



OCT 19

2026

BOOKLET FOUR · A CONVERSATION ABOUT ALBERTA'S FUTURE

What a “Yes” Actually Means

The ten ballots you'll be handed on October 19 — and what Question 10 really asks.

There is no “yes” printed on any of them. You get ten separate colour-coded ballots, all non-binding, with the separation question on top — and it offers a choice most Albertans have never had described to them accurately. This booklet reads every ballot, walks the legal road that follows, and faces the hardest objection head-on.

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Real questions. Honest numbers. No spin.

CITIZEN LED · FACT BASED · ALBERTAN



How to read this booklet

This is one booklet in a series, and it's built to stand on its own. You don't need to have read any of the others.

This one is different from the rest, though, and I want to be upfront about why. The other booklets in this series argue about *substance* — currency, pensions, resources, health care. This booklet doesn't argue about any of that. It's about the **ballots themselves**: the ten separate pieces of paper you're going to be handed on October 19, what each one actually says, what your marks legally do and don't do, and — for the one question everybody is shouting about — what “the legal process required under the Canadian Constitution” actually consists of, step by step.

I'm writing it because I've now sat in a lot of rooms with a lot of Albertans, and the single most common thing I hear isn't “I'm against it” or “I'm for it.” It's some version of: **“Wait — am I voting to leave Canada?”**

You are not. Not on October 19. And the fact that a great many Albertans who agree on nothing else believe otherwise is, to my mind, a small civic emergency. You cannot make a free decision about a question you've been handed a wrong description of.

Everything presented as a **fact** in here is drawn from the public record. A small number in the text, like this,¹ points to the matching source at the back. Where I give you my **opinion**, I'll label it. And where there's a real cost, a real risk, or a serious objection to what I'm saying, I'll print it in the same size type as everything else. Part Three is genuinely hard for someone in my position to write. I've written it anyway, because a booklet that ducks the hardest question on its own topic isn't worth the paper.

A note on one word. Through this booklet I use **sovereignty** — the power of a people to decide their own affairs — because that is what the argument is actually about. The ballot itself uses the word *separate*, and where I quote the ballot, a statute, a court, or another person, I quote them exactly as written and leave their word alone. Where the words are mine, they're mine.

Read it. Check it. Then decide for yourself.

— C.S.

PART ONE

The Ballots You'll Actually Be Handed

Ten pieces of paper, one afternoon, and a lot of confusion that didn't have to happen.

1. The question, in plain words

Here's the confusion, stated the way I usually hear it — and I hear it from people who want very different things:

“On October 19 there's a vote on separation. If it passes, Alberta leaves Canada. If it fails, the whole thing is dead. So this is the big one.”

Every sentence in there is wrong.

Here's what's actually true. On **Monday, October 19, 2026**, Albertans will vote in a province-wide referendum containing **ten separate questions** — and, as Elections Alberta has confirmed, **each question is on its own separate, colour-coded, numbered ballot**.^{1,4} You won't get one sheet with ten questions on it. You'll be handed a stack of ten ballots, and you'll drop each one into its own matching colour-coded box. Nine of those questions have nothing to do with sovereignty at all — they're about immigration, provincial programs, voter ID, judges, the Senate, and the balance of federal and provincial power. The tenth is the one you've heard about.

Question 10 is not a Yes/No question. It doesn't say “do you want to separate.” It's a *choice between two options*, and here is its exact wording, word for word:

“Should Alberta remain a province of Canada or should the Government of Alberta commence the legal process required under the Canadian Constitution to hold a binding provincial referendum on whether or not Alberta should separate from Canada?”²

You pick one of two options: **Alberta should remain a province in Canada**, or **the Government of Alberta should commence the legal process** toward a *later, binding* vote on sovereignty.³

Read that second option again, slowly, because four words in it are doing all the work: ***commence*, *process*, *binding***, and ***later***. The option on your ballot is not leaving Canada. It is not even a decision to become sovereign at some future date. It is a decision about **whether a longer, lawful, and genuinely difficult process should be started at all** — a process whose entire purpose is to produce a *second* referendum, later, that would actually be binding.

And one more thing, which surprises almost everyone: **every one of those ten results, Question 10 included, is legally non-binding.**^{1,4} Nothing on October 19 changes a single law by itself. Not one.

So the honest description of the day is this: **October 19 is the day Albertans finally get asked. It is not the day anything is decided.**

Now, some people will read that and conclude the whole exercise is therefore meaningless theatre. I understand the instinct, and I’ll deal with it head-on in Part Five, because it deserves a real answer rather than a brush-off. But hold that thought, and let’s start where every honest conversation about this has to start — with why being asked at all is such an unusual event in this province’s history.

2. What we have now: a province that doesn’t get asked

Start with a fact that most Albertans have never had cause to notice, because it’s just the water we swim in: **Albertans have almost never been asked, directly, about the terms of their own governance.**

Alberta's terms of entry into Confederation were written in Ottawa in 1905 and were never put to a vote of the people who would live under them. Ottawa kept control of Alberta's land and natural resources for the province's first twenty-five years, handing them over only in 1930 under the Natural Resources Transfer Agreements. Nobody here voted on that arrangement either, at the front end or the back.

Then, in living memory, there's the case that hangs over this entire conversation.

On October 18, 2021, Albertans voted in a constitutional referendum on equalization. The question asked whether Section 36(2) of the Constitution Act, 1982 — Parliament's commitment to the principle of equalization payments — should be removed from the Constitution. **61.68% of the ballots cast said yes.**⁵ The provincial government then did the thing the Supreme Court's own jurisprudence says triggers a constitutional obligation to negotiate: it took the result to the Legislature and passed the follow-up resolution.

And then nothing happened. No negotiations opened. Section 36(2) sits in the Constitution today exactly where it sat in 2021, untouched.

I'll be careful and fair here, because this is the kind of place where the case for independence often overclaims. The 2021 turnout was **38.71%** — fewer than four Albertans in ten cast a ballot.⁵ That's a real weakness in the mandate, and anyone using that referendum as a bludgeon has to own the turnout number too. And Ottawa's defenders would say, correctly, that a province cannot amend the Constitution by itself, that equalization is a federal commitment, and that a duty to negotiate in good faith is not a duty to agree.

All fair. And yet the lived experience of a great many Albertans is simpler and harder to argue with: **we were asked once, we answered clearly, and the answer went nowhere.** Whatever you think of the merits, that experience is now part of the room. It is why some Albertans will look at a non-binding ballot on October 19 and shrug that it's pointless — and it's also why others will show up precisely because they refuse to be ignored twice.

My opinion, labelled as opinion: the 2021 result is the strongest argument I know for two things at once. It's an argument for turning out in numbers big enough that the result can't be filed away — and it's an argument for taking the *process* seriously rather than treating a referendum as a magic wand. A vote is not self-executing. What comes after it is where everything is actually decided. That's this whole booklet.

3. The ballots themselves: all ten questions in plain language

Here's exactly what happens when you reach the front of the line. **You will be handed all ten ballots at once, in an ordered stack** — each one a separate piece of paper, each in its own colour, each numbered. You mark them, and you drop each one into the colour-coded box that matches it. They're counted by hand, question by question, in order, and unofficial results have to be reported within 48 hours.⁴

And here is a detail almost nobody knows: Question 10 is on top. Elections Alberta has confirmed that the sovereignty question is handed to you first in that ordered stack.⁴ The most consequential question on the pile is the first piece of paper in your hand — which is all the more reason to have read it before you're standing there.

Nine of the other questions will not have been the subject of a single television debate, and most Albertans will read them for the first time in the booth. Across the province, Elections Alberta expects to use something on the order of **34 million ballots**.⁴

That is a bad way to make ten decisions. So here they are now, in plain language. I've marked which are simple Yes/No, and which of them would require a change to the Canadian Constitution — a distinction that matters enormously, and that I'll explain right after the list.

Questions 1 through 5 — Provincial policy (Yes/No, non-binding)

These ask about things the Alberta government could largely act on within its own jurisdiction. They don't require anybody's constitutional permission.

- 1. Immigration levels.** Whether Alberta should take increased control over immigration for the purpose of decreasing immigration levels.²
- 2. Eligibility for provincial programs.** Whether Alberta should introduce a law making only Canadian citizens, permanent residents, and people with an Alberta-approved immigration status eligible for provincially funded programs.²
- 3. A 12-month residency requirement.** Assuming citizens and permanent residents continue to qualify as they do now — whether people holding a non-permanent immigration status should have to live in Alberta for at least 12 months before accessing social support programs.²
- 4. Fees for non-permanent residents.** Again assuming citizens and permanent residents are unaffected — whether Alberta should charge a fee or premium to people with non-permanent immigration status for health care and education.²
- 5. Proof of citizenship to vote.** Whether Alberta should require proof of citizenship — a passport, birth certificate, or citizenship card — to vote in a provincial election.²

Questions 6 through 9 — Constitutional reform (Yes/No, non-binding)

These are different in kind. Each asks whether Alberta should work **with other willing provinces** to *amend the Canadian Constitution*. Alberta cannot do any of these on its own, no matter how the vote goes. Each would need the agreement of other governments — and, under the amending formula, that means at least seven provinces representing 50% of the population, plus Parliament.

- 6. Choosing judges.** Whether provinces, rather than the federal government, should select the justices appointed to provincial Court of King's Bench and Court of Appeal.²
- 7. Abolishing the Senate.** Whether the unelected federal Senate should be abolished.²
- 8. Opting out of federal programs.** Whether provinces should be able to opt out of federal programs that intrude on provincial jurisdiction, without

losing the associated funding.²

9. Provincial law priority. Whether a province's laws in provincial or shared areas of jurisdiction should take priority over conflicting federal laws.²

Question 10 — The sovereignty question (a choice between two options, non-binding)

10. *“Should Alberta remain a province of Canada or should the Government of Alberta commence the legal process required under the Canadian Constitution to hold a binding provincial referendum on whether or not Alberta should separate from Canada?”²*

Two options. Choose one. **Remain a province in Canada, or commence the legal process** toward a later binding referendum.³

Three observations before we move on, and I'll flag that the second and third are my opinion.

First, a fact: **the nine other questions are not a warm-up act.** Questions 6 through 9 in particular describe a fairly sweeping renovation of Canadian federalism. Whatever you think of them, they deserved a public debate they largely didn't get, and you're entitled to have read them before you're standing in a booth with a pencil.

Second — opinion — **handing someone ten ballots at once has a predictable effect on the tenth.** Separate colour-coded ballots are a real improvement on one crowded sheet, and Elections Alberta deserves credit for the design. But ten decisions is still ten decisions, taken standing up, in a few minutes, by people told this was “the sovereignty vote.” Most voters will think carefully about one question and skim nine. I don't have to assign anyone a motive to notice that.

Third — also opinion, and the more important: **notice what Questions 6 through 9 are.** They are a formal, on-the-ballot admission by the Government of Alberta that the things Albertans most want changed — how judges are picked, the Senate, federal intrusion, the supremacy of federal law — **cannot be changed by Alberta alone.** The same stack of ballots that offers you “reform from within” tells you, in its own words,

whose permission that reform requires. Whether that reads as reassuring or damning is up to you. But notice it: both of the big arguments in Alberta politics are put into your hands at the same moment, and they are talking to each other.

PART TWO

How This Actually Works

The plumbing. Twenty minutes that will put you ahead of most of the people arguing about this on television.

4. Three different machines, and why people keep mixing them up

An enormous amount of the confusion in this province comes from the fact that Alberta has **three separate legal machines** that can produce something called a “referendum,” and they work completely differently. Almost every muddled news story you’ve read this year comes from someone mixing them up. Here they are.

Machine One: a government-ordered referendum. Under Alberta’s **Referendum Act**, the Lieutenant Governor in Council — in practice, the Premier and cabinet — can order a referendum on a question of their choosing, and set the wording. That is exactly how the October 19 vote came to be: **cabinet approved Orders in Council O.C. 109/2026 and O.C. 110/2026 on March 31, 2026**, and Premier Smith announced the final wording of the sovereignty question in a televised address on **May 21, 2026**.^{1,6} The government wrote the questions. The government picked the date. And the results are advisory.

Machine Two: a citizen initiative. Under the **Citizen Initiative Act**, ordinary Albertans can petition to force a question onto a ballot without the government’s blessing. In **May 2025**, the government amended that Act to lower the signature threshold from **20% to 10%** of the votes cast in the previous general election¹ — a substantial loosening, and one that made a citizen-driven referendum genuinely achievable for the first time.

