
Editorial Information/Information rédactionnelle		2
<hr/>		
<i>The Quad</i>		
<i>David Runnalls</i>	The Beleaguered Planet: Amid the litany of doleful phrases—global warming, ozone depletion—the good news is that we can win, if we try.	4
<i>David Lord</i>	The Gorbachev Challenge: We cannot ignore the Soviet leader's peace overtures—but there's no guarantee he can deliver the peace he promises.	6
<i>Frank Stone</i>	The Uruguay Stakes: If the Uruguay Round of the GATT negotiations comes apart, world trade is in for a rough ride—and soon.	9
<i>Murray G. Smith</i>	The Balancing Act: The trick is to curb inflation without promoting a recession. And then, of course, there's the question of debt.	11
<hr/>		
<i>Tom Kent</i>	True Representation: We can have a Parliament that reflects the voters—and the regions—much better than the present system. Here's how.	13
<hr/>		
<i>John E. Kersell and Samiul Hasan</i>	A Caribbean Forum: The example of the South Pacific Forum shows how political integration could work. Canada ought to lend a hand.	18
<hr/>		
<i>Deborah Coyne</i>	Dismantling Canada: And how we can at least begin to put it back together again.	20
<hr/>		
<i>Constantine Passaris</i>	The Immigration Cure: Canada has an aging and declining population. The obvious solution is more immigration, and the obvious place to go for it is the Third World.	28
<hr/>		
<i>Gregory Tardi</i>	A School for Mandarins: At last, Canada is establishing its own Centre for Management. The curriculum should include the legal aspects of government.	31
<hr/>		
<i>Denis Tanguay</i>	La Taxe sur la valeur ajoutée: Elle permettrait de corriger les distorsions du système actuel—et de regarnir les coffres de l'État.	34
<hr/>		
<i>Letters</i>		
<i>Wilfred Yorston</i>	A False Concept	19
<i>Renée B.-Dandurand</i>	Une Correction	32
<hr/>		
	En Résumé	37
<hr/>		
	In Summary	39
<hr/>		
CARTOONS: <i>Frampton</i> 13, 20, <i>Todd</i> 28		
<hr/>		

DISMANTLE CANADA

And how we can at least be

BY DEBO

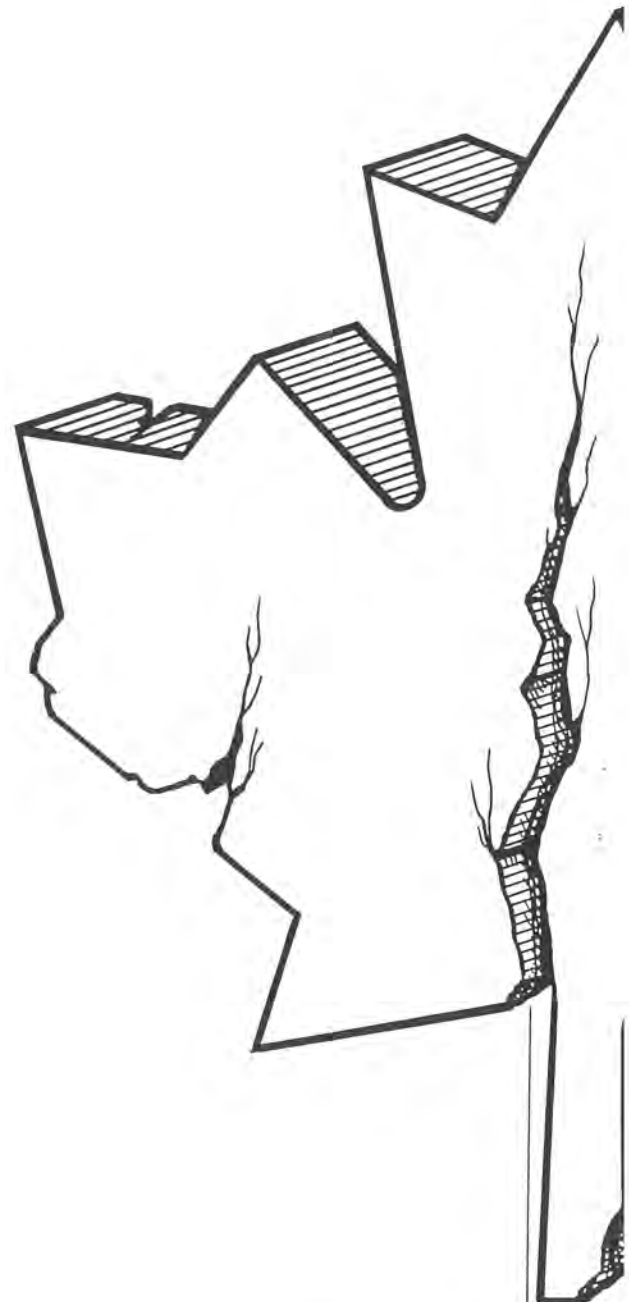
CANADA'S POLITICAL SYSTEM IS NO LONGER able to deliver the fundamental necessities of democratic government—the direct translation of public sentiment into political reality. The two clearest examples of this failure are embodied in the Meech Lake constitutional accord—which was hammered into place with no contribution, no discussion, no agreement from the general populace—and the bilateral trade agreement with the United States—made law following an election in which almost six out of every ten Canadians voted against the Conservative government and its platform.

