



The Quebec Legal Plan

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THE QUEBEC LEGAL PLAN

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DANIEL TURP

CANADA'S FAVOURITE SEPARATIST

(January 1996)

Daniel Turp has been called Canada's favourite separatist. Unity Link agrees. That is why we have dedicated an entire page to Mr Turp, to follow his exploits as he seeks fame, fortune, and partnership with Canada.

(wait a sec.....we thought we already had that...!)

THE QUEBEC LEGAL PLAN

ELEMENT N° 1 : CLAIMING SELF-DETERMINATION

INTERNATIONAL CONVENANTS ON HUMAN RIGHTS

Article 1

1. **All peoples have the right of self-determination.** By virtue of that right they freely determine their **political status** and freely pursue their economic, social and cultural development.



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

Compilation of Québec Laws and Regulations [C.Q.L.R.], chapter E-20.2

CHAPTER I THE QUÉBEC PEOPLE

1. **The right of the Québec people to self-determination is founded in fact and in law.** The Québec people is the holder of rights that are universally recognized under the principle of equal rights and self-determination of peoples.

2. The Québec people has the inalienable right to freely decide the **political regime and legal status** of Québec.

3. The Québec people, acting through its own political institutions, shall determine alone the mode of exercise of its right to choose the political regime and legal status of Québec.

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

4. When the Québec people is consulted by way of a referendum under the Referendum Act (chapter C-64.1), the winning option is the option that obtains a majority of the valid votes cast, namely 50% of the valid votes cast plus one.

THE QUEBEC LEGAL PLAN

ELEMENT N° 2 : PURSUING SECESSION

Reference re Secession of Quebec, [1998] 2 S.C.R. 217



88. The **federalism principle**, in conjunction with the **democratic principle**, dictates that the clear repudiation of the existing constitutional order and the clear expression of the desire to pursue secession **by the population of a province** would give rise to a reciprocal obligation on all parties to Confederation to negotiate constitutional changes to respond to that desire. [...] The clear repudiation by the people of Quebec of the existing constitutional order would confer legitimacy on demands for secession, and place an obligation on the other provinces and the federal government to acknowledge and respect that expression of democratic will by entering into negotiations and conducting them in accordance with the underlying constitutional principles already discussed.

92. [...] The rights of other provinces and the federal government cannot deny **the right of the government of Quebec to pursue secession**, should a clear majority of the people of Quebec choose that goal, so long as in doing so, Quebec respects the rights of others. Negotiations would be necessary to address the interests of the federal government, of Quebec and the other provinces, and other participants, as well as the rights of all Canadians both within and outside Quebec.

THE QUEBEC LEGAL PLAN

ELEMENT N° 3

DECLARING INDEPENDENCE

Bill 1

An Act Respecting the Future of Québec, 1995

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.

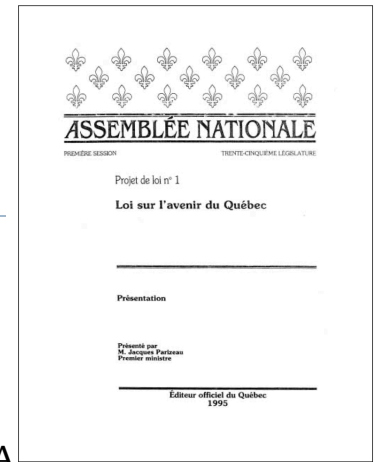
SOVEREIGNTY

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.

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.



THE QUEBEC LEGAL PLAN

ELEMENT N° 4 : DRAFTING A CONSTITUTION

LA
CONSTITUTION
CITOYENNE DU QUÉBEC



Bill 1 *An Act Respecting the Future of Québec, 1995*

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.

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.**

THE QUEBEC LEGAL PLAN

ELEMENT N° 5 : NEGOTIATING A PARTENERSHIP

Bill 1

An Act Respecting the Future of Québec, 1995

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.

* The full text of the schedule is accessible at <https://www.sfu.ca/~aheard/bill1.html>.

