community choices
unit three

U3L3A3 | Compare and contrast democracies

overview
You will read the attached articles and complete the jigsaw activity to learn more about the governments in Venezuela and Norway. You will compare and contrast what democracy looks like in Canada compared to Venezuela/Norway in a Venn diagram.

learning goal
- To understand how the democracies function in Norway and Venezuela.
- To compare the Canadian Democracy to those in Norway and/or Venezuela.

success criteria
- Completion of handout.

Inquiry question
- What are the similarities and differences between the democratic governments in Canada, Norway and Venezuela?

jigsaw activity
1. You will be assigned a 'home group.'
2. Each student will be given a different article that they will become an expert on.
3. Students will move to their 'expert group' (all students assigned the same article).
4. Students will take time to read the article individually.
5. Students will then discuss the article as a group and complete the below table.

Article title:_____

As you read and discuss with your group, write down important facts about your topic. After you have become an expert on your own topic, you will share your findings with a group of classmates, and learn about their topics as well.

Important ideas
1.
2.
3.
Summary

U3L3A3 | Compare and contrast democracies

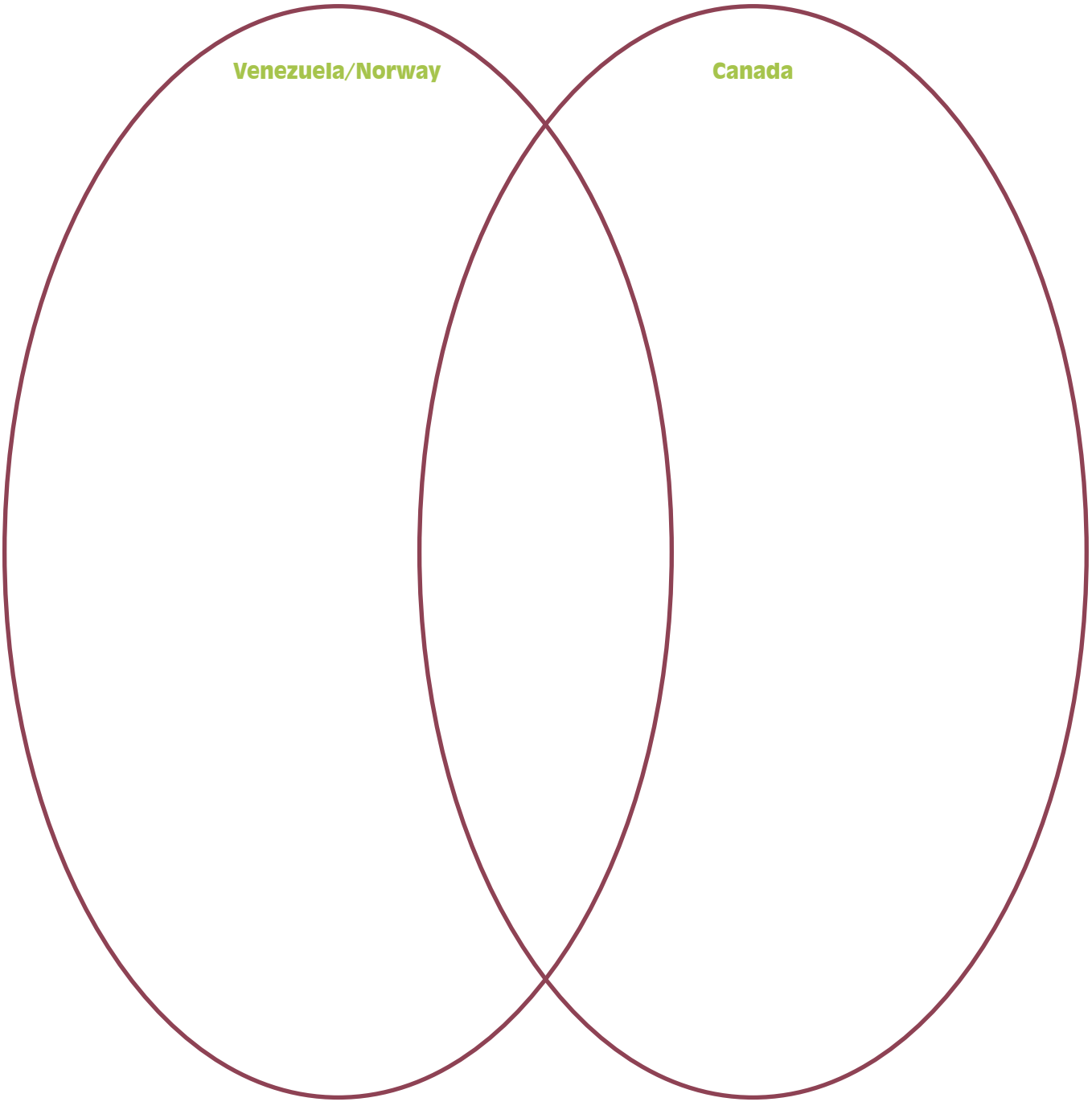
Article title	Rotation 1	Rotation 2	Rotation 3
1. Important idea			
2. Important idea			
3. IImportant idea			

community choices
unit three

U3L3A3 | Compare and contrast democracies

compare and contrast

In point form, identify at least 10 differences and three similarities in the democratic governments in Canada and Venezuela or Norway.



Fair Vote Canada / Représentation équitable au Canada

MAKE EVERY VOTE COUNT!

THIS IS DEMOCRACY?

Why Canadians need a fair and proportional voting system

The voting system is the heart of representative democracy. It's the tool citizens use to create democratic government.

When every citizen's vote has equal value, parliaments can reflect the political will of the people.

If the voting system ignores or distorts what voters say, governments cannot be properly accountable and democracy is compromised. This is the core problem with the Canadian political system. Our 21st century democracy is hobbled by a dysfunctional 12th century voting system that was scrapped long ago by most major democracies.

Fair Vote Canada is a national network of concerned citizens who are pressing for fair voting systems at all levels of government and throughout civil society

First-past-the-post voting originated in the 12th century...

...when people believed the earth was flat. Over the centuries, we learned the earth was round. Most countries also learned there were better ways to vote.

The heart of the problem: the winner-take-all principle

Canada's current voting system is based on the winner-take-all principle. It's just what it says. In each riding, one group of voters wins – their votes send an MP to Parliament.

Every other voter in that riding loses – their votes elect no one to represent them in Parliament. They cast ineffective, wasted votes. The only voters sending MPs to Ottawa are those who support the most popular party in their riding. **In other words, your political beliefs and place of residence determine whether your vote counts.** If you hold the "wrong" political views or live in the "wrong" place, your vote does nothing. **In a typical federal election, more than seven million Canadians, or just over half of voters, cast wasted votes.**

If we asked Canadians who cast wasted votes in the last election to form a line beginning in Halifax, the line would stretch across the country to Victoria, and then far, far into the Pacific Ocean.

The United States and the United Kingdom are the only other major Western democracies using Canada's version of winner-take-all (first-past-the-post). When the new democracies in Eastern Europe chose their voting systems, not one adopted this system.

What is proportional representation?

Proportional representation is any voting system designed to produce a representative body (like a parliament, legislature, or council) where voters elect MPs in proportion to our votes.

Where would you rather vote?

In 2011, both Canada and New Zealand had national elections. Using a proportional voting system, **97% of New Zealand voters were able to elect an MP.** Using first-past-the-post, **just 51% of Canadian voters were able to elect an MP.**

The core principle is to treat all voters equally – **to make every vote count.** When voters are treated equally, election results will be proportional. If voters for a party cast 40% of the votes, they will elect about 40% of the MPs (not 50% or 60%). If voters for another party cast 20% of the vote, they will elect about 20% of the MPs (not 10% or 0%).

In other words, a party's share of MPs will actually reflect how people voted: 81 countries have voting systems with an element of proportional representation.

Isn't that what we have now?

The very strange math of Canadian elections

39.6 % elect a Conservative "majority" government
- 2011 federal election

38.5% elect a Liberal "majority" government
– 1997 federal election

37.6% elect an NDP "majority" government
– 1990 Ontario election

Canada's Parliament and provincial legislatures all use a winner-take-all voting system, where each riding has only one winner, and the candidate with the most votes wins.

What's wrong with the candidate with the most votes winning?

With just one winner in each riding, half of Canadian voters don't actually elect anyone, and our Parliaments and legislatures don't actually look anything like Canada's political diversity.

DEMOCRACY FAIL

Voter turnout is plummeting. Cynicism about politics, politicians, and elections is growing. Even our political leaders admit to a very troubling democratic deficit.

That's not surprising when the voting system:

- **fails** to give voters equal votes
- **fails** to give us the representation we want
- **fails** to create legitimate majority government
- **fails** to make politicians accountable to voters
- **fails** to create Parliaments that reflect the diversity of Canada
- **fails** to give most Canadians, particularly young people, a reason to vote

The problem isn't just a few bad politicians or party leaders. It's the rules of the game.

What is Fair Vote Canada?

Fair Vote Canada is a multi-partisan citizens' campaign for voting system reform. We promote the use of fair and proportional voting systems for elections of all levels of government and throughout civil society.

Fair Vote Canada brings together people from all parts of the country, all walks of life, and all points on the political spectrum. Today, FVC has members in every province and territory and about 20 local and regional chapters.

PHONY MAJORITIES, PHONY MANDATES

Since World War I, Canada has had 16 "majority" governments. In each case, one party held a majority of seats and exercised 100 percent of the power.

But just four of these actually won a majority of the popular vote!

And it's getting worse, not better. Since the mid-1960s, Canada has had eight "majority" governments, with only one supported by a majority of voters, and that one just by a hair.

In 1997, the Liberals formed a majority government with just 38 percent of the popular vote, and in 2011, the Conservatives did too, with 39.6%.

Majority governments since World War I…

Legitimate majorities	Phony majorities
1940	1930
1949	1935
1958	1945
1984	1953
	1968
	1974
	1980
	1988
	1993
	1997
	2000
	2011

Wrong-winner elections "N.B. PICKS SHAWN!"

…or so said the front page of the September 19, 2006 edition of the Moncton Times & Transcript after the provincial election. A huge photo showed Shawn Graham, leader of the New Brunswick Liberals, celebrating his stunning victory.

Just one problem here.

New Brunswick voters didn't pick Shawn Graham's Liberals. More people voted for Bernard Lord's Progressive Conservatives. But the winner-take-all system gave the Liberals a majority of seats.

This is just one of the "wrong-winner" provincial elections in recent times. Parties coming second in the popular vote also formed "majority" governments in British Columbia (1996) and Quebec (1994).

In four provincial elections since 1996, the party that came second in the popular vote actually formed a "majority" government!

How bad can it be?

In 2011, the votes of seven million Canadian voters elected no one. Conservatives in Quebec, New Democrats in Saskatchewan, Liberals in Alberta, and Greens everywhere (not just the few of them in one riding) all deserve to be represented by someone they voted for. Canada's regions are actually much more diverse than our voting system reflects.

* "The present [voting] system…creates a wholly false image of the country, based on illusory majorities and exaggerated regionalism, as harmful to the legitimacy of government as it is to national unity."
Andrew Coyne
August 31, 2001, National Post column

All Votes Are Not Equal

Given the huge number of votes that elect no one, it's not surprising our elections produce wacky outcomes. If Canada's voting system treated all voters equally, each of our 308 MPs would be elected by, and represent, about 48,000 voters (based on current voter turnout). How did the 2011 election compare to that indicator of democratic equality? Not well...

- A Conservative vote was worth more than two Liberal votes
- An NDP vote was worth 13 Green votes
- Supporters of big parties suffered: 50% of Canada's wasted votes were cast for Conservatives and Liberals
- 1.9 million NDP votes in Ontario and the Prairies elected just 25 MPs, while just 1.6 million NDP votes in Quebec alone elected a whopping 59 MPs.
- 627,962 Conservative voters in Quebec elected just five MPs, while just 256,167 of their fellow Conservatives in Saskatchewan elected 13.
- It took 125,183 Western Liberal voters to elect an MP, but just 32,016 Conservative voters to do the same.
- 428,325 Green voters east of BC didn't elect a single MP, while 333,172 Liberal voters in Atlantic Canada alone elected 12.

Exaggerated Regional Differences

Canada's voting system rewards regional parties, or national parties that focus on a specific region of the country.

A million votes concentrated in one region of the country will gain a party far more seats than the support of a million voters earned from coast to coast to coast.

So naturally, we end up with parties that unfairly dominate certain regions of the country, with little or no representation for their voters outside their strongholds.

Government and opposition caucuses seldom have strong representation from all parts of the country.

Canada's 2011 electoral map made it appear as though 69% of Ontario voters voted Conservative, when just 43% did. It suggested that a huge majority of Quebec voters were NDP supporters, when 57% of them actually voted for other parties.

The map also made it seem that 78% of Western Canadian voters chose the Conservatives, when, in reality, almost half of them voted for other parties.

Our voting system wildly exaggerates differences between regions and all but ignores the diversity within them. It makes it look like there's no such thing as Alberta Liberal voters, Saskatchewan NDP voters, or Montreal Conservative voters.

In fact, in 2011, there were 209,000 Montreal Conservative voters. They just didn't elect anyone. By contrast, only 190,000 Conservative voters in Mississauga and Brampton, Ontario elected all eight of their MPs with only 43.7% of the vote.

Representing differences is at the core of democracy. Surely, exaggerating them is not.

> *"This is perverse, for a party's breadth of appeal is surely a favourable factor [in choosing a voting system] from the point of view of national cohesion, and its discouragement a count against an electoral system which heavily under-rewards it."*

Lord Jenkins, "The Report of the Independent Commission on the Voting System" (United Kingdom) 1998

It's an election. Doesn't someone have to lose?

Candidates and parties can lose, but voters never should. In their 2011 election, 97% of New Zealand voters cast a vote that elected someone to represent them. In Canada, just 51% of us did.

Do enough people really think there's a problem?

Many polls from 2001 to 2010 showed a strong majority of Canadians (around 70%) believed that the portion of seats a party wins in the House of Commons should reflect the portion of the votes they receive.

A February 2010 Environics Research poll showed that this is still true. It found that 68 percent of Canadians support "moving towards a system of proportional representation (PR) in Canadian elections".

IN THE 2011 ELECTION it took...

35,152 votes to elect one Conservative MP
43,810 votes to elect one NDP MP
81,855 votes to elect one Liberal MP
222,857 votes to elect one Bloc MP
572,095 votes to elect one Green MP

**You call this voter equality?
Consider the 2011 federal election...**

Look at the plight of Conservatives in Quebec, where 627,962 voters elected only five MPs, while just 256,167 of their fellow Conservatives in Saskatchewan elected 13 MPs.

And look at the plight of Liberal voters in the West, where it took 125,183 Liberal voters to elect an MP, and just 32,016 Conservative voters to do the same.

Look at the 428,325 Green voters east of BC who didn't elect a single MP, while 333,172 Liberal voters in Atlantic Canada alone were able to elect 12 MPs.

Fair Vote Canada believes Canadians should be able to...

- **cast an equal effective vote and be represented fairly,**
- **be governed by a fairly elected Parliament that closely reflects the popular vote,**

and

- **live under legitimate laws approved by a majority of elected Parliamentarians representing a majority of voters.**

DO YOU AGREE?

DONATE!

www.fairvote.ca

Wasted Votes and Declining Turnout

Voter Turnout in Canada's Elections

1984	75.3%
1988	75.3%
1993	70.9%
1997	67.0%
2000	64.1%
2004	60.9%
2006	64.7%
2008	58.8%
2011	61.1%

What happens when a voting system wastes votes, provides no representation for nearly half the voters, distorts election outcomes, and routinely creates phony majority governments?

Some people feel pressured to vote against a party they fear rather than for a party they actually support.

But many more just stay home. The October 2008 federal election set another record for the lowest turnout in Canadian history.

Given the way the system treats voters, it's no surprise that 40% of registered voters don't come out — it's surprising that 60% still do.

Canada ranked 131st in the world in voter turnout in 2011, just ahead of Uganda, and slightly behind Estonia.

Based on international experience, if Canada switched to some form of proportional representation, we could expect at least another 1.5 million citizens to participate.

CANADA

#1 in the world in hockey!!!
#131 in voter turnout

What about representation of women and minorities?

Less than a quarter of Canada's parliamentarians are women. That's barely enough to rank 39th in the world, well behind Angola, Belarus, Iraq, Sudan, and Afghanistan. Some countries set aside a certain number of seats for women. But those that elect the most women without such quotas use proportional representation.

In Canada, visible minorities also hold relatively few seats, despite being a growing segment of society. Very few Aboriginal people serve in Parliament.

When parties can only put forward one candidate per riding, they will naturally nominate the candidate that they think is strongest. "As long as there are even subconscious biases in our society about who makes the best MP, white men will be overrepresented."* But when voters can elect several MPs, parties will put forward a more representative range of candidates to earn the votes of a diverse population, and voters will indeed take them up on it.

**Dr. Alan Renwick, University of Reading. 2011*

Artist: Barbara Paterson

WOMEN IN PARLIAMENT

Consider the percentage of women parliamentarians in the four major Western countries still using winner-take-all:

Canada	24.7%
Australia	24.7%
UK	22.3%
US	16.8%

Compared to major Western democracies using various forms or proportional representation:

Sweden	44.7%
Iceland	42.5%
Finland	42.5%
Norway	39.6%
Denmark	39.1%
Netherlands	38.7%
Belgium	38.0%
Spain	36.0%
Germany	32.9%
New Zealand	32.2%

Data from the Inter-Parliamentary Union (December 2012)

"The current electoral system no longer responds to 21st century Canadian democratic values."

Law Commission of Canada, Voting Counts: Electoral Reform for Canada (2004)

Fair Voting: The Alternative to Winner-Take-All

"The right of decision belongs to the majority, but the right of representation belongs to all."
Ernest Naville, 1865

Voting systems: *We have choices*

Fortunately, we're not stuck with the system we have. Most established democracies use other voting systems that better represent what voters are saying.

What are the benefits of fair voting?

All voters have a reason to vote, regardless of their political beliefs or place of residence.
Liberals in Conservative regions, Conservatives in Liberal regions, and supporters of smaller parties everywhere will be able to cast effective votes.

Because voters are treated equally, Parliaments are truly representative of the people.
Currently, some parties in Parliament have far more seats and power than their popular vote warrants, while others have too few seats or none at all.

Majority governments represent a genuine majority.
Canadians are usually ruled by "majority" governments that the majority voted against. Countries with fair voting systems typically have stable and responsive coalition governments – stable because the parties know they will never have complete control of government and have to work constructively with partners.

Fair voting systems tend to produce parliaments with more women and visible minorities.
Because parties have to nominate lists of candidates to compete in each region, they quickly learn that candidate lists reflecting the diversity of the population usually attract more votes.

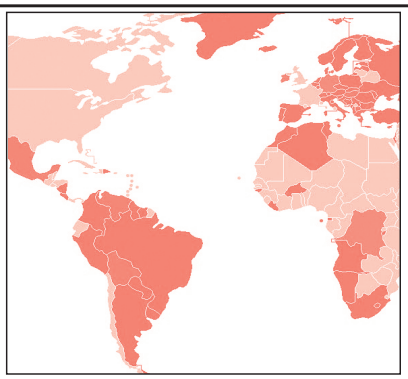
All geographic regions usually have representation both in the government and opposition benches.
Because every voter is equal, regions generally elect candidates from all parties, unlike our current system where one party often dominates each region

COUNTRIES USING PROPORTIONAL REPRESENTATION: WHAT WE KNOW

Professor Arend Lijphart's Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries (1999, Yale University Press), is an excellent source of comparative international data. Lijphart's study examined a large number of countries over extended periods of time and identified these characteristics of "consensus democracies" using proportional voting systems:

- Wasted votes and distorted election results are reduced.
- Phony majority governments are rare.
- Voter turnout tends to be higher.
- Parliaments are more representative of the range of political views.
- Parliaments better reflect the composition of the electorate (gender, ethnicity, region).
- Parliaments tend to pass legislation more in line with the views of the majority of the public.
- Countries maintain strong economic performance.
- Citizens tend to be more satisfied with the way democracy works.

A ten-page summary of key findings (*Can Fair Voting Systems Really Make a Difference?*) is available at **www.fairvote.ca**



Partial listing of countries using proportional voting systems

These include **most long-term democracies, most** European countries and most of the major nations of the Americas.

Argentina	Estonia	Luxembourg	Portugal	Sweden
Austria	Finland	Netherlands	Romania	Switzerland
Belgium	Germany	New Zealand	Scotland	Turkey
Brazil	Guyana	Nicaragua	Serbia	Uruguay
Bulgaria	Hungary	Norway	Slovakia	Wales
Colombia	Iceland	Paraguay	Slovenia	
Czech Republic	Ireland	Peru	South Africa	
Denmark	Latvia	Poland	Spain	

Developing a Made-in-Canada Fair Voting System

Canadians deserve a voting system that ensures fair representation and accountable government.

The good news is, we don't need to change the constitution or expand the House of Commons to get it. We should use a citizen-driven process to discuss the alternatives and find a Made-in-Canada solution.

Here are just two of many approaches that might be considered

Does Fair Vote Canada advocate for a particular system?

We advocate for voting systems that are designed to produce a representative body (like a parliament, legislature, or council) where seats are more or less in proportion to votes cast. While 81 countries use a type of proportional representation, local circumstances have created unique variations.

Canadians deserve to learn from these experiences to create a uniquely Canadian proportional voting system that minimizes wasted votes and reflects who we are and what we actually vote for.

EXAMPLE 1: MIXED SYSTEMS OFFER MORE OPPORTUNITIES

How would it work?

In Mixed-Member Proportional (MMP) systems like they have in Scotland, Wales, Germany, and New Zealand, voters vote for their individual local representatives the way we do, but also cast a separate second vote to elect several "top-up" regional MPs.

In the "open list" version recommended by the Law Commission of Canada, the top regional vote-getters from an underrepresented party fill top-up seats until their party's share of seats reflects its share of the popular vote.

Law Commission of Canada recommends mixed system

The Law Commission of Canada, an independent federal agency, carried out a two-year study and public consultation on federal voting system reform.

Their final report, tabled in the House of Commons in March 2004, called for replacement of the antiquated winner-take-all system, but not a radical overhaul.

Rather than adopt the traditional form of proportional representation used in most Western countries, the Commission proposed a uniquely Canadian mixed-member proportional system (MMP) designed to add an element of proportionality, while continuing some elements of the current system.

They recommended that two-thirds of the seats would be filled through riding elections and the remaining one-third from regional candidates.

Under this system, voters would gain additional representation because they have two types of competing MPs:

1) a local riding MP (who may or may not be someone they voted for) and

2) diverse regional MPs, including those elected from the party they support.

Voters have the choice of either voting for their party's regional list, or of voting for a candidate within the list. So MMP systems can ensure that all elected MPs have "faced the voters" and been personally elected.

A similar mixed regional system was recommended in December 2007 by the Chief Electoral Officer of Quebec.

You can find the Law Commission of Canada's report, Voting Counts: Electoral Reform for Canada, at **www.fairvote.ca.**

Importantly, the Commission's approach to designing an MMP system differs from the MMP models presented to voters in the Ontario and PEI referendums, which had closed province-wide lists.

"Best runner-up" MMP is used in the German province of Baden-Wurttemberg. They have no party lists. The additional "top-up" regional MPs are simply the party's local candidates in the region who did best in their local ridings without winning the local seat.

Wouldn't we be giving all our power away to political parties?

Some people didn't like the "closed list" MMP system put forward in the 2007 Ontario referendum because voters' second votes would have been for parties, not individual candidates, with top-up seats filled from provincewide lists chosen by party members.

It's worth remembering that in today's elections, party candidates are chosen by party members alone. By the time they face the voters in their riding, each candidate is effectively a closed party list, one candidate long. So even "closed list" MMP offers every Canadian a much better chance of being represented than our current system. After an election, you could take an issue to your local MP or one of your diverse regional MPs. Today, many MPs occupy safe seats. But they might start listening if they knew you could actually take your business elsewhere. In Germany, they call this "personalized proportional representation."

If you're still worried about giving parties too much power, consider "open list" MMP (as recommended by the Law Commission of Canada), "best runner-up" MMP, or the Single Transferable Vote (STV).

EXAMPLE 2: SINGLE TRANSFERABLE VOTE (STV) IN MULTI-MEMBER RIDINGS

How would it work?

In the Single Transferable Vote (STV) system used in Ireland, Northern Ireland, and two state houses and the national senate in Australia, voters in combined local districts get to elect four, five, six or seven representatives instead of just one, ranking individual local politicians from all parties by order of preference.

STV does everything it can to make sure your vote isn't wasted. If your favourite candidate doesn't have enough votes to get elected, your vote is transferred to your next-favourite candidate, and so on.

In that case, voting for a shoo-in candidate might seem like a waste if it meant your other choices didn't get in (Remember, you've got only one vote to use to elect five or six people). But the truly great thing about STV (and one thing that sets it apart from the Alternative Vote, which is not proportional) is that if your favourite candidate has more votes than he or she needs, your vote is similarly transferred to your next-favourite candidate, and so on, until the full weight of your vote ends up where it's most needed to get you the group of representatives you want.

Every voter gets an equal impact on the outcome, and can vote their conscience without wasting their vote. Every politician is elected with equally broad support, and none can benefit from vote-splitting. Importantly, results are proportional.

Single Transferable Vote (STV) – ideal for civil society and non-party elections

STV can be used for traditional party-based national and provincial elections, as it is in Ireland, Malta, and for the Australian Senate.

Because STV is not dependent on party proportionality, it is well suited for use in civil society elections – for example, electing the boards of community groups, unions, co-ops, NGOs and businesses. It is also suitable for municipal elections where candidates have no party affiliation. It was used in many western Canadian municipalities in the early 20th century. STV is already widely used in British civil society, with many organizations, universities, and businesses using it for board elections. It is also used for municipal elections in Scotland and New Zealand.

The city is divided into multi-member districts. Unlike block voting, where you elect many councillors at-large by voting for all of them, which often results in one group winning all the seats, you have only one vote, resulting in proportional results. With STV, you rank as many candidates on the ballot as you wish in order of preference, 1, 2, 3, etc. If candidates are affiliated with parties, you can vote across party lines, or in any manner you wish. You can vote by party, by gender, by ethnic group, by geographic location or whatever criteria you wish.

Candidates are elected by reaching a quota of votes (based on the number of seats in the district and number of votes cast). If a candidate receives twice as many votes as needed to get elected, the other half of each vote will be transferred to the next preference on the ballots. If a candidate is eliminated, then that candidate's votes will also be transferred to the next preference on each ballot.

STV was recommended by the British Columbia Citizens' Assembly on Electoral Reform (www.citizensassembly.bc.ca). **In a 2005 referendum, 58% of British Columbia voters voted "Yes" to STV for provincial elections.** Unfortunately, the BC government decided that 60% was required for legitimacy. In the previous election, that same government had won 97% of the seats and 100% of the power with 57% of the vote.

PHONY REFORM

Many politicians who want to derail public demand for fair voting find it more strategic to embrace "reform" while portraying fair voting systems as "too radical" for Canadians. They accept that it's time to scrap first-past-the-post, but propose adopting a different type of winner-take-all voting. They tell us the solution is simple. Just use a ranked ballot and continue to elect just one MP from every riding.

Why don't we just rank candidates in our one riding?

The system of ranking candidates in single-winner ridings is called the Alternative Vote, or Instant Runoff Voting. The Alternative Vote is NOT a proportional system.

As long as there is only one winner in a riding, many (even most) voters in that riding simply do not elect the candidate that best represents them, and nationwide results are not proportional. Ranking candidates wouldn't change this. As nice as it might be to rank them first on your ballot sheet, candidates of currently underrepresented parties would simply get eliminated in the second or third round of counting, in favour of larger parties. Studies show that 95-98% of the time, we would get the same winners as we do now. If you like ranking candidates, go proportional with multi-member ridings. Try Single Transferable Vote (STV).

THE ALTERNATIVE VOTE (AV): IT'S NO ALTERNATIVE

Just like Canada, Australia's lower house of Parliament has one member per riding. The only difference is that they use ranked ballots. If no candidate wins a majority of first-choice votes, then the least popular candidate is dropped, and those ballots are reassigned according to their second choices, and so on, until one candidate has a majority of the ballots.

This might sound like an improvement, but unfortunately, it simply recreates most of the problems of Canada's system (which is probably why only one major democracy uses this system).

Adding second- and third-choice votes in order to create a winner does not magically create "majority" support that didn't exist before, so we still get phony majority governments. Lower choices are usually the result of voters trying to vote strategically for the "lesser of evils". Most Canadians are already "represented" by their second or third choice — that's the problem, not the solution. If used in Canada, this voting system would do nothing for women and minorities, and could create even more distorted election results than the current system. AV was rejected in referendums in the UK and New Zealand in 2011, supported by only 32% in the UK and only 8% in New Zealand.

(There is one appropriate use of the Alternative Vote – when electing a position that can only be filled by one person, such as a mayor, president, party leader or committee chair. In these elections, the objective is to choose one person rather than create a representative body, such as a parliament, and that requires a winner-take-all voting system.)

For a more detailed discussion, see the Fair Vote Canada paper The Alternative Vote (or Instant Run-off Voting): It's No Solution for the Democratic Deficit, available on Resources page at **www.fairvote.ca.**
Or check out sites like **www.no2av.ca.**

Arguments Against Fair Voting and Proportional Representation

Opponents of fair, proportional voting systems generally warn that if you demand "too much" democracy, you lose the ability to form effective governments. But a look at the list of nations already using fair voting systems shows that these arguments are not supported by the facts.

