

THE OLD ACCOUNTABILITY SHUFFLE

Robin V. Sears

Contributing writer Robin Sears looks at the 255-page Accountability Act and concludes sadly that “the Harper team has seized the wrong end of the stick on each of the key dossiers: freedom of information, campaign finance, control of influence peddling, government spending control and performance accountability.” In this withering appraisal, he finds the Bill largely impractical and ultimately impossible. “The medicine,” he writes, “does not attack the disease and may even have fatal side effects.”

Après une lecture attentive des 255 pages de la Loi sur la responsabilité, notre collaborateur Robin Sears déplore que « l'équipe Harper se soit fourvoyée sur tous les dossiers clés : accès à l'information, financement des campagnes, contrôle du trafic d'influence, maîtrise des dépenses gouvernementales et responsabilisation en matière de rendement ». D'après son analyse cinglante d'une loi jugée irréaliste et largement inapplicable, « le remède ne s'attaque pas aux causes du mal et pourrait même avoir de funestes effets secondaires ».



“Never credit to conspiracy what simple incompetence can adequately describe.”
Napoleon

“Trust is the coin of the realm.”
George Shultz

Friends of the Harper government are divided on how they got their version of government accountability reform so badly wrong.

Some believe that the prime minister's genuine rage at Liberal abuse of power for partisan purposes and his disgust at the role that lobbyists played in helping them get in the way of his strategic judgment. Others say that the party never really cared more about accountability than about tapping the populist rage at Gomery and incompetent government overspending. Therefore the policy response was always going to matter less than the political symbolism.

There is also a school that believes the bad choices are the responsibility of cynical mandarins who took advantage of a green government, pushing them to propose measures on spending control that would never work — and therefore could be ignored — and to water down the Tories' commitment to openness in government, as every bureaucracy has always pushed its political masters.

But there is a sad, almost universal recognition among government insiders and their supporters among veterans of the Mulroney government that the Harper team has seized the wrong end of the stick on each of the key

dossiers: freedom of information, campaign finance, control of influence peddling, government spending control and performance accountability.

The Harper government is the latest in a parade, going back to the Pearson era, of federal governments that have attempted to tame the twin nightmares of every modern democracy: lousy management of program spending, and a broad conviction among voters that insiders get favours from government.

Whatever its motivations, the 255-page Accountability Act is a long, contradictory and, in the end, impossible menu. The policy ingredients and flavours clash, the costs and portions don't match, and the promises of gastronomic bliss are hilariously improbable. It's a menu drafted by a chef with no kitchen experience and a shaky knowledge of English.

Policy tools appropriate to criminal investigation are promised to improve performance management — kind of like a corporate executive calling the police to boost his sales force's achievement of sales targets.

Political participation by corporations and unions is to be banned, and this is proclaimed as a “more open” campaign finance system. George Orwell had strong words for this abuse of political language.

Creating a privileged class of “grandfathered” lobbyists by cutting off access to the trade for most new potential

competitors is hailed as a way of reducing the influence of insiders. Perhaps “old lobbyists” were thought to be more virtuous than newcomers.

The political background for this massive new attack on lobbying and dilatory or corrupt civil servants is well known. Citizens across the old democracies are furious at their governments’ ineptitude. In Canada, this rage exploded when we learned of the Liberals’ corrupt attempt to use public money to buy the partisan support of Quebec voters.

Although Adscam and Gomery, and all that they have come to represent, are targets eminently worthy of Canadians’ anger, the Harper government’s response focuses on preventing and then punishing corruption, when the real issue is more often political trickery and bureaucratic incompetence.

In opposition, no government gaffe is a juicier target than “missing revenues,” “secret contracts for friends,” and “out-of-control spending.” But Canada’s real accountability scandal is the weak performance of its governors in program management and delivery — driven by far more complex failures of leadership than corruption.

What the Harper package gets confused, as have many of its predecessors, is this: Canadians are not angry with their politicians and civil servants as criminal predators in a kleptocracy. They’re mad because they fail consistently at what they were elected to do: deliver efficient and effective government. Yes, that government must also be transparent and open, but first it must be simply competent.

