

***Remarks to the Launching Conference of Your Canada, Your Constitution***  
***Andrew Cohen – Keynote Address***  
***Laurier Room, Château Laurier, June 4, 2012***

Let me begin by thanking Duff Conacher for his warm introduction. Moreover, let me thank Duff for his important role in the creation of *Your Canada, Your Constitution*, which has brought us all here today. Creating and sustaining civic organizations in Canada is not easy. Particularly organizations which seek to inform, educate, prod, push, and pester. I know. I have seen it and done it. In my case, it was history, and as I quickly found out, history is not health care. There is not the money in Canada that there is for other causes which are safer and more conventional.

Duff knows that well. He founded Democracy Watch, which holds the government accountable. It is important, constructive work -- keeping government honest -- and yes, some one does have to do it. Well, Duff did it -- cheerfully, effectively and doggedly -- for some 18 years. Work like this goes too often goes unnoticed in our country, which is not by nature or reflex quick to recognize this kind of public service.

We owe Duff, the sponsors, patrons and supporters of this new, promising organization, which we launch today with enthusiasm and hope.

*Your Canada. Your Constitution.* What does that mean? Well, fundamentally, it means encouraging a debate about the future of Canada, its constitution, and its democracy. Ideally, we would like to foster a rigorous, spirited national conversation leading up to the 150<sup>th</sup> anniversary of Confederation in 2017. It is a conversation about unifying the country through renewing its constitution and its democracy. It is early days. How we do that, by what means, will that unfold in the future? But this is the goal. When I first learned about the organization a few months ago, I was pleased to be asked to be part of it.

This afternoon, Duff asked me to say a few words about Canada in 2017. What might it look like? What *should* it look like? How can we strengthen our democracy? How can we deepen our citizenship? How can we be

worthy of our history, our geography, our prosperity and our diversity? Let me take these as my points of departure. The changes I suggest, I should caution, will not all be new. And they will not all be constitutional. Some, in fact, may be political, or social, or cultural.

You might ask, at the outset, why change anything at all? What is so broken here that needs fixing? After all, we have lasted 145 years. That is no small thing in a feverish, fertile world which is giving birth to countries – some 193 in the United Nations – as cats give birth to kittens. We are not a young country, as tub-thumping, chest-beating politicians will tell you on Parliament Hill on Canada Day. In fact, we are rather an old country. Like the United States, Britain, Denmark, Sweden. Our institutions look much like they did in 1867: the provinces and the federal government and the respective division of powers between them; Parliament as a bi-cameral legislature, the House of Commons and the Senate; the judiciary crowned by a high court; the Prime Minister, his ministers and political parties; and of course, the monarchy. Certainly things have changed between the 19<sup>th</sup> century and the 21<sup>st</sup> century: we have amended the British North America Act several times, most notably in 1982 when we created the Charter of Rights and Freedoms. We have added provinces and territories. We have established departments, agencies, commissions, and crown corporations. Cabinet government has evolved, and the executive or the centre, has become dominant, so much so that Jeffrey Simpson aptly called Jean Chrétien’s majority government “the friendly dictatorship.”

On the whole, though, Canada remains, in its institutional fundamentals, largely what it was. We are not France and its five republics. We are not Germany and its three Reichs. We are not the Russia, with its wars, purges, show trials, command economy, and free economy. We are not Italy, which changes governments the way runway models change clothes. We are not Argentina, riven by corruption and misgovernment.

Why here, in the peaceable dominion, we do not go in for ruptures or upheaval or messiness. We don’t have earthquakes, volcanoes, hurricanes, or typhoons here, on the upper half of North America -- neither natural nor political. We have been spared foreign invasion, at least since 1812; we have had no civil war; no great domestic rebellion nor civil unrest (beyond the

1840s and the FLQ in the 1960s). We have had no great migration from South to North, like the movement of American blacks, or a racial revolution. Change, yes, but evolution rather than revolution, moderate rather than extreme, always managed carefully. It is the instinct which compelled us to retain governments for so long – the Liberals in Ottawa, the Progressive Conservatives in Ontario and Alberta, the Union Nationale in Quebec. We are loyal. When we like something we stick with it. Ours is measured, judicious change. As the superb Peter C. Newman, our great national chronicler puts it, “we are a nation of life-insurers rather than risk-takers.”

