CROSSING THE LINE

A Citizens' Inquiry on Canada–U.S. Relations

THE COUNCIL OF CANADIANS

LE CONSEIL DES CANADIENS

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Introduction

The federal government's last meaningful public consultation on the issue of Canada's relationship with the United States took place in the early 1980s. The MacDonald Commission, led by former Finance Minister Donald MacDonald, started its work under the Trudeau Liberal government and ended it under Brian Mulroney's Conservatives. Its main recommendation was that the federal government should take a "leap of faith" and begin negotiations on a free trade agreement with the U.S.[1]

Brian Mulroney had expressed his opposition to free trade during his leadership campaign. However, he used the 1985 Shamrock Summit to announce the beginning of these negotiations. The Canada-U.S. Free Trade Agreement (FTA) was signed in 1987.

Canada then moved deeper into free trade by ratifying the North American Free Trade Agreement (NAFTA), which was implemented in 1994. Since then, the federal government has gradually adopted or begun many measures that are significantly altering Canadian society and Canada's relationship with the United States. The consequences of these measures are difficult to identify, as they appear to be independent of each other. But it is likely that their effects will reinforce the negative consequences of NAFTA. These measures include Canadian participation in the Ballistic Missile Defence program and U.S.-led homeland security programs; implementation of a regulatory reform framework, called Smart Regulation, which will harmonize many of our standards and regulations with those of the U.S.; negotiations toward a customs union, which will take place behind closed doors; and the development of a continental resource strategy with respect to energy and water.

Since 1999, the Canadian Council of Chief Executives (CCCE), which represents the interests of Canada's top 150 corporations, has been using its considerable influence to push the federal government toward deeper integration between Canada and the United States.[2] These initiatives were progressing slowly until the tragic events of September 11, 2001. The CCCE seems to be using 9/11 as a chance to further its own agenda; the attacks have provided an opportunity to link security to trade and have helped to push the CCCE's agenda forward at an unprecedented pace.

In 2004, the CCCE joined with the U.S. based Council on Foreign Relations and the Mexican Council on Foreign Relations to organize a Task Force on the Future of North America. The task force's May 2005 report recommended that Canada's foreign policy cater to U.S. priorities. Even before the release of its report, this task force had already influenced the leaders of Canada, the U.S. and Mexico. Paul Martin, George W. Bush and Vicente Fox expressed their intent to follow the CCCE's advice, when they signed the Security and Prosperity Partnership of North America in March 2005.[4]

Canadian citizens have had no say in determining this new direction but, when asked their opinion, it is clear they don't agree with catering to U.S. priorities. A prime example is the key U.S.-Canada issue of Ballistic Missile Defence (BMD). For almost two years, Prime Minister Paul Martin expressed a strong desire to participate in the U.S. ballistic

missile defence scheme. It was a position unpopular with Canadians. Prime Minister Paul Martin's dramatic turnaround in February 2005 came as a result of poll after poll showing strong public opposition to the proposal. This public outcry should have been a wake-up call to the government that Canadians hold very strong feelings about the future of our country, and that the government ignores the citizen voice at its peril. The government is obligated to consult with citizens, not only with big business, when such major issues are at stake. But to date the government has not respected this obligation.

To counter the government's lack of respect for public process, the Council of Canadians organized **Crossing the Line: A Citizens' Inquiry on Canada-U.S. Relations**. The Inquiry held public hearings in 10 cities across Canada between November 2004 and March 2005. The hearings, each of which addressed a key issue that affects Canada's relationship with the United States, gave Canadians an opportunity to voice their opinions on our relationship with the world's only superpower. Experts prepared briefs and citizens were invited to make presentations to commissioners, including Council of Canadians National Chairperson Maude Barlow, who attended each public hearing.

This report is a summary of those hearings. It articulates what Canadians understand about deeper integration with the United States and how it is already affecting Canada and, if allowed to continue, will affect this country in the future. It reveals that Canadians have a very definite perspective on their relationship with their southern neighbours. By and large, they expressed respect and empathy for the American people. At the same time, however, they have serious reservations about Canada actively ceding its power and linking its destiny to the United States.

The Citizens' Inquiry shed light on Canadians' concerns about a broad range of issues related to the economic and political integration of Canada and the United States. But there is still an urgent need for 1) a moratorium on all processes and legislation currently leading to deeper integration with the United States, and 2) a full royal commission on this issue. A royal commission would be a crucial step in assessing the direction Canadians truly want to move in their relationship with the United States, at a time when the future of Canada is at stake.

Defence and Security

During the Inquiry hearings on defence and security, witnesses acknowledged the need for more troops, new equipment and more money for national defence. But they also expressed concern that the federal government has given few indications that it intends to preserve Canada's independence from the aims and objectives of the United States. For example, the Liberal government has been intent on cooperating with the United States on domestic security, particularly since Paul Martin became prime minister.

By trying to play two conflicting roles at the same time, we have ended up as neither a true war-fighter, nor a proud peacekeeper.

Since the terrorist attacks of September 11, 2001, the federal government has experienced increasing pressure from the United States and, more importantly, from Canada's own business elite to tie economic policies to heightened defence and security measures. In 2003, the Canadian Council of Chief Executives (CCCE) argued that:

> We must allocate expanded resources to the securing of Canada's economic infrastructure and build a more effective capability for dealing with natural and man-made disasters and...we must enhance the interoperability of Canadian and United States armed forces on land, at sea and in the air, including Canadian participation in a continental anti-ballistic missile system.[5]

Canada's traditional image, both nationally and internationally, has been one of peacekeeper, not war maker. But currently the proportion of Canada's armed forces assigned to peacekeeping missions is at an all-time low.[6] The federal government's International Policy Statement, issued in April 2005, gives few indications that this situation will change.[7]

Jillian Skeet, a Vancouver-based international affairs consultant, voiced the difficulty inherent in Canada's current stance. She stated that Canada is "trying to reconcile two conflicting approaches to world affairs" and that this has resulted in "a muddled foreign policy."

> We were not always so indecisive. Under Lester Pearson's guidance we carved out a unique role in the world, taking full advantage of our benign middle-power status to become a globally recognized mediator and peacemaker. After Mulroney signed the Free Trade Agreement, we began participating in wars alongside the U.S. for the first time since the Korean War. But by trying to play two conflicting roles at the same time, we have ended up as neither a true war-fighter, nor a proud peacekeeper.

Skeet told the Inquiry that this inconsistency in Canadian defence policy is directly linked to Canada's stance on international trade.

In a move signalling a further muddling and blending of our domestic defence policy with that of our neighbour, Canada and the United States signed the Smart Border Declaration in December 2001.[8] This agreement was originally designed to enhance

both countries' domestic security, especially at entry points. However, because it facilitates intelligence-sharing between countries, it endangers the privacy and security of Canadians and raises serious issues with respect to Canada's sovereignty in security and foreign affairs.

The USA PATRIOT Act also endangers the privacy of Canadians, even though Canada had no say in its creation. Witnesses at the Inquiry focused on the Act and two key concerns emerging from the Smart Border Accord: security certificates and transportation security.

USA PATRIOT Act

The USA PATRIOT Act is an acronym for the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act. It became law on October 26, 2001, just 45 days after the terrorist attacks on U.S. soil, and constitutes a key piece of American "anti-terrorism legislation."

The most controversial provision of the Act is section 215, which authorizes the FBI to obtain orders from the secret Foreign Intelligence Surveillance Court to require any person or organization to disclose "any tangible thing." "Any tangible thing" could include entire databases of records. Since some Canadian companies outsource data management to U.S.-based companies, this means that Canadian records are fair game for the FBI and other U.S. intelligence agencies. A related provision in the Act forbids a person or organization that has been ordered to turn over records from telling anyone about it. Thus, there is no way of knowing whether U.S. authorities have obtained one's information and no way of challenging the seizure of that information.

Micheal Vonn, Policy Director of the British Columbia Civil Liberties Association, told the Inquiry about the British Columbia government's problematic contract with Maximus. This North Carolina company manages the B.C. Medical Services Plan (MSP), an arrangement that potentially gives the U.S. government access to the medical records of all British Columbians. (This situation is not isolated. In two well-publicized cases, the Canadian Imperial Bank of Commerce and the Royal Bank of Canada outsourced their operations to a Georgia-based company called Total System Services Inc.)[9]

The British Columbia government asked David Loukidelis, its Information and Privacy Commissioner, to prepare a report on the concerns raised by the Maximus case. In *Privacy and the USA PATRIOT Act: Implications for British Columbia Public Sector Outsourcing*,[10] released in October 2004, Loukidelis reported that any information pertaining to British Columbians that is located outside the province is subject "to the law that applies where it is found, regardless of the terms of an outsourcing contract." Thus, the USA PATRIOT Act applies to the data stored by Maximus (and likely to the data stored at Total System Services Inc. as well).

Three years after the USA PATRIOT Act became law, the Government of Canada finally realized the potential threat at the federal level. It ordered a review of all federal contracts

with the private sector to evaluate the risk of Canadian data being accessible to U.S. intelligence agencies.[11] In February 2005, it announced that federal contracts awarded to U.S. private companies will be "revamped" to protect the sensitive information of Canadians.

This is likely to be insufficient – the USA PATRIOT Act makes it clear that national security trumps contractual obligations. As Micheal Vonn pointed out in his closing statement to the commissioners:

> Experience to date has shown that the public is concerned with this issue and the weight of legal opinion bears out that the concern is justified. Experience has also shown that governments are apt to grandstand on the importance of privacy generally at the same time that they do far, far less than is required to actually safeguard that right.

Security Certificates

The Canadian Security Intelligence Service (CSIS) has the power to order the arrest of permanent residents or refugees who have committed no crime, put them in jail, and detain them indefinitely with the aim of deporting them, even in cases where they may face torture or death. All it takes for CSIS to initiate such a process against someone is the signatures of two federal cabinet ministers.

Security certificates existed before the terrorist attacks in New York and Washington (in fact, one person has been imprisoned under a security certificate since 1999), but the use of these certificates has increased dramatically since September 11, 2001. To date they have been used to detain 27 people in Canada.[12] Four of these people, who are either permanent residents or refugees, are currently imprisoned and one (Ernst Zundel, whose case was related to hatemongering, not to terrorism) has been deported.

Andrew Brouwer, a lawyer with the Canadian Council for Refugees, testified at the Inquiry that there are three main concerns with respect to the security certificate process:

> First, it allows the arrest and detention of non-citizens on the basis of secret evidence, contrary to regular criminal process…Second, it holds the state to a lower standard of proof than would normally be required on criminal charges. Third, the security certificate process allows for removal even if the likelihood is high that the person who is charged will be tortured in the country he or she is sent back to, contrary to international human rights covenants.

Several lawyers have challenged various parts of the security certificate procedure in superior courts. These challenges were unsuccessful until a case worked its way to the Supreme Court. On December 10, 2004, the Canadian Federal Court of Appeals maintained the constitutionality of security certificates in the case of Adil Charkaoui.[13] But just six days later, the United Kingdom's House of Lords found that the use of such

measures against non-citizens accused of terrorism is discriminatory and disproportionate to the threat of terrorism.[14] This decision may have influenced Canada's Supreme Court, which ruled on February 17, 2005, that Mr. Charkaoui should be freed on $50,000 bail.[15] The extradition process for Mr. Charkaoui was ongoing at the time of publication of this report.

This is a most important test of our values as a country and as a society. If we don't protect [permanent residents and refugees], who do we care about? If they don't matter in this new world, then where does that leave us as a country that respects the rule of law?

According to Brouwer, the decisions of the House of Lords and the Supreme Court are firsts in the matter of security certificates and constitute a significant turn of events: courts finally see how security certificates threaten democracy, human rights and the rule of law. "This is a most important test of our values as a country and as a society. If we don't protect [permanent residents and refugees], who do we care about? If they don't matter in this new world, then where does that leave us as a country that respects the rule of law?"

Transportation Security Clearance Process

Shortly after the tragedy of 9/11, and as a result of the increased desire of Canada and the United States to form a common North American security perimeter, the federal government reviewed all security arrangements in Canada's transportation sector, starting with aviation. The government then proceeded to a review of the marine industry, and the Marine Transportation Security Regulation (MTSR) took effect on July 1, 2004. However, one component of the MTSR, the Marine Facilities Restricted Area Access Clearance Program (MFRAACP), raised many concerns from various stakeholders. It was set aside for further review.

In its original form, the MFRAACP stated that longshore workers would have to apply for a transport security clearance. Among the pieces of documentation required to obtain this clearance would be proof of post-secondary education, including names and addresses of institutions attended; residential and employment histories for five years preceding the application; history of travel outside Canada for personal or non-governmental business other than to the U.S. or Mexico; and information on the applicant's spouse, parents, and spouse's parents.

The application for a Transport Security document would also require a signed consent from the applicant permitting Transport Canada to do security checks, take and use the applicant's fingerprints for identification purposes, take and use an electronic facial image for identification purposes, and collect and disclose information developed as part of the investigative process. The latter would include credit card history, immigration records, law enforcement and criminal records, and any other information that would facilitate CSIS doing an assessment.

Bill Chedore, National Coordinator of Health, Safety and Environment for the Canadian Labour Congress, and **Pat Riley**, President of the Canadian Maritime Workers Council, were involved in Transport Canada's sectoral consultations. According to them, the proposed MFRAACP goes far beyond the requirements of the International Labour Organization's ship and ports security code, which is the internationally agreed-upon

level for security. Chedore explained to the Inquiry that if there is a problem, even a minor one, longshore workers could be denied clearance during a security check even if they have worked in the industry for 25 or 30 years.

Transport Canada held a final consultation with stakeholders on January 31, 2005. Since then, it has stated that it intends to introduce an amended version of the MFRAACP, which is called the Marine Transportation Security Clearance Program (MTSCP). The amendments include a less stringent screening process and the creation of an Office of Reconsideration, which would act as a Board of Appeal.[16] However, the privacy concerns of the industry's workers remain valid, and if the MTSCP is implemented as is, workers' privacy will routinely be violated.

Indeed, a new vision of global order will require not a triumphalist articulation of 'Canadian values' to be spread worldwide – but a close examination of how we have been complicit in the creation of global insecurity and suffering…We must go further to address our own complicity in undermining that security.

Conclusion

The USA PATRIOT Act, the Smart Border Declaration, the North American Security Perimeter and other security measures adopted by the U.S. and Canada in response to 9/11 sacrifice Canadians' rights and freedoms for the sake of "defence and security." There was no mention of rights and freedoms when John Manley, former Canadian Minister of Foreign Affairs, summarized the Smart Border Declaration as "a declaration that sets our vision for a smart border – a vision that is supported by four pillars: the secure flow of goods, the secure flow of people, secure infrastructure, and coordination and information sharing in the enforcement of these objectives."[17]

In the most egregious example illustrating the implications of the Smart Border Declaration, Canadian software engineer Maher Arar was deported to Syria under the provisions of the Declaration, where he says he was subsequently tortured. Civil society groups, including the Council of Canadians, have intervened in the Arar Inquiry to uncover the extent to which the policies of the Government of Canada contributed to his deportation by U.S. authorities.

The majority of participants in the Citizens' Inquiry on Canada-U.S. Relations agreed that most of Canada's decisions on the world scene since 9/11 have been made by policy makers looking through the lens of "security." Despite mounting evidence to the contrary, many Canadians believe that the federal government is taking a different direction from that of the United States, and they adhere to U2 singer Bono's belief that "the world needs more Canada." But as **Dr. Leslie Ann Jeffrey**, a professor of political science at the University of New Brunswick in Saint John, concluded at the Inquiry, this perception ignores Canada's complicity with the U.S. in defence and security matters as well as international trade matters:

> Indeed, a new vision of global order will require not a triumphalist articulation of 'Canadian values' to be spread worldwide – but a close examination of how we have been complicit in the creation of global insecurity and suffering…We must go further to address our own complicity in undermining that security.

Recommendations:

- The Government of Canada should conduct an inquiry into the deportation to torture of Canadian citizens, in addition to the one already undertaken in the case of Maher Arar.
- The Government of Canada should abolish the Security Certificate process, which denies suspected terrorists the right to a fair trial in open court, and grant bail to the four people who are currently being detained on Security Certificates.

