

Bill 84: Assimilation and Sovereignty-Association

Did Quebec come closer to some sort of sovereignty-association in 1980, 1987, 1992, 1995, or in 2025?

It might well be 2025.

Bill 84 is another effort to carve "Quebec out of Canada" and "Canada out of Quebec."

Firstly, Bill 84, taken as a whole, is a fundamental and illegitimate restructuring of our country, province, Constitution, the relationship between citizens and the state, and between each other.

Secondly, the Bill serves to erode, erase and extinguish the fundamental freedoms of all Quebecers, be they French-speakers, English-speakers, newcomers, or Aborigines.

Thirdly, with Bill 84, the province of Quebec comes closer to a 'Unilateral Declaration of Independence' (separatism lite, anyone?) with such language as:

*"AS Québec is a **national State**, the **only French-speaking State in North America... sovereign in its areas of jurisdiction.. means to guarantee its territorial integrity... right to self-determination... prerogatives to establish its own international policy, and as it forms a **distinct society** through its French language, culture and institutions"***

*"AS the **National Assembly has never adhered to the Constitution Act, 1982... Québec State must continue building the constitutional foundations on which the Québec nation stands;**"*

As stated by Gerry Cutting, past President of the Townshippers' Association,, "this is a declaration of independence with the authority to engage in social engineering to crush the presence of any linguistic or cultural identity that is not French enough as defined by the National Assembly."

Trojan Horse legislation: sneak in something pernicious, under the guise of a laudable goal, has been a favourite of the CAQ Government.

Bill 84, while I expected to see a boilerplate related to the French-language, secularism (or, the bizarrely translated term 'laicity') and state-defined majoritarian definition of culture, I was not expecting the proposed law to be about as close to a Unilateral Declaration of Independence (UDI) as Quebec has ever come to.

The amendment to Bill 99, Quebec's response to the federal Clarity Act, raised my eyebrows.

Let us analyze this a bit further:

Firstly, the notion of a '*nation State*', Quebec is recognized as a province with a defined territory, jurisdictions, and legal status in the 1867 Constitution. This territorializes the concept of nationhood. Nation was inserted, illegitimately by Bill 96, into a Constitution with a binary power structure: the federal government and provincial governments. A "nation" was not contemplated in our Constitution.

Secondly, proclaiming Quebec the '*only French-speaking State in North America*'. This is factually incorrect, by its own definition of "State" in [art. 3077 of the Civil Code of Quebec](#) (CCQ). Manitoba, New Brunswick, and Canada have to pass all legislation and regulations in French, other provinces have statutory French requirements, and all Quebec laws and regulations must be in English to be official. Haiti is a French-speaking state. Saint Pierre and Miquelon, Saint Martin, Saint Barthélemy, Martinique, Guadeloupe, Clipperton Island all remain French and French-speaking North American colonial possessions (States). Additionally, Quebec has 20% of its population who are not mother-tongue French-speaking.

Thirdly, the statements "*sovereign in its areas of jurisdiction... means to guarantee its territorial integrity...*" are a fundamental revision of the Canadian Constitution and the federal principle. Quebec is a province defined by the Constitution Act of 1867 and created by the United Kingdom's Royal Proclamation of 1763, and it shares jurisdictions with the federal government and there is an important notion of 'federal paramountcy' in Canadian law. The notion of territorial integrity is complex, but Quebec's territory and its integrity is defined by the Canadian Constitution. I encourage everyone to look at an official [Government of Quebec Map](#) and note that the province rejects the *Judicial Committee of the Privy Council decision of 1927* that assigned Labrador definitively to Newfoundland, then a separate country. Of note, "it seems that alteration to the name of a province requires the participation of the federal parliament and of the legislature of the province: Constitution Amendment, 2001 (Newfoundland and Labrador), 6 December 2001."¹

I highly recommend perusing the the little spoken about 'Secrétariat du Québec aux relations canadiennes' to appreciate how Quebec continues to exceed its jurisdiction: <https://www.sqrc.gouv.qc.ca/documents/positions-historiques/territoire-en.pdf>

Fourthly, the proclamation '*right to self-determination... prerogatives to establish its own international policy*' are bold statements of independence. The right to self-determination, for Quebec, was thoroughly refuted by the Supreme Court in 1998.² Quebec is not a colonized or colonial state, and does not meet established international criteria for "self-determination". Period. International policy, where Quebec *Gerin-Lajoie Doctrine* asserts the ability of Quebec to determine its (ever expanding?) jurisdictions beyond its (current?) border, has little intellectual, legal or moral credibility.

¹ Edmund Coates, "The English Voice of the Civil Code of Québec: An Unfinished History" in La Revue du Barreau du Québec, Printemps 2011, Tome 70.

