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COMMISSION

NATIONALE

SUR L'AVENIR

DU QUÉBEC

R E P O R T

Québec 

COMMISSION

NATIONALE

SUR L'AVENIR

DU QUÉBEC

R E P O R T

Québec 

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This report was prepared by the
COMMISSION NATIONALE SUR L'AVENIR DU QUÉBEC

Legal deposit—Bibliothèque nationale du Québec, 1995.
ISBN 2-550-24432X

April 19, 1995

Mr Jacques Parizeau,
Prime Minister of Québec
Parliament Building
Québec (Québec)
G1A 1A2

Dear Prime Minister,

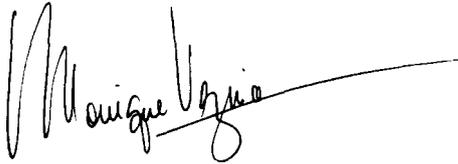
I have the honour and pleasure of submitting to you the report of the National Commission on the Future of Québec, pursuant to the mandate attributed to it on March 22, 1995.

This report is the outcome of the democratic process that your government launched in January 1995. In recent months, Quebecers have expressed their opinions. Before the 16 Regional Commissions, the Youth Commission and the Commission for the Elderly, they have shared with us their hopes and, occasionally, their anxieties. This report belongs to them. It is intended to reflect their questions and expectations, their opinions on Québec's future and the social blueprint to be achieved.

Allow me to thank these thousands of Quebecers for generously sharing their opinions, questions and time and for their trust in the commissioners. The outstanding quality of the briefs they submitted and the relevance of their testimony confirm the participants' deep-seated attachment to the future of Québec.

On behalf of all of the commissioners on the National Commission, I would also like to thank you for giving us this opportunity to serve Québec.

Yours truly,

A handwritten signature in black ink, appearing to read "Monique Vézina". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Monique Vézina, Chairperson
Commission nationale sur l'avenir du Québec

We, the undersigned, members of the National Commission on the Future of Québec mandated by order-in-council, hereby submit this report which, we hope, will enrich the Draft Bill on the Sovereignty of Québec being examined by Quebecers and, more generally, government reflection on Québec's future.

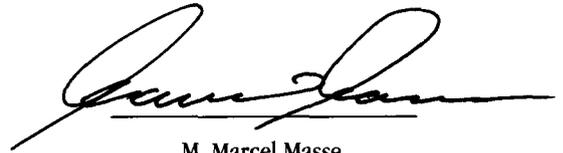
Signed in Québec City on April 19, 1995.



M^{me} Monique Pézina,
présidente de la Commission nationale sur l'avenir du Québec
présidente de la Commission des aînées et aînés



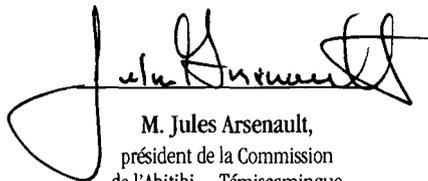
M. Jean-Paul L'Allier,
vice-président de la Commission nationale
sur l'avenir du Québec
président de la Commission de la Capitale
sur l'avenir du Québec



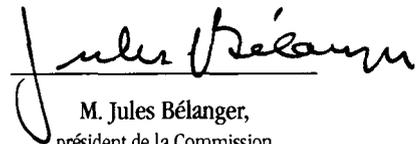
M. Marcel Masse,
vice-président de la Commission nationale
sur l'avenir du Québec
président de la Commission de Montréal
sur l'avenir du Québec



M. Louis-Paul Allard,
président de la Commission de Lanaudière
sur l'avenir du Québec



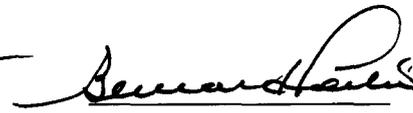
M. Jules Arsenaux,
président de la Commission
de l'Abitibi—Témiscamingue
sur l'avenir du Québec



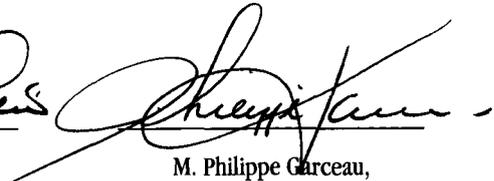
M. Jules Bélanger,
président de la Commission
de la Gaspésie—Îles-de-la-Madeleine
sur l'avenir du Québec



M. Gilles Boulet,
président de la Commission
de la Mauricie—Bois-Francs
sur l'avenir du Québec



M. Bernard Fortin,
président de la Commission
du Nord-du-Québec
sur l'avenir du Québec



M. Philippe Garceau,
président de la Commission de Laval
sur l'avenir du Québec



M^{me} Rita Giguère,
présidente de la Commission
du Bas-Saint-Laurent
sur l'avenir du Québec



M^{me} Danielle-Maude Gosselin,
présidente de la Commission
de la Chaudière-Appalaches
sur l'avenir du Québec

M. Antoine Grégoire,
président de la Commission de l'Outaouais
sur l'avenir du Québec



M^{me} Anne-Marie Hickey,
présidente de la Commission de la Côte-Nord
sur l'avenir du Québec

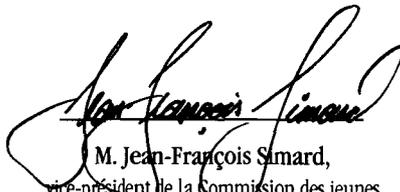


M. André Langevin,
vice-président de la Commission de l'Estrie
sur l'avenir du Québec

M^{me} Lucie Papineau,
présidente de la Commission des Laurentides
sur l'avenir du Québec



M. Marcel Robidas,
président de la Commission de la Montérégie
sur l'avenir du Québec



M. Jean-François Simard,
vice-président de la Commission des jeunes
sur l'avenir du Québec



M. Réjean Simard,
président de la Commission
du Saguenay—Lac-Saint-Jean
sur l'avenir du Québec

Signed in the presence of the Secretary General of the National Commission



M. Gilles Châtillon

■ ACKNOWLEDGEMENTS

I would like to extend special thanks to the 110 province-wide agencies that submitted briefs to the National Commission on the Future of Québec, in particular the 48 organizations that appeared before the National Commission during its public hearings.

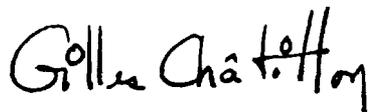
It gives me pleasure to acknowledge the commitment and skill of staff in the National Secretariat of the Commissions on the Future of Québec throughout the deliberations of the Regional Commissions and the hearings of the National Commission.

In particular, I would like to pay tribute to the members of the coordinating team, made up of Jean Demers, Marie Huot, Michèle LaSanté, Denise Malouin, Yves Marcil, Jeanne Proulx and Pierre-Paul Sénéchal.

The report of the National Commission was written, under the direction of the commissioners, by a working group made up of Joëlle Chabot, Françoise Cloutier, Yves Marcil, Hélène Pelletier-Baillargeon and Normand Thériault, coordinated by Pierre-Paul Sénéchal. Yvan Bédard, Diane Bilodeau, Réal Roussy and Marie-Josée Tremblay revised the texts and produced the report, under the supervision of Michèle LaSanté.

All of us appreciated the enthusiasm and professionalism of the technical support team directed by Radio-Québec, which recorded the commissions' proceedings across Québec. Our thanks to the Vidéotron, Cogéco and CF Câble cable television networks, independent cablecasters and community television services. As a result of their collaboration and interest in the future of Québec, Quebecers were able to follow the commissions' deliberations.

It is an honour for us to have been associated with this crucial period of consultation on the future of Québec.



Gilles Châtillon,
Secretary General of the Commission nationale
and Director of the Secrétariat national
des commissions sur l'avenir du Québec

*“Speaking about my country
I hear you speaking*

• • •

*And tomorrow I hear you
Speaking of freedom.”*

Gilles Vigneault
Gens du pays

■ TABLE OF CONTENTS

Covering letter
Signatures
Acknowledgements
Table of Contents

INTRODUCTION	10
Establishment of the commissions	10
Mandate of the commissions	10
National Commission on the Future of Québec	10

PART I: A SWEEPING PUBLIC CONSULTATION	
SOVEREIGNTY	14
• Rejection of the status quo	14
• Support for sovereignty	14
• A new union between Québec and Canada	15
• Steps leading to sovereignty	16
• Declaration of Sovereignty	17
• Constitution of a sovereign Québec	17
• Charter of rights, freedoms and responsibilities	18
QUEBECERS' RIGHTS	19
• French language and Québec culture	19
• English-speaking community	20
• Aboriginal nations	21
• Cultural communities	22
• Citizenship	22
• Territory	23
• Continuity of law	23
QUÉBEC'S DEVELOPMENT	25
• Education and history	25
• Culture	26
• Social progress	27
• The economy and employment	29
• Public finances	30
DECENTRALIZATION	31
• Inclusion of decentralization in the constitution	32
• Basic principles respecting genuine decentralization	33
QUÉBEC'S RELATIONS WITH CANADA AND THE INTERNATIONAL	
COMMUNITY	34
• Pursuit of economic union	34
• Use of Canadian currency	35
• Apportionment of debts	36
• Canadian citizenship	36
• Québec's participation in international organizations	37

PART II: DELIBERATIONS OF THE NATIONAL COMMISSION

QUEBECERS, PAST AND PRESENT	40
• Foundations of the identity of the Québec people	40
• A people trapped in constitutional and political terms	41
• Significance and long-term consequences for Quebecers of the 1982 Constitution	45
• A deep-seated attachment to democracy	47
• An undeniable ability to develop economically	48
• A need to consolidate the French cultural identity	52
FOUNDATIONS OF A SOVEREIGN QUÉBEC	55
• Sovereignty	55
• Declaration of Sovereignty	56
• Constitution	57
• Culture and sovereignty	58
• Territory	60
• Citizenship	60
• English-speaking minority	61
• Aboriginal peoples	62
• Cultural communities	63
NEW RELATIONS BETWEEN QUÉBEC AND CANADA	64
• Economic association	64
• Currency	65
• Possible political union	65
• Apportionment of property and debts	66
SOCIAL ORGANIZATION	67
• Continuity of law	67
• Decentralization in a sovereign Québec	68
• Montréal	69
• Québec City, the capital	72
• Social progress and employment	73
QUÉBEC'S PARTICIPATION IN THE INTERNATIONAL COMMUNITY	75
• Treaties	75
• International organizations	75

RECOMMENDATIONS

77

CONCLUSION

87

APPENDICES

Appendix I: List of the reports of the Regional Commissions, the Youth Commission and the Commission for the Elderly	90
Appendix II: List of the members of the 18 commissions	90
Appendix III: List of province-wide associations and agencies that appeared before the National Commission	93
Appendix IV: Participation by various sectors in the commissions' deliberations	94
Appendix V: Native communities in Québec	95
Appendix VI: Québec's share of the federal debt according to a study by the Bélanger-Campeau Commission	96
Appendix VII: International organizations	98
Appendix VIII: Historic overview of key events in the appropriation by Ottawa of provincial powers	100
Appendix IX: List of staff in the National Secretariat of the Commissions on the Future of Québec	102

■ INTRODUCTION

The report of the National Commission on the Future of Québec is the outcome of the most sweeping public consultation held in Québec's history. In February and March, 1995, over 55 000 Quebecers from across the province attended 435 public gatherings organized by the 18 commissions on the future of Québec. All told, 285 commissioners, only a minority of them elected officials, from all walks of life, listened to or examined 5 000 oral presentations and written submissions and 5 500 briefs submitted to the commissions.

Many professions and interest groups expressed their viewpoints before the commissions through representative organizations. According to the data collected, among such organizations, community associations and services rank first, followed by political associations, health and social services agencies, and the business, trade and industry sectors (see Appendix IV).

This sweeping consultation required extensive planning. The quick, efficient, simultaneous organization of the 18 travelling commissions demanded considerable creativity and energy.

The Commission for the Elderly alone travelled over 7 300 km, while the Commission de la Côte-Nord travelled more than 8 750 km, to enable the commissioners to hear the viewpoints of as many Quebecers as possible.

ESTABLISHMENT OF THE COMMISSIONS

On December 6, 1994, Québec Prime Minister Jacques Parizeau tabled the Draft Bill on the Sovereignty of Québec in the National Assembly, thereby setting in motion the consultation. A National Secretariat was established to implement the consultation. Eighteen commissions were subsequently set up, i.e. one for each of Québec's 16 administrative regions, a Commission for the Elderly and a Youth Commission. The 18 commissions quickly became the focal point of discussion and reflection for all participants.

MANDATE OF THE COMMISSIONS

The text of the draft legislation sets out the Québec government's political guidelines to satisfactorily resolve the constitutional problem that Québec has faced for several generations. It contains 17 sections dealing with the Declaration of Sovereignty, the economic association sought with Canada, the new constitution of a sovereign Québec, territory, citizenship, currency, treaties, international alliances, the continuity of law and the apportionment of property and debts.

When the draft legislation was tabled, the Prime Minister encouraged Quebecers to study, assess, or modify the draft legislation as they see fit as part of a major exercise in democratic participation. "In conjunction with this exercise, next February, within all regions of Québec—throughout all our local communities, towns and cities—specially formed commissions will be busy gath-

ering your thoughts and expectations about this draft legislation. [...] The initiative of creating a country is not the exclusive concern of a government. Indeed, it must be the concern of each and every citizen of Québec, of the Québec nation as a whole.” The commissions were asked to seek the opinions of Quebecers on each section of the draft legislation, sovereignty, the relevance of the attainment of sovereignty or any other means of envisaging Québec’s future. While defining the commissioners’ mandate on February 3, 1995, Prime Minister Parizeau added: “Your task will be to listen to what Quebecers have to say. Quebecers have hopes and fears. They have questions to ask and solutions to propose.”

Officially, the commissions were responsible for:

- hearing the testimony of individuals and groups wishing to express an opinion on the draft legislation on Québec sovereignty, the relevance of achieving sovereignty or any other means of envisaging Québec’s future officially proposed by a political party represented on the commission;
- receiving suggestions from individuals and groups concerning the writing of a Declaration of Sovereignty to be included in the preamble of proposed legislation respecting Québec sovereignty;
- receiving comments from individuals and groups on the best circumstances in which to hold a referendum on Québec’s future;
- supplying information and fostering discussion between participants on all questions covered by the commissions’ mandate.

NATIONAL COMMISSION

Once the travelling commissions completed their deliberations, the government mandated a National Commission made up of the chairpersons of the Regional Commissions, the Youth Commission and the Commission for the Elderly to assemble the briefs and opinions of various province-wide agencies and groups and to prepare a report on the overall consultation throughout Québec. The National Commission was broadened to include the participating political parties when briefs were submitted by province-wide agencies.

The National Commission received over 100 briefs from such associations or groups of associations. All told, 48 briefs were presented at public hearings held from March 23 to 28, 1995.

This report of the National Commission reflects the experience of the 18 chairpersons of the travelling commissions that crisscrossed Québec to hear what thousands of Quebecers had to say on Québec’s future. It is also based on the content of the briefs submitted by province-wide agencies.

The report is divided into two parts. In Part I, the National Commission summarizes the opinions and concerns expressed by the public during the public consultation. Part II evaluates the consultation and presents recommendations in light of the major trends and the consensus expressed.

PART I

■ A SWEEPING PUBLIC CONSULTATION

SOVEREIGNTY

QUEBECERS' RIGHTS

QUÉBEC'S DEVELOPMENT

DECENTRALIZATION

QUÉBEC'S RELATIONS WITH CANADA AND

THE INTERNATIONAL COMMUNITY

■ SOVEREIGNTY

The political choices that will soon be presented to Quebecers were, understandably, at the heart of the consultation on the future of Québec. Québec's constitutional status was the leading issue among the most frequently discussed questions.

The virtually unanimous rejection of the federal status quo and broad support for sovereignty dominated discussions between participants and the commissioners.

REJECTION OF THE STATUS QUO

The almost unanimous rejection of the status quo is a highlight of the public consultation. Certain areas with large English-speaking populations, especially Montréal, the Estrie and Basse-Côte-Nord regions, defended the federalist option through various agencies and groups, and in individual presentations.

The vast majority of participants in the consultation overwhelmingly rejected the status quo for the following reasons:

A. Most participants deem the imposition on Quebecers of the Constitution Act, 1982 as a major rupture in the history of relations between Québec and Canada.

The 1982 constitutional stalemate that excluded Québec and the obvious impossibility of renewing federalism in the wake of the failure of the Meech Lake and Charlottetown accords have made participants aware that Québec is trapped in a veritable dead-end and that a major change of direction is in order. Moreover, some participants deem so-called “progressive” or “flexible” federalism, achieved through administrative agreements, to be illusory. A number of province-wide agencies noted that Ottawa can revoke such agreements at any time and that they in no way guarantee Québec's future.

B. The vision of a single Canada that refuses to accord Québec a special place and that relegates it to the status of a province like the others was one of the reasons frequently mentioned for rejecting the status quo. How can Québec remain in a country that refuses to acknowledge the distinct character of its French-speaking founding people? In addition, concern was expressed over the constantly dwindling demographic and political importance of Quebecers and French-speakers in Canada.

C. The waste engendered by overlapping jurisdictions and administrative duplication, endless quarrelling between different levels of government and the loss of control over the federal debt were also frequently mentioned arguments against the federalist option and the status quo.

SUPPORT FOR SOVEREIGNTY

A clear majority of individuals appearing before the commissions supported section 1 of the draft bill stating that “Québec is a sovereign country.” However, some agencies focused on other facets of the draft legislation or limited their remarks to those sections that directly affect the groups they represented.

Generally speaking, the reports of the Regional Commissions supported section 1 of the draft bill. Moreover, some of the commissions suggested that it be reworded thus: “Québec is a sovereign, French-speaking country.”

Several province-wide agencies also raised the question of sovereignty, noting in particular that the French language “is at the heart of the Québec identity” and that, without it, “Québec would only be one province among the others”, or “it is the French language which, for nearly four centuries, has forged the heart and soul of our national identity.”

Quebecers generally regard sovereignty as being indissociable from a “social blueprint”. Indeed, sovereignty is seen as a starting point, not as a culmination.

Consequently, accession to sovereignty is viewed as a means for Québec society to collectively achieve its hopes and expectations. No matter what people say, it is not economic imperatives alone that make it necessary. It is essential, first of all, to ensure the safeguarding of the Québec people's identity, the development of its culture and the realization of its social contract. For many Quebecers, sovereignty is a question of honour and a question of love. According to the majority of participants in favour of sovereignty, Québec has achieved the maturity necessary to fully achieve its destiny as a nation.

In order to fully develop as a French-speaking people in North America, Quebecers must regain full control over their cultural, economic and social destiny, which has for a long time been hindered by interminable discussion that has, until now, needlessly sapped its strength. As a people, Quebecers must take over the political powers that control and manage its destiny. Québec must cease to have recourse to a decision-making power, an insensitive, remote intermediary, by eliminating overlapping and costly administrative duplications, which make government inefficient.

The outcome of negotiations with the rest of Canada respecting economic association and the apportionment of debts raises numerous questions concerning the ultimate economic and social cost of sovereignty. To a large extent, the fears and apprehension expressed are attributable to the unforeseeable outcome of negotiations with the rest of Canada pertaining to economic association and the apportionment of debts. The anticipated level of indebtedness of a sovereign Québec is a major concern for some Quebecers.

A NEW UNION BETWEEN QUÉBEC AND CANADA

Some participants said they favoured or were receptive to the option of a new union between Québec and Canada. The key arguments in favour of this option centre on the possibility for Québec to achieve full sovereignty while remaining a full-fledged partner of the rest of Canada. Québec would thus confirm its sovereignty while leaving it up to Canada to assume the odious responsibility for a possible refusal.

Other participants emphasized the advantages of a more decentralized federal system that would eliminate the uncertainty and risk inherent in sovereignty. Most of them maintain that federalism is constantly changing, that the status quo does not exist, and that it is still possible for Québec to recover significant powers from the federal government under the current constitutional framework.

All of these comments reflect Quebecers' anxieties and the need for the government to provide more information on sovereignty prior to the referendum. The reasons for achieving sovereignty, the process of achieving it and issues such as the apportionment of debts, alliances and international treaties are all of concern to Quebecers. Through the commissions, Quebecers asked that more information be made available and that broader debate take place on all of these questions.

STEPS LEADING TO SOVEREIGNTY

Sections 16 and 17 of the Draft Bill on the Sovereignty of Québec deal with the coming into force of the Act. Section 16 stipulates that "This Act comes into force one year after its approval by referendum, unless the National Assembly fixes an earlier date." During this interval, Québec and Canada will likely engage in intensive discussions and negotiations on the transitional period, the apportionment of property and debts, the maintenance of an economic union, and so on. Given the fairly technical nature of these questions, few participants made specific, detailed comments on them. However, everyone acknowledges the question's importance. A series of political, legal and administrative measures would be set in motion immediately after a "yes" vote in the referendum, measures that would have considerable repercussions on Québec's future. The main question raised before the commissioners with respect to such repercussions concerns the legality of the draft bill once the latter is adopted by the National Assembly.

Section 17 stipulates that "This Act shall be submitted to a referendum" and was widely discussed. The matter of the referendum was, by far, the most frequently discussed question among participants. Some 1 000 individuals mentioned it; in Québec as a whole, over 200 participants made specific suggestions concerning the referendum question. The vast majority of participants favour a single, simple question focusing specifically on sovereignty. Other proposals centred above all, in more or less equal proportions, on independence, a genuine confederation or new union between Québec and Canada, separation, sovereignty-association, and "a last chance for federalism", i.e. Québec's traditional demands and the repatriation of powers.

A minority of participants call for multifaceted questions, mainly opposing sovereignty and existing federalism or the status quo and, to a much lesser extent, sovereignty, the status quo and a new confederation of sovereign states based on the European model. Generally speaking, participants call for a short, clear, simple question, the response to which does not lead to confusion or lend itself to interpretation.

Suggestions concerning the date of the referendum vary widely. No clear consensus or trend emerges. Some participants feel that the deadline now being proposed for the referendum is premature and that it would be risky to act hastily. Others believe that 1995 is an appropriate time, while still others want the referendum to be held as quickly as possible.

A number of participants expressed interest in the rules governing the public consultation, in particular, the rule of the simple majority. While some participants called into question the validity of the rule, a simple majority is generally perceived as the only valid yardstick, one that is used the world over to recognize the outcome of this type of public consultation.

In their reports, the commissions indicate that they are generally comfortable with the question now being proposed. However, if the question is altered, it should focus on sovereignty, be short, clear and require an unequivocal response. Moreover, it should serve to unify Quebecers, to enable Québec to end the status quo.

The commissions have unanimously decided to leave the choice of the date of the referendum to the government.

DECLARATION OF SOVEREIGNTY

The proposed preamble or Declaration of Sovereignty aroused considerable interest among participants. Numerous proposals were made with respect to its content and wording.

Participants focused above all on the basic values of a sovereign Québec. They maintain that the declaration should first proclaim Québec's legitimate right to self-determination, pinpoint the justifications for sovereignty and explore the underpinnings of the social blueprint which, in the minds of some participants, is indissociable from sovereignty itself.

The most frequently mentioned basic values in the social blueprint of a sovereign Québec are democracy, freedom, justice, fairness, the equality of women and men, the importance of the family, pacifism and solidarity.

Participants suggested that the key objectives of the proposed Declaration of Sovereignty include:

- affirmation of the existence of the Québec people, of its status as a nation, its right to self-determination and its determination to take its place in the community of sovereign nations;
- the key steps in Québec's history in its move toward the legitimate attainment of full sovereignty;
- recognition of French as the national language;
- the recognition, protection and development of Québec culture;
- the recognition of education as a condition for individual and social development;
- recognition of the historic rights of the English-speaking minority and the Native peoples;
- recognition of the contribution of immigrants to the enrichment of Québec culture;
- the separation of the Church and the State, the non-

religious nature of institutions and freedom of religion;

- respect for the environment and adherence to the notion of sustainable development;
- the principle of the decentralization of the Québec government's powers;
- society's responsibility for collective well-being.

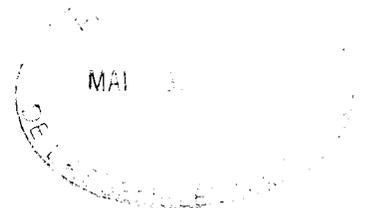
The commissioners received a number of suggestions respecting individual and collective rights. Some participants called for the amendment of the Québec Charter of Human Rights and Freedoms in order to strike a better balance between individual and collective rights. Other participants called for a charter of the duties and responsibilities of Quebecers. The human rights charter and the charter of duties would thus be an important component of the future Québec constitution.

In their conclusions and recommendations, the commissioners embrace by and large the main currents of opinion and reaffirm the consensus among participants with respect to the values and observations that they wish to see summarized in the Declaration of Sovereignty.

CONSTITUTION OF A SOVEREIGN QUÉBEC

Participants believe that the new constitution is of concern to all Quebecers and that it should be approved by them. Some participants suggested that a general assembly or regional commissions be organized to discuss and adopt the contents and wording of the constitution.

A majority of participants favour the establishment of a founding assembly made up of equal numbers of men and women representing all Quebecers. Once the proposed constitution is drawn up, it could be adopted or rejected by means of a referendum.



Opinions on the most opportune moment to adopt the constitution were divided. One group feels that the constitution should be adopted before the referendum is held, while a second group believes that it should be adopted after the public consultation.

The choice of a political system in a sovereign Québec also raised a number of questions. Participants were divided between the British parliamentary system, with which Quebecers are already familiar, and a republican system under a president.

Some participants also indicated that they would like to see the new charters enshrined in the constitution in order to protect such social values as health, education and the environment. A number of participants took advantage of the opportunity afforded them by the commissions to mention their concerns about employment and access to free health care. Overall, the concerns and expectations expressed during the audiences centred largely on the notion of a “social blueprint” capable of rallying most Quebecers to common values and hopes concerning Québec’s future.

