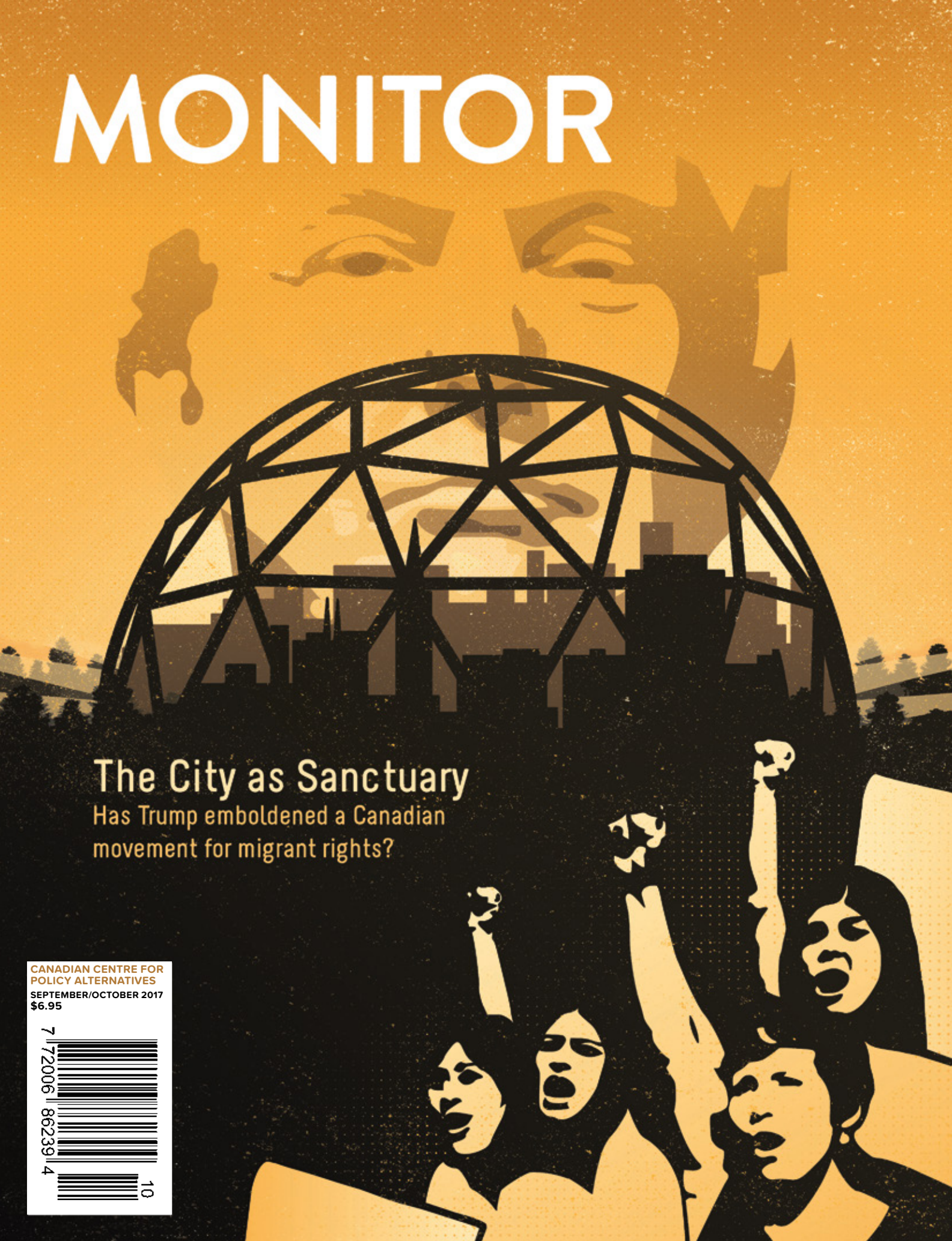
MONITOR



The City as Sanctuary

Has Trump emboldened a Canadian movement for migrant rights?

CANADIAN CENTRE FOR POLICY ALTERNATIVES
SEPTEMBER/OCTOBER 2017
$6.95

CCPA
CANADIAN CENTRE
for POLICY ALTERNATIVES
CENTRE CANADIEN
de POLITIQUES ALTERNATIVES

MONITOR

Vol. 24, No. 3
ISSN 1198-497X
Canada Post Publication 40009942

The *Monitor* is published six times a year by the Canadian Centre for Policy Alternatives.

Please send feedback to monitor@policyalternatives.ca.

Editor: Stuart Trew
Senior Designer: Tim Scarth
Layout: Susan Purtell
Editorial Board: Peter Bleyer, Alyssa O'Dell, Seth Klein, Kate McInturff, Erika Shaker, Emily Turk

CCPA National Office:
500-251 Bank St., Ottawa, ON K2P 1X3
tel: 613-563-1341
fax: 613-233-1458
ccpa@policyalternatives.ca
www.policyalternatives.ca

CCPA BC Office:
520-700 West Pender Street
Vancouver, BC V6C 1G8
tel: 604-801-5121
fax: 604-801-5122
ccpabc@policyalternatives.ca

CCPA Manitoba Office:
Unit 205-765 Main St., Winnipeg, MB R2W 3N5
tel: 204-927-3200
fax: 204-927-3201
ccpamb@policyalternatives.ca

CCPA Nova Scotia Office:
P.O. Box 8355, Halifax, NS B3K 5M1
tel: 902-240-0926
ccpans@policyalternatives.ca

CCPA Ontario Office:
10 Dundas Street East, P.O. Box 47129, Toronto, ON, M5B 0A1
tel: 416-598-5985
ccpaon@policyalternatives.ca

CCPA Saskatchewan Office:
2nd Floor, 2138 McIntyre Street
Regina, SK S4P 2R7
tel: 306-924-3372
fax: 306-586-5177
ccpasask@sasktel.net

Magazines Canada

The *Monitor* is a proud member of Magazines Canada.

Contributors

Raymond Biesinger is an illustrator and artist based in Montreal. He likes concepts, making music, politics, Instagram, 19th-century bird's-eye-view panoramic maps, and a mix of minimalism and maximalism.

Remie Geoffroi has been a full-time freelance illustrator since 2001. His clients include major publications such as the *Wall Street Journal*, *Hollywood Reporter*, ESPN, *Wired*, *Billboard* and *New York* magazine. Remie recently illustrated the latest book from *New York Times* best-selling author Tim Ferriss, entitled *Tool of Titans*.

Laura Hochban is a Prairie-born feminist living and working in Ottawa. She studied histories of gender and the body at the University of Regina and at Carleton University.

Jim Hodgson is Latin America Program Co-ordinator at the United Church of Canada. He has been involved in Common Frontiers since 1999.

Asad Ismi covers international politics for the *Monitor*, specializing in the destructive impact of U.S. and Canadian imperialism, and resistance to it, in the Global South.

Jamie Liew is an associate professor of law at the University of Ottawa and an immigration lawyer.

Muhannad Malas is the program manager for Environmental Defence's toxics program. After completing a master's degree in public health policy at the University of Toronto, Muhannad helped develop and implement chronic disease prevention policies and environmental health frameworks for municipal and provincial governments.

Richard Nimijean is a member of the School of Indigenous and Canadian Studies at Carleton University in Ottawa.

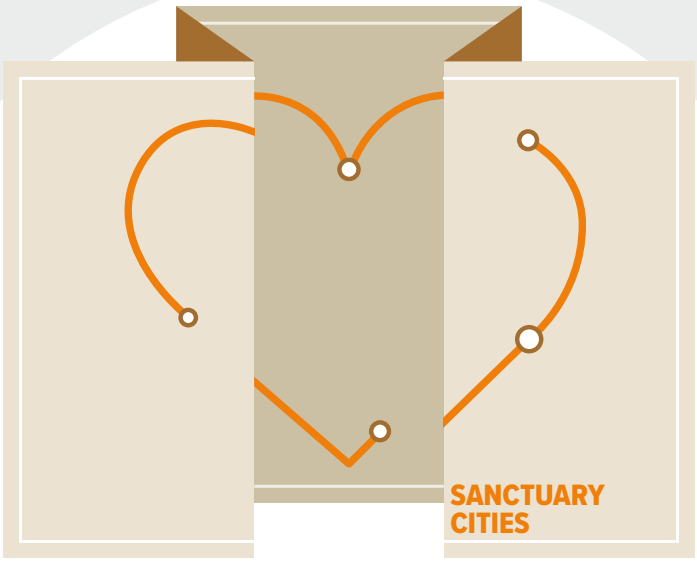
Aditya Rao is an organizer with the Ottawa Sanctuary City Network, and is in his final year of a joint JD and MA program at the University of Ottawa's faculty of law and Carleton University's Norman Paterson School of International Affairs, specializing in the law of forced migration. He has been active in refugee and migrant rights organizing for a decade.

Gillian Steward is a Calgary-based journalist and *Toronto Star* columnist who teaches journalism at Mount Royal University. She was the 2014-15 Atkinson Fellow in Public Policy, an annual journalism fellowship with which she researched the public policy drivers of oil sands development in Alberta.

Michelle Weinroth is an author and teacher. Her published work focuses on 19th and 20th century propaganda.

Book reviews in the *Monitor* are co-ordinated by Octopus Books, a community-owned anti-oppressive bookstore in Ottawa.

Amy Thompson is an Ottawa-based mixed-media artist whose work has centred on re-contextualizing imagery from the '40s and '50s. Amy explores themes of memory, childhood and the natural world through the mediums of drawing, painting and collage.



Donald Trump's attacks on migrants, both verbal and legislative, have emboldened calls in Canada for migrant justice and access—without fear—to government services. **Stuart Trew** talks to sanctuary city activists in Ottawa who want to see more than symbolic gestures from municipal governments. **Jamie Liew** explains why local police are under no obligation to share information on a person's status with immigration officials. And **Aditya Rao** argues for the immediate repeal of the Canada–U.S. Safe Third Country Agreement, which only puts human lives at unnecessary risk.

BEHIND THE NUMBERS

The "Netflix Tax" and other brilliant cableco propaganda
Marc Edge **6**

How the Liberals could lean in to Budget 2018
Kate McInturff **7**

"Asset recycling" should be grounded, permanently
David Macdonald **9**

Why we won't miss Petronas
Marc Lee **10**

IN THE NEWS

Omar Khadr and the cost of violating the law
Ian Green **12**

FEATURES

Two Trudeaus: Will voters remember the narrative or policy record in 2019?
Richard Nimijean **26**

Canada's chance to get serious about toxics
Muhannad Malas **33**

Can NAFTA be fixed? Some options for the renegotiation.
Scott Sinclair, Stuart Trew and Hadrian Mertins-Kirkwood **36**

Public benefits and the tar sands—from Lougheed to Notley
Gillian Steward **41**

Is there hope for Venezuela in the constituent assembly?
Jim Hodgson **50**

With friends like these... Qatar tries to cope with the blockade
Asad Ismi **54**

BOOKS

Struggle and representation in the making of democracy
Frank Bayerl **56**

Roxanne Gay's new memoir cuts deep
Laura Hochban **58**

Ilan Pappe challenges powerful myths about Israel
Michelle Weinroth **59**

Editorial **2** | Letters **3** | New From the CCPA **4** | Alternate Futures **14** | Index **15** | Work Life **32** | Good News Page **49**

STUART TREW

A summer of equivocation

THE FASCIST MARCH in Charlottesville, Virginia this August put a global spotlight on the United States' neo-Nazi problem. Here was white supremacy unhooded, uninhibited and organized, using the tactics (and chants) of the left—"Whose streets? Our streets!"—to defend the honour of those who fought for slavery on the Confederate side of America's civil war. Stand in their way and you are guilty of violating their rights to freedom of speech and freedom of assembly.

Over the course of the weekend, neo-Nazis and right-wing extremists scuffled with anti-fascist counter-demonstrators, culminating in the death of Heather Heyer, killed when a young man plowed his car into a peaceful demonstration in downtown Charlottesville. Jason Kessler, an organizer with Unite The Right, would later tweet that Heyer was "a fat, disgusting Communist," and that her death was "payback."

Was Kessler one of the "very fine people" Donald Trump was thinking about when he refused to condemn the racist rally, but said there were "very violent" protesters "on both sides"? Was former Klu Klux Klan leader David Duke, whose support Trump refused to reject in the lead-up to the 2016 U.S. election?

Despite the presence in Charlottesville of assault-rifle-toting militias, this was not, as Rush Limbaugh and others on the right suggested, the start of a new civil war in America. It might, however, turn out to be a turning point for Trump, who came under intense fire globally for refusing to condemn—and, as a result, all but condoning—an increasingly bold and violent neo-Nazi right.

Even Trump's big business friends couldn't stomach his equivocating. Several CEOs vacated their seats on two federal economic advisory councils, which the president subsequently disbanded altogether. On its cover, *The Economist* ran a cartoon of Trump speaking through a megaphone shaped like a KKK hood. It was a theme several other publications also went with to express the obvious—that the U.S. president was goading on racial hatred, to god knows what end.

The international press should be commended for pushing back against attempts by Trump and the Breitbart crowd to draw a false equivalence between the self-styled alt-right and an imagined alt-left. In reality, one side wants to ban immigration and unions, the other wants things like free education and health care, and the repeal of "right to work" laws. That looks more like politics as usual than a civil war.

The problem is that some equivalences are stickier, more useful to those in powerful positions and harder to dispel in mainstream dialogue. Breitbart, for example, likes "right to work" laws even though unionization is a proven way to wrest power and wealth from what its articles refer to as the "globalist elite."

In Canada we are supposed to feel relieved now that Steve Bannon is out of the White House and back at Breitbart, since allegedly his absence will make it more likely NAFTA will be renegotiated along liberal internationalist lines. The popular equivalence here is between hard-right and hard-left critics of free trade, which are both assumed to be driven by ethno-nationalism. The effect is to sideline more radical or even progressive (pro-worker, pro-environment) alternatives to status quo globalization.

The Trudeau government has shone internationally on a progressive message of tolerance, openness, diversity and inclusive, sustainable economic growth. It says it wants to make globalization fair for everyone and proposes adding gender and Indigenous chapters into a renegotiated NAFTA. These are important priorities and possibly interesting policy adaptations. But on a number of files, as Richard Nimijean argues (see page 27), our government has bent itself into a pretzel trying to square what it says it believes in with how it wants to get us there.

Trudeau says Canada is different from the U.S. today because we welcome all people fleeing persecution. But as Aditya Rao argues (see page 24), that is more true of people using the so-called appropriate channels than those who would be automatically turned away—including thousands of people fleeing Trump's America—if they didn't cross the border "illegally."

Other inconvenient contradictions are explored in this issue. For example, Global Affairs Minister Chrystia Freeland wants Canada to be a voice for peace on the world stage by flexing our newly financed military muscle. Like Trump, Canada is supporting democracy in Venezuela by backing an opposition that is openly fomenting violence against the government (see page 50).

Likewise, Trudeau supports progressive trade deals that better incorporate labour and environmental protections. But his government's strategy is to let Trump "declare victory" after the NAFTA renegotiation, which will probably mean signing something that looks much like the regressive Trans-Pacific Partnership. After Trump's response to Charlottesville, we can rightly wonder why Canada is negotiating anything with this U.S. administration.

An underlying theme throughout this issue of the *Monitor* is the empty gesture. As migrant justice activists explain in our cover feature on sanctuary cities, it is fundamentally important to build grassroots solidarity for social change, without which there is no impetus for our leaders to follow through on their pledges. If we don't do it, there are clearly many people on the right—in Canada as well as the U.S.—who will.

Letters

Rep by pop

According to Alex Hemingway (Behind the Numbers, July/August 2017), the great news from the B.C. NDP and Green coalition is their promise to have a referendum on electoral reform. I share his concern, and that of reform advocates, about the need to spark a successful discussion on deepening our democracy.

Canada's 2016 consultations on electoral reform and B.C.'s proposed referendum exclusively focus on finding the best mechanism to proportionally allocate the number of elected representatives according to the party's popularity. However, this rearrangement is about shifting power from larger parties to smaller ones, and not shifting power from political parties to individual citizens.

Legislating specially contested policies by referendum, or at least by non-binding plebiscites, would shift political power not from one party to another party, but from a few representatives of the party in power to all the concerned citizens.

Obviously, political leaders will not easily give up their traditional legislative power. They enjoy the privileged, concentrated political power to legally make decisions for all of us during their terms of office. But if we want to change the representative system into a system of direct democracy by referendum, we need to demand "legislation by referendum" from candidates.

Ion Delsol, Victoria, B.C.

Nuclear not so clean

While I applaud the *Monitor*'s attention to "climate leaders and laggards" (Index, by Hadrian Mertins-Kirkwood, July/August 2017), I must correct the statement that nuclear power is "practically zero carbon." Says BeyondNuclear.org: "15% to 25% of nuclear power's carbon emissions come from construction, maintenance and decommissioning of atomic power plants. The bulk of nuclear power's still significant emissions (an average of 65 grams of carbon dioxide per kilowatt-hour) come from the uranium fuel chain (mining, milling, enrichment, nuclear fuel fabrication, and carbon-14 emissions from operations and long-term nuclear waste management). As finite resources of high-grade uranium ore are depleted, those carbon emissions increase."

Boyd Reimer, Toronto, Ont.

Institutional investors, local farmers

I found the article by David Bruer ("Canadian pension funds grab farmland in Brazil," July/August 2017) very interesting. Perhaps the pension plans could use their large investments to direct policy to the organizations taking control of large swaths of land. For example, lands could be divided into small (5–10 acre) lots, provided on lease to small-scale farmers who could use hand tools and small equipment to till their plots and grow their requirements for subsistence, with surpluses sold back to the large organization for resale.

Such action would provide employment, reduce damage to soils (which would be caused by large machines if the organization worked the large tracts of land for extractive purposes), improve health (if the smallholders would grow organically), and be more ecological, through recycling wastes for compost.

Nizar Mecklai,
Newmarket, Ont.

No military history?

Congratulations on your "Views of Canada" issue (May/June 2017), illustrating why we need to learn the critical difference between "celebration" and "commemoration" of historical events. The series of excellent articles, written from the different perspectives of peoples and events not generally included in our history books, are illuminating and eye-opening, a refreshing antidote to many of our myths and misleading narratives.

I did note the glaring omission of an alternative view of Canadian military history and issues surrounding it, such as the war resisters movement, the militarization of our society, the military's extensive consumption of resources and contamination of the environment, Canada's military industry and arms trade, the military's influence on foreign policy, Canada's lack of interest in signing onto arms reduction treaties, and the list goes on. Maybe there's so much material on this subject you're saving it for another special issue! I hope so.

This subject has been of major importance to me all my life, and was brought to the forefront again when I read the excellent book *Worth Fighting For: Canada's Tradition of War Resistance from 1812 to the War on Terror*, a collection of scholarly essays edited by Lara Campbell, Michael Dawson and Catherine Gidney. Another valuable source of educational material is Project Ploughshares, an organization that does extensive research upon which they base their work "to advance policies and actions to prevent war and armed violence and build peace".

I would love to see these issues addressed in the *Monitor*. I think it's time we focus our attention on the real causes of war and how to change them.

Carol Latter,
Kimberley, B.C.

Send us your feedback, corrections, poems, praise or complaints to monitor@policyalternatives.ca.

New from the CCPA

Ontario labour reform leaves out "gig" workers

The Ontario government has committed to raising the provincial minimum wage—to $14 on January 1, 2018, then $15 on January 1, 2019—as part of a long-overdue update of provincial labour legislation. Business groups and conservative think-tanks have been waging a war against the move, claiming it benefits mainly teenagers and will hurt small businesses the most.

A new study by CCPA economist **David Macdonald, *Ontario Needs a Raise,*** finds that, to the contrary, the Ontario wage hike will benefit a broad and diverse group of workers in contract, seasonal, part-time and casual jobs. Most of these workers are over the age of 20 (15% are over 55) and are more likely to work for big companies than mom-and-pop shops. In fact, in retail and food services, 59% of people who will get a raise when $15/hour kicks in work for a company with more than 500 employees.

In another CCPA paper out this summer, supported by the Metcalf Foundation, lawyer **Fay Faraday** explores how Ontario's proposed labour legislation reforms could be amended to provide much better protection for workers in the on-demand service economy.

Bill 148 (the Fair Workplaces, Better Jobs Act) is the result of a two-year Changing Workplaces Review, which included broad consultations, the commissioning of new research, and consideration of written submissions from Ontarians. The goal was "to improve security and opportunity for those made vulnerable by the structural economic pressures and changes being experienced by Ontarians."

The review highlighted power imbalances between workers and employers, and the importance of trade unionism as a wealth equalizer. Unfortunately, writes Faraday in her report, ***Demanding a Fair Share***, neither the final Changing Workplaces report nor Bill 148 adequately addresses imbalances in rights and entitlements between traditional employees and "gig" workers in the so-called sharing economy.

"While Bill 148 makes a range of changes to substantive employment standards that would benefit service workers (such as a $15 minimum wage, equal pay for part-time, temporary, seasonal, casual and temporary help-agency workers, and access to personal emergency leave), these changes remain out of reach for online platform-based on-demand service economy workers," Faraday writes.

Another trade threat to public services

A new report, co-published in July by the CCPA and Rosa Luxemburg Foundation, examines the adverse impacts on public services and public interest regulation of the little-known Trade in Services Agreement (TiSA), which is quietly being negotiated in Geneva by a group of 23 governments, including Canada.

In ***TiSA Troubles***, senior trade researcher **Scott Sinclair** argues that, under the guise of expanding international trade in services, the agreement will make it much harder for governments to regulate vital services such as energy, water, banking, transport and online services. TiSA is also designed to pry open public services for private gain. While this agenda may suit the commercial interests of

the transnational corporations behind the secretive TiSA negotiations, it will not serve the broader public interest, argues Sinclair.

Manitoba living wage released

The CCPA-Manitoba released an updated living wage report in July in partnership with the Manitoba Research Alliance and Errol Black Chair in Labour Issues. The 2016-17 living wage is $14.54/hour in Winnipeg, $14.55 in Brandon and $15.28 in Thompson. This is the amount needed for a family of four with two parents working full time to cover basic necessities, support healthy child development, escape financial stress and participate in the community.

"Notwithstanding stable economic growth and consistently low unemployment,

poverty remains a problem in Manitoba," explains Lynne Fernandez in the report. In 2015, 12% of Manitobans lived in low income, up from 11.2% in 2013. "Furthermore, child poverty continues to be stubbornly high, with the 2015 rate at 16.4%. Child poverty has also gone up since 2013 when it was 14.5%. We need to intensify efforts so we can consistently lower child poverty."

Fracking, water and First Nations in B.C.

On the heels of an investigation that revealed fossil fuel companies have built dozens of unauthorized dams in B.C.'s northeast (see the July/August issue of the *Monitor*), the CCPA has released a study drawing attention to larger problems with water management practices in that region.

In ***Fracking, First Nations and Water***, CCPA researcher **Ben Parfitt** finds that a sharp increase in water-intensive natural gas fracking operations is underway, yet First Nations, who are the most directly impacted by such activities (by eroding their ability to fish, trap and hunt, for example), have little say in shaping how, when and where fossil fuel companies operate on their traditional lands.

"If British Columbia is going to respect the UN Declaration on the Rights of Indigenous Peoples, we need to turn things around," says Parfitt. "To start, we need to end the current 'death by a thousand cuts' approach, where First Nations are simply asked to respond to one proposed industrial development after another, and instead place First Nations firmly in the driver's seat when it comes to guiding activities in local watersheds well before those activities occur."

The report recommends that the B.C. government enact new co-management regimes similar to those on Haida Gwaii, set maximum allowable extraction limits of natural gas on a watershed-by-watershed basis, create development-free zones, charge more for industrial use of water, and require fossil fuel companies to detail exactly where they intend to operate over long time frames.

For more reports, commentary and infographics from the CCPA's national and provincial offices, visit www.policyalternatives.ca.

Behind the numbers

MARC EDGE | NATIONAL

Netflix Tax? Bloated cablecos say the darndest things.

No sooner had Liberal MP Hedy Fry's parliamentary heritage committee handed down its report on Canada's news media crisis (in June, after 16 months of hearings in Ottawa) than the newspaper industry bellied up to the trough and put in for a bailout worth $275 million a year. The timing was poor, as it appeared the other shoe had dropped a bit too quickly.

When it comes to money grabs, however, the press proved bumbling amateurs compared with Canada's electronic media.

Titled *Disruption: Change and Churning in Canada's Media Landscape*, the Fry report made many sensible recommendations. Some are long overdue, like changes to our charitable giving laws that would allow tax-deductible donations to fund journalism, as they can in the U.S. and elsewhere.

Other recommendations repeat pleas made by previous inquiries, such as for a diversity test to prevent market dominance by any media owner, and changes to the Competition Act that would treat news media takeovers differently than those in other industries. The same measures were suggested in 2006 by a Senate committee on news media, but they were ignored by a newly installed Harper government that looked the other way for a decade, as the country's media instead consolidated into unprecedented power centres.

Our largest newspaper chain (Postmedia) was taken over on Harper's watch by U.S. hedge funds, which now own 98% of the company—despite a supposed 25% limit on foreign ownership in this culturally sensitive industry. Postmedia in turn took over Sun Media, our second-largest newspaper chain, giving it 15 of the country's 21 largest dailies, including eight of the nine largest in Western Canada.

CEO Paul Godfrey promised to preserve competition in cities where Postmedia thus owned both dailies and the Competition Bureau signed off on the deal in 2015. The double-cross came last year, when Postmedia merged the newsrooms of its duplicate dailies in Vancouver, Edmonton, Calgary and Ottawa, prompting Fry's inquiry. (See "Can Canada's Media Be Fixed?" in the July-August 2016 *Monitor*.)

It makes sense that those who are cashing in fastest on the digital revolution should help fix the mess the internet has made of media.

The Fry report left vague any process for subsidizing news media in its first of 20 recommendations, urging only that the heritage minister "explore the existing structures to create a new funding model that is platform agnostic and would support Canadian journalistic content." Within hours, however, the newspaper industry weighed in with a detailed—and self-serving—proposal that was hardly agnostic with respect to platforms.

The industry suggested the Canadian Periodical Fund, which currently subsidizes magazines and non-daily newspapers to the tune of $75 million a year, offered a suitable model. News Media Canada, an industry group created by a recent merger between Newspapers Canada and the Canadian Community Newspaper Association, proposed extending the CPF to daily newspapers. It asked the government to simply underwrite 35% of their editorial expenses, but to not give such assistance to regulated broadcasters, who already benefit from the CRTC's largesse, or to digital media like upstart blogs.

"No one wants to fund personal rants or political agendas," argued Bob Cox, publisher of the independent *Winnipeg Free Press*, who heads News Media Canada (despite Postmedia's dominance of the industry). Connecting the dots in all of this, we find some unsettling relations.

A draft of News Media Canada's proposal that was circulated to groups for endorsement came on letterhead of the Public Policy Forum, but the final version made no mention of involvement by the think-tank. Headed by former *Globe and Mail* editor Edward Greenspon, the PPF was paid $200,000 by the Heritage ministry in 2016.

Greenspon's report *The Shattered Mirror*, handed down early this year, took up with vigour the newspaper industry's escalating beef against Facebook and Google, which circulate news online and dominate the digital ad market. But it so exaggerated the plight of newspapers and the threat of the

foreign internet giants that Carleton University media economist Dwayne Winseck accused Greenspon and his scholarly research team of "goosing the numbers" to make their overstated case. The PPF's media projects may have been separate and unconnected, but the optics are nonetheless poor.

The Harper decade also saw the consolidation of even more worrying power centres in Canada's electronic media. The Fry report's most contentious suggestion was for where the money to fund flagging Canadian journalism should come from, and the country's media seemingly circled the wagons on this one.

The report proposed a levy on internet service providers (ISPs), which was immediately framed as a "Netflix tax" by some journalists. Reporters who had received leaked copies of the Fry report grilled Prime Minister Justin Trudeau on the proposal almost before the ink was dry. He disowned any such idea, saying "we're not raising taxes on the middle class."

What the report really suggested, however, was extending to internet service provision the 5% levy that cablecos already pay on their television revenues to fund Canadian broadcast content. It makes sense, after all, that those who are cashing in fastest on the digital revolution should help fix the mess the internet has made of media.

The CRTC's latest Communications Monitoring Report shows the cabelcos make profit margins on their unregulated ISP rates in the range of 45%. So rich have they grown, first through lucrative cable TV monopolies, then with broadband internet access, that they have all bought TV networks. (CTV is owned by Bell, Global by Shaw, and CITY by Rogers.) That gives the vertically integrated content/carrier TV giants tremendous power over national perceptions.

If they say Fry is angling for a new tax on Netflix-watching Canadians, who will believe her report in fact urged a levy to claw back excess profits from the corpulent cabelcos? M

MARC EDGE TEACHES MEDIA AND COMMUNICATION AT UNIVERSITY CANADA WEST AND THE UNIVERSITY OF MALTA. HIS LATEST BOOK IS *THE NEWS WE DESERVE: THE TRANSFORMATION OF CANADA'S MEDIA LANDSCAPE* (VANCOUVER: NEW STAR BOOKS, 2016).

KATE MCINTURFF | NATIONAL

Budget 2018: Lean in, gents

It is that exciting time of year when economists wake from their summer slumber and start making submissions to the Department of Finance about what they'd like to see in Budget 2018. This year I ask what a feminist budget would look like. And since you're here, it would look something like this.

Invest where women work

Men and women tend to work in different occupations in Canada. Moving women into predominantly male employment sectors may pay off for women in the longer term, but the rate of change is slow. Like, generational. Worse yet, research has shown that as the share of women in a field increases, the value placed on that work diminishes.

That means Budget 2018 needs to invest in the sectors where women are working today.

More than one in five women in the labour force work in health and social services. Women are more likely than men to work in the public sector, not least because they see a narrower wage gap in that sector. Women are also highly concentrated in occupations that accommodate their disproportionate share of unpaid work (particularly child care).

Thus, nursing, teaching and service industry jobs continue to be where women are most likely to be employed. While some of these sectors fall within provincial jurisdiction, the federal government has an important role to play in working with provinces to ensure that job stimulus means jobs for the entire labour force, not just the 53% male part of it.

If the employment gap between men and women were closed our GDP could go up by 4%.

