

One of four main fields of study in Political Science

- Normative Politics
 - Tend to ask the “big questions” in politics
- International Relations
 - Used to be war / peace
 - Now includes things such as
 - Environment
 - Trade
 - Health
 - Peace keeping
 - Human Rights
- Comparative Politics
- Canadian Politics
 - Same thing as comparative politics but because we live in Canada it is branded as unique. All countries do the same thing

- Where does the theme of Canadian politics come from?
 - People who studied Canadian politics were mostly done by constitutional lawyers
 - How the house of commons works
 - How the senate worked
 - Influence of the Crown
 - Society however was mostly ignored
 - Studied the “hardware” not the people involved
 - In the 80s and 90s there were a lot of constitutional changes in Canada
 - This generated a lot of articles for study
 - Prior to the 70s Aboriginal Politics was basically ignored, but of late have been a huge factor in Canadian politics
 - Relationships between the Federal government and Provincial government
 - Study of provincial politics is now acquiring greater and greater importance

 - Comparative studies in Canadian Politics

- Ask why we are, or why we aren't doing something the same way as another country
 - Or provincially rather than nationally
-

History of Canada

- France and Britain colonized Canada in the 1500s and 1600s
- Prior to their arrival was occupied by Aboriginal people
- The colonists and the aboriginals fought sporadically, mostly in Quebec and Ontario, for nearly 200 years
- 1713 Treaty of Utrecht
 - Britain gained control of Nova Scotia and Newfoundland
- 7 Year War between France and Britain
 - 1759 Battle of the Plains of Abraham
 - 1763 Treaty of Paris
- Britain acquired
 - Quebec
 - PEI
 - New Brunswick
- This treaty limited how much land France still had in Canada to the two islands of Saint Pierre and Miquelon
 - Royal Proclamation of 1763 was created by the then British Colony of Quebec
 - Despite being English and Catholic they did not impose or force the French speaking Protestants to use their ideologies.
- 1774 Quebec Act
 - No elected assembly however established a council to advise the Governor of the Colony
- This came after the Americans Declared Independence from British Rule.
- "French Canada" remained officially neutral during this dispute and thus many (loyal to Britain) Americans decided to move to the British controlled Ontario and New Brunswick
- 1791 – Constitutional Act
 - This Act divided the Colony in two
- Upper Canada
 - Almost exclusively English
 - The so called "executive council" eventually evolved into the Senate
- Lower Canada

- This was in part to thank the French for not joining the American Revolution
 - Each of the Canada's had their own governor, elective council, legislative assemblies and locally elected council.
- By 1791 the colonies had achieved representative government, not to be confused with Responsible Government
 - Figure 2.1 Page 29
- The problem was that although the officials were elected they had no real power.
- The Governor appointed the Executive Council so the Legislative Council and Assembly had no real control in Canada.
- 1837 rebellions broke out in both Upper and Lower Canada in debate as to whether or not the system in Canada should be redone to allow for responsible government.
- 1839 The Durham Report suggested that responsible government should be implemented in regards to local affairs, so that the executive branch would be able to govern only as long as it retained confidence of the elected assembly.
 - He also outlines a division of power between the local and the imperial authorities such that in local matters the governor would follow the advice of the colonial authorities, but in matters of imperial concern he (or she) would be an Agent of the British Government
- New Brunswick and the colony of Canada got responsible government in 1848 and 1851 for Prince Edward Island
- 1840 Act of Union merge Upper and Lower Canada under the suggestion of Lord Durham and for this reason is hated by many French Canadians
- As every province joined Canada they all received responsible government and to this day is still used in Canada

The Road to Confederation

After achieving responsible government the colonies were interested in uniting. There were several main factors as to why

- Economic

- Britain was no longer trading with the colonies
- A reciprocity treaty with the US had expired
- The colonies wanted to establish a free trade area within their own borders
- Since it was mostly Maritime, Quebec, Ontario and British Columbia there was a lot of distance between the lands. The idea of a railroad across Canada would be invaluable to everyone!
- Political
 - There were continued deadlocks between East (French) and West (English) Canada and public decisions needed to be made in one large combined place
 - Confederation would allow for greater autonomy and would allow the colonies to deal with issues on their own
- Military
 - There was a very large military that had already won a war just to the south of Canada
 - The British government was no longer interested in defending Canada
 - By joining together Canada could sustain an army capable of defending their own land

On July 1st 1867 Canada was officially united by the British North America Act of 1867 later renamed the Constitution Act of 1867

- Newfoundland and PEI were not a part of Canada at the time of signing, they were still colonies of Great Britain

Parliamentary system VS American Congressional System

In Canada judges have the power of judicial review

- This power allows them to overturn laws that they find unconstitutional
- In the US only the supreme court can overturn laws they find unconstitutional
- In Britain it is only the House of Commons / Senate

Federalism

- John A Macdonald (Canada's First Prime Minister) wanted the federal government to control almost everything and leave the small tasks to the provincial government
 - Quebec and the Maritimes did NOT like this idea
 - Quebec wanted to ensure that their language difference as well as education and civil laws were upheld in a French speaking majority
- The Maritimes who were now quite far from the new Capital of Ottawa did not want to lose any powers they had prior to confederation
- Macdonald eventually decided to leave a lot of decisions in the hands of the provinces but decided that the federal government in Ottawa will control many things. Leaving too much power in the hands of a state (such as military and financial) could lead to a revolution
 - Many people in that era believed that because the states had too much power that is what allowed the American Civil war to occur
 - Articles 91 and 92 of the Constitutional Act
 - Power of disallowance
 - Completely disallow a provincial decision
 - Power of reservation
 - Suspend a provincial decision

Federalism can be defined as a division of power between a central and a regional government such that neither is a subordinate to each other

Principles of the Canadian Constitution

- Responsible Government
- Federalism (although more quasi-federal)
- Judicial Review
- Constitutional Monarchy

This means that we follow many of the laws and actions of a monarchy but really only in theory. The Crown (British Monarch) and her equivalency in Canada, the Governor General do not have extensive powers in Canada

- Rule of Law

- This basically means that everyone, from citizens to lawmakers, to the country as a whole, has to follow the law. There is no one who is above the law.
- Democracy
 - Popular Sovereignty
- That means that the citizens have all the power
- Express their power during elections
 - Political Equality
- Everyone who has the right to vote has an equal say
- 1 person – 1 vote
 - Political Freedom
- During and between elections people are free to organize and advocate for any number of political ideas
 - Majority rule
- With the exception of protection of minority rights the will of the majority rules

