



Québec's Voice and a Choice for a Different Canada Federalism, Social-Democracy and the Québec Question

**Statement adopted by the General Council
of the NDP Québec Section**

2005

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Statement adopted in French by the General Council of the NDP (Quebec Section) in Sherbrooke on May 7th, 2005. Text edited by the Policy Committee of the NDP (Quebec Section) on October 26th, 2005.

1. A social democratic government in Canada

The New Democratic Party aims to form the Government of Canada. It is once in government that we will be able to implement concretely the progressive social democratic values and policies that shape our commitment.

If it is to truly and legitimately form the Government of Canada one day, the NDP must have strong support throughout the country. Specifically, that means that the NDP has to make significant inroads in Québec in the medium and long term. The Québec question has all too often been a stumbling block for the NDP. However, Québec must become the cornerstone of a movement aiming to form a government.

Since Confederation, Canada has been governed by either the Liberals or the Conservatives. Today, the Bloc québécois not only relegates Quebecers to a reactive and defensive role, but also splits the vote and undermines the emergence of a united left in Canada.

The New Democratic Party denounces particularly the lack of vision of the Liberal Party of Canada which brought us directly to, for example, the Adscam. The question of the place of Québec in Canada will be solved with good faith, flexibility and recognition, not with corrupted programs. We have now a chance to propose a new vision of federalism, with progressive and social democratic values that we share with a majority of Quebecers.

The New Democratic Party feels it has a duty to spell out its stand on the issue of Québec's place in Canada. The NDP has to be clear and consistent on the issue, not only for Quebecers, but for all Canadians. As social democrats, we have to present and communicate our own vision

of federal-provincial relations, especially when it comes to Québec. We cannot simply follow the lead of other parties in that area.

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This declaration is a complement to and a clarification of the Social Democratic Forum on the Future of Canada adopted by the 1999 federal convention; it does not make obsolete the other positions taken earlier, such as the ones on bilingualism, multiculturalism, Aboriginal rights, reform of federal institutions, and so on. This declaration, like the Social Democratic Forum on the Future of Canada Report, represents framework resolutions, which guide the interpretation of other positions that have already been taken or that may be taken in the future.

The ideas and approaches in this document can, in a large part, be applied in the present context without formal constitutional reform. However, the fact Québec did not sign the Constitution is a real untenable problem in the long term. Therefore, we are aiming in the medium term to get results that could allow Québec to embrace the Canadian constitutional framework. The vision presented in the next pages, particularly on the recognition of Québec' distinctiveness, could contribute to this.

2. Federalism and social democracy

Federalism is a political structure based on the principle of division of powers between a Federal State (country) and federated States (provinces, cantons, etc.). It is essentially a system of shared sovereignty that implies respect for specific areas of jurisdiction. The provincial governments, therefore, are not simply “subcontractors” of the federal government. A State built on the principle of federalism is different from a Unitarian state, where all government power is concentrated at a single central level.

The New Democratic Party believes that, in the Canadian context, a federal state is the best way

to ensure a fair and cooperative society for the good of the individuals, communities and peoples which make up that society.

The New Democratic Party, unlike the Liberal or Conservative Parties, believes that society cannot be based solely on the primacy of the individual. We have to rethink the commonalities between a new vision of social democracy and a new vision of federalism. That necessary process has to be based on the principles of common good, collective rights, democracy, social and political involvement, respect for communities of origin, solidarity, cooperation, etc.

3. Recognition of Québec’s national character

For decades, many expressions were used to try to name the “Québec difference” and its special relation with the rest of Canada such as the “founding people”, “distinct society”, “unique character”, etc. In August 1999, the Social Democratic Forum on the Future of Canada referred to the recognition of Quebecers as a “people”. Our 2004 election platform specifically mentioned recognition of the Québec “nation”. The time has now come to reaffirm and clarify that concept.

The New Democratic Party recognizes the national character of Québec and believes that that character can be expressed in the context of the Canadian federation.

The national character of Québec is based primarily, but not exclusively, on:

- i. a primarily Francophone society in which French is recognized as the language of work and the common public language;
- ii. a specific culture, unique in America, that is expressed by a sense of identity with and belonging to Québec;
- iii. a specific history;
- iv. its own political, economic, cultural and social institutions, including government institutions and institutions in civil society.

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The people of Québec, especially since the Quiet Revolution, have expressed a clear desire to « Vivre ensemble » and build a social and political project based on solidarity. The construction of a modern state and a social blueprint for Quebecers has centered around the Québec State. We commend Quebecers for establishing institutions allowing them to develop differently in linguistic, social, cultural and economic terms.

In that context, the role of the federal government was more often than not viewed as secondary or peripheral. That vision obviously contrasts with the vision put forward by a majority of people in the other provinces who see the federal government as their “national” government and the provinces as playing a secondary role.

In short, the process of creating an identity and national institutions is different be it in Québec or elsewhere. That is one of the knots of the Canadian dilemma. That is the solution asymmetry aims to provide: enabling those two visions to co-exist.

