

Harper in Victoria: Served With 95 Articles of Condemnation

Posted by

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2008 August 4

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PEJ News - Joan Russow, Global Compliance Research Project - In Victoria, Harper will be welcomed at the Legislature by protesters, Monday, August 4 @ 11:30 am. The Harper government has perpetuated or introduced misguided practices, or actions that violate human rights, that destroy the environment, that deny social justice and that contribute to war and conflict. Ninety-five Articles of Condemnation of the Harper government might be passed on to Harper and figuratively nailed to the Langevin Block of the House of Commons.

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NINETY-FIVE ARTICLES OF CONDEMNATION OF THE HARPER GOVERNMENT

EXHIBITING DEMOCRATIC DEFICIT

(1) Canada is in a constitutional crisis because under the Canadian constitution a minority government, can speak on behalf of Canada. Normally, in the past minority governments generally have the support of at least one of the opposition parties. Currently in Canada, the "new" Conservative minority government does not have real support from any of the opposition parties.

(2) Canada has a minority government acting as a majority government, through its disregarding majority votes, and through its declaring of motions as non-confidence motions. Under the Canadian Constitution, an international agreement can be ignored, adopted, signed, or ratified simply by the agreement of the Prime Minister and Cabinet: this means, that even though the three opposition parties representing two thirds of the electorate are opposed to the government's position, the minority government can bind Canada, internationally. The minority government is being investigated by the Standing Committee on Access to Information, Privacy and Ethics which is examining the activities, during the 2006 election, of the Conservative Party of Canada related to certain election campaign expenses and ethical standards of public office holders.

(3) Canada has a flawed electoral system: the first past the post system rather than some

form of proportional representation. Governments can be elected with as little as 33% support from the electorate;

(4) Canadian opposition parties often refrain from bringing down the government because of the fear, under the current electoral system, of the repercussions of the splitting of the vote. Often citizens vote for the party they want less to prevent the party they want least from being elected.

Added; 4.1. The Conservative government is being investigated by Elections Canada and by the Parliamentary Committee on Access to Information, Privacy and Ethics for an in-and out financial transfer from the National office to the local Candidate office, which resulted in the transferring of expenses not incurred by the local office to the local office. This enabled the National party to spend more, and the local candidates to apply for a 60% rebate, for election expenses, from Elections Canada if the candidate received over 10% of the vote.

(5) The current system discriminates against women and minorities. (see Joan Russow v The Attorney General of Canada, The Chief Electoral ... A Charter Challenge to Canada's Electoral System", www.law-lib.utoronto.ca/testcase/)

(6) Canada, under the Conservative government, has refused to respect and act on the majority vote in parliament. For example, on May 8, 2007 two thirds of Parliament endorsed the majority report from the Standing Committee on Citizenship and Immigration; this report supported the request by war resisters to remain in Canada. The Conservative government will not respect the majority vote in Parliament.

(7) Canada has less than 27% of women elected to the Parliament. In a publication, prepared under the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), the various states were listed according to the percentage of women elected to the national legislatures; the list stopped at 27% thus Canada was not included on the list.

PROMOTING MILITARISM

(8) Canada has overtly engaged in "Operation enduring freedom" against Afghanistan, and covertly in "Operation Iraqi Freedom" against Iraq;

(9) Canada has supported the invasion and occupation of another sovereign state under the guise of self defence, of "preemptive/preventive" attack, of "humanitarian intervention: or of the responsibility to protect.

(10) Canada has accepted the misconstruing, by the United States, of Article 51 (self defence) of the Charter of the United Nations to justify premeditated non-provoked military aggression.

(11) Canada has continually supported the using of "9-11" as a justification for military aggression, for redefining torture, and violating the Convention against torture; and for denying fundamental civil and political rights.

(12) Canada, under the Conservative government has abandoned Canada's long-standing role of a sanctuary for those opposed to war.

(13) Canada has continued to be a member of NATO, with its first strike policy, and with its belligerent, and offensive operation, "Bomb, Blast and Bribe" Operation in Afghanistan.

(14) Canada has substantially increased its military budget, to over 10% of the annual revenue available for Federal government programs.