Canada was not a democracy in 1867, but universal suffrage was achieved long afterwards

Why does the PM change his members of cabinet (shuffle) after two years

A federation is a nation-state that is bound by a constitution

A division of power cannot be changed unilaterally by either the federal or the provincial government

- It cannot be done if they don't consent

Federation is a descriptive term that describes the situation in a state

Federalism is an idea about government

- They need to proceed through a centralized unitary state and all power reside in one place
 - At the center
- Federalism is the idea that you can have many communities, groups, entities etc. functioning within a larger state thus you have a space where there is a combination of shared rule who co-exist together
 - There is also autonomy for these communities
- Combining self rule and shared rule

Conversely you can think that there are countries that are federations, but the ideas of federalism is very weak

If we say that one federation is more centralized than another one what are we getting at?

- Who makes the decisions?
- Changes in concentration of power?

Fiscal capabilities can be a factor in determining (not the ONLY sign) whether the government is centralized or de-centralized

- Canada is roughly 50-50 which is decentralized
- Some countries are 90-10 federal which is highly centralized

History has taught us that conflict centralizes the government

Until the supreme court of Canada became the supreme power in 1949 when there was a conflict between provincial and federal governments it was resolved by a judiciary council from England

- They largely interpreted the BNA in a way that was generally friendlier to the provinces

After WWII a lot of the trends for centralization remained in Canada

- The war triggered a major questioning about how Canada's government would deal with poverty
- Because of many social-economics causes governments were asked to help alleviate poverty and offer social protections

There was a report called the Marsh Report which made the case for the federal government creating many social programs to protect Canadians

In the UK this had less drastic effect because the UK is not federal

- In Canada this meant creation of
 - Pensions
 - Employment Insurance
- This tended to greatly increase the power of the federal government
- This provided Canadians a very strong bond between them and the federal government

In the 1960s there is a big change because of Quebec. In Quebec in the 1960s they will make the argument that they are the main government for francophone and have a responsibility to ensure the survival and well being of the francophone community

The same time this was the beginning of the Trudeau years and he strongly believed in a strong centralized government

- The #1 government in Canada should be the Federal Government
- Trudeau famously said how he would refuse to transform the government to cater to the provinces

In the Mulroney years there is quite a different attitude in terms of federalism

- There was a sense (that relates to the conservatives as a general rule) that the idea of decentralization is not a bad idea

Trudeau believed that all Canadians should be treated the same

- Conceptually having a Canadian Drivers License vs. Provincial Drivers License

The Chretien and Martin years (93-2006) you have a mix back to federalism
Trudeau had an idea of how things should be and would follow it to the end no matter what the consequences

- Chretien was more favorable to having a centralized government

- Because of the Quebec referendum in October of 1995 they realized that they may have to allow the provinces more power to appease Quebec

When Martin takes over he supports a decentralization attitude. He wants to allocate even more power to the provinces

- There was a lot of discourse in the Martin years to allow decentralization
- Open Federalism

When the Harper government came in the idea of Open Federalism was being said a lot initially

- Open Federalism is a spin on federalism
- Very decentralized concept
- Small government that doesn't try to build huge national programs like the liberal government does
 - Were going to focus on the things we do and do them well
 - Run the Army
 - Run Police/Justice/Prisons

It is very hard to single out federal and provincial government

- There is often spill over that is uncontrollable no matter how exhaustive the decision making is
- In this context the need to share information is there
- In most constitutions not everything is enumerated

Intra-state Federalism (US, Germany)

- The constituent unit will have power and representation
- All states are represented regardless of their size have two senators (in the US)
- If a majority of American States and expressed by a voice of the senators do not want a federal policy then it does not pass
- American States have a presence within federal solutions

Inter-state federalism (Canada)

- The Canadian Federation has to use a different model than the US because of the very way our government works
- The federal government is not the "boss" and the provincial governments are "workers"
 - This is how it works in Australia
- In Canada it is not hierarchal
- Provinces are very powerful
- Federal and Provincial governments are equal
- Executive Federalism refers to the idea that intergovernmental relations do not involve parliamentarians discussing in parliament
 - It involves executives discussing with each other

Three important things to mention

- Most visible intergovernmental relations are the First Minister Meetings
 - Discuss the big issues of the day
 - Argue
 - Expose differences
 - None of this is written in the Canadian Constitution
 - The only thing that was written in the BNA Act was the position of the lieutenant governor

- Highly publicized
 - There is a need to “win” because of all the media attention depending on the topic
- Ministers Meetings (less visible)
 - All ministers of Justice, Finance, Environment etc.
 - Typically 2-5 times a year
 - Federal and Provincial counterparts meet and decisions are made
 - Far less publicized
 - Less political
- Bureaucratic Meetings
 - Virtually all governments have a Federal-Provincial branch on every issue
- Very peculiar to Canada
- All issues have a federal and a provincial view
- Very few issues are only federal or only provincial
 - Managing the Army for example is generally considered to be exclusively federal

Hot issues

Environment

- In 1867 the issue of the environment did not exist so nothing is written in the BNA about it
 - Both governments are active in this issue
 - There are Federal and Provincial departments of the environment
 - No one can say “this is provincial or federal jurisdiction”
 - Provinces that depends on oil and natural gas a lot (Manitoba)
 - There is a tough issue between economic and environmental restriction
 - Provinces that has no oil/gas or relies highly on hydro (Quebec)
 - It becomes very easy to restrict climate changing factors
 - Ideologically differences between people
 - Jobs vs. Environment etc.

- In Alberta, a very much oil driven province, the environment laws are very lax
- Quebec, Ontario, BC, PEI have a lot stricter environmental laws
- The current federal government care a lot about economic growth and job creation and not so much about the environment
 - We will do what the US does
- One argument is if Canada tightens restrictions and US doesn't then companies will just leave – go to the US
 - Pollution will still be the same just coming from the US and not Canada
 - What's the point of losing money if it wont solve the problem?