Invest in a living wage

Occupational segregation should not lead to a pay gap—not if we valued the work of women equally. However, we do not. The occupations in which women are most likely to work include some of the lowest-paying jobs in Canada.

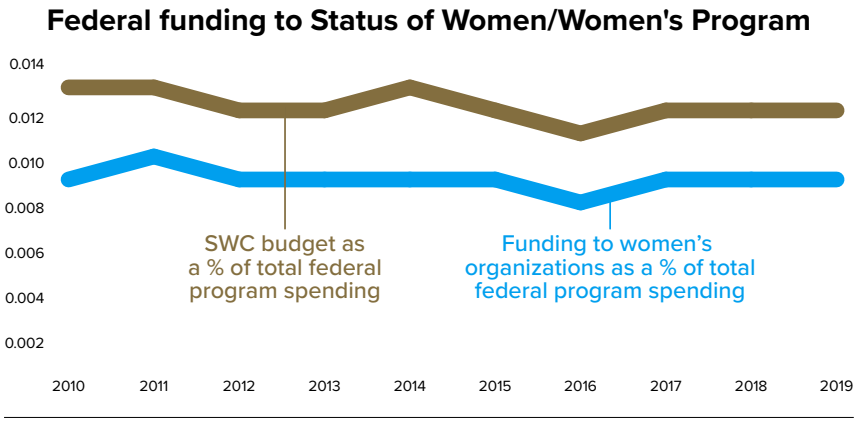
For example, women in skilled trades are most likely to work in food services and cosmetology, while men are most likely to be plumbers and electricians. Apprenticeships for all these trades require equivalent levels of education, experience and skill, yet the average full-time wage for a cook is just under $29,000 and for a hairstylist it is $22,000. Contrast this to the average full-time wage for a plumber, which is $55,000, or for an electrician, which is $60,000 annually.

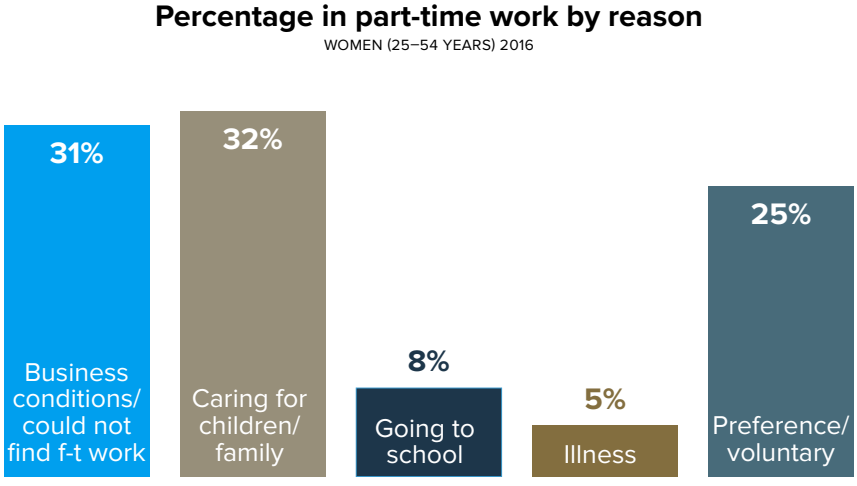
The government has promised to spend $3 billion for home care in the next three years. While this will certainly create jobs in a predominantly female job sector, the median take-home pay for a home care worker ($18,942) falls below the low-income measure. Instituting a living wage for home care workers would make a good start to ensuring that working women aren't living in poverty.

Support part-time workers

Women are twice as likely as men to work part time. The majority of those women (63%) are involuntary part-time workers; half of this group cite child care as the reason they are not in full-time work and half cite business conditions.

Affordable and available child care has had a demonstrable positive effect on women's employment levels and on the wage gap in similar high-income countries. However, long waiting lists and high fees are leaving 275,300





women doing involuntary part-time work. As a recent IMF study points out, outside of Quebec the cost of child care (net all tax and other benefits) means that "the household's economy clearly worsens if the mother enters the labour market."

The share of women who cite business conditions as the reason for part-time work suggests we are lacking both sufficient investment in the sectors where women work and that it is employers, not female workers, who need further incentives to lean in.

Shift the balance of unpaid work

Women perform 10 more hours of unpaid work per week than men, and more total hours of work, paid and unpaid. (But who's counting?) The disproportionate share of unpaid work, particularly child care, limits the number of hours available to women to do paid work. It also makes it more difficult for women to enter occupations with non-traditional or inflexible hours. You know, like politics.

Affordable and accessible child care is essential to shifting the balance of unpaid work for women. However, stand-alone paternity leave also plays an important role in redistributing hours of unpaid work. The Quebec Parental Insurance Program, which provides five weeks of "father only" leave, has demonstrated a significant unmet need: 78% of men now take parental leave in Quebec compared to 27% in the rest of Canada.

It's possible men in Quebec just love their children more. But I don't think so.

Invest in women's organizations

Research shows that women's organizations make an essential contribution to ensuring that public policy works for women. Yet Canada continues to shortchange these hardworking, understaffed and overworked organizations.

Federal funding to women's organizations is lower today than it was under the Harper government, representing a miniscule proportion—less than one one-hundredth of 1%—of total federal program spending in the 2017 budget.

I like to point this out every time I find myself in a federal government building, sitting around a table with a group of women's organizations offering (free) expertise and research. Consultation is great, if you have someone to consult with.

The economy needs women

Underemploying and underpaying women is costing women and the economy billions of dollars annually. The IMF estimates that if the employment gap between men and women were closed our GDP could go up by 4%. If the 670,000 women who were working part time for non-voluntary reasons in 2016 were able to find full-time work, they would have brought home an additional $19.2 billion in wages. If the women who worked full time last year earned the same hourly wage that their full-time male counterparts earned, they would have taken home an additional $42 billion.

As I've written before in these pages, the 2017 federal budget gender statement was an important first step in making the most of both halves of Canada's labour force. However, core economic policies need to address the fact that men and women work in different occupations, at different rates of pay, for different numbers of hours. Moreover, targeted policies need to address the additional barriers that face Indigenous women, women with disabilities, immigrant and racialized women—all of whom see larger-than-average gaps in pay and employment.

The women are out there. They are educated and in the labour force. Don't make them the keepers of their own disadvantage. They don't create hostile work environments. They don't discount their own pay. They don't set child care fees. Women need their governments and employers to help in removing these barriers.

Time to start leaning in, gentlemen. M

KATE MCINTURFF IS A SENIOR RESEARCH AT THE CCPA AND DIRECTOR THE MAKING WOMEN COUNT INITIATIVE.

DAVID MACDONALD | NATIONAL

"Asset recycling" is just fly-by-night privatization

The drama continues in the federal government's plan to sell off our airports.

The feds recently announced they would be hiring PricewaterhouseCoopers (PwC) to "act as a commercial advisor" on airport sales. This follows an initial investigation by Credit Suisse, whose final report remains secret.

The potential sale of Canada's airports is part of a larger trend of "asset recycling," the politically popular term for government sales of public assets to investors, who then control prices and quality, often with little or no competition. The Trump administration loves the concept; its infrastructure plan is also premised on selling public assets to the private sector.

But there is little rationale for taking airports out of public control. Financially, Canada can afford to maintain ownership, since both the federal debt-to-GDP ratio and interest rates are near all-time lows. As it stands, Canadians get a better deal through publicly owned airports than they ever would if the infrastructure were controlled by private companies.

Canada's airports are not funded by the taxpayer. Funding comes from airport improvement fees applied directly on tickets, landing and other charges to the airlines (which are charged back to travellers), parking lot fees, and concession/retail rents. Travellers can't avoid the first two fees, but they may be able to avoid the second two. In fact, airports pay the federal government $305 million a year for land rental (as estimated by a recent C.D. Howe Institute study), which is in addition to paying city property taxes.

When considering the privatization question, we need to keep in mind a few more facts. First, the federal government can't just sell off airports wholesale, since they are controlled by airport authorities. The Greater Toronto Airports Authority (GTAA) that operates Pearson International is run jointly by the federal government, the province, the City of Toronto, and the regions of York, Halton, Peel and Durham, in addition to reps from several boards of trade.

All of these stakeholders would have to agree to sell Pearson when and if the feds advise it, which seems a pretty unlikely scenario. Even if they did all agree, they might only do so for a piece of the action. The federal government owns the land under the airport, which it could sell to a private investor. But this seems like an even worse idea.

Lost in all the excitement about "recycling" money from airport sales into new government priorities is another fact: airports, like Pearson, are natural monopolies. Whoever operates them has no real competition because it's just too expensive to build several international airports in one place. As such, there is no market here, only market failure resulting in a monopoly, which is precisely when you want a non-profit in charge.

For-profit companies, on the other hand, love a good monopoly. When consumers have few convenient choices, prices can be far higher in order to "extract value" from the monopoly. If you don't like it, buckle up the kids for the three-day drive across the country.

In the past decade, all of Australia's main privatized airports have substantially increased average travel prices while customer satisfaction has declined.

Australian airport privatization perfectly illustrates what monopolies are good at. In the past decade, every one of the four main privatized airports in Australia has substantially increased average travel prices while customer satisfaction has declined slightly. Parking fees, for example, have gone up faster than inflation. This is exactly what you'd expect from a private monopoly: higher prices and lower quality.

Incidentally, this is the opposite of what you'd expect from a well-functioning market that offers lower prices and higher quality. Investors have "unlocked the value" in Australian airports by unlocking travellers' wallets through jacked-up fees. Travellers pay more for less—something Canada would be wise to avoid.

The worst of it is that there is no need to sell airports to raise money for new infrastructure in Canada. Proponents estimate that the sale of all of Canada's airports would net between $7.2 and $16.6 billion, which is nothing to sneeze at. But you would also lose $195 million in annual payments to the federal government, net of new income taxes.

Is there another way to raise the best-case scenario of $16.6 billion without gouging every family flying home for a wedding and every student heading home for the holidays? Yes, but it doesn't include privatization. The federal government could easily raise $16.6 billion through bond sales tomorrow. The interest rate on a five-year federal government bond is 1.16%, or $193 million a year on our $16.6 billion.

So, for the same cost to the federal government, Canada could either sell our airports to private investors, who'll use their monopoly control to jack up fees, or keep those airports in non-profit hands and borrow cheaply to build new infrastructure. That doesn't seem like much of a choice at all. M

DAVID MACDONALD IS A SENIOR ECONOMIST WITH THE CCPA.

MARC LEE | **BRITISH COLUMBIA**

See ya, Petronas (but hopefully not)

British Columbians should not be lamenting Petronas' decision to pull its Pacific Northwest Liquefied Natural Gas (LNG) proposal. Instead, they should be celebrating the demise of a project built on bad economics, climate change denial and wishful thinking.

A few pundits have told the Petronas story as a tragedy. Some are blaming the brand new NDP government, others their B.C. Liberal predecessors for not moving faster to land a deal. The real culprit is the abysmal economics of LNG—the need for expensive new pipelines and terminals, and the high costs to liquefy gas and transport it across the Pacific.

Optimistic predictions for LNG were made when gas prices were abnormally high. A 2017 report of the International Gas Union shows that prices in Japan and the rest of Asia shot up in 2011 and stayed high through the start of 2015 before falling below $10/MMBTU (1 million British Thermal Units)—the estimated break-even point for LNG exports from B.C.

Looking forward, it is highly unlikely that gas prices will return to the highs of 2011–14. Global LNG export capacity is poised to grow by a third by 2020 based on facilities currently under construction.

Going back to 2013, those high Asian prices fuelled dreams of LNG riches in B.C. It was a perfect Hail Mary pass for a tired government seeking re-election. Public resources were used to pay consultants to quickly manufacture electoral propaganda—100,000 jobs! $100 billion Prosperity Fund!—for use in the 2013 campaign.

So, what if B.C. had managed to stake out some LNG turf? Let's turn to Australia where recent developments strongly suggest we should count our blessings that we did not win the LNG sweepstakes.

Australia is no neophyte: it has produced LNG since 1989. But its current woes can be traced to a flurry of investment decisions, totalling $200 billion, made between 2009 and 2012. Key public policy challenges in Australia are flagged below, but it's worth noting that even the LNG industry has been squeezed between high costs and low prices, with major companies writing down the value of their LNG investments by billions of dollars.

While Australia is now poised to become the world's largest LNG exporter by 2020, "success" turned into a political crisis by early 2017. Just as the taps were turned on for three massive new export projects on the country's east coast, near Gladstone, Queensland, prices shot up for Aussie households and businesses in major urban areas like Sydney. Local prices for gas at one point cost more than the gas it exported to Japan.

This April, Australian Prime Minister Malcolm Turnbull announced the government would begin imposing restrictions on LNG exporters. A new Australian Domestic Gas Security Mechanism came into effect July 1 and will force gas producers to direct more supply to domestic users.

The new NDP government will need to reconcile its interest in LNG with its desire to put in place a tougher climate action plan.

Such domestic energy security issues are precisely what CCPA research associate David Hughes has raised in the B.C. context. Hughes has noted that a large LNG industry means the rest of Canada would need to become net importers of natural gas while the B.C. government has been vastly overstating the amount of gas we have in the ground.

Richard Denniss, chief economist of the Australia Institute, argues that the hidden objective of LNG exporters all along was to raise domestic gas prices. Abundant gas supplies and low prices might have been good for Aussie households and manufacturers, but not for the gas industry, which wants to sell its gas for the highest price possible, wherever in the world that may be.

Moreover, major new conflicts have emerged in Australia between the gas industry, now aiming to supply huge export volumes, and farmers whose land would have to be fracked to access the gas. As in B.C., the battle is largely about the negative potential impacts on water supplies.

As the Australian government tilted its tax and royalty regime toward encouraging new LNG investment, the return to the treasury—for the development of the publicly owned gas resource—has been meagre. In spite of record gas production and exports, revenues from the federal petroleum resource rent tax fell dramatically in 2016, to their lowest level since 1999. Royalties at the state level (equivalent to Canadian provinces) are also incredibly small.

This is reminiscent of B.C., which is getting a pittance for its own record gas production. To lure LNG investment, the B.C. government caved in to industry efforts for a better return to the public treasury. It then went so far as to recall the B.C. legislature in summer 2015 to pass legislation for Petronas that would lock in a favourable tax and regulatory regime.

Similar to the B.C. framework, LNG majors in Australia can fully deduct all of their capital costs before they pay federal resource rent taxes, meaning that cost overruns are passed on to the public sector in the form of reduced revenues. Such cost overruns are common in the LNG industry. Australia's

recent LNG projects have experienced $50 billion in cost overruns, the most legendary being the Gorgon project in Western Australia, which was $20 billion over budget and cost $54 billion to build.

One recent report on Australia's tax and royalty regime for gas found that, due to these and other generous provisions, "the industry will need to record at least $238 billion in profits before a cent in royalties is paid to the Australian people." LNG exporters in Australia have also been found engaging in creative accounting to write off interest payments for the borrowings of offshore subsidiaries to further reduce their profits and evade taxation.

As a result of these shenanigans, a comprehensive review of the tax and royalty regime was ordered by the Australian government in late 2016. There are doubts, however, that meaningful changes will result.

This is what "competitiveness" looks like. Ultimately, such deals shortchange the public and represent a transfer of risk from the private sector to the public sector. The Australian experience demonstrates the reality about promises of LNG jobs: the vast majority of jobs occur in the construction stage and completed facilities employ few permanent workers.

The *Sydney Morning Herald* has reported that the city of Gladstone has seen a boom and bust due to a temporary surge of workers to build three LNG plants in the area. During the boom, housing became unaffordable to locals and seniors, and professionals were forced to move away. After a surge of 14,500 construction jobs for a few years, in a town of 60,000, the completed LNG terminals now only provide 500 permanent jobs.

This speaks to the biggest fib in B.C.'s LNG claims—100,000 permanent jobs, a number that was quickly made up prior to the 2013 pre-election throne speech. It is understandable why economically challenged regions of B.C. would want high-paying LNG jobs, but the reality is there are few to go around. Those hopes and dreams of B.C. workers and communities were exploited by the Liberal government for political gain.

Former B.C. premier Christy Clark (left) tours the Petronas LNG complex in Bintulu, Malaysia in 2014
PROVINCE OF BRITISH COLUMBIA

Finally, it's worth recalling that LNG is just another fossil fuel at a time when the world is trying to get its climate change act together. Australia's greenhouse gas emissions (GHG) are projected to grow to at least 2030, and the country will miss its 2020 GHG reduction target by a large margin. This growth is "primarily driven by the development of new Liquefied Natural Gas (LNG) facilities in Western Australia, Queensland and the Northern Territory," according to the government.

In B.C., LNG developments would make it impossible for the province to meet its own legislated GHG targets. The new NDP government will need to reconcile its interest in LNG with its desire to put more stringent GHG targets and a tougher climate action plan in place.

Let's recap: even if B.C. had an LNG industry today, it would be losing money on every tanker load sent to Asia; the people of B.C. would be paying higher prices for the gas they consume, while getting negligible public returns for all that publicly owned gas; GHG emissions would go up instead of down; and there would be very few jobs.

By creating a whole ministry aimed at bringing LNG to our shores, the B.C. Liberal government wasted millions in public funds and raised the hopes of workers and rural communities. B.C. has wasted political capital, time and money on LNG instead of developing renewables and investing in energy efficiency and climate-friendly infrastructure. Had a different course been taken, B.C. would already be the Saudi Arabia of clean energy and have bona fide bragging rights on climate action.

Natural gas is a finite resource. British Columbians should be thankful that government efforts to quickly liquidate it for export have come to naught. Forget the laments in the mainstream media: Petronas' decision to pull out of B.C. is a blessing. M

MARC LEE IS A SENIOR ECONOMIST WITH THE CCPA'S B.C. OFFICE. THIS ARTICLE IS PART OF THE CORPORATE MAPPING PROJECT (CMP), A SIX-YEAR RESEARCH AND PUBLIC ENGAGEMENT INITIATIVE JOINTLY LED BY THE UNIVERSITY OF VICTORIA, THE CCPA AND THE ALBERTA-BASED PARKLAND INSTITUTE.



IAN GREENE

Who's to blame for the Khadr payout? Stephen Harper, mostly.

Since July 4, Canadians have been embroiled in a debate about the Canadian government's $10.5-million payment to settle Omar Khadr's lawsuit over illegal imprisonment and treatment. Three points stand out: the abandonment of the rule of law by some public servants and cabinet ministers; the dangers of obfuscating the truth; and the sense that it is unfair for all Canadians to pay so much for the serious errors of a few.

The rule of law is a key legal support for a democracy. Many were shocked when the George W. Bush administration ditched it in order to extract quick revenge for 9/11 by setting aside due process for those captured and sent to the U.S. military base at Guantanamo Bay. Of course, that was precisely the kind of reaction al-Qaida wanted in its efforts to undermine U.S. democratic institutions.

When Khadr was 11, his father forced his son to leave Canada to fight for al-Qaida in Afghanistan. Khadr did not want to go (what 11-year-old would?) and sometimes hid from his extremist father in Afghanistan.

In 2002, at the age of 15, Khadr ended up in a firefight with American forces. He says he remembers little of what happened. He was found by American soldiers buried under debris, badly wounded. Khadr was the only al-Qaida member left alive in the compound—and U.S. medic Christopher Speer had been killed.

As the only al-Qaida survivor, Khadr got the blame—despite the absence of evidence, and his being a child soldier. He should have been separated from adult prisoners and placed in a rehabilitation program, with Canada's help.

Instead, the U.S. military shipped him to Guantanamo, where evidence against him could be concocted. At two points, in 2003 and 2004, Khadr was interviewed by Canadian officials who knew he had been sleep-deprived for weeks. The results of those interviews were provided to American officials—but not to Khadr, who was denied legal counsel. Subsequently, the U.S. Supreme Court twice declared the "trial" process at Guantanamo Bay illegal under U.S. and international law.

Some Canadian lawyers, who were outraged when they heard about Khadr's situation, initiated litigation on his behalf. When the case reached the Supreme Court in 2008, the judges wrote that Khadr's rights as a Canadian had been egregiously violated. According to their ruling, he was tortured into giving evidence. He had not been treated as a child soldier, as he should have been. The actions of Canadian officials violated the rule of law.

The Court found that Khadr had the right to see the evidence against him. Subsequently, a House of Commons subcommittee on international human rights recommended that Khadr be repatriated to Canada to be dealt with under Canadian law. But the Harper minority government was content to let Khadr languish in Guantanamo Bay, abandoning the traditional Conservative defence of the rule of law.

From 2008 to 2015, the Harper government decided ignore the Charter of Rights, the Supreme Court and Canada's obligation to rehabilitate child soldiers. This inaction resulted in the lion's share of the $10.5 million paid to Khadr for being wrongfully imprisoned and mistreated.

In 2008, I told my students that Khadr would eventually be entitled to a legal settlement from the Canadian government. The longer the government left him in Guantanamo, the larger the sum of money that would have to be paid out, I said. In an entirely just world, that settlement would be paid out personally by Harper and his cabinet colleagues.

That same year, Barack Obama was elected president in the U.S. He said he wanted to close the Guantanamo Bay facility, which had become a blight on the United States' reputation for promotion of the rule of law. Republicans in Congress opposed Obama at every turn. Nevertheless, his administration wanted Khadr repatriated to Canada.



Khadr was 16 when CSIS interviewed him at Guantanamo Bay in February 2003. The only western prisoner still at the U.S. military prison at the time, he pleaded with Canadian interrogators to be allowed to return home.
REUTERS

That option was opposed by Stephen Harper, Jason Kenney, Andrew Scheer (the party's current leader) and other prominent Conservatives—again increasing the amount of the settlement Khadr eventually would receive.

Because of the Harper government's obstinacy, Khadr's lawyers applied for a court order to have him repatriated. In 2010, the Supreme Court again unanimously reiterated the severity of the rights violations suffered by Khadr:

> *Interrogation of a youth, to elicit statements about the most serious criminal charges while detained in these conditions and without access to counsel, and while knowing that the fruits of the interrogations would be shared with the U.S. prosecutors, offends the most basic Canadian standards about the treatment of detained youth suspects.*

The Court left it to the government to find a remedy for Khadr's rights violations. The government still refused to repatriate Khadr, while all other Guantanamo prisoners who were citizens of western nations were being repatriated by their governments. As a result, the amount of Khadr's eventual settlement continued to climb.

Because of the Harper government's refusal to co-operate with the Obama administration, Khadr's lawyers faced the prospect of a conviction in the illegal court in Guantanamo, based on evidence induced by torture. Khadr could have been sentenced to life in Guantanamo with no possibility of release. Or he could have pleaded guilty to an offence he never committed in exchange for an eight-year sentence and the right to serve it in Canada. Clearly, there was no sensible option for Khadr other than to lie and plead guilty, which he did in 2010.

The Harper government continued to resist his repatriation to Canada until 2012, when he was transferred from Guantanamo to a jail in Alberta. His lawyers initiated an appeal of Khadr's conviction at Guantanamo in the mainland U.S. Given the likelihood that Khadr would win, a judge released him on bail, a decision the Harper government vehemently denounced.

Those who claim that Khadr "admitted" to killing an American soldier overlook these circumstances. He is the only child soldier to have been prosecuted for a war crime since the conventions protecting child soldiers were instituted several decades ago.

Thanks to a group of Christians in Edmonton, Khadr is attending post-secondary education. He hopes to become a nurse. He has renounced al-Qaida and other such terror groups, and now speaks out against them.

Not only did Canadian officials violate the rule of law when dealing with Khadr in 2003 and 2004, but from 2008 to 2015 the Harper government openly flouted the rule of law on a number of occasions. These violations tied in with the government's narrative about Khadr—that he was a convicted terrorist who would pose a danger to Canada. By obfuscating the facts in this way, the government tangled itself deeper and deeper in a web of untruths.

That web still entangles key Conservative party leaders. Had they been willing to describe the Khadr saga in a more balanced way from the start, the Harper government would have been in a position to repatriate Khadr much sooner, thus substantially reducing the $10.5-million settlement.

Make no mistake: Khadr's lawsuit would have succeeded eventually. The Trudeau government had no choice but to pay up, and the sooner the better, to minimize the total amount.

What can be done about the legitimate annoyance many Canadians feel over being forced, as taxpayers, to shell out for the serious mistakes of public servants and cabinet ministers? What incentive is there for public servants and politicians to not repeat those errors, when taxpayers are always liable in the end?

Unless a lawsuit can be directed at individuals in government rather than the government itself, the threat of legal action is only a minor incentive for politicians to honour the rule of law. What would help is a better understanding among public officials and politicians about the nature of the rule of law—and the pitfalls of distorting reality. M

ALTERNATE FUTURES

ROBIN SHABAN

Tepid hope for Canada's new securities regulator

IF ALL GOES ACCORDING to plan, by July 2018 several provinces and territories will have a new securities regulator. Currently, each province and territory operates its own regulator that is responsible for administrating each province's unique laws. The provincial and territorial regulators are part of an umbrella organization, the Canadian Securities Administrators (CSA).

Overcoming jurisdictional issues, in the past few years British Columbia, Ontario, Saskatchewan, New Brunswick, Yukon and Prince Edward Island have agreed to replace their provincial securities regulators with a new overarching body, the Co-operative Capital Markets Regulator (CCMR), to enforce the Capital Markets Act (CMA). The CCMR would mark a significant change in how securities are regulated in Canada, and could be an improvement from our current system.

First, regulating securities across multiple provinces, rather than province by province, may open up these capital markets, providing more investment and borrowing opportunities to people in other provinces. It also makes sense to regulate securities nationally because systematic risk in capital markets often transcends provincial boundaries. A national system could help Canada better address white collar crime, as it may be easier for police and other law enforcement agencies to deal with just one securities regulator when investigating illegal financial practices.

However, as currently envisioned, the CCMR could end up being weaker than the regulators of some participating provinces, since it is not evident that some important investor protection initiatives in those provinces will be carried forward by the new national regulator.

For example, changes to the regulatory system may have a big impact on the legal protections afforded retail investors—Canadians of all income levels who buy mutual funds, GICs and other financial products, often for the purpose of securing retirement income. Strong protections for retail investors are even more critical given that increasingly fewer people have pensions. Many Canadians must now manage their own retirement savings, and rely on advice from representatives of the banks and other financial institutions. Weak protections can lead to financial institutions exploiting their clients' lack of expertise, with potentially catastrophic consequences for those trying to save for retirement, and Canadian welfare as a whole.

As a recent white paper from the Foundation for Advancement of Investor Rights (FAIR) explains, retail investors may be less represented in the CCMR than they are within the Ontario Securities Commission (OSC). The OSC, like regulators in the U.K. and Australia, has an investor advisory panel that advocates on behalf of retail investors to improve regulations and promote public confidence.

Unfortunately, there are no plans to include such a body within the CCMR, nor is there any formal retail investor representation on the CCMR's board of directors. Rather than wait for the board to do the right thing, the FAIR white paper calls on the federal government to amend the CMA to require the new national regulator to establish and fund a retail investor panel.

The CCMR may also bring regressive change with respect to regulation itself. Securities regulators in Ontario and New Brunswick want to see a "best interest duty" implemented that would require registered investment dealers or advisers to act in their clients' best interests. The high-pressure sales scandals of TD and other banks, exposed in the news earlier this year, show why such a standard is important for ensuring that retail investors are not exploited.

It seems odd, then, that the CMA does not contain a statutory best interest duty, and it is not clear when, or if, the CCMR will adopt one. Putting off the creation of this standard needlessly postpones a critical enhancement to Canada's consumer protection framework. Likewise, there is currently no proposal for the CCMR to address the issue of embedded commissions, which hurt investors and could negatively affect the capital market as a whole, according to a CSA consultation paper published earlier this year.

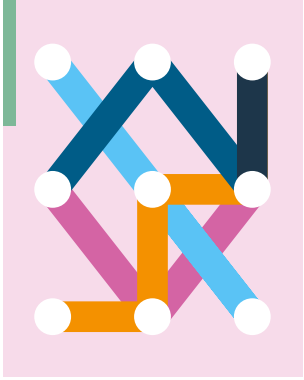
Embedded commissions make it difficult for investors to determine what they are actually paying in fees, and therefore whether they're getting their money's worth in quality of service. Embedded fees also create a conflict of interest because sellers have an incentive to sell products with the highest commissions rather than those that best suit the client's risk and return preferences. As a result, investors are at greater risk of earning poor returns.

Despite the obvious dysfunction induced by imbedded commissions, and the CSA's interest in addressing this issue, there is no clear indication that the new national securities regulator will prohibit such hidden fees when it comes into power next July.

The CCMR could be a significant improvement to Canada's patchwork securities regulation system, but only if we do it right. Without adequate attention to the needs of retail investors, the CCMR could undo some of the strides made provincially to make sure the majority of Canadians have access to fair investment opportunities for their savings.

Activists and consumer rights advocates should continue their push for both more accountability from financial institutions and laws that protect the financial interests of everyday Canadians. M

ALTERNATE FUTURES IS A NEW COLUMN ABOUT FINANCE BY ROBIN SHABAN, AN INDEPENDENT ECONOMIC AND PUBLIC POLICY CONSULTANT BASED IN OTTAWA. WRITE ROBIN AT CONTACT@ROBIN-SHABAN.COM.



Index
The Black Experience

In 2010, the Black Experience Project (BEP) set out to answer the question, "What does it mean to be Black in the Greater Toronto Area?"

Led by the Environics Institute for Survey Research, and involving the United Way of Toronto and York Region, the YMCA of the Greater Toronto Area, and Ryerson's Diversity Institute as major partners, the BEP devised a survey that could "provide valuable insight and direction in identifying policies and other initiatives that will strengthen the health and vibrancy of the Black community, and by doing so, the health and vibrancy of the entire GTA and beyond."

The results of that survey, conducted over several months in 2015 with 1,505 individuals who identify as "Black," were released in July. Here's a sample of the BEP's findings.

(Census data taken from the 2011 National Household Survey as cited in the BEP report.)

413,155

Number of people in the Greater Toronto Area (GTA) who identify as "Black," equivalent to **7%** of the population in 2011.

47%

While a small majority of people interviewed identify first as Black, almost half prefer another term, such as "African," "African-Canadian," "Caribbean" or specific African or Caribbean countries.

$43,090

Median employment income of Black residents of the Toronto Census Metropolitan Area (CMA), compared to **$50,787** for the total CMA population and **$56,543** for non–visible minorities.

25%

Prevalence of low income among Black individuals in the Toronto CMA, compared with **15%** in the total population.

4/5

BEP participants who belonged to at least one type of club or community group (most frequently a religious or local community organization), which is higher than for Canadians on average. Two-thirds of people interviewed had volunteered at least some of their time during the previous 12 months, which is also higher than the Canadian average.

2/3

Participants in the BEP interviews who said they frequently or occasionally experience racism because they are Black. Examples include being mistaken for someone who serves others, such as a bellboy or janitor (**42%** say they frequently or occasionally experience this), being treated rudely or disrespectfully (**56%**), being ignored or not given service at a restaurant or store (**52%**), or being treated in an overly friendly or superficial way (**68%**), among others.

91%

Among those interviewed by BEP who attended high school, almost all felt accepted by other students if most or all teachers at the school were Black. That number decreased to **69%** in schools where there were a few Black teachers and to **48%** where there were none. Just over half of respondents who went to high schools where there were few or no Black teachers felt their school was a welcoming and friendly place, or that their teachers accepted them.

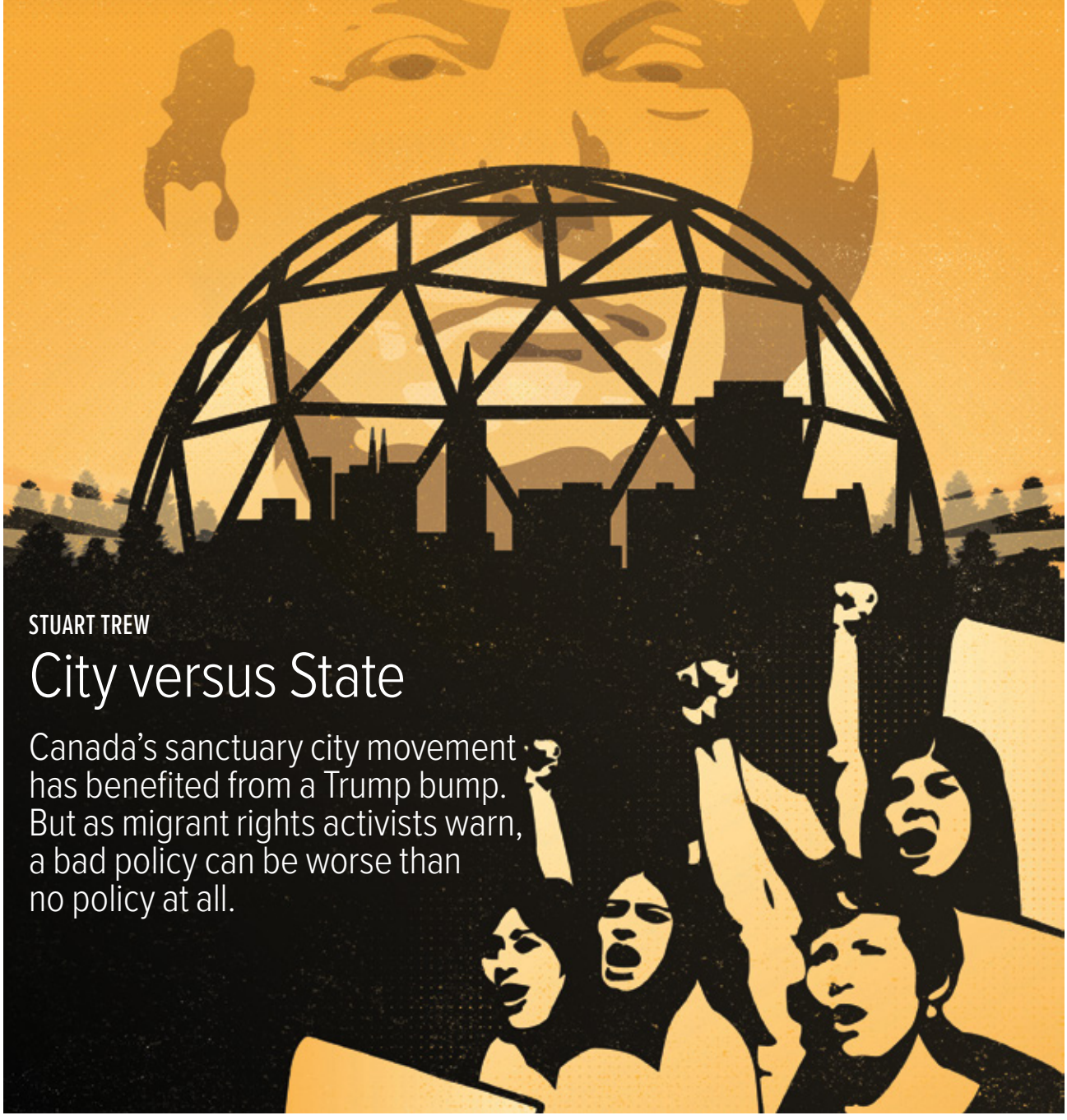
79%

Male respondents between the ages of 25 and 44 who said they have been stopped in a public place by the police (**55%** of all respondents said this had happened to them); 39% reported being treated unfairly by the justice system in the past 10 years, among whom **71%** said it was because they were Black.

67%

Just over two-thirds of survey respondents said the Black community's cultural or social influence was its most important contribution to the GTA, with more than a third saying it was community involvement or leadership.

For more about the project, including the full results of the BEP survey:
www.theblackexperienceproject.ca.



STUART TREW

City versus State

Canada's sanctuary city movement has benefited from a Trump bump. But as migrant rights activists warn, a bad policy can be worse than no policy at all.

ILLUSTRATION BY AMY THOMPSON

AT THE END of June, members of the Ottawa Sanctuary City Network organized a small feast in an open-air boardroom off downtown's Somerset Street. The mood was festive and relaxed. There were no big speeches or PowerPoint presentations about the group's goals and aspirations. Just a buffet of delicious Caribbean and Middle Eastern food, moving spoken word performances from local artists, and good conversation. It felt like a celebration, which was a bit odd, given that only a few weeks earlier city hall had rejected the idea of declaring Ottawa a sanctuary city.

What's that, you ask? At heart, sanctuary cities are places where all residents, regardless of their immigration status, can feel safe and secure accessing city services—from going for a swim to taking out a library book to calling the police to report a crime. There are about 400 sanctuary jurisdictions (cities, counties and states) in the U.S. and hundreds more in the U.K. Most of these places commit to not asking for a person's status or sharing that information with federal border agents if they happen upon it in the course of providing a service. Sanctuary is therefore sometimes referred to as a "Don't Ask, Don't Tell" policy.

The sanctuary movement predates Donald Trump by many decades, and it will outlive his presidency. But there is no doubting that the anti-immigrant rhetoric and legislation coming out of his administration has underlined the urgency of protecting some of the world's most vulnerable people—undocumented migrants—from the excesses of state power. In Canada, politicians at all levels of government have gone out of their way to express how different they are—and their cities are—to Trump. Toronto, which declared itself a sanctuary city in 2013, very publicly reaffirmed this status earlier this year. Montreal and London

(Ontario) followed suit. And many more Canadian cities are considering the designation.

But not Ottawa. Actually, Ottawa city council appeared to bury the idea for good, and in the rudest way possible, when the sanctuary policy was brought up for debate in March. Despite seven hours of supportive testimony, from two dozen organizations that work with members of the city's undocumented population, a majority on the city committee concluded there was not enough evidence of a problem for which a sanctuary policy would be the solution.

Failure? On the contrary—migrant rights activists say it could be a helpful dose of reality for a country tipsy on Canadian exceptionalism. Ottawa's non-status residents are, in fact, no worse off than in Toronto, where the city's sanctuary policy may just put a progressive veneer overtop of continued police co-operation with federal border agents. "On a number of levels it (the Toronto sanctuary designation) communicates to the general public and to people who might be needing to access certain [city services] that they are safer than they really are," says Karen Cocq, an Ottawa Sanctuary City Network organizer. "In effect, it's a trap."

And yet, despite the clear limitations of such symbolic gestures from Canadian municipalities, the sanctuary movement strives on. As several migrant justice activists would tell me while researching this story, the local debate about sanctuary policy is an ideal place to talk about the bigger failings and inequities of Canadian immigration policy. What's more, it has the potential to bring too-often disconnected communities together in common cause—against the violence of modern-day borders, and in support of justice for today's growing and increasingly precarious migrant populations.

Migration and displacement

"No one leaves their home unless / home is the mouth of a shark," wrote the Kenyan-born Somali poet, writer and educator Warsan Shire in her 2015 poem, *Home*. "You only run for the border / when you see the whole city / running as well." Shire's words were aimed at her now native England, where the flames of anti-immigrant hatred, always strong in the U.K., had been fanned by the Brexit campaign. But they will resonate, too, with many Canadians who opened their homes to Syrian refugees. Shire's poem emphasizes how difficult the migrant experience is, and that the preference for home is universal. "You have to understand / that no one puts their children in a boat / unless the water is safer than the land."

Almost every day we read another story of forced displacement around the globe. In July, African teenagers seeking a better life were thrown overboard off the coast of Yemen. The youth move to the Middle Eastern country to find jobs and escape an unbearable situation at home, many not realizing a civil war is raging at the destination. Since 2014, that war has displaced nearly three million people; almost 15 million have lost access to clean water and sanitation, leading to a massive outbreak of cholera affecting 300,000 people. Some of these migrants will join others fleeing war and impoverishment in Syria, Libya, Afghanistan and Central Africa. They will make the hard choice of putting their children on a boat for Europe.

In Latin America, men, women and children have for decades looked to the United States as a stable refuge—from civil wars frequently stoked by the U.S., or the violent fallout from the war on drugs, or perhaps most frequently to escape a life of poverty due to a lack of economic opportunities. For decades, U.S. border guards and immigration officials have sought to capture and remove as many of these newcomers as possible. U.S. Immigration and Customs Enforcement (ICE) records well over 2.7 million deportations over the course of former president Obama's eight-year term. The Democrat outdid his Republican predecessor, George W. Bush, in this respect, earning Obama the moniker "deporter in chief."

President Trump, now gunning for the title himself, has said he wants to deport *all* undocumented people in the United States with a criminal record. He calls these estimated millions of people "bad dudes" in media soundbites, and referred to Mexicans in particular as "rapists" during the election campaign. But according to a 2014 *New York Times* report, two-thirds of Obama's deportees (the former president called them "criminals "and "gang-bangers") were actually "people who had committed minor infractions, including traffic violations, or had no criminal record at all." Only 20% had committed serious crimes, and statistics consistently show that first-generation migrants are much less likely to commit a crime than their naturalized, full-status neighbours.

In Trump's first 100 days he passed executive orders targeting migrants from Muslim-majority countries, promising to build a wall along the entire U.S.-Mexico border, expanding immigration detention facilities, expediting the removal of undocumented people, and defunding police work in sanctuary cities.

"If you're in this country illegally and you committed a crime by being in this country, you should be uncomfortable, you should look over your shoulder. You need to

Since the post-9/11 Bush years, ICE has illegally raided people's homes and workplaces, sometimes without a warrant or by pretending to be local police.

be worried. No population is off the table," said Thomas Homan, acting ICE director, during a congressional hearing in June. He was referring to people who have been in the country in some cases for years, who have children and jobs, friends and family who depend on them, and new lives. (Note how, according to the ICE director, simply being in the country without papers constitutes a deportable offence.)

Since the post-9/11 Bush years, ICE has illegally raided people's homes and workplaces, sometimes without a warrant or by pretending to be local police, "with little regard for constitutional principles or violations," according to the Immigrant Defence Project. "ICE relies on widespread surveillance and deception to arrest people outside of their homes, on the street, in the courts and in government-run spaces like homeless shelters.... ICE's unchecked zeal to target, arrest, and deport immigrants with convictions not only destroys families and communities, but also reinforces the inequalities of the criminal legal system upon which many of its policies rest."

Though they are not perfect, U.S. sanctuary jurisdictions have, until now, offered some protection from the zealots at ICE and in the White House.

Given Trump's warning that he is no longer prepared to tolerate sanctuary, it's not surprising how many more undocumented people in the United States are looking to Canada for refuge. Hundreds of people risked life and limb to cross into Manitoba and Quebec by foot this winter, some of them possibly encouraged by Trudeau's tweet on January 28: "To those fleeing persecution, terror & war, Canadians will welcome you, regardless of your faith. Diversity is our strength #WelcomeToCanada." In July, hundreds of Haitian residents in the U.S. also chose to flee to Canada when Trump announced their temporary residency permits (issued following Haiti's 2010 earthquake) were about to expire.

All of these migrants likely believed their chances were better in Canada. Surely a country whose prime minister greets Syrian refugees at the airport and tweets about diversity as a strength would welcome them when Trump's America was chasing them away. Unfortunately, real sanctuary is a long way off in Canada. There are classes of people here, too, with different rights, different levels of access to services, and just as few legal options when immigration officials come at them with deportation orders.

There are people here, in other words, who could also use some sanctuary from the state.

The evolution of sanctuary

The idea of sanctuary has ancient and medieval roots in pagan and Christian tradition. But as a practice, offering a safe harbor for people fleeing capital punishment, runaway slaves, and others facing persecution by the state, sanctuary transcends religious boundaries. According to the faith-based Canadian Sanctuary Network, which provides support to places of worship wanting to offer sanctuary to house failed refugee claimants, the concept is grounded in two items of faith: that human life is sacred and worthy of protection; and that there are places and spaces beyond the reach of the state.

Today, the sanctuary movement in Canada is broader-based, but the premise is the same: if churches can organize to provide sanctuary to people they believe the state has no right to expel, why not entire cities? In many ways, the Canadian sanctuary movement follows the U.S. example. But there are important differences between the Canadian and American campaigns related to unique local contexts, social movement organizing, political opportunities and economic realities.

Jennifer Ridgley, a Carleton University political geographer who is active in the Ottawa Sanctuary City Network, has researched the U.S. sanctuary movement extensively, and more broadly state practices of border security and migration management. Over coffee in Ottawa, she explains how the first sanctuary policy in the U.S. came out of the Vietnam War. It was passed in 1971 by the city of Berkeley, California, in solidarity with U.S. soldiers aboard the USS Coral Reef who were refusing to fight what they believed to be an unjust war. Berkeley's support for the brave actions of a few hundred soldiers became a model for all subsequent U.S. sanctuary city policies.

In the 1980s, the U.S. experienced large inward migration of Latin Americans fleeing civil conflicts that were in many cases supported or even sparked by U.S. Cold War interventions. In Guatemala, El Salvador and Nicaragua, the U.S. either provided covert or overt support to topple left-wing governments or suppress opposition to U.S.-backed right-wing regimes. Hundreds of thousands were killed; in some ways the region has never fully recovered.

The U.S. government responded by deporting large numbers of these refugees; in their cynical logic, accepting the claims as legitimate would have delegitimized the government's foreign policy in the region. A movement of church groups, led by priests and pastors who had embraced the ideas of liberation theology on visits to Latin America, stepped up to offer the refugees sanctuary. As a result, they were targeted by the Immigration and Naturalization Service (now Immigration and Customs Enforcement, or ICE for short), spied on, and in some cases prosecuted and jailed for their actions.

By the mid-1980s, many cities and a few states had declared themselves sanctuaries. One of the best (and oldest) sanctuary city policies, according to Ridgley, was passed by San Francisco. In 1985, city council first passed a

The sanctuary movement predates Donald Trump by many decades, and it will outlive his presidency.

Protesters outside an ICE office in Milwaukee, Wisconsin in May 2014. PHOTO BY JOE BRUSKY.

largely symbolic policy that affirmed the rights of refugees from El Salvador and Guatemala after experiencing "an intense period of immigration law enforcement in the city, particularly targeting Latino communities," she says. They didn't want to be implicated in the deportation of people who had become an important part of the city's culture and economy. As the crackdowns continued and intensified, in 1989 San Francisco entrenched sanctuary into the city's administrative code, giving it "a little bit more substance," says Ridgley.

Throughout the 1990s things only got more complicated for sanctuary cities as immigration law enforcement was localized under the first and second Bush administrations, and by former president Clinton in between. Especially after the September 2001 attacks on New York and Washington, police and other local service providers were being implicated in border enforcement. Canadian co-operation with the U.S. government on security matters also intensified post-9/11, which produced things like the Safe Third Country Agreement (see article on page 24), the creation of cross-border threat assessment and immigration enforcement teams, and increased information sharing related to policing and immigration. In general we can say that Canadian and U.S. border enforcement policy is more alike than it is different.

"That has made sanctuary cities policies more contentious, but also potentially more important," says Ridgley. For example, in Canada, "social service providers, local police and other actors have become more involved in checking people's immigration status, sometimes through ways that aren't necessarily obvious." That can include checking a person's status to determine eligibility for a particular program—even though there is no legal requirement to do so.

"That has huge implications for people living in a city like Ottawa, because if people believe that local police are acting as de facto immigration agents, for example, victims or witnesses of crime are less likely to contact the police," Ridgley explains. "Those fears are real. And when you start looking into these incidents, these moments that create fear and anxiety for migrant communities, it reveals something about the unfairness of the way services are offered."

Syed Hussan, a migrant justice activist and a veteran of the campaign to make Toronto a sanctuary city, says those fears are backed up by experience. In Canada, local police forces regularly help the Canada Border Services Agency (CBSA) in ways that blur legal boundaries.

Protesters outside Toronto police headquarters this April.
PHOTO BY MICHELLE DA SILVA / *NOW MAGAZINE*.

In August 2014, the Ontario Provincial Police, along with officials from the Ministry of Transportation and CBSA, used the cover of a routine traffic safety stop to arrest 21 people they claimed to be in violation of the Immigration and Refugee Protection Act. These other levels of government "provide cover for the CBSA to carry out its activities that would otherwise be illegal," says Hussan.

Racially based "carding" policies, where police stop and ask people (usually people of colour) for their ID, is also conflating immigration enforcement and municipal policing duties. "We know Toronto police calls immigration enforcement 100 times a week because the officer is suspicious the person they're talking to is a non-citizen," Hussan says.

In the United States, sanctuary policies are accepted by many police forces as the price of doing their jobs. With so many undocumented people living in the U.S. and, importantly, contributing to the economy, "there is a clear notion that we can't deport everyone," according to Hussan. Also, police need to reach out to undocumented people in criminal cases (as witnesses, for example), which is less likely to happen if those people fear they will be deported as a result of co-operating. Police motivations for supporting sanctuary policies may not be completely humanitarian, but they can provide a bulwark against federal overreach.

At the same time, such arguments lend themselves to counter-attacks from anti-immigration groups claiming that undocumented people are more likely to be criminals themselves. In the summer of 2015, the now disgraced Fox talk show host Bill O'Reilly ranted against sanctuary cities almost daily after a white woman (Kathryn Steinle) was killed in San Francisco by a stray bullet from an undocumented man. Trump used the moment to his advantage. As MSNBC reported at the time, his "hardline position on immigration deeply resonated with conservative voters, and within a week of Steinle's death, Trump's poll numbers shot up to put him at the top of a crowded field of Republican candidates."

No matter how solidly the data disproves this myth of the criminal migrant, supporters of sanctuary policies can get stuck in numbers games with politicians and other opponents, which distracts from the bigger picture. In her recent book, *Sanctuary City: A Suspended State*, author Jennifer Bagelman of the University of Victoria points out how asylum applicants in the U.K. are also often treated as "criminals before the crime." The implication is that asylum

seekers must be coming *here* to take advantage of *us* somehow — otherwise they would have used the so-called proper channels.

In Canada, Quebec's far-right group *La Meute* made such claims openly and brashly during an anti-immigration rally in Quebec City at the end of August. "We think the RCMP should be upholding the law, not carrying the suitcases of illegal immigrants," Sylvain Brouillette, the group's chief spokesperson, told CBC News. The rally was just one of several anti-immigrant and anti-Islam events held in cities across Canada over the summer.

Trump and the symbolic gesture

Given this long bipartisan record of heavy-handed, not to mention counter-productive border policy, you could reasonably ask if Trump changes the equation much at all. But the president's threats, and plans by U.S. Attorney General Jeff Sessions to block funding for local policing in cities that don't fully co-operate with the Department of Justice and border agencies, are a real danger.

This summer, Chicago, California and San Francisco joined a group of jurisdictions suing the federal government for attempts to condition police funding on the removal of sanctuary policies — a move they claim to be unconstitutional. Some U.S. states, however, have used the moment to crack down on their own cities that are refusing to toe the president's line. Texas, for example, has introduced legislation that could lead to police officers being jailed for abiding by sanctuary policies, such as by ignoring ICE requests to check a person's status on arrests for driving infractions and other minor crimes. Miami-Dade County in Florida has already changed its immigration policies to comply with Trump's orders.

In response, many Canadian politicians at all levels, no doubt legitimately alarmed by Trump's anti-immigration measures, are finding high-profile ways to try to portray their city, province, or Canada generally as truly welcoming, tolerant and open spaces. Montreal's mayor, Denis Coderre, rallied councillors to support a sanctuary city motion in February, which includes a commitment to offer services to people without status and a plan for people in "vulnerable situations" to receive help from police without being asked for ID. But the group Solidarity Across Borders called it "easy symbolism," warning that without resources and follow-up by the city, and until Montreal police stop their routine arrests of undocumented people on behalf of CBSA, the declaration will remain a hollow gesture.

The symbolism of Canadian municipal declarations compared to some U.S sanctuary policies is not totally unreasonable. As Hussan points out, many U.S. cities operate as counties under the law because of their size, which gives them managerial roles in policing, education, housing and sometimes health care. Canadian cities don't have this kind of power.

So when Toronto migrant rights groups started to organize for a sanctuary city policy in 2003, they avoided the city altogether. "We first went to the Toronto police services board, then we went to the Toronto District School Board, then anti–violence-against-women shelters, then food banks," says Hussan. "We campaigned in these different sectors for the next 10 years [because] decisions about services are made at the sub-municipal or provincial levels."

By the time Toronto was looking into a citywide sanctuary policy in 2013, the large number of people and organizations now backing the idea were concerned it would be powerless unless it included a systemic retraining of public-facing staff and volunteers (so they were not asking for IDs, for example), a large public outreach campaign targeted at immigrant communities and undocumented residents, and an accountability mechanism so that where services were denied a person could make a complaint safely. "So it was as much a question about changing culture and creating a space where the notion of illegality that is stamped on undocumented residents is removed," says Hussan.

What the campaign got was a pared down "Don't Ask, Don't Tell" policy, with a website instead of the broad public education campaign and limited funding for targeted training. Then there were the police, who refused to co-operate because they disputed the policy's legal foundations. In a report to city council this spring, Toronto Police Chief Mark Saunders said immigration law was a component in 684 of over 747,000 general occurrences between 2014 and 2016, and that the "majority of these stem from investigations into an unrelated offence or infraction, whereby the IRPA infraction is discovered as a secondary component."

"The police are never going to be a safe service," says Cocq, who was involved in the Toronto sanctuary campaign before moving to Ottawa. "But with the police not even willing to engage in a basic review of procedures or anything like that — a flat out refusal at the political level to engage — it meant that the implementation of the [sanctuary] policy would always fall down on that point."

Nonetheless, Toronto's "Don't Ask, Don't Tell" policy still stands on paper, and after 2013, activists used the victory to press for similar policies across Ontario and Canada,

"Most border enforcement is done by transit ticket agents, it's done by the public school administrator, by the health administrator at the hospital."

Today the Ottawa sanctuary campaign talks of building "sanctuary from the ground up."

and to put pressure on the Ontario government to stop co-operating with CBSA and address barriers to access in provincially mandated services like health care. All these city motions are symbolic, Hussan says, "like when Burnaby puts out a statement saying we are against a pipeline. It doesn't actually do anything, but it creates momentum."

Ottawa councillor Catherine McKenney, who launched the sanctuary discussion at city hall this year, is aware of the need to go beyond symbolic gestures. She says she was sparked into action by a friend who had moved here from Iran about a decade ago. When Toronto reaffirmed its sanctuary policy earlier this year, her friend asked why Ottawa was missing in action. "Honestly, I thought it was going to be easy...and that there would be widespread support," she says. "If anything, I thought that coming second to Toronto might have made us feel that we should have been quicker."

The election of Trump, despite or in some cases because of his anti-immigrant rhetoric, and his administration's move to block migration and punish U.S. sanctuary cities, "made it seem more real," says McKenney, though she acknowledges that "we've had residents in the city, in the country, with precarious immigration status forever." Also on the councillor's mind were the xenophobic messages coming out of the Conservative leadership race and confluent mass shooting at a Quebec City mosque in February.

With a motion for debate in play, Ottawa activists, with support from veterans of the Toronto campaign, got to work building public and council support. Organizations dedicated to ending violence against women played an outsized role, since they have regular direct contact with the kinds of people who will benefit most from a sanctuary policy.

"Some of the women we work with and/or their family members have precarious immigration status and as a result, they often do not access the city services and supports they need for fear that information about their immigration status might be shared with immigration enforcement and put them at risk of detention or deportation," read a letter signed by 25 groups and sent to Mayor Jim Watson and council in March. "This can include not accessing women's shelters, counselling services, public health services, food banks, emergency services, city recreation programs, and even public transit."

Many of the same groups presented to the committee hearing set up in March to discuss a sanctuary policy. To their surprise and disappointment, councillors were not just disinterested but even hostile to the idea. A few councilors "demonstrated a blatant lack of respect for presenters, questioning their expertise, ignoring their testimony, even talking over them or leaving the room during deputations," reported the Ottawa Sanctuary City Network in a bulletin to supporters.

The opposition's main weapon was a city staff briefing suggesting that a person's status is currently not requested when they access city services. "I checked with staff, and they could not come up with one single example in recent memory of any individual being denied service in an emergency fashion, or a library card, or other city services—not one," Mayor Watson told *CBC News* in February. There were also red flags about possible lawsuits should the city fail to share information on a person's status when it's requested by other levels of government.

McKenney says she is not surprised there is no anecdotal evidence on record of denied service. In fact, it may prove her point that some people are afraid to come forward. "You have to believe and put faith in the organizations and the people who work every day on the frontlines with newcomers when they tell us it's happening, that they're hearing from refugees who won't access services because they're afraid, because they don't know what could happen."

Seeing that most of her colleagues were not prepared to do that, McKenney decided to table her report on sanctuary cities and let the debate stand on record, rather than put the matter to a vote. "To bring a motion and have it voted down, sometimes that can work just to put an issue on the table, but in this case it's not what I wanted. I didn't want to force my colleagues into voting. What I wanted to do was to be able to have that discussion [with the experts]. At some point we'll have to revisit it," she says.

"I am very aware of the fact that having no policy around sanctuary is better than having a policy that is not strong. So I think that my role going forward and the role I play with the sanctuary network is to keep the conversation alive and active. We're coming up to another election; maybe that's the time to have the conversation again."

Sanctuary from the ground up

Today, the Ottawa sanctuary campaign talks of building "sanctuary from the ground up." The debate in council exposed the biases that will have to be overcome and the public education work ahead for the network of organizations pushing the policy. But it also opened up a space for ongoing organizing in support of equal access to the community and all it has to offer, not just the services one level of government provides.

"The sanctuary city debate provided cover for us to have conversations that were actually about borders and about racism and about authority and community building and social justice," says Cocq. "It was about not waiting for politicians to make things better, but our need to organize on the ground for change."

Actually, says Hussan, the campaign has always been about change at the

bottom. In Montreal they call it a solidarity city, recognizing the need for communities to come together, outside of official city channels, to defend themselves against state overreach.

"The purpose of the work is to create a culture, not a set of laws, but a culture where undocumentedness or illegalization of human beings is rejected outright," Hussan says. "It's extremely important that this is a cultural issue because most border enforcement is done by transit ticket agents, it's done by the public school administrator who asks for your documents and turns you away, it's done by the health administrator at the hospital who says if you don't have a health card you can't get services."

Hussan adds that we also have to rethink how we talk about migrants in these times, especially with a loudmouth like Trump, who can lead some people to act as if the difference between fairness and exclusion is a matter of personal choice: a tweet, a brand, an empty gesture.

"The way that Canadian mayors and other politicians have responded [to Trump] shows a complete lack of historical understanding of the kind of dispossession, suffering and impoverishment that undocumented people face here as a result of Canadian laws," says Hussan. "Because Trump is racist doesn't mean Canada immediately became more open. That line of thinking being bandied about really needs to be pulled back."

Like McKenney, Cocq says sanctuary policies will play an important role in getting us to that point. "If a conversation around sanctuary can open up the door to a conversation about what our immigration system looks like, what it does to people, how could it be different, and how could we think differently about the kinds of places we want to live in....then I think it's very useful." M

JAMIE LIEW

Sanctuary cities and the law in Canada

DURING OTTAWA CITY council's debate this spring on becoming a sanctuary city, critics—including the mayor and city managers, who oppose the policy—cited legal barriers to the designation, and argued it was a solution in search of a problem. Let's explore why they are wrong on both counts.

In Canada, municipalities are in general empowered through statute to constitute a police force. In Ontario, for example, the Ontario Police Services Act sets out the circumstances under which a municipality may establish a police force, and outlines governing requirements such as the establishment of a police services board. Section 31(4) of the act states, "The board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police force."

The city has relied on this clause to argue that council cannot pass any policies that would have the effect of directing the police force to change its operations. A strict reading of the provision, however, points to the police services board, and not city council, as being prohibited from interfering in this way. The wording does not prevent council from requesting that the police align its policies with sanctuary city principles.

Furthermore, some members of the police services board in Ottawa are city councillors. There is nothing preventing council from directing these members to raise the issue of sanctuary city alignment for discussion by the board. The arm's-length relationship between city councils and police boards does not mean the city has no authority. Otherwise there would be no way to hold police forces accountable.

The city's second misconception regarding sanctuary policies is that local officers and police staff have a duty to report to federal police and border officials, and that this duty cannot be abrogated. This isn't true.

There is no positive legal obligation on the part of the police to report someone's immigration status, except in the very limited circumstance that a warrant is issued by the Canada Border Services Agency for the arrest of a certain individual. Even then, police officers have no positive obligation to ask for someone's immigration status.

However, police officers across the country currently discretionarily choose to conduct "status checks" with CBSA when they come upon an individual they suspect of not having a particular immigration status. This raises red flags. What reason might an officer have to suspect that someone does not have status to remain in Canada? An accent? Skin colour?

Racial profiling in police interaction with the public is a problem across the country. The Ontario government recently introduced legislation banning carding (requests to see identification outside of an arrest) by police. However, police retain the discretion under the new law to say they are investigating a particular crime for which carding would be acceptable.

By actively ascertaining an individual's immigration status and then sharing that information with the CBSA, the police are pushing already vulnerable and marginalized individuals further into the shadows. Until carding is banned outright, migrants with precarious status have good reason to be concerned about any interaction they have with the law.

This hurts everybody. It makes undocumented migrants less likely to come forward as victims of crimes or as witnesses. They are less likely to call 911 or ask for help when someone is hurt. The police have a duty to protect the public, and this duty extends to everyone regardless of status.

Finally, the concern among some city councillors and the public in Ottawa that undocumented migrants would be evading the law is without merit. Adopting "access without fear" or "don't ask" policies—important parts of sanctuary city designation—does not mean that individuals with precarious status are being put above the law. The force of criminal law applies to everyone, regardless of status. In fact, non-citizens often have to face much harsher consequences than citizens for breaking the same criminal laws.

Safety in our community means creating safe ways for everyone to report crimes and call for help. All of us are at risk when only some members of our community feel safe interacting with the officials and bodies entrusted to protect us. M

ADITYA RAO

Unsafe and unsound

Canada can stop irregular border crossings by suspending a harmful Bush-era refugee pact

THE SPATE OF recent border crossings, particularly in the small town of Emerson in southern Manitoba, as well as in Quebec over the Summer of 2017, have brought to attention a rather forgotten piece of paper that prevents refugees from seeking safe haven in Canada if entering from the United States.

The document, called the Safe Third Country Agreement (STCA), is a bilateral agreement between the U.S. and Canada that bars individuals who come through one of the two countries from making a refugee claim in the other, subject to a few limited exceptions. For example, the agreement only applies to individuals crossing at a land-border checkpoint. It does not apply to individuals who are already inside Canada, regardless of where they were before.

Since the election of Donald Trump, the STCA has resulted in the literal loss of life and limb. Individuals and families have sought in desperation to cross the border irregularly, at night and in the dead of winter, out of fear they will be sent back to the U.S. by Canadian border authorities. They worry their claims for status may not succeed under the Trump administration, even if they are genuine, or that they will be deported to the very countries from which they are fleeing persecution.

Whether these deportations occur or not, the fear is real. That fear, and the risk of being turned back at official border checkpoints, are driving people to cross into Canada irregularly.

It is not *illegal* to cross a border without permission in order to seek refugee status. Language used by the media and many politicians, particularly on the right, is not just misleading and inaccurate, but harmful. It suggests that refugee claimants are doing something wrong, or worse, something criminal. The use of the term *irregular* is therefore deliberate.

In international law, and in Canadian immigration law, there exists an exception for individuals fleeing persecution to be able to cross international borders without authorization in order to make a refugee claim. Upon the adjudication of the claim, the individual in question is either granted refugee status or denied it, leading to the ensuing consequence.

Amnesty International, the Canadian Council for Refugees (CCR), the Canadian Association of Refugee Lawyers (CARL) and the Canadian Council of Churches (CCC) are among the many organizations who have joined with academics and practitioners, including from the U.S., to call on Canada to suspend the STCA. In early 2017, over 200 Canadian law professors joined together to write an open letter to the minister of immigration, refugees and citizenship, echoing the call. A Harvard report in February 2017 argued that the idea the U.S. is safe is "wrong and unfounded."

There are mounting concerns that the Trump administration is willing to risk violating long-established international human rights laws, including the prohibition against torture and the refoulement of individuals to countries where they may suffer persecution. Indeed, the prohibition on non-refoulement is a bedrock of international refugee law, accepted as binding on all states, which are barred from deporting refugee claimants without a fair hearing, particularly to the countries they are fleeing.

Tweets on their own will not prevent loss of life on the Canada-U.S. border.

In 2007, Amnesty, the CCR and the CCC challenged the Safe Third Country Agreement as being dangerous to the lives of refugees in a way that violated their rights. They won at Federal Court, but were overturned on appeal on the grounds (among others) that the Court cannot contemplate Charter violations based on "hypotheticals." In plain language, this meant that the justice system was not interested in *preventing* harm—only *repairing* it.

Well, we now have evidence of *irreparable* harm. A young man lost his fingers and toes to hypothermia after walking across the Manitoba border on a particularly cold night. This spring, a woman lost her life trying to do the same. Dozens of others have suffered physical and psychological trauma from perilous winter crossings.

In June 2017, these same organizations announced another round of litigation based on the recent loss of life, the harm suffered by many migrants and the desperation so many are forced to endure. Their announcement came on the heels of a comprehensive 52-page brief from the CCR and Amnesty International, contesting the designation of the U.S. as "safe."

This ban is one of the push factors causing many Haitian asylum seekers, who have lived in the US for years without proper documentation after fleeing the 2010 earthquake, to look to Canada for asylum. Under the

A family claiming to be from Turkey crosses the Canada-U.S. border into Hemmingford, Quebec this February.
REUTERS/CHRISTINNE MUSCHI

agreement, they would be barred from access to Canadian refugee protection if they arrived at an official border crossing, leading many to cross at unauthorized locations.

The report outlines, among other things, barriers in the U.S. that make it incredibly difficult for refugees to successfully gain protection. For example, a procedural ban prevents asylum seekers from filing a claim after one year of being in the U.S., forcing them to remain undocumented, risking detention and even deportation.

As Ottawa refugee lawyer Jamie Liew has argued, by allowing the STCA to stand, the Canadian government is signalling it would rather allow the U.S. to make asylum claim determinations instead of doing so itself. This is problematic not only because the asylum system in the U.S. is dangerous for refugees, but also because we ought to have faith in our own domestic refugee protection system.

We have the resources to process asylum claims arising at the Canada-U.S. border and we must step up to the plate to provide protection to those who are so desperate as to risk everything just for a chance at a safer, better life in Canada.

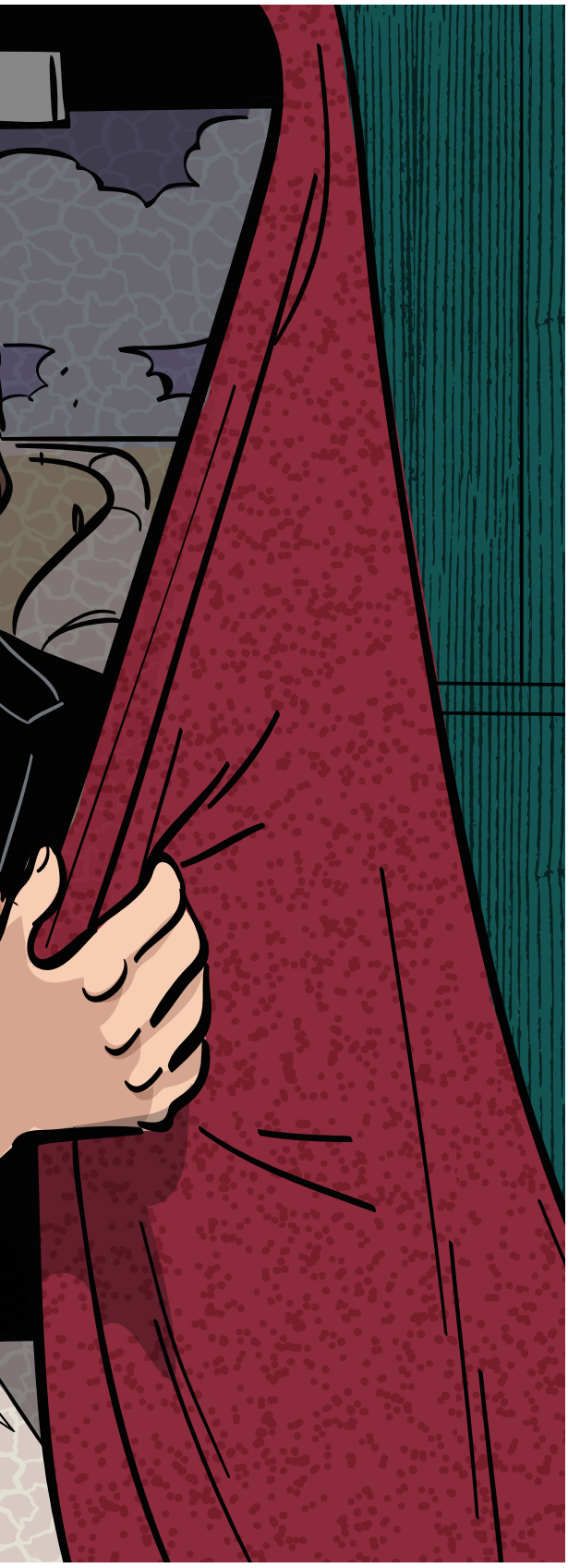
The federal government could save hundreds of thousands of dollars in litigation costs (and almost certainly more in damages) by simply listening to experts from across North America who work on the frontlines. Suspending or cancelling the SCTA, which simply involves sending written notice to the U.S. government (per Article 10 of the agreement), would also help Canada avoid the embarrassment of having to make the bizarre argument in court that Donald Trump is safe for refugees.

It is without question that suspending the SCTA would save lives. If there were no reason to fear being turned back to the U.S., asylum seekers would simply present themselves at a Canadian checkpoint to be processed. This would address not just the human rights concerns, but also those from the right (however inflated) that the borders are insecure. It would reduce pressures on small border towns who worry that their limited emergency resources are being diverted to help desperate asylum seekers.

Prime Minister Trudeau has tweeted about how welcoming Canada is to refugees. But tweets on their own will not prevent loss of life on the Canada-U.S. border.

In fact, it is downright disingenuous for the prime minister to signal that Canada is safe for asylum claimants afraid of anti-Muslim and anti-refugee rhetoric in the U.S., only to then send them back to the U.S. when they arrive. If the federal government is serious about protecting asylum claimants, it must suspend the STCA immediately. M


UNNY
VAYS
ELECT
REFO
ORAL
ORM
RECO
NCILIATION



RICHARD NIMIJEAN

A Portrait of Justin Trudeau

The world is in love, but contradictions between the prime minister's ideals and his government's actions are testing public support at home.

CAN WE FINALLY admit it? The world really does love Justin Trudeau.

When he first proclaimed, after his 2015 election victory, that "Canada is back," global audiences reacted with political optimism and fawning approval. Prominent media outlets like the *New York Times, Vogue* and *Paris Match* ran glowing features about the celebrity prime minister and his famous family, their political legacy now firmly entrenched. From the world of public diplomacy to the fashion world the buzz only grew louder. We're now even talking about Trudeau's sock diplomacy.

Part of Trudeau's appeal is his willingness to be available to international media. He appeared on the cover of an airline magazine. He was interviewed on a baseball podcast. When host Kelly Ripa of *Kelly and Ryan*, the popular American daytime television show, asked Trudeau what it was like to be the sexiest politician alive, he expressed no shock or outrage. His wife, Sophie Grégoire, "knows what I look like when I get up in the morning," he quickly joked. Trudeau, comfortable in pop culture and the public world of social media, seems to know that just being "out there" enhances his appeal.

I am writing this column from Switzerland. When I tell Swiss I meet that I am Canadian, their first question is often about Justin—do I like our young and exciting prime minister? I ask what they know about him, apart from his age. Normally they simply say he is unlike old politicians, and that he helps people abroad see Canada apart from the U.S. and its current president. When I probingly ask what Trudeau and Canada stand for, they inevitably admit they don't know. He just seems interesting, exciting and different.

While anecdotal, such reactions are instructive, for they put the global media's love affair with Trudeau into context. For a great many people outside Canada, he appears to embody the cool, hip, young and progressive politician the 21st century needs. To be fair, this impression is not pure superficiality. Whereas the Harper Conservatives in 2015 unsuccessfully tried to paint Trudeau as an inexperienced neophyte with nice hair, the Liberal election platform addressed serious issues like inequality and climate change, proposed novel policy changes for addressing them,

and proclaimed firm stances and a clear value set that voters assumed would guide future policy actions.

In the beginning, that's what seemed to be happening. At the UN climate summit in Paris in late 2015, Trudeau said that Canada would become an engaged actor on climate change in contrast to his predecessor. In a visit to London, and later at the World Economic Forum in Davos, he declared that diversity was a Canadian strength and a key ingredient of future prosperity. In another context this would be a boilerplate Liberal talking point. But when ethnonationalism was threatening many European countries, and at the time putting a mark on the 2016 U.S. presidential election, it was a bold statement.

By early 2017, when a newly elected President Trump issued his executive order restricting migration from seven Muslim-majority countries, Trudeau tweeted, "To those fleeing persecution, terror & war, Canadians will welcome you, regardless of your faith. Diversity is our strength #WelcomeToCanada." When Trump announced that transgendered Americans would be banned from the military, the Canadian Armed Forces, channelling a prime minister who strongly supports LGBT rights and marches in Pride parades, promptly tweeted, "We welcome Cdns of all sexual orientations and gender identities. Join us!"

It is no doubt because of these outward expressions of socially progressive values that the international media continue to pump up Trudeau. German newspaper *Bild* called him "the new Kennedy and the anti-Trump." *Rolling Stone* put Trudeau on its cover, asking "Why can't he be our President?" and "Is he the free world's best hope?" As much as it made Canada's national media cringe at the time, perhaps "Canada is back" was more than an empty political slogan.

Not so fast.

A look at the Trudeau record

Writing in the *Monitor* after the 2015 election, I cautioned Canadians on being overly optimistic about what Prime Minister Justin Trudeau might achieve ("Electoral reform will test Trudeau's leadership, and his values," January/February 2016). Nearly two years into his mandate, it is hard to identify any high-level success stories.

Yes, Trudeau has managed Canada–U.S. relations fairly well, in that President Trump seems to like the young prime minister, and Canada has not borne *much* of the infamous wrath suffered by Germany, Mexico and other countries. Yes, the political conversation seems less polarized or angry, a not insignificant feat. Yes, the economy is growing, but all leaders like to claim credit for good times, even if growth is often attributable to factors beyond their control.

Perhaps the government's most significant achievement has been the introduction of gender-based analysis to the federal budget, a new gender-based violence strategy and a reframing of development policy through a feminist lens. Attitudinally, when combined with a cabinet comprised equally of women and men, these initiatives mark a fundamental break with the status quo, though many activists argue that more investment is required if any of these initiatives are to work.

But then there are the numerous policy stumbles, reneging entirely on electoral reform chief among them. And Trudeau has made political missteps: getting physical with opposition MPs in the House of Commons; an ethics investigation into his holidays; and, most recently, talking about his well-known boxing match with Senator Patrick Brazeau in such a disparaging manner that it was widely interpreted as picking on Indigenous peoples to promote his political narrative.

Not surprisingly, a growing number of journalists and analysts are contrasting the government's record with Trudeau's international image. Michael Harris notably called him "the do-nothing Trudeau the global press doesn't know." Others, like the *National Post*'s Jen Gerson and *Canadaland* podcaster Jesse Brown, are writing to international audiences that Trudeau and his government are not as progressive as they insist they are. A quick review of how the government has handled key issues backs them up.

▶ On climate change and the environment, Trudeau's policies to date have not strayed significantly from the Harper era. Both the Liberal and Conservative governments advocated a vision of responsible expansion of tar sands oil production and the pipelines to take it to market. As in the Harper era, critics contend that current Canadian

actions ensure the country will not meet its international emissions reduction targets.

▶ While Trudeau was widely praised at home and abroad for welcoming Syrian refugees to Canada and promoting a belief that they belong here, Kamal Al Solaylee argued that Canadians had "hijacked the narrative" and made the story about "us" and not the refugees. In fact, compared to other countries (on a per capita basis), Canada did not bring in significant numbers of Syrian refugees. And when people started crossing the Canada-U.S. border this spring to escape anticipated deportation in Trump's America, the Trudeau government responded rather harshly, with a spokesperson for Public Safety Minister Ralph Goodale saying, "To be clear, trying to slip across the border in an irregular manner is not a free ticket to Canada."

With rhetoric like that, it's not surprising that half of Canadian respondents in a July 2017 poll said they believed terrorists were posing as refugees to get into the country. In August 2017, a new wave of people fearful of being deported back to Haiti began crossing the border. In response, Immigration Minister Ahmed Hussen stated, "We discourage irregular crossings." This was despite the prime minister's tweet, noted above, about welcoming those fleeing persecution. McMaster University's Vic Satzewich summed it up best: "Canada welcomes refugees, but shuts the door on asylum seekers."

▶ While the government's first budget in 2016 was economically activist (e.g., on the expansion of child benefits and promises of new infrastructure spending, including for housing), it is business as usual when it comes to free trade. The CCPA regularly identifies the high costs Canada will pay for Harper's European trade deal (notably for brand name prescription drugs, which will get longer patent protection in CETA). Former diplomat David Mulroney criticized the government for not paying attention to the human rights dimensions of a possible free trade deal with China. Documents reveal that the government has tried carefully to manage adverse reactions to closer ties with China, apparently intent on getting a deal done. And there is concern that the government is ignoring national security concerns in its rush to attract Chinese investment. Meanwhile, the Liberals' new national security bill, according to *Toronto Star* columnist Thomas Walkom, is quite similar to the Harper government's Bill C-51.

▶ The Trudeau government is exploring the rather Orwellian concept of "asset recycling" as it seeks to privatize Canadian airports and use the proceeds to invest in other infrastructure projects—something Australian economist John Quiggin likened to "selling your house to buy an expensive car." The proposed Canada infrastructure bank also allows for (insists on, actually) greater private participation in public infrastructure.

▶ Thus, while the media often label the Trudeau government "activist" because of its willingness to incur deficits, as economist Michal Rozworski outlines, the devil is in the details.. Numerous changes to the management of the welfare state, including easing control on foreign investment, continuing the policy trajectory of the temporary foreign workers program, repackaging social welfare programs to look more proactive, and privatization, all ensure the furthering of Canadian neoliberalism.

▶ Trudeau harkened to liberal internationalism's glory days with frequent mentions of a return to peacekeeping, no doubt linked to his much-publicized campaign for Canada to regain a seat on the UN Security Council. However, plans for a new UN mission continue to be delayed. At the same time, the government, preoccupied with ensuring good relations with the United States (given President Trump's frequent criticism of the lack of military spending by allies), offered up a new defence policy that promises many billions of new dollars for the military. Daryl Copeland argues that the new orientation of Canadian foreign policy is "very much the product of [Foreign Affairs Minister Chrystia Freeland's] cheerleading for hard power."

▶ Meanwhile, international assistance suffers. Canadian contributions to global efforts have dropped even as global contributions increased. Trudeau has complained about international aid targets being too ambitious (even though the target of 0.7% was started by Nobel Laureate Lester Pearson). Finance Minister Bill Morneau said aid groups should do more with less. In April, Stephen Brown, a specialist in Canadian development policy at the University of Ottawa, referred to the Trudeau government's assistance policy as "Harper Lite."

▶ The government proceeded with a controversial sale of military equipment to Saudi Arabia, despite outcries from human rights activists and a poll showing a majority of Canadians opposed the deal. Trudeau claimed that cancelling the contract would hurt Canada's image as a country that could be relied upon. He said the deal would go ahead "because we're not a banana republic." However, by August 2017, the federal government began investigating new allegations that equipment from a Canadian company in a previous deal might have been used in a crackdown that resulted in the death of at least five Saudi citizens.

▶ Trudeau seems concerned about being seen as criticising some of President Trump's more outrageous tweets and statements for fear of disrupting Canada–U.S. relations (something that would not be politically difficult given Canadians' low regard for the president). Canada's ambassador to Washington, a Trudeau appointee, declared that "Canada needs to let Trump 'declare victory' on NAFTA." Most tellingly, German newspaper *Der Spiegel* reported that Trudeau suggested Chancellor Angela Merkel remove references to the Paris Accord in a G20 statement on climate change, so as not to not provoke President Trump—an act of "appeasement" according to the newspaper.

Politically, the government has shielded itself from backlash to these policy choices through the strategic use of consultations. For example, Minister Freeland has enlisted from the left (NDP strategist Brian Topp, Canadian Labour Congress President Hassan Yussuf) and right (Conservatives Rona Ambrose and James Moore) for an advisory committee

on the NAFTA renegotiation. These people may or may not have any real power to affect the trilateral talks, but their presence in the government's camp creates the impression that there is widespread ideological consensus on what could turn out to be a highly contentious final deal.

Two Trudeaus?

So who is the real Trudeau? The emotionally genuine leader who wears his heart on his sleeve, or the much more cautious and conservative leader whose policies and actions often do not match his soaring rhetoric? In some ways, Trudeau has a Zelig-like quality after the Woody Allen character: he is able to adapt his outlook and policy pronouncements to whatever audience he is speaking to, allowing diverse constituencies to simultaneously project their visions on to him. (In his illustration for this article, Remie Geoffroi compares Trudeau to Oscar Wilde's famous protagonist, Dorian Gray, who maintained a youthful appearance while his portrait changed to reflect his age and less savoury deeds — eds.)

Thus, while some are encouraged by Trudeau's regular pronouncements on climate change, he also speaks warmly to the oil industry. "No country would find 173 billion barrels of oil in the ground and just leave them there," he told a Houston energy conference in March, in a speech that earned him a standing ovation. The Liberal government argues forcefully that pipelines are needed to export bitumen from Alberta. In his rhetoric, Trudeau makes it clear *what he believes in*, but his actions make it less clear about *what he stands for*.

The political danger of this strategy for Trudeau is that contradictions will ultimately get noticed. A Public Radio International news story recently noted how his "green and progressive" image disappears when talking about increasing oil and gas exports to the United States, a fact not lost on Bill McKibben: "He's as big a hypocrite as there is," said the well-known environmentalist. "I don't know whether he's confused or if he's just a straight up liar, but those seem like the two possibilities."

This explains why, despite the love for Trudeau outside the country, within Canada he is increasingly criticized from both the right and the left. Before the summer break, in a column comparing the Liberals' ambitions with their policy record, former Harper communications director Andrew McDougall pointed out, "We're now into month 20 of Liberal majority government and, to date, there have been only 19 bills passed, despite closure being invoked 23 times. This is parliamentary peanuts." Duncan Cameron, writing in Rabble.ca, worried, "The real business of governments is carried out behind closed doors in meetings between lobby groups and Liberal (or Conservative) ministers and/or officials of the PMO."

There seems to be a growing concern that, rather than offering the country something truly new, Trudeau is very much your classic Liberal prime minister, speaking from the left, acting from the right (or at the least not acting in accordance with his stated values), and assuming throughout that the party's visions of and for the country are one and the same as what the Canadian public believes and wants.

Indeed, proclaiming that Canada is back, right after an election victory, is indicative of this arrogance. As veteran political journalist David Akin asked at the time, was Canada under Trudeau back to breaking its word on commitments made to international environmental treaties, just as Canada had done under Liberal prime minister Jean Chrétien when he proudly signed the Kyoto Accord?

Indeed, where had Canada gone during the Harper era? What about Harper's complaints that the Liberals always talked a good game internationally but didn't act accordingly, such as on development or peacekeeping? Are non-Liberals also not Canadian? After all, shortly after *his* election victory in 2006, Harper also proclaimed that Canada was back and would have a new role in the world, in which Canada would act in a principled manner and be a strong supporter of its allies in the fight between good and evil. There would be no more dithering in Harper's global Canada.

Looking to 2019

So what does this mean as the next federal election nears? I have argued elsewhere that in the era of domestic brand politics, the communication of values is central to political competition. This is apparent in Trudeau's political strategy. "Canada's a place where people don't always vote on surface identity, but vote on values," he told *Rolling Stone*.

Many Canadians will no doubt appreciate the prime minister's favourable contrast with President Trump in that heavily discussed are ticle. And despite dropping approval ratings Trudeau remains popular. Given these realities, and how many Canadians identify with Trudeau's values, we can expect to see a lot more of him — particularly given that his cabinet has performed unevenly and with few accomplishments — as we get closer to the 2019 federal election.

The risk is, of course, that Trudeau may end up wearing his government's shortcomings. For example, while the Liberal government expresses a desire for a new relationship with Indigenous peoples, critics maintain they have not invested sufficient resources to fix longstanding socioeconomic inequalities. Rethinking the relationship may also require stepping back on pipelines and fossil fuel expansion, and putting much more effort into implementing the United Nations Declaration on the Rights of Indigenous Peoples — both tough sells, apparently, for a party not accustomed to seeing such vigorous pushback on its initiatives. Soothing rhetoric may not be enough.

In the *Rolling Stone* feature, Trudeau recounted his boxing match with Senator Brazeau, essentially admitting he was preoccupied with managing his public persona for political advantage: "It wasn't random.... I wanted someone who would be a good foil, and we stumbled upon the scrappy tough-guy senator from an Indigenous community. He fit the bill, and it was a very nice counterpoint.... I saw it as the right kind of narrative, the right story to tell."

By admitting his concern for political narrative, Trudeau instantly undermined his desire for reconciliation. The reaction to the Brazeau

fight was stinging. Two comments under a *Guardian* (U.K.) article about the *Rolling Stone* piece sum up its effect: "So 'privileged white guy beats up Indian' was the 'right kind of narrative?' Seriously?"; and "White guy in power & entitlement looks 4 an #Indigenous human to beat up so he looks like a strong white dude. How precious & colonial supreme."

Trudeau was forced to take back his words, expressing regret in a public statement several days after the article came out. But his underlying concern for shaping his own personal narrative has ultimately hurt his brand. The interview revealed not only the public side of Trudeau that many people know and love; they also saw a calculating and rather insensitive politician.

Among Trudeau's other challenges, regional tensions can be expected to resurface. While he has worked hard to improve his party's support in the West, his family name is still widely reviled by many Albertans who disliked (to put it mildly) his father's National Energy Program. While the Trudeau government has good relations with the Notley NDP in Alberta, a recent poll showed a newly united right would overwhelmingly win the next provincial election. Even small mistakes, like forgetting to mention Alberta when listing Canadian provinces on Canada Day, showed the depth of resentment that remains.

We also have a new NDP-led government in B.C. that could be a source of tension with respect to pipelines. Meanwhile, according to an analysis by the Angus Reid Institute, Liberal vote intention is dropping considerably in Atlantic Canada, the region that most strongly supported Trudeau in the last election. The analysis also showed that vote intentions now only narrowly favour the Liberals over the Conservatives nationally.

Federally, much has been made of Conservative leader Andrew Scheer's friendly disposition, commitment to family values, and optimism, with references to him being "Harper with a smile." This could be reassuring to voters who liked Harper's conservatism but did not like the tenor of his government, with its secrecy and constant politicking.

While appointing Lisa Raitt — an equally optimistic (and better known) leadership candidate in that race — as deputy leader, and even "absolutely" declaring himself a feminist in an interview with *Chatelaine*, Scheer nevertheless comes from the social conservative wing of the party, and his initial actions indicate that he is concerned with shoring up the Conservative base. How else can we explain why he has invested so much in stoking public fury over the Omar Khadr settlement, to the point of allowing party members to highlight this issue in the United States?

Meanwhile, the Conservatives are again resorting to hyper-partisanship rather than focusing on values and alternative visions, such as the absurd claim that Trudeau's *Rolling Stone* cover will weaken Canada's position in the NAFTA renegotiations. MacDougall argued in *Maclean's* that this approach by his former cohort plays into Liberal hands by reminding the public that the Conservatives are the "nasty party." A "going for the jugular" approach on hot button issues helps Trudeau, he claimed. The party's best hope to grow its base and to win in 2019 is probably to continue its outreach to new Canadians by focusing on traditional conservative economic issues, a key to Harper's success.

The Trudeau Liberals will also be challenged from the left. As I noted in my 2016 *Monitor* article, the collapse of the NDP and its mainstream message allowed Trudeau to emerge the improbable victor in 2015. Will disaffected NDP supporters continue to vote Liberal? The "at least he's not Harper" effect has still not worn off. The party may need to show that we now have a prime minister whose rhetoric, when push comes to shove, far exceeds his willingness to live up to proclaimed values. "Harper Lite" may not resonate beyond a small group today, but as the *Rolling Stone* experience showed us, the carefully crafted Trudeau image is not impervious.

We have seen in other western nations, notably the United States, Great Britain and France, that many voters — especially young people who historically do not vote in high numbers — are interested in and will support unabashedly left-wing politicians like Bernie Sanders, Jeremy Corbyn and Jean-Luc Mélanchon. These leaders have not only developed messages that respond directly to these voters' concerns; they are increasingly developing communication strategies rooted in social media to mobilize large numbers of people at election time. If the NDP can do the same, ironically this could have a dramatic effect on the next election, given the nature of the "first past the post" system that Trudeau failed to reform.

The NDP is currently in an important transition period following the removal of Thomas Mulcair as leader. Party faithful, still stinging from the 2015 mainstreaming of the party platform, will likely push leadership contenders to promote more classic left-wing economic ideals. While news reports highlight conflict between the four major candidates — in particular, Jagmeet Singh's policy proposal on old age security and Charlie Angus's accusation that he is "acting like a Liberal" — collectively the party is poised to challenge Trudeau on files where he has had some *political* success, despite a lack of progress: promoting feminism, reducing inequality, the energy-environment nexus, and reconciliation with Indigenous peoples are some examples.

In many ways, we can now see that Trudeau won the 2015 election because he successfully told Canadians that the Harper government was not living up to perceived Canadian values of generosity and compassion, and that government could and should do better. As voters become increasingly focused on this government and its accomplishments, and whether the prime minister is himself living up to his stated values, the superficial dimensions of Trudeau's public persona will carry less weight, especially as voters continue to experience economic angst.

In an article for the *Progressive Post* magazine, Stuart Trew, editor of *The Monitor*, cogently outlined how Trudeau's "radical centrism" emerged and could be challenged if economic conditions don't improve. *Star Wars* socks may be cool and may get attention, but they do not create economic security for concerned Canadians. Sustained pressure from both the left and the right could chip away enough support from the Liberals that we see another change in government in 2019. M

STORY BY MUHANNAD MALAS /
ILLUSTRATIONS BY RAYMOND BIESINGER

TIME TO DETOX

WE HAVE A GENERATIONAL OPPORTUNITY TO FIX CANADA'S TOXICS LAW

FOR AN ISSUE that touches all of us, exposure to toxic chemicals garners too little attention in the public and political realms. Despite the laws and regulations that exist to protect human health and the environment, people across the country are continuously exposed to cancer-causing and endocrine- or hormone-disrupting chemicals—in the products we use and the polluted air and waters we consume each day. The federal government enacted the Canadian Environmental Protection Act (CEPA) in 1999, in part to enshrine stronger protections from toxic chemical exposures, but it is severely outdated and badly in need of a refresh.

