

Common Security Act to replace C-51, which should be repealed

Posted by Joan Russow

Tuesday, 06 December 2016 13:31 - Last Updated Thursday, 15 December 2016 20:41

OLD DRAFT

SEE FINAL SUBMISSION TO GOVERNMENT

https://pejnews.com/index.php?option=com_content&view=article&id=10644:common-security-act-to-replace-c-51-which-should-be-repealed&catid=75:cjustice-news&Itemid=218

Joan Russow PhD

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Former leader of the Green Party of Canada (1997-2001)

□ Need to redefine what constitutes true security what constitutes real threats to security, and what contributes to real terrorism□

OUTLINE

□ □ **A.□□ BACKGROUND to RCMP THREAT ASSESSMENT LIST AND 2005 SUBMISSION**

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TO THE SENATE ON THE REVIEW OF BILL 36 – THE ANTI TERRORISM ACT AND DRAFT OF A COMMON SECURITY INDEX.

B. NEED TO REDEFINE WHAT CONSTITUTES TRUE SECURITY: COMMON SECURITY

C. COMMENTS ON DEFINITION OF THREATS TO SECURITY IN C51

D. NEED TO REDEFINE WHAT CONSTITUTES REALTHREATS TO SECURITY: THREATS TO COMMON SECURITY;

□ I FAILING TO ACHIEVE A STATE OF PEACE, AND DISARMAMENT; AND FAILING TO REALLOCATE MILITARY EXPENSES AND TO WORK FOR THE DELEGITIMIZATION OF WAR

□ II FAILING TO ENSURE THE PRESERVATION AND PROTECTION OF THE ENVIRONMENT, THE RESPECT FOR THE INHERENT □ WORTH OF NATURE BEYOND HUMAN PURPOSE, THE REDUCTION OF THE ECOLOGICAL FOOTPRINT, THE ENSHRINING OF ECOLOGICAL RIGHTS, RIGHT TO A HEALTHY ENVIRONMENT AND THE MOVING AWAY FROM THE CURRENT MODEL OF OVERCONSUMPTION

III –PROMOTING FREE TRADE RATHER THAN FAIR TRADE

IV –FAILING TO PROMOTE SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND ENTERPRISES AND RIGHT TO DEVELOPMENT

V –FAILING TO PROMOTE AND FULLY GUARANTEE RESPECT FOR HUMAN RIGHTS INCLUDING LABOUR RIGHTS, WOMEN’S RIGHTS CIVIL AND POLITICAL RIGHTS, INDIGENOUS RIGHTS, SOCIAL AND CULTURAL RIGHTS – RIGHT TO FOOD, RIGHT TO HOUSING, RIGHT TO SAFE DRINKING WATER AND SEWAGE TREATMENT, RIGHT TO EDUCATION AND RIGHT TO UNIVERSALLY ACCESSIBLE NOT FOR PROFIT HEALTH CARE SYSTEM

VI –FAILING TO SIGN AND RATIFY INTERNATIONAL CONVENTIONS, COVENANTS AND TREATIES AND ENACT LEGISLATION TO ENSURE COMPLIANCE

E. NEED TO CONSIDER WHAT CONTRIBUTES TO REAL TERRORISM INCLUDING STATE TERRORISM

I. INTERNATIONAL IMPASSE TO A COMPREHENSIVE INTERNATIONAL DEFINITION OF TERRORISM

II. UNITED NATIONS PASSED A RESOLUTION ON TERRORISM THAT STRESSES THAT MEASURES AGAINST TERRORISM MUST COMPLY WITH INTERNATIONAL LAW

III. CHANGES TO THE CRIMINAL CODE DEFINITION OF TERRORISM TO IMPLEMENT C-51

IV. MISCONSTRUING ARTICLE 51- SELF DEFENCE OF THE CHARTER OF THE UNITED NATIONS AND PRETEXTS FOR WAR HAS CONTRIBUTED TO STATE TERRORISM

V. STATE CONTRIBUTION TO TERRORISM; AGGRESSION INTO ANOTHER STATE AS A CAUSE OF TERRORISM

NATO states have been complicit or responsible for using the following pretexts for aggressive intervention in other sovereign states "human security" (Iraq 1991), "Humanitarian intervention" (Kosovo, 1999), "self-defence" (Afghanistan 2001), "Pre-emptive/ preventive" attack (Iraq, 2003) "Responsibility to Protect (Haiti, 2004, Libya, 2011) or "will to intervene" (Mali, 2013). Each time the pretext was discredited, a new pretext arises: through NATO expansion, through being a nuclear weapons organization, through coercing other states to increase their military budget, and purchase weapons like F 35 and armed drones, through destabilizing other nations, through setting up military bases around the world, through war games and military exercises, through circulating nuclear powered and nuclear arms capable vessel. Etc.

F. COMMENTS ON QUESTIONS IN GREEN PAPER

I PROMOTION OF A COMMON SECURITY ACT

BACKGROUND

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A. BACKGROUND to RCMP THREAT ASSESSMENT LIST AND 2005 SUBMISSION TO THE SENATE ON THE REVIEW OF BILL 36 –THE ANTI TERRORISM ACT AND DRAFT OF A COMMON SECURITY INDEX.

I received an assignment to cover APEC in 1997. My press pass was pulled, I filed a complaint and in 1998, I found out that I had been placed on an RCMP Threat Assessment list.

In 2005, I was invited to give a presentation to the Senate on the five year review of Bill- 36 – the Anti- terrorism Act.

https://pejnews.com/index.php?option=com_content&view=article&id=10633:submission-to-the-senate-committee-reviewing-the-anti-terrorism-act-commonsecurity-index&catid=75:cjustice-news&Itemid=218

In my submission, I pointed out that what constitutes true security is common security and to further Common security, the member states of the United Nations have incurred obligations through Conventions, Treaties and Covenants, made commitments through Conference Action Plans, and created expectations through UN General Assembly resolutions, and declarations. I then submitted what I called the Common Security Index

(i) A list of international obligations incurred through conventions, treaties, and covenants, of commitments made through conference action plans and expectations created through UN General Assembly resolutions related to “common security”.

(ii) State Activity: very preliminary comments about state compliance or non-compliance with the obligations, commitments and expectations related to “common security

(iii) Advocacy Activity

Advocacy activity in relation to these international instruments was delineated .

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The purpose of the Index was to indicate the range of international obligations and commitments which if discharged or acted upon would contribute to global common security and to point out that it is generally the advocates, protesters and dissenter,

B. NEED TO REDEFINE WHAT CONSTITUTES TRUE SECURITY: COMMON SECURITY

We must reappropriate the word “security” and not allow it to be distorted by the military. (Dr. Ursula Franklin, 1984)

Under article 7 of the Charter of Rights and Freedoms is enshrined “the right to security of the person”

Security of the person is true security not militarized security, but common security

“True security exists when all are secure, through “common security” (Olaf Palme, 1982) whose objectives could be extended to the following:

(i) to achieve a state of peace, and disarmament; through reallocation of military expenses and delegitimization of war

(ii) to prevent discrimination on the following grounds:

Each State Party to the present Covenant undertakes to respect and to ensure to all

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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. (Article 2, International Covenant on Civil and Political Rights 1966)

(iii) to promote and fully guarantee respect for human rights including labour rights, women's rights LGBTQ rights civil and political rights, migrant workers and indigenous rights, social and cultural rights – right to food, right to housing, right to safe drinking water and sewage treatment , right to education and right to universally accessible not for profit health care system;

(iv) (to ensure the preservation, conservation and protection of the environment, the respect for the inherent worth of nature beyond human purpose, to reduce the ecological footprint and to move away from the current model of unsustainable and excessive overconsumption.

(v) to enable socially equitable and environmentally sound employment, energy and transportation, and just transition and ensure the right to development and social justice

(vi) fair trade not free trade that fulfills all the objectives of common security to create a global structure that respects the rule of law, the international court of justice, and the international criminal court,

C. COMMENTS ON DEFINITION OF THREATS TO SECURITY IN C51

For my submission to C-51, I reviewed the definition of Threats to security in C-51

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The following is the current definition of threat to security in C51:

“activity that undermines the security of Canada”[1] means any activity, including any of the following activities, if it undermines the sovereignty, security or territorial integrity of Canada or the lives or the security of the people of Canada: [2][3] interference with the capability of the Government of Canada in relation to intelligence, defence, border operations, public safety, the administration of justice, diplomatic or consular relations, or the economic or financial stability of Canada; [but what constitutes a threat to economic or financial security— opposition to military procurement, to tar sands production, to pipelines, tankers; to the logging in old growth forests. to continuing the mining of uranium; to promoting BDS; to fostering “free trade not fair trade; to oppose the undermining food security through Canada’s growing GMOs] etc.

