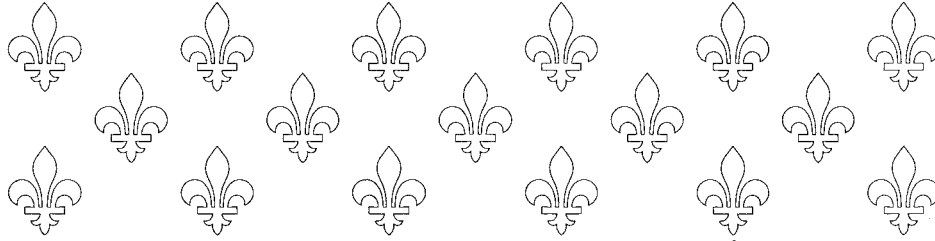

DOCUMENT 40

An Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec State (Assented to December 13, 2000).



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 99
(2000, chapter 46)

**An Act respecting the exercise of the
fundamental rights and prerogatives of
the Québec people and the Québec State**

**Introduced 15 December 1999
Reprint tabled 19 April 2000
Passage in principle 30 May 2000
Passage 7 December 2000
Assented to 13 December 2000**

**Québec Official Publisher
2000**

EXPLANATORY NOTES

This bill reaffirms the fundamental rights and prerogatives of the Québec people and the Québec State.

The bill specifies, in particular, that the Québec people has an inalienable right to freely decide the political regime and legal status of Québec, and that the Québec people, acting through its own political institutions, shall determine alone the mode of exercise of that right.

In addition, the bill establishes that no other parliament or government may reduce the powers, authority, sovereignty or legitimacy of the National Assembly, or impose constraint on the democratic will of the Québec people to determine its own future.

The bill also states the characteristics and the jurisdiction of the Québec State in various areas.

Bill 99

AN ACT RESPECTING THE EXERCISE OF THE FUNDAMENTAL RIGHTS AND PREROGATIVES OF THE QUÉBEC PEOPLE AND THE QUÉBEC STATE

WHEREAS the Québec people, in the majority French-speaking, possesses specific characteristics and a deep-rooted historical continuity in a territory over which it exercises its rights through a modern national state, having a government, a national assembly and impartial and independent courts of justice ;

WHEREAS the constitutional foundation of the Québec State has been enriched over the years by the passage of fundamental laws and the creation of democratic institutions specific to Québec ;

WHEREAS Québec entered the Canadian federation in 1867 ;

WHEREAS Québec is firmly committed to respecting human rights and freedoms ;

WHEREAS the Abenaki, Algonquin, Attikamek, Cree, Huron, Innu, Malecite, Micmac, Mohawk, Naskapi and Inuit Nations exist within Québec, and whereas the principles associated with that recognition were set out in the resolution adopted by the National Assembly on 20 March 1985, in particular their right to autonomy within Québec ;

WHEREAS there exists a Québec English-speaking community that enjoys long-established rights ;

WHEREAS Québec recognizes the contribution made by Quebecers of all origins to its development ;

WHEREAS the National Assembly is composed of Members elected by universal suffrage by the Québec people and derives its legitimacy from the Québec people in that it is the only legislative body exclusively representing the Québec people ;

WHEREAS it is incumbent upon the National Assembly, as the guardian of the historical and inalienable rights and powers of the Québec people, to defend the Québec people against any attempt to despoil it of those rights or powers or to undermine them ;

WHEREAS the National Assembly has never adhered to the Constitution Act, 1982, which was enacted despite its opposition;

WHEREAS Québec is facing a policy of the federal government designed to call into question the legitimacy, integrity and efficient operation of its national democratic institutions, notably by the passage and proclamation of the Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference (Statutes of Canada, 2000, chapter 26);

WHEREAS it is necessary to reaffirm the fundamental principle that the Québec people is free to take charge of its own destiny, determine its political status and pursue its economic, social and cultural development;