(15) Canada, to promote its increased spending has given a grant of \$500,000 to the Canadian Defence Association Institute's (CDAI)/ and the Conference of Defence Association (CDA). On May 16, 2008, it was revealed that the Conference of Defence Association (CDA) and its charitable front group the Conference of Defence Association Institute had received 500,000 from the "new" Conservative government to legitimize the Federal Government's annual Defence spending, and the government's recently announced Canada First 30 billion anticipated future budget along with the 45 billion retrofit budget. In the Covenant for the 500,000 grant the CDA and the CDAI are linked in the application.

"As a recipient, the CDA, with the support of its charitable wing, the Conference of Defence Associations Institute (CDAI), will promote exchanges on security and defence issues among its membership, decision makers, the media and the broader Canadian public. As a result of these activities, the CDA will educate its members and the broader public on defence issues relevant to Canada."

Under this Covenant between the government and the CDA/CDAI, to receive the grant the CDA and the CDAI must fulfill the following "charitable" actions: The CDA (or the CDAI) will undertake the following activities in each fiscal year

- (i). Provide tangible input into legislative and policy governmental work.
- (ii). Secure a minimum of 24 extended invitations to CDA staff to participate in meetings or briefings.
- (iii). Maintain a minimum of 12 member associations.
- (iv) Maintain a minimum of 17 associate member associations
- (v). Maintain a minimum overall membership of at least 100,000 members.
- (vi) Attain a minimum of 200 requests for information. I
- (vii). Attain a minimum of 29 media references to the CDA by national or regional journalists and reporters.
- (viii) . Attain the publication of a minimum of 15 opinion pieces (including op-eds and letters to the editor in national or regional

(16) Canada has engaged in military exercise such as Trident Fury, and Exercise Amalgam/Falcon Dart Northcom; flagrant display of propaganda of war (in violation of the International Covenant of Civil and Political Rights, which prohibits propaganda of war);

(17) Canada has welcomed US nuclear powered and nuclear arms capable vessels into the

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Canadian harbours of Greater Victoria, and Halifax..

(18) Canada has continued to permit US nuclear powered and nuclear arms capable vessel, such as USS Abraham Lincoln into the harbour of Greater Victoria Canada. This vessel is the infamous vessel from which President Bush proclaimed US Victory in Iraq.

(19) The intrusion into Canadian waters by U.S. nuclear powered and nuclear arms capable vessels contravenes obligations to prevent disasters, commitments to eliminate weapons of mass destruction, and the 1996 decision by the International Court of Justice that the threat to use or the use of nuclear weapons is contrary to International Humanitarian law.

(20) Canada has continued to support NATO which still neither confirms nor denies the existence of a first strike nuclear policy.

(21) Canada has agreed to an enhanced role for NORAD.

(22) Canada has engaged in military exercise such as NATO'S Trident Fury, or Northcom's Exercise Amalgam/Falcon Dart.

(23) Canada, with its JTF-2 commandoes, has, along with British and US soldiers conducted secret nighttime raids and execution missions in Afghanistan, resulting in numerous civilian casualties.

(24) Canada has appointed Lt.-Gen. Walter Natynczyk who was groomed at U.S. Army War College whose "ultimate purpose of land power is to support U.S national objectives in a joint, interagency, and multinational environment; and who was made deputy commander of the multi-national corps (Iraq) in operation Iraqi Freedom [in a war in which Canada refused to overtly participate]

(25) Canada has continued to be a major supplier of uranium and of CANDU nuclear reactors and as such has directly or indirectly or through the "fungibility principle" (Knelman, F.) contributed to the production of nuclear arms.

(26) Canada is estimated as the sixth largest exporter of arms, and has continued to profit from the sale of arms.

(27) Canada has been complicit , in the development and use of weapons such as Depleted Uranium and cluster bombs that would be prohibited under the Geneva Protocols

(28) Canada has failed to denounce the hypocrisy of the US opposing the possession of nuclear weapons by certain states, but failing to criticize the destabilization of the Middle East through the Israeli possession of nuclear arms.

(29) Canada has failed to criticize the Israeli strike on Syria, and has not come out opposition to the dangerous precedent set by the US in the US adoption of the policy of "preemptive strikes" against states that pose a threat to the United States. [It was reported that, on

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September 6, 200, Israel struck a facility in Syria].

