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... province has been discussed already in other provinces. *Dustin*

The preparation of this book was a team effort at the Institute. We wish to thank in particular Mary Kennedy and

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volume for their timely and critical evaluations.

Janet Hiebert  
Douglas M. Brown  
September 1994





# Part I

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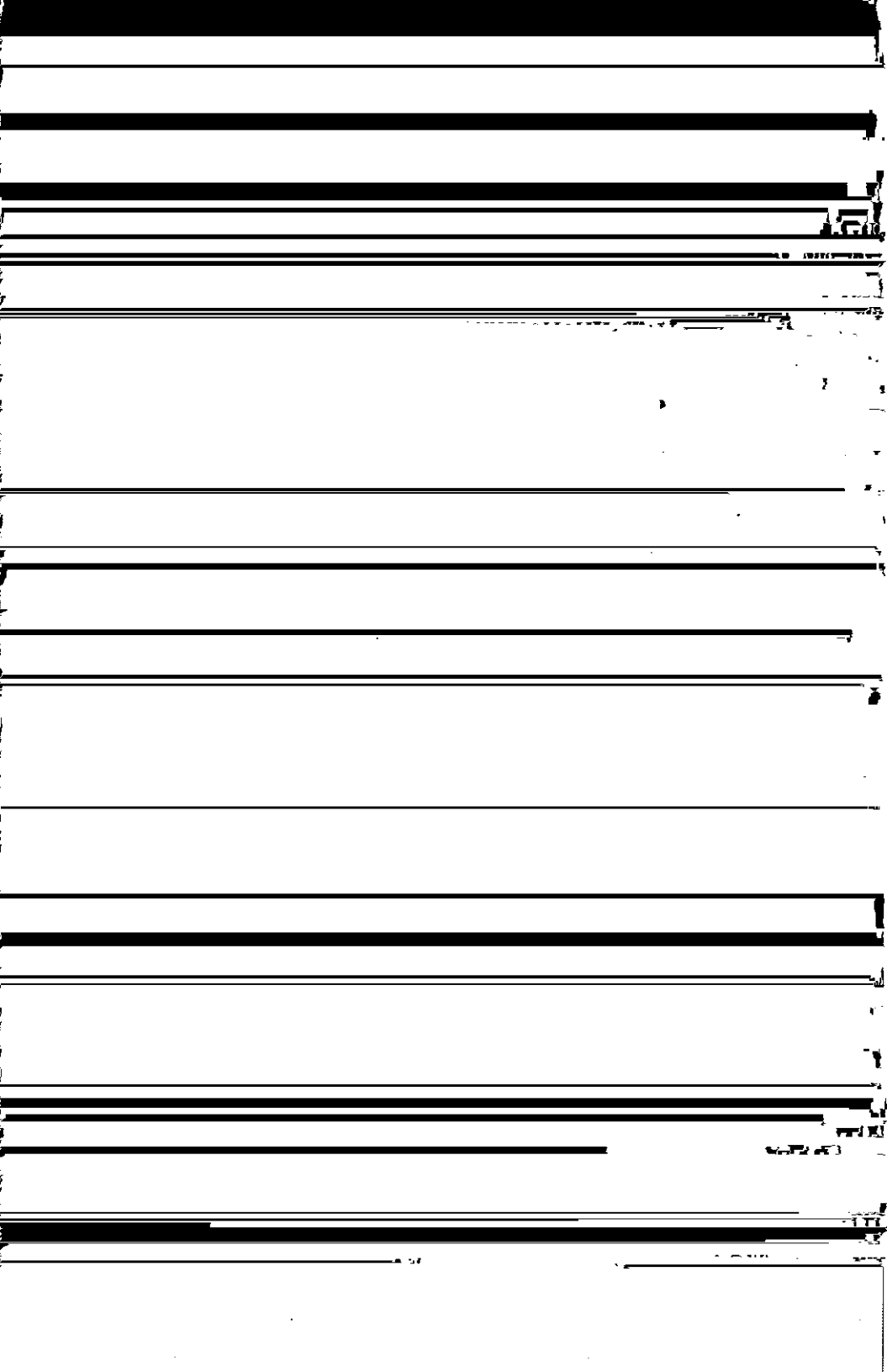
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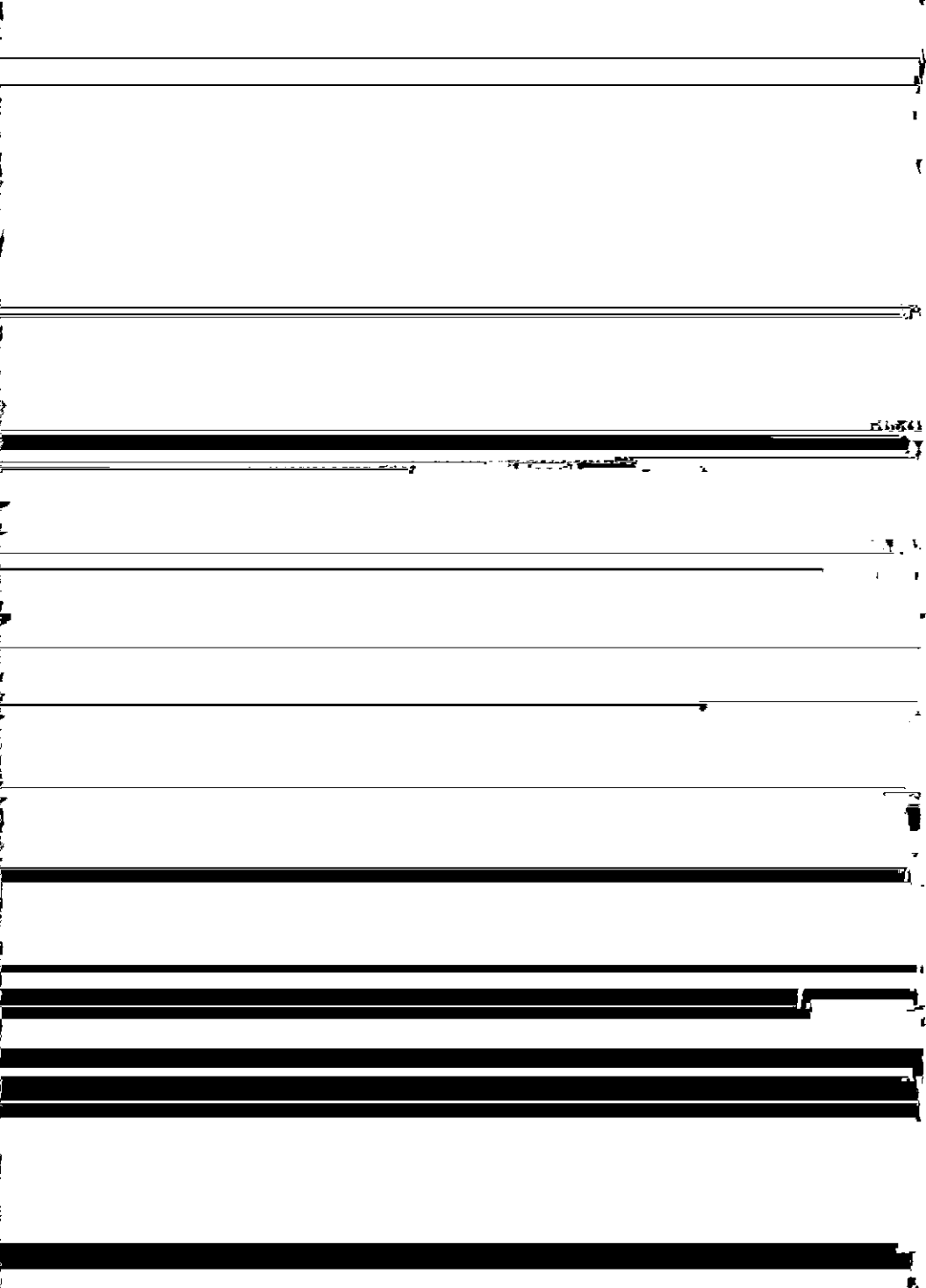
support in the west and the Bloc Québécois under popular leader Lucien





prior to the Quebec election. In any event, such a breakthrough is unlikely to materialize, thanks in part to the caution of the Liberal government (of which, more below).

The Bloc has not shrunk from raising the sovereignty issue both within Parliament and more broadly. Bouchard's first speech in the House as Opposition Leader on 19 January 1994 surprised many Canadians outside Quebec (judging by the media reaction at least) with his sovereigntist intent. Yet the



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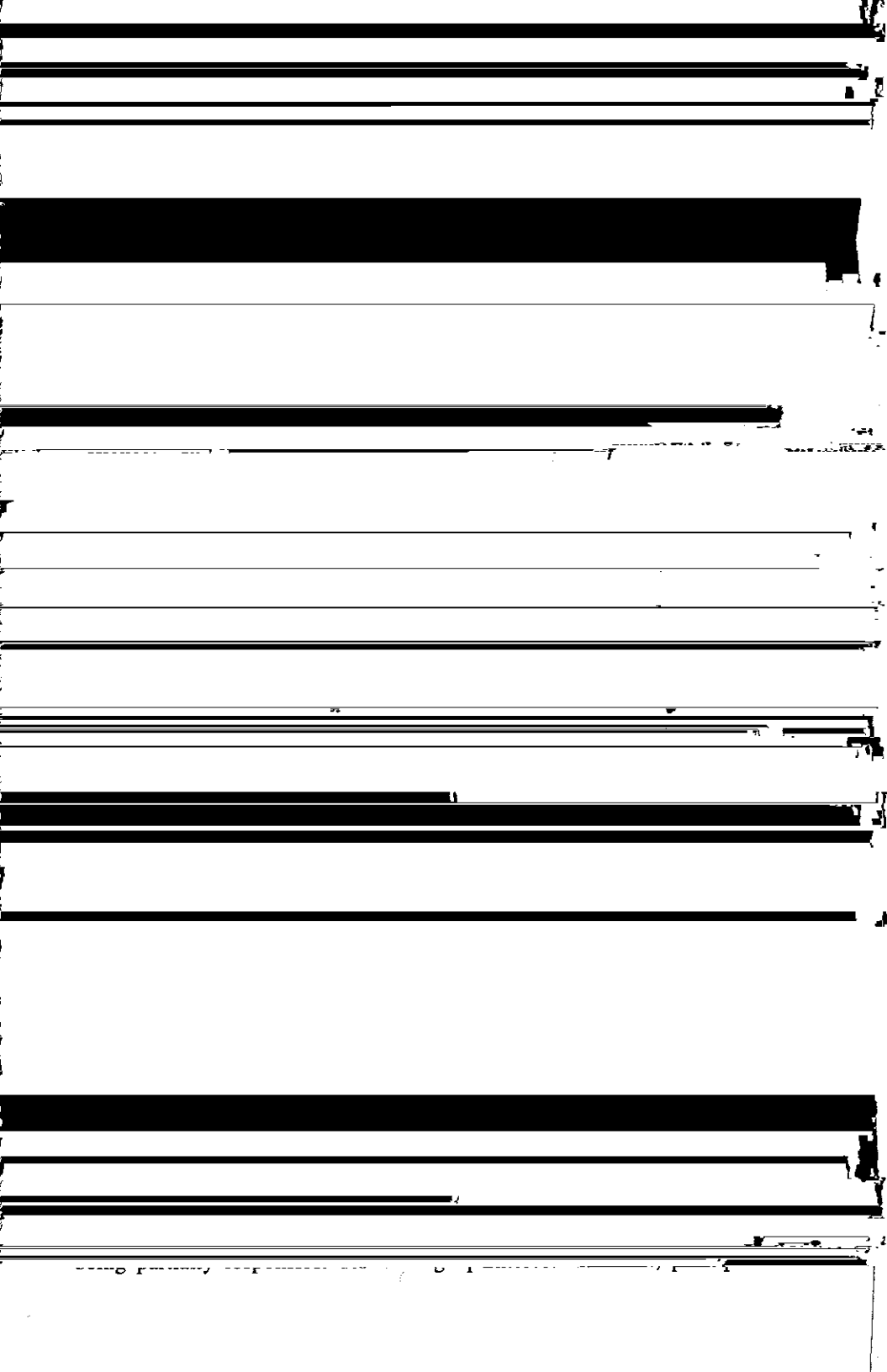
provisional ministers of finance to aim the current set of fiscal arrangements cannot be sustained, and in fact, is set to "self-destruct" in this decade if unreformed.<sup>10</sup> The system no longer delivers what it was designed to deliver

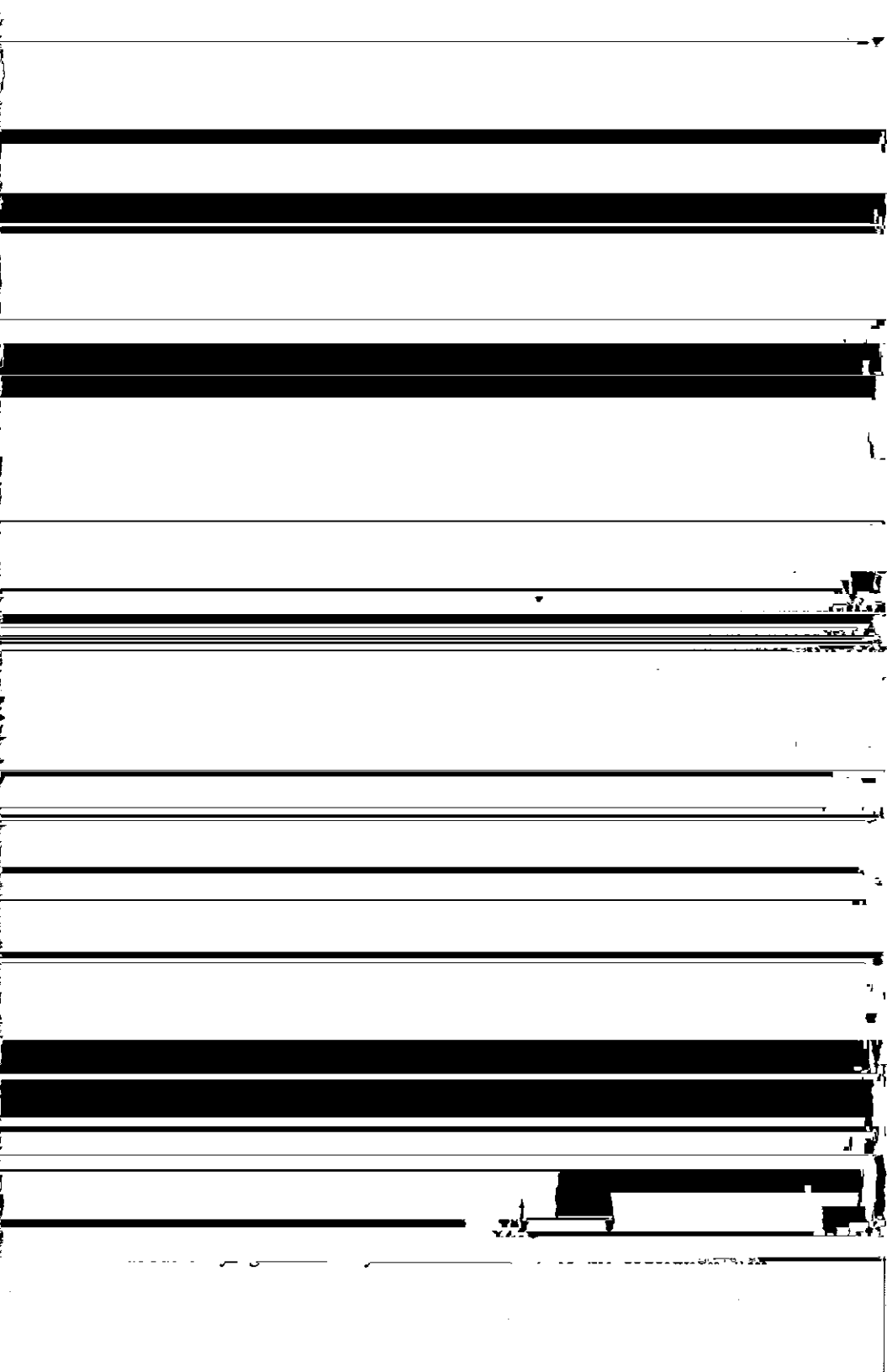


programs with major federal funding as social assistance and postsecondary

and to improve citizen access and create services wherever possible that one government is involved. "Overlap and duplication" is a favourite foil of critics of the

in agreements that would be attacked as accomplishing too little in Quebec,







timing of this program will undoubtedly change as a result of the election

THE CONTROL BETWEEN THE TWO PARTIES BE EXPEDITED BY REFORM AND GENTLE

and Services, March 1994).

