

CONSTITUTION, SHMONSTITUTION

NAC gets attacked by socialists

The following is a condensation of an open letter to the Executive Board of the National Action Committee on the Status of Women (NAC) from the Steering Committee of the International Socialists.

"Dear Sisters: We are writing as a member organization of NAC to disagree with the 'no' position adopted by your board concerning the 26 October referendum. As a socialist organization committed to women's liberation, we share many of the objectives of NAC. We have quoted NAC's position in defence of Quebec's right to self-determination. We share NAC's emphasis on the need for solidarity among women in English Canada and Quebec; we applauded Judy Rebick's statement that declared, 'We will not be pitted against Quebec again' in recognition of the divisions occurring around the Meech Lake Accord. However, we believe that a 'no' vote against the Charlottetown Accord, despite NAC's intentions to the contrary, will in fact translate into being 'pitted against Quebec' once again.

Issues reaching public attention in the constitutional debate include legal gender equality and the federal government's responsibility for so-

cial services. The implications of the Charlottetown Accord on these matters has caused NAC to call for the Accord's rejection. This interpretation, however, is highly contentious, even among NAC activists. Former NAC president Lynn McDonald stated that the "Charlottetown Accord disappoints by not improving the status of women, but it does not, contrary to what the NAC board says, make anything worse...".

We must remember that gains for women's rights in this country have never been won by legal decree. For example, the fact that Canada does not have an abortion law today is due to two decades of struggle in the streets, in workplaces, and in unions.

The issue of gender equality and social services are crucial ones, but they are not at the centre of today's constitutional debate. What is at stake is the historic demands of two national groups that the Canadian state has conquered by force and whose rights to self-determination it has denied since its inception: the Quebecois and the Native peoples. A core issue of the constitutional debate is recognition of Quebec as a distinct society, assured a minimal degree of "affirmative action" by guar-

anteed 25% representation in the house. The historic constitutional demand of the Native rights movement has been for the recognition of their inherent right to self-government. This demand has been conceded in the current proposal.

Gains for women's rights in this country have never been won by legal decree

It is only because of the militancy and conviction to fight oppression among the mass of the Quebec population and among Native people that these concessions have been put on the constitutional table.

But the most powerful and influential opponents of this constitutional accord are rallying their forces because they are aware that any concessions today can inspire the confidence of the oppressed to fight for further concessions in the future. These same currents were opposed to Meech because it 'gave too much to Quebec.' After gaining ground for a

reactionary agenda based on anti-Quebec chauvinism, other attacks followed. The Reform Party was able to grow dramatically - they did this by challenging the Tories from the right, forcing the Tories to shift the spectrum of mainstream politics against the interests of the oppressed. The Tories responded to the Reform Party's popularity by adopting almost wholesale their racist immigration policy. The "Committee on Family Issues," comprised of 35 Tory MPs, has also risen in imitation of the Reform Party's platform.

We are convinced that NAC's "no" vote in the referendum will in effect cause NAC to be used as a progressive veneer to cover a reactionary current that will that will oppose the interests of every member group within NAC. We urge all NAC member organizations to call for a "critical yes" vote - "critical" of all the limitations of the deal, but saying "yes" to Quebec's demands for recognition in the house, and "yes" to the historic claims of Canada's aboriginal peoples to inherent self-government.

Carole Kowcun

Dal Internat'l Socialists Club.

Polar opposites reach amazing accord agreement

We come from two different parts of Canada. We grew up in different circumstances, and today we hold different political beliefs. Yet we are both voting "yes" in the October 26 constitutional election.

We readily acknowledge the imperfections of the Charlottetown Accord. Nonetheless, we believe it forms the basis of a workable constitution; one that adapts our government to our realities and history.

The 1982 Constitutional Repatriation package did much to modernize our constitution; but it stopped short of giving the constitution sufficient flexibility to cope with the federation's growing pressures. The smaller provinces, Quebec, and Aboriginal Canadians all had long-standing concerns they felt were as yet unaddressed.

The leaders in the 1990-1992 constitutional round faced a difficult task: Quebec's need for greater control over its own destiny was to be reconciled with a western drive to gain more influence over federal institutions. These two differing visions of Canada - one centralizing, one decentralizing - were to meet for the first time ever, aboriginal demands at the table. Behind all this were two years of public consultation. The participants would seek the broadest constitutional agreement since 1867. But this time, leaving John A.'s favorite tactic to the past, they'd all have to be sober.

Result: The Charlottetown Accord. It represents an unprecedented consensus of Canada's leaders and - we think - an enormous, positive achievement.

All the leaders made compromises to get this Agreement. Despite the compromises (indeed, because of them), we feel the Accord meets the growing pressures on our federation.

The inherent right of Aboriginal people to self-government is recognized. It protects existing treaty rights and requires the courts to interpret them in a "just, broad and liberal manner". It allows individual aboriginal groups to negotiate specific agreements to suit their circumstances. It creates no new rights to land, and the Charter of Rights will continue to apply to all Canadians.

