











PART11 (2004) OF A THIRTEEN PART AFFIDAVIT FROM 1980 - 2005,
WHEN I WAS INVITED TO APPEAR BEFORE THE CANADIAN SENATE TO
ADDRESS THE ISSUE OF MY BEING PLACED ON A RCMP THREAT
ASSESSMENT LIST.

In 1997, I was put on an RCMP threat assessment list, but it was not until 1998
when there was an Inquiry into what happened at APEC , that i found out
One morning, I received a phone call from a member of the media, she asked me
if I knew that I was on the RCMP Threat Assessment List. She said she was
going to write a piece about the national leader of the Green Party being on the

list. I asked her to please send me the evidence

CLASSIFIED SE

OTHER ACTIVISTS

 <p>DOB: 1953-09-19 Potential to be Violent HIV Positive AIDS Activist, White male, 175cm, 64k, brown hair, brown eyes</p>	 <p>DOB: 1961-11-21 AIDS Activist</p>	 <p>DOB: 1963-06-23 Lesbian activist / marchist White, female, 180cm, 95.5k, brown hair, very masculine</p>	 <p>DOB: 1966-11-21 Anarchist / activist</p>	 <p>DOB: 1971-04-3 Activist</p>
 <p>DOB: 1973-01-27 Activist - Threw blood on security tent.</p>	 <p>RUSSOW, Joan DOB: 1928-11-01 Media Person UBC protest sympathizer</p>	 <p>DOB: 1976-07-17 Media Person UBC protest sympathizer</p>	 <p>DOB: 1946-03-27 Activist</p>	 <p>DOB: 1963-12-17 Activist</p>

THIS IS EXHIBIT E
 REFERRED TO IN THE AFFIDAVIT OF
Joan Elizabeth Russow
 SWORN BEFORE ME THIS 9 DAY
 OF September, 2005
[Signature]
 A Commissioner for Taking Affidavits
 Within British Columbia

No dissemination without approval from NCO /c APEC Threat Assessment Joint Intelligence Group

She sent me the above fax:

:

, After years of going through numerous channels, still in 2023, I still do not know the reason. I believe that over the years , I have engaged in legitimate dissent so I decided to compile a document in the form of an affidavit and dedicate it to the RCMP. Let the reader determine if I have been a threat , and if so to whom.

NOTE: for a quick read search using () which begins each item or by month which is written twice IE JANUARY JANUARY etc.

~2004

January January

() THAT in 2004 I, I was invited by Al Rycroft to be one of the editors of Peace earth and Justice [pej.org.org] which later became pej news.com news. I became the Common Security editor

FEBRUARY FEBRUARY

() THAT IN 2004, February, I wrote

HOME LAND INSECURITY POLICY

Expedient omissions in US homeland security educational programs

A response to the promotion "homeland" security Programs at Universities.

Expedient omissions in homeland security educational programs

Joan Russow MED, PhD

Global Compliance research Project

lecturer on global issues, and principle-based education 1 250 598-0071

The US administration coupled with US institutions fails to recognize that the longstanding US proliferation of militarism and disregard for global common security and the international rule of law, have engendered global disrespect and insecurity. Perhaps the universities should teach courses in "Global Common Security" -the interdependence of practices that (i) guarantee human rights - including civil and political rights, indigenous rights, and women's rights) (ii) prevent war and conflict, and recognize the rule of international law (iii) protect the environment, reduce the ecological footprint, and provide socially equitable and environmentally sound work (iv) ensure social justice - social and economic rights- right to food, housing, water, education, universally accessible not for profit, publicly funded health care, labour rights

and abandon practices that for years have contributed to global insecurity:

* Engaged in covert and overt "Operations" against independent states; from "Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Condor" in Chile, through years of euphemistic operations such as "Operation Just Cause" against Panama and more recently, "Operation enduring freedom" against Afghanistan, and "Operation Iraqi Freedom" against Iraq

- targeted and assisted in the assassination of leaders of other sovereign States, and condoned the targeting and assassinating of leaders by other States
-

* Undermined the international resolve to prevent the scourge of war by intimidating or offering economic incentives in exchange for support for military intervention; (the US continually cajoles, intimidates, and bribes, on other members of the United Nations.)

* Perceived justice in terms of revenge through military intervention rather than respecting the jurisdiction of the International Court of Justice, and misused Article 51 in the Charter of the United Nations to justify military aggression

* Disregarded obligations incurred through conventions, treaties, and covenants; and made commitments through conference action plans, related to the public trust/ Common security - peace, environment, human rights and social justice

* Failed to sign, failed to ratify, failed to enact the necessary legislation to ensure compliance with, or respect for Public Trust international Conventions, Covenants and Treaties,

* Demonstrated disdain for the international rule of law, and refused to accept the jurisdiction or decision of the International Court of Justice

* Undermined international obligations incurred through Conventions, Treaties, and Covenants, and commitments through UN Conference Action Plans, related to the Public Trust or to Common Security -peace, environment, human rights and social justice

* Failed to act on commitments made through UN Conference Action Plans, or failed to fulfill expectations created through General Assembly Resolutions.

* Promulgated propaganda for war in violation of the International Covenant on Civil and Political Rights

justified military intervention by misinterpreting Article 51 of the UN Charter " Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security

* Participated in military organization, such as NATO that has a first strike nuclear policy in violation of the ruling of the International Court of Justice that

the use or threat to use nuclear weapons was contrary to international humanitarian law,

- * Misconstrued prevention of war by adopting a policy of pre-emptive/preventive attack to aggressively attack sovereign States that are designated as being on the axis of evil.
- * Established military bases in sovereign States (in the case of the US over 700 military bases in over 40 countries around the world
- * Produced weapons of mass destruction such as nuclear, chemical, and biological, in defiance of the global commitment made at Stockholm in 1972 to eliminate the production of weapons of mass destruction. and refused to abide by the Non-Proliferation treaty obligations

- * Circulated nuclear powered or nuclear arms capable vessels throughout the world, and berthed these vessels in urban ports
- * Planted land mines throughout the world, and failed to sign and ratify the Convention for the banning of Landmines
- * Moved towards the militarization of space, and increasing the arms race through the US Anti-ballistic Missile system
- * Used weapons such as Depleted Uranium and cluster bombs that would be prohibited under the Geneva Protocol II
- * Continued to engage in cruel and unusual punishment - Capital punishment.

- * Promulgated globalization, deregulation and privatization through promoting trade agreements, such as the WTO/FTAA/NAFTA etc. that undermine the rule of international public trust law

- * Subsidized and invested in companies that have developed weapons of mass destruction, that have violated human rights, that have denied social justice, that have exploited workers, that have destroyed the environment.

- * Failed to ensure that corporations, including transnational corporations, comply with international law; and to revoke charters of corporations that violate human rights, destroy the environment, deny social justice and contribute to war and conflict

- * Opposed Mandatory International Ethical Normative (MIEN) standards and enforceable regulations to drive industry to conform to international law, and supported corporate "voluntary compliance"

- * Failed to revoke charters and licences of corporations that have violated human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment

- * Promoted the privatization of public services such as water, and health care, and reduced funding for universities, and promoted corporate funding of education and corporate direction of research
- * Contributed to environmentally induced diseases and poverty related health problems and denied universal access to publicly funded not for profit health care system
- * Failed to reduce their military budget and reallocate military expenses and transfer the savings into global social justice as undertaken through numerous UN Conference Action Plans and UN General Assembly Resolutions. (The US spends over 500 billion per year on the military and is the major exporter of arms)
- * Opposed an international commitment to transfer .7% of the GDP for overseas aid, and condoned corporations benefiting and profiting from war
- * Advocated and supported IMF structural adjustment program, and exploited vulnerable and indigenous peoples around the world
- * Failed to cancel third world debt and failed to ensure the human right to safe drinking water, the human right to unadulterated (non-genetically engineered pesticide-free food), the human right to safe accessible housing, the human right to be clothed, the human right to education, the human right to universally accessible, not for profit, publicly funded health care that stresses the importance of prevention of environmentally induced diseases, and poverty related illnesses. (many of these rights have been protected through international human rights instruments)
- * Promoted the spread of Evangelical Christianity around the world, undermining local indigenous cultures, and instilling fear through the dangerous, and absurd belief in the "rapture" , "Armageddon" and "left behind"
- * Participated in the proselytizing of religion and the undermining of other cultures and perpetuated the notion that Christianity is superior to other religions
- * Produced or permitted the production of toxic, hazardous, atomic waste, and failed to prevent the transfer to other States of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992.
- * Denied civil and political rights including the right to freedom of speech and the right of peaceful assembly, and fundamental labour rights
- * Produced, promoted, grown or approved genetically engineered foods and crops and led to a deterioration of the food supply, and heritage seeds

* Ignored the warnings of the Intergovernmental panel on Climate change and have Change, and Kyoto Protocol

* discriminated on the following grounds: - race, tribe, or culture; - colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker); - gender, sex, sexual orientation, gender identity, marital status, or form of family, - disability or age; - religion or conviction, political or other opinion, or - class, economic position, or other status; * denied women's reproductive rights, * denied fundamental rights through the imposition of religious beliefs

* Enacted anti-terrorism legislation that violates civil and political rights, and engaged in racial profiling; * failed to distinguish legitimate dissent from criminal acts of subversion.

* Accepted corporate donations, and deluded the public into thinking that citizens live in a democracy.

PART 11 OVERVIEW

() THAT in 2004 I participated in a four country CONFERENCE MEXICO CANADA US CUBA I undertook to do a translation from English of the Puebla declaration :

EXHIBIT:

Please read this first before passing it on and get to me by Sunday. I have to leave for The Hague on Monday.

It has been difficult to translate because of the lengthy complicated sentences, and repetition. I have numbered the paragraphs to correspond to the Spanish.

I have extracted the essence of the Spanish, and attempted to communicate this essence in English.

I have tried to organize the paragraphs, and used the expression the Puebla Conference demands etc whenever a new set of demands is made and then continued with third person singular action verbs.

I sent you that passage about the FTAA to be translated and clarified because as far as I can see the section on the FTAA is the same as the one that we saw in the original Spanish version. I have left in the English text that we negotiated on the last day.

I have noted a couple of agreed to English wordings that were not included. and a couple of errors in the Spanish and I have marked these for your consideration.

The Declaration needs to be formatted, and balanced.

See what you can do

Joan

DRAFT ENGLISH VERSION

The Conference on Peace and international Security held in Puebla. February 26-28, 2004 recognizes the urgency of the Global situation is such that inaction is negligence. [I would like to include this from the original English]

FINAL DECLARATION OF THE FIRST MEETING OF THE TRILATERAL,
CANADA-USA-MEXICO. AND CUBA AS AN HONARARY GUEST,
FOR PEACE AND INTERNATIONAL SECURITY
LITERAL FIRST [SUGGESTED IN BRACKETS]
PUEBLA, PUE. MEXICO

FEBRUARY 27-29, 2004

JANUARY JANUARY

FEBRUARY FEBRUARY

PUEBLA DECLARATION

The representatives of peace organizations, from Canada, the USA and Mexico and of the Movimiento Cubano por la Paz y la Soberania de los Pueblos (MOVPAZ), as honorary guests, from Cuba. came together, at the initiative of the, American Regional Coordinator of the World Peace Council, and of the Movimiento Mexicano por la Paz y el Desarrollo (MONPADE) under the auspices of the Benemerita Universidad Autonoma de Puebla (BUAP) and the Fundacion Academia Metropolitana (IAP) of Mexico. These representatives were brought together to discuss, in depth, the themes of the meeting, within PEACE AND INTERNATIONAL SECURITY. and to celebrate for the first time in the history of the struggles for peace and international security of countries from this part of our continent. The conference representatives now circulate the final declaration called the Puebla Declaration, with the following conclusions.

1. The first trilateral meeting (Canada- USA and Mexico) along with Cuba EXPRESSES its profound concern for, and rejection of the progressive deterioration of the so-called international order that has been subjected to the dictates of the hegemonic project, has been promoted by the uni-polar control of the USA, has been led by the USA, and has been enforced by a style of imperialism drawing upon the most basic norms of international [convivencia ENGLISH?] resorting to blackmail [intimidation/ coercion] in

all its forms and by the ruthless aggression policy of preventive/pre-emptive aggression - a doctrine which is dangerous not only for peace in its fullest sense but also for the even existence of the human species and human life-support systems.

AND ADVOCATES the creation of a situation where unity is an imperative for all humanity in its diversity of political affiliation or beliefs

and a situation that obliges everyone to engage in the urgent struggle for the preservation of life and the life support system that has become increasingly an illusive struggle and to unite efforts for the urgent restructuring of the current and unjust international system, into the optimistic prism of "another world is possible" which is being advocated by millions of citizen from every country.

URGES all of the organization that struggle for peace to rise to the challenge of constructing a massive organized and co-coordinated international movement capable of coalescing and motivating actions of all humanity favourably disposed now and potentially after to create uncompromising pressure on the international community for compliance with a plan of action having, among its principal purposes, the recognition and strengthening of the system of the United Nations as the appropriate organization to regulate human affairs within the principles of the Charter of the United Nations, and within the years of international conventions, treaties, covenants, declarations and conference action plans. Understandably, the fundamental base of legitimate power of the United Nation must reside in the UN General Assembly, which is comprised of all member states and respects the equality of all its members.

3. **RECOGNIZES** that the Neo-liberal model of globalization is no more than economic support for the hegemonic project that is imposed on humanity and that the social injustice that arises is directly or indirectly promoted by all the violent conflicts and social crises that have been produced at the global level as well as in our continent

4. Calls for strengthening the Charter of the United Nations especially in its commitment to the prevention of the scourge of war; and increasing the authority of the UN General Assembly which should not be usurped in its duty by any other organs of the world organization in recognition of the urgent situation and responsibilities that confront the United Nations at this serious time in the world.

5 Calls for the strengthening and effectiveness of the role of the United Nations demands that no longer can there be the postponing of general disarmament, and of the total elimination of nuclear arms and other weapons of mass destruction,

6. Demands that the nuclear-arms States, take the necessary means to embark on the implementation of a process that arrives at the elimination of nuclear arms in compliance with the obligations established under Article VI of the Non Proliferation

Treaty and with the aspirations contained in the nuclear arms free treaty between states in the treaty of Tlatelolco. It is necessary to negotiate a multilateral agreement on the prevention of the arms race in space in all of its aspects.

In addition calls for the end to the circulation and berthing of nuclear powered nuclear arms-capable vessels.

7. RECOGNIZES that the actual international situation requires more than ever the indispensable and urgent reduction of military expenses and the reallocation of these resources for global social justice [[add justicia to Spanish]]

In addition, a demand that can not be deemed contrary to the struggle for peace, is for the reversal of the policy of privatization of public services such as electricity, water, health and public education, and for the need to recognize the inalienable rights to access public institutions that maintain these services, services that are essential for national security in countries.

8. RECOGNIZES that it is indispensable to increasingly denounce, and to mobilize and engage in concrete actions that repudiate and demonstrate the opposition of people to the militarization of space and all the projects that lead to this end [such as Ballistic Missile Defence- add to Spanish]

9. IS CONVINCED that the excessive military expenses and the increasingly higher military budget make it difficult to justify not moving towards the full cancellation and elimination of all foreign debt that currently suffocates and impoverishes most of the third world countries

10. AFFIRMS THAT in current and critical global conditions, no one can fail to acknowledge that true international security is "common security" guaranteeing civil and political rights, and human rights, preventing war and conflict, protecting the environment, and human health and ensuring social justice-

11. ACKNOWLEDGES at the same time, the concept of "human security" cannot be used to legitimize military intervention

12 THE PUEBLA CONFERENCE condemns the US policy of pre-emptive preventive attack, demands the immediate withdrawal of foreign troops from Iraq and the restoring of the independence and sovereignty of IRAQ; calls for the protesting and the undertaking of the necessary action to prevent the sending of troops from the continent or from any other parts of the world into Iraq. and calls for the withdrawal of the troops that have already been sent to Salvador, Nicaragua, Honduras -Santo Domingo

13 the Puebla Conference demands that the Israeli government

- (i) Comply with United Nations resolutions related to the immediate withdrawal of troops from all of the Arab-occupied territories;
- (ii) end to the massacre of the Palestine people;

(iii) recognizes the free Palestine state with its authority under a Palestine government;
and
(iv) embarks on the immediate negotiation of a peace agreement.
(v) destroy [demolish] the wall that rises as a monument to the violation of the sovereignty **and Palestine territories** - in defiance of the indignation of the international community;

14 MAKES an urgent demand for the furtherance of peace and the international security to include as well the rejection and the elimination of the so-called new doctrine of the North Atlantic Treaty Organization (NATO) that grants the "right " to intervene and invade militarily in other regions of the world. It is indispensable to re-enforce the struggle as well for the suppression of alliances and military blocks [and bases ADD TO SPANISH] of the [estos unidos ERROR IN SPANISH] United States] that have been installed in various regions in the world. **These blocks and bases are established in new territories and zones for the purpose of creating centres of control in these regions with the intent; to impose the new doctrine of NATO; this doctrine is one of the instruments that today constitutes a serious threat to peace and to international security. Such a demand represents a concrete call for preventing actual threats of war.**

15 THE PUEBLA CONFERENCE EXPRESSES ITS REJECTION OF THE TERM TERRORISM APPLIED TO THE STRUGGLE OF PEOPLE FOR THEIR INDEPENDENCE, SOVEREIGNTY AND PEACE WITH SOCIAL JUSTICE.
[CHECK SPANISH] Terrorism is used as a false pretext for the imperialists and their allies, with the philosophy of hegemonic projects, to threaten, [agredir], and eliminate the most basic fundamental civil rights and gains in social [las conquistas sociales alcanzadas]

16/ The Puebla Conference considers as tacit act of state terrorism and genocide the blockade against Cuba. It is a blockade established by the North American government for more than four decades, even though there has been almost unanimous condemnation by the international community through multiple sessions of the UN General Assembly and calls for the end of the U.S. blockade against Cuba

17 CALLS FOR the exonerating and releasing of the Cuban 5, and communicates its indignation for the flagrant, and repeated violation of the human rights of the five heroes of the Cuban republic {**and that for the vengeance extended to their closest neighbour' s [check Spanish]** heroes that were unjustly condemned and incarcerated in the United States through a flawed criminal process for infiltrating in a Cuban counterrevolutionary to combat terrorist action that, with the complicity of the North American government, were directed against Cuba.

18 DEMANDS the abrogation of NAFTA because it is in all of its variable a supplement under-girding a neo-liberal globalization project that is an undeniable expression of a plans for the complete annexation of our region to an hegemonic project of the USA: a project used as an offensive tactic against its European allies

19 The Puebla Conference endorses and supports all the efforts and united actions that are taking place, increasingly, in the world particularly in the Americas.

20. DEMANDS the end of all further negotiations on the FTAA, and embark immediately on an agreement that is fair and guarantees human rights, labour rights, and protects the environment. [AS AGREED AT CONFERENCE

NOTE THAT THE SPANISH VERSION DIFFERS THIS WAS THE SECTION SENT TO BE TRANSLATED.

21 The first meeting Canada, USA and Mexico and Cuba as a honoured guest. for the peace and the international security, devoted a great deal of time and expressing concern for the current situation of and for the rights of Mexican and Central American migrants in the USA and Canada.

22. CALLS FOR THE Protection of the rights of migrant workers; through the enactment of legislation that conforms to the International Labour Organization standards, and through compliance with the Convention for the Elimination of All Forms of Racial Discrimination; signing and ratifying the Convention for the Protection of Migrant workers and their families, and enacting the necessary legislation to ensure compliance.. In addition, there must be compulsory measures for the protection of the children of undocumented workers and their families.

23. DEMANDS the granting of amnesty, especially in the USA, for all the undocumented migrant workers from Mexico and Central America

24 [NOTE REORGANIZED IN ENGLISH] SHOULD THIS NOT BE MOVED] DEMANDS the abrogation of NAFTA because of its injurious aspects and its character of being an instrument which favours principally the interests of US transnational, because it imposes inequitable practices, especially for Mexican workers from the cities and the towns; and because it currently systematically results in the violation in the United States, of the human rights of Mexican and Central American undocumented workers in the USA.

AND CALLS for the replacement of NAFTA with a fair agreement that would guarantee human rights and labour rights as recognized universally, would ensure the equality of salaries and other provisions established under international laws:

25. The Puebla Conference endorses and supports the revolutionary, democratic and peaceful process in Venezuela and denounces the criminal processes of destabilization which counter revolutionary groups [grupusclos] have implemented, disguised as "opposition" joining with identified national and foreign interests??**THAT PURPOSELY TO END WITH THE BOLIVIAN REVOLUTION RESORT TO THE SYSTEMATIC USE OF THE MOST CRIMINAL METHODS ?? CHECK TRANSLATION**

26 The Puebla Conference expresses its stung opposition to the foreign military intervention in Haiti and demands full respect for the rights of Haitian people to determine their own political regime and government conforming to democratic wishes.

IN ENGLISH BUT LEFT OUT IN SPANISH

Opposition to all targeting and destabilizing of states such as Iran, Syria, DPR Korea, Colombia and Venezuela.

27. The representatives and participants of the Puebla Conference endorses and strongly supports the global international demonstration for peace which takes place on March 20, 2004 on the first anniversary of the criminal attack and calls for the global community to condemn the invasion and occupation of Iraq by the United States and its allies,

AFFIRMS solidarity with the people of Iraq as well as with the people of Afghanistan in their national resistance which grows in legitimacy and necessity while the occupation and the military intervention of the US troops and other foreign military forces continues
{THAT TODAY THE UNITED NATIONS DRESS WITH UN FLAGS TO CARRY OUT THE SAME ROLE AS THE NORTHAMERICAN OCCUPIERS. CHECK SPANISH}

28 Demands that the invaders and the interveners in Iraq, as in Afghanistan must be obliged to pay all the restoration and cover the damage that has resulted from the invasion and destruction in Iraq and Afghanistan.
[ADD THE FOLLOWING WHICH WAS AGREED TO IN THE ENGLISH VERSION- TRANSLATE INTO SPANISH]
(With the recognition that there is no way to address the irreversible health, environmental, social and psychological consequences of war

29 The Puebla Conference, having considered a proposal to continually reflect on the concerns addressed in the Conference, and to find a way to strengthen solidarity and mutual support in the struggle of all the peoples against intervention, against threats and attacks violating sovereignty, against the aggression and the violation of human rights caused by the politics of war and by the expansion though hegemonic governmental practices that, today in this part of the American continent, intensify plans and action to deteriorate more and more the global situation , have approved a proposal to establish a Permanent Forum for the Dignity and Self Determination of Peoples; this initiative will elevate to a new level the solidarity of peoples, as one of the greatest factors of peace and sovereignty.

30 The Puebla Conference has concluded that the first meeting of Canada, USA, Mexico with Cuba as an honoured guest, with the purpose of discussing peace and the international security was indispensable and applaud-able.

31 Given the reasons that motivated this conference and the concerns expressed by the delegations and by the invited participants, the Puebla Conference organizers have concluded that it is necessary to continue the 'deliberations' periodically, and to invite Cuba again, as well as other countries in this region of the continent and Central America and the Caribbean and the world. The interchange of experience with, information of, opinion about and analysis of the development of the serious international situation in which we live and the agreement in respect to the joint action must be strengthened, amplified and empowered to face the struggle in defence of peace and to prevent genocide which claims to inflame the world with a new wars. Therefore, the present trilateral meeting in Puebla, with the participation of Cuba decides to arrange next year, 2005, a second meeting and to set up a Commission, working in collaboration with the American Regional coordinator of the World Peace Council, this Commission will be charged with the bringing about the second trilateral meeting and exploring the possibility of finding a location in a Canadian city that would be considered adequate by the Commission.

32 The Puebla Conference enthusiastically supports the next congress of the World Peace Council which will take place in May in Athens, Greece and will include in its agenda, the necessity of coordinating the urgent celebration of the World Congress for [partidarios] of the Peace. with the object of reaching the necessary unity of action of all the organizations personalities, men and women of the planet, sensitive to the struggle of the peace.

33. The participants at the Pueblo Conference - Canada, United States, Mexico, Cuba as guest of honour, express profound gratitude to the governmental authorities of the state of Puebla, as well as to the Rector of the Benemerita Universita Autonomous of Puebla, to the teachers and researchers and to students and workers for the great support in the organization of the Trilateral meeting. We recognize that this support is a significant testimony of the commitment of the government and the University of Puebla in the furtherance of peace and international security, of sovereignty and the self-determination of all peoples.

PUEBLA DE ZARAGOZA PUEBLA FEBRUARY 29, 2004

Thanks

NEED TO BE UPDATED

/Total abolition of nuclear weapons and other weapons of mass destruction, of weapon delivery systems such as the Ballistic Missile Defence system, and ORIGINAL ENGLISH VERSION/

//Reversal of privatization of public services such as energy, water, and health and the recognition of the right to prevent the sale of bulk water and the right to a safe environment, //English

//Recognition that true international security is common security - guaranteeing civil and political rights, and human rights, preventing war and conflict, protecting the environment, and human health and ensuring social justice- // ENGLISH

//not "human security"- "humanitarian intervention"- which has been used to legitimize military intervention //

//- Condemnation of the US policy of pre-emptive preventive attack and the US-led invasion and occupation of Iraq and Afghanistan; Building of solidarity with the people of Iraq and Afghanistan in their resistance against occupation;//

//- Support for Palestinian peoples struggle for establishment of a viable independent State of Palestine with East Jerusalem as its capital alongside Israel; removal of the wall being built by the state of Israel; //

//- opposition to the use of the so-called war on terrorism as a pretext for violating national sovereignty of other nations, for suppressing the legitimate struggles of nations for self determination, for limiting civil and political rights and for violating of human rights. //

- //

WORDING PROPOSED BY CUBAN DELEGATION- PROPOSED TRANSLATION OF SPANISH VERSION

- Ending of the forty-four year old US blockade against Cuba and condemnation of the increased aggression of the present US administration against Cuba.

- Exonerating and releasing of the unfairly condemned five Cuban anti-terrorist fighters (concerned about the present development and conclusion of the appeal and hope that the outcome after March 10th hearing will be that the court will act with independence and objectivity and absolve the Cuban//

Constitution of a working group to follow up the work of the tribunal to judge the economic crimes that create war

Joan Russow (Ph.D)

() THAT For about forty years I been concerned about the complexity and interdependence of issues and have worked

- to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to health care, right to education and social justice;
- to enable socially equitable and environmentally sound employment;
- to achieve a state of peace, justice and security;
- to create a global structure that respects the rule of law; and
- to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose reduce the ecological footprint and move away from the current model of over-consumptive development.

have lectured widely on the interdependence of issues, and particularly on the need for the implementation of international law nationally and locally.

Former lecturer in Global Issues at the University of Victoria, Canada

Masters Degree in Education , developed a method,. "Principle based education"--Issue-principle analysis", of teaching human rights linked with peace, social justice and environment issues. "Principle-based education..., was based on international principles drawn from international legal instruments.

Doctorate in Interdisciplinary studies addressing, in dissertation on the problem of expressing and communicating complexity and on the need to move away from simplistic models imposed on thought.

1997-2001- National leader of the Green Party of Canada, ran in three elections. Left in disgust over the elected German Greens supporting the NATO bombing of Yugoslavia

INTERNATIONAL EXPERIENCE

*Attended UN conferences, as a member of accredited NGO :

Prep Com New York for UNCED - (United Nations Conference on Environment and Development (UNCED Rio ,1992); the Women's Conference (1995) - drafted an Alternative Earth Charter and worked on the NGO Earth Charter

- submitted an analysis of human rights instruments for the Vienna Conference 1993

*Attended prep coms for the UN Conference on Women: Equality

-For the UN Women's conference, received a CIDA grant to survey 50 years of

(i) obligations incurred through Conventions, treaties and covenants,

(ii) expectations created by General Assembly Resolutions and

(iii) commitments made through Conference Action plans. From these international instruments, extracted the strongest statements that governments had agreed to in the area of peace, environment social justice, labour and human rights. The statements were compiled in a 350 page "Charter of Obligations" and officially distributed to every state delegation at the Conference in Beijing.

- prepared a Charter with all the member states of the UN, with a list of human rights agreements, peace, and environment and documented which states had signed and ratified different instruments

* Participated in Habitat II (1996). in Istanbul

- chaired the NGO committee on Urbanization, and served as an editor of NGO statements on peace, human, environment and social justice.
- prepare a 178 page document "Habitat II: moving beyond Habitat ! and circulated it to member states
- presented a statement, to the UN Committee II meeting of all the member states of the UN, calling upon governments to significantly reduce the military budget (50%) and transfer the peace dividend into socially equitable and environmentally sound development. Presented a statement at the “partnership meeting with Industry” on the need for Mandatory International Normative standards drawn from International principles to drive industry to socially equitable and environmentally sound development.
- * Participated in Rio +5 prep com in New York- worked on document linking commitments from UNCED with subsequent commitments from World Conference on Human Rights, ICPD, Beijing Platform of Action, Habitat II Agenda.
- * Participated in Rio +5 conference in New York - wrote and circulate a critique of Canada's environmental rhetoric and worked in various caucuses
- * Participated in Beijing +5 in New York 2000 worked with various caucuses
- * Participated in Habitat +5 in New York 2001, worked with various caucuses
- * Participated in WSSD - did an analysis of WSSD bracketed sections in the context of previous international obligations, commitments and expectations. and prepared a dictionary of terms examining the evolution of terms like "security" and "threat" etc.

OTHER:

- Participated in the Biodevastation ! conference on Genetically Engineered Foods and Crops in St Louis- drafted a Biodevastation Declaration calling for the Banning of GE foods and Crops- Declaration was adopted by the plenary at Conference.
- Participated in Vandana Shiva's Biodevastation II Conference, drafted a Global resolution banning GE foods, Biopiracy, and patenting of life forms and advocating a fair and just transition program for farmers and communities affected by the proposed ban, and a promotion of ecologically sound farming practices..
- Drafted a proposal for a UNGA resolution calling for the Banning of GE foods and crops, and circulated it at international meetings Beijing +5, Habitat +5 and WSSD, and drafted an "Alternative Biosafety" protocol
- ran in three Canadian elections calling for banning and raised the issue that the Greenpeace et al call for "labeling" addresses the issue of the "right to know" but did not address the environment,- genetic pollution though drift and problem of "Adventitious" material; equity--not everyone can afford to buy organic, and economic--. Labelling

ANTI-GLOBALIZATION ACTIVITIES

*MAI

- April drafted a treaty proposal to counteract the MAI
- campaigned as the National leader of the Green Party against the MAI

*APEC BC 1997

- November 1997 Revised the MAI Treaty as a Citizen's Treaty of State and Corporate Compliance: Nemesis of APEC
- November 1997 Attended sessions at the Peoples Summit

at APEC

- complainant in the RCMP APEC hearing

* WTO

participated in anti-WTO rally in Seattle

- updated Treaty - anti-WTO Citizen's Treaty as Public Trust Treaty

* G8 meeting in Kanaskis 2002

- updated treaty

AFFILIATION

Current:

* Member of UNESCO (Canadian division) Working Group on Science and Ethics. Worked on a content analysis of the UNESCO 5year proposal, placing document in context of international obligations and commitments-- in preparation for the US rejoining UNESCO

*Coordinator of the Global Compliance Research project: a project examining the interdependence of peace, environment, human rights, and socially equitable and environmentally sound development., and documenting lack of compliance. Proposed an International Court of Compliance in 1995 --a court linked with the ICJ- where citizens could take evidence of state and corporate non- compliance with international law. in Initially, for the UN Conference on Women, there were women from about 60 states supporting the project.

*Member of the IUCN (World Conservation Union) Commission on Education and Communication

Participated in IUCN AGM in 1994 in Argentina. Drafted with others a Resolution condemning forest practices in Canada and US - and calling for the preservation of a network of old growth forests as World Heritage sites (resolution passed with only one country abstaining Canada. Lobbied against increased corporate intrusion into IUCN -Participated in IUCN AGM in Montreal- in 1996- continued to oppose corporate intrusion, and worked on an emergency resolution on the implementation of the International Court of Justice decision that the use of the threat to use nuclear weapons was contrary to international humanitarian law (resolution did not pass)

*Director, Council of Canadian (Victoria Branch) . recently drafted a resolution on Common Security (Olaf Palme's concept of redefining security in terms of peace, human rights, and social justice) - opposing current proposal for military integration with US

* Director, Victoria Peace Centre- groups that launched a court case against the circulating and berthing of nuclear powered and nuclear capable vessels in Canadian waters and Canadian ports

* Vienna representative for the Canadian Voice of Women for Peace (recent not yet attended meetings in Vienna)

Former

- Co- founder of the Vancouver Island Human Rights Coalition, former director, Capital Region Race Relations Association and Coalition Against Racism
- Founder and chair of the International Affairs Caucus of the British Columbia Environmental Network
- Former Director of the United Nations Association

February The Conference on Peace and international Security held in Puebla. February 26-28, 2004 recognizes the urgency of the Global situation is such that inaction is negligence.

We demand the following:

Strengthening the Charter of the United Nations and increasing the authority of the UN General Assembly.

Global disarmament and the disbanding of all military alliances.

Total abolition of nuclear weapons and other weapons of mass destruction.

Condemnation of the imperial US policy of pre-emptive attack and the US led invasions and occupations of Iraq and Afghanistan; building of solidarity with the peoples of Iraq and Afghanistan in their resistance against occupation.

Ending the U.S. blockade against Cuba and exonerating and releasing the five Cuban patriots illegally imprisoned by the U.S. government.

Support for Palestinian peoples struggle for establishment of a viable independent State of Palestine with East Jerusalem as its capital alongside Israel; Removal of the wall being built by the state of Israel.

Opposition to all targeting and destabilizing of states such as Iran, Syria, Cuba, DPR Korea, Haiti, Colombia and Venezuela.

Opposition to the use of the so-called war on terrorism as a pretext to violate national sovereignty of other nations, suppress the legitimate struggles of nations for self determination, limit civil and political rights and violate human rights.

Protection of the rights of migrant workers; through the enactment of legislation that conforms to the International Labour Organization standards, and compliance with the Convention for the elimination of all forms of racial discrimination against migrant workers; Signing and ratifying and complying with the Convention for the protection of migrant workers and their families; Granting amnesty for all undocumented workers especially in the U.S. and Canada.

Recognition that true international security is common security ñ guaranteeing civil and political rights, and human rights, preventing war and conflict, protecting the environment, and ensuring social justice.

Reduce military expenses and reallocate resources to achieve global social justice; Reversal of privatization, The provision of water as a right and opposition to its sale as a commodity; Assurance of a safe environment; Cancellation of third world debt, Abrogation of NAFTA, and the end of all further negotiations on the FTAA

[Recognition of the contribution of the United Nations in the development of international law through Conventions, treaties, declarations and resolutions]AI

There were two slightly different final versions of the final English part. I attempted to make sure that significant changes in what Darrel described as the final version were respected.

I added all the changes that were discussed on Saturday at our negotiating meeting. Manuel from Cuba wrote in English what he wanted included. I rephrased it to fit into the format.

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CAPITALS - my comments
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MARCH MARCH

War should be placed in the Dustbin of History? The Transcript of the

Joan Russow: Prosecution

Presented at the UN CSW at the Church Center in 2004

Sadly the United Nations has often been equated with the UN Security Council, (UNSC) which is deemed to be able to bestow legality, under Article VII of the Charter of the United Nations, on an invasion of another state. The UN Security Council violates a fundamental principle in the Charter of the United Nations: the principle of sovereign equality, and by being given the power to bestow legitimacy on an act of war, violates the fundamental purpose of the Charter of the United Nations - to prevent the

scourge of war. The UN Security Council should be abolished and the UNGA should be strengthened.

ROVISIONS UNDER CHAPTER VI FOR THE PEACEFUL RESOLUTION OF DISPUTES

The serious irreversible human, environmental, health, psychological, economic and social consequences of war support the contention that under no conditions or circumstances is war legal or just, and that war must be de-legitimized as an option or even as a last resort. The seeds for de-legitimizing war have been planted through the Charter of the United Nations, and through over 60 years of UN instruments.

For years, member states have incurred obligations under the charter, treaties, conventions, and covenants, made commitments under conference action plans, and created expectations through UN General Assembly Resolutions and Declarations that would, if implemented and enforced, give substance to the de-legitimization of war. From these instruments, peremptory norms, which further the rule of international law can be extracted.

Under the Preamble of the Charter of the United Nations the fundamental purposes of the Charter are delineated:

- to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind [humanity]**
- to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and**
- to promote social progress and better standards of life in larger freedom**

Chapter VII, of the Charter of the United Nations contravenes the purpose of the Charter: to prevent the scourge of war. Unfortunately, under international law, an invasion of another state is deemed to be legal if the UN Security Council, under Chapter VII, deems that the necessary conditions required for a war to be "legal" have been met. Also under Article 51-self defence- has been used to justify so-called pre-emptive/preventive Aggression.

Chapter VI, entitled "peaceful solutions of disputes", of the Charter of the United Nations, however, does conform to and uphold the fundamental purposes of the Charter of the United Nations, advances the de-legitimization of war, and promotes respect for the rule of international law

through the International Court of Justice.

Under Chapter VI of the Charter of the United Nations, a number of provisions have been established to bring about the peaceful settlement of disputes:

(i) The first provision is to counter conflict of interest in decision making related to peaceful solutions of disputes

Decisions under Chapter VI, are constrained by Article 27 which reads that a party to a dispute shall abstain from voting. This provision which is present in Chapter VI is absent in Chapter VII, is consistently violated by the UN Security Council.

(ii) The second provision to bring about peaceful settlement of disputes is recourse, under article 36, to the rule of international law, through the International Court of Justice:

Article 36 reads: "legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court".

Chapter XIV complements Chapter VI in outlining the role of the International Court of Justice under Chapter xiv, Article 92 states that the International Court of Justice shall be the principal judicial organ of the United Nations...and under Article 93 all members of the UN are ipso facto parties to the statute of the International Court of Justice, and under Article 94, each member of the United Nations undertakes to comply with the decision of the International Court of Justice in a case to which it is a party and under Article 96, there is the provision for the UN General Assembly, UN Security Council and other organs of the UN to request the International Court of Justice to give an advisory opinion on any legal question.

Under the Charter of the United Nations there is an important principle "the principle of sovereign equality; this principle is violated by the UN Security Council but respected by the UN General Assembly. The permanent members of the UN Security Council continually attempt to invoke Chapter VII of the Charter of the United Nations.

To prevent the scourge of war and to remove the conditions which are claimed to support the legality of war, the global community must definitively concur that the conditions that have been used to declare war to be legal must be abandoned.

- Chapter VII which condones conditional legitimization of war in contravention of the purpose of the UN Charter itself must be struck.
- Chapter VI of the Charter of United Nations must be strengthened and in

particular the instituting of the mandatory requirement for states to appear before the International Court of Justice, to accept its jurisdiction and to act on its decisions. and for the panel to support the rephrasing of article 36 to read "legal disputes 'shall' rather than 'should as a general rule', be referred by the parties to the international court of justice..."

THE CENTRAL ROLE OF THE UN GENERAL ASSEMBLY: UNITING FOR PEACE RESOLUTION

In 1951, when the UN Security Council was unable to come to an agreement, resolution 377 (V) entitled "Uniting for Peace" was passed by the UN General Assembly. The purpose of the resolution was to recognize the responsibility of the UN General Assembly to prevent the scourge of war. In the preamble of the Resolution is the following expression of the role to the UN General Assembly:

"if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations. "

ADDITIONAL ROLE OF THE UN GENERAL ASSEMBLY: SETTING UP INTERNATIONAL TRIBUNALS

"When the leader of any state, under any guise, including the misconstruing of Article 51- self-defence, demonstrates defiance of the fundamental principles and peremptory norms established through the UN system, the UN General Assembly must invoke article 22 which would permit the UN General Assembly to set up an international tribunal to judge a leader for contributing to crimes against the peace."

EXTENDING PEACEFUL RESOLUTION OF DISPUTES TO ALSO APPLY TO THE PREVENTION OF CONFLICT IN MAINTAINING TRUE SECURITY

If there is to be peaceful resolutions of disputes the larger spectrum , in preventing conflict, must be recognized and reflected in maintaining true global security through the compliance with international peremptory norms reflected in the years of international instruments; these norms can

be derived from international instruments that have the following objectives:

- to achieve a state of peace, and disarmament; through reallocation of military expenses
 - to create a global structure that respects the rule of law and the International Court of Justice;
 - to enable socially equitable and environmentally sound employment, and ensure the right to development and social justice;
 - to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights -- right to food, right to housing, right to safe drinking water and sewage, right to education and right to universally accessible not for profit health care system;
 - â€¢ to ensure the preservation and protection of the environment, the respect for the inherent worth of nature beyond human purpose, the reduction of the ecological footprint and move away from the current model of unsustainable and over consumptive development.
- For example, given the serious threat of climate change to peace and security, the UN Security Council resolution, must be extended to involve women in the prevention of conflict resulting from the dire consequences resulting from the conflict over the destabilizing effects of climate change.

The close link between peace and climate change was recently established by the granting of the Nobel Peace Prize to not only Al Gore but also the Intergovernmental Panel on Climate Change. For this reason, women must call upon the Intergovernmental Panel to seriously address the contribution of militarism, through emissions from the production of all weapons systems, military exercises, from war games, weapons testing, military aviation, environmental warfare, troop transfer, military operations, waste generation, reconstruction after acts of violent interventions etc.; to greenhouse gas emissions and thus to perpetuation of the continuing threat of climate change.

IN CONCLUSION

Rather than tinkering with reform of the UN Security Council, member states of the United Nations should advocate for the abolition of the UN Security Council, the deletion of Chapter VII, the invocation of Chapter VI including a mandatory provision to respect the jurisdiction and decision of the International Court of Justice, and the transference of issues of conflict to the UN General Assembly under the Uniting for Peace Resolution

ANNEX; TRANSCRIPT OF THE PROSECUTION

**** the Court**

**Crown Attorney alias Joan E. Russow (PhD)
1 250 598-0071.**

THE SERIOUS IRREVERSIBLE HUMAN, ENVIRONMENTAL, HEALTH, PSYCHOLOGICAL ECONOMIC AND SOCIAL CONSEQUENCES OF WAR SUPPORT THE CONTENTION THAT UNDER NO CONDITIONS OR CIRCUMSTANCES IS WAR LEGAL OR JUST

THE SEEDS FOR DELEGITIMIZING WAR HAVE BEEN PLANTED THROUGH THE CHARTER OF THE UNITED NATIONS AND THROUGH OVER ALMOST 60 YEARS OF UN INSTRUMENTS,

FOR YEARS, MEMBER STATES HAVE INCURRED OBLIGATIONS UNDER THE CHARTER, TREATIES, CONVENTIONS, AND COVENANTS MADE COMMITMENT UNDER CONFERENCE ACTION PLANS, AND CREATED EXPECTATIONS THROUGH UN GENERAL ASSEMBLY RESOLUTIONS. THAT WOULD IF IMPLEMENTED AND ENFORCED GIVE SUBSTANCE TO THE DE-LEGITIMIZATION OF WAR.

THE FORCE OF COMPLIANCE AND THE FURTHERANCE OF "COMMON SECURITY" BASED ON THE RULE OF INTERNATIONAL LAW ARE PARAMOUNT.

UNDER NO CONDITION OR CIRCUMSTANCE SHOULD WAR BE DEEMED TO BE "LEGAL" OR "JUST"

THE FORCE OF COMPLIANCE AND Furtherance of Common security

ELABORATION OF CURRENT THREATS TO TRUE SECURITY/COMMON SECURITY

OUTLINE:

1. DETERMINATION OF WAYS TO STRENGTHEN THE UNITED NATIONS THROUGH THE REFORM OF ITS INSTITUTIONS AND PROCESSES.

-Under no condition is the act of war legal

-Under no condition is the act of war just

2. DESCRIPTION OF CONTRIBUTIONS THAT CAN BE MADE BY COLLECTIVE ACTION IN ADDRESSING THESE CHALLENGES

-Prevention of threats and violence through the furtherance of the force of compliance and common security.

3. EXAMINATION THE CURRENT THREATS TO PEACE AND SECURITY.

- Delineation of threats to true security: common security

1. DETERMINATION OF WAYS TO STRENGTHEN THE UNITED NATIONS THROUGH THE REFORM OF ITS INSTITUTIONS AND PROCESSES.

THE SERIOUS, IRREVERSIBLE, HUMAN, ENVIRONMENTAL, HEALTH, PSYCHOLOGICAL ECONOMIC AND SOCIAL CONSEQUENCES OF WAR SUPPORT THE CONTENTION THAT UNDER NO CONDITIONS OR CIRCUMSTANCES IS WAR LEGAL OR JUST

A. Under no condition is the act of war legal

Often war is declared to be legal if under Chapter VII of the Charter of the United Nations the UN Security Council deems that the necessary conditions required for a war to be legal have been met.

Chapter VII, however, of the Charter of the United Nations contravenes the purpose of the Charter: to prevent the scourge of war

UNDER THE PREAMBLE OF THE CHARTER OF THE UNITED NATIONS THE FUNDAMENTAL PURPOSES OF THE CHARTER ARE DELINEATED:

-to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind [HUMANITY]

-to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

-to promote social progress and better standards of life in larger freedom,

ON THE OTHER HAND, Chapter VI, entitled "Peaceful Solutions of Disputes", conforms TO AND UPHOLDS the fundamental purposes of the Charter of the United Nations, ADVANCES THE DE-LEGITIMIZATION OF WAR, AND PROMOTES RESPECT FOR THE RULE OF INTERNATIONAL LAW THROUGH THE INTERNATIONAL COURT OF JUSTICE.

Under Chapter VI of the Charter of the United Nations a number of provisions have been established to bring about the peaceful settlement of disputes:

(i) The first, provision is to counter conflict of interest in decision making related to peaceful solutions of disputes

Decisions under Chapter VI, are constrained by Article 27 which reads that a party to a dispute shall abstain from voting.

This provision which is present in Chapter VI but is absent in Chapter VII, is consistently violated by the UN security council

(i) The second provision to bring about peaceful settlement of disputes is recourse, under article 36, to the rule of international law, through the International Court of Justice:

Article 36 reads: illegal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Chapter .xiv complements Chapter VI in outlining the role of the International Court of Justice

Under Chapter xiv, Article 92 states that the International Court of Justice shall be the principal judicial organ of the United Nations...and under Article. 93 all members of the UN are ipso facto parties to the statute of the International Court of Justice, and under Article 94, each member of the United Nations undertakes to comply with the decision of the International Court of Justice in a case to which it is a party

and under Article 96 there is the provision for the UN General Assembly, UN Security Council and other organs of the UN to request the International Court of Justice to give an advisory opinion on any legal question.

Sadly, Chapter VII of the Charter of the United Nations, continues to be used to justify military intervention if supported by the UN Security Council.

It can be argued that Chapter vii not only violates the purposes of the Charter of the United Nations

but also violates a fundamental Charter principle under Article 2 - the sovereign equality of states because the Security Council blatantly defies this principle.

THUS

TO PREVENT THE SCOURGE OF WAR AND TO REMOVE THE CONDITIONS WHICH ARE CLAIMED TO SUPPORT THE LEGALITY OF WAR, THE GLOBAL COMMUNITY MUST DEFINITELY CONCUR THAT THE CONDITIONS THAT HAVE BEEN USED TO DECLARE WAR TO BE LEGAL MUST BE ABANDONED

AND I URGE THE COURT TO SUPPORT THE STRIKING OF CHAPTER VII WHICH CONDONES CONDITIONAL LEGITIMIZATION OF WAR IN CONTRAVENTION OF THE PURPOSE OF THE UN CHARTER ITSELF.

I ALSO URGE THE COURT TO CALL FOR THE STRENGTHENING OF CHAPTER VI OF THE CHARTER OF UNITED NATIONS AND IN PARTICULAR THE INSTITUTING OF THE MANDATORY REQUIREMENT FOR STATES TO APPEAR BEFORE THE INTERNATIONAL COURT OF JUSTICE, TO ACCEPT ITS JURISDICTION AND TO ACT ON ITS DECISIONS. AND FOR THE ACTION FORUM TO SUYPPORT THE REPHRASING OF ARTICLE 36 TO READ "LEGAL DISPUTES 'SHALL' RATHER THAN 'SHOULD AS A GENERAL RULE', BE REFERRED BY THE PARTIES TO THE INTERNATIONAL COURT OF JUSTICE..." INCLUDING AN INTERPRETATION OF WHAT CONSTITUTES SELF DEFENCE.

AND FINALLY,

I URGE THE COURT TO CALL FOR THE STRENGTHENING OF THE ROLE OF THE UN GENERAL ASSEMBLY --WHICH UPHOLDS THE PRINCIPLE OF SOVEREIGN EQUALITY, AND FOR THE DISMANTLING THE UN SECURITY COUNCIL WHICH CONTRAVENES THE PRINCIPLE OF "SOVEREIGN EQUALTY" - AN INTRINSIC PROVISION OF THE CHARTER.

;

B. UNDER NO CIRCUMSTANCE IS THE ACT OF WAR, JUST.

NEVER AGAIN WOULD THE NOTION OF THE JUST WAR BE TOLERATED.

Just war theory has too long plagued the global society and been used to counter the movement to advance the "de-legitimization of war.

"Just war" theory advances circumstances under which war has been deemed to be "just"

The rules that govern the justness of war (jus ad bellum) and the rules that govern just and fair conduct in war (jus in bello) are flawed and have been abused

THE PREMISES UPON WHICH THE RULES AND SO-CALLED "PRINCIPLES" OF JUST WAR CAN NO LONGER BE SUBSTANTIATED BECAUSE OF THE UNACCEPTABLE IRREVERSIBLE HUMAN, PSYCHOLOGICAL, ENVIRONMENTAL, ECONOMIC AND SOCIAL COSTS OF WAR.

(i) no longer can war be claimed to be just and religious absolution sought for atrocities and transgressions:

it can be demonstrated that global society has moved beyond the disturbing practices legitimized under the crusades

(ii) no longer will the notion of the "ethic" of war be deemed to be beyond the norms of peaceful ethics and to be deserving of a separate moral realm:

it can be demonstrated that years of academic treatises and niceties have given proponents of war supporting segregating the ethic of war into a separate moral realm;

it can be demonstrated that just war notions have been promulgated in military academies, yet war crimes continue, and violations of civilians, particularly women and children persist

(iii) never again can war be claimed to just because of the notion of just cause:

it can be demonstrated that "just cause" has been constantly based on disguised corporate or state vested interest, on staged attacks decried as provocation, and on false appeals to humanitarian concerns, feigned altruism or to responsibility to protect

(iv) never again can the "precautionary principle" be used to support the responsibility to protect:

it can be demonstrated internationally that government/ industry collusion has contributed to the undermining of and disregarding of the precautionary principle- which reads that where there is a threat to the environment or [human health], the lack of full scientific certainty should not be used as a reason for postponing measures to prevent the threat. Now, instead the precautionary principle is being re-vitalized to give legitimacy to "military intervention"

(v) no longer can the so-called "principle of just cause" be designated as a "principle" and used to declare the justice of war:

it can be demonstrated that the principle of just cause is not a principle but a device, a tactic or a strategy to rationalize military intervention;

(vi) never again can war be just because of the so-called principle of "reasonable success":

it can be demonstrated that reasonable success has been misinterpreted to mean military success with little consideration for so-called "collateral damage" or for long term irreversible human, health, environmental, social costs.

reasonable success has also been misinterpreted to entail the entrenchment of corporate interests in exploiting natural and human resources of the conquered state.

(vii) never again can initiating an act of aggression or pre-emptive aggression be deemed to be just:

it can be demonstrated that initiating act of aggression is not just even if it is held that aggressive war is permissible if its purpose is to retaliate against a wrong already committed (e.g., to pursue and punish an aggressor), or to pre-empt an anticipated attack.

(viii) never again can a war be claimed to be just because it is supported by the UN Security Council:

it can be demonstrated that the UN Security Council has often supported resolutions authorizing war because of state interests promoted through cajoling, intimidation, and bribery, and thus the decision is discredited:

it can be demonstrated that the UN General Assembly has been intimidated and thus hindered in invoking the 1951 "Uniting for Peace" Resolution to prevent the scourge of war

(ix) never again will a war be claimed to be just because it has been authorized by the right authority such as a sovereign state:

it has been demonstrated that right authority such as state authority often has no legitimate mandate and is not even a proper or just form a government

(x) no longer can states claim a war to be just through the manufacturing of consent or consensus:

it has been demonstrated that often right authority has been granted based on flawed evidence, or faulty intelligence

(xi) never again can war be claimed to be just because of the misconstrued claim of "self defence":

it has been demonstrated that the recourse of "self defence" has been extrapolated to anticipate probable acts of aggression, to assist others against an oppressive government from another external threat, or to pre-empt an anticipated attack (interventionism);

(xii) never again can war be claimed to be just because of self-defence being tolerated as an excuse for revenge or retaliation:

it has been demonstrated that the initiation of physical force for revenge and retaliation such as an eye for an eye have to be relegated to the dust-bin of uncivilized religious dogma

(xiii) never again can war be claimed to be just because it is engaged in for the sake of spreading freedom and democracy:

it has been demonstrated that the feigned altruism and the rationalization of spreading freedom and democracy is grounded in imperialistic territorial pursuits, or in ideological or religious obsessions

(xiv) never again can war be claimed to be just because of the alleged "right intention"- such as humanitarian intervention or responsibility to protect :

it has been demonstrated that those proclaiming right intention have often intentionally or negligently through corporate, state or ideological interests been responsible for contributing to the destabilization of states;

it has been demonstrated that often national interest, self interest and aggrandizement are paramount and overwhelmed by the pretext of fighting aggression

(xv) never again can actions in war be ill-perceived to be just because the military action are couched in well crafted euphemistic "operations" :

it can be demonstrated that military actions have obfuscated vested military/corporate interest through well crafted covert and overt operations such as

(xvi) never again can war be claimed to be just because of "just cause" being deemed a sufficient condition for pursuing whatever means necessary to win:

it has been demonstrated that "whatever means" has resulted in deception, duplicity, distortion and misrepresentation, as well in tolerance for increased use of lethal weapons systems with long term health, environment and social consequences

(xvii) never again can war be claimed to be just and just war theory justify the bombing of civilian centres in the pursuit of military necessity:

it has been demonstrated that the excuse of military necessity has been used to justify the killing of civilians and the violate of Geneva conventions

xviii) no longer will the declaration of the justice of war depend on the so-called principle of the end being proportional to the means:

it can be demonstrated that the means used often has unattended consequences that have been disproportionate to the end

(xix) never again can actions in war be claimed to be just because attacks are only limited to permissible targets:

it can be demonstrated that there are no permissible targets that are completely dissociated from the civilian populations and that do not have long term irreversible human, environmental, health, social, economic and psychological consequences

(xx) never again can actions in war be claimed to be just because of the perception that the consequences of war are irreversible through reparation:

It has been demonstrated that the serious human, environmental, health, psychological, economic and social consequences of war are irreversible and usual defy true reparation

I THEREFORE, URGE THE COURT, TO DECLARE THAT THE NOTION OF JUST WAR CAN NO LONGER BE USED TO COUNTER THE CALL FOR THE DE-LEGITIMIZATION OF WAR

THE SERIOUS IRREVERSIBLE HUMAN, ENVIRONMENTAL, HEALTH, PSYCHOLOGICAL, ECONOMIC AND SOCIAL CONSEQUENCES OF WAR SUPPORT THE CONTENTION THAT UNDER NO CONDITIONS OR CIRCUMSTANCES IS WAR LEGAL OR JUST

2.DESCRPTION OF CONTRIBUTIONS THAT CAN BE MADE BY COLLECTIVE ACTION IN ADDRESSING THESE CHALLENGES

-Prevention of threats and violence through the furtherance of the force of compliance and common security.

THE SEEDS FOR ELIMINATION OF THREATS TO COMMON SECURITY AND FOR THE DELEGITIMIZING WAR HAVE BEEN PLANTED THROUGH THE CHARTER OF THE UNITED NATIONS AND THROUGH OVER ALMOST 60 YEARS OF UN INSTRUMENTS,

FOR YEARS, MEMBER STATES HAVE INCURRED OBLIGATIONS UNDER THE CHARTER, TREATIES, CONVENTIONS, AND COVENANTS MADE COMMITMENT UNDER CONFERENCE ACTION PLANS, AND CREATED EXPECTATIONS THROUGH UN GENERAL ASSEMBLY RESOLUTIONS. THAT WOULD IF IMPLEMENTED AND ENFORCED GIVE SUBSTANCE TO THE DE-LEGITIMIZATION OF WAR.

FORCE OF COMPLIANCE

PEACE WAS DESIGNATED AS A RIGHT OF ALL PEOPLES.

Convinced that life without war "peace with justice" and not just the absence of war serves as the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms. (United Nations Declaration on the Right of Peoples to Peace approved by General Assembly Resolution 39/11 of 12, 1984)

AND IN THE NAIROBI FORWARD LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN, A commitment was made to recognize that "peace depends on the prevention of the use or threat of the use of force, aggression, military occupation, interference in the internal affairs of others, the elimination of domination, discrimination, oppression and exploitation, as well as of gross and mass violations of human rights and fundamental freedoms. (1985)

Unfortunately, states have (a) either failed to sign and ratify international Treaties, Conventions, and Covenants, (b) have failed, if they have signed Treaties, Conventions, and Covenants, to act to prevent the defeating of the purpose of the treaties, Conventions, and Covenants, (c) or have failed, if they have ratified Treaties, Conventions, and Covenants, to enact the necessary national legislation to ensure compliance.

In addition, States have failed to act on commitments made through UN General Assembly Resolutions, and have failed to fulfill expectations created by UN General Assembly Resolutions and Declarations.

It is necessary to institute the proposal for an International Court of Compliance, lined to the International Court of Justice, where citizens and civil society could take states for non-compliance with obligations and commitments.

(ii) THE FURTHERANCE OF THE CULTURE OF PEACE THROUGH "COMMON SECURITY"

"SECURITY" HAS OFTEN BEEN MISCONSTRUED AS "MILITARY SECURITY" ; AND HUMAN SECURITY, /"RESPONSIBILITY TO PROTECT" ,HAS BEEN EXTENDED TO JUSTIFY MILITARY INTERVENTION; ALL ATTEMPTS TO LEGITIMIZE MILITARY INTERVENTION CONTRIBUTES TO THE CYCLE OF INCESSANT WAR AND COUNTER REVENGES

With interest I now owe \$67,000. August 2004, I received a phone call from a law firm in Victoria about the Attorney General's taking me to court about the loan, and that a notice would be served to me around mid August. I phoned Human Resources and appealed to them again and they arranged with the law firm that I could have until October 15 to prepare my case.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked, against me, exemption clauses of "military and international security" have been discredited.

This list would include:

- (i) Robert Fowler as Deputy Minister of Defence- the originator of the infamous list of groups that the military should not belong to. This list, which was reported in Now magazine, included a category of social justice and human rights groups including mainline Christian and Jewish organizations, and another category of groups that have a greater bond among their members than to their country; this category included the Green Party and the Raging Grannies.
- (ii) Andy Scott, for prejudging the APEC inquiry;
- (iii) McCauley for accepting benefits;
- (iv) Radwanski for misappropriation of funds;
- (v) Gagliano for his potential involvement in the Sponsorship scandal;
- (vi) Jean Chretien for his potential involvement in the Sponsorship scandal;
- (vii) Howard Wilson for potential bias and not "speaking truth to power".

And as reported today, September 23, 2004, the Department of Justice hired Group action even after there had been a warning about Group action's incompetency sent from the Treasury Board.

When I appeared in the Federal Court in 2002 I was up against an adept lawyer from the Attorney General's office, and I was scolded by the Federal judge for appearing before the court without sufficient particulars. The judge placed me in a conundrum by stating that he would not grant my claim because I did not have sufficient particulars when it was the crown and numerous government departments represented by the Attorney General that had refused to disclose the particulars. I would think that placing a plaintiff in such conundrum would violate a principle of equity under common law. Similarly, a demand by a government department to fulfill an obligation while creating a situation that makes it impossible to fulfill this obligation would perhaps violate a similar principle of equity. I currently have thousands of pages of data related to my case and I have no idea how to proceed.

I feel that I have been discriminated against on the grounds of "political opinion"- both small "p" and large "P" political opinion. . I appeal to you to address, at the

highest level, in some way, the years of injustice and discrimination that I have undergone. I know that under the Optional Protocol of the Covenant of Civil and Political Rights- to which Canada is a signatory, that if I have exhausted all domestic remedies I have the right to take my case before the UN Human Rights Commission charged with the implementation of the Covenant. I believe that I am close to having exhausted all domestic remedies available for justice in Canada.

As you said in your address to the Canadian Bar Association, you want to create a culture of justice, and to further the public trust. A culture of justice will only occur in Canada when citizens believe that the public trust is furthered without discrimination on any grounds. .

Yours very truly

Joan Russow (PhD)
1230 St. Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071
IRWIN COTLER

6. (a) That through the acts of omission, by not intervening when requested, the following defendants (Hon. Lawrence MacAuley, in former capacity of Solicitor General, Hon Anne Mclellan, Deputy Prime Minister, Minister of Public Safety and Emergency Preparedness-subsuming the former role of Solicitor General, Hon. Irwin Cotler, Attorney General of Canada, Minister of Justice Howard Wilson, former Ethics Counselor Morrice Rosenberg, Deputy Attorney General) denied the plaintiff the opportunity to clear her name;

(b) through the acts of omission, by failing to recognize the seriousness of designating a citizen engaged in legitimate advocacy and a leader of a registered political as a threat to the country, and by failing to assist in exonerating the plaintiff, the following defendants (Hon. Lawrence MacAuley, in former capacity of Solicitor General, Hon Anne Mclellan, Deputy Prime Minister, Minister of Public Safety and Emergency Preparedness-subsuming the former role of Solicitor General, Hon. Irwin Cotler, Attorney General of Canada, Minister of Justice Howard Wilson, former Ethics Counselor Morrice Rosenberg, Deputy Attorney General) have contributed to:

(i) discrimination against the plaintiff on the grounds of political and other opinion;

ii) violation of the plaintiff's charter rights - including the right to the security of the person, freedom of expression, and mobility rights - through the dissemination of these lists nationally, and potentially international to "friendly nations"

(iii) defamation of the plaintiff's character through this direct attack against her reputation nationally and potentially internationally, and that her "esteem has been lowered in the estimation of right thinking members of society"

May
Pakistan
31 December 2004

June
Russian Federation
Permanent Member

July
Spain
31 December 2004

CORRESPONDENCE: APPEAL TO JOHN REID TO TAKE MY CASE TO COURT
11 NOVEMBER 2004:

Joan Russow (PhD)
1230 St Patrick St.
Victoria, B.C. V8S 4Y4
1 250 598-0071

Hon John Reid
Access to Information Commissioner
112 Kent Street
November 11, 2004

Fax. 1 613 947-7294

Dear Commissioner,

I am responding to your letter of November 1st, 2004. In this letter you indicated that I had the option to appeal to the Federal Court within 45 days. I contacted Dan O'Donnell to ask about the procedure. He indicated that I had to contact a lawyer. I cannot afford a lawyer, and I am writing to you to urge you to act on my behalf before the Federal Court. No citizen should have to live with the stigma of being designated by the government as a "A threat to military and International Security"

At least since 1997, I have been on an RCMP threat assessment list. I found out about this fact inadvertently during the release of documents during the APEC inquiry. The document released was entitled "other activists" and contained the pictures of 9 activists. Although I have been a strong policy critic of government practices, and engaged in legitimate dissent, I have never been arrested, or engaged in any activity that could be deemed to be a threat to military and international Security..

I have a masters in Curriculum Development, introducing, principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law, and a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the university of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria, and the Vancouver peace Society, I am a member of the IUCN Commission of Education and Communication, and the Canadian UNESCO Sectoral Commission on Science and Ethics. and the Canadian Voice of Women.

I am the author of the Charter of Obligations-350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through UN General Assembly Declarations and Resolutions--related to the public trust or common security (peace, environment social justice and human rights).

However, as an Activist from India once stated nothing is more radical than asking governments to live up to its obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments and expectations is a threat to the country then I am a threat to Canada. However, under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years.

I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. After receiving questionable responses from the RCMP, CSIS, Ethics Commissioner, Privy Council, PMO, SIRC with exemptions under various section being cited - information cannot be released for "military and international security reasons".

When I was refused access to the APEC conference in 1997, I filed a complaint; but I was never able to appear during the inquiry even though the RCMP and the RCMP Commissioner were aware that there had been a directive from the PMO to prevent me from attending the Conference. I even spoke several times to the lawyers acting for the Commission, and to Commissioner Hughes, about my case. I was not even able to appear, when I pointed out that on the stand a constable from the Vancouver police had made a statement that I had behaved inappropriately on a media bus going out to UBC. Her statement was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference.

After the APEC conference, in February 1998 I had a petition placed on the floor of the house of Commons calling for an investigation into the Canadian government's disregard for the International Covenant of Civil and Political Rights' in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms.

From April 1997 to March 2001, I was the Federal Leader of the Green Party of Canada, and was concerned to find out that the Green Party had been on a list of groups that the Military should not belong to. As a result of the Somali Inquiry, Robert Fowler, then Deputy Minister of Defence, had commissioned a junior officer to compile this list. ...The Green Party was on this list. Subsequently, I found out through Access to information that it was the leaders of these groups that were of especial concern to the Department of Defence.

In September 1998, it was brought to my attention that I had been placed on RCMP APEC threat assessment list of "other activists". The placing of the leader of a registered political party on a threat assessment became an media issue and was reported widely across the country through CBC television, through CBC radio, and through the National post and its branch papers. In 1998, The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I}

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and a new response was devised by the Privy Council for the Solicitor General [accessed through A of I subsequently in 1999).

In August of 2001 there was a series of articles on the Criminalization of dissent. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther Kings accompanied the article. This series later won an award.

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case, in the Federal Court, of defamation against various federal government departments.

I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver, that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Department of Justice has been remiss in not advising the Federal government that "political and other opinion" which is a listed ground under the ICCPR should have been included in the Charter of Rights and Freedoms. When I raised the fact that "political and other opinion" is a recognized ground, internationally,. the lawyer from Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory.

When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to information requests.

The following is excerpts from the Judge's decision:

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in *Guetta v the Queen* (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

4.“... I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed, I viewed it as a n expensive fishing expedition, which entailed serious allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient.

[I pointed out that I was in a conundrum that lawyer for the defendants claimed that I did not have sufficient particulars and I responded that after four years of trying and I showed the 2 inch thick binder I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the “particulars”. The judge’s response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in *Guetta v the Queen* (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

6. Counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim , sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts. ...

I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that the information was being collected by a recognized body under statutory provisions.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of "political and other opinion"- a ground that is included in the International Covenant of Civil and Political rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged and my character has been defamed. The sequence of events and the myriad of frustrating fruitless government processes has left me disillusioned with politics and in particular with the unethical abuse of political power.

In 2002, there was an article that appeared across the country about the launching of my court case, and in the article my concern about being deemed a security risk and about the stigma attached to my name even to the point that I feared that my access internationally might be curtailed, and my employment opportunities thwarted. Also, the stigma attached to my name has affected my children, and has discredited my father’s reputation. My father was the Assistant Auditor General of Canada, and acting Auditor General

in the late 1950s, as well as being a representative to the United Nations and other international Organizations.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked the exemption clause of " military and international Security" have been discredited. This list would include, Robert Fowler- the originator of the infamous list of groups that the military should not belong to- was discredited because of his involvement in Somali, Andy Scott for prejudging the APEC inquiry; McCauley for accepting benefits; Radwanski for misappropriation of funds; Gagliano and the former Prime Minister for their potential involvement in the Sponsorship scandal; Howard Wilson for potential bias and not "speaking truth to power"

I feel that I have been discriminated on the grounds of political opinion. I appeal to you to address. at the highest level, in some way the years of injustice and discrimination that I have undergone.

I urge you to take on my case in the Federal Court against the Solicitor General's Department, RCMP. CSIS, Department of Defence, and Prime Ministers office.

Your truly

Joan Russow (PhD)

(STATEMENT ON PREVENTION OF WAR

by Joan Russow (PhD)

presented at the Plenary of the conference "Practical Solutions on War and Terrorism" held in the Hague, March 24-26, 2004.

() THAT IN 2004 MARCH, I was **invited**. by an organizer in the Netherlands associated with the military, to participate in an international women's conference entitled "Practical Solutions on War and Terrorism" held in the Hague, from March 24-26, 2004

resolution

Women's

STATEMENT ON PREVENTION OF WAR

by Joan Russow (PhD)

presented at the Plenary of the conference "Practical Solutions on War and Terrorism" held in the Hague, March 24-26, 2004.

A friend who was also contacted e-mailed me about it. I told her that I had been contacted too. She asked me if I thought we should go, and I SAID YES BUT ONLY IF WE WERE WILLING TO CRITICIZE THE MILITARY.

We were told that the military would meet us at the airport. I looked around and saw the military officer towering over the crowd. He said we had to wait for two others who were two 3-star female generals from the US

Letter stating that I had insulted the Dutch military

STATEMENT ON PREVENTION OF WAR

by Joan Russow (PhD)

presented at the Plenary of the conference to the Dutch Military

2004"Practical Solutions on War and Terrorism" held in the Hague, March 24-26, 2004.

I appreciate the opportunity to read a statement on the prevention of war.

Presentation of statement on the prevention of war

The purpose of this conference in the Hague was to explore solutions for post-war Reconstruction.

One solution is to prevent war.

In 1899, the Hague was the site of a significant international conference on Peace.

And in 1945, the International Court of Justice was enshrined in the Charter of the United Nations to be the legal organ of the United Nations to prevent the scourge of war.

The following are proposals to further this purpose

1. to redefine "security " as "common security" - peace, human rights, social justice and the environment. (an extended notion of Olaf Palme's notion of common security)
2. To recognize the importance of and the need for state compliance with the body of international law comprised of obligations incurred through conventions, treaties, and covenants; commitments made through UN Conference action plans ; and expectations created through UN General Assembly declarations and resolutions.
- # To call upon all states to respect as compulsory, the jurisdiction and decisions of the International Court of Justice.
4. to call for the strengthening of the role of the UN General Assembly under the Uniting for Peace Resolution to prevent war.
5. To call for the implementation of the international commitment made - to re-allocate military expenses (UNCED, 1992)

and to propose that these funds released by allocated to further global common security and the prevention of war.

COMMENTS FOR THE FUTURE

Dear Judith

I know that you continually ask for participants in the Friday meeting to write down their comments, I thought some of my notes might be helpful.

- I think that generally everyone appreciated your efforts, and certainly appreciated the opportunity to raise concerns many of which were addressed before the end of the conference.
- I remember pointing out that I thought that you and Irma effectively handled my initial concern about the need for some statement on prevention;
- I also mentioned, and Mubarak agreed, that there should be a freer discussion with the military representative. As you pointed out the organizers did not in any way suggest that the groups should be overly cautious with the military. It was definitely a self-imposed constraint of the group.
- Jessica from Equality Now recommended that it would be more useful to have material for discussion circulated prior to the conference.
- Saskia pointed out the dilemma faced at the conference when almost all the groups stressed the importance of working closely with the local population in post conflict areas, the conference did not offer that possibility; you pointed out that logistically with the time constraints that was not possible but that in a future conference it could be done. Saskia also mentioned that perhaps if you had contacted local NGOs they might have facilitated the participation of other groups. I think that Saskia's complaint was well handled by letting her speak to the group on the issue
- Shana, Mubarak and Elizabeth expressed a number of concerns, and I believe that you addressed their concerns effectively by allowing them to make a presentation. I think that their presentation reflected the mutual respect that had emerged as a result of the frank discussion that we had in the group.
- It was unfortunate, however, that, when there was a reduced amount of time for presentations, Jessica from Equality Now attempted to pressure Shana, Mubarak and Elizabeth not make their presentation. This was an extremely tense moment, and I found that the organizers including Irma and another woman handled the situation effectively by asking the women

to refer to the topics, and then said there was no reason for their presentation not to go ahead.

As I mentioned to you, I was extremely impressed with the way that you addressed the concerns expressed above,

SUGGESTION FOR THE FUTURE:

- I think that it would be good to have at least four days of discussion
 - The UN through numerous agreements has established a blueprint for promoting common security- peace, environment, human rights, and social justice. It is extremely important for citizens to be apprised of the obligations incurred and commitments made by governments to further common security and a culture of peace. In the project I was involved in for the UN Conference on Women, I wrote a book on what governments had agreed to through the UN system, and extracted principles of international law. Many of principles might be of interest to the participants at the next conference. I also developed a method of teaching issues based on these principles (principle-based education; issue-principle analysis).
 -
 - I think that the Hague would be an appropriate location for stressing the importance of the rule of international law and of the International Court of Justice, and the International Criminal court. [It might also be a source of funding if women were gathered in the Hague to call upon governments to comply with international law.]
 -
 - My other suggestion was a slightly different approach where the participants would be divided into groups and encouraged during a longer period to explore the complexity and interdependence of issues; and then come up with proposals. The outcome might be quite interesting,

All the best

Joan

() THAT in March 2004 on March 26
Dear Judy and Irma,

I wish to thank you again for your dedicated work in organizing an important conference bringing together women from such diverse backgrounds.

I have enclosed a typed version of my presentation.

In the hope of future collaboration,

All the best,

Joan

()THAT in 2004 on March I made a statement to the dutch military ON
PREVENTION OF WAR
by Joan Russow (PhD)
presented at the Plenary of the conference "Practical Solutions on War and Terrorism"
held in the Hague, March 24-26, 2004.

I appreciate the opportunity to read a statement on the prevention of war.

The purpose of this conference in the Hague was to explore solutions for post-war
Reconstruction.

One solution is to prevent war.

In 1899, the Hague was the site of a significant international conference on Peace.
and in 1945, the International Court of Justice was enshrined in the Charter of the United
Nations to be the legal organ of the United Nations to prevent the scourge of war.

The following are proposals to further this purpose

1. to redefine "security " as "common security" - peace, human rights, social justice and
the environment. (an extended notion of Olaf Palme's notion of common security)

2. To recognize the importance of and the need for state compliance with the body of
international law comprised of obligations incurred through conventions, treaties, and
covenants; commitments made through UN Conference action plans ; and expectations
created through UN General Assembly declarations and resolutions.

To call upon all states to respect as compulsory , the jurisdiction and decisions of the
International Court of Justice.

4. to call for the strengthening of the role of the UN General Assembly under the Uniting
for Peace Resolution to prevent war.

5. To call for the implementation of the international commitment made - to re-allocate
military expenses (UNCED, 1992)

and to propose that these funds released by allocated to further global
common security and the prevention of war.

This conference was funded by the Dutch military and I found out later also funded by the US military; When the group first met we told: (i) we would be going to high level military camp. Presumably to simulate a refugee experience :sleeping in cots with sparse food (ii). w we would be divided into four groups (iii) we would meet with a representative of a country which was going through reconstruction after a war (iv) we would be required to give a presentation, to the Dutch military on the results of our deliberations and (v). **We were also told that the UN was looking forward to the results of our deliberation. [an interpretation of UNSC 1325 where women are called upon to prevent war and build peace; and unfortunately "build peace" seems to apply to reconstruction and most of the women' groups get funding for building peace.] I became leery of the motives behind this conference. It seemed that that women were being called upon again not to discuss how to prevent war but how to clean up after the fact; I guess they only got funding for cleaning up after the destruction by the military At the first group meeting, I said: I think the UN should be interested in women's perspective on how to prevent war perspective Many of us were disappointed that rather than having a spoke person from a war- torn country, we had a Dutch soldier who had been to Kosovo Judith accommodated us by allowing me to give a presentation on prevention and the other group to address the issue of lack of representation from a war torn country** ()THAT IN 2004, I gave a presentation on the prevention of war

EXHIBIT; Prevention of War

I appreciate the opportunity to read a statement on the prevention of war
The purpose of this conference in the Hague was to explore solutions for post-war Reconstruction.

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The following are proposals to further this purpose

1. To redefine "security " as "common security" - peace, human rights, social justice and the environment. (an extended version of Olaf Palme's definition of common security)
2. To recognize the importance of and the need for state compliance with the body of international law comprised of obligations incurred through conventions, treaties, and covenants; commitments made through UN Conference action

plans ; and expectations created through UN General Assembly declarations and resolutions.

3 To call upon all states to respect as compulsory , the advisory opinion Jurisdiction, and decisions of the International Court of Justice. Under chapter VI -the peaceful resolution of disputes, there is an option to go to the ICJ.

4. To call for the strengthening of the role of the UN General Assembly under the Uniting for Peace Resolution to prevent war.

5. To call for the implementation of the international commitment made – to re-allocate military expenses (UNCED, 1992) and to propose that the funds released,,be reallocated to further global common security and the prevention of war.

() THAT , at the end of the conference, I submitted an evaluation of the conference

Dear Judith

I know that you continually ask for participants in the Friday morning meeting to write down their comments, I thought some of my notes might be helpful.

- I think that generally everyone appreciated your efforts, and certainly appreciated the opportunity to raise concerns; many of which were addressed before the end of the conference.

- I remember pointing out that I thought that you and Irma effectively handled my concern about the need for some statement on prevention;

- I also mentioned, and Muborak agreed, that there should be a freer discussion with the military representative. As you pointed out the organizers did not in any way suggest that the groups should be overly cautious with the military. It was definitely a self-imposed constraint of the group.

- Jessica from Equality Now recommended that it would be more useful to have material for discussion circulated prior to the conference.

- Saskia pointed out the dilemma faced at the conference when almost all the groups stressed the importance of working closely with the local population in post conflict areas, and that the conference did not offer that possibility, You pointed out that because of logistics logistically and the time constraints it was not possible but that in a future conference it could be done. Saskai also mentioned that perhaps if you had contacted local NGOS they might have facilitated the participation of citizens from post-war zones. I think that Saskia's complaint was well handled by letting her speak to the group on the issue

- Shana, Muborak and Elizabeth expressed a number of concerns, and I believe that you addressed their concerns effectively by allowing them to make a presentation. I think that their presentation reflected the mutual respect that had emerged as a result of the frank discussion that we had in the group.

- It was unfortunate, however, that, when there was a reduced amount of time for presentations, Jessica from Equality Now attempted to pressure Shana, Muborak and Elizabeth to not make their presentation. This was an extremely tense moment, and I found that the organizers including Irma and another woman handled the situation effectively by asking the women to refer to the topics, and then said there was no reason for their presentation not to go ahead.

As I mentioned to you I was extremely impressed with the way that you and Irma addressed the concerns expressed above,

SUGGESTION FOR THE FUTURE:

- I think that it would be good to have at least four days of discussion.
- The UN through numerous agreements has established a blueprint for promoting common security- peace, environment, human rights, and social justice. It is extremely important for citizens to be apprised of the obligations incurred and commitments made by governments to further common security and a culture of peace. In the project I was involved in for the UN Conference on Women, I wrote a book on what governments had agreed to through the UN system, and extracted principles of international law. Many of principles might be of interest to the participants at the next conference . I also developed a method of teaching issues based on these principles (principle-based education; issue-principle analysis) . -
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All the best,
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STATEMENT ON PREVENTION OF WAR

by Joan Russow (PhD)

presented at the Plenary of the conference "Practical Solutions on War and Terrorism" held in the Hague, March 24-26, 2004.

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In 1899, the Hague was the site of a significant international conference on Peace. and in 1945, the International Court of Justice was enshrined in the Charter of the United Nations to be the legal organ of the United Nations to prevent the scourge of war.

The following are proposals to further this purpose

1. to redefine "security " as "common security" - peace, human rights, social justice and the environment. (an extended notion of Olaf Palme's notion of common security)

2. To recognize the importance of and the need for state compliance with the body of international law comprised of obligations incurred through conventions, treaties, and covenants; commitments made through UN Conference action plans ; and expectations created through UN General Assembly declarations and resolutions.

To call upon all states to respect as compulsory , the jurisdiction and decisions of the International Court of Justice.

4. to call for the strengthening of the role of the UN General Assembly under the Uniting for Peace Resolution to prevent war.

5. To call for the implementation of the international commitment made - to re-allocate military expenses (UNCED, 1992)

and to propose that these funds released by allocated to further global common security and the prevention of war.

APRIL APRIL

MAY MAY

() THAT In 2004 In May

AFTERMATH OF THE DUTCH MILITARY ENCOUNTER

One of the American members in my group must have complained about a comment I made to the military officer

Subsequently, I receive a formal Letter on official military government stationary from the Dutch military requesting that I pay the \$5000 – the cost of my trip. I thought that this was going to become an international incident

() THAT IN MAY I RESPONDED TO THE LETTER

Date: Mon, 10 May 2004 20:00:37 -0700

To: j.koops.01@mindef.nl

From: Joan Russow <j.russow@shawlink.ca> Subject: Re Letter

Dear Judith

I am dismayed to read the letter that you sent me. I did not call Major Jete Groen "a Murderer" . If he misunderstood my remarks I am sorry, and please communicate my apology.I have never called anyone a murderer.

In our 8 am meeting on the last day, I did discuss with you that I was disappointed that we could not have an open discussion with the Major. You informed me that there had been no direction by you to the group leaders to suppress any of the questions.

I asked him "what criteria was used for the Dutch government to decide to join the Coalition of the Willing, and what criteria would be used to determine if the Dutch government should withdraw from the Coalition. I also asked him about the use of depleted uranium. I thought that he was very cooperative and would have been prepared to address the questions that I raised. The other members of the group were upset with my questions, and said my questions were inappropriate and thus discouraged him from answering the questions. The group was very upset with me after for asking the questions.

Before I went to the conference I was not clear that there would be no opportunity to frankly discuss military issues. I had an opportunity to talk to the General at the reception about concerns that I had and I thought that he was very responsive.

Also I appreciated the opportunity that you gave me for expressing my views about prevention of war, and as I said previously to you, I thought that you were very gracious in accommodating me.

I have enclosed a letter of apology

Yours sincerely,

Joan

A letter of apology
() that I wrote

Dear Major Jete Groen,

I am dismayed to have received a letter from Judith Koop. She told me that it was claimed that I called you a "murderer". I did not call you a murderer. I am sorry if you misunderstood my remarks. Please accept my apology..

I remember asking you about "what criteria was used for the Dutch government to decide to join the Coalition of the Willing in Iraq, and what criteria would be used to determine if the Dutch government should withdraw from the Coalition. I also asked you about the use of depleted uranium. I thought that you very cooperative and would have been prepared to address the questions that I raised. The other members of the group were upset with my questions, and said my questions were inappropriate and thus discouraged you from answering the questions.

I am sorry that we could not have had a frank discussion.

Your sincerely

Joan Russow

() THAT in May . I wrote the following:

() THAT in 2004 on May 28, I wrote the following

EXHIBIT

Resolution to Protect and Respect the Full Sovereignty,
Human Rights, and Dignity of the Iraqi People and Nation

May 28, 2004

We, the Peoples of the United Nations, determined to save both current and succeeding generations from the scourge of war; desiring to reestablish conditions under which justice and respect for the obligations arising from the UN Charter, international treaties, and the rule of law can be maintained; determined to unite our strength to maintain international peace and security; and to ensure that armed force shall not be used again, save in the common interest?

Do hereby demand that our respective governments review and adopt the following resolution:

Citizens Resolution on Iraq

Whereas the United States illegally invaded and occupied Iraq, violating the most fundamental and cherished articles and principles of the UN Charter along with the Geneva Conventions;

Whereas, the attack on Iraq was unwarranted, unprovoked, and unnecessary; and has led to the deaths of more than 10,000 innocent civilians, many of which have been women and children;

Whereas, the Bush Administration set up high level offices in the US Department of Defense and Central Intelligence Agency in order to manufacture and make the case for this war; and then blatantly lied to the UN Security Council using this fake evidence (See the January 2004 edition of Mother Jones Magazine at:

<www.motherjones.com/news/feature/2004/01/12_405.html>);

Whereas, the Bush Administration threatened, blackmailed, bribed, spied on, and intercepted the communications of other UN member states, violating the commonly accepted principles and normal rules of diplomacy, in an attempt to force others to do what the US wanted;

Whereas, CPA Administrator Paul Bremer signed four administrative orders on September 19, 2004, violating the Iraqi constitution, Hague

Regulations, and Geneva Conventions, in a clear attempt to privatize and sell off Iraq to the highest corporate bidders. Order 39 announced that 200 Iraqi state companies would be privatized; decreed that foreign firms can retain 100% ownership of Iraqi banks, mines and factories; and allowed these firms to move 100% of their profits out of Iraq (See Naomi Klein's article, Iraq Is Not America's to Sell, from The Guardian for details: <www.unitedforpeace.org/article.php?id=2150>);

Whereas, the most lucrative contracts have been granted to corporations with close ties to the Bush Administration, including Halliburton which still pays a retainer to Vice President Dick Cheney, the man who did the most to argue for the war and put forth false claims about weapons of mass destruction within the Administration.

Whereas, the invasion and occupation of Iraq was not about weapons of mass destruction or removing Saddam Hussein from power. It was an attempt to privatize and gain corporate profits in Iraq; establish permanent military bases in the Middle East; ensure that the Euro did not replace the dollar as the means of exchange among oil states; and to take another step towards complete US economic and military dominance over the rest of the world (See the Project for a New American Century at: <www.newamericancentury.org>);

Whereas, the Bush Administration and occupying forces have killed a large number of media and journalists, assassinated and openly threatened to murder many Iraqi leaders, and repeatedly ignored judicial processes and rule of law;

Whereas, US forces have killed (or a more honest word would be murdered), more than 600 Iraqis in the siege of Fallujah(?) in what was clearly an act of revenge in response to the killing of four US security guards;

Whereas, the Bush Administration ignored blatant and pervasive prisoner abuse for many months, thus sanctioning rape, savage beatings, severe humiliation, torture, and up to 37 prisoners killed (or again more truthfully murdered);

Whereas, US forces have used and then left behind depleted uranium, cluster bombs, and other ordnance; and have needlessly targeted peaceful protesters and even wedding parties in both Afghanistan and Iraq, thus killing scores of innocent civilians (primarily women and children);

Whereas, the United States has also repeatedly protected Israel from

UN actions, even after the Israeli government carried out state sponsored terrorism, assassinations, home demolitions, military occupation, and similar such atrocities as the US has perpetrated in Iraq;

Whereas, Article 27 of the UN Charter (dealing with matters before the Security Council) stipulates that, in decisions under Chapter VI, and under paragraph 3 of Article 52 (dealing with matters of maintaining and restoring the peace), a party to a dispute (such as the US and Britain in the case of Iraq and the US in the case of Israel) shall abstain from voting;

Whereas, the US and Britain invaded a sovereign foreign country without cause or mandate from the Security Council, even while the Council was still seized with and responding to the matter; and while the General Assembly was considering holding an emergency session under a Uniting for Peace Resolution to deal with the issue.

Therefore, it is imperative that the UN Security Council refuse to accept the current US/UK Resolution on Iraq. The UN General Assembly and Security Council must take every action needed to ensure that the US does not profit economically or politically from the invasion and occupation of Iraq; that their corporations not be allowed to do business in Iraq; and that reparations are made in full to Iraq.

In addition, we ask that the UN Security Council consider and pass a resolution expressly forbidding any and all preemptive military actions and wars, particularly when the Security Council is still deliberating over and remains seized with such a matter.

Therefore, we require that the following actions be taken in order to restore peace and security in Iraq:

- 1) The orders of the Coalition Provisional Authority must be rescinded and replaced by those of the Interim Government of Iraq, according to its desire, ability, and convenience, based upon democratic and participatory decision making processes involving all of the Iraqi people;
- 2) A UN commanded multilateral peacekeeping force must replace the existing occupying forces in Iraq. Its mandate should be for a short and well defined time period, to coincide with the establishment of Iraqi police and security forces in Iraq.
- 3) The belligerent forces must be required to provide the resources

for the complete reconstruction in Iraq, along with reparations for all damages done, beginning with an initial \$75 billion (the initial amount that the Bush Administration spent to wage the war). If the US and UK refuse to do so, then sanctions must be placed on them to ensure that their legal obligations are fulfilled.

4) Reconstruction should focus on rebuilding the economy so as to, first and foremost, fulfill the needs of the Iraqi people. Contracts should privilege local companies, towards the goal of strengthening and diversifying local production. Labor laws should be enacted to ensure protection of local workers. Past Iraqi debts accrued under the Hussein Administration should be forgiven. Women should be granted equal rights and opportunities in all areas of life.

5) Government spending, taxes, subsidies, tariff structures, etc. should be reoriented to support local environmentally sustainable production that meets local needs. The global trade that does take place should occur in a fair trade system, supported by a ?decorporatized? UN Center for Trade in Development, with operations that are transparent and democratic.

Resolution to Protect and Respect the Full Sovereignty,
Human Rights, and Dignity of the Iraqi People and Nation

() THAT in May 28, 2004
With others I drafted the following:

EXHIBIT

We, the Peoples of these United Nations, determined to save both current and succeeding generations from the scourge of war; desiring to re-establish conditions under which justice and respect for the obligations arising from the UN Charter, international treaties, and the rule of law can be maintained; determined to unite our strength to maintain international peace and security; and to ensure that armed force shall not be used again, save in the common interest?

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JUNEJUNE

() THAT in 2004, I wrote on June 16 | Reallocation of the Military budget

To:

From: Joan Russow <j.russow@shawlink.ca> Subject:

Reallocation of the Military budget

Military proponents always calculate the military budget as a percentage of the GDP. Currently the Canadian GDP is about 1200 billion; and the military budget is 13 billion + - thus the military budget is presented as "only" 1.08 % of the GDP.

On the other hand, if the military budget is calculated as a percentage of the amount available to spend nationally after the deduction of the interest on the debt (178 billion - approx 40 billion = 138 billion) then the military budget is at roughly 10%.

With Harper's increased military spending, and increased tax reduction it will be over 10% of what the federal government has available to spend on programs.

Every member State of the United Nations made a commitment at the 1992 United Nations Conference on Environment and Development to reallocate military expenses. !!!

Joan Russow

() THAT In 2004 in June I wrote " Whither Goest the Green Party"

I left the Green Party because the German Greens, when in government, sacrificed principle for power and the Mexican Greens, when in government, sacrificed policy for power. The German Greens sacrificed the Green Party principle of non-violence when they supported the invasion not only of Kosovo, but also of Afghanistan, The Mexican Greens sacrificed policy for power when they formed the government with the right wing PAN and abandoned their opposition to NAFTA. It became increasingly difficult for me to claim that the Green Party was more principled than other parties and that the Green Party, if elected, would stand by their principles and policy.

I have become increasingly disappointed with the development of the New Green Party of Canada with the loss of broader socialist concerns, with weakened opposition to militarism, with proposals for reduced government, and with " market-based" environmentalism. However, it was only after I was asked by the media to compare the Green Party Platform with the NDP Party Platform that I was realized how much the platform has changed since I was the leader.

FLEXIBLE POLICIES AND PLATFORM

I joined the Green Party because I believed its policies were based on principles. Today, the party proposes "regional interpretation of values". Worse, visitors to the Party's website can now vote on the platform with the thumbs up or thumbs down icon, and the policy is deemed "endangered" and re-evaluated if the support fell below 50%. Where the Green Party before had made firm commitments to universal day care, Pharmacare and universally accessible funded not for profit non two tier health care (while preventing environmentally induced diseases and poverty related health problems) AS HAS THE NDP; now in the new Green Party platform there will be a referendum on day care and Pharmacare" ., and there is support for provinces to opt- out of policies without penalty"

VOLUNTARY COMPLIANCE

While I was the leader of the Green Party of Canada, we advocated a strong mandatory regulatory regime to drive industry to comply with environmental standards. Actually, when I ran against Jim Harris for the leadership of the Green Party in 1997, I was concerned about his practice of giving motivational talks to corporations- another element of voluntary compliance- individual cases of change rather than global even playing field of mandatory, international, normative standards and regulations.

Now in the 2004 in the New Green Party Platform, the Green party is

"Encourage [ing] ISO 14000 Certification - Achieving progress requires measuring performance. The Green Party will assist and encourage Canadian companies to attain ISO 14000 certification, the international standard for management."

Along with the WTO and so-called 'free trade", ISO 14000 is a centre-piece of the corporate agenda. It is the corporate scheme of voluntary compliance. In ISO 14000, polluters set their own environmental management objective, and the means to attain it - with no external evaluation. For example, one company claimed that it was reducing greenhouse gases by moving more towards civil nuclear energy. It is quite possible that Green Party candidates or the public may not realize the implications of what the party is supporting through their endorsement of ISO 14000.

In the 2004 NDP Election Platform, the NDP makes a commitment to reverse years of government procrastination arising from collusion with corporations and their agenda of voluntary compliance: The NDP Platform calls for "overhauling the Canadian Environmental Protection Act to reverse the current focus on voluntary action, and replace it with mandatory pollution prevention measures for corporations and institutions" and enforce the polluter pay principle

LABELLING OF GENETICALLY ENGINEERED FOODS AND CROPS

In the 1997 and 2000 federal elections, while I was leader of the Green Party of Canada, we called for banning genetically engineered foods and crops, with a fair and just transition for farmers and communities affected by the conversion to organic or other ecologically-sound forms of farming.

The New Green Party 2004 Platform is only calling for labeling: "Require the labeling of foods that are known to contain, or that might contain, genetically modified material."

Labeling does not address the environmental issue of genetic drift. Labeling doesn't address the equity issue either. Not everyone can buy organic food, and genetically engineered foods are being dumped on the poor and into developing countries. In addition, labeling does not address the democratic and economic issues: few citizens from Canada or the global community want genetically engineered foods and crops.

TAXING THE "BADDIES NOT THE GOODIES"

I have always been concerned about the appetite in the Green Party for "green taxes" which are best summarized by the Ontario Greens' proposal of "taxing the baddies not the goodies". It's time that the notion of 'green taxes' be examined. To some extent, green taxes if implemented would give a licence to pollute and would undermine strong regulatory regimes. When taxes are linked to the reduction of individual taxes they create a situation where if less taxes come in from polluters, then individual taxes would have to be raised. Green taxes are inequitable and violate the idea of re-distribution built into income tax. This is a market based approach rather than a principle based approach

NEITHER LEFT NOR RIGHT

When I was the Green Party leader, I cringed when some members would proclaim that they "were neither left nor right but straight ahead." This claim is now proudly stated on the Green Party's website. I am increasingly concerned about the Green Party's denial of the left. I had worked so hard, with others, to try to establish the Green Party as a progressive party on the left. When Jack Layton was recently in B.C. talking about social justice, Andrew Lewis, the Deputy leader of the Greens, was quoted as stating that Layton's speech was only "socialist rhetoric".

"HUMANITARIAN INTERVENTION" AND GREEN MILITARISM

In 1997 and 2000, the Green Party I led called for the relocation of 50% of the federal military budget into health care and higher education, and for at least a

50 % reduction of the global military budget - the peace dividend, into global social justice.

Today's New Green Party proposes to maintain a rapid response and deployment force capable of supporting humanitarian, environmental and peace-keeping missions" Humanitarian intervention, however, has been used to legitimize military intervention.

.() THAT IN 2004 WHEN JACK LAYTON BECAME THE LEADER OF THE NDP, I DECIDED TO JOIN THE NDP

Joan Russow (PhD) Former leader of the Green party of Canada

The NDP has made a firm commitment to re-INTRODUCE Lorne Nystrom's BILL WHICH proposed some form of mixed proportional representation Jack Layton has promised that a commitment to some form of proportional representation will be a minimum prerequisite for NDP support or a minority government. It is in the interests of

The implications in this election are serious, particularly for issues of militarism. In the USA, the Green Party appears to have taken a stand to not endorse Ralph Nader because they realize the implications of Bush's re-election. .

Joan Russow (PhD)

() THAT in 2004 during the election I submitted the following to the times colonist Voluntary Compliance and Procrastination: The Demise of the Environment

EXHIBIT

One of the reasons that the environment is deteriorating is that corporate "voluntary compliance" are lauded ideologically or inadvertently by most political parties.

Only a strong regulatory pollution prevention regime will begin to address increasing environmental destruction. In the 2004 NDP Election Platform, the NDP, has made a commitment to reverse years of government procrastination. arising from voluntary compliance:

"overhauling the Canadian Environmental Protection Act to reverse the current focus on voluntary action, and replace it with mandatory pollution prevention measures for corporations and institutions" ... and enforce the polluter pay principle

For years, Canadian governments have promoted voluntary compliance and procrastinated about implementing and enforcing regulations;

In 1992, at the United Nations Conference on the Environment and Development, the Canadian Government (Mulroney's Conservatives) agreed to the Convention on Biological Diversity and the Framework Convention on Climate Change, The Canadian government also made commitments through the Rio Declaration and Agenda 21. Canada agreed to environmental principles, such as the precautionary principle, which could have prevented the introduction of many substances and practices harmful to human health and the environment.

In December 1992, Brian Mulroney, after full consultation with the provinces, ratified the above two conventions. Rather than proceeding to implement and enforce a regulatory regime, the Conservatives embraced voluntary compliance.

The corporate world was leery that governments would potentially implement these obligations and commitments, and demand adherence to environmental principles. Ingeniously, the corporate world extended the work of the International Standards Organization (ISO) to cover not just standardized measurements but a self-regulated voluntary regime.

ISO 14000 was industry's response to the possibility that governments would introduce mandatory international environmental regulations and standards to make industry accountable. Rather than regulations, corporations would self-regulate through ISO 14000 certification.

Under ISO 14000, corporations set out their environment management goal or plan, and then outlined the means to attain their goal. There is no external evaluation of whether their means would effectively address environmental issues. Since there are no external standards by which to judge the self-generated goals or measures, the process is totally controlled by the corporations.

At Globe, a biennial conference of the "environment industry", a corporation stated that its goal was to reduce greenhouse gas emissions, and outlined the procedures, one of which was to increase its reliance on nuclear energy.

Mulroney's Conservatives had missed the opportunity of seriously implementing and enforcing compliance with international environmental law. Similarly, the liberals, including David Anderson as environment minister, opted for a voluntary compliance regime rather than a strong regulatory regime.