20. See the Court and Mann, 75 August 1994, and La Presse, 20 and 22 September 1994.

Following the 1992 referendum, there was nevertheless a widespread

with the tacit support of Robert Bourassa, it reached politicians well beyond the ranks of Parti Québécois sympathizers.<sup>8</sup> In the years after 1990, it would almost always lead in the polls, to reach levels of support around 40 percent in

associated with Quebec. Early in the campaign, Quebec voters located

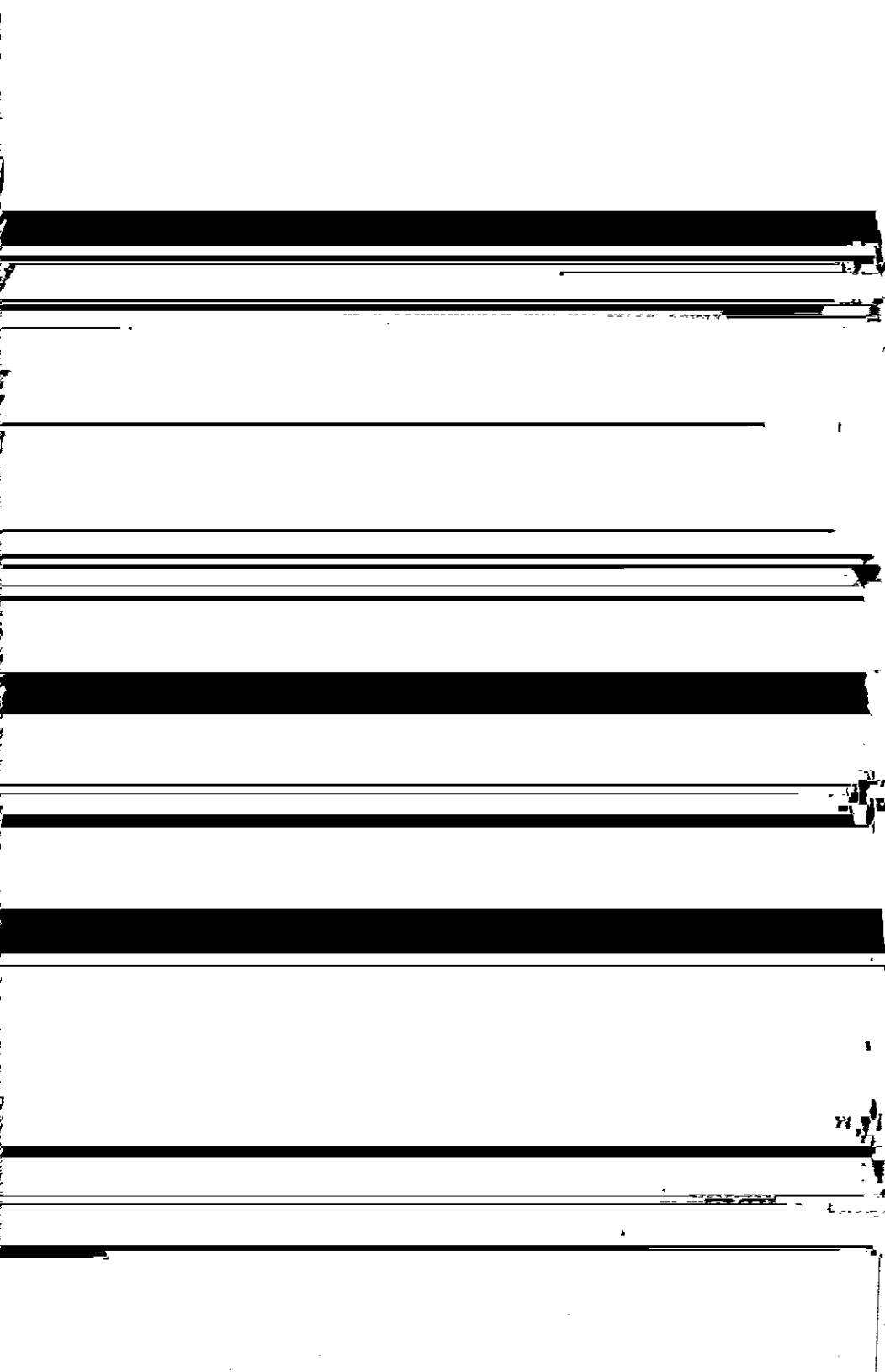
dimension came into play: support for sovereignty.

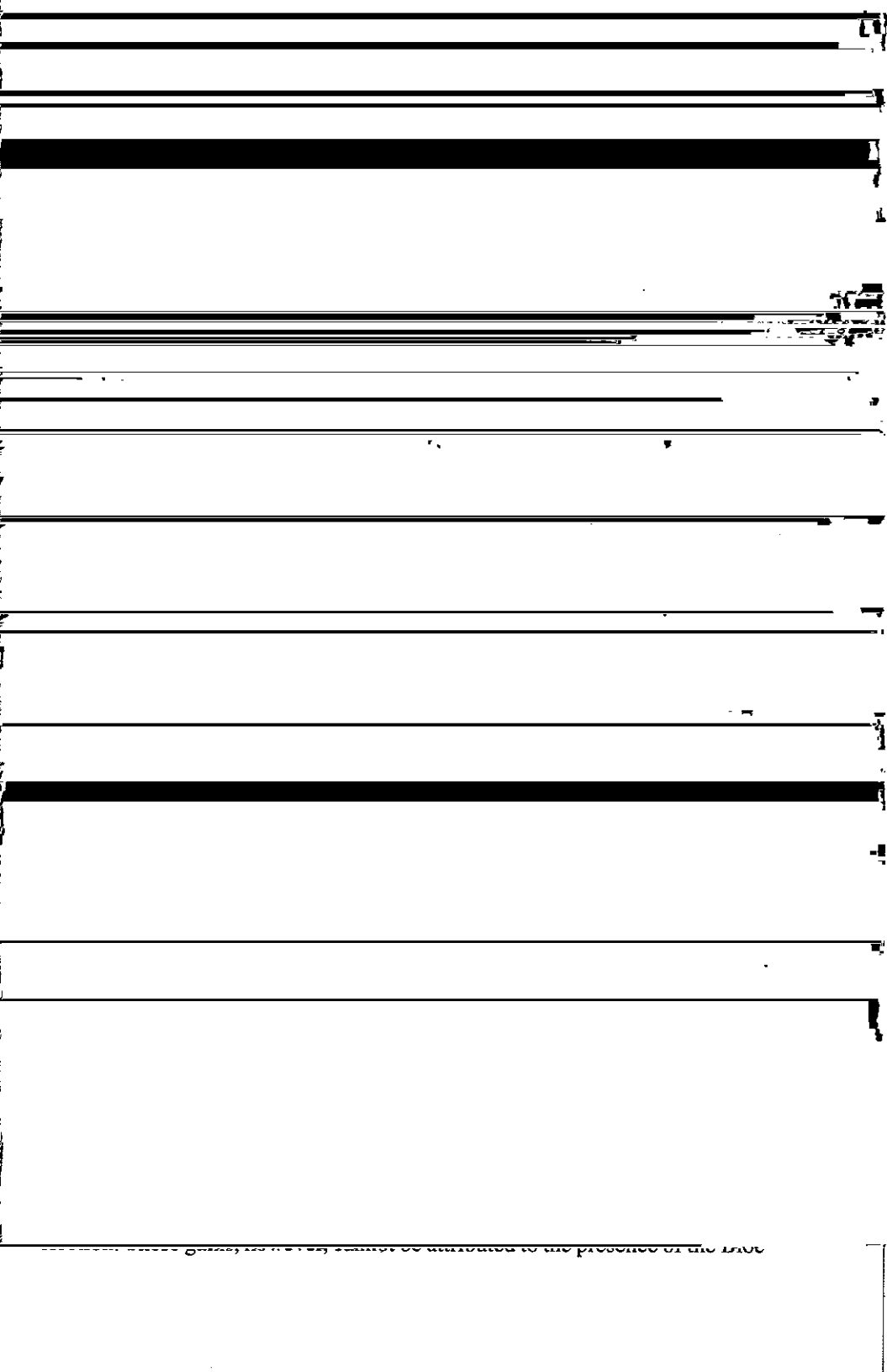
be divided into three groups: non-francophones who tend to support the Liberal Party and represent about 15 percent of the electorate; francophone Liberals who in 1988 represented roughly 22 percent of voters; and the rest, about 63 percent, being non-Liberal francophones. In 1993, this last group was not entirely available to the Bloc Québécois because it was divided on the question of sovereignty. At the time, 39 percent of the total electorate supported Quebec sovereignty.<sup>27</sup> If we assume these sovereigntists all belonged to the non-Liberal group, we are left with two subgroups of non-Liberals: a sovereigntist group

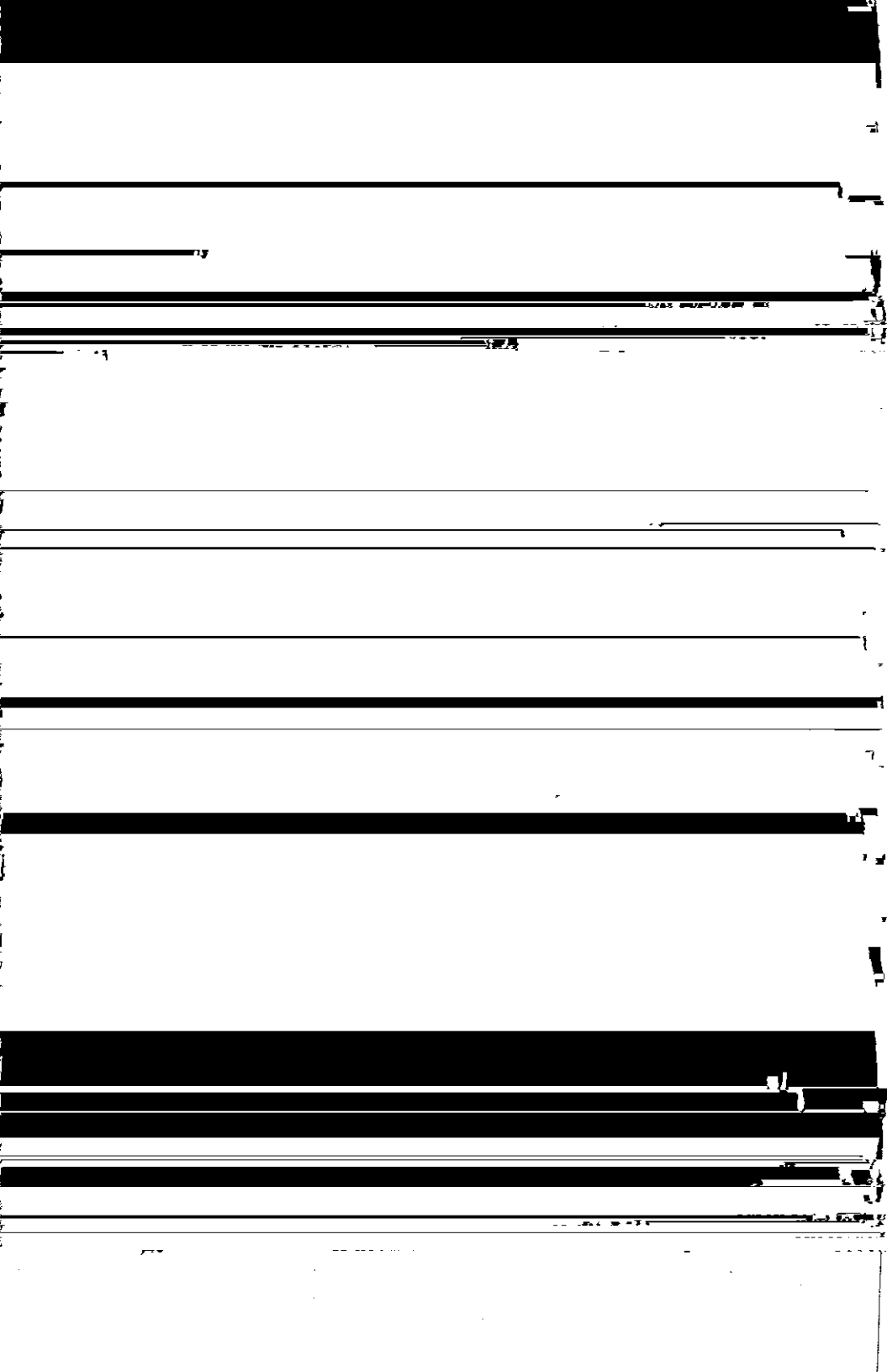


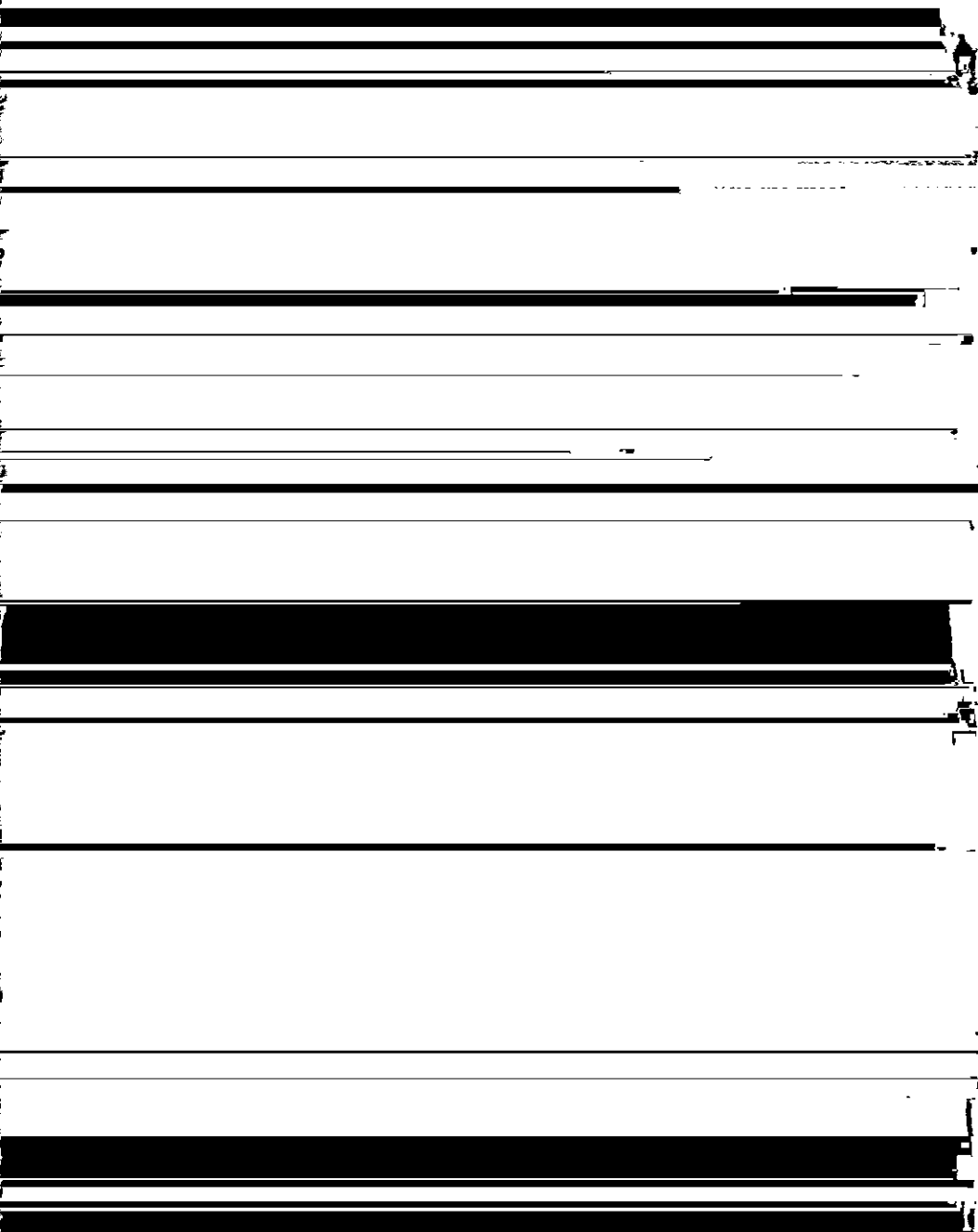
...a temporary aspect, and thus, according to a study by ... analysis of the ... of the Bloc indicated it was strongly correlated with the the 1992 referendum No vote and strongly associated with stable characteristics of the electorate.<sup>32</sup> If jobs or economic dissatisfaction had been the main concern of Quebecers, added Guay, they would have voted for the Liberal Party, the party that placed these issues at the top of its platform.<sup>33</sup>