The first-past-the-post electoral system, combined with three political parties, makes it possible for a modern government to achieve a majority in Parliament on a minority vote. The establishment of an entirely new level of government, the First Ministers' Conferences—has made it possible for our leaders to cut deals that fundamentally affect our nation, perhaps dismantle our nation, without a word of discussion about the matter until the deals have already been made. At which time we are told that it is too late, and we must accept our fate.

Canada, in 1989, is a very much different country from even the early 1980s, and the pace of social and economic change will continue to accelerate as we approach the twenty-first century. And yet, our political system has not adjusted to meet the changing circumstances. What we face, unless we take action quite soon, is a political system completely out of touch with the people it represents in a nation that is no longer a nation.

What we require is a two-fold program of action.

First, we must bring together and strengthen a new coalition or power structure in Canadian society—the roots of which are already visible in such broadly-based groups as the women's movement, social agencies, environmental groups and employee organizations (including unions). This power structure would be very much less mesmerized by political labels, left or right, and very much more attuned to the need to move past post-industrial capitalism to a totally new approach to our social and economic development. It would also bring about a shift back to what Arthur Schlesinger Jr. calls 'Our collective commitment to progressive public action to advance our democratic ideals of equality, freedom, social responsibility and concern for the general welfare of the people.' This is far more deeply rooted than the materialistic me-first values of profit maximization and the survival of the fittest, something that is becoming increasingly evident as we acknowledge the failure of the minimalist 'magic of the

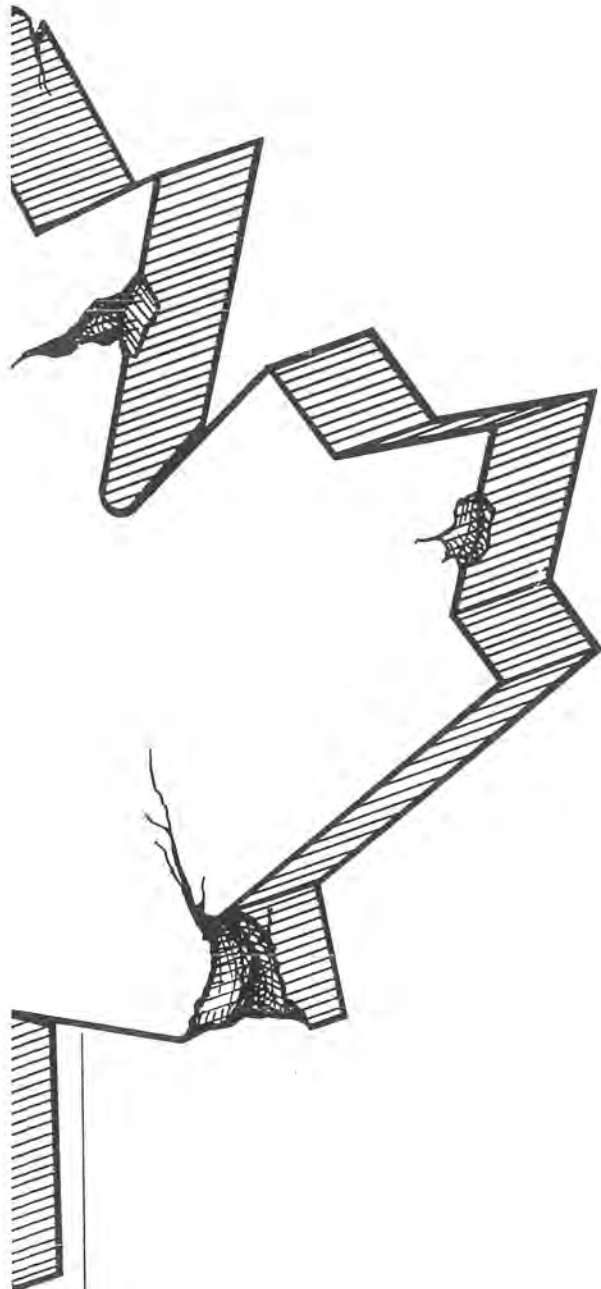


Cartoon: Frampton

'TILING ADA

Put it back together again.

COYNE



marketplace' approach of our current government to deal adequately with the urgent social, environmental and economic problems we face.

Second, we must find ways to bring the new power structure into the mainstream of Canadian political life and implement a new agenda, based on the world as it exists on the eve of the twenty-first century, and not as our current leaders wish it existed.

This new agenda would address the international and domestic challenges that confront us: eliminating the threat of nuclear Armageddon and global environmental degradation; protecting and promoting human rights; adjusting to demographic changes, especially our ageing population and the associated intergenerational tensions; adapting to the global technological revolution that is driving our shift to an information-based, service-oriented economy; pursuing sustainable development; eliminating poverty, ensuring meaningful work for all, and reducing the widening gap between more affluent and poorer Canadians.