Thankfully, that was also the verdict of a parliamentary committee tasked with reviewing the act and proposing ways to improve Canada's toxics regulations. In its final report, tabled in Parliament before the summer break, the committee makes 78 recommendations that offer the federal government a critical roadmap for fixing CEPA's flaws, several of which are discussed here. Many of these recommendations, if accepted, would ultimately save lives, protect vulnerable populations, improve ecosystem health and save money. Whether or not the government adopts them may depend on vocal support by the public.

Synthetic chemicals play a big role in our lives—as ingredients in personal care products, pharmaceuticals, household cleaners, renovation and building materials, and the solvents that dry cleaners douse our clothes in. While these chemicals may have made our lives more convenient and affordable, the consequential health and environmental problems, if unintended, have been severe.

Scientific research over the past several decades has consistently proven that toxic exposures are contributing to ever-increasing rates of chronic illnesses, including cancer and endocrine-disruption-induced reproductive or neurodevelopmental deficiencies. In 2010, the U.S. President's Cancer Panel stated that the impacts of environmentally induced cancer are "grossly underestimated."

The top four most common cancers affecting Canadians, according to a 2017 Canadian Cancer Society report, are lung, breast, colorectal and prostate cancer—all of which are linked to environmental exposures to carcinogenic and endocrine-disrupting chemicals. Furthermore, the Endocrine Disruptor Exchange, an American research institute established by Theo Colborn (who is regarded as the founder of the scientific field of endocrine disruption), has identified nearly 1,400 chemicals as potential endocrine disruptors.

In an era of rapid climate change and habitat destruction, the release of toxics into the environment through wastewater effluent and air emissions has put biodiversity and wildlife at greater risk.

Toxic chemicals like polychlorinated biphenyls (PCBs), now largely banned, were once extensively used as coolant fluids in electrical power equipment and for insulation in paints and plastics. Even today, PCBs can be detected in the vast majority of humans and wildlife. Worrying levels of the chemical were recently detected in

Lulu, the killer whale washed ashore in the northern U.K.—the highest levels of PCBs ever detected in an animal, in fact. This is because many toxics are persistent pollutants that do not break down and remain in the environment for decades or even centuries after commercial uses end.

There are over 85,000 synthetic chemicals in commerce today. Governments, academics and industry have studied and understood the effects of merely a fraction of them. In Canada, CEPA 1999 governs the conditions and rules for assessing and managing the potential risks of chemicals. The legislation requires the government to screen and categorize chemicals according to their suspected hazard profile, their potential for release, and resulting exposures.

CEPA also authorizes the creation of regulations that would prohibit, restrict or label toxic chemicals. Chemicals found to be "toxic" due to a certain level of risk posed to human health or the environment can be added to the list of toxic substances under CEPA's Schedule 1. The government is then required to manage the risks of substances on the list within a prescribed timeline.

Since the vast majority of synthetic chemicals in commerce before CEPA 1999 was enacted were not tested for safety, CEPA enabled and required the government to sift through a backlog of chemical risk assessments that were not performed before being put on the market. Over the past decade, out of 4,300 chemicals prioritized by the Chemicals Management Plan, a joint program run by Environment and Climate Change Canada and Health Canada, over 2,700 chemical risk assessments were completed, and the remaining are on track to be completed by the planned 2020 deadline.

While this is an important and impressive accomplishment, the results of the program underscore the limitations of Canada's approach to chemicals regulation. Many of the chemicals assessed so far (138 of them) have been legally recognized as "toxic" to human health or the environment, yet they remain on the market—in toothpastes, deodorants and shampoos, for example, products that people use on a daily basis.

This apparent contradiction occurs because CEPA takes a risk-based approach to assessing and managing chemicals, meaning that a chemical's hazard profile on its own does not obligate action to ban or restrict its use. The release of the chemical, or exposure to it, must first be determined to be high enough in order to merit action. The resulting risk management strategy would correspond to the level of risk identified, often resulting in partial restrictions to reduce exposure in the population or the environment to a threshold or level that is deemed safe.

The risk-based system fails to take into account the current science on endocrine disruptors, which can negatively interfere with our development even at minute levels of exposure. This group of chemicals have defied the traditional concept of toxicology, where the dose determines the poison, making the risk-based approach inadequate to addressing potential harms.

To illustrate the failure of Canada's chemicals management system to accommodate this information, we need only consider the bisphenol-A (BPA) ban.

Walk through any Canadian dollar store and you'll quickly find a number of reusable plastic containers and bottles labelled BPA-free. The federal government banned the substance's use in baby bottles in 2010 after an assessment concluded BPA was toxic to human health, sparking outrage from Canadian families. However, the endocrine-disrupting chemical is not actually banned in all plastic food and beverage packaging.

While the baby bottle ban was an important step, it has not fully protected babies, children or adults from BPA, which is still allowed in many products used daily by Canadians. Potentially toxic BPA alternatives, such as BPS and BPF, are also still allowed in products marketed as BPA-free. Plastic containers, the inner lining of most food cans, and even thermal cash register receipts, which have become a major source of exposure in cashiers and ticket handlers, are only a few examples of consumer products exposing us to BPA.

According to the 2015 Canadian Health Measures Survey, nine in 10 Canadians had detectable levels of BPA in their bodies. As an endocrine disruptor, exposure to very low doses of BPA during critical windows of vulnerability and development may wreak havoc inside of us.

For instance, exposure to BPA in fetuses (through the placenta) and in newborns (through breast milk, products and dust) may lead to serious reproductive system or brain development deficiencies including lower IQ levels and behavioural problems such as ADHD. Endocrine disruption by BPA has also been shown to contribute to hormone-related cancers later in life, including breast, prostate and thyroid cancers.

The BPA story also offers a good example of how Canada's chemical management system fails to respond to emerging scientific evidence and international restrictions, contrary to the spirit of the legal guidelines set by CEPA. In France, BPA has been banned in all food-contact materials (e.g., reusable beverage and food containers), and will be banned from use in receipts in Europe in 2020.

Furthermore, the European Union chemicals regulatory system, known as REACH, recently added BPA to the candidate list of substances of very high concern as a reproductive toxicant and endocrine disruptor. It is likely that, by 2018, BPA will be fully banned in Europe—unless the industry can prove the substance is safe for specific uses. This more precautionary approach to regulation, commonly known as *reversing the onus of proof*, is arguably much stronger than the current risk-based approach in Canada.

BPA is just one of the more high-profile cases of where CEPA has been unsuccessful in protecting Canadians and the environment from toxics. Another noteworthy example relates to a group of toxic flame retardants known as polybrominated diphenyl ethers (PBDEs), which are used ubiquitously in furniture, electronics and textiles, and are known to be neurotoxic and persistent in the environment.

Canada recognized PBDEs as CEPA-toxic in 2006. But, due to the lax risk management timelines in the act, it took an entire decade for the government to finalize regulations to prohibit PBDEs. This prohibition does not even include imported consumer products which are the most common source of exposure.

In the case of triclosan, an antibacterial added to soaps and toothpastes, and recently banned in the United States, it took the Canadian government over four years to finalize the risk assessment after concluding that it is toxic to aquatic life. Even then the proposed approach to managing risks did not include a ban.

For many years, the Canadian public and environmental and health groups have asked for stronger protections from toxic chemicals. As the above examples illustrate, Canada's toxics-limiting legislative tools are not satisfactorily eliminating the use of highly dangerous toxic substances that persist and accumulate in the environment.

Fortunately, several of the 87 recommendations for upgrading CEPA 1999, put forward this year by a standing committee on environment and sustainable development, would be major improvements. A number of the reforms have been endorsed by professional medical and health associations and include the following:

- Reversing the burden of proof on substances of very high concern, an approach that would require industry to prove the safety of using certain chemicals known to cause cancer or disrupt the endocrine system, among other outcomes.
- Enshrining legal guarantees to protect everyone, and in particular vulnerable groups such as pregnant women, children, Indigenous communities and low-income families, who bear most of the burden of exposure to toxic chemicals.
- Recognizing the right to a healthy and ecologically balanced environment. This would be the first time that a Canadian law would legally protect this right and would add Canada to the list of over 100 countries that have already done so.
- Strengthening the requirements to ensure timely and comprehensive actions are taken when chemicals are found to be toxic.
- Requiring that the government explore safer alternatives to toxic chemicals, which would help eliminate toxics from use and also promote a growing and promising green chemistry market projected to be worth US$100 billion (CAD$127 billion) worldwide in 2020.
- Protecting the public's right to know about the presence of toxics in consumer products through informative warning labels similar to those employed in Europe and certain American states including California.
- Substances found to be persistent, bioaccumulative and toxic would have to be eventually "virtually eliminated" from use in products and release into the environment.

The next step required to address this gaping hole in the protection of human health and the environment is for Canada's health and environment ministers to announce they will work together to address these recommendations by amending and modernizing CEPA 1999. It will be important for the government to see strong public support for these reforms. If all goes well, we will all benefit from living in a cleaner and healthier country and economy. M

LYNNE FERNANDEZ

The politics of pension envy

WE'RE NOW CLOSE to the halfway point in the Trudeau government's inaugural mandate, which is as good a time as any to examine whether and how the Liberals have delivered on promises to shore up workers' retirement security and generally improve Ottawa's relationship with labour.

The Liberals get high points for reversing regressive labour legislation introduced by the Harper government. The Conservatives' Bill C-377 would have needlessly bogged down unions with onerous reporting rules, and Bill C-525 deliberately made it more difficult for workers to organize into a union. The passage of Bill C-4 (it received royal assent at the end of May), which killed both of these bills, was a relief to unionized workers in the public and private sectors.

On the other hand there is Bill C-27, an act to amend the 1985 Pension Benefits Standards Act, which will not be good for the workers of federally regulated employers and Crown corporations.

According to the National Federation of Federal Retirees, "the legislation will permanently shift our pension landscape and will likely erode the retirement security earned by millions of Canadians with defined benefit pensions." The Canadian Labour Congress (CLC), National Union of Public and General Employees (NUPGE) and other public sector unions have called Bill C-27 a betrayal and a threat to workers' financial security.

Ginette Petitpas Taylor, parliamentary secretary to the finance minister, characterizes the legislation much more benignly. "Bill C-27 aims to broaden the scope of retirement saving opportunities available to Canadians," she told the House of Commons during second reading of the legislation in October. "Under our legislation, individuals have a choice. Those who do not consent maintain their benefits in their current form." CLC President Hassan Yussuff calls the bill an invitation to employers to replace defined benefit (DB) with targeted benefit pension plans (TB), also referred to as shared risk plans.

Under the current rules, deferred wages set aside in the federal pension fund will be there when retirees need them (the benefit paid is defined and therefore guaranteed). Bill C-27 would remove the legal obligation to protect already earned benefits and "encourage" employees to consider TB pension plans, where fund managers target an ideal but far from guaranteed benefit. The new rules would also permit employers to pressure already retired plan members to switch their earned DB benefits to TB plans, thereby putting workers' retirement income at greater risk.

Petitpas Taylor's suggestion, that employees will be happy to have a choice between a secure and a less secure pension plan, must seem odd to workers with defined benefit plans. Proponents of TB plans will claim that unions have willingly made the switch. But, as the CLC's Yussuff explained in the *Financial Times*, "[f]aced with the distinct possibility that their pension plan would be wound up, a small number of New Brunswick bargaining units supported 'shared risk' plan conversions for a few severely underfunded pension plans." By contrast, Yussuf said, "shared risk" conversions "are now being proposed for healthy and sustainable pension plans, across the country."

Undermining these healthy pension funds makes no sense. When retirees (whose numbers are growing rapidly) have secure income, they can make a big difference to our economy through spending that increases demand, and they are less likely to need social services that are paid for from taxes. It makes far more sense for the government to shore up pensions for all Canadians.

On that front, the Trudeau government has started to improve the Canada Pension Plan (CPP). The annual payout target will increase from 25% of pre-retirement income to 33%. The maximum income covered by the CPP will also increase from $54,900 to $82,700 by 2025.

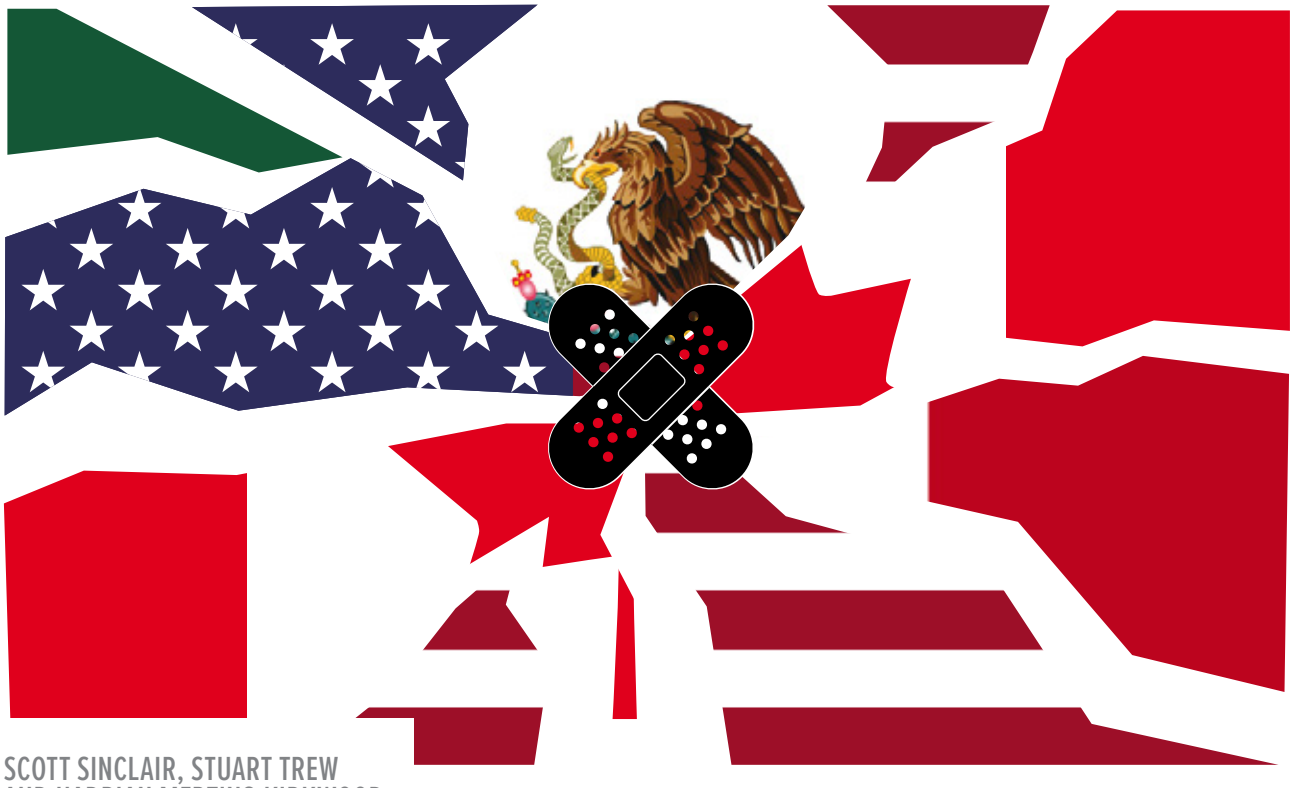
These improvements cannot come fast enough. With the number of Canadians covered by workplace pensions falling precipitously, millions of workers could find retirement the most challenging time of their lives.

Millions of workers could find retirement the most challenging time of their lives.

Richard Shillington's February 2016 study, "An Analysis of The Economic Circumstances of Canadian Seniors," reveals that almost half of Canadians aged 55–64 have no employer pension plan, and the median value of their retirement assets is a meagre $3,000. Recent improvements to the CPP will not help these workers. And so as welcome as the CPP reforms are for many, they will still feed into the narrative, propagated by the private sector, of "pension envy" toward those with decent private plans.

For all their talk of fostering a politics of inclusion, the federal Liberals appear to be playing into this resentment to justify Bill C-27. But it's a policy that will negatively affect our economy in the long run. A good national pension plan is one that provides for the needs of all people from all income levels. M

LYNNE FERNANDEZ IS THE ERROL BLACK CHAIR IN LABOUR ISSUES WITH THE CCPA-MANITOBA. YOU CAN REACH HER AT LYNNE@POLICYALTERNATIVES.CA AND FOLLOW HER ON TWITTER @LYNNEFERNANDEZ.



SCOTT SINCLAIR, STUART TREW
AND HADRIAN MERTINS-KIRKWOOD

The NAFTA renegotiation we need

North American integration needs a radical makeover, which does not appear to be Trump's or Trudeau's aim in new trade talks

WHEN CANADA SIGNED the free trade agreement with the United States in 1988, the federal government promised people jobs, rising productivity and secure access to the largest market in the world. Joining NAFTA with the U.S. and Mexico several years later was meant to lock in those gains for Canada, despite the pressures that would come from low-wage Mexican competition. Climate change was still a blip on the radar, though alter-globalization activists were beginning to point out how the rules in deals like NAFTA—the template for the World Trade Organization agreements—would constrain public interest regulations and undercut workers.

On each of the government's measures of success—jobs, productivity and market access—Canada's trade deals with the United States (the FTA and NAFTA) have been disappointing. At the same time, the rules of NAFTA—the real heart of the agreement, much more so than tariff elimination—have forced policy-makers into a neoliberal straightjacket that has left governments unable (or in some cases merely unwilling) to innovate on the policy front to meet today's toughest economic and environmental challenges.

Meanwhile, high-profile and costly trade disputes (on softwood lumber, beef, and perhaps soon steel, aircraft and aluminum) belie the promise of an open border with the United States. Canadians can reasonably wonder whether the deal was worth it, and whether salvaging it, or expanding it along lines agreed in the defunct Trans-Pacific Partnership—as both President Trump and Prime Minister Trudeau appear ready to do—is really in the best interests of the North American populace.

The unfulfilled promise of NAFTA

Canada came closest to matching U.S. levels of labour productivity (91%) in the mid-1980s (see top chart). Free-trade proponents predicted the 1988 FTA would fix this, and for a few years productivity did get a boost (with associated job losses) in sectors exposed to U.S. competition. But by 2012, Canada's labour productivity in the private sector had declined to 70% of U.S. levels, undermining one of the chief rationales for the FTA and NAFTA. Likewise, productivity growth in Mexico has averaged only 0.7% since 1995 (at the bottom of major emerging market economies), and real GDP per

capita (a measure of overall welfare gains) is growing at an average 1.2%, also low for the region.

While Mexico is often portrayed as a winner under NAFTA, it would be more accurate to say that global companies have successfully exploited Mexico as a low-wage platform to access the North American market. This shift in production contributed to surging manufacturing deficits between Mexico and both its NAFTA partners. But Mexican workers have not shared many of the benefits of increased trade and manufacturing investment.

Real wages in Mexico have been stagnant, up just 4.1% over the two decades following NAFTA. Since 1994, the labour share of income has fallen in all three NAFTA countries, but most drastically in Mexico, where labour's take fell by a stunning 50% (see bottom chart). Meanwhile, between 1991 and 2007, 4.9 million small-scale Mexican farmers lost their livelihoods and were pushed off the land.

The suppression of wages in Mexico, where workers are rarely free to join independent unions, has had a depressing effect on wage growth and labour's bargaining power throughout the NAFTA region. Addressing this destructive disparity in wages and living standards is critical to reforming NAFTA and achieving sustainable, inclusive development in an integrated North American economy.

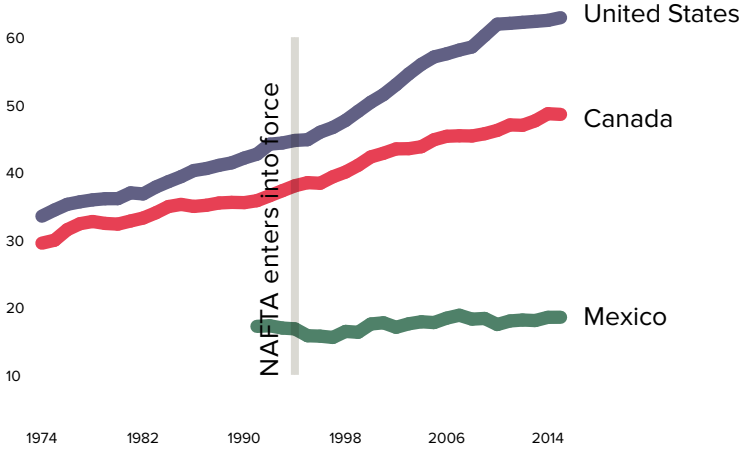
The relative importance of international trade to the Canadian economy did increase following the FTA and NAFTA, but our share of U.S. imports only ever grew as fast as the U.S. economy, and was outpaced by low-wage competition from China and Mexico. Canada's overall exports (about 75% of which currently head to the U.S.) accounted for 26% of GDP in 1988, rising to 44% in 2000, but they had declined to 30% by 2012. What's more, during the first 25 years of the new free trade era, the rates of growth in business investment in fixed assets, private sector employment and GDP per capita were all slashed in half in Canada compared to what they were in the quarter-century preceding the FTA.

One group benefited substantially from new investment opportunities following the FTA and NAFTA. Canada's highest-earning CEOs saw their salaries rise significantly in relation to average salaries. Much of this recent growth in income inequality occurred in the period 1995–2010, according to Statistics Canada. As Jordan Brennan said in a 2015 report for the CCPA, though "stagnant growth in the [post-FTA period] may be socially detrimental, it is not necessarily detrimental from the standpoint of large firms, which have seen an enormous redistribution of income, wealth and power in their favour."

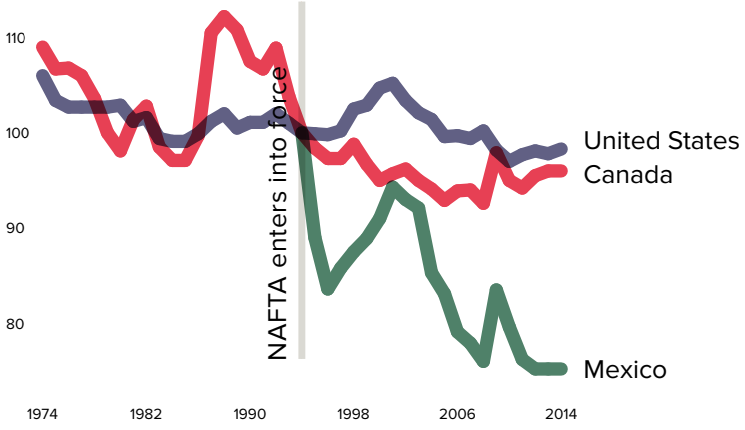
Canadian and U.S. workers rightly protested increasing precariousness as middle class jobs in manufacturing were outsourced, first to Mexico and then overseas to Asia. In Canada's case, an overvalued Canadian dollar and technological change certainly contributed to the decline in manufacturing jobs. But our growing trade deficit in high-value manufactured goods and increased competition from low-wage exports in the U.S. market also played a role. NAFTA, with its restrictions on any form of viable industrial policy, provides no answers to these challenges.

Labour productivity in NAFTA countries

GDP PER HOUR WORKED (USD, CONSTANT PRICES, 2010 PPPS)



Labour share of income (1994=100)



Finally, with another softwood lumber dispute in the news, and threatened U.S. restraints on steel, aluminum and aircraft on the horizon, it is apparent that neither the FTA nor NAFTA has made Canadian exports significantly less vulnerable to unilateral action by Washington than countries with which the U.S. has no free trade deal in place. Now the Trump administration is proposing deleting NAFTA's Chapter 19 dispute process—one of Canada's red-line requirements for signing the deal because of its potential to settle trade disputes impartially and expeditiously.

Given these realities—low relative productivity and business investment in Canadian R&D, a stagnant Canadian share of U.S. imports, and the persistent risks of trade action by the U.S.—we can safely dispense with the idea that losing NAFTA would be a disaster for the Canadian economy. In fact, the estimated tariff impact on Canadian exports of a Trump termination of NAFTA (after which WTO tariff rates would apply) would be at most US$4.2 billion per year. That's a speed bump in Canada-U.S. trade

(CONTINUED ON PAGE 39)

The CCPA's recommendations to the government on NAFTA renegotiation

LABOUR RIGHTS AND STANDARDS

- An effective labour protection chapter must allow workers and unions to directly bring forward complaints regarding labour violations without facing additional hurdles such as demonstrating that a violation is "trade-related" or "recurring."
- A reformed labour chapter must also contain clear non-discretionary deadlines requiring authorities to investigate and adjudicate complaints, while providing for binding enforcement and meaningful penalties for non-compliance.
- A revised NAFTA must include strong, effective labour protection standards, such as requiring all three parties to ratify the eight core conventions of the International Labour Organization (ILO) and adhere to the ILO's Decent Work Agenda as a condition of tariff-free trade.

GOVERNMENT PROCUREMENT

- Canada should propose the creation of an activist Buy North American policy for new infrastructure spending that would create jobs and spur economic development throughout the region.
- If this proposal is rebuffed by the Trump administration, Canada should implement Buy Canadian policies to maximize national economic spin-offs on its own planned public investments, which are worth hundreds of billions of dollars.

INVESTMENT PROTECTION AND ISDS

- NAFTA's investor–state dispute settlement system (Section B of NAFTA Chapter 11) should be eliminated.
- In addition, NAFTA's clauses on minimum standards of treatment (Article 1105) and indirect expropriation (Article 1110) should be changed to make perfectly clear they do not apply to non-discriminatory laws or regulations taken in good faith to protect the public interest.

ENVIRONMENT AND CLIMATE CHANGE

- Remove NAFTA's investor–state dispute settlement process, which has been used repeatedly to challenge non-discriminatory environmental policies in Canada, and which acts as a chill on environmental and sustainable development policies by prioritizing investor interests.
- Incorporate chapters on the environment and sustainable development into the core NAFTA text and make them fully enforceable through dispute settlement (including for third party disputes initiated by civil society groups). Create obligations in these chapters to reinforce Canada's commitments under the multilateral Paris Agreement, starting with provisions for an integrated continental carbon pricing system.
- Create a broad exemption to NAFTA's investment rules (if they are not removed from the agreement) for any government measure intended to reduce greenhouse gas emissions, encourage sustainable development or otherwise promote environmental protection.

ENERGY AND PROPORTIONAL SHARING

- Remove the proportionality clause (Article 605) from NAFTA's energy chapter.
- Refrain from locking Canada into a new fossil fuel energy partnership with the United States and Mexico in a renegotiated NAFTA.
- Shield government measures to reduce fossil fuel production or consumption from ISDS lawsuits (unless the ISDS process is entirely removed from NAFTA, which is preferred).

INTELLECTUAL PROPERTY RIGHTS AND DRUG COSTS

- Canada should strongly resist U.S. and drug industry pressure to adopt IPR provisions that will impede access to affordable medicines.
- Canadian governments should advance alternative strategies to encourage and reward innovation, including compulsory and humanitarian licensing and publicly funded research premised on ensuring affordable access to new medicines.

TEMPORARY ENTRY

- Eliminate the temporary entry chapter in NAFTA, and instead create and expand domestic immigration programs for facilitating the entry of migrant workers, and their families, into Canada.

E-COMMERCE AND PRIVACY

- Limit the scope of any new e-commerce provisions to addressing technical issues raised by the digital economy, while striking a balance between the

needs of internet users, consumers and firms of all sizes in all three NAFTA countries.

- Create new obligations in NAFTA to enhance the privacy of internet users and to exempt from NAFTA's investment rules any government measures designed to protect their citizen's personal information.

SUPPLY MANAGEMENT

- Canada should defend its supply-managed agricultural sectors, ensuring they are entirely exempted from further trade liberalization in a renegotiated NAFTA. A strong defence of supply management will help ensure that Canadians continue to have access to high-quality, locally produced food, while supporting small family farms and rural communities.

COPYRIGHT AND INTERNET FREEDOM

- Reject any provisions in NAFTA that would require changes to Canada's 2012 Copyright Modernization Act, including changes to copyright terms, fair dealing exceptions and Canada's "notice-and-notice" system for alleged copyright infringement.

- Reject any provisions that would undermine the principle of net neutrality as set out in the Canadian Radio-television and Telecommunications Commission's net neutrality governance framework.

REGULATORY CO-OPERATION

- Co-operation should lead to the adoption of the highest possible standards across North America, and leave room for regulators in any country to diverge from North American norms if it is in the public interest to do so (e.g., it is more protective of public health or the environment).

- Formalized consultations on regulatory co-operation should include non-industry voices from all three countries (where appropriate) at the outset and throughout the process rather than merely at the very end (once co-operation or harmonization priorities have already been set).

- The impact on trade of new rules should be one, but not the primary, consideration when regulating. Unilateral measures for protecting the environment or public health that do not discriminate between Canadian, Mexican or U.S. firms should be immune from investor–state dispute settlement.

DISPUTE SETTLEMENT (CHAPTER 19)

- Canada should reject any attempt by the U.S. to eliminate or weaken the Chapter 19 dispute settlement mechanism.

- Canada should seek instead to strengthen adherence to agreed timelines and ensure that trade authorities promptly comply with binational panel rulings.

PUBLIC SERVICES

- Public services should be fully excluded from the investment and service chapters of NAFTA, as well as any other provisions affecting public monopolies or state enterprises. As proposed by European public services advocates, such a general carve-out could read: "This agreement (this chapter) does not apply to public services and to measures regulating, providing or financing public services. Public services are activities which are subject to special regulatory regimes or special obligations imposed on services or service suppliers by the competent national, regional or local authority in the general interest."

relations when compared to our annual exports of US$278 billion in 2016. Similarly, the IMF recently estimated that if U.S. tariffs snapped back to WTO rates there would be "a negative short-term impact on Canada's real GDP of about 0.4 per cent," which is hardly an unthinkable scenario.

