
DOCUMENT 34

Decision by the Conseil des ministres no. 97-092 on the fifteenth anniversary of the coming into force of the Constitution Act, 1982, April 16, 1997.

[Translation]

Meeting of the Conseil des ministres

Decision No.: 97-092

Subject: The fifteenth anniversary of the coming into force of the Constitution Act, 1982

Date: April 16, 1997

WHEREAS the Constitution Act, 1982 came into force on April 17, 1982;

WHEREAS this act was adopted without the consent of the Québec National Assembly;

WHEREAS this act has diminished the powers and rights of Québec and its National Assembly;

WHEREAS this act does not recognize Québec's right to veto in matters involving a constitutional amendment, nor a right of opting out with reasonable and obligatory compensation;

WHEREAS this act has unilaterally violated the pact of 1867 entered into by the two founding peoples and it does not recognize the implications issuing from the existence of the Québec people;

WHEREAS in 1990, the Meech Lake Accord reached in 1987 for purposes of reintegrating Québec into the Canadian Constitution became null and void;

WHEREAS because of the preceding, the multilateral process for amending the constitution provided under the Constitution Act, 1982 has been discredited;

WHEREAS another attempt at constitutional reform failed in 1992 by the rejection of the Charlottetown Agreement by the referendums then held respectively in Québec and elsewhere in Canada;

WHEREAS under section 49 of the Constitution Act, 1982 the Prime Minister of Canada must convene within fifteen years following the coming into force of this act, a constitutional conference uniting the provincial first ministers and himself for purposes of reexamining the constitutional amendment formula;

WHEREAS the Prime Minister of Canada considers that this obligation was satisfied at the federal provincial conference of first ministers held in Ottawa on July 20 and 21, 1996;

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WHEREAS the government of Québec has at no time whatsoever adhered to the Constitution Act, 1982;

WHEREAS it happens that the renewal of Canadian federalism in the direction of Québec's aspirations does not appear to be possible any longer;

WHEREAS the people of Québec, by expressing themselves in 1980 and 1995 on the issue of sovereignty, democratically exercised their right to independently determine their political status;

The Conseil des ministres has decided;

- 1- to reiterate that the Constitution Act, 1982 is unacceptable for Québec;
- 2- to reiterate that the Québec people are free and capable of assuming their destiny and development and that it is up to them alone to democratically determine their political status.

MICHEL CARPENTIER

General Secretary of the
Conseil exécutif

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