

# RESOURCES

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## Alberta Municipalities and Good Governance

By: Dr. Judy Stewart,  
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Fellow, Canadian Institute of  
Resources Law)

### Good Government at the Municipal Scale

In Alberta, municipal corporations are formed for the six purposes listed in the *Municipal Government Act* (MGA).<sup>1</sup> The first purpose is 'to provide good government,'<sup>2</sup> for the people, their property, and the landscape located within the municipality's geopolitical boundaries.

The concept of 'good government' is not defined in the MGA, or in Canadian law. Over the decades, legal analysis of the concept has been embedded in discussions of the federal government's general residual powers under section 91 of the Canadian Constitution, to pass laws for the 'peace, order and good government' of Canada.<sup>3</sup> These discussions do not define 'good government' as a concept separate from

concepts of "peace" and "order".

Unlike Alberta business corporations, municipal corporations are not created to produce shareholder profits. Instead, municipalities operate at the local and regional scales to provide good government, foster the well-being of the environment; provide services, facilities or other things necessary or desirable for all or a part of the municipality; develop and maintain safe and viable communities, and work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services.<sup>4</sup>

Municipal councils may only take action through majority resolution of council or bypassing bylaws to achieve one or more these municipal purposes.<sup>5</sup> Rarely, do municipal councils cite providing good government as the authority for their policies, bylaws or projects and projects.<sup>6</sup>

## Good government and good governance

The concepts of government and governance are different but are often used interchangeably in academic literature. This further confuses the fundamental principles and performance criteria that a person might use to determine whether a municipal council is providing good government.

In the municipal context, whether a council is providing 'good government' is sometimes considered when discussing how the elected body is managing public resources, conducting public affairs, and ensuring human rights are realized in accordance with the rule of law. Basically, these considerations are determinants of how well a municipal council is fulfilling their legal responsibilities as described in the MGA.<sup>7</sup>

To differentiate, *government* is the legitimate (elected or representative) body that governs through top-down command-and-control laws and regulations that are enforceable through court process. However, *governance* refers to all processes of governing, the institutions, processes and practices through which issues of common concern are decided upon and regulated.

In every Alberta municipality, government representatives from the federal government, the provincial government, tribal governments, charities and non-profits, the business community, and citizens from all walks of life work together in governance processes.

While the concept of good governance may seem simple, it is complex with several underlying principles and performance criteria for evaluating whether a municipal council is engaged in good governance processes. What are these principles and

performance criteria and how can they be applied to determine if a council is providing good governance when creating policies, bylaws, institutional arrangements, and processes to manage an emergent community problem? For example, how would a council engaged in good governance processes manage the impacts of climate change and severe weather events on the community and neighbouring municipalities?

## Good Governance

Good governance is not a thing that can be held or photographed, but a person recognizes this dynamic process when he or she sees it, no matter where they live around the world. It is an ever-evolving collaboration among governments and civil society to achieve common goals. For example, when Dibaba studied 'good governance of land resources' in Ethiopia, he explained, as follows:

*Good governance [is] based on a set of principles that includes: participation; rule of law; equity; accountability; transparency; consensus; inclusiveness and efficiency. Land governance has been defined as policies, process, and institutions by which land, property and natural resources are managed. Sound land governance requires a legal regulatory framework and operational processes designed to implement policies consistently within a jurisdiction or country, in sustainable ways. Land governance is the rules, process and structures through which decisions are made regarding access to, and the use and transfer of land, the manner in which those decisions are implemented and the way that conflicting interests in land are managed.<sup>9</sup> (5 at 34)*

In 2025, academic literature is rapidly emerging on this complex research question

in all fields of study in all regions of the globe.<sup>10</sup> However, there are a couple of academic articles and webpages that were provided between 2010 and 2020 when 'good governance' research first began flooding the academic world, that might help Alberta municipalities understand the principles and performance criteria that have framed many new studies.

Perhaps, the most succinct and valuable discussion is found on the United Nations webpage relation to protection of human rights: "What is Good Governance."<sup>11</sup>

*Governance refers to all processes of governing, the institutions, processes and practices through which issues of common concern are decided upon and regulated. Good governance adds a normative or evaluative attribute to the process of governing. From a human rights perspective it refers primarily to the process whereby public institutions conduct public affairs, manage public resources and guarantee the realisation of human rights.*

*While there is no internationally agreed definition of 'good governance', it may span the following topics: full respect of human rights, the rule of law, effective participation, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes and values that foster responsibility, solidarity and tolerance.<sup>12</sup> (Emphasis added)*

The United Nations explains that governance is not the same as government legislation, although legislation and policies provided by different levels of government are essential aspects of complex good governance

systems. Laws, policies and processes put in place by a Parliament, the Alberta Legislature, or a municipal council provide community norms, legitimacy, and necessary guidance for governance systems to be effective in achieving the desired outcomes of the community.

