

Declaration by René Lévesque, Prime Minister of Québec, Federal-Provincial Conference of the First Ministers on the Constitution, Ottawa, November 5, 1981.

[Translation]

HON. RENÉ LÉVESQUE: So, gentlemen, after this hymn to harmony by Mr. Davis, I have to say I deeply regret that Québec today finds itself in a position that has become, in a way, one of the fundamental traditions of the Canadian federal system, as it operates, Québec finds itself all alone.

It will be up to the Québec people, and up to them alone, to draw a conclusion from this.

I came here Monday with a mandate unanimously voted by all parties, a mandate from the Québec National Assembly, which requested from the federal government—and which evidently also requested from our colleagues around the table, but first from the government that introduced the bill before the House of Commons—this resolution to renounce the unilateral nature of the steps being taken and especially to renounce imposing in such a way any infringement of the rights and powers of the Québec National Assembly without its consent, because behind the Québec National Assembly are the citizens of Québec, the source of power. I also ventured to stress the fact that the federal prime minister and his government were acting this way without any explicit mandate, without any mandate of any sort from the citizens, not only of Québec, but also of the rest of Canada.

And, from this standpoint, the apparent compromise offer spectacularly made yesterday morning, i.e., the referendum offer, struck us as interesting, because on the surface it may have been a democratic way to break the impasse, to give all citizens

—who are the only source of power and nobody around this table has equivalent powers—to give the population an opportunity to decide and it was also at the same time the only federal proposal that could respect the mandate we had received from the Québec National Assembly. Beginning yesterday afternoon, the federal prime minister himself endeavoured, as it were, to destroy this offer as he went on to make the details clear. Yet, if Mr. Trudeau were serious, if he were sincere and straightforward at this point in time, he could renounce imposing this proposal on us in Québec in a way that, for us in Québec, still remains unilateral. From this perspective, he could hold his cherished referendum. Nothing prevents him from doing so. He needs no agreement from any of us around this table. In any case, without that, for our part, we'll have to conclude that Mr. Trudeau has deliberately chosen, to bring English Canada on side, a move that has the effect of forcefully imposing on Québec a reduction in its powers and rights without its consent, although all parties represented in the National Assembly have already, unanimously, rejected this formula.

As for the amending formula, which is here in front of us, signed by the other ten governments, there no longer is, for all useful purposes, what represented for one hundred and fourteen years, since the beginning of Confederation, the essential guarantee of protection of Québec's rights and powers, i.e., a meaningful form and not a punitive form of the right of veto. As for mobility—which is the constitutional transposition of the federal government's effort last year throughout the negotiations to impose centralizing powers over the economy—as for mobility, the formula here in front of us still threatens to harm our legislative powers in this area that the Québec people needs as much as anyone.

And finally, as for our exclusive powers in education, we've been left with a right not to be imposed upon. By removing, however, four lines from the proposal put forward this morning in the private conference, an element of permanent blackmail of Québec has been introduced with respect to the possible renunciation of its exclusive powers and its exclusive right to decide what it does in the area of its culture and identity and, at the source of all of this, in the area of access to its schools. I fully heard just now the intentions of goodwill on this point, from the federal prime minister: time could be taken to find better formulas, perhaps this or that could be adjusted; I give you my word or something similar that I'll strive to do. But only in the event that one didn't know—unless that has changed—notice was given this morning, around 11 o'clock that the House of Commons will begin the so-called final debate on this resolution as of tomorrow morning; and I don't very well see, after the four days we've just spent here, how concretely could be achieved—I'm sorry, Mr. Federal Prime Minister, I haven't interrupted you for a single moment—

CHAIR (HON. PIERRE ELLIOTT TRUDEAU): Not tomorrow.

HON. RENÉ LÉVESQUE: Not tomorrow? When? But anyhow that's what you said yesterday.

CHAIR: No, no, not yesterday. There was no agreement.

HON. RENÉ LÉVESQUE: Ah! Yesterday it was that. Today it's something else.

CHAIR: There was no agreement yesterday.

HON. RENÉ LÉVESQUE: Fair enough.

CHAIR: There's one this morning.

HON. RENÉ LÉVESQUE: Fair enough, fair enough, we shall see. In any case, seeing that this will profoundly change the resolution, the federal draft before the House of Commons, there's no longer any reason

for artificially limiting this debate to two days. And I call upon—in particular the ones from Québec—I call upon Quebecers in both federal houses, from whatever party they belong to, not to ram through in two days a bill that has been cobbled together so recklessly and that will still trample on Québec's rights profoundly. Yet, we came here to bargain in good faith. We didn't hesitate to take part in compromise offers on the basis of which it appeared possible to us until the last, no, until the last minute yesterday, to work out areas of consensus to everyone's satisfaction, including us from Québec. I first—this is a brief outline of how far we've gone—I first put the obvious question flowing from the National Assembly's motion to the prime minister: Are you ready to renounce unilateralism, and in every way renounce taking any power and any right from Québec without its consent?

