



CANADA WATCH

Practical and Authoritative Analysis of Key National Issues

CONTROLLING THE ELECTORAL AGENDA

Can the major parties do it?

by *Kenneth McRoberts*

Can Canada's two old-line parties set and control the electoral agenda now that the campaign is formally underway? The agenda that they are proposing to the country is, to say the least, a limited one.

LIMITING THE AGENDA

On one hand, there is the party that has held power for the last decade and is associated with policies to which the majority of Canadians remain fundamentally opposed. The Conservatives do offer a new leader, relatively new to federal politics and anxious to dissociate herself and her party from the memory of the previous leader. But Kim Campbell's appeal may well have peaked: carefully staged media appearances and photo opportunities can suffice only for so long in creating the impression of change. She and her party have yet to demonstrate that they are offering the country more than a change of faces, and a limited one at that. They have yet to make a credible delivery on the substance of change: new policies and new directions. Nor have they had noticeable success in stimulating Canada's dormant economy.

The alternative involves a party whose leader is similarly burdened by association with past governments. First elected over three dec-

ades ago, Jean Chrétien is one of the veterans of federal politics. The party can claim with some credibility to be offering a new "team," composed of a series of high profile, carefully selected newcomers to federal politics. But, once again, the promise of change does not seem to go beyond faces and personalities. In this case, a new set of policies apparently has been prepared, but it is being kept under wraps until the campaign actually is underway.

In effect, Conservative and Liberal strategists seem to be operating on the assumption that the voters will be content to choose between personalities. Thus, the name of the game is simply to project the right qualities for, as the case may be, the party leader or the party team.

THE CHARLOTTETOWN FIASCO

However, there are good reasons to wonder whether this can respond to the current mood of the country. A review of Canada's last popular consultation might suggest otherwise. This is, of course, not the 1988 federal election but the constitutional referendum of last fall. At that time, Canada's established national leaders also thought they were firmly in control of

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the agenda. They had negotiated an accord that bore the support of Canada's national political leadership, the leaders of all three established federal parties, plus the leaders of each provincial government and most provincial opposition parties. National leaders presumed that such a stamp of

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approval by the political establishment would ensure majority support. They calculated that even if voters had misgivings about the deal itself, they would not dare to vote against it. To do so would mean yet another round of constitutional discussions, for which the public clearly did not have the stomach, or even worse: no resolution of the constitutional question and the possible break up of the country.

Presented with such a definition of the alternatives, the majority of Canadians voted "no" anyway. Canada's political establishment went down to an ignominious defeat. The accord did in fact have majority support at the outset but lost it in the course of the campaign. Other political voices effectively challenged the establishment and undermined its attempt to set the agenda.

REFORM AND THE BLOC

A large part of the explanation lies with "minor" or third parties who are determined to play similar roles in the coming election campaign. The Reform party led the

campaign against the accord in English Canada, claiming that it not only failed to meet the needs of western Canada, but did not meet the needs of the Canadian people in general. The Bloc québécois joined forces with the Parti québécois to argue that the accord did not meet Quebec's needs either.

CAN THEY DO IT AGAIN?

On the face of it, the Reform party seems to have fallen well short of its electoral potential. Rather than rising in the wake of its Charlottetown "victory," Reform support fell. Preston Manning appears to have lost his public image as a new force in politics, who is somehow above party. Yet, the current public fixation with the deficit falls squarely within the territory that the party has staked for itself. And Reform may still be able to exploit western Canadian discontent with the federal government, Kim Campbell's Vancouver roots notwithstanding.

As for the Bloc québécois, its ardent defence of Quebec sovereignty may be frustrated by Québécois' fatigue with all things constitutional. Moreover, it cannot promise the rewards that come with voting for the government party — an argument that traditionally has had some effect in Quebec. However, this argument may have less weight if it is not at all clear which of the two major parties will in fact form the government. With the leadership of Lucien Bouchard and the active support of the Parti québécois organization, the Bloc is strongly placed to make its claim that it best represents the interests of Québécois.

Also assisting in the effort to undo the major parties' limitation of the political agenda will be Mel Hurtig's National party and a wide variety of social movements and interest groups. The tragedy is that the NDP, the party that has such a distinguished record of offering genuine alternatives to Canadians, should be in such disarray.

HIGH VOTER VOLATILITY

The potential for these various forces to derail the major parties' plans is magnified by the planned televised leadership debates in which Lucien Bouchard and Preston Manning will participate as equals (to the extent that linguistic skills permit in Manning's case). Moreover, with audiences attending and reacting to the debates as they unfold, party operatives will have much more difficulty containing the gaffes and other errors of their leaders.

Most importantly, the voters themselves are not as fixed in their party loyalties as they used to be. These days campaigns clearly do make a difference. Just as during the referendum debate voters shifted from a "yes" majority to a "no"

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majority, so during the 1988 election the lead went from the Conservatives to the Liberals and back to the Conservatives. This time around voters may well may be ready to respond to the call of new parties.

Already, during the first few days of the campaign, Kim Campbell's penchant for candid answers and professorial "theorizing" has led her to answer a reporter's question in a way that precluded any real hope to the nations's unemployed. For their part, Liberal forces seized on this totally unexpected opening, decrying Tory heartlessness. In effect, the plans of Tory strategists for an issueless campaign have been endangered by their own party leader. But as the Liberals are drawn into a

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WATERSHEDS

The Ontario Social Contract of 1993

by Carla Lipsig-Mummé

The political turmoil arising out of the so-called social contract — the Rae government's legislation to reduce the deficit by reopening public sector contracts, cutting wages, jobs and programs — has raised a number of questions about the relation of unions to political parties, the state, and each other. This social contract summer of 1993 has been a watershed on several fronts: collective bargaining in the public sector may never again be taken for granted, the labour movement is divided by the government's differential treatment of public and private sector workers, and the unions are profoundly disenchanted with their own political party now that it has become the government.

Together, these conflicts have pushed analysts to reflect on the uniqueness — or lack of it — of the Ontario situation, and to ask what might have been avoided, and how the community can move on. Comparisons are to be made with the Parti québécois in 1982 and with the Australian and New Zealand Labour parties in power in the late 1980s. Do democratic socialist governments inevitably end up in confrontation with the labour segment of their support? And hasn't the Quebec experience in 1982 shown that cutting public sector wages does not reduce the deficit over the long term?