In ensuring good governance of a municipality, the local council cannot act alone. In 2016, Taylor<sup>13</sup> stressed that governance is not the sole domain of elected government bodies. Taylor stated that: "The idea of governance recognizes the blurred boundary between public authority and private action in real-world policy development and implementation, as evidenced by lobbying, public consultation, delegated authority, public/private service delivery partnerships and contractual arrangements, and so on." (Emphasis added)<sup>14</sup>

In a 2017 article, Keping<sup>15</sup> also explained that governance has four features: "governance is not a set of rules or an activity, but a process; the process of governance is not based on control, but on coordination; it involves both public and private sectors; it is not a formal institution, but continuing interaction."<sup>16</sup>

In 2019, Stewart and Tyler<sup>17</sup> examined the contributions of three volunteer environmental governance networks in the Calgary region of Alberta that were acting as 'bridging organizations' bringing together stakeholders from all sectors to resolve shared environmental governance problems. The Bow River Basin Council (BRBC), the Calgary Region Airshed Zone (CRAZ), and the then Calgary Regional Partnership (CRP) were multi-stakeholder governance organizations that connected public and private stakeholders who would otherwise not be connected to help solve common natural

resource management issues. Their collaborative governance processes identified shared community values and issues of concern, built trusting relationships, co-created knowledge, resolved conflict, and contributes to social learning processes. The organizations brokered both knowledge and resources from outside the network of members, filling gaps that existed in legislation, policy and technology to assist their membership in governing the management of land and water use, as well as air pollution caused by human activities.

Back to the previous question, what must a municipality do to participate in good governance when addressing climate change? How might they ensure that the effects of climate change do not significantly impact people's lives, property and livelihoods, as well as municipal infrastructure, services and programs? A council providing good government would have to ensure that all the legal responsibilities of the municipality are affected, and recognize human rights, including rights to personal safety and security, as well as protection of private property. But, to participate in good governance the council would need to participate in the political and institutional processes and outcomes that are necessary to achieve goals set out by the community.

## Principles of good governance

Good governance may span the following topics: full respect of human rights, the rule of law, effective participation, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes

and values that foster responsibility, solidarity and tolerance.

**Table 1** below compares good governance principles and performance criteria from several different sources where administrative law principles and performance measures have been identified and discussed.

**Table 1: Administrative Law principles 'good governance and performance**

Source	Principles of Good Governance	Performance Criteria of Good Governance
United Nations Human Rights: Office of the High Commissioner <sup>18</sup>	<ul style="list-style-type: none"> <li>• Transparency</li> <li>• Responsibility</li> <li>• Accountability</li> <li>• Participation</li> <li>• Responsiveness (to the needs of the people)</li> </ul>	<ul style="list-style-type: none"> <li>• Respect of human rights,</li> <li>• The rule of law,</li> <li>• Effective participation,</li> <li>• Multi-actor partnerships,</li> <li>• Political pluralism,</li> <li>• Transparent and accountable processes and institutions,</li> <li>• An efficient and effective public sector,</li> <li>• Legitimacy,</li> <li>• Access to knowledge, information and education,</li> <li>• Political empowerment of people,</li> <li>• Equity,</li> <li>• Sustainability</li> <li>• Attitudes and values that foster responsibility, solidarity and tolerance</li> </ul>
United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) <sup>19</sup>	<ul style="list-style-type: none"> <li>• Participation</li> <li>• Rule of law</li> <li>• Transparency</li> <li>• Responsiveness</li> <li>• Consensus oriented</li> <li>• Equity and inclusiveness</li> <li>• Effectiveness and efficiency</li> </ul>	No separate performance criteria