At Globe 1996 in Vancouver, I was asked by the British Columbia Environmental Network if I would attend a meeting on ISO 14000. I was seated around a table with the representatives from the Canadian Standards Association and from the major polluting corporations. I came to the meeting with a set of principles that I had abstracted from international laws and proposed a regulatory regime. This was countered, as expected, by a concerted corporate demand for increased participation in ISO 14000 and voluntary self-compliance.

The consequences of ISO 14000 and voluntary compliance is that corporations display isolated cases of minor environmental successes and use these isolated cases as justification for the continued reliance on voluntary measures.

At Globe meetings, corporations and the federal government attempt to justify the effectiveness of their voluntary compliance regime: corporations profile their minor successes. For example, Shell was profiling its "environmental management program" at one location, but was reluctant to address the issue of Shell's involvement with the destruction of the environment, and the violation of the human rights of the Ogoni people in Nigeria.

In the 2004 election, the support for voluntary compliance continues with the "new" Conservative party, the "new" Liberal party, and also the new Green Party.

While Leader of the Green Party of Canada, I continually called for Mandatory International Normative Standards and Regulations-- to drive industry to protect the environment. Not a voluntary compliance regime, which has been proven to be ineffective.

Understandably, I was amazed to find the call for support for ISO 14000 in the Green Party of Canada Platform for 2004:

"Encourage ISO 14000 Certification

"Achieving progress requires measuring performance. The Green Party will assist and encourage Canadian companies to attain ISO 14000 certification, the international standard for management."

This statement from the Green Party is incredibly misleading, because it suggests that ISO 14000 is linked to international mandatory standards, when it is just self regulation.

Joan Russow
the former Leader of the Green Party of Canada 1230 St Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

Date: Thu, 17 Jun 2004 22:25:25 -0700

To: "Obee, Dave (Times-Colonist)" <DObee@tc.canwest.com> From: Joan Russow <j.russow@shawlink.ca> Subject: RE: Voluntary Compliance and Procrastination: The Demise of the September environment I was sorry that the times colonist did not publish it and I called the paper and was told that my piece had been put in the spam because there was a reference in the piece of about "Nigeria. The colonist offered to print it but the election was over.

Joan Russow (PhD)
Global Compliance Research Project
Victoria 1 250 598-0071

JUNE JUNE

() THAT in 2004, I () THAT in June, I wrote the following Voluntary Compliance and Procrastination: The Continued Demise of the Environment

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Joan Russow is the former Leader of the Green Party of Canada 1230 St Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

Date: Fri, 4 Jun 2004 06:47:31 -0700

To: d.white@shawlink.ca

From: Joan Russow <j.russow@shawlink.ca> Subject: draft on 1so 14000

Voluntary Compliance and Procrastination: The Continued Demise of the Environment

Joan Russow (PhD)
Global Compliance Research Project
Victoria 1 250 598-0071

One of the reasons that the environment is deteriorating is that corporate "voluntary compliance" and associated regimes are lauded ideologically or inadvertently by most political parties. Only a strong regulatory regime will begin to address increasing environmental destruction.

In the 2004 NDP Election Platform, the NDP, has made a commitment to reverse years of government procrastination. arising from voluntary compliance:

"overhauling the Canadian Environmental Protection Act to reverse the current focus on voluntary action, and replace it with mandatory pollution prevention measures for corporations and institutions" ... and to enforce the polluter pay principle

For years, governments have promoted voluntary compliance and procrastinated about implementing and enforcing regulations;.

In 1992, at the United Nations Conference on the Environment and Development, the Canadian Government (Mulroney's Conservatives) agreed to the Convention on Biological Diversity and the Framework Convention on Climate Change, The Canadian government also made commitments through the Rio Declaration and Agenda 21. Canada agreed to environmental principles, such as the precautionary principle, which could have prevented the introduction of many substances and practices harmful to human health and the environment.

In December 1992, Brian Mulroney, after full consultation with the provinces, ratified the above two conventions. Rather than proceeding to implement and enforce a regulatory regime, the Conservatives embraced voluntary compliance.

The corporate world was leery that governments would potentially implement these obligations and commitments, and demand adherence to environmental principles. Ingeniously, the corporate world extended the work of the International Standards Organization (ISO) to cover not just standardized measurements but a self-regulated voluntary regime.

ISO 14000 was industry's response to the possibility that governments would introduce mandatory international environmental regulations and standards to make industry accountable. Rather than regulations , corporations would self-regulate through ISO 14000 certification.

Under ISO 14000, corporations set out their environment management goal or plan, and then outlined the means to attain their goal. There is no external evaluation of whether their means would effectively address environmental issues. Since there are no external standards by which to judge the self-generated goals or measures, the process is totally controlled by the corporations.

At Globe, a biennial conference of the "environment industry", a corporation stated that its goal was to reduce greenhouse gas emissions, and outlined the procedures, one of which was to increase its reliance on nuclear energy.

Mulroney's Conservatives had missed the opportunity of seriously implementing and enforcing compliance with international environmental law. Similarly the liberals, including David Anderson as environment minister, opted for a voluntary compliance regime rather than a strong regulatory regime.

At Globe 1996 in Vancouver, I was asked by the British Columbia Environmental Network if I would attend a meeting on ISO 14000. I was seated around a table with the representatives from the Canadian Standards Association and from the

major polluting corporations. I came to the meeting with a set of principles that I had abstracted from international laws and proposed a regulatory regime. This was countered, as expected, by a concerted corporate demand for increased participation in ISO 14000 and voluntary self compliance.

The consequences of ISO 14000 and voluntary compliance is that corporations display isolated cases of minor environmental successes and use these isolated cases as justification for the continued reliance on voluntary measures.

At Globe meetings, corporations and the federal government attempt to justify the effectiveness of their voluntary compliance regime: corporations profile their minor successes. For example, Shell was profiling its "environmental management program" at one location, but was reluctant to address the issue of Shell's involvement with the destruction of the environment, and the violation of the human rights of the Ogoni people in Nigeria.

In the 2004 election, the support for voluntary compliance continues with the "new" Conservative party, the "new" Liberal party, and also the new Green Party.

While Leader of the Green Party of Canada, I continually called for Mandatory International Normative Standards and Regulations-- to drive industry to protect the environment. Not a voluntary compliance regime, which has been proven to be ineffective.

Understandably, I was amazed to find the call for support for ISO 14000 in the Green Party of Canada Platform for 2004:

"Encourage ISO 14000 Certification

"Achieving progress requires measuring performance. The Green Party will assist and encourage Canadian companies to attain ISO 14000 certification, the international standard for management."

This statement from the Green Party is incredibly misleading, because it suggests that ISO 14000 is linked to international mandatory standards, when it is just self regulation.

Joan Russow is the former Leader of the Green Party of Canada 1230 St Patrick St.

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() THAT in september 2004

After the attack on the World Trade Centre in September 11, 2001, the US administration was asking the question "why do they hate us" but

no one at that time was prepared to answer the question. Now with the National Commission on Terrorism having re-visited the "intelligence" prior to the attack, with the wisdom of three years of reflection, the question needs to be answered.

The US administration could be hated because the US administration either alone or along with others has:

- * engaged in covert and overt "Operations" against independent states; from "Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Condor" in Chile, through years of euphemistic operations such as "Operation Just Cause" against Panama and more recently "Operation enduring freedom" against Afghanistan, and "Operation Iraqi Freedom" against Iraq

- * targeted and assisted in the assassination of leaders of other sovereign states, and condoned the targeting and assassinating of leaders by other states

- * undermined Common Security: peace, human rights, environment and social justice.

- * undermined the international resolve to prevent the scourge of war by intimidating or offering economic incentives in exchange for support for military intervention; (the US continually cajoles, intimidates, and bribes, on other members of the United Nations.)

- * perceived justice in terms of revenge through military intervention rather than respecting the jurisdiction of the International Court of Justice, and misused Art 51 in the Charter of the United Nations to justify military aggression

- * disregarded obligations incurred through conventions, treaties, and covenants; and made commitments through conference action plans, related to the Public trust/ Common security - peace, environment, human rights and social justice

- * Failed to sign, failed to ratify, failed to enact the necessary legislation to ensure compliance with, or respect for Public Trust international Conventions, Covenants and Treaties,

- * demonstrated disdain for the international rule of law, and refused to accept the jurisdiction or decision of the International Court of Justice

- * undermined international obligations incurred through Conventions, Treaties, and Covenants, and commitments through UN Conference Action Plans, related to the Public Trust or to Common Security -peace, environment, human rights and social justice
- * failed to act on commitments made through UN Conference Action Plans, or failed to fulfill expectations created through General Assembly Resolutions.
- * promulgated propaganda for war in violation of the International Covenant of Civil and Political Rights
- * justified military intervention by misinterpreting Article 51 of the UN Charter " Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security
- * participated in military organization, such as NATO that has a first strike nuclear policy in violation of the ruling of the International Court of Justice that the use or threat to use nuclear weapons was contrary to international humanitarian law,
- * misconstrued prevention of war by adopting a policy of pre-emptive/preventive attack to aggressively attack sovereign states that are designated as being on the axis of evil.
- * established military bases in sovereign states (in the case of the US over 700 military bases in over 40 countries around the world
- * produced weapons of mass destruction such as nuclear, chemical, and biological, in defiance of the global commitment made at Stockholm in 1972 to eliminate the production of weapons of mass destruction. and refused to abide by the Non Proliferation treaty obligations
- * circulated nuclear powered or nuclear arms capable vessels throughout the world, and berthed these vessels in urban ports
- * planted land mines throughout the world, and failed to sign and ratify the Convention for the banning of Landmines
- * moved towards the militarization of space, and increasing the arms race through the US Anti-ballistic Missile system
- * used weapons such as Depleted Uranium and cluster bombs that would

be prohibited under the Geneva Protocol II

* continued to engage in cruel and unusual punishment - Capital punishment.

*promulgated globalization, deregulation and privatization through promoting trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law

* subsidized and invested in companies that have developed weapons of mass destruction, that have violated human rights, that have denied social justice, that have exploited workers, that have destroyed the environment.

* failed to ensure that corporations, including transnational corporations comply .. with international law, and to revoke charters of corporations that violate human rights, destroy the environment, denies social justice and contributes to war and conflict

* opposed Mandatory International Ethical Normative (MIEN) standards and enforceable regulations to drive industry to conform to international law, and supported corporate "voluntary compliance"

* failed to revoke charters and licences of corporations that have violated human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment

* promoted the privatization of public services such as water, and health care, and reduced funding for universities, and promoted corporate funding of education and corporate direction of research

* contributed to environmentally induced diseases and poverty related health problems and denied universal access, to publicly funded not for profit health care system

*. failed to reduce their military budget and reallocate military expenses and transfer the savings into global social justice as undertaken through numerous UN Conference Action Plans and UN General Assembly Resolutions. (The US spends over 500 billion per year on the military and is the major exporter of arms)

* opposed an international commitment to transfer .7% of the GDP for overseas aid, and condoned corporations benefiting and profiting from war

- * advocated and supported IMF structural adjustment program, and exploited vulnerable and indigenous peoples around the world
- * failed to cancel third world debt and failed to ensure the human right to safe drinking water, the human right to unadulterated (non-genetically engineered pesticide-free food), the human right to safe accessible housing, the human right to be clothed, the human right to education, the human right to universally accessible not for profit publicly funded health care that stresses the importance of prevention of environmentally induced diseases, and poverty related illnesses. (many of these rights have been protected through international human rights instruments)
- * promoted the spread of Evangelical Christianity around the world, undermining local indigenous cultures, and instilling fear through the dangerous, and absurd belief in the "rapture" , "Armageddon" and "left behind"
- * participated in the proselytizing of religion and the undermining of other cultures and perpetuated the notion that Christianity is superior to other religions
- * produced or permitted the production of toxic, hazardous, atomic waste, and failed to prevent the transfer to other states of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992.
- * denied civil and political rights including the right to freedom of speech and the right of peaceful assembly, and fundamental labour rights
- * produced, promoted, grown or approved genetically engineered foods and crops and led to a deterioration of the food supply, and heritage seeds
- * ignored the warnings of the Intergovernmental panel on Climate change, ignored obligations under the Framework Convention on Climate Change, and failed to ratify Kyoto Protocol
- * Gutted the precautionary principle which reads where there is a threat to health and the environment, lack of full scientific certainty shall not be used to postpone measures to prevent the threat
- * discriminated on the following grounds:
 - race, tribe, or culture;

- colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker);
- gender, sex, sexual orientation, gender identity, marital status, or form of family,
- disability or age;
- religion or conviction, political or other opinion, or - class, economic position, or other status;
- * denied women's reproductive rights,
- * denied fundamental rights through the imposition of religious beliefs
- * enacted anti-terrorism legislation that violates civil and political rights, and engaged in racial profiling
- * failed to distinguish legitimate dissent from criminal acts of subversion.

* accepted corporate donations, and deluded the public into thinking that citizens live in a democracy.

To prevent a global future dominated by fear, the US must move not towards "fortress America" and pre-emptive attacks but towards true security: global common security.

4110 readings

() THAT in 2004 on June 14, I was contacted by with Murray Dobbin to discuss the evolution of the Green party. Jun 2004 15:20:31 -0700

To: Murray Dobbin <mdobbin@telus.net>

: Joan Russow <j.russow@shawlink.ca>

Dear Murray

I will be back on July 10. Let's talk on Tuesday after the election. I could call you in the evening

Joan

I think the party, as presently constituted, could be very detrimental to progressive and truly green politics in Canada. It certainly sounds as though you concluded this long along ago.

I would like to get involved in this issue seeing as I seem to have started something with my G&M article. I am not sure what can be done or what role I can play. In certainly something should be written - and it should, in my view, include the BC Greens. my reply to the Green Party "rebuttal" - they were amazingly inept in my view - I said I was planning a book on the Greens. I am not sure I want to do a whole book

cheers, Murray

*\PEJ TEN COMMANDMENTS FOR C.R.I.M.E (CHRISTIAN RIGHT INDUSTRIAL MILITARY ESTABLISHMENT) PARTY -REPUBLICANS



Justice News

Sunday, 29 August 2004 20:33

Ten Commandments for C.R.I.M.E (Christian Right After the attack on the World Trade Centre in September 11, 2001, the US administration was asking the question "why do they hate us" but no one at that time was prepared to answer the question. Now with the National Commission on Terrorism having re-visited the "intelligence" prior to the attack, with the wisdom of three years of reflection, the question needs to be answered.

September 11 2004: time to move towards common security

Joan Russow (PhD)
Global Compliance Research Institute
1 250 598-0071

Industrial Military Establishment) Party -Republicans

The C.R.I.M.E Party rather than the GOP (Grand Old Party) better describes the frightening theocracy of George Bush . GOP Convention Misrepresentation through a misnomer.

Joan Russow (PhD)
Global Compliance Research Project
Canada
1-250598-0071

It has been pointed out that the GOP could afford to have more moderate speakers because the Christian Right Industrial Military Establishment succeeded in controlling the policy. Perhaps CRIME (Christian Right Industrial Military Establishment) is a more apt name for the GOP. The name for a party should reflect the essence of the party's platform and policies. The following could be the ten commandments for the CRIME party

CRIME (Christian Right Industrial Military Establishment) Party rather than GOP (The Grand Old Party) is more apt for George Bush's Theocracy.

CRIME (Christian Right Industrial Military Establishment) Party rather than GOP (The Grand Old Party) is more apt for George Bush's Theocracy.

Ten Commandments for C.R.I.M.E (Christian Right Industrial Military Establishment) Party

* Thou shalt expose the axis of evil, thou shalt distinguish those that are either with thee or against thee, thou shalt never relent, thou shalt prevail, and thou shalt aggressively pursue thine enemies

* Thou shalt ignore all obligations incurred through conventions, treaties, and covenants; all commitments made through commitments made at international conferences, and expectations created through the United Nations General Assembly Declarations and resolutions

* Thou shalt embrace the policy of pre-emptive/preventive attack, thou shalt affirm the commitment towards a "new Century", thou shalt increase thy military budget, and send thy military to advance thine interests; thou shalt reinterpret "self defence" and thou shalt use "humanitarian intervention" to justify military invasion

*Thou shalt reduce the burden on the rich, thou shalt tame the unions, thou shalt privatize the social institutions, and thou shalt engage in environmental stewardship in thine best interests

* Thou shalt invade all states for the purpose of regime change if thou perceives the state to be a threat to thine interests, and thou shalt ensure that thine industries benefit from all "regime change" ,

* Thou shalt demonstrate contempt for the Rule of International law, and the International Court of Justice, thou shalt act unilaterally when multilateral organization do not abide by thy will and thou shalt intimidate, and offer "financial incentives" to other states to support thy will

* Thou shalt abandon the commitment to transfer .7% of the GDP for overseas international development, and thou shalt sacrifice civil and political rights for the sake of creating a fortress against terrorism, and thou shalt defend thy land with Missile Defence

Thou shalt use prohibited weapons for the sake of freedom, thou shalt venerate the gun and the right to bear arms, especially concealed and assault weapons, thou shalt couch anti-reproductive choice as "right to life", thou shall preserve the sanctity of marriage, and thou shall resist all judicial activism

* Thou shalt affirm Christ as the main influence of thy actions, thou shalt begin the day and end the day with a prayer, thou shalt maintain an evangelical house, thou shalt support faith based community programs , thou shalt restore faith to its proper place in the nation, and thou shall know that the hand of God is guiding the affairs of thy nation

* GOP Convention
Misrepresentation through a misnomer.

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* Thou shalt be a "born again", ascribe to the belief in Armageddon, and rapture, and thou shalt do all that is necessary to ensure that Christ will return

() THAT IN 2004 I WROTE THE FOLLOWING:

Whither Goeth the Green Party

sacrificed policy for power. The German Greens sacrificed the Green Party principle of

non-violence when they supported the invasion not only of Kosovo, but also of Afghanistan, The Mexican Greens sacrificed policy for power when they formed the government with the right wing PAN and abandoned their opposition to NAFTA. It became increasingly difficult for me to claim that the Green Party was more principled than other parties and that the Green Party if elected would stand by their principles and policy.

I have become increasingly disappointed with the development of the New Green Party of Canada with the loss of broader socialist concerns, with weakened opposition to militarism, with proposals for reduced government, and with “market-based” environmentalism. However, it was only after I was asked by the media to compare the Green Party Platform with the NDP Party Platform that I was realized how much the platform has changed since I was the leader.

FLEXIBLE POLICIES AND PLATFORM

I joined the Green Party because I believed its policies were based on principles. Today, the party proposes "regional interpretation of values". Worse, visitors to the Party's website can now vote on the platform with the thumbs up or thumbs down icon, and the policy is deemed “endangered” and re-evaluated if the support fell below 50%. Where the Green Party before had made firm commitments to universal day care and universally accessible funded not for profit non two tier health care (while preventing environmentally induced diseases and poverty related health problems} , now in the new Green Party platform there will be a referendum on day care and pharmacare” ., and there is support for provinces to opt- out of policies without penalty”

VOLUNTARY COMPLIANCE

While I was the leader of the Green Party of Canada, we advocated a strong mandatory regulatory regime to drive industry to comply with environmental standards. Actually, when I ran against Jim Harris for the leadership of the Green Party in 1997, I was concerned about his practice of giving motivational talks to corporations- another element of voluntary compliance- individual cases of change rather than global even playing field of mandatory, international, normative standards and regulations.

Now in the 2004 in the New Green Party Platform, the Green party is

"Encourage [ing] ISO 14000 Certification - Achieving progress requires measuring performance. The Green Party will assist and encourage Canadian companies to attain ISO 14000 certification, the international standard for management."

Along with the WTO and so-called 'free trade", ISO 14000 is a centre-piece of the corporate agenda. It is the corporate scheme of voluntary compliance. In ISO 14000, polluters set their own environmental management objective, and the means to attain it - with no external evaluation. For example, one company claimed that it was reducing greenhouse gases by moving more towards civil nuclear energy. It is quite possible that Green Party candidates or the public may not realize the implications of what the party is supporting through their endorsement of ISO 14000.

In the 2004 NDP Election Platform, the NDP makes a commitment to reverse years of government procrastination arising from collusion with corporations and their agenda of voluntary compliance: The NDP Platform calls for "overhauling the Canadian Environmental Protection Act to reverse the current focus on voluntary action, and replace it with mandatory pollution prevention measures for corporations and institutions" and enforce the polluter pay principle

LABELLING OF GENETICALLY ENGINEERED FOODS AND CROPS

In the 1997 and 2000 federal elections, while I was leader of the Green Party of Canada, we called for banning genetically engineered foods and crops, with a fair and just transition for farmers and communities affected by the conversion to organic or other ecologically-sound forms of farming.

The New Green Party 2004 Platform is only calling for labeling: "Require the labeling of foods that are known to contain, or that might contain, genetically modified material."

Labeling does not address the environmental issue of genetic drift. Labeling doesn't address the equity issue either. Not everyone can buy organic food, and genetically engineered foods are being dumped on the poor and into developing countries. In addition, labeling does not address the democratic and economic issues: few citizens from Canada or the global community want genetically engineered foods and crops.

The NDP policy is stronger because it calls for a moratorium on any new releases.

TAXING THE "BADIES NOT THE GOODIES"

I have always been concerned about the appetite in the Green Party for "green taxes" which are best summarized by the Ontario Greens' proposal of "taxing the baddies not the goodies". It's time that the notion of 'green taxes' be examined. To some extent, green taxes if implemented would give a licence to pollute and would undermine strong regulatory regimes. When taxes are linked to the reduction of individual taxes they create a situation where if less taxes come in from polluters, then individual taxes would have to be raised. Green taxes are inequitable and violate the idea of re-distribution built into income tax. This is a market based approach rather than a principle based approach

NEITHER LEFT NOR RIGHT

When I was the Green Party leader, I cringed when some members would proclaim that they "were neither left nor right but straight ahead." This claim is now proudly stated on the Green Party's website. I am increasingly concerned about the Green Party's denial of the left. I had worked so hard, with others, to try to establish the Green Party as a progressive party on the left. When Jack Layton was recently in B.C. talking about social

justice, Andrew Lewis, the Deputy leader of the Greens, was quoted as stating that Layton's speech was only "socialist rhetoric".

"HUMANITARIAN INTERVENTION" AND GREEN MILITARISM

In 1997 and 2000, the Green Party I led called for the relocation of 50% of the federal military budget into health care and higher education, and for at least a 50 % reduction of the global military budget - the peace dividend, into global social justice.

Today's New Green Party proposes to maintain a rapid response and deployment force capable of supporting humanitarian, environmental and peace-keeping missions"

Humanitarian intervention, however, has been used to legitimize military intervention.

I have joined the NDP because I think that the NDP is revitalized.

The NDP has made a firm commitment to Lorne Nystrom's proposing some form of mixed proportional representation Jack Layton has promised that a commitment to some form of proportional representation will be a minimum prerequisite for NDP support or a minority government. It is in the interests of the Green Party to support the NDP at this time. Unfortunately, in many key ridings the NDP may lose because of the Green vote, and not be able to hold the balance of power in a minority government, or perhaps not even be able to maintain their status as an official party.

The implications in this election are serious, particularly for issues of militarism. In the USA, the Green Party appears to have taken a stand to not endorse Ralph Nader because they realize the implications of Bush's re-election. .

Joan Russow (PhD)

Former leader of the Green Party of Canada

in collaboration with David White former chair of the Green Party of British Columbia

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Addendum

- Also today a Green Party spokesperson stated that the Green Party would not require the payment of fines for not registering firearms. By absolving gun owners from not paying fines the Party is undermining the registry. It is hard to say which party (Green or Conservative) is closer to the Canadian Alliance on this issue.

- The Green Party I led had uncompromising policies on reproductive health. When I searched their (2004) platform for "abortion", „reproductive rights% or „reproductive health%, I found nothing. There has always been a strong „libertarian% element in the

Green Party,s makeup ^ with its focus on individualism and mistrust of governments and unions.

- I was dismayed but not surprised to learn that one candidate for the Green Party, Brian Gibb, had previously run for the Quebec Action Democratique - a party that shares many of the ideals of the former reform party. In 1998 when I was in Quebec for a bi-election, I went to a policy meeting of the Action Democratique, and I thought at the time that this party was the French complement to the Reform party].

[You may not know that two months ago the leader of the Mexican Greens was caught on a video Camera accepting a 2 million dollar bribe from a developer in Cancun. I was at an International Peace Conference in Mexico and was embarrassed because the participants knew that I had been the former leader of the Green Party of Canada.]

() REQUESTS RE LETTERS

DEPARTMENT OF JUSTICE
DEPARTMENT OF JUSTICE FAX 613-957-2303
284 WELLNOR ST,
OTTAWA, ON. K1A 0H8

613-9924621
6130540617
613-952-9361

() THAT I continued with other requests
EXHIBIT: DEPARTMENT OF JUSTICE
Access to Information Request: October 14, 2004

Department of Justice

Access to Information Request:

(1) Documentation related to legitimate dissent, and discrimination on the grounds of "political and other opinion"

Disregard for international law

(a) Expressed rationale for the failure to include political and other opinion in the Charter of Rights and Freedoms". "Political and other opinion" is a listed ground in most international human rights instruments, such as the International Covenant on Civil and Political Rights

(b) Expressed rationale for not requiring the government to abide with the following 1982 commitment to the international communality:

1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" (PTMP). It is an external Affairs communiqué which was put together in 1982 to assist external affairs to explain the division of powers and constitutional conventions in Canada vis-a-vis International obligation

Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted.

(c). Explanation for Attorney General's disregard in the Federal Court for international law: obligations incurred through Conventions, treaties, and covenants; commitments made through UN Conference Action plans, and expectations created through UN General Assembly resolutions.

failure to distinguish legitimate dissent

(d). Justification for the targeting of individuals who are engaged in legitimate dissent

(e). Documentation of criteria used to place citizens on threat lists, and copies of the assessment by the Department of Justice on whether these criteria contravene obligations under the International Covenant on Civil and Political Rights to not discriminate on the ground of political or other opinion.

(f). Documentation related to judicial opinion on what would constitute legitimate dissent under the CSIS Act, and on whether CSIS agents are sufficiently trained to distinguish legitimate dissent from Political intimidation

(g) Documentation related to a judicial opinion on whether threat assessment lists have been used to intimidate political opponents prior and during elections

Questionable exemptions

(h). Documentation related to a judicial review of exemption clauses used in the Access to Information Act, and Privacy Act

(i) Evidence for Judicial opinion on whether there is an over-reliance on department criteria for determining what would constitute an exemption,

"for military and international security reasons", under the Privacy Act and under the Access to Information Act.

lack of independence of Privacy Commissioner and Access to Information Commission

(j) Documentation related to the failure on the part of the Commissioners to fully speak truth to power because they are political appointees, and because they have a mandate to investigate the process rather than the substance of a complaint.

disregard of "right to correction"

(k) (i) Description of remedies available for citizens who have followed all of the above-mentioned processes for "the Right to Correction", and removal off lists. [analogous application of international principle affirmed in the International Convention on the Right to Correction].

(ii) Documentation related to the "simple process available" [statement from former Minister of Justice] for those that wish to be removed from lists

(iii) Documentation related to the rationale for citizens' being offered the opportunity of addressing, through the Federal Court, their being placed on lists, coupled with the rationale for citizens being required to pay costs

(1) Explanation and Documentation about the reason that after following all the subsequently listed designated processes a citizen has not been able to find out why the citizen was perceived to be a threat to Canada, and placed on a Threat Assessment List:

(i) RCMP Complaints, RCMP Review, CSIS, SIRC and Federal Court (against the AG)

(ii) Over 60 processes within various government departments, =

(iii) Numerous requests for reviews by Privacy Commissioners, and by the Access to Information Commissioner

discrimination in access

(m) Documentation supporting the difference in government policy between access to information for a citizen placed on a "Threat list" and access to information for a citizen placed on a "Terrorist list". In appearing before the committees examining Bill C36 (Anti-terrorism legislation). The former Justice Minister, Honorable Anne McLelland stated: "if someone's name appeared on the Terrorism list", there is an easy process to follow to find out why this occurred".

dissemination of lists

(n). Provisions in place for preventing the exchange of threat list to other states

(o). Documentation of oversight process and judicial opinions related to the commitment made by former Minister of Justice, the Honorable Ann McClelland, re: lists provided by other nations: "We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight."

"In fact, we do not take the lists provided by other nations and simply rubber stamp them. Under the existing UN regulations what we do is receive independent advice from organizations like CSIS. We're not simply saying, some other international organization has said this group is a bad group We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight". (former Minister of Justice, the Honorable Ann McClelland).

Long-term impact

(p) Documentation related to judicial review of the economic, social, and psychological impact of placing citizens who are engaging in legitimate dissent, on threat assessment lists

Selective access to Committees

(q) Documentation related to the criteria for selecting which citizens and groups should have the opportunity of appearing before the various government and senate committees

All documentation on Dr. Joan Russow who was the leader of the federal Green Party from April 1997 to March 2001; and who since 1994 has been the coordinator of the Global Compliance Research Project

**contact Martin Samberg Counsel tel: 613 952-6361
Fax: 613 957-2303**

M. How does someone get on the list. In fact, we do not take the lists provided by other nations and simply rubber stamp them. Under the existing UN regulations what we do is receive independent advice from organizations like CSIS. We're not simply saying, some other international organization has said this group is a bad group We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight.

(THAT In 2004 I attended the first meeting of the trilateral Canada/US/ Mexico in Puebla Mexico

English version of Puebla Declaration I worked on the FINAL DECLARATION OF THE FIRST MEETING OF THE TRILATERAL, CANADA-USA-MEXICO. AND CUBA AS AN HONARARY GUEST, FOR PEACE AND INTERNATIONAL SECURITY LITERAL FIRST [SUGGESTED IN BRACKETS] PUEBLA, PUE. MEXICO

FEBRUARY 27-29, 2004

PUEBLA DECLARATION

The representatives of peace organizations from Canada, the USA and Mexico and of the Movimiento Cubano por la Paz y la Soberania de los Pueblos (MOVPAZ), as honorary guests, from Cuba, came together at the initiative of the, American Regional Coordinator of the World Peace Council, and of the Movimiento Mexicano por la Paz y el Desarrollo (MONPADE) under the auspices of the Benemerita Universidad Autonoma de Puebla (BUAP) and the Fundacion Academia Metropolitana (IAP) of Mexico. These representatives were brought together to discuss, in depth, the themes of the meeting, within PEACE AND INTERNATIONAL SECURITY. and to celebrate for the first time in the history of the struggles for peace and international security of countries from this part of our

continent. The conference representatives now circulate the final declaration called the Puebla Declaration, with the following conclusions.

1. The first trilateral meeting (Canada- USA and Mexico) along with Cuba EXPRESSES its profound concern for, and rejection of the progressive deterioration of the so-called international order that has been subjected to the dictates of the hegemonic project, has been promoted by the unipolar control of the USA, has been led by the USA, and has been enforced by a style of imperialism drawing upon the most basic norms of international [convivencia ENGLISH?] resorting to blackmail [intimidation/ coercion] in all its forms and by the ruthless aggression policy of preventive/pre-emptive aggression -a doctrine which is dangerous not only for peace in its fullest sense but also for the even existence of the human species and human life-support systems.

AND ADVOCATES the creation of a situation where unity is an imperative for all humanity in its diversity of political affiliation or beliefs

and a situation that obliges everyone to engage in the urgent struggle for the preservation of life and the life support system that has become increasingly an illusive struggle and to unite efforts for the urgent restructuring of the current and unjust international system, into the optimistic prism of "another world is possible" which is being advocated by millions of citizen from every country.

URGES all of the organization that struggle for peace to rise to the challenge of constructing a massive organized and co-coordinated international movement capable of coalescing and motivating actions of all humanity favourably disposed now and potentially after to create uncompromising pressure on the international community for compliance with a plan of action having among its principal purposes the recognition and strengthening of the system of the United Nations as the appropriate organization to regulate human affairs within the principles of the Charter of the United Nations, and within the years of international conventions, treaties, covenants, declarations and conference action plans. Understandably, the fundamental base of legitimate power of the United Nation must reside in the UN General Assembly, which is comprised of all member states and respects the equality of all its members.

3. **RECOGNIZES** that the Neo-liberal model of globalization is no more than economic support for the hegemonic project that is imposed on humanity and that the social injustice that arises is directly or indirectly promoted by all the violent conflicts and social crises that have been produced at the global level as well as in our continent

4. Calls for strengthening the Charter of the United Nations especially in its commitment to the prevention of the scourge of war; and increasing the authority of the UN General Assembly which should not be usurped in its duty by any other organs of the world organization in recognition of the urgent situation and responsibilities that confront the United Nations at this serious time in the world.

5 Calls for the strengthening and effectiveness of the role of the United Nations demands that no longer can there be the postponing of general disarmament, and of the total elimination of nuclear arms and other weapons of mass destruction,

6. Demands that the nuclear-arms states, take the necessary means to embark on the implementation of a process that arrives at the elimination of nuclear arms in compliance with the obligations established under Article VI of the Non Proliferation Treaty and with the aspirations contained in the nuclear arms free treaty between states in the treaty of Tlatelolco. It is necessary to negotiate a multilateral agreement on the prevention of the arms race in space in all of its aspects.

In addition calls for the end to the circulation and berthing of nuclear powered nuclear arms-capable vessels.

7. RECOGNIZES that the actual international situation requires more than ever the indispensable and urgent reduction of military expenses and the reallocation of these resources for global social justice [[add justicia to Spanish]]

In addition, a demand that can not be deemed contrary to the struggle for peace, is for the reversal of the policy of privatization of public services such as electricity, water, health and public education, and for the need to recognize the inalienable rights to access public institutions that maintain these services, services that are essential for national security in countries.

8. RECOGNIZES that it is indispensable to increasingly denounce, and to mobilize and engage in concrete actions that repudiate and demonstrate the opposition of people to the militarization of space and all the projects that lead to this end [such as Ballistic Missile Defence- add to Spanish]

9. IS CONVINCED that the excessive military expenses and the increasingly higher military budget make it difficult to justify not moving towards the full cancellation and elimination of all foreign debt that currently suffocates and impoverishes most of the third world countries

10. AFFIRMS THAT in current and critical global conditions, no one can fail to acknowledge that true international security is "common security" guaranteeing

civil and political rights, and human rights, preventing war and conflict, protecting the environment, and human health and ensuring social justice-

11. ACKNOWLEDGES at the same time, the concept of "human security" cannot be used to legitimize military intervention

12. THE PUEBLA CONFERENCE condemns the US policy of pre-emptive preventive attack, demands the immediate withdrawal of foreign troops from Iraq and the restoring of the independence and sovereignty of IRAQ; calls for the protesting and the undertaking of the necessary action to prevent the sending of troops from the continent or from any other parts of the world into Iraq. and calls for the withdrawal of the troops that have already been sent to Salvador, Nicaragua, Honduras -Santo Domingo

13. the Puebla Conference demands that the Israeli government

- (i) Comply with United Nations resolutions related to the immediate withdrawal of troops from all of the Arab-occupied territories;
- (ii) end to the massacre of the Palestine people;
- (iii) recognizes the free Palestine state with its authority under a Palestine government; and
- (iv) embarks on the immediate negotiation of a peace agreement.
- (v) destroy [demolish] the wall that rises as a monument to the violation of the sovereignty **and Palestine territories** - in defiance of the indignation of the international community;

14. MAKES an urgent demand for the furtherance of peace and the international security to include as well the rejection and the elimination of the so-called new doctrine of the North Atlantic Treaty Organization (NATO) that grants the "right " to intervene and invade militarily in other regions of the world. It is indispensable to re-enforce the struggle as well for the suppression of alliances and military blocks [and bases ADD TO SPANISH] of the [estos unidos ERROR IN SPANISH] United States] that have been installed in various regions in the world. **These blocks and bases are established in new territories and zones for the purpose of creating centres of control in these regions with the intent; to impose the new doctrine of NATO; this doctrine is one of the instruments that today constitutes a serious threat to peace and to international security. Such a demand represents a concrete call for preventing actual threats of war.**

15 THE PUEBLA CONFERENCE EXPRESSES ITS REJECTION OF THE TERM TERRORISM APPLIED TO THE STRUGGLE OF PEOPLE FOR THEIR

INDPENDENCE, SOVEREIGHTY AND PEACE WITH SOCIAL JUSTICE.

[CHECK SPANISH] Terrorism is used as a false pretext for the imperialists and their allies, with the philosophy of hegemonic projects, to threaten, [agredir], and eliminate the most basic fundamental civil rights and gains in social [las conquistas sociales alcanzadas]

16/ The Puebla Conference considers as tacit act of state terrorism and genocide the blockade against Cuba. It is a blockade established by the North American government for more than four decades, even though there has been almost unanimous condemnation by the international community through multiple sessions of the UN General Assembly and calls for the end of the U.S. blockade against Cuba

17 CALLS FOR the exonerating and releasing of the Cuban 5, and communicates its indignation for the flagrant, and repeated violation of the human rights of the five heroes of the Cuban republic **{and that for the vengeance extended to their closest neighbour' s [check Spanish]** heroes that were unjustly condemned and incarcerated in the United States through a flawed criminal process for infiltrating in a Cuban counterrevolutionary to combat terrorist action that, with the complicity of the North American government, were directed against Cuba.

18 DEMANDS the abrogation of NAFTA because it is in all of its variable a supplement under-girding a Neo-liberal globalization project that is an undeniable expression of a plans for the complete annexation of our region to an hegemonic project of the USA: a project used as an offensive tactic against its European allies

19 The Puebla Conference endorses and supports all the efforts and united actions that are taking place, increasingly, in the world particularly in the Americas.

20. DEMANDS the end of all further negotiations on the FTAA, and embark immediately on an agreement that is fair and guarantees human rights, labour rights, and protects the environment. [AS AGREED AT CONFERENCE

NOTE THAT THE SPANISH VERSION DIFFERS THIS WAS THE SECTION SENT TO BE TRANSLATED.

21 The first meeting Canada, USA and Mexico and Cuba as a honoured guest. for the peace and the international security, devoted a great deal of time and expressing concern for the current situation of and for the rights of Mexican and Central American migrants in the USA and Canada.

22. CALLS FOR THE Protection of the rights of migrant workers; through the enactment of legislation that conforms to the International Labour Organization standards, and through compliance with the Convention for the Elimination of All Forms of Racial Discrimination; signing and ratifying the Convention for the Protection of Migrant workers and their families, and enacting the necessary legislation to ensure compliance.. In addition, there must be compulsory measures for the protection of the children of undocumented workers and their families.

23. DEMANDS the granting of amnesty, especially in the USA, for all the undocumented migrant workers from Mexico and Central America

24 [NOTE REORGANIZED IN ENGLISH] SHOULD THIS NOT BE MOVED] DEMANDS the abrogation of NAFTA because of its injurious aspects and its character of being an instrument which favours principally the interests of US transnational, because it imposes inequitable practices, especially for Mexican workers from the cities and the towns; and because it currently systematically results in the violation in the United States, of the human rights of Mexican and Central American undocumented workers in the USA.

AND CALLS for the replacement of NAFTA with a fair agreement that would guarantee human rights and labour rights as recognized universally, would ensure the equality of salaries and other provisions established under international laws:

25. The Puebla Conference endorses and supports the revolutionary, democratic and peaceful process in Venezuela and denounces the criminal processes of destabilization which counter revolutionary groups [grupusclos] have implemented, disguised as "opposition" joining with identified national and foreign interests??**THAT PURPOSELY TO END WITH THE BOLIVIAN REVOLUTION RESORT TO THE SYSTEMATIC USE OF THE MOST CRIMINAL METHODS ?? CHECK TRANSLATION**

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Opposition to all targeting and destabilizing of states such as Iran, Syria, DPR Korea, Colombia and Venezuela.

27. The representatives and participants of the Puebla Conference endorses and strongly supports the global international demonstration for peace which takes place on March 20, 2004 on the first anniversary of the criminal attack and calls for the global community to condemn the invasion and occupation of Iraq by the United States and its allies,

AFFIRMS solidarity with the people of Iraq as well as with the people of Afghanistan in their national resistance which grows in legitimacy and necessity while the occupation and the military intervention of the US troops and other foreign military forces continues **{THAT TODAY THE UNITED NATIONS DRESS WITH UN FLAGS TO CARRY OUT THE SAME ROLE AS THE NORTHAMERICAN OCCUPIERS. CHECK SPANISH}**

28 Demands that the invaders and the interveners in Iraq, as in Afghanistan must be obliged to pay all the restoration and cover the damage that has resulted from the invasion and destruction in Iraq and Afghanistan.
[ADD THE FOLLOWING WHICH WAS AGREED TO IN THE ENGLISH VERSION- TRANSLATE INTO SPANISH]
(With the recognition that there is no way to address the irreversible health, environmental, social and psychological consequences of war

29 The Puebla Conference, having considered a proposal to continually reflect on the concerns addressed in the Conference, and to find a way to strengthen solidarity and mutual support in the struggle of all the peoples against intervention, against threats and attacks violating sovereignty, against the aggression and the violation of human rights caused by the politics of war and by the expansion though hegemonic governmental practices that, today in this part of the American continent, intensify plans and action to deteriorate more and more the global situation , have approved a proposal to establish a Permanent Forum for the Dignity and Self Determination of Peoples; this initiative will elevate to a new level the solidarity of peoples, as one of the greatest factors of peace and sovereignty.

30 The Puebla Conference has concluded that the first meeting of Canada, USA, Mexico with Cuba as an honoured guest, with the purpose of discussing peace and the international security was indispensable and applaud-able.

31 Given the reasons that motivated this conference and the concerns expressed by the delegations and by the invited participants, the Puebla Conference organizers have concluded that it is necessary to continue the 'deliberations' periodically, and to invite Cuba again, as well as other countries in this region of the continent and Central America and the Caribbean and the world. The

interchange of experience with, information of, opinion about and analysis of the development of the serious international situation in which we live and the agreement in respect to the joint action must be strengthened, amplified and empowered to face the struggle in defence of peace and to prevent genocide which claims to inflame the world with a new wars. Therefore, the present trilateral meeting in Puebla, with the participation of Cuba decides to arrange next year, 2005, a second meeting and to set up a Commission, working in collaboration with the American Regional coordinator of the World Peace Council, this Commission will be charged with the bringing about the second trilateral meeting and exploring the possibility of finding a location in a Canadian city that would be considered adequate by the Commission.

32 The Puebla Conference enthusiastically supports the next congress of the World Peace Council which will take place in May in Athens, Greece and will include in its agenda, the necessity of coordinating the urgent celebration of the World Congress for [partidarios] of the Peace. with the object of reaching the necessary unity of action of all the organizations personalities, men and women of the planet, sensitive to the struggle of the peace.

33. The participants at the Pueblo Conference - Canada, United States, Mexico, Cuba as guest of honour, express profound gratitude to the governmental authorities of the state of Puebla, as well as to the Rector of the Benemerita Universita Autonomous of Puebla, to the teachers and researchers and to students and workers for the great support in the organization of the Trilateral meeting. We recognize that this support is a significant testimony of the commitment of the government and the University of Puebla in the furtherance of peace and international security, of sovereignty and the self-determination of all peoples.

PUEBLA DE ZARAGOZA PUEBLA FEBRUARY 29, 2004

Thanks

NEED TO BE UPDATED

/Total abolition of nuclear weapons and other weapons of mass destruction, of weapon delivery systems such as the Ballistic Missile Defence system, and ORIGINAL ENGLISH VERSION/

//Reversal of privatization of public services such as energy, water, and health and the recognition of the . right to prevent the sale of bulk water and the right to a safe environment, //English

//Recognition that true international security is common security -
guaranteeing civil and political rights, and human rights, preventing war and
conflict, protecting the environment, and human health and ensuring social
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//not "human security"- "humanitarian intervention"- which has been used to
legitimize military intervention //

//- Condemnation of the US policy of pre-emptive preventive attack and the US-
led invasion and occupation of Iraq and Afghanistan; Building of solidarity with
the people of Iraq and Afghanistan in their resistance against occupation; //
//- Support for Palestinian peoples struggle for establishment of a viable
independent State of Palestine with East Jerusalem as its capital alongside Israel;
removal of the wall being built by the state of Israel; //
//- opposition to the use of the so-called war on terrorism as a pretext for
violating national sovereignty of other nations, for suppressing the legitimate
struggles of nations for self determination, for limiting civil and political rights and
for violating of human rights. //

- //

WORDING PROPOSED BY CUBAN DELEGATION- PROPOSED
TRANSLATION OF SPANISH VERSION

- Ending of the forty-four year old US blockade against Cuba and
condemnation of the increased aggression of the present US administration
against Cuba.
- Exonerating and releasing of the unfairly condemned five Cuban anti-terrorist
fighters (concerned about the present development and conclusion of the appeal
and hope that the outcome after March 10th hearing will be that the court will act
with independence and objectivity and absolve the Cuban//
Constitution of a working group to follow up the work of the tribunal to judge the
economic crimes that create war

Joan Russow (Ph.D)

For about forty years I been concerned about the complexity and
interdependence of issues and have worked

- to promote and fully guarantee respect for human rights including labour rights,
civil and political rights, social and cultural rights- right to food, right to housing,
right to health care, right to education and social justice;
- to enable socially equitable and environmentally sound employment;
- to achieve a state of peace, justice and security;
- to create a global structure that respects the rule of law; and

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

have lectured widely on the interdependence of issues, and particularly on the need for the implementation of international law nationally and locally.

Former lecturer in Global Issues at the University of Victoria, Canada

Masters Degree in Education , developed a method,. "Principle based education"--Issue-principle analysis", of teaching human rights linked with peace, social justice and environment issues. "Principle-based education...", was based on international principles drawn from international legal instruments.

Doctorate in Interdisciplinary studies addressing, in dissertation on the problem of expressing and communicating complexity and on the need to move away from simplistic models imposed on thought.

1997-2001- National leader of the Green Party of Canada, ran in three elections. Left in disgust over the elected German Greens supporting the NATO bombing of Yugoslavia

THAT I ATTENDED THE CONFERENCE IN PUEBLA AND DRAFTED THE ENGLISH TRANSLATION OF THE ORIGINAL SPANISH PUEBLA DECLARATION

Please read this first before passing it on and get to me by Sunday. I have to leave for The Hague on Monday.

It has been difficult to translate because of the lengthy complicated sentences, and repetition. I have numbered the paragraphs to correspond to the Spanish.

I have extracted the essence of the Spanish, and attempted to communicate this essence in English.

I have tried to organize the paragraphs, and used the expression the Puebla Conference demands etc whenever a new set of demands is made. and then continued with third person singular action verbs.

I sent you that passage about the FTAA to be translated and clarified because as far as I can see the section on the FTAA is the same as the one that we saw in the original Spanish version. I have left in the English text that we negotiated on the last day.

I have noted a couple of agreed to English wordings that were not included. and a couple of errors in the Spanish and I have marked these for your consideration.

The Declaration needs to be formatted, and balanced.

See what you can do

Joan

DRAFT ENGLISH VERSION

The Conference on Peace and international Security held in Puebla. February 26-28, 2004 recognizes the urgency of the Global situation is such that inaction is negligence. [I would like to include this from the original English]

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[ADD THE FOLLOWING WHICH WAS AGREED TO IN THE ENGLISH VERSION- TRANSLATE INTO SPANISH]

(With the recognition that there is no way to address the irreversible health, environmental, social and psychological consequences of war

29 The Puebla Conference, having considered a proposal to continually reflect on the concerns addressed in the Conference, and to find a way to strengthen solidarity and mutual support in the struggle of all the peoples against intervention, against threats and attacks violating sovereignty, against the aggression and the violation of human rights caused by the politics of war and by the expansion though hegemonic governmental practices that, today in this part of the American continent, intensify plans and action to deteriorate more and more the global situation , have approved a proposal to establish a Permanent Forum for the Dignity and Self Determination of Peoples; this initiative will elevate to a new level the solidarity of peoples, as one of the greatest factors of peace and sovereignty.

30 The Puebla Conference has concluded that the first meeting of Canada, USA, Mexico with Cuba as an honoured guest, with the purpose of discussing peace and the international security was indispensable and applaud-able.

31 Given the reasons that motivated this conference and the concerns expressed by the delegations and by the invited participants, the Puebla Conference organizers have concluded that it is necessary to continue the 'deliberations' periodically, and to invite Cuba again, as well as other countries in this region of the continent and Central America and the Caribbean and the world. The interchange of experience with, information of, opinion about and analysis of the development of the serious international situation in which we live and the agreement in respect to the joint action must be strengthened, amplified and empowered to face the struggle in defence of peace and to prevent genocide which claims to inflame the world with a new wars. Therefore, the present trilateral meeting in Puebla, with the participation of Cuba decides to arrange next year, 2005, a second meeting and to set up a Commission, working in collaboration with the American Regional coordinator of the World Peace Council, this Commission will be charged with the bringing about the second trilateral meeting and exploring the possibility of finding a location in a Canadian city that would be considered adequate by the Commission.

32 The Puebla Conference enthusiastically supports the next congress of the World Peace Council which will take place in May in Athens, Greece and will include in its agenda, the necessity of coordinating the urgent celebration of the

World Congress for [partidarios] of the Peace. with the object of reaching the necessary unity of action of all the organizations personalities, men and women of the planet, sensitive to the struggle of the peace.

33. The participants at the Pueblo Conference - Canada, United States, Mexico, Cuba as guest of honour, express profound gratitude to the governmental authorities of the state of Puebla, as well as to the Rector of the Benemerita Universita Autonomous of Puebla, to the teachers and researchers and to students and workers for the great support in the organization of the Trilateral meeting. We recognize that this support is a significant testimony of the commitment of the government and the University of Puebla in the furtherance of peace and international security, of sovereignty and the self-determination of all peoples.

PUEBLA DE ZARAGOZA PUEBLA FEBRUARY 29, 2004

Thanks

NEED TO BE UPDATED

/Total abolition of nuclear weapons and other weapons of mass destruction, of weapon delivery systems such as the Ballistic Missile Defence system, and ORIGINAL ENGLISH VERSION/

//Reversal of privatization of public services such as energy, water, and health and the recognition of the . right to prevent the sale of bulk water and the right to a safe environment, //English

//Recognition that true international security is common security - guaranteeing civil and political rights, and human rights, preventing war and conflict, protecting the environment, and human health and ensuring social justice- // ENGLISH

//not "human security"- "humanitarian intervention"- which has been used to legitimize military intervention //

//- Condemnation of the US policy of pre-emptive preventive attack and the US-led invasion and occupation of Iraq and Afghanistan; Building of solidarity with the people of Iraq and Afghanistan in their resistance against occupation;//
//- Support for Palestinian peoples struggle for establishment of a viable independent State of Palestine with East Jerusalem as its capital alongside Israel; removal of the wall being built by the state of Israel; //

//- opposition to the use of the so-called war on terrorism as a pretext for violating national sovereignty of other nations, for suppressing the legitimate struggles of nations for self determination, for limiting civil and political rights and for violating of human rights. //

- //

WORDING PROPOSED BY CUBAN DELEGATION- PROPOSED
TRANSLATION OF SPANISH VERSION

- Ending of the forty-four year old US blockade against Cuba and condemnation of the increased aggression of the present US Administration against Cuba.

- Exonerating and releasing of the unfairly condemned five Cuban anti-terrorist fighters (concerned about the present development and conclusion of the appeal and hope that the outcome after March 10th hearing will be that the court will act with independence and objectivity and absolve the Cuban//

Constitution of a working group to follow up the work of the tribunal to judge the economic crimes that create war

Joan Russow (Ph.D)

For about forty years I been concerned about the complexity and interdependence of issues and have worked

- to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to health care, right to education and social justice;
- to enable socially equitable and environmentally sound employment;
- to achieve a state of peace, justice and security;
- to create a global structure that respects the rule of law; and
- to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose reduce the ecological footprint and move away from the current model of over-consumptive development.

have lectured widely on the interdependence of issues, and particularly on the need for the implementation of international law nationally and locally.

Former lecturer in Global Issues at the University of Victoria, Canada

Masters Degree in Education , developed a method,. "Principle based education"--Issue-principle analysis", of teaching human rights linked with peace, social justice and environment issues. "Principle-based education...", was based on international principles drawn from international legal instruments.

Doctorate in Interdisciplinary studies addressing, in dissertation on the problem of expressing and communicating complexity and on the need to move away from simplistic models imposed on thought.

1997-2001- National leader of the Green Party of Canada, ran in three elections. Left in disgust over the elected German Greens supporting the NATO bombing of Yugoslavia

INTERNATIONAL EXPERIENCE

*Attended UN conferences, as a member of accredited NGO :
Prep Com New York for UNCED - (United Nations Conference on Environment and Development (UNCED Rio ,1992); the Women's Conference (1995) - drafted an Alternative Earth Charter and worked on the NGO Earth Charter

- submitted an analysis of human rights instruments for the Vienna Conference 1993

*Attended prep coms for the UN Conference on Women: Equality

-For the UN Women's conference, received a CIDA grant to survey 50 years of
(i) obligations incurred through Conventions, treaties and covenants,
(ii) expectations created by General Assembly Resolutions and
(iii) commitments made through Conference Action plans. From these international instruments, extracted the strongest statements that governments had agreed to in the area of peace, environment social justice, labour and human rights. The statements were compiled in a 350 page "Charter of Obligations" and officially distributed to every state delegation at the Conference in Beijing.

- prepared a Charter with all the member states of the UN, with a list of human rights agreements, peace, and environment and documented which states had signed and ratified different instruments

* Participated in Habitat II (1996). in Istanbul

-chaired the NGO committee on Urbanization, and served as an editor of NGO statements on peace, human, environment and social justice.

- prepare a 178 page document "Habitat II: moving beyond Habitat ! and circulated it to member states

-presented a statement, to the UN Committee II meeting of all the member states of the UN, calling upon governments to significantly reduce the military budget (50%) and transfer the peace dividend into socially equitable and environmentally sound development. Presented a statement at the "partnership meeting with Industry" on the need for Mandatory International Normative standards drawn from International principles to drive industry to socially equitable and environmentally sound development.

* Participated in Rio +5 prep com in New York- worked on document linking commitments from UNCED with subsequent commitments from World Conference on Human Rights, ICPD, Beijing Platform of Action, Habitat II Agenda.

* Participated in Rio +5 conference in New York - wrote and circulate a critique of Canada's environmental rhetoric and worked in various caucuses

* Participated in Beijing +5 in New York 2000 worked with various caucuses

* Participated in Habitat +5 in New York 2001, worked with various caucuses

* Participated in WSSD - did an analysis of WSSD bracketed sections in the context of previous international obligations, commitments and expectations, and

prepared a dictionary of terms examining the evolution of terms like "security" and "threat" etc.

OTHER:

- Participated in the Biodevastation ! conference on Genetically Engineered Foods and Crops in St Louis- drafted a Bio-devastation Declaration calling for the Banning of GE foods and Crops- Declaration was adopted by the plenary at Conference.
- Participated in Vandana Shiva's Bio-devastation II Conference, drafted a Global resolution banning GE foods, Biopiracy, and patenting of life forms and advocating a fair and just transition program for farmers and communities affected by the proposed ban, and a promotion of ecologically sound farming practices..
- Drafted a proposal for a UNGA resolution calling for the Banning of GE foods and crops, and circulated it at international meetings Beijing +5, Habitat +5 and WSSD, and drafted an "Alternative Biosafety" protocol
- ran in three Canadian elections calling for banning and raised the issue that the Green peace et al call for "labeling" addresses the issue of the "right to know" but did not address the environment,- genetic pollution through drift and problem of "Adventitious" material; equity--not everyone can afford to buy organic, and economic--. Labelling

ANTI-GLOBALIZATION ACTIVITIES

*MAI

- April drafted a treaty proposal to counteract the MAI
- campaigned as the National leader of the Green Party against the MAI

*APEC BC 1997

- November 1997 Revised the MAI Treaty as a Citizen's Treaty of State and Corporate Compliance: Nemesis of APEC
- November 1997 Attended sessions at the Peoples Summit at APEC
- complainant in the RCMP APEC hearing

* WTO

- participated in anti-WTO rally in Seattle
- updated Treaty - anti-WTO Citizen's Treaty as Public Trust Treaty

* G8 meeting in Kanaskis 2002

- updated treaty

AFFILIATION

Current:

- * Member of UNESCO (Canadian division) Working Group on Science and Ethics.

Worked on a content analysis of the UNESCO 5year proposal, placing document in context of international obligations and commitments-- in preparation for the US rejoining UNESCO

*Coordinator of the Global Compliance Research project: a project examining the interdependence of peace, environment, human rights, and socially equitable and environmentally sound development., and documenting lack of compliance. Proposed an International Court of Compliance in 1995 --a court linked with the ICJ- where citizens could take evidence of state and corporate non-compliance with international law.

Initially, for the UN Conference on Women, there were women from about 60 states supporting the project.

*Members of the IUCN (World Conservation Union) Commission on Education and Communication Participated in IUCN AGM in 1994 in Argentina. Drafted with others, a Resolution condemning forest practices in Canada and US - and calling for the preservation of a network of old growth forests as World Heritage sites (resolution passed with only one country abstaining Canada. Lobbied against increased corporate intrusion into IUCN

-Participated in IUCN AGM in Montreal- in 1996- continued to oppose corporate intrusion, and worked on an emergency resolution on the implementation of the International Court of Justice decision that the use of the threat to use nuclear weapons was contrary to international humanitarian law (resolution did not pass)

*Director, Council of Canadian (Victoria Branch) . recently drafted a resolution on Common Security (Olaf Palme's concept of redefining security in terms of peace, human rights, and social justice) - opposing current proposal for military integration with US

* Director, Victoria Peace Centre- groups that launched a court case against the circulating and berthing of nuclear powered and nuclear capable vessels in Canadian waters and Canadian ports

* Vienna representative for the Canadian Voice of Women for Peace (recent not yet attended meetings in Vienna)

Former

- Co- founder of the Vancouver Island Human Rights Coalition, former director, Capital Region Race Relations Association and Coalition Against Racism

- Founder and chair of the International Affairs Caucus of the British Columbia Environmental Network

- Former Director of the United Nations Association

The Conference on Peace and international Security held in Puebla. February 26-28, 2004 recognizes the urgency of the Global situation is such that inaction is negligence.

We demand the following:

Strengthening the Charter of the United Nations and increasing the authority of the UN General Assembly.

Global disarmament and the disbanding of all military alliances.

Total abolition of nuclear weapons and other weapons of mass destruction.

Condemnation of the imperial US policy of pre-emptive attack and the US filed invasions and occupations of Iraq and Afghanistan; Building of solidarity with the peoples of Iraq and Afghanistan in their resistance against occupation.

Ending the U.S. blockade against Cuba and exonerating and releasing the five Cuban patriots illegally imprisoned by the U.S. government.

Support for Palestinian peoples struggle for establishment of a viable independent State of Palestine with East Jerusalem as its capital alongside Israel; Removal of the wall being built by the state of Israel.

Opposition to all targeting and destabilizing of states such as Iran, Syria, Cuba, DPR Korea, Haiti, Colombia and Venezuela.

Opposition to the use of the so-called war on terrorism as a pretext to violate national sovereignty of other nations, suppress the legitimate struggles of nations for self determination, limit civil and political rights and violate human rights.

Protection of the rights of migrant workers; through the enactment of legislation that conforms to the International Labour Organization standards, and compliance with the Convention for the elimination of all forms of racial discrimination against migrant workers; Signing and ratifying and complying with

the Convention for the protection of migrant workers and their families; Granting amnesty for all undocumented workers especially in the U.S. and Canada.

Recognition that true international security is common security ñ guaranteeing civil and political rights, and human rights, preventing war and conflict, protecting the environment, and ensuring social justice.

Reduce military expenses and reallocate resources to achieve global social justice; Reversal of privatization, The provision of water as a right and opposition to its sale as a commodity; Assurance of a safe environment; Cancellation of third world debt, Abrogation of NAFTA, and the end of all further negotiations on the FTAA

-

[Recognition of the contribution of the United Nations in the development of international law through Conventions, treaties, declaration and resolutions]AI

There were two slightly different final versions of the final English part. I attempted to make sure that significant changes in what Darrel described as the final version were respected.

I added all the changes that were discussed on Saturday at our negotiating meeting. Manuel from Cuba wrote in English what he wanted included. I rephrased it to fit into the format.

I rearranged a suggestion for the order. I know that you had an idea of a better sequence and groupings and there was not enough time to address the sequence.

Legend of symbols:
// deletions as agreed
CAPITALS - my comments
[my suggestions]

Re: international.

I had also undertaken to work on the international section that was in the Spanish version. I have included two [] sections from the Spanish text.

Joan

() 2004 FAX: TRANSMISSION

NAME: Hon Irwin Cutler
Minister of Justice and Attorney General of Canada

NO.OF PAGES, INCLUDING COVER : 8

MESSAGE

Please give this your immediate attention.

SENDER Dr. JOAN RUSSOW

1230 St.Patrick St.
Victoria, B.C. V8S 4Y4
1230 St Patrick
September 23, 2004

Hon Irwin Curler
Minister of Justice and Attorney General of Canada,
Justice Building 4th floor
284 Wellington St.
Ottawa,, On., K1A 0H8

cotlerl@parl.gc.ca
Fax 1 613 9907255

Dear Minister Cutler,

At least since 1997, I have been on an RCMP threat assessment list. I found out about this fact inadvertently during the release of documents during the APEC inquiry. Although I have often been a strong critic of government policy and practices, I have never been arrested and I have never been a threat to any person or to any country. .

I have a Masters Degree in Curriculum Development, introducing principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law. I have a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the University of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria and the Vancouver peace Society, and I am a member of the IUCN Commission of Education and Communication and the Canadian UNESCO Sectoral Commission on Science and Ethics. I am the author of the Charter of Obligations - 350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through UN. General Assembly Declarations and Resolutions related to the public trust or common security (peace, environment social justice and human rights). I had attended international conferences as a member of an accredited NGO or as a representative of the media. From April 1997 to March 2001, I was the Federal leader of the Green Party of Canada,

However, as an activist from India once stated: nothing is more radical than asking governments to live up to their obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments, and expectations is a threat to the country, then I am a threat to Canada. However under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years. I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. I obtained unsatisfactory and evasive responses from the RCMP, CSIS, Privy Council, PMO,

SIRC with exemptions under various section being cited such as "information cannot be released for military and international security reasons".

After being refused media access to the APEC conference, I filed a complaint with the RCMP Commission in January, 1998. In my complaint I pointed out to the RCMP officers who interviewed me, that I suspected that there had been a directive from the Prime Minister's office because his office had pulled the pass of a journalist from Reuters because she had asked a probing question at an APEC press Conference. [I had upset Prime Minister Chretien when in the 1997 election I asked him to address the issue of Canada's failure, in many cases, to enact the necessary legislation to ensure compliance with international law]. I was, however, never allowed to appear before the Commission even though the commissioner was aware that there was a directive from the PMO to prevent me from attending the Conference. [an RCMP document in 1998 indicated that the media accreditation desk had received instruction from a Brian Groos from PMO to pull my pass after it had been issued]. I even spoke several times to the lawyers acting for the Commission and to Commission Hughes about my case. I was not even able to appear, even though I pointed out that a constable from the Vancouver police had made a statement, on the stand, that I had behaved inappropriately on a media bus going out to UBC during APEC. Her statement was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference. After the APEC conference, in February 1998 I had a petition placed on the floor of the House of Commons calling for an investigation into the Canadian Government's disregard for the International Covenant on Civil and Political Rights and in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms or addressed under the Canadian Human Rights Act. .

In September 1998, it was brought to my attention that I had been placed on an RCMP APEC threat assessment list of "other activists" . The placing of the leader of a registered political party on a threat assessment became a media issue and was reported widely across the country through CBC television, through CBC radio, and through the *National Post* and its branch papers in 1998. The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I} My being placed on a threat assessment list coincided with the announcement that the leader of the German Green party, Joska Fischer's being named foreign Minister .

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and a new response was devised by the Privy Council for the Solicitor General to diffuse any questions from the Opposition [document accessed through A of I].

In August of 2001 there were a award-winning series of article, in the National Post and its Affiliates on the *Criminalization of Dissent*. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther King's accompanied the article. In the Times Colonist in Victoria the series generated much comment. Although most of the comments were supportive, many citizens were convinced that there must have been a valid reason for placing me on a threat list. One of the reasons may have been that during the 2000 election, a campaign worker in

David Anderson's office had circulated a press release claiming that I was under investigation by Elections Canada, and two days before the election this press release was the top news item on the principal AM station in Victoria. [an affidavit by a relative of another campaign worker in David Anderson's office, had been filed with Elections Canada; Elections' Canada had immediately dismissed the complaint and on election Day the AM station issued a retraction but the damage was irreversible].

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case of defamation of Character against various federal government departments. I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Attorney General's office has been remiss in not advising the Federal government that "politics" is a listed ground under the ICCPR and should have been included in the Charter of Rights and Freedoms. When I raised the fact that "politics" is a recognized ground, internationally, the lawyer from the Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory. When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to Information requests. I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that collected by a recognized body under statutory provisions. In addition, there was the constant exemption related to military and international security.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of politics - a ground that is included in the International Covenant on Civil and Political Rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged, and I have had to continue live under the stigma of being a "threat to Canada".

The sequence of events and the myriad of frustrating fruitless government processes have left me disillusioned with politics and in particular with the unethical abuse of political power.

POTENTIAL CONSEQUENCES OF ENGAGING IN SUSTAINED LEGITIMATE DISSENT, AND OF BEING PLACED ON A THREAT ASSESSMENT LIST

In 2002, there was an article that appeared across the country about the launching of my court case, and about my concern at being deemed a security risk. I mentioned the stigma

attached to my name, and the possibility that any international access might be curtailed, and any employment opportunities, thwarted.

In 1995, I was co-teaching a course in global issues at the University of Victoria, and I received two CIDA grants one for authoring the aforementioned Charter of Obligations for the UN Conference on Women, and the other for an exploratory project on the complexity and interdependence of issues in collaboration with academics in Brazil. On completing my doctorate in January 1996, I had no doubts about my ability to repay my student loan. I have attempted, however, to apply for numerous jobs, and have been continually disappointed.

Apart from two \$500 government grants in the Spring of 1996, I have not earned any income. I incurred a student loan of \$57,000 when I graduated. Twenty thousand of the amounts was granted in remission for community service by the Provincial government. I then still owed \$37,000 to the Federal Government under the Ministry of Human Resources.

I have, however, continued to promote the public trust continually writing and lecturing on common security – peace, social justice, human rights, and the environment,

In 1996, for the Habitat II Conference, I prepared 176-page book in which I placed the Habitat II Agenda in the context of previous commitments made through Habitat 1, and subsequent commitments from conference action plans, obligations from conventions, treaties, covenants, and expectations created through UNGA declarations and resolutions.

When I returned from the 1996 Habitat II conference, I applied for numerous federal grants with no success. Ironically, one of my grant applications was with the Canada Mortgage and Housing Corp under Public Works. I applied for a research grant under one of their categories "Sustainable Development".

The proposed project was the following: A revising of "Sustainable Development" in the context of "sustainable human settlement Development" from principle to policy." This project was linked to the commitments made through the Habitat II Agenda, and brought to a local context with community groups. My grant was refused. The reason for the refusal I found out later through a privacy request was the following:

"IRD Review of Submissions - 1006 External Research Program - The six 1996 ERP submissions that were sent to International Relations Division for review have been evaluated and the results are summarized in the enclosed table."

"All the submissions reviewed were interesting, trade-relevant and were thought likely to generate some added value. Nevertheless, none of these proposals were thought to be sufficiently compelling or well targeted in relation to the Division's current or likely future priorities that we would be prepared to urge that they be supported."

"This [MY PROJECT] is the highest scoring of the proposals reviewed by IRD. This score is largely a reflection of the thoroughness of the proposal and its supporting documentation.

This proposal, however, is marginal in terms of its capacity to support the international commercial endeavours of Canada's housing industry.

IRD cannot support this proposal as it is unlikely to result in any tangible benefit to Canada's housing exporters. " [Note the current relevance when there is a current Commission looking into criteria for projects within the Department of Public Works]

Prior to finding out in 1998 that I was on the threat assessment list, even though I still had not received any income, I decided that I would not declare bankruptcy and renege on my obligation to repay my student loan. Although I was not earning an income, I was continually making grant applications and contributing my time to further the public trust and the respect for international law. I was often part of government stakeholder meetings, and in 1997 I had been asked to review Canada's submission to the UN for RIO +5. I spent several months reviewing the documents and then preparing a 200-page response. Rather than receiving remuneration, I was thanked for my comprehensive submission, and denied a request on my part to participate on the Canadian delegation. I participated, without remuneration, throughout the years as a stakeholder, in conference calls, in meetings, working groups and similar undertakings. I realized one of the repercussions of raising issues during election at all candidates' meetings. At the University all candidates meeting I raised the issue of corporate funding of university; the next day, the University of Victoria, sent a note to the office of the Green Party of Canada stating that I was no longer associated with the university. I had been a sessional lecturer and co-developed the course in global issues. [Subsequently, a global studies section was established with substantial corporate funding.]

I was constantly hounded by credit agencies and I finally decided to write to the Minister of Human Resource, Pierre Pettigrew, in 1998 asking if it was possible to forgive my loan on the basis of my contribution to years of community service [some years earlier Senator Perrault, had proposed that students should be able to repay their loan through community service] and given that I was then 60 years old and my chances for employment were diminishing. He declined. Also, even though, I was then 60, and entitled to my meager Canada pension of \$78 per month on the hope I declined to accept the pension on the hope that I could find work, and thus repay my loan.

In 1998, when I found out that I was on the Threat Assessment list, and when it was well publicized across the country, I realized that my reputation had been sullied and the chances of my finding work was next to impossible

And as reported today, September 23, 2004, the Department of Justice hired Groupaction even after there had been a warning about Groupaction's incompetency sent from the Treasury Board.

When I appeared in the Federal Court in 2002 I was up against an adept lawyer from the Attorney General's office, and I was scolded by the Federal judge for appearing before the court without sufficient particulars. The judge placed me in a conundrum by stating that he would not grant my claim because I did not have sufficient particulars when it was the crown and numerous government departments represented by the Attorney General that had refused to disclose the particulars. I would think that placing a plaintiff in such conundrum would violate a principle of equity under common law. Similarly, a demand by a government department to fulfill an obligation while creating a situation that makes it impossible to fulfill this obligation would perhaps violate a similar principle of equity. I currently have thousands of pages of data related to my case and I have no idea how to proceed.

I feel that I have been discriminated against on the grounds of "political opinion"- both small "p" and large "P" political opinion. . I appeal to you to address, at the highest level, in some way, the years of injustice and discrimination that I have undergone. I know that under the Optional Protocol of the Covenant of Civil and Political Rights- to which Canada is a signatory, that if I have exhausted all domestic remedies I have the right to take my case before the UN Human Rights Commission charged with the implementation of the Covenant. I believe that I am close to having exhausted all domestic remedies available for justice in Canada.

As you said in your address to the Canadian Bar Association, you want to create a culture of justice, and to further the public trust. A culture of justice will only occur in Canada when citizens believe that the public trust is furthered without discrimination on any grounds. .

Yours very truly

Joan Russow (PhD)
1230 St. Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

The following is the WHICH Judge's decision: 5. The s\Statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in *Guetta v the Queen* (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire. (ISN'T SOME OF THIS A DIRECT QUOTE? IF SO, USE MARKS) 4."S (S?) I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned

up further information, the action was a fishing expedition. Indeed , I viewed it as an expensive fishing expedition, which entailed serious allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient. [I pointed out that I was in a conundrum because the lawyer for the Attorney General\ claimed that I did not have sufficient particulars and I responded that after four years of trying, and I showed the 2 inch thick binder, I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the "particulars". The judge's response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in *Guetta v the Queen* (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33 There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

6. THE counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim, sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts.

() THAT I rejoined the NDP

GREEN GOES ORANGE Former federal Green Party leader Joan Russow has joined the New Democratic Party, saying party leader "Jack Layton is a passionate advocate for peace, social justice, the environment and human rights." B.C. voters in particular must unite around the NDP as a strong and effective environmental voice

INDEX

FAX: TRANSMISSION

NAME: Hon Irwin Cutler
Minister of Justice and Attorney General of Canada

NO.OF PAGES, INCLUDING COVER : 8

MESSAGE

Please give this your immediate attention.

SENDER Dr. JOAN RUSSOW

1230 St.Patrick St.
Victoria, B.C. V8S 4Y4
1230 St Patrick
September 23, 2004

Hon Irwin Curler
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Fax 1 613 9907255

Dear Minister Cutler,

At least since 1997, I have been on an RCMP threat assessment list. I found out about this fact inadvertently during the release of documents during the APEC inquiry. Although I have often been a strong critic of government policy and practices, I have never been arrested and I have never been a threat to any person or to any country. .

I have a Masters Degree in Curriculum Development, introducing principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law. I have a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the University of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria and the Vancouver peace Society, and I am a member of the IUCN Commission of Education and Communication and the Canadian UNESCO Sectoral Commission on Science and Ethics. I am the author of the Charter of Obligations - 350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through UN. General Assembly Declarations and Resolutions related to the public trust or common security (peace, environment social justice and human rights). I had attended international conferences as a member of an accredited NGO or as a representative of the media. From April 1997 to March 2001, I was the Federal leader of the Green Party of Canada,

However, as an activist from India once stated: nothing is more radical than asking governments to live up to their obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments, and expectations is a threat to the country, then I am a threat to Canada. However under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years. I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. I obtained unsatisfactory and evasive responses from the RCMP, CSIS, Privy Council, PMO,

SIRC with exemptions under various section being cited such as "information cannot be released for military and international security reasons".

After being refused media access to the APEC conference, I filed a complaint with the RCMP Commission in January, 1998. In my complaint I pointed out to the RCMP officers who interviewed me, that I suspected that there had been a directive from the Prime Minister's office because his office had pulled the pass of a journalist from Reuters because she had asked a probing question at an APEC press Conference. [I had upset Prime Minister Chretien when in the 1997 election I asked him to address the issue of Canada's failure, in many cases, to enact the necessary legislation to ensure compliance with international law]. I was, however, never allowed to appear before the Commission even though the commissioner was aware that there was a directive from the PMO to prevent me from attending the Conference. [an RCMP document in 1998 indicated that the media accreditation desk had received instruction from a Brian Groos from PMO to pull my pass after it had been issued]. I even spoke several times to the lawyers acting for the Commission and to Commission Hughes about my case. I was not even able to appear, even though I pointed out that a constable from the Vancouver police had made a statement, on the stand, that I had behaved inappropriately on a media bus going out to UBC during APEC. Her statement was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference. After the APEC conference, in February 1998 I had a petition placed on the floor of the House of Commons calling for an investigation into the Canadian Government's disregard for the International Covenant on Civil and Political Rights and in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms or addressed under the Canadian Human Rights Act. .

In September 1998, it was brought to my attention that I had been placed on an RCMP APEC threat assessment list of "other activists" . The placing of the leader of a registered political party on a threat assessment became a media issue and was reported widely across the country through CBC television, through CBC radio, and through the *National Post* and its branch papers in 1998. The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I} My being placed on a threat assessment list coincided with the announcement that the leader of the German Green party, Joska Fischer's being named foreign Minister .

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and a new response was devised by the Privy Council for the Solicitor General to diffuse any questions from the Opposition [document accessed through A of I].

In August of 2001 there were a award-winning series of article, in the National Post and its Affiliates on the *Criminalization of Dissent*. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther King's accompanied the article. In the Times Colonist in Victoria the series generated much comment. Although most of the comments were supportive, many citizens were convinced that there must have been a valid reason for placing me on a threat list. One of the reasons may have been that during the 2000 election, a campaign worker in

David Anderson's office had circulated a press release claiming that I was under investigation by Elections Canada, and two days before the election this press release was the top news item on the principal AM station in Victoria. [an affidavit by a relative of another campaign worker in David Anderson's office, had been filed with Elections Canada; Elections' Canada had immediately dismissed the complaint and on election Day the AM station issued a retraction but the damage was irreversible].

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case of defamation of Character against various federal government departments. I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Attorney General's office has been remiss in not advising the Federal government that "politics" is a listed ground under the ICCPR and should have been included in the Charter of Rights and Freedoms. When I raised the fact that "politics" is a recognized ground, internationally, the lawyer from the Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory. When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to Information requests. I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that collected by a recognized body under statutory provisions. In addition, there was the constant exemption related to military and international security.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of politics - a ground that is included in the International Covenant on Civil and Political Rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged, and I have had to continue live under the stigma of being a "threat to Canada".

The sequence of events and the myriad of frustrating fruitless government processes have left me disillusioned with politics and in particular with the unethical abuse of political power.

POTENTIAL CONSEQUENCES OF ENGAGING IN SUSTAINED LEGITIMATE DISSENT, AND OF BEING PLACED ON A THREAT ASSESSMENT LIST

In 2002, there was an article that appeared across the country about the launching of my court case, and about my concern at being deemed a security risk. I mentioned the stigma

attached to my name, and the possibility that any international access might be curtailed, and any employment opportunities, thwarted.

In 1995, I was co-teaching a course in global issues at the University of Victoria, and I received two CIDA grants one for authoring the aforementioned Charter of Obligations for the UN Conference on Women, and the other for an exploratory project on the complexity and interdependence of issues in collaboration with academics in Brazil. On completing my doctorate in January 1996, I had no doubts about my ability to repay my student loan. I have attempted, however, to apply for numerous jobs, and have been continually disappointed.

Apart from two \$500 government grants in the Spring of 1996, I have not earned any income. I incurred a student loan of \$57,000 when I graduated. Twenty thousand of the amounts was granted in remission for community service by the Provincial government. I then still owed \$37,000 to the Federal Government under the Ministry of Human Resources.

I have, however, continued to promote the public trust continually writing and lecturing on common security – peace, social justice, human rights, and the environment,

In 1996, for the Habitat II Conference, I prepared 176-page book in which I placed the Habitat II Agenda in the context of previous commitments made through Habitat 1, and subsequent commitments from conference action plans, obligations from conventions, treaties, covenants, and expectations created through UNGA declarations and resolutions.

When I returned from the 1996 Habitat II conference, I applied for numerous federal grants with no success. Ironically, one of my grant applications was with the Canada Mortgage and Housing Corp under Public Works. I applied for a research grant under one of their categories "Sustainable Development".

The proposed project was the following: A revising of "Sustainable Development" in the context of "sustainable human settlement Development" from principle to policy." This project was linked to the commitments made through the Habitat II Agenda, and brought to a local context with community groups. My grant was refused. The reason for the refusal I found out later through a privacy request was the following:

"IRD Review of Submissions - 1006 External Research Program - The six 1996 ERP submissions that were sent to International Relations Division for review have been evaluated and the results are summarized in the enclosed table."

"All the submissions reviewed were interesting, trade-relevant and were thought likely to generate some added value. Nevertheless, none of these proposals were thought to be sufficiently compelling or well targeted in relation to the Division's current or likely future priorities that we would be prepared to urge that they be supported."

"This [MY PROJECT] is the highest scoring of the proposals reviewed by IRD. This score is largely a reflection of the thoroughness of the proposal and its supporting documentation.

This proposal, however, is marginal in terms of its capacity to support the international commercial endeavours of Canada's housing industry.

IRD cannot support this proposal as it is unlikely to result in any tangible benefit to Canada's housing exporters. " [Note the current relevance when there is a current Commission looking into criteria for projects within the Department of Public Works]

Prior to finding out in 1998 that I was on the threat assessment list, even though I still had not received any income, I decided that I would not declare bankruptcy and renege on my obligation to repay my student loan. Although I was not earning an income, I was continually making grant applications and contributing my time to further the public trust and the respect for international law. I was often part of government stakeholder meetings, and in 1997 I had been asked to review Canada's submission to the UN for RIO +5. I spent several months reviewing the documents and then preparing a 200-page response. Rather than receiving remuneration, I was thanked for my comprehensive submission, and denied a request on my part to participate on the Canadian delegation. I participated, without remuneration, throughout the years as a stakeholder, in conference calls, in meetings, working groups and similar undertakings. I realized one of the repercussions of raising issues during election at all candidates' meetings. At the University all candidates meeting I raised the issue of corporate funding of university; the next day, the University of Victoria, sent a note to the office of the Green Party of Canada stating that I was no longer associated with the university. I had been a sessional lecturer and co-developed the course in global issues. [Subsequently, a global studies section was established with substantial corporate funding.]

I was constantly hounded by credit agencies and I finally decided to write to the Minister of Human Resource, Pierre Pettigrew, in 1998 asking if it was possible to forgive my loan on the basis of my contribution to years of community service [some years earlier Senator Perrault, had proposed that students should be able to repay their loan through community service] and given that I was then 60 years old and my chances for employment were diminishing. He declined. Also, even though, I was then 60, and entitled to my meager Canada pension of \$78 per month on the hope I declined to accept the pension on the hope that I could find work, and thus repay my loan.

In 1998, when I found out that I was on the Threat Assessment list, and when it was well publicized across the country, I realized that my reputation had been sullied and the chances of my finding work was next to impossible

Since 1998, I have been constantly harassed by credit agencies every two weeks and sometime even more often. In 2004, I wrote another letter to the Jane Stewart, the then Minister of Human Resources, indicating that for "unforeseen and unexpected" reasons I would not be able to repay my loan citing the fact that my being placed on a threat assessment list, the wide publication of this fact, and the stigma attached to being placed on

the list prevented me from fulfilling my obligations. I received a phone call from Minister Stewart's office, and was told to deal with the Collection agencies.

With interest I now owe \$167,000. August 2004, I received a phone call from a law firm in Victoria about the Attorney General's taking me to court about the loan, and that a notice would be served to me around mid August. I phoned Human Resources and appealed to them again and they arranged with the law firm that I could have until October 15 to prepare my case.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked, against me, exemption clauses of "military and international security" have been discredited.

This list would include:

- (i) Robert Fowler as Deputy Minister of Defence- the originator of the infamous list of groups that the military should not belong to. This list, which was reported in Now magazine, included a category of social justice and human rights groups including mainline Christian and Jewish organizations, and another category of groups that have a greater bond among their members than to their country; this category included the Green Party and the Raging Grannies.
- (ii) Andy Scott, for prejudging the APEC inquiry;
- (iii) McCauley for accepting benefits;
- (iv) Radwanski for misappropriation of funds;
- (v) Gagliano for his potential involvement in the Sponsorship scandal;
- (vi) Jean Chretien for his potential involvement in the Sponsorship scandal;
- (vii) Howard Wilson for potential bias and not "speaking truth to power".

And as reported today, September 23, 2004, the Department of Justice hired Groupaction even after there had been a warning about Groupaction's incompetency sent from the Treasury Board.

When I appeared in the Federal Court in 2002 I was up against an adept lawyer from the Attorney General's office, and I was scolded by the Federal judge for appearing before the court without sufficient particulars. The judge placed me in a conundrum by stating that he would not grant my claim because I did not have sufficient particulars when it was the crown and numerous government departments represented by the Attorney General that had refused to disclose the particulars. I would think that placing a plaintiff in such conundrum would violate a principle of equity under common law. Similarly, a demand by a government department to fulfill an obligation while creating a situation that makes it impossible to fulfill this obligation would perhaps violate a similar principle of equity. I currently have thousands of pages of data related to my case and I have no idea how to proceed.

I feel that I have been discriminated against on the grounds of "political opinion"- both small "p" and large "P" political opinion. . I appeal to you to address, at the highest level, in some

way, the years of injustice and discrimination that I have undergone. I know that under the Optional Protocol of the Covenant of Civil and Political Rights- to which Canada is a signatory, that if I have exhausted all domestic remedies I have the right to take my case before the UN Human Rights Commission charged with the implementation of the Covenant. I believe that I am close to having exhausted all domestic remedies available for justice in Canada.

As you said in your address to the Canadian Bar Association, you want to create a culture of justice, and to further the public trust. A culture of justice will only occur in Canada when citizens believe that the public trust is furthered without discrimination on any grounds. .

Yours very truly

Joan Russow (PhD)
1230 St. Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

The following is the Judge's decision:in my case 5. The s\Statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in *Guetta v the Queen* (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33>” There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire 4."S (S?) I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed , I viewed it as an expensive fishing expedition, which entailed serious allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient. [I pointed out that I was in a conundrum because the lawyer for the Attorney General\ claimed that I did not have sufficient particulars and I responded that after four years of trying, and I showed the 2 inch thick binder, I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the "particulars". The judge's response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in *Guetta v the Queen* (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at

page 33 There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

6. The counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim, sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts". S

*PEJ [FORMER GREEN LEADER FEARFUL OF GREENS HELPING ELECT RIGHT-WING GOVERNMENT](#)
[Justice News](#)



Sunday, 13 June 2004 07:46

Greens could contribute to the election of a militaristic right-wing government in Canada. Currently the right-wing Conservative Party is leading the polls at 34 %, the Liberal Party- center right is at 31 %, the NDP-progressive left party is at 17%, and the Green party is at 7% of decided voters. The worst scenario will be a majority Conservative government.

The Conservative Party supported the invasion of Iraq, the Ballistic Missile defence, abandoning Kyoto, extensive increase in the Military budget, has many anti-choice members, and generally opposed to "judicial activism" - Supreme Court rulings protecting minority rights.

I left the Green Party and have come out in support of the NDP the most progressive party that has a chance of electing members of Parliament. Although the Green Party declares that it is neither left nor right; it will hurt the left party, the NDP.

When the environmental Platforms of the NDP and the Green Party are compared, the NDP is calling for the reversal of the trend of reliance on voluntary measures, to move to mandatory regulatory regimes, while the Green Party has come out in support of ISO 14000-a scheme of voluntary compliance crafted by industry to counter mandatory regulatory regimes.

It is doubtful that the Greens will win any seats but they will prevent the NDP from electing members in tight ridings. , or the Greens could even contribute to the NDP losing its Party Status in Parliament, which would mean that there will be no real voice for peace in Parliament.

The best hope that we have now is a minority Liberal government with the NDP holding the balance of power.

Joan Russow

Canada would become an international pariah under a majority Conservative government

If the Conservatives form a majority government, Canada could become an international Pariah. Harper appears to be willing to discard obligations incurred through international covenants, treaties and conventions, and abandon commitments made at international conferences. The Conservatives are perpetuating the myth that Canada has international credibility though increasing its military capacity.

For years Canada along with other member states of the United Nations made a commitment to reallocate military expenses, and transfer the peace dividend to global social justice. International credibility depends on Canada's international contribution to common security or to the public trust

(i) guaranteeing Human rights including, international civil and political rights, and social economic and cultural rights- right to social service, medical care, education, right to housing , right to food- , labour rights, women's rights,

(ii) preventing war and conflict- reallocating the military budget, condemning the policy of pre-emptive or retaliatory aggression, ending the arms trade, and by advocating "common security"-peace, human rights, environment and social justice- not military security- such as ballistic missile defence mechanisms or "human security which has been used as a means for legitimizing "humanitarian military invasions"

(iii) fulfilling the commitment to provide .7 % of the GDP for overseas aid and development, and calling for the cancellation of "third world debt"

(iv) ensuring that corporations comply with international law, and revoking charters and licences of corporations that violate human rights, destroy the environment, deny social justice and contribute to war and conflict

(v) Respecting the rule of law, and recognizing the jurisdiction and decisions of the International Court of Justice

(vi) Signing and ratifying international instruments and enacting the necessary legislation to ensure compliance

(vii) Not reneging on previous international instruments- Kyoto is the protocol linked to the Framework Convention on Climate change, that was signed by Prime Minister Mulroney in Rio in June 1992, and ratified by Mulroney in December 1992

(viii) Respecting the inherent worth of nature beyond human purpose as agreed by Canada in the 1982 UN GA resolution "World Charter of Nature" and the Commitment made at Habitat II to reduce the Ecological Footprint.

(ix) Implementing long standing commitments made even as far back as UNCHE 1972, and Habitat I1976, to provide safe environmentally sound energy and public transportation

(x) Discontinuing the export of Canadian uranium which in many cases has contributed to the development of nuclear arms in defiance of the commitment made in Stockholm to prevent the production, of weapons of mass destruction, and end the export of CANDU reactors.

(xi) Prohibiting the circulating and berthing of nuclear powered, and nuclear arms capable vessels in Nova Scotia and British Columbia,

(xii) Invoking the precautionary principle which states that where there is a threat to the environment or human health lack of full scientific certainty should not be used as a reason for postponing measures to prevent the threat. Thus, preventing substances and practices that are harmful to human health or the environment

(xiii) Discontinuing the Canadian practice of using Trade agreements to undermine the resolve of developing countries to refuse to import Canadian produced genetically engineered foods, and other harmful products such as Asbestos

(xiv) Preventing discrimination by fully implementing the International Convention on the Prevention of all Forms of Racial Discrimination, and the Convention to Eliminate all forms of Discrimination Against Women, along with the commitment in the Beijing Platform of Action and the reproductive rights provisions in the International Conference on Population and Development.

(xv) Advocating the dissolution of the UN Security Council which violates a fundamental principle in the Charter of the United Nations- the principle of sovereign equality. and calling for the strengthening of the role of the UN General Assembly which embodies the principle of state equality

(xvi) Advocating the disbanding of NATO, and dismantling of NORAD

(xvii) Establishing a mechanism whereby an external all party appointed Auditing body, which could assess the legitimacy of government policy expenditures. Such as over 5 billion being spent by both Conservative and Liberal governments on subsidizing civil nuclear energy,

Canada has increasingly lost respect internationally not because it has failed to support the US-led recent military intervention, but because Canada is increasingly perceived to be a lackey of the United States. With Harper, as Prime Minister Canada will become indistinguishable from the US.

Joan Russow PhD
Global Compliance research Project
1 250 598-0071

() THAT in 2004 on June 28, I wrote the following:

2004 ANDERSON ARROGANCE

Date: Mon, 28 Jun 2004 22:00:43 -0700
To: checkup@cbc.ca
From: Joan Russow <j.russow@shawlink.ca> Subject: ANDERSON
ARROGANCE

2004 ANDERSON ARROGANCE

DAVID ANDERSON BARELY WON THE VICTORIA RIDING WITH 2000 VOTES OVER THE NDP CANDIDATE DAVID TURNER, AND ALMOST 80% OF ELIGIBLE VOTERS IN THE VICTORIA RIDING DID NOT SUPPORT DAVID ANDERSON

IN HIS NATIONALLY TELEVISED VICTORY SPEECH, HOWEVER, HE PROCLAIMS THAT THE LIBERALS WILL MAKE NO CONCESSIONS AND GOVERN AS THOUGH THEY HAD A MAJORITY. MARTIN IN THE LAST MOMENTS OF THE CAMPAIGN APPEALED TO ALL PROGRESSIVES TO ABANDON THE NDP AND VOTE LIBERAL.

OVER 75% OF CANADIANS SURVEYED INDICATED THAT THEY WANTED A LIBERAL MINORITY WITH NDP HOLDING THE BALANCE OF POWER.

THE LIBERALS HAVE NO OTHER MANDATE THAN TO WORK WITH THE NDP

JOAN RUSSOW
VICTORIA, 1 250 598-0071
Date: Mon, 28 Jun 2004 22:07:53 -0700
To: Alan Rycroft <rycroft@islandnet.com> From: Joan Russow
<j.russow@shawlink.ca> Subject: ANDERSON ARROGANCE

Hi Al

I sent this to Cross Country Check-up

Joan

ANDERSON ARROGANCE

DAVID ANDERSON BARELY WON THE VICTORIA RIDING WITH 2000 VOTES OVER THE NDP CANDIDATE DAVID TURNER, AND ALMOST 80% OF ELIGIBLE VOTERS IN THE VICTORIA RIDING DID NOT SUPPORT DAVID ANDERSON

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JOAN RUSSOW
VICTORIA, 1 250 598-0071

JULY JULY 2004

*PEJ [SUGGESTED TALKING POINTS FOR KERRY'S SPEECH](#)



[Justice News](#)

Wednesday, 28 July 2004 07:36

Talking points for Kerry's speech

The time for compromise has passed the Democrats need to be a progressive and principled alternative. The following are suggested talking points that will distinguish the Democrats from the Republicans

SUGGESTIONS FOR KERRY'S SPEECH: REAL GLOBAL SECURITY

BY JOAN RUSSOW
GLOBAL COMPLIANCE RESEARCH PROJECT

- to enact and enforced the necessary legislation to ensure compliance with obligations incurred through international agreements that promote common security - peace, human rights, social justice and the environment

-To support the disbanding of NATO, to abandon NORAD and insecurity schemes such as the Ballistic missile defence, and to promote "Common security" -peace, environment, human rights, and social justice

- to close its 725 global military bases

- - to end the circulation and berthing of nuclear powered and nuclear arms capable vessels

- to propose that at least a 50% of the global military budget be transferred into global social justice

- to end the production of arms, and in particular to end the production of weapons of mass destruction [as agreed at the UN Conference on Humans and the Environment 1972} , and institute a fair and just transition for affected workers and communities

- to discontinue the policy of pre-emptive/preventive attack
- to condemn the preventive/pre-emptive attack on Iraq, to call for the immediate withdrawal of all foreign troops from Iraq, to pay for all reparation of Iraq while acknowledging that there is no way to fully repair the serious health, environmental, social, and psychological consequences of war

- to cancel third world debt

- to provide .7% of GDP for overseas development aid as agreed in numerous international agreements

- to recognize that poverty, lack of appropriate health care, water, education etc., of course are all linked to WTO, IMF and WB policies, and are the root causes of overpopulation

- To abrogate NAFTA end further negotiations on the FTAA and call for the dismantling of the WTO

- to opposed voluntary corporate compliance regimes such as ISO 14000, establish Mandatory regulations to drive industry and revoke licences of corporations that violate human rights, destroy the environment, deny social justice, and contribute to war and conflict

- to ensure a publicly funded not for profit, non two tier health care system, while addressing environmentally induced diseases, and poverty related health problems

- to institute an immediate ban on all genetically engineered foods, crops, and animals; and prohibit all further approval of genetically engineered foods and crops

- * to embark upon the immediate removal of GE foods from grocery shelves;

- to ban the export of Living Modified Organisms, and in the transition require zero tolerance for ?adventitious? material- LMO residue in containers of non ?GE food to propose a UN General Assembly Resolution calling for the banning of GE food and crops and LMOs, and to expose the Biosafety Protocol as primarily a trade agreement not an agreement to protect health, equality or the environment.

- * to support and promote organic farming and other ecologically sound agriculture

- * to implement a fair and just transition program for farmers and communities affected by the ban

- to advance the proposal at the UN that the UN Security Council should be dissolved, and mandatory power be given to the UN General

Assembly - which reflects the sovereign equality of all states to support UN General Assembly resolutions such as those condemning the US for the blockade against Cuba, and those condemning Israel for illegal wall construction

- to recognize the jurisdiction of the International Court of Justice and to abide by its decisions

- to support the listing of new grounds ? against which there shall not be discrimination- in International human rights instruments?

- to ratify the International Covenant of Social, Economic and Cultural rights and to enact legislation to ensure compliance

- - to settle indigenous rights and to respect the sovereign right to govern in the context of international common security obligations and commitments

- to sign and ratify the Convention for the protection of Migrant workers and their families, and enact the necessary legislation to ensure compliance

- to end the ubiquitous global intrusion of fundamentalist Christians

- to ensure labour rights, including the right to strike and the equal pay for work of equal value principle ,the fair and just transition principle and support the ILO (International Labour Organization)

- to move away from car dependency, as agreed in Habitat II, and transfer funds for urban public transportation

- - to phase out civil nuclear energy, and fossil fuel dependency, and subsidize environmentally sound renewable energy

- to reduce Green house gas emissions, and discharge obligations under the Framework Convention on Climate change, and its Protocol-the Kyoto Protocol

- to discontinue the mining of uranium, and institute a fair and just transition program for uranium miners and their families.

- To discontinue the logging of old growth forests, end the export of raw logs and embark on value added program

- To ensure the human right to safe drinking water, and propose the closure of all industrial operations that contribute to the pollution of water

- To establish a national program that prevents the release of untreated sewage into water bodies

- To invoke the precautionary principle as a fundamental basis of all policy [the precautionary principle reads Where there is a threat to human health or the environment, the lack of full scientific certainty shall not be used as a reason to postpone measures to prevent the threat.]

- to prevent all further corporate funding of universities, to permit students to repay loans through community service, establish grant programs, and institute principle-based education as a means of

teaching issues in the classroom [elementary and secondary]

Proposed by Joan Russow (PhD)

1 250 598-0071

Never avoid the best because others claim it is the enemy of the good.

Credibility is standing up for principled change, not being "reasonable" and compromise

[Never Again; nuclear vessel "visits"](#)



[Justice News](#)

Wednesday, 28 July 2004 04:34

NEVER AGAIN: CIRCULATING AND BERTHING OF US NUCLEAR POWERED OR NUCLEAR ARMS CAPABLE VESSELS. Recently, the USS Abraham Lincoln -the vessel from which Bush declared the end to the US-invasion of Iraq- berthed in the harbour of Greater Victoria.

The intrusion into Canadian waters by U.S. nuclear powered and nuclear arms capable vessels contravenes obligations to prevent disasters, commitments to eliminate weapons of mass destruction, and a decision by the International Court of Justice.

NEVER AGAIN: CIRCULATING AND BERTHING OF US NUCLEAR POWERED OR NUCLEAR ARMS CAPABLE VESSELS.

RE: USS Abraham Lincoln - THE LAST TIME

Nuclear powered and nuclear arms capable vessels; a floating target and a disaster in waiting.

The intrusion into Canadian waters by U.S. nuclear powered and nuclear arms capable vessels contravenes obligations to prevent disasters, commitments to eliminate weapons of mass destruction, and a decision by the International Court of Justice.

PREVENTING DISASTER

Under the Convention on Natural Disasters (1994) , governments enlarged the concept of natural disaster prevention to include Na-techs technological disasters and placed an emphasis on the imperative of developing:

" a global culture of prevention as an essential component of an integrated approach to disaster reduction".

And acknowledged that

?. Disaster response alone is not sufficient, as it yields only temporary results at a very high cost. We have followed this limited approach for too long.
... Prevention contributes to lasting improvement in safety and is essential to integrated disaster management? .

The Convention also affirmed the commitment to developing Disaster prevention is also closely linked to the precautionary principle which reads: where there is a threat to the environment lack of full scientific certainty shall not be used as a reason for postponing measures to prevent the threat.

There are few activities that have the potential of a disaster more than the berthing of nuclear powered and nuclear-arms capable vessels in an urban harbour.