Missile Defence

In May 2001, President George W. Bush announced that the United States would withdraw from the 30-year-old Anti-Ballistic Missile (ABM) Treaty and invest massively in the development of a new national missile defence program. This Ballistic Missile Defence (BMD) program could, according to some estimates, cost up to US$1 trillion. In 2004 alone, the budget was $10.7 billion, more than twice what the U.S. spent on any other weapon system.[18]

Since that 2001 announcement, Canada has continually sent mixed messages to the U.S. administration and to the Canadian population. Former Prime Minister Jean Chrétien refused requests from the Bush administration to participate in the BMD program, but Paul Martin announced his support for Canada's participation in the scheme six months before becoming prime minister.[19] The federal government agreed in August 2004 to an amendment in the North American Aerospace Defence Command (NORAD) agreement to allow NORAD to serve as the early warning system for the missile shield.[20]

Then the realities of a minority government, the opinion of an overwhelming number of Canadians, and growing dissent within the Liberal Party forced Martin's hand. On February 24, 2005, Canada announced it would not participate in the BMD program.

However, most analysts agree that Canadian participation in the BMD program would be "back on the table" with the advent of a majority Conservative or Liberal government. The United States is going ahead with it, and Canada is already providing some assistance by allowing, for example, U.S. surveyors to explore Labrador for potential radar sites.[21]

Proponents of deep integration with the United States believe the Canadian government should support the U.S. BMD program. The Canadian Council of Chief Executives (CCCE) has clearly stated its position that Canada should participate in joint aerospace defence "both through NORAD and the planned ballistic missile defense system."

In contrast, 69 per cent of Canadians indicated in a March 2004 Ipsos-Reid poll, sponsored by the Council of Canadians and the Polaris Institute, that Canada should not actively support the Bush administration's missile defence system.[22] **Linda Siegel**, of KAIROS, summarized the position of Canadians at the Victoria hearing:

> I want to live in a society where people have hope that they can make a better world. I want to live in a society where our social safety net is expanded…I have heard that the cost of Canada's share of the BMD is $6 billion and we know this is going to increase, increase and increase. This will come off the backs of our entitlement programs…

Technical Aspects

It is well known that recent tests undergone by the BMD program have not been very successful.[23] In fact, technical and strategic barriers might prevent the BMD system from ever functioning as envisaged. **Dr. Michael Wallace**, professor of political science at the University of British Columbia and a specialist in BMD, told the commissioners that the apparently simple interception process has many inherent problems. These include intercepting missiles lacking sufficient speed, the failure of these missiles to correctly identify a threatening missile, radar discrimination problems, radar short-sightedness, the inability of the missiles to avoid decoys and countermeasures, and satellite inefficiency. According to Dr. Wallace, the BMD deployments that took place in 2004, and were planned for 2005 seemed to be little more than a political decoy to confuse the American people into a false sense of security and invulnerability to attack by "rogue states." In reality, the main purpose of the current BMD program is to provide contracts for major U.S. defence contractors such as Boeing, Lockheed Martin, and Raytheon.

Weaponization of Space

Many Canadian politicians and journalists have tried to make a clear distinction between ballistic missile defence and space weaponization. Prime Minister Paul Martin and Foreign Affairs Minister Bill Graham have often been quoted as saying Canada will not join any project that involves placing weapons in space, thus implying that BMD is a purely defensive system.

In contrast, the United States has made no secret that the BMD program is only one component of the U.S. National Missile Defense, which will put into orbit nuclear weapons that could be used for either defensive or offensive purposes. **Dr. Fred Knelman**, a retired physicist from British Columbia, has been studying ballistic missiles and the nuclear threat for many decades and wrote a best–selling book in the 1980s on Star Wars and the Reagan administration.[24] He informed the Inquiry of two critical documents guiding U.S. policy toward the weaponization of space.

The first policy document laying out these plans is "Vision for 2020,"[25] which describes in detail the role of the U.S. Space Command over the next two decades. This Pentagon document was written by a number of high-ranking military officers, including General Howell M. Estes III, Commander-in-Chief of the U.S. Air Force.

The second document is a progress report issued by Air Force Space Command: "Strategic Master Plan FY04 and Beyond."[26] In the introduction to this document General Lance W. Lord writes:

> As guardian of the High Frontier, Air Force Space Command has the vision and people to ensure the United States achieves space superiority today and in the future…Our vision calls for prompt global-strike systems with the capability to directly apply force through space against terrestrial targets. Space superiority is essential to our vision of controlling and fully exploiting space…

The BMD systems that would be ineffective in a missile defence role could still be readily adapted as offensive anti-satellite weapons. Since satellites are critical to a country's communications and military surveillance operations, clearly the supposed distinction between missile defence and space weapons does not exist in practice.

Arms Race

Missile defence presents a huge security challenge to other nations. The mere possibility that the system might work and thereby provide the U.S. with unprecedented global power makes another arms race a certainty, as countries seek new ways to protect themselves. The BMD program has already provoked new research and development in Russia and China, and it may be a factor behind countries such as Iran and North Korea pursuing nuclear weaponry.

Dr. Knelman explained the mechanics of an arms race by referring to the U.S.–Soviet Union / Russian escalation:

> As early as 1968, Pentagon strategists sought to develop an offensive nuclear strategy against the Soviet Union. This was in response to a modest Soviet missile defence system first deployed in the 1960s that was mainly guarding Moscow. The strike plan, operational on January 1, 1968, allowed for 60 warheads to target Moscow. The Soviet Union responded in 1989 by upgrading its missile defence systems, completing the work in 1995. In return, the Pentagon responded by increasing the number of missiles to 100, with a combined explosive power of 68 megatons.

Dr. Wallace also saw arms proliferation as the likely response to BMD, telling the Inquiry that:

> In large part, the BMD program is a product of unwarranted technological optimism. In fact, the high technology system can be overcome by relatively low technology countermeasures. Already Russia and China have developed some of those countermeasures. Predictably, however, the U.S. will attempt to develop measures to counter these countermeasures, and so on. Thus a new offensive-defensive arms race is assured.

Proponents of Canada's participation in the U.S. BMD insist on its defensive nature and dismiss too quickly the possibility that it will fuel a new arms race. The United States is

unrelenting in its pursuit of Ballistic Missile Defence and seemingly unconcerned about the proliferation of weapons of mass destruction that it may promote.

Why is the United States pursuing the missile defence program? **Steven Staples**, Director of the Polaris Institute's Corporate-Security State Project, links the renewed emphasis on missile defence with the U.S. response to 9/11.

> It's a cliché to say that 9/11 changed everything, but it's true. Some felt that the response to 9/11 should be a police action – the terrorists were international criminals to be tracked down and brought before the international community under the rule of law. But the U.S. said that it would be a military action run by the Pentagon – there would be a war on terrorism and it might never end.
>
> The fact is that on September 10, 2001, the U.S. was already spending almost as much on its military as the rest of the world was spending on all of theirs combined. The U.S. fleets of bombers, submarines and ships were powerless before the threat of terrorism. The militarized answer was not the right answer. The situation required new ways of thinking and of addressing the problem.

Conclusion

Canada has a choice to make. One option is to work toward its traditional foreign policy objective of disarmament, thus joining other NATO nations that are also opposed to the U.S. endeavour. The alternative is to join the Ballistic Missile Defence program as a silent partner, and thus become an accomplice in a project that could trigger a new nuclearization of the world. With Canadian public opinion and corporate demands at odds, Canadians rely on their government to be a forceful advocate for lasting peace, not perpetual war.

***Recommendations*:**

- The Government of Canada should renew and rejuvenate its status as a peacemaker, rejecting participation in unilateral U.S.-led wars.
- The Government of Canada should take a public stand against the weaponization of space by withdrawing from the NORAD warning system.

Immigration and Refugees

September 11, 2001, marked a turning point in Canada's immigration and refugee policy. Shortly after the terrorist attacks, Canada rushed two bills through Parliament and signed the Smart Border Declaration with the United States. The two bills were Bill C-35, An Act to amend the Foreign Missions and International Organizations Act, and Bill C-36, the Anti-Terrorism Act. Canada also convinced the United States to sign the Safe

Third Country Agreement, which took effect in December 2004. All four documents have had a significant effect on Canada's immigration and refugee-granting processes.

As a result of these new policies, Canada's laws and regulations governing immigration and refugee processes are more in harmony with those of the United States than ever before, and fewer claimants are being granted refugee protection in Canada. According to the Canadian Council for Refugees, drawing from statistics provided by Citizenship and Immigration Canada, "25,750 claims were referred to the [Immigration and Refugee] Board in 2004, continuing the recent decline." Over 44,000 had been referred in 2001, almost 40,000 in 2002, and under 32,000 in 2003. Approval rates have also decreased significantly since 2001. Even though they compose only 0.1 per cent of all yearly visitors and immigrants in Canada, refugees are considered suspect by a system that shifted from being mostly fair and compassionate before September 11 to being very stringent after that date.

Safe Third Country Agreement

Under the Safe Third Country Agreement (STCA), which was a Canadian initiative, refugee claimants must seek asylum in the country of first arrival.

The STCA is based on the premise that both Canada and the U.S. are offering adequate refugee protection. According to the Canadian government:

> Where a refugee claimant could have sought protection in another safe country, it is reasonable and appropriate to require the refugee claimant to return and make use of that opportunity. By so doing, the Government seeks to cut the link between migratory preferences and protection needs, and shares the responsibility of providing protection to those in need.[27]

But as **Janet Dench**, Executive Director of the Canadian Council for Refugees, explained to the Inquiry, the federal government's position is contradicted by a number of facts: "Numerous refugee claimants who have sought refugee protection in the U.S. and been rejected have subsequently been accepted as refugees in Canada." Further, she explained:

> The U.S. routinely violates two international laws: hat asylum seekers should generally not be detained and where they are detained, it should not be on a discriminatory basis and they should be held separately from criminal populations. If the Canadian refugee determination system found that [refugees] needed our protection after the U.S. system had failed to accept or protect them, how can we argue that the U.S. is always safe for refugees?

The Canadian government tried to negotiate a similar agreement with the United States in the mid-1990s, but at the time the U.S. was not interested. The terrorist attacks of 9/11 helped get agreement from the U.S. on the STCA, but they wanted concessions on other security measures as a condition of their signing the agreement. Dench told the

Inquiry that "U.S. officials have publicly stated that the STCA has nothing to do with security. The U.S. signed on because Canada wanted it and it could therefore serve as a bargaining chip to be used against other concessions to be won from Canada."

The U.S. may also have been responding to arguments that are based on the false notion that U.S. security is undermined by Canada's protection of refugees. This persistent perception gives the U.S. an interest in collaborating with Canadian efforts to reduce the rights of refugees. While there is no formal harmonization of refugee determination systems in the two countries, they have become formally tied in that each country legally recognizes the other as offering adequate protection to refugees.

Rather than fully assuming its own responsibility for protecting refugees, Canada has satisfied itself with U.S. standards.

The Anti-Terrorism Act

The purpose of Bill C-36, the Anti-Terrorism Act, was to combat terrorism by amending the Criminal Code and various federal acts and by introducing changes with respect to how charities are registered. Bill C-36 became law on December 18, 2001, just three months after the September 11 terrorist attacks and two months after the U.S. passed the USA PATRIOT Act. Among the federal laws modified by the Anti-Terrorism Act are the Canada Evidence Act, the Official Secrets Act, and the Proceeds of Crime (money laundering) Act.[28]

The definitions of "terrorism" and "participation in the activities of a terrorist organization" introduced by Bill C-36 are broad and ambiguous. For example, Section 83.19 of the Criminal Code[29] now states that:

> 83.19 (1) Everyone who knowingly facilitates a terrorist activity is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.
>
> Facilitation
> (2) For the purposes of this Part, a terrorist activity is facilitated whether or not:
> (a) the facilitator knows that a particular terrorist activity is facilitated;
> (b) any particular terrorist activity was foreseen or planned at the time it was facilitated; or
> (c) any terrorist activity was actually carried out.

This means that someone can be charged with facilitating a terrorist action without even knowing such an action is being planned or even if it is not carried out. Section 83.01 of the Code defines "terrorism" as:

> an act or omission, in or outside Canada, that is committed…for a political, religious or ideological purpose…with the intention of intimidating the public…with regard to its security, including its economic security, or

> compelling a person, a government or an organization to do or to refrain from doing any act…inside or outside Canada.

The Anti-Terrorism Act eases the restrictions imposed on intelligence and law enforcement organizations concerning the obtaining of search and wiretapping orders. The Act also provides these organizations with new powers, including the power to detain an individual for up to 72 hours on the basis of mere suspicion, the power to list the people and organizations who are suspected of being linked to terrorist groups (which may sometimes lead to organizations losing their charitable status), and the power to intercept the satellite communications of Canadians. They may exercise this last power to intercept satellite communications, as long as they obtain a simple authorization from the Minister of Defence. The Act also gives new intelligence powers to the RCMP without requiring the creation of an accountability body to monitor the use of these powers. All of these new powers can now be exercised to fight the vaguely defined "terrorist threat."

So far, the Anti-Terrorism Act has been used to obtain search warrants against First Nations activists (in Port Alberni, B.C., in 2002) and a journalist (Juliet O'Neill, in Ottawa in January 2004).

The Anti-Terrorism Act also makes secret trials mandatory in cases where an open trial might threaten national security. Judges in public proceedings (for example, trials, hearings in small claims court, rent review hearings) now have the authority to determine whether sensitive information is being disclosed. If it is, the proceedings must be stopped and moved to Federal Court. There, the hearing takes place in secret, without the presence of the individual(s) involved.

This is what happened in the Maher Arar inquiry. After only three days of public testimony, the hearings were suspended in July 2004. They then continued in private because the government's lawyers had invoked national security concerns.

Denis Barrette, a lawyer with the Ligue des droits et libertés, told the Citizens' Inquiry on Canada-U.S Relations that the Canadian government has still not demonstrated that the Anti-Terrorism Act is necessary: "In three years, there were only a handful of instances where the new provisions of the Criminal Code were used. The Anti-Terrorism Act is primarily used for intimidation: if you don't cooperate, authorities threaten you with a preventative 72-hour detention before sending you to a judge, who will force you to answer questions."

So far, the Anti-Terrorism Act has been used to obtain search warrants against First Nations activists (in Port Alberni, B.C., in 2002) and a journalist (Juliet O'Neill, in Ottawa in January 2004). Mohammad Momin Khawaja of Ottawa is the only person so far who has been arrested by invoking the Act. He was taken into custody in April 2004; at the time of publication, he had still not been tried.

Canada could have adopted a temporary act to respond to the urgent situation created by the September 11 terrorist attacks. Instead, the Canadian government adopted the Anti-Terrorism Act, which permanently alters some of the fundamental principles of Canadian criminal law. These include the presumption of innocence, public trials,

accountability, the right to remain silent, and the independence of the justice system. If these changes are not reversed, the erosion of the civil liberties of Canadians will continue.

The Canadian government is currently reviewing the Anti-Terrorism Act. However, at the time of publication, there was no indication that the government is planning to do away with these controversial measures.

I travel a lot and I have witnessed a clear increase in racial profiling. In all the airports of the world, my face is no longer just a face; it is a piece of evidence. I am a walking warrant. I now systematically avoid U.S. stopovers.

Racial Profiling

In general terms, racial profiling is the act of singling out an individual based on stereotypes about that person's race or ethnic origin. It is very difficult to prove that racial profiling has occurred in an individual case. But experts, including those who made presentations to the Citizens' Inquiry, believe that racial profiling in Canada has increased dramatically since September 11, 2001. In particular, they point to more frequent racial profiling of people of Middle Eastern origin.

Fo Niemi, director of the Montreal-based Centre for Research-Action on Race Relations, told the Inquiry that the complexity of this concept, unless it's well defined, makes it difficult to get security and law enforcement officials to admit that there is a problem.

> An Immigration Canada official publicly denied (in a panel discussion at the 2002 convention of the Canadian Bar Association) that the department practices racial profiling. A lawyer embarrassed this official by asking if the department had a policy defining racial profiling. The answer was no. How can you deny an action when you don't have a definition of that action? To ensure that the fight against terrorism doesn't backfire because of racism, we need clear laws and policies against racial profiling.

Omar Aktouf, Commissioner at the Montreal public hearing of the Citizens' Inquiry and himself an Algerian immigrant, shared his experience with racial profiling:

> I travel a lot and I have witnessed a clear increase in racial profiling. In all the airports of the world, my face is no longer just a face; it is a piece of evidence. I am a walking warrant. I now systematically avoid U.S. stopovers. Once, on my way to a conference, I was asked for a copy of the conference papers, was asked what I would talk about…My passports and tickets were taken away from me and I was asked to sit down. It lasted for two hours and I almost missed my flight.

Immigration Policies

Canada's immigration policy once promoted nation-building by people from all walks of life. In recent years, the immigration policy had begun to tighten but since September 11, the criteria for obtaining landed immigrant status have become exceedingly difficult to meet. Our immigration policy is now closer to that of the United States, whose main aim is to attract the "best and the brightest."