They are scare tactics, and here are a few of the most common ones to watch out for:

Doesn't all this mean many more politicians?

Proportional systems don't require more politicians. They simply allow you, the voter, to have a say over the occupant of more than one seat. You and your neighbour may vote differently, but we think you both deserve to elect someone. Don't you?

Wouldn't proportional representation let extremists get elected?

In our current system, vote splitting has allowed MPs to be elected with as little as 29% of the vote in their riding.

In Germany's MMP system, parties need to have five per cent of the popular vote before they're allowed a seat. In STV, every single candidate has to earn a certain minimum number of votes to be elected. Most candidates win by earning votes transferred from other candidates from across the political spectrum, ensuring diverse voices with broad support.

Won't parties multiply like rabbits?

Critics sometimes claim that fair voting would produce a proliferation of small parties. It's true that some new parties may form and old parties may restructure, because when all Canadians are free to cast positive and effective votes, parties will truly have to reflect the range of viewpoints in this country.

Conservatives of different stripes, libertarians, and others would not be forced into a broad-tent party in order to have their vote count.

But history shows that the introduction of fair voting will likely only marginally increase the number of parties that can win seats and affect legislation. Why? It's only common sense. Most voters want to support parties that can have impact or growth potential. Some countries also set thresholds (e.g., 4% or 5% of the popular vote) before parties can win seats in parliament. Regional models like Scotland's have similar natural thresholds built-in.

Won't this cause instability, constant elections, and endless minority governments?

Since Italy reformed its voting system in the 1990s, Canada is now the most unstable of the major democracies, with twenty-one elections since World War II. We keep flip-flopping between false majority governments (a majority of seats without a majority of the vote) and unstable minorities at the expense of our country's long-term priorities, and our voting system is largely to blame.

In Ontario's 2011 election, just 2% separated the two leading parties, but one got 49% of the seats while the other got just 35%. In Prince Edward Island, 40% of the vote gets you just 19% of the seats. But bump that up to 50%, and your party sweeps to a dominant 81% majority. When relatively small changes in poll numbers spell the difference between oblivion and absolute power, it's no wonder our politicians seem to be in perpetual, confrontational campaign mode.

In proportional representation, a 2% change in the polls would mean just a 2% change in seats. Politicians would have much more incentive to get down to work on our country's long-term priorities, rather than playing "gotcha" to tweak the poll numbers and spark yet another election. Minority governments could mean cooperation and compromise, not confrontation and instability.

Wouldn't this mean constant coalition governments?

Governments formed under any voting system are coalitions of different groups who negotiate and make deals. That's the way democracy works. Each of Canada's "big tent" parties is already a coalition of internal factions which are generally hidden from public view except during leadership races. They compete with one another and then negotiate and compromise on the party platform and policies.

When elections are more proportional, such coalitions generally involve more than one party. While Canadians have been taught to fear this, it actually has a few enormous advantages. Negotiations among parties are generally much more visible to the public than those that currently take place within parties, and the compromises are publicly known. When elections are more proportional, the resulting coalition or governing group represents a true majority of voters.

For example, the Law Commission of Canada recommended keeping the same numbers of MPs from each province, making every three ridings into two larger ones, and adding regional MPs elected by voters unrepresented by the local results.

> *"For those who argue that anything but our existing system will fail to produce [single-party] majority governments — seen by many as a more effective governing vehicle — it is surely fair to respond that "majority" governments reflective of only a minority of the eligible voters in a democracy is a more serious problem. Stable government composed of more than one party is now the effective norm in continental Europe."*
>
> *Ed Broadbent and Hugh Segal*
> *October 1, 2002, Globe and Mail*

Wouldn't small parties have all the power? Wouldn't the "tail wag the dog"?

Any major party "blackmailed" into adopting an agenda out-of-step with its own support base will be severely punished at the next election. On the other hand, when two or more like-minded parties, who together represent a majority of voters, agree to form a coalition focusing on areas of policy agreement, that often indicates majority public support for those policies. That's more like the dog choosing the tail that fits. Research has indeed shown that coalition governments tend to be better than single-party governments at producing legislation more in line with public thinking.

Won't this spell chaos, just like Italy and Israel?

While 81 countries use proportional representation, critics can find only these two extreme examples, conveniently ignoring stable examples like Germany, Switzerland, and Sweden. Israel has a pure-list PR system that would never work in Canada, and has never been seriously considered here. These critics should also remember that since Italy reformed its voting system in 1994, Canada is likely the most unstable of the major democracies, with twenty-one elections since World War II compared with 17 in Italy.

FVC Statement of Purpose

The following Statement of Purpose was ratified by FVC members on August 20, 2009.

Fair Vote Canada seeks broad multi-partisan support to embody in new legislation the basic principle of democratic representative government and ultimate safeguard of a free society: the right of each citizen to equal treatment under election laws and equal representation in legislatures.

We campaign for equal effective votes and fair representation at every level of government and throughout civil society by various means including lobbying legislators for electoral law reform, litigation, public education, citizens' assemblies, and referenda.

To create an equal voice for every citizen and give democratic legitimacy to our laws, we must reform our electoral institutions, political parties, public political funding mechanisms and governing processes to achieve these interdependent goals:

Proportional representation - The supporters of all candidates and political parties must be fairly represented in our legislatures in proportion to votes cast. Political parties should have seats in close proportion to their popular support.

Positive voter choice - We need fair and unrestricted competition among political parties presenting democratically-nominated candidates. A democratic voting system must encourage citizens to exercise positive choice by voting for the candidate or party they prefer. They should not find it necessary to embrace negative or strategic voting – to vote for a less-preferred candidate to block the election of one even less preferred. Never should citizens be denied representation simply because their preferred candidate cannot win a single-member riding.

Fair representation - To reflect in the legislatures the diversity of society we must change the voting system and related laws to remove barriers to the nomination and election of candidates from groups now underrepresented including women, cultural minorities and Aboriginals.

Geographic representation - We must change the voting system and related laws to give rural and urban voters in every province, territory and regional community effective votes and fair representation in both government and opposition.

Government accountability to voters - Legislators representing a majority of voters must determine the laws and guide their administration.

Fair Vote Canada: a Call to Action!

How can the system actually be changed? What is Fair Vote Canada doing about it?

Canada's voting system can be changed through a simple majority vote in Parliament... no constitutional amendment required!

But it won't happen without pressure from all of us.

As a multi-partisan citizens' campaign with chapters across the country, we lobby MPs and educate the media and the public to bring Canada's democracy into the 21st century.

Take action today at www.fairvote.ca!

Become a donor

Fair Vote believes Canadians should be able to...

- Cast an equal and effective vote and be represented fairly,
- Be governed by a fairly elected Parliament where the share of seats held by each political party closely reflects the popular vote,
  and
- Live under legitimate laws approved by a majority of elected Parliamentarians representing a majority of voters.

Join Us

FVC is a national network of concerned citizens who are pressing for fair voting systems at all levels of government and throughout civil society. Supporters are encouraged to become FVC members (see back page for member/donor form) and to visit www.fairvote.ca to learn how to take action. FVC members are eligible to vote and run for national and local positions. The 15-member National Council provides overall direction for the organization and campaigns. Five three-year positions on the National Council are elected each year.

Take Action

Taking visible action in communities across Canada is at the heart of what we do. Together we educate the public about the problems with our current voting system and the principle of proportional representation. Many cities have Fair Vote Canada chapters, while others have more informal Local Action Teams. Fair Vote Canada regularly sends out "calls to action", inviting all supporters across Canada to participate in a collective action. In places where Chapters or Local Action Teams exist, supporters can organize and act together. They can also be proactive by having tables at fairs, events, and presentations in their communities. Want to share your time and talent in a different way? Fair Vote Canada supporters collaborate online on projects that are crucial to our movement. These have included high school lesson plans, videos, parallel election sites, and more.

Get involved today at www.fairvote.ca!

Declaration of Voters Rights

On Oct. 16, 2009, FVC launched the Declaration of Voters' Rights at a press conference on Parliament Hill. Since that date, many thousands more have added their names.

We the undersigned Canadian citizens demand the following basic democratic rights:

- **to cast an equal and effective vote and to be represented fairly in Parliament, regardless of political belief or place of residence.**
- **to be governed by a fairly elected Parliament where the share of seats held by each political party closely reflects the popular vote.**
- **to live under legitimate laws approved by a majority of elected Parliamentarians representing a majority of voters.**

The current winner-take-all voting system is absolutely inconsistent with these fundamental democratic rights. As a result, Canada is faced with a spiraling democratic deficit. The need for reform is urgent. We need a Parliament that represents the political and social diversity of Canada.

We demand that the House of Commons immediately undertake a public consultation to amend the Canada Elections Act to incorporate these vital democratic rights. The House, after this consultation, should quickly implement a suitable form of proportional representation.

Sign the Declaration at www.fairvote.ca

Yes, I want to join Fair Vote Canada and "Make Every Vote Count"!

Please fill in the information below and return this form and payment, or credit card information, to:

Fair Vote Canada, 283 Danforth Avenue #408, Toronto ON M4K 1N2.
If you have any questions, please call **416-410-4034** or email **office@FairVote.Ca**.

Upon receipt of your form, we will forward a questionnaire, which will allow you to indicate how you wish to become involved in the **"Make Every Vote Count"** campaign.All members of FVC receive a monthly newsletter and are eligible to vote in the FVC National Council elections.

Choose one of the following:

- ❑ $10 annual membership fee
- ❑ Democracy 100: automatically debit my chequing account for $8.33/month
- ❑ Democracy 240: automatically debit my chequing account for $20.00/month
- ❑ Dollar-a-Day for Democracy: automatically debit my account for $30.00/month
- ❑ I would like to make this additional donation of: $ _____

As a monthly donor your direct debit gift is deducted on the 1st of each month or your credit card gift is deducted on the 15th of each month (or next business day). You are free to adjust or cancel monthly giving at any point by calling 416-410-4034 or by email at office@fairvote.ca. Please allow 30 days notice to ensure no additional donations are processed. To obtain a sample cancellation form or for more information on your right to cancel a Pre-Authorized Debit (PAD) Agreement contact your financial institution or visit www.cdnpay.ca.

I'm ready to help with my one-time gift of:

❑ $50 ❑ $35 ❑ $20 ❑ Other $ _____

Indicate method of payment:

- ❑ Cheque enclosed (payable to Fair Vote Canada)
- ❑ Automatic monthly debit (enclose cheque marked "void")
- ❑ VISA
- ❑ MasterCard

Credit card #: _____

Expiry date: _____

Cardholder name: _____

Cardholder signature: _____

Contact information:

Name _____

Address _____

_____

Phone (day) _____ (evening) _____

Fax: _____ Email: _____

With your donation of $10 or more you become a one-year member of FVC and are eligible to vote in the National Council elections. If you don't wish to become a member please indicate.

❑ I prefer to make my donation without becoming a member.

community choices
unit three

U3L3A3 | Compare and contrast democracies | Article 2

Eugene A. Forsey

How Canadians Govern Themselves

8th Edition

community choices
unit three

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Preface

How Canadians Govern Themselves, first published in 1980, explores Canada's parliamentary system, from the decisions made by the Fathers of Confederation to the daily work of parliamentarians in the Senate and House of Commons. Useful information on Canada's Constitution, the judicial system, and provincial and municipal powers is gathered together in this one reference book. The author adapted some material taken from an earlier edition prepared by Joseph Schull and published under the same title in 1971.

The book was initially commissioned by the Department of the Secretary of State of Canada, which also published the second edition. The House of Commons published the third edition. The fourth, fifth, sixth, seventh and this eighth edition were published by the Library of Parliament in consultation with the author's family and with the approval of the Department of Canadian Heritage. A deliberate effort has been made in each edition to keep revisions to a minimum and to preserve the integrity of Senator Forsey's historical judgements and writing style.

The ideas and opinions expressed in this document belong to the author or his authorized successors, and do not necessarily reflect those of Parliament.

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Note on the Author

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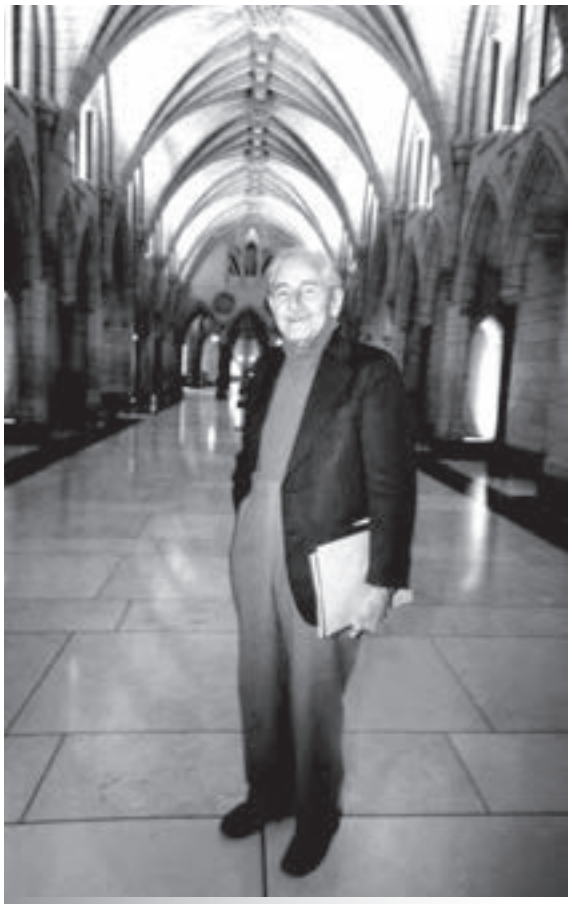

The Honourable Eugene A. Forsey, 1904–91

The Honourable Eugene A. Forsey was widely regarded as one of Canada's foremost experts on the country's Constitution.

Born in Grand Bank, Newfoundland, he attended McGill University in Montreal and studied at Britain's Oxford University as a Rhodes Scholar. In addition to his PhD, he also received numerous honorary degrees.

From 1929 to 1941, Mr. Forsey served as a lecturer in economics and political science at McGill.

In 1942, he became director of research for the Canadian Congress of Labour (CCL), a post he held for 14 years. From 1956 to 1966, he served as director of research for the CCL's successor, the Canadian Labour Congress, and from 1966 to 1969, as director of a special project marking Canada's centennial, a history of Canadian unions from 1812 to 1902.

During most of his union career, he taught Canadian government at Carleton University in Ottawa and, later, Canadian government and Canadian labour history at the University of Waterloo. From 1973 to 1977, he served as chancellor of Trent University.

Mr. Forsey ran for public office four times for the Co-operative Commonwealth Federation (CCF). In the 1930s, he helped draft the Regina Manifesto, the CCF's founding declaration of policy.

Mr. Forsey was appointed to the Senate in 1970. He retired in 1979 at the mandatory retirement age of 75, and in 1985 was named to the Privy Council. In 1988, he was named a Companion of the Order of Canada, the highest level of membership. The Honourable Eugene A. Forsey died on February 20, 1991, leaving Canadians a rich legacy of knowledge of how we are governed.

How Canadians Govern Themselves

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Introduction

Governments in democracies are elected by the passengers to steer the ship of the nation. They are expected to hold it on course, to arrange for a prosperous voyage, and to be prepared to be thrown overboard if they fail in either duty.

This, in fact, reflects the original sense of the word "government," as its roots in both Greek and Latin mean "to steer."

Canada is a democracy, a constitutional monarchy. Our head of state is the Queen of Canada, who is also Queen of Britain, Australia and New Zealand, and a host of other countries scattered around the world from the Bahamas and Grenada to Papua New Guinea and Tuvalu. Every act of government is done in the name of the Queen, but the authority for every act flows from the Canadian people.

When the men who framed the basis of our present written Constitution, the Fathers of Confederation, were drafting it in 1864–67, they freely, deliberately and unanimously chose to vest the formal executive authority in the Queen, "to be administered according to the well understood principles of the British Constitution by the Sovereign personally or by the Representative of the Queen." That meant responsible government, with a cabinet responsible to the House of Commons, and the House of Commons answerable to the people. All of the powers of the Queen are now exercised by her representative, the Governor General, except when the Queen is in Canada.

The Governor General, who is now always a Canadian, is appointed by the Queen on the advice of the Canadian prime minister and, except in very extraordinary circumstances, exercises all powers of the office on the advice of the cabinet (a council of ministers), which has the support of a majority of the members of the popularly elected House of Commons.

Canada is not only an independent sovereign democracy, but is also a federal state, with 10 largely self-governing provinces and three territories with a lesser degree of self-government.

What does it all mean? How does it work?

The answer is important to every citizen. We cannot work or eat or drink; we cannot buy or sell or own anything; we cannot go to a ball game or a hockey game or watch TV without feeling the effects of government. We cannot marry or educate our children, cannot be sick, born or buried without the hand of government somewhere intervening. Government gives us railways, roads and airlines; sets the conditions that affect farms and industries; manages or mismanages the life and growth of the cities. Government is held responsible for social problems, and for pollution and sick environments.

Government is our creature. We make it, we are ultimately responsible for it, and, taking the broad view, in Canada we have considerable

reason to be proud of it. Pride, however, like patriotism, can never be a static thing; there are always new problems posing new challenges. The closer we are to government, and the more we know about it, the more we can do to help meet these challenges.

This publication takes a look at our system of government and how it operates.

Parliamentary Government

Its Origins

Nova Scotia (which, till 1784, included what is now New Brunswick) was the first part of Canada to secure representative government. In 1758, it was given an assembly, elected by the people. Prince Edward Island followed in 1773; New Brunswick at its creation in 1784; Upper and Lower Canada (the predecessors of the present Ontario and Quebec) in 1791; and Newfoundland in 1832.

Nova Scotia was also the first part of Canada to win *responsible* government: government by a cabinet answerable to, and removable by, a majority of the assembly. New Brunswick followed a month later, in February 1848; the Province of Canada (a merger of Upper and Lower Canada formed in 1840) in March 1848; Prince Edward Island in 1851; and Newfoundland in 1855.

By the time of Confederation in 1867, this system had been operating in most of what is now Central and Eastern Canada for almost 20 years. The Fathers of Confederation simply continued the system they knew, the system that was already working, and working well.

For the nation, there was a Parliament, with a Governor General representing the Queen; an appointed upper house, the Senate; and an elected lower house, the House of Commons. For every province there was a legislature, with a lieutenant-governor representing the Queen; for every province except Ontario, an appointed upper house, the legislative council, and an elected lower house, the legislative assembly. The new Province of Manitoba, created by the national Parliament in 1870, was given an upper house. British Columbia, which entered Canada in 1871, and Saskatchewan and Alberta, created by Parliament in 1905, never had upper houses. Newfoundland, which entered Canada in 1949, came in without one. Manitoba, Prince Edward Island, New Brunswick, Nova Scotia and Quebec have all abolished their upper houses.

How It Operates

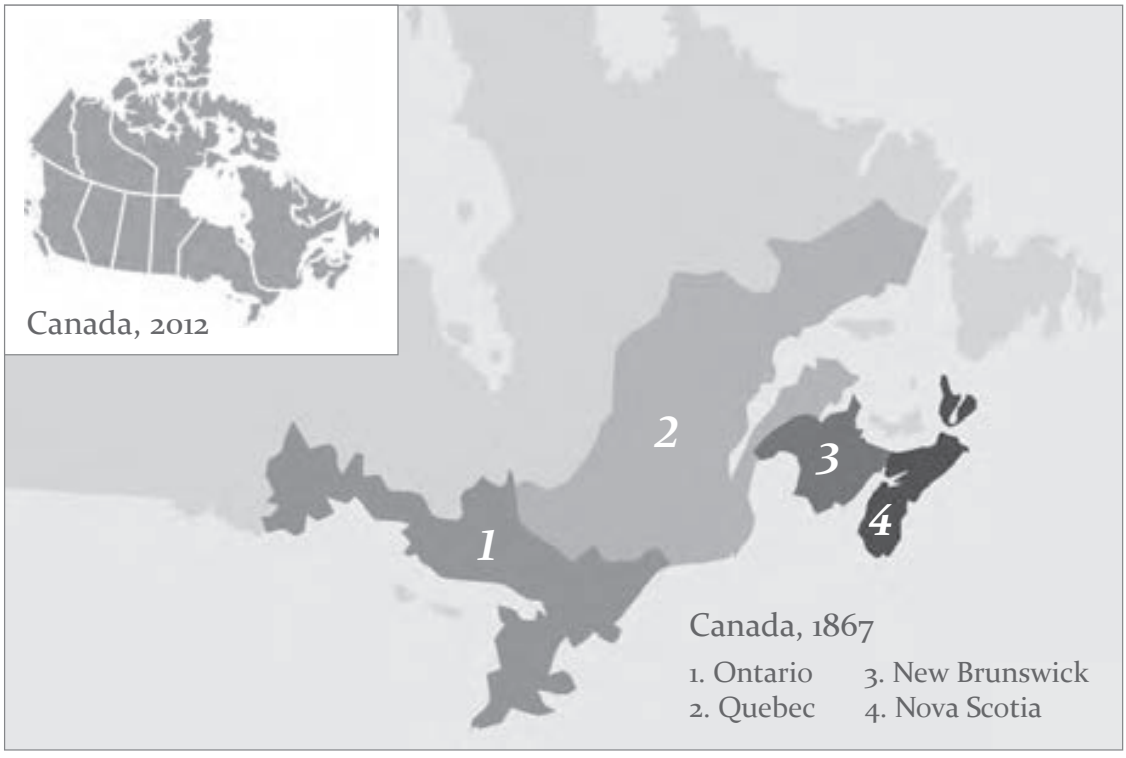
The Governor General (and each provincial lieutenant-governor) governs through a cabinet, headed by a prime minister or premier (the two terms mean the same thing: first minister). If a national or provincial general election gives a party opposed to the cabinet in office a clear majority (that is, more than half the seats) in the House of Commons or the legislature, the cabinet resigns and the Governor General or lieutenant-governor calls on the leader of the victorious party to become prime minister and form a new cabinet. The prime minister chooses the other ministers, who are then formally appointed by the Governor General or, in the provinces, by the lieutenant-governor. If

How Canadians Govern Themselves

no party gets a clear majority, the cabinet that was in office before and during the election has two choices. It can resign, in which case the Governor General or lieutenant-governor will call on the leader of the largest opposition party to form a cabinet. Or the cabinet already in office can choose to stay in office and meet the newly elected House — which, however, it must do promptly. In either case, it is the people's representatives in the newly elected House who will decide whether the "minority" government (one whose own party has fewer than half the seats) shall stay in office or be thrown out.

If a cabinet is defeated in the House of Commons on a motion of censure or want of confidence, the cabinet must either resign (the Governor General will then ask the leader of the Opposition to form a new cabinet) or ask for a dissolution of Parliament and a fresh election.

In very exceptional circumstances, the Governor General could refuse a request for a fresh election. For instance, if an election gave no party a clear majority and the prime minister asked for a fresh election without even allowing the new Parliament to meet, the Governor General would have to say no. This is because, if "parliamentary government" is to mean anything, a newly elected House of Commons must at least be allowed to meet and see whether it can transact public business. Also, if a minority government is defeated on a motion of want of confidence very early in the first session of a new Parliament, and there is a reasonable possibility that a government of another party can be formed and get the support of the House of Commons, then the Governor General could refuse the request for a fresh election. The same is true for the lieutenant-governors of the provinces.



No elected person in Canada above the rank of mayor really has a fixed term of office. Recent legislation in several provinces and territories, as well as a May 2007 Act of Parliament, provide for general elections to be held on a fixed date every four years under most circumstances. In practice this means that the expected term of office for a member of Parliament (or of a legislature with a fixed date law) would normally be four years. However, the Governor General's power to dissolve Parliament is not affected by the fixed date legislation. The prime minister can still ask for a fresh election at any time, although, as already stated, there may be circumstances in which he or she would not get it. There can be, and have been, Parliaments and legislatures that have lasted for less than a year. With extremely rare exceptions, no Parliament or legislature may last more than five years.

The cabinet has no "term." Every cabinet lasts from the moment the prime minister is sworn in till he or she resigns, dies or is dismissed. For example, Sir John A. Macdonald was Prime Minister from 1878 until he died in 1891, right through the elections of 1882, 1887 and 1891, all of which he won. Sir Wilfrid Laurier was Prime Minister from 1896 to 1911, right through the elections of 1900, 1904 and 1908, all of which he won. He resigned after being defeated in the election of 1911. The same thing has happened in several provinces. An American president or state governor, re-elected, has to be sworn in all over again. A Canadian prime minister or premier does not.

If a prime minister dies or resigns, the cabinet comes to an end. If this prime minister's party still has a majority in the Commons or the legislature, then the Governor General or lieutenant-governor must find a new prime minister at once. A prime minister who resigns has no right to advise the governor as to a successor unless asked; even then, the advice need not be followed. If he or she resigns because of defeat, the governor must call on the leader of the Opposition to form a government. If the prime minister dies, or resigns for personal reasons, then the governor consults leading members of the majority party as to who will most likely be able to form a government that can command a majority in the House. The governor then calls on the person he or she has decided has the best chance. This new prime minister will, of course, hold office only until the majority party has chosen a new leader in a national or provincial convention. This leader will then be called on to form a government.

The cabinet consists of a varying number of ministers. The national cabinet has ranged from 13 to more than 40 members, and provincial cabinets from about 10 to over 30. Most of the ministers have "portfolios" (that is, they are in charge of particular departments — Finance, National Defence, Environment, Health, etc.), and are responsible, answerable and accountable to the House of Commons or the legislature for their particular departments. On occasion there can be ministers without portfolio. There may also be "ministers of state," who may assist cabinet ministers with particular responsibilities or sections of their departments, or may be responsible for policy-oriented bodies known as "ministries of state." (These assisting ministers, sometimes called "secretaries of state," should not be confused with historically important departmental ministers once known as the Secretary of State for Canada and the Secretary of State for External Affairs.) Ministers of state and secretaries of state are not always members of the cabinet.

How Canadians Govern Themselves

The ministers collectively are answerable to the House of Commons or the legislature for the policy and conduct of the cabinet as a whole. If a minister does not agree with a particular policy or action of the government, he or she must either accept the policy or action and, if necessary, defend it, or resign from the cabinet. This is known as "the collective responsibility of the cabinet," and is a fundamental principle of our form of government.

The cabinet is responsible for most legislation. It has the sole power to prepare and introduce bills providing for the expenditure of public money or imposing taxes. These bills must be introduced first in the House of Commons; however, the House cannot *initiate* them, or *increase* either the tax or the expenditure without a royal recommendation in the form of a message from the Governor General. The Senate cannot increase either a tax or an expenditure. However, any member of either house can move a motion to *decrease* a tax or an expenditure, and the house concerned can pass it, though this hardly ever happens.

A Federal State

A federal state is one that brings together a number of different political communities with a common government for common purposes, and separate "state" or "provincial" or "cantonal" governments for the particular purposes of each community. The United States of America, Canada, Australia and Switzerland are all federal states. Federalism combines unity with diversity. It provides, as Sir John A. Macdonald, Canada's first Prime Minister, said, "A general government and legislature for general purposes with local governments and legislatures for local purposes."

The word "confederation" is sometimes used to mean a league of independent states, like the United States from 1776 to 1789. But for our Fathers of Confederation, the term emphatically did not mean that. French-speaking and English-speaking alike, they said plainly and repeatedly that they were founding "a new nation", "a new political nationality", "a powerful nation, to take its place among the nations of the world", "a single great power".

They were very insistent on maintaining the identity, the special culture and the special institutions of each of the federating provinces or colonies. Predominantly French-speaking and Roman Catholic, Canada East (Quebec) wanted to be free of the horrendous threat that an English-speaking and mainly Protestant majority would erode or destroy its rights to its language, its French-type civil law, and its distinctively religious system of education. Overwhelmingly English-speaking and mainly

Photo: Library of Parliament

The Fathers of Confederation, Quebec Conference, 1864.

Protestant, Canada West (Ontario) was still smarting from the fact that Canada East members in the legislature of the united Province of Canada had thrust upon it a system of Roman Catholic separate schools which most of the Canada West members had voted against. Canada West wanted to be free of what some of its leaders called "French domination." For their part, Nova Scotia and New Brunswick had no intention of being annexed or absorbed by the Province of Canada, of which they knew almost nothing and whose political instability and incessant "French–English" strife they distrusted.

On the other hand, all felt the necessity of union for protection against the threat of American invasion or American economic strangulation (for six months of the year, the Province of Canada was completely cut off from Britain, its main source of manufactured goods, except through American ports) and for economic growth and development. So the Fathers of Confederation were equally insistent on a real federation, a real "Union," as they repeatedly called it, not a league of states or of sovereign or semi-independent provinces.

The Fathers of Confederation were faced with the task of bringing together small, sparsely populated communities scattered over immense distances. Not only were these communities separated by natural barriers that might well have seemed insurmountable, but they were also divided by deep divergences of economic interest, language, religion, law and education. Communications were poor and mainly with the world outside British North America.

To all these problems, they could find only one answer: federalism.

The provinces dared not remain separate, nor could they merge. They could (and did) form a federation, with a strong central government and Parliament, but also with an ample measure of autonomy and self-government for each of the federating communities.

Our Constitution

The *British North America Act, 1867*, was the instrument that brought the federation, the new nation, into existence. It was an Act of the British Parliament. But, except for two small points, it was simply the statutory form of resolutions drawn up by delegates from what is now Canada. Not a single representative of the British government was present at the conferences that drew up those resolutions, or took the remotest part in them.