The values inherent in this new “social blueprint” should be reflected in different spheres of activity such as administration, social affairs, education, the economy, employment, regional development, political and legal institutions, international relations, culture, heritage, communications and so on.

CHARTER OF RIGHTS, FREEDOMS AND RESPONSIBILITIES

Is it a sign of the times that in all regions, participants emphasized the need to broaden the charter to encompass the duties, responsibilities and obligations of Quebecers? Generally speaking, participants were receptive to this new direction and the commissions recorded this stance in their reports. Participants also focused on the search for better balance between collective and individual rights, with particular emphasis on the former, which they felt have been poorly defended until now. While participants did stress the importance of equal rights for all and expressed disapproval of special privileges, a number of them nonetheless suggested the establishment of new charters to protect certain categories of Quebecers, such as women, children, the handicapped and ethnic minorities. Quebecers also claim to be strongly in favour of environmental protection and sustainable development.

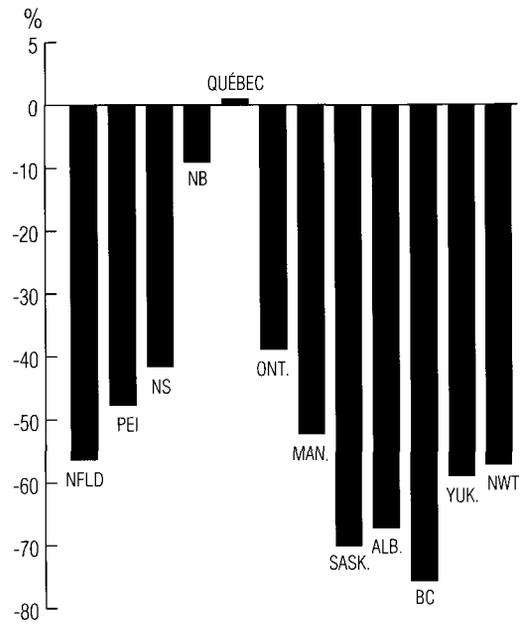
■ QUEBECERS' RIGHTS

FRENCH LANGUAGE AND QUÉBEC CULTURE

Language and culture are two basic components of Quebecers' identity and the commissioners and participants expressed unanimous astonishment that the draft bill does not contain any provisions in this respect. Culture is the very foundation of Québec's national identity and it is transmitted through the French language, history and art. Participants emphasized the need to recognize French as the official language of Québec, acknowledge culture as a social value and restore the teaching of Québec history to its rightful place. For reasons that are incomprehensible, the teaching in recent decades of this subject has been eliminated in elementary schools and reduced to a single course in Secondary IV. Virtually all of the reports submitted by the commissions note this inexcusable shortcoming in a society that aspires to national sovereignty.

Many Quebecers deem sovereignty to be essential to ensure the survival and development of Québec culture, which is unique in North America.

DECREASE (OR INCREASE) IN THE USE OF FRENCH IN RELATION TO THE MOTHER TONGUE PROVINCES AND TERRITORIES OF CANADA, 1991



Source: Michel Paillé, *Conseil de la langue française*, 1995.

Québec should play an active role among the French-speaking and Acadian communities outside the province by establishing with them multilateral relations centred on collaboration and exchanges likely to safeguard their common heritage and enrich the culture of each community.

The Commission de Montréal sur l'avenir du Québec noted the precarious situation of the French language in the city, where most English-speaking Quebecers and Québec allophones live. Montréal is the natural gateway for immigrants and 70 percent of them settle there permanently. For this reason, Montréal institutions, the school system and businesses are responsible for harmoniously integrating new arrivals into Québec society, its language and culture.

In Montréal, the aging population, the declining birth rate and the exodus of young French-speaking households to the suburbs is posing serious problems with respect to the integration of newcomers. English, the predominant language in North America and a guarantee of mobility, continues to strongly attract immigrants. Despite the gains achieved since the adoption of the Charter of the French Language in 1977, the proportion of Montréal Island residents for whom French is the language spoken in the home has been declining gradually and is hovering at just over 50 percent. The predominance and development of French in Montréal cannot be firmly maintained if the trends noted until now persist.

ENGLISH-SPEAKING COMMUNITY

Generally speaking, participants from all regions of Québec largely share a respect for the rights of the province's English-speaking community. Moreover, they believe that it is important to grant the English-speaking community the guarantees necessary to preserve its historic rights. Few of the participants suggested to the Québec government that it grant the Québec English-speaking community the same rights that the other provincial governments accord their French-speaking minorities.

In their reports, most of the commissions recognize the English-speaking community's important contribution to the development of Québec society in cultural, social, economic and political terms. In keeping with the draft bill, they propose that the constitution of a sovereign Québec clearly guarantee the historic rights of the English-speaking community.

ENGLISH-SPEAKING POPULATION OF QUÉBEC, 1991

	Mother tongue		Language spoken in the home	
	Number	Percentage	Number	Percentage
Single responses:				
English only	601,405	8.7	716,155	10.5
Multiple responses:				
English and French	91,590	1.3	58,285	0.9
English and other language	27,005	0.4	27,420	0.4
English, French and other language	18,640	0.3	8,415	0.1
Total, multiple responses	137,235	2.0	94,120	1.4
Total, English-speaking	738,640	10.7	810,275	11.9
Total population	6,895,965^A	100.0	6,810,300^B	100.0

^A Data on the mother tongue are based on the entire population of Québec.

^B Data on language are based on a sampling of 20 percent of the population. These two columns cannot be subtracted to calculate linguistic mobility, although the percentages can be compared.

Source: Michel Paillé, *Conseil de la langue française, March 1995* (cf. *Statistics Canada, 1991 Census, Cat. No.93-313, 93-317*).

ABORIGINAL NATIONS

At present, the question of the Aboriginal peoples seems much more delicate and complex. It has been extensively examined during the public consultation, often in an emotional manner by certain participants. Two viewpoints were noted. First, some Quebecers feel that the Native peoples are too demanding and are spoiled by the government. Second, others believe that their claims are justified, bearing in mind the injustices they have suffered in the past at the hands of other Quebecers. Viewpoints on the matter are fairly confused and participants generally lack information on the question. A majority of participants maintains that Native rights must be recognized. Moreover, the recognition of their rights would make

them full-fledged Québec citizens. They could then enjoy the same advantages and would be subject to the same obligations as all other Québec citizens. The reserves would be abolished and local government established. The Native peoples would become taxpayers and full partners in the economy and life of Québec. Once this position is examined in light of Aboriginal claims, considerable ambivalence becomes apparent. While everyone agrees that relations with the Native peoples are a problem and that the problem must be solved quickly, participants have the impression that the government is marking time and is slow in proposing solutions.

A BRIEF LOOK AT QUÉBEC NATIVE PEOPLES

Québec has a total Native population of 67 272, which accounts for roughly 1 percent of the overall population of the province. The Native population is made up of 10 Amerindian nations and the Inuit nation. To this figure must be added 15 000 Quebecers of Amerindian ancestry. There are 55 Aboriginal communities in Quebec (see Appendix V). The Nord-du-Québec, Abitibi-Témiscamingue and Côte-Nord regions alone are home to 56 percent of Québec's Native population and 41 of the 55 communities.

There are important differences between the communities. Over half of them have fewer than 500 residents and nearly 80 percent have fewer than 1 000 residents. The communities located near major centres meld in with urban and regional life, while isolated communities have preserved facets of the traditional Native way of life. Some of the communities continue to use their mother tongue.

Québec Native peoples account for 10 percent of the Aboriginal population of Canada; those in Ontario account for 25 percent; and in British Columbia, for 17 percent.

Comparative studies of the Native peoples of Canada have concluded that the situation of Québec Aboriginal peoples is more advantageous than that of Native peoples in the other provinces, often to a significant extent:*

- Québec Native peoples have the highest average annual income of any province.
- The proportion of Québec Native peoples who are employed in relation to other Quebecers is higher than the proportion of Aboriginal peoples in the rest of Canada in relation to other Canadians.
- A higher proportion of Québec Native peoples finish high school than elsewhere in Canada. Québec has the highest proportion of Native peoples who are university graduates.
- Québec has the highest proportion of Native peoples being taught in their mother tongue.

*Source : Cyr, Danielle. *La Survie des langues autochtones du Québec: une idéologie en mutation*, paper given in December 1993 at the « Études québécoises: Bilan et perspectives », symposium, organized in conjunction with the 15th anniversary of the Centre d'études québécoises. University of Trier, Germany.

Generally speaking, the commissions believe that relations with the Aboriginal peoples must be established with full respect for Québec's authority, constitution and territorial integrity. The government must foster harmonious coexistence, while maintaining respect for the rights of the Native peoples and of Québec society. It must also make the Aboriginal peoples more accountable and integrate them into the Québec economy. The Commission de la Côte-Nord is asking the government to publicly reveal the offer it has made to the Côte-Nord Montagnais communities and that it consult area residents before concluding such an agreement.

In light of the great complexity of the Native question, a number of participants stressed the need to better inform the public. Consequently, the commissions are encouraging the government to prepare and disseminate relevant information on Aboriginal rights and claims and the rules of international law that apply to them. They are also encouraging the government to clarify its perception of relations between Québec and its Native peoples.

CULTURAL COMMUNITIES

A number of participants believe that the cultural communities enrich Québec society. Everyone would like to see the members of these communities embrace Québec culture and life. To this end, the government must support immigrants by providing the means to integrate, in particular French language training courses and exposure to Québec culture, to enable them to quickly establish harmonious relations with other Quebecers. A knowledge of Québec history is also deemed essential to the attainment of mutual understanding and integration.

Some participants mentioned the notion of encouraging newcomers to settle in regions other than the Montréal area.

CITIZENSHIP

The acquisition of citizenship, as presented in the draft bill, has raised numerous questions. For example, what status would be accorded Quebecers who remained outside Québec when it attains sovereignty? What status would be accorded children born abroad whose parents are Quebecers? Under what procedures will future immigrants become Québec citizens?

Some of the commissions feel that provisions in the draft legislation pertaining to citizenship have an important shortcoming in that they do not stipulate the status of Quebecers who are living outside Québec when sovereignty is achieved. Various proposals that more or less broaden the rules respecting the granting of citizenship were put forward. Moreover, recommendations were made concerning specific cases, e.g. voluntary renunciation of Québec citizenship, admission of foreigners into Québec, and the granting of citizenship to individuals possessing the status of permanent residents.

The Commission de Montréal sur l'avenir du Québec recommends, first of all, that the notion of "nationality" replace that of "citizenship." "Nationality" is defined as the legal link between an individual and the State. It refers to the identity of a community of individuals inhabiting a given territory. This term seems preferable to the notion of "citizenship", which is derived from Canada's historic place in the British Empire. Furthermore, the adoption of the notion of "nationality" could make it possible to eliminate the frequently evoked differences between Quebecers of French and English origin and new Quebecers from other countries.

TERRITORY

The maintenance of Québec's territorial integrity is a major concern. Participants are of the opinion that Québec must without fail maintain its existing borders. During hearings, participants frequently mentioned their fear that Québec's territory would be partially dismantled in favour of the Native peoples. Participants wondered about the possibility of reconciling the maintenance of Québec's territorial integrity with the recognition of the right of the Aboriginal peoples to "self-government on lands over which they have full ownership", as stipulated in section 3 of the draft bill.

Having duly noted these concerns and questions, the commissions generally support section 4 of the draft legislation. However, they do recommend that the government more widely disseminate information on the notion of territorial integrity, in particular by making available the studies on this question carried out in conjunction with the Bélanger-Campeau Commission and the Committee to Examine Matters Relating to the Accession of Québec to Sovereignty.

The question of Labrador was frequently raised. A number of participants wondered whether it is still possible for Québec to recover this territory, which it possessed until 1927. Other participants maintain that Québec can and must recover it. In their reports, several commissions ask the government not to abandon Québec's claims on Labrador and to have altered the border between Québec and the Northwest Territories so that the islands along the shoreline are included in Québec's territory.

Participants also expressed concern about the sharing of territorial and inland waters, the boundaries of fishing zones, Québec's airspace, the arbitration of litigation during negotiations with Canada and the surveillance of Québec's territory.

CONTINUITY OF LAW

Québec's accession to sovereignty must not create a legal void. Provision must be made for all of the measures necessary to enable the Québec government to immediately take over from the federal government, to avoid interruptions in public services.

Quebecers have not discussed this issue extensively, although it has raised a number of questions. What exactly is meant by "continuity"? What effect will sovereignty have on the services the federal government now offers? How will Québec ensure this continuity and at what cost? Does Québec have the financial capacity to ensure continuity? Does the "continuity of law" imply that existing programs and services will be integrally maintained?

Two topics came to the fore at the public hearings. Participants frequently mentioned the fate of the benefits now paid by the federal government, and the priority with respect to jobs that federal public servants would enjoy in a sovereign Québec.

Pensions and income security

The elderly expressed fears concerning the maintenance of the pensions and income supplements that they now receive from the federal government. The wording of the draft bill, which expressly calls for the maintenance of these benefits, has not entirely reassured them. Participants raised numerous questions regarding the mention in the draft bill of the pensions and income supplements that the elderly receive and the absence of provisions respecting the benefits that the federal government pays other categories of individuals.

In light of this observation, most of the commissions are recommending that the draft bill include additional provisions aimed expressly at maintaining the unemployment insurance program and all existing federal benefits, notably tax allowances for children and veterans' pensions.

One commission went further by recommending to the government that it immediately, accurately analyze all of the programs that it intends to maintain and to inform Quebecers accordingly, and that it explain the transitional measures that will be implemented in the wake of the attainment of sovereignty.

Legal authority

A number of participants wondered about the relevance, in the draft bill, of guaranteeing that judges of the Federal Court and of the Supreme Court of Canada would become, if they so wish, judges of the Superior Court and of the Court of Appeal of Québec, respectively. A majority of participants who expressed an opinion on the matter stressed that the entire legal system should be reassessed and that judges should be appointed by the National Assembly or any other credible, non-partisan body.

Questions were raised about the government's intention to make the Court of Appeal of Québec the court of highest jurisdiction until a Supreme Court is established. Such judges are appointed by the federal government. What would happen if this court of highest jurisdiction deemed the draft legislation illegal? Some participants recommend that the Québec government stipulate in the Act that, once the legislation comes into force, judgements handed down by the Court of Appeal may be subject to appeal before the future Supreme Court of Québec once the latter is established.

One commission believes that section 12 of the draft bill is incomplete and that it should be broadened to include administrative tribunals and their members.

Federal public servants

Participants throughout the province raised the question of the transfer of federal employees to the Québec public service. In three regions, federal public servants working in Québec took part in regional consultations and asked many questions on their future. They expect guarantees with respect to procedures governing their future integration. Representatives of Québec public service employee unions expressed their concerns in this respect. For example, they wonder whether federal employees whose status is precarious will have priority over their Québec counterparts. Quebecers would like to obtain more detailed assessments of costs and transitional measures. Participants generally feel that, at a time of budget cut-backs, it is risky and not necessarily warranted or desirable to seek to unconditionally safeguard entitlements.

Unions representing federal public servants are demanding of the future government of a sovereign Québec what the federal government is no longer able to guarantee, i.e. job security and the integral maintenance of existing job conditions, at a time when the federal government is planning to cut 45 000 jobs. In light of the foregoing observations, one commission wonders how, under the circumstances, such guarantees could be demanded of Québec? However, this commission does recommend that the government do everything possible to ensure that the transition is harmonious.

In each region, but mainly in the Outaouais region, residents are concerned about the economic and administrative impact of the transition. They want more accurate information and several scenarios respecting change.

In their reports, most of the commissions nonetheless ask the Québec government to generally ensure the integration of all federal employees into the Québec public service.

■ QUÉBEC'S DEVELOPMENT

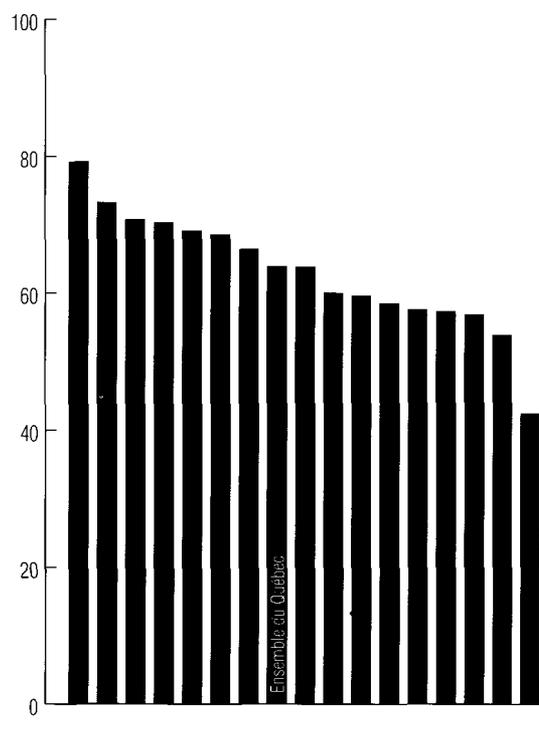
From the outset of the consultation, it seemed obvious that topics such as decentralization, employment, the economy, education and culture would be discussed publicly, although they are more or less directly related to the main object of the Draft Bill on the Sovereignty of Québec. Bearing in mind the principal focus of the consultation, the commissions noted a consensus on certain aspects of Québec's development.

Many individual Quebecers and organizations expressed their concerns and opinions on these issues and on the urgent need to revitalize Québec's cultural, social and economic life. Moreover, the participants believe that the acceptance of sovereignty should mobilize Quebecers and rekindle their hopes and faith in the future.

EDUCATION AND HISTORY

The public hearings revealed Quebecers' keen interest in education. Participants frequently mentioned the values transmitted by the schools, the denominational status of the schools, access to education, dropping out and illiteracy. They also denounced the overlapping and duplication of the responsibilities attributed to the two levels of government. Moreover, they called into question the organization and powers of the elementary and secondary school systems and vigorously supported the holding of the estates general on education, at which the government's role should be discussed and the ministère de l'Éducation be reassessed 30 years after its establishment.

LIKELIHOOD OF A YOUNG PERSON OBTAINING A FIRST HIGH SCHOOL DIPLOMA IN 1991-1992, PUBLIC AND PRIVATE SCHOOL SYSTEMS, BY SCHOOL ADMINISTRATIVE REGION (%)



Source: Statistics Canada, 1981, 1986, 1991
SDR, 1995

The values to be promoted are among the issues that participants would like to see clarified. Such values are often linked to the denominational status of the schools. Should the schools become non-denominational or remain denominational in contemporary pluralist Québec society? Should the school system be organized on linguistic lines? What place should private schools be accorded? Is there any future for the school boards? Basic discussion of the main role of the schools and of education has yet to be carried out. Such discussion will provide answers to the questions mentioned earlier.

Participants frequently raised an array of questions concerning access to education. The maintenance of village schools is one facet of access to education that has spurred participants to demand that the government adopt a clear policy in this regard. Young people and the parents of students are concerned by increases in university tuition fees and the existing student loan and scholarship program. In the regions, access to post-secondary education can only be assured through the maintenance of existing institutions, including the different campuses of the Université du Québec, specialized institutions and research centres. A number of commissions are making special recommendations to the government to ensure that all Quebecers enjoy the broadest possible access to education.

The urgent need to reintroduce history courses at all levels in the education system is readily apparent. Many participants alluded to the importance of Québec history. In their reports, the commissions make specific recommendations with a view to ensuring that the education system establishes the necessary bridges between Quebecers' past and their future. It is essential for the upcoming generations to be aware of their origins and the achievements of preceding generations and understand the values that have prevailed throughout Québec's development. Unless they assimilate and understand their past, young people will be ill prepared to face the challenges of the future. Sustainable development takes root in familiar, thoroughly explored territory.

In the realm of vocational and worker training, participants made recommendations that they deem essential to the recovery of the entire range of powers and the establishment of a single outlet, with a view to eliminating overlapping and duplications that engender disproportionate costs and chronic inefficiency.

CULTURE

Québec must adopt the appropriate means to maintain and develop a lively, creative culture that is part of the everyday lives of all Quebecers. During public hearings, participants' concerns focused largely on heritage, cultural and artistic development and communications.

The safeguarding and development of Québec's historic, natural and artistic heritage were frequently mentioned as crucial facets of the enrichment of Québec culture. Several specific measures were emphasized, i.e. the elaboration of a policy concerning historic heritage, the recognition and development of historic sites, the elaboration of a Québec heritage code, the encouragement of small municipalities to preserve and develop their heritage, the mobilization of Quebecers by means of awareness campaigns, the recovery of cultural property in the hands of major Canadian cultural institutions, and the inventorying and protection of "our cultural treasures and family papers."

The bolstering of Québec's cultural identity also depends on revitalization and support for cultural development throughout Québec. Measures to support and promote artistic creation in the regions and the means of disseminating regional cultural products should be implemented.

During the hearings of the National Commission on the Future of Québec, the Société professionnelle des auteurs et des compositeurs du Québec requested that "in the event that Québec achieves sovereignty, copyright legislation should be adopted, in keeping with the spirit of European copyright." It should be noted that federal copyright legislation, based on the British tradition, gives priority to the user's rights.

Québec's entry on the information superhighway is a challenge that cannot be ignored and the government must ensure access to it throughout the province. Participants expressed concern over the impact of this technological revolution on Québec society overall. Should the government legislate, as it has done with

respect to film, in order to protect the French language? There is every reason for the Québec government to set up a regulatory body, a sort of Québec CRTC, to protect the French language. Once Québec has recovered the entire range of powers in the realm of communications, it must legislate in this domain and adopt the necessary measures to support the French language and Québec culture.

Recommendations were put forward concerning heritage, cultural development and communications, notably as regards the protection and development of cultural heritage, support for the arts and culture, recognition of the importance of public broadcasting and the latter's special role in the regions.

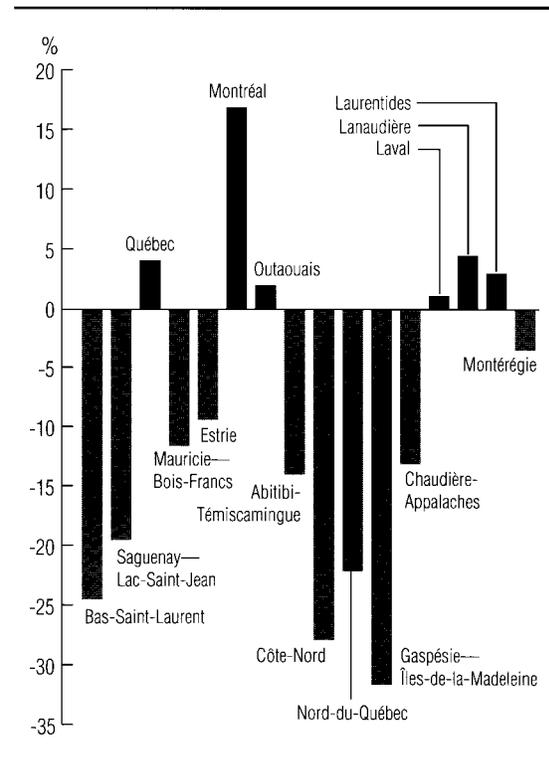
SOCIAL PROGRESS

Participants in the public hearings were unanimous: the elaboration of a new social blueprint must take into account the priority accorded the person. If the attainment of sovereignty offers an opportunity to establish a new social contract between Quebecers, the project must also respect the equality of all community groups and members. Québec society must first resolutely tackle the crucial problem of poverty and adopt concrete solutions in this respect.

Some participants suggested that the entire range of social aid programs be replaced by a universal guaranteed minimum income program that would enable every Quebecer to satisfy his or her basic needs. Many participants feel that solidarity is a value that must underpin the changes being contemplated. This is the message put forward by the Youth Commission. Other groups in society, especially the most privileged ones, must be willing to call into question their entitlements and privileges if everyone is to be given a chance to participate in the development of Québec society. Social and economic issues were frequently broached before the Commission for the Elderly, where participants asked: "Why would Québec become sovereign if not for the purpose of renewing its social blueprint?"

Québec's future also depends on its young people. For this reason, society must urgently make a place for them. The Youth Commission was not alone in examining the problems overwhelming young people. Several other commissions also discussed low education levels, a precarious job market, growing poverty, a dramatic decline in demographic weight, delinquency, record suicide rates and, above all, a feeling of being excluded by the previous generation. These are but some of the traits that distinguish members of the upcoming generation from their parents and that make Québec a divided society. However, young people are not entirely without hope. They are clearly determined to meet the challenge of entrepreneurship and are demanding the means to increase their autonomy, e.g. education, training, jobs and participation in public debate.

MIGRATION OF 15- TO 29-YEARS-OLD BY ADMINISTRATIVE REGION 1981-1991



Source: Secrétariat à la jeunesse

Numerous questions pertaining to the status of women were discussed during the public consultation. Most of the commissions noted the importance of maintaining the principles of pay equity, equal access by women and men to managerial positions in government, for example, through the adoption of legislation that fosters participation by women and ensures that they are fairly represented in national, local and regional political institutions.

