

Anexo 5.

Bill 1 **An Act Respecting the Future of Quebec** **(The Sovereignty Bill, Introduced 1995)**

We, the people of Québec, through our National Assembly, proclaim:

Québec is a sovereign country.

The Parliament of Québec enacts as follows:

SELF-DETERMINATION

1. The National Assembly is authorized, within the scope of this Act, to proclaim the sovereignty of Québec. The proclamation must be preceded by a formal offer of economic and political partnership with Canada.

SOVEREIGNTY

2. On the date fixed in the proclamation of the National Assembly, the Declaration of sovereignty appearing in the Preamble shall take effect and Québec shall become a sovereign country; it shall acquire the exclusive power to pass all its laws, levy all its taxes and conclude all its treaties.

PARTNERSHIP TREATY

3. The Government is bound to propose to the Government of Canada the conclusion of a treaty of economic and political partnership on the basis of the tripartite agreement of June 12, 1995 reproduced in the schedule. The treaty must be approved by the National Assembly before being ratified.

4. A committee charged with the orientation and supervision of the negotiations relating to the partnership treaty, composed of independent personalities appointed by the Government in accordance with the tripartite agreement, shall be established.

5. The Government shall favour the establishment in the Outaouais region of the seat of the institutions created under the partnership treaty.

NEW CONSTITUTION

6. A draft of a new constitution shall be drawn up by a constituent commission established in accordance with the prescriptions of the National Assembly. The commission, consisting of an equal number of men and women, shall be composed of a majority of non-parliamentarians, and shall include Quebecers of various origins and from various backgrounds.

The proceedings of the commission must be organized so as to ensure the fullest possible participation of citizens in all regions of Québec, notably through the creation

of regional sub-commissions, if necessary. The commission shall table the draft constitution before the National Assembly, which shall approve the final text. The draft constitution shall be submitted to a referendum and shall, once approved, become the fundamental law of Québec.

7. The new constitution shall state that Québec is a French-speaking country and shall impose upon the Government the obligation of protecting Québec culture and ensuring its development.

8. The new constitution shall affirm the rule of law, and shall include a charter of human rights and freedoms. It shall also affirm that citizens have responsibilities towards their fellow citizens.

The new constitution shall guarantee the English-speaking community that its identity and institutions will be preserved. It shall also recognize the right of the aboriginal nations to self-government on lands over which they have full ownership and their right to participate in the development of Québec; in addition, the existing constitutional rights of the aboriginal nations shall be recognized in the constitution. Such guarantee and such recognition shall be exercised in a manner consistent with the territorial integrity of Québec.

Representatives of the English-speaking community and of each of the aboriginal nations must be invited by the constituent commission to take part in the proceedings devoted to defining their rights. Such rights shall not be modified otherwise than in accordance with a specific procedure.

9. The new constitution shall affirm the principle of decentralization. Specific powers and corresponding fiscal and financial resources shall be attributed by law to local and regional authorities.

TERRITORY

10. Québec shall retain its boundaries as they exist within the Canadian federation on the date on which Québec becomes a sovereign country. It shall exercise its jurisdiction over the land, air and water forming its territory and over the areas adjacent to its coast, in accordance with the rules of international law.

CITIZENSHIP

11. Every person who, on the date on which Québec becomes a sovereign country, holds Canadian citizenship and is domiciled in Québec acquires Québec citizenship.

Every person born in Québec who, on the date on which Québec becomes a sovereign country, is domiciled outside Québec and who claims Québec citizenship also acquires Québec citizenship.

In the two years following the date on which Québec becomes a sovereign country, any person holding Canadian citizenship who settles in Québec or who has established a substantial connection with Québec without being domiciled in Québec may claim Québec citizenship.

12. Québec citizenship may be obtained, once Québec has become a sovereign country, in the cases and on the conditions determined by law. The law must provide, in particular, that Québec citizenship shall be granted to every person born in Québec, or born outside Québec to a father or mother holding Québec citizenship.

