

Speech by Robert Bourassa, Prime Minister of Québec, upon the tabling of the motion proposing that the Québec National Assembly authorize the amendment of the Canadian Constitution in compliance with the Meech Lake Accord, June 18, 1987.

[Translation]

Mr. Speaker, as a departure from my usual habits of which you are well aware, this time I will refer to my written notes owing to interpretations that could be made before the courts. In following the process of law, a member's statements and intentions may be quite useful. Hence, I will attempt to be as precise and succinct as possible and I must abstain from making humorous remarks at the expense of the Head of the Official Opposition.

[...]

Mr. Speaker, first I want to mention and briefly review the reasons, without going into details, since the Government Leader earlier gave all the reasons that could justify proceeding immediately with much eloquence and conviction. As he said, Québec assumed leadership in this operation. Our proposals were discussed at length at the inter-governmental level. The Member from Jean Talon as Minister in charge travelled to all the provinces on several occasions to discuss this issue. He did an exceptional job. There was the meeting in August 1986 where the first ministers unanimously accepted to give priority to the constitutional issue. There also was a confirmation of this decision in November 1986 at a meeting held in Vancouver and the two constitutional conferences, on April 30th and June 3rd. Thereafter, there were 55 hours of Parliamentary Commission, and finally today, the government complies with the Accord and respects its engagement. We are assuming our respon-

sibilities and we will not let go of an agreement that is fundamentally good, now and for future generations, for the people of Québec. We will not let this historic opportunity slip past us for taking a step forward, an important step for future, all the more so, as I said this morning during the question period, that there are other matters that must retain our attention during the coming weeks and months.

Likewise, there is obviously this engagement in the political agreement that was attached to the constitutional accord and that calls upon the various governments to act as soon as possible. Since we have held this 55-hour Parliamentary Commission, we can now proceed with the adoption.

Mr. Speaker, there can be no doubt that Québec is an undisputed winner in this 1987 constitutional operation. The winnings are substantial. The constitution will recognize for the first time in 120 years of history that Québec is a distinct society. The constitution will finally offer a place for Québec and it is a place of honour: Section 2 of the Act of 1867. The constitution will ensure for Québec the means for preserving and promoting its distinct character and will provide a constitutional basis for the realities of French life in Québec. The constitution will ensure for Québec the security it requires for its development within the federation. As such, I wish to enumerate the powers we have obtained:

- increased powers over immigration;
- powers in matters of appointing judges to the Supreme Court;
- increased powers regarding the reform of federal institutions;
- increased powers over the exercising of the federal spending power and guarantees regarding the eventual exercising of two rights for opting out, the first in the amendment formula and the second in the federal spending power.

If we seek to be more precise, Mr. Speaker, we must first note that with the distinct society, we're making a major stride forward that is not just symbolic, because this country's Constitution will henceforth be interpreted in conformity with this recognition.

The French language is one of the basic characteristics of this specific reality, but it is a reality that includes other aspects such as culture and political, economic and legal institutions. As we have said many times before, we have not wanted to precisely define in order to avoid reducing the National Assembly's role in promoting such specificity. It must be observed that Québec's specificity will be protected and promoted by the National Assembly and the government, whereas duality will be preserved by the legislators.

It must be emphasized that the entire Constitution, including the Charter, will be interpreted and applied in light of this section on the distinct society. The exercising of legislative jurisdictions is addressed and that will allow us to consolidate acquisitions and gain further ground.

Under Section 2 concerning the specificity of Québec, we have obtained sure and solid constitutional means for consolidating our powers over linguistic matters. Thanks to the drafting of the section, especially the protection clause, the powers of the National Assembly are maintained and protected. There will no longer be any erosion of our linguistic jurisdiction. Backslipping will no longer be possible; this provides absolute protection, as I have previously stated on many occasions before the National Assembly. The only path that we are pursuing is that of reinforcing and consolidating the French language.

The only limits to our jurisdiction may be found under sections 23 of the Charter and 133 of the 1867 Act. The right to resort to section 33 of the Canadian Charter, whenever necessary, is integrally maintained.

In all and this is extremely important, Mr. Speaker, we have for the first time in 120 years of federalism, provided the constitutional basis for the preservation and promotion of the French character of Québec.

As regards immigration, which is obviously an increasingly important power for Québec—considering the demographic circumstances of which we are aware—we must preserve a fragile demographic equilibrium. First of all, Québec's determination to control its immigration is recognized everywhere. At home, Quebecers want to ensure demographic equilibrium and maintain its French character. Outside Québec, they want to safeguard their stake in the population of Canada, a critical factor of their relative weight within the Canadian federation. As a minority community in Canada and North America, Québec society is different from that which surrounds it and tools for controlling immigration are essential. We must ensure that the growing arrival of new Quebecers consolidates instead of weakening the numerical importance of Québec society.

Powers to act in this area are determining. Québec obtains the guarantee that it may—if it so desires—annually receive within the total number of immigrants to Canada, a number of immigrants corresponding to its demographic weight, plus 5%.

Québec obtains the power to select those immigrants who wish to come here. This power is to be exercised obviously within the general rules of eligibility and immigration policies of Canada with regard to the reunification of families. Québec alone will be responsible for the adaptation and integration of immigrants.