The Citizens' Inquiry heard from **Jaggi Singh**, a member of No One Is Illegal, a group that works directly with immigrants and refugees. Singh explained in a personal way how today's criteria are different from those used in years past. "It is becoming more and more difficult to immigrate to Canada. The point system has become so stringent that you essentially have to be a super-immigrant to be accepted. A whole generation of people who immigrated in the 60s, the 70s and the 80s came to Canada from the Philippines, India,…Africa, the Caribbean, without skills. Today, they make up the fabric of Montreal, Toronto, Vancouver and other places in Canada. I am the son of an immigrant family and both my parents would be considered unskilled, even though both are working and living productive lives. If we applied the point system we have today to that generation, many immigrants of that time wouldn't be accepted today."

Conclusion

Protecting Canada from the threat of terrorism, and welcoming refugees and immigrants as part of an overall strategy of nation-building are not mutually exclusive objectives. Canada needs immigration and refugee policies that are clearly independent from the United States and that speak ultimately not to issues of security and economic advantage but to ones of human rights and basic compassion. The more our policies are brought to serve other ends than these the greater the likelihood they will harm the very people they are intended to aid and protect.

***Recommendations*:**

- The Government of Canada should abolish the Safe Third Country Agreement, and maintain an independent immigration and refugee policy.
- The Government of Canada should examine and eradicate racial profiling in Canada's immigration policies.
- The Government of Canada should review C-36, and other "homeland security" measures, to ensure that they do not restrict the civil liberties of people in Canada, including immigrants and refugees.

Border Issues

Trade is the key factor in deeper integration with the United States. For many Canadian supporters of a NAFTA-plus agreement with the United States, trade is an end in itself. Wendy Dobson's 2002 C.D. Howe paper[30] calling for a "Grand Bargain" exhorted Canada to give the U.S. the access it wants to our water, energy, natural resources and health care so that, in return, it would get unfettered and guaranteed access to U.S. markets – something Canada was supposed to get when it signed the initial Canada-U.S. Free Trade Agreement in 1987.

Free trade proponents from Canada, the U.S. and Mexico have praised NAFTA as a success, and they are pushing for even closer economic ties. They consistently point to increases in exports and in the gross domestic product (GDP) as indicators of the FTA's

and NAFTA's success. Canada's business elite, including the Canadian Council of Chief Executives (CCCE), the Canadian Chamber of Commerce and the Canadian Federation of Independent Businesses, have repeatedly praised the FTA and NAFTA for benefiting Canada. These groups assert that Canada's exports to the U.S. have more than doubled and that Canada's real GDP has increased by over 20 per cent (after factoring in inflation) since NAFTA was implemented. They rarely point to any other indicator as a measure of success.

The lesson to recall from the FTA is that what was initially presented as a proposal for a conventionally defined free trade agreement resulted in a comprehensive deep economic integration agreement that went far beyond the border into the very heart of domestic policy-making power.

But even though the increases in these economic measures have brought more wealth to businesses and higher-income earners, the situation is far different for the average citizen. More jobs have been lost in Canada's import sector than have been gained in the export sector, and growth in the GDP means little when wages are stagnant. Free trade has brought more wealth to the country, but most citizens have seen none of it.

Bruce Campbell, Executive Director of the Canadian Centre for Policy Alternatives, told the Inquiry that 13 indicators show Canada's free trade agreements have not been a success for most Canadians:

1. After 1995, overall income inequality increased for the first time since the Second World War.
2. There have been huge cuts to public spending – including social spending – and a significant trend toward the lower U.S. levels.
3. Specific programs have been modified to harmonize them with their U.S. counterparts, notably unemployment insurance.
4. Income and corporate taxes have been cut significantly. This has dropped Canada's overall taxation levels from above-average in relation to other OECD countries to the bottom third, and has moved our taxation levels closer to those in the U.S.
5. Labour laws have been weakened in some provinces.
6. Wages and living standards have stagnated for all but the top 20 per cent of Canadians.
7. The average unemployment rate for the past 15 years is higher than for the previous 15-year period.
8. The proportion of secure, well-paid, high-productivity jobs has decreased.
9. Workers have made concessions, especially in the front-line trade sector, and union density has declined throughout the economy.
10. Economic growth was slower in the last 15 years than in any other 15-year-period since the Second World War.
11. The productivity gap between Canada and the U.S. has widened.
12. Contrary to predictions, our dependence on resource exports has not lessened, and we have not significantly diversified our economy towards knowledge-based, high-value-added activities.
13. Also contrary to predictions, there has been no increase in new direct foreign investment in Canada.

The Citizens' Inquiry focused on three aspects of the big-business push to facilitate trade between Canada and the United States: the push toward a customs union as the logical next step in the economic integration of the two countries; the push to adopt the same regulations and standards for tradable goods and the protection of the environment;

and the impact of increased trade and integration on border communities, such as Windsor.

NAFTA and a Customs Union

Smart Regulation is a critically important issue. With minimal public input, the government is jeopardizing Canada's ability to legislate which products and processes it allows within its borders. Ultimately, it will mean an important loss of sovereignty, especially under a "tested-once" policy.

Members of the business elite who support deeper economic integration now want Canada to negotiate a customs union with the U.S. This would mean that the same customs duties, quotas, preferences, and so on would apply to all goods entering the area, regardless of which country they are entering. Bruce Campbell warns that the only step needed beyond this to achieve full economic union with the U.S. would be monetary union. He advises Canadians to be wary of the seemingly innocuous language used by the proponents of a customs union.

> The lesson to recall from the FTA is that what was initially presented as a proposal for a conventionally defined free trade agreement resulted in a comprehensive deep economic integration agreement that went far beyond the border into the very heart of domestic policy-making power. An alleged customs union negotiation would be similarly open-ended, making it hard in advance to fully evaluate its costs. We also know from the FTA experience that much will be surrendered for little gain.

Smart Regulation

The question of customs standards and regulations is particularly problematic. In April 2005, the Treasury Board announced its plans to implement a series of regulatory reforms called Smart Regulation.[31] In anticipation of this announcement, **Hugh Benevides**, of the Canadian Environmental Law Association, testified at the Citizens' Inquiry that this is the most recent development in Canada's attempts to harmonize its customs regulations with those of the U.S. He pointed to the Canada-U.S. Joint Statement on Common Security and Prosperity signed by President Bush and Prime Minister Martin in November 2004.[32] Under the heading "Prosperity," this statement resolves to "pursue joint approaches to partnerships, consensus standards and smarter regulations that result in greater efficiency and competitiveness, while enhancing the health and safety of our citizens."

Smart Regulation is a critically important issue. With minimal public input, the government is jeopardizing Canada's ability to legislate which products and processes it allows within its borders. Ultimately, it will mean an important loss of sovereignty, especially under a "tested-once" policy. Implementation of this tested-once policy would mean that once a product is approved in one country, it would automatically be approved in the other. So, for example, even if Canada were to reject a product on the grounds that it is unsafe, we would be forced to accept it if the United States approved it. In other words, the *lowest* regulatory standard would apply. The tested-once policy would also open the door to some U.S. practices currently banned in Canada, such as food irradiation.

Border Communities

We often see free trade as being a Canada-wide issue and tend to forget the specific impact that freer trade has on border cities. The Citizens' Inquiry hearing on Border Issues was held in Windsor, Ontario, to give area residents an opportunity to voice their views on the problems they have experienced since the implementation of the Canada-U.S. FTA in 1989.

Windsor is linked to Detroit, Michigan, by the Ambassador Bridge, a main checkpoint between the two countries. The bridge spans the Detroit River and tens of thousands of trucks and cars carry goods across the border every day.

The increased border security since 9/11 has brought even heavier traffic to the area as the border crossing has become backlogged. **Mary Ann Cuderman**, Chair of the Windsor West Community Truck Watch, spoke about how residents have been affected by this. "The day the twin towers were attacked, our way of life changed. Our crossing was closed to all traffic – thousands of trucks began to back up on our one municipal road leading to the bridge entrance. Soon the major provincial highway that comes into Windsor was completely full for miles with trucks at a standstill, engines running, black fumes belching into our air. We have now become accustomed to seeing idling vehicles stretched for miles on Windsor's city streets."

Increased trade and tightened security have resulted in decreased environmental security for the people who live in busy border communities. Air, water and noise pollution are just three of the unwanted results of the free trade agenda.

Conclusion

The true record of cross-border trade over the past 15 years is far from the success story often told by big business and government. Yet the federal government and big business are proceeding breathlessly with plans to further integrate Canadian and U.S. policies that will have far-reaching consequences for Canadians for everything from the safety of the food we eat to the protection of the environment we inhabit. The federal government must learn from its free-trade mistakes and uphold independent government policies as the most likely to serve the broad public interest. In so doing, it must listen to civil society groups and those communities most directly affected over the interests of big business lobby groups.

Recommendations:

- The Government of Canada should maintain independent standards and regulations with regard to food and drug testing in particular, focusing on the precautionary principle, rather than harmonization with U.S. standards.
- The Government of Canada must reject the push by business leaders in Canada for a customs/monetary union.
- The Government of Canada must evaluate the effect of 15 years of free trade on

Canadians, particularly its impact on Canadian jobs, economic security, natural resources, and the environment.

Indigenous Perspectives

Aboriginal people have long understood that Canadians' struggle against economic, cultural and political integration with the United States is not very different from their own experience, over centuries, with respect to Canadian and U.S. governments.

The Citizens' Inquiry, in conjunction with the Union of British Columbia Indian Chiefs and the Okanagan Alliance, explored Indigenous perspectives on Canada-U.S. relations. Areas of particular focus were security arrangements and sovereignty issues, especially with regard to free trade agreements.

Security and Indigenous Peoples

Security is understood very differently by Indigenous peoples from the way it is understood by national governments. While national governments define security in terms of power, population or territorial base, for Indigenous peoples security is a desire for peace, the protection of territories and the health and development of people living in balance with nature.

Indigenous peoples, on behalf of their sovereign nations, signed various agreements and treaties with early European explorers. The Indigenous peoples agreed to alliances, neutrality and diplomacy on the basis of these agreements. Unfortunately, these agreements were often not honoured by the European colonists and governments. Over time, the power disparity between Indigenous peoples and the Europeans grew larger. As a result, the nation-to-nation model of co-existence disappeared and Indigenous peoples were prevented from exercising their security rights.

June McCue, Director of First Nations Legal Studies at the University of British Columbia, testified at the Citizens' Inquiry. She spoke of how the radical changes of that era are reflected in modern Canadian society:

> Indigenous peoples live under inhumane conditions and are anything but secure. We face violence, racial discrimination, suppression of nationhood and the dispossession of lands. In 1995, Anishnabe Dudley George was shot dead in Ipperwash for trying to demilitarize the lands of his people. Indigenous peoples are routinely criminalized for asserting their rights on their lands.[33] Courts have ignored protests against low-level flight testing that has harmed the health, animal habitat and safety of Innu people,[34] and anti-terrorism legislation has been used against an Indigenous youth group.[35] Disproportionate numbers of Indigenous peoples are jailed and subjected to racial profiling by law enforcement authorities (criminal or regulatory).[36] All of these personal insecurities

> pale in comparison to the environmental impact that Canada's trade and military development has had on Indigenous lands.[37] In a world striving for human integrity and ecological balance, the lack of security of Indigenous peoples is unacceptable.

Getting nation-states to respond to the issue of human security for Indigenous peoples is being pursued through the United Nations. In 1994, the UN adopted a Draft Declaration on the Rights of Indigenous Peoples.[38] However, various countries, including Canada and the United States, are attempting to dilute this declaration by proposing amendments to it.[39]

In a world striving for human integrity and ecological balance, the lack of security of Indigenous peoples is unacceptable.

According to June McCue:

> The most troubling state positions that could severely impact Indigenous peoples' rights to security include limits placed on the decision making of Indigenous peoples. States are proposing that Indigenous rights must not be incompatible with national legislation. State positions also hold that…any treaties would have domestic legal status. This could prevent the international, collective exercise of 'self-determination' by Indigenous peoples or prevent Indigenous peoples from accessing international law protections. Rather than ensuring that Indigenous peoples develop priorities and strategies for stopping or mitigating adverse impacts to Indigenous lands, states want sole jurisdiction to limit Indigenous rights. Further, some states would rather see Indigenous peoples maintaining their subsistence rather than strengthening their political, economic, social, cultural, and legal systems.

Canada's national security policy is silent on the rights of Indigenous peoples to security and self-determination. Indigenous peoples may participate in round tables, public consultative processes, think tanks, reviews, administrative boards or advisory groups concerning state security measures, but Canadian national security policy leaves little space for Indigenous groups to make strategic and operational decisions about security issues that affect them or their lands. Thus, said McCue, a key challenge for Indigenous peoples is to encourage Canada to give up its monopoly on security issues and recognize the need to respect Indigenous peoples' right to security and self-determination.

Sovereignty Issues

Indigenous peoples are starting to question the authority of the Canadian and U.S. governments to make free trade agreements that ignore the rights of people to a decent quality of life.

Arthur Manuel, of the Indigenous Network on Economies and Trade (INET), presented the Inquiry with information about a recent case in which the sovereignty of Indigenous peoples clashed with the commitments made by Canada and the United States through NAFTA. The case involved softwood lumber.

In 1999, Chief Ron Barricks of the West Bank Indian Band and Chief Dan Wilson, Chairman of the Okanagan Nation Alliance, carried out logging without obtaining a permit from the province of British Columbia. (This logging was also done by the Niskonlit, Adams Lake and Spellmashin Indian Bands.) The provincial government seized the trees as they were knocked down despite the fact that the property was owned by Indigenous people (judicial recognition of Aboriginal title was given in 1987).

These Indigenous groups reacted to the seizure by presenting a submission on the Canada-U.S. lumber dispute to the U.S. Department of Commerce. They argued that under the subsidy law, the non-recognition of Aboriginal title was akin to a cash subsidy to Canadian forest companies.

The Canadian government didn't take this submission very seriously at the time. But when Canada appealed to the World Trade Organization (WTO) on the issue of the 27 per cent countervailing duty imposed on softwood lumber by the U.S., INET presented their argument to the WTO – which ruled in their favour. Canada then took the issue to the NAFTA panel, which also heard the INET submission. The Canadian government hired a Washington law firm to challenge INET's submission to the NAFTA panel. The challenge was unsuccessful, and the NAFTA panel agreed to hear the INET submission.

According to Arthur Manuel, "This was not done to hurt Canada's or B.C.'s economy; it was done to protect Indigenous peoples' proprietary interests. The U.S. is challenging Canada and British Columbia on subsidization because they feel our recent forest management decisions, such as turning over huge timber licences to Weyerhaeuser and other companies, prevent fair market prices from being set. INET agrees and, in a submission to the U.S. Department of Commerce, argued that 70 per cent of the large licences be rescinded and redistributed to local Indigenous and non-Indigenous economies so they can rebuild and replenish their forests for future generations."

Recognizing Aboriginal and treaty rights is one way to slow down the adverse environmental consequences of economic globalization. **Anthony J. Hall**, Chair of the Department of Globalization Studies at the University of Lethbridge, told the Inquiry that:

> Before making new agreements and new treaties, a country has to ensure it doesn't run afoul of the treaties that are already signed. These treaties, such as Canada–U.S. trade agreements and Canada–First Nations treaties, can hardly be negotiated simultaneously. Negotiating with First Nations about the future use and apportionment of natural resources while at the same time negotiating with the U.S. on the future use of those resources indicates a lack of good faith with the First Nations.

Indigenous peoples have been fighting with governments for the last 160 years, and they are still the only ones who can legally go to the Supreme Court and stand up to big business, the Government of Canada and provincial governments in their land claims cases. Indigenous peoples are looking for the support of Canadians. They know that winning Supreme Court cases, as the Delgamuukw and the Haida did, will not mean

much unless the Canadian and American people ensure that these decisions are properly implemented.

It is important for Canadians to realize, said Hall, that the federal and provincial governments have failed in dealing with Indigenous peoples. Now that the Canadian government is considering changing its comprehensive claims policy, Canadians need to pressure it to make sure that it establishes a policy that actually leads to the just settlement of those claims. What's more, all Canadians must understand that if we want to preserve our sovereignty as a nation, it is wrong to deny it to the Indigenous peoples who live here.

Conclusion

Just as the integration of Aboriginal peoples in Canada has resulted in their being denied the right to self-determination and security in the face of integration, so might deep integration with the United States deny these rights to Canadians. The experiences of Canada's Indigenous peoples should serve as a cautionary tale for all Canadians. Indigenous nations negotiated agreements with European nations, but when the more powerful Europeans disrespected these agreements, the sovereignty of Indigenous peoples was eroded. "Deep integration" was imposed on Indigenous peoples in the past and power elites are now pushing for deep economic, cultural and military integration with a country powerful enough to impose its will on Canada.