(a) interference with the capability of the Government of Canada in relation to intelligence, defence, border operations, public safety, the administration of justice, diplomatic or consular relations, or the economic or financial stability of Canada;

(b) Changing or unduly influencing a Government of Canada by force or unlawful means [what would constitute unlawful means? - Would a Page interrupting parliament with a critical poster of Harper be an unlawful means]

(c) espionage, sabotage or covert foreign-influenced activities; [I was asked, by the RCMP, to spy on the Deputy Military attaché from an Czechoslovakian embassy in 1962

(d) terrorism

terrorist propaganda In the Green Paper there is a recognition that defining “terrorist propaganda” more clearly must be done because it is too broad. {Perhaps it should be broad enough to include state propaganda for war which is prohibited under the International

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Covenant on Civil and Political Rights.}

[would opposition to aggressive military intervention and opposition to the use of drones be a threat to security or would the threat to use drones be the real threat to security and the use of drones be a real terrorist act]

(e) proliferation of nuclear, chemical, radiological or biological weapons;

[opposing Canada's condoning of the position of its allies, who fail to fully implement the conventions on the possession of chemical and biological weapons; opposing the proliferation of nuclear weapons by opposing the NATO policy on nuclear weapons, [first strike modernizing nuclear weapons, 15 minutes notice etc. and opposing the ignoring of the failure of Canada's allies to ratify the NPT and implement the NPT]

(f) interference with critical infrastructure; [would opposing the highway construction for contributing to production of greenhouse gas emissions and the destruction of biodiversity be a threat to security.]

(g) interference with the GLOBAL information infrastructure, as defined in section 273.61 of the National Defence Act; global information infrastructure includes electromagnetic emissions, communications systems, information technology systems and networks, and any data or technical information carried on, contained in or relating to those emissions, systems or networks

(h) an activity that causes serious harm to a person or their property because of that person's association with Canada; and

(i) an activity that takes place in Canada and undermines the security of another state. [would

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the writing of letters by Amnesty International undermine a misconstrued notion of security?

For greater certainty, it does not include *lawful* advocacy, protest, dissent and artistic expression. (Lawful has been removed in the final version)

Yet in the Green Paper is the following statement;

- ensure all Canadians are not limited from legitimate protest and advocacy.

How is it defined?

Definition "LEGITIMATE" from legal source

being exactly as purposed :neither spurious or false....accordant with law or with established legal forms conforming to recognized principles or accepted rules

<https://ca.search.yahoo.com/search?fr=mcafee&type=C211CA91085D20140723&p=blacks+legal+dictionary>

From www.merriam-webster.com/dictionary/legitimate

lawful, legal, legitimate, being in accordance with law.

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Elsewhere it is defined as according to rules ethics etc

[but who determines whether an action is legitimate?]

The definition of threat to security in C-51

perpetuates the concern expressed by SIRC in 2005:

``The intelligence community appears to be inept at assessing what constitutes real national and international threats to security. This ineptitude was confirmed recently at a colloquium, entitled the 'Challenges of Security Intelligence Review Committee SIRC'. An official from SIRC acknowledged the following: In assessing the distinction between those who have a disagreement with politics and those who are deemed to be terrorists...Police agencies are not good at making that distinction and err on the side of security ". "Our Intelligence community came out of a cold war culture. We are in a very different world. There is a lot of catch up. We have to have the ability to identify clearly this distinction. If we don't do this we are threatening the fabric of the civil liberties of Canadians.``

The fabric of civil liberties of Canadians has definitely been threatened through the designation of citizens who have a disagreement with the Government of Canada, through expressing political and other opinion, to be threats to the security of Canada.

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D. NEED TO REDEFINE WHAT CONSTITUTES REAL THREATS TO SECURITY: THREATS TO COMMON SECURITY;

I.

I FAILING TO ACHIEVE A STATE OF PEACE, AND DISARMAMENT; AND FAILING TO REALLOCATE MILITARY EXPENSES AND TO WORK FOR THE DELEGITIMIZATION OF WAR

There needs to be a new vision starting in 2016 that no longer (a). Ignores that "Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992) (b) forgets the social, environmental, health, human rights, economic consequences of war, and fails to recognize that under no circumstance or condition is war just or legal; (c). Undermines the international resolve to prevent the scourge of war (d) condones the existence of a UN Security Council which violates not only a fundamental principle of the charter of the United Nations; the sovereign equality of states, but also currently has ten major weapons producers deciding the fate of the world.

The following threats to common security must be avoided:

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1. Ignoring the acknowledgement that "Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992

2. Participating in war;- Given the social, environmental, health, human rights, economic consequences of war, under no conditions or circumstance is war legal or just.

3. Undermining the international resolve to prevent the scourge of war; this would include engaging in intimidation, in cajoling or in offering economic incentives in exchange for support for military interventions.

4. Refusing to abide by the 1975 Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity.

5. Failing to reallocate military spending as proposed at Habitat I in 1976

``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 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) Also, in 1992, all member states recognized that 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, Agenda 21, UNCED)

6. Misconstruing of Article 51 (self-defence) of the Charter of the United Nations to justify premeditated non-provoked military aggression, or to use various such pretexts for invading other sovereign states. Canada support the use of Article 51 to justify the invasion of Afghanistan

7. Collaborating with the Kurds and being praised by the Peshmerga who have been

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charged, by human rights groups, with the destroying of Arab villages; also Canada has been criticized for possibly inadvertently contributing to an Kurdish independence from Iraq
<http://news.nationalpost.com/news/within-shouting-distance-of-isil-755418>

<http://ottawacitizen.com/news/politics/the-ripple-effect-canadas-support-forthe-kurds-brings-unintended-consequences>

8. Using "human security" which has been extended to "humanitarian intervention", and used along with the "responsibility to protect" or with right to intervene with a view to justifying military intervention in other states.

9. Condoning NATO 's being complicit or responsible for using the following pretexts for aggressive interventions in other sovereign states "human security" (Iraq 1991), "Humanitarian intervention" (Kosovo, 1999), "self-defence" (Afghanistan 2001), "Pre-emptive/ preventive" attack (Iraq, 2003) "Responsibility to Protect (Haiti, 2004, Libya, 2011) or "will to intervene" (Mali, 2013). Each time the pretext was discredited, a new pretext emerged.

10. Endorsing the guise of the pre-emptive/preventive attack policy that has resulted in aggressive attacks on sovereign states and that has been in violation of the Article 2 of United Nations and international law as being the 'supreme' international crime of a war of aggression.

11. Participating in NATO- generated wars and to and abandoning a decade of diplomatic inactivity, with the foreign ministry largely sidelined and marginalized by efforts to promote Canada as a "warrior nation,"
<https://www.opencanada.org/features/seven-ways-globalaffairs-canada-can-step-its-game>

12. Conceiving of the role of "contributing to international peace and security" as the one to intervene with armed forces in sovereign states or to use so-called "defence diplomacy" (DPR);

13. Supporting the invoking Chapter VII of the Charter of the United Nations rather than invoking Chapter VI - the peaceful resolutions of disputes - and refusing to be judged by the

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International Court of Justice.

14. Disrespecting the jurisdiction and decisions of the International Court of Justice.

15. Tolerating military involvement and occupation of a people by opposing and targeting civil society's campaigns, such as BDS

16. Trumping of health, environment, civil and political and human rights for the sake of "security", power and profit.

17. Targeting or assisting in the assassination of leaders of other sovereign states, and of engaging in "regime change".

18. Mollifying public opposition by couching aggressive acts in euphemistic "operations"
Operation Apollo is Canada's military contribution to the international campaign against terrorist. ... in cooperation with vessels of the Operation Enduring Freedom Coalition ... Operation Athena - the Canadian Forces Participation in ISAF (the International Security Assistance Force. is to take part in the United Nations authorized mission in Kabul, Afghanistan for a period of 12 months starting in August 2003.