A favourite parlour game in June and July was to ask when, and why, Bob Rae had suffered a conversion on the road to Damascus: how was it that cutting the deficit radically, in one year, had come to take priority over social justice objectives, job

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creation goals, and the protection of the social safety net? But there are more profound industrial relations matters and political issues that had already become evident in June.

PUBLIC SECTOR COLLECTIVE BARGAINING MADE UNWORKABLE

First, in order to reduce the deficit, the Rae government passed legislation that obviated the traditional structures of union accreditation and collective bargaining in the public sector, but replaced these with no clear cut alternative system. From a professional point of view, the system of collective representation in the public sector is perilously close to incoherence, although its unworkability will not become fully clear until after the three-year period of the *Social Contract Act*.

To give just one example, whereas in the past a union seeking accreditation for a given group of workers had to make an application that would

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pass through a review process, and only after the union was shown to represent a majority of the workers in the proposed bargaining unit could it negotiate for its members, the *Social Contract Act* allowed the minister of labour to accredit any group of workers by ministerial decision alone. In July, in order to obtain local agreements before the August deadline, or so that the government could declare a sectoral agreement in sectors where existing unions were recalcitrant, a bizarre array of managerial personnel and others hitherto

uninterested in joining unions — and hitherto not-accreditable — were recognized as bargaining units by a lightning-speed minister of labour. The results were often as bizarre: it was possible for the minister to declare a "sectoral social contract" in a sector where only a tiny fraction of managerial personnel had made an agreement with their employer, and then use that agreement to set conditions for the vast majority of other workers for three years. Examples abound.

Second, the conflict that pitted public employees against the government had repercussions within the labour movement as well as within the larger political arena.

SOME PRIVATE SECTOR UNIONS OPPOSED

Within the labour movement, opinion was, and remains, divided about how to respond to the provincial NDP government. The division is not, however, along simple public versus private sector lines. Important private sector unions like the Canadian Autoworkers have been supporting the public sector unions with concrete aid, political clout, and now the decision to withdraw all but minimum financial support for the provincial NDP, while increasing support to the federal NDP. But while equally influential private sector unions, such as the United Steelworkers and the United Food and Commercial Workers, have protested to Rae about the suppression of collective bargaining in the public sector, they have remained fundamentally sympathetic to a government that has responded to their particular needs with the 1992 *Labour Law Reform Act*, and a range of other legislation geared to protecting embattled manufacturing and retail jobs.

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continued from page 19.*

PUBLIC SECTOR UNIONS UNDER STRAIN

Unity among the public sector unions has also proved taxing to maintain. Not only are they without experience in "common front" coalition bargaining — to use the Quebec term — but the intense political stress in May and June to stop the government from passing the social contract legislation was succeeded by a breakdown of coordinated strategy in July. Some unions bargained local agreements, some refused, and some said they were refusing while

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quietly returning to the table. In several of the biggest unions, this conflict has revealed the severe structural weaknesses inherent in the union's organization. Internally, all the public sector unions will be grappling for some time to come with what their inability to stop this legislation has to tell them: about their internal structures, about their ability to mobilize their members, about the effectiveness of getting their message out to the public.

UNIONISTS DIVIDED ABOUT NDP LINK

Where union members are concerned, opinion seems to divide into three groups: those who, appalled by what they see as betrayal, will simply turn their backs and walk away from the NDP; those who feel that the party has suffered an unexpected hijacking, and changing the provincial leadership will return it to being the party of labour; and

finally, those who point to Quebec in 1982, to federal politics in Australia and New Zealand in the late 1980s and early 1990s. This last group wonders whether something is not inherently flawed in the relationship of labour's party to its constituency once it attains electoral power. They wonder why it is that when social democrats obtain the governance of capitalist economies they so often attempt to solve the inevitable budgetary crises they have inherited, at the expense of public employees, and why they so often seem both inadequate at financial management and so easily converted to economic neo-conservatism.

Although some union members are looking at new structures of group representation and accountability within the NDP as a corrective here, some of the hardest questions remain: how to integrate the political and industrial representation of an increasingly fragmented working class, how to constrain a party to remain accountable to its collective as well as individual constituents, and how to keep social democratic parties true to their vision in the increasingly chilly climate for social democracy. In Quebec, these questions surfaced, and they deformed the political and trade union links in 1982-83. It looks very much like 1993 will be the year of rupture in Ontario.

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DOING POLITICS DIFFERENTLY

Ordinary Canadians and the federal election

by Jamie Cameron

A federal parliamentary election has been called for October 25, 1993, one year less a day after a referendum vote yielded a resounding "no" to proposals for constitutional change on October 26, 1992. To what extent has that exercise in "direct democracy" altered "the way we do politics," as Kim Campbell once put it?

Last year's process of constitutional reform brought "ordinary Canadians" onstage for perhaps the first time in our political history. The voices of those Canadians played a prominent role in public debate throughout that process.

The term figured prominently during the Renewal of Canada Conferences, which took place early in 1992, months before the Charlottetown Accord was negotiated. In nationally televised sessions, "ordinary Canadians" shared the limelight with various members of the "chattering classes."

Then *Maclean's* magazine decided to conduct its own experiment in constitutional negotiation. The magazine joined a team of ordinary Canadians, representative of all regions of the country, with a handful of prominent citizens and an American expert on negotiating skills. At the time, the differences separating provincial and federal officials conducting the formal negotiations seemed intractable.

Maclean's wondered whether ordinary Canadians, with a little guidance, could achieve an agreement our elected officials had failed to produce. Their report gave us reason to believe they could.

When the Charlottetown Accord was reached, our parliamentary representatives concluded that its propos-

als for constitutional change should have the public's endorsement. The national referendum, conducted by the provincial government in Quebec and by the federal government in all other provinces, gave every citizen a direct stake in the nation's destiny.

There can be no doubt that the referendum exposed a cranky and deeply felt mood of public disaffection. Many attribute the negative outcome of October 26 to that mood, and not to a rejection of the accord itself.

Yet there is another side to it. Those who participated in the process, such as myself, were at times overwhelmed by what we saw as a burgeoning ethic of civic participation. Canadians from all walks of life, who had previously paid little or no attention to the constitution, engaged in heated discussion about any and all aspects of the accord — the Canada clause, the future of national day care, the amending formula — on radio talk shows, at public forums, in taxis, over games of bridge and golf, and at the office.

