

CHAPTER IV

CANADA'S DECISION MAKING PROCESS TOWARDS SYRIAN REFUGEE CRISIS

This chapter will explain about the process of decision-making in Canada regarding the issue of Syrian refugee crisis. The explanation will be divided into first, an overview of the government system in Canada. Second, Canada's decision making process towards Syrian refugee crisis, and third, the feedback towards Canada's decision making process on Syrian refugee crisis.

A. An Overview of the Government System in Canada

In explaining the process of decision-making within the Canadian government in regards to the Syrian refugee crisis, the author would, first of all, explain the structure of Canadian government in order to give an essential knowledge and logical flow of work into the process that will be subsequently explained.

Canada is a country that applies parliamentary system for its government to work. Having the fact that the country is one of the British colony, Canada, in the other word, applies the similar system of governance with the British called the Westminster system (Parliament of Canada, 2000). Considering its constitutional monarchy, Canada has a Prime Minister acting as the head of the government and a monarch leader (the queen) as a rather symbolic head of the state.

Another thing about that, Canada is also one of the countries that lies under the monarchy system under the Queen Elizabeth II of the United Kingdom. The said status gives Canada a certain framework of governance which involves the queen's

authority in it. At this point, the queen's authority is delegated to a pointed person called as the Governor General whose selection is recommended by the Prime Minister and approved by the Queen (Monet, 2015).

There are three levels of government in Canada which consist of federal, provincial/territorial, and municipal level. Each levels are led by different names of leader. The federal level is led by a prime minister, the provincial level is led by a Premiere, and the municipal is led by a mayor. In fact, each level of governments also hold different range of focus in terms of policy making (Parliament of Canada, 2009).

In general, the federal government holds the responsibility on the matter of national as well as international concern. Some examples are, national defense, immigration policy, and foreign affairs. In the other hand, the provincial/territorial government is concerned on the issues such as transportation policy, education, and healthcare. Meanwhile, the municipal government is set into more local issues such as the establishment of libraries, water and sewages, waste management, as well as recreational infrastructures (Parliament of Canada, 2009).

The system of government in Canada consists of three branches, namely; the legislative, executive, and judicial. The legislative branch consists of several parts, as stated in the section 17, "*There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons* (Department of Justice Canada, 2012)." The upper house (senate) is populated by around 105 people whose jobs are to examine the legislation. The members are appointed by the governor general under the advice from the Prime Minister which

selection is mainly based on the representation system in which is also considered by the geographical matters (Centre for Constitutional Studies, 2015).

Meanwhile, the House of Commons (the lower house) consists of members who are coming from various political parties in Canada and are also elected by the people (often referred as Members of Parliament/MP). This body is responsible for “...introducing, voting on and adopting laws and proposals for taxes and revenues (Centre for Constitutional Studies, 2015).”

Practically, the role of the queen’s authority within the system is to give the legitimation to pass the proposed bill on behalf of the governor general. This process of approval is also popularly called as the royal assent. As stated on the very constitution acts section 55,

“Where a Bill passed by the Houses of the Parliament is presented to the Governor General for the Queen’s Assent, he shall declare, according to his Discretion, but subject to the Provisions of this Act and to Her Majesty’s Instructions, either that he assents thereto in the Queen’s Name, or that he withholds the Queen’s Assent, or that he reserves the Bill for the Signification of the Queen’s Pleasure. (Department of Justice Canada, 2012)”

The role of monarch (the sovereign) in the executive branch is also written in part III section 9 of the Constitution act, 1867, as stated, “*The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen* (Department of Justice Canada, 2012).” That being said, the monarch holds a very important role as it is believed that the executive’s authority is derived from it. This branch is populated by the cabinet (a collective term used to call the Prime Minister and the Ministers). The executive branch itself holds the

responsibility to implement the laws that have been proposed and passed by the legislative (Compendium House of Commons, 2015).

The last branch in the system of government in Canada is the judicial. This branch is responsible for interpreting the laws. It involves several courts in Canada, those are; the federal courts and the provincial courts. In federal level, the said courts include the Supreme Court, the Tax Court, and the Federal Court of Canada. In the provincial level the courts enlisted are the Superior courts or Courts of Appeal (Centre for Constitutional Studies, 2015).