Many people say regardless of your contribution to global warming that the government should take a stand based on principle and put up laws protecting the environment. Sort of a "do what's right" attitude

As a federal government you have to manage the differences between the provincial government

- The provinces also have to manage the differences of their citizens- the people that elect them

Foreign Affairs

- The provinces have a big constitutional power here
- Although the federal government is responsible for signing international treaty the provinces are responsible for implementing it if it falls within their sphere of power
- If the government signs an international treaty on the environment
 - For the treaty to have force of law the treaty needs to be ratified by a vote in the parliament
 - Both federal and provincially
- The Federal government will generally get a consensus of the provinces before signing anything

If you are a lone province not agreeing on a certain topic it can be very difficult to not give in to the will of the other provinces

- They could wind up going to court if they really want to fight something the government is trying to impose

Securities (stock markets) Regulation

- Quebec and Alberta are challenging the federal decision to have 1 national security regulator
 - They have nothing to lose
 - If the courts say that they are wrong then at least they tried
 - If the courts say yes then they get their way
- Because it is big provinces like Quebec and Alberta they have a better chance of standing up to the government
- If all the provinces were in accordance and it was only PEI that would be a lot more difficult to contest the federal will

The basic issue of fiscal relations in federations, including Canada, is at best the constituent is they have about 1/2 the money

- The provinces generally run the most expensive programs
 - Education
 - Healthcare
- Vertical Transfers
 - From Federal to Provincial
 - Conditional
 - X\$ for this
 - Y\$ for that
 - Unconditional
 - In Canada is it almost always “unconditional”
 - For example the provincial governments need to respect the Canadian Health Act but doesn’t regulate how much needs to be spent where and how
 - There is in the constitution ways for the federal government to “punish” the provinces for not following the governments will but it is politically unheard of

If transfers are conditional the government is very centralized

Canadian Securities regulation issue

Trade and Commerce vs. Property Rights

Equalization

- Provinces that are wealthy get wealthier
 - Alberta with oil
- Poorer provinces get poorer
 - PEI with nothing

Federalism has a potential for creating a very different regimes across the country. In a federation is it hard to get rid of that completely.

What equalization tries to do is do is allow everyone in every province to have access to public services at comparable / similar tax rates

Two visions of Federalism

Trudeau

- Idea that Canada is a federal state composed of 10 equal provinces where all Canadian citizens are equal
 - There can be cultural and linguistic differences but rights should be similar across the board

This vision stood in opposition – mostly centered in Quebec

Pearson – Two nations in Canada

- Canada is not fundamentally about equal provinces
 - Federal
 - Provincial
 - Aboriginal
- The country cannot simply be split into equal provinces
- Morally the workings of Canadian federalism should still follow and reflect these origins

There is a lot in the confrontation on the difference between these two ideas

Some people believe that Canada is too centralized and some that believe that it is too de-centralized

- There is no true answer to the question
- The criteria for assessing the degree of centralization is not agreed on
- Some people measure Canada in comparison to an “ideal” view of centralization
 - This makes Canada look quite centralized
 - Two levels of government
 - Fully sovereign in their spheres of jurisdiction
 - No one is in a subordinate position to another
 - Almost impossible to achieve
 - Not just in Canada, but in all federations
- Some compare it to other federations
 - This makes Canada look quite decentralized

Peoples who's primary concern is socio-economic then centralization is ideal

- Federal Government can implement various programs to all Canadians

If your primary concern is individual autonomy and economic growth then decentralization is the ideal

- This allows the provinces to “innovate” new ideas
 - If one province does something that is great then all provinces can follow suite
 - Medicare – started in Saskatchewan
 - Might not have happened in a highly centralized government

Federal Spending Power

- Federal cannot make laws about schools
- Provinces cant make laws about the army
- There is nothing in the laws about who can spend money where
- As we have seen if there is a government that will have surpluses it wont be provincial
 - Education / Healthcare is a giant money pit

When there is a federal surplus they can spend the money any way they want

- This includes spending money in areas that they don’t oversee
- Jean Chrétien created the Millennium Scholarship and gave money to education
 - While this is a good way to help the students, the provinces were frustrated
 - They want the federal government to give them the money instead and then the provinces will spend it as they see fit...even if they do the exact same thing with it
 - Courts decided that it was constitutionally acceptable for federal government to spend the money any way they see fit, as long as they don’t legislate
 - Cannot give a scholarship, ONLY IF you lets us have some control of the educational institute etc.

Québec changed a lot in 1960s

- Healthcare
- Social Welfare

Conceptually all French-Canadian, even if they were not in Québec, had an idea of unity

- Was very socially conservative
- "Nationalism" in language and religion
 - "Keep Ottawa Out!" of the province
- Even if it involved serious financial losses to Québec
- Under Duplessis he would straight up refuse Ottawa's money
 - Other Premiers would say, "Ok, ill take your money and I will use it how I see fit"
- Québec is now one of the most secular society in the world
 - It used to be one of the most religious
- Before the 1960s the upper levels of the Québec economy was controlled by English Speaking Quebeckers
 - Quiet revolution changed that
- Language legislation made French the official language of the province
 - Made French the language of work
- Gone is the old French Canadian "nationalism"
 - Now within the boundaries of Québec
 - Québec went from Right (conservative) to Left (Liberal)
- Québec Government has a special responsibility among the 10 provinces that it needs to take care of a minority
 - The idea of Autonomy extends from that logic
 - There is a difference in Québec and it needs to be acknowledged
 - Autonomy meaning protection from new federal programs
 - Developing of Québec's powers
- Basically it has been reformist Québec liberal party vs. Secessionist Partie Québécois
 - Québec is their nation, Canada is their country

- View of a majority of francophone Quebecers

Aboriginal Peoples

Almost since the beginning there was an uneven relationship between aboriginals and European peoples

Legally speaking there are 3 types of aboriginals

- Indians
 - Status Indians
 - Those that were registered under the Indian Act (1876) who live on a reserve
 - They have the Assembly of First Nations
 - Non-Status Indians
 - Those who do not live on a reserve
- Metis
- Inuit

Indian Act of 1876 has often been condemned as a “smacking of colonialism” Crown that is responsible for Indian peoples

- Federal Employee that was on reserves that made sure the Indians were following all of the “rules” of federalism
- From income to suicide rates looking at Indians today it more closely resemble a third world country rather than Canada as a first world

1969 White Paper and Aboriginal Mobilization

- Equality before the law was the basis for justice and progress in society
- Rather than having an Indian Act that forces them on reserves, lets make them just Canadians like everyone else
 - It was a real shock to them when they found out that the Indians wanted NONE OF THAT!!
 - They did not want to be Canadians
 - It is not the historical reality

What is a constitution?