13. Québec citizenship may be held concurrently with Canadian citizenship or that of any other country.

CURRENCY

14. The currency having legal tender in Québec shall remain the Canadian dollar.

TREATIES AND INTERNATIONAL ORGANIZATIONS AND ALLIANCES

15. In accordance with the rules of international law, Québec shall assume the obligations and enjoy the rights set forth in the relevant treaties and international conventions and agreements to which Canada or Québec is a party on the date on which Québec becomes a sovereign country, in particular in the North American Free Trade Agreement.

16. The Government is authorized to apply for the admission of Québec to the United Nations Organization and its specialized agencies. It shall take the necessary steps to ensure the participation of Québec in the World Trade Organization, the Organization of American States, the Organization for Economic Cooperation and Development, the Organization for Security and Co-operation in Europe, the Francophonie, the Commonwealth and other international organizations and conferences.

17. The Government shall take the necessary steps to ensure the continuing participation of Québec in the defense alliances of which Canada is a member. Such participation must, however, be compatible with Québec's desire to give priority to the maintenance of world peace under the leadership of the United Nations Organization.

CONTINUITY OF LAWS, PENSIONS, BENEFITS, LICENCES AND PERMITS, CONTRACTS AND COURTS OF JUSTICE

18. The Acts of the Parliament of Canada and the regulations thereunder that apply in Québec on the date on which Québec becomes a sovereign country shall be deemed to be laws and regulations of Québec. Such legislative and regulatory provisions shall be maintained in force until they are amended, replaced or repealed.

19. The Government shall ensure the continuity of the unemployment insurance and child tax benefit programs and the payment of the other benefits paid by the Government of Canada to individuals domiciled in Québec on the date on which Québec becomes a sovereign country. Pensions and supplements payable to the elderly and to veterans shall continue to be paid by the Government of Québec according to the same terms and conditions.

20. Permits, licences and other authorizations issued before October 30, 1995 under an Act of the Parliament of Canada that are in force in Québec on the date on which

Québec becomes a sovereign country shall be maintained. Those issued or renewed on or after October 30, 1995 shall also be maintained unless they are denounced by the Government within one month following the date on which Québec becomes a sovereign country. Permits, licences and other authorizations that are so maintained will be renewable according to law.

21. Agreements and contracts entered into before October 30, 1995 by the Government of Canada or its agencies or organizations that are in force in Québec on the date on which Québec becomes a sovereign country shall be maintained, with the Government of Québec substituted, where required, for the Canadian party. Those entered into on or after October 30, 1995 shall also be maintained, with the Government of Québec substituted, where required, for the Canadian party, unless they are denounced by the Government within one month following the date on which Québec becomes a sovereign country.

22. The courts of justice shall continue to exist after the date on which Québec becomes a sovereign country. Cases pending may be continued until judgment. However, the law may provide that cases pending before the Federal Court or before the Supreme Court shall be transferred to the Québec jurisdiction it determines.

The Court of Appeal shall become the court of highest jurisdiction until a Supreme Court is established under the new constitution, unless otherwise provided for by law.

Judges appointed by the Government of Canada before October 30, 1995 who are in office on the date on which Québec becomes a sovereign country shall be confirmed in their functions and shall retain their jurisdiction. The judges of the Federal Court and of the Supreme Court of Canada who were members of the Québec Bar shall become, if they so wish, judges of the Superior Court and of the Court of Appeal, respectively.

FEDERAL PUBLIC SERVANTS AND EMPLOYEES

23. The Government may, in accordance with the conditions prescribed by law, appoint the necessary personnel and take appropriate steps to facilitate the application of the Canadian laws that continue to apply in Québec pursuant to section 18. The sums required for the application of such laws shall be taken out of the consolidated revenue fund.

The Government shall ensure that the public servants and other employees of the Government of Canada and of its agencies and organizations, appointed before October 30, 1995 and domiciled in Québec on the date on which Québec becomes a sovereign country, shall become, if they so wish, public servants or employees of the Government of Québec. The Government may, for that purpose, conclude agreements with any association of employees or any other person in order to facilitate such transfers. The Government may also set up a program of voluntary retirement; it shall honour any retirement or voluntary departure arrangement made with a transferred person.

