

THE MAGAZINE OF THE MACDONALD-LAURIER INSTITUTE

# INSIDE POLICY

DECEMBER 2022



Elizabeth II  
1926-2022

## Also INSIDE:

Policy-makers  
of the Year  
2022

Prioritizing Arctic  
security and  
governance

Reviewing the  
*Emergencies Act*

Canada's  
Indo-Pacific  
strategy





# INSIDE POLICY

THE MAGAZINE OF THE MACDONALD-LAURIER INSTITUTE

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# From the editors

On September 8, 2022, Canada lost its longest-reigning Sovereign and Head of State, Queen Elizabeth II. Her Majesty's unparalleled long reign covered nearly half of Canada's post-Confederation history. Her passing presents a unique moment of reflection for Canadians, not only the life of dedicated service which Her Majesty led, but also upon the broader contributions of the monarchy and Crown to Canada's political tradition and institutions.

To lead our cover feature, **Patrice Dutil** reflects on the life of Queen Elizabeth II. As he notes, "She never said Canada was perfect, but more than any prime minister or governor general, she was a faithful witness to the development of the country, trusting the hand of steady progress, and reassuring those who listened."

As well, **Frank Buckley** offers his personal thoughts on the passing of Queen Elizabeth II, noting the value of parliamentary governments compared to presidential ones. This is followed by **Ken Coates** and **Melissa Mbarki**, who explore what the Queen's passing means for the future of Indigenous-Crown relations, and **Andrew Irvine**, who looks back at the Queen's reign and the role of the Crown.

We are also pleased to showcase our Policy-Makers of the Year for 2022. This year, we have selected two individuals to share the spotlight: Ukrainian President Volodymyr Zelenskyy on one hand, and Russian President Vladimir Putin on the other. The former is an inspiring and respected wartime leader who has galvanized not only his country but much of the democratic world behind him, while the latter is a dictator whose illegal and brutal invasion of Ukraine harkens back to the dark days of the Second World War.

"The invader refuses to halt his brutal aggression, while the defender refuses to abandon his nation to re-colonization," notes **Adam Zivo**. Yet, as he goes on to say, the war in Ukraine underlines the Canadian government's reluctance to show leadership on the world stage.

In addition, **Stephen Van Dine** looks at the governance challenges facing Canada's Arctic, which faces pressures both domestically and internationally, and **Heather Exner-Pirot** and **Evan Bloom** examine the role of the Arctic Council in the aftermath of Russia's invasion.

Also in this issue, **Coates** turns to the question of Indigenous involvement in the Maritime fishery sector, **Bruce Parody** questions the value of the Public Order Emergency Commission reviewing the use of the *Emergencies Act*, **Richard Shimooka** explores Ukrainian perseverance against Russian brutality, and **Charles Burton** offers a more critical take on Canada's much belated Indo-Pacific strategy.

This being the last issue of the year, Merry Christmas and happy holidays from MLI!

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# Tangled nets: Unravelling the fisheries impasse in the Maritimes

*New approaches that extend Indigenous opportunities beyond the fishery are urgently needed.*



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## Ken Coates

Over the past couple of decades, Canada's Maritime fishery has experienced remarkable transitions: the creation of a First Nations fishery (following the Supreme Court decision on Donald Marshall Jr.); successful industry-government collaboration on fishery harvest management; and high international demand and prices, especially for lobster and crab.

Now, however, the Canadian government's inability to resolve a crucial issue puts the sector at considerable risk.

The 1999 Marshall ruling determined

*First Nations are entitled to earn a "moderate livelihood" from the fishery.*

that First Nations are entitled to earn a "moderate livelihood" from the fishery. Unfortunately, the ruling did not define

"moderate," or offer an implementation plan. This was problematic.

In 2000, looking to give First Nations a place in regional fisheries, the federal government supported one of Canada's most successful examples of commercializing Indigenous and treaty rights. Ottawa paid for First Nations licences, boats and training, enabling hundreds of Indigenous workers to enter the industry. The transition, while not without difficulty, was coming together nicely but stalled over the moderate livelihood provision.

First Nations demanded full implementation of the court's moderate liveli-

hood provision. This position only intensified as the First Nations population grew and more people sought to enter the fishery. From the Indigenous perspective, the matter was simple: First Nations had a legal right to earn a moderate livelihood from the fishery, and the Canadian government was expected to create the spaces needed.

First Nations had some, but not enough, access to the highly regulated fishery. They could only expand their harvesting by either securing more licences or fishing outside the legal fishing seasons.

desirable approach that addressed shortcomings in Canadian public policy.

But in this instance, it was shortsighted.

The Maritime fishery works on an intricate balance between commercial fishers and DFO regulators. The industry's current financial buoyancy reflects decades of collaboration, science-based management of fish stocks, and negotiated terms on catch size, seasons and harvest limits. But by excluding non-Indigenous commercial fishers from discussions about new First Nations arrangements, the govern-

to meet their legal and treaty obligations. Canada's national obligations to the First Nations in the Maritimes (the commitments and compensations are crystal clear and long overdue) need not come at the expense of a single industry.

The Maritime fishery has been a success story for the region, the industry and for First Nations. This achievement should not be diminished, or squandered. The long-term management of the fishery must be a true partnership between First Nations, fishers and the government of Canada. Omitting one partner from

*As the government looks to resolve the new tension, one obvious option is finding ways to ensure Indigenous access to the broader economy.*

Some chose the latter, sending out boats before the season opened then selling their catch commercially.

Reaction was swift. A small number of non-Indigenous fishers held angry protests that resulted in the destruction of First Nations and others' property, and fuelled frustration with Ottawa's unwillingness to enforce fishing regulations. First Nations demanded immediate intervention by authorities, a position that worried conflict-averse federal officials. Across the Maritimes, Indigenous and non-Indigenous restraint amid this tension was impressive.

The government, largely through the Department of Fisheries and Oceans (DFO), worked directly with individual First Nations, reaching short-term agreements on "moderate livelihood" fisheries that were outside established commercial seasons. This nation-to-nation negotiation – reflecting Ottawa's determination to work directly with Indigenous governments and expedite treaty resolutions in the interests of reconciliation – was in many respects a

ment undercut an established understanding of transparency and consultation.

The 18th-century Peace and Friendship Treaties, which were given authority in the 1999 Marshall decision, now afford First Nations the right to a moderate livelihood. First Nations have the right to economic participation and prosperity even beyond any constraints of a moderate livelihood.

As the government looks to resolve the new tension, one obvious option is finding ways to ensure Indigenous access to the broader economy. When federal and provincial governments acknowledged that First Nations on the Prairies had been shortchanged in their original reserve allocations, they created the Treaty Land Entitlement process, giving First Nations financial means to determine their own economic path. Likewise, in the Maritimes, there is no reason that economic justice be limited to the fishery.

As Ottawa implements and honours the spirit of the Marshall decisions, it should be open to other arrangements

negotiations and agreements will only exacerbate tensions, threaten the sector, and undermine tough-won conservation arrangements.

Reconciliation, after all, is about finding a path forward that creates cooperation, fairness, and opportunity for First Nations within a receptive and supportive country. The Maritime fishery has gone a long way down this path.

New approaches that extend Indigenous opportunities beyond the fishery are urgently needed. First Nations leaders are fighting for economic renewal and opportunity, while non-Indigenous fishers and communities are also searching for long-term viability. For both groups and the Canadian government, cooperation in the management of the fishery and a broadening of the search for economic opportunities are essential. ❁

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*Ken Coates is a Distinguished Fellow and Director of the Indigenous Affairs Program at MLI. This article originally appeared in Saltwire.*



# Does the Arctic Council make sense without Russia?

*Arctic relations are in turmoil, with implications for Canada's approach to regional cooperation and its relationship with Russia.*

Gunnar Vigfússon / Icelandic Ministry for Foreign Affairs via Arctic Council

**Heather Exner-Pirot**  
**Evan Bloom**

The Arctic Council, the main diplomatic forum of the eight Arctic states, has long been described as an exceptional space for cooperation with Russia, kept insulated from East-West rivalries. But the war in Ukraine has posed an unprecedented challenge. Russia's illegal invasion means it can't be business as usual. Arctic relations are in turmoil, with implications for Canada's approach to regional cooperation and its relationship with Russia.

A week after Russia's invasion, the other seven Arctic Council states (Canada, Denmark, Finland, Iceland, Norway, Sweden and the US), announced a "pause" in its work. In June they determined that only projects without Russian participation could proceed.

Despite this enormous rift, the West still shares interests with Russia in the Arctic – addressing climate change,

protecting the environment and advancing sustainable development for the peoples of the Arctic. Russia has half the land mass, two-thirds of the people and three-quarters of the GDP in the region. There can be no meaningful progress on core pan-Arctic issues if Russia is not engaged.

That leaves the Arctic Council in a quandary. Other forums exist to address Arctic issues: the International Maritime Organization, various multilateral fisheries arrangements, and numerous climate and environmental agreements, for example. But the Arctic Council, uniquely, includes formal Indigenous representation through six organizations representing the Inuit, Sami, Aleut, Gwich'in, Athabaskan and Russian Indigenous peoples. There is valid concern that simply hiving off Arctic issues to other international bodies will diminish the influence of Indigenous peoples in matters affecting them first and foremost.

The organization has been effective in shaping Arctic policy and values, and there is no desire to abandon it. Indeed,

the seeds planted by Canada when it first proposed the creation of the Arctic Council over 25 years ago have given rise to an organization that has accomplished much and would not easily be replaced. The Norwegians, who are supposed to take over chairmanship of the Arctic Council from Russia in May 2023, have made it clear that they intend to move forward.

If it seems certain that the Arctic Council's work will continue in some manner, what are the options available for addressing Russia's participation?

The other seven Arctic states are committed to a rules-based international order. As such they must consider the rules that govern the Arctic Council, which affirm that Russia is a member, and that decisions are to be made by consensus.

And so the first option on the table is to continue the Arctic Council as it has been, and ask Russia to agree, openly or tacitly, not to participate. This strategy

*Continued on page 9*

# A guest in its own house? Why Canada needs to prioritize Arctic security and governance

*Correcting Canada's vulnerabilities requires a deep understanding of how we got here, significant leadership and a cogent set of actions.*

## Stephen Van Dine

Today, the Canadian North is at the forefront of intense global geopolitics involving Russia, China and the United States. These “titans” are each jockeying for position to dominate the transportation routes and natural resources in the region, which will have tremendous influence in the 21st century. The Arctic also happens to be one-third of the Canadian coastline, yet Canada’s ability to influence the push and pull at the top of the world is complicated by design.

