

**Democracy:  
Error 404**

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It's Hallowe'en night, and Jack-o-lanterns are flickering on the street outside my window in Vanier, Ontario. The usual hookers have been chased from the sidewalk by trick-or-treaters dressed in Dollar Store costumes.

Never heard of Vanier? It's the poor part of Ottawa, the one you don't see on The National. A large portion of its residents are on social assistance. Alcoholism is rampant, as is crack use, and prostitution. Most of the housing is rental, with absentee landlords who collect tax credits for three years then flip the properties.

Vanier is just a stone's throw from Parliament Hill, but politics is rarely a topic of conversation here. Residents of Vanier know it doesn't matter who you vote for, the government always wins. Increasingly, better-off Canadians are feeling the same way. I recently saw a bumper sticker on an SUV loaded with kids and hockey gear: *If voting could change anything, it wouldn't be legal.*

Democracy exists to safeguard against tyranny, a situation that exists when too few hands hold too much power. Put another way, democracy is founded on the principle that all who are drawn to power will abuse it.

The distinguishing feature of democracy is that sovereign power rests in the hands of the governed. The people, in other words. Sovereignty, as defined by the 1648 treaties of Osnabrück and Münster—collectively, “The Peace of Westphalia”—entails self-governance, the acknowledged right of a country to enact legislation free of supranational interference.

Yet on September 12, 2014, the Canadian government, headed by a duly-elected Prime Minister, ratified a trade agreement with China that gives state-backed Chinese corporations the right to sue Canada when legislation passed at any level of government interferes with their profits.<sup>1</sup>

This is not the first such agreement, called a FIPA (Foreign Investment Promotion and Protection Agreement), that Canada has signed. At last count, there are twenty-eight.<sup>2</sup> Any one of them, arguably, erodes the sovereignty of Canadian

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1 *Agreement Between the Government of Canada and the Government of the People's Republic of China for the Promotion and Reciprocal Protection of Investments*. Vladivostock: 9 Sept. 2012. <<http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/fipa-apie/china-text-chine.aspx?lang=eng>>.

2 *Foreign Investment Promotion and Protection (FIPAs)*. 18 Dec. 2013. <<http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/fipa-apie/index.aspx?lang=eng>>.

democracy. What is different about the one with China is that when China isn't happy with our legislation, they can sue us *in camera*. That means in secret, behind closed doors. More frightening, we, the the citizens of Canada, won't even know when China institutes proceedings against us. Depending on how heavily China invests in Canada, resource management, healthcare, education, banking, and environmental and human rights legislation are no longer under our control.

It's time to face an unpalatable truth: we no longer have a democracy in Canada, not by any definition of the word. Sovereign power does not rest uniquely with her peoples. The China-Canada FIPA forfeited that right.

How did we come to this? How did a once admired and respected nation allow itself to become the servant of a master other than its citizens? A master, moreover, with an atrocious record of human rights violations and environmental spoilage? More important, how is it most Canadians were blindsided by our loss of sovereignty?

The link between the media and democracy is supposed to be that democracy requires informed citizens, and the media informs them. Where, then, was the media in the period between the signing of FIPA and its ratification two years later? How is it so few Canadians even knew of its existence?

It is easy to point a finger at government. From the 2012 signing in Vladivostock to the press-release announcement of its ratification in 2014, the government did its best to stifle debate and keep FIPA out of the public eye. Green Party leader Elizabeth May's blistering sixty-second briefing to the Speaker of the House on October 24 2012 was a lone cry in the wind.<sup>3</sup>

But FIPA was a matter of public record after it was tabled in Parliament. Since it posed a serious threat to Canadian sovereignty, the national media should have been on it like white on rice. Yet despite mounting grassroots opposition, critiques by acknowledged experts, and petitions signed by tens of thousands of Canadians, the media remained virtually silent. The day of ratification, it ranked lower on *The National* than the shenanigans of Toronto mayor, Rob Ford:

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3 *Canada-China Investment Treaty*. 24 Oct. 2012. <<http://elizabethmaymp.ca/parliament/statements/2012/10/24/canada-china-investment-treaty/>>

**L. Lea @YukonGale:** *“The National is half over and FIPA hasn’t yet been mentioned.”*

**The National @CBCTheNational:** *“Thanks for your tweet. Mentioned at the 20 minute mark in the program.”*

**L. Lea @YukonGale:** *“Sorry, I must have blinked. You don’t think that was more pertinent to the country than the Ford story?”<sup>4</sup>*

One could be forgiven for suspecting the CBC, a Crown corporation supposedly at arm’s length from the government, was in this case anything but. However, the failure of mainstream media to serve its role in Canadian democracy runs deeper than the seemingly complicit silence over FIPA.

The link between democracy and the media depends upon a necessary fiction, that of journalistic impartiality. We expect significant news items to be reported accurately and in an unbiased manner. The media, however, cannot do this. The very manner in which it reports the news shapes public opinion. Which stories are considered newsworthy, how many seconds or column inches they receive, and how stories are prioritized are powerful tools for manipulating public perception.

Add to this the problem of ownership concentration in Canadian media, and the untenability of the fiction becomes obvious. One wonders how anyone was ever gulled by it. Whoever holds the purse strings to the media controls the flow of information to the public. This is as true of the CBC—say it isn’t so!—as it is of CTV (a subsidiary of BCE, the parent company of Bell Canada), Sun Media (a subsidiary of Québecor) or Postmedia (owner of all the former Canwest/Global publishing properties). Ownership concentration has been business as usual in the Canadian media for over a hundred years. In his heyday, convicted fraudster Conrad Black owned 59 Canadian dailies (55% of the market), most of which were acquired from Southam Inc., a newspaper empire founded in 1904.

