

Speech by Lucien Bouchard, Prime Minister of Québec, presented before the Québec National Assembly upon the passage of Bill 99, An Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec State, December 7, 2000.

[Translation]

Mr. President. More than 200 years ago, our ancestors decided to endow Québec—or what was then called Lower Canada—with a legislative body. Since that time, our people's elected representatives, who have come from across Québec, have assembled there to debate key issues, sometimes bitterly, and to adopt the laws that govern our lives as a society. Our parliament, which predates the British North America Act, remains at the heart of who we are and at the centre of the activities of our State.

[...]

Throughout the 20th century, our State asserted itself and our people repeatedly reiterated its attachment to it. Not once did changes in government or the arrival of new political parties cause us to waver in the firm conviction, shared by all, that this State is the only one which truly belongs to us and over which we have full control.

At the start of the Quiet Revolution, when the time came to take into our own hands our lives as a society, and in particular our economy, our leaders naturally relied on the State. And Quebecers gradually became more and more masters in their own house.

At the beginning of the 80s, the Liberal Party's political platform, known as the "Beige Paper," accurately summarized the evolution in our history and in the Québec State, and I quote:

"It is becoming more and more common to speak of the Québec State.

This change in vocabulary is not a semantic accident; rather, it reflects a change in perception. Québec society is perceived more and more clearly as being distinct and confronted by new landmark challenges. The idea that this society must be in control of the major forces behind its development in order to survive and flourish is gaining ground. Increasingly, the conclusion is that the Québec government is the best means available to Quebecers for ensuring that they thrive and assert themselves in accordance with who they are as a people."

The great collective movement of the Quiet Revolution sparked a bee-hive of social and intellectual activity that affected all spheres of our society. It had a major political impact. A new will to achieve autonomy spurred some Quebecers to mobilize and affirm loud and clear that the simple traditional demands were no longer enough. The sovereigntist movement, originally a minority representing a minute percentage of the electorate, began to spread throughout Québec. Rapidly, in just two elections, one in three voters cast a ballot in favour of sovereignty-association. In 1976, the public placed its trust in René Lévesque and his party, giving them a majority government.

It was a groundbreaking election. For the first time, Quebecers were confronted with a new choice: continue living under the federal regime, inherited from the Act of 1867, or make Québec into a sovereign state associated with its neighbours. Faced with this situation, Prime Minister of Canada, Pierre Trudeau affirmed in February 1977: *"We must have the courage to ask ourselves the question... we must not be afraid to lose or win the battle... I have the feeling that we will win. But I must accept the rules of the game."*

In 1980, Quebecers were asked to make this fundamental choice. A spirited debate arose. Québec's political parties criss-crossed our territory in an effort to meet as many people as possible. The federal government waded in, even investing tremendous sums of money to defend its option. Quebecers went to the polls on June 20, 1980. As a result of this rendezvous, the inalienable right of our people to decide their own future was recognized by all, both here and elsewhere.

The outcome of the referendum marked a victory for the federalist side. Afterward, federalist leaders promptly recognized the right of Quebecers to decide their future. In 1991, 11 years after the referendum, Jean Chrétien, then Leader of the Opposition in the House of Commons, reaffirmed this inalienable right of Quebecers, emphasizing that the federal government would never have become involved in the 1980 referendum had it not recognized this right.

The importance of the 1980 rendezvous was also acknowledged in 1997, by the current Leader of the Opposition in the National Assembly, who affirmed, and I quote: "Let us be clear about one thing: the right of Québec to decide its own future was settled in 1980. There is no question of going back on that."

This right, our most fundamental as a people, has since been exercised twice. First of all, you will remember that in 1992 Prime Minister of Québec, Robert Bourassa, proposed to Quebecers—a free society able to take charge of its destiny—a draft political agreement known as the Charlottetown Accord. The proposal was brought before the National Assembly, where it was debated and adopted. As everyone knows, the accord was rejected, by the majority of votes cast.

It should also be remembered that this second referendum was held in

accordance with the rules of Québec democracy. The organization of the referendum, the rules for financing the two options and the oversight of the voting process were entrusted to the chief electoral officer and subject to the Referendum Act. Not once did the federal government at that time, although an ardent supporter of the accord, call into question the ability of Québec democracy to ensure that the voting process would be carried out smoothly and that an indisputable result would be obtained.

Then came 1995. After the failure of the Meech Lake and Charlottetown Accords, the newly elected government of Jacques Parizeau called Quebecers to a third referendum. Their political future was again at issue. Our compatriots' freedom of choice was not part of the debate and was not contested. Appropriately, each side concentrated its efforts on promoting its option.

