programs. When I was Minister of Commerce and Industry, I was also Minister of Fisheries, and we had decided at that time that since all the fish and fishermen were in the Gaspé, it would be more efficient to move the civil servants closer to the people they represented. In many areas, I think that decentralization is desirable; it was tried in France. Most countries make an attempt to decentralize.

Mr. Nicolet: By taking into account the existence of the municipal level, that's what I was referring to, of course.

Mr. Tremblay: What about the existing regional administrative units?

Mr. Nicolet: By recognizing that the

governmental administrative units cannot really be any smaller than the administrative region.

Mr. Tremblay: But it is important for Québec that its regions should have more input in the political decision-making system than they do at the present moment. If Québec were to regain complete control over its own territory, I could see, for example, in addition to the National Assembly, a regional assembly, in which regional representation would have greater weight than the Montréal region. This type of mechanism exists in many other countries to ensure that regional interests are considered in the decision-making process.

Mr. Nicolet: Thank you. And now for my second question. In your opinion, what would happen to the Free Trade Agreement following a declaration of independence by Québec? Would Québec and the United States still be linked by this agreement?

Mr. Tremblay: First, I mention in my texts that Québec cannot and must not unilaterally declare independence in the immediate future, for all sorts of reasons. Therefore, there could be a transition period, i.e. the referendum result is proclaimed but the promulgation of the law is suspended for a period of two or three years, for example; or it could be a shorter period. I think a two-year period is reasonable. Following a referendum on the principle of sovereignty, the National Assembly would pass a law in which it would be specified, among other things, that all treaties signed by Canada – because the free trade treaty is just one of thousands, others being the St. Lawrence Seaway Treaty, NORAD, NATO, etc. – are automatically accepted and renewed by the Québec government.

Now, the United States will have concluded negotiations with Mexico, through the "fast track", its rapid acceptance by the U.S. House of Representatives and the U.S. Senate. Since the St. Lawrence Valley is a strategic spot on this continent for the United States, a "nerve centre", the U.S. would, in all probability, simply substitute in all its texts the word "Québec" for "Canada". I don't see any problem here.

Mr. Nicolet: My last question. On page 10 of your text, you refer to a certain number of jurisdictions shared by Québec and Canada. Could you please elaborate briefly on the administrative mechanisms that would be used to manage these common areas, especially in the light of the exposé of your colleague, Mr. Soldatos, who just expressed reservations that jurisdictions shared by two parties could work, because of the imbalance caused by their difference in size.

Mr. Tremblay: Everything is imbalanced on

the international scale anyway, because no two countries are of equal importance. Germany is probably 25 times as big as Portugal; it's undoubtedly larger than Denmark, as well.

I think that such institutions go under the name of interdepartmental joint commissions. You can have a large commission. For instance, the organization that oversees the Free Trade Agreement between the United States and Canada, the U.S. being ten times larger than Canada, is chaired by the two ministers of commerce, Mrs. Hills and Mr. Crosbie, with the assistance of civil servants who administer the treaty. The same mechanism would be used between Québec and English Canada. I have an appendix dealing with the monetary union – you may have leafed through it. The monetary system can work with a joint commission, especially in terms of its board of directors, but even in this case, it need not consist of politicians. I was an adviser for a monetary union in Africa for four years. There was a Cabinet representing seven countries, but the administrative body, the executive council, consisted solely of deputy ministers and civil servants. I think this is the trend we're seeing in Europe. Only the governors of central banks will sit on the board of directors of the European Bank. Ministers would not be on it even if they might have the last say in nominating the monetary committee or monetary council.

Thus, this is the type of mechanism governing internationally recognized joint commissions, and they exist right now in Canada, the United States and elsewhere, even though Canada is ten times smaller than the United States.

The Chairman (Mr. Jean Campeau): We will now go on to Mr. Poissant.

Mr. Poissant: Thank you, Mr. Chairman. I was very pleased to note on pages 22 and 23 of your report that Québec has the third-highest standard of living in the world. Frankly, after reading that – you even put a box around it to attract the reader's attention – I tell myself that things can't be that bad after all; there are not that many obstacles to overcome if only two countries are ahead of us.

Having said this, I appreciate your point on page 26, that the options should be clearly formulated in the referendum. And you go even further than that, saying that there will not only be a simply worded question, such as "are you ready to climb aboard?" without giving the details. We're learning that today. It is said that people are in favour of sovereignty, but that's as far as it goes. We're told that 70% of the population are in favour of sovereignty.

I think it is essential to make this point to the Commission: you say "appear clearly" but you talk of the two possible options. When the referendum is held, the two main legitimate and realistic options available to the people of

Québec should appear clearly on the referendum ballot. And I think this is an extremely important point, but it will take a good long time before the Commission makes a recommendation to the government and the government formulates those two questions clearly on the ballot.

You cite many statistics and I think they are important. How far will you go in the matter of the two options that will appear on the same ticket, in other words, will you vote for A or B? That's my question.

Mr. Tremblay: Thank you very much, Mr. Poissant. First, I would like to thank you for bringing to our attention Table 4 in my expert report, concerning standards of living. You will notice that out of the ten countries with the highest standards of living - these are the OECD figures for 1987 - 6 of the 10 countries have populations of 10 million or less. My colleague, Pierre Fortin, calculated the correlation between a country's population and its standard of living. The correlation is negative; in other words, there is no positive correlation between the size of a population and its standard of living. I think it's important to mention that there are particular circumstances in each case, and you can't generalize.

On the question of a referendum, because this is what it's all about, the major political choices, I mentioned a moment ago that you, as members of the Commission, should not even attempt to agree on the content of the questions, towards the end of the hearings. You can agree on the means, terms and conditions, consequences, implications, anything related to a decision, and indeed, that is what the public expects you to do, to clarify and explain the options, because the Commission clearly has much more credibility than a political party, whose objectives transcend what the public chooses in a referendum.

So, it's important that more than one option should appear on a ballot, because a single option makes it a plebiscite. A government proposes an option, asks for a mandate. What we had in 1980 was a plebiscite, not a referendum. What Newfoundland had in 1949 was a referendum, because three choices appeared on the ballot, and a second referendum was later held to choose between the two options that were retained.

The important thing, then, is that the options should appear as choices on the ballot. I think there should be two of them. Maybe you will come up with three, but I doubt it. What's important, in the end, is that there should not be an option in the form of an empty box, a magic box, that takes many forms depending on the contributors. In 1980, for example, the renewed federalism box did not even appear on the ballot even though I, as an elected

representative, along with Mr. Ryan had proposed to amend the referendum question, which had been refused, with the result that Mr. Ryan and the Liberal Party brought out the belge paper and renewed federalism, which was defined in it. Mr. Chrétien and Mr. Trudeau had their own concept of renewed federalism and finally, everyone put in the box what they felt like putting, a little like a grab bag, which was very unfair to the other option, which stood alone on the ballot and was as a result examined with a magnifying glass, warts and all.
(12:15 p.m.)

Therefore, we must have a referendum, not a plebiscite - this is an important point - with all the legitimate, realistic and mutually exclusive options; we can't have two options that intersect because the public would not be able to make a definite decision or send a clear message to its representatives. Nor can the government negotiate, either from within or outside of the current Constitution without receiving a clear mandate from the people. Without this, our negotiators, our government, will be in a very weak position, and people will say, "Well, they're bluffing, just like they did with the Meech Lake Accord." I think Clyde Wells said it very well: "They will be defeated; they're bluffing; their distinct society will be refused and they'll dig their own grave." This is to be avoided. We have to proceed carefully, because we have been in Québec for 457 years. We cannot play a childish game, saying, "If you don't do this, we'll do that", and so forth. We determine what our situation is and we proceed from there.

The Chairman (Mr. Jean Campeau): Mr. Larose, please finish your question quickly.

Mr. Larose: Mr. Tremblay, in your expert report, starting on pages 12 and 13 you point out that federalism is in essence distributive. Therefore, I would like to know who pays whom in Canadian federalism. And second, in a sovereign Québec, who will pay the old-age pensions? Who will pay the veterans' pensions? Who will pay the family allowances? Where will the money come from?

Mr. Tremblay: I see that you are asking very simple questions, Mr. Larose. First, I agree with all my fellow economists that the major political and constitutional decisions are not made over a question of dollars and cents. But fortunately for Québec, our accounts with the federal government have been balanced for the last four or five years - since the federal oil subsidies stopped - so that our fiscal situation is now relatively stable. I mention this in my text. I think that in 457 years of history, the people of Québec have never been so well

prepared economically, politically and socially, to assume their own destiny, because Québec taxpayers do not live off the charity of the other Canadian taxpayers. The accounts are balanced. I calculated that for 1986, for example, if the two budgets had been combined, i.e. if the expenditures, tax revenues, and borrowings had been combined, Québec would have had a budget of around \$55 billion. Tax revenues would have been about \$46 billion, and we would have had a deficit of roughly \$9 billion. Thus, there is no doubt that on a strictly fiscal level, things are reasonably well integrated.

Now, within the Canadian system — this is an interesting point made in the document that was prepared by the Maritime Provinces First Ministers' Conference — the transfer payments made by the federal government are taken mainly from two rich provinces and, up to a certain point, a third, but mainly from Alberta, Ontario and British Columbia, and given to the six poorest Anglophone provinces, which receive between \$1 billion and \$2 billion or \$2.5 billion a year in fiscal transfer payments: Newfoundland and the Maritime Provinces receive about \$2 billion, \$2.5 billion and \$1 billion respectively. Two Western provinces, Manitoba and Saskatchewan, each receives roughly this amount in transfer payments every year, which means that the federal government transfers between \$10 and \$11 billion a year, but this is done between the rich Anglophone provinces and the poor Anglophone provinces.

As for Québec, for the last four or five years, our accounts have been more or less balanced. In the sixties, we received a lot less from the federal government than in the seventies, when we received a lot more because of the oil subsidies, but since 1985, things have balanced out; it's in the order of \$200 or \$300 million on either side. I don't know if that answers your question.

Mr. Larose: Yes, it would mean...

The Chairman (Mr. Jean Campeau): Keep your comment very short.

Mr. Larose: ...that the same funds are generated to sustain the same benefits, if I understand correctly.

Mr. Tremblay: Well, in principle, governments don't create anything. They take taxes, borrow on behalf of the population, and provide either services, or transfers, and things have to even out at the end. The danger lies in borrowing too much money to make these transfer payments. This is Canada's problem and it's Québec's problem, too. We cannot have annual deficits of \$30 billion after tax revenues year after year when the debt reaches \$500 or \$600 billion. This is a financial impossibility. No

country in the world has done this and Canada will not do it either.

Mr. Larose: Why do you say that the debt will force the Canadian government to negotiate with an independent Québec?

Mr. Tremblay: The problem with debts is the increase...

The Chairman (Mr. Jean Campeau): Can you answer that quickly?

Mr. Tremblay: I don't have to tell the bankers and businessmen who chair this Commission, that the problem with debts is that there is a debt service that follows, you see. If you have debts of \$400 billion, as we will by May or June of next year, well, at 10% interest, that makes \$40 billion in interest every year. Now, a greater and greater percentage of the government's total budget will be taken up by interest payments if the debt continues to grow. I made calculations, and 40% of the budget will be used for unproductive purposes, because ultimately, interest does not produce anything in terms of public services. I mentioned that this was precisely the percentage for France in 1935, but France had to continually devalue its currency later, and it was not a very pleasant situation.

The Chairman (Mr. Jean Campeau): If you don't mind, we will now give the floor to Mr. Sirros.

Mr. Sirros: Thank you, Mr. Chairman. In the few minutes allotted, I would like to pursue, with Mr. Tremblay, the whole question of the process of applying what you say. On page 9, you say that Québec will negotiate only once it attains political sovereignty, etc. It seems that you have already decided we will opt for sovereignty, whereupon the two countries, each independent and sovereign in its own right will make agreements. And you said a moment ago and in your oral presentation as well, that you are against a unilateral declaration of independence, at least for the immediate future. Perhaps in two or three years, if necessary. So we are to start a process of negotiations before we actually apply this unilateral declaration of independence. Thus, we send out a sort of threatening signal from the outset: "If you don't reach an economic agreement with us, because in your case you're not renegotiating the country, we'll proceed to declare unilateral independence anyway in two or three years." How do you envision this two or three-year period of negotiations and how do you reconcile that with the statement you made a moment ago that this transition period would be a sort of economic nonevent?

Mr. Tremblay: Thank you for asking me that. First, this type of threat must be avoided. If you do this, if you don't do this, we'll do that. I think people are not children. We must stop resorting to such childish tactics. I think we must behave like adults here, without reciprocal recriminations or threats of any kind. What is important, on the other hand, is that there should be choices. It is not up to you or me to make these choices. These choices must be made by the Québec people, based on its internationally recognized right to self-determination. They must choose the form of negotiations we must have with our partners in English Canada, since we are in a constitutional limbo, which is unacceptable. This situation is unacceptable, everyone agrees on that. Depending on the choice, obviously, one type of negotiation will be retained rather than another. If the people decide they want to remain one province out of 10 and soon 12, these negotiations will have to be done within the current Constitution, since, Prime Minister Mulroney said recently that he does not have the power to change the Constitution unilaterally. He is a politician who is on the scene temporarily and cannot change the Constitution. Even though a senate committee was created, it's only a think tank.

If Québec decides to assume political and constitutional powers on its territory, a completely different kind of negotiation will take place, and English Canada will have to make certain gestures after an initial shock. Clearly, if Québec decides to assume its destiny, as Mrs. Phyllis Bronfman Lambert proposed, there will be a certain shock. There is always a shock before a change but people get over it. And the period must be long enough for people to get over it. After a referendum in Québec, it's clear there will have to be a federal election, based on the assumption that English Canadians will have to find politicians to represent them, and not rely solely on Québec exports. I don't believe we can support English Canada with an unlimited supply of politicians to represent their interests. They will have to represent their own interests. This is a basic fact.

After a referendum, the National Assembly will have to pass a law, which will have to include five items. First, to proclaim the referendum result; the situation desired by the population will be proclaimed only at the end of the negotiation process, which is necessary and inevitable. But there must be a strict timetable, otherwise Québec will be in an extremely vulnerable bargaining position. All the other party has to say is, "I'm sorry, I will not negotiate." Obviously, after the referendum, they will negotiate, but they will first use the strategy of submitting their position in order to influence the decision. Therefore, there must be a timetable. This is an absolute necessity.

On the other hand, the mandate to negotiate must be defined. The Government of Québec will have to negotiate the transfer of powers, fiscal powers, civil servants, etc., as well as enter into negotiations concerning the economic union of Canada and its mechanisms. After that, this law must establish that during the transition period — this is an important point — the laws of the Québec Parliament, not the laws of the Federal Parliament, will have precedence over the Québec territory. And I warn you that the Constitution Act of 1867 provides that the laws of the federal government take precedence over the laws of provincial governments. And sections 56 and 90 allow the federal government to cancel or suspend any law passed by a provincial legislature within a year of its passage. This provision has been applied by the federal government about 120 times since 1867, especially before the turn of the century. These are not sections that were never applied. So, this is very important. And, as I already mentioned, there must also be one law decreeing that Québec is to become responsible for all the treaties over its jurisdiction signed by the Canadian government. It must also specify that all the political and legal statutes currently in use, thus the more or less written constitution of Québec, shall continue to have effect, until Québec eventually has a more formal constitution. There's nothing magic about any of this. After that, there will be negotiations between two partners, not 11, because we will be outside the Constitution, from which we are in any case half excluded.

Mr. Sirros: I think, Mr. Chairman, that my question prompted many explanations. But I would like to take it a little further. The referendum you mention... The person who spoke before you mentioned the possibility of doing a consultation referendum or a ratification referendum. In a ratification referendum, the people would choose an option with full knowledge of the facts. You say, if I understand you properly, that it would be on the basis of a consultation referendum. Would you like us first to become a sovereign nation and then negotiate as a sovereign nation with the rest of Canada — yes or no — or something like that, and after that, you would go on to pass a law by the National Assembly, etc., all this with your prior declaration that this transition period will be an economic nonevent? I'm having trouble with this.
(12:30 p.m.)

Mr. Tremblay: First, as I'm telling you now and as I told Mr. Poissant a moment ago, a referendum must include two major options, not just one. I cannot predict what choice the public will make. On the other hand, you mention subsequent referendums. Obviously, the Québec government can hold as many referendums as it

wants. What's important is that there should be one in the first place, because, in any case, if Québec does not make a move, no one in Canada will, because no one in Canada is interested in making a move. The status quo is quite acceptable to most English Canadians. Now, this depends on the leadership and statesmanship of our elected politicians. After a referendum is held in Québec, the English Canadians with heads on their shoulders, for example bankers and businesspeople with branches everywhere in Canada, will have to come out in favour of the Canadian economic union without childish threats or recriminations. The financial markets must be reassured, and the repayment of debts must be assured. All commercial, economic, financial and monetary relations must continue. If this is done in a spirit of mutual understanding, once the choices are made — but there has to be a real situation; the real choices must be made known — I think this would be a nonevent, as was the case with Norway when it separated from Sweden in 1905.

The Chairman (Mr. Jean Campeau): Time is running out. We now turn the floor over to Mr. Jacques Brassard.

Mr. Brassard: Thank you, Mr. Chairman. More and more people are saying once again, as was the case in 1980, that Québec sovereignty will have serious consequences for Quebecers' standard of living, which will be lowered. You, as an economist... I will quickly read three of your conclusions, which are framed in your text. "The present standard of living enjoyed by Québec residents is in no way dependent on the expenditures and taxes of the federal government, since its accounts with Québec are relatively balanced." You said this a moment ago. "However, since the federal government spends less on creating jobs in Québec than in any other province, it is in part responsible for the fact that the standard of living is lower in Québec than in Ontario."

The second framed item: "The fiscal situation of the federal government is very bad and there is reason to fear that it will have trouble honouring its commitments to the people of Canada and Québec without resorting to inflationary measures." This is on page 7.

The third framed item: "The heavy fiscal burden imposed by the federal government and the waste cause by overlapping jurisdictions and expenditures slow down Québec's economic growth." And you conclude, on page 12, that "as long as the Québec economy is competitive and integrated commercially and financially with the rest of North America, Québec's standard of living will not only be maintained, it will grow."

In short, what you are saying is that the danger of a reduced standard of living, if I understand you properly, is related to the

Canadian federal government, the Canada of today. This is what I conclude from your statements. Is my conclusion correct?

Mr. Tremblay: Certainly, but it's more complex than that, obviously.

Mr. Brassard: I can imagine.

Voices: Ha, ha, ha!

Mr. Tremblay: You don't expect an economist to simplify things, do you?

Mr. Brassard: Certainly not.

Mr. Tremblay: I said a moment ago that governments would have difficulty creating prosperity by themselves, that prosperity must be created by individuals and companies. This was amply demonstrated in countries where people wanted to do otherwise. The communist system collapsed because the stores were empty. People were not paid to produce, and this caused the breakup of their economies.

A voice: They still are.

Mr. Tremblay: Economic freedom, freedom of enterprise, the virtues of the economy, of saving, of investment are at the root of prosperity. And a country like Japan, which has no natural resources and sits on a volcano with 120 million people, has one of the highest standards of living, while countries that have natural resources but don't know how to use them have the lowest standards of living. Québec enjoys a dual advantage here: we have a fair amount of natural resources — not all of them, but a fair amount — and we have a rising business class, a class of entrepreneurs that was the first to open up to the globalization of trade. It was this class that supported the North American Free Trade Agreement the most, that is the most willing to export, to compete. We are a little like hockey players, not in the minor leagues, but in the Québec National League.

And this will continue. But it will require greater discipline, especially in the area of public services. We have public services that cost too much. We will have to economize while maintaining them and upgrading their quality. Costs will have to be lowered. And this will not be given to us by anyone. Now, concerning the federal government, it is at present... I have included in the appendix of my expert report an article by my colleague from the University of Chicago, Gary Becker, an economist with a worldwide reputation, and he says: "Be careful with the big political machines, which spend and waste enormously because nobody supervises them."

The federal government recently wanted to

grant a subsidy of some \$60 million for the construction of a concert hall in Toronto. Money is handed out freely in Ottawa. I would say that as soon as Ottawa sees something moving, it throws money at it. This costs us dearly, and we are now at the end of our rope because of that. We cannot keep on accumulating debts; the federal fiscal burden is the greatest threat to the prosperity of all Canadians, including Quebecers, because it makes decisions on our behalf.

And if I had to choose between the politicians of Québec and the politicians of Ottawa, I would choose the Québec ones in a minute. I think we've cleaned up public finances in Québec City, while in Ottawa everything is going to rack and ruin.

Mr. Brassard: Don't be so hard on them, Mr. Tremblay.

Mr. Tremblay: We have to take advantage of the fact that they're not here, Mr. Chairman.

Voices: Ha, ha, ha!

Mr. Brassard: Maybe it's because, as you just pointed out, the machine is so large, the bureaucracy and technocracy are so top-heavy, that even with a large number of politicians, things would still be out of control.

But you finally confirmed my conclusion in a very roundabout way. My conclusion was correct.

Mr. Tremblay: It is not my goal here, Mr. Brassard...

Mr. Brassard: No, no, no, but all the same...

Mr. Tremblay: ...to confirm your conclusions.

Mr. Brassard: ...the other question has to do with your appendix, which I found extremely interesting. Not much has been said about it.

Mr. Tremblay: The appendix dealing with monetary union?

Mr. Brassard: The appendix dealing with monetary union. I think it is an extremely interesting document that demystifies the whole monetary matter, because for many people, myself included, since I'm not a specialist, the question of currency is highly mysterious. And here you have a crystal-clear document that demystifies and simplifies this whole matter, and in the end, it would not be very complicated to create a monetary union.

What appears to me to be especially important is that you state that it's in Canada's best interest to enter a monetary union very

quickly and to maintain the monetary system in its present state.

Why exactly would Canada have such a strong interest in reaching a quick agreement with Québec, once Québec decides to go the way of sovereignty. Why would Canada be even more interested than Québec in setting up and preserving this monetary union?

Mr. Tremblay: Thank you, Mr. Brassard, for your remarks. The reason I am familiar with this subject matter is that I spent 25 years studying it. I was an advisor to the West African Monetary Union, I helped draft the statutes for that monetary union from 1970 to 1974, and I teach international finance, so the monetary question is not unfamiliar to me.

First, the Bank of Canada has only been in existence since 1935. It's not governments that create currency. Currency is created by production. Just talk to Mr. Bélanger, one of your Co-chairmen. It's banks, not governments, that create currency through loans. They will convert one form of currency to another, paper currencies, etc., but before 1935, it was the banks. On December 31, 1934, 47% of the bank notes in circulation around the country were from privately owned banks.

I now come to the last part of your question. Toronto is the financial capital of Canada. The big Canadian banks and most of the fifty or so foreign banks have their head offices in Toronto. Of course, we have some very important banks in Montréal, such as the National Bank, but the large banks, the National Bank, the Royal Bank, the Bank of Montréal, the Toronto Dominion Bank, etc., have their head offices in Toronto, as well as branches everywhere in Canada, unlike the American banking system, which more or less functions on a regional basis. Nobody is interested in upsetting this banking system, which transfers funds from one region to another. In some years, a region has a positive cash flow; in other years it's negative. So, this is the first reason: maintaining a solid financial system in Canada, which is enormously profitable to the financial institutions, located for the most part in Toronto at the present time.

On the other hand, I mentioned the Canadian government's huge debt of \$400 billion. A large part of this sum is in the hands of foreigners — the Japanese hold a large portion, and this is one of the reasons why interest rates must be kept so high in Canada, to finance our deficits, especially government deficits. We must attract capital with very high interest rates. English Canada is not interested in getting saddled with soaring interest rates in a financially unstable period. Nobody wants to add to these financial costs that are already very high, thank you very much. We have long-term interest rates that are 2% higher than the

American rates, and short-term interest rates that are 4.5% to 5% higher.

The Chairman (Mr. Jean Campeau): Well, that's it. Thank you, Mr. Brassard, for your question. Mr. Tremblay, thank you for devoting this time to us...

Mr. Tremblay: It's already over.

The Chairman (Mr. Jean Campeau): Yes, it's already over... for spending this time with us and helping us with our task.

Mr. Tremblay: Thank you, Mr. Chairman.

(Proceedings adjourned at 12:42 p.m.)

(Proceedings resumed at 12:45 p.m.)

The Chairman (Mr. Jean Campeau): Ladies and Gentlemen, would you please return to your seats. We now welcome Standard Life representatives Mr. Claude Garcia and Mrs. France Desjardins. Mr. Garcia, the hearing lasts half an hour. You have five minutes to present your brief, followed by a question period.

Standard Life

Mr. Garcia (Claude): Thank you, Mr. Chairman. Good afternoon, Ladies and Gentlemen of the Commission.

Standard Life is a mutual insurance company established in Canada in 1833. In terms of economic benefits, our company directly employs 1 200 people in Canada, with 72% of them, or 863 people, in Québec. We do three-quarters of our business outside Québec on the Canadian market.

We're the only life insurance company to serve the Canadian market from a head office in Québec. So, through our Canadian activities outside Québec, we create about 550 more jobs in Québec than our Québec activities alone would justify.

Free access to the Canadian market is an essential condition to ensure the profitability and development of companies whose scope goes beyond Québec. In fact, in the current context of globalization of trade, Québec should be opposed to any restriction that would limit the free flow of people, goods, capital and information throughout Canada. In the case of financial companies like ours, any hindrance to the flow of capital in Canada would disrupt our activities throughout the country.

Generally speaking, all the economic agents in Québec stand to benefit if they continue to belong to a single monetary system. The Canadian monetary system is stable and enjoys the confidence of the international financial

community. Through financial institutions, Québec companies, whether they are private or public, have access to all the world reserves of capital in Canadian dollars, here or abroad, without having to worry about the risks and transaction costs associated with foreign exchange operations.

Québec companies already have contracted substantial amounts of debt in Canadian dollars. Even though our company does not borrow money, we're in a similar situation vis-à-vis our policyholders. If we continue to belong to the Canadian financial system, we can eliminate the uncertainty associated with currency fluctuations that would occur if Québec had its own currency. A number of our policyholders, both in Québec and outside Québec, have in recent years asked for assurances that amounts paid under their contracts would be in Canadian dollars, whether Québec decides at some point to adopt its own currency or not.

At present Canada's federal system involves costs for both citizens and companies doing business in Canada. One of the fundamental reasons for these costs is the current overlapping of jurisdictions between the federal government and the provincial governments. In fact there are a number of areas where the powers of the federal and provincial governments overlap, and as a result there is a duplication of government departments and agencies. That's why we recommend, first, that the Commission promote a review of the Canadian Constitution that would clearly define the responsibilities of each level of government to eliminate the overlapping of responsibilities between the two levels as much as possible.

To increase the efficiency and competitiveness of companies operating throughout Canada and thus ensure greater economic growth, we also recommend to the Commission that the renewed Constitution include a procedure to ensure coordination of the rules of business among the various provinces of Canada. The Canadian market must be decompartmentalized at the provincial level, and the legislation of the federal government and the provincial governments regarding trade in goods and services must be brought into line with each other.

When Canada revises the mechanisms governing business and commerce, it should take inspiration from the market of Europe 1992, when the markets of sovereign countries will be more decompartmentalized than the markets of our provinces right here in Canada.

Thus, because of certain provincial laws governing the financial sector, our company has a limited ability to effect certain financial transactions covering the entire country. Such a situation will not be possible in the Europe of 1992. Throughout Europe, a single financial services market, coordinated and practically

unrestricted, is being created through application of the principle of mutual recognition or reciprocity, whereby the legislative authority of the country where a company's head office is located is recognized by all the other countries. This means, for instance, that if a company is authorized by its own government to conduct business, such authorization is recognized by the governments of all the other countries. Moreover, there are a number of minimum regulations common to all countries, and respect of these regulations by national governments is overseen by the European Court of Justice. Canada could also retain this principle to provide a level playing field throughout the Canadian economy. If we coordinated and at the same time liberalized the Canadian market, our companies would be in a better position to compete internationally.

That's the gist of our statement. Now I'd be pleased to answer your questions.

The Chairman (Mr. Jean Campeau): Thank you, Mr. Garcia. We'll begin the questions with Robert Benoit.

Mr. Benoit: Thank you, Mr. Chairman. Mr. Garcia, I'd like to thank you and Mrs. Desjardins for coming here today. It's quite an honour to have you with us. Your reputation as an actuary and a businessman in the life insurance industry has long gone beyond the borders of Québec and Canada. Your expertise and leadership are recognized worldwide in the industry, certainly beyond our borders. It's also quite impressive that a European company would set up shop here in Québec City in 1833 and thus contribute to the economic development of Québec and Canada.

On page 5 of your brief, Mr. Garcia, I'd like you to clarify something. You say, and I quote: "In the current context of globalization of trade, Québec should oppose - and I stress oppose - any restrictions that would limit the free flow of people, goods, capital and information throughout Canada." In the event of the decision that will be made, how could you expect Québec to oppose it? You tell us to be as open as possible. Is that the message you're giving us here today?

Mr. Garcia: Yes. I think that message has been conveyed very well by Quebecers. It was emphasized in the preceding presentations, by the people who preceded me at this table this morning in any case, that Quebecers were obviously very much in favour of free trade with the United States. Quebecers, the business class of Québec, wants to see markets opened up. Right now in Canada, in all the provinces and even on the federal level, there are restrictions, at least on the free flow of goods. The provinces and Ottawa have preferential purchasing policies. These policies limit the free flow of goods. So,

obviously, this type of policy makes trade less efficient. We think that, regardless of what happens, in the context of globalization of trade, it's important that we put an end to these practices as quickly as possible.

Mr. Benoit: Would it be beneficial for all parts of Canada? I'm thinking about the free flow of people, for example. We know that in certain parts of our country there are unemployment rates, I'm thinking of Newfoundland for example, much higher unemployment rates than in other areas. Is it advantageous for everyone to have a free flow of individuals, as is now the case in Canada?

Mr. Garcia: Well, you're starting to ask me questions outside my field of expertise, but given that disclaimer I'm going to try to answer as best I can. I'm told that the Canadian Charter of Human Rights and Freedoms does indeed ensure the free flow of people right now. So I don't think there's any problem in that area right now in Canada, in terms of people in any case, but I'm not really an expert. I'm really much better at discussing things relating to the economy and the business community.

Mr. Benoit: Then I'll move onto the terrain you know best. On page 7 of your brief, you say: "If Québec adopted its own currency, management of our business with the rest of Canada would become extremely complicated." That's the viewpoint of an insurer, a chief executive officer, a president of a company that does business with the rest of the country. You know that other companies, the Mouvement Desjardins, the Chambre de Commerce du Québec, and others have told us that a Québec dollar wouldn't be the end of the world, it wouldn't be all that terrible and, ultimately, it might even be desirable because they haven't listened to us all that much at the Bank of Canada. What do you say to that? You've read views like that in the newspapers just as we have.

Mr. Garcia: Well, it's obvious that Québec can afford to have a separate currency. There are countries in the world that have separate currencies, countries that are the same size as Québec or even smaller than Québec. But when you listen to most of the people who appear here, we're talking about amending, about achieving a new agreement with Canada, and most of them are in favour of maintaining monetary union, maintaining the currency. So I think... I paid special attention when the person who preceded me talked about a scenario whereby we would first declare independence and then try to negotiate a new agreement with Canada, which would include monetary union.

It's not clear, in my mind in any case,

which currency would be used between the period when Québec declares its independence and the period when Québec concludes a new agreement - assuming it's able to do so - that includes monetary union. I'd like to point out that in Europe they've been talking monetary union for a number of years, but they still haven't achieved it. And it may take a while yet. But, over the short term, there will be considerable problems for companies.

I'll give you an example. Let's take Hydro-Québec as an example. O.K. Hydro-Québec has... Let's take the situation of Hydro-Québec and the situation of Ontario Hydro and compare them. On the one hand you have Hydro-Québec. Both companies have considerable debt. O.K.? They also have assets, but they have considerable debt. One of the principles in the world of finance is that you try to minimize risk. In the financial sector you minimize risk by matching up your sources of funds with your outflows of funds. So to the extent possible, Hydro-Québec, for example, borrows abroad, borrows in U.S. dollars, but obviously sells electricity to the Americans, so it has revenues in U.S. dollars that normally enable it to pay its U.S. debt.

To the extent that this match-up is not achieved, Hydro-Québec assumes an exchange risk. If we declare Québec's independence and we have a transition period like the one I just referred to, Hydro-Québec will have debt in Canadian dollars, but it will still have it if the currency used in Québec is a Québec currency, and it has no revenues in Canadian dollars. So Hydro-Québec's debt, I'm not saying that the Québec dollar will be worth more or will be worth less, I don't know. I won't be the one to determine it. The financial markets will determine it.

But, regardless, Hydro-Québec will at that point run a considerable exchange risk in relation to its counterpart, Ontario Hydro, which will continue to take in Canadian dollars to pay its debt in Canadian dollars. That's the kind of short-term risk, and when you're in a financial sector like mine, where ultimately the solvency of our company depends on minimizing our risks, because we want to survive... You know, financial institutions, it doesn't happen every day, but they often go bankrupt. There was one just this week, a large one in the United States, that closed. So things like that are a constant concern.

At our company we have somewhat the same problem. We have insurance policies, or contracts. It says systematically in all our contracts that amounts due under the contracts are payable in Canadian dollars. We're not the only ones. It's standard procedure at insurance companies, and I think it's probably the case of banks too, and trust companies, but I'm not as well versed in that area. So obviously we have assets in Canadian dollars so we can meet our

obligations. O.K.? We try to match up our risks, especially in the case of a multinational. We also do it country by country. In every country where we operate. We try to match up cash flow, in other words to ensure that we'll have enough money each year to pay out what we think we'll owe our policyholders. All that, if we change currencies, well...

The Chairman (Mr. Jean Campeau): Mr. Garcia.

Mr. Garcia: ...over the short term, it may create a certain number of problems.

The Chairman (Mr. Jean Campeau): All right. Now we'll go to Mr. Léonard.

Mr. Léonard: Thank you, Mr. Chairman. Good afternoon, Mr. Garcia. First I'd like to commend you on having come here to present a brief, and I assume you don't regret not having made the same decision as Sun Life. I wonder if you could give me some assurance about that, 10 or 15 years later.

Mr. Garcia: Since selling assurance is my job, I'd be glad to give you some.

Voices: Ha, ha, ha!

Mr. Garcia: No, we don't regret being in Québec. We're... I take pride in pointing out as often as possible that we're the only life insurance company that can serve the Canadian market from Montréal or Québec City. We think it's a competitive advantage for us because there are quite a few of our colleagues in Toronto sharing the market. You know, in our business, even though we say we like competition and all that, sometimes we try for contracts through affiliation. So the way we see it is that we have the entire Montréal market, and in Toronto quite a few of us are fighting for the same market.

So it's a competitive advantage for us, and we intend to maintain our presence here.
(1:00 p.m.)

Mr. Léonard: That's good. Thank you. Another comment I wanted to make. You state quite clearly that we have to ensure the free flow of capital. I haven't quite forgotten the image the federal government left us with when it prevented the Caisse de dépôt et placement from taking control, along with Power Corporation, of Canadian Pacific. I think that hindered the free flow of capital.

Given those comments, I'd like to go back to what you said about currency. I understand your point of view. In terms of the administration of an insurance company, it's important that monetary units be easy to manage, and I think that in this case it's one of the subjects the Commission is paying a great

deal of attention to. Now we've been told by experts that a sovereign Québec could adopt, could keep the Canadian dollar as its currency, at least for a certain period of time. I imagine that during this transition period it would even be advisable for Québec to pass a law stating that the currency it would use, during the transition period at least, would be the Canadian dollar. So I suppose you'd agree with such a measure, provided that we then negotiated something else, we negotiated more definitive monetary union. What do you think of that?

Mr. Garcia: We're definitely in favour of keeping the Canadian dollar, keeping the same currency. We're against change in that area because it's obvious that there are considerable advantages to be derived from it. I'm not saying we can't function with two currencies, because our company already operates in various countries with different currencies. So that...

Mr. Léonard: Yes.

Mr. Garcia: ...I'm not going to tell you that, it wouldn't be true. But definitely at a time when, in Europe, people are talking about integration, about having a common currency in Europe, everyone considers it advantageous. They're not trying to decide whether it will be more advantageous to one country than another; everyone considers it advantageous. I read somewhere that, in Europe, if you start in one country and you go to all 12 countries and you exchange a dollar - you start with a dollar - after going to all 12 countries and getting good exchange rates, you'll end up with \$0.51. So, you see, you lose \$0.49 just in exchange transactions that add absolutely nothing to the wealth of Europeans. One of the Europeans' objectives is to have a single currency to avoid such costs, which add nothing to their national wealth. So we're saying: Listen, a single currency is essential because first it will avoid costs relating to exchange operations. Right now it also enables savings deposits made in one region of Canada to go where the needs for capital are greatest. If we have greater needs for capital in Québec at a certain point, because the Québec economy is dynamic and expanding more, savings deposits can come from outside Québec easily and without any problems because they're in the same currency. The monetary system, the Canadian financial system makes these exchanges possible. Right now the economy in the West is a little stronger, and the economies of Ontario and Québec are shrinking. It's possible that some of the savings deposits of Ontarians and Quebecers are being channelled by the financial system to the West, and before the reverse was probably the case. So there you have it! I think it's important to maintain the advantages of our currency. What worries me is that in a time of

constitutional upheaval we'll lose that advantage, especially at a time when we see other countries grouping together for that very purpose.

The Chairman (Mr. Jean Campeau): Thank you. Even though we're running out of time, I have a question I'd like to ask you before we go to the other set of questions. On page 8, at the bottom of the page, you say: "Even if the Governor of the Bank of Canada is independent, he's fortunate. My colleague Michel Bélanger would say he was very fortunate. He doesn't even have a board of directors to answer to; he's on his own but he's still subject to the formal authority of the Minister of Finance of Canada." After that, on the next page, you say: "Given the existing structures and Quebecers' ability to send to Ottawa a majority of the members of the party in power, Québec probably has more influence on policy..." and so on. Does that mean that when we don't like the monetary policy, we should blame our members from Québec and, when we do, we should congratulate our representatives? I find that... I've always thought the Governor of the Bank of Canada was completely independent. But you say he's under the authority of the Minister of Finance.

