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ABSTRACT
                  This report explores questions about roles for citizens and
governments in a good society by examining six Canadian experiences with
civic engagement. Each case study involves different sectors of society, key
players, goals, processes, and outcomes; touches on long-standing policy
issues in Canada; and details how players have come together or failed to
engage one another and work toward finding creative solutions to often
overwhelming and complex policy situations. Many experiences highlight
obstacles to a trusting relationship between government and citizens, while
pointing to steps that citizens and governments can take to recreate their
relationship and allow for meaningful, mutual engagement. None of the case
studies provide a neatly packaged outcome. They involve these three kinds of
situations: government-initiated engagement (immigration review, National
Forum on Health); citizen-initiated engagement (Sydney Tar Ponds, Nunavut);
and citizens in the global arena (Multilateral Agreement on Investment,
regulating financial services). Following each case study, questions
regarding effective engagement are explored. Action is recommended in these
four areas that will contribute to building a culture characterized by
mutual, respectful engagement and to creating just, prosperous, and caring
societies: building capacity, setting the ground rules, reporting and
evaluating results, and making it easier for citizens to engage governments.
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LEARNING TO ENGAGE:
Experiences with Civic Engagement in Canada

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FOREWORD

Between 1997 and 1999, The Commonwealth Foundation conducted a major international research effort, *Civil Society in the New Millennium*, focused on the voices of citizens throughout the Commonwealth. This was one of the largest global projects focused on citizens ever undertaken. The project aimed to identify ways to strengthen, promote, encourage and catalyse the wide variety of initiatives taken by citizens to address issues and problems in their everyday lives. It analysed factors that encourage citizens to take actions on their concerns, and those which hinder them. From this emerged insights into the nature of civil society, the relationship between civil society and the state and, especially, the relationship between individual citizens and the state.

A global synthesis of information from 47 countries and some 10,000 citizens was prepared for presentation to the 3rd Commonwealth NGO Forum in Durban, South Africa in November 1999, and immediately thereafter to the 1999 Commonwealth Heads of Government Meeting.

What is the central message that citizens' voice offer from this study? The new consensus has three key features:

- a strong state and a strong civil society
- a deepened democracy and democratic culture
- an enlarged role for citizens.

In the new consensus, citizen activism is not against the state, it is for a strong state and for deepening democratic governance:

> "Democratic governance is with citizens, not against them. Citizens are not enemies of the state; they are the rationale for it. In the new consensus, democracy is not a spectator sport. The new democracy is about the participation of citizens. It is a journey where diversity is celebrated, the public good is negotiated, and intense deliberation and dialogue are conducted. It is about being involved. It is clear that the democratic state needs to regain legitimacy in the eyes of its citizens."[1]

To move from research to action, the Commonwealth Foundation is now establishing a *Citizens and Governance Programme*. In doing so it wishes to bring the voices and needs of citizens themselves into the debates and practices of what is now generally termed 'good governance.'

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[1] Citizens and Governance: Civil Society in the New Millennium, A report prepared by the Commonwealth Foundation ,in partnership with CIVICUS, September, 1999, pp 75-76.

The research effort behind this report was undertaken by a network of National Partners – organizations willing to undertake the work – was recruited to carry out their research and report their results by May, 1999. CPRN coordinated the Canadian input, and this paper is the Canadian contribution to the program, and the research was done by Miriam Wyman, Canadian Policy Research Networks, Inc. and David Shulman, Democracy Education Network, with the invaluable assistance of Laurie Ham. The team identified six case studies which reflect Canada's rich experience with public involvement in recent years. Each case study addresses an important issue – immigration, health, environment, First Nations, international trade, money. Each is long-standing and ongoing, and not fully resolved. And each illuminates processes, issues and challenges which go to the heart of the relationship between citizens and their governments. The result is "Learning to Engage: Experiences with Civic Engagement in Canada."

I wish to thank Colin Ball of the Commonwealth Foundation for the leadership he provided for the whole project and the authors for their unique approach to this research. Readers should note that the views expressed in this report are those of the authors and should not be taken to represent the views of CPRN or its Board of Directors.

Judith Maxwell

PREFACE

Further information about the Commonwealth Foundation, the *Civil Society in the New Millennium Project* and the *Citizens and Governance Programme* is available on their website: www.commonwealthfoundation.com. They in turn would welcome your comments. Please direct them to Miriam Wyman miriam.wyman@utoronto.ca

OVERVIEW

> Over the last decade it has become clear that there is a growing risk of "disconnection" between government and citizens. Research tells us that citizens are increasingly concerned that their democratic institutions are out of sync with their values and interests. Moreover, citizens strongly believe that there is a growing gap between their actual and desired level of influence in government decision making.[2] As one citizen stated, "I don't think unless you work trying to get your government to be democratic and to work with you ... that you discover the kind of pain you feel when you find out you're invisible."[3]

The new millennium is marked by reflection on the very nature of civil society, democracy and social cohesion. The Commonwealth Foundation has invited Commonwealth countries to join them in an exploration of ways to strengthen, promote and encourage the wide variety of citizen initiatives that make up civil society and that, therefore, strengthen social cohesion, democracy and citizen engagement in societal development.[4]

This report explores the Commonwealth Foundation's questions about the roles for citizens and governments in a good society by examining six Canadian experiences with civic engagement. Each case study involves different sectors of society, and different key players, goals, processes and outcomes. Each touches on long standing policy issues within Canada. The case studies detail how players have come together – or failed to – to engage one another and work toward finding creative solutions to sometimes overwhelming and complex policy situations. Many of these experiences highlight obstacles to a trusting relationship between government and citizens. At the same time, they point to steps that can be taken on the part of citizens and governments to recreate their relationship and allow for meaningful, mutual engagement. Of note, none of the case studies provide a neatly packaged outcome.

Six case studies are considered, involving three different kinds of situations:

1. **Government-initiated Engagement: The government has actively sought input for its policy-making role and, in doing so, has reached out to the public in organized and well-defined ways with specific parameters placed on dialogue and discussion. `**

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[2] Bourgon, Jocelyne. 1998. "A Voice for All: Engaging Canadians for Change." Notes for address by Clerk of the Privy Council and Secretary to the Cabinet. Institute on Governance conference, Aylmer, Quebec. October 27.

[3] Linda Ryan Nye quoted in: Watson, Patrick and Barber, Benjamin. 1988. The Struggle for Democracy. Lester & Orpen Dennys. Toronto, Ontario.

[4] Commonwealth Foundation. 1998. "Information for Focus Groups and Individual Interviewees." *Civil Society in the New Millennium Project.* London, England.

- *Immigration Review:* In 1994, public backlash against immigration policy was at an all-time high. The Minister of Citizenship and Immigration called for extensive public consultation and, in doing so, created a capacity for the public to critically and constructively analyze and engage in this complex policy debate.

- *National Forum on Health:* During the early 1990s, federal support for Canada's countrywide health care plan, Medicare, appeared to be waning. The health care system was perceived to be in crisis, and the public was deeply concerned that their treasured Medicare was being steadily eroded by deep funding cuts and an indifferent government. In 1994, the Prime Minister established the National Forum on Health to inform Canadians and to advise the federal government on innovative ways to improve the health care system and health of Canadians. The ensuing engagement process illustrated that Canadians were ready to roll up their sleeves and do constructive work.

2. **Citizen-initiated Engagement: Citizens have attempted, with varying degrees of success, to engage governments in finding solutions to longer-term and often overwhelming problems that require the co-ordination of many different levels of government. These situations demand solutions that are creative and multifaceted.**

- *Sydney Tar Ponds:* Sydney, Nova Scotia, is home to the largest toxic waste site in North America. Coined the "National Shame" by the federal Minister of the Environment in 1996, the "toxic witch's brew" is a result of almost a century of baking coke for steel-making, decades of raw sewage pumping, and landfill leachate from an unlined municipal landfill. After two disastrous and costly attempts at clean-up, expansive media coverage, community action, and commitment from all levels of government, in the early spring of 1999 there was finally movement in the direction of cleaning up the Tar Ponds.

- *Nunavut:* On April 1, 1999, after almost three decades of painfully slow negotiations, Canada's map was fundamentally changed as the Northwest Territories were divided and Nunavut, "our land" in Inuktitut, was born. Nunavut is a manifestation of the Inuit land claim, the largest land claim ever settled in Canadian history. It is the result of the Inuit's persistence, patience and pragmatism, and comes at a crucial time for aboriginal groups in Canada. Currently, many aboriginal groups are involved in their own negotiations with the federal government for, at the very least, a recognized and legitimate voice in resource decision-making and, at the most, self-government or self-rule.

3. **Citizens in the Global Arena: Citizens have struggled to find a voice and create civic space for themselves in debates that transcend national borders and involve ill-defined jurisdictions, such as international trade and domestic financial markets.**

- *Multilateral Agreement on Investment:* Over the past fifteen years, Canadians have discussed and debated the consequences of globalization as the federal government entered into two far-reaching, international trade agreements. Exhausted by defeat in their campaigns against the Free Trade Agreement and the North American Free Trade Agreement, Canadian non-governmental organizations were not sure if they could muster up the support and energy to mount another campaign against the Multilateral Agreement on Investment (MAI). Slowly, however, the issue ignited across the country as Canadians started to ask: *Why is this deal being negotiated behind closed doors? Who will benefit from this agreement? What does this agreement mean to Canadians? How can I have my voice heard?* The debate that has ensued across the country articulates some of the questions and concerns that Canadians have not only with the MAI, but also with increased trade liberalization and globalization as a whole.

- *Regulating Financial Services:* When the federal government announced a review of the regulatory framework for financial services, a number of non-governmental organizations came together to engage the federal government and financial institutions with a proactive agenda of desired changes. Subsequently, when two of Canada's five major banks announced they were merging, government had no choice but to respond to citizens clamouring to be involved in the merger debate. The mergers were proposed in an environment of increasing public dissatisfaction with lower levels of service, higher user fees, branch closures and enormous bank profits. These announcements sparked an intense, year-long discussion across the country, which highlighted the varying capacity of citizen groups to participate fully in long-term policy processes involving transnational players. However, a number of non-governmental organizations were able to use this time of intense public and governmental focus to advance constructive methods of improving financial sector accountability and create civic space for financial consumers.

Ultimately, this report begins to articulate questions, and some of the answers, surrounding the issue of trust. These questions include:

- How is capacity built within governments so that they are better able to respond to citizens?

- How is capacity built within the population for more effectively engaging governments?

This report is organized in the following way:

- Section 1 describes the Canadian federation and Canada's system of governance.

- Section 2 investigates six Canadian experiences with engagement including examples that are government-initiated and those that are citizen-initiated. Following each case study, several questions regarding effective engagement are explored. The case studies have taken place in a political context that is both unique to Canada and its federation and also shared to varying degrees with other Commonwealth countries.

- Section 3 considers an alternative model for mutual engagement that addresses many of the shortcomings of other engagement processes.

- Section 4, the final section of the report, puts forward action steps for more effective mutual engagement.

Action is recommended in four areas, as outlined in Table 1, that will contribute to building a culture characterized by mutual, respectful engagement and to the creation of just, prosperous and caring societies. They are: building capacity, setting the ground rules, reporting and evaluating results, and making it easier for citizens to engage governments.

Table 1: Actions for Effective Mutual Engagement

Building Capacity

- Governments and other organizations conducting citizen engagement processes maximize the use of teachers, students and educational technology in order to offer authentic opportunities to learn about participation, policy formulation and deliberation.

- Governments provide training grants to organizations that wish to more effectively engage in ongoing policy processes. Specific decisions concerning resource allocation should be undertaken in collaboration between citizens and governments.

- Educational institutions strive to make their training programs for the non-profit sector more accessible to community organizations by reflecting their resource and staffing constraints when programming and scheduling.

- The Public Service Commission and the Canadian Centre for Management Development assume a position of world-wide leadership in preparing Canada's federal public servants with the skills to foster effective and meaningful relationships with the public.

Setting the Ground Rules for Mutual Engagement

- Set the scope and timelines for all consultation processes in collaboration between governments and citizens.

- Make deliberative techniques, such as study circles or dialogue groups, central to all engagement processes.

- Governments establish, in collaboration with community organizations, performance guidelines and standard operating procedures for engagement processes.

Reporting and Evaluating Results

- Government build provisions for deliberative and trust-building activities into annual reporting and annual budgets so they are clearly accountable for their commitments to increased citizen engagement.

- Governments establish a function in the office of the Auditor General that conducts regular audits of citizen engagement activity and makes findings known to the public in accessible formats.

- Public broadcasters, as part of their annual reporting to government, report on the range of activities they have undertaken to promote civic participation and mutual engagement.

Making it Easier for Citizens to Engage Governments

- Elected representatives become actively involved in engagement processes as part of their constituency activities.

- Governments consider using existing activity centres, such as Canada Employment Centres, Human Resource Access Centres and public libraries, as sites where information about engagement activities and access to the Internet are made available. At these sites, citizens have access to assistance in negotiating new technologies to help them to retrieve information about government activities and contact and interact with the public service or elected representatives on-line.

- Governments facilitate the creation of independent Citizens' Associations in various sectors.

- Governments and citizens explore current models that are demonstrably engaging citizens and governments in ongoing communication.

- A national body should be created to provide tools, processes and assistance to citizens and governments as they apply the skills of effective mutual engagement.

LEARNING TO ENGAGE:

Experiences with Civic Engagement in Canada

*One measures the health of society by the quality
of functions performed by local citizens.*

– Alexis de Tocqueville

1. THE CHALLENGE AHEAD

Canada's system of government, one it shares with many Commonwealth countries, is shaped by Britain's parliamentary system known as the Westminster model. The Westminster model grew from elitism and still bears the hallmarks of non-disclosure, broad definitions of confidentiality and the fundamental lack of government trust in its citizenry. Within this parliamentary system, the relationship between "decision-makers" and "citizens" has traditionally been clearly defined. Citizens are provided limited opportunity to have input to decision-making through elections, government-initiated referenda, legislative hearings, royal commissions, constituent surveys, opinion polls, town hall meetings, focus groups, policy conferences and policy round tables. Several of these mechanisms represent new attempts on the part of government to facilitate public input and have been used with increasing frequency in recent years.[1]

During the past two decades Canadians have witnessed fundamental changes to society over a greatly abbreviated period of time; several of these changes have contributed to a serious decline of citizen trust in their governing institutions. In Canada, a significant body of literature has emerged that speaks to this eroding relationship of trust[2] and the larger "decline of deference."[3] Polling research has further articulated these trends and finds that people feel:

- the amount of actual influence that the average citizen holds in the shaping of society is far below what it should be, and

- much of the consultation that does occur between the government and its electorate is merely "window dressing," lacking in legitimacy.[4]

This decrease in trust and credibility and escalating alienation is not lost on Canadian decision-makers. Jocelyne Bourgon, former Clerk of the Privy Council and Secretary to the Cabinet, recently stated:

> Over the last decade it has become clear that there is a growing risk of "disconnection" between government and citizens. Research tells us that citizens are increasingly concerned that their democratic institutions are out of sync with their values and interests. Moreover, citizens strongly believe that there is a growing gap between their actual and desired level of influence in government decision-making.[5]

Space for Canadian Citizens

While Canadians may currently feel disengaged, they clearly want to be involved in decisions that affect their lives, their communities and their societies. Canada's experience with citizen engagement is a tradition of universal franchise, a strong belief in civic responsibility, community-based solutions, social action and, more recently, the grounding of fundamental rights and freedoms in law.[6] Recently, however, citizens have

questioned whether voting, legislative hearings, and other mechanisms allow for the full and legitimate expression of their values and concerns.

Civic space – opportunities for citizens to have their voices heard – has been and continues to be dynamic. Canada has experienced periods of significant achievement during which civic space has been greatly expanded, for example, in 1918 when women were granted the right to vote at the federal level. Canada has also experienced periods characterized by a significant narrowing of citizen space. For example, the 1990s has witnessed the movement towards the widespread amalgamation of municipalities – Canada's most local form of government – across the country. This movement, largely motivated by fiscal restraint on the part of provincial governments, has serious implications for local democracy and has been met with a groundswell of opposition.[7]

In the interim, between the early part of this century and the final years of the millennium, we have witnessed advances and setbacks in the opportunities for citizens to have meaningful input into the decisions that affect their lives. Presently, the commitment to increased intergovernmental collaboration, as expressed in the *Social Union Framework Agreement*, presents new challenges for meaningful public involvement and possible opportunities for increased civic space.

Intergovernmentalism

The Social Union Framework Agreement (SUFA), signed in February of 1999 by the federal government and all provincial and territorial governments with the exception of Québec, is "based upon a mutual respect between orders of government and a willingness to work more closely together to meet the needs of Canadians."[8] The Agreement acknowledges that citizens have an important role to play in shaping their society and commits to "work in partnership with individuals, families, communities, voluntary organizations, business and labour, and ensure appropriate opportunities for Canadians to have meaningful input into social policies and programs."[9]

Matthew Mendelsohn and John McLean, from the Institute of Intergovernmental Relations at Queen's University, suggest that increased intergovernmentalism presents challenges to meaningful public involvement, and that the two animating principles of SUFA – the commitment to citizen engagement and intergovernmental collaboration – are at odds with each other.[10] Intergovernmentalism leads to decision-making by executive bodies and is "inherently less open to public debate than legislation made through the legislative process."[11] Further, the shift of decision-making authority from elected representatives to executive entities carries with it real concerns for democratic accountability.

On the other hand, SUFA's commitment to increased inclusion in the policy process is indeed significant. Under SUFA, citizens are to be involved in three stages of the policy-making process: the initial priority-setting phase, the decision-making and choice-making phase, and the final stage of reviewing and assessing results. The challenge facing decision-makers is to hold in check the less transparent character of intergovernmental

collaboration with more inclusive policy processes. This will require new mechanisms for citizen involvement as well as creative efforts on the part of both citizens and governments.

The Concentration of Power

There is also considerable evidence that a further centralization of decision-making and policy-making is presently underway within the federal government. In his recent book, Governing from the Centre, Donald Savoie examines the concentration of power in Canadian politics.[12] Using key informant interviews and archival materials to illuminate his work, Savoie argues that the centre of government now reaches further in its influence and power than it ever has before. Organizations at the centre of government, such as the Privy Council Office and the Treasury Board Secretariat, designed to coordinate government planning processes, actually work to strengthen the role of the Prime Minister while decreasing the prominence of other departments and parliamentary institutions. The result is that departmental and parliamentary institutions that might be most in touch with citizens find themselves more and more removed from decision-making and policy-making processes.

The trends identified above create considerable tension and confusion for citizens and for those in government who are committed to hearing citizens' voices. As we reflect on the nature of civil society, democracy and social cohesion, the impacts of these trends – and others – need further investigation. The Commonwealth Foundation has invited Commonwealth countries to join them in an exploration of ways to strengthen, promote, and encourage the wide variety of citizen initiatives that make up civil society and that, therefore, strengthen social cohesion, democracy and citizen engagement in societal development.[13]

This report explores the Commonwealth Foundation's questions about the roles for citizens and governments in a good society by examining specific examples of engagement within the Canadian experience. Examples include governments reaching out to involve citizens, citizens reaching out to involve their governments, and citizens attempting to have their voices heard in areas where there is little or no space for citizen voice. Many of these experiences highlight obstacles to a trusting relationship between governments and citizens. At the same time, these experiences point to steps that can be taken on the part of citizens and governments to recreate their relationship by allowing for meaningful, *mutual* engagement. According to Sterne, "It may be that cooperation and collaboration are no longer questions of opportunity; they are essential means of conducting the nation's business effectively."[14]

Defining Engagement

For the purposes of this report, the term "citizen engagement" refers to processes where governments have taken the initiative to involve citizens in policy development and the clarification of values, principles and desired outcomes. Citizen engagement differs from more traditional forms of consultation by encouraging reflection and learning, promoting

a focus on common ground, assuming that citizens will add value, allowing new options will emerge, and taking the time necessary.[15]

These processes are, however, government-initiated and predominantly government-controlled, and do not always give adequate attention to citizen-initiated concerns. Literature tends to situate engagement processes along a continuum, largely fashioned after the influential writing of Sherry Arnstein in 1969. Arnstein offered a typology of citizen participation in the form of an eight rung ladder, each rung representing a level of citizen power. The rungs moved from manipulation and therapy, through consultation and placation to partnership, delegated power and citizen control.[16] This report proposes to extend the "continuum" of engagement to include space for citizen-initiated processes and mutual engagement. Citizen-initiated processes include those processes where citizens attempt to engage government on issues that are important to them. *Mutual engagement* goes even further by providing for ongoing deliberation and communication between citizens and governments.

Kathy O'Hara, in a comprehensive overview of current thinking on citizen engagement, outlines the key reasons why effective citizen engagement is important for the future of democracy. When considering "why" to engage citizens in their own governing institutions and mechanisms, she states:

> Some of the suggested reasons support an argument that, in fact, we are already in a transition period that is inevitably leading to new forms of citizen involvement in public affairs. The ground is shifting under governments as citizens question their [government's] competence and legitimacy... In this transformation, traditional solutions will not be sufficient. While some look to legislatures or referenda as solutions, others argue that we need to evolve from the representative democracy of legislatures and the mass democracy of referenda to new forms of "deliberative democracy."[17]

Our Approach

We have chosen to examine six very different case studies, all with national significance. Each involves different sectors of society, different key players, goals, processes and outcomes. Each case study touches on long standing policy issues within Canada, for example, health care and immigration, and Canada's current federal government figures significantly in each case study. The case studies detail how players have come together – or failed to – to engage one another and work towards finding creative solutions and directions to often overwhelming and complex policy situations. In drawing on processes that are deemed both successful and less successful, we highlight enabling as well as disabling factors to effective engagement. In reading the case studies, we challenge you to look beyond citizen engagement and think also of "government engagement," which touches on political will and the inclination of government to respond to citizen-initiated processes.

Ultimately, this report begins to articulate questions, and some of the answers, surrounding the issue of trust. These questions include:

- How is capacity built within governments so that they are better able to respond to citizens?

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- Section 3 considers an alternative model for mutual engagement that addresses many of the shortcomings of other engagement processes.

- Section 4, the final section of the report, puts forward action steps for more effective mutual engagement.

Canada's System of Government

Canada, a relatively young nation, is a constitutional monarchy, a federal state and a parliamentary democracy with two official languages (French and English) and two systems of law (civil and common). On July 1, 1867, four British colonies, Ontario, Quebec, Nova Scotia and New Brunswick, joined together under the terms of the *British North America Act* (BNA Act) to become the self-governing Dominion of Canada. Since then, Canada's borders have expanded as other colonies have joined the Dominion. Today Canada includes ten provinces and, as of April 1, 1999, three territories.

The Canadian Parliament is composed of the Queen (who is represented by the Governor General), the Senate and the House of Commons. The House of Commons is the major lawmaking body and consists of elected representatives from each electoral constituency. Candidates in these constituencies usually represent one of five established political parties, although some may run as independents. The party with the largest number of seats forms the government and its leader becomes the Prime Minister.

The Prime Minister has extensive powers and names his or her Cabinet from elected Members of Parliament within the governing party. This body is directly accountable to the House of Commons. The Government of Canada, therefore, is headed by approximately twenty-five Ministers who perform their duties through federal

departments, special boards, commissions and state-owned corporations. Examples of Ministerial portfolios include: Health, Environment, Citizenship and Immigration, Indian and Northern Affairs, Finance, Natural Resources, Transport, Industry, and Heritage.

In 1867, Canada's founders adopted a federal form of government. The federal state brings together a number of divergent political groups under a common government for common purposes, while allowing for the creation of separate local or regional governments to reflect the particular needs of each region. Thus a central, federal government – Parliament – which is seated in Ottawa, as well as a legislature in each province, governs Canadians. Municipal councils also exist to govern at the level of the community, town and city.

The BNA Act established Canada as a federal state and divided the power to make laws between the federal and provincial levels of government. The federal Parliament is responsible for national defence, inter-provincial and international trade and commerce, immigration, the banking and monetary system, criminal law and fisheries. The provinces are responsible for property and civil rights, education, the administration of justice, the hospital system, natural resources within their borders, social security, health and municipal institutions.

Although this federal system allows for Canada's geographic vastness and the diversity of its cultural communities and linguistic heritage, this apparently simple division of powers is not as straightforward as it might appear at first glance. Instead, it contains many ambiguous aspects that are often only delineated through litigation. Aeronautics, shipping, railways, telecommunications and atomic energy have all been the subject of court cases and were all found to fall under the jurisdiction of the federal government. Other areas, such as the jurisdiction surrounding the environment,[18] continue to be ill-defined. This situation has an incredible impact on the promulgation of laws and enforcement of regulations.

The main deficiency of The BNA Act is that it demonstrates little sensitivity to the developments of this century and, in particular, the growth of the power and influence of the provincial governments.[19] Throughout the 1900s, federal-provincial agreements, largely in response to provincial demands, have granted the provinces more power in the areas of social and economic policy. These demands reflect long-standing and unresolved debates between the federal and provincial governments concerning the supremacy of government, the locus of law-making power, and the centralization or decentralization of the Canadian federation.