Low-budget advertisements prepared by ad hoc No committees provided a compelling example of the power of civic participation. Ads which at times were filmed by home video cameras and written by unpractised hands exposed the overt manipulation of the Yes campaign's highly venerated commercials. For ordinary Canadians who had been invited to participate in the impor-

tant process of constitution-making, the message from the Yes campaign was that their concerns would not be treated with respect.

If it was the worst of times for those who believed in the accord, it may nonetheless have been the best of times for democracy in Canada. In the past ours has been a passive political tradition. The national referendum thrust ordinary Canadians

"The national referendum thrust ordinary Canadians onstage during a rare and historic moment in Canadian politics. One year later, one wonders where those Canadians will be during the 47 days of this election campaign."

onstage during a rare and historic moment in Canadian politics. One year later, one wonders where those Canadians will be during the 47 days of this election campaign.


Earlier this year, leadership-hopeful Kim Campbell promised to change "the way we do politics." Change is likely to be seen later rather than sooner, and it is unrealistic to expect a repeat of the referendum's wave of public participation. Still, there are signs that the concerns of ordinary Canadians will be both heard and respected in this campaign.

Disaffection with the three nationally established parties has encour-

aged the emergence of alternative voices — that is, the Reform and National parties, as well as the Bloc québécois — which will compete for votes at regional and national levels. In addition, though they will not be inclusive of all leaders, the carefully negotiated series of leadership debates will be held before a live audience. In being permitted both a presence and a degree of structured participation, that audience can influence the dynamic of the debates.

Meanwhile, restrictions on third-party advertising, which would have effectively channelled virtually all civic participation through partisan channels, will not be enforced, pending appeal from a successful challenge under the *Charter of Rights and Freedoms*.

The leaders and party candidates have expressed interest in alternative methods of campaigning, such as town hall meetings, which are more spontaneous and participatory than some of the staging of the past. Finally, the tone of the campaign can be influenced by the way it is covered in the press; the media can help us change the way we do politics by adjusting and varying its own coverage, as it did so well during the referendum.

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NATIONAL AFFAIRS

ODDS FAVOUR MINORITY GOVERNMENT ON OCTOBER 25TH

by Patrick J. Monahan

While federal election campaigns are always subject to unpredictable and unexpected turns in the road, in the early stages of the current campaign the odds favour the election of a minority government on October 25th.

Of the five main parties contesting the campaign, only the Progressive Conservatives and the Liberals have realistic aspirations of forming a majority government. The NDP, Reform party, and Bloc québécois are all playing for third place rather than for the pennant and will consider 30 to 40 MPs a major victory.

The difficulty for the PCs and the Liberals is that neither appears to be positioned to elect the 148 MPs required to form a majority.

LIBERAL PROSPECTS

Consider first the prospects for Jean Chrétien's Liberals. If anyone is able to form a majority, it should be the Liberals. Aside from a brief surge in Tory support following Brian Mulroney's resignation, the Liberals have been leading the national opinion polls for three years. Jean Chrétien, although criticized as being "yesterday's man," appears relatively "gaffe proof" and is unlikely to make any major mistakes on the campaign trail. His party has assembled a strong slate of candidates and will offer a credible platform. Chrétien will also be able to argue that he alone has a realistic

chance of ending the nine years of Tory rule in Ottawa.

Despite these advantages, it is difficult to imagine the scenario that would produce 148 seats for the Liberals.

Their stronghold will clearly be Ontario, where they have hopes of taking 70 to 75 of the 99 available seats (up from the 43 they captured in 1988). The Atlantic provinces will also likely be coloured Liberal red — and on a best-case Liberal scenario might produce 29 Grits in the region's 32 seats.

But outside of Ontario and Atlantic Canada, the Liberal prospects fall off dramatically. Quebec is likely to be a battleground between the

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Bloc québécois and the Tories. The Liberals will be happy if they can hold the 12 Quebec ridings they won in 1988 and add perhaps 3 or 4 more. The three prairie provinces have been a Liberal wasteland for the past 20 years and, although the party has hopes of winning a few seats in and around Edmonton, no major breakthroughs can be expected. As for British Columbia, where the Liberals currently hold just one seat, the revival of Liberal fortunes following the last provincial election gives the Grits good prospects in perhaps 10 to 15 ridings.

Yet adding up the national totals, and assuming the best-case Liberal

scenario, Jean Chrétien is still left 5 to 10 seats short of the magic 148 number.

TORY PROSPECTS

Kim Campbell's successful summer tour on the barbecue circuit managed to pull her party to within striking distance of the Liberals by the time the writ was dropped on September 8. But even with the remarkable turnaround in Tory fortunes engineered by Campbell over the past six months, the prime minister still appears somewhat short of the votes that would be required to form a national majority on October 25.

A best-case scenario for the Tories sees them adding slightly to their 35 seats on the prairies (fighting off attempted Reform inroads) while adding 5 to 10 seats to the 12 they won in British Columbia in 1988. The PCs would also be fortunate if they could hold more than half of the dozen seats they won in Atlantic Canada in 1988.

But the real stumbling block for the PCs is found in central Canada. With a total of 174 seats up for grabs in Ontario and Quebec, no party can hope to form a majority government without a strong showing here. In 1988, the Conservatives took 63 seats in Quebec and 46 in Ontario, but they appear to have little realistic chance of matching those totals in 1993.

In Quebec, the Bloc québécois has been leading the polls for two years and appears able to count on a relatively solid 35 to 40 percent of the vote. If this level of support holds on October 25 — and there is no reason to suppose it won't, given the consistency of BQ support over the past 24 months — then the Bloc will be cutting very deeply into the Tory's Quebec ranks.

As for Ontario, a best-case Tory scenario sees the party retain a clear

majority of the 46 ridings won in 1988. But given the broad Liberal support in the province over the past two years, some slippage in the Conservative numbers here seems unavoidable.

Add up the Tory numbers, again on a best-case scenario, and Kim Campbell is still at least 5 to 10 seats short of the 148 MPs required to go "over the top."

POLITICS AFTER OCTOBER 25

If this analysis is correct, the next prime minister will probably be chosen on the basis of some form of "closed-door" negotiations between the party leaders and their advisers following the election, rather than by the voters directly. How this will be received by Canadians who have become highly critical of traditional forms of elite accommodation will be interesting to observe.

