

## GOVERNMENT OF JACQUES PARIZEAU

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Éric Parizeau

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### ••• Status of Québec

352. Québec's project for accession to sovereignty along with an offer for a new economic and political partnership with Canada.<sup>373</sup>

The government of Jacques Parizeau was elected on a platform of holding a referendum on the accession of Québec to sovereignty. On December 6, 1994, the government unveiled a draft bill on the sovereignty of Québec that was submitted to the general consultation of all Québec regions via the commissions on the future of Québec.

Following the report of the National Commission on the future of Québec, the government made public Bill 1 entitled An Act respecting the future of Québec (hereafter, the Bill) that was submitted to a referendum on October 30, 1995.

The Bill provided that Québec's accession to sovereignty be preceded by a formal offer of economic and political partnership with Canada. A one-year maximum deadline was provided for

the negotiation of this partnership, subject to a decision otherwise by the Québec National Assembly.

The Bill authorized the National Assembly to proclaim the sovereignty of Québec once it would have approved the partnership treaty or, upon obtaining notification from the orientation and supervision committee for negotiations, once it would have realized that such negotiations would lead nowhere.

The offer to Canada of an economic and political partnership was to be based upon the three-party agreement of June 12, 1995 between three political parties: the Parti québécois, the Bloc québécois and the Action démocratique du Québec. This agreement involved the proposing of a treaty to Canada that would have provided appropriate measures for maintaining and improving the existing economic space, establishing rules for the division of federal assets and management of the common debt, creating joint political institutions required to administer the economic and political partnership.

The three-party agreement stated the priority sectors where a treaty would have to ensure that the partnership has the authority to act: customs union, free movement of goods, free movement of individuals, free movement of services, free movement of capital, monetary policy, labour mobility and citizenship. The Agreement also evoked the possibility—with some examples—that members would be free to make agreements in other areas of common interest. Lastly, the offer was to include the creation by treaty of joint political

373. This paragraph presents a synthesis of the government project (See the bill and the three-party agreement forming the basis of this project in part 3: document no. 30). See also the address to the nation delivered by Jacques Parizeau on October 1, 1995 reproduced in part 2 of this document.

institutions needed for administering the partnership, specifically the creation of a council, a secretariat, an assembly and a tribunal for resolving disputes.

As regards Québec's accession to sovereignty, the Bill provided constitutional provisions, especially regarding the drafting of a new Québec constitution by a constituent commission to be ultimately submitted to the people of Québec for approval by referendum. The Bill lays down various constitutional provisions, among other things, guarantees regarding the rights of the English-Speaking Community and the aboriginal nations.

The Bill included other information dealing with the various terms of Québec's accession to sovereignty: territorial integrity, citizenship, legal tender currency, treaties, international organizations and alliances. Lastly, it stipulated transitional provisions. On October 30, 1995, the No option carried the day with a result of 50.58 % and the Yes option obtained 49.42 %.<sup>374</sup>

353. Jean Lesage called on us to be "Masters in our own Home," Daniel Johnson Sr. wanted "Equality or independence," Robert Bourassa proposed the "Distinct Society." One after another, our attempts to expand or just to preserve Québec's autonomy within Canada have run into increasingly firm rebuttals from our neighbours.

Twelve years ago, Pierre Trudeau's unilateral patriation dwindled the National Assembly's powers against our will, with a Constitution that Québec has never signed. Four years ago, the death of the Meech Lake

Agreement sounded Canada's refusal in recognizing—albeit symbolically—our difference. As of today, the basic law of Canada does not recognize Québec as a nation, a people or even as a distinct society. A sad state of affairs. [...]

Three years ago, united as never before in the Bélanger-Campeau commission on the future of Québec, federalists and sovereigntists agreed on a common strategy and speaking as one, they rejected the present Canadian regime. Federalist members of the Commission wanted to give Canada one last chance for an in-depth renewal, failing which full sovereignty for Québec would then be proposed to Québécois in a referendum.

The scenario played itself out inexorably. Two years ago, the Charlottetown accord was submitted to the electorate and was beaten, both in Québec and in Canada. [...] That was to be Canada's last chance. [...]

The more time goes by, the more the Canadian majority is determined to act as though there is but one nation in Canada, as though all provinces are equal. [...] With the passing of time, decisions we wish to make as Québécois will increasingly be blended into the great Canadian rush for uniformity. This is the Canada of tomorrow. Do we want to be a part of it?

