

**PARLIAMENT,
INTERGOVERNMENTAL
RELATIONS, AND NATIONAL UNITY**

by

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corresponding strength of federal-provincial relations. These intergovernmental relations have developed as an extension of the 'prerogative' powers of the crown, using prerogative in the sense of matters that the crown (executive) can

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INTRODUCTION

In 1997 the privy council office commissioned me to make a study of "Parliament and National Unity". For that study I was asked to examine two issues central to Canadian politics and governance: first, what the role of parliament is in national unity and what prevents parliament from having a stronger role in this crucial Canadian concern; and second, what reforms might strengthen parliament's role in promoting national unity. I was delighted and excited to do this study. My previous work on the Canadian Parliament had focussed on parliamentary institutions themselves, and, perhaps because national unity and parliament both in theory and in practice are only distantly related, had neglected the relationship between parliament and that second vital Canadian institution for national policy-

except where legislative support is necessary. Viewed this way, federal-provincial relations are an extension of the traditional powers of the crown to act in matters of state, including the conduct of foreign affairs, negotiation and signing of treaties, indeed to declare war or peace, without reference to parliament. Federal-provincial relations are more like treaty-making than they are like the normal legislative processes. Both provincial and federal legislatures got left out of federal-provincial diplomacy as it grew into such an important part of Canadian politics.

At times, as I explored the issues, I was tempted to say that Dicey was right first time round, and that federalism and Westminster style parliamentary democracy are indeed incompatible. Certainly his resolution of the problem, that the parliaments at the two levels are sovereign and supreme in their own sphere of jurisdiction - the water-tight compartments school of federalism - has long since become obsolete and unworkable. Canadian politics in the late twentieth century are more marked by the importance of inter-

commons based on proportional representation
comes not from the standard argument that a

this paper, and a close study of proportional
representation and its effect on the house will have

have much sympathy with the concept of a 'Triple-E' senate. I do not think that the senate should rival the commons in powers, nor do I believe that the provinces should be equally

government, including our parliamentary-cabinet institutions, can be made without amendment to the constitution. The only exception, as far as parliament is concerned, would be equal

separation. Ours is a system of representative government, in which all citizens should, through

Removing the formidable obstacle of constitutional amendment does not, however, whether for better or for worse, make reforms any

of the European Economic Union, and the creation of legislatures for Scotland and Wales.

There is a danger in writing a paper like this that its proposals for reform will be misconstrued. This is especially a risk where proposals form a

politicians and the electorate, could produce another crisis of federalism. Canada will be no better prepared for it than it was in the past. We relive our mistakes. We don't learn from them.

This paper was originally commissioned by
George Anderson, Deputy Minister

point to discussing them together, but it would certainly not be to show how they influenced and related to one another. Similarly, in Canada, the

from giving it a more prominent dealing with intergovernmental relations.

The approach adopted in this paper is in

particular the cabinet, has a central energizing and initiating responsibility in national life. This role

informal pressures to achieve a consensus report are enormous and normally irresistible (Jogerst

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These are not the only factors that reduce the role of parliament in Canadian national political life. The growth in government expenditures during most of the twentieth century, with the exception of war-time, has largely been concentrated in areas of provincial jurisdiction,

PARLIAMENT AND THE REPRESENTATIVE PROCESSES IN CANADA

(1) *The Members of Parliament*

will have served fewer than five years, while over fifty percent will have served ten years or more. (The election of 1997 is the exception, causing more turnover than ever before in two centuries.)

