Notes for remarks by the Right Honourable Joe Clark, PC CC, of McGill University to the annual meeting of the council on government ethics, law, Fairmont Empress Hotel, Victoria, B.C., September, 17 2007.

I m pleased to speak this morning to the council on government ethics law, and commend you for your public service. I’ve had the privilege of working with many of the Canadians here, and am honored to be back in your company.

There has been a recent rush to “Private Sector” and “Market” solutions, and some of those are useful. But, the human drama is too complex to be driven or defined by private interests or economic factors alone.

Trade and business build economies better than they build communities, and while people might earn in economies, they live in communities. And the challenges of governance, in those communities, are quintessential public policy challenges, and many of you are in the vanguard of facing them.

Most of my direct experience has been in Canada. But this morning, I will speak principally about building institutions of self-government in the developing world, and particularly Africa.

Here’s the case I want to make. Many of us prescribe models for the developing world, based upon either our experience at home, or our belief in certain “Universal Principals” Sometimes those models work, and sometimes they don’t. When they don’t, we have to be prepared to examine our own assumptions, and modify them to fit the communities they serve.

Obviously, we must respect the established standards set out in international agreements. But we must also reflect the reality of the specific cultures and societies where those institutions must flourish. Those are entirely compatible goals.

My first immersion in the issues of governance in the developing world was as a young Prime Minister participating in the common wealth meeting in Lusaka, IN 1979, which paved the way for the independence of what is now Zimbabwe. That helps highlight both the complexity of these challenges, and the need for both modesty and perseverance.
I will draw upon three recent experiences with elections in Africa – in Cameroon in 2001, the Democratic Republic of Congo in 2006 and Nigeria this April.

Each election combined clear domestic pressures for institutional change with an active and sustained interest by the international community. Each country has registered important progress. Yet, in each case, the Democratic Institutions are nowhere near as healthy as they should be.

In Cameroon, in 2004, the commonwealth team was strong, diverse, and highly experienced in the complexity of elections in the developing world, and we were blessed by the presence of Samuel Kivuitu, a wise man who had recently presided, as electoral commissioner, over a democratic change of regime in Kenya.

Our report was thorough, tough, specific and practical in its recommendations.

But after the election – the observers went home, and the pressure was off. Our report went on the shelf.

Samuel Kivuitu and I objected and a joint commonwealth-Cameroon working group was established to recommend amendments to the election law. I co-chaired that group with Senior Minister from Cameroon and it actually resulted in a new electoral commission – Elecam – which has the capacity to be more independent and legitimate. Time will tell whether Elecam will be allowed to function independently.

Now, Cameroon, like Canada, is a bilingual, French-English, nation. So there was also an election observation team from La Francophonie.

I wanted these two grand-maternal teams to meet in Yaounde. We did, and it was the single most contentious meeting we had, straying early into heated and irrelevant comparisons of the French model and the British model, of electoral systems.

Until finally a francophone observer from Mali said: “I don’t care about French or English models. I want an African model that has a chance of working here.”

Later, in our joint commonwealth-Cameroon working group on a new commission, we called directly upon the experience of the Africa Association of Election Authorities – an indigenous African Institution, formed in 1997, and operating with scant financial support from international development agencies or N-G-Os. It includes election commission in 21 African countries as full members, with 7 African public policy institutes or N-G-Os as associate members.

Samuel Kivuitu brought to Yaounde commissioners or other senior representatives of election authorities from Benin, South Africa, Mauritius and Kenya, to meet with senior ministers of Cameroon for long, frank, detailed, practical discussions. “How this works.” “Why this doesn’t.”
The situation in the Democratic Republic of Congo was, by definition, a special case – really, a series of special cases.