The two small points on which our Constitution is not entirely homemade are, first, the legal title of our country, "Dominion," and, second, the provisions for breaking a deadlock between the Senate and the House of Commons.

The Fathers of Confederation wanted to call the country "the Kingdom of Canada." The British government was afraid of offending the Americans so it insisted on the Fathers finding another title. They did, from Psalm 72: "He shall have dominion also from sea to sea, and from the river unto the ends of the earth." It seemed to fit the new nation like the paper on the wall. They explained to Queen Victoria that it was "intended to give dignity" to the Union, and "as a tribute to the monarchical principle, which they earnestly desire to uphold."

To meet a deadlock between the Senate and the House of Commons, the Fathers had made no provision. The British government insisted that

Photo: Department of Canadian Heritage

The *Constitution Act, 1982*, came into force on April 17, 1982.

they produce something. So they did: sections 26 to 28 of the Act, which have been used only once, in 1990.

That the federation resolutions were brought into effect by an Act of the British Parliament was the Fathers' deliberate choice. They could have chosen to follow the American example, and done so without violent revolution.

Sir John A. Macdonald, in the Confederation debates, made that perfectly clear. He said: "...If the people of British North America after full deliberation had stated that...it was for their interest, for the advantage of British North America to sever the tie [with Britain],...I am sure that Her Majesty and the Imperial Parliament would have sanctioned that severance." But: "Not a single suggestion was made, that it could...be for the interest of the colonies...that there should be a severance of our connection....There was a unanimous feeling of willingness to run all the hazards of war [with the United States]...rather than lose the connection...."

Hence, the only way to bring the federation into being was through a British Act.

That Act, the *British North America Act, 1867* (now renamed the *Constitution Act, 1867*), contained no provisions for its own

amendment, except a limited power for the provinces to amend their own constitutions. All other amendments had to be made by a fresh Act of the British Parliament.

At the end of the First World War, Canada signed the peace treaties as a distinct power, and became a founding member of the League of Nations and the International Labour Organization. In 1926, the Imperial Conference recognized Canada, Australia, New Zealand, South Africa, the Irish Free State and Newfoundland as "autonomous communities, in no way subordinate to the United Kingdom in any aspect of their domestic or external affairs." Canada had come of age.

This gave rise to a feeling that we should be able to amend our Constitution ourselves, without even the most formal intervention by the British Parliament. True, that Parliament usually passed any amendment we asked for. But more and more Canadians felt this was not good enough. The whole process should take place here. The Constitution should be "patriated" — brought home.

Attempts to bring this about began in 1927. Until 1981, they failed, not because of any British reluctance to make the change, but because the federal and provincial governments could not agree on a generally acceptable method of amendment. Finally, after more than half a century of federal-provincial conferences and negotiations, the Senate and the House of Commons, with the approval of nine provincial governments, passed the necessary Joint Address asking for the final British Act. This placed the whole process of amendment in Canada, and removed the last vestige of the British Parliament's power over our country.

The *Constitution Act, 1867*, remains the basic element of our written Constitution. But the written Constitution, the strict law of the Constitution, even with the latest addition, the *Constitution Act, 1982*, is only part of our whole working Constitution, the set of arrangements by which we govern ourselves. It is the skeleton; it is not the whole body.

Responsible government, the national cabinet, the bureaucracy, political parties: all these are basic features of our system of government. But the written Constitution does not contain one word about any of them (except for that phrase in the preamble to the Act of 1867 about "a Constitution similar in principle to that of the United Kingdom"). The flesh, the muscles, the sinews, the nerves of our Constitution have been added by legislation (for example, federal and provincial elections acts, the *Parliament of Canada Act*, the legislative assembly acts, the public service acts); by custom (the prime minister, the cabinet, responsible government, political parties, federal-provincial conferences); by judgements of the courts (interpreting what the Act of 1867 and its amendments mean); and by agreements between the national and provincial governments.

If the written Constitution is silent on all these things, which are the living reality of our Constitution, what does it say? If it leaves out so much, what does it put in?

Before we answer that question, we must understand that our written Constitution, unlike the American, is not a single document. It is a collection of 25 primary documents outlined in the *Constitution Act, 1982*.

The core of the collection is still the Act of 1867. This, with the amendments added to it down to the end of 1981, did 12 things.

- First, it created the federation, the provinces, the territories, the national Parliament, the provincial legislatures and some provincial cabinets.

- Second, it gave the national Parliament power to create new provinces out of the territories, and also the power to change provincial boundaries with the consent of the provinces concerned.

- Third, it set out the power of Parliament and of the provincial legislatures.

- Fourth, it vested the formal executive power in the Queen, and created the Queen's Privy Council for Canada (the legal basis for the federal cabinet).

- Fifth, it gave Parliament power to set up a Supreme Court of Canada (which it did, in 1875).

- Sixth, it guaranteed certain limited rights equally to the English and French languages in the federal Parliament and courts and in the legislatures and courts of Quebec and Manitoba.

- Seventh, it guaranteed separate schools for the Protestant and Roman Catholic minorities in Quebec and Ontario. It also guaranteed separate schools in any other province where they existed by law in 1867, or were set up by any provincial law after 1867. There were special provisions for Manitoba (created in 1870), which proved ineffective; more limited guarantees for Alberta and Saskatchewan (created in 1905); and for Newfoundland (which came into Confederation in 1949), a guarantee of separate schools for a variety of Christian denominations. (Constitutional amendments have since changed the school systems in Quebec and in Newfoundland and Labrador, as the Province of Newfoundland is now officially known.)

- Eighth, it guaranteed Quebec's distinctive civil law.

- Ninth, it gave Parliament power to assume the jurisdiction over property and civil rights, or any part of such jurisdiction, in other provinces, provided the provincial legislatures consented. This power has never been used.

- Tenth, it prohibited provincial tariffs.

- Eleventh, it gave the provincial legislatures the power to amend the provincial constitutions, except as regards the office of lieutenant-governor.

- Twelfth, it gave the national government (the Governor-in-Council: that is, the federal cabinet) certain controls over the provinces: appointment, instruction and dismissal of lieutenant-governors (two have been dismissed); disallowance of provincial acts within one year after their passing (112 have been disallowed — the last in 1943 — from every province except Prince Edward Island and Newfoundland and Labrador); power of lieutenant-governors to send provincial bills to Ottawa unassented to (in which case they do not go into effect unless the central executive assents within one year; of 70 such

bills, the last in 1961, from every province but Newfoundland and Labrador, only 14 have gone into effect).

These are the main things the written Constitution did as it stood at the end of 1981. They provided the legal framework within which we could, and did, adapt, adjust, manoeuvre, innovate, compromise, and arrange, by what Prime Minister Sir Robert Borden called "the exercise of the commonplace quality of common sense."

The final British Act of 1982, the *Canada Act*, provided for the termination of the British Parliament's power over Canada and for the "patriation" of our Constitution. Under the terms of the *Canada Act*, the *Constitution Act, 1982*, was proclaimed in Canada and "patriation" was achieved.

Under the *Constitution Act, 1982*, the *British North America Act, 1867*, and its various amendments (1871, 1886, 1907, 1915, 1930, 1940, 1946, 1949, 1951, 1952, 1960, 1964, 1965, 1974, 1975) became the *Constitution Acts, 1867 to 1975*.

There is a widespread impression that the *Constitution Act, 1982*, gave us a "new" Constitution. It did not. In fact, that Act itself says that "the Constitution of Canada includes" 14 acts of the Parliament of the United Kingdom, seven acts of the Parliament of Canada, and four United Kingdom orders-in-council (giving Canada the original Northwest Territories and the Arctic Islands, and admitting British Columbia and Prince Edward Island to Confederation). Several of the acts got new names; two, the old *British North America Act, 1867* (now the *Constitution Act, 1867*), and the *Manitoba Act, 1870*, suffered a few minor deletions. The part of the United Kingdom *Statute of Westminster, 1931*, that is included had minor amendments.

The rest, apart from changes of name, are untouched. What we have now is not a new Constitution but the old one with a very few small deletions and four immensely important additions; in an old English slang phrase, the old Constitution with knobs on.

What are the big changes that the *Constitution Act, 1982*, made in our Constitution?

First, it established four legal formulas or processes for amending the Constitution. Until 1982, there had never been any legal amending formula (except for a narrowly limited power given to the national Parliament in 1949, a power now superseded).

The first formula covers amendments dealing with the office of the Queen, the Governor General, the lieutenant-governors, the right of a province to at least as many seats in the House of Commons as it had in the Senate in 1982, the use of the English and French languages (except amendments applying only to a single province), the composition of the Supreme Court of Canada and amendments to the amending formulas themselves.

Amendments of these kinds must be passed by the Senate and the House of Commons (or by the Commons alone, if the Senate has not approved the proposal within 180 days after the Commons has done so), and by the legislature of every province. This gives every single province a veto.

The second formula is the general amending formula. It includes amendments concerning the withdrawal of any rights, powers or privileges of provincial governments or legislatures; the proportionate representation of the provinces in the House of Commons; the powers of the Senate and the method of selecting senators; the number of senators for each province, and their residence qualifications; the constitutional position of the Supreme Court of Canada (except its composition, which comes under the first formula); the extension of existing provinces into the territories; the creation of new provinces; and, generally, the *Canadian Charter of Rights and Freedoms* (which is dealt with later).

Such amendments must be passed by the Senate and the House of Commons (or, again, the Commons alone if the Senate delays more than 180 days), and by the legislatures of two-thirds of the provinces with at least half the total population of all the provinces (that is, the total population of Canada excluding the territories). This means that any four provinces taken together (for example, the four Atlantic provinces, or the four Western) could veto any such amendments. So could Ontario and Quebec taken together. The seven provinces needed to pass any amendment would have to include at least one of the two largest provinces of Quebec or Ontario.

Any province can, by resolution of its legislature, opt out of any amendment passed under this formula that takes away any of its powers, rights or privileges; and if the amendment it opts out of transfers power over education or other cultural matters to the national Parliament, Parliament must pay the province "reasonable compensation."

The third formula covers amendments dealing with matters that apply only to one province, or to several but not all provinces. Such amendments must be passed by the Senate and the House of Commons (or the Commons alone, if the Senate delays more than 180 days), and by the legislature or legislatures of the particular province or provinces to which it applies. Such amendments include any changes in provincial boundaries, or changes relating to the use of the English or French language in a particular province, or provinces.

The fourth formula covers changes in the executive government of Canada or in the Senate and House of Commons (other than

Photo: ©NCC/CCN

In this bronze sculpture on Parliament Hill, Emily Murphy, one of the "Famous Five" who fought for women's legal status as persons, invites us to celebrate women's equality, now enshrined in the Charter.

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How Canadians Govern Themselves

Photo: Department of Canadian Heritage

The Charter guarantees four fundamental freedoms and six basic rights.

those covered by the first two formulas). These amendments can be made by an ordinary Act of the Parliament of Canada.

The second big change made by the *Constitution Act, 1982*, is that the first three amending formulas "entrench" certain parts of the written Constitution: that is, place them beyond the power of Parliament or any provincial legislature to touch.

For example, the monarchy cannot now be touched except with the unanimous consent of the provinces. Nor can the governor generalship, nor the lieutenant-governorships, nor the composition of the Supreme Court of Canada, nor the right of a province to at least as many members of the Commons as it had senators in 1982, nor the amending formulas themselves. On all of these, any single province can impose a veto. Matters coming under the second formula can be changed only with the consent of seven provinces with at least half the population of the 10.

The guarantees for the English and French languages in New Brunswick, Quebec and Manitoba cannot be changed except with the consent both of the provincial legislatures concerned and the Senate and House of

Commons (or the Commons alone, under the 180-day provision). The guarantees for denominational schools in Newfoundland and Labrador could not have been changed except with the consent of the legislature of Newfoundland and Labrador; nor can the Labrador boundary.

The amending process under the first three formulas can be initiated by the Senate, or the House of Commons, or a provincial legislature. The ordinary Act of Parliament required by the fourth formula can, of course, be initiated by either house.

Third, the *Constitution Act, 1982*, sets out the *Canadian Charter of Rights and Freedoms* that neither Parliament nor any provincial legislature acting alone can change. Any such changes come under the second formula (or, where they apply only to one or more, but not all, provinces, the third formula).

The rights and freedoms guaranteed by the Charter are:

1. Democratic rights (for example, the right of every citizen to vote for the House of Commons and the provincial legislative assembly, and the right to elections at least every five years, though in time of real or apprehended war, invasion or insurrection, the life of a federal or provincial legislature may be prolonged by a two-thirds vote of the Commons or legislative assembly).

2. Fundamental freedoms (conscience, religion, thought, expression, peaceful assembly, association).

3. Mobility rights (to enter, remain in, or leave Canada, and to move into, and earn a living in, any province subject to certain limitations, notably to provide for "affirmative action" programs for the socially or economically disadvantaged).

4. Legal rights (a long list, including such things as the right to a fair, reasonably prompt, public trial by an impartial court).

5. Equality rights (no discrimination on grounds of race, national or ethnic origin, religion, sex, age, or mental or physical disability; again, with provision for "affirmative action" programs).

6. Official language rights.

7. Minority-language education rights in certain circumstances.

The equality rights came into force on April 17, 1985, three years after the time of patriation of our Constitution. (This gave time for revision of the multitude of federal, provincial and territorial laws that may have required amendment or repeal.)

The official language rights make English and French the official languages of Canada for all the institutions of the government and Parliament of Canada and of the New Brunswick government and legislature. Everyone has the right to use either language in Parliament and the New Brunswick legislature. The acts of Parliament and the New Brunswick legislature, and the records and journals of both bodies, must be in both languages. Either language may be used in any pleading or process in the federal and New Brunswick courts. Any member of the public has the right to communicate with the government and Parliament of Canada, and the

government and legislature of New Brunswick, and to receive available services, in either language where there is "a sufficient demand" for the use of English or French or where the nature of the office makes it reasonable.

The minority-language education rights are twofold.

1. In every province, citizens of Canada with any child who has received or is receiving primary or secondary schooling in English or French have the right to have all their children receive their schooling in the same language, in minority-language educational facilities provided out of public funds, where the number of children "so warrants." Also, citizens who have received their own primary schooling in Canada in English or French, and reside in a province where that language is the language of the English or French linguistic minority, have the right to have their children get their primary and secondary schooling in the language concerned, where numbers warrant.

2. In every province except Quebec, citizens whose mother tongue is that of the English or French linguistic minority have the right to have their children get their primary and secondary schooling in the language concerned, where numbers so warrant. This right will be extended to Quebec only if the legislature or government of Quebec consents.

Anyone whose rights and freedoms under the Charter have been infringed or denied can apply to a court of competent jurisdiction "to obtain such remedy as the court considers appropriate and just." If the court decides that any evidence was obtained in a manner that infringed or denied rights and freedoms guaranteed under the Charter, it must exclude such evidence "if it is established that…the admission of it… would bring the administration of justice into disrepute."

The Charter (except for the language provisions for New Brunswick, which can be amended by joint action of Parliament and the provincial legislature) can be amended only with the consent of seven provinces with at least half the total population of the 10.

The Charter is careful to say that the guarantees it gives to certain rights and freedoms are not to "be construed as denying the existence of any other rights or freedoms that exist in Canada." It declares also that nothing in it "abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools." These are, and remain, entrenched.

Before the Charter was added, our written Constitution entrenched certain rights of the English and French languages, the Quebec civil law, certain rights to denominational schools and free trade among the provinces. Apart from these, Parliament and the provincial legislatures could pass any laws they saw fit, provided they did not jump the fence into each other's gardens. As long as Parliament did not try to legislate on subjects that belonged to provincial legislatures, and provincial legislatures did not try to legislate on subjects that belonged to Parliament, Parliament and the legislatures were "sovereign" within their respective fields. There were no legal limits on what they could do (though of course provincial laws could be disallowed by the federal cabinet within one

Delivery of health services is the responsibility of provincial and territorial governments, except in the case of those groups that fall under federal jurisdiction, such as aboriginal peoples, the Canadian forces and veterans.

year). The only ground on which the courts could declare either a federal or a provincial law unconstitutional (that is, null and void) was that it intruded into the jurisdictional territory of the other order of government (or, of course, had violated one of the four entrenched rights).

The Charter has radically changed the situation. Parliament and the legislatures are, of course, still not allowed to jump the fence into each other's gardens. But both federal and provincial laws can now be challenged, and thrown out by the courts, on the grounds that they violate the Charter. This is something with which the Americans, with their Bill of Rights entrenched in their Constitution, have been familiar for over 200 years. For us, it was almost completely new.

Plainly, this enormously widens the jurisdiction of the courts. Before the Charter, Parliament and the provincial legislatures, "within the limits of subject and area" prescribed by the *Constitution Act, 1867*, enjoyed "authority as plenary and as ample as the Imperial Parliament in the plenitude of its power possessed and could bestow." In other words, within those limits, they could do anything. They were sovereign. The Charter ends that. It imposes new limits.

Section 1 of the Charter itself provides some leeway for Parliament and the legislatures. It says that the rights the Charter guarantees are "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." The courts decide the meaning of "reasonable," "limits," "demonstrably justified" and "a free and democratic society." Their decisions have restricted how Parliament and the legislatures may use the powers they had before the Charter came into effect, and the jurisprudence is still evolving.

The fundamental, legal and equality rights in the Charter are also subject to a "notwithstanding" clause. This allows Parliament or a provincial legislature to pass a law violating any of these rights (except the equality right that prohibits discrimination based on sex) simply by inserting in such law a declaration that it shall operate notwithstanding the fact that it is contrary to this or that provision of the Charter. Any such law can last only five years, but it can

be re-enacted for further periods of five years. Any such legislation must apply equally to men and women. The notwithstanding clause allows a partial restoration of the sovereignty of Parliament and the provincial legislatures, but has seldom been used because of the political consequences.

The fourth big change made by the *Constitution Act, 1982*, gives the provinces wide powers over their natural resources. Each province is now able to control the export, to any other part of Canada, of the primary production from its mines, oil wells, gas wells, forests and electric power plants, provided it does not discriminate against other parts of Canada in prices or supplies. But the national Parliament is still able to legislate on these matters, and if provincial and federal laws conflict, the federal will prevail. The provinces are also able to levy indirect taxes on their mines, oil wells, gas wells, forests and electric power plants and primary production from these sources. But such taxes must be the same for products exported to other parts of Canada and products not so exported.

These four big changes, especially the amending formulas and the Charter, are immensely important. But they leave the main structure of government, and almost the whole of the division of powers between the national Parliament and the provincial legislatures, just what they were before.

Incidentally, they leave the provincial legislatures their power to confiscate the property of any individual or corporation and give it to someone else, with not a penny of compensation to the original owner. In two cases, Ontario and Nova Scotia did just that, and the Ontario Court of Appeal ruled: "The prohibition 'Thou shalt not steal' has no legal force upon the sovereign body. And there would be no necessity for compensation to be given." The Charter does not change this. The only security against it is the federal power of disallowance (exercised in the Nova Scotia case) and the fact that today very few legislatures would dare to try it, save in most extraordinary circumstances: the members who voted for it would be too much afraid of being defeated in the next election.

The *Constitution Act, 1982*, makes other changes and one of these looks very significant. The *British North America Act, 1867,* gave the national Parliament exclusive authority over "Indians, and lands reserved for the Indians," and the courts have ruled that "Indians" includes the Inuit. Until 1982, that was all the Constitution said about the native peoples. The Constitution now has three provisions on the subject.

First, it says that the Charter's guarantee of certain rights and freedoms "shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada," including rights or freedoms recognized by the Royal Proclamation of 1763, and any rights or freedoms acquired by way of land claims settlement.

Second, "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed," and the aboriginal peoples are defined as including the Indian, Inuit and Métis peoples.

Third, in 1983, the amending formula was used for the first time to add to the aboriginal and treaty rights of Canada's native peoples, rights or freedoms that already existed by way of land claims agreements or that might be so acquired, and to guarantee all the rights equally to men and women. The amendment also provided that there would be no amendments to the constitutional provisions relating to Indians and Indian reserves, or the aboriginal rights and freedoms guaranteed by the *Canadian Charter of Rights and Freedoms*, without discussions at a conference of first ministers with representatives of the native peoples. The amendment came into force on June 21, 1984.

The *Constitution Act, 1982*, also contains a section on equalization and regional disparities. This proclaims: (1) that the national government and Parliament and the provincial governments and legislatures "are committed to promoting equal opportunities for the well-being of Canadians, furthering economic development to reduce disparities in opportunities, and providing essential public services of reasonable quality to all Canadians"; and (2) that the government and Parliament of Canada "are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation."

The 1982 Act also provides that the guarantees for the English and French languages do not abrogate or derogate from any legal or customary right or privilege enjoyed by any other language, and that the Charter shall be interpreted "in a manner consistent with the preservation and enhancement of the multicultural heritage of Canada."

Finally, the Act provides for English and French versions of the whole written Constitution, from the Act of 1867 to the Act of 1982, which would make both versions equally authoritative.

How Canadians Govern Themselves

Powers of the National and Provincial Governments

The national Parliament has power "to make laws for the peace, order and good government of Canada," except for "subjects assigned exclusively to the legislatures of the provinces." The provincial legislatures have power over direct taxation in the province for provincial purposes, natural resources, prisons (except penitentiaries), charitable institutions, hospitals (except marine hospitals), municipal institutions, licences for provincial and municipal revenue purposes, local works and undertakings (with certain exceptions), incorporation of provincial companies, solemnization of marriage, property and civil rights in the province, the creation of courts and the administration of justice, fines and penalties for breaking provincial laws, matters of a merely local or private nature in

The provincial legislatures have the constitutional right of direct taxation for areas under provincial jurisdiction, such as education.

the province, and education (subject to certain rights of the Protestant and Roman Catholic minorities in some provinces).

Subject to the limitations imposed by the *Constitution Act, 1982*, the provinces can amend their own constitutions by an ordinary Act of the legislature. They cannot touch the office of lieutenant-governor; they cannot restrict the franchise or qualifications for members of the legislatures or prolong the lives of their legislatures except as provided for in the *Canadian Charter of Rights and Freedoms*.

Of course the power to amend provincial constitutions is restricted to changes in the internal machinery of the provincial government. Provincial legislatures are limited to the powers explicitly given to them by the written Constitution. So no provincial legislature can take over powers belonging to the Parliament of Canada. Nor could any provincial legislature pass an Act taking the province out of Canada. No such power is to be found in the written Constitution, so no such power exists.

Similarly, of course, Parliament cannot take over any power of a provincial legislature.

Parliament and the provincial legislatures both have power over agriculture and immigration, and over certain aspects of natural resources; but if their laws conflict, the national law prevails.

Parliament and the provincial legislatures also have power over old age, disability and survivors' pensions; but if their laws conflict, the provincial power prevails.

By virtue of the *Constitution Act, 1867,* everything not mentioned as belonging to the provincial legislatures comes under the national Parliament.

This looks like an immensely wide power. It is not, in fact, as wide as it looks, because the courts have interpreted the provincial powers, especially "property and civil rights," as covering a very wide field. As a result, all labour legislation (maximum hours, minimum wages, safety, workers' compensation, industrial relations) comes under provincial law, except for certain industries such as banking, broadcasting, air navigation, atomic energy, shipping, interprovincial and international railways, telephones, telegraphs, pipelines, grain elevators, enterprises owned by the national government, and works declared by Parliament to be for the general advantage of Canada or of two or more of the provinces.

Social security (except for Employment Insurance, which is purely national, and the shared power over pensions) comes under the provinces. However, the national Parliament, in effect, established nation-wide systems of hospital insurance and medical care by making grants to the provinces (or, for Quebec, yielding some of its field of taxes) on condition that their plans reach certain standards. The courts' interpretation of provincial and national powers has put broadcasting and air navigation under Parliament's general power to make laws for the "peace, order and good government of Canada," but otherwise has reduced it to not much more than an emergency power for wartime or grave national crises like nation-wide famine, epidemics, or massive inflation (though some recent cases go beyond this).

However, the Fathers of Confederation, not content with giving Parliament what they thought an ample general power, added, "for greater certainty," a long list of examples of exclusive national powers: taxation, direct and indirect; regulation of trade and commerce (the courts have interpreted this to mean interprovincial and international trade and commerce); "the public debt and property" (this enables Parliament to make grants to individuals — such as Family Allowances — or to provinces: hospital insurance and medicare, higher education, public assistance to the needy, and equalization grants to bring the standards of health, education and general welfare in the poorer provinces up to an average national standard); the Post Office; the census and statistics; defence; beacons, buoys, lighthouses and Sable Island;* navigation and shipping; quarantine; marine hospitals; the fisheries; interprovincial and international ferries, shipping, railways, telegraphs, and other such international or interprovincial "works and undertakings" — which the courts have interpreted to cover pipelines and telephones; money and banking; interest; bills of exchange and promissory notes; bankruptcy; weights and measures; patents; copyrights; Indians and Indian lands (the courts have interpreted this to cover Inuit as well); naturalization and aliens; the criminal law and procedure in criminal cases; the general law of marriage and divorce; and local works declared by Parliament to be "for the general advantage of Canada or of two or more of the provinces" (this has been used many times, notably to bring atomic energy and the grain trade under exclusive national jurisdiction). A 1940 constitutional amendment gave Parliament exclusive power over Unemployment Insurance and a specific section of the Act of 1867 gives it power to establish courts "for the better administration of the laws of Canada." This has enabled Parliament to set up the Supreme Court of Canada, the Federal Court of Appeal, the Federal Court and the Tax Court of Canada.

As already noted, the national Parliament can amend the Constitution in relation to the executive government of Canada and the Senate and the House of Commons, except that it cannot touch the office of the Queen or the Governor General, nor those aspects of the Senate and the Supreme Court of Canada entrenched by the amending formulas. Though Parliament cannot transfer any of its powers to a provincial legislature, nor a provincial legislature any of its powers to Parliament, Parliament can delegate the administration of a federal Act to provincial agencies (as it has done with the regulation of interprovincial and international highway traffic); and a provincial legislature can delegate the administration of a provincial Act to a federal agency. This "administrative delegation" is an important aspect of the flexibility of our Constitution.

** The Fathers of Confederation evidently felt that Sable Island, "the graveyard of the Atlantic," was such a menace to shipping that it must be under the absolute control of the national government, just like lighthouses. So they placed it under the exclusive legislative jurisdiction of the national Parliament (by section 91, head 9, of the* Constitution Act, 1867*). They also (by the third schedule of that Act) transferred the actual ownership from the Province of Nova Scotia to the Dominion of Canada, just as they did with the Nova Scotia lighthouses.*

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Photo: Courtesy of the Canadian Forces/MCpl Michel Durand

The Constitution gives the federal Parliament exclusive power over national defence.

How Canadians Govern Themselves

Canadian and American Government

Canada and the United States are both democracies. They are also both federal states. But there are important differences in the way Canadians and Americans govern themselves.

One fundamental difference is that the United States is a country of one basic language. Canada is a country of two basic languages. The Fathers of Confederation deliberately chose to make it so.

Our official recognition of bilingualism is limited, but expanding. For example, it was at the specific request of the New Brunswick government that the adoption of French and English as the official languages of that province was enshrined in the Constitution. Ontario, which has the largest number of French-speaking people outside Quebec, has provided French schools and an increasing range of services in French for Franco-Ontarians. Several other provinces have taken steps in the same direction.

But under the Constitution, every province except Quebec, New Brunswick and Manitoba is absolutely free to have as many official languages as it pleases, and they need not include either English or French. For example, Nova Scotia could make Gaelic its sole official language, or one of two, three or a dozen official languages in that province. Alberta could make Ukrainian its sole official language, or Ukrainian, Polish and classical Greek its three official languages. Quebec, New Brunswick and Manitoba also are free to have as many official languages as they please, but they must include English and French.

A second basic difference between our Constitution and the American is, of course, that we are a constitutional monarchy and they are a republic. That looks like only a formal difference. It is very much more, for we have parliamentary-cabinet government, while the Americans have presidential-congressional.

What does that mean? What difference does it make?

First, in the United States the head of state and the head of the government are one and the same. The president is both at once. Here, the Queen, ordinarily represented by the Governor General, is the head of state, and the prime minister is the head of the government. Does that make any real difference? Yes: in

Canada, the head of state can, in exceptional circumstances, protect Parliament and the people against a prime minister and ministers who may forget that "minister" means "servant," and may try to make themselves masters. For example, the head of state could refuse to let a cabinet dissolve a newly elected House of Commons before it could even meet, or could refuse to let ministers bludgeon the people into submission by a continuous series of general elections. The American head of state cannot restrain the American head of government because they are the same person.

For another thing, presidential-congressional government is based on a separation of powers. The American president cannot be a member of either house of Congress. Neither can any of the members of his or her cabinet. Neither the president nor any member of the cabinet can appear in Congress to introduce a bill, or defend it, or answer questions, or rebut attacks on policies. No member of either house can be president or a member of the cabinet.

Parliamentary-cabinet government is based on a concentration of powers. The prime minister and every other minister must by custom (though not by law) be a member of one house or the other, or get a seat in one house or the other within a short time of appointment. All government bills must be introduced by a minister or someone speaking on his or her behalf, and ministers must appear in Parliament to defend government bills, answer daily questions on government actions or policies, and rebut attacks on such actions or policies.

In the United States, the president and every member of both houses is elected for a fixed term: the president for four years, the senators for six (one-third of the Senate seats being contested every two years), the members of the House of Representatives for two. The only way to get rid of a president before the end of the four-year term is for Congress to impeach and try him or her, which is very hard to do.