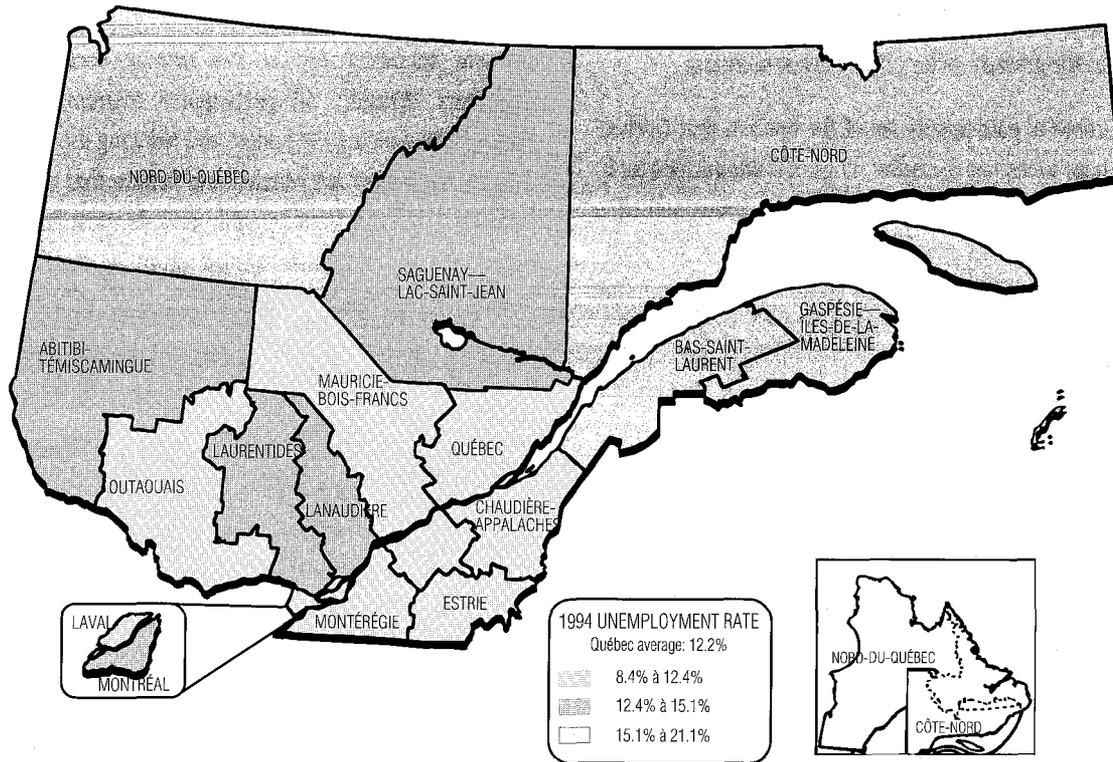
The family is unanimously acknowledged to be the core of our society. All participants believe that everything must be done to enable the family to develop and play its role. Several Regional Commissions have called for the elaboration of a genuine, broad family policy that includes, notably, a review of taxation as it applies to families, measures governing services for very young children and the establishment of a universal day care service. Considerable emphasis was placed on the maintenance and enhancement of health and social services.

Most of the commissions have asked that guarantees be provided with respect to the principles of access to free, universal services at a time of budgetary restraint. The government should adopt a broad, long-term policy concerning problems and needs in this realm and inform taxpayers and beneficiaries of the policy. Moreover, it should focus more closely on prevention, the handicapped, young people, the elderly and women.

The new social blueprint must pay particular attention to the elderly and young people, who are hard hit by poverty and exclusion. Participants proposed to the commissions an integrated policy on aging. As for young people, whose access to the job market is often impeded, according to the Youth Commission, by the lack of jobs, structural shortcomings and the privileges of corporate monopolies, participants demanded that new rules be drawn up that will enable young people to participate in Québec's social and economic development.

Several Regional Commissions have recommended the adoption of a policy to support community groups. Mention should also be made of a special recommendation made to the Youth Commission that calls into question the principle of the universality of public services, notably the old age pension and family allowance programs as they apply to high-income earners.

UNEMPLOYMENT RATES IN QUÉBEC'S ADMINISTRATIVE REGIONS, 1994



Source: Secrétariat au développement des régions

THE ECONOMY AND EMPLOYMENT

The economy and employment are priorities, even within the existing political framework. All participants are of the opinion that employment is the key challenge facing Québec in the future. They insist on the need—indeed, on the urgency—of immediately adopting a broad, concrete, coherent policy respecting full employment.

Such a policy must be drawn up in collaboration with employers, workers and elected representatives, bearing in mind the resources and particular traits of individuals, institutions and regions.

The competitiveness of the Québec economy against a backdrop of free trade and the globalization of markets is also a priority and a challenge. In order to deal with economic issues now and in the future and ensure some degree of economic stability, Québec must foster ongoing training to enable workers to upgrade their skills and promote a competitive spirit among small and medium-sized businesses.

Whether from an economic or social standpoint, all participants agree on the principle that Québec natural resources should be developed efficiently with a view to achieving sustainable development, out of concern for future generations, with due regard for the environment

and in harmony with nature. New policies adopted in this realm should encourage research and development, innovation, and the adaptation and development of new products in the primary sector of the Québec economy.

A number of participants are of the opinion that Québec will have to recover the entire range of economic powers if it is to gear its development to its own interests and efficiently manage its economy. However, the commissions also noted Quebecers' concerns about the economy in the wake of the attainment of sovereignty. The business community, which participated to a limited extent in the hearings, has numerous reservations about sovereignty. As the Commission de la Chaudière-Appalaches has noted, Quebecers' standard of living, i.e. "bread and butter" issues, following such an important political change, appear to be the leading concern. Such concerns were less evident during the audiences of the National Commission. Various associations of businesspeople indicated that they would respect Quebecers' democratic choice.

Young entrepreneurs who took part in the hearings were more favourably disposed to the draft bill.

PUBLIC FINANCES

Federal and Québec public finances and control over government spending are of the utmost concern to Quebecers. Virtually all participants mentioned the urgency of balancing the budget and reducing the deficit. Taxpayers say they are worried and believe that elected representatives and senior public servants must be held responsible for the administration of public funds and must periodically account for them.

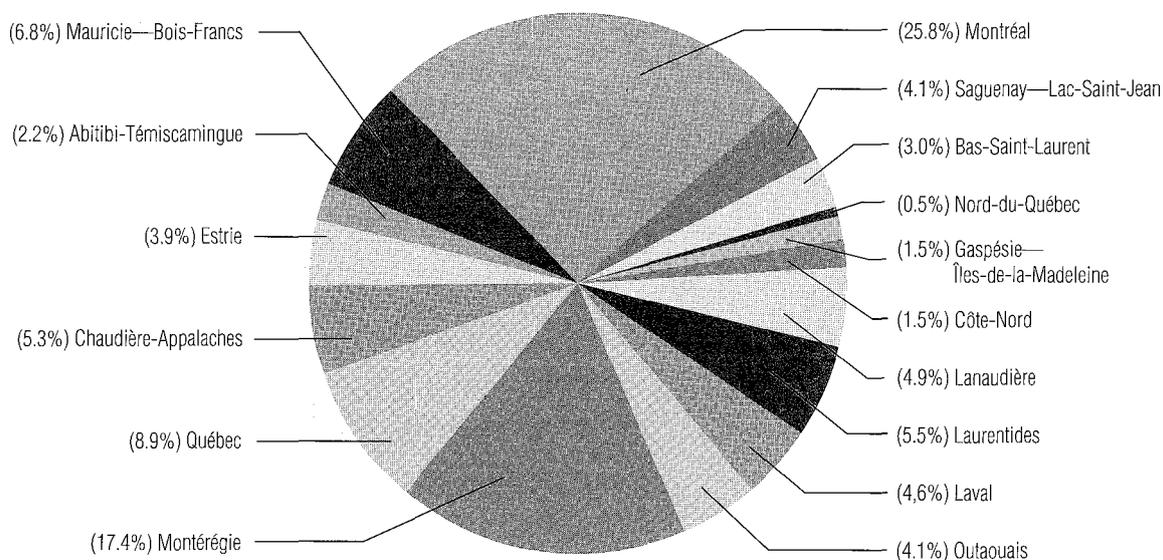
A number of participants feel that the debt burden is hampering government initiatives and is limiting the choices open to the government. In their view, it is illusory to claim to build a new society when the government's hands are tied by the debt. Some observers note that the government cannot put its finances in order unless it eliminates overlapping and the duplication of services, streamlines programs, harmonizes the programs of government departments and agencies, and conducts a sweeping review of the taxation system.

■ DECENTRALIZATION

Decentralization was frequently discussed during the hearings of the Regional Commissions and the National Commission. Participants who are generally in favour of it emphasize what they regard as its “necessary, inevitable nature.” A number of participants expressed the viewpoint that decentralization is an irreversible trend in society. Only a limited number of them rejected this principle, deeming it inappropriate because it could make Québec a fragmented, unequal, unfair society without a broad vision. Participants are fearful that decentralization will jeopardize all that has been achieved in the wake of the Quiet Revolution.

Regardless of whether participants favour sovereignty or federalism, decentralization is one of their leading concerns. Many participants believe that it is essential for Québec to be sovereign if it is to engage in genuine decentralization. Several unions, various political groups and numerous individuals support this position. They maintain that, without sovereignty, the extensive decentralization of powers would have the perverse effect of considerably weakening the Québec government, while leaving intact the entire array of federal powers, which are even more remote from Quebecers. It seems illusory and idealistic to think about a massive transfer of powers to the regions in the current political context. In order to decentralize, it is essential to have something to decentralize. Sovereignty is perceived as a prerequisite to any genuine decentralization policy. In a sovereign Québec that has recovered all of its powers, it will be possible to draw up a

DEMOGRAPHIC WEIGHT OF THE REGIONS
1991



Source: Statistics Canada, 1981, 1986, 1991
SDR, 1995

social blueprint based on the recognition and sustainable development of the regions.¹

Representatives of the municipal governments and the school boards did not wish to take into account the outcome of the referendum in their recommendations. Regardless of the outcome, they regard decentralization as a veritable priority.

Other groups perceive decentralization as an issue and a necessity, notwithstanding the constitutional context. In their view, decentralization is a prerequisite and a cornerstone of any new social blueprint and the implementation of any new administrative and management model.

What purpose would be served by decentralization? First, it would enable the regions to take their affairs in hand, gear their development to local priorities, foster a feeling of belonging, curtail the exodus of residents, facilitate the regulation of the crisis in public finances, reduce the tax burden, encourage Quebecers to participate in democratic life, enhance the efficiency of public services and reduce inequalities between the regions.

The definition of “decentralization” varied widely from one participant to the next. “Decentralization” is often confused with “devolution” or “regionalization”. The same is true of “region”, which is used to describe various regional governments, the division of Québec into administrative units, or the regional county municipalities (RCMs). “Region” often refers to a wide array of separate territorial divisions. The following observation drawn from the report of one of the Regional Commissions clearly reveals the consequences of this semantic confusion: “The constant changing of the names or boundaries of regional governments and the failure of administrative

and political boundaries to coincide are detrimental to the cohesiveness of the regions, the development of a feeling of belonging or the establishment of genuine regional power.”

While most participants generally favour the principle of decentralization, some of them are rather apprehensive about Québec's engaging precipitously in such a shift. Specifically, they fear:

- the government's gradual withdrawal and the diversion of responsibilities to the municipalities and the regions, without the simultaneous transfer of the necessary resources to cover the cost of these new responsibilities. This is, by far, the main worry that participants expressed, especially those from municipal governments;
- the creation in the regions of additional bureaucracies;
- that government programs and services will be called into question.

INCLUSION OF DECENTRALIZATION IN THE CONSTITUTION

Many participants favour the inclusion in the constitution of various facets of decentralization. However, some of them are opposed to any form of entrenchment in the constitution, to ensure greater flexibility should adjustments be required. It is only possible to specify the division of powers in the constitution of a sovereign country. To include the decentralization of powers in the constitution is, to some extent, to define the process as a basic principle of the organization of our society and the basis for a new social contract between Quebecers and the different levels of government.

¹ Participants often used the term “region”, although it was not clear whether they were referring to an administrative region, an RCM or a municipality.

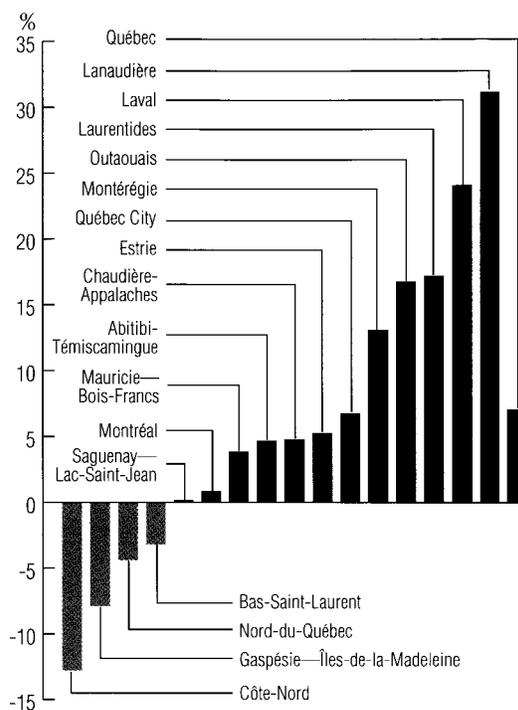
Opinions are clearly divided on the means of including decentralization in the constitution. Some observers advocate considerable flexibility and believe that only the principles or broad outlines of decentralization should be included in the constitution. However, the majority of participants appear to have a very firm opinion on the question. In their view, it is necessary to enshrine in the constitution the division of powers, the designation of political authorities, the sharing of taxation and revenues, and procedures governing decentralization, to ensure their inviolability and permanence.

These divergences highlight the complexity of the situation and the decisive nature of the question of the division of powers between Canada and Québec should decentralization occur before Québec attains sovereignty. Several participants expressed alarm at the prospect of creating an imbalance and eroding Québec's powers in the event that Québec fails to fully recover the powers that the federal government now exercises.

BASIC PRINCIPLES RESPECTING GENUINE DECENTRALIZATION

Broadly speaking, a number of principles should serve as guidelines in the decentralization process and allay the fears and uncertainties expressed by participants. It would be inappropriate to undertake any degree of decentralization without formally recognizing these principles. Some of them were formulated by all of the participants, while others reflect the specific concerns of certain groups.

POPULATION CHANGES IN THE REGIONS, 1981-1991



Source: Statistics Canada, 1981, 1986, 1991
SDR, 1995

These principles can be summarized as follows:

- Individuals are the focal point of decentralization.
- Quebecers elect their representatives by universal suffrage. Their elected representatives are accountable for their decisions before the electorate, from whom they have obtained their mandate (principle of accountability).
- Under decentralization, new authorities must obtain the broadest possible autonomy and control over their development in the areas for which they are responsible.
- Regional governments must obtain adequate financial and fiscal resources, geared to the new responsibilities attributed to them.
- Responsibility for public services must be assigned to the level of government that is in the best position to provide such services at the lowest possible cost.

■ QUÉBEC'S RELATIONS WITH CANADA AND THE INTERNATIONAL COMMUNITY

PURSUIT OF ECONOMIC UNION

A broad consensus exists among Quebecers in favour of the maintenance of a strong economic association between Québec and Canada. Historic, geographic and economic reasons dictate that it cannot be otherwise. Economic association is in keeping with freer trade and Quebecers' support for the North American Free Trade Agreement (NAFTA). Many participants noted that this association should preserve existing economic ties while ensuring the free movement of persons, goods, services and capital and allow for the further development of such ties. A number of participants would like Québec to have the possibility of concluding similar agreements with countries other than Canada.

However, a number of concerns cannot be overlooked. Representatives of the regions bordering Ontario and New Brunswick and farmers expressed fears engendered by their situation, given the volume and nature of the trade they engage in with their nearby neighbours or with the rest of Canada.

The Témiscamingue and Outaouais regions fear that Canada will call into question the principle of economic association. Very close socio-economic ties have been created here and there along the Québec-Ontario border, which involve daily trips to work, exchanges of customers, school equipment, medical services and so on. It is vital for these regions to maintain unrestricted movement. Sovereignty must not lead to border controls that might hinder the movement of persons, goods, services and capital.

Participants would like to avoid the creation of social tensions between communities on either side of the Québec-New Brunswick border, which have the advantage of using the same working language. Farmers are concerned about the fate of the supply management policy. They firmly wish to maintain their share of Canadian farm product quotas.

The commissions have adopted a similar position. This association is equally necessary and beneficial for Canada and Québec. Once Québec achieves sovereignty, it should be maintained as an established fact. Québec should offer to maintain with Canada an economic union accompanied by measures that ensure that the union operates harmoniously for the benefit of both countries.

The commissioners are aware that the fear of Québec's failing in its attempt to establish an economic union with Canada could prevent many Quebecers from supporting sovereignty. One commission has noted the need to clearly explain why Canada would find such a union desirable, if only because of the interest for the business community in the other provinces to keep Québec as a customer. It believes that this economic pragmatism will prove to be a much more decisive factor than the mood of Canadian politicians. Moreover, the commission is convinced that "reason of business" will prevail over the "reason of State", in light of the existing interdependence between the economies of the provinces.

During the hearings, the commissions noted a lack of knowledge among the public concerning the scope of interprovincial trade and the complementary nature of such trade. Further information and clarifications must be provided on the volume of trade between Québec and the other provinces.

USE OF CANADIAN CURRENCY

The use of Canadian currency in a sovereign Québec is an important issue as it would affect the everyday lives of all Quebecers. Opinions on the proposal in the draft bill are divided.

Participants are worried about the choice to be made and most of them hope to obtain clarification of the advantages and disadvantages of keeping the same currency or establishing a Québec currency and adopting a monetary policy. The main source of concern is the consequences of the referendum and its aftermath as regards interest rates, investment income, and the fate of current and future investments.

The proponents of a Québec currency maintain that it would be possible for the government to establish its own monetary policy, a condition deemed essential for economic development. To the contrary, using the Canadian

currency would be tantamount to delegating to others control over the Québec economy. A number of participants propose the use of the Canadian dollar during the transitional period, even if it does mean adopting a Québec currency later.

While participants generally agree with the direction of the draft bill, they are nonetheless concerned about Québec's lack of control over monetary policy, which means that a sovereign Québec would adopt the Canadian currency. Some observers fear the effects of such a move on the Québec economy, i.e. central bank rates set by the Bank of Canada, the adverse effects of the debt on investor confidence and the value of the currency itself, and the shoring up of the currency against foreign currencies. The adoption of the Canadian dollar when Québec achieves sovereignty should not hinder future government policy. The subsequent adoption by the National Assembly of another formula should also be contemplated for as long as it takes to agree on the apportionment of property and debts, allay Quebecers' apprehensions and reassure international money markets. Some participants proposed that Québec adopt the American currency, while others called for the establishment of a single North American currency. Such a currency could well become a necessity within a decade under NAFTA.

To conclude, the commissioners have noted that Quebecers need to be better informed on this issue, despite its technical nature, in order to shed light on the advantages and disadvantages of the various options discussed at the public hearings.

APPORTIONMENT OF DEBTS

If there is one question that now preoccupies Quebecers, it is indeed the debt. From a simple worry 10 years ago, the issue has become a veritable nightmare for governments and taxpayers.

Consequently, participants in the public hearings focused more on the question of the apportionment of debts than on the apportionment of property. A minority of participants believes that Québec could technically get out of its obligation to repay the federal debt. However, for the majority of participants, it is a question of honour. Many questions and concerns persist concerning the amount of the debt that Québec will have to repay. The payment procedures that will be adopted during negotiations and Québec's ability to pay are also of concern to the same individuals. Some observers link the feasibility of sovereignty to Québec's ability to pay its share of the Canadian debt.

The need to promptly tackle the problem of the debt is a priority for Quebecers. The reports of all of the commissions deal with the matter and propose that Québec immediately put its finances in order. They also point out that Quebecers say they are prepared to make sacrifices to avoid saddling future generations with an unbearable burden that will compromise their future.

Several commissions also recommend explicitly that the government better inform Quebecers about the debt in order to reduce its negative impact on confidence in sovereignty. They suggest that one of the scenarios proposed to the Bélanger-Campeau Commission, which sets Québec's share of the federal debt at 18 percent, be reexamined. Appendix VI contains the conclusions of this study.

CANADIAN CITIZENSHIP

The Draft Bill on the Sovereignty of Québec stipulates that Québec citizenship may be held concurrently with citizenship of Canada or of any other country. The question of dual Québec-Canada citizenship aroused interest among many participants, and gave rise to diverse opinions and reactions. Some participants indicated their desire to also hold Canadian citizenship, while others maintained that it is ambiguous to promote Québec sovereignty while remaining a Canadian citizen.

Bearing in mind that Canadian citizenship could eventually be denied Québec nationals, the report of one commission points out that the general public is poorly informed as to the reasons why Canada might invoke to justify its refusal. Consequently, the report recommends that a subsection be added to section 5 of the draft bill that commits the Québec government to formally negotiate with the federal government the conditions that would allow Quebecers to retain or obtain Canadian citizenship.

QUÉBEC'S PARTICIPATION IN INTERNATIONAL ORGANIZATIONS

Would a sovereign Québec necessarily have to renew all of the treaties now binding on Canada? Why, how, at what cost and under what conditions would the treaties be renewed? What are the advantages and disadvantages for Québec of doing so? What influence will Québec exercise in its relations with its new international partners? How can the social blueprint that Quebecers will be asked to adopt be harmonized with Québec's participation in international treaties, some of them of a military nature?

Quebecers are examining foreign and defence policies, relatively new issues in the context of Québec's eventual accession to sovereignty. Indeed, Quebecers now feel responsible for their choices.

Public discussion is focusing first and foremost on the adherence by a sovereign Québec to organizations such as NATO and NORAD. There is considerable opposition to Québec's continued participation in the British Commonwealth. In terms of domestic policy, Québec's participation in the Organization of American States (OAS) seems much more appropriate. The reports of the commissions note that Quebecers have frequently expressed their determination to see Québec play a role on the international scene centred on the promotion of peace, democracy, social justice and the equitable distribution of wealth between rich and poor nations. This desire and the call by numerous participants for a demilitarized Québec are at odds with Québec's eventual membership in NATO and NORAD. In the opinion of some participants, Quebecers do not fully appreciate these military alliances.

Quebecers want more information and public debate on foreign and defence policies, to enable them to make enlightened choices on their future. Until this further consultation takes place, the Regional Commissions agree with the principle of maintaining Québec's participation in the international organizations and agreements in which Canada now takes part, bearing in mind that Québec may, if the need arises, reassess the situation. As for membership in the Commonwealth, some of the reports conclude that the public should be informed of the advantages for a sovereign Québec to participate in the Commonwealth.





PART II

■ DELIBERATIONS OF THE NATIONAL COMMISSION

QUEBECERS,
PAST AND PRESENT

FOUNDATIONS OF A SOVEREIGN QUÉBEC

NEW RELATIONS
BETWEEN QUÉBEC AND CANADA

SOCIAL ORGANIZATION

QUÉBEC'S PARTICIPATION
IN THE INTERNATIONAL COMMUNITY

■ QUEBECERS, PAST AND PRESENT

Over the past 50 years, no basic issues have been settled with respect to the political space and the powers Québec needs to develop according to its aspirations. During the equivalent of 68 weeks of consultation, the 18 commissions heard thousands of briefs and comments and closely examined Quebecers' questions, anxieties and hopes. Through the unexpected participation they aroused, the commissions were able to ascertain that the determination of Quebecers to achieve a satisfactory political outcome to this period of affirmation has by no means vanished. Moreover, this determination transcends what some observers deem to be a government's simple constitutional obsession. Reactions to the draft bill tabled on December 6, 1994 by the Québec government have confirmed the urgent need for Québec to adopt a political framework suited to its further development.

FOUNDATIONS OF THE IDENTITY OF THE QUÉBEC PEOPLE

There is no doubt that Quebecers make up a society and have, for a long time, displayed the traits that are generally accepted in order to gain recognition by other nations as a people and to attain sovereignty. The situation is not new. Historians generally agree that, several decades after the foundation of Québec, the inhabitants of New France already possessed a "Canadian" character and way of life. Little by little, their traits and pioneer customs set the French people of North America apart from the mother country.

The adoption of Native customs and culture, a practice dictated by the climate and the proximity of the Aboriginal peoples, largely contributed to creating a particular type of personality dubbed "the habitant" in the oral tradition.

"It was essential to quickly adapt know-how to the new country. The climatic shift from almost Mediterranean summers to icy winters compelled newcomers from Normandy, Brittany, Poitou and Île-de-France to rethink their housing, clothing and transportation and adapt their farming and livestock raising methods to the cycles and caprices of nature, markedly different from those in France. The combination of all of this learning, discreetly enriched by the age-old knowledge of the Amerindians, led to the invention of the country."²

For a very long time, Quebecers have undeniably formed a people, by virtue of their history, culture, language, the territory they occupy, their institutions, the state of their development, and the relations they have established with the rest of the world.

The gradual inclusion of different ethnic communities, among them the English-speaking minority, has helped fashion and enrich Québec culture. While Québec has remained strongly attached to its French origins, it has traditionally welcome many immigrant communities.

² Michel Lessard, *Objets anciens du Québec*, Éditions de l'homme, 1994, p. 34.

Throughout history, Canada³ has, on several occasions, denied Québec's specific nature, which it has sought to preserve and develop for 300 years. The culmination of this policy of refusal was reached in 1982 when the Canadian government repatriated and unilaterally amended the Constitution without Québec's consent. This refusal was reconfirmed in 1990 by the rejection of the Meech Lake Accord and, in particular, the rejection of the clause that finally recognized Québec as a "distinct society." Quebecers were sorely vexed by this new affront, which denied their deeply rooted identity.

Because Canada refuses to recognize the existence and identity of the Québec people, such recognition can only be achieved through Quebecers' own political affirmation. This affirmation has guided numerous major initiatives undertaken by successive Québec governments in recent years. Logically, it is leading to the exercise by the Québec people of its right to self-determination.

A PEOPLE TRAPPED IN CONSTITUTIONAL AND POLITICAL TERMS

Throughout its history, the Québec people has attempted, sometimes timidly, sometimes boldly, to redefine the constitutional arrangements that guide its political destiny. Many of the briefs submitted to the commissions seek to show how, at different times, Québec has alternately been supported then cheated in its legitimate attempts to regain equality. Careful reflection on the misadventures of Québec history seems essential if we are to understand the seriousness of the current situation. Québec has reached a crossroads: it must make a decision. A thorough analysis of the key episodes over the past 50 years clearly indicates the depth of the "Canadian malaise"⁴ and the lessons that Quebecers should learn from their recent history in order to finally adopt a political system likely to satisfy all of their aspirations.