We are radically moderate, that has been our story, and that is so today, however some see a change in our national character because of the political complexion of this particular government. We are not suddenly a conservative nation. We are not a warrior nation. We remain what we have always been – a moderate, centrist, progressive people who keep peace when they can and fight when they must.

All this is good. But to say that we change slowly and wisely is not to say that we have not changed at all, which we surely have. And it is not to say that we *should* not change all, which we surely must. It is not to say that because our institutions have served us well, that we should leave them as they are. Friends, had we done that, we would not be the country we are today: free, democratic, prosperous, secure, the envy of people on earth, which is why so many from abroad clamour to come to our shores.

Yet, today, for all that we have built – indeed, *because* of what we have built -- we are a contented people, a remarkably contented people. We are, I would say, *the* contented country. And Ottawa, the centre of the realm, is the capital of the Dominion of Complacency. We love to tell the world, as the Prime Minister did in Davos, last winter, how great we are, how wonderfully we have done in the international recession, how the finance minister, the estimable Jim Flaherty, “is the greatest on the planet.” We like to crow about ourselves, “owning the podium” and rebuilding Afghanistan and being richer or safer than the Americans. And it is fair to say that in recent years we have done well, relative to others. Our financial institutions are strong; no bank failed during the world’s financial crisis. Our debt and

deficit are low; no credit agency is reducing Ottawa's rating. Our system has avoided a foreclosure crisis. Unemployment is manageable; interest rates and inflation are low.

We love all this, and a year ago, in gratitude, we re-elected a government which said everything is fine. We rejected parties which said that everything isn't fine. That's democracy. Two years ago, we made much of our success in the Olympics, and it was an opportunity for us, again, to crow how great we are, cheering on Sidney Crosby and the Men's Hockey Team, Clara Hughes, Alexandre Bilodeau and Joannie Rochette, who were sublime. We were proud. Wearing red mittens and eating Tim Horton's Timbits was the greatest expression of our nobility and the greatest measure of our patriotism.

But please, there has to be a greater commitment to this enterprise called Canada than that, and I have yet to see that extraordinary energy and self-congratulation harnessed and directed into something constructive and enduring.

I do believe that we do need change, including constitutional change, though I realize that the moment Canadians hear constitution, they run for cover. Early in my career, I spent a lot of time writing about the constitution, about what it meant and what it might be. As a parliamentary reporter, I was an observer of the Constitutional Wars, that long, anxious season of low conflict and high creativity which raged from the middle 1960s to the middle 1990s. Whenever a prime minister tried to re-open the constitution – whether it was, wisely, Pierre Trudeau, or unwisely, Brian Mulroney – one could always hear the refrain of Ross Thatcher, the former premier of Saskatchewan. “If there are 100 important priorities,” he said, “the constitution is the 101.” On the face of it, he had a point. After all, who wants to deal with rights and powers? Who wants to rethink institutions? If a constitution reflects values and principles and ideals, you tinker with a founding document at your peril. As Nicolo Machiavelli wrote, and I paraphrase: Nothing is more difficult, nothing is more fraught with danger and less sure of success, than changing a country's constitution. We heard that warning in 1980, during the Patriation Round. Fortunately, no one

listened. We went ahead. We succeeded. We survived. It was a seminal moment.

So, what should we do now? In 1960, John F. Kennedy spoke of a New Frontier, a set of challenges for Americans, not what he would *offer* his countrymen but what he would *ask* of them. In Canada, let us talk of a new patriotism. Let's discuss a few things to achieve by 2017 that will make us a bigger people. Like a labour negotiation, let's deal with the easy things first. Here, then, are some modest proposals for a Program of New Patriotism: what we ask of Canadian, not what we offer them.