REDUCING AND ELIMINATING OF NUCLEAR ARMS

Recently, the US Congress passed a bill to spend \$450 billion on nuclear programmes and Ballistic Missile Defence.

This programme defies a long- term commitment made in Stockholm in 1972 to eliminate the production of weapons of mass destruction:
...to reach prompt agreement in the relevant international organs on the elimination and complete destruction of such weapons (UNCHE, 1972, Principle 26) and more specifically an obligation under Article VI of the Non-Proliferation Treaty.

Article VI: commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament.

It is obvious that US has abandoned all obligations and commitments to reduce its arsenal of nuclear weapons, including those carried by nuclear powered vessels.

PHASING OUT CIVIL NUCLEAR ENERGY

At the United Nations Conference on the Environment and Development (UNCED) the harm of high-level waste was acknowledged by all member states of the United Nations:

"high-level waste (as well as spent nuclear fuel destined for final disposal) is generated world-wide from nuclear power production. These volumes are increasing as more nuclear power units are taken into operation, nuclear facilities are decommissioned and the use of radionuclides increases. The high-level waste contains about 99 percent of the radionuclides and thus represents the largest radiological risk "

Also at UNCED in a Nobel Laureate Declaration there was a call for the phase-

out of nuclear energy .

The nuclear powered vessels could be described as a floating Chernobyl, an accident in waiting.

ELIMINATING A THREAT TO HUMANITARIAN LAW (ICJ DECISION)

In the 1983 UN General Assembly resolution, "Condemnation of Nuclear War" governments condemned unconditionally that : "nuclear war as being contrary to human conscience and reason, as the most monstrous crime against peoples and as a violation of the foremost human right - the right to life "

This recognition was affirmed in July 8, 1996 decision of the International Court of Justice on the legality of the threat or use of nuclear weapons. the Court handed down a decision that the use or the threat to use nuclear weapons was contrary to international humanitarian law.

The provocative circulation and berthing of U.S. nuclear powered and nuclear arms capable vessels, defies this ruling

REVISING CANADIAN POLICY

The Vancouver Island Peace Institute is being established to continue the work of the Vancouver Island Peace Society. The VIP society launched a court case in 1991 calling for an environmental assessment review under the EARP guidelines of nuclear powered and nuclear capable vessels in the urban port of Greater Victoria. This case was launched in 1991, with over 800 pages of affidavits from experts, and citizens.

It was argued that in 1991 the Federal Conservative government had issued an Order in Council to bypass the government requirement to carry out an environmental assessment review.

The Liberal government was in power when the case was finally heard and the judge decided in favour of Cabinet Royal Prerogative.

In 1993, the NDP was in power provincially, there was a 50 to 1 vote in support of the court case, and 8 out of 10 of the municipalities- seven unanimously supported the case including all Greater Victoria Members of Parliament and many local peace and environmental organizations

The judgment of the Federal Court was made over a year later. The Court held that the bypassing of the Environmental Assessment Review Process program

was legitimate because of the principle of "Royal Prerogative" of cabinet.

The Vancouver Island Peace Institute has obtained through Access to information, the full documentation of the court case, and will reconsider new legal means for preventing further circulating and berthing of nuclear vessels.

PROMOTING TRUE SECURITY

It is time to dispel the myth that Canada's international reputation depends on Canada's establishing a strong military, and an increased integration with the US. If Canada is to have a solid international reputation, it has to cease being compliant to US policy, and to institute an independent common security national policy.

The circulation of US nuclear powered vessels, along with the maintenance of over 700 international US military bases around the world, the adoption of the policy of "preventive" aggression, the establishment of Ballistic missile defence all contribute to a US-led international "insecurity" policy. Through lobbying the US to abandon its policies and actions that contribute to global insecurity, through effectively contributing to the implementing of an international/ national policy that supports multilateralism, and the rule of international law, through promoting the de-legitimization of war and reallocating military expense to further common security, Canada will ensure greater national security.

AUGUST AUGUST 2004

() THAT in 2004 on August 23, I wrote the following:

EXHIBIT

2004 posted 2015 [UNDER NO CONDITION OR CIRCUMSTANCE IS WAR](#)



[LEGAL OR JUST](#)

[Peace News](#)

Posted by Joan Russow

Sunday, 23 August 2015 12:16

Joan Russow (PhD)

Submission at the mock trial declaring the "De-legitimization of War"

Organized by the Canadian Voice of Women at the Canadian Peace Alliance Annual General Meeting in Toronto, Saturday, November

6, 2004

Originally performed and taped at the United Nations as part of the NGO programme at the CSW

THE SERIOUS IRREVERSIBLE HUMAN, ENVIRONMENTAL, HEALTH, PSYCHOLOGICAL ECONOMIC AND SOCIAL CONSEQUENCES OF WAR SUPPORT THE CONTENTION THAT UNDER NO CONDITIONS OR CIRCUMSTANCES IS WAR LEGAL OR JUST

A. Under no condition is the act of war legal

Often war is declared to be legal if under Chapter VII of the Charter of the United Nations the UN Security Council deems that the necessary conditions required for a war to be legal have been met.

Chapter VII, however, of the Charter of the United Nations contravenes the purpose of the Charter: to prevent the scourge of war

UNDER THE PREAMBLE OF THE CHARTER OF THE UNITED NATIONS THE FUNDAMENTAL PURPOSES OF THE CHARTER ARE DELINEATED:

-to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind
[HUMANITY]

-to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

-to promote social progress and better standards of life in larger freedom,

ON THE OTHER HAND, Chapter VI, entitled "Peaceful Solutions of Disputes", conforms TO AND UPHOLDS the fundamental purposes of the Charter of the United Nations, ADVANCES THE DE-LEGITIMIZATION OF WAR, and AND PROMOTES RESPECT FOR THE RULE OF INTERNATIONAL LAW THROUGH THE INTERNATIONAL COURT OF JUSTICE.

Under Chapter VI of the Charter of the United Nations a number of provisions have been established to bring about the peaceful settlement of disputes:

(i) The first, provision is to counter conflict of interest in decision making related to peaceful solutions of disputes

Decisions under Chapter VI, are constrained by Article 27 which reads that a party to a dispute shall abstain from voting.

This provision which is present in Chapter VI but is absent in Chapter VII, is consistently violated by the UN security council

(i) The second provision to bring about peaceful settlement of disputes is recourse, under article 36, to the rule of international law, through the International Court of Justice:

Article 36 reads: illegal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Chapter .xiv complements Chapter VI in outlining the role of the International Court of Justice

Under Chapter xiv, Article 92 states that the International Court of Justice shall be the principal judicial organ of the United Nations...and under Article. 93 all members of the UN are ipso facto parties to the statute of the International Court of Justice, and under Article 94, each member of the United Nations undertakes to comply with the decision of the International Court of Justice in a case to which it is a party

and under Article 96 there is the provision for the UN General Assembly, UN Security Council and other organs of the UN to request the International Court of Justice to give an advisory opinion on any legal question.

Sadly, Chapter VII of the Charter of the United Nations, continues to be used to justify military intervention if supported by the UN Security Council.

It can be argued that Chapter vii not only violates the purposes of the Charter of the United Nations

but also violates a fundamental Charter principle under Article 2 - the sovereign equality of states because the Security Council blatantly defies this principle.

THUS

TO PREVENT THE SCOURGE OF WAR AND TO REMOVE THE CONDITIONS WHICH ARE CLAIMED TO SUPPORT THE LEGALITY OF WAR, THE GLOBAL COMMUNITY MUST DEFINITELY CONCUR THAT THE CONDITIONS THAT HAVE BEEN USED TO DECLARE WAR TO BE LEGAL MUST BE ABANDONED

AND I URGE THE COURT TO SUPPORT THE STRIKING OF CHAPTER VII WHICH CONDONES CONDITIONAL LEGITIMIZATION OF WAR IN CONTRAVENTION OF THE PURPOSE OF THE UN CHARTER ITSELF.

I ALSO URGE THE COURT TO CALL FOR THE STRENGTHENING OF CHAPTER VI OF THE CHARTER OF UNITED NATIONS AND IN PARTICULAR THE INSTITUTING OF THE MANDATORY REQUIREMENT FOR STATES TO APPEAR BEFORE THE INTERNATIONAL COURT OF JUSTICE, TO ACCEPT ITS JURISDICTION AND TO ACT ON ITS DECISIONS.

AND FOR THE COURT TO SUPPORT THE REPHRASING OF ARTICLE 36 TO READ "LEGAL DISPUTES 'SHALL' RATHER THAN 'SHOULD AS A GENERAL RULE', BE REFERRED BY THE PARTIES TO THE INTERNATIONAL COURT OF JUSTICE..." INCLUDING AN INTERPRETATION OF WHAT CONSTITUTES SELF DEFENCE.

AND FINALLY,

I URGE THE COURT TO CALL FOR THE STRENGTHENING OF THE ROLE OF THE UN GENERAL ASSEMBLY --WHICH UPHOLDS THE PRINCIPLE OF SOVEREIGN EQUALITY, AND FOR THE DISMANTLING

THE UN SECURITY COUNCIL WHICH CONTRAVENES THE PRINCIPLE OF "SOVEREIGN EQUALTY" - AN INTRINSIC PROVISION OF THE CHARTER.

;

B. UNDER NO CIRCUMSTANCE IS THE ACT OF WAR, JUST.

NEVER AGAIN WOULD THE NOTION OF THE JUST WAR BE TOLERATED.

Just war theory has too long plagued the global society and been used to counter the movement to advance the "de-legitimization of war.

"Just war" theory advances circumstances under which war has been deemed to be "just"

The rules that govern the justness of war (jus ad bellum) and the rules that govern just and fair conduct in war (jus in bello) are flawed and have been abused

THE PREMISES UPON WHICH THE RULES AND SO-CALLED "PRINCIPLES" OF JUST WAR CAN NO LONGER BE SUBSTANTIATED BECAUSE OF THE UNACCEPTABLE IRREVERSIBLE HUMAN, PSYCHOLOGICAL, ENVIRONMENTAL, ECONOMIC AND SOCIAL COSTS OF WAR.

(i) no longer can war be claimed to be just and religious absolutism sought for atrocities and transgressions:

it can be demonstrated that global society has moved beyond the disturbing practices legitimized under the crusades

(ii) no longer will the notion of the "ethic" of war be deemed to be beyond the norms of peaceful ethics and to be deserving of a separate moral realm:

it can be demonstrated that years of academic treatises and niceties have given proponents of war supporting segregating the ethic of war into a separate moral realm;

it can be demonstrated that just war notions have been promulgated in military academies, yet war crimes continue, and violations of civilians, particularly women and children persist

(iii) never again can war be claimed to be just because of the notion of just cause:

it can be demonstrated that "just cause" has been constantly based on disguised corporate or state vested interest, on staged attacks decried as provocation, and on false appeals to humanitarian concerns, feigned altruism or to responsibility to protect

(iv) never again can the "precautionary principle" be used to support the responsibility to protect:

it can be demonstrated internationally that government/ industry collusion has contributed to the undermining of and disregarding of the precautionary principle- which reads that where there is a threat to the environment or [human health], the lack of full

scientific certainty should not be used as a reason for postponing measures to prevent the threat. Now, instead the precautionary principle is being re-vitalized to give legitimacy to “military intervention”

(v) no longer can the so-called "principle of just cause" be designated as a "principle" and used to declare the justice of war: it can be demonstrated that the principle of just cause is not a principle but a device, a tactic or a strategy to rationalize military intervention;

(vi) never again can war be just because of the so-called principle of "reasonable success":

it can be demonstrated that reasonable success has been misinterpreted to mean military success with little consideration for so-called "collateral damage" or for long term irreversible human, health, environmental, social costs.

reasonable success has also been misinterpreted to entail the entrenchment of corporate interests in exploiting natural and human resources of the conquered state.

(vii) never again can initiating an act of aggression or pre-emptive aggression be deemed to be just:

it can be demonstrated that initiating act of aggression is not just even if it is held that aggressive war is permissible if its purpose is to retaliate against a wrong already committed (e.g., to pursue and punish an aggressor), or to pre-empt an anticipated attack.

(viii) never again can a war be claimed to be just because it is

supported by the UN Security Council:

it can be demonstrated that the UN Security Council has often supported resolutions authorizing war because of state interests promoted through cajoling, intimidation, and bribery, and thus the decision is discredited:

it can be demonstrated that the UN General Assembly has been intimidated and thus hindered in invoking the 1951 "Uniting for Peace" Resolution to prevent the scourge of war

(ix) never again will a war be claimed to be just because it has been authorized by the right authority such as a sovereign state:

it has been demonstrated that right authority such as state authority often has no legitimate mandate and is not even a proper or just form of government

(x) no longer can states claim a war to be just through the manufacturing of consent or consensus:

it has been demonstrated that often right authority has been granted based on flawed evidence, or faulty intelligence

(xi) never again can war be claimed to be just because of the misconstrued claim of "self defence":

it has been demonstrated that the recourse of "self defence" has been extrapolated to anticipate probable acts of aggression, to assist others against an oppressive government from another external threat, or to pre-empt an anticipated attack (interventionism);

(xii) never again can war be claimed to be just because of self-defence being tolerated as an excuse for revenge or retaliation:

it has been demonstrated that the initiation of physical force for revenge and retaliation such as an eye for an eye have to be relegated to the dust-bin of uncivilized religious dogma

(xiii) never again can war be claimed to be just because it is engaged in for the sake of spreading freedom and democracy: it has been demonstrated that the feigned altruism and the rationalization of spreading freedom and democracy is grounded in imperialistic territorial pursuits, or in ideological or religious obsessions

(xiv) never again can war be claimed to be just because of the alleged "right intention"- such as humanitarian intervention or responsibility to protect :

it has been demonstrated that those proclaiming right intention have often intentionally or negligently through corporate, state or ideological interests been responsible for contributing to the destabilization of states;

it has been demonstrated that often national interest, self-interest and aggrandizement are paramount and overwhelmed by the pretext of fighting aggression

(xv) never again can actions in war be ill-perceived to be just because the military actions are couched in well-crafted euphemistic "operations":

it can be demonstrated that military actions have obfuscated vested military/corporate interest through well-crafted covert and overt operations such as

(xvi) never again can war be claimed to be just because of "just

cause" being deemed a sufficient condition for pursuing whatever means necessary to win:

it has been demonstrated that "whatever means" has resulted in deception, duplicity, distortion and misrepresentation, as well in tolerance for increased use of lethal weapons systems with long term health, environment and social consequences

(xvii) never again can war be claimed to be just and just war theory justify the bombing of civilian centres in the pursuit of military necessity:

it has been demonstrated that the excuse of military necessity has been used to justify the killing of civilians and the violate of Geneva conventions

xviii) no longer will the declaration of the justice of war depend on the so-called principle of the end being proportional to the means:
it can be demonstrated that the means used often has unattended consequences that have been disproportionate to the end

(xix) never again can actions in war be claimed to be just because attacks are only limited to permissible targets:

it can be demonstrated that there are no permissible targets that are completely dissociated from the civilian populations and that do not have long term irreversible human, environmental, health, social, economic and psychological consequences

(xx) never again can actions in war be claimed to be just because of the perception that the consequences of war are irreversible through reparation:

It has been demonstrated that the serious human, environmental, health, psychological, economic and social consequences of war are irreversible and usual defy true reparation

I THEREFORE, URGE THE PANEL, TO DECLARE THAT THE NOTION OF JUST WAR CAN NO LONGER BE USED TO COUNTER THE CALL FOR THE DE-LEGITIMIZATION OF WAR

THE SERIOUS IRREVERSIBLE HUMAN, ENVIRONMENTAL, HEALTH, PSYCHOLOGICAL, ECONOMIC AND SOCIAL CONSEQUENCES OF WAR SUPPORT THE CONTENTION THAT UNDER NO CONDITIONS OR CIRCUMSTANCES IS WAR LEGAL OR JUST

Annex:

-Prevention of threats and violence through the furtherance of the force of compliance and common security.

THE SEEDS FOR ELIMINATION OF THREATS TO COMMON SECURITY AND FOR THE DELEGITIMIZING WAR HAVE BEEN PLANTED THROUGH THE CHARTER OF THE UNITED NATIONS AND THROUGH OVER ALMOST 60 YEARS OF UN INSTRUMENTS,

FOR YEARS, MEMBER STATES HAVE INCURRED OBLIGATIONS UNDER THE CHARTER, TREATIES, CONVENTIONS, AND COVENANTS MADE COMMITMENT UNDER CONFERENCE ACTION PLANS, AND CREATED EXPECTATIONS THROUGH UN GENERAL ASSEMBLY RESOLUTIONS. THAT WOULD IF IMPLEMENTED AND

ENFORCED GIVE SUBSTANCE TO THE DE-LEGITIMIZATION OF WAR.

FORCE OF COMPLIANCE

PEACE WAS DESIGNATED AS A RIGHT OF ALL PEOPLES.

Convinced that life without war "peace with justice" and not just the absence of war serves as the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms. (United Nations Declaration on the Right of Peoples to Peace approved by General Assembly Resolution 39/11 of 12, 1984)

AND IN THE NAIROBI FORWARD LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN, A commitment was made to recognize that "peace depends on the prevention of the use or threat of the use of force, aggression, military occupation, interference in the internal affairs of others, the elimination of domination, discrimination, oppression and exploitation, as well as of gross and mass violations of human rights and fundamental freedoms. (1985)

Unfortunately, states have (a) either failed to sign and ratify international Treaties, Conventions, and Covenants, (b) have failed, if they have signed Treaties, Conventions, and Covenants, to act to prevent the defeating of the purpose of the treaties, Conventions, and Covenants, (c) or have failed, if they have ratified Treaties, Conventions, and Covenants, to enact the necessary national

legislation to ensure compliance.

In addition, States have failed to act on commitments made through UN General Assembly Resolutions, and have failed to fulfill expectations created by UN General Assembly Resolutions and Declarations.

It is necessary to institute the proposal for an International Court of Compliance, lined to the International Court of Justice, where citizens and civil society could take states for non-compliance with obligations and commitments.

(ii) THE FURTHERANCE OF THE CULTURE OF PEACE THROUGH "COMMON SECURITY"

"SECURITY" HAS OFTEN BEEN MISCONSTRUED AS "MILITARY SECURITY" ; AND HUMAN SECURITY, /"RESPONSIBILITY TO PROTECT" , HAS BEEN EXTENDED TO JUSTIFY MILITARY INTERVENTION; ALL ATTEMPTS TO LEGITIMIZE MILITARY INTERVENTION CONTRIBUTES TO THE CYCLE OF INCESSANT WAR AND COUNTER REVENGES

CYCLE OF ERROR

:Responsibility to protect", along with "human security" and humanitarian intervention" has been used to justify military intervention and thus perpetuates the cycle of error.

incessant poverty and debt, induced structural adjustment plans, privatization of the commons and essential services inequitable distribution resources,

exploitation of natural resources, perpetuation of the over-consumptive development inappropriate development, conflict, intolerance, religious extremism, war
victimization of civilians especially women and children,
violation of human rights, intolerance
increased militarization and ,
potential conflict, supply of arms, increased state and individual terrorism, genocide, humanitarian intervention (military intervention” seduction through incentives of youth to defend freedom, guarantees to military for jobs and education, rationalization for heavenly rewards for those that sacrifice for freedom, excessive and irrational patriotism, conflict escalation of ethnic, religious, ideological, territorial conflict, war, human disasters, refugees, long term health, social and environmental consequences- depletion of resources, scarcity of resources, conflict over resources and territory, de-humanization of opponents, war, increased intervention, and poverty; then the cycle of error continues

TRUE SECURITY IS COMMON SECURITY

COMMON SECURITY- PEACE, ENVIRONMENT, SOCIAL JUSTICE
HUMAN RIGHTS AND ENVIRONMENTAL PROTECTION- REFLECTS
MORE ACCURATELY, THAN THE CONCEPT OF "HUMAN
SECURITY" THE PURPOSE OF THE CHARTER OF THE UNITED
NATIONS, AND THE YEARS OF UN TREATIES, CONVENTIONS,

Common security - PEACE, ENVIRONMENT AND SOCIAL JUSTICE embodies the following actions:

Ô to promote and fully guarantee respect for human rights, including the right to security, civil and political rights, and tolerance of difference

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

Ô to achieve a state of peace, justice and security;

Ô to reallocate the global military expenses to enable social justice,

Ô to guarantee labor rights, civil and political rights, social and cultural rights- right to food, right to housing, right to health care, right to education and social justice;

Ô to create a global structure that respects the rule of law; and RIGHTS OF CITIZENS

I URGE THE COURT TO DECIDE IN FAVOUR OF TRUE SECURITY:
WHICH EMBODIES THE DELEGITIMATION OF WAR

TRUE SECURITY IS COMMON SECURITY

COMMON SECURITY- PEACE, ENVIRONMENT, SOCIAL JUSTICE

HUMAN RIGHTS AND ENVIRONMENTAL PROTECTION- EMBODIES THE PURPOSES OF THE CHARTER OF THE UNITED NATIONS, AND THE YEARS OF UN TREATIES, CONVENTIONS, CONFERENCES ACTION PLANS, AND UN GENERAL ASSEMBLY RESOLUTIONS AND DECLARATIONS.

I URGE THE COURT TO ABANDON THE NOTION OF "MILITARY SECURITY AND "HUMAN SECURITY/ HUMANITARIAN INTERVENTION AND RESPONSIBILITY TO PROTECT ALL OF WHICH RESULT IN military intervention and THE LEGALIZATION OF THE INFRASTRUCTURE FOR AND OF WAR ITSELF.

*PEJ [THE DEMOCRATS DILEMMA](#)
[Justice News](#)

Wednesday, 04 August 2004 02:26

Democrats decry the increased global disrespect for the United States, but fail to recognize that it is the American government's long-standing militarism and disregard for global common security and the rule of International law that has engendered this disrespect. On July 29. the following was posted the following comment on John Kerry's Blog website. On July 29. the following was posted the following comment on John Kerry's Blog website.

The Democrats Dilemma
Joan Russow PhD
Global Compliance research Project
1 250 598-0071

Democrats decry the increased global disrespect for the United States, but fail to recognize that it is the American government's long-standing militarism and disregard for global common security and the rule of International law that has engendered this disrespect. Rather than be a real alternative and embrace an uncompromising global vision ; the Democrats feel compelled to cater to the US citizenry's obsession with militarism by trying to demonstrate how tough Kerry would be as the Commander in Chief.

If the Democrats wish to attain International respect they should make a commitment to move away from long-standing military industrial international

practices such as the following:

- * engaged in covert and overt "Operations" against independent states; from "Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Candor" in Chile, through years of euphemistic operations such as "Operation Just Cause" against Panama and more recently "Operation enduring freedom" against Afghanistan, and "Operation Iraqi Freedom" against Iraq

- * targeted and assisted in the assassination of leaders of other sovereign states, and condoned the targeting and assassinating of leaders by other states

- * undermined Common Security: peace, human rights, environment and social justice.

- * undermined the international resolve to prevent the scourge of war by intimidating or offering economic incentives in exchange for support for military intervention; (the US continually cajoles, intimidates, and bribes, other members of the United Nations.)

- * perceived justice in terms of revenge through military intervention rather than respecting the jurisdiction of the International Court of Justice, and misused Art 51 in the Charter of the United Nations to justify military aggression -justified military intervention by misinterpreting Article 51 of the UN Charter " Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security

- * disregarded obligations incurred through conventions, treaties, and covenants; and made commitments through conference action plans, related to the Public trust/ Common security - peace, environment, human rights and social justice

- * Failed to sign, failed to ratify, failed to enact the necessary legislation to ensure compliance with, or respect for Public Trust international Conventions, Covenants and Treaties,

- * demonstrated disdain for the international rule of law, and

refused to accept the jurisdiction or decision of the International Court of Justice

- * undermined international obligations incurred through Conventions, Treaties, and Covenants, and commitments through UN Conference Action Plans, related to the Public Trust or to Common Security -peace, environment, human rights and social justice

- * failed to act on commitments made through UN Conference Action Plans, or failed to fulfill expectations created through General Assembly Resolutions.

- * promulgated propaganda for war in violation of the International Covenant of Civil and Political Rights

- * participated in military organization, such as NATO that has a first strike nuclear policy in violation of the ruling of the International Court of Justice that the use or threat to use nuclear weapons was contrary to international humanitarian law,

- * misconstrued prevention of war by adopting a policy of pre-emptive/preventive attack to aggressively attack sovereign states that are designated as being on the axis of evil.

- * established military bases in sovereign states (in the case of the US over 700 military bases around the world

- * produced weapons of mass destruction such as nuclear, chemical, and biological, in defiance of the global commitment made at Stockholm in 1972 to eliminate the production of weapons of mass destruction. and refused to abide by the Non Proliferation treaty obligations

- * circulated nuclear powered or nuclear arms capable vessels throughout the world, and berthed these vessels in urban ports

- * planted land mines throughout the world, and failed to sign and ratify the Convention for the banning of Landmines

- * moved towards the militarization of space, and increasing the arms race through the US Anti-ballistic Missile system

* used weapons such as Depleted Uranium and cluster bombs that would be prohibited under the Geneva Protocol II

* continued to engage in cruel and unusual punishment - Capital punishment.

* promulgated globalization, deregulation and privatization through promoting trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law

* subsidized and invested in companies that have developed weapons of mass destruction, that have violated human rights, that have denied social justice, that have exploited workers, that have destroyed the environment.

* failed to ensure that corporations, including transnational corporations comply .. with international law, and to revoke charters of corporations that violate human rights, destroy the environment, denies social justice and contributes to war and conflict

* opposed Mandatory International Ethical Normative (MIEN) standards and enforceable regulations to drive industry to conform to international law, and supported corporate "voluntary compliance"

* failed to revoke charters and licences of corporations that have violated human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment

* promoted the privatization of public services such as water, and health care, and reduced funding for universities, and promoted corporate funding of education and corporate direction of research

* contributed to environmentally induced diseases and poverty related health problems and denied universal access, to publicly funded not for profit health care system

* failed to reduce their military budget and reallocate military expenses and transfer the savings into global social justice as undertaken through numerous UN Conference Action Plans and UN General Assembly Resolutions. (The US spends over 500 billion per year on the military and is the major exporter of arms)

* opposed an international commitment to transfer .7% of the GDP for overseas aid, and condoned corporations benefiting and profiting from war

* advocated and supported IMF structural adjustment program, and exploited vulnerable and indigenous peoples around the world

* failed to cancel third world debt and failed to ensure the human right to safe drinking water, the human right to unadulterated (non-genetically engineered pesticide-free food), the human right to safe accessible housing, the human right to be clothed, the human right to education, the human right to universally accessible not for profit publicly funded health care that stresses the importance of prevention of environmentally induced diseases, and poverty related illnesses. (many of these rights have been protected through international human rights instruments)

* promoted the spread of Evangelical Christianity around the world, undermining local indigenous cultures, and instilling fear through the dangerous, and absurd belief in the "rapture" , "Armageddon" and "left behind"

* participated in the proselytizing of religion and the undermining of other cultures and perpetuated the notion that Christianity is superior to other religions

* produced or permitted the production of toxic, hazardous, atomic waste, and failed to prevent the transfer to other states of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992.

* denied civil and political rights including the right to freedom of speech and the right of peaceful assembly, and fundamental labour rights

* produced, promoted, grown or approved genetically engineered foods and crops and led to a deterioration of the food supply, and heritage seeds

* ignored the warnings of the Intergovernmental panel on Climate change and have Change, and Kyoto Protocol

* discriminated on the following grounds: - race, tribe, or culture; - colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker); - gender, sex, sexual orientation, gender identity, marital status, or form of family, - disability or age; - religion or conviction, political or other opinion, or - class, economic position, or other status;

* denied women's reproductive rights, * denied fundamental rights through the imposition of religious beliefs

* enacted anti-terrorism legislation that violates civil and political rights, and engaged in racial profiling * failed to distinguish legitimate dissent from criminal acts of subversion.

* accepted corporate donations, and deluded the public into thinking that citizens live in a democracy.

* etc.

compiled by Joan Russow (PhD) Global Compliance Research Project Victoria, Canada

Posted by: Joan Russow PhD on July 29, 2004 02:21 PM

[The Democrats dilemma](#)



[Justice News](#)

Wednesday, 04 August 2004 02:26

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Democrats decry the increased global disrespect for the United States, but fail to recognize that it is the American government's long-standing militarism and disregard for global common security and the rule of International law that has engendered this disrespect. Rather than be a real alternative and embrace an uncompromising global vision ; the Democrats feel compelled to cater to the US citizenry's obsession with militarism by trying to demonstrate how tough Kerry would be as the Commander in Chief.

If the Democrats wish to attain International respect they should make a commitment to move away from long-standing military industrial international practices such as the following:

- * engaged in covert and overt "Operations" against independent states; from "Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Candor" in Chile, through years of euphemistic operations such as "Operation Just Cause" against Panama and more recently "Operation enduring freedom" against Afghanistan, and "Operation Iraqi Freedom" against Iraq

- * targeted and assisted in the assassination of leaders of other sovereign states, and condoned the targeting and assassinating of leaders by other states

- * undermined Common Security: peace, human rights, environment and social justice.

- * undermined the international resolve to prevent the scourge of war by intimidating or offering economic incentives in exchange for support for military intervention; (the US continually cajoles, intimidates, and bribes, other members of the United Nations.)

- * perceived justice in terms of revenge through military intervention rather than respecting the jurisdiction of the International Court of Justice, and misused Art 51 in the Charter of the United Nations to justify military aggression -justified military intervention by misinterpreting Article 51 of the UN Charter " Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security

- * disregarded obligations incurred through conventions,

treaties, and covenants; and made commitments through conference action plans, related to the Public trust/ Common security - peace, environment, human rights and social justice

- * Failed to sign, failed to ratify, failed to enact the necessary legislation to ensure compliance with, or respect for Public Trust international Conventions, Covenants and Treaties,

- * demonstrated disdain for the international rule of law, and refused to accept the jurisdiction or decision of the International Court of Justice

- * undermined international obligations incurred through Conventions, Treaties, and Covenants, and commitments through UN Conference Action Plans, related to the Public Trust or to Common Security -peace, environment, human rights and social justice

- * failed to act on commitments made through UN Conference Action Plans, or failed to fulfill expectations created through General Assembly Resolutions.

- * promulgated propaganda for war in violation of the International Covenant of Civil and Political Rights

- * participated in military organization, such as NATO that has a first strike nuclear policy in violation of the ruling of the International Court of Justice that the use or threat to use nuclear weapons was contrary to international humanitarian law,

- * misconstrued prevention of war by adopting a policy of pre-emptive/preventive attack to aggressively attack sovereign states that are designated as being on the axis of evil.

- * established military bases in sovereign states (in the case of the US over 700 military bases around the world

- * produced weapons of mass destruction such as nuclear, chemical, and biological, in defiance of the global commitment made at Stockholm in 1972 to eliminate the production of weapons of mass destruction. and refused to abide by the Non Proliferation treaty obligations

- * circulated nuclear powered or nuclear arms capable vessels throughout the world, and berthed these vessels in urban ports
- * planted land mines throughout the world, and failed to sign and ratify the Convention for the banning of Landmines
- * moved towards the militarization of space, and increasing the arms race through the US Anti-ballistic Missile system
- * used weapons such as Depleted Uranium and cluster bombs that would be prohibited under the Geneva Protocol II
- * continued to engage in cruel and unusual punishment - Capital punishment.
- * promulgated globalization, deregulation and privatization through promoting trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law
- * subsidized and invested in companies that have developed weapons of mass destruction, that have violated human rights, that have denied social justice, that have exploited workers, that have destroyed the environment.
- * failed to ensure that corporations, including transnational corporations comply .. with international law, and to revoke charters of corporations that violate human rights, destroy the environment, denies social justice and contributes to war and conflict
- * opposed Mandatory International Ethical Normative (MIEN) standards and enforceable regulations to drive industry to conform to international law, and supported corporate "voluntary compliance"
- * failed to revoke charters and licences of corporations that have violated human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment
- * promoted the privatization of public services such as water, and health care, and reduced funding for universities, and promoted corporate funding of education and corporate direction of research

- * contributed to environmentally induced diseases and poverty related health problems and denied universal access, to publicly funded not for profit health care system
- * failed to reduce their military budget and reallocate military expenses and transfer the savings into global social justice as undertaken through numerous UN Conference Action Plans and UN General Assembly Resolutions. (The US spends over 500 billion per year on the military and is the major exporter of arms)
- * opposed an international commitment to transfer .7% of the GDP for overseas aid, and condoned corporations benefiting and profiting from war
- * advocated and supported IMF structural adjustment program, and exploited vulnerable and indigenous peoples around the world
- * failed to cancel third world debt and failed to ensure the human right to safe drinking water, the human right to unadulterated (non-genetically engineered pesticide-free food), the human right to safe accessible housing, the human right to be clothed, the human right to education, the human right to universally accessible not for profit publicly funded health care that stresses the importance of prevention of environmentally induced diseases, and poverty related illnesses. (many of these rights have been protected through international human rights instruments)
- * promoted the spread of Evangelical Christianity around the world, undermining local indigenous cultures, and instilling fear through the dangerous, and absurd belief in the "rapture" , "Armageddon" and "left behind"
- * participated in the proselytizing of religion and the undermining of other cultures and perpetuated the notion that Christianity is superior to other religions
- * produced or permitted the production of toxic, hazardous, atomic waste, and failed to prevent the transfer to other states of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992.
- * denied civil and political rights including the right to

freedom of speech and the right of peaceful assembly, and fundamental labour rights

* produced, promoted, grown or approved genetically engineered foods and crops and led to a deterioration of the food supply, and heritage seeds

* ignored the warnings of the Intergovernmental panel on Climate change and have Change, and Kyoto Protocol

* discriminated on the following grounds: - race, tribe, or culture; - colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker); - gender, sex, sexual orientation, gender identity, marital status, or form of family, - disability or age; - religion or conviction, political or other opinion, or - class, economic position, or other status;

* denied women's reproductive rights, * denied fundamental rights through the imposition of religious beliefs

* enacted anti-terrorism legislation that violates civil and political rights, and engaged in racial profiling * failed to distinguish legitimate dissent from criminal acts of subversion.

* accepted corporate donations, and deluded the public into thinking that citizens live in a democracy.

* etc.

compiled by Joan Russow (PhD) Global Compliance Research Project Victoria, Canada

Posted by: Joan Russow PhD on July 29, 2004 02:21 PM

*PEJ [TEN COMMANDMENTS FOR C.R.I.M.E \(CHRISTIAN RIGHT INDUSTRIAL MILITARY ESTABLISHMENT\) PARTY -REPUBLICANS](#)
[Justice News](#)



Sunday, 29 August 2004 20:33

Ten Commandments for C.R.I.M.E (Christian Right Industrial Military Establishment) Party -Republicans

The C.R.I.M.E Party rather than the GOP (Grand Old Party) better describes the frightening theocracy of George Bush. GOP Convention Misrepresentation through a misnomer.

Joan Russow (PhD)
Global Compliance Research Project
Canada
1-250598-0071

It has been pointed out that the GOP could afford to have more moderate speakers because the Christian Right Industrial Military Establishment succeeded in controlling the policy. Perhaps CRIME (Christian Right Industrial Military Establishment) is a more apt name for the GOP. The name for a party should reflect the essence of the party's platform and policies.

The following could be the ten commandments for the CRIME party

CRIME (Christian Right Industrial Military Establishment) Party rather than GOP (The Grand Old Party) is more apt for George Bush's Theocracy.

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Ten Commandments for C.R.I.M.E (Christian Right Industrial Military Establishment) Party

* Thou shalt expose the axis of evil, thou shalt distinguish those that are either with thee or against thee, thou shalt never relent, thou shalt prevail, and thou shalt aggressively pursue thine enemies

* Thou shalt ignore all obligations incurred through conventions, treaties, and covenants; all commitments made through commitments made at international conferences, and expectations created through the United Nations General Assembly Declarations and resolutions

* Thou shalt embrace the policy of pre-emptive/preventive attack, thou shalt affirm the commitment towards a "new Century", thou shalt increase thy military budget, and send thy military to advance thine interests; thou shalt reinterpret "self defence" and thou shalt use "humanitarian intervention" to justify military invasion

*Thou shalt reduce the burden on the rich, thou shalt tame the unions, thou shalt privatize the social institutions, and thou shalt engage in environmental stewardship in thine best interests

* Thou shalt invade all states for the purpose of regime change if thou perceives the state to be a threat to thine interests, and thou shalt ensure that thine industries benefit from all "regime change" ,

* Thou shalt demonstrate contempt for the Rule of International law, and the International Court of Justice, thou shalt act unilaterally when multilateral organization do not abide by thy will and thou shalt intimidate, and offer "financial incentives" to other states to support thy will

* Thou shalt abandon the commitment to transfer .7% of the GDP for overseas international development, and thou shalt sacrifice civil and political rights for the sake of creating a fortress against terrorism, and thou shalt defend thy land with Missile Defence

Thou shalt use prohibited weapons for the sake of freedom, thou shalt venerate the gun and the right to bear arms, especially concealed and assault weapons, thou shalt couch anti-reproductive choice as "right to life", thou shall preserve the sanctity of marriage, and thou shall resist all judicial activism

* Thou shalt affirm Christ as the main influence of thy actions, thou shalt begin the day and end the day with a prayer, thou shalt maintain an evangelical house, thou shalt support faith based community programs , thou shalt restore faith to its proper place in the nation, and thou shall know that the hand of God is guiding the affairs of thy nation

* GOP Convention
Misrepresentation through a misnomer.

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* Thou shalt be a "born again", ascribe to the belief in Armageddon, and rapture, and thou shalt do all that is necessary to ensure that Christ will return

()That in 2004 on august 29

EXHIBIT

2004 THE GREEN LEADER'S "LIAISONS DANGEREUSES"

POTENTIAL INFLUENCE ON POLICY

Green Party leader Jim Harris through his company Strategic Advantage coaches corporate managers on marketing strategies, customer relations, corporate image, and leverage partnerships. His clients include among others the auto, armaments, petroleum, chemical, pharmaceutical, banking and snack food industries. Many of the corporations listed on his website (www.strategicadvantage.com), such as General Motors, Honeywell, GlaxoWellcome, and Novartis, however, do not appear in Mr. Harris, bio on the Green Party website.

It can be argued that having such a business relationship with a corporation won't influence the development of Green Party policy. However, Mr. Harris, business associations might explain the Green Party, adoption of a voluntary environmental compliance regime and the relaxation of mandatory regulation.

POSSIBLE GURU-STYLE GROUNDING

Harris is also linked to US business management guru Steven Covey, known for his best seller „The Seven Habits of Highly Effective People%. In an article by Alan Wolfe, in the Feb 23, 1998 issue of „New Republic%, Covey's work is described under the title "White Magic in America: Capitalism, Mormonism and the doctrines of Stephen Covey". Covey is considered a founder of the self-help movement and has a cult-like following. Indeed, several "cult tracking" websites

have extensive references to him and his organization. According to the Strategic Advantage website (<strategicadvantage.com>www.strategicadvantage.com), Mr. Harris represented the Covey Leadership Center in Canada from 1992 to 1996. His experience with the Covey Leadership Center is not mentioned in his Bio on the Green Party website. In Harris' Strategic Advantage website, however, he continues to promote Covey's ideas. In Alberta, Franklin Covey Canada, Ltd (a Covey subsidiary), boasts of clients such Shell Canada, Suncor, Nigerian National Petroleum Company, Pratt & Whitney, Bayer, Dow Chemical, and Pharmacia & Upjohn.

POTENTIAL PERCEPTION OF INCONSISTENCY

Mr. Harris has repeatedly claimed during this 2004 election that his party is the only one talking about health and about prevention of disease through lifestyle choices and good diet.

However, one of his many corporate clients is the Snack Food Association based in Alexandria, Virginia. Mr. Harris gave a keynote presentation at Snack Food Association's annual meeting SNAXPO in 1997, and received a glowing testimonial from its president, James Shufelt.

The Snack Food Association represents 800 snack food companies, some of whose products are listed below:

Mac's Chili Lime Pork Rinds, Pea Ridge Elk Ranch, Elk Snack Sticks With Beef, Pecos Bills's Original Beef Jerky, Batata's Bacon-Cheddar Flavored Potato Strips, Cheese Twisters Crunchy! Cheese Twists, Chip's Chips Sour Cream & Onion Snackers, Crunchy Bread Chips Mucho Nacho Snack Chips, .Grandma Shearer's Caramel Corn Puffs, Grandpa John's Kettle Cooked Pork Cracklins, Harvest Road Pretzel Thins, Herr's Barbecue Potato Chips, Husman's Sour Cream & Onion Potato Chips, Jack Link's Carne Seca Jalapeño Beef Jerky, Dippin's Low Fat Mini Pretzels & Mustard, Lance Five Alarm! Hot Fries, Leng D'Or Ketchup Grid, Pecos Bills's Peppered Beef Jerky. Pepe's BBQ Pork Rinds Chicharrones, SnackMasters Beef Jerky, Snacks A Lot Original Flavor Snack Mix, and Southern Recipe Hot Flavored Pork Rinds.

-30-

SEPTEMBER SEPTEMBER 2004

discussion with Murray Dobbin Jun 2004 15:20:31 -0700

To: Murray Dobbin <mdobbin@telus.net>

From: Joan Russow <j.russow@shawlink.ca> Subject: Re: we should meet about the Green Party

Dear Murray

David Z and I are going to visit our daughter in Windermere on Wednesday and will be back about the July 10. Let's talk on Tuesday after the election. I could call you in the evening [I can phone free after 6pm].WE could also meet in Vancouver on our way back.

So much has changed in the Green Party. Unless everything has changed, there is a Green Party of Canada Annual General meeting every two years sometime in August. So there will not be a meeting again until August 2006. At that time there is an automatic election for a new leader. All members can vote for the leader by mail in ballots or at the Annual General meeting. The ballot is preferential ballot including none of the above.

The BC Greens have an Annual General meeting and there is a leadership review each year, and an automatic election of a new leader after an election- that would mean an election for the leader in the Summer of 2005.

David has applied for a .5 position with the BCTF [with the local GVTA] to work on the BC election. He will know this week. So he could be quite involved.

When I was leader, I compiled a document with the policy from years of Federal Green policy and from provincial policy.

Did you hear that the US Greens are running a candidate for president- the vote will be split even more.

Joan

Dear Joan... I would like to meet with the three of you - either personally or by phone - to discuss the future of the Green party. I think the party, as presently constituted, could be very detrimental to progressive and truly green politics in Canada. It certainly sounds as though you concluded this long ago.

I understand that the convention comes up in August - I don't know the date. But I am wondering of anything can be done between now and then to change things or at least lay the groundwork for changing them. Are delegates chosen by riding associations? Can any member go? What are the rules.

If Harris and Co. have broken the rules is it not possible to take them to court?

I would like to get involved in this issue seeing as I seem to have started something with my G&M article. I am not sure what can be done or what role I can play. In my reply to the Green Party "rebuttal" - they were amazingly inept in my view - I said I was planning a book on the Greens. I am not sure I want to do

a whole book but certainly something should be written - and it should, in my view, include the BC Greens.

Let me know your thoughts...and thanks for contributing to the public exposure of this soft coup against the party.

cheers, Murray

*PEJ SEPTEMBER 11 2004: TIME TO MOVE TOWARDS COMMON SECURITY

*PEJ [SEPTEMBER 11 2004: TIME TO MOVE TOWARDS COMMON SECURITY](#)



[Justice News](#)

Saturday, 11 September 2004 00:50

After the attack on the World Trade Centre in September 11, 2001, the US administration was asking the question "why do they hate us" but no one at that time was prepared to answer the question. Now with the National Commission on Terrorism having re-visited the "intelligence" prior to the attack, with the wisdom of three years of reflection, the question needs to be answered.

September 11 2004: time to move towards common security

Joan Russow (PhD)
Global Compliance Research Institute
1 250 598-0071

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The US administration could be hated because the US administration either alone or along with others has:

- * engaged in covert and overt "Operations" against independent states; from "Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Condor" in Chile, through years of euphemistic operations such as "Operation Just Cause" against Panama and more recently "Operation enduring freedom" against Afghanistan, and "Operation Iraqi Freedom" against Iraq

- * targeted and assisted in the assassination of leaders of other sovereign states, and condoned the targeting and assassinating of

leaders by other states

* undermined Common Security: peace, human rights, environment and social justice.

* undermined the international resolve to prevent the scourge of war by intimidating or offering economic incentives in exchange for support for military intervention; (the US continually cajoles, intimidates, and bribes, on other members of the United Nations.)

* perceived justice in terms of revenge through military intervention rather than respecting the jurisdiction of the International Court of Justice, and misused Art 51 in the Charter of the United Nations to justify military aggression

* disregarded obligations incurred through conventions, treaties, and covenants; and made commitments through conference action plans, related to the Public trust/ Common security - peace, environment, human rights and social justice

* Failed to sign, failed to ratify, failed to enact the necessary legislation to ensure compliance with, or respect for Public Trust international Conventions, Covenants and Treaties,

* demonstrated disdain for the international rule of law, and refused to accept the jurisdiction or decision of the International Court of Justice

* undermined international obligations incurred through Conventions, Treaties, and Covenants, and commitments through UN Conference Action Plans, related to the Public Trust or to Common Security -peace, environment, human rights and social justice

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international peace and security

- * participated in military organization, such as NATO that has a first strike nuclear policy in violation of the ruling of the International Court of Justice that the use or threat to use nuclear weapons was contrary to international humanitarian law,
- * misconstrued prevention of war by adopting a policy of pre-emptive/preventive attack to aggressively attack sovereign states that are designated as being on the axis of evil.
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- * continued to engage in cruel and unusual punishment - Capital punishment.
- * promulgated globalization, deregulation and privatization through promoting trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law
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* opposed Mandatory International Ethical Normative (MIEN) standards and enforceable regulations to drive industry to conform to international law, and supported corporate "voluntary compliance"

* failed to revoke charters and licences of corporations that have violated human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment

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- * denied civil and political rights including the right to freedom of speech and the right of peaceful assembly, and fundamental labour rights
- * produced, promoted, grown or approved genetically engineered foods and crops and led to a deterioration of the food supply, and heritage seeds
- * ignored the warnings of the Intergovernmental panel on Climate change, ignored obligations under the Framework Convention on Climate Change, and failed to ratify Kyoto Protocol
- * Gutted the precautionary principle which reads where there is a threat to health and the environment, lack of full scientific certainty shall not be used to postpone measures to prevent the threat
- * discriminated on the following grounds:
 - race, tribe, or culture;
 - colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker);
 - gender, sex, sexual orientation, gender identity, marital status, or form of family,
 - disability or age;
 - religion or conviction, political or other opinion, or - class, economic position, or other status;
- * denied women's reproductive rights,
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- * failed to distinguish legitimate dissent from criminal acts of subversion.
- * accepted corporate donations, and deluded the public into thinking

that citizens live in a democracy.

To prevent a global future dominated by fear, the US must move not towards "fortress America" and pre-emptive attacks but towards true security: global common security.

***PEJ [Health care not warfare](#)**   

[Justice News](#)

Wednesday, 15 September 2004 02:57

HEALTH CARE NOT WARFARE

Federal/Provincial ministers Conference: Misplaced Spending Priorities and Comedy of Errors: Federal/ practices.

For years through international commitments Canada has made a commitment to reallocate the military budget. The military budget should be reduced by at least 50% and the savings transferred to the provinces for Health and Social Transfer payments. Federal/Provincial ministers Conference: Misplaced spending Priorities and Comedy of Errors: Federal/ practices

HEALTH CARE NOT WARFARE

For years through international commitments Canada has made a commitment to reallocate the military budget. The military budget should be reduced by at least 50% and the savings transferred to the provinces for Health and Social Transfer payments.

There has been pressure on the Federal government to increase the military budget with little expression of concern on the part of the public. The military budget has usually been over the years at the same level as transfer payments to the province. Proponents of increasing military spending always present the defence budget in terms of the GDP. When the Defence budget is expressed in terms of the GDP it appears insignificant (.9%), but if the defence budget is expressed in terms of the amount of money available after the payment of the debt, then the defence budget appears to be significant (10%).

In 2000, I did an analysis of the Treasury board estimates

Total revenue 170 billion

Health and Social Transfer program was 12,9 billion amount Equalization payments 9,2 billion

Defence budget \$10,304, 500, 000 5.9% of total revenue; if debt payment extracted then closer to 10 % of available revenue to spend

GDP approx 900 billion, .9 % of GDP

In 2004 Total revenue 178 billion

Health and Social Transfer program almost static

Defence budget 14 billion almost 7.9 % of revenue, and ; if debt payment

extracted then 10 % of available revenue to spend

GDP approx 120 billion; thus .9 of the GDP

A true estimate of the military budget should also included the hidden costs of the military in other departments such as the Department of Foreign Affairs and International Trade, the Department of Industry, and the department of environment (for clean-up) .

Canadian citizens should be aware that the Federal government spends about the same amount of money on health care as it does on the military.

PREVENTION OF ERROR NOT COMEDY OF ERRORS

For years, the federal government has been subsidizing through grants and contributions corporations that through their activities that cause harm to human health and the environment. The Federal government has been caught up in a comedy of error- where the government errs and then allots funds to attempt to rectify the error rather than preventing the error in the first place. The classic example is the tobacco industry, but also the government has subsidized and benefited (including in election funding largesse) from AECL-nuclear power, the coal oil and gas, auto, the chemical, the uranium, genetically engineered foods and crops, aquaculture, junk food industries etc.

FUNDAMENTAL HUMAN VALUES. MUST SUPERSEDE

PROFIT AND PRIVATIZATION

Canada along with the other member states of the United Nations recognized the urgency of the failure to address the important links among poverty, environment, consumption and health:

"Improving human health is one of the most important objectives of development. The deterioration of environmental quality, notably air, water and soil pollution owing to toxic chemicals, hazardous wastes, radiation and other sources, is a matter of growing concern...Malnutrition, poverty, poor human settlements, lack of good-quality potable water and inadequate sanitation facilities add to the problems of communicable and non-communicable diseases. As a consequence, the health and well-being of a people are exposed to increasing pressures". (16.12., Protecting and Promoting of Human Health Conditions Agenda 21, UNCED, 1992)

Poverty is one of the major determinants of health problems, and, sadly, governments in Canada have failed to ensure the right to unadulterated food, the right to safe affordable housing, the right to safe drinking water, and the right to social security. Furthermore, Canada is obliged under the International Covenant of Social, Economic and Cultural Rights to prevent poverty through ensuring

these rights

Government policies and regulations must reflect traditional Canadian values by preventing harm to human health and to the environment, by supporting the poor and disenfranchised, and by ensuring sufficient funds for a universally accessible, publicly funded, not for profit, single tier health care system. Only then will Canadian society not have to face the difficult choices that may increasingly arise if profit and privatization supersede fundamental human values.

In order to sustain such a health care system, the Federal government must ensure that the provincial governments do not undermine, through privatization, the long standing principles of the publicly funded health care system, and must address fundamental issues related to environmentally induced diseases and poverty related health problems. Preventing what can be prevented will release funds for ensuring sustainability of the system that for so long has encapsulated Canadian values.

TIME TO MOVE FROM MISPLACED SPENDING PRIORITIES AND COMMEDY OF ERRORS TO REAL SOLUTIONS.

Joan Russow PhD

With a caveat (I am interested in examining accounting figures as an indication of spending priorities but I did not inherit any ability in analyzing figures from my father who was a former Assist Auditor General, and Acting auditor General in 1958)

1 250 598 0071

2999 readings

Justice News

Wednesday, 15 September 2004 02:57

I had a legitimate expectation that after filing a complaint with the RCMP Public Complaints Commission that the Commissioner, the Chair of the Commission, and the Commission Council would allow me to testify and clear my name. (Suggested Reply)

EXHIBIT

INTENTION TO REPAY LOAN: Russow contacted the BC Ministry of Education and asked for information on remission. She received a document see exhibit; that certainly suggests that students who complete a third degree (which she did would be eligible for remission up to 430,000.

In reviewing some of Russow's "notification awards see enclosed. I would have a legitimate expectation that it was not clear that my loan was divided into 60 % federal and 40% provincial.

In the loan from 88-89; the loan was 2,415.00 BC and 1, 795.00 federal loan

In the loan from 91-92; the loan was 5,934.00 and 3570,00 federal

LEGITIMATE EXPECTATION: BREAK DOWN OF LOAN

EVIDENCE FROM BC DEPARTMENT OF EDUCATION

FRUSTRATION OF CONTRACT:

EXHIBIT: LETTER FROM KNELMAN ABOUT IMPACT OF LISTS

EXHIBIT

DEFAMATION CASE

EXHIBIT: RCMP THREAT ASSESSMENT LIST WITH ACTIVISTS

EXHIBIT: RCMP THREAT ASSESSMENT LIST WITH PICTURE OF RUSSOW IDENTIFIED AS LEADER OF THE GREEN PARTY

EXHIBIT: PCO USING EXEMPTION TO ELIMINATE REFERENCE TO PMO IN CHRISTINE PRICE

DEFAMATION: SELECTION OF ARTICLES ABOUT RUSSOW BEING ON THE LIST

FAILURE OF PRIVACY

EXHIBIT: PRIVACY

EXHIBIT;

Spend time on p. 160 rcmp response

EXHIBIT RADWANSKI 190

DOO () EXHIBIT: EVIDENCE OF THE REDACTED SECTION RELATED TO THE PMO'S INVOLVEMENT Feb 2002

FEBRUARY 2002: EVIDENCE OF SECTION IN CHRISTINE PRICE'S TESTIMONY THAT WAS REDACTED: NOTE; THAT THE PRIVY COUNCIL HAD USED AN EXEMPTION CLAUSE TO REMOVE THE REFERENCE IN CHRISTINE PRICE'S TESTIMONY TO THE PMO

BACKGROUND

1 c The current public allegations of racist activities and membership in racist groups by some members of the CF has raised the question of the ability of the CF to release, deny enrolment, or otherwise deal with such persons. The DM [Deputy Minister, Bob Fowler] has asked DG Secur to prepare a list of extremist and activities groups, membership in which could possibly be grounds for subsequent action by the CF. As there are potential difficulties with such a process, and assessment of procedural and legal constraints on DND is also required

EXTREMIST AND ACTIVIST LISTS

2 c Annex A is a representative sampling of extremist and activist groups in Canada, compiled from D Secur Ops 2 records and open sources. It is sub-divided into general groupings; however, it must be understood that this is an over-simplification and many groups represent interests that may encompass several political ideologies. It is also apparent that these groups represent a wide spectrum of beliefs and activities, ranging from conservative activism to violent extremism.

3 (c) The difficulty lies in deciding at which point in the extremist/activist continuum, membership or activities by CF members becomes unacceptable. By way of example, there is a right wing group at the University of Montréal that opposes Canadian Immigration policy. Such a group could easily attract CF members attending the university would such membership be considered unacceptable.

4 S Inquiries with CSIS indicates that the Service does not maintain such lists. During the 60s and 70s the RCMP Security Services maintained group and individual lists, concentrating on community [communist?] activities; however, this has now ceased due to the legal constraints on CSIS and the monumental effort involved. SIS now focuses its efforts on identifying threats to the security of Canada as defined in the CSIS (Extracts at Annex B)

5 (s) The proposed investigation by CSIS of a domestic extremist groups ?? is subjected to a rigorous approval process, before it may be launched. such investigations, as opposed to the investigation of espionage or terrorism, are the ones in which the government sees the greatest potential for the abuse of Charter rights. Consequently, CSI is subjected to the greatest degree of scrutiny in this field. All proposed investigations of domestic groups re vetted by the Targeting and Resource Committee (TARC) and involve ministerial review.

6 s CSIS investigations of such groups are focused on the leadership and are designed to produce reports and threat assessments for the use of government departments. They do not investigate the full membership of such groups, recognizing that membership or support for the group recognizing that membership or support for the group's ideology does not necessary constitute a threat to security. CSIS clearly recognizes that assessments of an individual's loyalty and reliability cannot be made solely on membership in such groups.

7 (c) Likewise, the RCMP does not maintain lists of extremist groups. The RCMP focuses its efforts on the criminal activities of individuals. They do not investigate groups per se, although they do produce criminal intelligence on groups of individuals acting together criminally, such as outlaw motorcycle clubs ?? As neither is a criminal organization, the RCMP is limited to investigating only those members involved in crime.

8 (C) The RCMP does investigate criminal groups if they are recognized as such. Examples of this would included foreign Triads active in Canada (recognized criminal organizations in their home country), and organized crime groups, as defined in the Criminal Code.

9 (C) Notwithstanding the above discussion, D Secur Ops 2 could, with additional resources, give advice to recruiting officers, commanding officers, and other DND authorities as to the degree of concern some of the more extreme groups constituted this would be in the form of a threat assessment, based on a review of open sources and classified records. The OI would then be in a position to make a reasoned decision as to the next course of action. If an SIU investigation of the individual was also conducted, this would however, continue to be constrained within their security mandate to investigate for security clearance purposes or because the individual's actions or status was suspected of constituting a threat to the CF

CONSTRAINTS ON DND

11.(c) There are no explicit constraints on DND with respect to the creation of such lists; however, there are a number of implicit ones. The Government of Canada has seen fit to constrain CSIS with respect to the type of activity that may be investigated, the way that information can be collected and who may view the information gathered. The CSIS Act empowers this Parliament, the Security intelligence Review Committee and the CSIS Inspector General to ensure CSIS abides by these constraints.

12 (C) DLAW/HRI, DLAW/SIP and DG Secur all agree that it would be inappropriate for DND to act in a less constrained manner. It is for this reason that the Security Intelligence Liaison Programme exists, thereby ensuring that DND does not violate the spirit of the law. DND does not gather security intelligence directly from domestic source but relies on open sources and information obtained from civil police and CSIS (s.13 (i) of the CSIS Act refers).

13 (C) The result of these constraints is that DG SEcur is unable to give assessments on groups not considered a threat by CSIS or civil police, other than what can be obtained through open sources or which can be obtained indirectly as a result of a criminal investigation carried out by military police.

21 **NOVEMBER 2001** ARTICLE ACTIVIST CAUTIONED TO BEHAVE. An Hoang.

DOO () EXHIBIT: EVIDENCE OF THE REDACTED SECTION RELATED TO THE PMO'S INVOLVEMENT Feb 2002

FEBRUARY 2002: EVIDENCE OF SECTION IN CHRISTINE PRICE'S TESTIMONY THAT WAS REDACTED: NOTE; THAT THE PRIVY COUNCIL HAD USED AN EXEMPTION CLAUSE TO REMOVE THE REFERENCE IN CHRISTINE PRICE'S TESTIMONY TO THE PMO

Dear Guineas

I am astonished that you would have accepted the PCO's deletion of a key section of the RCMP interview with Christine Price. I was able to obtain through another source the same document in which Christine Price indicated that she had received instruction from the PMO. It is indicative of the PCO's interest in concealing the involvement of the PMO.

****DEFENDANTS

D. J Chisholm, Staff Sergeant

****Exhibits

Hon. Paul Ramsey
Minister of Education
FAX 3873200

Dear Minister

I have been advised by Student services to write to you on the matter of my outstanding B.C. loan. I completed my doctorate degree in January 1996. This degree was a culmination of over 21 years of study. During that time I brought up four children and participated continually in local, national and international issues and public service.

During my education I incurred a government loan of \$55,000. It was always my understanding that if I completed my doctorate I would be eligible for remission of up to \$30,000.

Six months after I completed my doctorate, I was informed that the \$30,000 remission is only for BC loans and that the university or the student awards services had divided my loan into 20,000 (BC) and 35,000 (Canada). Because of the division, they claimed that I would only be eligible for remission of up to 20,000.

Recently I received a letter from the BC government Awards section indicating that I would receive remission of 16, 900 I urge you to reconsider my case, and adjust the combined federal/provincial loan to permit the \$30,000 remission.

It was brought to my attention recently that forest workers have been offered \$25,000 to return to school without the obligations to repay, and without the requirement to complete.

It was with great difficulty that I completed my education and I appreciate the assistance that I received from both the federal and provincial government.

Thank you for considering this request.

Yours Truly

Joan Russow (PhD)
1230 St Patrick St
Victoria, B.C.

23 JANUARY 2002: COMPLAINT SENT TO PRIVACY COMMISSIONER

NOTE LETTER SENT TO CHRETIEN ABOUT CONCERN APEC AND DND

Attorney General Vs Dr Joan Russow

1. FACTS: CHRONOLOGY

2. PLEADINGS

(A) SUBSTANTIATION OF “RIGHT INTENTION” TO REPAY LOAN

(B) DOCUMENTATION RELATED TO LOAN BEING CONTINGENT ON OBTAINING GAINFUL EMPLOYMENT, COMPLETION OF STUDIES, AND COMMUNITY SERVICE;

(C) UNFORESEEN CIRCUMSTANCES THAT HAVE FRUSTRATED FULFILLMENT OF THE STUDENT LOAN CONTRACT;

(D) DISCRIMINATION ON THE GROUND OF POLITICAL AND OTHER OPINION AND Attorney General Vs Dr Joan Russow

1. FACTS: CHRONOLOGY

2. PLEADINGS

(A) SUBSTANTIATION OF “RIGHT INTENTION” TO REPAY LOAN

(B) DOCUMENTATION RELATED TO LOAN BEING CONTINGENT ON OBTAINING GAINFUL EMPLOYMENT, COMPLETION OF STUDIES, AND COMMUNITY SERVICE;

(C) UNFORESEEN CIRCUMSTANCES THAT HAVE FRUSTRATED FULFILLMENT OF THE STUDENT LOAN CONTRACT;

(D) VIOLATION OF CHARTER RIGHTS AND DISCRIMINATION ON THE GROUND OF POLITICAL AND OTHER OPINION

(E). ON-GOING DEFAMATION SUIT: INTERDEPENDENCE OF INTENTION TO REPAY STUDENT LOAN, FRUSTRATION OF CONTRACT, INTERFERENCE

WITH GAINFUL EMPLOYMENT INEXORABLY LINKED TO ON-GOING
DEFAMATION CASE LINKED TO STUDENT LOAN

(E). ON-GOING DEFAMATION SUIT: INTERDEPENDENCE OF INTENTION TO
REPAY STUDENT LOAN, FRUSTRATION OF CONTRACT, INTERFERENCE
WITH GAINFUL EMPLOYMENT INEXORABLY LINKED TO ON-GOING
DEFAMATION CASE LINKED TO STUDENT LOAN

FACTS:

****CHRONOLOGY OF EVENTS

AFFIDAVIT: COUNTER CLAIM OF DEFAMATION OF CHARACTER

Joan Russow (Med) (PhD)

1. **1991-1995** SESSIONAL LECTURER, GLOBAL ISSUES, UNIVERSITY OF VICTORIA
2. **DECEMBER 1994:** Founded the Global Compliance Research Project, and received a CIDA grant of \$50,000 for the Project
3. **SEPTEMBER 1995:** COMPILED THE CHARTER OF OBLIGATIONS
On behalf of the Global Compliance Research project Russow wrote the "Charter of Obligations"- 350 pages of obligations incurred through conventions, treaties, and covenants; commitments made through conference action plans; and expectations created through General Assembly resolutions. The Charter of Obligations was officially distributed to all state delegations at the 1995 UN Conference on Women: Equality, Development and Peace. The Charter is being continually updated.
4. **17 SEPTEMBER 1995:** ARTICLE ABOUT GLOBAL COMPLIANCE PROJECT IN THE TORONTO STAR

By Paul Watson
Asian Bureau

Beijing – Joan Russow had an idea so sensible it sounded flaky when thousands of people were earnestly writing and rewriting more solemn promises to help the world's women.

Why not concentrate on making governments live up to the shelves upon shelves of accords, conventions, constitutions, declarations, resolutions and treaties that have been filed away for decades? ...Russow, a sessional lecturer on global issues at the University of Victoria, B.C. lobbied for days to get a motion on the floor demanding that governments live up to the commitments they've already made.

That was a lot like insisting the emperor has not clothes, so Russow and her supporters got mostly blank stares and hostility.

"I'm supportive of the commitments, to a certain extent: she said in an interview. "But if you get governments to commit to less than they're already obliged to do, is that success?"
...The UN celebrates its 50th birthday next month and the Beijing conference missed "a unique opportunity to say, "Enough's enough," Russow said." "Let's fulfill 50 years of obligations related to peace, the environment and human rights. ...The world governments already agreed to get rid of weapons of mass destruction a conference in Stockholm in 1972, Russow said. She has a book full of other examples, 360 pages thick...

5. 25 JANUARY 1996: GRADUATED WITH A PHD IN INTERDISCIPLINARY STUDIES

6. 25 APRIL 1996: GLOBAL PARTNERSHIP FOR DISMANTLING NUCLEAR WEAPONS: This partnership was related to the dismantling of Russia's nuclear weapons. Russow had criticized the flawed survey carried out about the plan to convert plutonium from Russian dismantled nuclear weapons into MOX to be used in CANDU. This item is included because there is a possibility that Russow might be perceived to be a threat for criticizing the proposal to transfer MOX to be used in CANDU reactors, opposing Canada's sale of CANDU reactors, protesting the circulation of nuclear powered and nuclear arms capable vessels....

7. OCTOBER- DECEMBER 1996: PARTICIPATED IN A MULTISTAKEHOLDER MEETING ORGANIZED BY THE DEPARTMENT OF FOREIGN AFFAIRS, AND DEPARTMENT OF ENVIRONMENT

As a member of the NGO community, as a lecturer on global issues at the University of Victoria, and as a participant at the 1992 Earth Summit, Russow was invited to a multi-sectoral consultation meeting organized by the Department of Foreign Affairs. We were asked to review Canada's submission to the Earth Summit + 5 conference which was to be held in New York in June of 1997. She spent two months carefully reviewing the submission and drawing upon her previous research in preparing the Charter of Obligation, she submitted a 200 page critique of the submission. She stressed the importance of being honest and straight forward about what was actually happening in Canada and of translating rhetoric into action.

NGOs are continually asked to participate in government consultation processes and face a constant dilemma: To refuse to participate in un-remunerated work and be accused of failing to take advantage of the opportunity to have input into government policy OR to participate in un-remunerated work, to submit a critical analysis of government policy, to have input into government policy but jeopardize future employment with government departments and be in a position of not being able to fulfill economic obligations.

8. 10 FEBRUARY 1997: RESPONSE FROM DFAIT TO CRITIQUE OF CANADA'S SUBMISSION TO THE UN

"Department of Foreign Affairs and International Trade, Canada/AGE"
<dfaitage@travel-net.com>
To: jrussow@uvaix2e1.comp.UVic.CA
Subject: Thank you

Lester B. Pearson Building

Tower B, 4th Floor, AGE
125 Sussex Drive
Ottawa, Ontario
K1A 0G2

UNCLASSIFIED

February 10, 1997

Dr. Joan Russow
Ecological Rights Association
Global Compliance
Research Project

Dear Dr. Russow:

Thank you for your comprehensive email of December 13, 1996. Your contribution and comments on the United Nations Commission on Sustainable Development (CSD) Canadian National Country Profile was greatly appreciated.

The information you provided was distributed to the appropriate chapter drafters. You may wish to know that the final draft of the CSD Canadian National Profile was recently completed and sent to the CSD in New York. The profile will be available shortly on CSD and the Department of Foreign Affairs and International Trade website.

Thank you again for your extensive input and suggestions into Canada's preparation of the CSD Canadian National Profile. The Government of Canada encourages the active involvement of Canadians in the preparation of all international events. We will continue to try and provide you with information and reports in as timely a manner as possible, and look forward to receiving your comments and opinions on Canadian positions for future international events.

Yours sincerely,

Peter Fawcett
Acting Director
Environment Canada

**9. 19 JUNE 1997: PROPOSED WORKSHOP ON COMPLIANCE
NORTH/SOUTH PERSPECTIVE ON COMPLIANCE: SUBMISSION TO THE APEC PEOPLES
SUMMIT**
proposed by Dr Joan Russow

For fifty -two years through international agreements, the member states of the United Nations, including APEC states, have undertaken:

- (i) to promote and fully guarantee respect for human rights;
- (ii) to ensure the preservation and protection of the environment;
- (iii) to create a global structure that respects the rule of law;
- (iv) to achieve a state of peace; justice and security , and
- (v) to enable socially equitable and environmentally sound development.

International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; expectations created through the United Nations Declarations, and General Assembly Resolutions; and commitments made through UN Conference Action Plans.

If these years of obligations had been discharged, if these fifty years of expectations had been fulfilled, and if years of commitments had been acted upon, respect for human rights could have been

guaranteed, preservation and protection of the environment could have been ensured, threats to peace prevented and removed, disarmament achieved, and socially equitable and environmentally sound development could have been enabled.

The current situation has become more and more urgent because rather than the member states of the United Nations being willing to comply with obligations and commitments, the member states are devolving themselves of their responsibility and passing this responsibility over to the corporate sector in the form of partnerships. Even though member states of the UN agreed in recent conferences “to ensure that corporations including transnationals comply with national codes, social security laws, international laws, including international environmental law”. (the Platform of Action in the UN Conference on Women: Equality, Development and Peace and in the Habitat II Agenda), governments are discussing “voluntary” compliance, and endorsing ISO 14,000 — a voluntary conformance corporate program. The OECD states are not discussing environment and human rights standards but “standards of investment”.

If there is to be compliance there is a need to establish mandatory international normative standards/regulations (MINS) drawn from international principles and from the highest and strongest regulations from member states harmonized continually upwards. Only then will socially equitable and environmentally sound development be possible. In addition member states of the UN including APEC, should take back the control over industry and be prepared to revoke licences and charters of corporations including transnationals if the corporations have violated human rights, caused environmental degradation, or contributed to conflict and war.

This workshop will be prepared in collaboration with NGO representatives from the Philippines, and Bangladesh.

10. 14 APRIL 1997: BECAME THE LEADER OF THE GREEN PARTY OF CANADA

11. MAY TO JUNE 2: 1997 RAN IN THE FEDERAL ELECTION AGAINST THE HONOURABLE DAVID ANDERSON. DURING THE ELECTION THE GREEN PARTY OF CANADA’S OFFICE IN TORONTO RECEIVED A NOTE THAT I WAS NO LONGER ASSOCIATED WITH THE UNIVERSITY

12. JUNE 1997: RECEIVED MEDIA ACCREDITATION TO ATTEND THE EARTH SUMMIT + 5 {RIO +5} IN NEW YORK

In 1997, Russow had an assignment from the local main stream radio station CFAX to attend the above Earth Summit. Prior to attending the conference she circulated the “Lest we Forget: the Urgency of the Global Situation.” She had no problem receiving media accreditation for a conference that was attended by senior representatives, including heads of state. She raised challenging questions and her media pass was never pulled, she was never placed on a threat assessment list, she was not discriminated against and she was not defamed. At the UN, at briefing, she spoke to Kofi Annan about the importance of state and corporate compliance and handed him two documents: Lest we Forget: the Global Urgency and the Treaty of Corporate and State Compliance. The following document is included to illustrate that Russow was not prevented from participating at the UN because of what she was writing and circulating at that time.

LEST WE FORGET
THE URGENCY
OF THE GLOBAL SITUATION

RECOGNITION OF THE URGENCY OF THE GLOBAL SITUATION

1.1. Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy and the continuing deterioration of the ecosystem on which we depend for our well being (Preamble, Agenda 21, UNCED, 1992)

(1) IMPACT OF CONTINUED IMPOSITION OF
CONSUMPTIVE MODEL OF DEVELOPMENT

- 1.1. Continued stress on global ecosystem from the pattern of over- consumptive development in industrialized countries
- 1.2. Continued deterioration of the global environment and aggravation of poverty caused by unsustainable patterns of consumption
- 1.3. Continued failure to reduce the ecological footprint through continued adherence to the consumptive model of development
- 1.4. Continued elimination of the ecological heritage of future generations
- 1.5. Continued depletion of resources upon which future generations depend
- 1.6. Continued political, economic and ecological crises, systemic or de facto discrimination, and other forms of alien domination or foreign occupation
- 1.7. Continued reliance on economic growth paradigm as the solution to global problems
- 1.8. Continue negative impact of structural adjustment programs based on the imposition of over-consumptive model of development
- 1.9. Continued promoting of socially inequitable and environmentally unsound employment and development
- 1.10. Continued failure to redefine "development" in equitable and ecological terms

(2) INEQUITABLE DISTRIBUTION OF RESOURCES AND DENIAL OF BASIC RIGHTS AND NEEDS

- 2.1. Continued inequitable distribution of natural resources
- 2.2. Continued inequality/inequity between "developed" , "developing" and "underdeveloped" states
- 2.3. Continued gravity of the economic and social situation of the least developed countries
- 2.5. Continued lack of fulfillment of basic needs, and failure to guarantee the right to food, right to shelter, right to education, right to health care
- 2.6. Continued lack of access to basic sanitation and adequate waste disposal services
- 2.7. Continued lack of access to food and water
- 2.8. Continued lack of access of poor to suitable arable land
- 2.9. Continued increase in the number of people who do not have access to safe, affordable and healthy shelter
- 2.10. Continued food crisis violating right to life and human dignity
- 2.11. Increased use of manipulative Biotechnology
- 2.12. Increased introduction of genetically modified food
- 2.13. Increased control by Multi-National Agri-Food, Pharmaceutical, and Petro-chemical companies world's food supplies
- 2.14. Continued unethical patenting of seeds by multinationals
- 2.15. Continued experimentation in the human genome project
- 2.16. Increased corporate control of their crop varieties
- 2.17. Increased modification of seeds for profit
- 2.18. Increased modification of organisms through "genetically modified organisms"
- 2.19. Continued widespread unemployment and underemployment
- 2.20. Continued failure to link health to over-consumption and inappropriate development
- 2.21. Continued failure to address and prevent environmentally-induced diseases
- 2.22. Increased deterioration of public health system, public health spending and privatization of health care systems
- 2.23. Continuing spread of communicable infections
- 2.24. Continued unequal access to basic health resources
- 2.25. Continued high birth mortality rate High percentage of child mortality rate of deaths per live births.

(3) DETERIORATION OF ENVIRONMENTAL QUALITY AND IMPLICATIONS FOR HUMAN HEALTH

- 3.1. Continued impact on health from environmental degradation
- 3.2. Increased impact on health and environment from toxic and hazardous chemicals
- 3.4. Increased air, water and land pollution
- 3.5. Continued adverse health and environmental effects of transboundary air pollution
- 3.6. Continued transferring and trafficking in toxic, hazardous including atomic substances, activities, and waste that are dangerous to health and to the environment
- 3.7. Continued risks of damage to human health and the environment from transboundary hazardous waste
- 3.8. Increased generation and transboundary movement of hazardous waste causing threat to human health and environment
- 3.9. Continued relocation or transfer to other states of activities and substances that cause severe environmental degradation or are found to be harmful to human health
- 3,10. Continued disregard for the precautionary principle 4.11. Continued awareness of the harm of exporting banned or withdrawn products on human health
- 3.12. Increased deterioration of the environment and health through anthropogenic actions
- 3.13. Continued ecological and human health effects of environmentally destructive model of development
- 3.14. Continued use of banned and restricted pesticides designated as being hazardous to human or environmental health
- 3.15. Increased resistance of antibiotics

(4) ENVIRONMENTAL DEGRADATION AND LOSS OF NATURE

- 4.1. Continued loss of biological diversity
- 4.2. Continued threat to genetic diversity
- 4.3. Increased deforestation and land degradation
- 4.4. Increased soil erosion
- 4.5. Increased desertification
- 4.6. Increased loss and degradation of mountain ecosystems
- 4.7. increased erosion and soil loss in river basins
- 4.8. Increased watershed deterioration
- 4.9. Increased marine environment degradation
- 4.10. Increased vulnerability of marine environment to change
- 4.11. Increased risk of impact from increase in sea level
- 4.12. Increased of carbon sinks
- 4.13. Increased impact of global climate change
- 4.14. Increased potential of climate change
- 4.15. Increased depletion of the ozone layer
- 4.15. Increased threats to the ecological rights of future generations
- 4.16. Increased environmental damage from waste accumulation
- 4.17. Unprecedented Increase in environmentally persistent wastes
- 4.18. Continued trafficking in toxic and dangerous products
- 4.19. Continued export to developing countries of substances and activities that are banned or restricted in country of origin
- 4.20. Increased generation of nuclear wastes
- 4.21. Increased Loss of biodiversity through ecologically unsound practices
- 4.22. Increased ignoring of carrying capacity of ecosystem
- 4.23. Continued violation of collective human rights through dumping of toxic, hazardous and atomic wastes is a violation

(5) ACKNOWLEDGMENT OF URGENCY VIOLATION OF HUMAN RIGHTS

- 5.1. Continued violation of human rights on the basis of gender, sexual orientation, sexual identity, family structure, disabilities, refugee or immigrant status, aboriginal ancestry, race, tribe, culture, ethnicity, religion or socioeconomic conditions
 - * Continued violations of human rights through the following activities:
 - * Mistreatment, and hasty judicial procedures
 - * Lack of respect for due process of law (access to a lawyer or visiting rights)
 - * Arbitrary detentions
 - * In camera trials
 - * Detention without charge and notification to next of kin
 - * Lack of defence counsel in trials before revolutionary courts
 - * lack of the right of appeal
 - * Ill-treatment and torture of detainees
 - * Torture of the cruelest kind and other inhuman practices
 - * Widespread routine practice of systematic torture in its most cruel forms
 - * Wide application of the death sentence
 - * Carrying out of extra-judicial executions
 - * Orchestrated mass executions and burials
 - * Extra judicial killings, including political killings
 - * hostage taking and use of persons as "human shields"
 - * Constitutional, legislative and judicial protection, while on paper, are revealed as totally ineffective in combating human rights abuses
 - * Extreme and indiscriminate measures in the control of civil disturbances
 - * Enforced or involuntary disappearances, routinely practiced arbitrary arrest and detention, including women, the elderly and children
 - * Abuses of political rights and violation of democratic rights
 - * Unfair elections

- * Activity against members of opposition living abroad
 - * Harassment and suppression of opposition politically
 - * Suppression of students and strikers
 - * Targeting by terrorists of certain members of the press, intelligentsia, judiciary and political ranks
 - * Failure to grant exit permits
- 5.3. Increased forced migration of populations of migrants, refugees and displaced persons
 - 5.4. Continued critical situation of children
 - 5.5. Continued concern about discrimination against women despite Human Rights instruments
 - 5.6. Continued barriers faced by women
 - 5.7. Continued female genital mutilation and other harmful practices
 - 5.8. Denial of fundamental rights and freedoms
Suppression of freedom of thought, Media and religion and conscience √ systemic discrimination
 - 5.9. Continued denial of moral and humanitarian values through religious intolerance and extremism
 - 5.10. Continued massive violations of human rights, ethnic cleansing and systematic rape
 - 5.11. Continued wars of aggression, armed conflicts, alien domination and foreign occupation, civil wars, terrorism and extremist violence
 - 5.12. Continued violation of human rights of women including murder, torture, systematic rape, forced pregnancy
 - 5.13. Continued ethnic cleansing
 - 5.14. Continued xenophobia. Fear and aversion to foreigners continues throughout the world
 - 5.15. Continued violation of human rights during armed conflict
 - 5.16. Continued discrimination of and violence against women
 - 5.17. Continued violation against indigenous peoples
 - 5.18. Increased violations of the rights of refugees
 - 5.19. Continued insufficient protection of the rights of migrant workers
 - 5.20. Continued marginalization of specific women by their lack of knowledge of their rights and redress
 - 5.21. Continued Insufficient protection of the rights of migrant workers
 - 5.22. Continued multiple discrimination against indigenous women
 - 5.23. Continued gender inequities

(6) DESTRUCTION THROUGH CONFLICT, WAR AND MILITARIZATION

- 6.1. Continued perpetuation of the substantial global expenditures being devoted to production, trafficking and trade of arms
- 6.2. Forcing developing countries to undertake inequitable structural adjustment
- 6.3. Increased poverty
- 6.4. Continued excessive military expenditures while basic needs are not fulfilled
- 6.5. Continued massive humanitarian problems through military intervention
- 6.6. Continued circulation
- 6.7. Continued war crimes against humanity, including genocide ethnic massacres , and “ethnic cleansing”
- 6.8. Increased human and environmental destruction through land mines
- 6.9. Increased war and civilian amputees as a result of land mines
- 6.10. Continued death and displacement of people through war
- 6.11. Continued impact of radiation from nuclear testing on present and future generations
- 6.12. Continued exposure to radiation on present and future generations
- 6.13. Continued mining of uranium for use in nuclear weapons
- 6.14. Continued production, proliferation and testing of nuclear arms
- 6.15. Continued circulating and berthing of nuclear armed or nuclear powered vessels

**13. 1997 AUGUST 1997: MAI ARTICLE PRINTED IN THE OAK BAY NEWS
MAI ARTICLE PRINTED IN THE OAK BAY NEWS**

ATTENTION: DAVID LENNAM

FAX 598 1896

MESSAGE: piece on MAI

Joan

PRINTED AS " Oh My O MAI"

TREATY OF
CORPORATE AND STATE COMPLIANCE

[proposed General Assembly Resolution to be circulated to governments by their citizens]

Through more than 50 years of concerted effort, the member states of the United Nations have created international obligations, commitments and expectations in which they have undertaken the following:

1. to Promote and fully guarantee respect for human rights and social justice;
2. to Enable socially equitable and environmentally sound development;
3. to Achieve a state of peace, justice and security;
4. to Create a global structure that respects the rule of law; and
5. to Ensure the preservation and protection of the environment.

Concerned that trade organizations such as the World Trade Organization (WTO) and Asia Pacific Economic Cooperation (APEC), and trade agreements such as the North American Free Trade Agreement (NAFTA) and the Multilateral Agreement on Investments (MAI) proposed by the member states of the Organization of Economic Cooperation and Development (OECD), undermine the work of over 50 years in creating obligations, commitments and expectations with respect to the matters set out above; Recalling the commitment made by all the member states of the United Nations in the Platform of Action at the UN Conference on Women: Equality, Development and Peace (Beijing, 1995) and in the Habitat II Agenda, "to ensure that corporations including transnationals comply with national codes, social security laws, and international law, including international environmental law";

WE THE MEMBER STATES OF THE UNITED NATIONS UNDERTAKE THE FOLLOWING:

1. To sign and ratify those existing international agreements that have not yet been signed and ratified, to enact the domestic legislation necessary to implement them, to fulfill the legitimate expectations created by General Assembly resolutions and declarations, and to act upon commitments arising from conference action plans;
2. To establish mandatory international standards and regulations (MINS), based on international principles and on the highest and strongest regulations from member states with respect to
 - (a) Human rights and social justice,
 - (b) Socially equitable and environmentally sound development, and
 - (c) Protection and preservation of the environment,and to harmonize standards continually upwards;
3. To demand compensation and reparations from corporations, and from administrations that have permitted corporations to, or assisted them in, degrading the environment or violating fundamental human rights, especially where those actions occurred:
 - (a) in developed and developing countries, or
 - (b) on the lands of indigenous peoples or in the communities of marginalized citizens in either developing or developed countries;
4. To revoke the licences and charters of corporations, including transnational corporations, if those corporations have persistently:
 - (a) violated human rights,
 - (b) caused environmental degradation,
 - (c) disregarded labour rights, or

- (d) contributed to conflict and war, or if they fail to pay compensation for past non-compliance with international agreements;
- 5. To reduce military budgets and use the savings:
 - (a) to guarantee:
 - the right to adequate food,
 - the right to safe and affordable shelter,
 - the right to universal health care,
 - the right to safe drinking water,
 - the right to a safe environment,
 - the right to education, and
 - the right to peace;
 - (b) to fund socially equitable and environmentally sound work; and
 - (c) to fund education and research free from corporate direction and control;
- 6. To increase funding for United Nations agencies and for international, national and regional educational institutions so that their missions will not be undermined by corporate direction or control;
- 7. To develop criteria for partnership with the United Nations so as to ensure the exclusion of corporations from such a partnership if in any part of their operation they have violated human rights, caused environmental degradation, contributed to war and conflict, or failed to promote socially equitable and environmentally sound development;
- 8. To distinguish "civil society" from the "market", and to define civil society as those elements of society that serve to guarantee human rights, foster justice, protect and conserve the environment, prevent war and conflict, and provide for socially equitable and environmentally sound development;
- 9. To prevent the transfer to other states of substances and activities that cause environmental degradation or that are harmful to human health, as agreed in the Rio Declaration; this prohibition would cover activities such as those related to:
 - (a) the import or export of toxic, hazardous, or atomic substances and wastes,
 - (b) production or consumption of ozone-depleting substances,
 - (c) extraction of resources by environmentally unsound methods,
 - (d) production or distribution of questionable genetically-engineered food substances and genetically modified organisms,
 - (e) the questionable production or distribution of genetically engineered crop/pesticide systems,
 - (f) increased greenhouse gas emissions;
- 10. To act upon the commitment made at recent United Nations Conferences to move away from the over-consumptive model of development, to reduce the ecological footprint, and to reject the economic dogma that maximum economic growth will resolve the urgency of the global situation;
- 11. To prohibit all trade zones that have the effect of circumventing obligations and commitments intended to guarantee human rights, including social justice and labour rights, or to protect, preserve and conserve the environment.
- 12. To work with banking and finance institutions to terminate all Structural Adjustment Programs (SAP) which prescribe:
 - (a) the indiscriminate privatization of state-owned enterprises,
 - (b) the indiscriminate reduction of government expenditures,
 - (c) and the indiscriminate liberalization of trade regimes,
 - (d) the indiscriminate opening of states to increased foreign investment, especially where this entails the attraction of foreign capital by deregulating markets and offering low wages, high interest rates, and little or no environmental protection, or
 - (e) the indiscriminate encouragement of producing of goods for export at the expense of traditional crops, products and services which serve the needs of domestic peoples;
- 13. To ensure that no state relaxes environmental, health, human rights or labour standards in order to attract industry, and that no corporation allows a branch or subsidiary to engage in:
 - (a) practices that are unacceptable in the controlling corporation's state of origin,
 - (b) activities that are banned or restricted in the controlling corporation's state of origin, or

- (c) manufacturing or transferring substances that are banned or restricted in the controlling corporation's state of origin.
- 14. To ensure that no state shall justify trade with a country that violates human rights on the grounds that such trade will lead to a betterment of human rights.
- 15. To establish an International Court of Compliance where citizens can bring evidence of state and corporate non-compliance with all states' overriding obligations and commitments to:
 - (a) protect and advance human rights,
 - (b) foster social justice,
 - (c) protect and conserve the environment,
 - (d) prevent war and conflict, and
 - (e) enable socially equitable and environmentally sound development.

Contacts:

Joan Russow (PhD) (250) 598-0071, e-mail jrussow@coastnet.com

Caspar Davis (LLB), prana@coastnet.com

14. NOV 4 1997: LETTER TO BC MINISTER OF EDUCATION ABOUT LOAN REMISSION:

Hon. Paul Ramsey
Minister of Education
FAX 3873200

Dear Minister

I have been advised by Student services to write to you on the matter of my outstanding B.C. loan. I completed my doctorate degree in January 1996. This degree was a culmination of over 21 years of study. During that time I brought up four children and participated continually in local, national and international issues and public service.

During my education I incurred a government loan of \$55,000. It was always my understanding that if I completed my doctorate I would be eligible for remission of up to \$30,000.

Six months after I completed my doctorate, I was informed that the \$30,000 remission is only for BC loans and that the university or the student awards services had divided my loan into 20,000 (BC) and 35,000 (Canada). Because of the division, they claimed that I would only be eligible for remission of up to 20,000.

Recently I received a letter from the BC government Awards section indicating that I would receive remission of 16, 900 I urge you to reconsider my case, and adjust the combined federal/provincial loan to permit the \$30,000 remission.

It was brought to my attention recently that forest workers have been offered \$25,000 to return to school without the obligations to repay, and without the requirement to complete.

It was with great difficulty that I completed my education and I appreciate the assistance that I received from both the federal and provincial government.

Thank you for considering this request.

Yours Truly

Joan Russow (PhD)
1230 St Patrick St
Victoria, B.C.

15. 15 OCTOBER 1997: CANADA'S TREATY MAKING POLICY IMPERATIVES: DISCHARGING OBLIGATIONS AND FULFILLING EXPECTATIONS FOR A CULTURE OF PEACE

. CANADA AND TREATY-MAKING

OVERVIEW

To begin to achieve “a culture of peace” citizens must be aware that international public policy related to a culture of peace already exists in the complex of United Nations documents, and that member states of the United Nations have failed either to comply with this international public policy, or to determine what would constitute compliance. Once citizens have become aware of existing obligations and expectations then citizens will be better informed about the commitments that still are needed to move states beyond existing obligations and expectations. For example, in the Declaration of Human Rights from 1948, member states undertook to “reaffirm faith in fundamental human rights, in the dignity and worth of human person and in the equal rights of men and women.” This statement of principle could be described as a statement of international public policy; yet what actions, cultural adjustments and attitudinal transformations would have been necessary to ensure the fulfilling of this expectation were never really determined.

For over fifty years through international agreements, the member states of the United Nations have undertaken (i) to promote and fully guarantee respect for human rights; including the rights of women; (ii) to ensure the preservation and protection of the environment; (iii) to create a global structure that respects the rule of law, (iv) to achieve a state of peace; justice and security, and (v) to participate in socially equitable and environmentally sound development. International agreements include both obligations incurred through the United Nations Charter, the United Nations Conventions, Treaties, and Covenants; and expectations created through the United Nations Declarations, Conference action plans and General Assembly Resolutions.

If these years of obligations had been discharged, and if these years of expectations had been fulfilled, respect for human rights might have been guaranteed, preservation and protection of the environment might have been ensured, threats to peace might have been prevented and removed, disarmament, achieved; and socially equitable and environmentally sound development might have been enabled.

Many of these obligations have never been discharged, states often fail to sign international legally binding treaties that they themselves have negotiated; states that sign legally binding conventions and treaties, often fail to ratify them; and states that ratify these treaties often fail to enact the necessary legislation to ensure compliance and enforcement

Many of the expectations have not been fulfilled. Expectations have been created through recent global Conferences and action plans. such as those from United Nations Conference on Environment and Development (UNCED); the World Conference on Human Rights; the Social Development Conference; the International Conference on Population and Development, the UN Conference on Women: Equality, Development and Peace, and Habitat II. Although the major conference action plans have been adopted by all the member states of the United Nations, the action plans are not deemed to be legally binding.

These Conference Action plans, along with General Assembly Resolutions and Declarations, however, do create expectations that states will adhere to the agreed to principles, and policy statements. In common law there is a doctrine that acknowledges the legal implications arising from the creating of expectations: the Doctrine of Legitimate Expectations. This doctrine has been described in the following way: If a government holds itself out to do something even if not legally required to do so, the government will be expected to act carefully and without negligence, and the citizens have a legitimate expectation that the government will discharge this obligation (Brent Parfit, Deputy Ombudsman, Ombuds office, British Columbia, Canada, 1995, Personal Communication). A further elaboration of this doctrine is “when an expectation is created there must be the ability to fulfill the promise it implies (BC. Ombudsman, Report, 1991). This doctrine could be used by citizens at the international level to strengthen the call for state compliance with expectations created through conference action plans.

Institutional memory related to principles from past precedents, and related to obligations incurred and expectations created has been short, and policy formation and implementation often reflects the absence of respect for precedents. These forgotten obligations and expectations provide a basis for policy formation and implementation. Not only have policy makers ignored past precedents embodied in

principles of action, but the general public is often unaware of the existence of government undertaking, particularly at the international level, and unappreciative of the relevancy of the international obligations to national, provincial and regional issues. In addition NGOs are often too preoccupied with reacting to immediate emergencies to have the time to carry out the needed content analysis of these undertakings.

Through international agreements nation states have undertaken

- (i) to guarantee human rights including the right to be free from discrimination, the right to shelter, the right to food, the right to social security (international human rights instruments);
- (ii) to protect the cultural and natural heritage for future generations (Article 4 Convention on the protection of Cultural and Natural Heritage, 1972) ;
- (iii) to eliminate weapons of mass destruction (UNCHE, 1972);
- (iv) to promote international co-operation to ensure that the results of scientific and technological development are used in the interests of strengthening international peace and security, freedom and independence and also for the purpose of the economic and social development of peoples and the realization of human rights and freedoms in accordance with the Charter of the United Nations (Art. 2. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace, UN General Assembly Resolution, 1975);
- (v) to declare that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity (Resolutions 1961, 1978, 1979, 1980, 1981);
- (vi) to reduce the military budgets, with a view to reaching international agreements to freeze, reduce or otherwise restrain military expenditures (A. 1 Resolution 36/82 1981, Reduction of Military Budgets. 1981) and to reallocating the funds thus saved to economic and social development, particularly for the benefit of developing countries (A 2. Resolution 36/82 1981, Reduction of Military Budgets. 1981);
- (vii) to respect the inherent worth of nature beyond human purpose (Preamble, World Charter of Nature, 1982);
- (viii) to secure nature from degradation caused by warfare or other hostilities (Art. 5 UN Resolution, 37/7, World Charter of Nature, 1982);
- (ix) to declare that the preservation of the right of peoples to peace is a fundamental obligation of each state (2. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984);
- (x) to demand that policies of states be directed towards elimination of the threat of war, particularly nuclear war (3. Declaration on the Right of Peoples to Peace; approved by General Assembly resolution 39/11 of 12 November 1984);
- (xi) to commence negotiations, as a matter of priority, in order to achieve agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the annexed draft (Art. 1. Convention on the Prohibition of the Use of Nuclear Weapons, 1983);
- (xii) to prevent the transfer to other states of any activities and substances that cause severe environmental degradation or are found to be harmful to human health (Principle 14, Rio Declaration, UNCED, 1992);
- (xiii) to do nothing on indigenous lands that would cause environmental degradation or be culturally inappropriate (Art. 26.3.a.ii, Agenda 21, UNCED, 1992); (xiv) to invoke the precautionary principle which affirms that, in the case of potential environmental damage, it is not necessary to wait for scientific certainty to act to prevent the damage (Principle 15 Rio Declaration);
- (xv) to carry out an environmental assessment review of anything that could contribute to loss or reduction of Biodiversity (Conventions on Biological diversity);
- (xvi) to preserve carbon sinks (Art. 4 1 d Framework Convention on Climate Change, 1992); and from the Habitat II Agenda: (xvii) to reduce the ecological footprint (Art. 27 b);
- (ix) to protect fragile ecosystems and environmentally vulnerable areas (27e); to prevent anthropogenic disasters (27 i);
- (xx) to prevent environmental damage through knowledge of eco-cycles (Art. 135). and so forth.

A key concept that has significant policy implications is that of international customary law. Simply put, where a principle of international law has been a long standing part of that law, it may be held to be a part of international customary law and deemed applicable as part of national law. For example, the principle of intergenerational equity i.e. the rights of future generations to a safe environment may be argued as falling within international customary law since it is found in a number of international documents beginning with the UN Conference on Humans and the Environment (UNCHE), 1972, including in the Convention on the Protection of Cultural and Natural Heritage (1972) through the World Charter of Nature (1982) to the various documents coming out of the United Nations Conference on the

Environment (UNCED) 1992 (Agenda 21, The Convention on Biological Diversity and the Framework Convention on Climate Change).

Both the Doctrine of Legitimate Expectations and the principles of international customary law are relevant to the national policy formation and implementation related to ethical governance, in that obligations incurred or expectations created can be held to be enforceable in national law.

It is thus essential for transforming a culture of violence into a culture of peace to stress the importance of being concerned with questions of awareness, knowledge and education on the part of the judiciary and administrative bodies, as well as with heightened public awareness of the use of international documents and to the educational strength of these documents within various jurisdictions.

Nation states need to be called upon to fulfill and adhere to previously agreed-upon documented principles and courses of action; and, to enter into formal obligations derived from the legitimate expectations based on their previous statements and actions or pursuant to international customary law. The United Nations also needs to provide an international body for citizens to take evidence of state non-compliance with legally binding conventions and covenants, or with expectations created through General Assembly resolutions, Declarations and Conference Action plans.

20 NOVEMBER 1997 CONTACTED THE APEC MEDIA ACCREDITATION OFFICE
Russow, phoned the APEC Media accreditation centre on Thursday November 20 to ask if it was not too late to attend as a representative of the media. She has attended several international conferences and reported back as media. She has never been prevented from getting media accreditation.

She was told in a phone call to the APEC media desk that the deadline for media registration had been September 29 but that it was still possible to register on site at APEC providing that she had an assignment letter from a newspaper [this is usual procedure for international conferences]. She contacted a local paper and was faxed an assignment letter. She was told that she could register on site.

16. 17 OCTOBER 1997. MEDIA REPORT ON RUSSOW'S STATEMENT ON SHELL

GREEN PARTY SLAMS SHELL'S ECO-RECORD
BY David Trigueiro , Calgary Herald

Green Party of Canada Leader Joan Russow came to Calgary Thursday for a two-pronged attack on Shell Canada Ltd,
Shell was chosen among all oil company offender, Russow said because it is developing oil and gas field in Nigeria and proposing to construct a natural gas pipeline in Iran.

Both countries are guilty of human rights abuses well documented by Amnesty International and meanwhile produce massive amounts of fossil fuels responsible contributing to global warming. ... If Shell would devote more time and money to developing alternative source of energy to replace fossil fuels, Russow said, it would not have to involve itself in human-rights outlaw countries...
Russow said the Green party wants to persuade Canada's oil companies to support reductions in carbon dioxide emission as they have pledged to do in the past

17. 20 NOVEMBER 1997: RUSSOW CALLS APEC MEDIA ACCREDITATION CENTRE

Russow was informed by the APEC Media Accreditation Centre that although the formal registration had been closed in September, it was still possible to register on site with the proper letter of accreditation

18. 21 NOVEMBER 1997: FAXED LETTER OF ACCREDITATION FROM OAK BAY NEWS

Oak Bay community newspaper since 1974

219 2187 Oak Bay avenue Victoria B C
Phone 250 598-4123 fax 250 598 1896

Cover Joan

Is this enough if you want the original. I will leave it here for you to pick up

Body of text November 21 1997

To whom it may concern

This is to certify that Joan Russow is attending the APEC conference as a representative of the Oak Bay news. Please grant her media credentials accordingly

If you require further clarification please contact the oak Bay news at 250 598-4123

Signed: David Lennam, Editor

19. 22 NOVEMBER 1997: EVIDENCE OF PMO'S INTERFERENCE WITH SECURITY

Karen Pearlston, a graduate law student residing at Green College (a graduate student residence and the building closest to the APEC motorcade route at UBC), is told by police that they have orders from the PMO that there should be "no signs and no people" on the Green College side of the motorcade route. She is threatened with arrest when she asserts her constitutional rights. Asked on what charge, the police respond, "We'll make something up."