The new agenda must therefore focus on broader issues like the quality of life, the quality of work, and human resource development. It must integrate traditionally distinct policy areas within this broader focus; economic development with environmental protection; education, training, child care and parental leave with employment and social assistance policies; investment in science and technology with improving productivity and competitiveness. And we must devise new measures of social and economic well-being to guide our efforts. For example, we must firmly reject the pursuit of economic growth for its own sake as measured by such sterile indicators as Gross National Product per capita. This approach wrongly equates our well-being with increased demand for material goods and services and overemphasizes the single-minded pursuit of individual self-interest, while ignoring the distributional consequences of our activities and policies. It also leads us to focus solely on more efficient and greater production and to view labour as an input that must be minimized, rather than as intrinsically valuable.

Finally, the agenda must also reflect the common concern for what York University President Harry Arthurs, calls "empowerment". Workers, for example, are demanding greater respect and more control over the conduct and content of their jobs such as through right to know legislation to address occupational health and safety concerns, advance notice of plant closings and related regulations, and the implementation of a variety of forms of employee ownership that enhance worker participation. Consumers are demanding

greater power such as through more effective legal rights, greater disclosure of information and meaningful involvement in many areas ranging from the setting of automobile insurance rates to ensuring the availability of affordable housing and effective rent review. Investors are demanding greater protection and more control such as through enforceable codes of ethical behaviour and conflict of interest guidelines for all those in positions of trust, more extensive deposit insurance, effective regulations to curb the disturbing trend to ever more massive takeovers, mergers and leveraged buyouts that seem to benefit only the "paper entrepreneurs" and, finally, greater employee control of the burgeoning pension funds.

To implement this new agenda requires principled leaders who will bring together the wide range of "special interests" in the pursuit of the greater public interest. It requires more activist government, particularly at the national level, to establish the broad policy frameworks and the necessary national standards that will ensure we harness the technological revolution to the benefit of all Canadians. It requires more responsive, productive and accountable government to meet more effectively the needs and demands of all Canadians for a just and caring society. To paraphrase an observation of Mario Cuomo: We believe in only the government we need, but we insist on all the government we need.

For the moment, however, our current leaders continue to operate within an outdated analytical framework based on a neat private/public sector dichotomy that no longer exists, and in which issues can be neatly classified along a traditional left/right wing spectrum that is no longer possible. This leads them to try to marginalize the concerns of the new coalitions and characterize them as mere "special interests" to be brokered like pawns in the political power game.

This attitude was perhaps captured most clearly in the recent national election debates when Brian Mulroney stated that he saw little reason to listen to child-care advocates when he had people like Flora MacDonald and Barbara MacDougall in his cabinet. But it is equally evident in the absurd claim of the Minister for Federal-Provincial Relations, Lowell Murray, that since eight premiers still support the Meech Lake Accord, so too does 93 per cent of the population.

Perhaps most importantly, however, our current leaders have not adjusted to the far-reaching impact of the Charter of Rights and Freedoms. Yet the Charter and our increasing consciousness of and sensitivity towards the rights of individuals and groups in society are among the most significant factors contributing to our renewed collective commitment to public action and a new "nationalizing sentiment".

Despite the fact that the Charter is now over half a decade old, we have not even begun to realize how profoundly it has altered the relationship between the individual and the state, and the political and socio-economic fabric of the country. The Charter is now the key component of our Constitution that articulates the fundamental values which define us as Canadians.

The Charter is a uniquely Canadian document—one that must be interpreted in light of Canadian political traditions. It is also a late-twentieth century document—one that is not preoccupied, for example, with how to limit government as was the case with the American Bill of Rights, 200 years ago. Rather, the Charter reflects a belief that there need not be any contradiction between state regulation and individual liberty, and that freedom where appropriate is enhanced by our

public institutions and state action.

The Charter also blends an emphasis on individual freedom with respect for community values. For example, it requires us to take into account cultural, religious, linguistic and aboriginal communities in interpreting the rights guaranteed to individuals.

The focus on rights and the fundamental values expressed in the Charter is already having a profound influence on the public policy agenda. For example, the Charter is actively used as a symbolic document in lobbying efforts with governments to persuade policy-makers of the need to "Charter-proof" any proposed legislation or other government action in order to pre-empt legal action. The Charter influence is also obvious with respect to our approach to dealing with inequities in society. We are increasingly conscious of the needs of disadvantaged groups such as women, visible minorities, native Canadians, the disabled, and are taking steps through employment equity/affirmative action and pay equity initiatives to improve their well-being. We also more frequently speak of a person's right to a decent minimum standard of living, a decent quality of life and employment, and adequate and affordable housing, as things as worthy of protection and promotion as traditional property and contractual rights.

More broadly, the Charter and our ability to challenge successfully a wide range of government action are enhancing the role of the citizen in the democratic political process in a way that was not possible before 1982. This, in turn, has given rise to a new sense of national citizenship and community that is independent of territorial/regional location and that transcends regional identities. Its appeal to our non-territorial identities—shared characteristics such as gender, ethnicity and disability—is finding concrete expression in the emerging new power structure. New groups have mobilized a broad range of interests that draw their inspiration from the Charter and the Constitution and that cannot be ignored in the process of constitutional change or indeed any key initiative such as free trade with the United States.