The Constitutional Act, 1791, granted Québec (Lower Canada) and Ontario (Upper Canada) their own parliaments. This first parliament marked the beginning of present-day Québec. The notion of a distinct society appeared at that time.⁵

The Union Act, 1840 combined the political entities into a single one, in which it was hoped French-speakers would be assimilated, although they formed a majority (Durham Report). French-speakers were dispossessed of their Parliament and subjected to a second, political conquest.

Confederation (1867) sought to make amends by restoring to French Canadians in Québec a Parliament and making Québec a province. *The British North America Act* of 1867 was deemed to be a pact between the "two founding peoples." In reality, this viewpoint has never been shared in Canada.⁶

The death of the notion of two founding peoples crystallized in the *Constitution Act, 1982*, which was adopted despite the opposition of the Québec government and many Quebecers. It was confirmed by the rejection of the Meech Lake Accord in 1990.

³ *Crop-Environnics*, survey made public on February 16, 1995 by the French-language CBC network. According to the surveys, over 51 percent of English Canadians reject the simple recognition of Québec as a distinct society and more than 86 percent refuse to recognize the legitimacy of special powers to maintain Québec's unique character.

⁴ André Burelle, *Le mal canadien : Essai de diagnostic et esquisse d'une thérapie*. Montréal: Fides, 1995, 239 pp.

⁵ "Lower Canada (Québec) forms a separate State. In Lower Canada, the French-speaking population is 10 times the English-speaking population. It is compact, it has its government and its own Parliament. It veritably forms a distinct nation." Alexis de Tocqueville, *De la Démocratie en Amérique*.

⁶ Suppression of the right to use French in the schools of Manitoba (1896), in those of Alberta and Saskatchewan (1905), in those of Keweenaw (1912) and in Ontario (Regulation 17, 1912).

The 1867 federal regime has shaped the Canada of today. At the outset, the intention was to create a vast economic space along the east-west axis of the country. To this end, it was necessary to grant the federal Parliament extensive powers in strategic sectors such as currency, banking and interprovincial and external trade.

However, the *Constitution Act, 1867*, was only a starting point. Right away, the federal Parliament began to interfere in the provinces' fields of jurisdiction. Over the years, new sectors of activity unknown in the 19th century appeared: aeronautics, cablecasting, nuclear energy, and television and radio broadcasting. The courts⁷ have without exception attributed legislative power over these sectors to the federal Parliament. Federal jurisdiction over trade and general economic development has also been extended and bolstered, a trend that is continuing apace. As soon as the national interest seems to warrant its intervention, the federal government does not hesitate to occasionally invade those fields of jurisdiction that the Constitution explicitly reserves for the provinces. The example of education is the most blatant. For several years, the federal government has become more and more openly involved in the realm of worker training and post-secondary education, despite the repeated protests of successive Québec governments.

The federal government's power to spend has also enabled it to allocate revenues to fields such as health and education that are the sole responsibility of the provinces. Moreover, Ottawa has constantly sought to influence the Québec government's decisions in fields that the *Canadian Constitution* attributed to the provinces by offering the French-speaking province, under certain conditions, substantial transfer payments enabling it to provide new services to Quebecers, although such services are defined exclusively by the federal government. This policy has led to costly duplications and inefficiency. To remedy this situation, many Quebecers believe that the solution is to pay their taxes to one government.

Obviously, the federal government would like Ottawa to be the government in question. Since World War I, its major policy direction has not changed. In order to finance its military effort, it sought to engage in direct taxation, until then the preserve of the provinces. In 1917, Prime Minister Borden promised that the implementation of the first federal income tax would only be a temporary measure. The rest is history: the tax has never been withdrawn or called into question.

In 1937, during the Depression, the federal government set up the Rowell-Sirois Commission, which was asked to examine the funding of Canadian federalism and the imbalance that had arisen between the provinces' social responsibilities and fiscal capacities. The commission proposed a marked centralization of fiscal powers in the hands of the federal government. During World War II, Ottawa, true to its penchant, persuaded the provinces to temporarily relinquish their power to levy personal and corporate income taxes. At the end of the war, the federal government naturally wanted to carry on in the same manner. The Ontario and Québec governments objected strongly, but Ottawa refused to abandon this field of taxation.

According to Professor Edmond Orban, the author of an important work on the development of federations, "Changes in constitutions [...] indicate a trend toward the strengthening of the powers of the central government, especially in the economic field. This change has occurred [...] at a variable pace depending on economic and political conditions. It has undergone periods of acceleration and experienced reactions that vary in magnitude. In a long-term perspective, the latter do not appear likely to reverse the trend."⁸

⁷ See Appendix VIII for a historic overview of the main events in the appropriation by the federal government of provincial powers.

⁸ E. Orban, *La dynamique de la centralisation dans l'État fédéral : un processus irréversible?* Montréal: Québec/Amérique, 1984, p. 471.

Every Québec government has reacted to this historic offensive. The Duplessis government established the ministère du Revenu in 1954 precisely to consolidate Québec's tax base, which he rightly deemed to be the foundation of the province's autonomy. The Lesage government went even further. In 1965, it set up the Régie des rentes and the Caisse de dépôt et de placement in order to counteract Ottawa's new initiatives. It was no longer a question of preserving the autonomy gained in 1867 but of actively moving into the modern age by adopting efficient tools to enable Québec to direct its development.

The Canadian and Québec perspectives have continued to collide in the taxation and other fields. Historically, the federal government's viewpoint has constantly encouraged it to grab all of the powers essential for the mastery of economic development, while abandoning to the provinces the management of the decline in public services. Ottawa is now alleged to be planning to further reduce the fiscal autonomy of the provinces and their ability to borrow abroad. The old dream of a centralized federal government proposed by the Rowell-Sirois report is alive and well.

Quebecers are aware that, increasingly, they are paying the price for these confrontations. They believe that the situation cannot persist and that it is up to them to put a stop to it. Before they take a stand, they are asking that the new political choices being proposed to them be clearly explained. They want to be better informed of the consequences of their decision.

Everyone agrees that we have reached a stalemate. Over the years, negotiations and trying confrontations have taken place between Québec and Canada, of which Quebecers have been the victims. In recent years, Québec has not obtained any significant constitutional change. To the contrary, the federal government, supported by the Supreme Court, has continued to encroach more than ever on Québec's fields of jurisdiction and to dismantle certain of its statutes.

THE PERCEPTION OF QUÉBEC'S RELATIONS WITH CANADA THROUGH STATEMENTS BY QUÉBEC PRIME MINISTERS

Duplessis government, 1938: "In order to create the federation, the provinces have agreed to relinquish to the federal entity part of their powers, but they have kept, aside from the legislative powers not ceded, their political entity and their special constitution, and they have also remained, in their specific spheres, sovereign States. It is not from the central government that the powers and attributions of the provinces are derived: to the contrary, the central government has been created by the combined goodwill of the provinces."⁹

Lesage government, 1960: "What Québec is asking, by way of support for French Canada, is the equality of the two ethnic groups that founded Canada. It is seeking to acquire a status that respects its specific traits."¹⁰

"Québec, through its language, culture, ties with the French-speaking community in the world, its economic, social and political institutions, vitality, its desire to survive and, above all, to develop, has all the traits of a veritable society."¹¹

Johnson government, 1966: "A new Constitution should be drawn up in such a way that Canada is not solely a federation of 10 provinces, but a federation of two nations that are equal in law and in fact. From an institutional standpoint, this will establish, for the entire country, a truly binational order in which the representatives of the two cultural communities could work together, as equals, to manage their common interests."¹²

Bourassa government, 1970: "A new Canadian Constitution that does not clearly, concretely acknowledge that Quebecers are different and constitute a distinct society that ardently wishes to maintain its social and cultural identity would be unacceptable."¹³

Lévesque government, 1976: "Québec is advocating a constitutional formula, to replace existing federalism, through which it would attain political sovereignty and establish an economic association with the rest of Canada. Under this formula, Canada and Québec would both enjoy an international personality and their relations would no longer be governed by a constitution, but by a treaty of association. However, they would continue to maintain a single customs tariff and a single currency. The economic association formula that Québec wishes to enter into with the rest of Canada is that of a monetary union."¹⁴

Bourassa government, 1985: "If there is one conclusion that we can draw from the latest constitutional negotiations, it is that the constitutional review process in Canada has been discredited. The Québec government refuses to return to the constitutional negotiating table."¹⁵

Parizeau government, 1994: "The death of the Meech Lake Accord signals English Canada's refusal to acknowledge, even symbolically, our difference. To date, the Canadian Constitution has not recognized Quebecers, either as a nation, a people or even as a distinct society. This is a sad state of affairs. It is unworthy of us. Quebecers deserve better than that. As time goes by, the Canadian majority becomes more determined to act as though there was only one nation in Canada, as though all of the provinces were equal. A recent federal report even stated that there was only one culture in Canada. Just one. As time goes by, more and more of the decisions that we want to make, as Quebecers, will be overwhelmed by Canada's determination to achieve uniformity. That is the Canada of tomorrow. Do we want to be part of it?"¹⁶

⁹ Brief submitted by the Québec government at the public hearings of the Royal Commission on Dominion-Provincial Relations, May 12, 1938, p. 4.

¹⁰ Speech by Jean Lesage, Canadian Club, Calgary, September 22, 1965, p. 1.

¹¹ Speech by Jean Lesage, Canadian Club, Winnipeg, October 1, 1965, pp. 2-3.

¹² Daniel Johnson, *Égalité ou indépendance. 25 ans plus tard*. Montréal: VLB éditeur, 1990 (see Part 3, devoted to a new constitution).

¹³ Speech by Claude Castonguay, Minister of Social Affairs, before members of the Club Richelieu de Québec, Québec City, January 18, 1971.

¹⁴ Gouvernement du Québec, Conseil exécutif, *La nouvelle entente Québec-Canada : proposition du Gouvernement du Québec pour une entente d'égal à égal : la souveraineté-association*, Éditeur officiel du Québec, 1979.

¹⁵ Message to Quebecers from Prime Minister Robert Bourassa, June 23, 1990.

¹⁶ Message to Quebecers from Prime Minister Jacques Parizeau at the time of tabling in the National Assembly the Draft Bill on the Sovereignty of Québec.

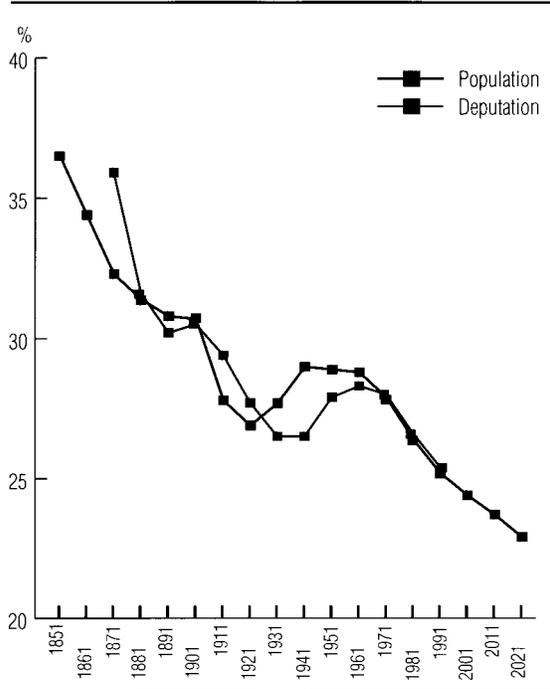
The adoption of the *Constitution Act, 1982* by the Canadian and provincial parliaments, without Québec's consent, was a further step in this process. Adopted despite Québec's opposition, the legislation introduced a radical change in the conception of how the country operates. The new Constitution leaves it up to the courts to interpret the *Canadian Charter of Rights and Freedoms* and, by extension, to shape and alter some of the most fundamental rules of our society. Above all, it makes it virtually impossible, for the foreseeable future, for Québec to have altered the current constitutional framework as regards its most fundamental aspects. To achieve this type of amendment requires the combined consent of the House of Commons, the Senate and the legislative assembly of each province. This is clearly impossible. However, in sectors such as worker training, a broad social consensus exists in Québec in favour of making the necessary amendments to enable Québec to exercise its jurisdiction. However, the Canadian consensus is another matter entirely. Many of the briefs submitted to the commissions maintain that "constitutional immutability" is likely, in the near future and for an indefinite period, to reduce the Québec government to the status of a provincial administrator subject to Canadian standards in virtually all of the fields of jurisdiction that were deemed to be under its exclusive control pursuant to the Constitution of 1867.

SIGNIFICANCE AND LONG-TERM CONSEQUENCES FOR QUEBECERS OF THE 1982 CONSTITUTION

- Québecers have lost their historic status as one of the founding peoples of Canada. The principle of the equality of cultures and cultural origins in Canada, a notion introduced by the federal government's multiculturalism policy, has been confirmed by the Constitution. Henceforth, "the French language and French cultural origins are among the numerous heritage languages and cultures that make up Canada's multicultural heritage and are equal."¹⁷
- Québec has been forced to accept the status quo, i.e. "things as they were before." This is the foundation of the current Canadian constitutional option. For 13 years, Québec has been deprived of its constitutional base and any attempt at reform to satisfy Québec's historic aspirations to autonomy is, for all intents and purposes, impossible. Moreover, as time goes by, the consequences of the status quo are becoming more and more apparent. As nothing is immutable in the lives of humankind and institutions, Québec believes that the gradual concentration of powers in the hands of the federal government historically represents an irreversible trend that is fraught with consequences, despite recent claims to the contrary.
- Québec is gradually being robbed of its political power. The constitutional status quo is only accentuating the historic trend toward the centralization of powers at a time when Québec's influence is declining in terms of representation and political clout. Québecers were already a minority under the Canadian constitutional regime of 1867 and Québec's ability to influence important decisions of concern to it is constantly dwindling because its demographic weight is declining in Canada.

¹⁷ Québec, *Commission on the Political and Constitutional Future of Québec, report, March 1991, p. 39 (Belanger-Campeau Report).*

QUÉBEC'S POPULATION IN RELATION TO THAT OF CANADA, 1851-2021, QUÉBEC'S DEPUTATION IN THE HOUSE OF COMMONS, 1871-1991



Source: Michel Paillé. *Conseil de la langue française*. 1995.

- These diverging viewpoints of Canada have also “helped strengthen certain political perceptions of the federation and the perception of a national Canadian identity that are hard to reconcile with the effective recognition and political expression of Québec’s distinct identity [...]”¹⁸ “Above all, it has reflected the national concerns and priorities of the federal government and those of the other provinces.”¹⁹

Never before in the history of Canada has Québec received such a blunt rejection of its demands for autonomy.

- The unilateral repatriation of the Constitution without Québec’s consent in 1982 snapped the bond of trust that had existed between Québec and Canada for over 100 years. It is probably the most important rupture in the history of Québec, as its Constitution, i.e. the foundation of its very political organization, was imposed on it. Some observers, including political scientist Guy Laforest, believe that this broken trust now makes sovereignty morally justifiable. As a justification, it surpasses all of the other historic reasons and all of the grievances that the Québec people may still harbour against Canada. Other observers are of the opinion that this rupture confirms the deep cleavage in the historic perceptions that Québec and English Canada have always had of their common country.

Can Canada still repair what some people have dubbed the blow struck against Québec? To the contrary, the Chrétien government has clearly indicated on numerous occasions that there is no question of doing so. There is no indication of an opening in this respect. The same silence prevails among Canadian intellectuals, whose analyses used to reflect sympathy for the Québec question. Canadian society, its thinking and values seem to have altered markedly in recent years. Today, Canada’s new quest for an identity has become, for most Canadians, incompatible with the recognition of Québec’s identity.

¹⁸ Québec. *Commission on the Political and Constitutional Future of Québec*, report, March 1991, p. 38 (Bellanger-Campeau Report).

¹⁹ *Ibid.*

A DEEP-SEATED ATTACHMENT TO DEMOCRACY

Despite the often emotional tone of the constitutional debate and the profound differences of opinion that persist between Québec and Canada with regard to the policy directions to be adopted, there exists, fortunately an obvious determination and capacity to settle disputes peacefully, much to the credit of Canadians and Quebecers alike.

The public consultations held in 1990-1991 by the Bélanger-Campeau Commission and the consultation being concluded today with the submission of the report of the National Commission on the Future of Québec have highlighted the quality of a democratic process that many foreign observers deem to be exemplary.

Quebecers have a long democratic tradition. It is undoubtedly among the oldest and most deeply rooted in the western world. Specifically, Québec has:

- had an elected parliament since 1791;
- unquestionably successfully protected the rights of its minorities;
- a municipal network that is closely tied to small, local communities;
- a school system that is managed locally by elected trustees and in which parents participate directly through school committees;
- innovative, noteworthy legislation pertaining to the funding of political parties;
- a Charter of Human Rights and Freedoms that rivals the most modern charters of its kind.

Democracy is thriving in Québec. The Quebecers who appeared before the commissions clearly indicated that, whatever happens, they wish, as a society, to continue to develop democratically. It is from the standpoint of a desire for greater democracy that the concerns of many Quebecers concerning decentralization must be examined. Their message is important: the determination to

assume responsibility for themselves and develop the regions and local communities is a factor that will increasingly affect democratic life in Québec.

Quebecers have probably understood that the simpler and more direct the political organization of a country is, the more direct relations between individuals and the government become. Democracy is thus better served. For a long time, Quebecers have been stung by the game of ping pong and the overlapping of the federal and Québec bureaucracies. They are now seeking a simplified form of power that is closer to them and capable of acting more rapidly. Decentralization is an important question and the National Commission on the Future of Québec has examined it closely. The consultation carried out in the winter of 1995 cannot, alone, claim to have exhausted the issue. However, the commissions have gathered a sufficient number of original, constructive viewpoints to enable the government to thoroughly review this and other equally important related questions.

This democratic vitality, reflected above all in Quebecers' keen interest in decentralization, is shared by the English-speaking community in Canada. This attachment to democracy must be maintained, as it will guarantee mutual respect in the future. Throughout the impending constitutional debate, Canadians must always regard Québec as a special partner. They must never jeopardize or sully what is probably the best of what Canadians and Quebecers have produced together.

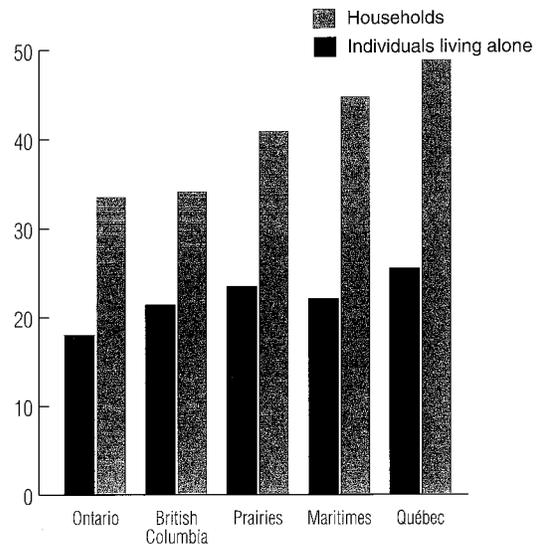
AN UNDENIABLE ABILITY TO DEVELOP ECONOMICALLY

As of July 1, 1994, Québec had an estimated population of 7 281 100, equivalent to 24.9 percent of the population of Canada; 51 percent of Quebecers are women, and 49 percent, men. Quebecers are educated: 76 percent of them have a high school diploma and 11.5 percent, a university degree. The percentage of university graduates is similar to the averages noted in many other countries: Finland (10 percent); Belgium and Australia (7 percent); and Italy (6 percent). However, a large proportion of Quebecers do not have adequate training to cope with the hard realities of contemporary life.

In Québec, the average annual growth rate over the past five years stands at 0.9 percent, compared with 1.3 percent in Canada as a whole. This imbalance has affected personal income. As noted in a brief²⁰ submitted to the National Commission, the income of French-speaking Québec households in 1977 was 13 percent lower than that of English-speaking Ontario households. By 1992, the discrepancy had grown to 20 percent. According to a recent study by the ministère de la Sécurité du revenu, Québec currently has the highest poverty rate in Canada.²¹ In recent years, Québec's position has slowly declined and it now ranks last, behind Newfoundland. The data in the study concur with those just released by the Canadian Council on Social Development.²²

Available data on gross domestic product (GDP) highlight the importance of economic activity in Québec. In 1994, Québec GDP totalled \$168.8 billion, a 5.4-percent increase over the preceding year. It accounted for 22.8 percent of Canadian GDP.

PERCENTAGE OF INDIVIDUALS OR HOUSEHOLDS LIVING UNDER THE POVERTY LINE
QUÉBEC AND OTHER REGIONS OF CANADA, 1992



Source: Ministère de la sécurité du revenu,
La pauvreté au Québec: bref historique et situation actuelle,
March 1995.

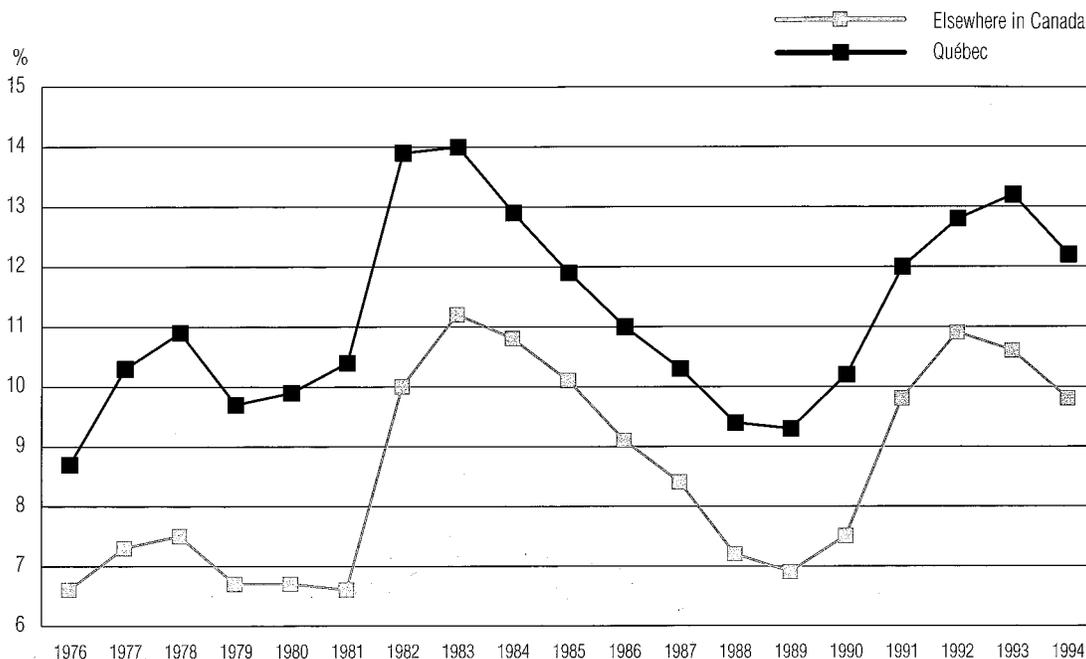
In 1994, per capita GDP in Québec was an estimated \$23 186, equivalent to 91.6 percent of the Canadian average, i.e. \$25 308. The ratio of per capita Québec GDP and per capita Canadian GDP hovered, with occasional variations, around 90 percent between 1970 and 1994. Per capita personal income in Québec, estimated at \$15 606 in 1994, rose from 89.6 percent of the Canadian average in 1970 to 92.7 percent in 1990, then dropped to 90.9 percent in 1994. In November 1994, the unemployment rate was 11.4 percent in Québec, compared with only 9.6 percent in Canada. Historically, there has always been a significant discrepancy between the Québec and Canadian unemployment rates. This situation is attributable to various factors. A number of individuals and organizations appearing before the commissions believe that Canadian economic policies are to blame.

²⁰ Brief submitted by the Fédération des locataires d'habitations à loyer modique.

²¹ Ministère de la Sécurité du revenu.

²² Ottawa, Canadian Council on Social Development, *Profil de la pauvreté pour l'année 1993*.

UNEMPLOYMENT IN QUÉBEC AND ELSEWHERE IN CANADA



Source: Statistics Canada, special compilation, SQDM-DREE

In 1993, agriculture accounted for just under 2 percent of Québec GDP, essentially the same proportion noted in the other G7 industrialized nations. Moreover, industrial activity, including mining, manufacturing, construction and energy, generated 29 percent of GDP, a rate similar to

that in the United States but below the figure for Canada (40 percent). Québec's limited industrialization assumes a significant contribution from the tertiary sector: indeed, the services sector accounts for 69 percent of Québec GDP.

VALUE OF TRADE IN GOODS FROM QUÉBEC BY REGION OF CANADA, 1989
BY GEOGRAPHIC REGION, 1993

	Shipments from the other provinces to Québec (1989)		Shipments from Québec to the rest of Canada (1989)		Shipments from Québec to foreign countries (1993)	
	\$000,000	%	\$000,000	%	\$000,000	%
Rest of Canada	19,794.5	100.0	24,029.7	100.0		
Ontario	15,465.4	78.1	15,586.1	64.9		
North America					27,105.4	80.0
United States					26,986.2	79.7
Europe					4,007.3	12.2
Rest of the world					2,632.8	7.8

One of the most striking features of the Québec economy is its openness to external markets. In 1993, sales on external markets of Québec goods and services totalled an estimated \$72.5 billion, equivalent to over 45 percent of GDP. International exports now account for 55 percent of this amount.

