

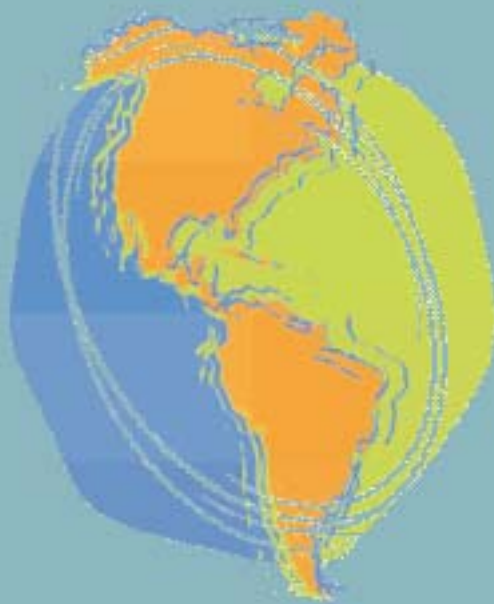
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FOCAL



Civil Society Follow-up of the Quebec City Summit of the Americas Plan of Action

CANADA REPORT

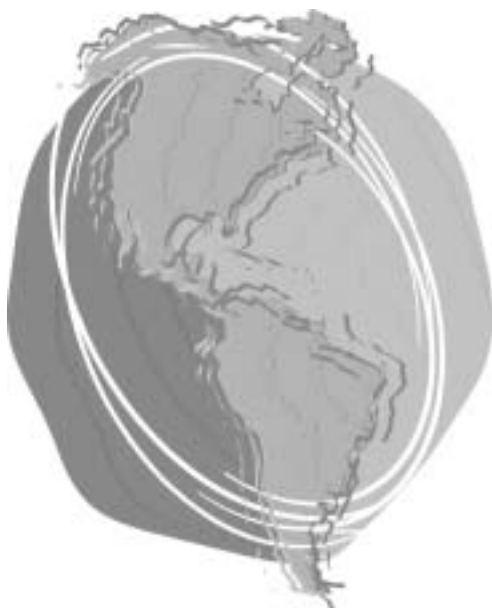


By Laurie Cole and
Olga Abizaid Bucio

CITIZEN PARTICIPATION IN THE
SUMMITS OF THE AMERICAS

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of the Americas
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PRESENTATION

This report is a summary of the main Canadian findings of the civil society follow-up of the Quebec City Summit of the Americas Plan of Action, a component of the Citizen Participation in the Summits of the Americas project. The project is an initiative of Corporación Participa from Chile, in collaboration with the Canadian Foundation for the Americas (FOCAL), the Coordinadora Regional de Investigaciones Económicas y Sociales (CRIES), the Universidad de los Andes (Colombia), The Latin American Faculty of Social Sciences (FLACSO-Chile), and the Inter-American Democracy Network.

The main objective of this follow-up is to examine the level of implementation of the commitments made by the governments of the region at the 2001 Summit of the Americas held in Quebec City. In the first phase of the project (July 2002-July 2003), a follow-up instrument was developed to monitor the Quebec City Plan of Action mandates in five themes related to the strengthening of democracy:

1. Access to Information
2. Freedom of Expression
3. Access to Justice and Independence of the Judiciary
4. Strengthening of Civil Society Participation
5. Strengthening Local Governments and Decentralization

The investigations assessed the impact that these promises have had on the legal frameworks, as well as on the day-to-day lives of citizens. The follow-up instrument was applied in 21 countries across the region, permitting a comparison of results among countries. The findings will be disseminated to national and regional officials, as well as citizens and civil society organizations. With this project, we hope to assist governments in evaluating their progress and prompt them to remain committed to the implementation of Summit mandates.

The information presented in this report was compiled by FOCAL, using the follow-up survey that gathered both qualitative and quantitative indicators. Qualified informants in each of the areas completed the surveys, and additional information was collected from a number of secondary sources. Based on the findings, a number of specific recommendations were generated with the goal of strengthening democracy and ensuring that Canada complies with international commitments both inside and outside of its borders. The current report is a summary of full reports that were completed for each of the five themes listed above. The full reports can be accessed at http://www.focal.ca/english/summit_project.htm

It is our hope that the findings and recommendations contained in these reports will be taken into consideration by governments as they begin drafting the documents for the fourth Summit of the Americas, which is to take place in Argentina in 2005.

