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CANADA - Speech from the Throne- an International Pariah of Corporatism and Militarism

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CANADA - Speech from the Throne- an International Pariah of Corporatism and Militarism

Joan Russow (PhD)

1 250-294-1339

Whatever nice sounding rhetoric, such as comparing Canada to the guiding light of the North Star, in the Speech from the Throne, nothing can prevent Canada from being increasingly perceived as an international pariah of corporatism and militarism.

In drafting the provision in the Canadian Constitution for the signing and ratifying of international instruments, the drafters probably did not anticipate that these instruments could be or not be adopted or ratified simply by a Prime Minister and his/her cabinet of a government with 33% support from the voting public. Generally, in the past, there were either majority governments or minority governments with the support of at least one Opposition party. Canada is at a constitutional crisis where a minority government with the support of the Prime Minister of Canada can bind Canada internationally. There have been several egregious examples: the refusal to adopt the Declaration of the Rights of Indigenous Peoples, the abandonment of the Kyoto Protocol of the Framework Convention on Climate Change, the implementation of the Security and Prosperity Partnership (SPP), as well as the increased provisions that violate citizens' civil and political rights under the International Covenant of Civil and Political Rights, the non-compliance, through complicit acts under NATO's ISAF, of the Convention on Torture, Geneva Protocols related to prohibitive weapons, and the disregard for the peremptory norm under Protocol II -against capital punishment. And furthermore Canada's substantially increased defence budget defies years of commitments to reallocate military expenses.

DISREGARD FOR INTERNATIONAL AGREEMENTS THROUGH FAILING TO ADOPT OR FAILING TO FULFILL

Declaration of the rights of Indigenous Peoples.

Harper's "new" Conservative administration, with about 33% of support from the voting public in Canada has defied the will of most Canadians as represented by the Opposition parties and failed to adopt the International Declaration of the Rights of Indigenous Peoples.

Framework Convention on Climate Change and its protocol; the Kyoto Protocol.

Since Canada signed (1992) and ratified (1993) of the Framework Convention on Climate Change, the Conservatives under Mulroney had demonstrated no intention of implementing the Convention that was signed and ratified, and the Canadian Alliance and the Conservatives under Harper have undermined any resolve to seriously address the issue of climate change. Even when, again the Opposition parties representing about 66% of the voting public, passed a motion in Parliament calling for the implementation of the Kyoto Protocol, Harper defied Canada's obligations under the Protocol.

DISREGARD FOR INTERNATIONAL PEREMPTORY NORMS THROUGH ENTERING INTO THE SECURITY AND PROSPERITY PARTNERSHIP (SPP)

Under the SPP, the Canadian administration, along with the US and the Mexican administrations, has been willing to undermine years of international peremptory norms which have been established to achieve the following objectives:

- * to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to universally accessible, not for profit health care system , right to education and social justice;

- * to enable socially equitable and environmentally sound employment, and ensure the right to development [as per Convention];

- * to achieve a state of peace, social justice and disarmament; through reallocation of military expenses, and eradication of poverty

- * to create a global structure that respects the rule of law ; and

- * to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose, reduce the ecological footprint and move away from the current model of overconsumptive development.

The SPP will benefit corporatism not the public trust.

In relation to the SPP, it should be noted that under Article 53 of the Convention on the Law of Treaties, Treaties may come in conflict with a peremptory norm of general international law (jus cogens):

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"A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. for the purposes of the present convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character."

The Security and Prosperity Partnership is described as an "agreement" rather than a treaty. [The objective is to bypass Congress] because in the United States Constitution, treaties have to be ratified by Congress whereas agreements can be acceded to by the President as a "sole executive agreement".

This "agreement" should still respect peremptory norms.

Peremptory norms can be extracted from years of international instruments to which a broad range of states, functioning under a range of legal systems, have incurred obligations, made commitments and created expectations.

DISREGARD FOR THE PROTECTION OF CIVIL AND POLITICAL RIGHTS

Under the International Covenant of Civil and Political Rights, "political and other opinion" is listed ground for which there shall not be discrimination. Recently, the Canadian government has set up a "No-fly" list, and is currently succumbing to US pressure to release personal information about citizens flying over the US.