The outcome of these backroom negotiations will obviously depend on the relative strength of the parties and, in particular, on whether either Chrétien or Campbell is close enough to the 148 number to claim the moral right to be prime minister.

Yet it cannot be helped but be observed that, as happened in Ontario in 1985, the most natural and obvious alliance would be one involving the Liberals and the NDP. The NDP (as well as the Reform party, assuming it is a significant player based on the election results) would not want to be seen to be propping up the Conservatives and opening the door to a possible Campbell majority in a subsequent election that might follow within a year. And Audrey McLaughlin would certainly like to be able to claim responsibility for bringing an end to nine years of Conservative rule, particularly if her party's standing in Parliament is significantly

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WESTERN REPORT

THE FATE OF REFORM

by Roger Gibbins

One of the most interesting campaign questions in the west is the fate of the Reform Party of Canada (RPC). Will the RPC win at least the 12 seats needed for official recognition within the House of Commons? Or will the party turn out to be little more than a by-election blip on the regional landscape, a vehicle that western Canadians used to express their discontent between elections but when the real test came, they abandoned?

A WANING PROTEST?

Public opinion polls conducted since the constitutional referendum indicate that electoral support for the RPC has slipped significantly. Although some recent polls suggest that the RPC may still command 20 to 25 percent of the vote in Alberta and British Columbia (and a much smaller proportion in Saskatchewan and Manitoba), the RPC is no longer the dominant political force in the region.

The decline in support can be attributed to a variety of factors. The constitutional referendum may have given western Canadians an opportunity to vent their discontent, to lance the boil of populist outrage, and the end of the constitutional debate has made the RPC's emphasis on institutional reform largely irrelevant. Many planks from the RPC platform have been lifted shamelessly by their opponents. Everyone, for example, talks incessantly about the need to control the

deficit and reduce the debt. The Tories in particular have carried off the RPC platform plank by plank, and have reconstructed it as a Conservative platform for *westerner* Kim Campbell.

In short, the RPC policy arsenal has been looted by its competitors, and the party has been left with little that is distinctive. Preston Manning, however, needs a campaign based on public policy rather than personality if he is to shine. In a campaign in which the Tories run only on Kim Campbell, and the Liberals run only on Brian Mulroney, it will be difficult for Manning to find a voice.

DEATH BY ELECTORAL SYSTEM FAILURE?

The slippage in popular support is only part of the problem that the RPC faces; the other and potentially more troublesome part is that their remaining support is fairly evenly spread across the two western-most provinces. The party does not have concentrated pockets of support,

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In theory, both the RPC and the Bloc face this dilemma, but in fact a vote for Reform is a much riskier strategy than is a vote for the Bloc."

such as the Bloc enjoys outside metropolitan Montreal, in which it enjoys a commanding edge. (The one possible exception may be in Lethbridge where Ray Speaker is running for Reform after having been elected as a provincial MLA under three different party labels. Unfortunately for the party, even Manning faces a tough race in Calgary Southwest where incumbent Tory MP Bobby Sparrow won by more than 30,000 votes in 1988. Sparrow, the new minister of energy and natu-

ral resources and a woman running in an election where gender is likely to be an important factor, will be a very formidable opponent.

The relatively even distribution of RPC support means that the party could be victimized by the electoral system. It could pick up 20 percent of the BC and Alberta vote without winning a seat, whereas a similar level of electoral support would generate a significant number of seats for the more territorially concentrated Bloc. There is a real danger, then, that Reform support may fall below the threshold needed for seats and that even a significant show of support among voters may not lead to any effective voice in the new House.

A WASTED VOTE?

Third parties always face the accusation that to vote for them is to waste one's vote, that the "real" choice is between those parties capable of forming a national government. This accusation takes on additional weight if third-party support may isolate the region, as Social Credit MPs isolated Alberta in the past. The Conservatives and Liberals will argue that it is better to be represented within cabinet and the governing caucus than it is to be represented on the opposition benches.

In theory, both the RPC and the Bloc face this dilemma, but in fact a vote for Reform is a much riskier strategy than is a vote for the Bloc. To appreciate this difference, imagine a scenario in which the RPC elects 15 to 20 MPs in Alberta and British Columbia — an unlikely scenario — and the Bloc elected 25 to 30 MPs in Quebec — a more likely scenario.

In this outcome, the Reform vote could indeed diminish regional influence within the national government. Reform MPs and their sup-

porters would be dismissed as regional freaks with little to contribute to the national debate. However, the Bloc contingent would not be so readily dismissed. Editorialists and pundits would argue that the Bloc vote demonstrates how important it is to address Quebec's political and constitutional concerns, and thus blunt the nationalist threat. The better the Bloc does, the more Quebec's concerns are likely to be elevated on the national agenda.

Quebec voters, therefore, cannot lose by voting for the Bloc; they can only lose by voting overwhelmingly for the Conservatives or the Liberals, and having that party fail to win across the country. A strong protest vote through the Bloc will reverberate throughout the national political system as Canadians rush to thrust their collective thumbs in the dykes of national unity. A strong western protest vote for the Reform is likely to be written off as an irritant more than anything else and could therefore indeed be a wasted vote.

Or perhaps I've become too cynical after a summer of unrelenting rain.

Roger Gibbins is Professor and Head, Department of Political Science, University of Calgary. Western Report is a regular feature of Canada Watch.

QUEBEC REPORT

CHOOSING BETWEEN THE BLOC AND TWO FEDERALIST PARTIES

by Alain Noël

The 1993 federal election is likely to challenge the conventional wisdom on Quebec politics. Quebecers, it has often been said, vote for a French Canadian party leader, or at least for a Quebecker. Yet, the Liberals' main handicap is Jean Chrétien. In an August CROP-LaPress-TVA poll, only 11 percent of Quebecers expressed confidence in "le p'tit gars de Shawinigan" (against 36 percent for Kim Campbell).

The conventional wisdom also holds that Quebecers vote for the man, for strong leaders with charismatic appeal, and are thus likely to be seduced by Lucien Bouchard. The same poll, however, indicates Bouchard is significantly less popular than his own party. While the Bloc québécois leads the polls with 40 percent (as opposed to 31 percent for the Conservatives, 24 percent for the Liberals, and 4 percent for the NDP), Bouchard was named as the most trusted federal leader by no more than 23 percent of the electorate, far below Campbell's score (she at that time probably benefited from her recent selection as leader).

