

Canada without Parliament

HALTED IN MID-DEBATE

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Stephen Harper is counting on Canadians' complacency as he rewrites the rules of his country's politics to weaken legislative scrutiny

THE timing said everything. Stephen Harper, the prime minister, chose December 30th, the day five Canadians were killed in Afghanistan and when the public and the media were further distracted by the announcement of the country's all-important Olympic ice-hockey team, to let his spokesman reveal that Parliament would remain closed until March 3rd, instead of returning as usual, after its Christmas break, in the last week of January.



Figure 1 Reuters

Mr Harper turned a customary recess into prorogation. This means that all committees in both houses are disbanded and government bills die, no matter how close they are to approval. The prime minister, who heads a Conservative minority government, clearly reckoned that giving legislators an extra winter break, during which they might visit the Winter Olympics (in Vancouver between February 12th and 28th), would not bother Canadians much.

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He may have miscalculated. A gathering storm of media criticism has extended even to the Calgary Herald, the main newspaper in his political home city, which denounced him for “a cynical political play”. There are plans for demonstrations on January 23rd, just before Parliament would have reconvened. “Parliamentary democracy is in danger,” declared Peter Russell of the University of Toronto, who was one of 132 political scientists who signed a letter condemning the prorogation and calling for electoral reform.

Past Canadian prime ministers have normally asked the governor-general (who acts as Canada's head of state) to prorogue Parliament only after the government has completed most of its legislative business in order to start afresh with a new speech from the throne outlining new priorities. But nothing has been normal in Canadian politics since 2004, when more than two decades of majority government ended with voters electing a Liberal minority government. They then returned Conservative minority governments in 2006 and 2008.

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Far from completing its work, Parliament was still considering important measures, including bills that are part of Mr Harper's crackdown on crime, as well as ratification of free-trade agreements with Colombia and Jordan. All must now be reintroduced. So why shut down Parliament? Breaking six days of silence, Mr Harper said this week that it was a "routine" move to allow the government to adjust its budget due on March 4th. His spokesman claimed that the 63-day gap between sessions was less than the average prorogation of 151 days since 1867. However, the average in the past three decades has been just 22 days.

Opposition leaders claimed Mr Harper's real reason was to end an embarrassing debate on the government's apparent complicity in the torture of Afghan detainees, and in particular to avoid complying with a parliamentary motion to hand over all documents relevant to those charges. They also claim that the prime minister wanted to name new senators and then reconstitute the Senate's committees to reflect the Conservatives' additional representation, something that could not be done if Parliament was merely adjourned.

Having prorogued Parliament last winter to dodge a confidence vote he seemed set to lose, Mr Harper has now established a precedent that many constitutionalists consider dangerous. No previous prime minister has prorogued the legislature "in order to avoid the kind of things that Harper apparently wants to avoid," says Ned Franks, a veteran political scientist and historian of Parliament. Although other prime ministers may have had ulterior motives, they were less blatant, he says.

The danger in allowing the prime minister to end discussion any time he chooses is that it makes Parliament accountable to him rather than the other way around. Some of Mr Harper's critics are also affronted by his high-handedness in not bothering to call on the governor-general personally to ask for prorogation, as tradition demands, but instead making his request by telephone. "That was gravely insulting to the governor-general and the country," says Mr Russell.

Whether Mr Harper gets away with his innovative use of prime ministerial powers depends largely on whether the protest spreads and can be sustained until Parliament reconvenes in March. Mr Harper is doubtless counting on the Winter Olympics to reinforce Canadians' familiar political complacency. But he has given the opposition, which is divided and fumbling, an opportunity. It is now up to it to show that Canada cannot afford a part-time Parliament that sits only at the prime minister's pleasure.

2: