



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FIFTH LEGISLATURE

Draft Bill

An Act respecting the sovereignty of Québec

**Tabled by
Mr Jacques Parizeau
Prime Minister**

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EXPLANATORY NOTES

This draft bill sets out the political course of action put forward by the Government of Québec to settle definitively the constitutional problem that has been confronting Québec for several generations. It also defines the process proposed to achieve this purpose.

THE PROJECT

It is proposed that Québec become a sovereign country through the democratic process. The accession to full sovereignty has been defined by the National Assembly as "the accession of Québec to a position of exclusive jurisdiction, through its democratic institutions, to make laws and levy taxes in its territory and to act on the international scene for the making of agreements and treaties of any kind with other independent States and participating in various international organizations".¹

An economic association with Canada would be maintained in order to preserve and further develop the free circulation of goods and services, of capital and of persons that is currently prevailing. To the same end, Québec would continue to adhere to the North American Free Trade Agreement and the General Agreement on Tariffs and Trade. The Canadian dollar would continue to be the legal currency of Québec.

A new constitution would be drafted following a procedure to be defined by the National Assembly. This new constitution would include a charter of human rights and freedoms and provide guarantees, in a manner consistent with Québec's territorial integrity, to the English-speaking community and to the Aboriginal nations. It would also provide for the decentralization of specific powers to local and regional authorities, together with sufficient resources.

¹ Act respecting the process for determining the political and constitutional future of Québec (S.Q., 1991, c. 34).

Provisions are made as to the territory of a sovereign Québec, Québec citizenship and the continuity of treaties, international alliances and laws. In this respect, the Government of Québec would be authorized to take over, from the Government of Canada, all services and transfer payments currently provided to Québec citizens by the Canadian government.

Several other transitional measures are provided for, including the conclusion of an agreement on the apportionment of the property and debts of Canada.

THE PROCESS

After undergoing an information and participation process, the draft bill will become a bill which, once passed by the National Assembly, will be submitted to the people of Québec in a referendum.

During this process, the citizens of Québec will be invited to collectively formulate a "Declaration of Sovereignty" to constitute the preamble to the bill. The Declaration will set forth the fundamental values and main objectives of a sovereign Québec nation. It will guide the drafting of the future Québec constitution and may serve as inspiration for the endeavours of the people of Québec and their representatives in the decades to come.

The process the Government of Québec intends to initiate will consist of the following:

- 1- publication of the draft bill;*
- 2- a period of information and participation for the purposes of improving the bill and drafting the "Declaration of Sovereignty" which will form the preamble to the bill;*
- 3- discussion of the bill respecting the sovereignty of Québec, and passage by the National Assembly;*
- 4- approval of the Act by the population in a referendum;*
- 5- a period of discussions with Canada on the transitional measures to be set in place, particularly as regards the apportionment of property and debts; during this period the new Québec constitution will be drafted;*
- 6- the accession of Québec to sovereignty.*

Draft Bill

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PREAMBLE

DECLARATION OF SOVEREIGNTY

(To follow)

The Declaration of Sovereignty will be drafted on the basis of the suggestions made during the information and participation process to be held on the draft bill.

It will set forth the fundamental values and main objectives the Québec nation wishes to make its own once it has acquired the exclusive power to make all its laws, collect all its taxes and conclude all its treaties.

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

SOVEREIGNTY

- 1.** Québec is a sovereign country.

ECONOMIC ASSOCIATION

- 2.** The Government is authorized to conclude, with the Government of Canada, an agreement the purpose of which is to maintain an economic association between Québec and Canada.

Such an agreement must be approved by the National Assembly before being ratified.

NEW CONSTITUTION

- 3.** The Government shall, in accordance with the procedure determined by the National Assembly, see to the drafting of a constitution for Québec and to its adoption.

The constitution shall include a charter of human rights and freedoms. It shall guarantee the English-speaking community that its identity and institutions will be preserved. It shall also recognize the right of Aboriginal nations to self-government on lands over which they have full ownership. Such guarantee and such recognition shall be exercised in a manner consistent with the territorial integrity of Québec.

The constitution will provide for the decentralization of specific powers to local and regional authorities together with sufficient fiscal and financial resources for their exercise.

TERRITORY

- 4.** Québec shall retain the boundaries it has within the Canadian Confederation at the time section 1 comes into force. It shall exercise its jurisdiction over the maritime areas and the territories adjoining its coastline in accordance with the terms and conditions provided by the rules of international law.

CITIZENSHIP

5. Every person who holds Canadian citizenship and is domiciled in Québec at the time section 1 comes into force is a Québec citizen.

Every person who, after the coming into force of section 1, is born in Québec or is born outside Québec to a father or mother holding Québec citizenship is also a Québec citizen.

Québec citizenship may also be acquired in the manner determined by the National Assembly.

Québec citizenship may be held concurrently with citizenship of Canada or of any other country.

CURRENCY

6. The legal currency of Québec shall continue to be the Canadian dollar.

TREATIES

7. Québec shall assume the obligations and enjoy the rights arising out of the treaties to which Canada is a party and the international conventions to which Canada is a signatory, in accordance with the rules of international law.

INTERNATIONAL ALLIANCES

8. The Government is authorized to apply for the admission of Québec as a member of the United Nations Organization and other international bodies.

9. Québec shall take the necessary steps to remain a member particularly of the Commonwealth, the French-speaking community, the North Atlantic Treaty Organization, the North American Aerospace Defence Command, the North American Free Trade Agreement and the General Agreement on Tariffs and Trade.

CONTINUITY OF LAW

10. Laws passed by the Parliament of Canada that apply in Québec at the time section 1 comes into force, and the regulations under such laws, shall remain in force until amended or repealed by the National Assembly.

11. Pensions and supplements payable to the elderly shall continue to be paid by the Government according to the same terms and conditions. Permits, licences and authorizations that have been issued shall remain in force until their expiry.

12. The courts of civil or criminal jurisdiction shall continue to exist; the judges presiding over them shall continue in their appointment and retain their authority. Cases pending may be continued until judgment. The Court of Appeal of Québec shall become the court of highest jurisdiction until a Supreme Court is established under the new constitution provided for in section 3.

The judges of the Federal Court and of the Supreme Court of Canada who were members of the Québec Bar shall become, if they so wish, judges of the Superior Court and of the Court of Appeal of Québec, respectively.

13. The Government may, in keeping with the procedure provided by law, appoint all persons required and take all steps necessary to facilitate the application of the Canadian laws that continue to apply in Québec pursuant to section 10. The sums required for the application of those laws shall be taken out of the consolidated revenue fund.

In making appointments under this section, the Government shall give priority to the public servants and other employees of the Government of Canada or of an agency or body thereof who reside in Québec.

14. Until the coming into force of the new constitution provided for in section 3, the laws, rules and conventions which govern the internal constitution of Québec and access to English-language schools shall remain in force.

APPORTIONMENT OF PROPERTY AND DEBTS

15. The Government may conclude, with the Government of Canada, any agreement relating to the apportionment of the property and debts of Canada, and to any other matter susceptible of facilitating the application of this Act.

COMING INTO FORCE

16. This Act comes into force one year after its approval by referendum, unless the National Assembly fixes an earlier date.

However, sections 2, 3 and 15 come into force on the day following the day this Act is approved by referendum.

17. This Act shall be submitted to a referendum.

This Act may not come into force unless a majority of the votes cast by the electors in a referendum held in accordance with the Referendum Act on the following question are cast in the affirmative:

“Are you in favour of the Act passed by the National Assembly declaring the sovereignty of Québec? YES or NO”