Mr. Garcia: I'm saying he's under his formal authority. Now, Mr. Chairman, your question has given me the opportunity to correct a slight inaccuracy in our brief. When we say a majority of the members, what we meant is that the majority of the members from Québec belonged to the party in power. All right? The text doesn't quite convey our idea. I think what we mean by that is that even though there's that ability, it's that, in our opinion, in the existing system, Québec has more influence over the monetary policy of the Canadian government than it would under an agreement between two parties because, even with an agreement between two parties, economic weight would be the only factor. And to the extent that Québec has succeeded, has perhaps been a little more skilful than the other provinces in electing members of the party in power, I feel that on average it gets a little more power over the monetary policy of the federal government than would otherwise be the case.

The Chairman (Mr. Jean Campeau): Thank you. Now we'll go to Mr. Béland.

Mr. Béland: Mr. Garcia, like many other people, you've come here to argue that we should keep the Canadian market intact. What surprised me and what I quite appreciate is that you're nevertheless one of the very few people who have told us that this Canadian market is not as open, not as free as we're led to believe. You're one of the very few people who have

said: Well, there are barriers in place right now. There are. You even say there are barriers to the free flow of people, goods and capital. I think we haven't emphasized that issue enough, which is true despite the existence of an economic union, a political union and all the unions you can imagine. I'd like you to tell me how... first I'd like you to give me specific examples, other than decompartmentalization - I know that you're very interested in the decompartmentalization of financial services - but other examples, because you refer to the flow of capital and people. I'd like you to give examples of that and, second, tell us how we could negotiate greater openness, given the existing constitutional status.

Mr. Garcia: Examples, Mr. Béland, if you'll allow me. For example, on the weekend I was reading Québec government calls for tender in the newspapers - and I'm not criticizing the Québec government - which out-and-out said that only companies with their principal place of business in Québec could bid. All the provinces do it; Québec isn't the only one. These are hindrances to a free flow. As a multinational company, we're the victim of such things far more often than other companies. We're a little more aware of it. That's the first example.

Take the problems Canada has had with the GATT. Often they're the result of restrictive practices in the provinces. The wrangling over wine, for example - I don't know whether it's been settled because I don't follow the issue all the time, it's an issue that doesn't involve Québec; in Québec we've barely begun making wine. But these are examples of restrictive provincial practices that hinder a free flow. You ask me how we can achieve it. Well I think we have to accept the rules of international trade, whereby the best company wins. And this type of hindrance detracts from economic efficiency; it detracts from the efficiency of companies; it prevents... If a company can't measure up in its own market against the fiercest possible competition, how's that company going to go international and compete with other companies?

Mr. Béland: No, but I don't think you understood me. Even if the company is competent or even excellent, it won't bring down barriers if they already exist.

Mr. Garcia: Excuse me? I didn't understand.

Mr. Béland: If the barriers exist, you say that in fact there are barriers...

Mr. Garcia: Yes.

Mr. Béland: ...that there are barriers in the regulations, in the existing laws, so even if we're efficient, because we're victims, we at

the Mouvement Desjardins and you...

Mr. Garcia: Yes.

Mr. Béland: ...and I think we are efficient; but there are barriers in the existing system. How can we resolve that politically or constitutionally?

Mr. Garcia: I think we have to have the political will. I think the technique the Europeans are using, one of the techniques the Europeans are using, is the great principle of reciprocity, of mutual recognition. I'm going to give you an example concerning pension plans. In Canada, the provinces signed an agreement on pension plans to regulate the entire sector. They signed an agreement. They reached a consensus. A consensus emerged. Despite this consensus, there are provisions, minor ones you'll say, but fairly significant ones nonetheless, provisions in the legislation of certain provinces that are different. But we've got employees in all the provinces of Canada, so we're obliged to have several different versions of one pension plan. Even though we have 72% of our employees in Québec, we're obliged to have stipulations in our plan that apply only to Ontario, others that apply only to Manitoba, others that apply only to Alberta. So I consider this... It's a hindrance.

The extra costs this imposes on companies are absolutely unbelievable. But to achieve that, all the provinces have to be in agreement. All the provinces have to accept the reciprocity principle; in other words in our case we'd be quite pleased to just comply with Québec's legislation. Do you think I want to have to explain to my employees in Alberta that their plan is different from the one for their colleagues working for the same company in Québec or in Ontario? This is the type of problem that compartmentalization of the market is causing us right now, and I think it's very important that your commission consider it, because it's something that absolutely has to... It has to change.

Mr. Béland: But when you argue for keeping certain things, that's certainly not what you want to keep. You want change.

Mr. Garcia: Yes, we want change.

Mr. Béland: Yes, all right.

The Chairman (Mr. Jean Campeau): Mr. Dufour.

Mr. Dufour: Thank you, Mr. Chairman. First I'd like to congratulate you, Mr. Garcia, and your colleague for appearing before us. In fact, and the secretary will correct me, I think we've had only two briefs from companies, Standard

Life and Seagram. Indeed, Standard Life is the only company that agreed to come and discuss its submission, and I would simply like to add that, given the quality of the testimony we've had this morning, we've lost out on a great deal of material by having only one company. I'd like to ask you: What made a company like yours want to appear before us?

Mr. Garcia: Excuse me, Mr. Dufour, but I think there's also the Mouvement Desjardins. Perhaps it's a movement for you, but it's a competitor for us.

Voices: Ha, ha, ha!

Mr. Dufour: No, I wasn't talking about movements or employers' associations, because there was the mining association, there's been a number of them, but I'm talking about companies.

Mr. Garcia: Occasionally we hang in there. What made up our minds? Well, as I pointed out, I think we've been in Québec since 1833. In fact, our company opened a branch in Québec before it opened a branch in England. That might seem surprising, but the Scots of that era were daring, and perhaps it also reflects the history of our country somewhat, but I think it's in our interest, and we decided to stay in Québec during the problems of the 1970s. Obviously we're somewhat concerned about the whole debate and we thought we had something important to say to the members of the Commission and we also wanted to take advantage of the opportunity to try to settle... If your work manages to settle a certain number of economic problems, I think it's time we took a look at the Canadian Constitution. It's an old constitution. Interesting things are happening in Europe, and we could certainly take inspiration from what they're doing economically, in any case, to help ourselves out.

Mr. Dufour: In addition, in Mr. Béland's presentation, I think you all agree on the fact that the lack of coordination creates problems. If Québec were independent, would you have more problems?

Mr. Garcia: More problems than we have right now?

Mr. Dufour: Yes.

Mr. Garcia: Well, we say in our brief that it could disrupt our Canadian operations. Right now we manage our Canadian operations from Montréal. Obviously if we can... In the insurance industry, our company's experience is that we can be successful in a country provided that we have a management that's familiar with what is

really happening in that country. There are two main variables that we have to take into account and, before saying this, perhaps I should point out that life insurance is not a global market, it's a market of multinationals, in other words you have to have national markets... The expertise is global, but the markets are national. By that I mean we have two major variables, social security systems and tax systems, that have a major impact on the type of market available to us or the type of market we have.

Certainly if Québec became independent, we assume that the tax system, that the social security system might evolve differently from that of the rest of Canada and, at that point, it could be difficult for us to continue to manage all our Canadian operations from Montréal.

Mr. Dufour: You said just now that, during the transition period that could be long, or more or less long, you'd have a great deal of problems.

Mr. Garcia: Yes, we'd have problems. I'll give you an example. We depend enormously on the public's confidence in us, because a financial institution, regardless of the hat it wears, whether it's a bank, an insurance company or a trust company, a financial institution acts only as an intermediary between the borrowing public and the lending public. We have reasons for borrowing money from the public, and obviously those reasons are called contracts, or insurance policies. People are prepared to give us these contracts provided that they can trust us, provided that they have confidence that we'll be able to give their money back to them.

It's clear that we depend enormously on the public's confidence in the quality of the promises we make, and this is what makes a financial institution so fragile and makes trust one of our most important assets. So we have to maintain that trust. In a transition period, we would definitely have problems selling insurance, not because we don't want to sell but because the public wouldn't want to buy. During the period leading up to the failure of Lake Meech, I spent a great deal of time reassuring people who wrote to us, people who were concerned about whether we could make good on our promises. I can say we lost sales, but at the same time we gained sales. There are people in Québec who prefer to do business with a multinational because they say to themselves, they've already seen that sort of thing. But we think we lost a little more than we gained. I don't want to dramatize the situation but it is indeed a major problem.

If we can't sell, our sales people may be penalized because they'll make less money. So we could lose our sales people.

The Chairman (Mr. Jean Campeau): Thank you, Mr. Desjardins.

Mr. Desjardins: Thank you, Mr. Chairman. I'm annoyed at you because you asked my question, especially since it was a chance for me to be reassured about my role as a member of the party in power in Ottawa, but I do have two other brief questions.

Mr. Garcia, in light of the answers you gave Mr. Dufour, if we read your document quite respectfully, it's an argument in favour of renewed federalism or constitutional renegotiation, which would have to put an end to the overlapping of a number of jurisdictions that create paralysis and cost a great deal, if I've understood the basis of your brief properly.

You haven't succeeded in business without having to make forecasts or develop scenarios. So I'd like to ask you this question: With respect to the possible independence of Québec, have you developed scenarios for your company about what might happen or what might change for your company?

Mr. Garcia: No, we haven't developed a scenario for that sort of thing. We're looking... by nature we're... our job is to reduce risks. What we sell is risk-reduction policies, risk-reduction contracts, because people come to us seeking assurance that at a certain time and a certain place, depending on such and such an event, money will be available to them. Obviously that prompts us to try to reduce our risks.

Instead of developing scenarios like that, we prefer to appear before you this morning.

Mr. Desjardins: Thank you, that's all.

The Chairman (Mr. Jean Campeau): Mr. Garcia, Mrs. Desjardins, thank you for your contribution to the Commission's work.

Mr. Garcia: Thank you for having heard us out.

The Chairman (Mr. Jean Campeau): Bon appétit and see you soon.

(Proceedings adjourned at 1:18 p.m.)

(Proceedings resumed at 2:16 p.m.)

The Chairman (Mr. Jean Campeau): Now we'll resume our work. Ladies and Gentlemen, if you would take your seats. We'll now hear from Andrée Lajoie. The presentation will last one hour. Mrs. Lajoie, you have 10 minutes to give a summary of your report. The floor is yours.

Mrs. Andrée Lajoie

Mrs. Lajoie (Andrée): Thank you. Mr. Chairman, Mr. Co-chairman, ministers and other members of the Commission, it's with great

pleasure and an acute sense of our collective responsibilities that I've accepted your invitation to answer the questions addressed to me and to come and discuss them today. In the brief I filed with the Commission, I first stated two caveats, both related to the title of expert which the Commission had attributed to me - I was going to say with which it had saddled me. First I emphasized that I don't believe anybody can be an expert in all the fields covered by the Commission's questions, which range from the sharing of powers to monetary policy, from international trade to cultural anthropology and national identity.

The other caveat has to do with the fact that the title of expert has a certain connotation of a scientific approach. I'd like to warn us all against the illusion that we're holding a scientific discourse here, when in fact we're in a political process. This doesn't mean it's better or worse, it's just different; it uses another sort of logic. I believe my contribution, like that of my fellow experts, quote unquote, is basically a rhetorical contribution which proposes well-reasoned arguments for political solutions. That said, "political" does not mean partisan, and I want to stress, as I always do on such occasions, that I've never belonged to any political party in Québec or anywhere else.

That said, I'll now give you a rough summary of my position and develop a number of points as time permits, with the possibility of continuing afterwards in light of your questions.

To summarize, therefore, I would say that the political problems of Québec's national identity posed by the Canadian Constitution are so numerous and so closely tied to the federal nature of the Constitution that it doesn't seem possible to solve them within that framework. Moreover, the fact that the preservation of a people's identity is inextricably linked with having complete control over their own economy leads me to opt for Québec's independence as a sovereign State, independent and self-contained and, at the same time, for the stepping-up of Québec's international economic relations with the board of directors, of course, and similarly other world nations. These relations should, in my opinion, be embodied not in a permanent, rigid constitutional structure which is difficult to alter, but in treaties which respect sovereignty and do not involve any legislative delegation. This in fact excludes superstructures such as the European Community, even if they are included in treaties.

Coming back to the components of this position, if I have enough time - stop me if I haven't, Mr. Chairman - the areas in which Québec is unable to assert its identity because of the federal nature of our Constitution, not just its contents but also how they're interpreted by the courts and the constitutional practices that go with them. I'll list them quickly: immigration,

language and cultural development, the environment, land development, social policies, education, especially university education, collective rights, especially union rights, economic policies, especially regarding employment, export trade, especially regarding natural resources, and monetary policies, notably interest rates. In all these areas, Québec, in its current constitutional situation, does not have what it needs to preserve and develop its cultural identity. This leads me to say that in the very principle of federalism, which will always have a centralizing aspect, there is something incompatible with our political situation.

If I have a few minutes left, I'd like to talk about the impact on the standard of living in Québec, about which I think we've all been asked. In my opinion, this impact is unforeseeable. I'm not an economist, but I've been a critic of social sciences in general, and law in particular, long enough to know that there is a line between economics and science fiction, and I believe that line is situated well within this kind of prediction or even an overall assessment of what the standard of living might be in Québec in the event of separation, or for that matter in the event Québec remains a part of Canada.

I feel it is probable in the medium term that political disagreement in Canada will stop taking precedence over economic interests, because the market will have the same attraction and our fellow Canadians are quite realistic. But if this should not be the case and if such relations proved impossible to re-establish, I think we should remember that the Canadian market outside Québec has 19 million people, whereas at the same distance or even closer we have New England and the State of New York with 55 million inhabitants, and then we have the entire U.S. with 246 million and the European Community with 324 million. In other words, there are much larger markets than Canada's that are no farther away than Vancouver. And nothing says that discussions would be more difficult with those countries or groups of countries. It is quite conceivable that Québec could be America's bridgehead in the European Community, with which we could try to have relations of an original nature rather than copying it.

I'd like to mention very briefly the European Community and the reasons why I don't think we should move toward that kind of model. It's not because of the form of their agreement, which is actually a treaty — the Treaty of Rome, as we all know — but because that treaty provides for the possibility of a loss of sovereignty by the member States, in the sense that the Council of Europe can adopt regulations dealing with the Common Market, the free circulation of goods and services, customs duty, agriculture and transportation, and these

regulations become immediately effective in the member countries. This in itself is a serious loss of sovereignty. Furthermore, the powers of the European Parliament, which at first were minimal, are steadily increasing. They increased when Portugal joined the EEC, and now the Parliament can adopt a vote of non-confidence. There is also a tribunal whose jurisprudence could very well evolve along the same lines as in constitutional tribunals in all federal countries, that is, with strong centralizing tendencies. There is also movement toward a central bank and a true common currency, which the ECU is not as yet. For these reasons, I would prefer to see temporary treaties, true instruments of international law with no delegation of power. Thank you.

The Chairman (Mr. Jean Campeau): Thank you, madam. We will now begin the question period with Mr. Guy Chevette.

Mr. Chevette: Thank you, Mr. Chairman. First I'd like to thank you, madam, for the clarity of your brief. Some briefs lead us to wonder what the person is trying to say, but not yours. It's clear, precise and unequivocal. And I think your statements are backed up by tight, coherent arguments.

I also liked the fact that in your brief you countered the arguments of fear-mongers, for example, the same arguments we heard in 1980: the standard of living might drop. You touch directly on that point, saying that you can't see into the future but there's no absolute truth, and that practically speaking, these things often exist on a psychological level, depending on the vitality of the economy. So in that sense I congratulate you on the clarity of your statements.

I'd like you to explain a little further what you mean when you say you especially don't want to see the constitutionalization of any sort of association.

Mrs. Lajoie: I think the difference between constitutionalizing the exchanges we want to establish with other countries and setting them down in treaties is the difference between keeping and giving up certain aspects of sovereignty. When you enter into a constitution, it's for an indefinite period, and you're tying yourself to procedures of constitutional change such as those governing the Canadian Constitution and over which you don't have complete control. You create, if we can speak of a real superstructure, central legislative bodies that have either the power of precedence or the power of direct application throughout the territory. These characteristics, the unwieldiness, the difficulty of modifying treaties and the loss of sovereignty seem to me incompatible with the preservation and development of Québec's own

identity.

I don't think you can have cultural jurisdiction on one side and economic powers on the other. I think they're completely inseparable, and it's not by having the constraints of another community on aspects of our economic policies that we can expect to find the freedom we need to preserve our identity. I'll give some simple examples: just monetary policy and the control of interest rates and exchange rates have secondary effects which might be described as a recession, as we've seen recently. Choosing to keep the dollar at a certain level by this type of policy rather than by others - if we give up powers of this nature, even if it's to a central bank, I think we're giving up the latitude we need to choose the policies we want to apply in culture, education, arts and industry, and we're also affecting our exports and becoming unable to choose our own destiny.
(2:30 p.m.)

Mr. Chevette: You have touched on the complete process as have some researchers and a very few groups, namely, what happens after the Commission? First a referendum on the Commission's recommendations, etc., and you speak of the creation of a constituent assembly. You even speak of the adoption of two laws by the National Assembly. And you say, on page 10 of your brief, "A law that would keep the existing positive law in effect". I'd like to hear you explain this.

Mrs. Lajoie: Yes, I answered that question in my brief, but didn't mention it in my summary for lack of time. I do in fact propose a referendum first, to respect the democratic principle. Then, a unilateral declaration of independence, which, although illegal, would be legitimate. After this declaration is recognized by a number of foreign countries, Québec would create a new legal system whose priority I think should be to adopt two laws. One law would be to create a constituent assembly that would draw up an internal constitution for Québec in the months thereafter, within a time frame which would have to be determined but which I would think to be about one year. The other law would be in answer to the problem that always arises in these situations, the problem of transitional law, that is, we wake up one morning in a new legal system. We would have what you might call - and for once the expression would be correct, whereas during the debate on abortion it was not - we would have a legal vacuum. So to avoid this vacuum, I propose that those elements of the Constitution that make it federal be immediately abolished, in other words, that we repatriate all powers and legislative jurisdiction to the National Assembly, but that the laws governing Québec and already adopted by either federal or Québec bodies be kept in effect, except for immediate modifications, until they

can, following the adoption of a new constitution or even in the interim as far as positive law is concerned - by positive law I mean internal non-constitutional law and legislation already in effect - I'd like it to be maintained to prevent chaos. To prevent chaos in the short term and enable us to make those decisions one after the other.

Mr. Chevette: So if I understand correctly, there's a referendum on the direction to be taken by Québec, there's a unilateral declaration by the National Assembly, and then there's a law creating a constituent assembly to draw up a Québec constitution. But to tie it all together, we pass a law that would incorporate all federal laws, that would protect the individual rights of Quebecers in a single Québec law.

Mrs. Lajoie: Not just that. I'm not thinking just of constitutional laws such as the Charter, I'm thinking of laws dealing with areas that are now federal but that would then be under Québec's jurisdiction. Criminal law, for example. All right. I wouldn't want there to be a vacuum the next morning in criminal law, so I say: Let's pass a law maintaining the entire body of criminal law as adopted by the Canadian Parliament up to that point, and then make the amendments we want. And this applies to all areas in which the federal government has legislated in the past. It's a simple and almost crude way of keeping laws in effect during the transition, until we have time to change them according to our needs.

Mr. Chevette: You have a lot of experience with previous constitutional negotiations, you saw what happened. What do you say to those who still believe in Santa Claus and who think federalism can be renewed, in the current context or with the current amendment formula?

Mrs. Lajoie: Good Lord, I wish them luck!

Mr. Chevette: Thank you, madam.

The Chairman (Mr. Jean Campeau): With that, we'll go on to Mr. Jacques Proulx, followed by Mr. Beaudry and Mr. Larose.

Mr. Proulx: Thank you, Mr. Chairman. If there's one thing you can't be accused of, it's a lack of clarity with regard to your constitutional option, as has already been mentioned.

I have two questions. The first deals with just that. You say on page 4: "...I believe that Québec must enjoy, as an independent country, the full range of powers constituting the sovereignty of States which are recognized as such by the international community and must not share these powers with any other country." I know you've touched on it a bit, but I'd like

you to elaborate. May I conclude that, for you, a sovereign country should not enter into any association but must restrict itself to treaties or agreements such as the GATT and other international accords? Is this the right interpretation of your view?

Mrs. Lajoie: I think that a politically independent country remains economically interdependent with the entire world and that it must sign agreements with other countries. I say that those agreements must be in the form of treaties and not constitutions, and that they must not include any legislative delegation, any delegation of legislative powers.

I could see, for example, creating an international tribunal to which Québec could submit any disputes arising from its economic treaties with Canada or other countries. I could see closely associated bodies for the management of certain assets, although I wouldn't venture too far in that direction, because we know that management can soon be interpreted as legislation.

Mr. Proulx: So that's what you...

Mrs. Lajoie: But I was thinking of the St. Lawrence Seaway and things like that.

Mr. Proulx: So that was what you criticized the EEC for.

Mrs. Lajoie: Well, the only... The EEC was created by a treaty, and in that sense it's the right kind of model. But what I find inadequate - for us of course, because I think the situation in Europe is quite different, those countries have had many centuries in which to assert their identity, there is a strong movement towards European unity. Fine. I can't see anything similar here, that's obvious, so... but even at that, I'm anxious to see what will happen in Europe over the medium term. They haven't, except Germany which is not true federalism but strong decentralization, and Switzerland, but I mean they have quite a bookish, travel-brochure concept of federalism. We'll see what happens when they have their nose right in it.

So what I find inadequate for us in this formula is the fact that it includes a delegation of legislative power, called regulations. There are three kinds of decisions taken by the various EEC bodies; one is called regulations and is taken by the Council of Europe. It's taken by majority vote, and member countries can't oppose it, for example by veto. It applies to a country immediately, and it can cover any of the areas I've mentioned: free circulation of goods and services, customs duty, agriculture, and transportation I think. I'm not entirely sure about transportation but I am about the other three.

So when decisions can be made in those areas... Let's imagine for a minute that the tribunal is drawing the line between the jurisdictions of the EEC and its member countries, and that it tries to get an idea by reading the jurisprudence of our Supreme Court. It would find theories such as implicit statutory power and ancillary power, and why not interest? Here we talk about Canada's national interest; they could talk about EEC interest. And why not spending authority? It's easy to slide towards an increase and further centralization of direct decision-making powers that are already in themselves - and already were, even prior to such a legal interpretation - too strong to allow a country like Québec, which has not had a long history like the EEC countries, to preserve its identity.

The Chairman (Mr. Jean Campeau): Fine, madam. Now Mr. Beaudry.

Mr. Beaudry: Thank you, Mr. Chairman. In your brief on page 9, after talking about the economy, you say: "In short, almost all the economic changes that could arise from the independence of Québec are psychological and political in nature, and are among those factors which are the most difficult to foresee." When you speak of a psychological nature, do I understand you well, if for example in a referendum we had a majority in favour of Québec independence and 40% against, i.e. 40% preferring to remain within the current federalism, that these 40% - and possibly others, because you tie politics in with this - do I understand you well, that that means Québec would probably be affected economically by people who fear the future after independence without even knowing what kind of system we would have? What will the government's reaction be, in relation to what they're experiencing now? For better or worse, they know where they stand now. Is that the sense in which you mean psychological?

Mrs. Lajoie: First I want to say that I didn't mean to insult economists when I said they can't predict what will happen to our standard of living. We legal experts are in the same boat, because everyone knows that for every 100 lawyers going into the courtroom, 50 will lose their case. And unless you think they intended to insult...

Mr. Beaudry: Up to there, we agree!

Mrs. Lajoie: That's right. That they intended to mislead their clients, you have to admit they couldn't foresee what the judge would say because there are too many factors entering into that type of decision. It's the same for the future of independence. There are psychological,

political and economic factors that could go either way. Yes, some people might be afraid, and their fear could affect the course of events. And at the same time, who will win? We don't know. On the other hand, the clarity and creative energy generated in Québec by independence could have quite a beneficial effect. There are other factors that we simply can't foresee. When I wrote the brief in November, no one imagined that today we would be wondering whether we would be at war in a few hours. All those factors are unpredictable, and I could give you an amusing example.

In the mid-70s, it was decided to study the needs in Québec in terms of legal services, so that the law faculty programs could be adapted accordingly. Three people, including Daniel Latouche and Yvan Lamonde, were asked to take the burdensome tendencies that had been identified in the legal system and project them onto alternative scenarios for the future of Québec. They produced four scenarios, then Daniel and I met in June to discuss the brief to the Commission. I had brought along the four scenarios, and not one of the four had come about. And Daniel Latouche is no fool, right? So...

(2:45 p.m.)

Mr. Beaudry: In other words, your psychological or political factor is not necessarily negative.

Mrs. Lajoie: Absolutely not! When you are humble and realistic with regard to science, you see that it's a better tool for explaining things that have happened than for predicting events. I've been researching constitutional law for more years than I care to admit, and each time I observe the extent of my own ignorance, I assume it's not much different for others.

Mr. Beaudry: No, but I wanted...

The Chairman (Mr. Jean Campeau): Let's go on to Mr. Larose.

Mr. Larose: I'm going to pursue this line of questioning, because I find it enlightening for the phase the Commission has now reached. I took a break for a few days and read 51 briefs, including yours.

Mrs. Lajoie: You call that a break?

Mr. Larose: Not really. There is a lot of knowledge and depth in those briefs. Some show a bit of imagination, not to mention fantasy. Some are guided by the constraints of reality and politics. And one of my observations, I like your expression when you say: If economists could predict the future, we would have known about it. Perhaps we wouldn't be here together...

Mrs. Lajoie: We would have known about it, they've been trying for so long.

Mr. Larose: Right. But I want you, who deal with these people all the time, I want you to tell us, in the choices Québec has to make now, where there is the question of space, there is the question of time, but there is also the question of the future, that is, of risk... You use the people's will to achieve something. How much is verifiable and how much is unverifiable? I'll ask the question another way. Is it true that societies that move forward, that progress, are always walking a tightrope?

Mrs. Lajoie: I suppose so. In any case, I don't think you can predict what will happen if Québec separates from Canada, but neither can you say what will happen if we stay. Trying to forecast our standard of living 10 years from now looks to me like hocus-pocus. I think what we have to do is make decisions based on our present interests and do what has to be done to further those interests, take the corners one at a time and try to improve things every time. We have to trust ourselves, and there's nothing to tell me that staying in Canada is any less dangerous than separating. Just look at the current recession: according to the Economic Council of Canada - which as far as I know is not a part of the PQ - it results from the monetary policies of the Bank of Canada and from interest rates which have always been decided more in favour of Ontario than Québec, as have tariff policies since Confederation.

Mr. Larose: Reading your brief, it seemed to me that you are proposing that Québec perceive itself as a sovereign country, able to draw up or sign treaties with many countries without favouring Canada. Do I read you correctly?

Mrs. Lajoie: Oh, I don't know about not favouring Canada. Perhaps we could start with Canada. Look, we mustn't fixate on economic relations with Canada just because they've been the most important in the past. We're thinking about the future. Much closer to home than Vancouver, for example, we have a market of 55 million people that we should be able to do something with, a market sitting there in the same time zone, with no great distances to cover, a market of inhabitants who are actually quite similar to us, as anyone who has visited New England or New York has observed. It's a well-known fact in Canada that North-South relations have always been easier than East-West. Canada is a challenge to geography. And that's not all. That's just the U.S. As for Europe, Québec is an important centre for science and the arts. For instance, a lot of the work of American sociologists has found its way

to Europe through interpretations made by Quebecers, who have easier access to the literature. The reverse is also true. It's the same for transfer of technology. I think we could adopt a role for the future which would be that of Europe's bridgehead in America. Geography would allow it. Exchanges don't take any longer. I repeat, it doesn't take any longer to go to Paris than to Vancouver.

The Chairman (Mr. Jean Campeau): All right. Mr. Rémillard.

Mr. Rémillard: Mr. Chairman, thank you. Mrs. Lajoie, I'm pleased to welcome you to this Parliamentary Commission. The last time I did so, it was to study the Meech Lake Accord. You remember.

Mrs. Lajoie: We both remember, Sir.

Mr. Rémillard: In May 1987. And your testimony helped us a lot to improve Meech as far as the issue of spending authority was concerned. At our meeting of June 3, 1987 in the Langevin Building, we even proposed modifications based on what you told us about the proposal on spending authority. And...

Mrs. Lajoie: ...and we know how those modifications were received.

Mr. Rémillard: They were finally accepted after tough discussions at 4 in the morning. But they were accepted. So thanks to your contribution, we improved Meech.

Mrs. Lajoie: Not really to my liking. Ha, ha, ha!

Mr. Rémillard: Your brief is very interesting in that it's clear. Your independence would not be vague and flaccid, but clean and solid. You even propose a Québec currency, and in several places in your brief you distinguish between independence and sovereignty. One gets the feeling that for you there is a very different connotation, which you wanted to set down in your brief for reference. And at the beginning you say you don't think Canadian federalism can be modified or renewed because, for one thing, there are no guarantees against legal centralism.

You say that legal centralism seems inevitable in a federation like Canada. And I quote. But if you look at history, or legal interpretation in Canada, for instance the interpretations made by the judiciary committee of the Privy Council, at the time when it was the highest tribunal in Canada - it wasn't the Supreme Court, it was the Committee of the English Privy Council - on several occasions it interpreted in favour of the provinces. I'm thinking, for example, of insurance, labour

relations, intraprovincial trade and other areas that were not expressly mentioned in the Constitution and that were given to the provinces by legal interpretation.

My question is this: Don't you think that if we politicians did our jobs and left fewer grey zones, the courts would have less latitude - and the courts would like nothing better than to interpret the law or the Constitution as it is written. If we did our jobs, don't you think we could guarantee legal interpretation based on the kind of federalism we want to create?

Mrs. Lajoie: Surely you don't mean we're in the same context as we were when interpretation was ensured by the Privy Council, which, in addition, was not judge and jury in its own trial. It was the tribunal of a foreign country, benevolently studying the situation of a faraway colony whose agitation left it completely indifferent. A federal tribunal in a federal country, whose members are appointed by the federal government. We've all experienced it as something else.

As for the second part of your question, namely: Could we create a watertight sharing arrangement? I have two comments. First, even if it were impervious and well adapted, for the first few years, to the context that gave birth to it, it would soon be overtaken by changes in our interests. For this reason I much prefer fixed-duration treaties, which can be renewed and modified. There's no reason to deprive ourselves of the latitude enjoyed by all countries which denounce treaties that no longer suit them. The conjuncture changes, our interests change, and our means of defending them must also change. I don't want to get into a long theory on legal interpretation. I wish Pierre-André Côté were here because he could explain to you better and more concisely what you know already and what you no doubt want me to repeat for those here who are not legal experts. A body of knowledge is developing today in the field of interpretation, especially in rhetoric, and it clearly shows that the words we put into laws and the words interpreted by judges take on whatever meaning someone wants to give them, and that the judiciary has a lot more latitude than they want to admit. Obviously, the charter has enabled us to see this more closely because it contained a lot of vague areas. But even when there seem to be no vague areas, courts can give words the meaning they want, with the latitude they have, to maintain their own credibility. So I would say that the meaning of words in a constitution is the result of an exchange between magistrates appointed by the central government and the two groups who receive it, namely the public and the legal profession. I don't want to get into all those theories, but, no, I don't think we can ever succeed in creating a constitution with a

watertight division of powers.

I understand you, Sir. No one understands better than I. Both of us have published works dealing with power-sharing, and you taught it for a long time. It's not very pleasant to see half of our subject relegated to the history of law and the other half to international business law. But it's not the end of the world, especially in your case. If you hurry and declare independence before Mr. Parizeau, you'll never have to retrain.

Mr. Rémillard: If I may say so, I have another possibility. I have the reform of the Civil Code...

Mrs. Lajoie: Oh yes, of course!

Mr. Rémillard: ...which I want to complete this year, in 1991. So I can teach the Civil Code.

Mrs. Lajoie: There! So you agree that we don't need to worry about the disappearance of power-sharing.

Mr. Rémillard: It's not for nothing that I'm speeding things up, you can be sure.

Mrs. Lajoie: Yes. I'm glad about that.

Mr. Rémillard: But let's get back to our Constitution. You propose that a referendum be held after the Commission's report, that we hold a referendum on Québec's independence, and in the event the results are favourable, that the National Assembly declare independence. Is that what you propose?

Mrs. Lajoie: Yes, that it make a unilateral declaration of independence, yes.

Mr. Rémillard: Unilateral, yes.

Mrs. Lajoie: After a referendum in favour, yes.

Mr. Rémillard: And you quote Professor Jacques Brossard in his book *L'Accession à la souveraineté et le cas du Québec*, a very interesting book of which several of the people at this table have copies, and in which he deals with many legal questions. On page 272, Professor Brossard, who works with you at the Université de Montréal, says this: The government of a sovereign Québec would have more chance of being accepted internationally if it reached an agreement with Canada, because of course, everyone acknowledges that a unilateral declaration of independence would be illegal in terms of internal law, since the Canadian Constitution...

Mrs. Lajoie: I agree. It would be illegal, but

legitimate.

Mr. Rémillard: ...does not provide for it. It would be illegal, but this illegality, which would be legitimate, would become legal internationally, to the extent that other countries recognized Québec as a sovereign State. But Professor Brassard says: It should be evident that, for our part, we prefer legal, democratic, negotiated and peaceful solutions over force. Is this not force that you are proposing? Why go so far?

Mrs. Lajoie: No, I don't think it's using force. I think it's a fully legitimate solution, as it is each time a people exercise self-determination. I'm not sure that recognition by other countries will be easier if we're recognized by Canada first. It depends on relations between Canada and those countries. It's a matter of international conjuncture. It's difficult to predict. To be an independent country, Québec doesn't need to be recognized by all countries, or even by a majority of countries. All we need is to be recognized by a sufficient number of important countries, with which we can then maintain relations. France, the U.S., Japan and a few others would be enough.

Mr. Rémillard: You mention France, and that brings me to an aspect of your brief dealing with the EEC. In several places you give the EEC as an example, with clearly indicated reservations. But if I compare the solution you propose, namely clear and definitive independence, with the trend towards economic, social and political integration in the EEC, where the Treaty of Rome has changed so much and been added to so much that some observers even expect it to end in an actual internal constitution within a few years, perhaps shortly after the 1992 experiment, in which Europe will be closely integrated. They started with completely independent countries and have now built a confederation, that is, an association of States which are first sovereign and then increasingly integrated, which could end up as a union of States based on an actual constitution of internal law. So why should we knock everything down and then try to build up again, brick by brick, something that was actually put together with much difficulty throughout the history of Canada? What do we have to gain by wrecking everything like that?

The Chairman (Mr. Jean Campeau): Mrs. Lajoie, I trust you'll be able to give a quick answer.

Mrs. Lajoie: Yes. Look, I don't think we're in the same situation as Europe, far from it. I think those countries took the time they needed to get where they are. It was Schiller, I believe,

who said that time does not pardon what we do without it. Québec is not politically mature enough to have such a solidly established identity that it can enter into a political structure where its sovereignty is undermined. It would be a political and constitutional anachronism to propose solutions for Canada and Québec that I'm not sure will succeed even in Western Europe over the medium term. You just have to look at the U.S.S.R. and the present disintegration of Eastern Europe to see that nationalism does not die as quickly as one might imagine when it is forced into a political structure that's too constricting.

The Chairman (Mr. Jean Campeau): Mrs. Lajoie, thank you for your simplicity, your straightforward presentation and your contribution to the work of this Commission.

Mrs. Lajoie: Thank you, Mr. Chairman.

(Proceedings adjourned at 3:06 p.m.)

(Proceedings resumed at 3:08 p.m.)

The Chairman (Mr. Jean Campeau): We will now continue our hearings with Mr. Morton Weinfeld. For the members of the Commission, Mr. Weinfeld's name has to be corrected: there is no "d" in the middle. The hearing will last one hour. Mr. Weinfeld, you have ten minutes to present your brief.

Mr. Morton Weinfeld

Mr. Weinfeld (Morton): Thank you. Mr. Co-chairman, members of the Commission, before I begin, I hope you will excuse my French, which I speak with difficulty. I am a product of the Québec education system of the fifties and sixties, when the teaching of French to Allophones and Anglophones was not a tremendous success.

It's an honour for me to take part in the mutual deliberations on the future of Québec. I will read some excerpts from my brief. I was asked to answer eight specific questions set by the Commission. I will try to do so as a sociologist specializing in the study of ethnic relations. But these eight questions make me somewhat uncomfortable. I can't be very precise about the specific provisions, jurisdictions, mechanisms for settling specific disagreements and differences of opinion which major political changes may have over the economic and cultural future of Québec. Such predictions are outside my field of competence and that of most other so-called experts. I will therefore give a general answer.

The constitutional crisis which Québec and Canada are going through has a somewhat

artificial flavour. The failure of the Meech Lake Accord won't lower the quality of daily life enjoyed by Quebecers. Ratification of the Meech Lake Accord would not have resolved, ipso facto, all of the contentious issues before the government, nor guaranteed the survival of the French fact in Québec. Conversely, the rejection of the Meech Lake Accord does not mean that the Québec experience in the Canadian federation is a failure or must be one.