19. Destabilizing states and regions through the sale of arms, including through the guise of "foreign aid" or through infiltration of NGOs
20. Failing to revoke charters and licences of corporations that have violated human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment

21. Permitting the sale of arms around the world including nations that have violated human rights, such as Saudi Arabia: Refusing to cancel the \$15 billion deal to export armoured vehicles to Saudi Arabia and not phasing out the production of and trade in arms

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22. Permitting CANSEC- the annual International Arms Trade Fair in Ottawa “Any propaganda for war shall be prohibited by law (Art. 20, International Covenant on Civil and Political Rights, 1966)

23. Condoning, production, and use by allies of land mines in violation of the Ottawa Convention Against Landmines

24. Condoning procrastination, by those responsible, to remove land mines from all areas of the world where land mines are known to exist. 25. Participating in the development of Ballistic Missile Defence or revisiting the 2005 decision against Ballistic Missile Defence; 26. Funding universities for the production of drones “that are configurable to military purposes” (Russow; information received through Access to Information)

27. Using armed drones in Canadian missions even though they will be shown to contravene the principles delineated in the Geneva Protocols; and condoning the refusal, by an ally to punish anyone who abused the drone or surveillance programs, to name innocent drone victims, to make public the administration’s criteria for its “targeted killings and to make public all surveillance agreements with private companies

http://www.tomdispatch.com/post/176217/tomgram%3A_pratap_chatterjee%2C_obama%27s_last_chance

28. Caving into threats by Lockheed Martin and purchasing possibly nuclear arms capable F35; 29. Having proliferated nuclear arms by selling civil nuclear technology such as CANDU reactors to other states Not phasing out nuclear energy and or not establishing a time –table for phasing our fossil fuel and nuclear energy and for the rapid development of solar and other forms of non-polluting energy, and for more efficient energy use (1992 Nobel Laureate Declaration)

30. Condoning nuclear arms states which have failed to ratify the NPT, and parties to the NPT that are in non-compliance with the Nuclear Non-Proliferation Treaty by failing to implement Article VI of the Treaty, (Article VI: commits all parties to pursue negotiations in good

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faith on measures to end the nuclear arms race and to achieve disarmament.).

31. Condoning the failure of states to sign and ratify all Geneva Protocols, including Protocol V, which requires the removal of remnants of war, to abide by the Geneva protocols on prohibited weapons and to sign and ratify the Convention for the Banning of Landmines

32. Concurring with NATO position on nuclear weapons in opposing the abolition of nuclear weapons on May13 2016;and in opposing along with NATO on the Vote in the UNGA, related to drafting a treaty on the abolition of nuclear weapons And acquiescing to the following which threatens the security of the world; Concurring with NATO on the following:

“NATO says that:

1) Nuclear weapons must be maintained indefinitely. Canada as an ally of NATO agrees. No! Says Article VI & Steps 6, 9 and 11.

2) We will improve their use and accuracy (modernize them). Canada acquiesces. No!, says Article VI of the NPT, via Steps 2, 6, 9.

3) We can use them first. Canada accepts, though without enthusiasm. No! Say Steps 6 and 9.

4) We can target non-nuclear weapon states. Canada acquiesces. No! says NPT Article II

5) We can threaten to use them. Canada accepts. No! says the NPT (implicitly).

6) We can keep them in Europe as they are now doing. Canada accepts. No! says Article II. (NPT)

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7) We can launch some on 15 minutes warning. Canada acquiesces. No! Says Step 9

8) We say “they are essential for peace”. Canada accepts. No! Says the Non Proliferation Treaty and its 13 Steps” (Assessment made by Murray Thompson **CNANW**)

33. Supporting NATO’s reneging on expanding one inch further east of Germany

34. Condoning NATO and its disregard of the international rule of law, including the objective of the Charter of the United Nations, and the Convention against Torture.

35. Engaging in propaganda for war (ICCPR), including establishing or supporting military bases, engaging in war games, producing and selling armaments, holding arms exhibitions, and supporting government investment in weapons systems

36. Condoning, in certain allied states, weapons of mass destruction such as nuclear, chemical, and biological, in contravention of agreed UNCHE in 1972, and in specific conventions.

37. Being an ally with states, such as the US and Israel which refuse to ratify the Treaty on Cluster bombs

38. Producing uranium, exporting of uranium, using weapons, in war games such as those with depleted uranium and continuing to make profit- from the sale of arms and trade in small arms.

39. Selling uranium to nuclear arm states and because of the fungibility principle, Canadian uranium could be in the US nuclear arsenals. “There is probably a bit of Canadian uranium in every one of the US Nuclear Weapons because of the fungibility” (Dr. Fred Knelman, author of

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America, God, and the Bomb) 40. Abstaining, along with Germany, on the UN Resolution on Depleted Uranium;

41. Condoning the destabilizing impact of the Middle East as a result of the possession, by Israel, of nuclear weapons.

42. Opposing, along with the United States, and The United Kingdom the draft final document from the NPT review conference based on the declaring nuclear arms free Middle East

43. Condoning allies contravening the obligations under the 1967 Outer Space Treaty to do the following: ensure that exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind [humanity]. US mining in space law may violate the Outer Space Treaty of 1967, which declares, among other things, "states shall avoid harmful contamination of space and celestial bodies." http://www.spacedaily.com/reports/New_US_space_mining_law_may_violate_international_treaty_999.html

44 Failing to repeal the c36 Anti-Terrorism Act and C51 and thus violating civil and political rights, including racial profiling, which contravenes the international Covenant on Civil and Political Rights and fails to clearly define what constitutes real "threats", "real terrorism" and "true security"

45. Condoning the "Rendering"- sending "persons of interests" to countries which are known to condone torture.

46. Condoning the US refusal to be judged by an international tribunal for any actions that might be deemed to violate international law related to crimes against the peace, to war crimes, or to genocide.

47. Misusing UN "peacekeeping" forces to clean up aggressive acts of destruction and occupation caused by other states.

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48 failing to support the converting, to peaceful purposes, all foreign military bases in sovereign states around the world.

49. Condoning the production, of and the circulation and berthing of nuclear powered or nuclear arms-capable vessels throughout the world.

50 Participating in "War Games" or "Military Exercises" such as Exercise Trident Fury and possibly on Northwest Training Range complex. And TRIDENT JUNCTURE –the largest NATO Maritime exercise that Canada has participated in nearly two decades; Units and personnel from Canada, Poland, France, Germany, Denmark, Australia, the United States, United Kingdom, and others participated in Exercise TRIDENT JUNCTURE.

51. Failing to oppose U.S. Navy's proposal to expand sonar testing and other warfare training off the Northwest coast and the Navy also is proposing 30 bombing exercises a year, as well as increased air-to surface missile exercises.

52 Continuing the propping up and financing of military dictators and supporting the long standing policy enunciated against Somoza "he's a bastard but he is our bastard".

53. Refusing to demilitarize the economy by reallocating resources presently committed to military purposes to provide for the needs of citizens to pass on the peace dividend to the developing countries as undertaken through number of UN General Assembly Resolutions and Conference Action Plans

54. Supporting misplaced spending priorities: on militarism, on adulterated unsafe food, on production of products and substances harmful to the environment and human health, and failing to redirect budgetary expenses to eradicate poverty. Summary: Threats to security arise: through NATO expansion, through being a nuclear weapons alliance, and opposing the abolition of nuclear weapons, through coercing other states to increase their military budget, and purchase weapons like F 35 and armed drones, through destabilizing other nations, through setting up military bases around the world, through war games and military exercises, through circulating nuclear powered and nuclear arms Capable vessels

II

FAILING TO ENSURE THE PRESERVATION AND PROTECTION OF THE ENVIRONMENT, THE RESPECT FOR THE INHERENT WORTH OF NATURE BEYOND HUMAN PURPOSE, THE REDUCTION OF THE ECOLOGICAL FOOTPRINT, THE ENSHRINING OF ECOLOGICAL RIGHTS, RIGHT TO A HEALTHY ENVIRONMENT AND THE MOVING AWAY FROM THE CURRENT MODEL OF OVERCONSUMPTION

There needs to be a new vision beginning now in 2016, to enact the necessary legislation to ensure compliance with the following: conventions: Convention on Biological Diversity; UN Framework Convention on Climate Change and to implement the international version of the precautionary principle, which appears in the Rio Declaration, the UN Framework Convention on Climate Change and the Convention on Biological Diversity, as a general and enforceable principle of law. To embark immediately on the transition to socially equitable and environmentally sound energy and transportation system, and disaster prevention.

The following threats to common security must be avoided

55. Engaging in unsustainable patterns of production and consumption, particularly in industrialized countries; this pattern has contributed to poverty, to the inequitable distribution of resources within countries and between countries, has increased the vulnerability to natural disasters and has threaten the well-being of future generations. .