**Special because leaders in the country itself – driven prominent by civil society – had the courage to try the impossible and to pull their country back from a chaos that had claimed four million lives –the largest loss of life in any conflict since the second World War.**

**Special because other African nations, with South Africa in the lead, showed extraordinary common cause in helping address a major problem in their own continent.**

**Special because the international community – principally the much-maligned United Nations and the European Union – invested immense resources.**

A key figure in the election, and in the civil society actions which set the stage, was the chairman of the election commission, Abbe Apollinaire Malumalu. We have been able to entice him to a sabbatical at McGill, starting next month, where he will record his perspective on the election itself, and pursue his proposal for an institute focused on governance and headquartered in Kinshasa.

In April, in Nigeria, I co-led – with Madeleine Albright, and former Presidents Sawyer of Liberia and Ousman of Niger, the Election Observation Team of N.D.I – the National Democratic Institute. Our unanimous conclusion was that the election “Represented a step backwards.”

These are three different countries, each instructive with respect to the role of outside help.

In the D.R.S., the election was remarkably successful, but the country remains and is high on the “watch list” of the International Crisis Group.

The constitution, though approved convincingly by referendum, was designed largely outside the country, and would be a challenge for the most experienced of governments to implement.

The U.N., and other agencies and countries, to their credit, remain actively engaged, although properly their mandate and capacity are diminished by the presence of a sovereign government, freshly and freely elected.

Because success is contagious, there is a sense of hope, which has been absent for decades, and growth in both investment, and in creative measures to strengthen civil society.

In effect, the “big actions” have been taken in D.R.C. – a transitional government, a new constitution, a successful election. The impact of those “big actions” was both
substantive and symbolic. It is important to note that a significant amount of the “outside” help came from other Africans.

To apply the Canadian template – there is not yet “peace”, there is not yet “order”, in most cases, there is not yet “good government”. The challenge, now, will be to achieve those goals in ways that fit, and can endure in the D.R.C.

In Cameroon, the challenge is not the newness of the regime, but its caution about change.

There is a basic conflict within the government between forces who want reform, and forces which fear reform.

In addition to the natural desire to hold on to power, the other fear is a sense that Cameroon is a volatile country, potentially fragile, whose success has come precisely from containing and managing its inherent differences within, in effect, a system dominated by a single-party.

The international community is allied with Canadian governments the reformers and, when the reformers prevail internally, real progress is made. But at critical times, and consistently, the cautious prevail.

Here is the interesting question in Cameroon: is there a practical and regular way to expand the involvement and authority of extra-national players, such as, say, the Commonwealth and La Francophone, or the United Nations?

The existing bargain is that election observers are invited to observe – and certainly the Commonwealth team had full freedom to go where we wanted, and when we wanted, and to speak to whom we wanted, and then to report what we believed.

Inherent in the bargain is that the observers then go home, and any decisions about reform rest with the sovereign country which invited observers for a limited period. I believe we can and should change that bargain.

I was privileged to be involved in the campaign against apartheid, where the international community allied creatively with civil society, to become and important factor in historic change. The internet age would make that kind of partnership even more effective now.

Another step now would be to agree on protocols about what happens after observer missions, that are as precise and careful as the protocols which apply to the preparation and conduct of observation missions.

The most troubling case was Nigeria.
That is in part because the country is such a power-house, not simply in its physical resource wealth, but in the confidence and energy and pride of its people. It is also large – between 20 and 25 per cent of all the people of Africa are Nigerians.

And it has acted like a leader – inspiring NEPAD, the New Economic Partnership for Economic Development, sending tough peace-keepers to Sierra Leone, placing itself in the vanguard of African movements towards democracy.

There is some real evidence of institutional strength in the country’s democracy. Both the Supreme Court and the Senate did stand up to President Obasanjo, on critical questions. But in both cases, that happened late in the day, in effect, after the damage had been done.

And none of this damage was secret or unforeseen. On the contrary, the failures of election day were widely predicted. What is most troubling is precisely the fact that Nigerian civil society was mobilized, talented, articulate, and absolutely unable to stop the abuse.

Why is that the case?