Since the 1960s, the economic and cultural situation of Québec has improved, as is acknowledged and undeniable. French culture in Québec, in its broadest sense, which ranges from literature and the arts to the sciences, research and technology, has achieved a truly international status. The differences in income between Anglophones and Francophones have practically disappeared, and representation of Francophones in the private sector in Québec has shown even more spectacular gains. The percentage of the population that speaks French rose from 88.5% in 1971, to 93.5% in 1986. But the constitutional impasse is awkward and must be resolved. This impasse is largely sustained by rhetoric and imagery rather than by new, concrete problems experienced by Quebecers after the failure of Meech Lake. This failure is often depicted as a rejection of Québec by English Canada. In fact, though, the accord came very close to being ratified. And for every resident of Brockville – and there's a mistake here, it's not Belleville, it's Brockville – foolish enough to trample the Québec flag, there are thousands of Canadian children outside Québec taking immersion classes in French, but that doesn't draw the media.

In my opinion, Québec already has practically, but not quite, all the legislative tools it needs to safeguard the future of the French language and culture and maximize the material welfare of its population. As far as the quality of our daily life is concerned, Québec has already enjoyed a fair amount of de facto cultural sovereignty for some time now. Furthermore, Québec and its private corporations and organizations can already sign economic agreements with foreign political and economic partners. Any attempt to dramatically expand Québec's unilateral powers and any de jure declaration or expression of sovereignty is an extremely risky option. And it is precisely because my assessment of the current situation is less pessimistic than the one prevailing among many political and cultural personalities in Québec that I consider it important to underline those risks.

In the first place, any measure aimed at increasing Québec's autonomy or sovereignty will only add to French nationalist feeling in the province. Now, history warns us against nationalist movements which, despite the laudable intentions and exhortations of their leaders,

develop a dynamic of their own that risks hurting minorities. The problem is not one of knowing whether, at the present time, Québec's minorities, including the English-speaking minority, are in a worse position than elsewhere in Canada. The answer to that is no. However, in a volatile situation of political changes and uncertainty, protecting minorities is not always an absolute priority. This summer's events at Oka and Kahnawake and the isolated incidents of racism have made many Quebecers think about the overall issue of the situation of non-Francophone minorities in Québec.

In the second place, the only certainty about major political changes is uncertainty and wrong predictions. Almost no experts had foreseen the date or the speed with which the hegemony of the Soviet Union and of Soviet-style communism in Eastern Europe would disintegrate. Furthermore, even now, no one can predict with certainty what the outcome of these profound changes will be. Many presentations made to the Commission are based on the assumption that significant political changes will take place between Québec and the rest of Canada, founded on mutual rationality and good will, but that remains an assumption. The dynamics of fundamental changes can give rise to negative reactions which could, in turn, lead to hostile reactions in a rising spiral of resentment and vengeance. The historian Barbara Tuchman wrote a book called *The March of Folly: From Troy to Vietnam*. Her thesis is that crises often proceed without logic and without planning, but controlled by emotion, misperception, lack of information and even against the interests and welfare of the players involved.

Certainly, it is possible for Québec sovereignty to have as calm an outcome as the peaceful secession of Norway from Sweden early this century, but that example does not apply, in my opinion, to the case of Québec which, anyway, is exceptional. Historical and present-day episodes of secession are generally accompanied by grave tensions - it must be said - and violence. When a country's citizens do not enjoy any freedom, prosperity or genuine cultural expression, the risks of major sociopolitical change are doubtless worth taking, but that is absolutely not the case with Québec. We may therefore wonder whether it is really worth jeopardizing our relative tranquillity, which, incidentally, arouses the envy of most heterogeneous societies and international experts, by excessive actions and reactions. Given the evidence of Québec's cultural and economic vitality and the socioeconomic risks inherent in a process of constitutional political change, my answer is no.

On the question of jurisdiction, one point. Let's not forget that in cases of jurisdictions shared with the federal government, it's wrong

to presume a totally hostile position on the part of Ottawa. Quebecers who are represented in Parliament, in the Cabinet and even in the federal civil service are themselves defending the interests of Québec, which is part of Canada. This avenue would be lost in jurisdictions shared with other, non-Canadian political entities, such as the Americans.

The Chairman (Mr. Jean Campeau): May I ask you to come to your conclusions, since time is moving on?

Mr. Weinfeld: OK. It seems that Québec is now ready to take on a leadership role in the process of constitutional reform. English Canada seems plainly in disarray, still looking for a vision and a coherent national identity, and exposed to regional tensions. Through the strength of their constructive spirit and their intellectual creativity, Québec's discussions about its constitutional future may set the tone for new definitions. But constitutional reform must be carried out with Canada, not against Canada, and in a spirit of conciliation, in which Québec must avoid demonstrating an aggressive unilateralism. Thank you, Mr. Co-chairman.

The Chairman (Mr. Jean Campeau): Thank you, Sir. First question, Mrs. Côté, followed by Mr. Libman.

Mrs. Côté: Thank you, Mr. Chairman. First, a comment. You describe the constitutional impasse as rhetoric, as imagery in the realm of artifice, as awkwardness. I find your view fairly radical, because it is unanimous around the table here, and even in the population at large, that the impasse is clear, it's been established. Maybe the argument is rhetorical or artificial, but it seems to me that your view, all the people who have come to see us here, whatever constitutional option they favour, have said the opposite. I would like to hear your thoughts, if I have misinterpreted your brief, but the meat of my question is not about that, it's about your assessment of the evolution of French culture in Québec, of the status of linguistic identity, of the importance we give to Québec language and culture. You say on page 1 and on page 3 that we have made significant progress and that now it's no longer a danger, while if there is one thing that has been said here by a good many people, it's first of all that there is a threat to cultural and linguistic identity. But it's more than that, it's a desire to repatriate certain powers, to make sure that Québec's identity is an identity that is both distinct and coexisting with the rest of Canada.

So how do you think we should interpret, we, here around the table, these warnings that were made by many, many, many groups, individuals and experts, and this demand for a

repatriation of powers, at least, if we didn't go as far as a status of sovereignty? It seems to me that, with this, you are really, honestly, at odds with everything that may have been said here, whatever the position announced by the group or person testifying.

Mr. Weinfeld: OK. I'll start with your first comments. Of course we have a constitutional impasse, that's quite obvious. But we have to admit that this is nothing new for Canada. We have had to live with this constitutional lack for a long time, and I also made a distinction between people's daily lives, every day, the life we have here in Québec, and the constitutional debates, the constitutional framework. I made that distinction and I asked the question: Is there a crisis for the person in the street in his daily life? That's the distinction I made.

Secondly, in reply to your question about the threat for the future, etc., this is a big subject, and I don't want to become too much of a sociologist, but it may start with the demographic question that is quite disturbing, and that also involves the question of immigration, if we talk about long-term survival. Maybe there are those two things that present problems.

About the demographic issue, there is the question: Are Quebecers in the process of committing suicide or disappearing? I would say no, not at all. I'll explain myself. If a community wants to survive in the long term, that feels itself in the minority in a certain context, there are two demographic strategies that may be applied. One is a quantitative strategy and the other is a qualitative strategy. And demographic behaviour has always been connected to the community's sociocultural needs and orientation. So, when Québec was a very different society, 70 years ago, and so on, we saw large families and a very high birthrate. After World War II and after the Quiet Revolution, there was a complete change in Québec society, and demographic behaviour was part of that change. What happened? People opted for a qualitative collective strategy, that is, fewer children, investing more in each child, more education for each child. So, what are the results? After the last three decades, I can say, I think, that there has been a cultural blossoming in all areas of Québec life. So Québec, in a certain sense, is much stronger after this demographic drop, because people chose a demographic behaviour connected functionally to other needs.

Now the question of immigration, that's another question I touched upon. If we want to do something to increase the population, there has been a lot of discussion about the immigration option, not necessarily here, but everywhere in Québec. There are some people who think, Quebecers who think it poses a threat. There are opinion polls on that subject,

on the question: Do immigrants pose a danger to French-Canadian culture? And if we make the comparison with English Canadians, on the same issue, we see that the answer of, say, 59% of Quebecers is yes. So that's the perception. And if that's the perception, well then of course a lot of people are going to understand, fine, it's a crisis, because immigration is not a solution.

Personally, I'm much more optimistic about the immigration solution. If you like, I can explain why I'm optimistic and draw comparisons with the United States, and so on.

The Chairman (Mr. Jean Campeau): Maybe you could benefit from it... OK.

Mr. Weinfeld: If you like, I can go into that.

The Chairman (Mr. Jean Campeau): The problem we have is that there is a limited amount of time for each member. So maybe you could answer it in regard to another question.

And so now, it's Mr. Libman's turn.

Mr. Libman: Thank you, Mr. Chairman. C'est un honneur d'accueillir Mr. Weinfeld ici. Inutile de dire que j'ai apprécié et lu votre mémoire avec beaucoup d'intérêt, je l'ai trouvé très pertinent, très important et très réaliste. Je veux citer d'abord deux phrases de la page 3: I would first like to quote two passages from page 3: "...Québec has already enjoyed a fair amount of de facto cultural sovereignty for some time now." And in the next paragraph: "...any de jure declaration or expression of sovereignty is an extremely risky option." I think that these two passages are highly relevant and give food for thought to everyone around this table. I agree with you and I think that before jumping into a reorganization, another life, another policy, another constitutional future, we have to think about it very thoroughly.

Ma première question concerne le sujet que vous traitez au bas de la page 6. Vous parlez d'une période d'instabilité économique, une instabilité socio-économique qui suivrait l'accession du Québec à la souveraineté. Pierre-Paul Proulx, qui paraîtra devant la Commission demain matin, parle dans son mémoire d'une "transition coûteuse". Pouvez-vous élaborer quelque peu sur ce sujet? Peut-on faire des prévisions? Y a-t-il moyen d'avoir une idée de la durée de ce genre de période d'instabilité économique?

Mr. Weinfeld: As I said, and as others have said: It's impossible to predict. I certainly can't. But what we can do is maybe take other historical events in which there were episodes of secession, either in the past or at present, in the Third World or in Europe, and see whether those changes, those processes take place with

good will and rationality or with a great many changes. I have to say, I have a long list here, and I can go around the world and discuss a little history, if you like. In every case, there were tensions, and even today, if we think of Eastern Europe perhaps, of Yugoslavia, and especially of the Soviet Union, we see tensions, and the costs and, in some places, violence. That's the historical record. Except perhaps Norway and Sweden. I'm prepared to talk about that case to try to complete this part. It was not applied, it does not apply at all to our conditions in Québec. So, to predict, I can't predict. But that's what history provides us, in cases of secession from a country carried out by part of that country.

Mr. Libman: Inevitably, there will be a period that will be substantial. My second question, finally, referring to a sentence on page 5. You say: "It is possible for Québec sovereignty to have as calm an outcome as the peaceful secession of Norway from Sweden early this century. But we must not rule out other possible scenarios." Vous pourriez peut-être élaborer là-dessus un peu aussi. Voyez-vous la possibilité qu'il y ait d'autres collectivités, d'autres groupes minoritaires, représentant certains territoires, qui exigeraient leur propre souveraineté à l'intérieur d'une souveraineté du Québec? N'est-ce pas une hypothèse qui devrait être étudiée?

Mr. Weinfeld: I'm not an expert in Amerindian law, for example. There are some people who say: Fine, if sovereignty works for Québec, why not for the Crees, the Mohawks? So then, that could open - we have to be honest - a Pandora's box. Where will it end? To the other question of Norway or Sweden. Well, quite clearly, in 1905, Norway separated from Sweden, and a great deal is said about this example for Québec. But we have to be very clear about this example. Norway was never an integral part of Sweden or of Swedish history. Sweden assumed control of Norway in 1815, but Sweden had already existed as an independent nation for 200 or 300 years. There were never any Norwegian members of parliament in Sweden, or Swedish members in Norway. There was no Swedish minority in Norway, or Norwegian minority in Sweden. There were never Norwegians like Georges-Étienne Cartier, Laurier, Saint-Laurent, or Trudeau who were in charge of Swedish affairs.
(3:30 p.m.)

There were very few exchanges between Norway and Sweden at the time. There were very few economic links at the time. So there was a de facto independence for Norway before separation, and we can explain that. Norway had its own currency, central bank, everything except external relations. That was the only area

where there was Swedish power over Norway. Lastly, Norway's separation didn't cut Sweden in two. It may be for all those reasons that Sweden didn't do much when Norway declared total independence.

The Chairman (Mr. Jean Campeau): We will now go... I'm sorry, Mr. Libman, but your time has run out. Well, it's almost run out and we're already late and it's going to be a long day. Mr. Gabriel Desjardins.

Mr. Desjardins: Thank you, Mr. Chairman. First, Mr. Weinfeld, your French is very fine. I would like to tell you that I share most of the views you express. With two major reservations. One on an artificial crisis. I think that the people around this table, and Quebecers as a whole, truly believe that there is an acute crisis in the country and that we must find a solution.

Also, even though I am not a supporter of independence, I will never agree to minorities in Québec being taken hostage by telling them their rights could be flouted in an independent Québec. I don't buy concepts like those at all.

The question I would like to ask you, since you say you agree with a new constitution or a new constitutional negotiation, you seem to favour a bilateral, Québec-Ottawa approach. I would like, perhaps, for you to tell me something about that, and how we are to think that English Canada might readily accept two-party negotiation?

Mr. Weinfeld: All right. We have seen, it was a few weeks ago now, that there was an agreement between Québec and Canada in the area of immigration. So I think that this idea of a bilateralism, not only for Québec but for every other province, could yield a democratic solution. For example, we know very well that all regions in Canada do not have the same interests, do not have the same needs. Agricultural exports are of much more concern to Saskatchewan, fisheries are of much more concern to Newfoundland, etc. There are all those areas where the regions have their own needs, and the cultural area may be Québec's.

So then, I can see this kind of bilateralism. I'm not a lawyer, and I'm not a constitutional expert, but I see nothing prohibiting this kind of development.

Mr. Desjardins: On page 3, you say that Meech came very close to being ratified, and we certainly agree, because if it had been ratified, we wouldn't be here today. You tell us that this failure is often depicted as a rejection of Québec by English Canada. Could I hear your interpretation of the failure of Meech?

Mr. Weinfeld: Ah!...

Mr. Desjardins: Well, briefly, in a few words. you give this process?

Mr. Weinfeld: Books are going to come out on that subject, and we may have to read them to find out what went on behind closed doors.

Mr. Desjardins: But would you agree in saying that English Canada was manipulated?

Mr. Weinfeld: No, no, no. I wouldn't say that. There is that whole thesis of Barbara Tuchman's... don't seek criminality and bad faith. There may have been misunderstanding, lack of information, false perceptions, all the emotions. I gave the example of the people in Brockville who trampled the Québec flag. As I said, the media make a good evening of news for themselves by showing that rather than going into a classroom in Alberta where children are learning French.

Mr. Desjardins: So, do you really think that when Québec is ready to negotiate demands that are far more significant than Meech, English Canada will be prepared to negotiate more substantial things?

Mr. Weinfeld: OK. That's a good question.

Mr. Desjardins: And what is the environment or climate? Is the climate favourable, and what do we have to do to create this climate?

Mr. Weinfeld: It's exactly that, the climate. There are people who come here with finished plans, and I have no plan. But I have some ideas about the process and I want to express them. First of all, look for allies all over Ottawa, in every other region in Canada. When I follow the discussions here, before the Commission, the atmosphere is that we Quebecers are now the ones who are going to decide what we want to do; we're going to hold a referendum, we're going to establish a consensus and we're the ones who will present that as a fait accompli to Canada: "Take it or leave it. This is our position. What are you going to do?"

In my opinion, that's not the optimum strategy. I would say: Listen, they're our neighbours on the continent; they're not enemies. If we start off by thinking that English Canada will be the enemy and that what we're doing now is a chess match in which everything we do is a tactic in that chess match, in a confrontation with Canada, it will end badly.

Mr. Desjardins: But what kind of time would you give this process?

Mr. Weinfeld: Pardon?

Mr. Desjardins: What kind of time would

Mr. Weinfeld: All right. If we think we are really in a crisis, then we have to act immediately.

Mr. Desjardins: Is English Canada ready to act immediately?

Mr. Weinfeld: In my opinion, the constitutional crisis has been around for at least 20 years. We have time to avoid overly hasty action, to be more cautious perhaps, to rebuild the bridges with the other provinces. Listen, we're going to have changes of government in the other provinces and maybe even in Ottawa; we don't know. So we'll have other partners. Maybe we have to start talks and, frankly, I'm sure they've already started. I'd be very surprised...

Mr. Desjardins: So, in your view, political leaders will play an important part in the current debate in English Canada.

Mr. Weinfeld: Of course. Let's be honest. It's not the Spicer Commission, and it may not even be all Quebecers and all Canadians who will solve this issue. Even if we have a referendum. And, if we have time, I can talk a little about the question of the referendum, as a sociologist, and about the nature of our reactions with this referendum.

The Chairman (Mr. Jean Campeau): Maybe in reply to another question, Sir.

Mr. Weinfeld: Maybe.

The Chairman (Mr. Jean Campeau): Does that complete your... Did you get your answer or not?

Mr. Desjardins: That's all right. Yes.

The Chairman (Mr. Jean Campeau): Then we will go now to Mr. Turgeon.

Mr. Turgeon: Thank you, Mr. Chairman. Mr. Weinfeld, you say finally that the main problem is often a problem of perception, of understanding. Personally, I have a serious problem of understanding and perception when I read your brief. I would like to know why you say that, for example, any declaration of sovereignty is so risky that you go so far as to associate nationalism and fascism. Why that, in a sovereign Québec? Why do you say that the situation of English, of Anglophones, of English-language institutions could deteriorate in a sovereign Québec when you see how Québec behaves with its English-speaking minority now, compared with the way the rest of Canada

behaves with its French-speaking minority?

Why do you say that universities, hospitals and research institutes could not maintain their level of excellence? And more than that, Mr. Weinfeld. You say that the Canadiens, the Nordiques, the Expos, the Orchestre symphonique de Montréal and the opera may not be able to remain competitive. I ask you: Does that mean you believe that a sovereign Québec would immediately become an underdeveloped country, a kind of backward tribe?

Mr. Weinfeld: OK. Absolutely not. But as I said clearly, first of all, we can't predict the reactions of Québec minorities. I said clearly that at the present time, the conditions of minorities in Québec are absolutely the same as everywhere in Canada and perhaps, in some areas, much more advantageous. OK? We're not talking about now. But we're thinking about the future. What will happen if we have a declaration in favour of sovereignty? How will Quebecers react? How will the minorities react? I don't have any poll on that. I don't know if there's been a survey of: How will all the minorities, Anglophones and allophones, in Québec react?

But what if we have a period of instability? I don't like the fact that you used the word "fascism," because I never used that word. That's a kind of provocation on your part. But if we have a period of instability, we can't not look at history - and I think the minorities will - when there has been instability. Why did immigrants come here? Why did they come? It was to flee instability, it was to flee all those "isms" we can talk about, maybe nationalism, or socialism, or all the "isms," all the ideologies. Why did they seek the New World? That's why they came here. They don't like instability, because they have experienced instability elsewhere. So I think they have that fear.

When we have a process of attaining sovereignty, we can't plan it. We can try, but history teaches us that we can't predict or even plan. Let's look at the Soviet Union, for instance. Major changes! It's a dynamic process. There are actions, there are reactions, there are other reactions, and that's what I tried to describe in my brief.

The Chairman (Mr. Jean Campeau): All right, a very brief one.

Mr. Turgeon: A very brief one. You are afraid that we will demonstrate an aggressive "unilateralism." I'd like to know, on your part, if you believe that the Constitutional Act of 1982, if we take only that example, was somewhat unilateral and aggressive.

Mr. Weinfeld: Yes. It's too bad, but yes. The Canadian Constitution?

Mr. Turgeon: Yes.

Mr. Weinfeld: Yes. It was done for itself. We tried. The government, says Mulroney, tried to include Québec in this process.

The Chairman (Mr. Jean Campeau): We now go to Mrs. Louise Bégin.

Mrs. Bégin: First of all, Mr. Weinfeld, I would like to thank you, on behalf of my party, for your presence before this Commission. In reading your brief, Mr. Weinfeld, you say that the constitutional crisis is a little artificial, because the failure of Meech Lake did not bring about a drop in Quebecers' quality of life. At this stage, Mr. Weinfeld, I don't fully share your point of view, because, in my opinion, if we had ratified the Meech Lake Accord, we would nevertheless have had constitutional peace.

On page 4 of your brief, if you'll allow me, you say that Québec already has all the tools it needs to safeguard its culture and maximize the welfare of its population. That's not exactly the message the Commission has been hearing so far; witnesses have come to demand many more powers for Québec, including in the areas of manpower and communications. On the other hand, if I refer to page 7 of your brief, you say, and I will quote you: "It is important to recognize that the provinces or regions of Canada must be able to satisfy local concerns with greater flexibility than is currently the case." We seem to understand, in the first part of your brief, that you are somewhat for the status quo. However, near the end, you seem to say: We're not putting an end to federalism, but we have to make certain changes in it. I would like to hear your thoughts a little more clearly on that subject.

Mr. Weinfeld: About this word, this dirty word, "federalism," it reminds me of Churchill's saying. He said that democracy is the worst system in the world, except for all those others. So I can say that federalism - not ours, but a federal system for Canada and for Québec - is the worst system in the world. We have to do a lot to improve it. The worst system in the world, except for all those others...
(3:45 p.m.)

So I'm against the status quo and I explained that fields like education, health, social services, recreation and economic development, in all those senses, must come more under Québec jurisdiction and maybe that of other provinces. But, on the other hand, I said that there are jurisdictions, in my opinion, like transportation, like environment and like others, even like communications... We can't say that communications are totally Québec, because transportation, communications and also, of course, the environment, don't respect political

borders. So it's quite obvious to me that we have to have shared jurisdictions in those areas. And so, I'm sorry if, on the first page, I began as a "status quo-ist"; that's not me. We must have chances, as I explain further on, but what I'm opposed to, what I want to avoid, is unilateralism on both sides, Québec and Canada, when events can turn out badly.

Mrs. Bégin: You also say, Mr. Weinfeld, that Québec must institute bilateral negotiations with Ottawa. But what is the nature of your negotiations? Are they simply — because, on reading your brief, that's what I thought I understood — administrative negotiations or are they, rather, negotiations of a constitutional nature?

Mr. Weinfeld: I would like them to be administrative, frankly. If it can't work, then maybe a kind of constitutional review, but I would like it if we could use, in the first instance, administrative negotiations.

Mrs. Bégin: But why then, Professor, do you say, in the very last paragraph on page 7, that we're talking about a constitutional reform? "But constitutional reform must be carried out in a spirit of conciliation..." So if you're talking about administrative reform, why do you say, in the next paragraph, that it's a constitutional reform?

Mr. Weinfeld: There are two levels. What is urgent for us may be bilateral negotiations. That's one level, but for the other, we have to start this whole process over, of renegotiating the Constitution. On that level, it's constitutional reform. So constitutional reform, in my view, is not the same thing as administrative negotiations such as, for example, we saw on the issue of immigration. We can have both at the same time.

Mrs. Bégin: If I understand properly, Professor, you tell us simply: To begin with, let's reach administrative agreements with Ottawa respecting such matters as immigration, manpower and health...

Mr. Weinfeld: Exactly.

Mrs. Bégin: ...and then, let's go ahead with constitutional changes. Is that right?

Mr. Weinfeld: We've had the constitutional struggle for 20 years. We'll continue to have it, perhaps, but we can't stand still. We can begin with this bilateralism, in my opinion.

Mrs. Bégin: If you'll allow me, I'll take you back to pages 4 and 5. I'm going to address you mainly as a sociologist. I know that the question

has been asked, but you say that to begin with, if Québec attained its sovereignty, that would add to French nationalist feeling and that would run the risk of hurting the minorities. You implied earlier that if we would like to have examples, and I would like you, Professor, to give us some examples that would illustrate what has happened in history in regard to your statement.

Mr. Weinfeld: Other examples from history, when nationalist movements have mistreated minorities? There are quite a number of them. We have some in the third world. There are minorities like the Asians in Uganda, the Chinese in Malaysia. Let's move on quickly to today's Europe, now. Let's take Yugoslavia, for example. It has six republics in it, six nationalities. Now each one may want to become more independent. So what we are seeing there, in each of those republics, there is a minority. There are many minorities. For example, in Serbia, there is the Croatian minority, and in Croatia, there are Serbian minorities. In Serbia, there is a province, Kosovo, where there are Albanians. If we read the newspapers, there is a great deal of tension about that, because with the rise of each of these republics towards independence, what do you do with the minorities? There are serious tensions.

Let's take another example that is less serious, Czechoslovakia. At the end of the communist regime there were two groups, the Czechs and the Slovaks, who began to express their nationalism creating tensions for each one's minority in the other's country. In the Soviet Union itself, there are some 15 republics, and each one is expressing its nationalism now. In Armenia, for instance, there are regions that are Azeri, Azerbaijan, and there are struggles about that. Even in the Baltic countries today, there are large Russian minorities that were imported by the governments of the day to feed the nationalism of the Baltic countries. Now, these minorities will suffer, of course, if there is this nationalist movement in the Baltic countries which everyone supports. In other cases, for example, there was nationalism... We won't talk about Germany and all that, but even Franco, for example, Spanish nationalism hurt Catalans and Basques in the twenties and thirties.

Mrs. Bégin: But, Professor, do you find that... OK., you have cited many examples, but what leads you to imply that this could happen here in Québec? Because it seems to me that we are an open society...

Mr. Weinfeld: Absolutely.

Mrs. Bégin: ...and democratic. I find it a little odd that you... I don't say that I don't share your point of view — you're the expert,

and it's on that subject that I would like to hear your thoughts - but what leads you to imply that this could happen here in Québec?

Mr. Weinfeld: This is a liberal, democratic country. We have great hopes of perhaps being able to avoid all those problems that have emerged in various countries in the world. It's possible that we will be able to avoid them. As I said: Here, our history is fairly peaceful. Our history, English-French relations, if we make a comparative analysis, are very harmonious. So that gives us a little hope, of course. Relations were fairly calm in the street, all over Canada. Even though Francophones outside Québec have been mistreated, and it's true, but on the whole, if we make a comparative analysis, it's a paradise. It's a garden of Eden, if I may use that term. So, I said: That's what we have, in a historical and comparative sense, even though there are many Quebecers who won't accept that description. Talk to other international experts looking at Canada from the outside, and looking at Québec from the outside. Talk to other experts who are neither English nor French, they'll describe a real paradise, a real garden of Eden, even in the area of ethnic relations. So that's why we should perhaps be somewhat cautious in our actions in the future.

The Chairman (Mr. Jean Campeau): Is that all right, Madam?

Mrs. Bégin: Thank you very much.

The Chairman (Mr. Jean Campeau): Fine. We now go to Mr. Jacques Léonard.

Mr. Léonard: Thank you, Mr. Chairman. I would nevertheless like to return to some of Mr. Weinfeld's statements. I think you say that the failure of Meech Lake has something a bit artificial about it, and I get the feeling that your brief reaches the conclusion that the best we can hope for is an improved status quo. That's about it. Anything that would risk creating any sudden change is described in terms...

I'll take some of your terms because it seems to me that they create an image. On page 3, you talk about rhetoric and imagery, associating them, clearly, with an option that would not be an improved status quo. And also, at the bottom of page 3, this has been noted by others, where you say we must not increase Québec's autonomy or sovereignty because that would only add to French nationalist feeling in the province which is, obviously, an absolute evil, if I understand correctly. And then, on page 5, particularly at the top, you talk about negative negotiations that could create a rising spiral of resentment and vengeance and say that we should not break up everything with

excessive actions and reactions, etc. That's a little... I think it gives... It's your opinion, I'll respect it. But I would nonetheless like to remind you, for example, that there are certain things that have happened in Canada too, and that are not in such a fine vein as might be suggested or might be believed from reading your brief. The Commission has been reminded of this: the War Measures Act - it's still pretty recent, thank you - and then the treatment of certain minorities during the war, as well; Canada's unilateralism, in the repatriation of the Constitution in 1982, that, too, is a fact.

Mr. Weinfeld: Of course.

Mr. Léonard: So I think we could use other terms, too. But what I'd like to tell you... I spent eight years in the government and I had...

Mr. Weinfeld: Pardon?

Mr. Léonard: I spent eight years as a minister in the government and I had to personally deal with a number of matters, in regional development, for example. And colleagues had to deal with the manpower development policy, and the language, culture, communications and research and development policies. We had to negotiate with the federal government even though we had very clear objectives that were accepted, I think, by the people as a whole because, today, the government that succeeded us has the same demands. So how can you say that there is no problem, that we can simply reach or be satisfied with an improved status quo? How can you improve it or think of improving it after the failure of the Meech Lake Accord? Because let's face it, that's fundamental. Unless you deny that there really is a problem, I think you have to answer that question.

Mr. Weinfeld: OK. There are problems. But is there a crisis, and does the solution to this crisis have to lead us to actions, to changes that are profound and maybe risky? That's the question. Of course we have problems. And I said clearly that the factors of economic development, including manpower, must be decentralized. So, of course, it's a little like a renewed federalism. I don't want to play semantics because we can have... And I'm not an expert in what sovereignty-association means exactly, but I say in my brief that we can use the term "sovereignty-association," declare sovereignty, have a period of transition, of instability, and after 10 years of that, renegotiate all our agreements with Ottawa, with Ontario, with any other partner and, as I described, we can reinvent the wheel but under another name. But we can use the name "sovereignty-association," for example. So I don't want to play with

words, with the terms used. I said that we absolutely must decentralize federalism, and one way to do that is to start bilateral negotiations, as we have already done with immigration, and at the same time, begin the process of renegotiation. But, as I said earlier, we have to seek allies. Not only in Québec, but why not seek allies all across Canada?

Mr. Léonard: In any case, let's say that negotiating like that will take time. Because, a moment ago, in reply to Mrs. Bégin's question, you mentioned administrative agreements. Just negotiating administrative agreements can take 10 years. And then, when we finally do agree, we wonder whether the problem has not evolved so far that the starting concept that was the basis of the negotiations is no longer valid, is no longer applicable. That's the reality. In reality, Canada goes on and doesn't settle its internal problems. Time passes over them and buries them. But that's also very frustrating for the people. And that, I think, is what frustrates Quebecers. Because those who have come here have come to tell us that there were problems. I think that you may say - and that may be your opinion - that they aren't serious, that we can simply improve the Canadian Constitution. But even for you, when you say that you would agree with greater decentralization, I imagine that it would be very difficult for federalism to maintain itself as a system if it were necessary to decentralize any further, because federalism itself has major internal constraints, geographically and financially in particular, that mean that it will be hard to do.

Professor, I would also like... I can't help bringing up the fact that you associate nationalism with, let's say, a danger. In saying that if we strengthen Québec nationalist feeling, and consequently somewhat the feeling of a society - because that's more how I perceive it than simply 19th-century-style nationalism, which you greatly fear - it seems to me that proof would also have to be made on the federalist side. And why, in fact, there is some nationalism in Québec, is because, on the federal level, there have been shortcomings. And there are still major shortcomings, which some witnesses came to talk about here, before the Commission. Someone also mentioned the status of Francophones outside Québec. It exists, even if you don't wish to talk about it. The problems are there, too. I think that the treatment of minorities... I think that they have to be OK everywhere; they shouldn't be bargaining chips, one against the other...

Mr. Weinfeld: Of course. So we...

Mr. Léonard: ...one against the other, but they have to be OK everywhere.

Mr. Weinfeld: If I may respond to...

Mr. Léonard: When you talk, just in closing before answering the question, when you talk about the status in the Soviet Union, well, Stalin created major upheavals in the general population precisely to bury the nationalists in the Soviet Union. And I think we must absolutely not repeat that here.

Mr. Weinfeld: OK. If I may respond. I'm not talking about Stalin, I'm talking about Gorbachev, who had good will. But maybe he had a plan? Maybe not? I don't know, but he's having problems now.

Mr. Léonard: Yes.

Mr. Weinfeld: That's what I said. But apart from that, you brought up the status of Francophones outside Québec. Well then, if there is a push towards sovereignty, we have to think about them too. What will the status of Francophones outside Québec be? Is it the same for Quebecers? Is it a problem or not?

Mr. Léonard: My hypothesis is that they can be just as well off outside Québec as Anglophones are here in Québec. That's our hypothesis. And I think we are heading there right now. As for economic interests, because I should perhaps slip in a word about them, it seems to me that they are moving us towards good negotiations with Canada. On both sides, since English Canada will also have an interest in negotiating well and preserving its interests with Québec. I think it's in their interest.

Mr. Weinfeld: Maybe you're right, but as I said: It's a hypothesis. And we can't foresee what will happen. And maybe, to better respond to this point, why not, as I said earlier, seek allies? Carry out negotiations? Start, not just with Ottawa, but with the other provinces.

Mr. Léonard: But we've been doing that for a long time. We carried out some negotiations in 1981, which I remember very well.

Mr. Weinfeld: Yes, but we've been in this constitutional game for more than 20 years. More than 20 years. Maybe we can say: That's our problem, Quebecers and Canadians. Every country has its own problems. Yes, every country in the world... In England, the Irish problem is still around. Every country has something. For us, it's a constitutional problem. So, we're always going to have it. And even after a sovereignty, we're going to have negotiations and we're going to have... It's going to keep coming back in another number, in another form. That's our very own problem, like in an old marriage, perhaps.

Mr. Léonard: But it will be easier to renegotiate treaties than to renegotiate the Constitution which we have now, which calls for unanimity on major issues or at least very substantial majorities.

The Chairman (Mr. Jean Campeau): This last comment will conclude the hearing. And so, Mr. Weinfeld, thank you for your frank responses to the members' questions and for your contribution to the work of this Commission on the future of Québec.

Mr. Weinfeld: Thank you.

(Proceedings adjourned at 4:05 p.m.)

(Proceedings resumed at 4:06 p.m.)

The Chairman (Mr. Jean Campeau): Mr. Courchene, welcome to this Commission. Mr. Thomas Courchene is an expert invited to the Commission. You have 10 minutes, Mr. Courchene, to present your brief. And after that, the members are waiting resolutely; they have many questions to ask you.

Mr. Thomas J. Courchene

Mr. Courchene (Thomas J.): Thank you. Tout d'abord, je suis reconnaissant à la Commission de me fournir, moi qui suis étranger à la société québécoise, l'occasion de me prononcer sur ce que devrait être idéalement l'évolution du Canada et du Québec. J'ai déjà présenté mon mémoire au comité en français et en anglais.

Dans les brèves remarques qui suivent, je tenterai de me limiter à ce que je considère comme les points saillants de ma présentation. By way of introduction, I would like to state very precisely my perspective in this analysis, and explain my approach to this important challenge.

As far as I'm concerned, there are two objectives of the utmost importance for Québec and Quebecers. First, Quebecers must have the freedom to develop their society so as to ensure that they can enjoy a North American standard of living, in a French context. Second, arrangements in this respect must be relatively permanent and must be acceptable politically, culturally and symbolically to Quebecers. With this as background, I'd now like to make a few observations.

Tout d'abord, depuis les trente dernières années, le Québec a connu au moins deux, peut-être trois, importantes transformations de sa société, faisant ainsi l'envie des autres provinces. En matière de déréglementation des institutions financières, de politique sociale – notamment son dernier rapport – d'encouragements qu'il accorde à l'entrepreneuriat, d'augmentation des entreprises appartenant à des gens de chez nous,

de développement d'une mentalité conforme à la mondialisation, ainsi que dans d'autres domaines également, le Québec se situe nettement au premier plan au Canada. Il n'y a aucun signe que cet épanouissement ait ralenti ces dernières années, et il n'y a aucune raison pour laquelle il devrait se produire un ralentissement à l'avenir. Plus précisément, tous ces progrès ont été réalisés dans le cadre constitutionnel actuel.

Deuxièmement, contrairement à l'opinion de plusieurs Québécois, le Canada anglais a été – et c'est vraiment incroyable – tout à fait conciliant envers les aspirations du Québec. Par exemple, non seulement avons-nous accepté la Loi 101, ainsi que le bilinguisme officiel, bien que ce soit "à la Trudeau", mais c'est par milliers que nos enfants terminent leurs cours d'immersion en français et qu'ils exercent maintenant des pressions auprès des universités pour qu'elles dispensent des cours obligatoires de français. Si nous agissons de la sorte, ce n'est pas parce que nous voulons être aimables envers les Québécois, c'est tout simplement la nature même du Canada.

Troisièmement, Meech constitue, il va de soi, une tout autre histoire. Mais ce serait une très grave erreur de la part du Québec d'associer la défaite de Meech uniquement au sentiment "anti-Québec" répandu dans le reste du Canada. Meech était un catalyseur pour toutes sortes de problèmes et toutes sortes de frustrations dans le Canada anglais. Cependant, ce serait également une grave erreur pour le Canada anglais de ne pas se rendre compte que la nature du jeu confédératif est maintenant changée de façon permanente et radicale. Un symbolisme du type de Meech ne pourrait plus convenir. Les Anglo-Canadiens doivent être prêts, comme Charles Taylor l'a dit un peu plus tôt, à repenser et à réétudier une grande partie de 1867 et 1982, c'est-à-dire: nous devons reconstituer le pacte confédératif si les Anglo-Canadiens entendent pouvoir maintenir l'intégrité politique du Canada.

Quatrièmement. En ce qui a trait à la nature de cette réflexion et de cette restructuration, je n'aborderai que deux points. Le premier concerne les changements profonds garantis en 1982. Des changements qui, comme je le mentionne dans ma présentation, ont été en général défavorables au Québec. Il me paraît hors de doute que des aspects de la Charte et de la Constitution portant sur la langue et la culture sont inacceptables au Québec et doivent être abordés. À mon avis, le Québec exercera un contrôle sur la langue et la culture. Le seul choix du Canada anglais, c'est de déterminer si le Québec exercera ce contrôle à l'intérieur ou à l'extérieur du Canada. Une solution évidente ici, et que je recommande d'ailleurs dans mon mémoire, c'est de faire appel à l'expérience de la Suisse ou – plus près d'ici – aux recommandations du rapport Pépin-Robarts et d'adopter une

approche plus territoriale aux questions de langue: permettre aux institutions fédérales de demeurer bilingues, mais accorder aux provinces le pouvoir sur les questions de langue et de culture. Cependant, si les Anglo-Canadiens ont l'intention d'imposer au Québec une charte complète, je crois que le Québec n'a pas d'autre choix que d'aspirer à sa souveraineté. Ce serait tragiquement ironique. Les Anglo-Canadiens se servent d'un instrument américain et américanisant, la Charte, pour détruire le Canada, qui, à son tour, les laissera à la merci des Américains.