First, let us challenge ourselves to service. It has been generations since we introduced conscription, and it was military conscription, to recruit men to fight. It is time that we ask Canadians, young and old, to a new spirited conscription – to devote themselves, once in their life time, to public service. This may mean joining the military. Or, more likely, it may mean joining a newly-created civilian service corps, which would ask Canadians, between the ages of 18 and 30, to give of themselves to their communities. This new service corps would be created at home. And service would be mandatory and varied. In some ways, we are already doing this, such as the hours of community service students in Ontario must amass in four years in high school. But that is only the beginning. Volunteerism in Canada should be much greater than it is. Beyond young people, we should encourage others, including the retired, to make a contribution to the public good. If you are a nurse or doctor, go to northern or rural Canada. If you are a lawyer, go into immigrant or low-income communities. If you are a teacher or a coach, go to a native reserve. Certainly, there is a need.

At the same time, we should be making the tax system even more favourable to charitable giving. Canadians have money but don't give enough because they think that governments take care of things. That was defensible when governments were taking care of things. Now they aren't. People will give in Canada but they must be asked -- again and again. So, offer people an incentive to give, and to serve.

Second, let us challenge ourselves to give meaning to our citizenship. It has been said that Canadian citizenship is the easiest in the world to obtain and the hardest to lose. The rap against us is that we are soft on citizenship – that we award it too easily and we retain it too easily -- that we ask too little to acquire it and ask too little of ourselves once we do. I think there is something to that. I will say that the Conservatives, under the leadership of Jason Kenney, have moved effectively in this area. The government has re-written the citizenship guide, which applicants for citizenship study, making it more rigorous and sensible. It is making the citizenship test harder, and trying to ensure that new Canadians have a working knowledge of English or French, as is the requirement. It is cracking down on fraudulent claims. And that's all good.

The next step, though, is changing The Citizenship Act to make it harder to obtain citizenship. Now you have to be here three years. It should be five. And everyone of sound mind between 18 and 65 should have to take the citizenship test, rules which were relaxed years ago.

My point is that Canadian citizenship should mean something. I think it is odd that we can consider offering residents of Toronto the right to vote in municipal elections even if they are not citizens. If that happens, what does citizenship mean? To be a resident does not mean to be a citizen. It is the difference between being an Ottawan, for example, and a Canadian. One is a place of residence, which it is for people of this city; the other is an attachment, and a loyalty, with which come rights as well as responsibilities.

And what are those? -- the responsibility to obey the law; to pay taxes; and to vote; to take part in the civic life of the nation; to volunteer; to serve the public.

Third, let us challenge ourselves to give new meaning to the democratic process. Foremost, this means to vote. As we know, turnout in Canada has been dropping since the election of 1958, when almost 80 percent of Canadians voted. Yes, it did rise a little bit last year, in the federal election, to about 61 percent, after falling to its nadir in the election of 2008. On the whole, though, turnout has fallen over the last two generations.

Worse, it is falling among young people, only about half of whom are voting. We must take voting seriously.

I propose that we do what Australia does and adopt mandatory voting. Let us try it for ten years, with a sunset clause, and make Canadians vote. With that, one would hope, Canadians would see the value in civic activity. But even if they don't, even if people eschew politics, they will understand that voting is as much a responsibility as a right.

Fourth, in concert with mandatory voting, let us challenge ourselves to create an electoral system which more accurately reflects us. One way is proportional representation. By this, I don't suggest pure proportional representation, like Israel, which gives small parties representation and makes governing hard in the absence of the unusual coalition the Israelis have just formed.

But I do think we need a mix in Canada between traditional first-past-the-post and its valuable constituency representatives and proportional representatives. It is time for us to revisit this.

