

# The Special Committee for Canadian Unity Le Comité Spécial pour l'Unité Canadienne



## Chairman's Opening Statement Why the Dallaire Decision on Bill 99 must be Appealed

May 11, 2018

Contact: Giuliana Pendenza 514-943-9310

[www.thespecialcommittee.com](http://www.thespecialcommittee.com)

[specialcommitteecanadianunity@gmail.com](mailto:specialcommitteecanadianunity@gmail.com)

Who: Keith Henderson, Chairman of the Special Committee for Canadian Unity

When: Tuesday, May 15th at 2:00 p.m.

Where: Charles Lynch Room, 130-S, Center Block, Parliament, Ottawa, ON

Eighteen years ago, the separatist government of my native province legislated my rights as a Quebecer. The law was called, "An Act respecting the exercise of the fundamental rights and prerogatives of the Québec people and the Québec State." The short name is Bill 99, one of whose provisions declares, "The Québec people has the inalienable right to freely decide the political regime and legal status of Québec. 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."

But I knew at the time the Supreme Court of Canada had already adjudicated which people would decide "the political regime and legal status of Québec." The Justices had written, "It lies within the power of the people of Canada...to effect whatever constitutional arrangements are desired within Canadian territory, including, should it be so desired, the secession of Quebec.... The secession of a province from Canada must be considered, in legal terms, to require an amendment to the Constitution." So, eighteen years ago I was left with a question for the courts. What exactly were my rights? Were they those of my residency in Quebec under Bill 99 or those of my citizenship in Canada under the constitution? Who could decide the future of my country, the people of Quebec or the people of Canada?

Justice Claude Dallaire of the Quebec Superior Court hopes I will find comfort in her decision. Excuse me. I do not. In one breath she writes that Bill 99 cannot be used by separatists as a springboard to legitimize Quebec secession. In the next, she outlines exactly how that could be done. Keep in mind her extremely narrow and tendentious definition of the term "Unilateral Declaration of Independence." For her that is NOT what Jacques Parizeau envisioned the night of a referendum victory, the world making way for a new country. It was the world making way for a new country, *if negotiations – even failed ones – had preceded the declaration.*

[ ... ] Ce n'est que si cette négociation est infructueuse que le Parlement du Québec pourra choisir de faire une déclaration unilatérale d'indépendance valide au sens de la Constitution et qui lierait, par voie de conséquence, les institutions politiques du reste du Canada.

To quote these remarks so approvingly does not lead to comfort and clarity. In fact, it does exactly the opposite.

There cannot be two standards of rights and prerogatives in Canada, one requiring adherence to the constitution's amending formula, the other evading it. Plainly stated by the Supreme Court, it is for the people of Canada, through the amending formula, not for the people of Quebec through referendums, to decide whether or not the secession of a province occurs. Justice Dallaire's decision is a "rolling stop" through Canada's constitutional amending formula and the "enhanced majority" the Supreme Court has ruled is required. For that reason alone, the Dallaire decision subverts the rule of law in the country and must be challenged.

As a citizen of Canada, resident in Quebec, I have the right to demand of my governments a secure, peaceful future for myself and my family under the rule of law. That is not a demand for today or tomorrow. It is a demand for succeeding generations. As a citizen of Canada, resident in Quebec, I have the right from my courts to clarity.