In 1982, after long and often tense negotiations, the Canadian Constitution (as expressed in The BNA Act) was repatriated[20] and renamed The Constitution Act. The Constitution Act hoped to clarify some of the ambiguity apparent in the former BNA Act. In addition, and some would say most importantly, The Constitution Act included the "people's package," the Charter of Rights and Freedoms. For the first time in Canadian history, The Constitution Act entrenches fundamental rights and freedoms such as the freedom of conscience and religion; freedom of thought, belief, opinion and expression, including

freedom of the press and other media of communication; freedom of peaceful assembly; and freedom of association.

The Constitution was repatriated without the consent of Quebec, Canada's second most populated province. Quebec is unique within the federation: its official language is French; it is fiercely protective of its Francophone culture; and it is currently governed by a political party that advocates its political autonomy from the rest of Canada. The repatriation of the Constitution, along with subsequent attempts at constitutional amendments throughout the 1980s and early 90s,[21] did nothing to bring Quebec, in spirit, back into the federation. The following quote is telling:

> Unfortunately, the agreement on the new Constitution has not healed the wounds caused by the federal–provincial negotiations that produced the agreement. Quebec is in isolation. There is a feeling in some other provincial camps that somehow the federal government got what it wanted, the provinces got almost nothing. There is a feeling in Ottawa that the provinces can never be satisfied so why go on trying. The spirit of cooperative federalism is hardly alive and well in Canada.[22]

Learning to Engage

In the almost twenty years that have elapsed since the *Constitution Act*, the federal government has pursued greater decentralization and – more lately – intergovernmentalism, culminating in the signing of the *Social Union Framework Agreement* on February 4, 1999. SUFA articulates the disparate objectives of greater intergovernmental collaboration and broader inclusion in decision-making. This agreement, along with the many changes that have occurred over the last two decades, has serious implications for the formation of policy and delivery of social programs in Canada as well as for how citizens navigate government to provide input to policy decisions.

Learning to engage is messy. It requires fundamentally new relationships between citizens and governments. It requires learning from past patterns of interaction and reshaping our institutions to reflect these learnings. Mutual engagement requires different ways of doing things. A commitment to meaningful *mutual* engagement has implications for all of us as we move into the new millennium.

The following case studies describe a number of experiences that Canada's government and citizens have had with civic engagement. Each situation is of national significance and focuses primarily on the federal government in its policy-making role, though necessarily invoking the work of provincial governments as well. These case studies represent some of the most crucial, ongoing policy processes in Canada.

Six case studies are considered, involving three different kinds of situations:

1. **Government-initiated Engagement: The government has actively sought input for its policy-making role and, in doing so, has reached out to the public in organized and well-defined ways with specific parameters placed on dialogue and discussion.**

- *Immigration Review:* In 1994, public backlash against immigration policy was at an all-time high. The Minister of Citizenship and Immigration called for extensive public consultation and, in doing so, created a capacity for the public to critically and constructively analyze and engage in this complex policy debate.

- *National Forum on Health:* During the early 1990s, federal support for Canada's countrywide health care plan, Medicare, appeared to be waning. The health care system was perceived to be in crisis, and the public was deeply concerned that their treasured Medicare was being steadily eroded by deep funding cuts and an indifferent government. In 1994, the Prime Minister established the National Forum on Health to inform Canadians and to advise the federal government on innovative ways to improve the health care system and health of Canadians. The ensuing engagement process illustrated that Canadians were ready to roll up their sleeves and do constructive work.

2. **Citizen-initiated Engagement: Citizens have attempted, with varying degrees of success, to engage governments in finding solutions to longer-term and often overwhelming problems that require the co-ordination of many different levels of government. These situations demand solutions that are creative and multifaceted.**

- *Sydney Tar Ponds:* Sydney, Nova Scotia, is home to the largest toxic waste site in North America. Coined the "National Shame" by the federal Minister of the Environment in 1996, the "toxic witch's brew" is a result of almost a century of baking coke for steel-making, decades of raw sewage pumping, and landfill leachate from an unlined municipal landfill. After two disastrous and costly attempts at clean-up, expansive media coverage, community action, and commitment from all levels of government, in the early spring of 1999 there was finally movement in the direction of cleaning up the Tar Ponds.

- *Nunavut:* On April 1, 1999, after almost three decades of painfully slow negotiations, Canada's map was fundamentally changed as the Northwest Territories were divided and Nunavut, "our land" in Inuktitut, was born. Nunavut is a manifestation of the Inuit land claim, the largest land claim ever settled in Canadian history. It is the result of the Inuit's persistence, patience and pragmatism, and comes at a crucial time for aboriginal groups in Canada. Currently, many aboriginal groups are involved in their own negotiations with the federal government for, at the very least, a recognized and legitimate voice in resource decision-making and, at the most, self-government or self-rule.

3. **Citizens in the Global Arena: Citizens have struggled to find a voice and create civic space for themselves in debates that transcend national borders and involve ill-defined jurisdictions, such as international trade and domestic financial markets.**

- *Multilateral Agreement on Investment:* Over the past fifteen years, Canadians have discussed and debated the consequences of globalization as the federal government entered into two far-reaching, international trade agreements. Exhausted by defeat in their campaigns against the Free Trade Agreement and the North American Free Trade Agreement, Canadian non-governmental organizations were not sure if they could muster up the support and energy to mount another campaign against the Multilateral Agreement on Investment (MAI). Slowly, however, the issue ignited across the country as Canadians started to ask: *Why is this deal being negotiated behind closed doors? Who will benefit from this agreement? What does this agreement mean to Canadians? How can I have my voice heard?* The debate that has ensued across the country articulates some of the questions and concerns that Canadians have not only with the MAI, but also with increased trade liberalization and globalization as a whole.

- *Regulating Financial Services:* When the federal government announced a review of the regulatory framework for financial services, a number of non-governmental organizations came together to engage the federal government and financial institutions with a proactive agenda of desired changes. Subsequently, when two of Canada's five major banks announced they were merging, government had no choice but to respond to citizens clamouring to be involved in the merger debate. The mergers were proposed in an environment of increasing public dissatisfaction with lower levels of service, higher user fees, branch closures and enormous bank profits. These announcements sparked an intense, year-long discussion across the country, which highlighted the varying capacity of citizen groups to participate fully in long-term policy processes involving transnational players. However, a number of non-governmental organizations were able to use this time of intense public and governmental focus to advance constructive methods of improving financial sector accountability and create civic space for financial consumers.

2.1 Government Reaching Out to Engage

For the most part, government has been the control centre with respect to citizen engagement. When governments reach out to citizens, we can assume a level of political will and commitment. They have decided what issues to take forward, how much information to ask for, and how far to allow citizens to influence decisions. In recent years, as citizens have become more vocal in their concerns over government policies, governments have begun to recognize that a one-way flow of information is not always adequate. Citizens' expectations and demands are changing, and governments are struggling to respond. The consultative processes surrounding the Immigration Review and the National Forum on Health represent both traditional and changing forms of citizen engagement.

The following questions are useful in an initial understanding of these case studies:

- During policy development, how does the government decide when it is time to reach out and involve citizens?
- Who is engaging whom, and on what terms?
- How is the design of the engagement process established?
- What decisions are made before the public is involved?
- What decisions are open for discussion?
- How is input from citizens used?

Building a Strategic Framework for Immigration

Origins

> The quality that really defines the United States, Canada and Australia as nations of immigrants is that they are the only countries to have realized their national potential by mass immigration.[23]

Canada has always been a nation fundamentally shaped by immigrants. The United States, Canada and Australia, excepting their indigenous populations, consist wholly of immigrants or descendants of immigrants. Canada, in particular, has pursued a deliberate and ambitious national policy of immigration since the early 1900s. Without this policy, Canada might have been "smaller, poorer, less powerful, much more parochial, less optimistic and less expansive."[24] During the early decades of this century, immigrants were predominantly white and from European countries – so-called "traditional" source countries – including Ireland, Scotland, and the Ukraine, among others. These communities were integral in the settling of the west and the growth of Canada's strong agricultural economy.

Canada first formally opened its borders to all of Europe in 1962 and to the entire world later that decade. This policy decision was subsequently entrenched in the revised *Immigration Act of 1967*. Richard Gwyn, Canadian journalist and author, states, "for a nation that once worried about its 'absorptive capacity' and that will always worry forever about the fragility of its identity, this policy has been marvellously daring and imaginative."[25] Between the end of the Second World War and the mid-1990s, approximately eight million immigrants had settled in Canada. Approximately 750 000 of these people were refugees who came in four major waves from Hungary, Czechoslovakia, East Africa and Vietnam.

The demographics of immigration have changed significantly and rapidly over the past few decades. The flow of migration to Canada has changed its axis; what was once an east-west phenomenon is now predominantly south-north. In the latter part of the twentieth century, the majority of people coming to Canada have largely been from "non-traditional" source countries that include Pakistan, India and Somalia. Further, immigration is now largely perceived as an urban issue, rather than one affecting rural, agricultural communities. A large majority of immigrants to Canada settle in the diverse, multilingual and multiracial cities of Toronto, Montreal and Vancouver. According to the 1991 census, the non-white population of Toronto (38 percent) and Vancouver (30 percent) was proportionately higher than or similar to major American cities such as Los Angeles (33 percent), New York (26 percent) and San Francisco (21 percent).[26]

Canada's immigration targets were initially tied to the economic health of the nation, causing it to move in cycles tied to economic growth. During the 1970s and early 80s, the Liberal government under then Prime Minister Pierre Trudeau reduced the levels of immigration during periods of economic downturn while increasing it during boom times. However, in 1989, immigration intake was fixed by the Conservative government at 250 000 for the next five years. This represented a large increase from previous years, and more important, de-linked immigration targets from the state of the domestic economy. Therefore, in the early 1990s, during a period characterized by the highest unemployment rate in Canada since the depression in the 1930s, there were more immigrants than ever entering the country, resulting in a perceived increase in competition for jobs.[27]

> The rush continued unabated into 1993, with few expressions of political concern. The Conservatives, Liberals and New Democrats all subscribe to the prevailing liberal orthodoxy that the explosion of newcomers enriches Canada's social fabric, enhances its economy, and provides necessary augmentation to a native populace that no longer produces enough offspring to assure the country's long-term survival. Challenges to this orthodoxy are routinely dismissed as covert or overt racism.[28]

The fiscal mindset of the government also demanded concurrent cuts in the transfer payments, social funding and programs that helped to integrate immigrants and mitigate problems "on the ground." By the early 1990s, immigration had been stretched in opposite ways – more immigrants and fewer resources – for approximately ten years. Cracks were starting to show.

The media fuelled the fire. *The Sun* media chain ran daily exposés of refugee and immigration scams and scandals leaked by disgruntled departmental officials. Several members of the Canadian Alliance (then called the Reform Party) were continually in the media railing against the "inefficiencies" of the Immigration and Refugee Board.

Public attention was further captured by a number of high profile cases linking refugees and immigrants with crime. These crimes "highlighted the chaotic consequences of federal policies, against which a public opinion backlash is already underway."[29] In what was seen as a token gesture, the Minister of Citizenship and Immigration, Sergio Marchi, responded by increasing his department's enforcement capacity.

Not only were tensions on the rise, there was no forum available for public discussion.

Initiating Public Dialogue

Canada's immigration policy is intimately linked to Canada's vision of itself as a multicultural "mosaic."[30] As Bissoondath wrote in 1994, "few silences are as loaded in this country as the one encasing the cult that has grown up around our policy of multiculturalism."[31] This silence suppressed legitimate public debate throughout the 1980s and early 1990s, at the very time that disgruntlement and unease with immigration were increasing throughout the country. To raise a concern about immigration or multiculturalism was to be branded a "racist," a label that silences debate like no other in Canada.

In the early 1990s, at the height of public unease, the seeds of discussion were initiated. *The Toronto Star* – Toronto's largest daily newspaper – launched a series of articles by David Stoffman, which represented the first serious intellectual criticism of Canada's immigration policy and program. Other authors and commentators began to analyze and write about this once-taboo subject. Initially they were attacked as mean-spirited and racist, but "the questions themselves had been released into the political ether. As soon as they'd been asked, it became clear that answers were very difficult to muster up."[32]

At this point, opinion polls indicated that the government was sitting on a powder keg. Public tolerance for the system administering immigration policy was at an all-time low. Several of the polls were quite unsettling, citing the potential for race wars and a widespread public backlash against immigrants. Further, polls suggested that there were broad public misconceptions surrounding immigration, for example definitions of who was an immigrant and who was a refugee, terms that have specific legal status. While several of these polls were never made public, they forced the government to recognize that there was no choice but to initiate a broader consultative and educational process with Canadians.

The Process of Consultation

In February of 1994, Sergio Marchi, the Minister of Citizenship and Immigration, launched a broad public consultation on immigration. For some, the consultations were seen as "merely window-dressing for a pre-ordained, pro-immigration 'strategic' framework"[33] and a way to "validate a political decision already taken."[34] For others, it represented their first opportunity to talk to decision-makers about immigration and to engage in public dialogue on this issue.

The consultations were guided by two fundamental principles.[35] First, the process would engage Canadians in an informed and constructive discussion on immigration issues. This meant providing access to timely, meaningful and accessible information for all those who wished to participate. Second, the process would be far-reaching in its efforts to engage Canadians. Traditional stakeholders on immigration would be involved and so would people who had not had the opportunity to participate in immigration consultations in the past. Specific mechanisms were required to ensure the inclusion of this latter group.

The overall consultative process was structured in such a way that it not only reached a variety of Canadians through a variety of channels, it also reached deeply within the federal and provincial governments and involved government employees in the dialogue process. This was an important attempt to address the staff feeling that they had little or no influence on priorities.[36] More than 10 000 people in Canada took part in this consultation. What ensued was "a national debate on the objectives of immigration, the domestic and international challenges facing Canada, and the role that citizenship and immigration should play in [Canada's] future."[37]

The overall consultative process involved:[38]

- *Defining the Issues and Identifying Approach*: In March of 1994, the consultations were officially launched with a meeting to frame the key issues that would form the basis for the public consultations. Marchi, senior departmental officials and thirty individuals from across Canada and abroad, representing business, unions, education, social, health, and public safety agencies, among others, attended the meeting. The resulting list of issues and the design of the consultative process were intended to both inform Canadians and stimulate broad public debate.[39] The aim of the consultations was the development of a ten-year strategic framework for immigration policy.

- *Convening Working Groups*: Working groups were convened and charged with the task of examining the ten issues previously identified. Each working group included ten to twenty participants, including members from the federal, provincial, and municipal governments, community planners, non-governmental organizations, programmers and service representatives. The working groups met on two or three separate occasions over the next six weeks and planned to submit their final reports to

the Minister by late June. This timing was chosen to allow the reports to add substantively to the dialogue process.

- *Federal-Provincial Bilateral Consultation Meetings*: In May, federal officials held a series of meetings with their provincial counterparts in order to explore priorities for co-operation and opportunities for partnerships. In late July, as follow-up to these meetings, the first federal/provincial/territorial meeting of Deputy Ministers holding immigration portfolios was organized.

- *Public Consultations*: The public consultation was structured to provide as many opportunities as possible for Canadians to participate in the process and to ensure that anyone who wished to participate could do so. Consultations involved preparation and distribution of Consultation Kits, a series of public meetings or "town halls," study circles, and a number of other exchanges between government and stakeholders.

    The Consultation Kit was developed at the beginning of the consultation exercise to stimulate discussion and encourage broad participation. The Kit included:
    1. a Discussion Document, which provided basic information on Canada's immigration program, introduced the ten issues identified at the initial planning meeting, and posed questions to catalyze discussion;
    2. an Organizer's Guide, which offered some basic information and suggestions for hosting a consultation meeting;
    3. a Tabloid, which presented a condensed version of the Discussion Document; and
    4. a reporting form to allow participants to get their feedback to the federal department.

    Approximately 13 000 kits were distributed across Canada to school boards, elected officials, federations, individuals and any group or person who expressed interest in participating. Tabloids were also provided to Members of Parliament for distribution to their constituents.

    The Department received approximately three hundred written submissions representing the views and recommendations of over 8000 Canadians. This input was summarized in a document titled *What We Heard.*

    "Town hall" public meetings were held across the country in seven of Canada's largest urban centres: Halifax, Montreal, Toronto, Hamilton, Winnipeg, Edmonton and Vancouver. The meetings were co-hosted by local, community-based non-governmental organizations selected on the basis of their credibility and neutrality with respect to the issue. These meetings provided the public with direct access to decision-makers. Marchi attended four of these meetings, while his Parliamentary Secretary attended the remaining three on his behalf.

The organizers of the Vancouver meeting held two briefing sessions in advance of the meeting to ensure that participants had the information they needed to engage in an informed discussion on the issue. Regional departmental staff was available at these meetings to answer any questions.

Overall, more than 1600 Canadians participated in public meetings. The recommendations that grew from these meetings were made available to the National Conference in September (discussed below).

Study circles were one of the most important phases of the overall consultation. Study circles "bring together small groups of people to learn about, discuss, deliberate and develop options and preferences concerning a policy issue or set of issues."[40] They require participants to think through trade-offs and choices and work toward finding common ground. Study circles provide for public dialogue, rather than a platform, an important distinction in such emotionally charged areas as immigration.

Throughout the months of June and July, fifty-eight study circles were held in six urban centres across Canada. The study circles were organized by Democracy Education Network, a non-profit, non-governmental organization. Each circle was organized by an individual with experience in adult learning, continuing education or community consultation processes and facilitated by someone skilled in moderating group discussions and dealing with controversial subject material. They brought together people of various ethnic, religious, and socioeconomic backgrounds.

In Vancouver, "outreach circles" were developed to take a more targeted approach.[41] This involved ensuring that visible minorities, the elderly, low-income earners, First Nations people, refugees and the disabled were included. A "youth track" program had Directors of Education participate in classroom discussions in selected cities throughout the fall of 1994. Though this information was not used for the purposes of the Immigration Review, it was of significant educational value.

More than 1100 people participated in study circles. Though skeptical at first, people chose to participate because they believed the circles offered an opportunity to speak to the government and be heard.[42]

The final component of the public consultation exercise was the Department's attempt to meet with other stakeholders involved in immigration issues. This included meeting with such organizations such as the Canadian Ethnocultural Council, the Canadian Council for Refugees, the Canadian Association of School Boards, and the Canadian Association of Chiefs of Police. The Minister also met with the immigration section of the Canadian Bar Association in Toronto and Vancouver. Some of these groups expressed surprise at having the opportunity to participate at all.

Additional public outreach took place through the Minister's participation on local radio phone-in shows and meetings with editorial boards of several newspapers.

- *Consultations with Citizenship and Immigration Staff*: Another unique aspect to the present consultation was the effort to talk with front-line workers such as immigration officials at airports across the country and immigration officers overseas. Marchi felt that those who delivered the program might hold special insight into its operation, potential difficulties and opportunities for success.

- *National Conference*: A national conference marked the culmination of the consultation process. The conference brought together two hundred people from a variety of backgrounds and regions of the countries, with the common goal of advancing the discussion on the future of Canada's immigration policy. Delegates were asked to provide the Minister with concrete recommendations on future directions for immigration policies and programs. In advance of the conference, delegates were provided with a preliminary summary and analysis of the substantive findings of the consultations to date, reports of the public meetings, staff consultations and a summary report of the study circles. Timely access to this information was key to ensuring that the voices of the Canadians who took part in this process made their way into the final recommendations forwarded to the Minister.

Outcomes

The Beginnings of Public Dialogue: The consultation embodied a fundamental characteristic of all effective engagement processes: it engaged organizations and individuals in an iterative and educational process that left many participants with a greater capacity to analyze policy issues and make more informed decisions than on entering the process. It also paved the way for legitimate debate surrounding immigration policy.

> The protective umbrella under which immigration policy has functioned for the past three decades – essentially, the conviction that immigration is beneficial and that to criticize any aspect of it is to be racist – is now full of holes. Immigration has become just another governmental policy deserving of praise or criticism no different from all other governmental policies from trade to regional development.[43]

Deliberation Reaches More Deeply: Analysis of the study circle process demonstrated that opportunities for deliberation allow informed public judgement rather than "top of mind" opinions. The public demonstrated their ability to understand options and trade-offs in study circles. The study circles revealed that participants were more concerned about the Department's administrative capabilities and accountability than they were about immigration and the economy.

In several cases, the public actually defined the scope of the issue more broadly than the consultation had initially anticipated or allowed for. A number of submissions highlighted the need for Canada to develop a proactive population policy to provide a context for immigration decisions. An organization in Vancouver wrote:

Immigration policy should be integrated into a population policy based on our economic and environmental potential. Full cost accounting should be used to determine the social and environmental costs of immigration in Canada.[44]

Impact on Policy: Following the consultations, immigration policy was changed. Some changes reflected what government had heard from the public during their consultations, while other changes were ultimately political. The consultations did, however, allow the government to assess which changes would be accepted by the public and which changes would not.

For example, when Paul Martin, Minister of Finance, was attempting to realize a 20 percent cut in program spending across all federal departments, Marchi had a good sense of what had to be protected and what was dispensable. Enforcement was sacred and could not be cut, and settlement services such as language, health and housing programs aimed at helping immigrants integrate needed to stay. After much political debate within the Liberal Caucus, it was decided that Marchi would impose a landing fee for every immigrant coming into the country.[45] As the study circles had revealed, Canadians supported the idea of migrants defraying more of their settlement costs through a Right of Landing Fee (ROLF) that was widely unpopular with many immigration-advocacy organizations as well as with several Liberal Members of Parliament.[46] Marchi himself stated "I am a Liberal and these are not Liberal ideas," though he seemed to be left without a choice.[47]

Immigration Policy: Where are we now?

The immigration consultation and subsequent policy changes described above were hardly the end for immigration policy review in the 1990s. In 1996, the new Liberal Minister of Citizenship and Immigration, Lucienne Robillard, announced the appointment of an advisory group to conduct an independent review of Canada's *Immigration Act* and to make recommendations with a view to "modernizing it for the 21st century."[48] The review considered the capacity of immigration and refugee legislation to provide the flexibility and direction needed to respond to emerging issues and immigration trends in the 21st century. This initiative was intended to build on the strategic direction outlined as a result of Marchi's earlier review.

In early January 1998, Robillard announced consultations primarily targeted to organizations working in the immigration sector. These consultations consisted of a brief series of meetings in urban centres across the country. In January 1999, the department released its White Paper announcing the direction the government intended to pursue in modernizing immigration and refugee protection legislation and policy. The broad policy statement focused on family reunification, modernization of Canada's selection system for skilled workers and business immigrants, and a renewed commitment to uphold Canada's "humanitarian tradition by strengthening the protection of genuine refugees."[49] Legislation amending *The Immigration Act* in accordance with the broad directions outlined in the White Paper was introduced in the House of Commons in early 2000.

Origins

> Medicare is as much a part of our country as the air we breathe or the water that runs
> through our rivers and lakes. It defines who we are and who we want to be. It sets us
> apart from other countries. It draws us together no matter where we live in Canada.[50]

In Canada, a comprehensive health insurance program was first institutionalized in the
1940s in the province of Saskatchewan **by Tommy Douglas's government**. After a long
and bitter battle that pitted health care practitioners against politicians, Saskatchewan's
comprehensive provincial health coverage was enacted in 1962. Then, with the passing
of the *Canada Health Act* in 1966, universal health care at a national level became a
reality. The health care system rooted in this Act is universal, comprehensive, accessible,
portable and publicly administered.

While the basic principles of Medicare are determined by the federal legislation, the
responsibility for health under the country's Constitution falls to the provinces. Often,
these murky jurisdictional waters can lead to political turf wars, particularly in times of
fiscal restraint. The 1990s are such a time. In 1994, public concern about the federal
government's commitment to Medicare was at an all-time high. Fuelling this concern
was a growing voice for various forms of privately administered health care facilities and
services. Although the federal government stated repeatedly that they were absolutely
and unequivocally committed to the principles of Medicare,[51] their actions spoke
differently.

In the early 1990s, annual federal transfer payments to the provinces for health were
steadily eroding. This erosion peaked in 1995 when the federal government introduced
the Canadian Health and Social Transfer (CHST), which unilaterally cut $7 billion from
the federal government's contribution to social spending. Many critics of the CHST felt
that the restructuring of this transfer payment fundamentally changed the way in which
the federal government and provincial governments related to one another over health
care jurisdiction as well as other social programs. No longer would the federal
government be able to enforce and ensure the pillars on which Medicare is based.[52]
Canadians were uncomfortable with the speed at which changes were taking place and
believed that there was indeed a health care crisis in the country.

The Process

In 1994, the federal government committed to extensive dialogue surrounding health and
health care in the annual Speech from the Throne.[53] The National Forum on Health was
the fulfilment of this commitment. Launched by the Prime Minister in October 1994, the
Forum's mandate "was to involve and inform Canadians and to advise the federal
government on innovative ways to improve our health system and the health of Canada's
people." The mandate dictated that the Forum work to engage Canadians in dialogue.
Canadians were ready to be involved.

The Prime Minister was the Chair of the Forum, and the Federal Minister of Health its Vice Chair. The provinces declined the invitation to actively participate. The federal government had had two run-ins with provincial powers in the preceding year over health care issues and the provinces were in no mood for dialogue.[54] The credibility and usefulness of the Forum was immediately at stake; without the main providers of health care – the provinces – on board, what the Forum could actually accomplish was questionable.