- A sort of “rules of the game” that specify how the political system works
- How the branches of government and interact with each other
- They are rules that stand above other rules
 - More important than laws
 - The laws need to conform to a constitution
 - They set the parameters of what can and can't be a law
 - It describes the country we live in
- In constitutional negotiations they are always more complicated in countries with a minority
 - They tend to want the constitution to reflect their presence
- By their very nature they are made to be very hard to change
 - Canada has one of, if not the hardest, constitution to change
 - A substantial agreement among many governments / legislatures to make any type of changes
 - In Canada for matters that affect all provinces, all provinces need to agree

Why is it important?

After the quiet revolution there are demands to change the Canadian constitution

- Québec government took it upon itself to promote and protect the identity, interest and culture of Quebeckers
- During WWII the Canadian government created many programs that should have been under provincial jurisdiction
- There is a claim in the 1950s that Québec and to a certain extent Alberta want this to be reflected in the constitution
 - Québec wants two things
 - A refined division of power that define the limits of what deferral intervention are
 - 2nd aspect was more symbolic
 - Québec government had a special responsibility in Canada towards the French Canadians
 - The constitution should reflect that there is a community that deserves special recognition

Trudeau was very much interested in rights of the individual
His vision of Canada was that everyone is a Canadian citizen and has the same rights in a bi-cultural and bi-lingual country

- Québec was very much against this
- Aboriginal people were also dead set against this

Trudeau very much wanted a centralized federal government

In 1980 the PQ wins election in Québec and organizes a referendum on separation

- It exhibited the different views of Canada within Québec
- Quebeckers were divided into a Yes and No camp
 - Eventually the No came won approx. 60%-40%
- One of Trudeau's claims during the referendum was that he wanted to make French speaking Quebeckers to be more at ease in Canada
- The fact alone that the PQ could win an election and then implement unilingual language laws right after Trudeau had made Canada bilingual was a slap to the face of Trudeau

Trudeau's main goal was a Charter of Rights and Freedoms
Plan is to "patriate" the Canadian constitution

- BNA was British and they wanted a Canadian one
- Also to insert a Charter of Rights and Freedoms

Because the BNA was British there were no rules on how to change or amend the document

- Canada was sort of in uncharted waters

Trudeau negotiated with the provinces but always said that if the provinces didn't want it he would hold a Canada wide referendum

- No one knew how many provinces had to consent to make these changes...it didn't exist
- To Québec it was two things
 - The charter would centralize the government more
 - Federal government appoint supreme court judges and with The Charter the supreme court would have more power
- In 1982 Trudeau wants to go ahead with the charter

- Québec and a few other provinces take the federal government to court asking if the federal government can act unilaterally
- The supreme court comes back with something like “it wouldn’t be unconstitutional, however it would not be very moral”
- Overnight, literally, 9 of the 10 provinces supported constitutional change, from 5 the night before
 - Trudeau spent the night negotiating with all the provinces and all except Québec liked the new changes
 - Trudeau now felt that he had enough support to go ahead with the new changes
 - All the provinces signed, with the exception of Québec (which is still true to this day) however it is legally binding to all Canadians

1984 was all about reconciliation (Meech lake)

- Mulroney was all about bringing Québec back with honour
- You can propose a shared cost program but if we don’t want it you can give us the money and we will do what we want with it
- It has always been a practice that 3/9 supreme court judges come from Québec. Québec wanted this written in the constitution. They also wanted the provinces to have an input in the nomination of supreme court judges
- In 1979 the federal government signed an agreement with Québec about immigration. The Québec government wanted that in the constitution
- As a result of what happened in 1982 the Québec government wanted a veto on any further constitution changes
- They wanted Québec to be recognized as a distinct society
 - Quebecers saw that is very minimal
 - Most of Canadians saw it as ridiculous

At the end the Québec government got the ability to opt out and get the money

It got its 3/9 supreme court judges

Québec did not get a "veto" per se, but they got unanimity so any changes require all 10 provinces to agree so everyone has a veto

They said that they would say that Québec got a distinct society in the constitution (which never happened)

- In 2006 Harper enacted an act saying that Québec founded a nation inside a united Canada.
 - Not constitutional law

After everything the Meech Accords failed in the 90s

- The biggest issue was issue #5, the Québec getting a mention in the constitution as a distinct society

Parliaments had 3 years to ratify the constitutional changes

- They waited and waited and waited
 - Specifically Alberta
- Public opinion started to turn outside of Québec
- Aboriginal peoples were very upset because they were nowhere in the constitutional amendments
- When Trudeau came out against Meech Lake they very much killed it

Charlottetown accord

- Clear that it was not going to pass

Constitutional Change

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MIDTERM EXAM CONTENTS

Pre-confederation

BNA Act

Historical federation

Forms of intergovernmental relations

Fiscal dimensions (fiscal federalism – vertical and horizontal transfers)

Political dimensions of federalism

Policy dimensions of federalism

Main issues behind aboriginal politics

Constitutional Changes 1982

Meech lake + Charlottetown

4 Essay questions

4 Terms provide 1 paragraph explanation

- Expects more than a simple definition

Collapse of the Charlottetown Accord

Constitution change had been sought for several decades

Québec project of the 1970 seeking a de-centralization of the federal government

- Limits on federal spending
- Opt out of shared cost programs
- The desire to be recognized as distinct

Pierre Trudeau idea

- Enshrining a Charter for Rights and Freedoms
- Charter would be a basis for Canadian citizenship

After the 1982 constitutional change

- Québec opposed it
- Québec was concerned because it was against what they believed in
- Worried about its effect on Québec language laws and many other things
- Concerned about power being taken away from provinces and given to judges
- 9/10 provinces approved

- Supreme court said it was good enough
- Québec saw this as a betrayed of a pact
 - The country was created by two parties and now ½ want to change and it wasn't fair just because ½ was spread out over 9 provinces

Under the theme of national reconciliation it Québec was sought to be brought back in with enthusiasm

- Québec put forward 5 conditions to join constitution
 - Opt out of share cost programs
 - 3 Québec judges on supreme court
 - Québec maintain its power for immigration
 - Québec veto
 - Québec as distinct society

