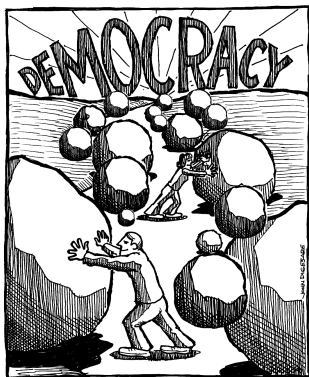


Working With Democracy

Indivisibility of Human Dignity, Multiparty Democracy & Rule of Law

Speaking at Queens University Model Parliament programme, veteran Canadian Parliamentarian, David Kilgour dwells in detail on human dignity, the rule of law and multiparty democracy. Narrating his personal experiences, he proclaims that though the systems are imperfect, the world has no choice but to work with representative democracy.



David Kilgour

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 which, 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 Kinsky 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