When viewed through the lens of the PMO, the lurid tales of “overspending” and “contracts for the boys,” so seductive in opposition, appear very different. In a poorly managed, \$200-billion spending machine, such gaffes are impossible to predict, prevent or defend — so you delay

deny, and change the channel as quickly as possible.

Bureaucracies, public and private, Canadian and Congolese, therefore hoard information by instinct. Information — statistics, gossip, policy plans — is the *only* currency of power that matters. As an insider, one spends one’s information reserves far more

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cautiously than you dispense the endless river of taxpayers’ dollars if you want to survive the political and bureaucratic wars. Even if the information being denied the light of day is harmless, you don’t offer it up publicly, “for free.”

Enter Sir Humphrey, the oleaginous permanent mandarin of *Yes, Prime Minister* television fame — the two-decade-old character still so close to political reality that he is quoted ironically in government offices around the world.

Well, Prime Minister, I know that you committed to severe new scrutiny on government spending in opposition. And, I am aware of the party platform commitment to freedom of information but...well, it’s just that, Prime Minister, I believe you will come to see there are some things in government that you really might want to think about the wisdom of sharing with the...[spoken with heavy distaste]...the media.

Every significant federal government since Diefenbaker has come to power attacking corruption and promising more “efficient management” of the public purse, and then been pilloried over its own “scandals”: Pearson — Munsinger et al.; Trudeau

— excessive patronage, sloppy spending control; Mulroney — a dozen ministers fired for offences, mostly trivial, plus tacky pocket-lining by some acolytes; Chrétien — Gomery.

Does this pattern reflect a reality of corrupt government?

According to Transparency International, the global corruption

monitor, Canada ranks just below Singapore and the Scandinavians as benefiting from some of the cleanest governments in the world. No one who has done business involving governments elsewhere — including the United States — would claim that Canada is less than squeaky clean by global standards.

So what’s the problem?

First, governments spend more than promised on high-profile programs, especially in new sectors, because they deliberately lowball the cost forecasts to build public acceptance. However, the lesson of Watergate and all of its scandalous children is that it is never the original fiscal fib or inflated claim that kills you, it’s always the cover-up. Along comes the next auditor general’s study and kaboom, you have an “out-of-control spending scandal.”

Second, governments are just bad at cost containment and at fighting “scope creep.” This is neither an ideological nor a partisan flaw, it’s endemic to modern government. Government procurement red tape, flawed internal accountability systems and Cadillac specs combine with poor contract management skills to produce horror stories like an \$800 air force toilet seat.

Third, conflicting goals, bureaucratic politics and — in Canada, especially

— intergovernmental feuds produce incompetent project management and overlapping spending, followed by amateurish attempts at cover-up or blame shifting. As veteran consultants say, “Bad clients deliver bad projects — but good billings.”

Recently, Donald Savoie and others have added a new ingredient: defeatism and declining morale in the senior mandarin. Battered by too many years of public contempt and ministerial tomfoolery, squeezed by successive program budget cuts and wildly oscillating but ever-escalating political demands, the executives whose performance is the key to efficient government take refuge in process, paper trails and procrastination.

But as one long-time Ottawa watcher, a businessman active in government procurement for decades, said privately recently, “Out of the hundreds that I have known, I only ever met one civil servant I wouldn’t trust with my wallet,” referring to a famous defendant in the Gomery fiasco.

A recently retired senior mandarin, reflecting on the changes over his career, said, “The most painful frustration was the growing inability to protect, let alone reward and promote, the creative, the risk-taker, the envelope pusher that every healthy, innovative organization needs. In a system driven by fear, where you trust no one, obsessive about avoiding even the most trivial mistake, mediocrity rules, rot is inevitable.”

Here lies the first problem with most government “clean-up” legislation, and Harper’s is simply the latest to use a now clichéd approach: the cure was devised for an entirely different disease.

You bring in financial investigators and forensic auditors to uncover who stole the money, not to unscramble why a program failed to deliver what was promised. Even the current-

ly fashionable schools of “performance auditing” or “management by results” have been judged failures in delivering any real change in performance.

Here is the sad assessment of the previous auditor general, Denis Desautels: “We found some progress...but ‘managing for results’ was clearly not the norm...Public servants are not inclined to produce information that might embarrass their ministers.” Or as senior Ottawa sage Doug Hartle told Donald Savoie: “It is a strange dog that willingly carries the stick with which it is beaten.”