As the president, the senators and the representatives are elected for different periods, it can happen, and often does, that the president belongs to one party while the opposing party has a majority in either the Senate or the House of Representatives or both. So for years on end, the president may find his or her legislation and policies blocked by an adverse majority in one or both houses. The president cannot appeal to the people by dissolving either house, or both: he or she has no such power, and the two houses are there for their fixed terms, come what may, until the constitutionally fixed hour strikes.

And even when the elections for the presidency, the House of Representatives, and one-third of the Senate take place on the same day (as they do every four years), the result may be a Republican president, a Democratic Senate and a Republican House of Representatives or various other mixtures.

A president, accordingly, may have a coherent program to present to Congress, and may get senators and representatives to introduce the bills he or she wants passed. But each house can add to each of the bills, or take things out of them, or reject them outright, and what emerges from the tussle may bear little or no resemblance to what the president wanted. The majority in either house may have a coherent program on this or that subject; but the other house can add to it, or take things out of it, or

throw the whole thing out; and again, what (if anything) emerges may bear little or no resemblance to the original. Even if the two houses agree on something, the president can, and often does, veto the bill. The veto can be overridden only by a two-thirds majority in both houses.

So when an election comes, the president, the senator, the representative, reproached with not having carried out his or her promises can always say: "Don't blame me! I sent the bill to Congress, and the Senate (or the representatives, or both) threw it out, or mangled it beyond recognition"; "I introduced the bill I'd promised in the Senate, but the House of Representatives threw it out or reduced it to shreds and tatters (or the president vetoed it)"; "I introduced my bill in the House of Representatives, but the Senate rejected it or made mincemeat of it (or the president vetoed it). Don't blame me!"

So it ends up that nobody — not the president, not the senators, not the representatives — can be held really responsible for anything done or not done. Everybody concerned can honestly and legitimately say, "Don't blame me!"

True, a dissatisfied voter can vote against a president, a representative or a senator. But no matter what the voters do, the situation remains essentially the same. The president is there for four years and remains there no matter how often either house produces an adverse majority. If, halfway through the president's four-year term, the elections for the House and Senate return adverse majorities, the president still stays in office for the remaining two years with enormous powers. And he or she cannot get rid of an adverse House of Representatives or Senate by ordering a new election. The adverse majority in one or both houses can block many things the president may want to do, but it cannot force him or her out of office. The president can veto bills passed by both houses. But Congress can override this veto by a two-thirds majority in both houses. The House of Representatives can impeach the president, and the Senate then tries him or her, and, if it so decides, by a two-thirds majority, removes him or her. No president has ever been removed, and there have been only three attempts to do it. In one, the Senate majority was too small; in the second, the president resigned before any vote on impeachment took place in the House of Representatives; and in the third, although the president was impeached, he was acquitted by the Senate.

Our Canadian system is very different. Terms of office are not rigidly fixed. All important legislation is introduced by the government, and all bills to spend public funds or impose taxes must be introduced by the government and neither house can raise the amounts of money involved. As long as the government can keep the support of a majority in the House of Commons, it can pass any legislation it sees fit unless an adverse majority in the Senate refuses to pass the bill (which very rarely happens nowadays). If it loses its majority support in the House of Commons, it must either make way for a government of another party or call a fresh election. If it simply makes way for a government of a different party, then that government, as long as it holds its majority in the House of Commons, can pass any legislation it sees fit, and if it loses that majority, then it, in its turn, must either make way for a new government or call a fresh election. In the United States, president and Congress can be locked in fruitless combat for years on end. In Canada, the government and the House of

Photo: Dianne Brydon

Congress meets in the Capitol, in Washington, D.C.

Commons cannot be at odds for more than a few weeks at a time. If they differ on any matter of importance, then, promptly, there is either a new government or a new House of Commons.

Presidential-congressional government is neither responsible nor responsive. No matter how often either house votes against the president's measures, there he or she stays. The president can veto bills passed by both houses, but cannot appeal to the people by calling an election to give him or her a Congress that will support him or her. Parliamentary-cabinet government, by contrast, is both responsible and responsive. If the House of Commons votes want of confidence in a cabinet, that cabinet must step down and make way for a new government formed by an opposition party (normally the official Opposition), or call an election right away so the people can decide which party will govern.

An American president can be blocked by one house or both for years on end. A Canadian prime minister, blocked by the House of Commons, must either make way for a new prime minister, or allow the people to elect a new House of Commons that will settle the matter, one way or another, within two or three months. That is real responsibility.

A third basic difference between our system and the Americans' is that custom, usage, practice and "convention" play a far larger part in our Constitution than in theirs. For example, the president of the United States is included in the

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written Constitution: his or her qualifications for the position, the method of election, the method of removal — all the essential powers of office, in black and white, unchangeable except by formal constitutional amendment.

The Canadian prime minister did not appear in the written Constitution until 1982. It still contains not one syllable on prime ministerial qualifications, the method of election or removal, or the prime minister's powers (except for the calling of constitutional conferences). Nor is there anything on any of these matters in any Act of Parliament, except for provision of a salary, pension and residence for the person holding the recognized position of first minister. Everything else is a matter of established usage, of "convention." There is nothing in any law requiring the prime minister or any other minister to have a seat in Parliament; there is just a custom that he or she must have a seat, or get one within a reasonable time. There is nothing in any law to say that a government that loses its majority in the House of Commons on a matter of confidence must either resign (making way for a different government in the same House) or ask for a fresh general election.

A fourth basic difference between the American and Canadian systems is in the type of federalism they embody. The American system was originally highly decentralized. The federal Congress was given a short list of specific powers; everything not mentioned in that list belonged to the states "or to the people" (that is, was not within the power of either Congress or any state legislature). "States' rights" were fundamental. The Fathers of Confederation, gazing with horror at the American Civil War, decided that "states' rights" were precisely what had caused it, and acted accordingly.

Photo: Library of Parliament/Tom Littlemore

The Senate and the House of Commons meet in the Parliament Buildings.

"Here," said Sir John A. Macdonald, "we have adopted a different system. We have expressly declared that all subjects of general interest not distinctly and exclusively conferred upon the local governments and legislatures shall be conferred upon the general government and legislature. We have thus avoided that great source of weakness that has been the disruption of the United States. We hereby strengthen the central Parliament, and make the Confederation one people and one government, instead of five peoples and five governments, with merely a point of authority connecting us to a limited and insufficient extent."

The Fathers also, as we have seen, gave a long list of specific examples of exclusive national powers. They further provided that the members of the Senate, and all judges from county courts up (except judges of probate in Nova Scotia and New Brunswick) should be appointed by the national government, and that all lieutenant-governors of the provinces should be appointed, instructed and removable by the national government. They gave the national government and Parliament certain specific powers to protect the educational rights of the Protestant and Roman Catholic minorities of the Queen's subjects. They gave the national government power to disallow (wipe off the statute book) any acts of provincial legislatures, within one year of their passage.

In both the United States and Canada, however, the precise meaning of the written Constitution is settled by the courts. In the United States the courts have, in general, so interpreted their Constitution as to widen federal and narrow state powers. In Canada, the courts (notably the Judicial Committee of the British Privy Council, which, till 1949, was our highest court) have in general so interpreted the *Constitution Act, 1867*, as to narrow federal power and widen provincial power. The result is that the United States is, in actual fact, now a much more highly centralized federation than Canada, and Canada has become, perhaps, the most decentralized federation in the world. Nonetheless, the fact that under our Constitution the powers not specifically mentioned come under the national Parliament gives the central authority enough strength and leeway to meet many of the changed and changing conditions the years have brought.

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The Rule of Law and the Courts

Photo: Supreme Court of Canada/Philippe Landreville

The Supreme Court of Canada Building.

Responsible government and federalism are two cornerstones of our system of government. There is a third, without which neither of the first two would be safe: the rule of law.

What does the rule of law mean?

It means that everyone is subject to the law; that no one, no matter how important or powerful, is above the law — not the government; not the prime minister, or any other minister; not the Queen or the Governor General or any lieutenant-governor; not the most powerful bureaucrat; not the armed forces; not Parliament itself, or any provincial legislature. None of these has any powers except those given to it by law: by the *Constitution Act, 1867*, or its amendments; by a law passed by Parliament or a provincial legislature; or by the Common Law of England, which we inherited, and which, though enormously modified by our own Parliament or provincial legislatures, remains the basis of our constitutional law and our criminal law, and the civil law (property and civil rights) of the whole country except Quebec (which has its own civil code).

If anyone were above the law, none of our liberties would be safe.

What keeps the various authorities from getting above the law, doing things the law forbids, exercising powers the law has not given them?

The courts. If they try anything of the sort, they will be brought up short by the courts.

But what's to prevent them from bending the courts to their will?

The great principle of the independence of the judiciary, which is even older than responsible government. Responsible government goes back only about 200 years. The independence of the judiciary goes back over 300 years to the English *Act of Settlement, 1701*, which resulted from the English Revolution of 1688. That Act provided that the judges, though appointed by the King (nowadays, of course, on the advice of a responsible cabinet), could be removed only if both houses of Parliament, by a formal address to the Crown, asked for their removal. If a judge gave a decision the government disliked, it could not touch him or her, unless both houses agreed. In the three centuries that have followed, only one judge in the United Kingdom has been so removed, and none since 1830.

The Constitution provides that almost all our courts shall be provincial, that is, created by the provincial legislatures. But it also provides that the judges of all these courts from county courts up (except courts of probate in Nova Scotia and New Brunswick) shall be appointed by the federal government. What is more, it provides that judges of the provincial superior courts, which have various names, and of the provincial courts of appeal shall be removable only on address to the Governor General by both houses of Parliament. The acts setting up the Supreme Court of Canada, the Federal Court of Appeal, the Federal Court and the Tax Court of Canada have the same provision. No judge of any Canadian superior court has ever been so removed. All of them are perfectly safe in their positions, no matter how much the government may dislike any of their decisions. The independence of the judiciary is even more important in Canada than in Britain, because in Canada the Supreme Court interprets the written Constitution, and so defines the limits of federal and provincial powers.

With the inclusion of the *Canadian Charter of Rights and Freedoms*, the role of the courts has become even more important, since they have the tasks of enforcing the rights and of making the freedoms effective.

Judges of the county courts can be removed only if one or more judges of the Supreme Court of Canada, or the Federal Court, or any provincial superior court, report after inquiry that they have been guilty of misbehaviour, or have shown inability or incapacity to perform their duties.

The Supreme Court of Canada, established by an Act of the national Parliament in 1875, consists of nine judges, three of whom must come from the Quebec Bar. The judges are appointed by the Governor General on the advice of the national cabinet, and hold office until they reach age 75. The Supreme Court has the final decision not only on constitutional questions but also on defined classes of important cases of civil and criminal law. It deals also with appeals from decisions of the provincial courts of appeal.

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The Institutions of Our Federal Government

Canada's System of Government

Parliament

Queen
Represented in Canada by the Governor General

Executive branch

Prime minister and cabinet

Senate
Appointed on the prime minister's recommendation

House of Commons
Elected by voters
Government members
Opposition members

Legislative branch

Judiciary

Supreme Court of Canada
Nine judges appointed by the Governor General

Federal Court of Appeal

Tax Court of Canada

Federal Court of Canada

Provincial courts of appeal

Provincial/territorial superior courts

Provincial courts

By the *Constitution Act, 1867*, "the executive government of and over Canada is declared to continue and be vested in the Queen." She acts, ordinarily through the Governor General, whom she appoints, on the advice of the Canadian prime minister. The Governor General normally holds office for five years, though the tenure may be extended for a year or so.

Parliament consists of the Queen, the Senate and the House of Commons.

The Queen

The Queen is the formal head of the Canadian state. She is represented federally by the Governor General, and provincially by the lieutenant-governors. Federal acts begin: "Her Majesty, by and with the advice and consent of the Senate and the House of Commons, enacts as follows…"; acts in most provinces begin with similar words. Parliament (or the provincial legislature) meets only at the royal summons; no house of Parliament (or legislature) is equipped with a self-starter. No federal or provincial bill becomes law without Royal Assent. The monarch has, on occasion, given the assent personally to federal acts, but the assent is usually given by the Governor General or a deputy, and to provincial acts by the lieutenant-governor or an administrator.

The Governor General and the lieutenant-governors have the right to be consulted by their ministers, and the right to encourage or warn them. But they almost invariably must act on their ministers' advice, though there may be very rare occasions when they must, or may, act without advice or even against the advice of the ministers in office.

The Senate

The Senate usually has 105 members: 24 from the Maritime provinces (10 from Nova Scotia, 10 from New Brunswick, four from Prince Edward Island); 24 from Quebec; 24 from Ontario; 24 from the Western provinces (six each from Manitoba, Saskatchewan, Alberta and British Columbia); six from Newfoundland and Labrador; and one each from the Yukon Territory, the Northwest Territories and Nunavut. There is provision also for four or eight extra senators to break a deadlock between the Senate and the House: either one or two each from the Maritime region, Quebec, Ontario and the West; but this has been used only once, in 1990.

The senators are appointed by the Governor General on the recommendation of the prime minister. Senators must be at least 30 years old, and must have real estate worth $4,000 net, and total net assets of at least $4,000. They must reside in the province or territory for which they are appointed; in Quebec, they must reside, or have their property qualification, in the particular one of Quebec's 24 senatorial districts for which they are appointed. Till 1965, they held office for life; now, they hold office until age 75 unless they miss two consecutive sessions of Parliament. Since 2006, the government has introduced bills on several occasions proposing a constitutional amendment that would limit the tenure of new senators.

The Senate can initiate any bills except bills providing for the expenditure of public money or imposing taxes. It can amend or reject any bill whatsoever. It can reject any bill as often as it sees fit. No bill can become law unless it has been passed by the Senate.

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Photo: Library of Parliament/Marc Fowler

The Senate in session.

In theory these powers are formidable. But the Senate rarely rejects a bill passed by the House of Commons, and has very rarely insisted on an amendment that the House of Commons rejected. In other cases, the Senate has simply not adopted bills before the end of a session, thereby effectively stopping them from becoming law.

Most of the amendments the Senate makes to bills passed by the Commons are clarifying or simplifying amendments, and are almost always accepted by the House of Commons. The Senate's main work is done in its committees, where it goes over bills clause by clause and hears evidence, often voluminous, from groups and individuals who would be affected by the particular bill under review. This committee work is especially effective because the Senate has many members with specialized knowledge and long years of legal, business or administrative experience. Their ranks include ex-ministers, ex-premiers of provinces, ex-mayors, eminent lawyers and experienced farmers.

In recent decades, the Senate has taken on the task of investigating important public concerns such as health care, national security and defence, aboriginal affairs, fisheries, and human rights. These investigations have produced valuable reports, which have often led to changes in legislation or government policy. The Senate usually does this kind of work far

more cheaply than Royal Commissions or task forces because its members are paid already and it has a permanent staff at its disposal.

The House of Commons

The House of Commons is the major law-making body. In each of the country's 308 constituencies, or ridings, the candidate who gets the largest number of votes is elected to the House of Commons, even if his or her vote is less than half the total. The number of constituencies may be changed after every 10-year census, pursuant to the Constitution and the *Electoral Boundaries Readjustment Act* which allot parliamentary seats roughly on the basis of population. Every province must have at least as many members in the Commons as it had in the Senate before 1982. The constituencies vary somewhat in size, within prescribed limits.

Political Parties

Our system could not work without political parties. Our major and minor federal parties were not created by any law, though they are now recognized by the law. We, the people, have created them ourselves. They are voluntary associations of people who hold broadly similar opinions on public questions.

The party that wins the largest number of seats in a general election ordinarily forms the

Photo: Library of Parliament/Roy Grogan

The House of Commons in session.

government. Its leader is asked by the Governor General to become prime minister. If the government in office before an election comes out of the election without a clear majority, it has the right to meet the new House of Commons and see whether it can get enough support from the minor parties to give it a majority. This happened in 1925–26, 1962, 1965, 1972, 2004, 2006 and 2008.

The second largest party (or the largest party in the instance when the government in office does not win the highest number of seats but is able to form a government with the support of minor parties) becomes the official Opposition and its leader becomes the person holding the recognized position of leader of the Opposition. The leader of the Opposition gets the same salary as a minister. The leader of any party that has at least 12 seats also gets a higher salary than an ordinary member of the House of Commons.

Area	Seats
Ontario	106
Quebec	75
British Columbia	36
Alberta	28
Manitoba	14
Saskatchewan	14
Nova Scotia	11
New Brunswick	10
Newfoundland and Labrador	7
Prince Edward Island	4
Northwest Territories	1
Nunavut	1
Yukon Territory	1
Total	**308**

Each of these recognized parties — including the government and the official Opposition — gets public money for research.

Why? Because we want criticism, we want watchfulness, we want the possibility of an effective alternative government if we are displeased with the one we have. The party system reflects the waves of opinion as they rise and wash through the country. There is much froth, but deep swells move beneath them, and they set the course of the ship.

The Prime Minister

As we have already noted, the prime ministership (premiership), like the parties, is not created by law, though it is recognized by the law. The prime minister is normally a member of the House of Commons (there have been two from the Senate, from 1891 to 1892 and from 1894 to 1896). A non-member can hold the office but, by custom, must seek election to a seat very soon. A prime minister may lose his or her seat in an election, but can remain in office as long as the party has sufficient support in the House of Commons to be able to govern, though again, he or she must, by custom, win a seat very promptly. The traditional way of arranging this is to have a member of the party resign, thereby creating a vacancy, which gives the defeated prime minister the opportunity to run in a by-election. (This arrangement is also generally followed when the leader of the Opposition or other party leader is not a member.)

Photo: ©NCC/CCN

The Prime Minister lives at 24 Sussex Drive, a home originally named Gorffwysfa, Welsh for "a place of peace."

The prime minister is appointed by the Governor General. Ordinarily, the appointment is straightforward. If the Opposition wins more than half the seats in an election, or if the government is defeated in the House of Commons and resigns, the Governor General must call on the leader of the Opposition to form a new government.

The prime minister used to be described as "the first among equals" in the cabinet, or as "a moon among minor stars." This is no longer so. He or she is now incomparably more powerful than any colleague. The prime minister chooses the ministers in the first place, and can also ask any of them to resign; if the minister refuses, the prime minister can advise the Governor General to remove that minister and the advice would invariably be followed. Cabinet decisions do not necessarily go by majority vote. A strong prime minister, having listened to everyone's opinion, may simply announce that his or her view is the policy of the government, even if most, or all, the other ministers are opposed. Unless the dissenting ministers are prepared to resign, they must bow to the decision.

The Cabinet

As mentioned, the prime minister chooses the members of the cabinet. All of them must be or become members of the Queen's Privy Council for Canada. Privy Councillors are appointed by the Governor General on the advice of the prime minister, and membership is for life, unless a member is dismissed by the Governor General on the same advice. All cabinet ministers and former cabinet ministers are always members, as are the Chief Justice of Canada and former chief justices and, usually, ex-Speakers of the Senate and of the House of Commons. Various other prominent citizens

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Photo: Library of Parliament/Doug Millar

Cabinet meets around this oval table.

can be made members simply as a mark of honour. The whole Privy Council as such never meets. Only the ministers and a handful of non-ministers attend the rare ceremonial occasions when the Privy Council is called together, such as proclaiming the accession of a new King or Queen and consenting to a royal marriage (the last time was in 1981). The cabinet, "the Committee of the Privy Council," is the Council's operative body.

By custom, almost all the members of the cabinet must be members of the House of Commons, or, if not already members, must win seats. Since Confederation, on occasion, people who were not members of either house have been appointed to the cabinet (as happened most recently in 1996 and 2006), but they had to get seats in the House or the Senate within a reasonable time, or resign from the cabinet. General Andrew McNaughton was Minister of National Defence for nine months in 1944–45 without a seat in either house, but after he had twice failed to get elected to the Commons, he had to resign.

Senators can be members of the cabinet; the first cabinet, of 13 members, had five senators. Twice between 1979 and 1984, there were three or four senators in the cabinet. The Conservatives, in 1979, elected very few MPs from Quebec, and the Liberals, in 1980, elected only two from the four Western provinces. So both parties had to eke out the necessary cabinet representation for the respective provinces by appointing more senators to the cabinet. Except for a brief period in 1926, every senator appointed leader of the government in the Senate has been a cabinet minister. No senator can sit in the House of Commons, and no member of the House of

Commons can sit in the Senate. But a minister from the House of Commons may, by invitation of the Senate, come to that chamber and speak. The same opportunities are available to a senator.

By custom, every province must, if possible, have at least one cabinet minister. Of course, if a province does not elect any government supporters, this becomes difficult. In that case, the prime minister may put a senator from that province into the cabinet, or get some member from another province to resign his or her seat and then try to get a person from the "missing" province elected there. In 1921, the Liberals did not elect a single member from Alberta. The Prime Minister, Mr. King, solved the problem of Alberta representation in the cabinet by getting the Hon. Charles Stewart, Liberal ex-premier of Alberta, nominated in the Quebec constituency of Argenteuil and then elected. Whether Mr. King's ploy would work now is quite another question. The voters of today do not always look with favour upon outside candidates being "parachuted" into their ridings. The smallest province, Prince Edward Island, has often gone unrepresented in the cabinet for years at a stretch.

By custom also, Ontario and Quebec usually have 10 or 12 ministers each, provided each province has elected enough government supporters to warrant such a number. Historically, at least one minister from Quebec was an English-speaking Protestant, and there was at least one minister from the French-speaking minorities outside Quebec, normally from New Brunswick or Ontario, or both. It also used to be necessary to have at least one English-speaking (usually Irish) Roman Catholic minister. Since the appointment of the Hon. Ellen Fairclough to the cabinet in 1957, women have won increased recognition, and Canada's multicultural nature has been reflected in cabinet representation from Jewish and non-English, non-French, ethnocultural minorities.

The Speakers

The Speaker of the Senate is appointed by the Governor General on the recommendation of the prime minister.

The Speaker of the House of Commons is elected by the House itself after each general election or if a vacancy occurs. He or she must be a member of the House. The Speaker is its presiding officer, decides all questions of procedure and order, controls the House of Commons staff, and is expected to be impartial, non-partisan and as firm in enforcing the rules against the prime minister as against the humblest opposition backbencher. The Speaker withdraws from day-to-day party activities; for example, he or she does not attend caucus meetings.

For many years, the Commons' Speaker was nominated by the prime minister. In 1985, however, the Commons adopted a new system whereby the Speaker was elected by secret ballot in the Commons chamber. Any member, except ministers of the Crown, party leaders and anyone holding an office within the House, may stand for election. The system goes a considerable way toward securing the Speaker against any lingering suspicion that he or she is the government's choice and that the speakership is simply one of a number of prime ministerial appointments. Since the introduction of the secret ballot election, the Speaker was re-elected on two occasions after a change of government.

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This new procedure also resulted in a break with the earlier custom of an alternating French- and English-speaking Speaker in the Commons. Similarly, it used to be the case in the House of Commons that if the Speaker was English-speaking, the Deputy Speaker must be French-speaking, and vice versa; this is no longer always true. The Deputy Speaker has occasionally been chosen from one of the opposition parties.

In many instances, an anglophone Speaker of the Senate has been succeeded by a francophone, and vice versa. However, since 1980, the pattern of alternating linguistic groups has not been maintained, with five consecutive francophone Speakers being followed by two anglophone Speakers.

Photo: Canadian Heritage

The Queen performs many ceremonial duties when visiting Canada.

What Goes On in Parliament

Opening of a Session

If the opening of a session also marks the beginning of a newly elected Parliament, you will find the members of the House of Commons milling about in their chamber, a body without a head. On a signal, the great doors of the chamber are slammed shut. They are opened again after three knocks, and the Usher of the Black Rod arrives from the Senate. He or she has been sent by the deputy of the Governor General, who is not allowed to enter the Commons, to announce that the Governor General desires the immediate attendance of Honourable Members in the Chamber of the Honourable the Senate. The members then proceed to the Senate Chamber, where the Speaker of the Senate says: "I have it in command to let you know that His Excellency [Her Excellency] the Governor General does not see fit to declare the causes of his [her] summoning the present Parliament of Canada until the Speaker of the House of Commons shall have been chosen according to law." The members then return to their own chamber and elect their Speaker.

Once the Governor General arrives in the Senate, the Usher of the Black Rod is again dispatched to summon the House of Commons, and the members troop up again to stand at the bar of the Upper House. The Speaker of the House of Commons then informs the Governor General of his or her election, and asks for the

Photo: Library of Parliament/McElligott Photography

"Evil to the one who thinks evil," motto of the Order of the Garter, is inscribed on the Black Rod. It is used to knock on the door of the House of Commons when the House is summoned to the Senate.

Crown's confirmation of all the traditional rights and privileges of the Commons. The Speaker of the Senate delivers that confirmation, and the Governor General delivers the Speech from the Throne, partly in English, partly in French.

The speech, which is written by the cabinet, sets forth the government's view of the condition of the country and the policies it will follow, and the bills it will introduce to deal with that condition. The members of the House of Commons then return to their own chamber, where, normally, the prime minister immediately introduces Bill C-1, An Act respecting the Administration of Oaths of Office. This is a dummy bill, never heard of

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Photo: Sgt Serge Gouin, Rideau Hall
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Rideau Hall is the residence of the Governor General.

again till the opening of the next session. It is introduced to reassert the House of Commons' right to discuss any business it sees fit before considering the Speech from the Throne. This right was first asserted by the English House of Commons more than 300 years ago, and is reasserted there every session by a similar pro forma bill.

This formal reassertion of an ancient right of the Commons has been of very great practical use in Canada more than once. In 1950, for example, a nation-wide railway strike demanded immediate action by Parliament. So the moment the House came back from the Senate Chamber, the prime minister introduced Bill C-1, but this time no dummy; it was a bill to end the strike and send the railway workers back to work, and it was put through all its stages, passed by both houses, and received Royal Assent before either house considered the Speech from the Throne at all. Had it not been for the traditional assertion of the right of the Commons to do anything it saw fit before considering the speech, this essential emergency legislation would have been seriously delayed.

The address in reply to the Speech from the Throne is, however, normally the first real business of each session (a "sitting" of the House usually lasts a day; a "session" lasts for months, or even years, though there must be at least one sitting per year). A government supporter moves, and another government supporter seconds, a motion for an address of thanks to the Governor General for the gracious speech. The opposition parties move amendments critical of the government and

its policies, and expressing want of confidence in the government. Debate on this address and the amendments is limited to seven days, and ranges over the whole field of the nation's business.

A Working Day in the Commons

At the beginning of each sitting of the House, the Speaker takes the chair, the Sergeant-at-Arms lays the Mace (a gold-plated war club, symbol of the House's authority) on the long table in front of the Speaker, and the Speaker reads the daily prayer. Government supporters sit to the Speaker's right, members of opposition parties to the left. The first few rows of desks on the government side, near the centre, are occupied by the prime minister and the cabinet. Opposite them sit the leader of the official Opposition and the chief members of his or her party. In the rest of the House, the actual seating arrangements depend on the number of members elected from each political party. The leaders of the other major opposition parties sit in the front row farther down the chamber, at the opposite end from the Speaker. At the long table sit the clerk of the House, the deputy clerk, and the other "table officers," who keep the official record of decisions of the House. At desks in the wide space between government and Opposition sit the proceedings monitors, English and French, who identify each speaker and the person being addressed. This information complements the electronic recording of proceedings, which are published the next day. There is simultaneous translation, English and French, for all speeches, and all the proceedings are televised and recorded.

After certain routine proceedings, the House considers Government Orders on most days. Every day the House sits there is a question period, when members (chiefly opposition) question ministers on government actions and policies. This is usually a very lively 45 minutes, and is a most important part of the process of keeping the government responsible and responsive.

Most of the rest of the day is taken up with bills, which are in fact proposed laws. Any member can introduce a bill, but most of the time is reserved for bills introduced by the government.

One hour of each day is reserved for the consideration of any business sponsored by a private member, that is, by any member who is not part of the cabinet.

A cabinet minister or backbench member proposing a bill first moves for the House's "leave" to introduce it. This is given automatically and without debate or vote. Next comes the motion that the bill be read a first time and printed. This also is automatic and without debate or vote. On a later day comes the motion for second reading (although sometimes a bill is sent directly to a committee before second reading). This is the stage at which members debate the principle of the bill. If it passes second reading, it goes to a committee of the House, usually a standing committee. Each such committee may hear witnesses, and considers the bill, clause by clause, before reporting it (with or without amendments) back to the House. The size of these committees varies from Parliament to Parliament, but the parties are represented in proportion to their strength in the House itself. Some bills, such as appropriation bills (based on the Estimates), which seek to withdraw money from the Consolidated Revenue Fund, are dealt with by the whole House acting as a committee.

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Committees, sitting under less formal rules than the House, examine bills clause by clause. Each clause has to be passed. Any member of the committee can move amendments. When all the clauses have been dealt with, the chairperson reports the bill to the House with any amendments that have been adopted.

When a committee has reported the bill to the House, members at this "report stage" may move amendments to the various clauses (usually, amendments they have not had the opportunity to propose in committee). When these have been passed, or rejected, the bill goes to third reading. If the motion for third reading carries, the bill goes to the Senate, where it goes through much the same process. Bills initiated in the Senate and passed there come to the Commons, and go through the same stages as Commons bills. No bill can become law (become an Act) unless it has been passed in identical form by both houses and has been assented to, in the Queen's name, by the Governor General or a deputy of the Governor General (usually a Supreme Court judge). Assent has never been refused to a federal bill, and our first prime minister declared roundly that refusal was obsolete and had become unconstitutional. In Britain, Royal Assent has never been refused since 1707.