In the evening, student protesters camped near the Museum of Anthropology are arrested. Police documents had stated that the PMO was "very concerned" about their presence (e-mail from Insp. Dingwall to Supt. May and others, 20 November 1997) even though the campers apparently did not pose a security threat.

"APEC command centre logs show that on one occasion, Jean Carle, the Director of Operations for the Prime Minister's office, phoned Wayne May. May is the RCMP Superintendent who headed up security at the summit. The call came just days before the meeting at UBC, and it centred on the student protesters camped near the summit site" (Newsworld Online, 23 August 1999).

20. 22 NOVEMBER 1997: RUSSOW APPLIES FOR ACCREDITATION AT MEDIA CENTRE AT APEC

She arrived at the Media Accreditation desk on Saturday at 11:30. Her credentials were accepted and placed in the computer. She was told that there was a backlog and there would have to be a security check [a requirement for all media]. She was also told that she might be able to begin attending the sessions in the interim because her name was now in the computer, but that it was up to the discretion of the RCMP officers at the entrance to the conference.

She went to the entrance and asked if it would be possible to enter with a temporary pass. The RCMP officers made a few phone calls and then said that she could not enter and would have to wait until the security check was completed. She phoned back Saturday evening and was told that the security check was still pending. She was staying in Tswassen and was not at UBC.

21. 23 NOVEMBER 1997: RUSSOW RECEIVES MEDIA ACCREDITATION AND THEN HAS PASS PULLED

She called from Tswassen in the morning and was told that her pass was still not ready but if she came down in person there would probably be a better chance of obtaining the media pass. She went to the media centre at 11:30 on Sunday, and waited for 30 minutes and was given a media pass

She covered the People's Summit rally and then returned to the main APEC centre to enter with the media pass.

When she came to the gate, she was told that something was wrong with her pass and she would have to get another one. It appeared that they had been waiting for her because a woman at the gate called out "she is here".

She went to the RCMP desk and they asked for her pass and she returned it. They told her that there was a problem and she would have to return to the media centre. I asked if they could please call for me to find out what the problem was. She overheard the RCMP officer say "yes we have her pass".

She went to the media centre and was told by Richard Bills, one of the media coordinators, that she was not refused on the grounds of the security check but on the grounds that they could not find the name of the paper that she was representing anywhere. This news paper was part of the local newsgroup in Victoria. They noted that there was no answer at the local newspaper [which is not open on Sunday].

She was told that if she could have a newspaper sent over proving that the newspaper existed her pass would be returned. She was also asked if she had written anything for the paper before and she mentioned she had written a piece on the MAI. He then asked her what she was going to be reporting on. She mentioned that she would be examining the APEC communiqué in the context of international agreements.

She left prepared to have a copy sent over. She then decided to return to the Media centre and suggest that they call the Times' Colonist which would be open and ask about the legitimacy of the local paper. Richard Bills said "how could we tell if we would be talking to a legitimate person at the newspaper". She said that he could look up the number for the newsroom himself.

He then passed her on to the RCMP officer, Wally Duperon after having a short conversation at the edge of the backroom.

The RCMP officer returned and said that she could not get a pass because she had a FAX of the assignment from the newspaper. She pointed out that an hour earlier she had discussed media accreditation with a woman who had had her assignment faxed from Montreal.

The RCMP officer then said that the newspaper had not registered by September 28, and she pointed out that , she had been told on November 20 when she phoned from Victoria, it was possible to register on site.

He then asked if she had a professional press pass; she responded that she had stated on her application that she was "freelance".

At this point she said if she were an RCMP officer interviewing him she would have been very suspicious. He retorted perhaps she should become one. She asked if the reason that her pass was pulled was that she was the leader of the Green party. He said no.

She said that there was obviously another reason for her not being able to attend as media, and said that she thought that he was lying; he responded by asking her if she wanted to be arrested.

She left and phoned back to request more information about the real reason for her not being given a media pass.

On the ferry on Monday she read an article about a Reuters reporter who had asked Chrétien a question during a Photo-up. Joan Russow was reminded of Chrétien's walkabout in Montreal during the 1997 election when after introducing herself as the leader of the Green Party, she asked him a question about Canada's lack of compliance with international law. After ignoring her questions she asked the reporters in his entourage if they were all there to take photo-ops or were there any investigative reporters among them that would ask Chrétien substantial and challenging questions.

Was this the reason that she was denied media access? She has filed a complaint and she will be using the freedom of information act to find out what is in her record.

22. 27 NOVEMBER 1997: RUSSOW FILED A COMPLAINT ABOUT THE RCMP AT APEC

23. 28 NOVEMBER 1997: PETITION SUBMITTED TO THE FEDERAL GOVERNMENT RE: APEC. COPY SENT TO PRIME MINISTER

Nov 28, 1997
PETITION
TO THE HOUSE OF COMMONS
IN PARLIAMENT ASSEMBLED

We the undersigned citizens draw the attention of the House to the following:

THAT the arrests and treatment of citizens protesting in Clayoquot Sound, Temogami, Gustafson lake and Slocan Valley have violated the civil and political rights of those arrested
THAT during the APEC conference in Vancouver several activities authorized by the Canadian Government appeared to be in violation of the Charter of Rights and Freedoms, the Immigration Act and the International Covenant of Civil and Political Rights to which Canada is a signatory.
THAT there is increased concern about the misapplication of justice in reference to
THAT there has been a criminalization of the contempt of court charges
THAT there was questionable activity related to the pulling of a media pass at the APEC Meeting

THEREFORE, your petitioners request that Parliament

- (i) to seek an advisory opinion from the International Court of Justice on Canada's compliance with the international Covenant of Civil and Political Rights in relation to the arrests of citizens, to the criminalization of the contempt of court charges, and to the treatment of these citizens as criminals.
- (ii) to investigate RCMP behaviour during the APEC Conference as being a violation of Charter of Freedom Right of Assembly
- (iii) to examine the Canadian statutory law related to immigration in reference to the section on prohibiting entry into Canada of citizens or leaders that have violated human rights.

In the International Covenant of Civil and Political Rights. Article 19 it is stated

1. Everyone shall have the right to hold opinions without interference
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his {his/her} choice.

SIGNATURE

ADDRESSES

Joan Russow (PhD)

1230 St. Patrick St.
Victoria, B.C. V8S4Y4.

24. 9 DECEMBER 1997: CHAIR OF THE RCMP PUBLIC COMPLAINTS COMMISSION INSTITUTES A PUBLIC INTEREST INVESTIGATION INTO APEC

25. 10 DECEMBER 1997: UBC SENATE MEETING DIRECT INVOLVEMENT OF SENIOR OFFICIALS CONFIRMED

At a UBC Senate meeting, senior university officials confirm the direct involvement of senior officials from the PMO in establishing "security perimeters" around the AELM meeting site.

26. 16 DECEMBER: 1997 FILED A COMPLAINT WITH THE RCMP PUBLIC COMPLAINTS COMMISSION

Russow had phoned in the complaint and it is reported that she "alleged oppressive conduct in that she was refused a security clearance to attend the APEC centre as a report; which she believes is because she is the leader of the Green Party."

27. 22 DECEMBER 1997: RESPONSE TO COMPLAINT AGAINST THE RCMP

Royal Canadian Mounted Police
"e" division
Ms. Joan Russow
1230. St. Patrick Street V8S 4Y4
December 22. 1007

Dear Ms Russow:

Please be advised that this office is now in receipt of correspondence concerning your complaint against members of the RCMP which you lodged with the RCMP Public Complaints Commission.

Your complaint will be investigated and you will be contacted in due course. You will be kept informed of the progress of the investigation at regular intervals

Sincerely

D. J Chisholm, Staff Sergeant
Non Commissioned Officer in Charge
Internal Affairs Unit
"E" Division.

1998

28. 15 JANUARY 1998: RUSSOW INTERVIEWED IN VICTORIA BY TWO RCMP OFFICERS, SERGEANT WOODS AND SERGEANT JUBY

In the interview, after reporting on what I perceived to be the sequence of events, I raised the issue of the possibility that there had been a directive from the Prime Ministers office. When I was asked what remedy I would request, I mention the CSIS Act section in which CSIS is not supposed to target citizens engaged in legitimate advocacy. I also stressed the necessity of establishing clear criteria for the RCMP to enable them to distinguish between individuals engaged in legitimate advocacy and individuals who were real threats to national and international security.

29. JANUARY 1998: NOW MAGAZINE REVEALS DND LISTS OF GROUPS

The following is an excerpt from a piece written by Patrick Cain, and published in NOW magazine in January, 1998.

"The order from the then head of the military police, Colonel Peter MacLaren, asks for the names of what he calls "extremist and activists groups, membership in which could possibly be grounds for subsequent action by the Canadian Forces".

The list, MacLaren indicates in his instruction, had been requested by then-Deputy Minister Robert Fowler, now Canada's Ambassador to the United Nations. Much of the note was classified as secret.

On May 18, 1993, MacLaren sent a briefing note to then Vice-Admiral Larry Murray with an attached list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND."

Some organizations on the list are expected -- even inevitable -- there are eight white supremacist groups, 14 Asian triads and 15 motorcycle gangs mentioned.

Others are startling. In a section headed "left Wing Groups" MacLaren asserts, "The loyalty of members of these groups (i.e. to Canada) is questionable as the group bond is stronger than the nationalist bond." Under "Environmental Groups" MacLaren included the Green party (without saying whether he meant the federal or provincial parties), project Ploughshares, the Raging Grannies, the Canadian Coalition for Nuclear Responsibility, Earth First and Greenpeace." Generally peaceful, some groups have attempted to hinder CF (Canadian Forces) operations," MacLaren writes. "The presence of peace group members in the CF could pose a risk to the security of information. DND's efforts to be environmentally sensitive are not appreciated by all environmental groups."

Under "Anti-Racist Groups." the list includes Anti-racist Action, B'nai Brith, the Canadian Jewish Congress and what he called the "native Canadian Centre (without saying which one).

"Generally peaceful" MacLaren writes, "some groups have a Trotskyist or Anarchist element that uses violence at demonstrations. The allegations of white supremacists in the CF could result in protests against DND."

Under "Religious Extremists" MacLaren Lists (without further explanations) "some groups" of Roman Catholics, Sikhs, Baptists and United Church members. Which groups are referred -- for instance, whether MacLaren had the Catholic right or the Catholic left in mind, or both -- isn't clarified. Without the

"some groups" qualification, MacLaren lists the Jewish human rights group B'nai Brith (its second mention) and the Mennonites.

The list, MacLaren writes, was "compiled from (military police) records and open sources." (NOW, January 1998).

30. MONTHLY FROM JANUARY 1998 TO JULY 1998: RCMP UPDATES ON COMPLAINT

Russow received responses from the RCMP; these responses updated me on the complaint by essentially saying that the response was forthcoming.

31. 28 JANUARY 1998: LETTER SENT TO MILITARY POLICE ABOUT THE DND LIST

January 22, 1998

Open Letter to the Military Police

The Green party of Canada would like to raise some serious questions about the following information which appeared recently in an article in the latest NOW Magazine.

Although, in the article, the military police claim that they had only put together a list to indicate how difficult it would be to compile a list of organizations to which military personnel should not belong, the article does reveal a series of categories which raise serious concerns.

The following is an excerpt from a piece written by Patrick Cain, and published in NOW magazine in January, 1998:

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Some organizations on the list are expected -- even inevitable -- there are eight white supremacist groups, 14 Asian triads and 15 motorcycle gangs mentioned.

Others are startling. In a section headed "left Wing Groups" MacLaren asserts, "The loyalty of members of these groups (i.e. to Canada) is questionable as the group bond is stronger than the nationalist bond." Under "Environmental Groups" MacLaren included the Green party (without saying whether he meant the federal or provincial parties), project Ploughshare, the Raging Grannies, the Canadian Coalition for Nuclear Responsibility, Earth First and Greenpeace. "Generally peaceful, some groups have attempted to hinder CF (Canadian Forces) operations," MacLaren writes. "The presence of peace group members in the CF could pose a risk to the security of information. DND's efforts to be environmentally sensitive are not appreciated by all environmental groups." Under "Anti-Racist Groups." the list includes Anti-racist Action, B'nai Brith, the Canadian Jewish Congress and what he called the "native Canadian Centre (without saying which one). "Generally peaceful" MacLaren writes, "some groups have a Trotskyist or Anarchist element that uses violence at demonstrations. The allegations of white supremacists in the CF could result in protests against DND."

Under "Religious Extremists" MacLaren Lists (without further explanations) "some groups" of Roman Catholics, Sikhs, Baptists and United Church members. Which groups are referred -- for instance, whether MacLaren had the Catholic right or the Catholic left in mind, or both -- isn't clarified. Without the "some groups" qualification, MacLaren lists the Jewish human rights group B'nai Brith (its second mention) and the Mennonites.

The list, MacLaren writes, was "compiled from (military police) records and open sources." (NOW, January 1998).

The above article raises serious concerns.

1. What are the military police records and "open sources" referred to in the above article.
2. Why were the groups considered to be part of "extremist and activists groups, membership in which could possibly be grounds for subsequent action by the Canadian Forces."
3. What criteria were used to determine the following: "left Wing Groups whose loyalty of members of these groups (i.e. to Canada) is questionable as the group bond is stronger than the nationalist bond."
4. How did they determine groups under the following category: **list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND."**
5. What actions of the Green party would have caused it to be included in the category of "extremist and activists groups, membership in which could possibly be grounds for subsequent action by the Canadian Forces," OR "left Wing Groups whose loyalty of members of these groups (i.e. to Canada) is questionable as the group bond is stronger than the nationalist bond."
6. Who else had access to this list of "military police records and open sources" that would have included the Green party.
7. Have the records of the "military police records and open sources" been circulated beyond Canada.
8. What criteria are used for distinguishing between dissent and subversion.

Yours truly

Joan Russow PhD
National Leader of the Green Party of Canada
1 250 598-0071

NOTE: FOLLOW-UP CONVERSATION WITH DND. Russow contacted Department of Defence and expressed her concern about the implication of citizens and groups being on a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND." As the leader of the Green Party of Canada, Russow expressed concern that the Green Party was found on the list, and pointed out that this violated "political and other opinion"- a ground that is protected in most international human rights instrument. He informed her that after the incident in Somali and the concern about white supremacy groups within the Military, Robert Fowler, the former deputy Minister of Defence had directed him to compile a list of groups that the military should not belong to. MacLaren informed her that he had passed this assignment on to a junior officer who came up with the various categories. She asked him if this list had been circulated, and if it had been shared with other countries; he thought that it had been. She asked if there was any way of preventing the circulation of this list, and he indicated that it would be difficult.

[NOTE: that in the access to information request, the Department of Defence exempted the names of the groups, and that this exemption was supported by the Access to Information Commissioner. The Department of Defence did however release a document which indicated that they were primarily concerned about leaders of these groups]

32. FEBRUARY 1998: LETTER, EXPRESSING CONCERN ABOUT DND LIST, TO PRIME MINISTER

Open letter to the Prime Minister, the Rt Hon. Jean Chrétien

The Green party of Canada would like to raise some serious questions about the following information which appeared recently in NOW Magazine. Although the military claim that they had only put together a list to indicate how difficult it would be to put together a list of organizations to which military should not belong, the article does reveal a series of categories which raise serious questions.

The following is an excerpt from an piece written by Patrick Cain, and published in NOW magazine in January, 1998.

"The order from the then head of the military police, Colonel Peter MacLaren, asks for the names of what he calls "extremist and activists groups, membership in which could possibly be grounds for subsequent action by the Canadian Forces".

The list, MacLaren indicates in his instruction, had been requested by then-Deputy Minister Robert Fowler, now Canada's Ambassador to the United Nations. Much of the note was classified as secret.

On May 18, 1993, MacLaren sent a briefing note to then Vice-Admiral Larry Murray with an attached list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND."

Some organizations on the list are expected -- even inevitable -- there are eight white supremacist groups, 14 Asian triads and 15 motorcycle gangs mentioned. Others are startling. In a section headed "left Wing Groups". MacLaren asserts, "The loyalty of members of these groups (i.e. to Canada) is questionable as the group bond is stronger than the nationalist bond."

Under "Environmental Groups" MacLaren included the **Green party** (without saying whether he meant the federal or provincial parties), project Plough-shares, the Raging Grannies, the Canadian Coalition for Nuclear Responsibility, Earth First and Greenpeace.

"Generally peaceful, some groups have attempted to hinder CF (Canadian Forces) operations," MacLaren writes. "The presence of peace group members in the CF could pose a risk to the security of information. DND's efforts to be environmentally sensitive are not appreciated by all environmental groups."

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7. Have the records of the "military police records and open sources" been circulated beyond Canada.
8. What criteria are used for distinguishing between dissent and subversion.

Yours truly

Joan Russow PhD
National Leader of the Green Party of Canada
1 250 598-0071

P.S. On a personal note: Since I was elected leader of the Green Party of Canada, my bags have been searched four times when leaving and entering Canada and the US.
My media pass was pulled at the APEC conference, and this is being currently investigated by the RCMP Complaints Committee.
cc the local and International Media

33. 20 FEBRUARY 1998: RCMP CHAIR APPOINTS PANEL

Shirley Heafey, chair of the RCMP Public Complaints Commission (PCC), appoints a panel to investigate matters arising from the 1997 APEC summit. The panel consisted of Gerald Morin (chair), Vina Starr, and John Wright.

34. FEBRUARY 1998: RUSSOW WAS IN OTTAWA AND CALLED ON THE PMO TO TALK ABOUT THE ISSUE. THE PMO REFUSED TO DISCUSS HER CASE.

35. 18 MARCH 1998: APEC S"PETITION" RELATED TO THE VIOLATION OF CIVIL AND POLITICAL RIGHTS WAS PUT ON THE FLOOR OF THE HOUSE OF COMMONS BY NDP M.P. LA LIBERTE.

36. MARCH 1998: TELEPHONE LAST MARCH WITH KEVIN GILLET ABOUT RUSSOW APPEARING AT THE COMMISSION: Kevin Gillet did was not of the view that the matter should be brought forward in such a manner, but agreed to look into complaint.

37. 16 APRIL 1998: HEARING INTO APEC COMPLAINTS DELAYED HEARING DEMANDS ALL DOCUMENTS IN THE POSSESSION OF RCMP TO BE SUBMITTED BY MAY 31, 1998

The RCMP Public Complaints Commission hearing into the actions of the Police officers has been adjourned until Sept 14. The decision follows a preliminary hearing in which requests for an adjournment were made based on scheduling problems and the need to gather and evaluate information requested from the RCMP. The information has not yet been received by commission lawyer Chris Considine.

The Commission has asked that the RCMP deliver all relevant documents, as well as the names of the officers who are the subject of the complaint, by May 31.

38. 27 MAY 1998: SGT WOODS INTERVIEW WITH CHRISTINE PRICE ABOUT DIRECTIVE COMING FROM THE PMO

Russow did not find out about the existence of this interview until August 25 1999, and at that time she was dismayed that the RCMP ignored this interview in its response to her complaint.

DATE TIME ACTION TAKEN - MEASURES PRISES HEURE

98-05-27 1420 Called PRICE's residence and left a message for her to call me.

98-05-28 0900 Received a voice message from PRICE to contact her at 264-3239.

Contacted PRICE who advised that she works in Proceeds of Crime as of 98-03-24, I advised PRICE of the complaint and stated that I would like to talk to her about the incident. I will Call back after the meeting with IAU.

1050 PRICE attended office this date and a taped statement was obtained. PRICE who was a clerk at the accreditation office stated that she dealt with RUSSOW when she came in and felt that she was different but produced photo I.D. and could not produce any other info other than a fax, that she was working for a

newspaper. PRICE called the fax number on the paper and did not receive an answer or a answering machine at that number. PRICE forwarded the documents and the next day learned that RUSSOW was not to get accreditation as a result of the PMO.

PRICE checked the computer and found that RUSSOW had received the accreditation, and PRICE advised a member and advised that RUSSOW's accreditation was to be retrieved/denied. PRICE stated that she saw RUSSOW come into the center and was spoken to by BILLS. She then saw RUSSOW be directed to speak to DUPERON. She observed RUSSOW become very loud and obnoxious with DUPERON who did not appear to speak in any manner other than professional and courteous. (statement being typed.)

98-06-18 0950 DUPERON faxed his statement to this office this date. In the statement he explains that he was advised by BILLS of the situation with regards to RUSSOW's accreditation. DUPERON advised that he spoke with RUSSOW and several times advised her of the proper procedures to follow to obtain her accreditation pass. he states as do the other witnesses that RUSSOW became very loud about her discussions with the accreditation staff to the point where it appeared that she was attempting to bully them into allowing her a pass. There is no mention that the people who dealt with RUSSOW knew she was with the Green Party or that the PMO had directed any person to refuse RUSSOW a pass prior to any contact that DUPERON had with RUSSOW.

As a result of the statements obtained and the investigation done by this office there is no evidence that the subject member DUPERON exceeded his powers or did anything untoward to RUSSOW to prevent her obtaining a press pass for APEC, it is shown that DUPERON followed the procedures that were set down for the purposes of allowing accreditation to a reporter and that RUSSOW did not comply with the guidelines.

The result of the investigation is "UNFOUNDED"
RCMP GRC 1624 (1997-02) (FLO)034

"Woods: now when Brian Groos told you that she [Russow] was not to get accredited and he stated this came from Audrey Gill, did he give you any explanation as to why Christine Price; I believe he told me that it was an order from the PMO but that was all that he told me."

39. 8 JUNE 1998: THE GREEN PARTY OF CANADA PRESS RELEASE-VIOLATION OF INTERNATIONAL COVENANT

LE PARTI VERT DU CANADA
C.P./Box 397, London, ON N6A 4W1
Tel/Fax: (519) 474-3294
[Http://www.green.ca](http://www.green.ca)

NATIONAL LEADER OF THE GREEN PARTY OF CANADA
Joan Russow (Ph.D.)
Tel/Fax: 604-598-0071

MEDIA RELEASE/COMMUNIQUÉ DE PRESSE

ARRESTS IN CANADA: IS CANADA IN VIOLATION OF THE INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS

Victoria, June 8, 1998

The Green Party of Canada is pleased that in the independent report from the Auditor General's office, Brian Emmett, the Commissioner of the Commission on Environment and Sustainable Development confirmed that "governments in Canada have failed to live up to their promises to Canadians and to the World".

Nothing demonstrates more Canadian governments' failure to live up to their promises than the arrests of citizens who have been calling for Canada to discharge its obligations and to act on its commitments.

As a result of arrests of citizens, at APEC, in Clayoquot Sound, in Temagami, in Oka, in Gustafson Lake, in Ipperwash, in the Slocan valley, governments in Canada may be remiss in discharging its obligations under the International Covenant of Civil and Political Rights

The enclosed petition was circulated on the 49th Anniversary of Human Rights calling for the Federal government to seek an advisory opinion from the International Court of Justice on whether Canada is in violation of this Covenant

"If there is no recourse through this petition then a complaint should be submitted to the UN Commission on Human Rights which is the body that handles complaints about violations of the International Covenant on Civil and Political Rights. Before this channel can be explored under the Optional Protocol of that Covenant, citizens must first demonstrate that all domestic remedies have been exhausted. This petition is the first step" stated Russow.

For further Information
Please Contact
Joan Russow (Ph.D.)
National Leader of the Green Party of Canada
1 250 598-0071

40. 19 AUGUST 1998: RESPONSE TO PETITION ON CIVIL AND POLITICAL RIGHTS

This response clearly reaffirms that CSIS is prohibited by legislation from investigating activities constitution lawful advocacy, protest and dissent.

Response to petition related to the Violation of Civil and Political Rights
Filed MARCH 18, 1998
Response August 19, 1998

signed by the Minister of Parliamentary Secretary
Petition No381 0801

With regard to the Royal Canadian Mounted Police's (RCMP) response to the demonstrations at the Asia (APEC) conference in November 1997, the Solicitor General is aware of the views that some members of the public have expressed regarding the RCMP's actions in fulfillment of their obligation to safeguard International Protected Persons. The Minister assures the petitioners that he is most sensitive to the concerns that have been voiced.

This petition requests, inter alia, that the RCMP be investigated with respect to the APEC forum. The RCMP Public complaints Commission (The Commission) announced on December 9, 1997 that it would conduct an investigation, in the public interest, after it received a series of complaints about different alleged incidents involving members of the RCMP during the demonstrations at the APEC conference. Following a preliminary investigation of these complaints, the Commission further announced that it would hold public hearings. These hearings will begin September 14, 1998 in Vancouver.

The RCMP Public Complaints Commission announced that the hearings will inquire into and report on:

- a) the events that took place between November 23 and 27, 1997 during , or in connection with , demonstrations during the APEC conference on or near the University of British Columbia (UBC) campus and subsequently at the UBC and Richmond Detachments of the RCMP;
- b) whether the conduct of members of the RCMP involved in the events was appropriate to the circumstances; and
- c) whether the conduct of the members of the RCMP involved in the events was consistent with respect for the Fundamental Freedoms guaranteed by section 2 of the Canadian Charter of Rights and Freedoms

The commission is a fully independent civilian agency which was created by Parliament to ensure that complaints involving members of the RCMP are examined thoroughly and impartially. The

Commission is mandated to review complaints, conduct investigations and hold hearings at arm's length from the RCMP and the Federal Government.

With respect to the role of the Canadian Security Intelligence Service (CSIS) during the demonstrations at the APEC conference. CSIS has a mandate to investigate threats to the security of Canada, as defined in section 2 of the CSIS Act. CSIS specifically prohibited by legislation from investigating activities constituting lawful advocacy, protest and dissent. As such, as long as activists' methods remain within legal bounds, such activities would not be subject to CSIS scrutiny. Anyone with specific concerns should raise them with the Security Intelligence Review Committee (SIRC). As to any allegations of criminal activity, these concerns should be addressed to the police force of jurisdiction.

The petition also refers to the events at Gustafson lake, Ipperwash, Oka and other sites of citizen protest. all levels of government with responsibility for law enforcement concentrated their efforts toward a peaceful resolution of these events. Law enforcement measures taken at these locations were for the sole purpose of public protection, and in keeping with the Constitution of Canada and the Canadian Charter of Rights and Freedoms.

41. 25 AUGUST 1998: RUSLOW RECEIVES RCMP RESPONSE TO HER COMPLAINT; The RCMP produced the following report without taking into account that Russow had been placed on an APEC Threat Assessment List, and that Christine Price, with RCMP proceeds of Crime division, had reported, in May, 1998, to RCMP Sgt Woods that there had been an order from the PMO to prevent Russow from attending the APEC Conference. In fact, in the report rather than acknowledging the RCMP evidence supporting the involvement of the PMO in the removal of Russow's pass the Report affirms: "There is no indication of any involvement from the Prime Minister's Office in the decision to refuse your media pass". If the real reason for their concern had been the existence of the Oak Bay news then they could have contacted the police in Victoria.[a possibility did not escape Sgt. Woods.]. In addition, apart from the many inaccuracies in the report, the media assignment letter from the Oak Bay news, which they had on file, had a 250 exchange not a 604.

RCMP Public Complaints Commission
RCMP "E" Division,
657 West 37th Avenue,
August 25, 1998.

Dear Ms. Russow,

This is in reference to the complaint you made against unidentified Vancouver RCMP officer for unjustified use of powers. You lodged your complaint with the RCMP Public Complaints Commission on November 27, 1997.

A thorough investigations has been conducted into your complaint. I have had an opportunity to review the investigator's report and accordingly, I am now in a position to comment on your concerns.

Background Information

On November 22, 1997 you traveled to Vancouver B.C. and attended the media centre for the APEC conference to request a media pass. You were given a form to fill and you presented a fax copy of a letter from David Lennam of the Oak Bay News Group, stating you were a representative of the Oak Bay News. The letter requested you be granted media credentials. You state that you were informed you would have to go through a security check, which could take up to 24 hours to complete. On the morning of November 23, 1997, you returned to the media centre to inquire about the status of your media pass. Shortly thereafter you were informed your pass was ready.

After a brief time you were asked to return your pass. Your pass was never returned to you, and it is the actions of the police officers handling your pass that has given rise to your complaint.

Findings of Investigation

Allegation: The RCMP was unjustified in their use of powers in that they refused you a media pass to attend the APEC conference as a reporter.

In addition to the information you provided to the RCMP Public Complaints Commission to initiate your complaint, you provided a statement to Sergeant Woods and Sergeant Juby on January 15, 1998. In your statement

your plans had changed close to the time of the APEC conference, which allowed you to attend the conference in Vancouver. You were informed the media registration process ended on September 27, 1997, however it was still possible to register on site. You stated the Oak Bay News were interested in having you attend the conference and report on the event.

You were faxed a copy of your media assignment which you presented to the APEC media registration centre on November 2, 1997. You filled out a form and were told you would also have to undergo a security check prior to the issue of your media pass. You were told this process could take up to 24 hours.

On November 23, 1998, you again attended the media centre in an effort to pick up your credentials. You were informed your pass was ready and you picked it up. You state that shortly after, you were informed that something was wrong with your pass, and you were directed to speak to the RCMP. Your pass was retained by the RCMP and you were directed back to the media desk. There you were informed no record could be found for the Oak Bay News. Attempts to contact the Oak Bay News were unsuccessful. You state you were asked to produce a copy of the paper, however you were not able to do so. You stated you were told that there was no evidence the Oak Bay News paper existed. You state that an RCMP officer, who identified himself as Constable Duperon, informed you your newspaper did not register itself prior to the deadline so you would not be given a media pass. A discussion ensued between yourself and the RCMP officer resulting in your identifying yourself as the leader of the Green Party. You state that you told Constable Duperon you thought he was a liar and then Constable Duperon informed you the discussion was closed. You state Constable Duperon told you that you should be under arrest. You also allege your pass may have been refused as a result of direction from the Prime Minister's Office.

A statement was obtained from Richard Bills who was the media accreditation coordinator for the APEC conference. Mr. Bills stated that he dealt with you on Nov 23, 1997 after your media had been taken away. In an attempt to determine what had occurred, Mr. Bills contacted Audrey Gill, the manager of communications and public relations for the APEC conference. Mr. Bills was informed that the Oak Bay News may not be a legitimate news gathering organization. Mr. Bills phoned the number on the fax letter of assignment you provided, however there was no answer nor answering machine. Mr. Bill also noted that the fax you presented came from a telephone number with 604 area code not a 250 area code which is the area code for Victoria – where the Oak Bay News indicates they originate.

Mr. Bills asked for a copy of the Oak Bay newspaper or any other press identification. Mr. Bills states that this was his common practice. You could provide neither an original copy of the newspaper or any media credentials. Mr. Bills states that you raised your voice and that you were rude and condescending. Mr. Bills then directed you to speak with the RCMP.

Constable Duperon also provided a statement regarding your complaint. Constable Duperon states that you were directed to speak with him after your media pass had been taken away. Constable Duperon was advised by Mr. Bills that your pass had been mistakenly issued prior to all checks being completed. Constable Duperon states that he then affirmed the need for you to produce either a copy of the Oak Bay newspaper or your press pass.

Constable Duperon stated that you were argumentative and became loud and aggressive. Constable Duperon stated that he had no idea you were the leader of the Green Party, and that he had never heard of you before. He stated you proceeded to become louder and more agitated. You were asked to leave the building, and told that if you did not you would be arrested for causing a disturbance. You eventually left the building.

The evidence indicates your request for a media pass for the APEC conference was handled according to Policy. You were unable to produce any of the material requested by the media accreditation staff, which would have allowed your request to be processed. There is no indication Constable Duperon or any of the media accreditation staff were in any way unprofessional in their dealings with you. There is no indication

of any involvement from the Prime Minister's Office in the decision to refuse your media pass. Based on the foregoing I am unable to support your allegations.

Conclusion

Pursuant to Section 45.4 of the RCMP Act, I am notifying that the investigation into your complaint has now been concluded. If you are not satisfied with the manner in which your complaint has been addressed by the RCMP, you may request a review by the RCMP Public Complaints Commission by corresponding with them at the following address:

RCMP Public Complaints Commission
Suite 102, 7337 - 137 Street, etc.

Sincerely

DJ Chisholm, Staff Sergeant,
Non Commissioned Officer in Charge, Internal Affairs Unit, "E" Division

42. 28 AUGUST 1998: AFFIDAVIT PREPARED BY RUSSOW IN RESPONSE TO COMPLAINT

THAT I Joan Russow, of 1230 St. Patrick Street , do swear the following to be true:

THAT I am the National leader of the Green party of Canada,

THAT I phoned the APEC media office on Thursday November 20 to ask if it was not too late to attend as a representative of the media.

THAT I was told in a phone call to the APEC media desk that the deadline for media registration had been September 29 but that it was still possible to register on site at APEC providing that I had an assignment letter from a newspaper [this is usual procedure for international conferences].

THAT I had received an assignment letter from the Oak Bay News in Victoria.

THAT I have attended several international conferences and reported back as media, and that I have never been prevented from getting media accreditation.

THAT the phone number for the Oak Bay News was listed with the exchange 250 not 604 as claimed by Bills

THAT I was faxed the assignment letter with a note that the original could be picked up at the office

THAT I arrived at the Media Accreditation desk on Saturday at 11:30. and my media credentials were accepted and placed in the computer

THAT I was told that there was a backlog and there would have to be a security check [a requirement for all media].

THAT I was also told that I might be able to begin attending the sessions in the interim because my name was now in the computer, but that it was up to the discretion of the RCMP officers at the entrance to the conference.

THAT I went to the entrance and asked if it would be possible to enter with a temporary pass. The RCMP officers made a few phone calls and then said that I could not enter and would have to wait until the security check was completed.

THAT I was staying in Tswassen, and I was never at the UBC campus during the APEC conference

THAT I phoned back Saturday evening and was told that the security check was still pending.

THAT I phoned on Sunday morning and told that if I went to the site in person there would be a greater chance of getting the pass

THAT I went to the media centre at 11:30 on Sunday, and waited for 30 minutes and was given a media pass.

THAT I attended the People's Summit rally and then returned to the main APEC centre to enter with the media pass.

THAT when I came to the gate, I heard someone say "there she is". I was stopped at the entrance and told that there had been something wrong with passes that had been issued, and that I should go over to the RCMP desk because to get another one.

THAT I went to the RCMP desk and was asked for my pass and given the reason that there was a problem and I would have to return to the media centre.

THAT I handed over the pass and asked if they would call the media desk and clarify the problem

THAT they called the desk and I overheard them say "Yes we have the Pass".

THAT I went to the media centre and was told by Richard Bills, one of the media coordinators, that I was not refused on the grounds of the security check but on the grounds that they could not find the name of the paper that I was representing anywhere.

THAT this news paper was part of the local news group in Victoria. They noted that there was no answer at the local newspaper [which is not open on Sunday].

THAT I was told that if I could have a newspaper sent over proving that the newspaper existed my pass would be returned.

THAT I was also asked if she had written anything for the paper before and I mentioned I had written a piece on the MAI.

THAT he then asked me what I was going to be reporting on. I mentioned that I would be examining the APEC communiqué in the context of international agreements.

THAT I left prepared to have a copy sent over. I then decided to return to the Media centre and suggest that they call the Times Colonist which would be open and ask about the legitimacy of the local paper, the Oak Bay News.

THAT Richard Bills said "how could we tell if we would be talking to a legitimate person at the newspaper".

THAT I said that he could look up the number for the newsroom himself.

THAT Bills then said I would have to talk to an RCMP officer

THAT Bills and the RCMP officer, Wally Duperon, went down the hall for a discussion

THAT Officer Duperon returned and said that I could not get a pass because I had a FAX of the assignment from the newspaper. I pointed out that an hour earlier I had discussed media accreditation with a woman who had her assignment faxed from Montreal

THAT officer Duperon then said that the newspaper, the Oak Bay News had not registered by September 28

THAT I pointed out that I had been told over the phone that it was possible to register on site.

THAT he asked if I had a professional media card; I told him that on my form I had indicated that I was free lance

THAT I said that there was obviously another reason for my not being able to attend as media.

THAT at this point I said if I were an RCMP officer investigating you I would be very suspicious.

THAT he responded with perhaps you should become an RCMP investigator

THAT I asked if the reason that my pass was pulled was that I was the leader of the Green party.

THAT he said "no".

THAT I said "you are lying"

THAT he said "do you want to be under arrest".

THAT I left and phoned back to request more information about the real reason for my not being given a media pass and was given no further information.

THAT I returned to Victoria and filed a complaint

THAT two RCMP investigators came over to Victoria to tape my complaint

THAT on the ferry to Victoria, I read an article about a Reuters reporter having her pass pulled because she dared to ask the RT Hon Jean Chretien, a question during a photo-up

THAT I thought perhaps the Prime Minister had had something to do with pulling my pass because during the 1997 Election, I asked him during a photo Op if he would be prepared to debate with me over Canada's compliance with international law. On the ferry on Monday I read an article about a Reuters reporter who had tried to ask Prime Minister Chrétien a question during a Photo-up.

I was reminded of Chretien's walkabout in Montreal during the election when after ignoring two of my questions as leader of the Green party, I asked the reporters in his entourage if they were all there to take photo-ops or were there any investigative reporters among them that would ask Chrétien substantial and challenging questions.

THAT on December 10, 1997 I submitted a formal petition to the House of Commons related to the violation of civil and political rights in Canada

THAT on August 25, 1998 I received a response from the Commission

THAT I will be requesting a review by the RCMP Public Complaints Commission.

43. AUTUMN 1998: QUESTIONS ABOUT APEC IN COMMONS

The fall sitting of the House of Commons is dominated by questions concerning the APEC Inquiry.

44. 25 SEPTEMBER 1998: NDP RAISES CONCERNS ABOUT APEC IN PARLIAMENT

The Toronto Star reports that New Democratic Party leader Alexa McDonough, speaking in the House of Commons, asserted: "We learned that former operations director, Jean Carle, has admitted to destroying documents pertaining to spray-APEC." However, PCC counsel Chris Considine is quoted as saying that "we have no evidence to suggest at this time that there has been a deliberate destruction of documents."

45. 28 SEPTEMBER 1998: INFORMATION IS RELEASED AT THE RCMP PUBLIC COMPLAINTS COMMISSION THAT RUSSOW WAS ON A RCMP THREAT ASSESSMENT LIST. Prior to this information surfacing Russow had thought that she would abandon any further complaint against the RCMP. After finding out that she had been on a RCMP Threat Assessment list, and she realized that the RCMP, as she had originally thought, had misrepresented the real reason that her pass was pulled, she became increasingly concerned about the RCMP targeting activists and placing activists on threat Assessment lists. She became equally concerned that activists, without their knowledge, across the country could be designated as threats, and there could be unintended serious consequences related to their Charter rights.

RCMP THREAT ASSESSMENT LIST:

Monday, November 23 in the following report:

Two members of the media attended UBC last night as invited observers were noted to be overly sympathetic to the APEC alert protestors. Those subjects had their accreditation seized.

First subject Dr. Joan Russow Federal leader of the Green party.

Photo

Birth date: November 1 1938 Brown hair, height 161 weight 54

46. 29 SEPTEMBER 1998: MEDIA CONTACTED RUSSOW ABOUT HER BEING ON THREAT ASSESSMENT LIST
CBC reporters Laura Lynch and then Ken "Rockburn interviewed Russow. She received national coverage concerning the complaint and concerning the fact that she was on an RCMP Threat Assessment list

47. 29 SEPTEMBER 1998: COMMONS BOOK PREPARED FOR THE SOLICITOR GENERAL

THE COMMISSION

Solicitor General

SEPTEMBER 29, 1998 HOUSE OF COMMONS BOOK ADVICE TO MINISTER

Subject; to inform the Minister about concerns expressed by the leader of the Federal Green party further to media reports on the release of information allegedly contained in documentation provided to the RCMP PCC for the APEC Inquiry

Assessment Evaluation

The leader of Canada's Green Party, Joan Russow, has indicated to the media that she is extremely concerned that her name has appeared on a list contained in an RCMP document relating to APEC.

The RCMP believes that Ms. Russow is referring to information contained on documentation provided to the RCMP PCC for the inquiry. A number of these documents are surfacing in the media after their release by the RCMP to legal counsel for the students.

Since the RCMP's documentation was released to the RCMP PCC for the explicit purpose of conducting an inquiry into matters relating to APEC. It is recommended that no comment be offered by the Minister concerning this or any other information contained in those documents. The RCMP will also refrain from commenting on any of this information. To make any comments at this time may jeopardize the integrity of the upcoming RCMP PCC Inquiry.

STATUTORY IMPLICATIONS; RCMP PCC inquiry

Suggested Reply

As I have indicated, the RCMP PCC will address all concerns raised, and we should allow them the opportunity to do their work.

If pressed:

It is unfortunate that information provided in confidence to the RCMP PCC for the purposes of conducting their inquiry is being prematurely debated in the public forum before the inquiry has even begun. I can only reiterate that we should let the RCMP PCC do their work.

Prepared F. Lang-Mlcu approved by
Insp. B. George OIC executive services

48. 29 SEPTEMBER 1998: GREEN PARTY RELEASE AFTER IT WAS REVEALED THAT RUSSOW WAS ON A RCMP THREAT ASSESSMENT LIST
German Greens form coalition while Canadian Green leader "tag"ed as "threat"
Tuesday, September 29th, 1998
Green Party of Canada

Media Release

Joan Russow, the leader of the Green Party of Canada, today revealed that the Canadian Government has labeled her as a member of Threat Assessment Group (TAG) - a group which includes people which constitute a threat to national and international security.

The RCMP withdrew Russow's media pass at the 1997 APEC Conference in Vancouver. At the time, the RCMP claimed that the reason for their withdrawal of her media credentials was because the newspaper which she represented - the Oak Bay News - did not exist.

Of course, the paper does exist.

Russow made an official complaint to the RCMP Public Complaints Commission. The investigator concluded that the RCMP had handled the media pass withdrawal "according to policy". Russow has now uncovered. RCMP files which show her photograph, the TAG identification, and the notation that she not be allowed into the APEC conference. The TAG notes that she was one of two members of the media who attended a UBC meeting on November 23rd as "invited observers" and was claimed to be "overly sympathetic" to APEC Alert protesters.

Ms. Russow was never at UBC during the APEC conference.

This is clear *prima facie* evidence that the RCMP covered up the reasons for the lifting of Joan Russow's credentials. Ms. Russow has never been arrested. never visited the UBC APEC protesters, and is a law-abiding Canadian. She is, however, a long-standing human rights, peace, and environmental activist. She has continually challenged Brian Mulroney and Jean Chrétien for not living up international law. The Green Party leader has suggested from the start that the Prime Minister's Office was involved in the RCMP's cover-up in order to stifle political dissent.

-3 0-

49. 29 SEPTEMBER 1998: INTERVIEW BY NOW MAGAZINE IN OTTAWA
Published on 8 OCTOBER 1998

IS RCMP AGAIN SPYING ON LAW-ABIDING ACTIVISTS?

Documents list HIV status and intimate info about protesters

OTTAWA -- Scanning RCMP mug shots of people sympathetic to anti-APEC protesters, it's hard not to think we've slipped into a time warp.

The documents, obtained by NOW, are secret intelligence briefs liberated from the shadows by the current public complaints commission probe -- and a jolting reminder that the RCMP still hasn't broken its addiction to cataloging dissidents.

Decades back, the RCMP targeted unionists and peaceniks as if they were enemies of the state. The Mounties had their hands slapped by the McDonald royal commission in the 1980s, and passage of the CSIS act was meant to end politically motivated domestic spying.

But suddenly, here we are again. The intelligence briefs feature row upon row of head shots used in the weeks and days leading up to the APEC summit to identify and arrest those considered potential troublemakers by something called the "APEC threat assessment joint intelligence group" (TAG), which included the RCMP, local Vancouver police and possibly CSIS.

One TAG brief page obtained by NOW is titled No To APEC Activists and contains eight photos with names and physical descriptions.

Another page labeled Other Activists has 10 thumbnail photos of individuals, with names, dates of birth and descriptions. It notes that the individuals are an "HIV-positive AIDS activist" or a "Lesbian activist" or an "Anarchist."

Green Party of Canada leader Joan Russow had nothing to do with organizing the protest, but was still placed on the RCMP hit parade.

Russow had been assigned to cover the summit by the Oak Bay News, a weekly community newspaper on Vancouver Island.

However, two days before the leaders met, Russow had her press pass stripped by the RCMP.

According to statements given to an internal RCMP investigation into the matter after Russow complained, her pass was revoked because the proper security check had not been completed before she was issued a pass, and she could not produce a copy of the newspaper or any press identification on-site.

Media credentials

"They were saying that everything had been done according to protocol and that I was rude, which was not true at all," Russow says of the RCMP probe into her complaint.

The paper's editor-in-chief, David Lennam, says he prearranged Russow's media accreditation prior to the summit without incident.

"What I remember doing was sending everything over as requested and sending a covering letter introducing Joan on our behalf," Lennam recalls, and the RCMP never called to say there was a problem.

Russow decided not to pursue the matter further after the RCMP internal investigation dismissed her claim of unjustified use of powers.

But then somebody gave her the threat-assessment brief with her picture on it. She's listed on the Other Activists page as a "media person" and "UBC protest sympathizer."

But Russow also obtained what is perhaps a more telling brief labeled APEC TAG Daily Bulletin For 1997-11-24. The bulletin states that "two members of the media attending UBC last night as invited observers were noted to be overly sympathetic to the APEC Alert protesters. Both subjects have had their accreditation seized. The first subject is Dr. Joan Russow, federal leader of the Green Party."

The other media rep who had his pass stripped November 23 is Dennis Porter, at the time a Simon Fraser University student who was filming an APEC protest march in downtown Vancouver for a labour show called Working TV that aired on the local Rogers cable station.

Porter recalls that he was shooting the protest when an RCMP officer tapped him on the shoulder.

"It was kind of spooky because I'm just walking around downtown and this big police officer comes and knows me by name and brings me away," Porter says.

The officer told him he had been instructed to take away his pass. When Porter asked why, he says, he got a runaround. He was directed to the APEC media handlers, and they directed him back to the RCMP.

At one point, he says, he was told by the RCMP that the reason he'd lost his pass was that he was observed at the tent city outside the UBC student union building where a group of protesters had camped the week before the summit.

50. 5 OCTOBER 1998: COMMISSION OPENED AND REPORT BY TERRY MILEWSKI

Russow attended the opening of the RCMP Public Complaints Commission, and talked with Chris Considine about participating and he indicated that he thought that it would be important for her to participate. She raised the issue with the media that she had attended international conferences in countries, like China and Turkey, that are not perceived to have high human rights standards. Yet, when we demonstrated there, the police did not attack protesters with pepper spray.

Report by Terry Milewski

Day one of the inquiry

Peter Mansbridge

The National, CBC-TV, October 5, 1998 NA: Milewski-Terry Ward-Cameron, Whitehall-Ivan; Morin-Gerald Russow Joan, Grabb-Russ Sgt

Broadcast Transcript

Peter Mansbridge: Now as we mentioned earlier this was day one for the inquiry into RCMP conduct. And what happened today at the inquiry, could mean more trouble for the government. Here's Terry Milewski.

Terry Milewski: The APEC inquiry finally began but it didn't hear a single witness. Instead it was day of legal wrangling in which the battle lines were drawn.

Cameron Ward' Students' lawyer: Prime Minister Chrétien didn't even bother to go to the legislature but invoked a form of martial law.

Milewski: A lawyer for the students accused Jean Chrétien of using police tactics at the APEC summit, comparable he said to the use of the War Measures Act in Quebec.

WARD. At least in 1970 Prime Minister Trudeau went to Parliament and passed legislation before people were rounded up

MILEWSKI: But the Federal government's lawyer Ivan Whitehall, said the APEC summit was run like any other there were no special favours to Mr. Suharto

Milewski White hall also denounced what he called "calculated leaks" of documents which suggest the government tried to shield APEC leaders from embarrassment by protesters but he offered no explanation for the documents

Whitehall: the documents say what they say but obviously they have to be put in context as opposed to taking them out of context as you have done

Milewski: if the head of the APEC organization though the PMO was concerned about embarrassment , was he wrong?

Whitehall: Look, lets wait till the facts are all in.

Milewski. Getting the facts is now the job of a three person panel chaired by Gerald Morin who promised to go where the evidence leads even if it leads to the Prime Minister.

Gerald Morin/Panel , Chairman. There are grave matter which strike at the heart of us of who we are as Canadians

Joan Russow/Federal Green party: Civil and political rights of citizen in Canada have been violated!

Milewski: The argument continued in the hallways. Joan Russow of the Green Party who was placed on an RCMP watch list for siding with the students took on Sgt Russ Grabb , the spokesman for the RCMP. RUSSOW. I think there 's a lot to answer for! SGT Russ Grabb/RCMP Well the questions that you .or the issues your raise are good ones. They're ones that deserve an answer that is the reason why we have an inquiry

MILEWSKI: But inside the inquiry Joe Arvay the lawyer for student Craig Jones said the government is now silencing dissent in its own caucus. He said Vancouver Liberal MP Ted MacWhinney who broke with the government to support legal funding for the students, had been booted off the foreign affairs committee

Milewski: Ted Mac Whinney, whose riding includes UBC said there is nothing sinister about it but he confirmed that he was dropped from the committee after he came out in support of government funding for the students lawyers. Now the inquiry panel is doing the same thing: It's renewing a previous request denied by the government for that legal funding. And it is ruled that its jurisdiction does include political orders as well as police actions

Terry Milewski, CBC New, Vancouver.

51. 5 OCTOBER 1998: CONCERN RAISED ABOUT SOLICITOR GENERAL ANDY SCOTT

NDP Member of Parliament Dick Proctor reports in Parliament that he overheard Solicitor General Scott say that he was acting as Prime Minister Chrétien's "cover" in the APEC affair and that "it will all come out in the inquiry that four or five Mounties overreacted for five minutes. No one knows this. I think it was excessive."

52. OCTOBER 1998: RUSSOW REVISES COMPLAINT GIVEN NEW EVIDENCE

Russow revised complaint and included new information about the RCMP Threat Assessment list, and asks for the Commission to review her complaint and allow her to appear

53. 6 OCTOBER 1998: CHRETIEN STATES HE WILL NOT TESTIFY AT APEC INQUIRY

The Vancouver Sun reports: "Chrétien has said he will not testify even if the RCMP Public Complaints Commission calls him. Liberal MP and constitutional expert, Ted McWhinney (Vancouver Quadra) was kicked off the House foreign affairs committee after saying last week that students involved in the protest at the Asia-Pacific Economic Cooperation forum should have their legal bills paid. The committee was to vote on the request for funding this week."

54. 14 OCTOBER 1998: APEC PROTESTERS TO WALK OUT OF PUBLIC COMPLAINTS COMMISSION TODAY

55. 16 OCTOBER 1998: ALLEGATIONS AGAINST CBC TERRY MILEWSKI

Peter Donolo, the Prime Minister's communications director, writes to the Canadian Broadcasting Corporation alleging that award-winning CBC journalist Terry Milewski is biased against the Prime

Minister. No specific inaccuracies or violations of professional journalistic standards are alleged. Milewski is taken off the story.

56. 20 OCTOBER 1998: GREEN PARTY ANNOUNCES APEC LEGAL FUND
Russow affirmed that the Green Party would forego any commission for operating the fund, and that, in the event that the protesters received funding, the excess amount in the fund would go to other issues related to the violation of civil and political rights.

THE GREEN PARTY OF CANADA LE PARTI VERT DU CANADA
C.P./Box 397, London, ON N6A 4W1 Tel/Fax: (519) 474-3294
E-mail: gpc@green.ca
Http://www.green.ca
MEDIA RELEASE COMMUNIQUÉ DE PRESSE

Green Party Announces APEC Legal Fund

VICTORIA, B.C. -- October 20, 1998 -- The Green Party of Canada today launched an APEC Legal Fund For The Promotion of Civil and Political Rights to assist the complainants at the RCMP commission hearings being held in Vancouver.

"The Green Party is establishing this fund because the federal government is derelict in exercising its duty to guarantee the civil and political rights of the complainants. The Green Party challenges other political parties to set up similar funds," said Dr. Joan Russow, Leader, noting that tax payers are in effect paying for the government's and the RCMP's side of the story at the hearings, where as the students and others are left not funded.

As the promotion of civil and political rights is part of the mandate of the Green Party of Canada, contributors to this fund can receive a political contribution tax receipt for which there are significant tax credits. A contribution of up to \$100 may receive a 75% deduction on their tax payable. The deduction is 50% for each dollar contributed over \$100 up to \$450 and 33% of the next \$60.

Citizens who wish to contribute to this fund are asked to make their contribution payable to the "Green Party of Canada APEC Legal Fund" and to send it to the Green Party of Canada, C.P./P.O. Box 397, London, Ontario, N6A 4W1.

"On December 10th the government will be formally celebrating the 50th anniversary of the Universal Declaration of Human Rights and glorifying Canada's role in the development of this document. Yet as we can see, the government is prepared to deny the very rights called for in this declaration and other human rights documents," said Russow.

The Green Party of Canada had been instrumental in placing a formal petition before Parliament pointing out the government's failure to discharge its obligations under the International Covenant of Civil and Political Rights. That petition was presented in Parliament on February 17, 1997.

57. 23 OCTOBER 1998: FEDERAL GOVERNMENT ALLEGES BIAS AGAINST MORIN. The Vancouver Sun reports that "the federal government raised an allegation of bias against Morin," founded on reports allegedly overheard in Prince Albert, Saskatchewan, some months earlier by RCMP Constable Russell Black.

58. NOVEMBER 1998: RUSSOW ATTENDED COMMISSION SESSION IN VANCOUVER

Russow discussed participation in the Commission with Commission Counsel Chris Considine, and he indicated that she probably would be able to participate in the Commission

59. 5 NOVEMBER 1998: RCMP LAWYERS SEEKS COURT RULING ABOUT BIAS OF PANEL

The federal government, "which first raised the issue of bias against chairman Gerald Morin, decided it will not make a formal application against the panel." However, lawyers for RCMP officers announce that they will seek a court ruling that the panel is biased and an interim order prohibiting "the panel from reconvening before the application for disqualification is heard" (Vancouver Sun and National Post, 5 November 1998).

60. 6 NOVEMBER 1998: TERRY MILEWSKI CLEARED BUT TAKEN OFF CASE

An internal CBC investigation into the Prime Minister's Office's complaints clears Terry Milewski of wrongdoing. He is not reassigned to cover the story.

61. 23 NOVEMBER 1998: ANDY SCOTT RESIGNS

Andy Scott resigns as Solicitor General and is replaced by Lawrence MacAulay of Prince Edward Island.

62. 4 DECEMBER 1998: GERALD MORIN RESIGNS CLAIMS

INTERFERENCE BY CHAIR. Gerald Morin resigns from the APEC Inquiry panel. Peter Mansbridge reports on CBC's The National: "Gerald Morin blamed interference from his boss, a political appointee, and even raised the possibility of break-ins and bugging of his car and office." According to CBC reporter Ian Hanomansing, "Gerald Morin says the person in charge of the commission, Shirley Heafey, a political appointee, interfered three times."

63. 5 DECEMBER 1998: OPEN LETTER TO PRIME MINISTER JEAN CHRÉTIEN

GREEN PARTY LEADER AN APEC COMPLAINANT CALLS FOR ADHERENT TO ARTICLE 8 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

IN APEC CHRÉTIEN HAS VIOLATED ARTICLE 8 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

ATTENTION: The Right Honourable Jean Chrétien
cc. Media

As you undoubtedly know the RCMP placed me on the APEC THREAT ASSESSMENT LIST, and prevented my participation as a journalist at APEC. As a citizen with no criminal record, and as a leader of a federal political party, the Green Party of Canada, I deserve an explanation. I am one of the 47 complainants before the non-functioning RCMP public complaints commission.

The only reason that I can imagine for your government's action was that you anticipated that I might ask you questions related to the violations by the Canadian government of international obligations and commitments, particularly through APEC. As you will recall, I have confronted you before on these matters, and you refused to respond to my questions.

On February 17, 1998 a petition that I drafted about the violation of Civil and Political Rights was put on the floor of the House of Commons. This petition called for Canada to seek an advisory opinion from the International Court of Justice on Canada's compliance with the International Covenant of Civil and Political Rights in cases such as your response to opposition to APEC. This petition was dismissed by your government.

I would like to bring to your attention Article 8 of the Universal Declaration of Human Rights: I do so because it is clear from the actions of your government that you appear to be unaware of international obligations incurred by Canada under this Declaration:

"Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him [her] by the constitution or by law."

The 50th Anniversary of the Universal Declaration of Human Rights is on December 10th. This will be an ideal opportunity for your government to ensure that there is a judicial inquiry into the larger

issues associated with APEC, and that you and members of your office undertake to appear before the committee.

Yours very truly
Joan Russow (PhD)
National leader of the Green Party of Canada
1 250 598-0071

64. 8 DECEMBER 1998: APEC INQUIRY IGNORED ADVICE FROM LEGAL EXPERT PANEL COULD HAVE HIRED INDEPENDENT COUNSEL TO ACT AS AN ADVOCATE ON BEHALF OF STUDENT PROTESTERS AT PUBLIC

10 DECEMBER 1998. RUSSOW INVOLVED WITH ORGANIZING EVENT FOR 50TH ANNIVERSARY OF THE UNITED NATIONS DECLARATION OF HUMAN RIGHTS, AND LAUNCHES CITIZENS TREATY ON THE PUBLIC TRUST

65. 10 DECEMBER 1998: RESIGNATION OF MORIN'S FELLOW COMMISSIONERS

Morin's fellow commissioners, Vina Starr and John Wright, resign. PCC chair Shirley Heafey (the administrative head of the commission but not the head of individual panels) "kept the resignations secret for reasons she did not disclose" (Vancouver Sun, 18 December 1998).

66. 12 DECEMBER 1998: RUSSOW SENDS LETTER TO RT HON JEAN CHRÉTIEN REQUESTING EXPLANATION ABOUT REASON FOR PLACING HER ON LIST.

Chretien.J@parl.gc.ca

With copies to the Canadian Media

ATTENTION; The Rt. Hon Jan Chrétien

As a complainant in the APEC RCMP hearings, I am still waiting for your explanation of why I was placed on an APEC threat Assessment list which resulted in my APEC pass being pulled. In the absence of any satisfactory response from your office or from the RCMP, I can only conclude that the placement of a leader of a registered political party on an RCMP threat Assessment list came about through a direction from your office. Unfortunately, the continue APEC Complaints process is not able to investigate your role in preventing the exercising of citizen' civil and political rights

In addition, issues raised in the Petition on the Violation of Civil and Political Rights that I drafted and that was put on the floor of the House of Commons on February 17, 1997 have not been addressed

Yours very truly

Joan Russow
National leader of the Green Party of Canada

67. 17 DECEMBER 1998: GLOBE ARTICLE ON FAILURE TO IMMEDIATELY DISCLOSE RESIGNATION OF COMMISSIONERS STARR AND WRIGHT

The resignations of commissioners Starr and Wright are made public, after Parliament has recessed for the Christmas holidays. Alexa McDonough says: "People are properly shocked that the Public Complaints Commission chose to hide the resignations from the public for a whole week. It hardly inspires confidence" (Globe and Mail, 18 December 1998).

68. 21 DECEMBER 1998: APPOINTMENT OF TED HUGHES AS CHAIR

E.N. (Ted) Hughes is appointed as sole commissioner to investigate the matters before the PCC relating to the 1997 APEC summit: "Investigating allegations of political interference in the security measures at the summit is not part of Hughes' mandate, his boss, commission chairwoman Shirley Heafey, confirmed at an Ottawa press conference" (Vancouver Sun, 22 December 1998). Commissioner Hughes rules that, in proper circumstances, the PCC has jurisdiction to investigate and to make recommendations concerning questions relating to the role of the Prime Minister or of his officials in giving improper orders, if any, to the RCMP.

69. 22 JANUARY 1999: RESPONSE FROM CSIS ABOUT THREAT ASSESSMENT LISTS

Russow had requested information from CSIS about Threat Assessment lists, and received the following response:

Under Threat Assessment

as part of this, the service prepared and disseminates time-sensitive evaluation of the scope and immediacy of terrorist threats posed by individuals and groups in Canada and abroad. Assessments are made of threat against Canadian VIPs traveling in Canada and abroad, foreign VIPs, VIPs traveling in Canada and abroad foreign VIPs traveling in Canada and abroad foreign visit Canada foreign missions and personnel in Canada. Canadian interest abroad public safety and transpiration security and special events.

Russow had also requested information about CSIS and received the following response:

Canadian Security Intelligence Service

Service canadien du renseignement de security
January 22, 1999
Joan Russow
1230 St-Patrick Street Victoria, BC
V8S 4Y4

Dear Mr. Sweet [?]:

This letter is in response to your request for information pertaining to the Canadian Security Intelligence Service (CSIS).

CSIS was created by an Act of Parliament on July 16, 1984. As a result of the CSIS Act, the Service has a mandate to investigate, analyze and report to government on information and intelligence respecting activities that constitute threats to the security of Canada. The threats are specifically defined in Section 2 of the CSIS Act. The Service's investigative priorities with respect to these defined threats are public safety, national security and security screening.

Whereas the Act provides the Service with the authority required to conduct its investigations, it also provides for an elaborate system of control, accountability and independent review. The mandate and activities of the Ministry of the Solicitor General, the office of the Inspector General (IG), the Security Intelligence Review Committee (SIRC), the Federal Court of Canada and a Parliamentary committee, safeguard the delicate balance between the rights and freedoms of the individual and the obligation of the state to protect its citizens and property.

The Service, which has offices in most major cities across the country, functions as a defensive security intelligence organization. CSIS does not, by law, have an offensive capability; it does not perform activities abroad with respect to the collection of foreign intelligence. P.O. Box 9732, Station T", Ottawa, Ontario K1G 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario) K1G 4G4

In order to provide you with more detailed information on CSIS, I have enclosed a copy of the following documentation:

The CSIS Act (I recommend a review of sections 2, 12 to 16, 21, 30 and 34);
the 1997 CSIS Public Report with the Annual Statement on National Security which was delivered in the House of Commons by the Solicitor General of Canada, the Honourable Andy Scott, on April 30, 1998;

"The Canadian Security Intelligence Service in a changing world" brochure; a copy of issues no. 6 to no. 10 of the Backgrounder Series. Submission to the Special Committee of the Senate on Security and Intelligence.

You may visit the official CSIS web site on the Internet at the following address: <http://csis-scrs.gc.ca>. In closing, I hope that this information and the aforementioned documentation will be of some assistance.

Should you require further information, please contact me at your leisure.

Sincerely yours,

Daniel Vigeant
Public Liaison Officer
Communications Branch

Enclosures

70. JANUARY 27 1999: RENEWED COMMISSION RESUMES

Russow phoned Shirley Heiffe's office at the RCMP Public Complaints Hearing asking if she would be included as a complainant given that there was a new Commissioner. She subsequently received a phone call from the man who identified himself as a lawyer on contract with the RCMP Complaints Commission in Ottawa. This lawyer told Russow that the Commission's view was that her complaint had been already dealt with and that Russow was not entitled to a public review. Russow explained that she had evidence that the Commission had lied about the reasons for the withdrawal of her media credentials. The lawyer then refused to give his name.

71. JANUARY 28 1999: PRESS RELEASE ISSUE BY THE GREEN PARTY OF CANADA

GREEN PARTY NATIONAL OFFICE ADDRESS

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason contained in the APEC Treat Assessment Group list, I believe that I should be part of the RCMP Public Complaints Commission currently under way or part of a separate RCMP Public Complaints Commission inquire.

Initially when I approached the RCMP commission in Vancouver last November, I was told by the ten Commission lawyer Chris Constdine that I would be include in the Commission hearings. However when I inquired recently about the revived commission which has begun Wednesday January 27, I was told by a lawyer on contract with the commission who refused to reveal his name that my case had been dealt with separately and that I could not be part of the RCMP Public compliance procedure nor could I in any way have a public investigation into my complaint. But I could ask for an in-house review.

I believe that a full public inquiry should be made into the reason for placing a leader of a registered political part on a Threat Assessment list

In mid January 1999, I spoke with a senior advisor to the Prime Minister and requested information about the following:

Why I was put on the list

Who decided that I should be put on the list

What was the reason fro my name being put on the list

I have received no reply, and I contacted the Prime Ministers office again yesterday and my call has not yet been returned

cc: RCMP Public Complaints Commission

72. 28 JANUARY 1999: COMPLAINT SUBMITTED TO CSIS COMMISSION:

ATTENTION:
Sylvia MacKenzie
Senior Complaints officer
fax 613 990 5230

Green party of Canada leader files complaint with Canadian Security Intelligence Service (CSIS)
Complaints Commission

Wednesday, January 27, 1999--VICTORIA

Today, Dr. Joan Russow, National Leader of the Green Party of Canada, filed the following complaint with the CSIS complaint Commission:

1 613 990 8441
Senior Complaints officer Sylvia MacKenzie
fax 613 990 5230

COMPLAINT

Director
Ward Elcock
Fax.

Thursday, January 28, 1999 -- VICTORIA, B.C. -- Today, Dr. Joan Russow, National Leader of the Green Party of Canada, filed the following complaint with the CSIS Complaints Commission:

Canadian Security Intelligence Service
Complaint Commission
By fax to: 613-990-5230

Attention: Sylvia MacKenzie
Senior Complaints Officer

Regarding: Dr. Joan Russow, National Leader of the Green Party of Canada, complaint to the Canadian Security Intelligence Service Complaint Commission

During the November, 1997, APEC Conference I was placed on an APEC Threat Assessment Group (TAG) list. The inclusion of a national leader of a registered political party on a Threat Assessment Group list is in complete violation of the CSIS Act which states the following:

“Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) to (d). 1984 c.21, s2” (see annex for paragraph 2)

In November, 1997, I filed a complaint with the RCMP Public Complaints Commission related to the pulling of my APEC pass. In response to my complaint, in August, 1998, the RCMP indicated that the reason my pass was pulled was that I lacked the appropriate accreditation and that “my request had been handled according to policy”. During the release of documents as a result of the November, 1998, RCMP PUBLIC COMPLAINTS COMMISSION I learned that the reason my pass was pulled was that I had been placed with photo ID on two different APEC Threat Assessment Group lists.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason inherent in being included in the APEC Threat Assessment Group list I believe that I should be part of the RCMP Public Complaints Commission Inquiry currently under way or part of a separate public inquiry into the misuse of CSIS powers.

Initially when I approached the RCMP commission in Vancouver last November, I was told by the then commission lawyer Chris Considine that I would be included in the commission hearings. However,

when I inquired recently about the revived commission which has begun Wednesday, January 27, I was told by a lawyer on contract with the commission, who refused to reveal his name, that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a Public investigation into my complaint. But I could ask for a review but I had no right under the Act to be part of or have a public inquiry into my case.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, 1999, I spoke with a senior advisor to the Prime Minister of Canada and requested information about the following:

- 1 Why I was put on the list
- 1 Who decided that I should be put on the list
- 1 What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again yesterday and my call has not been returned.

I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I expect that this complaint will be given your immediate attention.

Yours very truly

Joan Russow, Ph.D.

National Leader of the Green Party of Canada
Phone/Fax: 250-598-0071
Copies to: National and international media

attach

CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS)

In the Act establishing the Canadian Security Intelligence Service (CSIS), "Threats to security of Canada" means:

- (a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage;
- (b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person;
- (c) activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign states; and
- (d) Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest, or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

73. 9 FEBRUARY 1999: MEDIA RELEASE RELATED TO THE PRIME MINISTER'S OFFICE AND REASON FOR PLACING THE LEADER OF THE GREEN PARTY OF CANADA ON THE APEC THREAT ASSESSMENT LIST

Tuesday February 9, 1999

DID THE PRIME MINISTER'S OFFICE PLACE THE LEADER OF THE GREEN PARTY OF CANADA ON THE APEC THREAT ASSESSMENT LIST BECAUSE OF HER OVERT AND PUBLIC CRITICISM OF CANADA'S SELLING CANDU REACTORS

It was reported yesterday by Jonathan Oppenheimer that "when Li Peng visited Canada in 1995, Derek Stack was tackled, dragged away by Mounties, handcuffed, and detained, and later released without charge. His crime - he had been holding a sign along a motorcade route protesting the sale of CANDU reactors to China. He was taken into custody just before Li Peng's motorcade drove by".

As a complainant with the APEC RCMP Complaints Commission I am still trying to determine Prime Minister Chretien's connection with my being placed on the APEC Threat Assessment list. This recent evidence provided by John Oppenheim suggests that it might be because I have been a public and overt critique of Chretien's policy of selling CANDU reactors. In 1994, as editor of the Sierra Club (Victoria Group) newspaper the "Changing Times" I co-authored an article entitled "Chretien's Nuclear Sellout: CANDU legacy"; Also in 1994, at the IUCN (World Conservation Union) Annual General Meeting in Buenos Aires I addressed the issue of the sale of CANDU reactors to Argentina. In 1995 at the UN Conference on Women: Equality, Development and Peace, at a delegate meeting at the Canadian Embassy in Beijing, I raised the serious concern that Canadian women have about Canada selling CANDU reactors to China. In 1996, at Globe 1996, as a member of the media at a press conference I asked the delegate from China about the CANDU reactor; in particular I raised the issue about the financial arrangement for the sale and the connection with the nuclear arms industry; at that time a representative from External Affairs quickly ushered the Chinese delegate out of the room. During the election in June 1997 I continually raised the issue of the sale of CANDU reactors not only to China but to Korea, Roumania, Argentina and at a walkabout in Montreal as the leader of the Green Party of Canada I challenged Jean Chrétien publicly in front of the media about the sale of CANDU reactors to not only China but also to Roumania, Korea and Argentina, and I noted that the sale of CANDU reactors was in violation of international law.

Last month, I requested a response from the Prime Minister's office about the reason for my being placed on the APEC Threat Assessment list, and I filed a complaint with CSIS. I have still not received a response.

For further information:

Please contact

Joan Russow (PhD)

1 250 598-0071

74. 11 FEBRUARY 1999: LETTER FROM CAMERON WARD LAWYER FOR APEC COMPLAINANTS ABOUT FUNDING

75. 16 FEBRUARY 1999: FAX FROM SIRC MAURICE ARCHDEACON EXECUTIVE DIRECTOR: RESPONSE FROM Security Intelligence Review Committee

Protected

PERSONAL INFORMATION

File No 1500=1

16 February 1999

Dr. Joan Russow

National Leader of the Green Party of Canada

Vancouver, British Columbia

Dear Dr. Russow:

This is further to your recent conversation with the Committee's Counsel/Senior Complaints Officer, Ms Sylvia MacKenzie.

It appears from your letter that you are raising the issue of the Canadian Security Intelligence Service' (the "Service") possible involvement with the APEC threat assessment group. You are uncertain as to the form this involvement has taken and you are particularly concerned with the possibility that the Service may have passed information concerning you which would have resulted in the revocation of your APEC pass.

76. 5 MARCH 1999: HUGHES RULES PM NOT EXEMPT FROM BEING SUMMONED

Commissioner Hughes rules that no person is exempt from being summoned as a witness before the commission if the evidence points in their direction (that is, the Prime Minister could be subject to a summons).

77. 17 MARCH, 1999: RUSSOW RECEIVES A SUMMONS, FROM THE COMMISSION, TO TESTIFY AS A WITNESS

RCMP Public Complaints Commission
Commission Counsel
March 17, 19999
Joan Russow
1230 St. Patrick Street
Victoria B.C. V8S 4Y4

Dear Dr. Russow

Re: RCMP Public Complaints Commission Hearing- March 22 1999

Pursuant to section 24 I (3) (a) of the RCMP Act t, the Commission has issued the enclosed summons.

The summons requires you to appear at the Hearing on March 22nd, 1999. However, as it is unlikely that you will be required to present your evidence a that time and as we do not want to unduly inconvenience you, your attendance will not be required until a later date. Instead, we will contact you in the next few weeks as to the anticipated date that your attendance is required.

We ask that you advise us of your current phone, fax and address, if it differs from this letter, s that we can keep you fully informed with respect to scheduling and other matters relevant to the hearing.

On the date of your required appearance at the Public Hearing, you will be paid a witness fee of \$20.00 and reimbursed for the following expenses, as they are applicable:

Local Witnesses
Mileage 37/km

**78. MARCH OR APRIL 1999: SUBSEQUENT CONFERENCE CALL WITH LAWYERS
CONTACT KEVIN GILLIET DATE**

79. 15 JUNE 1999: ARTICLES ABOUT THE GREEN PARTY IN EDMONTON JOURNAL, AND TIMES COLONIST

A BATTLE FOR IDEALS BY LINDA GOYETTE

..... She has spent much of the past three months [weeks as a member of the Media] in Brussels and the Hague, opposing the NATO assault on Yugoslavia as a violation of international law. She has also been

speaking to anti-war rallies across Canada. She is one of the complainants who provoked the inquiry into RCMP conduct at the APEC summit.... One of Russow's many projects is to launch a Charter challenge against Canada's first –past the post electoral system ... Her larger goal, though, is to convince Canadians to put pressure on the federal government to honour the international agreements it has signed. “ The principles are all there on paper, ‘she says, but the political will is absent.

80. 23 JUNE 1999: FAX: FROM SIRC MADELAINE DE CAREFUL CONTAINING 16 FEBRUARY 1999:FAX FROM SIRC MAURICE ARCHDEACON EXECUTIVE DIRECTOR:

Security Intelligence Review Committee
Protected
PERSONAL INFORMATION
File No 1500=1

16 February 1999

Dr. Joan Russow
National Leader of the Green Party of Canada
Vancouver, British Columbia

Dear Dr. Russow:

This is further to your recent conversation with the Committee's Counsel/Senior Complaints Officer, Ms Sylvia MacKenzie.

It appears from your letter that you are raising the issue of the Canadian Security Intelligence Service' (the "Service") possible involvement with the APEC threat assessment group. You are uncertain as to the form this involvement has taken and you are particularly concerned with the possibility that the Service may have passed information concerning you which would have resulted in the revocation of your APEC pass.

81. 25 JUNE 1999: JUDGE SUPPORTS FEDERAL CABINET'S RIGHT TO WITHHOLD DOCUMENTS

Mr. Justice William McKeown of the Federal Court of Canada upholds the federal cabinet's right to withhold documents germane to the APEC Inquiry even though those documents might prove helpful to the complainants' case.

82. 25 JUNE 1999: LETTER TO WARD ELCOCK CSIS

ATTENTION: Mr. Ward Elcock
Director
Canadian Security Intelligence Service

In February 1999, I submitted the following complaint to Sylvia MacKenzie
Senior Complaints officer
fax 613 990 5230.

It appears that a response was faxed to me on February 17, 1999 indicating that I had not followed the correct procedure. I was away when the Fax was sent and it must have been misplaced. I am now rectifying this and hopefully the complaint will now be able to proceed.

COMPLAINT (originally submitted in February 1999)

During the APEC Conference I was placed on an APEC threat assessment Group (TAG) list. The inclusion of a National Leader of a Political Party on a Threat Assessment list is in complete violation of the policy of CSIS which states the following:

Threat to security DOES NOT INCLUDE LAWFUL ADVOCACY, PROTEST OR DISSENT, UNLESS CARRIED ON IN CONJUNCTION WITH ANY OF THE ACTIVITIES REFERRED TO IN PARAGRAPHS (2) TO (D). 1984 C.21, S2 (see annex for paragraph 2)

I did file a complaint with the RCMP Commission related to the pulling of my APEC pass. In response to my complaint the RCMP indicated that the usual protocol had been followed. It was only as a result of the requirement to release documents during the RCMP PUBLIC COMPLAINTS COMMISSION that it was brought to my attention that I was on the APEC threat Assessment list.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason contained in the APEC threat assessment group list, I believe that I should be part of the Public Complaints Commission Inquiry.

Initially when I approached the Commission in Vancouver last November, I was told by the then Commission lawyer Chris Considine that I would be included. in the Commission hearings. However when I inquired recently about the revived Commission which has begun today Wednesday January 27 I was told by a lawyer on contract with the commission [who would not reveal his name] that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a public investigation into my complaint. but I could ask for a in-house review.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, I spoke with a senior advisor to the Prime Minister and requested information about the following:

Why I was put on the list

Who decided that I should be put on the list

What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again in February, 1999. I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I have not been able to obtain an explanation from the RCMP, or the Prime Minister's office for the reason for my inclusion on the list. I am now applying to CSIS for an explanation.

I also wish to point out that the information on the APEC Threat Assessment List must have been obtained from an earlier list because there is information on the TAG list that is not current.

I would also like to know what previous list exist that I might be on, and for the reasons for including me on such a list.

I expect that this complaint will be given your immediate attention.

Yours very Truly

Joan Russow (PhD)

National Leader of the Green Party of Canada

1 250 598-0771

ANNEX:

CSIS

In the Act establishing the Canadian Security Intelligence Service
Threats to security of Canada" means

(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage.

b. foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person

c activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign states, and
d Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

83. 6 JULY 1999: RUSSOW RECEIVES A LETTER FROM HUGHES COMMISSION RULES RUSSOW CANNOT APPEAR

Russow's complaint should not be brought forward by the inquiry or that the complaint falls within the terms of reference for this inquiry and that her testimony would be relevant to any of the complainants.

Commission Counsels
Marvin Storrow
Kevin Gillet
Barbara Fisher

Ms Joan Russow

The Commission has reviewed the circumstances surrounding the removal of your media accreditation pass with a view to determining whether you should be called as a witness or a complainant in the current public hearing.

With respect to your complaint, this matter was not referred to the public inquiry by the commission Chairperson. Commission Counsel cannot add another complaint without referring the matter to the Commission Chairperson. As I indicated to you on the telephone last March we were not of the view that this matter should be brought forward in such a manner. However, we agreed to look into your complaint further with a view to considering this option.

We reviewed the RCMP's investigation of your complaint. We also conducted interviews of four additional witnesses and requested further documents from the RCMP. WE have not been able to substantiate that your complaint falls within the terms of reference of this inquiry that is the conduct of the RCMP during APEC at the University of British Columbia. Therefore we now confirm our view that your complaint should not be added to the subjects of the current public inquiry.

However we suggest that you consider requesting a review of your complaint by the RCMP Public complaints Commission. If you choose to do so please be assured that upon the Commission's Reviewer Analyst's request we will provide the Commission with full disclosure of the evidence we have gathered.

With respect to your evidence as a witness, it is our view that the evidence you could provide is not necessary in respect of the complaint filed by M. Dennis Porter

Your media pass was taken away under circumstances, different from those involving Mr. Porter. ;Your evidence would neither support nor refute Mr. Porter's complaint. Accordingly, it is our view that the evidence you could provide will not assist the Commission in making a determination about Mr. Porter's complaint and on this basis we do not intend to call you as a witness.

However, Cameron Ward, who represents Dennis Port has made an application to Mr. ;Hughes to have you called as a witness supportive of Mr. Porter's complaint. Should Mr. Hughes rule in Mr. Ward's favour we will be contacting you to secure your attendance for that purpose. Mr. Hughes will be hearing arguments in respect of this matter on Monday, July 26, 1999. Once he rules on the matter, we will contact you to advise on the result

Should you wish to request a review please telephone the commission's western Region office at 1 800 665 6878

Thank you for your cooperation

Yours truly

Barbara Fisher
Commission Counsel.

84. 15 JULY 1999: LETTER FROM J. BRADLEY DIRECTOR GENERAL SECRETARIAT CSIS

This letter is ambiguous. In responding to Russow's concern about CSIS' targeting citizens engaged in "legitimate advocacy" he stated: Although I can neither confirm nor deny specific operational activities of the Service I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS act"; This statement could suggest CSIS had not perceived Russow to be engaging in just "legitimate advocacy"

July 15 1999
Ms. Joan Russow 1230 St. Patrick St.
Victoria

Dear Ms Russow:

On behalf of the Director of the Canadian Security Intelligence Service (CSIS), this will acknowledge receipt of the recent correspondence in which you complained that your name had been inappropriately added to a threat assessment list prepared for the 1997 Asia Pacific Economic Co-operation Apec conference held in Vancouver

As you have pointed out in your letter, CSIS has a legislated mandate to investigate only those individuals engaged in activities that may, on reasonable grounds, be suspected of constitution threat to the security of Canada, as defined in the CSIS Act

Although I can neither confirm nor deny specific operational activities of the Service I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS act

Under the CSIS Act if you are not satisfied with this response you have recourse to pursue your complaint with Security Intelligence Review Committee (SIRC)

I trust that my comments will be of assistance

Your sincerely

T J. Bradley
Director General Secretariat

85. 24 AUGUST 1999: JEAN CARLE TESTIFIES AT COMMISSION

Jean Carle testifies before the PCC panel: "While Mr. Carle admitted his duties brought him into frequent contact with the RCMP officers organizing summit security, he said the only thing he did was make a few suggestions. He denied that those suggestions were orders or that they were designed to spare Suharto from seeing demonstrations criticizing his regime" (National Post, 24 August 1999).

86. 24 AUGUST 1999: RUSSOW BECOMES AWARE OF CHRISTINE PRICE'S TESTIMONY

Russow was in attendance at the Commission hearing and approached Jean Carle and lawyer for the Attorney General's office reprimands her for approaching the witness.

Jean Carle testifies that he had nothing to do with press accreditation, and he had did not “revoke or refuse to give a media pass or accreditation. Complainant Openheim and Lawyers for the complainants raised, with Jean Carle, the issue of Christine Price testimony, in relation to Joan Russow

TRANSCRIPT:

Q. Sir, were—were you involved, at all, in a decision to revoke or to refuse to give a media pass or accreditation to a Ms. Joan Russow, the leader of the Green Party?

Jean Carle: Absolutely not

Q. I want to turn to page.. it in Wayne May, supplemental , volume 2---page 253. And if you go, approximately to the middle of the page, just a bit down.

A: yea

Q it says under the w, it says okay

Mr. Commissioner: Who is Christine Price?

Mr. Jonathan Oppenheim: She’s someone in media accreditation, an R.C.M.P officer, I believe

Mr. Commissioner: and who is W

Mr. Jonathan Oppenheim: W is the person doing the interview, Sergeant P. Woods. And Christine Price is Proceeds of Crime, you can see it on page 251

Continued by Mr. Jonathan Oppenheim

Q Okay, so I’m going to read what the interviewer says:

Okay and now when Brian Gruise [Groos] phonetic) told you {this is on page

252, slightly more than half the way down], W: Okay, now when Brian Gruise told you that she was not to get accredited and he stated this came from Audrey Gill, did he give any—give you an explanation as to why”

And just for background, this is about the removal of media accreditation from various people, in particular, Joan Russow, the leader of the Green Party.

I believe he told me that it was an order from the PMO but that’s all that he told me”

Do your know who Audrey Gill is?

A I met Audrey Gill before, yes

Q And what is Audrey Gill’s position?

A. I can’t remember

Q She was with media accreditation, or she was with media accreditation?

A I can’t remember what responsibilities she has during—she had during APEC

Q and what –where did—in what context did you meet Audrey Gill?

A years ago, socially, that’s all

Q Okay you didn’t talk to Audrey Gill, though, about –it seems that Audrey Gill is under the impression that the PMO gave orders to remove certain peoples’ accreditation

A Well, to start with I had nothing to do with press accreditation

Q And who in the PMO would have?

A Well, they would direct the press office would have a responsibility

Q That would be Peter Conolo (phonetic) [Donolo]

A. Well, I’m not saying it’s Peter Donolo, it’s the press office

Q Someone in the press office, And do you know Brian Gruise (Phonetic)

A I don’t know Brian Gruise

Q Now, this has been touched on, but I just –this is my last question and I just wanted to touch on it quickly...

87. 24 AUGUST 1999: RUSSOW BECOMES AWARE OF CHRISTINE PRICES'

August 30, 1999

File No. PCC-971077

TESTIMONY

Russow and approaches Commission Counsel about the importance of this new information; unaware of the fact that Gruise was an associate of David Anderson and a resident of Oak Bay and thus aware of the existence of the Qak Bay News.

Ms. Joan Russow 1230 St.
Patrick Street Victoria, BC
V8S 4Y4

88. 28 AUGUST 1999: JEAN CARLE ADMITS TAPES HAVE GONE MISSING

"According to an RCMP source, audio tapes of police radio transmissions at APEC were punctuated with 'Jean Carle wants this' and 'Jean Carle wants that.' The tapes have gone missing, and on Monday Mr. Carle admitted shredding most of his APEC memos, too" (National Post, 28 August 1999).

89. 30 AUGUST 1999: RUSSOW FAX TO RCMP PUBLIC COMPLAINTS COMMISSION REQUESTING REVIEW OF COMPLAIN BASED ON NEW EVIDENCE. Russow was still not aware of who Brian Groos was.

RE: APEC COMPLAINT 1997- Dr. Joan Elizabeth Russow

Re: APEC Complaint 1997- 1077 Dr. Joan Elizabeth Russow

I would like to request a review of my complaint on the grounds that new evidence has surfaced that the RCMP officer at the media centre had incorrectly alleged that the reason for my pass being pulled was that I did not have the appropriate media credentials.

NEW EVIDENCE

As a result of the requirement to release information under the RCMP Public Complaints Commission hearing evidence has been release that indicates that I was placed on the APEC threat assessment list and that my photograph was in the hands of the RCMP. In addition, recent evidence a direct connection with the Prime Minister's office; a directive supposedly came from a Mr. Groos from the Prime Minister's office ordering the RCMP to prevent me from attending APEC

I have requested several times to be part of the public complaints commission hearing, and have not been allowed to present the evidence indication a connection with the PMO's office

Thank you for your consideration of this matter

Joan Russow

90. 30 AUGUST 1999: PUBLIC COMPLAINTS COMMISSION LETTER WARNS THAT THERE IS A HUGE BACKLOG OF COMPLAINTS AND THEY HAVE NOT BEEN ABLE TO COMPLETE THE REVIEW REQUESTED DURING THIS PERIOD IN A TIMELY FASHION ADVISED ALTERNATIVE DISPUTE RESOLUTION TECHNIQUES.

RCMP PUBLIC COMPLAINTS COMMISSION DES PLAINTES

COMMISSION DU PUBLIC CONTRE LA GRC

August 30, 1999 File No. PCC-971077

Ms. Joan Russow 1230 St. Patrick Street Victoria, BC V8S 4Y4

Dear Ms. Russow,

I acknowledge receipt of your correspondence which we received on August 30, 1999 requesting a review of the RCMP's disposition of your complaint.

As all reviews by the RCMP Public Complaints Commission are conducted by the Chair of the Commission at our Ottawa headquarters, we have asked the RCMP to forward to Ottawa all information in their possession which is relevant to your complaint. In order to assist the review process, your complaint file has also been transferred from the Surrey office to our Ottawa headquarters.

I would also like to take this opportunity to inform you about the number of public complaints under review by the Commission, and our efforts to address the current backlog. Pursuant to the RCMP Act, the Commission is required to conduct a review of any complaint referred to it by a complainant who is dissatisfied with the disposition of the matter by the RCMP. Since 1994-95, the Commission has received annually approximately 300 requests for review of complaints. Stated another way, the Commission has been asked to review in the order of 1,500 complaints over the past five years.

Although Commission staff have been working diligently to cope with this workload, the fact is that we have not been able to complete the reviews requested during this period in a timely fashion. Accordingly, we now face an accumulated backlog of over 500 cases. These cases are at various stages of the review process; some are near completion, some are under active review, while others are yet to be undertaken.

The Public Complaints Commission is currently undertaking various initiatives to specifically address this backlog and to prevent the recurrence of a similar situation. Since the appointment of a new Chair an internal restructuring of the Commission has commenced which will permit us greater flexibility in the conduct of our reviews. In contrast to our previous procedures, we will now pursue as a matter of practice less formal and more efficient options to resolve complaints, without compromising the values of impartiality, fairness and transparency. Where appropriate, alternate dispute resolution techniques, such as mediation, will be explored to assist the complainant and the police in settling their differences in a timely and mutually agreeable fashion. We have also made an appeal for supplementary resources to assist us in implementing these new measures, and we are hopeful that such assistance will be forthcoming.

We are optimistic that the new strategies will be effective in attaining a more timely and efficient conduct of reviews. Your patience and cooperation as we work towards this goal is appreciated.

Should you have any questions regarding your review, they should be directed to our headquarters:

RCMP Public Complaints Commission P.O. Box 3423
Station "D"
Ottawa, Ontario K1P 6L4
Toll-free telephone number: 1-800-267-6637 Fax: (613) 952-8045.
Yours truly,

C. J. Gregor
Director, Western Region

91. 10 SEPTEMBER 1999: RUSSOW SUBMITTED A COMPLAINT ABOUT CSIS TO SIRC

Friday September 10, 1999
Attention Senior Complaints Officer
Fax 613 990 5230

I submitted a complaint to CSIS (see exhibit A) and received the enclosed response (see exhibit B) I am now requesting that the CSIS complaints department review my complaint

Yours very truly

Dr. Joan Russow
National Leader of the Green Party of Canada
Exhibit A: Russow complaint
Exhibit B: Bradley's response

Exhibit A
COMPLAINT
Director
Ward Elcock
Fax.

Thursday, January 28, 1999 -- VICTORIA, B.C. -- Today, Dr. Joan Russow, National Leader of the Green Party of Canada, filed the following complaint with the CSIS Complaints Commission:

Canadian Security Intelligence Service
Complaint Commission
By fax to: 613-990-5230

Attention: Sylvia MacKenzie
Senior Complaints Officer

Regarding: Dr. Joan Russow, National Leader of the Green Party of Canada, complaint to the Canadian Security Intelligence Service Complaint Commission

During the November, 1997, APEC Conference I was placed on an APEC Threat Assessment Group (TAG) list. The inclusion of a national leader of a registered political party on a Threat Assessment Group list is in complete violation of the CSIS Act which states the following:

“Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) to (d). 1984 c.21, s2” (see annex for paragraph 2)

In November, 1997, I filed a complaint with the RCMP Public Complaints Commission related to the pulling of my APEC pass. In response to my complaint, in August, 1998, the RCMP indicated that the reason my pass was pulled was that I lacked the appropriate accreditation and that “my request had been handled according to policy”. During the release of documents as a result of the November, 1998, RCMP PUBLIC COMPLAINTS COMMISSION I learned that the reason my pass was pulled was that I had been placed with photo ID on two different APEC Threat Assessment Group lists.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason inherent in being included in the APEC Threat Assessment Group list I believe that I should be part of the RCMP Public Complaints Commission Inquiry currently under way or part of a separate public inquiry into the misuse of CSIS powers.

Initially when I approached the RCMP commission in Vancouver last November, I was told by the then commission lawyer Chris Considine that I would be included in the commission hearings. However, when I inquired recently about the revived commission which has begun Wednesday, January 27, I was told by a lawyer on contract with the commission, who refused to reveal his name, that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a Public investigation into my complaint. But I could ask for a review but I had no right under the Act to be part of or have a public inquiry into my case.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, 1999, I spoke with a senior advisor to the Prime Minister of Canada and requested information about the following:

- 1 Why I was put on the list
- 1 Who decided that I should be put on the list
- 1 What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again yesterday and my call has not been returned.

I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I expect that this complaint will be given your immediate attention.

Yours very truly

Joan Russow, Ph.D.

National Leader of the Green Party of Canada
Phone/Fax: 250-598-0071
Copies to: National and international media

attach

CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS)

In the Act establishing the Canadian Security Intelligence Service (CSIS), "Threats to security of Canada" means:

- (a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage;
- (b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person;
- (c) activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign states; and
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Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest, or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

EXHIBIT B: LETTER FROM BRADLEY

15 JULY 1999: LETTER FROM J. BRADLEY DIRECTOR GENERAL SECRETARIAT CSIS

Ms. Joan Russow 1230 St. Patrick St.
Victoria

Dear Ms Russow:

On behalf of the Director of the Canadian Security Intelligence Service (CSIS), this will acknowledge receipt of the recent correspondence in which you complained that your name had been inappropriately added to a threat assessment list prepared for the 1997 Asia Pacific Economic Co-operation Apec conference held in Vancouver

As you have pointed out in your letter, CSIS has a legislated mandate to investigate only those individuals engaged in activities that may, on reasonable grounds, be suspected of constitution threat to the security of Canada, as defined in the CSIS Act

Although I can neither confirm nor deny specific operational activities of the Service I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS act

Under the CSIS Ac if you are not satisfied with this response you have recourse to pursue your complaint with Security Intelligence Review Committee (SIRC)

I trust that my comments will be of assistance

Your sincerely

T J. Bradley
Director General Secretariat

92. 23 SEPTEMBER 1999: NATION POST ARTICLE ON CSIS COMPLAINT RELATED TO TARGETING CITIZENS ENGAGED IN LEGITIMATE ADVOCACY, PROTEST AND DISSENT

Green leader wants CSIS to justify Security Risk Branding

National post article by Jim Bronskill

Green Leader wants CSIS to justify security risk branding

By Jim Bronskill

Ottawa- Joan Russow, the Federal Green Party leader, has filed a formal complaint with the watchdog that oversees Canada's spy agency about her appearance on a secret threat assessment list at the 1997 APEC conference

Ms Russow wants the Security Intelligence Review Committee to determine why she was branded a potential risk to the Asia-Pacific summit in Vancouver.

"Who put the list together a whose request, and what justification was there? She asked in an interview. "I'm just not getting any answers"

The review committee, which keeps an eye on the Canadian Security Intelligence Service, investigates complaints from the public about CSIS activities.

Ms. Russow' problems began when officials revoked her accreditation for the summit, which she attended as a reporter for the Oak Bay News, a community paper in Victoria.

At the time, summit security staff questioned the existence of the small newspaper, prompting a tense exchange with Ms. Russow, who was prevented from covering the remainder of the meetings.

"It was quite clear that something funny was going on" she said in an interview.

Ms. Russow' suspicions were confirmed in late 1998 when copies of the threat assessment, including her photo and vital statistics, were tabled with the RCMP Complaints Commission. The Commission is conducting hearings into complaints from protesters who were pepper-sprayed and arrested by police at the University of British Columbia, where the APEC leaders met.

Documents made public during the last year indicated the summit threat assessment were prepared by an ad-hoc group comprising members of the RCMP, CSIS and several other agencies.

Almost two years after the summit, Ms Russow's case raises several thorny questions. Did CSIS or the RCMP spy on a political party leader? Was freedom to the press infringed in the name of security?

Ms Russow, who says she had no criminal record, recently took her case directly to CSIS.

Under the CSIS Act, the intelligence service is permitted to investigate only people engaged in activities considered a threat to Canadian security. In July, CSIS official T.J. Bradley replied to ms Russow that while he could neither confirm nor deny specific operations of the service, "I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS Act."

Not satisfied Ms Russow complained this month to the review committee. It does not openly discuss cases but issues findings to the complainant.

The APEC threat assessment describes Ms Russow as a "media Person" and "UBC protest sympathizer.". It also identifies her as the leader of the Green Party.

In recent years, Ms Russow has been an outspoken critic of federal policies, expressing concerns about an APEC environmental agreement, genetically engineered foods, and uranium mining.

A separate document prepared by threat assessment officers during the summit, describes Ms Russow and another media members as "overly sympathetic to APEC protesters. "Both subjects have had her accreditation seized"

Ms Russow has also filed a grievance with the RCMP complaints commission.

A briefing note prepared by the Solicitor General's Department recommends no public comment be made about Ms. Russow's concerns for fear of jeopardizing the integrity of the RCMP commission hearings.

Southam News.

93. SEPTEMBER, 1999 COMMENT BY THE OAK BAY NEWS

APEC FALLOUT CONTINUES FOR RUSSOW AND THE NEWS

APEC fallout continues

Remember about a year ago the RCMP were claiming the Oak Bay News didn't exist and that it wasn't a credible news gathering source?

Well, there's more to the story and it all revolves around APEC and that eternal inquiry.

For those of you who may have forgotten, I'll refresh your memory. In an effort to expand the scope of our news and to put us on the board with media heavyweights like CNN and The Globe and Mail, the Oak Bay News teamed up with Oak Bay resident and national Green Party leader Dr. Joan Russow for an insider's look at the now infamous APEC (Asia-Pacific Economic Co-operation) conference in Vancouver in 1997.

Russow had been given a News byline in the past when she had written passionately on the Multilateral Agreement on Investment This time we figured her presence at APEC would score some insight for our readers. The 61-year-old Russow is a regular participant at global conferences on everything from trade partnerships to environmental concerns and has expert knowledge of international agreements.

We arranged for Russow to be granted media credentials under our banner, but when she arrived in Vancouver, things got weird. Russow picked up her media badge only after being delayed 24-hours while security staff ran a 'check' on her. Then, credentials finally in hand, Russow attempted to enter the conference itself, but found herself roadblocked. As she stepped toward a phalanx of authority guarding the entrance, a woman with the APEC team suddenly said, "Here she is." They'd been waiting for her and Russow was quickly asked to return her media pass. She was told there had been something wrong with the passes issued and treated her as though she was doing something criminal. The fallout was that Russow was tagged as a dissident and sent away from covering APEC as a legitimate member of the press.

As APEC turned into the nightmare of Peppergate, and inquiry and commission fumbled through RCMP wrongdoing, the resignation of loose-lipped Solicitor General Andy Scott and allegations that the prime minister had designated the brutal treatment of protesters, the realization of how disdainfully the federal government viewed Russow became apparent

Though she was informed by the RCMP that they had followed usual procedure in denying her APEC access, documents she recently obtained show that Russow was put on a Threat Assessment list by APEC security, notably the RCMP

Below a mug shot of her is listed her name, date of birth and the description "Media person, UBC protest sympathizer". Other people on that same threat list were tagged as "Lesbian", "HIV positive", "Anarchist" and "AIDS activist" - all clearly psychotic individuals bent on overthrowing state control. Oh, and in all that, the Oak Bay News was dismissed by the RCMP as illegitimate and nonexistent. Lately Russow has been hanging around the APEC Royal Commission being headed by Ted Hughes, trying to either clear her name or discover why she was ever perceived as a threat to national security. Her attempts to officially become part of the commission have thus far been quashed.