Two separate campaigns went out and gathered signatures: a sovereignty petition, and a pro-Canada petition organized by former deputy premier **Thomas Lukaszuk**, which was verified at **404,293 signatures**.¹

Machine Three: a constitutional referendum. Alberta also has legislation governing referendums specifically tied to constitutional amendment resolutions. That’s the machinery behind the 2021 equalization vote, and it’s the family that Questions 6 through 9 belong to in spirit.

Why this matters so much: the court case you’ve heard about — the one where a judge “threw out the sovereignty referendum” — was about **Machine Two**. It was not about the October 19 vote. Question 10 got its ballot through **Machine One**, by cabinet order, which is a different legal route with a different legal footing. I’ll deal with all of that carefully in Part Three, because it is the most serious issue in this booklet and it deserves better than a one-line dismissal. But before we get there, you need to know these are two different things, or none of it will make sense.

Binding versus non-binding: what your mark actually does

This is the distinction everything turns on, so let’s be precise.

A **binding** referendum result legally compels a government to do something. A **non-binding** — or advisory — result does not. It is an instruction delivered by the only people entitled to give one, and it carries whatever political weight its numbers and turnout earn it. But no law changes on its own.

Every question on the October 19 ballots is non-binding.^{1,4} That includes Question 10. If a majority choose “commence the legal process,” no legal process automatically commences. The government of the day decides what to do with the result, and is answerable for that decision.

If that sounds like a weakness, hold the thought — Part Five deals with it squarely. But it is worth saying now that advisory referendums have moved mountains. The 2016 Brexit vote in the United Kingdom was, in law, purely advisory — the legislation authorising it created no legal obligation whatsoever.⁷ It rearranged British politics for a decade anyway. “Non-binding” describes the *legal* effect, not the political one.

5. Question 10, word by word

Let's take the sentence apart, because it was written with some care and every phrase in it does a job.

"Should Alberta remain a province of Canada..."

That's option one, stated first. Worth noting because ballot order matters and this is the option the Premier herself has said she will campaign for.^{6,8} Whatever else it is, this is not a question written by people who want Alberta to leave.

"...or should the Government of Alberta commence..."

"Commence." Begin. Not complete, not achieve — start. The verb tells you the entire scope of what's being authorised.

"...the legal process required under the Canadian Constitution..."

This is the crucial phrase, and it is doing a lot of quiet work. It concedes the whole legal architecture on the front end. It does not say "declare independence." It does not say "act unilaterally." It says the process is the one **required under the Canadian Constitution** — a constitution that, as the Supreme Court has explained at length, does not permit a province to leave on its own say-so. Section 6 walks through exactly what that process is.

"...to hold a binding provincial referendum..."

Here's the payoff. The **object** of the process is another referendum — a second vote, and *that* one binding. So the honest description of option two is: *"start the lawful work of getting Albertans a real, binding vote on this question at some point in the future."*

“...on whether or not Alberta should separate from Canada?”

And only in the final clause does the word “separate” appear at all — describing the subject of the *second*, future vote. Not this one.

So: what does marking option two actually do? It registers your view that Albertans should eventually get a binding vote on this. It does not take Alberta out of Canada. It does not commit Alberta to sovereignty. It does not change any law on October 20. It is, in the most literal sense available, **a vote about whether to have a vote.**

And what does marking option one do? It registers your view that Alberta should remain a province of Canada and that this process should not be started. That’s a real answer to a real question, and it’s the option the Premier is campaigning for. Anyone who tells you a vote to remain is a wasted ballot is doing the same disservice, in the opposite direction, as the people telling you a vote to commence is a vote to leave.

My opinion, labelled: whatever you make of the politics behind it, Question 10 is a more honest question than the 1995 Quebec question was, and it’s structurally very close to the 1980 one — which we’ll come to shortly, because Quebec has run this exact experiment before and the results are instructive.

6. What “the legal process required under the Canadian Constitution” actually is

If you mark option two, you’re voting to start *something*. You are owed a plain description of what that something is. Here it is — and I’m going to give it to you straight, including the parts that are difficult, because a booklet that sells you a short easy staircase would be lying to you.

Step one: the Secession Reference — the law that says there is a path, and that it isn’t unilateral

In 1998, after the near-miss of the 1995 Quebec referendum, the federal government asked the Supreme Court of Canada a direct question: can a province secede unilaterally? The Court’s answer, in *Reference re*

Secession of Quebec, is the foundation of everything that follows, and it is routinely quoted in halves — each half by the people it suits.⁹

Here is the whole of it.

The half quoted by those who want the process started: the Court held that if a province votes on a **clear question** by a **clear majority** in favour of secession, the rest of Canada acquires a **constitutional duty to negotiate in good faith**. Ottawa and the other provinces cannot simply ignore the result. The democratic expression of a clear majority confers legitimacy that the other participants in Confederation are obliged to recognise and address.⁹ **There is a lawful path. Alberta could not be told the door is simply bolted.**

The half quoted by those who don't — and which is equally the law: the Court also held that **there is no unilateral right to secede** — not under Canadian law, and not under international law either, for a province in Alberta's circumstances. For secession to be recognised **within Canadian law**, an **amendment to the Constitution of Canada** would have to be negotiated and enacted with the other participants in Confederation. The duty to negotiate is a duty to negotiate in good faith; **it is not a duty to agree**. (Hold onto the words *within Canadian law*. Section 6 comes back to them, because that amendment is a requirement Canada places on itself — not a gate Alberta has to be let through in order to ask, or in order to decide.) And the Court was explicit that those negotiations would have to address the rights of minorities and — this matters for Part Three — **the rights of Aboriginal peoples**.⁹

Read together, the Secession Reference says something that ought to sober everybody up: **the path exists, it runs through the front door, and it runs through a negotiation you don't control.**

Step two: the Clarity Act — Ottawa's rules for judging your vote

In 2000, Parliament passed the **Clarity Act** to give effect, in federal law, to its reading of the Secession Reference.¹⁰ Whatever you think of it, you need to know what it does, because it would govern the *second* vote — the binding one Question 10 points toward.

Under the Clarity Act, before the **Government of Canada** may enter into secession negotiations, the **House of Commons** must first determine two things:

1. **Was the question clear?** The Act specifically says a question that merely asks for a *mandate to negotiate*, or that offers other options alongside secession, is **not** a clear expression of a will to secede.
2. **Was the majority clear?** The Act deliberately declines to name a number. The Commons is to take into account the size of the majority, the percentage of eligible voters who voted, and any other relevant matters.

Two consequences follow, and I'd rather you hear them from me than from someone using them to shut you up.

First: Question 10 itself would almost certainly not qualify as a “clear question” under the Clarity Act — but that's fine, because **it isn't trying to be**. Question 10 is a question about starting a process. The clear question would have to come later, at the binding vote.

Second, and less comfortable: the Clarity Act hands the judgment of clarity to the **House of Commons** — a body in which Alberta holds a modest fraction of the seats, and which is given 30 days to decide. That is a real and serious asymmetry, and I'm not going to pretend otherwise.

And it's the point where a great many Albertans stop listening, because it sounds like the end of the road: *they* decide whether our question was good enough, *they* decide whether enough of us voted, and we sit and wait for a verdict from a room where we hold a fraction of the seats.

So let's talk about that properly, because I think it's the most misunderstood thing in this entire subject.

Step two-and-a-half: Alberta is not asking permission

Here is what the Clarity Act actually is: **an ordinary federal statute**. Parliament passed it by itself in 2000 — Commons, Senate, royal assent, done.¹⁰ It is not part of the Constitution. Nobody amended anything to create it. No province consented to it. It can be repealed tomorrow by a

simple majority of the same Parliament that wrote it, and it could be rewritten by a different Parliament with different priorities.

What it does is set out **the rules the Government of Canada has written for its own conduct**. That's a legitimate thing for a Parliament to do. But be clear about what it is and isn't: **the Clarity Act is Canada's stated preference for how it will respond. It is not a permission slip that Alberta has to apply for.**

And this is where the distinction that matters most in this booklet lives:

Ottawa's agreement is required for the amendment. It is not required for the asking.

Nothing in the Clarity Act, and nothing in the Constitution, gives Parliament any authority over whether Albertans may be asked a question by their own government. Alberta runs its own elections and its own referendums. That is provincial jurisdiction, plainly. **A province does not need federal consent to consult its own people, and Alberta will not be seeking any.**

The Supreme Court said as much, and it said it in terms too rarely quoted by those making the case for independence. In the Secession Reference the Court found **"a right to initiate constitutional change on each participant in Confederation,"** and a corresponding duty on the others **"to engage in constitutional discussions in order to acknowledge and address democratic expressions of a desire for change."**⁹ And more directly still:

*"The other provinces and the federal government would have no basis to deny the right of the government of Quebec to pursue secession, should a clear majority of the people of Quebec choose that goal, so long as in doing so, Quebec respects the rights of others."*⁹

Read that again with Alberta in the place of Quebec. **No basis to deny the right to pursue it.** The obligation that follows a clear result is not a favour Ottawa grants. It is a constitutional duty the Court placed on Ottawa and

on every other province — and it is a duty that binds them whether they find it convenient or not.

What Quebec did about it — and what it tells Alberta

Quebec did not accept the Clarity Act's framing, and it didn't merely complain about it. **In the same year, Quebec's National Assembly answered it with a law of its own.**

An Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec State — universally known as **Bill 99** — received assent on **December 13, 2000**, six months after the Clarity Act.²¹ Its provisions are worth reading in full, because they are the plainest statement of this principle anywhere in Canadian law:

s. 2 — *“The Québec people has the inalienable right to freely decide the political regime and legal status of Québec.”*

s. 3 — *“The Québec people, acting through its own political institutions, shall determine alone the mode of exercise of its right to choose the political regime and legal status of Québec.”*

s. 4 — *“When the Québec people is consulted by way of a referendum... the winning option is the option that obtains a majority of the valid votes cast, namely 50% of the valid votes cast plus one.”*

s. 13 — *“No other parliament or government may reduce the powers, authority, sovereignty or legitimacy of the National Assembly, or impose constraint on the democratic will of the Québec people to determine its own future.”²¹*

That is a province, inside Canada, telling Parliament in statutory language: *you may write your own rules for your own conduct; you do not write ours.*

And it was tested in court, hard. Bill 99 was challenged by Keith Henderson, with the **Attorney General of Canada intervening against it.** In **2018 the Quebec Superior Court dismissed the challenge in full.** In **April 2021 the Quebec Court of Appeal maintained that dismissal,**

finding there was no justiciable question to answer.²² **Twenty-six years later, Bill 99 is still on the books, unamended in its essentials.**

Now the honest other column, because I promised it and because this is exactly where the case for independence tends to overreach.

Bill 99 did **not** create a right to leave unilaterally, and no honest reading says it did. The Superior Court was explicit that Bill 99 confers no right of unilateral secession, and that any future secession must still run through the Canadian constitutional framework — clear question, clear majority, negotiation, amendment.²² The Court of Appeal, while refusing to strike a word of it, also declined to bless it as valid and noted that in some contexts its provisions might prove inapplicable.²² And the Secession Reference itself is unambiguous that a referendum result, however large, **“would have no legal effect on its own.”**⁹

International law offers no shortcut either, and you should hear it from me rather than a critic. The Court held that external self-determination — a right to simply leave — **“arises in only the most extreme of cases”**: former colonies, peoples under oppression such as military occupation, or a group **“denied meaningful access to government.”**⁹ It found those circumstances “manifestly inapplicable” to Quebec, whose people plainly are represented in Canada’s institutions. **On that legal test, the same is true of Alberta**, and anyone telling you that international law hands Alberta an exit is selling you something. Albertans sit in Parliament, in cabinet, on the courts. That’s the honest position, and it’s fatal to the shortcut version of this argument.

Now the objection I hear most often when I say that out loud, and it deserves a straight answer rather than a lawyer’s brush-off. *“We are a colony. We’ve been treated as one for a hundred and twenty-one years. That’s why this conversation exists.”*

Here is what the record actually supports, and it is a great deal.