In his analysis of the individual determinants of the vote of non-sovereignist francophones, André Blais offers elements that could be seen as supportive of both interpretations. On one hand, he finds that the Bloc Québécois attracted





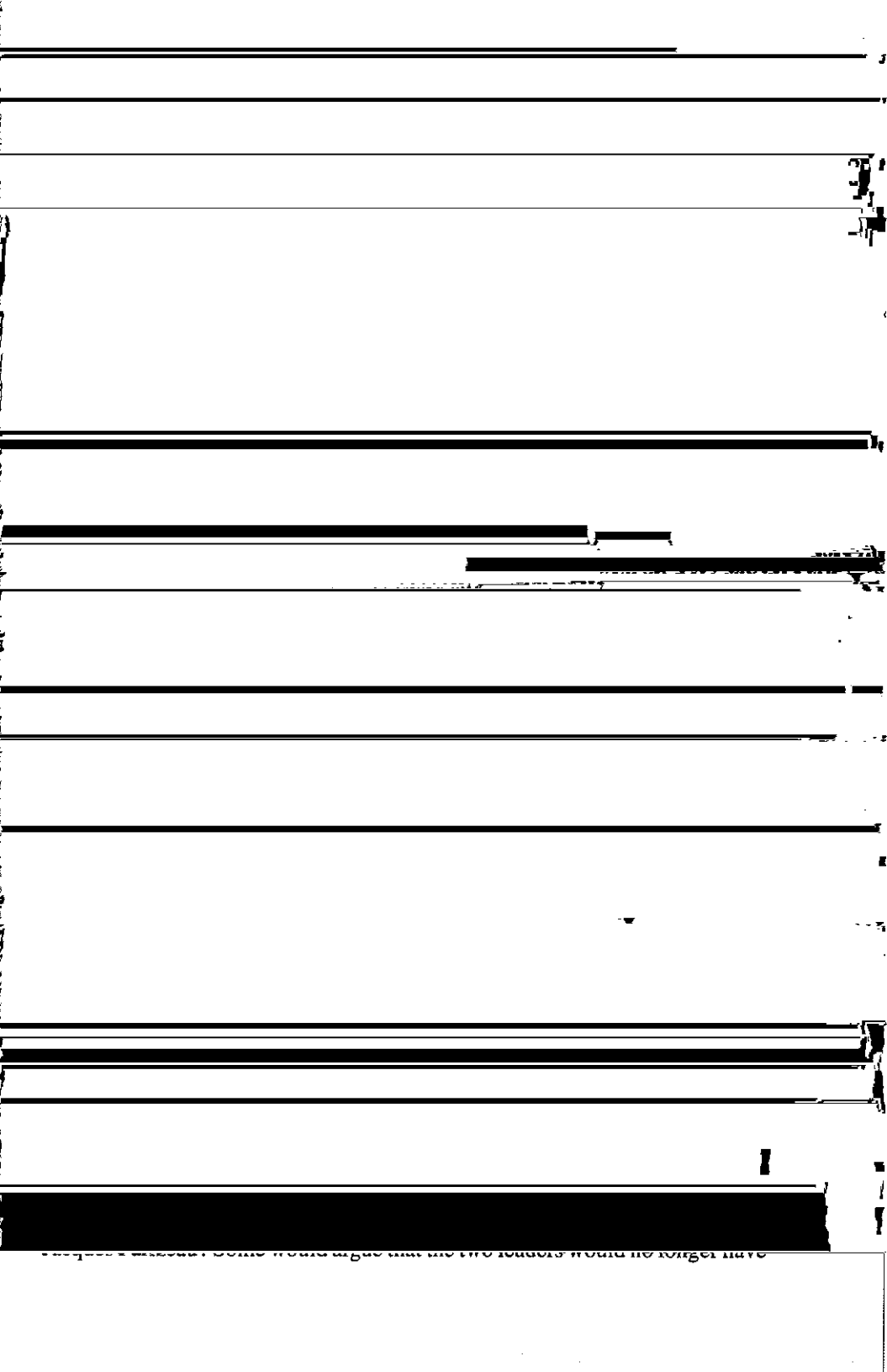




Quebec or Ottawa is an indication of what is to come in the coming months, the chances of sovereigntists are not insignificant. A coast-to-coast emotional debate on the place of Quebec in Canada could move one-time sovereigntists back to sovereignty and create the majority the Parti Québécois and the Bloc Québécois need.

Only sovereigntists need movements in public opinion. In light of current polling, it is unclear why politicians outside Quebec would want to stir up

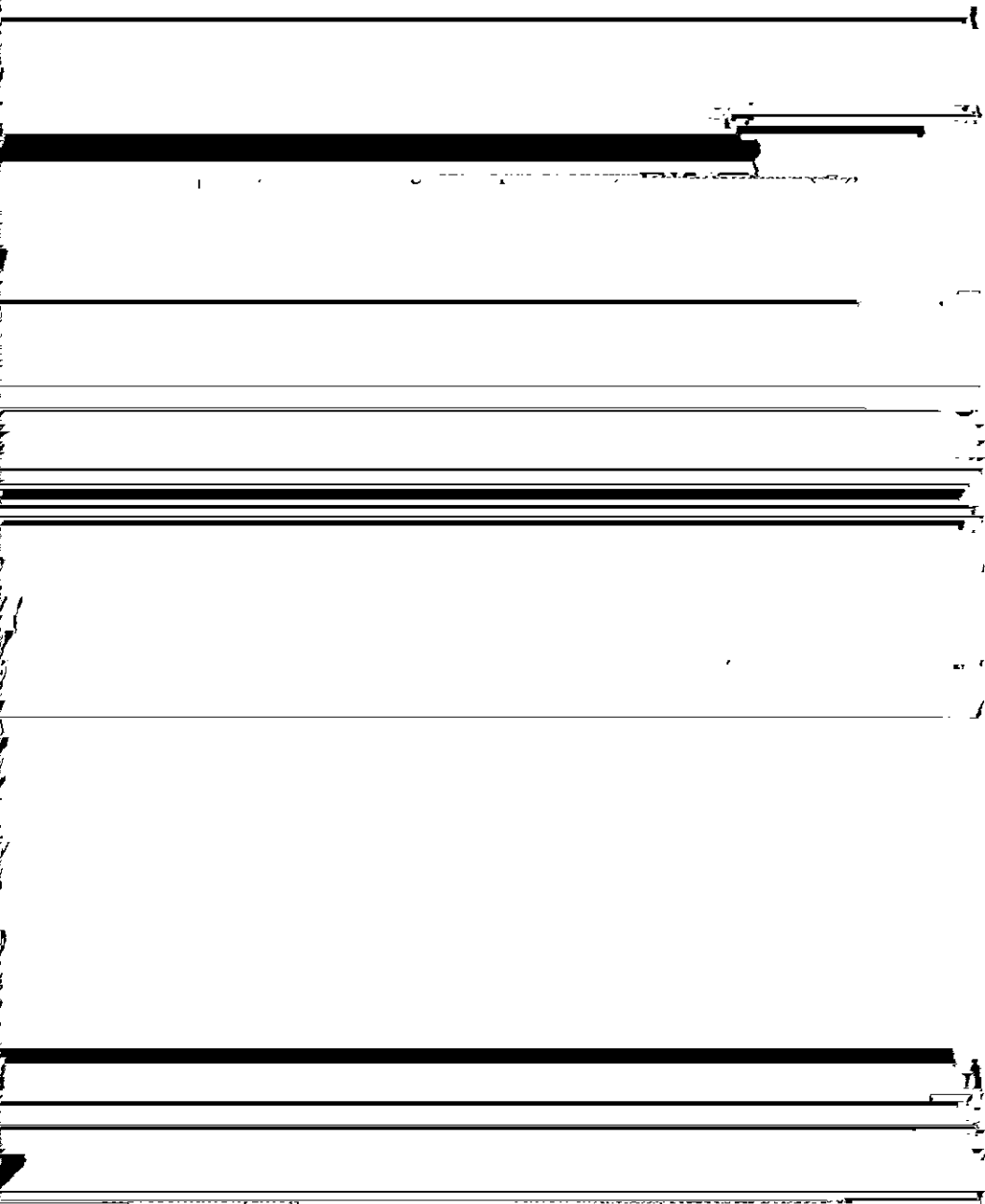
ministers and provincial premiers refrained from intervening in Quebec's 1994 electoral campaign.<sup>59</sup> Given the issue at stake and the state of public opinion in Canada, however, such restraint appears unlikely in a referendum campaign.<sup>60</sup> We just do not know how far the debate will go, and how acrimonious it will become.

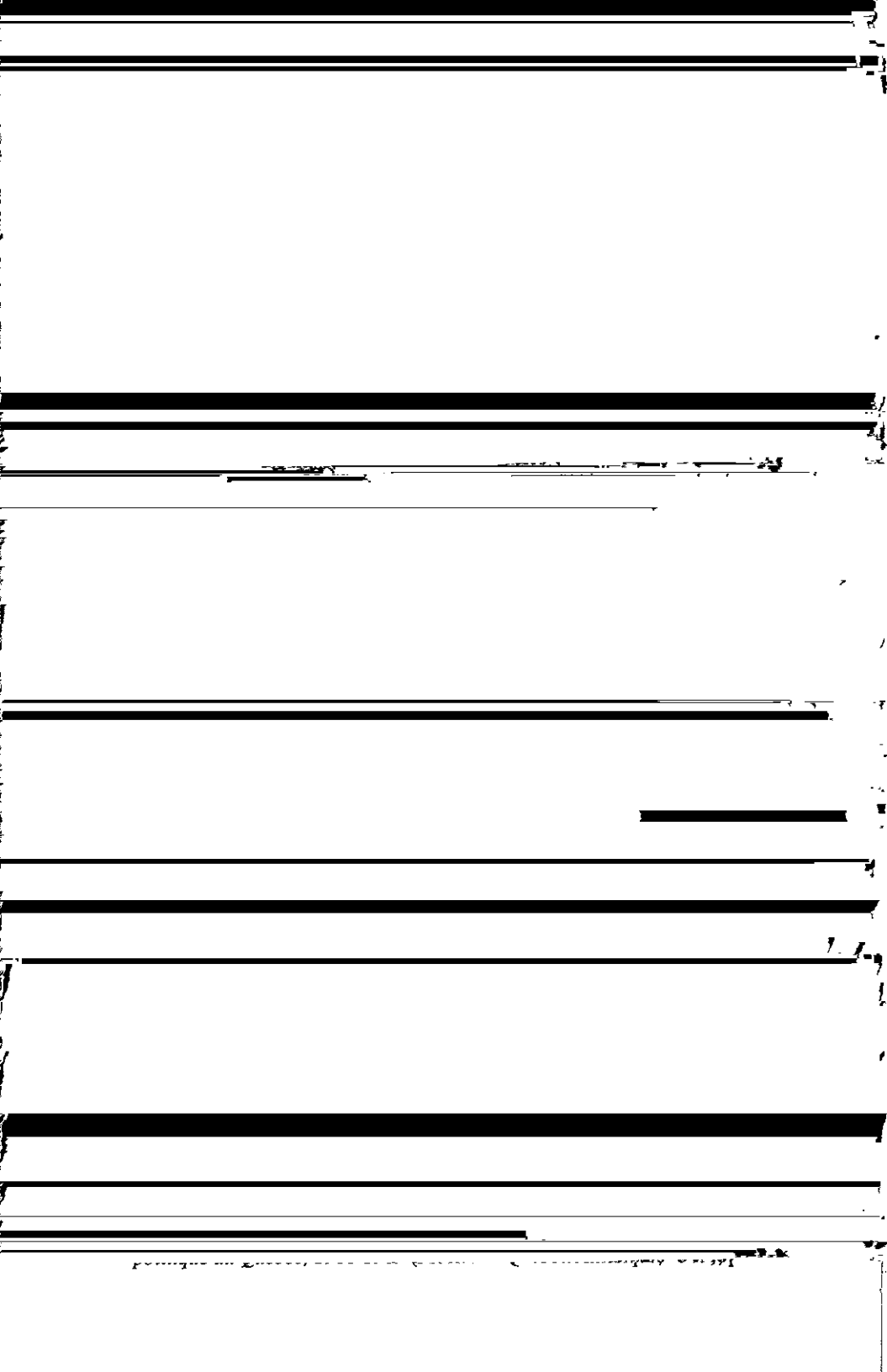


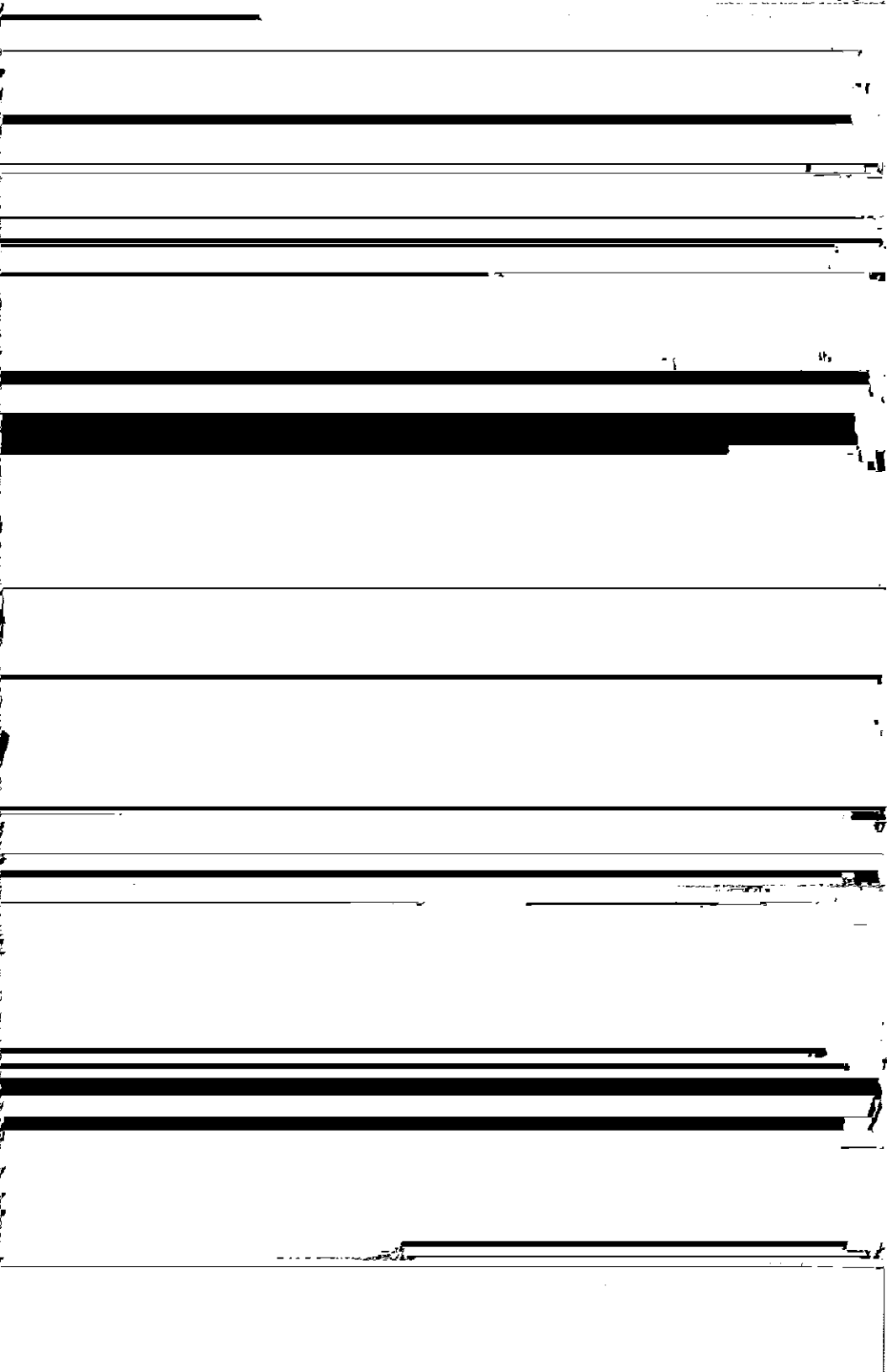
...the general consensus. Some would argue that the two leaders would no longer have













