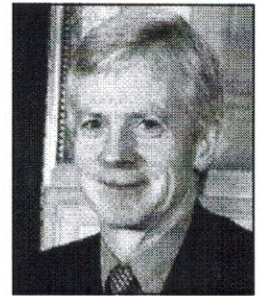


Remarks by **Hon. David KILGOUR**
 Queen's University Model Parliament
 House of Commons Chamber, Ottawa
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Human Dignity, Multiparty Democracy, and the Rule of Law are Ultimately Indivisible

Congratulations to Queen's for again holding its model Parliament in this chamber. You are walking with Canadians and countless others around the world, who believe that human dignity, the rule of law and multiparty democracy are ultimately indivisible.

Democrats everywhere know that our varied systems are imperfect. Indeed, the chamber in which we sit appears to be currently discredited in the minds of many Canadians, primarily I think for its lack of civility. Voter turnout in last year's national election was only 59%, the lowest in history, and is one indicator of a serious problem.

Taking a global view, however, we realize how precious is the democracy Canadians often take for granted. Four years ago, 80% of Afghans risked their lives to vote in their presidential election. One of them was Dr. Sima Samar, who, after having lived as a refugee for a decade outside her country, became Deputy President in the Afghan Transition Team. Later forced to resign after questioning some religious laws and receiving death threats, Dr. Samar continues to fight for democracy as the chair of the Afghan Independent Human Rights Commission and UN Special Rapporteur on the situation of human rights in Sudan.

Another heroic Asian democrat is Aung San Suu Kyi, a Nobel Peace laureate, who has spent most of 18 years under house arrest in Burma. She and her National League for Democracy (NLD) won about two-thirds of the votes cast in the 1990 election. The generals allowed none of the elected to take their seats. The UN Special rapporteur on Burma confirmed as a "state-instigated massacre" the attack on her peaceful procession in 2003,

northwest of Mandalay, when about 100 people were killed; Suu Kyi was herself wounded. Earlier this month, a court in Mandalay reportedly sentenced Bo Min Yu Ko, in his early 20s and a member of the All Burma Federation of Student Unions, to a total of 104 years in prison.

Democratic Spirit

What is the source of the democratic spirit that motivates such bravery? Commenting on his own country's new-found freedom, President-elect Vaclav Havel—no stranger himself to prison cells and today recovering from surgery in a Prague hospital—once asked: "From where did [Czechoslovakia's] young people . . . take their desire for truth, their love of free thought, their political ideas, their civic courage and civic prudence?" Does the answer not lie in the human desire everywhere to choose the types of societies we want to build for ourselves: ones grounded on values of human dignity for all and the rule of law?

Central to the functioning of Canadian democracy is the body we are here to explore—Parliament. Compared to many such institutions around the world, it functions quite well and, yet, there is a sense that it does not measure up to the high standards Canadians hold. Why is this so? The answer is to be found both in our own history and in the example of those nations where the current struggle for democracy throws its principles into bright relief.

Representational role of MPs

Permit me to ask those of you who would consider becoming MPs to raise your hands? (5-10% of the approx. 300 students present raised them.) That's discouraging because I found being an MP for almost 27 years to be most

fulfilling. To do a proper job in my opinion, members should respect a number of principles. Some of my own are explained on my website (www.david-kilgour.com) under the heading "Rule of Law/Democracy", but I'll list some here:

- 1) Represent constituents without fear or favour.
- 2) Never give in if you believe the cause is just.
- 3) An MP is an advocate of last resort for constituents and his/her office is not a branch of any government department.
- 4) Find and support really good staff.
- 5) Keep your sense of humour close at hand.
- 6) MPs, not party whips, are the best judges of voter opinion, and therefore issues concerning voters, in their ridings.

Let me add a word about this last one. It is the electors of your riding who send you to Ottawa. Never forget it. In the case of the GST bill, for example, about 7500 constituents indicated to me in various ways their opposition to the proposed new tax. As a one-time tax lawyer, I was then (1990) personally convinced that it was not an efficient way to raise tax revenues. In the end, Dr. Alex Kindy and I voted against it and were immediately expelled by Brian Mulroney from the Conservative caucus. Fifteen years later, I resigned from Paul Martin's Liberal caucus primarily over the government's inaction on the sponsorship scandal. In short, don't abandon your principles and your voters even if it means leaving a political party—or two.