Throughout Québec, families, friends and co-workers debated the issue. Everyone in Québec felt directly involved, but also knew that such an important decision would be made by Quebecers alone. Daniel Johnson, head of the NO side at the time, defended the federalist option without once questioning this basic truth. As premier, he recognized his fellow Quebecers' right to freedom of choice: "*It is extremely clear to me that in Québec, we already exercised the right to self-determination, in 1980.*"

The results of October 30, 1995 showed the world the strength and vigour of democracy in Québec. Nearly 94% of registered voters went to the polls. The YES side won 49.4% of the vote, and 54 000 votes separated the two options. From the standpoint of the current political reality, it is appropriate to stress voter turnout: 94% of registered voters cast their ballots.

But this democratic exercise, covered by media around the world, did not yield

the results many expected. Some had hoped that such a close victory would spur the federal government to actively look for a solution to the Québec problem. It was reasonable to expect that an effort would be made to put 1982 to rights or, at the very least, that an attempt at openness toward Québec would be made. Instead, it was the opposite. The day after the vote, federal promises of a better tomorrow swiftly gave way to the harsh reality of disillusionment. A vague resolution of the federal Parliament recognizing Québec as a distinct society was perceived for what it was—empty of meaning—and quickly sank into oblivion.

Informed observers noted instead that the results forced Ottawa to reach an unpleasant conclusion, namely, that the federalist option could lose and had more to lose in 1995. Even in their worst nightmares, federal strategists had not imagined that a sovereigntist victory might be a likely scenario. And then inspiration struck: attack Québec democracy, attack Québec institutions, attack the Québec people's freedom of choice. Thus, the die was cast. Wherever possible, Québec's aspirations were to be thwarted. We were a far cry from the promises of the Canadian Prime Minister, who, in October 1995, in a television statement a few days before the referendum vote, solemnly promised that no change affecting Québec's powers would be made without the consent of Quebecers.

The federal government then decided to take the case to the Supreme Court of Canada, asking the Court to rule on three questions which from the outset were criticized by international experts for their very wording. During the hearings, the Attorney General of Canada even went so far as to deny the Québec people's existence. However, in August 1998, the Supreme Court of Canada handed down an opinion that took more than one person by surprise

and created a veritable commotion in Ottawa. Many times over a number of years, the federal government had implied that the sovereigntist plan was illegitimate. The Court affirmed the contrary.

In addition, because the results of the third referendum, the one held in 1995, were so close, Ottawa began contesting the wording of the question and the majority required for a YES victory. However, the Supreme Court in no way challenged the right of the National Assembly to decide, on its own, both the question and the majority required.

But what bothered the extollers of a hard-line stance most was the Court's position on the logical consequence of the legitimacy of the sovereigntist plan—the obligation to negotiate in good faith. Not only did the Court affirm that the rest of Canada was obliged to negotiate in the event of a sovereigntist win, it further declared that such negotiations were mandatory under the Constitution.

The federal government decided it would not be dictated to, not even by its own Court, all the judges of which it appoints. Instead of replacing the nine justices of the Court in one fell swoop, the federal government opted to go the easier, legislative route, tabling Bill C-20. The purpose and contents of the bill were immediately denounced by all political parties represented in the Québec National Assembly, who were supported by a broad spectrum of groups and institutions.

Claude Ryan, former leader of the Québec Liberal Party summarized the situation very well when he said: "*The bill gives credence to the impression that, in Québec, democracy is not wholly reliable, that they (Quebecers) cannot be allowed to function on their own and that they need to be given guidelines. Whereas, in actual fact, democracy in Québec is ahead of democracy at the federal level.*"

Over and above the sovereigntist option, the federal government's intervention attacks two crucial cornerstones of our entire public consultation system—the wording of the question and the majority required. Moreover, it is important to emphasize that, in substance, our various political options are no longer at issue, but our democratic freedom is.

First, an undeniable arrogance is revealed in the federal law with regard to the wording of an eventual question. It seems that Quebecers are no more capable of understanding the meaning of words than the meaning of sentences and questions. The House of Commons is to have its say and give its assent. It is no longer Québec, but another jurisdiction, that is to decide. As if we were less clear-sighted than everyone else and needed to be protected from our own judgment.