From Nain, Labrador to Old Crow, Yukon, Canada’s northern landscape and coastline are blanketed by dozens of governance and decision-making bodies, large and small, including land claim, self-govern-

ment, municipal, provincial, territorial and federal government entities. In the Northwest Territories, for example, the Mackenzie Gas Pipeline Project required a “regulatory roadmap” to be built to enable the proponents and regulatory authorities to have a complete understanding of permits and licences required for the linear project that traversed several land claim boundaries and a territorial and provincial border.

Canada’s pursuit of modern governance solutions and agreements with Indigenous communities began in earnest with the signing of the James Bay Northern Quebec Agreement (JBNQA) in 1974 and continues today with ongoing negotiations in

northern Manitoba, Saskatchewan, and the Northwest Territories. The driver in the 1970s was the construction of the James Bay Hydro project and growing Indigenous case law pointing to Indigenous title. Industry needed government to create a means to achieving legal certainty in a specific geographical region of Quebec. The JBNQA was the result and became the model going forward.

Canada also used this governance approach in the North internationally. The *Ottawa Declaration* established the Arctic Council in 1996 and was championed by Canada’s then Foreign Minister, Lloyd Axworthy, and Canada’s first Arctic

Above: HMCS HARRY DEWOLF participates in military exercises off Crocker Bay, Nunavut, during Operation NANOOK-NUNAKPUT, 2021

Ambassador, Mary Simon, now Canada's Governor General.

In the early dawn of the post-Cold War period, the Arctic Council was a new and forward-looking international body promoting the idea of an Arctic region of collaboration, cooperation, and science between both national governments and their Indigenous peoples.

Almost 30 years in, the Arctic Council has grown to become the preeminent inter-governmental forum in the Arctic region including Russia, the United States, the Nordic nations, and Canada. With a two-year rotational chair formula, each Arctic Council member gets an opportunity to set

ada that are also Permanent Participants at the Arctic Council.

On paper, it would seem Canada has the organizational infrastructure in place connected to the key domestic players to allow for coherent, integrated and robust policy and program contributions to advance the country's interests. And yet, a closer look reveals that the resources are spread far too thin across many jurisdictions. Even a casual survey of most Arctic publications, such as *Arctic Today*, devote more coverage to Greenland and Alaska as well as the US government's actions in the Arctic than it does to either the Canadian Arctic or Canadian government Arctic policy. Even the United

the North and the Arctic as a minor file.

Today, however, Canada's Arctic interests are decentralized among dozens of public and Indigenous governments of all shapes and sizes from Newfoundland and Labrador to the Yukon. In addition, Arctic capabilities are marbled throughout the federal government in equally diverse structures from Agriculture Canada to Natural Resources Canada.

There is a clear and present danger for Canada's national security and foreign policy interests in the Arctic. A recent visit by NATO's Secretary General to Canada reveals allies are also worried about Canada's capacity in the region.

“Should Canada be unable to overcome its current Arctic policy shortcomings, the consequences could relegate Canada to become a guest in its own house.”

a research agenda based on their priorities.

However, Canada's influence at that table has begun to wane, especially in comparison to financial commitments made by other nations, including Norway and Denmark as well as the United States and Russia. Whether driven by cost cutting or changing priorities, Canada's participation has declined since the Mary Simon days. Today, there is no Arctic ambassador. Instead, there is a small secretariat within the labyrinth that is Global Affairs Canada. And the secretariat itself is situated within a portfolio mixing Nordic and eastern European foreign policy and trade issues.

The secretariat also manages relationships with domestic partners through the Arctic Council Advisory Committee. These partners include other federal departments such as the Department of National Defence, Fisheries and Oceans, Coast Guard and Crown-Indigenous Relations, as well as the territories, some provinces, and the three Indigenous organizations in Can-

Kingdom is moving back into the space with more intent and purpose through science as well as marine and defence cooperation initiatives. And Canada's auditor general has recently raised concern over Canada's capability to defend itself in the Arctic.

It would appear that Canada's focus on self-determination for northerners and Indigenous peoples in the Canadian North has resulted in a serious decline in resources devoted to advancing and protecting Canada's foreign interests in the region. Rhetorically speaking, why should the federal government invest in Arctic capacity if “those responsibilities” will be transferred to another level of government?

Additionally, Canada doesn't behave like an Arctic Nation. With 80 percent of its population living within 100 kilometres of the US border, and the Arctic having relatively few representatives (3-4 Senators, depending who you count, and a handful of Members of Parliament) in the halls of power, the federal government sees

If asked, federal officials will list a number of activities now underway to shore up Canada's interests in the Arctic. These activities include the establishment of the leader's council under Canada's Arctic and Northern Policy Framework, \$4.9 billion in spending commitments to modernize Distant Early Warning sites under NORAD, the commissioning of Arctic Offshore Patrol Vessels, and funding to close the socio-economic gaps for Indigenous communities in areas such as housing, mental wellness and a limited number of infrastructure projects.

Minister Dan Vandal has cultivated trust and close working relationships with Northern government leaders – and hosts the ANPF leader forum. Moreover, he has attracted the interest of Ministers Joly and Anand to the file. And, more recently, Minister Wilkinson has announced the creation of a northern table to discuss ways in which to expedite the exploration and development of critical minerals. While these initiatives are all welcome, in sum, they do not

add up to a substantive and effective role or position for Canada in the Arctic region. So what can Canada do to be more effectual in defending its Arctic interests abroad?

Restoring and growing Canada's influence on the world stage in Arctic matters require a combination of machinery of government changes, governance adjustments, policy shifts and investment.

Beginning with machinery of government, a Cabinet committee on the Arctic is overdue. Such a committee would bring immediate coherence and order with the commiserate due diligence that comes with the full weight of the best of Canada's decision-making abilities. With a growing number of ministers participating in the Northern space, the challenge to internally coordinate and be strategic is made more complicated.

Such a committee would have oversight and policy integration responsibilities for economic, social, environment, reconciliation and defence under its domain. It would also make the Arctic a "whole of government" responsibility with close

ties to the Privy Council Office, Finance and Treasury Board. A Cabinet committee does not strike fear in the hearts of our adversaries, but it is a necessary prerequisite to getting organized and integrated.

Second, Canada's Arctic and Northern Policy Framework needs governance teeth. With all key governments including Indigenous, provincial and territorial governments present, the current leadership model needs to become a joint decision-making forum for action. At present, the current model is more information-sharing than decision-making. Making the shift to decision-making would involve both political, financial and administrative commitments to develop joint project proposals with a cost-sharing formula. Yes, cost-sharing. When costs are shared, decisions become more challenging to reach on one hand, but more impactful on the other. Some may object to more structure and rigour as being too time consuming and an obstacle to visible results. However, the risk of not doing so means Canada's approach in the Arctic is more fragmented and less coherent.

Finally, a new approach to policy development must move past the narrow interests of representational pie sharing to true intergovernmental, and co-managed initiatives and programs that marry bottom-up projects and initiatives with top-down priorities. This means the various technical officials from the numerous governments are mandated to design and build with partners leaving decision-makers the ability to approve at the leaders' table.

Should Canada be unable to overcome its current Arctic policy shortcomings, the consequences could relegate Canada to become a guest in its own house for decades to come. Correcting Canada's vulnerabilities requires a deep understanding of how we got here, significant leadership and a cogent set of actions sequenced, coordinated and fully funded. ❁

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*Stephen Van Dine is President and CEO of Arctic Unlimited and former Assistant Deputy Minister of Northern Affairs, Alternate Senior Arctic Official and now retired Assistant Deputy Minister.*

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### **Arctic Council without Russia (Exner-Pirot, Bloom)**

*Continued from page 6*

leaves the door open for a resumption of Arctic Council activities if or when the situation with Russia normalizes. Depending on your position, this is either an elegant solution or a naïve stopgap. And it carries the obvious risk of relying on Russia to voluntarily stay away.

The second option is to continue the Arctic Council without Russian concurrence: maintain its working groups, secretariat, and rules of procedure but evolve to a membership of just seven. This option would assume that no normalization with Russia can take place in the next five or more years, and rather than depend on a gentlemen's agreement to keep Russia from

attending meetings, just make a clean break. This path, in effect kicking the Russians out while they still chair the council, bears the risk of Russia concluding it can never rejoin the organization.

The third option is to take the opportunity to create something new; to grieve the end of the Arctic Council but then update and reform its structure so it can provide more practical leadership in a world confronting simultaneous geopolitical, resource and climate crises. But those same crises mean it will be hard to muster the time and energy to push a new body forward, and its effectiveness for the Arctic region as a whole would be limited without Russian participation.

Canada will need to evaluate the options carefully. Even though the next steps need to focus on whether and how Norway would

take on its chairmanship in May 2023, as a consensus-based organization the decision is equally up to Canada.

The Arctic Council has been a place where optimism has been generally rewarded, and the prevailing attitude of those currently involved suggests that this attitude perseveres. But it will be a rocky road. Any plans to keep a door open to Russia ahead of the start of the Norwegian chairmanship will be closed politically if the situation in Ukraine gets any worse; and there is ample opportunity for it to get worse. ❁

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COVER FEATURE



Canada's First Cheerleader  
**ELIZABETH II**

1926-2022

*Elizabeth II was a gift to a fractured country.  
Her message about Canada is eminently worth remembering.*

by Patrice Dutil

# “It is very good to be home.”

—Elizabeth II, June 28, 2016

Canada lost more than a Queen on September 8, 2022; it also lost a friend and a fan. Over her 70-year reign, Elizabeth II visited Canada 22 times, a bit more than once every three years. She visited practically every region, from Nunavut to Victoria to Quebec to Halifax and hundreds of points in between.

Ever the diplomat, she admired and appreciated what she saw, and rarely missed the opportunity to encourage Canadians to do something exceptional: to look at themselves in the mirror and see the good in what they saw. She wanted to be a part of it, too. “I want the Crown in Canada to represent everything that is best and most admired in the Canadian ideal,” she told an Alberta crowd in 1973.

than 77) and the only monarch you had ever known was Elizabeth II.

According to StatsCan’s demographic estimates, this would represent about 1,484,847 people. Take away from that block people who arrived in Canada after 1952 and who would have only known Elizabeth II as the Queen, and you easily get half that number. Therefore, out of a population of 38,523,743 today, less than 2

War veterans at a veterans’ hospital in Quebec in 1939. They were both of Scottish roots, and got into a dispute over Queen Elizabeth’s true identity. One argued that because the Queen Mother was born in Scotland, she was clearly a Scots. The other pointed out that she had married an Englishman, so her identity was necessarily English. The question left unsettled, they asked her directly when they were introduced. She paused at the unexpected query. “Since I have landed in Quebec,” she offered, “I think we can say that I am Canadian.” Perfectly acceptable answer.