Initially there was a lot of support around the Meech accord until Trudeau came out against it

- Some parties that opposed the Meech lake accord came to power and finally Newfoundland (who had a view of 10 provinces with the same view) and Manitoba (because of Aboriginal claims were not addressed in Meech lake at all) Meech Lake finally wound up failing

Something more comprehensive needed to done

- When the time came to do this the Charlottetown Accord tired to do this
- Meech lake was very simple
- Charlottetown Accord was VERY complicated
- The same 5 conditions were there again but with slight modifications to the distinct society
- Also involved a third level of government, aboriginal self government
 - Even some aboriginals opposed it
- Reformed the Senate
 - Effective, Elected and Equal

After Meech Feel, GST implementation and many scandals the Charlottetown finally fell

A lot of Canadians didn't like that Meech Lake was done behind closed doors

Opposition to the content and the way that Meech lake was done

If you need 10 or 11 men or women to agree that is one thing, but if you need a whole population to agree it is another thing

- General election 4 or 6 provinces voted against it, including Québec
- This is now a precedent that elections on constitutional change need a vote (or a referendum) in all provinces
 - Now it begs the question what if 2 provinces vote against it and everyone else voted for

There is an amending formula that was inserted in 1982, that allows many different ways to change

- If the change involves only 1 province you need the province and federal government to agree
- 7 provinces, 50% of the population is another vote
- If it is a huge change that effects the whole country, such as reforming the senate then it requires unanimity

Charlottetown Accord dies in 1993

- Québec Liberals are finished after that
- PQ was dead in the late 80s as a separatist party
 - Parizeau had left
- When Meech and Charlottetown died and they won again in 1993
- What's "too much for Canada is too little for Québec"
- They told Quebeckers that within 1 year that they would hold another referendum
 - October 1995
 - Death of Meech Lake and rejection of Québec's 5
 - Again in Charlottetown
 - This is why we want a new country!
 - It was much easier for Québec to say "Look Canada signed a new constitution without the approval of Québec" and then again slapped us in our face in Meech and Charlottetown
 - It didn't look like Yes was going to win in Sept of 1995 but then the key thing happened
 - Parizeau was never very trustworthy and didn't relate well to most Quebeckers

- Then Lucien Bouchard started speaking about independence
 - Parizeau (albeit reluctantly) let Bouchard speak more publicly
 - Chretien was very worried about the result of the referendum
 - 1 week before the election support was up to 52-53%
 - People really started to think about what these changes would really have on them
 - Final results was 50.6% against 49.4% for
- After 1995 distinct society never worked again
 - They upped the bar basically nothing short of Nationhood would now be accepted

In Alberta there has been a traditionally conservative government that is currently being squeezed by a more progressive conservative party "The Wildrose Alliance"

- Now there is also a movement to the center
- NDP on the Left
- Liberals in the Center
- Upstart Alberta Party in center
- Wildrose on the right

Why is there a need for a new Alberta Party when there is already a liberal party in Alberta that is almost considered "toxic" in Alberta

Why is the liberal name toxic in the west?

- Trudeau
- National Energy Policy killed the Liberal brand, especially in the west
 - In the context of rising oil prices they started to regulate and manage energy in Canada
 - The desire to control oil prices in Canada which is a nice policy for Ontario (for ex.) but terrible for Alberta
 - This policy hurt Alberta economically
 - Left-of-center regulating the market and goes against Alberta's beliefs

- A government decided a policy that would greatly affect Alberta without any support from Alberta MP's
- Constitutionally speaking natural resources belong to the provinces
- Anything that approximates the federal government from having anything to do with natural resources is really a touchy subject in the western provinces
 - "Don't touch our resources in anyway" even when it comes to calculating transfer payments
- People that might be centrist might not vote for liberals JUST BECAUSE the name is "liberal"

Why is it fragmenting now?

- Issues of intergovernmental relations are less important
- Liberal government in Ottawa you wouldn't have seen this type of fragmentation so Alberta needs to stand up and be united against them
- Now having a conservative government in Ottawa there is a sense of having to protect the province against Ottawa is gone now so there is a "trust" of the federal government
- Now the true colors of Alberta is coming out as a "right of center" province
 - There needs to something to the left of the conservatives
 - The article hints that the conservatives will go and the Wildrose (left of conservative) party will stay

Systems of government where they are parliamentary or presidential

- It shows the connection between the executive and the legislative

Executive

- Government
- Makes public policy decisions

Legislative Branch

- They make laws

Judiciary Branch

- Apply the laws

Bureaucratic Branch

How do we know that we have a parliamentary system in Canada

There are many things

Dual Executive Systems

- There are two positions of executive power
- Head of State
 - Technically the Queen of Canada
 - The Governor General who is the queens representative in Canada
 - Rarely used in Canadian Politics but is there for several specific reasons
- Head of Government
 - The Prime Minister

In a parliamentary system you don't vote for a government you vote for a parliament

- Compared to the presidential system you only have 1 center of executive power – the president
- There is no need for dual executive because you vote directly for the one individual

A Fusion of executive and legislative branch

- In Canada to be Cabinet Minister you need to be either a Member of Parliament or a Senator
- In the Canadian Context because the senate is not elected it is still theoretically allowable but it is not common
 - Issues of legitimacy because senators are appointed

- Puts the person in a politically vulnerable position
- Typically the senator will accept the position and promise to run in the next available election
- Everyone in the Cabinet, including the Prime Minister must have been elected
 - In a presidential system the leader is not a member in any house
- As it became less and less acceptable for the crown to exercise executive power some of that power was transferred to people within parliament
- People who are legislators can also be cabinet minister

Responsible Government

- In order to lead the government needs confidence of the house
- It means that government requires the support of a majority of the members of parliament
 - It means that the government is subject to the confidence of the house
 - At any point in time the house of commons in Canada can ask a question of confidence
 - A member can ask fellow members if they still have confidence in the government
 - If the answer is no the current government cannot govern anymore
 - This is a strong leverage that the legislative branch has over the executive branch
- In Canada if a party wins the most amount of seats but not more than 50% of the seats they have the first chance to form a government, but if the rest of the parties decide to align as one they can form a coalition government
- A formal coalition government is when two parties share cabinet