The Québec economy and Canadian federalism

Broader intervention by the federal government in economic development over the past 30 years has hampered Québec's efforts to implement efficient economic policies geared to job creation and the well-being of Quebecers. Through its power to spend, Ottawa has set up numerous programs in fields of jurisdiction attributed by the Constitution to the provinces. Regardless of the government in power, Québec has always denounced the federal government's intervention and encroachment in its exclusive fields of jurisdiction, which have engendered costly overlapping and duplication and economic inefficiency. Worker training is the most striking example of the needless costs generated by the existing system.

The adoption of the *Constitution Act, 1982* confirmed the principle of the equality of the provinces. This principle now prevents the federal system from granting Québec the means that it has always demanded to develop its economy. Under the new Constitution, any new power attributed to Québec must also be attributed to the other provinces. From now on, decentralization must be carried out uniformly and in a strictly symmetrical fashion.

Moreover, the new rules mean that Ottawa is dividing some of its expenses among all of the provinces, according to political criteria rather than the provinces' economic situation or development strategies. In many sectors, Québec does not receive its rightful share under the federal system, bearing in mind its economic contribution (22.8 percent) or its population (24.9 percent of the

Canadian total). While Québec has received equalization payments since 1968, examples abound of the impediments to its economic development and, consequently, job creation.

Since 1982, the federal government has changed its approach concerning transfers to the provinces. It has cut back on Established Programs Financing (EPF), intended for health services and post-secondary education. As a result of the federal government's withdrawal, Québec has lost \$12.3 billion, including \$1.9 billion in 1994-1995. Ottawa, which through its power to spend decided to assume responsibility for financing health services and post-secondary education, is now curtailing funding but continues to impose so-called national standards.

Under the rules of the Canada Assistance Plan (CAP), the federal government must cover half the provinces' eligible welfare costs. Between 1984 and 1991, Québec ranked second to last among the 10 provinces in terms of growth in transfers. The federal government's withdrawal of funding has contributed to the difficult situation in Québec's public finances. Moreover, the standards that Ottawa imposes, which are being maintained despite federal withdrawal, are significantly hampering Québec's ability to adapt to new financial constraints. The most recent federal budget, which announced the merger of Established Programs Financing and the Canada Assistance Plan, calls for a \$5.3-billion reduction in transfers to the provinces by the 1997-1998 fiscal year, \$1.5 billion (28 percent) of it intended for Québec.

Spending on research and development: Between 1979 and 1991, Québec received only 18.6 percent of federal spending on research and development (\$4.9 billion), while Ontario received the lion's share (50 percent, or \$ 13.1 billion).

Real estate investment: Between 1985 and 1994, only 15.8 percent of investments by federal government departments were made in Québec. In 1994, this proportion, which did not change for 10 years, increased by only 2 percent, to 17.8 percent, at a time when Québec's contribution to the Canadian economy was 22.8 percent.

Current expenditures on goods and services: Since 1961, Québec's share of federal spending on goods and services has never exceeded the 19.1 percent ceiling attained in 1981. In 1992, Ottawa purchased goods and services worth \$31.2 billion in Canada, only \$5.9 billion or 18.9 percent of the total in Québec. This figure is 6 percent less than Québec's demographic weight in Canada.

Total federal spending through Canada Mortgage Housing Corporation (CMHC) in respect of public housing in 1993-1994 reached 33.6 percent for Ontario, which has the lowest poverty rate in Canada, and 18.9 percent for Québec, which has the highest poverty rate.

Support for agriculture: In 1993-1994, Québec received only 9.4 percent of federal spending on agriculture (\$307 million), compared with 60 percent in western Canada.

Military spending: Such spending, which totals \$12 billion, accounts for 10 percent of the federal government's operating budget. In the Department of National Defence, 40 percent of discretionary spending allows for the hiring of 116 000 staff and generates 178 000 jobs in the private sector. Between 1978 and 1993, Québec received only 17.8 percent of military spending in Canada.

Energy: According to Economic Council of Canada estimates, the federal government has spent \$12 billion on research and development in the realm of nuclear energy since the Canadian nuclear program was launched. Ontario has benefited the most from such spending. During this time, Québec has developed its hydroelectric potential on its own.

Recovery of control over economic development

If Québec attained sovereignty, it would recover all of the taxes that the federal government now collects in the province, although it would assume responsibility for the services that Ottawa now provides. Québec would no longer receive transfer payments (EPF, CAP) and equalization payments. According to the Bélanger-Campeau report, in the 1990-1991 fiscal year, the tax revenues that Québec would have recovered were more or less equivalent to the additional cost for Québec of providing services offered by the federal government. However, Québec would have been able to make the appropriate choices in terms of development, bearing in mind its interests and objectives, without having to submit to externally imposed standards.

Armed with its new powers, Québec would have to review its entire taxation system and restructure government programs according to its priorities. In addition, it would have to reorganize several existing programs to eliminate overlapping. According to the Bélanger-Campeau report, this operation, which would unquestionably reduce public spending and bolster the efficiency of government programs, might prove one of the first net benefits of the *attainment of sovereignty*.

There is every reason to believe that the attainment of sovereignty would enable Québec to foster greater solidarity among Quebecers and achieve broader economic and social cohesiveness. Moreover, Québec could enhance its ability to adapt to technological change by more closely gearing vocational training to its needs, emphasizing research and development, and accelerating the conversion of industrial sectors that are in decline. Such advances could encourage the emergence of a new social contract between the government, businesses and workers. This cooperation could allow the Québec economy to develop more rapidly and enable it to meet more effectively the challenges facing it.

The cost of the constitutional stalemate

We cannot conclude this discussion without reviewing the political, social and economic repercussions resulting from the incredible imbroglio in which Québec and even Canada are now embroiled. Québec experts and Canadian observers acknowledge this situation. Many participants expressed their anxieties in this respect before the commissions, and alluded to high interest rates, the burgeoning public debt, uncertainty surrounding business and individual investments, and government inefficiency. The constitutional problems and the instability that they are causing also have political and social repercussions. The longer we wait to solve these problems, the higher the inherent social costs are likely to be and the harder it will

be to achieve a consensus on broadly acceptable solutions. Ongoing political conflicts are undermining relations between Canadians and Quebecers and the latter's ability and determination to pinpoint and implement mutually satisfactory arrangements.²³

A NEED TO CONSOLIDATE THE FRENCH CULTURAL IDENTITY

For several decades, Québec has been the only part of Canada where French language and culture are firmly established. Elsewhere, assimilation has continued to wreak havoc year after year. Québec is the only province in which French has not lost ground (see graph), although the situation on Montréal Island is still very worrying 18 years after the adoption of the *Charter of the French Language*. While Montréal Island alone continues to receive over 70 percent of newcomers and the birth rate among French-speaking Quebecers is stable, growth among non-French-speakers could, in the near future, increase by as much as five times the rate for French-speakers.²⁴

²³ Commission on the Political and Constitutional Future of Québec, Report, March 1991, p. 46 (Bélanger-Campeau report).

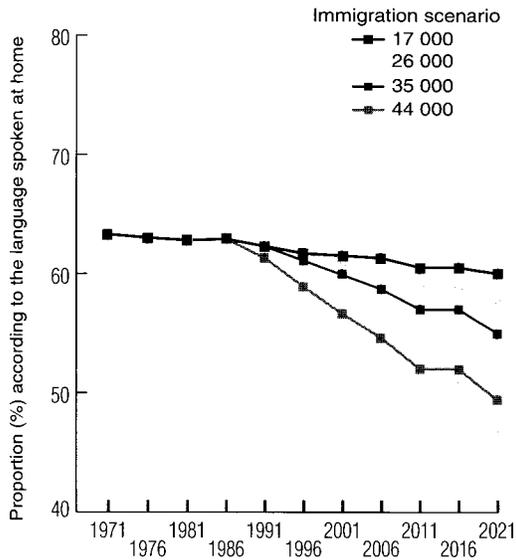
²⁴ In June 1989, the Conseil de la langue française published the first study that predicted a striking decline in the French-speaking majority on Montréal Island. While three consecutive censuses (1976, 1981 and 1986) indicated that French-speakers accounted for roughly 60 percent of the population, various scenarios based on Canadian and Québec objectives in the realm of international immigration point to a reduction in the proportion of French-speakers.

The 1991 census confirmed that a decline has occurred since the late 1980s, and that the decline is more substantial than anticipated.

Aside from the 1991 census, the ministère de l'Éducation figures on the school population show that the decline is real and that it is occurring rapidly. In 1976, French was the mother tongue of 58.9 percent of school children on Montréal Island, compared with only 54.2 percent 10 years later. Statistics on the language used in the homes of school children reveal a decline in the French language.

Michel Paillé, *Nouvelles tendances démographiques dans l'île de Montréal, 1981-1996*. Québec City: Conseil de la langue française, 1989, xvii-173 pp.

**PROPORTION OF FRENCH-SPEAKERS
MONTREAL ISLAND AND ÎLE-JÉSUS, 1971-2021
(ACCORDING TO FOUR IMMIGRATION SCENARIOS)**



Source: Marc Termote, L'avenir démographique du Québec et de ses régions, Québec City: Conseil de la langue française, 1994, p. 19 (1971-1986) and 218-219 (1991-2021).

While a reversal of these trends might have been expected with the adoption of Bill 101, the drawing power of French in Québec has remained weak against that of English. Outside Québec, 35 percent of Canadians whose mother tongue is French no longer speak the language in the home. They have been assimilated in less than one generation. It is readily apparent why so many briefs stressed in their recommendations that Québec be clearly identified as a territory in which French language and Québec culture prevail and that the Québec government protect the language and culture and provide the resources needed to develop them.

Restrictions placed by the Canadian Constitution on Québec's ability to legislate in the realm of language

The *Charter of the French Language* (Bill 101) was adopted explicitly to protect the language and culture of French-speaking Quebecers. It governs the status of languages in three sectors, i.e. public institutions, economic life and education. However, in each of these three domains, the powers and scope of Bill 101 have gradually been reduced. Over the years, the courts have invalidated certain provisions in the legislation when they were deemed to contravene the *Constitution Act, 1982* and the *Canadian Charter of Rights and Freedoms*.

Bill 101 sought to make French the main language of the government, in order to encourage English-speaking Quebecers and immigrants to learn and speak French. To this end, the legislation restricted bilingualism in Québec public institutions. It also stipulated that legislation and regulations would henceforth be adopted in French, accompanied by an unofficial English translation. Similar provisions were made in the legal field. In 1979, the Supreme Court of Canada declared all of these provisions, which made up Chapter 3 of Bill 101, unconstitutional, because they conflict with section 133 of the *Constitution Act, 1867*.

Bill 101 also sought to broaden the use of French in commerce and business. To this end, the legislation stipulated that public signs, commercial advertising and company names must appear in French only. This was one of the rare instances in which Bill 101 called for the exclusive use of French. The Supreme Court deemed this clause incompatible with the freedom of expression guaranteed in the *Canadian Charter of Rights and Freedoms* and the *Québec Charter of Human Rights and Freedoms*.

In the realm of the language of instruction, Bill 101 sought to oblige immigrants and French-speaking Quebecers to enrol their children in French-language schools, thus reserving English-language public schools for the children of Québec's English-speaking minority. To this end, the "Québec clause" was included in the legislation, under which the only children eligible to attend elementary and secondary English-language public schools would be those whose mothers or fathers had obtained most of their elementary schooling in an English-language school in Québec. This privilege was also extended to the younger brothers and sisters of such children. Two years after the "Québec clause" came into force, it was invalidated by the Supreme Court of Canada, which invoked the *Constitution Act, 1982* and section 23 of the *Canadian Charter of Rights and Freedoms*. As a result of this judgement, the "Québec clause" has become the "Canada clause". All children, either of whose parents have received part or all of their elementary schooling in an English-language school in Canada, may take advantage of the right to attend an English-language school in Québec.²⁵

Certain provisions in the *Canadian Charter of Rights and Freedoms* pose potential threats to Bill 101, threats that are hard to assess. Based on section 15(1) of the Charter, which guarantees the right to equality and prohibits discrimination, provisions in Bill 101 that impose the predominance of French over other languages could be contested. Similarly, section 6(2) of the Charter stipu-

lates that "Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right (a) to move to and take up residence in any province; and (b) to pursue the gaining of a livelihood in any province." These mobility rights are likely of significance in terms of language, in that they may, theoretically, conflict with provisions in Bill 101 respecting the language of the professions, of work, commerce and business, and with provisions governing the francization of businesses.

It should also be noted that the new *Official Languages Act* adopted in 1988 by the federal Parliament conflicts, in some respects, with Québec's current linguistic policy. While there is no legal conflict, strictly speaking, between the *Official Languages Act* and the *Charter of the French Language*, their objectives differ. The federal Act seeks to promote bilingualism in Canada. By establishing bilingual areas in which both languages must receive equal treatment, the federal legislation engenders unfavourable competition for the French language. However, as long as Québec remains in the Canadian federation, it will be hard, from a legal standpoint, for it to avoid the enforcement within its territory of federal language legislation and the restrictions that such legislation imposes on the *Charter of the French Language*.

The National Commission does not recommend that the original Bill 101 be integrally restored. However, it is of the opinion that, within the existing framework, Québec does not have the essential ability to fully legislate in this field.

²⁵ According to the *Charter of the French Language*, children living temporarily in Québec may, at the request of one of their parents, be exempted from the obligation of attending a French-language school and be taught in English. This exemption is valid for five years (renewable) and applies to the children of parents working in the private sector pursuing their studies or engaging in research, or who have been assigned to Québec as the representatives or public servants of a country other than Canada, or are members of the Canadian Armed Forces.

■ FOUNDATIONS OF A SOVEREIGN QUÉBEC

This section of the National Commission's report deals with various facets of sovereignty, i.e. the Declaration of Sovereignty, the new constitution, territory and citizenship. It also explains the status that the English-speaking minority and the Native peoples would enjoy in a sovereign Québec.

SOVEREIGNTY

In the Bélanger-Campeau report, sovereignty was defined as the exclusive ability of a State to adopt legislation, levy taxes, act on the international scene by concluding agreements or treaties with other States, and participate in various international organizations.

Thousands of Quebecers and numerous regional and province-wide organizations stated unequivocally during this sweeping public consultation on Québec's future that the status quo imposed by the *Constitution Act, 1982* was unacceptable to Québec. They believe that major changes are essential. Among the options and possible solutions available to them, sovereignty receives the broadest support.

The status quo is adversely affecting Québec. It confirms the repeated failure of numerous attempts to reform the Constitution, in keeping with Québec's interests and historic demands. The *Constitution Act, 1982*, adopted against the Québec government's wishes, seems especially significant in this respect, in that it marks a breach of trust and a moral rupture between Canada and Québec.

The failure of the Meech Lake Accord in 1990 dealing with Québec's minimal historic demands²⁶ and recognition of Québec as a distinct society proved to be just as significant. Meech Lake was a shock and confirmed the rupture between Canada and Québec. For all intents and purposes, it revealed that it would now be impossible for Québec to obtain amendments to the *Canadian Constitution*.

By virtue of its history, territory, resources, social and cultural cohesiveness, the quality and stability of its institutions and the current state of its development, Québec possesses all of the attributes of a sovereign nation. It is in a position to master its destiny and make an original contribution to the international community.

It is worth noting here the declaration that then Prime Minister Robert Bourassa made in the National Assembly in the wake of the failure of the Meech Lake Accord in 1990:

"English Canada must understand very clearly that, whatever anyone says and whatever anyone thinks, Québec is now and will always be a distinct society, free and capable of assuming its destiny and development."²⁷

²⁶ The five conditions that Québec set before it would adhere to the *Constitution Act, 1982* were:

- explicit recognition in the Constitution of Québec as a distinct society;
- a constitutional guarantee that Québec would obtain broader powers in the realm of immigration;
- the curtailment of Ottawa's power to spend on programs falling under Québec's exclusive jurisdiction;
- changes in the constitutional amending formula entrenched in the 1982 Act;
- Québec's participation in the appointment of judges from Québec sitting on the Supreme Court of Canada.

²⁷ Preliminary remarks by Prime Minister Robert Bourassa, Québec National Assembly, June 22, 1990.

In deciding to pursue constitutional talks directly with Canada from that point on, and not with the nine other provinces, the Québec government implicitly reconfirmed what all previous governments had recognized since 1867, i.e. that there are two peoples in Canada and that negotiations involving 13 or 17 partners, since Charlottetown, have systematically isolated and marginalized Québec.

DECLARATION OF SOVEREIGNTY

To the great satisfaction of the National Commission, many Quebecers enthusiastically wrote a proposed preamble or Declaration of Sovereignty.

The National Commission on the Future of Québec deems unacceptable and contrary to Québec's higher interests the imposition of the Canadian Constitution that has created the political stalemate in which Québec has been plunged against its will. It believes it is urgent to resolve the stalemate and pave the way to major changes.

The National Commission on the Future of Québec confirms that sovereignty is the only option likely to satisfy the collective aspirations of Quebecers.

Moreover, the National Commission recommends that the Draft Bill on the Sovereignty of Québec stipulate that Québec is a French-speaking country and that the government undertakes to protect and develop Québec culture..

The National Commission recommends that the Declaration of Sovereignty reflect Quebecers' expectations, notably:

- *their determination to master their destiny and inhabit and prosper within their own territory in North America, different and distinct by virtue of their language, history, customs, and way of being, acting and thinking;*
- *the accession of Québec to a position of exclusive jurisdiction, to make laws and levy taxes in its territory and to act on the international scene for the making of agreements and treaties of any kind with other independent States and participating in various international organizations;*
- *recognition of French as the common official language of Quebecers;*
- *the need to protect and promote intrinsic, inalienable rights such as freedom, justice, equality and peace;*

- *their deep-seated attachment to civil, political, economic, social and cultural rights and freedoms;*
- *their attachment to individual duties and responsibilities and to the collective rights of the community;*
- *each individual's obligation to respect the rights and freedoms of others;*
- *respect for democracy and family life; the importance of education; and social solidarity;*
- *the equality of men and women, the fight against poverty and social exclusion, respect for the environment and international solidarity;*
- *the preservation of traditional human and spiritual values and the development of new, civilizing values;*
- *recognition of Québec as a decentralized State.*



CONSTITUTION

The constitution is the basic law of a country. Indeed, it is the very basis for all other legislation.

Were Québec to attain sovereignty, it would have to draw up a formal constitution that clearly spells out the basic rules underpinning the new State.

The main objective of the constitution of a sovereign Québec will be to recognize the sovereignty of the people, define the institutions that will exercise the powers vested in the State and specify the role and powers attributed to each institution. The constitution will contain provisions guaranteeing the rights of individuals, an amending formula and a description of Québec's territory.

To write a constitution is no easy task. Bearing in mind the considerable repercussions the constitution will have over the short and long terms on the people that has adopted it of its own free will, the undertaking will require lengthy reflection and the energy of all Quebecers.



Given that Quebecers wish to play an active role in the elaboration of their constitution, the National Commission recommends to the Québec government:

- *the establishment of an elected Founding Assembly, made up of equal numbers of men and women, that will be asked to draft a constitution;*
- *that the constitution include, among other things, the contents of the Declaration of Sovereignty, a Charter of Human Rights and Freedoms and recognition of the rights of the English-speaking minority and the Native peoples.*



CULTURE AND SOVEREIGNTY

Years of consumption have revealed that material development alone is no longer sufficient to ensure the future of society. A sovereign Québec will need scholars and works of art. It will also need individual and collective values. Complexity is the hallmark of the age we live in. If the time of certainty has passed, it is nonetheless through culture that humankind has moved away from barbarity at other periods in history. Today, it is notably through intelligence and knowledge that we are building the future of Québec. The members of the National Commission are aware that cultural identity normally leads to complete accountability, the protection of freedom, openness to the world and the dialogue of cultures. The place that culture occupies in a country by and large reflects the concern for civilization therein.

Culture is also a concrete facet of life. It is defined by a given geography, people, language and history. It has resulted from the lengthy progress of nations through time and expresses human experience.

The deliberations of the commissions have converged throughout Québec because of a need and an ardent desire that, for four centuries, have made us what we are as a people and what we intend to become as a nation. Today, we are fully aware that culture and knowledge are indissociable, that culture and development link innovation, heritage, creativity and sustainable cultural development, that culture and creativity are found as much in our artists, from the most humble to the most exalted, as in ordinary Quebecers, for whom the ability to express themselves and create enriches their lives and fosters self-realization.

Need we point out once again that our laws are based on French culture; that our theatre and serial dramas are unique and, while they are entirely modern, are deeply rooted within us; that our visual arts reflect wide open spaces as well as our anxieties and urban way of life; that our music and songs, while they borrow rhythms from elsewhere, produce a truly Québec sound and transmit themes that are dear to us; that our living environment is reflected in our architecture and that our design is of Latin inspiration? Need we point out that Québec has set up a network of vocational training schools in the arts (conservatory, vocational schools and programs offered in the Cegeps and universities), and a network made up of major cultural institutions devoted to the dissemination of the arts and literature (government museums, Place des Arts, Grand Théâtre de Québec, Bibliothèque Nationale, Archives Nationales, Radio-Québec)? Need we point out that numerous concert halls and major events such as festivals, specialty shows and biennial exhibitions broaden Québec's openness to the world, and that our cultural practices are similar to those of other countries? This is not the place to dwell at length on Québec's cultural profile. The foregoing description is sufficient to reveal the importance of controlling our cultural development in traditional fields and in the realm of the cultural industries, which are newer and more complex.

Culture encompasses the arts, ways of life and communications. It also refers to tolerance for individual differences. It is the very soul of things as well as a framework for life, is engendered by action and thought, suggests choices of lifestyles, career choices and choices of values. There is no question of placing Québec's cultural and educational mission in any hands but those of the Québec government.

Québec is the product of a singular history, a particular religious tradition, its own concept of the family, a melding of French and British influences and the contribution of the cultures of immigrants. We could add to the list of our traits which, taken individually, do not warrant out demanding full sovereignty. None of these traits considered in isolation distinguishes Quebecers from Canadians.

It must be agreed that our unique culture, once again ambiguously dubbed a “national culture”, must be regarded as a whole, one that cannot be dismantled and examined bit by bit, as doing so would destroy its soul and its very substance. For this reason, sovereignty is not, first and foremost, a question of economics, political organization or scientific and technical development, regardless of the merits of these facets of social organization. We are not attempting to provide a proof or plead a case. We are simply making a calm observation, based on an examination of the world around us and the history of peoples and nations. Without being dogmatic or displaying intolerance, and with the greatest possible respect for differences, we assert that Québec must fully master its cultural mission and development if it wishes to be sovereign. We also maintain that any collective project or social blueprint depends on this minimum requirement.

The National Commission recommends to the Québec government that a sovereign Québec make full use of the new means at its disposal to engage in cultural development, whether in the realm of exporting, the safeguarding and development of cultural properties and support for cultural development, among other things through a copyright policy, the development of Québec's cultural industries, the enhancement of Québec's international cultural influence, the development of the information superhighway, broader participation by local agencies in the cultural development of the regions, the development of Québec City and Montréal as, respectively, the capital and leading cultural centre of Québec, and the dialogue of cultures between the cultural communities established in Québec.

Moreover, the National Commission recommends that the Québec government promptly establish a task force to examine the teaching of history in the schools and its dissemination among the general public.

TERRITORY

The draft bill stipulates that a sovereign Québec will retain its current boundaries and will exercise its jurisdiction over the maritime areas and the territories adjoining its coastline in accordance with the terms and conditions provided by the rules of international law.

Once Québec achieves sovereignty, the question of its territorial integrity will be governed by the rules of international law, which offer guarantees against possible challenges by Canada or any other State. The integrity of land boundaries is based on the principles of the territorial integrity of States and the stability of borders, firmly established in contemporary international law.

These principles do not in any way imply that boundaries, once they are established, are immutable. They may be altered, but solely with the agreement of the States concerned.

The question of maritime areas is another matter. Under current Canadian constitutional law, Québec does not possess any rights in the Gulf of Saint Lawrence, Hudson Bay, James Bay and Ungava Bay, and Hudson Strait.

Customary international law is based on the old adage that “the land dominates the sea”. Under it, any coastal State enjoys an inherent right to territorial waters extending 12 miles, an additional contiguous 12-mile zone, a continental shelf and a 200-mile exclusive economic zone. Because the Gulf is less than 400 nautical miles wide, it will have to be shared.

It should be noted that airspace is an integral part of a country’s territory. International agreements negotiated by different States deal with the use of one State’s airspace by other States.

During the public hearings, a number of participants expressed concern over the reconciliation of the right of the Native peoples to self-government and respect for Québec’s territorial integrity. The Commission wishes to note that contemporary international law tends to accord the Aboriginal peoples extensive rights over their ancestral lands and territories. Such rights do not go so far as to accord such lands a separate status, one that is distinct from that of the territory of the State, nor are they equivalent to the right to sovereignty. According to experts, the recognition of the rights of the Native peoples does not pose a threat to Québec’s territorial integrity. Under international law, the recognition of the English-speaking community does not undermine Québec’s territorial integrity.

CITIZENSHIP

The Commission feels that it is important to note that the people are the basis of the State and that the State only exists by and for the people. The population of a State is made up of individuals who possess the nationality of the State, which is the legal bond that attaches a person to a State. Québec’s attainment of sovereignty will mean the creation of the Québec nationality which, ultimately, will define the population of a sovereign Québec.

Under international law, each State must establish who is a national of the State. It is therefore incumbent upon a sovereign Québec to decide who will possess the Québec nationality. Moreover, Québec will also have to establish the rules governing the granting of nationality to immigrants.

In light of the numerous comments underscoring the shortcomings in this section, the National Commission feels it is appropriate to examine the concept of nationality. The Commission deems this term preferable to the notion of citizenship, which arises from Canada’s historic position within the British Empire, in which everyone was considered to be a British subject, regardless of nationali-

ty. Not only does nationality provide a legal link that binds an individual to a State, it also refers to the identity of a community of individuals inhabiting a given territory. The use of the notion of nationality also makes it possible to eliminate the differences between Quebecers of French and English origin, and immigrants.