Playing on the ever-tenuous theme of federal-provincial relations, forum "bashers" were vocal. Reform leader Preston Manning stated "the most important players [the provinces] don't want any part of this $12 million boondoggle," while another Reform Member of Parliament stated that he thought that the federal government was attempting to make themselves look like a "major player," although in the field of health care, they are only minor at best.[55] Bloc Québecois leader, Lucien Bouchard, stated that the Forum "makes no sense from the moment the premiers aren't there. ... It has the air of a carnival, a festival."[56] Québec continued to be an outspoken critic of the Forum. Others felt that the dialogue was a "smokescreen for Finance Minister Paul Martin's steady erosion of Ottawa's contribution to health care costs."[57]

Nevertheless, the federal government moved forward with the Forum and appointed twenty-four members including economists, health policy analysts, physicians, health care providers, lawyers, academics, business people and community activists. These individuals were all held in high esteem, and their collective credibility silenced much of the anti-Forum sentiment in the initial months of their tenure.[58] Forum members made it very clear from the start that they didn't see themselves as "mouthpieces for stakeholders."[59] Instead, their credibility as a group was further enhanced as they confirmed that they engaged in the process as individuals and as volunteers. An arms-length Secretariat was established within Health Canada to support the Forum's work.

The Forum was initially given $12 million and four years in which to fulfil its mandate and report back to the Prime Minister. Immediately, the Secretariat and Forum members set to work to defining overall objectives and establishing broad parameters for dialogue. Four main themes emerged from this preliminary stage of work that provided a solid framework for the remainder of the process: values; striking the balance; determinants of health; evidence-based decision-making.

The Forum began its own work with a review of the previous twenty years' experience in health policy analysis, including the findings of Royal Commissions and Task Forces across the country. They commissioned papers from experts in various fields and examined health expenditures and outcomes in Canada and in other jurisdictions.[60]

Involving the Public

The overall structure of the Forum emphasized multiple avenues of input and knowledge. One of these avenues was an extensive citizen engagement exercise that ran parallel to

the Forum's own investigations and research work. This consultative effort flowed directly from the mandate given to the Forum in October of 1994, when it was asked to "involve and inform Canadians." Further, the consultation effort was structured to inform the Forum's work and direction throughout the process. The Forum decided to consult individual Canadians, organized groups and key stakeholders.

Early in the Forum's process, several decisions were made about the structure of the consultation. First, it would use a study circle approach. Study circles differ from both focus groups and standard polling. Study circles rest on the premise that citizens have a responsibility to become informed on an issue, as well as a right to comment on it.[61] They allow citizens to become involved in a policy process to a depth beyond that afforded by consultation; this is particularly important with such complex policy issues as health. The circles, or discussion groups, provide for structured, facilitated and in-depth discussions that encourage participants to consider each other's viewpoints in a non-confrontational manner.[62]

The Forum also decided that the consultation would be divided into two phases. Phase 1 involved initial scoping of concerns and ideas that Canadians had regarding the present and future direction of health and health care issues. Its objectives were:

- To engage Canadians in a dialogue on health and health care and on the changes and improvements needed at the national level; and
- To examine issues as they relate to the health of Canadians.

Phase 2 would "ground test" the directions of the Forum before these directions were concretized into recommendations. Its objectives were:

- To seek views on the Forum's proposed directions and options; and
- To solicit advice on approaches to implementation.

Phase 1: Identifying Key Issues

Between November 1995 and April 1996, study circles (also called discussion groups) were held in thirty-four different communities.[63] The Forum made a sincere commitment to capturing the diversity of Canada's size, demographics, economic activities and ethnicity. The consultation also attempted to engage a variety of communities often not included, such as homeless people, street kids, new Canadians, low-income mothers, senior citizens and First Nations. A private firm was contracted to organize the consultation and endeavoured to work with local community groups to set up the study circles.

Consultations were preceded by the broad distribution of a workbook titled *Let's Talk*. The workbook contained statistical data, written information and some preliminary analysis of that information, all in keeping with the four broad themes initially outlined by the Forum. Interested individuals were asked to register in advance of the discussion group and commit to approximately nine hours of time, over two to three sessions.

Forum members were also encouraged to attend the community meetings, and many did so. Their presence at the study circles was greatly appreciated by participants who felt assured that their comments would be heard in the shaping of policy.

During the discussion groups, people were eager to raise local and regional issues, which fell outside of the mandate of the Forum. Talk of local hospital closures, regional funding issues and the ongoing *Inquiry into the Blood System in Canada* (the *Krever Inquiry*), 1994 to 1997, were never far from mind.

By the end of Phase 1, seventy-one study circles had been expertly facilitated and 1300 Canadians involved.

In April 1996, key stakeholders were invited to a conference in Toronto. The conference brought together representatives of local, regional, provincial and national organizations with a specific interest in health and health care. More than 200 people attended the conference and participated in professionally facilitated groups to discuss the Forum's four key issues:

- How to allocate and organize resources in health and health care;
- How to move from research to action on the determinants of health;
- How to encourage evidence-based analysis and research in decision-making about health and health care; and
- How to identify the values Canadians hold about health and health care and ensure these values influence decisions.

Phase 2: Feedback on Proposed Directions and Options

From the beginning of the first phase, the Forum was committed to reconvening each of the seventy-one study circles to present broad directions formulated on the basis of participants' input before any recommendations were made to the government.[64] However, between the first and second phase of consultations, the federal government shortened the mandate of the Forum and requested that work be completed by December 1996.

This required that the Forum and Secretariat revise the latter stages of the Forum's work. Given the new time line, revisiting the study circles was impossible, though Forum members remained committed to testing their strategic directions with the public. The second consultation phase was redesigned to include a phone survey and two regional conferences in Vancouver and Montreal, all to take place within a six-week period in the fall of 1996.

The conferences brought more than 200 citizens and stakeholders together with no explicit weighting of public and professional views. Attendees were selected on a first-come-first-served basis through tear-off return cards in a widely distributed invitation. Participation was limited to two people from each study circle. A background document, *Advancing the Dialogue on Health and Health Care*, was sent to all participants in the

community study circles – to conference attendees, to individuals and groups who had expressed interest to the Secretariat and other federal departments, to stakeholders such as the Canadian Medical Association, unions, and community-based organizations. These events were instrumental in identifying where members of the two groups agreed or disagreed with the interpretations and views of the Forum members.

The concurrent telephone survey involved participants from the study circles not attending the conference as well as 500 randomly selected members of the public. The conferences and phone interviews verified that the Forum had done a good job of capturing and responding to the concerns, opinions and suggestions of Canadians. Forum members also reviewed the findings of the consultation and found a strong degree of consensus between the views of the public and stakeholders in both phases of consultation. On February 4, 1997, the Forum presented its findings to the Prime Minister. The report, *Canada Health Action: Building on the Legacy*, was well received by health care consumers, practitioners, and administrators alike.

Forum Recommendations

Key recommendations of the Forum included:

- Halting the reduction in transfer payments (the Canada Health and Social Transfer); from the federal to the provincial governments and establishing a floor below which transfers would not sink;
- Expanding coverage for medically necessary services to include medically necessary drugs and home care;
- Strengthening the continuum of health promotion, prevention and treatment through primary care and encouraging the efficient use of these services; and
- Establishing a transition fund of $50 million to fund innovative pilot projects on health service delivery.

Outcomes

The government did, in fact, begin to act on a number of these key recommendations. Some work has begun in the areas of pharmacare, home care and the determinants of health, directions firmly rooted in the work of the Forum.

In addition, the public consultations illustrated that:

- Canadians are willing to commit a considerable amount of time to policy discussions that have meaning and value to them.

- Study circle participants were willing to prepare for discussions.

- Participants were willing to modify their views as the discussions continued. For example, participants' sense of imminent decline of the health system was significantly reduced after the discussion.[65]

- Participants felt ownership for the directions proposed by the National Forum on Health.

- Participants realized that they had a role to play in implementing the directions and ensuring government action.

- The deliberative technique used in the study circles was successful in generating informed and constructive directions for policy change.

It is also worth noting the importance of timing; the Report was released two weeks before the federal budget. This allowed the government to respond to Canadians by addressing key recommendations in the Budget. Further, the report landed on politicians' desks at the end of their mandate, a politically opportune moment.

Canada's Health Care System: Where are we now?

In March 2000, it is hard to believe that Canada's "health care crisis" is any less urgent than it was when the Forum was convened. Between 1997 and 1999, provincial and federal spending on health care continued to drop. The system is still seen as heavily over-burdened – now more so than ever. Concern for the "health" of the health care system is consistently identified as the number one issue for Canadians, and, as such, it gains prominence in all provincial elections. Without doubt, health care will be a central issue in the next federal election, which must be called within the next 18 months.

The federal budget delivered on February 16, 1999 included a five-year plan to increase funding to the health care system. In 1998 – 1999, the total CHST transfer to the provinces was $26.3 billion ($12.5 billion in cash and $13.8 billion in tax point transfers). The 1999 Budget committed an additional $11.5 billion in CHST cash over the five year period from 1999 to 2004. This represents a substantial investment in health care although the cash component of $15 billion for 2001-2002 and subsequent years is still less than the $18.5 billion in cash transfers prior to the introduction of the CHST in 1996-97. An additional $3.5 billion will also be allocated to the provinces on an equal per capita basis over a maximum of three years, and each province will have full flexibility to spend the money as it chooses. The most recent federal budget, delivered February 28, 2000, allocated an additional $2.5 billion for health and education to the provinces to be spread over four years.

Although this increased level of funding is welcomed by all levels of government and by citizens, it is worth noting that the Forum concluded that Canadians were spending enough money on health care and that problems within the health care system are structural rather than financial.

Other developments in the ongoing struggle between the provinces and the federal government have unknown implications for health care. The signing of the Social Union Framework Agreement in February 1999 may point toward the further decentralization of

health care within Canada; however, it may also make for greater collaboration between provincial and federal governments. In September 1999, the Annual Conference of Federal-Provincial-Territorial Ministers of Health produced a firm commitment to joint action and collaboration on a number of key health issues. These included a commitment to:

- Maintain a financially sustainable, publicly funded health care system;

- Collaborate on health human resource planning;

- Collaborate on broader approaches to population health; and

- Promote the development and effective use of information technologies.

2.2 Discussion: Governments-to-Citizens: Earning Citizen Trust

These two case studies have flagged a series of questions about government-initiated engagement including: Who engages whom? On what terms? How is citizen input used? How is the design of the engagement process established?

Many of the steps needed to rebuild trust in government-initiated engagement rest with governments. The public consultations surrounding the National Forum on Health and the Immigration Review represented positive departures on the government's part. These consultations successfully embraced a number of ways to address citizen mistrust of government. A closer look at these case studies highlights steps taken by the federal government to build trust with citizens; it also points to areas in which the government could have gone further.

Building Trust

In the midst of increasing cynicism and distrust of the government, when citizens are asked to participate in a consultative process, they quite rightly wonder if the government will really hear what they have to say. Will they participate in good faith only to have the government turn around and say "so what"?

> The disrepute of consultation arises from the sense that governments have not taken it seriously. Many participants have complained that consultation as practiced by some government departments was mere window dressing – done as a ritual step to give policies a presumed credibility because they had passed through an exercise in citizen involvement. ... Whether the practices of consultation were ever intended by governments to be as shallow and instrumental as this portrait suggests is less important than the widespread perception that traditional consultation was broken and needed to be fixed through fundamental rethinking of its aims and methods.[66]

Government initiated engagement processes must address the "so what" factor. This was apparent in the early stages of both the National Forum on Health and the Immigration Review. As citizens approached both processes, they wondered if their voices would truly be heard. Because the issues at hand – health care and immigration – were so high on the public's agenda, citizens were willing to give government the benefit of the doubt. The federal government, to its credit, did take several positive steps in attempting to earn the trust of the public in these two consultations. They talked about what citizens wanted to talk about, committed resources to the process, made provisions for outreach, and provided space for deliberation. All of these efforts were steps towards overcoming distrust.

Talking About What Citizens Want to Talk About

Both the National Forum on Health and the consultative process surrounding the Immigration Review were initiated by the federal government and found immediate resonance within the public. The National Forum on Health was called at a time when the public strongly doubted the federal government's commitment to universalized health care, and the public consultation component of the Forum occurred after some of the most severe funding cuts ever were made to the health care system by the federal government. Health care was on the public's mind. In the case of the Immigration Review, the public was virtually demanding government's ear. Canada's immigration policy was already being widely debated, scrutinized and challenged by the media and in the House of Commons by the time the government called for national consultations on the matter.

In both of these cases, government responded to public demands for discussion. The government was able to capitalize on the public's interest, and, in the end, thousands of people participated. By talking about what citizens wanted to talk about, government took a step towards bridging public mistrust.

Committing Resources to the Process

In these case studies, the federal government also committed substantial money, time and staff to each process. Canada's vast geography in itself poses many challenges to consultations of national scope. While the majority of Canada's population is heavily concentrated along the Canada-USA border, there are thousands of dispersed rural communities and towns. To reach out and involve these people requires money. The National Forum on Health committed more than $1.5 million to the consultative portion of their work and was able to hold meetings and study circles in remote areas. The Immigration Review focused only on large intake areas and thus restricted its reach to several urban centres.

When government commitment is demonstrated by the allocation of resources, people are reassured that the government is committed to hearing what they have to say. This is not to imply that consultations necessarily require millions of dollars; instead the resources committed to the process must be congruent with the scope and nature of the consultation.

Reaching Out to Involve Canadians

There were sincere efforts on the part of both the National Forum on Health and the Department of Citizenship and Immigration to ensure that diversity of Canada's population was given the opportunity to be involved in the consultations. The National Forum on Health held seventy-one discussion groups in thirty-four communities across Canada, reflecting diversity in demographics, ethnicity, size and economic activity.

Separate discussions with First Nations were held, and outreach circles attempted to reach the homeless, street kids, new Canadians, low-income mothers and retirees.

The consultations surrounding the Immigration Review focused solely on the large urban intake centres – Halifax, Montreal, Toronto, Hamilton, Winnipeg, Edmonton and Vancouver – and study circles were held in six of these cities. In Vancouver, "outreach circles" were developed to involve visible minorities, the elderly, low-income earners, First Nations people, refugees and the disabled. A "youth track" program had directors of education participating in classroom discussions in the selected cities throughout the fall of 1994; though this information was not ultimately used for the purposes of the Immigration Review, it was of significant educational value.

A dialogue kit was central to providing information for participants before they were involved in the outreach circles and study circles. For the Immigration Review, there was preliminary testing of the dialogue kit with adult learners who represented different cultures and socio-economic classes. This ensured that the language of the document was accessible to a broad cross-section of Canadians and further demonstrated the government's serious approach to outreach.

Providing for the Deliberative Process

One of the most significant departures of the health and immigration consultations was that they provided for learning and deliberation. Traditional consultation efforts typically provide platforms for opinions rather than space to explore different visions, values and beliefs and opportunities to alter or form positions. In Canada, it is difficult to find a neutral public space that allows citizens to enter a discussion with questions rather than confirmed positions. Deliberative processes, such as study circles, attempt to address this lack of space. They are a necessary precondition to debate, and they fill an important educational role.

> Study circles bring together a number of people who may initially have different points of view on the issues to be addressed. This method provides for a structured, facilitated, in-depth discussion that encourages participants to consider each other's viewpoints, and helps to identify points of convergence and divergence in a non-confrontational process.[67]

The study circles afforded the government two important insights. First, polls provide an important snapshot at a particular point in time; however, they do not adequately reflect public judgement over time. Second, the public was actually willing to roll up their sleeves and do constructive work. Even in such complex policy arenas as health and immigration, where discussion was often emotionally charged and tough resource allocation choices were needed, the public was, more often than not, able to discern constructive paths. The government facilitated this by providing essential ingredients to effective citizen engagement: space to deliberate and information to support deliberation.

What did this opportunity for deliberation tell decision-makers during the Immigration Review? First, contrary to many expectations, the key issue facing policy-makers was not the impact of immigration on the economy; instead, the primary concern was that of the federal Department's ability to manage their workload and be accountable to the public. These considerations were not apparent in the polls taken throughout the early 1990s and attest to the depth that deliberative processes are able to reach. Deliberative processes "encompass dialogue and listening, the expression and exchange of views, group and individual deliberation, reflection and learning."[68]

In attempting to overcome distrust, the government used deliberative processes and was rewarded for doing so. They also discovered that they could get trustworthy input and creative responses from the public.

Going Further to Create Trust

In the public consultations for the National Forum on Health and the Immigration Review, the government made some bold departures from other consultations. These departures went a long way to establish the legitimacy of these consultation processes and to address the distrust that citizens have in their governments. However, there are several areas in which the government could have gone even further: more realistic and flexible timelines and schedules, more transparent and accountable processes, better outreach, and clear mechanisms for reporting back.

Scheduling Engagement

Consultative processes typically take place within a particular (and often tight) time frame; this can easily constrain discussion of policy issues. Government departments do not always set these parameters; sometimes the parameters are set by legislation or by significant public pressure to address an issue or take a decision.

The public consultations of the National Forum on Health and the Immigration Review were characterized by tight deadlines. The Immigration Review was launched in February of 1994 and its final report was tabled in November of the same year. Throughout the months of June and July, 58 study circles were convened, aided by a study kit that had been distributed in advance. The schedule was ambitious and did not provide for ongoing deliberation; each study circle met only once.

The National Forum on Health, learning from the Immigration Review, was aware of the unrealistic timelines that often surround consultation processes and was initially very committed to revisiting discussion group participants in the second phase of their work. This became impossible when the federal government asked the Forum to submit its report one year early. Although the Forum did contact each participant by phone during the second phase and involved many in two weekend conferences, it will never be known just what additional value the Phase 2 study circles might have brought to the overall process and subsequent policy recommendations.

Governments can learn to be more realistic and flexible about time frames when they initiate engagement processes. These processes involve multiple players with often competing objectives and agendas. They are necessarily messy affairs that require patience, flexibility, and a tolerance for ambiguity. In these two cases, the government could have gone further by providing multiple entry points into discussion, setting time frames in collaboration with participants and allowing processes to unfold in a more flexible and fluid environment.

Setting the Scope

Defining what a consultation will and will not consider is central to setting their scope. This was clearly done at the outset of both the National Forum on Health and Immigration Review consultations. In the case of the National Forum on Health, the Forum members, each with a long and credible history of working with the public on health and health care issues, defined the four main areas of work. For the consultations on immigration, a multi-stakeholder meeting was held in March 1994; the objective of the meeting was to frame a list of key issues that would form the basis of the public consultations.

During the Immigration Review consultations, several participants suggested situating the discussions within a broader debate that centred on population issues. If the immigration consultation had been framed in terms of population rather than immigration, the consultations would have embraced rural communities that were losing population rather than only urban centres where the majority of new Canadians choose to settle.

Although the scope of both consultations was sensitive to what the public wanted to discuss, involving citizens more directly in the setting the scope might have been even more beneficial.[69] These processes provided for only indirect citizen influence on the scope of the consultations.

Transparency

Transparency is integral to establishing and maintaining trust in any relationship. A commitment to transparency means providing people with information about why, how and where decisions are made. Transparency implies a high level of accountability, where lines of decision-making are clear, the role of the public in influencing those decisions is evident, and decision-makers acknowledge responsibility for their decisions.

The Department of Citizenship and Immigration and the National Forum on Health were both committed to carrying out their consultations in an open, transparent and accountable fashion. However, both consultation processes were situated within a political climate that challenged this commitment.

Citizens can often sense that outcomes were predetermined. The National Forum on Health carried out its consultations in the wake of the most severe cuts to health care

spending. Some critics felt that the consultation was a way to prioritize and justify spending cuts. Critics also saw the Immigration Review as supporting political decisions already taken.

If governments clearly and honestly indicate, at the outset of the process, how and to what extent the input gained throughout the process will inform the ultimate decisions, citizens can participate in the process in full confidence that their time is not wasted and their input is valued.

Trust cannot be built and maintained in the absence of transparency.

<u>Reporting Back More Effectively</u>

Citizens want to know that government has heard their concerns and that their input has actually informed decisions taken. The National Forum on Health and the Department of Citizenship and Immigration reported back to the public with considerable success; each published a report detailing what they had heard in the consultation process. The report back, however, could have been more explicit about how citizen input had informed the decisions. "Reporting back" need not be limited to reports or newsletters nor necessarily mean the end of citizen input. Government should sustain citizen involvement on the issues and establish more ongoing interaction.

2.3   Citizens Reaching Out to Government

Citizens' relationship to government has largely been defined by the electoral process. As populations grow and change, the ballot box is becoming one of many ways for citizens to express their concerns about their governments' policies and actions. When issues arise that citizens feel are not being adequately addressed, they struggle, on their own or through intermediary organizations, to find ways to express their concerns and to have them heard. In Canada, citizen movements have arisen in response to health concerns, environmental matters, violence against women, and nuclear war, among others.

The following two case studies focus on "government engagement." As such, participants cannot assume political commitment or will or even access to decision-makers.

The following questions are useful in thinking about these case studies:

- What is the process for engaging government?
- How do communities and citizens mobilize and organize their own voices?
- How do they sustain community-based involvement throughout the process?
- How do organizers work with and accommodate competing and differing expectations?

The Sydney Tar Ponds

Origins

Situated in a tidal estuary that links Muggah Creek to Sydney Harbour in Nova Scotia, the Sydney Tar Ponds are Canada's – and some say North America's – largest toxic waste site. Referred to as "Canada's national shame"[70] in 1997 by then Minister of the Environment, Sergio Marchi, the ponds contain a mixture of polychlorinated biphenyls (PCBs), polychromatic hydrocarbons (PAHs), raw sewage and heavy metals. The PCBs and PAHs, along with benzene, toluene, kerosene, naphthalene and tar are all byproducts of the process of "baking" coal at extremely high temperatures to make coke for a nearby steel plant. The coke ovens, covering a 60 hectare site, operated for more than 70 years to feed the energy needs of the Sydney Steel Corporation. Upstream point sources have contributed to the estimated 700 000 tonnes of contaminated sediment found in the Tar Ponds.[71]

> Heavy metals found in the Tar Ponds, such as copper, lead, nickel and zinc, likely originated at the steel mill and /or leached from an unlined municipal landfill located at the top of the watershed. Raw sewage feeds in from approximately 30 outlets that lead directly to Muggah Creek. Additional contributors to the toxic "witches' brew" may include a Domtar plant that operated on the site until the mid 1960s, and a now-defunct benzene manufacturer.[72]

This "wasteland" is not isolated from communities; it is bordered by houses, ball fields, playgrounds, schools, supermarkets and restaurants.[73] In July of 1998, toxicity testing by the federal government in brooks flowing through adjacent neighbourhoods, as well as in community lawns and groundwater, confirmed that levels of arsenic, molybdenum, benzopyrene, antimony, naphthalene, lead, toluene, tar, benzene, kerosene, copper and PAHs were all well above those permitted by the Canadian Council of Ministers on the Environment.[74] Some of these chemicals are listed as priority substances under the *Canadian Environmental Protection Act*, a designation that connotes a widespread recognition of their potential danger to human and environmental health. These chemicals are known to cause various cancers, birth defects, heart disease, kidney disease, brain damage, immune deficiencies and skin rashes.[75]

The need for remediation was recognized when the fishery in the South Arm of Sydney Harbour was closed by the federal Department of Fisheries and Oceans in 1980 due to contamination, with the Muggah watershed identified as the source.[76] This shut down may have been prompted in some part by the famous Love Canal scandal in 1978.[77] The coke operations were shut down in 1988 though the site continues to manufacture steel rails from recycled scrap metal.

Past Attempts at Remediation

Reclaiming the land is estimated by some to be a $1 billion operation, which will span more than a decade.[78] To date, there have been two attempts at remediation and both have failed. The first was initiated in 1986 with the establishment of Sydney Tar Ponds Cleanup Incorporated, a Crown Corporation jointly funded by the federal and provincial governments and mandated to manage the remediation effort.

The first remediation effort involved damming and dredging the South Pond, transporting the sludge through a one-mile pipeline, dewatering it, and burning it in two incinerators. This process, heralded as the biggest excavation attempt of toxic materials in Canada, was to last ten years and provide 140 full time jobs, with former Sydney Steel workers given priority in filling the positions. The design, engineering and construction of this facility occurred between 1987 to 1993. The incinerator, which eventually cost $52 million, was technically faulty and not designed to burn PCBs.[79] In early 1995, the project was finally shut down due to mounting costs and poor incinerator performance.

Later in the year, the provincial government turned to the private sector to partner in a second remediation attempt. Sydney Tar Ponds Cleanup Incorporated contracted JWEL-IT to put forward several options for remediation. Their options included incineration, land-filling, and encapsulation. Estimated costs ranged from $20 to $148 million. Sydney Tar Ponds Cleanup Incorporated chose the least expensive option, *in situ* containment, or encapsulation.

JWEL-IT began more focused testing of the sludge and soils on the site and found that the problem was worse than anticipated. They found that 45 000 to 70 000 tonnes of sludge were potentially contaminated with PCBs; their original cost estimates were based on 5 000 tonnes. They went back to Sydney Tar Ponds Cleanup Incorporated, asking for almost double the original cost.

At this point, community organization around the Tar Ponds gained momentum, spearheaded by several women in the Frederick Street community.