B. Canada's Decision Making Process towards Syrian Refugee Crisis

In retrospect, the process of decision making process in Canada has to pass certain stages before the policy/laws can actually be implemented to the society. In a publication of the Parliament of Canada entitled "*The Legislative Process: From Government Policy to Proclamation*", prepared by Andre Barnes explains that there are three stages that need to be passed, namely; the Cabinet stage, the parliamentary stage, and the coming into force stage (Barnes, 2009).

1. The Cabinet Stage

Starting from the Cabinet stage, the first thing to do in materializing a law is to choose one among (probably) many options which are discussed within the Cabinet to be proposed to the legislation. The source of policy is believed to be varied, ranging from agreements, speech, and other sources. These sources will later be reviewed by the appropriate federal departments to decide whether or not the policy source needs to be approved. When the case is granted, the Minister will be encouraged to conduct policy

consultations which will allow the other departments to address some inputs towards it, before it is going to be drafted.

At the end of the consultations, the sponsoring department needs to make a Memorandum to Cabinet (MC) to be authorized by the Department of Justice. Amid the process, the sponsoring department will also be asked to hold an intradepartmental consultation in order to get the revisions from other departments. The revised version of the MC will next be submitted to the Cabinet committee in order get the Committee report done and voted by the Cabinet.

The next step is the bill will be prepared by the Canada's official languages by the legislative drafters of the Department of Justice and will be approved by the sponsoring department and the Government house leader. After that, the bill is nearly ready to be introduced. The Government House Leader will ask a delegation from the Cabinet to approve the bill for introduction in Parliament. The source also states that, "*Bills that involve expenditure of public money require a royal recommendation before they are introduced in the House of Commons* (Barnes, 2009)." The said recommendation is delegated to the Governor General in Canada.

2. The Parliament Stage

In the stage, the approved bill will be introduced to two different bodies, the House of Commons and the Senate. According to the same source, the process in both bodies are actually quite similar. Only at a certain part of the process that the difference can be seen.

In the House of Commons, the process starts with the first reading of the bill. In this stage, it is limitedly to introduce the bill. At the second reading, the bill is being debated in terms of the principle it actually contains. As stated in the Standing Order 73 (Parliament of Canada, 2005), the bill can also be referred to the committee in order to conduct further study and will be reported back to the House of Commons after the study is done. After that, the bill is debated again in another stage called the report stage in which either government or members as individuals can call for the amendments. That will proceed the bill to set a motion for the third reading.

Generally speaking, as also according to Barnes (2009), the differences on how a bill is proceed in the two bodies are located in the process such as; in the Senate, the debate on report stage will only be conducted if at the time the bill is reported back to the Senate comes with the amendments. Otherwise, it will not be conducted.

After both bodies approved the proposed bill, the only thing that needs to be waited in order to make the bill becomes a legitimate policy (also often called as ‘Act’) is the Royal Assent (the approval from the monarch’s authority).

3. Coming into Force Stage

The last stage on Canada’s decision making process specifies the position of the approved bill (the Act) in its transitional status to come into force. Barnes explains that there are several conditions stating that the Act has officially come into force. First, if the Act does not specify the time

provision, the act is said to already come into force at the time it receives the Royal Assent. On that, Barnes writes, *“If an Act does not contain a provision specifying the date that it enters into force, the Interpretation Act states that the Act comes into force on the day it receives Royal Assent (Barnes, 2009).”*

In the other hand, if the Act does specify it, there are still some possibilities for the set provisions to be revised. Barnes (2009) explains there are three forms of provision. First, the date may be directly fixed. Second, the Act may be declared to come into force as it receives the Royal Assent. Third, there can be an order from the Governor in Council fixing the date of coming into force.

4. The Influencing Aspects of Decision Making Process

The explanations above show how the process of decision making in the Canadian government is made. However, the relation of the decision making process with the aspects that might possibly influence the process are not yet explained. Having that said, as Coplin (2003) explains, there are three influencing aspects on the decision making, namely; Domestic politics, economic and military condition, and international context (Coplin, 2003).

In terms of domestic politics, Coplin explains that the result of a certain foreign policy can be actually reflected to the situation that happens within the scope of domestic matters. In another words, it explains that the dynamics that happens within the domestic politics contains some substantial differences which, speaking by its characteristic, is cross-national.