Alberta’s terms of entry were written in Ottawa in 1905 and were never put to the people who would live under them. More pointedly: Alberta and Saskatchewan were **the only provinces denied control of their own natural resources at the moment of their creation.** Ottawa

kept our land and subsurface wealth for twenty-five years and handed them over only in 1930, under the Natural Resources Transfer Agreements — an arrangement no original province was ever subjected to. **That is not a metaphor for colonial administration. That is the thing itself, and it is the founding fact of this province.**

It did not stop there. Alberta holds **six Senate seats — the same number as Nova Scotia and New Brunswick**, provinces with a fraction of our population. In **2021**, asked a constitutional question directly, **61.68% of Albertans voted to remove equalization from the Constitution**; the Legislature passed its resolution, and Section 36(2) sits exactly where it sat.⁵ And Albertans have sent roughly **\$21 billion a year** out of this province, on average, without a corresponding say in how it is spent.

So is Alberta a colony? Here is the distinction I'd ask you to hold, because it decides how this argument fares in a hostile room. **As a description of how this province has been treated, “colonial” is defensible and the record above is why.** As a **legal category** under the international-law test just quoted — a people denied meaningful access to their own government — it does not hold, and it will not hold, because Albertans vote, sit in Parliament, and have twice supplied the country its Prime Minister.

And here is the part I'd most want you to take from this booklet: **the argument does not need the legal category, and is stronger without it.** Reaching for “colony” is reaching for a legal shortcut — a claim that international law *entitles* Alberta to leave. Section 7 exists to tell you that no such entitlement exists for anybody, and that **you do not need one.** Norway wasn't a colony. Iceland wasn't a colony. Singapore, the Czechs and the Slovaks weren't colonies. **Not one of them needed to be.** They needed the two ingredients, and they got them.

So make the grievance argument — it is documented, it is serious, and it is why hundreds of thousands of Albertans signed something this year. Just don't hang it on a legal hook that will snap. **“We have been governed as a possession for a hundred and twenty-one years and we no longer consent to it” is a stronger sentence than “international law says we may leave,” because the first one is true.**

So what is left, once you strip out the overreach? This — and it is not small.

Alberta has the right to **ask**, and needs nobody's leave to do it. A clear answer from Albertans creates a **constitutional obligation on Ottawa and the other provinces to come to the table and negotiate in good faith** — an obligation the Supreme Court imposed on them, not one they granted us. And what happens after that turns on conduct, not on statute. Here is the Court again, in the passage I'd put on the wall:

“...a failure of the duty to undertake negotiations and pursue them according to constitutional principles may undermine that government's claim to legitimacy which is generally a precondition for recognition by the international community. Conversely, violations of those principles by the federal or other provincial governments responding to the request for secession may undermine their legitimacy. Thus, a Quebec that had negotiated in conformity with constitutional principles and values in the face of unreasonable intransigence on the part of other participants at the federal or provincial level would be more likely to be recognized than a Quebec which did not itself act according to constitutional principles in the negotiation process.”⁹

Read that carefully, because it's the whole ballgame. The Court is saying that the party which behaves properly gains legitimacy, and the party which stonewalls loses it — **and that this cuts both ways.** If Alberta asked a clear question, got a clear answer, consulted its Treaty partners properly, and came to the table in good faith, and Ottawa refused to negotiate in good faith in return, **it is Ottawa's legitimacy that erodes, not Alberta's.**

My opinion, labelled as opinion: this is why the “small voice in the House of Commons” fear, while pointing at something real, gets the shape of the thing backwards. The Clarity Act is Canada's preference. **The right to choose belongs to Albertans, and no federal statute can legislate it away** — Quebec proved that in 2000 and defended it in court for two

decades. But a right you assert is worth exactly as much as the way you exercise it. **Alberta will not be asking permission to hold a conversation. What Alberta must do — and this is the harder discipline by far — is conduct itself so impeccably that no one, anywhere, can point at the process and call it illegitimate.**

Which brings us straight back to Part Three, and to the Treaty nations, and to why that section is in this booklet at all. **The right to self-determination is not a card you play. It's a standard you have to meet.** And you cannot meet it while denying the same right to your Treaty partners. That isn't a caveat on the argument. *It is the argument.*

Step three: the amending formula — Canada's hardest step, and the one nobody has an answer to

Read this step carefully, because it is the one most often quoted at Albertans backwards. **The amending formula is not something Alberta has to satisfy in order to ask, and it is not something Alberta has to satisfy in order to determine its own future. It is what Canada has to satisfy in order to bring its own law into line with the outcome.** It sits on Canada's side of the ledger, not ours.

On the negotiated road, that step is a real precondition, and I'm not going to pretend otherwise: if a clear majority on a clear question triggered negotiations, and if those negotiations succeeded, the result would have to be enacted as a **constitutional amendment** before anything changed inside Canadian law.

And here is where I have to give you the most honest sentence in this booklet: **nobody actually knows which amending formula applies to a province leaving Canada.** The Supreme Court, in the Secession Reference, pointedly declined to say.⁹ The two candidates are:

- **Section 38 — the “7/50” general formula:** Parliament plus seven provinces representing at least 50% of the population.
- **Section 41 — unanimity:** Parliament plus **all ten** provinces, for the most fundamental matters.

The difference between those two is the difference between very hard and nearly impossible. It is an open constitutional question, and it would be litigated to the Supreme Court. **Anyone who wants this process to begin and waves that away is not being straight with you.**

But notice exactly what that requirement is, and when it bites

Read the Court's sentence again with care, because a great deal turns on it and almost everybody — on every side — quotes it carelessly. The Court said secession “must be considered, **in legal terms**, to require an amendment to the Constitution.”⁹

In legal terms. Which legal terms? **Canada's.** The Court was answering a question about Canadian constitutional law, and within Canadian constitutional law the answer is exactly what it said: you cannot lawfully redraw the country without amending the document that constitutes it.

But that tells you the requirement of **one road**, not of every road. And the same Court said so itself, a few paragraphs later, when it turned to what happens if a province proceeds anyway. There it accepted that the absence of a right to secede unilaterally **does not rule out a *de facto* secession**, whose success would turn on recognition by the international community.⁹ On *that* road, the amendment is not a gate you pass through on the way. It is the housekeeping Canada does afterward to make its own law match a fact that already exists.

So the honest statement of it is this, and it is two sentences, not one:

On the negotiated road, a constitutional amendment is a precondition. Nothing changes until it is enacted.

On the *de facto* road — the one I find more honest, and I'll say so plainly — an amendment is a consequence. Canada would amend its constitution to describe a border that already existed, the way every parent state eventually does.

On neither road is an amendment required for Alberta to ask its own people the question.

Norway is the clean example, and it's already in this booklet. In 1905 the Storting did not ask Sweden to amend the union's instruments first. It **declared the union dissolved on June 7**, put the question to the people in August, and only then sat down at Karlstad to settle the terms — with the legal paperwork following the fact rather than authorising it.¹⁹ The United States, Bangladesh, the Baltic states and Kosovo all ran the same sequence. **In none of them did the departing people wait for the parent state to amend its own law first.**

Here is where I'll tell you plainly where I stand, and label it as my opinion. I do not believe Alberta's sovereignty is something Ottawa grants and an amending formula delivers. **I believe sovereignty is inherent in a people — that it is affirmed and exercised, not applied for.** The staircase above is real and I've laid it out honestly, but it is not a permission process. It is the sequence by which a people demonstrate their will beyond argument and earn the recognition that makes the fact stick.

So hold the distinction that does the work here: **“this is legally required before Alberta can be free” and “this is what Canada's own law requires of Canada” are not the same sentence, and only the second one is true.**

Put the three claims side by side and the confusion disappears.

“An amendment is required before Alberta can ask its own people.” — **No.** Referendums are provincial jurisdiction. Nothing in the Constitution, in the Clarity Act, or in any federal statute conditions Alberta's right to put a question to Albertans.

“An amendment is required before Albertans can determine their own future.” — **No.** Self-determination is exercised by a people and confirmed by recognition. The Supreme Court itself accepted that a *de facto* secession is possible without one.⁹

“An amendment is required for Canadian law to describe Alberta as outside Canada.” — **Yes.** And that is the only one of the three that is true. It is Canada's own housekeeping, under a formula Canada has never settled, and it sits on Ottawa's side of the table.

The staircase, then

Put it together and here is the realistic sequence a vote for option two would begin:

1. **October 19, 2026** — a non-binding majority for “commence the legal process.”
2. **Consultation with Treaty First Nations** — which, on the current state of Alberta law, is not optional. See Part Three.
3. **Legislation and the design of a binding referendum** — the question, the franchise, the threshold, the rules.
4. **The binding referendum itself** — the real vote, on a clear question.
5. **A clarity determination** — the House of Commons assessing question and majority under the Clarity Act, against a backdrop of contested constitutional law.
6. **Negotiations** — with Ottawa, the other provinces, and Treaty nations, over borders, debt, assets, pensions, citizenship, treaty obligations, and everything else.
7. **A constitutional amendment** — under a formula nobody can currently name with certainty. **Note whose step this is: it is Canada amending Canada’s document to match the outcome. It is the last item on the list, not the first, and it is not a permission Alberta applies for.**

That is a process measured in years, not months, with genuine off-ramps at multiple stages and no guaranteed destination.

I want to be very clear about what I’ve just done, because it cuts against the argument I would rather be making. I’ve just told you that the road behind option two is long, legally contested, and might not arrive anywhere. **That’s the truth, and you’re entitled to it before you vote, not after.**

But notice what the same staircase does to the fear campaign. If someone tells you that a majority on Question 10 means Albertans wake up on October 20 outside of Canada, with a new currency and a hard border — **they are describing something that is not on the ballot, cannot happen on that timeline, and is not legally possible under the process the**

question itself names. The long staircase is an honest argument against overpromising. It is a devastating argument against panic.

7. The two ingredients

I've just walked you down a long staircase, and before we leave this part I want to put the whole thing in proportion. Because underneath all the machinery — the Clarity Act, the amending formula, the Orders in Council — there are really only **two ingredients** that turn a people into a country:

One: the demonstrated will of the people — a clear question, clearly answered.

Two: recognition by other nations.

Say it at a kitchen table and it holds up. Will, then recognition. That's what a country is made of.

And now the sentence that has to come immediately after it, or I'd be doing to you exactly what I've spent this booklet complaining about. Two ingredients make a country **in the world**. For **Canada's own law** to catch up with that fact, a constitutional amendment has to happen — and nobody can yet tell you which formula applies. I'm not hiding that, and it isn't a detail.

But be exact about whose requirement it is, because this is where the whole argument is usually turned upside down. **The amendment is not a third ingredient. It is not required for Alberta to ask, and it is not required for Albertans to determine their own future. It is how Canada settles its own paperwork afterward — a job on Ottawa's side of the table, under a formula Ottawa has never settled. It is not the source of Alberta's sovereignty, and it is not a permission slip Alberta applies for.** Norway did not wait for Sweden to amend the union's instruments; it declared, asked its people, and negotiated after.¹⁹ **My opinion, labelled: sovereignty is inherent in a people. It is taken up and affirmed, not requested.** What the process buys is not permission. It

is the clarity and the conduct that turn an assertion into a country other nations will deal with.

So why does the two-ingredient point matter at all? Because Albertans are constantly told that the question is settled by a federal statute and a judge's permission slip — and that is not what makes or unmakes a country. Knowing what the actual ingredients are tells you what the work is.

What international law actually says

In 2010 the **International Court of Justice**, asked by the UN General Assembly, considered whether Kosovo's declaration of independence from Serbia broke international law. On **22 July 2010**, by **ten votes to four**, it held that it did not:

“General international law contains no applicable prohibition of declarations of independence.”²⁵

Here's the honest reading, and it's narrower than our argument would like. It does **not** say a people have a *right* to leave — the Court expressly refused to decide that. It also refused to say whether Kosovo had actually become a state.²⁵ All it settles is this: **declaring independence is not, by itself, against international law**. There's no rule requiring a people to get their government's permission before saying what they want to be. That's a floor, not a foundation.

What a state is — and the one box Alberta doesn't tick

The working definition comes from the **Montevideo Convention of 1933**:

“The state as a person of international law should possess the following qualifications: a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with the other states.”³³

Alberta plainly has the first three: about five million people, a territory, and a government with a legislature, courts and a treasury.