The deal is flexible enough to accommodate Quebec's positions in Canada. Its special role as promoter of the french language is affirmed in the Canada Clause. It is given sufficient ability to control its own destiny in two ways: first, Quebec (and all other provinces) gets an option on new powers. Second, it will control 25% of the house of Commons alongside provisions to bolster representation of other provinces.

Section 36 of the Constitution will be strengthened to provide comparable economic infrastructures to all regions, and entrench the commitment to "regional economic development to reduce economic dis-

parity". Atlantic Canada also gains in the Senate Reform provisions. Atlantic representation will jump from 29% to 39%.

The new Senate is a solution made in the smaller provinces - not imposed from the centre. Senators will be elected by direct vote or by the legislature as the province may prefer. Each province will elect the same number of Senators to an effective Chamber. It will have the power to force a joint sitting in almost any matter - and don't underestimate the difference 62 Senators can make in every vote, especially in minority government situations.

But despite our best efforts, the Ottawa Senators will be drafted, not elected.

Could we do better? Maybe, but not likely, at least for a long time.

In many ways, the Accord is easier to complain about than to praise. Here are a few complaints, and a few comments.

We gave in to Quebec again. Too bad more people aren't saying this in Quebec, where the "no" forces claim Bourassa gave in to the rest of the country. The fact is, they won the constitutional flexibility they need, but they didn't get everything they asked for. Read the Allaire Report.

The "Yes" campaign is scare-mon-

gering. We don't buy this. A scare tactic is a threat not based on fact. There's a difference between scare-mongering and reasonable speculation. We think it's entirely reasonable to suggest that a "no" vote will add steam to separatism in Quebec. After all, Quebec does not subscribe to Canada's basic law. It's an unstable situation which demands either a change in the constitution or Quebec's departure. There is an economic cost to such an uncertain situation, and to the loss of international stature we would suffer if we suddenly became a small country. That's scary - but it's not a "scare tactic".

It's Muldoon's deal (and I don't like that Muldoon). Yes, Mulroney

was there (gasp!). But it's also Bob Rae's deal and Clyde Wells' deal and Rosemarie Kuptana's deal Ovide Mercredi's deal and Nellie Courmoyea's deal and Mike Harcourt's deal and Don Cameron's deal and... (you get the idea).

YES = more negotiation. No kidding! Constitutions evolve. Any government can propose an amendment at any time. The Charlottetown Accord lays out the essential points for modernizing our constitution. Yes,

it leaves some matters for future discussion. Some of these areas are constitutional in nature, most are not. Some negotiations will be bilateral, some will be multilateral. That's federalism. Remedial federalism classes for Deborah Coyne and Preston Manning, please.

NO = no more negotiations. Oh, give us a large break. This is the most asinine proposition of all. It assumes the rest of the country (and the world) will stand still as long as the federal government does. It ignores Canadian history. It costs us the gains of this deal: self-government, a workable system for Quebec, and substantial institutional and intergovernmental reform.

We are going to vote "YES" on Monday (quelle surprise). The Accord isn't perfect, but it gives us the tools we need to adapt our democracy to Canadian realities. It is better than the status quo, and therefore better than a "NO" vote.

Could we do better? Maybe, but not likely, at least for a long time. And going back to square one would carry a cost - of uncertainty, suspicion, and cynicism. Let's face it - there will be no stampede back to the table to work out yet another deal, but dissension will continue to tear at this country.

Waiting for another round may take too long. It may be too late. Vote "YES" on Monday.

John Fox & John MacDonell

Swing when you like the pitch

The batter steps to the plate. He doesn't swing at the three pitches thrown to him. In the Yes committee's advertisements aired between innings of the American League Championship Series last week, the choosy batsman is called out on strikes. The not so subtle moral of the ad is that you have to swing at the decent pitches, even if they are not exactly in your own personal strike zone. Waiting for the perfect pitch leads so often to a trip straight back to the dugout, nothing across to end the inning. Fortunately for you, constitutional wrangling is a Canadian game and therefore you play by Canadian rules.

The warnings of the Mulroney Government, the grim economic forecasts of the Bank of Montreal, and the flammable advertisements of the Yes committee notwithstanding, if Canadians take a pass on the Charlottetown Accord next Monday that will be by most counts strike six. And, to stretch the metaphor to the limit, rather than being called out on strikes to end the game, it is more likely that Canadians will just be looking for a new pitcher.

Like they did with baseball, Canadians learned much about Constitutional development and the messy ratification fights that invariably follow, from the United States. John A. Macdonald, who later would become Canada's most successful Conservative Prime Minister, was Attorney General of Canada West during the Confederation Debates in 1865. He spoke very highly of the U.S. Constitution, even as the United States was being torn apart by the Civil War. "I think and believe,"

Macdonald said, "that (the U.S. Constitution) is one of the most skillful works which human intelligence ever created; it is one of the most perfect organizations that ever governed a free people."