*René Lévesque and the Parti Québécois in Power* (Toronto: Macmillan, 1984),  
p. 268.

It was most successful in Alberta where it received 15 percent of the popular

of the government, in order for the government to run there would have to be a formal vote of non-confidence. Such rule changes would also be meant to decentralize power from the executive to all MPs. Similarly, Reform's

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accounts, delegates confirmed both of these more from a sense of loyalty to their leader than from a spontaneous change of heart. Stephen Harper, Chief Policy Officer for the party at the time, was quoted as saying, "it's amazing what you can persuade them to do once you convince them that it's the leader who is telling them."<sup>11</sup> As John Dafoe states, "the freedom to do what the leader wants you to do is not supposed to be a fundamental tenet of democratic populism."<sup>12</sup> The party's candidate recruitment package and Manning's requirement that all members of the national campaign organization sign a confidentiality of information agreement are seen by some as further examples of the party jettisoning its populist spirit.<sup>13</sup>

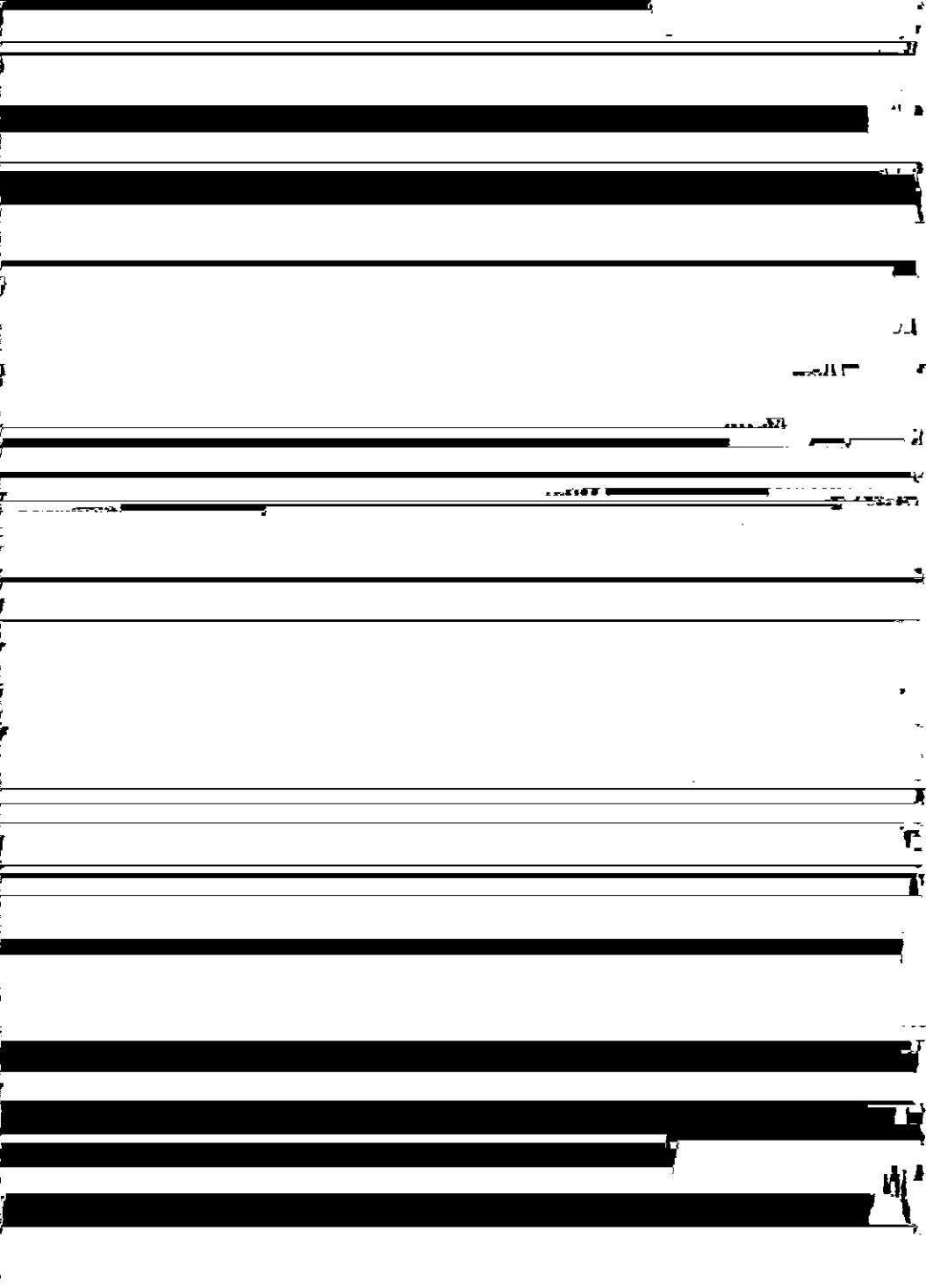
its behaviour in the House may be characterized as a half-hearted attempt at decentralization, direct democracy and populism.

punishment, a referendum the "yes" side expects to win. Manning also predicted to abolish automatic parole and to deport any non-citizens convicted of serious crimes.

with the party's opposition to the wearing of turbans and other religious or ethnic dress in the RCMP, that most frequently leads to the charge that Reform's views on multiculturalism reflect intolerance.

providing him with an allowance for a car instead. Manning also accepted the extra salary as leader of the party, to bring his annual taxable income, with expense accounts, to \$149,500. As these details became public they undermined Manning's credibility with the public and his own party on the frugality issue.

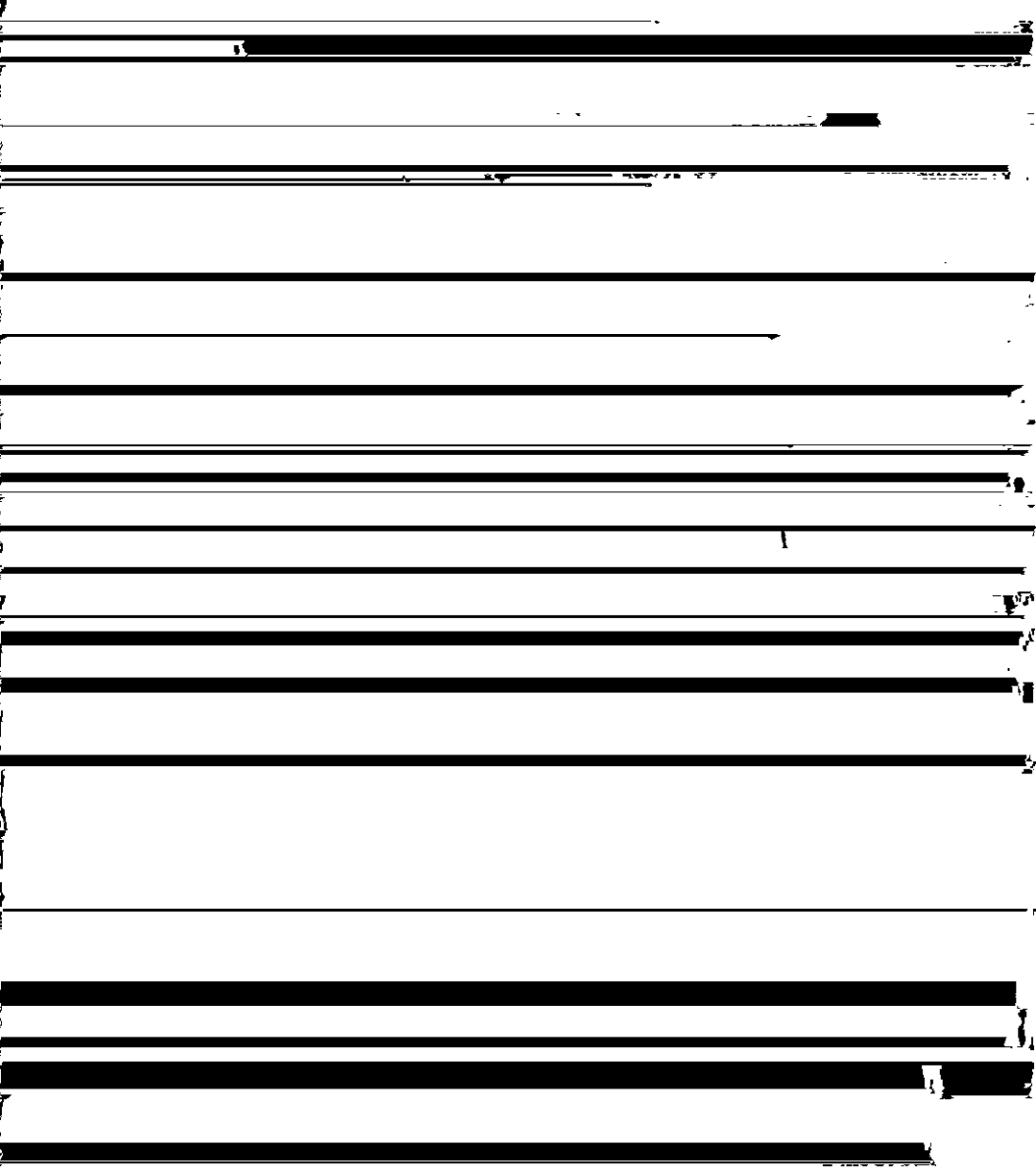
and 1991 *Blue Books*. The party's reason for being was to fight for more effective representation of western interests in Parliament and to secure



cluded as many corporations did throughout the 1980s.

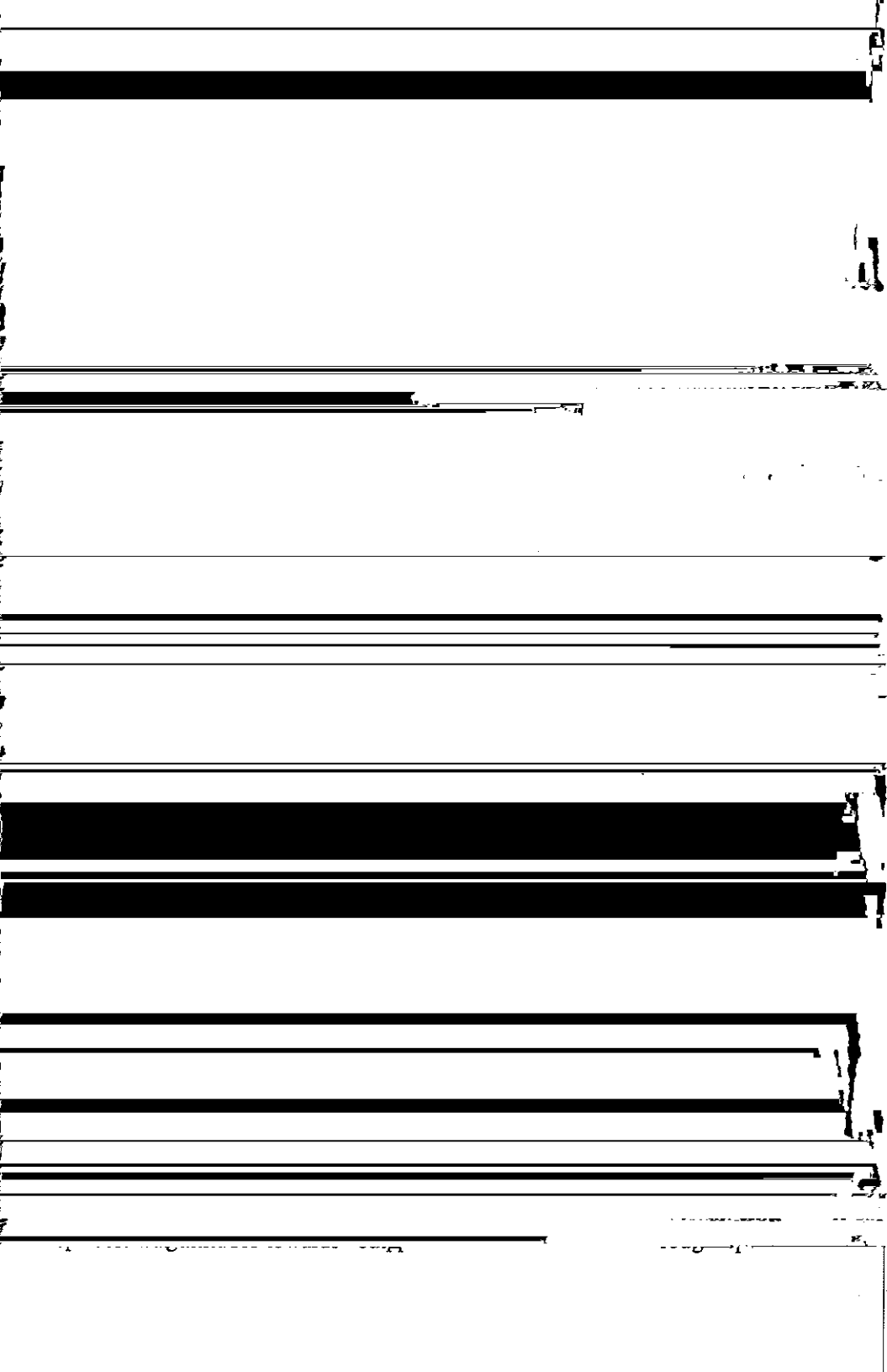
As Jeremy Simpson points out, the Reform Party is the first protest group from western Canada that has not called for a substantial transfer of power from Ottawa to the provinces.<sup>26</sup> Instead, Reformers support a new strategy, a commitment to what they call "systemic change" aimed at setting Canada's fiscal, parliamentary and constitutional houses in order.<sup>27</sup> At the heart of this strategy is the claim that by focusing on strengthening federalism for all, the west will ultimately be better represented. As Whyte states:





the RCMP uniform for the free expression of religious or ethnic differences. The party's position on these policies would not be popular with ethnic minorities, women's groups, aboriginals, and the listed categories in section 15 of the Charter respectively. Furthermore the tone of Reform Party vocabulary is unlikely to appeal to these groups. Minority groups are referred to as "special

new "colour blind" Canada "citizens [would be] treated equally in ... law and the constitution *regardless* of race, language and culture, rather than ... some citizens [being] granted special status *because* of race, language or culture."<sup>37</sup>