The National Commission believes it would be appropriate to add a right of option that would allow any Canadian citizen to relinquish the Québec nationality while maintaining the right to permanent residence to avoid imposing on individuals a nationality they do not want.

Under the draft bill, Québec citizenship may be held concurrently with citizenship of Canada or of any other country. Moreover, Canada has the exclusive right to grant Canadian citizenship.

The National Commission recommends that the Québec government adopt the term “nationality” instead of “citizenship” in the draft bill.

ENGLISH-SPEAKING MINORITY

The English-speaking minority has been established in Québec for over 200 years and has obviously contributed to its economic, social and political development. It has undeniably influenced Québec’s cultural life.

In Québec, the rights of the English-speaking community are guaranteed by the Charter of Human Rights and Freedoms and specific legislative provisions, notably in the Charter of the French Language, the Act respecting health services and social services and the Education Act.

Members of the English-speaking community may use English in parliamentary debates and before the courts. Québec legislation and regulations are written in French and English. The English-language education system, from kindergarten to university, receives public funding. The Québec Charter of Human Rights and Freedoms protects individuals from discrimination based on language, and English-speaking Quebecers receive government services in English, in particular, health and social services.

The main international guarantee that protects minorities is found in article 27 of the International Covenant on Civil and Political Rights, to which Québec adhered, as a province of Canada, on April 21, 1976. Under the Covenant, in States where minorities are found, their members may not be deprived of the right to share with each other their own cultural life, to profess and practice their own religion or to use their own language.

However, the Covenant does not define the notion of minority. It is incumbent upon each State to officially recognize one or more minorities. In Québec, the guarantees that the English-speaking minority now enjoy largely surpass the international standard.

The National Commission recommends that the Constitution guarantee the preservation by the English-speaking community of its identity and historic rights.

ABORIGINAL PEOPLES

The draft bill states that the government will recognize the right of the Aboriginal nations to self-government on lands over which they have full ownership.

The *Canadian Constitution* of 1867 attributed responsibility for the Native peoples to the federal government. It is Ottawa, not the Québec government, that adopted the *Indian Act* and created the reserves on which the Aboriginal peoples live today. During the 1960s, relations between the Québec government and the Native peoples were revived and broadened. Since the 1980s, social, cultural, educational and political exchanges between the Aboriginal peoples and other Quebecers have developed gradually.

The Indian Act stipulates that an Indian is a person who is registered as such in the Indian Register maintained by the Department of Indian Affairs and Northern Development, or who is entitled this status. The daily lives of Status Indians are governed by the status granted them under the Indian Act. Following the signing of the *James Bay and Northern Québec Agreement*, which the Québec and federal governments concluded with the Crees and the Inuit in 1975, and the *Northeastern Québec Agreement* with the Naskapis, in 1978, the federal government adopted the *Cree-Naskapi (of Québec) Act*, which replaced the *Indian Act* as regards the two nations. The new Act confers a different legal framework on the Crees and Naskapis.

The Inuit are not subject to the *Indian Act*. In fact, they are more the responsibility of Québec than of Ottawa. They are subject to the same taxation system as other Quebecers and do not receive special tax exemptions. Under the *James Bay and Northern Québec Agreement*, the Inuit have opted to rely by and large on Québec institutions and not to be governed by a federal statute.

The National Commission must take account of the keen anxiety, indeed, the exasperation, expressed at the hearings by numerous participants from all over Québec concerning the worrisome state of current relations between Québec and the Native peoples.

The National Commission recommends that the Québec government:

- *recognize the rights of the Aboriginal peoples and negotiate with them in a manner consistent with Québec's constitution, territory and statutes;*
- *involve the local and regional populations concerned in the negotiation of all agreements with the Native peoples;*
- *inform Quebecers, especially the Native peoples, of the contents of all agreements to be negotiated and the progress and outcome of the negotiations;*
- *provide more information on the Native peoples' situation, their rights and demands, and those facets of international law that concern them. The National Commission asks that the government clarify its perception of the relations that Québec should maintain with the Aboriginal peoples.*

The National Commission also asks that Native leaders be more receptive to the concerns of other Quebecers. It is of the opinion that no agreement will endure unless the parties feel that both sides have compromised.

CULTURAL COMMUNITIES

Immigrants have come to Québec through its history. Immigration has been an important factor in settlement and Québec's economic and cultural development. Today, Québec seeks to be a pluralist society, open to the cultural contributions of different peoples. The Québec Charter of Human Rights and Freedoms stipulates that the members of ethnic minorities are entitled to maintain and develop their own cultural lives with other members of their group.

The existence of harmonious relations between Quebecers of all origins depends on the extent to which immigrants integrate into and participate in Québec society. Successful integration is a two-way street. If Québec society expects immigrants to embrace its language and culture, it must clearly indicate to them its expectations and help them assimilate the culture and learn French.

The National Commission recommends that the Québec government increase its support for reception measures intended for immigrants, French language programs and programs designed to initiate immigrants to Québec culture and history.

■ NEW RELATIONS BETWEEN QUÉBEC AND CANADA

ECONOMIC ASSOCIATION

The project submitted for consultation calls for Québec to maintain an economic association with Canada. At present, the economies of Québec and Canada are, for all intents and purposes, integrated. Despite a number of remaining obstacles, the Canadian economic space allows for the free movement of persons, goods, services and capital. After the United States, Québec is Canada's principal economic partner, while Canada is the best customer of Québec businesses. In 1989, trade between the two partners totalled over \$67.6 billion. Québec exports to the other provinces totalled \$34.7 billion and imports from the rest of Canada reached \$33 billion. Ontario alone accounted for 78 percent of the goods and services purchased by Québec on the Canadian market, worth \$25.7 billion, and bought 63.6 percent of Québec exports to the rest of Canada, totalling \$22 billion. It should be noted that Québec ships 54 percent of its total exports to Canada and receives 48 percent of all of its imports from Canada. For this reason, Canada and Québec have always sought to maintain and bolster their economic ties.

From the standpoint of the definition of an economic association with Canada, the National Commission has noted the four types of broadened economic entities that economists usually distinguish, i.e. the free-trade area, the customs union, the common market and the economic union. A free-trade area tends to reduce to a minimum artificial obstacles to trade between its members, although the latter remain autonomous in their trade relations with other countries. A customs union implies more extensive economic integration, under which the member nations

impose a common customs tariff on other countries. A common market goes even further by adding to these agreements the free movement of workers and capital. An economic union is a more complete form of integration that encompasses common economic policies among the member countries.

The National Commission believes that it is in the interests of Canada and Québec to maintain the existing economic links within Canada. It is of the opinion that Canada will have no other choice than to negotiate, primarily because of the volume of trade it carries on with Québec. It would be contradictory for Canada to seek to erect trade barriers around Québec, given that its trade policy in recent years has clearly been geared to free trade, first with the United States, with which it concluded the Canada-United States Free Trade Agreement (FTA). This agreement was subsequently broadened to include Mexico, and became the North American Free Trade Agreement (NAFTA), which Canada has ratified. Moreover, Canada is seeking to further broaden the agreement to include Chile and gradually extend it to all of the Americas. Canada is also participating in talks aimed at creating a free-trade area that would gradually involve the Pacific rim countries.

A majority of English Canadians and Quebecers favour this association. However, the National Commission has noted that Quebecers cannot overlook the balance of power that Québec possesses to ensure the maintenance of this association. It suggests that the government inform Quebecers accordingly.

CURRENCY

The draft bill stipulates that the Canadian dollar will continue to be the legal currency of Québec. At present, Quebecers possess nearly one-quarter of the national money supply, equivalent to over \$100 billion. They own this money and, consequently, can continue to use it to effect their transactions. In an economic union, the volume of trade and financial transactions would be such that the adoption of a common currency would offer Canada and Québec appreciable advantages. A common currency could also help minimize economic uncertainty and, consequently, reassure the financial community. It could facilitate the continuity of trade between Québec and Canada and negotiations respecting the apportionment of debts.

The National Commission recommends that the government indicate in the draft bill which common institutions responsible for managing different facets of the economic and monetary association it deems desirable. Such institutions should include a joint tribunal for settling disputes.

recognition that certain institutions that are more political than economic would be desirable to enable a sovereign Québec and Canada to better manage the ties that they deem opportune to establish between them. These political institutions could take various forms. However, it is understood that they would in all instances be agencies that link sovereign States by treaty.

It would be incumbent upon both Québec and Canada to make such decisions. It must be remembered that Quebecers are outnumbered three to one in Canada. However, it is up to Québec, if it deems it appropriate, to pave the way to a form of political union that includes a number of institutions to be established by treaty between two sovereign States.

Once it is achieved, sovereignty will signal for Québec a new beginning in a partnership with Canada that does not eventually exclude some form of political union.

The National Commission recommends that the Québec government and the draft bill indicate that a sovereign Québec could propose and negotiate common, mutually advantageous political institutions when circumstances so permit.

POSSIBLE POLITICAL UNION

Many Quebecers hope that a sovereign Québec will establish common institutions with their Canadian neighbours, which go beyond the simple maintenance of the association.

It seems obvious that a number of institutions will be required to manage and monitor economic and monetary agreements. It is a small step from that observation to the

APPORTIONMENT OF PROPERTY AND DEBTS

The draft bill on sovereignty makes provision for the conclusion by the Government of Québec and the Government of Canada of an agreement relating to the apportionment of federal government property and debts. The basic rule of international law stipulates that federal government property located within Québec's territory would be transferred to Québec without financial compensation. Québec would thus become the owner of assets found within its boundaries. The same rule should apply to financial assets, such as debts and the taxes payable by Québec to Canada.

With regard to the apportionment of the debt of the predecessor State, international law stipulates that such debt is not binding on the successor State as the latter was not a party to the borrowing contracts. Thus, Québec would not be obliged to assume the debt that Canada has incurred and Canada's creditors could not demand from Québec the repayment of a portion of this debt. The integral application of this rule would obviously risk creating injustices. For this reason, the international community expects new States to negotiate between themselves agreements based on the principle of equitable apportionment. Numerous precedents can serve as an example. Based on the rules of international law, it is possible to assess the portion of assets that Québec would receive and to evaluate the proportion of the Canadian debt contracted for the benefit of Quebecers. Various factors can be considered in the calculation of the apportionment of debts, such as population and the ability to pay.

The National Commission believes that Québec has at its disposal considerable power to negotiate with respect to the debt. It therefore recommends that the government state its intention to negotiate its fair share of federal government property and debts.

The debt has, until now, been the sole focus of discussion and the National Commission recommends that the government emphasize, in the course of an information campaign, the recovery of assets in order to put the question of the apportionment of property and debts into the proper perspective.

The National Commission recommends that the Québec government make provision in conjunction with its negotiations with Canada concerning the apportionment of the archives to which Québec is entitled. The same process should be established with respect to all other heritage property located outside Québec and over which a sovereign Québec believes it has rights.

■ SOCIAL ORGANIZATION

CONTINUITY OF LAW

Beginning on the day of its accession to sovereignty, Québec will possess all of the powers of a sovereign State, powers that it will no longer share with the Government of Canada. As it is a State governed by the rule of law, it will have to adopt new rules and ensure the continuity of existing services. Such a step is necessary to avoid creating a legal void in sectors under federal jurisdiction, following the change in Québec's political status. The draft bill stipulates that laws passed by the Parliament of Canada that apply in Québec will remain in force until amended or repealed by the National Assembly. Following Québec's accession to sovereignty, Quebecers will continue to benefit from all of the programs and services previously provided by the federal government. The transitional period between the referendum and Québec's accession to sovereignty is intended to enable Québec to take the necessary steps to assume responsibility for various federal government programs and services.

Pensions and income supplements

The draft bill stipulates that pensions and supplements payable to the elderly will be maintained. The National Commission is sensitive to the anxieties that many participants expressed concerning other allowances that the federal government pays, such as unemployment insurance and tax allowances for children.

Consequently, the National Commission recommends that, in addition to the pensions and supplements payable to the elderly, the Québec government include in the draft bill provisions pertaining to all other benefits that the federal government pays to individuals.

Integration of federal public servants

Sufficient staff will have to be assigned to administer federal programs and services. At present, federal public servants manage these programs.

Consequently, the draft bill stipulates that federal public servants residing in Québec will be given priority in hiring in the Québec public service.

Quebecers are under-represented in the federal public service: they account for 18 percent of all employees, but for 24.9 percent of the population of Canada. The number of employees needed to pursue federal programs and services in Québec is more or less equivalent to the number of federal employees residing in Québec. The Commission believes that the integration of these employees into the Québec public service is necessary, possible and feasible. Some of the public servants will continue to perform the same type of duties. However, some of the former federal government employees will have to perform duties in sectors other than the ones in which they previously worked. The Commission hopes that these individuals will receive special attention in the course of their integration into the Québec public service.

The National Commission recommends that the Québec government undertake to:

- *guarantee that federal public servants residing in Québec will be integrated into the Québec public service;*
 - *present a policy statement on integration following consultations with the federal and Québec labour unions concerned;*
 - *recognize the Outaouais region as a third administrative centre in Québec and maintain a significant presence there;*
 - *provide the Outaouais region with the technical and financial support necessary to enable it to diversify its economy.*
-

In the Outaouais region, over 30 percent of jobs are now concentrated in the public sector. The region will, therefore, be affected by the question. All of the commissions on the future of Québec, including the Commission for the Elderly, support the principle of the integration of federal public servants into the Québec public service.

However, the Youth Commission, which expressed concerns about access to the labour market for young people, disagrees with this policy.

DECENTRALIZATION IN A SOVEREIGN QUÉBEC

The National Commission has noted that virtually all of the commissions are in favour of the decentralization of power. It has also observed a broad consensus among participants concerning the main principles that must pre-empt the implementation of a decentralization policy.

Aside from the consensus noted and converging viewpoints respecting decentralization, participants expressed a broad range of opinions on the responsibilities of regional authorities and the financial and fiscal resources to be granted to them. In the course of discussions, the terminology used varied widely from one municipality or region to another, which occasionally leads to confusion, thus hindering cooperation and regional development.²⁸ Need we emphasize yet again that the number and overlapping of the territorial divisions of various Québec and federal government departments are only confusing the debate.

²⁸ The following definitions are drawn from the reference bank of the commissions on the future of Québec:

Decentralization is a process that consists in the transfer of the duties, powers and responsibilities of the central government to an autonomous, separate government. Among its characteristics are:

- a distinct legal personality;
- decision-making authority;
- the ability to organize the execution of and manage its mission;
- the possibility of establishing its own policies;
- the possibility of allocating its resources in a manner consistent with its mandate.

Devolution is a form of managerial autonomy granted to an administrative unit or an institution under the authority of a governmental decision-making centre. It differs from administrative decentralization to the extent that the unit in question does not possess a distinct legal personality and does not exercise full decision-making authority in its field of intervention. It does not have the power to levy taxes and is accountable to the superiors of the organization.

Regionalization is a more recent concept and is also more diffuse. Essentially, the notion of regionalization as it pertains to government policy refers to the adaptation at the regional level of the measures, activities, programs and initiatives of government departments to satisfy the expectations and needs of the region's residents.

Consequently, the National Commission recommends that:

- *the constitution of a sovereign Québec clearly indicate the importance of decentralization as a basis for political organization;*
- *the process of achieving decentralization be spelled out and gradually implemented by means of legislation;*
- *the government pursue discussions with all of its partners in order to ascertain the advantages and disadvantages of different decentralization scenarios. A coherent new territorial division of the regions must be established, bearing in mind the geographic, economic, social and cultural factors specific to each of the regions concerned in a sovereign Québec.*

The National Commission has noted the importance that participants throughout Québec attach to the role that each of the regions is called upon to play in Québec's development. Each region must be the focal point of economic and cultural vitality that enables it to retain the productive individuals who will shape the future. Moreover, the National Commission has noted the considerable importance accorded this question in the reports of the Regional Commissions.

One observation immediately springs to mind: all participants agree that a major reform must be carried out and that powers and responsibilities must be redistributed, along with the necessary funding and tax revenues. Managers must also be made accountable.

The National Commission believes that the government of a sovereign Québec will have to display courage and leadership in order to prepare for decentralization in collaboration with the intervening parties concerned. It is of the opinion that the Québec society of tomorrow would be better served by a sweeping reform of existing regional administrative bodies.

The objective of decentralization will be to merge administrative units or pool services with a view to managing more efficiently public property and services, notably in the realms of health, education, recreation and culture, at the national, regional and local levels.

MONTREAL

The chief city of a country plays a leading role in that it is the focal point of development that spreads throughout the country, thereby affecting its economic, social and cultural life. Montréal is Québec's biggest city: 1.8 million people live there, equivalent to 26 percent of the total population of Québec. Montréal Island is the heart of the area and has always been the cultural and economic hub of Québec and its principal gateway to the world. Activities in the growth service sector are concentrated there.

Despite its strategic position, Montréal Island has faced major challenges over the past 20 years:

- the exodus of 220 000 of some of its youngest and best educated residents;
- the accelerated impoverishment and aging of its population, which began earlier and are more pronounced than elsewhere in Québec.

These changes have altered the socio-economic profile of the city. In 1990, of all the metropolitan areas in Canada, Greater Montréal had the highest proportion (22 percent) of low-income earners, of whom 70 percent live on Montréal Island. It is very disturbing to note that more recent studies indicate that the impoverishment of Montrealers has further accelerated in recent years.

It is in these increasingly difficult circumstances that Montréal must assume a responsibility that is especially important for the future of Québec, i.e. the socio-economic and linguistic integration of newcomers. Immigrants constantly contribute new skills and cultural sensitivities and are an unparalleled asset for society. However, immigration does pose a daunting challenge: if Québec society is to avoid social tensions, it must foster communication and cohesiveness that overcome differences, develop and transmit a common public culture and ensure that the economy can absorb newcomers on the Québec job market.

Integration

The vast majority of immigrants to Québec enter the province through Montréal. Upon their arrival, they discover a cosmopolitan city and some of Québec's finest community and cultural organizations. It therefore seems natural that many of them decide to settle in the city. Since 1976, over 70 percent of all immigrants to Québec have settled in Montréal. The harmonious linguistic and cultural integration of the newcomers is, obviously, a social mission typical of Montréal. The exodus of the French-speaking middle class and young families to the suburbs and the concentration of allophone immigrants in the city centre are posing daunting challenges, especially in the school system. It is in the neighbourhoods of Montréal that the French-speaking face of the city is defined and that the future of the French language in Québec will ultimately be decided.

The population estimates mentioned at the beginning of Part II of this report point to the gradual decline of French in Montréal in the coming years. The challenges posed by the adoption by immigrants of the language of the majority and the traditionally strong appeal of English in Montréal demand a great deal of vigilance. The predominance of French and its future development are far from secure.

In light of the scope of the question of the integration of immigrants in Montréal and bearing in mind the new powers concerning language that Québec will have at its disposal once it has achieved sovereignty, the National Commission recommends:

- *that, in the first year, a national commission of inquiry be set up to examine the language question and the integration of immigrants in Québec, especially in the Montréal area.*

The commission would be asked to:

- *take stock of the French language in Québec and, in particular, in Montréal;*
- *inventory the new legal and constitutional means at Québec's disposal concerning language, notably its ability to establish a school system on linguistic lines;*
- *recommend to the government specific means to preserve and promote French and, in particular, to arrest its decline in Montréal, bearing in mind the rights of the English-speaking minority.*

Poverty

Nearly 500 000 Montrealers live under the poverty line. Too many of them, such as the homeless, are mired in intolerable socio-economic conditions. For humanitarian reasons, it is essential to tackle Montréal's 14 percent unemployment rate and curb the school drop-out rate, which is higher in Montréal than anywhere else in Québec. Some districts, such as Côte-des-Neiges, have unemployment rates of 19.6 percent, compared with 17.9 percent in Villeray, Saint-Michel and Parc Extension, and 15 percent in the southwestern portion of Montréal Island. The highest concentrations of immigrants are found in these districts. There are more poor people in Montréal than in all of the Atlantic provinces combined.

Vigorous measures are also required in Montréal to adapt the area's facilities and services to the aging population, to enable it to promptly, harmoniously integrate newcomers, accelerate the adaptation of the economy to new economic trends, and provide the specialized facilities and services the area needs to fully play its role as the chief city of Québec. There is an urgent need to immediately adapt education and ongoing training in Montréal, enhance and broaden infrastructure, especially transportation and telecommunications, and thoroughly review the division of responsibilities in the metropolitan area.

Given the extent of socio-economic deterioration in Montréal, the National Commission recommends that the Québec government:

- *give top priority in its policy respecting Montréal to the fight against poverty and dropping out, to job creation, integration into the job market, worker training and retraining in order to bolster development;*
 - *review the current fiscal agreement in order to release the funds needed to meet the major challenges facing Montréal and initiate the reorganization of regional powers, with a view to creating a veritable metropolitan area around the city.*
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QUÉBEC CITY, THE CAPITAL

Governments have always paid close attention to major capitals, because of the special international influence they exercise. Capitals usually symbolize the nations they represent and reflect their vitality. Through their cultural influence, they act as ambassadors.

The capital of a State is also a strategic administrative centre in which are concentrated the employments needed to ensure the smooth operation of government. It also assembles other specialized resources that support this strategic function.

Québec City has been, successively, the capital of New France and Lower Canada. It is the capital of modern-day Québec and the cradle of French-speaking North America. It has all of the attributes of a national capital. The functions it now performs as the seat of the Québec government, the incomparable beauty of the site included on the UNESCO World Heritage List and the diversity of its historic and cultural heritage further enhance its reputation.

On several occasions, the Québec government has examined the present and future of the capital city. In 1963, in response to the recommendations of the Fiset report²⁹, the government grouped key departments in new buildings located on "Parliament hill". In 1986, the Lapointe commission³⁰ recommended that the government offer Québec City financial assistance each year to offset the high costs the city incurs to fully assume its role as the capital of Québec.

²⁹ Commission d'aménagement de Québec, *Rapport sur l'aménagement de la cité parlementaire et du secteur limotrophe*, Québec City, 1963, 34 pp. and plans.

³⁰ Commission d'étude sur la Ville de Québec, *Report*, Québec City, 1986, 144 pp.

In 1994, city officials and various intervening parties at the regional level, concerned with rekindling awareness in government circles and the population at large of the demands and responsibilities assumed by the capital, suggested the establishment of a capital commission. The project should be carried out shortly.

The National Commission believes that it is in the interests of a sovereign Québec to confirm the leadership role it intends to attribute to its capital. A broad development plan should be drawn up for Québec City. Moreover, it is important to ensure that capital is the hub of government activities.

SOCIAL PROGRESS AND EMPLOYMENT

During the public hearings, hundreds of Quebecers spoke of the difficulties they often encounter as a result of the sweeping social changes that have occurred in Québec in recent years. Change has been swift and pervasive, sometimes brutal, constantly spurred by the search for higher productivity and bigger profits, against a backdrop of macroeconomic development, technological advances and the globalization of markets. At the same time, budgetary constraints and the limitations imposed on Québec's choices and priorities by its participation in the Canadian federation have substantially curtailed the room to manoeuvre available to governments. All of these factors combined are a serious impediment to Québec's economic and social development.

Québec, like many other industrialized nations, has its share of underprivileged individuals, who are becoming

increasingly numerous and are marginalized in their neighbourhoods and regions. Large portions of Québec's territory have ceased to be the economic hubs they once were and entire communities are living in a state of disequilibrium and poverty. Social progress, which all Quebecers advocate, depends first on employment, not only because employment generates income, but because human beings feel a basic need to realize their potential through work.

The question of decentralization occupied, quite logically, an important place during the commissions' hearings. Participants did not want so much to discuss administrative structures with the commissioners, as the additional means that the redistribution of power could supply them in order to solve certain problems themselves, problems that have not, until now, been properly dealt with throughout Québec.

If the Québec people is to regain control over its territory through sovereignty, it must do so bearing in mind the effect such a change will have on individuals and communities. This is the other challenge facing all Quebecers. The government must clearly seek to:

- end the exclusion and marginalization of Quebecers who have lost all hope of overcoming their problems and improving their lot;
- open up to young people new prospects so that they, too, can participate fully in Québec's development;
- make quality education available to everyone;
- halt the socio-economic decline of certain regions and regional municipalities that were once dynamic and promising by proposing new responsibilities and challenges;
- adopt a new development philosophy that does not focus solely on economic growth, performance or industrial investments, but above all enables communities to assume responsibility for their development;
- foster, as is suggested in the report of the Youth Commission, a new solidarity to overcome the burden that is undermining the heritage passed on from previous generations to young people.

To enable Québec to meet these challenges, it will take more than a departmental program respecting young people and an improvement in secondary school vocational training. Such an undertaking will demand that all Quebecers call into question certain notions and display a determination which, in terms of hope, will attract as much support as the determination they will have to display to achieve sovereignty.

*In this perspective, the National Commission, with a view to ensuring the dignity and full autonomy of all Quebecers, recommends to the Québec government that it create the appropriate conditions to elaborate and implement a **national employment and social solidarity strategy**.*

In order to succeed, the project must attract support. It must be promoted by the Québec government and the regions. Moreover, it must rely on the enthusiasm and spirit of solidarity that prevailed in the commissions on the future of Québec and seek to rally ordinary Quebecers, business leaders, workers, municipal officials, the school boards and so on. Among other things, the strategy should include:

- *measures designed to bolster output through the promotion of innovation and research and development;*
 - *increased support for local entrepreneurship, young graduates and laid-off workers, assistance to carry out community projects that rely on the determination and ability of communities to assume responsibility for their development;*
 - *measures to develop new employment niches for individuals seeking to re-enter the labour market or who have been left behind by the school system or technological development;*
 - *measures to counteract the scarcity of jobs and promote pay equity;*
 - *the recognition of community initiatives and volunteer work as a means of enhancing personal skills and fostering solidarity;*
 - *a sweeping review aimed at introducing new social practices centred on solidarity, e.g. job sharing, the reduction in working time, and a review of the taxation system with a view to encouraging these measures.*
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■ QUÉBEC'S PARTICIPATION IN THE INTERNATIONAL COMMUNITY

As a province of Canada, Québec maintains a presence on the international scene in those fields of jurisdiction attributed to it by the *Canadian Constitution*.