> By burying the Sydney Tar Ponds, they would have created another Love Canal twenty years later. I could not quietly sit back and not do my part to stop it. ... The cocktail of chemicals sitting there is too much ... I insisted that it could not be buried, it must be cleaned up.[80]

The support of Elizabeth May, a prominent environmentalist and Executive Director of the Sierra Club of Canada, was enlisted. Sierra Club, Cape Breton was established. The women also spearheaded a letter writing campaign to the Federal Minister of the Environment, Sergio Marchi, requesting that he stop the burial plan.

Provincial political parties along with a local steelworkers' union were also starting to voice concerns over the proposed JWEL-IT *in situ* method for remediation.[81] This, in addition to escalating costs,[82] led Marchi to urge that the plan be abandoned.

In August 1996, Marchi visited the Tar Ponds – the first Minister of the Environment to do so. Marchi was aghast at what he found – "horrific ... quite scandalous. No briefing can capture this site."[83] Accompanying Marchi was the provincial Environment Minister Don Downe, the federal Health Minister David Dingwall and the provincial Health Minister Bernie Boudreau. During this visit, Marchi recognized that "the community doesn't want a top down solution. We have to have a community-based approach."[84] Renewed federal interest and apparent commitment catalyzed the formation by the federal, provincial and municipal governments of the Joint Action Group to develop yet another plan for site remediation.

The formation of the Joint Action Group marked a change in approach to the Sydney Tar Ponds situation. Previous remediation attempts had minimal community input and little transparency.[85] A citizen-based communications committee formed in 1989 called for a complete environmental assessment of the project under the federal environmental assessment review process. The group's request was denied repeatedly and the government, in 1991, disbanded the group.[86] Several members went on to form the Citizen's Liaison Committee, a watch dog group that continues to meet.

Joint Action Group

The Joint Action Group (JAG) includes representatives of the public, First Nations, advocacy groups, the business sector, and the federal, provincial and municipal governments. JAG's official mandate is "to educate, involve, and empower the community through partnerships, to determine and implement acceptable solutions for Canada's worst hazardous waste site and to assess and address the impact on human health."[87]

Despite the auspicious start to this "partnership," JAG had a very difficult road ahead of it. The group inherited a long legacy of failure and frustration, and the public approached the process with mixed feelings. Citizens realized that they had not been successful in engaging either the politicians' ears or will over the past decade and wondered why this attempt would be any different than other failed remediation attempts. Indeed, in mid-1997, a founding member of the Citizen Liaison Committee questioned the transparency of the process when JAG was denied access to the files outlining the $54 million expenditure to date and when representatives of Sydney Tar Ponds Cleanup Incorporated (the Crown Corporation established in 1991) were included in the group's membership despite a potential conflict of interest.[88]

Provided with $1.67 million in combined funding from the three levels of government for three years of work, JAG set to work. The shared funding commitment, federal Health Minister Dingwall pointed out, is an excellent example of what can be accomplished through community action in partnerships with government.[89]

In 1997, JAG's first task was to delineate and define the scope of the problem. The start-up money was quickly earmarked for the following projects:[90]

- A review of existing health studies;
- An update of the Cancer Registry for the period 1965 to 1995;
- Development of a study of priority diseases;
- Monitoring the movement of leachate from the municipal landfill;
- Pre-design of a sewage collector system;
- Sampling for contamination on the site of the former coke ovens;
- Community education and safety awareness programs; and
- Administration of the JAG office.

As JAG learned more about the Tar Ponds, their estimates grew to $2 billion and 20 years for clean-up costs and needed remediation time. Citizens were frustrated and fearful that the governments would walk away from the table and were simultaneously overwhelmed by the enormity of the job in front of them. Citizens were left with the task of maintaining momentum within their own communities as well as with their elected representatives. When start up costs were exhausted, JAG was left in the position of having to apply to governments on a "piecemeal" basis, one project at a time.

On July 30 1998, JAG ratified a Memorandum of Understanding (MOU) at a roundtable meeting. The MOU captures in writing the:

> Collective intentions of the parties to commit on a long term basis, subject to appropriate government funding approvals, to seeking site remediation solutions for the environmental and health risks associated with the Muggah Creek Watershed's Tar Ponds and Coke Ovens site through a community approach.[91]

In late September of the same year, at a signing ceremony held in Sydney, all three levels of government signified their "commitment to work mutually, in a community driven process, with residents of the area to seek solutions for this immense project."[92] This was indeed a milestone as the MOU signalled the commitment of the parties to ensure the long-term success of the JAG process.

The signing ceremony was attended by the Federal Minister of the Environment, Christine Stewart, Federal Health Minister Allan Rock, Nova Scotia Premier Russell MacLellan, and municipal level officials, among others. Stewart stated after signing, "This MOU is a very significant agreement which amounts to a milestone in our joint efforts and common goals to *clean-up* our environment. We are all embarking on a process that will set a precedent in co-operation for the rest of Canada and the world to follow."[93] The diverse attendees present at the signing ceremony indicated just how many political jurisdictions (federal, provincial, and municipal) and departments (environment and health) had a critical role to play. A successful clean-up would require the co-ordination of government departments not previously seen in Canada.

In spite of commitments and high hopes, JAG meetings were fraught with difficulty. Managing the diverse agendas was next to impossible as some members advocated specific health issues, others completely opposed any form of waste incineration, others wanted to see cancer victims compensated, while others pushed for an evacuation of the area. Start-up funds were exhausted by 1998.

Collaboration Across Continents

Elizabeth May, of the Sierra Club of Canada, felt that continuous procrastination on the part of government to seriously tackle the Tar Ponds was correlated with the fact that the communities in question were economically disadvantaged: "People in such communities are victims of the phenomenon of being far from wealth and far from power, so their suffering is ignored."[94] In July of 1997, she secured funding from the North American Commission for Environmental Co-operation to link two economically disadvantaged communities adjacent to toxic-waste sites.

Fort Valley, Georgia, USA is home to 9 000 residents as well as a Canadyne-Georgia Corporation plant that once produced pesticides and the components of chemical warfare, including Agent Orange. The site was designated a Superfund site in 1990.[95] May thought this town would be the perfect match for Sydney, Nova Scotia in the "toxic exchange."

In December 1997, May accompanied a group of eight Sydney residents to Fort Valley. The objective of the exchange was to "get a boost from each other – even if it is just from the simple knowledge that people in another country care about their plight. In this way they encourage and empower each other."[96] After sharing similar stories of frustration, government inaction, and strategies for community organizing, the residents from Sydney returned home.

Several Sydney residents were beginning to feel that JAG was not able to capture community concerns; citizens were intimidated and dominated by governments and consultants. Motivated by these concerns and their "toxic-exchange," Sydney residents formed a community action group called HELP (Happy Environmentalists Love Progress). In Georgia, Sydney residents had seen "500 residents actively involved from all walks of life,"[97] while at home, they were having trouble getting 100 people out to community meetings. HELP appointed a chairperson, vice chair and a secretary-treasurer. Although willing to work in partnership with JAG, residents recognized the need for a voice independent of any level of government or vested interest.[98] At the time, the chairperson of JAG expressed reservations about the new group, hoping HELP would not "splinter the community which could give government an out and remove themselves entirely from the cleanup" and wondered why HELP had not approached JAG with its concerns.[99]

One of HELP's first activities was to launch a petition to Prime Minister Jean Chretien and Nova Scotia Premier Russell MacLellan calling for relocation of Frederick Street residents and renewed funding commitment from government to cleanup the Tar Ponds.

<u>Outcomes</u>

JAG is "inching forward" though volunteers find themselves "frustrated by endless discussions about process and are convinced governments are more interested in stalling – while looking good – than in actually spending money on the problem."[100] Others expect that those responsible for the contamination found at the site – both government and industry – will never take responsibility or acknowledge health effects because it could cost them billions in lawsuits and liability.

On March 5, JAG joined HELP in demanding the relocation of the residents of Frederick Street. There was no immediate response or commitment from government. Finally, in May 1999, the province offered to buy the homes along two Sydney streets where arsenic-tainted "ooze" was seen seeping into basements.[101]

<u>The Sydney Tar Ponds: Where are we now?</u>

Significant movement towards site remediation began in the late spring of 1999. In May, the governments of Canada, Nova Scotia and the Cape Breton Regional Municipality announced that $62 million – a sharp contrast to the initial three year JAG budget of $1.67 million – had been earmarked to support JAG's work from April 1, 1999, to March 31, 2002. As is often the case, the allocation of significant funds might signal a renewed commitment on the part of government. It might also be a more realistic acknowledgement of what is needed to tackle the Tar Ponds.

The funding was allocated as follows:

1. To support the JAG Secretariat ($1.9 million)

2. To support Study and Assessment Projects ($12.8 million) – including:
    -   Environmental / Health Studies and Assessment
    -   Site Safety and Security Work
    -   Technology Demonstration

3. To support Phase 1 Remediation Projects ($47.3 million) – including:
    -   Developing an Emergency Response Capacity
    -   Implementing a Site Separation Zone
    -   Constructing a Sewer Interceptor
    -   Controlling Landfill Leachate
    -   Complementing Site Demolition / Disposal Activities
    -   Project Management

In February 2000, JAG Chair, Don Fraser, announced the awarding of four major contracts to work towards the clean up of the site. The contracts, worth almost $12 million, cover air monitoring, general project management, an extensive Phase II / Phase III environmental site assessment and an on-site technology demonstration.

The Creation of Nunavut

Origins

On April 1, 1999, Nunavut became the newest territory in Canada. Approximately two million square kilometres in area, Nunavut represents the eastern portion of what used to be the Northwest Territories (NWT). Geographically huge, the territory is sparsely populated with only 25 000 residents, 85 percent of whom are Inuit.[102]

On April 1st a new legislature was ushered in with celebrations and renewed hope for Nunavut and its people. Nunavut is plagued by many problems including poverty, substance abuse and unemployment. Residents' expectations for the success of Nunavut in alleviating social problems are high. They hope that the formation of Nunavut and its government *by* the Inuit *for* the Inuit will address social issues with greater success than has been achieved by the territorial government initially seated in Ottawa and, later, in Yellowknife.

The creation of Nunavut is the result of painfully slow negotiations between the Inuit and federal government spanning almost thirty years. It is a process that has been watched carefully by other indigenous groups throughout the country and the world. Nunavut comes at a time when many aboriginal groups are involved in their own negotiations with the federal government for, at the very least, a recognized and legitimate voice in decisions about resources and, at the most, self-government or self-rule. The Inuit, through their persistence, patience and pragmatism, achieved "far more of their governmental aspirations through the claims process than any other Aboriginal group."[103]

As pointed out by Dené leaders in the western Arctic, the Inuit paid dearly for the agreement. The Inuit received no compensation for past use by Canada of lands traditionally occupied in Nunavut, they agreed to a form of public government rather than a model of self-government and, most significantly, they agreed to the "extinguishment" of their aboriginal title to lands and water anywhere in Canada and adjacent offshore areas within Canadian jurisdiction or sovereignty. Nunavut Tunngavik Incorporated, an organization established in 1982 to focus on the Inuit land claim, states, "having conceded their claims to aboriginal title to lands and waters throughout Canada, Inuit have mortgaged their future on Nunavut. Inuit hopes and aspirations hinge on the success of Nunavut."[104]

The Process of Negotiation

In the early 1960s, Ottawa first began to consider the division of the Northwest Territories as a means of giving the North greater autonomy. The Inuit were not a concern in this process. Instead, the motivation was to free the more advanced western Arctic from the constraining influence of their more "backwards" eastern neighbours. The federal government introduced legislation that would have created the new territories of Mackenzie in the west and Nunassiaq in the east. This idea had been put forward by

the federally appointed members of a Territorial Council that had no representatives from the Eastern Arctic. Upon further scrutiny in the House of Commons, it became apparent that there was no support from the population of the territories. The bill went no further in the House of Commons.

In 1966, a report of the Advisory Commission on the Development of Government in the NWT acknowledged that division was inevitable but did not recommend immediate implementation. One year later, Yellowknife became the capital of NWT and, over the next two decades, as public government in the North matured, there was increasing agitation for aboriginal land claims. The physical, psychological and cultural remoteness of the NWT government figured prominently in proposals for Inuit land claims and political self- determination.

In 1975, the federal government tabled a proposal, *Political Development in the North,* which failed to recognize that the Inuit had any right to political self-determination.[105] A number of aboriginal territorial councillors voted to defer a decision on the proposal until they were able to discuss it further with native and non-native people of the North. At this time, the Yellowknife-based territorial government, the federal government, and most non-aboriginal residents of the western NWT were reacting "with fear and hostility to Dené and Inuit proposals for self-government."[106]

In 1976, Inuit Tapirisat of Canada (ITC),[107] the non-governmental organization representing the Inuit in the political realm, approached then Prime Minister Pierre Trudeau with the first formal proposal for an Inuit land claim. The proposal argued for the creation of Nunavut. Although this initial proposal was eventually withdrawn by the ITC, its call for division remained fundamental to the Inuit position.

Also in 1976, the Inuvialuit, a group who had originally been party to the ITC proposal, withdrew from the Nunavut land claims process to pursue their own claims agreement under the Committee of Original People's Entitlement (COPE), a regional affiliate of ITC. The Inuvialuit were facing immense pressure from oil and gas development in the resource-rich Beaufort Sea and believed they could not afford to wait until the entire Inuit land claim was settled to protect their interests. The president of ITC at the time affirmed that there was no conflict between ITC and COPE, stating that they were mutually supportive; "however, there is a necessity for the western Arctic to negotiate a settlement within a shorter time span than is required by the people of the central and eastern Arctic."[108] Their claim was eventually settled in 1984, clearly separating this resource-rich area that would never become part of the Nunavut territory.

Throughout the negotiations surrounding division, the picture was complicated by the ever-changing status of different land claims throughout the western Arctic. In the west, the Inuvialuit, the Gwi'chin and the Shtu all eventually settled their land claims – some not until the mid 1990s. These agreements provide for the potential of self-government.[109]

The year 1977 also saw members of the Territorial Council express anxiety over the idea of Nunavut, stating that the development of Nunavut would "heighten political tension in native communities."[110] Amagoalik, ITC's Land Claims Director at the time, quickly dismissed these claims and stated in a letter to the Minister of Indian and Northern Affairs, that "the Territorial Council's equation of native people's political ambitions with racially exclusive states or nations is absurd and may even be a conscious effort to deceive your office."[111]

During the remainder of the 1970s and early '80s, there were numerous setbacks as well as advances for the Inuit in their negotiations. Western aboriginal groups found themselves torn between supporting the Inuit land claim agreement because they agreed with the principle of self government, or not supporting it as they were unsure of the implications it might have for the resolution of their own claims. Saskatchewan and Manitoba Dené felt that the Inuit land claim would jeopardize their access to land that fell under the claim and that they considered part of their traditional territory. They eventually resorted, unsuccessfully, to court action to block the Inuit land claim.

On a positive note, during this period of time, the federal government embarked on a national and far-reaching constitutional process, eventually leading to the repatriation of Canada's Constitution in 1982. This created a favourable climate for "adventurous constitutional departures"[112] at the federal level, as well as entrenching an ill-defined concept of Aboriginal rights.

In April of 1982, a plebiscite was held in the NWT on the question of creating Nunavut. Fifty-six per cent voted in favour of splitting the larger territory into an eastern and western body. Support was strongest in the east while weaker in the west.[113] Again, the westerners, a "mixture of frontier mavericks and fractious aboriginal groups,"[114] were hesitant to support the division when they had no idea what the implications would be for them and the resolution of their own claims. They did not, however, want to block Inuit efforts toward self-determination.

Early in 1982, two new organizations were set up to address different aspects of the ongoing process of negotiation. The first was the Tunngavik Federation of Nunavut (TFN), which was to focus entirely on the Inuit land claim. The TFN is an independent and broadly based coalition of Inuit organizations having a separate corporate status. The second was a political body called the Constitutional Alliance of the NWT, which included a number of Territorial Council members and Aboriginal leaders. Its purpose was to provide opportunities for the detailed debate and planning necessary if division was to occur. Two sub groups, representing eastern and western concerns, grew out of the Alliance. The federal Minister of Indian and Northern Affairs announced that federal government support for division was contingent upon widespread support for the division across the NWT.

During the next decade, the process was slowed by debate over where the boundary between the Eastern Arctic and Western Arctic should be. Without a boundary, division could not proceed. In 1991, the federal government set up the Parker Commission to

propose a boundary and in May of 1992, a plebiscite was held. There was very low turn out and the proposed boundary passed by a slim majority.

With the border dispute settled, focus turned to the lengthy process of division. The Nunavut Political Accord was negotiated, the end result being that Nunavut was to be governed by a public government that responded to and represented the needs of all people living in the territory, not only the Inuit. The date of April 1, 1999 was set as the deadline for division. At that point, the government of Nunavut was to have responsibility for the range of jurisdictions currently exercised by the government of the NWT, with an assembly, cabinet, personnel, finance, and public works functions to be in place. Other functions, including education, health and transportation, could be provided by intergovernmental agreements or contracts with appropriate governments, public institutions or non-governmental bodies.[115] The Nunavut Political Accord also called for the creation of the Nunavut Implementation Commission (NIC), whose mandate would be to oversee division planning for the east.

In 1992, the TFN claim was put to another plebiscite where all beneficiaries over sixteen years old could vote. This time, more than 80 percent of eligible voters turned out. Eighty-five per cent accepted the claim and, by extension, the creation of Nunavut.

In June 1993, Canada's Parliament, under then Prime Minister Brian Mulroney, enacted the Nunavut Land Claims Agreement Act and the Nunavut Act, thereby ratifying the Inuit land claim (worth $1.14 billion) and authorizing the creation of the new territory of Nunavut. Despite the fact that there was a fractious political climate at the federal level and that Mulroney's Progressive Conservative party was moving into an election under a new leader, the division and new territory received support from all political parties.

Nunavut Tunngavik Incorporated was established and legislated to ensure that the 1993 Nunavut Land Claims Agreement was implemented in accordance with the provisions of the Agreement.

Preparing for Nunavut

The Inuit Land Claim Agreement is the largest land claim ever settled in Canadian history. The settlement gives the Inuit control of more than 350 000 square kilometres of land, of which 36 000 include mineral rights. In addition, the land claim settlement provides the Inuit with guaranteed participation in decision-making regarding land and resource management.

Following the signing of the Accord, the Nunavut Act became law in 1993. The Nunavut Implementation Commission (NIC) had six years to put all the mechanisms in place for the new government to function starting on April 1, 1999.

The NIC was set up in such a way that it came to be seen as a "government in waiting." Although it maintained an office in Ottawa, its headquarters were in Iqaluit. All of the commissioners on the NIC are Inuit, except one who speaks Inuktitut and has lived and

worked as a teacher among the Inuit. The make-up and geographic location of the NIC has been crucial in moving towards division with continued support from the Inuit. The NIC is not seen as a political arm of the federal government; rather, it is a body that has grown from the Inuit communities and has received their input throughout the course of its work.

In February 1995, the NIC prepared for its first major report by using a broad consultative framework. It held numerous meetings with political leaders throughout the NWT and organized a large public gathering in Iqaluit. Delegates from every Nunavut community and Inuit organization, as well as Members of the Legislative Assembly and NWT government officials, discussed proposals for the governance of the new territory.

The result of the larger meeting and other consultations was the NIC's first report to the federal and territorial governments called *Footprints in New Snow*. Titus Allooloo, a Member of the Legislative Assembly, stated "our future lying before us is like freshly fallen snow, and we had better be careful about how we walk on it. It will leave footprints for others to follow."[116] The report contained key recommendations regarding the structure and function of the new government and focused on the decentralization of decision-making, important due to Nunavut's vast geography.

One of the highest priorities of the NIC has been to improve education and training programs so that as many Inuit as possible are able to assume roles within the new, decentralized territorial governments.[117] The number of Inuit graduating from college, let alone high school, falls well short of the number needed to fill public service jobs. Much of the rationale for the new territory would be undercut if a high proportion of its key bureaucratic positions were to be filled by non-Inuit from the south.

In late 1997, a Liberal Member of Parliament was chosen Commissioner of Nunavut and given the task of overseeing the hiring of civil servants and setting up government infrastructure. A major initiative was undertaken to ensure gender parity in Nunavut's first legislative assembly. The idea was tabled initially by a report prepared by the NIC. If passed, voters in future territorial elections would cast two ballots – one from a list of male candidates and one from a list of female candidates. The idea was hotly debated for more than two years. Debate in the north was mirrored in the south, with editorials in the press and questions in the House of Commons.[118] Another territory-wide plebiscite rejected the plan, and the women of Nunavut, although they make up 51 per cent of the population and tend to be better educated then their male counterparts, ultimately were sadly underrepresented in their legislature.[119]

On February 15, 1999, more than 10 000 Nunavut voters "flocked to the polls" to elect eighteen men and one woman to sit in Nunavut's first legislative assembly. The resulting government structure, with an elected legislature and a premier, looks much like the present government in Yellowknife. One notable difference is the absence of political parties. The election was followed by the selection of Nunavut's first Premier, Paul Okalik, Nunavut's first Inuk lawyer who comes to the job following personal battles with

alcoholism, poverty and the law. He is a fitting symbol of the "empowerment" that the Inuit are hoping will accompany the creation of Nunavut.

Outcomes

April 1, 1999 was greeted with celebrations across the eastern Arctic. The Prime Minister and the Governor General, along with other Canadians and tourists from as far away as Japan, all travelled to Iqaluit to mark the "birth" of Nunavut. Traditional games and festivities marked the day while Canadians across the country watched the celebrations on their televisions and listened in on their radios.

In upcoming months and years, the achievements and mistakes of Nunavut and its leaders will be closely watched. Many recognize that now that the government has come into being, the Inuit will need "all their optimism and resilience to make Nunavut work."[120] Already, barely into its mandate, Nunavut and its government have been labelled by some as "a mess of corruption and maladministration that will prove catastrophic both for the Inuit and the Canadian taxpayer."[121] We do not know how this bold experiment will unfold. In the words of a prominent Canadian journalist:

If we owe the native people of Canada anything, surely we owe them the simple human consideration of not shrugging off abuses ... and if we owe the fledgling territory of Nunavut anything, it is to watch out for the future good government of the territory with the same attention as we paid to the gala celebrations this week.[122]

The achievement of Nunavut is a tribute to the persistence and dedication of the eastern Arctic's Inuit. First Peoples' movements in many parts of Canada have grown from similar struggles. On May 10, 1999, Labrador's Inuit reached an agreement-in-principle with the governments of Newfoundland and Canada, twenty-two years after they first filed their land claim with Ottawa.[123] They are the final Inuit group in Canada to reach such an arrangement with Canadian governments. Members of the Labrador Inuit Association must now ratify the agreement, and boundaries of the land-claim area must be defined before the final agreement is reached.

Nunavut: Where are we now?

On October 19, 1999, Nunavut's legislature was officially opened with the cutting of the ceremonial sealskin. On the following day, the Government of Nunavut unveiled its first five-year plan in its speech from the throne. The speech drew from the *Bathurst Mandate*, an eight-page statement of principles and vision developed between April and October, which expresses "what most thoughtful Nunavut residents would wish for their territory."[124]

The *Bathurst Mandate* and the ensuing speech from the throne were criticized in a local newspaper, *Nunastiaq News*, for containing only "poetry, dreams but few specifics."[125] While the speech touched on the *Inuuqatigiittiarniq* (the healthy interconnection of mind,

body, spirit and environment), *Namminiq makitajunnarniq* (self-reliance) and *Ilippallianginnarniq* (continuing learning), little mention was made of "such pressing issues as decentralization, the status of Nunavut's three proposed new hospitals, or Nunavut's nearly bankrupt health and social services systems.[126]

The people of Nunavut, who have seen little movement on the part of their government to combat the lack of affordable housing, high suicide rates, poverty and unemployment, cannot help being somewhat disillusioned.

> The Nunavut they dreamed of for 30 years is not the Nunavut they see growing up around them. The government that was supposed to put power into the hands of Inuit is still a powerless shell, barely able to provide basic services, barely able to provide what residents took for granted under the old government of the NWT.[127]

Jim Bell, editor of the *Nunatsiaq News*, attributes Nunavut's inability to deal with pressing social issues to the changing global environment in which Nunavut finds itself situated, rather than a lack of political vision or skill. He states:

> The Nunavut project was not designed for the world of the 1990s and the world of the next century. The collection of political, administrative and legal institutions that we call "Nunavut" were designed for the issues of the late 1960s and 1970s, when industrial development in the Arctic seemed imminent, and no one ever imagined that governments would one day run out of money.[128]

Private investment in Nunavut has not yet materialized, and the government finds itself with barely enough money to hold onto existing institutions, let alone invest in building the Nunavut for which so many tirelessly negotiated for decades. Bell suggests that the government "prepare themselves now for the backlash" that will come with a disillusioned citizenry. "After [the government] survives that, they can begin the work of salvaging the dream of Nunavut.[129]

2.4 Discussion: Citizens-to-Governments: Taking Citizens Seriously

These two case studies tell a very different story from the previous ones and are also very different from one another. To parallel our previous analysis, we might consider what citizens could do differently in overcoming the reluctance governments often display to hear citizens' concerns. However, the Sydney Tar Ponds and the Creation of Nunavut are not stories about what citizens could do better to counter governments' mistrust of citizens; rather, these stories point to what needs to change in the context in which citizens are able to act.