Threats

Democracies are vulnerable. The greatest threats today usually come, not

from the barrels of guns, but from the combined effects of poverty, apathy, and economic insecurity, which often result from the absence of equal justice and opportunity for all. During a good deal of the twentieth century, the democracy label was claimed by almost any regime, including the most despotic. In fact, democracies do not practise oppression, segregation, terror and murder by party-states. They thrive on diversity, inclusiveness, differences and respect for everyone by upholding the rule of law on the basis of citizen equality.

Democracy subordinates governments to their citizens; voters own their government, not vice versa. Democracy implies freedom of speech, association, assembly and religion - essentially the freedom for individuals to express who they are and what they believe as long as they do not infringe on the freedom of others. We must seek to enshrine freedoms and responsibilities in constitutions, laws and cultures.

Rule of Law

Fundamental to any healthy democracy is an independent judiciary. There can be no liberty if the judiciary is not separated from the legislative and executive branches of government. The tyranny of legislatures is sometimes the most potent impediment to the proper functioning of constitutional democracy. In Canada we think that an independent judiciary, with real power to strike down unconstitutional acts passed by legislators, is a necessary safeguard.

Elsewhere, in some countries, Judges are dismissed if they do not give judgments acceptable to their governments; more obsequious replacements are soon found (E.g. Robert Mugabe's Zimbabwe). Threats of violence can persuade some judges to act in accordance with the will of a dictator. There can be no impartiality when judges must choose between their own safety and the rights of another individual or a group. This is an extreme example, but more subtle means are deployed by regimes under the guise of a rule of law democracy.

Striking a balance between majority

rule and protection of individual and minority rights is an enduring challenge to every democracy. John Locke expressed the notion of inalienable rights--those so fundamental to the well being of individuals that a state should have limited rights to infringe upon them. In modern times, inalienable rights have become fundamental rights. Virtually any independent newspaper today contains stories of individuals and groups whose rights are being infringed. Reliance on a vigorous judiciary makes it possible for minorities and marginalized groups to live equally as full members of society.

Multi-party democracy across the world

Self government through fair elections is an aspiration shared by probably most if not all all peoples in the world; impressive progress has been made in recent decades. In late 2003, representatives from 120 nations, including 73 parliamentarians and about 200 leaders from NGOs, met in parallel meetings in Ulaanbaatar, Mongolia. We were reminded there that representative democracies in myriad forms were that year more prevalent than ever before in history-with an estimated 130 democracies functioning among about 200 sovereign countries-compared with less than about sixty as recently as the 1970s. In a message to the conference, then UN Secretary General Kofi Annan stressed his own personal commitment to democracy and the rule of law.

There was general agreement among delegates that unemployment, poverty and bad governance were among the factors weakening democracy. One delegate drew a direct link between terrorism and unequal opportunities for the poor across the world. There was full agreement that democratic governments in competing with terrorists for hearts and minds around the world should not retreat at all from the best practices of dignity-for-all societies.

Civil Society

A report from the civil society forum noted the importance of involving often institutionally excluded women,

children and other communities more effectively in democratic governance. Another point made was that the threat of terrorism must not be used by governments as an excuse to stifle civil society. I presume that no delegate doubted what terrorists would do to civil society everywhere if they could.

The discussions among parliamentarians were reported upon by the Speaker of the Namibian parliament. Their recommendations were blunt: 1- legislators must play a vigorous role in overseeing the executive branch; 2-women and minorities must be encouraged to play larger roles in parliaments; 3-free and independent media are essential to providing substantive information to voters; 4- racial and religious profiling is in practice counter-productive in resisting terror; 5-there should be better links between parliaments and respective national civil societies; 6-parliamentarians should help formulate democratic indicators.

Africa

Democracy has now swept through much of Africa. By 2000, 32 out of 54 heads of state had been chosen on the continent in elections against rivals backed by opposition parties. In 1975, only three heads of state were chosen that way. Over the past decade, more political parties have been founded in Africa than at any time since decolonization; democracy has taken root in many countries.

One lesson from Africa is that economic renewal and democratization best go hand in hand. Botswana and Mauritius have experienced the highest long-term growth rates, while also enjoying the longest period of democratic governance. Positive growth has returned to Benin, Ghana, Mozambique and South Africa, where the resurgence of democracy has been strong. Those having the most difficulties during the 1990s were not cases of failed democratization but failed governance. Another encouraging development for democracy in Africa is the resurgence of civil society, which has been at the forefront of the struggles to dislodge authoritarian regimes. It is in states

everywhere where civil society and independent media are weak that the greatest challenges to genuine electoral competition and accountability exist.