In the end, some of the conventional wisdom could still be salvaged if Quebecers turned to the party that forms the government. Quebecers, it is often presumed, almost instinctively defend their

interests by voting for the winning party. Again, recent polls force us to question the standard viewpoint. For more than a year, the Bloc québécois has maintained a level of support of about 40 percent, except in Canada-wide polls where the size of the Quebec sample fell below 300 (Gallup polls, for instance). If these polls prove reliable, the Bloc could win 30 or 40 of the province's 75 seats, with the Liberals and the Conservatives sharing the rest.

But how reliable are such polls? Given that the Bloc québécois cannot take power, can we not assume its popularity will deflate in a genuine election when who forms the government is at stake? Remember that magic moment in September-October 1987, when the NDP emerged as the leading federal party in Quebec with more than 40 percent support in bona fide polls with samples over 1000?

For a variety of reasons, and despite relatively stable poll results, the outcome of the 1993 federal campaign in Quebec appears particularly difficult to predict. First, in a difficult economic and political context, partisan affiliations are fragile, and a number of issues or events can prove influential. Second, the old cleavages of Quebec politics are shifting: contrary to the past, class and socio-economic characteristics no longer predict support for sovereignty and, apart from language, only age and feelings of identity still matter. Third, and most important, in many ridings the campaign will be a three-way battle that parties can win with less than an absolute majority. In such circumstances, minor gains or losses can make a big difference.

At the same time, there is a definite structure to the Quebec electorate, and a number of important dimensions can be identified. These dimensions concern language, partisan identification, and support for

sovereignty. First comes language. As the last referendum showed once again, the Quebec electorate is sharply divided along linguistic lines. In October 1992, non-Francophones voted massively for the Yes in contrast to Quebec Francophones and to Anglophones in other provinces. Quebec's non-Francophones also have distinctive party preferences. In 1988, 49 percent of English-speaking Quebecers identified themselves as Liberals, compared with 27 percent for Francophones. On the

"... the old cleavages of Quebec politics are shifting: contrary to the past, class and socio-economic characteristics no longer predict support for sovereignty"

basis of these data and of the current distribution of seats, it seems fair to assume that Jean Chrétien's Liberals can win most ridings in Montreal's West Island.

This leaves almost 85 percent of the electorate. Here, a second dimension comes into play — partisan identification. The Conservative party did well in Quebec in 1984 and 1988, but failed to grow deep roots. In 1988, the vote of Francophone Quebecers reflected more disaffection with the Liberals than attachment to the Conservative party. Among Francophones, only 27 percent classified themselves as Liberals (mostly the older, more religious part of the electorate), but no more than 22 percent saw themselves as Conservatives: 44 percent of Francophone voters did not identify any party. "The antithesis to the Liberal party," write the authors of a 1988 federal election study, "was not any specific party so much as the *refus global*, so to speak, of the entire system." In 1993, this large group of non-identifiers constitutes

the best target for the Bloc québécois. But then again, these voters cannot be taken for granted. A third dimension then comes into play: support for sovereignty.

On the basis of the two dimensions discussed so far, we can divide the total electorate into three groups: non-Francophones likely to support the Liberals, about 15 percent of the electorate; Liberal Francophones who may vote for Jean Chrétien, roughly 22 percent of voters; and non-Liberal Francophones whose vote appears available, about 63 percent of the electorate. A major question divides this group: Quebec sovereignty. If we assume these sovereigntists all belong to the non-Liberal group, we are left with a fourth group, roughly a quarter of the electorate (26 percent) who are non-Liberal federalists.

These four groups define the prospects for each party. First, it seems fair to assume a large proportion of sovereigntists will support the Bloc, especially since the new party has the full backing of the Parti québécois and of its organization. Second, we can expect non-Francophones to elect Liberal MPs. Third, among Francophones, Liberals and Conservatives are in a difficult position because, contrary to the Bloc, their support is rarely concentrated geographically; they tend to split the federalist vote. The two major parties can pursue two strategies. First, they will have to convince sovereigntists they lose a voice in the federal government and gain little by electing Bloc candidates. For the Conservatives, more threatened by the Bloc, this may well be the dominant strategy. Second, they must convince federalists they represent the best bet, since they can win ridings in Quebec and succeed in the rest of the country as well. The

Continued, see "Choosing" on page 30.

ECONOMIC REPORT

JOBS AND THE ELECTION

by Fred Lazar

THE NEED FOR JOB CREATION

Job creation should be the principal issue in the election campaign and the primary focus for whoever forms the next government. The recession in Canada officially ended about 30 months ago. But weak economic growth during this time has failed to make any dent in unemployment, so that the national unemployment rate continues to be entrenched above 11 percent. Although the seasonally adjusted August unemployment rate fell modestly to 11.3 percent from July's 11.6, the decline resulted from the withdrawal of discouraged job seekers from the labour market rather than from employment growth.

A look at some of the labour market data for July of this year reveals that only two provinces had a seasonally adjusted unemployment rate below 10 percent (Manitoba and Saskatchewan). In Newfoundland, one of every five persons in the labour force was unemployed and this ratio would have been worse had a number of the unemployed not dropped out of the labour force. In Nova Scotia, one in seven in the labour force are unemployed and about one in eight in Quebec.

Between July 1991 and July 1993, the number employed has increased by a meagre 15,000, while the number unemployed rose by 170,000 to over 1.6 million. Even the employment numbers mask a serious problem. Full-time employment actually fell 76,000 during these two

years. Part-time employment increased by 93,000. Unfortunately, part-time jobs are a poor substitute for full-time employment. Indeed, among the 1.2 million Canadians over the age of 25 who had part-time jobs in July, almost 500,000 (or more than 40 percent) wanted but could not find full-time jobs.

Hence, if one were to recalibrate the unemployment rate to include the underemployed and those who have abandoned looking for jobs and have dropped out of the labour force, the total number unemployed and underemployed would have been closer to 2.5 million in July or approximately 17 percent of the labour force. Canada is facing depression-era unemployment numbers.

Moreover, as the accompanying table indicates, employment in Canada in the second quarter of this year was still 399,000 below the pre-recession peak levels of employment in the third quarter of 1989. Ontario and Quebec experienced most of the job losses, and only in Alberta and British Columbia has

employment climbed back to the 1989 levels. It is unlikely that employment levels in Canada will get back to the 1989 peak until well into next year. In other words, over a five-year period, the Canadian economy will have generated no net increase in employment. Worse yet, full-time employment levels in 1994 will likely still be below the 1989 peak levels.

