

**The five myths of the yes campaign**

Notes for remarks made in  
Alberta and Manitoba  
October 22-23, 1992

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Canadians are now only a few days away from the vote in the national referendum on the Charlottetown Accord. As citizens of a supposedly mature liberal democracy, this should entitle us to make a full assessment of the merits of the deal following extensive, open debate. We should feel totally free to accept the deal if we think that it will strengthen our nation, or to reject it if we do not.

But unfortunately this is not the case. Our leadership is treating us as sheep rather than informed citizens capable of judging what are the best constitutional arrangements to govern both ourselves and future generations.

In this campaign we have seen extensive fearmongering and blackmail. Unable to sell the deal on its merits, the yes forces are telling us that rejecting it means political instability and Quebec separation. Having unleashed this process, Mulroney and company are now desperately using Quebec nationalist blackmail to create an unprecedented climate of fear and to try to deny us a real choice in the referendum.

Canadians must remind our leaders that they only hold power in trust for us and cannot abdicate their responsibilities to allow us a real choice in this referendum. Admittedly the yes elites' rhetoric in the last week has gone from threats of doom and gloom if there is a no vote, to just gloom. The gloom is not simply because the Charlottetown Accord will be rejected, but also because a no vote on October 26 means a new alignment on the political scene where the elites can no longer dictate and have the people blindly follow.

Canada will not end if the deal is rejected. But what **must** end, at least for the foreseeable future, are these tedious, interminable constitutional debates. For the last five years in particular we have been constitutionalizing every problem that has come along. And the yes elites now have the audacity to tell us that long overdue efforts to bring about economic recovery must await the October 26 vote. There is absolutely nothing in our existing constitutional arrangements to prevent them from dealing with our economic troubles now. Just think how much better off we would have been had we put as much energy into dealing with the economy as with national unity.

Let our leaders finally stop hiding behind sterile constitutional excuses, and get down to work to solve our real problems, notably the economy, unemployment, poverty and environmental degradation. Let them start to really serve rather than ignore the needs of the people of Canada. And let them focus their attention and limited resources on finding effective ways to improve our quality of life and building a fairer, more compassionate society.

Let me now address five of the most common myths put forward by the yes forces.

**Myth number 1: The yes forces say that the consequences of a no vote are incalculable.**

The reality is that Canada will of course be changed after a no vote, but it will be changed for the better. The people will have spoken up firmly against our elites and will have said no to a deal that is a mere power grab among governments, no to a deal that would undermine the equality of citizens. And we will still have a workable constitution that has served us well for 125 years, and Quebec will still be included in that constitution as it has been for 125 years.

Having repudiated our leaders and elites on such an important issue, however, there will have to be a general election. During this election, all political parties will have to put forward their plans for addressing our real needs and concerns - the economy, unemployment, poverty, the environment. This time they will have to work **with** the people, not in spite of the people. Meanwhile, with the uncertainty of the referendum result finally resolved, the uncertainty in the international money markets will likewise disappear.

In fact, the consequences of a yes vote are far more serious than the alleged consequences of a no vote. In many ways, this accord is little more than an agreement to disagree in the future. Most of the tough and divisive issues about money and power are postponed to future negotiations between the provinces and the federal government. More than 25 such deals are required in order to make the Charlottetown Accord a reality.

In addition, the yes forces are trying to sell the deal as meaning one thing in Quebec and another thing in the rest of the country, from senate reform to the distinct society and Canada clauses. This is most certainly not a durable basis on which to build our constitutional future. If Canadians support this kind of arrangement, they will have created an endless legacy of constitutional bickering for the sake of a dubious, short-lasting constitutional peace. Constitutional uncertainty will intensify and Canadians will continue to bog down in the constitutional morass.

Moreover, our leaders are deluding themselves and misleading us when they say that this deal will put an end to the constitutional wrangling. For Quebec, in particular, this is only the beginning. Quebec officials are already asserting that, with this deal, Quebec will eventually achieve the massive decentralization put forward in the Allaire Report. This will be done through the new mechanism of constitutionalized intergovernmental agreements by which Ottawa will continue to spin off more and more legislative powers to provinces à la carte. And Robert Bourassa continues to say over and over again that Quebec retains its right to self-determination and its right to pursue sovereignty. Indeed, Bourassa says the Accord is merely like a consolation prize in a lottery. Quebec will continue to buy tickets for further draws!