(30) Canada, through the acceptance by Harper, of an "international" human right award has abandoned Canada's less biased position in the Middle East. Harper's award was based on the following:

- Unequivocally supporting Canada's role in the UN-sanctioned mission in Afghanistan;

The US Invasion in Afghanistan was an act of US revenge in violation of International law, and never sanctioned by the United Nations, and was a misconstruing of article 51-self defence.. When NATO became involved the UN gave conditional support providing the Operations complied with the Charter of the United Nations. One of the purposes of the United Nations is to comply with international law. The ISAF NATO operation along with Operation Enduring Freedom have violated several Geneva Conventions through the treatment of prisoners, and the use of prohibited weapons, and more recently been condemned by the UN or night-time raids resulting in civilian deaths

- Refusing to sign a resolution denouncing Israel's right to self-defence at the 2006 Francophonie Summit;

Harper has failed to denounce the hypocrisy of the US opposing the possession of nuclear weapons by certain states, but failing to criticize the destabilization of the middle East through the Israeli possession of nuclear arms.

- Suspending relations with the then Hamas-led government in Palestine, for its refusal to renounce terrorism; and

Harper has demonstrated not only disregard for democracy in Palestine, but also in Canada by signing or failing to sign international agreements that have been supported by all opposition parties representing two thirds of the Canadian Electorate

- Delivering a heartfelt apology acknowledging the overtly discriminatory Indian Residential Schools program.

Harper's government was one of three states that refused to ratify the International Declaration of the Rights of Indigenous Peoples. Though the apology is long past due, it does not make up for the continued violation of the social and cultural rights, the right to self-determination, the right to safe drinking water etc, of indigenous peoples in Canada.

(31) Canada has not supported the setting up, by the United Nations General Assembly, under Article 22, an international Tribunal to try the Bush Regime for Crimes against the peace

DEMONSTRATING DISDAIN FOR THE RULE OF INTERNATIONAL LAW

(32) Canada has demonstrated disdain for the international rule of law, by refusing to accept the jurisdiction or decision of the International Court of Justice.

(33) Canada has extended "human security" to mean "humanitarian intervention" and

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"Responsibility to protect" and created the licence to intervene militarily in the name of humanitarian intervention.

(34) Canada, through transferring prisoners, has violated the Convention against Torture.

(35) Canada has violated the Geneva conventions on the treatment of civilians, and international human rights and humanitarian law during the invasion and occupation of sovereign states.

(36) Canada has signed and ratified international conventions, treaties and covenants but has failed to enact the necessary statutory legislation to ensure compliance. [Even though in 1982, Canada sent a Communique internationally indicating that when Canada signs an agreement it ensures that the necessary legislation is in place, and in the event that there is a discrepancy, Canada will enact implementing legislation.

TRUMPING CIVIL AND POLITICAL RIGHTS

(37) Canada has obsequiously drafted the Canadian model of "homeland security act" in the drafting and enforcing of the "anti-terrorist Act" which has contributed to racial profiling.

(38) Canada has violated the civil and political rights of its citizens by instituting a copy- cat no-fly list, and by relying on FBI lists of Activists to prevent their entry into Canada

(39) Canada has also embarked upon caving in to US paranoia by contributing to a North American Fortress and has agreed to develop, enforce intrusive identity measures such as biometrics.

(40) Canada has recently undertaken in Kelowna a pilot project of Body Scanning.- virtual stripping" through a device that penetrates clothes; it has permitted a pilot project for the "virtual stripping" of citizens through a device that penetrates through clothes.

(41) Canada, has used the RCMP, as agent provocateurs, to target activists opposed to government policies at conferences, such as APEC, and the SPP.

(42) Canada has placed citizens, engaged in lawful advocacy, on RCMP Threat Assessment lists.

(43) Canada has equated lawful advocacy with criminal acts in violation of the Canadian Security and Intelligence Service (CSIS) Act.

(44) Canada has exchanged "caveats down", "intelligence" information with the US; this misinformation has led to "rendering" of citizens to states which permit torture.

(45) Canada has failed to condemn to redefinition, by the US, of what constitutes torture.

(46) Canada has been implicated in intruding and intervening, through questionable

institutes, in the electoral process in sovereign states

PRATICISING ANTI-ENVIRONMENTALISM

(47) Canada has condemned and prosecuted citizens for attempting to prevent irreparable harm to the environment and for calling upon governments and the courts to respect the rule of law.. Since the arrests in Clayoquot Sound and subsequent arrests of citizens protesting the destruction of the forests, concerned citizens have been asking "Who are the real criminals?" The Court must end designating , as criminals, those who strive to respect international obligations, and begin charging the corporations who continuously disregard the rule of law, and the long-standing obligations towards the Environment..