EXCERPT

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

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.

THE QUEBEC LEGAL PLAN

ELEMENT N° 6 : DEFINING BOUNDARIES

Bill 1

An Act Respecting the Future of Québec, 1995

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.

- See also two important studies commissioned by the Parliament of Québec :

Thomas M. Franck, Rosalyn Higgins, Alain Pellet, Malcolm N. Shaw and Christian Tomuschat, *The Territorial Integrity of Québec in the event of the Attainment of sovereignty*, 1992, (English translation of the French version on line at [https://english.republiquelibre.org/Territorial integrity of Quebec in the event of the attainment of sovereignty](https://english.republiquelibre.org/Territorial%20integrity%20of%20Quebec%20in%20the%20event%20of%20the%20attainment%20of%20sovereignty)

Jonathan I. Charney, *The Maritime Boundaries of Québec*, 1992, updated in 2001 (English original version on line at <https://www.saic.gouv.qc.ca/documents/institutions-constitution/commission-souverainete-1991-1992/15-JonathanICharney.pdf>)



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ELEMENT N° 7 : SEEKING RECOGNITION

-- See Jacques Parizeau's « **Grand jeu** » and articles and studies on the international recognition of Québec by other States by Louis Balthazar, « Vers une reconnaissance internationale », 1991 (On line <https://vigile.quebec/archives/majorite/greconnaissance/balthasarreconn.html>) and André Patry, *La reconnaissance des États et le cas du Québec*, 1992, updated in 2001 (on line : <https://www.sqrc.gouv.qc.ca/documents/institutions-constitution/commission-souverainete-1991-1992/18-AndrePatry.pdf>)

Bill 1

An Act Respecting the Future of Québec, 1995

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 **defence 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.

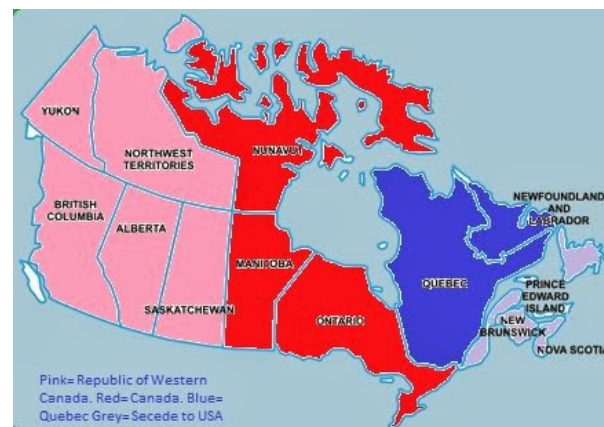
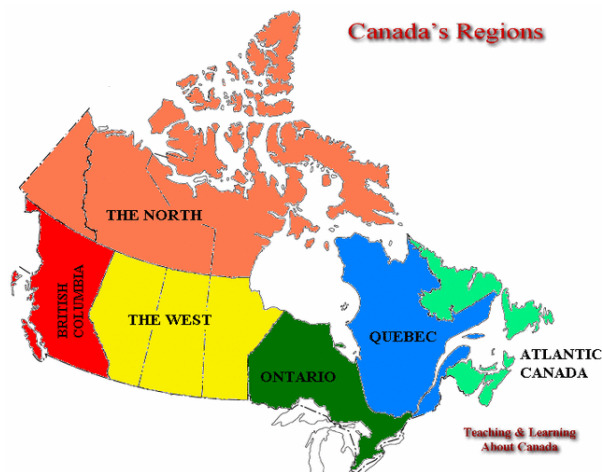
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CONCLUSION A NEW CANADIAN UNION



Daniel Turp, « From an Economic and Political Partnership between Québec and Canada to a Canadian Union », (1996) 7 *Constitutional Forum* 91-96.

Daniel Turp, « Solutions to the Future of Canada and Quebec after the October 26th Referendum: Genuine Sovereignties within a Novel Union », dans (1993) 4 *Constitutional Forum* 47-49.



THANK YOU- MERCI !