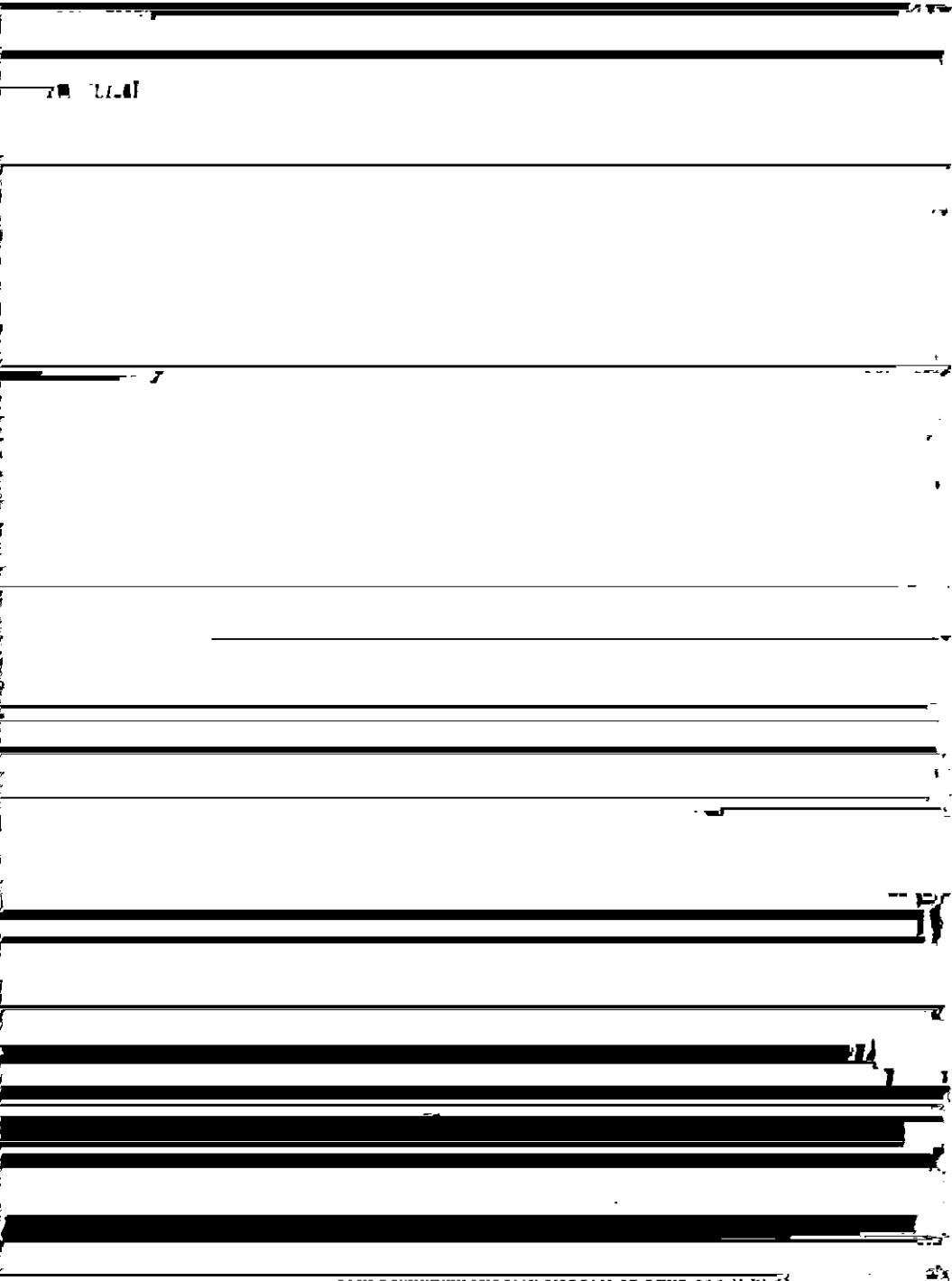
in terms both of percentage of popular votes in the 1995 election and of the party's policy emphasis, there is validity in Reform's claim of being more than

system, what really counts is winning seats. By this most visible indicator of base of support, Reform is an Albertan and British Columbian party. If it is to become "national" in the most vital sense, its first goal must be to become a

the potential problem is that it is too distinctive and too remote from the average voter. The preliminary results of the 1993 National Election Study

...to maintain the base it currently has. Or, it could attempt to move to the central, traditional, pragmatic ground but risk failing to consolidate a new base while losing the old one. Yet even if they choose the more cautious first

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39. Kenneth McRoberts, "New Faces Offer Hope," *The Globe and Mail*, 4 October 1993, p. A3.
40. Roger Gibbins as quoted in Miro Cerntig, "Manning Hasn't Given Up Fiery Rhetoric on Quebec," *The Globe and Mail*, 24 September 1993, p. A8.
41. This factor also includes non-Quebecers attitudes towards immigration and how much should be done for racial minorities. See Johnston et al., "Campaign

DYNAMICS, pp. 19-24.

42. McRoberts, "New Faces Offer Hope," p. A3.

44. Harold Clarke et al., *Absent Mandate* (Toronto: Gage, 1991), p. 11.
45. Johnston et al., "Campaign Dynamics," p. 20.

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- ... .. *F.1*
49. See *ibid.*; and Elisabeth Gidengil, "The NDP and the Prospects for Social Democracy in the 90s," 1994 Annual Meeting of the Canadian Political Science Association, University of Calgary, 12-14 June 1994.



# Part II



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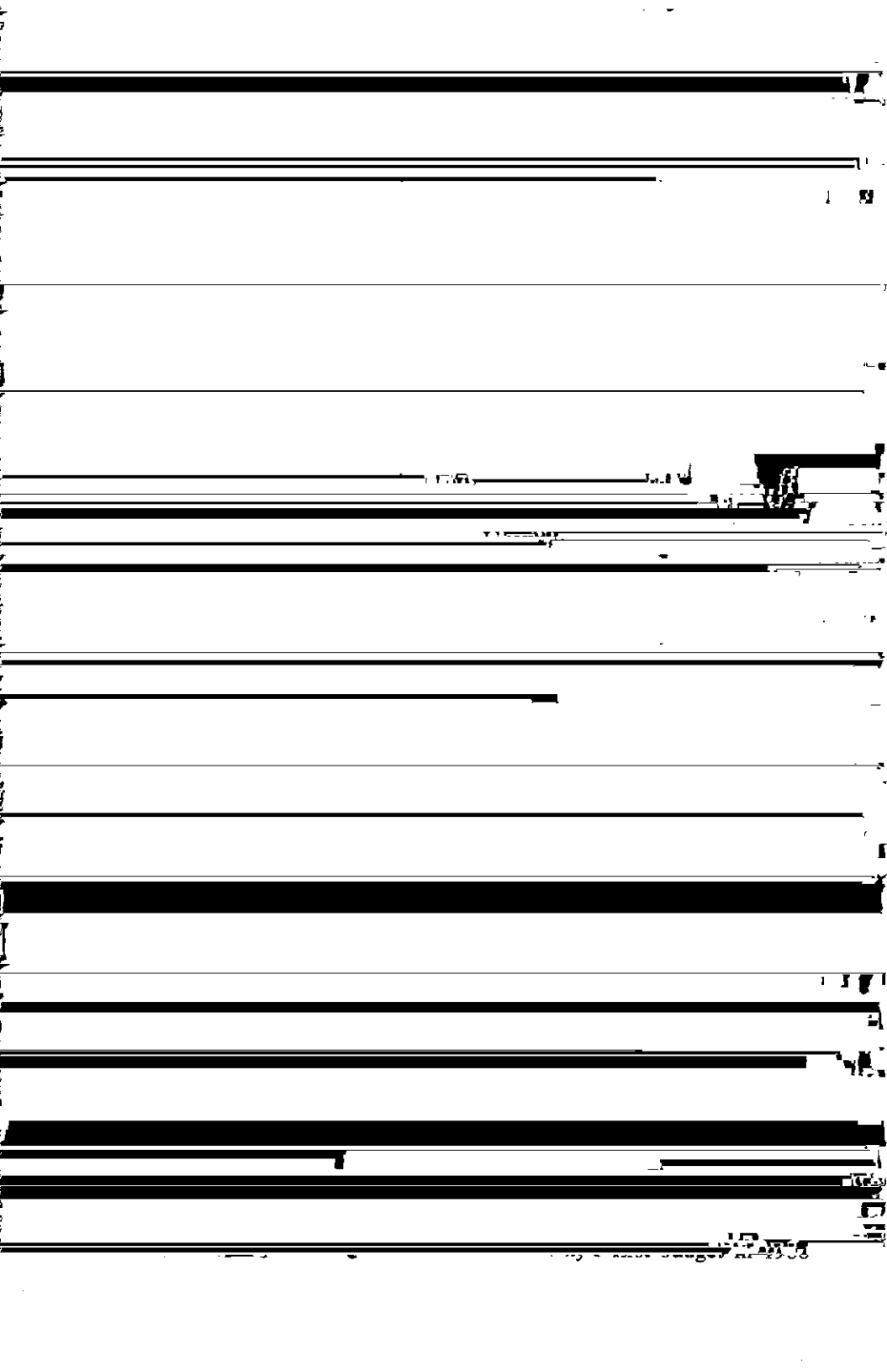
appreciate, however, the complexities of the issues at stake and the range of competing viewpoints.

### ALBERTA POLITICS: THE RISE OF *LAISSEZ FAIRE*

How can we account for the rise of the Klein government, which is such a stark

Lougheed? Between 1971 and 1985, Lougheed governments ushered in profound changes in Alberta's political economy. Especially after the remarkable post-1973 rise in world prices for oil and natural gas, Lougheed spearheaded a major expansion of the role and influence of the provincial government. His governments were major actors in the resource and constitutional politics of the 1970s and early 1980s. Armed with substantial budget surpluses, Alberta

national majority including all of Alberta's seats. Joe Clark and Don Mazankowski were senior federal ministers from Alberta in a government dedicated



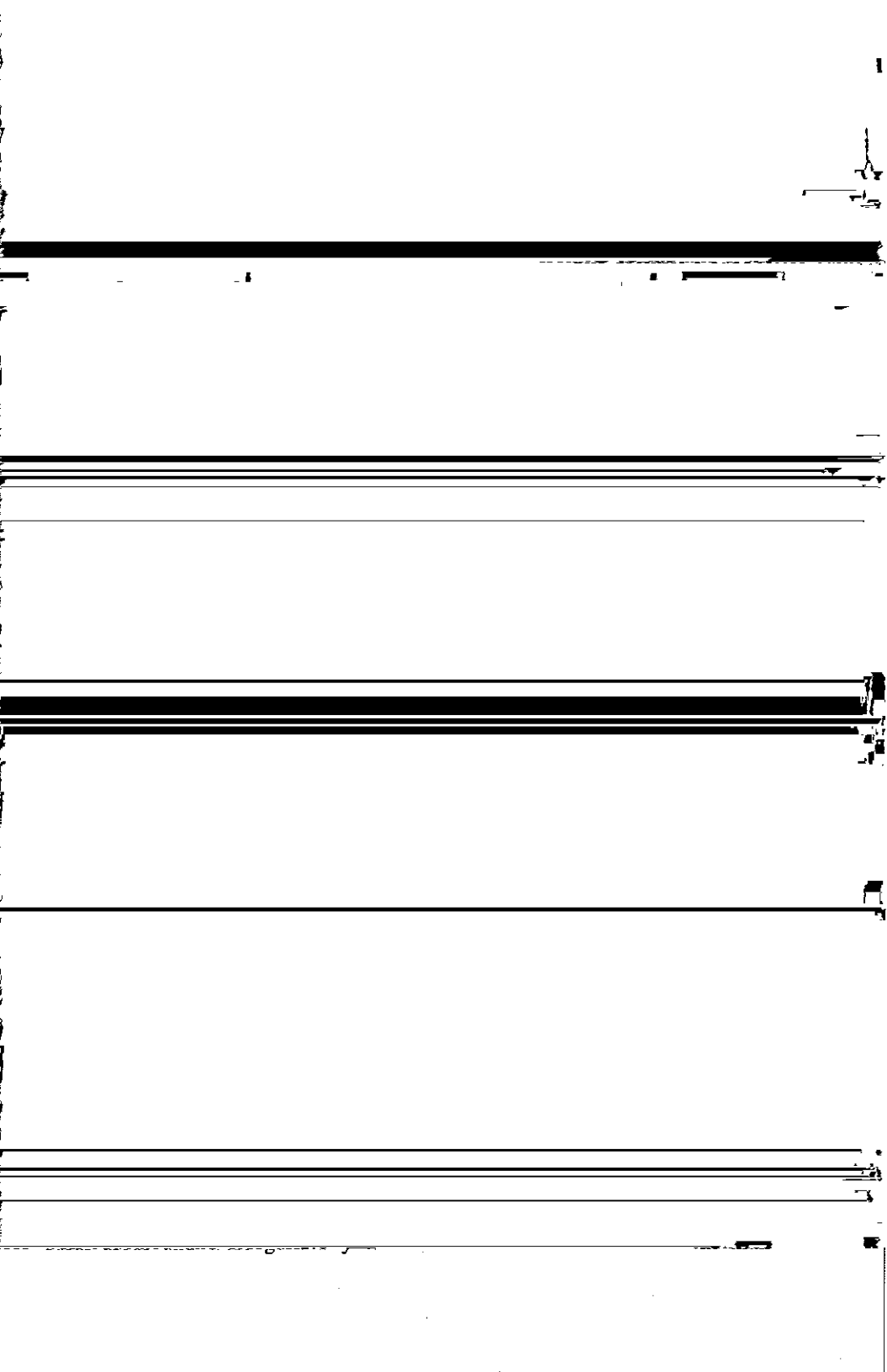
not seen as a major player. We now turn to an examination of his unexpected rise to power.