Cinquièmement. La deuxième question porte sur les forces de la globalisation. Comme je le mentionne dans mon mémoire, la globalisation ou la mondialisation ne cesse de modifier le rôle des pays-états. La souveraineté est soumise aux multinationales et aux organismes politiques supra-nationaux et transmis par la suite aux citoyens et aux villes internationales. Il en résulte deux choses: premièrement, une plus grande décentralisation à l'intérieur des états-nations, particulièrement à l'intérieur des états de la Première Nation est, à mon avis, inévitable. Et deuxièmement, il n'y a plus beaucoup de gloire ni même de symbolisme de rattaché à la souveraineté à part ce qui touche à notre société, à part vivre, travailler et jouer. Et cela, je crois qu'on peut très bien y arriver en réaménageant de façon radicale notre structure constitutionnelle actuelle.

Sixièmement. À la vue de tout cela, il me semble que le pire scénario pour le Québec et le Canada est une déclaration unilatérale anticipée d'indépendance de la part du Québec. Cette situation entraînerait des incertitudes et des irrévocabilités dramatiques pour la société québécoise qui, depuis les 30 dernières années, a décidément fait plus de progrès sur les plans économique et culturel que toute autre nation ou société dans le monde. En outre, la réassociation avec le reste du Canada sur des bases autres que celles qui ressembleraient à celles du GATT sera des plus difficiles. Ainsi, je trouve que cette approche est ni plus ni moins un risque énorme – si je peux m'exprimer ainsi – un coup de dés, façon de parler, et tout à fait différente de l'évolution économico-sociale merveilleusement planifiée et orchestrée qu'on associe au Québec.

Septièmement. Si l'on privilégie l'option d'un réaménagement créatif de la fédération, alors ceux d'entre nous qui recommandent cette voie devraient au moins essayer d'en tracer les grandes lignes. Par conséquent, le reste de mes commentaires portera sur un tel réaménagement que j'appelle "la communauté des Canadas". Je n'ai le temps de toucher qu'un ou deux aspects principaux. Le plus important concerne la répartition des pouvoirs. Ma proposition ne comportera que deux dispositions générales. La première consisterait à énoncer les pouvoirs de la communauté ou ceux d'Ottawa. La deuxième

stipulerait que tous les autres pouvoirs de la Fédération, article 91, article 92, etc., seraient communs ou concordants avec – et ceci est très important – la souveraineté provinciale.

Le deuxième aspect général comporterait le remplacement du Sénat par un conseil fédéral ou communautaire dans le sens du livre beige ou la ligne communautaire, ou une ligne C, avec égale représentation par ce que j'appelle les cinq communautés ou nations canadiennes. L'Ouest, l'Est, l'Ontario, le Québec, et les Territoires des Premières Nations. Le Conseil fédéral serait structuré selon les lignes de démarcation des nations, mais il ne serait pas nécessaire que les provinces de l'Ouest, par exemple, s'unissent politiquement. Les membres du Conseil communautaire seraient élus ou nommés, selon les préférences des provinces. Je suppose que le Québec nommerait ses membres; cette façon de procéder conférerait une nature confédérale à la communauté, étant donné que le Québec pourrait jouir d'une représentation directe au Conseil fédéral.

(4:15 p.m.)

Huitièmement. L'inclusion des Premières Nations comme partie de la communauté reflète la réalité: il doit y avoir à la table constitutionnelle, cette fois-ci, plus que des questions touchant le Québec.

Neuvièmement. Quelles sont les conséquences probables de la Communauté des Canadas? Quelles sont ces conséquences? Tout d'abord, le Québec exercerait présumément une souveraineté provinciale et reprendrait la totalité ou la plupart de ses pouvoirs. Bien entendu, la langue et la culture feraient partie des pouvoirs rapatriés. Mais l'attrait de la proposition au Canada anglais dans cette approche accommodera le Québec sans imposer aucune décision immédiate au Canada anglais. Par exemple, l'Ouest peut éventuellement vouloir acquérir les mêmes pouvoirs que le Québec. Mais cela signifierait présumément une intégration économique ou politique plus complète dans toutes les provinces de l'Ouest. Il est vraisemblable de penser que le Canada anglais en profiterait probablement pour rééquilibrer certains pouvoirs. Une plus grande centralisation dans certains domaines, une plus grande décentralisation dans d'autres. Voilà un luxe qui n'est pas permis dans le cadre de la constitution actuelle. Dans ce sens, la communauté des Canadas peut être grandement attrayante aux Anglo-Canadiens.

C'est aussi, je crois bien, une proposition intéressante sous plusieurs autres aspects. Je crois que ce serait impossible de tenter de s'asseoir et de reformuler au complet la répartition des pouvoirs et des domaines prétendument étanches. Il est beaucoup plus facile de désigner les pouvoirs qui, par leur nature même, doivent être confiés au niveau supérieur ou à celui de la communauté.

J'ai passé la dernière fin de semaine à

Bruxelles, à la Commission des Communautés européennes. C'est essentiellement l'approche qu'a prise cet organisme. Elle l'appelle le principe de "subsidiarité" et, dans ma version de mes remarques préliminaires - je ne crois pas que cela figure dans la vôtre - j'ai annexé un énoncé d'une page sur le sens de ce principe de subsidiarité. Quoi qu'il en soit, ce principe établit qu'à moins qu'un cas manifeste puisse être apporté, les pouvoirs doivent être détenus par les diverses nations et non par la communauté. La proposition doit aussi être attrayante parce que, à la base, elle renferme l'égalité des provinces. Dans le jargon actuel utilisé du moins au Canada anglais, il s'agit d'une approche symétrique. La plupart de mes collègues anglophones revendiquent une approche asymétrique, une forme de statut particulier pour le Québec.

À mon avis du moins, je ne crois pas qu'un statut particulier sera accepté par les premiers ministres canadiens, à part celui du Québec. Ma proposition peut, au bout du compte, être asymétrique. Le Québec peut se retrouver avec des pouvoirs différents de ceux du reste du Canada, mais ce sera parce que les autres provinces opteront de ne pas utiliser les pouvoirs qu'ils détiennent en vertu de la proposition; par conséquent, il s'agit de symétrie de principe et peut-être d'asymétrie de facto.

Ma conclusion générale, alors, c'est qu'un fédéralisme renouvelé représente la meilleure option tant pour le Québec que pour le Canada. Le modèle que j'apporte peut se révéler inacceptable; j'espère seulement qu'il illustre le vaste choix de solutions viables qui permettraient aux progrès fulgurants, sur les plans culturel et économique, que les Québécois ont réalisés au cours des 30 dernières années, de se poursuivre bien au-delà du millénaire.

Finalement, le Canada anglais est vigilant. Nous nous intéressons vivement à notre pays. Notre mentalité a bien dépassé celle de Meech, fort heureusement! Si les Québécois décident de bouger rapidement, de façon isolée, pour provoquer le déchirement de l'union politique, nous ne réagirons pas de la même façon, et, chose certaine, pas d'une manière aimable. Cependant, si le Québec fait participer le reste du Canada au réaménagement de notre réalité politique, vous pouvez être assurés de notre collaboration et, en ce qui me concerne, de notre enthousiasme et de notre emballement.

I hope that Quebecers will ask themselves the following question: We know that we have the will and ability to become a country, but are there, within Canada, means that are not only less risky but that would enhance the standard of living in Québec and enable the language and culture to prosper? I think there are means. Thank you, Sir.

The Chairman (Mr. Jean Campeau): Thank

you, Mr. Courchene. We'll start with Mr. Guy Bélanger.

Mr. Bélanger (Laval-des-Rapides): I'll let Mr. Rémillard ask a question or two. Then I'll take my turn.

The Chairman (Mr. Jean Campeau): You're lucky that you don't have to speak.

Voices: Ha, ha, ha!

Mr. Rémillard: Thank you, Mr. Chairman. Thank you, Mr. Courchene, for having accepted our invitation to appear. Thank you very much. I read your brief with a great deal of interest; it proposes decentralized federalism based on the principle of five nations, or rather five communities: the first community being the four Western provinces, the second community, Ontario, the third, Québec, the fourth, the Atlantic provinces, and the fifth community, our aboriginal peoples. Describing our aboriginal nations as a community is very original. Thus it's a very decentralized federal structure that you're proposing. But you say very little about how this renewed federalism can be successfully negotiated. You say that it will take good will. You say that it will take time. And you even say that it will take a little luck.

I read Robert Sheppard's article in the *Globe and Mail* this morning, a very interesting article. Mr. Sheppard is a very well-known columnist and I'd like to quote his conclusion. He refers to your brief, to your proposal, and ends his article by saying: "But Quebecers might be advised to ask for a little more validation before they look on this as an example of what the rest of the country is thinking." What do you think of this?

Mr. Courchene: J'ai deux réponses à cette question. Mais auparavant, je dois dire que j'aurais bien aimé qu'il ne mette pas la main sur le mémoire de façon prématurée. Mais à part cela, il me semble tout d'abord que mon rôle - et je vais revenir à votre question - consistait à ressasser mon expérience et ma connaissance du Canada anglais et du Québec, ainsi que les travaux que j'ai effectués dans le domaine du fédéralisme au Canada et à l'étranger, et d'en arriver avec ce que je considérais comme la meilleure solution pour le Québec. Et je crois avoir résumé cela de mon mieux dans mes propositions. Alors, ma première réponse est celle-ci. Je ne sais pas ce que les Québécois en penseront. Je ne sais pas ce que les Anglo-Canadiens en penseront. Mais c'est ma version de l'évolution ultime pour la société québécoise.

Cela dit, je trouve que Sheppard a tort ici. Qu'il a gravement tort. J'ai lu avec intérêt le récent mémoire de Léon Dion, et l'un des messages importants qu'il livre est celui-ci: tout

d'abord, il s'exprime dans le même mode général qu'une proposition, tout comme moi. Mais alors, il mentionne qu'il est réellement important que le Canada anglais accepte que le système accommode les aspirations propres du Québec de façon à minimiser l'émoi au début, du moins dans le Canada anglais. Et je crois que cette proposition, indépendamment de ses autres problèmes ou de ses mérites, permet au Canada anglais de demeurer essentiellement le même pendant une décennie s'il le veut. Parce que, comme vous le savez tous maintenant, il n'y a pas moyen au Canada anglais... Eh bien, nous pouvons être vigilants... Nous ne savons pas vers où nous tourner, maintenant que nous sommes en éveil.

Nous n'avons ni groupement juridique ni alliés constitutionnels pour nous représenter tous, contrairement aux Québécois. Vous avez votre propre gouvernement qui reconnaît clairement que vous comptez sur lui pour prendre des décisions pour vous. Alors, nous aurons besoin de temps, et je crois que cette proposition nous en donne. Mais, de façon plus générale, je voudrais revenir sur la question que j'ai soulevée plus tôt. Mes collègues au Canada anglais – et il y en a un très grand nombre, même ceux qui s'opposaient à l'Accord du Lac Meech – formulent maintenant une proposition fort créatrice touchant le Québec. Par exemple, Alan Cairns, spécialiste fort respecté en sciences politiques de la Colombie-Britannique, propose que le Québec jouisse d'un statut à l'intérieur du Canada qui soit légèrement supérieur à celui d'une autre province. Il n'a pas de désignation particulière pour cet arrangement. On pourrait l'appeler le Commonwealth du Québec. Vous aimez conserver certains liens avec la Grande-Bretagne dans certains domaines, n'est-ce pas?

Je ne sais pas comment il pourrait désigner cet arrangement. Mais le Québec serait une province se situant au-dessus des autres, elle aurait un statut particulier; la Charte serait donc asymétrique. Le Parlement aussi serait asymétrique. Mais il s'agit d'une solution tout à fait asymétrique. À mon avis, on aura fort à faire pour faire accepter au Canada anglais une symétrie de principe selon laquelle une partie du pays est légalement et constitutionnellement différente du reste en fait de privilèges. Ce que ma proposition renferme, c'est qu'elle accorde à tout le monde des pouvoirs égaux. Je trouve que c'est un aspect des plus importants. Il s'avère que tout le monde ne pourra pas se prévaloir de ces pouvoirs. Je veux dire dans la mesure où l'Ouest entend recourir aux mêmes pouvoirs que le Québec pourrait utiliser dès l'adoption de ma proposition. Il devra rechercher une union quelconque. Or, il s'oriente dans cette direction, comme vous pouvez vous rappeler, les ministres des Finances de l'Ouest et... en juillet proposent pour l'Ouest la mise en place d'un impôt sur le revenu des particuliers du genre de celui du

Québec. Ce ne sont peut-être que de vaines paroles, mais, dans une semaine ou deux, le gouvernement de la Colombie-Britannique doit déposer un autre Livre Blanc touchant sur son propre impôt sur le revenu des particuliers. Alors, si vous commencez à intégrer certaines de vos questions économiques par région, comme l'Ouest, vous pouvez alors songer sérieusement à acquérir des pouvoirs supplémentaires. Il est absolument insensé que l'Alberta ait sa propre politique touchant les ressources humaines, mais cela peut avoir un certain sens pour l'Ouest. Pour y arriver, toutefois, il nous faut du temps, et c'est ce que prévoit ma proposition.

De même, au Canada, il y a eu beaucoup d'activité en raison des deux premiers ministres qui ont causé tant de problèmes à propos du Lac Meech, c'est-à-dire MM. Wells et McKenna. Les deux ont évoqué, et encore ici ne s'agit-il que de propos, l'idée d'une association économique plus vaste dans le Canada atlantique et dans le Canada maritime et, en fait, les deux ont prononcé à un moment donné les mots "union économique". Encore une fois, je ne sais pas à quel point l'idée est sérieuse. Mais les choses évoluent et on reconnaît la probabilité d'une plus grande décentralisation et, afin de vous y préparer, il vous faut sans doute de plus grandes unités que certaines provinces.

Alors, dans ce sens, je crois que le reste du Canada a commencé à se préparer en vue de ce que sera l'exposé de position de votre Commission et du gouvernement. Nous ne serons pas là à ce moment-là, mais il se fait une quantité intense de réflexion. À ce propos, je prends l'avion ce soir pour aller assister à une grande conférence à Toronto, demain, intitulée Business Council National Issues. On y présentera 13 communications sur la Constitution. Nous commençons donc à tenir des conférences, à prendre très au sérieux les possibilités qui s'offrent à nous, parce que l'un des avantages manifestes que vous avez, c'est que vous savez – du moins probablement – ce que vous ferez dans dix ans. Tandis que nous, nous n'avons aucune idée de ce que pourrait être le Canada anglais d'ici à dix ans. D'accord, je suis navré.

Mr. Rémillard: S'il vous plaît, M. Courchene, c'est que mon collègue aimerait vous poser une question.

Mr. Courchene: D'accord.

Mr. Rémillard: Ma question a été brève.

Mr. Courchene: Je vais essayer d'être plus bref, M. le président, je suis navré.

Mr. Bélanger (Laval-des-Rapides): For the past several months, a number of similar commissions have been set up throughout Canada: Spicer and others; certain provinces also have

their own little discussion forums, etc. A number of people who have appeared before this Commission have said that the rest of Canada is simply not ready for the shock of Québec's demands. Taking this all together, there are committees set up all over the place, but we're told they're not ready. How do you feel about this? What do you think about Canada's reaction to the demands that Québec might make? I really like your approach, but suppose a proposal analogous to the one you make in your brief is brought forward tomorrow, how do you think the rest of Canada would react?

Mr. Courchene: Je répondrais à cette question en disant qu'au terme de la conférence à laquelle j'assisterai demain, il y aura un grand choc dans la salle parce que tout sera bien clair. Ceux parmi nous qui sont impliqués au Canada anglais en connaissent exactement les paramètres de base. Pas exactement, mais nous avons une idée générale des paramètres fondamentaux qui découleront probablement de cette Commission et peut-être du gouvernement également. Alors, rien ne devrait nous surprendre; c'est pourquoi nous sommes si intéressés.
(4:30 p.m.)

Maintenant, il est vrai, probablement pendant que vous descendez l'échelle jusqu'au niveau local, qu'il y aura un choc, mais le choc serait bien moindre. Il me semble que si tous les journalistes américains n'étaient pas dans le Golfe actuellement et que certains d'entre eux étaient ici, nous serions... Je veux dire, dès que cette nouvelle fera la une du *New York Times*, ou du *Washington Post*, ou du *Economist*, ce serait un choc assez grand pour le Canada anglais de reconnaître ce qui se passe, et également, je crois, pour le Québec. Les marchés internationaux des capitaux nous ramèneront éventuellement à nos sens - je n'attribue à cela aucun sens négatif - nous amèneront à constater qu'il se passe quelque chose de très sérieux au Canada. Alors, le sentiment se répand selon lequel nous ne sommes pas tout à fait vigilants, mais on a aussi le sentiment que les élites et le peuple qui suivent cette question en saisissent fort bien tout le sérieux; une fois la crise du Golfe apaisée, espérons-le, la question n° 1 sera de nouveau l'avenir du pays.

Mr. Bélanger (Laval-des-Rapides): D'accord.

The Chairman (Mr. Jean Campeau): I'm sorry, Sir, but we've already gone overtime. We'll now go to Mr. Proulx, then Mr. Beaudry and Mr. d'Anjou.

Mr. Proulx: Thank you, Mr. Chairman. You affirm on page 14 that the many factors which led to the failure of Meech Lake are structural and that they condemn any future negotiation to failure. When I look at your proposals, I consider

these proposals... I don't see how... The question was raised earlier, but I don't see how you could think, since the failure of Meech Lake led to a sort of systematic stonewalling, that your proposal could be accepted by English Canada. You say yourself that it's going to take a good deal of luck, in any case. How much luck do you think it would take for them to accept your proposals? And once we had "stacked the deck in our favour", so to speak, how long do you think it would take to be able to negotiate your proposals?

Mr. Courchene: Comme je l'ai mentionné dans mon introduction, dans mes commentaires...

Mr. Proulx: Mr. Chairman, I don't want to be rude, but my English is very poor and I know that Mr. Courchene speaks a little French. Sir, could you please answer in French if possible? Or I'll ask for your answer to be translated. I don't want to create a commotion, but...

The Chairman (Mr. Jean Campeau): Mr. Courchene, it depends on the language you wish to use; if you wish to use English, we'll provide Mr. Proulx with a translation.

Mr. Proulx: OK.

Mr. Courchene: For me it's a little... It's not a problem, but as you say, I have a French name...

Mr. Proulx: Well listen, there's no problem as long as I can be provided with the translation. I respect... You can answer in English. It'll simply be provided with the translation.

Mr. Courchene: Thank you, Sir. Pour ce qui est de la première question, j'ai fait valoir que Meech était un catalyseur pour une foule de problèmes, et Meech s'est complètement embrouillé dans le Canada anglais dans un concours très particulier de circonstances. Ainsi, Meech entraînait le rôle de M. Mulroney lui-même, avec sa faible cote de popularité dans les sondages. Il touchait le libre-échange. C'est-à-dire, ce n'était pas contre le Québec en soi, mais on avait le sentiment que Meech, en plus du libre-échange, serait un peu trop. Certains en voulaient au Québec de voter en bloc, pour ainsi dire, pour l'Accord du libre-échange. Mais cette attitude n'était pas dirigée contre les Québécois, elle était plutôt dirigée contre la politique. Il y a eu Via Rail, les coupures à la Défense nationale, le CF-18, et il y eu également plusieurs élites au Canada anglais qui n'aimaient pas Meech pour ce qu'il signifiait pour le Canada anglais, et non pour ce qu'il apportait au Québec. Ils croyaient que l'Accord imposait une trop grande décentralisation au Canada anglais.

Comme vous pouvez le savoir, j'ai été un très fervent supporteur de Meech et, quant au Québec du moins, j'ai accordé une entrevue à *L'actualité* il y a un an, et j'ai eu toute la misère du monde à expliquer à mes collègues comment j'imaginai la clause du pouvoir de dépenses.

Ce que je veux dire, c'est que j'ai constaté mon impuissance à convaincre d'autres que des gens du Québec que cet accord serait plutôt centralisateur. Tout le monde pensait qu'il s'agissait d'une prime accordée aux provinces, et il y a des aspects de cela. Je n'ai jamais vu une discussion aussi confuse de ma vie, pour ce qui est du Canada anglais. Mais je ne nie pas qu'il y ait eu un certain sentiment d'opposition au Québec. Il y a eu Brockville, il y a eu Sault-Sainte-Marie, et il serait insensé de fermer les yeux sur ces incidents. Un autre dernier point à signaler et qui concerne 1982: c'est que la Constitution au Canada anglais est considérée maintenant comme une entité complète et que vous devez aborder toutes les questions ensemble, ce qui complique singulièrement la possibilité d'aborder les autres problèmes touchant le Québec. Alors, je crois que d'affirmer que Meech était une tentative délibérée de dire non au Québec, alors que le Québec, comme je l'ai reconnu, avait répondu oui au Canada par deux fois, tout d'abord en 1980, puis en 1987, c'est aller un peu trop loin. Et je crois que les attitudes au Canada ont changé de façon radicale. Je suis venu en personne assister au défilé de la St-Jean-Baptiste, et je crois que plusieurs autres Acadiens l'ont vu à la télévision. J'ai reconnu quelque chose et le pays n'est plus le même.

Nous reconnaissons que le statu quo n'est plus viable — pas tout le monde, mais une bonne partie du Canada anglais — de sorte que le statu quo n'est plus une option à envisager. Et je crois que, si les Anglo-Canadiens veulent sauver le pays, cela prend l'ensemble du Canada et son intégrité politique; ils doivent revenir en arrière et commencer à repenser 1867. Ils doivent reconstruire la "donation", les éléments fondateurs et je crois que nous devons nous attaquer à cette tâche une fois que nous aurons constaté que c'est bien de cela qu'il s'agit.

The Chairman (Mr. Jean Campeau): Mr. Beaudry.

Mr. Beaudry: M. Courchene, en page 25 de votre mémoire, vous dites que parmi toutes les stratégies que le Québec et les Québécois pourraient adopter, celle qui présente le plus grand risque immédiat, ce serait une déclaration unilatérale d'indépendance. Ma première question est celle-ci: Que prévoyez-vous à l'avenir pour faire une telle déclaration pour le Québec et pour le reste du Canada? Mais nous nous préoccupons surtout du Québec à ce moment-ci. Pourquoi dites-vous cela?

Mr. Courchene: Parce que nous ne pourrions pas le réagencer et...

Mr. Beaudry: Je sais. Mais cela ne signifie pas nécessairement que le Québec subirait les contrecoups d'une déclaration de souveraineté. Nous parlons ici du risque énorme que nous courons en prenant cette option. Que prévoyez-vous pour le Québec à l'avenir si un tel risque devait être pris par les Québécois?

Mr. Courchene: Tout d'abord, les autres questions portant sur les marchés internationaux de capitaux. Et si je crois que les Québécois assumeront leur part de la dette fédérale, disons de 20% à 25% — le pourcentage exact ici n'est pas important — cette dette, idéalement, serait liquidée au bout d'un certain temps. Il est très difficile de placer 80 milliards de dollars de dettes face à la situation globale actuelle, alors que les Japonais et les Allemands ont des fonds de surplus. Vous aurez besoin d'une grande collaboration et le Canada aura besoin aussi d'une grande collaboration pour être en mesure de placer ces dettes. L'un de mes collègues a appelé cette opération "bonds that tie". J'ai essayé de traduire l'expression en français, mais le mieux que j'aie pu faire a été: "les obligations qui enchaînent"; mais c'est un jeu de mots qui ne réussit qu'en anglais.

Mr. Beaudry: Je voudrais simplement vous arrêter ici. Je peux comprendre que vous répondiez à cette question en vous rapportant à ce que vous écrivez en page 27: "It will take something like a decade for Québec to flow..." Le Québec prendra à peu près une dizaine d'années à...

Mr. Courchene: C'est exact.

Mr. Beaudry: ...sa part.

Mr. Courchene: Il s'agit...

Mr. Beaudry: Oui. D'accord.

Mr. Courchene: Les autres sont... il y a un grand nombre de politiques qui touchent le Québec auxquelles nous ne pensons jamais. Par exemple, les subventions versées aux fermes laitières, les subventions à l'industrie textile; elles figurent dans ce tarif commun que nous avons. Nous brisons la structure juridique et politique du Canada et comment la Colombie-Britannique peut-elle remettre tout en place? Pourquoi vouloir reconstituer et garder ces subventions? Or, avec le temps, en tant qu'économiste, je dirais qu'une fois que le redressement sera effectué, chacun s'en trouverait mieux parce que ces subventions n'existent plus. Mais durant cette courte période de temps, le Québec devra s'occuper de certains

cultivateurs qui se trouvent subitement coincés. Et cela n'est pas impossible, mais il y aura tout un ensemble de décisions comme celles-ci qui seront très difficiles à prendre dans un court laps de temps, qui seront imposées au Québec parce que la colère dans le Canada anglais sera vive: voici une décision qui nous a détruits en tant que pays. Nous devons réfléchir à notre situation très rapidement. Et la notion qu'on entend du Québec est celle-ci: Pourquoi le Canada anglais ne se rassemble-t-il pas? Eh bien, je vais vous dire pourquoi nous ne pouvons pas nous rassembler: c'est parce que nous ne faisons pas tout à fait l'unanimité. Ce sera relativement facile pour l'Ontario et le Québec d'en arriver à une certaine entente économique, parce qu'ils sont voisins. Ils ont besoin l'un de l'autre. Pour l'Ontario, d'essayer d'en arriver à un accord avec la Colombie-Britannique puis de l'amener au Québec, c'est très difficile parce que la Colombie-Britannique n'a aucun intérêt à se retirer. La Colombie-Britannique est spécifiquement réorientée. Alors, une fois que vous rétablissez cette structure juridique et constitutionnelle, dès que vous dépassez les limites de la constitution canadienne traditionnelle, je crois qu'il est très difficile de reconstituer le tout, sauf en des termes qui entraînent la division. Je ne sais pas comment le monde va réagir à cela. Mais si les marchés internationaux de capitaux réagissent comme je peux l'imaginer, nous devons prendre des décisions très rapides. Et je ne crois pas que ces décisions rapides maintiendront nécessairement, comme je l'ai soutenu, la capacité antérieure du Québec et du reste du Canada d'évoluer.

Mr. Beaudry: Alors, ce que vous dites, en fait, c'est que si la séparation se produit, si l'indépendance est déclarée, l'économie du Québec serait mise en péril, par exemple. Mais l'économie du Canada serait également compromise et...

Mr. Courchene: Certainement, certainement.

Mr. Beaudry: ...et, à ce moment-là, il pourrait y avoir des répercussions envers le Québec de la part du reste du Canada.

Mr. Courchene: Et vice-versa, le Québec va commencer à se mettre en colère également.

Mr. Beaudry: Et puis, un débat émotif se tiendrait par la suite.

Mr. Courchene: Je ne sais pas.

Mr. Beaudry: C'est ce que vous dites en d'autres termes.

Mr. Courchene: C'est ce que je dis. Je n'affirme pas que le Québec, à un moment donné,

puisse avoir à se déclarer indépendant. Mais cette solution devrait être bien négociée à l'avance pour essayer de réduire au minimum les conséquences irréversibles et les risques. Mon énoncé ici portait sur une décision hâtive, c'est-à-dire le premier mouvement dans cette direction. Je crois que c'est mauvais d'opter pour cette solution particulière. Mais je vois dans le document... Éventuellement, il se peut que ce soit la seule option que vous ayez. Mais...

Mr. Beaudry: En dernier ressort.

Mr. Courchene: En effet.

Mr. Beaudry: Finalement, cela pourrait être la seule option.

The Chairman (Mr. Jean Campeau): We'll now...

Mr. Beaudry: Mais, à ce moment-ci, vous dites que la négociation serait recommandée pour envisager toutes les possibilités pour le reste du Canada. Et si rien n'est alors possible, vous opterez alors pour l'indépendance, car ce sera la seule solution.

The Chairman (Mr. Jean Campeau): We'll now go on to Mr. d'Anjou.

Mr. d'Anjou: Thank you, Mr. Chairman. Mr. Courchene, I'd like to congratulate you on your excellent brief. I found it particularly interesting. On page 3 of your summary, you say: "English Canadians are utilizing an Americanizing instrument to destroy Canada, which, in turn, will leave them at the mercy of the Americans." I'd be tempted to add that it would be very ironic if the federal government destroyed Canada by abusing their spending power to legislate in matters under provincial jurisdiction. (4:45 p.m.)

On page 13, you say: "The declaration of sovereignty, as a prelude to reassociation, may be an extremely risky strategy for Québec." Et à la page 14, vous poursuivez en disant: "Québec is now backed into a corner, where it apparently cannot counter English Canada as a distinct society. If ultimately confronted with a full-blown Charter, replete with the removal of the "notwithstanding" clause, Québec will really have no choice but to go it alone." Alors, qu'arrivera-t-il si le Canada anglais ne vous suit pas?

Mr. Courchene: À mon avis, la société québécoise a tenu son bout en tant que société, si bien qu'il lui est tout à fait inacceptable qu'en matière de langue et de culture les points clés soient déterminés par d'autres, puis qu'elle ait la possibilité de recourir à une clause nonobstant, alors que le reste des provinces peuvent justement critiquer le Québec. Cela ne me semble

pas compatible avec... les événements que je vois se dérouler au Québec. Alors, j'ai fait valoir que la partie de la Charte portant sur la langue doit invoquer l'approche Pépin-Robarts, c'est-à-dire que la langue et la culture doivent demeurer des domaines territoriaux, ou qu'au moins l'option doit demeurer territoriale, comme en Suisse où tous les droits sont nationaux, sauf les droits linguistiques, la langue et la culture, qui sont plutôt de caractère territorial. Et à mon avis, cela ne changera pas beaucoup le problème de la langue au pays. Je crois qu'elle... je crois que nous assisterons probablement à la suppression du français en Saskatchewan, mais j'ai lu en quelque part que l'agglomération la plus grande, le village le plus français en Saskatchewan compte 325 personnes sur 500 qui parlent le français. C'est d'ailleurs le village natal de ma femme, Ponteix. Alors, c'est de cela que nous parlons. Le français dans le reste du Canada est avant tout une langue de culture. Au Québec, le français est une langue de travail; et c'est là toute la différence.

Mais je crois que dans certaines parties de l'Ontario, et certainement au Nouveau-Brunswick, le français sera maintenu. Je sais que vous n'avez pas beaucoup le choix, mais si vous voulez travailler en Amérique du Nord, je crois que vous devez maintenir l'anglais. Alors, je crois que c'est important, symboliquement et, dans une certaine mesure, substantiellement, mais je ne crois pas que cette question modifiera pour la peine la forme d'évolution de la politique linguistique dans le cadre du système.

Mr. d'Anjou: Vous acceptez le fait que nous devons nous en sortir.

Mr. Courchene: Je conviens que vous devez vous en sortir. Et je crois que c'est la chose la plus difficile à accepter à l'heure actuelle de la part du Canada anglais.

The Chairman (Mr. Jean Campeau): Mr. Nicolet.

Mr. Nicolet: Thank you, Mr. Chairman. J'aimerais aborder la question de la motivation, parce que nous avons tourné autour du problème pendant un certain temps, et vous avez fait connaître votre position sur ce que l'approche devrait être en matière de renégociations, de motivation en vue des renégociations. Mais la question que vous n'avez pas, à mon avis, abordée suffisamment – et c'est d'ailleurs le point sur lequel j'aimerais avoir votre opinion – c'est celle de la motivation du Canada anglais. Pourquoi le Canada anglais se soumettrait-il à une modification en profondeur du concept et de la structure mêmes du pays, tel qu'il est actuellement perçu par le reste du Canada? J'aimerais vous renvoyer aux mémoires que nous a présentés M. Louis Bernard, qui fait très

clairement remarquer qu'il estimait que la substance même du Canada, en tant que concept, reposait maintenant entre autres sur la Charte. Et vous portez un jugement très sévère à l'endroit de la Charte et de l'impact qu'elle peut avoir. Comment conciliez-vous ces deux opinions?

Mr. Courchene: Je conviens avec M. Bernard que les Anglo-Canadiens, et plusieurs Québécois également, tant anglais que français, se sont faits à la Charte d'une façon vraiment étonnante, et même parfois de façon excitante, parce que le Canada anglais se reconnaît vraiment dans la Charte. Et ce processus est ancré très profondément et il est très envahissant. Et, au fond, j'aime des aspects de la Charte, parce que je la trouve fondamentalement décentralisatrice. Mais ce que je dirais aux Anglo-Canadiens, c'est que le Canada n'a jamais... le Canada a toujours été asymétrique, dans un certain sens. Le Québec a toujours détenu des pouvoirs différents. Le Québec a eu des pouvoirs différents en matière de langue. Le Québec s'est retiré de la Charte, et il a son propre impôt sur le revenu des particuliers. Voilà d'importantes différences dans le comportement du Québec par rapport au Canada anglais.

Et à l'heure actuelle, le Québec est confronté à un problème, que j'appelle la démolinguistique, c'est-à-dire la relation entre la langue, la culture et la population. Et pour que le français survive, il devra avoir un certain contrôle. Et ainsi, ce que le Canada anglais pourra perdre, c'est cet aspect de la Charte qui affirme que le Québec n'est essentiellement qu'une société d'individus dont les droits sont déterminés par la Cour Suprême. Je crois que le Québec est plus que cela. Je crois, et vous croyez, que le Québec est plus que cela. Je crois que le Canada anglais doit reconnaître cette réalité, et je crois qu'il y arrivera. Et ce que j'ai inclus dans ma proposition, c'est que les Anglo-Canadiens eux-mêmes, une fois que le Québec détiendra ses pouvoirs, peuvent avoir une charte complète, ils peuvent en supprimer la clause nonobstant pour le Canada anglais s'ils le désirent. Ils peuvent avoir la Charte au complet s'ils préfèrent. C'est simplement que c'est inacceptable, à mon avis, si nous voulons maintenir notre intégrité politique, que les Anglo-Canadiens tentent d'imposer aux Québécois de se définir comme groupe d'individus dont les droits sur la langue et la culture doivent être stipulés par la Cour Suprême.

Mr. Nicolet: Ces propos nous amènent à deux autres questions que j'estime importantes à cet égard. L'une traite de la formation de l'électorat dans le reste du Canada dont nous avons entendu parler à plusieurs occasions. Je n'ai pas besoin d'y revenir pour me faire bien comprendre. L'équilibre est passé d'une origine

anglo-saxonne versus française pour en arriver à une version beaucoup plus multiculturelle de la structure canadienne, qui me ramène à ma question originale sur la motivation. Comment en arrivez-vous à faire accepter un concept comme le vôtre à cette nouvelle composition de l'électorat? Et l'autre question, sur laquelle j'aimerais que vous vous prononciez, touche l'aspect judiciaire de votre modèle; parce que nous n'avons pas vraiment abordé, je crois, en profondeur, la façon dont vous voyez l'arbitrage entre les deux entités et entre le pouvoir central et les provinces.

Mr. Courchene: Oui. Il est vrai que les deux nations fondatrices forment une proportion décroissante de la population canadienne, et cette situation va demeurer. Je crois avoir oublié certains aspects de la question.

Mr. Nicolet: Mon point initial était celui-ci: Comment prévoyez-vous pouvoir convaincre l'électorat que ce que vous percevez à votre niveau est réellement transmis et traduit en étapes très concrètes qui amèneront la réorganisation du Canada dans le sens de votre proposition?

Mr. Courchene: Je voudrais revenir sur mon énoncé initial. Voilà une partie de la Constitution du Sénat et le fait de la changer pour un organisme fédéral et peut-être même supprimer le poste de gouverneur général, ou quoi que ce soit, je crois que c'est le genre de chose que vous... Il n'y a pas beaucoup de changements qui doivent survenir au Canada anglais. Ces gens peuvent demeurer comme ils le sont, s'ils le désirent. Mais alors, ils ont la liberté de devenir comme ils l'entendent par rapport au multiculturalisme. J'aurais cru que la question la plus difficile, c'est que le Québec semble souhaiter une relation d'égal à égal avec le reste du Canada. C'est ce que Léon Dion formule dans sa présentation: la Chambre des Communes deviendrait l'Assemblée du Canada anglais et il y aurait un organisme au-dessus de cela où le Canada anglais au Québec aurait une représentation égale dans une autre Chambre des représentants.

Alors, bien que je maintienne les deux nations fondatrices dans ma proposition, ce que je dis c'est qu'il y a probablement plus que deux unités économiques au pays. Cela devrait apaiser le Canada anglais. Le Québec peut bien ne pas aimer cette situation, parce qu'à mon point de vue, dans deux décennies d'ici, la Colombie-Britannique sera une société distincte. Elle touchera peut-être l'Alberta également, et peut-être la Saskatchewan, mais elle sera orientée vers les pays du Pacifique. Il se peut bien qu'elle soit peuplée par les pays du Pacifique, mais de toute façon, elle ne sera pas bien reliée à l'Ontario ni au Québec; elle sera entièrement

orientée vers les pays du Pacifique. Et si le Québec peut devenir une société distincte... Si nous ne pouvons pas résoudre la question du Québec en 1991, nous ne résoudrons jamais celle de la Colombie-Britannique en l'an 2010. Ce sont les mêmes problèmes. Cette dernière n'est pas une nation fondatrice, mais elle aura son propre caractère distinctif, son économie et peut-être sa culture. Ce que je veux faire valoir, c'est que nous formons un pays si vaste que nous devons accepter d'autres groupes et permettre un certain pluralisme. Ce qui importe, c'est que nous permettions ce pluralisme d'une manière telle que chacune des sociétés, comme la société québécoise à l'heure actuelle, jouisse d'un maximum de liberté pour décider de son existence, de son travail, de ses loisirs.