Elizabeth II reflected on this event 60 years later. “You are constantly redefining your national identity, what it means to be



Princess Elizabeth in Alberta during her first Royal Tour in 1951; the Queen cuts the first slice of a 10-metre-tall cake on July 1, 1967 during Centennial celebrations on Parliament Hill; the Queen arrives to open the 1976 Montreal Olympics.

(The Calgary Herald Archives; Library and Archives Canada/e024559; the Canadian Press via CBC)

Elizabeth II played the role of a good mother, and for more than 98 percent of us, she had been our only monarch, one of the few things we had experienced together for generations. Most kids become aware of current events around ages 6 to 7. In Canada, this means that the only people who might have sung “God Save the King” at school would have been born before 1945. Any younger than that (that is, any younger

percent of the Canadian population might remember when King George VI reigned.

As with the very best of mothers, she was generous, and she was not often wrong. As the years wore on, and as she matured, her speeches reflected a deeper appreciation of the cultures that animated the “eldest daughter of the empire.”

She once shared this story about her mother who encountered two crusty Boer

Canadian,” she told a crowd in Vancouver in 2002. She said it with admiration, capturing evidence that eludes us too often. She did not miss the opportunity to assert the crown in the process: she wanted “to play my part in the Canadian identity, to uphold Canadian traditions and heritage, to recognize Canadian excellence and achievement, and to seek to give a sense of continuity in these exciting, ever-changing times in

which we are fortunate enough to live.”

Continuity – the essence of stability, tradition and heritage – was what she incarnated. On her first visit to Canada in 1951, she visited Regina and was met by Tommy Douglas, the Premier of Saskatchewan. She marvelled at the ambition of the generation she met. “These men and women did not simply hope for a brighter future; they devoted every day to achieving their vision, not so much for themselves but for their children, and their grandchildren – for everyone.”

ment to freedom, fairness and the rule of law... and the service of peace.”

She also noticed a sense of assurance. “With each visit,” she said, she noticed “a clear sense of pride,” a “confidence and engagement.”

“It means something to be a Canadian,” she told that audience in Regina in 2005. In Winnipeg five years later, she said that she had “watched with enormous admiration how Canada has grown and matured while remaining true to its history, its distinctive character and its values.”

ter than we have found it and to maintain the highest standards in everything we do, we can legitimately take pride in our contribution.”

Elizabeth II reminded us that preserving the past was important, but that resisting change was not advisable. “There is such a difference between the Canada I see today and the one I saw for the first time in 1951,” she told an Ottawa crowd in 2002. “With each one of my visits, I am fascinated to see to what degree life has changed.” She again reflected on how Canada on the 150th anniversary of Confederation. “Throughout



The Queen visits Toronto in 1997, drops the puck during a ceremonial face-off of a pre-season hockey game between the Vancouver Canucks and the San Jose Sharks in Vancouver, 2002, and visits CFB Winnipeg (17 Wing), 2010.  
(Toronto Star Archives via Toronto Public Library Digital Archives Government of British Columbia; Government of Canada)

Elizabeth II recognized that the inhabitants came from around the globe, never forgetting the First Nations that had called the Prairies home for millennia. She saw in the mix something special: “The spirit of nation building here in Saskatchewan and Canada truly falls on fertile soil. With this spirit the promise of the future is boundless.” Again, she did not hesitate to inject her belonging: “I retain a deep affection for this great country and for the people who take such pride in saying ‘I am Canadian.’”

As she grew older, and often as the eldest person in the room, Elizabeth allowed herself to share what she had seen. “In my lifetime, Canada’s development as a nation has been remarkable,” she said in 2010. She nodded at the obvious wealth of the country and its vast geography, but emphasized the “values... simply found in the hearts of ordinary Canadians” such as a “commit-

ment to freedom, fairness and the rule of law... and the service of peace.” Elizabeth II insisted on a respect for the past, whatever its grave errors and cruelties. In a speech at Canada House in London on November 4, 2008, she encouraged her audience to “join together in looking to the future by reminding ourselves of how the past can inform the present.” At another occasion in Edmonton, she commented on “the gratitude you feel towards generations of elders and forebears whose hard work built the Alberta of today.”

She talked about history as something to be seen “as a foundation for our present and future.” She dedicated her visit to Alberta that year to honouring “the spirit of those who built this great nation,” and to reminding her listeners that the future had to be kept in mind so “that we can indeed make a difference for those who will in turn come after us. If we strive, in our own lives and our own way, to leave the world around us a little bet-

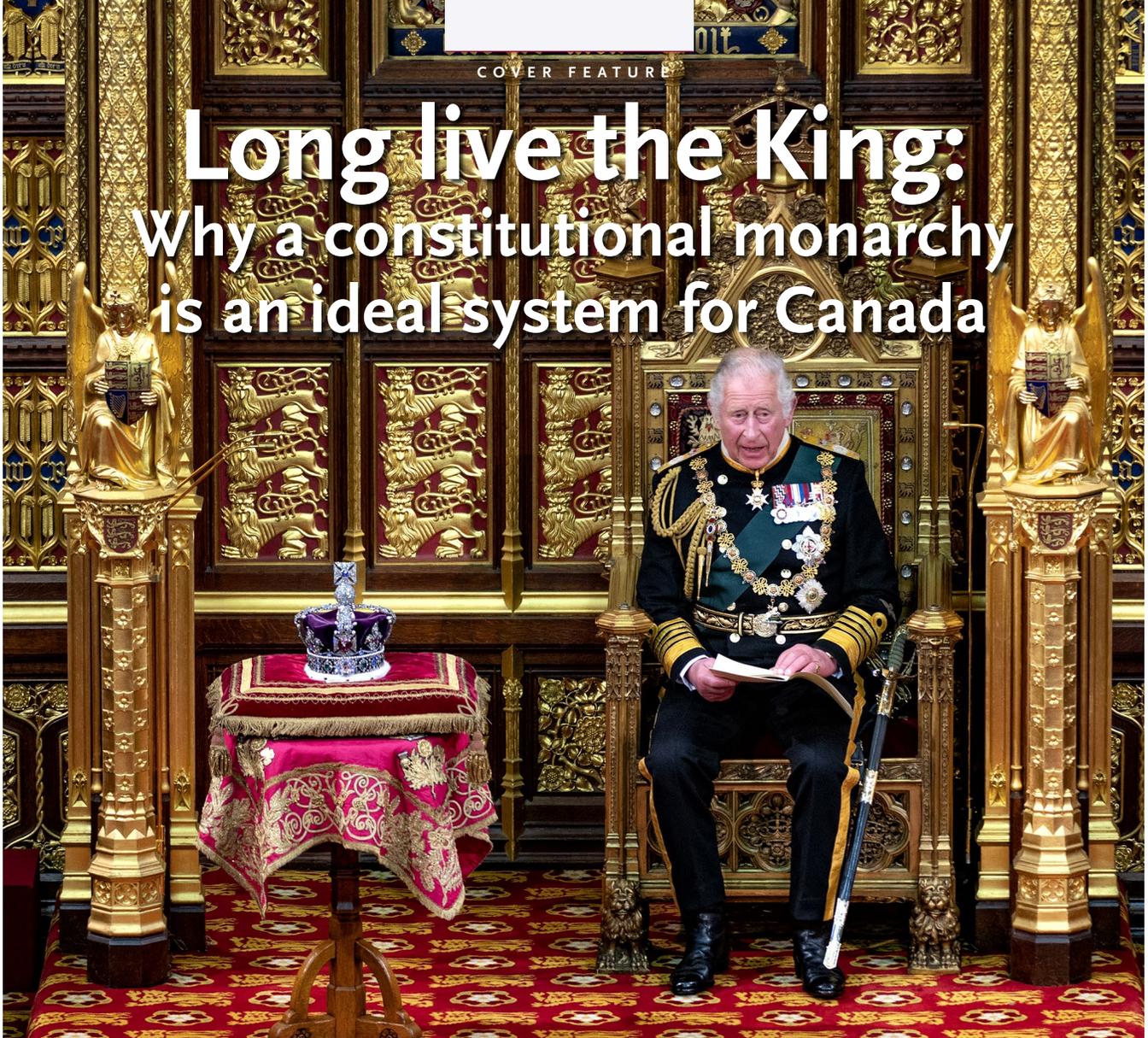
ter than we have found it and to maintain the highest standards in everything we do, we can legitimately take pride in our contribution.” She saw more women, more diversity, more of a willingness to share that may have made the difference. She saw more equality, more freedom and more inclusion.

She never said Canada was perfect, but more than any prime minister or governor general, she was a faithful witness to the development of the country, trusting the hand of steady progress, and reassuring those who listened: “my family and I are with you in spirit.” Elizabeth II, the good and steady monarch who liked to call Canada “home,” was a gift to a fractured country. Her message about Canada is eminently worth remembering. ❖

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Patrice Dutil is a Senior Fellow at MLI and teaches political science at Toronto Metropolitan University.

# Long live the King: Why a constitutional monarchy is an ideal system for Canada



UK House of Lords via flickr.com/photos/ukhouseoflords

*Canadians have hit on the ideal system – a constitutional monarchy in which for most of the time the king is 3000 miles away.*

## F.H. Buckley

“There is a natural inclination to kingly government,” said Benjamin Franklin at the 1787 Convention that produced the American Constitution, and this was evidenced by the extraordinary outpouring of grief at the Queen’s funeral. The drawn-out ceremonies provided the illusion that she was still with us, so much so that I was quite unprepared for the final moments, when the crown, orb and scepter were removed from casket. How alone one felt when it descended into the crypt.

She was a constant presence for most of one’s life. Like most Canadians I caught a glimpse of her on one of her many Royal Tours of Canada. As a child I visited a Royal Canadian Navy corvette when she was in Esquimalt and talked to a young naval officer who told me with great pride that he was her equerry. Am I the only person who can remember folding up the dollar bill to see the devil in the Queen’s hair?

She had a great affection for Canada, the senior Dominion and the country that provided the model for the accession to independence in the Commonwealth. It

was evidently her wish that the RCMP lead the funeral procession, something every Canadian must have found moving, even those who as kids had occasion to worry whether the Mounties would discover the case of 24 in the trunk.