I. FINDINGS

1. ACCESS TO INFORMATION

1.1 COMMITMENTS FROM THE QUEBEC CITY PLAN OF ACTION

In the Quebec City Plan of Action the participating governments pledged that, in order to increase public institutions' transparency and accountability, they will work together "to facilitate cooperation among the national institutions responsible for guaranteeing [...] free access to information, with the aim of establishing best practices to improve the administration of information held by governments about individuals, facilitating citizens' access to this information".¹

Given this mandate, the follow-up investigated two aspects of access to information in Canada: A) Existing legal frameworks; and B) Access to information in practice.

1.2 FINDINGS

A) Legal framework

Based on the right of free expression established in the Charter of Rights and Freedoms, access to information is protected under the Access to Information Act (AIA), which gives all Canadian citizens and permanent residents the right to access records under control of a government institution. Although not part of the Charter, the AIA can override provisions of other federal laws. Exemptions to access to information are included in the AIA, as well as in other federal laws, such as the Privacy Act, the Youth Criminal Act, the Security of Information Act, and the Anti-terrorism Act. Some of the 13 provinces and territories have provincial legislation on access to information and privacy.

Overall, it can be said that the AIA has provided the legal and procedural basis for overcoming barriers to openness, avoiding unreasonable costs and delays in the delivery of information by government offices.

Positive aspects of the existing legal framework:

- Any Canadian citizen or landed immigrant is entitled to request information without having to specify the reason for their request.

- Exemptions are clearly specified and are aimed at protecting information related to international affairs and defence, national security, cabinet confidences, trade and technological secrets and individual privacy.
- By law, all government departments subject to the AIA must have a special office to receive and address information requests.
- Timeframes for responses are clearly specified in the law.
- Complaints may be lodged with the Federal Information Commissioner if requests for federally held information are unjustifiably refused, or if applicants consider that the costs or delays in responding to a request are unreasonable. If not satisfied with the Commissioner's decision, recourse may be sought through the justice system.

Negative aspects of the existing legal framework:

- The federal Information Commissioner of Canada does not have the authority to order a government department or Minister to release information.
- The number of legal exemptions to access to information increased from 38 to 54 between 1986 and 2000.
- There are concerns about the implications of anti-terrorism legislation on access to information, specifically the power granted to the Attorney General to issue secrecy certificates that prevent the disclosure of information for 15 years to protect international relations, national defence or security, and to stop ongoing investigations, appeals or judicial reviews regarding a complaint once such certificates have been issued.
- There are no federal “housekeeping” laws that require government departments maintain well-organized, accessible filing systems.

B) Access to information in practice

Access to information in Canada is consistent with democratic practices. There is a large amount of information on various issues available to the public. Canada has also developed a policy to disseminate information using a combination of printed and electronic materials. The creation of

Internet portals, including the InfoSource and the Canada websites, has been an important tool to disseminate up-to-date and timely information across the country, providing access to remote and rural areas.

Canada has developed a centralized system for responding to information requests, which also allows the government to measure compliance with the law. While efficient, it has been suggested that this system has also been used to respond selectively to requests based on the identity of the requester. According to data provided by the Information Commissioner, on average only 50% of information requests are completed within the 30-day limit. The delays are explained partly by the size and complexity of the requests. Additional problems identified related to delays in access to information include: The fact that, in some cases, decisions about what is considered an exemption is at the discretion of public officials; there is a lack of sufficient funding to train staff in access to information legislation and in the management of accessible filing systems.

As the Canadian economy and society change, more information is needed to hold government officials and private actors providing public services accountable: The systems in place must be able to respond to these needs.