There are some 20 or more standing committees (Agriculture and Agri-Food, Canadian Heritage, Veterans Affairs, and so on) whose members are appointed at the beginning of each session or in September of each year, to oversee the work of government departments, to review particular areas of federal policy, to exercise procedural and administrative responsibilities related to Parliament, to consider matters

Photo: Canadian Tourism Commission

Both Senate and House of Commons committees discuss issues around agriculture and agri-food.

referred to them by the House, and to report their findings and proposals to the House for its consideration.

Included in the work of standing committees is the consideration of the government's spending Estimates. The Standing Orders provide for these Estimates to be sent to the committees for review.

Finally, standing committees are designated as having certain matters permanently referred to them (such as reports tabled in the House pursuant to a statute, and the annual report of certain Crown corporations). Each of these automatic Orders of Reference is permanently before the committees, and may be considered and reported on as the committees deem appropriate.

The House of Commons can, and does, set up special committees for the examination of particular subjects, including legislative committees whose mandate is solely to examine a particular piece of legislation. It also establishes, with the Senate, joint committees of the two houses.

End of a Session

A session ends when the Governor General accepts the prime minister's advice to "prorogue" Parliament until the next session, which must, by law, come within a year. Prorogation brings the business of both the Senate and the House of Commons to an end. All pending legislation dies on the Order Paper and committee activity ceases, though all members and officials of the government and both houses remain in office.

How Canadians Govern Themselves

Provinces and Municipalities

Every province has a legislative assembly (there are no upper houses) that is very similar to the House of Commons and transacts its business in much the same way. All bills must go through three readings and receive Royal Assent by the lieutenant-governor. In the provinces, assent has been refused 28 times, the last in 1945, in Prince Edward Island. Members of the legislature are elected from constituencies established by the legislature roughly in proportion to population, and whichever candidate gets the largest number of votes is elected, even if his or her vote is less than half the total.

Municipal governments take care of city parks.

Municipal governments — cities, towns, villages, counties, districts, metropolitan regions — are set up by the provincial legislatures, and have such powers as the legislatures see fit to give them. Mayors, reeves and councillors are elected on a basis that the provincial legislature prescribes.

There are now roughly 4,000 municipal governments in the country. They provide us with such services as water supply, sewage and garbage disposal, roads, sidewalks, street lighting, building codes, parks, playgrounds, libraries and so forth. Schools are generally looked after by school boards or commissions elected under provincial education acts.

Through self-government and land claims agreements, aboriginal peoples are increasingly assuming powers and responsibilities similar to those enjoyed by provinces and municipalities.

Living Government

We are apt to think of government as something static; as a machine that was built and finished long ago. Actually, since our democratic government is really only the sum of ourselves, it grows and changes as we do. Canada today is not the Canada of 1867, and neither is the Act that made it. It has been changed by many amendments, all originated by us, the people of Canada. How we govern ourselves has also been changed by judicial interpretation of the written Constitution, by custom and usage, and by arrangements between the national and provincial legislatures and governments as to how they would use their respective powers. These other ways in which our system has changed, and is changing, give it great flexibility, and make possible a multitude of special arrangements for particular provinces or regions within the existing written Constitution, without the danger of "freezing" some special arrangement that might not have worked out well in practice.

There may still be many changes. Some are already in process, some have been slowly evolving since 1867, and some are only glimmerings along the horizon. They will come, as they always do in the parliamentary process, at the hands of many governments, with the clash of loud debate, and with the ultimate agreement of the majority who cast their votes.

We are concerned with the relations between French-speaking and English-speaking Canadians, and with the division of powers between the federal and provincial governments. We always have been. But the search for areas of agreement and the making of new adjustments has been a continual process from the beginning. The recognition of the French fact, which was limited in 1867, now embraces, in greater or lesser degree, the whole of Canada. All federal services must be available where required in either language. Federal, Quebec and Manitoba courts have always had to be bilingual. New Brunswick is now constitutionally bilingual. Criminal justice must now be bilingual wherever the facilities exist or can be made available.

The country's resources grow; the provinces' and territories' needs change. Some are rich, others less well off. Federalism makes possible a pooling of financial resources and reduction of such disparities. Federal-provincial conferences, bringing together all the heads of government, have been held fairly frequently since the first one in 1906, and are a major force in evolving new solutions. Yet there are always areas of dispute, new adjustments required, and special problems to be met.

Historically, Canada is a nation founded by the British and the French. Yet it is now a great amalgam of many peoples. They have common rights and needs, and their own particular requirements within the general frame of the law. All these must be recognized. We are far yet from realizing many of our ideals, but we have made progress.

As a country we have grown richer, but we have paid a price in terms of environmental pollution. We are leaving the farms and bushlands and

How Canadians Govern Themselves

crowding into the cities. Ours is becoming a computerized, industrialized, urbanized, and ever more multicultural society, and we face the difficulties of adapting ourselves and our institutions to new lifestyles.

These changes have produced a new concern for an environment that our forebears took for granted. We believe in just and peaceful sharing, but how is that to be achieved? We have gained for ourselves a certain measure of security for the aged and sick and helpless, yet poverty is still with us. So are regional disparities.

These are all problems of government, and therefore your problems. They all concern millions of people and are difficult to solve. Parliaments and parties, like life, have no instant remedies, but they have one common aim. It is to get closer to you, to determine your real will, and to endeavour to give it form and thrust for action. That is the work you chose them for, and it can be done in the end only with your help. When you take an interest in your community, when you form an opinion in politics, and when you go to cast your vote, you are part of government.

Photo: Elections Canada

Voting is one way of participating directly in our democracy.

Governors General of Canada since 1867

		Assumed Office
1	**The Viscount Monck**, GCMG	July 1, 1867
2	**Lord Lisgar**, GCMG	Feb. 2, 1869
3	**The Earl of Dufferin**, KP, GCMG, KCB	June 25, 1872
4	**The Marquess of Lorne**, KT, GCMG	Nov. 25, 1878
5	**The Marquess of Lansdowne**, GCMG	Oct. 23, 1883
6	**Lord Stanley of Preston**, GCB	June 11, 1888
7	**The Earl of Aberdeen**, KT, GCMG	Sept. 18, 1893
8	**The Earl of Minto**, GCMG	Nov. 12, 1898
9	**The Earl Grey**, GCMG	Dec. 10, 1904
10	**Field Marshal H.R.H. The Duke of Connaught**, KG	Oct. 13, 1911
11	**The Duke of Devonshire**, KG, GCMG, GCVO	Nov. 11, 1916
12	**Gen. The Lord Byng of Vimy**, GCB, GCMG, MVO	Aug. 11, 1921
13	**The Viscount Willingdon of Ratton**, GCSI, GCIE, GBE	Oct. 2, 1926
14	**The Earl of Bessborough**, GCMG	April 4, 1931
15	**Lord Tweedsmuir of Elsfield**, GCMG, GCVO, CH	Nov. 2, 1935
16	**Maj. Gen. The Earl of Athlone**, KG, PC, GCB, GCMG, GCVO, DSO	June 21, 1940
17	**Field Marshal The Rt. Hon. Viscount Alexander of Tunis**, KG, GCB, GCMG, CSI, DSO, MC, LLD, ADC	April 12, 1946
18	**The Rt. Hon. Vincent Massey**, PC, CH	Feb. 28, 1952
19	**Maj. Gen. The Rt. Hon. Georges Philias Vanier**, PC, DSO, MC, CD	Sept. 15, 1959
20	**The Rt. Hon. Daniel Roland Michener**, PC, CC	April 17, 1967

How Canadians Govern Themselves

21 **The Rt. Hon. Jules Léger**, CC, CMM ..... Jan. 14, 1974

22 **The Rt. Hon. Edward Richard Schreyer**, PC, CC, CMM, CD ..... Jan. 22, 1979

23 **The Rt. Hon. Jeanne Sauvé**, PC, CC, CMM, CD ..... May 14, 1984

24 **The Rt. Hon. Ramon John Hnatyshyn**, PC, CC, CMM, CD, QC ..... Jan. 29, 1990

25 **The Rt. Hon. Roméo-A. LeBlanc**, PC, CC, CMM, CD ..... Feb. 8, 1995

26 **The Rt. Hon. Adrienne Clarkson**, PC, CC, CMM, COM, CD ..... Oct. 7, 1999

27 **The Rt. Hon. Michaëlle Jean**, CC, CMM, COM, CD ..... Sept. 27, 2005

28 **The Rt. Hon. David Lloyd Johnston**, CC, CMM, COM, CD, AB, LLB, DD ..... Oct. 1, 2010

Visit **www.parl.gc.ca** for a current list of Governors General of Canada since 1867, or contact the Library of Parliament Information Service (see Preface, page i).

Canadian Prime Ministers since 1867

1 **Rt. Hon. Sir John A. Macdonald** ..... Liberal-Conservative
July 1, 1867 to Nov. 5, 1873

2 **Hon. Alexander Mackenzie*** ..... Liberal
Nov. 7, 1873 to Oct. 8, 1878

3 **Rt. Hon. Sir John A. Macdonald** ..... Liberal-Conservative
Oct. 17, 1878 to June 6, 1891

4 **Hon. Sir John J.C. Abbott*** ..... Liberal-Conservative
June 16, 1891 to Nov. 24, 1892

5 **Rt. Hon. Sir John S.D. Thompson** ..... Liberal-Conservative
Dec. 5, 1892 to Dec. 12, 1894

6 **Hon. Sir Mackenzie Bowell*** ..... Conservative
Dec. 21, 1894 to April 27, 1896

7 **Rt. Hon. Sir Charles Tupper*** (Baronet) ..... Conservative
May 1, 1896 to July 8, 1896

8 **Rt. Hon. Sir Wilfrid Laurier** ..... Liberal
July 11, 1896 to Oct. 6, 1911

9 **Rt. Hon. Sir Robert Laird Borden** ..... Conservative
Oct. 10, 1911 to Oct. 12, 1917

10 **Rt. Hon. Sir Robert Laird Borden** ..... Conservative**
Oct. 12, 1917 to July 10, 1920

11 **Rt. Hon. Arthur Meighen** ..... Conservative
July 10, 1920 to Dec. 29, 1921

12 **Rt. Hon. William Lyon Mackenzie King** ..... Liberal
Dec. 29, 1921 to June 28, 1926

** Prior to 1968, "Right Honourable" was accorded only to prime ministers who had been sworn into the Privy Council for the U.K. Prime ministers Mackenzie, Abbott and Bowell were only members of the Canadian Privy Council and Prime Minister Tupper became a U.K. Privy Councillor after his term as Canada's prime minister.*

*** During his second period in office, Prime Minister Borden headed a coalition government.*

How Canadians Govern Themselves

13 **Rt. Hon. Arthur Meighen** ..... Conservative
June 29, 1926 to Sept. 25, 1926

14 **Rt. Hon. William Lyon Mackenzie King** ..... Liberal
Sept. 25, 1926 to Aug. 7, 1930

15 **Rt. Hon. Richard Bedford Bennett** (became Viscount Bennett, 1941) ..... Conservative
Aug. 7, 1930 to Oct. 23, 1935

16 **Rt. Hon. William Lyon Mackenzie King** ..... Liberal
Oct. 23, 1935 to Nov. 15, 1948

17 **Rt. Hon. Louis Stephen St-Laurent** ..... Liberal
Nov. 15, 1948 to June 21, 1957

18 **Rt. Hon. John George Diefenbaker** ..... Progressive Conservative
June 21, 1957 to Apr. 22, 1963

19 **Rt. Hon. Lester Bowles Pearson** ..... Liberal
Apr. 22, 1963 to Apr. 20, 1968

20 **Rt. Hon. Pierre Elliott Trudeau** ..... Liberal
Apr. 20, 1968 to June 4, 1979

21 **Rt. Hon. Charles Joseph Clark** ..... Progressive Conservative
June 4, 1979 to March 3, 1980

22 **Rt. Hon. Pierre Elliott Trudeau** ..... Liberal
March 3, 1980 to June 30, 1984

23 **Rt. Hon. John Napier Turner** ..... Liberal
June 30, 1984 to Sept. 17, 1984

24 **Rt. Hon. Martin Brian Mulroney** ..... Progressive Conservative
Sept. 17, 1984 to June 25, 1993

25 **Rt. Hon. A. Kim Campbell** ..... Progressive Conservative
June 25, 1993 to Nov. 4, 1993

26 **Rt. Hon. Jean Joseph Jacques Chrétien** ..... Liberal
Nov. 4, 1993 to Dec. 11, 2003

27 **Rt. Hon. Paul Edgar Philippe Martin** ..... Liberal
Dec. 12, 2003 to Feb. 5, 2006

28 **Rt. Hon. Stephen Joseph Harper** ..... Conservative
Feb. 6, 2006 -

Visit **www.parl.gc.ca** for a current list of prime ministers of Canada since 1867, or contact the Library of Parliament Information Service (see Preface, page i).

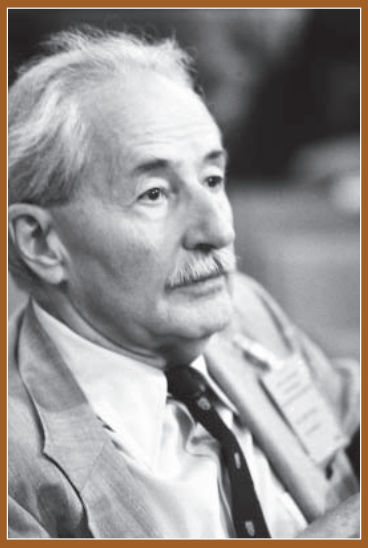

Photo: Jean-Marc Carisse

Senator Eugene Forsey wanted us to understand how our government works for one very simple reason — there is nothing Canadians do in any given day that is not affected by how we govern ourselves. As he says inside this booklet: "We cannot work or eat or drink; we cannot buy or sell or own anything; we cannot go to a ball game or a hockey game or watch TV without feeling the effects of government. We cannot marry or educate our children, cannot be sick, born or buried without the hand of government somewhere intervening."

Through this lively and readable booklet, Senator Forsey has helped tens of thousands of students, teachers, legislators and ordinary citizens in Canada and around the world understand the Canadian system of government.

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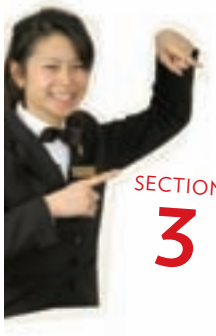
Bibliothèque du Parlement

Printed in Canada



Canada's SECTION 3 Democracy in Action

Elections

According to the *Constitution Act*, national **elections** must be held at least once every five years to decide who will represent Canadians in the **House of Commons**.

Canada is divided into areas called **ridings** (also called **constituencies** or electoral districts). Canadian **citizens vote** for the candidate in their riding they think will best represent them. In a riding there may be several different candidates, each from a different political party or running independently.

How does a person become a candidate? First, he or she has to be *nominated* (or chosen) by fellow party members in his or her riding during a special meeting called a *nomination meeting*. If more than one person in the party wants to be a candidate for that riding, there is a vote during the nomination meeting to decide who it will be.

If a person does not belong to a party, then he or she can run for election in his or her riding as an ***independent*** *candidate*.

On Election Day, the candidate who gets the most **votes** becomes a **Member of Parliament** (MP) and represents his or her riding in the House of Commons in Ottawa. The party with the most number of elected MPs across the country usually forms *the* ***Government***. The leader of that party becomes the **Prime Minister**.

TALK ABOUT IT!

Find a partner. Talk about other ways the word *run* is used (examples: running to catch a bus, running a business, a runny nose, running out of time). Use a dictionary to find other examples. Write down all the uses you can. How would some of these things be expressed in your home language?

DID YOU KNOW? – Because each riding should represent a relatively fixed number of people (approximately 70,000), as the population increases, the number of ridings has to be increased and the boundaries redrawn. In 1867, Canada had only 4 provinces and 181 ridings. In 2009, with 10 provinces and 3 territories, the number of ridings was 308.

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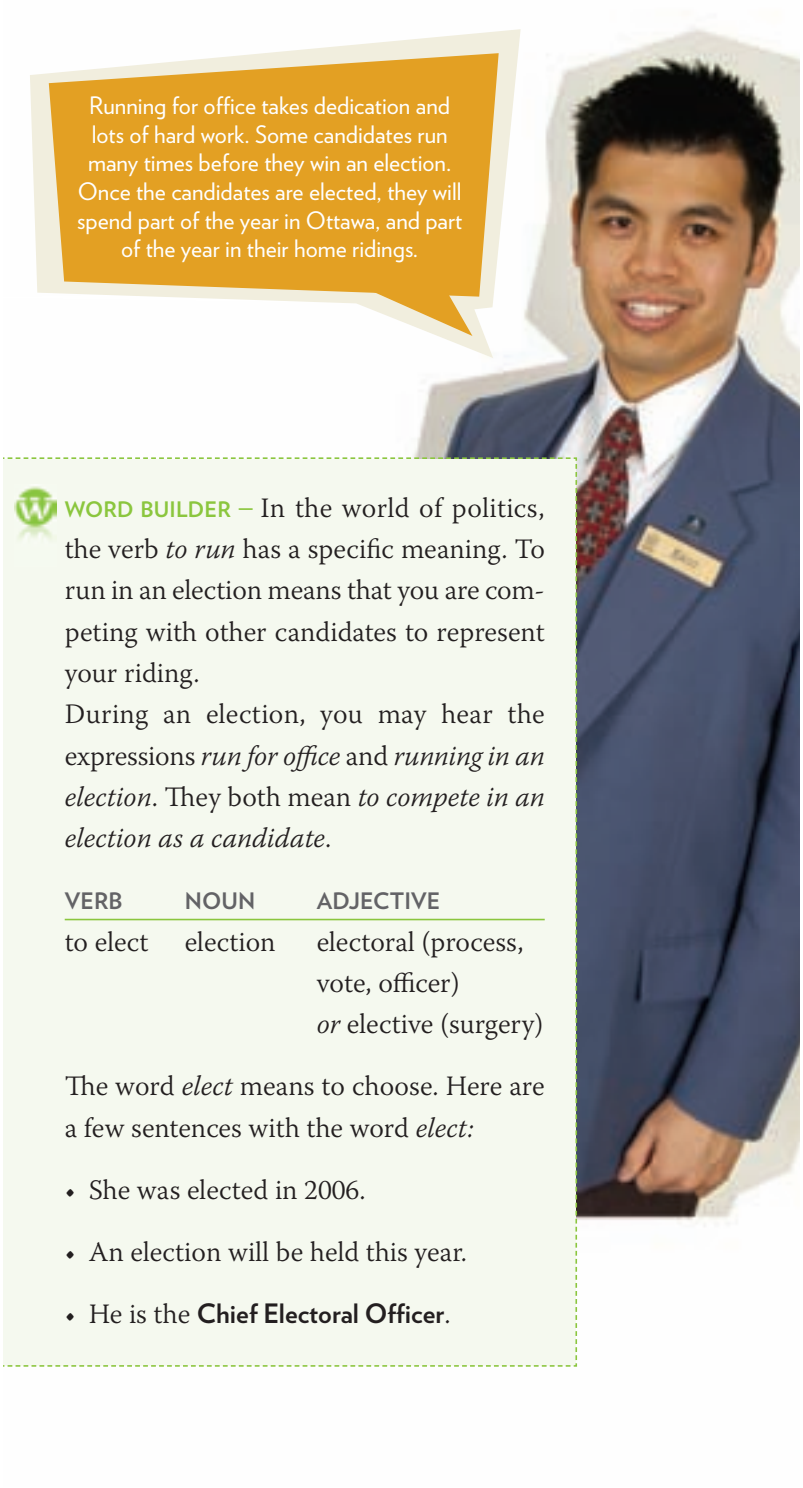

WORD BUILDER – In the world of politics, the verb *to run* has a specific meaning. To run in an election means that you are competing with other candidates to represent your riding.

During an election, you may hear the expressions *run for office* and *running in an election*. They both mean *to compete in an election as a candidate*.

VERB	NOUN	ADJECTIVE
to elect	election	electoral (process, vote, officer) *or* elective (surgery)

The word *elect* means to choose. Here are a few sentences with the word *elect:*

- She was elected in 2006.
- An election will be held this year.
- He is the **Chief Electoral Officer**.

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Dissolving Parliament

The Prime Minister asks the **Governor General** to end (or dissolve) **Parliament** and call an election. **Dissolution** (the act of dissolving) happens when:

- the Government's fixed four-year term is complete
- the Government loses a vote on certain important **bills** – on the **budget**, for example – in the House of Commons
- a majority of MPs vote to defeat the Government in the House of Commons on a *vote of confidence*, including a vote against certain important government measures or bills, such as the budget

Even with the fixed four-year term, an election could still be held after the Government loses an important vote in the House of Commons.

Campaigns

After an election is called and before the day voting takes place (usually called Election Day), each candidate competes with the other candidates in the riding to convince voters why he or she is the best choice. This is called a *campaign*. A candidate tells voters his or her message in many different ways:

- campaign signs
- door-to-door canvassing
- advertising campaigns (on television, radio, billboards and in newspapers, for example)
- public meetings
- **debates**

Many of these activities cost money. There are rules about how much money candidates are allowed to spend on campaigns, and how much money people are allowed to give to candidates.

Of course, to do all this work, candidates have several people helping them. These people are called *campaign workers*. People of any age, including youth, can help out on campaigns.

WORD BUILDER – A teacher can dismiss class – that is, the teacher can tell the class that they can go home. The Governor General can dissolve Parliament, which is somewhat similar. These words both start with *dis-*. Take a look at these words:

- disable
- dissolve
- disappear
- disagree

Like the prefix *un*, *dis* makes the root word into its opposite. Try using *dis* with the following familiar words, then create some sentences with them: advantage, approve, believe, colour, comfort, connection, courage, engage, infect, illusion, satisfy, respect.

Sometimes, the *dis* word is used more than the root: disgust, for example. The root *gust* (which is associated with the sense of taste) is not as familiar to English speakers as *disgust*.

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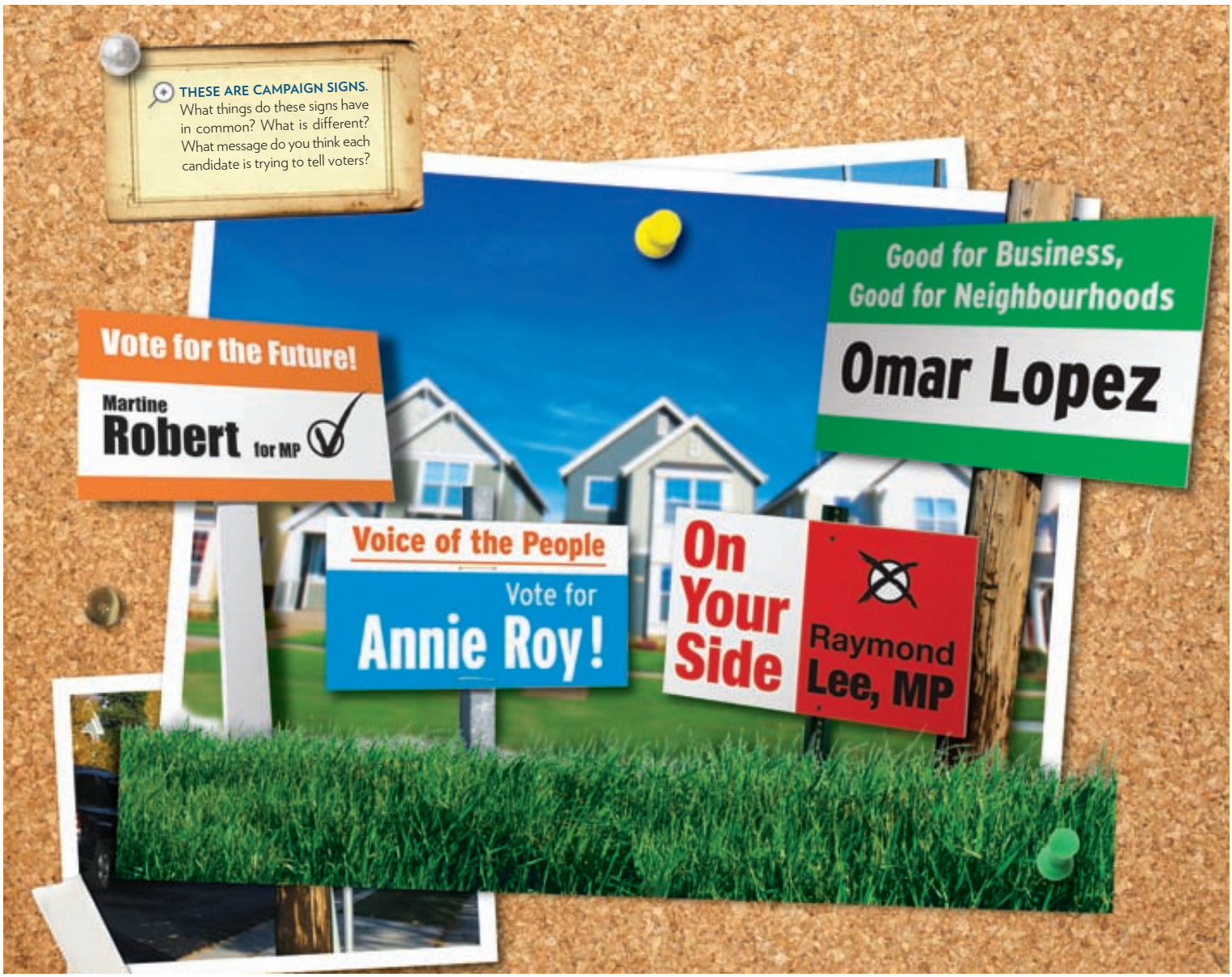


WHAT ABOUT ME?

Have you ever participated in an election? Some ways that young people across Canada get involved in elections are by helping candidates, by bringing up important issues at public debates and forums and by expressing their opinions in letters to newspapers. Some issues that are often important to young Canadians are crime, access to colleges and universities, employment and skills training and equal rights. Think about what election issues are important to you.

Political Parties

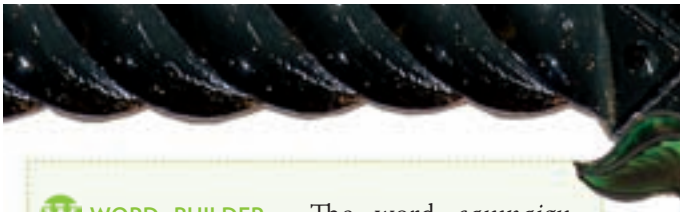
Canada has many different political parties. People in the same party usually have similar opinions about public issues. In Parliament, members of different parties often have different opinions. This is why there are sometimes disagreements during elections and when Parliament is **sitting**.

Having different parties allows criticism and encourages watchfulness. Canadians have a choice in expressing different views by voting for a member from a specific party during election time. This is called the *party system*.

WHAT ABOUT ME?

You probably have opinions and ideas of what would be good for Canada. Think about one issue that is important to you (the environment, immigration, education, or **law** and order, for example). Research some of the major political parties in Canada to find out where they stand on your issue. Which one do you think has the best ideas? Imagine you are creating a political party. What issues are important?

U3L3A3 | Compare and contrast democracies | Article 3



WORD BUILDER – The word *campaign* comes from the Latin *campus*, which means *field*. In ancient times, armies would *take to the field* when they fought. In English, we still use the word *campaign* to mean a military battle or series of battles. We can also use the word *race* to describe an election competition. *Race* comes from the Old Norse *ras*, meaning *running water*. Like many words in English, we can use *race* either as a noun or as a verb.

NOUN	VERB	EXAMPLES
race	to race	She ran a very good race. He raced to the finish line.
vote	to vote	
form	to form	
act	to act	
help	to help	

WORD BUILDER

- issue
- policy
- idea
- opinion

These words are difficult to explain because they are abstract. Look them up in a dictionary if you do not know them. Can you use these words in a sentence?

Voting

A Canadian citizen who is 18 years of age or older by Election Day can vote after he or she has registered with Elections Canada. Elections Canada will then send out a voter information card and add him or her to the voters' list.