[...]

[There must be] something. That something is sovereignty! But sovereignty that belongs to Québécois from all regions, all social, linguistic, cultural and political origins.<sup>375</sup>

374. See Directeur général des élections du Québec, *Référendum 1995. Rapport des résultats officiels du scrutin*, 1995, p. 49 (an extract from this Official Report and the resolution of the Québec National Assembly on the referendum question are reproduced in part 3: document no. 31).

375. Message by the Prime Minister Jacques Parizeau at the time of the publication of the draft bill on sovereignty and the announcement of the commissions on the future of Québec, December 6, 1994, p. 3-4.

••• **Constitutional reform process**

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*The impossible in-depth reform of Canadian federalism: See paragraph 364.*

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••• **Distribution of powers**

*a) Sectorial jurisdictions*

354. In the field of health care, not only has Ottawa stepped into a sector of exclusive provincial jurisdiction, but each of its initiatives goes against the will of the provinces with frequent harmful consequences regarding these provinces' orientations. Québec beckons the other provinces to put pressure on the federal government so that it ceases to encroach upon the health care sector. As for Québec, it intends to fully assume its exclusive power and responsibilities in this field, all the while especially preserving its prerogative for defining what is "medically necessary" for the purposes of the insured services. With regard to health care services, the provinces do not have to ask Ottawa for any orientation whatsoever; it is the provinces' responsibility to offer their respective citizenries the health services that they are entitled to expect. It therefore becomes obvious that the federal government must withdraw from this sector into which it is contributing less and less, and where its actions do not in any way improve accessibility to Canada's health care services.<sup>376</sup>

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*The Financing of Health Care and Social Programs:  
See also paragraphs 362, 365 and 366.*

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355. That the National Assembly reaffirm the consensus voiced [...] on 13 December 1990 and communicated in

the following ministerial statement on manpower adjustment and vocational training:

- Québec must have sole responsibility of the manpower adjustment and vocational training policies within its territory and, consequently, must repatriate the moneys that the Federal Government allocates to Québec for these programmes;
- In the current constitutional context, and in view of offering better services to its clientèle, Québec must regain the control and the administration of the different services pertaining to employment and to manpower development and of all of the programmes that are likely to be financed by the unemployment insurance funds on the territory of Québec for this purpose, and must accordingly receive the sums that normally are attributed for taking over such responsibility;
- The Government of Québec and the representatives of the employers, the unions and the cooperative sector intend to oppose any initiative on the part of the Federal Government that would constitute interference in Québec's fields of jurisdiction.

And that, consequently, it request that the Government of Québec and the Minister of Employment immediately commence formal discussions with the Federal Government in order to ensure that this consensus and the promotion of the interests of the population of Québec are respected.<sup>377</sup>

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376. Communiqué from the staff of Jean Rochon, Minister of Health and Social Services, Interprovincial Conference of Health Ministers, Vancouver, April 11, 1995.

377. Unanimous resolution of the Québec National Assembly dated December 4, 1995 (quotation).

356. Considering the failure of federal administration over ground fish harvesting, Québec demands the administration of fisheries. The transferring of responsibility proposed by Québec cannot be carried out within the framework of a federal withdrawal aimed at reducing its operating costs. Rather it must be accompanied with the transferring of human and financial resources making it possible for Québec to take full responsibility for the future development of its fisheries industry.<sup>378</sup>
357. The fact that the federal government legislates in the field of clearing corporations, especially when applied to securities, constitutes an encroachment on an area of exclusive provincial jurisdiction that Québec cannot accept. This sector of jurisdiction has in fact been continuously and vigorously protected by all the successive governments of Québec.<sup>379</sup>
358. Québec does not share the viewpoint expressed in the parliamentary task force report on the commercialization of Canadian National in which local interest railways should come under federal authority. Québec has already made proposals to the other provinces for harmonizing their regulations regarding such railways.<sup>380</sup>
359. As for its airports, Québec must ensure that municipalities do not accept charges that are heavier than their financial

capacities and that Québec's areas of jurisdiction are respected in agreements between the federal government and municipalities. The government of Québec neither can nor does it want to take the federal government's place in the role of financial support that the latter has always assumed, without first having the legislative, regulatory and fiscal control over the field of activity.<sup>381</sup>