In addition American peace Activists were prevented entry into Canada and that "the arrests landed Medea Benjamin and fellow activist Ann Wright's names in an FBI-run database, the National Crime Information Center, which Canada also relies on to screen visitors.....Derek Mellon, a spokesman with the Canada Border Services Agency, said Canada generally refuses entry to anyone who has been convicted of a criminal offense, regardless of the nature of it"

In preventing the peace activists from entering Canada, Canada and the United States have violated their obligations under the International Covenant of Civil and Political Rights.

Canada and the United States have both signed and ratified the International Covenant of Civil and Political Rights. Under article 2 of the Covenant there shall not be discrimination on the ground of "political and other opinion" and there is a requirement to enact legislation to prevent such discrimination:

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the

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present Covenant

The FBI has an extensive list of what constitutes crime under National Crime Information Center (NCIC) (See ANNEX below). It appears that the Canada Border Services Agency relies on the FBI National Crime Information Center (NCIC);

DISREGARD FOR OBLIGATIONS UNDER VARIOUS CONVENTIONS RELATED TO PREVENTING THE SCOURGE OF WAR

While it was under the Liberal majority government, that Canada supported the US misconstruing of Article 51-self defence- of the Charter of the United Nations and joined into the 2001 invasion of Afghanistan, and that Canada re-entered Afghanistan under the ruse of Diplomacy, Defence and Development, it was the Minority Conservative government that allowed only 6 hours of parliamentary debate, and accepted a mere simple majority to justify transforming the mission in Afghanistan to an offensive operation. The minority government has failed to inform the Canadian public that the NATO ISAF mission received only conditional support from the UN Security Council. This support was conditional on compliance with the Charter of the United Nations which has as a significant provision compliance with international obligations. Evidence has been compiled about NATO's non compliance with the Convention against Torture, and more recently NATO's complicity with the undermining of the Protocol II-against Capital punishment – of the International Covenant of Civil and Political Rights.

NATO has also been responsible for using weapon systems such as cluster bombs and DU which violated Geneva Protocols related to prohibitive weapons.

DISREGARD FOR INTERNATIONAL COMMITMENTS TO REDUCE THE GLOBAL MILITARY BUDGET

The Harper administration has shown disregard for the International commitments to reduce and reallocate the global military budget. The Canadian military budget has been substantially increased.

One of first priorities must be disarmament and the reallocation of Global defence budgets.

"The reduction of the military budget and disarmament are necessary conditions of security and development" (Anatole Rapaport, 2001).

Throughout the years, through international agreements, member states of the United Nations have recognized that the military budget has been a waste and misuse of resources. Unfortunately, institutional memory is either short or member states ignore precedents.

In 1976 at Habitat 1, member states of the United Nations affirmed the following in relation to the military budget:

"The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of

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the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

In 1981, in the General Assembly resolution entitled Resolution on the reduction of the military budget, the member states:

(i) reaffirmed "the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget";

(ii) recognised that "the military budget constitutes a heavy burden for the economies of all nations, and has extremely harmful consequences on international peace and security";

(iii) reiterated the appeal "to all States, in particular the most heavily armed States, pending the conclusion of agreements on the reduction of military expenditures, to exercise self-restraint in their military expenditures with a view to reallocating the funds thus saved to economic and social development, particularly for the benefit of developing countries" (Resolution on the Reduction of Military budgets, 1981).

Also in 1992, all member states recognized that "Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992), and in Chapter 33, of Agenda 21, member states of the United Nations made a commitment to the "the reallocation of resources presently committed to military purposes" (33.18e).

DISREGARD FOR THE RIGHT TO SECURITY UNDER THE CHARTER

The Harper administration, has increased the number of War Games, such as Exercise Trident Fury. These exercises, involve nuclear powered and nuclear arms capable vessels, as well as nuclear arms capable air craft. In addition live ammunition is being used.