Coplin (2003) introduces a term called “policy influencers” to explain that there are some interacting actors inside the circle of decision making process that will eventually assert their influences towards the policy within a limited scope of capacity. Or as already said, the domestic politics. To begin with a context, needed to know that at the time of Canada’s decision making on the acceptance of 25.000 Syrian refugee was made, the Liberal party was known to dominate the seats in the parliament. That was obviously indicated by Justin Trudeau taking over the Prime Minister’s office from the former conservative’s Prime Minister Stephen Harper.

The outline of that condition is actually in line with the idea of Coplin (2003) on *policy influencers* to which he believes that one of them involves the presence of partisan influencer. In a more developed explanation, this partisan influencer is seen to be significant on directing the process of decision making since they can directly assert a pressure towards the process itself by the privilege they have on allocating their power among other decision makers, as they are practically manifested as political party. The partisan influencer is also believed to be capable on interpreting society’s demand into a legit political demand. Not to mention, Coplin (2003) also called it as two-way information that can influence the channel between the formal decision makers and the society.

From the previous explanation regarding the role of partisan influencer, the author argues that it would be relevant to put the Liberal Party of Canada in the position of partisan influencer. At this point, the Liberal party can be seen as the one that is capable to interpret the demand of the

society into a political demand. That was proven by the fact that the previous Conservative-led administration was challenged by some criticisms and issues regarding its policy towards Syrian refugee crisis.

Amid the campaign period, Harper was reported by various mainstream media for preventing the Syrian refugees to enter Canada. This issue was clearly popular at the moment as it was intensified by the social media breakout on a picture of a three-year old kid Aylan Kurdi who was found dead on Turkey's coast (Murphy, 2015). That also triggered some criticisms from several politicians that happened to be Harper's competitors. Quoted by the CBC News, the New Democratic Party leader Tom Mulcair commented,

"We learned today that Stephen Harper intervened personally to stop the arrival of Syrian refugees. He had already done that before he appeared before us to emote talking about his own family after seeing the body of that little child on that beach in Turkey (Elliott, 2015)."

Similarly, the Liberal party leader who happened to be the current governing Canadian Prime Minister Justin Trudeau also commented, *"This government has always behaved in an irresponsible manner and interferes, and for me it just shows how much we need a better government in Ottawa than Mr. Harper can offer (Elliott, 2015)."*

At this point, the role of Liberal party as a partisan influencer on interpreting the society's demand into a political demand works in way that, at that moment, Canadian society was actually up into embracing the acceptance of Syrian refugees, but Harper's administration was unlikely into it. As it happened, the Liberal party emerged as a pressure for the governing

administration by launching and promoting the pledge on resettling immediately 25.000 of Syrian refugees.

That was actually strengthened by the fact that Harper was also exposed for making false claims regarding Canada's acceptance on Syrian refugees under his administration (Schwartz, 2015). Furthermore, the statistic between January 2014 and August 2015 shows that Canada has only resettled 2.374 Syrian refugees in which 1.723 of them happened to be taken care of under the private sponsor (Hashem, 2015).

The multiple issues that hamper Harper's position nearby the election period was, indeed, contra-productive towards Canadian public opinion at that time. President of the Canadian Council for Refugees Loly Rico also addressed a statement on the same tone towards the Harper's move on Syrian refugees. Told by Aljazeera, She skeptically stated, "*This government has no interest in refugees,*" as she responded to the statement made by the former Immigration Minister Chris Alexander who previously stated that Canada is the most generous country for refugees in the world (Hashem, 2015).

At this point the author would also argue that the pluralist model is practically set to happen as the interest of Canadian civil societies becomes the part of domestic politics influence. First of all, we can see that the shift of administration in Canada, based on the explanation above, was partly motivated by the disappointment of Canadian society towards the refugee policy of the former administration. Second of all, as in the time of public shocking picture of a toddler Alan Kurdi spread out all over media, Canadians started to protest in the downtown of Hamilton on September

2015, protesting towards the government that Canada should be able to bring more Syrian refugees to the country (Huang, 2015).