We therefore acknowledge that Quebeckers’ sense of belonging to Canada is different from that of the Canadian majority. That special sense of belonging and identity is not, however, incompatible with flexible, cooperative federalism. Fully understood and recognized, Québec nationalism can be a strength for Canada, not a threat.

The political debate over the national issue – both in and outside Québec – has been polarized for far too long. It is important to bring things into balance and remember that recognizing the

national character of Québec does not necessarily lead to sovereignty. Many democratic countries are multi-nation states, that is, countries comprised of two or more nations. Think of the United Kingdom, Spain, Belgium, Switzerland, etc. Canada is not the only country that has to deal with that dynamic. The NDP understands Canada’s status as a « multinational » country. Therefore, in addition to this new multicultural reality, it must explicitly deal with the realities of Québec as with those of the Aboriginal communities.

Many people view Canada’s role in the world in the 21st century as being a “model citizen” (in terms of its international relations, economy and social initiatives). But Canada can also show the entire world an example of how differences can be accommodated. Canada can be a demonstration showing that it is possible to combine respect for individual freedoms, equality, bilingualism, multiculturalism and integration of immigrants, respect for Aboriginal self-government, and finally, the recognition of a national minority with a distinct character within a larger entity. Canada can be an example for the world in this regard. We have a duty to do everything we can to succeed.

4. Asymmetrical federalism

The New Democratic Party believes that asymmetrical federalism is the best way to consolidate the Canadian federal State with the reality of Québec’s national character. That means that Québec has to have specific powers and room for manoeuvring. Asymmetry is necessary if Québec is to meet the challenges it faces, foremost among them the challenge of preserving the French fact in America.

We believe that an egalitarian and cooperative society has to accommodate, not eliminate, differences. Unity is not necessarily uniformity. Canadian diversity, which encompasses Aboriginal peoples, Québec and multicultural

communities, is not a threat to Canada. On the contrary, it is part of the essence of Canada.

This asymmetry vis-à-vis Québec can be applied in real terms through opting out with compensation. The right to opt out applies where the federal government, on its own or with the agreement of the provinces, intervenes in areas of exclusive provincial jurisdiction (in particular health and social services, education, family policy, housing, municipal infrastructure, etc.). In such case, no conditions or standards should be applied to Québec without its consent, obtained after consultation and negotiation. The principle of opting out is very important, as it

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makes it possible to reconcile the exercise of federal spending power for provinces that want it with respect for Québec's constitutional jurisdiction.

Canada is already asymmetrical to a large degree. Québec has separate agreements on the labour

force, income tax, health, immigration and parental leave. Québec is also active on the world stage when it is about issues related to the extension of its areas of jurisdiction (for example, culture and education). The New Democratic Party supports that type of agreement.

5. Working together and with respect: cooperative federalism

Cooperation is central to our social democratic vision of society and the world. It simply means working together.

The starting point for any discussion therefore has to be respect for the areas of jurisdiction recognized in the Constitution. In recent decades, the federal government has often acted unilaterally, sometimes to impose its will in areas of provincial jurisdiction, sometimes to cut transfer payments to provinces. Cooperative federalism must aim to combat the federal government's unilateralism and ensure multilateral decisions and negotiations with a long-range outlook.

In February 1999, the federal government and nine provinces signed the Social Union Framework Agreement. That document spells out the processes, rules and conditions that shape federal-provincial relations in the area of social policy. We in the New Democratic Party believe that such an agreement can, in principle, be the basis for truly cooperative federalism. It can play a very significant role, even if it is not a constitutional agreement. But the Government of Québec did not sign the 1999 agreement. An "agreement" to which Québec does not consent is not an agreement at all; it's a disagreement. The NDP contends that the federal government should obtain – following negotiation and amendment – Québec's consent to the framework agreement and any subsequent agreements.

We cannot necessarily assume what form future agreements might take. For now, it is sufficient to say that negotiations will be transparent, conducted in good faith and guided by the principles of co-decision and cooperation.

A new Social Union Framework Agreement must provide a framework for federal spending power. In short, it has to both recognize and limit that power. It is important to remember that "federal spending power" in areas of provincial jurisdiction is not actually written into the Constitution. It is, however, recognized by convention. The New Democratic Party takes a positive view of the federal government's involvement in shared-cost programs.

The New Democratic Party realizes that there is currently an imbalance in public finances because the federal government has large surpluses while the provinces are looking at considerably higher costs, particularly in the areas of health and education. The NDP realizes that the provinces need predictable long-term funding if they are to continue providing services to the public.

The NDP will tackle the fiscal imbalance by increasing federal payments to the provinces. Those transfers will have to be done in the framework of cooperative asymmetrical federalism. The NDP is not, however, in favour of a tax points transfer, particularly because it

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comes from a complex fiscal process that is detrimental to transparency.