Executive prerogative to Dissolve Parliament

- The Prime Minister of Canada can dissolve the parliament any time he or she wants
- This has always been part of the Canadian prime ministers "tool kit"
 - If you're three years into your election and polls are up things are looking good they can have an election anytime they want

- Harper passed legislation that Canada will have fixed election days
 - Since these rules are not written anywhere that say when we need to have elections it never came to pass
 - The only way to do this would be to change the Canadian constitution which as we know is almost impossible
- Canada has very strong party discipline
- All members are expected to vote along party lines
 - Members cannot vote "along their conscience"
 - They can however "cross the floor" and vote with another party

Majority vs Minority Government

- Becoming more and more common in Canada
- In the 90s majority government was VERY powerful
- It is considered a majority if they win 50% of the seats +1
- When you have a majority government voting in the house is symbolic more than anything else
- As long as the people are there for the votes they can pass anything a party wants
- A minority is when a party wins a plurality (the most seats) but not a majority
 - If they win a plurality the governor general will first ask them if they want to form a government
 - They usually need the support of other parties
 - They usually wind up negotiating with the smaller parties so that they can get votes to pass
 - Not a coalition just different parties voting together
 - In the Canadian political culture voting against legislature is a vote of non confidence

Why doesn't Canada have coalition governments

- Because people aren't used to it
- Parties don't want to admit that they can't win a majority government
 - Even though it is very unlikely parties still want to try to win majority
 - Unlike in Germany where it is structurally impossible to win a majority so a coalition government is the only way to go
 - It is strange because they will govern together but run against each other during elections
 - There is a need to separate or make distinctions between themselves politically

Canada has some of the most loyal party members in all the world

- This results in the government lasting as long as they want it to last
- It is very rare for a government to not last it's full 4 years

The house of commons seeks to represent Canada through a logic of come proportionality

- They do not represent provinces, but represents Canada at large
- Federalism is the "Canadian condition"
- For provincial politicians who come from different provinces, their representation in house of commons is important
- The formula that sets the representation in the house of commons is 25 years old
- Several provinces who have had recent boom of population – Ontario, Alberta and BC feel underrepresented
- There is a bill to increase the house of commons from 308 to 338 people (Bill C-12)
 - The biggest opposition to this comes from Québec
 - This would mean that % of MP's from Québec would go down
 - Québec politicians view this is unacceptable
 - If these extra seats are added they want additional seats allocated to it to maintain its percentage
 - Such a change would not be considered a constitutional change – it is federal legislation
 - It only needs support of the house of commons to pass

The Senate

- Canada has two houses
- The Senate was fundamental in the founding of Canada
 - The classic reason for the senate is to give "Sober second thought"
 - This is a very conservative view of politics
 - There is some degree of fear of what commoners can decide
- The process of appointment to the senate did not age well
 - Late 19th century it was still acceptable to have veto power of legislation
 - Once universal suffrage comes in then the notion of a senate vetoing the decision of the house of commons – the body representing the peoples will – becomes less acceptable
 - Unanimity is required because this affects all provinces
- Right now Ontario and Québec have just under 2/3 of the population
 - It would not be population base
 - Maybe each province would not get the same number of seats, but it would probably give more power to weaker provinces
 - Basically big provinces have no interest in reforming in that way

If we have a senate that is democratically elected this would be a major, major reform

- Forces us to rethink the role of the house of commons
- If the house and the senate have the same power then the law making process becomes more complicated
- This also requires a thinking about responsible government
 - Central to the parliamentary system
 - If you have a 2nd house that is democratically elected, does the government now also require the support the senate
 - Can the senate now question the legitimacy of government
 - Votes of confidence in the senate too now?

What should senators be allowed to do?

- Senates central role is to veto
- Sober Second Thought
- Right now there is a Conservative Majority in the senate, but there is a minority in the house
 - This means that if the liberals, bloc and NDP decide to pass legislation, it can now be outright vetoed in the Senate
- If you have an elected senate they will have more power
 - They gain legitimacy and can take full advantage of their power
 - Greater possibility for deadlock
 - Would the senate dismiss government/ask question of confidence/could they dissolve parliament?
 - Senate reform poses very interesting changes in Canadian politics
- Complete abolition of the senate is not likely to happen

The Executive

The executive branch of government does not make law

- They make policy

The legislative branch of government makes law

Legislation comes out of a policy agenda

- Most bills are initiated by government
- The role of the executive is to make public policy for Canadians
 - Fiscal
 - Defense
 - Environment
- The fields on which they can make policy is limited by constitution
 - Federal policy makes cannot make policy in provincial matters

If there are 3 parties and each party gets 33.3% of the vote it is important to have the head of state – The Governor General

- The role of the head of state is usually over simplified, but it is not as ceremonial as it may seem. There are many very important things that s/he does
- In a presidential system the president is both the head of state and the head of government

The Prime Minister and his Cabinet form the actual executive

- You won't actually get a specialist for every position in the cabinet
 - They try and appoint an economist as Finance Minister
 - But generally speaking politicians are smart people and are able to manage
 - Cabinet ministers are basically a managerial position and does actual very little work
 - They rely heavily on the bureaucracy and the Deputy Ministers
- It is important for the PM to make his cabinet representative of all Canadians
 - Sometimes the Prime Minister will then go to the Senate to fill Cabinet minister positions
- There has been a significant decrease in power of the cabinet
 - The PM has an office staffed with all kinds of advisors
 - His office (PMO) is a fiercely partisan advisory board
 - About advising the PM but is always connected to the political hopes and future of the party
 - By all accounts this is the worst (Cabinet with the least amount of power) that it has ever been (especially under this Government – Harper)
- Why do Ministers not often speak about the working of cabinet
 - Collective Responsibility
 - While individual ministers have responsibility to their specific department
 - All ministers are "responsible" for all policies
 - There is supposed to be Cabinet Solidarity
 - If you are a Cabinet minister and you oppose a policy you can speak about it in private but once a decision is made you have to live with it, and even publicly defend it.