One of the "most perfect" constitutions was near breaking, as over one-half of the territory of the United States was flying the flag of the Confederate States of America. The framers of Canada's Confederation hoped to avoid copying the American example too closely. "To say that the American Constitution has some defects is but to say that it is not the work of Omniscience, but of human intelligence." No, Canada would try to learn from the lessons of the United States.

the job of Prime Minister under a Charlottetown Constitution would not be so unlike that of an umpire

The conventional wisdom in 1865 Canada was that the United States was in crisis because its constituent states were too loosely bound together. Under the U.S. Constitution of 1787, the federal union was comprised of virtually independent states. In the Republic's first days, each state had its own bank, its own currency, its own debt. All powers not specifically granted to the federal government by the Constitution were reserved by the people of the individual states.

Macdonald believed that the Americans "commenced at the wrong end." Every American State he reckoned was "declared by the Constitution to be a sovereignty in itself and that all the powers incident to a sovereignty belonged to each state." Confederation in Canada on the other hand would begin with a grand and central government with jurisdiction over only the most local of issues.

One hundred and twenty-five years of constitutional cases later, the Canadian Confederation is more decentralized than John A. Macdonald could ever have imagined. The United States, whose courts interpreted the constitution quite dif-

ferently, became more and more dominated by a strong and convincingly effective central government.

Now the Canadian people are being asked to give their consent to the Charlottetown Accord. This agreement is a further devolution of powers from the central government. The accord cedes jurisdiction in six major fields (including mining, tourism, and housing) to the exclusive jurisdiction of the individual provinces. Due to the inflexibility of the amending procedure, it is unlikely

that any legislative powers should ever return to the jurisdiction of the federal government. New federal programs will be harder to initiate and the initiatives of the federal government will be much more difficult to be enacted effectively.

Opposition Leader Jean Chretien, pitching the deal to students at St. Mary's University last week said that he would judge the Charlottetown Accord by one standard: Would he be able to run this country with this new Constitution? He was confident that he would. The history of Canadian constitutional development, however, warns that the job of Prime Minister under a Charlottetown Constitution would not be unlike that of an umpire, presiding over the surrender of yet more powers to the insatiable governments of the provinces.

All present indications are that the No forces are likely to win in several provinces. Perhaps even a clear majority of Canadians will vote against the Charlottetown Accord. The defeat of this deal, though, is more likely to be credited to the current vogue of distrusting politicians than to any belief in a particular positive philosophy of government.

James Delorey

The shoddy politic of Charlotte's web

"Stupid and unpatriotic." According to one woman, that's how the government and media are portraying Canadians who plan to vote "No" on the Charlottetown Agreement.

As a single parent, student, feminist, person with a disability, and not least of all, a Canadian, "Charlotte" has a lot to consider before casting her ballot on Monday, October 26th.

"Charlotte" said she thinks for the most part, the Accord promotes the equality of women. "I am a woman so of course I look at the Agreement from a woman's point of view." "Charlotte" is pleased that women are playing an increasingly prominent role in politics and in the forming of the Constitution, but is worried that we are handing over too much control to our government. "If power is abused," she said, "whether it's by men or women, it's still abuse."

Disappointed that issues concerning students and their rights weren't expanded upon in the Agreement, "Charlotte" wonders how students will survive current and future tuition hikes. "Education is becoming a privilege for the elite again," she declared. "Charlotte" said she be-

lieves the needs of students must be addressed now more than ever. "The university population is changing. There are more part-time and mature students, but where is the housing to meet their needs? How about student housing for couples or single parents?"

"If power is abused, whether it's by men or by women, it's still abuse."

As an unemployed single parent, "Charlotte" is living proof that Canada's government needs to maintain and provide new social services. "Charlotte" stated she does have adequate housing, but the social services being provided do not take into account physical needs such as food or clothing. "My son doesn't like

going to food banks with me," she said and explained that her ten-year-old boy doesn't want to be treated differently from the other kids in school. "Charlotte" is frustrated by the way little expenses have a way of adding up. "It's baloney that it doesn't cost anything to be clean," she said. "It costs \$2.00 just to wash and dry one load of clothes."

As to why people with disabilities weren't included in the Charlottetown Agreement, "Charlotte" is baffled. "It's important for all Canadians to take an interest in the rights of people with disabilities." On a more cynical note, she adds that it's simply in everyone's best interest. "People never know when a disability might affect them personally."

"Charlotte" believes the best thing about the Accord is what it does for the First Peoples. "I'm proud that Canada will be the first country in the world to recognize Aboriginals' right to self-government." At the same time, she wonders if women's rights will be protected. "If traditionally Aboriginal women have been unequal, is the Canada Clause enforcing that tradition?"

I, ambivalent

The Postmodern Vote

I think that the most important aspect of this referendum is recognizing the absurdity in being confronted with a binary opposition decision on matters so "desperately grave".

The postmodern choice in this particular instance would be to declare an "undecidedness" and fill in both boxes. And thus your vote will count as an "undecided". Besides, this is the Great Canadian Attitude, n'est-ce pas?

Really, I love it when my taxes are being spent on insulting propaganda. So join me my friends in the "Shrugging of the Shoulders Campaign" on the 26th, and don't forget to fill in BOTH: Yes and No.

Geoff Ineson