HIGH UNEMPLOYMENT RATES A LONG-TERM PHENOMENON IN CANADA

To put the unemployment crisis in Canada into a different perspective, we should note that the seasonally adjusted unemployment rate in August in the United States was below 7 percent. Yet, even with unemployment rates in the 6 to 7 percent range, U.S. policymakers continue to be very concerned with the sluggish performance of their economy and its inability to produce jobs quickly enough to reduce the unemployment rate to more acceptable levels.

Employment, Canada and the Provinces,
Third Quarter 1989 and Second Quarter 1993 (000s)

	1989: 3Q	1993: 2Q	Net Change
Canada	12,834	12,435	-399
Newfoundland	223	186	-37
Prince Edward Island	59	54	-5
Nova Scotia	390	356	-34
New Brunswick	304	298	-6
Quebec	3,122	2,980	-142
Ontario	5,045	4,818	-227
Manitoba	512	486	-26
Saskatchewan	463	448	-15
Alberta	1,243	1,253	10
British Columbia	1,471	1,556	85

Source: Statistics Canada, *The Labour Force*

By comparison, the last time the annual unemployment rate in Canada averaged less than 7 percent was in 1975. Canada is facing the 18th consecutive year with unemployment averaging above 7 percent and in most of this period the unemployment rate averaged well above this level.

If we look at the unemployment experiences of the provinces during the past 10 to 20 years, we find that eastern Canada has largely been a basket case with generation after

"Kim Campbell is right that it appears at this time that little can be done to quickly reduce the unemployment rate to an acceptable level, at least below 7 percent. ... [But] [t]he fixation on the deficit should not serve as an excuse for inaction by the federal government. Growth and jobs are the goals of the government, not a rigid and irrational commitment to reducing the deficit."

generation facing dismal job prospects. For example, Newfoundland last recorded an annual unemployment rate below 10 percent in 1972; New Brunswick in 1975. Nova Scotia has had unemployment rates below 10 percent only twice since 1976 and Quebec only four times in the 17 years since 1976. (Should it be surprising that separatist support has increased dramatically during this time?)

Even Alberta and British Columbia, the two provinces that have surpassed the pre-recession employment levels, have not had sterling unemployment records. Alberta last averaged less than 7 percent unemployment in 1981, and British Columbia has had an unemployment rate below 7.5 percent only twice since 1974, the last time in 1981.

A forecast recently published by the Institute for Policy Analysis at the University of Toronto predicts that if the Canadian economy is able to grow consistently and buoyantly, the national unemployment rate will fall to 7.4 percent by 1998. This implies that Canada is unlikely to record an average, annual unemployment rate below 7 percent during the last 25 years of this century.

IS THERE A SOLUTION?

I will deal with this question in more detail in next month's commentary. But for the time being, let me state that Kim Campbell is right that it appears at this time that little can be done to quickly reduce the unemployment rate to an acceptable level, at least below 7 percent. Jean Chrétien and Audrey McLaughlin are also right in claiming that it is the responsibility of the federal government to tackle the unemployment crisis. The fixation on the deficit should not serve as an excuse for inaction by the federal government. Growth and jobs are the goals of the government, not a rigid and irrational commitment to reducing the deficit.

However, there is little the federal government can do on its own to stimulate the economy. All the provinces are cutting back in their misplaced efforts to rapidly reduce their deficits. These actions will only weaken the Canadian economy. More importantly, each of the G-7 nations has agreed to pursue policies to reduce its respective deficit. These actions will prolong economic weakness in Europe, Japan, and North America and exacerbate the unemployment crisis in Canada.

Fred Lazar is an Associate Professor of Economics, Faculty of Administrative Studies and Faculty of Arts, York University. Economic Report is a regular feature of Canada Watch.

LEGAL REPORT

CONSTITUTIONAL RIGHT OF ABORIGINAL SELF-GOVERNMENT

Existing already?

by Bruce Ryder

The clause that would have explicitly recognized an inherent right of aboriginal self-government in the constitution died along with the rest of the Charlottetown Accord last fall. Does that mean that the right currently lacks constitutional protection?

THE DOMINANT VIEW

According to the dominant view, the demise of the accord left us with a constitutional status quo that exhaustively distributes sovereignty between federal and provincial governments. Those governments are under no legal obligation to recognize aboriginal self-government, at least not until the right is entrenched by constitutional amendment. If this position is correct, aboriginal communities cannot compel governments to negotiate self-government, and if negotiations do take place, the legal deck is stacked against them. Moreover, unilateral assertions of jurisdiction by aboriginal governments are illegal.

RCAP CHALLENGES LEGAL ORTHODOXY

In an important paper in August entitled *Partners in Confederation*, the Royal Commission on Aboriginal Peoples (RCAP) has persuasively challenged the orthodox view. They conclude that a third order of aboriginal government already exists

under the Canadian constitution. In their view, aboriginal governments have the same range of powers in their communities as the federal government has under section 91(24) of the *Constitution Act, 1867*. The precise scope of their jurisdiction ought to be determined by negotiations. The RCAP suggests, aboriginal communities have the right to unilaterally assert jurisdiction, at least with respect to matters of vital concern to the life and welfare of their communities.

The RCAP believes that the aboriginal right of self-government is inherent in origin, flowing out of the practices and history of particular aboriginal communities. The right of aboriginal peoples to govern themselves as component units of Confederation was incorporated in the common law doctrine of aboriginal rights, which includes all customs or practices integral to distinctive aboriginal cultures. Since 1982, common law aboriginal rights have had constitutional status by virtue of section 35, which recognizes and affirms "existing aboriginal rights."

EXISTING OR EXTINGUISHED?

The critical question is thus whether an aboriginal right of self-government is "existing" for the purposes of section 35. According to the Supreme Court of Canada decision in *Sparrow*, "existing" aboriginal rights are those that were not fully extinguished by a clear and plain Crown intention prior to 1982. The aboriginal right of self-government has never been explicitly extinguished. Was it necessarily extinguished by colonial or post-Confederation events?