The fourth is more interesting than either side usually admits, and I had this wrong in an earlier draft. **Alberta already conducts a great deal of its own international relations.** The province runs **eighteen international offices across eleven countries** — Washington, Chicago, Seattle, Minneapolis, Dallas, London, Düsseldorf, Abu Dhabi, Singapore, Beijing, Shanghai, Guangzhou, Taipei, Seoul, Mumbai, New Delhi, Tokyo, Mexico City — and by the Government of Alberta’s own account has kept offices abroad **for more than fifty years.**²⁶ Alberta signs agreements with foreign governments directly: a memorandum with **JOGMEC**, Japan’s state energy agency, renewed by the Premier in March 2025; a cross-border vaccination agreement with the **State of Montana** in 2021.²⁶

Quebec goes considerably further. It maintains **32 offices in 19 countries**, its *délégations générales* are standalone missions whose heads carry the title *délégué général* and, in France, diplomatic privileges. Since the **Gérin-Lajoie doctrine of 1965** — that Quebec’s international capacity is the “*external extension of its internal jurisdiction*” — every Quebec government of both stripes has asserted the right to conclude international agreements in its own fields, and Quebec’s official register lists **more than 800 international agreements and commitments** concluded since 1964. Quebec is also a **full member of the Organisation internationale de la Francophonie in its own right**, seated alongside Canada and New Brunswick as three separate Canadian entries.²⁷

So what is actually missing? Not activity — Alberta has plenty. What’s missing is *binding capacity*. Under the 1937 **Labour Conventions** ruling, the power to negotiate, sign and ratify treaties is a federal prerogative; provinces cannot bind themselves or Canada in international law.²⁸ You can watch the gap in a single line of Alberta’s own Montana agreement, which states in its own text that it “*does not create any legally binding obligation.*”²⁶ Alberta’s offices are co-located inside Canadian embassies and consulates and their heads carry commercial titles, not diplomatic ones.

That gap is the whole thing in miniature. Alberta already does the work of international relations — the missions, the missions’ budgets, the

agreements, the fifty years of practice. What it cannot do is make any of it binding. **Criterion (d) isn't a test Alberta fails for want of capability. It's a description of the one thing sovereignty supplies that a province cannot give itself.**

(A caution, because I have heard this said at town halls and it is not true: Quebec does not hold a seat at the United Nations. Its UNESCO arrangement, agreed in 2006, places a Quebec representative inside Canada's delegation — Canada holds the seat and casts the vote. La Francophonie is a different organization, and there Quebec's membership is its own. Use the accurate version; it's impressive enough.²⁷)

I'd add one caution on the territory point too. Section 8 of this booklet is about what turning a provincial boundary into an international border would do to Treaty rights that cross it. **“Defined territory” in the Montevideo sense is not the same as “nothing about the borders is contested.”** It isn't.

What the Supreme Court of Canada actually said about it

Not the same thing — but something useful, and I'd rather state it precisely than borrow its authority.

In the Secession Reference, the Court held there is no *right* to secede unilaterally, and it raised the principle of **effectivity** in order to *reject* it as a legal justification: an act's success is not what makes it lawful. But having rejected it as law, the Court accepted it as fact. It said the absence of a right to secede unilaterally does not rule out a *de facto* secession, and that such a secession's ultimate success would depend on recognition by the international community — which would weigh how both parties had conducted themselves.⁹ *(The Court was speaking about Quebec; I'm reading Alberta into it, and I want that said out loud rather than slipped past you.)*

So: no right to go, no prohibition on saying you're going, and a world that decides afterward whether to deal with what you've built.

Canada has recognised states born without the parent’s consent

Here’s the part worth knowing, because the objection you’ll hear is “*nobody would ever recognise us.*”

New state	Parent state’s position	Canada recognised
Bangladesh	Pakistan fought a war to prevent it; it did not recognise Bangladesh until 1974	14 February 1972 — two years before Pakistan did ³⁴
Estonia, Latvia, Lithuania	Moscow had not yet let go	26 August 1991 — before the USSR did on 6 September ³⁵
Croatia and Slovenia	Yugoslavia objected	15 January 1992 ³⁶
Bosnia and Herzegovina	Belgrade objected	7–8 April 1992 ³⁶
Kosovo	Serbia objected, and recalled its ambassador to Canada over it	18 March 2008 ³⁷
Palestine	Recognised without Israel’s agreement	21 September 2025 ³⁸

Now read the column I’d rather you read twice, because it is the one that decides what this table is worth.

Not one of those six looks like Alberta. Bangladesh followed a war and mass atrocity. The Baltic states were restorations — Canada had never accepted the 1940 Soviet annexation as lawful in the first place, so legally those aren’t secessions at all.³⁵ Croatia, Slovenia and Bosnia emerged from a federation that international arbitrators found was *dissolving*, not from a functioning state. Kosovo followed ethnic cleansing, a NATO intervention and years of UN administration. Palestine is a question of occupation, not of a province leaving a country. **Section 6 of this booklet already told you that the international right of external self-determination is reserved for colonies, occupations and peoples denied**

access to their own government — and that none of that describes Alberta. That is still true, and this table does not change it.

So what does the table actually prove? Something narrower, and still worth having: **that recognition over a parent state's objection is a normal, live, recent instrument of Canadian foreign policy, not a fantasy.** Canada has reached for it six times in living memory, most recently less than a year ago. The claim that no state would ever recognise a new one without its parent's blessing is simply not true, and the country that most disproves it is our own.

And the counter you should expect, because it's a fair one. Every government that recognises a new state says the case is unique. Canada's own Kosovo statement said exactly that: *"the unique circumstances which have led to Kosovo's independence mean it does not constitute any kind of precedent."*³⁷ Concede it — it's true. Recognition is discretionary. As Ian Brownlie put it, it is *"an optional and political act and there is no legal duty in this regard."*³³ **Nobody is owed it.**

And it is withheld constantly. **Catalonia declared independence in 2017 and received not one recognition — from anybody.** And notice *how* that ended, because it is the sharpest illustration in this booklet of the choice named above. Spain did not persuade Catalonia. Spain **imposed direct rule under Article 155, dissolved the Catalan government, and sentenced nine of its leaders to between nine and thirteen years in prison.**²⁰ That is not consent. That is enforcement — the second of the two ways a people can be governed, applied in a Western European democracy inside living memory.

Would Canada do that to Alberta? My honest judgement, labelled as judgement: almost certainly not, and there is evidence rather than optimism behind it. Canada has already been closer to this than Spain ever was — Quebec's 1995 referendum was decided by about **one percentage point** — and Ottawa's response was not troops or arrests. It was a **statute**, the Clarity Act, and a reference to its own Supreme Court, which then imposed on Ottawa a duty to negotiate. **A country that answers a near-secession with legislation and a court reference has told you a great deal about which of the two ways it intends to govern.** That is

genuinely to Canada's credit, and it should be said plainly by people who spend the rest of their time criticising it. **Somaliland** has had a population, borders, an elected government and its own currency since 1991 and spent more than three decades with no recognition from any UN member state.³⁹ **No UN member state recognises Transnistria.** Meeting the definition of a state has never been sufficient.

The comparison that actually fits

Before the objections, the case that belongs at the centre of this and that I had buried in the back: **Norway, 1905.**

Norway was not a colony, not occupied, and not oppressed. It was a prosperous northern people of a few million, with its own parliament, inside a union with a larger neighbour — and it concluded that the arrangement no longer served it. On **June 7, 1905** the Storting declared the union dissolved. On **August 13** the people were asked, and answered **368,208 to 184.** Negotiations followed at Karlstad through the late summer, and on **October 26, 1905** Sweden recognised Norway as an independent kingdom.¹⁹

Look at the sequence, because it is the two ingredients exactly: the demonstrated will of a people, then recognition — with the legal instruments settled afterward rather than beforehand. And look at who did it. Not a colony throwing off an empire. **A wealthy, literate, Western people leaving a union with a neighbour it went on to remain friends with.** Norway today is the country this series holds up on the sovereign wealth fund, on its currency, on defence. It got all of that by leaving a union in 1905.

Norway is not alone in that class. **Iceland** left its union with Denmark in 1944. **Singapore** separated from Malaysia in 1965 and is now richer per head than the country it left. **The Czech Republic and Slovakia** dissolved their federation in 1993 with such civility it is remembered as the Velvet Divorce. **Montenegro** left Serbia in 2006 under rules agreed in advance. None of these was a war of liberation. **All of them were prosperous or ordinary peoples who decided a shared state no longer suited them, and were recognised.**

That is the company Alberta's question belongs in — not Kosovo's and not Bangladesh's. I should have led with it.

The objections, stated at full strength

I'll go further, because a hostile reader will get here before you do: **among stable Western democracies with a consenting parent state, the recent score is not encouraging.** Quebec asked twice. Scotland asked once. Catalonia tried without agreed rules. None of them is a country today. If someone tells you the precedents point our way, they're reading a different set of precedents than the ones that actually apply.

Consent, or conquest

There is a plainer way to say all of this, and I think it is the truest thing in the booklet.

A constitution governs by consent. It is not a law of physics. It is an agreement about how a people will be governed, and its authority comes from the people agreeing to be governed under it. That is not a slogan — it is the premise the Supreme Court itself worked from, when it said that a clear **“repudiation by the people of Quebec of the existing constitutional order would confer legitimacy on demands for secession,”** and place an obligation on everyone else to come to the table.⁹ The Court did not say the constitutional order was beyond questioning. It said that a people withdrawing their consent from it *creates obligations for everybody else.*

Which leads to a sentence I'd ask you to sit with, and I'll label it as my opinion because it is a claim about legitimacy rather than about statute:

Sovereignty is not granted. It is inherent in a people, affirmed by them, and recognised by others.

And there are only two ways a people can be governed: by their consent, or by conquest and enforcement.

If Albertans, asked plainly and answering clearly, said they no longer consent to be governed under the Canadian Constitution and wish to stand

under one of their own, then what is left? Either Canada accepts that and negotiates — consent — or it declines to accept it and governs Albertans anyway, on the strength that it can. **There is no third thing.** Dress it in whatever legal language you like; a government that keeps governing a people who have clearly and lawfully said they withdraw their consent is governing by enforcement, and everyone watching will be able to see it.

And now the three honest limits, because that argument is powerful enough to be dangerous without them.

First: legitimacy is not law. Canadian courts will apply Canadian law whatever Albertans say about consent, and they will be right to. Withdrawing consent changes the *legitimacy* of an arrangement, not its enforceability — and legitimacy is decided in the world's eyes, not a judge's.

Second: withdrawing consent does not, by itself, make a country. You still need the two ingredients. **Catalonia withdrew its consent as loudly as any people ever has, and it is not a country.**

Third — and this is the one I want to be held to. If a people cannot be governed without their consent, then **it is not Alberta's principle. It belongs to everyone, or to no one.** The Treaty nations can say precisely what I have just said, and say it to Alberta, standing on the same ground. **That is not an awkward consequence of this argument. It is the proof that it is an argument and not just an interest.** Sections 8 and 9 are where that gets taken seriously.

Where this lands

So what is left, once the overreach is stripped out? This, and I'll label it as my opinion.

The permission Albertans are told they need from Ottawa to be asked a question does not exist. No federal statute governs whether a province may consult its own people, and no international rule forbids a people from answering. That part is solid, and it's Section 6's argument restated.

What Ottawa's agreement is genuinely required for is Canada's own paperwork — the amendment that makes Canadian law match a new fact.

That is a negotiation, not a veto handed down in advance, and it is not where Alberta's sovereignty would come from. **Sovereignty is not issued. It is affirmed by the people who hold it, and then recognised.**

And recognition, the second ingredient, is not owed and cannot be earned by good behaviour alone. Somaliland is the proof: three decades of doing everything right bought nothing for a very long time. What conduct does is make recognition *possible* rather than *impossible*. Kosovo had powerful friends; Catalonia had none — and Catalonia also had a broken process that gave its friends nothing to work with. **You cannot control who your friends are. You can control whether you hand your opponents an easy reason to refuse.**

Which is why the next part of this booklet matters more than any of this, and it isn't a means to an end. A clear question, honestly counted. Treaty partners consulted properly — not because it improves our standing, but because they are Treaty partners, and because a movement that says the people affected by a decision should be asked cannot make an exception for the first people who were here. Good faith at a table even when Ottawa refuses to sit at it.

PART THREE

The Hardest Question

The court ruling, the treaties, and the thing I can't write around.

8. What the court actually decided, and why it matters more than the ballot

I said at the start that there's a section in this booklet that's difficult for someone in my position to write. This is it. I'd ask you to read it even if you skim everything else, and I'd ask you to hold me to the standard I set at the front: same size type, no ducking.