On Aug. 24 Russow saw another document, one that she believes may directly link Jean Chrétien to the RCMP thuggery at APEC. The sheet of paper contained comments from Christine Price of the media accreditation office who was told by a Mr. Gros (Russow thinks this was the spelling) in the prime minister's office that Russow should not be allowed into the APEC conference. "The document," says Russow, "is direct evidence coming from the prime minister's office. It may prove the prime minister was giving orders to the RCMP at UBC during the student protests." There is even the comical suggestion that Mr. Gros may, in fact, be Chrétien himself (hey, 'gros' in French means big, right? Mr. Big).

Russow says there's a marked difference between legitimate dissent and subversion. "There's no reason activists should ever be put on a threat assessment list There was no reason for me to be re-, fused entry." There are larger issues involved here, such as the rights of the media to be able to cover an important international conference and the constitutional rights of citizens.

"How many Canadians have been put on lists like these?" asks Russow. "Who makes the decisions about who should be put onto these lists?"

And moreover, what's the implication of the prime minister's office putting the leader of a national party on a threat assessment list?

Looks like another question for Ted Hughes and his Royal Commission. Hopefully well be able to get an answer that isn't obscured by the sickening cloak of cover-up. In the meantime the Oak Bay News continues to work as a legitimate news gathering source. Remember, you read it here first

94. 24 SEPTEMBER 1999: FAX FROM SECURITY INTELLIGENCE REVIEW COMMITTEE FROM MAURICE KLEIN, ACTING EXECUTIVE DIRECTOR SIRC CSIS

NOTE: CONFUSING NATURE OF THE PROCESS

BACKGROUND:

15 JANUARY 1998: RUSSOW INTERVIEWED IN VICTORIA BY TWO RCMP OFFICERS, SERGEANT WOODS AND SERGEANT JUBY

In the interview, after reporting on what I perceived to be the sequence of events, I raised the issue of the possibility that there had been a directive from the Prime Ministers office. When I was asked what remedy I would request, I mention the CSIS Act section in which CSIS is not supposed to target citizens engaged in legitimate advocacy, and I proposed the necessity for the RCMP to establish clear criteria for distinguishing between individual engaged in legitimate advocacy and individuals who were real threats to national and international security.

Response to petition related to the Violation of Civil and Political Rights
Filed **MARCH 18, 1998**
Response August 19, 1998

With respect to the role of the Canadian Security Intelligence Service (CSIS) during the demonstrations at the APEC conference. CSIS has a mandate to investigate threats to the security of Canada, as defined in section 2 of the CSIS Act. CSIS specifically prohibited by legislation from investigating activities constituting lawful advocacy, protest and dissent. As such, as long as activists' methods remain within legal bounds, such activities would not be subject to CSIS scrutiny. Anyone with specific concerns should raise them with the Security Intelligence Review Committee (SIRC). As to any allegations of criminal activity, these concerns should be addressed to the police force of jurisdiction.

22 JANUARY 1999: RESPONSE FROM CSIS

Russow had requested information from CSIS about Threat Assessment lists, and received the following response:

Under Threat Assessment

as part of this, the service prepared and disseminates time-sensitive evaluation of the scope and immediacy of terrorist threats posed by individuals and groups in Canada and abroad. Assessments are made of threat against Canadian VIPs traveling in Canada and abroad, foreign VIPs, VIPs traveling in Canada and abroad foreign VIPs traveling in Canada and abroad foreign visit Canada foreign missions and personnel in Canada. Canadian interest abroad public safety and transpiration security and special events.

Russow had also requested information about CSIS and received the following response:

Canadian Security Intelligence Service

Service canadien du renseignement de security
January 22, 1999
Joan Russow
1230 St-Patrick Street Victoria, BC
V8S 4Y4

28 JANUARY 1999 COMPLAINT SENT TO WARD ELCOCK AND TO SYLVIA MACKENZIE FROM SIRC

COMPLAINT

Director
Ward Elcock
Fax.

Thursday, January 28, 1999 -- VICTORIA, B.C. -- Today, Dr. Joan Russow, National Leader of the Green Party of Canada, filed the following complaint with the CSIS Complaints Commission:

Canadian Security Intelligence Service
Complaint Commission
By fax to: 613-990-5230

Attention: Sylvia MacKenzie
Senior Complaints Officer

Regarding: Dr. Joan Russow, National Leader of the Green Party of Canada, complaint to the Canadian Security Intelligence Service Complaint Commission

During the November, 1997, APEC Conference I was placed on an APEC Threat Assessment Group (TAG) list. The inclusion of a national leader of a registered political party on a Threat Assessment Group list is in complete violation of the CSIS Act which states the following:

“Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) to (d). 1984 c.21, s2” (see annex for paragraph 2)

In November, 1997, I filed a complaint with the RCMP Public Complaints Commission related to the pulling of my APEC pass. In response to my complaint, in August, 1998, the RCMP indicated that the reason my pass was pulled was that I lacked the appropriate accreditation and that “my request had been handled according to policy”. During the release of documents as a result of the November, 1998, RCMP PUBLIC COMPLAINTS COMMISSION I learned that the reason my pass was pulled was that I had been placed with photo ID on two different APEC Threat Assessment Group lists.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason inherent in being included in the APEC Threat Assessment Group list I believe that I should be part of the RCMP Public Complaints Commission Inquiry currently under way or part of a separate public inquiry into the misuse of CSIS powers.

Initially when I approached the RCMP commission in Vancouver last November, I was told by the then commission lawyer Chris Considine that I would be included in the commission hearings. However, when I inquired recently about the revived commission which has begun Wednesday, January 27, I was told by a lawyer on contract with the commission, who refused to reveal his name, that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a Public investigation into my complaint. But I could ask for a review but I had no right under the Act to be part of or have a public inquiry into my case.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, 1999, I spoke with a senior advisor to the Prime Minister of Canada and requested information about the following:

- 1 Why I was put on the list
- 1 Who decided that I should be put on the list
- 1 What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again yesterday and my call has not been returned.

I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I expect that this complaint will be given your immediate attention.

Yours very truly

Joan Russow, Ph.D.

National Leader of the Green Party of Canada
Phone/Fax: 250-598-0071
Copies to: National and international media

attach

CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS)

In the Act establishing the Canadian Security Intelligence Service (CSIS), "Threats to security of Canada" means:

- (a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage;
- (b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person;
- (c) activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign states; and
- (d) Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest, or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

Last month, I requested a response from the Prime Minister's office about the reason for my being placed on the APEC Threat Assessment list, and I filed a complaint with CSIS. I have still not received a response.

16 FEBRUARY 1999:FAX FROM SIRC MAURICE ARCHDEACON EXECUTIVE
DIRECTOR: RESPONSE FROM Security Intelligence Review Committee
Protected
PERSONAL INFORMATION
File No 1500=1

16 February 1999

Dr. Joan Russow
National Leader of the Green Party of Canada
Vancouver, British Columbia

Dear Dr. Russow:

This is further to your recent conversation with the Committee's Counsel/Senior Complaints Officer, Ms Sylvia MacKenzie.

It appears from your letter that you are raising the issue of the Canadian Security Intelligence Service' (the "Service") possible involvement with the APEC threat assessment group. You are uncertain as to the form this involvement has taken and you are particularly concerned with the possibility that the Service may have passed information concerning you which would have resulted in the revocation of your APEC pass.

25 JUNE 1999: LETTER TO WARD ELCOCK CSIS

ATTENTION: Mr. Ward Elcock
Director
Canadian Security Intelligence Service

In February 1999, I submitted the following complaint to
Sylvia MacKenzie
Senior Complaints officer
fax 613 990 5230.

It appears that a response was faxed to me on February 17, 1999 indicating that I had not followed the correct procedure. I was away when the Fax was sent and it must have been misplaced. I am now rectifying this and hopefully the complaint will now be able to proceed.

COMPLAINT (originally submitted in February 1999)

During the APEC Conference I was placed on an APEC threat assessment Group (TAG) list. The inclusion of a National Leader of a Political Party on a Threat Assessment list is in complete violation of the policy of CSIS which states the following:

Threat to security DOES NOT INCLUDE LAWFUL ADVOCACY, PROTEST OR DISSENT, UNLESS CARRIED ON IN CONJUNCTION WITH ANY OF THE ACTIVITIES REFERRED TO IN PARAGRAPHS (2) TO (D). 1984 C.21, S2 (see annex for paragraph 2)

I did file a complaint with the RCMP Commission related to the pulling of my APEC pass. In response to my complaint the RCMP indicated that the usual protocol had been followed. It was only as a result of the requirement to release documents during the RCMP PUBLIC COMPLAINTS COMMISSION that it was brought to my attention that I was on the APEC threat Assessment list.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason contained in the APEC threat assessment group list, I believe that I should be part of the Public Complaints Commission Inquiry.

Initially when I approached the Commission in Vancouver last November, I was told by the then Commission lawyer Chris Considine that I would be included. in the

Commission hearings. However when I inquired recently about the revived Commission which has begun today Wednesday January 27 I was told by a lawyer on contract with the commission [who would not reveal his name] that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a public investigation into my complaint. but I could ask for a in-house review.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, I spoke with a senior advisor to the Prime Minister and requested information about the following:

Why I was put on the list

Who decided that I should be put on the list

What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again in February, 1999.

I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I have not been able to obtain an explanation from the RCMP, or the Prime Minister's office for the reason for my inclusion on the list. I am now applying to CSIS for an explanation.

I also wish to point out that the information on the APEC Threat Assessment List must have been obtained from an earlier list because there is information on the TAG list that is not current.

I would also like to know what previous list exist that I might be on, and for the reasons for including me on such a list.

I expect that this complaint will be given your immediate attention.

Yours very Truly

Joan Russow (PhD)
National Leader of the Green Party of Canada
1 250 598-0771

ANNEX:
CSIS

In the Act establishing the Canadian Security Intelligence Service
Threats to security of Canada" means

- (a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage.
- b. foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person
- c activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign states, and

d Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

23 JUNE 1999 FAX: FROM SIRC MADELAINE DE CAREFUL CONTAINING
16 FEBRUARY 1999:FAX FROM SIRC MAURICE ARCHDEACON EXECUTIVE
DIRECTOR: RESPONSE FROM Security Intelligence Review Committee
Protected
PERSONAL INFORMATION
File No 1500=1

16 February 1999

Dr. Joan Russow
National Leader of the Green Party of Canada
Vancouver, British Columbia

Dear Dr. Russow:

This is further to your recent conversation with the Committee's Counsel/Senior Complaints Officer, Ms Sylvia MacKenzie.

It appears from your letter that you are raising the issue of the Canadian Security Intelligence Service' (the "Service") possible involvement with the APEC threat assessment group. You are uncertain as to the form this involvement has taken and you are particularly concerned with the possibility that the Service may have passed information concerning you which would have resulted in the revocation of your APEC pass.

July 15 1999

Ms. Joan Russow 1230 St. Patrick St.
Victoria

Dear Ms Russow:

On behalf of the Director of the Canadian Security Intelligence Service (CSIS) , this will acknowledge receipt of the recent correspondence in which you complained that your name had been inappropriately added to a threat assessment list prepared for the 1997 Asia Pacific Economic Co-operation Apec conference held in Vancouver

As you have pointed out in your letter, CSIS has a legislated mandate to investigate only those individuals engaged in activities that may, on reasonable grounds, be suspected of constitution threat to the security of Canada, as defined in the CSIS Act

Although I can neither confirm nor deny specific operational activities of the Service I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS act

Under the CSIS Ac if you are not satisfied with this response you have recourse to pursue your complaint with Security Intelligence Review Committee (SIRC

I trust that my comments will be of assistance

Your sincerely

T J. Bradley
Director General Secretariat

**10 SEPTEMBER 1999; RUSSOW SUBMITTED A COMPLAINT
ABOUT CSIS TO SIRC**

1999 CSIS COMPLAINT TO SIRC

Friday September 10, 100
Attention Senior Complaints Officer
Fax 613 990 5230

I submitted a complaint to CSIS (see exhibit A) and received the enclosed response (see exhibit B) I am now requesting that the CSIS complaints department review my complaint

Yours very truly

Dr. Joan Russow
National Leader of the Green Party of Canada
Exhibit A: Russow complaint
Exhibit B: Bradley's response
Exhibit A
COMPLAINT
Director
Ward Elcock
Fax.

Thursday, January 28, 1999 -- VICTORIA, B.C. -- Today, Dr. Joan Russow, National Leader of the Green Party of Canada, filed the following complaint with the CSIS Complaints Commission:

Canadian Security Intelligence Service
Complaint Commission
By fax to: 613-990-5230

Attention: Sylvia MacKenzie
Senior Complaints Officer

Regarding: Dr. Joan Russow, National Leader of the Green Party of Canada, complaint to the Canadian Security Intelligence Service Complaint Commission

During the November, 1997, APEC Conference I was placed on an APEC Threat Assessment Group (TAG) list. The inclusion of a national leader of a registered political party on a Threat Assessment Group list is in complete violation of the CSIS Act which states the following:

"Threat to security does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (2) to (d). 1984 c.21, s2" (see annex for paragraph 2)

In November, 1997, I filed a complaint with the RCMP Public Complaints

Commission related to the pulling of my APEC pass. In response to my complaint, in August, 1998, the RCMP indicated that the reason my pass was pulled was that I lacked the appropriate accreditation and that "my request had been handled according to policy". During the release of documents as a result of the November, 1998, RCMP PUBLIC COMPLAINTS COMMISSION I learned that the reason my pass was pulled was that I had been placed with photo ID on two different APEC Threat Assessment Group lists.

Given the conflicting evidence related to the reason that the RCMP gave for pulling my pass and the reason inherent in being included in the APEC Threat Assessment Group list I believe that I should be part of the RCMP Public Complaints Commission Inquiry currently under way or part of a separate public inquiry into the misuse of CSIS powers.

Initially when I approached the RCMP commission in Vancouver last November, I was told by the then commission lawyer Chris Considine that I would be included in the commission hearings. However, when I inquired recently about the revived commission which has begun Wednesday, January 27, I was told by a lawyer on contract with the commission, who refused to reveal his name, that my case had been dealt with separately and that I could not be part of the RCMP Public Complaints procedure nor could I in anyway have a Public investigation into my complaint. But I could ask for a review but I had no right under the Act to be part of or have a public inquiry into my case.

I believe that a full public inquiry should be made into the reasons for placing a leader of a registered political party on a Threat Assessment List.

In mid January, 1999, I spoke with a senior advisor to the Prime Minister of Canada and requested information about the following:

- 1 Why I was put on the list
- 1 Who decided that I should be put on the list
- 1 What was the reason for my being put on the list

I have received no reply, and I contacted the Prime Minister's office again yesterday and my call has not been returned.

I note that in the Treasury Board Estimates for CSIS that the Prime Minister has signed the report and I presume that his office is linked in some way to investigations under CSIS.

I expect that this complaint will be given your immediate attention.

Yours very truly

Joan Russow, Ph.D.

National Leader of the Green Party of Canada
Phone/Fax: 250-598-0071
Copies to: National and international media

attach

CANADIAN SECURITY INTELLIGENCE SERVICE (CSIS)

In the Act establishing the Canadian Security Intelligence Service (CSIS), "Threats to security of Canada" means:

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- (b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person;

- (c) activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign states; and
- (d) Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest, or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

EXHIBIT B: LETTER FROM BRADLEY 15 JULY 1999: LETTER FROM J. BRADLEY DIRECTOR GENERAL SECRETARIAT CSIS

Ms. Joan Russow 1230 St. Patrick St.
Victoria

Dear Ms Russow:

On behalf of the Director of the Canadian Security Intelligence Service (CSIS)M this will acknowledge receipt of the recent correspondence in which you complained that your name had been inappropriately added to a threat assessment list prepared for the 1997 Asia Pacific Economic Co-operation Apec conference held in Vancouver

As you have pointed out in your letter, CSIS has a legislated mandate to investigate only those individuals engaged in activities that may, on reasonable grounds, be suspected of constitution threat to the security of Canada, as defined in the CSIS Act

Although I can neither confirm nor deny specific operational activities of the Service I can assure you that, with respect to your inquiry, CSIS has fulfilled its mandated obligations within the parameters of the CSIS act

Under the CSIS Ac if you are not satisfied with this response you have recourse to pursue your complaint with Security Intelligence Review Committee (SIRC

I trust that my comments will be of assistance

Your sincerely

T J. Bradley
Director General Secretariat

95. 24 SEPTEMBER 1999

NOTE: HERE IS THE LETTER FROM SIRC STATING THAT RUSSOW HAS NOT FOLLOWED THE PROCESS. IT IS UNDOUBTEDLY A DIFFICULT PROCESS TO FOLLOW.

24 September 1999

Dr. Joan Russow

National Leader of of the Green Party of Canada
Vancouver, British Columbia
Fax 250 598-0094

Dear Dr. Russow:

This is further to our correspondence of 16 February 1999 which was sent to you on two occasions. We sent the first letter to you on 17 February 1999, and this letter was again sent on 23 June 1999

The purpose of the previous correspondence was to inform you of the process for recourse to the Security Intelligence Review Committee. The letter stated that you must first submit your complaint against the Canadian Security Intelligence Service to the Director of the Services.

After having complied with this prerequisite, the letter further specified that if you are dissatisfied with the Director's response to your complaint, or if you do not receive a satisfactory reply within a reasonable time you must let us know by writing to the Review Committee.

It is only upon receipt of a letter from you informing us that you are not satisfied with the Director's response that the Committee would be in a position to start an investigation pursuant to section 4] of the CSIS Act.

A press article published in the Ottawa Citizen on 23 September refers to a complaint that you presumably submitted to the Review Committee this month. I must inform you that we are not in receipt of any such letter to date.

In trying to reach you by telephone, we were informed that you were in Mexico until Tuesday, 28 September, 1999. Should you have additional questions, please do not hesitate to call collect the Committee's Counsel/Senior Complaints Officer, Ms Sylvia MacKenzie at 613 993-4263.

Yours sincerely,

Maurice Klein
Acting Executive Director

96. 27 SEPTEMBER 1999: NEW EVIDENCE ABOUT PRIME MINISTER'S INVOLVEMENT

New evidence is disclosed by the RCMP reporting the following comments by Supt. Wayne May during a conversation between police officers in the days immediately before the APEC summit at UBC: "You know, we know how we normally treat these things, and the normal course of action that we follow, but ah - then the ah - Prime Minister is not directly involved. When we're, you know, in dealing with tree huggers and that sort of thing. But right now, the Prime Minister of our Country is directly involved and he's going to start giving orders, and it might be something that we can't live with, or it's going to create a lot of backlash in final analysis."

97. 28 SEPTEMBER 1999: RCMP ASSISTS SOLICITOR GENERAL IN RESPONSE TO QUERIES ABOUT RUSSOW BEING DESIGNATED A THREAT; COMMONS BOOK STATEMENT ABOUT CSIS TARGETING LEADERS

COMMONS BOOK STATEMENT ABOUT CSIS TARGETING POLITICAL LEADERS

Cover from Royal Canadian Mounted Policy Fax To Karen Sallow Privy Council

From Insp Barbara George

Ministerial Liaison and correspondence unit

613 993-9231 513 998 61d19

Solicitor General Advice to the Minister

No 813
1999 09 28
Agency CSIS

ISSUE -QUESTION:

Joan Russow, leader of the Federal Green Party, files complaint with SIRC concerning the appearance of her name on an APEC Threat assessment document

ANTICIPATED QUESTION

as CSIS investigating the leader of a federal political party?

SUGGESTED REPLY

ï I understand the individual intends to file a complaint with the Security Intelligence Review Committee (SIRC)

ï SIRC is mandated by Parliament to review the activities of CSIS and respond to complaints. Anyone with concerns relating to CSIS can raise them with the committee

ï Should the matter be reviewed by SIRC it would be inappropriate for me to comment

UNDATED DOCUMENT BRIEFING NOTES FOR SOLICITOR GENERAL

Q. DID CSIS PLAY A ROLE IN PREVENTING JOAN RUSSOW FROM REPORTING ON THE APEC SUMMIT?

A. WITH RESPECT TO THE APEC SUMMIT, CSIS DISCHARGED ITS RESPONSIBILITIES WITHIN THE PARAMETRES OF THE CSIS ACT

Q. WAS MS RUSSOW UNDER CSIS INVESTIGATION FOR HER POLITICAL BELIEFS?

A. I CANNOT COMMENT ON WHETHER OR NOT AN INDIVIDUAL IS UNDER CSIS INVESTIGATION

Q AS SOLICITOR GENERAL, ARE YOU GOING TO LOOK INTO CSIS'S ACTIVITIES RESPECTING MS RUSSOW'S COMPLAINTS?

A. I UNDERSTAND THAT MS RUSSOW HAS FILED A COMPLAINT WITH SIRC WHICH IS THE APPROPRIATE BODY TO REVIEW THIS MATTER. ONCE SIRC HAS INVESTIGATED AND REPORTED ON MS. RUSSOW'S COMPLAINT, I WILL BE IN A BETTER POSITION TO ASSESS THE SERVICE'S ACTIVITIES.

DOCUMENT: COPY OF ARTICLE IN THE NATIONAL POST, SEPTEMBER 23, 1999. BY JIM BRONSKILL. GREEN LEADER WANTS CSIS TO JUSTIFY SECURITY RISK BRANDING.

Cover from Royal Canadian Mounted Policy Fax To Karen Sallows Privy Council

From Insp Barbara George

Ministerial Liaison and correspondence unit

613 993-9231

513 998 61d19

Solicitor General Advice to the Minister

No 813

1999 09 28

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ISSUE -QUESTION:

Joan Russow, leader of the Federal Green Party, files complaint with SIRC concerning the appearance of her name on an APEC Threat assessment document

ANTICIPATED QUESTION

as CSIS investigating the leader of a federal political party?

SUGGESTED REPLY

ï I understand the individual intends to file a complaint with the Security Intelligence Review Committee (SIRC)

ï SIRC is mandated by Parliament to review the activities of CSIS and respond to complaints. Anyone with concerns relating to CSIS can raise them with the committee
ï Should the matter be reviewed by SIRC it would be inappropriate for me to comment

UNDATED DOCUMENT BRIEFING NOTES FOR SOLICITOR GENERAL

Q. DID CSIS PLAY A ROLE IN PREVENTING JOAN RUSSOW FROM REPORTING ON THE APEC SUMMIT?

A. WITH RESPECT TO THE APEC SUMMIT, CSIS DISCHARGED ITS RESPONSIBILITIES WITHIN THE PARAMETRES OF THE CSIS ACT

Q. WAS MS RUSSOW UNDER CSIS INVESTIGATION FOR HER POLITICAL BELIEFS?

A. I CANNOT COMMENT ON WHETHER OR NOT AN INDIVIDUAL IS UNDER CSIS INVESTIGATION

Q AS SOLICITOR GENERAL, ARE YOU GOING TO LOOK INTO CSIS'S ACTIVITIES RESPECTING MS. RUSSOW'S COMPLAINTS?

A. I UNDERSTAND THAT MS RUSSOW HAS FILED A COMPLAINT WITH SIRC WHICH IS THE APPROPRIATE BODY TO REVIEW THIS MATTER. ONCE SIRC HAS INVESTIGATED AND REPORTED ON MS. RUSSOW'S COMPLAINT, I WILL BE IN A BETTER POSITION TO ASSESS THE SERVICE'S ACTIVITIES.

DOCUMENT: COPY OF ARTICLE IN THE NATIONAL POST, SEPTEMBER 23, 1999. BY JIM BRONSKILL. GREEN LEADER WANTS CSIS TO JUSTIFY SECURITY RISK BRANDING.

98. 29 SEPTEMBER 1999: RESPONSE FROM SECURITY INTELLIGENCE REVIEW COMMITTEE

EXHIBIT: RESPONSE FROM SECURITY INTELLIGENCE REVIEW

09/28/9913:38 FAX 613 990 5230 SIRC Z002

Security Intelligence Comite de surveillance des activites

Review Committee de renseignement de securite

PROTECTED

PERSONAL INFORMATION

File No. 1500-1

24 September 99

Dr. Joan Russow

National Leader of the Green Party of Canada Vancouver, British Columbia

FAX: (250) 598-0994

Dear Dr. Russow:

This is further to our correspondence of 16 February 1999 which was sent to you on two occasions. We sent the first letter to you on 17 February 1999, and this letter was again sent on 23 June 1999.

The purpose of the previous correspondence was to inform you of the process for recourse to the Review Committee. The letter stated that you must first submit your complaint against the Canadian Security Intelligence Service to the Director of the Service.

After having complied with this prerequisite, the letter further specified that if you are dissatisfied with the Director's response to your complaint, or if you do not receive a satisfactory reply within a reasonable time you must let us know by writing to the Review Committee.

It is only upon receipt of a letter from you informing us that you are not satisfied with the Director's response that the Committee would be in a position to start an investigation pursuant to section 41 of the CSIS Act.

A press article published in the Ottawa Citizen on 23 September refers to a complaint that you presumably submitted to the Review Committee this month. I must inform you that we are not in receipt of any such letter to date.

P,O, Box 1 C,P. 2430, Station 1 Succursale "D" Ottawa, Canada K1 P 5W5 613 990-8441

99. 30 SEPTEMBER 1999. RESPONSE FROM SIRC TO RUSSOW'S FAX FROM 30 SEPTEMBER 1999

**100. 30 SEPTEMBER 1999: RUSSOW'S REVISED COMPLAINT FAXED TO RCMP
RUSSOW'S REVISED COMPLAINT FAXED TO RCMP**

September 30, 1999, Fax 604 501-4095

Re: APEC Complaint 1997-1077 Dr Joan Elizabeth Russow

I would like to request a review of my complaint on the grounds that new evidence has surfaced that the RCMP officer at the media centre had incorrectly alleged that the reason for my pass being pulled was that I did not have the appropriate media credentials.

NEW EVIDENCE

As a result of the requirement to release information under the RCMP Public Complaints Commission hearing evidence has been released that indicates that I was placed on the APEC THREAT ASSESSMENT LIST and that my photograph was in the hands of the RCMP. In addition, recent evidence demonstrates a direct connection with the Prime Minister's office; a directive supposedly came from a Mr. Gross from the Prime Minister's office ordering the RCMP to prevent me from attending APEC.

I have requested several times to be part of the public Complaints Commission hearing, and have not been allowed to present the evidence indicating a connection with the PMO's office.

Thank you for your consideration of this matter.

Yours very truly

Joan Russow
1 250 598-0071 FAX 1 250 5980994

101. 13 OCTOBER, 1999: SENT DOCUMENT TO SIRC

102. 14 OCTOBER, 1999: RECEIVED RESPONSE BY THE SECURITY INTELLIGENCE REVIEW COMMITTEE

THE SECURITY INTELLIGENCE REVIEW COMMITTEE

Protected

Personal information

File No: 1500-1

14 October 1999

Dr. Joan Russow

National Leader of the Green Party of Canada

1230 St. Patrick Street

Victoria, British Columbia

V8S 4Y4 Fax: (250) 598-0071

Dear Dr. Russow:

On behalf of the Chair of the Security Intelligence Review Committee, the Honourable Paule Gauthier, PC, OC, QC. I thank you for your letter received on 13 October 1999. As previously discussed, the Committee has no record of having received this letter previously. The Chair will now make a preliminary investigation to determine whether your case falls within the Committee's jurisdiction and if so, decide how best to deal with it. I will inform you of the Chair's decision as soon as she communicates it to me.
Yours sincerely

Maurice Klein
Acting Executive Director

103. 17 OCTOBER 1999: PIECE WIDELY DISTRIBUTE TO WHOM IS INFORMATION ACCESSIBLE

ACCESS TO INFORMATION: FOR WHOM IS INFORMATION ACCESSIBLE

After reading a government publication which boasted that Canada has more trial sites for genetically engineered foods and crops than the whole European Union, I requested the location of the sites through Access to Information. I received a package with the towns and cities listed but not specific locations for the trial sites from 1988-1998). I was informed in a letter that the complete specific site information (1988-1998) would be available if I were able to pay \$2150.00 with \$1500 up front because it would take about 215 hours of research and that I was entitled only to 5 hours of free research... It would appear that the estimated 215 hours of search is required because the government is not permitted to release the location of trial sites on private farms; thus the private farms data would have to be deleted before the data are released.

In the letter, it was also mentioned that I could narrow my request to 1998 which I did. In response to my request for complete data from 1998 I was told that I would now have to pay \$270 because the research would take 32 hours minus the 5 hours that I would get free, and there would be 515 pages to xerox over the 250 pages that would be done for free. I pointed out that in BC there was a policy that if it could be demonstrated that the information sought should have already been compiled as part of the normal course of department organization and practice then the charge would be waived. I have now undertaken to file a complaint with the Federal Access to Information section noting that the information that I have sought should be part of the normal activity of the department for public accountability, and as such should be made available to the public free of charge. In the interim I have requested 125 pages or 5 hours worth of research on what has been tested in Saskatchewan where the most tests have been carried out.

Months later I received the 5 hour research document. It was exactly the same information that I had received before but with three bilingual diagonal stamps with "access to information".

One is left with the question "for whom is information accessible". It would appear that the information is accessible to those with sufficient funds to pay up front for the research. The implications are extremely serious. The department can justify not preparing documents necessary for public accountability and for public consumption by stating that these documents, of course, are always available on request through the Access to Information process.

Thus, those that have the money to pay for the research that the government should have already carried out as a requirement of public accountability for public consumption are the only ones that can have the research results on demand. There is of course still the opportunity for an organized campaign where over 40 individuals could ask for information that would require no more than 5 hours for each request. If the department does not address my complaint and release the information that, for the sake of public accountability should be already prepared for public consumption, the Green Party of Canada will embark upon a campaign of 41 separate access to information requests until we have the full picture of what has been and is currently being tested across Canada and where these tests have been carried out.

In the information that I received from 1988-1998 there was a listing of the individual test sites. I have requested a list of the actual items being tested. The list of sites could be for testing the same item all across Canada. The representative from Access to Information has undertaken to seek this information and fax it to me if possible.

I have gone through the 200 odd pages and typed up all the sites and then sorted them by date and location.

21. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains

- (a) advice or recommendations developed by or for a government institution or a minister of the Crown,
 - (b) an account of consultations or deliberations involving officers or employees of a government institution, a minister of the Crown or the staff of a minister of the Crown,
 - (c) positions or plans developed for the purpose of negotiations carried on or to be carried on by or on behalf of the Government of Canada and considerations relating thereto, or
 - (d) plans relating to the management of personnel or the administration of a government institution that have not yet been put into operation,
- if the record came into existence less than twenty years prior to the request.

(2) Subsection (1) does not apply in respect of a record that contains

- (a) an account of, or a statement of reasons for, a decision that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of a person; or
 - (b) a report prepared by a consultant or an adviser who was not, at the time the report was prepared, an officer or employee of a government institution or a member of the staff of a minister of the Crown.
- 1980-81-82-83, c. 111, Sch. I "21".

22. The head of a government institution may refuse to disclose any record requested under this Act that contains information relating to testing or auditing procedures or techniques or details of specific tests to be given or audits to be conducted if the disclosure would prejudice the use or results of particular tests or audits.

1980-81-82-83, c. 111, Sch. I "22".

104. 8 NOVEMBER 1999: MARVIN STOROW RESIGNS BECAUSE OF PERCEPTION OF BIAS

Vancouver lawyer Marvin Storrow resigns as lead counsel to the PCC investigating the APEC affair following suggestions that his attendance at a \$400-a-plate fundraising dinner for Prime Minister Jean Chrétien was improper.

105. 17 NOVEMBER 1999 SECURITY INTELLIGENCE REVIEW COMMITTEE RESPONSE

SECURITY INTELLIGENCE REVIEW COMMITTEE

PROTECTED:

MAURICE KLEIN, ACTING EXECUTIVE DIRECTOR SIRC CSIS

File No 1500-1

Dear Dr Russow

On behalf of the Chair of the Security Intelligence Review Committee, the Honourable Paul Gauthier PC OC Quc. I thank you for your letter received on 13 October 1999. As previously discussed the Committee has no record of having received this letter previously. The Chair will now make a preliminary investigation to determine whether your case falls within the Committee's jurisdiction and if so decide how best to deal with it

I will inform you of the Chair's decision as soon as she communicates it to me

Yours sincerely

Maurice Klein
Acting Executive Director

106. 17 NOVEMBER 1999; SECURITY INTELLIGENCE REVIEW COMMITTEE RESPONSE

November 17, 1999 protected Personal Information
PERSONAL INFORMATION

File No. 1500-1

Dear Dr. Russow

On behalf of the Chair of the Security Intelligence Review Committee, the Hon Paule Gauthier, P.C. O.C.Q.C. I would like to address your letter received in or office on 13 October 1999.

I should point out that, in accordance with section 41 of the Canadian Security Intelligence Service Act ("CSIS" ct"), The Committee has authority to investigate "any act or thing done by the Service". The Committee cannot (or has it) reviewed acts done by any other agencies.

Consequently, after inquiring into your complaint, the Committee has reached the conclusion that the Service was not responsible for passing any information which may have resulted in the inclusion of your name on a threat assessment list prepared for the 1997 Asia Pacific Economic Cooperation (APEC) Conference held in Vancouver

I trust that the assurance that your allegation was thoroughly investigated by the Committee and the Committee's conclusion that the Service was not responsible will be sufficient

Your sincerely
Susan Pollak Executive Director

107. 30 NOVEMBER 1999: ABOVE CSIS LETTER SENT AGAIN

108. 10 DECEMBER 1999: CONSTABLE BOYLE FALSELY TESTIFIED THAT RUSSOW ON A MEDIA BUS

December 10 APEC Transcript p. 113

Arvay And I'm going to ask I don't know ether we need to make the second page; I'm not sure what we're doing with this exhibit, but as long as I can read it into the record. And that the second blank should read Russow Russo correct?

A. Boyle that is correct

Q And you know that the female name Russow is Joan Russow, then the head of the Green Party of Canada
A that is correct

Q did you have something to do with the accreditation of her being pulled.

A no I did not, I was merely made aware of it for purpose of including in the daily bulletin

Q Okay and were you make aware why her accreditation was pulled

A. Vaguely

Q Can you tell us

A I believe there was a media bus that went out to UBC and once at UBC it was felt that both her and Dennis Porter's behaviour was inappropriate for that of people who had attained media accreditation I wasn't there and I don't know the specifics of it.

Q. Is that the extent of your knowledge

A That's the extent of my knowledge of it

Q. Thank you

Woodall: perhaps she could be asked what the source of threat knowledge is, whether its personal or hearsay or whatever it is

Mr. Commission: yes I think that's reasonable follow up question.

Arvay: well I want.. I thought I was asking the questions. Go ahead Go ahead I'm only kidding

Commission: Well no ;but I'm interested in knowing this

Mr. Arvay: fair enough

The witness: I cannot tell you who the source of that information was, it was a phone call that I received from somebody who was on site at UBC the previous night.

It could have even been something I wrote down as a result of the morning briefing I got from corporal Boutillier. I don't recall

CONTINUED BY MR. JOSEPH ARVAY:

7 Q: Can we -- can we agree, Constable Boyle, that the first blank should read Dennis Porter.

9 A: That is correct.

10 Q: And -- and I'm going to ask -- °I

11 don't know whether we need to make the second page -- I'm

12 not sure what we're doing with this Exhibit, but as long 13 as I can read it into the record.

14 And that the second blank should read 15 Russo - R-U-S-S-O, correct?

16 A: That is correct.

17 Q: And you know that the female name

18 Russo is Joan Russo, then the head of the Green Party of

19 Canada?

20 A: That is correct.

21 Q: Did you have something to do with the

22 accreditation of her being pulled.

23 A: No I did not, I was merely made aware

24 of it for purposes of including in the daily bulletin.

25

Q: Okay. And were you made aware why

here accreditation was pulled?

A: Vaguely.

Q: Can you tell us?

4 A: I believe there was a media bus that

5 went out to UBC and once at UBC it was felt that both her

6 and Dennis Porter's behaviour was inappropriate for that

7 of people who had attained media accreditation.

8 I wasn't there and I don't know the

9 specifics of it.

10 Q: Is that the extent of your knowledge

11

A: That's the extent of my knowledge of

12 it.

13 Q: Thank you.

14 MR. KEVIN WOODALL: Perhaps she could be

15 asked what the source of that knowledge is, whether it's

16 personal or hearsay or whatever it is.

17 MR. COMMISSIONER: Yes, I think that's

18 reasonable follow up question.

19 MR. JOSEPH ARVAY: Well, I wasn't -- I,

20 thought I was asking the questions. Go ahead. Go ahead,

21 I'm only kidding.

22 MR. COMMISSIONER: Well, no but I -- I'm

23 interested in knowing this.

24 MR. JOSEPH ARVAY: Fair enough.

25 THE WITNESS: I cannot tell you who the

1 source of that information was, it was a phone call that 2 I received from somebody who was on site at UBC the previous night.

It could have even been something I wrote 5 down as a result of the morning briefing I got from

6 Corporal Boutillier, I don't recall.

8 CONTINUED BY MR JOSEPH ARVAY

109. DECEMBER 1999: RUSSOW ATTENDED RCMP PUBLIC COMPLAINTS COMMISSIONER

Russow approached Commission Hughes and spoke with the Commissioner about wanting to clear her name. She referred to the evidence provided by Christine Price that there had been a directive from the Prime Minister's office. Russow also wanted to correct the misinformation disseminated by Cst Boyle. The Commissioner glanced at his list of witnesses and responded that Russow was not on the list, presumably prepared by Storrow, of witnesses. Russow subsequently went to Shirley Heafey's office to raise her concern, and stepped into Heafey's office. Rather than address Russow's concern, Heafey called on the commissioner to remove Russow from the entrance to her office.

110. 11 JANUARY 2000: RUSSOW'S LAWYER SENT LETTER TO BOYLE AND RCMP REQUESTED INFORMATION AND APOLOGY

Vancouver Police Department: ...

Andrew Gage
Barrister & solicitor
2120 Cambie Street

January 11, 2000
Vancouver Police Department
Vancouver B.C. V5Z 4N6

Att. Legal Department
Dear Sirs/Mesdames

Re: Media Accreditation of Dr. Joan Russow

I represent Dr. Joan Russow, leader of the Federal Green Party. Dr. Russow is concerned that public statements made recently by one of your officers may impact negatively on her reputation and I am writing to ask you to clarify the source of such statements.

On December 10, 1999, Detective Constable Joanne Boyle of your department appeared before the RCMP Public complaints Commission, currently investigating the official handling of protests during the APEC conference. During the course of her cross examination by Mr. Jo Arvay Constable Boyle was asked whether she know why Dr Russow's media accreditation was revoked during the APEC Conference. Constable Bole stated:

I believe there was a media bus that went out to UBC and once at UBC it was felt that both her ["Joan Russo"] and Dennis Porter's behaviour was inappropriate for that of people who had attained media accreditation.

I wasn't there and I don't know the specifics of it.

Dr. Joan Russow is concerned that public statements made recently by one of your officers may impact negatively on her reputation. Constable Boyle further confirmed that the "Joan Russow" referred to was the leader of the Green Party of Canada and stated that she [Boyle] had received this information from either by phone from someone at UBC at the time of the briefing from Corporal Boutillier. The statement by Constable Boyle is incorrect. Dr Russow was not present either on the media bus to UBC or at UBC. Moreover, this is the first time that Dr. Russow has become aware of allegations that the revocation of her media accreditation was due to inappropriate behaviour on her part. Unfortunately Constable Boyle's statements have been broadcast nationally on several occasions and posted to an internet site, and are a cause of considerable concern for Dr. Russow. In her testimony Constable Boyle appeared a little uncertain as to the source of her information. I would ask that Constable Boyle and the Vancouver Police Department

clarify whether they have any information as to the source of, or evidence in support of these allegations, and that you provide such to this office. Further more, I request a written apology be sent to Dr. Russow on behalf of the Vancouver Police Department and Constable Bole and that a copy of such apology be sent to the RCMP Public Complaints Commission. Indeed, I would suggest that Constable Boyle is under an obligation to correct any error she becomes aware of in her sworn testimony. Dr Russow hopes to resolve this matter as quickly as possible.

I look forward to receiving your reply to the above by February 1, 2000

Andrew Gage

111. 20 –JANUARY -24 FEBRUARY 2000: RESPONSE BY THE VANCOUVER POLICE

Date	Time	Comment
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00.01.20	13:00	
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Received letter of complaint from Insp. Day, requesting that I try to informally deal with the matter.

00.01.21	09:05	I called Mr. Gage's number in Victoria and left a voice message on his answering machine, requesting that he contact me at his earliest convenience.
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01.01.21	14:14	I missed Mr. Gage's return Call so I called him back. He wasn't there so I left a message for him that I would try him again, first thing next Tuesday morning
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01.01.21	14:40	Mr. Gage called- I explained that although I expected Cst. Boyle would make an apology if one were due, I could not order her. I also explained that any correction to her testimony would have to be done in consultation with her counsel. He agreed to both statements. He also made some inquiries about how Cst. Boyle came to have knowledge of Dr. Russow and I suggest that my job was not to follow up on that the principal route was through FOI. He was appreciative of the fact that this matter was being looked after and that his request for a reply of Feb. 1, might not be realistic. I gave him my email address and ensured that he had my phone number correctly noted.
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00.01.25	09:45	Cst. Boyle attended my office for a brief interview. She explained her role at I APEC: basically she was an information officer, She is going to forward an email to met, outlining her involvement in Dr. Russow's allegation. She stands by her I testimony and does not feel that an apology is due, nor does she feel that she should correct her sworn testimony from the inquiry.
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00.02.03	14:40	Voice message left for Mr. Gage to call me
----------	-------	--

00.02.08	14:30	I spoke to Mr. Gage and explained that Cst. Boyle stood by her evidence as stated at the APEC Inquiry and that she did not intend to apologize. I also mentioned again that a more appropriate recourse might be an FO1 request to the VPD and the RCMP. I was very blunt and straightforward with him, informing , informing him that , in my opinion, Dr. Russow would not be receiving the apology she sought. I concluded by telling him that I hoped this would informally resolve the complaint, but if he wished he could lodge a formal complaint, although it was op9inion that the result would probably be the same as mine.
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00.01.10	07.15	Dr Russow called and I spoke to her at great length, about 30 45 minutes. She was very frustrated with the APEC inquiry and that she cannot testify. She had a variety of complaints and concerns concerning the Prime Minister and the RCMP and at one point was close to crying. She asked me to provide the names of the people who provided the info to Cst, Boyle. I told her that I couldn't and that her request would have to go through FOI. We concluded with me agreeing to fax the FOI form to her and when she faxes it back, I will take it to FOI to expedite the process,
----------	-------	---

00.01.1009:10 I spoke to FOI who stated that there was no problem releasing names of two RCMP officers mentioned in Cst. Boyle's email. I left a voice message for Dr. Russow to call me.

00.0210 10:00 Dr. Russow called. I provided her with the names of Peter Kolyiak and Peter Scot, whom I believed are with the RCMP. She was going to follow up, by contacting them. She still requested an apology and suggested that Cst. Boyle change her testimony to reflect this. I reiterated that I could not force Cst. Boyle to apologize and that any changes to her APEC testimony would have to be done in consultation with her lawyer. Although she still wants an apology, she seemed please that I provided her with the names of the RCMP officers.

00.2.11 09:30 I received a voice mail from Cst. Boyle. She stated that she had received a call from Peter Scott (543-4769, 975-4637). He related that Dr. Russow had called him, very upset and argumentative. It seems that her complaint had been looked at the RCMPs Internal Investigation and the outcome was that Dr. Russow was referred to the APEC Complaint Commission.

00.02.11 13:15 I spoke to RCMP Cst. Peter Scott who advised me that he had been part of the APEC accreditation group. He mentioned that at the time of APEC, Russow had presented herself as a member of the Oak Bay Press and was given media accreditation. One of the members of ACCO (APEC Canadian Coordinator Office) had tried to call the Oak Bay Press after the accreditation had been issued and confirmed that Russow was not on staff at the paper. ACCO decided to pull Russow's accreditation and when she began to cause a scene, she was advised to leave or she would be investigated by them. Their conclusion was that her complaint was frivolous. She was advised accordingly and it was suggested that she make a complaint to the Public Complaints Commission.

00.0224 File returned to Insp. Eldridge,

112. 20 JANUARY 2000: LAWYERS FOR GOVT ARGUED PCC HAS NO JURISDICTION WITH RESPECT TO ANYONE OUTSIDE OF THE RCMP
Lawyers for the government of Canada and Commission Counsel argue that the PCC has no jurisdiction with respect to anyone who is not a member of the RCMP and that accordingly the Prime Minister cannot be called as a witness.

113. 4 FEBRUARY 2000 LETTER TO COMMISSION REFERRING TO NEW EVIDENCE

**114. 4 FEBRUARY 2000: CORRESPONDENCE FROM ALEX WEATHERSTON
RCMP PUBLIC COMPLAINTS REVIEWER ANALYST**

File Number Pcc-1977- 1077
RCMP Public Complaints Commission

Ms Joan Russow
1230 St. Patrick Street
Victoria British Columbia
V8S 4Y4

Dear Ms. Russow

I understand that you spoke recently with Mr. Garry Wetzel, the acting Director General, Review and Policy at the Commission. I have been assigned as the Reviewer/analyst for this complaint

I am writing in regard to your fax in which you requested a review of the RCMP's report on your complaint. You indicate in your fax that there is new evidence concerning your complaint. Could you please provide our office with documentary or other evidence which demonstrates that you were placed on the APEC threat assessment list, that your photograph was in the hands of the RCMP and that a directive came from the Prime Minister's office ordering the RCMP to prevent you from attending the APEC conference. Please provide this additional material to the Commission by no later than March 13, 2000

I would also wish to advise you that on August 30 1999 a request was made to the RCMP to provide our office with the documents relevant to your complaint. Those documents have not yet been received. We have written again to the RCMP to request that the relevant documents be provide. Once we have received the RCMP material and any additional material which you may provide, the review of your complaint by the Commission can continue

Yours sincerely
Alex Weatherston
Reviewer analyst

115. FEBRUARY 2000: RESPONDED TO ALEX WEATHERSTON BY PHONE INDICATING THAT THE RCMP HAD ALL THE INFORMATION THAT WAS REQUIRED AND TO CONTACT ME IF THE INFORMATION WAS NOT FORTHCOMING; 613 952 8040

116. 11 FEBRUARY 2000: ACCESS TO INFORMATION SENT TO CSIS BY RUSSOW'S LAWYER

February 11, 2000
Canadian Security and Intelligence Service PO Box 80629
South Burnaby, B.C. V5H 3Y1

Dear Sirs/Mesdames:

Re: Access to Information Request

Pursuant to section 4 of the Access to Information Act, R.S.C. 1985, c. A-1, I am writing to request all documents in the possession of CSIS relating to my client, Dr. Joan Russow, and in particular any and all:

- a) Threat Assessment Lists or other circulars, updates, communications, directives, orders or other documents, which identify Dr. Russow, or the Green Party of Canada, or any member of the Green Party of Canada, as a security risk, and especially as a risk in relation to the 1997 APEC conference held in Vancouver, British Columbia (the "APEC Conference");
- b) Complaints, reports, directives, or other documents related in any manner to the decision to include Dr. Russow on any documents described in (a),
- c) Communications, reports, statements, notes or other documents related to Dr. Russow's application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia; and
- d) Communications, reports, statements, notes or other documentation prepared, circulated; sent or received by CSIS in relation to the APEC Conference which reference Dr. Russow;

If you have any questions about the above, please contact this office. I would appreciate a speedy reply in this matter.

Andrew Gage
cc. Dr. Joan Russow

If you have any questions about the above please contact this office. I would appreciate a speedy reply in this matter.

Yours truly_
Andrew Gage
cc. Dr. Joan Russow

117. 10 FEBRUARY 2000: RUSSOW PHONED JOHN FINAMORRE, OF THE VANCOUVER POLICE: Russow was given the name, Peter Scott as being the person whom Constable Boyle said informed her that Russow had been on the UBC bus.

118. FEBRUARY 11, 2000: RUSSOW PHONED PETER SCOTT WHO WAS THE COORDINATOR OF ACCREDITATION AT APEC.

119. 11 FEBRUARY 2000: ACCESS TO INFORMATION REQUEST FROM RUSSOW'S LAWYER TO THE RCMP

ANDREW GAGE
BARRISTER & SOLICITOR
#5-481 Head St.
Victoria, B.C, V9A 5S1 j
Tel. (250)920-4243 • Fax. (250)381-5661 • agageC&pacificcoast.net

February 11, 2000
Royal Canadian Mounted Police 657 West 37 the Ave
Vancouver, B.C. V5Z 1K6

Dear Sirs/Mesdames

Re: Access to Information Request

Pursuant to section 4 of the Access to Information Act, R.S.C. 1995, c. A-1, I am writing to request all documents in the possession of the RCMP relating to my client, Dr. Joan Russow, and in particular any and all:

- a) Circulars, updates, communications, lists, directives, orders or other documents prepared in relation to, or arising out of, the 1997 APEC conference held in Vancouver, British Columbia (the "APEC Conference"), or subsequent public complaints commission process (the "Commission Process"), which refer to Dr. Russow or the Green Party of Canada, whether originating with the RCMP or merely coming into its possession;
- b) Communications, reports, statements, notes or other documents related to Dr. Russow's application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia;
- c) Notes, reasons, reports or other documentation relating to the decision to revoke Dr. Russow's media accreditation for the APEC Conference;
- d) Communications, reports, statements, notes or other documentation concerning the alleged presence and actions of Dr. Russow on the media bus during the APEC Conference as reported to the RCMP Public Complaints Commission by Constable Joanne Boyle on December 10, 1999;
- e) Communications, notes or other materials written, received, prepared, circulated or in the possession (at any time) of Peter Scott, RCMP officer, which relate to Dr. Russow, whether in regard to the APEC Conference or not;
- f) Complaints, reports, directives, notifications or other documents sent or received by the RCMP concerning Dr. Russow or the Green Party of Canada in relation their presence or actions at the APEC Conference; and
- g) Correspondence, reports, notes or documents related to Dr. Russow's inclusion in a threat assessment list prepared by CSIS, the circulation of said list, and the consequences of her inclusion of said list.

If you have any questions about the above, please contact this office. I would appreciate a speedy reply in this matter.

Yours truly,

Andrew Gage
cc. Dr. Joan Russow

110. 11 FEBRUARY 2000: LETTER FROM ANDREW GAGE BARRISTER & SOLICITOR TO CSIS

11, 2000 Letter from Andrew Gage Barrister & Solicitor

Re: Access to Information Request

Re: Access to Information Request

Pursuant to section 4 of the Access to Information Act, RSC 1985, c. A-1, I am writing to request all documents in the possession of CSIS relating to my client, Dr. Joan Russow, and in particular any and all:

- a) Threat Assessment Lists or other circulars, updates, communications, directives orders or other documents, which identify Dr. Russow or the Green Party of Canada or any member of the Green Party of Canada, as a security risk, and especially as a risk in relation to the 1997 APEC conference held in Vancouver, British Columbia (The APEC Conference")
- b) Complaints, reports, directives, or other documents related in any manner to the decision to include Dr. Russow on any documents described in (a)
- c) Communications, reports, statements, notes or other documents related, to Dr. Russow's application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia, and
- d) (Communications, reports, statements, notes or other documentation prepared, circulated sent or received by CSIS in relation to the APEC Conference which reference Dr. Russow.

Yours truly

Andrew Gage

1230 Patrick St.
Victoria,
B.C. V8S 4Y4

111. 11 FEBRUARY 2000: RCMP OFFICER ADMITTED KNOWING ABOUT PMO'S INVOLVEMENT

Jim Bronskill talked to RCMP and when he was asked why the RCMP did not investigate the claim of a direction from the PMO's office to RCMP officer said that he knew about it but their task was not to investigate the Prime Minister (Jim Bronskill, personal communication)

Brian Groos who lives in Oak Bay (Victoria) would obviously have been aware of the existence of the Oak Bay newspaper.

He is now in Australia, working on Olympic accreditation and will be working at NATO. He was contacted by Jim Bronskill in Australia, Brian Groos said that he did not want to jeopardize his job and would have to talk with Foreign Affairs before speaking further about Russow's case. (Jim Bronskill, personal communication)

112. 11 FEBRUARY 2000: FOLLOW-UP RESEARCH ON BACKGROUND OF BRIAN GROOS

Russow contacted Foreign Affairs to ask for a report of their involvement re; her case at APEC and talked to an official advisor to Axworthy. She was told that they did not know anything about Brian Groos. [it was only during the 2000 election that Russow became aware of his close connection with Hon David Anderson against whom Russow had run against in the 1997 and 2000 election. Oak Bay resident, Brian Groos was one of two persons speaking on behalf of David Anderson. In response to an access to information request to the Department of Foreign Affairs, it was revealed that Brian Groos was in fact seconded by Foreign Affairs and worked with the PMO at APEC, and through Google, Russow found out that Brian Groos had actually been employed as a

special advisor to David Anderson when he was Minister of Environment- a fact denied in 2005 by the Department of Environment]

113. 11 FEBRUARY 2000: FOLLOW-UP RESEARCH ON JOHN FINAMORE, PETER KOLYIAK OR PETER SCOTT

STOPPED HERE

Russow contacted RCMP office who had sent the letter. Name John Finamore 1 504 717 3083 he was no longer working there

He had indicated that he had received a call from Constable Boyle who had testified that Russow had behaved inappropriately. She said she had received the information from Peter Kolyiak or Peter Scott Peter Kolyiak Planning committee Accreditation Works Surrey accreditation 604 543 4769

Peter Scott 1 604 543 4769 pager 975- 4637

114. 11 FEBRUARY 2000 COMMUNICATION WITH RCMP PUBLIC COMPLAINTS ABOUT BOYLE'S TESTIMONY

Simon wall RCMP Public Complaints in Ottawa said I should not bother other constables.

115. 14 FEBRUARY 2000. PMO BANNED CRITIC FROM APEC REPORT: GREEN PARTY LEADER DENIED MEDIA PASS AS A RESULT OF THE PMO JIM BRONSKILL OTTAWA CITIZEN

Green party leader denied media pass "as a result of the PMO": RCMP

By Jim Bronskill

Police documents raise fresh questions about the possible involvement of the Prime Minister's Office in efforts to stifle dissent at the Vancouver APEC conference.

An RCMP memo obtained by the Citizen , indicates a vocal critic of Liberal policies may have been denied a media pass to cover the conference "as a result of the PMO".

The controversy comes as Ted Hughes , head of the RCMP Public Complaints Commission Inquiry into events at the November 1997 summit, prepares to decide whether Prime Minister Jean Chrétien should be called to testify.

Several protesters who were pepper sprayed and arrested claim the Prime Minister's Office ordered the crackdown to avoid embarrassing visiting Asia-Pacific leaders.

The latest allegation arises out of the withdrawal of summit media accreditation from Joan Russow, leader of the federal Green party, who attended the APEC meeting as a reporter for the Oak Bay News, a Victoria newspaper.

Shortly after issuing her a media pass, summit staff questioned the existence of the community paper and Ms. Russow's accreditation was pulled preventing her from covering the meetings. Ms Russow complained to the RCMP which looked into the matter

Internal documents related to the RCMP probe show Christine Price, a clerk at the APEC accreditation office, was interviewed by the Mounties in late May 1998.

A memo signed by RCMP Staff-Sgt, Peter Woods summarizes her testimony by noting Ms Price "learned that Russow was not to accreditation as a result of the PMO".

Ms. Price told the RCMP that a co-worker, Brian Groos, relayed instructions that Ms Russow should not be admitted to the APEC conference. "I believe he told me that it was an order from the PMO, but that's all that he told me" she said in her RCMP interview.

Mr. Groos, reached in Australia where he now lives, said that "at no time was I instructed by the Prime Minister's Office to refuse admission to APEC of any person"

Ms Price, however, stands by what she said to the RCMP. "I gave my statement to the police officer at that time." She told the Citizen. "And that's all I really have to say on the matter." [The RCMP interview with Prince was mentioned briefly in APEC inquiry testimony last August during cross-examination of Jean Carle, a senior member of Chretien's staff at the time of the APEC conference. Carle, who has since left the PMO, said he had nothing to do with press accreditation" section in Bronskill submission but left out in newspaper]

Ms Russow wonders whether her pass was pulled because she had a track record of asking blunt questions of the Prime Minister. During the 1997 election, Ms Russow, as Green party leader , put Mr. Chrétien on the spot in Montreal by challenging him to a debate on Canada's environmental obligations.

Ms Russow's suspicions are deepened by the appearance of her name and photo on secret threat assessment documents for the APEC conference. One describes Ms Russow and another media member as "overly sympathetic" to APEC protesters. "both subjects have had their accreditation seized". [The threat assessments for APEC were prepared by an ad-hoc group that included members of the RCMP, the Canadian Security Intelligence Service and other agencies, SECTION IN ORIGINAL LEFT OUT]

Confusing matters further was APEC inquiry testimony in December from DET- Const. Joanne Boyle of the Vancouver police. She said Ms Russow had taken a media bus to an APEC venue, and the media pass was then revoked because her behaviour was inappropriate."

Ms Russow insists she was not present on the media bus or at the site. Ms Russow's lawyer has requested an apology from the Vancouver police.

[NOTE; When Jim Bronskill interviewed Brian Groos, Groos indicated that he did not want to speak to the media because he was worried about being fired by the Department of Foreign Affairs (Jim Bronskill, personal communication)

ARTICLE PRINTED IN THE OTTAWA CITIZEN AND NATIONAL POST
NOTE ALSO IMPORTANT OPTIONAL SECTIONS LEFT OUT BECAUSE OF
LENGTH OF ARTICLE
CRITIC FROM APEC REPORT: GREEN PARTY LEADER DENIED MEDIA PASS
AS A RESULT OF THE PMO

Bronskill had sent his original submission to Russow; in this original submission he had indicated optional cuts if the piece was too long.

Jim Bronskill, Ottawa Citizen National Post
BEGIN OPTIONAL CUT

Russow filed a complaint with the Security Intelligence Review Committee, the watchdog that oversees CSIS about her appearance on the Treat documents after they surfaced in the media. However, last November , the review committee informed Russow the spy agency was not responsible for passing any information which may have resulted in the inclusion of your name on a threat assessment list" prepared for the conference.

Russow has also asked the RCMP Public complaints Commission to investigate "the Threat documents and the revocation of her media credentials. She is frustrated that the RCMP and the APEC inquiry have not bothered to thoroughly probe the suggestion of PMO involvement. Access to international conference should not depend on the whim of the Prime Minister." (personal communication to Jim Bronskill)
Sgt don Bindo, an RCMP spokesman said the force cannot discuss certain details of Russow's case while the inquiry is ongoing but acknowledge her concern. Certainly it appears that her situation has not been dealt with to her satisfaction yet; (personal communication to Jim Bronskill).

END OPTIONAL CUT

115. FEBRUARY 16 2000: CSIS IGNORED THE LETTER THAT WAS SENT ON FEB 2000 BY RUSSOW'S LAWYER ANDREW GAGE AND THEN CLAIMED THAT IT WAS NEVER RECEIVED

**116. 16 FEBRUARY 2000: RESPONSE BY JOHN FENIMORE DET 661
RESEARCH COORDINATOR COPY TO JOHN ELDRIDGE DAY MURRAY
RESPONSE FROM VANCOUVER POLICE DEPARTMENT RE BOYLE**

The Vancouver Police Department response indicates that he had not been apprised of evidence revealed that Russow was listed on the APEC threat Assessment list as being sympathetic to the APEC protesters, and that she had attended a media meeting at UBC when she had never been to UBC during the APEC Summit. Also he must have been unaware of Christine Price's testimony which indicated that there had been a directive from the PMO to pull Russow's pass. He passes on an claim that Russow's complaint was frivolous. Rather than being concerned about misinformation and about the potential negative impact on Russow's reputation, he dispenses with the complaint.

Hi John

I have reviewed Dr Russow's complaint as captioned note faxed February 6

I have review Dr Russow's complaint as captioned in Mr. Gage's letter and CST Boyle's reply

Dr Russow in the letter has asked..”to clarify the source... of statement s made by Cst Boyle, in her testimony at the APEC inquiry. Cs Boyle transcribed testimony is

I believe there was media bus that went out to UBC and once at UBC it was felt that both her Russow and blank behaviour was inappropriate for that of people who had attained med accreditation. I wasn't there and I don't know the specific of it.

Cs Boyles answers were purposely vague, simple because she couldn't remember specific. Cst Boyle testified to the best of her knowledge based on the facts that she could recall at the time. In the transcript of her testimony when asked if she had something to do with the accreditation being pulled Cst Boyle states I did not I was merely made aware of it for purposes of including in the daily bulletin.

Cst Boyle replied to me in an email at my request as to who told her about Dr Russow accreditation being pulled. She stated .. likely via a telephone call from Peter Kolyiak or Peter Scott. In a subsequent email after reviewing her notebook at my request she included. Says her accreditation was cancelled along with that of redact at the media event at UBC. On 0002 10 after speaking to our FOI I disclosed two RCMP members names Kolyiak and Scott to Dr Russow. She sounded pleased however felt that she was still owed an apology from Cst Boyle.

On 0002 11 I spoke to Cst Scott of the RCMP. He had received a call from Dr Russow on the same day that I reveals his name to her. He told me that she was very aggressive and demanding on the phone. He point out to her that the matter had had been investigated by their IIS and eventually hung up on her. He advised me that he had been part of the APEC accreditation group. HE mentioned that at the time of APEC Russow had presented herself as a member of the Oak Bay Press and was give media accreditation. On of the members of ACCO APEC Canadian Coordinating office had tried to call the Oak Bay press after the accreditation had been issued. The ACCO person was satisfied that Russow was not on staff at the paper, so ACCO decided to pull Russow accreditation and when she began to cause a scene, she was advised to leave the accreditation office or she would be arrested. Apparently Russow complained to the RCMP internal investigation Section about similar issue and the matter was investigate by them Their conclusion was that her complaint was frivolous. She was advised accordingly and it was suggested that the make a Complaint to the Public Complaints Commission. From her letter Dr Russow wants to know the source of CSt Boyles information. I have provided her the names given to me by Cst Boyle. Her notes also reflect at the media event at UBC which supports her testimony. At UBC the only statement that Cst Boyle made in her testimony that cannot be support is that Dr. Russow went out to UBC on a bus. Is this enough to recommend and apology from Cst Boyle that considering that possibly incorrect information was imparted on her by members of the RCMP and ACCO

John Fenimore Dt 661
Reserve Coordinator office 717-3083

Vancouver

117. 25 FEBRUARY 2000: HUGHES RULES NO JURISDICTION TO COMPEL PM TO TESTIFY

Commissioner Hughes rules that he has no jurisdiction under the terms of the RCMP Act or under his terms of reference to compel the attendance of the Prime Minister as a witness. Nonetheless, expressing concern that his report might be under a "cloud" if the Prime Minister does not testify, he extended an invitation to the Prime Minister to appear of his own volition.

Hughes claims basic issue was if "PMO" had given improper orders or direction respecting security matter to members of the RCMP at the APEC conference"

- Hughes had failed to permit Russow to testify and use the Christine Price's evidence that there had been a directive from the PMO's office to pull Russow's

NOTE: I contacted him in 2005, and asked for the reason for excluding this information and he claimed that he did not remember anything about it. (personal communication)

118. 29 MARCH 2000: MEDIA ADVISORY FROM RUSSOW ABOUT PRESS CONFERENCE AT THE CHARLES LYNCH ROOM PARLIAMENT HILL ON TUESDAY, MARCH 29, 2000 AT 11 AM.

CHARLES LYNCH ROOM PARLIAMENT HILL ON TUESDAY, MARCH 29, 2000 AT 11 AM.

The subject: the implications of the decision by Commissioner Hughes on March 25 about calling the Prime Minister to appear before his commission.

Contact:

Joan Russow 250 598-0071 in Victoria till February 26th

613 722 3485 February 27 – March 1 in Ottawa

See attached "Chronology of Intervention of PMO at APEC"

119. 29 MARCH 2000: RUSSOW DISTRIBUTED BRIEF CHRONOLOGY TO MEDIA

120. 30 JUNE 2000: APEC INQUIRY ENDS

121. JULY-SEPTEMBER 2000; RAN IN THE FEDERAL BY-ELECTION AGAINST STOCKWELL DAY

122. 25 OCTOBER 2000: MEDIA PRESENTATION IN CHARLES LYNCH
Russow launched the Federal Green Party platform.

123. NOVEMBER 2000; FEDERAL ELECTION: DOCUMENTATION RELATED TO DAVID ANDERSON AND ELECTIONS CANADA

Russow ran in the Federal Election against David Anderson. An affidavit was filed with against Russow, was filed in the regional office of Elections Canada, then submitted to Elections Canada. Prior to the all candidates debate on the "environment", Russow heard that the disgruntled former Green Party leader of the BC Green was working with David Anderson and helping prepare David Anderson for the debate. On Saturday, November 18, two days before the election, I was campaigning downtown, when someone said why would anyone vote for you; he said that on the CFAX news it had been reported that

Russow was being investigated by Elections Canada for doing something illegal under the act. Russow found out that a press release had been sent out by the former Green party of BC leader, while he was working in David Anderson's office. Russow contacted the regional office of Elections Canada, and was told that Elections Canada was not concerned about the allegations in the Affidavit. After talking with the local Elections officials, CFAV broadcast a retraction. Russow subsequently found out that the person who filed the affidavit was related to the clerk working in David's Anderson's office

In addition, during the Election it was a common practice for candidates to ask a couple of members in the community to speak on their behalf. Russow was shocked when she saw Brian Groos speaking on behalf of David Anderson.

124. 19 FEBRUARY 19 2001: FAXED PRIVACY REQUEST TO RCMP ALL PERSONAL INFORMATION HELD BY THE RCMP SINCE 1963

The reason Russow went back as far as 1963 was that in 1963 she was studying law at Ottawa University, and teaching English to diplomats. One of the diplomats was the assistant military attaché from the Czechoslovakian Embassy. One day she received a call from the RCMP, and was interviewed by an agent about the military attaché; Russow was told that the Attache was deemed to be one of the shrewdest spies in the Soviet Union. His strategy supposedly was to get to know local people with important contacts. At that time Russow's father was the Assistant Auditor General of Canada. After the interview the RCMP officer asked her to continue teaching and establish personal contacts with the Attaché. Russow had told the RCMP officer that she had been invited to a reception at the Czechoslovakian embassy that weekend. He encouraged her to attend and asked her to report back to him about all her conversations with the Attache; the RCMP Agent concluded the interview with the admonition that she should never tell anyone that he had asked her to spy for the RCMP. Russow decided to leave the school, and discontinue all further contact with the Czechoslovakian. She began to wonder if that was the reason that she was deemed to be a threat to National security because she had refused to cooperate with the RCMP

125. 19 FEBRUARY 19 2001: RCMP RESPONSE TO FAXED PRIVACY REQUEST

From: Paulette Franklin
To: Claire Gent; Lynn Dalziel; Ray Kobzos
Date 2 19/01 657 am
Subject 2000- ATIP-09693

Good morning.
OSR: AJ-34
OSI ON 10136
Collator code R-0156

This is a Privacy Act Request. Please send originals only.

Requester's name: Joan Elizabeth Russow
DOB: Nov 1 1938

The requester is seeking access to all personal information held by the RCMP since 1963. Please forward to my attention

DD 01-03-21
Thank you
Paulette

Cc: Antonio Jamia

126. 9 MARCH 2001: UPDATED COMPLAINT TO RCMP PUBLIC COMPLAINTS COMMISSION

March 14, 2001 File No. PC-2001-0189

Ms. Joan Russow 1230 St. Patrick Victoria, BC V8S 4Y4

Dear Ms. Russow

In accordance with the RCMP Act, your complaint was forwarded today to the Commissioner of the RCMP for appropriate action. A copy of the complaint is enclosed for your information.

The Commissioner is required to inform you in writing about the status of your complaint not later than 45 days after he has received it. When the Commissioner has dealt with the complaint, you will be informed of the outcome.

Should you be dissatisfied with the RCMP's response to your complaint, you may contact this office to request a review by this Commission.

The Commission for Public Complaints Against the RCMP is an agency independent of the RCMP whose role is to receive and review complaints from the public about the conduct of members of the RCMP while on duty.

I am sending you a pamphlet on the Commission which you may find useful. Please read it and the attached copy of your complaint, and contact me at (604) 501-4080 or at our toll free number, 1-800-665-6878, if you have any questions.

Yours truly,
Lorraine Blommaert
Enquiries and Complaints Analyst
LB:e Enclosures

128. 1 APRIL 2001: RUSSOW SUBMITTED JOB APPLICATION TO THE CONFERENCE OF SECURITY ESTABLISHMENT (CSE)

129. 5 APRIL 2001: RESPONSE FROM RCMP PRIVACY REQUEST OF DATA SINCE 1963

Royal Canadian Mounted Police
April 5, 2001
Dr. Joan Russow
1230 St. Patrick Street
Victoria, British Columbian
V8S 4y4 O1 ATIP-09603

Dear Dr. Russow:

This is in response to our request under the Privacy Act received on March 9 2001, seeking access to all personal information held by the RCMP since 1963; specifically reasons for placing me on a threat assessment list. Based on information provided, a search for records was conducted in Ottawa, Ontario, Vancouver, Kelowna, Victoria and Clayoquot, British Columbia. Enclosed is a copy to some of the information to which you are entitled. Note that some of the information has been exempted under section 26 of the Privacy Act. A copy of this exemption section has been enclosed for your easy reference.

There are still outstanding documents that are in the review/consultation stage and once completed you will be advised accordingly.

Also enclosed is a Notification of the Right to Request Correction and a Record Correction Request Form These are provided in the event you wish to avail yourself of the correction provisions Note that you have the right to bring a complaint before the Privacy Commissioner concerning any aspect of our processing of your request. Notice of complaint should be addressed : ...

Should you wish to discuss your request contact Cpl AJ Cichelly by writing or at (613) 993-2960. For ease of reference, please quote the file number appearing on this letter.

Yours truly

A.D Baird. Sgt
Office of the Departmental Privacy

NOTE: PRIVACY ACT
Information About Another Individual

26 The head of government institution may refuse to disclose any person information requested under subsection 12 (1) about an individual other than the individual who made the request and shall refuse to disclose such information where the disclosure is prohibited under section 8

130. 17 APRIL 2001: RESPONSE FROM RC CARDEY SARGEANT ABOUT RCMP COMPLAINTS COMMISSION

Privacy request signed ad Baird sgt office of the department privacy ad Baird sgt. request for time extension of 30 days beyond the 30 day statutory time limit ...

131. 1 MAY 2001: APPLICATION FOR HABITAT II +5 CONFERENCE TO LES MATE

132. 13 JUNE 13 2001: ANDREW GAGE'S LETTER TO RCMP TO B LETTRE Sgt re Joan Russow ATI Request
Your files No.00atip -10167 10168

I am writing to request your attention to the above access to information request (the request) which for whatever reason has never been respond ed to. Please be advised, however, that I am no longer counsel on this file and that all future correspondence including follow up to this letter should be directed to Dr. Joan Russow directly. Dr Russow may be reached at 1230 St. Patrick St. Vicroeia B.ca. V8S 4Y4 Tel 250 598-0071

For the sake of convenience, and due to the time which has expired since this ATI request was made, I will lay out the correspondence I have had with your office.

I made the request in a letter dated February 11 2000 written on behalf of Dr. Russow and directed to your Vancouver Offices

On March 18, 2000 Sgt Bernie Lettre of your office e-mailed me requesting the full name , birth date and singed consent form from Dr. Russow. He also indicated that Dr Russow would have to pay a

\$ 5.00 fee in regards to that part of her request related to the Green Party of Canada, I provided the biographical information and consent form by fax in a letter dated March 29 2000.

In a letter dated April 5 2000 Sgt Lettre gave details as to how to pay the \$5 00 fee for the request and indicating that the RCMP required a copy of Dr Russow's consent with an original signature. As I did not see either the need nor the statutory authority for the requirement that an original consent form be provided (and since obtaining a signed consent form seemed moderately inconvenient. I e-mailed Sgt Lettre on April 26 2000 questioning this policy. I indicated that Dr Russow would provide an original consent if required, but I believed that the Access to information Act required the RCMP to proceed with the request even without such a document. I asked that Sgt letter contact me if the RCMP continued to believe that such a document was required.

On June 2 2000, having received no further correspondence from the RCMP, I wrote to Sgt Lettre noting that I had received no reply to my April 26 2000 e-mail and explaining that I therefore assumed that an original consent form was not required. I also enclosed a cheque for 5 for the ATI request concern the Green Party of Canada

I received no answer to this letter either. As I was acting for Dr Russow on a pro bono basis and as I had no instructions to take further steps on this matter, I am afraid I did not follow up on this matter. According to my records, it appears the cheque for #5f was never cashed.

I have recently closed my office and for the sake of completeness I am sending this letter to both your office and to Dr Russow in case either party wishes to pursue this matter further. While clearly I could have pursued this matter more aggressively, the fact is that my last two attempts to pursue this matter went unanswered, and the onus was clearly upon the RCMP to respond to the Request and may correspondence; I am therefore sending a carbon copy of this letter to the Information commission, in case any action should be required on the part of that office

Thank you for your cooperation

Yours truly

Andre Gage cc Information Commissioner
Cc client

133. 14 JUNE, 2001: FURTHER RESPONSE TO APRIL 17 2001 RESPONSE FROM PRIVACY

NOTE: in this response the RCMP indicated that information was exempted under art 22 1 a.

Law Enforcement and investigation

22. (1) the head of a government institution may refuse to disclose any personal information requested under subsection 1 (1)

(a) that was obtained or prepared by any government institution, or part of a government institution that is an investigative body specified in the regulations in the course of a lawful investigation{s} pertaining to (i) the detection, prevention or suppression of crime. The RCMP is suggesting that there is still significant information withheld.

Royal Gendarmerie : Canadian Royale Mounted du
Police Canada
June 14, 2001

Dr. Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4
OIATIP-09693

Dear Dr. Russow:

This is in further to our response to you of April 17, 2001.

Enclosed is a copy of some of the information to which you are entitled. Note that some of the information has been exempted under section 22(1)(a) of the Privacy Act. A copy of this exemption section has been enclosed for your easy reference.

Also enclosed is a Notification of the Right to Request Correction and a Record Correction Request Form. These are provided in the event you wish to avail yourself of the correction provisions of the Act.

Note that you have the right to bring a complaint before the Privacy Commissioner concerning any aspect of our processing of your request. Notice of complaint should be addressed to:

Privacy Commissioner Tower "B", Place de Ville 112 Kent Street
Ottawa, Ontario K 1 A 11-13

Should you wish to discuss your request, contact Cpl. A.J. Cichelly by writing or at (613) 993-2960. For ease of reference, please quote the file number appearing on this letter.

P.J.D. Dupuis A/Sgt.

Office of the Departmental Privacy and Access to Information Coordinator
1200 Vanier Parkway Ottawa, Ontario KIA OR2

Attach.
Canada

NOTE: in this response the RCMP indicated that information was exempted under art 22
1 a.

Law Enforcement and investigation

22. (1) the head of a government institution may refuse to disclose any personal
information requested under subsection

(a) that was obtained or prepared by any government institution, or part of a government
institution that is an investigative body specified in the regulations in the course of a
lawful investigation{s} pertaining to

(i) the detection, prevention or suppression of crime

**134. 7 AUGUST 2001: COMMISSION REPORT RELEASED: COMMENT IN
NEWS RELEASE BY SHIRLEY HEAFFEY**

"I want to thank Mr. Hughes for the outstanding service he performed in presiding at this Hearing" state
Shirley Heafey, Chair of the CPC.

Mr. Hughes presided over a public hearing that was unprecedented in its scope. Over the course of 170
days, he heard testimony from 153 witnesses and 710 exhibits were received in evidence. The transcript of
the testimony comprises more than 40,000 pages. All of this was conducted with full electronic news media
cover of the proceeding. The Canadian public should be assured from this that the Commission for Public
Complaints is acquitting its mandate responsibly, throughout and fairly"

135. 14 AUGUST 2001: RESPONSE TO COMPLAINT ASKING FOR MORE TIME

**136. 18 AUGUST 2001: PART OF 5 PART SERIES ON CRIMINALIZATION OF
DISSENT**

RCMP tightens its controls on protesters

Police create new unit, the Public Order Program, to handle demonstrations

David Pugliese and Jim Bronskill

Vancouver Sun, Sat August 18, 2001

Faced with a growing number of large demonstrations, the RCMP have quietly created a special
unit to deal with public dissent.

The new team of Mounties, called the Public Order Program, was established in May to help the force exchange secret intelligence and information on crowd-control techniques with other police agencies, according to an RCMP document.

The RCMP's move to strengthen its capacity to control demonstrations comes amid increasing concern about government and police responses to legitimate dissent.

The new unit with the Orwellian name will also examine how to make better use of "non-lethal defensive tools," such as pepper spray, rubber bullets and tear gas, indicates the document, a set of notes for a presentation to senior Mounties earlier this year. Select officers will be run through a "tactical troop commanders course" to prepare them for dealing with public gatherings.

The Public Order Program is intended to be a "centre of excellence" for handling large demonstrations, allowing the Mounties to keep up with the latest equipment, training and policies, said RCMP Constable Guy Amyot, a force spokesman. "It gives us some more tools to work with."

The initiative, sparked by a spate of ugly confrontations between protesters and police at global gatherings, comes as Canada prepares to host leaders of the G8 countries in Alberta next year.

"With all the violence going on we had to create a unit that could help us [with] providing security," Amyot said. But for some, the right to free speech and assembly in Canada has become precarious at best.

The recently released APEC inquiry report focused on certain questionable RCMP activities during the 1997 gathering of Asia-Pacific leaders in Vancouver, including the arrest of demonstrators and use of pepper spray.

Almost overlooked in the review, however, was an apparent shift in police and government attitudes toward a "criminalization of dissent." Behind the scenes, law enforcement agencies are directing their efforts at organizations and individuals who engage in peaceful demonstrations, according to civil rights experts. The targets are not extremists but ordinary Canadians who happen to disagree with government policies.

Officers from various police forces and the Canadian Security Intelligence Service have infiltrated, spied on or closely monitored organizations that are simply exercising their legal right to assembly and free speech. Targets of such intelligence operations in recent years, according to federal documents, range from former NDP leader Ed Broadbent to the Raging Grannies, a senior citizens' satire group that sings about social injustice.

Individuals have been arrested for handing out literature condemning police tactics. Large numbers of Canadians and legitimate organizations, from the United Church of Canada to Amnesty International, have found themselves included in federal "threat assessment" lists alongside actual terrorist groups.

And in what some consider blatant intimidation, RCMP and CSIS agents are showing up unannounced on the doorsteps of people who voice opinions critical of government policy or who plan to take part in demonstrations.

In coming weeks, the Canadian Association of University Teachers will meet in Ottawa with senior RCMP officials to express grave concerns in the academic community about campus visits by the Mounties.

The meeting arises from the police force's questioning of Alberta professor Tony Hall about his views on the spring Summit of the Americas in Quebec City. A University of Lethbridge academic, Hall wrote an article critical of the effect of free trade agreements on indigenous people and was involved in organizing an alternative summit for aboriginals. Neither warranted a visit from police, say his colleagues.

"Whether you agree with him or not, I think he has the right to raise those questions," says David Robinson, associate executive director at the association of university teachers.

The Canadian Civil Liberties Association has led calls for an investigation into allegations police abused their powers by firing more than 900 rubber bullets and using 6,000 cans of tear gas to subdue protesters at the Quebec City summit in April. Also of concern for the association is the possibility police targeted individuals even though they were non-violent.

Others, such as University of British Columbia law professor Wesley Pue, say police operations against legitimate dissent have already crossed the line.

"When the police start spying on people because they don't like their politics, you've gone a long way away from what Canadian liberal democracy is supposed to be about," says Pue, editor of the book *Pepper in Our Eyes: The APEC Affair*.

Such notions are rejected by police and politicians. Quebec government officials have dismissed a call for a public inquiry into how officers treated protesters at the Quebec City summit. Quebec Public Security

Minister Serge Menard summed up his attitude shortly before the summit: "If you want peace," he said, "prepare for war."

CSIS officials maintain they don't investigate lawful advocacy or dissent. The RCMP say they are simply doing their job in the face of more violent protests at public gatherings.

For his part, federal Solicitor General Lawrence MacAulay doesn't see anything wrong with the RCMP questioning Canadians who want to take part in demonstrations.

In a July 31 letter to the university teachers association, he defended Mounties security practices for the Quebec City event. "The RCMP performed ongoing threat assessments which included contacting, visiting and interviewing a number of persons who indicated their interest or intention in demonstrating."

But civil rights supporters contend such statements miss the point. Merely signaling interest in attending a demonstration or openly disagreeing with government policies -- as in Hall's case and others -- shouldn't be grounds for police to question an individual. They say actions by police and CSIS over the last several years appear to have less to do with dealing with violent activists than targeting those who speak out against government policies.

For instance, in January, police threatened a group of young people with arrest after they handed out pamphlets denouncing the security fence erected for the Quebec City summit as an affront to civil liberties. Officers told the students any group of people numbering more than two would be jailed for unlawful assembly. A month later plainclothes police in Quebec City arrested three youths for distributing the same pamphlet. Officers only apologized for the unwarranted arrests after media reported on the incident.

In the aftermath of the Quebec City demonstrations, some protesters were denied access to lawyers for more than two days. Others were detained or followed, even before protests began. Police monitored the activities of U.S. rights activist George Lakey, who traveled to Ottawa before the summit to teach a seminar on conducting a peaceful demonstration. Lakey was questioned for four hours and his seminar notes confiscated and photocopied by Canada Customs officers. Later, a Canadian labour official who offered Lakey accommodation at her home in Ottawa was stopped by police on the street and questioned for 30 minutes.

Amyot insists the RCMP recognize the right of people to demonstrate peacefully. "We have always said that, and we do respect that."

However, the events leading up to Vancouver's 1997 Asia-Pacific Economic Co-operation summit set the stage for what some believe is now an unprecedented use of surveillance by the Mounties and other agencies against lawful groups advocating dissent. Before and during the APEC meetings, security officials compiled extensive lists that included many legitimate organizations whose primary threat to government appeared to be a potential willingness to exercise their democratic rights to demonstrate. Threat assessments included a multitude of well-known groups such as the National Council of Catholic Women, Catholic Charities U.S.A., Greenpeace, Amnesty International, the Canadian Council of Churches, the Council of Canadians and the International Centre for Human Rights and Democratic Development.

Intelligence agencies also infiltrated legitimate political gatherings. A secret report produced by the defence department, obtained through the Access to Information Act, details the extent of some of the spy missions. It describes a gathering of 250 people on Sept. 12, 1997, at the Maritime Labour Centre in Vancouver to hear speeches by former NDP leader Ed Broadbent and New Democrat MP Svend Robinson. "Broadbent is extremely moderate and cannot be classified as anti-APEC," notes the analysis, prepared by either CSIS or a police agency. "The demographics of the crowd was on average 45-plus, evenly divided between men and women. They were 95 per cent Caucasian and appeared to be working class, east end, NDP supporters."

Additional reports detailed a forum by the Canadian Committee for the Protection for Journalists and meetings planned by other peaceful organizations.

Law enforcement's notion of what constitutes a threat to government is disturbing to some legal experts. Pue, the UBC law professor, notes that anyone's politics can be deemed illegitimate to those in power at some point in time. He sees irony in the recent mass protests against federal stands on trade and the environment. "The so-called anti-globalization movement articulates many views that were official Liberal party policy up until the government got elected," says Pue.

Police tactics used four years ago at APEC have since become commonplace at almost all demonstrations. Criminal lawyer Clayton Ruby has noted how police have found a way to limit peaceful protests. Demonstrators don't get charged for speaking publicly. Instead they are arrested for obstructing police if they don't move out of the way. In most cases charges aren't laid or they are later dropped because

of a lack of evidence. In the meantime, police usually insist bail conditions stipulate demonstrators stay away from a protest.

"We've made it so easy for governments to criminalize behaviour and speech they don't like," Ruby said around the time of the Quebec City summit. "They disguise the fact that they're punishing free speech."

Another disconcerting trend, according to civil liberties specialists, is the police practice of photographing demonstrators, even at peaceful rallies. Earlier this year, a whole balcony of cameras collected images of the non-violent but lively crowd outside the foreign affairs department in Ottawa.

"There is now the idea that you can't be an anonymous participant at a public gathering," says Joel Duff, a protest organizer and former president of the University of Ottawa's graduate students association. "If you're not ready to have a police file then you can't participate, which in my view is a curtailment of your democratic rights."

The RCMP's Amyot acknowledges police take photos of demonstrators, even if a protest is peaceful. The pictures can be used in court if the event turns violent, he notes. But photos from peaceful demonstrations are destroyed, according to Amyot. "We're not investigating these people," he says. "These are just being taken to ensure if something happens we'll know what happened so we'll have evidence for safety purposes."

But such tactics can have chilling effect on lawful dissent. After it was revealed at the APEC inquiry that intelligence agencies spied on the Nanoose Conversion Campaign because of its stand against nuclear weapons, some of the B.C. organization's members started having second thoughts about their involvement, even though the group conducted only peaceful rallies. "There was a concern (among some) about whether the government could make their life difficult," says Nanoose Conversion Campaign organizer Ivan Bulic.

In Canada, aside from comments by civil rights experts and opposition politicians, there has been little outrage among the public or lawmakers.

In part this can be traced to media coverage that emphasizes the actions of a small number of violent protesters while neglecting largely peaceful events, says Allison North, a Canadian Federation of Students official and rally organizer. As a result, all protesters are branded as troublemakers. "People who decide to take part in another part of the democratic process, other than casting an election ballot every four or five years, are seen as a threat, no matter what their motives or cause," she explains.

Those on the front lines of demonstrations also note the common tactic of authorities painting protesters as aggressive so that almost any type of police action is justified. During the APEC inquiry hearings one officer hinted a bomb had been planted near a bridge that world leaders would cross to get to summit meetings. It later turned out, according to the RCMP's own report, that the "explosive device" was, in fact, a blasting cap used in construction and clearly linked to a sawmill located near the bridge. It was also determined such a device would, in no way, be powerful enough to put world leaders at risk.

Student organizer Duff also notes the scope of the damage at the Quebec City summit was never put into perspective by authorities or the media. As a result, the public is left with the notion protesters caused widespread destruction. "The stuff that happened in Quebec City was nothing in comparison to a regular St-Jean-Baptist Day in Quebec," according to Duff. "There they have bonfires in the street whenever they can and far more property gets destroyed."

He also questions whether the public can be complacent about police and government activities in dealing with dissent. Surveillance and questionable tactics may now be aimed at people protesting globalization, notes Duff. But such methods can, and will, be used to manage other protests, whether it be against education cuts or reductions in health care budgets, he predicts.

Some are concerned that has already happened. In April the RCMP issued a public apology to the townspeople of Saint-Sauveur, New Brunswick, admitting the force overreacted when it sent a riot squad to handle a group of parents and children protesting the closure of a school in May 1997. Several people were attacked and bitten by police dogs while others were injured after being hit by tear gas canisters or roughed up by officers. Dozens were arrested in Saint-Sauveur and the nearby town of Saint-Simon but none was informed of their legal rights. All charges were later dropped.

Most of the officers involved in the incidents were transferred to other communities but the damage appears to have already been done. Area citizens say they have little confidence in the RCMP.

The APEC report condemned the fact several women protesters were forced to remove their clothes after being arrested. But it wasn't an isolated event. Earlier this year eight female students at Trent University in Peterborough, Ont. were arrested, stripped and searched by police. Their alleged crime was to protest the closing of the university's downtown college.

Such extreme reactions tend to galvanize people, says Duff. Those who peacefully demonstrate, only to be tear-gassed or arrested, tend to emerge as more committed protesters, he notes. Others say there has to be some middle ground in which contrary views can be tolerated. In his report, APEC commissioner Ted Hughes urges that protesters be allowed "generous opportunity" for peaceful demonstrations.

Amyot says the RCMP's new Public Order Program will ensure the safety of delegates, demonstrators and police at future summits.

Pue believes the security for major gatherings should be decided through public debate and parliamentary scrutiny, instead of letting police to make up rules as they go along.

For instance, there are no Canadian laws to allow for the installation of a perimeter fence limiting the movement of protesters at international meetings, Pue notes. Yet a large fence was built for Quebec City and such barriers will likely be fixtures at coming events. "That's not the kind of discretion

**137. 20 AUGUST 2001: ARTICLE IN OTTAWA CITIZEN ABOUT CRIMINALIZATION OF DISSSENT : PHOTOGRAPH OF RUSSOW AND MARTIN LUTHER KING
() EXHIBIT**

138. 20 AUGUST 2001: FRONT PAGE PIECE ON THE TIMES COLONIST EX-GREEN LEADER

Greens "a threat" Times Colonist Victoria activist targeted as national security risk

In August 2001, Jim Bronskill, and Pugliese, published a five part series, entitled "the Criminalization of dissent"

The credentials on Joan Russow's resume are rather impressive. An accomplished academic and environmentalist, she served as national leader of the Green Party of Canada. The Victoria woman had also earned a reputation as a gadfly who routinely shamed the government over its

unfulfilled commitments.

But Ms. Russow, 62, was dumbfounded when authorities tagged her with a most unflattering designation: threat to national security.

Her name and photo turned up on a threat assessment list prepared by police and intelligence officials for the 1997 gathering of APEC leaders at the University of British Columbia.

"All these questions start to come up, why would I be placed on the list?" she asks. Mr. Russow is hardly alone. Her name was among more than 1,000 -- including those of many peaceful activists -- entered in security files for the Asia-Pacific summit.

The practice raises serious concerns about the extent to which authorities are monitoring opponents of government policies, as well as the tactics that might be employed at future summits, including the meeting of G-8 leaders next year in Alberta.

Ms. Russow had been a vocal critic of the federal position on numerous issues, expressing concerns about uranium mining, the proposed Multilateral Agreement on Investment and genetically engineered foods.

Just weeks before the Vancouver summit, she gave a presentation arguing that initiatives to be discussed at APEC would undermine international conventions on the environment.

However, Ms. Russow went to the summit not as an activist, but as a reporter for the Oak Bay News, a Victoria-area community paper. Security staff questioned whether the small newspaper was bona fide and pulled her press pass.

But the secret files on Ms. Russow suggest there may be more to the story. She wouldn't have even known the threat list existed if not for the tabling of thousands of pages of classified material at the public inquiry into RCMP actions at APEC, which focused on the arrest and pepper spraying of students on the UBC campus.

The threat assessment of Ms. Russow, prepared prior to the summit, describes her as a "Media Person" and "UBC protest sympathizer." A second document drafted by threat assessment officials during the summit

characterizes Ms. Russow and another media member as "overly sympathetic" to APEC protesters. "Both subjects have had their accreditation seized."

Ms. Russow later complained, without success, about the revocation of her pass. Officials with the Commission for Public Complaints Against the RCMP concluded the RCMP did nothing wrong. But despite exhaustive inquiries, a frustrated Ms. Russow has yet to find out how and why she was even placed on a threat list.

The APEC summit Threat Assessment Group, known as TAG, included members of the RCMP, the Canadian Security Intelligence Service, the Vancouver police, the Canadian Forces, Canada Customs and the Immigration Department.

The TAG files were compiled on a specially configured Microsoft Access database that "proved very successful in capturing and analyzing intelligence," says a police report on the operation, made public at the APEC inquiry.

Much of the information came from "existing CSIS and RCMP networks" as well as Vancouver police members. Other data were funneled to TAG by RCMP working the UBC campus, including undercover officers and units assigned to crowds.

By the end of the summit, the TAG database had swelled to almost 1,200 people and groups, including many activists and protesters. Ms. Russow's photo appeared in a report alongside the pictures and dates of birth of

several other people. One is described as a "lesbian activist/anarchist" considered "very masculine."

Several are simply labeled "Activist" -- making Ms. Russow wonder how they wound up in secret police files. "Why are citizens who engage in genuine dissent being placed on a threat assessment list?"

The practice of collecting and cataloguing photographs of demonstrators is worrisome, says Canadian historian Steve Hewitt, author of *Spying 101: The Mounties' Secret Activities at Canadian Universities, 1917-1997*, to be published next year.

"There's tremendous potential for abuse. One would suspect that they're compiling a database. And clearly, there's probably sharing going on between countries," said Mr. Hewitt, currently a visiting scholar at Purdue University in Indiana.

"Your picture is taken and it's held in a computer, and when it might come up again, who knows?" The RCMP, CSIS and other Canadian agencies have long shared information with U.S. officials, a cross-border relationship that has grown closer to deal with smugglers, terrorists and, most recently, protesters who come under suspicion.

Canada Customs and Revenue Agency staff have access to a number of automated databases and intelligence reports that help screen people trying to enter the country.

Several protesters who were headed to the Summit of the Americas in Quebec City last April were either denied entry to Canada or subjected to lengthy delays, luggage searches and extensive questioning -- and the rationale was not always clear.

At a recent Commons committee meeting, New Democrat MP Bill Blaikie confronted RCMP Commissioner Giuliano Zaccardelli and Ward Elcock, the director of CSIS, about scrutiny of activists.

An incredulous Mr. Blaikie recounted the case of a U.S. scientist who was questioned by Customs officials for about an hour last spring upon coming to Canada to speak at a conference about his opposition to genetically modified food.

"Are people being trailed, watched, interviewed and harassed at borders because of their political views?" Mr. Blaikie asked, noting the "chilling effect" of such attention.

The RCMP Security Service, the forerunner of CSIS, amassed secret files on thousands of groups and individuals considered a threat to the established order, devoting its energies through much of the 20th century to the hunt for Communist agents and sympathizers.

The vast list of targets left few stones unturned, providing the Mounties with intelligence on subjects as wide-ranging and diverse as labour unions, Quebec separatists, the satirical jesters of the Rhinoceros Party, American civil rights activist Martin Luther King, the Canadian Council of Churches, high school students, women's groups, homosexuals, the black community in Nova Scotia, white supremacists and foreign-aid organizations.

CSIS inherited about 750,000 files from the RCMP upon taking over many intelligence duties from the Mounties in 1984. As the end of the Cold War loomed in the late 1980s, the intelligence service wound down its counter-subversion branch, turning its focus to terrorism.

However, the emergence of a violent presence at anti-globalization protests has spurred CSIS to once again scrutinize mass protest movements, working closely with the RCMP and other police.

One of the threat assessment documents on Ms. Russow lists not only her date of birth, but hair and eye colour and weight -- or rather what she weighed in the 1960s, perhaps a clue as to how long officials have kept a file on her.

In 1963, a young Ms. Russow taught English to a Czechoslovakian military attache in Ottawa. She was asked by RCMP to report to them about activities at the Czech embassy, but refused. She surmises that may have prompted the Mounties to open a file on her -- a dossier that could have formed the basis of the APEC threat citation more than 30 years later.

Ms. Russow is disturbed that she learned of the official interest in her activities only by chance. And she worries about the untold ramifications such secret files might have.

"How many people have had their names put on the list and never know?"

Final Special Report: Criminalization of Dissent Photo: The public inquiry into the RCMP's actions at APEC revealed a secret threat list that labeled Joan Russow, leader of the Green Party, as 'overly sympathetic' to protesters.; Photo: The RCMP Security Service, the forerunner of CSIS, amassed secret files on thousands of groups and individuals, including U.S. civil rights activist Martin Luther King. How police deter dissent: Government critics decry intimidation TheOttawa Citizen Tue 21 Aug 2001 News A1 / Front News David Pugliese and Jim Bronskill

139. 21. AUGUST 2001: EDITORIAL IN THE TIMES COLONIST

IT'S NO CRIME TO CARE DEEPLY

If You're looking for hard evidence that someone is a threat, don't waste your time looking at Joan Russow. But if you're looking for hard evidence that our federal government's attempts to identify threats have gone terribly off track, there is no better example than Russow

Russow was the national leader of the Green party of Canada, an accomplished academic and environmentalist.

She has been a social critic of the federal government on many, many issues. She has strong opinions, and is not shy about expressing them. She is highly visible and has been for years.

Does all that make her a threat to national security? To the intelligence types in our federal government, the answer is yes.

Along with more than a thousands other people. Russow's name was placed in security files in preparation for the Asia-Pacific summit in Vancouver in 1997. Other files feature other activists who are well known for their peaceful means of protest.

It's reasonable to expect the federal government to keep an eye on the people most likely to try to use violence to get their views across

But along the way, some cables must have crossed in a database somewhere. The government is now, it seems, worried about shadows under the bed.

There is no evidence that Russow and the rest are guilty of anything but caring, but let's keep an eye on them just to be safe.

The rising level of anger being expressed at international summits has prompted more and more calls for police and security services to be prepared for problems. Identifying in advance the people most likely to cause problems makes sense, to a certain extent

But there are problems with the theory. Creating a list of every Canadian who might pose a threat at some future date can't be done without looking at the activities of, literally, millions of citizens.

That means trampling on the rights of millions, in a desperate search for the handful of people who might be legitimate threats.

There is no point in spying on us without judging us. Who will do that? Who will sit in front of a computer somewhere, ruling that some of our opinions are no problems but others are a sign of violent tendencies, and therefore represent a threat? Who judges these people? Where does the surveillance end?

Odds are, of course any computerized roundup of the usual suspects would miss the target anyway. Did the United States government know what Timothy McVeigh planned to do in Oklahoma City? Would the Canadian government do any better? No, and no.

Joan Russow cares deeply about Canada. She is not a threat to national security

Bureaucrats who can't tell the difference pose a greater threat than she ever will.

Editorial Dave Obee
Paul MacRae

140. 24 AUGUST 2001: RESPONSE TO ARTICLE CRIMINALIZATION OF DISSENT “

“ Spying on Joan is going too far

Joan Russow, past president of the Green Party of Canada, has always been a caring, nurturing person.

Most of us are too comfortable to be activists to save the ancient, multi-specied forest, to resist the proliferation of life threatening nuclear devices, to hold on to Canadian water, to release less exhaust fumes into the air we breathe, to find alternatives to oil and forest consumption and to play fair with the original inhabitants of this province.