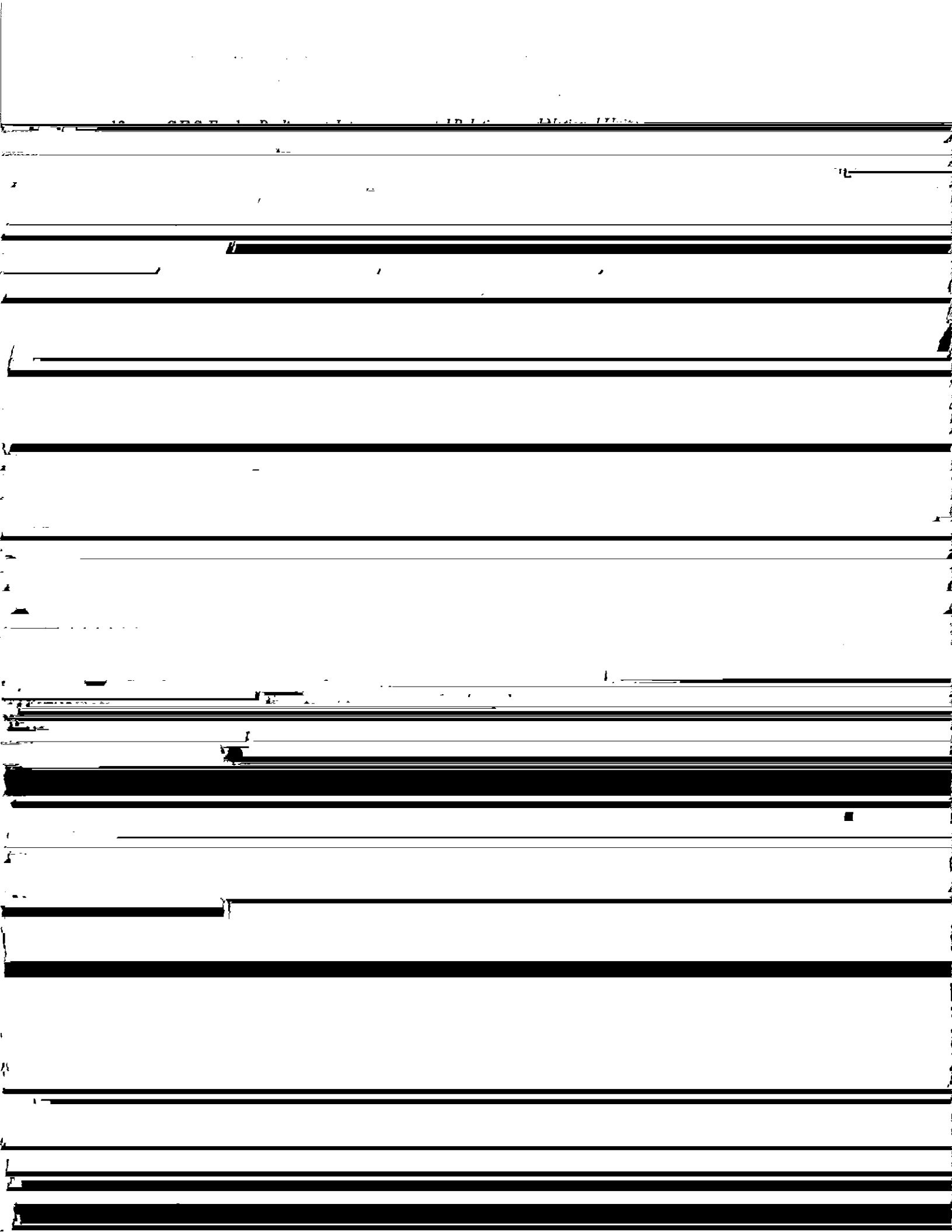
Turnover in the American Congress is even longer

These characteristics of representation by members in parliament have been stable over time in Canada. After a normal election, forty to sixty percent of members will be new to the house.

Perhaps the election of 1993 was an anomaly but

articulated and forwarded through non-party interest groups. This is especially true for issues

recruitment and training of political leaders, leading to a large proportion of senior politicians,



a platform that offered simplistic solutions to

announcements and debates, and the decline is



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Based on the information provided, the following table summarizes the key findings of the study:

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...the addition of a balance of interests ... Conservative government in the 1982-83 period

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commons over others. Its obstruction of business from the commons extended to supply, an area of

partisan resistance to 'efficient' government (Frith p. 10).

5) *The Crown: A Neglected Branch of Parliament*

In England, the monarch became the constitutional 'Chief of State', largely devoid of

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in so far as it has a formal identity apart from the