The RCAP paper argues that although aboriginal political systems were severely distorted and circumscribed by pre- and post-Confederation developments, their authority was not entirely curtailed. The *Constitution Act, 1867* may have exhaustively distributed legislative power between

federal and provincial governments, but it did not remove the overlapping power of aboriginal communities to deal with matters affecting aboriginal peoples. Similarly, federal Indian legislation did not deprive Indian peoples of all governmental authority. Therefore, the right of self-government qualifies as an "existing" right under section 35.

THE BCCA DECISION IN DELGAMUUKW

The British Columbia Court of Appeal reached the opposite conclusion in its decision in *Delgamuukw v. B.C.*, released in June. The court unanimously overturned McEachern C.J.'s holding at trial that aboriginal title to land had been extinguished by a series of pre-Confederation

"Both future negotiations and court decisions ought to be informed by the persuasive grounds presented by the RCAP for concluding that the right of self-government is constitutionally guaranteed as an existing aboriginal right."

proclamations and ordinances designed to facilitate settlement and the establishment of British authority in the colony. The court found that the assertion of Crown title to all lands in the colony could co-exist with aboriginal title to land, and thus, there had been no clear and plain extinguishment of the aboriginal interest.

However, a 3 to 2 majority of the BCCA gave short shrift to the claim that the Gitskan and Wet'suwet'en peoples of central British Columbia have an existing right of self-government. The majority judges expressed the opinion that any right of aboriginal self-government was extinguished by the assertion of British sovereignty over the colony, or, alternatively, by the introduction of

the exhaustive distribution of powers in the *Constitution Act, 1867* to British Columbia when the colony joined Confederation in 1871.

The BCCA's view that the constitution guarantees no space for the continued exercise of aboriginal jurisdiction is not unfamiliar. But it is a view that rests on a shaky and rarely explored intellectual foundation. Divining a clear and plain intention by implication from events is an inherently risky enterprise. The majority judges did not explain why the continued exercise of aboriginal self-government was necessarily inconsistent with the assertion of British or Canadian sovereignty. If underlying Crown title and aboriginal title can co-exist on the same land, why reject co-existing Canadian and aboriginal jurisdiction? While the BCCA clearly rejected McEachern C.J.'s casual approach to extinguishment of title to land, the same flaws are replicated in its approach to jurisdiction.

CONCLUSION

In an August meeting, the provincial premiers all agreed to put pressure on the federal government to pursue negotiations on implementing the right of aboriginal self-government. The federal political parties should be pressed to clarify their positions in the current election campaign. The Supreme Court will likely have an opportunity to hear an appeal of the *Delgamuukw* decision in the years ahead. Both future negotiations and court decisions ought to be informed by the persuasive grounds presented by the RCAP for concluding that the right of self-government is constitutionally guaranteed as an existing aboriginal right.

Bruce Ryder is an Associate Professor at Osgoode Hall Law School, York University. Legal Report is a regular feature of Canada Watch.



CW UPDATE

THE MONTH IN REVIEW

by Jonathan Batty

FEDERAL ELECTION CALLED

Ending weeks of speculation, Prime Minister **Kim Campbell** visited the governor general on September 8 to request that Parliament be dissolved and that a general election be held on October 25. Current major party standings in the 295-seat Parliament before the writ was issued were: Progressive Conservatives 153, Liberals 79, New Democrats 43, Bloc québécois 8, Reform Party 1, and one independent.

LEADERS DEBATE FINALIZED

On September 4, the major political parties and television networks settled on a format for the leadership debates. Two debates will be held in the week of October 4, one in English and one in French, between the leaders of the Progressive Conservatives, Liberals, New Democrats, Reform party, and the Bloc québécois. In the French debate, **Preston Manning**, who is not bilingual, will participate in a limited way through the use of a translator. The fledgling National Party, led by **Mel Hurtig**, announced that it will bring a legal challenge to its exclusion from the debates.

NATIONAL DEFENCE HELICOPTER PURCHASE TRIMMED

On September 2, Prime Minister **Kim Campbell** retreated from her decision, as minister of defence, to purchase 50 EH-101 helicopters. 43 will now be purchased, reducing the

original cost of \$5.8 billion by \$ 1 billion.

ONTARIO RETALIATES AGAINST QUEBEC'S EMPLOYMENT PRACTICES

Ontario's minister of economic development and trade, **Frances Lankin**, announced on September 1 that her province would consider raising barriers to prevent Quebec tradespeople from being employed in Ontario. Lankin's announcement declared that Ontario's restrictions would be similar to the ones erected by Quebec against Ontario workers. In the last week of August, New Brunswick and Quebec negotiated an agreement on procurement policy and reached a compromise on the employment of construction workers.

SOCIAL CONTRACT ARBITRATOR OVERRULES SHUTDOWN

On September 1, arbitrator **Owen Shine** ruled that the Ontario government could not require its employees to take unpaid leave days, without first exploring other cost reduction measures, as agreed to under Ontario's social contract legislation that took effect August 2. The ruling, the result of a challenge instituted by the **Ontario Public Service Employees Union**, effectively prevented the government from closing its operations on September 3. The Ontario government's aim is to realize \$195.6 million in savings by March 31, 1994. It is estimated that a shut down of government operations saves \$12 million a day.

FISHERIES CLOSURE

The federal fisheries minister, **Ross Reid**, announced a further moratorium on the cod fishery to take effect August 31. An additional 12,000 fishery workers will be affected, bringing lay offs in the entire industry over the last three years to 40,000.

INQUIRY REPORT ON CANADIAN AIRBORNE REGIMENT RELEASED

The chief of the defence staff, Admiral **John Anderson**, released the report of a special board of inquiry into the **Canadian Airborne Regiment** on August 31, nearly six weeks after it was completed. The report noted there were serious disciplinary problems prior to the unit's deployment to Somalia, but could not definitively link the deaths of Somalis to these failings. Further investigations will be made following the outcome of criminal proceedings against several of the regiment's soldiers.

CRTC DENIES BELL INCREASE

On August 30, the **Canadian Radio-Television Telecommunications Commission** rejected an application from **Bell Canada** to raise telephone rates by an estimated 10 percent and expand local calling areas in Ontario and Quebec. The CRTC rejected the application, which would have raised Bell Canada's revenue by \$835 million for the next two years, because the commission felt the company had underestimated its revenues and overestimated its projected expenses for 1994.