Recommendations:

- Canada should respect Aboriginal peoples as autonomous nations in any binational or multinational discussion potentially impacting on Canadian sovereignty.
- The Government of Canada should evaluate the impact that free trade has had on Indigenous communities in Canada.
- The Government of Canada should ratify the United Nations Draft Declaration on the Rights of Indigenous Peoples, which recognizes the right to security and self-determination of Indigenous peoples.

Energy

Energy, along with water, will be the international issue of the future. The extraction of world reserves of fossil fuels will soon reach its peak capacity. After that peak is reached, countries will do what is necessary to ensure that they either take a larger share of dwindling supplies or aggressively move toward a renewable energy economy.

Increasingly, the U.S. sees energy security as an integral component of their national security. As early as 1985, a U.S. Congressional report called Canada's regulatory control over natural gas a "direct restriction of American rights to Canadian gas" and recommended that access to Canadian energy be viewed in the context of national

security. In 2002, U.S. Senator Don Nickles said: "We look at ways to improve our national security since September 11. We cannot have national security without energy security. The two go hand-in-hand."[40]

As early as 1985, a U.S. Congressional report called Canada's regulatory control over natural gas a "direct restriction of American rights to Canadian gas" and recommended that access to Canadian energy be viewed in the context of national security.

During the NAFTA negotiations, Canada agreed to a "proportional sharing" clause. We will soon face difficult choices with respect to our domestic energy supplies and the growing interest the U.S. has in them. Will there be enough Canadian oil and gas to meet domestic needs and ensure a smooth transition to alternative energy? Or will Canada continue to provide over 50 per cent of its production to the U.S., regardless of the shortages Canadians might face in the future?

Canadian and Global Energy Reserves

Canada could face an energy production crisis in the near future, since its oil and gas reserves are dwindling, according to the Association for the Study of Peak Oil and Gas (ASP). The exploitation of the Athabasca tar sands is only delaying by a few years the inevitable exhaustion of Alberta's and Canada's fossil fuel reserves.

In 1956, a senior scientist at Shell Oil Company, Dr. M. King Hubbert, made the controversial prediction that U.S. oil production would peak in the early 1970s.[41] "Peak oil" is the time at which the volume of oil extraction reaches its maximum and then begins to decline. Hubbert's peak theory predicted that at peak oil, the demand for oil and gas would continue to rise and prices would fluctuate wildly. The predicted result: economic shocks.

Hubbert's predictions proved remarkably accurate. Oil production in the lower 48 states peaked in 1971, but this went largely unnoticed. U.S. oil consumption doubled between 1950 and 1974. By the end of that period the U.S., with 6 per cent of the world's population, was consuming 33 per cent of the world's energy.[42] Although there seems to be a general reluctance to discuss this issue, some mainstream U.S. magazines (including *National Geographic*[43] and *Newsweek*[44]) have raised the issue of peak oil.

Today, the world is experiencing a series of oil price shocks, and prices rose 34 per cent in 2004 to surge past US$50 per barrel. Some analysts predict oil could be edging towards the $80 a barrel (in constant 2004 dollars) reached in 1980 during the Iranian revolution.

Global peak oil would mean the end of cheap oil at a time when global demand is growing, driven by the increasing energy appetite of China and other developing countries. According to ASP, global oil production will peak in 2005. Canada's own peak oil occurred in 1973, and in 2001 our natural gas production peaked with barely anyone noticing.[45]

Even though most scientists now accept the validity of the peak theory, there are others who believe that "ultimate" reserves are just waiting to be liberated. But even the skeptics are faced with the problem of rising demand coupled with lagging production. **Mark**

Anielski, an energy economist in Calgary, told the Citizens' Inquiry that the global oil consumption in 2001 of 76 million barrels per day (bpd) outstripped global production (74 million bpd). In 2004, global oil consumption reached 80 million bpd, an increase of 2.2 million bpd from 2003 and the highest growth in demand since 1978.[46]

Keith Newman, Director of Research at the Communications, Energy and Paperworkers Union of Canada, explained to the Inquiry that:

> Of the total oil potential in Alberta, 75 per cent has already been exploited…Conventional oil in Alberta peaked in 1993. Production has decreased by 30 per cent in the last 10 years and the Alberta Energy Utilities Board predicts production will decrease by another 30 per cent in the next eight years, declining at the rate of 4 per cent per year.[47] Seventy per cent of the reserves of the sedimentary basin were in Alberta and 25 per cent were in Saskatchewan. Alberta has extracted 75 per cent of its reserves and Saskatchewan extracted 50 per cent of the oil in its territory. As we exhaust these easily extractable sources, more attention is given to frontier areas such as the Mackenzie Delta, the Arctic Islands, the Grand Banks and offshore B.C. This attention has been increasingly focused on the bitumen from the tar sands. The tar sands are a vast reserve – to date, only 6 per cent has been exploited.

Even though most scientists now accept the validity of the peak theory, there are others who believe that "ultimate" reserves are just waiting to be liberated. But even the skeptics are faced with the problem of rising demand coupled with lagging production.

But tar sands oil is more costly to extract and process than conventional crude oil. The tar sands are composed of sand (80-85 per cent), water (5-10 per cent) and bitumen (1-18 per cent). If the bitumen content is less than 6 per cent, extraction is not profitable.

According to the most optimistic scenarios, the amount of synthetic crude oil extracted from the tar sands will increase from the current maximum of one million barrels a day. These scenarios expect that up to three million bpd will be produced in 2012.

Extracting crude oil from tar sands is environmentally damaging. The deeper deposits, which are 75 to 100 metres below the surface, are extracted by injecting them with steam to liquefy the tar. As well as damaging the hydrological cycle, tar liquefaction and extraction are energy-intensive processes. Increasing production will consume more natural gas. According to estimates from the Alberta Energy Utility Board and the National Energy Board, by 2010 all of the gas coming from the Mackenzie Delta (if the Mackenzie Valley pipeline is approved) will be used to extract the tar sands.

The cost of extraction is also a problem. The projections for increased production of synthetic crude oil assume stable natural gas prices. If the price of gas exceeds the ceiling of $7.30 per thousand cubic feet, increased production in synthetic oil will no longer be viable.

Canada's conventional natural gas reserves are shrinking rapidly. Currently, Canada exports about 55 per cent of its natural gas to the United States, but the quantity exported is decreasing as we slowly decrease our production. In December 2003, the U.S.

Department of Energy forecast a decrease in Canadian gas exports to the U.S. by 30 per cent over the next 20 years or so.[48] With NAFTA's proportional sharing clause in effect, what will this mean for gas supplies flowing to Canadians?

Celanese Plant Closures and the Decline of the Petrochemical Industry

The closure of the Celanese Corporation plants in Edmonton is a prime example of how Canada's petrochemical industry has been adversely affected by Canada's increasing exports of raw oil and natural gas to the United States.

The Celanese Corporation built two plants in Edmonton in 1951 and achieved full production in 1953. These plants have produced a myriad of products, most recently specializing in transforming natural gas into acetic acid and into cellulose acetate tow, which is used for cigarettes. In May 2004, the Celanese Corporation announced that these plants would soon close – one did in mid-2005 and the other is likely to close at the end of 2006. Four hundred people, many of whom do not have portable skills, will lose their jobs.

The plants were still profitable. **Don MacNeil**, Western Region Administrative Vice-President for the Communications, Energy and Paperworkers Union of Canada, explained the rationale for the closures to the Citizens' Inquiry. "Profit did not seem to be a motivating factor in the closure of the company. In fact, it has always been profitable and has always increased its profitability. But multinationals nowadays expect exponential growth and profit. This is what I call malignant capitalism."

MacNeil was referring to the loss of competitiveness of these still-profitable plants. It is more profitable to export raw natural gas through the Alliance pipeline linking Fort St. John, Alberta, to Chicago than to use this resource for domestic transformation. **Bill Moore-Kilgannon** of Public Interest Alberta testified that, "When the Alberta government approved the construction of the Alliance pipeline leading to the U.S. midwest, it also changed regulations to allow the shipping of raw natural gas to Chicago. Murray Smith, who was Energy Minister at the time…said that less than 10 per cent of Alberta's natural gas production would be shipped. But even siphoning 10 per cent of excess capacity has resulted in "domestic industries…being starved in favour of U.S. industries."

The consequences of this action are far-reaching. Instead of developing our secondary and tertiary transformation industries, Alberta and Canada's regulations are de-industrializing our economy and we are reverting to the role of natural resources exporter and supplier.

Neither the Alberta government nor the federal government seem to have a coherent plan. Both are relying on the market to determine economic outcomes. Both seem to have abandoned any intention of drafting an economic plan that includes developing the petrochemical industry and other transformation industries that rely on oil and gas.

Mega-Projects

The Canadian government supports the development of several mega-projects such as those near Fort McMurray and in the Mackenzie Delta. One characteristic of modern mega-projects seems to be that they do not uphold the usual laws and rules.

Author and journalist **Gordon Laird** told the Inquiry that, in the case of the Mackenzie Gas Project, "the pipeline's Environmental Assessment Project is a cumulative impact assessment that consists of an ongoing set of committees. But no threshold is set to decide when enough development is enough – the assessment processes are biased toward allowing development to happen. The impact of the development is evaluated after the fact, and governments seem to be acting as resource brokers rather than keepers."

The emerging world of 21st-century mega-projects is a response to scarcity and increasing demand. These projects are not necessarily the kind of mega-projects that we saw in the 20th century, some of which, such as the Hibernia gas project, had clear public benefits. The new mega-projects are almost exclusively focused on "stock gapping" the energy markets' extremes in supply and demand. Utility companies buy and replenish their reserves when energy prices are low and sell them to consumers when prices are high.

One example of the new type of mega-projects was born from the development of a liquefied natural gas (LNG) industry in North America. LNG is supercooled natural gas that is hauled in from countries such as Nigeria and Venezuela. It tends to be cheaper than continental natural gas pulled from the ground. Many communities have serious concerns about hosting LNG terminals because of the environmental threat they pose. **Philip Lillies**, who addressed the Citizens' Inquiry in Saint John, summarized the risks:

> Let me describe for a moment just how dangerous LNG is. It is a supercooled liquid, so if it should ever leak out of its container, it will first flow like water, but will immediately begin to boil, creating a vapour cloud that will hug the ground as it mixes with air. When it reaches a 1-to-10 mix with air, it becomes highly explosive. There would be enough gas in an LNG tanker to explode with the force of an A-bomb. To protect them against terrorist threats, LNG tankers plying U.S. coastal waters are required to be accompanied by a coast guard cutter and other ocean-going vessels are required to give the tanker a 3-km radius. However, as a good friend of the U.S., we are now allowing LNG terminals to be built in Canada – a threat to our security that avoids a threat to theirs.

The risks associated with LNG partially explain why many of the communities selected to host terminals are not affluent ones. Cacouna and Lévis in Quebec, as well as Bear Head, Cape Breton, have been targeted for these plants. For communities desperate for job creation, it is difficult to say no.

While the mega-projects may be privately owned, many benefit from some level of subsidy. Moreover, the economic, environmental and climatic consequences will ultimately be borne by the public purse.

Energy Efficiency

Canada needs a national energy efficiency project. The last time energy efficiency was seen as a priority in Canada was during the 1970s, although it has received some attention since then. But it is not seen as a high-priority issue by the government, and no one is taking responsibility for ensuring that Canada improves on its substandard energy efficiency performance.

A 2003 study found that U.S. consumption of natural gas could be reduced by 4.1 per cent through energy efficiency by 2008, and that this would cost less than producing that 4.1 per cent. There are substantial multipliers in energy efficiency that make this route worth considering. A Pembina Institute report (April 2004) estimated that $18.2 billion in capital investments over the next 15 years in efficiency fuel switching and co-generation could reduce peak demand by 12,300 megawatts. The report estimates that consumers would recover over 95 per cent of these costs via reduced energy consumption. Providing the same amount of electricity supply by building new nuclear generation facilities would entail a capital investment of over $32 billion.[49]

Gordon Laird pointed out that, "if a mega-project promised a 100 per cent return, it wouldn't take long for investors and the various governments to get on board." But so far, he said, the provincial and federal governments have only given "lip service" to the question of energy efficiency.

Transport Canada's fuel efficiency goals could help improve our national energy efficiency. But these goals, which are also called Corporate Average Fuel Economy, haven't been adequately updated. For example, the goal for cars has not changed (from 8.6 L / 100 km) since 1985, and the goal for light-duty trucks has remained the same (11.4 L / 100 km) since 1995.[50]

The fuel efficiency standards set by the U.S. National Highway Traffic Safety Administration are very similar: 8.7 L / 100 km for cars and 11.4 L / 100 km for light-duty trucks under 3.85 tons. But trucks over 3.85 tons and sports utility vehicles (SUVs) are exempted from any U.S. efficiency standard.[51]

According to **Stewart Midwinter**, a citizen who presented to the Citizens' Inquiry in Calgary:

> Not only is the U.S. not imposing any standards on heavy trucks and SUVs, but it's also implementing fiscal policies biased toward their purchase and use. Tax credits on the depreciation of heavy trucks can be obtained when they're used for work. But anyone who purchases a Hummer for work, for example, is eligible for the same level of write-off

because Hummers and SUVs are considered to be in the same category as heavy-duty trucks. The U.S. tax write-off for a Hummer is $35,000 a year, compared to only $10,000 for a more economical Toyota Prius that would also be a business expense.[52]

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Sustainable Energy

Sustainable energy is defined as the production, supply and use of energy in a way that has relatively low negative environmental, social and economic effects. The concept also includes strategies for energy efficiency and renewable energy, such as wind, water, solar, biomass and geothermal energies.

Sharing new sustainable energy technologies can benefit both Canada and the U.S. For example, more efficient electrical appliances developed in the United States were then made available in Canada. **Jesse Row**, Director of the Sustainable Communities Group at the Pembina Institute, told the Citizens' Inquiry that sustainable energy resources can be shared through technology transfers, information, development expertise and investment dollars. More sharing of resources will also mean sharing control of those resources.

Row also pointed out that the popular notion that Canada's exploitation of its non-renewable resources is bringing it great wealth is false. "How much benefit is Alberta reaping from the production of its non-renewable resources? We are actually doing a relatively poor job of it in comparison to Alaska or Norway, who reap a large portion of the royalty revenues for their governments."

Greater economic integration will no doubt result in U.S. companies having greater influence on the development of sustainable energy and conventional energy in Canada. Competition reinforces the conventional energy system by demanding the lowest price, and this does not foster the development of sustainable energy alternatives. In fact, the deepening integration of Canada and the U.S. has so far increased the use and export of fossil fuels, which is detrimental to sustainable energy. This expanded use effectively means greater access to relatively low cost energy and even more focus on developing and investing in fossil fuels. That tends to remove any incentive to switch to alternatives. On the other hand, any spike in energy prices heightens interest in these alternative energy resources.

Some U.S. states are more committed to researching and implementing sustainable energy resources than is the U.S. federal government, but it is the latter that controls integration. This could act as a drag on Canadian policy. For example, even if Canada wanted to improve fuel economy for vehicles sold here, it could not effectively negotiate changes with auto makers unless the U.S. government did the same.

The need to compete economically often makes Canada a follower in the energy business, but this must end. In our cold country, our very survival depends on energy. The United States has its own national energy policy; Canada allowed its hands to be tied by making

commitments to energy sharing through the free trade agreements. The United States expounds on its need for energy security and self-sufficiency (and even contemplates domestic governmental ownership), but such language is foreign to Canadian authorities. This must no longer be the case.

Conclusion

Ensuring the sustainability of Canada's domestic energy supply is vital in these times of global climate change, war, and volatile energy prices. The proportional sharing provision in NAFTA prevents Canada from cutting exports to the United States, even in the case of a domestic shortage. The Inquiry found that Canada must find a way to make the transition to renewable sources of energy. If we wait to make the transition only when our supply of fossil fuels is nearly exhausted, Canadians will end up paying twice – in inflated prices for ever scarcer fossil fuels, and in ever greater damage to the natural environment.

Canada has an opportunity to lead in developing energy efficiencies, conserving what remains of existing energy supplies and making the transition to the use of renewable energy in homes, businesses and communities. The Canadian government must grasp this opportunity. The security and well-being of Canadians depends on it.