It is shocking to think that our tax dollars are used to keep Russow under police surveillance. It makes the same sense as keeping Joe Clark under police surveillance for supporting equality for gays in Calgary.

Who can forget the Mc Carthy days when Joe Mc Carthy labeled like Eisenhower as a communist? Who can forget the murderous role of the CIA in Central America and Chile? We have allowed Canada's equivalent of the CIA to go too far. Secretive power invariably corrupts

Ron McIssac
News Group

141. 25 AUGUST 2001 PRICE OF PROTEST FEATURE ARTICLE ON RUSSOW “SPY AGENCY'S DAFT VENTURES HAVE SERIOUS IMPLICATION

Spy agency's daft ventures have serious implications.'

So Canada's secret police think Joan Russow's a threat to national security. eh? (“Ex-leader of Greens ‘a threat’” Aug.20.

I would like to laugh—but this is too serious. The assessment reveals an astonishing ignorance of politics and current affairs amongst senior security officials, as well as a complete absence of common sense.

We all know of CSIS' ability to waste public funds on daft ventures, but this particular piece of lunacy also confirms the willingness of the current executive to use the RCMP as a front-line component of the state apparatus.

If the ex-leader of the Greens is potentially dangerous, where does this leave the tens of thousands of members of organization like the Council of Canadians, fighting against NAFTA. Or the millions of Canadians who want an Endangered Species Act with teeth instead of Environment Minister David Anderson wishy-washy bill?

This type of authoritarian attitude and action is far more likely to provoke than to prevent the actions it purports to guard against.

When the voting system promulgates single-party monopolies with no effective opposition in Parliament, let alone minority viewpoints, when the press, radio, and TV are largely owned by a few establishment media barons, when corporations are seen to formulate social policy and manipulate governments with impunity, when the public interest becomes the last item on the agenda and not the first then change is necessary – and if the voices of concerned citizens are suppressed then inevitably the result will be either cynicism (and the eventual decay of civil society) or anger.

Constructive anger is good—it gets people going to create the pressure needed to make politicians sit up, listen and enact reforms. Destructive anger—well, that's what we're all trying to avoid, isn't it?

One last thing: please don't knock on my door before coffee.

142. 26 AUGUST 2001: NOW MAGAZINE SECRET DISSERVICE CANUCK SPIES WASTE TIME HARASSING LAWFUL DISSENT

NOW MAGAZINE SECRET DISSERVICE CANUCK SPIES WASTE TIME HARASSING LAWFUL DISSENT. NOTE; INCOMPLETE DOCUMENT

BY SCOTT ANDERSON

Canuck spies waste time harassing lawful dissent

The terrorist attack on New York and Washington reveal... stretched the US intelligence community is But ... of the ... Canada's security services are also coming to grips with the ... intelligence deficit. Their problems were recently highlighted in the case of the alleged terrorist who was caught in December ... Attempting to cross the Canadian border into the United States ... Bomb. He lived undetected in Montreal for five years and even traveled to one of Osama bin Laden's terrorist training camps .. embossing little for our spooks.

So is our intelligence apparatus just incompetent" Dangerously under funded and over worked" or simple misguided" probably all of the above

But given the scope of the terrorist threat, you have to wonder... some of the dubious security campaigns our tax dollars have bankrolling. Like the Royal Canadian Mounted Police shadow noisy Toronto tenant activist and would you believe it, Matt ... Behrens, Canada's best-known guru of non-violent protest.

And consider the fervour with which the RCMP and the Canadian Security Intelligence Service have investigated lawful dissent for years.

" Prior to the ill-fated 1997 APEC Summit in Vancouver some called a "threat assessment joint intelligence groups made local police, RCMP and possible CSIS assembled detailed on protestors and supports. Mug shots of activist include the Green Party leader Joan Russow. Police even went so far as ...together threat assessment on Green peace and amnesty

But most ominously, on the even of the BC Summit, demon Jaggi Singh was literally picked up off the street and arrested by police on dubious charges. It turned out that they had been ... Singh for months.

Later, it was reported that CSIS had informed the Canadian government that there was no terrorist threat at the Summit, just a likelihood of anti-Indonesian demonstrations.

Fast forward to the Summit of the Americas in Quebec City. Prior to the event, the RCMP said they were bracing for terrorist attacks. Not to be denied, just prior to the Summit police cracked down on stone-throwers and smoke-bomb artists

Of course, no summit security operation would be complete without bagging Jaggi Singh, he was again nabbed –this time with teddy bears

In their report to parliament earlier this year CSIS identified anti-globalization protests as a concern. But the horror of ...attacks in the US kind of puts the anti-globalizes into perspective doesn't it.

scottand@nowtoronto.com

143. 31 AUGUST 2001: ARTICLE IN MONTREAL GAZETTE ABOUT HCRIMINALIZATION OF DISSENT

Governments want wall of secrecy

LYLE STEWART

Montreal Gazette Friday, August 31, 2001

The U.S. Senate Intelligence Committee is preparing a bill to establish that country's first official secrets act. As Thomas Blanton reported in the New York Times last week, Congress could "make it harder for Americans to know what their government is doing and would give aid and comfort to every tin-pot dictator who wants to claim 'national security' as the reason to keep his citizens in the dark."

Two days earlier, the Independent reported on the European Union's plan to create a secret network to spy on protesters. European leaders, the paper said, have ordered police and intelligence agencies to co-ordinate their efforts to identify and track demonstrators. "The new measures clear the way for protesters traveling between European Union countries to be subjected to an unprecedented degree of surveillance."

Sound familiar? Southam News's recent five-part series by reporters Jim Bronskill and David Pugliese show the federal government is doing its part in the international effort to repress political activity that Western states now apparently consider outside the bounds of acceptable discourse. As Bronskill and Pugliese found in the most comprehensive examination of the subject in recent times, the RCMP and CSIS are systematically deterring dissent and free speech through intimidation, secret files and a sledgehammer level of security against public protest. Mainstream political figures, such as former NDP head Ed Broadbent and Green Party leader Joan Russow, are not immune from being spied on or labeled as security threats.

The implications for our democracy are vastly disturbing, but not necessarily surprising. Governments in North America and western Europe see their political agendas threatened by the growing cross-border movements against corporate domination. And they are pooling information on political activists of all stripes, not only the Black Bloc bogeymen that are being conveniently used as the new spectre of evil to justify the new repression. And as the spying on normal political activity expands, states are tightening access that citizens have to information about their governments. Canada, it increasingly appears, will be no exception.

Bronskill and Pugliese based much of the reporting for their series on Access to Information Act requests. That's how they discovered the RCMP had in May established a special unit - the Public Order Program - to help the force exchange secret intelligence and information on crowd-control techniques with other police agencies.

But the smoke signals from Ottawa indicate the Liberal cabinet wants to restrict our access to public information. In an interview, Bronskill noted the government already has extensively studied the program and could be preparing administrative or legislative changes. That's the worry of Ontario Liberal MP John Bryden, whose committee on the future of ATIP was publicly snubbed this week by Prime Minister Jean Chrétien. Chrétien ordered civil servants not to appear before the committee. Meanwhile, the government's official task force on ATIP is doing its

work in secret. And as the Open Government Canada coalition noted this week, the task force is made up of civil servants from departments regulated by the law - an obvious conflict of interest.

"There are worrisome signals," Bronskill says. "There is legitimate concern this review will lead to higher fees, fewer records available and more restrictions on access."

The submissions the task force has received are overwhelmingly in favour of keeping fees in line and making the program more open, Bronskill notes. "There's no evidence to suggest there are vexatious or frivolous requests, the phrase they use to say the program is being abused." Even CSIS, he adds, has said the ATIP requests it receives are responsible and well thought out.

If the old adage that information is power is true, then the conclusions of this trend are obvious. Governments are afraid of the power of their citizens.

"There is a connection there," Bronskill says. "The link between surveillance of activists and problems with ATIP is the concept of control of information. On the one hand you have government collecting, storing and keeping information secret, and, on the other hand, the right of access to that information being curtailed in a way that limits the right of people to know."

People interested in keeping Canada transparent might want to attend a conference at St. Joseph's Parish, 151 Laurier East, in Ottawa on Oct. 5. "Global Cops Program: The Corporate Security State's Assault on Democracy" is sponsored by a number of peace and disarmament groups, unions and citizens' organizations. For more information, go to www.peacewire.org/

144. 28 SEPTEMBER 2001: RESPONSE TO PUBLIC COMPLAINT LODGED ON MARCH 9 2001 FROM BAS FLEURY RESPONSE TO PUBLIC COMPLAINT LODGED ON MARCH 9 2001 FROM BAS FROM RCMP ACCESS TO INFORMATION

Royal Gendarmerie Canadian Royale Mounted du
Police Canada

Security Classification/ Designation Classification/designation
securitaire

Unclassified

Non-Commissioned Officer in Charge
Internal Affairs Unit
657 West 37th Avenue
Vancouver, BC
V5Z 1 K6

Our File Notre reference
2001-129 (IAU)

Ms. Joan Russow
1230 St. Patrick Street
Victoria, BC
V8S 4Y4

September 28th 2001

Dear Ms. Russow:

This is in reference to your public complaint which you lodged on March 9th 2001 via the Commission for Public Complaints (CPC) against the Royal Canadian Mounted Police, file PC-2001-0189 refers.

Background Information

On November 27", 1999, you lodged a complaint with the CPC stating you were refused security clearance to attend the Asia Pacific Economic Conference in Vancouver, B.C. on November 22nd and 23rd 1997. The CPC acknowledged receipt of your complaint and notified the Commissioner of the RCMP as required under subsection 45.35(3) of the RCMP Act. This complaint was investigated and you were informed of the findings of that investigation. File references are PCC-1997-1077 and RCMP 1997-578.

Subsequently, you were not satisfied with the manner your complaint was investigated and requested a review by the CPC. The CPC reviewed your complaint and found that there was no evidence to support your allegation. Accordingly the Commission was satisfied with the RCMP's disposition of your complaint.

On March 7th, 2001 you corresponded with Lorraine Blommaert from the CPC, and understood that a new complaint would be examined in the context of your original Asia Pacific Economic Conference complaint. Apparently, you had been informed by Mr. John Holland from the Commission Review Committee that they could not review any additional material that emerged subsequent to the original complaint.

You then forwarded a list of questions and lodged another complaint against unidentified members of the RCMP for improper disclosure of information, neglect of duty, irregularity of evidence, and oppressive conduct and lack of service. This complaint was received by Lorraine Blommaert from the Commission.

Findings of the Investigation

Upon review of the "new information" that you provided to the Commission, I do not see anything that would lead me to believe that any of the material is new or relevant to what has already been investigated. The CPC was consulted, and have agreed that the information that you provided on March 7th, 2001 was received by them in error. Their position was that the complaint should have been withdrawn, however they do not have that authority to withdraw a complaint once it has been received by them.

Furthermore, many of your questions that you posed to the Commission cannot be answered by the RCMP. They are questions that were directed to a third party and accordingly can be dealt with in another manner.

Conclusion

I am not satisfied that the information you provided warrants a full scale investigation. Many of your concerns have been addressed through a public hearing process held last year in Vancouver. I would strongly urge you to obtain the interim report submitted by the Honourable Ted Hughes following his chairing of the public hearing on the Asia Pacific Economic Conference. This lengthy report can be obtained by calling toll free 1800-267-6637 and asking for a copy of the "Hughes Report."

Therefore pursuant to Section 45.36(5)(c) of the RCMP Act, I am directing that no further action or further investigation be taken in relation to your allegations as, "investigation or further investigation is not necessary or reasonably practicable."

Please be advised that pursuant to Section 45.4 of the RCMP Act, I am notifying you that the investigation into your complaint has now been concluded. If you are not satisfied with the manner in which your complaint has been addressed by the RCMP, you may request a review by the Commission for Public Complaints (CPC) against the RCMP by corresponding with them at the following address:

Commission for Public Complaints (CPC) against the RCMP
Western Region
Suite 102, 7337 - 137 Street
Surrey, BC V3W 1A4
(604) 501-4080 or toll free 1-800-665-6878

The Royal Canadian Mounted Police provides this letter to you in confidence to protect the privacy rights of you and third parties. Please do not further disclose this letter and the personal information contained in it without first consulting the Personal Information Protection and Electronic Documents Act, Stats. Can. 2000, c. 5, in relation to the collection, use and disclosure of personal information by the private sector.

Yours Truly,

B.A.S. Fleury, Sergeant
Acting Non-Commissioned Officer in Charge Internal Affairs Unit
"E" Division
C.C. Regional Director, CPC

CHALLENGE OF THE BILL C-36 ANTI-TERRORISM AND OTHERS UNDER INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS.

145. 21 NOVEMBER 2001: ARTICLE ACTIVIST CAUTIONED TO BEHAVE. An Hoang.

146. 01 DECEMBER 2001: RESPONSE FROM SENATE TO REQUEST TO APPEAR.

TO MAKE A PRESENTATION ON C: 36 THE ANTI-TERRORISM:

Russow had requested to appear and raise the issue of the importance of complying with the International Covenant on Civil and Political Rights.

THE SENATE OF, CANADA LE SENAT DU CANADA

December 1, 2001

BY E-Mail: jrussow@coastnet.com

Ms. Joan Russow

Coordinator

Global Compliance Research Project

1230 St. Patrick St, Victoria. V8S 4Y4

Dear Ms. Russow:

The Special Senate Committee on Bill C-36 has received many requests to appear on this bill. A great deal of time has been spent formulating a witness list, which will provide a balanced and comprehensive perspective for Committee members.

The Committee was unable to include all requests in the witness list for the hearings to be held in Ottawa early December, and I regret to inform you that you were not among those selected. However, the Committee would welcome the submission of a written brief. If you decide to submit written comments, they should be sent to my attention at the above Committee (Ottawa KIA OA4).

If you would like to receive copies of the Committee proceedings or the final report on Bill C-36, please send your request via e-mail to: charlc@sen.parl.gov, or to

Dr. Heather Lank, Clerk

Special Senate Committee on Bill C-36

The Senate of Canada

Ottawa, Ontario

KIA OA4

Thank you for your interest in the work of the Committee. We appreciate your contribution.

Sincerely,

for Heather Lank Clerk of the Committee

147. 10 DECEMBER 2001: COMMENT ABOUT THE ANTI-TERRORISM ACT IN CONTRAVENTION OF THE INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS

Even before Bill C36 comes into force, the RCMP and CSIS have been violating the Civil and Political Rights of Citizens, and this Act will further expand and condone the violation of these rights.

RE: Bill C36

C36-the Anti-terrorism Act could violate the International Covenant of Civil and Political Rights which was negotiated in 1966, and ratified by Canada in 1976.

The government of Canada has not demonstrated as required under Article 4 that Canada is "in [a]time of public emergency which threatens the live of the nation and the existence of which is officially proclaimed. ...and thus to justify "derogating from their obligations"

Canada is required to inform all State parties to the Covenant, under Article 4, that Canada is "availing itself of the right of derogation"

The Canadian government should be called upon to seek an advisory opinion from the International Court of Justice on whether C36 contravenes the International Covenant of Civil and Political Rights.

On December 6th, 2001, Donald Fleming a professor of international law from the University of New Brunswick in his presentation to the Senate hearings on Bill C 36, stated that C 36 could contravene specific rights in the International Covenant of Civil and Political Rights. in particular the following sections:

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind such as race colour , sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect tot he rights recognized in the present Covenant
3. Each State Party to the present Covenant undertakes:
 - a to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
 - b. to ensure that any person claiming such a remedy shall have his[/her] right thereto determined by competent judicial administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
 - c to ensure that the competent authorities shall enforce such remedies when granted.

Article 9

1. Everyone has the right to liberty and security of persons. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as any established by law.
2. anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest ad shall be promptly informed of any charges against him
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trail within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained. In custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and should occasion arise, for execution of the judgment
- 4 anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if this detention is not lawful
- 5 anyone who has been a victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him or his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. the press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the Parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern

matrimonial disputes of the guardianship of children 2. Everyone charged with criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him everyone shall be entitled to the following minimum guarantees in full equality:

- (a) to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
- (b) to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
- (c) to be tried without undue delay
- (d) to be tried in his presence and to defend himself in person or through legal assistance of his own choosing; to be, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice require, and without payment by him in any such case if he does not have sufficient means to pay for it.
- (e) to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (f) to have the free assistance of an interpreter if he cannot understand or speak the language used in court;
- (g) Not to be compelled to testify against himself or to confess guilt

Article 17.

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1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

CAMPAIGN: OPTIONS

OPTION 1: to call upon Canada to seek an advisory opinion from the International Court of Justice on whether the "offending" legislation might contravene the International Covenant of Civil and Political Rights.

Relevant sections in the International Court of Justice Statutes:

Article 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and convention in force.
2. The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement. in relation to any other state accepting the same obligations the jurisdiction of the Court in all legal disputes concerning.
 - a. the interpretation of a treaty
 - b. any question of international law
 - c the existence of any fact which if established would constitute a breach of an international obligations;
 - d) the nature or extent of the reparation to be made for the breach of an international obligations.
3. the declaration referred to above may be made unconditionally or on condition of reciprocity o the part of several or certain states, or for a certain time.
4. Such declarations shall be deposited with the Secretary-General of the United Nations who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

Article 65 advisory opinions

The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request

2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required and accompanied by all documents likely to throw light up the question.

Article 66

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.
2. the Registrar shall also by means of a special and direct communication notify any state entitled to appear before the Court or international organization considered by the Court, or should it not be sitting, by the President as likely to be able to furnish information on the question that the Court will be prepared to

receive within a time limit to be fixed by the President, written statements or to hear at a public sitting to be held for the purpose, oral statements relating to the question.

4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent and within the time limits which the Court sits or should it not be sitting, the President, shall decide in each particular case. Accordingly the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

Article 68

The court shall deliver its advisory opinion in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

OPTION 2.

Lobby at the UN for member states of the UN to pass a resolution to request the International Court of Justice to review anti-terrorism legislation in Canada, United States, Great Britain to determine if the legislation contravenes the International Covenant of Civil and Political Rights.

OPTION 3

To work with other NGOs to prepare a report on the potential violation of the International Covenant through the implementation of Bill 36, 35 and 42, and appear before the Commission when Canada is submitting its report to the UN Human Rights Commission responsible for monitoring the compliance with the International Covenant of Civil and Political Rights.

Rule 66 under the Rules of Procedure " States parties to the Covenant shall submit reports on the measures they have adopted which give effect to the rights recognized in the Covenant and on the progress made in the enjoyment of those rights. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the Covenant.

148. 12 DECEMBER 2001: MEDIA REPORT ABOUT BEING ON AN RCMP LISTS

NOTE: the fact that Russow was on an APEC threat assessment list was widely broadcast on the internet. The following is one example:

TWISTED Badge our missions to promote public awareness of the need to be vigilant in matters involving law enforcement malfeasance.

...the report also revealed another RCMP unit called the Threat Assessment Group Tag which compiled secret dossiers on over 12000 people including an accomplished academic and environmentalist name Joan Russow who also one led the Green Party in Canada

Russow was characterized as "overly sympathetic" to APEC protesters and for that she was deemed threat to national security and banned from attending APEC
http://www.twistedbadge.com/feature_canada1.htm

149. 13 DECEMBER 2001: RUSSOW FILES DEFAMATION CASE

Joan Russow files statement of claim re Defamation of Character

IN THE FEDERAL COURT OF CANADA TRIAL DIVISION

JOAN ELIZABETH RUSSOW
PLAINTIFF
HER MAJESTY THE QUEEN
STATEMENT OF CLAIM
DEFENDANT
TO THE DEFENDANT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU

by the Plaintiff. the claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the Federal Court Rules, 1998, serve it on the plaintiff's solicitor or, where the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, to a local office of this Court,

WITHIN 30 DAYS after this statement of claim is served on you, if you are served within Canada. If you are served in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defence is sixty days.

Copies of the Federal Court rules, 1998, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Date: 2001 Issued by
DEC 13, 2001

Registry Officer
Sandra McPherson

TO: Her Majesty the Queen Department of Justice 900-840 Howe St. Vancouver, B.C. V6Z 2S9

Address of

Local office 700 West Georgia

Local Office

701 W Georgia

Vancouver, V7Y 1B6

CLAIM

The Plaintiff, Joan Elizabeth Russow Ph.D, of 1230 St. Patrick St. Victoria, B.C. V8S4Y4, a former sessional lecturer in Global issues, the Federal Leader of the Green Party of Canada from April 1997 to March 2001, and currently the Co-ordinator of the Global Compliance Research Project--monitoring state compliance with international law.

claims the following:

1. that she has experienced a direct attack against her reputation nationally and internationally, and that her "esteem has been lowered in the estimation of right thinking members of society" by being placed on a RCMP APEC Threat Assessment under the Office of the Solicitor General, and on a military list initiated by Robert Fowler formerly with the Department of Defence.
2. that the directive to pull her APEC pass media was reported, in Christine Price's testimony before the RCMP Public Complaints Commission, as coming from Oak Bay resident Brian Groos who was acting on instructions from the Prime Minister's Office (PMO) and possibly from the Department of Foreign Affairs and International Trade (DFAIT)
3. that the RCMP officers and other officials in the media accreditation office at APEC, being aware that there had been a directive to prevent Russow from entering APEC Conference, pretended that the reason for her pass being pulled was that the Oak Bay news paper, for which Russow had an assignment, did not exist, and then they proceeded to create innuendo's in their testimony that they were justified in pulling the pass because of her behaviour. [they knowingly misrepresented the situation.]
4. that the placing of her name, picture and her political affiliation on a threat assessment group list has caused harm, and was politically motivated, and that Brian Groos was closely associated with David Anderson against whom Joan Russow ran in the 1997 and 2000 election
5. that the placing of her affiliated group, the Green Party, at the request of Robert Fowler, previously in the Defence Department, on a military **list ...**
6. that the placing of Joan Russow on the RCMP Threat Assessment Group list and on the Military Group list has impacted on her reputation as well as the reputation of those associated with her.

7. that the placing of the leader of a registered political party, an internationally established party, on a RCMP Threat Assessment List has constituted a violation of fundamental human rights under the International Covenant of Civil and Political Rights and contributed to discrimination under Article 2 on the grounds of "politics".

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8. that being on a list that has been known to be circulated to third parties, and possibly other countries, may have influenced her access to work and her freedom of movement because of the designation of her as a threat and because of the innuendo associated with being designated a threat or with belonging to a group disloyal to her country,

9. that during the APEC RCMP Public Complaints Commission hearing, broadcast across the country on CPAC, and up on a web site, a remark was made by Constable Boyle based on RCMP "intelligence" that Russow had behaved inappropriately on a media bus [which Russow was never on]

10. that when Joan Russow, who had filed a complaint to the RCMP Public Complaints division, asked Commissioner Hughes if she could appear to counter the statement made about her inappropriate behavior she was denied access to the RCMP Public Complaints Commission hearing.

WHEREFORE THE PLAINTIFF CLAIMS:

A. GENERAL DAMAGES

B. SPECIFIC DAMAGES TO BE ASSESSED

C. EXEMPLARY AND PUNITIVE DAMAGES

D COSTS OF THIS ACTION

E. SUCH FURTHER AND OTHER RELIEF AS TO THIS HONOURABLE COURT MAY DEEM FAIR.

F. THE IMMEDIATE REMOVAL FROM "NATIONAL SECURITY LISTS" OF ACTIVISTS WHO HAVE ENGAGED IN PROMOTING COMMON SECURITY-GUARANTEERING HUMAN RIGHTS, LABOUR RIGHTS, PREVENTING WAR AND CONFLICT, ENSURING SOCIAL JUSTICE, AND PROTECTING THE ENVIRONMENT

I HEREBY CERTIFY that the above document is true copy, of the original issued out of the Registry of the Federal Court of Canada

DEC 13 2001

of -

Dated this

JOAN RUSSOW 1230 ST PATRICK ST VICTORIA, B.C. V8S4Y4

1 (250) 598-0071

150. 13 DECEMBER 2001: MEDIA RELEASE: ANNOUNCING THE STATEMENT OF CLAIM: RE DEFAMATION OF CHARACTER

THREAT ASSESSMENT LIST

Joan Russow files Statement of Claim: re Defamation of Character

(Victoria, December 13, 2001) Joan Russow, former leader of the Green Party of Canada, filed suit today in the Federal Court Trial Division in Vancouver against the Crown (File # T218401). In her statement of claim, she refers to the Prime Minister's Office, the Department of Defence, the Department of Foreign Affairs and International Trade, and the Attorney General of Canada.

Dr. Russow claims that the RCMP knowingly misrepresented the reasons why her media pass was pulled at the 1997 APEC Conference held in Vancouver. The RCMP's actions were the result of political interference from the PMO. As a result of her being placed on "lists" by the federal government, her reputation has been damaged and access to work and her freedom of movement may have been affected.

Her suit claims that the placing of the leader of a registered political party - an internationally established party - on a RCMP Threat Assessment List, has constituted a violation of fundamental human rights under the International Covenant of Civil and Political Rights and contributed to discrimination on the grounds of "politics".

Justice Minister McLelland has said that under current legislation and the proposed Bill C-36, citizens and groups that are wrongly placed on lists have institutional channels to address their wrongful

inclusion. Since 1997 when Russow was wrongly put on the APEC Threat Assessment Group list, Russow has exhausted all institutional remedies, including the RCMP Public Complaints Commission, Canadian Security Intelligence Service, Security Intelligence Review Committee, and the RCMP Commission Review Committee. After four years, she is no closer to determining why she was placed on the list except that the directive came from the PMO's office. Clearly, Minister McLelland's assurances are meaningless.

Russow has suffered harm and is seeking compensation, including general, specific and punitive damages. In addition, she is demanding the immediate removal from national security lists of activists who have engaged in promoting common security - including guaranteeing human rights, labour rights, preventing war and conflict, ensuring social justice, and protecting the environment.

-30-

For further information, contact:

Joan Russow, Ph.D,
phone 1-250-598-0071

151. 15 DECEMBER 2001: MEDIA COMMENT ABOUT RUSSOW IN COURT

Former Green Leader Russow Sues Ottawa over Threat Listing
Times Colonist

Former Green leader Russow sues Ottawa over threat listing
Southam Newspapers

Ottawa –Joan Russow, former leader of the Green Party , is suing the Federal government over her placement on a secret threat assessment list, calling it a “direct attack against her reputation.”

In papers filed in the trial division of Federal Court of Canada this week, the Oak Bay woman says the appearance of her name and photo on a threat list prepared by police and intelligent official for the APEC summit in Vancouver four years ago may have also limited her freedom of movement and ace to work.

Russow, who was leader of the federal Green Party at the time, argues her designation as a potential security threat constitutes a violation of fundamental human rights on the grounds of political discrimination. In an interview , she said the threat listing has left lingering suspicions in the minds of people who know her.

“I’m having to live with that stigma that I’ve done something wrong that is perceived to have been a threat to the country,”. Russow, 63, said Friday. “I’m certainly not a threat to Canada.”

The federal government has 30 days to respond. The allegations come as Parliament considers legislation that would make it easier to eavesdrop, on, arrest and question suspected terrorists. Some critics fear the new laws would be used to crack down on anti-globalization activists and other demonstrators, a charge the Liberal government denies.

In recent months, civil libertarians have expressed concern about police and intelligence service surveillance of law-abiding activists. The government insists federal agencies are acting within the law to protect national security.

Russow learned she was on the APEC threat list in late 1998 when copies were tabled with the RCMP Public Complaints Commission, which conducted hearings into complaints from protesters who were pepper-sprayed and arrested.

The threat assessments had been assembled for the 1997 Asia-Pacific economic summit by an ad-hoc group comprising members of the RCMP, Canadian Security Intelligence Service and other agencies.

Russow has formally complained to review bodies that oversee the RCMP and CSIS, but has yet to discover how and why she was placed on the list.

In court documents, Russow contends being on a threat list circulated to third parties, and possibly other countries, may have curbed her work opportunities “ because of the innuendo associated with being designated a threat or with belonging to a group disloyal to her country. “

152. 15 DECEMBER 2001: NATIONAL POST FORMER GREEN PARTY CHIEF SUES OTTAWA

MARKED AS SECURITY RISK

By Jim Bronskill

Ottawa. Joan Russow, Former leader of the Green party, is suing the federal government over her placement on a secret threat assessment list, calling it a “direct attack against her reputation”.

In papers filed in the trial division of the Federal Court of Canada this week, the Victoria woman says the appearance of her name and phone on a threat list prepared by police and intelligence officials for the APEC summit in Vancouver four years ago may have also limited her freedom of movement and access to work.

Ms Russow, who was leader of the federal Green party at the time, argues her designation as a potential security threat constitutes a violation of fundamental human rights on the grounds of political discrimination.

In an interview, Ms Russow said that being listed as a threat has left lingering suspicions in the minds of people who know her.

“I’m having to live with that stigma that I’ve done something wrong that is perceived to have been a threat to the country” Ms Russow, 63 said yesterday.

“I’m certainly not a threat to Canada” she added The federal government has 30 days to respond.

The allegations come as Parliament considers legislation that would make it easier to eavesdrop, on, arrest and question suspected terrorists. Some critics fear the new laws would be used to crack down on anti-globalization activists and other demonstrators, a charge the Liberal government denies.

In recent months, civil libertarians have expressed concern about police and intelligence service surveillance of law-abiding activists. The government insists federal agencies are acting within the law to protect national security.

The government insists that federal agencies are acting within the law to protect national security

Ms Russow has formally complained to review bodies that oversee the RCMP and the Canadian Security Intelligence Service, but she has not yet to discover how and why she was placed on the threat assessment list.

In the court documents, Ms Russow contends being on a threat list circulated to third parties, and possibly other countries may have curbed her work opportunities “ because of the innuendo associated with being designated a threat or with belonging to a group; disloyal to her country”

On a recent trip to Ecuador, she was subjected at the border to a thorough search. That promoted her to wonder whether Canadian officials had passed her name to international security agencies

She seeks unspecified damages as well as the immediate removal from “national security lists” of activists who have promoted common security, human rights labour rights, prevention of war, social justice or environmental protection.

Southam news.

153. DECEMBER 21, 2001: ACCESS TO INFORMATION RE: RCMP

RCMP

ACCESS TO INFORMATION

1. Reasons for placing Joan Russow on a Threat Assessment Group list
2. Reasons for ignoring Christine Price’s testimony that she had had a directive from Brian Groos from the PMO to prevent Russow from attending the APEC meeting
3. Criteria for placing citizens on Threat Assessment Group lists
4. What is the NCO-an acronym that was placed on the TAG list
5. What connection did the RCMP have with the registered American firm, Threat Assessment Group list
6. What were the reasons that Russow was not permitted to be part of the RCMP public Complaints Commission hearing
7. Why did Commissioner Hughes refuse to permit Russow to address the misstatement of fact by Constable Boyle, and why did the RCMP claim that Russow behaved inappropriately on a media bus going to UBC or out at UBC when Russow was never on a media bus and was never at UBC during the APEC conference
8. What role did Storrow have in preventing Russow from being part of the RCMP Public Complaints Commission

9. Why was Christine Price who under oath stated to the RCMP that there had been a directive from the PMO not called upon to testify

10 Why did the RCMP Complaints Commission fail to address the issue of the interference by the PMO with the RCMP

154. 24 DECEMBER 2001: MEDIA COMMENT ABOUT COURT CASE

Russow wants her day in court “ to be put on a list and presumed a threat to the country is very disconcerting Article in the B10 Week end edition by Marke Browne

Mark Brown

Joan Russow wants her day in court with the federal government

The Oak Bay resident and former leader of the Green Party of Canada filed a defamation of character lawsuit in the federal court trial division in Vancouver on Dec 13 against the Prime Minister’s office. The Department of National Defence. The Department of Foreign Affairs and International Trade and the Federal Attorney General

Russow claims the RCMP knowingly misrepresented the reasons behind her having a media pass cancelled during the 1997 APEC Conference. As well, she was placed on federal government lists, including the RCMP Threat Assessment list suggesting she is some kind of threat to the country.

“to be put on a list and presumed a threat to the country is very disconcerting” says Russow.

She claims the RCMP’s actions were the result of political interference from the Prime Minister’s office. Russow says she is seek compensation, including general and specific damages, on the premise that she has suffered harm as a result of the federal government’s actions.

She says many people she has spoken to have automatically assumed that she has done something wrong because she was placed on the list.

There ‘s always this innuendo that I’ve done something wrong.” Adds Russow

Her suit claims that as the leader of a political party at the time of APEC conference when she was put on the threat assessment lists , her fundamental right were violated under the International Covenant of Civil and Political Rights.

Russow notes that federal Justice Minister Ann McClelland states that under current legislation and the proposed Bill C36, citizens and groups that are wrongly placed on federal government threat assessment lists have various channels where they can argue that they were wrongly included on such lists.

She says she has exhausted all attempt to have her inclusion on the lists addressed. She has approached the RCMP complaints Commission, the Canada Security Intelligence Service, Security Intelligence review Committee and the RCMP Commission Review Committee

She says after four years she has still not been able to determine why she was put on the lists.

Russow ahs not hired a lawyer as she plans to act on her own behalf when her case gets dealt with in court. Aside from seeking compensation, she is demanding the immediate removal from all security lists of protesters who have not nothing more than promote such issues as social justice and protection of the environment.

Russow wants her day in court “ to be put on a list and presumed a threat to the country is very disconcerting Article in the B10 Week end edition by Marke Browne

155. 9 JANUARY 2002: ATTORNEY GENERALS’ RESPONSE TO THE CLAIM

T-2184-01

Vancouver Registry

IN THE FEDERAL COURT OF CANADA TRIAL DIVISION

BETWEEN:

JOAN ELIZABETH RUSSOW

PLAINTIFF

AND:

HER MAJESTY THE QUEEN

DEFENDANT

NOTICE OF MOTION

TAKE NOTICE THAT the Attorney General of Canada, on behalf of the defendant, Her Majesty the Queen, will make a motion to the court at the 3rd floor of the Pacific Centre, 701 West Georgia Street, Vancouver, British Columbia, on Monday, the 21st day of January, 2002 at 9:30 a.m. or so soon thereafter as counsel can be heard.

THE MOTION IS FOR an order setting aside, striking out or summarily dismissing the plaintiff's statement of claim dated December 13, 2001, pursuant to Rules 4, 208 and 221 of the Federal Court Rules, 1998 and the inherent jurisdiction of the court.

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THE GROUNDS OF THE MOTION ARE as follows:

- (a) the pleading s clearly improper and bereft of any possibility of success; fails to disclose a reasonable cause of action; is scandalous, frivolous or vexatious; may prejudice the fair trial of the action and is otherwise an abuse of the process of the court, in that, inter alia it does not plead the material facts disclosing any cause of action known to law and is otherwise beyond the jurisdiction of this Honourable Court;
- (b) costs to the defendant in any event of the cause; and
- (c) such further and other grounds as counsel may advise and the Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be presented:

- (a) pleadings and proceedings herein; and
- (b) such further and other material as counsel may advise and the Honourable Court may permit.

It is anticipated that this motion will require approximately 45 minutes for hearing.

Dated at the City of Vancouver, this 9th day of January , 2002.

Morris Rosenberg\ Deputy Attorney General of Canada Per: Paul F. Partridge
On Behalf of Her Majesty the Queen

TO: The Plaintiff
000184

This Notice of Motion is filed by Morris Rosenberg, Deputy Attorney General of Canada, whose place of business and address for delivery is c/o Department of Justice 900 - 840 Howe Street, Vancouver, BC V6Z 2S9; Telephone: (604) 666-0303; Facsimile: (604) 775-5942; Per: Paul F. Partridge

Court File No. T-2184-01 FEDERAL COURT - TRIAL DIVISION

BETWEEN

JOAN ELIZABETH RUSSOW
Plaintiff
and HER MAJESTY THE QUEEN
Defendant

SOLICITOR'S CERTIFICATE OF SERVICE

I, Paul F. Partridge, Solicitor, certify that I caused the plaintiff, Joan Elizabeth Russow to be duly served with the Motion Record of Her Majesty the Queen by delivering the document by courier to the plaintiff's address for delivery at 1230 St. Patrick Street, Victoria, BC V8S 4Y4 on January 16, 2002.

Paul Partridge, Counsel'
On Behalf of Her Majesty the Queen
Tel: (604) 66-0303 Fax: (604) 775-5942 File No. 2-202381
000186

B €TW
Court File No. T-2184-01

FEDERAL COURT - TRIAL DIVISION

JOAN ELIZABETH RUSSOW
Plaintiff
and HER MAJESTY THE QUEEN
Defendant

SOLICITOR'S CERTIFICATE OF SERVICE

I, Paul F. Partridge, Solicitor, certify that I caused the plaintiff, Joan Elizabeth Russow to be duly served with the Motion Record of Her Majesty the Queen by delivering the document by courier to the plaintiff's address for delivery at 1230 St. Patrick Street, Victoria, BC V8S 4Y4 on January 16, 2002.

Paul Partridge, Counsel
On Behalf of Her Majesty the Queen
I el. (604) 666-0303 Fax: (604) 775-5942 File No. 2-202381

156. JANUARY 2002: REPORT ABOUT COURT CASE
NEWS FLASHES Now Magazine; Green's revenge by Scott Anderson

FORMER Green Party of Canada leader Joan Russow is putting the government on notice that she won't be victimized by the new wave of post-11 crackdowns by police. She's suing the federal government for being placed on a secret RCMP threat list four years ago. She's also claiming damages over a defence department list that included the Green party ...

Russow, who filed the claim last month, alleges that her inclusion on the RCMP list was "politically motivated" and that her press credentials were revoked at the 1997 Vancouver Asia Pacific Economic Conference (APEC) as a result of "instructions from the prime minister's office."

She maintains that "being on a list that has been known to be circulated to third parties and possible to other countries may have influenced her access to work and her freedom of movement because of her designation as a threat and because of the innuendo associate with designation o..

Says Russow: "I hope to get an apology and some damages but primarily it's a call for the government to remove all citizens (from government lists) who have engaged in guaranteeing human rights, protecting the environment, preventing war and conflict, and ensuring social justice."

Lyse Cantin, a spokesperson for the Federal Department of Justice in Vancouver, had no comment.

157. 22 JANUARY 2002: COURT STRIKES CLAIM BUT DOES NOT DISMISS
DEFAMATION CASE SUGGESTS MORE AIT REQUEST

FEDERAL Court of Canada Trial Division

Vancouver, British Columbia, Tuesday, the 22nd day of January, 2002
Present Mr. John A Hargrave, Prothonotary

1. Statement of Claim. As it stands, is one to which the Defendant should not be expected to have to plead to. At best it suggests a claim in defamation. However, it is not only bereft of facts and of the particulars required to support the tort of defamation, but also is replete with pleas amounting to evidence, conclusions, without proper factual foundation and immaterial allegations.

3. My initial view, after considering the Statement of Claim and reading the material, on hearing counsel for the Defendant, and on listening to the lengthy opening remarks of the Plaintiff who acts for herself, was that there could conceivably be rights which needed a remedy.

4. "... I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the

Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed, I viewed it as a n expensive fishing expedition, which entailed serious allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient. [I pointed out that I was in a conundrum that lawyer for the defendants claimed that I did not have sufficient particulars and I responded that after four years of trying and I showed the 2 inch thick binder I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the “particulars”. The judge’s response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in *Guetta v the Queen* (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

6. counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim, sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts. ...

158. Prior to January 21, 2001 appearance in court, Russow have spent four years moving through various processes: RCMP Complaints Commission [did not allow me to participate as a complainant in the RCMP Public Complaints Commission]; RCMP review, CSIS, SIRC [All the processes that the former Minister of Justice, Ann McClelland, stated would be open to those citizens and groups that were placed on lists under Bill C36 the Anti-terrorism Act.]

159. FROM JANUARY TO PRESENT: Russow has submitted almost 60 access to information and privacy requests: she has included a selection of the requests and the responses. There are still outstanding requests.

160 23 JANUARY 2002: COMPLAINT SENT TO PRIVACY COMMISSIONER

161. 24 JANUARY 2002: RESPONSE FROM PRIVACY COMMISSION

Dear Joan Russau [Russow]

This will acknowledge receipt of our fax correspondence of January 23, 2002 addressed to the Office of the Privacy Commissioner of Canada, which was referred to me.

Once we have had the opportunity to review your correspondence, we may have further communication with you

In the interim, should you require any additional information, you may call our office during normal working hours at 613 995 8210 1 800 282 1376 or communicate by e-mail at infor @privcom.gc.ca

Yours sincerely.

Joyce McLean

Manager, Inquiries Unit

152. JANUARY 2002: RESPONSE TO REPORTER ABOUT INFORMATION ABOUT COURT CASE

ATTENTION: JIM BRONSKILL
FAX CONTAINS: 3 PAGES
MESSAGES.

On January 21st I was caught in a conundrum. The lawyer for the Attorney General and the Judge continually affirmed that I did not have sufficient particulars for a defamation suit, and I responded that ironically the defendants in the case mentioned in the Statement of Claim: The Prime Minister's Office, the Solicitor General's department, the Department of Defence, the Department of Foreign Affairs and International Trade would be the ones that would have the particulars. I indicated that I had spent four years trying to find out about the particulars. During the Court hearing, the Judge at one point stated that placing me on a Threat Assessment Group list can be distinguished from stating that "Joan Russow is a threat". , and he suggested that if in four years I could not come up with the particulars then what I was doing was just a fishing expedition. I would have thought that he would have been more concerned that a citizen should be forced to spend four years through the various processes without being able to find out the reason for being placed on the list.

The judge did not dismiss the case so I can file a subsequent claim once I receive the "particulars" that most likely will not be forthcoming. I have consequently filed subsequent requests.

Joan Russow
250 598-0071

163. 29 JANUARY 2002: ACCESS TO INFORMATION SENT TO RCMP

RCMP Access to information

1. Reasons for placing Joan Russow on a Threat Assessment Group list
 - a. Reasons for ignoring Christine Price's testimony that she had had a directive from Brian Groos from the PMO to prevent Russow from attending the APEC meeting
 - b. Criteria for placing citizens on Threat Assessment Group lists
 - c. What is the NCO – an acronym that was placed on the TAG list
 - d. What connection did the RCMP have with the registered American firm. Threat Assessment Group list
 - e. what were the reasons that Russow was not permitted to be part of the RCMP Public Complaints Commission hearing
 - f. Why did Commissioner Hughes refuse to permit Russow to address the misstatement of fact by Constable Boyle, and why did the RCMP claim that Russow behaved inappropriately on a media bus going to UBC or out at UBC when Russow was never on media bus and was never at UBC during the APEC meeting
 - g. What role did Storrow have in preventing Russow from being part of the RCMP Public Complaints Commission
 - h. Why was Christine Price who under oath stated tot eh RCMP that there had been a directive from the PMO not called upon to testify
- I Why did the RCMP complaints Commission fail to address the issue of the interference by the PMO with the RCMP

164. JANUARY 30 2002: FILE A ACCESS TO INFORMATION REQUEST WITH THE PRIVY COUNCIL OFFICE

1. Information about the direction from the PMO to Christine Price to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list
2. Detailing of reasons for pulling Russow's pass

3. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis-a-vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists
4. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.
5. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate consent
6. Information what actions are to be taken to address the issue of political interference by the Prime Minister's office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List
7. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.

165. 28 JANUARY 2002: FURTHER PHONE CALL TO SOLICITOR GENERAL ABOUT DECISION MADE BY COMMISSIONER HUGHES TO EXCLUDE RUSSOW

166. 29 JANUARY 2002: CALL FROM SOLICITOR GENERAL ACCESS TO INFORMATION REQUEST

167. 31 JANUARY 2002: REVISED ACCESS TO INFORMATION REQUEST SENT TO SOLICITOR GENERAL

- 1 (a) information about directive by Brian Groos from the Prime Minister's Office to prevent Russow from attending APEC 1997 CONFERENCE, and the subsequent placing of Russow on a Treat Assessment list
- (b) Details about distribution and sharing of threat lists
- (c) Directions from the department to RCMP and CSIS to ensure that they comply with the statutory requirements that prohibit the placing of citizens who engage in legitimate dissent on Threat Assessment lists
- (d) What precedents exist for placing citizens engaged in legitimate dissent on Threat Assessment Groups lists and in particular the placing of a leader of a registered political party on a Threat Assessment list.
- (e) what are the departmental guidelines for addressing political interference with RCMP and CSIS e.g. A directive coming from the Prime Minister's Office to prevent me from attending APEC and the resulting placement of my picture and details on two threat assessment lists
- (f) what provisions exist within the department to remove citizens from Threat Assessment lists
- (g) Information about the reason that all the traditional channels such as the RCMP Complaints Commission, RCMP review, Privacy requests, CSIS complaint and SIRC etc. have failed to disclose he reason that Russow was placed on a threat assessment list
- (h) provisions within the mandate of your department to determine whether or not a person should attend an event as a member of the media
- (i) provisions in the act constituting your department to ensure that there is not political interference

February 18, 2002 letter from Duncan Roberts with material
Will research sections of the request that might come under "Privacy"

1230 St. Patrick St,
Victoria, B.C,
V8S 4Y4

168. 10 FEBRUARY 2002: REVIEW OF RCMP PRIVACY REQUEST SENT TO PRIVACY COMMISSIONER

1230 St. Patrick St.
Victoria, B.C.
V8S 4Y4

February 10, 2002

c/o Aaron Sawyer.
Privacy Commissioner Office
112 Kent St,
Ottawa Ont. K1A 1H3
1800 282 1376

Dear Mr. Sawyer,

This letter and documentation is to follow-up on our conversation of February 8, 2002.

In March 19, 2001, I sent a privacy request to the RCMP seeking access to all personal information held by the RCMP since 1963, and specifically reasons for placing me on a Threat Assessment Group list. As a result of this request, I received some documentation, but there were documents withheld. Furthermore, there was no information indicating reasons for placing me on a APEC Threat Assessment Group list in 1997. Please find enclosed the review form and relevant correspondence and information.

The only evidence that was released about my being placed on Threat Assessment Group list was an interview by a RCMP officer of another officer in the Crime division. The latter claimed that there had been a directive from Brian Groos from the PMO office to prevent me attending the APEC meeting. Other than political interference from the PMO's, this does not explain why I would be placed on a Threat Assessment list.

In the light of the recent legislation related to C36, the former Minister of Justice claimed during hearings held by the Senate Committee on Justice and Human Rights and to the Parliamentary Committee that there exists a simple process of addressing the wrongful placement of Canadian citizens on lists. I submit that there is no easy way of addressing the implications of being wrongfully placed on a threat list.

I hope that the enclosed information will enable you to investigate the failure of the RCMP to comply with my Privacy request.

Yours very truly,

Joan Russow (PhD)
1 (250) 598-0071

169. 10 FEBRUARY 2002: COMPLAINT TO ACCESS TO INFORMATION COMMISSIONER ABOUT FAILURE TO RESPOND TO RUSSOW'S LAWYER REQUEST TO CSIS AND RCMP

1230 St. Patrick St.
Victoria, B.C.
V8S 4Y4

February 10, 2002

John Reid
Access to Information Commissioner

On February 11 2000, my lawyer Andrew Gage submitted two access to information requests: one to the Canadian Security and Intelligence Service, and one to the Royal Canadian Mounted Police (see enclosed correspondence). He did not receive a satisfactory response, and subsequently sent a follow-up letter dated June 13, 2001. I have recently been in the Federal Court, and although my claim related to the implications

of being placed on the NCO Threat Assessment Joint Intelligence Group was struck, the judge indicated that I lacked the particulars and needed to submit further Access to information requests, and did not dismiss the case. In the light of the recent legislation related to C36, and the claims by the former Minister of Justice to the Senate Committee on Justice and Human Rights, and to the Parliamentary Committee, that there exists a simple process of addressing the wrongful placement on lists, I submit that there is no easy way of addressing the implications of being wrongfully placed on a threat list.

The only evidence that was submitted was an interview by a RCMP officer of an officer in the Crime division. She claimed that there had been a directive from Brian Groos from the PMO office to prevent me attending the APEC meeting. Other than political interference from the PMO's this does not explain why I would be placed on a Threat Assessment list.

Could you please address this matter.

Yours very truly

Joan Russow (PhD)
Former leader of the Green Party of Canada
1 (250) 598-0071

ATTACHMENT:
ATTENTION: Liana Bernier
FAX 1 613-995-1501

Please find enclosed a copy of the Access to Information Request that I sent to the RCMP on January 29, 2002.

I would like to file a complaint with your office about the failure of the RCMP to comply with my request.

Yours Truly

Joan Russow
1230 St Patrick St.
Victoria BC V8S4Y4
1 250 598-0071

**170. 11 FEBRUARY 2002: RESPONSE TO ACCESS TO INFORMATION
REQUEST FROM PRIVY COUNCIL**

Government of Canada
Privy Council Office

Ms Joan Russow
1230 ST. Patrick St.
Victoria, British Columbia

Dear Ms Russow:

This is to acknowledge receipt of your request, made under the Access to Information Act for:

The reason for giving direction to the RCMP in 1997 to prevent Russow from Attending APEC
November 1997

The reason for placing Russow on the APEC threat Assessment group list

Your request with the \$5.00 application fee, was received at the Privy Council Office on February 5, 2002 Please be assured that this office will contact you as required , during the processing of your request

Yours sincerely,

Ciuneas Boyle
Coordinator

171. 12 FEBRUARY 2002: RESPONSE FROM PRIVY COUNCIL OFFICE

February 12 received letter from Guineas Boyle

135-2-A-2001-0273

Dear Ms. Joan Russow
1230 St. Patrick Street
Victoria, B.C.

Dear Ms Russow:

This is to acknowledge receipt of your request, made under the Access to information Act for;

Information about the direction from the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list

A. Detailing of reasons for pulling Russow's pass

B. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis-a-vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists

C. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.

D. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate consent

E. Information what actions are to be taken to address the issue of political interference by the Prime Minister's office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List

F. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.

YOUR REQUEST WITH THE \$5.00 APPLICATION FEE, WAS RECEIVED AT THE PRIVY COUNCIL OFFICE ON FEBRUARY 6, 2002.

PLEASE BE ASSURE THAT THIS OFFICE WILL CONTACT YOU, AS REQUIRED, DURING THE PROCESSING OF YOUR REQUEST

YOURS SINCERELY,
GUINEAS BOYLE
COORDINATOR
ACCESS TO INFORMATION.

172. 18 FEBRUARY 2002: REVISED ACCESS TO PCO INFORMATION REQUEST

Amended February 18, 2002

Amended: information about the direction to Christine Price from the PMO to prevent Joan Russow from attending the APEC summit and the resulting consequences that Joan Russow was placed on a RCMP Threat Assessment Group list in 1997

. Information about the direction [TO CHRISTINE PRICE] from the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list

A. Detailing of reasons for pulling Russow's pass

B. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis-a-vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists

C. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.

D. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate consent

E. Information what actions are to be taken to address the issue of political interference by the Prime Minister's office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List

F. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.

G.(Amended)

173. 18 FEBRUARY 2002: RESPONSE RE: PRIVACY REQUEST FROM THE SOLICITOR GENERAL

Ms Joan Russow
1230 Patrick Street
Victoria, British Columbia

Dear Ms Russow:

This is further to your request under the Privacy Act dated January 23, 2002. The enclosed material is the only personal information about you in departmental files. A portion of one document has been exempted pursuant to section 21 of the Privacy Act. A copy of that section is enclosed for ease of reference.

If you are not satisfied with the outcome of your request, you have the right to register a complaint with the Privacy Commissioner.

Duncan Roberts
Coordinator, Access to Information and privacy
Department of the Solicitor General

174. 22 FEBRUARY 2002: RESPONSE PRIVY COUNCIL

MS JOAN RUSSOW
1230 ST PATRICK STREET
VICTORIA, B.C.
V8S 4Y4

DEAR MS RUSSOW

THIS IS FURTHER TO YOUR REQUEST UNDER THE ACCESS TO INFORMATION ACT FOR:

THE REASON FOR GIVING DIRECTION TO THE RCMP IN 1997 TO PREVENT RUSSOW FROM ATTENDING APEC -November 1997

As described in the Act, fees may be charged for processing requests. Fees may be prescribed for the search and preparation of the records, for providing copies of the records and for the production and programming required to retrieve the information from a machine readable record. In order to provide you with access to the information you have requested charges have been assessed. Please refer to the attached statement outlining the prescribed fees.

To proceed with the processing of your request, please forward the required deposit of \$30 being half of the total fees due in the form of a cheque or money-order and payable to the Receiver General of Canada. Payment of the deposit must be received by this office before the processing of your request can continue. The balance owing will be payable before the records are disclosed.

In some instances it may be possible to reduce your fees by narrowing the scope of the request or by viewing the records in our office instead of receiving photocopies. If we do not hear from you within 30 days of the date of this letter, we will assume that you do not wish to proceed I will consider the request abandoned.

Received response from Privy Council

note fee statement A2001-0272/cdb

2002/0205 application fee 5

2002/02/05 Deposit application 5

2002/02/21 unit cost Quantity 11 110,00

2002/02/21 (less 5 free hours) 50

Balance owing 60.00

175 25 FEBRUARY 2002: RECEIVED LETTER FEBRUARY 25 FROM GUINEAS BOYLE, COORDINATOR ACCESS TO INFORMATION AND PRIVACY
Dear Ms Russow

This is further to your request under the Access to information Act for:

Amended February 18, 2002

Amended: information about the direction to Christine Price from the PMO to prevent Joan Russow from attending the APEC summit and the resulting consequences that Joan Russow was placed on a RCMP Threat Assessment Group list in 1997

. Information about the direction [TO CHRISTINE PRICE] from the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list

A. Detailing of reasons for pulling Russow's pass

- B. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis-a-vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists
- C. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.
- D. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate consent
- E. Information what actions are to be taken to address the issue of political interference by the Prime Minister's office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List
- F. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.
- G.(Amended)

As describe in the Act fees may be charged for processing requests. Fees may be prescribed for the search and preparation of the records, for providing copies of the records and for the production and programming required to retrieve the information from a machine readable record. In order to provide you with access to the information you have requested, charges will have been assessed. Please refer to the attached statement outlining the prescribed fees.

To proceed with the processing of your request please forward the required deposit of 27. 50 being half of the total fees due, in the form of a cheque or money order made payable to the Receiver General for Canada. Payment of the deposit must be received by this office before the processing of your request can continue. The balance owing will be payable before the records are disclosed.

In some instances it may be possible to reduce your fees by Narrowing the scope of the request or by viewing the records in our office instead of receiving photocopies

If we do not hear from you within 30 days of the date of this letter, we will assume that you do not wish to proceed and will consider the request abandoned

Please be advised that you are entitled to bring a complaint regarding this request to the information Commission.

176. 26 FEBRUARY 2002: RESPONSE FROM ACCESS TO INFORMATION IN THE SOLICITOR GENERAL'S OFFICE

Dear Ms Russow

This is further to your request under the Access to Information act for records on threat assessment lists and related documentation. A search for records relevant to your request was conducted and no such records were identified. As the application fee for a request is \$5, I am returning one of the two \$5 bills you submitted with your request.

If you are not satisfied with the outcome of your request, you have the right to register a complaint with the Information Commissioner ...

Duncan Roberts

Coordinator, Access to Information and Privacy

Department of the Solicitor General

177. FEBRUARY 2002: EVIDENCE OF SECTION IN CHRISTINE PRICE'S TESTIMONY THAT WAS REDACTED: NOTE; THAT THE PRIVY COUNCIL HAD USED AN EXEMPTION CLAUSE TO REMOVE THE REFERENCE IN CHRISTINE PRICE'S TESTIMONY TO THE PMO

Dear Guineas

I am astonished that you would have accepted the PCO's deletion of a key section of the RCMP interview with Christine Price. I was able to obtain through another source the same document in which Christine Price indicated that she had received instruction from the PMO. It is indicative of the PCO's interest in concealing the involvement of the PMO.

178. 28 FEBRUARY 2002: RESPONSE FROM THE ACCESS TO INFORMATION: COMMISSIONER RE CSIS AND RCMP; The issue was that the two Departments ignored the request from the Russow's lawyer. NOTE: Andrew Gage had sent an earlier complaint to the Access to Information Commission. This Complaint was ignored

Office of the information commissioner of Canada
February 28, 2002

Our references: 25762
Ms. Joan Russow (PhD)
1230 St. Patrick Street
Victoria BC V8S 4Y4

Dear Ms. Russow:

This is to acknowledge receipt of your correspondence dated February 10, 2002, in which you seek the assistance of the Information Commission of Canada with respect to requests for information submitted to the Royal Canadian Mounted Police (RCMP) and the Canadian Security and Intelligence Service, (CSIS) on February 11, 2000, under the Access to Information Act (the Act).

Section 31 of the Act allows a complaint to be made to the information Commissioner, "Within one year from the time when the request for record in respect of which the complaint is made was received". Your complaints were received February 18 2002, approximately eleven months after the expiration of the deadline within which to lodge a complaint with the Information Commissioner.

The information Commissioner does not have the legislative power to extend this deadline nor does he have the jurisdiction to conduct a formal investigation of your complaint. I regret we will not be able to accept your complaint.

Of course you may wish to resubmit another request to the RCMP and CSIS along with the mandatory \$5 application fee per request. Should you then be refused access to any information requested, you will have the right to complaint to the Information Commission within one year from the time your request is received by the institution.

In your case, the request, and the required application fee should be sent to the following addresses:
Etc.

179. 4 MARCH 2002: APPEAL TO ETHICS COMMISSIONER WILSON TO SPEAK TRUTH TO POWER

Howard Wilson
Ethics Commissioner

66 Slater
22nd floor
Ottawa, On

March 4, 2002

Dear Commissioner

On a recent CBC program you mentioned that your role was to "speak truth to power". I urge you to please investigate what I believe to have been an abuse of power.

1. DEPARTMENT OF DEFENCE

During the Somali Inquiry, Robert Fowler, the then Deputy Minister of Defence issued a directive to a junior officer to compile a list of groups that the military should not belong to. The junior officer then passed the assignment on to an even more junior officer who came up with a set of categories for groups that the military should not belong to. and compiled a list ...

- . The Green Party was on this list. The placing of groups on lists and circulating these lists, nationally and internationally have serious implications including the perception of those in the Group mentioned above as being capable even of treason, Through Access to information I received an outline of the categories of the list but not the names of groups on the list. [The names of the groups had previously been reported in a newspaper]] in the information that I received it indicated that only the leaders or leadership of the groups was to be considered.

The placing of groups that have engaged in legitimate dissent on group lists is unethical and potentially in violation of the Right of Association and in violation of "politics", one of the listed grounds for which there shall not be discrimination under the International Covenant of Civil and Political Rights.

2. PRIME MINISTER'S OFFICE AND THE SOLICITOR GENERAL

In 1997, the Oak Bay news gave me an assignment letter to report on the APEC meeting in Vancouver. The Editor, knowing that I was the National Leader of the Green party was also aware of the work that I had done in the international field and that I could offer a unique perspective. I was initially granted a media pass, and when I went to enter the conference my pass was pulled. The media accreditation representative stated that it was because they could not find any evidence that the Oak Bay news existed. I suggested a number of possibilities for verifying the existence of the Oak Bay News such as contacting the Times Colonist. [the Oak Bay news is a weekly local newspaper that has been in existence for over 20 years]. One year later as a result of the RCMP Public Complaints Commission on APEC I found out that my photograph along with nine other citizens had been placed on a Threat Assessment list. Two years later, Christine Price, who had been working in security at APEC, under oath stated to a RCMP officer that she had a directive from Brian Groos from the Prime Minister's Office to prevent me from attending the Conference. Ironically Brian Groos lives in Oak Bay, and is a close friend of David Anderson against whom I ran in the 1997 and 2000 election.

3 PMO

I believe that it was an abuse of power of the PMO to direct a member of the RCMP to prevent me from attending the APEC meeting. The interference by the Prime Minister is unethical and potentially in violation of the Right of Association and in violation of "politics", one of the listed grounds for which there shall not be discrimination under the International Covenant of Civil and Political Rights.

4 Commissioner Hughes, under the Solicitor General Office

In his report on whether Prime Minister Jean Chrétien should appear on the stand, Commissioner Hughes stated, " If there is evidence that the RCMP was ordered or directed to take certain actions by the federal executive with respect to matters related to security, that evidence would provide me with the basis upon which to assess the PMO conduct. "

Even though I had evidence of interference by the PMO, and even though Hughes was aware of the statement by Christine Price, he would not allow Christine Price to testify, or allow me to be on the stand to testify that there had been evidence that the PMO had directed security.

5. GOVERNMENT DEPARTMENTS WITHHOLDING INFORMATION

RCMP. CSIS.

Since that time I have been trying through the usual channels, RCMP Complaints Commission, RCMP reviews, CSIS, SIRC to determine the reason for putting me on a threat assessment list. I have examined the CSIS criteria under the act for what constitutes a threat and in no way do I fit into that category. In addition, CSIS is prohibited from designating those who engage in legitimate dissent as threats.

- I believe that there has been an abuse of power when a leader of a registered Political party has been placed on a list either by PMO, DND, RCMP, Foreign Affairs, or Minister of Environment, and no information related to the reason for being placed on the list has been forthcoming. In a document received from the Solicitor General, it is stated that there is further information but that it cannot be revealed because of Art 21 of the Privacy Act.

PRIVY COUNCIL

I have contacted the PMO office several times over the years and there has been no response. I have requested Access to information about the involvement of the privy Council and the PMO 's responsibility in placing me on the list. I have so far been requested to pay about \$60, and not yet received information.

7. GOVERNMENT DEPARTMENTS RESPONSIBLE FOR CIRCULATING LISTS

I know that lists are distributed and shared including with the US security agency, and recently it has been brought to my attention that I am on some sort of International list.

8. COMPETING CANDIDATE IN 1997 AND 2000 ELECTIONS

The Hon David Anderson, Minister of the Environment David Anderson's executive assistant said that it was just a co-incidence that David Anderson's close friend Brian Groos on behalf of the Prime Minister's Office issued a directive to the RCMP to prevent me from attending APEC, and resulting in my being placed on a Threat Assessment list.

In addition, during the Federal election, a volunteer working in David Anderson's office contacted the media and stated that I was being investigated for illegally voting for myself in a by-election in the Okanagan. The Complaint was filed by a relative of David Anderson's special assistant and was dismissed immediately by Elections Canada as groundless. Yet during the election three days before the voting as a result of the volunteer and others associated with me, a letter was circulated with this information and was broadcast as the main news item on the principal news station in Victoria.

9. ATTORNEY GENERAL'S OFFICE

I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver, informed me that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented. The attorney General's office has been remiss in not advising the Federal government that "politics" which is a listed ground under the ICCPR and should have been included in the Charter of Rights and Freedoms. When I raised the fact that "politics" is a recognized ground. The lawyer from Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory.

When I appeared in court recently the judge acknowledge that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to information requests. I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and hat the information was being collected by a recognized body under statutory provisions.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of politics –a ground that is included in the International Covenant of Civil and Political rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged and I am currently revising my statement of claim related to defamation of character.

The sequence of events and the myriad of frustrating fruitless government processes has left me disillusioned with politics and in particular with the unethical abuse of political power.

I hope that you will address my complaint and bring Truth to Power, so that Political interference with legitimate dissent will not go unanswered.

Joan Russow (PhD)
Former leader of the Green Party of Canada
1230 St. Patrick St
Victoria B.C.
1 (250) 598-0071

180. 4 MARCH, 2002: RECEIVED EXTENSIVE PACKAGE FROM DEPARTMENT OF DEFENCE:

NOTE: included in the pack was the impugned list prepared at the request of Robert Fowler. Originally this list contained the names of groups and was part of the CD Rom on Somalia. In the document provided by department of defence, DND had used the exemption clauses to remove the names of the groups. NOTE: outline of division of labour between RCMP and CSIS, and how "constraints" have been imposed on CSIS

Received letter from Tara Rapley package of information on March 4.
signed Sandra Begg for Judith Mooney letter dated February 26, 2002

Unclassified with Enclosure Removed. Deputy Chief of the Defence Staff
Joint

MEMORANDUM
2106-17-9 (D SECR OPS)

DISTRIBUTION LIST
Extremist and activist organizations
Membership by members of the Canadian forces

ref: DM.CDS Meeting to consider Somalia Incidents
1000 hrs 12 May 93

1. The enclosed Briefing Note is in response to direction given at a 12 May 93 meeting and addressed the scope, legality and propriety of the question of screening "activists" from the CF
2. CSIS, the RCMP and Departmental legal staff were consulted in the preparation of this note. The Briefing note contains an explanation of the limitations up CSIS activities in similar areas. It is clear that Project SIROS though valuable in precisely such situations as the CF now finds itself, is close to the limit of the acceptable under both the Charter and a government policy which is implied by the CSIS Act.

L.E Murray
Vadm
982-3355

Distribution List
CDS
DM
ADM
Jac

National Defence Headquarters
Secret Unclassified with enclosure removed.

BRIEFING NOTE
FOR THE DEPUTY CHIEF OF THE DEFENCE STAFF

SUBJECT: EXTREMIST AND ACTIVIST ORGANIZATIONS-
MEMBERSHIP BY MEMBERS OF THE CANADIAN FORCES

ISSUE NOT DISCLOSED

BACKGROUND

1 c The current public allegations of racist activities and membership in racist groups by some members of the CF has raised the question of the ability of the CF to release, deny enrolment, or otherwise deal with such persons. The DM [Deputy Minister, Bob Fowler] has asked DG Secur to prepare a list of extremist and activities groups, membership in which could possibly be grounds for subsequent action by the CF. As there are potential difficulties with such a process, and assessment of procedural and legal constraints on DND is also required

EXTREMIST AND ACTIVIST LISTS

2 c Annex A is a representative sampling of extremist and activist groups in Canada, compiled from D Secur Ops 2 records and open sources. It is sub-divided into general groupings; however, it must be understood that this is an over-simplification and many groups represent interests that may encompass several political ideologies. It is also apparent that these groups represent a wide spectrum of beliefs and activities, ranging from conservative activism to violent extremism.

3 (c) The difficulty lies in deciding at which point in the extremist/activist continuum, membership or activities by CF members becomes unacceptable. By way of example, there is a right wing group at the University of Montréal that opposes Canadian Immigration policy. Such a group could easily attract CF members attending the university would such membership be considered unacceptable.

4 S Inquiries with CSIS indicates that the Service does not maintain such lists. During the 60s and 70s the RCMP Security Services maintained group and individual lists, concentrating on community [communist?] activities; however, this has now ceased due to the legal constraints on CSIS and the monumental effort involved. SIS now focuses its efforts on identifying threats to the security of Canada as defined in the CSIS (Extracts at Annex B)

5 (s) The proposed investigation by CSIS of a domestic extremist groups ?? is subjected to a rigorous approval process, before it may be launched. such investigations, as opposed to the investigation of espionage or terrorism, are the ones in which the government sees the greatest potential for the abuse of Charter rights. Consequently, CSI is subjected to the greatest degree of scrutiny in this field. All proposed investigations of domestic groups re vetted by the Targeting and Resource Committee (TARC) and involve ministerial review.

6 s CSIS investigations of such groups are focused on the leadership and are designed to produce reports and threat assessments for the use of government departments. They do not investigate the full membership of such groups, recognizing that membership or support for the group recognizing that membership or support for the group's ideology does not necessary constitute a threat to security. CSIS clearly recognizes that assessments of an individual's loyalty and reliability cannot be made solely on membership in such groups.

7 (c) Likewise, the RCMP does not maintain lists of extremist groups. The RCMP focuses its efforts on the criminal activities of individuals. They do not investigate groups per se, although they do produce criminal intelligence on groups of individuals acting together criminally, such as outlaw motorcycle clubs ??

As neither is a criminal organization, the RCMP is limited to investigating only those members involved in crime.

8 (C) The RCMP does investigate criminal groups if they are recognized as such. Examples of this would include foreign Triads active in Canada (recognized criminal organizations in their home country), and organized crime groups, as defined in the Criminal Code.

9 (C) Notwithstanding the above discussion, D Secur Ops 2 could, with additional resources, give advice to recruiting officers, commanding officers, and other DND authorities as to the degree of concern some of the more extreme groups constituted this would be in the form of a threat assessment, based on a review of open sources and classified records. The OI would then be in a position to make a reasoned decision as to the next course of action. If an SIU investigation of the individual was also conducted, this would however, continue to be constrained within their security mandate to investigate for security clearance purposes or because the individual's actions or status was suspected of constituting a threat to the CF

CONSTRAINTS ON DND

11.(c) There are no explicit constraints on DND with respect to the creation of such lists; however, there are a number of implicit ones. The Government of Canada has seen fit to constrain CSIS with respect to the type of activity that may be investigated, the way that information can be collected and who may view the information gathered. The CSIS Act empowers this Parliament, the Security Intelligence Review Committee and the CSIS Inspector General to ensure CSIS abides by these constraints.

12 (C) DLAW/HRI, DLAW/SIP and DG Secur all agree that it would be inappropriate for DND to act in a less constrained manner. It is for this reason that the Security Intelligence Liaison Programme exists, thereby ensuring that DND does not violate the spirit of the law. DND does not gather security intelligence directly from domestic source but relies on open sources and information obtained from civil police and CSIS (s.13 (i) of the CSIS Act refers).

13 (C) The result of these constraints is that DG SEcur is unable to give assessments on groups not considered a threat by CSIS or civil police, other than what can be obtained through open sources or which can be obtained indirectly as a result of a criminal investigation carried out by military police.

CONCLUSIONS

14 (C) Based on the above discussion, it is concluded that:

a. It would be inappropriate for DND to maintain an official list of groups, membership in which was prohibited, unless the group was in fact illegal; and

B. D Secur Ops 2 could provide general assessments on groups that pose a threat to security, to assist DND authorities in their handling of specific cases. The activities of the individual would still, however, remain the determining factor.

Prepared by CDR PH. Jenkins, D Secur Ops 2
945-5253

Office Available to respond to Questions Col Pc Maclaren D Secur Ops 945
-7263

Date prepared May 18 1993

Annex A

REPRESENTATIVE LIST OF EXTREMIST AND ACTIVIST GROUPS

1 (C) THERE ARE A LARGE NUMBER OF GROUPS AND Organizations whose actions could represent a threat, whether of security or of embarrassment, to DND. The following general categories

are provided to illustrate the broad nature of extremism and activism as it may affect DND. The appendices provide a list of groups within each category, but are by no means all inclusive or definitive.

2. (C) The categories are meant as a guide and not as a definitive categorization nor does inclusion on the list imply illegal activities or monitoring by Canadian activities may affect DND. The division **between left and right wing is based, in a general sense, on the left wing being liberal and individual-oriented and the right wing being conservative and state-oriented.** This does not imply that all groups in a category are exclusively left or right wing.

3. (c) The inclusion of some mainstream social and religious groups on the list does not imply any wrongdoing by such groups but illustrates the difficulties inherent in creating such lists. While the normal activities of such groups presents not concerns for DND, **the activism of some members of those groups could be a threat to normal CF operations or a cause of embarrassment.**

4. LEFT WING GROUPS

A. LEFT WING GROUPS. the loyalty of members of these **is questionable as the group bond is stronger than the nationalist bond. some of these groups are militant as well as advocating the violent overthrow of the Canadian political system**

B. Peace groups generally peaceful, some groups have attempted to hinder cf operations. The presence of peace group members in the cf could pose a risk to the security of information.

C. ENVIRONMENTAL GROUPS

DND's efforts to be environmentally sensitive are not appreciated by all environmental groups. Some, such as the Sea Shepherd Conservation Society advocate the use of violent methods to achieve their goals.

d. Anti-racist Groups

Generally peaceful, some groups have a Trotskyist or Anarchist element that use violence at demonstrations the allegations of white supremacists in the Cf could result in protests against DND

5. (C)

a. right Wing Groups. The advocacy of violence by some of these groups is a threat to security especially of weapons, and also a threat of embarrassment if DND is alleged to be training members of these groups

B. White Supremacists. The growing militancy of these groups and their links with their ore violent US brethren pose a security risk to CF weapons and equipment. Their actions may harm members of visible minorities in the CF and their presence can be a source of embarrassment.

c. Anti-abortionists These groups pose a threat as CF hospitals can perform abortions, and access to this services may be easier than in local hospitals.

d. Religious Extremists. Some of these groups are militant and thus pose a threat to CF assets and personnel. Their activities can also harm the CF indirectly, such as Doukhobors destroying rail lines in B.C.

6. C

a. Asian Triads. The triads do not hesitate to use violence to achieve their goals. They represent a threat to CF weapons and equipment as well as posing a risk of embarrassment should they receive military training.

b. Organized Crime. The most serious threat from organized crime is the risk of subversion. Organized crime in the US has bribed law enforcement and military officials involved in counter- narcotics efforts and similar efforts could be made in Canada.

c. Outlaw Motorcycle Clubs.

The threat from OMC is two fold; CF personnel joining OMC and OMC targeting DND. The former is the result of the OMC lifestyle appealing to certain individuals. Once the individual joins, his loyalty is

expected towards the club. In the latter case, OMC have targeted DND in the past for weapons thefts. The continuing involvement of OMC in the trade of prohibited weapons makes this a continuing concern.

7 C SPECIAL INTEREST GROUPS

a. Groups influenced by foreign nations. There are numerous groups and organizations in Canada that serve the interests of foreign nations and not Canada. Should members of these groups or organizations join the CF, they pose a serious risk to the safety of CF personnel, assets and information.

b. Groups working against a foreign country. This category includes foreign terrorist groups and expatriate organizations in Canada. The former pose a threat to DND in that they may take terrorist action against DND personnel, facilities or assets. Both groups present the risk of embarrassment and of security to CF assets and information should a member of any of these groups join the CF and receive weapons and military training.

c. Groups working against Canadian interests. Aboriginal and constitutional extremists are the main components of this category. Members of both groups have committed violent acts and thus pose a threat to DND personnel, assets and facilities. there is also the risk of embarrassment should DND enroll members of these groups

CONFIDENTIAL

APPENDIX 2 TO ANNEX A

LIST OF RIGHT WING GROUPS

Political or Right Wing Groups

White Supremacists
Anti-abortion Groups
Religious Extremists

LIST OF LEFT WING GROUPS

1. POLITICAL GROUPS
2. PEACE GROUPS
3. ENVIRONMENTAL Groups:
4. Anti-racist Groups

Appendix 3
to Annex A

List of Criminal Groups

1. Asian Triads;
2. organized crime
various families throughout Ontario and Quebec with connections to the US
3. Outlaw Motorcycle clubs

Appendix 4
to Annex A

LIST OF SPECIAL INTEREST GROUPS

Groups influenced by Foreign Nations
Groups working Against a Foreign Country
Groups Working Against Canadian Interests

Insert insert insert

181. 4 MARCH 2002: PHONED TARA RAPLEY, DND ACCESS TO INFORMATION

Russow asked her to request that the names of the groups be released given that it was essentially in the public domain in the Somali tapes. Also Russow asked for information on other military lists.

Tara Rpley said she will contact her superior and call me Wednesday, March 6

Note comment about targeting leaders.

CAROL RAPLY 1(888) 272-8207

182 4 MARCH 2002: PRIVACY REQUEST TO DEPARTMENT OF DEFENCE

PRIVACY REQUEST sent to Debbie Thomas Faxed 613 995-5777

Sent privacy request to Department of Defence March 4, 2002

1. Information on Joan Russow
2. Information on Federal leader of the Green Party of Canada (1997-2001)

183. 4. MARCH 2002: ACCESS TO INFORMATION REQUEST FOREIGN AFFAIRS

184. 5 MARCH 2002: RESPONSE FROM RCMP ACCESS TO INFORMATION

Dr Joan Russow
1230 St. Patrick SO1ATIP-09603
street Victoria

Dear Dr. Russow

Your access to Information Act Request Form dated January 29, 2002 and received here on February 05, 2002

In your request you have listed a number of points that you are interested in obtaining information on. My response to your request will correspond with the points listed on your form

- a) this information would best be answered through the PMO's Office as it does not appear to be RCMP information.
 - b) criteria for placing citizens on the Threat Assessment Groups list is attached. Some of the information was exempted under section 16 (1) (b) of the Access to Information Act.
 - c) NCO is an acronym for "non-commissioned Officer"
 - d. No information located concerning an American firm called threat Assessment Group
 - e. The RCMP does not have any jurisdiction with the RCMP Public Complaints Commission They, the RCMP and RCMP Pubic Complaints Commission are two different agencies
 - f) the RCMP has had no control on decision made by Mr. Huges [Hughes. As for your point on" Why did the RCMP claim that Russow behaved inappropriately..." this unit would not be able to answer that question and you may wish to contact the RCMP in Vancouver for an answer to that question
 - g) Again your question should be directed to the RCMP Public Complaint Commission and not to this agency.
 - H. it would be the decision of the Justice lawyers a to whom would be called to testify, not the RCMP
 - i. Deal with the RCMP Public Complaints Commission, not the RCMP
- Note that you have the right to bring a complaint before the information Commissioner concerning any aspect of our processing of your request. Notice of complaint should be addressed to

The information Commissioner of Canada

.. Should you have any concerns in the process of your request please contact Cpt AJ Cichelly by writing or at (613 993 2960

J.C. Picard. Supt
Departmental Privacy and Access to Information Coordinator 1200 Vanier Parkway
Ottawa , Ontario National Security investigations Chap no IV 10

G. Threat assessment Program

F 1 General

G 1 a Threat assessment section of Security Offences Branch produces threat assessment for the RCMP Protective Policing Program and assist other government departments prepare their threat assessments

G2 VIP surveillance Subjects

G2 a The VIP Surveillance Subjects Program is maintained by the division NSIS

G b is exempted

G2 c To recommend a person for inclusion in the VIP surveillance system, the investigator will submit form 975 to NSIS or to the section responsible for national security investigations.

G2d The investigator will review and update files for each subject by submitting; G2 d. 1 form ai51 to division NSIS annually;

2. form 975 to division NSIS every three years or earlier if warranted;

3. a new photograph and negative every three years if the subjects' appearance has changed significantly; and

4. form A-151, to request cancellation if a subjects dies

g 2 e If a subject moves to another division, the investigator will inform the NSIS concerned a, and transfer the complete file, through channels, to that division

1.7 Special interest Police

a. Trigger Words –SIP

b. Description- for CPIC entry and record-keeping purposes, this primary category is used to record data on a person who is known to:

1. be dangerous to police, himself/herself or other persons (this includes I a person convicted of a summary conviction offence under provincial legislation relating to a child sex offence or family violence;

(ii) a person formerly placed on a peace Bond relation to a child sex offence or family violence whose Peace Bond has not expired;

or (iii) a person who suffers from an apparent emotional or mental health disorder and there are reasonable grounds to believe that the person is, or is likely to be, a threat to himself/ herself or someone else as a result of that disorder;) or

2 have threatened or attempted suicide either when in or out of police custody; or

3 be a foreign fugitive but no warrant is available or the fugitive is not arrestable in Canada or

4. be in danger of family violence; or

5 be involved in or committing criminal offences; or

6. be overdue on a weekend or day pass from a federal penitentiary and a warrant has not yet been issue by correctional Services Canada (once warrant issued. Subject is recorded as Wanted); or 1.7 b 7 be a high risk for future violent conduct and demonstrate a high potential for prosecution as a dangerous offender under Part DDIV of the Criminal Code, as judged by a crown Prosecutor (see also section 2, OPT and REM keywords); or 8i. be released by the Board of Review on a vacated Warrant of Committal and no probation conditions are in effect; or

09 have been absolutely discharged by a Review Board under Section 672 54 (a) CC, having previously been found Not Guilty by Reason of Insanity or Not criminally Responsible on Account of Mental Disorder, and not street enforceable conditions are in effect; or

10 be a hostage-taker; or

11 be an applicant for a pardon from the National Parole Board

185. MARCH 19 2001: PRIVACY REQUEST FOR ALL PERSONAL INFORMATION HELD BY RCMP SINCE 1963 SPECIFICALLY REASONS FOR PLACING ME ON APEC THREAT ASSESSMENT LIST NOT INCLUDED. ACCESS TO INFORMATION

Request filed January 19, 2002 and received February 5, 2002

1. Reasons for placing Joan Russow on a Threat Assessment Group list

RESPONSE:

a. This information would best be answered through the PMO's office as it does not appear to be RCMP information.

COMMENT: The Threat Assessment Group List is an RCMP list and the RCMP name is on the list on which Russow's picture and information was placed.

The RCMP did reveal the process that is followed when an individual is placed on a threat assessment list. In order to place an individual on a Threat Assessment list prepared for the RCMP Protective Policing Program, under G 2.c To recommend a person for inclusion in the VIP surveillance system, the investigation will submit form 975 to NSIS or to the section responsible for national security investigations. Presumably, the RCMP prior to placing Russow on a list would have had to fill out a 975 form. Access to the 975 form.

Under G2 d the investigator will review and update files for each subject by submitting

G2 d. 1 FORM A--151 to division NSIS annually

2. from 975 to division NSIS every three years or earlier if warranted;
3. a new photograph and negative every three years if the subject's appearance has changed significantly;

2. Reasons for ignoring Christine Price's testimony that she had had a directive from Brian Groos from the PMO to prevent Russow from attending the APEC meeting.

NO RESPONSE

COMMENT:

3. Criteria for placing citizens on Threat Assessment Group lists

RESPONSE;

b. criteria for placing citizens on the Threat Assessment Group list is attached Some of the information was exempted under section 16 (1) (b) of the Access to Information Act.

4. What is the NCO-an acronym that was placed on the TAG list

RESPONSE: NCO is an acronym for "Non-Commissioned Officer"

5. What connection did the RCMP have with the registered American firm, Threat Assessment Group list

RESPONSE: No information located concerning an American firm called Threat Assessment Group

6. What were the reasons that Russow was not permitted to be part of the RCMP public Complaints Commission hearing

RESPONSE: The RCMP does not have any jurisdiction with the RCMP Public Complaints Commission. They, the RCMP and RCMP Public Complaints Commission are two different agencies.

COMMENT: The difference between the two agencies is not clear. For example, interviews were carried out by the RCMP during the RCMP public Complaints Commission.

7. Why did Commissioner Hughes refuse to permit Russow to address the misstatement of fact by Constable Boyle, and why did the RCMP claim that Russow behaved inappropriately on a media bus going to UBC or out at UBC when Russow was never on a media bus and was never at UBC during the APEC inquiry

RESPONSE: The RCMP has/had no control on decisions made by Mr. Hughes. As for your point on "why did the RCMP claim that Russow behaved inappropriately." This unit would not be able to answer that question and you may wish to contact the RCMP in Vancouver for an answer to that question.

COMMENT: Constable Boyle who testified at the RCMP Public Complaints Commission was asked why Joan Russow's pass was pulled. She replied that it was because Russow had behaved inappropriately on a media bus going out to UBC. When Russow's lawyer contacted Boyle, Boyle claimed that the RCMP had given her that information. The RCMP was continually influencing the functioning of the Commission.

8. What role did Storrow have in preventing Russow from being part of the RCMP Public Complaints Commission

Again, your question should be directed to the RCMP Public Complaints Commission and not this Agency

9. Why was Christine Price who under oath stated to the RCMP that there had been a directive from the PMO not called upon to testify

RESPONSE: Deal with the RCMP Public Complaints Commission not the RCMP

10 Why did the RCMP Complaints Commission fail to address the issue of the interference by the PMO with the RCMP

RESPONSE: Deal with the RCMP Public Complaints Commission not the RCMP

186. JANUARY 29 2002: NO RESPONSE FROM RCMP

RESPONSE TO FILE O1ATIP-09693

INCLUDED Access to Information Act

article 16 (1) see section. Operational National security investigations

G. Threat Assessment Program

G. 1 General

G. 1 a Threat Assessment Section of Security Offences Branch, produces threat assessments for the RCMP Protective Policing Program and assists other government departments prepare their threat assessments

G2 VIP Surveillance subjects

G2 a The VIP surveillance subject Program is maintained by the division NSIS

G2b exempt (16 (1) b Access to Information Act

G. 2c To recommend a person for inclusion in the VIP surveillance system, the investigator will submit form 975 to NSIS or to the section responsible for national security investigations

G2 d. 1 FORM A--151 to division NSIS annually

2. from 975 to division NSIS every three years or earlier if warranted;

3. a new photograph and negative every three years if the subject's appearance has changed significantly; and

4. form A-151-1 to request cancellation if a subject dies

G. 2 e If a subject moves to another division, the investigator will inform the NSIS concerned, and transfer the complete file, through channels, to that divisions

CPIC Reference manual Chapter 111 4 Persons File

BLANK AREA

1.7. Special Interest Police

a. Trigger Word-SIP

b. Description - For CPIC entry and record-keeping purposes, this primary category is used to record data on a person who is KNOWN TO:

1. be dangerous to police, himself/herself or other persons (this includes i. a person convicted of a Summary Conviction offence or offence under provincial legislation, relating to a child sex offence or

family violence; (ii) a person formerly placed on a Peace Bond relating to a child sex offence or family violence whose Peace Bond has now expired; and iii] a person who suffers from an apparent emotional or mental health disorder and there are reasonable grounds to believe that the person is, or is likely to be, a threat to himself/herself or someone else as a result of that disorder; 0 or
2. have threatened or attempted suicide either when in or out of police custody; or
3. be a foreign fugitive but no warrant is available or the fugitive is not arrestable in Canada; or
4. be in danger of family violence; or
5. be involved in or committing criminal offences; or
6. be overdue on a weekend or day pass from a federal penitentiary and a warrant has not yet been issued by Correctional Services Canada (once warrant issued, subject is recorded as Wanted); or

111-4 13

1.7 b. be a high risk for future violent conduct and demonstrate a high potential for prosecution as a dangerous offender under Part XXIV of the Criminal Code, as judged by a Crown Prosecutor (see also section 2, OPT and REM keywords); or
8 be released by the Board of Review on a vacated Warrant of Committal and no probation conditions are in effect; or
9. have been absolutely discharged by a Review Board under Section 672. 54 (a CC, having previously been found Not Guilty by Reason of Insanity or Not Criminally Responsible on Account of Mental Disorder, and no strict enforceable conditions are in effect; or
10 be a hostage-taker; or
11. be an applicant for a pardon from the National Parole Board.
Access to Information Requests: Update January 29, 2002

187. 12 MARCH 2002: RESPONSE FROM ETHICS COMMISSIONER

The office of the Ethics Counselor is responsible for the administration of the conflict of Interest and Post Employment Code for public Office Holders. This code applies to federal government Ministries and their staff, parliamentary Secretaries and to Governor in council appointees, such as deputy heads of federal departments and the heads of federal crown agencies....

Our office is not a general ombudsman office which can respond to all questions and I am therefore unable to assist you.

Thank you, however, for contacting us.

188. 14 MARCH 2002: RESPONSE TO ACCESS REQUEST BY PRIVY COUNCIL

Government of Canada
Privy Council Office

Ms Joan Russow
1230 ST. Patrick Street
Victoria, British Columbia
V8S 4Y4

Dear Ms Russow:

This is in regard to your access request for reason for giving direction to the RCMP in 1997 to prevent Russow from attending APEC-November 1997. Reason for placing Russow on the APEC threat assessment group (s). The Privy Council Office received the request on February 5, 2002

In processing your request we have found it necessary to search through a large amount of records. As a result, an extension of up to 45 days beyond the 30 day statutory deadline is required to complete your request

Please be advised...

Ciineas Boyle
Coordinator

189. 18 MARCH 2002: LETTER REQUESTING AN EXTENSION OF 60 DAYS

Dear Ms Russow

This is in regard to your access request for information about the direction to Christine Price from the PMO to prevent Joan Russow from attending the APEC summit and the resulting consequence that Joan Russow was placed on an RCMP Threat Assessment Group list in 1997. The Privy Council Office received the request on February 6, 2002

Reason for giving direction to the RCMP in 1997 to prevent Russow from attending APEC November 1997.

Reason for placing Russow on the APEC THREAT ASSESSMENT GROUP.

Joan Russow (PhD)
National leader of the Green Party of Canada (April 1997-March 2001)
1 250 598-0071

The Privy Council office received the request on February 5, 2002 in processing your request we have found it necessary to search through a large amount of records. As a result, an extension of up to 60 days beyond the 30 day statutory deadline is required to complete our your request.

Please be advised that you are entitled to bring a complaint regarding the processing for this request to the information commission

Cineas Boyle
Access to Information

190. 28 MARCH 2002: FOLLOW-UP TO LETTER TO THE ETHICS COMMISSIONER

Office of the Ethics Counselor
22nd Floor
66 Slater Street
Ottawa, Ontario
K1A 0C9

Tel. 1 613 995-0721
Fax- 1 613 995 7308

On March 4, 2002 I sent you a document outlining a blatant example of conflict of interest on the part of the Prime Minister when there was a directive to the RCMP from the PMO to prevent me from attending the APEC meeting in 1997. It is possible that as a result of that directive I was placed on a RCMP Threat Assessment list.

Not only is a directive from the Prime Minister to exclude a leader of a registered party from attending a meeting evidence of conflict, but also the placing of a leader of a political party on a Threat Assessment list is evidence of violation of Charter Rights and of discrimination on the ground of "political opinion" which is one of the listed grounds in the International Covenant of Civil and Political Rights to which Canada is a signatory.

In the letter from your office dated March 12, you indicated that you could not address the issue that I raised, [which if you had read my correspondence you would know that it was conflict of interest] because you are responsible for the administration of the Conflict of Interest from Public Office holders. I

presume that both the Prime Minister of Canada and the Minister of the Environment are "public office holders"

In the documents that were sent to me as partial fulfillment of my Access to Information request;

In the June 16, 1994 release from the Prime Minister's Office, it was indicated that there would be a "comprehensive package of measure to help promote public trust in national institutions."

In the Hansard report from June 16, 1994, Right Hon. Jean Chrétien stated " I rise today to talk about trust; the trust citizens place in their government, the trust politicians earn from the public, the trust in institutions that is a vital to a democracy as the air we breathe, a trust that once shattered, is difficult , almost impossible to rebuild. Since our election in October no goal has been more important to this government, or to me personally as Prime Minister than restoring the trust of Canadians in their institutions. When we took office there was an unprecedented level of public cynicism about our national institutions and the people to whom they were entrusted by the voters. The political process had been thrown into disrepute. people saw a political system which served its own interests and not those of the public when trust is gone the system cannot work. That s why we have worked so hard to re-establish those bonds of trust. The most important thing we have done is to keep our word. We have broadened the powers and responsibilities of the ethics counselor from what we laid out n the red book. In the red book, the ethics counselor was to deal with the activities of lobbyists but as we started examining implementation, it became clear that this will only address half of the problem basically from the outside in. We wanted to be sure that our system would also be effective at withstanding lobbying pressure from the inside. That's why we have decided to expand the role of the ethics counselor to include conflict of interests. By merging the Ethics counselor's function with the Assistant Deputy Registrar General's existing role in enforcing guidelines on conflict of interest, we will have both a stronger and more unified oversight role, one with real teeth and strong investigative powers...

... Public service is a great calling. Public service is a very honourble profession A public calling is the desire of all of use t try to make society better for all our citizens. ...

First the Ethics Counselor must be appointed not by the government but by the House of Commons. The Ethics Councilor should hold his mandate from Parliament. That would considerably increase his authority, his powers and his ability to intervene directly in anything related to the way government operates. Remember this is no ordinary appointment. This is the person who will have the authority to intervene in the way government manages its affairs, in Cabinet ministers; personal ethical conduct vis-a vis their public responsibilities, even in decisions the Prime Minister. the person who will be able to make sure that the conduct of whatever Prime Ministers the future may produce will be consistent with the ethical standards that have been set. So the person holding this position will be that much more comfortable and the public will be that much more confident with what he will carry out his duties as he should, f he is under the ultimate authority of Parliament. That is why I would urge the Prime Minister to consider the need, as I see it, to submit this appointment to Parliament as a government recommendation to be endorsed by Parliament, so that the Ethics Counselor would be answerable directly to Parliament. When Howard Wilson appeared before the House of Commons standing Committee on Industry on May 6 1999.

When asked by Ms Francine Lalonde Is our position a political position? your are not a member of the public service? Mr. Wilson responded Ye I am I'm a public servant. That has not changed. By the end of this month I will have been a public servant for 35 years. I'm still a public servant, ... a career public servant. Ms Francine Lalonde in a follow up question " but what is special about you as a public servant is that you take your orders from the Prime Minister alone, if I understand correctly with regard to possible conflicts of interest on the part of Ministers. and you responded>

"no I wouldn't describe it that way. I think of it as receiving directives. In fact, if we talk about my reporting relationship, then we'll talk about the responsibility of the Prime Minister for the conduct of his government and his choice that on this matter he wanted somebody to do this for him and that was the essence of the position. It was very

important, I think that it be a public servant who does his, because I'm expected to be the person who tries to say why we've done this and why I made this kind of recommendation. So the responsibility he has given me for the code is that I and my colleagues administer the code and indicate to ministers what they must do if they are to be in compliance with the code, and I have the full support of the Prime Minister for that."

I believe that it is certainly within your mandate to investigate conflict of interest that could result from the Prime Minister interfering with the right of assembly of a leader of a registered political party. In addition, in the case of David Anderson, it was also a conflict of interest to discredit me through having his supporters file a complaint to Elections Canada during a campaign when I was running against him as a candidate.

Conflict of interest does not only arise when there is an exchange of funds; it also arises when the Prime Minister or a Minister act in an unethical way that could bring about discrimination on political grounds of a fellow leader of a political party or of a fellow candidate.

I hope that you will reconsider my request for an investigation by your office into the ethics of the Prime Minister's office giving a directive to the RCMP to prevent me from attending a meeting and discrediting me by placing me on an RCMP threat assessment list.

I hope that you will give this complaint against the unethical behaviour arising from conflict of interest by the Prime Minister and one of his Ministers your immediate attention.

Although through Access to Information I received some information, I have not received the following:

2. Documentation on procedures followed when there is a request to "speak truth to power" related to the Prime Minister's direction to the RCMP
3. Evidence of an investigation carried out by the Ethics Commissioner on the Prime Minister's interference with the functioning of the RCMP at APEC in 1997
4. Evidence of conflict of interest in Prime Minister's instruction to the RCMP to prevent a leader of another political party from attending a meeting
5. Evidence of the reasons supporting the decline by the Ethics commissioner to investigate Joan Russow's request
 - (i) to examine the conflict of interest of the Prime Minister, or his office giving a directive to the RCMP to prevent a leader of a registered political party, Dr Joan Russow, from attending an event, and bringing about the defamation of Russow's character by placing Russow on a threat assessment list.
 - (ii) to investigate the conflict of interest of Brian Groos, a friend of David Anderson, acting on behalf of the government in instructing the RCMP to prevent Russow, who had run in an election against David Anderson in the 1997 election, and to contribute to Russow being placed on an RCMP threat Assessment list, which has brought about the defamation of Russow's character.

I have consequently filed a complaint with the Access to Information officer. I do, however, expect you to address the above conflict of interest.

Yours Truly

Joan Russow (Ph.D)
1 250 598-0071.

191. 28 MARCH 2002: REQUEST TO ACCESS TO INFORMATION TO DEPARTMENT OF INDUSTRY

Attention: Denis Vaillancourt
March 28, 2002

FAX: 1 613 -941 3085
TEL 613 941 8431

This is to follow-up our phone conversation on March 28 2002 about my access to information request:

1. Documentation on the appointment procedures for the Ethics Commissioner, for the mandate of the Ethics Commissioner, and for definitions of Conflict of Interests
2. Documentation on procedures followed when there is a request to "speak truth to power" related to the Prime Minister's direction to the RCMP
3. Evidence of an investigation carried out by the Ethics Commissioner on the Prime Minister's interference with the functioning of the RCMP at APEC in 1997
4. Evidence of conflict of interest in Prime Minister's instruction to the RCMP to prevent a leader of another political party from attending a meeting
5. Evidence of the reasons supporting the decline by the Ethics commissioner to investigate Joan Russow's request
 - (i) to examine the conflict of interest of the Prime Minister, or his office giving a directive to the RCMP to prevent a leader of a registered political party, Dr Joan Russow, from attending an event, and bringing about the defamation of Russow's character by placing Russow on a threat assessment list.
 - (ii) to investigate the conflict of interest of Brian Groos, a friend of David Anderson, acting on behalf of the government in instructing the RCMP to prevent Russow, who had run in an election against David Anderson in the 1997 election, and to contribute to Russow being placed on an RCMP threat Assessment list, which has brought about the defamation of Russow's character.

Yours truly

Joan Russow
1230 St Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

192. MARCH 28, 2002: LETTER SENT IN REFERENCE TO FAILURE OF RCMP TO SUPPLY INFORMATION AND THE CONTINUED USE OF SECTION 16 (1)

Hon John Reid,
Access to Information Commissioner,
Ottawa, Ontario,
Canada

I would like to file a complaint about the continual use of section 16 (1) of the ACCESS TO INFORMATION ACT.

16 (1) The head of a government institution may refuse to disclose any record requested under this Act that contains

- (a) information obtained or prepared by any government institution, or part of any government institution, that is an investigative body specified in the regulations in the course of lawful investigations pertaining to
 - (i) the detection, prevention or suppression of crime, or
 - (ii) the enforcement of any law of Canada or a province, if the record came into existence less than twenty years prior to the request;
- (b) information relating to investigative techniques or plans for specific lawful investigations;
- (c) information the disclosure of which could reasonably be expected to be injurious to the enforcement of any law of Canada or a province or the conduct of lawful investigations, including, without restricting the generality of the foregoing, any such information
 - (i) relating to the existence or nature of a particular investigation;
 - (ii) that would reveal the identity of a confidential source of information, or
 - (iii) that was obtained or prepared in the course of an investigation; or
 - (d) information the disclosure of which could reasonably be expected to be injurious to the security of penal institutions.

193. 29 MARCH 2002: ACCESS TO INFORMATION CSIS FOLLOW-UP TO GAGE'S LETTER

Access to Information
CSIS

Request Faxed: March 29, 2002

On February 11, 2000, my lawyer Andrew Gage, submitted a request on my behalf to your agency, and paid the required \$5 fee (see enclosed letter). He did not receive any response. Last month I filed a complaint with the Access to Information Commissioner, and was told that the period for a complaint had expired, and that I was, however, advised of the possibility of submitting the request again. I thus am submitting the request for information again. As a result of subsequent information that I have received from other departments, I will be extending the request.