She taught us the importance of loyalty to our institutions and the need to keep one’s sense of humor. In the end, her last lesson was on the necessity of accepting the fact of death for us all.

Canada was never anything other than a monarchy. Queen Elizabeth wasn’t even our longest serving monarch. That would be Louis XIV. When we became a country, at Confederation, Sir John A. Macdonald wanted the new country to be styled the Kingdom of Canada, but gave the choice of

**TABLE 1:**  
From Transparency International's  
Corruption Perceptions Index 2020

COUNTRY	RANK	SCORE
Denmark	1	88
New Zealand	1	88
Switzerland	3	85
Finland	3	85
Singapore	3	85
Sweden	3	85
Norway	7	84
Netherlands	8	82
Germany	9	80
Luxembourg	9	80
Australia	11	77
Canada	11	77
UK	11	77
Hong Kong	11	77
Austria	15	76
Belgium	15	76
Estonia	17	75
Iceland	17	75
Japan	19	74
Ireland	20	72
UAE	21	71
Uruguay	21	71
France	23	69
Bhutan	24	68
Chile	25	67
<b>United States</b>	<b>25</b>	<b>67</b>

appellation to Queen Victoria, whose ministers preferred to designate it as the Dominion of Canada, lest the Americans be offended by a monarchy next door. At a private audience, Macdonald had a private audience with Queen Victoria, whom he told that he wished “to declare in the most solemn and emphatic manner our resolve to be under the Sovereignty of Your Majesty and your family forever.”

One of the greatest of political con jobs is the notion that republics are freer than monarchies.



Queen Elizabeth II and Prince Philip sit before a full Parliament at its opening during the Ottawa stop of their 1957 Royal Tour of Canada.

(Library and Archives Canada | MIKAN ID number 4293184/ copyright expired)

In the Heritage Foundation’s 2022 Index of Economic Freedom, the United States ranks 25th in the world and seven of the countries above it are monarchies. The countries to which the United States exported its republican constitution are significantly less free than those with a constitutional monarchy.

The same can also be said about corruption. As I’ve noted in my book *The Once and Future King*, presidential regimes are significantly more corrupt than parliamentary ones. Transparency International’s Corruption Perception Index for 2020 shows that, leaving Hong Kong and the United Arab Emirates out of the mix, the United States comes in last – and every other country ahead of the US (save Chile and France) has a parliamentary government (see Table 1).

That’s not to deny that America is one of the freest countries in the world. It’s simply to assert that it wasn’t republicanism that made the difference. What makes

America exceptional is that for more than 200 years it has remained free in spite of its constitution.

Franklin was right. There is a popular demand for kingly rule, and republics tend to make a king of their presidents. The place of a president in America is wrapped in so much glitz and dignity, compared to a prime minister, that the United States feels much less like a democracy than Canada. What Canada’s Founders had discovered, even before Walter Bagehot, was Jack Spratt’s Law in which real power and ceremony, lean and fat, are cleaved off from each other in a constitutional monarchy. Canadians can satisfy their desire for the dignity of monarchy without running the danger that this might lead to one-man rule. King Charles isn’t going to audit us.

I rather think that Canadians have hit on the ideal system – a constitutional monarchy in which for most of the time the king is 3000 miles away. We can laugh at our prime ministers without committing *lèse majesté*, and we don’t have to pay attention to the Court Circular. Nor are we exposed to royals who ride bicycles, like the Scandinavian princelings. We get a dollop of ceremony, but it’s not stuffed down our throats, and we avoid the faux monarchism of the American adulation of Harry and Meghan. It works for us and, so long as we maintain it, prevents us from becoming Americans. The republicans amongst us are closet annexationists.

The monarchy even strengthens Canada’s democratic institutions, a point Queen Elizabeth made in a 1964 Royal Tour. “The role of a constitutional monarch is to personify the democratic state,” she said, “to sanction legitimate authority, to ensure the legality of its methods, and to guarantee the execution of the popular will.” I’ll take that over the US Supreme Court. ✪

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## The passing of Queen Elizabeth II: What can the Indigenous response tell us about future relations with the Crown

*Indigenous leaders noted her passing, commented on her estimable qualities as a woman and leader, and maintained their respect for her position and for the treaties signed by the Crown.*

**Ken Coates**  
**Melissa Mbarki**

For good reasons, Indigenous peoples in Canada have mixed feelings about authority figures. While thousands turned out to welcome Pope Francis, many opposed his visits, challenged his words, and rejected his apology. Prime Minister Trudeau, likewise, generates very different reactions, from appreciation for increased funding to outright anger at the mistreatment of Jody Wilson-Raybould. The response to the passing of Her Majesty Queen Elizabeth II reflected a similar pattern.

The Queen had visited Canada many times and routinely included sessions with First Nations, Métis and Inuit people and

communities. She professed, routinely, both her admiration of Indigenous cultures and the importance of the long-standing treaty relationship with many First Nations in the country.

It was fitting, therefore, that her last message, sent only the day before her death, offered words of support to the people of James Smith Cree First Nations, who had just endured a horrible massacre: “I would like to extend my condolences to those who have lost loved ones in the attacks that occurred this past weekend in Saskatchewan.



My thoughts and prayers are with those recovering from injuries, and grieving such horrific losses. I mourn with all Canadians at this tragic time.” The sense of loss was reciprocated, in some quarters the next day.

At the time of the Queen’s death and in the variety and many memorials and celebrations

Above: At a Mi’kmaq event in Halifax during her 2010 Royal Tour, Queen Elizabeth II was presented the portrait of Grand Chief Henri Membertou honouring the 400th anniversary of his baptism, by Grand Chief Benjamin Sylliboy.

of life that followed, Indigenous peoples responded respectfully. Many Indigenous leaders offered words of condolences and praise for the monarch. Mary Simon, the Governor General of Canada, shared warm thoughts of recollection and appreciation. As she wrote, “When I was growing up, my grandmother revered The Queen, as did so many in the Arctic. She would tell us stories about Her Majesty, about her role and her commitment.”

That historic relationship extended to the Governor General’s first official meeting with the Queen: “Her Majesty’s warm

*with this country, so we take it very seriously.*

*We also take very seriously that she’s a matriarch and she’s a grandmother and she’s a very strong woman. In the Indigenous community, that’s very important.*

*So the queen was certainly aware of the problems but was quite ambivalent – people have said that she’s very apolitical, and it doesn’t particularly leave a strong feeling of her reign...for Indigenous peoples, anyway.*

Assembly of First Nations Chief RoseAnne Archibald gave careful thought to her decision to join the Canadian delegation to the Queen’s funeral. She

revere the long-time monarch.

For Chief Wilton Littlechild, the Queen’s death exposed an important generational divide: “I am wondering if with her death there will be an impact on our treaty relationships with the crown...The older people have a very different opinion about the crown’s relationship with treaty but the younger leadership doesn’t seem to have that same thought. In fact, some of them talk about a treaty with Canada – when in fact the Treaty was with Great Britain.”

Today’s younger generations are looking for sovereignty and independence



Queen Elizabeth II meets Inuit Elders in Ranking Inlet, 1994.



Queen Elizabeth II welcomes Gov. Gen. Mary Simon and her husband Whit Fraser to tea at Windsor Castle on March 15, 2022. An Inuk leader from Nunavik in Quebec, Simon is the first Indigenous person to hold the office.

Associated Press/Steve Parsons via CBC

*When I was growing up, my grandmother revered The Queen, as did so many in the Arctic. She would tell us stories about Her Majesty, about her role and her commitment.*

– Governor General Mary Simon

welcome when we spent time with her earlier this year was a profound moment in our lives and a memory we will cherish forever.”

Professor Niigaan Sinclair offered a fine summary of the Indigenous peoples’ relationship with the Queen:

*For Indigenous people, the queen represents treaty – represents our relationship to Canada. The queen is the primary thread in which Indigenous peoples have a relationship*

decided to attend, commenting that “We have a treaty relationship with the crown. That treaty relationship and our formal relationship with the crown pre-dates Canada by 220 years – before Canada was even a country.” She concluded, “We belong here.” Her sentiments captured the national feeling among Indigenous peoples: respect, a desire to be present, but no outpouring of collective grief, or

from the Crown while building meaningful relationships within Canada. The current models of governance, which are paternalistic in nature, hinder development on reserves. Indigenous peoples have been dealing with poverty and a myriad of social issues for far too long.

In the past, the Royals visited Indigenous communities in Saskatchewan on many occasions. One of the earliest

memories of the co-author of this essay was meeting Prince Charles (now King) at a pow wow. The monarchy attempted to maintain a relationship with Indigenous communities throughout the years.

We are hopeful that Indigenous peoples will move into a new era with the Crown. Reconciliation is doing better and not repeating the mistakes of our past. It's recognizing that in order to move forward, we must change paternalistic policies and ideas around Indigenous self-governance.

dislocations associated with the British empire over the centuries.

As Assembly of First Nations Regional Chief Cindy Woodhouse observed: "How do we reconcile the harms of British colonial history and the treaty relationship? As the British monarch, Queen Elizabeth carried – as King Charles does now – all the baggage of British colonialism and its harm." She continued, "For First Nations, there's one important constant of what that relationship is, and it should be a peaceful treaty relationship between sovereign

relationship with the Crown, as symbolized from 1952 to 2022, by Queen Elizabeth II. Through her reign, and continuing after her death, Indigenous leaders noted her passing, commented on her estimable qualities as a woman and leader, and maintained their respect for her position and for the treaties signed by the Crown.

In many ways, the measured and cautious approach of Indigenous peoples reflected that of Canadians as a whole, acknowledging Her Majesty's many impressive qualities and her long-service while recognizing that

The Governor General of Canada via ggc.ca



Above: Queen Elizabeth II during a visit to the Thunder Bay area in 1973; the Crown's relationship with Canada's Indigenous peoples continues: the Prince of Wales (now King Charles III) is greeted by a member of the Indigenous community in St. John's, NL, at the start of his 2022 Royal Tour.



Cpl Brad Upshall /Combat Camera via flickr.com/photos/efcombatcamera

Among the Indigenous population generally, the response was politely muted. Some reflected on her character and her contributions to the long-term stability of the United Kingdom and the Commonwealth. Others wondered aloud about whether historic treaty payments would continue.

For many outspoken critics, the Queen's death presented no cause for celebration. Her reign as Queen coincided with decades of hardship for Indigenous peoples, where they were forced to fight for recognition of their human, Indigenous and treaty rights. As the head of the Commonwealth, Queen Elizabeth symbolized the centralizing power of colonialism and all of the political, economic, territorial, cultural and religious

nations – that is the true spirit and intent of treaties."