In retrospect, Blake McCall, one of the local migrant advocacy group members called Sanctuary Hamilton said his concern regarding the lack of Syrian refugees' acceptance at that moment. He told to CBC, *"We can say that the Canadian government is complicit in their role of creating refugees, their role of not supporting refugees, and their lack of ability to bring them here"* (Huang, 2015)."

Moreover, the emergence of several local support groups across the provincial and municipal territories in Canada, such as in Halifax and British Columbia (Walsh, 2016; Harger, 2015), indicated that there were direct pressure from those society groups themselves that they were actually willing to accept Syrian refugees.

As stated above, the author argues that the situation of Canada during the decision making process towards Syrian refugee crisis contains some degree of relevance to what is happening in the context of domestic politics in Canada itself. Also mentioned by Coplin (2003), the other aspect that is believed to determine the process of decision making is the economic and military capacity. Speaking of which, based on the data released by the World Bank that in 2015 Canada was ranked as the 10th (out of 195 listed countries) position with the highest amount of gross domestic product. Canada came after Brazil with its GPD worth of 1.550.537 U.S. dollar (The World Bank, 2016).

Coplin (2003), however, emphasizes several points which specify in what aspect of economic it can be translated as a solid measurement for a state's economic condition that can influence the process of decision making. Stated in his book, one of the economic aspects is the capacity of production on goods and services. In this aspect, the gross national product per capita (GNP per-capita) is referred as a better indicator for measuring the relative wealth of a country as it can show whether or not such productions can actually comply with the public demand.

In relation to the above explanation, the author tries to mention the data regarding to Canada's GNP around the end of 2015. As recorded by the World Bank (2016), Canada's GNP¹ in 2015 reached 44.010 U.S dollar. This number slightly decreases from 2014 wherein the GNP was in 44.350 U.S dollar. However, in the previous years, Canada's GNP had shown a constant increase since 2009 (The World Bank, 2016). Based on that point, it can be seen that Canada has somewhat weakened in terms of its GNP.

In terms of military capacity, Coplin (2003) explains that there are three important criteria to determine the military capacity of a country, namely; Number of troops, level of training, as well as the nature of military equipment. Canada is said to currently possess 22.800 career soldiers in uniform. In addition, Canada is also said to possess 12 coastal patrol vessels,

¹ The World Bank uses terminology in line with the 1993 System of National Accounts and refers to GNP as "Gross national income" or GNI. GNI measures the total domestic and foreign value added claimed by residents, and comprises GDP plus net receipts of primary income (compensation of employees and property income) from nonresident sources. The World Bank uses GNI per capita in U.S. dollars to classify countries for analytical purposes and to determine borrowing eligibility. (datahelpdesk.worldbank.org)

12 frigates, 4 diesel submarines, and 2 naval bases on the ocean. Moreover (in the air), there are about 75 CF-18 Hornet fighters and some aircrafts including Boeing Globemaster, Hercules, and some types of helicopters as their air force. (Wise, Douglas, Ridler, Preston, & Morton, Se2016). While it is quite difficult to relate the determination of military capacity into the context of Canada's decision making process towards Syrian refugee crisis, the author finds out that in the said economic condition, the acceptance of Syrian refugees to Canada has a relevant position and argument to make the decision come into being.

Knowing that Canada might have an economic decrease, Shayna Plaut, a researcher from Simon Fraser University told to CBC News (in an interview) that the flow of refugees has been proven to give a positive impact towards the economic condition of the host country. On that, she further explained, *"People are buying homes, renovating homes, they have children that are going to school, the education system is much more robust, they're opening up small businesses (CBC News, 2015)."*

Last of all, Coplin (2003) also mentions the notion of international context as the other aspect that may influence the process of a decision making. He further scrutinizes that there are three elements in this very idea which are geography, economics, and politics. The basic idea of international context is to state that, traditionally, states reflect each of their behaviors in accordance with the characteristic of the international system where they belong as well as the relations among themselves.

This aspect has actually pretty much been discussed in the previous chapter wherein Canada was said to have an internationally recognized central role in terms of humanitarian aid. That particular claim has also been supported by the existence of various milestones the country had achieved throughout the era. The author would say that not only that means to Canada it has the responsibility and legacy that need to be sustained, but also that also means to the country as a “boost” for its international bargaining position.