Time for Interacting, Listening and Acting

When citizens wish to engage governments on an issue, as is the case with the Sydney Tar Ponds, they often face insurmountable obstacles, including not knowing how decisions are made, how to influence those decisions, and how to access decision-makers. Citizens also face significant challenges within their own communities, including exhausting organizational efforts and a chronic lack of resources. These obstacles and frustrations are exacerbated by an apparent lack of political will.

After the federal Minister of the Environment visited the Sydney Tar Ponds in 1996, the Joint Action Group (JAG) was convened as a mechanism to provide for continuous interaction between governments and citizens. Sadly, almost five years later, consultants and government members dominate JAG. Many community members have left JAG to form their own group.

When citizens do not have the opportunity for continuous and legitimate access to decision-makers, it is difficult for them to develop trust. Although JAG was meant to provide this access, it has not been easy. Timelines have stretched over decades, reflecting a waxing and waning of political will. Despite the persistence and dedication of citizens involved, little change has occurred. In both Sydney and Nunavut, there appears to have been plenty of time, but little timely action.

Citizens need opportunities to interact with government in fora not characterized by either serendipity or stonewalling. Nunavut, for example, raises a number of questions: Why, after so many years of negotiation, was the government able to summon up the political will in 1993 to ratify the Inuit land claim and authorize the creation of Nunavut? Was it the Prime Minister's attempt to make his mark on Canadian history? Was it a bold federal move in the aftermath of earlier, failed attempts at constitutional reform? Could it possibly be a result of the unprecedented access of Rosemary Kuptana, then president of the ITC, to decision-makers throughout discussions leading to the Charlottetown Accord?

Governments need to be less fearful of and fretful about their interactions with the public. Unrealistic deadlines set by governments or citizens often work to further perpetuate a cycle of distrust, while legitimate and ongoing interaction could go far in fostering

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government's trust in citizens. Not only would this require that citizens be given more time to talk with governments, governments must similarly be given more time to listen to citizens – time that a downsized and over-extended public service finds increasingly hard to find. Interaction provides for time to learn from one another, to hear each other's concerns and constraints, and to build mutual understanding.

Resources for Engagement

One of the largest obstacles to engagement is the lack of financial resources. This becomes especially acute in citizen-initiated processes that involve community organizing often done on volunteer time and through the contribution of in-kind resources. Community leaders face the task of raising funds and sustaining community participation and enthusiasm, while simultaneously attempting to research the issues, capture the attention of government, secure some level of political commitment, and press for action. When processes continue over a span of decades, this situation becomes exhausting and frustrating. Despite the comparable lengths of time involved, the creation of Nunavut was ultimately achieved whereas the remediation of the Sydney Tar Ponds remains unresolved.

When governments decide to involve citizens on a particular issue, political will is assumed and reflected in the commitment of resources and time. Sadly, when citizens reach out to engage the government, they do not have comparable capacity.

Governments could demonstrate their willingness to seriously entertain citizen-initiated processes through a parallel commitment of financial resources. In Canada, there are models for intervenor or participant funding;[130] however, these have not applied to citizen-initiated processes. The issue of resources is not confined to these two case studies. Instead, this theme of disparity runs throughout all of our stories.

Space for Deliberation

In 1996, the public approached the new JAG process with uneasiness. For ten years, they had failed to engage any level of political commitment and millions had been spent on failed efforts at remediation. Why would the latest process be any different? Although the government did attempt to signal their commitment to the process by signing a Memorandum of Understanding, the process has yet to achieve its stated goal.

Are deliberative processes possible? We contend that deliberation is crucial to attaining agreement on action. Where opportunities for ongoing interaction exist, and resources have been committed, government continues to play an important role in supporting deliberative processes. Governments "need to trust in citizens' ability and willingness to be constructively involved in important public policy decisions and to give them the space to do so."[131]

2.5   Forging Civic Space in Global and Financial Markets

The global market place and financial markets profoundly influence the world as we know it, both domestically and internationally. These entities reach into all corners of our lives, transcending the jurisdictions of national governments and national regulatory frameworks. Unfortunately, partly attributable to the ambiguity of their reach and shape, there is a lack of civic space in which citizens can engage in dialogue and debate allowing them to influence policy. This frustration may well be shared by decision-makers in all levels of government. Correspondingly, accountability mechanisms that ensure that the government and corporate citizens are working for the public good, are also wanting.

How do we create citizen space where there is none? In these situations, citizens are challenged to forge new forms of civic space, while ensuring that strong accountability mechanisms are in place.

The following questions are useful in the initial understanding of these case studies:

- How are new forms of civic space forged?
- What role can government play in facilitating new civic space?
- How are governments held accountable for decisions taken in arenas that are not directly linked to an electorate?

The Multilateral Agreement on Investment

Origins

Over the last fifteen years, Canadians have discussed and debated the consequences of globalization as their federal government has entered into two far-reaching, international trade agreements. The first, the *Free Trade Agreement* (FTA), signed in 1988 by then Prime Minister Brian Mulroney, ushered in new rules and regulations for trade with the United States. The second, the *North American Free Trade Agreement* (NAFTA), was signed in 1993 by Canada, the USA and Mexico and implemented as of January 1, 1994. The objective of NAFTA is to remove most barriers to trade and investment among these three countries.

The signing of both agreements was preceded by vigorous public debate that involved thousands of Canadian citizens from diverse corners of society. Many Canadians, because of the country's proximity to the strong and influential culture found in the USA, are wary of unregulated trading environments, and it was not without significant anxiety that citizens watched their governments enter into these agreements. Many Canadians found themselves feeling alienated from these complex policy debates and many believed that the agreements were inevitable. In the words of a prominent labour activist and organizer, Buzz Hargrove, "the train is running full speed ahead and it will be very difficult, regardless of public opposition, to shift it."[132]

Following the US Congress signing on to the agreement, Jerry Mander, an American environmental activist, pulled together organizations from around the world so that they could reflect on what each had learned in confronting free trade and related forms of economic globalization. This meeting allowed the activists to come together and forge new relationships and networks. It was through these networks that Canadian NGOs eventually learned of the *Multilateral Agreement on Investment* (MAI). Further, they discovered that the Canadian government was negotiating this far-reaching agreement without the input of the Canadian public. This case study highlights how Canadian NGOs came together and organized in opposition to the MAI, and attempted to make the policy-making process more transparent and inclusive.

The Multilateral Agreement on Investment

The *Multilateral Agreement on Investment* (MAI) was designed to be a global investment treaty that regulates the flow of transnational investment. Negotiations for the treaty began in the mid 1990s at the World Trade Organization (WTO). In 1995, when the WTO talks failed, the MAI moved under the auspices of the Organization for Economic Co-operation and Development (OECD), based in France.

Given the importance of trade and investment to Canada's economy and Canada's position as a net exporter of Foreign Direct Investment (FDI), the federal government actively participated in the MAI negotiations. Canada's economy is highly dependent on

trade; one in three Canadian jobs are directly linked to trade and exports, accounting for 40 percent of our Gross Domestic Product. Canada is also a large recipient of foreign investment as well as a large foreign investor. Foreign investment spurs economic growth, creates jobs and leads to better standards of living.

> The case for opening markets to investment is as compelling as it is for trade. More open economies enjoy higher rates of private investment, which is a major determinant of economic growth. Foreign Direct Investment is actively courted by countries, not least because it generates spill-overs such as improved management and better technology.[133]

The MAI was to forge a broad multilateral framework for international investment protection with effective mechanisms for dispute resolution. It intended to create a level playing field among international investors, providing uniform rules for market access and legal security.

Proponents of the MAI stated that the intent of the agreement was never the relaxation of corporate responsibility, as long as domestic economies did not discriminate against foreign investors. It was also pointed out that the MAI might reinforce and strengthen domestic standards rather than lowering them – another fear of opponents of the agreement. For example, the MAI was likely to contain specific safeguards against the lowering of domestic environmental standards as a device for attracting additional investment.[134] Under the MAI, countries were to maintain high levels of government sovereignty.

Formal approval in principle of the draft agreement among the 29 members of the OECD was initially expected to take place at the OECD ministerial meeting in the spring of 1998. The process included approval in principle and ratification. Governments can indicate approval in principle without securing parliamentary approval. Ratification, in Canada, would be done by passing enabling legislation designed to amend a series of existing laws to comply with the MAI. Approval in principle was never achieved.

Opposition to the MAI

Opposition to the MAI began in 1995 when several Canadian organizations were first alerted to its existence.[135] Martin Khor of Third World Network told Canadian NGOs that negotiations to establish a global investment regime were going on behind closed doors in Paris, negotiations that included the Canadian government. In January of 1997, the OECD began circulating a confidential draft of the MAI. The Council of Canadians (COC), an NGO, started a Canada-wide search for the document and in March they located a copy. The COC posted the full text on the website of Ralph Nader's *Multinational Monitor*.[136]

By early April 1997, an initial analysis of the document was prepared, subsequently published by the Canadian Centre for Policy Alternatives under the title *The Corporate*

Rule Treaty. On April 3, 1997, the MAI draft document was publicly acknowledged and released for the first time in the world through a front-page story in the *Globe and Mail*.

Opponents to the MAI called it "NAFTA on steroids" and cited the following reasons for their opposition:

- The MAI will grant new unprecedented rights for corporations while removing the authority of states to place obligations or regulations on them;

- The MAI will threaten national sovereignty and the viability of domestic firms and farms;

- The MAI will remove conditions for development in the South and magnify environmental and social problems;

- The MAI is deeply undemocratic and will grant transnationals equal footing with nation states; and

- The Canadian government has no mandate from citizens to enter into the agreement.[137]

More news of the MAI surfaced on the eve of the 1997 federal election. The federal government soon recognized growing public concern, expressed largely in terms of cultural sovereignty. At the same time, political briefing sessions were held behind closed doors and Art Eggleton, Minister of Trade at the time, felt that it was too early to have public debate surrounding the issue. Indeed, Sergio Marchi, Eggleton's successor as Trade Minister, described the MAI as a "cross-country shopping cart into which Canadians were putting largely unfounded anxieties about the future."[138]

Despite government plans to the contrary, the MAI surfaced as an issue during the 1997 election. The COC published a national newspaper ad and groups of citizens took the issue to all-candidates meetings in dozens of ridings across the country.

In October 1997, the COC officially launched their campaign against the MAI. The campaign plans included information packages for COC members and other interested groups, print and radio ads, and the co-ordination of a coalition of organizations to take their concerns directly to the OECD in Paris.

In Paris, it was discovered that the Canadian government and, more specifically, the new Minister of Trade, Marchi, was misrepresenting the scope of the MAI and Canada's status in the negotiations. Marchi had assured Canadians that the MAI would protect key areas of culture, social programs, jobs and the environment. In addition he repeatedly stated that the negotiations were only just beginning and "nothing is written in stone." However, the OECD stated that the MAI would be "ambitious" and "apply to all sectors, all forms of investments ... all actions, all laws, and all regulations will be subject to the

MAI."[139] It also indicated that they were "very, very close" to finalizing a treaty and expected it to be signed in April 1998.[140]

A number of NGOs set out to open the negotiations to citizens and get information out to them. For example, Maude Barlow (COC) and Tony Clarke (Polaris Institute) wrote a "backgrounder and action" book called *MAI: The Multilateral Agreement on Investment and the Threat to Canadian Sovereignty*. With their suggestions for community action, they hoped to mobilize public participation in a debate that, as they saw it, could have a profound effect on the destiny of Canada and, indeed, the rest of the world.

They also hoped to dispel the feeling of "inevitability" that Canadians held regarding globalization. Bill Blaikie, the New Democratic Party's International Trade Critic, who was vocal in his opposition to the MAI throughout, stated "the biggest problem is trying to overcome the doctrine of inevitability that the Liberals, Conservatives and Reformers attach to these sorts of agreements" – a fait accompli mindset that the media and free trade proponents have instilled in the populace.[141]

The campaigns worked hard to make it clear that organizations were not rejecting the idea of a global investment treaty outright. Many opponents of the MAI repeatedly stated that they were well aware that transnational flows had been accelerating at a rapid pace and that there was a need to establish some global rules; they felt, however, that the MAI expanded the rights of transnationals without expanding their corresponding obligations.

In the face of widespread concern, activists and academics set to work building a citizen-centred alternative. The campaigners realized that proposing an alternative was integral to a successful campaign. To do this, the COC initiated a cross-country MAI inquiry, *A Citizen's Search for Alternatives*. Commissioners included prominent Canadians across many sectors including environment, labour and First Nations. The inquiry was structured as a series of public hearings and smaller workshops to explore citizen-based alternatives to the MAI.

Other organizations, such as the Ontario Public Interest Research Group, provided citizens with questions to ask: Who wants the MAI? Who wins under the MAI? Who loses? Who bears the costs and why?

By April 1998, three Canadian provinces (British Columbia, Saskatchewan, and Prince Edward Island) and one territory (Yukon) had publicly announced their opposition to the MAI as had the federal New Democratic Party and several Canadian municipalities. The City of Coquitlam, British Columbia, declared itself an "MAI-free zone." When Terry Cottam, one of the founders of the MAI-Not! listserve, surveyed Members of Parliament to reinforce upon them their responsibility to inform themselves and their constituents about the treaty;[142] he found that most of them had not read the agreement.

Proponents of the MAI included some economists and businesses. Alan Rugman, an economist at the University of Oxford, called the MAI a "good news story" and blamed "second-rate trade bureaucrats" for the potential failure of the deal, saying they had

briefed Ministers poorly and as a result there was "little political will to counter the gross distortion of the MAI offered by unelected and unaccountable NGOs."[143] Neville Nankivell, writing for the *Financial Post*, pointed out that by establishing a basic set of rules for foreign inward business investment, the MAI would benefit small to medium-sized firms far more than multinationals. Nankivell states:

> Most governments don't get it. Good progress has been made on cutting tariffs. Some progress has been made in dismantling non-tariff trade barriers. But except for NAFTA, there's been little progress on investment liberalization despite the obvious benefits to growth and jobs.[144]

Outcomes

In April of 1998, the negotiators failed to get approval in principle for the MAI at the OECD. At this point, OECD negotiators agreed to a six-month period of "assessment and consultation" and Marchi, the Minister of Trade, acknowledged that "pressure from citizens' rights groups at home has played a key role in stalling the deal."[145] Six months later, in October of 1998 – one week before Canada and the other 28 countries of the OECD were scheduled to resume talks on the MAI – France declared that it was pulling out of negotiations indefinitely. At the time, it was widely perceived that France's withdrawal signalled the end of the MAI under the auspices of the OECD. Tony Clarke, a Canadian activist from the Polaris Institute, stated, "France's departure was the straw that broke the camel's back ... [the OECD] were putting together a pretty cumbersome treaty that had all sorts of built-in contradictions."[146]

Opposition to the MAI throughout Canada was effective and high profile and involved several NGOs along with municipalities, labour organizations, those in power at a provincial level and those in opposition federally.[147] Organizations worked to engage citizens through education and outreach, allowing Canadians to engage more effectively in debate surrounding the negotiations.

Not only was there a strong anti-MAI campaign in Canada, there was an active campaign that spanned the globe, reinforcing national efforts. For example, in 1997, COC convened an international strategy session in Canada that brought together representatives of 80 organizations from around the world. Ties were forged and sustained between organizations throughout the campaign. One journalist wrote, "Ironically, in setting out to protect national sovereignty, a global citizens' movement is being born."[148]

The Internet played a crucial role in maintaining communication links as well as disseminating information. Thus, the MAI was termed the "first real Internet negotiation." There had never been more information regarding a national or international negotiation available to so many people: "Interest groups and average citizens came armed with massive amounts of cyberspace information about the MAI – much of it distorted – and this proved difficult for politicians and negotiators to deal with."[149]

Although the COC and other organizations in opposition to the MAI are often credited with its demise, troubles in global equity markets likely played a pivotal role in delaying the ambitious treaty. The "Asian flu" hit hard in the middle of 1998 as the free flow of investment capital led to widespread currency devaluation when money traders pulled their cash out of struggling economies, only to invest it in the United States. The links between this event and globalization were not lost on Canada's decision-makers, media or citizens. Media coverage regarding the Asian flu and several NAFTA challenges added to the general discomfort of citizens.[150]

Whether or not the federal government had any mandate from Canadians to enter into negotiations on the MAI is questionable. In the early days of negotiations, citizens were not involved and negotiations were carried on behind closed doors. It was not until the spring of 1999 that the government actively sought citizen input. At this time, the Parliamentary Standing Committee on Foreign Affairs and International Trade travelled across Canada to hear from Canadians what Canada should be looking for in current trade and investment negotiations.[151] The COC, in preparation for this round of consultations, developed another action kit, including tips on making a presentation to the Standing Committee, backgrounders on the WTO and MAI, and a draft position paper on trade and investment liberalization.

One of several issues that Canada's experience with the MAI serves to highlight is the lack of citizen influence over their own capital. Initially, the government planned to enter into an agreement on investment with no input from the millions of Canadian citizens who own the money that creates the capital with which transnational corporations are able to do business.[152] Today, ethical fund movements and ideas of shareholder democracy are slowly gaining momentum and are attempting to give individuals more say in how their money is invested within the global financial market. However, the battle surrounding the MAI during 1997 and 1998 serves to highlight the absence of defined civic space in the global markets.

> The process leading to the defeat of the MAI was as important as the defeat itself. The problem global capital faces now is not simply the fact of a specific defeat, but the resulting change in public and voluntary organizational awareness of what is at stake. Those involved in this global movement to counter the MAI have tasted the success of coalition politics, and they have raised the consciousness of groups around the world.[153]

The MAI: Where are we now?

When France announced, in October of 1998, that it was pulling out of negotiations indefinitely, the MAI was declared dead. Was it really dead? The organizers of the campaign to oppose the MAI are not convinced. It is widely accepted that the MAI (or some reincarnation of it) has moved back to the World Trade Organization (WTO) and is being negotiated anew. The anti-MAI campaign faces the challenge of sustaining its

momentum even though the "threat" has passed in the eyes of the media, and public interest has apparently waned.

The World Trade Organization (WTO) held its fifth annual Trade Minister's Meeting in Seattle, Washington, from 29 November to 3 December 1999 – aptly named the Millennium Round. The inclusion of comprehensive investment rules on the agenda of the Millennium Round signalled to many that the MAI was not dead. However, the opposition against globalization, which initially coalesced around the MAI negotiations in 1998, was stronger in Seattle. Throughout the opening days of the WTO talks, demonstrations in the streets of Seattle disrupted the negotiations and lead to them largely being abandoned. Official delegates to the WTO left Seattle without moving the WTO agenda any further ahead.

Many point to Seattle as the full expression of a global "civil society" movement. Barlow, for example, states: "A decade of grassroots campaigning that started with the fight against the Canada-US Free Trade Agreement in 1988 culminated with the emergence of a fully articulated citizens' movement at the WTO talks in 1999."[154]

Others are not so optimistic, and point to the challenges facing this "fully articulated citizens' movement." Concerns have been raised regarding accountability in the non-government sector; often these concerns emerge from within the sector itself. "While NGO coalitions wield ever-widening powers, they remain, for the most part, un-elected and largely unaccountable representatives of special-interest groups, often with narrow goals that may conflict."[155]

It cannot be denied that the last decade of the 1900s was a turbulent one for both citizens and decision-makers. Several world leaders have acknowledged that the "old way of making deals without citizen input is finished."[156] The message brought home by the thousands of citizens who came together at APEC in 1997, to oppose the MAI in 1998, to confront the WTO Millennium Round in 1999 and to protest the actions of the International Monetary Fund in Washington in April of 2000 is that business as usual is no longer an option.

Regulating Financial Services

<u>Origins</u>

Canadian banks are a creation of public policy and are heavily regulated by the federal government. Canada has five large integrated banks offering a wide cross-section of investment, banking, commercial and retail services via branches located in most communities across Canada. They also have large international operations, and face international competition in the domestic and foreign markets. The banks are a key component of Canada's efficient capital markets that are widely acknowledged as a source of competitive advantage for Canada.

Several of the major banks boast annual profits in the billions.[157] The Canadian public tends to relate to banks in a cautious and wary manner. These sentiments are most deeply rooted in agricultural communities, especially those found in western Canada. Many farming families have, in tough financial times such as the depression of the 1930s, either been on the brink of losing their farms to the banks or have, in fact, done so.

This wariness is more recently mirrored in urban settings where small business, the most quickly growing sector of Canada's economy, continues to struggle with a lack of access to credit. Set against a backdrop of global recession, the frustration of small business was further exacerbated in the early 1990s when the banks experienced major losses created by high-profile corporate failures in the resource sector and in real estate.

Canadian banks are also criticized for their resistance to unionization. Despite several efforts at labour organization over the last few decades, and a bitter union battle in the 1970s, bank workers in Canada still have no organized voice. Although these jobs have traditionally been among the more secure, recent years have seen a shift to contingent workers.

> Although the banks are among the most profitable corporations, and bank workers should have tremendous bargaining power, they have none. While bank profits have soared, bank workers have lost ground.[158]

There is a global transformation of financial services underway. Worldwide, banks and other institutions feel pressure to merge and there is an intensification of international competition, both of which have affected the growth prospects of Canadian banks. These global pressures, combined with the effects of rapid changes in technology, have created new challenges for all financial institutions in Canada. In recent years, all major trust companies have disappeared, there have been a large number of mergers in the insurance sector, and increasing pressure on the Canadian banks to "get bigger." For example, in late January 2000, the government allowed the $8-billion takeover of Canada Trust by Toronto-Dominion Bank.

It was against this backdrop of ongoing public dissatisfaction and accelerating and unpredictable change that four of the large banks in Canada announced their plans to merge. These announcements sparked an intense debate that articulated the ambivalence and dissatisfaction that many Canadian citizens had for the banks.

The Process

In March 1995, the Senate Committee on Banking, Trade and Commerce initiated hearings that resulted in legislative changes to financial institutions to be implemented in 1997. At these hearings, the Senate Committee heard from two citizen groups and thirty industry groups. The Secretary of State for Financial Institutions met with forty-five industry representatives and addressed nine industry conferences, and did not meet once with a citizen/consumer group.[159] The resultant 1997 legislative changes included no consumer protection or accountability measures.

In 1996, the federal government created a Task Force on the Future of the Canadian Financial Services Sector to inquire into the domestic and international competitiveness of the financial sector, the contribution of the sector to economic growth and to the best interests of consumers, and the impact of technology on the sector. Initially, the Task Force did not involve citizens or address their concerns. The Task Force became much more accessible to citizens approximately midway through its mandate when Harold MacKay became its Chair.

In January 1998, approximately nine months before the Task Force was to report to the Minister of Finance, the CEOs of two of the five major banks in Canada called a press conference, at which John Cleghorn and Matthew Barrett announced plans to merge the Bank of Montreal and the Royal Bank. Les Whittington, covering financial issues with the *Toronto Star*, states:

> By 1998, no one could say with certainty what the financial-services landscape would look like in five years, let alone ten. But there was every likelihood that Canadians would see more consolidations, buy-outs, and strategic innovations in the industry. Companies could not just stand still. They would be forced, one way or another, to adjust to the runaway change that new technologies and shifting customer needs had thrust upon them.[160]

Barrett and Cleghorn, at their press conference, cited the need to "go head to head with any bank anywhere" and allow Canadian banks to stand up to competition from increasingly massive foreign financial institutions. They portrayed the mergers as necessary to stay competitive, strong and healthy in increasingly globalized financial markets.[161] Barrett stated, "We don't plan to be the corner hardware store, waiting for Home Depot to arrive and put us out of business."[162] Three months later, the CIBC and the Toronto Dominion Bank announced their plans to merge, citing similar reasoning.[163]

Several non-governmental organizations questioned the banks' stated reasons for the mergers. The Chair of the Canadian Community Reinvestment Coalition speculated that

the Royal Bank and the Bank of Montreal might have announced their plans to merge to divert attention from the increasing scrutiny levelled at them.[164] A representative of the Council of Canadians concurred:

> These mergers have been an attempt by the big banks to hijack the agenda of renewing regulation of the financial services industry in Canada for their own purposes ... Paul Martin [Federal Finance Minister] must now sweep these mergers off the table so we can focus on the issue of making sure that this industry serves the needs of Canadians.[165]

Regardless of the motivation, it was clear that when the mergers were first proposed, the average Canadian felt powerless and even resigned to the fact that the mergers would go ahead.[166] Even though Canada's banks are very much creatures of public policy, many Canadians were skeptical about whether there would be any meaningful public dialogue about the proposals before a government decision was made.

By the middle of 1998, many Canadians were alerted to prospect of the "Big Five" banks being reduced to the "Bigger Three" through consolidation. The press followed the merger debate very carefully. Significant coverage detailed the government machinery considering the merger proposals: the MacKay Task Force on the Future of Canadian Financial Services Sector, the Liberal Caucus Task Force on Financial Services, the work of the Competition Bureau, as well as the House of Commons and Senate Standing Committees.

Who Were the Key Players?

The Canadian Community Reinvestment Coalition (CCRC), a coalition of civil society organizations, was doing its part to raise the public's awareness of the issue. The CCRC was formed in December of 1996 as a non-partisan coalition of groups that share common concerns about financial institutions. Their specific focus is on the issues of access to basic financial services and access to capital for community reinvestment. Groups involved in the CCRC number over one hundred and include anti-poverty, consumer, community economic development, labour and small business groups.

