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## ***Interview: Chairmen of Two Quebec Commissions on the Constitution***

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*In March 1991, the Commission on the Political and Constitutional Future of Quebec, commonly called the Bélanger-Campeau Commission, tabled its report. The Commission proposed that a referendum on sovereignty be held no later than October 26, 1992, and that two special parliamentary commissions be created, one to study all sovereignty-related issues and the second to assess all federal government offers concerning a new constitutional partnership. In June 1991, the National Assembly gave assent to Bill 150 (Act on the Process of Determining the Political and Constitutional Future of Quebec) establishing the two commissions. The commission on issues pertaining to Quebec's accession to sovereignty is chaired by Guy Bélanger. The commission examining all offers concerning a new constitutional partnership is chaired by Claude Dauphin. The two chairmen were interviewed in December 1991 by Gary Levy and François Côté.*

**What has been your experience on the constitutional issue?**

**Mr. Guy Bélanger:** We in Quebec have heard talk about the Constitution for the past 30 years. Without wanting to exaggerate, I think you could say that a solid majority of Quebecers are constitutional specialists because they have heard the Constitution discussed in so many ways. When you enter politics and want to improve things in our province, I think the first issue you must settle is the Constitution. Let us stop talking about it once and for all and finalize things. If we are staying in Canada, then this is how we will stay. Or, if we are leaving, then this is how we will go. But let us take a decision once and for all so that the matter is settled.

**Mr. Claude Dauphin:** I have always been very interested in consti-

tutional law. I decided to study law in Quebec City because I knew that the National Assembly was nearby. I also knew that Laval University had a very good reputation in public law with Jean-Charles Bonenfant, Patrice Garant, Gil Rémillard and all those people. That's one reason why I moved from Montreal to study law in Quebec City. I was very interested in public law as well as constitutional law. Now as far as practical experience goes, I was a member of the Bélanger-Campeau Commission and a member of its steering committee. When the Premier asked me to chair one of the commissions, I was still personally interested in continuing in the same vein. I was also a member of the National Assembly Committee on the Meech Lake Accord.

**Tell us about the work of your committee.**

**Mr. Guy Bélanger:** First, as you know, the concept of sovereignty has given rise to much discussion, many assumptions and many other things. What is founded and what is not? It's hard to say. The mandate of the Commission studying issues pertaining to Quebec's accession to sovereignty is first to provide clearer information on the sovereignty option, for example, financial matters, to establish the costs as objectively as possible, also to establish the consequences, both positive and negative, of the secession option as objectively as possible.

The Commission's mandate is to shed light on all that and, at the same time, to provide this information to the public, to try to educate the general public and to inform the

general public on the results of our work, so that on the day of the referendum, when we have a decision to make, we have in hand the most objective, most realistic information possible in order to take that decision.

The working plan was developed by the party in power and the Opposition party. It is a plan that is designed to cover all the necessary aspects of the Quebec sovereignty option. For example, what is the declaration of "sovereignty"? How will it be made? What will happen to Quebec's territory? What currency should Quebec, or a sovereign Quebec have? What will be Quebec's position on membership in the major markets such as GATT, Europe, all the major treaties? We are trying to see all the possible aspects.

**Mr. Claude Dauphin:** Our mandate is to analyze and assess the federal offers coming from Ottawa. However, there is a section in Bill 150 that provides that, in order for the Commission to be able to analyze and assess those offers, Ottawa's offers must be formal and binding on the federal government and the other provinces. The way the words are used is fairly important. We began our work in late August 1991, and the question at that time was this: "Can the Commission sit when no formal offers binding on all governments have been made?" The chair decided that the Commission could sit. The second question was: Are Ottawa's constitutional proposals of September 24, 1991, formal offers binding on all governments? They obviously are not. However, the chair decided that, even though they were not formal offers binding on all governments, we could begin sitting and studying them as preliminary offers.

**Does your commission operate differently from other parliamentary committees?**

**Mr. Claude Dauphin:** The same rules of parliamentary procedure apply. As regards administration, we have our own personnel budget, but we also have regulations that are more flexible than those of the National Assembly. There is a single secretariat for both commissions. We have roughly 40 people working for both commissions. We obviously have experts who help us, economists and legal experts, who handle the various issues we must examine.

**Mr. Guy Bélanger:** A parliamentary committee analyzes bills. Whereas here, we have to do everything. First we have to choose our people; we have to select subjects; we have to invite our experts and draw conclusions and report on the subject. So it is a bit more of an open-ended mandate than you would have in regular parliamentary commissions.

