It's great to feel popular. And how else could I feel, with the Atlantic Institute for Market Studies inviting me to speak to three different issues in a single presentation! Three topics in twenty minutes! Your optimistic confidence in my ability to be brief and to the point flatters me. I'll do my best to live up to it. My best.

The topics of my address are three new issues that could have serious consequences for the future of Canada's political life.

First: the re-balancing of demographic representation in the House of Commons to the benefit of provinces with growing populations.

Second: the federal government’s plan to establish an elected Senate.

Third: the realignment of federal political parties as a consequence of the last election.

THE HOUSE OF COMMONS

Let's begin with the number of seats in the House. The principle of proportionate representation of the provinces in the House of Commons is well entrenched in our Constitution. Section 42(1a) of the Constitution Act, 1982, states that to amend this principle, we need the agreement of Parliament and the Legislative Assemblies of at least seven provinces representing at least fifty percent of the population – the famous 7-50 formula.

We should all be proud that our Constitution affirms rep-by-pop. That is a fundamental principle of democracy.

Alas, nothing is ever so simple in our lively federation. In Canada, we tweak rep-by-pop to take another factor into account. We take great care to assure the political “representativity” of the provinces that are in absolute demographic decline (they are losing population) or in relative decline (their population is growing at a slower pace than the Canadian average). We are so careful about this that we are one of the
Federations where the distribution of seats between Constitutional entities is the least numerically representative of its population.

We even established a minimum level under which a province's representation must not fall: none may have less Members of Parliament than Senators. This Senate Clause was introduced in the Constitution in 1915 (section 51A) and is now also included in section 41(b) of the Constitution Act, 1982, which mentions: “the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province is entitled to be represented.” This section can only be changed through the Federation members’ unanimous decision.

Hence, Prince Edward Island has four Senators according to the Constitution, so it has four members of Parliament whatever the size of its population. The four Atlantic Provinces cannot have less than 30 seats in the House because that is their number of Senators. Today, this gives them 8 seats more than what strict proportional representation would give them.

In a 1987 ruling, the BC Supreme Court stated that “the principle of representation ‘prescribed’ by the Constitution does not require perfect mathematical representation”. A year later, the BC Court of Appeal said that what must be preserved “is the principle, not a specific formula”. In other words, Parliament has some leeway in how it applies the principle of the proportionate representation of the provinces when dealing with the provinces that are in relative decline. But that leeway has its limits; Parliament cannot run afoul of this principle: that would be unconstitutional.

Today, we are close to the limit. This is what the most recent Statistics Canada pre-census data says: in Ontario, there is one MP for every 126,000 people; in BC, one for 125,000 people; Nova Scotia has one MP for every 86,000 people, New Brunswick, one for 75,500; for Newfoundland and Labrador, it’s one for 73,000 and for PEI, one for 36,500. As you see, the numbers need to be rebalanced.

It will be the third time the Conservative government tries to perform this rebalancing act. On its first attempt, in 2007, the government proposed adding seats for British Columbia and Alberta, but left Ontario almost completely out. When Premier McGuinty objected, the Federal Minister of Democratic Reform of the time insulted him, calling him the “small man of Confederation”.

On its second attempt, last year, the Government left Quebec out, making it the only province with a relative decline in population to be under-represented.

On October 27, Democratic Reform Minister of State Tim Uppal released the Fair Representation Act. Seats will be added for British Columbia (6), Alberta (6) and Ontario (15); Quebec representation will be increased by 3 seats in order to match its demographic weight; and the six other provinces will continue to be overrepresented.

One serious drawback of this plan is that it would increase the number of MPs from 308 to 338. A thirty seat hike is not something to be taken lightly. Canadians are concerned about the added cost of such an inflationary measure. The Government wants to cut the public service while gorging itself with more politicians. This is senseless. In these days of financial restraint, Parliament must show the lead.

As Liberal Leader Bob Rae recently insisted, the number of MPs cannot keep growing forever. We would quickly reach a much higher MP-to-population ratio than is the norm in other democracies. Let’s not forget that in our decentralized Federation, there are many pressing issues – such as schools and hospitals –
that Federal Members of Parliament don't have to address.

In the United States, a country almost ten times as populous as ours, the House of Representatives is limited to 435 Members. Why not follow their example and limit the number of seats in the House to its present value?

We do need to rebalance the House's seat allocation, in order to address the needs of the provinces with strong population growth, maintain proportionate representation of the other provinces, and protect those with smaller populations, in keeping with the Senate Clause. But we can do that without raising the total number of MPs.

The Conservative Bill, as what we Liberals are proposing, would slightly decrease Atlantic Canada's over-representation compared to what it is today – by about one percentage point.

Consider the numbers. Today, with 6.9% of Canada's population, the Atlantic Provinces hold 10.4% of the seats in the House of Commons (32 out of 308). Under the new Conservative plan, they would hold 9.5% (32 seats out of 338).

Two things come to mind regarding these numbers:

First, Atlantic Canadians have always been wise to vote for national parties and avoid wasting their votes on a regional block. In other words, they know how to vote to maximize their influence on the whole of Canada and their contribution to our country.

Second, influence is not only a matter of quantity: it is also one of quality. In no other region of Canada do voters consider so carefully, before they cast their ballots, the candidates running in their riding. That must be why Atlantic MPs are often so good – especially Liberal MPs! If we Liberals had won the 2008 Federal elections, I could have formed an impressive Cabinet for the whole of Canada out of my exceptional Nova Scotia Caucus!