For more than a year before the bank mergers were announced, the CCRC had been working to create accountability mechanisms in the financial services sector. They were advancing the case in Ottawa for legislation similar to the United State's *Community Reinvestment Act*, passed in 1977. The *Community Reinvestment Act* currently requires detailed disclosure by American banks of mortgage, small business and community development lending patterns, and requires financial institutions to "meet the credit needs of the communities in which they are chartered." Proponents of the Act feel that this legislation has done wonders in impoverished inner-city areas by providing, for example, credit for affordable housing initiatives and small business loans.[167]

The banks had $30 million to spend on their pro-merger campaigns. The CCRC had about $100,000 to spend in total on their "better banking laws" campaign.

Beyond the organizations involved in the CCRC, several others were speaking up in opposition to the mergers.[168] The Canadian Federation of Independent Business (CFIB), which represents 89 000 small and medium-sized companies "declared war" on the mergers, stating that fewer banks would mean fewer financial options for small businesses who had been complaining for years about the reluctance of risk-adverse loan officers to lend them money. In an unlikely partnership, CFIB, a traditionally conservative entity, found itself aligned with other "democracy watch dogs."

Smaller players included the Ottawa-based Public Interest Advocacy Centre and the Canadian Association of Retired Persons. The Council of Canadians, an Ottawa-based citizens' rights group that had been at the centre of the MAI campaign, was also an opponent of the mergers. Rural municipalities and local governments were afraid of losing their community bank branches and teller service and, in the summer of 1998, the city of Yellowknife in the Northwest Territories was the first municipality to officially oppose the mergers.

Many credit unions also actively opposed the merger, and in October 1998, VanCity, Canada's largest credit union, sought legislative approval to create Canada's first member-owned bank, an institution that would unite 870 credit unions and command 4.8 million members with assets of $48 billion. VanCity, like the CCRC, knew that the time to get its plan off the ground was the very moment that the government was contemplating the merger of the banks.

<u>Campaigning for Community Reinvestment</u>

Because the CCRC was well established and already focused on the financial sector, they were able to move the issues into the public arena. One of the first things that the CCRC did was to assure Canadians that the case of the bank mergers was not yet decided. In a press release titled "Citizens have final say on bank mergers" the CCRC assured Canadians that:

> First, Canada is a democracy in which public opinion should have a powerful impact on public policy. Secondly, a majority of Canadians oppose the proposed mergers, according to two national polls. Thirdly, let's take heart from the opposition expressed by a broad range of Canadians and organizations. Lastly, the banks have provided no evidence that their proposed mergers will benefit their customers, while the negative impact from bank mergers in other countries is extensive.[169]

The CCRC not only provided assurance that citizens could make a difference by engaging in this complex policy debate, they provided accessible information and concrete suggestions outlining how citizens could take action.

In the fall of 1998, the MacKay Task Force released its report, *Change, Challenge and Opportunity*, to the Minister of Finance. The MacKay Report found that:

While Canada's financial services sector is fundamentally sound and serves most Canadians well, there is significant room for improvement. A rapidly changing marketplace has created a pressing need for a host of modifications so that the sector can effectively meet the needs and expectations of Canadian consumers and make its full contribution to the Canadian economy.[170]

After the release of the MacKay report, the CCRC kicked off their "Better Banks not Bigger Banks" campaign with an Action Kit. The kit contained action-oriented items such as a sample letter to send to Members of Parliament, Cabinet Ministers and the House of Commons Finance and Senate Banking Committees; a City Council Resolution page; an Access to Better Banking Services survey for participants' communities; and a list of key Ministers, Members of Parliament and Senators to contact. The kit also included three pieces of information: a three-page summary of the CCRC recommendations and corresponding Task Force recommendations to highlight gaps in the Task Force Report; the CCRC analysis of the Canadian Bankers Association's Business Lending Statistics; and a piece called *Myths and Facts about the Banks and Bank Mergers*.

By the middle of October 1998, the banks were realizing that what started as "a smooth sales job is starting to look more and more like a salvage operation."[171] The public opinion polls were reporting that between half and two-thirds of Canadians did not want banks to merge, which represented a sharp increase since the January 1998 press conference held by two bank CEOs. The four major banks were providing steady work for the largest polling and market research firms in the country.

Peter Godsoe, the CEO of the Bank of Nova Scotia (the only bank without a "merger partner"), had also appeared before the Senate Banking Committee after the release of the MacKay report and urged the government to delay decisions until the government had mapped out its strategy in response to the report's 124 recommendations. Godsoe pointed out that the larger American and European banks had taken quite a beating in recent global turbulence, while Canadian banks had remained relatively unscathed. He punctuated his remarks with estimates of job losses running up to twenty thousand and branch closures numbering one thousand if the mergers were permitted to proceed. He allowed that "facts must guide government's decisions – facts, not personalities and not public relations campaigns."[172]

The four banks that had proposed the mergers countered with their own stories of imminent lay-offs and downsizing if the mergers were barred. Barrett, before the Commons Finance Committee, predicted that "something has to give" and, without mergers, banks would be forced to cut jobs and close unprofitable branches.

Despite widespread opposition, in October, an internal Royal Bank poll showed that 50 percent of Canadians were not even aware that the banks wanted to merge, while 92 percent did not have enough information to know what to think.[173] A Royal Bank spokesman stated that the bank had not even begun its mass-market communications campaign.[174]

Outcomes

On December 14, 1998, the federal Minister of Finance, Paul Martin, announced that the bank mergers would not be allowed to proceed at this time because they would lead to: (1) an unacceptable concentration of economic power in the hands of fewer, very large banks; (2) a significant reduction of competition; and (3) reduced policy flexibility for the government to address potential future prudential concerns.[175] Martin highlighted the need to be forward-looking and establish a strong policy framework for the financial services sector for the 21st century. A discussion paper outlining this policy framework was expected in June 1999 with legislation to follow. This new policy framework would guide the future consideration of bank mergers.

Al Flood, Chairman and Chief Executive of the CIBC, spoke candidly about the failed mergers. He stated, "The banks got out in front of government policy before it was allowed to unfold into a proper debate."[176]

A significant outcome of the year-long public focus on the financial sector helped citizens see that changes could be made that would lessen their dissatisfaction with the banking industry. The CCRC played an educational role throughout the year and introduced the idea of community reinvestment legislation to many Canadians.

Proposed Directions for Increased Accountability

The high level of discontent felt by Canadians about bank services is well known. Surveys of 8000 Canadians conducted in 1996 and 1997 by the National Quality Institute found that banks ranked in the bottom five of 21 industries in terms of customer satisfaction. A lack of response by financial institutions to customer concerns is, unfortunately, matched by a lack of resources for consumers to advocate their interests.[177]

The CCRC campaign highlighted a number of proposals for increased accountability, including requirements for a full review of proposed bank branch closures, a full, annual review of service charges and credit card interest rates, and a complaint-handling process (i.e. financial services ombudsman) that is independent, fair, and directed jointly by consumers and financial institutions.

The CCRC campaign also highlighted the lack of organized and resourced advocacy on the part of financial consumers and recommended the creation of a Financial Consumer Organization (FCO) as a cornerstone of bank accountability for Canada. The FCO would be modelled after the current Citizens Utility Boards (CUBs) created in the United States energy sector. CUBs are citizens' organizations that monitor the actions of hydroelectric companies. They are voluntary, public interest organizations that are completely self-supporting. Citizens are invited to join (there is a nominal membership fee) via inserts in their utility bills. The result is that CUBs have huge membership, are representative, self-funded, and able to bring a strong consumer advocacy voice to the energy sector.

The FCO would help to address the complaints that consumers might have about the upwards of 500 financial products and services offered by financial institutions as well as problems with service charges, credit card interest rates, mutual funds, privacy issues, tied-selling, insurance policies and corporate governance. Federally regulated banks, trusts and insurance companies could facilitate the creation of the FCO by enclosing a flyer in the envelopes they use to mail their account statements, credit card bills, and insurance premium statements. The flyer would invite customers to join the FCO by paying an annual membership fee of perhaps $20 to $30.

CCRC estimates that, with a 3 to 5 percent response rate from financial consumers, the FCO would have between 600 000 and 1 million members with an annual budget of $12 to $20 million. CCRC believes that these resources would allow the FCO to become "self-sustaining, broad-based, and strong enough to counter the power of financial institutions in the marketplace."[178]

The FCO would advocate consumer interests before the government and courts, compare prices of products and services, help financial consumers with complaints, and act as an umbrella group to provide grants for existing groups active on financial services issues. Like the increasing popularity of shareholder advocacy, shareholder democracy, and socially responsible investing, the FCO would bring a much needed voice to the financial marketplace in Canada.[179]

<u>Accountability in the Financial Sector: Where are we now?</u>

On 25 June 1999, the Department of Finance Canada outlined its new policy framework for Canada's Financial Services Sector. Primary objectives of the policy are to ensure that ground rules for change within the sector are clearly outlined and that the "needs of all Canadians are met."[180] Legislation in support of this policy is expected by April 2000.

The policy framework is guided by four fundamental principles:

- Financial institutions must have the flexibility to adapt to the changing marketplace and to compete and thrive, both at home and abroad, in order to retain their role as critical sources of economic activity and job creation.

- Vibrant competition is necessary to ensure a dynamic and innovative sector and that individual and business consumers have a range of choice at the best possible price.

- Consumers, regardless of their income or whether they live in an urban or rural area, and individual businesses, whether they be large or small, should receive the highest possible standard of quality and service.

- The regulatory burden should be lightened wherever possible, consistent with prudential and public interest objectives.[181]

The policy paper does not ban mergers. In fact, through the policy, Canada's banks will be given the opportunity to benefit from greater flexibility to adapt to the changing business environment including the "potential for joint ventures and strategic alliances, a more flexible ownership structure; ... a transparent merger review process; ... and streamlined regulatory processes."[182]

Other highlights of the policy include some provisions to provide better protection for consumers of financial services. For example, the policy outlines:

- Measures to improve access to financial services regardless of income or place of residence, including a standard low-cost account and a process to govern branch closures.

- A Financial Consumer Agency to strengthen oversight of consumer protection measures and expand consumer education activities.

- An independent Canadian Financial Services Ombudsman.

- Public Accountability Statements for financial institutions to report on their contributions to the Canadian economy and society.

- More and better statistics on and analysis of small and medium-sized business financing to provide better understanding of their needs.[183]

Both the CCRC and the banking industry had mixed reactions to the policy paper. CCRC responded somewhat favourably to the policy paper. They urged their member groups to write to the Minister and their local Member of Parliament to close several "key gaps" to strengthen accountability measures in the financial sector. To close these gaps, CCRC states that banks must be required to:

- Provide detailed information on loans, investments and services to customers.

- Facilitate the creation of a Financial Consumers Organization (FCO) to help customers.

- Disclose the profit / loss record for any branch proposed to be closed, to allow for a full review of the reasons for closure.

- Limit the hold placed on a deposited cheque to the time period needed to clear the cheque.

- Prove that banks aren't "gouging" [customers] with excessive service and credit card charges.[184]

The Canadian Bankers Association, an industry organization representing Canada's banks and their employees, cautiously stated their commitment to working with the

government to ensure the fundamental objectives of the policy are achieved; however, they reserved further comment until they were able to "evaluate the full impact on consumers and competition."[185]

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2.6   Discussion: Building Trust in Uncharted Territory

Nowhere are the traditionally defined roles of citizens and governments more challenged than in global and financial markets. This is uncharted territory where civic space and mechanisms for accountability are poorly defined.

These case studies raise important questions including: Is there a need for new forms of "civic space"? How can it be forged? What role can government play in facilitating new civic space? How are governments held accountable for decisions taken in arenas that are not directly linked to an electorate?

There are significant differences in the two case studies detailed in this section:

- Although they had a ten-year history of opposing trade agreements, citizen groups working in opposition to the MAI were in the position of reacting to governments' actions. In the financial regulation case study, an established coalition pursued a proactive agenda to reform the financial sector and had the capacity to use the spotlight created when the bank mergers were announced.

- In the MAI, the roles of both citizens and governments were complex. The negotiation of the MAI was situated in a policy arena without well-defined government jurisdiction or mandate (international trade issues) and an equally ill-defined space for the public to voice their concerns. The government, on the other hand, has a very well-defined role to play in regulating our financial sector.

There are also powerful similarities:

- A major obstacle to citizen action in both cases was the belief, widely held by Canadians, that there is no room to manoeuvre in our global economy, and that globalization has, in some fundamental way, eliminated democratic options that once existed.[186]

- Government processes were initially put in place with no consideration for citizen input.

- Citizens ultimately made a powerful difference.

In such situations, both Canadian citizens and governments face a challenge – as well as an opportunity – to create civic space that is stable, ongoing and characterized by deliberation, transparency and accountability. Together citizens and governments can map out new ways of relating; neither governments nor citizens need to shoulder this burden alone.

Citizens Can Make a Difference

In these case studies, citizens initially felt overwhelmed and helpless. In the face of trade liberalization, globalization and the enormous power of Canada's major financial players, citizens felt that their concerns would never be heard. Both the Council of Canadians and the Canadian Community Reinvestment Coalition worked effectively to disable this conviction. Both organizations poured energy and time into convincing the public that they could make a difference; the decisions were not "done deals" and, therefore, people should get involved! In the end, both campaigns enjoyed a large degree of public support. Citizens appear to have had the largest impact on the outcomes where civic space is most uncharted.

Including Citizens from the Start

In the mid 1990s, although the Canadian government was a major player in international negotiations on the *Multilateral Agreement on Investment*, the Canadian public was not aware that negotiations were underway. Even after Canadian organizations learned of the negotiations, the process continued "behind closed doors." In January of 1997, the OECD circulated confidential drafts of the agreement and, after a Canada-wide search for the document, the Council of Canadians was only able to locate a copy in March. The Internet was used to share it with other organizations and the public. Even though politicians were hearing the beginnings of what would soon be vociferous public concern, the Trade Minister at the time mistakenly felt that it was too early to invite public debate.

In March 1995, the Senate Committee on Banking, Trade and Commerce initiated hearings that resulted in legislative changes to financial institutions to be implemented in 1997. At these hearings, the Senate committee heard from two citizen groups and thirty industry groups. The Secretary of State for Financial Institutions met with forty-five industry representatives and addressed nine industry conferences, though he did not meet even once with a citizen/consumer group.[187] The resultant 1997 legislative changes included no consumer protection or accountability measures. Further, the Task Force on the Future of the Canadian Financial Services Sector, established in late 1996, only made efforts to involve citizens after Harold MacKay took over the position of Task Force Chair in mid-1997.

A trusting relationship cannot grow when the actions of citizens and governments are not mutually transparent. It should not be necessary for citizens to struggle for information and access. Their energy and resources are better devoted to contributing constructively to the issues at hand.

Capacity to Engage

Few citizen groups have the financial resources or capacity to closely track an ongoing policy initiative. The CCRC put forward a model for addressing the lack of resources and civic space in the realm of finance. Modelled after Citizen Utility Boards in the United States, the CCRC recommends the formation of a Financial Consumers Organization (FCO). Government would facilitate the formation of the FCO by requiring financial institutions to include a flyer in their mailings informing citizens about the FCO and requesting a nominal membership fee. This would result in an independent and well-resourced citizens' association that could advocate on citizens' behalf and represent them in policy development.

This model is not limited to the financial sector. It can be used by any government or business institution with regular mass mailings. For example, this could allow people to organize around such issues as:

- taxes, government spending and ethics (by enclosing a flyer in tax form envelopes)
- postal services (by delivering flyers to people's homes)
- health care (by enclosing a flyer in health card or health insurance premium statements)
- transportation (by enclosing a flyer in driver license renewal envelopes or with bus, plane, and train tickets)
- utilities (by enclosing a flyer in utility bill envelopes), and
- social services (by enclosing a flyer in social assistance cheque envelopes).

The "Citizens' Association" model is the type of creative solution that citizens and governments could use to help establish trust in an increasingly globalized world.

Next Steps

The questions discussed here give rise to a more universal set of questions, which cut across all three kinds of cases: how to build capacity for governments, community organizations and individuals; how to entrench mutual engagement in society; what ground rules are needed to support policies for engagement; and what would make it easier for citizens to engage governments. Recently, there has been an attempt to model a different relationship between citizens and governments; this is the subject of the next section of our report.

3. TOWARDS MORE EFFECTIVE ENGAGEMENT: "THE SOCIETY WE WANT" PUBLIC DIALOGUE PROJECT

> What is missing at this stage in our history is an opportunity for citizens to engage the issues in a thoughtful and meaningful way and a means to transmit their conclusions to decision-makers.[188]

The relationship between governments and citizens is in a state of flux. Where the roles, rights and responsibilities between the citizen and the state were once well defined, they are no longer. Citizens are today demanding an increased voice in decisions that affect their lives. Canadians clearly want to be included in decisions about social policy and planning especially in such areas as education, health and employment. Governments have also expressed interest in learning how to provide more meaningful avenues for public input. There is a "growing recognition on the part of public sector officials that they are going to need new deliberative techniques in order to sustain their legitimacy with a public that wants in to the public policy process."[189]

However, in the early and mid years of this decade, the divide between citizens and governments was not narrowing but widening. This divide was partly attributable to the cumulative effects of almost a decade of significant changes catalyzed by, among other events, two major trade agreements, an ongoing and emotional debate regarding national unity and two failed attempts at constitutional reform.[190] A feeling of increased alienation and discontent also followed the federal government's 1995 budget. The Canadian Health and Social Transfer (CHST) was introduced in this budget, which drastically reducing social spending. This had serious implications for the relationship between the powers within the federation as well as the ways in which Canadians related to their governments.

These enormous changes fuelled citizens' interest in revitalizing and strengthening the democratic process. Non-government organizations such as the Canadian Policy Research Networks, Institute on Governance, Public Policy Forum, and the Canadian Council on Social Development all worked to focus discussion about civic engagement, to analyze policy in the context of civic concerns, and to deliver their findings to government. Scholarship in Canada on citizen engagement also advanced and there is presently considerable research and infrastructure devoted to in examining the relationships between citizens and their governments.

Canadian Policy Research Networks (CPRN) approached this arena from a different direction. In 1996, Dr. Suzanne Peters, Research Director of CPRN's Family Network, suggested modelling a process that fostered deliberation. She felt that if governments could see that the "waters were safe," and that meaningful engagement could lead to meaningful outcomes – both in terms of good policy decisions and increased trust – that governments would see value in the process. She also realized that governments were unlikely to take the first step.

The Society We Want

The Society We Want (TSWW) is a highly structured public dialogue process that brings together groups of Canadians to talk about important issues facing their country. In its pilot phase (April 1996 – February 1998), approximately 3000 Canadians gathered in 187 dialogue groups of 8 to 12 people, and in several larger community-wide gatherings, to deliberate such key social policy issues as *Our Children, The Social Safety Net, Health, The Role of Government*, and *Work*.

TSWW provides a neutral, non-partisan space for citizens to reflect on key social and economic policy issues. From its inception, CPRN has relied on the voluntary sector and community groups to shape and deliver TSWW. The dialogue process initially took shape under an advisory committee consisting of twelve national non-profit organizations.[191] The advisory committee offers advice on project design, assists in identifying policy implications and advises on the diffusion of results. Most importantly, these organizations have offered their in-kind support in sharing information about the project and encouraging members to participate. By working within existing structures, TSWW builds on established natural links to citizens.

Since this initial program, TSWW has focused on two issues that are priorities for people in Canada – the health care system and the changing nature of work. This case study focuses on CPRN's experience with the Health Care System Issue Guide. Church groups, community organizations and adult learners have all used TSWW's public dialogue tool kit to engage in public dialogue. The information from these sessions is fed back to CPRN and used to direct their research agenda and their interactions with decision-makers. TSWW has also laid the groundwork for some other exciting public dialogue initiatives in Canada.

Context

Changing demographics and increased citizen expectations, among other factors, are placing new demands on Canada's health care system. Canada's population, although relatively young in comparison to other industrialised nations, is rapidly ageing. Because the elderly historically use hospitals and health care services at a higher rate than the younger population, this demographic change is anticipated to place particular pressure on health resources and is gaining increased attention from policy-makers.[192] Also, citizen expectation of what Canadian health care dollars should cover is in a constant state of flux, most often pushing for broader and more inclusive coverage.

These changes are pulling the health care system in new directions at a time when resources for health care spending are increasingly scarce – a fact that has only been redressed in recent budgets.[193] Canadian citizens share anxieties regarding the impact of decreased funding on the resilience of their health and health care system.[194]

In the mid 1990s there were few – if any – fora in which to consider the trade-offs that might be acceptable in light of the values Canadians bring to health care decision-

making. Public dialogue, as advanced by CPRN, attempts to fill this void. Through TSWW, Canadian citizens – rather than just experts –are invited to struggle with the very complex question: "Can we find a better balance between what we can afford, improved access, and increased coverage?"[195]

The Process

The process of public dialogue, as advanced by CPRN, brings together a small group of people for a period of two to three hours. During this time, a volunteer moderator guides the group through the dialogue process with the help of a detailed, user-friendly Issue Guide. The process consists of:

Before the Dialogue (20 minutes)

- Participants read over the issue guide
- The moderator explains how the dialogue works
- Participants introduce themselves and relate a personal experience with the subject matter

During the Dialogue (2 hours)

- Participants discuss three viewpoints on the issue and say what they think about each
- The moderator records comments on a flip chart
- Participants think of "indicators of success" – things they might want to see happening five years from now
- Participants are asked to look over a series of "Issue Summary Statements" and indicate the extent to which they agree or disagree with them
- The group discusses what next steps – if any – they would like to take on the issue

The Wrap Up (10 minutes)

- Participants are asked to fill out confidential demographic forms

The Health Care Issue Guide

The Issue Guide is at the heart of the dialogue process. TSWW's Health Care System Issue Guide – or tool kit – contains materials for a moderator of a dialogue group and for participants. It is a stand-alone document that can be easily reproduced so that a community group has everything it needs to undertake their own dialogue session. It is available in print format from CRPN at no cost or can be downloaded from the CPRN web site (www.cprn.org). As part of its development, the guide was pre-tested with adult learners who span many socio-economic classes and cultures to help ensure that materials are understandable and accessible to a diversity of citizens.

The moderator's materials contain a detailed guide to organizing and holding a dialogue group, a moderator's issue guide and background information on the initiative as well as feedback and demographic information forms.

Participants' materials contain an agenda for the dialogue and a participants' issue guide that includes basic facts on the issue to be discussed, an issue statement and three viewpoints.

The one-page Issue Statement explores briefly the foundation for our health care system, the Canada Health Act, and poses the questions:

- How can we improve our health care system without watering down the values and principles upon which it was built?

- Can we find a better balance among what we can afford, improved access, and increased coverage?

The three viewpoints that highlight the tensions between access, affordability and coverage are:

1. The society we want will guarantee everyone access to medically necessary hospital and medical services.

2. The society we want will support the necessary changes to achieve an affordable health care system.

3. The society we want will add to the kinds of health care services covered.

The Dialogue

The issue statement and the three viewpoints lay the foundation for the dialogue itself. Because issue statements are structured so that participants can consider the "grey" areas inherent in all policy issues, the discussion, with the help of the moderator, centres on what citizens value most and allows dialogue to focus on problems and possibilities rather than becoming polarized. Citizens address the "how" questions of governance, rather than simply describing their "utopia." Like many deliberative processes, this encourages the development of informed public judgement.

The moderator plays an important role in the dialogue. The moderator must help to keep the discussion on track, make sure that everyone around the table has a chance to be heard, and ensure that all opinions and views are treated with respect. Further, the moderator must ensure that the demographic forms and other aspects of the process that make it a rigorous research tool are completed and forwarded to CPRN.

After each viewpoint – and any emergent viewpoints – are discussed, the moderator asks the group to put forward "indicators" that would demonstrate that society is moving in the right direction. Participants are also asked to focus on what their next steps might be, both as individuals and as a group. By focusing on these next steps at the end of the dialogue session, individuals are challenged to fit their own actions into the creation of the society they want.

The session ends with participants completing a questionnaire and a demographic form. The dialogue process can take up to three hours. Dialogue sessions are scheduled to suit participants and, although the initial dialogue session can take up to three hours, participants can return to the dialogue as many times as they like. This provides the opportunity for *ongoing dialogue* and removes the sense of urgency that accompanies many consultation efforts.

Outcomes

Nearly 600 Canadians participated in 57 dialogue groups using the health care issue guide over a four-month period in 1999. In British Columbia, Ontario and Québec, Canadians discussed what type of health care system they wanted, what aspects of the system could be changed, and contemplated what acceptable trade-offs could be accommodated to strengthen our health care system today.

Early analysis of these public dialogue sessions points to widespread citizen support of universal access to health care and indicate that citizens are prepared to pay more to expand coverage.[196] Further:

- In more than 80 per cent of the dialogue groups, participants spoke of the need to increase the resources supporting the health care system. This might be done through taxes, shifting funds from other areas in the federal budget, enhancing accountability and reducing waste within the system.

- Many participants advanced a more preventive approach to health care. Likewise, allocating funds to alternative approaches such as homeopathy, chiropractic medicine and naturopathy was widely supported.

- While it might be desirable to maintain an affordable, universal health care system in Canada, the dialogue indicated that not everyone agrees that it still possible to do so. While approximately 50 percent of dialogue participants were confident that such a system was both possible and desirable, other participants were uncertain about the trade-offs that might be needed to maintain the health care system. Almost 30 percent were either skeptical of the health care system's viability or outright "critics" who believed that competing tensions to ensure affordability would result in compromises in coverage, access or both.