Recommendations:

- The Government of Canada should place a cap on current energy exports to the United States, and evaluate the effect of NAFTA's proportional sharing clause on Canadian energy security.
- The Government of Canada should attempt to reopen negotiations on Chapter 6 and Article 315 of NAFTA, to obtain an exemption similar to the one that Mexico instituted to protect its energy resources.
- The Government of Canada should place a moratorium on exploration in the tar sands, retreat from the Mackenzie Valley Gas Project, and aggressively pursue sources of renewable energy.

Health Care

The Canadian government has claimed many times that health care is shielded from the consequences of the FTA and NAFTA, and that Canadian citizens have no reason to worry.

But there is a lot to be worried about.

Proponents of a public-private health care model say they do not want the American system but rather the "kinder, gentler" system of Germany or Sweden. But Germany and Sweden have not signed free trade deals with the United States. The rules of NAFTA are clear: the exemption for health care, which has to date, for the most part, kept large U.S. for-profit health corporations out of Canada, applies only to a fully publicly funded

system delivered on a non-commercial basis. As soon as a part of the system is privatized, "national treatment" rights must be given to U.S. corporations if requested.

Canada's health care market is potentially worth over $130 billion to private providers.[53] There are already about 250 large corporations, most of them U.S.-based, operating in Canada. Under NAFTA, every time a private clinic opens, U.S. corporations acquire new rights to enter the Canadian market and compete with Canadian non-profit providers for public funding. If they are denied access, they can sue for compensation. For example, if a future federal government tries to bring home care under the jurisdiction of the Canada Health Act, it will likely have to pay billions of dollars in compensation to the American corporations already operating in Ontario and other provinces.

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Impact of North American Free Trade on Health Care

The federal government claims that health care is protected under NAFTA (Annex II (c)). This section seems thorough at first glance but, as is often the case, the devil is in the details. In this case, it's in the definitions and interpretations of "health care", "public service" and "public purpose."

NAFTA does not define "public purpose." Canada's interpretation has been that a service fulfills a public purpose when the majority of its funding is from public sources. However, the U.S. trade negotiators never agreed to such an interpretation. This was confirmed in a legal opinion commissioned by the Council of Canadians and the Canadian Union of Public Employees, written by Dr. Brian P. Schwartz of the University of Manitoba.[54] For the U.S. government, services supplied by a private firm, whether or not the firm is for-profit, are subject to the provisions of NAFTA and not protected by the public purpose clause.

Colleen Fuller, a health care policy consultant and co-founder of PharmaWatch, recounted how a two-tier health care system was developed in Canada:

> In 1986, the Brian Mulroney–led federal government contracted the Fraser Institute and the Institute for Public Policy Research (IPPR) to suggest ways that Ottawa could support the expansion of the domestic health industry. Unsurprisingly, both institutes identified public delivery as a weakness that hindered our capacity to export health services. Indeed, health care was identified as one of the seven economic sectors that would help us plug into the global market. Thus, the Conservative government started to implement policies designed to help the private health industry expand. These policies allowed the private sector to increase its share of the domestic market before launching into the global market, which, given the free trade negotiations going on at the time, meant the U.S. market. Most of these measures were designed to encourage close cooperation between the private and public sectors, including publicly funded health care institutions such as hospitals. This allowed the private sector to gain experience and access public funds.

Colleen Fuller also expressed concerns about the alleged protection of health care under NAFTA:

> The federal government's actions, both domestically and during international trade negotiations, have raised some contradictions that might imperil the public nature of Canada's health care delivery. First, the federal government insists that health care has been protected through NAFTA, but numerous legal opinions have demonstrated that health care delivery would be vulnerable if challenged. Second, while the federal government continues to claim it protects the public nature of medicare and publicly funded, publicly delivered health care in Canada, it openly promotes the commodification of health care in international trade negotiations and encourages Canadian private companies to aggressively court and enter foreign markets.

Indeed, the impact of NAFTA is noticeable within Health Canada. Following the ratification of the agreement, the International Affairs Directorate was created within Health Canada. The Directorate works with Industry Canada and the Department of Foreign Affairs and International Trade to support private exporters of health care products and services.

According to Fuller, the Canada Health Act is vague enough to allow for a broad interpretation of everything from what can be privatized to what the public purse should pay for. Health Canada has made its bed by encouraging the expansion of the private presence in health care.

Regionalization of Health Care

Widespread structural reform to regional health care was part of the broader health reforms that began in the 1990s. It devolves the authority for health service delivery from province to region, and consolidates the authority previously held by local institutions at the broader, regional level. If regional health authorities are permitted to determine, on their own, whether core health care services should be contracted out to for-profit providers (e.g., surgical centres, MRI clinics), such actions may open the door to competition from non-Canadian firms.

Denise Kouri is the Executive Director of the Canadian Centre for Analysis of Regionalization and Health. She told the Citizens' Inquiry that "Canada should not enter into trade agreements that put at risk our sovereignty to govern our social development the way we see fit. Short of this, however…regional health authorities [should be] mandated and developed more within the paradigm of a population health model, with comprehensive, integrated and equitable primary health care, rather than within the paradigm of a health care services corporation." A population health approach, even in the context of regionalization, would better protect Canadian health care from being harmed by trade agreements.

Health Protection Legislative Renewal

Health Canada is conducting a comprehensive review of its health protection legislation. The stated goal is to replace older statutes with new legislation that is adapted to modern technology and society. This review is, in fact, a step toward the harmonization of health protection standards with those of the United States.

In its proposal, Health Canada seems to favour a risk management approach rather than the precautionary principle, which is currently followed. Under a risk management approach, decision makers often decide what they want to do and then, instead of examining all the alternatives, hire a risk assessor to evaluate any damage they might do because of their decision would be "acceptable." What is acceptable is, naturally, a political judgement and one often based on the bottom-line.

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This shift to a more overtly business-friendly risk management approval is of serious concern. As the Canadian Health Coalition's **Michael McBane** attested:

> The precautionary principle was developed as an approach to use when scientific knowledge is limited and incomplete. It allows a society to be cautious when we don't know for sure. To make it subject 'solely to science' turns it on its head, limiting precaution to a last resort in the face of assured risk. The 'risk cost-benefit' approach to safety is an industry-friendly standard that permits any level of risk (e.g. from asbestos, nuclear power, pesticides, antibiotics, growth hormones and chemical adulteration of food) as long as there are offsetting benefits for the purveyors of these products.

Risk assessment can provide industry with "scientific" cover for just about any damaging activity. But risk assessment is not pure science: it is usually based on imperfect information, and assumptions that have a strong influence on the results have to be made. It is a political mixture that can contain various ingredients – prejudices, biases, vested interests, fraud, guesses, estimates, limited scientific facts and many value judgements – all hiding under the cover of objective science.

The Health Protection Legislative Renewal project is also considering approving direct-to-consumer advertising (DTCA) of prescription drugs in a form that is currently forbidden by the Food and Drugs Act. Currently, only two countries in the world allow DTCA of prescription drugs: New Zealand and the United States. In January 2004, New Zealand announced that it intends to review its legislation,[55] which may leave the United States as the only country to allow DTCA. There are compelling reasons why DTCA should be banned from television. In our society, the purpose of advertising is to influence behaviour, not to inform people. The two should not be confused – they are rarely complementary.

This move by the Canadian government to adopt an approach that echoes that of the U.S. system should give us pause. It represents a move toward subordinating the health care needs of many for the profit of a few and undermines the principles on which our health care system was founded.

The Impact of the Pharmaceutical Industry on Canadian Health Care

The U.S. is using free trade agreements to pressure Canada to protect pharmaceutical patents. Their rationale is the same as that of the pharmaceutical industry: profits must be protected while these companies fund the research and development of new drugs to help cure new ailments. Canada has begun to bow to this pressure. As a result, the rising cost of pharmaceuticals in Canada is having an enormous impact on our health care policy.

The pharmaceutical industry is the most profitable worldwide; it is even more lucrative than banking and auto manufacturing. In 2002, the top five pharmaceutical corporations in the U.S. reaped more than $150 billion in sales and made $30 billion in profits. Compared to the top five Canadian banks, these corporations made roughly double the revenue and more than four times the profit in that year.

According to **Robert Chernomas**, a health economist at the University of Manitoba, the National Science Foundation has said that it is a myth that pharmaceutical industries invest their profits in the development of new drugs. In fact, the industry spends about 10 per cent of its domestic sales on research and development, and only 18 per cent of that goes to basic research.

Yet between 1987 and 2001, the rise in prescription drug costs accounted for 53 per cent of the rise in health care expenses.[56] Chernomas reminded the Inquiry that "we used to spend 45 per cent of our health budget on hospitals; we now spend 30 per cent. This is a dramatic decline. We used to spend 15 per cent on physicians; we now spend 12 per cent. Where has the money gone?"

But Chernomas believes there is hope: drug prices are still relatively low in Canada (compared to the United States) even though they are rising fast. We have some drug controls and some control over whether a particular drug is bought or not. These are controls Chernomas encourages the Canadian government to retain.

Conclusion

As Canada's trade and regulatory policies have become increasingly integrated with those of the United States, the pressure to adopt a U.S.-style for-profit model of health care has intensified. Unless the federal government asserts the primacy of a public, non-profit system above the private for-profit model routinely promoted by large health management organizations and the pharmaceutical industry, Canada will continue to

face mounting crises in sustaining the high-quality health care system upon which Canadians have come to rely.

Recommendations:

- The Government of Canada should take a leading role in defending health care as a public institution, and halt the widespread privatization of health care delivery in Canada.
- The Government of Canada should reject direct-to-consumer advertising of prescription drugs, and encourage the use of generic, less expensive drugs – one of the leading cost-drivers in the Canadian health care system.
- The Government of Canada should reject the harmonization of drug testing policies and procedures with the United States, and its corresponding "risk assessment" framework.

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Water and the Environment

One of the most important myths sustained by the proponents of NAFTA, including the Canadian government, is that water is protected under the agreement. The truth is that the current protection could be destroyed at any time. Mel Clark, a former Canadian trade negotiator, stated bluntly in 2000 that there were "NAFTA provisions giving Americans control of Canada's water." He went on to specify 10 relevant sections of the agreement.

A warning flag was raised when Sunbelt Water, a California corporation, struck a deal with the B.C. government to export water to the southwestern U.S. After the trade deal (also involving a B.C. company) was agreed upon, the government of B.C. imposed a moratorium on bulk water exports. Sunbelt Water has filed suit against Canada for $10.5 billion under NAFTA's Chapter 11. The suit claims that B.C.'s decision to impose the moratorium amounts to expropriation, and Sunbelt Water is asking for compensation for present and future lost profits. At the time of publication of this report, the case was still pending.[57]

Deeper economic integration with the United States jeopardizes Canada's control of its water resources. The 1987 Canada-U.S. FTA was made possible because Canada yielded control of its energy resources; a NAFTA-plus agreement might not be feasible without doing the same for water. A few days before the 2001 G-8 Summit in Genoa, U.S. President George W. Bush said he wanted to talk about water, adding he would be open to "any discussions" about a possible continental water pact (similar to the current talks between Canada, the United States and Mexico on energy) to pipe Canadian water to the parched American southwest.[58]

The trade agreements deal with the environment more directly than with water. The tripartite North American Commission for Environmental Cooperation aims "to help

prevent potential trade and environmental conflicts, and to promote the effective enforcement of environmental law." This body was created through NAFTA's environmental side agreement, the North American Agreement on Environmental Cooperation. The commission's reviews have been surprisingly constructive, but it lacks the power to make its decisions binding on the parties.

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Water

Research in Canada and elsewhere has identified many environmental concerns associated with inter-basin water diversions. On the strength of these concerns, the federal government has opposed large-scale water exports since 1987.[59] But serious doubts remain about the federal government's commitment to this policy, and the issue arises periodically. For example, in 2001 former Prime Minister Jean Chrétien said that he "privately supported the idea" of diverting water from James Bay to the United States.[60]

The possibility of smaller-scale water exports is also a concern. During the past decade, proposals have been made to export water by tanker from British Columbia, Ontario, Quebec and Newfoundland.

In March 2001, Newfoundland and Labrador Premier Roger Grimes announced his intention to allow the annual export of billions of gallons of water from Gisborne Lake. The company seeking to export this water was granted the environmental go-ahead from the provincial government subject to certain terms and conditions.[61] The proposed project would have seen 500,000 cubic metres of water shipped in bulk to overseas customers. Proponents of the project claimed that the drainage would lower the lake by an inch, but that this would be replenished naturally within 10 hours. It was argued that the community of Grand Le Pierre, having lost jobs due to the disappearance of the cod, would benefit from the jobs this project would provide.

Wayne Lucas, president of CUPE Newfoundland and Labrador, was involved in the Gisborne Lake case and testified about his experiences and conclusions at the Citizens' Inquiry: "When environmentalists got wind of this grand plan [it] was scrapped. The environmentalists successfully argued that allowing Gisborne Lake water to be sold in bulk would make Canadian water a 'commodity' and thus subject to the terms and conditions of GATT (General Agreement on Trade and Tariffs) and NAFTA." Lucas points out "the general lack of significant concern on the part of the government and others" concerning water being classified as a commodity under the trade agreements. "The result of such a classification could have seen all of Canada's water up for grabs like the international trade in oil for the 21st century.'"

Lucas presented to the Inquiry a legal opinion prepared by Steven Shrybman[62] that explains the likely ramifications of allowing bulk water exports. This opinion stated that:

- Under Article 309 of NAFTA and Article XI of GATT, countries are prohibited from imposing quantitative limits on the exportation of goods and products.
- The Canadian government has insisted that water would not be considered a good under NAFTA, but many other commentators have noted that water is a good under NAFTA and GATT rules because it is explicitly included under GATT tariff headings. Also, water in its natural state is also considered a commercial good under U.S. law.
- Furthermore, water is considered a good under international law.
- A very large proportion of Canadian water resources are already subject to commercial use.
- Under NAFTA's Chapter 11, once governments allow water to be withdrawn from its natural state for purposes that range from large-scale industrial use to personal consumption, foreign investors must be given the same rights and therefore have the right to export water or to claim compensation under NAFTA.

The possibility of smaller-scale water exports is also a concern. During the past decade, proposals have been made to export water by tanker from British Columbia, Ontario, Quebec and Newfoundland.

Allowing water exports invites the invocation of the extra-ordinary proportional sharing rules set out in NAFTA Articles 315 and 605. These rules effectively preclude Canada from turning off the tap once the decision is made to turn it on.

Another issue of importance, which was not addressed by the Citizens' Inquiry but is relevant to this report, are the proposed Great Lakes Annex Implementing Agreements 2001. The Council of Great Lakes Governors has proposed a series of agreements known as the Annex that would allow Great Lakes water to be diverted. This would jeopardize the largest freshwater ecosystem in the world, which is a source of drinking water for 40 million people in Canada and the U.S.

The Annex agreements are being driven by several U.S. states. The proposal is in two parts: a non-binding agreement among Ontario, Quebec, and the eight U.S. states bordering the Great Lakes, and a binding agreement known as the Compact. The Compact is exclusive to the eight U.S. states and authorizes unlimited diversion of Great Lakes waters. Under this Compact, Canadians will not have a role in approving these diversions, regardless of their duration, scale or impact on our shared waters. This undermines Canada's share of control and responsibility over Great Lakes waters and, as a result, all of our shared waters.

By allowing the Council of Great Lakes Governors to make this water grab, our federal government is abdicating its responsibility to protect Canada's shared waters and is allowing U.S. economic interests to set the agenda for Great Lakes water management.

On June 30, 2005, the second draft of the Great Lakes Annex Implementing Agreements was released. This revision is an improvement over the original version in that it adopts the precautionary principle, abandons the concept of a resource improvement standard, and stipulates that diverted waters may be used solely for "public water supply purposes." But it still falls short of protecting the Great Lakes.

The second draft also states that no diversions will be permitted outside of the Great Lakes basin. But this is undermined by an exception for the existing Chicago diversion (the largest of the proposed diversions from the Great Lakes basin) and special rights granted to communities and counties that have shorelines on the Great Lakes. Through these exceptions, the revised agreements still allow vast and ever-growing amounts of water to be diverted from the Great Lakes to cities outside the basin.

The Council of Great Lakes Governors also marginalizes the International Joint Commission (IJC). Canada and the U.S. have equal representation on the IJC, which oversees and arbitrates trans-boundary water disputes. The second draft of the Annex agreements empowers a separate body, parallel to the IJC – one in which Canada is not fairly represented – to settle disputes over the Great Lakes. Thus, the Annex agreements will essentially make the IJC irrelevant and restrict Canada's ability to act as a responsible steward of the future of the Great Lakes.