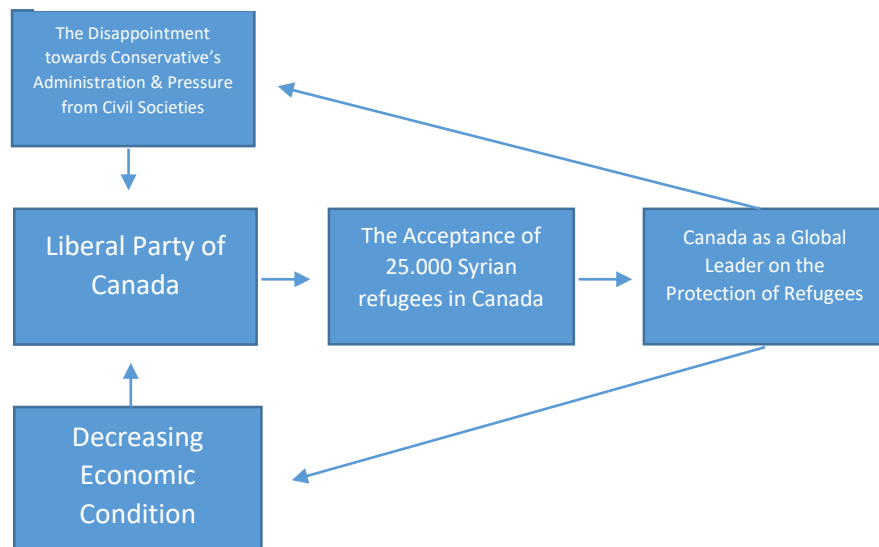
What would support such argument is that all this time Canada has been seen as global leader in the protection of refugees (Milner, 2016). That would be just relevant when we consider the fact that Canada was also the first country to implement the Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution (Violette, 2007). In the other hand, the former UN Secretary General Ban Ki-Moon also praises Canada’s response towards the refugee crisis (Krugel, 2016). This indicates that Canada’s position in terms of humanitarian aid (especially in the case of refugees) has taken way too much distance to just be abandoned, that the country’s branding has been established upon the idea of its “welcome-ness” towards the refugees from all around the world.

Moreover, the statement of Justin Trudeau in the 71st session of the United Nations General Assembly seems to make it even clearer that the international context of Canada has been shaped by the Canada’s role itself in terms of humanity. In specific Justin Trudeau said,

“Canada is committed to making meaningful contributions to solving important global challenges, such as climate change, international peace and security, and refugees and migration. We are already doing more to help build a cleaner, safer, and more prosperous world. There will be a lot more leadership from Canada in the months and years to come...The UN and the essential work it does on behalf of all humanity is once more a priority for Canada, and we will build on our proud history with this vital organization (Trudeau, Prime Minister to lead Canadian delegation to United Nations General Assembly in New York, 2016).”

In short, following the model offered by Coplin, the process of Canada’s decision making on accepting 25.000 Syrian refugees can be drawn into this following figure.

Table 2. Canada’s decision making process on accepting 25.000 Syrian refugees



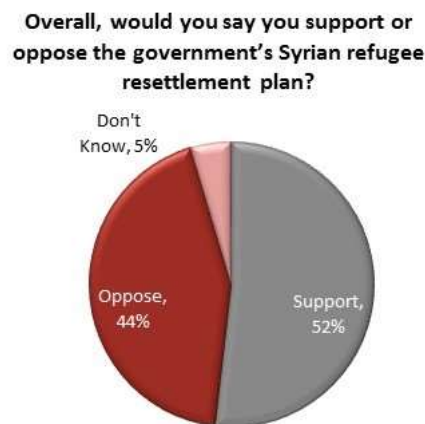
C. Feedbacks towards the Outcome of the Decision Making Process

As the decision finally came into force in the late of 2015, the Syrian refugee resettlement program in Canada has been exposed by several pros and cons which specify whether the program should be continued and increased or stopped and not

happening in the very first place. In fact, there has been also many polls conducted among Canadian societies which, apparently, show different result from one to another. In this part, the author would like to mention several of them whilst analyzing which point of emphasis each polls result is engaging into.