Fifth, let us challenge ourselves to create a better Parliament. It is a tall order, I know. It begins with giving the private member real authority. As we have evolved, under the dominance of the party leadership, he or she has virtually no ability to do anything creative, important or meaningful. My friend, Michael Chong, who represents a riding in central Ontario, says there is no parliamentary system anywhere in which the MP is so powerless. It has turned Parliament into a kind of debating society -- and not even that. It has become something a joke. Garth Turner, who was an MP in the 1980s and returned to Parliament in 2006, recalls how his attempts to be innovative and independent in Parliament were crushed by his masters. He was drummed out of the party. They simply wouldn't listen to him. We saw the other day the story of the Conservative MP from British Columbia who dared to say that he opposed the omnibus budgetary bill. When he foolishly let slip this dissent, he had to recant -- here was a heresy that warranted a political auto de fee! This is what it has come to

There is much we can do here to empower MPs. At the same time, we need to restore dignity and honor to the House. Ministers of the crown should rediscover, for example, the art of resignation. Quick now, tell me the last time a minister resigned from cabinet on a point of principle? The last one was, indeed, Michael Chong, who left cabinet because he disagreed with recognizing Quebeckers as “a nation” within Canada. He has been out of cabinet ever since. Did Bev Oda or Peter Mackay consider resigning when their conduct was unbecoming? Or course, not. Why would they? Today, anything goes. Or, as teens say with a sigh and shrug: Whatever.

We need to get beyond the “whatever” mentality in contemporary Canada. We need to restore a sense of honour, authority and civility to the House of Commons. Mr. Chong, again, has proposed a package of reforms to restore decorum to Question Period. They have yet to be adopted. But they could. And when they are, Canadians will see more than the daily theatre – the long-running fringe festival – which now constitutes Question Period.

Beyond that, we need to restore the rights of Parliament; contempt matters and so does prorogation. In others word, we need to take this institution seriously.

Sixth, if we are going to ask more of citizenship, if we are going to build a better national legislature, if we are going to demand people vote, let us challenge ourselves to know some more our past and our identity. To strengthen it, we must understand it. Our knowledge of our past is appalling in Canada. We are a nation of amnesiacs stumbling about in a poetic fog. It isn't a question of not being able to recite the prime ministers of the 19<sup>th</sup> century, as critics say. The point is to know that we didn't arrive here yesterday, tumbling fully-formed from the heavens. We built. We settled. We explored. We fought. We went places. We did things. Great as our birthright is in Canada – and few nations are as blessed as we are natural and human resources – we did something to make ourselves what we are. I often wonder, as a teacher, how much my students know about our experience. The truth is not much. I was surprised recently when a graduate student did not know anything of political life in Canada before her own life, which

began, for her and apparently for Canada, in 1990. Then again, why should I be surprised? Most were not taught Canadian history in high school.

This ignorance of history is not an abstract notion. In 2008, during the coalition crisis, the Conservatives, faced with a Liberal-New Democratic Party majority, spun the canard that a coalition government was unCanadian and unconstitutional. Many Canadians believed them. Mr. Harper did it again in the election campaign last year, suggesting that a coalition government was alien and dangerous, ignoring, it must be said, that we have had a coalition government before and a coalition government is in place today in London – in the cradle of parliamentary democracy – and in Australia. He could do this, the Prime Minister could, because Canadians know so little of their past.

History is not abstract. It guides us, informs us, inspires us, arms us, and warns us.

Today, we have a government which says it is interested in history, and this we applaud. I am glad that we will know about the War of 1812. I salute the oral history project recording the memories of some 2000 veterans of the Second World War and the Korean War undertaken by the Historica-Dominion Institute. But I worry about the politicizing of history, as we saw in interpretation of the coalition crisis. I worry, as well, when I see no mention of Lester Pearson or Sir Wilfrid in *Discover Canada*, or of Canada's tradition of peacekeeping. I worry when the name of Lester Pearson Building disappears from the address line of the business card of the Minister of Foreign Affairs. I worry when we can honour the liberation of Libya and the role our military played (which I applaud) with a flashy ceremony on Parliament Hill, but we find not a *sou* to mark the 30<sup>th</sup> anniversary of patriation of the Constitution and the entrenchment of the Charter of Rights and Freedoms. But you know why. That was someone else's history.