Environment

Canada's environmental protection policies and regulations have been hard hit by the move toward closer integration and harmonziation with U.S. standards. In the name of free trade and competitiveness, the government is choosing not to pursue much needed environmental regulations and is systematically dismantling the protections that were once in place.

U.S. corporations have used NAFTA's Chapter 11 to do battle against some of Canada's environmental laws. Knowing that environmental protection laws might result in U.S. corporations suing the Canadian government for measures "tantamount to expropriation," a "chill effect" has settled in at Environment Canada, forestalling new legislation that might bring on future Chapter 11 suits.

Ehtyl Corporation was the first U.S. corporation to use Chapter 11 against the Canadian government.[63] In 1997, Canada banned the import of MMT, a manganese-based gas additive. According to the research of Dr. Herbert Needleman, an American scientist who was instrumental in the banning of lead as a gasoline additive in the 1970s, and Dr. Donna Mergler, a specialist in nervous system disorders at the Université du Québec, there is abundant evidence that MMT is a potential neurotoxin especially harmful to children. According to Dr. Needleman: "Children are more vulnerable to most neurotoxins. They live and play close to the ground where automobile exhausts settle. During the critical early stages of brain development any noxious influence is likely to produce long-term effects that may announce themselves years later as difficulties in learning, language expression, or behavioural and attention disturbances."[64]

When Canada banned MMT, Ethyl Corporation sued the Canadian government for $250 million under NAFTA's Chapter 11. Instead of facing a NAFTA tribunal, the government repealed the ban and paid Ethyl $20 million in compensation.

This example, and others such as the Compton case (maker of the pesticide Lindane) and the S.D. Myers case (transporter of PCBs), show that corporations can successfully use Chapter 11 to change the government's stance on legislating and regulating the environment. When faced with an investor-state dispute, governments undertake a cost-benefit analysis, which often concludes that it would be less expensive to settle financially. **Sarah Dover**, of the Sierra Club of Canada, testified at the Citizens' Inquiry that, "Chapter 11 and international trade rules have embedded themselves in our democratic processes in Ottawa. International trade considerations are becoming a regular part of doing business and a trade screen is used to ensure that all regulations and laws that are enacted conform with our international trade obligations."

Chapter 11 and international trade rules have embedded themselves in our democratic processes in Ottawa. International trade considerations are becoming a regular part of doing business and a trade screen is used to ensure that all regulations and laws that are enacted conform with our international trade obligations.

NAFTA, and more particularly Chapter 11, has been criticized for its effect on the environment. But some environmental groups originally supported NAFTA because it included the North American Agreement on Environmental Cooperation (NAAEC).[65] The Montreal-based Commission for Environmental Cooperation (CEC), which was a product of the NAAEC, has done some useful work using this environmental side accord. For example, the CEC got the three NAFTA parties to cooperatively develop a research agenda and conduct some preliminary talks on environmental standards that would apply throughout the three countries. The CEC also looked at how the intensive livestock operations, that developed as a result of NAFTA, affect agriculture and the environment.

But the CEC has not mitigated the effects of trade and trade rules on the environment, and it has been unable to help citizens fight environmental threats resulting from the increased trade. Citizens of the three NAFTA parties were promised that NAAEC would be the citizens' equivalent to Chapter 11, and NAAEC Articles 14 and 15 do set out a citizens' submission process. By following the process, which requires conducting careful research, developing detailed legal briefs and presenting these briefs to the CEC, citizens can seek sanction against governments that are not enforcing their own environmental laws. But the NAAEC gives the environment ministers of each country the discretion to dismiss citizens' submissions, which is exactly what they have done in every circumstance to date.

According to Sarah Dover, "One major consequence of the NAAEC has been to channel the energies of environmental groups and advocates into a dead-end process. The Free Trade Council, composed of International Trade Ministers, does not even reply to the correspondence of the CEC, which is composed of the Environment Ministers."

Conclusion

It is clear that NAFTA already poses a very real threat to Canadian water and the environment. As business elites continue to push for deeper integration with the United States, environmental standards and protections will continue to be dismantled in the service of corporate investors in natural resources. Putting profits before the health of people and nature is a trade off that our country, our world and our future cannot afford.

Recommendations:

- The Government of Canada should establish a national water policy that protects Canadian water from commodification, bulk exports, and privatization.
- The Government of Canada should emphasize the authority of the International Joint Commission as the sole arbiter for transboundary water conflicts, and reject any agreement that allows the United States to divert or export bulk water from the Great Lakes.
- The Government of Canada should examine the impact of NAFTA on the environment, particularly the effect of Chapter 11 on legislation aimed at environmental protection and conservation.

Agriculture

Twenty years ago, Canadian farmers were asked to take a leap of faith – to accept the Canada-U.S. FTA as the tool that would ensure them prosperity and guaranteed access to the U.S. market. Today, the Canadian and U.S. agricultural markets are indeed integrated. Though this is not the case in other sectors, Canadian farmers have retained some vital mechanisms, such as single-desk marketing boards and supply management. At the same time, these tools remain vulnerable to international trade negotiations. The objective of the Citizens' Inquiry hearings on agriculture was to evaluate the overall situation among farmers today, with a particular emphasis on family farms, to see how ongoing liberalization of agricultural markets are affecting their well-being.

Since the mid-1980s, a liberalization wave has swept public policy making. The Inquiry sought to determine whether or not the agricultural policies adopted by the federal government as part of this wave have been beneficial.

North American Free Trade and Agriculture

Canadian farmers were understandably concerned about the impact that a Canada-U.S. free trade agreement would have on their industry. After all, various Canadian agricultural sectors were subject to what U.S. trade representatives saw as trade-distorting measures and tariff as well as non-tariff barriers. These measures included single-desk sellers (e.g., the Canadian Wheat Board) and supply management practices (e.g., in the dairy industry). These measures have been largely protected, first under FTA and then under NAFTA, but the U.S. still sees them as trade "irritants". The March 2005 summary of the Task Force on the Future of North America highlights talks on the possible elimination of exemptions in some sectors, including agriculture. But the report admits that this is a controversial topic and suggests that ending these exemptions should be viewed as a long-term objective.

As **Fred Tait**, former Vice-President of the National Farmers' Union, testified at the inquiry, "We actually don't have an agricultural policy any more. What we have is a trade policy, and Canada's agricultural communities are ordered to adapt to it." More

than 15 years after the ratification of the FTA, an evaluation is in order before moving toward deeper economic integration with the U.S.

Supply Management

The Canadian and American agricultural sectors have experienced highly variable prices and supplies (this was particularly true in the 1950s and 1960s). But the two governments responded to this situation in very different ways.

When the hog industries moved from supply management to an open market system, the expected reduction in consumer prices never happened. Instead, the change set off an undesirable chain reaction. Producers were forced to sell to processors at a lower price, which forced many small producers out of the industry.

Canada implemented supply control mechanisms, including single-desk marketing boards and supply management mechanisms. In brief, the supply management approach controls the supply of a commodity to meet predetermined goals. The object is to ensure higher and more stable returns for farmers in what are seen as volatile markets. Canada's experiment began in 1970 with the dairy industry. Today, we use national supply management for five commodities: milk, chicken, turkey, eggs and broiler hatching eggs.

In contrast, the U.S. deregulated supply and demand in much of their agricultural sector to allow market forces to dominate (i.e., they moved to an open-market approach).

There is no evidence that Canada's current system of agricultural supply management and individual marketing boards keeps consumer prices higher than they would be in an open market system. In fact, there is evidence to the contrary. For example, when the hog industries moved from supply management to an open market system, the expected reduction in consumer prices never happened. Instead, the change set off an undesirable chain reaction. Producers were forced to sell to processors at a lower price, which forced many small producers out of the industry. The vertical integration created by the small pool of remaining producers prevents this industry from functioning as a real free market. The result is that consumers and producers both lose out.

An important underlying objective of Canada's supply management approach is to foster smaller, more family-oriented farms rather than allowing those farms to be transformed into large corporate-owned production units. At the same time, this approach gives producers a stronger voice when dealing with processors and other intermediaries.

To function properly, supply management mechanisms must use three types of control (often referred to as "pillars"):

1. production controls: in order to sell supply managed commodities, producers must own quota so that total production numbers within the supply management scheme are not exceeded;
2. pricing controls: the commodity's board sets prices based on the cost of production and negotiations with processors (the goal is to make sure producers get a fair return on their product); and

3. import controls: importation is controlled as part of the control over the supply of the commodity. Canada's import controls on agricultural commodities abide by our international trade agreements.

Without all three pillars, supply management is not possible.

For the past 30 years, [supply management] has served Canada and its producers well…I believe it should continue to do so for many years to come. Its continued existence, of course, is not compatible with a completely integrated market with the United States. The pillars of supply management are dependent on Canada's ability to define and adopt its own unique approach to these markets.

In a completely integrated North American agricultural market, these pillars could not exist. **Brian T. Oleson**, professor of economics at the University of Manitoba, told the Inquiry that:

> For the past 30 years, [supply management] has served Canada and its producers well…I believe it should continue to do so for many years to come. Its continued existence, of course, is not compatible with a completely integrated market with the United States. The pillars of supply management are dependent on Canada's ability to define and adopt its own unique approach to these markets.

Continual challenges by the U.S. through the WTO and NAFTA are weakening these three pillars. Domestic support negotiations undermine the collective pricing mechanism, export competition measures affect production controls, and market access negotiations threaten the import control measures.

The negotiations on support and market access are in progress, but export competition rules have already affected Canadian producers and their ability to control production. **Bruce Saunders,** First Vice-President of the Dairy Farmers of Canada, confirmed to the Citizens' Inquiry that a chill is already perceivable: "The WTO Appellate Body has already forced us to plan our production in a much tighter manner. Future negotiations will result in increased pressure when export subsidies are fully eliminated."

Trade representatives from other countries (especially the United States) generally view Canadian supply management as a "trade-distorting" practice and therefore as inconsistent with Canada's obligations under its international trade agreements.

Alternative Agricultural Options

The Inquiry heard from citizens who presented alternatives to factory farming as a bulwark against the effects that deeper economic integration with the U.S. will have on agriculture. Representatives of two groups described the community-shared agriculture model (CSA). In this model, individuals (for example, people who live in a nearby urban area) provide up-front support to the grower in the form of money, labour, equipment, etc. The grower, in turn, agrees to do his or her best to provide sufficient quantity and quality of food that meets the needs and desires of the consumers. A common arrangement is for consumers to buy a "share" at the beginning of the season for a price set and agreed upon by the organizers. At harvest time, the consumers receive a box of fresh produce every week. This model provides the farmer with an insurance policy

against a bad season or unexpected crop losses. In essence, consumers share with producers the risk inherent in farming.

One of CSA's main objectives is to strengthen the connection between urban and rural communities and build relationships between growers and eaters. The food is usually distributed close to the farm where it is cultivated, increasing the environmental benefits of such a model. **Pat Macklem**, **Jennifer DeGroot** and **Simon Hon**, of the Wiens Family Shared Farm, explained that:

> We like to say we have moved away from monoculture in every sense of the word. This refers of course to the fact that we grow a wide variety of crops – over 100. But just as importantly, this move away from monoculture refers to the fact that there are many of us. We have moved away from the one farmer/one family model into a collective one. Our collective model means a number of things. For one, our food is healthier. Because there are many of us we can grow organically and do a large amount of our work by hand. This also means that our land is healthier. And this has meant that our people our healthier.

Sustainable Agriculture

The Canadian Federation of Agriculture and the National Farmers Union have amply demonstrated their efficiency and their effective use of technological advances. This is clear from the increased farm revenues and increased exports that we have seen since the beginning of the liberalization process. However, farmers face a problem at the input level: liberalization, concentration and vertical integration have lowered the prices that farmers can get for their product; meanwhile, processing and input costs have risen. The result across Canada has been negative net farm incomes.

Canada's agricultural sector is experiencing a rapid decrease in the number of producers. This facilitates concentration, oligopolies and vertical integration, and factory farms are more damaging to the environment than family farms.

Finally, there is no evidence that Canada's agricultural marketing mechanisms are harmful to the industry in developing countries. In fact, export and production subsidies such as those in the U.S. and Europe mean the northern hemisphere producers can undercut prices of agricultural products from the South, making it impossible for developing countries to compete.

Canada should facilitate the creation of supply management and single-desk selling boards in developing countries. These measures provide an excellent way for smaller economic forces, such as individual producers, to operate on a level playing field with transnational corporations.

Conclusion

Canadian farmers have not reaped the benefits of free trade that were promised to them. They have been pushed out of the market by transnational producers who benefit from a system that favours big business over small family farms. Since the FTA came into effect in 1989, exports have doubled but Canadian farmers have seen their net income drop by 24 per cent. As the deregulation of agriculture increases and U.S. and Canadian standards meld, independent farmers will suffer more and the quality, sustainability and safety of our food supply will continue to be compromised.

Recommendations:

- The Government of Canada should maintain the Canadian Wheat Board and supply-management mechanisms that support family farms, protecting them from the prejudiced impact of international trade agreements.
- The Government of Canada should evaluate the impact of free trade on Canadian farmers, and halt any further integration of Canadian agricultural policy with the United States.
- The Government of Canada should negotiate with the provinces to develop and implement measures to limit the ill effects of "vertical integration" – the concentration of control over the inputs, processing, distribution and retailing of agricultural products by a few large corporations.

Media and Culture

Canadians and Americans perceive culture very differently. International trade negotiations have demonstrated that Americans view culture as a commodity, whereas Canadians see culture as part of their identity. Recent trade agreements have not been helpful to the Canadian vision of culture. In theory, the FTA and NAFTA allow Canada to protect its cultural and artistic sector, but the reality is quite different: American pressure on Canada to gradually abandon its protective mechanisms is relentless. An early example of this pressure was the dispute over U.S. split-run magazines a few years ago. This may have been the first salvo in an ongoing battle for the protection of Canada's cultural identities.

Canada's Cultural Sovereignty

The United States is the major international threat to Canada's cultural sovereignty. It wants trade in cultural products to be treated exactly like any other type of trade. That is, it wants open access to the Canadian market and an end to so-called trade barriers, such as limits on foreign ownership.

To complicate matters, Canada's large telecommunications, cable and satellite companies are hungry for investment dollars. They're lobbying the federal government to allow foreign corporations to own more than 50 per cent of their stock. They also want the

right to sell their companies to the highest bidder, no matter where that bidder is located. Industry Canada seems to support this position, while Canadian Heritage is adamantly opposed to it.

This experience raises the question, Can Canada adopt a cultural policy that protects our identity without incurring the wrath of the U.S.?

When **Jean Malavoy**, of the Canadian Conference of the Arts (CCA), testified at the Citizens' Inquiry, he laid out seven principles that Canada should follow in drafting such a policy:

1. Culture is a fundamental human need, like breathing, learning and working. It is an essential element of life, not a luxury.

2. Culture is a fundamental right, not a privilege. It is recognized by the Universal Declaration of Human Rights.

3. A cultural policy is lived by people; artists and other cultural creators are its accelerators.

4. Art develops culture. Culture is simultaneously the prerequisite framework of our collective being and the sum of the manifestations of life. A cultural policy starts by responding to the expectations of the people, but it cannot take on real meaning without support for its artists.

5. Culture is an investment. Like health, culture is both wealth and a source of wealth. So the human and financial resources dedicated to a cultural policy are not simply subsidies, but a tangible investment in the development of society.

6. The artist is the "yeast" of culture, just as legislators, physicians and teachers are. The artist's work is essential to Canadian society.

7. Education and culture cannot be dissociated. Education is not just schooling, but an agent of culture.

A good cultural policy would provide Canada with something that currently does not exist: a cohesive vision for federal public servants, the artistic community and the community at large to rally around.

A cultural policy that affirms Canada's cultural sovereignty is one of the key tools needed to preserve and develop our country as a nation-state. Such a policy would enable Canadians to develop content in our media and provide the broadest possible opportunity for citizens to express their shared national experience.

Foreign Ownership and Media Concentration

The commissioners of the Citizens' Inquiry on Canada-U.S. Relations took a special interest in the issues of foreign ownership of media and media concentration, to study how these issues affect Canada's cultural environment.

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Currently, seven large corporations (Bell GlobeMedia, CanWest Global, G.T.C. Transcontinental Group, Shaw Communications, Hollinger, Quebecor and Rogers Communications) dominate the Canadian media industry. This concentration of ownership is problematic in many ways, but the Inquiry focused its attention on two concerns.