It would be useful to examine briefly the two key government initiatives—the Meech Lake Accord and the bilateral trade deal—which provide good examples of how out of step are our current leaders with the needs and concerns of most Canadians.

The Meech Lake Accord and the Bilateral Trade Deal

Both the Meech Lake Accord and the bilateral trade deal run counter to a strong, perhaps majority, sentiment of the Canadian people, and both are widely viewed as compromising our future as a single, sovereign, bilingual and multicultural nation. Both are viewed as gravely weakening the national government's ability to pursue our distinctive aspirations and values. The Meech Lake Accord is particularly criticized for undermining our Charter and our commitment as a people to respect and promote basic rights and freedoms.

Most Canadians believe in a Canada that is more than a sum of its parts; a Canada that, internationally, can play an active role in promoting a more equitable world order and that, domestically, can accommodate our diversity while promoting a fairer, more compassionate society. But this is contingent on strong, progressive national leadership and on ensuring our capacity to pursue a distinctive, coherent course of action in our external and domestic affairs.

With particular reference to domestic affairs, Canadians

have always looked to progressive public action at the federal level to implement economic development strategies, reduce social inequality and promote distributive justice. We have relied on the federal government to build the bonds that strengthen the national community and our sense, however fragile, of national identity. This includes protecting and promoting the basic rights and freedoms now guaranteed under the Charter, and protecting and promoting the interests of the weaker provinces and regions.

To further these goals has required, among other things, national social programs such as our universal medicare system, regional development initiatives, a national energy policy and a foreign investment review policy. We need a federal government able to insist on minimum national standards for new social and economic programs, so that all Canadians will benefit from progressive policy initiatives.

Unfortunately, it is all too likely that the Meech Lake Accord and the bilateral trade deal make such leadership illusory. The danger lies in the severe weakening of the federal government as a result of the Accord, particularly the provisions limiting the federal spending power and permitting provinces to opt out of national programs with financial compensation. Already this has been demonstrated by the government's totally inadequate national child-care plan, devoid of national standards. The danger also lies with the unacceptable constraints on public action implicit in the trade deal, particularly in such key areas of public policy as foreign investment, energy, social policy and environmental protection.

The probable result will be a checkerboard, Balkanized Canada, a patchwork quilt of national programs, and increasing inequalities of wealth and opportunity among Canadians. This will impede the mobility of Canadians that is so important in today's fast-paced technology-driven society, and will gravely weaken our sense of national community and our commitment to sharing and to pursuing greater social justice for all Canadians.

Not surprisingly, opposition to the Meech Lake Accord and the bilateral trade deal has been intense. Opponents refuse to be frozen out of either the constitutional reform process or the process of formulating and implementing something as important to our future evolution as the redefinition of our relationship with the United States.

The federal government's refusal to open up these processes and to give the opponents a meaningful opportunity to shape the outcomes reflects its inability to break out of old mindsets and adapt to the new political environment. At Meech Lake, for example, the prime minister and the provincial premiers wrongly assumed that there was no need to involve individual Canadians in the process of constitutional reform and that the constitutional accommodation of Quebec could be accomplished in isolation, with little regard to the impact on our Charter rights and freedoms and the broader constitutional framework within which we have been operating since 1982.

The negotiations among the First Ministers ostensibly focused only on Quebec's demands. But the critical point to note is that the so-called "Quebec agenda" for constitutional change involved only a negotiation of *government* powers—executive, legislative, judicial. It is fundamentally an agenda focused on the rights of the French-speaking majority in Quebec and enhancing the legislative supremacy of the Quebec government. It is not an agenda sensitive to minorities or the advancement of individual rights and freedoms, as one

Most Canadians believe in a Canada that is more than a sum of its parts.

should expect of any major constitutional reform project. Rather, it reflects the perennial Quebec aim to increase its constitutional powers to promote the interests of the Quebec collectivity whether with respect to language and culture, social policy, the admission of immigrants or international relations.

The result of such a blinkered agenda, combined with a weak prime minister who simply accepted all of Quebec's demands and then generalized all concessions to all provinces to get their agreement, is a fundamentally flawed constitutional document; a document that seriously weakens the national government and disrupts the new constitutional equilibrium established by the Charter in 1982.

We have ended up with an Accord that, among other things, undermines the idea that all Canadians have common rights and freedoms, regardless of where we live because it directs by virtue of the "distinct society" clause, that the entire Constitution including the Charter be interpreted in light of geographic and socio-cultural considerations. In other words, the nature of our basic rights will henceforth vary depending on which province we live in, which linguistic group we belong to and so forth. This is certainly not a desirable course for a democracy that has always prided itself on our ability to sustain a diverse yet tolerant society and to promote bilingualism and multiculturalism throughout Canada.

Despite the attempts by our national leaders in particular to stifle the widespread opposition to the Accord and insist on ratifying it as is, it is becoming increasingly clear, with Manitoba, New Brunswick and Newfoundland serving as the current beachheads, that the vast majority of Canadians will not accept the direction in which the Accord would take us. In addition, Quebec's use of the notwithstanding clause in the Charter, to override basic rights of freedom of expression to maintain unilingual outdoor French signs, has simply intensified the opponents' demands to reopen the constitutional negotiations to ensure the primacy of the Charter as well as to strengthen our rights and freedoms through the abrogation of the notwithstanding clause.

