

DEMOCRACY, PARLIAMENTARY REFORM AND FEDERALISM

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Discussions of democratic reform in conjunction with federalism are usually focused on the manner in which federalism can be changed to make it more open and accessible. Critics of Canadian federalism in particular typically have in mind the putatively closed, elitist and unrepresentative nature of intergovernmental conferences, ranging from meetings of un-elected officials to first ministers conferences. The answer, according to many, is to open up the intergovernmental process, to make it more open and transparent and to allow for more direct citizen participation.

The thrust of our comments here, however, is focused on what might be termed the unintended consequences, for federalism, of democratic reform of other kinds of institutions, namely the federal parliament and provincial legislatures. The role of legislatures, as a check on executive federalism, is sometimes mentioned as part of the solution to render federalism more democratic and accountable, often under the rubric of legislative federalism. However, legislative federalism has not been the primary theme of those who have recently invoked or discussed the imperative of democratic deficit reduction with respect to parliament, the executive branch and political parties. The point we wish to make is that such reforms, proposed or otherwise, based on critiques of the Canadian Westminster parliamentary model, could have a profound impact on executive federalism, even if that is not foremost in the minds of the authors of these critiques or proponents of change.

The most significant work critiquing the current parliamentary model is no doubt Donald Savoie's *Governing from the Centre*, in which the all-powerful role of the prime minister, buttressed by the support from central agencies such as the privy council office (PCO) and prime minister's office (PMO), is seen as holding sway over both cabinet and parliament. While Savoie does not make specific recommendations for reform of parliament or the executive, others have done so. These calls for reform have culminated, albeit in a rather limited way, in Paul Martin's six point plan, which, among other things has relaxed the rules on party discipline and given greater scope to parliamentary committees. Similar developments have taken place at the provincial level.

While the Paul Martin changes are on the low end of the scale as far as democratic reform goes, there are further possibilities involving more substantial restructuring and, in some instances, constitutional change, such as referenda, reform of the electoral system, and senate reform. While the intent of some of these changes is to provide more direct citizen participation or to make parties, for example, more responsive to citizen interests, by and large the overall thrust of these changes is to provide more checks and balances, primarily by restricting the excesses stemming from relatively unrestrained executive power. All these actual and proposed changes, however, are certainly not an unmixed blessing; they all have their dark side, such increased ward heeling on the part of more independent MPs and possible 'immobilism' of parliament or the executive branch.

There is a further side to these reforms and that concerns federalism. Again, while many would see positive advantages to things like greater legislative oversight over the intergovernmental process, there are also unintended consequences

power. Let us elaborate. As noted above, increased restrictions on the exercise of executive authority is one of the main goals, and consequence, of many of the reforms, both actual and proposed. At the same time, since power abhors a vacuum, some of the terrain occupied by the executive, has been, in the case of parliament, ceded to MPs. Not just government MPs but also opposition MPs, particularly on parliamentary committees, including members of the Bloc Québécois. As well illustrated by the case of the Standing Committee on Public Accounts, chaired by the opposition MP, Conservative John Williams, this committee has been thrust front and centre into a number of political issues. In the context of the current minority government, Liberal MPs can no longer control the agenda or terminate debate on difficult issues, as they had done over the previous decade. Furthermore, many government MPs themselves, no longer feeling as tightly bound by party discipline as before, are more willing to take an autonomous role. The spirited examination of the spending habits of the former privacy commissioner, George Radwanski, is a case in point. The Public Accounts committee acquitted itself perhaps less well when coping with the sponsorship scandal, with some members revealing themselves to be woefully ignorant of constitutional and machinery of government fundamentals concerning relations between elected and unelected officials. But the overall willingness of this committee, and others, to be critical of government programs and activities and to take their work seriously is clearly evident.

Part of what we have seen over the past year can be attributed to minority government and part to Prime Minister Paul Martin's six-point plan. Some might argue that, in the absence of the former, the six-point plan will really have only very limited impact on the power of MPs and the House of Commons overall, citing the fact that the Martin PMO and its staff are behaving in manner that is not all that different from Martin's imperious predecessor. On the other hand, there is an indication that minority government is not a temporary aberration, but may well continue after the next federal election, judging from both public opinion and the

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Herman Bakvis and Gerry Baier, *Democracy, Parliamentar*

It is also worth mentioning some of the “intrastate” forms of elite accommodation that stand to be affected by greater legislative involvement and transparency. The federal-provincial arena is not the only arena in which accommodation has taken place. Historically, the federal cabinet has long been a venue for fostering understanding and collaboration between the different solitudes, especially between Quebec and the rest of Canada. The government caucus, traditionally operating in secrecy has also served as an arena in which the different interests and visions of different parts of the country have been accommodated.

If, however, parliament or provincial legislatures begin more actively discussing Quebec special status, this tacit acceptance of asymmetry may well change. Such discussion is likely to promote more extensive public discussion; further agreements involving the

Given the number of contingent factors, it is almost impossible to predict how any of these scenarios might unfold. However, given the strong likelihood of even limited reforms taking hold and perhaps accelerating, especially in light of proposed changes in the electoral systems of one or more provinces, life in various intergovernmental arenas is not going to remain the same and executive federalism as we now know it may look decidedly different a decade from now.