It is “Alice in Audit Wonderland” to think that by increasing the numbers of bean-counters and layers of spending approval one can prevent politicians from trying to spend their

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way out of political unpopularity, or into re-election.

Reasonable people may differ over the decision of the Harper government to kill the gun registry, and the politically adroit manner they choose to do it. But the program as an example of a serious “accountability crime” is hard to improve upon. There is no more devastating example of a PMO determined to abuse the machinery of government for political purposes than the chicanery surrounding the long gun registry of the Chrétien government, as the auditor general has reported ad nauseam. Recall the background that led to the debacle: a government eager to appear tough on public safety at a time of heightened public anxiety following the 1989 Montreal massacre adopts a policy that it

knows cannot possibly to deliver the benefits promised.

Rifles, even assault rifles, are not the enabler of urban Canadian street crime; handguns, stolen and/or smuggled, are. Even the most ardent gun-control advocates privately admitted the registry should have excluded legitimate users: hunters, farmers, northerners, First Nations People and so on. What would have made sensible policy was less good politics: it wouldn’t have looked as tough.

Justice officials, police, and federal bureaucrats knew that the promise of an up-to-date, reliable national database of all long gun owners was a pledge too far. Technology advisers to the federal government warned that the tracking, monitoring and cross-checking machinery accessible to all governments and their police forces was an improbable Rube Goldberg creation. The collection of computer parts, software jiu-jitsu and detailed manual checking of millions of files would take years to assemble, debug and deliver.

Political staffers and ministers desperately hoped that the chasm between what was promised and what was delivered, between the lowball budget and the real runaway cost, would show up on the next sap’s watch. It fell, once again, to the auditor general to cry foul.

Think of the negative impacts this one “policy cheat” has had on attitudes and confidence in government:

- Those who believe in tough gun control see a cynical government failing to deliver on its promise.
- Legitimate rifle owners see a government incompetently and arbitrarily punishing their innocent use.
- Those already skeptical about the government’s ability to manage anything more complicated than a lemonade stand have further proof.
- Gun crime — involving almost exclusively handguns — is still rising, further enraging an anxious citizenry.

- Police and public security officials are trapped between an admirable policy goal — reduced gun crime — and defending the wrong policy tool. Their credibility is impugned as they look foolish.

It's not hard to understand, therefore, the combination of disgust and ennui, occasionally erupting in electoral revolt, with which voters regard their governors' performance. The modern public sector's failure to spend tax dollars as competently and efficiently as reasonable voters expect creates a crisis of confidence across the developed world.

The remedies are elusive, because the roots lie in conflicting expectations of government; in politicians' and bureaucrats' attempts to reconcile the impossible conflicts — increasingly driven by an “enforcement mentality” or a “low trust/low expectation culture” internally. Since the 1980s, a large international literature — with several Canadian analysts, notably Peter Aucoin and Donald Savoie, as pre-eminent contributors — has grown. It seeks to understand what mechanisms of salvaging confidence and improving performance by government might be developed. It is not an optimistic academic discipline.

That politicians of all stripes bear a great share of the responsibility for this huge gap between expectations and government performance is indisputable. Here is a surprisingly candid and cynical Paul Martin on the irritation of mandarins about the incoherence of the Chrétien government's famous Red Book promises, as quoted by David Good:

Don't tell me what's in the Red Book...I wrote the goddamn thing. And I know a lot of it is crap. The goddamn thing was thrown together...things weren't...thought through.

That is the policy chair, then finance minister, then PM of the government of Canada describing the seminal political guidebook for the first two terms of his government!

So how has the Conservative Party approached this holy grail of modern democracies: accountable and capable government? Well, not with humility: the government communications machine's hyperbole trumpets were on full blast for the launch: “We are creating a new culture of accountability that will change *forever* the way business is done in Ottawa.” Such overblown nonsense sounds almost Martinesque.

Let us look at the four key dimensions of what this omnibus bill attempts to do: “clean up” government spending, campaign finance and lobbying, and improve openness and transparency.