It was not really surprising that former President Obasanjo sought to change the constitution to give himself a third term, or sought to ban his most likely opponent from running against him. Power corrupts. Leaders consider themselves indispensable, in any society.

In fact, the new president, Umaru Yar Adua, has reversed some of the most contentious actions of his predecessor. While elected by a flawed system, he may prove to be an agent of real reform. But if that happens, it will be the work of Nigeria’s president, not Nigeria’s democracy.

Those circumstances have to raise questions about the effectiveness, and the assumptions, of the international agencies which, over several years, have made a significant investment in strengthening the democratic institutions and civil society of Nigeria.

This is an age of speed, and we try to engineer political institutions quickly now, whereas once we let them grow more gradually, taking their characteristics from the society they are supposed to serve.

For example, the Canadian Federation was conceived by its founders as being much more centralized than it is today; over 140 years the inescapable reality of the country has made Canada much more federal in fact.

Obviously, political institutions in the developing world have to change, particularly in an age when technology and other globalizing factors transform both trade and our notions of sovereignty and identity. But they won’t all change in the same way – and often they won’t change they way they did in Europe or North America.
There are challenges of both capacity and culture. How will these new institutions be made to work in practice? How do they fit the cultures of the communities they are supposed to help govern?

In the developed world, there is usually a broad and deep consensus about the nature and the limits of the State, and about the rules of the game.

To take again the case of quiet Canada, I was the Minister of Constitutional Affairs who negotiated a unanimous agreement among governments, the Charlottetown Accord, which would have changed profoundly our Senate, the status of our aboriginal people and much more.

We could not foresee every important implication of every important change, but our calculation was that the fundamental political consensus in Canada was strong enough that we could work them out. I’m convinced that is true.

Canada has a rich connection to Africa, which relates directly to our credentials regarding self-government. We are a Federation. We are at ease with diverse cultures.

And Canada and Africa were both colonies, mainly of England and France, and our laws and languages and cultures and institutions have many common roots. As a matter of considered public policy Canadian governments, at least until recently, have deliberately nurtured those roots.

And well beyond the role of governments, Canadian churches, and educators and, more recently, resource industries, have played an important role throughout Africa.

It is fair to say we have earned respect as a partner there, and generally carry the advantage of not being seen as seeking to impose our views and values on other countries.

That is an important factor now. For some time international agencies and institutions have been active in what are called “governance” and “democracy”.

Several of those organizations are rooted in Europe and the United States – Europe’s Office for Democratic Institutions and Humans Rights, the Carter Center, various emanations of the European Union, the National Democratic Institute, the International Republican Institute. The Commonwealth and La Francophonie spring from Europe, but increasingly reflect a wider world. In the Commonwealth, the influence of Canada and Indian and Africa and Australia and the dynamic Caribbean often outweigh that of the United Kingdom.

More recently, western governments themselves are turning more attention to “governance” and “democracy” in the developing world.
That can be a healthy development but, in an age where cultural and national differences are becoming more evident, it can also be misinterpreted.

To say the least, the commendable work of American and European institutions in encouraging democratic practices needs to be enriched and leavened by the experience and example of other successful democracies, including those in the developing world itself.

We at McGill University are planning a small focused conference that will begin to examine the basic assumptions which guide western governments and NGOs which are active in promoting governance and democracy in the developing world, particularly in Africa.

Among other questions, we want to consider:

- Whether “one model fits all” and, if not, what variations need to be examined?
- What indigenous models of, or approaches to, democracy and governance work, and why?
- Which characteristics of European or North American political models are appropriate to Africa, and the developing world more generally, and which are not?
- Are models which seek to build consensus more appropriate than the current emphasis upon competition among interests?

There is an enormous investment, of resources, and hope, in encouraging “democracy” and “good governance”. It is critical to continue with this emphasis, particularly in light of its positive impact upon respect for basic human rights, and for sustainable development.

At the same time, it is urgent to question more systematically what “democracy” and “good governance” mean in different contexts, and whether our policies for promoting them are as effective as they could be.