56. Failing to recognize that “Land is one of the fundamental elements in human settlements. Every State has the right to take the necessary steps to maintain under public control the use, possession, disposal and reservation of land. every State has the right to plan and regulate use of land, which is one of its most important resources, in such a way that the growth of population centres both urban and rural are based on a comprehensive land use plan. Such measures must assure the attainment of basic goals of social and economic reform for every country, in conformity with its national and land tenure system and legislation. “(11 IO Habitat I)

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57. Failing to recognize that “The nations must avoid the pollution of the biosphere and the oceans and should join in the effort to end irrational exploitation of all environmental resources, whether non-renewable or renewable

in the long term. The environment is the common heritage of humanity and its protection is the responsibility of the whole international community. All acts by nations and people should therefore be inspired ;by a deep respect for the protection of the environmental resources upon which life itself depends.” (II, 11 Habitats I)

59. Permitting the dumping of military wastes in pristine watersheds;

60. Contributing to climate change by subsidizing the fossil fuel industry and permitting the extraction in tar sands and t pipe lines and tankers and thus failing to discharge its obligations under the UN Framework Convention on climate change, the Convention on Biological Diversity, the Law of the Sea, UN Convention on the Protection of cultural and Natural Heritage, and its commitments to Indigenous Peoples. In addition, failing to discharge the obligation under Article 1 of the legally binding International Covenants on Civil and Political Rights and on Economic Social and Cultural Rights the following obligation: “In no case may a people be deprived of its own means of subsistence”.

61. Permitting dams, such as site C, which will cause the flooding of land and the destruction of food security and the violation of the indigenous right to free prior and informed consent under article 19 of UNDRIP

62. Condoning the violation of the 92 call to action in the Truth and Reconciliation Commission: i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.

63. Failing to act on the urgency to immediately move to socially equitable and environmentally sound renewable energy such as solar, wind, wave, tidal and geothermal, contemplating increase development and distribution of fossil fuels. Considering permitting an expansion of

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Kinder Morgan which could not only cause an increase of carbon emissions but also could jeopardize numerous conservation proposals in the Salish Sea. Using "defence forces" or police during future protests over pipeline projects approved. (Minister Carr December 2, 2016)

64. Causing Environmental Devastation and Health problems

65. Exploiting Nature instead of affirming in 1982 World Charter of Nature that every form of life is unique, warranting respect regardless of its worth to humans, and to accord other organisms such recognition's, humans must be guided by a moral code of action,

66. Increasing the ecological footprint which has contributed to a socially inequitable and environmentally unsound world; converting nature into a source of raw materials, and the promoting of "built-in obsolescence" (in opposition to Habitat I1, 1996)

67. Misconstruing the international version of the precautionary principle – The international version is in the Rio Declaration, the Convention on Biological Diversity, and the Framework Convention on Climate Change- as a general and enforceable principle of law: where there is a threat of irreversible harm the lack of full scientific certainty shall not be used as a reason for postponing measure to prevent the threat.

68. Ignoring the scientific evidence about the contribution of salmon aquaculture to causing disease in wild salmon contravenes the precautionary principle. In the case of Dzawada peoples. Over the past 29 years, the Dzawada'enuxw have repeatedly told the BC and Canadian governments that they do not want salmon farms in their territory. Despite their clear and sustained rejection of the salmon farming industry one third of the BC salmon farming industry is currently using Dzawada'enuxw territory to raise Atlantic salmon This case contravening Article 19 of the UN Declaration on the Rights of Indigenous peoples and Article 92 i under the Truth and Reconciliation Recommendation: i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.

69. Failing to outlaw SLAPP suits, which are outlawed in Nova Scotia, across the country

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70. Revising reverse onus strategy which places the onus not on the proponent of an intervention to prove safety but on the opponent, to demonstrate harm.

71. Causing Natechs- natural disasters through technology or technological disasters caused by natural disasters and relying on after-the fact attempts to reduce or mitigate disasters rather than preventing harm.

72. Discounting the precautionary principle, and producing and distributing genetically engineered food and crops, and engaging the practice of biopiracy of genes of indigenous peoples, the dumping of GE food and adventitious materials [living modified organisms] on developing countries, and condoning the placing, on the shelves, processed foods containing genetically engineered material.

73. Exempting, under the Stockholm Convention, certain persistent Organic Pollutants (POPs) which are bioaccumulative and toxic, and are capable of traveling long distances from their original source. 74. Refusing to support adding chrysotile to the list of hazardous substances in the Rotterdam Convention

75. Permitting the use of Neonicotinoid pesticide which has been associated with the killing of bees 76 . Opposing the prosecution of countries for violating the transboundary principle that holds that states shall be held legally responsible for any pollution, in other states, caused by activities under their own jurisdiction.

77. Causing environmental devastation and then relying on restorative or clean-up technologies to remediate the environmental destruction rather than taking the preventive approach so as to avoid costly and inadequate subsequent measures to "rehabilitate" the site.

78. Engaging in unsustainable forest management, converting of forests into agricultural land and expanding large-scale agroindustrial monocultures for food, fibre.

79. Tolerating the engaging in the land grab for biofuel, by developed states, in developing states

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80. Causing land degradation, soil erosion, salinization, water logging, and soil pollution, which all contribute to loss of soil fertility.

81. Substituting proposals of adaption to or offsetting of climate change rather than seriously addressing the issue of preventing climate change by reducing greenhouse gas emissions. Using the guise of `transition` to justify continuation of the fossil fuel industry such as tar sands, LNG. Carbon capture Pipelines,

82. Condoning the violation of the 92 call to action in the Truth and Reconciliation Commission: Business and Reconciliation Rather than acting on the urgency to immediately move to socially equitable and environmentally sound renewable energy such as solar, wind and geothermal.

83. Failing to call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving

Indigenous peoples and their lands and resources. This would include, but not be limited to, the following: "Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects."

84. Undermining of the divestment fossil fuels, especially those from the unconventional sources such as the tar sands, opposing reduction of other greenhouse gas producing activities, supporting fracking and denying the substantial contribution to greenhouse gas emissions caused by methane gas resulting from the dependency on animal protein.

85. Promoting false "solutions" to climate change such as biofuels, large hydro projects, and nuclear energy which are not socially equitable and environmentally safe and sound renewable energy sources.

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86 Supporting a market based proposal of the so-called ``Green Economy`` that commodifies nature through giving market value to “ecological agents”

87. Disregarding the failure of the Intergovernmental Panel on Climate Change to investigate and estimate the full impact of greenhouse gas emissions by the military, and opposing the demand that each state release information related to the greenhouse gas emissions from the production of all militarism, from military exercises, war games, weapons testing, military aviation troop transfer, military operations, and waste generation, to reconstruction after acts of violent interventions etc.

88. Supporting at COP15, the practice of member states relying not on the emerging scientific data, but on the IPCC 2007 report which was based on 2004 and 2005 data. The emerging data now indicates the urgency of keeping the rise in temperature below the dangerous level of 1 °C, [which is the point at which global systems on land, water and air will be so affected as to create vicious feedback cycles and destabilise many ecosystems and human societies]; whereas the IPCC 2007 Report had indicated that 2 degrees was the safe threshold. The emerging scientific data also indicates that there are more serious climate-induced events than anticipated in the 2007 IPCC Report. In COP21, failing to recognize that even at 1 degree rise in temperature from pre-industrial levels, there are climate incidence that contravenes article 2 of the UNFCCC. The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

89. Failing at COP 21 to respect the original baseline of 1990 and target of 2020

90. Disregarding the climate injustice of using the atmospheric space of developing countries, and refusing to pay compensation

91. Misappropriating agricultural land for the growing of biofuel and contributing to food insecurity, and purchasing and using of land for biofuels to serve foreign markets and undermine food security.

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92. Condoning the practice, by the International Atomic Energy Agency (IAEA), of violating the principle that a regulator must not be a promoter of promoting civil nuclear energy.

93. Justifying the use of civil nuclear energy, and accepting nuclear energy as the solution to climate change and supporting Article IV of the NPT which bestows the inalienable right of states to access so-called "peaceful" use of nuclear energy.

94. Relocating and transferring to other States any activities and substances that cause severe environmental degradation or are found to be harmful to human health. (Principle 14 Rio Declaration, 1992)

95. Showing defiance of principle 7 of the 1992 Rio Declaration which was adopted by all states at the UN Conference on Environment and Development (UNCED). This principle states that: "States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. (Principle 7, Rio Declaration)

96. Causing environmentally induced diseases, refusing to address the social determinant of health problems- such as poverty, and provide universal access to a publicly-funded not-for-profit health non-two tier health care system.

97 Supporting the lack of commitment to ensure, as agreed in Habitat II, that Corporations, including transnational corporations, comply with international law, including international environmental law

98. Tolerating the notion of "prior consent" to persuade the poor, disadvantaged and vulnerable countries or communities within developed countries to accept the dumping of products and substances that are potentially harmful to the environment and human health.