1.3 RECOMMENDATIONS

- Ensure that security and protection of public order do not to override freedom of expression.
- Provide stronger enforcement mechanisms to ensure compliance of information requests, namely to strengthen the powers of the Federal Information Commissioner of Canada and make his or her decisions binding.
- Create legislation to enforce the efficient administration of information systems and oblige government institutions to maintain good records. Ensure that legislation has penalties for non-compliance.
- Reduce the exemptions to access to information.
- Establish measures to prevent the misuse of mechanisms designed to manage requests for information. Access to information requests must be granted regardless of the profession of the requester and the reason for the request.

2. FREEDOM OF EXPRESSION

2.1 COMMITMENTS FROM THE QUEBEC CITY PLAN OF ACTION

In the Quebec City Plan of Action, the countries of the Americas committed themselves to “ensure that national legislation relating to freedom of expression is applied equitably to all, respecting freedom of expression and access to information of all citizens, and that journalists and opinion leaders are free to investigate and publish without fear of reprisals, harassment or retaliatory actions, including the misuse of anti-defamation laws”.²

To evaluate the application of this mandate in Canada the investigation reviewed the: A) Existing legal frameworks that support freedom of expression; and B) Freedom of expression in practice in Canada.

2.2 FINDINGS

A) Legal framework

In Canada, respect for freedom of expression is in line with the goals and objectives of a democratic system, where journalists, artists, and demonstrators have a key role to play in holding government and public officials accountable for their actions.

Freedom of expression is included in section 2(b) of the Charter of Rights and Freedoms as a fundamental right, only limited by “such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society” (section 1). In essence, the Charter only sets out the basic principles, while more specific references to the exercise of freedom of expression are found in other consolidated statutes and regulations such as the Criminal Code, the AIA, and the Security of Information Act, as well as in the guidelines used by the Canada Customs and Revenue Agency (CCRA) to examine and approve the entry of goods at international borders. However, it is the Supreme Court that has the final word in the interpretation of the Charter.

- The restrictions to the right of freedom of expression in Canada are divided into three categories: Defamation laws, protection to vulnerable groups (including victims of crime, minorities, young offenders, and actions to ban child pornography), and public order and national security.
- Complaints can be lodged in the courts. There are also a number of public and private dispute resolution mechanisms and

ombudsmen that resolve issues related to freedom of expression, including the Human Rights Commission, the Canadian Radio-Television and Telecommunications Commission, the Canadian Broadcasting Standards Council and provincial press councils.

- In general, domestic legislation is consistent with international human rights commitments signed by Canada, including the Universal Declaration on Human Rights, the U.N. Covenant of Civil and Political Rights, the Inter-American Declaration of Human Rights, as well as the commitments signed in the context of the Summits of the Americas. It has been suggested that Canadians rarely use international instances to lodge complaints, mostly because they are unaware of this possibility.

Some of the negative aspects of the existing legislation are:

- While there is a need for defamation laws, in Canada defamation is currently considered a criminal offence, punishable by up to 5 years in prison.
- There is no legal protection for journalists to defend the confidentiality of their sources. With the Anti-terrorism Act, witness, including journalists, may be ordered to testify in secret investigative hearings before charges are formally laid in cases related to terrorism.
- Access to, and dissemination of, secret documents is also restricted, and anyone involved in an incident involving secret documents is subject to a penalty up to 14 years (Security of Information Act).
- While there is anti-trust legislation, there are no laws restricting simultaneous ownership of dailies, television, radio and/or Internet services.

B) Freedom of expression in practice

Although freedom of expression is highly respected in Canada, there are some issues that threaten the exercise of this fundamental right. In the absence of counterbalances, these challenges constitute a danger for freedom of expression and affect the capacity of individuals to hold governments and other social actors accountable. According to Freedom House, one of the main challenges to freedom of expression in Canada is the relatively high concentration of ownership in the news media. Currently

the three main media corporations, CanWest-Global Communications Corp., Bell Globemedia, and Quebecor, have a significant presence in the printed media, television, cable, radio broadcasting, as well as telephone and Internet services. Canada faces the challenge of ensuring that concentration in media ownership does not cause a reduction in the diversity and the quality of the information available to the public. As it now stands, the main sources of pressures on journalists is not from the government, but from media owners.