The Chairman (Mr. Jean Campeau): Mr. Larose, there are two minutes left. Would you like them?

Mr. Larose: Yes. I'm a little surprised about the extent of the surgery you would like to perform on Canada, considering that the problem is more or less restricted to Québec. You propose to abolish the Senate and replace it by a federal council, abolish the position of Governor General and Lieutenant-Governor, modify the division of powers, modify the Charter so that it applies in a differentiated fashion, I guess depending on the region, and you say that the question of language should depend on the territory. It's a pretty major proposal.

By what rules are we to make these changes? Will they be made according to the rule of unanimity - because there are points that relate to the rule of unanimity - and the rest, will it be 7-50%? Will reform take place according to the current rules?

Mr. Courchene: J'ai manqué le dernier... Y a-t-il...

Mr. Larose: To abolish the Senate...

Mr. Courchene: Yes. Yes.

Mr. Larose: We need unanimity.

Mr. Courchene: Yes.

Mr. Larose: Will we do this according to the rule of unanimity? And for the other aspects, we need seven provinces and 50% of the population.

Mr. Courchene: Yes.

Mr. Larose: In other words, are we going to accomplish this according to present rules?

Mr. Courchene: Yes. Rappelez-vous que l'une des choses que veut le Canada anglais est de repenser aussi ces relations avec le centre, c'est-à-dire le Sénat triple-E et des choses comme ça. Cela ne correspond pas exactement aux vues de l'Alberta sur un Sénat triple-E. C'est l'égalité mais ce n'est pas l'égalité par provinces. C'est l'égalité par régions. Donc, je crois qu'une fois que... Je veux dire que je ne sais pas où cela mènera, c'est la bonne réponse. Peut-être que l'unanimité sera une pierre d'achoppement. Mais à un moment, le Québec forcera le Canada anglais à prendre une décision. Ils vont dire: Voilà nos demandes minimums, et cette fois nous allons les appuyer par un référendum; et si vous regardez les votes, vous savez ce qui va passer. Ça pourrait passer si vous dites non, nous passerons si vous dites oui. Je crois que le Canada anglais se trouve alors coincé. Si on savait, je crois qu'on pourrait survivre et maintenir notre propre culture et notre propre système de valeurs et rester des non-Américains, alors on pourrait essayer d'autres choses. Mais j'ai peur qu'on ne puisse pas et que le Canada anglais finisse par réaliser qu'il a des choix très importants à faire, dans un sens, des choix plus importants que les vôtres, parce que, comme je l'ai dit, vous savez, par exemple... Je crois que de toute façon, vers l'an 2000, nous aurons le contrôle de notre langue et de notre culture. Vous serez peut-être indépendant, vous serez peut-être dans le Canada, mais le Canada anglais a toujours cette immense incertitude de ce qui arrivera. Rappelez-vous que l'Accord du Lac Meech était très impopulaire dans le Canada anglais et malgré tout, avec quelques petits changements dans les dix dernières minutes du processus, on aurait presque pu le passer avec la formule d'amendement actuelle. Je crois qu'on met quelquefois trop d'emphase sur certains règlements pour amender les choses. S'il y a une volonté, il y aura un moyen.

The Chairman (Mr. Jean Campeau): Fine. We now continue with Mr. Parizeau.
(5:00 p.m.)

Mr. Parizeau: M. Courchene, je voudrais d'abord dire que je ne connais pas de Canadien anglais qui a suivi mieux que vous les développements de la situation au Québec, surtout en ce qui touche l'économie... comme vous l'avez fait, avec plus de profondeur. Et j'aimerais également dire, avec autant de sympathie que vous en avez montrée au cours des dernières années. Nous sommes tombés d'accord sur plusieurs choses dans le passé, je dois dire cependant que cette fois j'ai beaucoup plus de mal à suivre votre raisonnement, pas seulement au sujet du Québec, mais également en ce qui touche les espoirs du Canada. Vous fondez la nouvelle structure du Canada sur un concept d'asymétrie. Toutes les régions pour-

raient avoir des pouvoirs semblables. Mais certaines exerceraient probablement tous leurs pouvoirs et d'autres pas, ce qui soulève tout de suite une question qui n'est pas nouvelle dans les discussions politiques au Canada: Que faire des députés? Et vous discutez ça.

Il doit y avoir un parlement élu sur la base de la représentation, une représentation populaire, et ses députés doivent voter au parlement. Si le secteur, le territoire, ou la région d'où ils viennent ont décidé d'exercer des pouvoirs que les autres n'ont pas, voteront-ils à la nouvelle Chambre des Communes? Ils ne pourraient peut-être pas. On pourrait empêcher de voter sur quelque chose qui ne les concerne pas. Mais en raison de la structure que vous élaborez, nous avons maintenant... nous pourrions avoir cinq régions. On pourrait imaginer que le Québec exerce tous les pouvoirs qu'il peut avoir. Que les Premières Nations, les représentants des Premières Nations, exercent la moitié de ces pouvoirs. Et que pour le moment, l'Ouest exerce un tiers de ces pouvoirs, et l'Ontario, aucun parce qu'il estime toujours que c'est là la base d'un gouvernement fédéral.

On pourrait trouver quelque chose comme ça. Avec le résultat que nous amènerions inévitablement, non seulement un problème d'équité dans le système, mais un problème de simple stabilité du gouvernement à Ottawa. En d'autres termes, je veux dire, qu'après tout, dans les plus grands partis à Ottawa, la représentation régionale n'est jamais égale. Donc, un gouvernement pourrait tomber tout simplement parce que, sur une question quelconque de législation, les Québécois, membres de ce parti, ne votent pas. Cela ne les concerne pas. Le Québec exerce ces pouvoirs. Les représentations des Premières Nations ne votent pas non plus et ceux de l'Ouest ne votent pas. Et le gouvernement tombe. Cette structure pourrait être... Le Canada est déjà un pays très difficile à gouverner. Ce serait probablement le comble.

Vos allusions à la Communauté européenne me surprennent. Toutes les institutions de la Communauté européenne sont fondées sur une parfaite symétrie. Elles ne pourraient pas donner beaucoup de pouvoirs à leur parlement à l'heure actuelle. En fait, très peu. Mais c'est le cas pour tous les membres du Parlement européen. Le Conseil des ministres qui gère tant de programmes met tous les pays de l'Europe de l'Ouest en parfaite symétrie. En fait, à mon avis, ce que vous suggérez pour le Canada est complètement à l'opposé de ce qui est en train de se construire graduellement en Europe de l'Ouest.

Je sais qu'il y a quelque part des pays européens qui ont un certain délai pour se conformer aux règles de la Communauté. Ce sont des périodes de transition. Mais l'objectif est assez clair: une parfaite symétrie. En fait, je crois pratiquement le contraire de ce que vous

suggérez pour le Canada. J'aimerais avoir vos commentaires à ce sujet. N'êtes-vous pas en train de créer un incroyable niveau de stabilité...

Mr. Courchene: Instabilité.

Mr. Parizeau: ...d'instabilité dans le gouvernement canadien? Ou le nouveau gouvernement canadien tel que vous le voyez?

Mr. Courchene: Peut-être. Après avoir lu ce qu'a écrit M. Léon Dion, je suis revenu, comme vous le savez, sur cette question. J'ai ici une note disant que peut-être ils ne devraient pas voter lorsqu'ils ont éliminé les pouvoirs eux-mêmes. Je crois que j'ai deux réponses à cela. La première n'est pas très originale et ne reflète pas le sérieux de la question, c'est-à-dire que nous avons une certaine asymétrie actuellement. Par exemple, le Québec peut voter sur le Régime de pensions du Canada, même si ce dernier ne s'applique pas. Nous pouvons donc accepter un certain degré d'asymétrie. Mais ce dont vous parlez est probablement d'un degré beaucoup plus élevé, dans ce cas, j'ai un problème avec ma proposition. Alors, dans l'avion qui m'amenait, j'ai pensé: Comment vais-je contourner ce problème? Peut-être que je ne peux pas mais comme alternative, on pourrait faire fonctionner les membres du Parlement au niveau de la communauté seulement, en termes de pouvoirs communautaires, qui sont donnés à l'ensemble de la communauté. Et si le Canada anglais, ou un groupe quelconque de Canadiens anglais, veulent laisser les politiques de santé au niveau fédéral, alors la bureaucratie sera mise en place et relèvera des ministres de la Santé dans les provinces du Canada anglais, et cela ne sera plus du ressort de l'Assemblée, à la Chambre des Communes. On pourrait donc avoir plusieurs mécanismes permettant aux provinces de décider si elles veulent administrer ces secteurs conjointement avec d'autres provinces et ne pas les réduire au niveau provincial, mais les faire fonctionner de manière centralisée, et elles pourraient approcher la question de cette façon. Ce n'est peut-être pas une réponse très satisfaisante. Ça me permet cependant de répondre un petit peu mieux qu'en disant: vous lancez une flèche sur une partie de ma proposition. Mais cela pourrait fonctionner ou pas. Après tout, c'est comme ça que la Commission européenne fonctionne, par délégation, dans un certain sens, de leur gouvernement respectif. Donc, si je devais modifier la proposition dans ce sens, vous finiriez par avoir cette symétrie pour les membres du parlement, et ces choses que le Québec voudrait ramener au niveau fédéral, et que d'autres provinces laisseraient au niveau provincial, elles devraient être supervisées par un secrétaire des ministres de la Santé ou des ministres du Bien-être social ou, peu importe, des diverses autres provinces ou régions.

Mr. Parizeau: Je voudrais maintenant passer à des questions plus économiques ou financières. Je suis plutôt surpris par votre insistance à déclarer que, soudainement, la presse internationale va réaliser qu'il se passe quelque chose au Canada et qu'on se retrouvera alors dans toutes sortes d'instabilité financière. Je suis un peu surpris de tout ça parce que, je veux dire, après tout, les principaux médias dont vous parlez n'arrêtent pas depuis plusieurs mois de discuter de la situation politique au Canada. Je n'ai jamais vu en vingt ans des articles aussi précis que ceux qu'on trouve dans le *Washington Post* ou le *New York Times* ou le *Wallstreet Journal*, dans les cinq ou six derniers mois. Je veux dire, même le *Time* magazine de cette semaine discute de ça en même temps que de toutes sortes de problèmes en Europe de l'Est. Et si le *Time* magazine commence à en parler, je veux dire, mon Dieu, cela devient vraiment notoire.

Y a-t-il un seul numéro du *Globe and Mail* où on ne retrouve pas dans la page éditoriale ou dans celle qui lui fait face un article sur le risque de la séparation du Québec? Rarement. Quant à la réaction sur les marchés financiers, eh bien, nous avons vu quelques fluctuations au Canada, pas beaucoup aux États-Unis et aucune en Europe de l'Ouest. Le premier commentaire explicite que nous avons eu sur la possibilité de voir le Québec devenir un pays souverain, c'était quoi? L'évaluation par Merrill Lynch de sa cote de crédit et le genre de conclusion était les affaires comme d'habitude.

Vous soulevez de toute évidence un problème en présumant que si le Québec supporte, disons de 20% à 25% du coût de la dette publique canadienne, il lui faudrait inévitablement émettre des obligations pour remplacer les obligations fédérales. Mais faut-il vraiment qu'il en soit ainsi? Évidemment, le Québec, dans ce cas, accepterait, devrait accepter de payer les intérêts. Mais pourquoi présumer qu'il émettrait des obligations en quantité massive? C'est seulement quand on présume cela que les vrais problèmes financiers peuvent être discutés. Mais sans cela, pourquoi insistez-vous tant pour dire que soudainement, il viendrait à l'idée au reste du monde que les Québécois sont sérieux, que quelque chose pourrait bien se préparer, et que donc la situation financière pourrait devenir très difficile? D'où tenez-vous cela, par rapport à ce que nous pouvons entendre, voir et lire à peu près toutes les semaines ces jour-ci?

Mr. Courchene: Et bien, je conviens que je demeure surpris que la communauté internationale n'ait pas réagi davantage qu'elle l'a fait, et peut-être que cela cadre dans vos vues, et j'ai également lu le rapport de Merrill Lynch qui déclare: Pas grand-chose ne changera. D'un autre

côté, en parlant à un groupe d'économistes pendant le weekend à Bruxelles - et dites-vous bien que les économistes sont forcément ceux qui de tout temps sont le plus au courant des choses - aucun n'avait écouté ou lu, et c'est peut-être leur faute, quoi que ce soit sur le Canada depuis l'échec de Meech, depuis la débâcle de Meech. Je crois donc que ce n'est pas encore connu là-bas, au moins d'une façon qui puisse atteindre mes amis en Europe, mais il se pourrait très bien que cela influence déjà les gens de la finance. Mais le numéro, l'article d'hier dans le *Bank Credit Monitor* de Montréal, je pense que c'est comme cela qu'il s'appelle, prétendait que, en général, les Européens et les grandes communautés étaient volontairement - je ne connais pas les mots exacts, vous pouvez peut-être m'aider là-dessus - étaient volontairement non informés de la gravité éventuelle de ce qui se passe. Ils semblent donc supposer que ceci est vraiment sérieux.

Sur votre seconde question, je suis d'accord. La question devient beaucoup plus facile à digérer quand on se rend compte que les obligations canadiennes sont déjà émises, et que tout ce que le Québec a à faire serait de payer les intérêts dessus. Mais cela représente quand même un bon montant d'argent, et l'une des choses inquiétantes que le Québec a soulevées, dans un certain sens, est que, de toute façon, ce sont les obligations du Canada, ce ne sont pas celles du Québec, et le Canada ne peut pas dire aux compagnies d'assurance des États-Unis d'aller encaisser un quart de la part du Québec. Ce sont les obligations du Canada et dans ce sens, c'est probablement un élément de marchandage dans l'arsenal du Québec, si jamais on en arrive là. Je dois donc reconnaître que j'ai probablement exagéré la question du problème des obligations. Mais c'était néanmoins mon opinion générale que... Bien, je pense que le Québec doit faire une déclaration très très précise au Canada anglais, dès le départ. À mon avis, et j'y crois toujours fermement, si la première action doit être une déclaration unilatérale d'indépendance, disons en juin prochain, ce n'est pas la bonne façon de procéder, parce que nous pourrions nous réveiller, mais cela pourrait mener à des situations irréversibles et à des incertitudes et je crois que cela n'en vaut pas le risque d'un côté ou de l'autre. Je ne veux pas dire comment cela pourrait éventuellement sortir, je veux simplement dire que c'est, à mon avis, la mauvaise façon d'entamer le processus.

The Chairman (Mr. Jean Campeau): Mr. Courchene, the brief you have presented is exceptional, and your testimony was, I think, extremely enriching for all members of this Commission. I'd like to thank you for your contribution, for having taken the time to come here and meet us today, and for your great courage. Thank you, Sir.

Mr. Courchene: Thank you.

(Proceedings adjourned at 5:15 p.m.)

(Proceedings resumed at 5:18 p.m.)

The Chairman (Mr. Jean Campeau): We'll now hear the Association québécoise de l'industrie du disque, du spectacle et de la vidéo. I understand that the spokesperson is Mr. Cloutier.

Mr. Ménard (André): André Ménard.

The Chairman (Mr. Jean Campeau): André Ménard. Would you please introduce your colleagues, Mr. Ménard?

Association québécoise de l'industrie du disque, du spectacle et de la vidéo

Mr. Ménard: Mr. Chairman, Ladies and Gentlemen of the Commission, ADISQ, L'Association québécoise de l'industrie du disque, du spectacle et de la vidéo is represented here today by its director general, Mr. Gaétan Morency, at my far right, by its vice-president, Mr. Michel Sabourin, by Mr. Robert Pilon, economic consultant for ADISQ, specializing in the media and the cultural industries, and by me, André Ménard, its president.

ADISQ includes entrepreneurs and professionals from the recording, live show, and video industries. The Association is made up of producers, distributors, editors, administrators, agents, recording studios, etc. In total, ADISQ has a membership of over 180 companies and nearly 500 individuals, in other words, nearly all the Québec companies that produce and market vocal music, popular music and humour.

We have been very disappointed that such a small place was given within the Commission to artists and entrepreneurs from the various cultural fields. We would like to commend and thank Mr. Turgeon for representing what is a major sector of activity in our society.

If culture has to get into the Commission by the back door, if that symbolizes the situation of Québec's cultural future, we must ask ourselves serious questions about Québec's political and constitutional future. In fact, artistic imagination, creation, and production are part of the very foundation of a country's cultural and political identity. Since the early 1980s, Québec has witnessed the development of a truly national music industry. This independent industry arose from the vacuum left by the multinational companies that dropped out during the economic recession of 1981-1982, which coincided with a very difficult period for the international recording industry.

During the past four or five years, Québec's

independent producers have assumed over 85% of the production and marketing of indigenous Québec artists; this represents a radical change from the 1970s. In contrast, in the rest of Canada, multinational companies still dominate a significant portion of production and almost all marketing of English Canadian artists. Moreover, a de facto separation exists between our two markets, which is demonstrated, for example, by English Canada's failure to take note of our successes on their hit parades or at occasions like the Juno awards ceremony.

The Québec recording, live show and video industry has not been content merely to take over almost all production and distribution of the work of our talented performers, which already constitutes an exceptional achievement compared with any other country of similar size. The dynamism and ingenuity of our entrepreneurs and the talent of our artists and professionals have allowed us additional successes that are just as exceptional.

In the early 1980s, the percentage of recordings sold in Québec which originated in Québec was less than 10% of the market, while the average for Canadian recordings sold in Canada was 15%. Today, about 30% of the recordings sold in Québec originate in Québec. In other words, the Québec recording industry has tripled its market share in five years. The Canadian average has remained around 15%. Moreover, Québec performers, within their small market, reach sales levels for their recordings which proportionally far exceed the results obtained by French artists in France, for example. While a number of albums by Québec artists have sold 100 000, 150 000, and even 200 000 copies in Québec, French artists rarely sell over 1 million in their market, although it is ten times as large.

Our results are even more striking compared with the rest of Canada. The standards for a gold record - 50 000 copies sold - and a platinum record - 100 000 copies sold - are the same in Québec and Canada, while we represent only a quarter of the Canadian population. Despite everything, the number of gold and platinum records earned by Québec recording artists is far greater than the number earned by Canadian performers.

The situation is the same for live shows. And in the area of televised variety shows, the quantity and popularity of Québec broadcasts has no match in the rest of Canada, where such shows are to all intents and purposes non-existent. This indicates how special our Québec industry is. We can't talk about the existence of a common market with Canada at all.

Our industry is one that by definition is international. In the past decade, the evolution and context of this industry have been characterized by certain phenomena. In the worldwide entertainment media industry, there

is increased globalization of markets and a growing internationalization of the major companies in the recording, film, and publishing sectors. There is the formation of vast multi-sector conglomerates - Time Warner, Bertelsman, News Corp., Hachette - and an increasing presence in the recording industry of electronics giants. Philips, Sony, Matsushita - or if you prefer, Panasonic - have all acquired major multinational record companies in recent years.

The worldwide recording industry is marked by increasing polarization between a small number of multinationals and a large number of independent companies. Almost all the multinational recording companies are part of large multi-media or hardware-software conglomerates.

There has been a spectacular development of technology which is about to cause major changes in the way manufacturing and distribution are organized. By the end of this decade, mechanical media will be increasingly replaced by digital databases and home distribution will be accomplished by satellite, cable and fibre optics.

Revenues from sale of mechanical media will be replaced by revenues from user fees, and international negotiating bodies will be formed to deal with user and distribution fees across borders. The entire environment of the recording industry and the vocal music field, by extension, will be transformed.

In this context, the survival and the continuance of the successes of the past decade offer major challenges to the Québec industry, which is made up essentially of small independent companies. The continuity of production and distribution of the work of Québec artists requires the survival and development of these companies. In regard to production and marketing of content, the large conglomerates that dominate the industry tend to concentrate their activities on a small number of big international stars who perform in English, since they are not organized to seek and develop new talent in each of the national markets, but rather to sell a large volume worldwide.

Moreover, the multinational recording companies that are part of electronics giants are mainly concerned with marketing new technology and new equipment, which in fact make up a much larger percentage of their income than the marketing of content does.

In this context...

The Chairman (Mr. Jean Campeau): May I ask you to come to some conclusions?

Mr. Ménard: Yes, I'm getting there. In this context, the development of the Québec industry and the continuity of the national cultural production present immense challenges over the

next ten years, in particular since the decade is starting out with a recession.

To meet the challenges of competition, on both the domestic and the international markets, our industry needs an energetic funding and export policy. Currently, the major portion of our support comes from the federal government, but it will be increasingly difficult to respond to our specific needs within the framework of a policy that must include all the realities of the Canadian market. Whatever constitutional framework eventually prevails in Québec, there is a pressing need for a consistent Québec policy of support for funding our companies and exporting our products which takes into consideration the vitality and the specific characteristics of our industry. This necessarily implies that the Québec government must once again take the leadership in this regard, a leadership which it cannot assume without a firm political will. This also implies a political status that will allow Québec to participate fully in the international negotiations that are already beginning in the domain of user and distribution fees across borders. Thank you.

The Chairman (Mr. Jean Campeau): Thank you, Mr. Ménard. I call on Mrs. Blackburn first.

Mrs. Blackburn: Thank you, Mr. Chairman. Mr. Ménard, Gentlemen, I would like to welcome you and thank you for taking part in the work of this Commission.

In your brief, you emphasize, with cause and very correctly, the importance and role of artists in strengthening Québec's identity and transmitting its culture. You bring up the absolutely phenomenal success of music and of recording, of its marketing and production in Québec, in comparison with what is happening in Canada, and I would go so far as to say that you are describing from your own standpoint, from your own sector of activity, what constitutes the rather specific or distinctive character of Québec.

In your brief, however, you do not take a position in favour of any particular constitutional status. And you make two recommendations concerning a policy on production of recordings, on the recording, live show and video industry, and you also ask for a political status that will allow Québec to participate fully in the international negotiations that are beginning in the domain of user and distribution fees across borders.

Here is my first question. Do you think, in regard to the vitality in your sector of activity, in your industry, do you think that the shrinking of resources available to government corporations, radio and television, will possibly have an impact on your industry?

Mr. Ménard: It is certain that our industry

exists in a fairly interventionist context, I think, that we don't want to conceal. And if a government is to repatriate all the powers in this domain, it is also going to repatriate all the duties. And I think that will be inescapable.

The idea of our brief was not to qualify one political system as evil and another as good, but rather to bring out that in Québec, we are effectively operating in a market that is really separate from the Canadian market, but that the two levels of government have responsibilities they have assumed over the past 20 years, under various auspices and with varying results, in regard to the recording industry. What we're saying about this is that in any case, our practices, our way of working, are a daily profession of faith. We continue to operate in a market that is fairly limited, which condemns us to perpetual excellence. We essentially can't make a mistake here, while the large multinational recording companies can proceed by trial and error as much as they want. Quebecers don't have that luxury. We just simply have to do well all the time.

(5:30 p.m.)

Mrs. Blackburn: In your recommendation on page 5, you state that at present the major part of the support we have available comes from the federal government, but that it will be increasingly difficult to respond to our specific needs within the framework of a policy that must include all the realities of the Canadian market. Could you explain that to us? When you say the majority of support comes from the federal government and it is difficult to respond to specific needs, is it in regard to a policy that is Canada-wide and doesn't take the realities of Québec into consideration?

Mr. Ménard: It remains true that the majority of Canadian artists are distributed by multinational companies which don't have recourse to government support. But you have to understand that the great ambition of any Canadian artist is to make a career somewhere else, which is not the same procedure as for Québec artists. So what we're wondering is up to what point the federal government will be able to go on responding to Québec's specific character, to Québec's needs in regard to cultural development, when the rest of Canada in no way follows the same pattern of work and the same way of operating. It's a very real concern.

Mrs. Blackburn: Certainly. Am I going too far by thinking... I read in your brief that your two recommendations can be implemented only insofar as Québec has complete powers. And a sovereign Québec should provide itself, and I must say I agree completely, with a Department of Arts, Culture, and Communication. But should it also have an arts council? Because that's one of the major worries brought up here, with

people saying, well, even if the Arts Council is in Ottawa, it has given a lot of help to the development of artists here. So should we have both of these institutions in Québec?

Mr. Ménard: We haven't taken our projections far enough to be able to propose models for government agencies. It isn't something we felt it necessary to do at this stage of the discussion. But what is certain is that all the initiatives taken by the federal government with respect to Québec culture should remain. That is self-evident.

Mrs. Blackburn: My question stands. Are your recommendations feasible within Confederation as it is now?

Mr. Ménard: I think there is a consensus about the changes that are coming. As for the depth and breadth of the changes, that remains to be seen, but I don't think that in the current system, with what's on the horizon in the way of a new international reality, the interests of Québec artists and the development of Québec culture can be well served by representation that is concerned with all of Canada.

Mrs. Blackburn: Thank you so much.

The Chairman (Mr. Jean Campeau): There are three questions in the next 10-minute block. If we could make haste, all three of them could be asked. First Mr. Desjardins, then Mr. Turgeon, and finally Mr. Dufour.

Mr. Desjardins: Thank you, Mr. Chairman. Mr. Ménard and ADISQ, welcome to our Commission. I noted that you said federal aid was important, and when it's mentioned, I think it's important to say it, except that I understand that it's ending soon too, and that it's important to you for it to be renegotiated and for it to be given back to you through Musicaction, for instance. The question I'd like to ask you is why you didn't want... You know, the impression was often given that organizations that received subsidies didn't want to speak out. I don't think that's the case with you. Having federal grants didn't stop you from speaking out. So why didn't you want to take a position on the constitutional future of Québec? Is there a clear-cut reason?

Mr. Ménard: We consider that in the practice of our craft, in the people we represent and promote to the people of Québec, the message is pretty clear.

Mr. Desjardins: What you're bringing us today is like an alarm bell sounding, in the end. You're telling us that 1990 - I took a look at Musicaction's annual report - was an

exceptional year for recording and show business in Québec. But the challenge that's coming is a large one as regards record production. What you're telling us is that whatever the constitutional State we have to deal with, if there are two levels of government, we want both of them to help us; and if there is an independent Québec, it must consider our demands in order to help us. That's really the meaning of the message you're sending us: whatever the constitutional future decided on or established, you want the existing governments to help you.

Mr. Ménard: It's obvious that in the context of globalization and the very strong pressure of Anglophone culture on almost all national cultures, minority cultures are threatened.

Mr. Desjardins: To what...

Mr. Ménard: I don't think I'm being an alarmist by saying that. There are measures that can be taken, I think. We have to keep...

Mr. Desjardins: To what do you attribute the exceptional productivity we have in the Québec recording industry compared with the Canadian recording industry? You say the Québec recording industry has tripled its market share in five years, while there is stagnation in English Canada. I imagine that talent is a factor and that there is an extraordinary vitality in Québec.

Mr. Ménard: I'm going to let Mr. Sabourin answer that. He manages and produces Marjo, among others. He perhaps has some answers for you.

Mr. Sabourin (Michel): Well, what we may be seeing here, more than in English Canada, is an affinity between the artist and his public. I think that Quebecers... And probably, when people say and think that our everyday actions are already an act of faith in the future of Québec, because we are constantly experiencing that love of the public for its artists. It's clear that it's a means of cultural identification and it's a means... It's a culture Quebecers need and that manifests itself through it. I think that's the significance of the popularity of our artists and the success of our industry.

Mr. Desjardins: One last question, very quickly. In terms of money, what does that 30% of the market mean in millions of dollars?

Mr. Pilon (Robert): You are talking about government aid, about the whole...

Mr. Desjardins: No, no, in terms of sales, receipts, records sold, videos.

Mr. Pilon: In terms of receipts, given current retail prices, the estimate would be around \$150 million for the Québec recording market. It's fairly considerable, anyway. We say 30% but in fact this year, in 1990, it may be approaching over 40%, the share of French-language recordings. And let's say that out of that, 30% would be for Québec recordings and 10% for French-language recordings from abroad.

Mr. Desjardins: All right. Thank you. I give the floor to...

The Chairman (Mr. Jean Campeau): Thank you, Sir. Mr. Turgeon.

Mr. Turgeon: Thank you, Mr. Chairman. I'd like to try to understand something of the scope of your message this afternoon, before this Commission, because there are things that can seem somewhat paradoxical in the wake of what Mr. Desjardins was saying. You do say, at present, until now in any case, for the past five years this industry, which requires subsidization, has been supported mainly by the federal government. But you say we need an energetic funding and export policy, and to achieve it, Québec must regain the leadership in this respect, in other words assert its political will on the subject.

At the same time, you say that your industry is above all an international industry. Copyrights are being renegotiated, you say. We are making agreements on the international level regarding copyrights in respect to neighbouring countries, and for all that, we are going to have to sign international treaties. You don't come to a clear-cut decision, but do you have an idea, anyway? Don't you think there is a constitutional framework that is more favourable for achieving these objectives, which are fundamental for the industry in the years to come?

Mr. Ménard: We are asking for Québec to be able to negotiate its own copyright agreements. The legal framework it's going to need to do this, I don't know, I'm not a constitutional expert. But I think it's up to this Commission to suggest it. I wouldn't want...

Mr. Sabourin: Mr. Turgeon, we very clearly want our industry to be defended by people who understand it and support it and not be tagging along behind what there is or isn't in Ottawa. We know perfectly well right now that the whole copyright issue and whether Canada participates in international agreements is dependent on Ottawa. We are very concerned about the danger that a vacuum could be produced, because worrying about copyrights, and so on, certainly wouldn't be a top priority for an independent Québec. But that doesn't change the fact that for us, especially in the context of international

change, it's an urgent matter, and we want to be sure that it's a priority of the government and of Québec.

From there to saying that we make a blind leap of faith, I wouldn't say that we're very impressed with the performance of the various Québec governments through the Department of Culture or Cultural Affairs, whatever you want to call it. The small share of the budget that goes to the theatre, to vocal and other music, and to all the various performing and expressive arts is in our opinion unsatisfactory. And it's obvious that people are concerned with the place that cultural development will hold in an independent Québec.

Mr. Turgeon: OK. Explain to us briefly what goes on, what is the difference between English Canada and Québec. With federal funds, you say that in the past five years the Québec recording industry has tripled. With the same federal funds, because the federal government also subsidized the Anglophone recording industry, how is it that it hasn't advanced in five years?

Mr. Ménard: I think it's a question of adherence by Québécois to the cultural models we can suggest to them, but you have to understand that things have to be very relative when it comes to federal funds. They are putting \$500 000 into Musicaction. That is a very far cry from what they can put into films, for instance. These are still minimal contributions, anyway. But here in Québec, we do better with less, I think. Without wanting to flatter ourselves on the subject, I think that it's pretty clear that we get better results because the squeeze is really on. That's obvious.

Mr. Turgeon: We've learned to create, which means starting with nothing.

Mr. Ménard: With very little, for sure.

Mr. Morency (Gaétan): On the international level, too, in the vocal music field, we have to realize that a Canada-wide policy in which the majority of artists and producers are aiming at the American market is not conducive to the development of Québec artists, who mostly are aiming at the French market. In any case, this illustrates one place where a Canada-wide export policy, for instance, could turn out to be a stumbling block.

The Chairman (Mr. Jean Campeau): All right? Mr. Dufour.

Mr. Dufour: Thank you, Mr. Chairman. I would first like to emphasize the vitality of the industry, a certain number of statistics which I will not repeat but which provide strong confirmation of the entrepreneurship in this

sector, which should be supported. You are looking ahead to the future. There are a certain number of problems to be solved. I'd like to take up the first proposal, in which you say that the Government of Québec should once again take the leadership in this regard, etc. To once again take it, it has to have already had it. What should it do? Or, if it's a poor choice of words, to just... You say, once again take the leadership in this regard. What do you mean by that, exactly?

Mr. Ménard: Well, there is a certain discrepancy between the wish expressed by the government when the Québec Department of Cultural Affairs was founded, when the Department of Cultural Affairs was created, and the sort of means it has provided during its existence. So once again taking the leadership is perhaps returning to the original spirit...

Mr. Dufour: OK.

Mr. Ménard: ...of creating a Department of Culture.

Mr. Dufour: Carrying out the mandate the Department was given at that time.

Mr. Ménard: Yes.

Mr. Dufour: I'd also like to come back to the question of the funding you receive from the federal government. You say it will be increasingly difficult to meet our specific needs within the framework of a policy than has to encompass all the realities of the Canadian market. I imagine you are referring to the realities in the recording sector. But when you say increasingly difficult, is this theoretical, or are you almost certain that it's going to happen?

Mr. Ménard: There is evidence of it. Canadian artists are increasingly produced and represented by people with very divergent interests. And we believe that the Québec recording industry, when the Sony company, for example, acquires CBS, and thereby acquires the catalogue of Canadian artists who record on CBS, and Sony doesn't care as much about selling its content as about selling its tape recorders, and so forth... And I don't think Sony is going to make the same efforts that we do for new copyrights, for example. In regard to the fees for performers, record manufacturers, and broadcasting organizations, Sony is going to be at a disadvantage if the fees are instituted and people... If, for instance, a special fee has to be paid for blank tapes, etc., it doesn't seem as if Sony is going to put the same energy into going looking for new copyrights as the independent Québec companies who need them.

Mr. Dufour: To put all that back into the constitutional context, and this is my last question, and your last recommendation, in the current framework, renewed, what would the Québec government have to do to specifically take part in these negotiations in which you want to be represented?

Mr. Ménard: The context is kept.

Mr. Dufour: Just what has to be done?

Mr. Ménard: We have to provide structures for representation in the international copyright organizations. That's certain. Everything remains to be done in that domain.

Mr. Dufour: That isn't possible in the present context.

Mr. Sabourin: It should be said that in Québec we are much more attached to the European philosophy of author's rights than to the North American philosophy, which is more a philosophy of copyright than of the artist's ownership of his rights. At heart, we lean much more towards the European philosophy. As for the framework, the North American industry is very hesitant about going and taking part in the international agreements. So Canada is somewhat split. And here we are, pressing for fees for performers, record manufacturers, and broadcasting organizations, for instance, for recognition of intellectual ownership of the works, and there are the Canadians, who share the American philosophy much more in that respect.

(5:45 p.m.)

Mr. Dufour: In fact, the problem you bring up is exactly the same as that of the composers the other evening, on the copyright question.

Mr. Sabourin: There you are. We aren't that different. In the speech on copyrights, the people from SPACQ essentially have the same concerns that we do. Michel is basically talking about an exemption regarding the Canadian view of copyright and the one we want to develop here. The Canadian view is subordinate to the North American view, the American one, in fact. In that sense, there are surely points of agreement. Unfortunately we didn't attend the SPACQ presentation.

Mr. Dufour: But it had the same perspective. Thank you, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Then Mrs. Claire-Hélène Hovington, you have the last question.

Mrs. Hovington: Thank you, Mr. Chairman. It gives me great pleasure, on behalf of the

Government, to take part in the discussions on ADISQ's brief, because all last week, when I was reading your brief, the most marvelous memories kept coming back to me. Memories in the sense that I lost a dear friend, Gilles Talbot, whom you knew, I'm sure, who was the founder of Québec Disque, which was at the very start of ADISQ, and was the manager of our great performers such as Diane Juster, Jean-Pierre Ferland, Fabienne Thibault, to name only a few. Gilles Talbot always spoke about Guy Latraverse, now your president in the video sector, who is not with you now but who was a precursor and a pioneer in the recording industry in Québec; he did everything to promote French songs in Québec. I think we owe a lot to these people who have been a force in the Québec recording industry. So I had all those memories, and it was very pleasant. But at the same time, reading your brief, I was left somewhat unsatisfied, because it's all very interesting but I find that it doesn't do much to answer the questions that concern us on the constitutional future of Québec. You don't take any position.

For example, you make a recommendation, and I would like you to clarify your position on it. When you ask for Québec to take part in international negotiations in the field of user and distribution fees across borders, in your opinion, what position should Québec favour during such negotiations? You talk about the European philosophy in comparison with the American philosophy. I would like you to explain to us just what position Québec should support during these negotiations, if it took part in them.

Mr. Ménard: We talked about instituting new fees and the mind-set they imply. All this in particular is implied in the idea of user-payer. This is something that is not really in the spirit of North American law, and in Europe, it increasingly is.

Mrs. Hovington: Excuse me, of the user...

Mr. Ménard: Of the user-payer.

Mrs. Hovington: ...payer.

Mr. Ménard: It's like the polluter-payer. For everyone who uses cultural products, there is inevitably a price to pay because culture has wider and wider distribution; it is increasingly easy to have access to culture, there are many means of communication, but paradoxically, artists are paid less and less for their work. The more they are used, the less they are paid. There is a contrast in all this that is deplorable, and it needs to be reexamined. We have to back up a little and create a legal context that will allow us to survive in that context, because we cannot have access to markets comparable to

those occupied by the Americans at the present time. That's the way it is. It's a reality we have to learn to live with, to deal with, but it's still true that we have to see to it that a copyright system is instituted that at least means that all of the people working in the cultural field are compensated for their work. This is something that Québec, I think, is going to have to push to the forefront, even more than for Canadian artists, who in a certain way have the ability, and anyway the single ambition, to get out of Canada. That's their sole ambition. We claim to want to have a strong culture existing here. We have had our shoulders to the wheel for a very long time in support of our imaginary country, right down to our jobs, right down to the risk we run every day in doing so. So now we would like the political structure that will have to negotiate the new rights for us to be consistent with these choices and help us in them.

Mrs. Hovington: What constitutional framework, in your opinion, would be the most liable to be able to speak for you in the international field?

Mr. Ménard: Well, it's as we said just now. We aren't constitutional experts. If Québec is to have its own representation in the international law bodies, I imagine that implies a constitutional framework that has been changed from the one we currently have.

Mrs. Hovington: Certainly.