We cannot easily stop the politicization of history – politicians will do that, sadly and dishonestly – but we can begin a seriously teaching Canadian history. My proposal: establish national standards in education. Ensure that when students leave high school, wherever they live, they will have a fundamental knowledge of the history of their country, as well as the rights

and responsibilities of citizenship. We are the only country of the G-8 in which the federal government doesn't have a federal presence in primary and secondary education. Isn't it about time?

These proposals – establishing national service, introducing mandatory voting, creating proportional representation, strengthening parliament, defending citizenship, teaching our past – can be implemented outside the constitution. To build a better Canada, the Canada we want, may involve constitutional reform. Of course, that may be enough to scare us away. But here goes.

Seventh, then, let us challenge ourselves to build a more unified Canada, economically and financially. One hundred and forty-five years after Confederation, we still don't have an economic union. We have a free trade agreement with the United States, Israel, Columbia and we are negotiating one with the European Union. We will negotiate more. How about one within Canada? Professionals in some provinces cannot practice in other provinces. Not all goods and services can move unimpeded across borders, including wine. It is time to address this. The federal government should have the power to do this, but hasn't acted.

At the same time, we still do not have a national securities regulator. The government, to its credit, did try to establish one, but the Supreme Court said it encroached upon provincial jurisdiction. Ottawa is now trying, again, to come to terms on this with the provinces. Good luck. That a federal government of the world's eight or ninth largest economy, in the 21<sup>st</sup> century, in a globalized world, cannot create a national securities regulator is incomprehensible. It suggests that the centre is impotent to create a national will and a national way. It raises the question: who speaks for Canada? -- Victoria, Regina or Charlottetown? Or Ottawa?

We must think seriously of the power of the federal government. We know this is the most decentralized country in the world and becoming more so. Will devolution leave the national government so enfeebled that it cannot create a real economic union, or a free trade zone like we share with other countries? So weak that it cannot regulate the world of finance? That it

cannot establish norms everywhere, so that being a Canadian remains fundamentally the same wherever you live in Canada?

Eighth, let us challenge ourselves rethink some of our rights. As we talk about the constitution, let us consider the new natural rights of man and woman. In the past that has meant the basic freedoms.

Now, in a new age, let us think of the right to nature. Strange, that – a right to nature; a right to access to the outdoors. A right to the land – not necessarily to own land, but a right of those who live in cities *to* land – to parks and green space within the Metropolis, and to access to wilderness, or near wilderness, beyond it. The new natural rights would mean, in our constitution, a commitment to clean air and clean water, whether Canadians live in a city or on a reserve. But it would also mean a commitment to access to federal lands, as in national parks.

An underreported story of the last few months has been the government's commitment to spend \$140 million over the next ten years to create the country's first urban park. It will be situated in the Rouge River Valley on the eastern boundary of Toronto, the country's largest city. For us, this is new. And it is important. Because as Toronto swells with the arrival of some 40 percent or more of immigrants to Canada – Greater Toronto is now five million and climbing – people will want to leave those condominiums and subdivisions and get outside. A new national park near Toronto will open Canadians, and particularly new Canadians, to the great wealth of Canada, which is its wilderness.

So while urban parks will be one way, like Gatineau, other parks, in other places, should continue to be brought under federal stewardship. This will protect them from development. As Canada becomes bigger – and it will – this will be our investment in the future.