The renegotiation on offer

The situation is somewhat different in the United States, where a growing goods trade deficit with Mexico has contributed to legitimate anger among the U.S. working class about good jobs heading south, or overseas to China. Democrats all but ignored the plight of workers in the 2016 election campaign, insisting that "America is already great." But even presidential candidate Hillary Clinton was forced to reverse her support of the Trans-Pacific Partnership (TPP), telling voters she would demand changes to the deal if elected.

One of Trump's first acts as president was to pull the United States out of the 12-country TPP, which he called "a potential disaster" for America. It resonated in particular with workers in the so-called rust belt—many of them Bernie Sanders supporters, who showed up to the Democratic leadership convention with hundreds of anti-TPP placards—whose unions had been fighting the deal for half a decade. When Clinton appeared to ignore these traditional Democratic voters, some of them went to Trump, others stayed home. The rest is history, as they say.

But now, six months later, the same Donald Trump that promised to kill the TPP forever has had a change of heart. Based on proposals for the NAFTA renegotiation, released in July by the United States Trade Representative, the president wants to build the TPP on a North American scale. It will surely annoy his base, but it was also entirely predictable.

Republican criticism of the TPP was that it did not go far enough to protect U.S. corporate interests. Its intellectual property rights chapter did not force participating countries to extend their data exclusivity terms (i.e., the amount of time a pharma company can keep its research out of the hands of generic competitors) on biologic (non-chemical-based) drugs to the excessive U.S. norm of 12 years. The deal's e-commerce rules did not adequately enhance the opportunities of U.S. tech giants to profit from cross-border data flows, and left too much space for data-localization policies (meant to protect privacy of personal information) in Canada and elsewhere. The USTR's objectives for NAFTA renegotiation, released

during "Made in America Week" at the White House, reflect these complaints, suggesting the Trump administration thinks it can get much more out of Mexico and Canada alone than around a table with nine additional countries.

The admittedly vague 18-page summary began with market access of agricultural and non-agricultural exports, which Trump wants to see maintained or enhanced. On regulations affecting agricultural and food products, the proposals are straight from the TPP. There is a line about upgrading and strengthening NAFTA's rules of origin (e.g., the 62.5% North American content requirement for duty-free trade in automotive products), and the means of certifying that companies are meeting them, but no details on precise changes sought.

The services proposals are also straight out of the TPP and Trade in Services Agreement (see New from the CCPA in this issue), which Canada has agreed to in both venues. But there will be added pressure in the NAFTA renegotiation to open Canada's telecoms, banking, fintech and insurance markets to U.S. competition. And the U.S. will use the NAFTA renegotiation (as it did the TPP) to try to chip away at Canada Post's express delivery services, which it claims (wrongly) to be unfairly subsidized.

Some had wondered if Trump would remove NAFTA's investor–state dispute settlement (ISDS) process, which has been used more times by companies to challenge Canada, frequently over non-discriminatory environmental or resource management policies, than any other North American country. Even Gordon Ritchie, a devoted free-trader and one of the chief negotiators of the Canada–U.S. FTA, recently called NAFTA's ISDS process "a disaster, badly conceived and badly implemented."

But the USTR document suggested only that NAFTA's investment chapter may be tweaked at best, to make sure domestic and foreign firms have the same rights. As Roosevelt Institute fellow Todd Tucker points out, "successive administrations have always maintained that ISDS never did give greater substantive rights [to foreign multinationals]. So no real change there."

In a move designed to appease labour and environmental groups, the USTR is proposing to throw out NAFTA's labour and environment side agreements, and to incorporate chapters covering both areas into the agreement itself. This, too, is from the TPP — and was done in the Canada–EU Comprehensive Economic and Trade Agreement (CETA). International labour unions were not entirely satisfied with the results in both, which fell far short of providing a way to enforce violations of labour rights or defend fragile ecosystems from commercial excess.

On government procurement, the Canadian government (and provinces) will be disappointed the U.S. wants to maintain the ability of states and the federal government to "Buy American." As the CCPA suggests in its contribution to the government's consultation on the NAFTA renegotiations (see the recommendations at the end of this article), we'd be better to propose a "Buy North American" strategy to Trump and the Mexican government, which would fit with Trump's goals of enhancing the opportunities for NAFTA-made goods in all three countries.

Canada will also be worried by the USTR proposal to eliminate NAFTA's Chapter 19 dispute settlement process, which provided a venue for Canada to resolve trade disputes outside of U.S. courts. This was a red line for the federal government in the NAFTA negotiations, and the Trudeau government has already signalled it will walk away from a renegotiated deal that does not include it. Unfortunately, then as now, Canada is going to have to fight for it — for example, by making unreasonable concessions to Trump in areas like supply management, data protection and other areas. In either case, we lose.

An inclusive trade policy must start with inclusive and fully transparent negotiations.

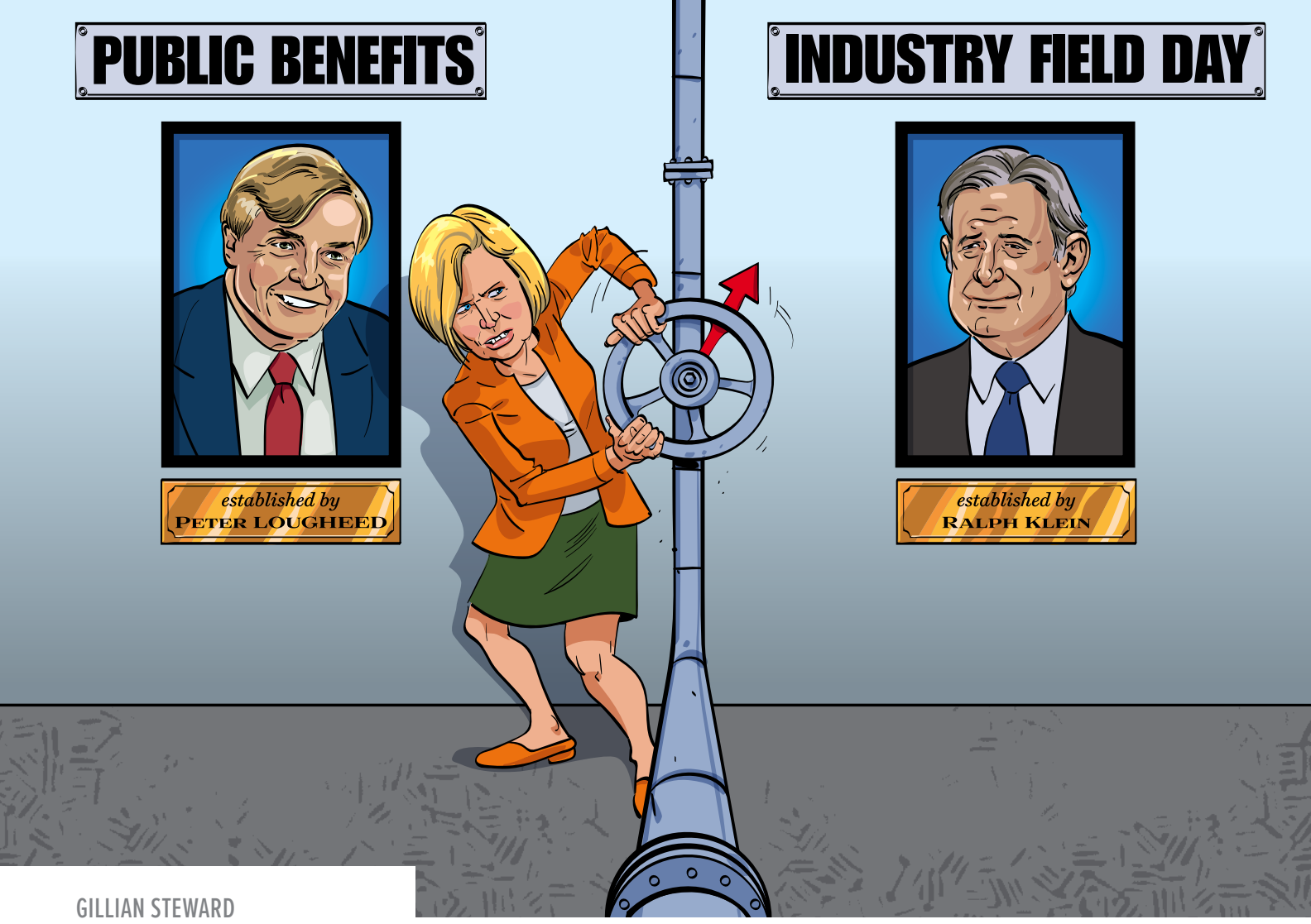
And that's what's really frustrating with this whole process. In the U.S., a Trump administration elected on promises to shake up the system has embraced, wholeheartedly, the elite-backed TPP model for its NAFTA renegotiation. In Canada, a government promising to remake globalization so that it is more environmentally sustainable, and better distributes wealth from rich to poor, is all too willing to play the old game of give and take.

The renegotiation we need

We will never know the exact extent to which NAFTA hindered or contributed to Canadian job, employment and productivity growth, since it's impossible to accurately compare these measures with a scenario in which NAFTA does not exist. But we can — and should — ask whether the agreement is the right model for today's most important priorities: reducing inequality, eliminating poverty, and putting a stop to climate change.

In the CCPA's submission to Global Affairs Canada's consultation on the NAFTA redo, we argue it is not the right model. Instead, we recommend changes we believe the Trudeau government should demand that would increase Canada's policy options (at the federal, provincial and municipal levels) for promoting more sustainable and equitably shared economic growth — a goal our current federal government claims to share.

If NAFTA renegotiation is to have any chance of improving the welfare of all North Americans it must be inclusive, transformative and forward-looking — focused on today's real challenges, including climate change, the changing nature of work, stagnant welfare gains and unacceptable levels of inequality in all three North American countries. NAFTA should be renegotiated so that it helps us achieve the sustainable and equitable economy we want, not to uphold an uninspiring and untenable status quo.



GILLIAN STEWARD

ILLUSTRATION BY REMIE GEOFFROI

Betting on bitumen

Alberta's energy policies from Lougheed to Klein (and back again?)

WHEN ALBERTA'S first NDP government swept to power in 2015 it inherited over four decades of Progressive Conservative energy policies, key among them the continued development of the Alberta oil sands. Though the resource had become the main driver of economic growth in the province, it was also the target of a growing number environmentalists, Indigenous groups and scientists calling for a production phase-out and transition away from fossil fuels. The market price for oil was sinking, investment was down, and royalty revenues were declining.

The situation, in other words, was quiet different for Premier Rachel Noteley than it had been for her predecessors. The NDP was even looking at budget deficits for several years to come when only 10 years ago the government had posted a one-year $4.6-billion surplus. How did those PC energy policies get Alberta to where it is today? And how different or similar are they to the path taken so far by the Notley government?

To answer these questions we need to compare and contrast the oil sands development strategies of Alberta's most popular premiers, Peter Lougheed and Ralph Klein. Though they came from the same party, the two leaders had very different ideas about who should be controlling the pace and scale of development of Alberta's bitumen reserves—the petroleum industry or government—and to what end. Notley may have inherited the industry-friendly regime of Klein, but it's clear her government is more inspired by Lougheed's interventionist policy toolkit when it comes to the oil patch.

Peter Lougheed and the dream of the oil sands

The Alberta oil sands became a critical element of government economic policy after Lougheed's Progressive Conservatives defeated Social Credit in 1971. The new premier saw a valuable resource that could be better exploited, for the benefit of all Albertans, with a helping hand from government. For Lougheed, the oil sands were a reserve of riches that would extend well into

OIL SANDS EXPANSION
1971–2014

the next century and thereby assure Alberta a lasting prosperity.

Participation by the Lougheed government in the expansion of oil sands production was achieved in a number of ways during his 15 years as premier. In 1973, Lougheed established the Alberta Energy Company (AEC) with a combination of government and private financing; 49% of the corporation was owned by the province, with the remaining equity coming from individual Albertans who could purchase shares at affordable prices. The AEC invested in oil and gas, pipelines, forestry, petrochemicals, coal and steel. Its first share offering in 1975 attracted 60,000 buyers and was sold out in two weeks. Those shares eventually split 3-for-1 in 1980.

The AEC also became a vehicle for Lougheed to promote oil sands development, particularly by Syncrude, which had been established in 1964 as a consortium of Cities Service, Imperial Oil, Royalite and Atlantic Richfield. Syncrude was seeking approval from Alberta's Oil and Gas Conservation Board to build a second oil sands plant not far from the Great Canadian Oil Sands Limited (GCOS) operation north of Fort McMurray.

Lougheed was so supportive of this idea that in 1974 he established the Alberta Oil Sands Technology and Research Authority (AOSTRA) as a government-funded agency aimed at accelerating the development of oil sands technology. The government pledged $100 million to AOSTRA over its first five years. In the course of its 18-year life the authority would spend $448 million on public-private projects and institutional research, making AOSTRA one of the largest research and development programs ever launched in Canada. Many of the advances in oil sands extraction, including steam-assisted gravity drainage (SAGD), which eventually led to dozens of in-situ operations, were developed by AOSTRA.

In 1975, the proposed Syncrude project was near collapse after partner company Atlantic Richfield withdrew its support. The federal, Alberta and Ontario governments had been counting on this new megaproject to provide jobs and secure Canada's oil supply and were keen to see it succeed, as was the Syncrude consortium. In a series of negotiations, the remaining partners in the project—Imperial Oil, Cities Service, and Gulf Oil (which took over Royalite in 1969)—used Atlantic Richfield's withdrawal to force both levels of government into granting unprecedented concessions. In the end, Alberta, Ontario and the federal government all became partners in the project, with Alberta doing so through the AEC. Alberta also paid for infrastructure costs, including a $300-million utility plant and a $100-million pipeline from Fort McMurray to Edmonton. The province also built community schools, bridges, highways and other services.

Syncrude received the world price for its oil when the oil industry in general was receiving a much lower Canadian price, and its private corporate partners got generous write-offs—not only on expenses directly related to the oil sands plants, but also on exploration and development projects in other parts of their operations. In the end, Ottawa invested $300 million in public funds in return for 15% ownership; Alberta invested $200 million for 10%; and Ontario put up $100 million for 5%.

The Lougheed government's impact on oil sands development was far-reaching. Besides AOSTRA, it established the Alberta Oil Sands Environmental Research Program (AOSERP), which was funded jointly by the Alberta government and the federal government's environment ministry. As early as 1973, the governments had anticipated many of the environmental consequences of their plans, and had also researched strategies to eliminate or minimize them. But many of those ideas were overshadowed by the economic benefits that would accrue from oil sands development. In 1979, the federal government pulled out of AOSERP, and oil sands environmental research became the responsibility of Alberta Environment.

The Lougheed government also commissioned numerous studies and surveys to determine how best to manage and monitor this vast resource that lay within its jurisdiction. As J. Paskey et al. noted in a 2013 report, "the

message at the time was clear: careful, measured planning with 'deliberate' government intervention for managed growth would be essential to moving the industry forward." A provincial conservation and utilization committee stressed in 1972 that "foreign energy demands should not be the only force influencing development," but rather, "[w]ith time Alberta should be able to utilize the tar sands as a lever in the socio-economic development of the province."

Based on the scale and scope of development recommended, the committee predicted that by the year 2000, assuming eight new projects were approved and that the population of Fort McMurray would grow to 600,000, annual production would reach a million barrels per day—a depletion rate of approximately 734 years. "The evolvement of tar sand technology should be led by Canadian technologists for the benefit of Canadians," said the report, which also urged the government to buck the trend (at the time) in foreign ownership of oil. In a speech to Calgary's business community in 1974, Lougheed warned that the province had only a decade to diversify its economy, and the first objective must be "to strengthen the control by Albertans over our future and to reduce the dependency for our continued quality of life on governments, institutions or corporations directed from outside the province."

There are government documents from the late 1970s and early 1980s that focus on Aboriginal issues. Some recommended the need to capitalize on local peoples' knowledge of meteorological conditions, history and local terrain—an approach that has become increasingly prevalent since 2010. Others commented on the need for culturally appropriate instruments for measuring impacts, which is still overlooked today, according to the Athebasc Chipewyan First Nation.

Another aspect of Lougheed's oil sands policy that would differ from the Klein years was the government's relationship with organized labour. In 1975, at the urging of the Syncrude consortium, the Alberta Energy Company, which was 49% owned by the Alberta government, passed over the lowest bid for construction of a pipeline from the Syncrude plant in order to give the work to a unionized contractor. (Syncrude had negotiated a no-strike, no-lockout agreement in return for assurances that the pipeline would be awarded to a union contractor.) As Richards and Pratt noted in *Prairie Capitalism: Power and Influence in the New West* (1979), Lougheed recognized that if the oil sands were to be industrialized, organized labour needed to be on side.

There's no question the Lougheed government used all the power and money at its disposal in the 1970s to kickstart oil sands development. Its strategies underlined the belief that if the Alberta government didn't do this it would take far too long, and most of the financial benefits would flow into corporate and government coffers outside the province. Many captains of industry were alarmed by Lougheed's interventionist approach, but Albertans didn't seem to mind, as they re-elected his PC government three times between 1971 and 1982, all with landslide majorities.

Even Grant Notley, the provincial NDP leader at the time, agreed in principle with Lougheed's strategy in the oil patch. Notley supported the federal NDP's position on nationalizing Imperial Oil and then using the publicly owned corporation to influence energy policy. But he opposed general nationalization, as called for by some New Democrats, claiming it would scare off moderate voters, cost far too much money, and that social democratic goals in energy policy could be achieved through regulatory means and an aggressive public presence in the industry.

Lougheed and the elder Notley both believed in government intervention in the economy, and in Alberta that meant the oil and gas industry. There were degrees of difference in their views on government's role, but essentially they were on the same page. A decade later provincial energy policy would take a sharp turn away from questions of the public interest and begin to concern itself almost exclusively with the interests of the oil sands industry.

KEY RECOMMENDATIONS OF THE NATIONAL TASK FORCE ON OIL SANDS STRATEGIES

The federal and Alberta governments should develop a generic set of harmonized tax and royalty measures based on economic profits.

Development of the oil sands should be market-driven.

The industry will work with government agencies (Alberta Energy and Utilities Board, Alberta Environmental Protection, Environment Canada) to develop a one-window review and decision process. Efforts will centre on eliminating duplication between environmental assessments and approvals done at both the federal and provincial level and between departments at the provincial level.

Governments should continue to support pre-competitive research and development via expanded industry-led collaborative research activities under The Canadian Oil Sands Network for Research and Development (CONRAD, which included federal and provincial government agencies, six oil companies and two universities) and other partnerships.

Government should maintain an attractive investment climate for science and technology efforts in the oil sands.

Government should ensure that oil sands export restrictions are removed.

Ralph Klein and the oil sands task force

Ralph Klein became premier in 1992, only seven years after Lougheed's departure. His strategy in the oil sands—to

Environmental sustainability

Ralph Klein's industry task force report, which came out two years before the Kyoto Protocol was signed in 1997, mentions several times that "environmental sustainability" should be a key aspect of oil sands development. An appendix to the main report says the key environmental issues facing the oil sands industry are "energy conservation, greenhouse gas emissions, land use and reclamation, air quality, water conservation, water quality, and bio-diversity."

But mostly the report reads like a a congratulatory pat on the back from the oil industry to itself. Under a subhead entitled "Our Vision," the sustainability subcommittee says: "The industry's excellent record of environmental performance is a testament to the time, money, research, and continuous improvements in operations over the past 30 years. And we know there is more to be done."

On the issue of tailings ponds, which were cited as early as 1973, in a report commissioned by the Lougheed government, as the most constraining environmental hazard of oil sands development, the appendix briefly acknowledges that reclaiming the toxic dumpsites into usable landscapes is the industry's "greatest challenge." Still, it goes on to assert that the ponds are a "safe and effective storage method."

The task force also asserts that the regulatory process had become an "impediment" to oil sands development; for example, because of "the unpredictability of the process, the length and cost of the cycle." It calls for a "single window" within government where industry could deal with regulatory issues, suggests there should be clearer rules for intervenors at public hearings, and asks that evidence presented by intervenors should be of high quality and relevant to the project in question.

There was one Aboriginal person on the task force, David Tuccaro, a successful businessman from Fort MacKay First Nation (50 kilometres north of Fort McMurray), but there is hardly any reference to Aboriginal issues in the report. The task force states that future oil sands development must "ensure that Aboriginal communities in the region fully develop economic partnership opportunities including investment and development of new businesses and career training, and development and employment in the industry." There are no details on how this would be achieved.

step aside so that industry could do what it wants—was developed almost entirely under the aegis of the Alberta Chamber of Resources (ACR), an industry association comprising oil producers, pipeline operators and other businesses providing goods and services to the oil and gas industry.

The ACR had long been touting oil sands as the "priority mineral resource for further development." Now it had sympathetic lobbying targets in Edmonton and Ottawa. Jean Chrétien's Liberals had just replaced Brian Mulroney's Progressive Conservatives after the latter's decade in power. In 1993, Chrétien named Anne McLellan, an Edmonton MP who had won her seat by only one vote, to his cabinet as Minister of Natural Resources. Though McLellan had no experience in the petroleum industry, Chrétien seemed to have other priorities in mind for her appointment.

"[I]t was quite clear to me that this was the first Liberal government elected since the end of the National Energy Policy, which was of course in the first term of Prime Minister Mulroney. So I think Mr. Chrétien wanted to send a message to the Province of Alberta, and to the oil and gas industry, that things had changed," McLellan said in a 2011 interview. "I think he wanted to send a message of some reassurance to most Albertans and to the industry by appointing an Albertan."

Chrétien and Klein were facing high unemployment rates (10.4% in Calgary and 11.3% nationally) and accumulating deficits following the 1990–92 recession. Alberta's economy had been doubly hit by the low price of oil, which averaged $16.75 a barrel in 1993. The province badly needed more revenue if it was going to repay its $32-billion debt, which had accumulated over eight consecutive budget deficits—the legacy of Lougheed's successor, Don Getty. But Klein and his treasurer, Jim Dinning, didn't want to raise taxes or royalty rates on oil and gas, preferring to cut government spending and entice investment with low taxes.

In order to formalize the position of industry in this newly fertile political environment, the ACR established the National Task Force on Oil Sands Strategies. The objective: to gather a "strategic group of diverse stakeholders convinced of the benefits of an action plan leading to the realization of the potential benefits of oil-sands based industrial development in this country." One of the key promoters of the task force was Eric Newell, then president of both the Alberta Chamber of Resources and Syncrude Canada, the largest oil sands producer at the time. Newell got a green light for the project in 1991, when Brian Mulroney was prime minister, by getting the Mining Association of Canada to put it on the agenda at a national meeting of energy and mines ministers.

Task force members were self-appointed, which was quite different from most commissions or inquiries established by government to provide policy advice (including Ed Stelmach's six-member royalty review panel in 2007, which did not count a single oil industry or government employee). The vast majority of task force participants worked for private sector corporations who were already involved in oil sands development or wanted to be. Of the 57 committee chairs and members named in the task force report, 45 came from industry ranks, six were from the federal government, and six from the Alberta government. The six committee chairs were all industry representatives, including two from Syncrude.

The task force didn't hold public hearings, despite having the madate to do so. Instead, its committees focused on researching and proposing ideas in six key areas: marketing and transportation, science and technology, environment and regulation, government and communications, fiscal and socioeconomic issues, and materials/services and coalition building. Paul Precht, an economist with the Alberta department of energy who worked on the task force for almost two years, recalled during a 2013 interview that the oil industry wanted to restructure the royalty

and tax system so it would be more to their benefit, and as a consequence stimulate investment.

After two years of study and discussion the task force launched its 62-page report at the Montreal Stock Exchange in May 1995. Entitled *The Oil Sands: A New Energy Vision for Canada*, the report declared: "the Task Force had identified a clear vision for growth and answered—affirmatively—the fundamental question: Should oil sands development proceed? The participants crafted an appropriate development plan, assessed the main obstacles to growth, and identified the levers of development to overcome those impediments."

While many of the recommendations focus on fast-tracking development of new technologies, and building collaborative networks among oil sands developers, several are about government policy. The report predicted there would be significant benefits to Alberta and the rest of the country for following its blueprint, including production growth to 1.2 million barrels a day in 25 years, a boost to Canada's GDP of 0.6%, 44,000 new jobs and one million person years of employment between 1996 and 2000 (85% of them in manufacturing, finance, services and other sectors across Canada), and $97 billion in new government revenues.

But the task force asserted that to achieve these benefits, governments would have to step back from investment and let the private sector do the job. This was an abrupt departure from how oil sands development had proceeded in the past.

For example, at one point the Syncrude consortium had included the federal, Alberta and Ontario governments as minority shareholders. Proposed oil sands megaprojects of the 1980s, such as Imperial Oil's $12-billion steam extraction plant in the Cold Lake area, also included federal and provincial financing. The Other Six Leases Operation (OSLO), a $4.3-billion megaproject proposed for Kearl Lake, 60 kilometres north of Fort McMurray, was to be built by a consortium headed by Esso Canada Resources (with a 25% stake) that also included Canadian Occidental Petroleum and Gulf Canada (20% each), Petro-Canada (15%), PanCanadian Petroleum (10%) and the Alberta government (10%). At one point the federal government was planning to contribute $1 billion to the cost of the project.

Such capital- and labour-intensive operations—both OSLO and the Imperial Oil projects were shelved due to falling oil prices—appealed to the Don Getty government that succeeded Lougheed. It was hoped that embarking on a large-scale project like OSLO might bring back investor dollars and renew confidence in the province. Oil sands projects drew in all kinds of workers, from engineers to tradespeople, and could therefore help lower the unemployment rate. They also offered the province a way to offset its declining conventional crude stocks. Projects like OSLO, which would take eight years to reach completion, became symbols of economic progress even before they were built or producing synthetic oil. "We need it for supply for Albertans and Canadians," Getty told the *Toronto Star*.

The 1995 task force proposed a completely different model of oil sands development than either Lougheed or Getty envisioned: fewer megaprojects, more smaller in-situ developments (in which bitumen is forced to the surface using steam), and no direct government financing. Smaller extraction sites required less capital upfront and they could be ramped up quickly during boom times. Government would get out of the way strategically, and keep their hands off industry profits when they started rolling in.

According to the task force, the most important key to stimulating the necessary investment was a generic fiscal regime (taxes and royalties) for all oil sands projects, rather than project-by-project agreements, which had been the case up until then. Under the plan, which was very quickly adopted, the province would receive a minimum royalty of 1% on all production, increasing to 25% on net project revenues after the developer recovered all start-up costs, including research and development costs and a return allowance. More importantly (for project developers), all capital costs—including operations, and research and development costs—would be 100% tax-deductible in the year incurred.

The generic royalty regime was designed to encourage oil sands investors by assuring them they would pay almost no royalties (considered rent paid by producers for the use of a publicly owned resource) until they had paid off all the costs of constructing the project. It meant a producer could be selling onto the market at the going price, but avoid higher royalties if construction costs were not entirely off the books. Between 1997 and 2010, oil sands producers paid Albertans less than $20 billion in royalties and land sales for the rights to more than $205 billion worth of bitumen. The industry was getting "free oil" at the same time that U.S. refineries were paying US$100 a barrel for Canadian crude.

Why would the task force recommend such a bum deal for government when other oil-producing jurisdictions were safely applying much higher royalty rates and taxes? An appendix to the task force report stated that the regime was "the result of a concerted effort on the part of representatives with expertise in business economic decision-making from six companies active in the oil sands," and that this Fiscal Terms Work Group "consulted at length with officials of Natural Resources Canada and the Alberta Department of Energy."

The underlying goal of these fiscal recommendations was to "maximize wealth generation in Canada and consequently for Canadians," said the report. "Investment risks to individual developers, as well as returns to investors and governments, were also important considerations." The report argued that the recommendations are justified due to the large scale and high costs of oil sands extraction and production, the long lead time needed for construction before projects are operating and producing, and the long-term focus necessary for the development of technological innovations.

Selling the task force report

Newell embarked on a cross-country speaking tour to promote his task force's findings and push for oil sands development, a role he took up with gusto. Right after

the launch of the report in Montreal, Newell spoke to the Canadian Club in Ottawa, and shortly after that to the Empire Club in Toronto. "I firmly believed that that was only the beginning, that we had to then go out and sell it and I was given, like, a couple years where I think I did over 50 major speeches a year on it," he said in a 2011 interview. "I'd talk to anyone that would listen and we had to sell it."

The Klein government in Alberta didn't need a sales job. On September 6, 1995, four months after the release of the task force report, a provincial standing committee approved the generic oil sands royalty regime as recommended for all projects. "This is an example of the government's new approach to development," said Klein. "Instead of participating directly, we are establishing a framework that should encourage new projects, which mean more jobs and a stronger Alberta—and Canadian—economy."

The federal government, however, was not so keen to modify its tax regime to suit the oil sands industry. McLellan's department had been fighting with Finance Canada about it, given the government was struggling to contain a sizeable deficit and debt. The minister encouraged Newell to garner as much support as he could across the country. In a 2011 she said:

I remember Eric at one of our meetings, and there were many of one kind or another, I remember saying to Eric that, "Look if you want me to try and sell this to the Minister of Finance and to my colleagues around the cabinet table at this difficult time, you really do have to go across this country and try and sell this as a national project, that this isn't just about the province of Alberta. This is a national endeavor that will, in fact, inure to the benefit of all Canadians." And Eric said that he would do that, and he and I have often laughed, because I think he visited every chamber of commerce he could possibly get an invitation to talk about the benefits, the potential benefits for other parts of the country.

Several Syncrude executives, including Newell, lobbied Ottawa to adopt the provisions outlined in the task force report. One of those executives, Al Hyndman, the expert on the fiscal regime that the task force was recommending, became the company's chief lobbyist in Ottawa. McLellan described how determined he was to get his message through to influential politicians and bureaucrats:

I joke with Al Hyndman even now that Al practically lived in Ottawa at the time. He showed up at every Liberal event. He bought tickets for

OIL SANDS CHRONOLOGY

1962 The Social Credit government of Alberta develops an oil sands policy outlining an orderly but limited development.

1967 The Great Canadian Oil Sands (GCOS) project begins operating. GCOS would later become Suncor Energy Inc.

1971 The Progressive Conservative party wins its first majority government in Alberta, beginning a 44-year provincial political dynasty. Peter Lougheed was Alberta's premier from September 1971 until November 1985. GCOS was the only oil sands operator in the province when Lougheed was first elected.