360. Québec demands the regulatory, legislative and fiscal powers that will enable it to assume the passing of responsibilities and infrastructures in maritime transport.<sup>382</sup>

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*Transportation: See also paragraphs 374-376.*

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361. Federal intervention in housing is an encroachment in a field of provincial jurisdiction. The federal government has imposed an inflexible approach to intervening in housing. It has also subjected its financial participation to numerous administrative rules, objectives and Canada-wide criteria that make the planning of actions difficult in the Québec context. The presence of the federal government in this sector of activities has created many administrative overlaps that cause additional costs and that detract from the coherence of the interventions.<sup>383</sup>

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*Housing: See also paragraph 368.*

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378. Communiqués from the staff of Marcel Landry, Minister of Agriculture, Fisheries and Food, Federal-Provincial Conference of Fisheries ministers, Victoria, November 1, 1994, nos. 1 and 2. Communiqué no. 2 gives the most detailed information on the Québec proposal.

379. Letter from Jean Campeau, Minister of Finance, to Paul Martin, federal Minister of Finance, Québec, August 14, 1995 (quotation) [Translation].

380. Letter from Jacques Léonard, Minister of Transportation, to Douglas Young, federal Minister of Transportation, Québec, April 10, 1995.

381. *La politique du gouvernement du Québec en matière d'infrastructures aéroportuaires*, ministère des Transports, December 6, 1995, p. 10.

382. Communiqué from the staff of Jean Campeau, Minister of Transportation, regarding federal maritime policy, Québec, December 14, 1995.

383. Government of Québec, *Coûts du fédéralisme pour le Québec dans le domaine de l'habitation*, an analysis made by the Société d'habitation du Québec, September 1995, p. 21.

b) *Unilateral powers*

362. The most detestable federal disengagement in the financing of social programs is that the federal government maintains its national standards in health care and seeks to impose new ones in other social programs.<sup>384</sup>

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*Federal actions and the financing of social programs:  
See also paragraphs 365-366.*

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*Federal initiatives in housing: See paragraph 361.*

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••• **Language rights**

363. We have pledged [...] to enshrine in the Québec Constitution, in clear, unambiguous terms, the right of our English citizens to English schools, from kindergarten to university; the right for the English communities to control these schools. The right to have access to courts and the Québec National Assembly in English. It is obvious to us that the English Community must be a party to the elaboration of the Constitution of a sovereign Québec. And a formula has to be found to ensure that, from then on, no constitutional changes affecting that community shall be made without their consent. Also we want to continue ensuring by law the right to have medical care in the English language. When we will patriate our share of the CBC, we will maintain public TV and radio service in English.<sup>385</sup>

••• **Intergovernmental policy**

a) *Conducting intergovernmental relations*

364. The issue of Québec's participation in Canadian intergovernmental conferences fits into the following frame of reference:

- Québec intends on maintaining with the federal government those relationships needed for the proper operations of both governments, while heeding their respective jurisdictions.
- The interests of the people of Québec will serve as an essential guide for the government's actions whose objective is not to paralyze the federal system, nor to demand an in-depth reform since it is obvious since Meech and Charlottetown that this is impossible, but to find its way by accessing full political sovereignty.

The active presence of Québec will be ensured by participation at ministerial level in conferences or meetings dealing with shared jurisdictional issues. Other cases will be handled on a case-by-case basis by the government. Generally speaking, without practicing the empty chair policy, Québec will not participate actively on the ministerial level in conferences whose themes involve

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384. Communiqués from the staff of Pauline Marois, Minister of Finance, Minister of Revenue and Minister responsible for the Family, Press Conference, Québec, December 12, 1995, no. 1.

385. *A Frank Talk Between Neighbours About the Present and the Future*. Speaking notes for Jacques Parizeau before the Canadian Club, Toronto, November 22, 1994, p.9-10 (quotation; see also Bill 1, An Act respecting the future of Québec reproduced in part 3: document no. 30).



its exclusive power; generally, a member of the civil service will represent Québec as a technical participant or an observer.

Furthermore, Québec intends on participating actively in conferences or meetings whose agenda will include the reviewing of issues linked to opening markets or the “continentalization” of various activities.