What happened

It started earlier than most people remember. On **December 5, 2025**, on a reference from Alberta’s Chief Electoral Officer, **Justice Colin Fesby** held the question then proposed unconstitutional, principally because turning a provincial boundary into an international one would significantly impair **treaty rights**. His line has echoed through everything since: **“First Nations, as founding partners in the creation of Alberta, cannot be ignored or bypassed.”**²⁴ A reworded question was approved later that month; the signature drive began in January 2026.

Then, on **May 13, 2026**, Justice Shaina Leonard of the Alberta Court of King’s Bench released her decision in ***Athabasca Chipewyan First Nation v Alberta (Chief Electoral Officer)***, 2026 ABKB 375.¹¹ The applicants were four First Nations — **Athabasca Chipewyan, Piikani, Siksika, and the Blood Tribe**. They challenged the Chief Electoral Officer’s approval of a citizen-initiative petition seeking a sovereignty referendum.

The Court quashed the approval. Its reasoning, in plain terms:

- Approving the petition was not a minor administrative box-tick. Because clearing the signature threshold would *mandate* a referendum, the approval set a **binding legal process** in motion.
- Alberta’s secession would **fundamentally alter the Treaty relationship**: it would remove Canada as the Treaty partner, convert provincial boundaries into an international border, and constrain harvesting rights that run across traditional territories that don’t stop at Alberta’s edges.¹²
- Those potential impacts triggered the Crown’s **constitutional duty to consult**, which arises *early* — before a final decision — precisely so that consultation can still be meaningful. Waiting until after a referendum would be too late, because by then the matter has moved into the political arena.¹²
- And pointedly: the Government of Alberta **“cannot legislate its way out of their constitutional obligation to consult”** by adjusting the screening mechanism.¹²

On **June 29, 2026**, Justice Alice Woolley of the Alberta Court of Appeal granted a **partial stay** (2026 ABCA 216). The Chief Electoral Officer could proceed to verify the petition signatures and report the result — but **may not** send the proposal on to the Minister of Justice or trigger referendum proceedings until the appeal is decided.¹³ On **July 24, 2026**, Elections Alberta reported that the petition had cleared the threshold: roughly **223,000 signatures verified** against a requirement of about **178,000**.¹⁴ It remains suspended pending appeal.

The Government of Alberta is appealing, and the Premier has said she'll take it to the Supreme Court of Canada if necessary, acknowledging that could take **“many months and possibly years.”**⁸ In the meantime, the government put its own question on the October 19 ballot by cabinet order.

The response from Treaty nations has been unambiguous. The **Confederacy of Treaty No. 6 Nations** condemned the plan and called the government's criticism of the ruling “alarming,” saying: *“While she claims to support democracy, her government's actions show the opposite.”*⁸ On **June 6, 2026**, **Treaty 8 First Nations** demanded Alberta *“immediately cease any attempt to proceed with a separation referendum or related process without full consultation, accommodation, and the free, prior, and informed consent of the Treaty 8 First Nations.”* Grand Chief **Trevor Mercredi** put the objection in one line: *“The duty to consult is not a bureaucratic inconvenience. It is a constitutional obligation.”*¹⁵

The narrow legal point — stated fairly, including the part that cuts against me

There is a real legal distinction between the quashed petition and the question on your ballot, and I'm going to state it precisely and then immediately tell you why it isn't the comfort some people think it is.

The Court's holding attached to an **administrative decision** — the Chief Electoral Officer approving a petition under the Citizen Initiative Act. The Court expressly acknowledged a limit on its own reasoning: **the duty to consult “does not apply to the law-making process itself.”**¹² A cabinet order setting referendum questions under the Referendum Act sits closer to that legislative side of the line. That is why the government believes

Question 10 stands on different footing, and as of this printing **no court has ordered Question 10 off the October 19 ballot.**

Now the part that matters more. Legal analysts have noted that the decision **does not resolve** whether a *government-initiated* secession referendum escapes the same constitutional problem — and that the underlying duty to consult would very likely apply to such a process at some stage regardless of which machine started it.¹² A narrow procedural distinction is not the same thing as a clean bill of health. **The substantive objection Treaty nations are making is not about which statute was used. It is about whether Alberta's future can be decided without them.**

One thing the treaty text does settle, and one it doesn't

Two points on the documents themselves, because they get argued past each other constantly.

What the text does support. Treaties 6, 7 and 8 are each written to run to **“Her Majesty the Queen and Her successors forever.”**²⁹ That is not decorative drafting. It is the strongest textual reason to believe the treaty relationship does not evaporate because a jurisdiction changes — the counterparty named is the Crown and whoever comes after it, in perpetuity, not a particular parliament or a particular federation. Anyone arguing that independence would void the treaties has to explain away the word *successors*, and I have not seen it done.

What the text does not settle. You will hear it said that because the treaties contain surrender language and a promise to conduct oneself as **“good and loyal subjects of Her Majesty the Queen,”**²⁹ the Treaty nations therefore consented to be governed under the Crown, and that this closes the question. **I'm not going to print that, and I want to explain why rather than just leave it out.**

First, it is not how Canadian law reads treaties. Courts require the words to be understood **“in the sense that they would naturally have been understood by the Indians at the time of the signing”**; extrinsic evidence of what was actually said in the negotiations is admissible **even where the written text looks unambiguous**; ambiguities resolve in

favour of the Indigenous parties; and the Crown bears the onus of proving extinguishment by “strict proof” of a “clear and plain intention.”³⁰ The paper is not the whole of the bargain, and Canadian law says so.

Second, the Treaty nations do not agree, and have said so formally and recently. The **Royal Commission on Aboriginal Peoples** found that treaty nations maintain “with virtual unanimity” that they did not agree to extinguish their rights, and that where signatories could not read English “the real treaty was very likely the oral agreement.”³¹ In November 2023 the **Confederacy of Treaty Six First Nations** told a Commons committee that Treaty 6 involved no land surrender, that the Crown was granted use “to the depth of a plough,” and that **“as Sovereign Nations, our Chiefs are standing up for our Treaties.”**³¹ It is not a fringe reading.

Third — and this is the one that matters most to me. **This booklet’s whole argument is that a people cannot be governed without their consent.** I do not get to use a nineteenth-century document, written in a language most signatories could not read, to tell the Treaty nations that they consented away the very thing I am claiming for Albertans. **If the principle only runs one direction, it was never a principle.**

I’ll be equally honest about where that leaves things: whether treaty obligations pass to a successor jurisdiction has **no settled answer**. The treaties say “successors forever.” International succession doctrine leans toward continuity for land-attached obligations, but the governing convention is thinly ratified and Canada is not a party. Four Indigenous interveners put the question squarely to the Supreme Court in 1998 and **the Court declined to decide it.**³² Anyone who tells you this is resolved is telling you their preference, not the law.

Where I actually land, and I’m labelling this opinion

Here is what I believe, written plainly.

The Treaty nations are raising the most important question in this entire debate, and they’re raising it correctly.

Treaties 6, 7, and 8 were made with the Crown. They predate Alberta. They survived the Hudson’s Bay Company, they survived Confederation, and they survived the 1930 transfer of resources. **They are not Alberta’s**

to renegotiate at a convenience. Any independence worth having would have to inherit every Crown obligation in full and entrench Treaties 6, 7, and 8 in a founding constitution at protection equal to or greater than Section 35 — and that is not a concession offered to close an argument. It's the floor.

And I'd go further, because those of us who want this process to begin reach for the "consult, not veto" line too quickly, and use it to end a conversation rather than start one. The distinction is legally accurate — the duty is to consult and, where warranted, accommodate. **But being legally correct is not the same as being right.** A movement built on the principle that *the people affected by a decision should be asked* cannot route the Treaty nations around and remain that movement. **The principle either applies to everyone or it is worth nothing.**

So: does that mean the October 19 vote is illegitimate?

Here's my honest answer, with both halves.

No — in this specific and narrow sense: a non-binding, advisory question asking Albertans their opinion is not itself the taking of anybody's rights. Nothing on October 19 alienates a single treaty right, moves a single border, or extinguishes a single obligation. And a great many First Nations people in Alberta are also Alberta voters who will mark that ballot, and whose views on it are not uniform — Indigenous communities are not one voice, any more than Albertans are. That's the whole point of asking.

But — and this is the part I'd rather say myself than have someone else say for me: **the process that follows a "commence" majority would be legally and morally impossible without meaningful consultation, and on the current state of Alberta law it would be stopped in court without it.** That's not an inconvenience to be managed. It's the second step on the staircase in Section 6, and it's there because it belongs there. If Question 10 carries and the government treats consultation as a box to tick, it will lose — in court, and deservedly.

The other column, honestly stated. Reasonable, informed people believe that proceeding with the ballot question at all, in the shadow of an unresolved appeal and over the stated objections of Treaty 6 and Treaty 8,

is itself the wrong. That is not a fringe position and it is not bad faith. It is held by serious lawyers and by the elected leadership of Treaty nations, and it deserves to be answered rather than waved at. If you find that objection decisive, you'll mark option one — and you'll have done so for a reason with real constitutional weight behind it. I would rather lose an argument to someone who understood that objection than win one from someone who never heard it.

And the last thing I'll say in this section is the one I'd most want remembered. The status quo is not a neutral baseline for Indigenous Albertans, and the outcomes of 150 years of federal stewardship are a matter of public record, not opinion. Anyone arguing that Confederation must be preserved *for* First Nations has to reckon with those outcomes honestly, exactly as anyone arguing for independence has to reckon honestly with the Treaty relationship. **Both of those obligations are real. Neither cancels the other.** This booklet is about process, and process is the only place where that tension gets worked out honestly — which is, in the end, an argument for taking the process seriously rather than for pretending the question away.

9. The same history, from two seats — and what could be built

Part Three is where this booklet gets hardest. So let me end it somewhere other than a difficulty, because there is something here that I think both Albertans and First Nations Albertans have been talked out of seeing.

Put the dates in one line

Treaty 6, 1876. Treaty 7, 1877. Treaty 8, 1899. The Alberta Act, 1905. Natural resources withheld until 1930.

That is not five separate events. **It is one continuous project** — a federal government building a country westward, setting the terms for the people already here and then for the people who came after, and in both cases setting them somewhere else.

Look at 1905 with the same eye this booklet has asked you to turn on everything. Alberta's founding terms were **drafted in Ottawa by Wilfrid**

Laurier's government. The region's own elected premier, **Frederick Haultain**, wanted one large province with control of its own resources; he was overruled on both counts and was not made premier of either province that resulted. Ottawa **deliberately kept the public lands and resources**, on the stated reasoning that it needed them to drive immigration and settlement. Royal Assent, **July 20, 1905. No plebiscite. No ratification. Not a single vote by the people who would live under those terms.**

Now hold that beside what the Treaty nations say about their own agreements: terms set by the Crown, presented to a party without leverage, in a language most signatories could not read, and promises since unkept.

Different documents. Different injuries. The same government, the same decades, the same habit of deciding for people rather than with them. Alberta and the Treaty nations are not on opposite sides of this history. **We are both downstream of it.**

I'd add one honest asymmetry rather than paper over it. The Treaty nations have an *instrument*. They can point to a bargain and allege it was broken, and Canadian courts have repeatedly agreed with them. **Alberta has no such document.** Nobody ever made us a promise to break. Our grievance is real but it is political, not contractual — which is exactly why our road runs through demonstrated will and recognition rather than through a courtroom.

What consent actually means, and why it has to mean the same thing for everyone

Here is the principle this booklet stands on, stated so it can be held against me.

Sovereignty is inherent in a people. It is not issued by a statute or granted by a formula. **But inherent does not mean unusable** — a people can limit their sovereignty by agreement, and every legitimate government that has ever existed rests on exactly that. I do it myself in small ways every day. So do you.

What makes such an agreement binding is the quality of the consent behind it. Understood terms. Your own language. No gun to the head, no famine at the door. And the standing ability to withdraw it through some

peaceful means. Strip any of those away and what you have is not consent — it is compliance with a different name. **Our own courts say the same about ordinary contracts, which they void for duress and for want of a meeting of minds.**

And consent of that kind is **revocable**. That is not a loophole; it is the whole basis of what Albertans are being asked on October 19. Terms were set for us in 1905 that were never put to us, and 121 years later we are proposing to say whether we accept them.

Which means the principle cannot be Alberta's alone. If consent given generations ago can be revisited by Albertans in 2026, it can be revisited by Treaty nations in 2026. **Revocable consent does not grandfather, and a right I claim for myself and deny to my neighbour was never a right. It was just a demand with better lawyers.** I would rather lose this argument than win it that way.

