



Honest Politics Now

Dr. Ian Greene

Professor Emeritus, York University

March 8, 2019

9:00am – 4:30pm

Summary

How concerned are Canadians about ethics in politics? With the recent SNC-Lavalin scandal at the top of the agenda, what role will ethics issues play in the upcoming federal election? Some would argue that Stephen Harper's Conservatives lost the 2015 election in part over ethics issues: the government's role in the Senate expenses scandal, the denigration of immigrants and refugees, the Prime Minister's attack on Chief Justice McLachlin, violations of election laws, and scandals involving individual candidates. What are the ethics issues that might impact the outcome of the 2019 election?

In this workshop, we will explore the relation between ethics and democracy and the different approaches to ethical analysis. We will take a close look at the role of the Conflict of Interest and Ethics Commissioner and the Commissioner's past and upcoming investigations of Prime Minister Justin Trudeau and his government. We will examine the rules designed to ensure that party fundraising is ethical, particularly concerning lobbying activities. We will also explore the details of the SNC-Lavalin affair, details of the criminal code concerning fraud and bribery, as well as the expectations of independence of the Attorney General.

In October, all parties will be vulnerable to accusations that they may have broken the rules; in this workshop, participants will gain the tools they need to critically evaluate these issues for themselves.

The workshop's readings will provide background for a fulsome discussion of these issues.



WSSR WORKSHOPS ON SOCIAL SCIENCE RESEARCH

●●● DELIBERATING A PUBLIC AGENDA ●●●
 ●●● FOR FEDERAL ELECTION 2019 ●●●



Outline

Session 1: 9:00am – 10:20am

- Introductions: Greene and all participants
- Relation between ethics and democracy. Mutual respect
- Approaches to ethical analysis: intentionalist and utilitarian
- Introduction to SNC-Lavalin affair

Session 2: 10:30am – noon

- Role of Conflict of Interest and Ethics Commissioner; Lobbyist Registrar
- Recent reports of commissioner: Wright, Morneau, Trudeau

Session 3: 1:30pm – 2:20pm

- Criminal code, fraud and bribery
- Bribery of foreign officials: legislation in U.S., U.K. and Canada
- Deferred prosecution agreements vs. prosecution; why Canada was late in introducing legislation
- Expectation of independence of Attorney General
- Should the roles of the Attorney General and Minister of Justice be separated? Provincially as well?

Session 4: 2:30pm – 4:30pm

SNC-Lavalin affair

- What are the issues? -What is the government trying to accomplish?
- What is the best course of action – prosecution, or deferred prosecution agreement?
- Cabinet solidarity: should Jody Wilson-Raybould and Jane Philpott have resigned?
- If you were Prime Minister:
 - Could you have prevented the current crisis?
 - Given that things have progressed to where they are today, how would you try to resolve the crisis?
- Comparison between current ethics issues in Canada and the U.S.

Required Readings*

Fife, Robert, Stephen Chase and Sean Fine. 2019. "Trudeau says he discussed SNC case with Wilson-Raybould". *The Globe and Mail*, February 12. <http://reserves.concordia.ca/ares/ares.dll/plink?14EF39D8>

Greene, Ian and David P. Shugarman (Eds.) 2017. *Honest Politics Now: What Ethical Conduct Means in Canadian Public Life*. Toronto: Lorimer.

- Chapter 3: "Ethical Problems in Public Life," by Ian Greene, David P. Shugarman, and Robert Shepherd, pp. 60-94. <http://reserves.concordia.ca/ares/ares.dll/plink?14EF359F>
- Chapter 7: "Ethics of Lobbying and Influence," by Robert Shepherd, pp. 179-206. <http://reserves.concordia.ca/ares/ares.dll/plink?14EF35A0>

Participants should also read at least the executive summaries for each of the following:

- Dawson, Mary. 2017. "The Trudeau Report", *Office of the Conflict and Ethics Commissioner*. Ottawa: Parliament of Canada. <http://ciec-ccie.parl.gc.ca/Documents/English/Public Reports/Examination Reports/The Trudeau Report.pdf>
- Dion, Mario. 2018. "Morneau Report," *Office of the Conflict and Ethics Commissioner*. Ottawa: Parliament of Canada. <http://ciec-ccie.parl.gc.ca/Documents/English/Public Reports/Examination Reports/Morneau Report.pdf>