INTERIM CONSTITUTION

24. The Parliament of Québec may adopt the text of an interim constitution which will be in force from the date on which Québec becomes a sovereign country until the coming into force of the new constitution of Québec. The interim constitution must ensure the continuity of the democratic institutions of Québec and of the constitutional rights existing on the date on which Québec becomes a sovereign country, in particular those relating to human rights and freedoms, the English-speaking community, access to English-language schools, and the aboriginal nations.

Until the coming into force of the interim constitution, the laws, rules and conventions governing the internal constitution of Québec shall remain in force.

OTHER AGREEMENTS

25. In addition to the partnership treaty, the Government is authorized to conclude with the Government of Canada any other agreement to facilitate the application of this Act, in particular with respect to the equitable apportionment of the assets and liabilities of the Government of Canada.

COMING INTO FORCE

26. The negotiations relating to the conclusion of the partnership treaty must not extend beyond October 30, 1996, unless the National Assembly decides otherwise.

The proclamation of sovereignty may be made as soon as the partnership treaty has been approved by the National Assembly or as soon as the latter, after requesting the opinion of the orientation and supervision committee, has concluded that the negotiations have proved fruitless.

27. This Act comes into force on the day on which it is assented to.

SCHEDULE

Text of the AGREEMENT between the Parti Québécois, the Bloc Québécois, and the Action démocratique du Québec

Ratified at Québec City on June 12, 1995 by Jacques Parizeau, Lucien Bouchard, and Mario Dumont

A common project

As the representatives of the Parti Québécois, the Bloc Québécois and the Action démocratique du Québec, we have reached agreement on a common project to be submitted in the referendum, a project that responds in a modern, decisive and open way to the long quest of the people of Québec to become masters of their destiny.

We have agreed to join forces and to coordinate our efforts so that in the Fall 1995 referendum, Quebecers can vote for a real change: to achieve sovereignty for Québec and a formal proposal for a new economic and political partnership with Canada, aimed among other things at consolidating the existing economic space.

The elements of this common project will be integrated in the bill that will be tabled in the Fall and on which Quebecers will vote on referendum day.

We believe that this common project respects the wishes of a majority of Quebecers, reflects the historical aspirations of Québec, and embodies, in a concrete way, the concerns expressed before the Commissions on the future of Québec.

Thus, our common project departs from the Canadian status quo, rejected by an immense majority of Quebecers. It is true to the aspirations of Quebecers for autonomy and would allow Québec to achieve sovereignty: to levy all of its taxes, pass all of its laws, sign all of its treaties. Our project also reflects the wish of Quebecers to maintain equitable and flexible ties with our Canadian neighbours, so that we can manage our common economic space together, particularly by means of joint institutions, including institutions of a political nature. We are convinced that this proposal is in the interests of both Québec and Canada, though we cannot of course presume to know what Canadians will decide in this regard.

Finally, our project responds to the wish so often expressed in recent months that the referendum unite as many Quebecers as possible on a clear, modern and open proposal.

The referendum mandate

Following a Yes victory in the referendum, the National Assembly, on the one hand, will be empowered to proclaim the sovereignty of Québec, and the government, on the other hand, will be bound to propose to Canada a treaty on a new economic and political Partnership, so as to, among other things, consolidate the existing economic space.

The referendum question will contain these two elements.

Accession to sovereignty

Insofar as the negotiations unfold in a positive fashion, the National Assembly will declare the sovereignty of Québec after an agreement is reached on the Partnership treaty. One of the first acts of a sovereign Québec will be ratification of the Partnership treaty.

The negotiations will not exceed one year, unless the National Assembly decides otherwise.

If the negotiations prove to be fruitless, the National Assembly will be empowered to declare the sovereignty of Québec without further delay.

The treaty

The new rules and the reality of international trade will allow a sovereign Québec, even without a formal Partnership with Canada, continued access to external markets, including the Canadian economic space. Moreover, a sovereign Québec could, on its own initiative, keep the Canadian dollar as its currency.

