

# **A Request for Standing to Present at the Muskrat Falls Commission of Inquiry**

**by**

**Democracy Alert**

**St. John's Chapter of the Council of Canadians**

**Social Justice Cooperative of Newfoundland and Labrador**

## **Why are we asking for standing to present to the Muskrat Falls Commission of Inquiry?**

Our three groups would like to request standing to present to the Muskrat Falls Commission. Our focus is “on governance arrangements and decision-making processes associated with the Project.”

We believe it's important to talk not just about the many problems that the Commission of Inquiry will be looking at but, also the invisible, wounded elephant at the heart of those problems – the democratic process itself.

We suspect that if Newfoundland and Labrador were a third world country with precarious democratic traditions one would attribute the blinkered decisions taken by government over the past several years to bribery and kick-backs. However, no evidence of that has emerged here and there is no tradition of that kind of corruption in our province.

Something much less sinister caused the blind zeal in our province that has characterized decision making around Muskrat Falls. But what was it? What is it about the democratic process in this province that enabled such bad decisions to be made?

## **Rule by Duopoly**

What we have in this province is a political duopoly - an electoral system dominated by two entrenched parties. The result is endless “strong” majority governments. The House of Assembly has become mere theatre where there is never any need for the ruling party to listen to points of view that differ from their political perspective.

In a recent [Harvard University study](#)<sup>1</sup>, authors Gehl and Porter argue that duopoly politics leads governance and policy towards the extreme. That rings true here, does it not? Our Muskrat Falls project, actually called a [“boondoggle”](#) by Nalcor CEO Stan Marshall, himself, is the result of the refusal to compromise or look at alternatives.

We would argue that the power given to the two dominant parties by Newfoundland and Labrador’s duopoly system of government is a strong contributor to the crisis we are in. What we have is flawed, unchecked, unidimensional politics – with extreme consequences

## **The disappearance of debate and discussion inside parties**

How did it happen that Nalcor, a neophyte corporation in the world of megaproject construction — having never built anything — was allowed to push so much of the Muskrat Falls project through unchecked for so long?

What is apparent is that the vast majority of MHAs in the Conservative ruling party simply acted as cheerleaders for the project in the critical years when pulling back was a more feasible option. Policies and priorities developed in the Premier’s Office were submissively obeyed by MHAs.

Was this because the average MHA was unaware and uninformed of the environmental and financial risks surrounding the project? If so we need to ask why?

In his searing book<sup>2</sup> [“What I learned about politics”](#), which details how governance in Nova Scotia has become a “parody of democracy”, former MLA and cabinet minister, Graham Steele, explains how policies and legislation are made behind closed doors and then presented to politicians in language that is often legalistic, arcane and barely understandable. The role of MLAs is largely confined to constituency affairs. The big decisions are left to the experts elsewhere.

Is this what happened in our province? Our assessment is yes. We have trouble believing that the average NL MHA simply doesn’t care about the big issues – and Muskrat Falls is a gigantic issue. Rather, they have been conditioned or compelled to trust what leadership and leadership’s “experts’ tell them.

But we also have a political culture where obedience is expected in both of our dominant parties and dissent punished. MHA Paul Lane found that out when [he was booted out of the Liberal Party](#) for his opposition to the 2016 budget. Lane’s assessment was right. It was a terrible budget and the Liberal government lost a lot of public support when they attempted to implement it. Yet other Liberal MHAs, who must have had similar misgivings, felt compelled to remain silent.

All of this leads us to believe that not only is debate and discussion among parties all but non-existent. It is seriously constrained within parties. And the result is - Muskrat Falls.

### **How risky has it become to criticize government?**

A recent [Uncle Gnarley Blog](#)<sup>3</sup> reported that The Rooms, a publicly funded institution, has announced that it will not retain a contractor that represented a lobby group protesting Muskrat Falls. Did management at The Rooms actually agree with this directive, or were they bullied into it by government? Either way, the decision is a clear violation of the Human Rights Act, which strictly prohibits discrimination based on political opinion?