So I'm anxious to debate this latest Conservative plan. Now that a new proposal is before Parliament, the government must allow MPs and Senators to study the impacts of this Bill thoroughly, with the assistance of our best experts.

Because this has to do with a foundation of our democracy, I feel strongly that the government and the opposition should be able to vote together for such a Bill. After all, although all parties have different political orientations, we are all democrats. We might very well reach an agreement: all the Government has to do is to redo the rebalancing act with the 308 seats we have now.

However, getting the support of the NDP might prove difficult: that party believes that the Province of Quebec should have its representation frozen forever at its current percentage because Parliament recognized Quebeckers as a nation within Canada. My own assessment, confirmed by many experts, is that Parliament does not have the Constitutional power to contradict the rep-by-pop principle in such a way unless at least seven provinces representing at least fifty percent of the population approve of it. Atlantic Canadians must have their say.

THE SENATE

My second topic of the day is Bill C-7, the Conservative government's Senate Reform project, introduced last June. This Bill would grant the Prime Minister the unilateral power to limit a Senator's mandate to 9 years, and to appoint Senators through provincial senatorial elections.
It is my conviction that such an act would be unconstitutional because it would allow Parliament to reform the Senate unilaterally. The fundamental character of the Senate cannot be changed by Parliament alone; that also requires the support of at least seven provinces representing fifty per cent of the nation’s population.

The Senate was set up in 1867 as an agreement between the federal authority and the provinces. All aspects of the institution were discussed and agreed upon, including what powers the Senate would have, how Senators would be appointed (elections were seriously considered at the time, but ultimately rejected), and for how long (a 9-year term was proposed but rejected as not long enough).

Of course, Confederation was a long time ago, and it is totally legitimate today to propose reforms that might include term limits or Senate elections. But that must not be done through a process that excludes the provinces.

The changes included in C-7 are not trivial. The Bill gives Parliament the constitutional power to subject Canada to the risk of a gridlock “à la” US Congress, where the two elected chambers routinely paralyze each other. In fact, the situation could be even worse in Canada than in the United States, as we do not have a constitutional mechanism to resolve disagreements between two elected chambers both claiming a legitimate right to speak for the people.

What is the government thinking? What does the Prime Minister have in mind? Does he really want to import into Canada the same ritual opposition tactics and institutional paralysis we see in the United States or in Mexico? Don't we have enough challenges here in Canada that we also need to hinder our decision-making processes in such a senseless manner?

This is a very bad idea, considering that Canada is a decentralized federation that counts 11 governments (14 including the territories) with important powers and responsibilities of their own. In such a decentralized federation, it is all the more important that there are federal institutions, common to all citizens, that can work well and quickly to draft legislation and make decisions for the common good, without the kind of structural impediments and ritual rivalries we see south of the border.

Such a huge change in our political system needs to be carefully evaluated by the Parliament of Canada and all its provincial constitutional partners, including the Legislative Assemblies of Atlantic Canada.

The Senate is one of our two chambers of Parliament. Should it be reformed? Yes! But this important work must be done seriously – and it needs to be done constitutionally, with the full involvement of the Provinces and, of course, the Legislative Assembly of Nova Scotia.

OUR POLITICAL PARTY SYSTEM

And now, the third issue you asked me to tackle: do the latest Federal elections announce a new political system at the Federal level, one where political power will alternate between right wing and left wing parties – as it does in the great majority of democratic countries – instead of between the Right and Center?

Well, I forgot to bring my crystal ball so I can't make that prediction. I can only hope it doesn't happen that way because I firmly believe that our country has been served well by the fact that it has been ruled by a party of the Centre most of the time since Confederation.

Parties of the Centre are less ideological and more pragmatic than the others. Although they have a marked preference for moderation, they
can act boldly and vigorously when required. When looking for new, innovative solutions, they are comfortable looking left and right. They don’t let dogmatism cloud or block their vision.

Governments of the Centre are more resistant to ideological fashion. In the nineties, deregulation was the trend, particularly in the world of financial institutions. The Chrétien government wisely chose to resist that fashion. So if Canada’s bank system today is one of the strongest there are, it is because a Liberal government was in charge at the time. Ironically, Mr. Harper brags today about the results of a decision his political movement fought in the past.

Governments of the Centre know how to harmonize economic growth and social justice objectives. They are also particularly adept at uniting different communities, at encouraging them to see beyond each other's differences; this is a very important quality in a country as large and diverse as Canada.

I also strongly believe that one of this century's most important challenges is the inescapable need for the world to move from self-destructive development to sustainable development. And I am convinced that a government of the Centre is the best suited to achieve this indispensable reconciliation between economic growth, social justice and environmental sustainability.

Of course, everybody here understands that when I speak of a party of the Centre in the Canadian context, I mean the Liberal Party of Canada. But since I wasn't asked to promote my party among this non-partisan audience, this is where I should stop my intervention. But allow me to add these last words:

Contrary to the myth according to which we Liberals are the Natural Governing Party of Canada, none of our victories has ever occurred "naturally". Every one of our victories happened because our position, our program, our leadership convinced a great number of Canadians that we were the right choice for them.

We had disastrous defeats in the past: 1917, 1958, 1984. We recovered every time and after a while, convinced Canadians to give themselves a Liberal government once again. We will succeed again, thanks to the staying power that has been our party's hallmark throughout its long history.

But in the meantime, we need to be an effective opposition. This is the mission Canadians gave us. This is the role that I tried to fulfill with you today, in arguing for a sound rebalancing of the House of Commons and against an ill-adviced and problem-fraught proposal to reform the Senate.