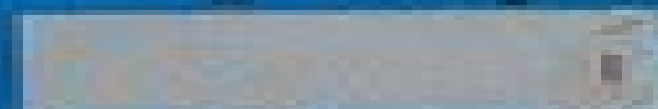


Recurring Issues in Canadian Federalism



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Joseph H. Carens



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the early 21st century

Charter versus Federalism Alan C. Cairns, 1992-02-18 Responding to the increasing diversity of the Canadian population and to an increasing sensitivity to historical diversities the 1982 Constitution Act amended the British North America Act and introduced the Charter of Rights and Freedoms giving new powers to heterogeneous groups within the Canadian polity These changes disturbed the equilibrium of an older federalist Canada whose constitutional concerns were limited to the relative powers of federal and provincial governments and to French English ethnic linguistic questions Cairns underlines the significance of international influences on the development of Canada's constitution in particular the adoption of the Charter and examines the constitution's role in shaping Canadians' civic identities and community conceptions He argues that the constitution is a powerful mobilizing instrument that shapes the people subject to its authority Canada is now populated by what Cairns calls Charter Canadians who see themselves as rights bearers and tend to look to the federal government as the effective focus of political community During the Meech Lake affair the demands of Charter Canadians and politicized aboriginal peoples clashed with Quebec's constitutional aspirations as well as older elite accommodation politics In addition to the Charter the 1982 Constitution Act contained a new amending formula that contradicted the Charter's message that the rights of individuals precede those of governments This formula gave a collective of federal and provincial governments a formal monopoly on constitutional change and encouraged the belief refuted by the Meech Lake experience that they could amend the constitution in terms of their own self interest and announce the results as a *fait accompli* The clash between the Charter and the amending formula is constitutionally destabilizing Cairns argues because these two parts of the same constitution are based on different understandings of the fundamental purpose of the constitution and for whose benefit it exists The Meech Lake fiasco having brought Canada to the brink of disaster clearly indicates that Canada's future constitutional health depends not only on the reconciliation of Quebec with the rest of Canada but respectful of the Charter's message on a simultaneous constitutional rapprochement between citizens and governments in the process of constitutional reform

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Reconsidering the Institutions of Canadian Federalism J. Peter Meekison, Hamish Telford, Harvey Lazar, 2004 Beginning with an examination of the role of traditional institutions such as Parliament Cabinet the Supreme Court and political parties Canada State of the Federation 2002 affirms the long held belief that these bodies do not provide effective forums for interregional bargaining creating a void that has been filled at least in part by executive federalism Contributors conclude that the performance of traditional institutions taken as a whole has deteriorated over the last several decades placing more pressure on the processes of executive

federalism Canada and the New International Law of the Sea Douglas M. Johnston, 1985-12-15 This is the last of three volumes dealing with the International Legal Environment see list in back of book included in the Collected Research Studies of the Royal Commission on the Economic Union and Development Prospects for Canada The Third United Nations Conference on the Law of the Sea UNCLOS 3 culminated in the adopted of the United Nations convention on the law of the sea in 1982 Since then 150 countries including Canada have signed this historic treaty It affects Canada s four major ocean industries fishing offshore petroleum shipping and ocean mining As Canada contemplates ratification of this agreement it must consider these as well as several other maritime matters including transit management offshore development marine technology development and ocean science policy This volume delineates the issues and their implications for Canada s future at sea and recommends the establishment of an independent advisory body to ensure serious and comprehensive treatment of maritime concerns **Essential Readings in Canadian Constitutional Politics** Peter H. Russell, Christian Leuprecht, 2011-01-01 Essential Readings in Canadian Constitutional Politics introduces students scholars and practitioners to classic authors and writings on the principles of the Canadian Constitution as well as to select contemporary material To complement rather than duplicate the state of the field it deals with the Canadian Charter of Rights and Freedoms and with Canadian mega constitutional politics in passing only focusing instead on institutions federalism intergovernmental relations bilingualism and binationalism the judiciary minority rights and constitutional renewal Many of the selections reverberate well beyond Canada s borders making this volume an unrivalled resource for anyone interested in constitutional governance and democratic politics in diverse societies *State, Society, and the Development of Canadian Federalism* Richard Simeon, Ian Robinson, Royal Commission on the Economic Union and Development Prospects for Canada, 1990 Published by the University of Toronto Press in cooperation with the Royal Commission on the Economic Union and Development Prospects for Canada and the Canadian Government Publishing Centre Supply and Services Canada **Canada: The State of the Federation 1986** Peter M. Leslie, 1987 **Bridging the Global Divide on Human Rights: A Canada-China Dialogue** Errol P. Mendes, Anik Lalonde-Roussy, 2019-06-26 This title was first published in 2003 In this collection of essays that explores Western and Chinese perspectives on human rights leading Canadian and Chinese scholars bridge the global divide on some of the key aspects of human rights Issues covered include the role of civil society in human rights protection the imperative of the rule of law in the protection of human rights freedom of expression and its relation to social economic and cultural development and corruption in the public and private sectors The volume also focuses on the domestic implementation of human rights treaties and offers gender perspectives on implementing social and economic rights in an era of globalization The independent Chinese and Canadian scholars present a new vision of global pluralism in the area of human rights protection in a modernizing China and in the rest of the world Contemporary Minority Nationalism Michael Watson, 2013-09-13 Minority nationalism is a significant not to say potent force in the modern world In many countries new