Given that Indigenous peoples, most appropriately, connected many of their contemporary challenges to the multi-generational legacy of colonial policies and practices, it was difficult to celebrate the life of the woman who, for more than 70 years, was the figurehead for the most destructive institutions and force in their lives. There was, with a tiny number of exceptions, no effort to personalize the harm to Queen Elizabeth II, although numerous commentators observed that she did not do enough to set things right.

Canadians in general give Indigenous peoples and governments far too little credit for the long-term effort to honour the

the world that she represented, of strong ties between the Empire and the former colonies and their residents, had passed on. The Queen's death, appropriately symbolic, represented a closing of the door on a long chapter in the history of the country and the gradual emergence of a new order, based on modern treaties, reinvigorated historic treaties, greater respect for Indigenous rights and the emergence of First Nations, Inuit and Métis as partners in Confederation. ❖

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# Remembering Elizabeth II, Queen of Canada from 1952 to 2022

*For today's Canadians, it has been one of our great and many privileges to have lived during the Second Elizabethan Age.*



Photo by John Stillwell - Pool/Getty Images

## Andrew Irvine

A constitutional monarch reigns but does not rule. The reign of Elizabeth II was both extraordinary and consequential. As she noted in her 1964 address to Quebec's National Assembly, the purpose of a constitutional monarchy "is to personify the democratic state, to sanction legitimate authority, to assure the legality of means, and guarantee the execution of the public will." As Canada's longest reigning monarch, she was served by no fewer than 12 of Canada's 23 prime ministers.

*The reign of  
Elizabeth II was  
both extraordinary  
and consequential.*

As Queen of Canada during Canada's 1967 centennial year, she reminded Parliament of "the imagination and daring" it took to create a new country. It is a country, she said, "that has grown and prospered in an atmosphere of freedom" and in which problems have been successfully solved "through discussion and through an effort of tolerance, goodwill and understanding."

In 1982, she oversaw the final, peaceful patriation of the Canadian constitu-

Above: Queen Elizabeth II inspects a Guard of Honour outside the Parliament buildings, after arriving to attend Canada Day celebrations, July 1, 2010.

tion. In her speech a decade later, aware that the Meech Lake Accord had been defeated and constitutional issues were still being debated, she was quick to emphasize her continued commitment to Canada: “I am not a fair-weather friend of this country. I’m not just here in the good times. I’m here in all times.”

She played a similar role as Queen of the United Kingdom. During her reign,

the new Commonwealth of Nations “bears no resemblance to the empires of the past. It is an entirely new conception built on the highest qualities of the spirit of man: friendship, loyalty, and the desire for freedom and peace.” It was in this capacity that she also became a major “behind-the-scenes force” in ending apartheid in South Africa. When meeting Nelson Mandela for the first time, the new South African presi-

guard the law and maintain the stability of responsible, democratic government.

The monarch does so not only through her traditional right to be consulted, to encourage and to warn, but also through the exercising of reserve or prerogative powers. Legislatively, it is the monarch and her representatives who give Royal Assent to bills so they may become laws. It is also the monarch and her representatives who

“The loyalty of her people was something that was earned more from her sense of inherited duty than from any other source.”



The Queen reads the Throne Speech in the Senate Chambers in 1959.



Queen Elizabeth II signs the Proclamation of the *Constitution Act*, 1982.

she oversaw the granting of greater degrees of self-government to the parliaments and assemblies of Scotland, Wales, Northern Ireland and England. As Prime Minister Boris Johnson noted in his Humble Address to the House of Commons in 2022:

*Since the Palace of Westminster was founded more than 1,000 years ago, it has seen war and peace, plague and plenty, the rise and fall of empires, and all kinds of revolutions – scientific, industrial, political, ecumenical, stylistic – and almost 50 monarchs... But in our history no monarch has ever served this country so long as this one, with the first Platinum Jubilee ever. Far more importantly, no monarch has ever served it so well.*

The Queen oversaw the final dissolution of the British Empire, observing that

dent became the only non-family member to whom she is reported to have said, “Call me Elizabeth.”

In response to the 9/11 attacks, she asked her ambassador to convey her condolences to the American people, noting that “nothing that can be said can begin to take away the anguish and the pain of these moments. Grief is the price we pay for love.”

In Johnson’s words, she was quite simply, “Elizabeth the Great.”

Separate from the person of the monarch is the institution of the Crown. In Canada, the Crown plays a constitutional role, a legislative role, an executive role, and a ceremonial role. Constitutionally, it is the monarch and her representatives who safe-

function as the formal head of the executive, and in whose name criminal prosecutions are undertaken.

Ceremonially, the institution of the Crown separates the head of state from the head of government. As columnist George Will has suggested, it is this separation that saves a monarch’s subjects from a form of “infantilism” that seems peculiar to the American republic, namely the “cult of the presidency.” Who wouldn’t prefer to be represented internationally by a head of state who speaks on behalf of a nation as a whole, rather than with the support of only a single political constituency? Who among us wouldn’t prefer to have our national fount of honour someone who is apolitical, rather than someone who

The Canadian Press via canada.ca

Parliament of Canada via flickr.com

almost inevitably turns out to be politically divisive?

It was in this capacity that the Queen reminded her Toronto audience in 1973 that “It is as Queen of Canada that I am here – Queen of all Canadians, not just of one or two ancestral strains. I would like to be seen as a symbol of national sovereignty, a link between Canadian citizens of every national origin.”

Having such powers vested in the Crown also serves to remind us that politi-

they were voiced with all the courtesy of a neighbour who interrupts your wedding to borrow your lawnmower. For the republican-minded, monarchy appears to be a symbol of two things only: past colonial rule and an aversion to inherited privilege. In both cases, republicanism overlooks the value of being connected to a country’s past.

In the case of colonial rule, monarchy reminds us of those who have come before us, nation-builders and ne’er-do-wells alike. It is the monarchy that personifies

inherited duty to future generations. An inherited monarchy serves to remind us, not just of how much we owe to those who have come before us, but of the duty we all have to pay this debt forward.

Every monarch requires the loyalty of her people. Within a modern constitutional monarchy, this is something that cannot be achieved through force or intimidation. It can only be earned. Over Elizabeth II’s many decades of service, the loyalty of her people was something that was earned



Shutterstock; Government of Canada

cal power – the power to rule rather than reign – is something that is granted to each government for only a limited period of time. It serves to remind us that such power must be exercised on behalf of, and in the interest of, the people of Canada.

Without a reigning monarch, the powers of the Crown would need to be reassigned to other branches of government. Royal Assent would need to be granted by some other office holder, perhaps a Chief Justice, someone who then would find himself in a conflict of interest, should a law later be legally challenged. The appointment or removal of a first minister would necessarily fall to some other, usually more partisan, branch of government, as happens with impeachment and trial in the US Congress.

Republican sentiments are nothing new. Yet when such sentiments were raised during Canada’s period of national mourning,

both the successes and failures of a nation. The idea of a dramatic, revolutionary break with a colonial past has fuelled American textbooks for generations. To have accomplished this same transition in countries such as Canada and Australia without the bloodshed of war is no small thing. To think that a sundering of its historical ties is something that is necessary for a nation to reach full maturity is, at the very least, churlish.

Republicanism also overlooks the benefits of being reminded of the ubiquity of inherited privilege. Inherited privilege is ever-present, among rich and poor alike. Every time we take advantage of our society’s storehouse of medical knowledge or engineering capacity or political experience, we benefit from centuries of past practical and theoretical work. Being reminded of such privileges, in turn, reminds us of our

more from her sense of inherited duty than from any other source.

As the young Princess Elizabeth famously promised in 1947 at the time of her 21st birthday, “I declare before you all that my whole life whether it be long or short shall be devoted to your service and the service of our great imperial family to which we all belong.” It was a promise well kept.

For today’s Canadians, it has been one of our great and many privileges to have lived during the Second Elizabethan Age. Under a new King, this is a privilege that is certain to continue.

The Queen is dead. Long live the King. ✠

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## PUBLIC ORDER EMERGENCY COMMISSION

Maksim Sokolov (Maxergon) via commons.wikimedia.org

# There was no emergency, but don't expect the Commission to throw the government under the trucks

*Only in a country with fragile, hysterical leadership could the trucker convoy be regarded as an emergency justifying the infringement of civil liberties*

### Bruce Parody

Between 1963 and 1970, the *Front de libération du Québec* (FLQ), a separatist organization in Quebec, committed hundreds of bombings and several robberies, killing six people. In October 1970, they kidnapped British trade commissioner James Cross, and then kidnapped and killed Pierre Laporte, a minister in the Quebec government. In response, Pierre Trudeau's government invoked the *War Measures Act*, the only time it had been used in peacetime. In the years that followed, the invocation of the Act became regarded as having been a dangerous overreach of government powers and breach of civil liberties.

“  
What illegal acts  
were the truckers  
committing?  
Parking.”

The *Emergencies Act*, enacted in 1988 to replace the *War Measures Act*, was designed to have higher thresholds and to be more difficult for a government to trigger. In Feb-

ruary 2022, with the trucker convey embedded in downtown Ottawa, the *Emergencies Act* was invoked for the first time by Justin Trudeau's government, which declared a “public order” emergency based in part on “the use or threats of serious violence.”

In late November, the Public Order Emergency Commission reviewing the use of the *Emergencies Act*, headed by Justice Paul Rouleau, finished hearing evidence from witnesses. After testimony from the Ottawa police, Ontario Provincial Police (OPP), Royal Canadian Mounted Police (RCMP), Canadian Security and Intelligence Service, City of Ottawa, federal government officials, cabinet ministers and the prime minister, what does the evidence show?

The trucker convoy in Ottawa committed no violence and made no threats of violence. There was no storming of Parliament. There were no attempts to overthrow the government. There was no assault, arson, rape, bombing, or kidnapping. No intelligence suggested the presence of weapons. When a court issued an injunction to stop their honking, they stopped. They carried messages critical of the government on the sides of their trucks. Supporters walked along Wellington Street wearing Canadian flags and carrying signs. As OPP Superintendent Pat Morris put it during his testimony, “the lack of violence was shocking.”

Yet officials spoke of violence all around them. Acting Ottawa police chief Steve Bell

the truckers from their balconies.