As a social democratic party, the NDP will, in any negotiations, defend and demand respect of the principles of universality, non-privatization and of not-for-profit endeavours. For example, we support the five principles of the Canada Health Act and also support a sixth principle, that of the non-privatization.

Social policy in Canada is complex. Sometimes, the provinces implement their own programs. Sometimes, the federal government implements its own programs. Sometimes, the federal government “federalizes” and “universalizes” policies that are created in a particular province in order to apply them nationwide, for example, the Canada Health Act. This back-and-forth dynamic can, in the context of respectful cooperative federalism, be very good for social policy. That is certainly in the interest of Canadians in Québec and all the provinces. By respecting provincial jurisdiction, the federal government can do a great deal to maintain and develop minimal social policy standards. As Social-Democrats, our vision

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of cooperative federalism stands in contrast with the neo-liberal vision of the State that aims to water down social, environmental and labour policies.

Many Québec policies (CLSCs and other community health centres, early childcare, pharmacare, etc.) can be strengthened by the federal government. As a social democratic party, the NDP wants to support the most progressive initiatives of Québec society. Québec simply needs assurance that the federal government will respect the processes and policies Québec adopts. In short, most major social policy breakthroughs were made through cross influence and negotiation rather than unilateral action by the federal government.

It is clear that giving Québec guarantees regarding asymmetry and respect for provincial jurisdiction could go a long way toward promoting greater cooperation. Canada benefits from Québec's dynamic nature. Formal recognition of and respect for Québec could help dispel mistrust. That, in turn, will enable Québec to come to the table with pride.

6. Québec's right to self-determination

The NDP hopes for and will promote a united Canada. Canada is a great, diversified, tolerant and progressive country. We believe wholeheartedly that it deserves to continue to exist and to develop.

The NDP recognizes Québec's right to self-determination, which implies the right of the people of Québec to decide freely its own political and constitutional future. This right can be expressed in various ways and can go as far as achieving sovereignty. But the right to self-determination can also be exercised within Canada.

The New Democratic Party recognizes that exercising the right to self-determination in some form is part of a political process. We feel that to legally formalize this process is not useful or necessary. This was confirmed by the Supreme Court in its opinion on the question:

The reconciliation of the various legitimate constitutional interests is necessarily committed to the political rather than the judicial realm precisely because that reconciliation can only be achieved through the give and take of political negotiations. To the extent issues addressed in the course of negotiation are political, the courts, appreciating their

proper role in the constitutional scheme, would have no supervisory role. (Supreme Court, *Reference re Secession of Quebec, 1998*).

As well, the NDP has already adopted at its 1999 Congress the following assertion:

Forum participants overwhelmingly affirmed the New Democratic Party's policy that the people of Québec have the right to decide, democratically, their own future. Although the NDP opposed the reference to the Supreme Court, the panel notes that the court's judgment did in fact reinforce the long-standing NDP view that the future of Quebec within Canada is ultimately a political question and not a legal one (SDFCF, page 25)

Therefore, the NDP is committed to respect, in all its dealings, the *Loi québécoise sur la Consultation populaire* (Québec Referendum Act). Also, the NDP would recognize a majority decision (50% + 1) of the Québec people in the event of a

referendum on the political status of Québec. The NDP recognizes as well that the right to self-determination implies that the *Assemblée nationale* is able to write a referendum question and that the citizens of Québec are able to answer it freely. It would be to the Federal government to determine its own process in the spirit of the Supreme Court ruling and under international law, in response to the results of the popular consultation in Québec.

According to its values, the NDP rejects also any use of -- or threat of -- force against Québec at any stage. Our vision is one of trust toward democracy, good faith and values of peace.

For the NDP, it is necessary to propose a positive vision of the future rather than contribute to polarize the debate. We want to develop a new attitude towards the whole debate, as our work must contribute to the reinforcement and the renewal of federalism, not to maintain entrenched positions.

7. The future

The NDP will actively propose a vision of federalism inspired by the social democratic values of cooperation, recognition, equality, respect, flexibility, transparency and honesty.

Québec, it must be remembered, did not sign the 1982 Constitution. The subsequent failed constitutional amendments created a situation that to many Quebeckers seriously undermined the legitimacy of the Canadian political framework. The NDP undertakes to work actively to propose a vision of Canadian federalism that will enable us to break the current impasse.

The party will take part in efforts to promote cooperation and pooling of Canada's and Québec's social democratic and progressive

forces, as well as an ongoing dialogue between them.

We believe that the process of building a country of which Quebeckers feel they are truly part must be based on good faith, recognition and accommodation of differences, and cooperation and harmony between peoples, and not on intimidation. As well, we should always remember that Québec does not want to be bought, but respected.

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The NDP rejects the current polarization around this debate; it is harmful, yet it is perpetuated by too many politicians on both sides of the issue. The NDP will actively promote a vision that offers tangible solutions for building a Canada that is fair, cooperative and united for the 21st century.