Mr. Ménard: But I don't know the exact answer to that question. What is certain is that we have been operating for a very long time in a de facto state of separation. The music industry in Québec is completely autonomous. Our successes are not reflected in Canada. The only specific characteristic we would have is the welcome we give English Canadian artists, in contrast, because in Québec we produce and greatly admire English Canadian artists. It would have been nice if it had been possible through the years to develop a sort of mirror image of the type of welcome we give English Canadians. It's something we have to acknowledge as a failure. There are no exchanges with Canada in that respect, and it's a shame.

The Chairman (Mr. Jean Campeau): One short comment, Madam.

Mrs. Hovington: Yes, just one little comment. You know, I'm from the regions, and in the regions, we often hear that the cultural activity is concentrated in Montréal, that for regional artists to become known they absolutely have to come to Montréal. Do you think that this is the reality in Québec and what would be your contribution, you movers and shakers in the

recording industry, to correcting this state of affairs?

Mr. Sabourin: At the level of the market, perhaps the economic and industrial activity is concentrated in Montréal, but it is obvious at present, and the sales figures, both for recordings and live shows, prove it, that the attraction and affinity between artist and audience are extremely strong. Montréal has many more products available, so perhaps the audience is more divided. And I think it is increasingly possible for an artist who has made a name for himself in his region... I'm going to give you an example that is not "Francophone", but is a real example, namely Kashtin, which created a sensation in the Côte-Nord, not only among the Indian population but among Francophones living there... Well, there are many examples. It is false to say at present that artists who live in the regions have no access; not with the means of communication that are being developed and the way the market is organized.

The Chairman (Mr. Jean Campeau): Well, then, Messrs. Morency, Sabourin, Ménard, Pilon, thank you for your presentation.

Mr. Ménard: Thanks to the Commission.

(Proceedings adjourned at 5:50 p.m.)

(Proceedings resumed at 5:53 p.m.)

The Chairman (Mr. Jean Campeau): We will continue our work. The next presentation will be L'Alliance des communautés culturelles pour l'égalité dans la santé et les services sociaux. I believe your spokesperson is Mr. Delgado.

**Alliance des communautés culturelles
pour l'égalité dans la santé et
les services sociaux**

Mr. Delgado (Pascual): We have short speeches... Each of us has a few words to say in the five-minute period.

The Chairman (Mr. Jean Campeau): Fine. Can you please introduce your colleagues?

Mr. Delgado: Certainly. On my left, Mrs. Nancy William, the general coordinator of ACCESSS, and on my right, Mrs. Luciana Soave, our president.

The Chairman (Mr. Jean Campeau): I understand that the three of you have a five-minute presentation in total.

Voices: Yes.

The Chairman (Mr. Jean Campeau): That's it? Go ahead.

Mrs. William (Nancy): Our coalition has existed since 1984. Earlier it was called CTASSCC, Comité de travail sur l'activité des services sociaux et de santé aux communautés culturelles, and it incorporated in 1987. It represents 55 community organizations. You have a list of them. There is a mistake in it, there are 55, not 54. These organizations represent different cultural communities. Why was it started? It was started precisely because of the need to have social services available to the cultural communities because they are an integral part of Québec society and the CLSCs and CSSs were supposed to meet the needs of the population living in their territories. The members of the cultural communities are full-fledged citizens. It's in light of this that we are presenting our brief to you today.

Mrs. Soave (Luciana): We will not read our brief to you. You surely must have read it already. What we want to emphasize here today is a couple of recommendations that were made when the brief was drafted, which are now out of date. We can no longer ask to have representatives of the cultural communities sitting on the Commission, it's obviously too late. And as for organizing a forum, we realize that the fact that you were consulting all the cultural communities removed the possibility of a forum. There are two recommendations that will stand, one of them being the practical recognition of the multicultural reality of Québec society. And that is the point we wish to stress today in the question period. Québec is a new Québec, which is changing and becoming increasingly pluralistic in its culture. And the people, the citizens from different communities want to be integrated into a renewed Québec that has accepted its newcomers. We are ready to be completely integrated, to do so in French, to value the language of the country. We are ready to work side by side with you but we want to be side by side with you. So we'd just like to express our regret once again that we are here only as consultants, in the end. I am not speaking of us in terms of ACCESSS, but the cultural communities should have been proportionally represented on this Commission.

Mr. Delgado: We refer mainly to a single part of the brief: it's on page 6, where we are talking about the question of rights. We held meetings last year among our members, the 55 members of the coalition you see on the list. Unfortunately, at that point, we didn't really reach a consensus on the question of a constitutional option. Each of the organizations and associations has a different point of view, so we are very split. Moreover, that reflects the

current situation in the Province of Québec among the population in general. So if the cultural communities cannot claim to have a single choice, it's also clear that in the case of most communities, including the aboriginal peoples and the majority, there is not really a consensus on the issue either.

(6:00 p.m.)

Page 6 mainly talks about the one thing we wish to emphasize: the question of rights. ACCESSS recommends that the text of the Canadian Charter of Human Rights and Freedoms be integrated in its entirety in the body of the aforementioned constitution, and if there is a constitutional change or whatever, that the text of the Canadian Charter be incorporated in it and that the Charter prevail and have supremacy over all other legislation. In particular, we stress the importance of two sections of the Charter, sections 15 and 27, which are quoted on page 7 of our brief. Section 27 entrenches in the Canadian Constitution the multicultural character of Canada and section 15, respect for its multicultural character in the interpretation of Canadian laws. Perhaps we won't use the word multicultural because of the connotation it has here in Québec, but we still believe it's very important to entrench the concept, to make the rights and freedoms of the country's ethnic and racial minorities part of the Constitution. On that subject, we echo the position of Québec's Commission des droits de la personne. I quote the brief of the Commission des droits: the Commission des droits believes that it should study the possibility and the appropriateness of going even further in protecting the rights and freedoms of the people of Québec by making certain rights and freedoms stated in the Québec Charter part of the constitution, as well as certain fundamental principles concerning the rights of the aboriginal peoples of Québec, linguistic rights, and the rights of the ethnic minorities in our society. Putting into the Constitution the rights that the Commission des droits du Québec stipulates, that's the sort of principle we are in favour of. That's the main thing we would like to say today.

The Chairman (Mr. Jean Campeau): Fine. Thank you, Sir. The first question will be from Mr. Larose.

Mr. Larose: Thank you, Mr. Chairman. Specifically on the question of a charter, what leads you to favour the Canadian Charter over the Québec Charter, when we know that in the Québec Charter, in particular on the subject of economic rights, shall we say, it's somewhat broader, it has a few more teeth? A number of groups have presented demands to us to broaden those aspects; I'd like you to be specific about the basis from which we could work.

Mr. Delgado: I'm glad you asked that question, Mr. Larose. In fact we don't necessarily prefer the Canadian Charter to the Québec Charter. If the Québec Charter is entrenched as it stands, and incorporated into the new constitution, if there is a new constitution for Québec, it would be a perfect document. The current situation, unfortunately, is that the Québec Charter is a law like any other law and it isn't binding on the government. For instance, programs of equal access for the cultural communities don't really... aren't really binding... The Québec Charter doesn't commit the government to promoting equal employment, while the Canadian Charter is part of the Constitution, it's the preamble, if you like, to the Constitution; it's entrenched and it's binding on all the institutions of the federal government.

So in any future changes, we're not choosing one or the other; what we're saying is that the same sort of principle that applies should apply to everyone, and that this should be part of the Constitution and entrenched in any kind of constitutional project.

Mr. Larose: So if I read you right, for instance on page 6, instead of saying "recommend that the text of the Canadian Charter" it could say that the text of a charter of rights and freedoms be entrenched. Your concern is that the charter be entrenched in the Constitution. But we could very well start out from the Québec Charter.

Mr. Delgado: That's correct, it's the spirit of the Charter that we want to protect, rather than the Charter or particular sections themselves. It's the spirit of sections 15 and 27, which is, moreover, already well represented in the clauses of the Québec Charter. So it's really a question of a shade of meaning, but it's the spirit itself that we want to protect.

Mr. Larose: OK. That's fine, thank you.

The Chairman (Mr. Jean Campeau): Mr. Russell Williams.

Mr. Williams: Thank you very much. On behalf of our party, I would like to thank you for your brief, and also for all the work you have done as a group representing minorities, the cultural communities, in the health and social services sector. The presentations, the briefs, the lobbying, the pressure that ACCESSS has put on the government are a great help to us in improving the health system so that it's more flexible, more open, more even-handed to all Quebecers. And frankly, I want to congratulate you publicly for all your work.

Another thing: I would just like to comment on another point in the brief, one you haven't discussed today, the question of the presentation

of the cultural communities here. I shared your point of view that we need more participation by the cultural communities at the Bélanger-Campeau Commission, and we discussed that a little, and I think we have started to correct it. Today and tomorrow, we are going to have eight groups like yours which represent coalitions of cultural communities. That's a step, it's a start at responding to the issue. But my question is perhaps not exactly the question you want to discuss; it goes back in a sense to the reason for your existence, to the question of health and social services. And now we have a sharing of power on this issue. We have a federal law, but we manage our health system here in Québec. There has certainly been disengagement on the part of the federal government since 1982, and there is no doubt that we need to improve the situation. But my question is, for your members, the members you represent: Are your needs going to be better protected in a system shared with the federal government or in a system of health and social services in a sovereign Québec?

Mrs. Soave: Well, I think that whenever the ball is tossed back and forth, when it's a matter of offering services, we are always the losers. For us, it's important to have a system that works and that really meets the needs of the population in general and of our people in particular. Now, we've found, in the case of immigration, that fortunately the problem has been partly solved just recently by the Québec-Canada agreement, we've found ourselves with cases on humanitarian grounds or with cases of people with specific needs where the ball was tossed back: it's up to the provincial government to decide, so we go see the provincial government, but there they tell us it's under federal jurisdiction. Outside of the example of immigration that we experienced, in health and social services or any other field, we are always the losers as long as there is no minister who can say: yes or no, you have the right to this service or you don't have the right to this service. What we're hoping for is that there will be a system in which we can apply to a single place to have a service that meets our needs.

Mr. Williams: For your community, there is no difference between a shared program and a health system in a sovereign Québec? Have I understood your answer?

Mrs. Soave: Well, it's not exactly that there's no difference. It's that currently the health system is run by Québec. The federal side is more involved with promoting health; it's not direct services. In this sense, at present, for us, as a subsidized organization, the problem is relatively solved. We ask for subsidies from the federal government for research projects or

other needs and we have provincial subsidies to operate and support the organization, to improve service to our clientele. However, it can be complicated at times, when we could have activities within our organization, which includes donations. And then, there can be half a project on one side and half a project on the other.

Mr. Delgado: I would like to add something too, if possible. I would like to add one point. It's also in one sense related to the question of rights. Why? Because at this point, there is no guarantee, either federal or provincial, to ensure the socioeconomic rights that Mr. Larose was talking about, the right to aid for a target group, for an ethnic minority, neither from the federal, nor from the provincial government. So it's a question of who has the right, who has access to those services. I don't think it's necessarily a question that can be resolved by having only one government dealing with it. It's rather a question that is going to be resolved when there is a sort of standard of rights, when citizens have the right to really receive high-quality services, and this is entrenched in the law. At that point, it will be much easier for us to demand our rights.

Mr. Williams: Thank you. You've already mentioned the bilateral agreement on immigration we've just signed, and also the policy on cultural communities we've just published. If I've understood your statements correctly, that answers your needs. As a representative of the cultural communities, you're satisfied with this affair?

Mrs. Soave: Let's say that we weren't given enough time to read the documents and think about them. We received them just before the holidays and were told... We received the letter asking us for a brief on January 7, and it asked for the brief for January 21, next week, this week. It's going to be very difficult to be able to analyse the documents thoroughly and take a position, consult our members. We're going to do everything we possibly can, it won't be an analysis, it's simply going to say that we are here, we are interested, we have something to say, if you have more time to give to us, give it to us.

What I, at any rate, found interesting and positive in the immigration policy is something I would like to come back to in regard to today's subject, on pages 16 and 17, it's exactly what we are asking for and what we were asking for when the brief was filed. I quote from page 16: "In effect, by promoting equal access to resources, services, and decision-making authorities, our society wants to allow all citizens of Québec to contribute fully to its development." And page 17: "In addition, immigrants have the right to expect the

receiving community to permit them, like all Quebecers, to take part in defining the major directions of our society." This is the reason we are here today, and we thank the government for supporting us in our request. We hope that this Commission will be the last time we have to come forward to protest that we've been left out of the decision-making process.

The Chairman (Mr. Jean Campeau): Fine. Then, if it's all right with you, we'll go on to Mrs. Marois. Go on, Mr. Chevrete.

Mr. Chevrete: Thank you, Mr. Chairman. We switched positions for this evening. First, I would like to welcome the people I know, whom I had the chance to get to know, since I think it was during 1985 or in early 1985 that we first gave a subsidy to the group, so that it could get organized a little. I remember that it wasn't much, but at the time it was a start at organizing the group.

I would have liked to ask you the question that Mr. Larose asked, but I'd like to stick exclusively to the statements in your brief, at this point, on the subject of health. Have you succeeded, in your work in the various ethnic communities, in making people more aware of the services at their disposal, because at one time it was a problem to make people understand, first, that there were services that existed, even though they lacked staff who could speak their language, for some of the elderly in particular. Has that improved in any concrete way?

Mrs. Soave: You could say that progress has been made subsequent to the meeting when you were still Minister of Health and Social Services. Later, the Sirros committee was created, in which we took an active part, specifically to ensure that there wasn't just some work on it but that it really led to something. With the cultural community offices, the plans for accessibility, we can say that there has been a step forward. We have access to them. At that point, we were a small organization, a task force. At present, we are a federation made up of 55 organizations. We are a little stronger. Our members are more aware of what's going on.

But certainly we are very far from calling it accessibility. We are very far from saying that people from the cultural communities, who arrive and go to a CLSC or a hospital, have access to services just like any other citizen. There is still an enormous proportion where most people from the cultural communities don't use the standard services of the CLSCs. Instead, they go to hospital emergency rooms, for a variety of reasons. You could say that there has been a raising of consciousness in organizations and in the decision-making authorities in the political parties. There is still a lot to be done to reach the population, and to do that, the organizations

are going to need a great deal of support. And we hope that with the new reform, there will perhaps be more of a contribution to allow our members to continue working to facilitate access to services.

Mr. Chevrete: But in some CLSCs, isn't it true that at present, I don't remember in which of the CLSCs, but they can respond in some thirty languages in some of the CLSCs? In others, in some neighbourhoods, they respond in nearly all the languages spoken by the people who use their services. Aren't efforts being made in that respect to hire personnel who are truly able to meet the needs of the ethnic communities?

Mr. Delgado: Currently, Mr. Chevrete, the government, the Department has set up a plan of action. It has been in existence for about a year. It affects 41 establishments in the Montréal region and on the South Shore. Among these 41 establishments, there are a dozen CLSCs, that is about a third of all the CLSCs in the region that are supposed to submit plans regarding accessibility for the cultural communities. So the principles of access which we have struggled so long to obtain are now being put into practice. But despite this, there are problems again in terms of legal entrenchment in Mr. Côté's new reforms. We are working hard to get the cultural communities' right to services entrenched. Unfortunately, it seems this isn't included in the new bill. We've been asking for this for the past two years, and we've been asking for the same sort of rights for the cultural communities as for the English-speaking community. There is a legal guarantee of services for English-speaking people, under Bill 142, but today there is still no clause protecting the cultural communities. So we would like to see that in the bill. The will exists, it's being put into practice, there is change, but at the level of legislation, we're still second-class citizens.

The Chairman (Mr. Jean Campeau): One last comment, Mr. Chevrete.

Mr. Chevrete: One last comment...

Mrs. William: Excuse me.

Mr. Chevrete: Yes.

Mrs. William: We also want to have a real partnership between the health and social services network and community organizations to truly meet the needs of the cultural communities, for example a pool of professional interpreters who can be used when needed.

Mr. Chevrete: I know there is a question

of resources, but I must tell you that starting in January 1991, there is a loss of tax transfers which amounts to \$1.2 million in the health sector. Let's hope that things are clarified on the constitutional level and that we can grant the financial resources that are necessary for the health and social services field. Thank you for your brief, and for being here.

The Chairman (Mr. Jean Campeau): On behalf of all the members of the Commission, I too would like to thank you, Mrs. Soave, Mr. Delgado and Mrs. William, for being here with us and contributing to the Commission. Thank you.

The members will please take note that we will resume work at 7:30 p.m.

(Proceedings adjourned at 6:16 p.m.)

(Proceedings resumed at 7:36 p.m.)

The Chairman (Mr. Jean Campeau): We will now hear from the National Congress of Italian Canadians. Mr. Alfredo Folco is the national president. Welcome, Mr. Folco. If you would please introduce your colleagues, you will then have 10 minutes to present your brief, since the hearing is one hour long.

National Congress of Italian Canadians

Mr. Folco (Alfredo): Good evening. Co-chairmen and members of the Commission, first I'd like to thank you for having agreed to hear us tonight. I'm accompanied by Me Antonio Sciascia, Giuseppe Manno, President of the National Congress of Italian Canadians for the Québec region, and Raphael Delli Gatti, President of FILEF, the Federation of Italian Immigrant Workers and Families.

Co-chairmen, ladies and gentlemen, the National Congress of Italian Canadians, Québec region, and FILEF decided to join forces to present this brief to ensure that the continuum of opinions expressed by the Italian community of Québec on constitutional reform proposals are faithfully represented.

As an organization whose members are the main cultural, social or community associations, the National Congress of Italian Canadians has already expressed its support for Québec's position during the Meech Lake negotiations. FILEF, for its part, an association providing services directly to workers in our community, has already stated in the past that it supports Québec's national affirmation movement.

The Congress has been and continues to be the preferred source for government authorities seeking information on the main problems affecting the Québec's Italian community, and its temporary partnership with FILEF, for this

presentation, is proof of the importance the two groups attach to this brief.

We feel it is essential to state at the outset that the Italian community of Québec is an integral part of Québec society. It is without a doubt the best integrated cultural community in Québec.

We share with the Francophone majority our Latin origins, the historical influence of the Catholic Church and sociocultural realities. Each day, we're aware that we live in the same neighbourhoods, frequent the same places and work side by side. The number of mixed marriages is countless, as are the many cultural, sports or recreational activities we jointly participate in.

Over the past 20 years, like the Francophone majority, our community has evolved and undergone profound change, making it even more open and more aware of the aspirations of old-stock French-Quebecers. Some Italian Quebecers have come to Québec from other shores, whereas others were born here, and on many occasions we have clearly stated that we have chosen to live and develop here in Québec in harmony with our fellow citizens of all origins, and that our community will continue to be an integral part of Québec, regardless of the outcome of the constitutional debate.

Our community has always taken an active part in social, cultural and economic development, and through this brief we would like to make a contribution to the Commission's indispensable work, which will no doubt have a significant impact on the future of our society.

In the brief, because of our role as representatives, we discuss mainly cultural and social considerations. In these areas, our intention is to present a community viewpoint, because Quebecers of Italian origin aren't simply a certain number of individuals who've been transplanted to Québec, but rather a community in the sociological sense of the term, clearly integrated into our common society, but also having retained a separate identity and existence.

The members of our community can be broken down into four groups of differing numerical importance: the pre-war immigrants who came prior to 1935-1936; the children of these immigrants who were born in Québec and even their grandchildren; the immigrants who came to Québec during the successive waves of post-war immigration - their numbers increased early in the 1950s, rising gradually and substantially in the 1950s and 1960s and finally tapering off in the 1970s - and lastly, the children, born in Québec, of the post-war immigrants.

When the first group arrived, there was no such thing as a political welcome and many of them experienced the grim years of the economic crisis and even rejection linked to a fear of foreigners.

The wave of post-war immigrants followed in the footsteps of their parents and friends who had been born in the same villages. These new arrivals came to Québec by the tens of thousands just as the economic upheaval that would bring Québec into the modern era was getting under way. Their contribution to this progress was undoubtedly important and deserves recognition by all.

Today these people and their descendants make up the overwhelming majority of the members of the largest cultural community in Québec.

Italian Quebecers thus do not form a homogeneous whole. Some see this obvious segmentation as a weakness. But we're convinced that heterogeneity has enabled Italian Quebecers to become harmoniously integrated into Québec society. This heterogeneity is reflected on all levels, including the neighbourhoods where Italians choose to live. A glance at a map of Greater Montréal shows that our community is present everywhere, although with obvious areas of concentration, which rather than isolating it give it a great deal of mobility and an unusually high degree of integration.

Italians have also expanded their horizons economically and professionally. Today, we can see that the first small service companies have led to the emergence of a strong entrepreneurial spirit that has characterized the construction industry, the agri-food industry, the restaurant industry, and so on. The majority of the Italian Quebecers born outside Québec who do not have their own business are concentrated in three sectors: construction, the textile industries and the service industries. But this statement is valid only for the first generation. Today, 39% of Italian Quebecers more than 15 years old have a post-secondary education, and the jobs held by the active population are very different from those they held in the 1960s and the 1970s.

Close to 19% of Italian Quebecers are office workers; 17.9% hold specialized jobs in manufacturing, assembly and repairs; 10.8% hold managerial or administrative jobs; more than 10% are specialized in sales; and a high percentage of them are members of the liberal professions. Only 8% are in the more traditional building sector. The sons and daughters of labourers and specialized workers are now lawyers, doctors, technicians, white-collar workers and teachers. Many play an important role in Québec's cultural and artistic community, especially the fields of music, painting and theatre. Although Québec's Italian community cannot be defined restrictively, over the years it has created an impressive number of associations of all kinds. But only a few of these associations have succeeded in becoming trustees of vast waves of opinion or clearly defined community interests.

We feel that the National Congress of Italian Canadians, Québec region, FILEF, the

Canadian Italian Business and Professional Association and the Italian Canadian Community Foundation have established strong links with the community and can interpret the shades of meaning of the opinions held by their members. (7:45 p.m.)

Until the 1970s, the Italian community's role in the constitutional debate took the form of a deferential neutrality that overshadowed the fact that for most the debate had no real importance. When surveyed early in the 1970s and asked the question: If Québec became independent, what would you do? 31% had no opinion. Among immigrants, in other words those not born in Québec, 71% said they would stay, 21% said they would move to another province and 9% said they would go back to Italy. The opinions of those born in Québec broke down much the same way: 77%, 15% and 8%. Essentially, in the 1970s, the members of the Italian community wanted to remain free of any political commitment. They were fairly open to more powers for Québec to the extent that a new division of powers did not mean embracing the concept of independence. If they sent their children to English schools, this in no way meant that English determined their relationship with society. For most, English was only an instrument of economic advancement. Still, by the early 1970s, Québec's Italian community was perceived as the strategic community by the Francophone and Anglophone communities. Increasingly its members were pressured to make a clear choice between the two predominant groups. We feel this background information is important because it shows how the Italian community of Québec has changed as the 1990s get under way.

Overall, the Italian community of Québec is no longer what it was in the fifties, sixties and seventies. This change has taken the form of francization of many of our community institutions, as well as a desire to take an active part in all discussions, in all debates, in all choices that society must make, and it cannot be ignored by the members of this Commission. Today, we do not hesitate to state that our community is unconditionally open to the choices that this Commission will have to make. We explicitly recognize the fundamental characteristics of Québec society, and the considerations and the desires that we express in our brief could just as well apply to a new confederal agreement as to measures establishing new types of economic and political relationships between Québec and the rest of Canada.

Most of the members of our community subscribe to the idea that it's important to maintain economic and political links with the other components of the existing Canadian Federation. But, like all Quebecers, they want to know about the degree, the type and the fields of jurisdiction where these links will apply and

the exact scope of the new agreements to be negotiated. We think we can safely say that most Italian Quebecers also subscribe to the following axiom: Québec must have the power to adequately and efficiently promote its economic, political and social interests, and to attain the objectives that arise from its specific aspirations, culture, history and geography.

As you can see, the leeway that the members of our community are prepared to give the negotiators of a new constitutional agreement is quite considerable. But, like all Quebecers, the members of our community intend to participate actively and passionately in the major rounds of consultation that will necessarily follow the tabling of the report of the parliamentary Commission on the Political and Constitutional Future of Québec. Like all Quebecers, they intend to speak out about their beliefs, their perception of the political and economic situation, their expectations and their aspirations. But this desire to participate, based on their opening up to contemporary Québec, is nothing more than a deliberate decision to take part in building a prosperous, dynamic society that is open to all. Italian Quebecers reject a siege mentality or any position based on a refusal to recognize the normal evolution of a Québec and Canadian society that is trying to define itself. As a community, we would like, however, to state right away that we hope to see a certain number of major principles advanced in any constitutional negotiation. These fundamental principles are based on the second axiom on which Italian Quebecers have reached a consensus.

The Chairman (Mr. Jean Campeau): Would you mind moving on to your conclusions?

Mr. Folco: Not at all. In fact, our conclusions are simply based... At this stage, I can't really talk about conclusions, but rather about five axioms and components: Québec, a society where pluralism is irreversible; Québec, a society that fully promotes integration objectives; Québec, a society of an intercultural nature; Québec, a society that promotes the equal rights of ethnocultural groups and visible minorities. What we want, in fact, is to see these basic principles enshrined in any constitutional document. In conclusion, we would like to reiterate that Italian Quebecers would like to participate actively in the major debate under way in Québec by joining in the collective discussion, and that they intend to participate in the development of a consensus while vigorously stating the points of view that deserve consideration. Only in this way can we build a society no one will feel excluded from. Thank you.

The Chairman (Mr. Jean Campeau): Thank

you, Mr. Folco. It's only appropriate that the first question be asked by Cosmo Maciocia.

Mr. Maciocia: Thank you, Mr. Chairman. I'm pleased to welcome the Italian community, especially the National Congress of Italian Canadians and FILEF to this very important debate, which the Commission recently established on the constitutional and political aspects of Québec. We're well aware of the importance of the Italian community. As you say in your brief, it's the largest cultural community in Québec. We're aware of the community's social, political and economic importance, and it wouldn't have been quite normal that a community such as the Italian community not be able to express its views on the constitutional and political position of Québec. So, on behalf of the Québec government, I extend to you the warmest of welcomes.

I'll go straight to your brief, Mr. Folco. Your brief talks about the significant changes in the thinking of Italian Quebecers, which today has led the community to adopt an open and positive attitude to possible change in our political and constitutional status. But you take the precaution, and it's understandable, "that none of these changes jeopardize the economic and political links with the other provinces of Canada". To your mind, does Québec need a new political and constitutional status to continue to develop within Canada? If need be, how could Québec reconcile the need for greater autonomy with maintaining political relations with the rest of Canada?

Mr. Folco: I think that, in the very dynamic of the brief we submitted, we make a certain number of initial statements. There are three I'd like to remind you of before I answer your question. First, we're here to stay. We've clearly said that we're here to stay regardless of the constitutional orientation that Québec adopts.

We also say in our document that the majority of Italian Quebecers now want, seem to want, to maintain links of an economic and political nature with the other components of Canada as it now stands. I think that, by saying that, we're trying to convey the opinions as we perceive them, as faithfully as possible.

But we've also stated, as the third component, that the negotiating leeway we perceive in terms of our community is very broad; in other words links could be maintained within arrangements that might have very different characteristics from what we now know. We thought it would be risky, knowing that a great many people have appeared before the Commission and have presented theoretical blueprints, we thought it would be risky to embark on something well defined. What we say in our document, and we think we're being clear in saying it, is that change is necessary, but

that this change will have to be established through a consensus of the populations - I didn't say population, I said the populations that make up Québec - and that the main principle, in terms of our community at least, is openness to this change. We've resisted the temptation of making up a list of what to buy or sell. We've resisted the temptation of saying we have to repatriate powers in such and such a field.

It's obvious that a certain consensus is emerging. In immigration I think the consensus is clear. In certain other sectors, too, the consensus is extremely clear. But what we're arguing is that a portion of the debate will take place once the Commission has finished its work. A portion of the debate will take place once all the partners in Québec as a society have made their intentions known. Right now the blueprints... We could talk about a confederal blueprint, we could talk about a blueprint for Canada based on four regions. We prefer to leave these more theoretical hypotheses to people who are probably far more specialized.

What we're telling you is that, based on openness to change, we'll participate actively... Once all the positions, including the position of the Constitutional Commission, once the positions are known, I think individuals and organizations in the community will make more definitive choices. We can't announce these choices until our community has adopted them by consensus.

Mr. Maciocia: I think you realize, Mr. Folco, that the Commission is here specifically to find out a bit from the various organizations, how these organizations feel about change, constitutional and political change for Québec - not necessarily in depth - but change nevertheless, because everyone agrees that we can't stay with the status quo. But independence pure and simple isn't the solution to Québec's problems either.

Many organizations, such as the Conseil du patronat, the Chambre de commerce, the Association des économistes québécois, etc., have proposed repatriation of a certain number of exclusive powers to Québec, such as immigration, manpower, job training and others. Do you think that, if certain powers were repatriated to Québec, exclusively to Québec, and were under the jurisdiction of the Québec government, then would Québec be able to develop anyway within the Canadian Federation or Confederation?

Mr. Folco: We say in the document submitted to you that most Italian Quebecers want to maintain links. You've just given us a list of the main things to be repatriated. It's a relatively well-known list because it's a list on which there seems to be a consensus right now. I could add others. Other participants could add others. What seems obvious to us is that if we can arrive at a constitutional agreement whereby

Québec's main concerns - and we've summed them up in one sentence in our document - which are concerns of a social, cultural and linguistic nature, if it were possible to meet these concerns through a new division of powers, it's obvious that I can only say, taking into account the role of representatives played by the people here tonight, that most Italian Quebecers would be extremely satisfied with such a context.

Mr. Maciocia: Mr. Chairman, your brief also talks about very active participation by the Italian community in the constitutional process, the constitutional development of Québec's policy. Could you at least explain to us how the community would like to take part in these constitutional changes in Québec's policies?

Mr. Folco: I think any member of a cultural community has the option, in fact participates directly, in two ways, in any societal change. The first is as an individual. As a person of Italian origin, I belong to a certain number of organizations, movements or other groups and I try to convey to these organizations perceptions and personal opinions that are obviously coloured by my cultural background, strictly as an individual. There's also the fact that - and we've seen an example of it tonight - when two associations whose objectives are differentiated decide to present a joint brief, it's necessarily because we want to be heard.
(8:00 p.m.)

Obviously we expect that in the months to come other associations, other groups will form partnerships in a very direct way. Our brief was not prepared in a vacuum. It's a brief that was prepared as a result of community contacts. I think all of us as individuals here are trying to influence the debate and I think that, within our organizations and associations, we're doing exactly the same thing. Now, the procedures. I can't announce today that we're going to create a States General of the Italian community. But I can certainly say that in the months to come we're going to ensure that our position is widely known. Whether people agree or disagree, it will be widely known and people will react to it.

Mr. Maciocia: I also believe, Mr. Chairman, that it's very, very important that you said in your brief that the Italian community, regardless of the constitutional and political change that occurs in Québec, is here to stay in Québec because it's here to develop. It's been here for a long time and it's not about to leave Québec because of possible constitutional change. If you don't mind, Mr. Chairman, could I leave just 30 seconds for my colleague, Mr. Dauphin, from Marquette, because he'd like to ask a short question?

The Chairman (Mr. Jean Campeau): Provided that he's as disciplined as you are.

Mr. Maciocia: Yes, thank you.

Mr. Dauphin: Thank you very much for your flexibility, Mr. Chairman. Obviously I in turn would like to welcome the National Congress of Italian Canadians and Mr. Folco and his team. You said just now that the Québec community of Italian origin was even prepared to consider or to study the possibility of a new confederal agreement. In using the word "confederal", are you going so far as the definition of the word "confederation" that we've been using here at the Commission for the past two months - in other words, for example, a group of sovereign States that could decide to appoint delegates to a common institution? Would you be prepared to go so far as a form... a real confederation for Canada as it now exists?

Mr. Folco: There are various blueprints. Our interpretation is the one you just gave. In fact, in theory, the Canadian Federation, which we sometimes call the Confederation, was originally made up not of States but of colonies with autonomous governments. This tradition was lost over the years. We feel it's one of the hypotheses we should pay very close attention to. It's a plausible hypothesis. It's an interesting hypothesis. But it's a hypothesis that would have to be fleshed out.

Mr. Dauphin: My last question, Mr. Chairman. Would it be realistic to think that the rest of Canada, after the failure of the Meech Lake agreement, would go so far as to consider a real confederation in the current context?

Mr. Folco: I can't speak for the rest of Canada but I can tell you a story. It's an extremely recent story I experienced on Sunday. I was in Ottawa at a meeting of representatives of about 25 ethnocultural groups from across Canada. When I say across Canada, I really mean from Vancouver to Newfoundland. They represented everyone, from the Korean community to the Polish community. One thing I noticed is that... and it sort of surprised me a bit. It was that there was a sort of consensus, a leitmotif, whereby the people said that Québec was the natural ally of cultural communities throughout the rest of Canada. It surprised me even more because it's the kind of message that isn't often conveyed, not across Canada and not in Québec. I think, when we're talking about elements of negotiation and the future, I'm not so naive as to count solely on people's goodwill but I am optimistic enough to say there's been a great deal of change in many regions of Canada, and the pulse of this change isn't always being taken

because perhaps we've sometimes brought out the negative aspects of intergroup relations. I'm advancing the hypothesis that the rest of Canada is just as ready as Québec to change our constitutional relationships substantially because the same need for change seems to exist outside Québec.

Mr. Dauphin: Thank you, Mr. Chairman.

The Chairman (Mr. Jean Campeau): Thank you. Now we'll go to Pauline Marois.

Mrs. Marois: Thank you, Mr. Chairman. Good evening and welcome to the Commission. Your brief is succinct but it's well prepared and very interesting. I must say I especially appreciated the historical retrospective of your community's involvement in Québec society as a whole.

In this respect I also share your point of view regarding integration of your members into this society that we form, into the people that we form. It's true on social, cultural and economic levels. You also mentioned the sports aspect, and I think it's true; we're very much in agreement. In addition there are also members of your community who, as part of an economic association, came here, including some of you, to present a brief before Christmas. At that time we had a discussion of this involvement.

I especially subscribe to the principle stated at the end of your brief, which you'd like to see respected in any discussion or negotiation - I'll come back to this - with the rest of Canada. Among other things, I'd like you to clarify the fourth principle. There's the first one, obviously, and Mr. Maciocia emphasized it, which is quite interesting. You talk of a society which is irreversibly pluralistic, but you also say that the population's return to its country of origin is a myth we have to dispel. I think it's important that people, like you, who are significant in Québec society come and say this before the members of the Commission. In the fourth principle, which I'd like to stop and take a look at, you say: Québec, a society that promotes the equal rights of ethnocultural groups and visible minorities. You say that egalitarian treatment does not mean identical treatment. Well, I like this approach because I think it refers, among other things, to affirmative action. Is that what you were thinking of? And if that's what you were thinking of, what type of measures could be used to apply such a principle concretely on a day-to-day basis?

Mr. Folco: We've tried to include this principle, which to us is a general principle that must apply to all cultural communities. I admit that, in the case of Québec's Italian community, application of the principle could be less direct.

I think people of Italian origin have generally been well established in Québec for many years, and are certainly not included... cannot be perceived as visible minorities. To us the principle seems more applicable to recent communities that have been discriminated against more directly. But we wanted to state it anyway. One thing we've noticed... I'll cite an example: For a long time we justified the fact that we removed aboriginal children from their reserves, removed them from their culture of origin, on the pretext of giving them an education. Theoretically it looked like something fair and equitable. We gave them the opportunity to get a traditional education. We feel that this type of thing isn't normal, that in certain cases treatment that appears to be egalitarian is in reality inequitable. I've cited this example and I could also use the example of access by visible minorities to the public service or other organizations. I also think it applies indirectly to the Italian community.

Mrs. Marois: All right. You're well aware that the affirmative-action principle, the possibility of applying affirmative-action measures has been included in the Québec Charter of Human Rights and Freedoms for many years. It's a principle that we've already accepted and that in fact has been applied to fairly large groups, including visible minorities, including women, but I think it's interesting to note that it's already a principle we've recognized in our Charter.

But let's go back to a few things that are a little more specific regarding the constitutional and political status of Québec. On page 9 of your brief, you say: "Today we can say without hesitation that our community is unconditionally open to the choices that this Commission will have to make." A little later you say you recognize the fundamental characteristics of Québec society and you say your community would like to preserve economic and political links with the rest of Canada.

Let's go back to the first sentence I quoted. Obviously it could go as far as the possibility of a proposal that would recommend political and legal sovereignty for Québec, while preserving an economic space with the rest of Canada, for example. Then you say: If this scenario is plausible, imaginable or even proposed by the Commission, we're prepared to live with the results of that reality.

Mr. Folco: Without trying to square the circle, I think what we've tried to do in our brief is to establish an equation. We say initially that our community is here to stay. By saying that it's here to stay and by not qualifying that statement, we also say that we accept the various constitutional options, not in terms of choice, but in terms of potential.

Mrs. Marois: All right.

Mr. Folco: We say we're here to stay but we also say, however, that the majority of Italian Quebecers would like to maintain political and economic links with Canada as a whole. The two components, the two points of the equation are not contradictory because they reflect the reality of our community. We can't tell you and play - and that's exactly what I call a siege mentality - we can't tell you: If such and such a thing happens, we're going to pack our bags and leave. It's not true. It's not what we perceive. But we are saying to you: This is what we would like on certain conditions. We've even said that the leeway for these conditions is considerable. We have to position ourselves between these two extremes because these are the two extremes of our reality.

Mrs. Marois: All right. I won't go back to the concept of power because you've already answered that question. We know, however, that the negotiations failed despite your support for them. In addition, your community, to the proposed Meech Lake Accord... The negotiations failed, even though Québec's demands were minimal. Can you think of a scenario that would enable us to resume the discussion of the fact that we want a certain number of powers? You say in your brief, without stating them explicitly, that Québec should have the powers it needs for its development, its progress, its, well, modernization. Do you think it's imaginable and, more important, feasible that we could contemplate negotiations that would enable us to obtain these powers in the context of the failure of Meech Lake or should we go about it another way that would, well, enable us to get a mandate from the population for example?