There is also growing concern about how Anti-terrorist legislation will affect the capacity of reporters to disseminate 'restricted' information. The Security of Information Act was invoked in January 2004 to justify a police raid on Ottawa Citizen reporter Ms. Juliet O'Neill's house in an effort to determine the source of a secret document that she used in a November 2003 article. Although news organizations and journalists defend the principle of confidentiality, no legal guarantees exist to protect journalists' confidential sources and courts can force journalists to turn over information about their sources to the authorities.

There are other matters of concern. While Canada does have a strong legal framework to protect freedom of expression, there is a need for the fair and appropriate application of existing laws in real life cases, especially those laws related to pornography and censorship. Although some advances have been made to make the application of laws more standard and transparent, additional efforts should be made to provide clear definitions and to reduce the capacity of officials to arbitrarily apply restrictions.

The Canadian government and the private sector support the artistic and culture industries in Canada, and efforts are made to promote multiculturalism and the inclusion of different voices into the broadcasting industry. However, artists in Canada still face some challenges regarding censorship. One of main concerns of the artistic community relates to proposed changes in child pornography legislation (Bill C-12) which will remove the defence of artistic merit in criminal cases, and force artists to prove that their work contributes to the "public good". Artists fear that this reform may limit ability to exercise their right to free expression without the threat of prosecution.

Finally, although Canada generally respects the right to stage public demonstrations, concerns about public order in the last past eight years have led to direct confrontations between police forces and demonstrators and an increased use of force, particularly in the context of international state gatherings like the APEC Summit (1997), the Summit of the Americas in Quebec City (2001), and the G-8 meeting in Kananaskis (2002).

2.3 RECOMMENDATIONS

- Ensure that security and protection of public order are not permitted to override freedom of expression.
- Undertake a national study to review the impact of increased media concentration on freedom of expression.
- Limit further concentration of media ownership, via anti-trust legislation.
- Although protection of children is essential, Canada should not substitute the artistic merit defence with one based on public good.
- Create legislation to protect the right of journalists to maintain the confidentiality of their sources.
- Advocate the review of publication bans on court procedures, particularly in high-profile cases and when charges of terrorism are being laid.
- Reinforce Canada's support for the Inter-American human rights regime and ratify the Inter-American Convention on Human Rights.

3. ACCESS TO JUSTICE AND INDEPENDENCE OF THE JUDICIARY

3.1 COMMITMENTS FROM THE QUEBEC CITY PLAN OF ACTION

In Quebec City, the governments of the Americas declared that “equal access to an independent, impartial and expeditious justice system is a fundamental pillar of democracy and social and economic development”. In recognition of this, they pledged to promote initiatives in two areas:³

“Supporting public and private initiatives and programs to educate people about their right of access to justice, and promoting measures to ensure expeditious, equitable and universal access to justice”. A commitment was also made to exchange experiences regarding alternative mechanisms for administering justice, such as those applied to indigenous peoples; and

“Promote measures to strengthen the independence of the judicial branch, for example through initiatives related to transparency in the selection of judicial officials, judges' job security, appropriate codes of conduct and accountability mechanisms.”

To evaluate the implementation of these mandates, the follow-up reviewed the following components: A) Access to justice, including 1) Education of individuals about their right of access to justice, 2) Expeditious, equitable and universal access to justice, 3) Fair treatment of the poor, disadvantaged and those subject to discrimination; and B) Independence of the judicial branch: 1) Transparency in the selection of judicial authorities, 2) Accountability to society.

3.2 FINDINGS

A) Access to justice

1) Education of individuals about their right of access to justice

In Canada there are public education programs that teach citizens about their rights and duties, and the services available to them, as well as disseminate information about the legal system. Programs are provided by federal and provincial governments, provincial legal aid providers, community-based organizations, universities and law societies. These programs are able to reach a wide audience, and generally Canadians have a good understanding of their basic rights, especially in the criminal context. However, there is a need to make Canadians more “rights

literate”, as many people do not understand the full range of rights that are guaranteed in the Canadian Charter of Rights and Freedoms. More education is also required about how citizens can access these rights and negotiate with the administrative offices, tribunals and watchdog bodies that protect and enforce them.