One of the polls was conducted by a Canadian non-profit research organization named Angus Reid Institute in February 2016. By conducting survey through online media from 2 until 5 February 2016, it has been collected around 1.507 randomized sample among the members of Angus Reid Forum (Angus Reid Institute, 2016). The poll eventually shows a result with the following key findings;

Diagram 1. Overall Polling Result on Syrian refugee resettlement plan



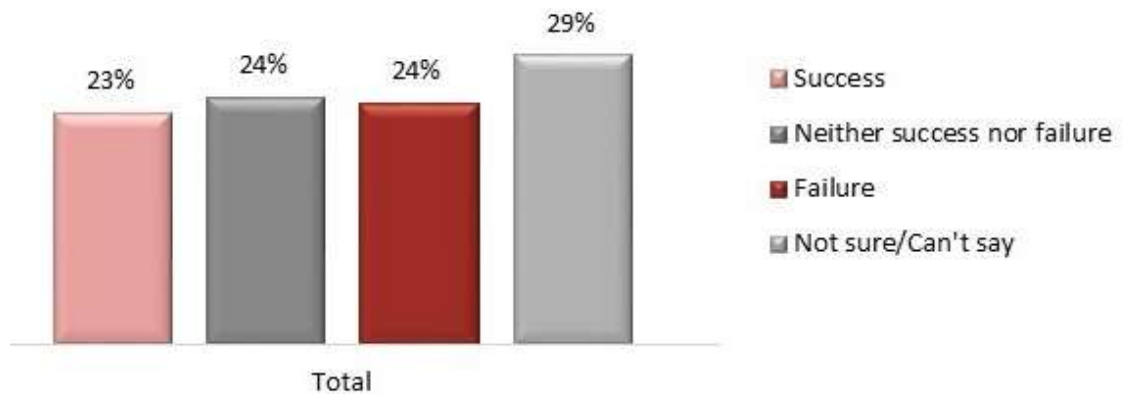
Source: Angus Reid Institute, 2016

1. 52 percent of Canadians involved in the survey support the plan on resettling refugees to Canada, meanwhile the other 44 percent of respondents oppose the plan. The rest of the percentage states do not know.

2. About two-in-five believe that Canada should stop taking Syrian refugees (equivalent to 42%). The rest of the percentage are divided into two beliefs that state whether Canada should only accept 25,000 refugees or take more than that.
3. The legacy of resettlement program becomes the point where Canadians are mainly divided on. As already collected, the percentage is divided into 23% success, 24% failure, 24% neither success nor failure, and 29% unsure.

Diagram 2. Polling Result on the legacy of Syrian refugee resettlement plan

Thinking about the future - say 15 years from now - do you think Canadians at that time will look back at the resettlement of Syrian refugees and say it was a success or failure?