(48) Canada has for years ignored the warnings of the Intergovernmental panel on Climate change, and disregarded its obligations under the Framework Convention on Climate Change and refused to ratify the Kyoto Protocol.

(49) Canada, at the International Conferences on Climate Change, has stalled international resolve to address the issue of climate change.

(50) Canada has even ignored the serious short term and long term consequences of nuclear energy and advocated that civil nuclear energy is the solution to climate change.

(51)Canada has promoted two questionable "solutions" to climate change: Nuclear and biofuel, and ignored the principles that a "solution" should never be equally bad or worse than the problem it is intended to solve.

(52) Canada has failed to call for states to release information related to the greenhouse gas emissions from the production of all weapons systems, military operations and interventions, military exercises, weapons testing, military aviation, environmental warfare, troop transfer, waste generation, reconstruction after acts of violent interventions etc;

(53) Canada has either not been invited or refused to participate in the German government initiative to establish an International Renewable Energy Agency (IRENA). The "preparatory conference for the foundation of the international renewable energy agency (IRENA)" took place in German on April –09 –11, 2008, there were 170 participants from 60 countries attended and discussed the possible objectives, activities, organisation and finance of IRENA. Canada was not one of them.

(54) Canada has continued to transfer to other states, substances and activities that are harmful to human health or to the environment and to justify this transfer through the notion of "informed consent".

(55) Canada collaborated with the US in the gutting and discarding of the precautionary principle which reads where there is a threat to human health or the environment, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent the threat.

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(56) Canada has continued to the destroy biodiversity not only in Canada but even in the United States, through the transboundary impact on the Canadian company, Cominco.

(57) Canada has instituted major environmental awards, such as the Canadian Environmental Award, and permitted major polluters, such as Shell and Nexen to sponsor the event, and thus has condoned "green wash".

UNDERMINING FOOD SECURITY AND WATER AS A PUBLIC GOOD

(58) Canada continues to be a major producer, and promoter of genetically engineered foods and crops which has led to a deterioration of the food supply, and of heritage seeds.

(59) Canada also has used the WTO to undermine European opposition to genetically engineered foods and crops.

(60) Canada has participated in the export of genetically engineered corn into Mexico when, under NAFTA on January 1, 2008, the Mexican border was opened to genetically engineered corn.

(61) Canada has supported corporate demands for an acceptance of a high percentage of "adventitious" material in containers previously used for the transport of Living Modified Organisms.

(62) Canada voted against the declaration of Water as a Human Right, at the reunion of the UN Commission on Human Rights in Geneva.

(63) Canada has increasingly resorted to "public private partnerships" (3 Ps) to fund and operate the commons in areas of "drinking water and sewage".

(64) Canada has permitted the salmon Aquaculture, which has impacted on wild salmon.

(65) Canada has used the "extraterritoriality" principle to justify environmentally destructive mining practices in many parts of the world.

(66) Canada, through the Security and Prosperity Partnership, and NAFTA has been harmonizing standards leading to the lowest common denominator, and has been relaxing regulations

EVADING HUMAN RIGHTS

Social and Cultural Rights

(67) Canada has failed to incorporate provisions from the International Covenant of Social, Economic and Cultural Rights in the Charter of Rights and Freedoms.

(68) Canada has failed to implement into statutory legislation the guarantees under the

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Covenant of Social, Economic and Cultural Rights to the right to food and the right to housing, both vital determinants of citizen's health.

(69) Canada has reneged on the international commitment to transfer .7% of the GDP for overseas aid,

(70) Canada has failed to seriously advance the cancellation of third world debt;

(71) Canada has reduced funds for universities, causing universities and researchers to grovel for corporate and defence funding

(72) Canada has condoned the corporate funding of higher education and the corporate direction of research.

(73) Canada, through the appointment of general Rick Hillier, former Canadian Chief of Defence staff, as Chancellor of Memorial university; reflects the reifying of the "inBEDdedness" of the military in academia, and of the disconcerting revolving academic/military door.

(74) Canada is moving progressively away from its national policy of universal accessible, non-two tier, not for profit health care system.