- Increased public education around health care, expanded home care services, increased accountability and responsibility on the part of stakeholders and the

government were all cited as steps that would indicate that society was moving in the direction of an expanded, accessible and accountable health care system.

Limitations

The dialogue process, as conceptualized in the TSWW project, requires a skilled and impartial moderator. This specific skill set is not always available in organizations, yet the success of TSWW relies on these very groups to embrace the dialogue kit. To date, organizations have self-selected moderators, although the TSWW project team has provided training in some cases. This is an ongoing challenge of the process.

Topics are limited. The TSWW dialogue kits are presently focused on specific topics related to CPRN's areas of interest, including the health care system and the changing nature of work. Currently, TSWW is not able to offer kits covering a broad range of topics.

Canada is a large and culturally diverse country and TSWW will always face the challenge of providing decision-makers with input that truly represents Canada in all of its diversity. Without significant outreach, participants who come to the dialogue are self-selected. Outreach to ethnic communities, rural areas, the poor and the elderly, among others, strives to fill this gap. Outreach efforts, however, require a serious commitment of time and resources.

Resources and organizational capacity are required to sustain TSWW. TSWW is presently housed within CPRN, a non-profit, policy research organization. As such, there are concerns about maintaining the resources and capacity needed to sustain the project.

Lessons Learned

Participants must know that their input is having an impact. Because TSWW is based on a solid methodological framework, data and information flowing from the discussion sessions can be collected, compiled and analyzed. This provides the project co-ordinators with a sound basis for reporting. Information is shared with participants through a web site and newsletter and is shared with the larger policy community. The information also further informs CRPN's own research agenda and its interaction with decision-makers.

Smaller media sources can play an important role in a media strategy. TSWW makes use of local sources of media, including community-based newspapers identified through the Canadian Community Newspapers Association. Newspapers continue to play an important role in smaller towns and rural areas and are often willing to focus on issues that pertain to "process" rather than "hard news" stories. These help ensure that TSWW is inclusive and accessible.

By making TSWW a stand-alone tool kit, organizations are provided with a ready-made tool that they can use to further their own work. For example, the Association of Canadian Clubs links TSWW directly to their mandate of a stronger, prouder Canada,

and Frontier College hopes to integrate TSWW into literacy programs. As such, TSWW builds capacity within organizations, while depending on the energy of organizations to bring TSWW to diverse communities and individuals.

Where are we now? Public Dialogue Next Generation

Efforts are underway to develop a more generic public dialogue tool that addresses the limitations of TSWW, builds on the lessons learned and extends its utility. Such a tool would lend itself to a range of issues and would generate reliable and valid information.

Between September and December 1999, eighteen federal government departments contributed time, resources and expertise to a pilot project, *Public Dialogue Next Generation*, to develop a public dialogue manual for federal departments and agencies.

The final documents reflect the efforts of the *Next Generation Public Dialogue* team and participating federal departments. The manual, *Public Dialogue: A Tool for Citizen Engagement*, has three components:

1. The primer presents the case for engaging citizens and presents public dialogue as a tool for citizen engagement. The most relevant sections of the primer have been integrated into the manual, in response to partners' suggestions.

2. The manual is a step-by-step guide to the public dialogue process. It provides information about how the materials to support public dialogue are developed, and it anchors public dialogue in a clear research methodology and analysis plan.

3. A generic deck makes it possible to create a presentation on public dialogue for internal briefing purposes. The deck is included in the manual in print format; overheads have been provided to partners in PowerPoint format so that they can be adapted as needed.

The manual shows how new techniques in public consultation and dialogue can enable public institutions to better understand the views of Canadians on a range of public policy issues.

CPRN is currently preparing to undertake research, pilot projects, and feasibility studies to determine the next steps in building capacity for public dialogue in Canada.

4. ACTIONS FOR EFFECTIVE MUTUAL ENGAGEMENT

Citizens and governments around the world face the daunting challenge of recreating the ways in which they relate to one another. Trust – both of citizens in their government and government in their citizens – is a fundamental characteristic of this renewed relationship. As governments and citizens strive to engage one another in more substantive ways, they must look beyond traditional consultation exercises and move towards more effective mutual engagement.

Historically, the engagement relationship has not been balanced. To date, it has been easier for governments to meaningfully involve citizens than for citizens to meaningfully engage governments. Governments have made decisions about when and how to undertake consultation and engagement exercises and with whom to do so. Governments have also had the resources to apply to this complex, messy and demanding work. Citizens, for their part, have long understood the need to make their concerns known to governments. While often willing to participate in government-driven processes, citizens have become increasingly frustrated with their inability to engage governments on issues that deeply concern them. Further, citizens are very aware that their efforts are too often voluntary, and their organizations are understaffed and under-resourced. It is important to address this fundamental disparity in order to enhance capacity for civil society and to build mutual trust and respect.

The signing of the Social Union Framework Agreement by Canadian governments presents an opportunity as well as a challenge for Canadian decision-makers and citizens. The Agreement acknowledges that "Canada's Social Union can be strengthened by enhancing each government's transparency and accountability to its constituents."[197] In striving for these objectives, each government has agreed to "ensure effective mechanisms for Canadians to participate in developing social priorities and reviewing outcomes."[198] Although this report concentrates on the national level of government, the experiences of all orders of government with citizen participation need to be shared to realize these objectives.

This section identifies a series of action steps that will help citizens and government develop a more productive relationship. While these steps are addressed to a broad range of players – educators, NGOs, broadcasters, etc. – the role of governments in creating the conditions for effective mutual engagement cannot be underestimated.

4.1   Building Capacity

Education plays a crucial role in every country as we commit to rebuilding the relationship between citizens and their governments. These action steps are intended to enhance existing efforts, with a particular focus on building capacity for engagement.

Building Capacity for Individuals

Public education has a central role to play in providing the historical context for our democratic tradition with its rights and responsibilities, for developing citizens' analytical and critical thinking skills, and empowering citizens with the ability and confidence to participate in the civic realm.

In Canada, adult education and continuing education are important aspects of public education. In addition to opportunities presented in school curricula, many local schools, colleges, universities and libraries have educational technology – both equipment and resources (e.g. SchoolNet) – which is widely used within their constituencies. Using this capacity in support of citizen engagement processes and making resources available to all interested community members would provide an unparalleled opportunity for individuals of all ages to enhance their engagement skills.

◪ *Action: Governments and other organizations conducting citizen engagement processes maximize the use of teachers, students and educational technology in order to offer authentic opportunities to learn about participation, policy formulation and deliberation.*

Building Capacity for Community Organizations

Community organizations also need to develop their engagement skills to participate meaningfully in decision-making processes. In Canada, there is ample opportunity for professional development through programs in non-profit sector management, adult education and continuing development. These programs are delivered by colleges, universities and labour councils, but are not always responsive to the resource constraints – both financial and staffing – under which most community organizations operate. For example these organizations may not be able to afford to attend capacity-building programs and fit them into the schedules of community organization staff.

In addition, community organizations often lack the financial capacity to participate in longer term processes of engagement or monitor policy processes over time. While funding is available for shorter term projects with well-defined deliverables, it is more difficult to secure funds to cover day-to-day operating costs and multi-year funding agreements. The capacity of organizations to monitor ongoing policy processes could be

enhanced with a commitment of resources to redress current inequities in financial capacity.

☑ *Action: Government provide training grants to organizations that wish to more effectively engage in ongoing policy processes. Specific decisions concerning resource allocation should be undertaken in collaboration between citizens and governments.*

☑ *Action: Educational institutions strive to make training programs for the non-profit sector more accessible to community organizations by reflecting their resource and staffing constraints when programming and scheduling.*

Building Capacity for Governments

In most countries, the civil service has an in-service education and professional development function. In Canada, the Public Service Commission and the Canadian Centre for Management Development play this role. By taking increased action to provide professional development and training for their public service, countries throughout the Commonwealth can make a significant contribution to effective engagement.

☑ *Action: The Public Service Commission and the Canadian Centre for Management Development assume a position of world-wide leadership in preparing Canada's public servants with the skills to foster effective and meaningful relationships with the public.*

4.2   Setting the Ground Rules for Mutual Engagement

As we move forward in further defining the social union through Canada's Social Union Framework Agreement, we have the opportunity to establish Canada-wide "ground rules" for citizen engagement. "Ground rules" include setting the scope and timing of engagement activities in a way that makes room for public deliberation. These ground rules should be established in collaboration between citizens and governments and provide the criteria for assessing engagement processes.

Establishing Scope and Timing in Collaboration

Quite legitimately, engagement processes are often constrained by tight timelines and information needs. However, both governments and citizens can learn to be more realistic and flexible about time frames and scope when entering into public dialogue or engagement processes. Setting the scope and timelines for these processes, as well as goals and objectives, should be a collaborative endeavour between governments and citizens.

■ *Action: Set the scope and timelines for all consultation processes in collaboration between governments and citizens.*

Making Room for Informed Public Judgement

Current policy scenarios often require tough decisions involving trade-offs, tensions and compromise. Meaningful citizen engagement requires that citizens have neutral spaces to come together to listen, learn and deliberate, and formulate positions – resulting in the development of informed public judgement. This provides for much deeper and more meaningful citizen engagement. Study circles are one mechanism that can be used to foster deliberation.

■ *Action: Make deliberative techniques, such as study circles or dialogue groups, central to all engagement processes.*

Establishing Performance Guidelines

Performance guidelines for engagement would provide a basis for monitoring progress as well as providing feedback and directions for improvement in the future.

■ *Action: Governments establish, in collaboration with community organizations, performance guidelines and standard operating procedures for engagement processes.*

4.3   Reporting and Evaluating Results

Governments could demonstrate their commitment to meaningful engagement by establishing auditing and reporting functions for the engagement activities of departments and agencies, including public broadcasters. These mechanisms, in conjunction with existing protocols, would provide a clear administrative framework for evaluating the results of engagement processes.

Regular Reporting and Budgeting

Government can signal its clear commitment to engagement by providing for deliberative and trust-building activities in its annual budgeting and reporting. Effective reporting provides information to the public that they can use to assess their government's movement towards achieving engagement objectives.[199]

■ *Action: Governments build provisions for deliberative and trust-building activities into annual reporting and annual budgets so they are clearly accountable for their commitments to increased citizen engagement.*

Auditing Engagement

Governments could also consider establishing a function within the office of the Auditor General to ascertain the extent to which they are successfully moving towards their stated objectives of involving citizens in policy development in more meaningful ways. This position could be similar to the recently established Commissioner on Sustainable Development, which audits government progress on achieving stated environmental objectives. Alternatively, a section of each report of the Auditor General's office could be devoted to reporting on engagement efforts and their outcomes.

■ *Action: Governments establish a function in the office of the Auditor General that conducts regular audits of citizen engagement activity and makes findings known to the public in accessible formats.*

The Role of the Public Broadcaster

Public broadcasters at the national and provincial level have a strong and positive role to play in fostering trust between governments and citizens.[200] Canada's national publicly owned media, the Canadian Broadcasting Corporation (CBC), has an important role in providing citizens with information so that they can be active in the civic realm. The CBC was founded on the idea that it would play a significant role in adult education and training, community-building and the enrichment of civic life.[201]

▄ *Action: Public broadcasters, as part of their annual reporting to government, report on the range of activities that they have undertaken to promote civic participation and mutual engagement.*

4.4 Making it Easier for Citizens to Engage Governments

Historically, it has been much easier for governments to reach out to citizens than for citizens to engage governments on matters that concern them. There are a number of steps to be taken that will help to redress this imbalance and significantly increase the capacity of citizens to engage governments.

Using Traditional Sources of Information for Effective Engagement

Timely access to information is essential to allow governments and citizens to be effective in deliberation, dialogue and decision-making. Focusing on new ways to communicate, such as the Internet, should not come at the expense of more traditional avenues of civic information. Members of Parliament are traditional sources of civic information. Their capacity to inform and involve Canadians in civic affairs could be enhanced if they were involved in more engagement processes themselves.

◪ *Action: Elected representatives become actively involved in engagement processes as part of their constituency activities.*

Using Emerging Sources of Information for Effective Engagement

Barriers created by language, disability, regional disparity, gender, and age all have implications for how information is made accessible. Canada's federal government has made great efforts to address these obstacles. New obstacles are now emerging as electronic media become a powerful form of ongoing communication. Since not all Canadians have access to these increasingly important media, governments have a role to play in ensuring that electronic media are used judiciously and in conjunction with other forms of outreach to ensure that information is disseminated equitably. They must ensure that Canadians without access to the Internet are able to "get on-line."

Information can also take the form of public dialogue kits, government reports, and critical and analytical reports from citizen organizations. Combining access to these documents with access to the Internet in one location could be a powerful way to focus information and tools for engagement. This would also raise the profile of government's involvement with citizen engagement activities in communities and towns across Canada.

◪ *Action: Governments consider using existing activity centres, such as Canada Employment Centres and public libraries, as sites where information about engagement activities and access to the Internet are made available. At these sites, citizens have access to assistance in negotiating new technologies to help them to retrieve information about government activities and contact and interact with the public service or elected representatives on-line.*

Forging New Mechanisms for Citizen Involvement

Increasingly, the forces of globalization and international trade are having an impact on individuals, communities and nation states. Policy-making in these arenas is no longer adequately guided by what has gone on in the past; rather, these areas represent relatively uncharted territory. While governments are struggling to find ways to address these emerging issues, there is little, if any, well-defined "space" in which citizens can do so. New and creative mechanisms to establish meaningful and influential citizen involvement in these areas must be forged, and government and citizens alike have a role in creating these new spaces.

One model advanced is Citizens' Associations, shaped after the current Citizens Utility Boards (CUBs) created in the United States energy sector. CUBs are citizens' organizations that monitor the actions of hydroelectric companies. They are voluntary, public interest organizations that are completely self-supporting. Citizens are invited to join (there is a nominal membership fee) via inserts in their utility bills. The result is that CUBs have huge membership, are representative, self-funded and able to bring a strong consumer advocacy voice to the energy sector.

Governments can facilitate the formation of Citizens' Associations by requiring institutions and businesses to enclose a flyer in their mass mailings that inform citizens about the Citizens' Association and invites citizens to join for a nominal fee. This process has the potential to create independent, well-resourced and stable Citizens' Associations to engage and advocate on citizens' behalf on issues including taxes, government spending and ethics, postal services, health care, transportation, utilities, and social services.

Some local community initiatives also offer successful models for mutual engagement. For example, in Rossland, British Columbia, citizens are routinely and meaningfully involved with the city council and can also initiate referenda by gathering a required number of signatures on a petition. The result is a structure that provides for ongoing interaction between local politicians and citizens.

- *Action: Governments facilitate the creation of independent Citizens' Associations in various sectors.*

- *Action: Governments and citizens explore current models that are demonstrably engaging citizens and governments in ongoing communication.*

Institutionalizing the Deliberative Process

As we have seen in the pages of this report, deliberation is an integral part of a strong democratic process. However, how can we ensure that meaningful, consistent and multi-partied deliberations are a part of all government decision making?

It is time to explore options for institutionalizing the deliberative process through the creation of a national body that provides governments and citizens with the discussion tools to engage on issues that are meaningful and urgent to both. This body could take several shapes; for example, a national consortium of organizations or a public issues foundation. It would have a well-defined mandate of facilitating deliberation in the broadest possible way and be accessible to both citizens and governments. It could provide resources such as dialogue kits, professional moderators, and discussion guides, while responding to emergent needs.

◪ *Action: A national body should be created to provide tools, processes and assistance to citizens and governments as they apply the skills of effective mutual engagement.*

These action steps, summarized in the following table, suggest ways that governments and citizens can, together, demonstrate their commitment to mutual engagement. Clear action in all of the areas described above will contribute to building a culture characterized by mutual, respectful engagement and will contribute to the creation of just, prosperous and caring societies.

Table 1: Actions for Effective Mutual Engagement

Building Capacity

‣ Governments and other organizations conducting citizen engagement processes maximize the use of teachers, students and educational technology in order to offer authentic opportunities to learn about participation, policy formulation and deliberation.

‣ Governments provide training grants to organizations that wish to more effectively engage in ongoing policy processes. Specific decisions concerning resource allocation should be undertaken in collaboration between citizens and governments.

‣ Educational institutions strive to make their training programs for the non-profit sector more accessible to community organizations by reflecting their resource and staffing constraints when programming and scheduling.

‣ The Public Service Commission and the Canadian Centre for Management Development assume a position of world-wide leadership in preparing Canada's federal public servants with the skills to foster effective and meaningful relationships with the public.

Setting the Ground Rules for Mutual Engagement

‣ Set the scope and timelines for all consultation processes will be done in collaboration between governments and citizens.

‣ Make deliberative techniques, such as study circles or dialogue groups, central to all engagement processes.

> ◻ Governments establish, in collaboration with community organizations, performance guidelines and standard operating procedures for engagement processes.
>
> **Reporting and Evaluating Results**
>
> ◻ Governments build provisions for deliberative and trust-building activities into annual reporting and annual budgets so they are clearly accountable for their commitments to increased citizen engagement.
>
> ◻ Governments establish a function in the office of the Auditor General that conducts regular audits of citizen engagement activity and makes findings known to the public in accessible formats.
>
> ◻ Public broadcasters, as part of their annual reporting to government, report on the range of activities they have undertaken to promote civic participation and mutual engagement.
>
> **Making it Easier for Citizens to Engage Governments**
>
> ◻ Elected representatives become actively involved in engagement processes as part of their constituency activities.
>
> ◻ Governments consider using existing activity centres, such as Canada Employment Centres and public libraries, as sites where information about engagement activities and access to the Internet are made available. At these sites, citizens have access to assistance in negotiating new technologies to help them to retrieve information about government activities and contact and interact with the public service or elected representatives on-line.
>
> ◻ Governments facilitate the creation of independent Citizens' Associations in various sectors.
>
> ◻ Governments and citizens explore current models that are demonstrably engaging citizens and governments in ongoing communication.
>
> ◻ A national body should be created to provide tools, processes and assistance to citizens and governments as they apply the skills of effective mutual engagement.

5. Endnotes

[1] Abele, Francis et al. 1998. "Talking with Canadians: Citizen Engagement and the Social Union." Canadian Council on Social Development. Ottawa, Ontario. July.

[2] See O'Hara, Kathy. 1998. "Securing the Social Union." CPRN Study No. CPRN/02. Canadian Policy Research Networks. Renouf Publishing. Ottawa, Ontario.

[3] Neil Nevitte's popular book The Decline of Deference hypothesizes that this erosion of trust, "less confidence in government and more interest in non-traditional forms of political action reflect deep-seated generational shifts rather than short term fluctuations." Quote from: O'Hara, Kathy. 1998. "Securing the Social Union." CPRN Study No. CPRN/02. Canadian Policy Research Networks. Renouf Publishing. Ottawa, Ontario.

[4] Ekos Research Associates Inc. 1998. "Rethinking Citizen Engagement." A presentation to "A Voice for All: Engaging Canadians for Change," Institute on Governance Conference. Aylmer, Quebec. October 27.

[5] Bourgon, Jocelyne. 1998. "A Voice for All: Engaging Canadians for Change." Notes for address by Clerk of the Privy Council and Secretary to the Cabinet. Institute on Governance Conference. Aylmer, Québec. October 27.

[6] Stroick, Sharon M. 1997. The Evolution of Public Involvement Practice. Unpublished independent research paper.

[7] For example, on January 1, 1998, The Greater Toronto Area (GTA) was formed as seven municipal governments merged into one mega-city. This new municipality – Canada's most cosmopolitan and populous – has a population of 2.3 million people, making it larger than five Canadian provinces. It has resulted in a far less locally responsive government, as per capita representation has dropped dramatically as a result of the amalgamation. Where there were more than one hundred local councillors prior to January 1998, today there are only forty-five to provide locally responsive representation to 2.3 million people. Citizen concern surrounding the amalgamation of Toronto was significant and culminated in citizens taking their provincial government to court on the basis that their electoral rights were being violated. The court, although sympathetic to their case, confirmed that citizen participation is a political prerogative but not a legislated duty of governments. This represented a severe set back for democracy.

[8] Department of Intergovernmental Affairs. 1999. "An Agreement between the Government of Canada and the Governments of the Provinces and Territories." February 4. Ottawa, Ontario.

[9] Ibid.

[10] Mendelsohn, Matthew and McLean, John. 1999. "SUFA's Double Vision: Citizen Engagement and Intergovernmental Collaboration." Queen's University.

[11] Ibid.

[12] Savoie, Donald. 1999. Governing from the Centre: The Concentration of Power in Canadian Politics. University of Toronto Press. Toronto, ON.

[13] Commonwealth Foundation. 1998. "Information for Focus Groups and Individual Interviewees." Civil Society in the New Millennium Project. London, England.

[14] Sterne, Peter. 1997. "Public Consultation Guide: Changing the Relationship Between Government and Canadians." Management Practices No. 19. Canadian Centre for Management Development. Ottawa, Ontario.

[15] O'Hara, Kathy. 1998. "Securing the Social Union." CPRN Study No. CPRN / 02. Ottawa, Ontario.

[16] Arnstein, S. 1969. "A Ladder of Citizen Participation." Journal of American Institute of Planners. Vol. 35.

[17] O'Hara, Kathy. 1998. "Securing the Social Union." CPRN Study No. CPRN / 02. Ottawa, Ontario.

[18] For example, consider oil and gas development, a mainstay of western Canada's economy. Stuart Langford, a constitutional lawyer, states: "The BNA Act gives provincial governments total control over resources, such as oil and gas, so long as they remain in the ground or are stored in the province. Once they are put into pipelines, trucks or tank cars to be sold outside the province, the power shifts. The oil and gas are no longer regarded as natural resources but as commodities for sale." From: Langford. Stuart J. 1982. The Law of Your Land: A Practical Guide to the New Canadian Constitution. CBC Enterprises. Toronto, Ontario.

[19] Langford. Stuart J. 1982. The Law of Your Land: A Practical Guide to the New Canadian Constitution. CBC Enterprises. Toronto, Ontario.

[20] The Constitution was said to be "repatriated" because all of the powers were brought home to Canada to be shared between the provincial and federal government exclusively rather than between England and Canada. Canada now can amend its own Constitution within Canada without receiving further assent from England. In a sense, this represented the cutting of the last legal fetter tying Canada to England.

[21] Both the Meech Lake Accord (1987) and Charlottetown Agreement (1992) were unsuccessful attempts at constitutional reform that served to heighten regional anxiety.

[22] Langford. Stuart J. 1982. The Law of Your Land: A Practical Guide to the New Canadian Constitution. CBC Enterprises. Toronto, Ontario.

[23] Gwyn, Richard. 1995. Nationalism Without Walls: The Unbearable Lightness of Being Canadian. McClelland and Stewart. Toronto, Ontario.

[24] Ibid.

[25] Ibid.

[26] Ibid.

[27] Ibid.

[28] Editorial. 1994. "Sorry, closed for repairs: halting immigration could help Canada solve its burgeoning social problems." Western Report. Vol. 9(24), July 11.

[29] Ibid.

[30] The mosaic stands in stark contrast to America's "melting pot". Bissoondath writes, "if they have a melting pot, we'll have a mosaic. If they ask immigrants to shrug off their past and assume a new identity, we'll ask immigrants to conserve their past and make it their only identity" in Bissoondath, Neil. 1994. Selling Illusions: The Cult of Multiculturalism in Canada. Penguin Books. Toronto, Ontario.

[31] Ibid.

[32] Gwyn, Richard. 1995. Nationalism Without Walls: The Unbearable Lightness of Being Canadian. McClelland and Stewart. Toronto, Ontario.

[33] Editorial. 1994. "Sorry, closed for repairs: halting immigration could help Canada solve its burgeoning social problems." Western Report. Vol. 9(24), July 11.

[34] Gwyn, Richard. 1995. Nationalism Without Walls: The Unbearable Lightness of Being Canadian. McClelland and Stewart. Toronto, Ontario.

[35] Citizenship and Immigration Canada. 1994. Immigration Consultations Report. Minister of Supply and Services Canada. Ottawa, Ontario.

[36] Democracy Education Network. 1994. "Talking About Immigration: The Study Circles on the Future of Immigration Policy: Summary." Ottawa, Ontario. September.

[37] Ibid.

[38] This is outlined in detail in: Citizenship and Immigration Canada. 1994. Immigration

Consultations Report. Minister of Supply and Services Canada. Ottawa, Ontario.

39
The ten issues "invited Canadians to resolve for themselves the importance of immigration in the building of Canada's future" and included questions such as: what is the vision of Canada that we seek to support through immigration policy? What criteria should we set for selecting immigrants in order to achieve our social and economic objectives? How can we best realize the economic benefits of immigration?

40
Abele, Francis et al. 1999. *Talking with Canadians: Citizen Engagement and the Social Union.* Canadian Council on Social Development. Ottawa, Ontario. July.

41
Citizenship and Immigration Canada. 1994. *Immigration Consultations Report.* Minister of Supply and Services Canada. Ottawa, Ontario.

42
Ibid.

43
Gwyn, Richard. 1995. Nationalism Without Walls: The Unbearable Lightness of Being Canadian. McClelland and Stewart. Toronto, Ontario.