Ninth, as we imagine a newer Canada, let us challenge ourselves to rethink the monarchy. It is time to open this question. We should not be afraid of it. This is not a new idea. Prominent Canadians have been saying this for some time, from eminent historian Michael Bliss to the Editorial Board of *The Globe and Mail* in the 1990s to former Governor General Adrienne Clarkson. The idea is this: upon the death of Queen Elizabeth, we set in train a process to make the Governor General our Head of State. For

Canada, abandoning the monarchy would be the logical and last step in a process of self-discovery and self-affirmation. In truth, it has been a process which has been going on for a century.

Consider the record. In 1909, we establish the Department of External Affairs. In 1917, the Canadian Corps takes Vimy Ridge. In 1919, we sign the Treaty of Versailles, as Canada, not Britain. In 1931, having established a bona fide foreign service in 1925, the Statute of Westminster allows Canada to manage its foreign affairs. We are isolationist in the 1930s, it is true, but at least it is *our* isolationism.

In the Second World War, we contribute mightily. We emerge with the fourth largest military in the world, demand a seat in international councils, and dispatch a superb corps of diplomats to post-war conferences. No wonder we have a say in the creation of NATO, the World Bank, the International Monetary Fund and other institutions of the new world.

We are spreading our wings. In 1947, we pass the Canadian Citizenship Act, making us Canadians citizens rather than British subjects. In 1949, we make the Supreme Court, not the British Privy Council, the court of last resort. In 1957, we establish the Canada Council for the Arts.

In 1965, we unveil a new flag, and later we make *O Canada* our national anthem. In 1967, we establish the Order of Canada, our own honours system. In 1982, we establish Canada Day, which foolishly replaced Dominion Day, but still an act of self-recognition.

And, finally, thirty years ago, the biggest expression of independence of all: the return of the BNA Act and the Charter of Rights and Freedoms.

Was any of this easy? Hardly. John Diefenbaker bitterly opposed the new flag (as he did official bilingualism) and cried when it was raised over the Peace Tower. And the Constitution? It was a slugfest fought in Parliament, the courts and the provincial capitals. The Progressive Conservatives opposed it at every step, as did all provinces but Ontario and New Brunswick.

The naysayers argued against change. No one cares about the constitution, they said. We would never agree, they said. It would be wrenching and divisive, they said.

Pierre Trudeau, who had returned from exile in February 1980, was determined to see this through. Here was a Cincinnatus returning from the farm, and here was a personal act of nation-building which we had not seen since Sir John A. Macdonald.

Canada was recreating itself, and it was messy. Still, Trudeau persevered, putting his faith in the people.

The Patriation Round, as it was called, extended from May 20, 1980 to November 5, 1981. It was a glorious exercise to cover. Group after group came before the committee. It sat for 56 days of televised sessions, hearing 914 individuals and 294 groups. It was a carnival of democracy, and it produced a Charter that is a model for the world.

Finally, on November 5, 1981, after an all-night conclave and three enervating days of meetings between Trudeau and the premiers, an agreement was struck.

Immediately, we were told that the country would fall apart. It didn't.

While patriation did not end the Constitutional Wars, it was the last act of a generation. Since then, we have been unable to re-open the constitution, whether it is to abolish the Senate, recognize the importance of cities, or finally, to contemplate a country without the monarchy.

There has been no second act because no government since 1982 has had the political will to imagine a bigger Canada. Today our ambition has shrunk.

Still, we can try. We didn't get this far, prudent as we famously are, by never taking a risk and never pushing a boundary. As Churchill said in

his remarks to Parliament on December 30, 1941, we didn't get this far because we are made of sugar candy.

But it is hard to embrace change because there will always be the naysayers, the Jeriamahs, the Cassandras, the shiver sisters. There will also be those who never want to take a chance on anything. But if that is our response, we would have never had a Charter, a citizenship, or a diplomatic service. We would never have had a Canada.

This modest proposal, comprising the elements of a New Patriotism, would be just the beginning of renewing Canada on its one hundred and fiftieth birthday. There is much more.

But let us challenge ourselves, to begin here, and now.

Thank you.