

Citizens' Assembly on Electoral Reform

PRESENTATION

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Introduction

I recognize that the mandate of this assembly is to research and make recommendations about elections to the Legislature. You will have received many submissions advocating a broad range of electoral systems to replace the established "first-past-the-post" system in British Columbia.

The election of a legislature is rudimentary. It is the lifeblood of a democracy, but it is not the oxygen on which democratic life depends. Democracy's oxygen, I would argue, is citizens taking responsibility to govern themselves.

I am going to present the argument that reforming the electoral system in British Columbia may well lead to the creation of a legislature that more accurately reflects the political views of the electorate on the day of the election. However, such a parliament will only marginally strengthen the democratic credentials of broad public policy decisions made and implemented by government.

I am going to argue that elections need to be coupled with referenda to provide a foundation for a healthy democracy.

Retrospective Elections

Regular elections ensure that the make-up of a legislature reflects the society it governs. The laws governing people should change with the moods, preferences, attitudes, and priorities of the society being governed. The exchange of ideas in political debates involving citizens at the community level provides the framework for the evolution of a democratic society. In a democracy laws are not imposed on society, they reflect society's consensus. But that is not how governance has been evolving in British Columbia. Governments use parliamentary majorities and the power of the law to impose their leadership. The populace is left with no choice but to follow their government. Sometimes we follow in quiet resignation, and sometimes under loud and violent protests.

A century ago, campaigning for election meant that politicians and citizens engaged in lengthy debates on policy and principles. Today marketing rather than debating is how I would describe political campaigning. More often than not election campaigns are not debates on policies and principles; they are arguments about the performance of outgoing governments. Was the defeat of the Liberal Party under

John Turner a rejection of policies advocated by Mr. Turner as Liberal leader, or was it a judgment of the performance of Pierre Trudeau's government? Was the defeat of the Progressive Conservative Party under the leadership of Kim Campbell a rejection of policies advocated by Ms. Campbell as Progressive Conservative leader, or was it a judgment of the performance of Brian Mulroney's government? The same question can be asked in British Columbia. Was the defeat of the Social Credit Party under the leadership of Rita Johnston a rejection of policies advocated by Ms. Johnston as Social Credit leader, or was it a judgment of the performance of Bill Vander Zalm's government? Was the defeat of the New Democratic Party under the leadership of Ujjal Dosanjh a rejection of policies advocated by Mr. Dosanjh as New Democratic leader, or was it a judgment of the performance of Glen Clark's government?

We are again witnessing retrospective electioneering at the federal level. Only a few months ago every pundit in the country forecast that the Liberal Party under the leadership of Paul Martin would easily form a majority government in Ottawa. Then the Auditor General spoke. There is far less certainty about a Liberal majority today. Should it pass that the Liberal Party under Paul Martin's leadership forms a minority government, or forms the Official Opposition, would that be a rejection of Liberal policies under Paul Martin, or would it be a judgment of the performance of Jean Chrétien's government?

When elections judge past performance rather than providing a direction for the future, legislatures cease to reflect the citizenry's vision for the future. They become instead quasi default assemblies, assemblies of people elected above all to rid ourselves of former legislators. Elections thus take on a *de facto* retrospective purpose. We vote to express our displeasure with what happened in the past rather than voting to express a vision for the future. We use elections to punish legislators for what they did, and in doing so we miss the only opportunity we have to provide new legislators with policy directions to follow. Thus we find ourselves caught in a never-ending cycle of throwing out "bums" without apparent concern that, in doing so, we achieve little more than electing new "bums."

Referendum

The role of a legislature is not to determine what is "good for the people" but to debate and enact laws. Laws should never be used to push and pull citizens in a direction society is not ready to go. Laws are fences, boundaries for the policy objectives set by the people, boundaries within which society may freely live, develop, evolve, and express itself. I am paraphrasing John Ralston Saul: "*statutes do not exist because everyone would act in a criminal manner without them. They are there to lay out general social standards and, above all, to deal with a small minority who have always rejected responsible behaviour.*"

Any electoral system will in the end produce a government. If a single party does not form a majority, there will be a coalition or an entente cordiale to provide a mandate to govern. Societies with electoral systems that produce multi-party legislatures, e.g., France or Israel, still end up with governments capable of pursuing deeply divisive policies with the potential to ignite strong and sometimes violent opposition.

It is an oversimplification to suggest that all the public policy issues of a complex modern society can be boiled down to three or four options as represented by political parties. Public policy issues cannot be neatly arranged into groupings. To use British Columbia issues as an example, it is possible for a rational person to support the sale of a railway and at the same time oppose offshore oil exploration. A second person, equally rational, might support the 2010 Olympics and be opposed to fish farming. A third person, as rational as the first two, might support offshore oil exploration and be opposed to the 2010 Olympics. The possibilities of rational and reasoned policy combinations are as many as there are voting citizens in this province. I dare say that few voters in British Columbia wholeheartedly support all policies advocated by one single political party to the exclusion of all other possibilities.

The referendum is a legitimate public policy formation tool. A democratic governance system is one where voters have ready access to a fair and definitive process to determine policy priorities and direc-

tion in major areas of public concern. Then, in a separate process, they elect the most capable candidates to serve in the Legislature and construct the statutory framework to enable government to bring the people's policy directions to reality. Regardless of party affiliation, an adept legislator is capable of contributing to legislation for fish farms with as much sensitivity to the public interest as she would to legislation for the public ownership of a railway.

Combining referenda and elections separates personalities from issues. The combination of the two allows citizens to set the tone and direction of public policy for the Legislature to follow, and to elect able candidates to develop appropriate legislation to implement these policies. The referendum is a tool of democracy if citizens have ready access to the process. It is a political toy if it is under the exclusive control of government. When implemented as it is in British Columbia's *Recall and Initiative Act*, it is cynical.

The Weimar Republic provided irrefutable proof that elections are not infallible. Referenda are not without risk either, but where referenda have been used, even when used in a self-serving manner by governments asking convoluted questions, citizens seldom objected to the results. Emotions ran high in the two Québec sovereignty referenda and in the Charlottetown Accord referendum. The results, however, were accepted. The people had spoken.

The Charlottetown debate preceding the referendum involved citi-

zens far more, and with less cynicism, than did the preceding Meech Lake debate. The aftermath of the Meech Lake ratification process and of the ultimate failure of ratification was long-lasting, costly, and divisive. Governments, legislatures, politicians, and political parties were accused of having caused damage to the country. Accused by some for having negotiated the Accord in the first place, and accused by others for having failed to ratify it. There was no such aftermath to the referendum on the Charlottetown Accord. The people had spoken. The polemics of the referendum campaign notwithstanding, citizens and their governments accepted the result. Life went on.

Proposition

I am asking the Citizens' Assembly to interpret its mandate broadly, to reach beyond making recommendations for changes to the electoral system, and to make recommendations to bolster the democratic credentials of governance in British Columbia.

I am proposing that you consider the merits of citizen-participation in the "What" as well as in the "Who" of governance.

I am proposing that you consider a recommendation that the British Columbia Legislature amend the *Recall and Initiative Act* as follows:

a) sever Part 2 (Legislative Initiatives) from the Act and establish that part as a separate statute;

b) amend section 7(1)(b) in Division 1 (Initiative Petition) of Part 2 to require the support of 10 percent of voters province-wide for a successful initiative rather than the current requirement of 10 percent in each electoral district.