44
As quoted in: Citizenship and Immigration Canada. 1994. *Immigration Consultations Report.* Minister of Supply and Services Canada. Ottawa, Ontario.

45
For a more detailed discussion see: Greenspon, Edward and Anthony Wilson-Smith. 1996. Double Vision: The Inside Story of the Liberals in Power. Doubleday Canada Limited. Toronto, Ontario.

46 The ROLF for refugees was eventually eliminated in the 2000 Budget.

47
Ibid.

48 Citizenship and Immigration Canada. 1996. "Advisory Group Appointed to Review *Immigration Act.*" Press Release. November 25. Ottawa, Ontario.

49
Citizenship and Immigration Canada. 1999. "Minister Lucienne Robillard announces new directions for immigration and refugee protection legislation and policy." Press Release. January 6. Ottawa, Ontario.

50
The Honourable Prime Minister of Canada. 1996. "Response to the Speech from the Throne." February 28, Ottawa, Ontario.

51
The government stated, in its *Speech from the Throne to Open the First Session, Thirty-fifth Parliament of Canada,* "Canada's universal health care system is founded upon the principles of the *Canada Health Act.* The Government is deeply committed to these principles and rejects any measure which undermines them." The Speech from the Throne is given by the Governor General at the convening of each session of Parliament. In the Speech, the government outlines what it intends to accomplish during its session, in terms of formulating policy, legislation and regulations and any amendments. It is basically a statement of intent.

52
See Steinhauer, Paul. 1995. *The Canada Health and Social Transfer: A Threat to the Health, Development and Future Productivity of Canada's Children and Youth.* Caledon Institute of Social Policy. Ottawa, Ontario.

53
The Honourable Governor General of Canada. 1994. *Speech from the Throne to Open the First Session, Thirty-fifth Parliament of Canada.* Ottawa, Ontario.

54
Gray, Charlotte. 1994. "An unhealthy start for the National Forum." *Canadian Medical Association Journal.* Vol. 151 (12). The federal government had decided to reduce unilaterally taxes on cigarettes to reduce smuggling and the Prime Minister had rejected the idea of co-chairing the forum with Premier Roy Romanow from Saskatchewan, the cradle of Medicare. Further, the federal government found itself embroiled in the tainted blood scandal.

55
Ibid.

56
    Ibid.

57
    Ibid.

58
    McGergor, Maurice. 1995. "Why don't we give the National Forum on Health a chance to deliver?" *Canadian Medical Association Journal.* Vol. 152 (4).

59
    Gray, Charlotte. 1994. "An unhealthy start for the National Forum." *Canadian Medical Association Journal.* Vol. 151 (12).

60
    Ferderber, Rhonda. 1998. "National Forum on Health: Sharing the Legacy." Presentation to the Dutch Delegation's Study Visit to Canada. June 16. Toronto, Ontario.

61
    Democracy Education Network. 1994. "Talking About Immigration: The Study Circles on the Future of Immigration Policy." September. Ottawa, Ontario.

62
    Ferderber, Rhonda, Marie Fortier, and Janice Hopkins. 1997. "Taking the Pulse of Canadian Health and Health Care." *Plan Canada.* Vol. 37 (3) May.

63
    The first series of community meetings, expected to move forward in late fall 1995, was pushed back due to the referendum in Québec which dominated both provincial and federal politics. When the first round of consultations did finally begin that winter, some momentum had been lost due to the delay, offering further evidence that consultation processes do not occur in a political vacuum.

64
    The first phase of the consultations, although accomplishing some very good work, was also characterized by significant disorganization, a lack of role clarification, and was largely "written off" by both Health Canada and the Prime Minister's Office. Due to some key staffing decisions, the successful and strategic execution of the second phase allowed the Forum to reinvent itself, regain its credibility and, in the end, the Forum was in the position to provide something of value to the federal government and Canadians.

65
    Ferderber, Rhonda, Marie Fortier, and Janice Hopkins. 1997. "Taking the Pulse of Canadian Health and Health Care." *Plan Canada.* Vol. 37 (3) May.

66
    Abele, Frances et al. 1998. *Talking with Canadians: Citizen Engagement and the Social Union.* Canadian Council on Social Development. July. Ottawa, Ontario.

67
    Ferderber, Rhonda, Marie Fortier and Janice Hopkins. 1997. "Taking the Pulse of Canadian Health and Health Care." *Plan Canada* Vol. 37 (3) May.

68
    Ibid.

69
    Several examples of setting the scope that are not responsive to public need are offered in Canada's recent experiences with environmental assessment. A recent public panel examining uranium mining in northern Saskatchewan denied that it was within their mandate to examine larger issues surrounding nuclear weapons, peace issues and disarmament. Instead, the panel was only there to consider the technical issues surrounding the mine site. However the public, although concerned with the mine site, felt it appropriate to situate the process within a more broadly conceived mandate. Where is the public to turn to engage their government in these more broadly defined issues?

70
    "Environment Minister promises to clean-up Canada's national shame." *The Ottawa Citizen,* January 28, 1997.

71
    Environment Canada, Atlantic Region. 1998. *Toxic Chemicals Update.* Vol. 2, Issue 2, November.

72
    Gordon, Julie and Netta Benazon. 1997. "Sydney Tar Ponds: It's time to clean-up Canada's 'national shame'". *Hazardous Materials Management Magazine,* Vol.9(2). April/May.

73
Sierra Club of Canada. Sydney Tar Ponds Backgrounder: Nightmare on Frederick Street. Summer 1998.

74
The Canadian Council of Ministers on the Environment is the body which includes the provincial, territorial and federal Ministers of the Environment. This body plays an increasingly important role in establishing Canada-wide environmental standards for pollutants and toxins.

75
Sierra Club of Canada. 1998. "Sydney Tar Ponds Action Alert." August. Ottawa, Ontario.

76
Gjertsen, Heidi. 1997. "Still the worst: An ambitious clean-up scheme failed and a cover-it-over fix was rejected, so it is back to square one for the Sydney Tar Ponds." Alternatives. Vol. 23 (3). Summer.

77
The Love Canal was the first hazardous waste disposal case to draw widespread attention and remains a landmark case. The Love Canal is the name given to the neighbourhood found in the City of Niagara Falls, New York State. A canal is enclosed within the neighbourhood, and from the 1930s through the 1950s, it was used as a chemical waste dump. The surrounding land was then sold and used for residential purposes, and later, residents began complaining about strange odors and possible health problems. In 1978, President Carter declared it a national emergency and, soon after, residents were moved from the vicinity. The Sydney Tar Ponds have at least 35 times the toxic sludge than the Love Canal ever did.

78
Gordon, Julie and Netta Benazon. 1997. Sydney Tar Ponds: It's time to clean-up Canada's "national shame". Hazardous Materials Management Magazine, Vol.9(2) April/May.

79
The PCBs were initially thought to be present in only trace amounts, despite the first hand testimony of dumping by Sydney Steel employees.

80
Morrison, Fran. 1999. Resident of Sydney, Nova Scotia. Personal Communication.

81
New Democrat Party Press Release. 1995. "Don't Back Away from Tar Ponds Clean-up." December 19. In this press release, the provincial NDP leader, John Holm, accused the Liberal government from backing away by choosing "a cheap, non-preferred approach" to remediation and then turning their backs and "leaving Sydney residents exposed to health and environmental dangers".

82
Canada Press Newswire. 1996. "Marchi urges end to plan to bury toxic Tar Ponds." August 10.

83
1996. "Tar Ponds burial plans put on ice." The Chronicle Herald. August 13.

84
Gjertsen, Heidi. 1997. "Still the worst: An ambitious clean-up scheme failed and a cover-it-over fix was rejected, so it is back to square one for the Sydney Tar Ponds." Alternatives. Vol. 23 (3). Summer.

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Gordon, Julie and Netta Benazon. 1997. "Sydney Tar Ponds: It's time to clean-up Canada's 'national shame'". Hazardous Materials Management Magazine, Vol.9(2) April/May.

86
Scott, Leslie. 1993. "Sydney Tar Ponds: Getting down to business on a $100m clean-up of 700 000 tonnes of toxic sludge, right on the doorsteps of Sydney, Nova Scotia residents." Earthkeeper. Vol. 3(4), April/May.

87
Canada Press Newswire. 1996. "Marchi urges end to plan to bury toxic Tar Ponds." August 10.

88
Ibid. Bruno Marcocchio, the founder of the Citizen Liaison Committee, feared the public group JAG was being used to give credibility to backroom, politically motivated manipulation.

89
Ibid.

90
JAG Newsletter. 1998. "JAG and Government sign historical MOU." Vol. 2, Issue 2. Summer / Autumn.

91
Environment Canada Atlantic Region. 1998. "Sydney Tar Ponds MOU Backgrounder."

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Ibid.

93
JAG Newsletter. 1998. "JAG and Government sign historical MOU." Vol. 2, Issue 2. Summer / Autumn.

94
As quoted in: Coyle, Jenny. 1998. "Nova Scotia, Georgia allies in toxics fight." *The Planet.* Vol. 5 (2).

95
In 1980, the American Congress established the Superfund Program to clean-up the health and environmental threats posed by hazardous waste sites such as abandoned warehouses, manufacturing facilities, processing plants, and landfills. Under this fund, the U.S. Environmental Protection Agency, in co-operation with individual states and tribal governments, locates, prioritizes, investigates and cleans up the worst hazardous waste sites throughout the United States.

96
Ibid.

97
MacInnis, Steve. 1998. "New Community Group: HELP Cape Breton." *The Halifax Chronicle-Herald.* July 17.

98
MacInnis, Steve. 1998. "New group challenges JAG authority." *Cape Breton Post.* July 17.

99
Ibid.

100
Schneierheit, Paul. 1999. "Out of sight, out of mind, out of time." *The Halifax Chronicle-Herald.* March 5.

101 Canadian News Facts. 1999. "Ottawa, N.S. act on tar ponds." 16 May.

102
The Inuit are an indigenous people of Canada who live in the high Arctic, in northern Labrador and Québec. There are approximately 25 000 Inuit in Canada, 22 000 of whom are presently living in Nunavut.

103
Carmeron, Kirk and Graham White. 1995. Northern Governments in Transition. The Institute for Research on Public Policy. Montreal, Québec.

104
Kusugak, Jose A. Undated. "NTI Backgrounder. Role of Nunavut Tunngavik Inc. in the establishment of Nunavut."

105
Nunatsiaq News. 1975. "Statement: Political Development in the North." October 22.

106
Ibid.

107
The ITC still works to ensure cultural survival and sovereignty and presently represents more than 40 900 Inuit living in 55 communities within the NWT.

108
Nunatsiaq News. 1976. "COPE goes for separate land claims talks." December 21.

109
Hunter, Jennifer. 1998. "New North: A younger generation remakes the map of the Canadian Arctic." *Maclean's.* Vol. 111 (31).

110
As quoted in: *Nunatsiaq News.* 1977. "Amagoalik responds to Territorial Council's attack on Nunavut." June 29.

111
Ibid.

112
Carmeron, Kirk and Graham White. 1995. Northern Governments in Transition. The Institute for Research on Public Policy. Montreal, Québec.

113
Although regional antagonisms exist in Nunavut, they are much less divided than they are with the Dené-Métis in the west, who have nine official languages.

114
    Carmeron, Kirk and Graham White. 1995.
Northern Governments in Transition. The
Institute for Research on Public Policy.
Montreal, Québec.

115
    Ibid.

116
    As quoted in: Nunatsiaq News. 1995.
"Footprints in new snow: the NIC's first report."
May 12.

117
    For an in depth look at one approach to public
service training in Nunavut see: Fortier, Marcel
and Francine Gauthier Jones. 1998.
"Engineering public service excellence for
Nunavut: the Nunavut Unified Human Resources
Development strategy." Arctic. Vol. 51 (2).
June.

118
    See, for example, BC Report. 1997. "Great
northern laboratory: social engineers hope to
force gender parity on Nunavut's fine new
legislature." February 24. Vol. 8 (26).

119
    This lack of gender parity in all walks of
Nunavut's life is further highlighted by recent
rifts between the ITC and an Inuit women's
group, Pauktuutit. Pauktuutit was set up in 1980
to deal principally with social issues while the
ITC focused primarily on constitutional and land
claims files. In 1998, the Pauktuutit expressed
that they haven't been consulted in the allocation
of federal training and employment funds and
threatened legal action under Canada's Charter
of Human Rights and Freedoms. ITC expressed
surprise at this development; they feel that they
represent both women and men in their dealings
with the federal government. A past president of
the ITC did, however, agree that women are
grossly underrepresented at the local level in
decision making structures. From: Ditchburn,
Jennifer. 1998. "Legal action highlights tension
between Inuit groups." Canadian Press
Newswire. August.

120
    Editorial. 1999. "Birth of Nunavut."
Toronto Star. April 1.

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    Frum, David. 1999. "Nunavut needs
protection from itself." National Post. April 3.

122
    Ibid.

123
    MacAfee, Michelle. 1999. "Labrador Inuit
get land, self-government worth $255-million."
The Canadian Press. May 11.

124 Bell, Jim. 1999. "A 'plan' you say?"
Nunatsiaq News. 29 October.

125 Bell, Jim. 1999. "Nunavut's October throne
speech: Poetry, dreams, but few specifics."
Nunatsiaq News. 29 October.

126 Ibid.

127 Bell, Jim. 1999. "Can the dream of Nunavut
be salvaged?" Nunatsiaq News. 29 October.

128 Ibid.

129 Ibid.

130 Canada's experience with environmental
assessment (EA) also points to a positive
direction for change in this regard, although, at
the same time, is widely acknowledged to be
hopelessly inadequate. The federal legislation
provides for "participant funding," which is
funding that community groups can apply for to
facilitate their participation in a public panel
review, the most extensive but least common
form of EA. Organizations might apply for
funding so they can hold a modest meeting, pull
together information packages for communities,
secure transportation to a panel hearing, or seek
legal or technical advice on a proposed project.
Participant funding was also available in several
provincial EA processes, but, in many provinces,
has been severely or completely cut in recent
years. Although a solution with some potential,
participant funding is difficult to secure, and
largely inadequate in light of the enormity of the
process in which the public is attempting to
engage.

131 Abele, Frances et al. 1998. Talking with
Canadians: Citizen Engagement and the Social
Union. Canadian Council on Social
Development. July. Ottawa, Ontario.

132 MacDonald, Michael. 1999. "Free trade
battles expected to rage in 1999." Canadian
Press Newswire. December 12.

[133] For a fuller account of these relationships and arguments, please see: Organization for Economic Cooperation and Development. 1998. *Open Markets Matter: OECD Study on Benefits of Trade and Investment Liberalization.* OECD, Paris.

[134] Organization for Economic Cooperation and Development. 1998. The Multilateral Agreement on Investment: Frequently asked questions and answers. From Web site <www.flora.org/mai-info/oecd.faq.htm>.

[135] Much of this account of the campaign is taken from: Clarke, Tony and Maude Barlow. 1998. MAI: Round 2. Stoddart Publishing. Toronto, Ontario.

[136] Ralph Nader is a public interest activist who first gained national attention in the U.S. in the 1960s. At that time, he revealed that a certain type of car was seriously flawed, and that the US auto industry continued to market and sell the cars despite knowing that the cars would lead to preventable deaths. The resulting publicity led to landmark consumer safety legislation. In 1971, he helped found the organization "Public Citizen" and was the inspiration behind the Public Interest Research Groups (PIRGs). Although mostly known for his consumer advocacy work, Nader has a broad spectrum of interests, one of which is representative democracy.

[137] Clarke, Tony and Maude Barlow. 1998. MAI: Round 2. Stoddart Publishing. Toronto, Ontario.

[138] Marchi, as quoted in Clarke, Tony and Maude Barlow. 1998. MAI: Round 2. Stoddart Publishing. Toronto, Ontario.

[139] Council of Canadians. 1997. "Marchi contradicted on MAI statements." Press release. November 4.

[140] Ibid.

[141] Ibid.

[142] Nelson, Jeremy. 1998. "Canadian activists lead world in fight for democracy: toppling the MAI." *Canadian Dimension.* Vol. 32(2). March / April.

[143] Nankivell, Neville. 1998. "Anti-MAI propaganda out of control: pact would benefit small firms more than multinationals." *Financial Post Daily.* Vol. 11 (66). May 28.

[144] Ibid.

[145] Council of Canadians. 1998. "MAI: Dead Deal Walking." Press Release. October.

[146] Ibid.

[147] A virtual "unknown", David Orchard, ran for leadership of federal Progressive Conservatives in 1998, largely on an anti-free trade agenda. He won a surprising amount of support for his views and, although never really a contender, his campaign did raise some awareness and challenged the "free-trade" orthodoxy which is alive and well within the Progressive Conservative Party.

[148] Haggart, Blayne. 1998. "Could a citizens' agreement replace the beleaguered MAI?" *Catholic New Times.* November 8.

[149] Herman, Lawrence. 1998. "Internet flexed its muscles in MAI negotiations." *Financial Post Daily.* Vol. 11 (50), April.

[150] For example, Ethyl Corporation, an American firm, threatened to sue the federal government for passing a law banning the sale of their gasoline additive, MMT. The federal government backed away from its ban, stating that they didn't have the scientific evidence needed to prove MMT was a health hazard. Ethyl was compensated to the tune of $20 million in lost profits and legal fees.

[151] Council of Canadians. 1999. "Beyond the MAI: Putting Forward a Citizens' Agenda for Trade and Investment in Canada." Ottawa, Ontario.

[152] For example, in the province of Ontario, the Teacher's Pension Fund is one of the largest and most powerful bodies of capital; however the teachers (the contributors) have no say in how their money is invested.

[153] Editorial Note. 1998. *Catholic News Times.* Vol. 22 (19). December 6.

[154] Council of Canadians. 2000. "A Look Back at 1999." *Canadian Perspectives*. Winter. Ottawa, Ontario.

[155] Came, Barry. 2000. "People Power: the protest groups that stunned Seattle have become a global force." *Maclean's*. 1 January. Vol 122, No. 52.

[156] Council of Canadians. 2000. "A Look Back at 1999." *Canadian Perspectives*. Winter. Ottawa, Ontario.

[157] The Royal Bank of Canada's Fiscal Profit for 1995 was the largest profit in Canadian bank history at $1.26 billion.

[158] Rands, Jean. 1998. "Back to the Future: Lessons from organizing bank workers in the 1970s." *Briarpatch*. Vol. 27(8). October. Rands describes the long struggle that a small, independent feminist union launched to certify unions in western Canada. They were met with a strong anti-union campaign on the part of the banks. Eventually, they dropped their campaign and were unsuccessful in their attempts to organize the bank workers.

[159] Conacher, Duff. 1999. Chairperson, Canadian Community Reinvestment Coalition. Personal Communication.

[160] Whittington, Les. 1999. The Banks: The Ongoing Battle for Control of Canada's Richest Business. Stoddart Publishing Ltd.,: Toronto.

[161] Foster, Peter. 1998. "It could be a long engagement: Getting the public to support the concept of even bigger banks would have been tough enough. It didn't help that Matt Barrett and John Cleghorn made the wrong pitch." *Toronto Life*. Vol. 32 (15).

[162] Whittington, Les. 1999. The Banks: The Ongoing Battle for Control of Canada's Richest Business. Stoddart Publishing Ltd.,: Toronto.

[163] The second set of banks to announce their merger plans were only "keeping up", realizing that they would be noncompetitive if they did not do so, and the mergers were allowed to go ahead. Peter Godsoe, the CEO of the "odd man out" bank, the Bank of Nova Scotia, became an outspoken opponent of the mergers, although a year earlier he was said to support them. For a detailed account of year see: Whittington, Les. 1999. The Banks: The Ongoing Battle for Control of Canada's Richest Business. Stoddart Publishing. Toronto, Ontario.

[164] Duff Conacher. 1999. Chairperson, Canadian Community Reinvestment Coalition. Personal Communication. March.

[165] Council of Canadians. 1998. "Report of the Standing Committee on Finance another rejection of the proposed bank mergers." Press Release. December 10.

[166] Canadian Community Reinvestment Coalition. 1998. "Citizens have final say on bank mergers." *Toronto Star*. May.

[167] Conacher, Duff and Murray MacAdam. 1998. "Community reinvestment: A citizen campaign takes on the banks." *Briarpatch*. Vol. 27(6).

[168] Whittington, Les. 1998. "Foes of bank mergers gain ground." *Canadian Press Newswire*. October 19.

[169] Canadian Community Reinvestment Coalition. 1998. "Citizens have final say on bank mergers." *Toronto Star*. May.

[170] Task Force on the Future of the Canadian Financial Services Sector. 1998. *Final Report: Change, Challenge, Opportunity*. September. Department of Finance. Ottawa, Ontario.

[171] Noble, Kimberly. 1998. "An ever tougher sell: Public support for the bank mergers wanes as opposition increases." Macleans – Toronto Edition. Vol. 111(42).

[172] Evidence. 1998. Senate Committee on Banking, Trade and Commerce.

[173] Noble, Kimberly. 1998. "An ever tougher sell: Public support for the bank mergers wanes as opposition increases." *Macleans – Toronto Edition*. Vol. 111(42).

[174] *Ibid*.

[175] Department of Finance. 1998. "Minister of Finance Announces Decision on Bank Merger Proposals." Press Release. December 14.

[176] Tedesco, Theresa. 1999. "Bad timing killed mergers: Flood still a believer." *Financial Post, National Post.* Vol. 1(74), January 22.

[177] Canadians Community Reinvestment Coalition. 1997. "A Financial Consumer Organization for Canada: Balancing the Financial Services Marketplace." Position Paper #4. December.

[178] *Ibid.*

[179] Shareholder Advocacy describes investor efforts to submit and vote corporate proxy resolutions as a means of influencing company behaviour.

[180] Department of Finance. 1999. "Minister of Finance announces a new policy framework for Canada's Financial Services Sector." 25 June. Government of Canada. Ottawa, Ontario.

[181] *Ibid.*

[182] *Ibid.*

[183] *Ibid.*

[184] Canadian Community Reinvestment Coalition. 2000. "Updated sample letter to Finance Minister Paul Martin, Industry Minister John Manley and your MP." January. From CCRC web site <www.cancrc.org>.

[185] Canadian Banking Association. 1999. "Banks reviewing Martin's Financial Reform Paper." 25 June. Press Release. Ottawa, Ontario.

[186] See McQuaig, Linda. 1998. The Cult of Impotence: Selling the Myth of Powerlessness in the Global Economy. Penguin Books. Toronto, Ontario.

[187] Conacher, Duff. 1999. Chairperson, Canadian Community Reinvestment Coalition. Personal Communication.

[188] Peters, Suzanne. 1995. *Exploring Canadian Values.* Canadian Policy Research Networks. Ottawa, Ontario.

[189] Maxwell, Judith. 1999. President, Canadian Policy Research Networks. Personal Communication.

[190] See Newman, Peter. 1996. The Canadian Revolution, 1985-1995: From Deference to Defiance. Penguin Books, Ltd. Toronto, Ontario.

[191] National Advisors to TSWW currently include the Anglican Church of Canada, Canadian Ethnocultural Council, Canadian Home Economics Association, Canadian Library Association, Catholic Women's League of Canada, Community Foundations of Canada, Democracy Education Network, Family Service Canada, Frontier College, Imagine Program of the Canadian Centre for Philanthropy, Movement for Canadian Literacy, National Association of Friendship Centres, Privy Council Office, The Association of Canadian Clubs, United Way of Canada, VISION TV, and the YWCA of Canada.

[192] See: Lassey, Marie L.; William R. Lassey and Martin J. Jinks. 1997. Health Care Systems Around the World: Characteristics, issues, reforms. Upper Saddle River, New Jersey: Prentice-Hall Inc.

[193] The early to mid-1990s was a period of government restraint during which provincial health expenditures – and federal transfers which supported these services – decreased in real terms. This has been partially redressed in recent federal budgets and the 1999 Budget was coined the "health care budget".

[194] See: Graves, Frank L., Patrick Beauchamp, David Herle. 1998. "Research on Canadian Values in Relation to Health and the Health Care System." In National Forum on Health. Making Decisions: Evidence and Information. Sainte Foy, Quebec: Éditions MultiMondes.

[195] Canadian Policy Research Networks. 1998. *The Society We Want: The Health Care System Guide.* Ottawa, Ontario.

[196] Canadian Policy Research Networks. *TSWW Newsletter.* Winter 2000. [in print]

[197] Department of Intergovernmental Affairs. 1999. "An agreement between the Government of Canada and the Governments of the Provinces and Territories." February 4. Ottawa, Ontario.

[198] *Ibid.*

[199] In Ontario, this reporting mechanism has been successfully entrenched for environmental issues in the office of the Environmental Bill of Rights. The Environmental Commissioner reports to the public on an annual basis on whether the provincial government has achieved its environmental objectives.

[200] No discussion of civic literacy is complete without touching on the role of the media. It is, however, far beyond the scope of this project to consider the area in any detail.

[201] In the mid 1940s, Tommy Douglas' provincial government – the first in Canada to institutionalize universal health care – began to broadcast the Legislature to the public; "every afternoon, from 2:30 to 5, farmers – in their kitchens in winter or on tractors in summer – listened to legislative debates.... When there were political meetings, they'd pipe right up and challenge the incumbent." As quoted in: Landsberg, Michele. 1999. "Fighting to keep medicare's legacy alive." *The Toronto Star.* April 11.

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