The answer is in front of us in an agreement by the other ten provinces. The answer is no.

I then asked whether the agreement that eight provinces had backed since April 1981 would not be an honourable way out, i.e., the cherished repatriation that has become a symbolic obsession and also an amending formula that would respect in practice Québec's right of veto, without changing anything to the rights and powers it has been recognized as having for 114 years, and everything else would await a new round of negotiation. The answer is in front of us. It's no. We then participated with the same seven other provinces, the eight of us, in developing a new compromise including, this time, a substantial part of the proposed charter, but a part of the charter that could not trample on Québec's rights and powers in any way, in our opinion. The compromise was submitted to the federal prime minister, as we know. We know the answer. It was no.

Then the federal prime minister himself, in a surprise move that I've referred to and that initially seemed promising, supposedly opened up to a referendum solution, but he himself attached so many conditions to it that it became in reality a pure balloon, one made to be deflated. Finally, this morning, before leaving the meeting, I put two final questions, on our behalf, to the federal prime minister and to all of our colleagues here. And these were the questions: first, you proposed yesterday that in the absence of consensus this federal proposal would not come into effect with respect to either the amending formula or the charter of rights, since without the support of the majority of the Québec people—because in the referendum formula you proposed yesterday, a referendum would be held on a basis that has always been Canada's tradition, i.e., on a basis of four major regions, one being Québec by itself. Today, of course, you have the agreement, Mr. Federal Prime Minister, of the other provinces on a draft agreement, but you don't have Québec's agreement. You therefore don't have a consensus from everyone, in the sense that this appeared necessary to you from the referendum standpoint you yourself defined. Would you be ready to undertake not to impose this proposal before it has been put to the Québec people and before a majority of this people has accepted it? The answer was: No, of course we're the ones who retain the right to consult the Québec people. Finally, to get to the last point, this is my last question and the last contribution we've made to this negotiation, I asked this: you yourself, Mr. Federal Prime Minister, and several of our colleagues, in a very heartfelt, even eloquent way, and that appeared to us sincere at the time, you acknowledged that for 114 years, for reasons that constitute Canada's duality in its entirety, you acknowledged that Québec ought to have this fundamental

guarantee that its right of veto represents with respect to the rights and powers it already has in the current Constitution. It was agreed upon by eight provinces in a signed agreement that this right of veto could reasonably be maintained—we agreed to it, even though our government was criticized—could reasonably be maintained on the condition that if one decided to exercise this right, there would be financial compensation and that one would not be penalized for exercising a right of veto.

Now, this agreement has been completely emasculated. Nine, ten governments have just signed an agreement that includes for Québec a right to opt out, a right of option with regard to any change to these rights and powers, but we will be financially penalized each time if the federal government so wishes.

Fortunately or unfortunately, three lines have even been coyly removed from the initial text of the signed proposal. The three lines stressed the consequences of this emasculation of the eight-province agreement: "This change would mean that a province opting out would have to bear the financial consequences of its act."

This change, i.e., the elimination of any financial compensation if a right of veto is exercised, this change would mean that a province that would exercise this right should bear the financial consequences. It is clear from this that even if they've been removed, these three lines clearly represented and defined the spirit and consequences of the common proposal you now have.

In closing, I would like to express thanks for the time we've been together and during which I've had the impression, I had the impression that it was a cooperative effort that could even acquire a certain permanence. For this time we've been together, I would like to thank

my colleagues from the seven other provinces for the cooperation we've succeeded in maintaining for over a year. All good things, however, so it seems, always come to an end. Today, Québec is back to its traditional position. Alas, we're not the ones who've sought that. Things have ended up with us alone in our corner. All of this is rather sad. I don't think it's sad only for Québec, perhaps even more for Canada. It means another hardening of the system for us—the straightjacket it represents—because we must not forget the traditional positions not only of Québec but also for some years of the other provinces, too—the straightjacket that the current federal system represents, as

it has become. The intent is to tighten it further on us by reducing powers and guarantees that were already woefully inadequate. There's absolutely no question of a self-respecting Québec government accepting such a change. Neither the current Québec government nor your servant will ever capitulate on this point. Never will we agree to anyone taking away any power and especially any powers that are both traditional and fundamental, without our consent, and I repeat that we'll use all of our remaining means to stop this from happening.

Source: Secrétariat des conférences intergouvernementales canadiennes, *Conférence fédérale-provinciale des premiers ministres sur la Constitution: compte rendu textuel*, Ottawa, 2 au 5 novembre 1981, p. 101-109.