COURT CHALLENGES REVIVED

Prime Minister **Kim Campbell** announced in the last week of August that the federal government would once again fund legal challenges under the *Charter of Rights and Freedoms*. Last year's budget cancelled the court challenges program. The announcement stated that the program would be revived as the Charter Law Development Program. Before its cancellation in 1992, the federal government in 1990 had earmarked \$9 million over a five-year period for the program.

ANNUAL PREMIERS CONFERENCE

Canada's 10 premiers and 2 territorial leaders met for the annual premiers conference in Baddeck, Nova Scotia on August 26 and 27. Premier **Robert Bourassa** of Quebec attended the conference for the first time since 1990. The premiers called for a federal-provincial first ministers meeting on the economy, and also agreed to encourage the federal government to negotiate self-government agreements with aboriginal peoples.

CANADIAN BAR ASSOCIATION TASK FORCE REPORT

A task force, chaired by former Supreme Court Justice **Bertha Wilson**, reported on August 22, on gender barriers within the legal profession. Examining the bar from the start of legal training to the pinnacle of life on the bench, the report makes over 200 recommendations to remove constructive and systemic biases against women in the system.

ROYAL COMMISSION REPORT

On August 17, the **Royal Commission on Aboriginal Peoples** released its report, *Partners in Confederation*. The report found that a native right to self-government has never been extinguished. This is significant because, if true, recognition of the inherent right to self-government would not have to be explicitly acknowledged by constitutional amendment.

NAFTA UPDATE

"Side deal" agreements were reached regarding the **North American Free Trade Agreement** on August 12. The Canadian government won the concession that in the event of trade disputes, tariffs would not be raised against Canadian exports, but Ottawa would pay fines instead. With the conclusion of these agreements, the package can now proceed for consideration in the U.S. Congress in the Fall, and for fast track ratification by January 1994.

MANITOBA BY-ELECTIONS

Premier **Gary Filmon** called by-elections for September 21 in five vacant seats in the Manitoba legislature. At present the Progressive Conservative government has 29 seats (including that of the speaker) in the 57-seat house. There are 18 New Democrats and 5 Liberals. Without a victory in any of the races, government representation will be on par with that of the opposition.

Jonathan Batty, B.A., M.P.A., LL.B. CW Update is a regular feature of Canada Watch.

*"Choosing,"
continued from page 25.*

Liberals, stronger in Ontario and in many Quebec ridings, can best use this second strategy.

Obviously, the game is a complex one. With shallow partisan roots and unprecedented choices, many arguments or events can sway voters. Apparently, the leadership of the Quebec Liberal party is already sending messages telling Liberals to support the strongest federalist candidate in their riding. For the Bloc québécois, the worst scenario would be to see this "Holy Alliance" work with the help of a perceived country-wide sweep in favour of one party (most likely Liberals). The best scenario for the Bloc would be a repetition of last fall's referendum when dissatisfied federalists joined sovereigntists in the No camp. More probable, in my opinion, is an intermediate scenario whereby the Bloc québécois would win strong representation in Ottawa, roughly in line with its current standing in the polls.

As the 1993 campaign starts, it is important to keep in mind that the electorate is not unstructured. Cleavages exist that lend some predictability to the election. At the same time, these structures and cleavages are fluid and can be transformed. This fall, in a particularly complex and volatile context, the parties' arguments and strategies are likely to play a decisive role.

Alain Noël is Assistant Professor, Département de science politique, Université de Montréal. Quebec Report is a regular feature of Canada Watch.

*"Electoral Agenda,"
continued from page 18.*

debate over precisely how unemployment might be reduced, they too may become much more caught up with defining and defending policies than they had originally intended — and fending off criticisms that they would repeat the economic errors of the Trudeau regime with which Chrétien is so intimately associated.

In short, as the campaign gets into full swing it may acquire a dynamic of its own, in the process becoming much more interesting than either of the old-line parties would have wanted.

Kenneth McRoberts is Director of the Robarts Centre for Canadian Studies and Professor of Political Science at York University.

SUPREME COURT WATCH

A digest of recent significant decisions of the Supreme Court of Canada

by Jonathan Batty

Ramsden v. Peterborough (City) [1993] September 2

Ramsden was fined \$125 in 1988 for violating a municipal bylaw in Peterborough that banned postering on trees, poles, and public property. Ramsden's lawyer argued that the bylaw infringed the freedom of expression guaranteed by section 2(b) of the Charter, and was not a justified limit in a free and democratic society. The Supreme Court unanimously agreed that preventing the musician from posting advertisements for his band was a violation of his constitutional rights. The judgment was critical of the total ban on postering, but conceded that some governmental restrictions on the freedom of expression could be justified.

Haig v. Canada (Chief Electoral Officer) [1993] September 2

In the six months prior to the 1992 constitutional referendum, Haig moved from Ontario to Quebec. As a result, he did not meet the residence requirements contained in the federal *Referendum Act* or its Quebec counterpart. Haig sought a declaration in the Federal Court that he was eligible to vote, or in the alternative, that the legislation violated his Charter rights. Specifically, he argued his rights under sections 2(b), 3, and 15(1) were violated. The appeal was dismissed. The majority held that the Act was constitutional, with Chief Justice Lamer and Justice Iacobucci dissenting.

*"Minority Government,"
continued from page 23.*

reduced. As for Jean Chrétien, he could presumably be persuaded to come to some kind of accommodation with the New Democrats if it meant moving into the corner office at the Langevin Block.

Of course, a Liberal-NDP alliance would only be viable if the NDP were to win enough seats to give it the

September 1993

PARLIAMENTARY UPDATE

The House of Commons recessed on June 16th until September 20. On September 8th, Parliament was dissolved and an election called for October 25, 1993.

CANADA WATCH CALENDAR

- Aug. 12 "Side deals" reached with the United States and Mexico on NAFTA.
- Aug. 26, 27 Annual Premiers Conference.
- Sept. 93 to Jan. 94 Fast tracking of NAFTA through U.S. Congress.
- Sept. 8 Parliament dissolved, federal general election called by Prime Minister Campbell.
- Sept. 21 Manitoba by-elections.
- Oct. 4 to 8 Leadership debates in French and English.
- Oct. 25 General election.

Canada Watch welcomes submissions on issues of current national interest. Submissions should be a maximum of 1,000 words. The deadline for consideration in our next issue is Monday, October 4, 1993. Write or fax us at:

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balance of power. It is still too early to tell whether the NDP under Audrey McLaughlin will be able to achieve that objective.

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