(75) Canada has, through the election of Dr.Brian Day, as President of the Canadian Medical Association could be moving more towards condoning private facilities:

In a November Address to the Canadian Medical Association stated the following:
"Frustrations with wait lists led me, in 1995, to found the Cambie Surgery Centre in Vancouver - the first private facility of its type in Canada".

Labour Rights

(76) Canada, has failed to sign and ratify most of the International Labour Conventions (ILO).

(77) Canada has failed to institute a Fair and just transition program for workers to move away from activities that are harmful to the environment and to human health.. Since the emergence of concern about the environment in the 1970s, many union members anticipated that there would be the phasing out of industries for environmental reasons, and they began advancing the principle of fair and just transition.

Indigenous Rights and Rights of Migrant Workers

(78) Canada, on September 13, 2007, failed to adopt the International Declaration on the Rights of Indigenous Peoples (Canada was one of only four states that refused to adopt the declaration; subsequently with the change in government in Australia, Canada is now one of three states that did not adopt the Declaration

(79) Canada cannot be absolved from the continued exploitation of aboriginal by apologizing,

though important, to the First Nations peoples of Canada. Canada has allowed the situation of indigenous peoples in Canada to deteriorate to such an extent that first Nations are often desperate enough to enter into agreements with industries that exploit resources of the land in a way that is destructive to the environment and culturally inappropriate

(80) Canada has refused to ratify the International Convention on the Protection of Migrant Workers and their Families

FLAUNTING CORPORATISM

(81) Canada has continued to promulgate globalization, deregulation and privatization through its support for trade agreements, such as the WTO/FTAA/NAFTA, SPP;

(82) Canada has advocated and supported the IMF's structural adjustment program which has resulted in serious deterioration of social services and exploitation of the resources of vulnerable peoples around the world;

(83) Canada has entered into the Security and Prosperity Partnership (SPP), with the US and Mexico, which will contribute to the increased violation of international peremptory norms, and lead to the relaxing of health and environmental standards through "harmonization of standards".

(84) Canada has been increasingly willing to provide "reliable energy" to the US regardless of health or environmental consequences.

(85) Canada has ignored even the NAFTA provision to not relax environmental standards to attract industry.

(86) Canada has, on the other hand, always relied on what has been described as the "proportionality" principle which it claims would require, regardless of the environmental consequences to continue to export the same proportion of energy.

(87) Canada, in its 1993 Environmental Assessment of NAFTA, claimed that Canada's international environmental obligations would take precedence over NAFTA; yet Canada has not used the Convention on Biological Diversity which Canada has signed and ratified, to counter any corporate claims against Canada

(88) Canada has increasingly succumbed to US corporate take-overs of Canadian industry.

(89) Canada has promoted the privatization of public services such as water, and health care,

(90) Canada has advocated corporate voluntary compliance rather than instituting Mandatory International Ethical Normative (MIEN) standards and enforceable regulations to drive industry to conform to international law.

(91) Canada has failed to revoke licences of corporations that have violated human rights,

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destroyed the environment, contributed to war and conflict, and denied social justice.

(92) Canada has condoned and actively facilitated corporations benefiting and profiting from war.

(93) Canada is willing to sacrifice the environment, in the oil sands, to satisfy US energy wants and is indirectly contributing to US military production

(94) Canada has engaged in flawed consultation process in the oil sands, and conveyed an "over the top" rhetorical "vision" statement: Our vision for oil sands development leads to a future for Alberta that:

- Honours the rights of First Nations and Métis
- Provides a high quality of life
- Ensures a healthy environment
- Maximizes value-added in Alberta
- Builds healthy communities
- Sees Alberta benefit from the oil economy and lead in the post-oil economy
- Sees Alberta as a world leader in education, technology and a skilled workforce
- Provides high quality infrastructure and services for all Albertans
- Demonstrates leadership through world class governance (agreed to by the committee of the consultation process)

(95) Canada has directly or indirectly subsidized companies that have developed weapons of mass destruction, that have violated human rights, that have denied social justice, that have exploited workers, that have destroyed the environment;

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UPDATE: AUGUST 4 AFTER THE RALLY

Harper was well booed and well protested against. The 95 Articles of Condemnation were passed on to one of the security people who, while being filmed, assured us that it would be passed on to Harper.□