WSSR WORKSHOPS ON SOCIAL SCIENCE RESEARCH

●●● DELIBERATING A PUBLIC AGENDA ●●●
 ●●● FOR FEDERAL ELECTION 2019 ●●●



- Dawson, 2017. "The Wright Report," Office of the Conflict and Ethics Commissioner. Ottawa: Parliament of Canada. <http://ciec-ccie.parl.gc.ca/Documents/English/Public Reports/Examination Reports/The Wright Report.pdf>

Additional Resources

Greene, Ian and David P. Shugarman, (Eds.) 2017. *Honest Politics Now: What Ethical Conduct Means in Canadian Public Life*. Toronto: Lorimer

- Chapter 1: "Ethics and the Principles of Democracy," by David P. Shugarman, Ian Greene and Naomi Couto
- Chapter 2: "Ethical Duties," by David P. Shugarman, Ian Greene and Naomi Couto
- Chapter 4: "Case Studies: Conflicts of Interest and Entitlement," by Ian Greene and Robert Shepherd
- Chapter 5: "Ethics Commissioners," by Ian Stedman and Ian Greene

Supplemental sources on the SNC-Lavalin Affair:

- Globe staff and The Canadian Press. 2019. "Timeline: A chronicle of SNC-Lavalin, Trudeau, the PMO and Jody Wilson-Raybould". *The Globe and Mail*, February 12. <http://reserves.concordia.ca/ares/ares.dll/plink?14EF3A4F>
- Ballingall, Alex and Tonda MacCharles. 2019. "The SNC-Lavalin affair: meet the main players". *Toronto Star*, February 15. <http://reserves.concordia.ca/ares/ares.dll/plink?14EF3A50>
- Ballingall, Alex. 2019. "Here's why Jody Wilson-Raybould still isn't talking about SNC-Lavalin". *Toronto Star*, February 19. <http://reserves.concordia.ca/ares/ares.dll/plink?14EF3A57>
- Campion-Smith, Alex Boutilier and Alex Ballingall. 2019. "No 'inappropriate pressure' on Jody Wilson-Raybould in SNC-Lavalin affair, top civil servant says". *Toronto Star*, February 21. <http://reserves.concordia.ca/ares/ares.dll/plink?14EF3A51>
- Dodek, Adam. 2019. "The impossible position: Canada's attorney-general cannot be our justice minister". *The Globe and Mail*, February 22. <http://reserves.concordia.ca/ares/ares.dll/plink?14EF3A52>
- Forcese, Craig. 2019. "L'Affaire SNC-Lavalin: The Public Law Principles". *The Laws of Government Blog*, February 9. http://craigforcese.squarespace.com/public_law_blog/2019/2/9/laffaire-snc-lavalin-the-public-law-principles.html
- McCue, Duncan. 2019. "Canada 'falling behind' on fighting corruption abroad: Transparency International director". *CBC Radio*, February 17. <https://www.cbc.ca/radio/checkup/canada-falling-behind-on-fighting-corruption-abroad-transparency-international-director-1.5022735>
- McKenna, Barrie. 2019. "SNC-Lavalin scandal exposes flaws in Canada's anti-corruption defences". *The Globe and Mail*, February 13. <http://reserves.concordia.ca/ares/ares.dll/plink?14EF3A54>
- Wells, Jennifer. 2019. "The U.K.'s deferred prosecution agreements are instructive for the SNC-Lavalin drama". *Toronto Star*, February 15. <http://reserves.concordia.ca/ares/ares.dll/plink?14EF3A53>
- Yakabuski, Konrad. 2019. "There's nothing sinister in wanting to spare SNC-Lavalin". *The Globe and Mail*, February 13. <http://reserves.concordia.ca/ares/ares.dll/plink?14EF3A55>
- York, Geoffrey, Daniel Leblanc and Matthew McClearn. 2019. "SNC-Lavalin received billions in support from federal export agency". *The Globe and Mail*, February 15. <http://reserves.concordia.ca/ares/ares.dll/plink?14EF3A56>

*if you are registered for non-credit and are unable to access these readings, please email us at wssr@concordia.ca