The most troubling weakness in the link between the media and democracy in Canada is manifested at election time. The fault is not entirely the media’s. Blame lies in

<sup>4</sup> *Canada-China FIPA deal ratification getting little time on mainstream news*. 12 Sept. 2014. Twitter, @billhillier. <<https://twitter.com/billhillier/status/510599887302701056>>

a flaw that's woven into in our electoral system: the Prime Minister is chosen by default. The leader of the party with the greatest number of seats in Parliament becomes, *de facto*, the head of government, putting Canadians in the position of casting a one-size-fits-all ballot for their local MPP, the party they would like to hold majority in Parliament, *and* the leader of the nation.

Our system of representational democracy is supposed to reflect a combined, upward expression of the will of Canadians. Ideally, we vote for the candidate whom we believe will best represent our riding's interests in Parliament. Typically, this candidate is aligned with a political party that embraces a particular ideology, such that the sum total of party representation in Parliament represents the national political zeitgeist. The leader of the party with the majority of seats becomes Prime Minister, not because s/he was elected to the position, but because s/he was chosen by party members as the embodiment of the virtues and aspirations for Canada the party espouses.

During elections, the media, both regional and national, unfailingly focus on partisan politics. Intentionally or not, they paint a simplistic, top-down view of the electoral process, one that trivializes voting for best representation, encouraging, instead, placing bets on a winner. Election coverage resembles Queen's Plate day at Woodbine. The field is reduced to two front runners and a long shot, usually the NDP. The breeding, background, and win rate of party leaders are trotted out like racing forms. Weaknesses are attacked with the zeal of piranhas flaying a hapless cow. Party standings in the polls—the odds—are reported daily.

This last is particularly destructive because it fosters strategic voting. A strategic vote—a vote *against* something—is no vote at all. It is a response to feeling backed into a corner, compelled to use one's ballot to prevent an outcome rather than pro-actively support one. This kind of binary choice—back the winner or skew the race—isn't democracy, it's playing the odds, and calls into doubt the authenticity of election results. Combined with gerrymandering and a lack of transparent mechanisms for investigating electoral irregularities, it is theoretically possible for Canadians to elect a Prime Minister known to be disdainful of democracy and seem to grant him a majority in Parliament despite his party having less than forty percent of the popular vote.

Well, perhaps not so theoretically.

The media's role in democracy does not end with elections, though all too often it does. Press releases and wire-service stories stand in for real journalism. Facts are reported without taking into account that reporting is not just about facts, but the dynamic interplay between them. Informed analysis is required to make news stories meaningful and set them in context. Such analysis is generally missing from the daily news reports Canadians rely on. Even when it is not, the analysis is often perfunctory, and significant stories are allowed to die afterwards. CBC radio, for example, broadcast a discussion between treaty expert Gus Van Harten and David Fung of the Canada-China Business Council shortly after the signing of FIPA in 2012<sup>5</sup>. It raised alarms about the constitutionality of FIPA and its damaging impact on Canadian sovereignty, but there the story stopped. Despite demands for Parliamentary debate, despite tens of thousands of petition signatures, despite Trade Minister Ed Fast's assertion in May 2014 that only "technicalities" stood in the way of final ratification, scarcely a peep was heard about FIPA on the CBC, other than a blip or two occasioned by the Hupacasath judicial challenge—Ed Fast's technicalities.

"Much has been written over the past two years about the impact the Canada-China FIPA," says The Council of Canadians blog of September 12, 2014, but if it has, it certainly hasn't been in the mainstream media. A Google search for news items about FIPA between January 2013, four months after the original signing, and September 2014, the date of ratification, turns up practically nothing originating from Canadian news sources. My downstairs neighbour, a school teacher who regularly turns to the CBC for news, was completely unaware of FIPA's damaging provisions, let alone that only the Green Party had denounced it in Parliament, called the government to task, demanded debate, and stood up for the sovereignty of Canada.

"Media" in the 21st century entails more than the traditional, gated outlets of print and broadcast. Social media and the Internet provide a free alternative for disseminating information and fostering debate. Valiant efforts were made by bloggers, the Green Party of Canada, Leadnow.ca, The Council of Canadians and other advocacy groups to keep

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5 "Canada-China Agreement." *The Current*. CBC RadioOne. 29 Oct. 2012.

FIPA foremost in the minds of Canadians, but to what effect? The deal was ratified. One of two conclusions that may be drawn from this. Either social media and the Internet are not yet the effective tools for democracy they promised to be two decades ago, or the government is contemptuous of democracy and unconcerned with the will of the Canadian people. The latter seems more likely. An Ipsos Reid survey conducted for *The Vancouver Sun* in December, 2012, revealed that 59% of Canadians opposed a free-trade deal with China, 68% wanted the Conservative government to block the sale of Canadian firms to foreign investors, and 74% felt the governing Tories should stop acquisitions made by foreign, state-owned enterprises.<sup>6</sup>

Even with the traditional media reporting these findings, even with the free and open Internet striving to keep Canadians informed, even with Elizabeth May's clarion calls in Parliament a matter of public record on YouTube, the present Conservative government, led by Stephen Harper, signed away the sovereignty of the Canadian people.

The link between democracy and the media in Canada, however imperfect, is now irrelevant. For there to be a link, there must be a democracy. But like a browser URL you click on that results in "Error 404: Page not found", when I click "Canada" this Hallowe'en night in Vanier, up pops *Error 404: Democracy not found*.

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6 Vancouver Sun. "Most Canadians Want Harper to Block Sales of Firms to Foreigners: Poll." *Vancouver Sun* 19 Dec. 2012. <<http://www.canada.com/story.html?id=0db26431-843d-4f75-a438-4d4cb12a2ed4>>.