The process leading to the bilateral trade deal was similarly flawed and ultimately led to an outcome that is unacceptable to the majority of Canadians. Yet, as with the Meech Lake Accord, the federal government continues to refuse to take action by way of amendment to the deal, or to address any of the serious concerns raised during the parliamentary hearings and the recent election campaign.

To justify this position, the federal government and proponents of the trade deal constantly emphasize the complex nature of the trade negotiations and the unprecedented involvement of the "private sector". But what exactly

is the "private sector"? Can it be neatly distinguished from the so-called "public sector"? And does a consultation process such as that implemented during the trade negotiations provide a sufficient opportunity for the meaningful participation of the Canadian people and consideration of the full range of legitimate values and interests that are at stake?

In answering these questions, we will discover that the traditional focus on consumer and producer interests as the dominant constituents of the "private sector" is no longer appropriate and that it is no longer possible to draw sharp distinctions between the public and private sectors. By failing to recognize this, as Mitchell Sharp has perceptively observed, the government was led to make the erroneous assumption that because Canadian business, traditionally opposed to free trade, now vigorously supported it, this necessarily meant that the majority of Canadians did likewise.

More generally, as Hugh Thornburn notes in his Macdonald Commission study, the current channels of political influence and closed hierarchical political structures favour access by institutionalized groups representing business interests, to the detriment of other, equally legitimate, interests in society. This unbalanced input then leads to flawed initiatives, the legitimacy of which are challenged by the excluded interests. Clearly, urgent steps must now be taken to ensure that our national government and institutions accommodate the new groups and interests in society and are more sensitive to their concerns and strategic agenda.

Adjustment to the New Reality—General Principles

How do we ensure more open, accountable and responsive national government and hence the legitimacy of the political process and political outcomes whether in the constitutional or other arenas? How do we revive a sense of public service and our collective commitment to a fairer distribution of wealth and opportunity and meaningful work for all Canadians, while pursuing greater productivity and efficiency and the creation of more wealth and opportunity in our ever more interdependent world?

One essential step is to ensure the necessary degree of national leadership and at least one national political party that can bring together and strengthen a new power structure in society and synthesize its "special interests" within the broader public interest. This development may be given a boost as more and more women, environmentalists, educators, scientists, social reform activists, and members of our ethnocultural communities are elected to public office.

But until such a new power structure is fully integrated into the mainstream of our political life, immediate steps must be taken to address its members' sense of alienation, cynicism and their concerns, as well as the new strategic agenda of the 1990s. To this end, it is useful to identify three general principles to guide the restructuring required to open up the Canadian political process.

First, we must be wary of what has been referred to as "the privatization of politics" and the mindless abdication to private actors of the power to determine the quality of life and the nature of employment and investment opportunities. This is already well advanced in Thatcherite Britain and the debilitating consequences are just beginning to emerge; they will have incalculable long term consequences.

As British theorist Zygmunt Bauman notes, Thatcher has offered individuals and families freedom from politics. She has made politics irrelevant to the pursuit of individual or collective goals. "By cutting government and taxes, Thatcher

makes it possible for more and more people to buy themselves off from areas of public deprivation (underfinanced health services, education, unsanitary infrastructure, transportation) so that they feel less urge to press for their improvement." Politics becomes a nuisance, the less of it the better.

Clearly, this is totally inconsistent with Canadian traditions, values and aspirations. But the current government reveals disturbing Thatcherite tendencies, particularly in respect of its directionless approach to privatization and deregulation. In addition, the consequences of the subtle but clear shift of priorities away from maintaining and improving our social and human resource infrastructure are all too evident. As Professor J. F. Conway eloquently points out, these include, "A health-care system in crisis; the deterioration and overcrowding of our universities; food bank line-ups; increasing numbers of homeless; soul-destroying stories of hunger among thousands of our school children; a backward, penny-pinching family support system; reduced welfare benefits; and a growing army of the 'near-poor'."

At the very least, it is urgent for Canadians to insist that our government reveal clearly the true public cost of private solutions to public problems *before* their implementation. Canadians must also be meaningfully involved in the formulation and implementation of all such initiatives.

Second, we must be wary of how the government deals with what Nicole Morgan has called the "fringe public service". This comprises the army of lobbyists and consultants to which power from the federal bureaucracy has been gradually shifting in recent years, accompanied by increasing pressures on and a widening malaise within a shrinking, demoralized public service. Certainly, the new groups and coalitions in society are represented within the ranks of this fringe. But the inequality of access to policy- and decision-makers is all too obvious.

Firm action is required to pursue "administrative democracy", to open up our policy- and decision-making structures and bring the fringe into the centre. This means, for example, significant parliamentary reforms to make committee hearings open, accountable forums where all Canadians can be meaningfully involved even at the formulation-of-policy stage. It also means public administration reforms aimed at encouraging and intensifying the interaction between the core and fringe public services and firmly setting aside the out-dated model of the "faceless" public official. As Timothy Plumptre suggests in his excellent study of the federal public service, *Beyond the Bottom Line*, it is now critical for public servants to build and maintain open networks with so-called "stakeholders" outside the bureaucracy.