### THE KLEIN PHENOMENON

When he first entered provincial politics in 1989, after having been the popular mayor of Calgary between 1980 and 1989, it seemed unlikely that Klein would eventually become the premier of Alberta. As a reputed former Liberal who had



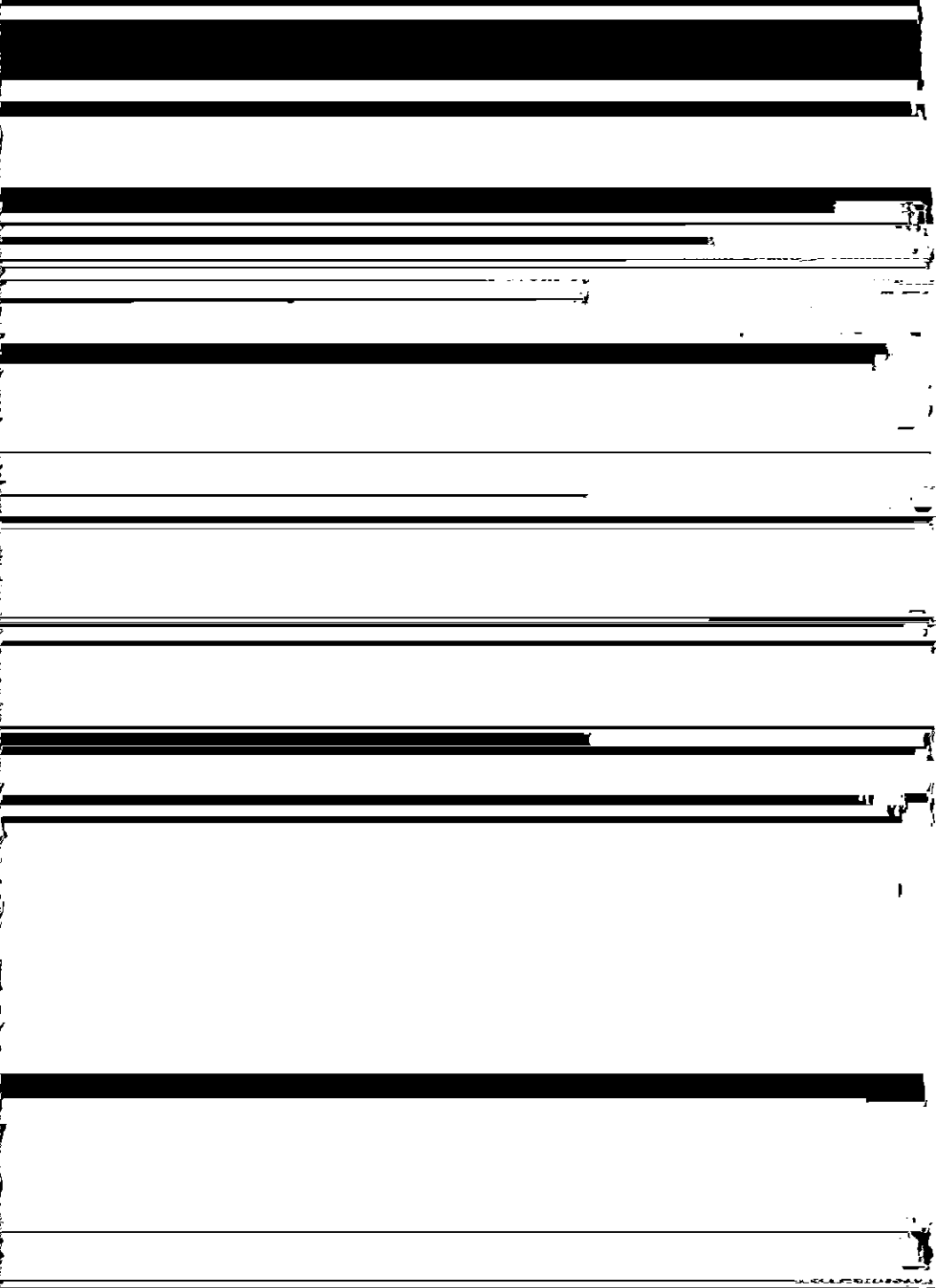
fiasco, loans to Peter Pocklington, its handling of the Treasury in general and Getty's distant and erratic management style. He did not have the prestige to anoint a successor of his choosing. The rising force in Alberta politics was the federal Reform Party founded in 1987. By 1992 it had become a formidable political power in Alberta, not only winning converts within the Getty Cabinet



They were poorly financed, burdened by the poor performance of the federal and Ontario New Democrats and out of step with the increasing fixation of voters on deficit controls.

revenue in 1980-1981. The downturn in 1986 was not a cyclical move which can be expected to reverse. Indeed, it must be recognized that resource revenue will





a strong commitment to human rights causes, has detected what he describes as

eventually applied to more and more school programs and after school activities.

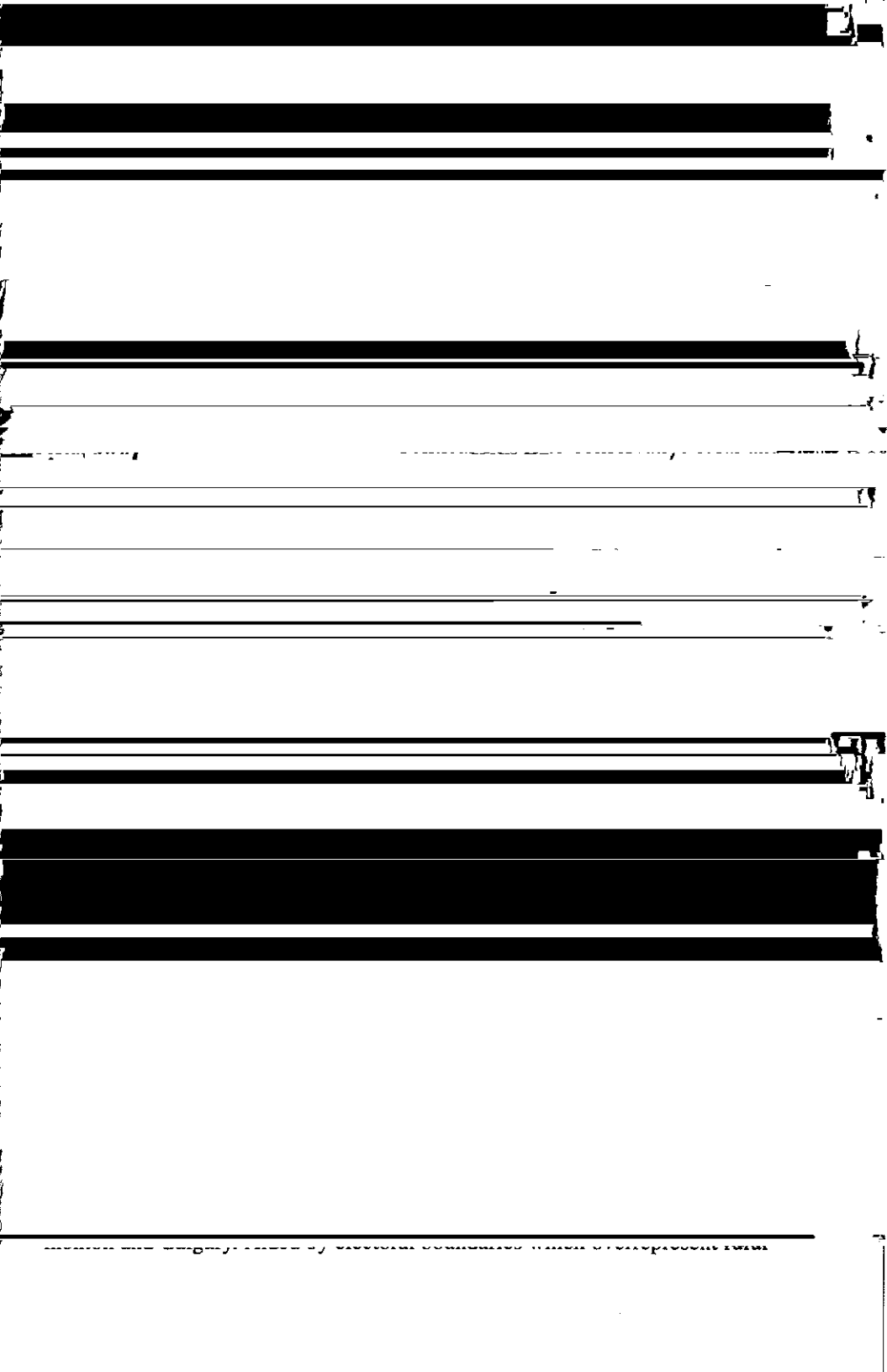
Another area of contention is the government's plans to be the first jurisdic-

the next three years. Charter schools, which will be fully-funded public schools

a facility cost of \$1,275,000. In New Hampshire, the so-called Charitable Bill, would allow medical entrepreneurs to set up charitable foundations and operate American-style medical complexes for patients who could afford to pay hefty



economic repercussions. In his 1977 budget the government admitted that its fiscal policies would dampen the economic growth currently being propelled by natural gas exports, a rise in oil prices, and burgeoning livestock, forestry



mocked as the "Volvo station wagon set," are likely to be defenders of well-funded, accessible kindergartens in the public schools. As this example shows,

Albertans, regardless of their income, have thought much about "two-tier"

and other private sector employees who suffered early in the many layoffs and shakeups that occurred in the late 1980s and early 1990s, and now believe that it is the public sector's turn to feel the pain.

organizational unity and ideological coherence. With the possible exception of seniors, it is readily portrayed as selfish and out of step with the "silent

groups ultimately critiques the government's program on grounds of detail. Its goals are to forestall or simply delay undesirable changes, to bargain for greater freedom to shape responses to restraint and to be more deeply involved in the

increasing the horrendous debt burden for all of us. Going slow may be comforting to some. But it's a house of cards built on false hopes."<sup>25</sup> In turn,

criticism of major cutbacks to military bases in Edmonton and Calgary when

should bolster the spirits of those who see Canadian federalism as partially

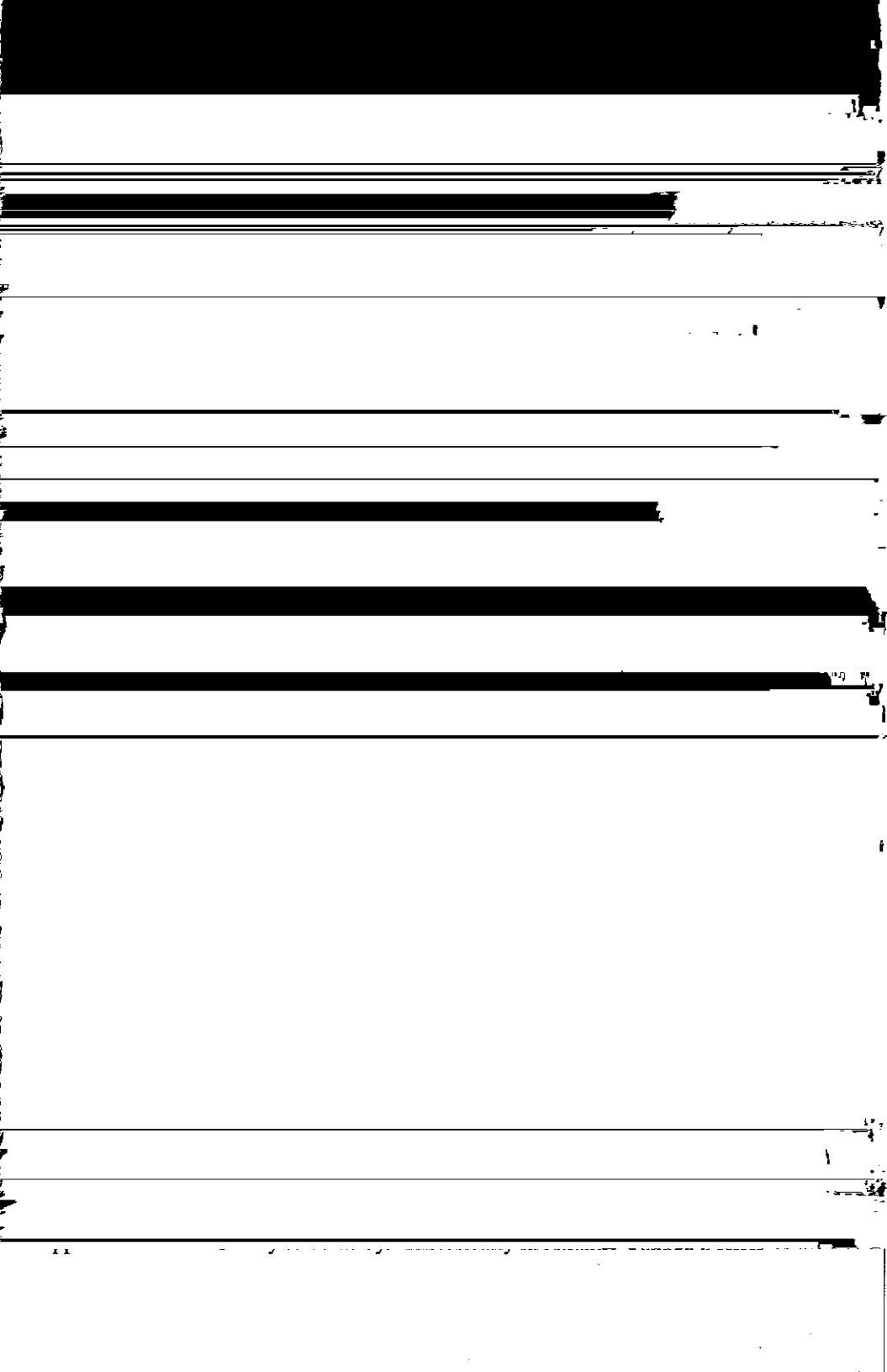
Klein's radical program is a significant experiment in Canadian politics. In 1994, Alberta is a province-sized laboratory for testing an economic theory that

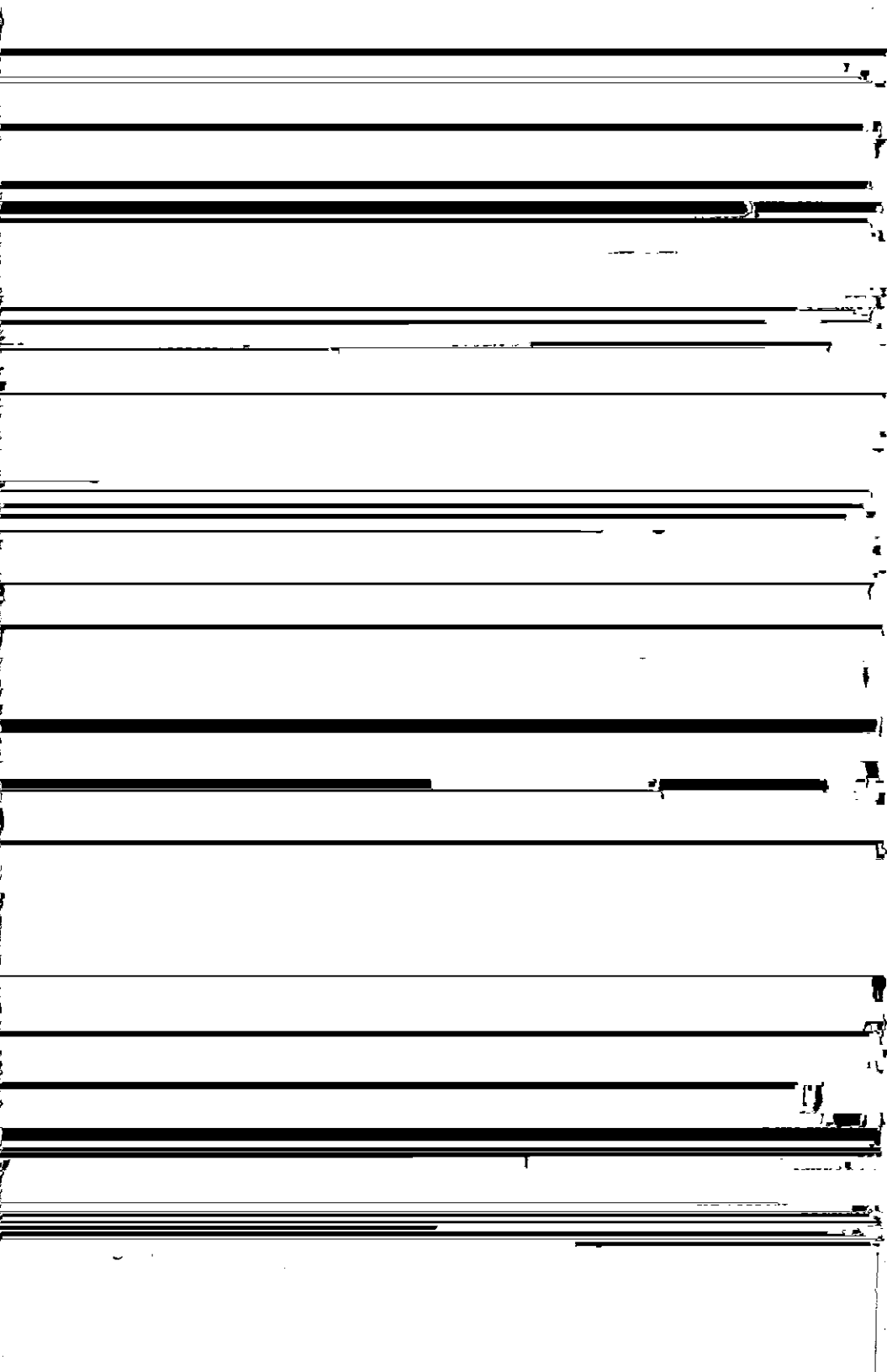


FROM ALBERTA, *budget 94: securing Alberta's future — the financial plan in Action* (Edmonton, 24 February 1994).