**How have you organized your staff?**

**Mr. Guy Bélanger:** First we have Mr. Geoffrion as Secretary General of both commissions. He is a former deputy minister who left his position to take over the general secretariat of both commissions. He is a man who knows the machinery of government inside out, all its workings and all its mechanisms, and who therefore knows how to use it when the need arises, and who also knows something of how these consultation mechanisms work. Along with Mr. Geoffrion, we have a team of constitutional experts, tax experts, economists and lawyers. In short we have a number of people, each more qualified than the next, who organize and conduct preliminary analyses. When we talk about currency, they provide us with a sta-

tus report on what has already been said, which assumptions have already been stated on currency and where Quebec stands in the matter.

**The act establishing the Bélanger-Campeau Commission provided for a steering committee. Do you have one as well?**

**Mr. Guy Bélanger:** No, we do not, for one reason. The Premier wanted to be sure that our work would go to the limit and not be undermined by one faction or another. He gave the chairman room to manoeuvre in that area and very broad responsibility, which the chairman of a parliamentary commission does not normally have, in order precisely to enable the Commission to have all the room to manoeuvre and all possible latitude and also to avoid spinning out of control along the way.

Whereas, with a steering committee, if the steering committee were stronger in one direction, it could push the Commission in that direction. Under the current structure, the entire Commission is in fact the steering committee. We did not decide to take decisions in a small group; all the parliamentarians who are involved in the process form the steering committee. This structure is more complicated to operate and requires more mediation and conciliation and negotiation, but, once an agreement is reached, we are sure it will not be overturned, that it will not be criticized and that there will be no passive resistance by some members of the group. We are sure that the whole operation will yield what it has to yield at that time.

**Mr. Claude Dauphin:** There is no steering committee, and the chairman has a great deal of power. Incidentally, it was the purpose of the legislation to give a great deal of power to the chairmen of both commissions. I find that a bit difficult in that you have to decide and, when

you have to decide, as a general rule, the result is not necessarily satisfactory for everyone.

**Can you compare the atmosphere of this commission which consists solely of parliamentarians with that of Bélanger-Campeau?**

**Mr. Guy Bélanger:** The parliamentary rules to which we are accustomed give us a way of getting along with each other, of creating a form of synergy, which was not the same in the Bélanger-Campeau Commission, since the rules of the game, which are implicit agreements in the Assembly, do not work when outsiders are present. They do not know those rules and there is nothing implicit for them. It is not automatic. So it was a bit more complicated in the Bélanger-Campeau Commission in certain respects, but there were richer aspects more respectful relations. Here we are among parliamentarians who live together all year long. So there are, to a certain extent, familiar ways which did not exist in the Bélanger-Campeau Commission or, in any case, which were difficult to make work because the context was not the same.

**Mr. Claude Dauphin:** Generally speaking, the atmosphere is very good. My approach over the past eleven years as a member has been to seek a consensus. So what I do is I call the representative of the Opposition before taking any decision whatsoever. If that does not work, well then someone has to take a decision at some point. The system has to work. But I always seek consensus between the two major parties.

**How do you proceed in selecting witnesses?**

**Mr. Claude Dauphin:** Article 12 of Bill 150 clearly provides that the chairman controls the procedure.

However, another article, more precisely article 22, provides that a member of the National Assembly, a member of the Commission may make a motion requesting that items be added to the work plan. That was how the chair decided to interpret articles 12 and 22 of Bill 150. In short, then, it is the chairman who established the work plan. However, I seek the general will of the parties. I asked the two major political parties and the representative of the Equality Party, Mr. Libman, to forward their lists of the experts they wanted to hear to the secretariat. The Liberal Party sent me a list and Mr. Libman sent me a list, but the official Opposition did not send a list. They decided that, under normal circumstances, this commission should not be sitting. It is their claim that this commission should not sit until we have received formal offers that are binding on all governments. They said to themselves, to be coherent and logical: "If someone says you have no right to sit, no one can send you lists of experts to call." That is why they did not send us a list of experts. The same thing is occurring now. A government member made a motion requesting that the commission invite representative groups in Quebec society. This motion was agreed to by a majority. The Opposition voted against it for the same reason as before. Because, in their view, our commission ultimately should not sit, our commission should not hear experts, and our commission should particularly not invite groups.

**Mr. Guy Bélanger:** Once our work plan was established and approved, each party involved — that is, the Liberal Party and the Parti Québécois, the party in power and the Opposition Party — gave us its list of experts it wanted invited on each subject. From there, we here at

secretariat made a selection of those experts based on what they had already produced. We thus established our own list and made our initial checks with them, and those who showed an interest provided us with documents, and, based on those documents, we heard them at the commission. The idea was not to filter in the sense of filtering content, but rather to see whether their testimony was really relevant to what we wanted to do and if they were able to go as far as we wanted.