Americas

The Americas have also seen a democratic revolution, a far cry from about 25 years ago when there were only four democratic governments in South America. The promotion of democracy was a fundamental consideration when Canada joined the OAS and has been an ongoing goal in our relations with member states. The OAS was the first international organization to promote democracy expressly. Canada focused on developing the capacity of the organization to promote democratic development. We have also sought to strengthen institutions that support political and human rights.

The Protocol of Washington allowed for the de facto suspension from the OAS of a country whose democratically-elected government has been overthrown by force. Member states also adopted a resolution establishing a Special Fund for Strengthening Democracy to be used to respond to requests from member states. The OAS governments agree to "take ownership" of democracy and governance issues in the Summit of the Americas process.

Commonwealth

Much of Canada's efforts to support the rule of law and democracy globally have been through the Commonwealth. Common values and traditions were reflected in the Harare Declaration of 1991, in which member governments pledged their commitment to the protection and promotion of the fundamental political values of the Commonwealth. In order to be a member in good standing of the Commonwealth, a country must now have a civilian, democratically elected government. Unfortunately, the Mugabe regime, which has withdrawn from the Commonwealth, clings to office in the very capital where the Harare principles emerged.

Europe

The Organization for Security and Co-operation in Europe (OSCE)

stresses enhancing democracy from "Vancouver to Vladivostok." It does this through monitoring democratic processes among its participating states and through most of its 20 field missions. The OSCE also has a specialized agency devoted to democratization pursuits: the Office for Democratic Institutions and Human Rights (ODIHR). The ODIHR is active in monitoring elections and developing national electoral and human rights institutions, providing technical assistance to national legal institutions, and promoting the development of NGOs and civil society.

Francophonie

Canada has worked with La Francophonie to support democracy. It has undertaken several informal political initiatives to support democracy in countries at risk. In practical terms, the work of La Francophonie has focused on electoral observation missions, technical assistance in areas related to institutional development and "good offices" missions mounted by the Secretary General to assist in political crises.

Canadian Multilateralism and Democracy

What have Canadians learned from experiences around the world?

First, that there is no single best response on addressing threats to multiparty democracy and the rule of law. In the Commonwealth and the Americas, the Ministers' Action Group (CMAG) and the OAS have respectively worked well. Engaging global partners in democracy through multilateral institutions has been Canada's preferred approach.

Second, each threat to democracy should be addressed in context. The best approach is often one we might call accompaniment, i.e., to be supportive of local initiatives and ideas on how to strengthen democracy and send a message that external actors are there to support, and not to force change. Local actors should take the lead in resolving their own challenges.

Third, Canada's experience shows that while in some cases threats to democracy can be resolved quickly,

most of the time rule of law friends must be patient. As external supporters, we need to be ready to listen, enter into dialogue, and provide technical advice and assistance where needed, and be willing to do so over an extended period.

Finally, we must keep our actions in line with the promotion of human rights. Otherwise, we will not have democracy and we will have betrayed the people we are trying to help. While threats to democracy may seem great, we must never let them overwhelm us. As I stated earlier, the strength of democracy is in the struggle. It is a struggle to build the conditions in which democracy can flourish and it is a continuing effort to maintain it where it is strong.

Conclusion

Representative democracy is indispensable for a peaceful and prosperous world, with equality for all members of the human family. As we experience a serious economic crisis today, you might agree with me that our challenges are, to a great extent, the result of weakened governance, i.e., compromises in oversight, financial regulation and accountability that contravened basic responsibility principles in any democracy. As a result, democracies around the world today face both enormous new pressures and opportunities. The economic turmoil tests our commitment to democratic principles and best practices.

Democracy, in numerous forms, works hand-in-hand with the spread of the rule of law and the enhancement of human dignity. International institutions, including the United Nations, should accord incrementally more weight in future to human rights, the rule of law, and democracy. Our challenge as members of democratic societies is to safeguard democratic practice in Canada and help to strengthen democracies abroad, remembering always that it begins with each and every one of us as individual citizens. ■

www.david-kilgour.com