2) Expeditious, equitable and universal access to justice

In Canada, legal aid services, various ombudsmen offices, and human rights commissions are available to the public in an effort to ensure equal access to justice. These services are fairly well run, but in recent years funding for legal aid and other regulatory bodies has been in decline, affecting the public's awareness of these services, and the number of clients they are able to serve. Many advocates point out that Canada does not have adequate services to support the most vulnerable segments of the population, especially on issues related to housing, workers rights, family law, and disabilities. There is a need to better identify and support these at-risk groups.

3) Fair treatment of the under-privileged and those subject to discrimination

Canada generally has competent, independent and well-trained officials, including police, judges and lawyers. The actions of the police are compatible with the requirements of a democratic state and Canada does not have a corrupt police culture; generally disadvantaged sectors of society are well served. Nevertheless, there have been isolated incidents of abuse of authority and racism. While efforts are often made to resolve the issue and hold those responsible accountable, changes are slow to come and are often the result of media attention and public pressure. There is a need to be proactive and not to have reform driven by individual cases. Canadian police do get some training on human rights, but it is optional and is not a requirement to become a police officer; the lack of standardized requirements means that training is uneven. Human rights, cultural and sensitivity training must be more structured, broadly available and a requirement for all those holding positions of power.

Despite the services and supports offered, there remain several groups that are at-risk of being excluded from the formal justice system in Canada, including the very poor and homeless, psychiatric patients and undocumented immigrants and refugees. Circumstances make it difficult or unappealing for certain groups to come forward. Access to support programs varies, with poorer areas having limited services. Language barriers, literacy and lack of trust may also impede access. Programs have been set up to support specific communities, for example the Canadian government has implemented the Aboriginal Justice Strategy (AJS) to

support community justice initiatives and recognizes alternative justice mechanisms applied by indigenous communities. Yet, there is much work left to be done: In 2002 the Correctional Investigator reported that while aboriginal people constitute only 2.8% of the Canadian population, they account for 17% of the federally incarcerated population.

B) Independence of the judiciary

1) Transparency in the selection of judicial authorities

The Canadian judicial system has been successful in selecting and appointing independent, well-qualified and professional judges. Since 2000 there have been no cases of judicial corruption and no judge has been removed or suspended due to political pressures or other arbitrary influence in reaction to previous judicial decisions.

Canada's Supreme Court is made up of 9 judges; 5 men and 4 women. They have tenure until 75 years of age, contingent upon good behaviour. No legal codes of conduct exist for judges in Canada, but the Canadian Judicial Council is responsible for dealing with the conduct and ethics of superior court judges. The Supreme Court Justices are appointed by the Prime Minister with the informal input of a Joint Committee formed by the bar associations and other individuals who are not lawyers. In August 2004, a new mechanism was put in place to make the judicial selection process more transparent: An ad hoc committee composed of nine members of the Parliament reviewed the Supreme Court candidates and were able to question the Minister of Justice about the nominees in an televised session. The committee will present a report to the Prime Minister, who retains the right to make the final decisions about appointments.

2) Accountability to society

The accountability of the judicial branch to society is high: There are several reliable sources of information about both the procedural aspects of the courts, as well as cases and judgements. There are also statistics on judicial budgets, remuneration of judges, accusations of torture and police abuse, and information about detainees and defendants awaiting sentencing.

3.3 RECOMMENDATIONS

- Take steps to make Canadians more “rights literate” and provide a better understanding of the Charter of Rights and Freedoms. Improved education about the bodies (tribunals, commissions and boards) that regulate many aspects of the lives of Canadians is also required.

- Despite the recognition of indigenous alternative justice mechanisms and the AJS, there is more to be done for First Nations in the administration of justice, including prevention and rehabilitation.
- Identify and support groups that require additional assistance to access our justice system, including youth, very poor and homeless, working poor, immigrants and refugees and people with disabilities.
- Ensure that human rights, cultural and sensitivity training are more structured and broadly available to all those holding positions of power.

