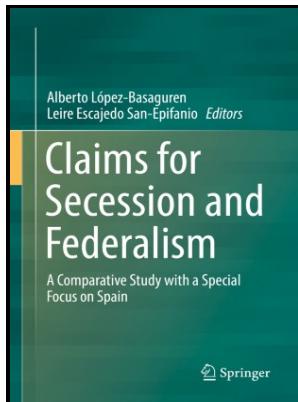


# Secession of Quebec and the future of Canada

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## The Secession of Quebec and the Future of Canada by Robert A. Young

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For comparison, Young draws on the experiences of other countries where peaceful secession has occurred, including Czechoslovakia. Even assuming that the third circumstance is sufficient to create a right to unilateral secession under international law, the current Quebec context cannot be said to approach such a threshold. It may be that a unilateral secession by Quebec would eventually be accorded legal status by Canada and other states, and thus give rise to legal consequences; but this does not support the more radical contention that subsequent recognition of a state of affairs brought about by a unilateral declaration of independence could be taken to mean that secession was achieved under colour of a legal right.

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Carlson, for the intervener the Attorney General of Manitoba. The attempted analogy to the U. Our standard of living depends on our ability to export.

## 1998 CanLII 793 (SCC)

Although there is no right, under the Constitution or at international law, to unilateral secession, the possibility of an unconstitutional declaration of secession leading to a de facto secession is not ruled out. This section reflects the strict separation of powers in the American federal constitutional arrangement.

## Reference re Secession of Quebec

Refusal of a party to conduct negotiations in a manner consistent with constitutional principles and values would seriously put at risk the legitimacy of that party's assertion of its rights, and perhaps the negotiation process as a whole.

### **The Secession of Quebec and the Future of Canada by Robert A. Young**

The moment Quebec secedes French becomes a foreign language in Manitoba. This shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind. Although Canada's record of upholding the rights of minorities is not a spotless one, that goal is one towards which Canadians have been striving since Confederation, and the process has not been without successes.

### **1998 CanLII 793 (SCC)**

The negotiation process would require the reconciliation of various rights and obligations by negotiation between two legitimate majorities, namely, the majority of the population of Quebec, and that of Canada as a whole. In this regard, is there a right to self-determination under international law that would give the National Assembly, legislature or government of Quebec the right to effect the secession of Quebec from Canada unilaterally? We could make decisions much more quickly than we can make them now.

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