Finally, we must improve the responsiveness of the federal bureaucracy to the diverse concerns of Canadians in different regions. This should involve the delegation of important managerial authority, so that regional managers can link up more closely with relevant groups and individuals at the regional level, and then contribute meaningfully to policy development and program design at the national level.

In emphasizing more open administrative structures and greater public participation, the important point to note is that creative, constructive links with the new groups and coalitions will be a positive force for change, given their shared concerns and vision. It will not, therefore, lead to sclerosis and a bias in favour of incremental decision-making and a reduced capacity to adapt, as pessimistically predicted by political economist Mancur Olson and others.

But the last two of the general guiding principles point, in

particular, to the need for institutional changes to adapt to the new reality of Canada's shifting power structure. The remainder of this paper will explore, through the use of specific examples, the directions which these changes should take to achieve our two key objectives: to open up the system to the new groups and to accommodate the broader perspective on public policy issues dictated by the new agenda.

Specific Reforms

1. Reorganizing Structures

Central to the adjustment to Canada's new political environment are major reforms in the overall departmental structures, the allocation of ministerial responsibilities, and the role and operation of central agencies. It seems clear that existing mechanisms for horizontal policy coordination, especially at the all-important "strategic apex" of government, are not adequate. Yet this kind of coordination will be all the more critical as we confront the complex issues on the new agenda, notably, sustainable development, and the integration of both our employment and social assistance policies, and our tax and transfer systems.

One useful reform would be the implementation of a two-tiered ministerial structure. The significant reorganization of the cabinet committee structure announced on January 30, 1989, does appear to move in this direction. The powerful eight-person Operations Committee will effectively become an "inner cabinet", consisting of the key ministers representing Employment and Immigration, the Environment, External Affairs, Finance, Treasury Board and Trade, together with the Deputy Prime Minister and the Minister of State for Federal-Provincial Relations. But the reforms need to go much further to institutionalize a two-tiered ministerial structure across the board, reorganize departments and give clear and broad mandates to all senior ministers to develop policy and to coordinate the activities of designated junior ministers.

For example, if our leaders are serious about pursuing sustainable development, then consideration must be given to the creation of two senior departments of science, technology and economic development (STED), and the environment. The second-tier ministries for fisheries and oceans, forestry, parks, energy, mines and resources should be grouped under the Minister of Environment, while all other second-tier economic development portfolios would be under the minister for STED. According to informed observers like former environment minister Jack Davis, this would then ensure meaningful head-to-head debates in the inner cabinet between the two key ministries and greatly enhance the likelihood of meaningful policy coordination. (It should be noted that the proposed Department of STED would be very different from the recently created Department of Industry, Science and Technology, whose role in coordinating development strategies was significantly undermined by spinning off certain responsibilities for regional development to the Western Diversification Office and the Atlantic Canada Opportunities Agency.)

The recent strengthening of the Department of the Environment and the establishment of a special cabinet committee on the environment may be a positive step forward in ensuring greater government focus on sustainable development. But it is not clear that the necessary policy coordination will take place, and that sensitivity to environmental concerns will really percolate through to all government action. More specifically, the mandate of the

The mandate of the Environment Committee is excessively vague and passive.

environment committee is excessively vague and passive, referring only to the need to, "Ensure that government policies, programs and other initiatives to which the federal government may be asked to provide support are fully compatible with the government's environmental agenda".

In addition, although the committee does include such relevant ministers as Fisheries and Oceans, Forestry, Energy, Mines and Resources, Health and Welfare, and the Minister of State for Science and Technology, at the same time, a new cabinet committee on economic policy has been established on which the Minister for Industry, Science and Technology participates. The creation of these two separate cabinet committees brings into question the commitment to integrate economic and environmental concerns in all policy-making and other government action and, at the very least, the chairmen of the two committees must immediately establish a meaningful liaison to facilitate joint strategies. Clearly, a single committee on the environment and the economy would have been preferable.

Similar concerns for much needed horizontal policy coordination could also lead to the creation of a senior minister of Employment and Human Resource Development. The minister would have his or her own particular substantive responsibilities, such as for employment equity initiatives, in addition to a role in coordinating the activities of a number of second-tier ministers. These ministers could be concerned with, respectively, education and skill development, social assistance and social services, the needs of children (including child care), employer-employee relations, health care and pensions, and housing.

This new distribution of ministerial responsibility and mandates would clearly reflect new challenges and priorities and would facilitate the formulation and implementation of critical programs and initiatives to ensure more effective public responses to the needs and demands of all Canadians. In addition, the proposed two-tiered ministerial structure would be part of a more general reorganization of cabinet with such new senior departments as Peace, Security and International Development that would combine Defence and the relevant sections of External Affairs. This would be accompanied by significant parliamentary reforms involving a much greater role for legislative committees. For example, there should be a Standing Committee on Human Resource Development and Employment Equity to which the Canadian Human Rights Commission would directly report.