First, the convergence in reporting of news events results in a democratic deficit. In many markets, such as British Columbia, Alberta and southwestern Ontario, economies of scale have reduced the number of correspondents, particularly parliamentary correspondents. The Vice-President (Media) of the Communications, Energy and Paperworkers Union of Canada, **Peter Murdoch**, cited examples occurring in British Columbia and Alberta: "The *Vancouver Sun* used to have four reporters covering the provincial legislature in Victoria. There is now only a columnist; the parliamentary scene is covered by the *Victoria Times-Colonist*, which is also owned by CanWest Global. The same situation is found in Alberta. The *Edmonton Journal* and the *Calgary Herald* used to have two journalists each covering the activities of the provincial legislature, but now these newspapers are sharing two reporters."

The second issue related to the concentration of media ownership is the closing of regional media. Places like Barrie, Kamloops, Timmins, Moncton and Sault Ste. Marie used to have local programming that reflected the life of their community. This is no longer the case. Most of the local stations are now little more than news bureaus, and many local papers have folded or have been consolidated into regional media. These changes have resulted in a significant loss of voices.

In Canada, the issue of concentration of ownership is inextricably linked to the issue of foreign ownership. According to Peter Murdoch: "Foreign ownership is still very much on the agenda. The Industry Minister stated that foreign ownership is not a bad thing, especially for telecommunications, broadcasting and cable. In this modern age, it is very difficult to see these separately. Bell Canada was recently awarded a broadcast licence, which will allow it to broadcast television programming on cell phones. These technologies are converging very quickly."

These companies say they need the capital that open access to foreign ownership would bring. But to date Bell Canada has had no problem raising capital. In fact, it could be argued that Bell, CanWest Global and Rogers had access to too much capital and so became heavily indebted. Furthermore, there is no reason to believe that allowing foreign investment in Canadian media organizations would result in a flood of capital into this country. These foreign organizations will focus on getting profits out of Canada rather than on investing in Canada.

If we allow communications, media and broadcasting organizations to be owned by foreigners, the cultural discourse and the Canadian perspective will disappear. As Jean Malavoy told the Inquiry, "when you consider that these networks are rapidly merging and converging with our cultural industries, then deep integration with the U.S. starts to look like…national suicide."

Cultural Exception

The concept of "cultural exception" or "cultural exemption" in relation to international trade is key. It appeared for the first time in the early 1950s during the negotiations of the first multilateral treaty of cultural goods, the Florence Agreement.[66]

Cultural exception played a major role in the failure of the negotiations that were to create the Multilateral Agreement on Investment (MAI). When France (and other European countries) realized that cultural products were on the same negotiation table as other goods and services, they tried to insert clauses for cultural exceptions, that is, clauses that would allow each country to protect and subsidize its cultural sector.[67] This was fiercely fought by the United States and was one of the key factors in the demise of the MAI.

Éric George is a communications professor at the University of Ottawa and an expert on cultural exceptions. He explained that the issue of culture still hasn't been settled by NAFTA, and that the Free Trade Area of the Americas (FTAA) threatens the weak cultural protection that Canada has now:

> Canada put forward and won the concept of 'cultural exception' at the FTA negotiations, then at the NAFTA negotiations. But the clause was not a total victory for Canada because it was linked to a corollary clause allowing for trade retaliation, which limits the effectiveness of the exception. Debates are now being held at the Pan-American level in the FTAA negotiations. Canada wants culture to be treated in the same way it's treated in the bilateral agreements between Chile and Costa Rica. In those agreements, cultural exemptions are recognized without any retaliation measures. The U.S. believes in 'free flow of information' and doesn't share the Canadian position. They put forward the development of Internet and electronic markets to justify greater trade liberalization with respect to culture.

Intellectual Property

Canada has signed many treaties that influence its stance on intellectual property. For example, NAFTA's Chapter 17 deals specifically with intellectual property, and Canada modified its copyright laws as a result of signing the Trade-Related Aspects of Intellectual Property Agreement (TRIPS) in 1993. In addition, Canada joined the World Intellectual Property Organization (WIPO) in 1970. The WIPO Copyright Treaty (also called the Berne Agreement), was released in 1996, but Canada has yet to ratify it.

Debate is currently raging in Canada on the topic of intellectual property. New technologies have forced the federal government to rethink its copyright policies and its commitments under WIPO. It seems, however, that the government is trying to constrain new technologies, such as the Internet, to force their use to fit into the existing U.S.-based framework, rather than using the development of these technologies as a reason to modify and enhance the framework.

It seems that the government is trying to constrain new technologies, such as the Internet, to force their use to fit into the existing U.S.-based framework, rather than using the development of these technologies as a reason to modify and enhance the framework.

In June 2005, the federal government unveiled Bill C-60, an Act to Reform the Copyright Act. This Bill was written in response to the poorly received 2004 Copyright Reform report of the Canadian Heritage Parliamentary Standing Committee.[68] The 2004 report dismissed most of the users' concerns and requests and provided the rights holders with most of the protections they had asked for. **Russell McOrmond** outlined to the Citizen's Inquiry the main philosophy driving that ill-fated report: Of the nine recommendations, "eight recommendations promoted re-intermediation. This report regulates away [many of] the citizen-enhancing features of new media. Like the 1996 WIPO treaties that they drew inspiration from, the intent was to allow those who were the gatekeepers of culture in the past to control this new media."

Canada must now decide whether to ratify the 1996 WIPO treaty. Canadian Heritage favours ratification, but witnesses at the Inquiry believe that may prove to be a mistake. **Julien Lamarche** concluded that "both creators and users stand to lose from the ratification of the 1996 WIPO treaty, mainly for three reasons: It puts the control of cultural rights in the hands of corporations – not the judicial system, not the legislature, not creators, not users; it favours the old pre-Internet business models at the expense of Internet-based business models. Thus it is a step back, not forward. The Internet-based model brings…creators and users closer to each other by skipping the intermediaries. It is closer to citizens than corporations are."

Conclusion

The Canadian government is faced with the decision, on several fronts, of whether or not to protect Canadian culture against the overwhelming presence of U.S. television, films, books, magazines, music and other media. The protections that Canadian cultural industries now enjoy are being eroded through trade deals and legislation that favour big business "investment" over home-grown producers. If we are to preserve our unique cultural identity and not be swept up by the dominant mainstream U.S. entertainment machine, we will have to stand fast and recognize culture as a fundamental right.

Recommendations:

- The Government of Canada should develop a national cultural policy that protects and promotes Canadian culture and supports local media producers.
- The Government of Canada should reject foreign ownership of Canadian media and telecommunications companies.
- The Government of Canada should unequivocally support the "cultural exception" in all current and future trade agreements.

Conclusion

The Commissioners of **Crossing the Line: A Citizens' Inquiry on Canada-U.S. Relations** were shown a very different picture of the future of our relationship with the United States than has been portrayed by the federal government, the Canadian Council of Chief Executives and the C.D. Howe Institute.

These bodies have proposed that a North American economic bloc be created. This bloc would look much like the European Union, but with two important differences. First, in their negotiations, countries of the European Union paid close attention to differences in cultural and political realities and set guidelines to respect these differences. The push for deeper integration with the United States is based purely on economic considerations and leaves Canada's social and political life at the mercy of trade arrangements. Second, the transformation of deep integration is occuring relatively rapid, compared with the gradual evolution of unity in Europe after centuries of wars, conflicts, peace building and trading relationships.

The first difference is crucial: by subjugating all issues, including non-economic ones, to trade imperatives, Canada would risk major losses of sovereignty that would go to the heart of its identity by virtue of its southern neighbour's sheer economic, demographic and political size. The United States has very different values, priorities and principles than Canada. As Murray Dobbin highlighted in an earlier Council of Canadians study,[69] Canada has developed a more communitarian approach over the years, in contrast to the self-made, individualistic approach in the U.S. The European economic union was created without one dominant player. There are major economies involved, such as France, Germany and Italy, but none of them has the size or the importance to impose directions, values and priorities on the other. This is clearly not the case with North American integration.

By and large, the U.S. administration views social and political problems through a market lens. This is particularly obvious with regard to cultural matters – it considers culture to be an industry whose destiny should be left to the invisible hand of the free market. In contrast, Canadians see culture as a pillar of their identity, which needs to be protected and promoted by the government. Social programs, health care and natural resources are also at risk with North American integration.

With respect to defence and security, Canadians have consistently rejected the aggressiveness of U.S. international policies. Canadians are in favour of higher personal security, but they do not support George W. Bush's campaigns in the Middle East. They are also opposed to the Ballistic Missile Defence program, which is perceived as an ineffectual boondoggle.

Following that, when negotiating security arrangements for North America, the Canadian government should begin by de-linking security concerns from economic and trade

issues. Even though trade would be easier if both countries were satisfied with the security arrangements, trade should not be the primary factor driving the security agenda.

The joint security agenda also suffers from a democratic deficit. Constitutionally, the federal cabinet has the power to negotiate and adopt treaties without referring them to parliament. But the security and economic measures proposed in the Security and Prosperity Partnership of North America have the potential to overwhelm Canada's social and political fabric. The federal government should bring the Partnership, along with any international initiative such as participation in the Ballistic Missile Defence program and the Smart Border Declaration, to parliament to allow elected representatives to debate, ratify or reject them. Since issues such as security certificates and the outsourcing of private data infringe on individual rights, they should also be reviewed by parliament.

It is time to stop pretending that NAFTA and other free trade agreements have been unmitigated successes. Bruce Campbell's presentation to the Citizens' Inquiry demonstrated that the consequences of Canada's free trade agreements with the United States have had far-reaching and negative ramifications for Canadian citizens and Canadian society.

It is also time for NAFTA's effects on Canadian agriculture to be examined. Since supply management has been beneficial for Canadian farmers and consumers, Canada should be promoting it rather than simply trying to protect it from U.S. demands. And instead of merely reiterating that water and health care are protected from the reach of NAFTA, the federal government should take a serious look at the possible outcomes of a NAFTA-based claim on these areas.

In short, a new approach is needed. Opponents of the Canada-U.S. Free Trade Agreement and the North American Free Trade Agreement have been proven right: these are not merely trade agreements. They have deeper implications for the make-up of Canada because they provide a framework for harmonizing and standardizing the policies and political orientations of the two countries.

We *do* have a choice. Canada should not be compelled, for fear of trade retaliation, to cooperate on projects that are solely or primarily of importance to the U.S. administration. Canada must deal with the United States' foreign, trade, defence and social initiatives on a case-by-case basis, not on an integrated basis. It should cooperate in areas where the two countries truly agree, but not be afraid to refuse to cooperate in areas that are clearly not in the public interest, as was the case with the proposed ballistic missile defence program. Canada may lose some popularity with the U.S. administration, but the exercise of sovereignty will increase Canada's credibility both among its citizens and in the international community.

The federal government must discontinue current negotiations and efforts to integrate Canadian policies with those of the United States and establish a royal commission to hear Canadians' views on the issue. The right to be heard by an elected government should not be restricted to well-funded corporate lobbyists. It is the duty of government therefore to ensure that Canadians know the consequences that free trade and more recent moves toward deeper integration with the U.S. are having on Canada, and to give all Canadians the opportunity for meaningful input into the future direction of Canada-U.S. relations.

Commissioners

Omar Aktouf

His studies in psychology, economic development and management brought Mr. Aktouf to the École des hautes etudes commerciales de Montreal. He developed several fields of interest, such as corporate culture, project management, critical research of the theories and practices in management, research on symbolism and speech in organizations, the methodology and the pedagogy of management sciences. Mr. Aktouf currently lectures and consults around the world and has authored many articles and several books in the field of management.

Mary-Wynne Ashford

Dr. Ashford is a medical doctor and educator, who is currently an Adjunct Professor at the University of Victoria. She is an internationally known writer and speaker on issues of peace and disarmament. She served as President of Physicians for Global Survival (PGS) from 1988-90 and Co-President of International Physicians for the Prevention of Nuclear War (IPPNW), for two terms from 1998-2004. She continues on the Board of PGS (Canada) and on the Student Board of Trustees for IPPNW.

She has received many awards including the prestigious Gandhi Award from Simon Fraser University and the Thakore Foundation and the Governor General of Canada's Medal on two occasions.

Maude Barlow

Maude Barlow is the National Chairperson of The Council of Canadians, Canada's largest citizen's advocacy organization with members and chapters across Canada, as well as the co-founder of the Blue Planet Project, which works to stop commodification of the world's water. She is also a Director with the International Forum on Globalization, a San Francisco based research and education institution opposed to economic globalization. Maude is the recipient of numerous educational awards and has received honorary doctorates from six Canadian universities for her social justice work. In addition to being nominated for the "1000 Women for the Nobel Peace Prize 2005" she is also the recipient of the "2005/2006 Lannan Cultural Freedom Fellowship." Most recently she received the prestigious "2005 Right Livelihood Award" given by the Swedish Parliament and widely referred to as "The Alternative Nobel." She is the best-selling author or co-author of 15 books. Her most recent publications are *Too Close For Comfort: Canada's Future Within Fortress North America; Blue Gold: The Fight to Stop Corporate Theft of the World's Water (*with Tony Clarke*)*, now published in 40 countries; and *Profit is Not the Cure: A Citizens' Guide to Saving Medicare*.

Heather Bishop

Heather Bishop has dedicated her life to making a difference in the world. She has championed many causes, from fighting for the rights of women starting in the late 60s when she was instrumental in closing the gender pay scale gap, to battling racism and homophobia. Heather is an experienced trades woman but is best known for her work as a musician. She performs for both children and adults, and has received many awards including two JUNO nominations, a PMA nomination, two U.S. Parent's Choice Gold Awards, and a NAPPA Gold Award. In July 2001, she became the recipient of the prestigious Order of Manitoba.

Sheila Copps

Sheila Copps was born and raised in Hamilton, Ontario. She entered politics in 1981 by becoming the first Liberal in over 50 years to represent the provincial riding of Hamilton Centre. In 1984, Ms. Copps ran for federal office and was elected to the House of Commons for the riding of Hamilton East. She was re-elected in five successive elections.

In January 1996, Ms. Copps was named Minister of Canadian Heritage. Among her achievements, Ms. Copps has unveiled the Canada Television and Cable Production Fund for independent film and television production, brought in copyright protection for Canada's recording artists and producers and added 60,000 square kilometres of wilderness to Canada's National Parks. Ms. Copps has retired from elected politics, and is completing "Worth Fighting For," a book that will pick up her story where the last book ended.

Judy Darcy

Many life experiences have helped shape Judy Darcy's commitment to progressive social change. She became involved with her union, CUPE, as a force for social change. She held many positions within the union from shop steward to National President for 12 years, representing over half a million working men and women. Currently Ms. Darcy is deeply involved in community organizing, including the COPE campaign to bring a wards system to Vancouver and the BC Health Coalition campaign to fight cuts to home support services. She was recently appointed by Vancouver City Council to serve on the Vancouver Economic Development Commission.

Gordon Fairweather

Former Chief Commissioner of the Canadian Human Rights Commission, Gordon L. Fairweather has distinguished himself in a succession of public service careers. The first was as a private member and as Attorney General in the Progressive Conservative Government of New Brunswick during the 1950s. In 1962, he began his second public service career when the lure of federal politics caught him and he stood for election to the House of Commons in the constituency of Fundy Royal. He was successful in that campaign and was re-elected to Parliament in the next five consecutive general elections.

During his 15 years in Parliament, Gordon Fairweather earned a reputation as a strong and well-informed opposition member, but also as a reasonable critic who took a special interest in humanitarian issues. An early and ardent supporter of official bilingualism and of women's rights and a strong opponent of capital punishment, he was a Member of Parliament who placed the accent on the progressive half of his party's label.

Janice Harvey

Janice Harvey began her environmental career as an activist with the Maritime Energy Coalition, the first Canadian organization formed to oppose nuclear power development. She has been with the Conservation Council of New Brunswick, the pre-eminent environmental group in the province, since 1983 when she was appointed Executive Director. Since 1990, she has served as the Marine Conservation Director and a member of the Board of Directors of CCNB. She has served on the board of the Canadian and New Brunswick Environmental Networks, Friends of the Earth Canada, and the Environmental Choice products labelling program, and has participated in many federal advisory committees and consultations.

Larry Hubich

Larry Hubich, President Saskatchewan Federation of Labour, has extensive experience and a strong background in labour education. He has co-instructed classes in labour law recognized and accredited by the University of Saskatchewan and the Labour College of Canada. He often instructs classes for trade unionists on the use of information technology. An experienced negotiator, trade unionist and advocate for working people, Larry has over 25 years of experience in the areas of labour arbitration, collective bargaining, organizing, education, finance and information technology.