Upon its accession to sovereignty, Québec will become a full-fledged member of the international community. It will be in a position to act directly on the international scene to conclude all manner of agreements or treaties with other States, participate in various international organizations, and establish and maintain relations with other countries. To this end, Québec must first be recognized by the international community.

TREATIES

A treaty is an international agreement concluded in writing between States and governed by international law.

The establishment of a new State leads to what is called, in international law, the "succession of States". In a case such as Québec, the succession of States means that the new State succeeds the preceding State with respect to the rights and obligations arising from international law within its territory. The principle is that of continuity.

The Québec government has decided to comply with the practice of the continuity of treaties. Consequently, it intends to maintain the treaties concluded by Canada and the international agreements to which Canada has adhered or has ratified and which continue to apply within Québec's territory under the rules of international law. This decision, in the wake of Québec's accession to sov-

eignty, clearly indicates its determination to participate fully in the international community and maintain relations with it.

For example, under existing treaties, the Canada-United States border would be integrally maintained in a sovereign Québec. Similarly, Québec would have to assume the obligations stipulated in any treaty dealing with international standards. This category of treaties includes, in particular, the numerous agreements dealing with human rights and freedoms.

INTERNATIONAL ORGANIZATIONS

The Québec government is also determined to ensure continuity with respect to membership in international organizations.

It will seek Québec's admission to the United Nations and its agencies. It already enjoys the status of a participating government in the community of French-speaking countries and will take the necessary steps to become a member, notably, of the Commonwealth, the North Atlantic Treaty Organization (NATO), the North American Aerospace Defence Command (NORAD), and the World Trade Organization (WTO). Québec's request to join these alliances and agencies as a sovereign State will encourage other States to recognize it. The organizations and agreements mentioned in the draft bill are listed in Appendix VII.

Generally, a successor State seeks admission and submits to the admission procedure stipulated in the organization's constitutional instrument. Each organization establishes the criteria governing admission to alliances or international organizations. The complexity of the conditions governing the admission of a new member depends on the international or regional nature of the organizations, or their purposes.

For example, the Charter of the United Nations stipulates that any pacifist State that accepts the obligations set out in the Charter and which, in the opinion of the UN, is capable of fulfilling such obligations or shows that it is willing to do so, may become a member of the United Nations. The General Assembly, on a recommendation from the Security Council, decides on the admission, as a member, of any State that satisfies these conditions. In this case, the new State indicates to the UN Secretary General its desire to become a member.

Were it admitted today, a sovereign Québec would become the 185th member of the UN. It would rank 18th in terms of its territory and 80th in terms of its population.

The National Commission recommends that the draft bill call for Québec to become a member of the Organization of American States (OAS) and the Organization for Economic Co-operation and Development (OECD).

The National Commission supports the principle of continuity as regards NATO and NORAD, bearing in mind that the principle is necessary to ensure that Québec is quickly, readily recognized as a new State. However, it recommends that a public consultation be conducted on Québec's place in these alliances when the agreements are renewed or, at the latest, within five years.

Moreover, the National Commission recommends that the Outaouais region be recognized as the seat of institutions governing economic relations between Québec and Canada and continental agreements.

■ RECOMMENDATIONS
OF THE
NATIONAL COMMISSION

Here are the recommendations that the National Commission on the Future of Québec is submitting to the Québec government, which reflect the key issues the Commission discussed. Many of the recommendations are found in the reports of the Regional Commissions, the Youth Commission or the Commission for the Elderly. The Québec government must examine them closely. They refer, of course, to the provisions in the draft bill, but also such important issues as education, culture, heritage, the environment, the family, aging, employment, taxation and so on. The recommendations are briefly mentioned in Part I of this report.

SOVEREIGNTY

The National Commission on the Future of Québec:

- 1 - deems unacceptable and contrary to Québec's higher interests the imposition of the Canadian Constitution that has created the political stalemate in which Québec has been plunged against its will. It believes it is urgent to resolve the stalemate and pave the way to major changes.
- 2 - confirms that sovereignty is the only option likely to satisfy the collective aspirations of Quebecers.
- 3 - recommends that the Draft Bill on the Sovereignty of Québec stipulate that Québec is a French-speaking country and that the government undertakes to protect and develop Québec culture.

DECLARATION OF SOVEREIGNTY

- 4 ***The National Commission recommends that the Declaration of Sovereignty reflect Quebecers' expectations, notably:***
 - their determination to master their destiny and inhabit and prosper within their own territory in North America, different and distinct by virtue of their language, history, customs, and way of being, acting and thinking;
 - the accession of Québec to a position of exclusive jurisdiction to make laws and levy taxes in its territory and to act on the international scene for the making of agreements and treaties of any kind with other independent States and participating in various international organizations;
 - recognition of French as the common and official language of Quebecers;
 - the need to protect and promote intrinsic, inalienable rights such as freedom, justice, equality and peace;

- their deep-seated attachment to civil, political, economic, social and cultural rights and freedoms;
- their attachment to individual duties and responsibilities and to the collective rights of the community;
- each individual's obligation to respect the rights and freedoms of others;
- respect for democracy and family life; the importance of education; and social solidarity;
- recognition of French as the common, official language of Quebecers;
- the equality of men and women, the fight against poverty and social exclusion, respect for the environment and international solidarity;
- the preservation of traditional human and spiritual values and the development of new, civilizing values;
- recognition of Québec as a decentralized State.

CONSTITUTION

The National Commission recommends to the Québec government:

- ⁵ - the establishment of an elected Founding Assembly, made up of equal numbers of men and women, that will be asked to draft a constitution;
- ⁶ - that the constitution include, among other things, the contents of the Declaration of Sovereignty, a Charter of human rights and freedoms and recognition of the rights of the English-speaking minority and the Native peoples.

CULTURE

The National Commission recommends to the Québec government:

- ⁷ - that a sovereign Québec make full use of the new means at its disposal to engage in cultural development, whether in the realm of exporting, the safeguarding and development of cultural properties and support for cultural development, among other things through a copyright policy, the development of Québec's cultural industries, the enhancement of Québec's international cultural influence, the development of the information superhighway, broader participation by local agencies in the cultural development of the regions, the development of Québec City and Montréal as, respectively, the

capital and leading cultural city of Québec, and the dialogue of cultures between the cultural communities established in Québec;

- 8 - that it promptly establish a task force to examine the teaching of history in the schools and its dissemination among the general public.

NATIONALITY

- 9 - The National Commission recommends that the Québec government adopt the term “nationality” instead of “citizenship” in the draft bill.

ENGLISH-SPEAKING MINORITY

- 10 - The National Commission recommends that the Constitution guarantee the preservation by the English-speaking community of its identity and historic rights.

NATIVE PEOPLES

The National Commission recommends that the Québec government:

- 11 - recognize the rights of the Aboriginal peoples and negotiate with them in a manner consistent with Québec’s constitution, territory and statutes;
- 12 - involve the local and regional populations concerned in the negotiation of all agreements with the Native peoples;
- 13 - inform Quebecers, especially the Native peoples, of the contents of all agreements to be negotiated and the progress and outcome of the negotiations;
- 14 - provide more information on the Native peoples’ situation, their rights and demands, and those facets of international law that concern them;
- 15 - clarify its perception of the relations that Québec should maintain with the Aboriginal peoples.
- 16 The National Commission also asks that Native leaders be more receptive to the concerns of other Quebecers. It is of the opinion that no agreement will endure unless the parties feel that both sides have compromised.

CULTURAL COMMUNITIES

- 17 - The National Commission recommends that the Québec government increase its support for reception measures intended for immigrants, French language programs and programs designed to initiate immigrants to Québec culture and history.

ECONOMIC ASSOCIATION

- 18 - The National Commission recommends that the government indicate in the draft bill which common institutions responsible for managing different facets of the economic and monetary association it deems desirable. Such institutions should include a joint tribunal for settling disputes.

POLITICAL UNION

The National Commission believes that, once it is achieved, sovereignty will signal for Québec a new beginning in a partnership with Canada that does not eventually exclude some form of political union.

- 19 - The National Commission recommends that the Québec government and the draft bill indicate that a sovereign Québec could propose and negotiate common, mutually advantageous political institutions when circumstances so permit.

APPORTIONMENT OF PROPERTY AND DEBTS

The National Commission believes that Québec has at its disposal considerable power to negotiate with respect to the debt. It therefore recommends that the government:

- 20 - state its intention to negotiate its fair share of federal government property and debts.
- 21 - emphasize, in the course of an information campaign, the recovery of assets in order to put the question of the apportionment of property and debts into the proper perspective, as the debt has until now been the sole focus of discussion;
- 22 - make provision in conjunction with its negotiations with Canada concerning the apportionment of the archives to which Québec is entitled. The same process should be established with respect to all other heritage property located outside Québec and over which a sovereign Québec believes it has rights.

PENSIONS AND INCOME SUPPLEMENTS

- 23 - The National Commission recommends that, in addition to the pensions and supplements payable to the elderly, the Québec government include in the draft bill provisions pertaining to all other benefits that the federal government pays to individuals.

INTEGRATION OF FEDERAL PUBLIC SERVANTS

The National Commission recommends that the Québec government undertake to:

- 24 - guarantee that federal public servants residing in Québec will be integrated into the Québec public service;
- 25 - present a policy statement on integration following consultations with the federal and Québec labour unions concerned;
- 26 - recognize the Outaouais region as a third administrative centre in Québec and maintain a significant presence there;
- 27 - provide the Outaouais region with the technical and financial support necessary to enable it to diversify its economy.

DECENTRALIZATION

The National Commission recommends that:

- 28 - the constitution of a sovereign Québec clearly indicate the importance of decentralization as a basis for political organization;
- 29 - the process of achieving decentralization be spelled out and gradually implemented by means of legislation;
- 30 - the government pursue discussions with all of its partners in order to ascertain the advantages and disadvantages of different decentralization scenarios.

MONTRÉAL

In light of the scope of the question of the integration of immigrants in Montréal and bearing in mind the new powers concerning language that Québec will have at its disposal once it has achieved sovereignty, the National Commission recommends:

- ³¹ - that, in the first year, a national commission of inquiry be set up to examine the language question and the integration of immigrants in Québec, especially in the Montréal area.

The commission would be asked to:

- take stock of the French language in Québec and, in particular, in Montréal;
- inventory the new legal and constitutional means at Québec's disposal concerning language, notably its ability to establish a school system on linguistic lines;
- recommend to the government specific means to preserve and promote French and, in particular, to arrest its decline in Montréal, bearing in mind the rights of the English-speaking minority.

Given the extent of socio-economic deterioration in Montréal, the National Commission recommends that the Québec government:

- ³² - give top priority in its policy respecting Montréal to the fight against poverty and dropping out, to job creation, integration into the job market, worker training and retraining in order to bolster development;
- ³³ - review the current fiscal agreement in order to release the funds needed to meet the major challenges facing Montréal and initiate the reorganization of regional powers, with a view to creating a veritable metropolitan area around the city.

QUÉBEC CITY, THE CAPITAL

The National Commission believes that:

- 34
- it is in the interests of a sovereign Québec to confirm the leadership role it intends to attribute to its capital and that a broad development plan should be drawn up for Québec City;
 - it is important to ensure that capital is the hub of government activities.

SOCIAL PROGRESS AND EMPLOYMENT

- 35
- The National Commission, with a view to ensuring the dignity and full autonomy of all Quebecers, recommends to the Québec government that it create the appropriate conditions to elaborate and implement a national employment and social solidarity strategy.

Among other things, the strategy should include:

- measures designed to bolster output through the promotion of innovation and research and development;
- increased support for local entrepreneurship, young graduates and laid-off workers, assistance to carry out community projects that rely on the determination and ability of communities to assume responsibility for their development;
- measures to develop new employment niches for individuals seeking to re-enter the labour market or who have been left behind by the school system or technological development;
- measures to counteract the scarcity of jobs and promote pay equity;
- the recognition of community initiatives and volunteer work as a means of enhancing personal skills and fostering solidarity;
- a sweeping review aimed at introducing new social practices centred on solidarity, e.g. job sharing, the reduction in working time, and a review of the taxation system with a view to encouraging these measures.

INTERNATIONAL ORGANIZATIONS AND TREATIES

The National Commission:

- 36 - recommends that the draft bill call for Québec to become a member of the Organization of American States (OAS) and the Organization for Economic Co-operation and Development (OECD);
- 37 - supports the principle of continuity as regards NATO and NORAD, bearing in mind that the principle is necessary to ensure that Québec is quickly, readily recognized as a new State. However, it recommends that a public consultation be conducted on Québec's place in these alliances when the agreements are renewed or, at the latest, within five years;
- 38 - recommends that the Outaouais region be recognized as the seat of institutions governing economic relations between Québec and Canada and continental agreements.

SOCIAL BLUEPRINT FOR QUÉBEC

- 39 - As sovereignty offers Québec the means of revitalizing itself and Quebecers an opportunity to create a society that resembles them, the National Commission recommends that the government issue a policy statement, based on the consultations, in which it maps out a social blueprint for the Québec of tomorrow.

INFORM QUEBECERS

- 40 - The National Commission also wishes to recommend to the Québec government that it answer as fully as possible the key questions raised by Quebecers during the consultation. Such questions concern the debt and Québec's ability to reduce and eliminate it, territorial integrity, and the management, through the appropriate institutions, of joint economic and political affairs with Canada.

Several of the commissions have recommended—the National Commission echoes this recommendation—that the government support an agency responsible for providing the information Quebecers may request, disseminating among various groups and associations the conclusions of this report, and encouraging further reflection in educational institutions, labour unions, community groups and so on. To ensure that dynamics of change are fully achieved, a consultation must always be followed by a period of feedback.

The political direction the National Commission is proposing is clear, as it appears to be the only course open to Quebecers if they are to end the stalemate created by the imposition of the current constitutional framework. The National Commission is calling upon individual Quebecers and associations, regardless of their preferences and ideologies, linguistic or cultural differences, to carefully consider the consequences of linking Québec's destiny to the Constitution imposed in 1982. The Act, about whose consequences Quebecers are scarcely aware, is an historic mistake for Canada, an affront to Québec and a guarantee of perpetual political conflicts between Québec and Canada. The Constitution's principal feature is that it can no longer be amended.

■ CONCLUSION

*T*he members of the National Commission on the Future of Québec and their colleagues on the Regional Commissions, the Commission for the Elderly and the Youth Commission, have taken the pulse of Québec. The members of the commissions are witnesses of Québec and this report of the National Commission bears witness to Quebecers' participation in the public consultation.

The first observation to be made concerns the profoundly democratic nature of the process that has been completed and its historic value as the reflection of the opinions of part of the population. Thousands of individuals and organizations promptly responded to the invitation to express their viewpoints on the future of Québec. They gave unstintingly of their time, as the tight deadlines meant that each participant often had to work almost day and night in order to be ready at the appointed time. Participants shared their opinions, often with great emotion, and took part in the proceedings with a deep-seated faith that their words would be recorded and an obvious sense of satisfaction in the consultation process being proposed to them.

Quebecers have a taste for democracy and want to help build their country. Their presence and comments clearly indicate that they want to be informed and participate. The questions they asked during the public hearings of the commissions are a reminder that they want to know the truth, because they are not afraid of the truth. They do not want their future to be presented in a naïve manner, but want the way ahead to be described in clear, simple, direct terms. In the process, there is no place for artifice. When the time comes to choose the road to follow, Quebecers want to have a good map in hand.

From Hull to Gaspé, from Montréal to Blanc-Sablon, Quebecers young and old ardently expressed their desire for change. They often spoke of their fatigue within a social organization that is stifling many of them. They denounced bureaucratic red tape, often futile and complex procedures, the technocratic complexity that is crushing them, and the poverty around them. They came before the commissions to talk about the underprivileged, the unemployed and the marginal for whom society does not do enough. They stressed that, for far too many of them, the future holds little hope.

In various ways, the participants spoke about a social blueprint, one that would rekindle hope for a better future and the means of achieving it.

Each participant, in his or her own fashion, called for social renewal. Such renewal, participants understand, can be achieved by making Québec a country. In their view, sovereignty is not an end, but a means. Specifically, it is a means of adopting a veritable project, one that mobilizes and creates and precisely reflects their needs. They understand that sovereignty has no meaning unless it leads to sweeping social change and that, without sovereignty, such change is unattainable because a social, economic and cultural framework has already been established. However, the framework reflects the needs of Canada as a whole, where Quebecers are only a minority and perceived as provincials. Participants maintain that sovereignty can only succeed if it leads to a new social blueprint, and any social blueprint that benefits and is adapted to the needs of Quebecers can only be achieved if Québec is sovereign.

This is the challenge facing Quebecers. Québec must decide to take charge of its own destiny. It is up to the women and men of Québec to do so. Since the founding of the colony, Québec women—mothers, teachers, nurses—have always defended the language and culture, been at the forefront of social organization and, increasingly today, are participating in the political and economic life of our society. Québec men, from the settlers and merchants of the early days to the politicians and business leaders of today, have always been survivors. Together, they must now decide whether they are willing to build a future by and for ourselves.



■ APPENDICES

APPENDIX I

LIST OF THE REPORTS OF THE COMMISSIONS

- 1- Commission du Bas-Saint-Laurent sur l'avenir du Québec
- 2 - Commission du Saguenay—Lac-Saint-Jean sur l'avenir du Québec
- 3 - Commission de la Capitale sur l'avenir du Québec
- 4 - Commission de la Mauricie—Bois-Francs sur l'avenir du Québec
- 5 - Commission de l'Estrie sur l'avenir du Québec
- 6 - Commission de Montréal sur l'avenir du Québec
- 7 - Commission de l'Outaouais sur l'avenir du Québec
- 8 - Commission de l'Abitibi-Témiscamingue sur l'avenir du Québec
- 9 - Commission de la Côte-Nord sur l'avenir du Québec
- 10 - Commission du Nord-du-Québec sur l'avenir du Québec
- 11 - Commission de la Gaspésie—Îles-de-la-Madeleine sur l'avenir du Québec
- 12 - Commission de la Chaudière-Appalaches sur l'avenir du Québec
- 13 - Commission de Laval sur l'avenir du Québec
- 14 - Commission de Lanaudière sur l'avenir du Québec
- 15 - Commission des Laurentides sur l'avenir du Québec
- 16 - Commission de la Montérégie sur l'avenir du Québec
 - Commission des aînées et des aînés sur l'avenir du Québec
 - Commission des jeunes sur l'avenir du Québec

Solange Tremblay
 Suzanne Tremblay
 Victor-Lévy Beaulieu
 Gratien Bélanger
 Mario Dumont
 Daniel Paillé
 Claude Pelletier
 Mathias Rioux
 Jean-Paul Robichaud
 Michael Schmouth

Commission du Saguenay—Lac-Saint-Jean sur l'avenir du Québec

Réjean Simard, *Chairperson*
 Monique Larouche-Morin, *Deputy Chairperson*
 Michel Belley, *Deputy Chairperson*
 Nicole Bluteau
 Diane Côté
 Marjolaine Gaudreault-Martin
 Rosanne Tétreault
 Margot Weaner
 Jacques Brassard
 Antonio Daillaire
 Francis Dufour
 Gilbert Filion
 Jean Halley
 David Lavallée
 Claude Munger
 Bernard Pilote

Commission de la Capitale sur l'avenir du Québec

Jean-Paul L'Allier, *Chairperson*
 Claire Bonenfant, *Deputy Chairperson*
 Henri Brun, *Deputy Chairperson*
 Nicole Chevette
 Pascale Despins
 Jeanne Lalanne
 Laure Lapierre
 Louis Balthazar
 Paul Bégin
 Pierre De Savoye
 Yvan Desgagné
 Roger Dussault
 André Fournier
 Michel Lessard
 Augustin Raharolahy
 Michel Rivard
 Marcel Roy

APPENDIX II

LIST OF THE MEMBERS OF THE 18 COMMISSIONS

Commission du Bas-Saint-Laurent sur l'avenir du Québec

Rita Giguère, *Chairperson*
 Jean-Yves Pelletier, *Deputy Chairperson*
 Normand Provençal, *Deputy Chairperson*
 Clarie Bilocq
 Michelle Francoeur
 Denise Gentil
 Éva Petigrew

**Commission de la Mauricie—Bois-Francs
sur l'avenir du Québec**

Gilles Boulet, *Chairperson*
Solange Fernet-Gervais, *Deputy Chairperson*
Clémence Lemay Verville, *Deputy Chairperson*
France Cormier
Lucie Demers
Diane Montour
Raymond Champagne
Claude Gagnon
Gaston Hamel
Norman Houle
Jean-Pierre Jolivet
Guy Julien
Pierre Lampron
Hugues Laroche
Gaétan Mercure
Yves Rocheleau
Réjean St-Pierre

Commission de l'Estrie sur l'avenir du Québec

Lynn Charpentier, *Chairperson*
André Langevin, *Deputy Chairperson*
Gary Caldwell, *Deputy Chairperson*
Louise Beaudoin
Ghislaine Beaulieu
Jocelyne Bergeron-Pinard
Louise Paquet
Geneviève Vallière-Blais
André Bachand
Maurice Bernier
Michael Betts
Claude Boucher
Raymond Breton
Janvier Cliche
Robert Morin
Pierre Patenaude

Commission de Montréal sur l'avenir du Québec

Marcel Masse, *Chairperson*
Aida Kamar, *Deputy Chairperson*
Claude Chagnon, *Deputy Chairperson*
David Levine, *Deputy Chairperson*
Gisèle Ampleman
Martine Époque
Louise Harel
Andrée Lajoie
Lise Lebrun
Hélène Pelletier-Baillargeon
Hélène Wavroc

Jacques Bellemarre
Jean-Guy Chaput
Chanh Chau-Tran
Guy Cousineau
Yvon Cyrenne
Konstantinos Georgoulis
Camille Laurin
André Ménard
Réal Ménard
Jean-François Nadeau
Arthur Sandborn
Renzo Viero

Commission de l'Outaouais sur l'avenir du Québec

Antoine Grégoire, *Chairperson*
Martine Morissette, *Deputy Chairperson*
Françoise Boivin, *Deputy Chairperson*
Madeleine Gauthier-David
Carole Lanoville
Pauline Marois
Agathe Quévillon
Carmelle Vigneault
Stéphane Bergeron
Yves Blais
Claude Bonhomme
Sylvio Desrivières
Guy Fortier
Claude Lapointe
Gérald Lavoie
Antoine Normand
Hector Soucie

Commission de l'Abitibi-Témiscamingue sur l'avenir du Québec

Jules Arsenault, *Chairperson*
Nicole Kirouac, *Deputy Chairperson*
Danielle Labrie, *Deputy Chairperson*
Marie-Claude Audet
Margot Lemire
Diane Raymond
Philippe Barette
Hilaire Boissé
André Brunet
Bernard Deshaies
Rénald Dufour
François Gendron
Roger St-Pierre
Rémy Trudel

Commission de la Côte-Nord sur l'avenir du Québec

Anne-Marie Hickey, *Chairperson*
 Carole Routhier, *Deputy Chairperson*
 Gaston St-Hilaire, *Deputy Chairperson*
 Lorraine Bourgeois
 Rachel Demers
 Yvonne Deschênes Camiré
 Rita Dionne-Marsolais
 Béatrice Maltais
 Claudette Villeneuve
 Robin Bélanger
 Julien Boudreau
 Raymond D'Auteuil
 Alain Jalbert
 Serge Lévesque
 Armand Maltais
 Claude Martel
 Marcel Montreuil
 Raymond Nepveu
 Jean Parisé
 Denis Perron
 Gérard Scherrer
 Bernard St-Laurent

Commission du Nord-du-Québec sur l'avenir du Québec

Bernard Fortin, *Chairperson*
 Marjolaine Sirois, *Deputy Chairperson*
 Rémy Lalancette, *Deputy Chairperson*
 Huguette Benedetti
 Bernard Beauchamps
 Bernard Deshaies
 Luc Ferland
 François Gendron
 Damien Larouche
 Michel Létourneau

Commission de la Gaspésie—Îles-de-la-Madeleine sur l'avenir du Québec

Jules Bélanger, *Chairperson*
 Sylvie Lepage, *Deputy Chairperson*
 Alphonse Bernard, *Deputy Chairperson*
 Achille Hubert, *Deputy Chairperson*
 Louise Blanchet
 Cynthia Patterson
 Suzanne Tremblay
 Berthe Vigneau
 Bruno Cloutier
 Joseph M. Gray
 Marcel Landry
 Yvan Landry

Jean-Guy Poirier
 Matthias Rioux

Commission de la Chaudière-Appalaches sur l'avenir du Québec

Danielle-Maude Gosselin, *Chairperson*
 Jocelyn Benoît, *Deputy Chairperson*
 Pierre-Maurice Vachon, *Deputy Chairperson*
 Madeleine Blanchet
 Mireille Gagnon
 Josée Jobin
 Benoît Aubé
 Michel Auger
 Gilles Bernier
 Nelson Bilodeau
 Normand Bolduc
 Antoine Dubé
 Jacques Dumas
 Jean Garon
 Gaston Gourde
 Jean-Guy Paré
 Maurice Warren

Commission de Laval sur l'avenir du Québec

Philippe Garceau, *Chairperson*
 Diane Latour-Gadbois, *Deputy Chairperson*
 Daniel Lefebvre, *Deputy Chairperson*
 Denise Cameron
 Maud Debien Bergeron
 Lucie Jobin
 Monic Thouin Perreault
 Guy Bélanger
 Michel Belliveau
 John Caminis
 David Cliche
 Gilles Gauthier
 Gilles Lacroix
 Marc-André Lévesque
 Serge Ménard
 Jean Ravary