On freedom of information or openness, the reviews are not even mixed. According to our guru of open government, John Reid, Canada's information commissioner, the Bill is “the most retrograde step” since the first legislation in 1983! The Canadian Newspaper Association, not surprisingly, a decade-long champion of better “FoI” performance by government, described it as “dangerous.” The Bill adds an array of new excuses for government to withhold public information and punts the Reid recommendations to yet another Commons committee for study.

What went wrong? In addition to every government's normal disclosure discomfort, an important new incentive for politicians to hide public information has grown in recent years: the media have become more confrontational in relations with government in the past 30 years. Governments began to develop defensive means of message delivery that avoid a predictably negative media filter. Thus was born the age of the government spin doctor and supercharged government “message management.” Thus spun, the media came to distrust government's versions of events more deeply, increasing the mistrust on both sides. To defend their credibility, the media focus even more on the negative process story or spin behind a government claim,

rather than on the substance of the policy or political message.

This accelerating downward spiral means governments attempt to conceal more, and the media hype minor transgressions into major headaches with a mounting level of hostility, which has reached its apogee with the Harper government.

The two sides' positions can now be summarized as: “Why should we tell *them* anything?” and “Why should we believe anything *they* tell us?”

Historically, as John Reid points out, the Government of Canada has had wide discretion in what to disclose under freedom of information. Some documents are understandably secret — national security, tax data. Other exclusions are bewildering if not hilarious parodies of government paranoia: farm crop data, how many coins are in circulation, the numbers of pensioners and their pensions, decisions of some federal labour tribunals.

Critics of modern democracies note that bad policy often makes good politics, and that good policy increasingly defeats governments. It is good opposition politics to be in favour of “open government.” In government, in today's atmosphere, it is probably poor policy to voluntarily expose one's inevitable warts. It's good politics to keep the media and the public in the dark about bungled programs. It would be a brave official who argued that it might be better policy to seek the right lessons from a failure, and to acknowledge the learning publicly.

“Influence-peddling” — handing out jobs and contracts, offering to tilt a government decision or seeking political cash for future favours — is as old as democracy. It's much less common than in days gone by, and much less common than media coverage might cause a concerned citizen to believe. But even a small number of low-level sleazeballs have a huge impact on confidence in public decision-making. All governments need to be vigilant about insiders succumbing to the temptations of affluence that power provides.



Jason Ransom

Prime Minister Stephen Harper, cheered on by the Conservative government's front bench. The Throne Speech outlined Harper's five priorities, and the Accountability Act was the first among them to be introduced as legislation. Unfortunately, writes Robin Sears, "the medicine does not attack the disease and may even have fatal side effects."

The Harper package approaches this facet of accountability with attacks on campaign finance and lobbyists. Sadly, here again, the medicine does not attack the disease and may even have fatal side effects.

The old cliché is true: cash *is* the mother's milk of politics. Money flows into political campaigns and politicians' pockets for two reasons, and two reasons only: to support a political vision or to seek influence. Often the two motives are hard to separate, even in the mind of the donor. The various claims of alternative motivation for political cheque writing — "we give to support the democratic system" — don't bear serious consideration.

From this hard reality flow only two policy questions: how much power of the state needs to be employed to ensure a level playing field, and how much to limit the corruption of the system by flagrant influence peddling or purchasing?

A fundamental conservative value is that great caution should be exercised about the use of the law to intervene into private choice. No private choice is more sacred than one's partisan choices. Using state power to intervene very harshly into the life of political parties and their supporters is hardly a vindication of that cautious conservative value. Doing it by propounding unenforceable legislation to further that agenda is even more seriously damaging.

It is demonstrably not possible, for example, to prevent money from entering the system if a donor is determined that it should. No law invented in any democracy has been successful at imposing such a hermetic seal on political finance.

The millions collected by Helmut Kohl were monies that rich individuals and corporations wanted to contribute in a campaign finance system much like the one we are creating. The German parties receive huge public subsidies, and corporate donations are illegal. Tony Blair's reputation has been seriously damaged by the news that his party took massive "loans" from similar sources, because real contributions were illegal.

The Nixon slush fund, of Watergate fame, made up of Howard Hughes' packets of \$100 bills in a White House safe, was created to receive money forbidden to be accepted legally.