What illegal acts were the truckers committing? Parking. The truckers were unlawfully parked on Ottawa streets. Ottawa Police Services, which had advance warning, could not figure out how to prevent the trucks from arriving, and together with the OPP, the RCMP, the city, province and federal government, could not figure out how to make them leave. They could not get tow trucks to remove them, and could not, or would not, ticket and arrest. The “emergency” was the inability of a web of agencies, authorities, and departments, strangled by their own bureaucracy and ineptitude, to remove big trucks peacefully parked on the streets in front of Parliament Hill.

there existed a situation in which something violent might occur, even if by accident. By that criterion, emergencies arise every day in every province in Canada.

Whether the invocation of the *Emergencies Act* was justified is not a serious question. The circumstances were not even in the ballpark. But no one should expect the Commission to come to that conclusion. Its mandate is not to rule on the legality of the government’s actions but, as described in the Act itself, to inquire into “the circumstances that led to the declaration being issued and the measures taken for dealing with the emergency.” The Commission has no power to find liability. Its report will not bind the government. The Commissioner, appointed



*Whether the invocation of the Emergencies Act was justified is not a serious question. The circumstances were not even in the ballpark.*

testified of the violence experienced by the local community. On cross-examination by convoy lawyer Brendan Miller, Bell agreed that he was not speaking of actual violence “as defined in the Criminal Code” but of “the violence that our community felt” from “the culmination of actions that the occupiers engaged in” like honking horns. Ottawa city councillor Mathieu Fleury said that protesters committed microaggressions against Ottawa residents, although he declined to explain what that meant, and called the parked convoy trucks “weapons.”

Minister of Justice and Attorney General David Lametti said he didn’t feel safe and feared for his staff but described no violent encounters. According to Ottawa resident Zexi Li, living in Ottawa during the convoy was like living in a lawless horror movie, but the only violence described in her evidence was residents in her apartment building throwing eggs at

The government was embarrassed. Deputy Prime Minister Chrystia Freeland, who had been told by an American official that the truckers were making Canada look like a “banana republic,” had urged that the protesters should be identified as terrorists. Meanwhile, Lametti and Public Safety Minister Marco Mendicino, who in February had said that the cause of the emergency was “rhetoric of an ideological position,” shared texts about sending in tanks.

Prime Minister Justin Trudeau testified that invoking the Act was justified to keep people safe. If you don’t use the tools you have, Trudeau said, “how would I explain it to the family of a police officer who was killed, or a grandmother who got run over trying to stop a truck, or if a protester was killed in a violent clash with someone else?” In other words, for Trudeau, “threats of serious violence” did not mean that someone had said they would use violence, but that

by the government to run an inquiry called by the government, is not likely to throw the government under the trucks.

The Commission is a ritual, and the purpose of ritual is performance not outcome. The Commission’s purpose has already been served: to create the impression that whether the use of the Act was justified is a serious question to consider, and to make it appear that there is accountability without having to provide it. Perceptive Canadians will notice that the product does not match the packaging.

Only in a country with fragile, hysterical leadership could the trucker convoy be regarded as an emergency justifying the infringement of civil liberties. God help us when we have a real emergency – and, no doubt, the next time when we don’t. ❄️

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**Bruce Pardy** is Executive Director of Rights Probe and Professor of law at Queen’s University.

MLI's  
2022  
Policy-makers of the year

Vladimir Putin  
+  
Volodymyr Zelenskyy

*How the war in Ukraine,  
pitting the Russian dictator  
against the Ukrainian statesman,  
has revealed Canada's failed  
leadership on the world stage.*

by Adam Zivo

(kremlin.ru; President of Ukraine via wikimedia commons)

Each year, the Macdonald-Laurier Institute recognizes an individual who, by having an immense impact on Canadian federal policy, deserves the title “Policy-maker of the Year.” The recipient of this title need not be a force for good – in 2019, the title was given to Xi Jinping. This year, the title goes not to one, but two people: **Ukrainian President Volodymyr Zelenskyy** and **Russian President Vladimir Putin**.



Russia’s full-scale invasion of Ukraine revolutionized the global policy landscape, something which both Putin and Zelenskyy bear responsibility for. Without Putin, there would have been no invasion to begin with – but, without Zelenskyy’s unexpectedly effective leadership, it’s likely that Ukraine would have capitulated last spring, destabilizing the world in an entirely different way.

It’s because of these two leaders that the war has continued for as long as it has. The invader refuses to halt his brutal aggression, while the defender refuses to abandon his nation to re-colonization. An unstoppable force meets an immovable object.

Amid this war of attrition, the world has changed. Europe is now remilitarizing, putting pressure on NATO members to boost their military budgets. Putin’s embrace of

energy warfare has forced European nations to reconsider their dependence on Russian liquified natural gas (LNG) – a development that has global economic ramifications.

Western states have admirably coordinated on sanctions that have dented, though not crippled, the Russian economy. Relatedly, substantial aid packages have been sent to Ukraine, allowing the country to stave off defeat. Yet these measures have been imperfectly applied, revealing difficult tensions within the international community.

All of these policy developments impact Canada – but not necessarily in ways that reflect well on the country. If anything, Russia’s war in Ukraine has underlined the federal government’s reluctance to show leadership on the world stage.

### *Increased defence spending*

NATO members are now significantly increasing their military spending in anticipation of future conflict. Eastern European states have predictably led the way, driven by the reasonable fear that, should Ukraine fall, they will be invaded next. Poland, for example, pledged to increase its military spending from 2.2 percent of GDP to 3 percent by 2023, with an ultimate goal of 5 percent – an aggressive target that may position the country as one of Europe’s leading military forces.

France hiked its defence budget by an additional 7.5 percent (or US\$3 billion) for 2023, reaching 2 percent of GDP, while the United Kingdom pledged to increase defence spending to 2.5 percent of GDP by 2026 (up from 2.1 percent currently). Even Germany, which has been remarkably tepid in its approach towards Russia, has committed to substantially increasing its military budget, setting the country’s defence spending on track to reach 2 percent of GDP within a few years.

Canada has chronically underinvested into defence (regardless of which party governs), irritating American policy-makers and leading them to occasionally chide us for perceived freeloading. However, in 2017, the federal government committed to a 10-year, 70 percent increase to defence funding. While that figure sounds impressive, Canada is only playing catch-up. In 2021, only 1.5 percent of Canada’s GDP was spent on defence – a 50 percent improvement from 2014, but still one of the lowest rates in NATO.

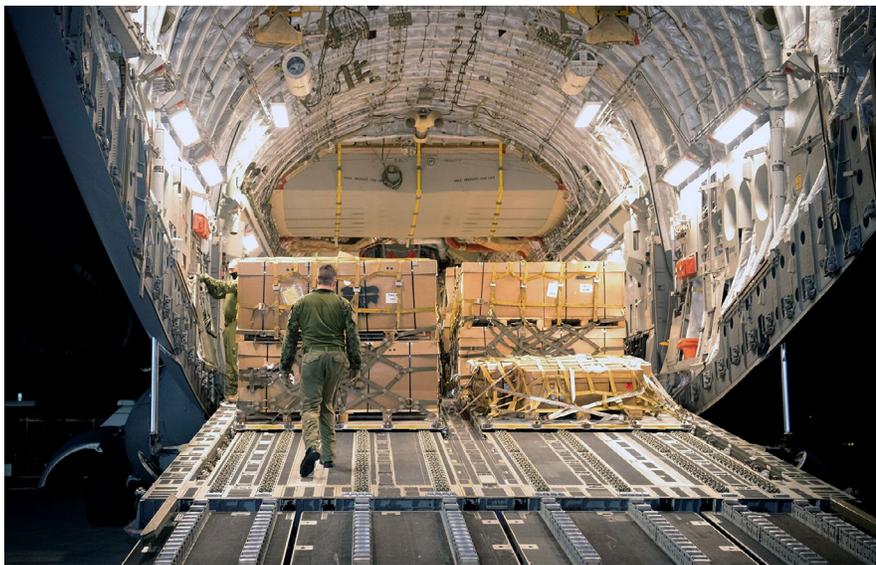
In response to the war in Ukraine, the federal government committed \$8 billion over five years to defence. That’s only about a 5 percent increase in the defence budget, a paltry investment compared to what our allies have pledged, which is expected to bring Canadian defence spending to only 1.6 percent of GDP. The new funding commitment is arguably only a token gesture.

Canada's unserious approach to defence is, in many ways, a product of its geography. Isolated from its adversaries by vast oceans, Canada's only real security threat, at least for the foreseeable future, will be maintaining its Arctic sovereignty – an issue that, unbeknownst to many, actually intersects with the war in Ukraine.

Global warming is opening up valuable new shipping channels in Canada's North, causing security experts to worry that Rus-

into the Arctic would be hampered for a generation. China would remain a threat to our Arctic sovereignty, but resisting one adversary is easier than resisting two.

One would expect Canada to provide more robust aid to Ukraine, given these geopolitical considerations. However, as of November this year, total Canadian aid to Ukraine amounted to only \$3.9 billion – \$1 billion in military aid and \$2.9 billion in humanitarian aid.



Members of the Canadian Armed Forces (CAF) unload military aid from a CAF aircraft at Lviv airport in February 2022 in support of Ukrainian security defence forces.

(Canadian Armed Forces photo via flickr.com/photos/cfcombatcamera)

sia and China will try to assert themselves there. Canada's grip over the North has always been tenuous, after all.

Securing the North will be an expensive endeavour. For example, the Canadian Coast Guard is spending \$1.5 billion to build just two Arctic coast guard ships. Lifetime operating costs for these ships will also be in the billions.

Rebuilding Canada's naval strength is important, but it's equally important to weaken adversaries who might gnaw at the Canadian North. This is where Ukraine comes in. The war in Ukraine has crippled Russia's military capabilities. Should Putin concede defeat and retreat from Ukrainian lands, Russia's capacity to project force

That may sound like a lot, but it amounts to only 0.6 percent of the federal government's 2021 expenditures, or 0.15 percent of total GDP.

Canada's humanitarian aid to Ukraine amounts to 35 percent of our international development budget, so it would be unfair to criticize that aid as insufficient. Canada also recently announced the creation of \$500 million on "Ukraine Sovereignty Bonds," which will allow average Canadians to directly support the Ukrainian government. Insofar as non-military support goes, Canada seems to be doing its part.

However, Canada grossly underperforms on military aid. The military aid provided so far is equal to only 4 percent of

our 2021 defence budget and is 75 percent lower than what the United States has given on a per capita basis. It's arguable that our underwhelming military aid reflects our propensity to freeload on defence.

### Sanctions

Like many western countries, Canada applied sanctions against Russia this year, prohibiting Canadians from conducting business with Russian government-affiliated entities, such as banks, state-owned enterprises.