Finally, it is encouraging to note that steps are now being taken to increase significantly the average tenure of a deputy minister in a single portfolio, currently about 18 months, and

the average tenure of minister-deputy minister teams. This will greatly enhance the government's ability to undertake major policy initiatives now urgently required.

At the same time as implementing a two-tiered ministerial structure, we should review the important role that the central agencies, notably, the Privy Council Office, the Treasury Board Secretariat, and the Federal-Provincial Relations Office, play in ensuring coordinated strategic planning and policy implementation. We also require new management systems that will facilitate the formulation of a more integrated socioeconomic strategy, while enhancing the control of, and accountability for, public expenditures.

In this connection, it is doubtful that the recent abolition of the Policy and Expenditure Management System (PEMS) and the return to a system which separates policy-making from spending, represents an advance. More specifically, under the new cabinet committee system, cabinet committees can only discuss policy while a new expenditure review committee chaired by the prime minister will, "Ensure that the government's expenditures continue to be directed to its highest priorities, and that expenditure control continues to contribute to deficit reduction". It is unfortunately all too likely that this new system will not be sensitive enough to the need to allocate sufficient resources to support our new cross-cutting policy priorities, and will instead be consumed with a sterile directionless emphasis on deficit reduction at all costs.

2. Wider Access to Decision Making

Opening up the intergovernmental machinery of government to permit much greater public input into intergovernmental negotiations and agreements is also critical. This is all the more important since the strategic agenda for the 1990s includes many areas of concurrent federal-provincial or exclusive provincial jurisdiction. Examples include competition policy reforms, to reverse the trend to increasing corporate concentration, more effective regulation of financial services and securities markets, policies regarding control of both renewable and non-renewable resource production and marketing, product standards laws, employment and occupational health and safety standards laws, and environmental protection initiatives.

As a first step, we should open up to public participation the quinquennial (five yearly) negotiations of federal-provincial fiscal relations. These have an important impact on a wide range of policies from social assistance (via the Canada Assistance Plan), health care, post-secondary education and the ability of provinces to provide comparable public services (via the equalization program). The public hearings of the Breau Task Force on Federal-Provincial Fiscal Relations leading to its final report in 1982 provide a valuable precedent for how to involve Canadians meaningfully in intergovernmental policy-making. Through its hearings, for example, the Task Force was able to demonstrate, among other things, the broad national consensus in favour of the protection of national standards in health care (subsequently embodied in the Canada Health Act), something that would not have been evident had the review of fiscal relations been confined to so-called "experts" from the respective bureaucracies, as have previous and subsequent reviews.

Over the longer term, we should also consider an expanded, stronger mandate for the Federal-Provincial Relations Office (FPRO) particularly in respect of fiscal matters. As Kenneth Wiltshire suggests in a comparative study of Australia and Canada (*Planning and Federalism*,

1986), it might be useful to change the composition of the FPRO to include permanent representation of provincial public servants on staff and to serve as a research agency to back up a senate standing committee (assuming an elected senate) and parliamentary/legislative inquiries into all intergovernmental agreements. Ideally, according to Wiltshire, all such agreements should be tabled as green papers in each provincial legislature and Parliament for debate before final ratification.

Intergovernmental agreements and the use of the federal spending power are invaluable mechanisms to bridge the more-often-than-not outdated division of powers. Through such agreements we can establish minimum national standards to ensure that all Canadians are assured of equal opportunity and access to the same minimum level of public services, as well as facilitate the mobility of Canadians that is so important in today's technology-driven society.

In undertaking significant reform of the intergovernmental machinery, the closed, secretive First Ministers' Conferences (FMC) should be seriously questioned as desirable models for such cooperative federalism. Indeed, the Meech Lake Accord proposals for entrenching annual FMCs on the Constitution and the economy have been vigorously opposed by most informed observers. Of course, FMCs are important political forums and are clearly a valuable component of the structure of federal-provincial relations. But to allow them to proliferate, or indeed to entrench them constitutionally, would further diminish ministerial responsibility and accountability and run counter to the urgent need to improve access to the policy process and thereby enhance the legitimacy of political outcomes.

3. Other Reforms

Another area to enhance meaningful public input is in respect of regulatory processes and regulatory agencies. In this connection, the federal government has taken some useful first steps with the Regulatory Reform Strategy announced in March, 1986 and the publication of a *Citizen's Code of Regulatory Fairness* and annual guides to forthcoming regulatory initiatives. But much more must be done to move beyond this cosmetic phase.

For example, some observers advocate the creation of special oversight bodies to monitor specific areas such as trade and industrial policy, transportation or communications. Possible models include the Australian Industries Assistance Commission and the U.S. Office of Management of the Budget. We could also create citizen advisory boards in appropriate areas such as postal and passenger rail services, using the recently established Postal Service Review Board as a model.

One existing regulatory process that definitely requires urgent review is the Federal Environmental Assessment and Review Procedure (EARP) administered by the Federal Environmental Assessment and Review Office (FEARO). This is because a rigorous effective environmental assessment and review procedure is an essential component of a credible strategy for sustainable economic development. Presumably, the needed reforms will now be facilitated by the recent strengthening of the Department of the Environment.