- The minister of StatsCan was ADAMITLY opposed to the elimination of the Long Form Census form. Many people were against the elimination of the long form census as well, but publically he had to say how great it was because that is what the PM decided.
- In theory the deliberation of Cabinet should never come out. Theoretically Cabinet is supposed to be a forum for free deliberation
 - Cabinet members are encouraged to speak their minds in private
- The only real way to oppose the Cabinet is to resign
 - VERY risqué
 - The Minister of Intergovernmental Affairs resigned in the mid 2000's amidst a controversy he did not agree with it
 - Even after quitting he only said that he did not agree with the policy and that was it
 - Even after quitting he did not break Cabinet Secrecy
 - There are no formal penalties, or reasons other than tradition for not speaking out

The principals of bureaucracy

Neutrality

- It is important to understand that not all democratic countries operate with this principal
- In the US after elections the higher ranked people in the bureaucracy either stay if they are associated with the party that won, or leave if they are associated with the losing party
- Government needs to be able to rely on a bureaucracy which it knows will implement and follow its orders
- In some countries it seems that a neutral bureaucracy is only a theoretical possibility
 - Canada relies on this
 - Canada has a non partisan bureaucracy
 - You are allowed to vote and support parties, but there are certain things you cannot do
 - You cannot write a newspaper editorial and send it to be published for example
 - Governments come and go, but bureaucrats stay
 - That neutrality allows them to offer some level of continuity to government
 - This continuity offers a higher level of expertise in the bureaucracy
 - The problem (according to some) is that there is no real thing as complete neutrality
 - Generally speaking this type of concern is expressed by conservative governments
 - Because many of the structures of Canadian society has been implemented by Liberals the conservatives have a feeling that the bureaucracy tends to lean to the liberal side
 - Clerk of the Privy Council is the highest ranking civil servant in Canada
 - Acts as a direct liaison between the bureaucracy and the Prime Minister
 - Tends to be party favorable person

- “Leans” on the bureaucracy to create laws that comply with party views
- It is a very tricky position to hold
 - From the outside we don’t know too much about these people
- Generally they tend to be economists – the governments like economists in this position
- They tend to leave because of differences between the government and with policy
 - They tend to leave under less negative terms though
 - They usually leave saying they are perusing other goals – career / family
- Officially however the Clerk is neutral, but they tend to change with the elections of new parties
 - If the parties view is similar to that of the current Clerk it is very possible for the clerk to stay through governments of different colors. It has happened, but not very often
- Neutrality in Canada is taken very seriously
- As a civil servant you need to be careful about what you say publically
- You want to serve governments no matter who they are

Meritocracy / Representation

- Meritocracy goes hand in hand with neutrality
- Regardless of what your political views are, they want the best people in the right positions
- Canadian Civil Service is very professional and operates fairly well when it comes to meritocracy
- In addition to social classes, language, gender and ethnic backgrounds are taken into consideration in Canada
 - It doesn’t make any sense that the bureaucracy be unrepresentative of that diversity
 - Until Trudeau there wasn’t very much francophone representation in the bureaucracy

- There is now official positions in the bureaucracy that are English only, French only and Bi-Lingual positions that must be filled
 - There is a categorization of all positions in the bureaucracy
- As for ethnic diversity there has been sort of affirmative action
 - Officially the idea is that if you have two candidates of equal position many times they will take into consideration their ethnic background
- As for gender often there is over-representation in clerical positions and under-representation in bureaucratic positions
- For English people language and competence are two different things
 - IN the francophone view bilingualism is an issue of merit

What is the role of the bureaucracy?

Agenda Setting

- What are we going to spend our time thinking about
- What is important for this government
- A space for creativity
 - Around election time this is also very true
- The bureaucracy has two speeds
 - Glacial
 - Super super slow
 - Yesterday
 - You get the information today, but you need the answer yesterday

Advising

- Similar to agenda setting but more specific
- Most of the time Cabinet Ministers do not have the expertise
 - The bureaucracy does
 - It could be technical information, or strategic advice of how to deal with certain political issues
 - They are supposed to provide honest, neutral advice
 - "Speaking truth to power"
 - Often politicians do not want to hear the truth because it conflicts with the party (or personal) views
 - Some governments are more agreeable to hearing the truth

- Being an advisor can be a very difficult job
 - Sometimes as an advisor you can be told by a government to stop doing something because of political reasons
 - If you are a career civil servant it can be very demoralizing
 - You can put in a lot of work and it can ultimately be dismissed / put in infinite limbo based on political goings-on

Evaluation

- Program evaluation
- Typically you need to run some type of evaluation on your program

Minister

- Looking to serve his constituency
- Partisan
- “Managing” a whole department
 - In the loosest form of the word
 - But at the end of the day the Minister is ultimately responsible for all the actions
 - Indicting a minister politically is something that shakes up the bureaucracy of his department

Deputy Minister

- This is not a political position
- Highest ranking civil servant behind the clerk of the privy council
- Acts as a liaison between the bureaucracy and the minister
 - As the minister is not a specialist this position is very important at convening importance of issues
- Prepares the minister for question period
 - As the bureaucracy likes to say, it is question period, not answer period. You often get some kind of answer, but often the minister needs to go back and get more information

Assistant Deputy Ministers

- As a researcher the ADM is someone you want to talk to often
- They are managers of a branch of the field within a field

Director General

- Small branch within the branch

The main division is between

Line departments

- They have substantial policy
 - Agriculture
 - Foreign Affairs
 - Human Resources Social Development (HRSD)

Central Agencies

- Treasury Board Secretariat
 - Accountants
 - Looks at now and what we have left
- Finance
 - Looks as if we will be able to afford it in 2, 5, 10 years
- PCO
 - Price Council Office

Things need to get through finance / TBS first. If it clears financially the PCO needs to approve

- PCO checks if it is coherent with the views and goals of the party

Depending on the government (Conservative or Liberal) different departments have different levels of importance

- Conservative
 - Justice
- Liberal
 - HRSD

Depending on the government they seem to have a view of "YAY now I am important" or vice-versa

Why are some things policy issues while they are not in other countries?

- Environment was a big issue in the 80's and then it came back 10 years later
- Things sometimes become big issues because of social issues, or protection, or campaigning

If a party is elected and they manage to fulfill all their elections promises they will turn to the bureaucracy for more ideas as to what policies they should implement

Bureaucrats are really important

- A team is told the government wants to achieve "this" and told to come up with policy that will achieve it
- In this stage of policy formulation you will have experts expressing opinions

The absence of policy is still considered a policy!