However, given the volume of trade between Québec and Canada and the extent of their

economic integration, it will be to the evident advantage of both States to sign a formal treaty of economic and political Partnership.

The treaty will be binding on the parties and will specify appropriate measures for maintaining and improving the existing economic space. It will establish rules for the division of federal assets and management of the common debt. It will create the joint political institutions required to administer the new Economic and Political Partnership, and lay down their governing rules. It will provide for the establishment of a Council, a Secretariat, an Assembly and a Tribunal for the resolution of disputes.

As a priority, the treaty will ensure that the Partnership has the authority to act in the following areas:

- customs union;
- free movement of goods;
- free movement of individuals;
- free movement of services;
- free movement of capital;
- monetary policy;
- labour mobility;
- citizenship.

In accordance with the dynamics of the joint institutions and in step with their aspirations, the two member States will be free to make agreements in any other area of common interest, such as:

- trade within the Partnership, so as to adapt and strengthen the provisions of the Agreement on Internal Trade;
- international trade (for example, to establish a common position on the exemption with respect to culture contained in the WTO Agreement and NAFTA);
- international representation (for example, the Council could decide, where useful or necessary, that the Partnership will speak with one voice within international organizations);
- transportation (to facilitate, for example, access to the airports of the two countries or to harmonize highway, rail or inland navigation policies);
- defence policy (for example, joint participation in peace-keeping operations or a coordinated participation in NATO and NORAD);
- financial institutions (for example, to define regulations for chartered banks, security rules and sound financial practices);
- fiscal and budgetary policies (to maintain a dialogue to foster the compatibility of respective actions);
- environmental protection (in order to set objectives in such areas as cross-border pollution and the transportation and storage of hazardous materials);
- the fight against arms and drug trafficking;
- postal services;
- any other matters considered of common interest to the parties.

Joint Institutions

(1) The Council

The Partnership Council, made up of an equal number of Ministers from the two States, will have decision-making power with regard to the implementation of the treaty.

The decisions of the Partnership Council will require a unanimous vote, thus each member will have a veto.

The Council will be assisted by a permanent secretariat. The Secretariat will provide operational liaison between the Council and the governments and follow up on the implementation of the Council's decisions. At the request of the Council or the Parliamentary Assembly, the Secretariat will produce reports on any matter relating to the application of the treaty.

(2) The Parliamentary Assembly

A Partnership Parliamentary Assembly, made up of Québec and Canadian Members appointed by their respective Legislative Assemblies, will be created.

It will examine the draft text of Partnership Council decisions, and forward its recommendations. It will also have the power to pass resolutions on any aspect of its implementation, particularly after receiving the periodical reports on the state of the Partnership addressed to it by the Secretariat. It will hear, in public sessions, the heads of the bipartite administrative commissions responsible for the application of specific treaty provisions.

The composition of the Assembly will reflect the population distribution within the Partnership. Québec will hold 25% of the seats. Funding for Partnership institutions will be shared equally, except for parliamentarians' expenses, which will be borne by each State.

(3) The Tribunal

A tribunal will be set up to resolve disputes relating to the treaty, its implementation and the interpretation of its provisions. Its decisions will be binding upon the parties.

The working procedures of the Tribunal could be modeled on existing mechanisms, such as the panels set up under NAFTA, the Agreement on Internal Trade or the World Trade Organization Agreement.

The Committee

An orientation and supervision committee will be set up for the purposes of the negotiations. It will be made up of independent personalities agreed upon by the three parties (PQ, BQ, ADQ). Its composition will be made public at the appropriate time. The Committee will

- (1) take part in the selection of the chief negotiator;
- (2) be allowed an observer at the negotiation table;
- (3) advise the government on the progress of the negotiations;

- (4) inform the public on the procedures and on the outcome of the negotiations.

The democratically appointed authorities of our three parties, having examined and ratified the present agreement yesterday, Sunday, June 11, 1995 - the Action démocratique du Québec having met in Sherbrooke, the Bloc Québécois in Montréal, and the Parti Québécois in Québec - we hereby ratify this common project and we call upon all Quebecers to endorse it.