Québec also intends on assessing the timeliness of its participation in conferences in light of their efficiency.<sup>386</sup>

*b) Financial aspects of federalism*

365. As regards social issues, Québec beckons the provinces to more firmly oppose the federal government’s reductions for the financing of established programs by emphasizing that this unrealized gain should be compensated by the transferring of tax points.<sup>387</sup>

366. During the 1960s and 70s, the federal government incited the provinces to set up health care, social assistance and post-secondary education programs by offering to share the expenses 50-50 with them; today the same federal government is washing its hands of such commitments. Québec considers the current arrangement for financing social programs by the federal government to be unacceptable. It demands that the federal government withdraw from the financing of

social programs and that it transfer the tax points to Québec that it uses to finance its actions in this sector. This demand constitutes a concrete answer to the problem of endless cuts in federal transfers.<sup>388</sup>

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*Federal disengagement and the need for a corresponding transfer of resources:  
See also paragraphs 356, 359, 360 and 376.*

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367. A greater harmonization of sales taxes in Canada must not be carried out at the price of a loss of fiscal autonomy for Québec. For the government of Québec, fiscal autonomy is a fundamental question both regarding consumption tax as well as other areas of taxation, and it will never be abandoned. Discussions surrounding the sales tax system should provide the opportunity for broadening the debate on the sharing of fiscal sectors between the federal government and the provinces, especially considering the responsibilities attributed to both levels of government.<sup>389</sup>

368. Québec has on the whole received, from federal action in housing, financial benefits far lower than the share it should have received.<sup>390</sup>

*c) Aboriginal Nations*

369. In the 1970s, Québec was the first province in Canada to sign a modern treaty with some of its Aboriginal Communities. In the 1980s, Québec was the first province to recognize that Aboriginal Peoples constitute distinct

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386. Declaration by Louise Beaudoin, Minister responsible for Canadian Intergovernmental Affairs, regarding Québec's participation in Federal-Provincial Conferences held since the election of the new government of Québec, Winnipeg, October 5, 1994.

387. Communiqué from the staff of Jean Rochon, Minister of Health and Social Services, Interprovincial Conference of Health Ministers, Vancouver, April 11, 1995.

388. Communiqués from the staff of Pauline Marois, Minister of Finance, Minister of Revenue and Minister responsible for the Family, Press Conference, Québec, December 12, 1995, nos. 1 and 2.

389. Statement by Jean Campeau, Minister of Finance, press release from the government of Québec, Federal-Provincial Conference of Finance Ministers, Toronto, October 14, 1994.

390. Government of Québec, *Coûts du fédéralisme pour le Québec dans le domaine de l'habitation*, (executive summary) an analysis made by the Société d'habitation du Québec, September 1995, p. 2 (quotation) [Translation].

nations within Québec. During the 1990s, Québec also intends on pursuing this pioneering process by granting Aboriginal Peoples a large measure of governmental autonomy. We make the commitment in this respect to allow the Aboriginal Peoples of Québec to be just as, if not more, responsible for their own development as any other group of Aboriginal Peoples in North America.<sup>391</sup>

*d) French-Speaking and Acadian  
Communities of Canada*

370. Québec sovereignty does not mean that we will turn our backs on fellow francophones elsewhere in Canada. On the contrary, in acquiring the status of a sovereign state, we will have specific responsibilities towards them.<sup>392</sup>

371. Québec's policy with regard to the French-Speaking and Acadian Communities of Canada forms a part of the government's determination to give a new start with regard to these communities. To do so, the government of Québec intends on:

- promoting contacts between members of the French-Speaking and Acadian Communities of Canada and Quebecers;
- backing the pursuit of projects that will bring about such exchanges;
- ensuring by the implementation of liaison structures that government actions will stay in contact with this new dialog.

To provide a new start for its actions, the government intends on promoting

areas that are most favourable for the establishment of linguistic solidarity, namely through culture and communications, education and the economy.

For the implementation of Québec's policy, various means of concertation are planned:

- a) Sectorial liaison tables on culture and communications, education and the economy. The tables are composed of experts in these sectors.
- b) A Triennial Concertation Forum. The government of Québec takes the initiative for holding a large gathering of members of the French-Speaking and Acadian Communities and Quebecers. It will be a place for exchanges, displaying achievements and promoting French-Speaking gatherings.
- c) Regional concertation. The Québec offices in Canada coordinate the regional concertation with French-Speaking and Acadian Communities.
- d) Interministerial concertation. The Secrétariat aux affaires intergouvernementales canadiennes takes charge of coordinating interministerial activities related to French-Speaking and Acadian Communities.
- e) The Financial Support Program for partners. This program provides backing for partnership projects in the fields of culture and communications, education and the economy.