To demonstrate that the process of Access to Information is fair and equitable, I expect your department to issue an apology in writing for your failing to respond to Andrew Gage's request, and for you to proceed in good faith with disclosing the following information without charging me for the research. Often, ordinary citizens are deprived of the right to access to information because of the cost.

I expect you to give this request your immediate attention.

Yours truly

Dr. Joan Russow

ORIGINAL REQUEST

February 11, 2000 Letter from Andrew Gage Barrister & Solicitor

Re: Access to Information Request

Re: Access to Information Request

Pursuant to section 4 of the Access to Information Act, RSC 1985, c. A-1, I am writing to request all documents in the possession of CSIS relating to my client, Dr. Joan Russow, and in particular any and all:

- a) Threat Assessment Lists or other circulars, updates, communications, directives orders or other documents, which identify Dr. Russow or the Green Party of Canada or any member of the Green Party of Canada, as a security risk, and especially as a risk in relation to the 1997 APEC conference held in Vancouver, British Columbia (The APEC Conference")
- b) Complaints, reports, directives, or other documents related in any manner to the decision to include Dr. Russow on any documents described in (a)
- c) Communications, reports, statements, notes or other documents related, to Dr. Russow's application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia, and
- d) (Communications, reports, statements, notes or other documentation prepared, circulated sent or received by CSIS in relation to the APEC Conference which reference Dr. Russow.

Yours truly

Andrew Gage

1230 Patrick St.
Victoria,
B.C. V8S 4Y5

ORIGINAL REQUEST

Pursuant to section 4 of the Access to Information Act, RSC 1985, c. A-1, I am writing to request all documents in the possession of CSIS relating to my client, Dr. Joan Russow, and in particular any and all:

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- d) Communications, reports, statements, notes or other documentation prepared, circulated sent or received by CSIS in relation to the APEC Conference which reference Dr. Russow.

* Written explanation about why CSIS refused to respond to Andrew Gage's request

EXTENDED REQUEST

1. Documentation regarding the list of activists organization referred to in 2106-17-0, and an explanation about why the compiling of the list was not deemed by CSIS to violate section on "Lawful Protest and Advocacy" under the CSIS, and to violate the Canadian Charter of Rights and Freedoms, and the International Covenant of Civil and Political Rights
2. Information about Joint division (see diagram below) which prepared a list of Activist groups
3. Documentation advising the Military on scope, legalities and propriety of the question of screening "activists" from CF
4. Documentation of the Department of Defence consultation process with CSIS and RCMP about the scope, legalities and propriety of the question of screening "activists" from CF
5. Information about SIROS and Implications for Charter Challenges and compliance with CSIS Act.
6. Mandate to DG Secur to prepare a list of activist groups
7. Copy of legal document from Minister of Justice: Re: preparing a list of activists
8. Nature of records and open sources used in preparing lists for D. Secur OP-- Specifically sources for including Joan Russow and/or the Green Party of Canada
9. Guidelines for deciding at which point in the extremist/activist continuum activities become unacceptable
10. Documents related to CIS regarding approval process related to domestic extremist groups
11. Documents related to criteria used by the Targeting and Resource Committee (TARC) related to domestic activists.
12. Documents related to the list of domestic activists vetted by TARC and reviewed by the Minister.
13. Given that TARC focuses on the leadership of designated groups and issues a Report, copy of report issued on Joan Russow as the leader of the Green Party of Canada or the Report issued to justified the Green Party of Canada being placed on a **list ...**
14. As CSIS does not investigate the full membership only the leader, and given that as a result of consultation with CSIS, The Green Party was listed in D- Secur Lists D-Secur Ops 2, documents related to this process
15. Documents on what constitutes the definition of "crime" and about the role of the OPI and SIV

NOTE KEN HORN FROM CSIS CLAIMS THAT CSIS NEVER RECEIVED THE REQUEST FROM ANDREW GAGE

194. 29 MARCH 29 2002: FAXED ACCESS TO INFORMATION REQUEST TO CSIS

1230 Patrick St.
Victoria,
B.C. V8S 4Y4
1 (250) 598-0071

Access to Information
CSIS

Request Faxed: March 29, 2002

On February 11, 2000, my lawyer Andrew Gage, submitted a request on my behalf to your agency, and paid the required \$5 fee (see enclosed letter). He did not receive any response. Last month I filed a complaint with the Access to Information Commissioner, and was told that the period for a complaint had expired, and that I was, however, advised of the possibility of submitting the request again. I thus am submitting the request for information again. As a result of subsequent information that I have received from other departments, I will be extending the request.

To demonstrate that the process of Access to Information is fair and equitable, I expect your department to issue an apology in writing for your failing to respond to Andrew Gage's request, and for you to proceed in good faith with disclosing the following information without charging me for the research. Often, ordinary citizens are deprived of the right to access to information because of the cost.

I expect you to give this request your immediate attention.

Yours truly

Dr. Joan Russow

ORIGINAL REQUEST

Pursuant to section 4 of the Access to Information Act, RSC 1985, c. A-I, I am writing to request all documents in the possession of CSIS relating to my client, Dr. Joan Russow, and in particular any and all:

- a) Threat Assessment Lists or other circulars, updates, communications, directives orders or other documents, which identify Dr. Russow or the Green Party of Canada or any member of the Green Party of Canada, as a security risk, and especially as a risk in relation to the 1997 APEC conference held in Vancouver, British Columbia (The APEC Conference")
- b) Complaints, reports, directives, or other documents related in any manner to the decision to include Dr. Russow on any documents described in (a)
- c) Communications, reports, statements, notes or other documents related, to Dr. Russow's application for, conduct pursuant to, and revocation of, media accreditation during the APEC conference held in Vancouver, British Columbia, and
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11. Documents related to criteria used by the Targeting and Resource Committee (TARC) related to domestic activists.
12. Documents related to the list of domestic activists vetted by TARC and reviewed by the Minister.
13. Given that TARC focuses on the leadership of designated groups and issues a Report, copy of report issued on Joan Russow as the leader of the Green Party of Canada or the Report issued to justified the Green Party of Canada being placed on a list of **“groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND**
14. As CSIS does not investigate the full membership only the leader, and given that as a result of consultation with CSIS, The Green Party was listed in D- Secur Lists D-Secur Ops 2, documents related to this process
15. Documents on what constitutes the definition of "crime" and about the role of the OPI and SIV

NOTE:Ken Horn from CSIS claims that csis never received the request from Andrew Gage, and proposed a restructuring of the request which was done on April 20

note: that through access to information Russow received a DND document that was prepared in May 1993 by d-secur ops

in a previous DND document concern was expressed about whether this list of extremist was in line with the Charter and with csis and that there would be consultation. In the following statement it appears that csis and legal staff were consulted. yet when Russow asked through access to information about the consultation with CSIS, CSIS claimed TO BE UNAWARE OF THIS CONSULTATION.

DISTRIBUTION LIST

MEMORANDUM
2106-17-9 (D SECR OPS)

DISTRIBUTION LIST
Extremist and activist organizations
Membership by members of the Canadian forces

ref: DM.CDS Meeting to consider Somalia Incidents
1000 hrs 12 My 93

1. The enclosed Briefing Note is in response to direction given at a 12 May 93 meeting and addresses the scope, legality and propriety of the question of screening "activists" from the CF
2. CSIS, the RCMP and Departmental legal staff were consulted in the preparation of this note. The Briefing note contains an explanation of the limitations up CSIS activities in similar areas. It is clear that Project SIROS though valuable in precisely such situations as the CF now finds itself, is close to the limit of the acceptable under both the Charter and a government policy which is implied by the CSIS Act.

L.E Murray
Vadm
982-3355

Distribution List
CDS
DM
ADM
Jac

National Defence Headquarters
Secret
Unclassified with enclosure removed.

195. APRIL 2002

[Following through with suggestion by Judge Hargrave to seek further information, Russow thought perhaps she was deemed to be a threat because of the work that she had done criticizing the department of Natural Resources. on a television program a person with whom she worked previously had found out that he had been targeted by the government; Russow had worked with him on similar natural resources issues]

196. 1 APRIL 2002: FILED ACCESS TO INFORMATION WITH NATURAL RESOURCES

197. 2 APRIL 2002: RESPONSE FROM SOLICITOR GENERAL RE: EXCLUSIONARY CLAUSE USED IN PRIVACY REQUEST RESPONSE

198. 3 APRIL 2002: RESPONSE FROM PRIVACY REQUEST FROM CSIS

April 2002

Dear Ms Russow:

I am writing in reply to your request under the Privacy Act dated March 29, 2002 for your personal information, including information exempted under section 21 of the Act in response to your January 23, 2002 request.

As stated in my February 18, 2002 reply to your earlier request, you were provided with all the records this department has on you; on one of the records (page two of a House of Commons Book document dated 1999/09/28) a small amount of information was exempted under section 21 for national security reasons. You have lodged a complaint with the Privacy Commissioner concerning the response to your earlier request; as such our use of section 21 will be reviewed by the Commissioner's office, and you will be advised of the outcome of the investigation.

Sincerely,

Duncan Robert
Coordinator, Access to Information and Privacy

Canadian Security Intelligence Service/Service canadien du renseignement de sécurité
116-2001
April 3, 2002
Ms. Joan Russow 1230
St. Patrick Street Victoria,
British Columbia V8S 4Y4

Dear Ms. Russow:

This is further to your Privacy Act request of March 29, 2002, received by the Canadian Security Intelligence Service on April 3, 2002, concerning:

1. All information about Dr. Joan Russow;
2. All information about Leader of Green Party of Canada (April 97 - March 02);
3. All information about Joan Russow and Global Compliance Research Project.

The Access to Information Act provides members of the public with a right of access to nonpersonal records held by government institutions. These include manuals, policy, budget and other categories of documents which do not contain information about identifiable individuals. Any information which might exist concerning yourself should be requested under the Privacy Act. We are not able to process your application at this time because when you make a request for access to records under this Act, a \$5.00 application fee must be enclosed for each request. As soon as we receive the fee required, your application will be processed.

If you wish to submit a Privacy Act request, we are not able to process your request at this time due to a lack of required information. To assist you in submitting a complete request please find enclosed a copy of the Service's chapter in Info Source, which describes all of the different categories of personal information maintained by the Service. These are also known as personal information banks. To file a request you may complete one of the enclosed request forms. The banks you wish to access must be noted in your application. In doing so, please quote either the title or number (SIS PPU XXX) assigned to that particular bank, or both. In order to verify your identity, we require your full name as well as your date of birth (DOB) on the form.

If you have access to the Internet, further information on how to file a request is available at the Treasury Board Web site at www.tbs-sct.gc.ca/gos/s-sog/infosource. Should you wish to obtain clarification concerning your request, please direct your inquiry to us at one of the numbers at the bottom of this letter or write to the address indicated. Please provide the file number at the top of this letter for reference purposes.

Yours sincerely,

Laurent Duguay Access to Information and Privacy Coordinator
Attachments

P.O. Box 9732, Station "T", Ottawa, Ontario K1G 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario)
K1G 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271

199. 4 APRIL 2002: LETTER TO HON LAWRENCE MACAULAY SOLICITOR

FAX 613-990-9077, FAX: 613 993 7062
Hon. Lawrence MacAulay, Solicitor General of Canada
Sir Wilfred Laurier Bldg
340 Laurier Ave. W.
Ottawa, Ont. K1A 0P8

April 4, 2002

Dear Minister,

In your submission to the Senate on Bill 36, the Anti-terrorism Act, you stated that "it is now crystal clear that the scope of any threat to our way of life means that more must be done now and in the future."

Through the Freedom of information process within your department, I received information that there is information about me that cannot be released. This information has been excluded under existing legislation as being related to military and international security.

You indicated in your presentation to the Senate that "there are strong mechanisms already in place that will continue to ensure effective control and accountability. The Courts and civilian oversight bodies provide essential checks and balances to ensure the integrity of the police [RCMP, CSIS as well?] the freedom to question any perceived wrongdoing is central to a law enforcement system that reflects and protects our core values of freedom, democracy and equality. "

I believe that I have the right to know the nature and extent of the information that is contained in your files so as to correct whatever information, on me, that you have interpreted as being contrary to " our core values of freedom, democracy, and equality, or being "a threat to our way of life"

It is against the CSIS act to target citizens engaged in legitimate dissent.

For years, I have been attempting to remove what I perceive to be threats to our way of life, such as government and corporate practices that destroy the environment, that contribute to the escalation of war and conflict, that endanger the health of citizens, that deny social justice and that violated human rights.

I believe that you misled the Senate in claiming that there are strong mechanisms in place when your department relies on exclusionary clauses within the Privacy Act, and within the Access to Information Act to deny a citizen the right to know what personal information is being deemed to a threat to military and international security.

I hope that you will address this matter immediately.

Yours truly

Joan Russow (Ph.D)
1230 St Patrick St Victoria, B.C. V8S 4Y4 1 250 598-0071

200. 10 APRIL 2002: PRIVACY REQUEST CSIS IN VARIOUS CSIS BANKS

Attention Laurent Dugby
Access to Information and Privacy Coordinator
FAXED: 613 842 1271

April 10, 2002

Dear Mr. Dugby

In response to your letter of April 2, I am submitting the following privacy request; an Access to Information request will follow.

Could you please access the following banks for personal information on

-Joan Elizabeth Russow, born November 1st ,1938

- the Federal leader of the Green Party of Canada [Russow, April 1997 - March 2001]
- Joan Russow as co-ordinator of the Global Compliance Research Project.

from the following banks:

1. Bank Number: SIS PPU O20
2. Bank Number: SIS PPU 045
- 3 Bank number SIS PPU 015
4. Bank Number: SIS PPU 005

Thank you for your assistance in giving this request your immediate attention.

Yours truly

Joan Russow

201. 13 APRIL 2002: CSIS ATIP PHONED AND ASKED TO REDO REQUEST COMPRESSING ITEMS AND PAYING 5\$ FOR EACH STATEMENT CSIS WILL SEARCH BANKS. BUT WILL NOT RELEASE ANY INFORMATION IF THE INFO WAS PART OF A PAST OR CURRENT INVESTIGATION

202. 14 APRIL 2002: RESPONSE FOR REQUEST FOR CSIS MANDATE
The CSIS Mandate

The Canadian Security Intelligence Service (CSIS) was created by an Act of Parliament in 1984, following the McDonald Commission of Inquiry of the late 1970s and the MacKenzie Commission of the 1960s. The CSIS Act established a clear mandate for the Service and, for the first time, legislated a framework of democratic control and accountability for a civilian Canadian security intelligence service. The Act created CSIS as a domestic service fulfilling a uniquely defensive role investigating threats to Canada's national security.

In meeting its mandated commitments, CSIS provides advance warning to government departments and agencies about activities which may reasonably be suspected of constituting threats to the country's security. Other government departments and agencies, not CSIS, have the responsibility to take direct action to counter the security threats.

CSIS does not have law enforcement powers, therefore, all law enforcement functions are the responsibility of police authorities. The splitting of functions, combined with comprehensive legislated review mechanisms, ensures that CSIS remains under the close control of the federal government.

In its early years, much of the Service's energy and resources were devoted to countering the spying activities of foreign governments. Time has passed however, and as the world has changed, so has CSIS.

In response to the rise of terrorism worldwide and the demise of the Cold War, CSIS has made public safety its first priority. This is reflected in the high proportion of resources devoted to counter-terrorism. CSIS has also assigned more of its counter-intelligence resources to investigate the activities of foreign governments that decide to conduct economic espionage in Canada in order to gain an economic advantage or try to acquire technology in Canada that can be used for the development of weapons of mass destruction.

Concurrent with these operational changes, CSIS has matured into an organization with a flexible, dynamic structure and, most importantly, an ingrained understanding of its responsibilities and obligations to Canadians. The Service's main purpose is to investigate and report on threats to the security of Canada. This occurs within a framework of accountability to government as well as respect for the law and the protection of human rights. Nowadays, it also means being more open and transparent to the

people it serves. There are some limits on what the Service can discuss; that is the nature of the work, but CSIS is anything but a secret organization.

The Canadian way of life is founded upon a recognition of the rights and freedoms of the individual. CSIS carries out its role of protecting that way of life with respect for those values. To ensure this balanced approach, the CSIS Act strictly limits the type of activity that may be investigated, the ways that information can be collected and who may view the information. The Act provides many controls to ensure adherence to these conditions.

Information may be gathered, primarily under the authority of section 12 of the CSIS Act, only on those individuals or organizations suspected of engaging in one of the following types of activity that threaten the security of Canada, as cited in section 2:

1. Espionage and Sabotage

Espionage: Activities conducted for the purpose of acquiring by unlawful or unauthorized means information or assets relating to sensitive political, economic, scientific or military matters, or for the purpose of their unauthorized communication to a foreign state or foreign political organization.

Sabotage: Activities conducted for the purpose of endangering the safety, security or defence of vital public or private property, such as installations, structures, equipment or systems.

2. Foreign-influenced Activities

Activities which are detrimental to the interests of Canada, and which are directed, controlled, financed or otherwise significantly affected by a foreign state or organization, their agents or others working on their behalf.

For example: Foreign governments or groups which interfere with or direct the affairs of ethnic communities within Canada by pressuring members of those communities. Threats may also be made against relatives living abroad.

3. Political Violence and Terrorism

The threat or use of acts of serious violence may be attempted to compel the Canadian government to act in a certain way. Acts of serious violence are those that cause grave bodily harm or death to persons, or serious damage to or the destruction of public or private property and are contrary to Canadian law or would be if committed in Canada. Hostage-taking, bomb threats and assassination attempts are examples of acts of serious violence that endanger the lives of Canadians. Such actions have been used in an attempt to force particular political responses and change in this country. Exponents and supporters of political violence may try to use Canada as a haven or a base from which to plan or facilitate political violence in other countries.

Such actions compromise the safety of people living in Canada and the freedom of the Canadian government to conduct its domestic and external affairs.

4. Subversion

Activities intended to undermine or overthrow Canada's constitutionally established system of government by violence. Subversive activities seek to interfere with or ultimately destroy the electoral, legislative, executive, administrative or judicial processes or institutions of Canada.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an

investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

Security Screening

As well as investigating the four types of threats to Canadian security, CSIS provides security assessments, on request, to all federal departments and agencies with the exception of the RCMP and the Department of National Defence, which conduct their own. These assessments are made with respect to applicants for positions in the Public Service of Canada requiring a security clearance and for immigration and citizenship applicants.

Security Assessments

The purpose of security assessments is to appraise the loyalty to Canada and reliability, as it relates thereto, of prospective government employees. The intent of the exercise is to determine whether persons being considered for security clearances are susceptible to blackmail or likely to become involved in activities detrimental to national security as defined in section 2 of the CSIS Act. The assessments serve as a basis for recommending that the deputy head of the department or agency concerned grant or deny a security clearance to the individual in question. Security assessments are conducted under the authority of sections 13 and 15 of the CSIS Act.

The designated manager in the department or agency determines the security clearance level required for the position to be filled in accordance with the standards set out in the Government Security Policy. CSIS then conducts the appropriate checks. The duration and depth of the investigation increase with the clearance level.

Immigration and Citizenship

Sections 14 and 15 of the CSIS Act authorize the Service to provide security assessments for the review of citizenship and immigration applications to the Department of Citizenship and Immigration.

The assessments provided by the Service for this purpose pertain to the provisions of section 2 of the CSIS Act that deal with threats to the security of Canada. The Department of Citizenship and Immigration uses these assessments to review immigration applications in accordance with the inadmissibility criteria set out in section 19(1) of the Immigration Act. On 1 February 1993, this Act was amended to include, in section 19(1)(e), the terms "terrorism" and "members of an organization". This measure has increased the pertinence of CSIS assessments. Moreover, the inadmissible classes now include, in section 19(1)(f), persons who have engaged, or are members of an organization that has engaged, in acts of terrorism or espionage.

The same practice is followed for citizenship applications. They too are examined on the basis of the definition of threats to the security of Canada set out in section 2 of the CSIS Act, and security assessments are provided under section 19 of the Citizenship Act.

Questions & Answers

How and when was CSIS created?

CSIS was created by the passage of an Act of Parliament (Bill C-9) on June 21, 1984. The Service began its formal existence on July 16, 1984.

What does CSIS do?

CSIS has a mandate to collect, analyze and retain information or intelligence on activities that may on reasonable grounds be suspected of constituting threats to the security of Canada and in relation thereto, report to and advise the Government of Canada. CSIS also provides security assessments, on request, to all

federal departments and agencies, with the exception of the RCMP and the Department of National Defence.

What organization collected security intelligence before CSIS was created?

Prior to June 21, 1984, security intelligence was collected by the Security Service of the Royal Canadian Mounted Police. CSIS was created because the Government of Canada, after intensive review and study, came to the conclusion that security intelligence investigations would be more appropriately handled by a civilian agency. CSIS has no police powers. However, CSIS works with various police forces on those investigations that have both national security and criminal implications. Although CSIS can offer assistance to the police, it has no mandate to conduct criminal investigations.

What constitutes a threat to the security of Canada?

The complete threat definitions can be found in section 2 (a,b,c,d) of the CSIS Act. Simply put, terrorism (the planning or use of politically-motivated serious violence) and espionage (undeclared foreign intelligence activity in Canada and detrimental to the interests of Canada) are the two major threats which CSIS investigates. Terrorism and espionage can have criminal implications. In such cases, the RCMP investigates and can lay the appropriate criminal charges.

What is "security intelligence" and does the government really need it given that technology allows news broadcasters to deliver information from around the world in a matter of minutes?

Security intelligence is information formulated to assist government decision makers in developing policy. Regardless of the source of intelligence, it provides value in addition to what can be found in other government reports or in news stories. Intelligence conveys the story behind the story.

How does CSIS obtain this "value-added" component?

The "value-added" comes from analysis and a wide variety of investigative techniques, including the use of covert and intrusive methods such as electronic surveillance and the recruitment and tasking of human sources.

Can these techniques be arbitrarily deployed?

No. All intrusive methods of investigation used by CSIS are subject to several levels of approval before they are deployed. The most intrusive methods ó such as electronic surveillance, mail opening and covert searches ó require a warrant issued by a judge of the Federal Court of Canada. In addition, the Security Intelligence Review Committee (SIRC) and the Inspector General closely review CSIS operations to ensure they are lawful and comply with the Service's policies and procedures.

What does CSIS do with the security intelligence it collects?

CSIS reports to and advises the Government of Canada. CSIS intelligence is shared with a number of other federal government departments and agencies, including Foreign Affairs and International Trade Canada, Immigration, the Department of National Defence and the Royal Canadian Mounted Police. As well, CSIS has arrangements to exchange security related information with other countries. The vast majority of these arrangements deal with visa vetting. A small number deal with exchanges of information collected by CSIS in its investigation of threats to national security.

Does CSIS conduct covert foreign intelligence operations outside of Canada?

No. CSIS does not have the mandate to conduct foreign intelligence operations outside of Canada. CSIS is a defensive, domestic security intelligence service.

What is the difference between a security intelligence service and a foreign intelligence service?

A security intelligence service is restricted to investigating threats to its country's national security. A foreign intelligence service, on the other hand, conducts offensive operations for its government in foreign countries. The methods and objectives of foreign intelligence services differ from country to country.

Does CSIS have any foreign presence at all?

CSIS has liaison offices in some countries. Liaison officers are involved in the exchange of security intelligence information which concerns threats to the security of Canada. They are in no way involved in offensive operations.

Does CSIS investigate industrial espionage?

CSIS does not investigate company to company industrial espionage. CSIS does, however, investigate the activities of foreign governments that engage in economic espionage as a means of gaining an economic advantage for themselves. Economic espionage can be defined as the use of, or facilitation of, illegal, clandestine, coercive or deceptive means by a foreign government or its surrogates to acquire economic intelligence.

What is the impact of foreign government economic espionage activity on businesses in Canada?

Foreign government economic espionage activity exposes Canadian companies to unfair disadvantage, jeopardizing Canadian jobs, Canada's competitiveness and research & development investment.

Does CSIS conduct investigations on university campuses?

CSIS is very sensitive to the special role that academic institutions play in a free and democratic society and the need to preserve the free flow of ideas, therefore, investigations involving university campuses require the approval of senior officials in the Service. Furthermore, human sources and intrusive investigative techniques may only be used with the approval of the Solicitor General.

Can you name individuals or groups currently under CSIS investigation?

The CSIS Act prevents the Service from confirming or denying the existence of specific operations. To disclose such information would impede the Service's investigative capabilities which, in turn, would be injurious to national security. CSIS, however, can assure the public that it is doing everything within its mandate to ensure that Canadians are safeguarded from terrorism and foreign espionage.

Given that the Cold War is over, are there still threats with which Canadians should be concerned?

Yes. Details regarding the Service's view of the security intelligence environment can be found in its annual Public Reports.

© CSIS/SCRS 1996

203. 18 APRIL 2002: RESPONSE TO ACCESS TO INFORMATION REQUEST TO THE DEPARTMENT OF NATURAL RESOURCES. NOTE: I HAD BEEN ASKED TO ASSIST THEM BY TELLING THEM WHERE THE INFORMATION MIGHT BE FOUND

Jean Boulais
A & I superintendent
Natural Resources
580 Booth St.
Ottawa, Ont. K1A OE4

April 18, 2002

Access to information:

- Report, materials, memo, documentation etc. on a meeting, at the Canadian Embassy in China, of delegates at the UN Conference on Women: Equality, Development and Peace, in August-September 1995; in particular any references related to the need to address the issue of Canada's sale of CANDU reactors to China
- Report, materials, memo documentation etc. on the circulation of the Nobel Laureate Declaration in 1992 at the United Nations Conference on Environment and Development
- Report, memos, materials, documentation etc. related to the United Nations Conference on Environment and Development (UNCED) 1992, comment on Forest Principles document, criticism of Canada's position on the Forest Convention either at the IUCN Conference in Buenos Aires in January 1994 related to the IUCN resolution on Coastal Forest submitted by Joan Russow and Michael McLoskey.
- reports, memos related to Russow's comments on Canada's submission to Rio+5 in 1997 related to Forests, Civil Nuclear energy, fossil fuel.
- Report, materials, memos, documentation etc. on the mining of uranium By Joan Russow or by the Green Party of Canada between 1992 and 2000.
- Report, materials, memos, documentation etc. related to article circulated on Chrétien as a CANDU salesman
- Report, materials, memos, documentation etc. about press conference opposing civil nuclear energy at Chantilly Quebec, in November 2000. • Reports, materials, memos, documentation etc. about presentation, in July 2000, by Joan Russow, Green Party, against SUMAS II project
- Reports, materials, memos, documentation etc. related to allegations by Joan Russow related to the non-compliance with the Biodiversity Convention in the case of Clayoquot Sound from 1993-1995
- Reports, materials, memos, documentation etc. related to the meeting in Whitehorse in August 1992 of Provincial Resource Ministers endorsing both the Framework Convention on Climate Change and the Convention on Biological Diversity
- Reports, materials, memos, documentation etc. related to the reasons for claiming that the Convention on Biological Diversity does not apply to forests.
- Outline of measures taken by the department to embark upon the reduction of Greenhouse gas emissions as undertaken under the Framework Convention on Climate Change
- Outline of consultation process with the Department of Justice related to the enactment of the necessary legislation to ensure compliance with the Framework Convention on Climate change so that the obligation to reduce greenhouse gases to 1990 levels by the year 2000 as incurred in the Framework Convention on Climate Change.
- Outline of procedures within the Department for implementing international obligations and commitments arising from UN Conventions, Treaties, and Conference Action Plans
- documentation, comments, memos related to article, in the Calgary Herald in October/November 1998, related to climate change and the government caving into the oil industry
- documentation, comments, memos, related to submission with Jack Locke of a letter related to Shell's reluctance to reduce greenhouse gas emission
- documentation, comments, memos related to a letter written to Shell in November 1998, criticizing shell for their destruction of OGONI land in Nigeria, and their responsibility in the death of Ken Wiwa.
- Documentation, comments, memos related to a letter written to Shell related to inappropriate support of oil investment in Iran

Thank you for assisting me in obtaining this information

Yours truly

Joan Russow (PhD)1 (250) 598-0071

204. 18 APRIL 2002: RESPONSE FROM CSIS TO MARCH 29, 2002 REQUEST

Our file 117-2002
Joan E. Russow
1230 St. Patrick St
Victoria, B.C.
V8S 4X4

Dear Ms. Russow:

This refers to your access to information Act request of March 29, 2002 received on April 11, 2002. Further to your April 12, 2002 telephone conversation with Mr. Horne of this office, we are not able to process your request at this time; your five dollars cash and correspondence are therefore returned herewith. Section 6 of the Access to Information Act provides that:

A request for access to a record under this Act shall be made in writing to the government institution that has control of the record and shall provide sufficient detail to enable an experienced employee of the institution with a reasonable effort to identify the record

As discussed, your request of March 29, 2002 in fact concerns a number of different subjects. In order that possible records related to a request may be located with reasonable effort, the description of the requested information needs to be more focused. As also discussed, however, we wish to reassure you that we are proceeding with your April 10, 2002 Privacy Act request (file numbers 116-2002-04 to 007).

You are entitled to register a complaint with the Information Commissioner concerning your request. If you wish to exercise this right, notices of complaint should be addressed to: Information Commissioner, Tower "B", place de Ville, 112 Kent Street, Ottawa, Ontario K1A 1H3

Yours truly

Laurent Duguay
Access to Information and Privacy coordinator

205 APRIL 2002: REVISED ACCESS TO INFORMATION REQUEST TO CSIS

ATTENTION: KEN HORN
PO Box/CP 2430 Station/Succursale "D"
Ottawa, on K1P 6W6 613-990-8441

ACCESS TO INFORMATION REVISED REQUEST CSIS

1 a. Documentation regarding the list of activists organization referred to in 2106-17-0, and an explanation about why the compiling of the list was not deemed by CSIS to violate section on "Lawful Protest and Advocacy" under the CSIS, and to violate the Canadian Charter of Rights and Freedoms, and the International Covenant of Civil and Political Rights

b. Information about Joint division (see diagram below) which prepared a list of Activist groups Documentation advising the Military on scope, legalities and propriety of the question of screening "activists" from CF, and who gave the mandate to DG Secur to prepare a list of activist groups

c. Documentation of the Department of Defence consultation process with CSIS and RCMP about the scope, legalities and propriety of the question of screening "activists" from CF, and the nature of records and open sources used in preparing lists for D. Secur OP—Specifically sources for including Joan Russow and/or the Green Party of Canada

d. Information about SIROS and Implications for Charter Challenges and compliance with CSIS Act. and criteria used by the Targeting and Resource Committee (TARC) related to domestic activists

e.. Copy of legal document from Minister of Justice: Re: preparing a list of activists and related to the list of domestic activists vetted by TARC and reviewed by the Minister of Justice

Given that TARC focuses on the leadership of designated groups and issues a Report, copy of report issued on Joan Russow as the leader of the Green Party of Canada or the Report issued to justify the Green Party of Canada being placed on a **list** ...

As CSIS does not investigate the full membership only the leader, and given that as a result of consultation with CSIS, The Green Party was listed in D- Secur Lists D-Secur Ops 2, documents related to this process

- f. Guidelines for deciding at which point in the extremist/activist continuum activities become unacceptable , for determining what constitutes the definition of “crime”, for delineating the role of OPI and SIV
- g. Documents related to CSIS “ endorsement of the Department of defence establishing a screening process excluding activist groups from apply for positions within the Military: List developed in 1993 in response to the Somali Inquiry.
- (h) Documentation, memos, reports written in relation to opponents to CANDU reactor sales to China, or Turkey, of the linking between CANDU reactors, uranium mining and the development of nuclear arms. Documentation, memos, reports written in relation to opponents of Shell’s destruction of Ogoni land in Nigeria, and to Shell’s role in the death of Ken Wiwa
- (i) Documentation memoirs, reports written in relation to opponents to forest practices in British Columbia

Thank you for acting on this request

Yours truly
Joan Russow 1 250 598-0071

206. 29 APRIL 2002: RESPONSE FROM PRIVY COUNCIL ACCESS TO INFORMATION REQUEST.

NOTE; that exemption sections were used by the PCO to exclude Christine Price’s assertion that it was a direction from the PMO- information that Russow already had from the transcripts of the apec commission

Government of Canada
Privy Council Office

April 29
Ms Joan Russow
1230 St. Patrick Street
Victoria, BC
V8S 4Y5

Dear Ms Russow:

This is in response to the following request you made under the Access to Information Act:

A-2001-0272

Reason for giving direction to the RCMP in 1997 to prevent Russow from attending APEC-November 1997. Reason for Russow on the APEC threat assessment group(s).

a-2001-0273: Amended February 18, 2002

Information about the direction to Christine Price from Brian Groos who stated that the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list in 1997.

A. Detailing of reasons for pulling Russow’s pass

B. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis-a-vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists) . Information about groups placed on the Military intelligence list compiled at the request of Robert Fowler during the Somali Inquiry

C. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.

D. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate consent

E. Information what actions are to be taken to address the issue of political interference by the Prime Minister's office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List

F. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.

G.(Amended)

The Privy Council Office received your requests on February 5, 2002 and February 6, 2002.

We have now complete the processing of your requests. Please find enclosed a copy of the records. Your will not that certain information has been withheld from disclosure. This information has been withheld pursuant to sections 15 (1) (a) (information obtained or prepared by an investigative body), and 16 © (injurious to the enforcement of any law) of the Act. A copy of these sections has been enclosed for your information.

You are advised that you are entitled to bring a complaint regarding the processing of your request to the Information Commissioner (22nd Floor, 112 Kent Street, Ottawa, Ontario K1A 1H3). The Access to Information Act allows a complaint to be made up tone year from the time the request was received by the government institution.

Yours sincerely,

Ciineas Boyle.

207. 8 MAY 2002: COMPLAINT, TO ACCESS TO INFORMATION COMMISSIONER, FILED AGAINST PRIVY COUNCIL

1230 St Patrick St.
Victoria, B.C.
V8S 4Y4

John Reid
Office of the Information Commissioner of Canada,
112 Kent St.
Ottawa, On,
K1A 1H3
Fax: 1 613 995 1501
May 8, 2002

Dear Mr. Reid:

I wish to file a complaint related to the information that I received from the Privy Council. As you can see they have used Article 16 to deny me access to pertinent information. The only information that they gave me was information that I received previously about two years ago.

I received a letter, from the Privy Council indicating that it would cost them \$60 to do the research, but they would only charge me \$30.

Could you please address the issue of the misuse of Article 16 related to the release of information. The section does not apply to me because I have not engaged in any of the activities that would justify using the exemption clause.

Could you also please send me a copy of the Access to Information Act.

Please find enclosed the relevant information.

Yours truly
Joan Russow, PhD
1 250 598-0071

**208. 10 MAY 2002: COMPLAINT TO THE PRIVACY COMMISSIONER
RADWANSKI ABOUT FAILURE OF SOLICITOR GENERAL TO RELEASE
INFORMATION**

Office of the Privacy commissioner
Of Canada

112 Kent St.
Ottawa, On. KiA 1H3
Fax 1 613 995 8210

1230 St. Patrick St.

May 10, 2002
Attention: Joyce McLean

I would like to file a complaint about the failure of the Solicitor General to release information that has been held on me. The Department continues to use exclusionary clauses.

Please find enclosed:
My letter to the Solicitor General and his response.

Yours truly

Joan Russow (Ph.D)
1 250 598-0071

**209. 10 MAY 2002: ACCESS TO INFORMATION REQUEST TO DEPARTMENT
OF INDUSTRY
RE; ROLE OF ETHICS COMMISSIONER**

INDUSTRY CANADA
255 Albert Street
11th Floor
Ottawa, Ontario

Dear Mrs. Russow:

This is in reply to your revised request under the Access to Information Act (the Act) for documents pertaining to the appointment procedures of the Ethics Counselor, the 1997 APEC meeting and Jane [Joan] Russow.

The office of the Ethics Counselor under the delegated authority from the Minister for the administration of the Act has completed the processing of your request. Enclosed you will find a copy of the records responsive to your request.

Please note that no additional fees have been charged to you in the processing of your request as they amounted to less than our \$ 25.00 guideline. These fees have, therefore been waived by the department.

For your information, you are entitled to file a complaint with the Information Commissioner on matters relating to the administration of the Act. Any complaint must be filed within one year of the date

your complete request was received by this office, namely January 23, 2002. Notice of complaints should be sent to: The Information Commissioner, 22nd Floor, Tower B. Place de Ville, 112 Kent Street, Ottawa, Ontario, KIA 1H3.

Please do not hesitate to contact denies Vaillacourt at 613 941 8431 who will be pleased to refer you to the appropriate official in the office of he ethics counselor if you have any questions regarding your request

Sincerely,

KIMBERLY EADIE SIGNED CATHY LECLERC
DIRECTOR

**210. 13 MAY 2002 RESPONSE FROM ACCESS TO INFORMATION IN
NATURAL RESOURCES**

A-2002-00050/TEAM3

Dear Ms. Russow

This is in response to your Access to Information Act request received on April 29, 2002, for:

Documentation, comments, memos related to an article in the Calgary Herald in October/ November 1998, related to climate change and the government caving into the oil industry; documentation comments, memos, related to a submission with Jack Locke of a letter related to Shell's reluctance to reduce greenhouse gas emission; documentation, comments, memos related to a letter written to Shell in November 1998, criticizing Shell for their destruction of Ogoni land in Nigeria and their responsibility in the death of Ken Wiwa; and documentation, comment, memos related to a letter written to Shell related to inappropriate support of oil investment in Iran.

Please be advised that no record could be located using the department's best efforts, based on the information provided. Please note that you may bring a complaint about any matter related to your request to the Information Commission at 112 Kent Street, 3rd floor, Ottawa, Ontario K1A 1H# Such a complaint must be submitted within one year of the date your request was received by this Directorate.

Should you require clarification or assistance regarding you request, please contact Lise Paquin Team 3 of my staff at (6`13) 992-0995, or use our toll free number 1-888-272-8207

Yours Truly

Judith A Mooney
Director
Access to Information Officer

**211. 18 MAY 2002: RESPONSE FROM ACCESS TO INFORMATION FROM
NATURAL RESOURCES**

A-2002-00050/TEAM3

Dear Ms. Russow

This is in response to your Access to Information Act request received on April 29, 2002, for:

Documentation, comments, memos related to an article in the Calgary Herald in October/ November 1998, related to climate change and the government caving into the oil industry; documentation comments, memos, related to a submission with Jack Locke of a letter related to Shell's reluctance to reduce greenhouse gas emission; documentation, comments, memos related to a letter written to Shell in November 1998, criticizing Shell for their destruction of Ogoni land in Nigeria and their responsibility in the death of Ken Wiwa; and documentation, comment, memos related to a letter written to Shell related to inappropriate support of oil investment in Iran.

Please be advised that no record could be located using the department's best efforts, based on the information provided. Please note that you may bring a complaint about any matter related to your request to the Information Commissioner at 112 Kent Street, 3rd floor, Ottawa, Ontario K1A 1H# Such a complaint must be submitted within one year of the date your request was received by this Directorate.

Should you require clarification or assistance regarding you request, please contact Lise Paquin Team 3 of my staff at (6`13) 992-0995, or use our toll free number 1-888-272-8207

Yours Truly

Judith A Mooney
Director

212. 21 MAY 2002: RESPONSE FROM CSIS RELATED TO PRIVACY

Canadian Security ,Service canadien du
Intelligence Service/renseignement de securite

Our file: 116-2002-004 to -007
May 21 , 2002
Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4

Dear Ms. Russow:

This refers to your Privacy Act request of April 10, 2002, received in our office on April 15, 2002. Based on information contained in your request, please be advised the personal information banks listed below were searched on your behalf with the following results:

SIS PPU 005 Security Assessments/Advice - Please find enclosed a copy of the information being disclosed under subsection 12(1) of the Privacy Act. Some of the information has been exempted from disclosure by virtue of section 21 (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), of the Act.

SIS PPU 015 Canadian Security Intelligence Service Records - No personal information concerning you was located in this bank.

SIS PPU 020 Access Request Records - No personal information concerning you was located in this bank.

SIS PPU 045 Canadian Security Intelligence Service Investigational Records - The Governor-in-Council has designated this information bank an exempt bank pursuant to section 18 of the Privacy Act. If the type of information described in the bank did exist, it would qualify for exemption under section 21 (as it relates

to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), or 22(1)(a) and/or (b) of the Act.

You may wish to avail yourself of the provisions established by paragraph 12(2)(a) of the Act to request a correction in respect of an error or omission in the record disclosed to you. In this regard, please find enclosed Notification of the Right to Correct, and Record Correction Request forms.

P.O. Box 9732, Station "T", Ottawa, Ontario K1G 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario)
K1G 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271

Our files: 116-2002-004 to -007

Should you wish to obtain clarification concerning your request, please use the information at the bottom of this letter to either call or write us. Please provide the file number at the top of this letter for reference purposes.

You are entitled to register a complaint with the Privacy Commissioner concerning your request. If you wish to exercise this right, notice of complaint should be addressed to: Privacy Commissioner, Tower 'B', Place de Ville, 112 Kent Street, Ottawa, Ontario, K1A 1H3.

Yours truly,

Laurent Duguay
Access to Information and Privacy Coordinator
Attachments

213. MAY 21, 2002: RESPONSE FROM CSIS ACCESS TO INFORMATION

Our file: 116-2002-004 to -007

18: 19

2505980071

GLOBAL COMPLIANCE PAGE 02

Canadian Security Service canadien du
renseignement de securite
intelligence Service

May 21, 2002

Joan Russow

1230 St. Patrick Street Victoria, British Columbia V8S 4Y4

Dear Ms. RUSSOW:

This refers to your Privacy Act request of April 10, 2002, received in our office on April 15, 2002.

Based on information contained in your request, please be advised the personal information banks listed below were searched on your behalf with the following results:

S IS PPU 005 Security Assessments/Advice - Please find enclosed a copy of the information being disclosed under subsection 12(1) of the Privacy Act. Some of the information has been exempted from disclosure by virtue of section 21 (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), of the Act.

SIS PPU 015 Canadian Security Intelligence Service Records - No personal information concerning you was located in this bank.

SIS PPU 020 Access Request Records - No personal information concerning you was located in this bank.

STS PPU 045 Canadian Security Intelligence Service Investigation Records

- The Governor-in-Council has designated this information bank an exempt bank pursuant to section 18 of the Privacy Act. If the type of information described in the bank did exist, it would qualify for exemption under section 21 (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), or 22(1)(a) and/or (b) of the Act.

You may wish to avail yourself of the provisions established by paragraph 12(2)(a) of the Act to request a correction in respect of an error or omission in the record disclosed to you. In this regard, please find enclosed Notification of the Right to Correct, and Record Correction Request forms.

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Our files= 116-2002-004 to -007

Should you wish to obtain clarification concerning your request, please use the information at the bottom of this letter to either call or write us. Please provide the file number at the top of this letter for reference purposes.

You are entitled to register a complaint with the Privacy Commissioner concerning your request. if you wish to exercise this right, notice of complaint should be addressed to: Privacy Commissioner, Tower 'B', Place de Ville, 112 Kent Street, Ottawa, Ontario, K1A 1H3.

Yours truly,

Laurent Duguay

Access to Information and Privacy Coordinator

Attachments

P.O. Box 9732. Station "T", Ottawa, Ontario K1G 4G4 C.P. 9732, Suecuisale "T", Ottawa (Ontario) K1G 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271

214. 28 MAY 2002: LETTER TO ACCESS TO INFORMATION TO THE ETHICS COMMISSIONER

1230 St. Patrick St.
Victoria, B.C. V8S 4Y4

John Reid,
Access to Information Commissioner,
112 Kent St
Ottawa, Ontario, K1A 1H3
Canada
faxed May 28, 2002
1 613- 995-1501

Dear Mr. Reid

On March 28,2002 I filed the following request to the Ethics Counselor in Industry Canada : I have outlined in bold the requests that have not been addressed:

This is to follow-up our phone conversation on March 28 2002 about my access to information request:

1. Documentation on the appointment procedures for the Ethics Commissioner, for the mandate of the Ethics Commissioner, and for definitions of Conflict of Interests
2. Documentation on procedures followed when there is a request to "speak truth to power" related to the Prime Minister's direction to the RCMP
3. Evidence of an investigation carried out by the Ethics Commissioner on the Prime Minister's interference with the functioning of the RCMP at APEC in 1997
4. Evidence of conflict of interest in Prime Minister's instruction to the RCMP to prevent a leader of another political party from attending a meeting
5. Evidence of the reasons supporting the decline by the Ethics commissioner to investigate Joan Russow's request
(i)to examine the conflict of interest of the Prime Minister, or his office giving a directive to the RCMP to prevent a leader of a registered political party, Dr Joan Russow, from attending an event, and bringing about the defamation of Russow's character by placing Russow on a threat assessment list.

(ii) to investigate the conflict of interest of Brian Groos, a friend of David Anderson, acting on behalf of the government in instructing the RCMP to prevent Russow, who had run in an election against David Anderson in the 1997 election, and to contribute to Russow being placed on an RCMP threat Assessment list, which has brought about the defamation of Russow's character.

On May 10, 2002 I received a response: In their response to my request they sent me the following:

1. a letter that I had sent the Ethics Counselor on March 4, 2002 when I called for an investigation into conflict of interest on the part of the Rt Honourable Jean Chrétien. In that letter I had mentioned a CBC interview
2. a transcript of the interview on CBC which I did not ask for

Yours truly

Joan Russow
1230 St Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

215. 28 MAY 2002: COMPLAINT TO ACCESS TO INFORMATION COMMISSIONER RE DEFENCE

1230 St. Patrick St.
Victoria, B.C. V8S 4Y4

John Reid,
Access to Information Commissioner,
112 Kent St
Ottawa, Ontario, K1A 1H3
Canada
faxed May 28, 2002
1 613- 995-1501

Dear Mr. Reid

I would like to file a complaint related to the fragmented information received through the Access to Information request sent to the Department of Defence.

The Department of Defence, in its May 13, 2002 response, failed to address the following parts of the request sent on April 20, 2002:

- Documentation, comments, memos, etc. of groups submitting briefs to the Commission on the Expropriation of Nanoose hearings Spring/Summer 1999
- Documentation, comments, memos etc. on citizens who wrote affidavits for the court case related to the call for an Environmental Assessment review of nuclear powered or nuclear capable vessels in the urban harbour of Victoria in 1991 and 1992
- Documentation, comments, memos related to criticism by activists related to the sale of CANDU reactors to China, and potential sale to Turkey
- Documentation about the Vancouver Island peace society and the law suit against the Federal Government filed in 1990, with litigants Anne Pask and Greg Hartnell, in Federal Court and a subsequent appeal to the Federal Court of Appeal, and a ;leave to appeal to the Supreme Court of Canada

As a result of a previous privacy request to the Department of Defence, I became aware of references to me within the Department of Defence to protests against the circulation and berthing of nuclear powered and nuclear armed vessels; protests against Nanoose; protests against the HMCS Calgary leaving for Iraq.

Given that throughout the Access to Information and Privacy requests, the government has used exemption clauses related to "military and international security".

It would appear that the Department of National Defence has failed to make a distinction between legitimate dissent/the right to assemble and threats to military and international security.

By designating a leader of a registered political party as a threat to military and international security, the Department of defence is in violation of the "right to assemble" under the Charter of Rights and Freedoms, and has discriminated on the grounds of "political opinion"--a ground listed in the International Covenant on Civil and Political Rights, to which Canada is a signatory.

I expect that you will address this matter with urgency.

Yours Truly

Joan Russow (PhD)
1- 250 598-0071

216. 29 MAY 2002: COMPLAINT TO PRIVACY COMMISSIONER ABOUT CSIS

Privacy Commissioner, Tower :B" Place de Ville, 112 Kent Street, Ottawa, Ont. KIA 1H3
May 29, 2002

I would like to register a complaint concerning my privacy request. See enclosed response: Please note that CSIS has used section 21 to deny me access to personal information under the following section:

CSIS PPU 005 Security Assessments/Advice. - Please find enclosed a copy of the information being disclosed under subsection 12 (1) of the Privacy Act. Some of the information has been exempted from disclosure by virtue of section 21 (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), of the Act.

CSIS under the act is not entitled to investigate citizens who have engaged in legitimate dissent. As a citizen who has never been arrested or accused of a criminal offence I have a right to know, what information has been deemed by CSIS to fall under the exemption clause section 21. In addition even though under. SIS PPU 045 is designated by Governor-in- Council exempt. I have a right to know whether or not there is information in this bank relating to me. If there is not, I should be told and if there is information I should be given this information.

I attended an important meeting recently in Winnipeg on Access to Information. At the meeting, it was indicated that Canada is one of the few countries in the Commonwealth that retains an exemption for cabinet documents.

The failure to release personal information on a former leader of a registered political party creates the perception of conflict of interest, and could be deemed to be discrimination on the grounds of "political. opinion" under the International Covenant of Civil and Political Rights to which Canada is a signatory Please give this your immediate. attention.

Yours truly,

Joan Russow (PhD) 1 250 598-0071

217. 29 MAY 2002 :RESPONSE FROM PRIVACY COMMISSIONER

Office of the
Privacy Commissioner of Canada
112 Kent Street Ottawa, Ontario KIA 1H3 Tel: (613) 995-8210 Fax: (613) 947-6850 1-800-282-1376
www.privcom.gc.ca
Commissariat
a la protection de
la vie privee du Canada
112, rue Kent Ottawa (Ontario) KIA 1H3
Tel:-(613) 995-8210 Telex.: (613) 947-6850 1-800-282-1376 www.pnvcom-gc.ca

May 29, 2002

Joan Russow 1230 St. Patrick St. Victoria BC V8S 4Y4

Dear Joan Russow:

I am writing further to your fax received on May 29, 2002, which was addressed to the Privacy Commissioner of Canada, Mr. George Radwanski. Mr. Radwanski has asked me to acknowledge receipt. Once we have reviewed your correspondence in greater detail, we will respond to you as soon as possible. In the interim, should you require further assistance, do not hesitate to call our office during normal working hours at (613) 995-8210 or 1-800-282-1376 and ask to speak to an Inquiries Officer.

Joyce McLean Manager, Inquiries Unit

218. 24 JULY 2002: RESPONSE FROM DEPARTMENT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTE: DFAIT has now confirmed that Brian Groos worked for them at APEC. Previously, and senior advisor to the Minister of Foreign Affairs claimed that Brian Groos was unknown in the Department and had not worked for DFAIT at APEC.

Department of Foreign Affairs and International Trade
Lester B. Pearson
125 Sussex Drive
Ottawa, Ont.

July 24, 2002

Dear Ms Russow

RE: Access to information Request no. A-2001-00400 / aeb

We have completed process your request under the Access to Information Act for;

1. a information about Brian Groos, including data about the nature of his role at APEC in 1997, and the reason that there was a directive from the Prime Minister Office through Brian Groos to ensure that Russow was prevented from attending APEC. And information surrounding the fear of Brian Groos being dismissed from a position he eventually held with Foreign Affairs if Brian Groos spoke about Russow to the media
- b. information about RCMP Threat Assessment Group list and APEC and the sharing of these lists nationally and internationally.
- c. Information about the reason for Foreign Affairs issuing a statement in 1982, indicating that the procedure in Canada was to ensure that the necessary legislation was in place before signing and ratifying international agreements when Canada has failed to include politics as a ground for which there shall not be discrimination [politics was included in the International Covenant of Civil and Political Rights"]
- d information about what would constitute "exhausting all domestic remedies" as indicated under the "optional Protocol" of the International Covenant of Civil and Political Rights.

The request was received in this office on February 4, 2002 and was assigned the above reference number

We are enclosing a copy of the Statement of Duties performed by Brian Groos at APEC in 1997 requested in item [IT WOULD APPEAR THAT FOREIGN AFFAIRS WORKING CLOSELY WITH PMO AT APEC] a) of your request. WE have no further information or documents relevant to item a) or b) and we did not locate specific documents relating to the 1982 "statement requested in item c) of your request. [NOTE IN 1982; THE DEPARTMENT OF FOREIGN AFFAIRS FAXED ME A COPY OF THE 1982 COMMUNIQUÉ]

With respect to item d), the question pertains to how the UN human Rights Committee, the body which is responsible for ensuring compliance with International Covenant, interprets the provisions of that instrument. You should contact the UN Office in Geneva or the UN Website to obtain documents on this issue produced by the Committee.

You are entitled , if you wish, to file a complaint with the Information Commissioner concerning your request. In accordance with section 31 of the Act , a complaint to the Commissioner must be made in writing within one year of the date of our receipt of your original request. The address is:
The Honourable John M. Reid. P.C.

If you have any questions, please contact Arthur Benoit at (613) 944-7120

Yours sincerely

Barbara Richardson

219. 4 JUNE 2002: RESPONSE FROM LAWRENCE MACAULAY ABOUT CSIS AND EXEMPTIONS IN THE ACCESS TO INFORMATION ACT

Solicitor General
4 June 2002
Dr. Joan Russow
1230 St. Patrick St.
Victoria, British Columbia
V8S 4Y4
Dear Doctor Russow:

I am replying to our correspondence of April 4, 2002, regarding your rights as to the nature and extent of the information about you that cannot be released.

The Canadian Security Intelligence Service has advised me that it has fulfilled its obligations within the parameters of the Access to Information and Privacy Act. I have also been informed that your complaint was dealt with by the Security Intelligence Review Committee which concluded that your allegation was unfounded.

I trust that this information will assist in clarifying our position on this matter.

Sincerely,

Lawrence MacAulay, PC, MP

Response to letter sent April 4 2002
FAX 613-990-9077, FAX: 613 993 7062
Hon. Lawrence MacAulay, Solicitor General of Canada
Sir Wilfred Laurier Bldg
340 Laurier Ave. W.
Ottawa, Ont. K1A 0P8

April 4. 2002

Dear Minister,

In your submission to the Senate on Bill 36, the Anti-terrorism Act, you stated that "it is now crystal clear that the scope of any threat to our way of life means that more must be done now and in the future."

Through the Freedom of information process within your department, I received information that there is information about me that cannot be released. This information has been excluded under existing legislation as being related to military and international security.

You indicated in your presentation to the Senate that "there are strong mechanisms already in place that will continue to ensure effective control and accountability. The Courts and civilian oversight bodies provide essential checks and balances to ensure the integrity of the police [RCMP, CSIS as well?] the freedom to question any perceived wrongdoing is central to a law enforcement system that reflects and protects our core values of freedom, democracy and equality. "

I believe that I have the right to know the nature and extent of the information that is contained in your files so as to correct whatever information, on me, that you have interpreted as being contrary to "our core values of freedom, democracy, and equality, or being "a threat to our way of life"

It is against the CSIS act to target citizens engaged in legitimate dissent.

For years, I have been attempting to remove what I perceive to be threats to our way of life, such as government and corporate practices that destroy the environment, that contribute to the escalation of war and conflict, that endanger the health of citizens, that deny social justice and that violated human rights.

I believe that you misled the Senate in claiming that there are strong mechanisms in place.. ." when your department relies on exclusionary clauses within the Privacy Act, and within the Access to Information Act to deny a citizen the right to know what personal information is being deemed to a threat to military and international security.

I hope that you will address this matter immediately.

Yours truly

Joan Russow (Ph.D)
1230 St Patrick St Victoria, B.C. V8S 4Y4 1 250 598-0071

220. 4 JUNE 2002: RESPONSE FROM CSIS RELATED TO ACCESS TO INFORMATION

Canadian Security Service canadien du
Intelligence Service P T renseignement de securite

Our file: 117-2002-006
Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4
June 4 2002

Dear Ms. Russow:

This refers to your Access to Information Act request of April 20, 2002, received on May 6, 2002. A receipt for your \$5.00 application fee is attached
A record search was completed on the basis of the information provided by you, with the following results:

- (a) Documentation regarding the list of activists organization referred to in 2106-17-0, and an explanation about why the DND compiling of the list was not deemed by CSIS to violate section on "Lawful Protest and Advocacy" under the CSIS, and to violate the Canadian Charter of Rights and Freedoms, and the International Covenant of Civil and Political Rights - No record was located.
- (b) Information about Joint division which prepared a list of Activist groups and documentation advising the DND on scope, legalities and propriety of the question of screening "activists" from CF, and who gave the mandate to DG Secur to prepare a list of activist groups - No record was located.
- (c) Documentation of the Department of Defence consultation process with CSIS and RCMP about the scope, legalities and propriety of the question of screening "activists" from CF, and the nature of records and open sources used in preparing lists for D. Secur OP-- Specifically sources for including the Green Party of Canada - No record was located.
- (d) Information about SIROS and Implications for Charter Challenges and compliance with CSIS Act. 11. and criteria used by the Targeting and Resource Committee (TARC) related to domestic activists - All the information requested has been exempted from disclosure by virtue of one or more of sections 15(1) (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities) and 19(1) of the Act.

P.O. Box 9732, Station "T", Ottawa, Ontario K1G 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario)
K1G 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271

(e) Copy of legal document from Minister of Justice: Re: preparing a list of activists, and related to the list of domestic activists vetted by TARC and reviewed by the Minister of Justice - No record was located.

(f) Guidelines for deciding at which point in the extremist/activist continuum activities become unacceptable, for determining what constitutes the definition of "crime", for delineating the role of the OPI and SIV - No record was located.

(g) Documents related to CSIS' endorsement of the Department of defence establishing a screening process excluding activist groups from applying for positions within in the Military; List developed in 1993 in response to the Somali Inquiry - No record was located.

(h) Documentation, memos, reports written in relation to opponents to CANDU reactor sales to China, or Turkey, or the linking between CANDU reactors, uranium mining and the development of nuclear arms - **Pursuant to subsection 10(2) of the Act, we neither confirm nor deny that the records you requested exist. We are, however, advising you, as required by paragraph 10 (1)(b) of the Act, that such records, if they existed, could reasonably be expected to be exempted under one or more of sections 13(1), 15(1) (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), 16(1)(a), (b) or (c), 19(1) or 24 of the Act.**

(i) Documentation, memos, reports written in relation to opponents of Shell's destruction of Ogoni land in Nigeria - **Pursuant to subsection 10(2) of the Act, we neither confirm nor deny that the records you requested exist. We are, however, advising you, as required by paragraph 10(1)(b) of the Act, that such records, if they existed, could reasonably be expected to be exempted under one or more of sections 13(1), 15(1) (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities), 16(1)(a), (b) or (c), 19(1) or 24 of the Act.**

(j) Documentation memos, reports written in relation to opponents to forest practices in British Columbia - **All the information requested has been exempted from disclosure by virtue of one or more of sections 13(1), 15(1) (as it relates to the efforts of Canada towards detecting, preventing or suppressing subversive or hostile activities) and 19(1) of the Act.**

Please note that your request for personal information concerning you has been processed under the Privacy Act. Pursuant to subsection 8(1) of the Privacy Act, any request for personal information about another individual must be accompanied by a letter of consent signed by that individual authorizing the disclosure of his or her personal information to you.

P.O. Box 9732, Station "T", Ottawa, Ontario K1G 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario)
K1G 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271

Should you wish to obtain clarification concerning your request, please use the information at the bottom of this letter to either call or write us. Please provide the file number at the top of this letter for reference purposes.

You are entitled to register a complaint with the Information Commissioner concerning your request. If you wish to exercise this right, notice of complaint should be addressed to: Information Commissioner, Tower "B", Place de Ville, 112 Kent Street, Ottawa, Ontario, K1A 1H3
Yours truly,

Laurent Du Duguay

Access to Information and Privacy Coordinator

P.O. Box 9732, Station "T", Ottawa, Ontario K1G 4G4 C.P. 9732, Succursale "T", Ottawa (Ontario)
K1G 4G4 Tel: (613) 231-0107 1-877-995-9903 Fax: (613)842-1271

221. 23 FEBRUARY 2004: RESPONSE FROM PRIVACY COMMISSIONER TO REQUEST FROM FEBRUARY 10 AND FEBRUARY 22 2002

Privacy Commissioner of Canada

112 Kent, Street Ottawa, Ontario K1A 1H3

Tel.: (613) 995-8210 Fax: (613) 947-6850 1-800-282-1376 www.privcom.gc.ca

Commissaire a la protection de la vie privée du Canada

112, rue Kent Ottawa (Ontario) K1 A1 H3

TEL.: (613) 995-8210 Telec.: (613) 947-6850 1-800-282-1376 www.privcom.gc.ca

Our Files:

5100-12039/001 (RCMP)

5100-12042/001 (Solicitor General Canada) 5100-12236/001/002 (CSIS)

Dr. Joan Russow 1230 Patrick Street Victoria, BC V8S 4Y4

FEB 23 2004

Dear Dr. Russow:

This letter constitutes my findings with regard to your Privacy Act complaints against the Royal Canadian Mounted Police (RCMP), Solicitor General Canada and the Canadian Security Intelligence Service (CSIS). In correspondence from you dated February 10, February 22 and May 29, 2002 you complained that you did not receive all the personal information you requested to obtain from these government institutions. For the sake of clarity I will respond to each complaint individually.
Royal Canadian Mounted Police - 5100-12039/001

We confirmed during our investigation that in March 2001 you requested all your personal information held by the RCMP since 1963, including any material that would explain why you were placed on a threat assessment list. You indicated to the RCMP that you wanted it to search its records in Ottawa, Kelowna, Vancouver, Clayoquot and Victoria. The RCMP conducted a search of these locations and was able to locate one file that related to your request. This file concerned your complaint against the RCMP that some unidentified members acted inappropriately when you were refused a security clearance to attend the APEC Conference in Vancouver in 1997.

The RCMP sent some information to you on April 5, 2001, and advised you that a portion was exempted under section 26 of the Privacy Act. The RCMP also advised you that it was consulting other institutions with regard to the remainder of the information related to your request.

Section 26 provides that a government institution must refuse to disclose personal information about individuals other than the individual who made the request. Thus, personal information concerning other individuals mixed with that of your own must be withheld from you on the basis that you are entitled under the Privacy Act only to information concerning yourself. This provision was applied to some information, which is personal information about other individuals as defined in section 3 of the Act. Thus, the RCMP had no option but to refuse you access to it.

As a result of its consultations with other institutions, the RCMP sent additional information to you on June 14, 2001, and advised you that a portion of it was exempted under paragraph 22(1)(a) of the Privacy Act. Paragraph 22(1)(a) provides that a government institution may withhold personal information if it was obtained or prepared by an investigative body in the course of a lawful investigation. Unlike other exempting provisions of the Privacy Act, paragraph 22(1) (a) does not contain an injury test. In order to claim this exemption, the RCMP need only demonstrate that the information at issue is less than 20 years old and that it was prepared or obtained by an investigative body listed in the Privacy Regulations for the purpose of detecting, preventing or suppressing crime. The RCMP is listed as an investigative body in Schedule III of the Privacy Regulations, and I can confirm that the other criteria required by the provision have also been satisfied.

During our review, it was noted that the RCMP had neglected to send you all the information it intended to disclose to you, specifically one document that had been the subject of its consultations. After bringing this to the RCMP's attention, it sent you a copy of this document on November 7, 2002, subject to the removal of limited information under section 21 of the Privacy Act.

Section 21 allows a federal institution to deny access to personal information which, if revealed, could be injurious to the conduct of international affairs, the defence of Canada or any of its allies, or the efforts of Canada towards the detection, prevention or suppression of subversive or hostile activities. For example, information related to the role or function of CSIS, or information prepared or obtained for the purpose of intelligence relating to the detection, prevention or suppression of subversive or hostile activities must be protected.

Upon review, I have concluded that the RCMP had sufficient authority to justify its refusal to grant you access to some personal information pursuant to sections 21, 22(1)(a) and 26 of the Privacy Act.

However, as the RCMP did not initially provide you with all of the personal information you were entitled to receive in response to your request, I have also concluded that this complaint is well-founded. Now that you have received additional information, I consider the matter resolved.

Solicitor General Canada - 5100-12042/001

We confirmed that the Department of the Solicitor General received your Privacy Act request on January 23, 2002. You sought to obtain all information as to why you and other activists were placed on a threat assessment list for the 1997 APEC Conference. You were also seeking information about a directive from an official of the Prime Minister's Office to place you on the list and information related to the distribution of that list.

The Department responded to your request on February 18 and granted you access to all of the information it located in its files related to your request, except for a portion of one document that was exempted under section 21 of the Privacy Act.

I have reviewed the information exempted under this section and I am satisfied that it meets the requirements of the Act. Accordingly, I have determined that you were not denied a right of access in this instance. Your complaint, therefore, is not wellfounded.

Canadian Security Intelligence Service - 5100-12236/001/002

We confirmed that following an exchange of correspondence last April, CSIS advised you on May 21 of the results of its search for your personal information maintained in four personal information banks. You had indicated that you were seeking information about yourself, as well as information about the leader of the Green Party of Canada and yourself as co-ordinator of the Global Compliance Research Project. You requested that CSIS search for this information in four personal information banks - SIS PPU 005, SIS PPU 015, SIS PPU 020 and SIS PPU 045. Not satisfied that you had received all of the personal information you requested, you asked me to review the matter, particularly CSIS's response with regard to banks SIS PPU 005 (Security Assessments/ Advice) and SIS PPU 045 (Canadian Security Intelligence Service Investigational Records).

On May 21 CSIS granted you access to your personal information held in its Security Assessments/Advice bank, except for a portion that was exempted pursuant to section 21 of the Privacy Act. Having reviewed the information at issue, I am satisfied that the exemption has been properly applied.

With regard to any information about you held in its bank SIS PPU 045, CSIS informed you that this bank has been designated as an exempt bank pursuant to section 18 of the Privacy Act, and that if the type of information described in this bank did exist, it would qualify for exemption under section 21 or section 22 of the Act.

I can confirm that this bank has been properly designated as an exempt bank (Exempt Personal Information Bank Order No. 14, SOR/92-688, November 26, 1992) in compliance with subsection 18(1) of the Privacy Act. This order stipulates that bank SIS PPU 045 holds files which consist predominantly of personal information described in section 21 and paragraphs 22(1)(a) and (b) of the Act and that in relation to any files included in the bank on the basis of subparagraph 22(1)(a)(ii)-the applicable laws concerned are the Official Secrets Act and the Security Offences Act. Very stringent criteria must be met in order for a government institution to maintain personal information in an exempt bank. The result is that very few banks have been so designated and every file must be reviewed before it can be placed in an exempt bank. This principle was articulated in the Federal Court case of Ternette v. Solicitor General of Canada, (1984) 2 F.C. 486, 10 D.L.R. (4th) 587, 32 Alts. L. R. (2d) 310.

Subsection 16(2) of the Privacy Act states that a government institution is not required to reveal whether personal information exists-which is what CSIS has done in the case of bank SIS PPU 045. However, paragraph 16(1)(b) also requires that the institution indicate the specific provision of the Act which could reasonably be used to exempt the information if it did exist. CSIS complied with this requirement by advising you that section 21 or section 22 could be used to withhold personal information about you if it exists in SIS PPU 045.

You should know that CSIS provides the same response to all applicants when it receives requests for personal information in bank PPU 045, whether or not the bank holds any personal information about the applicant. By doing so, CSIS

hopes to ensure that individuals who constitute threats to the security of Canada cannot discover through a creative series of requests under the Privacy Act whether they have come to—or escaped—its attention. The recent decision of the Federal Court of Appeal in *Ruby v. Solicitor General* (2000) F.C.J. 779 confirms the right of a government institution to adopt a blanket policy under subsection 16(2) of never disclosing whether personal information concerning an applicant exists in a particular personal information bank.

Although paragraph 65(b) of the Privacy Act prohibits me from either confirming or denying the existence of the requested information in bank SIS PPU 045, I am satisfied that the response you received from CSIS in this case is in accordance with the requirements of the Act and that if information did exist about you in this bank, one or more of the provisions specified by CSIS could be applied.

I realize that this response is likely less than satisfactory to you. However, Parliament has given government institutions the discretion to refuse to indicate whether personal information exists and I have no choice but to accept CSIS's authority to respond in the manner in which it did. I might add that the right of a government institution to neither confirm nor deny the existence of personal information has not only been upheld by the Federal Court of Canada in the *Ternette* and *Ruby* cases referred to earlier, but also in *Jamshid Zanganeh v. CSIS* [1989] 1 F.C. 244. The *Zanganeh* decision further confirmed that this right to secrecy is justified under the Charter.

In summary, I have no basis upon which to conclude that you were denied a right of access under the Act to personal information as a result of CSIS's response with regard to banks SIS PPU 005 and SIS PPU 045. I must therefore conclude that your complaints are not well-founded.

Section 41 of the Privacy Act provides a right to apply to the **Federal Court of Canada for review** of the decision of a government institution to refuse to provide access to personal information. You should be aware that an application under section 41 is limited to establishing that you have been denied a right of access. Having now received my report, you have the right to apply to the Federal Court under section 41 for review of the decisions of the RCMP, the Department of the Solicitor General and CSIS. In each case, the application should name the Solicitor General as respondent and it must be filed with the Court within 45 days of receiving this letter. Should you wish to proceed to the Court, we suggest you contact the Trial Division of the Court office nearest you. It is located at the Pacific Centre, P.O. Box 10065, 700 West Georgia Street, Vancouver, BC V7Y 1 B6, telephone (604) 666-3232.

You should also be aware that the Court has discretion to order that the costs of the other party be paid by you where the Court is of the view that this is appropriate. While this does not happen often, it is a possibility of which you should be aware. Conversely, the Court may order that your costs be paid where the Court finds that your application raises an important new principle.

This completes our investigation of your complaints, and the RCMP, Solicitor General Canada and CSIS have also been informed of the results. If you have any questions, please do not hesitate to contact Mr. Paul Richard, the investigator of record, at 1-800-282-1376.

George Radwanski
Commissioner of Canada

**222. 19 OCTOBER 2004: LETTER TO THE HONOURABLE JANE STEWART,
MINISTER OF HUMAN RESOURCES**
NOTE: ORIGINAL LOST; This is the first page of a draft.

The Honourable Jane Stewart
Minister of Human Resources
e-mailed Min.hrde-drhc@hrdc-drhc.gc.ca
faxed to 1 819-994-0448 October 20, 2004

RE Student Loan 89222:
Joan Russow, nee Stevenson (Social Insurance Number 435-614)

Dear Minister

Unexpected and unforeseen circumstances have resulted in my not being able to repay my student loan.

In 1973, I returned to University to complete my degree. From 1973 to 1996, I brought up four children and completed a BA, A Med , and a PhD. Before finishing my Doctorate, from 1992-1995, I co-taught a course in global issues at the University o Victoria, and in 1995 I received two research grants from CIDA. When I completed my doctorate in 1996, I planned on continuing to work at the University and apply for grants, and to repay my student loan. In 1996, I was told that the course in global issues was not going to be offered in 1996; I presumed, however, that because I had co-developed the course I would be invited back to teach. It was never to happen. I did not succeed in security a position at University or in obtaining a research grant after 199t, but I have been left with a student loan debt of \$57,000

When I borrowed money, I had been told that up to \$30,000 could be remissable if a student completed a doctorate and if a student had performed community service. On completion of my doctorate I was informed that because my loan was divided into 60% Federal and 40% provincial, I could receive loan remission for only \$20,000.

In 1998, with no success in obtaining work or receiving grants, I became increasingly concerned about my ability to repay the \$37,000. I became aware of several possible avenues for addressing the heavy debt; to declare bankruptcy, to continue to seen work or to hope that Senator Perrault's recommendation that student could repay their loans through community service would be implemented into government policy. I decided that I would not declare bankruptcy because I believed that if I could get work in my field and that I should and would repay my loan. I also did lobby for the implementation of Senator Perrault's recommendation. Since 1972, I have been concerned about global issues, and have been involved in community service. In June 1998, I decided that I would try to argue that since 1972, I had been involved in community service and I appealed to the Hon Pierre Pettigrew to implement Senator Perrault's proposal, and take into consideration my years of community service.

In September 1998, I found out, as a result of the APEC the RCMP public inquiry, that I was placed on an RCMP Threat Assessment (TAG) list. I then began to realize that perhaps there was a reason for my not being able to teach at university or to receive grants.

[MISPLACED PAGES OF THE DOCUMENT]

223. 20 JANUARY 2004: COMPLAINT FILED WITH THE PRIVY COUNCIL OFFICE

a. Information about the direction [TO CHRISTINE PRICE] from the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list

b. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis-a-vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists

c. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russow had been placed on an international list.

d. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate dissent:

e. Information about what actions are to be taken to address the issue of political interference by the Prime Ministers office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List

f. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.

G.(Amended)

224. 23 SEPTEMBER 2004: LETTER TO IRWIN COTLER MINISTER OF JUSTICE

1230 St. Patrick St.
Victoria, B.C. V8S 4Y4
1230 St Patrick
September 23, 2004

Hon Irwin Curler
Minister of Justice and Attorney General of Canada,
Justice Building 4th floor
284 Wellington St.
Ottawa, On. K1A 0H8

cotlerI@parl.gc.ca
Fax 1 613 9907255

Dear Minister Cutler,

At least since 1997, I have been on an RCMP threat assessment list. I found out about this fact inadvertently during the release of documents during the APEC inquiry. Although I have often been a strong critic of government policy and practices, I have never been arrested and I have never been a threat to any person or to any country.

I have a Masters Degree in Curriculum Development, introducing principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law. I have a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the University of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria and the Vancouver peace Society, and I am a member of the IUCN Commission of Education and Communication and the Canadian UNESCO Sectoral Commission on Science and Ethics. I am the author of the Charter of Obligations - 350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through UN. General Assembly Declarations and Resolutions related to the public trust or common security (peace, environment social justice and human rights). I had attended international conferences as a member of an accredited NGO or as a representative of the media. From April 1997 to March 2001, I was the Federal leader of the Green Party of Canada,

However, as an activist from India once stated: nothing is more radical than asking governments to live up to their obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments, and expectations is a threat to the country, then I am a threat to Canada. However under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years. I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. I obtained unsatisfactory and evasive responses from the RCMP, CSIS, Privy Council, PMO, SIRC with exemptions under various section being cited such as "information cannot be released for military and international security reasons".

After being refused media access to the APEC conference, I filed a complaint with the RCMP Commission in January, 1998. In my complaint I pointed out to the RCMP officers who interviewed me, that I suspected that there had been a directive from the Prime Minister's office because the his office had pulled the pass of a journalist from Reuters because she had asked a probing question at an APEC press Conference. [I had upset Prime Minister Chrétien when in the 1997 election I asked him to address the issue of Canada's failure, in many cases, to enact the necessary legislation to ensure compliance with international law]. I was, however, never allowed to appear before the Commission even though the commissioner was aware that there was a directive from the PMO to prevent me from attending the

Conference. [an RCMP document in 1998 indicated that the media accreditation desk had received instruction from a Brian Groos from PMO to pull my pass after it had been issued]. I even spoke several times to the lawyers acting for the Commission and to Commission Hughes about my case. I was not even able to appear, even though I pointed out that a constable from the Vancouver police had made a statement, on the stand, that I had behaved inappropriately on a media bus going out to UBC during APEC. Her statement was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference. After the APEC conference, in February 1998 I had a petition placed on the floor of the House of Commons calling for an investigation into the Canadian Government's disregard for the International Covenant of Civil and Political Rights and in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms or addressed under the Canadian Human Rights Act.

In September 1998, it was brought to my attention that I had been placed on an RCMP APEC threat assessment list of "other activists" . The placing of the leader of a registered political party on a threat assessment became a media issue and was reported widely across the country through CBC television, through CBC radio, and through the National Post and its branch papers in 1998. The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I] My being placed on a threat assessment list coincided with the announcement the leader of the German Green party, Joska Fischer's being named foreign Minister.

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and a new response was devised by the Privy Council for the Solicitor General to diffuse any questions from the Opposition [document accessed through A of I].

In August of 2001 there were a award-winning series of article, in the National Post and its Affiliates on the Criminalization of Dissent. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther King's accompanied the article. In the Times Colonist in Victoria the series generated much comment. Although most of the comments were supportive, many citizens were convinced that there must have been a valid reason for placing me on a threat list. One of the reasons may have been that during the 2000 election, a campaign worker in David Anderson's office had circulated a press release claiming that I was under investigation by Elections Canada, and two days before the election this press release was the top news item on the principal AM station in Victoria. [an affidavit by a relative of another campaign worker in David Anderson's office, had been filed with Elections Canada; Elections' Canada had immediately dismissed the complaint and on election Day the AM station issued a retraction but the damage was irreversible].

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case of defamation of Character against various federal government departments. I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Attorney General's office has been remiss in not advising the Federal government that "politics" is a listed ground under the ICCPR and should have been included in the Charter of Rights and Freedoms. When I raised the fact that "politics" is a recognized ground, internationally, the lawyer from the Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory. When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to Information requests. I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that collected by a recognized body under statutory provisions. In addition, there was the constant exemption related to military and international security.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of politics - a ground that is included in the International Covenant of Civil and Political Rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation

even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged, and I have had to continue live under the stigma of being a “threat to Canada”.

The sequence of events and the myriad of frustrating fruitless government processes have left me disillusioned with politics and in particular with the unethical abuse of political power.

POTENTIAL CONSEQUENCES OF ENGAGING IN SUSTAINED LEGITIMATE DISSENT, AND OF BEING PLACED ON A THREAT ASSESSMENT LIST

In 2002, there was an article that appeared across the country about the launching of my court case, and about my concern at being deemed a security risk. I mentioned the stigma attached to my name, and the possibility that any international access might be curtailed, and any employment opportunities, thwarted.

In 1995, I was co-teaching a course in global issues at the University of Victoria, and I received two CIDA grants one for authoring the aforementioned Charter of Obligations for the UN Conference on Women, and the other for an exploratory project on the complexity and interdependence of issues in collaboration with academics in Brazil. On completing my doctorate in January 1996, I had no doubts about my ability to repay my student loan. I have attempted, however, to apply for numerous jobs, and have been continually disappointed.

Apart from two \$500 government grants in the Spring of 1996, I have not earned any income. I incurred a student loan of \$57,000 when I graduated. Twenty thousand of the amount was granted in remission for community service by the Provincial government. I then still owed \$37,000 to the Federal Government under the Ministry of Human Resources.

I have, however, continued to promote the public trust continually writing and lecturing on common security – peace, social justice, human rights, and the environment.

In 1996, for the Habitat II Conference, I prepared 176 page book in which I placed the Habitat II Agenda in the context of previous commitments made through Habitat I, and subsequent commitments from conference action plans, obligations from conventions, treaties, covenants, and expectations created through UNGA declarations and resolutions.

When I returned from the 1996 Habitat II conference, I applied for numerous federal grants with no success. Ironically, one of my grant applications was with the Canada Mortgage and Housing Corp under Public Works. I applied for a research grant under one of their categories “Sustainable Development”.

The proposed project was the following: A revising of "Sustainable Development" in the context of "'sustainable human settlement Development" from principle to policy." This project was linked to the commitments made through the Habitat II Agenda, and brought to a local context with community groups. My grant was refused. The reason for the refusal I found out later through a privacy request was the following:

“ IRD Review of Submissions - 1006 External Research Program - The six 1996 ERP submissions that were sent to International Relations Division for review have been evaluated and the results are summarized in the enclosed table.”

"All the submissions reviewed were interesting, trade-relevant and were thought likely to generate some added value. Nevertheless, none of these proposals were thought to be sufficiently compelling or well targeted in relation to the Division's current or likely future priorities that we would be prepared to urge that they be supported.”

"This [MY PROJECT] is the highest scoring of the proposals reviewed by IRD, This score is largely a reflection of the thoroughness of the proposal and its supporting documentation.

This proposal, however, is marginal in terms of its capacity to support the international commercial endeavours of Canada's housing industry.

IRD cannot support this proposal as its provides is unlikely to result in any tangible benefit to Canada' housing exporters. " [Note the current relevance when there is a current Commission looking into criteria for projects within the Department of Public Works]

Prior to finding out in 1998 that I was on the threat assessment list, even though I still had not received any income, I decided that I would not declare bankruptcy and renege on my obligation to repay my student loan. Although I was not earning an income, I was continually making grant applications and contributing my time to further the public trust and the respect for international law. I was often part of government stakeholder meetings, and in 1997 I had been asked to review Canada's submission to the UN for RIO +5. I spent several months reviewing the documents and then preparing a 200 page response. Rather than receiving remuneration, I was thanked for my comprehensive submission, and denied a request on my part to participate on the Canadian delegation. I participated, without remuneration, throughout the years as a stakeholder, in conference calls , in meetings, working groups and similar undertakings. I realized one of the repercussions of raising issues during election at all candidates meetings. At the University all candidates meeting I raised the issue of corporate funding of university; the next day, the University of Victoria, sent a note to the office of the Green Party of Canada stating that I was no longer associated with the university. I had been a sessional lecturer and co-developed the course in global issues. [Subsequently, a global studies section was established with substantial corporate funding.]

I was constantly hounded by credit agencies and I finally decided to write to the Minister of Human Resource, Pierre Pettigrew, in 1998 asking if it was possible to forgive my loan on the basis of my contribution to years of community service [some years earlier Senator Perrault, had proposed that students should be able to repay their loan through community service] and given that I was then 60 years old and my chances for employment were diminishing. He declined. Also, even though, I was then 60, and entitled to my meager Canada pension of \$78 per month on the hope I declined to accept the pension on the hope that I could find work, and thus repay my loan.

In 1998, when I found out that I was on the Threat Assessment list, and when it was well publicized across the country, I realized that my reputation had been sullied and the chances of my finding work was next to impossible

Since 1998, I have been constantly harassed by credit agencies every two weeks and sometime even more often. In 2004, I wrote another letter to the Jane Stewart, the then Minister of Human Resources, indicating that for "unforeseen and unexpected" reasons I would not be able to repay my loan citing the fact that my being placed on a threat assessment list, the wide publication of this fact, and the stigma attached to being placed on the list prevented me from fulfilling my obligations. I received a phone call from Minister Stewart's office, and was told to deal with the Collection agencies.

With interest I now owe \$67,000. August 2004, I received a phone call from a law firm in Victoria about the Attorney General's taking me to court about the loan, and that a notice would be served to me around mid August. I phoned Human Resources and appealed to them again and they arranged with the law firm that I could have until October 15 to prepare my case.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked, against me, exemption clauses of " military and international security" have been discredited.

This list would include:

- (i) Robert Fowler as Deputy Minister of Defence- the originator of the infamous list of groups that the military should not belong to. This list, which was reported in Now magazine, was a **list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND**The list included the Green Party
- (ii) Andy Scott, for prejudging the APEC inquiry;
- (iii) McCauley for accepting benefits;
- (iv) Radwanski for misappropriation of funds;
- (v) Gagliano for his potential involvement in the Sponsorship scandal;
- (vi) Jean Chrétien for his potential involvement in the Sponsorship scandal;
- (vii) Howard Wilson for potential bias and not "speaking truth to power".

And as reported today, September 23, 2004, the Department of Justice hired Groupaction even after there had been a warning about Groupaction's incompetency sent from the Treasury Board.

When I appeared in the Federal Court in 2002 I was up against an adept lawyer from the Attorney General's office, and I was scolded by the Federal judge for appearing before the court without sufficient particulars. The judge placed me in a conundrum by stating that he would not grant my claim because I did not have sufficient particulars when it was the crown and numerous government departments represented by the Attorney General that had refused to disclose the particulars. I would think that placing a plaintiff in such conundrum would violate a principle of equity under common law. Similarly, a demand by a government department to fulfill an obligation while creating a situation that makes it impossible to fulfill this obligation would perhaps violate a similar principle of equity. I currently have thousands of pages of data related to my case and I have no idea how to proceed.

I feel that I have been discriminated against on the grounds of "political opinion"- both small "p" and large "P" political opinion. I appeal to you to address, at the highest level, in some way, the years of injustice and discrimination that I have undergone. I know that under the Optional Protocol of the Covenant of Civil and Political Rights- to which Canada is a signatory, that if I have exhausted all domestic remedies I have the right to take my case before the UN Human Rights Commission charged with the implementation of the Covenant. I believe that I am close to having exhausted all domestic remedies available for justice in Canada.

As you said in your address to the Canadian Bar Association, you want to create a culture of justice, and to further the public trust. A culture of justice will only occur in Canada when citizens believe that the public trust is furthered without discrimination on any grounds.

Yours very truly

Joan Russow (PhD)
1230 St. Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

The following is the Judge Hargrave's decision: 5. The Statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in *Guetta v the Queen* (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire." 4."S (S?) I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination<POOR SPACING> which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed , I viewed it as an expensive fishing expedition, which entailed serious allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient. [I pointed out that I was in a conundrum because the lawyer for the Attorney General\ claimed that I did not have sufficient particulars and I responded that after four years of trying, and I showed the 2 inch thick binder, I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the "particulars". The judge's

response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in *Guetta v the Queen* (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33 There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

6. THE counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim , sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts.

225. 14 OCTOBER 2004: DEPARTMENT OF JUSTICE ACCESS TO INFORMATION: NOTE: Russow decided because of the many years of speaking out, both nationally and internationally, about Canada's non compliance with international law, and about the dereliction of duty on the part of the Department of Justice , for continually disregarding in the court system, Canada's international obligations and commitments, she decided to extend my access to information request to the department of justice. It is the Ministry of Justice, that is responsible for the advising the government on the enactment of the necessary legislation to ensure compliance. Canada has signed and ratified the International Covenant of Civil and Political Rights. One of the sections in the Covenant requires Canada to enact the necessary condition to ensure compliance. Under art 2, "politics" is listed as one of the grounds for which there shall not be discrimination. "Political opinion" was not included in the Canadian Charter of Rights and Freedoms. When I raised the Covenant in the Federal Court on January 21, 2002; the reference was treated with derision. The lawyer for the Attorney General's office used a case from 1950s to support and argument that the Courts are not bound by international law agreements signed and ratified by Canada even though Canada is bound to enact the necessary legislation to ensure compliance. Even when I pointed out in my submission that under the Covenant there was a requirement to enact legislation, and that in 1982 the Canadian government informed the international community about

2. Canadian Human Rights Act

It appears that recommendations were made to include Freedom of association copy of document recommending extending the mandate to include Freedom of association, and politics under the mandate of the Canadian Human Rights Act

Access to Information request
from Dr. Joan Russow
1 (250) 598-0071 (tel. only)
Attention: Kerrie Clark
Access to information Coordinator
Department of Justice fax 613-957-2303
284 Wellington St,
Ottawa, on. K1A 0H8

Access to Information Request: October 14, 2004

Department of Justice

(1) Documentation related to legitimate dissent, and discrimination on the grounds of "political and other opinion"

disregard for international law

(a) Expressed rationale for the failure to include political and other opinion in the Charter of Rights and Freedoms". "Political and other opinion" is a listed ground in most international human rights instruments, such as the International Covenant of Civil And Political Rights

(b) Expressed rationale for not requiring the government to abide with the following 1982 commitment to the international community:

1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" (PTMP). It is an external Affairs communiqué which was put together in 1982 to assist external affairs to explain the division of powers and constitutional conventions in Canada vis-a-vis International obligations

Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted.

(c). Explanation for Attorney General's disregard in the Federal Court for international law: obligations incurred through Conventions, treaties, and covenants; commitments made through UN Conference Action plans, and expectations created through UN General Assembly resolutions.

Failure to distinguish legitimate dissent

(d). Justification for the targeting of individuals who are engaged in legitimate dissent

(e). Documentation of criteria used to place citizens on threat lists, and copies of the assessment by the Department of Justice on whether these criteria contravene obligations under the International Covenant of Civil and Political Rights to not discriminate on the ground of political or other opinion.

(f). Documentation related to judicial opinion on what would constitute legitimate dissent under the CSIS Act, and on whether CSIS agents are sufficiently trained to distinguish legitimate dissent from

Political intimidation

(g) Documentation related to a judicial opinion on whether threat assessment lists have been used to intimidate political opponents prior and during elections

Questionable exemptions

(h). Documentation related to a judicial review of exemption clauses used in the Access to Information Act, and Privacy Act

(i) Evidence for Judicial opinion on whether there is an over-reliance on department criteria for determining what would constitute an exemption, "for military and international security reasons", under the Privacy Act and under the Access to Information Act.

lack of independence of Privacy Commissioner and Access to Information Commission

(j) Documentation related to the failure on the part of the Commissioners to fully speak truth to power because they are political appointees, and because they have a mandate to investigate the process rather than the substance of a complaint.

disregard for "right to correction"

(k) (i) Description of remedies available for citizens who have followed all of the above mentioned processes for "the Right to Correction", and removal off lists. [analogous application of international principle affirmed in the International Convention on the Right to Correction].

(ii) Documentation related to the "simple process available" [statement from former Minister of Justice] for those that wish to be removed from lists

(iii) Documentation related to the rationale for citizens' being offered the opportunity of addressing, through the Federal Court, their being placed on lists, coupled with the rationale for citizens being required to pay costs

(l) Explanation and Documentation about the reason that after following all the subsequently listed designated processes a citizen has not been able to find out why the citizen was perceived to be a threat to Canada, and placed on a Threat Assessment List:

(i) RCMP Complaints, RCMP Review, CSIS, SIRC and Federal Court (against the AG)

(ii) Over 60 processes within various government departments, =

(iii) Numerous request for reviews by Privacy Commissioners, and by the Access to Information Commissioner

discrimination of access

(m) Documentation supporting the difference in government policy between access to information for a citizen placed on a "Threat list" and access to information for a citizen placed on a "Terrorist list". In appearing before the committees examining Bill C36 (Anti-terrorism legislation). The former Justice Minister, Honorable Anne McClelland stated: "if someone's name appeared on the Terrorism list", there is an easy process to follow to find out why this occurred".

dissemination of lists

(n). Provisions in place for preventing the exchange of threat list to other states

(o). Documentation of oversight process and judicial opinions related to the commitment made by former Minister of Justice, the Honorable Ann McClelland, re: lists provided by other nations: "We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight."

"In fact we do not take the lists provided by other nations and simply rubber stamp them. Under the existing UN regulations what we do is receive independent advice from organizations like CSIS. We're not simply saying, some other international organization has said this group is a bad group We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight" (former Minister of Justice, the Honorable Ann McClelland).

long term impact

(p) Documentation related to judicial review of the economic, social, and psychological impact of placing citizens who are engaging in legitimate dissent, on threat assessment lists

Selective access to Committees

(q) Documentation related to the criteria for selecting which citizens and groups should have the opportunity of appearing before the various government and Senate committees

(q) Documentation related to the criteria for selecting which citizens and groups should have the opportunity of appearing before the various government and senate committees [THIS HAD NOW BEEN RESPONDED TO –THERE IS NO GENERAL CRITERIA OF SELECTION]

226. 14 OCTOBER, 2004: REQUEST FOR INFORMATION FROM ACCESS TO INFO AT DEPT OF ENVIRONMENT:

NOTE: in a former request from environment Canada there was reference to Russow calling for the banning of genetically engineered foods and crops. Russow decided to seek a more comprehensive access to information request to determine whether some of the activities that she had engaged in may have caused be to be designated as a threat.

October 14, 2004
1230 St. Patrick St.

Victoria, B.C.
V8S 4Y4

Michael Bogues
Access to Information and Privacy Secretariat
Terrasses de la Chaudiere 10 Wellington St. 4th Floor
Hull Quebec K1A 0H3
FAX 819 997 1781

Dear Mr. Bogues

1. Access to Information about the Department of Environment and international agreements and conferences
 - a. documentation related to the decision by the Federal Government in 1992, at the March 1992 Prep-Com for UNCED to raise the issue related to adding the "s" to Indigenous peoples
 - b. documentation related to the 1992 meeting of resource ministers in Whitehorse, and documentation related to the resource Ministers' supporting the Federal Government's ratifying of the Framework Convention on Climate Change; the Convention on Biological Diversity, and the acting on the Forest Principles emerging from the United Nations Conference on Environment and Development;
 - c. documentation related to the November 1992 meeting of the Provincial Environment Ministers in Alymer, and documentation related to the support of the provinces for the Federal government's ratifying of the framework Convention on Climate Change; and the Convention on Biological Diversity
 - d. documentation of the 1993 decision related to the declaration of the Tatshenshini as a World Heritage site at the World Heritage Committee meeting at UNESCO
 - e. documentation related to the IUCN meeting in Argentina in 1994, and to the IUCN resolution passed on Coastal Rain Forests in Canada and the US
 - f. documentation related to the 1994 IUCN meeting in Argentina related to Canada's position on including Forests under the Biodiversity Convention
 - g. documentation related to Canada's input into the IUCN Earth Covenant in 1994-1995
 - h. documentation related to Canada's submission to the Intergovernmental panel on Forests. This proposal was in support of a Convention on Forests rather than including forests under existing Conventions and treaties.
 - i. documentation related to stakeholder submissions to the consultation process for Rio +5 in 1997
 - j. documentation related to the Canadian Environmental Network about the selection of ENGOs for the Rio +5 Conference in New York, and about the importance placed by the Federal government on knowledge of Spanish.
 - k. documentation related to the analysis of stakeholder submissions to the consultation process on the Biosafety Protocol, 2004
 - l. documentation related to the 2002 stakeholder meeting in relation to Canada's position for the World Summit on Sustainable Development
 - m. documentation related to communication with the Canadian Environmental Network about the selection of ENGOs to be part of the Canadian Delegation at WSSD
 - n. documentation related to the Government of Canada's position related to the precautionary principle for the 2002 World Summit on Sustainable Development (WSSD)
 - o. documentation related to the decision to not apply the precautionary principle to the release, production, and export of genetically engineered seeds, foods and crops
 - p. documentation related to the Government of Canada's WSSD position related to the commitment to promote non renewable energy, and to reduce greenhouse gas emissions.
 - q. documentation related to the decision to issue an order in Council to bypass the Federal government statutory obligations under the EARP guidelines in order to permit the circulation and berthing of nuclear powered or nuclear capable vessels in Victoria's urban harbour

copy in mail With the required \$5 for the Access request

Yours truly Joan Russow (PhD) 1 250 598-0071

227. 15 OCTOBER 2004: RESPONSE FROM DEPARTMENT OF JUSTICE

Department of Justice
Ottawa, Canada
October 15, 2004

Joan Russow, PhD
1230 St. Patrick Street
Victoria, British Columbia V8S4Y4

Dear Dr. Russow:

On behalf of the Honourable Irwin Cotler, Minister of Justice and Attorney General of Canada, I acknowledge receipt of your correspondence of September 23, 2004, concerning your personal situation.

I hope you will understand that Minister Cotler is not in a position to help resolve individual legal matters. As Minister of Justice and Attorney General of Canada, he is the Government's chief legal advisor. For this reason, he is not able to provide legal advice to members of the public, nor is he able to intervene or otherwise become involved in individual cases. Similarly, neither departmental officials nor members of his staff can provide legal advice to private individuals or become involved in personal matters.

The most useful suggestion that AI can offer, given your situation, is to seek the advice of a lawyer in private practice to determine the course of action that will best serve your needs. If this is financially possible, you may wish to consult with legal aid office closest to you to determine whether you qualify for help.

Your correspondence also raises concerns regarding a threat assessment list maintained by the RCMP. The responsibility for this matter falls within the purview of my colleague the Honourable Anne McLellan, Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness. I have, therefore taken the liberty of forwarding a copy of your correspondence to Minister McLellan for her consideration. Thank you for bringing your concerns to Minister Cotler's attention.

Yours sincerely,

Ginette Pilon
Manager
Ministerial Correspondence Unit
cc. The Honourable Anne McLellan, P.C. MP
Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness

228. 19 OCTOBER 2004: RESPONSE TO ACCESS TO INFORMATION REQUEST TO THE DEPARTMENT OF JUSTICE

Department of Justice Ministère de la Justice Canada
Access to Information and Privacy Office Telephone: (613) 952-8361 284 Wellington Street, 1st Floor
Facsimile: (613) 957-2303 Ottawa, Ontario
Canada K1A 0H8
Our file: A-2004-00157 / bf
PROTECTED
October 19, 2004
Ms. Joan Russow
1230 St. Patrick Street
Victoria, British Columbia V8S 4Y4

Dear Ms. Russow:

This is to acknowledge that your request of October 14, 2004, was received in this Office on October 15, 2004. Your application fee was received in this Office on October 19, 2004.

We note that you wish to obtain, pursuant to the Access to Information Act:

documentation related to legitimate dissent (disregard for international law, failure to distinguish legitimate dissent, political intimidation, questionable exemptions, disregard for "right to correction", discrimination of access, dissemination of lists, and long term impact).

The purpose of this letter is to seek clarifications from you in order to locate records responding to your request.

The Access to Information Act creates the right of access to information in existing records. Although your letter includes several items, I would like to clarify that it is not necessary for an institution to create a record in order to respond to a request. It is also not necessary for a Department to retrieve publicly available records, such as library materials, as stated in s. 68 of the Act. Furthermore, section 6 of the Act states that a request for access must provide sufficient detail to enable an experienced employee of the Department with a reasonable effort to identify the relevant records. Generally, it is more difficult to identify records responding to a series of broad items or questions. I would appreciate if you could clarify or rephrase your request and specify which documents are being sought.

Please note that we will put your request in abeyance until we receive additional information from you. If we have not received your reply by November 8, 2004, we will consider the request abandoned and close our file accordingly. Should you wish to discuss your request, do not hesitate to contact me at (613) 952-1224.

Sincerely,

Brenda Freeland ATIP Advisor

229. 1. NOVEMBER 2004: LETTER FROM ACCESS TO INFORMATION COMMISSIONER ABOUT PCO

NOTE: :It is extremely disappointing after all the personal correspondence I have had with Hon John Reid, and written correspondence with his office that Commissioner, that in a note signed by him is the statement :” RCMP allegedly put you on a Threat Assessment list”.

Access to Information Commissioner

Our files; 17173/001 and 27173/002

Institution’s files 135-2-A-2001-0272/cdb and 135-2-a2001-0273/cdb

Dr. Joan Russow
1230 St. Patrick Street
Victoria BC V8S 4Y4

Dear Dr. Russow:

I write to report the results of our investigation of your two complaints, made under the Access to Information Act (the act) against the Privy Council Office (PCO).