Chief Garry John

Chief Garry John has been the chief of the Seton Lake Band in the interior of BC for nine years. He is the Chairperson of the St'at'imc Chiefs Council and spokesperson for the St'at'imc on titles and rights issues. He is committed to his full time job of defending and asserting aboriginal title for native people whose land is being alienated by third parties and the two levels of government. He has actively been involved in discussions with Crown Corporations who have had significant impact in St'at'imc territory, including BC Hydro and BC Rail, to get some compensation from them for aboriginal communities. He is also concerned with the need to develop an economic base for native communities. Chief Garry John joined the board of the Council of Canadians in 2001.

Chief Roderick King

The Chief of Lucky Man Cree Nation for the majority of his professional career. The Chief was instrumental in the creation of the Lucky Man Cree Nation; without his work, Lucky Man would not exist as a band.

Rod King has been Chief of Lucky Man for 20 years altogether. In his first 10 years as Chief of the Lucky Man Cree Nation, he received no pay whatsoever. He then left the band and worked for Indian and Northern Affairs Canada (INAC) for a 12-year period. He then returned to Lucky Man for the last 10 years.

Senator Laurier LaPierre

Senator Laurier LaPierre has had an extraordinary public life. He's a successful historian, author, commentator and educator. His stint at the CBC spanned 16 years, during which time he was one of the hosts for the legendary This Hour Has Seven Days. He hosted the Electronic Town Hall meetings held as part of the Citizens Forum on Canada's Future and was made an Officer of the Order of Canada in 1994.

Prime Minister Jean Chrétien appointed him to the Senate in June 2001. As a member of the Standing Senate Committee on Transport and Communications, he will be involved in the Senate's review of the Canadian news media.

Gordon Laxer

Gordon Laxer is the Director of Parkland Institute, a progressive, non-corporate, Alberta research network that studies public policy alternatives. He has been a political economist in the Sociology Department at the University of Alberta since 1982. He is principal investigator for a five-year, $1.8 million research project on Neo-liberal Globalism and its Challengers: Reclaiming the Commons in the Semi-Periphery: Canada, Mexico, Australia and Norway, principally funded by the Social Sciences and Humanities Research Council of Canada (SSHRC). Laxer is the author of *Open for Business: The Roots of Foreign Ownership in Canada*, for which he received the 1992 John Porter Award for the best book written about Canada, from the Canadian Association of Sociology and Anthropology (CSAA). Mr. Laxer joined the board of The Council of Canadians in 2004.

Howard McCurdy

Howard D. McCurdy was the second African-Canadian elected to the Parliament of Canada. As a descendent of both conductors and refugees on the Underground Railroad as well as 19th century Jamaican immigrants, his roots lay deeply imbedded in a family tradition of social activism and public service. In 1959 he joined the faculty of the University of Windsor, becoming a full Professor 10 years later and subsequently twice Head of the Department. He was also much involved in the founding of the New Democratic Party. In 1979, he was a surprise winner of election to the City Council of Windsor on which he served five years before becoming the first New Democrat ever elected to Parliament from his constituency.

Arthur Miki

Citizenship Judge Arthur Miki dedicated his career, as a teacher and principal, to the education of Winnipeg's youth. His community service extends to the National Association of Japanese Canadians, where, as the past president, he worked to strengthen the community's presence and participation in Canada. Largely through Mr. Miki's efforts, the Government of Canada made a public apology and compensated those who were interned during the Second World War. As a recipient of the Order of Canada, in February 1998, Arthur K. Miki was appointed a citizenship judge for Manitoba. Mr. Miki has been treasurer for the National Visible Minority Council on Labour Force Development, vice chair of the Canadian Race Relations Foundation, chair of the Pearson-Shoyama Institute, and executive director of the Organization for Co-operation in Overseas Development.

Paul Moist

Paul Moist is national president of Canada's largest union, the Canadian Union of Public Employees. A strong advocate for quality public services, Mr. Moist has played a key role in moving forward a new deal for Canada's towns and cities. Until his election in October 2003, Moist served for 10 years as president of CUPE 500, representing Winnipeg municipal workers, and six years as president of CUPE Manitoba. He served this past year as co-chair of Premier Gary Doer's Economic Advisory Council and vice-chair of the Manitoba Public Insurance Corporation.

Howard Pawley

Howard Pawley completed undergraduate studies at United College (now the University of Winnipeg) and a law degree at the University of Manitoba Law School. He served on the faculty of the University of Manitoba and the University of Windsor, where he held the Paul Martin Chair in International Relations and Law from 1993 to 1998, and received the Outstanding Special Lecturer Award from the University of Windsor law school graduating class. From 1969 to 1988, Mr. Pawley was a member of the Manitoba provincial legislature, acting as attorney general (1973-1977), party leader of the Manitoba New Democratic Party (1979-1988) and provincial premier (1981-1988). He has also been a tribunal member of the Canadian Council of Churches-Latin American Tribunal on Human Rights, and was a representative at the National Democratic Institute for International Affairs, Yemen.

Chief Stewart Phillip

Currently finishing a four-year term as Chief of the Penticton Indian Band (PIB), Chief Stewart Phillip has served the Band as Chief on three separate occasions for a total of 10 years. In addition, he served as an elected Band Councillor for a 10-year period and is entering his third term as President of the Union of BC Indian Chiefs.

He has taken an active role in the defence of Aboriginal title and rights by readily offering support to Native communities in need. He has taken a personal approach seeing first-hand the impact of fish farms in the Broughton Archipelago, lobbying on Parliament Hill to defeat the First Nations Governance Act, standing with Elders of Treaty 8 against oil and gas development in the Peace River, burning referendum ballots with fellow chiefs in protest and has stood on the steps of the Legislature with 3,000 other people united under the Title and Rights Alliance banner.

Kari Polanyi-Levitt

Kari Polanyi Levitt is Professor Emerita at the Department of Economics of McGill University, Montreal, Quebec, where she taught from 1961 until her retirement in 1993. She also taught at the Department of Economics (1978-1980) and the Consortium Graduate School (1995-1997) of the University of the West Indies, Mona, Jamaica. She is a founding member and past president of the Canadian Association for Studies in Development (CASID), founding member of the Centre for Developing Area Studies at McGill University, founding member of the Association of Caribbean Economists (ACE) and founding member as well as honorary president of the Karl Polanyi Institute of Political Economy at Concordia University in Montreal. She has authored many articles and several books including *Silent Surrender: the Multinational Corporation in Canada* (re-issued in 2002), and *Reclaiming Development* (forthcoming, 2005).

Right Honorable Edward R. Schreyer

Right Hon. Edward Schreyer was first elected to the Manitoba Legislature in 1958 at age 22 and reelected twice. He lectured on international relations at St. Paul's College then was elected NDP Member of Parliament for Selkirk 1965 and reelected in 1968. He became NDP leader 1969 and Premier of Manitoba 1969-77. He served concurrently as Minister Responsible for Manitoba Hydro precisely at the time major expansion was required, which in turn required choice between constructing major hydro works as opposed to a series of coal and gas thermal generating stations. Ed Schreyer served as: Governor General of Canada and Commander-in-Chief 1979-84; as Canadian High Commissioner to Australia, Papua New Guinea, Solomon Islands & Ambassador to Vanuatu 1984-88.

He serves in various capacities in a number of organizations including Habitat for Humanity, The Canadian Shield Foundation, Sierra Legal Defence Fund, hospital and nursing home care organizations, two Canada-based oil/gas exploration companies and a forest products company. Mr. Schreyer also serves on the Port of Vancouver Port Authority and Lake Winnipeg Stewardship Boards and is Special Advisor on Energy, Science and Technology to the Government of Manitoba.

Mary Walsh

Born in St. John's and educated at Ryerson Polytechnical Institute, Mary Walsh has been bringing her particular bent on politics and current affairs to comedy fans since the award-winning CODCO troupe hit the stage 20 years ago. During CODCO's years on CBC Television (1987-93), Ms. Walsh was honoured with numerous Gemini Awards.

Throughout her professional career as an writer, actor and director, Ms. Walsh has worked extensively with local artists at the Newfoundland's Resource Centre for the Arts. She has appeared in many films, television shows and stage productions. In 1992, she won the Best Supporting Actress award at the Atlantic Film Festival for her performance in Mike Jones' Secret Nation.

Among her characters on This Hour Has 22 Minutes are the flagrantly outspoken Marg Delahunty, redneck commentator Dakey Dunn and wacky Prairie correspondent Connie Bloor. Beyond her work on the television series This Hour Has 22 Minutes, Ms. Walsh performed in a feature role in the mini-series Major Crime.

List of Witnesses

Winnipeg, MB (Agriculture) Thursday, October 28, 2004

Commissioners:
Maude Barlow, Heather Bishop, Arthur Miki, Paul Moist

Jody Andrews	Earthshare Agricultural Co-op
Andre Clement	Dada World Data
Jennifer DeGroot	Wiens Family Shared Farm
Julie Fine	Organic Food Council of Manitoba
Simon Hon	Wiens Family Shared Farm
Pat Macklem	Wiens Family Shared Farm
Brian T. Oleson	Professor, Agricultural Economics, University of Manitoba
Jim Sanders	Dada World Data
Bruce Saunders	Dairy Farmers of Canada
Fred Tait	National Farmers' Union

Saskatoon, SK (Health Care) Tuesday, November 16, 2004

Commissioners:
Maude Barlow, Larry Hubich, Chief Roderick King

John D. Bury	Retired Doctor
Robert Chernomas	Professor, Economics, University of Manitoba
Mary Louise Day	Citizen
Colleen Fuller	Pharmawatch
Denise Kouri	Canadian Centre for Analysis of Regionalization and Health
Gail Lasiuk	Canadian Union of Public Employees, Local 1975
Michael McBane	Canadian Health Coalition
John McConnell	Citizen
Kateri Pino	Committee for Monetary and Economic Reform (Saskatoon)
Priscilla Settee	Indigenous Peoples' Program, University of Saskatchewan
Kathy Stourrie	Community Health Services (Saskatoon) Association

Calgary, AB (Energy) Tuesday, November 30, 2004

Commissioners:
Maude Barlow, Gordon Laxer, Right Hon. Edward R. Shreyer

Mark Anielski	Anielski Management Inc.
Sol Candel	Seven Generations Development Corp.
Rick Collier	Citizen
Norman Greenfield	Citizen
Charles Hanson	Citizen
Gordon Laird	Journalist & Author
Don MacNeil	Communications, Energy and Paperworkers Union of Canada
Stewart Midwinter	Citizen
Bill Moore-Kilgannon	Public Interest Alberta
Keith Newman	Communications, Energy and Paperworkers Union of Canada
Jesse Row	Pembina Institute
Mel Tightmeyer	Citizen

Victoria, BC (Missile Defence) Thursday, December 2, 2004

Commissioners:
Mary-Wynn Ashford, Maude Barlow, Judy Darcy

Dr. Saul Arbess	Working Group for a Federal Department of Peace
Stacy Chappel	Coordinator, University of Victoria Public Research Interest Group
Susan Clarke	Victoria Peace Coalition
Elsie Dean	Women Elders in Action
Paula Hegel	Citizen
Gerry Kilgannon	Citizen
Dr. Fred Knelman	Physicist and Author
Freda Knott	Raging Grannies
Joan Russow	Global Compliance Research Project
Linda Siegel	KAIROS
Jillian Skeet	International Affairs Consultant
Steven Staples	Polaris Institute
Ruth Turner	KAIROS
Chris Thomas	Citizen
Honey Van Hoeke	Citizen
Dr. Michael Wallace	Professor, Political Science, University of British Columbia
Alfred L. Webre	Institute for Cooperation in Space
David Wosk	Citizen

Kelowna, BC (Aboriginal Perspectives) Saturday, December 4, 2004

Commissioners:
Maude Barlow, Chief Garry John, Chief Stewart Phillip

Anthony J. Hall	Chair, Globalization Studies, University of Lethbridge
Nita Grass	Chicoltin Nation
Arthur Manuel	Indigenous Network on Economies and Trade
Gordy Marchand	Canoe Carver and Paddler
Michael Marchand	Business Council, Confederated Tribes of the Colville Reservation
Harvey Moses	Business Council, Confederated Tribes of the Colville Reservation
June McCue	First Nations Legal Studies, University of British Columbia

Windsor, ON (Border Issues) Tuesday, January 11, 2005

Commissioners:
Maude Barlow, Howard McCurdy, Howard Pawley

Hugh Benevides	Canadian Environmental Law Association
Bruce Campbell	Canadian Centre for Policy Alternatives
George Crowell	Committee for Monetary and Economic Reform (Windsor)
Mary Ann Cuderman	Windsor West Community Truck Watch
Michael Gilbertson	Retired Scientist
Richard Harding	Canadian Auto Workers, Local 200
Patricia Lay-Dorsey	American Citizen
Enver Villamizar	Citizen

Montreal, QC (Immigration and Refugees) Thursday, January 13, 2005

Commissioners:
Omar Aktouf, Maude Barlow, Kari Ploanyi-Levitt

Salma Ahmad	South Asian Women's Community Centre
Leonard Ayoub	Regroupement ethnoculturel pour l'action politique
Me Denis Barrette	Ligue des droits et libertés
Jean Blais-Mathieu	Citizen
Janet Dench	Canadian Council for Refugees
Rabie Masri	Coalition Against the Deportation of Palestinian Refugees
Fo Niemi	Centre for Research-Action on Race Relations
Jaggi Singh	No One Is Illegal

Saint John, NB (Defence and Security) Tuesday, January 18, 2005

Commissioners:
Maude Barlow, Gordon Fairweather, Janice Harvey

James J. Brittain	Ph.D Candidate, Sociology, University of New Brunswick
Andrew Brouwer	Canadian Council for Refugees
Bill Chedore	Canadian Labour Congress
Jonathan Franklin	Former Publisher, *New Brunswick Telegraph-Journal*
Pat Hanratty	Amnesty International
Dr. Leslie Ann Jeffrey	Associate Prof., History and Politics, University of New Brunswick
Habib Kilisli	Citizen
Philip Lillies	Citizen
John Murphy	New Brunswick Federation of Labour
Ron Oldfield	Saint John Labour District Council
Pat Riley	President, Canadian Maritime Workers Council
Micheal Vonn	British Columbia Civil Liberties Association

St. John's, NFLD (Water and the Environment) Friday, January 20, 2005

Commissioners:
Maude Barlow, Right Hon. Edward R. Schreyer, Mary Walsh

Sarah Crocker	Beehive Collective
Sarah Dover	Sierra Club of Canada
Gus Etchegary	Fishery Products Ltd.
Tracy Glynn	Society for Corporate, Environmental and Social Responsibility
Chad Griffiths	Society for Corporate, Environmental and Social Responsibility
Lori Heath	Let's Barter Network
John Michael Lannon	Canadian Environment Network
Wayne Lucas	Canadian Union of Public Employees - Newfoundland and Labrador

Ottawa, ON (Media and Culture) Tuesday, February 8, 2005

Commissioners:
Maude Barlow, Sheila Copps, Senator Laurier LaPierre

Éric George	Professor, Communications, University of Ottawa
Julien Lamarche	Citizen
Jean Malavoy	Canadian Conference of the Arts
Russell McOrmond	Flora Community Consulting
Peter Murdoch	Communications, Energy and Paperworkers Union of Canada
Janet Parry	Citizen
Jeremy Wright	Citizen

Principal Organizers

Winnipeg, MB:	Lyn Gorman, Council of Canadians, Prairies Cinthya Vargas and the Winnipeg Chapter of the Council of Canadians
Saskatoon, SK:	Lyn Gorman, Council of Canadians, Prairies
Calgary, AB:	Lyn Gorman, Council of Canadians, Prairies Mel and Joan Teghtmeyer and the Calgary Chapter of the Council of Canadians
Victoria, BC:	Tara Scurr, Council of Canadians, British Columbia Freda Knott and the Victoria Chapter of the Council of Canadians
Kelowna, BC:	Tara Scurr, Council of Canadians, British Columbia Karen Abramson and the Kelowna Chapter of the Council of Canadians Don Bains and the Union of British Columbia Indian Chiefs Arthur Manuel and Nicole Schabus
Windsor, ON:	Eduardo Sousa, Council of Canadians, Ontario and Quebec Douglas Hayes and the Windsor Chapter of the Council of Canadians
Montreal, QC:	Eduardo Sousa, Council of Canadians, Ontario and Quebec Eve Gauthier and Alternatives
Saint John, NB:	Cliff White, Council of Canadians, Maritimes Leticia Adair and the Saint John Chapter of the Council of Canadians Greg Cook
St. John's, NL:	Cliff White, Council of Canadians, Maritimes Andrea Furlong and Mike Manning
Ottawa, ON:	Jeremy Wright and the Ottawa Chapter of the Council of Canadians

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