The opportunity, stated carefully

Now the part I actually want you to sit with.

Alberta is the only place in this country where a founding constitution has not yet been written. Canada's was drafted in London in 1867 for a colony, and patriated in 1982; Section 35 was added at the end of that process and has been litigated ever since to establish what it means. **Nothing about Alberta's arrangement is a blank page — except the one that doesn't exist yet.**

A sovereign Alberta would have to write a constitution. That is not a burden. **It is the rarest opportunity a people ever get, and it would be the first time in the history of this territory that the document governing everyone here was written by the people who live here — all of them.**

What could be on that page:

- **Treaties 6, 7 and 8 entrenched at protection equal to or greater than Section 35** — not appended late and left for courts to define, but written into the foundation from the first draft, by parties in the room.

- **A relationship not mediated by the Indian Act.** That statute dates from 1876 and still governs enormous parts of Indigenous life in this country. An independent Alberta would inherit no obligation to reproduce it. *(And the honest other half: the Act also carries protections — reserve lands shielded from taxation and seizure among them — which would have to be replaced by something at least as strong, deliberately and in writing, not lost in a transition.)*
- **Resource revenue dealt with directly.** Alberta already owns its resources under Section 92A. A sovereign Alberta negotiating with Treaty nations would be two parties at one table, rather than a conversation routed through a third government three thousand kilometres away.
- **For every Albertan: the shift from subject to citizen.** A constitution where authority runs upward from the people rather than downward from a Crown — which is the same principle, applied to everyone at once, that this whole booklet has been about.

And now the limits, because a promise I can't keep is worth less than nothing here.

I cannot promise any of that. **I don't get to.** Not one line of it can be written by Albertans alone and have it mean anything — that is the entire point. An Alberta that drafted its founding document and then presented it to the Treaty nations would have reproduced 1905 exactly, with new letterhead.

Nor can I tell any First Nation that a Crown they don't know would treat them better than the one they have. **The fiduciary relationship with the federal Crown is a real protection**, built over a long time and defended in court at great cost, and no one should be asked to trade it for a sketch on a napkin. If I were sitting where they sit, that is the first thing I would want answered, and it would take more than a booklet to answer it.

So this is not a pitch. It is an invitation, and it is the only honest one available. The status quo has a record, and both of us have lived under it — one of us for 150 years and one for 121, and neither of us was ever

asked. What comes next has no record at all. **It has only the question of who gets to write it, and whether they write it together.**

That is worth a conversation. **It is worth more than one, and it should start well before anybody's binding vote.** Not because it improves our standing in the world's eyes — though it would — but because a movement built on the principle that people should be asked has exactly one chance to prove it means that, and this is it.

PART FOUR

The Evidence

Other democracies have held exactly this kind of vote. Here's what happened.

10. The anchor case: Quebec, 1980 — the vote about whether to have a vote

If you want to know what a “mandate to begin a process” referendum actually does, you don’t need to speculate. **Canada has already run this exact experiment.** It happened in Quebec, in 1980, and the structural parallel to Question 10 is close enough to be startling.

The setup. In 1976 the Parti Québécois won government on a promise of *étapisme* — a deliberate strategy of proceeding in stages rather than declaring independence outright. The party’s leadership had concluded that Quebecers would not vote for a leap, but might vote to start a walk. So the question they put to voters on **May 20, 1980**, was not “should Quebec become independent.” It was a mandate question — and here it is, in full, because you should see it next to Question 10:¹⁶

“The Government of Quebec has made public its proposal to negotiate a new agreement with the rest of Canada, based on the equality of nations; this agreement would enable Quebec to acquire the exclusive power to make its laws, levy its taxes and establish relations abroad — in other words, sovereignty — and at the same time to maintain with Canada an economic association including a common currency; any change in political status resulting from these negotiations will only be implemented with popular approval through another referendum; on these terms, do you give the Government of Quebec the mandate to negotiate the proposed agreement between Quebec and Canada?”

Read the bolded clause. **Quebec’s 1980 ballot contained an explicit written promise of a second referendum before anything actually changed.** That is precisely the architecture of Alberta’s Question 10 — a first vote authorising a process, with a binding vote held in reserve. Two different movements, in two different provinces, forty-six years apart, arrived at the same structure independently. That tells you something: **it is the structure a serious movement chooses when it wants a real mandate rather than a snap decision.**

The stress test. The 1980 campaign was ferocious, and the federalist campaign ran hard on precisely the confusion this booklet exists to clear up — telling voters that a Yes was a vote to break up the country, when the ballot on its face said no such thing. Turnout was extraordinary: **85.61%.**¹⁶

The outcome. No: 59.56%. Yes: 40.44%.¹⁶ The mandate was refused, decisively.

And here’s why the story doesn’t end there — which is the actual lesson. The 1980 result did not end the question. It reset it. Over the following fifteen years the sovereignty movement kept building, kept arguing, and came back in 1995 with a second referendum that lost by roughly **one percentage point.** Meanwhile — and this is the part Albertans should study hardest — **Quebec spent those decades building the substance of self-government inside Confederation anyway:** its

own pension plan, its own income tax collection, its own immigration agreement, its own provincial police force, its own agriculture and food inspection regime, its own offices abroad. Much of that was built by governments that had *lost* the referendum.

The honest lesson, both halves. First: **a process referendum can be lost, and losing it is not fatal.** The question survives, the argument continues, and the province is not destroyed. Second, and less comfortable for anyone hoping this process begins: **a process referendum can also be lost precisely because voters didn't believe the "it's only a process" framing** — the federalist campaign of 1980 succeeded in convincing enough Quebecers that a mandate to negotiate was a decision to leave. That's a warning worth taking seriously. If you can't make the actual question understood, the question you didn't ask is the one that gets answered.

And the third lesson, which is the one I'd bet on. Quebec's real gains came not from the referendums but from the leverage the referendums created and the institutions Quebec built while everyone was arguing. **Do it first; ask permission never.** That's a strategy available to Alberta today regardless of what happens on October 19.

11. More examples: what worked, what failed, and why

One case is a story. A pattern needs more. Here's the fuller ledger, and I've deliberately included the disasters, because the disasters are where the real instruction is.

Scotland, 2014 — the gold standard for doing it properly

In October 2012 the British and Scottish governments signed the **Edinburgh Agreement**, and it is, in my view, the single best model in the modern world for how a mature democracy handles this. Before any campaigning began, the two governments **agreed the rules in advance**: the legal authority for the vote, the question wording, the franchise, the timing, and — critically — a mutual commitment that both governments would respect the outcome. Westminster passed the order transferring the necessary power so that the referendum's legality was beyond dispute.¹⁷

The vote was held **September 18, 2014**. Turnout was **84.6%** — the highest in modern British electoral history. The result: **55.3% No, 44.7% Yes**.¹⁷ The Yes campaign lost, accepted it, and Scotland remained in the United Kingdom. Nobody rioted. Nobody was prosecuted. The United Kingdom did not fall apart.

And the honest other column, which is essential: in 2022 the **UK Supreme Court ruled** that the Scottish Parliament **cannot** hold a second independence referendum without Westminster's consent.¹⁷ So the same case that proves a clean process is possible also proves that the door can be closed afterward by the larger partner. Scotland got its fair vote — once — because the UK government of the day agreed to grant one. **That's the lesson cutting both ways: agreed rules are what make a referendum legitimate, and the party that has to agree holds real power.**

Montenegro, 2006 — rules agreed in advance, including a threshold the independence campaign didn't want

Montenegro's independence vote is instructive because of how the *rules* were settled. The pro-independence government wanted a simple majority. The opposition wanted more. The dispute was mediated by the European Union, and EU envoy **Miroslav Lajčák** proposed a threshold that the Council of the European Union unanimously endorsed: **55% of votes cast in favour, with a minimum turnout of 50%**. Montenegro's parliament passed the referendum law unanimously on **March 2, 2006**.¹⁸

The vote was held on **May 21, 2006**. Turnout: **86.49%**. Result: **55.5% for independence, 44.5% against** — clearing the bar by roughly half a percentage point.¹⁸ Montenegro became a sovereign state, was recognised internationally within weeks, and has been one ever since.

The lesson: the pro-independence campaign accepted a threshold *higher* than the one it wanted, and won under it — which is exactly why nobody could credibly dispute the result afterward. **Agreeing hard rules in advance is not weakness. It's what makes a win stick.**

Norway, 1905 — the staged version

Section 7 tells this one in full, so briefly: the Storting declared the union dissolved, the people confirmed it, terms were negotiated at Karlstad

afterward, and a second plebiscite settled the form of the new state.¹⁹ **Multiple votes, negotiations in between, no shots fired.** A staged process is not a modern dodge — it is how this has been done successfully for over a century.

Now the failures — and these matter most

Catalonia, 2017 — what happens when you skip the process. On **October 1, 2017**, Catalonia held a referendum Spain's Constitutional Court had suspended, with no agreement with Madrid on rules, question, franchise or threshold. Turnout **43.03%**, Yes **92%** — the lopsided figure you get when opponents stay home, and the reason nobody outside Catalonia treated it as meaningful. Independence was declared on October 27; Madrid imposed Article 155 direct rule the next day and nine leaders were later sentenced to 9–13 years.²⁰ **No state recognised the result. Catalonia is not independent.**

The lesson is brutal, and it is not the one usually drawn. Catalonia did not fail because it acted without Madrid's permission — no people who ever became a country had that. **It failed on the two ingredients.** Turnout was 43%, so the will was never demonstrated beyond dispute; and no state was willing to deal with the result, so recognition never came. Spain then chose enforcement over consent, and had a free hand precisely because nobody outside was watching with sympathy.

So the discipline is not about asking nicely. It is about leaving no one an excuse. A clear question. A turnout nobody can wave away. Conduct that a hostile government cannot point to. **That is what separates Montenegro and Norway from Catalonia — not permission, but proof.**

Brexit, 2016 — what happens when you win the vote and haven't designed what comes next. On **June 23, 2016**, the United Kingdom voted **51.9% to 48.1%** to leave the European Union, on a turnout of **72.2%**. The referendum was, in law, **purely advisory** — the authorising legislation imposed no legal obligation on anyone.⁷ What followed was not a swift departure. It was **three and a half years of constitutional crisis**: a Supreme Court case over whether the government could even

trigger Article 50 without Parliament, two changes of Prime Minister, a snap election, repeated parliamentary deadlock, and a second general election, before the UK finally left on **January 31, 2020.**²³

And here's the part every Albertan who wants this process to begin should sit with. The Leave campaign won the vote. What it didn't have was an agreed answer to *what leaving actually meant* — customs union or not, single market or not, and above all what to do about the Irish border. The referendum asked a binary question about a decision with a hundred moving parts, and the answer to all hundred had to be improvised afterward, in public, under enormous pressure, with a clock running.

The lesson for Alberta is exact, and it's an argument for Question 10's structure, not against it. Brexit is the cautionary tale of a country that voted for a destination without a route. The two-stage design — a process vote first, a binding vote later, with the terms worked out in between — **is the design that exists specifically to prevent a Brexit.** A booklet like this one, and the others in this series, are the work of figuring out the route *before* the binding vote, not after it. That's the whole reason for doing it in this order.

PART FIVE

Clearing the Air

The “yes, but...” questions, answered honestly.

12. The honest costs and risks of this specific vote

I promised the real risks in the same size type. Here they are.

“Non-binding” is a real limitation, not a technicality. No result on October 19 obliges anyone to do anything. A government could take a majority for option two and slow-walk it indefinitely, and there is no legal remedy. **And we have direct experience of exactly that:** 61.68% of Albertans voted to remove equalization from the Constitution in 2021, the Legislature passed its resolution, and nothing followed.⁵ Anyone telling

you a strong number on October 19 guarantees action is ignoring the most recent evidence available.

The turnout problem is real and it cuts both ways. An advisory referendum's only currency is its numbers. A result carried on low turnout — the 2021 vote drew 38.71%⁵ — is easy to dismiss and will be dismissed. This is the one risk that voters themselves can actually do something about, and it applies whichever option you're marking.

The legal cloud is real. The citizen petition sits quashed and under appeal. The Treaty 6 and Treaty 8 nations have stated their objection publicly and forcefully. **The consultation question is not resolved, and it is not going to resolve itself.**^{8,11,15} Whatever happens on October 19, that remains the live constitutional issue, and Part Three is my honest attempt to face it rather than talk around it.