Mr. Folco: We hope there's still some leeway, that the leeway still exists, in other words that the possibility of negotiation exists. For us, Meech Lake is a thing of the past. Since Meech Lake a certain number of things have happened including the emergence of a regional consensus elsewhere in Canada. There's a dynamic we think is a new dynamic. Will it be conclusive or will it be inconclusive? We don't know. But what seems obvious to us is that today in the West, in Ontario, in the Maritimes there are local dynamics which, in a certain number of cases, seem to overlap with the demands of the population of Québec. I certainly can't tell you whether it will be conclusive. But what I can tell you is that at least at this stage we feel it's an avenue we should at least try to explore.

(8:15 p.m.)

Mrs. Marois: Before we get involved in a negotiation process, don't you think it would be relevant to put a clear question to the entire

population of Québec to achieve, in that respect, a balance of power that would enable us to negotiate an economic space or something else?

Mr. Folco: Without trying to evade the question, I think in certain ways it's the role of this Commission to establish a consensus that will be validated by the population anyway. I mean that whatever action is suggested, whatever type of blueprint or whatever type of position is suggested by the Commission in the months to come, in the months after the Commission tables its report, will certainly be validated. The position will be accepted or rejected. Obviously your question, which I don't want to skirt, refers much more to a referendum, I assume.

Mrs. Marois: It could be a type of consultation.

Mr. Folco: It seems to me that the referendum... Again, we haven't rejected any hypothesis, but we feel that a referendum is part of a continuum, a series of activities. We feel that before talking about a referendum there are many positions to go and validate in the field, to go and validate with the people. It's far from being finished.

Mrs. Marois: Thank you.

The Chairman (Mr. Jean Campeau): If you don't mind, Mrs. Marois, now we'll go to Louis Laberge.

Mr. Laberge: Good evening to you. I'm very pleased to see your first statement: We're here in Québec to stay. If you left and took all your businesses, there would be holes in quite a few places.

Mr. Folco: A lot of your members would up and leave, Mr. Laberge.

Voices: Ha, ha, ha!

Mr. Laberge: I wasn't referring to that.

Voices: Ha, ha, ha!

Mr. Laberge: You're very open; you want to take part in the debate, you want to maintain links, especially economic links, with the rest of Canada. I think just about everybody wants that. The question everyone's asking is: How do we do it? How do we do it after Meech Lake, with a couple of very, very, very minimal demands? Anyway the negative answer was pretty... You can say: Yes, but it was a guy from Manitoba who blocked it. We know that's not it. Surveys showed that most Canadians were against the Meech Lake Accord. I myself am part of the

Canadian Labour Congress, and the whole executive, except us in Québec, was against the Meech Lake Accord. Well, all right! Us too, but not for the same reasons. So how do we do it?

Mr. Folco: Mr. Laberge, you just said something important: You too, but not for the same reasons. Again, for us Meech Lake is over, but I wonder whether, when we look at the no's - because it wasn't one no, but all the no's to Meech Lake - I wonder whether there weren't many, very different reasons for saying no.

Mr. Laberge: Yes.

Mr. Folco: In certain cases, maybe it was anti-Québec reactions. In other cases, there was a whole series of considerations.

Mr. Laberge: My perception of what Canadians, in any case the Canadians I do business with at the Canadian Labour Congress... Their reason for saying no is that they thought that giving certain things to Québec would be unfair to the other Canadians in the other provinces. That's why. They said: We won't have any more central government. So you can see we're pretty darn far apart. It's like a guy who starts building a house by the roof. There's only one building in Canada that's built like that and it's the Velodrome; and we had to change it. They put the floor in after the roof... There aren't any others like that.

Mr. Folco: We can't predict the results, obviously we can't. Quite modestly, we certainly can't predict the results of the future constitutional rounds, any more than we can predict what the report of this Commission will contain. What we hope, and what we also believe is possible, is that different dynamics will be brought together throughout the various regions of Canada. Maybe it won't happen, but we think it's still an important stage to go through. I'm not saying the results are obvious. What I can tell you is that, in terms of our community at least, we've still got a long way to go before crossing the Rubicon.

Mr. Laberge: But I think we all sort of want to maintain links with the rest of Canada, except that our method of negotiating will have to be somewhat different. When you've been negotiating with an employer for months and months and months, and he refuses to budge, sometimes you get a strike mandate and then you've got him. Maybe that's the way to go about it. Anyway I'm very pleased to see... You say: Regardless of the outcome, we're here to stay and we want to take part. Bravo!

The Chairman (Mr. Jean Campeau): ...Mr. Desjardins.

Mr. Desjardins: Thank you, Mr. Chairman. Mr. Folco, I in turn would like to welcome your delegation. Your document shows just how well-rooted your community is and how involved it is in Québec and how well it has developed in economic, social, community and even political areas of activity. One of your compatriots is a member of this Commission. For the past two or three decades you've elected members to represent you in Ottawa, and this shows the depth of the roots you've put down here. My question is: Your community thought it appropriate to do a survey in 1970 on the independence question, and at that time the survey showed that there were... Of the immigrants, 71% said they would stay but 21% would move to another province and 9% would go back to Italy. But that's still 30% of your community which, at the time, was how many? If we go back 20 years to 1970, about how many of you were there?

Mr. Folco: In 1970. Well, the figures vary because the problems of identifying communities are still...

Mr. Desjardins: A ballpark figure.

Mr. Folco: ...but certainly about 170 000 people.

Mr. Desjardins: So 30% of that group is still a pretty big hole, and I understand that, for those born in Québec, the proportion was 23% for those who would leave. That's still quite a lot. That's why I think it would've been good if we'd had an individual survey of your community today to determine how the Italian community has changed with respect to the idea of independence. Is this something you plan to do or are you prepared to do, or is there nothing being decided in this area at present?

Mr. Folco: Well it would be a possibility over the medium term. We really don't necessarily have the means to conduct a scientific survey. I admit that, strictly in terms of perception, we believe that the community is far more deeply rooted today than it was in the 1970s.

Mr. Desjardins: So that means that quite likely the proportion of 30% or 23% would be lower...

Mr. Folco: Yes, we think it would be lower.

Mr. Desjardins: ...In 1990. But you don't intend to conduct a survey or go back and consult the Italian community.

Mr. Folco: If you don't mind, perhaps Mr.

Delli Gatti should answer that question.

A voice: Fine.

Mr. Delli Gatti (Raphael): Thank you, Mr. Folco. I'd like to... We talked about 1970 because we wanted to leave the necessary lapse of time. Our entire brief shows how things have changed. I'd also like to emphasize the idea that being an integral part of society and the current debate was very important, and that it was necessary to present the true face of the Italian community, which doesn't always appear through the prism of information. We thought it was important to dispel a certain number of prejudices that are conveyed, that have been conveyed, and we hope that our presentation to the Commission will dispel other prejudices that may exist. As for the 1970 survey, we could've used a survey that was conducted as part of a 1980 study on multiculturalism paid for by the Secretary of State, which shows that the proportion had fallen to only 15%. 85% of the respondents said: Whatever avenue Québec takes or choices it makes in the future, we're here to stay. No more than 15% would've changed. So this shows us why our brief took this approach. It's obvious that, if we'd had the means, we could've paid for a current survey that would perhaps confirm or invalidate this, but I think our experience, as representatives of our community, shows us that there's a great deal of openmindedness on the part of the Italian community generally. How it will take shape, I think that, in his presentation of our brief, Mr. Folco explained the leeway we would give the Commission. We could indeed have opted for technicality, but I don't think the exercise is necessary right now. Our community will define itself through its organizations, through the individuals who take part in the debate.

Mr. Desjardins: If you don't mind, I was asking the question because you want - you said so - you want and you say so on page 9: Most of the members want to maintain economic and political links too.

Mr. Delli Gatti: Of course.

Mr. Desjardins: So your community is confronted with two choices: independence or a new constitutional agreement, which you refer to on page 10. Is it as clear as that, your reading of the option that would be retained?

Mr. Folco: Our reading is clear. It's clear to the extent that our perceptions are well-rooted perceptions. Obviously we're talking about perceptions, we're talking about discussions, we're talking about contacts. We haven't validated them on the basis of scientific hypotheses. We think our reading is clear. We

really believe that most want to maintain such links. But, and the equation is a bit complicated, we're saying: We're here and we're here to stay.

Mr. Desjardins: That's fine, thank you.

The Chairman (Mr. Jean Campeau): Now we'll go to Mr. Ouellet.

Mr. Ouellet: Thank you, Mr. Chairman. Gentlemen, I'd like to congratulate the Congress and FILEF on their brief, which I consider extremely important in the context of the Commission's work. It's not a very long document but it's precise, it's concise, and I think it's very realistic. You tell us your members would like to maintain political and economic links with Canada, but you recognize that the Canada of tomorrow may take various forms, and the leeway for defining this new Canada, which would accommodate Québec's aspirations, is fairly broad and, even among your members, is a substantial amount of leeway. I'm not going to come back to this. I think I'm fully satisfied on this point and I'd like to commend you.

I'd like to ask you to perhaps elaborate more on the recommendations, the four considerations that you raise at the end of your brief, which I feel are considerations that are just as important in the existing Québec, in one form or another, regardless of the Québec constitutional and political regime. I think the objectives you're trying to reach with these four considerations can be accommodated quite well within Canada. Is the third consideration, Québec: a society of an intercultural nature... For you, how can it be better articulated? I'd like you to elaborate a little more on this aspect that you've proposed to us.

Mr. Folco: We're firmly convinced that in the months to come, in the years to come, we'll have to enter a new stage in our perception of cultural communities. A great many things have happened in Québec in terms of protection of rights and services provided to cultural communities. But we think perhaps we'll have to move on to the next stage, in other words not necessarily address cultural communities alone but address Quebecers as a whole. For us, the intercultural problem applies just as much to Jonquière as it does to Montréal.
(8:30 p.m.)

We perceive Québec as a society consisting of populations with a certain number of things in common. Language: I think a consensus is being established on the importance of French in Québec, of common cultural elements. But we're also convinced that there's a new social dynamic, there's a new Québec being created. Not to recognize that the Québec of the metropolitan

area is no longer the Québec of 20 years ago is to deny reality. There are new cultural phenomena, there are new sociological phenomena. There's a new Québec reality, whether you like it or not, which is a far cry from the Québec of 1912. "Le temps d'une pab" is fine, but it doesn't mean anything anymore in Montréal. I mean nostalgia is fine, but in the metropolitan area it doesn't mean anything.

When I talk about the metropolitan area, just now I referred to Jonquière, I think that sooner or later this new convergence, which is a convergence that is positive, because it can occur around common projects, it can occur around common linguistic questions, it can occur in French... But as long as this new convergence goes unrecognized, and we don't develop a true dialogue, we're going to be talking about cultural communities and Quebecers. The day people speak to me and say I'm an Italian, I'm very proud of my Italian roots, I'm very proud of my immigrant culture that has developed here, but I'm also aware that I took part, like hundreds of thousands of others, not only as a person of Italian origin, of all origins, in important social and cultural changes in this area, in this region.

And when we talk about "intercultural", we're anxious to have people stop categorizing us on the basis of a certain type of folklore and we're starting to become aware of the changes occurring in Québec.

The Chairman (Mr. Jean Campeau): Thank you. Mr. Ouellet.

Mr. Ouellet: I think yours is a very important message, and I hope all Quebecers have heard you and especially have understood you.

The Chairman (Mr. Jean Campeau): Well, I have almost nothing to add. So Mr. Sciascia, Mr. Manno, Mr. Folco, Mr. Delli Gatti, thank you for your presentation, and I think we've all learned something.

(Proceedings adjourned at 8:33 p.m.)

(Proceedings resumed at 8:36 p.m.)

The Chairman (Mr. Jean Campeau): Now we'll continue our work with the Tripartite Committee on the Constitution. Joel Pinsky, chairman of the Committee, would you please introduce your colleagues?

Mr. Benarroch (Lucien): We have to introduce ourselves...

The Chairman (Mr. Jean Campeau): Would you introduce your colleagues, please?

Tripartite Committee on the Constitution

Mr. Pinsky (Joel): Thank you, Mr. Campeau. Mr. Chairman, Ladies and Gentlemen of the Commission, allow me to introduce the members of our delegation: Dr. Victor Goldbloom, vice-chairman of the Tripartite Committee on the Constitution; Mr. Lucien Benarroch, also vice-chairman of the Tripartite Committee on the Constitution; Mrs. Goldie Hershon, president of the Canadian Jewish Congress, Québec Region; Mrs. Maxine Sigman, president of Allied Jewish Community Services; Mr. Salomon Oziel, president of the Sephardic Community of Québec; and myself, Joel Pinsky, chairman of the Tripartite Committee on the Constitution.

This brief is being presented by the three main organizations of the Jewish community. The Canadian Jewish Congress, Québec Region, Allied Jewish Community Services and the Sephardic Community of Québec have pooled their efforts to prepare a paper that represents and reflects the dominant trends, concerns and hopes of the members of our community. The Tripartite Committee on the Constitution groups together 55 men and women from different backgrounds, including religious, cultural, professional, organizational, and financial.

In addition to participating in meetings, Committee members consulted the major organizations in our community and the business world in order to establish, as accurately as possible, the consensus of the community on what our brief should contain. The Jewish community has been a part of Québec society for some 230 years. We have prospered in Québec and intend to continue participating in Québec society.

Quoi qu'il arrive, quel que soit le cadre constitutionnel dans lequel le Québec évoluera à l'avenir, la communauté juive demeurera un élément dynamique de cette société et s'attend à continuer à jouer un rôle constructif dans l'évolution et l'avenir du Québec.

I will now give the floor to Mr. Lucien Benarroch, who will present the main points of our brief.

Mr. Benarroch: Mr. Chairman, Ladies and Gentlemen of the Commission, we are confident that the discussion we've initiated on our collective future will be carried on in a spirit of complete moderation. Obviously any future constitutional accord between our province and the rest of Canada will be negotiated within a democratic framework that lends itself to this type of process. Our unflinching attachment to the values of western, democratic, liberal societies, and specifically to the values of individual liberty and equality in the eyes of the law, constitutes the central theme of our brief and underlies our entire position and comments. We intend to play a dynamic role in the shaping of

the Québec of the future.

Even if the Jewish community is not politically monolithic, the large majority of our members are in favour of a constitutional accord in which Québec would have important, significant ties with the rest of Canada. Obviously we are open to change and to reforms in the current federal system, but total elimination of constitutional ties with the rest of the country would find virtually no support in the Jewish community.

We, Québec Jews, understand and sympathize with the desire of French-speaking Quebecers to preserve and enhance their identity, language and cultural heritage. However, it is essential that action taken to strengthen the French language must in no way encroach on the freedom of expression that everyone has the right to. In the same spirit, we disagree with the very idea of a "notwithstanding" clause entrenched in a charter of human rights and freedoms. We live in a pluralistic society and in view of the current demographic situation, it is likely to become more and more so. This plurality of ethnic components must be clearly defined in an evolving Québec. The government should take the initiative in asserting the advantages and benefits of cultural diversity in Québec and should take a more vigorous and visible role in opposing racism wherever it crops up.

The process of globalization and worldwide economic interdependence and the advantages of cultural diversity constitute two fundamental concepts that must be taken into account when discussing the future of our province. In that vein, promoting cultural exchange programs represents an efficient means of ensuring better understanding and harmony among the different components of our society.

This, Messrs. Chairmen, Ladies and Gentlemen of the Commission, is a very succinct overview of our brief, given the time allowed. The designated spokespersons of our delegation are Dr. Victor Goldbloom and myself. We would be pleased to answer your questions. Thank you.

The Chairman (Mr. Jean Campeau): All right, first question, Mr. Jacques Brassard.

Mr. Brassard: Thank you, Mr. Chairman. Greetings and welcome to this Commission. I think that, off the top, you are perfectly right to point out that the Jewish community has been firmly rooted in Québec society for literally centuries. You spoke of 250 years. That's true. I think that everyone in Québec recognizes the quality of this rootedness and of the Jewish community's involvement in Québec society.

Having said this, I must say that there are points in your brief that would receive unanimous agreement at this table. No one here would disagree with ensuring the free movement

of goods, persons and capital in the Canada-Québec economic space, regardless of the constitutional framework ultimately chosen. Everyone wants the free movement of goods, persons and capital to be ensured, preserved and even encouraged. Secondly, it's obvious that any major change must be made democratically; you're right and I think that the people at this table and throughout Québec, for that matter, would unanimously agree.

However, when it comes to constitutional changes, you say that we need to preserve a federal structure. You don't say very much about it though. You would like to see changes, constitutional amendments, but you don't elaborate. I'd like to hear what you have to say about this very briefly. What constitutional changes or amendments would you like to see? I ask this question recognizing that you have every right to wish that a federal structure be preserved.

Mr. Goldbloom (Victor): Mr. Chairman, I obviously wish to preserve what I know. We think that even if the space is big, we will continue to share it and that ties will continue to exist in one form or another. We don't feel that we have the expertise to offer a constitutional formula. We wanted to present our brief with the dominant theme of continuity, looking back at the two and a quarter centuries of our presence in Québec, at our rootedness in Québec, and looking ahead to the future. No one here knows what the situation of Québec and its Jewish community will be two and a quarter centuries from now. But we're confident that, in the 23rd century, there will still be a Jewish community here. For this reason, we wanted to express our confidence that the democratic process will lead to a valid conclusion, no matter what it may be. We also wanted to say simply that we hope people of good will will be able to sit down together and openly discuss what is working and what isn't, and through a dialogue in a spirit of mutual respect and reciprocity, try to find a formula for continued relations that are worthwhile, useful and constructive.

This may not be the answer you were looking for, but we've been following the work of this Commission and we've noticed that certain questions are repeatedly asked of the witnesses, pressing them to offer a magic formula. We don't have one. We intend to continue to be a community rooted in this place. We will continue to hope that this Commission can produce a consensus. We will continue to hope that people of good will can sit down together, discuss the issues and reach conclusions that will mean harmony for this entire country.

The Chairman (Mr. Jean Campeau): We'll now go... A quick comment or a question.

Mr. Brassard: Yes. I recognize Dr. Goldbloom in this.

The Chairman (Mr. Jean Campeau): Is that your comment?

Mr. Brassard: No. We knew each other in the National Assembly. The specific question... A while ago, the Italians said that no matter what happened, no matter what choice Quebecers made, they were here in Québec to stay. Suppose that Quebecers choose to make a commitment to sovereignty, while at the same time remaining open to an economic association with the rest of Canada, suppose that this is the choice of Quebecers, would your reaction be the same as the Italians?

Mr. Goldbloom: Quite simply yes, Mr. Chairman. We're here to stay. You have six individuals appearing before you, but you also have one legal entity: the Jewish community of Québec, and it's here to stay.

The Chairman (Mr. Jean Campeau): Thank you, Sir. We'll now go on to Mrs. Côté.

Mrs. Côté: Thank you, Mr. Chairman. I think that the remarks you made in favour of the French language are worth saying a little louder: you said that it is important for all immigrants in Québec to be able to function in French if they are to fully participate in Québec society. You also agreed with the role that Québec has assumed in defending and promoting French language and culture. I think this message is important, and I think it should be said loud and clear because there's a lot of prejudice, and a lot of talk about how much the cultural communities really want to support the French language. I do have a question, however, concerning the "notwithstanding" clause, although I accept the fact that you disagree with it. What means could Québec take, if it didn't have the "notwithstanding" clause, to promote and protect the French language, especially considering that the groups appearing before us, on the whole, have said that there's a trend towards anglicization? Earlier, people involved in art and music appeared before us saying that there's pressure in favour of English culture throughout the world because of the globalization of the economy. What means can you propose that Québec might take to adhere to the policy you put forward and ensure that it remains truly Francophone?

Mr. Benarroch: It's only through the educational system that Québec can be truly Francophone. The Jewish community has often been reproached for being an English community. Today you say that certain ethnic groups tend to lean towards English language and culture. In

our own case, our community has ended up being English because the French community and educational system refused us access to its schools. That's how our community ended up being English. The problem of francization - and I'm talking about our community - is not a problem for us. Our problem is getting our children admitted into the French school system. This now tends to be easier, but it may need to be developed further.

Protecting the language does not necessarily require a revolution. This is certainly what our experience over 5000 years has shown. We were able to protect our language and culture, as Jews, through a system of education in our homes, through an adequate educational system in our schools; this type of self-education was able to preserve our language, which was a dead language without a country. Québec has a country, it has a language and it's up to Québec to set up the structure needed to ensure that the French language is accessible to everyone.

There's another point, the problem of immigration. I think I can be frank and say that Québec immigration is not very open to French-speaking countries, and I think it's time that Québec ensures that its immigration is more Francophone, which would promote French in our province.

Mrs. Côté: Another question, please. Do I understand you to say that if there were a significant change in the educational system, which would recognize ethnic and cultural diversity, you would not demand your own network of institutions, but would acknowledge that Québec was in reality recognizing ethnic and cultural diversity? Would the Jewish community then agree to be part of the existing educational system?

Mr. Benarroch: Yes, if our religious heritage is protected.

Mrs. Côté: Thank you.

The Chairman (Mr. Jean Campeau): We'll now go on to Mr. Libman, then Mr. Poissant.

Mr. Libman: Thank you, Mr. Chairman. I'd like to extend a warm welcome to the representatives of the Canadian Jewish Congress, Allied Jewish Community Services, and the Sephardic Community of Québec. I think it's important to point out to the members of this Commission that the collaboration of these three organizations is very significant for the Jewish community in Québec.

Ma première question fera référence au triste exode des jeunes membres de la communauté juive au cours des 15 dernières années. Je crois qu'une famille juive sur deux au

Québec a vu un fils ou une fille quitter la province pour aller en Ontario ou ailleurs, pour des raisons précises. M. Goldbloom, vous avez très clairement indiqué que nous étions ici pour y rester, et j'espère que cette assertion est exacte. Comment pouvons-nous bien faire comprendre à la majorité la triste perte de tant de nos jeunes au cours des 15 dernières années? Y a-t-il un moyen d'arrêter cet exode? Pouvons-nous mettre le doigt sur ses principales causes? Nous devons faire nos recommandations à l'Assemblée nationale au plus tard le 28 mars. Quelle est la meilleure stratégie pour ralentir quelque peu cette vague d'émigration de nos jeunes professionnels juifs?

Mr. Pinsky: D'abord, M. Libman, je crois, sans vouloir minimiser les causes, que l'exode a bel et bien eu lieu, je crois que les jeunes de nombreux centres urbains dans toute l'Amérique du Nord se sont déplacés beaucoup plus facilement au cours des dernières années. Cependant, il y a bien eu un exode de la jeunesse, pas seulement des jeunes juifs, mais disons pour le moment des jeunes minoritaires de la province de Québec. Et je crois que l'une des mesures importantes qui devra être prise, et de toute évidence par le gouvernement et par les autres organisations au Québec, est de rendre les minorités... Je crois que cette responsabilité a été rendue claire par les premiers représentants de la communauté italienne, et je pense que c'est un thème cohérent, et j'espère que c'est compris par tout le Québec que le thème cohérent de tous les soi-disant minoritaires dans le Québec est que nous sommes ici et que nous tenons beaucoup à faire partie de la société, mais nous voulons nous sentir les bienvenus. Et le message doit passer, pas seulement dans des proclamations de temps à autre, mais dans des exemples concrets, par une représentation dans la fonction publique, par une représentation dans l'ensemble et dans toutes les parties de cette société. Donc, ma réponse est qu'il est clair que si quelque chose devait être fait, oui, je crois, ça arrêterait l'exode de nos plus brillants et de nos meilleurs, comme vous le dites.

Mr. Libman: Thank you, Mr. Chairman. I'd like to follow up on Mrs. Côté's remarks on the "notwithstanding" clause. I agree with you that the inclusion of the "notwithstanding" clause in the Constitution is a problem. How can you reconcile... How can you strike a balance between the aspirations of the majority on the one hand, and the respect of individual rights on the other? How can you strike a balance? How can you reconcile these differences?

Mr. Goldbloom: Mr. Chairman, this is a fundamental principle for us. If there is a charter, and it is included in the constitution, it must apply in all its parts, absolutely, and in all

cases. We need to find other means of taking particular situations into account. But if we define in a charter the principles that must apply to all citizens, all organizations and all groups within society, that charter must be open for discussion if its application creates difficulties. Let's have an open debate on it, but if we have a charter on the one hand, and a "notwithstanding" clause on the other hand, which may be invoked simply by a majority vote of the National Assembly, and then say we have a charter, but it doesn't apply in this case because of a particular situation, then there's something missing here. We believe that there must be general application of the principle of equality, rights and freedoms through the existence of a charter.

(9:00 p.m.)

The Chairman (Mr. Jean Campeau): Thank you, Mr. Libman. I'm sorry, I can give Mr. Poissant only a minute or two as well, and no more, because we must finish this portion.

Mr. Poissant: Thank you, Mr. Chairman. First of all, I must congratulate you. I often say to Anglophones like you that there wouldn't be a Bill 101 or 176 in Québec if people like you spoke French. It's really heartwarming to have people like you. The infamous "notwithstanding" clause that the two speakers before me discussed does exist and we're in an awkward position for having applied it. But maybe you can understand... It's a nuisance for you to have to post signs in French only, but let me tell you something. There was a flood in Florence about ten years ago and *Time* magazine appealed to Americans to help the City of Florence save its works of art and culture. I think Americans collaborated. It's hard to think that it's Anglophones who should have been thinking about Québec, not just Anglophones like you from Québec, but from all over Canada... They should have been thinking that they had to save Québec, French culture in Québec, and not that it was being imposed on you. It's difficult for us, but please accept that it's essential for you that Québec, which is a distinct society and has a distinct culture... You should be coming to our aid and deciding that, from now on, we're going to post signs in French only, so that North American Anglophones learning French, who come here to Québec and see signs like "The Bank of Canada", "The Outremont Plumbing Company", don't have to wonder why their children are learning French when everyone in Québec uses English. Do you now think you could accept the fact that the "notwithstanding" clause, especially for signs, was made for all Quebecers, not only for the Francophones, but for economic reasons for all Quebecers?

Mr. Goldbloom: Mr. Chairman, I'd like to thank Mr. Poissant for his kind words with

regard to the Anglophones who have testified, but I'd like to point out that we are a part Anglophone, part Francophone delegation: two out of six of our representatives are Francophones. If the Anglophones express themselves adequately in French, it's because we recognize that this society is going to pursue its future in French. We hope however - and I hope I can be frank - that the heritage we pass down to our children will not be a monolingual heritage, because to live in the world, you have to be able to communicate with a lot of people in many different languages.

The Chairman (Mr. Jean Campeau): Mrs. Pelchat.

Mrs. Pelchat: Thank you, Mr. Chairman. Ladies and Gentlemen, I, too, would like to welcome you to our Commission. First I'd like to discuss what the Tripartite Committee sees to be the main problems that have brought all of us here tonight. As far as you are concerned, what are the main problems that we are here to discuss?

Mr. Goldbloom: I would say that the problems are problems of perception. Some people perceive the current federal structure as satisfactory. Other people think that this structure, and the way we live in it, doesn't meet their aspirations or make them feel that they're living as fully as they would like to.

Mrs. Pelchat: Dr. Goldbloom, I'd like to stop you there. You've been in Québec for a very long time and you said earlier that the Jewish community has been established in Québec for longer than the Italian community - which my colleague and I are from - and we envy you: 250 years is a long time. But as a Quebecer, Mr. Goldbloom, can you identify the problems that a Quebecer might identify concerning our relations with the Canadian federal system?

Mr. Goldbloom: You'd have to be deaf and blind not to see the problems of people living in Québec and at the same time in Canada, under the current circumstances. As representatives of the Jewish community, we've been saying since the beginning of our presentation that our community is well-established and happy here, and as a community, and it's as such that we're here, we have no reason to complain. There have been, as Mr. Benarroch briefly mentioned, certain situations that hurt, constraints that were imposed, that limited the freedom and full participation of members of the Jewish community in Québec life. This is basically not the case today. However, I must say that there are perceptions among people, not only in the Jewish community, but also in other minorities in Québec, which are perhaps more pronounced

among young people, that equality of opportunity and acceptance is less than perfect. This is a concern we have, given our intention to remain here and participate in the future of the province. We want to be able to feel and to tell our children that they can feel at home here, that they can feel fully accepted here and that they can feel on an equal footing with others applying for jobs and promotions.

Mrs. Pelchat: Given that the majority of members here, and I think the majority of Quebecers agree that the status quo cannot be maintained, would the model presented by Professor Thomas Courchene today, or the one mentioned by Mr. Dion that will be presented by Patrice Garant the day after tomorrow, offer a confederative model with the important and significant ties you mention on page 2 that would link Québec and the rest of Canada? Would this model be acceptable for the members of the Jewish community?

Mr. Goldbloom: We think that any solution reached by people of good will, which ensures Québec will remain an open society offering equal opportunity, should be acceptable to a community like ours. It's not up to us to accept it. It's up to us to participate in the process.

Mrs. Pelchat: One last question, Mr. Goldbloom. As a former MNA, do you not think, when you affirm on page 8 that recourse to judicial authority is the ultimate guarantee of our rights and freedoms, that it isn't somewhat dangerous to let our human rights and freedoms be defined and redefined by judicial power alone and that it isn't the role of Parliament, of elected representatives, to do that?

Mr. Goldbloom: I'm sorry, Madam, but I wasn't able to follow you.

Mrs. Pelchat: On page 8 of your brief...

Mr. Goldbloom: Yes.

Mrs. Pelchat: ...you affirm that recourse to judicial power is the ultimate guarantee of our rights and freedoms. By that, you seem to be saying that it's important for the courts to be able to decide, and I wouldn't want... I hope that you weren't really saying that Parliament should be stripped of its power to define these rights and freedoms and that the courts should have these powers.

Mr. Goldbloom: Absolutely not. You mentioned that I'm a former MNA, and it's clear in my mind... This is a point on which I haven't had the chance to consult my colleagues, but I think I can risk giving a personal answer.

I think that the National Assembly must

continue to have the right to legislate. You know as well as I do what happens. Once laws have been adopted by the legislator, the courts are required to interpret them and interpret the intention of the legislator. It's a role that is complementary and it's important in a society like ours.

The Chairman (Mr. Jean Campeau): Does that answer your question, Madam?

Mrs. Pelchat: Yes.

The Chairman (Mr. Jean Campeau): That brings this sitting to an end. Mrs. Sigman, Mr. Goldbloom, Mr. Pinsky, Mr. Benarroch, Mrs. Hershon and Mr. Oziel, thank you for being with us this evening and for your contribution to our work on the future of Québec.

(Proceedings adjourned at 9:12 p.m.)

(Proceedings resumed at 9:16 p.m.)

The Chairman (Mr. Jean Campeau): Ladies and Gentlemen, please take your seats. We will now be hearing the Centre maghrébin de recherche et d'information. I'd like to welcome Mrs. Fatima Houda-Pépin.

Centre maghrébin de recherche et d'information

Mrs. Houda-Pépin (Fatima): Good evening.

The Chairman (Mr. Jean Campeau): Would you please introduce your colleagues?

Mrs. Noufi (Kenza): Good evening, Ladies and Gentlemen. I will start with Mrs. Fatima Houda-Pépin, who is an intercultural education consultant, lecturer, and president of the Centre maghrébin de recherche et d'information. On my right, Mr. Kamel Khalifa, who is a film-maker, and head of education and communications. Excuse me; I said on my right but Mr. Khalifa is actually on my left. On my right is Mrs. Lilia Selhi, a professor of administration, management consultant, and resource person in entrepreneurship. I am Nadia Noufi and I'm a community worker. I work with new arrivals.

Allow me to turn the floor over to Mrs. Fatima Houda-Pépin, who will present a summary of our brief and who will be pleased to answer your questions.

Mrs. Houda-Pépin: Messrs. Chairmen, Ladies and Gentlemen of the Commission, (in Arabic) peace be with you. When we asked to be heard, we had little idea that we were going to be speaking to you in a such a highly charged atmosphere filled with unconcealed hatred and intolerance toward the Islamic Arab community

in Québec and Canada. Yesterday the newspapers reported General Allard's statements in which he linked Arabs to "fanatics" and "thugs". Two days ago, a group of skinheads attacked members of the cultural communities, one of whom, a Maghrebi, had his lungs punctured.

The war of words is already underway in the media. A few hours before the deadline for a possible armageddon, there is a great unease at the heart of the Maghrebi and Arabic-Islamic community in Québec and Canada, and the effects of this tension are already being felt.

That being said, before making direct reference to the Centre maghrébin de recherche et d'information brief, allow me to remind you that it is a logical continuation of the brief from the Comité de coordination sur la place des minorités ethniques et raciales du Québec, which will be presented tomorrow. So this evening we will not repeat the content and recommendations of their brief, but it should be considered to reflect ours.

The Muslims from the Maghreb are distinct as to their religion, Islam, and their culture. Within this community there are two main ethnic groups, the Arabs and the Berbers, who call themselves the Imazighen. This community has interesting characteristics. It is a mainly Francophone community from the standpoint not only of language, but also of culture. The Maghreb, which is a geopolitical grouping of countries that includes Algeria, Tunisia, and Morocco, is part of the community of French-speaking nations. It is a significant source of future Francophone immigration to Québec; 80% of those emigrating from the Maghreb choose to settle in Québec. Their knowledge of French is a determining factor in their choice of Québec. It's a young, highly educated population, in which there are university graduates, technicians and skilled workers; more and more Maghrebi bring with them extremely useful work experience that can be transferred easily to the Québec job market.

At first glance, with such a favourable profile, you would logically conclude that the Maghrebi have every means to integrate themselves into Québec society and work in French. But if it is true that some of them, a minority, succeed in finding employment commensurate with their qualifications, most Maghrebi encounter serious difficulties in gaining access to the job market and proper recognition of their qualifications.

The hardest thing to accept is that a number of the Maghrebi making the rounds in the French-speaking job market end up realizing that they are handicapped by the fact that they don't speak English. So they set about learning this language. Those who become fluent enough head up the highway to Ontario; the others hunt farther afield in all the regions of Québec and

end up back in Montréal.

Seen in this light, the situation of the Maghrebi community is very similar to that of other immigrants. However, the community made two observations. First, what is said about immigration fosters a double ambiguity; on the one hand it automatically associates immigrants with allophones and on the other, allophones with Anglophones. In addition to perpetuating fears about immigration, this talk makes us forget that 30% of Québec's cultural communities are French-speaking, but despite this, they are not integrated.

As it defines its political and constitutional future, it is imperative that Québec assume its responsibilities vis-à-vis Francophone immigrants and the other minorities. If it does not, if Québec society cannot develop structures for integrating the French-speaking cultural communities, how can allophones take francization efforts seriously? How can we go on theorizing about giving priority to Francophone immigration, when, in practice, a significant number of French-speaking immigrants are leaving Québec? Lately we learned in the media that, since 1986, one-half of the French immigrants have chosen to return to France or to leave for other destinations.

Second, existing structures for integrating immigrants do not meet the needs of Francophone immigrants. Francization programs, programs for vocational training and integration into the job market, have been designed mainly for allophone immigrants. This discrepancy between what is said and what is done is primarily due to the fact that the government sees integration in purely linguistic terms. But what are we doing for the communities and the immigrants who can already speak the language and, in addition, whose professional qualifications were obtained totally in French?

Integration of its cultural and racial minorities is one of the major stakes to be considered by Québec society as it defines its political and constitutional future. At the Centre maghrébin we are confident of Québec's political maturity and its capacity to define its constitutional future with respect for democracy and the fundamental rights of its citizens. We strongly believe in the viability of a French-speaking, intercultural, interracial, interethnic and interdenominational Québec, and we are working with other organizations with a similar purpose to promote Québec's distinctiveness.

We think that the Québec government's objective of reserving a certain percentage for Francophone immigration is legitimate; but this objective must not become an excuse to close the door to non-Francophone immigration. In addition, Quebecers must realize that the French-speaking world, which is the largest source of Francophone immigration, consists, by definition, of many races, cultures, ethnic groups

and faiths.

Society and institutions must be made ready to understand and recognize pluralism not just in terms of the Anglophone-Allophone dichotomy but as an integral part of Québec's Francophone community, and this means we need a real integration policy which takes into account a three-way partnership of business, government, and community organizations. Such a policy can never succeed unless it is officially declared a national objective. Immigrants are not the only ones responsible for integration; every Quebecer is responsible.

The Chairman (Mr. Jean Campeau): Can you please get to your conclusions?

Mrs. Houda-Pepin: To the recommendations, Mr. Chairman. First, if Québec remains within the federal structure, it is imperative that a number of powers be repatriated in order to make more effective use of resources and offer the people suitable services.

Second, if Québec chooses independence, a non-partisan, representative constituent assembly must be formed, with a mandate to draft a constitution for Québec. This constitution must be submitted to the people for approval.

Third, while we wait for Quebecers to make a decision about their political and constitutional option, the government must declare integration a provincial priority and, under its present mandate, create a secretariat for integration attached to the Executive Council.

Fourth, the Québec government should use the business and union leaders represented on the Bélanger-Campeau Commission to set up a committee with a mandate to make public and private institutions aware of their social responsibilities vis-à-vis Quebecers from the cultural communities. French can be attractive to immigrants only if they work in French with Francophones. Thank you.

The Chairman (Mr. Jean Campeau): Thank you, Madam. First question from Mr. Dufour.

Mr. Dufour: Thank you, Mr. Chairman. I would first like to thank the Centre maghrébin de recherche et d'information for this presentation. I have two questions. The first refers to your first recommendation: If Québec remains within the federal structure, it is imperative that a number of powers be repatriated. Can you tell me the main powers you would like to see repatriated?

Mrs. Houda-Pepin: Yes. Power over immigration. I think Québec must be able to have all the powers not only over selection, but also over integration of immigrants. In addition, there is vocational training, all the policies related to manpower that also affect the cultural

communities and society in general. I believe there is one jurisdiction that is not completely repatriated, that of education. With these three powers, it seems to me that Québec could decide its own destiny.