1973 Lougheed establishes the Alberta Energy Company (AEC). The province owned 49% of the corporation and the remaining equity came from individual Albertans. AEC became a vehicle for Lougheed to promote oil sands development, particularly Syncrude.

1974 Lougheed establishes the Alberta Oil Sands Technology and Research Authority (AOSTRA), a government-funded agency that aimed to accelerate the development of oil sands technology. AOSTRA played a critical role in developing SAGD (steam-assisted gravity drainage) and in-situ extraction technologies. AOSTRA is one of the largest research and development programs ever launched in Canada.

1975 Atlantic Richfield withdraws from the Syncrude project. Other private corporations involved in the project used the withdrawal to force major concessions from the Alberta, Ontario and federal governments. In the end, all three became partners in Syncrude.

1975 Lougheed establishes the Alberta Oil Sands Environmental Research Program (AOSERP), which was jointly funded by the province and the federal government. AOSERP operated for a decade, conducting surveys and other research to identify possible long-term impacts of the oil sands. The federal government pulled out of AOSERP in 1979, but the program continued to operate until 1985.

1976 Lougheed's Progressive Conservative party wins its second election and declares the first big budget surplus in the modern Alberta oil era. Lougheed establishes the Alberta Heritage Savings Trust Fund with an initial contribution of $1.5 billion.

1978 After about 14 years of development, Syncrude Canada joins Suncor as the province's second oil sands producer. The opening of the Syncrude operation marks the beginning of the oil sands' key role in Alberta's economy.

1980–85 The National Energy Program was an energy policy of the Government of Canada. It was controversial and unpopular in Western Canada.

every Liberal reception. He'd even show up at the Liberal Christmas caucus parties. I'd say, "How did you get in here?" He'd say, "I know people. People, you know I'm a guest of X or Y," and we would laugh. And wherever the Minister of Finance was, you'd find Al Hyndman not far behind.

The federal government modified its taxation and royalty regime 10 months after the release of the task force report. Previously, Ottawa's tax scheme distinguished between conventional oil sands mining projects and in-situ projects, favouring the former by allowing a wider range of deductions. The 1996 federal budget eliminated the distinction between the two as the government applied a universal tax regime for oil sands producers.

Ottawa took additional steps to spur on the industry. Before 1996, the federal government provided incentives for project expansions but disallowed write-offs related to upgrades aimed at improving efficiency. The 1996 budget changed these provisions and helped streamline the policies of both the federal and provincial governments. On March 6, 1996, the same day the federal government announced its budget provisions for the oil sands industry, Alberta's energy minister, Pat Black, told the provincial legislature:

This move is a response to one of the recommendations in the National Task Force on Oil Sands Strategies and should encourage further development of this tremendous natural resource. Over the next several years we expect to see more than $2 billion invested in at least six oil sands projects. This is a tremendous initiative for this province and clearly recognizes the oil sands as one of the most strategic resources in all of Canada.

Industry responded quickly to the regime change. By 1997, production from the oil sands had grown to more than 540,000 barrels per day, an increase of 18.6% over the previous year. The new taxation policies triggered investments by several small and medium-sized companies, like Koch Oil Sands, Murphy Oil and Black Rock Ventures. Alberta Energy noted in its annual report for 1995-96 that applications for new or expanded oil sands projects had jumped from 36 in the previous year to 61. In total, various players had announced plans to invest an additional $19 billion in the oil sands by 2005. According to Alberta Energy, that represented potential growth of over 1.2 million barrels per day and the creation of "thousands of permanent jobs."

Technological developments, particularly in SAGD and in-situ extraction—mostly funded by the provincial

1985–92 Don Getty's tenure as Alberta's premier, from November 1985 to December 1992.

1988 The free trade agreement (FTA) between Canada and the United States is signed, ensuring that most of Alberta's oil production would go straight to the U.S.

1992 The Alberta Chamber of Resources (ACR), an industry association, establishes the National Task Force on Oil Sands Strategies. Syncrude executives played key roles in the ACR and the industry-dominated task force (45 of 57 task force members were self-appointed from industry; eventually the governments of Alberta and Canada each made six appointments).

1992–2006 Ralph Klein was premier of Alberta from December 1992 to December 2006.

1993–97 Thirty-six Canadian newspaper articles mention the National Task Force on Oil Sands Strategies. Only three of these articles point out that the task force was dominated by the oil industry and two of the articles mention that the task force spokesperson, Eric Newell, was also president of Syncrude. The inadequacy of the media coverage may have served to convince readers that the task force was more concerned about the public interest than its own (corporate) interests.

May 1995 After two years of discussion and research, the industry-dominated National Task Force on Oil Sands Strategies releases a report with 23 policy recommendations for the governments of Alberta and Canada. After government investment helped kick-start the exploitation of the oil sands and related technological developments, the task force was recommending that the governments of Alberta and Canada should now become facilitators of industry development and no longer directly involved partners. The task force also recommended tax and royalty changes and environmental regulatory reform at the provincial and federal levels.

1995–97 Syncrude executives, who were leaders of the task force, lobby the governments of Alberta and Canada to adopt the task force's recommendations. The government of Alberta did not need any convincing and the government of Canada did not need much.

November 1995 Just six months after the release of the task force report, Ralph Klein's Alberta government announces that the new royalty regime—written by the industry-dominated task force—applies to all new projects.

March 1996 In its 1996 budget, the government of Canada makes the tax changes the industry-dominated task force had recommended 10 months earlier. The federal budget also introduced new tax incentives to spur investment in the oil industry.

government through AOSTRA—meant that smaller companies did not have to invest billions of dollars as Imperial Oil, Petro-Canada and Syncrude had done. Alberta's Energy and Utilities Board (EUB) noted: "Future production of synthetic crude oil from mining and in-situ projects is anticipated to increase even more significantly as refined products from the oil sands replace the depleting conventional oil and gas reserves of the province."

If this was market-driven development, it had a lot of help from government. In 1974, when Alberta created AOSTRA, approximately 20 people (perhaps 10 academics and an equal number of their students) were conducting research on the oil sands. Twenty years later, more than 80 science and engineering professors were teaching and doing advanced research and development on oil sands–related projects.

Besides moving quickly on a new fiscal regime, the provincial government wasted no time in acceding to the industry's requests for streamlined approvals. The EUB was created as a merger of the Public Utilities Board and the Energy Resources Conservation Board. But because of the Klein government's focus on reducing the deficit, staff numbers were reduced even though oil sands project applications were increasing. Alberta Energy also made it clear that the new system would "lessen the regulatory burden on industry and the EUB."

The new system introduced self-regulation, which meant oil sands operators became responsible for regulating themselves. In the words of Alberta Energy, "In the new approach, the Board began placing the onus on industry to assume responsibility for knowing and complying with regulatory requirements." With fewer government regulators and inspectors the industry was left to monitor itself just as the race to build or expand dozens of oil sands projects became more heated than it had ever been.

Is it back to the future for Notley?

The future of oil sands development may have been murky in the 1990s, given the low price of oil, high extraction costs and high interest rates, but there is no question that without earlier government support, for Syncrude specifically, there wouldn't have been much for a "market-driven" industry to build on. Now that the industry is established and—despite today's low oil prices—growing, the province is forced to take long-ignored questions more seriously—questions about environmental impacts and the desires and rights of impacted communities.

Premier Notley has made it clear that while her government will continue to encourage oil sands development, like Lougheed she wants a more measured pace of development. This is evident in the Climate Leadership Plan, released in 2015, which imposes a 100-megatonne cap on greenhouse gas emissions from the sector, thereby slowing development and forcing oil sands operators to develop technology that significantly reduces carbon emissions intensity. The cap makes it clear that development of oil sands operations is not an open-ended project, but must conform to government's expectations as well as, if not instead of, market forces.

Notley's climate agenda also features a levy on the consumption of fossil fuels in the province. There was no such levy in Lougheed's day, but Notley plans to use revenue from the carbon tax to kick-start renewable energy development in the province, much like Lougheed used government revenues to kick-start the development of oil sands technology.

Notley has shown a proclivity for encouraging Alberta-based energy companies to work closely with her government, much like Lougheed promoted an Alberta-first strategy through the Alberta Energy Company and his support for Syncrude. When Notley announced her climate plan in Edmonton she was joined on stage by CEOs from Canadian Natural Resources Limited, Suncor Energy, Cenovus Energy and Shell Canada. All those companies have significant oil sands operations and, with the exception of Shell, are formidable home-grown oil and gas producers.

Unlike Lougheed, however, Notley chose not to impose higher royalty rates on the petroleum industry early in her mandate. She struck a Royalty Review Advisory Panel, which eventually recommended a number of structural changes to the royalty system for conventional oil and gas, but virtually no changes to rates overall, including the 1% rate on oil sands generally.

Notley also differs from both men in her wider consultative strategy on energy issues. Rather than leaving the development of policy to the petroleum industry, as Klein did, the premier has established several review panels and committees comprising representatives of industry, academia, First Nations, environmental NGOs, labour and citizens at large. These panels (including the climate panel and an energy diversification advisory committee) have been tasked with holding public hearings, and bringing forth ideas and recommendations to the government.

Much like her father, Grant Notley, the premier has developed her own brand of NDP energy policies that often contrast with those of the federal and other provincial parties. For example, she unapologetically promotes oil pipelines and is working to develop new markets for Alberta's fossil fuels—a recognition, perhaps, that many Albertans depend on the petroleum industry for well-paying work. Too much socialism, the elder Notley reasoned, would scare off moderate voters and hurt the party come election time. Like him, Notely appears to believe that social democratic goals in energy policy can be achieved through regulatory means and an aggressive public presence in the industry.

Notley's policies are influenced and constrained by all her predecessors. But so far her government's vision of the oil patch harks back mostly to the Lougheed era, which is generally a good thing for the province. The facts show that giving control to one stakeholder at the expense of all the others is not in the broader public interest. Particularly in the era of climate change, government has a responsibility to consider the immediate and long-term social and economic needs of this and future generations. M

THIS ARTICLE IS DRAWN FROM A REPORT OF THE SAME NAME BY GILLIAN STEWARD THAT WAS CO-PUBLISHED IN JUNE BY PARKLAND INSTITUTE AND THE CANADIAN CENTRE FOR POLICY ALTERNATIVES AS PART OF THE CORPORATE MAPPING PROJECT (WWW.CORPORATEMAPPING.CA).

The good news page

Compiled by Elaine Hughes

For the birds

The spring migration of a strong and healthy female Tennessee warbler, a species that breeds in Canada's northern boreal forest, was interrupted the morning of May 29 when volunteer researchers at the Long Point Bird Observatory (LPBO) on Lake Ontario gently captured her in a mist net, weighed and measured her, put a numbered aluminum band around her leg and released her a few minutes later, making the warbler the one millionth bird to be banded by LPBO since its first, a song sparrow, on April 2, 1960. In B.C., a red-tailed hawklet, nicknamed Spunky by eagle biologist David Hancock, mysteriously landed in the nest of a bald eagle this spring and appears to have been adopted. Typically, hawks are food for eaglets, but Spunky is starting to behave like one himself. Unfortunately, says Hancock, he will need to learn to be a hawk on his own if he's going to survive. Ravens are less likely to make such mistakes. According to researchers at Sweden's Lund University, the corvid species, suspected by the Ancient Greeks of being able to see the future (and depicted as such in *Game of Thrones*), show signs of planning previously thought to be restricted to humans and great apes. For example, the five captive ravens at the university appeared able to barter, and to pass up an immediate reward if they thought they could get a better one by waiting a bit, even overnight. / Norfolk News / National Geographic / Associated Press

Techno travel

Indian Railways has launched a solar-powered diesel electrical multiple unit (DEMU) train—the world's first—consisting of six coaches fitted with 16 solar panels, each producing 300 Wp (watt peak capacity). The train can run on battery and supply lighting for at least 72 hours. Future plans include adding 50 more coaches—first on urban trains, then on long-distance trips—plus air-conditioning. Meanwhile, the U.K., France, Germany, the Netherlands and Norway are part of an electric car race with a deadline of 2040 for banning the sale of fossil-fueled vehicles. The countries are trying to outdo each other on the development of hybrids, plug-in stations and car battery research. Starting in 2019, Sweden-based Volvo (owned by China's Geely Holding Group since 2010) will produce only cars with electric motors or hybrids (combined electric and petro-driven engines). Members of the Ice Memory expedition are on a different kind of race, this one to collect core samples of 18,000 years of climate history from the Andes mountains before climate change completely melts their covering glaciers. / Economic Times / EcoWatch

Health and happiness

New international research suggests that learning new things, eating and drinking well, not smoking, and limiting hearing loss and loneliness could prevent a third of dementia cases, which affect around 47 million people worldwide. Getting politically active wasn't on the list, but it is cited by Danes as one of the contributing factors—including a good, locally delivered health care system, and an economy that prioritizes labour over capital—to their country ranking first in the World Happiness Report twice in the past four years. Sicilians are happy this year for more sensual reasons. Local freshwater clams and mussels, off-limits in the southern Italian island for 30 years because of high levels of pollution, are back in restaurants and kitchen pots after the regional health department declared Lake Ganzirri free of contamination. / Reuters / Waging Nonviolence

Making connections

Judy Winship, a Regina woman with multiple sclerosis, can power her sewing machine by pressing her forehead against the "pedal," thanks to a modification by Gerry Wurtak, a heavy-duty mechanic and teacher by trade who volunteers with the non-profit Tetra Society. To date, Wurtak has finished nearly two dozen projects through the society, which aims to increase independence for people with disabilities. In Calgary, Justin Knibbe and his staff at Knibbe Automotive Repair have been finding cars, fixing them up and giving them to needy single-parent Calgarians. It has become a shop project, with staff using their own money and working on their own time. They take nominations through their Facebook page and by email, and go through the applications as a team, voting on those they believe to be most deserving. According to the Federation of Sovereign Indigenous Nations (FSIN), 16 of Saskatchewan's 74 chiefs, two of the five FSIN executive members and three of the 10 heads of tribal councils are women. Lynn Acoose, the long-time chief of the Sakimay First Nation in southeastern Saskatchewan, said that Crown officials refused to deal with women during treaty talks and that colonial sexism lingered for more than a century. Today, Indigenous women are establishing themselves as doctors, lawyers, teachers, social workers, and protectors of the land and water. "We're starting to believe in each other again," said Acoose. / CBC

JIM HODGSON

A pink tide turns red

Venezuela's Bolivarian revolution may yet survive, but only if it can deepen democracy and get economic reforms back on track.

YOU MAY HAVE seen *Beatríz at Dinner*, a new film that stars Salma Hayak as an unexpected guest of some California one-per-centers. "All your pleasures are built on others' pain," Beatríz says to her hosts. In good storytelling style, a personal conflict stands in for a profound social one: the relationship between power and wealth on the one hand, and vulnerability and poverty on the other. In the face of a monster, the film shows Beatríz making a choice: to kill or to die.

But there is a third choice (readers of *The Monitor* probably made this choice long ago): to join with others in working for social and ecological justice.

With the election of Hugo Chávez as president in December 1998, Venezuelans embarked on a decades-long effort to wrest control of the country from the tiny elite that had always run everything for their own benefit. Under the old rules, elite-backed parties would make promises and dole out favours, but nothing really changed for the impoverished majority. The government owned the oil company, but benefits accrued to senior managers, not the state.

Every step along Venezuela's now 19-year-old transformation has been met with resistance. The old elites, together with middle class sectors that identify with them, were (perhaps predictably) unwilling to commit class suicide; they found powerful allies among foreign powers, including much of the international media. What is playing out now in Venezuela, with almost daily demonstrations, some of them violent, is resistance by those whose pleasure once depended on the pain of others.

In this piece, I want to share some thoughts about what has happened and why, together with some guesses as to what may happen now, and some lessons that might be useful in considering social change processes elsewhere.

For many of us in Common Frontiers—the coalition of Canadian labour, human rights and religious groups working for trade justice in the Americas—our first contact with the new Venezuelan government came in November 1999 in Toronto. In those days, just a few weeks before the mass protests around the World Trade Organization meeting in Seattle, and less than 18 months ahead of similar protests at the Quebec City Summit of the Americas, it was still possible to gather civil society representatives and trade ministers into a room for a conversation. Most of the government representatives talked proudly of "putting a human face on globalization," but the minister representing Venezuela drew applause for saying that concern for the rights of the poor needed to be central in trade talks and public policy-making.

Every step along Venezuela's now 19-year-old transformation has been met with resistance.

In those years, Common Frontiers was working with other groups throughout the Americas in the Hemispheric Social Alliance (HSA) to develop a different approach to trade and international relations. Latin Americans had lived through successive (and failed) "decades of development," and then through neoliberal dogma about restraint that was justified by a need to repay foreign debt.

In spaces like the World Social Forum and the HSA, new ideas emerged. A series of proposals that came to be known as Alternatives for the Americas were instrumental in eventually defeating the proposed Free Trade Agreement of the Americas (FTAA) in 2005, and some proposals were adopted by some of the new "pink tide" governments that were elected in Latin America and the Caribbean in the years after the election of Chávez.

One of the first moves by the new Chávez government was to rewrite the national constitution. It came into effect following a plebiscite in December 1999, even giving the country a new name: the Bolivarian Republic of Venezuela. The new constitution expanded civil rights and included socioeconomic rights, such as the right to employment, housing and health care, while also expanding minority rights (notably those of Indigenous peoples) and the rights of women. In 2001, some 49 laws were passed to redistribute land and wealth. Land reform continued in early 2005 with the abolition of large estates for the benefit of the rural poor.

In April 2002, as the government sought to bring the Petroleos de Venezuela state oil company and its

Supporters of Venezuela's President Nicolas Maduro carry a portrait of former president Hugo Chávez to the Palacio Federal Legislativo during the National Constituent Assembly's first session in Caracas, August 4.
REUTERS/CARLOS GARCIA RAWLINS

revenue under more direct control, Chávez was briefly overthrown and imprisoned. The interim government suspended the new constitution, the supreme court and the national assembly. Popular protest and internal divisions led to the collapse of the coup and the return of Chávez after just 47 hours.

Two years later, the opposition succeeded in using one of the new constitution's mechanisms, the recall referendum, to try to remove Chávez from office. But Chávez ended up winning about 60% of the vote. He was re-elected in December 2006 and again in October 2012. After the death of Chávez from cancer, Nicolás Maduro was elected president in April 2013.

Throughout these past 19 years, the government has expanded access to health care, education, housing, public transit, food and pensions through *misiones*—popular campaigns that use oil revenue for public benefit. Venezuela has now given 1.7 million homes to the poor. There have been improvements in health care (including decreased rates of infant mortality, heart disease and new HIV/AIDS reports), education (including access to computers in schools), and new measures to protect the rights of women and LGBTI people, plus the creation of institutions like the Centre of African Knowledge and the Ministry of Popular Power for Indigenous Peoples.

Here is what the United Nations Human Development Index (HDI) report says concerning Venezuela:

"Venezuela's HDI value for 2015 is 0.767—which put the country in the high human development category—positioning it at 71 out of 188 countries and territories. The rank is shared with Turkey. [Neighbour Colombia is ranked at 95.] Between 1990 and 2015, Venezuela's HDI value increased from 0.634 to 0.767, an increase of 20.9%. Between 1990 and 2015, Venezuela's life expectancy increased by 4.6 years, mean years of schooling increased by 4.8 years and expected years of schooling increased by 3.8 years. Venezuela's GNI per capita increased by about 5.4% between 1990 and 2015."

In commenting on these numbers, the Portuguese economist Boaventura de Sousa Santos wrote: "It must be stressed that such progress was achieved in democracy, which was only interrupted by the 2002 attempted coup, a coup that had the active support of the United States."

Venezuela has worked with its neighbours to create new economic structures. In December 2001, Chávez proposed the creation of a new trading system, the Bolivarian Alternative of the Americas. It would be known by its Spanish acronym, ALBA, which also means dawn. (Since then, the word "alternative" has been replaced by "alliance.") Launched three years later together with Cuba, ALBA soon attracted participation from Nicaragua, Bolivia, Dominica, St. Vincent and the Grenadines, Ecuador, Antigua and Barbuda, and Honduras (at least until the 2009 military coup removed that country's progressive government).

In part, countries barter for exchanges through ALBA. The classic example is Cuban medical doctors for Venezuelan oil, but there is co-operation in industry, food production and energy security. Development projects have been supported in ALBA member states, as well as in Haiti, Surinam, Guyana, Jamaica and Belize. Venezuela has also created Petrocaribe as a mechanism for Caribbean and Central American countries to purchase oil on favourable terms: 40% to 50% up front and the rest to be paid over 25 years, with a 1% or 2% interest rate. Agricultural goods could also be used for payment.

But you wouldn't know any of that if you only looked at mainstream media. Even our beloved CBC and the left-leaning *Guardian* (U.K.) newspaper seem to get Venezuela wrong, most days at least. (You can balance your mainstream media diet with at least occasional looks at TeleSur's English service and at the website Venezuelanalysis.com). Some media will tell you that things have been going horribly wrong for the past 19 years; others will point to Maduro's four years in power as a catastrophic failure.

Yes, the collapse of world oil prices (from a peak of $115 per barrel in June 2014 to under $35 in February 2016) has hurt Venezuela, which derives 95% of its export earnings (and about half its GDP) from petroleum products. But considerably adding to the pain has been a strike by capital and a refusal by large corporations to produce or distribute food. We've seen this economic warfare strategy before, notably in Chile in the 18 months or so before the 1973 military coup that toppled Salvador Allende's socialist-led government.

Since April this year, opponents of the Maduro government have led almost daily demonstrations. Some of them have been peaceful, but many have included acts of vandalism, arson, and attacks on security forces. More than 100 people have died, but relatively fewer of these deaths have been attributed to government authorities compared with opposition violence or looting. Many of the deaths are the result of lynchings or sharp-shooter killings of people who, because of the colour of their skin or their being out of their own neighbourhood, are thought to be government supporters. Demonstrations and roadblocks usually occur in areas where local governments and their police forces are controlled by the opposition.

Some fear an outright U.S. invasion, or a one that involves other countries that are hostile to the Maduro government.

In conditions of severe polarization, civil dialogue has become almost impossible. It's not that there are no legitimate criticisms to be made of the government. One might wish, for example, that much more had been done long ago to overcome criminal violence, advance LGBTI rights, protect the country's ecology, reduce dependence on oil revenue, and stimulate food production.

If only such criticism could be made in an atmosphere of civil debate without threats to overthrow the government or to foment violence. On the day after the revocation referendum in 2004, opposition leaders were on breakfast television talking about how to assassinate the president. The banner across the bottom of the screen read: "Defeat Chavez or Civil War."

Part of the problem is that the opposition parties are openly funded by two U.S. government agencies: the National Endowment for Democracy (NED) and the U.S. Agency for International Development (USAID). Even the Central Intelligence Agency admits publicly that it is working with Mexico and Colombia against Venezuela.

At the root of U.S. opposition to the Bolivarian Republic is—you guessed it—oil. Venezuela is the third largest source of U.S. oil imports. An embargo on imports from Venezuela was apparently rejected by the Trump administration—the United States needs the oil—in favour of selective sanctions. But U.S. Secretary of State Rex Tillerson, the former head of ExxonMobil, will not forget the impact on the company when the Venezuelan government took back control of billions of dollars' worth of Exxon assets in 2007.

Even when viable mediation proposals are made, such as the one led by former heads of government from Panama, Colombia, the Dominican Republic and Spain (which was backed by Pope Francis), the opposition refuses to join. Sadly, Canada and some other countries side with those who denounce Maduro as a "dictator" and refuse to press for peaceful solutions.

With regard to Venezuela, Canada has tended to follow the lead of the United States, Mexico and Colombia. Obviously, Canada and Mexico are playing different roles in the Americas today from the years after the 1959 Cuban Revolution, when they alone stood with Cuba in this hemisphere in the face of U.S. hostility. But now they are renegotiating the North American Free Trade Agreement with a difficult administration in Washington.

What could happen? Some fear an outright U.S. invasion, or one that involves other countries that are hostile to the Maduro government. But Venezuela has tended to win all diplomatic struggles in the Organization of American States and at the United Nations, so a direct military invasion would be a lonely adventure, likely to be condemned by the international community. Among the permanent members of the UN Security Council, China, Russia and France stand with Venezuela.

What seems more likely than an outright invasion would be a prolonged "contra" style war—funded by the United States, modelled on the U.S.-financed mercenary fight against Nicaragua's Sandinista Revolution in the 1980s, and drawing troops from Colombia's paramilitary death squads. But it would be a devastating tragedy to see a new war begin just as Colombia finds its way toward peace.

A better outcome could emerge from the new constituent assembly: a new constitution that strengthens the power and participation of grassroots organizations (including workers), restructures municipal government, expropriates companies shown to have engaged in economic sabotage, and protects economic, social, cultural and environmental rights.

Over the past two decades, Latin American political parties of the left have won elections by setting social goals ahead of the narrowly defined neoliberal growth agenda that had previously reigned across the region. In Venezuela and other places, they reduced poverty by redistributing some wealth through pensions or other programs, but for the most part, they failed to reduce dependence on the export of raw materials.

When the poor win power and actually have a shot at changing the rules of politics and economics—at transforming the structures that made them poor—what may they do to hold on?

An electoral defeat in Argentina, a military coup in Honduras, and parliamentary machinations in Brazil and Paraguay have seen the "pink tide" roll back, but social movements are still still thinking about alternatives and new steps. In part, that has to do with overcoming the region's colonial-style role in the global economy as a source of raw materials. But for many, it also means giving new content to the concept of democracy.

Uruguayan journalist Raúl Zibechi, a keen observer of Latin American social movements and the "pink tide" governments, points to two experiences that offer lessons in transforming power itself. One is the work of the Zapatista movement in Chiapas, Mexico since 1994. To *mandar obedeciendo*—to rule by obeying the bases, the grassroots—is to infuse democracy with an ethical practice of permanent consultation that is deeper than electoral cycles. "Among the seven Zapatista principles is 'going down and not rising,' which is a basic characteristic of a new political culture that flies against the old culture of our left that seeks advantages, even individual ones, within the system and from the state," he said recently.

The other experience is in Venezuela itself, in the western states of Lara and Trujillo, from the city of Barquisimeto to the Andes region. Over the past 40 years, networks of rural and urban co-operatives have established a viable way of life that is different from capitalism. "That is the new Venezuela, where ethics guide," Zibechi says.

I opened this essay with the assertion that, beyond the choices which faced Beatríz after her dinner among a half-dozen of California's richest people—beyond killing or dying—many of us choose to engage in life-long struggles for social and ecological justice.

Making that choice, however, brings with it further choices. Since the 1970s in Latin America, the left in power has tried to govern according to the rules of liberal democracy, arguably without sufficient regard for the roles of money, foreign interference and private media conglomerates. When the poor win power and actually have a shot at changing the rules of politics and economics—at transforming the structures that made them poor—what may they do to hold on?

With the constituent assembly, in the face of strong external and internal opposition, Venezuela still has a long-odds shot at transforming democracy in a way that allows space for the majority of the population to continue reinventing Latin American politics and economics. Venezuelans should be given that opportunity, free from foreign intervention and with the solidarity of those who seek new approaches. M

ASAD ISMI

Behind the Saudi-led blockade of Qatar

Talking heads, not terrorism, seen as the bigger threat—along with Iran's growing influence in the Middle East.

A BLOCKADE IMPOSED ON Qatar by Saudi Arabia, the United Arab Emirates (UAE), Bahrain and Egypt entered its third month in August as negotiations to end it remained deadlocked. The comprehensive blockade cuts diplomatic relations between the countries, closes borders and land, air and sea routes, and even prohibits citizens of the boycotting nations from working in Qatar. Iran has rushed to Qatar's aid and is flying large food shipments into the country.

The main reasons given for the blockade by Saudi Arabia and the other three countries are Qatar's alleged support for terrorism (especially its close links to the Muslim Brotherhood party in Egypt), its interference in their internal affairs, the news channel Al Jazeera and Qatar's good relations with Iran. The four blockading countries have issued thirteen demands to Qatar that include closing Al Jazeera, downgrading trade relations with Iran, expelling the "terrorists" it is harbouring, ceasing other support for terrorism, closing a Turkish military base and bringing its foreign policy in line with that of the Gulf Co-operation Council (GCC), a regional political organization to which Saudi Arabia, Bahrain, the UAE, Oman, Kuwait and Qatar all belong.

Qatar has rejected these demands as an attack on its sovereignty. All the countries in the dispute are U.S. client states, competing for Washington's approval, but the White House itself is divided on the issue, with U.S. diplomacy now hobbled by a contradictory foreign policy. The blockade is opposed by Rex Tillerson, the U.S. secretary of state, but was encouraged by President Donald Trump during his visit in May to Saudi Arabia. Tillerson's shuttle diplomacy amongst the conflicted countries in July failed to break the deadlock. Qatar hosts the biggest U.S. military base in the Middle East, which houses an estimated 10,000 troops.

U.S. Secretary of State Rex Tillerson (right) shakes hands with Qatari Foreign Minister Sheikh Mohammed bin Abdulrahman Al Thani before their meeting in Washington at the end of June

U.S. GOVERNMENT/FLICKR

Conn Hallinan, an analyst with Foreign Policy in Focus, a project of the Washington, D.C.–based Institute for Policy Studies, explains that Trump's trip to Saudi Arabia was a major reason for his supporting the Qatar blockade. "Trump is deeply ignorant on foreign policy and particularly so in the Middle East," he says. "The Saudis threw him a dog and pony show and he took the bait.

"Trump has since backed away—a little—from his blanket support for the blockade. A major reason is that Qatar is strategically important for the U.S."

Hallinan cautions that Tillerson "may not support the blockade against Qatar but he still holds to the 1979 Carter Doctrine that gives the U.S. the unilateral right to intervene in the Middle East to preserve the control of energy resources for Washington and its allies."

Sabah Al-Mukhtar, president of the Arab Lawyers Association based in London, U.K., tells me the dispute "has

nothing to do with terrorism, which is supported by Saudi Arabia and the UAE as well." These countries, as well as Qatar, "were ordered by the United States to support the uprising against President Assad in Syria and the use of force to overthrow him, and all three countries have been financing terrorist groups in Syria to accomplish this. So, Saudi Arabia accusing Qatar of supporting terrorism is laughable."