WHEREAS this principle has applied on several occasions in the past, notably in the referendums held in 1980, 1992 and 1995;

WHEREAS the Supreme Court of Canada rendered an advisory opinion on 20 August 1998, and considering the recognition by the Government of Québec of its political importance;

WHEREAS it is necessary to reaffirm the collective attainments of the Québec people, the responsibilities of the Québec State and the rights and prerogatives of the National Assembly with respect to all matters affecting the future of the Québec people;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

THE QUÉBEC PEOPLE

- 1.** The right of the Québec people to self-determination is founded in fact and in law. The Québec people is the holder of rights that are universally recognized under the principle of equal rights and self-determination of peoples.
- 2.** The Québec people has the inalienable right to freely decide the political regime and legal status of Québec.
- 3.** The Québec people, acting through its own political institutions, shall determine alone the mode of exercise of its right to choose the political regime and legal status of Québec.

No condition or mode of exercise of that right, in particular the consultation of the Québec people by way of a referendum, shall have effect unless determined in accordance with the first paragraph.

- 4.** When the Québec people is consulted by way of a referendum under the Referendum Act, the winning option is the option that obtains a majority of the valid votes cast, namely fifty percent of the valid votes cast plus one.

CHAPTER II

THE QUÉBEC NATIONAL STATE

5. The Québec State derives its legitimacy from the will of the people inhabiting its territory.

The will of the people is expressed through the election of Members to the National Assembly by universal suffrage, by secret ballot under the one person, one vote system pursuant to the Election Act, and through referendums held pursuant to the Referendum Act.

Qualification as an elector is governed by the provisions of the Election Act.

6. The Québec State is sovereign in the areas assigned to its jurisdiction within the scope of constitutional laws and conventions.

The Québec State also holds, on behalf of the Québec people, any right established to its advantage pursuant to a constitutional convention or obligation.

It is the duty of the Government to uphold the exercise and defend the integrity of those prerogatives, at all times and in all places, including on the international scene.

7. The Québec State is free to consent to be bound by any treaty, convention or international agreement in matters under its constitutional jurisdiction.

No treaty, convention or agreement in the areas under its jurisdiction may be binding on the Québec State unless the consent of the Québec State to be bound has been formally expressed by the National Assembly or the Government, subject to the applicable legislative provisions.

The Québec State may, in the areas under its jurisdiction, establish and maintain relations with foreign States and international organizations and ensure its representation outside Québec.

8. The French language is the official language of Québec.

The duties and obligations relating to or arising from the status of the French language are established by the Charter of the French language.

The Québec State must promote the quality and influence of the French language. It shall pursue those objectives in a spirit of fairness and open-mindedness, respectful of the long-established rights of Québec's English-speaking community.

CHAPTER III

THE TERRITORY OF QUÉBEC

9. The territory of Québec and its boundaries cannot be altered except with the consent of the National Assembly.

The Government must ensure that the territorial integrity of Québec is maintained and respected.

10. The Québec State exercises, throughout the territory of Québec and on behalf of the Québec people, all the powers relating to its jurisdiction and to the Québec public domain.

The State may develop and administer the territory of Québec and, more specifically, delegate authority to administer the territory to local or regional mandated entities, as provided by law. The State shall encourage local and regional communities to take responsibility for their development.

CHAPTER IV

THE ABORIGINAL NATIONS OF QUÉBEC

11. In exercising its constitutional jurisdiction, the Québec State recognizes the existing aboriginal and treaty rights of the aboriginal nations of Québec.

12. The Government undertakes to promote the establishment and maintenance of harmonious relations with the aboriginal nations, and to foster their development and an improvement in their economic, social and cultural conditions.

CHAPTER V

FINAL PROVISIONS

13. No other parliament or government may reduce the powers, authority, sovereignty or legitimacy of the National Assembly, or impose constraint on the democratic will of the Québec people to determine its own future.

14. The provisions of this Act come into force on the dates to be fixed by the Government.