However, Canada and Russia's trade relationship is miniscule. Last year, Canadian imports from Russia amounted to only \$2.14 billion (0.35 percent of Canada's total imports), while exports amounted to only \$0.66 billion (or 0.1 percent of total Canadian exports). Canadian sanctions are thus insignificant to both sides.

Canada has also sanctioned high-level Russian officials, leading the Kremlin to retaliate with their own sanctions against Canadian individuals. The tit-for-tat sanction battle between Canada and Russia is more symbolic than substantive. This seems especially true from the Russian side, considering that sanctioned Canadians include figures of questionable geopolitical importance, such as Margaret Atwood and Jim Carrey.

There was one instance this year in which Canadian sanctions could have made a difference. In July, Russia claimed that it was unable to provide LNG to Germany through the Nord Stream 1 pipeline until it regained custody of a key turbine. This turbine was owned by Siemens Energy, a German-based multinational conglomerate, and had been sent to Montreal for repairs by Siemens Canada.

Canadian sanctions should have blocked the return of the turbine, as they prohibit the export (or re-export) of items that may benefit the Russian energy sector – even if the commodity first goes to a third party that acts as an intermediary (in this case, Germany). Siemens Canada is legally

a Canadian entity and is therefore beholden to Canadian law.

The fact that the turbine was owned by a German entity is irrelevant. Foreign entities cannot send sanctioned items to Canada for repair and then later cry about ownership. Were it otherwise, what would prevent third parties from sending Iranian weapons to Canada for refurbishment, for example? International supply chains do not trump national law.

Seemingly trapped in Canada, the turbine became the centre of an international controversy. The Germans, still deeply dependent on Russian LNG, begged Canada to permit its return. Many suspected that Putin was trolling the Germans and that, even if the turbine were to return, some other pretext would be discovered to block gas exports.

This suspicion was ultimately proven right. The federal government caved to German pressure and granted an exemption for the turbine, which was then returned to Germany. Russia subsequently claimed that the turbine was unusable and LNG exports via Nord Stream 1 remained blocked.

The debacle showed how unseriously Canada takes its sanctions. The moment these sanctions lead to real costs, and potentially have a real geopolitical impact, the government abandons them. Why even enact sanctions in the first place?

### **The embassy debacle**

In May, Prime Minister Justin Trudeau visited Kyiv to announce the reopening of Canada's embassy in Ukraine. Like many other countries, Canada had shuttered its embassy due to the war and relocated associated staff. By the time Trudeau made his announcement, several other countries, including the United States, had already reopened their embassies.

However, in August it was discovered that the embassy had not actually been reopened and had stayed shuttered. Those visiting the embassy were given an email

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*Essentially, Canada declined to provide Germany any serious energy exports.*



which they could direct inquiries to.

The government claimed that the embassy's closure was due to ongoing security concerns, but this explanation was wildly implausible. Seemingly every other western embassy had safely resumed operations in the capital. Throughout the summer, Kyiv was largely insulated from the war and residents lived relatively normal lives – a fact that was widely reported on in the media.

It was simultaneously reported that Canada abandoned its Ukrainian embassy staff at the outset of the war – despite knowing that, if Ukraine were to fall, these staff would likely have been hunted and either tortured or killed. This information was apparently leaked to the *Globe and Mail* by disgruntled Canadian diplomats.

In the absence of official support, Canadian embassy staff had to personally fundraise to help their Ukrainian co-workers. The amount they raised, \$90,000, was commendable but paled in comparison to the support that should have been provided by the government.

Weeks before Putin's full-scale invasion, allies had provided the Canadian government with intelligence reports warning that Ukrainian embassy staff would be targeted. Foreign Affairs Minister Mélanie

Joly claimed that she and her department were unaware of such reports. It was another implausible claim that contradicted the aforementioned diplomatic sources that leaked the story.

These debacles undermined Canada's diplomatic credibility. How can allies trust Canadian diplomacy if we lie about whether our embassies remain open or closed? How can we build trusted local networks if we show a willingness to throw local staffers to the wolves?

By all rights, there should've been a public inquiry into how these incidents were allowed to happen – and, relatedly, concrete measures should've been put into place to ensure that such mistakes are not repeated. Instead, the government refused to take any accountability for its shortcomings and repeatedly made wildly implausible claims to absolve itself of responsibility for its failures.

### **Energy politics**

Until this year, much of Europe was dependent on Russian LNG – a dependency that Russia gleefully weaponized to unsuccessfully pressure European states into abandoning Ukraine.

The effects of this energy warfare were clearest in Germany. German poli-

cy-makers had spent a decade fostering a nation-wide addiction to cheap Russian LNG, despite being loudly warned about the geopolitical vulnerabilities this addiction would create. In 2006, for example, Poland compared the opening of Russia's Nord Stream 1 pipeline to Hitler's Molotov-Ribbentrop pact with Stalin.

When Russia launched its full-scale invasion of Ukraine this February, Germany was remarkably reluctant to offer Ukraine any support beyond cheap rhetoric. Germa-

been a larger energy exporter, European states would've been able to diversify their energy suppliers, reducing Russia's economic leverage and energy revenues. Yet Canadian policy-makers espoused a particularly narrow-minded and myopic form of environmentalism that ignored the geopolitical dimension of energy policy.

One would have hoped that the war in Ukraine would've changed things – but the federal government obstinately refuses to change course.

*Had Canada been a larger energy exporter, European states would've been able to diversify their energy suppliers.*

ny has consistently dragged its feet with aid – for example, in April it promised to provide weapons to Ukraine but, in the ensuing months, failed to follow through, leading Kyiv to accuse Berlin of dupliciousness.

In November, former British Prime Minister Boris Johnson alleged that, at the outset of the war, German political leaders had actually hoped for a quick Ukrainian defeat, so as to minimize disruptions to Germany's economy. If true, then Poland's 2006 invocation of the Molotov-Ribbentrop was apt, in that Germany seems content with the dismemberment of its eastern neighbours if it enriches the German economy.

But Germany isn't the only disappointment here. When it comes to energy politics, Canada seems equally complacent with empowering dictators.

For years, critics have pointed out that throttling Canadian oil and gas won't reduce global emissions, but rather will only increase reliance on energy exports from authoritarian states. Putin's weaponization of LNG has brutally validated this analysis.

In this way, Canada is somewhat complicit in Ukrainians' suffering. Had Canada

In August, German chancellor Olaf Scholz visited Canada to discuss turbo-boosting Canadian energy exports – he called Canada a “partner of choice” and said, “we hope that Canadian LNG will play a major role in this.”

The Trudeau government responded by arguing that there was no business case for developing Canadian LNG – a claim which industry players called absurd. Trudeau gave Scholz a tour of a wind-to-hydrogen facility in Newfoundland and, ultimately, the two signed an agreement that will allow Canada to export “green” hydrogen to Germany within a few years.

The problem is that, even in the best-case scenario, Canada has the capacity to produce only marginal amounts of green hydrogen. Green hydrogen is also expensive, which is why the European market for it is much smaller compared to natural gas.

Essentially, Canada declined to provide Germany any serious energy exports. In lieu of a real solution, the federal government offered the Germans an inferior, expensive form of energy that can only be produced in homeopathic quantities that cannot hope to

address German energy needs.

In energy policy – as in defence spending, military aid, embassy policies, and sanctions – it seems that Canada is content with doing little while pretending to do a lot.

### ***What to make of all this?***

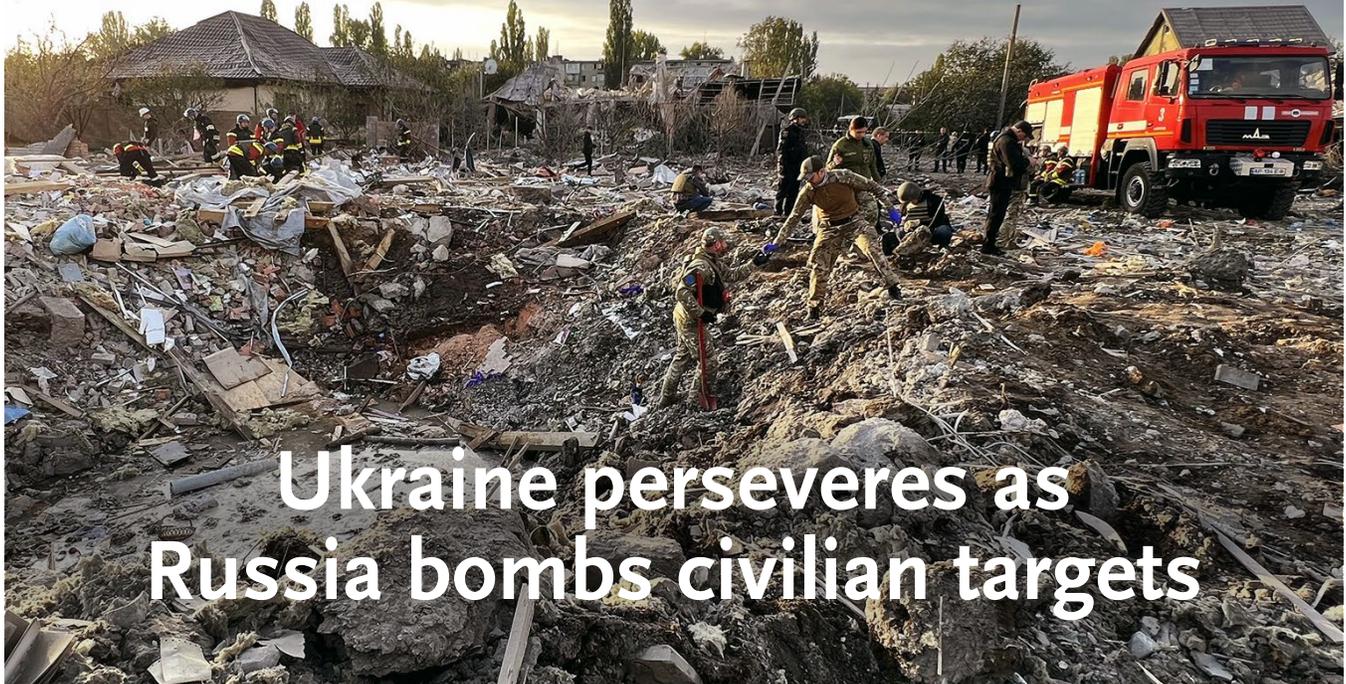
Russia's war in Ukraine has obviously had a significant impact on the global policy landscape, which has inevitably bled into Canadian federal policy. Yet for all the public rhetoric about Ukraine, the federal government's policy responses have been lacklustre. The federal government has repeatedly made grand claims about showing support – and yet failed to back up these claims with serious action.