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99. Promoting the ruse of using extra-territorialism. -what right do we have to impose our higher standards on a developing country with lower standards

100. Condoning Pharmaceutical collusion between university and Pharmaceutical corporations, and the policy of permitting Universities to sell products of research to corporations

101. Disregarding the practice of the Pharmaceutical and PR industry creating new health problems to justify market potential for new drugs ("Selling Sickness", Alan Cassels)

102. Condoning the patenting of genes under the WTO TRIPS provision 103. Tolerating Pharmaceutical industry pushing drugs when change in life style could effectively address the health problem 104. Condoning continued production and export of products that have been banned... or withdrawn 105. Exporting products banned or not yet approved in country of origin

□ III

–FAILING TO PROMOTE FAIR TRADE RATHER THAN FREE TRADE

There needs to be a new vision beginning now in 2016, to embark on the transition from `Free` `trade` to FAIR trade and to avoid the following threats to common security:

106. Engaging in Exploitative Trade and the undermining, by International Trade agreements, such as GATT, and the subsequent WTO, of measures which would advance and promote socially equitable environmentally safe and sound renewable energy, transportation, agriculture, forestry etc.

107. Opposing the dismantling or abrogating of trade institutions and agreements, such as WTO and NAFTA, CETA .TPP which do or would promulgate globalization, deregulation and privatization; these institutions and agreements undermine the rule of international public trust

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law, and condone and actively facilitate corporations benefiting and profiting from war and from environmental destruction.

108. Tolerating all proposals which will result, through the practice of harmonization of standards and regulations, in the arriving at the lowest common denominator for health and environmental standards.

109. Condoning the practice of "testing once. That if the private sector has already tested the substance or product, Environmental agencies would have to justify before congress if they want to test again. "Testing once" to eliminate redundancy by testing once so that if a product is tested in one of the three countries it does not have to be tested in the other two. This practice would undermine the ability of states to carry out their own tests and ban substances such as the banning by Canada of RBST or Bovine Growth Hormone in milk.

110. Supporting the IMF Structural Adjustment Program which has led to the violation of human rights, which has exploited citizens in the developing world, which has resulted in years of privatization, and elimination of essential services throughout the world and which has adversely impacted on vulnerable and indigenous peoples around the world.

IV –

FAILING TO PROMOTE SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND ENTERPRISES AND RIGHT TO DEVELOPMENT

There needs to be a new vision beginning now in 2016, to embark on transition to socially equitable and environmentally sound enterprises and to avoid the following threats to common security:

111. Promulgating Corporatism and questionable Financial Institutions

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112. Condoning the privatization, including Public Private Partnerships, of public services such as water, sewage and health care, and opposing the affirmation that the access to water is a human right.

113. Promoting corporate funding of education, including the corporate direction of research, and opposing principle that research must be arms-length and not tied to corporations.

114. Opposing the international commitment made to ensure that corporations, including transnational corporations, comply with international law including international environmental law. And supporting corporate "voluntary compliance" such as ISO 14000

115. Promoting the subsidizing and investing, of public funds, including pension funds, in corporations that have developed weapons of mass destruction and "conventional arms" that have violated human rights that have denied social justice, that have exploited workers, and that have destroyed the environment. Condoning the failure to require positive and negative screens in Canadian Pension funds.

116. Opposing the revocation of charters of corporations, including transnational corporations, which have engaged in activities that impact on health and environment, including on the right to food, and right to water; tolerating the legal fiction that the corporate form has constitutional rights as a person and prohibit corporate funding of political parties.

117. Opposing the phase-out of sunset industries-ones that are harmful to human health and the environment and the instituting of a fair and just transition for workers and communities affected by the phase out, and condoning the lucrative profits made on money trading.

118. Engaging in the egregious practice of derivatives and other banking schemes, and supporting non-cooperative and non-community banks

119. Condoning the bail-out of corporations and banks under the guise of their being "too big to fail", and reclassifying of function, by financial institutions, such as Goldman Sachs in order to take advantage of the bail -out

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120. Supporting the centralization of banks and the egregious funny money banking systems and promoting the capitalist, exploitative, competitive economic model, and condoning corporate funding of politicians,

121. Disregarding the shifting, by corporations, of their addresses offshore to lower their taxes, and the evading, by corporations, of criminal charges by spinning off their companies.

V –

FAILING TO PROMOTE AND FULLY GUARANTEE RESPECT FOR HUMAN RIGHTS INCLUDING LABOUR RIGHTS, WOMEN'S RIGHTS CIVIL AND POLITICAL RIGHTS, INDIGENOUS RIGHTS, SOCIAL AND CULTURAL RIGHTS – RIGHT TO FOOD, RIGHT TO HOUSING, RIGHT TO SAFE DRINKING WATER AND SEWAGE TREATMENT, RIGHT TO EDUCATION AND RIGHT TO UNIVERSALLY ACCESSIBLE NOT FOR PROFIT HEALTH CARE SYSTEM

There needs to be a new vision beginning in 2016 to implement fully the following human rights instruments and to enact the necessary legislation to ensure compliance with the following conventions: Convention for the Elimination of all Forms of Discrimination Against Women and its protocols; the International Convention on the Elimination of all Forms of Racism, the Convention on the Rights of the Child: The International Covenant on Civil and Political Rights, and, its Optional Protocols. Convention Against Torture to ratify the International Covenant of Social economic, and Cultural Rights, and International Labour Conventions as well as enacting legislation to comply with the adoption of the UNDRIP, and to enshrine in the constitution the rights protected in the International Covenant on Economic, Social Rights

And to avoid the following threats to common security:

122. Promulgating social injustice, human rights violations, and poverty

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123. Disregarding the widening gap between the developed and the developing countries and opposing the steadily accelerating economic and social development and peace and justice for present and future generation... (Preamble, Declaration on the Establishment of a new international economic order, 1974)

124. Refusing to cancel Third World debt and to implement the longstanding international commitment to transfer .7% of the GDP for overseas development aid (ODA)

125. Condoning the practice of sending arms as ODA and tying in the extension of active assistance to developing countries to political or military conditions

126. Tolerating the discrimination on the following grounds: - race, tribe, or culture; - colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker); - gender, sex, sexual orientation, gender identity, marital status, or form of family, [including same-sex marriage] - disability or age; - religion or conviction, political or other opinion, or - class, economic position, or other status to include LBGTQ Rights.

127. Condoning the violation of human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to water right to sewage treatment, right to a universally accessible, not-for-profit health care system, right to education and social justice.

128. Denying the labour right to strike, and the right to have collective bargaining, and many other International Labour Conventions. Refusing to ratify ILO Conventions

129. Opposing of the requirement of equal pay for work of equal value as guaranteed in the legally binding International Covenant on Social Economic and Cultural Rights

130. Condoning the redefinition of what constitutes torture in contravention of the Convention against Torture through Cruel,

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Inhumane or Degrading Treatment or Punishment,

131. Condoning use. by allies, of the practice of rendition of citizens and failing to abide by the Geneva Conventions.

132. Condoning the use, by allies, cruel and inhumane punishment such as capital punishment, which violates accepted international norms.

133. Condoning discrimination against immigrants, and refugees and against Migrant Workers and their Families; the Secure Fence Act and the unconscionable wall between the United States and Mexico, and the wall in Israel/

134. Condoning the no-fly`` list, and no-cross boarder lists.

135. Condoning Strategic Law suits Against Public Participation ("SLAPP) suits" against public participation.

136. Condoning targeting, intimidating and discriminating against activists on the grounds of political and other opinion (a listed ground in the International Covenant on Civil and Political Rights).

137. Tolerating, by allies. of religious extremism and proselytization including the spread of Evangelical Christianity around the world, which has undermined local indigenous cultures, instilled fear through the dangerous beliefs in the "rapture", "Armageddon" and "left behind", and dispensationalist "end times" scenario which has serious irreversible consequences. And has led to the undermining of other established beliefs and practices

138. Condoning the practice of ending speeches with the invocation of God bless a country

VI

–FAILING TO SIGN AND RATIFY INTERNATIONAL CONVENTIONS. COVENANTS AND TREATIES AND ENACT LEGISLATION TO ENSURE COMPLIANCE

There needs to be a new vision beginning in 2016 to ensure that Canada promotes Common security and signs and ratifies key international instruments which promote common security and enact the necessary legislation to ensure compliance as agreed in the following 1982 communique:

Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted [cite references, including 1982 document circulated by External Affairs "Canadian Reply to Questionnaire on Parliaments and the Treaty-making power"]

The full context of this statement comes from the 1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power". It is an External Affairs Department communiqué which was put together in 1982 to assist the External Affairs Officers in explaining the division of powers and constitutional conventions in Canada in relation to International obligations:

Many international agreements require legislation to make them effective in Canadian domestic law. The legislation may be either federal or provincial or a combination of both in fields of shared jurisdiction. Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted.