problems of and for minority nationalism have recently surfaced This book presents a wide ranging examination of the state of minority nationalism in the 1970s and 1980s It considers many different cases in detail Britain Ireland the Soviet Union Canada France Spain and South Africa It explores the political and socio economic circumstances surrounding minority nationalism analyses its successes and failures in recent years and looks at an exhaustive range of issues the structures and politics of minority nationalist movements relations with governments ideology attitudes to human rights and so on Interestingly it views both Afrikaners in South Africa and Protestants in Northern Ireland as cases of minority nationalists in dominant positions finding it increasingly difficult to maintain their positions

Is Quebec Nationalism Just? Joseph H. Carens, 1995-04-13 The relationship between liberalism and nationalism is of growing importance in many areas of the world These essays simultaneously deepen our understanding of the specific case of Quebec and help to map a theoretical territory that while vitally important in the modern world is largely unexplored Is Quebec Nationalism Just will be of interest to those concerned with the relationship between Quebec and Canada as well as scholars in the fields of political theory Canadian politics constitutionalism and public policy Contents Liberalism Justice and Political Community Theoretical Perspectives on Quebec's Liberal Nationalism Joseph H Carens Toronto Immigration Political Community and the Transformation of Identity Quebec's Immigration Politics in Critical Perspective Joseph H Carens Canada Quebec and Refugee Claimants Howard Adelman York From Provincial Autonomy to Provincial Equality Or Clyde Wells and the Distinct Society Robert Vipond Toronto Decline of Procedural Liberalism The Slippery Slope to Secession Janet Ajzenstat McMaster The Ideology of Shared Values A Myopic Vision of Unity in the Multi nation State Wayne J Norman Ottawa Quebec The Morality of Secession Howard Adelman Quebec's Self determination and Aboriginal Self government Conflict and Reconciliation Reg Whitaker York

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Canada Kenneth Harold Norrie, Richard Simeon, Mark R. Krasnick, 1986 Published by the University of Toronto Press in cooperation with the Royal Commission on the Economic Union and Development Prospects for Canada and the Canadian Government Publishing Centre Supply and Services Canada Fiscal Federalism in Canada André Lecours, Daniel Béland, Trevor Tombe, Eric Champagne, 2023-11-30 Featuring insights from some of the top specialists in the country Fiscal Federalism in Canada unpacks numerous complexities of fiscal federalism in Canada The book features key regional and provincial perspectives while taking into account Indigenous realities the three territories and municipal affairs The contributing authors go beyond the major federal transfers to examine the financing of education cities infrastructure and housing This volume shows that fiscal federalism is much more than simply an aggregate of individual programs and transfers It highlights the role of actors other than the federal and provincial governments and recalls the importance of territoriality The book pays close attention to the political dimension of fiscal federalism in Canada which is at the heart of how the federation functions and is essential to its governance Fiscal federalism is central to the funding of critical programs through intergovernmental transfers but it is also the focus of political debates on territorial redistribution In tackling essential questions Fiscal Federalism in Canada contributes to the so called second generation fiscal federalism literature taking stock of the critical sociological and political issues at its core

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