4. STRENGTHENING CIVIL SOCIETY PARTICIPATION

4.1 COMMITMENTS FROM THE QUEBEC CITY PLAN OF ACTION

The Quebec Plan of Action establishes commitments for the strengthening of civil society's participation in national and hemispheric processes, specifically:⁴

“The creation of public and private financing mechanisms to help strengthen the capacity of civil society organizations (CSOs) to publicize their work and its results, as well as to promote social responsibility”;

“The promotion of the participation of all minority groups in the creation of a stronger civil society”;

 and

“The development of educational programs, in cooperation with the relevant civil society organizations, academic experts and other appropriate sources, to educate the public in the areas of democracy and human rights.”

To evaluate the level of implementation, the follow-up examined: A) Laws and initiatives to strengthen civil society: and B) Civil society participation in practice.

4.2 FINDINGS

A) Laws and initiatives to strengthen civil society

The right to assembly is included in the Charter of Rights and Freedoms. In Canada there are no laws that ensure CSOs involvement in the public policy process, but there is a history of collaboration with CSOs in the design of social programs and in the provision of public services. The Canadian government values the voluntary sector and has made efforts to include CSOs in the policy-making process and in democracy and human rights education, as well as supporting CSOs through public funding. The most important initiative in this regard was in December 2001, when the Canadian government and the Voluntary Sector Roundtable agreed to launch the Voluntary Sector Initiative a space where all partners can dialogue about how to strengthen the capacities of the voluntary sector to improve policy-making and program delivery. Most levels of government have some degree of partnership with CSOs in policy development through diverse working relationships.

Positive aspects of the legal framework:

- Not-for-profit organizations can collect charitable donations and grant tax-deductible receipts.

- Many CSOs in Canada receive public funding to develop their activities.

Shortcomings of current legal framework:

- Restrictions on advocacy activities for charities are vague and need to be made clearer and more flexible.
- There are no laws or regulations to guarantee minority groups' participation in the public policy process.

B) Civil Society participation in practice

CSOs do participate in Canada's political, economic and social policy development. There are policies that support these groups and laws to protect vulnerable groups from discrimination. Information and communications technologies are in place to receive CSOs' proposals. However, many CSOs are skeptical that the federal and provincial governments actually incorporate their contributions into the planning and budgeting process. The majority of CSOs seek budget, policy, and program outcome information from many federal and provincial departments. Although access to information varies by department and type of information, most CSOs consider that information is becoming progressively easier to access.

There are government bodies that develop democracy and human rights educational programs, often with the collaboration of CSOs. Democracy and human rights are social studies themes taught throughout Canada, using materials that reflect Canada's diversity.

Some Canadian CSOs oppose globalization, or aspects of it. These CSOs use a wide variety of methods to publicize their messages, yet public awareness of their criticisms are generally not high.

4.2 FINDINGS

- Continue to support initiatives such as the Voluntary Sector Initiative (<http://www.vsi-isbc.ca/eng/index.cfm>).
- As an ardent supporter of civil society participation in the inter-American system, including the Summits of the Americas process, Canada must continue to actively advocate for deepened civil society participation in multilateral fora.

5. LOCAL GOVERNMENTS AND DECENTRALIZATION

5.1 COMMITMENTS FROM THE QUEBEC CITY PLAN OF ACTION

In recognition that adequate citizen participation and political representation constitute the foundations of democracy, and that local governments have a significant presence in the daily lives of citizens, the 34 governments committed to:⁵

“Promote mechanisms to facilitate citizen participation in politics, especially in local or municipal government; promote the development, autonomy and institutional strengthening of local government in order to promote favourable conditions for the sustainable economic and social development of their communities”;

“Strengthen the institutional capacity of local governments to allow full and equal citizen participation in public policies without any discrimination,...strengthen decentralization and the integral development of these services...and timely funding and initiatives that permit local governments to generate and administer their own resources”; and

“Promote sharing of information, best practices and administrative expertise among local government personnel, associations of local governments, community associations ...by encouraging cooperation and coordination among national, subregional and regional organizations of mayors and local government”.