Commission de Lanaudière sur l'avenir du Québec

Louis-Paul Allard, *Chairperson*
 Claire Juneau-Poliquin, *Deputy Chairperson*
 Jean-Pierre Malo, *Deputy Chairperson*
 Jocelyne Caron
 Pascale Cloutier
 Cécile Croze
 Marie Grégoire
 Carole Larose

Daniel Bélec
 Guy Chevette
 Armand Lajeunesse
 Alain Larue
 Roch Lasalle
 Jean-Marc Robitaille
 Benoît Sauvageau

Commission des Laurentides sur l'avenir du Québec

Lucie Papineau, *Chairperson*
 Cécile-Hélène Wojas, *Deputy Chairperson*
 Bernard Lapointe, *Deputy Chairperson*
 Maryse Belley
 Danielle Blanchard
 Raymonde Chartrand
 Ritha Cossette
 Manon Coursol
 Monique Guay
 Rita Léonard Lafond
 Hélène Robert
 Jacques Brisebois
 Jacques Léonard
 Alain Longval
 Robert Pelletier

Commission de la Montérégie sur l'avenir du Québec

Marcel Robidas, *Chairperson*
 Delphine Dunn-Sénéchal, *Deputy Chairperson*
 Diane Viau, *Deputy Chairperson*
 Pascale C. Baillargeon
 Mance Cléroux
 Louise Desforges
 Suzanne Roy
 Thérèse Soucy
 François Beaulne
 Jean-Denis Côté
 René Lachapelle
 Yvon LaFrance
 Bernard Landry
 Daniel Lefebvre
 Yvan Loubier
 Paul-Maurice Patenaude
 Richard Tremblay
 Paul-O. Trépanier

Commission des aînées et des aînés sur l'avenir du Québec

Monique Vézina, *Chairperson*
 Thérèse Bergeron, *Deputy Chairperson*
 Léo Paré, *Deputy Chairperson*
 Marguerite Hogue Charlebois

Yolande Richer
 Nicole Trudel Moir
 Robert Bouchard
 Maurice Dumas
 Richard Guimond
 Denis Lazure
 Pierre Légaré
 Paul Mercier
 Jean Rochon
 Jean-Charles Vigneault

Commission des jeunes sur l'avenir du Québec

Marc-André Coallier, *Chairperson*
 Audrey Benoit, *Deputy Chairperson*
 Jean-François Simard, *Deputy Chairperson*
 Aline Borodian
 Manon Boucher
 Danielle Verville
 Gilles Baril
 Pierre Brien
 Richard Desjardins
 Marc Snyder

APPENDIX III

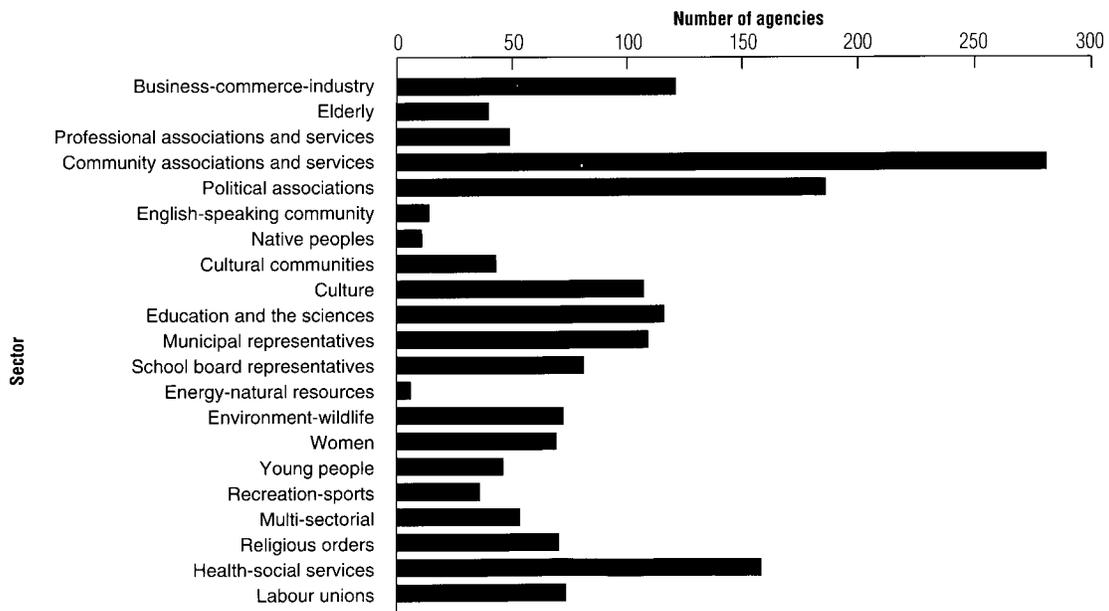
LIST OF PROVINCE-WIDE ASSOCIATIONS AND AGENCIES THAT APPEARED BEFORE THE NATIONAL COMMISSION

- Fédération des femmes du Québec
- Fédération des infirmières et des infirmiers du Québec
- Canadian Institute of Adult Education
- Institut national de la recherche scientifique
- Fédération des travailleurs et travailleuses du Québec
- Université du Québec
- Chambre de commerce du Québec
- Confédération des organismes de personnes handicapées du Québec
- Fondation de l'entrepreneurship
- Société professionnelle des auteurs et des compositeurs du Québec
- Mouvement d'éducation populaire et d'action communautaire du Québec
- Conférence nationale des conseils régionaux de la culture du Québec

- Association des manufacturiers du Québec
- Comité de solidarité populaire avec les immigrantes et les immigrants
- Syndicat de la fonction publique du Québec
- Front commun des personnes assistées sociales
- Union des producteurs agricoles
- La Ligue des droits et libertés
- Bloc québécois
- Conseil du statut de la femme
- Confédération des syndicats nationaux
- Union des écrivains et des écrivaines québécois
- Solidarité populaire du Québec
- Syndicat des employé(s) de magasins et de bureaux de la S.A.Q.
- Table des regroupements provinciaux d'organismes communautaires
- Parti Québécois
- Fédération de l'âge d'or du Québec
- Union des artistes
- Association des services en horticulture ornementale du Québec
- Société Saint-Jean-Baptiste de Montréal
- Association québécoise des organismes de coopération internationale
- Association des archivistes du Québec
- Centre de l'enseignement du Québec
- Réseau solidarité pour l'économie du Québec
- Conférence des régions régionales de la santé et des services sociaux du Québec
- Action démocratique du Québec
- Fédération étudiante collégiale du Québec
- Fédération des commissions scolaires du Québec
- Union des municipalités régionales de comté du Québec
- Association québécoise des organismes régionaux de concertation et de développement
- Mouvement national des Québécois et des Québécoises
- Conseil national du loisir associatif
- Syndicat des professionnelles et des professionnels du Québec
- Fédération des locataires de H.L.M. du Québec
- Union des municipalités du Québec
- Fédération étudiante universitaire du Québec
- Solidarité rurale
- Partenaires pour la souveraineté

APPENDIX IV

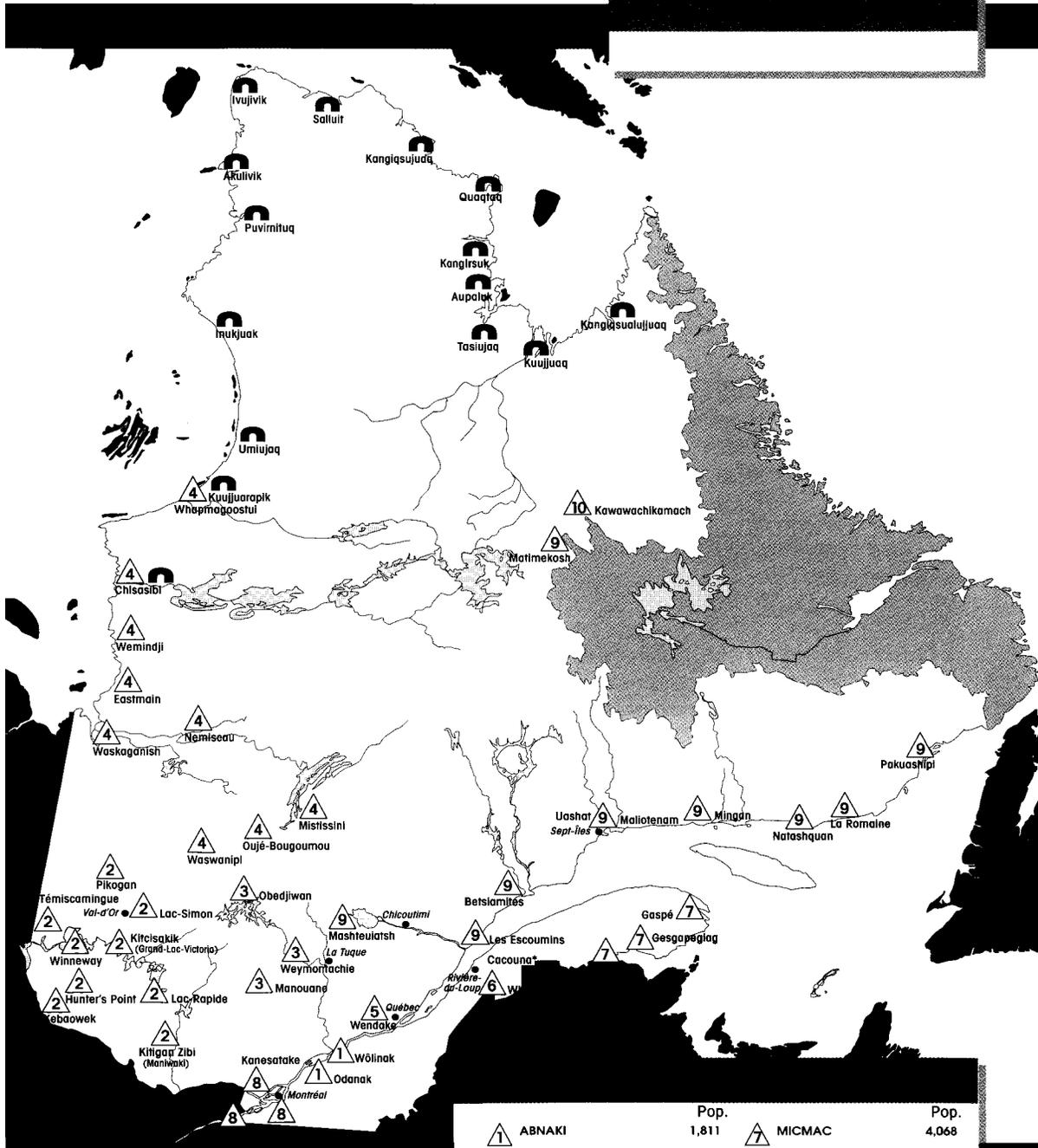
PARTICIPATION BY VARIOUS SECTORS IN THE COMMISSIONS' DELIBERATIONS



Source: Secrétariat national des commissions sur l'avenir du Québec, 1995

APPENDIX V

communities



Source: Ministère du Conseil exécutif, Secrétariat aux affaires autochtones

APPENDIX VI

**QUÉBEC'S SHARE OF THE FEDERAL DEBT
ACCORDING TO A STUDY BY THE BÉLANGER-
CAMPEAU COMMISSION¹**

Pro forma financial equilibrium of the Québec government according to basic scenario (A)

It should be noted that the pro forma balance sheet of the federal government, according to the basic scenario, estimates financial assets at \$57 195 million, non-financial assets at \$72 000 million, and the accumulated deficit at \$200 394 million, for total liabilities on the order of \$329 589 million. Québec's share of each of these components would be 3.8 percent, 18.0 percent, 22.8 percent and 18.5 percent, respectively.

Thus, Québec would assume 18.5 percent of the financial liabilities of the federal government and would contribute a similar portion in respect of the corresponding debt service. Bearing in mind the interest expenses resulting from the Québec government's share (13.3 percent) of federal government commitments to employee pension funds, the increase in the Québec government's debt service would amount to \$7 104 million. Overall, debt service would increase from \$4 434 million at present to \$11 538 million.

The apportionment of the succession balance sheet would increase Québec's pro forma budgetary expenditures from \$53 453 million to \$60 557 million. Pro forma budgetary revenues would remain fairly stable at \$51 275 million, as revenues derived from the apportionment of assets, essentially investment income in government corporations wholly inherited or in corporations in which the Québec government is a minority shareholder, would total roughly \$40 million.

**PRO FORMA BUDGET BALANCE OF THE QUÉBEC
GOVERNMENT AFTER THE APPORTIONMENT OF
THE SUCCESSION BALANCE SHEETS OF STATES,
BASIC SCENARIO, REFERENCE YEAR 1990-1991**

BUDGETARY REVENUES (millions of dollars)	
Current budgetary revenues	33 571
Less: Federal government transfers	6 797
Plus: Recovered revenues	24 461
Revenues from the apportionment of assets	40
TOTAL PRO FORMA REVENUES	51 275
BUDGETARY EXPENDITURES	
Current budgetary expenditures	35 551
Plus: Additional expenditures	17 902
Expenditures related to the apportionment of liabilities	7 104
TOTAL PRO FORMA EXPENDITURES	60 557
BUDGET BALANCE	
Current budget balance	-1 980
Budgetary impact before apportionment of balance sheets	-238
Budgetary effect of apportionment of succession balance sheets	-7 064
PRO FORMA BUDGET BALANCE	-9 282

Québec's very limited share of federal government investment income can be explained in the following manner: the Québec government would inherit investments in a small number of government corporations operating in the transportation and communications sectors. As was noted in section 3, these government corporations generate very small operating profits. The \$6 485 million that appears as federal government investment income includes the profits of the Bank of Canada and those of the exchange funds account. The profits of the Bank of Canada are deducted from interest on the federal debt, while profits from the exchange funds account remain the property of the federal government, given that, under the hypothesis of a de facto monetary union, Québec is not a shareholder of the Bank of Canada and it does not participate in the exchange funds account. However,

¹ Québec, *Commission on the Political and Constitutional Future of Québec. Background paper No. 1. Éléments d'analyse économique pertinents à la révision du statut politique et constitutionnel du Québec, 1991, pp. 473-177.*

it must be noted that, in exchange for relinquishing assets from this account, Québec would not have to assume the interest on the corresponding liabilities.

As a result, the pro forma deficit on budgetary transactions would total \$9 282 million for the reference year 1990-1991, made up of:

1. the current budgetary deficit on the order of \$1 980 million;
2. the additional deficit estimated at \$238 million arising from recovered revenues and additional expenditures other than revenues and expenditures resulting from the apportionment of succession balance sheets;
3. the additional deficit on the order of \$7 064 million that would result from the substantial discrepancy between interest expenses on the liabilities assumed (direct debt and pension funds) and revenues from the assets inherited.

However, these additional budgetary deficits would not lead to an equivalent disbursement, as a portion of these deficits, i.e. \$822 million, consisting essentially of Québec government commitments in respect of employee pension funds transferred to the federal government, would be added to the current non-budgetary operating balance, which totalled \$1 005 million in 1990-1991.

PRO FORMA STATEMENT OF THE QUÉBEC GOVERNMENT'S FINANCIAL OPERATIONS

BASIC SCENARIO (millions of dollars)

PRO FORMA BUDGETARY OPERATIONS

REFERENCE YEAR 1990-1991

Pro forma budgetary revenues	51 275
Pro forma budgetary expenditures	60 557
PRO FORMA DEFICIT	-9 282

PRO FORMA BUDGETARY OPERATIONS

Current non-budgetary operations	1 005
Impact of apportionment of succession financial statements	3
Loans, investments and advances	984
Retirement accounts and other accounts for specific purposes	- 165
Other	- 165
TOTAL	1 827

NET FINANCIAL REQUIREMENTS

Including: Current net financial requirements	-975
Additional net financial requirements	-6 480

All told, this means that \$1 827 million would be subtracted from the pro forma deficit. The Québec government's borrowings on financial markets would be reduced to \$7 455 million, including \$975 million arising from current net financial requirements and \$6 480 million arising from additional financial requirements.

These results result from the basic scenario concerning the apportionment of the pro forma succession balance sheets, which set at \$72 billion the value of the federal government's non-financial assets and at 18 percent Québec's share of such assets.

APPENDIX VII

INTERNATIONAL ORGANIZATIONS

The following is a list of the international organizations mentioned in the draft bill, to which have been added those that the National Commission recommends that the Québec government add to its list.

AGENCE DE COOPÉRATION CULTURELLE ET TECHNIQUE (*FRENCH-SPEAKING COMMUNITY*)

Year

established: 1970

Headquarters: Paris, France

Members: 32 member States. Québec has been a participating government since 1971.

Objectives: Unite those countries that have in common the use of the French language; promote and develop multilateral cooperation between member States in the fields of education, culture, science and technology. The ACCT is the only intergovernmental agency in the French-speaking community.

COMMONWEALTH

Year

established: 1951

Secretariat: London, England

Members: 50 countries

Objectives: Maintain and develop closer political and economic relations between the sovereign States that were formerly British colonies. The Commonwealth does not have a foundation charter but adheres to a series of declarations to which members may freely subscribe.

NORTH AMERICAN AEROSPACE DEFENCE COMMAND (NORAD)

Year

established: 1958

Headquarters: Colorado Springs, Colorado

Members: Canada, United States

Objectives: Detect air attacks or missiles aimed at the North American continent. Coordinate the air defences of both countries.

ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)

Year

established: 1961

Headquarters: Paris, France

Members: 21 countries

Objectives: Achieve the most extensive growth possible in the economy and employment and enhance the standard of living of member countries, while maintaining financial stability, thus contributing to the development of the world economy; foster sound economic expansion in member countries and in non-member developing nations; contribute to the expansion of multilateral, non-discriminatory world trade, in a manner consistent with international obligations.

ORGANIZATION OF AMERICAN STATES (OAS)

Year

established: 1890

Headquarters: Washington, DC

Members: 35 countries in the Americas. Canada has been a member for several years.

Objectives: Ensure peace and security on the continent; promote and consolidate representative democracy in keeping with the principle of non-intervention; avert problems and ensure the peaceful settlement of conflicts that arise between member States; ensure joint action in the event of aggression; seek solutions to

the political, legal and economic problems of the member States; promote through cooperation the economic, social and cultural development of the member States.

WORLD TRADE ORGANIZATION (WTO)

Replaces the General Agreement on Tariffs and Trade (GATT)

Year established: 1994

Headquarters: Geneva, Switzerland

Members: 115 signatory countries; 28 other countries apply WTO rules.

Objectives: Enhance the standard of living in member States; achieve full employment, high, constantly rising real income and effective demand; make optimum use of world resources in keeping with the objective of sustainable development in order to protect and preserve the environment and bolster the means of doing so; boost output and trade in goods and services; recognize the need to make positive efforts so that the developing nations obtain a portion of growth in international trade that corresponds to the imperatives of their economic development.

UNITED NATIONS (UN)

Year established: 1945

Headquarters: New York, NY

Members: 184 countries

Objectives: Maintain peace and international security; promote international cooperation through the resolution of international economic, social, intellectual and humanitarian problems; promote human rights.

NORTH ATLANTIC TREATY ORGANIZATION (NATO)

Year established: Organization established following the signing in 1949 of the North Atlantic Treaty.

Headquarters: Brussels, Belgium

Members: 16 countries

Objectives: Maintain a political and military defensive alliance made up of sovereign countries in keeping with article 51 of the United Nations Charter, which makes provision for the inherent right to collective defence. Reaffirm the wish of member countries to respect the principles of democracy, individual freedom and the rule of law; promote stability and ensure the well-being of the North Atlantic region.

INTERNATIONAL AGREEMENT

NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA)

Year established: 1994

Signatories: Canada, United States, Mexico

Objectives: Eliminate obstacles to trade in goods and services; foster fair competition; broaden investment opportunities; protect and ensure respect for intellectual property rights; establish effective procedures for implementing and administering NAFTA and for jointly administering the Agreement and settling disputes; establish a framework for more extensive trilateral, regional and multilateral cooperation.

APPENDIX VIII

HISTORIC OVERVIEW OF KEY EVENTS IN THE APPROPRIATION BY OTTAWA OF PROVINCIAL POWERS

DATE KEY EVENTS

1882 Legal committee of the Privy Council: theory of national dimensions allowing federal intrusion in fields under provincial jurisdiction for reasons of national interest.

1885 Privy Council: peace, order and good government clause. Jurisprudence began to define the scope of this major federal power in the Louis Riel affair. The clause allowed the suspension of the basic rules of criminal law.

1914 The *War Measures Act* empowered the government to abolish federalism in an emergency.

1916-1917 First federal intrusions in the realm of direct taxation, hitherto reserved for the provinces: tax on business profits and war tax on personal income. The measures were to be temporary.

1919 Federal subsidies for the highway network. One of the first examples of the exercise of the federal government's power to spend in fields under provincial jurisdiction, with the result that Québec's decisions fell into line with Ottawa's priorities.

1923 Privy Council: federal power to legislate in a field under provincial jurisdiction when a national emergency arises.

1927 First federal statute on old age pensions (intrusion in the social field).

1931 Privy Council: the aeronautics sector was deemed to fall under federal jurisdiction.

1931 Privy Council: broadcasting was deemed to fall under federal jurisdiction.

1940 Legislation was adopted that allowed Ottawa to control the entire Canadian economy during the war. A similar measure adopted in August 1945 covered the post-war period.

1940 Constitutional amendment: the federal government was given jurisdiction over unemployment insurance.

1942 The provinces temporarily relinquished jurisdiction over personal and corporate income tax; Ottawa subsequently refused to withdraw from the field.

1942 Federal vocational training program (intrusion in the field of education).

1943 Privy Council: confirmation of the federal government's residual powers, i.e. all powers not stipulated in the British North America Act.

1944 Federal Department of Health and Welfare. Establishment of federal family allowances (intrusion in the social field). Construction of the Canadian welfare state accompanied by conditional transfer payments to the provinces.

1951 Constitutional amendment: federal jurisdiction over old age pensions.

1951 Federal subsidies to the universities (intrusion in the field of education).

1957 Canada Council (intrusion in the field of culture).

1957 National hospital insurance (intrusion in the field of health care).

1966 Supreme Court: allowed the federal government to expropriate land in the Ottawa-Hull area, despite provincial control over urban planning and land use planning.

1967 Supreme Court: federal jurisdiction over juvenile delinquents (intrusion in the social field) and exclusive federal jurisdiction over under-sea mineral deposits on the Pacific coast, despite Québec's objections.

- 1969 Establishment of the federal Department of Communications and the Department of Regional Economic Expansion, whose initiatives led to extensive overlapping with Québec's jurisdiction.
- 1971 Supreme Court: confirmation of the scope of the federal government's declaratory power, which enables the federal Parliament to unilaterally decree that certain infrastructures henceforth fall under federal jurisdiction.
- 1973 Supreme Court: federal government ancillary powers as regards the civil effects of divorce (intrusion of the federal government at the very heart of civil law).
- 1975 Supreme Court: validity of federal anti-inflation legislation, which allows Ottawa to control the economy, even in peacetime.
- 1978 Supreme Court: exclusive federal jurisdiction over television and cablecasting. New legislative questions arising from technological development continue to be attributed to the federal government.
- 1982 Unilateral repatriation of the Constitution without Québec's consent. Supreme Court: absence of a constitutional veto for Québec. Adoption of the *Canadian Charter of Rights and Freedoms*, which reduces the jurisdiction of the National Assembly in respect of language without its consent.
- 1982 Establishment of a new federal Department of Industrial and Regional Expansion, broader federal presence in the field of regional development, deemed to fall under provincial jurisdiction.
- 1990 Rejection of the Meech Lake Accord: failure to recognize Québec as a distinct society. Repudiation of the theory of the two founding peoples.
- 1994 Launching of a reform of federal income security programs (Axworthy reform). Significant implications for provincial jurisdiction.
- 1994 Supreme Court: confirmation of federal jurisdiction over interprovincial telecommunications.

APPENDIX IX
List of staff in the National Secretariat of the Commissions on the Future of Québec
Director:

Gilles Châtillon

Executive secretaries:

Gina Laveau, *head*

Carole Caron

Claire Paradis

Organization of resources and logistics:

Jean Demers, *head*

Nicole Paquin

Lyse Gagné-Julien

Francine Gilbert

Martine Rhéaume

Scheduling:

Yves Marcil

Organization of the Regional Commissions:

Pierre-Paul Sénéchal, *head*

Participation in the commissions:

Normand Thériault, *head*

Annie Pineault

**Coordination: Commission of the Elderly,
Commission of the Young and National Commission :**

Marie Huot

Assistant to the commissioners:

Denise Malouin

Organization of the Forum des femmes commissaires:

Louise Dion

Sylvie Harel

Communications:

Michèle LaSanté, *head*

Information and press relations:

Yvan Bédard

Diane Bilodeau

Réal Roussy

Marie-Josée Tremblay

- Accueil et téléphonie :

Stéphane Pigeon

Thérèse Boudreault

Jacqueline Brisebois

Claire Desjardins

Michelle Drolet

Hélène Émond

Dominique Gauthier

Jane Hazelton

Diane Lister

Denise Pagé

**Analyse et synthèse des interventions
aux commissions :**

Jeanne Proulx, *head*

Johanne Belzile

Réal Bouchard

Ronald Carré

Joëlle Chabot

Françoise Cloutier

Francine Delisle

Marie-Claude Delisle

Johanne Devin

France Dion

Lise Drapeau

Louise Dusablon

Daniel Gagné

Marie-Claude Giguère

Monique Giguère

Nicole Janvier-Lassonde

Suzanne Lamy

Claudette Lefrançois

Martin Lévesque

Maria Martin

Céline Masse

Claudette Miville

Jean-Pierre Montesinos

Sylvie Paré

Josée Perras

Gisèle Rhéaume

Renée B. Tousignant

Robert Wagner