**Myth number 2: The yes forces say that those who would vote no are ignorant of the future of the country.**

The reality is that it is the will of the **people** that will determine the future of the country **not** the will of the prime minister or the premiers.

We the people have made it clear, through poll after poll, event after event, that we want our country to hold together. We want to build together on the great things we have accomplished in the past. So, on October 27, after a no vote, it is **this** will that will prevail and, if any of our leaders do not agree, then they will have to step aside.

**Myth number 3: The yes forces say that those who would vote no are naive about separatists.**

The reality is that it is the yes forces who are naive. They are the ones playing with fire by giving Quebec separatists the Charlottetown Accord with which to further their goal of breaking up Canada. Just imagine what will happen when the PQ comes to power in Quebec and starts appointing its separatist senators to the Senate, negotiates more and more powers away from Ottawa, with federal taxpayers paying the bill, and uses the distinct society clause legally and symbolically to diminish the federal presence in Quebec still further.

We must be far more worried about the PQ coming to power **with** this Accord than without it. And if the PQ decides to call a referendum on sovereignty, at least this would mean finally putting the only politically honest question to Quebecers in a democratic way, and finally bringing some certainty to the issue of Quebec in Canada.

Our leadership should have the courage to ask this question and not be afraid to test our 125 years of living together. Indeed Quebec, led by Georges-Étienne Cartier, was the main reason why we created a federal state in 1867, within which Quebec's distinct society has developed and flourished ever since.

Moreover Canadians are committed to continuing to strengthen the bilingual character of Canada and to clarify and develop the concept of linguistic rights, something which should reassure Quebecers genuinely concerned about the security of the French language and culture. And we sincerely believe that the Quebec government already has sufficient existing legislative powers to promote the French language and culture in Quebec.

**Myth number 4: The yes forces say that those who would vote no could never come up with a compromise, or a coherent vision of the country.**

The reality is that we all know that compromises must be made in constitutional negotiations. But what we are saying to the yes forces is that certain lines must be drawn beyond which you cannot cross. The Charlottetown compromise goes too far and breaches two fundamental principles: (1) the equality of Canadian citizens and (2) the need for a coherent federal government able to act effectively in the national interest, a government that is more than a sum of its parts and a mere agent of the provinces.

Furthermore, there **is** a vision of the country that has endured and will continue to endure after a no vote on October 26. Certainly it cannot be found in the mushy pastiche produced by the yes elites in the Charlottetown Accord. Nor is it found among the various reasons for which people oppose the Accord.

The vision of Canada shared by most Canadians is found in our existing constitutional arrangements that have evolved over our 125 years of history. This vision is based in the liberal democratic principle of the equality of citizens - that regardless of our race, national or ethnic origin, colour, religion, sex, age or mental or physical disability, all Canadians have the same basic rights and can expect equal respect for their human dignity and self-worth.

This vision also reflects our continuing commitments to advance equality of opportunity, to strengthen our sense of community, mutual responsibility and compassion for the less fortunate, and to improve the quality of life and the environment for ourselves and future generations.

This vision, and the values and aspirations inherent in it will continue to inspire us as we continue to build a tolerant, diverse multicultural country with two official languages. It is something that transcends both partisan politics and those who would try to alter our constitutional arrangements against and in spite of the will of the people. Most importantly, it is this vision and these values and aspirations that will continue to unite Canadians after the no vote on October 26.

**Myth number 5: The yes forces say that after a no vote, constitutional negotiations cannot be taken out of the crisis mode.**

The reality is that with a no vote on October 26, we will not only be demanding that our leaders get back to work to address our **real** needs and concerns. We will also demand that a new constitutional process be established that will ensure that we never ever again allow constitutional reform to reach crisis proportions. We will never ever again allow reform to be subject to the artificial deadlines, roll of the dice, fearmongering and other scare tactics that we have endured over the last five years. For this there are many civilized models, such as that in Australia involving non-partisan commissions.

Moreover, while such things as aboriginal self-government and senate reform are of high importance, surely we are mature enough as a nation to take the time we need to make a constitution that will earn the respect of our children and our children's children.

Why is this deal so dangerous? Why does it not reflect a viable vision of the country for the twenty-first century?

I do not intend here to go into all the flaws in the Charlottetown Accord. They are summarized well in the *Statement of Principles* of the Canada for All Canadians no committee, which is available for distribution. Instead I will describe briefly two broad areas of objections to the Accord.