To determine the extent to which these mandates have been implemented in Canada, follow-up efforts focused on: A) Initiatives to foster decentralization and strengthen local governments, including 1) The place and function of municipalities within the Canadian system, 2) Cities and the struggle to change the domestic balance of power; and B) Civil society participation in local policy-making processes.

5.2 FINDINGS

A) Initiatives to foster decentralization and strengthened local governments

1) The place and function of municipalities within the Canadian system

As a federal country, Canada has a complex distribution of powers between the federal and the provincial/territorial governments, which is established by the Constitution. Municipal governments are the exclusive jurisdiction of the 13 provincial/territorial legislatures, and as such there are

several types of municipal governments (including cities, towns, villages, counties and districts) and their powers, responsibilities and structure differ across the provinces.

While the specific responsibilities and jurisdictions of municipalities vary, there are some basic functions and characteristics of Canadian municipalities:

- Most local government revenues in Canada come from property taxes, fines and fees. They also receive federal and provincial transfers;
- Local authorities are elected regularly (generally every 3 or 4 years depending on the local government). Mayors, councilors and school board officials are elected to their positions directly, and usually do not formally represent political parties;
- Recruitment for municipal personnel is generally done through an open and competitive process.

2) Cities and the struggle to change the domestic balance of power

One of the main criticisms of the current legislation governing municipalities is that it fails to distinguish between the varied structures and particular needs of different communities. As Canada becomes increasingly urbanized and diverse, local governments, especially in big cities, are shouldering more of the responsibilities for services and community needs, including the provision of affordable housing, community and social infrastructure, education, employment, initiatives for the local economy, environmental protection and community health and safety. The lack of distinction in the current legislation limits the ability of cities to put in place governance strategies or programs to attract investment. It also complicates the establishment of provincial priorities, the design of provincial programs and the allotment of funds to municipalities, as “one-size-fits-all” strategies do not meet all needs. In addition, as federal/provincial governments rely on local governments to deliver an increasing number of services, the amount of funds transferred to the cities has decreased over the years. As a result, cities have become increasingly dependent on the only source of income they have: property tax, fines and fees.

In recognition of these challenges, both the provincial and federal government, as well as cities themselves, have implemented reforms and strategies to ensure that legislation and governance structures reflect the diverse needs and challenges of local governments, and that they are armed with the flexibility and resources necessary to create livable and productive communities.

At the provincial level, some governments have implemented legislative changes to provide local authorities with greater autonomy. While none have granted full autonomy to municipalities, they are a first step in the definition of clear powers for local governments. In some cases, (i.e., 1994 Municipal Government Act in Alberta and the 1998 amendment to the Municipal Act in Ontario), local governments have been granted “natural person powers” which allow them to establish contracts, private-public partnerships, and implement special incentives to attract business investment. In other provinces (e.g., Nova Scotia and Labrador and British Columbia) the legislative reforms of the late-1990s provide a legal framework that is more flexible and broadens their powers to raise revenues. These reforms have also entailed changes in local government institutions, aimed at making them more flexible and functional to allow a more efficient provision of services. When Paul Martin took office as Prime Minister in February 2004 he pledged to develop a “new deal for cities” that would endow them with more resources. He also hinted at the possibility of consulting mayors in the federal budget process. In the 2004-2005 budget there was a plan for a 10-year rebate on the Goods and Service Tax (GST) that would give CDN\$7 billion to cities. Funding for municipal infrastructure was also included, as well as money for specific programs such as language training for immigrants, support for urban Aboriginals and clean up of federal contaminated areas. Paul Martin also appointed an adviser on cities to deal with the municipalities’ demand for CND\$60 billion for infrastructure, and to work with the provinces and territories in the design of a 10-year plan to make urban areas sustainable. The development of a federal long-term plan for the cities will most likely be linked to other issues in the federal-provincial bilateral agenda (e.g., health) and thus be a complicated task.