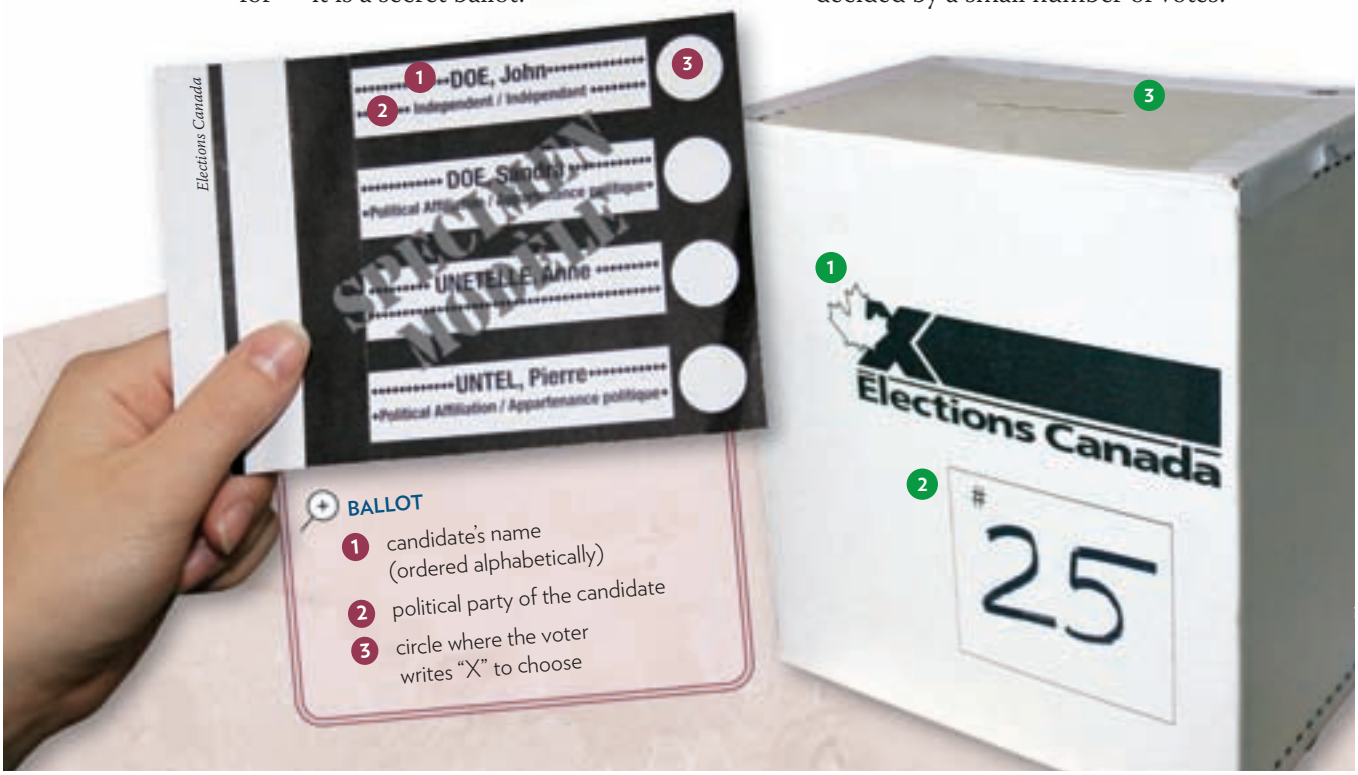
On Election Day, most voters go to a nearby location called a *polling station*, where their names are checked off the voters' list if they are already registered. If they have not yet registered, they can do so at this time. At the polling station, each voter is given a ballot (a piece of paper listing all the candidates in the riding). Voters do not have to tell anyone who they are voting for — it is a secret ballot.

Voters make an *X* beside the name of the candidate they prefer. Then they fold up the ballot and place it into a ballot box.

If they incorrectly mark a ballot, or mark more than one name, that is called a *spoiled ballot* and it will not be counted.

Citizens can vote even if they are travelling away from home or out of the country on Election Day. Elections Canada has information on how to vote by using a special mail-in ballot.

Once the voting ends, the votes are collected and added up. This can take a long time. Television stations have special news programs to report the election results. Some races are very close and are decided by a small number of votes.



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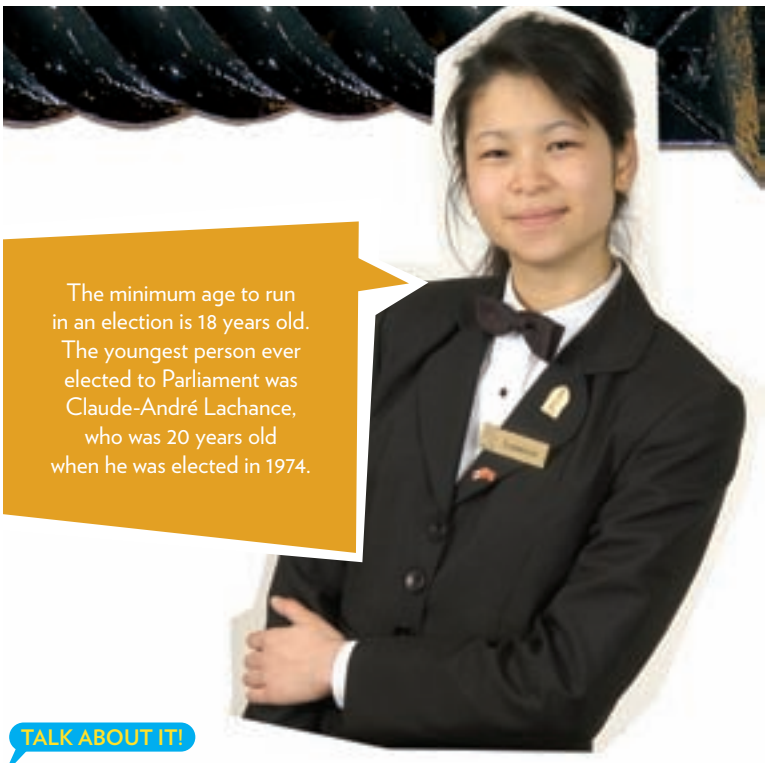


The minimum age to run in an election is 18 years old. The youngest person ever elected to Parliament was Claude-André Lachance, who was 20 years old when he was elected in 1974.

TALK ABOUT IT!

You or someone in your family probably know about elections in other countries. Ask your family about elections in your country of origin. Here are some questions you might want to ask:

- Who was allowed to vote?
- How often were elections held?
- Where did people vote?
- Was the ballot secret?
- How did people find out who had won?

Back in your classroom, find out if your classmates have similar stories.

BALLOT BOX

1. Elections Canada logo
2. polling station number
3. slot for completed ballot

U3L3A3 | Compare and contrast democracies | Article 3

Forming a Government

When the election is over, all winning candidates are called Members of Parliament, or MPs for short. The MPs who belong to parties that are *not* forming the Government are called **opposition** MPs. The **Official Opposition** is usually the party with the second-highest number of elected members after the winning party. The leader of this party is called the **Leader of the Official Opposition**.

DID YOU KNOW? – Canada's first Prime Minister, the **Right Honourable** Sir John A. Macdonald (pictured at right), called the **Senate** a place of "sober second thought."

House of Commons Collection, Ottawa

When it is time for Parliament to sit, all **Parliamentarians** will discuss and debate new bills (proposed laws), and make decisions that affect every Canadian. For more information on bills, see *Process of Passing a Bill* in Section 4.

I work in the Parliament Buildings. When Parliament is in **session**, the **Senators** and MPs are in town. They meet to discuss issues and policy, and to debate bills, both in the **Chambers** and in **committee.**

WHAT ABOUT ME?

Who is your MP? What riding do you live in? What party does your MP belong to? Do you know where your MP's riding office is? Look it up if you do not know! Your MP has people working in his or her office who can help you if you have a problem, such as difficulty getting a government service, or if you have a complaint or question about government. It is your MP's job to listen to *all* his or her **constituents** (people who live in a riding), even if they did not vote for him or her or did not vote at all.

THINK ABOUT IT

Elders often have a lot of experience to share. Sometimes we call this wisdom. How are elders treated in your family and community?

WORD BUILDER

SENATE

This word comes from the Latin *senix*, meaning *elder*. Literally, it means a *council of elders*.

HOUSE OF COMMONS

The word *commons* comes from the Latin *communis*, which means *shared by many*. Other related words are community, communication and commune.

House of Commons Procedure and Practice
Edited by Robert Marleau and Camille Montpetit

2000 Edition — More information …

1. Parliamentary Institutions

The Canadian System of Government

Canada is a parliamentary democracy: its system of government holds that the law is the supreme authority. The *Constitution Act, 1867*, which forms the basis of Canada's written constitution, provides that there shall be one Parliament for Canada, consisting of three distinct elements: the Crown, the Senate and the House of Commons. However, as a federal state, responsibility for lawmaking in Canada is shared among one federal, ten provincial and three territorial governments.

The power to enact laws is vested in a legislature composed of individuals selected to represent the Canadian people. Hence, it is a "representative" system of government. The federal legislature is bicameral: it has two deliberative "houses" or "chambers" — an upper house, the Senate, and a lower house, the House of Commons. [9] The Senate is composed of individuals appointed by the Governor General to represent Canada's provinces and territories. Members of the House of Commons are elected by Canadians who are eligible to vote. [10] The successful candidates are those who receive the highest number of votes cast among the candidates in their electoral district in this single-member, simple-plurality system.

Canada is also a constitutional monarchy, in that its executive authority is vested formally in the Queen through the Constitution. [11] Every act of government is carried out in the name of the Crown, but the authority for those acts flows from the Canadian people. [12] The executive function belongs to the Governor in Council, which is, practically speaking, the Governor General acting with, and on the advice of, the Prime Minister and the Cabinet. [13]

Political parties play a critical role in the Canadian parliamentary system. [14] Parties are organizations, bound together by a common ideology, or other ties, which seek political power in order to implement their policies. In a democratic system, the competition for power takes place in the context of an election.

Finally, by virtue of the Preamble to the *Constitution Act, 1867*, which states that Canada is to have "Constitution similar in Principle to that of the United Kingdom", Canada's parliamentary system derives from the British, or "Westminster", tradition. The Canadian system of parliamentary government has the following essential features:

- Parliament consists of the Crown and an upper and lower legislative Chamber;
- Legislative power is vested in "Parliament"; to become law, legislation must be assented to by each of Parliament's three constituent parts (i.e., the Crown, the Senate and the House of Commons);
- Members of the House of Commons are individually elected to represent their constituents within a single electoral district; elections are based on a single-member constituency, first-past-the-post or simple-plurality system (i.e., the candidate receiving more votes than any other candidate in that district is elected);
- Most Members of Parliament belong to and support a particular political party; [15]
- The leader of the party having the support of the majority of the Members of the House of Commons is asked by the Governor General to form a government and becomes the Prime Minister;
- The party, or parties, opposed to the government is called the opposition (the largest of these parties is referred to as the "official" opposition);

- The executive powers of government (the powers to execute or implement government policies and programs) are formally vested in the Crown, but effectively exercised by the Prime Minister and Cabinet, whose membership is drawn principally from Members of the House belonging to the governing party;
- The Prime Minister and Cabinet are responsible to, or must answer to, the House of Commons as a body for their actions; and
- The Prime Minister and Cabinet must enjoy the confidence of the House of Commons to remain in office. Confidence, in effect, means the support of a majority of the House.

Please note —

As the rules and practices of the House of Commons are subject to change, users should remember that this edition of *Procedure and Practice* was **published in January 2000**. Standing Order changes adopted since then, as well as other changes in practice, are not reflected in the text. The Appendices to the book, however, have been updated and now include information up to the end of the 38th Parliament in November 2005.

To confirm current rules and practice, please consult the latest version of the Standing Orders on the Parliament of Canada Web site.

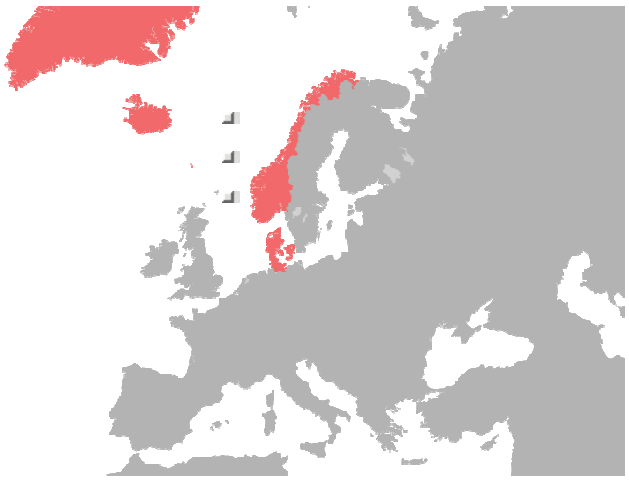
For further information about the procedures of the House of Commons, please contact the Table Research Branch at (613) 996-3611 or by e-mail at trbdrb@parl.gc.ca.

Government structure in Norway

Bjoern Rongevaer, KS

Historical background

- Unification of Norway about 800
- Weakening and disintegration of Norwegian state after internal conflicts and plague (the Black Death)
- Union with, later a province of Denmark 1530 - 1814 (434 years)



- Union with Sweden 1814 – 1905

The Norwegian constitution – 17 May 1814 - three main principles:

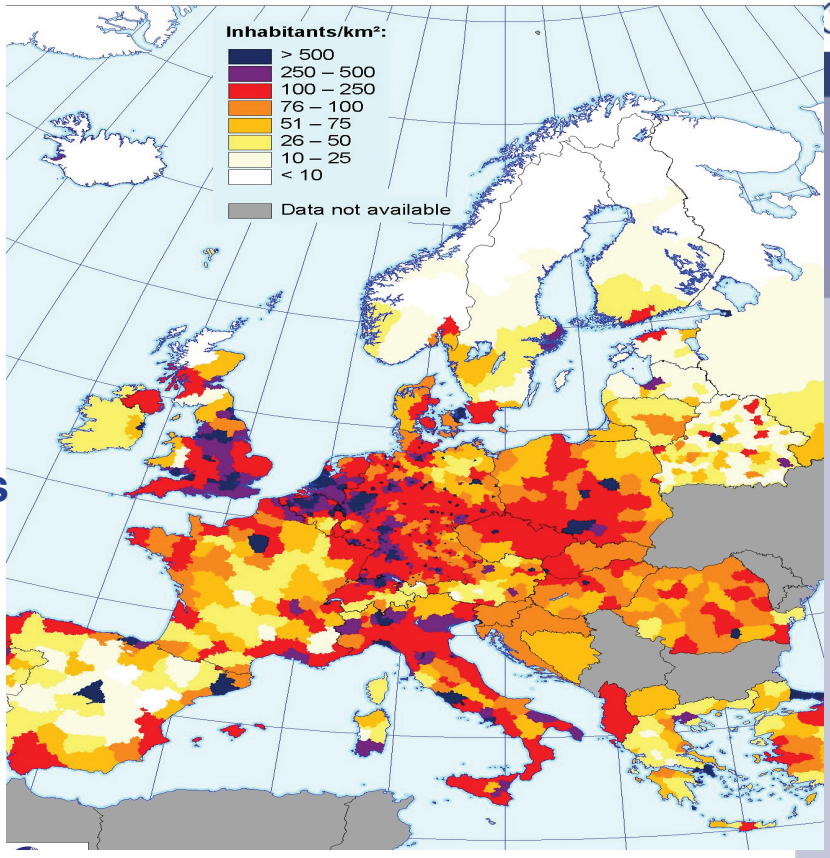
- sovereignty of the people,
- separation of powers,
- human rights

- Separate institutions

- Alderman Act 1837 – defined local authorities' rights and responsibilities.
- Parliamentarian system from 1884
- Current Local Government Act 1992

Norway

- 1800 km from north to south
- 342.000 km2
- 5 mill inhabitants
- 16 inhabitants km2



Finmark

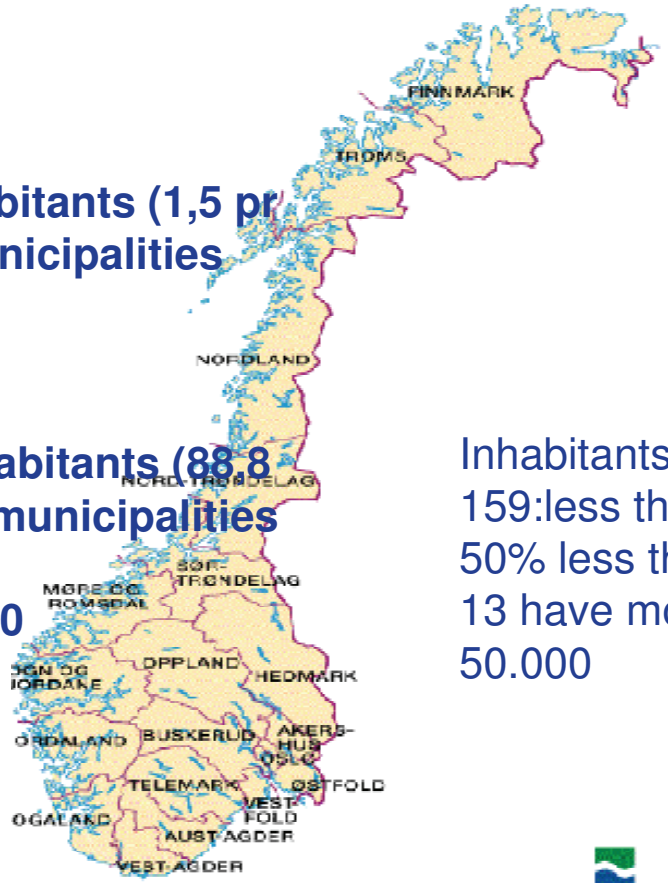
49.000 km2,
73.000 inhabitants (1,5 pr km2) 19 municipalities

Vestfold

2.200 km2,
210.000 inhabitants (88.8 pr km2) 14 municipalities

Oslo 620.000

Utsira 214



Inhabitants
159:less than 3.000
50% less than 5.000
13 have more than 50.000

KS Europa

GOVERNMENT STRUCTURE

National government

- Storting 169 rep's
- Government 17 ministries
- Court of Justice

Regional state level (administration)

- Regional Governor
- Government agencies

Local/Regional government (elected)

- Municipalities 428
- County Authorities 19

KS Europa

ELECTIONS

- Election period: 4 years

Local/regional elections

2007 2009 2015

2009 2013

National elections

KS Europa

KS

Responsibilities of national authorities

- National Insurance Scheme
- Specialized health care (hospitals)
- Specialized social services (child welfare and substance abuse institutions)
- Higher education and universities
- Labour market
- Refugees and immigrants
- National roads and railways, agricultural issues, environmental issues
- Law enforcement (police, prisons)
- Defence and armed forces
- Foreign policy

KS

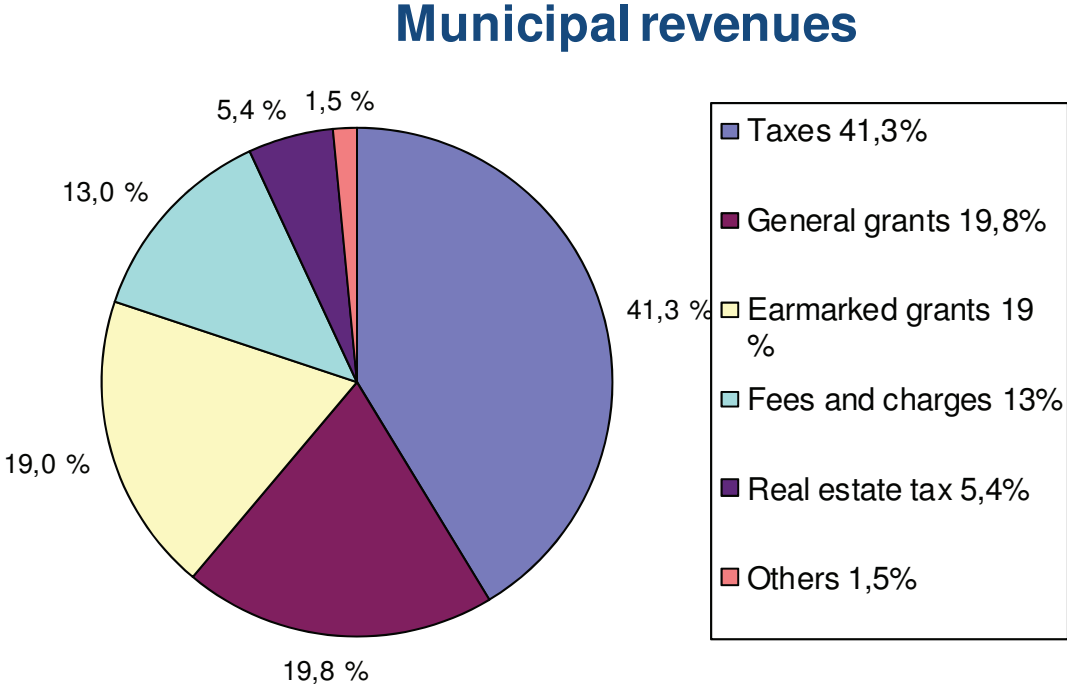
Responsibilities of county authorities

- Secondary education
- Regional development
  - County roads and public transport
  - Regional planning and development
  - Business development
  - Culture (museums, heritage)

KS

Responsibilities of municipalities

- Preschool and primary education
- Care for the elderly and disabled, social services (social assistance, child welfare, drug/alcohol)
- Local planning (land use), agricultural issues, environmental issues, local roads, harbours
- Culture
- Utilities (water, sewage, waste)


Municipal revenues
5,4 %
1,5 %
13,0 %
41,3 %
19,0 %
19,8 %
Taxes 41,3%
General grants 19,8%
Earmarked grants 19 %
Fees and charges 13%
Real estate tax 5,4%
Others 1,5%

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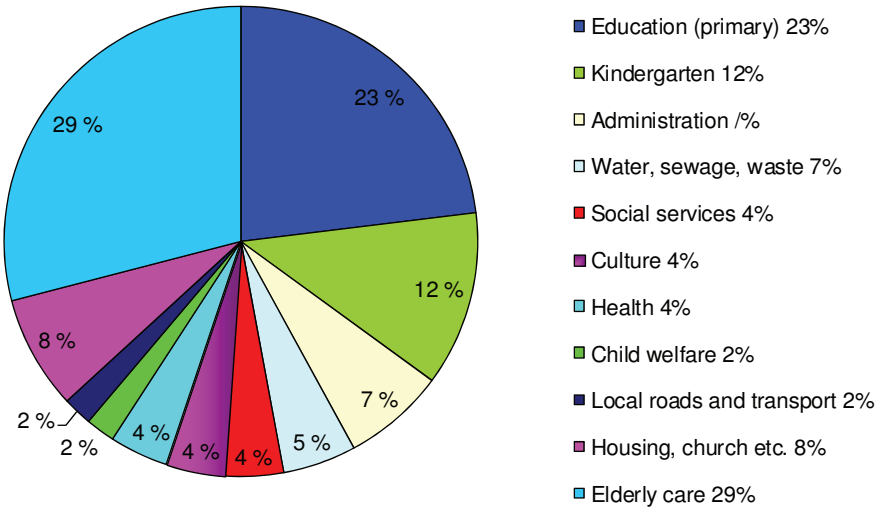
Municipal expenditures



KS Europa

Local government sector in a national context (figurs from 2007)

- Income in local government sector amounts 16,9% of GDP in continental Norway
- Employment in local government sector amounts to 18,7% of all employees in Norway

KS Europa

Politics of Norway

Politics in Norway take place in the framework of a parliamentary representative democratic constitutional monarchy. Executive power is exercised by the King's council, the cabinet, led by the Prime Minister of Norway. Legislative power is vested in both the government and the Storting, elected within a multi-party system. The Judiciary is independent of the executive branch and the legislature.

1 Constitutional development

The Norwegian constitution, signed by the Eidsvoll assembly on 17 May 1814, transformed Norway from being an absolute monarchy into a constitutional monarchy. The 1814 constitution granted rights such as freedom of speech (§100) and rule of law (§§ 96, 97, 99). Important amendments include:

- November 4, 1814: Constitution reenacted in order to form a personal union with the king of Sweden
- 1851: Constitutional prohibition against admission of Jews lifted
- 1884: Parliamentarism has evolved since 1884 and entails that the cabinet must not have the parliament against it (an absence of mistrust, but an express of support is not necessary), and that the appointment by the King is a formality when there is a clear parliamentary majority. This parliamentary rule has the status of constitutional custom. All new laws are passed and all new governments are therefore formed *de jure* by the King, although not *de facto*. After elections resulting in no clear majority, the King appoints the new government de facto
- 1887: Prohibition against monastic orders lifted
- 1898: Universal male suffrage established
- 1905: Union with Sweden dissolved
- 1913: Universal suffrage established
- 1956: Religious freedom formalised and prohibition against Jesuits lifted
- 2004: New provision on freedom of expression, replacing the old § 100
- 2007: Removed the old system of division of Stortinget into the Odelsting and Lagting (took effect after the 2009 general election). Changes to the Court of Impeachment. Parliamentary system now part of the Constitution (previously this was only a constitutional custom) (new § 15)
- 2009: same-sex marriage legalized

2 Executive branch

Further information: Cabinet of Norway

Norway is a constitutional monarchy, where the King has a mainly symbolic power. The Royal House is a branch of the princely family of Glücksburg, originally from Schleswig-Holstein in Germany. The functions of the King, Harald V, are mainly ceremonial, but he has influence as the symbol of national unity. Although the

Harald V has been King of Norway since 1991. The Norwegian king has mainly symbolic powers.

Erna Solberg, Prime Minister of Norway (2013-) and leader of the Conservative Party.

constitution of 1814 grants important executive powers to the King, these are always exercised by the Council of State in the name of the King (King's Council, or cabinet). The King is also High Protector of the Church of Norway (the state church), Grand Master of The Royal Norwegian Order of St. Olav, and symbolically Supreme Commander of the Norwegian armed forces.

The Council of State is formally convened by the reigning monarch. The Council of State consists of a Prime Minister and his council, formally appointed by the King. Parliamentarism has evolved since 1884 and entails that the cabinet must not have the parliament against it, and that the appointment by the King is a formality. The council must have the confidence of the Norwegian legislative body, known as the Storting. In practice, the monarch will ask the leader of a parliamentary block that has a majority in the Storting to form a government. After elections resulting in no clear majority to any party or coalition, the leader of the party most likely to be able to form a government is appointed Prime Minister. Since World War II, most non-Socialist governments have been coalitions, and Labour Party governments have often relied on the support of other parties to retain the necessary parliamentary votes.

The executive branch is divided into the following Ministries:

Main article: List of Norwegian ministries

- Office of the Prime Minister (*Statsministerens kontor*)
- Ministry of Agriculture and Food (*Landbruks- og matdepartementet*)
- Ministry of Children and Equality (*Barne- og likestillingsdepartementet*)
- Ministry of Culture and Church Affairs (*Kultur- og kirkedepartementet*)
- Ministry of Defence (*Forsvarsdepartementet*)
- Ministry of Education and Research (*Kunnskapsdepartementet*)
- Ministry of the Environment (*Miljøverndepartementet*)
- Ministry of Finance (*Finansdepartementet*)
- Ministry of Fisheries and Coastal Affairs (*Fiskeri- og kystdepartementet*)
- Ministry of Foreign Affairs (*Utenriksdepartementet*)
- Ministry of Government Administration and Reform (*Fornyings- og administrasjonsdepartementet*)
- Ministry of Health and Care Services (*Helse- og omsorgsdepartementet*)
- Ministry of Justice and the Police (*Justis- og politidepartementet*)
- Ministry of Labour and Social Inclusion (*Arbeids- og inkluderingsdepartementet*)
- Ministry of Local Government and Regional Development (*Kommunal- og regionaldepartementet*)
- Ministry of Petroleum and Energy (*Olje- og energidepartementet*)
- Ministry of Trade and Industry (*Nærings- og handelsdepartementet*)
- Ministry of Transport and Communications (*Samferdselsdepartementet*)

2.1 Governments 1935–1981

The Labour Party has been the largest party in Parliament ever since the election of 1927 up to the recent 2009 election. Labour formed their first brief minority government in 1928 which lasted for 18 days only. After the 1936 election the Labour Party formed a new minority government, which had to go into exile 1940–45 because of the German occupation of Norway. After a brief trans-party government following the German capitulation in 1945, Labour gained a majority of the seats in parliament in the first post-war election of 1945.

Norway was ruled by Labour governments from 1945 to 1981, except for three periods (1963, 1965–71, and 1972–73). The Labour Party had a single party majority in the Storting from 1945 to 1961. Since then no party has single-handedly formed a majority government, hence minority and coalition governments have been the rule. After the centre-right Willoch government lost its parliamentary majority in the election of 1985, there were no majority governments in Norway until the second Stoltenberg government was formed after the 2005 election.

Kåre Willoch (Conservative Party) was Prime Minister from 1981 until 1986.

Thorbjørn Jagland (Labour) was Prime Minister 1996–97. He has later become Secretary General of the Council of Europe.

2.2 Governments 1981–2005

From 1981 to 1997, governments alternated between minority Labour governments and Conservative-led centre-right governments. The centre-right governments gained power in 3 out of 4 elections during this period (1981, 1985, 1989), whereas Labour toppled those governments twice between elections (1986, 1990) and stayed in power after one election (1993). Elections take place in September and governments change in October of election years.

Conservative leader Kåre Willoch formed a minority government after the election of 1981. In 1983, midway between elections, this government was expanded to a majority three-party coalition of the Conservatives, the Centre Party and the Christian Democrats. In the election of 1985 the coalition lost its majority but stayed in office until 1986, when it stepped down after losing a parliamentary vote on petrol taxes.

Labour leader Gro Harlem Brundtland served three periods as Prime Minister. First briefly from February 1981 until the election the same year, then from May 1986 to the election of 1989, and last from November 1990 until October 1996 when she decided to step out of domestic politics. Brundtland strongly influenced Norwegian politics and society during this period and was nicknamed the "national mother".

After the election of 1989 a centre-right coalition was formed with the same three parties as in 1983–1986, this time headed by Conservative leader Jan P. Syse. This coalition governed from 1989 to November 1990 when it collapsed from inside over the issue of Norwegian membership in the European Economic Area.

When Brundtland resigned in 1996, Labour leader Thorbjørn Jagland formed a new Labour government that stayed in office until October 1997 when he, after the September 1997 election, declared that his government would step down because the Labour Party failed to win at least 36.9% of the national vote – the percentage Labour had won in the 1993 election.

A three-party minority coalition of the Centre, Christian Democratic, and Liberal parties, headed by Christian Democrat Prime Minister Kjell Magne Bondevik, moved into office in October 1997. That government fell in March 2000 over the issue of proposed natural gas plants, opposed by Bondevik due to their impact on climate change.

The Labour Party's Jens Stoltenberg, a Brundtland protégé, took over in a minority Labour government but lost power in the September 2001 election when Labour posted its worst performance since World War I.