And to avoid the following threats to common security:

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139. Defying international law.

140. Being defiant of the Geneva Conventions on the treatment of civilians, and of international human rights and humanitarian law, supporting unilateral actions that undermine global common security. 141. Condoning current irreversible practices that will violate the rights of future generation- intergenerational equity including the rights of future generations to their cultural, natural heritage and to a safe environment.

145. Refusing to respect the jurisdiction of the international Court of Justice and seeking revenge through military intervention rather than justice through the International Court of Justice.

146. Condoning the reluctance to do the following:

(i) to ratify the Convention on the rights of migrant Workers and their families (ii). to enshrine the rights in the International Covenant of Social economic, and Cultural Rights in the Charter of Rights and Freedoms (iii). to ratify all the Optional Protocols of the International Covenant on Civil and Political Rights to abide by the Geneva protocols on prohibited weapons

E. NEED TO CONSIDER WHAT CONTRIBUTES TO REAL TERRORISM

I. INTERNATIONAL IMPASSE TO A COMPREHENSIVE INTERNATIONAL DEFINITION OF TERRORISM

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While the United Nations has not yet agreed internationally to a Comprehensive Convention on International Terrorism, there are references to “terrorism” in many international instruments. Even in the immediate aftermath of 9/11 the UN failed to adopt the Convention, and the deadlock continues to this day.

The definitional impasse which has prevented the adoption of a Comprehensive Convention on International Terrorism is

the reluctance to define terrorism to exclude armed struggle for liberation and self-determination; (the position of the developed world); while other states wish to include state terrorism which would include most of the military interventions listed above ;(the position of most of the developing world).

Under article 20 of the International Covenant on Civil and Political Rights is the following:

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Propaganda for war could include the following threats to security such as multiple statements by States calling for military intervention in other states; provocative military advances near borders of other states; proposals to establish military bases on foreign soil; proposals for war games in disputed areas etc. The realization of these threats could be deemed to constitute a

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form of terrorism.

Also threats to security would be advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence also when realized could be perceived to be a form of terrorism.

□ II. UNITED NATIONS PASSED A RESOLUTION ON TERRORISM THAT STRESSES THAT MEASURES AGAINST TERRORISM MUST COMPLY WITH INTERNATIONAL LAW

United Nations a/res/69/127 General Assembly distr.: general 18 December 2014 sixty-ninth session agenda item 107 14-66984 (e) *1466984*

Resolution adopted by the General Assembly on 10 December 2014 [on the report of the Sixth Committee (A/69/506)] 69/127.

Measures to eliminate international terrorism The General Assembly, Guided by the purposes and principles of the Charter of the United Nations,

Affirming that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and must adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

The legally binding International Covenant on Civil and Political Rights is one instrument which has been contravened by the war on Terror.

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Recalling Security Council resolution 1624 (2005) of 14 September 2005, and bearing in mind that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law,

5. Reiterates its call upon all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider, in particular, the implementation of the measures set out in paragraphs 3 (a) to (f) of General Assembly resolution 51/210;

13. Reaffirms that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

Sixty-ninth session Agenda item 107 14-66984 (E) *1466984 Resolution adopted by the General Assembly on 10 December 2014 [on the report of the Sixth Committee (A/69/506)] 69/127. Measures to eliminate international terrorism The General Assembly, Guided by the purposes and principles of the Charter of the United Nations.

III CHANGES TO THE CRIMINAL CODE DEFINITION OF TERRORISM TO IMPLEMENT C-51

“terrorist Propaganda”

In order to restrict the ability of terrorist organizations to spread terrorist propaganda in Canada for the purpose of radicalizing individuals and obtaining new recruits, the proposed legislation would create a tool in the *Criminal Code* to give the courts the authority to order the removal of terrorist propaganda, including from the internet. All seizures would require a judicial order.

Such materials would include any materials that promote or encourage acts of terrorism against Canadians in general, or the commission of a specific attack against Canadians. This measure would complement the proposed “promotion of terrorism” offence, and would allow the removal of terrorist propaganda even if the origins of the content are unknown and no criminal charges have been laid in relation to the material.

In the Green Paper there is a recognition that defining “terrorist propaganda” more clearly must be done because it is too broad. [Perhaps it should be broad enough to include state propaganda for war which is prohibited under the International Covenant on Civil and Political Rights.”]

REFERENCES TO INTERNATIONAL LAW IN c51

In the revision of the Criminal Code, FOR c51, there were a number of references to international law;

CRIMINAL CODE

83.221 (1) Every person who, by communicating statements, knowingly advocates or

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promotes the commission of terrorism offences in general — other than an offence under this section — while knowing that any of those offences will be committed or being reckless as to whether any of those offences may be committed, as a result of such communication, is guilty of an indictable offence and is liable to imprisonment for a term of not more than five years. Does this also apply to states?

TERRORISM

CRIMINAL CODE

- “terrorist activity” means

- o (a) an act or omission that is committed in or outside Canada and that, if committed in Canada, is one of the following offences:

- § (i) the offences referred to in subsection 7(2) that implement the *Convention for the Suppression of Unlawful Seizure of Aircraft*, signed at The Hague on December 16, 1970,

- § (ii) the offences referred to in subsection 7(2) that implement the *Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation*, signed at Montreal on September 23, 1971,

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§ (iii) the offences referred to in subsection 7(3) that implement the *Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents*

, adopted by the General Assembly of the United Nations on December 14, 1973,

§ (iv) the offences referred to in subsection 7(3.1) that implement the *International Convention against the Taking of Hostages*

, adopted by the General Assembly of the United Nations on December 17, 1979,

§ (v) the offences referred to in subsection 7(2.1) that implement the Convention on the Physical Protection of Nuclear Material, done at Vienna and New York on March 3, 1980, as amended by the Amendment to the Convention on the Physical Protection of Nuclear Material, done at Vienna on July 8, 2005 and the International Convention for the Suppression of Acts of Nuclear Terrorism, done at New York on September 14, 2005, What about the position of NATO on nuclear Weapons Is that a form of International Terrorism?

§ (vi) the offences referred to in subsection 7(2) that implement the *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation*

, supplementary to the

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation

, signed at Montreal on February 24, 1988,

§ (vii) the offences referred to in subsection 7(2.1) that implement the *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation*

, done at Rome on March 10, 1988, What about acts by Israel when it seized the Flotilla, which was in international waters

§ (viii) the offences referred to in subsection 7(2.1) or (2.2) that implement the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on March 10, 1988,

§ (ix) the offences referred to in subsection 7(3.72) that implement the *International*

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Convention for the Suppression of Terrorist Bombings

, adopted by the General Assembly of the United Nations on December 15, 1997, and

§ (x) the offences referred to in subsection 7(3.73) that implement the *International Convention for the Suppression of the Financing of Terrorism*

, adopted by the General Assembly of the United Nations on December 9, 1999, or

o (b) an act or omission, in or outside Canada,

§ (i) that is committed:

§ (A) in whole or in part for a political, religious or ideological purpose, objective or cause, and

§ (B) in whole or in part with the intention of intimidating the public, or a segment of the public, with regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act, whether the public or the person, government or organization is inside or outside Canada, and

§ (ii) that intentionally

§ (A) causes death or serious bodily harm to a person by the use of violence,

§ (B) endangers a person's life,

§ (C) causes a serious risk to the health or safety of the public or any segment of the public,

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§ (D) causes substantial property damage, whether to public or private property, if causing such damage is likely to result in the conduct or harm referred to in any of clauses (A) to (C), or

§ (E) causes serious interference with or serious disruption of an essential service, facility or system, whether public or private, other than as a result of advocacy, protest, dissent or stoppage of work that is not intended to result in the conduct or harm referred to in any of clauses (A) to (C),

and includes a conspiracy, attempt or threat to commit any such act or omission, or being an accessory after the fact or counselling in relation to any such act or omission, but, for greater certainty, does not include an act or omission that is committed during an armed conflict and that, at the time and in the place of its commission, is in accordance with customary international law or conventional international law applicable to the conflict, or the activities undertaken by military forces of a state in the exercise of their official duties, to the extent that those activities are governed by other rules of international law.