Moreover, in future intergovernmental agreements, the government of Québec will favour bilateral cooperation activities

391. Opening speech by Jacques Parizeau, Prime Minister elect, at a press conference held on September 14, 1994, p.9 (quotation) [Translation]; as regards government policy towards Aboriginal Peoples, see speaking notes for Prime Minister Jacques Parizeau at a dinner-meeting with Montagnais and Attikamek Chiefs, Beaupré, October 28, 1994; see also Bill 1, An Act respecting the future of Québec reproduced in part 3: document no. 30.

392. *A Frank Talk Between Neighbours About the Present and the Future*. Speaking notes for Jacques Parizeau before the Canadian Club, Toronto, November 22, 1994, p.10 (quotation).

that fit in with the objective of revitalizing French among French-Speaking Communities.<sup>393</sup>

e) *Trade*

372. Québec intends on participating actively in conferences or meetings whose agenda will include the reviewing of issues linked to opening markets or the “continentalization” of various activities such as transportation or communications. Québec will contribute its efforts to measures seeking to ensure the proper operations of the economic space that it shares with other parts of Canada and to guarantee the greatest possible harmonization of this economic space with the largest economic groups—North America and GATT—which soon will become the World Trade Organization.<sup>394</sup>
373. Québec insists in drawing the other provinces’ attention to the importance of emphasizing the mutual benefits from economic exchanges that take place in the Canadian economic space and it wants to further the advancement of negotiations over the Agreement on Internal Trade.<sup>395</sup>

f) *Transportation*

374. Québec beckons the federal government to assume its responsibilities with

regard to railway companies under its jurisdiction and to put a stop to the disorderly abandoning of the network, which is progressing at the expense of Québec’s economic interests. Over the short term, Québec want to avoid the premature destruction of important transportation infrastructures and facilitate their transfer to other businesses under acceptable conditions.<sup>396</sup>

375. The basic railway grid must be defined by each of the provinces and not by the Canadian Transportation Agency.<sup>397</sup>
376. Over the past years, Québec governments of all political colours have denounced federal disengagement from social and economic programs. Today, the National Marine Policy is endangering the competitiveness of our businesses’ maritime system, river-oriented trade and the comparative advantages of the St. Lawrence. When finding a solution to its chronic problem of financial incapacity is at issue, Ottawa seems totally devoid of imagination. Until now, the only solution adopted by Ottawa has been to stick the provinces with the bill without providing them with the financial means to pay it.<sup>398</sup>

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*Transportation: See also paragraphs 358-360.*

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393. Government of Québec, Secrétariat aux affaires intergouvernementales canadiennes, *Québec's policy towards the French-Speaking and Acadian Communities of Canada: a dialog, solidarity in action*, 1995; *Reinforcing solidarity around common interests*, communiqué from the staff of Louise Beaudoin, Minister responsible for Canadian Intergovernmental Affairs, March 30, 1995.

394. Declaration by Louise Beaudoin, Minister responsible for Canadian Intergovernmental Affairs, regarding Québec's participation in Federal-Provincial Conferences held since the election of the new government of Québec, Winnipeg, October 5, 1994, p. 3.

395. *The Prime Minister insists on the importance of internal trade*, press release from the staff of Jacques Parizeau, 36<sup>th</sup> Annual Conference of Provincial First Ministers, St. John's, Newfoundland, August 24, 1995.

396. *Veiller aux intérêts immédiats du Québec en préparant l'avenir*. Speech by Jacques Léonard, Minister of Transportation, Meeting of Ministers responsible for Transportation and Highway Safety, Winnipeg, October 5, 1994, p. 3.

397. Letter from Jacques Léonard, Minister of Transportation, to Douglas Young, federal Minister of Transportation, Québec, April 10, 1995 (quotation) [Translation].

398. Declaration from the staff of Jean Campeau, Minister of Transportation, regarding federal maritime policy, Québec, December 14, 1995.