4. G.B. Doern and B.W. Tomlin, *Faith and Fear: The Free Trade Story* (Toronto: Stoddart, 1991). Doern and Tomlin remind us that Canadian advocates of bilateral free trade saw it, probably naively, as an industrial strategy per se not as an alternative to it.

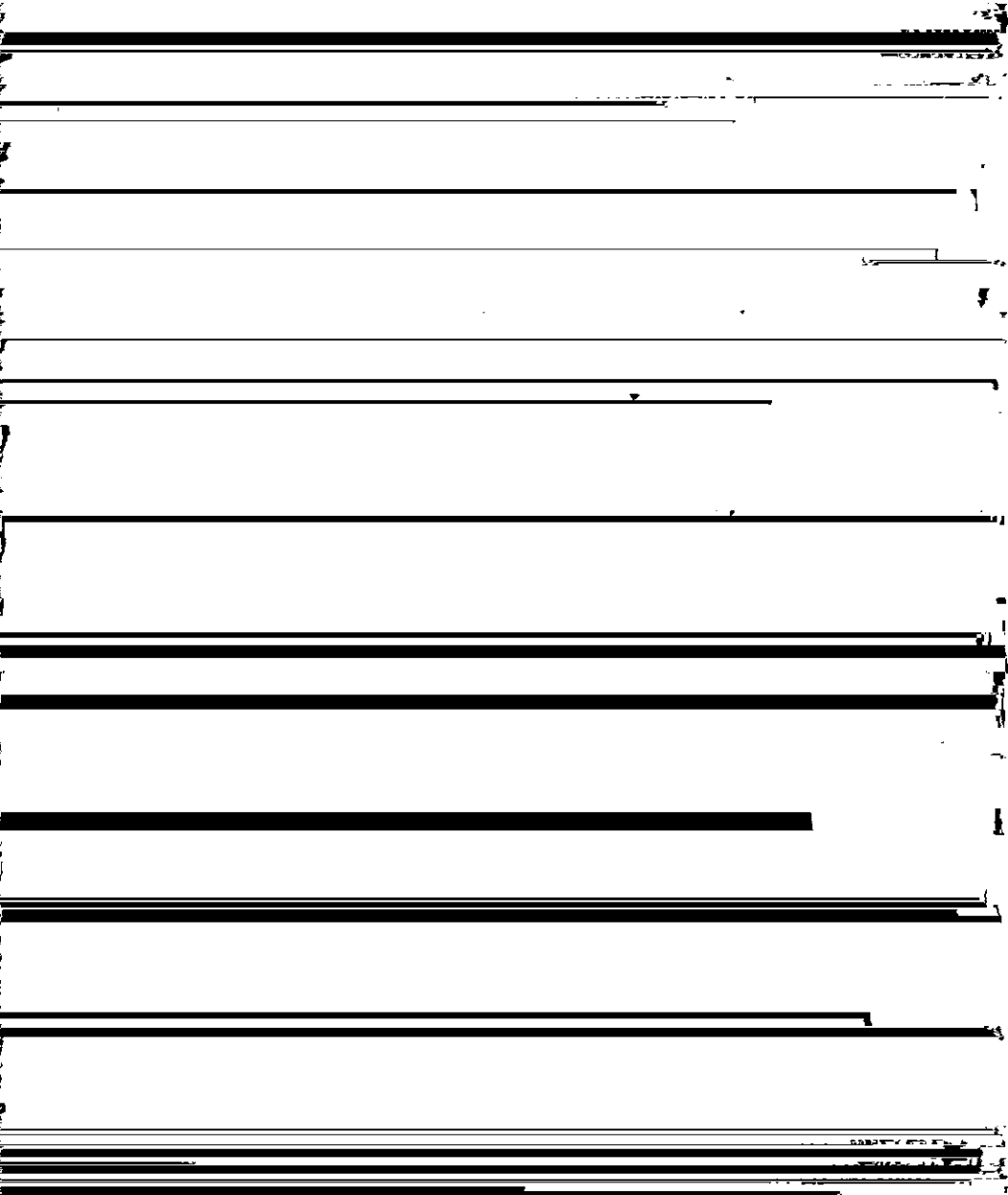
Meekison, "Alberta and the Constitution," in Allan Tupper and Roger Gibbins (eds.), *Government and Politics in Alberta* (Edmonton: University of Alberta Press, 1992), pp. 67-84 and 247-68 respectively.





individuals dependent on the industry. Once in the fishery, both fishers and

science is a very non-quantifiable science, and lulled by false data signals



cism about the competence and independence of the government's scientists lies at the root of much of the blame about what happened.

[REDACTED]

met. Traditional European fishers were joined by Russians, Poles, Romanians, Danes, Norwegians, Cubans, and Japanese as fish



for open Canadian ports for EC vessels, Canada agreed that NAFO countries, mainly Spain and Portugal, could take 5 percent of the total northern cod stock, roughly the percentage that falls outside the 200-mile limit. Included in the deal was a promise of much better monitoring of EC vessels. Crosbie characterized his approach vis-à-vis the EC as "to trust, but verify."<sup>27</sup> Jeffrey Simpson

owned and registered vessel, even if flying the Panamanian flag, it was fully subject to Canadian law. The "Logos" was seized and escorted to St. John's

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...ing about the state of the two stocks, the panel did not apparently bear

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happened. But one issue that they did address is relevant to the final questions to be pursued here. What can be done to better integrate biological and oceanographic information into the assessment processes? The objective should be to make better estimates of key population parameters. 41

Department of Regional Economic Expansion. Provinces with no trawler fleets

wanted them; provinces with trawlers wanted to add more and bigger vessels.

industry since 1968 came back again. Banks loaned money with less than normal prudence.<sup>45</sup>

installed to accommodate the seasonal peak landings associated with the in-

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tion and rejected the application. Nevertheless the plant was built (reportedly

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provincial and territorial governments, and industry working groups formed on

What evidence we have, however, suggests that few will choose to leave the

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21. A. Paul Pross and Susan McCorquodale, *Economic Resurgence and the Constitutional Agenda: The Case of the East Coast Fisheries* (Winnipeg: Institute of



46. *Alison "The Management Challenge" p. 80*

47. *John P. Sinclair, The Fisheries Crisis of 1900, Economic Recovery Commission*

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Post-Modern Ontario and the Laurentian Thesis

David R. Cameron

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*Pendant les années quatre-vingts et quatre-vingt-dix l'Ontario est devenu plus distinctif*

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*et plus assuré au sein de la fédération qu'il ne l'a été depuis plusieurs générations. Le*

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province's demographic makeup, or for some other reason, are Ontarians becoming members of a more self-conscious regional community?

If the consciousness of a distinct identity is a necessary component of any

16. ... of ... in Canada, they are might



as a way of explaining the development of British North America and certain of the chief ends that Confederation was meant to serve. The "Laurentian" thesis has helped to account for the privileged positions of Quebec and Ontario, as well as the tensions between "outer" and "inner" Canada in the early years, as well as the tensions between "outer"

The representation of ...

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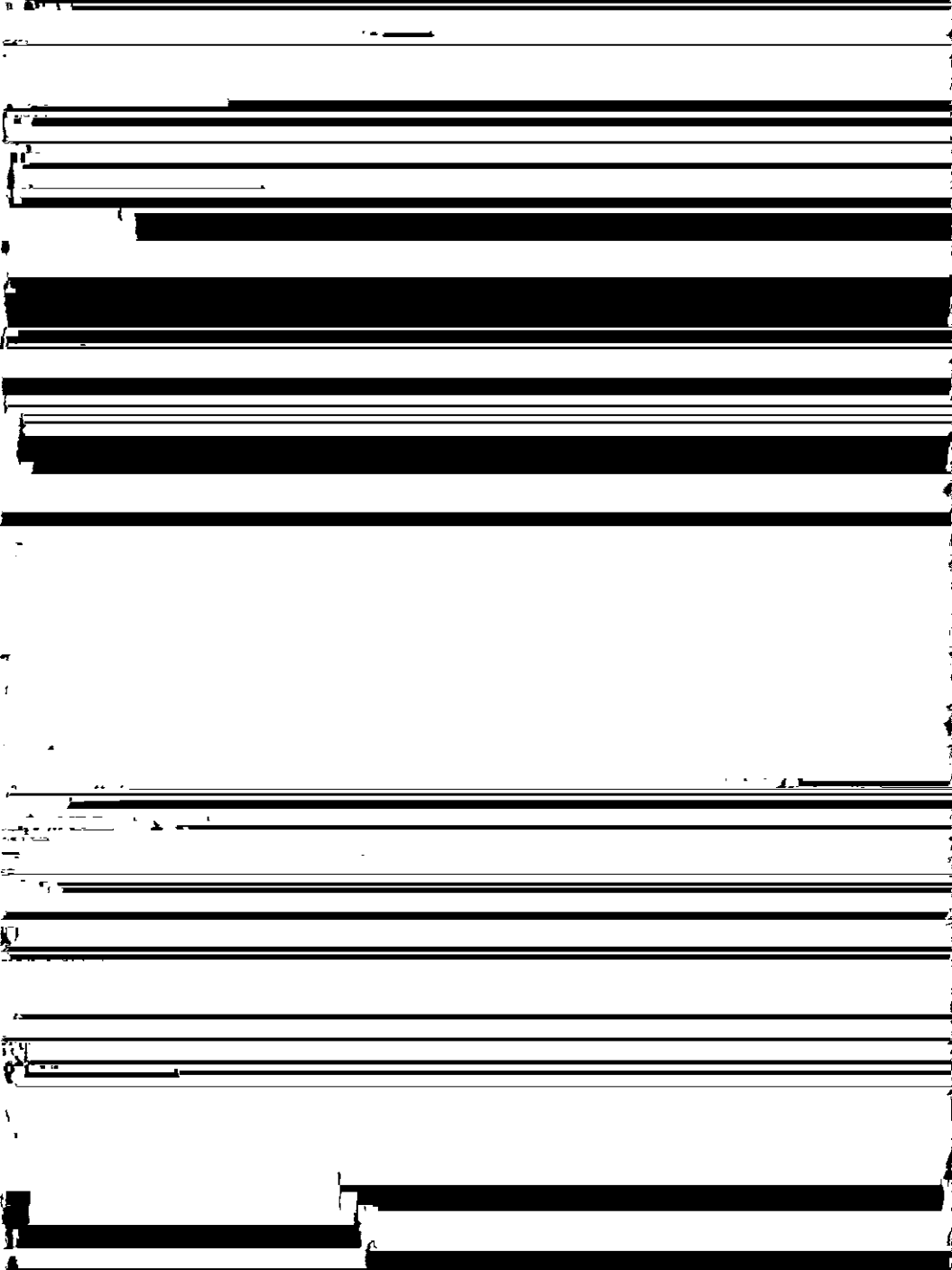


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"I WANTED TO BE PREMIER IN THE WORST WAY:"  
THE NDP IN THE NINETIES

While the election of the New Democratic Party in 1993



... situation as can be seen most

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University of Toronto

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- The existence of a federal government aggressively assaulting the





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- 1989 show sales to the rest of Canada increasing to 18.8 percent of the total, with a corresponding decrease in international exports.<sup>32</sup>
- With respect to the export of services, Ontario, with 13.3 percent of its

What do these data suggest about the economy of Ontario and its prospects? They do not, it seems to me, speak with a single voice or point to an easily









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closely in an attempt to determine whether it was a dramatic and successful innovation or whether it was a risky experiment that failed. The difficulty is that in a notoriously soft area such as this, it will be hard to tell.

20. *Ontario 1988: A Report on the 1988-89 Season* (1988) (1989) (1990) (1991) (1992)



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that women differently situated because of their majority/minority status (race,

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of responsibility.”<sup>29</sup> She concluded that governments use jurisdictional overlaps to “pass the buck” and use “marble-cake federalism” as an excuse for territorial skirmishes.

Many of the services women need to avoid poverty, seek employment or participate in politics exist only because they have been created by women and

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TOWARDS A WOMAN-CENTRED UNDERSTANDING  
OF FEDERALISM

communities are not primarily territorial in character. Certainly, few women,



levels. Although I have focused in this text on social policy and welfare-state

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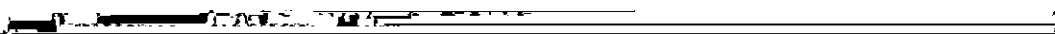
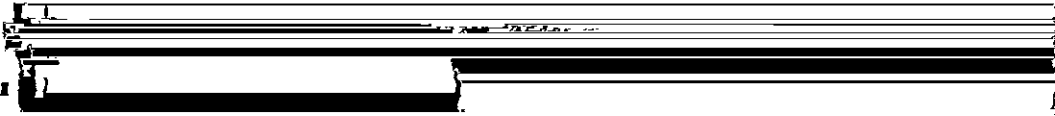
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36. Maille, "The Women's Health Movement in Quebec," p. 80.

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The Charter and Federalism:  
Revisiting the Nation-Building Thesis

*Janet Hiebert*

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*Lorsque la Charte fut enchâssée dans la constitution, plusieurs prédirent que cela aurait*

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commercial advertising, and firm names be in French only was an unjustified



did violate freedom of religion of Saturday worshippers but was reasonable



Elimination of \_\_\_\_\_

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provinces' eligibility criteria but also that a federal referendum should be



rights are stated in vague and abstract terms. The constraint in this instance on Quebec's capacity to determine school language instruction policy should not

of the Charter are deemed of insufficient importance to limit a protected right. This is because these objectives are seen not as protecting rights but merely as

Given the indeterminacy of the section 1 standard for justifying limits on protected rights it could be argued that section 1 enlarges rather than defines

so it provides provinces and the federal government the opportunity to assert

foundling economic and industrial base,<sup>54</sup> Canada's political culture(s) has never represented, and arguably still does not reflect, a liberal monolith.



objectives and that they do not impose unnecessary or excessive burdens on

[REDACTED]

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effect of the policy was to impair the ability to engage in commercial advertising. Arguably, this claim of entitlement is not related to the core of free speech.



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... although excesses form of limiting protected rights. Just as

"I

The lack of public debate prior to the use of the ...

... to demonstrate

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that choose to erect pellicles in a manner ...

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19. Ibid. at 1329-1333.
20. Ibid. at 1332-1333
21. *R. v. S.(S.)* [1990] 2 S.C.R. 254.
22. Ibid. at 280.02



© In the absence of a... the... Attorney... of... and... 417

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



province (*Switzman v. Elbling and Attorney-General of Quebec* [1957] S.C.R. 285); and the interpretation of tort law which held the Quebec Premier Maurice Duplessis personally liable for having caused the wrongful cancellation of a liquor

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D. C. I. [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

to environmental assessment, or even where the federal government is not involved.