The staircase is long and it has no guaranteed destination. A binding referendum, a Clarity Act determination made by a House of Commons where Alberta is a small minority, negotiations nobody controls, and — at the end, on Canada's side of it — a constitutional amendment under a formula that might turn out to be unanimity. **Any one of those steps could stall the negotiated road.** That is the honest shape of the road, and I'd rather you weighed it now than discovered it later.

Ten questions in one visit is a genuine problem. Separate colour-coded ballots help — nobody will accidentally mark the wrong question — but the practical effect is unchanged: nine consequential questions will be decided by many people reading them for the first time in a voting booth, with nine more pieces of paper still in their hand. That's not a good way to run a democracy, and I'd say so no matter who had done it.

The other half of the bill — the cost of not being asked

Now the column nobody prints on the invoice.

The cost of the status quo on this specific question is that the question never gets settled. It doesn't go away — it just stays unresolved, unexamined, and available to be exploited by anyone who finds it useful. It stays a thing Albertans mutter about at kitchen tables and shout about

online, never tested, never costed, never put to the only people entitled to answer it.

And there's a cost to the *province's* politics in that. An unasked question is a permanent bargaining chip for people who never intend to cash it — a grievance to campaign on that never has to be delivered. **My opinion, labelled as opinion: a question you're never allowed to answer is worth more to a politician than a question you settle.** Settling it — in either direction — takes it off the table as a career asset.

There's also this, and I'd ask you to weigh it whatever you think of independence. **The right to be asked about your own future has cost millions of people their lives across human history.** Whole generations fought and died for it and never got it. Albertans are being handed it on a Monday in October, at a school gymnasium, at the cost of an afternoon. Whether you mark option one or option two, **the thing worth protecting here is the asking itself.**

13. Myths on this topic, answered

Myth: “A Yes on October 19 means Alberta leaves Canada.” It does not, and it cannot. Question 10 asks whether the government should *commence a legal process* toward a *later binding referendum*. All results are non-binding.^{1,4} Nothing about your citizenship, your passport, your pension, your currency, or the border changes on October 20 under any outcome. This is the single most widespread misunderstanding in the province, and it is repeated by people who disagree about everything else.

Myth: “It's a Yes/No question on sovereignty.” It's a choice between two named options — *remain a province in Canada*, or *commence the legal process*.³ There is no “yes” and no “no” printed on Question 10 at all.

Myth: “Because it's non-binding, it's meaningless — don't bother voting.” Legally non-binding is not politically weightless. Brexit was legally advisory⁷ and rearranged a country for a decade. Quebec 1980 was a mandate question that lost — and set the terms of Canadian politics for a generation.¹⁶ **What determines whether an advisory result matters is the size of the number and the turnout behind it.** Which means the

people telling you not to bother are, functionally, campaigning. Not voting is a choice that helps whichever answer you would have voted against.

Myth: “The courts have already banned this vote.” The May 2026 ruling quashed the Chief Electoral Officer’s approval of a **citizen-initiative petition** under the Citizen Initiative Act.¹¹ Question 10 reached the ballot by cabinet order under the Referendum Act — a different legal route. As of this printing no court has ordered Question 10 off the ballot. **But** — and Part Three says this at length — that is a narrow procedural distinction, the appeal is unresolved, and the substantive consultation question is very much alive.¹² Anyone using that distinction to declare the matter closed is overreaching — including, especially, anyone who wants the process to begin.

Myth: “Ottawa would never allow it, so why bother?” Ottawa’s agreement is required for the **amendment**. It is not required for the **asking**. Alberta runs its own referendums — provincial jurisdiction, and no federal statute changes it. The Clarity Act is an ordinary act of Parliament governing Ottawa’s own conduct, repealable by the same majority that passed it.¹⁰ Quebec made this point in law with Bill 99 and defended it against the federal Attorney General, winning in 2018 and on appeal in 2021.^{21,22} **What Ottawa can do is refuse to negotiate. The Court’s answer is that a government which stonewalls damages its own legitimacy, not yours.**⁹

Myth: “Alberta can’t do any of this without a constitutional amendment first.” Backwards, and it’s worth being precise about which way round it goes. **No amendment is needed for Alberta to ask its own people** — referendums are provincial jurisdiction. **No amendment is needed for Albertans to determine their own future** — the Supreme Court accepted that a *de facto* secession is possible without one, decided by recognition rather than paperwork.⁹ **An amendment is needed for Canadian law to describe Alberta as outside Canada**, under a formula Canada has never settled. **That is Canada’s requirement of Canada. It is the last item on the list, not a gate at the front of it, and it is not something Alberta applies for.** See Section 6.

Myth: “Nobody would ever recognise an independent Alberta.” No one is owed recognition — Catalonia got none in 2017.³⁹ But that it couldn’t happen is answered by Canada’s own conduct: Bangladesh in 1972, two years before Pakistan;³⁴ the Baltic states in 1991, before Moscow;³⁵ Croatia, Slovenia and Bosnia in 1992;³⁶ Kosovo in 2008 over Serbia’s objection;³⁷ Palestine in September 2025.³⁸ Norway was recognised by Sweden within five months in 1905.¹⁹ See Section 7.

Myth: “Holding the referendum is the same as leaving.” A referendum is a question. Democracies ask them routinely and the sky stays up. Scotland asked and stayed.¹⁷ Quebec asked twice and stayed.¹⁶ Montenegro asked and left, peacefully and with international recognition.¹⁸ **The asking is not the leaving.** It’s how a free people find out what they actually think.

Myth: “This is a fringe thing that only extremists want on the ballot.” The question was placed on the ballot by cabinet order, and the Premier who put it there has said she will campaign for the *remain* option.^{6,8} Meanwhile the pro-Canada petition gathered **404,293 verified signatures** and the sovereignty petition cleared its threshold too.^{1,14} **Hundreds of thousands of Albertans signed something on this question this year, in both directions.** Whatever this is, it isn’t fringe — it’s a province with a genuine disagreement it has never been permitted to resolve.

14. Common questions

“So what am I actually deciding on October 19?” Ten things. On Questions 1–5, whether the province should pursue five specific policies. On Questions 6–9, whether Alberta should try to negotiate four constitutional changes with other provinces. On Question 10, whether Alberta should remain a province, or whether the government should begin a legal process aimed at giving Albertans a binding vote later. **None of your marks changes a law by itself.** All ten are advisory.

“If it’s all advisory, why did they bother?” That’s a fair and slightly cynical question, and I’d answer it in two parts. The generous reading: an advisory referendum is how a government finds out what people actually think before committing to something hard. The less generous reading,

and I'll label it opinion: **a non-binding vote also lets a government take the temperature without taking a risk** — you get the political benefit of having asked without the obligation of having to act. Both readings can be true at once. Which is why the number and the turnout are the only things that will actually matter the next morning.

“Does my vote on Question 10 do anything if the courts strike the process down later?” Your vote registers what Albertans think, and that stands regardless of what any court later decides about the mechanics. But be clear-eyed: **the consultation question in Part Three is unresolved, and it is capable of stopping the process at step two.** It should be resolved properly, not routed around — and in my view that's true whether you want independence or not.

“What happens the day after if ‘remain’ wins?” Alberta remains a province of Canada, which it would have done anyway, because nothing on these ballots changes that. The question gets a clear answer, the government has its mandate, and — if the number is decisive and the turnout is real — the matter is settled for a good while. **That's a legitimate outcome and I'd rather have it than a mumble.**

“What happens the day after if ‘commence the legal process’ wins?” Nothing automatic. The government would decide whether and how to act on an advisory result. If it chose to proceed, step two is consultation with Treaty nations — not optional, and not quick — followed by legislating a binding referendum. Realistically you're looking at **years** before any binding vote, and no guarantee one ever happens. **Nobody's passport changes. Nobody's pension changes. Nobody's money changes.**

“What does Alberta actually need, at bottom?” Two things: **the clear, demonstrated will of its people, and recognition by other nations.** A negotiated constitutional amendment is not a third ingredient — it is how Canada would bring its own law into line afterward. It is Ottawa's requirement of Ottawa, not a condition on Alberta asking or deciding. See Section 7.

“Doesn't Alberta need a constitutional amendment before any of this can happen?” No — and this is the single most inverted claim in the whole debate, so it's worth getting exactly right. **An amendment is not**

required for Alberta to ask its own people a question; referendums are provincial jurisdiction and no federal law touches that. **An amendment is not required for Albertans to determine their own future**; the Supreme Court itself accepted that a *de facto* secession is possible without one, with recognition rather than paperwork deciding whether it holds.⁹ What an amendment *is* required for is **Canadian law describing Alberta as outside Canada** — Canada’s own housekeeping, under a formula Canada has never settled, on Ottawa’s side of the table. **It is a requirement Canada has of Canada. It is not a gate Alberta has to be let through.** See Section 6.

“Should I vote on all ten questions or just the one I care about?” Vote on all ten, or don’t — that’s yours, and because each question is on its own ballot you can hand back or decline any of them without affecting the others. But read all ten before you’re standing in the booth. Questions 6 through 9 in particular are substantial constitutional proposals that have had almost no public debate, and they will be counted whether or not anyone discussed them.

“How does the voting actually work — do I get one paper or ten?” Ten. Each question is on its own separate, colour-coded, numbered ballot, and you’re given all ten at once in an ordered stack with **Question 10 on top**. You mark each one and put it in the matching colour-coded ballot box. They’re hand-counted question by question, and unofficial results must be reported within 48 hours.⁴ Expect the count to take longer than a normal election night — there are ten separate tallies to run.

“Isn’t 50%+1 too low a bar for something this big?” For *this* vote, the question is misplaced — Question 10 is advisory and decides nothing, so no threshold applies to it at all. The threshold question is a real and serious one for the **binding** vote further up the staircase, and it’s worth having out properly then. **Montenegro is the case to study**: the pro-independence campaign accepted a 55% threshold it hadn’t wanted, won under it, and no one could dispute the result afterward.¹⁸ **My opinion: a threshold agreed in advance by everyone it binds is worth more to a winning campaign than a low bar imposed by one party to the argument.**

The Path Forward

15. What October 19 is, in one paragraph

It is the day Albertans get asked. Ten questions on ten separate colour-coded ballots, all advisory. Nine about policy and constitutional reform, one — Question 10 — offering a choice between remaining a province of Canada and beginning a long, contested process aimed at a binding vote years from now. Nothing is decided that day. Nothing in your wallet, your passport, or your pension changes.

What happens is that, for the first time since 1905, the people who live here are asked directly what they want, and the answer is written down and counted. And that — not a formula in a document written in 1982 — is where sovereignty actually begins. **A people saying, in numbers nobody can dismiss, what they intend to be.**

That's smaller than the fear campaign says. It is also much larger than the people telling you it's meaningless would like you to believe.

16. Real questions. Honest numbers. No spin.

I've tried, in this booklet, to treat you like an adult who can read a ballot and handle a hard section. I've told you the staircase is long and might not lead anywhere. I've told you that the most serious objection to this whole exercise comes from the Treaty nations, and that in my judgment they're raising it correctly. I've told you that the most recent referendum Albertans were given was ignored. **If I'd wanted to sell you something, I'd have left all of that out.**

What I'd ask in return is simply this: **read all ten questions before you're standing in front of them.** Ten ballots will be put in your hand at once, with the sovereignty question on top. Decide what you actually think, for your own reasons, and then go and mark them — whichever way you land. A big turnout with a clear answer serves this province no

matter which answer it gives. A small turnout serves nobody but the people who'd rather the question had never been asked.

Come talk about it — in person. Let's Talk Alberta hosts open town halls across the province. No spin, no being told what to think — just an honest conversation and a seat saved for you. Find the next one at letstalkalberta.com.

Host one in your community. If there isn't a town hall near you yet, be the reason there is. Reach out at letstalkalberta@gmail.com.

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And share this one especially. Give it to someone who thinks October 19 is the day Alberta leaves Canada — and give it to someone who thinks it's the day Alberta becomes free. **They're both wrong, and they're both about to vote.**

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Glossary: the terms you'll hear

Advisory (non-binding) referendum — A vote whose result carries no legal obligation. It records public opinion; the government decides what to do with it. **All ten questions on October 19 are advisory.**

Binding referendum — A vote whose result legally compels government action. The *object* of Question 10's second option is to eventually hold one.

Referendum Act (Alberta) — The statute under which cabinet ordered the October 19 vote and set all ten questions.