Jean Chrétien stuck a final finger in the eye of his successor by rushing an ill-thought campaign finance bill

Hiring an intermediary to plead your political cause is a practice to which Plato refers. The 18th century lobbies of Westminster were the first to see a profession of these "suplicants for hire." Lobbying grew fastest in 19th century America, as the complexity of dealing with dozens of state and municipal governments and the exploding array of government agencies overwhelmed the capacity of American business to protect its interests.

through Parliament, because he knew it would throw a spanner into the high-spending Martin campaign machine.

The Harper Accountability Act proposes to limit donors further and to cap contributions at \$1,000. Such a system is simply not sustainable given the cost of political campaigns today. And to most Canadians — especially Canadians with a conservative view of the role of government — it is simply not appropriate to ask taxpayers to fork over greater and greater sums to fill the gap.

Under such improbable rules, it is only a matter of time before a Canadian political safe is found, filled with paper bags of money. It is entirely predictable that a politician's career will be ended by the revelation that a family member received an unacceptably large gift from a supporter.

To believe otherwise is to place Canada, and Canadians' ability to maintain a virginal political finance value system, above the experience of the rest of the world.

It was little remarked that the US Supreme Court, in the last presidential campaign cycle, pressed by US campaigners sweating under the restrictions on donor limits there, made an astonishing decision about the age of "adult consent" where giving money to politicians is concerned.

It is now 12 years of age.

I don't know many 12-year-olds

with enough of their own cash to be of interest to political fundraisers. However, I do know a fair number of grandkids, cousins, nieces and nephews of wealthy donors.

The creators of the first Canadian public campaign finance regime recognized it made sense to attempt two

things only: first, to force on candidates and parties an early declaration of who gave money to them, and how much. Second, to vigorously limit what they spent on campaigning. This realistically conservative approach made Canada's political finance regime a model in the world for 30 years.

The Harper government and the opposition parties in committee should reflect deeply before pushing the Canadian political finance system further down this new interventionist road. It has led to considerable humiliation and disgrace for the political players — and their citizens' view of them — in every other country that has travelled it before them.

Then there is the anti-lobbyist jihad.

In the current febrile atmosphere, defending the practice of lobbying is probably an exercise in headbanging. So much nonsense about this issue has entered popular mythology; please excuse just a few paragraphs of masochistic counterspin.

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ment agencies overwhelmed the capacity of American business to protect its interests.

Government has become more frustrating, time-consuming and multi-layered in Canada, as elsewhere. An NGO, a foreign investor, even a mid-sized Canadian business attempting to promote a cause to government without an expert guide, a road map through the Byzantine corridors and a meticulously planned message and strategy is a fool.

Our firm sometimes plays this "expert sherpa" role for clients attempting to mount the heights of the bureaucracy. We are paid for our insight, our communications skills and our knowledge of the often opaque and circular process of public decision-making. We coach clients about how, where and when to make their best case.

We are not selling a key to the back door of government or a shortcut to the minister. Those hustling such magic bullets and snake oil exist, but they usually get exposed as frauds. For every magic bullet salesman among the now vast army of professional lobbyists, there are thousands who provide valuable assistance with integrity.

However, as the clients are often powerful, and as the officials to whom they are appealing do have the gift of wealth and favour in their hands, it is essential that their relationships be rigorously monitored and fully disclosed. And they are, with increasing professionalism and granularity, in Ottawa and in most provinces and major cities.

But to require, as the Accountability Act proposes, that every policy discussion with an "interested outside party" be posted on a Web site, that every shared coffee or meal be similarly reported and that every meeting, however casual, be minuted and disclosed is, perhaps, a little excessive...and will be ignored.

After an initial flurry of simulated compliance, these requirements will be observed in the breach by most. For the

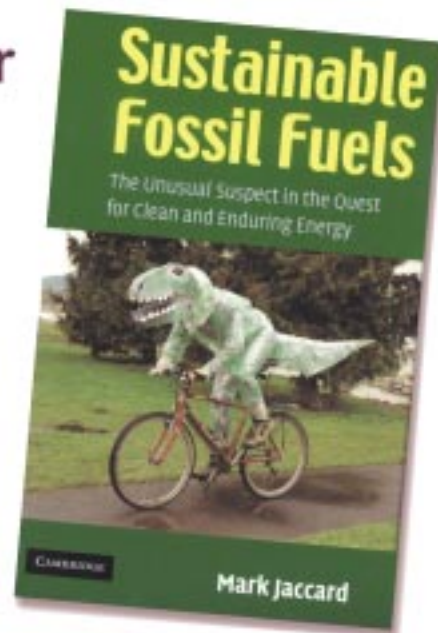


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timid, they will mean that you avoid contact with outsiders, if at all possible. For the tricksters, they will mean more elaborate avoidance dances. But the ironic and unintended consequences of this excessive zeal will cascade down from these initial impacts like crosscutting mountain streams.