Al-Mukhtar adds that the UAE's trade relations with Iran are more extensive than those of Qatar, and that the funding and promotion of Al Jazeera, a television news channel that broadcasts in Arabic across the Middle East, is the most important factor in the blockade, since the channel's news programs regularly feature Arab commentators who talk about human rights and how governments should answer to the people. "This is anathema to the four blockading regimes who think the channel is undermining them and provoking unrest in their populations," he says.

A second major reason for the blockade is the shared Saudi and U.S. fear of Iran's growing power. They want to isolate Iran, a majority Shia Muslim country, in part by pitting it against a united Sunni (the majority sect of Islam) front of countries. The Obama administration had opted for diplomacy, signing a nuclear pact with Tehran as part of efforts to normalize relations, but Trump is far more hostile to the country, which suits the Saudi Arabian monarchy much better.

"The Saudis fear that Iran's nuclear pact with the U.S., the EU and the UN is allowing Tehran to break out of its economic isolation and turn itself into a rival power centre in the Middle East," explains Hallinan. "They also fear that anything but a united front by the GCC — led by Riyadh — will encourage the House of Saud's internal and external critics. Such fears have driven the Saudis to make what I think is a major strategic error. The blockade is not working."

Instead of separating Qatar from Iran, the blockade has driven the two countries closer together. Even within the GCC, the blockade is not unanimously accepted, with Oman and Kuwait refusing to boycott Qatar. Hallinan adds that Egypt, which supports the blockade, will not break relations with Iran. Other Muslim countries such as Pakistan and Indonesia reject both the blockade and chilling relations with Iran, while Morocco and Turkey are sending Qatar supplies.

"The new Saudi regime has made one mistake after another," says Hallinan. "It invaded Yemen, thinking it would be a short war, despite being told that the only place you want to invade less than Afghanistan is Yemen. They pushed down the price of oil, thinking it would drive marginal competition out of business and somehow missed the analysis that the Chinese economy is slowing down, so they are stuck with low oil prices draining their income. The combination of incompetence and arrogance is just breathtaking."

Hallinan says this record of failure is matched by that of the U.S. It started with George W. Bush's invasion of Iraq, followed by Obama's overthrow of the Libyan government and his administration's support for the overthrow of Assad in Syria. "One can add U.S. support for the Saudis in Yemen. All these actions have increased Iranian influence, and Russian as well, in the Middle East," he argues. The Iraq war removed Iran's biggest rival in the region and established a Shia government in Baghdad. Trump's encouragement of the Qatar blockade is just the latest U.S. gift to Iran.

Qatar is the world's third largest producer of natural gas (after Iran and Russia) and shares ownership with Iran of the North Dome/South Pars maritime gas reserves, which make up 14% of world gas deposits. This has made Qatar, with a population of two million, the richest country per capita in the world. It also makes Qatar economically very strategic.

"The blockade of Qatar has been carried out by Saudi Arabia in consultation with Washington and I suspect that its main motive is to break this sharing arrangement for natural gas between Qatar and Iran," says Michel Chossudovsky, an emeritus professor of economics at the University of Ottawa who visited Qatar in July. The U.S. objective is, he claims, to secure geopolitical control over Qatar's gas reserves — a familiar motive lurking behind many other cases of U.S. intervention globally.

Chossudovsky points out that Qatar's gas fields are entirely owned by the state; private corporations, including ExxonMobil and several other companies from Russia, China and Malaysia, operate under contracts. In December, Qatar's close relations with Russia bore fruit when the state-owned Qatar Investment Authority bought (with Swiss commodities trader Glencore) 19% of Rosneft, a Russian oil corporation also invested in Qatar's gas sector.

For years, the U.S. has been unsuccessfully attempting to find an alternative to Russian gas supplies for Europe by running a pipeline from the Middle East or Central Asia to the continent, as I wrote about in the *Monitor* in May 2010. Russia is the biggest supplier of both oil and gas to Europe. But according to Chossudovsky, a major effect of the blockade will be to change planned pipeline routes for Qatar's gas from travelling through Saudi Arabia to Europe (via Turkey) to going through Iran (via Iraq and Syria). This is the route backed by Russia. "Russia's geopolitical control over gas pipelines going to Europe has been reinforced as a result of the blockade," he says.

It's too early to say the U.S. has been beaten at its own game. Washington still has substantial influence over Qatar due to its military base there, and the blockade has made Qatar more anxious than ever to gain U.S. favour, according to Al-Mukhtar. In July, Tillerson announced the U.S. and Qatar had signed a memorandum of understanding on fighting terrorism that includes substantial financial information sharing. "Together, the U.S. and Qatar will do more to track down funding sources, collaborate and share information and do more to keep the region and our homeland safe," said the secretary of state, adding the deal had been two years in the making.

At the same time, as Al-Mukhtar emphasizes, Iran is also established as a major power in the Middle East, a development the U.S. was unable to prevent. Qatar's close alignment with both countries — the U.S. and Iran — reflects this complex new reality in the Middle East. M

PHOTO COURTESY OF THE NAPANEE BEAVER.

FRANK BAYERL

Representation and resistance

THE BREXIT VOTE and the election of Donald Trump, and before them the rise of Rob Ford in Toronto, illustrate the potential of western *representative* democracy to go sideways. Two recent books that look at *participatory* democracy from very different angles may tell us something about the related if puzzling and highly ambiguous phenomenon of populism.

Bill Freeman begins *Democracy Rising: Politics and Participation in Canada* (Dundurn Press, Toronto, 2017) with some useful distinctions between how we elect governments in Canada and the U.S., where individuals are chosen to represent our views for a preset period, and direct democracy, where issues are decided by a vote of all those present. Representative democracy is the only practical way that large groups of citizens can govern themselves, he writes, and is therefore used by virtually all democratic governments, though most also resort to referendaums, a form of direct democracy, on occasion. The author, a Toronto-based urban affairs writer, cites the U.S. Constitution as an elaborate attempt to balance the claims of direct and representative democracy.

Freeman's book, however, is about participatory democracy, which he considers to be an expansion of representation so that it more accurately reflects the views of the people. Existing political and economic systems in the developed capitalist countries are seriously out of whack, he contends. But what are its causes and its consequences?

The first culprit, writes Freeman, echoing many voices in the recent U.S. election campaign, is elite control of the democratic system. Corporate elites have undue influence over public policy and privileged access to government through their political contributions. They use this influence to ensure the passage of tax policies favourable to themselves, and trade agreements that further entrench their control over the economy.

Freeman then embarks on a historical survey of past efforts to expand participation in democracy, beginning with the progressive movement in the U.S. and continuing with the farmer-labour movements in Canada, which morphed into the CCF and later the NDP. His detailed history of the labour movement in Canada may seem disproportionately long, but it is only because he sees the union as a model of grassroots participatory democracy. With their decentralized structure based on workplace-specific locals, unions represent how a grassroots federation can operate, with officers elected from among the worker membership.

Freeman also discusses how co-operatives, the environmental movement and other community groups have contributed to our understanding of the potential of participatory democracy. Co-operatives have a long history in Canada and include the *Caisses populaires* in Quebec, founded by Alphonse Desjardins to make credit more easily available to working people, and the Coady Institute in Nova Scotia, which started as a fishing co-op and became a much broader educational and social movement designed to empower marginalized groups during the Great Depression. Their democratic control by members and open, participatory governance make these projects a good model for a revitalized democracy.

Only in part three of the book does he begin to come to grips with his

main subject and discuss some concrete ways of allowing people to have more direct control over the design and delivery of government services. Parliament has become unresponsive to the popular will, since MPs follow the wishes of their party and party discipline is strong. One useful reform would be some form of proportional representation, suggests Freeman, but the present government has reneged on that promise, further feeding public cynicism and alienation from the centres of power.

In his final chapter, Freeman points to WoodGreen Community Services in Toronto's east end as the kind of community-based model of government service delivery he's advocating. WoodGreen operates seven daycare centres and extensive seniors' programs, administers 700 affordable housing units, and runs youth programs, English classes for immigrants, refugee settlement programs and services for intellectually disabled people. It is governed by a board made up of community members and receives government funding, but is free of undue government interference. How, he asks, can this model be expanded to deal with countrywide issues?

Freeman's answer is to create a network of community organizations like WoodGreen across the country. Co-ops, non-profits, unions and environmental groups could be linked through the internet into confederations, providing a forum for people to get to know one another, work together and mobilize to broaden their support. He ends the book with some useful rules for reformers, emphasizing the importantce of disseminating information and doing outreach as key tools for public engagement.

My issue with *Democracy Rising*—and this could be said for many books in the same category—is that it spends far too much time diagnosing the problem and recounting the history of democratic movements, but offers few specifics on how to develop the participatory network being proposed. Fortunately, for an idea of what that might involve, we can turn to another recent book, this one on a Canadian community's long struggle against the world's largest waste disposal company.

Fighting Dirty: How A Small Community Took on Big Trash (Between the Lines, Toronto, 2017) is a from-the-trenches look at the local battle to stop Waste Management Inc. from expanding a dump near Napanee, Ontario so that the site could take waste from across the province. Author Poh-Gek Forkert, a toxicologist at Queen's University, joined local landowners and the nearby Mohawk community of Tyendinaga in the fight, which has been going on for decades and still continues.

"The pitched and prolonged battle between a few dozen diehard environmentalists in a tiny community in southeastern Ontario and a series of corporate landfill owners should have been no contest," she writes. "The citizens had no money, other than what they could raise themselves. The other side was awash in financial and political clout. They should have run roughshod over the local residents—and they certainly tried. But they weren't able to. That's why I find this story so compelling."

What emerges from the author's account of the ensuing fight with the company—and, sadly, the Ontario Ministry of the Environment—is the importance of individuals in any such effort, and also of sheer persistence and bloody-minded refusal to accept being steamrolled by bureaucracy and alleged expertise. She has written a vivid and almost novelistic account of the principals involved, bringing their struggle to life as part of the tapestry of rural southeastern Ontario. If an account of an environmental battle can be a page turner, this is it.

Forkert centres her narrative around the people she met opposing the dump expansion. People like Margaret Walsh, the formidable long-time reeve of Tyendenaga Township, Chief Don Maracle of the Mohawks of the Bay of Quinte, Steve Medd, a geologist who lived in the area, Mike Bossio, another local resident and fierce dump opponent who is now a federal Liberal MP, Richard Lindgren, an environmental lawyer, and Wilf Ruland, a hydrogeologist. The author makes it clear that in any such fight an environmental lawyer and scientific experts are absolute requirements. Also vital are good organization and the assignment of specific jobs to individuals.

Waste Management had originally applied for an a eightfold expansion of a dumpsite that had existed for years. The Ontario Environmental Assessment Board gave its approval in 1986, despite concerns about possible leachate contamination due to the nature of the land. The dump rested on fractured limestone, which is common in the area. As the term implies, such terrain would likely defeat any attempts to contain contamination from the dump. Leachate is basically "garbage juice," the runoff from decomposing waste mixed with rain and snowfall.

Forkert's narrative is full of twists and turns and seemingly final decisions, by various bodies, that were not final at all. The author does a superb job of explaining the findings of the scientists involved and what was at stake in the process. To make a long story short, the latest iteration of an application for expansion of the waste site now seems to be dead, and satisfactory conditions for closing and monitoring the existing site have been approved.

What the citizens of the township and Mohawks of Quinte Bay accomplished went beyond defeating a single corporate project that would have harmed their shared land. Their struggle led to changes in how the province does environmental reviews—a process the Ontario auditor general's 2016 annual report criticized in scathing terms.

Fighting Dirty is a valuable handbook for citizen participation in direct democracy, and it offers a positive perspective on populism. It shows how genuine citizen involvement in decision-making, from the bottom up, can produce desirable outcomes for all, whereas acting on the basis of facile slogans devised by politicians, simply to win elections, may result only in demagogy and a catering to narrow self-interest. Making the distinction between these two kinds of populism therefore becomes the key to making informed electoral choices. M

REVIEWED BY LAURA HOCHBAN

The vivisection of Roxane Gay

HUNGER: A MEMOIR OF (MY) BODY
ROXANNE GAY
HarperCollins (June 2017), $31.99

ROXANE GAY HAS thick skin. The acclaimed fiction writer and essayist repeatedly bares herself to public scrutiny and is not afraid of criticism—of the professional or personal, frequently nasty kind. Now, after half a lifetime of interrogation about her body of work and her actual body (which doctors have labelled "morbidly obese"), Gay responds to both in a probing and provocative self-examination.

We have all rhetorically asked ourselves, at some point or another, "Why am I like this?" In the hauntingly titled *Hunger: A Memoir of (My) Body*, Gay takes the question to visceral depths, cutting into her flesh and offering up the stories inside. By choosing her body as the site of her memoir, Gay dissects the stories written in her skin and the gnawing, aching longings that have characterized her years.

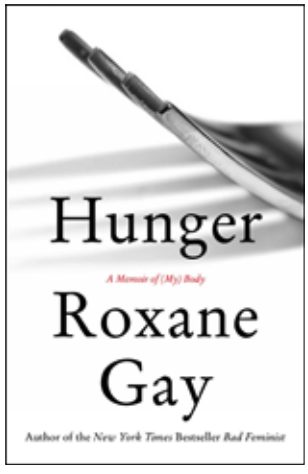
Gay opens her memoir with a raw and brutal account of assault, suffered at the hands of someone she trusted while only a preteen. With this introduction, Gay inextricably links her childhood trauma with the relationship she would have with her body for decades to come. What follows are explorations of the weights she has carried, both literally and metaphorically. From narratives of loved ones, heartfelt and harrowing, to the minutiae of life in a "body of size," Gay recounts the history of her body as one of violence and of transformation.

Gay guides the reader on a journey from an adolescence fraught with secrets and shame to a mid-life quest for self-worth and healing. Accompanying the reader at every stage is Gay's desperate, insatiable hunger—for belonging, for understanding, and most importantly, for peace.

The overweight body is often represented as a spectacle for ridicule. Gay demands humanity from her readers by writing her body into the public sphere in her own language and on her own terms. The language she chooses is rife with paradox, revealing the contradictory nature of the spaces she occupies.

First, Gay thematically frames her body as either a fortress or a cage. In her youth, she retreats into her body out of self-preservation, using food as a comfort and her flesh as a bulwark against the outside world. That fortress of her own making, however, also serves as a cage that limits everything from her ability to connect with people to her ability to travel. "The bigger you are," she writes, "the smaller your world becomes."

Second, Gay explores a dichotomy of chaos and control, repeatedly describing her fat body as "unruly," breaking the conventions of acceptable size. From her doting parents, who want to see their daughter happy and healthy, to a society that demands all women be small and innocuous, Gay is burdened by impossible expectations.



Unprepared and unequipped to tame the feelings inside her, Gay's life and body spin wildly out of control.

Third, Gay analyzes her relationships to her body—its size, colour and sexuality—on a wide spectrum between intimacy and distance. At times, she utterly dissociates from her body; at others, she claims a corporeal connection in which her body and her identity are inseparable. Gay alludes to this paradox in her title's punctuation, drawing parentheses around *(My) Body* as if ownership of that body is less of a fact than a question or a process in transition.

Fans of Gay's writing will find much of her frank, assertive and empowering prose in *Hunger*, but the most effective and affecting passages come from the moments of uncertainty and reticence. We are not necessarily accustomed to authors questioning or doubting themselves on the page, but Gay takes honesty to a radical level as she permits us to witness her lying to herself and hesitating to share uncomfortable truths.

Messages that could have become preachy or indulgent are saved by Gay's deft balance of blunt delivery with confessional intimacy, garnering more compassion than pity. While the memoir comprises a history of the burdens Gay has carried, it ends with the many ways in which she has personally grown.

Gay begins as a broken girl hiding in her body from the outside world, but by the book's end she presents herself as a strong, capable woman who is ready to heal. The result is the greatest paradox yet: Gay, who resisted vulnerability for so long, finds power and freedom while embracing it. No matter who they are or what sized body they live in, any reader will be moved by Gay's cathartic journey and be left wanting more. M

REVIEWED BY MICHELLE WEINROTH

A handbook for a just peace in the Middle East

TEN MYTHS ABOUT ISRAEL

ILAN PAPPE

Verso (May 2017), $20.95

DURING THE SUMMER months, our holiday excursions were largely southward bound. Equipped with modest camping gear and provisions, we would clamber onto a 1940s-era Israeli army truck, eager for the bumpy trek ahead. Along with friends and neighbours, we would travel to the Negev in what was effectively an oversized cab, its roof clad in khaki canvas, its interior built with long wooden benches that recalled its past "military service."

En route, we would belt out a series of road songs. *Tzena, Tzena* was a favourite. Composed in 1941 to encourage military training, its loosely translated English version was popularized by Pete Seeger at a Greenwich Village nightclub in 1951. The song, performed in both Hebrew and English, reached the top of the charts, striking a chord among Jews and non-Jews throughout the U.S. Decades later, the antiwar folk singer confessed he knew little of the song's genesis, true meaning or political thrust.

Ensconced in *Tzena Tzena*'s rollicking melody are simple but telling lyrics that betray its Zionist fervour. A militarized version of Song of Songs 3:11—"O maidens of Zion, go forth and gaze upon King Solomon"—the verse exhorts the gals to come out and see the kibbutz soldier. *Tzena, Tzena* (literally, "Come out, come out!") was a glorification of the army man (*ish tzava*), deemed morally upright and robust, and touted as the Ur symbol of the newborn state. Here was a prefiguration of the ex-IDFer, "wondrous" Gal Gadot.

This chipper song of military prowess would be sung alongside the classic crowd-pleaser, *Heveinu Shalom Aleichem* ("We have brought peace unto you!"). The loud chorus of voices would keep everyone's spirit high, virtually entranced. At the time, we were unfazed by *Tzena Tzena*'s sexist overtones and war-driven purpose. The song was a mere pretext for conviviality and the smug satisfaction that both young and old were crusading for "peace." We were drunk with a lush sense of togetherness and deaf to the irony of our chants.

They say that hindsight is 20-20, but not every retrospective replays the past with the same acuity. Some recollections are shaped by rude awakenings.

My once Zionist parents settled in a kibbutz in 1951 only to learn it was not the utopia they had been led to believe, but a land confiscated for Jews only, rife with anti-Arab racism and expansionist practices. Their break with the kibbutz was traumatic. They became the first of a generation of anti-Zionists who saw the early signs of an emerging ethnocracy replace any hope for a progressive new state. They woke up one day, shortly after the 1967 war, embittered and disabused of their juvenile dreams.

I later inherited their disenchantment, and today I look back with dismay at my own blithe youth. The Zionist culture and history that enveloped me were riddled with horrific spectres of which I was woefully ignorant.

Israeli historian Ilan Pappe's *The Ethnic Cleansing of Palestine* (2006) reinforced but also deepened my discovery of that dark past. His personal journey out of Zionism, and into an uncompromising critique of the Israeli state, culminated some years ago in scholarly work that unearthed painful truths about the 1948 war and documented the atrocities of the *Nakba*: the Zionist expulsion of nearly 800,000 Palestinians from their home turf. With these disclosures, Pappe undressed Israel's showy claims to "bring peace unto others."

In reading his latest book, *Ten Myths About Israel*, I could not but conclude that the country's 70 years of statehood have been built on mendacity and machination, on deceitful blandishments or, as *Haaretz* journalist Gideon Levy put it, decades of "lies." This said, Pappe's book does more than lay bare Zionism's double-tongued rhetoric. Its aim is to unveil a whole system of defensive thinking, an elaborate alibi writ large, erected on fictions that have served to exonerate, if not obscure, Israel's ongoing process of ethnic cleansing—from 1948 to the present.

Ten Myths thus acts as a timely counterpoint to several anniversaries this year that will have served as the pretext for Zionist fanfare and flag-waving: 1) the Balfour declaration of 1917; 2) the partition plan of 1947; 3) the 1947-48 war; and 4) the 1967 war, with its ensuing military occupation. If Israel's apologists have heralded these moments as markers of triumph and glory, Pappe treats them as watersheds of Israel's settler-colonialism, a sinister project (co-ordinated with, and facilitated by, western colonial powers) that her leaders have consistently denied through legalistic sophistry and biblical verse.

Grounded in meticulous academic research, *Ten Myths* is scarcely esoteric or aloof. At once educational and politically engaged, its tone is tempered and free of polemic. For those keen to understand the foundations and fallacies underpinning Israel's public relations campaign, Pappe's book will prove particularly worthwhile. Compact, yet rich in historical detail, it both analyzes and refutes 10 classic myths

that have served as the cornerstones of Israel's propagandist discourse and settler-colonial politics.

At first blush, *Ten Myths* recalls Israeli historian Simha Flapan's *The Birth of Israel: Myths and Realities* (1987). This early work deconstructed seven Zionist myths, among them the familiar tale that Israel, under assault by her formidable Arab neighbours, was the beleaguered and good-willed nation, miraculously rising from victimhood to victory like a slight David defying Goliath. This and other narratives were ritually invoked over the years to justify Israel's recurring military operations and occupation of Palestine.

Thirty years have elapsed since Flapan first challenged these rhetorical tropes. If Pappe's 2017 book bears traces of its forerunner, it also represents an advance and a significant paradigm shift in Israeli historiography — one he already announced in 2006.

The Israel-Palestine question, he argues, is not a conflict between two equal rivals, battling over Palestinian land, but a settler-colonial project, conceived by Zionists in the late 19th and early 20th centuries, fuelled by war and governed by an expansionist agenda: i.e., to achieve and sustain Israel's Jewish majority through the "transfer," occupation and incarceration of Palestinians. There is no parity here, only domination.

Ten Myths launches with the mother of all Zionist myths: "Palestine was an empty land." The idea is born of a colonial mindset that not only blots out the humanity of the indigenous people already living there, but prefigures their eventual elimination. Palestine, as Pappe points out, was brimming with life before 1948; it was a site of economic activity, maritime commerce and civilized culture.

Deceived by their leaders, Zionist youth from the diaspora left for the promised land only to find a substantial Arab population on the turf they thought was virgin. Palestine was a beautiful bride, but she had already been taken. To the Zionist leadership, the quandary was not insurmountable. Palestine could be embraced. One simply had to apply the twin practices of colonialism: dehumanization and elimination. Treat the Arabs as base primitives then chase them out in "good faith." Judaize the bride with British and Canadian blessings, and ready her for conjugal bliss. Once known as Palestine, she will henceforward be called Israel.

It takes a settler nation's self-assigned superiority to consummate such a marriage and call it a "miracle." Biblical connections also play their part. The proverbial idioms of Jewish exceptionalism (i.e., God's chosen people, a People without a land, victims of anti-Semitism, etc.) enabled the first settler Zionists to assert their ownership of Palestine even before conquering it.

That Palestine was a promised land for a Jewish people without a land was an idea zealously promoted by the 19th century British politician and reformer Lord Shaftesbury. A leading Anglican evangelist, Shaftesbury "campaigned actively for a Jewish homeland in Palestine," writes Pappe. Ironically, his Protestant messianism served a secular Zionist enterprise just as tendentious readings of the bible by Zionist leaders were later deployed as the "rationale" for Israel's colonizing incursions, including her unbridled building of settlements at the expense of the indigenous population.

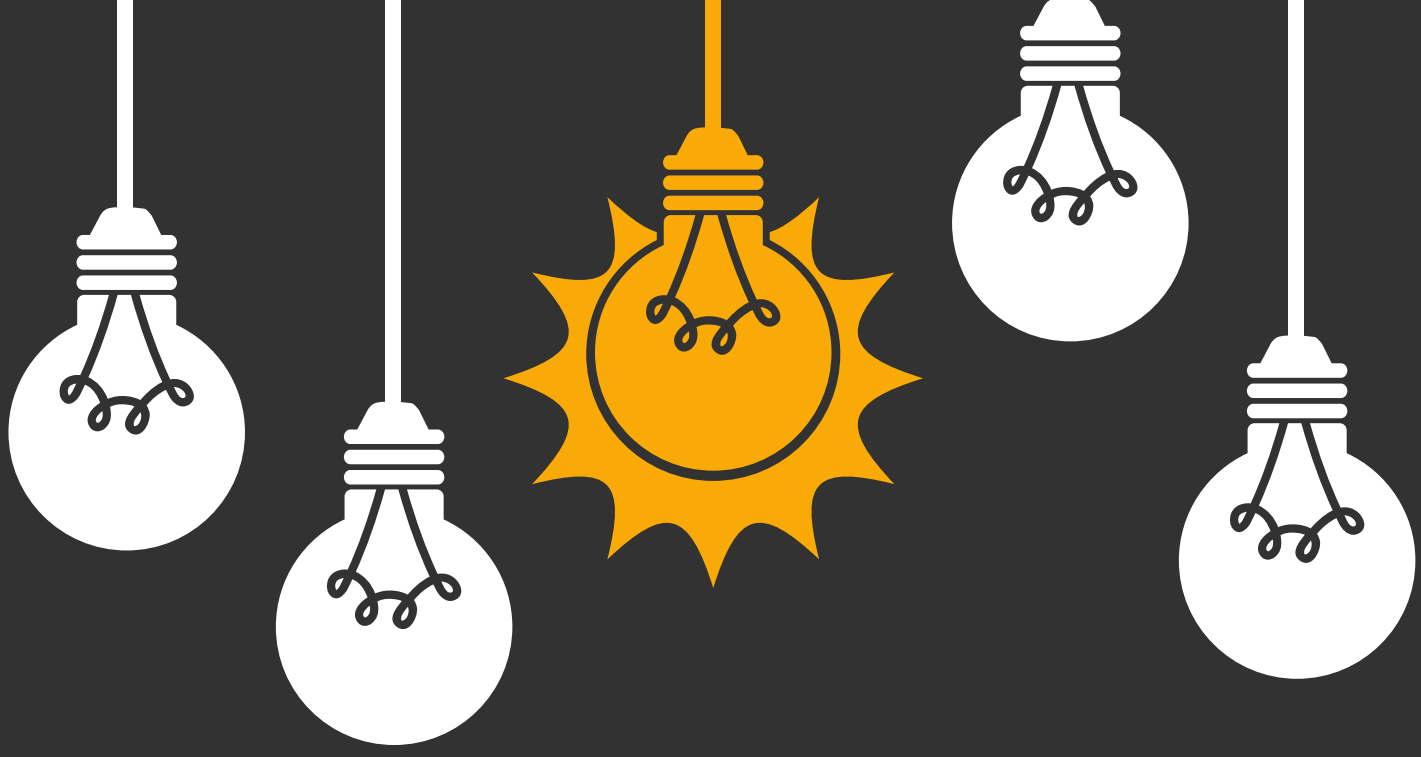
From this tangled web, Pappe extricates a much-neglected strand. During the pre-Zionist period, "the connection between Jewish communities in the world and Palestine was religious and spiritual, not political." Judaism, then, is not to be conflated with current-day Zionism. Many Jews a century ago, both religious and secular, opposed the settler project conceived by Theodor Herzl in the 19th century and led by David Ben-Gurion in the mid-20th. Ben-Gurion was a secular Jew, and like others of his ilk he exploited the bible to justify expulsion for expansionist ends. Jewish religion or Judaism is not the issue here, but the instrumental use of it for political gain certainly is.

Of the 10 Zionist myths that Pappe dispels, Israel's participation in the Oslo peace process stands out as her most treacherous lie. Here was a piece of political theatre in which she posed as a partner acting in good faith, all the while endorsing the construction of settlements in the West Bank and violating Palestinian rights. The 1993 Oslo Accord was ultimately a "compromise agreed to by a defeated, colonized people," an accord that was neither fair nor equal. Israel called the shots, made impossible demands on the Palestinian leadership, setting a trap that ensnared and imperiled the very existence of Palestinians henceforward.

In his 2015 book, *War Against the People: Israel, the Palestinians and Global Pacification*, Jeff Halper asks the question: How does Israel get away with it? His answer focuses on Israel's pivotal role within the global military-industrial complex and her heavily subsidized arsenal. No superpower dares cross her. *Ten Myths* offers a complementary perspective focused on ideology. It identifies and unpacks Zionist claims that until very recently formed an unbreakable consensus — that Israel's so-called existential threat was justification for her brutal military operations (in 1948, 1956, 1967, 2002, 2008, 2012, 2014, among others) and persistent occupation of Palestinians.

This Zionist assertion, together with the fallacy that Israel is the only democracy in the Middle East, sits at the center of a colossal monument of myths. Some might call it a security wall of defensive thought, sustained over 70 years, and entrenched in all corners of the world. Pappe's new book offers us indispensable tools with which to dismantle such a mental barricade, tools with which to free up space for radically rethinking Israel's past, present and future fate.

Ten Myths is a handbook for all those who strive for social justice. If read seriously, the book will disabuse Liberal Zionists of their hopes in the two-states solution and embolden those still sitting on the fence to speak truth to power. For only when the myths of Israel's statehood are fully torn down might we entertain the idea of a just peace in the Middle East. Until then, the status quo will persist, will even worsen, and Ilan Pappe will continue to tear down its veils of deception. M



HELP US SHED LIGHT ON THE ISSUES THAT MATTER TO YOU.

(we've got some bright ideas)

MAKE A DONATION

Tax receipts are issued for contributions of $15 or more.

I would like to make a monthly contribution of:

☐ $25 ☐ $15 ☐ $10 ☐ Other ____

OR

I would like to make a one-time donation of:

☐ $300 ☐ $100 ☐ $75 ☐ Other ____

PAYMENT TYPE:

☐ I've enclosed a cheque (made payable to CCPA, or void cheque for monthly donation)

☐ I'd like to make my contribution by: ☐ VISA ☐ MASTERCARD

CREDIT CARD NUMBER: _____

EXPIRY DATE: _____ SIGNATURE: _____

I would like to receive my subscription to *The Monitor*:

- ○ By e-mail
- ○ Mailed to my address
- ○ No Monitor, thanks

CONTACT INFORMATION

Name .....

Address .....

City ..... Province ..... Postal Code .....

Telephone *(Required)* ..... Email .....

☐ Yes, I prefer to receive my tax receipt and updates by email.

☐ Please do not trade my name with other organizations.

Return this form to:

500-251 BANK ST.
OTTAWA, ON K2P 1X3

Or donate online at:

WWW.POLICYALTERNATIVES.CA

REGISTERED CHARITY #124146473 RR0001

"Thank you President Trump
for your honesty & courage
to tell the truth about
#Charlottesville"

FORMER KLU KLUX KLAN LEADER DAVID DUKE