We may have group hearings, but we do not want to do like Bélanger-Campeau, which heard 650 briefs and met with 500 groups. I believe that all that has been said and that everything has been covered, and I believe that those groups have gone as far as it was possible for them to go. It is possible that some groups may have pushed their thinking further, in a more detailed way, and that their analyses have been refined. We may also hear some groups on invitation, but that will be the exception; that will not happen in the majority of cases.

**Will you meet with the parliamentary commissions of other provinces?**

**Mr. Claude Dauphin:** That is not our intention, although, to date, we have met informally with Ontario's constitutional committee. We met one evening, exchanged views and discussed matters together, but it was informal. There was nothing planned.

**Mr. Guy Bélanger:** The other parliamentary committees, no. They are doing their work; we are doing ours.

**Which experts have been the most impressive thus far?**

**Mr. Claude Dauphin:** We have heard many experts and players on the political stage in recent years.

We heard Claude Morin. We are going to hear Jean-Luc Pépin in January. These people have been invited as players on the Canadian and Quebec political stage rather than as experts on specific constitutional points, points of law. Many, I would say virtually all, experts have been very interesting. For example, we recently heard two experts on the meaning of the distinct society clause, which has been included in the constitutional proposals, once in the Canada Clause, and again in the Canadian Charter. We also heard a specialist, Mr. Forest, on property rights, on what it would mean for Quebec to include property rights in the Canadian Charter. Lastly, we have examined in detail most of the major chapters of the constitutional proposals with experts, Quebecers most of them, but Canadians as well. We received Mr. Thomas Courchene, who also testified before the commission.

**Mr. Guy Bélanger:** André Patry, of Laval University provided extremely interesting testimony. He suggested one way of viewing the entire matter. I think also of certain experts who provided views which perhaps made the commission react or even shocked it. For example Professor Steven Scott, on territory and Mr. McCallum of McGill University who told us: "You cannot use Canadian currency." But a number of other experts told us there would be no problem. No country can object to it, and it is even to Canada's advantage. Mr. Pierre Fortin provided some very interesting refinements on the question. He integrated them in a context which seemed to us more acceptable or more realistic. As a result of all that the commissioners' thinking is moving ahead. We are arriving at a view that is different.

**How have your constituents reacted to your role on the committee?**

**Mr. Guy Bélanger:** I believe they are very proud to see their member taking the riding's interests to heart, particularly since I represent a constituency which is very nationalistic. The positions I take in this regard obviously stir up a great deal of passion and thus reaction in one direction as well as another. I have to deal with those reactions, both the positive and the less positive. But that all results in very interesting discussions.

People often ask me to talk about the commission. So I tell them a little about what is going on, then I provide them with summaries. People love that. Recently I said I would do that for five minutes, but when I ran on 20 minutes, I said, "That's about enough." They said, "No, no, don't stop." There were 200 of them in the room. They asked me to keep going; I went on for an hour and a half, and the crowd was as silent as if they were in church. So people are interested in the issue, and they like to have more detailed information, more refined information, as we were saying a moment ago.

**Mr. Claude Dauphin:** I would say there is a great deal of interest among a certain portion of the population. I recently took part in an activity involving mayors, lawyers and other professionals, and they are definitely interested. Business people are also interested; that goes without saying. But among the general public, you cannot say that this is a burning issue; the public is more interested in the economy. People are more interested in stemming the recession. But let's be realistic; the constitutional aspect is closely re-

lated to the economic aspect. We cannot ignore that fact.

**There is talk, particularly in English Canada, of the idea of a constitutional convention, a group appointed to discuss the Constitution. Have you heard any witnesses who are interested in this idea?**

**Mr. Claude Dauphin:** I know that the government has set out its ideas and is not interested in that. And as chairman of the commission, I have no intention of organizing that. I do not even believe it is part of our mandate. I received a great many briefs from groups, but none proposed the formation of a constituent assembly.

**Mr. Guy Bélanger:** What we want is to find a way to enable Quebec to grow and develop, to live its distinct identity, while enabling the rest of Canada to live its own and, in other words, to enable every citizen to live comfortably in this country, comfortably with respect to his or her identity and distinct aspects. I believe that Canada is the kind of country which is able to take this step forward. I have obviously travelled around and spoken to many people in other provinces. I have done many open line radio shows and been on television programs across Canada. In some provinces, people clearly understand absolutely nothing about what is going on or about what Quebec wants. They have the impression that we want more, that we want to be superior or have special status. That is simply not true. Quebec does not want to be superior; it simply wants to be accepted as being different. It is those differences that are going to enrich us, and that will make Canada very strong, and that is what we want recognized.