² Question 2, Reference re Secession of Quebec, [1998] 2 S.C.R. 217
<https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/1643/index.do>

Fifthly, ‘distinct society, ‘National Assembly has never adhered to the Constitution Act, 1982... Québec State must continue building the constitutional foundations on which the Québec nation stands...’ all reject the legitimate legal foundations of Quebec’s legal existence. Distinct society, defined solely by adherence to French, is at best, a contested political and policy perspective, which has been definitively rejected by Quebecers and Canadians in a national (Canadian that is...) and legitimate referenda. Let us put to bed an old lie; Quebec’s legislature “signature” or approval of the 1982 constitutional amendments is legally irrelevant. The Supreme Court ruled on this twice in the 1980s.

The current CAQ Government has been inserting “Quebec Nation” into legislation on a regular basis. This was hitherto almost unknown in Quebec legislation, regardless of the governing party. This term had previously, upon legislative research, only been used in one law, “*Act to affirm the collective nature of water resources and to promote better governance of water and associated environments*,” adopted in 2011 by Jean Charest’s Liberals.

Taken as a whole, the terms *Quebec nation, distinct society, only French-speaking State, State, Parliament of Quebec*, all seem to factually, legally, constitutionally, politically and morally confer and imply an illegitimate legal status that Quebec, that is ultra vires (meaning unconstitutional) of the legislature and current legal status of an Quebec entity of public law whose status is conferred and bounded by the Canadian Constitution.

Additionally, for legislative drafters in Quebec City: the official name for Quebec in English and French, which must be used in legislation, must be spelled without an accent.³

Perhaps, I am reading too much into the ‘separatism lite’ bent of this law?

Thankfully, the Quebec legislature thought ahead to confirm my suspicions and amended [Bill 99](#), *Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec State*, which was a response to the Clarity Act. Bill 99 proclaims that, “**The Québec people has the inalienable right to freely decide the political regime and legal status of Québec.**” And, we are now assured the Quebec State will have, “... *its own national integration model provided for by the Act respecting national integration.*”

Other key take-aways:

Firstly, the law includes an amendment of the interpretive framework for Quebec’s *Charter of human rights and freedoms*. Which despite its importance as quasi-Constitutional and all laws being subordinate to it (before Bill 96), has been amended time and time again by the CAQ government to shield their laws from provincial legal scrutiny.

³ Edmund Coates, “The English Voice of the Civil Code of Québec: An Unfinished History” in *La Revue du Barreau du Québec*, Printemps 2011, Tome 70.

Secondly, the Government of Quebec has decided who is a “good Quebecer” for all of us: namely, with a common culture based on French-language and laicity.

Of course, we can expect our legislators, certainly those from federalist leaning and non-francophone ridings, to vote against this abysmal law?

105 voted for, 0 against.

All members of the Quebec Liberal Party present voted for it:

<i>Gregory Kelley</i>	<i>Jacques-Cartier</i>
<i>Jennifer Maccarone</i>	<i>Westmount-Saint-Louis</i>
<i>Désirée McGraw</i>	<i>Notre-Dame-de-Grâce</i>
<i>André Fortin</i>	<i>Pontiac</i>
<i>Monsef Derraji</i>	<i>Nelligan</i>
<i>Brigitte Garceau</i>	<i>Robert-Baldwin</i>
<i>André A. Morin</i>	<i>Acadie</i>
<i>Elisabeth Prass</i>	<i>D'Arcy-McGee</i>
<i>Michelle Setlakwe</i>	<i>Mont-Royal-Outremont</i>
<i>Filomena Rotiroti</i>	<i>Jeanne-Mance-Viger</i>
<i>Marc Tanguay</i>	<i>LaFontaine</i>
<i>Frédéric Beauchemin</i>	<i>Marguerite-Bourgeois</i>
<i>Madwa-Nika Cadet</i>	<i>Bourassa-Sauvé</i>
<i>Linda Caron</i>	<i>La Pinière</i>
<i>Virginie Dufour</i>	<i>Mille-Îles</i>

Are we a nation solely defined by the French-language, unbounded by the Canadian Constitution, and free to become a sovereign state upon a future arbitrary decision?

All parties and MNAs in the Quebec legislature seem to think so.

Thankfully, our concerns can be alleviated by the credibility of the Government of Quebec and their exacting intellectual standards in drafting of this law, with their declaration in the preamble:

AS the law applies in a manner that is ***respectful of the institutions of the English-speaking community of Québec***

I hope our future Canadian Prime Minister wakes up to the real threat brewing for the future of the country.

Sincerely,
Colin Standish
Myrtis Fossey
Joseph Cianflone