Citizen Initiative Act (Alberta) — The statute allowing citizens to force a question onto a ballot by petition; its threshold was cut from 20% to

10% in May 2025. This is the machinery the quashed petition used — **not** the machinery behind Question 10.

Duty to consult — The Crown’s constitutional obligation, flowing from Section 35, to consult Indigenous peoples — and where warranted accommodate them — when contemplating conduct that may adversely affect Aboriginal or treaty rights. It arises early. It is a duty to consult, not a veto — and being legally correct about that distinction is not the same as having discharged the obligation.

Reference re Secession of Quebec (1998) — The Supreme Court ruling that there is no unilateral right to secede, but that a clear majority on a clear question creates a constitutional duty on Ottawa and the provinces to negotiate in good faith.

Clarity Act (2000) — Federal legislation requiring the House of Commons to judge the clarity of the question and of the majority before the Government of Canada may negotiate. **An ordinary federal statute** — not part of the Constitution, and repealable by simple majority.

Bill 99 (Quebec, 2000) — Quebec’s statutory answer to the Clarity Act: the Québec people has “the inalienable right to freely decide the political regime and legal status of Québec,” 50%+1 carries a referendum, and no other parliament may “impose constraint on the democratic will.” Survived court challenge; still in force.

Amending formula — Section 38 (the “7/50” formula) needs Parliament plus seven provinces with 50% of the population; Section 41 needs unanimity. **Which applies to secession is an open question the Supreme Court declined to answer.** It governs how *Canada* changes *Canada’s* constitution. It is not a condition on Alberta asking Albertans a question, and not a condition on Albertans determining their own future.

Montevideo Convention (1933) — The accepted definition of a state: a permanent population, a defined territory, a government, and the capacity to enter into relations with other states.

Recognition — The decision by one state to deal with another as a state. A political act, not an entitlement; no state is owed it. In practice it is what makes statehood workable.

Effectivity — The principle, named by the Supreme Court in the Secession Reference, that an act not lawful at the outset may acquire legal status if it comes to be recognised internationally.

Gérin-Lajoie doctrine (1965) — Quebec’s assertion that its international capacity is the “external extension of its internal jurisdiction,” and that it may conclude international agreements in its own fields.

Étapisme — “Stagism.” The Parti Québécois strategy of proceeding in deliberate stages, which produced the 1980 mandate question — the closest historical parallel to Question 10.

Edinburgh Agreement (2012) — The agreement settling the legal authority, question, franchise, timing and mutual acceptance of the result for Scotland’s 2014 referendum. The best modern model for agreeing the rules in advance.

References

Cited in short form here; the full citations, with links, are at letstalkalberta.com.

1. *2026 Alberta referendums* — Oct 19, 2026; ten questions; Orders in Council O.C. 109/2026 and 110/2026, approved Mar 31, 2026; all results non-binding; Citizen Initiative Act threshold cut 20% → 10% (May 2025); pro-Canada petition verified at 404,293 signatures.
2. Full ballot wording of all ten questions — Elections Alberta, *Referendum*; Government of Alberta referendum information. **Verify against the official Elections Alberta ballot text before printing.**
3. Question 10’s two options as presented to voters — Elections Alberta; albertareferendum2026.ca.
4. Elections Alberta, *Important Referendum Information* (May 2026) — each question on a separate colour-coded, numbered ballot; all ballots issued at once in an ordered stack with **Question 10 first**; separate colour-coded ballot boxes; ~34 million ballots; hand-counted question by question; unofficial results within 48 hours; all questions non-binding.

5. *2021 Alberta referendum* — equalization, Oct 18, 2021: 61.68% yes (642,501) / 38.32% no (399,169); turnout 38.71%.
6. Premier Danielle Smith’s televised address announcing the final wording of the sovereignty question, May 21, 2026.
7. European Union Referendum Act 2015 (UK) — created no legal obligation to implement the 2016 result.
8. APTN News, May 2026 — Smith’s appeal to the Court of Appeal and possibly the Supreme Court (“many months and possibly years”); Confederacy of Treaty No. 6 Nations’ response.
9. *Reference re Secession of Quebec*, [1998] 2 SCR 217 — no unilateral right of secession; a clear majority on a clear question creates a duty to negotiate in good faith; secession “must be considered, in legal terms, to require an amendment to the Constitution” (para 84); the Court declined to name the applicable amending formula; a clear “repudiation... of the existing constitutional order would confer legitimacy on demands for secession” (para 88); “no basis to deny the right... to pursue secession” (para 92); recognition turns on the conduct of both parties (para 103); effectivity and *de facto* secession (paras 141, 146, 155); negotiations must address minority and Aboriginal rights.
10. *Clarity Act*, SC 2000, c 26 — s.1(4)(a): a question “that merely focuses on a mandate to negotiate” is not a clear expression of will; the House of Commons determines clarity of question (30 days) and of majority; “The Government of Canada shall not enter into negotiations... unless the House of Commons determines...”
11. *Athabasca Chipewyan First Nation v Alberta (Chief Electoral Officer)*, 2026 ABKB 375 (Leonard J.), May 13, 2026 — quashing the Chief Electoral Officer’s approval of the citizen-initiative sovereignty petition for breach of the duty to consult. Applicants: Athabasca Chipewyan, Piikani, Siksika, Blood Tribe.
12. Legal analyses of 2026 ABKB 375 — Fasken; Alberta Civil Liberties Research Centre; Olthuis Kleer Townshend; JFK Law. The duty triggered at the approval stage as a “binding legal process”; impacts on the Treaty relationship, boundaries and harvesting rights; Alberta “cannot legislate its way out of their constitutional obligation to

consult”; the acknowledged limit that the duty “does not apply to the law-making process itself”; the decision does not resolve the position of a government-initiated referendum.

13. *Athabasca Chipewyan First Nation v Alberta*, 2026 ABCA 216 (Woolley JA), June 29, 2026 — partial stay: verification permitted; transmission to the Minister of Justice stayed pending appeal.
14. Global News — Elections Alberta’s July 24, 2026 report that the sovereignty petition met the threshold: ~223,000 signatures verified against ~178,000 required.
15. JURIST, June 6, 2026 — Treaty 8 First Nations’ demand, and Grand Chief Trevor Mercredi’s statement on the duty to consult and Section 35.
16. *1980 Quebec referendum* — full question wording, including the written commitment that any change in political status would require approval “through another referendum”; No 59.56% / Yes 40.44%; turnout 85.61%.
17. Edinburgh Agreement, Oct 15, 2012; Scottish independence referendum, Sept 18, 2014 — No 55.3% / Yes 44.7%, turnout 84.6%; *Reference by the Lord Advocate*, [2022] UKSC 31.
18. *2006 Montenegrin independence referendum*, May 21, 2006 — 55% threshold with 50% minimum turnout, proposed by EU envoy Miroslav Lajčák; referendum law passed unanimously Mar 2, 2006; result 55.5% / 44.5% on 86.49% turnout.
19. Dissolution of the union between Norway and Sweden, 1905 — Storting declaration June 7; plebiscite Aug 13 (368,208 to 184); Karlstad negotiations Aug 31 – Sept 23; Swedish recognition Oct 26; second plebiscite Nov 12–13.
20. Catalan independence referendum, Oct 1, 2017 — held after suspension by Spain’s Constitutional Court; turnout 43.03%, Yes 92.01%; declaration Oct 27; Article 155 direct rule Oct 28; nine leaders convicted of sedition Oct 14, 2019 (9–13 years), pardoned June 2021; no international recognition.

21. Quebec Bill 99, SQ 2000 c 46 / CQLR c E-20.2, assented Dec 13, 2000 — ss.1–4 and 13.
22. *Henderson c. Procureure générale du Québec*, 2018 QCCS 1586 — challenge dismissed in full, with the Attorney General of Canada intervening; 2021 QCCA 565 — dismissal maintained. No provision of Bill 99 was struck down.
23. UK EU referendum, June 23, 2016 — 51.9% / 48.1% on 72.2% turnout; *R (Miller)*, [2017] UKSC 5; withdrawal effective Jan 31, 2020.
24. Court of King’s Bench of Alberta, Feasby J., Dec 5, 2025 — the then-proposed question held unconstitutional for impairment of treaty rights: “First Nations, as founding partners in the creation of Alberta, cannot be ignored or bypassed.”
25. ICJ, *Kosovo Advisory Opinion*, July 22, 2010 — by ten votes to four, the declaration of independence did not violate international law; “general international law contains no applicable prohibition of declarations of independence” (para 84); the Court declined to decide entitlement or statehood (paras 49, 56).
26. Government of Alberta, *Alberta’s international offices* — 18 offices in 11 countries, maintained abroad “for more than 50 years,” co-located within Canadian missions. Alberta–JOGMEC MOU renewed Mar 11, 2025 (following Oct 26, 2021). *Montana–Alberta Cross-Border Vaccination Initiative MOU*, May 7, 2021, s.2: “This MOU does not create any legally binding obligation.”
27. Government of Québec — 32 offices in 19 countries plus two multilateral representations (2026); Gérin-Lajoie doctrine, Apr 12, 1965; 800+ international agreements since 1964. OIF lists Canada (1970), Canada–Québec (1971) and Canada–Nouveau-Brunswick (1977) separately among full members. Canada–Québec UNESCO Agreement, May 5, 2006 — a Québec representative sits **within** Canada’s delegation; Canada holds the seat and vote. **Québec holds no United Nations seat.**
28. *Canada (AG) v Ontario (AG)* (“Labour Conventions”), [1937] AC 326 — treaty-making is a federal executive prerogative; implementation follows the ordinary division of powers.

29. Treaties 6 (1876), 7 (1877) and 8 (1899), official texts — each cedes “to Her Majesty the Queen and Her successors forever,” with the habendum repeating “and Her successors forever”; each contains the undertaking to “conduct and behave themselves as good and loyal subjects of Her Majesty the Queen.” Crown–Indigenous Relations and Northern Affairs Canada.
30. *Nowegijick v The Queen*, [1983] 1 SCR 29; *R v Sioui*, [1990] 1 SCR 1025; *R v Badger*, [1996] 1 SCR 771 at paras 41, 52; *R v Marshall*, [1999] 3 SCR 456; *Restoule v Canada*, 2024 SCC 27 — honour of the Crown; ambiguities resolved in favour of the Indigenous parties; extinguishment requires “strict proof” of a “clear and plain intention”; words read “in the sense that they would naturally have been understood by the Indians at the time of the signing”; evidence of the negotiations admissible even absent facial ambiguity.
31. Royal Commission on Aboriginal Peoples (1996), Vol. 2, Ch. 2. Confederacy of Treaty Six First Nations, brief to the House of Commons Standing Committee on Indigenous and Northern Affairs, Nov 17, 2023.
32. *Vienna Convention on Succession of States in Respect of Treaties* (1978, in force 1996) — Arts. 12 and 34; thinly ratified, Canada not a party. Four Indigenous interveners raised treaty arguments in the Secession Reference and the Court did not resolve them.
33. Montevideo Convention, Dec 26, 1933 — Art. 1 (the four criteria) and Art. 3 (“The political existence of the state is independent of recognition by the other states”). On recognition as discretionary, Ian Brownlie, quoted in James Crawford, *The Criteria for Statehood in International Law*.
34. Canada’s recognition of Bangladesh, Feb 14, 1972 — Pakistan did not recognise Bangladesh until Feb 22, 1974. Canadian Global Affairs Institute.
35. Canadian recognition of Estonia, Latvia and Lithuania, Aug 26, 1991 — before the USSR did on Sept 6. Because Canada never recognised the 1940 annexation as lawful, these are restorations of independence.

36. Canadian recognition of Croatia and Slovenia, Jan 15, 1992; Bosnia and Herzegovina, Apr 7–8, 1992 (sources differ by one day).
37. Government of Canada, *Canada Joins International Recognition of Kosovo*, News Release No. 59, Mar 18, 2008 — including that “the unique circumstances which have led to Kosovo’s independence mean it does not constitute any kind of precedent.” Serbia recalled its ambassador in response.
38. Prime Minister of Canada, *Statement on Canada’s recognition of the State of Palestine*, Sept 21, 2025, following the statement of intent of July 30, 2025.
39. Non-recognition of the Catalan declaration of Oct 27, 2017; Somaliland, unrecognised by any UN member state for over three decades after 1991. Somaliland’s status became a live question in late 2025 and should be re-verified before any future printing.

The views presented are the personal opinions of Christopher Scott, presented by Let’s Talk Alberta. Figures are drawn from public records and cited in full at letstalkalberta.com.



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