First, the deal is yet another step in the dismantling of the federal government, a one way shift of powers to the provincial governments with new constitutional mechanisms to further shift power to the provinces on an ongoing basis. The cumulative effect of all the complex provisions will be an ineffective federal government that is increasingly irrelevant vis à vis provincial governments.

But why is such decentralization wrong? It is wrong because as global forces strengthen, we need a coherent national government even more, one that can play an effective role on the world stage to meet the challenges of environmental decay and nuclear proliferation, urban sprawl and desperate poverty. Also, the federal ability to strengthen the ties among Canadians, whether through social programs or promoting our common Charter rights, is essential to offset the increasingly strong north-south pull.

Canadians are not prepared to see our already very decentralized federation decentralized any further. Equally Canadians are not prepared to accept so-called asymmetrical federalism whether it is accomplished explicitly through affirming Quebec's special role to preserve and promote its distinct society or, by subterfuge, via mechanisms like bilateral agreements. To maintain the integrity of our federal system, not to mention the role of federal members of parliament, all provinces must have the same constitutional powers, however differently they may choose to exercise those powers, and whatever the limited administrative arrangements some provinces might have with the federal government.

Indeed, the division of powers debate has been, at best, incoherent and, at worst, unprincipled. The lack of any rational debate on the critical issue of the federal role in establishing minimum national standards is particularly astounding. Instead the chattering constitutional classes are determined to put flexible mechanisms like bilateral federal-provincial agreements in the Constitution, and crippling the federal spending power. The cumulative effect will be to prevent any coherent federal action in important public policy areas in the future and effectively to destroy a clear division of powers between the two levels of government that is essential, among other things, to holding governments accountable.

For example, in many cases, the Charlottetown Accord forces the federal government to play cashier, handing over money to the provinces without effective control on how it is used. The taxpayers of Canada may be forced to fund provincial programs in perpetuity, despite changing spending priorities and needs at the federal level. This is thoughtless, not to mention contrary to the principle of responsible government.

In a federal state as diverse as Canada, the establishment and maintenance of minimum national standards by the central government is essential to not only the economic union, but also the social union to ensure minimum acceptable standards in such areas as the environment, child care, social assistance, social services, health care and education. Since provinces can always vary these standards upwards, and usually have considerable flexibility in the design and delivery of such services, it is beyond me why provincial elites always cry foul and allege "domineering federalism" and why the federal government timidly backs away. All Canadians including Quebecers benefit from national standards and the onus must be placed firmly on provincial governments to articulate clearly their reasons why they require jurisdiction to the exclusion of national standards.

More generally, first ministers must remember that in trading powers, they are most certainly not impartial. As evidenced by the Charlottetown Accord, they all too often lose sight of the fact that they only hold power in trust for the Canadian people and must justify any changes in the division of powers with this in mind.

Our leaders seem totally incapable of being forward thinking and anticipating new approaches to the challenges that confront us now and into the twenty-first century. Instead, they have produced a deal that is just a power grab among governments - a desperate, incoherent compromise for the short term. Yet constitutions are about **people**, and the long term. Any reform must be demonstrably good for individual Canadians - our present and future generations, not simply for governments or regions.

A second broad objection to the Accord is that it would undermine the principle of the equality of citizens and the inviolability of individual rights, that is the foundation of a modern liberal democracy.

For example, individual and minority rights in the Charter will be undermined by placing the distinct society provisions in the Canada clause. This is unacceptable. The Charter is there to protect individuals and minorities from the "tyranny of the majority". It is **not** there to allow Quebec's French-speaking majority to suppress individual rights, especially when that majority controls the Quebec government and appears to be doing a good job with its existing powers in preserving and promoting the French language and culture. Moreover, Quebec's distinct society is also defined in terms of its "unique culture" which makes Quebecers from other cultures, outsiders in their own province. In any event, why should Quebecers have their rights under the Charter diminished when a June 1992 CROP opinion survey found that over 70 per cent of Quebecers identify with the Canadian Charter.

The Canada clause, more generally, creates a hierarchy of group rights that threatens to undermine equality, and will greatly intensify inter-group conflict in Canada. Some groups are entitled to the preservation and promotion of their identity; others get mentioned without any obligation on governments to advance their concerns (e.g. gender equality); and yet other vulnerable groups have been left out of the clause entirely (e.g. persons with disabilities). The Canada clause is certainly not a reflection of Canada today, nor of what we should hope to be in the future.

## **Conclusion**

Why are our governments once again pursuing such unpopular constitutional reforms? Why do they refuse to learn the lessons of Meech Lake? The reason appears to be that they believe that we can appease Quebec nationalists with more legislative powers and a Charter override and put an end to the indépendantiste threat.