Parallel to government programs, cities themselves have taken the initiative and begun the City Charter Movement. Comprised of 17 of Canada’s largest cities, the movement aims to achieve greater autonomy by the production of city charters that clearly establish city powers and revenue-generating mechanisms. Currently Winnipeg, Montreal, Vancouver, and Saint John have their own City Charters. The need for additional sources of funding has led the mayors of large cities to form a caucus to negotiate as a bloc with the federal government. This unification has been successful in attracting the attention of the federal government, however, more is to be done to foster a productive dialogue between all levels of government.

B) Civil society participation in local policy-making processes

In Canada the influence of CSOs in the decision-making process of local governments is medium to high depending on the issue and on the level of involvement of the organization in the issue at hand. Some local

governments have developed programs to promote and facilitate civil society participation in the development of policies and to implement the necessary administrative changes within the government to increase CSOs participation, such as Engage! in Calgary and the Roundtable for Citizen Participation in Ottawa. However, there is always room for improvement.

5.3 RECOMMENDATIONS

- Foster legislation that promotes the recognition of municipalities as a level of government and that strengthens the institutions of local authorities.
- Foster bilateral and trilateral dialogue between local governments with the federal and provincial/territorial governments as needed to cope with the different challenges that local governments face, granting municipalities the resources required to meet these challenges.
- Although some governments have already taken the initiative, programs and mechanisms to promote and enhance civil society participation should be developed to strengthen accountability.

II. APPENDIX

1. METHODOLOGY

This research aimed at determining Canada's level of compliance with the commitments related to strengthening democracy that were undertaken by the governments in the Summit of the Americas of Quebec City.

The research design incorporated both qualitative and quantitative methods to collect information. To do so, the project team developed a survey that incorporates various data gathering methods, including questions aimed at obtaining subjective and objective information. The information was obtained through qualified expert informants and secondary research.

To determine what indicators were to be included in the survey, we undertook four steps:

- a) Reviewed of all of the commitments established in the Plan of Action of Quebec City.
- b) Devised a conceptual framework of issues outlined in the Plan of Action on the five selected themes, incorporating the perspective of Civil Society.
- c) Identified the dimensions and sub-dimensions of each theme and generated an exhaustive list of indicators measuring each of the identified dimensions.
- d) Selected the indicators to be used in the survey.

The survey was designed using the following criteria:

- a) To ensure that the set of questions represented adequately the commitments established in the Plan of Action of Quebec City.
- b) To emphasize the practical impacts of the commitments on the lives of citizens, rather than the formal or legalistic reforms.
- c) To identify key issues for civil society.
- d) To incorporate new issues in each of the themes selected, which in the opinion of civil society should be taken into consideration even if they were not explicitly contemplated in the Plan of Action.
- e) To guarantee rapid access to available information, be it obtained through secondary research or generated especially for this follow-up exercise.
- f) To generate comparable answers through the development of indicators using closed questions.

Description of the sample

The sample varied depending on the themes of the follow-up:

- a. The sample for access to information, freedom of expression, and access to justice and independence of the judiciary consisted of five qualified informants contributing to each of the themes.
- b. For strengthening of civil society, and local governments and decentralization we generated a non-probabilistic structural sample.⁶

b.1 Strengthening of civil society

A sample of 74 geographically representative Canadian CSOs was compiled, including small, medium and large provincial and federal not-for-profit organizations and charities. From these organizations 20 CSOs participated in this study. A qualified informant was also interviewed to answer part of the survey.

b.2 Local governments and decentralization

The analysis units of this theme were local governments. In Canada, local governments can have various forms, including towns, counties, and cities. The criteria used to generate the sample were population size and the level of resources of local governments. The design of the sample had to be modified for Canada due to the limited number of cities with over one million inhabitants. Although our sample is representative of the geographical diversity of Canada, we found that the level of response from local governments and CSOs to this initiative was very low. Survey information was supplemented with extensive secondary research.

ENDNOTES

1 Quebec City Plan of Action can be found at www.oas.org

2 Quebec City Plan of Action.

3 Quebec City Plan of Action.

4 Quebec City Plan of Action.

5 Quebec City Plan of Action.

6 A structural sample is a reduced model of population constructed around the relevant features from the point of the view of the research. The resulting sample is representative of the population in relation to the selected criteria.



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