Mr. Dufour: And the new immigration policy just announced by Mrs. Gagnon-Tremblay, which is a national integration policy to which I know, in the main, the ethnic groups subscribe; is this true for your group as well?

Mrs. Houda-Pepin: We support the policy statement made public by Mrs. Gagnon-Tremblay a few weeks ago. However, this statement placed the accent on immigration more than on integration. Second, to refer to another recommendation that we presented, that of creating a secretariat for integration, individual Ministries are not concerned with integration. As long as we leave integration at the sector level, society will take no action. Integration must be a priority for all Ministries, which means we have to make it a provincial objective rather than a policy of a particular Ministry.
(9:30 p.m.)

Mr. Dufour: Can we conclude, in fact, that we can solve the type of issue you've raised, such as immigration, within the current federal framework?

Mrs. Houda-Pepin: I would find it perfectly reasonable if Québec democratically decides to remain within Confederation. If Québec chooses another option and if it finds its powers are insufficient, I would go along with the majority.

Mr. Dufour: Thank you.

The Chairman (Mr. Jean Campeau): We continue with Mr. Gérald Larose.

Mr. Larose: Thank you, Mr. Chairman. Mrs. Houda-Pepin, I would first like to return to your opening statement where you recall the tense situation we're in, to remind us that usually when we're at war, when there's exploitation and domination, there is an extremely violent outbreak of discrimination and racism, in particular, and sexism as well, in other contexts. There may be some religious overtones too, and I think that the generals on the front lines, be it Mr. Hussein or Mr. Bush and the others, are certainly going to exploit all these things to their maximum advantage.

I would remind you that in North American society, the Blacks for one, and the aboriginal peoples for another, have been particularly victimized, first by war but later by exploitation and domination. In your brief, you identify a phenomenon that is specific to the Maghrebi, which is that discrimination can certainly not be based on language; almost to a person, you speak

French, but there are problems integrating. Therein lies the challenge for our society; it's true for Québec and it's true for all societies. In this sense, I sometimes wish that we didn't blame ourselves collectively, because to digress somewhat, I'm aware that we've done plenty of good things. I'm proud of what we've done. There are many things left to do. That becomes the mandate you've identified, the national priority.

Our challenge is to integrate difference, be it a difference of skin colour or whatever... This is a challenge for all societies. When you say that you speak French but have problems integrating, you who probably suffer from this business the year round, the fact that there's ambiguity in Québec, and that includes language, it seems to me that this complicates matters. Do you not feel this a little? So, a clear option, our challenge as a society of integrating differences, it seems to me that we would only be making things easier for ourselves if we were very clear about these things with regard to new arrivals. I don't know what you think about that.

Mrs. Houde-Pepin: It's a widely expressed opinion. I can say that the position of minorities, including the Maghrebi community, is to say that we have a priority: to know which blueprint for society independence offers us. If the blueprint includes us, makes room for us and tells us that we are Quebecers like the rest of you, and that there's no more "you people" and "the rest of us", and nobody will have to ask a Quebecer from a minority group "Where are you from?" because he or she could have been born in Montréal or Chicoutimi, the day we achieve this level of assurance about who we are as a people and where we belong, people are going to behave as full citizens who know that they are seen as full citizens.

In the meantime, as we wait for this to happen, if it happens, what are we doing while we wait? In the meantime, the Québec government has a number of powers and jurisdictions and, within these powers and jurisdictions, it must prove to the minorities that it is making room for them.

Take for example the equal access programs. The Québec government, within the current federal framework, has established and publicized an equal access program. This is very positive. It was warmly greeted and applauded by the minorities. But when you look at the accomplishments, not only at the accomplishments but at the impediments to making this equal access program work, that's where the ambiguity lies. What do you want? Do you really want to integrate immigrants and cultural communities? Because at a certain point, we have to stop being immigrants and become full citizens. We never lose our culture but we can lose our status as nationals because even

though we're born in a country, or grow up in a country, we chose another country. And I believe that most immigrants choosing Québec, the Maghrebi above all, want to be considered as full citizens. So there's your answer.

To reply to your second question, the question of independence, it mustn't be seen as a magic solution to solve all of our problems. If we don't give content to this independence, it will be difficult to sell it to the minority groups. One other comment I would make, Mr. Larose, is that there is an idea which, to my mind, has no foundation, which questions the allegiance of the minorities to the Québec government, because they have always been associated with the federal government, with multiculturalism, with a certain view of society. I believe that Québec society must change this perception, because the minorities have no prejudices about the Québec government or the political class in Québec. Minorities are uneasy about ethnocentric nationalism; they fear it because they fear being excluded. If the society of the majority can demonstrate its ability to welcome them and consider them full citizens, the members of the minorities won't hesitate or won't of necessity oppose the plan for Québec's independence, and in some cases will champion it.

The Chairman (Mr. Jean Campeau): A brief comment, Mr. Larose.

Mr. Larose: Yes. On this subject, Mrs. Pepin, I've listened to briefs from almost every group and I won't generalize as much as you have. I think that objectively speaking, several groups have a greater allegiance to Canada and I think that in the context, it's normal for it to be so. They didn't come to Québec; they came to Canada. Who sought them? Who welcomed them? Who made a number of, I would say facilities available to them? It was Canada. In these circumstances, Québec is the place that takes them in. And, what's more, I resent it when we blame these groups for their divided allegiance. But in my opinion it isn't completely true to say that all the groups are really clear on this question.

Mrs. Houde-Pepin: Excuse me. If that's what you got from my message, I think there's an misunderstanding. What I said was that the overall tendency to consider the groups as a whole as being against sovereignty or independence is disputable, because there are more and more people from the minorities who don't see that option as a threat. So there is a slight distinction to be made at this level. We don't have the means to carry out opinion polls among the minorities to find out where they stand. But one thing is certain: to have moved around - and I move around daily - in the various cultural communities, is to know that the

people aren't afraid. We won't play the Brink's game with minorities wanting to leave Québec just because there is a plan for independence on the horizon. If there is independence, we'll take part, but you have to make room for us.

Mr. Larose: I agree.

Mrs. Houde-Pepin: If there's no room for us, people will feel excluded and they will certainly seek refuge wherever they can find it.

The Chairman (Mr. Jean Campeau): Fine. Mr. Libman.

Mr. Libman: Thank you, Mr. Chairman. Mrs. Pepin, in your brief you spoke of integration of the cultural communities. There are many nationalists who mean assimilation when they speak of integration. That being said, I would be pleased if you would elaborate on point 5, on the fifth page of your brief, which recommends a clarification of the meaning of what it is to be a Quebecer in the light of the pluralistic society of today and the future. I think you're highlighting a very important point. Could you elaborate on it a little?

Mrs. Houde-Pepin: Fine. You know, as I see it, there is ambiguity about the idea of integration as soon as we associate it with assimilation. I'm indeed sensitive to the fact that many Quebecers, and especially those involved in the discussion on immigration, make a sort of automatic connection between integration and assimilation, between speaking French and having no culture other than the one belonging to the majority. This is dangerous because I believe that assimilation is a failure of integration. It's proof that we were unable to live with our differences. On another side is the multicultural vision that puts the cultures side by side with no interaction. To simplify, I would say that monoculture is when you dance your dances within your community and multiculturalism is when you dance your dances with others. This is not the way we're truly going to share and come together.

The third model, the one in which I believe, is the intercultural model that I've been promoting for 12 years in Québec. I'll tell you that, at first, I met a huge amount of resistance at all levels, but I'm delighted to see that this discussion, the concept of intercultural education is making progress to the point of becoming part of the vocabulary in Québec's administration. There has been progress. So, when we come from another country, and when we choose Québec or Canada, we can't expect to maintain our culture intact, because we're living outside our natural setting. On the other hand, Québec culture is also being enriched and changed. What we do in an intercultural model is

hold on to a number of our traits that are characteristic and fundamental to our culture, but at the same time, we move towards the other cultures to become what I call a synthesized product. If I return to my native land, I'm no longer the person I was 15 or 16 years ago. In the same way, Quebecers descended from the original settlers whom I know and work with, have contact with, are exposed to other realities they would perhaps otherwise never have experienced in their everyday lives.

Mr. Libman: OK. Thank you. Second, you don't take a stand in favour of any constitutional option. In your first recommendation, you say that if Québec remains within the federal structure... Your second recommendation is that if Québec chooses independence... So you don't take a stand. This evening, the National Congress of Italian Canadians came before this Commission; they didn't take a stand in favour of any constitutional option either, but they said there was a broad consensus in their community in favour of a federal link. Is this also true of your community?

Mrs. Houde-Pepin: We haven't the means to do a scientific survey of our community to give you a meaningful answer.

(9:45 p.m.)

Mr. Libman: Yes, scientific.

Mrs. Houde-Pepin: But what I can tell you, on the other hand, is that based on the picture I sketched for you of the Mahgrebi community, we are French-speaking, so we live in Québec and we have many more dealings with the Québec government than with the Canadian government. Are you going to take this relationship as a sign of, let's say, a favourable attitude to independence or something else? I couldn't honestly tell you. I, myself, I would really have liked to know, but the fact is that we're living in Québec. We are here to put down roots in Québec, to contribute to Québec society and to share with other Quebecers, but I have no way of telling you today whether the Mahgrebi community, as a whole, is more in favour of federalism, some kind of renewed federalism, or independence.

Mr. Libman: But loyalty to Québec and to Canada can be very compatible. The question is between...

The Chairman (Mr. Jean Campeau): Yes, but that's the end of that, sir.

Mr. Libman: Oh no!

The Chairman (Mr. Jean Campeau): Look, you're going to torment her and make her say

something else.

Mr. Libman: I'm going to do the survey myself.

The Chairman (Mr. Jean Campeau): Mr. Cherry.

Mr. Cherry: Thank you, Mr. Chairman. Madam, permit me at the outset to comment on your opening remarks to the effect that when you and your organization agreed to appear before this Commission, you little knew that yours truly and your organization would be standing shoulder to shoulder in the media, taking an identical stand on something that I think every Quebecer deplures.

Mrs. Houda-Pepin: Thank you.

Mr. Cherry: Your organization was founded in 1978, but the qualities, and when we refer to the Centre maghrébin de recherche et d'information - you will allow me to consult some notes I took to help me identify what your organization is and the kind of work you do - the primary mandate of your organization is educating and sensitizing the public and institutions with regard to the Maghrebi communities which, in the context, means African and Muslim. Your organization has instituted services and developed documentary and human resources to fill local needs for intercultural information and education. In addition, your organization has developed expertise in many intercultural fields, and I'd like to enumerate some of them: the status of women, minority rights, intercultural and interdenominational dialogue, and integration of Muslims, to name but a few. In your brief, you ask for official recognition and promotion of non-governmental organizations from the cultural communities that are working for francization and vocational training, for equality in employment and for intercultural understanding. Do you believe that recovery of powers in the area of integration of immigrants, along with the associated sums of money, will allow for a more coherent policy that is better suited to the needs of the organizations in the cultural communities? That's my first question, Madam.

Mrs. Houda-Pepin: Yes, basically, yes, we believe it would be easier to deal with one level of government on immigration matters. I would say that this would avoid what I call the Dorchester Street and McGill Street syndrome. It would solve the problem, because that's the source of the ambiguity that Mr. Larose referred to a moment ago - duplication of services, conflicting messages. And for our community, which is French-speaking, it would make things

a great deal easier in terms of access to services. Right now, we would be in favour if the Québec government, through its Ministry of Cultural Communities and Immigration, recovered these powers and the budgets to go with them, on the condition that the Ministry develop mechanisms for consultation and coordination with the cultural communities' non-governmental organizations. The Ministry of Cultural Communities is not in the habit of consulting and coordinating. This process is just beginning. I find this very encouraging. Very positive. We must continue in this direction, Mr. Cherry.

Mr. Cherry: Thank you, Madam. A second question, and obviously I'm referring again to sections of your brief; you say that Québec is becoming an ever more diversified society from the standpoint of culture, race, ethnicity and creed. How do you define a new Québec identity that would take these factors into account?

Mrs. Houda-Pepin: Well, a Québec identity would be pluralistic; a Quebecer is someone who wants to be one. It's up to us to make this identity happen, but the majority society must accept it. Let me give you some examples. I received a phone call from a government TV service that was preparing a program about marriages with foreigners. I asked them what they meant by "foreigner" and they told me it was someone who is an immigrant.

As long as you continue to see us as foreigners, there will be a problem in defining what a Quebecer is. I can give you many other examples. I attended a conference on education. One of those attending made a presentation on the problem of francizing the allophones, allophone children, and she made a speech that is completely in line with current thinking: French is in trouble because of the immigrants and allophone children. And, of course, she cited the example of Saint-Luc school. That example makes me furious. At one point, I asked a question. I asked if she could tell me the quality of the French, the state of the quality of French in schools having a high concentration of native-born Francophones. And do you know what I got by way of an answer? Silence. For several minutes, they realized that a fundamental question had just been asked.

It's very easy to blame the immigrants for their inability to speak French, but that doesn't improve the quality of French. If we really want to promote French, we have to promote the quality of French, of French education for all children with no distinctions, but with consideration of the specific needs of allophone children who have particular problems, of course. But the most interesting thing was that a few days later I met one of the people who was seated beside me at that conference, and who is known to be a very congenial nationalist. I asked

him: "How did you react to my question?" I felt I'd embarrassed people. And he said to me: "You know, it's a little like having a child with bad manners; when you say it has bad manners, that's fine, but when an outsider says it, that's hard to take. So there we are, it's an automatic reflex, sometimes it isn't even intentional; it's built into us. For us, it stems in part from our idea of the Catholic French Canadian, and everything that doesn't fit this three-part mold can only be foreign."

So you can see we have some way to go; we're doing our part, for goodness' sake, do yours.

The Chairman (Mr. Jean Campeau): We are now going to go on, I'm very sorry, the answer was too beautiful, you got carried away... Mrs. Marois.

Mrs. Marois: Thank you, Mr. Chairman. Thank you for coming to the Commission. Like my colleagues at this table, I too am going to denounce, along with you, every type of violence or racism or hint of racial prejudice, which, I think, must be outlawed from any society, whatever its status. In this regard, I believe I speak for my colleagues, as well.

I had a professor of psychology at university who used to say: "You know, to make others feel confident, you must first have confidence in yourself. To love, you must first love yourself a little." I would say that in order to know those we're receiving, to welcome them properly, we must know who we are. And from my viewpoint, one of the first ambiguities to get rid of in Québec is knowing whether we're Quebecers of old stock or newly arrived...

Mrs. Houda-Pepin: ...of medium or new stock.

Mrs. Marois: ...of medium it doesn't matter much, but whether we are Quebecers, Canadians or French-Canadians. And by way of clarification, this goes back to what Mr. Larose was saying earlier in clarifying who we are, that when we invite people to come to Québec, they will know they're coming to Québec and not to Canada, whereas at present, ambiguity exists for old-stock Quebecers, or new Quebecers or medium-stock Quebecers, it doesn't matter, but this also creates ambiguity for new arrivals. It's not just for us. There's a form of insecurity that perhaps explains - and this is what I'd like you to comment on - the fact that we don't seem very welcoming and, most of all, that we don't set up all the means to integrate, for example, the members of the Mahgrebi community, who speak French and who, in this respect, should be among the first to participate in Québec society to the limits of their abilities and their training, a fact that you criticize in your brief.

I would like to hear some of your comments on this subject.

Mrs. Houda-Pepin: Well, I already answered Mr. Larose on some aspects of this question. What I can say to you is that the ambiguities you refer to are very real problems experienced every day by the Mahgrebi community and by the other cultural communities. It's not theoretical. It's an everyday reality. However, as long as Québec, within the current structural framework and with the powers it enjoys right now, or in an independent Québec, as long as it doesn't set the tone and doesn't clearly tell the cultural communities: You are one of us; we're going to build this society together... Permit me, Mrs. Marois, to give you another example.

I was contacted by one of the media to find people to participate in a program about the ethnic groups: would they follow Quebecers in their plan for independence? So, reading along with me, you can see two things: there are the ethnic groups and there are Quebecers. Right from the very start. And second, we are going to follow. We are merely followers. And we're like guests and we're meekly going to follow the people, aren't we? I said this to the journalist who spoke to me: "What would you say if it was the minorities who were becoming independent?" I told him it could happen; the minorities are so highly concentrated in Montréal he could be in for a surprise. Montréal could become independent before Québec.

I say this to tell you about it, but it's quite interesting to follow the discussion. Then, to try and explain my viewpoint, I said: "You have to change your formula, otherwise I won't collaborate." Then he told me: "But you're aware that in the Referendum the minorities voted against, and the Parti Québécois has the statistics, because it did surveys and it knows that the minorities are against." I'm not in these statistics because I was in favour. And then I said: "Knowing this since 1980, what has the Parti Québécois done to seek out the minorities to bring them closer to the party to win their support for independence?" It's been 10 years since the Referendum and do you know what he answered? He said: "The party is going to organize a symposium on the weekend on the cultural communities..."

Mrs. Marois: He must have been very badly informed about the many things that are being done, and you must know of them. I still think it's interesting that you bring this up. In fact, I think you're aware that there were gestures made when we were in government and all that. We're not here to defend this. I would prefer to come back again to your remarks. I think that it's very significant, in fact, that in this entire process we'll have to go through together, we must realize that...

Mrs. Houda-Pepin: That's it.

Mrs. Marois: ...we're going to build Québec together, not by asking someone else from outside to do it for us. Thank you for your participation.

Mrs. Houda-Pepin: I thank you.

The Chairman (Mr. Jean Campeau): Thank you, Mrs. Marois. Well, Mrs. Selhi, Mrs. Noufi, Mrs. Houda-Pepin and Mr. Khalifa, this is a presentation that is surely going to influence the Commission. Your presentation was to the point and I also think that you expressed yourselves very eloquently but, most of all, thank you for educating us and giving us food for thought.

Mrs. Houda-Pepin: Thank you very much. Thank you.

(Proceedings adjourned at 10:00 p.m.)

(Proceedings resumed at 10:02 p.m.)

The Chairman (Mr. Jean Campeau): We now greet the Front commun des personnes assistées sociales du Québec. Welcome, Mr. Jean-Yves Desgagnés. If you would please introduce the people with you.

Front commun des personnes assistées sociales du Québec

Mr. Desgagnés (Jean-Yves): Thank you. Messrs. Chairmen, Ladies and Gentlemen of the Commission, in the name of the Front commun des personnes assistées sociales du Québec, it gives us great pleasure to take part in the proceedings of this Commission on the Political and Constitutional Future of Québec.

During the next few minutes, there will be five spokespersons who will present the Front commun's brief. On my right is Mrs. Linda Gagné, a welfare recipient from Témiscouata, a single mother of three young children. On my left, from the north end of Montréal is Mr. Pierre Quenneville, who is single and a welfare recipient who has been unemployed since the 1981-1982 recession; Mrs. Diane Denault, a welfare recipient from Sherbrooke, who is married and the mother of two young adults between 18 and 20; Mr. Gilles Fournier, who is a welfare recipient, employed for 20 years at Simmons Bed in Pointe-Saint-Charles, now unemployed, victim of a plant closing, and father of two young children; and myself, Jean-Yves Desgagnés.

Before getting down to the heart of the matter, in these hours before the expiry of the United Nations Security Council's deadline for

Iraq to leave Kuwait, we would like to express our concern about the possibility of armed conflict in the Gulf. We wish to add our voices to the voices of pacifists the world over and to all people who are demanding a negotiated settlement of the Gulf crisis, and at the end of our presentation, we ask for a minute of silent prayer for the triumph of peace over war in the Gulf.

So, let's return now to the purpose of this Commission; I turn the floor over to Mrs. Diane Denault.

Mrs. Denault (Diane): Good evening. The Front commun des personnes assistées sociales du Québec consists of 40 local groups from all corners of the province which are fighting for the interests of welfare recipients. The Front commun exists through and for people receiving welfare, who are the most disadvantaged in our society. We bring together the poor who wish to attack the roots of poverty by fighting against all forms of oppression and exploitation that create and engender poverty. In addition, within several groups, emergency assistance, clothing, food, etc., as well as direct help with problems related to welfare benefits are given by those on welfare to their fellow welfare recipients.

Since December 1987, with a coalition of over 1700 groups representing all social and progressive forces, the Front commun has been fighting against the infamous welfare reforms and for reforms that are just and equitable.

Mrs. Gagné (Linda): Last November, we criticized the lack of representativity of this Commission, not because we doubted the ability of the people who are here, but because those known as the "lower classes", the little people as they are called, were not represented. No one represented the unemployed, the poor, women's groups, the young, aboriginal peoples, and the ethnic communities. We also felt uneasy because of what happened in 1988 in the parliamentary committee, where 90% of the briefs were against the proposed Bill 37, the new welfare legislation, which was passed anyway. But we told ourselves: "We represent 550 000 men, women and children who are on welfare; we'll take the liberty of speaking in their name." That's why we decided to come here. And also because we refuse to have the future of Québec decided without us, the welfare recipients.

We came to tell you about our living conditions, about our assessment of Canadian federalism and also to talk about our proposed solutions for the current constitutional impasse and then to talk of our vision for Québec's future.

Mrs. Denault: Who are the welfare recipients? There are more and more victims. During the past year, the rate of people on

welfare has greatly increased; there are 12 000 additional households, representing an increase of 3.6% over 1989. These are also people who are excluded from the job market. These are people who want to work and who are not idlers. They lost their jobs when factories closed, were let go as the result of a company reorganization resulting from automation, which was designed to increase profits to the detriment of people.

Like the unemployed, welfare recipients are an army of people excluded from the job market, victims of the laws of the marketplace. These people are getting even poorer as a result of the new welfare reform because of the current cuts in welfare. More than 70 000 households have suffered monthly cuts of between \$63 and \$150 per month. Prior to the new reforms, we were living 45% below the poverty line; today, with all the cuts, we're living 50% and more below the poverty line.

In addition to being a large army of reserve manpower, people on welfare, along with those working for minimum wages, the unemployed, women, young people, the disabled and senior citizens, immigrants, aboriginal peoples and people in the regions, are a significant component of a Québec that is sinking into poverty. This "other Québec" that is on the downhill slide includes more than 1 million men, women and children. This Québec, which some call the "fourth" world, whose extent we're learning more and more about, is a real scandal in such a rich society as Québec.

How have we arrived at such a state as a society? Several factors can explain this situation. We believe that one of the main reasons for this situation is the withdrawal of the State in its role as regulator of the economy and redistributor of wealth to blindly take the side of the ruling classes. Under the pretext of combatting inflation and reducing the deficit, the government made cuts in various sectors. At the same time, it was necessary to review income taxes and make the tax system more competitive. Income taxes on high salaries and on companies had to be reduced in order to encourage investment, economic growth and job creation.

What have been the results of all these miracle recipes? An increase in disparities, in unemployment, in the deficit, in poverty, in hunger, in violence, in intolerance, etc. Québec's social fabric is about to come apart at the seams. A change in social policy and new "quiet revolutions" are needed in Québec. A new social contract, based on greater social justice and democracy, must be drawn up between the civil and political elements of society. The future of Québec cannot be redefined and decided upon without consideration of these factors.

Mr. Quenneville (Pierre): We see Canadian federalism as a yoke of oppression on the people

of Québec. Since 1867, Canadian Confederation, a legacy of British colonialism, has placed Québec in a position of inferiority and oppression relative to the English-Canadian majority. It is no accident that Québec's economy is weaker than Ontario's, or that we find more unemployed, more welfare recipients, more poor, in general, and a proportionately greater number of bankruptcies than anywhere else in Canada, in particular. Of course, things have improved greatly since 1960 but this is due to our own efforts, notably during the Quiet Revolution, when the Québec government put in place the major reforms that improved our lot, such as reform of education and nationalization of electricity, to which must be added the growth of the cooperative movement. But the breaking point for us, the most important point, was the rejection of Meech Lake by most Canadians, which clearly showed the categorical refusal of English Canada to recognize us as a distinct people, and made it very clear that there is no longer a future for us in Canadian Confederation. Québec is now at the crossroads.

If we had followed our gut feelings at our last annual meeting of the Front commun des personnes assistées sociales, we would have voted yes to independence without hesitation, but choosing a country is not an emotional choice, nor even a purely economic one. Independence is a choice tied to a blueprint for society which can be decided on only by the people of Québec. The democratic decision-making process must take its inspiration from the procedure proposed by the CSN, that is, a referendum in June 1991, the creation of a democratically elected constituent assembly followed by negotiations with Ottawa on the transfer of power and the various economic agreements that have to be signed. In addition, the Québec government must contact the UN and foreign governments. Finally, adoption of the new constitution in June 1992. This is a choice that must not be made only by businesspeople, politicians or experts of various sorts.

The Chairman (Mr. Jean Campeau): We'll go on to questions.

Mrs. Gagné: We'll finish up. Just a little more, it won't be long.

The Chairman (Mr. Jean Campeau): I beg your pardon?

Mrs. Gagné: We're going to finish up. Yes.

The Chairman (Mr. Jean Campeau): But you'll have to finish up quickly.

Mrs. Gagné: Yes. The second condition for our taking a stand on Québec's independence would be that the blueprint for society break

away from the existing production-oriented model, and put forward instead a model that assumes a concern for social equity between the generations for a much more promising future for Québec. An independent Québec must be built with the people on welfare, with concepts of sharing, equality and social justice. An independent Québec must respect our four great Front commun principles: better sharing of wealth, fighting against poverty, full employment, and recognition of individual liberty. It must also ensure protection of the rights and freedoms of every citizen. This is why we have adopted as our own the recommendations of the Commission des droits de la personne. In conclusion, an independent Québec must be just and equitable for all.

The Chairman (Mr. Jean Campeau): Thank you, Madam. We will now turn to Mr. Claude Dauphin.
(10:15 p.m.)

Mr. Dauphin: Thank you, Mr. Chairman. First of all, I would like to welcome the Front commun des personnes assistées sociales du Québec. After reading your brief, I realized your continued opposition to Bill 37. I also sat up and took notice when you said that the Commission is not representative, even though it is the result of a bill unanimously approved by Québec's National Assembly. That bill enables this Commission to hear what various groups and individuals have to say on the subject of our Commission, the political and constitutional future of Québec. A propos of the blueprint for society, I believe I understand, and you will correct me if I'm wrong, that your support for independence is conditional on a modification of the State's role. On page 6, moreover, you criticize the withdrawal of the State from its role as regulator of the economy and redistributor of wealth. On page 7 you take issue with the steps taken by the State to make its tax system more competitive. Should I conclude that the Front commun will back independence only if those promoting independence state publicly that their tax system will not necessarily take into account neighbouring or surrounding States? Second, in order to gain your support, those promoting independence will have to publicly undertake to ignore competition resulting from the globalization of trade, or am I wrong?

Mrs. Gagné: I think what we really want, we can't say that we'll ignore what goes on elsewhere, but we don't want to go on impoverishing ourselves for the benefit of the rich. We're aware that we are cheap, stopgap labour. Employers no longer need to pay employees because we'll do the job as trainees for free. We want a place in society; we don't want to be there to lower work standards, we

want to be there to have the right to work too.

Mr. Guenneville: I'd also like to stress that Ontario is faced with the same competitive economic pressures but it has decided to improve the lot of those on welfare, that is to say, it has increased the amount of money for the welfare system, even though vis-à-vis the United States, Ontario faces the same competitive pressures as Québec.

Mr. Desgagnés: We also know the situation in countries such as Sweden, which decided to adopt social policies aimed at a greater, a better sharing of wealth, a fight against poverty, and full employment, and these countries are highly competitive internationally. So it's possible to be a country, an independent Québec, and still aim at a better distribution of wealth, still aim at greater social justice. We believe it's possible. These are the policy choices to be made.

Mr. Dauphin: We've heard some people, a number of experts and even politicians, say that Québec independence or sovereignty is going to benefit a certain class of people and is going to hurt the little guy. What do you think about this?

Mr. Desgagnés: We don't agree with that statement. We think it's possible to build a Québec that serves as a vehicle for a blueprint for social justice and a better distribution of wealth. We think it could happen, but we don't agree that an independent Québec will be a more unjust Québec. Furthermore, I think it's possible to have a more just and equitable Québec.

Mr. Dauphin: And then, if you will allow me a final question, you speak, obviously following sovereignty, of the need to maintain some economic ties or maintain various economic ties. In maintaining such ties, do you attach the same conditions as you did earlier to the blueprint for society? What I want to say is: Would the possible agreements that a sovereign Québec might sign with its Canadian economic partners have the same preamble, the same preconditions first?

Mr. Guenneville: Let's say that at a given time, our blueprint for society is a whole. On this subject, I think that at a certain point yes, economic agreements must take a minimum amount of social justice into account. Let's say, for example, that when we signed certain agreements with the European Community, we considered each social blueprint, blueprints that the European countries, which are as different as night and day, could have. At a given time, we agreed, despite everything, to observe a minimum of social justice in every country in the EC.

There were even discussions held, there are more discussions to reconcile, on the one hand, greater economic integration and on the other, a minimum of social justice. It's part of...

The Chairman (Mr. Jean Campeau): Mrs. Harel.

Mrs. Harel: Thank you, Mr. Chairman. First, let me thank you for being with us even though you criticize our representativeness, but not our legitimacy, if I understood you, because we are here as the result of the passage of a bill in the National Assembly. In fact, the representativeness which, despite all, you put in doubt, you're right in saying that Québec cannot be redefined without you. I would like to ask the following question: You say that support for independence is conditional on two things: a referendum, followed by the putting forward of a development model different from the model based on production. Fine.

If there is no different model for development, would you prefer to remain under federalism?

Mrs. Gagné: This always depends on the living conditions we're offered. If federalism offers us nothing, I say to myself: "What's the point of paying income taxes in two places?" Better to get together and build a Québec together with what we want, because I think that for several years, if we look around the community groups, we've been heading towards a blueprint for society that doesn't pit one group against another. I think that Quebecers all want the same thing: a fair sharing. As we said earlier for the other condition: Since there's not enough work for everyone, why have a system that makes those who don't work feel guilty? We mustn't punish the poor.

Mrs. Harel: If I understand correctly, you don't feel that federalism benefits you.

Mr. Desgagnés: Right now, anyway, no we don't feel it does. I think we criticized the current constitutional framework in our brief. We think it's no longer possible to have our distinctiveness recognized and, in the end, that's why we think the independence option must be considered. But we don't want to go so far as to support this option unless there are guarantees that an independent Québec will advocate a plan for a better distribution of wealth. We want independence to direct Quebecers towards an ideal. We think that this ideal must be social justice. In the final analysis, that's what we're asking for.

This is why we ask that the process of getting to independence be a democratic one in which only the people of Québec will participate. This is also why we're asking for a constituent

assembly with a mandate to write a constitution, and in this process, the blueprint for society will be debated. And we must also guarantee individual rights and freedoms.

Mrs. Harel: But I come back to the fundamental question. I subscribe to this blueprint for social justice. I personally subscribe to this plan for a better distribution of wealth, but to go on and make it conditional? Am I to understand that if you don't get these guarantees you'll remain in federalism? How does federalism guarantee you this better distribution of wealth and this social justice? Among other things, I think about the reality of 100 000 more welfare recipients in Québec than Ontario when our population is 2 million less. I think about our unfortunate championship unemployment in Montréal, which corresponds to the rate in Saint John, Newfoundland. I think of a 12% unemployment rate. What will it be in the next recession?

Mr. Desgagnés: I think we must understand that there has been a change in the position of welfare recipients on the independence question. We know that, in the end, many of those on welfare said no during the 1980 Referendum. But over the last 10 years many things have happened and I think our stand has changed. But we still have fears, we still have reservations. And we feel there's going to have to be a consensus on a blueprint for society which advocates a better sharing of wealth. We think that maybe with independence... Certainly, having the main economic levers, having our own income taxes, means that perhaps we will be better able to combat poverty. Maybe! But we want guarantees about this. We're sounding the alarm. Welfare recipients' support for independence is not assured.

Mrs. Harel: Mr. Quenneville.

Mr. Quenneville: This is the reason we attach such importance to the election of a constituent assembly by universal suffrage to represent all the political and social currents in Québec; because we would have a better guarantee that our demands would be taken into account. It's one of the reasons for wanting the election of a constituent assembly at some point, so that we can discuss a blueprint for society and bring about this socially just Québec that we want.

It's very clear to us that this is a battle. If independence comes and we have not totally won our case, we'll keep on fighting, we'll keep on promoting our plan for social justice. We know that in the current social context it's very difficult; ideologically speaking, people don't want to go in this direction or there is an ideology that wants to go in the opposite

direction. But we will fight on. We would like to take advantage of discussions on independence, particularly of the debates on the election of a constituent assembly, in order to champion and promote our blueprint. And at some point, I believe, when there is a constituent assembly...

The Chairman (Mr. Jean Campeau): Fine. That's it. We now turn to the two final questioners, to Mr. Dufour followed by Mr. Larose.

Mr. Dufour: Thank you, Mr. Chairman. Mr. Desgagnés, I'm quoting the final words in your conclusion. This is what you've been discussing for some time: "...on condition that an independent Québec is more just and equitable." I think your caution does you honour and I have no negative reaction to it. I don't know how many groups I've heard at this table, whether it's farmers, artists, this afternoon it was the recording companies, come to ask for more money. More money for agricultural development, more money for development of health services, education, etc. Your fundamental objective, when you speak of "more just and equitable", is to have more money for the welfare recipients whom you represent, but this doesn't seem to me to be the road we're headed down because there are so many demands from all the groups that what may be awaiting you down the road is the reverse; there could be less money.

Mr. Desgagnés: Well, we're not just asking for more money for people on welfare; we're asking for jobs and we're asking for a full employment policy. That's the first thing. The best way to battle poverty is to give people jobs; that's the first thing. The second thing, these jobs must enable people to feed their children. So the minimum wage has to be raised to the poverty line, at a minimum. This is what we're asking. Next, we're asking for reforms to the welfare system, for a welfare system that would guarantee each welfare recipient 70% of the poverty line, and would allow people on welfare to reach the poverty line through income from work.

Yes, we think that more could be done with the same tax base. We know, for example, that we've never questioned all the programs, the tax shelters or the grants to business in terms of their ability to create jobs. Maybe we have to set up a commission to evaluate this hidden welfare system.

Mr. Dufour: I don't want to get into that debate again. We're talking about constitutional matters here. You're very critical of the current government, especially about social policy. You provided a number of examples. This is a case of a policy that has absolutely nothing to do with the federal government. Precisely how could you

improve this kind of policy? It has nothing to do with the federal government.

Mr. Desgagnés: Within the framework of the discussion, basically, on independence and the future of Québec, the project is not a matter for just a handful of people. We think it's something that is going to be negotiated. We say that the social contract must be renegotiated. We know that there are people in Québec, there are other organizations, there are other social forces in Québec that share our point of view...

Mr. Dufour: Yes, but beyond the sharing...

Mr. Desgagnés: ...and in the end, a new social contract must be negotiated. We think it's possible in such negotiations to progress towards greater social justice.

The Chairman (Mr. Jean Campeau): Mr. Dufour. Fifteen seconds, Mr. Dufour.

Mr. Dufour: I almost feel like resigning, because I want to say... We rehash all the debate on social policy, and my question is that you're going to keep on having this debate with the provincial government because, in the final analysis, it has absolutely nothing to do with federal policies.

The Chairman (Mr. Jean Campeau): That's all. We turn now to Mr. Larose.

Mr. Larose: I'm sorry, Mr. Chairman, they nearly did a socially useful service by getting Mr. Dufour's resignation. It's a pity they didn't get it.

Voices: Ha, ha, ha!

Mr. Dufour: ...negotiated our conditions; so, it isn't much.

Mr. Larose: Contrary to what Mr. Dufour says, I think we're at the heart of the debate on federalism, since the condition of the welfare recipient, as far as I know, there is a massive federal contribution for this. And what I understood is contained in Mr. Tremblay's text from this morning, in which he made three statements. First, he said that federalism is supposed to be redistributive. OK. He said: "Based on what it contributes and receives, Québec pays \$209 million for federalism." In other words, the transfers are English provinces giving to other English provinces. Québec comes out \$209 million short. This isn't peanuts, but let's say that it's not a great sacrifice either. The difference is huge when we subtract money received in social benefits, that is in welfare, unemployment insurance, pensions, etc. When we subtract that, the balance is supposed to go into

job creation. The score: Québec is last, not out of 10 provinces, but out of the 12 parts of the country — 10 provinces, the Yukon and the Northwest Territories.

So, I think that if those on welfare are much clearer about their option in 1990, it's because 1990 is somewhat different from 1980. In 1980 they could talk about the money, money that came from oil, and that stopped in 1985. I'm aware that all the groups, welfare recipients, the unemployed, etc. who have come, have come with a greater sense of assurance than last time. And in this respect there is an interest in having the Québec option tied to a political will to build a society...

The Chairman (Mr. Jean Campeau): Mr. Larose.

Mr. Larose: I'm finishing, Mr. Chairman. I haven't exaggerated. Yes. There is an interest in linking it to a blueprint for society. Do you think there have been a number of groups at the table, who came to this table, who spoke in favour of a blueprint for society?

Mr. Desgagnés: We read the CEQ brief. We read the CSN brief. We read many briefs. I think that the groups that preceded us — the Centre maghrébin de recherche — also spoke about a blueprint for society. So I think this is a basic issue. We can't talk about independence without talking about the content of the blueprint for this independent society. I don't think we are the only ones to talk about this.

The Chairman (Mr. Jean Campeau): That's it, Gentlemen. So, Mr. Desgagnés, Mrs. Gagné, Mrs. Denault, Mr. Quenneville, and Mr. Fournier, thank you for coming, for having made the members of this Commission aware of the problems you encounter and of your very commendable wish for a better distribution of wealth.

Mr. Desgagnés: Thank you, Mr. Campeau.

The Chairman (Mr. Jean Campeau): I would briefly remind the members that we begin tomorrow at 9:00 a.m.

(End of sitting, 10:34 p.m.)