

MOCKING THE LAW OF THE LAND

On Monday, sly Jacques Parizeau, leader of a small provincial party, will attempt to launch a revolutionary campaign aimed at the radical dismemberment of this nation of 27 million people.

Somebody pinch me. Here's a campaign that runs contrary to the will of the Canadian people, to the Senate, to Parliament, to at least nine provincial legislatures - even (according to the polls) to the will of his own electorate! Worst of all, perhaps, it is a campaign that openly mocks the constitutional laws of Canada. Yet there has been little national reaction to his preposterous scheme. Mostly invisible leaders, and a rattled press.

It's time we had straight answers to straight questions. At the least, it's time the tail stopped wagging the dog.

QUESTION # 1 - WHO GIVES PERMISSION TO SEPARATE?

In a recent heated radio debate against Bernard Landry, Vice-President of the P.Q., I asked him, "Why do you think Quebec (or any other province) has the right to separate?"

Without hesitation, he blurted out: "Democracy. We have been a democracy for three hundred years!" He cited Parizeau's tiresome slogan that all a separatist party needs is "a majority of fifty per cent - plus *one vote*."

His eyes glazed over when I argued that this was neither legal, nor sensible, for it means that if fully one half of the people say NO, and one half say YES - meaning both sides are legitimately opposed, balanced, and equally right - *a single citizen could walk into a ballot box and decide the entire destiny of Canada*.

Fortunately, Canada is a federal state, and not a simple democracy. It is a constitutional democracy. The core idea of federations is that they have a tangible and legal reality that is more than the sum of their parts. As constitutional lawyer Stephen Scott of McGill has said, it would be "disastrous for constitutional negotiations to proceed on the premise that a province, if dissatisfied, can overthrow the state." No federation could possibly survive under such conditions. In federations, all serious matters are decided, not by the opinion of one half of any political party, or group, or province, but *by the whole nation according to the law of the constitution*.

Both Parizeau, and Lucien Bouchard (Leader of Her Majesty's Disloyal Opposition), know very well that Canada's Constitution already has a perfectly good legal amending procedure (in Part V) that could be used to permit the separation of any province if the people as a whole wanted such a thing.

THE STRAIGHT ANSWER IS: No province of Canada has the legal right to separate without the consent of the House of Commons, The Senate, and all the provincial Legislatures. *Any other method constitutes a revolt against the government of Canada*.

QUESTION # 2 - WHO DECIDES WHAT CAN BE TAKEN?

Canada as a whole belongs to the people as a whole, regardless of where they happen to live. It's like a residence owned-in-common by ten people. Someone trying to rip a province out of Canada is like one of the ten chain-sawing a room off the common residence. Only one may live there, but the room belongs to all. It so happens that most of Canada's territory inside Quebec boundaries was originally placed under Quebec's jurisdiction to be administered *as a province of Canada*, not as a separate nation. Canada would rightfully reclaim it.

SO THE STRAIGHT ANSWER IS: Canadians, through their government, alone have the right to decide on all terms and conditions for the break-up of Canada, on debt repayment, or on land settlement, under the law of the Constitution of Canada.

QUESTION # 3 - CAN WE SEPARATE FROM SEPARATISTS?

This is a catch 22, because any argument used to legitimize the division of Canada, can as easily be used to legitimize the division of the maverick province. In Quebec, native people and anglophones would quickly seize upon separatist-style arguments either to remain there in Canadian enclaves, or to create new provinces. One group is already campaigning to form Quebec West. Only force could stop such a domino effect.

THE STRAIGHT ANSWER IS: Tit for tat.

There it is, *frere* Jacques. Under the laws of Canada, there can be: No unilateral referendum. No illegal separation. No taking territory from Canada. No indivisible new country.

Are our political leaders so fearful of losing votes in Quebec that they put their careers ahead of their country?

Courage, I say. It's past time to demand an explicit and unequivocal public statement from all separatists that they will seek their objectives strictly under the constitutional laws of Canada. Canadians expect nothing less.