Our defence budget remains dismal, and Ukraine-related budget increases have been relatively trivial. Our military aid is a fraction of what the United States has given. Our sanctions have amounted to little more than theatre, while our treatment of our embassy in Kyiv has been a tragi-comedy. We seem unable or unwilling to grasp the realities of global energy politics, and, rather than be frank about the trade-offs of environmentalism, have tried to peddle our “green” hydrogen as a serious energy solution despite all evidence to the contrary.

It's clear that, though Zelenskyy and Putin have had a serious impact on Canadian federal policy, the impact has not been what many expected or wanted it to be. Rather than inspire real leadership among our policy-makers and political leaders, Russia's war in Ukraine has, more than anything else, exposed a culture of complacency, as well as a preference for optics over substance. 🌱

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**Adam Zivo** is an international journalist and LGBTQ activist. He is known for his weekly National Post column, his coverage of the war in Ukraine, and for founding the LoveisLoveisLove campaign. Zivo's work has also appeared in the Washington Examiner, Xtra Magazine, and Ottawa Citizen, among other publications.



# Ukraine perseveres as Russia bombs civilian targets

National Police of Ukraine / apugov.ua via Wikimedia Commons

*Putin will search for and exploit every potential weakness to end this conflict on his terms. Canada and other like-minded states must remain stalwart in their support for Ukraine.*

## Richard Shimooka

The past few weeks have seen a concerted campaign by the Russian Federation against largely civilian targets, including the targeting of power systems and other basic utilities to rob the civilian populace of basic necessities as the harsh winter looms. The scenes are tragic: surgeries under emergency lighting, children on breathing-aid machines plugged into emergency power locations, people lined up in freezing weather for water.

The anti-infrastructure campaign has parallels to previous military campaigns. Essentially, the strategy of strategic bombing harkens back to the Second World War. The methods may look different since Russia is largely relying on its limited stocks of long-range cruise missiles and drones to pursue this approach. However, that's largely the result of the tactical situation over Ukraine: Russia would otherwise suffer unsustainable losses to its air force if it attempted any other approach.

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The anti-infrastructure campaign has parallels to previous military campaigns.”

Russia's application of this strategy is one largely borne out of necessity – its armies are in a poor state after successive defeats east of Kharkiv and in Kherson, as well as absorbing hundreds of thousands of ill-trained conscripts. While it continues a grinding push in Donetsk province, the relatively limited scale of its efforts there more likely illustrates its much-weakened state. Furthermore, the approaching winter will only further constrain its options.

Normally, the winter months tend to see a slowdown of combat operations. But this change in operational tempo will disproportionately affect less well-prepared units, with newly mobilized Russian soldiers being particularly vulnerable. It might be spring at the earliest that Russia's army could reconstitute itself to a sufficient degree to launch limited offensives, but it is hard to imagine such a force being able to win decisively against the Ukrainian military.

With Putin's ability to win on the ground no longer feasible, aerial bombing is really the last potentially war-winning tool available to him. But what are its prospects?

The use of strategic bombing has remained a highly controversial and contested topic among academics, policy-makers, and strategists. The ethics and morality of strategic bombing pose an essential question for democratic states at war, where perpetrating gross human

Above: Local emergency forces search for civilians in the rubble of a residential neighborhood of Zaporozhyia, shelled by Russian forces in the night of October 9, 2022.

rights abuses can quickly undermine support at home and the potential for victory in the field.

Yet, such concerns are of little to no relevance to Putin's authoritarian regime, which has frequently employed terror against the Ukrainian population, as civilian massacres in Bucha, Izyum, and elsewhere amply illustrate. The Kremlin is also no stranger to indiscriminate carpet bombing for terror purposes; one only needs to

The reality is that societies are highly resilient and such attacks are unlikely to work, even against unpopular totalitarian governments – to say nothing about a popular resistance government. The Ukrainian people have demonstrated their resolve to persevere over Russia over the past 10 months, and these new predations are unlikely to alter their calculus.

Yet attacking cities may offer other benefits aside from simply coercing a given

tional breathing room that Russia needs to reconstitute its forces over the winter.

In addition, Russia's attacks have wreaked further damage to the already shattered Ukrainian economy and prevented any recovery. As with its military, the country's economy is completely reliant on foreign assistance to keep going. For instance, the head of the IMF last month estimated it required US\$4 billion a month to keep Ukraine afloat. While donors have com-



Russia's recent strategic bombing has targeted infrastructure, leaving Ukraine with a shattered economy and highly dependant on foreign assistance to keep going and rebuild.

(Photos from National Police of Ukraine/[npu.gov.ua](http://npu.gov.ua); and State Emergency Service of Ukraine (Kyiv)/[kyiv.dsns.gov.ua](http://kyiv.dsns.gov.ua))

look at its actions against Mariupol earlier in the spring, as well as its behaviour during the Syria conflict and in Chechnya.

Historically, however, strategies aimed at punishing or compelling an opposing side to give up have proven to be the least effective approach. The Royal Air Force attempted something similar during the Second World War, known as the "de-housing strategy" – essentially an effort to break the morale of the German people either by killing or destroying their homes. It was largely ineffectual at its stated objectives: even with most German cities half-destroyed, their population's morale never really wavered.

population. For instance, the Anglo-American strategic bombing campaign against Germany forced the Nazi regime to shift a staggering amount of its resources to defend its homeland, which in turn likely hastened its overall defeat.

Similarly, the attacks on Ukraine's civilian population have forced Kyiv and its backers to divert significant resources to try to shore up its utilities and keep its citizens safe. For example, newly acquired low-altitude air defence systems, which should have been used to support military operations on the front lines, are now being sent to defend cities and critical infrastructure deep inside Ukrainian territory. This may provide addi-

mitted to seeing the country through the winter, allied support remains tenuous and could easily fracture. Considering Putin's long-held views on the political weaknesses of western states, he may see this as his best chance to avoid a worst-case outcome from the conflict.

Unfortunately, there is no easy path out of this situation, beyond continuing to support the Ukrainian state through this deal. Putin will search for and exploit every potential weakness to end this conflict on his terms. Canada and other like-minded states must remain stalwart in their support for Ukraine to persevere. ✪

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*Richard Shimooka is a Senior Fellow at MLI, where he specializes in strategic studies, comparative defence management approaches and foreign policy. This article originally appeared in The Hub.*

# Has Canada's China policy reset failed to launch?



*The new strategy's belief that Beijing will work sincerely with Canada if we turn a blind eye to human rights and security issues is naive at best.*



## Charles Burton

Back in 1989, Canada got a jolting wake-up call on the true nature of China's Communist Party regime with the ruthless suppression of the nascent Democracy Movement, crushed by tanks that left their bloody tread marks all over Tiananmen Square.

In November, massive demonstrations emerged all over China calling for the removal of “emperor for life” party General Secretary Xi Jinping. But while the 1989 movement was about demanding that the party implement democratic reforms, the current movement demanded the end of Communist rule altogether.

This is serious stuff.

Meanwhile, here in Canada, within

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*Here in Canada  
... there has never  
been consensus  
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a coherent  
China policy.*”

every federal government since 1989, there has never been consensus on developing a coherent China policy. Federal cabinets have been split between believers that the primary purpose of relations with China is to promote Canadian prosperity

by maximizing trade and investment with that regime, taking care not to implement measures that would incur the ire of Beijing; and those convinced that Ottawa must more actively address China's security threat to Canadian sovereignty and its determination to undermine the rules-based liberal international order.

Sadly, the “Canada's Indo-Pacific Strategy” document released in late November maintains characteristics of this schizophrenic approach that has bedevilled Canada's approach to China for far too long. Indeed, in the Global Affairs Canada (GAC) summary announcing our new Asia-centric policy, all 1321 words, China is remarkably not mentioned once. Maybe this half-hearted approach reflects GAC's resentment

of US pressure on our traditionally China-friendly foreign policy establishment to acknowledge new power realities.

After US Secretary of State Antony Blinken paid a visit to Ottawa last month, a new Canada-US Strategic Dialogue on the Indo-Pacific “to further align approaches to the region” was announced. Getting such a directive from “head office”

eye to the Uyghur genocide and human rights and security issues – is naive at best.

But the strategy has no mention of genocide (which would force Canada to take measures under our UN treaty obligations); nothing to suggest substantive Canadian action on Chinese police operations on our soil to menace people in Canada; and no addressing China’s perva-

the amount needed to fulfill even a single promise, like defending Canada’s Arctic sovereignty against China’s northern forays, or meaningfully helping defend Japan, South Korea and other regional allies from Chinese or North Korean military activity.

Instead of a sober appraisal about Beijing’s bluntly authoritarian disposition on

*There are profoundly urgent reasons to address the challenges that China’s rise has been posing to Canada’s democracy.*



will not have gone down well within the walls of GAC, but the reality is there are profoundly urgent reasons to address the challenges that China’s rise has been posing to Canada’s democracy and to our place in the world.

A core statement in the Indo-Pacific Strategy is a mealy-mouthed characterization of China as an “increasingly disruptive global power,” when what China really is to us is a “strategic competitor.” The new strategy’s supposition that Beijing will collaborate sincerely with Canada on climate change, global poverty initiatives, or putting the brakes on North Korea’s terrifyingly dangerous nuclear missiles program – if we appease China by turning a blind

sive espionage to obtain dual-use military technologies, although a stated intention to allocate more China expert resources to CSIS and the RCMP is promising.

Most significant of all, the Indo-Pacific Strategy included no promise of legislation requiring transparency and full disclosure about any benefits from China going to people influential in Canada’s China policy formulation.

Other shortcomings include no clear statement on where Canada stands on defence of Taiwan’s right to self-determination against Chinese military threats. In terms of actual commitment, the \$400-to-\$500 million a year allocated to the Indo-Pacific Strategy falls far short of

the global stage, and its candid intention to arbitrarily rule the world order, what we have instead is a grossly underfunded compromise statement that suggests Canada will not be making any fundamental changes in our approach to China.

While the new strategy will be seen by some as a starting point, in the months ahead we can expect Japan, South Korea, Japan, Taiwan, Australia, the UK, Europe and the US to continue imploring Canada to get our act together, and start getting China right. ❄️

*Charles Burton is a Senior Fellow at MLI and served as a diplomat at Canada’s embassy in Beijing. This article originally appeared in the Toronto Star.*

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# Ideas change the world

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