Q

6



a matter between us and them. It's up to third parties who walk in off the street and demand an environmental impact assessment"<sup>12</sup> Second, the Rafferty

In the House of Commons, the Quebec government staged a last ditch effort to

... of the Council of Ministers of the

[REDACTED]

[REDACTED]

[REDACTED]

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Australian Intergovernmental Agreement on the Environment signed by the



... .. At this point

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polle. For instance, while the author's name is not mentioned in the text,

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salience of environmental issues. During peak periods, governments should be

institutions in having both an independent secretariat, and a Chair that rotates annually among the 11 federal and provincial ministers. Within CCME, the provinces thus are in a relatively strong position to resist federal proposals. The Council's long-established norm of consensual decisionmaking also strength-

COMPLIANCE WITH THE CONVENTION

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of inevitable Jesuitic demands. F. J. ...

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11. Canadian Wildlife Federation Inc. v. Minister of the Environment. *Canadian.*

[REDACTED]

[REDACTED]

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Manitoba, Saskatchewan, and British Columbia, and a Canada-Saskatchewan  
Fisheries Act administrative agreement

[REDACTED]

[REDACTED]

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[REDACTED]



# Part IV

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Chronology of Events July 1993 – June 1994

*Anna Poole*

5 July 1993

A federal-provincial report, commissioned by Kim

welfare recipients. People on welfare who fail to enroll in job training programs will be penalized. Ontario will also replace its existing welfare programs with two new ones. The Ontario Child Benefit will provide monthly cheques to parents with low incomes to provide basic

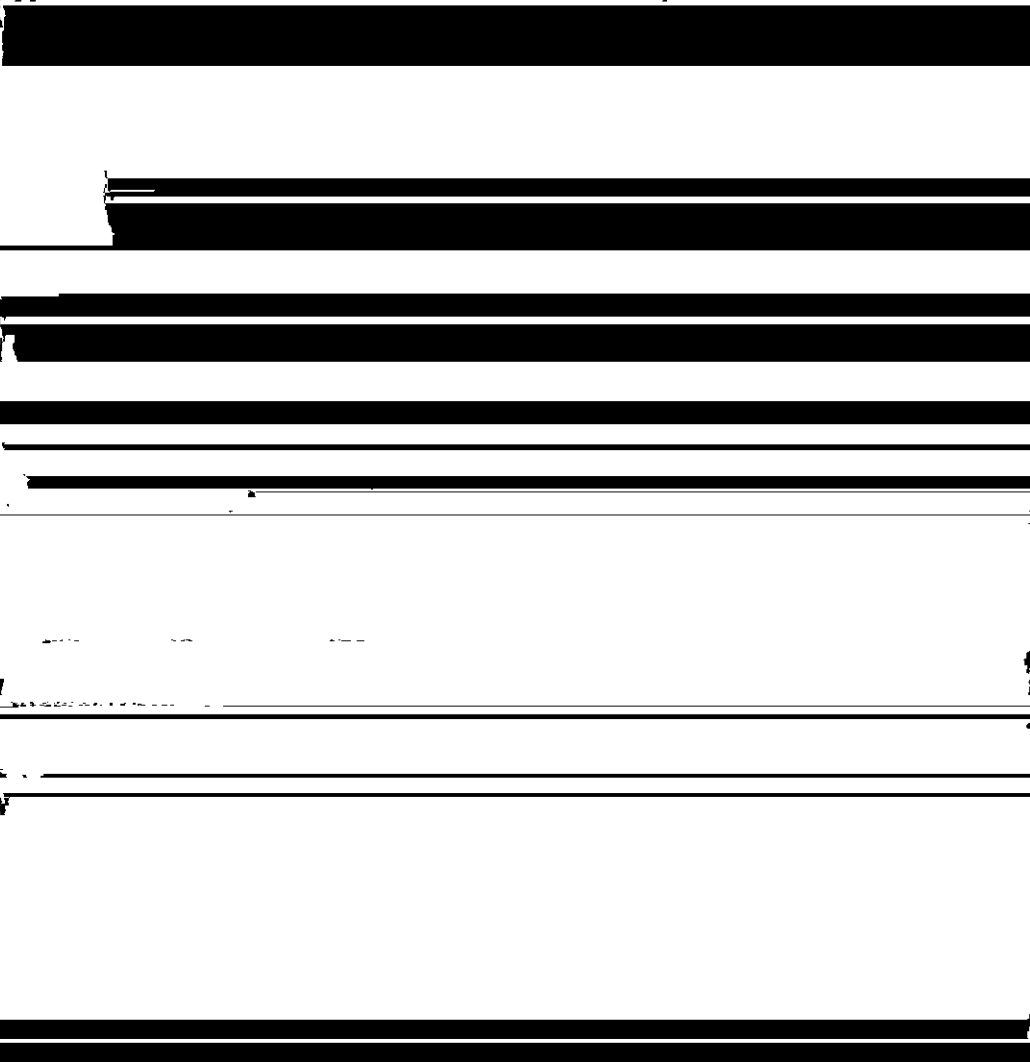
3 August 1993

Prime Minister Kim Campbell and Quebec Premier

compensation package will be available to help displaced workers until May 1994.

6 September 1993  
*Aboriginal Peoples*  
– *Land Claims*

The Sahtu Dene and Metis of the Northwest Territories sign a comprehensive land-claim agreement with the federal government. The particulars of the agreement were worked out in January. The deal gives the natives claim to 41,437 square kilometres of land including





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with 52 seats. In terms of the popular vote the Liberals

Island \$23 million

25 November 1993  
*Premiers – Western  
Provinces*

Four western premiers and territorial leaders meet in Canmore, Alberta. They call on Ottawa not to cut transfer payments to the provinces and urge the federal

of failing to secure changes he said were vital for Canada's approval. Chrétien is unsuccessful in renegotiating

9 December 1993 Ontario passes employment equity legislation which

*Int'l. J. of Int'l. Law* 1993, 11, 212-213

cod, haddock, and redfish have dwindled to record lows. Newly unemployed workers will be eligible for \$28 million in aid until next May when an ongoing relief package worth \$1 billion ends. Ottawa is expected to

*Bank of Canada*

Thiessen will be the new governor of the Bank of Canada, replacing the current governor John Crow.



21 January 1994  
*Fiscal Policy –  
Equalization  
Payments*

Finance Minister Paul Martin announces an increase in equalization payments to the seven poorest provinces in the amount of \$900 million over the next five years. Martin's announcement means that equalization payments, paid to all provinces except Ontario, Alberta, and British Columbia, will rise to \$10.4 billion by 1998-99 from \$7.4 billion this year, an increase of 5 percent a

7 February 1994

Quebec signs a \$526 million infrastructure agreement

X... ..

government employees and Access to Information Act

11 February 1994 Montreal, Quebec

51 National Infrastructure Program

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F

sive Democratic Alliance and one independent.

18 Feb 2004 British Columbia launches \$675 million infrastructure

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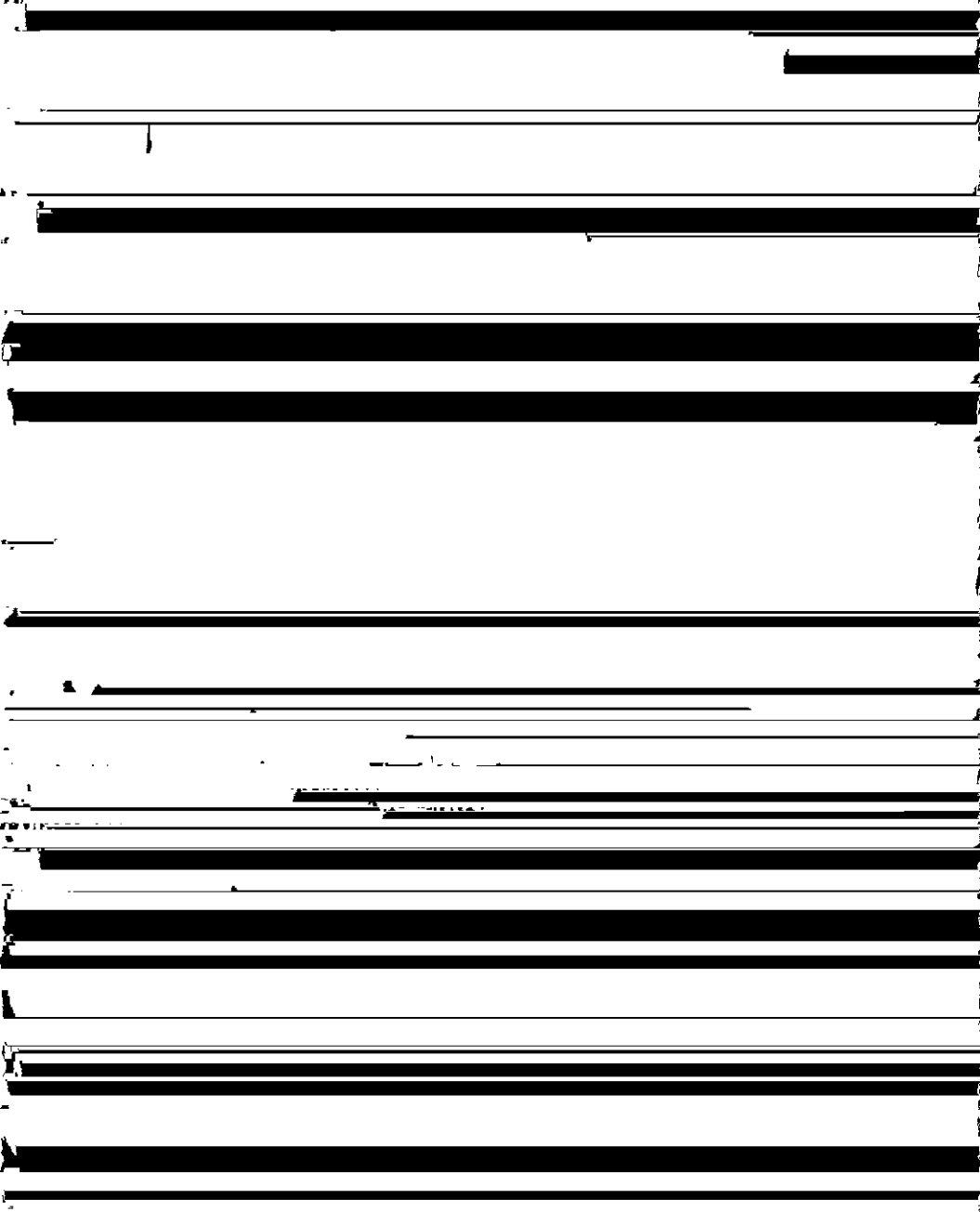
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24 February 1994

Alberta's Conservative government presents its budget.

*Budgets - Alberta*

Spending is cut by \$1.1 billion.



agenda for discussions on issues such as self-

[REDACTED]

Saturday 23 March 1994

1 March 1994

Five provinces and Ottawa agree to find a way of ending

reiterated Premier Miller's statement...

Copps says that Montreal was chosen for a variety of reasons including its solid connections to Washing

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[REDACTED]

[REDACTED]



13 April 1994

Nova Scotia cuts tobacco taxes to counteract cigarette

*Taxation - Tobacco*

*smuggling from other Maritime*

makes its report and will continue to sit as the MP for Yukon.

19 April 1994

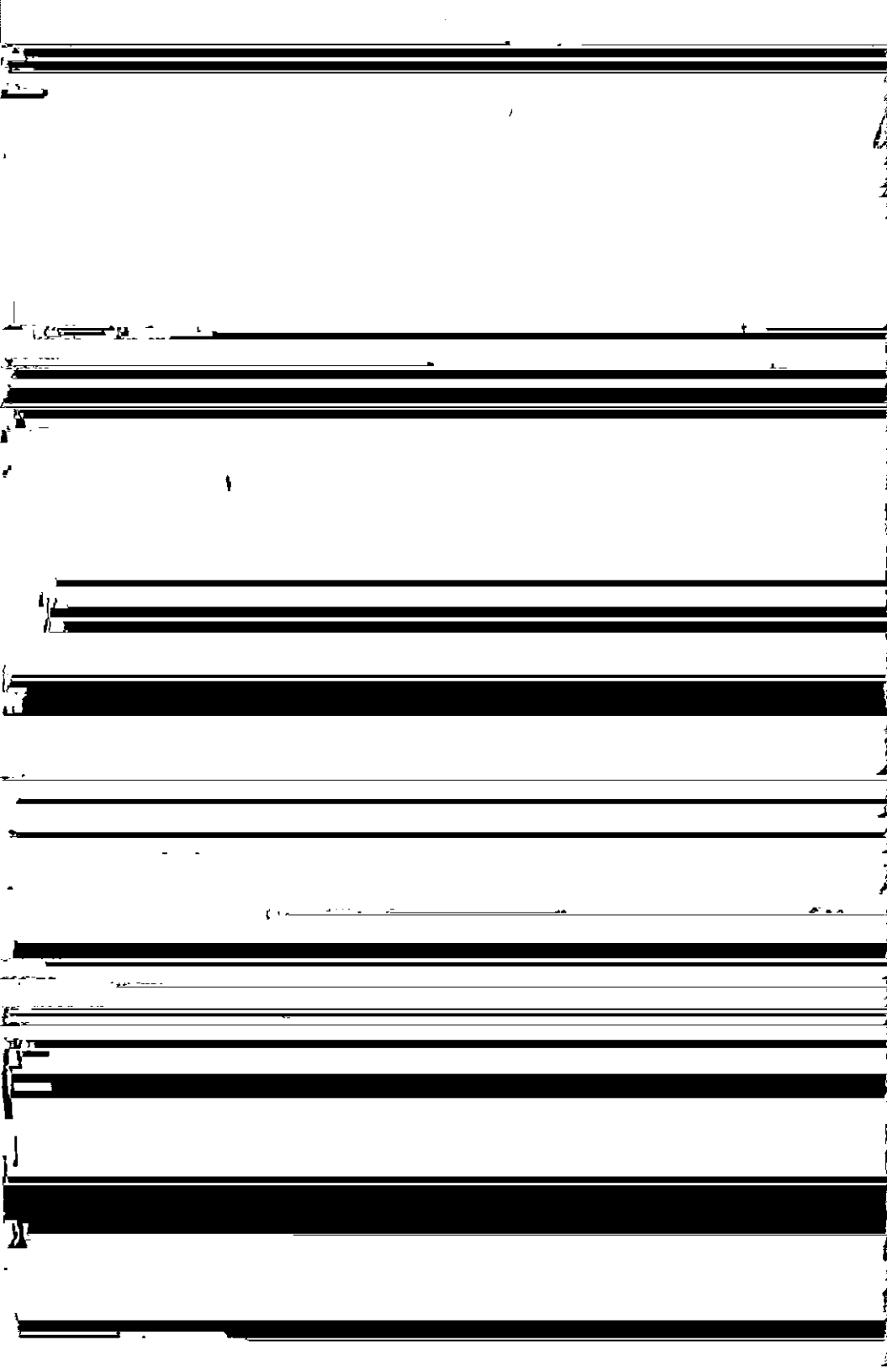
The federal government announces a new \$1.9 billion

fisheries assistance program for Atlantic fishermen and

28 April 1994

Ontario's Health Minister Don Cousens

[REDACTED]



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ment which recommended in February that logging be limited on the island.

23 June 1994

Federal Information Commissioner John Grace releases

# Chronology: Index

*Aboriginal Peoples* 26 July 1993, 18 August 1993, 18 August 1993, 6 September 1993



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[REDACTED]

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26. Ronald L. Watts, *Executive Federalism: A Comparative Analysis*, 1989. (\$6)

26. David Robert, *The Institutionalization of Federalism in Canada*, 1989. (\$6)

13. Ian B. Cowie, *Future Issues of Jurisdiction and Coordination Between Aboriginal*

1997-1998

