



Bill 99

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

Introduction

Introduced by

**Mr Joseph Facal
Minister for Canadian
Intergovernmental Affairs**

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EXPLANATORY NOTES

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

The bill specifies that only the Québec people, acting through its own political institutions, has the right to decide the nature, scope and mode of exercise of its right to self-determination, and that no other parliament or government may reduce the powers, authority, sovereignty or legitimacy of the National Assembly.

The bill reaffirms the characteristics and the jurisdiction of the Québec State in various areas, including matters involving the territory of Québec.

Bill 99

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

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

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

WHEREAS Québec has constantly affirmed its respect for human rights and freedoms and for the rights of Québec's English-speaking community and Aboriginal nations ;

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

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

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

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

WHEREAS Québec is facing actions by the federal government, including a legislative initiative, that challenge the legitimacy, integrity and valid operation of its national democratic institutions ;

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

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

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

THE QUÉBEC PEOPLE

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

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

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

CHAPTER II

THE QUÉBEC STATE

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

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

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

- 6.** The Québec State is sovereign in the areas assigned to its jurisdiction by laws and constitutional conventions.

It is the duty of the Government to uphold the exercise and defend the integrity of those prerogatives,

at all times and in all places, including on the international scene.

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

The Québec State is not bound by any treaty, convention, agreement or Act in the areas under its jurisdiction unless it has formally adhered to it by a decision of the National Assembly or the Government, subject to the applicable legislative provisions.

The Québec State may, in the areas under its jurisdiction, transact with foreign states and ensure its representation outside Québec.

CHAPTER III

THE TERRITORY OF QUÉBEC

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

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

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

The State may develop and administer the territory of Québec and, more specifically, delegate authority to administer the territory to municipalities or other mandated entities, as provided by law and in a manner respectful of the rights of the Aboriginal nations of Québec.

CHAPTER IV

FINAL PROVISIONS

10. The Québec State and the National Assembly are, with regard to the exercise of the fundamental and inalienable right of the Québec people to self-determination, bound only by the provisions of this Act and of applicable Acts enacted by the National Assembly.

No other parliament or government may reduce the powers, authority, sovereignty or legitimacy of the National Assembly.

11. This Act comes into force on *(insert here the date of assent to this Act)*.