

Political Advocacy Under Fire

The war on Insite and the Harper government's obsession with punishment

Insite is the first supervised safe injection site in North America and describes itself as "...a safe, health-focused place where people can go to inject drugs and connect to healthcare services – from primary care to treat disease and infection, to addiction counseling and treatment." While it has always been controversial – it has an exemption from federal drug laws so users and staff cannot be charged – the provincially-funded project has been so successful that the otherwise very conservative government of Gordon Campbell, the City of Vancouver, the Vancouver Police Department and even Health Canada are all strong supporters of the program. Culturally, it represents a huge advance in attitudes towards drug use and users by a public highly aware of the limits of criminalization.

It has dramatically reduced drug use on the streets of Vancouver's Downtown East Side, has saved scores of lives (over a one-year period Insite dealt with 200 overdoses without a single death) and has resulted in many referrals to drug rehab programs. It treats addiction as a disease, as do the vast majority of Canadians. Its cost effectiveness has been calculated as high as a \$4 return for every government dollar spent.

But despite its popularity it has been in the Harper government's gunights from the beginning. Starting with denying the program long-term constitutional exemption (providing only short extensions starting in September 2006) the Harper government has defied the democratic will of the community and the province by trying to shut it down. For Harper and

his government it seems drug use is a crime that must be punished – full stop.

A very extensive, peer review study of Insite by the B.C. Centre for Excellence in HIV/AIDS, recognized as one of the world's leading research organizations, had no impact on the Harper government. It still refused a three-year extension and said it was waiting for more research on the program before making a final decision.

In April 2008, supporters of Insite (which was facing a federal government closure deadline of June 30) decided to launch a B.C. Supreme Court challenge of the federal government's legal authority to shut the project down. Arguing that the site addresses a public health crisis supporters won the first round in May 2008, when the B.C. Supreme Court ruled that the federal government did not have the authority to close Insite, ordering it to change Canada's drug laws to allow Insite to operate.

Still the Harper government would not budge, and appealed the decision. In January of 2010, the B.C. Court of Appeal upheld the lower court's decision stating: "Like palliative care, it is a form of harm reduction with benefits for both the patient and the community."

Score one for democracy.

On February 9, 2010, Justice Minister Rob Nicholson announced that the federal government was appealing to the Supreme Court of Canada.

Contempt for international law and international relations

Canada signed and ratified the Kyoto Accord on Climate Change, yet Harper simply dismissed the Accord when he became prime minister, and stated that his government had no intention of following its dictates, and, without any debate in the House of Commons, declared that Canada's position would be whatever the position of the U.S. turned out to be. No other government in the world has signed, ratified and then simply refused to acknowledge the Kyoto Accord. It was not brought before the House of Commons for a debate or vote, presumably because in a democratic forum such a reversal would have been defeated.

While the full details of the Afghan detainee torture scandal have not yet been revealed, there is strong evidence (backed up Harper's prorogation of Parliament to avoid further revelations) that it was not just the military commanders in Afghanistan who treated the Geneva Convention on the treatment of prisoners with disdain. It seems extremely likely that it came from the highest levels of the Harper government. Of course, the previous Liberal government was also guilty of turning a blind eye to these violations of international law, but the Harper government has been accused of a cover-up and has demonstrated disdain for due process in getting to the bottom of the violations – aggressively attacking the character of its own senior intelligence officer, refusing to call an inquiry, and ignoring a parliamentary resolution to hand over key documents.

In almost every international forum, the Canadian government has either mimicked the positions taken by the U.S. or pursued its own right wing, narrow corporate interests agenda. On the issue of asbestos we have attracted outrage from around the world for our leading effort to keep asbestos from being listed as a dangerous substance under the Rotterdam Accord. Canada has also taken a lead role (with just two other countries, New Zealand and Australia) in preventing a ban on the anti-farmer terminator seed technology.

Canada joined the United States and Argentina in a WTO trade complaint against Europe for its decision to ban GMO food – a demand made by an ever-increasing majority of EU citizens.

Some of these reactionary positions were inherited from the Liberal regimes of Paul Martin and Jean Chrétien, but some are new. Harper has angered France and other EU countries by simply abandoning, with no explanation either at home or internationally, its decades long commitment to development in Africa. Canada had been a close partner with Europe in this regard.

