

BY BAG  
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CANADA: THE CONSTITUTION: DISMISSAL OF QUEBEC'S CLAIM TO A VETO

In a judgement dated 6 December the Supreme Court has unanimously rejected the Quebec Government's claim that it possessed, by convention, a veto on constitutional changes that affect the legislative competence of the Quebec legislature or the status or role of the provincial legislature or government within the federation. The Court thus dismisses the Quebec Government's appeal against an earlier adverse judgement, also unanimous, by the Quebec Court of Appeal on 7 April.

2. The Court finds that the Quebec Government has failed to demonstrate the existence of such a convention, since it has not shown that it is accepted or recognised by the 'actors' - i.e. the Federal Government and the other provinces. Copy of the judgement follows by bag to NAD.

3. The Premier of Quebec, Mr René Lévesque, has described the judgement as 'the end of all illusions' and has claimed that French Quebecers are now nothing more than an internal colony under the sway of another people: Quebec would never have entered Canada if it had not believed that the new nation was being built on the idea of duality. This defeat in the courts may help the Parti Québécois by lending credence to their claim to be the only bastion against the swallowing of Quebec, and, more narrowly, by justifying Lévesque's attacks on the deficiencies, from Quebec's point of view, of the new Constitution. But no one outside Quebec really thought that Quebec did have a veto. What the judgement has done is to make it brutally clear that Quebec is simply a province like the other nine and that there is no solid basis for the claim that French Canada is in some way co-equal with English Canada, a claim with which Mr Trudeau, for one, clearly has some sympathy.

MORAN

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