First, we have the now infamous “five-year” rule. This effort to prevent former public officials and political staffers from moving into a job where they can use their expert knowledge moves the “sanitization” bar from one year, which it is in most places and two in a few others, to an unheard-of period of banishment. The US Senate just passed an anti-lobbying package moving its hibernation requirement to two years from one, amid much prediction that the courts would not uphold it.

Experts here agree that a Charter challenge will no doubt strike down this “good political message delivering a bad policy outcome.” Judges in every democracy continually strike down “non-compete,” “professional exclusion” clauses. Asked to choose between a state’s or an employer’s right to enforce non-compete rules for its benefit and an individual’s right to carry on trade, the judiciary typically defends individual freedoms.

Until then, though, it means that existing lobbyists are protected from almost any new competitors with current knowledge of government. Combined with bureaucrats’ nervousness about meetings, let alone making any decisions under this regime, this will drive up lobbyists’ fees handsomely.

For those who worry now about how much productive work gets done in the average bureaucratic day, the multiplication of the layers of approval and the form-filling and posterior-covering this bill requires create quite a disturbing new prospect.

Will this acceleration of a monastic suspicion of contact with those outside the walls of official Ottawa

ensure greater probity on the part of public officials? For some, perhaps; for others it will be paralyzing. For the corrupt few it will increase the temptation to sell access: the price for opening these more impenetrable gates to government can now be set even higher. Not something most Conservatives, let alone most citizens, would see as a useful achievement of policy.

Sadly, again, these reforms will buttress, not banish, the privilege of insiders. Only richer, more patient, better-connected supplicants will be able to afford the lobbyists and campaigns that would be required under this proposed regime.

So, on openness, on better government, on campaign finance and lobbying this package creates as many new problems as it solves. If one sees the decline in confidence in government and democratic politics as a generational secular trend, this package may push that trend line down further over time.

Accountability is the keystone of democratic conviction. We have strayed far from it with the unchecked growth of “executive-led” government. There has been a breakdown of ministerial accountability in recent years in Canada, most egregiously under the Chrétien

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rules: “Never explain, never complain, never apologize.” The bureaucracy does not perform with the efficiency and accountability — though not often with a deliberate absence of integrity — that we have every right to expect of our public servants. Governments’ ability to spend sparingly, wisely and with desired outcomes and impacts is weak and getting weaker.

All these frustrations with how our politicians and their administra-

tions function are rooted in real failures. The solutions proposed by the Accountability Act address few of them and will make some worse:

- Armies of accountants armed with new weapons to frustrate creative approaches to program delivery are no response to sagging government productivity.
 - Any plumber will attest that screwing tight a pipeline tap when you can’t stem the flow at the other end will, with absolute certainty, generate leaks and explosions elsewhere. It’s as true of political finance pipelines as of any other.
 - Creating new limits to access to information about government, under the guise of accountability, increases cynicism and builds popular anger about the “accountability shuffle.”
 - Creating new limits to access for lobbyists does not benefit those citizens who feel excluded from decision-makers. It makes their exclusion more absolute, by making access more expensive and difficult.
- Some principles of cultures that work are known. Francis Fukuyama, the controversial American conservative academic, in a profound analysis

of the reasons why some cultures consistently outperform others over long periods focuses on trust. Low-trust societies have built-in costs and inefficiencies; high-trust cultures soar on shared values and behaviours.

As Fukuyama wrote in his 1995 classic work, *Trust*: “A high trust society can organize its workplace...with more responsibility delegated to lower levels...Low trust societies must fence in their workers with a set of bureaucratic

rules...A low [trust society] will suffer from pervasive corruption of its public officials and ineffective public administration.”