This is naive. Meech was wrong in principle in 1987 and it is still wrong in 1992, as are the additions put in to buy off some of the more vocal opposition. Quebec nationalists are unappeasable and the current media and political elites in Quebec will never actively support a coherent federal system without special status for Quebec. It is far better not to cave into blackmail and, instead, to pursue only those constitutional reforms that are good for the entire nation and reflect a coherent, principled vision of our future.

The rejection of the Charlottetown Accord will not mean a failure of Canadian will. It will not mean no to Canada or no to Quebec. It will only mean that the leaders we have at this particular historical juncture, were unable to create a constitutional consensus. This would not be the first time in Canadian history that such a round of negotiations did not succeed. The Charlottetown Accord is immensely complex, involving dozens of often interrelated constitutional changes. It would hardly be surprising if such a massive (and rushed) overhaul of our basic law and institutions gave most Canadians a few second thoughts.

A no vote means no to this fatally flawed deal that would take us backwards in our evolution as a mature and compassionate liberal democracy.

It means no to a deal which would seriously weaken the federal government and leave us with an incoherent national structure, unable to meet the challenges of the twenty-first century.

It means no to a deal that would undermine the Charter of Rights and Freedoms, and the basic principle of the inviolability of individual and minority rights within the framework of rights guaranteed equally to all Canadians.

A no vote means no to a constitution for which we have to hold our noses, no to giving Mulroney a further mandate to negotiate constitutional reform and provoke the ever-intensifying constitutional uncertainty that he has inflicted on us since 1987.

A no vote means no to our politicians who have forgotten that constitutions are about **people**, not simply self-interested power grabs by provincial governments. If the Accord were to have a preamble, it would read "We the premiers", rather than "We the people" as it should.

When this unhappy episode in our history is over, it is clear that we will require fundamental changes in our national leadership which has proved itself remarkably inept and inward looking to date. We do not want leaders who tell us patronizingly that we must accept a constitutional deal against all our principles, because poor Robert Bourassa is backed into a corner by Quebec nationalists.

We do not want leaders who are prepared to undermine the sanctity of individual rights and freedoms, the cornerstone of our liberal democracy. We do not want leaders who hold our constitutional future hostage to the temporary value of the dollar determined by fickle, ephemeral international money markets.

We want principled leaders who will stand up to the threats and demands of Quebec nationalists. We want leaders who will assertively argue the benefits of federalism to Quebecers, and how the federal government is as much the government of Quebecers as of other Canadians. It is not something to be feared and fended off, but rather, is there to allow Quebecers to play a constructive role in the wider entity called Canada and thereby to better assure the long term future of the French language and culture.

We want leaders who will inspire us and transmit confidence in our future. If we are ever to dispel the cynicism that has enveloped our political system today, our leaders must show imagination and compassion. They must talk about the value of being Canadian in our interdependent world and the importance of national cohesion to ensure that we act coherently on the world scene in all those areas of human activity which can no longer be addressed by national governments alone.

They must draw us beyond the short term and make us think about how the world is changing and how irresistible forces are sweeping us into a more cosmopolitan age. They must then be able to transmit a vision of Canada to Canadians, a description of the projects we must accomplish together, an understanding of how we can reconcile a strong national government with sensitivity to community and regional concerns. The role of the government may be different in an age of globalization, but it is no less important if we are to avoid the emergence of a neglected underclass,



permanently underemployed and living at the margins of an increasingly uncivil and unjust society. The possibilities for public action are limited only by our imagination, and these in turn provide the domestic examples and credibility to guide our efforts at the international level.

Our leaders must also talk about the purposes for which we want to use government powers, and our shared values and goals as Canadians. They must talk about how we have built a great country which ensures equality of opportunity for all, and respect for basic rights and freedoms, human dignity and self-worth. They must talk about their experiences as Canadians, here and abroad, and what makes us respected and envied on the world stage while reminding us how bemused are those on the outside looking in to see us in our present state of disarray. They must talk about the challenges which we face in common and the joint action required to overcome them, not what divides and irritates us.

If they succeed, we will have brought the poetry back to politics and restored the critical degree of confidence in our political institutions and faith in our national leadership that is so necessary to smooth the transition into the 21st century. And we will have found again that special sense of idealism captured in author Robertson Davies' comment:

“I think somewhere there is a dreamer, and he is dreaming us.”