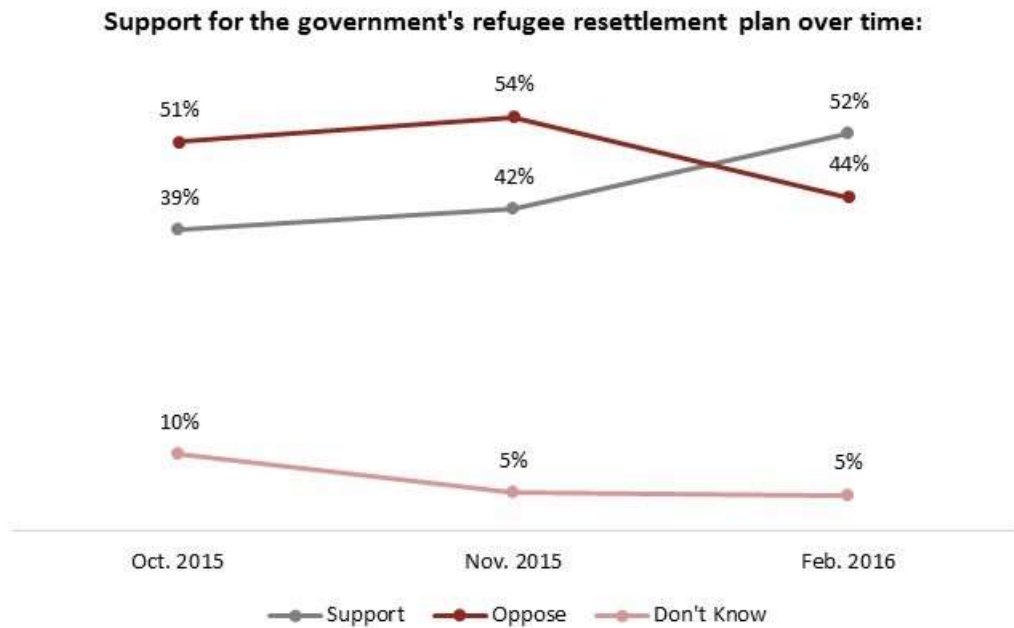


Source: Angus Reid Institute, 2016

The poll results also portrays that there is a certain fluctuation following several conditions, for example, the poll increased in terms of supports when the (new) government announced a change on the deadline. The point of concern is still

mainly concentrated in the security matters, considering the very little time the government allocated for screening the refugees.

Diagram 3. Fluctuation on support for the government



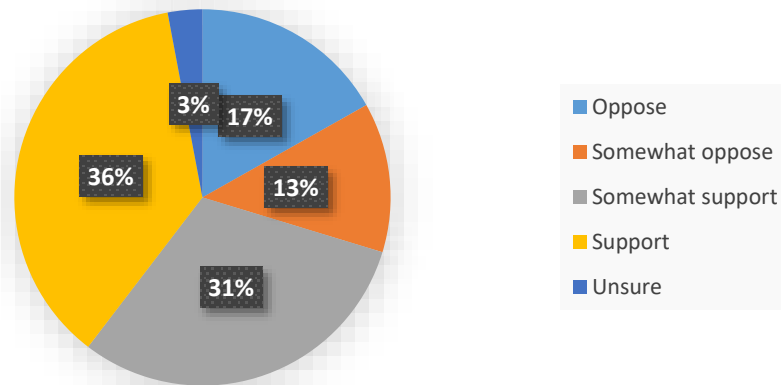
Source: Angus Reid Institute, 2016

The other poll was conducted by a survey body named Nanos survey, exclusively for The Globe and Mail, entitled with “*Canadians’ Impressions of the Governments response to Syrian Refugee Crisis.*” in May 2016. The result is varied into form of percentages in several basis such as the support towards the government response, the pace of government in resettling Syrian refugees, support towards resettling more than 26.000 Syrian refugees, support for prioritizing the resettlement of 10.000 privately sponsored refugees, and the availability of sources in resettling the Syrian refugees to Canada.

The poll was conducted by using random survey from 1.000 Canadian respondents with the age of 18th years old and older, recruited by telephone (both land and cell) (Nanos Survey, 2016). Some of the key figures are described as follows.

Diagram 4. Polling on government's response to the Syrian refugee crisis

Government's response to the Syrian refugee crisis



Source: Nanos Survey, 2016 (remade by author)

- 1 In terms of Canadians support towards government's response, the majority is still dominated by those who support by approximately 37%. The other 31% of the participants say to somewhat support. 13% of them say to somewhat oppose along with the other 17% who say to oppose. The rest of 3% participants are unsure.
- 2 In terms of government's pace in resettling Syrian refugees, 44% of the participants say that it is just in about the right pace. In the opposite, there is 39% of them say that it is too quick. The other 10% and 8% say that whether it is too slowly and unsure.
- 3 In terms of resettling more than 26.000 Syrian refugees, 36% of the participants say to support, 24% somewhat support, about 22% say to

oppose, and the rest 15% say to somewhat oppose, meanwhile the 3% is unsure.

4 In terms of prioritizing the 10.000 privately sponsored Syrian refugees, 35% of the participants say to support, 29% somewhat support, 18% oppose, and 12% of them say to somewhat oppose.

5 In terms of resources availability, there are 34% of the participants saying disagree, 27% somewhat disagree, only 9% of them say agree, 24% say somewhat agree, and the rest 6% say to be unsure.

From the data presented above, we can see that main point that remains lacking and becoming the main concern of the Canadians is the availability of the resources. Besides, the polls also show that the participants tend to show supportive responses.

With that being said, this chapter has shown the process of decision making in Canada in regards to the acceptance of Syrian refugee crisis. Also it has been explained through the provided data and explanations in this chapter that such process has been influenced by the pressured by the existence of civil society. Thus, this chapter manages to answer that the second hypothesis is proven to be correct.