MILITARY TERRORISM WHICH CONTRAVENES THE CHARTER IS EXEMPT

IV MISCONSTRUING ARTICLE 51- SELF DEFENCE OF THE CHARTER OF THE UNITED NATIONS AND PRETEXTS FOR WAR HAS CONTRIBUTED TO STATE TERRORISM

The preconditions for anticipatory self-defence are, "necessity," "proportionality," and "immediacy"

There is an inexorable link among security, threats and terrorism

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The Harper government and now the Liberal government with the current actions to continue the intervention into Iraq and extend the mission into Syria is conflating security, threats and terrorism. The government believes, with the increased attack against ISIL, that security can be achieved through militarism, threats against Canada will be ended, and terrorism will be reduced.

This conflation has contributed to the Harper government misconstruing both Article 51 of the UN Charter and Bill C 51

NATO states have been complicit or responsible for using the following pretexts for aggressive intervention in other sovereign states "human security" (Iraq 1991), "Humanitarian intervention" (Kosovo, 1999), "self-defence" (Afghanistan 2001), "Pre-emptive/ preventive" attack (Iraq, 2003) "Responsibility to Protect (Haiti, 2004, Libya, 2011) or "will to intervene" (Mali, 2013). Each time the pretext was discredited, a new true security does not arise: through NATO expansion, through being a nuclear weapons organization, through coercing other states to increase their military budget, and purchase weapons like F 35 and armed drones, through destabilizing other nations, through setting up military bases around the world, through war games and military exercises, through circulating nuclear powered and nuclear arms capable vessel. Etc.

V.STATE CONTRIBUTION TO TERRORISM; AGGRESSION INTO ANOTHER STATE AS A CAUSE OF TERRORISM

Kofi Annan, the former UN Secretary General, said the US-led invasion of Iraq was a

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mistake and helped to create the Islamist State militant group. He also blamed regional powers for making the conflict worse.

His comment builds on the statement made by [redacted] at the Nuremberg Trial:

"In the Nuremberg trials [redacted] there was a reference to [redacted] the "supreme international crime" - the crime of aggression. [redacted] That crime was defined clearly enough by Justice Robert Jackson, Chief of Counsel for the United States at Nuremberg. An "aggressor," Jackson proposed to the Tribunal in his opening statement, is a state that is the first to commit such actions as "invasion of its armed forces, with or without a declaration of war, of the territory of another State [redacted]

If certain acts in violation of treaties are crimes, they are crimes whether the United States does them or whether Germany does them, and we are not prepared to lay down a rule of criminal conduct against others which we would not be willing to have invoked against us."

Read more at http://www.liveleak.com/view?i=345_1315751483#by7PvtecKDMYeSEE.99

If we adopt the principle of universality: if an action is right (or wrong) for others, it is right (or wrong) for us. Those who do not rise to the minimal moral level of applying to themselves the standards they apply to others—more stringent ones, in fact—plainly cannot be taken seriously when they speak of appropriateness of response; or of right and wrong, good and evil." [6] [redacted] Chomsky 2002 TERROR AND JUST RESPONSE. [redacted] ZNet.

BY ENGAGING IN CRIMINAL ACTS SUCH AS THE BOMBING WHICH WAS DONE DURING THE TIME OF THE HARPER GOVERNMENT, AND NOW THE USE OF ARMED DRONES WHICH IS BEING PROPOSED BY THE TRUDEAU GOVERNMENT, CANADA WILL BE FOSTERING, THROUGH CRIMINAL ACTS, WHICH APPEAR TO BE OUTLAWED

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UNDER THE ABOVE UN DECLARATION TERRORISM AND IT IS NOT GOOD ENOUGH THAT THE MILITARY ACTS OF TERROR SHALL BE EXEMPT FROM THEIR ACTS BEING DEEMED TERRORISM

CONCLUSION; RESPONSES TO QUESTIONS IN THE GREEN PAPER

QUESTIONS

1. WHAT STEPS SHOULD THE GOVERNMENT TAKE TO STRENGTHEN THE ACCOUNTABILITY OF CANADA'S NATIONAL SECURITY INSTITUTIONS?

The government needs to redefine what constitutes Security, Threats to Security and Terrorism, promote Common Security as defined above and address the threats to common security, and possibly contemplate drafting a Common Security Act to replace c-51, which needs to be repealed

Toleration of other cultures and appreciation of cultural diversity should be continued and strengthened,

There should be no discrimination on the grounds of ``political and other opinion``-; this ground is not included in the Canadian Charter of Rights and Freedom but it is included under Article 2 of the legally binding Covenant on Civil and Political Rights to which Canada is a party:

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. (1CCPR 1966)

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Other status`` has been used internationally to include other forms of discrimination not listed above such as LGBTQ Rights and rights of persons with disabilities.

In addition, it is important that those who are discriminated on the grounds of political and other opinion should be aware of the protocol 1 to the ICCPR`

- Subject to the provisions of Article 1, individuals whose claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration (Art 2)

There must be a clear distinction between a threat to the security of Canada and the threat to the government in power through citizens exercising their right to political and other opinion.

There is a moral imperative to not confuse threats to security or terrorism with advocacy, dissent and protests against the military exemption to state acts of terrorism; against joining in an invasion of another state- the ultimate crime of aggression under the UN Charter; against increased militarization and exorbitant military budget; against regime change; against rendering citizens with dual citizenship to states that condone torture; against the supporting of a dictator; against sonar testing or underwater bombs; or war games and military exercises; against the production or purchase of weapons such as hornets, armed drones and F 35s, [which could be nuclear capable] or against the construction of war ships; against nuclear powered or nuclear armed vessels circulating in Canadian waters or berthing in urban ports etc. [see common security list above for more extensive list, see the above Threat to Common Security list.]

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There is a moral imperative to not confuse threats to security or terrorism with advocacy, dissent and protests against Canada's condoning of the disregard, by its allies, for a global structure that respects the rule of law, the United Nations, the International Court of Justice, and the International Criminal Court;

Or against Canada for failing to lobby the United Nations to call for the dissolution of the UN Security Council because the Council violates a fundamental principle of the UN Charter- the sovereign equality of states and for failing to advocate that the real power should lie with the UN General Assembly; against Canada's misinterpretation of "Serious consequences" being a justification for the invasion of Iraq in 2003 [Kofi Annan said the Security Council had warned Iraq in resolution 1441 there would be "consequences" if it did not comply with its demands. But he said it should have been up to the council to determine what those consequences were]; against Canada's failure to support the Uniting for Peace Resolution, invoked to prevent the 2003 invasion of Iraq - a resolution which could have been passed with more than a 2/3 majority in the UN General Assembly and could have prevented the invasion.

Kofi Annan surmised that the invasion of Iraq in 2003 contributed to the formation of ISIS in the Middle East [<https://www.rt.com/news/230387-us-iraq-islamic-state>].

] All of the states and global protesters who were against the aggressive invasion of Iraq were not the threats to security or terrorists. The states that were members of the Coalition of the Willing were threats to security and could be deemed to have engaged in state terrorism. The members of the Coalition of the Willing, who were signatories of the Rome statute of the ICC, should have been charged with Crimes Against the Peace or Crimes against the humanity. In addition, it should have been possible to have the UNGA invoke Article 22 of the Charter and set up an International Tribunal in The Hague, to try members of the Coalition of the Willing who were not signatories of the Rome Statute of the ICC.

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Similarly, the states, along with the global protesters who opposed the invasion of Kosovo were not the threat to security but the NATO countries that supported the aggression against Kosovo and refused to respect the jurisdiction of the International Court of Justice, were. The rule of international law will only happen if all states respect the jurisdiction and the decisions of the ICJ. Canada should lobby the US to respect both the jurisdiction and decision of the ICJ; the US has refused to respect the jurisdiction and decisions of the ICJ ever since the US lost at the ICJ when Nicaragua took the land mine case, in 1989, to the ICJ. Also the United States has refused to ratify the Rome Statute and thus is not part of the International Criminal Court. Those who protest against the United States for not respecting the jurisdiction and decisions of the ICJ or for not ratifying the Rome Statute of the ICC are not a threat to security or terrorists but the US has been a threat to security and has been engaging in state terrorism with impunity and immunity,

Threats to security are not those who protest against the violation of human rights, including labour rights, women's rights LGBTQ rights, civil and political rights, migrant and indigenous peoples rights, social and cultural rights – right to food, right to housing, right to safe drinking water and sewage treatment, right to education and right to universally accessible not for profit health care system; but those who engage in violation of human rights and possibly in terrorism such as racial profiling which is threat to security and all those engage in genocide, are guilty of state terrorism, crimes against the peace, and war crimes.