If government has the audacity to penalize opposition to their policies in society at large, one has to wonder what kind of constraints with respect to Muskrat Falls it has imposed on government employees. Our groups have taken the trouble to talk with former, retired civil servants. They talk of a demoralizing ambiance at the Confederation Building, where it has become increasingly difficult to speak truth to power. Our contacts make the point that it didn't use to be this way. At risk is the continuing professionalism of our Civil Service.

### **The failure of other experts to intervene**

To a large extent, Newfoundland and Labrador's experts in the areas that pertain to Muskrat Falls are at Memorial University. Furthermore, many professors and researchers enjoy tenure, which means, in theory, that they are free to hold and examine a variety of views.

Yet, there has been disappointingly little examination or analysis of Muskrat Falls by MUN academics. Why is that? Could it be that the intense specialization that now characterizes academia in North America has become an inhibitor to democratic participation by our publicly paid intellectuals? If so, that is a development that, in our opinion, does not serve the public interest well.

Fortunately, in the case of Muskrat Falls, private citizens have stepped forward. We are grateful to Des Sullivan, David Vardy, Ron Penney, Cabot Martin, Ed Hollett, Richard Cashin, Dennis Browne, Brendan Sullivan, Maurice Adams, Tom Adams, and so many others. The amount of time private citizens have put into researching and then articulating the salient issues has been extraordinary.

Then there is the continuing and exhausting efforts of the Labrador Land Protectors and River Keepers, so many of whom have been prepared to go to jail to defend what they treasure. And lastly, there is Justin Brake, former editor of The Independent who has himself risked a criminal record to make sure that their story could be told - truly a noble act.

## **Just how deeply in crisis are we?**

Some speculate that if Newfoundland and Labrador 's debt was not guaranteed by the federal government we would have the IMF and the World Bank demanding that we privatize our health care system. As it is, this is a debt load that will cripple our province for generations.

It's important to put a face to that economic hardship. There is already talk of seniors on low income spending their days in the mall so as to avoid putting on the heat at home. Young people increasingly feel they have no choice but to leave the province in search of work. Small businesses worry that people will not have the discretionary income to buy their goods or services. The mood is increasingly one of economic gloom.

And then there is the stability of the dam itself. We note that the recent *Geotechnical Peer Review of Dr. S. Bernander's Reports and Analysis of the North Spur* commissioned by Nalcor did not mention any other dams that have been successfully built and maintained in areas where the geological instability approximates that of the North Spur. And while the report claimed that the calculations and methodology used in the original Bernander report were unnecessarily alarmist, nowhere was Dr. Bernander allowed to refute their claims.

The *Geotechnical Peer Review* was not a truly independent report, given that it was commissioned, not by government, but by Nalcor. We can only imagine the stress load of those living in the shadow of the dam who are already suspicious of Nalcor. The worst case scenario on their minds, the unthinkable, is catastrophic collapse of the North Spur. Should that happen it would be a tragedy our province would not easily recover from. Nor would we recover from the sense of collective shame that would weigh on us - the painful realization that, as a society, we let this happen.

## **What can we take away from this Inquiry?**

We believe that there will be a temptation to blame our Muskrat Falls disaster on specific individuals. Former Nalcor CEO Ed Martin and former premiers Danny Williams and Kathy Dunderdale are names that come to mind although the list may end up being quite a bit longer. We imagine quite a few people are holding their breath.

That compartmentalization of blame would allow politics to continue as usual in this province. That must not happen.

Instead we believe that, as a society, we have to address the misuse of democratic process in this province that allowed such a small group of people to bully through with Muskrat Falls.

In other words, we need to heal the wounded elephant that Muskrat Falls has revealed to us – democracy itself.

## Bibliography

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2. Steele, Graham. “What I learned about Politics” *Nimbus Publishing*, 2014
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