The ludicrousness of the situation was best summed up by the MNA for Châteauguay and Chief Opposition Whip, who, after the 1995 referendum, stated, and I quote: "There is a duty of clarity. But it is the public that will use its judgment to decide whether or not clarity has prevailed. In this case, I feel the Prime Minister [of Canada] should trust in the good judgment of Quebecers."

Central to Bill 99, section 3 states that the Québec people determines alone, through its own political institutions, the terms of the exercise of its right to decide the political regime and legal status of Québec. There is nothing new in this statement. It aims only to prevent any outside intervention in our debates relative to the future of Québec and clearly asserts that we have no collective need of a big brother.

As if that were not bad enough, the federal government also decided to change the rules of the game even though it had accepted them on three occasions. It devised a new way of calculating votes in order to

get around, with the grace of an elephant, the basic rules governing majorities. It created the floating majority whereby the vote of Quebecers is reduced to a cork bobbing on a rising tide. In so doing, the federal Parliament attempted to replace a basic rule of democracy by a shameful stratagem.

This novelty, contested by Québec opinion leaders and political parties even found its echo abroad. Last April, an eminent former Prime Minister of France, Raymond Barre, admitted to being perplexed by such a practice, and I quote: "*This strikes me as rather singular and odd. Wanting to set a majority that I would term opportunistic does not seem acceptable from the standpoint of democracy.*"

Bill 99 is based on the intrinsic value of each person and each vote and is intended as a response to this drifting away from democracy. The bill states that when the Québec people is consulted by way of a referendum under the Referendum Act, the winning option is that which obtains a majority of valid votes cast, that is, 50% of such votes plus one. However, since all of our institutions are under attack, the bill tabled before this Assembly covers all prerogatives of the Québec State.

The various chapters of the bill decree, in summary, that the Québec State derives its legitimacy from the will of our people, that French is the official language of Québec, that our English-speaking minority has inalienable rights, that our territory is inviolable and that Aboriginal nations must develop and reach their full potential. The final provision of the bill provides that no other parliament or government may reduce the powers, authority, sovereignty or legitimacy of the National Assembly, or restrict the right of the Québec people to exercise its democratic will in deciding its own future. It is therefore more than a mere law; rather, it resembles a charter of the political rights of the Québec people.

It has been said that this bill corresponds more to a sovereigntist dialectic and that federalists should therefore steer clear of it. The defense of the National Assembly's powers is not the business of one camp or the other. At issue today is the adoption of a law reaffirming the right of each citizen, of each one of us, to cast a vote—just one vote, but what a vote—to decide our future. Is it necessary to be a sovereigntist to reaffirm the powers of the Québec State, to proclaim loud and clear our territorial integrity, to reiterate the rules of democracy, to preserve the right of Quebecers to decide their future at a time when it is being brutally assailed at the federal level?

Even if the answer is obvious, I feel it is appropriate to simply quote the words of one of my predecessors, Robert Bourassa, who made the following statement in 1992: "*In [Canadian] federalism, Québec's goal is to obtain all powers for managing its social, cultural and economic development. Québec also notes that, under the federal system, it retains its right to self-determination or its right to sovereignty, which was recognized in fact in 1980.*" To my mind, if the Official Opposition needed a blank cheque to support the *Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec State*, it would find it in Mr. Bourassa's words.

After all these generations of men and women who have devoted the best years of their lives to the public service, after all

these calls to an election or a referendum, after millions of Quebecers have gone to the polls generation after generation to cast their ballots, after all these years during which we were able to freely decide our government and political status, we will not accept that another parliament make a travesty of the democratic rules that have characterized and will continue to characterize our history. This legislation preserves our fundamental rights. It decrees that our freedom cannot be curtailed. It enables us to keep all of our options open and to look to the future with the serenity of a people sure of itself and aware of everything in which it can succeed.

I would feel that I was betraying the memory and actions of my predecessors if we were to submit to the yoke of Bill C-20. We must not be silent accomplices in the federal offensive. It is our sacred duty, in this Assembly and elsewhere, to defend the integrity of the institutions that have been handed down to us. The doors to the future of Québec, to the realization of the full potential of our people, as well as to its development and choices, must be kept wide open.

In conclusion, I would like to quote another former Prime Minister of Québec, René Lévesque: "*The right to control one's own national destiny is the most fundamental right Québec society possesses.*" We have come together this morning to affirm and defend loud and clear this fundamental right, in the eyes of history.

Source: Notes for an address by the Prime Minister upon the passage of Bill 99; Québec National Assembly, *Journal des débats*, December 7, 2000, p. 8575-8578.