Two areas where the Governor General could

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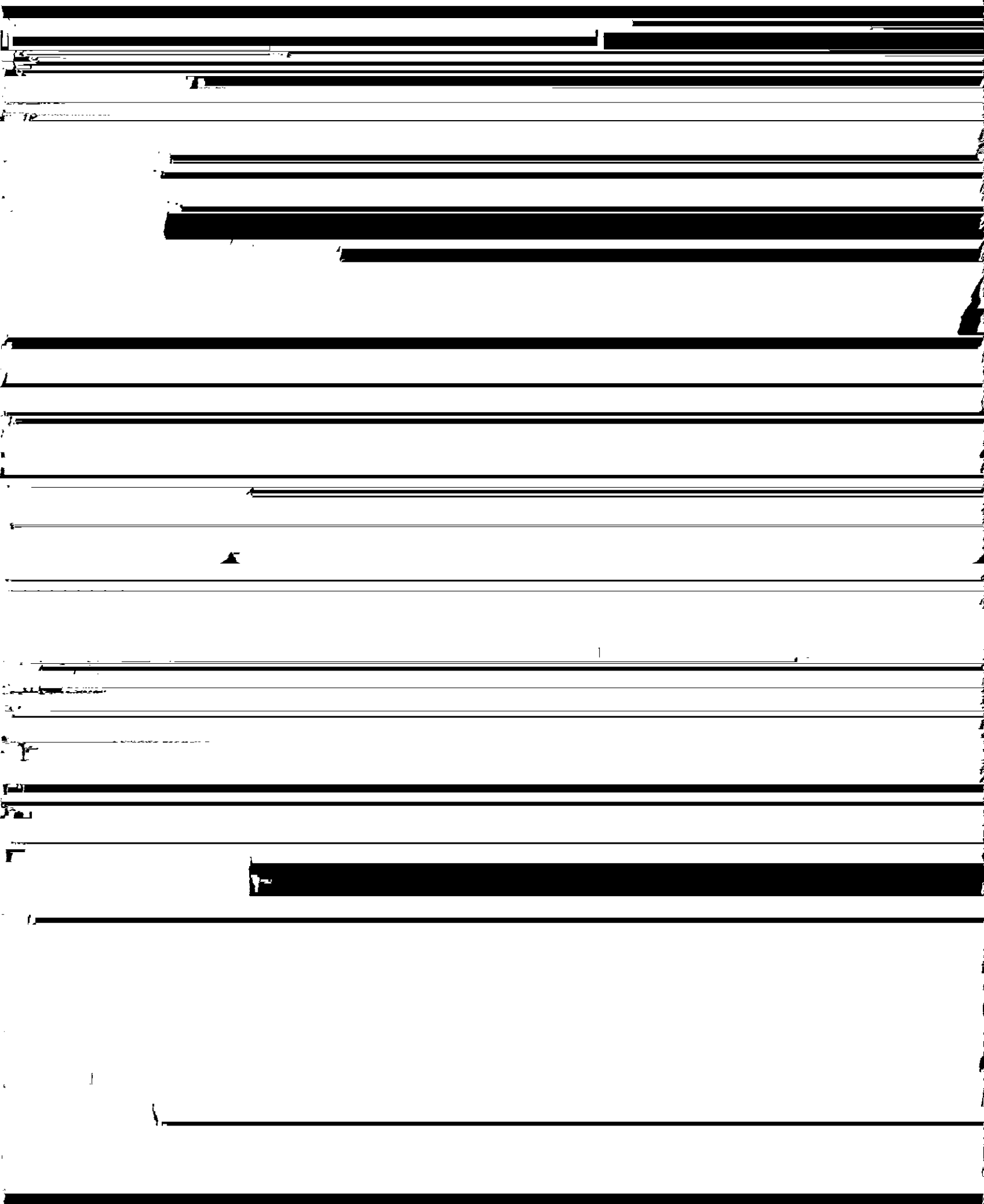
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representational arrangements might well include

the passage of bills. In Australia, specific



things well is a product of many factors, not least of which is a growing reluctance by governments to respect and take advantage of this central political forum.

5) A Stronger Role for Parliament in Intergovernmental Relations and Constitutional

intergovernmental relations and reduced the legitimacy of executive federalism. As a result, while the 1980-1 committee was crucial to successful constitutional amendment in 1982, it also profoundly changed the rules and players of the constitutional amendment game, making it

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were far from complete or satisfactory, but the amending formula then adopted has twice and disastrously prevented major change. At the same

second, it lacks legitimacy because of the method of appointing senators. Two of the three prongs of 'Triple-E' senate reform proposals - Equal,

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federalism gives rise to a federal-provincial

Washington but so also do state legislatures.

of such a reform, and none is likely to in the
immediate future

(vii) *A stronger role for parliament in
intergovernmental relations and constitutional*

2) *Option Two: Towards A More Consensual System.*

Several of the reforms discussed above go far beyond the incremental mode of reform and propose fundamental changes to the system. The

discourse in the confederation debates. Such a change is needed.

(ii) It would appeal to the electorate.

Movement towards a more consensual democracy would appeal to several important elements of the

(v) It might well produce a desire in the

(vii) Movement towards a consensual system

abandon the doctrine of ministerial responsibility

orah bags that try to please everybody and then

-----The Task Force on Canadian Unity, *A Future*

Docherty, David, "Should I Stay or Should I Go?"

Canadian Journal of Political Science, 19(1), 1974, pp. 1-12.

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