	<ul style="list-style-type: none"> <li>• Accountability</li> </ul>		
Lawyers for Good Government <sup>20</sup>	<ul style="list-style-type: none"> <li>• Equality</li> <li>• Citizen participation</li> <li>• Free and fair elections</li> <li>• Protection of human rights and the environment</li> <li>• Accountability to the people</li> <li>• Control of the abuse of power (anti-corruption)</li> <li>• Rule of law and due process</li> </ul>	No separate performance criteria	<ul style="list-style-type: none"> <li>• Accountability</li> </ul> <p>supervise the process of public administration in an effective manner.</p>
Yu Keping <sup>21</sup>	<ul style="list-style-type: none"> <li>• Legitimacy</li> <li>• Transparency</li> </ul>	<p>Social order and authority are voluntarily recognized and obeyed by those affected. From the legal angle something legal is not necessarily legitimate.</p> <p>Consensus and political identity shared by citizens. Requires relevant administrative bodies and administrators to manage various conflicts of interest among citizens and between them and the state.</p> <p>Publicity of political information. All citizens are entitled to the information on State policies that are related to their own interests, including legislative activities, policymaking, legal provisions, policy enforcement, administrative budget, public expenditure and other relevant political information.</p> <p>Information is shared with citizens through various media so that they can participate in public policy making and</p>	<p>Holding every person accountable for his or her own behavior when fulfilling duties related to a certain position or institution. If they fail to fulfill their functions or duties, or if they do so in an inappropriate manner, their conduct constitutes dereliction of duty or lack of accountability.</p> <p>Compliance to law and ethics enhances the accountability of individuals and institutions.</p> <p>Law is the supreme principle in public political administration that should be observed by all government officials and citizens, who should be all equal before the law. The rule of law regulates citizens' behavior, manages social affairs and maintains a normal order in social life, while its ultimate goal is to protect citizens' basic political rights, including freedom and equality. Rule of law is a basic requirement of good governance.</p> <p>Responsiveness is closely associated with the accountability – it is an extension of accountability. Public administrators and administrative bodies must respond to the demands of citizens in a timely and</p>

	<ul style="list-style-type: none"> <li><b>Effectiveness</b></li> </ul>	<p>responsible matter, and proactively solicit advice from citizens, explain their policies to them and answer their questions on a regular basis.</p> <p>Refers to management efficiency: rational administrative structure; scientifically designed administrative procedures; flexible administrative activities with minimized costs.</p>
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## Linking Climate Change to Human Rights

Human rights may be significantly affected by severe weather events arising from climate change. The links between good governance regarding climate change might be organised around four broad good governance principles and associated performance criteria that embody all the principles and performance measures found in the literature. These four broad principles were identified by the United Nations as critical to good governance institutions and processes when solving emergent issues that may affect human rights, as follows:

### 1. Democratic Institutions

#### *Performance Criteria:*

Good governance reforms of democratic institutions create avenues for the public to participate in policymaking either through formal institutions or informal consultations. They also establish

mechanisms for the inclusion of multiple social groups in decision-making processes, especially locally. Finally, they may encourage civil society and local communities to formulate and express their positions on issues of importance to them.

### 2. Public Service Delivery

#### *Performance Criteria:*

Good governance reforms of democratic institutions create avenues for the public to participate in policymaking either through formal institutions or informal consultations. They also establish mechanisms for the inclusion of multiple social groups in decision-making processes, especially locally. Finally, they may encourage civil society and local communities to formulate and express their positions on issues of importance to them.

### 3. Rule of Law

#### *Performance Criteria:*

Good governance initiatives reform legislation and assist institutions ranging from penal systems to courts and parliaments to better implement that legislation. Good governance initiatives may include advocacy for legal reform and public awareness-raising.

### 4. Anti-Corruption

#### *Performance Criteria:*

Good governance efforts rely on principles such as accountability, transparency and participation to shape anti-corruption measures. Initiatives may include creating mechanisms of information sharing, and monitoring governments' use of public funds and implementation of policies.<sup>22</sup>

## Concluding remarks

Good governance focuses on processes that emphasize participation by stakeholders in decision-making regarding matters that have the potential to affect lives and livelihoods. Collaboration among all interested parties is an essential component, leading to respectful and lively interactions and willingness to adapt and evolve as a community. Good governance, with the requisite adherence to rule of law, accountability and transparency is necessary for solving emergent problems such as water scarcity and potential impacts of a warming climate and severe weather events.

## References

1. *Municipal Government Act*, RSA, 2000 cM-26, s3.
2. *Ibid.*
3. Government of Canada, 'The Constitution Acts, 1867 to 1982', online: <https://laws-lois.justice.gc.ca/eng/const/page-3.html>. Section 91: 'It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section... ' (Emphasis added.)
4. *Ibid.*
5. MGA, *supra* note 1 s180(1).
6. Judy Stewart, (2014) 'A Guide to Alberta's Municipal Environment Bylaws: Overview and Examples' *Canadian Institute of Resources Law*, Occasional Paper #83, online: <https://cirl.ca/publications/occasional-papers/80-89>
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22. UNWebpage, *supra* note 11.

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### Upcoming Saturday Morning at the Law School Workshops – Save the Date:

December 6 – Proposed Changes to the Alberta Water Act – Arlene Kwasniak

January 17 – Alberta Wills & Estates

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### Institut canadien du droit des ressources

MFH 3353, Faculty of Law, University of Calgary 2500 University Drive N.W.

Calgary, AB T2N 1N4  
403.220.3200

[cirl@ucalgary.ca](mailto:cirl@ucalgary.ca)  
[www.cirl.ca](http://www.cirl.ca)



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