Threats to security are not those who lobby for the inclusion of "the right to a healthy environment" in the Charter of Rights and Freedoms or the defenders of the environmental rights but those who cause the increase in the ecological footprint, arising from the promotion of the current model of unsustainable and excessive overconsumption, and of the socially inequitable and environmentally unsound development which jeopardizes both the preservation of cultural and natural heritage and the civil and political rights of citizens are threats to security and eventually when the threats materialized – a form of terrorism.

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In addition, advocates who condemn Canada for being the greatest per capita contributor to greenhouse gas emissions and who criticize Canada for failing to make a substantial commitment, at COP21, to reduce greenhouse gas emissions are not threats to security.

A substantial commitment would have been time lines and targets in line with existing and emerging science such as 15% below 1990 by 2016, 20% below 1990 by 2017, 30% below 1990 levels by 2018, 50% below 1990 levels by 2020, 65 % below 1990 levels by 2025, 75% below 1990 levels by 2040 and 100% below 1990 emissions by 2050, decarbonisation with 100% ecologically sound renewable energy,

Promoters, such as the fossil fuel industries and state enablers of the fossil fuel industries are the real threats to security and as climate change arrives at the point of no return, their actions could contribute contravene the obligations in article 2 of UNFCCC:

Stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

And their actions could be deemed to result in a form of terrorism- the collapse of the ecosystem upon which all life depends.

2. PREVENTING RADICALIZATION TO VIOLENCE HELPS KEEP OUR COMMUNITIES SAFE. ARE THERE PARTICULAR PREVENTION EFFORTS THAT THE GOVERNMENT SHOULD PURSUE?

Terrorism, particularly state terrorism, breeds terrorism; Violence, especially, state violence, begets violence; mistrust fosters untrustworthiness; discrimination, racial profiling, stereotyping, militarism and marginalization – all perpetuate destabilization of communities and must be prevented

There must be education for law enforcement agents and members of the security establishment to be able to distinguish between advocacy, dissent, protest and real threats to security such as mentioned above and in the Common Security list.

Also, it is necessary to enshrine in the Charter of Rights and Freedoms the prevention of discrimination on the grounds of “political and other opinion” which has been, since 1966, one of the listed grounds internationally in the legally binding International Covenant on Civil and Political Rights

There should be no discrimination on the ground of political and other opinion-; this ground is not included in the Canadian Charter of Rights and Freedom but it is included under Article 2 of the legally binding Covenant on Civil and Political Rights to which Canada is a party:

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. (1CCPR 1966)

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The following current definition of threat to security in C51 must be abandoned;

“activity that undermines the security of Canada” [\[1\]](#) means any activity, including any of the following activities, if it undermines the sovereignty, security or territorial integrity of Canada or the lives or the security of the people of Canada:

[\[2\]](#)

[\[3\]](#)

(a) interference with the capability of the Government of Canada in relation to INTELLIGENCE, DEFENCE, BORDER OPERATIONS, PUBLIC SAFETY, THE ADMINISTRATION OF JUSTICE, DIPLOMATIC OR CONSULAR RELATIONS, OR THE ECONOMIC OR FINANCIAL STABILITY OF CANADA;

(b) CHANGING OR UNDULY INFLUENCING A GOVERNMENT IN CANADA by force or unlawful means;

(c) espionage, sabotage or covert foreign-influenced activities;

(d) TERRORISM;

(e) PROLIFERATION OF NUCLEAR, CHEMICAL, RADIOLOGICAL OR BIOLOGICAL WEAPONS;

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(f) interference with critical infrastructure;

(g) interference with the GLOBAL INFORMATION INFRASTRUCTURE, as defined in section 273.61 of the National Defence Act;

global information infrastructure includes electromagnetic emissions, communications systems, information technology systems and networks, and any data or technical information carried on, contained in or relating to those emissions, systems or networks

(h) an activity that causes serious harm to a person or their property because of that person's association with Canada; and

(i) an activity that takes place in Canada and undermines the security of another state.

For greater certainty, it does not include advocacy, protest, dissent and artistic expression.
(Lawful has been removed)

The above definition of threat to security perpetuates the concern expressed by SIRC

“The intelligence community appears to be inept at assessing what constitutes real national and international threats to security. This ineptitude was confirmed recently at a colloquium, entitled the ‘Challenges of Security Intelligence Review Committee SIRC’. An official from SIRC acknowledged the following:

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In assessing the distinction between those who have a disagreement with politics and those who are deemed to be terrorists...Police agencies are not good at making that distinction and err on the side of security ".Our Intelligence community came out of a cold war culture. We are in a very different world. There is a lot of catch up. We have to have the ability to identify clearly this distinction. If we don't do this we are threatening the fabric of the civil liberties of Canadians.

``

The fabric of civil liberties of Canadians has definitely been threatened through the designation of citizens who have a disagreement with the Government of Canada, through expressing political and other opinion, to be threats to the security of Canada.

3. IN AN ERA IN WHICH THE TERRORIST THREAT IS EVOLVING, DOES THE GOVERNMENT HAVE WHAT IT NEEDS TO PROTECT CANADIANS' SAFETY WHILE SAFEGUARDING RIGHTS AND FREEDOMS?

The best way to protect Canadians from terrorism is for Canada to end aggressive military interventions into other states, to refrain from being complicit in military interventions into other states. Canada should withdraw from NATO because of NATO's reneging on its commitments to not move one inch further east than Germany which has been a provocative and risky move: and because of NATO's nuclear policy;

NATO SAYS THAT:

1) NUCLEAR WEAPONS MUST BE MAINTAINED INDEFINITELY. CANADA AS AN ALLY OF NATO AGREES. NO! SAYS ARTICLE VI & STEPS 6, 9 AND 11.

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2) WE WILL IMPROVE THEIR USE AND ACCURACY (MODERNIZE THEM). CANADA ACQUIESCES. NO!, SAYS ARTICLE VI OF THE NPT, VIA STEPS 2, 6, 9.

3) WE CAN USE THEM FIRST. CANADA ACCEPTS, THOUGH WITHOUT ENTHUSIASM. NO! SAY STEPS 6 AND 9. 4)

4) WE CAN TARGET NON-NUCLEAR WEAPON STATES. CANADA ACQUIESCES. NO! SAYS NPT ARTICLE II

5) WE CAN THREATEN TO USE THEM. CANADA ACCEPTS. NO! SAYS THE NPT (IMPLICITLY). 4

6) WE CAN KEEP THEM IN EUROPE AS THEY ARE NOW DOING. CANADA ACCEPTS. NO! SAYS ARTICLE II.

7) WE CAN LAUNCH SOME ON 15 MINUTES WARNING. CANADA ACQUIESCES. NO! SAYS STEP 9

8) WE SAY "THEY ARE ESSENTIAL FOR PEACE". CANADA ACCEPTS. NO! SAYS THE NON PROLIFERATION TREATY AND ITS 13 STEPS (communication from Murray Thompson, 2016)

Canada must endorse the Montreal Declaration for a Fission Free World and promote it at the UN and lead the way in the negotiation of a Treaty on the Abolition of Nuclear Weapons

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Canada should also withdraw from NATO because of the years of NATO's being either complicit or responsible for using the following pretexts for aggressive intervention in other sovereign states:

"human security" (Iraq 1991), "Humanitarian intervention" (Kosovo, 1999), "self-defence" (Afghanistan 2001), "Pre-emptive/ preventive" attack (Iraq, 2003) "Responsibility to Protect" (Haiti, 2004, Libya, 2011) or "will to intervene" (Mali, 2013). Each time the pretext was discredited, a new one emerged

Canada, however, should not only withdraw from NATO but also support the call for the dissolution of NATO"

True security does not arise through NATO, expansion[which reneged on the commitment not to move one inch further towards the east of Germany] through being a nuclear weapons organization, through coercing other states to increase their military budgets, and purchase weapons like F 35 and armed drones, through destabilizing other nations, through setting up military bases around the world, through war games and military exercises, through circulating nuclear powered and nuclear arms capable vessel. Etc.

Unfortunately, Canada is contributing to terrorism by

destabilizing other nations, such as Iraq, through Canada`s supporting and participating in NATO aggression, or associated with the aggression of states belonging to NATO

In addition, Canada`s sending troops to Latvia, as requested by NATO, is contributing to NATO expansion which is causing increased tension between Russia and NATO

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Canada's ending of the bombing in the Middle East was an important move towards preventing terrorism against Canada. Yet, it appears from what MP John Mackay said to me, at a recent public meeting, Canada will embark on an armed drone mission which could increase the potential threat of terrorism in response to drones which are themselves instruments of terror...