The shortcomings of EARP and the inadequacies of both the initial assessment and public review phases are widely acknowledged. For example, the Department of Environment discussion paper called "Reforming Federal Environmental Assessment" expresses concern over the reliance on self-

assessment by initiating departments of the environmental impact of any project or activity, and the inability of the Minister of the Environment to initiate panel reviews. It also criticizes the limited scope of both initial assessments and public reviews and the inadequate opportunities for meaningful public participation.

The discussion paper observes that, "Ideally the environmental assessment process should address not just biophysical effects but also the social, health, economic and cultural issues arising out of the environmental effects of a project and all federal departments should carry out assessments in a consistent, visible and accountable manner". A number of useful reforms are then put forward.

With respect to the initial assessment phase, all departments should be required to address the general social, health, economic and cultural implications of environmental change; the screening (self-assessment) of projects early in their planning must be beefed up and all screening decisions reported to FEARO in order to allow public comment. In addition, all initial environmental evaluations should be published and initiatives taken to encourage a public response from affected residents.

With respect to the public review phase, the Minister of the Environment should be able to initiate panel reviews with broad terms of reference; the Minister of the Environment and the initiating minister should be required to provide a joint public response to a panel assessment before any decision is taken to proceed with the project; and the roles and responsibilities of relevant regulatory agencies such as the National Energy Board in the implementation of EARP must be clarified to avoid unnecessary duplication.

Finally, to assist public participation, the Discussion Paper suggests making funds available through FEARO; establishing a separate committee for each review independent of all parties to administer all federal funds available for public participation; and providing for an advisory committee that would recommend the level of funds available for each review.

All these proposals merit serious consideration. And whatever course of action taken, we must at the very least ensure sufficient openness and accountability in the policy and decision-making process to prevent a repetition of the absurd situation in which the Canadian Wildlife Federation had to take the federal Minister of the Environment to court for bypassing federal environmental assessment laws. The case involves the controversial federal approval of the construction of the Souris River Dam in Saskatchewan. It appears that the approval is yet another example of the Mulroney government preference for cutting backroom bilateral deals with provinces and was linked to the Saskatchewan government's agreement to expand the availability of French language services.

The foregoing discussion has focused on specific reforms designed to ensure that the full range of legitimate values and interests at stake in the policy- and decision-making processes are reflected in the final outcomes. In addition to these, over the longer term we should pursue senate reform (an elected senate), electoral reform (possibly some form of proportional representation), the establishment of a federal ombudsman (perhaps with specific responsibilities such as for the environment) and, finally, the use of certain methods of direct democracy such as national referenda.

The implementation of a referendum mechanism as an integral part of a new constitutional reform process is particularly critical. This is because enhanced public

involvement is vitally necessary to confer legitimacy on constitutional change. Constitutional referenda would confirm unequivocally that ultimate sovereignty resides with the *people* of Canada, and would preclude a repetition of the unacceptable Meech Lake situation in which 11 First Ministers attempted unilaterally to redirect and effectively freeze our constitutional evolution.

Conclusion

Our ability to meet future challenges and to continue to build a fairer, more compassionate society depends on our ability to create more responsive national political institutions and to revive our sense of public purpose and public service. It depends on our ability to bring together the currently fragmented "special interests" in the pursuit of the common public interest. Canadians must be meaningfully involved in the decisions taken by governments; otherwise the legitimacy of the political outcomes will be questioned and our disillusionment and cynicism will intensify.

Yet some observers argue that we are inevitably heading for the "Americanization" of Canada, shifting to what philosopher Charles Taylor calls the "American rights-based model", where citizens seek the vindication of their rights and dignity primarily through the courts. They argue further that this will take place at the expense of active citizen participation in our political life. This will make it increasingly difficult, if not impossible, to eliminate the sense of citizen alienation, particularly *vis-à-vis* the national government, and to strengthen our national identity.

These arguments, however, cannot be sustained. To begin with, the Charter of Rights and Freedoms is having a nationalizing impact, fostering the emergence of new networks of Canadians, based on shared characteristics and concerns that transcend our regional/provincial identities. And these new groups are increasingly looking to the federal government for leadership.

In addition, while it is clear that recourse to the courts is now an important element of our political system, the Charter is equally important as a symbolic document to guide policy-makers and Canadians in their lobbying efforts with government. And as already noted, the Charter, unlike its American counterpart, contemplates a broad scope for government/state action to enhance our basic rights and freedoms.

Thus, just as the federal government has taken steps to facilitate court challenges on the part of otherwise excluded groups and individuals, it must now take firm steps to facilitate the meaningful participation of all Canadians in its policy- and decision-making processes. This necessitates coordinated steps in a wide range of areas from parliamentary and regulatory reforms, constitutional referenda, to detailed changes in administrative structures and processes. These are certainly not the stuff of inspiring debates. But failure to undertake them will preclude the implementation of a new policy agenda designed to meet the challenges of the twenty-first century, and will seriously compromise our evolution as a progressive dynamic nation. □

Deborah Coyne is a member of the Editorial Advisory Board. Educated at Queen's, Osgoode Hall Law School and Oxford, she has practised and taught law in Toronto.