Based on the need to rebuild a culture of trust and professional integrity, we know several key principles essential to real reform. Donald Savoie and many others have outlined them many times:

- Simplify: cut layers of meaningless management, arcane ritual and foolish procedure.
- Assign ownership: designate who has lead responsibility for a program or file, attack blurred lines of responsibility, cut the spaghetti of dotted-line accountabilities.
- Set public deadlines: make projects and programs announce budgets, deliverables and deadlines, and publicly monitor progress toward them.
- Reward frugality: bureaucracies will always seek to spend what they are permitted. Reward managers who don't.

But the key instrument for real progress toward these goals is universally recognized: reinvigorate Parliament. The Commons was created to supervise the king's spending. MPs need the staff, research tools and powers to reassume that largely abandoned role.

In *First Democracy*, a marvellous comparison of Athenian and American democracy, Paul Woodruff, an American observer, outlines the key ingredients of effective democracy across the centuries.

Among them he insists on “reasoning without knowledge,” which he describes as follows: “The outcome of most public decisions cannot be known in advance. Still reasoning without knowledge can be done well or done poorly. Doing it well requires open debate. Doing it poorly is the fault of leaders who silence opposition or pretend to an authority that does not belong to them.

“What is most reasonable to believe is what best survives an adversary debate in which each side makes the best case that it can.”

Open debate and access to information are essential to accountability; silence and secrets defeat it.

To this Woodruff connects the concept of “citizen wisdom,” which he defines as the citizens' obligation to use their wisdom to pass judgment on their leaders. In Athens, experts were often outvoted by citizens with little formal education. This is not the “rule of the mob,” as Woodruff points out, but a sacred tenet of democracy: “ordinary people have the wisdom to govern themselves.”

So citizens have the ability, even in defiance of expert claims, to be part of the accountability process.

These two essential democratic beliefs — that citizens, not experts, are sovereign, and their wisdom, even if unschooled, must be respected — lie at the very core of democratic accountability.

“Ah,” you say, “it's one thing to allow the helots to vote on sending an armada to Sparta; it's entirely different when you are considering how to manage global warming in a complex interactive modern world.”

Yes, the scale and the consequences are different, and for that reason it is even more important that the citizens remain sovereign. Democracy today requires therefore, to an even higher degree, that citizens have the ability to hold their governors and the bureaucracy accountable: that they not be permitted to hide behind experts, advisers or Sir Humphreys.

As voters have become angrier about a slide toward arbitrary bureaucratic autocracy, capitalists have decided they need more popular control. How ironic that it is rich investors who have led the way to a revolution in governance and accountability. Their response to a breakdown of accountability and integrity in business has been to win greater corporate democracy!

Sarbanes/Oxley in the US, for all its current excess, is not a triumph of the experts over the citizen or institutional investor. It is, rather, an unheard-of empowerment of investors, aided by the power of their expert legal and financial advisers, over the interests of professional managers and executives. Bizarre distortions of corporate democracy — you

must vote for all the directors on a management slate of candidates or none, for example — are falling like tenpins.

The path forward, marked by thousands of years of democratic history and experience, combined with a modern understanding of human motivation and why some cultures are more successful than others, is clear. It is a path based on trust as the essential foundation of confidence and therefore accountability. It requires regular open debate about goals and objectives, means and resources — secrecy guarantees deceptions and cheats, and ultimately failure.

Accountability requires a culture where honest failure is not confused with criminal intent. A culture where the essential risks of innovation and creativity are managed by leaders who are as confident in punishing incompetence and malicious intent as they are in rewarding courageous performance.

The Harper government still has a choice about these issues. It can adopt, through amendment of the original bill, a policy which truly reflects conservative values: values of personal responsibility, genuine transparency, old-fashioned ministerial accountability and independent scrutiny of government performance. It can opt for a legacy of a few one-day campaign events, razzing on popular anger about governments that promise much and deliver little, or a place in history that rewards it as the first Canadian government to make a sincere and effective effort at reform.

It could choose to begin to reassert values of respect, trust and integrity in the civil service, personal accountability for ministers and genuine performance monitoring by independent experts using transparent criteria.

In the words of their own self-promotion, they could opt for a legacy that “will forever change the way Ottawa does business.” Or they could adopt the Accountability Act as it is.

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