With much of Latin America slowly emerging from a period of neo-liberal economic disaster, and an earlier period of U.S.-supported dictatorships, Canada is pulling in the opposite direction. Latin America has never been a major area of interest for Canada until now and instead of engaging the newly emerging consensus, Canada is playing the role of turning back the clock and supporting the U.S. and its one remaining client state, Colombia. It has also supported the U.S. (one of just three governments to do so) in its recognition of the military coup government in Honduras – a development that has alarmed experts who had concluded that the era of military coups was truly over.

In the Middle East, Canada is now seen as even more aggressively pro-Israel than the United States – a radical departure from Canada's traditional, even-handed approach. The government has engaged in a de-funding witch hunt against any organization that criticizes Israel: eliminating funding for Kairos (the ecumenical group working on development and human rights in many countries around the world), stacking the board of Rights and Democracy (an arms length international human rights organization) with pro-Israeli members, and withdrawing funding from UNWRA, the UN agency that provides aid, education and other services to Palestinian refugees. Harper's public statements have also made this new policy clear – as when he called the wanton destruction of Lebanon's infrastructure in the July 2006 war, "a measured response" to the kidnapping of a handful of Israeli soldiers. Harper refused to protest the Israeli air force's repeated bombing of a clearly marked UN post at which a Canadian UN peacekeeper was killed.

These are all substantive changes in Canadian foreign policy, yet none of them were ever the subject of official debate or discussion in the one democratic forum where Canada's place in the world should be discussed: the House of Commons.

Attacking political advocacy

Political advocacy, which by its nature involves critiquing and criticizing governments, is arguably one of the most crucial activities in any healthy democracy. Taken together, the organizations involved make up civil society – that part of society that provides citizens with opportunities to engage in their democracy year round, not just at election time. Such activity is already severely restricted in Canada. Groups with charitable status – environmental organizations, anti-poverty groups, progressive think-tanks, women's organizations – cannot spend more than 10 per cent of their staff time on advocacy activity on pain of possibly losing their charitable status.

Loss of this status – which allows the organizations to issue tax receipts for donations – could have a devastating impact on their finances. This rule was implemented under a Liberal

government, but in the year before the 2006 election there was a flood of complaints to Revenue Canada about such advocacy, complaints that many groups suspected were generated by Conservative supporters.

Many environmental organizations were audited – that is, investigated by Revenue Canada for how they spent their money and staff time. It is by all accounts a very intimidating and time-consuming process. Preceding the 2006 election, all charities received a warning letter from the Charities Division of Revenue Canada, saying that they should not comment on or participate in elections. It had an immediate chilling effect on advocacy from groups with charitable status. Virtually all charitable groups responded cautiously – they interpreted the warning to mean a charity could not even publish a survey on party policies.

In recent months, the Harper government has taken the suppression of such advocacy up a notch. According to a February 13, 2010 article in *The Globe and Mail*, the government has been issuing warnings to groups about the political positions they take: “An official with a mainstream non-governmental aid group said that Keith Fountain, policy director for International Co-operation Minister Bev Oda, gave a verbal warning that the organization's policy positions were under scrutiny: ‘Be careful about your advocacy.’”

The ecumenical group Kairos, involved in development work and human rights advocacy around the world, saw its \$7 million grant summarily cancelled even though it had been approved by – and developed in co-operation with – senior officials of the government. The reason: pro-Israeli groups had falsely accused the organization of supporting a boycott of Israel.

Large groups like World Vision, Oxfam and CARE as well as smaller Anglican and Mennonite aid agencies get the bulk of their development money from CIDA – the Canadian International Development Agency for which Oda is responsible. They also do advocacy work with their own, privately raised funds. The Canadian Council for International Co-operation, the umbrella group which includes aid organizations in its membership, claims its members have received “...veiled warnings about positions that clash with Ottawa's on issues such as climate change, free trade with Colombia, or the Middle East... ”

Alternatives, a Montreal-based group, is apparently going to have its \$2.1 million in CIDA funding eliminated, according to a National Post story. Since the story was published, CIDA has refused to respond to inquiries from the group. Its apparent misstep: suggesting a single-state solution to the Israeli-Palestinian crisis instead of the conventional two-state solution (which most commentators now consider effectively dead).

Other groups, as mentioned elsewhere in this study, have also been targeted politically and completely shut down for their advocacy work: the Canadian Policy Research Networks, the Law Commission of Canada, the Court Challenges Program, and the advocacy activities of Status of Women Canada. The group Rights and Democracy experienced direct political interference through the appointment of a hand-picked majority of board members who set out to change the group's traditional philosophical stance.