As regards the Supreme Court, Québec as a distinct society wants to ensure that it is adequately represented in the Supreme Court, the ultimate arbitrator of the Constitution. The constitutional status of the Supreme Court has been preserved. It is

therefore seen as being above a single level of government. That is not all. Owing to the duality of the two systems of law in Canada, Québec has demanded to be adequately represented in the Court by a guarantee of three judges and by Québec's contribution to the selection and appointment of the judges.

In the June 3rd Accord, Québec obtained this guarantee of three judges and it obtained that from now on, Ottawa must choose them from a list of candidates suggested by the government of Québec.

As regards the federal spending power, its exercise, the best framework that was obtained is this guarantee of flexibility and respect for provincial jurisdictions. The exercising of the federal spending power has been, especially over the last 30 years, an area of constant friction between the federal government and the provinces. Québec has always vigorously denounced the unilateral exercising of this spending power which has proven to be the equivalent of genuine *de facto* constitutional amendments made to the sharing of legislative jurisdictions.

The June 3rd Constitutional Accord is a significant step in the evolution of relations between the federal government and provincial governments, since this profoundly changes the dynamics experienced to date. The introduction of a guaranteed right to opt out along with appropriate financial compensation for provinces that do not want to participate in a new shared-cost program constitutes a major step forward. This right of opting out does not mean the end of national programs. It does mean, however, that these programs will be designed within a context more respectful of provinces and that Québec will enjoy requisite flexibility for implementing the means and programs, which while remaining compatible with national objectives will reflect its own needs to a greater extent.

The defining of these national objectives will necessarily be made in cooperation with the provinces, and we are given the assurance that the exercising of the definition of these objectives will be performed within the ordinary framework of intergovernmental relations in Canada, i.e. finally within the framework of ordinary political negotiations.

We have taken special care to ensure that the recognition of a right to opt out for Québec does not entail the legal recognition of federal power to implement programs in provincial jurisdictions. As such, the new Section 106a is drafted in such a manner as to refer only to the right of opting out without recognizing or defining the federal spending power. To be doubly sure, we have insisted that that a reservation or protection clause be added and that it be specified that the legislative powers of the federal Parliament not be increased. Hence, Québec maintains the faculty to challenge before the courts any use of the federal spending power that would be unconstitutional.

Finally, Mr. Speaker, there is this recognition of a right of veto, the capacity to say no to a change that would go against the interests of Québec. Any constitutional gain would have little meaning if the Constitution could once more be changed without Québec's agreement. We have obtained—pardon the expression—double-bolted security. Québec will be entitled to reasonable compensation in all events where it dissociates itself from a change involving the transfer of provincial jurisdiction to the federal Parliament.

Québec has obtained a full right of *veto* upon all changes involving the following subjects: the representation of provinces in the House of Commons, Senate reform, certain attributes of the Supreme Court, the extension of existing provinces into the territories or the establishment of new provinces.

Hence, Mr. Speaker, here are the advantage—briefly but succinctly—that we have obtained. During the Parliamentary Commission, the right to the self-determination of Québec was deliberated. Questions were raised as to what would become of Québec's right to self-determination. My answer in the Parliamentary Commission to the Head of the Official Opposition was that the Liberal Party had recognized this right and continued to recognize this right. Furthermore, there is to be found in this free and voluntary expression of Québec's participation in the Constitutional Act of 1982, a specific expression of the right of the people of Québec to dispose of their own destiny, as we so did more explicitly in 1980 by choosing the Canadian option.

In this respect as in all other aspects of the Meech Lake Accord, there is no backsliding for Québec, no renunciation, no decrease in Québec's rights and prerogatives.

I would like to quote, Mr. Speaker, the resolution that was adopted by the Liberal Party, which remains in force and which forms a part of the constitutional program of the Liberal Party. It was adopted at the Montreal policy conference held on February 29th, March 1st and 2nd 1980 and at the General Council in St-Hyacinthe held on July 5th and 6th 1980 when the Minister of Education was the Head of the Liberal Party. In this resolution, it is said that the Liberal Party recognizes Québec's right to

determine its internal constitution and to freely express its determination to maintain the Canadian federal union or to put an end to it. It succinctly recognizes the right of the people of Québec to dispose of its future freely. This is a resolution that was adopted by the Liberal Party in 1980 and that has not been modified in any way—it still forms a part of the program—or affected by the adoption of the Meech Lake Accord.

Here then is a step forward that will be accomplished with the adoption of this resolution. For 200 years now, since the beginning of its history, Québec has had to struggle continuously. Significant progress has been accomplished by our society, by our people, especially since the beginning of the Quiet Revolution and, above all, over the past decades in the economic sector. With the adoption of this resolution, we will enjoy greater political stability. True patriotism is that which is expressed by this will to struggle and progress collectively and individually.

The Meech Lake Accord, Mr. Speaker, is for us one of the most beautiful and strongest demonstrations of enlightened patriotism that we have had in this National Assembly since the beginning of its history. I am proud and convinced that my pride is shared by the great majority of all our fellow citizens. Thank you.

Source: Québec National Assembly, *Journal des débats*, June 18, 1987, p. 8707-8710.