Bondevik once again became Prime Minister in 2001, this time as head of a minority coalition of the Conservatives, Christian Democrats and Liberals, a coalition dependent on support from the Progress Party. This government was the first to stay in office for a complete four-year election period since Per Borten's coalition government of 1965–69.

2.3 Cabinet 2005-2013

A coalition between the Labour Party, Socialist Left Party, and Centre Party, took over from 17 October 2005 after the 2005 general election, where this coalition obtained a majority of 87 out of 169 seats in the Storting.

Jens Stoltenberg became Prime Minister and formed a cabinet known as Stoltenberg's Second Cabinet.

This was a historical coalition in several aspects. It was the first time the Socialist Left sat in cabinet, the first time the Labour Party sat in a coalition government since the 1945 four-month post-war trans-party government (otherwise in government alone), and the first time the Centre Party sat in government along with socialist parties (otherwise in coalition with conservative and/or other centre parties).

In the 2009 general election the coalition parties kept the majority in the Storting by winning 86 out of 169 seats.[1] Stoltenberg's second cabinet thus continued. There have been several reshuffles in the cabinet during its existence.

2.4 Current Cabinet

In the 2013 election, the incumbent red–green coalition government obtained 72 seats and lost its majority. The election ended with a victory for the four opposition non-socialist parties, winning a total of 96 seats out of 169 (85 needed for a majority). Following convention, Stoltenberg's government resigned and handed over power in October 2013. The Labour Party, however, remained the largest party in parliament with 30.8% of the popular vote. The Progress Party also lost ground, but nevertheless participates in the new cabinet. Among the smaller parties, the centrist Liberal Party and Christian Peoples Party hold the balance of power. Both campaigned on a change in government. On September 30 the two smaller parties announced that they would support a minority coalition of the Conservative and Progress parties, but they would not take seats in the cabinet themselves.

See also the category Norwegian politicians and list of Norwegian governments.

3 Legislative branch

Norway has a unicameral Parliament, the Storting ("Great Council"), with members elected by popular vote for a four year term (during which it may not be dissolved) by proportional representation in multi-member constituencies. Suffrage is obtained by 18 years of age; voting rights are granted in the same year as one's 18th birthday.

The Storting currently has 169 members (increased from 165, effective from the elections of 12 September 2005). The members are elected from the 19 counties for 4-year terms according to a system of proportional representation. Until 2009, the Storting divided itself into two chambers, the *Odelsting* and the *Lagting* for the sole purpose of voting on legislation. Laws were proposed by the government through a Member of the Council of State

Stortinget, Oslo

or by a member of the Odelsting and decided on by the Odelsting and Lagting, in case of repeated disagreement by the joint Storting. In practice, the Lagting rarely disagreed and mainly just rubber-stamped the Odelsting's decision. In February 2007, the Storting passed a constitutional amendment to repeal the division, which abolished the Lagting for the 2009 general election, thereby establishing a fully unicameral system.[2]

4 Political parties and elections

Further information: Norwegian parliamentary election, 2013
Further information: Norwegian parliamentary election, 2009
Further information: Norwegian parliamentary election, 2005
For other political parties see List of political parties in Norway. An overview on elections and election results is included in Elections in Norway.

Elections are to be held every 4 years on the second Monday of September.

5 Judicial branch

Main article: Judiciary of Norway

The Norwegian legal system is a mixture of customary law, civil law system, and common law traditions; the Supreme Court renders advisory opinions to legislature when asked; accepts compulsory ICJ jurisdiction, with reservations.

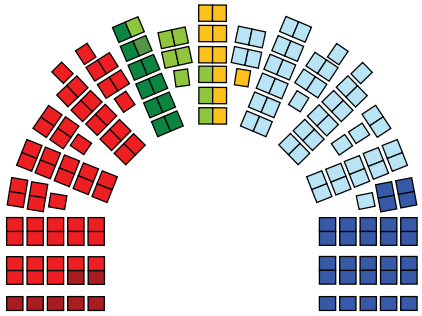
The regular courts include the Supreme Court (*Høyesterett*) with 18 permanent judges and a president, courts of appeal (court of second instance in most cases), city and county courts (court of first instance in most cases), and conciliation councils (court of first instance in most civil-code cases). Judges attached to the regular courts are appointed by the King in council after

Siv Jensen, Minister of Finance (2013-) and leader of the Progress Party.

Jens Stoltenberg (Labour) was Prime Minister of Norway 2005-2013.

nomination by the Ministry of Justice.

The special High Court of the Realm (*Riksrett*) hears impeachment cases against members of the Government, Parliament, or Supreme Court. Following an amendment to the Norwegian constitution in February 2007,



Distribution of seats after the election:
Socialist Left Party (7)
Labour Party (55)
Centre Party (10)
Green Party (1)
Liberal Party (9)
Christian Democratic Party (10)
Conservative Party (48)
Progress Party (29)

impeachment cases are heard by the five highest ranking Supreme Court justices and six lay members in one of the Supreme Court courtrooms The High Court of the Realm had generally lost most of its significance after 1884, and this institution has been passive ever since 1927. The new system is meant to restore the Riksrett to its earlier significance.

6 Impeachment

Impeachment may be brought against Members of the Council of State, or of the Supreme Court or of the Storting, for criminal offenses which they may have committed in their official capacity. Indictments are raised by the Storting and judged by five Supreme Court justices and six lay judges

7 Administrative divisions

The mainland of Norway is divided into 19 counties (*fylker,* singular *fylke*): Akershus, Aust-Agder, Buskerud, Finnmark, Hedmark, Hordaland, Møre og Romsdal, Nordland, Nord-Trøndelag, Oppland, Oslo, Østfold, Rogaland, Sogn og Fjordane, Sør-Trøndelag, Telemark, Troms, Vest-Agder, and Vestfold. In addition are the island group Svalbard and the island Jan Mayen.

Counties and municipalities have local autonomy, but this autonomy is circumscribed by national controls. Counties and municipalities are subject to the oversight of a governor (*fylkesmann*) appointed by the King in the

Council of State. One governor exercises authority in both Oslo and the adjacent county of Akershus. Each county has a directly elected county assembly, led by a mayor, which decides upon matters falling within purview of the counties (upper secondary and vocational education, some culture, transport and social services). There is also a governor (*sysselmann*) on Svalbard, who is under the Ministry of Foreign Affairs and not the Ministry of Local Government and Regional Development as the other counties.

The counties are divided into 430 municipalities (*kommuner,* singular *kommune*). The municipalities are led by directly elected assemblies, which elect a board of aldermen and a mayor. Some municipalities, most notably Oslo, have a parliamentary system of government, where the city council elects a city government that is responsible for executive functions. Some municipalities are also divided into municipal districts or city districts (again, Oslo is one of these) responsible for certain welfare and culture services. These districts are also headed by political assemblies, in some cases elected directly by the citizens. The municipalities deal with a wide range of planning issues and welfare services, and are mostly free to engage in activities which are not explicitly restricted by law. Lately, the functions of the counties and municipalities have been the subject of debates, and changes may take place in the near future.

8 Dependent areas

Norway has three dependent areas, all in or near Antarctica: Bouvet Island in the South Atlantic Ocean, Queen Maud Land in Antarctica, and Peter I Island off West Antarctica. The Norwegian Act of 27 February 1930 declares these areas are subject to Norwegian sovereignty as dependencies.

An attempt to annex East Greenland ended in defeat at the Hague Tribunal in 1933.

9 International organization participation

AfDB, AsDB, Australia Group, BIS, CBSS, CE, CERN, EAPC, EBRD, ECE, EFTA, ESA, FAO, IADB, IAEA, IBRD, ICAO, ICCt, ICC, ICFTU, ICRM, IDA, IEA, IFAD, IFC, International IDEA, IFRCS, IHO, ILO, IMF, International Maritime Organization, Inmarsat, Intelsat, Interpol, IOC, IOM, ISO, ITU, MINURSO, NAM (guest), NATO, NC, NEA, NIB, NSG, OECD, OPCW, OSCE, PCA, UN, UNCTAD, UNESCO, UNHCR, UNIDO, UNMIBH, UNMIK, UNMOP, UNTSO, UPU, WCO, WEU (associate), WHO, WIPO, WMO, WTrO, Zangger Committee, ABCD

10 References

[1] Walter Gibbs: Norway Keeps Leftists in Power New York Times, September 15, 2009

[2] "Norway to have single chamber parliament". *Norden*. 2007-02-22. Retrieved 2007-09-05.

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Facts about Venezuela's Presidential Elections and the Voting Process

Oct 4th 2012, by Various

A voting booth in Venezuela, with the full process of identification, electronic voting, and permanent ink fingerprinting to prevent voting twice.

Venezuelanalysis.com brings readers two articles with all the facts and background on the voting processs and the presidential elections in Venezuela this Sunday.

Briefing - Venezuela's Presidential Election

Author: Venezuela Solidarity Campaign UK

Venezuelans go to the polls this Sunday (7 October) to elect their president. In total there are seven candidates from president. However the main choice is between the incumbent Hugo Chavez, backed by a coalition of progressive and left aligned parties and social movements, and Henrique Capriles Radonski, a state governor with strong ties to the country's elite and backed by a number of right-wing parties, who have formed a unity coalition known as the M.U.D.

VENEZUELA'S ELECTIONS – CERTIFIED AS FREE AND FAIR

This will be Venezuela's 15th set of national elections since Hugo Chavez was elected President in 1999. That is more sets of elections than took place in the 40 years prior to Hugo Chávez becoming President.It is also one of the highest number of elections held in any country in the world in that time. All have been declared free and fair including by international bodies such as the EU and Organisation of American States (OAS).In September 2012 former US President Jimmy Carter said "the election process in Venezuela is the best in the world" and that Hugo Chavez has always won "fairly and squarely".Of the previous Presidential election, held in 2006, OAS Secretary General José Miguel Insulza recently said: "we had no objection. It was fair" and that Venezuela "has a strong electoral system that is technically very good."The Report of the EU Observer Mission to the 2006 Venezuelan presidential election stated that it was overall conducted "in respect of national laws and international standards," with "a high turnout, and peaceful atmosphere".This scrutiny of Venezuela's election processes will continue at the coming Presidential election with 200 international witnesses, including from the Union of South American Nations (representing all 12 South American countries which vary significantly in their political composition, from Ecuador to Brazil to Colombia).

INDEPENDENT ELECTIONS

Venezuela's elections are overseen by the National Electoral Council, an independent branch of state similar to the UK Electoral Commission.

The trust in this institution has been so great that earlier this year Venezuela's main right-wing opposition coalition, the M.U.D, organised for it to conduct its Presidential primaries. The M.U.D Executive Secretary described the CNE's role in this selection as "an excellent indication of the democratic institutions in the country"[1].

Previously in July 2011, the right-wing party Voluntad Popular held internal elections with support from the CNE in which Leopoldo López was chosen as National Coordinator. López – who is currently the campaign manager for Presidential candidate Henry Capriles Rodonski - expressed his appreciation for the CNE's role.

HIGH LEVELS OF PARTICIPATION

As a result of the CNE's efforts to register people and to make voting easier, Venezuela has had unprecedented rates of voter turnout in recent years. Three quarters of voters went to the polls in the 2006 presidential elections and a record 66% voted in the 2010 Parliamentary elections.

Record numbers are now registered to vote – up from 11 million in 1998 to 19 million today. Over 96% of Venezuelans are now registered to vote, whereas as many as 20% of the electorate were left off the list in the past.

Access to polling stations is also greater than ever before, with there number increasing from 8,000 to 14,000 in the past decade. This has tackled a past problem whereby ballot boxes were often not accessible to those in the poorest areas, where most of the population lives.

A SECURE AND TRANSPARENT PROCESS

Venezuela uses some of the most secure and advanced voting technology for its elections. Venezuela's electronic voting system is 100% auditable with 17 audits carried out and involving all the political parties at each stage[2].

On the day of voting, the electronic voting machines are activated only when a fingerprint that corresponds to the voter's ID number in the database is registered. This system prevents fraudulent behaviour such as double voting and identity theft. There is also a clear separation in the voting between the systems that identifies the voter and another where the voter casts their ballot. Additionally, the machines print a paper receipt that can be checked by the individual voter and allows for a full manual count to be made if any results are contested. A manual count of more than half of the votes automatically takes place to ensure that the results tally.

In August 2012, Jennifer McCoy, director at the prestigious Carter Centre, described Venezuela's electronic voting system as "the most comprehensive that...I've seen in the world".[3]

Of the post-electoral audits she said it had "never had any significant discrepancy between the paper receipts and the electronic votes." [4]

The Venezuelan public had an opportunity to scrutinise the election procedures in nationwide test-run on 2 September that reviewed the electoral machinery and technology. About 1.8 million voters, around 10% of the electorate, participated in this test with the Executive Secretary of the right-wing opposition M.U.D coalition confirming that that voting in Venezuela is secret and secure[5].

POLLS SHOW STRONG LEAD FOR CHAVEZ

Polls indicate a clear win for Hugo Chávez as the most likely outcome. The average of the 18 polls conducted in September gave Hugo Chavez a 12% lead[6]. Many polls also show president approval rates of over 60%.

In August 2012, the Japanese finance organisation, Nomura Holding published a client analysis stating that Hugo Chavez has a "large lead" against Henrique Capriles Radonski which they found "unlikely to be closed ...before the October 7 election".[7] Likewise a Bank of America Merrill Lynch report earlier this year described "President Chavez's commanding lead in the polls and high level of electoral support"[8].

This poll lead is undoubtedly linked to Venezuela's expanding economy, which is growing at 6% per year, as well as new social policies which address the ongoing needs of Venezuela's poor majority. For example in the past year alone 250,000 new social houses have been built, state pensions made available for all and the minimum wage increased by 30%. These follow the policies that have successfully delivered free healthcare and education for all,slashing poverty rates in recent years.

RIGHT-WING COALITION TO REJECT RESULTS IF THEY LOSE ELECTION?

In light of the aforementioned substantial poll leads for Hugo Chávez, there are growing fears that sections of the right-wing coalition are preparing to reject the results should Venezuelans choose to re-elect President Chavez in October.

For example, Ricardo Haussmann, a key Capriles economic adviser, recently said his campaign will employ 200,000 people at the polling stations so that they can declare their own results to the world before the official announcement is made by Venezuela's independent National Electoral Council (CNE). The intention is clear: to discredit the official results and claim fraud.

As Eleazar Diza Rangel, editor of Venezuela's main national newspaper Ultimas Noticias – which is broadly sympathetic to the anti-Chávez opposition - recently explained the purpose of attempts "to claim fraud at the coming presidential elections of 7 October [would be] in order not to recognise the people's will".

A smear campaign against the independent National Electoral Council (CNE) also appears underway. For example, on August 21, head of the opposition campaign Leopold Lopez announced that the opposition would take action against alleged "risks" that he claimed the state poses to the votes. But even whilst making the claim of "bias" Lopez admitted that "In all the processes that have been done in the past there has not been a single indication that there is no guarantee that the vote is secret".

Others in the Venezuelan opposition are not supporting the tactic of preparing to cry fraud and smearing the CNE. For example Enrique Marquez MP, vice-President of the opposition party Un Nuevo Tiempo, said on 5 September that Venezuela's voting system " offers no danger to the confidentiality of the vote."[9]

UNDERMINING THE WILL OF THE PEOPLE

Rejecting the legitimate election results in the face of a Hugo Chavez victory would be totally consistent with how sections of the Venezuelan right have previously resorted to undemocratic means. Most well known is the short-lived coup against the democratically-elected Chavez government in 2002 which abolished democracy altogether until it was overturned by popular demonstrations. In 2003, they unleashed a 64-day oil industry lock-out that saw GDP collapse by a third with the declared aim of ousting President Chavez. They then claimed fraud at the 2004 recall referendum on whether Hugo Chávez would continue as President, which he won 58% to 42%. The opposition promised to provide evidence but eight years on they are yet to do so. Then faced with certain defeat, they decided to boycott the 2005 parliamentary elections at the last minute, seeking to undermine the results, a move opposed by the Organisation of American States.

Since then opposition has sought to use the democratic process to remove Hugo Chavez. In doing so it has accepted the National Electoral Council (CNE) results that saw its presidential candidate Henry Capriles Radonski elected as a state governor, Hugo Chávez's proposed constitutional changes narrowly defeated in a referendum in 2007 and dozens of governors, mayors and MPs from parties of the right elected.

But faced with Hugo Chávez winning another six year term, some in the opposition seem set on resorting to the old ways of ignoring the will of the people.

CONCLUSION

As is normal in any democracy there is an open and vibrant election process underway with both main candidates regularly organising rallies, visiting towns, doing interviews and daily press conferences.

Whatever views are held of the Chávez-led government, its democratic mandate is without doubt. There is certainly no

evidence from previous elections of fraud or manipulation. Jimmy Carter has described Venezuela's electoral system as amongst the "best in the world."

Any doubt about the impartiality of Venezuela's National Electoral Council (CNE) in overseeing free elections is easily dismissed by the fact that right-wing coalition have recently asked for it to oversee their own internal selections. It is not serious for it to endorse the CNE as a legitimate electoral authority in February and denounce it in October.

The truth is that any opposition attempt to cry fraud is really about covering up its own political unpopularity as the polls show.

Any such manoeuvres to undermine the real outcome need to be widely condemned. It is the right of the Venezuelan people to freely determine who their next president is. Their will must be upheld and respected

[1] http://www.eluniversal.com/nacional-y-politica/111205/cne-presta-asisten...

[2] http://www.smartmatic.com/espanol/casos-de-estudio/view/article/audits-a...

[3] http://venezuelanalysis.com/analysis/7177

[4] Spanish language interview: http://america.infobae.com/notas/57123-Centro-Carter-hara-solo-un-seguim... English transcript: http://venezuela-us.org/2012/08/29/carter-center-affirms-venezuelan-elec...

[5] http://www.unidadvenezuela.org/2012/09/aveledo-reitero-que-el-voto-es-se...

[6] VSC study see http://tinyurl.com/septpolls

[7] http://laradiodelsur.com/wp-content/uploads/docs/Informe_NOMURA%20Ingles...

[8] Wall Street Journal http://online.wsj.com/article/SB10001424052702303360504577408422884796 04...

[9] http://untinternacional.org/2012/09/05/enrique-marquez-el-sai-y-el-secreto-del-voto/

Ten Things You Should Know about Elections in Venezuela

Author: Press Office of the Venezuelan Embassy to the U.S.

This year, Venezuela will hold presidential elections on October 7 and state elections on December 16. They will be overseen by the independent branch of government known as the National Electoral Council (CNE), which guarantees the efficiency and transparency of electoral processes.

Under Venezuela's new system of participatory democracy, 15 elections and referenda have been conducted in the last 13 years, while in the previous 40 years, just 25 elections were held.

Thanks to efforts by the CNE to increase voter participation, 96.5% of eligible adults in Venezuela are registered to vote. That's over 19.1 million people out of a population of 27.1 million. The rate of unregistered voters has fallen to just 3.5%, compared to 20% in the past.

Venezuelan voters abroad account for an estimated 0.52% of the electorate. According to the CNE, 99,478 citizens living abroad were registered to vote in absentee as of mid-May 2012.

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To encourage voting, the CNE has increased the number of voting centers in Venezuela from 8,278 to 14,025 since the year 2000. It also increased the number of individual polling stations from 7,000 to 38,236.

Venezuela has had some of the region's highest rates of voter turnout in recent years. 75% of voters went to the polls in the 2006 presidential elections, and a record 66% voted in the last legislative elections in 2010.

Venezuela's 2012 elections will feature special voting centers accessible to the handicapped. This is one of several initiatives by the CNE to improve technologies and guarantee all citizens the right to vote.

To prepare for the 2012 elections, the CNE has conducted 17 different audits to the electoral registry, the electronic voting machines, and other tools. The different political parties participated in this process to ensure transparency.

For the last dozen years, all major electoral processes in Venezuela have been audited and declared free and fair by electoral accompaniers such as the Carter Center, the NAACP, the Organization of American States and the European Union. Their findings affirm that Venezuela has one of the best electoral systems in the world.

After observing the primary elections of a group of opposition parties in February of 2012, the President of the U.S.-based National Lawyers Guild said: "All of us were impressed with the enormous strides the CNE has made to insure the right of Venezuelans not just to vote, but to be sure their votes are meaningful."

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Venezuela's Secret Grassroots Democracy

Nov 28th 2006, by Michael Fox – Venezuelanalysis.com

With all international eyes on the December 3rd Venezuelan presidential elections, a totally new and revolutionary experience of Venezuelan grassroots democracy has completely slipped below international radar. An experience that has already formed 12,000 local communal councils, and whose participants and promoters hope will change the way decisions are made in Venezuela and potentially alter the very essence of Venezuela's political system.

13 de Abril Communal Council

The region of *23 de Enero* lies on the southern hillsides in Western Caracas. Since the fall of the decade-long Marcos Perez Jimenez dictatorship in 1958, it has been an area of high community organization, when, on that day—January 23—thousands of poor *Caraquenos* (as Caracas residents are known) came down from the hillsides and occupied the vacant and newly built apartment blocks. It remained a place of revolt and of police repression. A region, according to one community member, that was "blamed for anything that happened."

Earlier this year, residents again began to lead the way. Citizens living in the apartment building blocks 45, 46, and 47 heard about the new communal councils, which communities were beginning to form around the country.

These new communal councils were being called a new form of grassroots local government, in which the residents of the local community would have the ultimate decision-making power in their neighborhood. It was said that these councils would even receive funds from the government to carry out community and public works projects that previously could only be acquired through a long and protracted struggle with the local mayor's office.

Members of the local health committee took the first steps to create their own council. They held workshops on the idea and elected a Provisional Promoter team in March, to carry out a census of the community's residents and needs.

An electoral commission was soon elected to supervise the upcoming election of community spokespersons. Various community committees (infrastructure, sport, communication and information, energy and gas, and legal) where formed to join those already in the community (health, urban land) and the promoter team did it's best to get the word out on the upcoming election.

On children's day, June 16, with the support of the electoral commission, hundreds of residents from the community's 520 apartments showed up for the communal council spokesperson elections.

"It was tremendous; the line didn't end," said Hector Haraque, describing the scene at blocks 45, 46, & 47 on Election Day. "It lasted all day, till 1 in the morning. It was very impressive."

The community elected 5 financial spokespersons to manage the council's resources, 5 social controllers to audit the council's dealings, and one spokesperson for each of the community's 9 committees. By the end of the month, the19 members where sworn in, and the April 13th Communal Council was officially formed- the first in *23 de Enero*.[1]

There are now 20 communal councils in *23 de Enero*, more than 12,000 in the country, and more on the way. Which begs the questions: Where did this experience come from? Are these communal councils truly empowering residents and building a Venezuelan style of participatory democracy that is changing the fabric of Venezuelan society? Or are they, as the opposition says, just handouts for Chavez supporters during an election year?

History

The communal councils were modeled after experiences in participatory budgeting in Porto Alegre, Brazil, and grassroots participatory democracy in Kerala, India. The concept of participatory democracy is not new in Venezuela, and since the election of President Hugo Chavez in 1998, and the subsequent Venezuelan Constitutional Assembly in 1999, the Venezuelan government has been attempting to incorporate more participation in to the decisions of the state.

In 2001, the Local Public Planning Councils (CLPP) were formed across the country with the intent of electing community representatives to work hand in hand with government officials to agree on municipal budgets. Unfortunately, the CLPP were far from successful. In many cases political parties only gave representation to fellow members, and true community control was hard to find when spokespersons, expected to represent hundreds of thousands of people where elected with almost no input from the community.

"They were captured by the mayors, that manipulated the elections," said former Venezuelan Planning Minister, Felipe Pérez Marti recently. According to Pérez, the CLPPs, which technically still exist, have become further "debilitated" with the creation of the communal councils because the people have decided to try out the newly formed councils, where they feel they actually may have a say. An addendum to the recent Law of Communal Councils additionally gave the newly formed councils power over the CLPPs.

Communal Council Law

Although government institutions began to promote the communal councils late last year, the official communal council law was passed in the Venezuelan National Assembly on April 10, 2006. It legally recognized the communal councils and, according to Chapter Five of the Law, established the councils' right to legally receive and administer resources from government institutions.

Article 2 of the Communal Council Law states:

The communal councils, in the constitutional framework of participatory and protagonistic democracy, are instances of participation, articulation and integration between the diverse community organizations, social groups and the citizens, that permit the organized people to directly exercise the administration (management) of public policies and projects oriented to respond to the necessities and aspirations of the communities in the construction of an equal and socially just society.

The Communal Council Law established that the councils generally be composed of between 200 and 400 families in urban areas, 20 in rural areas, and 10 in indigenous areas, and that final decisions be made by the "citizen's assembly" or total voting-age residents of the community, which "is the primary instance for the exercising of power." Anyone over the age of 15 is allowed to participate in the citizen's assembly, and at least 20% of the voting population must be present in order for a decision to be valid.

The law further called for the election of the local community spokespeople, one from each of the community committees, and five each for the financial and controller branches.

The Communal Council Law essentially put all of the neighborhood committees and community organizing experiences under one umbrella: the communal council. A revolutionary idea and a large task, but not everyone was happy.

Community Reaction

With the passage of the law, many members of Venezuela's Urban Land Committees (CTUs)—one of the most organized and important instances of community organizing—were put off. They saw the communal councils as an attack against the work they had already been doing in the community. After all, they said, the CTUs are the ones writing community charters and pushing for land titles and housing rights for communities that were never before legally recognized.

CTUs viewed the creation of the communal councils as a government attempt to do something good, while inadvertently causing more harm.[2] Infighting was predicted, as community committees: urban land, health, water, etc. would fight for resources amongst each other that they had previously struggled individually to acquire from the Mayor's office.

A shift occurred quickly, however, in the months following the passage of the communal council law. The CTUs realized that they would have to join, organize, and promote the communal councils in order to have a say in community decisions. The CTUs now appear to be one of the main pillars of the communal councils, believing that the new proposal is the next step in local democracy.

"The CTU should be one of the fundamental bases of the communal councils. They should not substitute them nor be the councils themselves," declared CTU activist Hernan Peralta, at the CTU National Meeting earlier this month just outside of Caracas. "They are the crystallization of this project of new construction," he added.

Although there continues to be discussion, the predictions that community committees would break out in in-fighting does not appear to have materialized on a large-scale.

Participation

"The communal councils are nothing more than a series of tools that are being given to the people for participation," said Richard Canaan, President of the Venezuelan Institution, FIDES, that has delivered millions of dollars to the communal councils. "One of the most important changes for us is that the Constitution of 1961 was 100% representative. For everything in life, we named representatives. The assembly, representatives of the neighborhood council, and other instances. Now we are driving the active and protagonistic participation of the community. So from representative to protagonistic, where the people are leading the way."

For many, the communal councils are the latest in a Venezuelan policy under President Chavez to break from business-as-usual representative society, to a working pro-active participatory approach.

This ideology has not been lost on the members of the April 13th communal council. Meetings are held weekly among the spokespersons and in the various committees. At times discussions turn conflictive and they often drag on or wander in typical Venezuelan style, but fortunately council members appear to be willing to listen to one another.

During one evening meeting on September 26, the April 13th council spent the night meticulously debating how they would divvy up work and decision-making to ensure that all decisions made are responsive to the council and the community at-large.

The larger community is involving itself in the council, as proven by the "tremendous" electoral turnout, but it has been slow going.

"The community at the beginning has been apathetic, but changing the way people think is a process," said Ennys Guerrero, who is a taxi driver and a social comptroller spokesperson of the April 13th Council. Guerrero been living in the community for 44 years and never thought to participate until now.

"Don't forget that Venezuela lived for 40 years with paternalism," said FUNDACOMUN (The Foundation for Municipal and Community Development)[3] Capital District of Caracas Director, Pedro Morales, who believes that the lack of community participation has deep-seated roots in Venezuelan tradition of populism and handouts.

"Now we are passing from representative democracy to participatory democracy. We don't know how long it will take…, but we are trying to push towards this participatory democracy, because it is the community itself that has to participate," he added.

Afro-Cuban-Venezuelan April 13th council member, Regina Michel Rollock, is very clear that without true community involvement the council isn't going to get very far.

"We are not going to achieve anything unless we have the participation and protagonism of the community," says Rollock, who has seen a somewhat disturbing lack of community involvement since the spokesperson elections. "We can have the best ideas, but unless the community realizes what we are doing nothing happens."

While April 13th council spokespersons organized preparations for the neighborhood's October 12th Indigenous People's Day celebrations and arranged a number of neighborhood clean-up days, most members believe that the community will begin to participate more once they see that the council is solving people's problems. This is one reason why April 13th spokespersons are now working diligently to acquire funds for the repair of the apartment complex.

Presidential Commission & Organization

The National Presidential Commission of Popular Power was formed under article 30 of the Communal Council Law and set up to work on three levels: National, Regional and Municipal, in order to streamline these initiatives and duties of the

various institutions. Minister of Participation and Social Development (MINPADES), Jorge Luís García Carneiro presides over the commission, in which FIDES, FUNDACOMUN, BANDES, FONDEMI, the Ministry of Popular Economy (MINEP) and the Ministry of Energy and Petroleum all play distinct but important roles.[4]

FUNDACOMUN works in training and technical assistance for the communal councils, and is also currently the government institution (until the local Presidential Commissions have been formed) where communal councils register their council and receive continued local training and assistance.

FIDES (The Intergovernmental Fund for Decentralization), LAEE (The Law of Special Economic Allotments) and FONDEMI (The Fund for Microfinanced Development) are the primary government institutions in charge of passing resources on to the councils. FIDES, with a billion dollar budget, primarily from sales taxes, now passes 30% of its resources on to the communal councils. FIDES President Richard Canaan declared in mid September that over $436 million dollars had been passed in to the hands of the communal councils for community infrastructure projects.