Policy Communities

- The idea is that policy is simply more than the work of politicians
- There are many different policy communities
 - The issues are sectorial
 - Not every issue will affect everyone, but the people who care about a specific issue are referred to as a policy community

Policy Instruments

- Spending money
 - Key policy instrument
 - Could be direct spending or subsidies
- Taxation
 - Varying Tax Rate
 - Issues credits
 - Conservatives introduced all kinds of tax credits for children
- Regulation
 - Not so much about spending money, but more about making rules

Judicial Independence

- Courts need to be independent of political power
- How you achieve that depends
 - Liberalism which puts the emphasis on responsible and accountable government
 - The separation of power
 - Democracy
 - Government by the people
 - In the US Judges are elected
 - In Canada judges are not elected
 - They are independent from all 3 branches of government
 - They are neutral and a fair arbitrator
 - They can render decisions with the view that their decision is not political
- In Canada even very contentious decisions (i.e. Quebec's secession) are viewed fairly
- Federally appointed judges might lean towards federal government on major issues (that is the view of some people)
 - Judges are officially independent

Under Diefenbaker a Canadian Charter of Rights and Freedoms was created

- Only bound the Federal Government not the Provincial
- In that context it became really one of the major objectives of Trudeau to give Canadians Charter of Rights and Freedoms that would be enshrined in a constitution which will guarantee the same rights across the country for both federal and provincial laws

The Charter of Rights and Freedoms was considered by many provinces to potentially be leading to centralization. The provinces asked for a Notwithstanding clause to be inserted. This allowed federal or provincial to implement legislation "notwithstanding" the charter of rights and freedoms. Requires a vote every 5 years.

- Politically this requires a strong political backing

Critics of the Charter

- Provincial legislation needs to conform to something
- We have taken power away from elected officials and given it to unelected Judges

There are at least two different ways of conceptualizing parties, not necessarily mutually exclusive however...

- A party is an organization of like minded people
 - A commonality of ideology
 - Gives the voter an easily accessible “snapshot” of a party
 - The Bloc Quebecois for example. They only run in Québec so it is impossible for them to gain a majority, or even a plurality, but they still run because of their ideology
- A formal organization whose primary purpose is to place people in a position of political power
 - No reference to ideology
 - Liberal Party for example. They tend to adjust their parties views to along the lines of the views of Canadians. Power and the most seats are what is important to them

What is the function of political parties

- Traditionally it is a liaison between society and government
- The party aggregates the views / interest of societies
 - Putting all of the ideas / views and turning them into a plan

Parties are crucial in making democracy / elections work

- If you had 5 names on a ballot with no party associations on them it would be very difficult
 - 90%+ of voters vote based on party affiliation because they have a sense of which way to vote
 - If you didn't know what party a person represents it would require a voter to do his research...many voters already don't show up so not having party alliances might even lower it voter turn out again in “fear” of voting for the “wrong” party
- In a parliamentary system parties are very important
 - If every seat was an independent it would be very difficult to form a government
- At the end of the day you are represented by individuals, but having a party allows a better feel of representation

What is a party system?

- It is a description of the relative size of parties
- Their interactions with other parties
- There are many types of party systems
 - You can have a 1 party system (Authoritarian)
 - They may have elections, but you already know who's going to win
 - Running against the party is illegal
 - Two Party System
 - Typically alternate in power
 - In some liberal democracy you have one party that constantly wins
 - Alberta for example
 - Running against the party is legal, but almost not worth it
 - This is referred to as a "One Party Dominant" system
 - Two Party plus system
 - Again two major players, but there is a third party who wins a few seats, but never close to winning an election
 - Multiparty System
 - At least 3 parties and each gathering a fair share of the vote
 - Typically not a majority government...possible, but unlikely
 - The more parties the harder it becomes to have a majority

From 1867 – 1933 Canada was basically a two party system

- Liberal
- Conservative
- Elections where the outcome was often in doubt...it could go either way
- Other parties existed, but was virtually only 2 that ever won seats

In 1933-1993 a new significant party came into play, the CCF (original NDP)

- Intermittently between 1933 and 1993 will play a significant enough role to become an important player in Canadian politics

- They never came close to winning, or controlling a government, but played an important role if there were minority governments
- Not big enough to form a government, but big enough to not disappear
- Got the attention of a nation + other parties

In 1993 "all hell breaks loose"

- Two major events happen that changed the nature of the Canadian political world
 - An election that took place after the constitutional changes and the failure of Meech Lake and Charlottetown
 - These negotiations led to the creation of two new parties
 - The Reform Party
 - Multidimensional opposition to the recent changes
 - Took all of the conservative seats out west
 - Left with 2 seats in Canada (1 in Québec and 1 in New Brunswick)
 - Bloc Quebecois
 - Took almost ½ the seats that were previously held by Conservatives, and mostly liberals
- In 1992 there were 3 parties (two party plus) and in 1993 it was looking like a 1 party dominant system, but now it looks more like a multiparty
 - In 1993 it looked like the liberals would never lose an election again
 - Nonetheless now we have a multiparty system
 - This makes it harder, if not impossible, to have a majority government
 - More parties = harder to get majority
 - Smaller parties like minority governments
 - It allows them to negotiate things
 - Generally seen (by the public) as a more democratic
 - Bigger parties prefer Majority governments
 - It allows a better long term view
 - Liberals and Conservatives seem to believe that they can gain a majority

Why are Canadian parties the way they are?

- Canadian political parties have been said to be brokerage parties
- Our parties are far less ideological
 - There is no strong socialist or communist parties
 - There is no strong green or strong far right parties
 - Our parties are very centralist
 - The argument is that the main task of political parties in Canada is not to represent strong ideological camps, but is to broker Canada's deepest societal divisions
 - The major division historically being language and religion
 - Historically the liberal party was the party of Catholics
 - The conservative party was the party of protestants
 - This was never said by the parties because they needed to be flexible enough to attract voters

Liberal Party

Conventional wisdom is that for the conservative government to gain a majority, you need sort of a "perfect storm" scenario

Québec and Atlantic Canada have generally been Liberal strongholds

Typically very difficult to win a seat at all in Alberta, but it does happen

Two views of federation in Canada

Pearson viewed it as two nations, the complete opposite of what Trudeau viewed it. Trudeau always thought it to be dangerous to view Canada this way because it splits Canada.

Trudeau wanted Francophone Quebecers to be more comfortable in Canada

- He introduced official bilingualism to Canada
- He also introduced official multiculturalism to Canada