“Tell me in what other part of the world are they going to put $436 million dollars in the hands of the community? And that’s just from FIDES alone,” said Canaan, who estimated at the time that there were 8,000 formed community councils in the country that had or were in the process of receiving funds, and another 4,000 being formed which had not yet received any support from the Venezuelan state. A total of 15,000 councils are hoped to be formed by the end of phase one.

LAEE, whose assets come from dividends of Venezuelan oil revenues, are worth just over $1 billion. Half of this was designated to the Communal Councils by President Chavez this year.[5]

Meanwhile, FONDEMI works on funding socio-productive projects through the Venezuela’s 250 officially constituted Communal Banks—financial entities managed and administered by the communal councils and legally born with the Communal Council Law. FONDEMI has passed nearly $70 million on to community banks across the country for the local financial entity to distribute to community cooperative and associative socio-productive projects in the form of loans of less than $14,000, with 6% interest rate and 36 months to pay them off.[6]

There have been problems of infighting and competition among some of the institutions in an attempt to form the most Communal Councils.

Morales criticized in September that while FUNDACOMUN only had 54 communal councils registered, the Metropolitan Caracas Mayor’s Office was numbering total communal councils in the same region at around 400. The Mayor’s office also had its own list of communal councils, which did not correspond to that of FUNDACOMUN, even though FUNDACOMUN was supposed to be the local registering entity for the country.

According to FUNDACOMUN representatives in mid-November, the situation has calmed somewhat between the organizations, and over the past two months, their Caracas Capital District communal council numbers have increased from 54 to 192. A line of advice-seeking Caracas residents was standing out the door during the morning visit to FUNDACOMUN offices in southwestern Caracas. Case workers confirmed that they receive approximately eight new community council petitions a day.

This is good news for Caracas, which earlier this year appeared to be festering with problems.

When Caracas FUNDACOMUN director, Pedro Morales, arrived in February from his position in Miranda state, he was shocked by the institutional “fist fights” taking place. Because of all the problems, according to Morales, Caracas had formed less than 10% the Communal Councils that had been formed in Miranda over the same period.

The April 13th communal council has also had its fair share of difficulties, as the roadmap of institutions, offices, prerequisites is not always as clear as many would like. In October they applied for a $230,000 credit from FIDES to fix the elevators in the apartment complex, ranked number one in their survey of community needs.

Unfortunately, according to Pedro Caldera, who is a facilitator with FUNDACOMUN and lives in the apartment complex, the request was denied because of a problem with their financial cooperative paperwork. Caldera acknowledged that the council neglected to get FUNDACOMUN help when they registered their cooperative. He is now working with them to fix the problem.

“Things should be set in the next day or two,” he said this week. “The credit should be delivered soon.”

The Las Delicias communal council, just up the street from blocks 45, 46 & 47, received the first part of their $150,000 credit this week for housing remodeling. They applied at the same time as April 13th, in October.[7]

Problems with the Law & Citizen Participation

"It's a new experience in Venezuela," says Felipe Pérez, describing the communal councils. "It is the leading project of the political transformation of the country because it attempts to put the state in to the hands of the people. It attempts to mold with action the discourse of participatory democracy."

Unfortunately, though, says Pérez, "Because the communal council's law wasn't really consulted by the people… the majority of the communal councils and grassroots movements are not satisfied in the way that the law was written."

According to Pérez, the largest failure in the law it that it stops short of giving the councils power over municipal, regional and national decisions, and only gives the councils power in their local community, which, he explains, does not change the structure of the state.

That's the point, says FUNDACOMUN's Morales, "the communal council is, in no way, a parallel power to the already constituted power. In no case… but rather we need to work hand in hand with the power that is already in place."

But the debate is strong and many are at odds. The Venezuelan National Assembly (AN) is now discussing the approval of the law of Citizen Participation and Popular Power, out of a necessity to reconcile some of the contradictions of the Communal Council Law. But neither does this new law call for a reformed state structure.

Ulises Castro, Coordinator of the Bolivarian Schools for Grassroots Power, for the Caracas Metropolitan Mayor's office, agrees that the law should be more radical. He and his office have been in charge of organizing public consultations in Caracas, so that residents can critique the law proposals. He is proud of the work they have done, and knows that their participation made a difference in the final version of the Communal Council Law. But he says that there is much more to be done, and the public meetings on the Law of Citizen Participation began just last month.

"The same political forces still exist," said Castro in early October. "If we believe that grassroots power is the base to construct a new institutionalism, a new state, then legally you need to reform the state."

Which is precisely the fear of many of those currently in power. According to Morales, FUNDACOMUN and others promoting the councils have felt resistance from traditional mayors, governors and institutions that have been reluctant to hand over power so easily to the communal councils.

Handout or Grassroots Democracy?

But these issues appear to be much too subtle for many in the Venezuelan opposition, who are focused on December 3rd, and have characterized the communal councils as just another handout to Chavez supporters in an election year.

Looking at the huge amounts of resources now being passed directly into community hands, this is an understandable fear. Especially considering that the overwhelming majority of communal councils are in support of the Venezuelan President Hugo Chavez.

In the Metropolitan District of Caracas, for instance, according to FUNDACOMUN's Morales, about 5 of the 54 officially registered communal councils are in middle-class communities, and are therefore more likely to be with the opposition.

But that doesn't mean that opposition supporters can't join their local communal council. "The communal councils are inclusive," said Artigas community bank representative and spokesperson for the *Bloquecitos* communal council, Jose Lopez. "The idea is to break the old system of exclusion."

The April 13th communal council categorically denied that Chavez or his political party has any political say or involvement in their council. "We are autonomous and independent," said one community member. "The political parties do not have strength in the population," said another. Nevertheless, there is only one self-identified spokesperson who does not support the President.

One middle-class Eastern-Caracas resident, who asked not to be identified, said that the communal councils could turn out to be a great thing for opposition communities. Her community has been organizing a council since March in order to be able to protect their neighborhood against Chavez's programs and proposals. "If they do not become politicized, they can succeed," she said, "otherwise, forget about it."

There have also been a few extreme cases of two communal councils forming in the same neighborhood, with representatives fighting to be considered valid. But such cases are the exception.

"There is a lot of variety," says Felipe Pérez Marti, former Planning Minister under Chavez until 2003. "Many places of the opposition try to grab [the communal councils] as a vindication of their position against the government… In others it has been a difficult process of unity. In others, it has been the *Chavistas*, that have tried to exclude the rest."

Pérez himself, is one of the lone "revolutionaries" or Chavez supporters in his neighborhood's communal council, made up of a middle-class "rabid opposition." Nevertheless, he was elected "substitute spokesperson" and plays an active role since the permanent spokesperson never shows up for the meetings.

"It's been very interesting because as we have participated," says Pérez, "they have realized that we are normal people. Because the people are realizing that we all want the same thing. We want a better life. We want that there are better economic, social conditions. Better health, better education, a more beautiful environment, better streets, roads. Better living conditions. Employment. So we want the same, we are the same, why are we divided?"

According to Pérez, the divisions come from above, where those in power are using them as a source for increasing their power, which is why he believes the communal councils are so important, regardless, of which side you are on.

"From below there is a natural unity that is, of course, being constructed in the debate, in the exchange of ideas, in the action, in the individual and collective growth, and that is where they are forming a new political and collective consciousness, and a new ethic," says Pérez, who remarks on the near complete absence of the communal councils in the mainstream media.

According to Pérez, the people know much better than anyone in government what they need and what they want. They know much better how to manage those resources, because they know the community, and when a community feels a sense of ownership, they will take care of the project.

"If they waste resources, if they ask for large salaries, it's as if they are killing the hen with the golden eggs," says Pérez. "They have consciousness and they say no, the hen is mine, I have to take care of it and breed other hens of golden eggs."

And that appears to be the direction of the April 13th council. Following the footsteps of the grassroots mobilization after which they named their communal council, commemorating the day, as Ulises Castro says, the people of Venezuela "went out in the streets with consciousness of the problem of power and went to demonstrate and take the spaces of power and demand the return of their president… without political direction of any traditional party… mobilized, but with a different political consciousness."

See Also:

- Citizen Power and Venezuela's Local Public Planning Councils
- The Legal and Practical Basis of Citizen Power in Venezuela

[1] Interview, Pedro Caldera, FUNDACOMUN Representative, September 25, 2006, 23 de Enero, Caracas, Venezuela. The name 13th of April (13 de Abril) was chosen for the council, in commemoration of the day President Chavez was returned to office after a short-lived coup in 2002, and with the help of thousands of Chavez supporters than came down from the hills to call for the return of their President.

[2] One Caracas CTU representative likened the government's communal council proposal to a benevolent good-intentioned giant, that only wants to help, but while bending down to plant a flower, he crushes fifteen instead.

[3] FUNDACOMUN is a 44 year-old Venezuelan state institute, which until last year specialized in community housing issues and according to Caracas FUNDACOMUN director, Pedro Morales, has always worked in "organization and community participation."

[4] Interview, Richard Canaan, FIDES President, September 24, 2006, FIDES, Caracas, Venezuela.

[5] Interview, Pedro Morales, FUNDACOMUN Caracas Capital District Capital Director, September 25, 2006, Artigas, Caracas, Venezuela.

[6] "Bancos comunales satisfacen necesidades de crédito" *Ultimas Noticias,* Nov. 11, 2006 http://aporrea.org/dameverbo.php?docid=86144

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Comparing Democratic Institutions in Venezuela and Canada

Mar 27th 2010, by Steve Caines - Media Co-op

Recent remarks by Canadian State of Foreign Affairs Minister Peter Kent with regard to the media and "shrinking democratic space" in Venezuela [1] are but a few of a number of disapproving comments expressed by the Canadian government over events in the country in the past few years. But given that the remarks came during a three month prorogation of the Canadian Parliament, it was only to be expected that criticisms would arise over whether the government's comments actually stem from genuine concerns over democracy [2]. Regardless of what full motivations may be behind Kent's comments, the Canadian government's ongoing sweeping claims of faltering democracy in the country are deserving of close examination. Deciding whether democracy is improving or "shrinking" in Venezuela requires a more thoroughgoing and contextualized look at the country's democratic institutions, rather than short glimpses into single events.

What are some of the formal democratic institutions in Venezuela? And, given recent criticisms by the Canadian government, how might some of Venezuela's democratic institutions actually compare with those of the country's northern neighbor? By juxtaposing various aspects of the democratic systems of both Canada and Venezuela we can gain a better understanding of the functionality of each system, evaluate the validity of Canadian representative's accusations, and dispel some myths. As shown in this analysis, many aspects of Venezuela's system of democracy are not substantially different than those of Canada, while many other key aspects actually compare favorably when juxtaposed with Canada's system.

Of course, significant difficulties exist in any attempt to compare two different and complex democratic systems, each of which will invariably have their own unique characteristics and peculiarities. An added difficulty in making any comparison between Canada and Venezuela is that while one country's system in defined as a representative democracy, the other is purported to be - or purported to be on the way to becoming - a participatory democracy [3]; these characterizations imply differences with regard to the organizational structure of democratic institutions, differences which may be fundamental. Despite such difficulties meaningful comparisons can still be drawn.

Analyses of democratic systems can vary from discussions of overarching political institutions and processes (e.g. laws, and federal elections) to discussions on economics (e.g. the degree of wealth inequality in a country, the ability of a person to make decisions in the workplace, etc) as well as other topics. The objective here has been to make a comparison of the democratic institutions in Venezuela and Canada within the political framework of liberal democracy, but also to make comparisons in terms of aspects of participatory democracy in both countries.

Historical Factors and Organization

Venezuela and Canada have very different histories, however one commonality is that, like much of the rest of the world, both countries have roots in colonialism. Canada, founded in 1867, is a former colony of Britain. The country was originally established as a Federation of four provinces and has grown to include 10 provinces and three territories (the most recent territory – Nunavut - was established in 1999). Through various forms of legislation since Confederation, Canada has increased its independence from Great Britain, although remnants of the country's colonial past persist to present day; Canadian city names and streets still bear the names of British cities and leaders, and most significantly in this vein, the Queen of Britain formally remains the Head of State in Canada. This has many significant implications for how government functions in Canada.

Canada's form of government remains a Constitutional Monarchy. Although it has been amended and reformed at various times during the past (such as the creation of the Charter of Rights and Freedoms in 1982) the 1867 constitution remains the only constitution Canada has ever had in its history.

Venezuela was established as a colony of Spain in 1522. After centuries of social upheaval Venezuelan independence was finally attained in 1811, and following years of military governments, a moderate amount of political stability is said to have gained a foothold in the mid 1900s. However, between the late 1950s and 1990s, Venezuela's political system was marked by a power sharing deal known as the Punto Fijo Pact, an agreement between political parties that largely restricted popular participation in the democratic process. Of course in 1998, Hugo Chavez's party the Movement for the Fifth Republic (MVR) was elected to power. Preceding Chavez's election was a substantial period of economic decline

and a dramatic increase in poverty rates, which had contributed to much disillusionment with the prevailing political parties. The election of Chavez and the years that followed ushered in a veritable sea change in the political landscape in Venezuela, with the previously entrenched political parties becoming marginalized and replaced with leftist groups such as the United Socialist Party of Venezuela (PSUV).

In 1999, by popular referendum, the Venezuelan populace approved a new constitution. The 1999 constitution is the country's 27th to date, and has been described by various observers as one of the most progressive constitutions in the world [4].

Venezuela's government organizational structure is defined as a Federal Presidential Republic. The country is divided into 23 individual states, which are subsequently organized into 9 administrative regions.

Legislatures

Legislatures can be viewed as possessing the highest of political powers in both Canada and Venezuela. Responsible for the formation of law, the legislature establishes the conditions by which all other forms of government adhere to and thus has the most fundamental influence over political direction. Members of the executive and judicial branches of government are subordinate to the legislative branch.

Before the 1999 constitution Venezuela had a bicameral legislature consisting of two houses, i.e. the Senate and the National Assembly. This system was similar to the bicameral legislatures which still exist in Canada and the United States. However, the 1999 constitution reduced the legislature to a single house, the 167 member National Assembly [5]. Members of the National Assembly are elected by popular vote and serve a five year term, with the possibility of indefinite reelection. In 2005, the Venezuelan opposition famously boycotted the National Assembly elections in protest, resulting in every last National Assembly seat being filled with a Chavez supporter [6].

In Canada, the legislature or Parliament is bicameral and consists of the Canadian House of Commons and the Senate. The House of Commons members total 308, who are all popularly elected [7]. Senate members in Canada (a total of 105) are not popularly elected but appointed by the Governor General on the advice of the Prime Minister (appointment powers officially lie with the Governor General, although it is customary for the Governor General to accept the Prime Minister's appointment suggestions) [8].

The stated purpose of a bicameral legislature, as opposed to a unicameral legislature, is to provide checks and balances. With two houses, it is said that each house can work as a check on the other as laws are being passed. An argument can be made however that a unicameral legislature is more democratic. This is because, as is the case in the United States, each state elects the same number of senators regardless of the state's population (9), which can lead to disproportionate representation. Or, as is the case in Canada, senators are not elected by popular vote, but are directly appointed by the governing party (the most recent appointments to the Canadian Senate were made by Stephen Harper's Conservative Party during a period of only 31% popular support for the party across the country). Furthermore, senators in Canada are appointed to their positions permanently, and are able to serve for any period of time until they are 75 years of age [10] [11] [12].

Some political parties in Canada continue to campaign on a promise to abolish the senate and create a unicameral legislature. However, as none of these parties have been elected federally, this has not yet happened.

Executive Branches

Canada's political system has been modeled after the Westminster system of Britain. As such, the executive branch of government consists of "the Crown" (the Queen and her representative the Governor General) the Prime Minister, and a Cabinet of Ministers. The number of cabinet ministers is not fixed and can change from government to government. While the role of the British Monarch and her representatives is now essentially limited to a ceremonial position in Canada, it is notable that the Crown can still play a very significant role in Canadian politics. This was dramatically demonstrated recently with two consecutive shut downs of federal parliament, which sparked outrage for the Canadian public [13] [14]. While only acting on the advice of the Prime Minister and ruling Conservatives on this prorogation of parliament, the existence of the formal powers of the Queen allow the governing party to have significant executive control over other elected officials in the country.

In Venezuela, significant to the 1999 constitution, presidential term limits were increased from five years to six years and the possibility of immediate re-election was established [15]. Previously, presidents could be re-elected for another term in office, but not immediately following their first term. Following the rejection of a constitutional amendment vote in 2007, which in part would have abolished the maximum two term limit for the Head of State, Chavez did win a second referendum vote in 2009 that effectively abolished term limits for all elected officials. As such, there are now no limits on re-election of the president in Venezuela, and Chavez will be able to run for re-election is 2012 [16]. Also of significance with regard to the executive in Venezuela is that the president now has the ability to dissolve the National Assembly [17].

Although the elimination of limits with regard to presidential reelections has raised eyebrows in and outside of Venezuela, it must be remembered that there are no executive term re-election limits in many other countries in the world, including Canada. In Canada, as long as the political party gains minority or majority support during the election process, it is possible for the party leader to be re-elected as Prime Minister for an indefinite period [18].

Judicial Branches

The courts in Canada are roughly divided into a four tier system. At the federal level are the Supreme Court (which consists of nine justices including a chief justice) and the federal court, and in each province or territory are the "superior courts" and the provincial and territorial courts. Federal level judges in Canada are appointed by the Governor General on the advice of the governing federal party's cabinet. The judges of the superior courts in the territories and provinces are also selected by the governing federal party. Provincial and territorial court judges are appointed by the Lieutenant Governor, who, as the Queen's provincial representative, acts on the advice of provincial cabinet. The Supreme Court of Canada is the final court of appeal in the country and its decisions are binding on all other courts at all levels. The courts at the various levels all handle different kinds of cases, as defined in the Constitution of Canada (19).

Judges in Canada are appointed for life terms and can serve until the age of 75 [20]. Judges can be recalled by the Governor General on the advice of Parliament, with just cause. In addition to judges being appointed for life terms, the fact that judges are appointed by the governing party and not elected by one or both houses of the legislature remains a point of contention.

In Venezuela, the court system is one of the most criticized aspects of the government, and upon election the Chavez government undertook efforts to overhaul the system. The new constitution put the entire court system under the control of the Supreme Tribunal of Justice [21]. In addition, in 2000, the executive set up a commission to review the positions of judges currently serving. The commission's review process resulted in the majority of judges being dismissed due to charges of corruption, who were then replaced with provisional judges [22].

While the 1999 constitution states that the National Assembly is responsible for electing individual judges for single 12 year terms, it appears that most of the once provisional judges have been appointed for permanent terms [23]. While this process alone has no doubt raised accusations of political bias in Venezuela, it is not the only point of contention. Since the election of Chavez, the judiciary has seen an increase of 12 judges [24], which has been criticized as a court packing move. While the overhaul of the court system may have been undertaken with the aim of improving its function and its independence, it appears that the judiciary is still under heavy influence by the executive.

Venezuela's Two Additional Branches of Government

The principle of separation of powers in democratic countries is usually exemplified by the existence of the above three branches of government. However, in addition to the legislative, executive and judicial branches of government, the 1999 constitution of Venezuela established two additional branches. These include a citizens branch, and an electoral branch [25].

The purpose of the citizens branch is to monitor the actions of the other four branches of government and ensure that these branches adhere to their constitutionally determined functions. The branch consists of an attorney general, the human rights defender, and the comptroller general. The stated responsibilities of these officials are to watch for violations of the law, to monitor the government's adherence to human rights, and to ensure the proper administration and use of public funds, respectively. Each official in the citizen's branch is elected for a single seven year term [26].

The electoral branch consists of a National Electoral Council, the principle purpose of which is to oversee the organization of state, regional and municipal elections and referenda, and to ensure proper electoral procedure. The National Electoral Council consists of five principle members, which are elected by majority vote. The National Electoral Council can also oversee the functioning of non governmental civil society elections, upon request [27].

Members of both the citizen's branch and electoral branch are elected by the National Assembly. In the case of the citizens branch, if a two thirds majority on a candidate cannot be reached then the decision is put to a general public vote [28]. The creation of these two extra branches of government establishes further checks and balances on the other branches of government.

Elections and Electoral Processes

Canada does not follow a set time frame for elections. At either the federal or provincial level, elections can be called at various times, even in consecutive years [29]. Canadian federal elections and referenda are overseen by Elections Canada, an independent body that reports to the Canadian Parliament [30]. It consists of three principle members, which include the chief electoral officer, a commissioner of Canadian elections, and a broadcasting arbitrator. The chief electoral officer is elected by the House of Commons, who then appoints the commissioner and broadcasting arbitrator. The chief electoral officer serves until retirement or resignation, or can be removed by just cause by the Governor General [31].

Individual provincial and territorial elections (and their municipalities) in Canada are organized and overseen by respective provincial elections groups. Similar to the situation for federal elections, the legislature of each province or territory appoints a chief electoral officer, who then appoints other electoral officials. The actual appointment of the chief electoral officer is carried out by the province's Lieutenant Governor, who acts on the advice of the members of the legislature [32]. Provincial and territorial law in Canada prohibits municipal election candidates from campaigning by party stripe [33]. Therefore while candidates may campaign along ideological lines, municipal elections in Canada are non partisan. Also, unlike federal and provincial elections, municipal elections in Canada are held at fixed and regular times.

In Venezuela, presidential elections are held every six years, National Assembly elections are held every five years, and regional elections for governors and mayors are held every four years [34]. As in other presidential systems, it is customary for mayors and other municipal electoral candidates to campaign according to party affiliation. It is notable that prior to 1988, the Venezuelan populace were unable to directly elect mayors and governors. Previous to this time, mayors and governors were appointed by state representatives [35].

Canada has established election financing regulations, both in terms of public financing of political parties (i.e. parties can now be partially reimbursed for their election campaign expenses if they receive a certain amount of the vote), as well as a per-person limit on the amount of money that may be contributed to political parties [36]. Public financing of political parties was commonplace in Venezuela prior to 1999, however due to public discontent with the established parties, the use of public funds for political party support was abolished as part of the new constitution [37].

Referenda

Referenda are one method for the public to voice concerns and to apply their will directly, between elections. The most recent referendum put before the Canadian public was in 1995 where the public voted on the possibility of sovereignty for the province of Quebec. In Canada, at the federal level, referenda can only be triggered by the government in power as no legislation exists to support the ability for citizens to petition for them, or to subsequently recall elected officials. At the provincial and territorial level, one province has created legislation for citizens' petitioning for referenda. Federal referenda are generally rare in Canada, while non-binding plebiscites on contentious issues are at least more frequent [38].

In Venezuela the 1999 constitution established the right of citizens to petition for four different types of referenda, including consultative, recall, approving and rescinding referenda [39]. These referenda can be initiated by citizens, the National Assembly, or the President. Consultative referenda are non-binding and may be used for gauging public opinion on various issues, such as an economic trade agreement. Recall, approving and rescinding referenda are all binding votes. Recall referenda can be applied to any elected official, from the level of mayor up to the Presidency [40]. Approving and rescinding referenda can be used to pass, change or remove laws, or to amend the constitution [41]. For public petitioning of referenda, generally 10%-20% of registered voter signatures are required to trigger a public vote [42]. The most recent referendum in Venezuela was in 2009 and regarded the ending of term limits for elected officials, including the President, National Assembly members, mayors, and state governors.

Participatory Democracy and Constitutions

In addition to the possibility of petitioning for and voting in referenda, there are a number of other ways in which participatory democracy has been enhanced in Venezuela since the 1999 constitution. Some significant examples of this include the increased involvement of civil society in government decision-making processes, social auditing processes, and the creation of communal councils.

Increased public presence in government decision-making is shown by, for example, the participation of non-governmental groups in the nomination process for national electoral council candidates and citizens volunteering with the various ongoing health missions. With regard to the social auditing process, the law allows citizens to request financial reports and records from government agencies. This increases public oversight on the expenditure of public funds, on public projects and government institutions. Finally, perhaps the most significant example of participatory democracy in the country are the communal councils. Communal councils are composed of groups of people (no more than a few hundred people per council) who join together to plan work projects and/or the expenditure of public funds. Notably, communal council decisions are binding, such that mayors must abide by the decisions of the majority of the councils. Thousands of these councils exist across the country and often they receive direct funding from the federal government for community projects [43].

Grassroots action is common in Canada, and there are many groups of concerned citizens fighting for social causes in their communities. At least when compared to Venezuela, however, this grassroots action would seem to take place to an overall lesser degree. Generally, grassroots political involvement is not unified by an overall political vision or cause, but instead is guided by individual causes and on behalf of certain groups, with the battles being fought usually without any direct political involvement and with lower numbers of active people in general. Civil society groups in Canada do not necessarily enjoy the same consideration as might currently be enjoyed in Venezuela, and while the general public may from time to time be consulted even for the formation of some laws, this consultation is usually not a mandatory requirement. Consultation with civil society groups is usually through the voluntary discretion of elected or appointed officials, or a result of strong pressure from the public.

One would be remiss to discuss the many aspects of participatory democracy in Venezuela without highlighting the significance of the 1999 constitution and the part the constitution has played in solidifying their presence. Venezuela's constitution does actually goes as far as describing the country as a participatory democracy; as such, the constitution lays the groundwork for taking Venezuela's democratic system beyond the limitations of representative democracy to a more inclusive and comprehensive level. The constitution is characterized by a thorough description of citizen's rights, the relationship between citizens and governmental institutions, and the role of the government with respect to service to the public. Social rights such as health care, tertiary education, the right to employment and housing are incorporated. Fittingly, even the way the constitution was created involved thorough public involvement; the Venezuelan populace voted on whether to engage in a process to rewrite the constitution, were involved in the formation of the content of the constitution and the direct election of the members of the constitutional assembly, and later voted to approve the final document. These are opportunities never enjoyed by any generation of Canadians.

When juxtaposed against the participatory aspects of Venezuela's constitution, the representative character of Canada's constitution becomes more apparent. While there are without doubt merits to aspects of the constitution, it does not have the same comprehensive character and aside from the 1982 addition of the Charter of Rights and Freedoms, there really is virtually no reference to "the citizen" or "the public" in the entirety of the text. The effect of the lack of participatory guarantees in the Canadian constitution is evident when citizen participation is simply blocked from important processes, while justifications are made with appeals to long-standing traditions of representative and parliamentary democracy in the country.

Political Culture

While other parties do run in elections, three political parties generally predominate in Canada: the Conservative Party, Liberal Party, and New Democratic Party. The Conservative Party, although it holds power, does not have active parties in some Canadian provinces. The party is a new creation that formed in 2004 following the merger of the right-wing Progressive Conservative and Reform parties. The Liberal Party is generally accepted as right of center, as are the Conservatives. The New Democratic Party grew from socialist roots before being reformed into a more social democratic party during the 1960s. For virtually all of Canadian history, federal power has been held by the Liberal or Conservative parties, although the federal NDP have made gains over the years. Voter turnout during elections has generally been on the decline since the early 1990s, with the most recent federal election resulting in the lowest voter turnout in Canadian history (59%) [44].

In contrast, and while Venezuela has always had a strong grassroots political culture, the population of Venezuela have become more engaged in political matters since the 1990s. Rallying around the concepts of Bolivarianism and 21st Century Socialism, Venezuelan society has become increasingly involved in the democratic process. This was shown, in but one example, during the 2006 presidential election which resulted in the country's highest voter turnout ever with 74% of voters casting ballots. The demographics of political participation have even changed; whereas previous to 1998 political involvement in Venezuela was generally limited to more affluent groups (even Chavez is said to have been originally elected by the middle class), the past decade has been characterized by a large increase in the participation of the poor and previously excluded [45].

Along with increased political involvement and the rise of the concepts of Bolivarianism and 21st Century Socialism has come increased political polarization in Venezuela. This confrontation between different groups reached a peak during 2002, in which media groups were shown to have conspired with members of the military in the staging of a coup, temporarily removing Hugo Chavez from the presidency and dissolving the popularly approved 1999 constitution [46]. Although there have been dramatic political clashes in Canada during its history, there really is no parallel for that which occurred in Venezuela in 2002. One must consider the seriousness of such events and the effect that such events have on shaping the political culture and discourse in the Venezuela.

Concluding Remarks

While ongoing debate over the Chavez government's relationship with the country's news media is surely legitimate and important, one can see the folly of the Canadian government's continued claims of faltering democracy in Venezuela when looking at the situation with some attempt at objectivity. As shown in this analysis, many aspects of Venezuela's system of democracy are not substantially different than those in Canada, while other key aspects actually compare favorably when juxtaposed with Canada's system. In terms of the creation of a more inclusive and comprehensive constitution, the establishment of a unicameral and more democratic legislature, the ability of citizens to initiate referenda, recall elected officials, the various forms of participatory democracy, a higher general involvement of citizens in the democratic process, not to mention the basic ability of citizens to elect their head of state, Venezuela would seem a step ahead. While Venezuelans have seen an increased concentration of power in the executive branch of government in recent years this has been offset by the ability of the citizenry to recall elected officials, including the President. Through the popular ratification of the 1999 constitution Venezuelans have allowed for an increased role of democratic government in their country, which must be considered when analyzing specific situations or issues in the country.

On the other hand, while there are undoubtedly many merits to the Canadian system of representative democracy, citizens remain unable to recall elected officials, initiate referenda, or have full democratic control over the Canadian Parliament, among other key deficiencies. Contrary to claims from current representatives in the country, Canada's democracy could actually be improved if practices similar to those that are being taken up in Venezuela were adopted in Canada.

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