In your requests, you asked for records related to the reasons why the RCMP prevented you from attending APEC-November 1997 and allegedly put you on a Threat Assessment list (PCO file 135-2-A-2001-o272). In PCO file 135-2-A-2001-0273, you asked for information about the direction given to a RCMP official by the PMO to prevent you from attending the APEC summit. This included information about Threat Assessment lists such as: who is on them and who they are shared with. As well you asked for any background on any action being taken to ensure that CSIS, the RCMP and the Prime Minister’s office conduct their affairs according to any statutory requirements relating to the monitoring of or interference with a member of a legitimate political party.

On April 29, 2002, PCO denied you access to portions of the requested records claiming exemption under one or more paragraphs 16 (1) (a) and (c) of the Act. On May 8, you complained about

PCO's response. On January 10, 2004, you also added to your complaint that PCO's response was incomplete and that you believed more records existed that respond to your requests.

First, let me apologize for the length of this investigating. The delays encountered were primarily the result of our heavy workload, but also because I wanted to ensure that every stone had been turned during the course of the investigation. Your cooperation and patience are much appreciated. During the course of this investigation, my staff reviewed every record within the control of the Privy Council's office and the Prime Minister's office related to the Asia-Pacific Economic Conference of 1997 and your two requests. My investigator revisited the search for records originally conducted and, as well conducted a thorough review of every departmental access file that related in any way to the APEC conference. As well, my senior officials interviewed senior officials from the PCO and the PMO. No additional records were found that fall within the ambit of your requests.

As a result of our interventions on December 12 2002, May 22, 2004, and October 13, 2004, PCO disclosed additional information to you. What remains withheld is personal information about a person other than you that is properly withheld under section 19 (1) of the Act.

Therefore I am satisfied that the search was thorough and complete and that you have received all the records to which you are entitled to under the Act.

Based on the above, and given that you did receive additional disclosures- albeit small additional disclosures, I will record your complaints as resolved.

Having now received the report of my investigation, you have the right to apply to the Federal Court for a review of the Privy Council Office's decision to deny you access to requested records. Such an application should name the Prime Minister as respondent and it must be filed with the Court within 45 days of receiving this letter. Yours sincerely
The Hon John M. Reid P.C.

230. 1 NOVEMBER 2004: RESPONSE TO THE RESPONSE FROM ACCESS TO INFORMATION COMMISSIONER TO PCO COMPLAINT

DATE REPLY TO ACCESS TO INFORMATION COMMISSIONER'S RESPONSE TO PCO

This is a further response to your November 1 letter, in which you indicated that the PCO was entitled to use the exemptions under article 16 and Article 19 of the Act. I have reviewed the various sections of my Access to Information Request, and have the following concerns:

ORIGINAL REQUEST:

A. Information about the direction [TO CHRISTINE PRICE] from the PMO to prevent Joan Russow from attending the APEC summit, and the resulting consequence that Joan Russow was placed on a RCMP Threat Assessment Group list

IN MAY, 1998, SERGEANT WOODS INTERVIEW CHRISTINE PRICE :

"WOODS: NOW WHEN BRIAN GROOS TOLD YOU THAT SHE [RUSSOW] WAS NOT TO GET ACCREDITED AND HE STATED THIS CAME FROM AUDREY GILL, DID HE GIVE YOU ANY EXPLANATION AS TO WHY

CHRISTINE PRICE; I BELIEVE HE TOLD ME THAT IT WAS AN ORDER FROM THE PMO BUT THAT WAS ALL THAT HE TOLD ME."

IN THE DOCUMENT THAT WAS SENT TO ME BY THE PCO, CHRISTINE PRICE TESTIFIED THAT SHE LEARNED THAT RUSSOW WAS NOT TO GET ACCREDITATION BECAUSE OF THE PMO. [THE PCO EXEMPTED THE REFERENCE TO THE PMO USING 16]

IT WOULD APPEAR FROM CHRISTINE PRICE'S TESTIMONY THAT THERE WAS AN ORDER FROM THE PMO. THERE MUST BE EVIDENCE SOMEWHERE AS TO THE NATURE OF AND THE BASIS FOR THIS ORDER.

IN MY REQUEST I HAD ASKED FOR "INFORMATION ABOUT THE DIRECTION", AND THE PCO CONFIRMED THAT THERE HAD BEEN A DIRECTIVE FROM THE PMO'S OFFICE BUT THE PCO DID NOT GIVE ME INFORMATION ABOUT THE DIRECTION. PERHAPS IT WAS NOT CLEAR THAT IN USING THE EXPRESSION "INFORMATION ABOUT THE DIRECTION" I WAS EXPECTING CLARIFICATION AS TO THE NATURE OF AND THE REASON FOR THE ORDER COMING FROM THE PMO.

B. Information about the PCO Intelligence Committee comprised of RCMP intelligence, CSIS intelligence and Military intelligence vis-a-vis the compiling of Threat Assessment lists, and about the sharing and circulating of lists. [note that in the Federal Court of Canada on January 21st, Justice Hargrave stated that my statement of claim lacked particulars such as the destination of Threat Assessment lists

AFTER HAVING FOUND OUT THAT I HAD BEEN PLACED ON A RCMP THREAT ASSESSMENT LIST, AND THAT THE GROUP TO WHICH I HAD BEEN A MEMBER HAD BEEN PLACED ON A DEPARTMENT OF DEFENCE LIST, I BECAME LEGITIMATELY CONCERNED ABOUT THE POSSIBLE EXISTENCE OF MULTIPLE LISTS, AND ABOUT THE DISSEMINATION OF THESE LISTS. I BELIEVE THAT THIS REQUEST WAS A LEGITIMATE REQUEST. I HAVE EVERY RIGHT TO KNOW THE RANGE, THE SOURCE, THE EXTENT AND THE DISTRIBUTION OF ANY LISTS WHICH HAVE INCLUDED MY NAME. IF CIRCULATED WHAT ASSURANCE CAN THE CANADIAN GOVERNMENT PROVIDE THAT THESE LISTS DO NOT IN ANY WAY JEOPARDIZE THE SAFETY AND SECURITY OF CITIZENS ON THE LISTS, AND WHAT ASSURANCE CAN THE CANADIAN GOVERNMENT GIVE THAT ONCE A PERSON PLACED ON A LIST IN CANADA, THAT THIS LIST IS NOT USED TO ASSOCIATE THE PERSON WITH THREATS AS DEFINED IN OTHER NATIONAL JURISDICTIONS. IF DISTRIBUTED, WHAT GUARANTEES CAN THE CANADIAN GOVERNMENT GIVE TO CANADIAN CITIZENS THAT THESE LISTS WILL NOT BE USED BY OTHER GOVERNMENTS OR THEIR AGENCIES TO DEPRIVE CANADIAN CITIZENS OF THEIR CIVIL AND POLITICAL RIGHTS.

C. Information about the submitting of various lists to the United Nations. Information surfaced from the World Conference on Racism that Joan Russov had been placed on an international list. IT IS MY UNDERSTANDING THAT THERE MAY HAVE BEEN THE CIRCULATION OF THESE LISTS TO INTERNATIONAL BODIES SUCH AS THE UNITED NATIONS. THERE ARE SERIOUS IMPLICATIONS FOR THE SAFETY OF CITIZENS WHOSE NAMES ARE ON LISTS THAT HAVE BEEN DISTRIBUTED INTERNATIONALLY. WHAT CONTROL DOES THE CANADIAN GOVERNMENT HAVE OVER THE USE OF THE LIST. WHERE ELSE HAVE THESE LISTS BEEN DISTRIBUTED? THE CIRCULATION OF LISTS IS IN VIOLATION OF THE RIGHT TO SECURITY WHICH IS ENSHRINED IN THE CHARTER.

D. Information about what procedures the PCO will be taking to ensure that CSIS and the RCMP abide by their statutory requirements that prohibit the investigation of citizens engaged in legitimate dissent:

UNDER THE CSIS ACT "THREATS TO SECURITY OF CANADA" ARE DEFINED.

Threats to the security of Canada means

(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage

b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada that are clandestine or deceptive or involve a threat to any person

c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state and

d) activities directed toward undermining by covert unlawful acts or directed toward or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government in Canada

but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d) 1984 c 21 s2.

IN NO WAY DO I OR HAVE I EVER DONE ANYTHING THAT WOULD JUSTIFY MY BEING DESIGNATED AS A THREAT, AND IT IS QUITE CLEAR UNDER THE CSIS ACT THAT THE DEFINITION OF "THREAT" DOES NOT INCLUDE LAWFUL ADVOCACY, PROTEST OR DISSENT. AM I TO PRESUME THAT THE PMO IS BEING CONDONED FOR GIVING ORDERS TO THE RCMP TO CLASSIFY AS THREATS CITIZENS THAT ENGAGE IN LAWFUL ADVOCACY, PROTEST, OR DISSENT? AM I ALSO TO PRESUME THAT THERE ARE NO PROVISIONS IN THE PCO TO ENSURE THAT CSIS AND THE RCMP ABIDE BY THEIR STATUTORY REQUIREMENTS. IN ADDITION, IT APPEARS THAT THE PMO/PCO, BY TREATING "ACTIVISTS" ENGAGED IN LEGITIMATE DISSENT AS THREATS, IS PREPARED TO DISCRIMINATE ON THE GROUNDS OF POLITICAL AND OTHER OPINION, IN CONTRAVENTION OF THE INTERNATIONAL COVENANT OF CIVIL AND POLITICAL RIGHTS,

UNDOUBTEDLY, IF ACTIVISTS ENGAGING IN LEGITIMATE DISSENT HAVE BEEN INCORRECTLY PLACED ON THREAT LISTS, THERE MUST BE SOME OVERSIGHT PROCEDURE TO CORRECT MISINFORMATION EXISTING IN GOVERNMENT FILES,

AN ORDER FROM THE PMO OFFICE TO PLACE ACTIVISTS ENGAGED IN LEGITIMATE DISSENT ON A THREAT ASSESSMENT LIST MUST HAVE BEEN BASED ON INFORMATION THAT WAS PROVIDED TO THE PRIME MINISTER. THESE ACTIVISTS HAVE A RIGHT TO BE INFORMED ABOUT THE NATURE OF THE INFORMATION AND BE ABLE TO CORRECT THE MISINFORMATION THAT WAS COMMUNICATED TO THE PMO.

THE PRACTICE OF PLACING ACTIVISTS ENGAGED IN LEGITIMATE DISSENT, INCLUDING THE CASE IN WHICH ACTIVISTS ARE UNAWARE OF THEIR BEING PLACED ON LISTS, HAS SERIOUS AND UNFORESEEN CONSEQUENCES.

E. Information about what actions are to be taken to address the issue of political interference by the Prime Ministers office in preventing a citizen with media credentials from attending a meeting and in placing a leader of a registered political party on a Threat Assessment Group List

DO I TAKE IT THAT EVEN AFTER THERE WAS CONSIDERABLE EVIDENCE TO DEMONSTRATE THAT PRIME MINISTER CHRÉTIEN INTERFERED WITH THE ADMINISTRATION OF JUSTICE, AT APEC, THERE IS NO ACCESSIBLE DOCUMENT INDICATING THAT THE PCO/PMO HAS INSTITUTED MEASURES TO PREVENT FURTHER INTERFERENCE FROM THE PRIME MINISTERS; OFFICE.

F. Information about the relationship between various intelligence agencies and the registered US TAG (Threat Assessment Group) inc.

G.(Amended)

AM I TO UNDERSTAND THAT THERE WAS NO AMERICAN CORPORATION INVOLVED IN THE DEVELOPMENT OF THREAT ASSESSMENT LISTS?

I Hope that you will give due considerations to the above concerns.

YOURS TRULY

Joan Russow

**231. 11 NOVEMBER 2004: LETTER TO ACCESS TO INFORMATION
COMMISSIONER ABOUT DISILLUSIONMENT WITH THE PROCESS**

Attention Sylvia Klasosec

1 416 325 9195

no. of pages: including cover: 5

MESSAGE:

Dear Sylvia

Thank you for taking the time to listen to my case.

As requested here is the letter that I sent to the Access to information Commissioner.

Sincerely

Joan

232. 11 NOVEMBER 2004: APPEAL TO JOHN REID TO TAKE MY CASE TO COURT

Joan Russow (PhD)
1230 St Patrick St.
Victoria, B.C. V8S 4Y4
1 250 598-0071

Hon John Reid
Access to Information Commissioner
112 Kent Street
November 11, 2004

Fax. 1 613 947-7294

Dear Commissioner,

I am responding to your letter of November 1st, 2004. In this letter you indicated that I had the option to appeal to the Federal Court within 45 days. I contacted Dan O'Donnell to ask about the procedure. He indicated that I had to contact a lawyer. I cannot afford a lawyer, and I am writing to you to urge you to act on my behalf before the Federal Court. No citizen should have to live with the stigma of being designated by the government as a "A threat to military and International Security"

At least since 1997, I have been on an RCMP threat assessment list. I found out about this fact inadvertently during the release of documents during the APEC inquiry. The document released was entitled "other activists" and contained the pictures of 9 activists. Although I have been a strong policy critic of government practices, and engaged in legitimate dissent, I have never been arrested, or engaged in any activity that could be deemed to be a threat to military and international Security.

I have a masters in Curriculum Development, introducing, principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law, and a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the university of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria, and the Vancouver peace Society, I am a member of the IUCN Commission of Education and Communication, and the Canadian UNESCO Sectoral Commission on Science and Ethics. and the Canadian Voice of Women.

I am the author of the Charter of Obligations-350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through UN General Assembly Declarations and Resolutions--related to the public trust or common security (peace, environment social justice and human rights).

However, as an Activist from India once stated nothing is more radical than asking governments to live up to its obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments and expectations is a threat to the country then I am a threat to Canada. However, under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years.

I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. After receiving questionable responses from the RCMP. CSIS, Ethics Commissioner, Privy Council, PMO, SIRC with exemptions under various section being cited - information cannot be released for "military and international security reasons".

When I was refused access to the APEC conference in 1997, I filed a complaint; but I was never able to appear during the inquiry even though the RCMP and the RCMP Commissioner were aware that there had been a directive from the PMO to prevent me from attending the Conference. I even spoke several times to the lawyers acting for the Commission, and to Commissioner Hughes, about my case. I was not even able to appear, when I pointed out that on the stand a constable from the Vancouver police had made a statement that I had behaved inappropriately on a media bus going out to UBC. Her statement was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference.

After the APEC conference, in February 1998 I had a petition placed on the floor of the house of Commons calling for an investigation into the Canadian government's disregard for the International Covenant of Civil and Political Rights' in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms.

From April 1997 to March 2001, I was the Federal Leader of the Green Party of Canada, and was concerned to find out that the Green Party had been on a list of groups that the Military should not belong to. As a result of the Somali Inquiry, Robert Fowler, then Deputy Minister of Defence, had commissioned a junior officer to compile this list. ...The Green Party was on this list. Subsequently, I found out through Access to information that it was the leaders of these groups that were of especial concern to the Department of Defence.

In September 1998, it was brought to my attention that I had been placed on RCMP APEC threat assessment list of "other activists". The placing of the leader of a registered political party on a threat assessment became a media issue and was reported widely across the country through CBC television, through CBC radio, and through the National post and its branch papers. In 1998, The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I}

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and a new response was devised by the Privy Council for the Solicitor General [accessed through A of I subsequently in 1999).

In August of 2001 there was a series of articles on the Criminalization of dissent. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther Kings accompanied the article. This series later won an award.

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case, in the Federal Court, of defamation against various federal government departments.

I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver, that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Department of Justice has been remiss in not advising the Federal government that "political and other opinion" which is a listed ground under the ICCPR should have been included in the Charter of Rights and Freedoms. When I raised the fact that "political and other opinion" is a recognized ground, internationally, the lawyer from Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory.

When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to information requests.

The following is excerpts from the Judge's decision:

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in *Guetta v the Queen* (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

4.“... I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed, I viewed it as a n expensive fishing expedition, which entailed serious allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that

the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient.

[I pointed out that I was in a conundrum that lawyer for the defendants claimed that I did not have sufficient particulars and I responded that after four years of trying and I showed the 2 inch thick binder I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the "particulars". The judge's response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in *Guetta v the Queen* (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

6. Counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim , sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts. ...

I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that the information was being collected by a recognized body under statutory provisions.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of "political and other opinion"- a ground that is included in the International Covenant of Civil and Political rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged and my character has been defamed. The sequence of events and the myriad of frustrating fruitless government processes has left me disillusioned with politics and in particular with the unethical abuse of political power.

In 2002, there was an article that appeared across the country about the launching of my court case, and in the article my concern about being deemed a security risk and about the stigma attached to my name even to the point that I feared that my access internationally might be curtailed, and my employment opportunities thwarted. Also, the stigma attached to my name has affected my children, and has discredited my father's reputation. My father was the Assistant Auditor General of Canada, and acting Auditor General in the late 1950s, as well as being a representative to the United Nations and other international Organizations.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked the exemption clause of " military and international Security" have been discredited. This list would include, Robert Fowler- the originator of the infamous list of groups that the military should not belong to- was discredited because of his involvement in Somali, Andy Scott for prejudging the APEC inquiry; McCauley for accepting benefits; Radwanski for misappropriation of funds; Gagliano and the former Prime Minister for their potential involvement in the Sponsorship scandal; Howard Wilson for potential bias and not "speaking truth to power"

I feel that I have been discriminated on the grounds of political opinion. I appeal to you to address. at the highest level, in some way the years of injustice and discrimination that I have undergone.

I urge you to take on my case in the Federal Court against the Solicitor General's Department, RCMP. CSIS, Department of Defence, and Prime Ministers office.

Your truly

Joan Russow (PhD)
1 250 598-0071

Since my graduation with my doctorate in 1996, I have attempted to apply for numerous jobs, and have been continually disappointed.

The reason I mention this is that I incurred a student loan of 57,000 when I graduated. 20,000 of the amount was granted in remission for community service by the Provincial government. I then owed 37,000 to the Federal Government under the Ministry of Human Resources. In 1995, I was co-teaching a course in global issues at the University of Victoria, and I received two CIDA grants one for authoring the aforementioned Charter of Obligations for the UN Conference on Women, and the other for an exploratory project on the complexity and interdependence of issues in collaboration with academic activists in Brazil.

On completing my doctorate I have no doubts about my ability to repay my student loan. I received two 500 grants to assist in the preparation of 176 book in which I placed the Habitat II Agenda in the context of previous commitments made through Habitat 1, and subsequent commitments from conference Action plans, obligations from conventions, treaties, covenants, and expectations created through UNGA declarations and resolutions.

When I returned from the Habitat II conference I applied for numerous federal grants in the 1996 with no success. Ironically one of my grant applications was with the Canada Mortgage and Housing Corp under Public Works. I applied for a research grant under one of their categories Sustainable development

The proposed project was the following:

A revising of "sustainable Development" in the context of 'sustainable human settlement Development' ; from principle to policy."

The reason for the refusal I found out later through a privacy request was the following.

subject : IRD Review of Submissions - 1006 External Research Program

The six 1996 ERP submissions that were sent to International Relations Division for review have been evaluated and the results are summarized in the enclosed table.

"All the submissions reviewed were interesting, TRADE-RELEVANT and were thought likely to generate some added value. Nevertheless, none of these proposals were thought to be sufficiently compelling or well targeted in relation to the Division's current or likely future priorities that we would be prepared to urge that they be supported.

"This is the highest scoring of the proposals reviewed by IRD, This score is largely a reflection of the thoroughness of the proposal and its supporting documentation.

This proposal , however, is marginal in terms of its capacity to support the international commercial endeavours of Canada's housing industry.

IRD cannot support this proposal as its provides is unlikely to result in any tangible benefit to Canada' housing exporters. " [NOTE THE CURRENT RELEVANCE WHEN THERE IS A CURRENT COMMISSION LOOKING INTO CRITERIA FOR PROJECTS WITHIN THE PUBLIC WORKS]

Prior to finding out in 1998 that I was on the threat assessment list, although I still had not received any income, I decided that I would not declare bankruptcy and renege on my obligation to repay my student loan. Although I was not earning an income I was continually contributing my time to further the public trust and the respect for international law. I was often part of government stakeholder meetings, and in fact in 1997 as a stakeholder, I had been asked to review Canada's submission to the UN for RIO +5. I spent several months reviewing preparing a 200 page response, and rather than receiving remuneration, I was thanked for my comprehensive submission, and denied a request on my part to participate on the Canadian delegation. I participated throughout the years on other stakeholder meetings and similar undertakings without remuneration.

I was constantly hounded by credit agencies and I finally decided to write to the Minister of Human Resource asking if it was possible to forgive my loan on the basis of my contribution to years of community service as had been proposed by Senator Perrault, and given that I was now 60 years old and my chances for employment were diminishing. He declined. Even though, I was 60, I declined my meager Canada pension of 78 per month on the hope that I could find work, and thus repay my loan.

In 1998, when I found out that I was on the Threat Assessment list, I realized that my reputation had been denigrated and the chances of my finding work was next to impossible. In fact the University of Victoria, had even sent a note when I was running in the 1997 election, to the office of the Green Party of Canada stating that I was no longer associated with the university.

Since 1998, I have been constantly harassed by credit agencies every two weeks and sometime even more often.

In 2004, I wrote another letter to the Jane Stewart the then Minister of Human Resources, indicating that for "unforeseen and unexpected" reasons I would not be able to repay my loan citing the fact that my being placed on a threat assessment list, and the wide publication of this fact and the stigma attached to being placed on the list has prevented me from fulfilling my obligations. With interest I now owe 67,000.

In the Summer of 2004, I received a phone call from a law firm in Victoria, about the Attorney General's taking me the court about the loan, and that a notice would be served to me around mid August. I phoned human resources and appealed to them and they arranged with the Law firm that I could have until October 15 to prepare my case.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked the exemption clause of " military and international Security" have been discredited. This list would include, Robert Fowler- the originator of the infamous list of groups that the military should not belong to- was discredited because of his involvement in Somali, Andy Scott for prejudging the APEC inquiry; Macaulay for accepting benefits; Radwanski for misappropriation of funds; Gagliano and the former Prime Minister for their potential involvement in the Sponsorship scandal; Howard Wilson for potential bias and not "speaking truth to power"

I currently have thousands of pages of data related to my case

I feel that I have been discriminated on the grounds of political opinion. I appeal to you to address. at the highest level, in some way the years of injustice and discrimination that I have undergone.

As you said in your address to the Canadian Bar Association, you want to create a culture of justice, and a furthering of the public trust.

Yours very truly

Joan Russow (PhD)
1230 St. Patrick St.
Victoria, B.C. V8S4Y4
1 250 598-0071

233. 20 DECEMBER 2004: COMPLAINT TO ACCESS TO INFORMATION COMMISSION ABOUT EXORBITANT COSTS ATTENTION : HON JOHN REID 2004 COMPLAINT TO ACCESS TO INFORMATION COMMISSION ABOUT EXORBITANT COSTS

ATTENTION : HON JOHN REID Access to Information Commissioner
FAX 613 947 7294

Re: Access to Information requests to Department of environment:

A-2004-00475: costs
Excessive costs for information that should be easily accessible

A 2004 00327 costs
Exorbitant costs for information that should be readily available.

A-2004-00471 Existence of documents

Documentation exists. Either Department has poor filing system destroyed relevant historical information , or is reluctant to divulge information and claims that it does not exist.
Dr Joan Russow 1 250 598-0071

**234. 26 JANUARY 2005: RESPONSE FROM ENVIRONMENT CANADA;
EXORBITANT COSTS**

Environment Environnement Canada
Terrasses de la Chaudiere
10 Wellington Street, 3rd Floor Gatineau, Quebec
K1A 0H3

Your File Votre reference
January 26, 2005
Our File Notre reference A-2004-00475 / gb
Dr. Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4

Dear Dr. Russow:

This refers to your request under the Access to Information Act (the Act) for:
"Documentation related to the 2002 stakeholder meeting in relation to Canada's position for the World Summit on Sustainable Development (WSSD);

Documentation related to communication with the Canadian Environmental Network about the selection on ENGOs to be part of the Canadian Delegation at WSSD;

Documentation related to the Government of Canada's position related to the precautionary principle for the 2002 WSSD;

Documentation related to the decision at the WSSD to not apply the precautionary principles to the release, production and export of genetically engineered seeds, foods and crops;

Documentation related to the Government of Canada's WSSD position related to the commitment to promote non renewable energy, and to reduce greenhouse gas emissions."

Please be advised that the Act and Regulations prescribe fees for the processing of requests. The fee for search and preparation time is \$10.00/hour. For this request, we will require approximately 39 hours to locate and prepare the requested information for disclosure. Please note that there is no charge for the first five hours of search and preparation time. Therefore, the search and preparation fee is 5340.00 (34 hours x \$10.00/hour).

We will require a deposit of \$170.00 before we continue to process your request. The cheque or money order should be made payable to the Receiver General for Canada and should be forwarded to the Access to Information and Privacy Secretariat at the above address within 30 days.

Please note that this estimate does not include the additional cost of any photocopies at 50.20 per page. However, you will have the opportunity to review the records in person in one of our offices if you wish to avoid the photocopy fee. Payment of the remainder of the processing fee must be made prior to viewing the records.

If you are not satisfied with our handling of your request, the Act grants you the right to file a complaint with the Information Commissioner of Canada within one year of the receipt of your request. The address is:

Information Commissioner of Canada Place de Ville, Tower "B"
112 Kent Street, 22nd Floor Ottawa, Ontario
K1A 1H3

If you have any questions regarding this request, please contact Ghislaine Bourdeau at (819) 934-3948 or by fax at (819) 953-1099.

Yours sincerely,
Shelley Emerson Chief
Access to Information and Privacy Secretariat
Enclosure

**235. 26 JANUARY 2005: RESPONSE FROM ACCESS TO INFORMATION
ENVIRONMENT CANADA**

NOTE: This response epitomizes the problem inherent in the Access to Information Process.: exorbitant costs and ineffective means for obtaining information:

Environment Environnement Canada Terrasses de la Chaudiere
10 Wellington Street, 3rd Floor Gatineau, Quebec
K1A 0H3

Your File Votre reference
Our File Notre reference A-2004-00327 / ell

Dr. Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4

Dear Dr. Russow:

This refers to your request under the Access to Information Act (the Act) for:
"Revised December 20, 2004

- 1) Documentation related to the decision by the Federal Government in 1992, at the March 1992 Prep-Corn for UNCED to raise the issue related to adding the "s" to Indigenous peoples;
- 2) Documentation related to the 1992 meeting of resource ministers in Whitehorse, and documentation related to the resource Ministers' supporting the Federal Government's ratifying the Framework Convention on Climate Change; the Convention on Biological Diversity, and the acting on the Forest Principles emerging from the United Nations Conference on Environment and Development;
- 3) Documentation related to the November 1992 meeting of the Provincial Environment Ministers in Aylmer, and documentation related to the support of the provinces for the Federal government's ratifying of the framework Convention on Climate Change; and the Convention on Biological Diversity."

Please be advised that the Act and Regulations prescribe fees for the processing of requests. The fee for search and preparation time is \$10.00/hour. For this request, we will require approximately 2407 hours to locate and prepare the requested information for disclosure. Please note that of the 2407 hours, 2250 hours are required to search through boxes sent to Archives. The boxes collectively store files which had been held in 6 large double-banked, 5 tier file cabinets (or 60 shelves). The remaining hours are required to search through offices of primary interest. Please note that there is no charge for the first five hours of search and preparation time. Therefore, the search and preparation fee is \$24,050.00 (2,402 hours x \$10.00/hour).

We will require a deposit of \$12,025.00 before we continue to process your request. The cheque or money order should be made payable to the Receiver General for Canada and should be forwarded to the Access to Information and Privacy Secretariat at the above address within 30 days.

Please note that this estimate does not include the additional cost of any photocopies at \$0.20 per page. However, you will have the opportunity to review the records in person in one of our offices if you wish to avoid the photocopy fee. Payment of the remainder of the processing fee must be made prior to viewing the records.

If you are not satisfied with our handling of your request, the Act grants you the right to file a complaint with the Information Commissioner of Canada within one year of the receipt of your request. The address is:

Information Commissioner of Canada Place de Ville, Tower "B"

112 Kent Street, 22nd Floor Ottawa, Ontario
K1A 1H3

If you have any questions regarding this request, please contact Carol Lafontaine at (819) 953-5689 or by fax at (819) 953-1099.

Yours sincerely,

Shelley Emerson Chief
Access to information and Privacy Secretariat

236. 27 JANUARY 2005: RESPONSE TO REQUEST FOR ACCESS TO INFORMATION IN THE DEPT OF ENVIRONMENT CANADA

Environment Environnement Canada Les Terrasses de la Chaudiere 27ieme etage/27^o Floor
10, rue Wellington/10 Wellington Street Gatineau, Quebec K 1 A OH3
TEL.: (819) 953-2743 FAX: (819) 953-0749 Helen. Ryan@ec.gc.ca Your File Votre reference
Our File Notre reference A-2004-00472 / gb

Dr. Joan Russow
1230 St. Patrick Street
Victoria, British Columbia
V8S 4Y4

Dear Dr. Russow:

This letter is in response to your request under the Access to Information Act (the Act) for:
"Documentation related to Canada's submission to the Intergovernmental panel forests. This proposal was in support of a Convention on Forests rather than including forests under existing Conventions and treaties.

-

After a thorough search, no records were found concerning this request.

The Act grants you the right to file a complaint with the Information Commissioner, one year of the receipt of your request if you are not satisfied with our handling of your request. The address is:
Office of the Information Commissioner 112 Kent Street, 22nd Floor Place de Ville, Tower B Ottawa, Ontario KIA 1H3

If you have any questions regarding this request, please do not hesitate to contact Ghislaine Bourdeau at (819) 934-3948.

Helen Ryan
Access to Information and Privacy Coordinator

237. 17 FEBRUARY 2005: RESPONSE FROM THE PRIVY COUNCIL TO PRIVACY REQUEST;

NOTE: The only information that was provided was a petition that Russow had sent the Prime Minister on the Casino probe- a probe that had the control panel fueled by 32 kg of plutonium

Government of Canada
Privy Council Office

135-3-P-2004-0012
Ms Joan Russow
1230 Patrick Street
Victoria, British Columbia
V8S 4Y4

Dear Ms Russow:

This is in response to your request under the Privacy Act for Information related to Joan Russow- Green Party Leader (April 1997- March 2001) (j.russow@shawlink.ca/jrussow@coastnet.com). The Privy Council office received your request on November 10 2004

We have now complete the processing of your request. Please find enclosed a copy of the records disclosed in full

You are advised that you are entitled to bring a complaint regarding the processing of your request to the Privacy Commissioner (3 floor, 122 Kent Street Ottawa)

Yours sincerely

Ciuneas Boyle

238. 27 JANUARY 2005: RESPONSE FROM ACCESS TO INFORMATION IN ENVIRONMENT CANADA.

NOTE: Russow requested information about the IUCN from the Environment Canada; The Department of Environment was very much involved with the IUCN, and I submitted a proposal to the Asst. of the former Ambassador for the Environment to the UN, Arthur Campeau.

239. JAN 27 2005: RESPONSE TO ACCESS TO INFORMATION REQUEST TO ENVIRONMENT CANADA

Environment Environnement Canada Canada Les Terrasses de la Chaudiere 27ieme etage/27th Floor
10, rue Wellington/10 Wellington Street Gatineau, Quebec KIA OH3
TEL.: (819) 953-2743 FAX: (819) 953-0749 Helen Ryan @ec.gc.ca
Your File Votre reference
Our File Notre reference
A-2004-00471 / gb

Dr. Joan Russow
1230 St. Patrick Sheet Victoria. British Columbia V8S 4Y4

Dear Dr. Russow:

This letter is in response to your request under the Access to Information Act (the Act) for:
"Documentation of 1993 decision related to the declaration of the Tatshenshini as a World Heritage site at the World Heritage Committee meeting at UNESCO, and response from IUCN;
Documentation related to the IUCN meeting in Argentina in 1994, and to the IUCN resolution passed on Coastal Rain Forests in Canada and the US;

Documentation related to the 1994 IUCN meeting in Argentina related to Canada's position on including Forests under the Biodiversity Convention;

Documentation related to Canada's input into the IUCN Earth Covenant in 1994-1995. "

After a thorough search, no records were found concerning this request.

The Act grants you the right to file a complaint with the Information Commissioner, within one year of the receipt o F your request, if you are not satisfied with our handling of your request. The address is:
Office of the Information Commissioner 112 Kent Street, 22nd Floor Place de Ville, Tower B Ottawa,
Ontario KIA 1H3

If you have any questions regarding this request, please do not hesitate to contact Ghislaine Bourdeau at (819) 934-3948.

Yours since

Helen Ryan
Access to Information and Privacy Coordinator

240. 11 MARCH 2005: RESPONSE FROM ACCESS TO INFORMATION CANADA

Environment Environnement Canada Canada Terrasses de la Chaudiere
10 Wellington Street, 3rd Floor Gatineau, Quebec
K1A 0H3
Tel: (819)997-4552 Fax(819)953-1099 Shelley. Emmerson@ec.gc.ca
Your File Votre reference

March 11, 2005
Our File Notre reference A-2004-00327 / cl
Dr. Joan Russow
1230 St. Patrick Street Victoria, British Columbia V8S 4Y4

Dear Dr. Russow:

This refers to your request under the Access to Information Act (the Act) for:
"Revised December 20, 2004

- 1) Documentation related to the decision by the Federal Government in 1992, at the March 1992 Prep-Corn for UNCED to raise the issue related to adding the "s" to Indigenous peoples;
- 2) Documentation related to the 1992 meeting of resource ministers in Whitehorse, and documentation related to the resource Ministers' Supporting the Federal Government's ratifying the Framework Convention on Climate Change; the Convention on Biological Diversity, and the acting on the Forest Principles emerging from the United Nations Conference on Environment and Development;
- 3) Documentation related to the November 1992 meeting of the Provincial Environment Ministers in Aylmer, and documentation related to the support of the provinces for the Federal government's ratifying of the framework Convention on Climate Change; and the Convention on Biological Diversity."

As we have not received a reply to our letter of January 26, 2005 (copy attached), we now consider your request to have been abandoned and we are closing our file.

Yours sincerely,

Shelley Emmerson Chief
Access to Information and Privacy Secretariat

241. 19 APRIL 2005: LETTER TO THE HON BILL GRAHAM, MINISTER OF DEFENCE RE; LISTS

Graham.B@parl.gc.ca
Hon Bill Graham
Minister of Defence
April 19, 2005

Dear Minister

For years, I have been living with the stigma of being the former leader of a group that was on the DND Secure op list, and of being placed on an RCMP threat assessment list. The Gomery inquiry should be extended to include investigating the unconscionable actions by both the former Mulroney Conservative government and the former Chrétien Liberal government for their targeting citizens engaged in lawful dissent.

During the Somali Inquiry, Robert Fowler, the then Deputy Minister of Defence, issued a directive to a junior officer to compile a list of groups that the military should not belong to. The junior officer then passed the assignment on to an even more junior officer who came up with a set of categories for groups that the military should not belong to..... The Green Party was on this list. The placing of groups on lists and circulating these lists, nationally and internationally have serious implications including the perception of those in the Group mentioned above as being capable even of treason, Through Access to information I

received an outline of the categories of the list but not the names of groups on the list. [The names of the groups had previously been reported in a newspaper]] in the information that I received it indicated that only the leaders or leadership of the groups was to be considered.

The placing of groups that have engaged in lawful advocacy or legitimate dissent on group lists is unethical and potentially in violation of the Right of Association and in violation of "political and other opinion", one of the listed grounds, in most international human rights instruments, for which there shall not be discrimination

In 1998, I found out that I had been placed on a 1997 RCMP threat assessment list. I believe that I may have been determined to be a threat to Canada and continue to be perceived as a threat [presumably because the government has not been forthcoming in publicly apologizing for placing me on a threat assessment list] for the following reasons: (i) I was involved in a 1991-93 Court case related to preventing the berthing of nuclear powered or nuclear arms capable vessels in the waters of BC and in the port of Greater Victoria; (ii) I organized and participated in numerous protests against the US nuclear powered vessels; (iii) I organized and participated in numerous protests against Nanoose Bay and the circulation of US nuclear powered and nuclear arms capable vessels; (iv) I filed an affidavit in the submissions about the conversion of Nanoose Bay. (v) I have been an international advocate for the reallocation of the global military budget as agreed through UN Conference Action plans and UN General Assembly resolution since at least 1976; (vi) I opposed and protested Canada's involvement in the 1991 gulf war, the 1998 bombing of Iraq, the 1999 invasion of Yugoslavia, the 2001, invasion of Afghanistan, as well as a strong critic of the US-led invasion of Iraq; (vii) I circulated a document related to the 52 ways the US contributes to global insecurity.

All the above actions are actions of lawful advocacy or legitimate dissent, and under the CSIS act, it is clear that citizens engaged these actions must not be designated as threats. The following is a description of what constitutes a "Threat" in Canada.

Threats to the security of Canada means

(a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage

b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada that are clandestine or deceptive or involve a threat to any person

c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state and

d) activities directed toward undermining by covert unlawful acts or directed toward or intended ultimately to lead to the destruction or overthrow by violence of the constitutionally established system of government in Canada

but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d) 1984 c 21 s2.

In no way do I or have I ever done anything that would justify my being designated as a threat, and it is quite clear under the CSIS act that the definition of "threat" does not include lawful advocacy, protest or dissent. Am I to presume that the PMO is being condoned for giving orders to the RCMP to classify as threats citizens that engage in lawful advocacy, protest, or dissent? Am I also to presume that there are no provisions in the PCO to ensure that CSIS and the RCMP abide by their statutory requirements. in addition, it appears that the PMO/PCO, by treating "activists" engaged in legitimate dissent as threats, is prepared to discriminate on the grounds of political and other opinion, in contravention of the international covenant of civil and political rights,

Undoubtedly, if activists engaging in legitimate dissent have been incorrectly placed on threat lists, one would think that there must be some oversight procedure to correct misinformation existing in government files,

An order from the PMO office to place activists engaged in legitimate dissent on a threat assessment list must have been based on information that was provided to the Prime Minister Office. These activists have a right to be informed about the nature of the information and be able to correct the misinformation that was communicated to the PMO.

The practice of placing activists engaged in legitimate dissent, including the case in which activists are unaware of their being placed on lists, has serious and unforeseen consequences.

The fact that I was on the RCMP Threat Assessment Group list was broadcast across the country on radio and television and was published in newspapers across the country. I have had to live under the stigma of being designated a threat to my country. Since 1998 I have attempted to determine the reason for my being placed on the RCMP list. Supposedly there had been a directive from the PMO office to the RCMP.

I have filed almost sixty Access to Information and Privacy requests, and complaints, and have not been able to find out why I was deemed to be a threat.

I had a legitimate expectation that after being placed on a DND -Secure Ops List and the RCMP Threat Assessment Group list I would be able to correct the misinformation through provisions in the Privacy Act and the Access to Information Act. I did not anticipate that the government would exercise exemption provisions, such as for "national and international security reasons" or [being] "injurious to the conduct of international affairs, or the defence of Canada" in these acts to justify not revealing the reason that I had been perceived to be a threat. I did not foresee that the Canadian government would deny me an opportunity to correct what was and is incorrect information.

Continually, different departments of the government, including the Department of Defence, have used the following exemptions which give me increased reason to assume that there is incorrect information being withheld.

21 INTERNATIONAL AFFAIRS AND DEFENCE

The head of a government institution may refuse to disclose any personal information requested under subsection 12.1 the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada, as defined in subsection 15 (2) of the Access to Information Act, or the efforts of Canada toward detecting, preventing or suppressing subversive or hostile activities as defined in subsection 15 (2) of the Access to Information Act, including , without restricting the generality of the foregoing, any such information listed in Paragraphs 15 (1) (a) to (i) of the Access to Information Act 1980-91-82-83, c Sch. 11 "21"

Privacy Sections

21 INTERNATIONAL AFFAIRS AND DEFENCE

The head of a government institution may refuse to disclose any personal information requested under subsection 12.1 the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada, as defined in subsection 15 (2) of the Access to Information Act, or the efforts of Canada toward detecting, preventing or suppressing subversive or hostile activities as defined in subsection 15 (2) of the Access to Information Act, including , without restricting the generality of the foregoing, any such information listed in Paragraphs 15 (1) (a) to (i) of the Access to Information Act 1980-91-82-83, c Sch. 11 "21"

ACCESS TO INFORMATION SECTIONS

15 (1) international affairs and defence

15 (1) The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada or the detection, prevention or suppression of subversive or hostile activities, including without restricting the generality of the foregoing any such information.

(a) relating to military tactic or strategy, r relating to military exercises or operations undertaken in preparation for hostilities or in connection with the detection prevention or suppression of subversive or hostile activities

- (b) relating to the quantity, characteristics, capabilities or deployment of weapons or other defence equipment or of anything being designed, developed, produced or considered for use as weapons or other defence equipment;
- (c) relating to the characteristics, capabilities, performance, potential, deployment functions or roll of any defence establishment, of any military force, unit or personnel or of any organization or person responsible for the detection, prevention or suppression of subversive or hostile activities.
- (d) obtained or prepared for the purpose of intelligence relating to
 - (d) obtained or prepared for the purpose of intelligence relating to
 - (i) the defence of Canada or any state allied or associated with Canada, or
 - (ii) the detection, prevention or suppression of subversive or hostile activities;
 - (e) obtained or prepared for the purpose of intelligence respecting foreign states , international organizations of states or citizens of foreign states issue by the Government of Canada in the process of deliberation and consultation or in the conduct of international affairs:
 - (f) on methods of, and scientific or technical equipment for collecting, assessing or handling information referred to in Paragraph *d (or (e) or on sources of such information
 - (g) on the positions adopted or to be adopted by the government of Canada, governments of foreign states or international organizations of states for the purpose of present or future international negotiations;
 - (h) that constitutes diplomatic correspondence exchanged with foreign states of international organizations of states or official correspondence exchanged with Canadian diplomatic missions or consular posts abroad;
 - or (i) relating to the communications or cryptographic systems of Canada or foreign states used
 - (i) for the conduct of international affairs
 - (ii) for the defence of Canada or any state allied or associated with Canada, or
 - (iii) in relating to the detection, prevention or suppression of subversive or hostile activities.

I applied to John Reid to investigate the reluctance on the part of the Department of Defence to disclose information related to the following request.

ATTENTION : HON JOHN REID
Access to Information Commissioner

FAX 613 947 7294

Re: Access to Information requests to Department of environment:

A-2004-00475: costs
Excessive costs for information that should be easily accessible

A 2004 00327 costs
Exorbitant costs for information that should be readily available.

A-2004-00471 Existence of documents
Documentation exists. Either Department has poor filing system destroyed relevant historical information , or is reluctant to divulge information and claims that it does not exist.

Dr Joan Russow
1 250 598-0071

242. MARCH 2005: TARGETING ACTIVISTS AS THREATS: QUESTIONABLE INSTITUTIONAL PRACTICES
—need to extend the Gomery Inquiry mandate

Dr. Joan E. Russow
Global Compliance Research Project

In 1998, I found out I was placed on an RCMP (Royal Canadian Mounted Police) Threat Assessment list, and presumably perceived to be a “threat” to Canada.

I have thus become increasingly aware of the long-term consequence and impact of “speaking truth to power”: of being perceived as rigid, principled and uncompromising, of exposing hypocrisy, exploitation, and corruption; and of then having to live under the stigma of being a threat to one’s country.

To find out the reason the government had deemed that I was a threat to the country I went through almost 60 requests under the Access to information Act, and the Privacy Act. I also sent special appeals to Ministers of Justice, and Solicitor Generals, and received curious responses but the most curious was from the former Ethics Commissioner, Howard Wilson.

In response to my appeal to him to intervene to address the conflict of interest by the Prime Minister, Cabinet Ministers, and their agents, he sent me the following which is particularly relevant to the Gomery Inquiry:

“In the Hansard report from June 16, 1994, Right Hon. Jean Chrétien stated, ‘I rise today to talk about trust; the trust citizens place in their government, the trust politicians earn from the public, the trust in institutions that is a vital to a democracy as the air we breathe, a trust that once shattered, is difficult, almost impossible to rebuild.

Since our election in October no goal has been more important to this government, or to me personally as Prime Minister than restoring the trust of Canadians in their institutions.

When we took office there was an unprecedented level of public cynicism about our national institutions and the people to whom they were entrusted by the voters. The political process had been thrown into disrepute. People saw a political system which served its own interests and not those of the public when trust is gone the system cannot work.

That is why we have worked so hard to re-establish those bonds of trust. The most important thing we have done is to keep our word...

... We have broadened the powers and responsibilities of the ethics counselor from what we laid out in the red book. In the red book, the ethics counselor was to deal with the activities of lobbyists but as we started examining implementation, it became clear that this will only address half of the problem basically from the outside in.

We wanted to be sure that our system would also be effective at withstanding lobbying pressure from the inside. That is why we have decided to expand the role of the ethics counselor to include conflict of interests”

Yet when Howard Wilson, who claimed that his role was to “speak truth to power” was asked to “speak truth to power,” he demonstrated the potential flaw of his own position- conflict of interest. The practice in Canada of appointing an Ethics Commissioner, who was responsible to the Prime Minister, and who refused to investigate the Prime Minister does not contribute to restoring the trust of Canadians in their institutions.

I believed that I had a legitimate expectation that, as an academic activist working nationally and internationally, and as a former leader of a registered political party I would not be discriminated against on the grounds of “political and other opinion” by being associated with a group that was listed on the Department of Defence (DND) D-Secure Ops List, or by being placed on an RCMP (Royal Canadian Mounted Police) Threat Assessment list. I believed that CSIS (Canadian Security Intelligence Agency) and SIRC (Security Intelligence Review Committee) would uphold the CSIS act and not condone the development of DND lists, or the placement of citizens engaged in legitimate advocacy and dissent on RCMP Threat Assessment Group lists. I expected that the RCMP would abide by the rule of law and resist pressure from the Prime Minister’s Office to place law abiding citizens on a Threat Assessment Group list.

Recently on a colloquium, entitled the “Challenges of SIRC”-the agency that is responsible for the oversight of CSIS, an official from SIRC recognized that in assessing the distinction between those who “have a disagreement with politics and terrorists”. “Police agencies are not good at making that distinction and err on the side of security”. ... “Our Intelligence community came out of a cold war culture. We are in

a very different world. There is a lot of catch up... We have to have the ability to identify clearly this distinction if we don't do this we are threaten the fabric of the civil liberties of Canadians."

I also had a legitimate expectation that after being placed on a DND D-Secure Ops List and the RCMP Threat Assessment Group list I would be able to correct the misinformation through provisions in the Privacy Act and the Access to Information Act. I did not anticipate that the government would exercise exemption provisions, such as for "national and international security reasons" or [being] "injurious to the conduct of international affairs, or the defence of Canada" in these acts to justify not revealing the reason that I had been perceived to be a threat. I did not foresee that the Canadian government would deny me an opportunity to correct what was and is incorrect information. I also did not anticipate that the Canadian Human Rights Commission, even when there had been a recommendation during a review to include case related to political and other opinion, had not included discrimination on this ground in their mandate.

.I am hoping that, now as a result of information surfacing in the Gomery Inquiry about questionable actions associated with PMO, senior advisors, and cabinet ministers; other evidence might emerge about equally questionable practices related to political interference with the exercise of justice.

During the RCMP Public Complaints Commission on APEC in September 28, 1998, information that I was on a RCMP threat assessment list surfaced, was broadcast on radio and television across the country, published in national and regional news papers and internationally on the internet, and even to this day is up on websites. Fearing a challenge in Parliamentary question period about the RCMP's or CSIS' placing the leader of a registered political party on a Threat Assessment list, the Solicitor General in his 'aide memoire" prepared a "suggested Reply: "As I have indicated, the RCMP PCC will address all concerns raised, and we should allow them the opportunity to do their work." I assumed that I would have an opportunity to clear my name.

Subsequently, in August 1999, during the RCMP Public Complaints Commission, another document surfaced: an interview by Wayne May the Director of Security at APEC, with another RCMP agent, Christine Price, who claimed that, in my case, there had been a directive from the PMO to the RCMP to exclude me from APEC.

Commissioner Hughes, in assessing whether Prime Minister Jean Chrétien should appear on the stand, stated, "If there is evidence that the RCMP was ordered or directed to take certain actions by the federal executive with respect to matters related to security, that evidence would provide me with the basis upon which to assess the PMO conduct". I thought that Commissioner Hughes, when apprised of Wayne May's interview, would have required not only Jean Chrétien but also Christine Price to testify. That did not happen. Furthermore, despite my efforts, I was also not allowed to testify. Again, I was deprived of the opportunity to clear my name.

I also had a legitimate expectation, that as a citizen placed on a Threat Assessment list, I would have similar rights to those granted to citizens listed as terrorists under the Anti-terrorism Act. Former Justice Minister, Hon Ann McLelland, reassured the Senate Committee that was reviewing Bill C-36, that the civil rights of accused terrorists would be protected under an elaborate "oversight mechanism":

Proper review and oversight of the powers provided for in Bill C-36 help ensure that the measures in this bill are applied appropriately. In this regard, I would emphasize of powers under the bill. This would include, for example, such mechanisms as complaints investigated by the commission for public complaints against the RCMP and the various complaint and review mechanisms that apply with respect to police forces under provincial jurisdiction. Significant powers under this bill are subject to judicial supervision, and in any case this is in addition to explicitly ministerial review and supervision powers. As well, the provisions in the bill will be subject to a full review by Parliament within three years.

.... requiring an annual report. this provision could require the AG and those of the provinces to report publicly once a year on the exercise of the Bill C-36 powers of investigative hearings that took place under their respective jurisdictions

...The provision would further require the Attorney General of Canada and those of the provinces, as well as the Solicitor General of Canada and the ministers responsible for policing in the provinces, to each report publicly once a year on the exercise of the Bill C36 powers of preventive arrest that took place under their jurisdictions. Detailed information to be reported in each case would be specified in the law.

...-There is a review process and it's a review process we use commonly in relation to a whole range of matters, and the review is by the Federal Court of Appeal. I view review by a member of the judiciary, in this case a federal court as one of the strongest and most transparent processes we have within our entire democratic system of governance.

In the Parliamentary Committee which was examining Bill 36, Peter Mackay expressed concern about the implications of being placed on a list:

It takes time, it takes legal counsel and once you've been listed, to quote one of the witnesses here, you lose the ability to be a charitable organization or you lose your reputation. I believe she [the witness] said it was death by firing squad or death by electrocution. You can't give a person their reputation back

In other words, as Senator Fraser recently remarked during the Senate review of C.36: "The mere fact that you are listed as a terrorist is the same as being designated as a terrorist". Similarly, it could be said that the mere fact that you are listed as a threat is the same as being designated as a threat.

Since 1960, I have involved with furthering the "Public Trust with the following objectives:

- to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to universally accessible not for profit health care system, right to education and social justice;
- to enable socially equitable and environmentally sound employment, and ensure the right to development;
- to achieve a state of peace, social justice and disarmament; through reallocation of military expenses
- to create a global structure that respects the rule of law ; and
- to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose reduce the ecological footprint and move away from the current model of over-consumptive development.

In the past, I thought that human rights were being violated, social justice had been denied, and peace was being thwarted and the environment was being destroyed because there had been no substantial provisions in international law to address these "public trust" issues. In 1984, in preparing for my Masters Degree in curriculum development on a method of teaching human rights linked to peace, environment and social justice within the context of international law, I realized that, in fact, the blueprint for furthering the public trust was already in place in international law. The problem was not the dearth of provisions in international law but the lack of education about the existence of international obligations, commitments and expectations; and the absence of political will to discharge international obligations incurred through the Charter, treaties, conventions, and covenants, to act on commitments made through UN conferences Action plans, and to fulfill expectations created through UN General Assembly Resolutions and Declarations.

I became publicly critical, nationally and internationally, of governments, including the Canadian government, for not signing and ratifying international agreements, and particularly for failing to enact the necessary legislation to ensure compliance with international law. I also began to raise public awareness about the federal Department of Justice's disregard for the 1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" about implementation of international instruments in Canada. More recently I have publicly criticized judges from the Canadian Courts for their claiming that "international law, not enshrined in Canadian law, is not judiciable in the Canadian courts", and Canadian representatives to the UN for their disregard for the role of UN General Assembly , and of the International Court of Justice.

From 1992 to 1995, I was a sessional lecturer in Global Issues at the University of Victoria, and in 1995, I wrote the Charter of Obligations – 350 pages of obligations incurred through conventions, treaties and covenants, of commitments made through conference action plans, and expectations created through UN General Assembly declarations and resolutions. This Charter is recognized as a significant contribution and was officially distributed to all state delegations at the UN Conference on Women at Beijing. In 1996, I also wrote a book, entitled, Comment on Habitat II Agenda: Moving Beyond Habitat I to Discharging Obligations and Fulfilling Expectations; this book was distributed to most of the state delegations at the Habitat II conference in Istanbul.

In 1996, on completing my Doctoral degree, I was confident that with my years of research into international instruments, my position as a sessional lecturer at the University of Victoria, my Masters degree in Curriculum Development, and my doctorate in Interdisciplinary Studies, I would be able to find paid work. I have, however, only been able to find non-remunerated work from non-governmental organizations, or for government “stakeholder” consultations.

I increasingly became known as a critic of corporate involvement in the university, of government disregard for the rule of law, of established NGO’s compromising principles, and of political parties sacrificing principle for power, or profit. In 1997, I was elected leader of the Green Party of Canada, and I ran in the 1997 election against David Anderson in Victoria.

I believed that I had a legitimate expectation that, as an academic activist working nationally and internationally, and as a leader of a registered political party I would not be discriminated against on the grounds of “political and other opinion” by being associated with a group that was listed on the DND D-Secur Ops List, or by being placed on an RCMP Threat Assessment list. I believed that CSIS and SIRC would uphold the CSIS act and not condone the development of DND lists, or the placement of citizens engaged in legitimate advocacy and dissent on RCMP Threat Assessment Group lists. I expected that the RCMP would abide by the rule of law and resist pressure from the Prime Minister’s Office to place law abiding citizens on a Threat Assessment Group list.

Recently on a colloquium, entitled the “Challenges of SIRC”, an official from SIRC recognized that in assessing the distinction between those who “have a disagreement with politics and terrorists”. “Police agencies are not good at making that distinction and err on the side of security”. ... “Our Intelligence community came out of a cold war culture. We are in a very different world. There is a lot of catch up... We have to have the ability to identify clearly this distinction if we don’t do this we are threaten the fabric of the civil liberties of Canadians.”

I assumed that the Solicitor General, having oversight for the RCMP and CSIS, would fulfill the role of officer of the Crown and not defy the constitution. The importance of the non-partisan aspect of the Solicitor General in the role of officer of the Crown was recently emphasized by Dr Wesley Pue, Professor of law at UBC, in his submission to the Senate when he cautioned: “Imagine a malafide person occupying the position of minister of police because we do not have a Solicitor General, or even that notion. If that person does not like members of the NDP, they [he/she] may decide to have the police investigate people because of their party stripes.”

I also had a legitimate expectation that after being placed on a DND D-Secure Ops List and the RCMP Threat Assessment Group list I would be able to correct the misinformation through provisions in the Privacy Act and the Access to Information Act. I did not anticipate that the government would exercise exemption provisions, such as for “national and international security reasons” or [being] “injurious to the conduct of international affairs, or the defence of Canada” in these acts to justify not revealing the reason that I had been perceived to be a threat. I did not foresee that the Canadian government would deny me an opportunity to correct what was and is incorrect information. I also did not anticipate that the Canadian Human Rights Commission, even when there had been a recommendation during a review to include case related to political and other opinion, had not included discrimination on this ground in their mandate.

During the RCMP Public Complaints Commission on APEC in September 28, 1998, information that I was on a RCMP threat assessment list surfaced, was broadcast on radio and television across the country, published in national and regional news papers and internationally on the internet, and even to this day is up on websites. Fearing a challenge in Parliamentary question period about the RCMP’s or CSIS’ placing the leader of a registered political party on a Threat Assessment list, the Solicitor General in his ‘aide memoire’ prepared a “suggested Reply: “As I have indicated, the RCMP PCC will address all concerns raised, and we should allow them the opportunity to do their work.” I assumed that I would have an opportunity to clear my name.

Subsequently, in August 1999, during the RCMP Public Complaints Commission, another document surfaced: an interview by Wayne May the Director of Security at APEC, with another RCMP agent, Christine Price, who claimed that, in my case, there had been a directive from the PMO to the RCMP to exclude me from APEC.

Commissioner Hughes, in assessing whether Prime Minister Jean Chrétien should appear on the stand, stated, "If there is evidence that the RCMP was ordered or directed to take certain actions by the federal executive with respect to matters related to security, that evidence would provide me with the basis upon which to assess the PMO conduct". I thought that Commissioner Hughes, when apprised of Wayne May's interview, would have required not only Jean Chrétien but also Christine Price to testify. That did not happen. Furthermore, despite my efforts, I was also not allowed to testify. Again, I was deprived of the opportunity to clear my name.

I also had a legitimate expectation, that as a citizen placed on a Threat Assessment list, I would have similar rights to those granted to citizens listed as terrorists under the Anti-terrorism Act. Former Justice Minister, Hon Ann McLelland, reassured the Senate Committee that was reviewing Bill C-36, that the civil rights of accused terrorists would be protected under an elaborate "oversight mechanism":

Proper review and oversight of the powers provided for in Bill C-36 help ensure that the measures in this bill are applied appropriately. In this regard, I would emphasize of powers under the bill. This would include, for example, such mechanisms as complaints investigated by the commission for public complaints against the RCMP and the various complaint and review mechanisms that apply with respect to police forces under provincial jurisdiction. Significant powers under this bill are subject to judicial supervision, and in any case this is in addition to explicitly ministerial review and supervision powers. As well, the provisions in the bill will be subject to a full review by Parliament within three years.

.... requiring an annual report. this provision could require the AG and those of the provinces to report publicly once a year on the exercise of the Bill C-36 powers of investigative hearings that took place under their respective jurisdictions

...The provision would further require the Attorney General of Canada and those of the provinces, as well as the Solicitor General of Canada and the ministers responsible for policing in the provinces, to each report publicly once a year on the exercise of the Bill C36 powers of preventive arrest that took place under their jurisdictions. Detailed information to be reported in each case would be specified in the law.

...-There is a review process and it's a review process we use commonly in relation to a whole range of matters, and the review is by the Federal Court of Appeal.... I view review by a member of the judiciary, in this case a federal court as one of the strongest and most transparent processes we have within our entire democratic system of governance.

In the Parliamentary Committee which was examining Bill 36, Peter Mackay expressed concern about the implications of being placed on a list:

It takes time, it takes legal counsel and once you've been listed, to quote one of the witnesses here, you lose the ability to be a charitable organization or you lose your reputation. I believe she [the witness] said it was death by firing squad or death by electrocution. You can't give a person their reputation back

In other words, as Senator Fraser recently remarked during the Senate review of C.36: "The mere fact that you are listed as a terrorist is the same as being designated as a terrorist". Similarly, it could be said that the mere fact that you are listed as a threat is the same as being designated as a threat.

One may argue that being critical of corporations, international trade agreements governments, universities and established NGOs; and that being designated a threat on a threat assessment list should not have affected my ability to find paid employment within my area of experience and education, and to repay my loan. I would like to think so. However, after applying for positions at universities, and for numerous government, institutional grants related to compliance with international obligations, commitments and expectations, I have continually faced rejection and been disappointed

I hope that the court will recognize that I have acted in good faith in relation to my student loan by fulfilling the requirement for remission at the Provincial level. Also, between 1996 and 1998, I rejected the option of declaring bankruptcy-an option that was then available to evade repayment of the Federal portion of the loan. Similarly, I refused the option of receiving my Canada Pension when I turned 60 in 1998 because it was important for me to continue to find paid employment, and to strive to fulfill my obligations.

In the Court I will plead that it is important to consider the interdependence of the demonstration of my intention to repay student loan, of the loan/job contingency aspect of the Canadian Loan Programme, of the violation of my charter rights, and of the impact of being designated a threat. I will demonstrate that my student loan contract was frustrated by the actions of the government, cabinet ministers, and their agents interfering with employment possibilities, and by the lingering doubts about my reputation resulting from the consequent defamation of my character.

In 2002, I launched a defamation case against the Federal government, cabinet ministers and their agents, and the Judge held:

My initial view, after considering the Statement of Claim and reading the material, on hearing counsel for the Defendant, and on listening to the lengthy opening remarks of the Plaintiff who acts for herself, was that there could conceivably be rights which needed a remedy.

... I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim

In response to the suggestion and direction of the Federal Court, I submitted, and in some cases resubmitted, almost 60 Access to Information and Privacy requests, along with the Judge's statement about the necessity of further access to information requests, I did not expect these requests combined with the direction from the Judge would result in a series of outrageous financial demands for access, questionable delays, unjustifiable retention of data and documents, and inappropriate government exemptions. These delays and retention of crucial information by the federal government continue to this day. Since there has been no clarification about the reasons that the government has perceived me to be a threat, no retraction of defamatory statements about me, and no forthcoming apologies, most reasonable people would unfortunately conclude that the government's statements were true and that the government was justified in perceiving me to be a threat.

It is essential to link the on-going case of defamation with the current case related to my student loan. The defamation case addresses the cumulative effect of (i) being the leader of a group that was identified by the DND and placed on a DND d-secure list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose "loyalty of members of these groups (i.e. to Canada is questionable as the group bond is stronger than the nationalist bond." The Green Party was on this list; (ii) being discriminated against on the grounds of "political and other opinion" – a ground enshrined in international covenants to which Canada is a signatory; (iii) being designated a threat by the RCMP or CSIS; (iv) being described by a member of the Vancouver Police as "behaving inappropriately" on a bus that I was never on; and (v) being accused, by an agent working for a cabinet minister running against me in the 2000 federal election of engaging in an illegal act under the Elections Act. All these actions were disseminated through the media, and collectively support the conditions for a case of defamation. Therefore, I believe, for the proper administration of justice that before the "Student loan" case can be properly examined, impartially and dispassionately, there should be a resolution of the on-going defamation case.

I URGE , this Court to "speak truth to power" and provide for the independent administration of justice. In my case, the Attorney General and Solicitor General, as officers of the Crown, failed in their duties to be impartial and non-partisan. These duties which were described by Professor Wes Pue in his submission to the Senate on February 14 2004:

In Canadian constitutional practice, the Solicitor General is one of two law officers of the Crown. The other law officer of the Crown is the Attorney General. The meanings of those terms of art are extraordinarily important. A law officer of the Crown has a primary duty of serving the cause of the rule of law as distinct from any other function, political or otherwise. The rule of law is to be served by the law officers of Crown above and beyond their own personal interest and chance for advancement, above party interest, above their own personal desires to please the electorate or other people who are above them in the hierarchies of power. The principle that these are above partisan politics is of central importance to Canadian constitutionalism.

Professor Pue also added: The history of recent Solicitors General is probably somewhere that we do not want to go in great detail, in terms of the stature that they have brought to the office. It has been very unfortunate. I much regret the way that that office has been treated sometimes in the recent past.

I am encouraged, however, when leading legal scholars, such as Professor Pue recognize the importance of the rule of law, and of the role of Attorney General and Solicitor General as officers of the crown. Only when these roles are fully entrenched will the risk of discrimination for “political and other opinion” be removed. I am hoping that, now as a result of information surfacing in the Gomery Inquiry about questionable actions associated with PMO, senior advisors, and cabinet ministers; other evidence might emerge about equally questionable practices related to political interference with the exercise of justice.

In my future submission to the court, I will demonstrate through applying legal principles, international instruments and national statutes, through citing authorities, and cases, and through referring to key access to information requests, including reference to outstanding requests and complaints, and press reports, that the conditions for frustration of contract and defamation have been met.

Perhaps finally, the over-seven years of my living under the stigma of being designated a “Threat” will end, and the lingering doubts about my reputation will be removed. I might be exonerated, and even be able to obtain employment related to my education and experience

Dr Joan E. Russow

1230 St. Patrick St., Victoria, B.C. V8S 4Y4, 1 250 598-0071

243. 21 APRIL 2005: LETTER TO HON STEPHAN DION MINISTER OF ENVIRONMENT CANADA

1230 St. Patrick St.
Victoria, B.C.
V8S 4Y4
1 250 598-0071

Lucille.mallon@ec.gc.
cc.Hon. Stephan Dion Dion.S@parl.gc.ca
Minister of the Environment

April 21, 2005

Dear Lucille,

This is to follow-up on our conversation today about my concern for the shortness of institutional memory, and for the discriminatory nature of the Access to Information process. On receiving a response that it would cost 25,000 to address my request, I seriously posed the question: To whom is information accessible? Or had the adage reaffirmed: “Sorry I cannot give you the information because of the Freedom

of Information act” (a response in BC from a Department after the Freedom of Information Act was introduced in B.C.

I have become increasingly concerned with the shortness of institutional memory related to international environmental obligations, and the inaccessibility of information within the Access to information section within the Department of Environment. I attribute this to a number of causes:

-Disregard for international precedents

Failure to consider the relevance of precedents from previous obligations incurred through Conventions, Treaties, and Covenants; commitments made through conference action plans, and expectations created through UN general Assembly Declarations and Resolutions.

-Failure to reveal transparency in relation to reasons for negotiating principles, or for decision making, and apparently little record of the formation of policy that becomes the basis of Canada’s international positions.

-Lack of continuity with change of government:

Re: Framework Convention on Climate Change and the Convention on Biological Diversity

I have requested information about key meetings that took place in 1992: the meeting of Provincial resource ministers in Whitehorse in August 1992, and the meeting of Provincial environment ministers in Aylmer in November 1992. At these two meetings, presumably, the ministers passed resolutions supporting the federal government’s ratification of both these conventions. Thus with the full support of the Provinces, On December 4 1992, the Right Honourable Brian Mulroney ratified those conventions. The Conservative government through consultation with the provinces and the consent of the province bound the provinces to comply with the Conventions.

In Parliament when the Conservatives raise the issue of Climate Change, and the Kyoto protocol that is linked with the Framework Conventions on Climate Change, the Liberals have not pointed out that it was the Conservative government that bound Canada in 1992 to reduce Greenhouse gas emissions under the Climate Change Convention and to conserve Biodiversity under the Conventions on Biological Diversity.

Yet when I requested further information through Access to Information about these meetings, I received a response that there was not evidence.

Biodiversity and Convention on Forests

At the IUCN (World Conservation Union) meeting in Argentina in 1994, there was a resolution passed to link forests with the Convention on biodiversity, and not to embark upon a separate Convention on Forests. Canada, however, with the full support of the forest industry in Canada, misled the intergovernmental panel on Forests that de-linking forests from the biodiversity Convention would better protect forests.

Also at the IUCN meeting in Argentina, a resolution condemning forest practices in British Columbia, and calling for the nomination of a network of old growth forests, passed with 134 countries in support and only one country abstaining, Canada.

Yet when I requested information about the above two meeting and resolutions and about government response to the meetings, I was informed that there was nothing there.

I HAVE OUTLINED THE REQUESTS THAT I MADE ALONG WITH THE RESPONSES FROM ACCESS TO INFORMATION

A. Documents from 1992 United Nations Conference on Environment and Development

1) Documentation related to the decision by the Federal Government in 1992, at the March 1992 Prep-Com for UNCED to raise the issue related to adding the "s" to Indigenous peoples;

2) Documentation related to the 1992 meeting of resource ministers in Whitehorse, and documentation related to the resource Ministers' supporting the Federal Government's ratifying the Framework Convention

on Climate Change; the Convention on Biological Diversity, and the acting on the Forest Principles emerging from the United Nations Conference on Environment and Development;

3) Documentation related to the November 1992 meeting of the Provincial Environment Ministers in Aylmer, and documentation related to the support of the provinces for the Federal government's ratifying of the framework Convention on Climate Change; and the Convention on Biological Diversity”

Please be advised that the Act and Regulations prescribe fees for the processing of requests. The fee for search and preparation time is \$10.00/hour. For this request, we will require approximately 2407 hours to locate and prepare the requested information for disclosure. Please note that of the 2407 hours, 2250 hours are required to search through boxes sent to archives. The boxes collectively store files which had been held in 6 large double-banked, 5 tier file cabinets (or 60 shelves). The remaining hours are required to search through offices of primary interest. Please note that there is no charge for the first five hours of search and preparation time. Therefore, the search and preparation fee is \$24,050.00 (2,402 hours x \$10.00/hour).

We will require a deposit of \$12,025.—before we continue to process your request. The cheque or money order should be made payable to the Receiver General for Canada and should be forwarded to the Access to Information and Privacy Secretariat at the above address within 30 days.

Please note that this estimate does not include the additional cost of any photocopies at).20 per page. However, you will have the opportunity to review the records in person in one of our offices if you wish to avoid the photocopy fee. Payment of the remainder of the processing fee must be made prior to viewing the records. If you are not satisfied with our handling of your request, the Act grants you the right to file a complaint with the Information Commissioner of Canada within one year of the receipt of your request. The address is:

Information Commissioner of Canada

If you have any questions regarding this request, please contact Carol Lafontaine at 819 953—5689 or by fax at 810 953-1099

Yours sincerely

Shelly Emmerson Chief
Access to Information and Privacy Secretariat

B. INFORMATION ABOUT WORLD HERITAGE MEETING

Documentation of the 1993 decision related to the declaration of the Tatshenshini as a World Heritage site at the World Heritage Committee meeting at UNESCO, and response from IUCN;

C. INFORMATION ABOUT THE IUCN

Documentation of the 1993 decision related to the declaration of the Tatshenshini as a World Heritage site at the World Heritage Committee meeting at UNESCO, and response from IUCN;

Documentation related to the IUCN meeting in Argentina in 1994, and to the IUCN resolution passed on Coastal Rain Forests in Canada and the US;

Documentation related to the 1994 IUCN meeting in Argentina related to Canada's position on including Forests under the Biodiversity Convention;

Documentation related to Canada's input into the IUCN Earth Covenant in 1994-1995;

HERE IS THE RESPONSE FROM ENVIRONMENT CANADA

Environment Canada
Dear Dr. Russow

January 27, 2005 A/ 2004-00471/gb

This letter is in response to your request under the Access to Information Act (the Act) for:
Documentation of the 1993 decision related to the declaration of the Tatshenshini as a World Heritage site at the World Heritage Committee meeting at UNESCO, and response from IUCN;

Documentation related to the IUCN meeting in Argentina in 1994, and to the IUCN resolution passed on Coastal Rain Forests in Canada and the US;

Documentation related to the 1994 IUCN meeting in Argentina related to Canada's position on including Forests under the Biodiversity Convention;

Documentation related to Canada's input into the IUCN Earth Covenant in 1994-1995;

After a thorough search , no records were found concerning this request.

The Act grants you the right to file a complaint with the Information Commissioner, within one year of the receipt of your request, if you are not satisfied with our handling of your request.

The address is: office of the Information Commissioner

If you have any questions regarding this request, Please do not hesitate to contact Ghislaine Bourdeau at 810 034-93448

Yours sincerely,

Helen Ryan
Access to Information
And Privacy Coordinator.

D. INFORMATION ABOUT WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT (WSSD)

This refers to your request under the Access to Information Act (the Act) for:

Documentation related to the 2002 stakeholder meeting in relation to Canada's position for the World Summit on Sustainable Development;

Documentation related to communication with the Canadian Environmental Network about the selection on ENGOs to be part of the Canadian Delegation at WSSD;

Documentation related to the Government of Canada's position related to the precautionary principle for the 2002 World Summit on Sustainable Development (WSSD);

Documentation related to the decision at the WSSD to not apply the precautionary principles to the release, production and export of genetically engineered seeds, foods and crops;

Documentation related to the Government of Canada's WSSD position related to the commitment to promote non renewable energy, and to reduce greenhouse gas emissions;

I THEN RECEIVED THE FOLLOWING RESPONSE:

Please be advised that the Act and Regulations prescribe fees for the processing of requests. The fee for search and preparation time is \$10.00/hour. For this request, we will require approximately 39 hours to locate and prepare the requested information for disclosure. Please note that there is no charge for the first five hours of search and preparation time. Therefore, the search and preparation fee is \$340.00 (34 hours X \$10.00/hour)

We will require a deposit of \$170.00 before we continue to process your request. The cheque or money order should be made payable to the Receiver General for Canada and should be forwarded to the Access to Information and Privacy Secretariat at the above address within 30 days.

Please note that this estimate does not include the additional cost of any photocopies at \$.20 per page. However, you will have the opportunity to review the records in person in one of our offices if you wish to avoid the photocopy fee. Payment of the remainder of the processing fee must be made prior to viewing records.

If you are not satisfied with our handling of our request, the Act grants you the right to file a complaint with the Information Commissioner of Canada within one year of the receipt of your request. The address is:

Information Commissioner of Canada

If you have any questions regarding this request, please contact Ghislaine Bourdeau at 819 934-3948 or by fax at 819 953-1099

Yours sincerely,

Shelley Emmerson
Chief
Access to Information and Privacy Secretariat

244. 27 APRIL 2005: PRIVACY REQUEST ABOUT CSIS BANKS

1230 St. Patrick St.
Victoria, B.C. V8S 4Y4
1 250 598 0071

April 27, 2005

Nicole Jalbert
Coordinator
Access to Information and Privacy
Tel. (613 231-0107 1 877-995-9903, fax 613 842-1271
Re: file 116-2005

Dear Ms Jalbert

This letter is in response to your letter of April 26 in which you requested my designating which banks, and the nature of the information sought. This letter should be attached to my privacy request.

Joan Russow (PhD)

Intro

- A. role of solicitor General
- B. Relevant sections in the CSIS mandate
- C. Relevant sections in the banks
- D. aspects of relevance for Joan Russow

A. Role of Solicitor General as officer of the Crown should take precedence over partisan political role [thus ensuring that the Solicitor General does not target individuals engaged in lawful advocacy and legitimate dissent or political opponents, and thus discriminate on the grounds of “political and other opinion”- a ground enshrined in international human rights instruments.

B. the relevant CSIS Mandate The CSIS Mandate

The Act created CSIS as a domestic service fulfilling a uniquely defensive role investigating threats to Canada's national security.

In meeting its mandated commitments, CSIS provides advance warning to government departments and agencies about activities which may reasonably be suspected of constituting threats to the country's security. Other government departments and agencies, not CSIS, have the responsibility to take direct action to counter the security threats.

Information may be gathered, primarily under the authority of section 12 of the CSIS Act, only on those individuals or organizations suspected of engaging in one of the following types of activity that threaten the security of Canada, as cited in section 2:

1. Espionage and Sabotage

Espionage: Activities conducted for the purpose of acquiring by unlawful or unauthorized means information or assets relating to sensitive political, economic, scientific or military matters, or for the purpose of their unauthorized communication to a foreign state or foreign political organization.

Sabotage: Activities conducted for the purpose of endangering the safety, security or defence of vital public or private property, such as installations, structures, equipment or systems.

2. Foreign-influenced Activities

Activities which are detrimental to the interests of Canada, and which are directed, controlled, financed or otherwise significantly affected by a foreign state or organization, their agents or others working on their behalf.

For example: Foreign governments or groups which interfere with or direct the affairs of ethnic communities within Canada by pressuring members of those communities. Threats may also be made against relatives living abroad.

3. Political Violence and Terrorism

The threat or use of acts of serious violence may be attempted to compel the Canadian government to act in a certain way. Acts of serious violence are those that cause grave bodily harm or death to persons, or serious damage to or the destruction of public or private property and are contrary to Canadian law or would be if committed in Canada. Hostage-taking, bomb threats and assassination attempts are examples of acts of serious violence that endanger the lives of Canadians. Such actions have been used in an attempt to force particular political responses and change in this country.

Exponents and supporters of political violence may try to use Canada as a haven or a base from which to plan or facilitate political violence in other countries.

Such actions compromise the safety of people living in Canada and the freedom of the Canadian government to conduct its domestic and external affairs.

4. Subversion

Activities intended to undermine or overthrow Canada's constitutionally established system of government by violence. Subversive activities seek to interfere with or ultimately destroy the electoral, legislative, executive, administrative or judicial processes or institutions of Canada.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

C. RELEVANT CSIS BANKS

1. Canadian Security Intelligence Service Investigation Records (SIS PPU 045)
2. Canadian Security Intelligence Service Records
SIS PPU 015
3. Security and integrity of Government Property, Personnel and Assets (SIS PPU 055)
4. Security Assessments/advice SIS PPU 005

D. PRIVACY REQUEST

ONE, SOME OR ALL OF THE FOLLOWING ACTIONS MAY HAVE CONTRIBUTED TO THE CANADIAN GOVERNMENT, THROUGH THE RCMP OR CSIS, DESIGNATING ME AS A THREAT TO THE COUNTRY. PERHAPS IN CHECKING ALL THESE 100 ITEMS IN THE DIFFERENT BANKS CSIS MIGHT BE ABLE TO REVEAL THE REASON THAT THE GOVERNMENT DEEMED ME TO BE A THREAT.

Joan Russow BA, Med, PhD) and information related to the following actions that may have given CSIS reason to designate Russow as a threat nationally or internationally.

1. Advocating that "true security" is not "collective security" or "human security" which has been extended to "humanitarian intervention" and used along with the "responsibility to protect" notion to justify military intervention in other states.

True security is common security and involves the following objectives:

- to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to universally accessible not for profit health care system , right to education and social justice;
- to enable socially equitable and environmentally sound employment, and ensure the right to development;
- to achieve a state of peace, social justice and disarmament; through reallocation of military expenses
- to create a global structure that respects the rule of law ; and
- to ensure the preservation and protection of the environment, respect the inherent worth of nature beyond human purpose reduce the ecological footprint and move away from the current model of overconsumptive development.

2. Compiling the Charter of Obligations – 350 pages of government international obligations, commitments and expectations, and having this Charter officially circulated to all state delegations at the

3. Calling upon governments including the Canadian Government to discharge obligations incurred through conventions, treaties and covenants, to act on commitments made through Conference Action plans, and to fulfill expectations created through UN General Assembly resolutions; and criticizing member states of the United Nations for failing to discharge obligations, act on commitments and fulfill expectations related to the furtherance of Common Security.

4. Embarrassing governments including the Canadian Government or failing to discharge obligations incurred through conventions, treaties and covenants, for failing to act on commitments made through Conference Action plans, and for failing to fulfill expectations created through UN General Assembly resolutions; and criticizing member states of the United Nations for failing to discharge obligations, act on commitments and fulfill expectations related to the furtherance of Common Security.

5. Criticizing member states, including Canada for failing to sign, failing to ratify, failing to enact the necessary legislation to ensure compliance with, or failing to respect for Common Security international Conventions, Covenants and Treaties;

6. Criticizing member states, including Canada for undermining international obligations incurred through Conventions, Treaties, and Covenants, and commitments through UN Conference Action Plans, related to Common Security -peace, environment, human rights and social justice; or for failing to act on commitments made through UN Conference Action Plans, or failed to fulfill expectations created through General Assembly Resolutions;

7. Demanding that there be a concerted international effort to eliminate the complexity and interdependence of the actions that have led to global insecurity , and listing and widely circulating 52 ways that states, primarily the US contribute to global insecurity

8. Criticizing Governments disregard for the rule of international law

9. calling for Canada to dissociate itself from the US and its perpetuation of global insecurity, and instead promote "common security" peace, human rights and social justice.

10. Opposing the US violation of the 1967, the Outer space Treaty. Under this treaty states, including the US, incurred the following obligations:

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind [humanity].

(Art. 1 Outer Space Treaty of 1967 in force 1967)

...the moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers on celestial bodies shall be forbidden..(Art. IV Outer Space Treaty of 1967 in force 1967)

Recalling its resolution 35/14 of 3 November 1980, Deeply convinced of the common interest of mankind humanity in promoting the exploration and use of outer space for peaceful purposes and in continuing efforts to extend to all States the benefits derived there from, as well as the importance of international co-operation in this field, for which the United Nations should continue to provide a focal point, Reaffirming the importance of international co-operation in developing the rule of law in the peaceful exploration and use of outer space, (The General Assembly, Resolution 36/35 International Co-operation in the Peaceful Uses of Outer Space, 1981)

11. Criticizing the US for initiating and Canada for in some cases colluding with covert and overt "Operations" against independent states; from "Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Condor" in Chile, through years of euphemistic operations such as "Operation Just Cause" against Panama and more recently "Operation enduring freedom" against Afghanistan,

12. Criticizing Canada for proposing, to the UN Security Council, conditions for the invasion of Iraq, and the US for "Operation Iraqi Freedom" against Iraq, and

13. Opposing the US's proselytizing through the spread of Evangelical Christianity around the world, through undermining local indigenous cultures, and through instilling fear through the dangerous, and absurd belief in the "rapture", "Armageddon" and "left behind" and practices, promulgating "pre-millennial dispensationalism "end times" scenario

14. Opposing the fundamentalists inspired by Ed McAteer, who in 1983 stated that "nuclear weapons are part of God's design;

15. Decrying the US practice of propping up and financing military dictators that furthered its vested national interests and of targeting and assisting in the assassination of leaders of other sovereign states, who interfered with US national interests.

16. Lobbying against the continued maintenance of over 750 US military bases in sovereign states around the world

17. Advocating the conversion of Nanoose military base

18. Protesting the circulating and berthing of US nuclear powered or nuclear arms capable vessels throughout the world, and in particular in the urban port of Greater Victoria.

19. Writing an affidavit for the Vancouver Island Peace Society case for the case launched against the issuing of an order in council to bypass environmental requirement to carry out an environmental assessment review of the circulating and berthing of US nuclear powered and nuclear arms capable vessels.

20. Opposing the continued mining of Uranium including the proposal in 1981 to mine in the Okanagan

21. Condemning the Canadian contribution to the development of US nuclear Weapons and the development of US Depleted uranium piercing tanks weapon system

22. Pointing out nationally and internationally the link between civil nuclear energy and the development of Nuclear arms

23. Protesting the Cassini Space probe that had 32 Kg of plutonium fueling the control board

24. Criticizing government for ignoring the commitment to eliminate the production of weapons of mass destruction such as nuclear, chemical, and biological, (global commitment made at Stockholm in 1972 to eliminate the production of weapons of mass destruction.)

25. Criticizing failure of governments including Canada, to move towards disarmament

26. Criticizing the failure of states to comply with small arms treaties and to continue to profit from the sale of arms

27 Exposing the extent of enormous amount of material and human resources expended on the arms race
..In this respect special attention is drawn to the final document of the tenth special session of the General Assembly, the first special session devoted to disarmament encompassing all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control is realized. This document describes a comprehensive programme of disarmament, including nuclear disarmament; which is important not only for peace but also for the promotion of the economic and social development of all, but also for the promotion of the economic and social development of all, particularly in the developing countries, through the constructive use of the enormous amount of material and human resources otherwise expended on the arms race (Par 13, The Nairobi Forward Looking Strategy, 1985)

28. Lobbying against the planting land mines throughout the world, and criticizing the US for failing to sign and ratify the Convention for the Banning of Landmines and to comply the 1981 Convention on Prohibition or restriction on the Use of Mines, Booby Traps and other devices

Undertake to work actively towards ratification, if they have not already done so, of the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to universal ratification by the year 2000

29. Condemning the US withdrawal from the Nuclear Non Proliferation Treaty, and the failure, as a nuclear arms power, to reduce nuclear weapons as agreed under Article VI but also has resumed development of nuclear weapons (Article VI: commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament.)

30. Criticizing the failure-to link civil nuclear energy with the development of nuclear arms and specifically criticizing Canada for selling uranium to the US; there is probably a little bit of uranium in every one of the US nuclear bombs

31 Criticizing the failure to respect the 1996 decision of the International Court of Justice that the threat to use or the use of nuclear weapons is contrary to international humanitarian law. And to ignore the Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

Further convinced that a prohibition of the use or threat of use of nuclear weapons would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control Convention

32. Opposing the use of weapons such as Depleted Uranium and cluster bombs that would be prohibited under the Geneva Protocol II

33. Opposing the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects

Recalling with satisfaction the adoption, on 10 October 1980, of the

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) (United Nations Resolution, 38/71, 1993)

34 Condemning NATO'S first strike policy, and the US' control over NATO and the US' circumventing the United Nations,

35. Lobbying for the disbanding of NATO, and circulating a resolution calling for the disbanding on the eve of the 50th Anniversary of NATO

36. Criticizing the US for perceiving justice in terms of revenge through military intervention rather than seeking justice from the International Court of Justice, and misconstrued Art 51 (self defence) of the Charter of the United Nations to justify premeditated non provoked military aggression by illegally invading against Afghanistan

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

37. Pointing out that the fundamental purpose of the Charter of the United Nations is to prevent the scourge of war. Chapter VI --peaceful resolution of disputes of the Charter, provides the means to prevent war, including the application of article 27-the requirement for parties to a conflict to abstain from the vote, and the requirement under article 37 to take potential situations of conflict to the International Court of Justice

38 Condemning the misconstruing of the prevention of war by the US in adopting a policy of pre-emptive/preventive attack to aggressively attack sovereign states that are designated as being on the axis of evil, by illegally invading Iraq in violation of the UN Charter article 2 and international law and has committed the 'supreme' international crime of a war of aggression

39. Condemning member states for failing to fulfill the fundamental purpose of the Charter of the United Nations is to prevent the scourge of war. [Chapter VI of the Charter, provides the means to prevent war, including the application of article 27-the requirement for parties to a conflict to abstain from the vote, and the requirement under article 37 to take potential situations of conflict to the International Court of Justice]

40. Opposing the use by the US and UK, of the term "serious consequences" in the November 15, 2002, to legitimize the invasion of Iraq

41. Organizing a rally, across from the United Nations in New York, on March 7, 2004, opposing proposed US-led invasion of Iraq

42. Criticizing the attempt by the US to undermine the international resolve to prevent the scourge of war by intimidating or offering economic incentives in exchange for support for military intervention; (the US continually cajoles, intimidates, and bribes other members of the United Nations)

43. Supporting the call for the dissolution of the UN Security Council which is an affirmative action program for nuclear powers and which violates the fundamental principle of the sovereign equality

enshrined in the UN Charter; for the removal of Chapter vii, and for strengthening the role of the UN General Assembly should be disbanded.

44 Lobbying for the use of the Uniting for Peace resolution to prevent the scourge of war. by intimidating the members of United Nations General Assembly into not holding an emergency session of the UN General Assembly under the Uniting for Peace resolution

1. Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefore. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations; (1951, Uniting for peace resolution)

45 Condemning the US assassination of or US contribution to the assassination of state leaders who interfere with US interests or who are deemed to be a potential threat 9-1-73 (in Chile);

46. Condemning the US in its promulgation of propaganda for war in violation of the International Covenant of Civil and Political Rights;

47. Condemning the US ignoring the provisions in the Convention on the Right to Correction which affirmed:

"... to protect mankind [humanity] from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is either designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression;

48. Criticizing the failure of the global Community to reduce their military budget and reallocate military expenses and transfer the savings into global social justice as undertaken through numerous UN Conference Action Plans and UN General Assembly Resolutions. (The US spends over 500 billion per year on the military and is the major exporter of arms);

49. Intervening at the Conference of Defence Association, and criticizing the proposal made by the US for Canada to increase its defence budget

41. Making several presentations at the United Nations about the need to respect the years of commitments made to reallocate the military budget

42. Condemning the disdain exhibited by NATO countries for the international rule of law, and the refusal to accept the jurisdiction or decision of the International Court of Justice;

43. Opposing the extension of "human security" to mean "humanitarian intervention" and "Responsibility to protect" to become a licence to intervene militarily in the name of humanitarian intervention; these expressions are used to legitimize military intervention;

44. Denouncing the violation of Geneva conventions on the treatment of civilians, and international human rights and humanitarian law during the occupations of both Iraq and Afghanistan;

Undertaking to not make works or installations releasing dangerous forces [substances and activities] that could impact on civilians

Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent severe losses among the civilian population. (Art. LVI.1 Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in Force 1978)

Protecting victims of International armed conflicts

- Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.
- Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.
- Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion (Art. 27 Convention Relative to the Protection of Civilian Persons in Time of War, 1949)

Prohibiting the starvation of civilians through attacking objects indispensable to the survival of civilian population

Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works. (Art. XIV Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in force 1978)

45. Denouncing the Convention against Torture through Cruel, Inhumane or Degrading Treatment or Punishment

46. Denouncing the counseling other parties to engage in torture, through being a party to the offence of torture, and through counseling another person to be a party to the offence of torture in Guantanamo Bay prison, and in Abu Ghraib prison;

47. Denouncing the engagement in cruel and inhumane punishment through the practice of capital punishment, in violation of accepted international norms

48. Opposing the promulgation of globalization, deregulation and privatization through promoting trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law, and condoned and actively facilitated corporations benefiting and profiting from war;

49. Criticizing IMF for structural adjustment program, and exploited vulnerable and indigenous peoples around the world;

50. opposing Member states for failing to fulfill the international commitment to transfer 7% of the GDP for overseas aid,

51. Criticizing states for canceling of third world debt;

52. Opposing the privatization of public services such as water, and health care

52. Criticizing governments for , and reducing funding for universities, and condemning the corporate funding of education and corporate direction of research;
53. Opposing the government's subsidizing and investing in companies that have developed weapons of mass destruction, that have violated human rights, that have denied social justice, that have exploited workers, that have destroyed the environment;
54. Opposing the failure of governments to revoke charters and licences of corporations that have violated human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment;
55. Opposing the failure of member states of the UN to ensure that corporations, including transnational corporations comply with international law, and to revoke charters of corporations that violate human rights, destroy the environment, denies social justice and contributes to war and conflict;
56. Proposing that Mandatory International Ethical Normative (MIEN) standards and enforceable regulations drive industry to conform to international law,
57. Expressing concern about the undermining of international principles and standards by governments devolving responsibilities to corporations
58. Opposing corporate "voluntary compliance" through ISO 14,000;
59. Demonstrating the failure of governments to address environmentally induced diseases and poverty related health problems and denied universal access, to publicly funded not for profit health care system;
60. Opposing the production or the permission to produce of toxic, hazardous, atomic wastes
61. Opposing the transfer of toxic and hazardous wastes to least developed states
62. Opposing the failure of members states to prevent the transfer to other states of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992;
63. Opposing the unethical practice of using "prior informed consent" to justify the transfer to other states of substance or activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992;
64. Denouncing the production, the promotion , and the approving of genetically engineered foods and crops and leading to a deterioration of the food supply, and heritage seeds;
65. Opposing the failure of the member states, including Canada, to invoke the precautionary principle which has become a principle of international customary law, and in essence could be paraphrased as where there is a threat to the environment, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent the threat
66. Opposing the dumping of raw sewage in the ocean off the coast of the Greater Victoria Harbour.
67. Criticizing states' disregarding obligations under the Convention on Biological Diversity to conserve biodiversity, to carry out and environmental assessment review of practices that could contribute to the destruction of biodiversity, and to invoke the precautionary principle and enshrined in the Convention
68. Criticizing governments for failing to comply with the Framework Convention on Climate Change, in which almost all governments agreed in 1992 to reduce Greenhouse gases to 1990 levels by the end of the century – 2000.

69. Criticizing governments for ignoring the warnings of the Intergovernmental panel on Climate change, disregarding obligations under the Framework Convention on Climate Change to reduce greenhouse gases and to conserve carbon sinks

70. Criticizing, at the WSSD in 2002, the US, Canada, Australia, and Japan as being on the Axis of Environmental Evil for undermining international environmental obligations

71. Criticizing governments for failing to include list ground of discrimination in their legislation, and for discriminating at different times on the following grounds:

- race, tribe, or culture;
- colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker);
- gender, sex, sexual orientation, gender identity, marital status, or form of family,
- disability or age;
- religion or conviction, political or other opinion, or - class, economic position, or other status;

72. Writing a book on a method of teaching human rights linked to peace, environment and social justice within a framework of international law

73. Criticizing US and other states, and numerous for denying women's reproductive rights, in contravention of commitments made under the International Conference on Population and Development;

74. Countering the denial of fundamental rights through the imposition of religious beliefs;

75. Criticizing the Papal See delegate at several international conferences for the Papal See's restricting the list of designated grounds to only those that were enshrined in the UN Declaration of Human Rights

76. Proposing that the US, in reviewing the intelligence from September 11, 2001, should seriously consider the question that was asked after the attack of September 11, 2001: Why do they hate us?

77. Opposing anti-terrorism legislation that violates civil and political rights, and that contributed to racial profiling

78. Criticizing the targeting of, and intimidating of activists, and the discriminating of citizens engaged in lawful advocacy and legitimate dissent, and on the grounds of political and other opinion (a listed ground in the International Covenant of Civil and Political Rights- to which the US is a signatory):

The FBI has included the following in their designation of terrorists:

"... category of domestic terrorists, left-wing groups, generally profess a revolutionary socialist doctrine and view themselves as protectors of the people against the "dehumanizing effects" of capitalism and imperialism. They aim to bring about change in the United States through revolution rather than through the established political process."

"Anarchists and extremist socialist groups -- many of which, such as the Workers' World Party, Reclaim the Streets, and Carnival Against Capitalism -- have an international presence and, at times, also represent a potential threat in the United States. For example, anarchists, operating individually and in groups, caused much of the damage during the 1999 World Trade Organization ministerial meeting in Seattle."

"Special interest terrorism differs from traditional right-wing and left-wing terrorism in that extremist special interest groups seek to resolve specific issues, rather than effect more widespread political change. Special interest extremists continue to conduct acts of politically motivated violence to force segments of society, including, the general public, to change attitudes about issues considered important to their causes. These groups occupy the extreme fringes of animal rights, pro-life, environmental, anti-nuclear, and other political and social movements."

79. Opposing the failure of governments to distinguish lawful advocacy and legitimate dissent from criminal acts of subversion;
80. Expressing concern about the discrimination against immigrants, and about the failure to sign and ratify the Convention for the Protection of Migrant Workers and their Families;
81. Decrying the US as an international rogue state, intruding and intervening, unilaterally and abandoning multilateralism;
82. Criticizing the US for undermining the principle of democracy by couching a plutocracy/theocracy in democratic notions of "freedom";
83. Launching, in conjunction with the faculty of law at the University of Toronto, a Charter Challenge to the First Past the Post electoral system
84. Running as the leader of the Green Party of Canada in two Federal Elections (1997 and 2000) against David Anderson, and in a Federal By-election (2000) against Stockwell Day
85. Compiling a Platform in 1997, and 1998, and criticizing the Canadian government's national policy department by department, and the Canadian government's international policy
86. Sending proposals for New Years resolutions to Jean Chrétien in 1998, 1999, and 2000
87. Preparing a budget in 1998, 1999, and 2000 and criticizing the government for misplaced spending priorities
87. Drafting and circulating a treaty for State and Corporate Compliance in opposition to the MAI
88. Drafting and circulating a treaty placing APEC in the context of international public trust instruments
89. Drafting and circulating a treaty placing the WTO in the context of international public trust instruments
90. Drafting and circulating a treaty placing the FTAA in the context of international public trust instruments
91. Assisting in the preparation of a statement presented by the Peace Caucus to the United Nations
92. Authoring the book; Habitat II; Moving beyond Habitat I, and circulating the book at the 1996 Habitat II Conference in Istanbul
93. Writing and distributing, as a member of the 1997 Earth Summit + 5 Canadian Stakeholder group, a 200 page critique of Canada's environmental practices, and of Canada's failure to comply with obligations and commitments from UNCED in 1992,
94. Drafting criteria for standards for evaluating international overseas projects for CIDA
95. Applying for numerous Federal grants related to research into Canada's compliance with international legal obligations, commitments and expectations, and translating these obligations, commitments and expectations to the local context [For example, several applications, in 1996, 1997 to Canada Mortgage and Housing within the Department of public Works Public Works.]
96. Carrying out a content analysis of the 1992 UNCED Forest Principles within the context of the Convention on the Biological Diversity, and other international environmental agreements

97. Having input, as a stakeholder, into the Department of Environment's program for implementing Sustainable Development Principles

98. Applying for a Charter Challenge grant to address the issue that the ground of "political and other opinion" – a listed ground within in most International Human Rights Instruments – was not included in the Charter of Rights and Freedoms

99. Having applied for over 60 access to information and privacy requests, having faced numerous exemptions on the grounds of for "reasons of international and national security etc, and thus exhausting all domestic remedies to determine the reason for my being placed on a Threat Assessment list by the RCMP or CSIS.

100. Having filed a complaint against the Canadian government under the Optional Protocol ,with the UN Commission on Human Rights based in Geneva for the government's violation of my civil and political rights by placing me on a threat assessment list.

245. 6 MAY 2005: RESPONSE FROM ACCESS TO INFORMATION IN THE DEPARTMENT OF ENVIRONMENT; RELATED TO BRIAN GROOS

After a google search I found out that Brian Groos had been hired, as a special environmental adviser, by the Department of Environment; Hon David Anderson was the Minister of Environment

Environment Environnement Canada Canada Les Terrasses de la Chaudiere 27ieme etage/27th Floor
10, rue Wellington/10 Wellington Street Gatineau, Quebec KIA 0H3
TEL.: (819) 953-2743 FAX: (819) 953-0749 Helen Ryan @ec.gc.caOur File
Notre reference
A-2005-00042 / me

May 06 2005
Dr. Joan Russow

1230 St. Patrick Street
Victoria, British Columbia
V8S 4Y4

Dear Dr. Russow:

This letter is in response to your request under the Access to Information Act (the Act) for:
"Details about the contract and salary for {Brian Gross} when he was hired as a senior advisor for the Hon {David Anderson} in 2004. As well as an outline of academic qualification and experience that would have justified his position as senior advisor. "

After a thorough search, no records were found concerning this request.

The Act grants you the right to file a complaint with the Information Commissioner, within one year of the receipt of your request, if you are not satisfied with our handling of your request. The address is:
Office of the Information Commissioner 112 Kent Street, 22nd Floor Place de Ville, Tower B Ottawa,
Ontario KIA 1H3

If you have any questions regarding this request, please do not hesitate to contact Maggie Casey at (819) 994-6619.

Yours sincerely,
Helen Ryan

Access to Information and Privacy Coordinator

246. 2005: ACCESS TO INFORMATION REQUESST TO ENVIRONMENT CANADA ABOUT REFERENCE TO BRIAN GROOS AS SPECIAL ADVISER

247. 9 MAY 2005: REPLY FROM ACCESS TO INFORMATION COMMISSION TO THE COMPLAINT ABOUT THE EXORBITANT COSTS LEVIED BY ACCESS TO INFORMATION IN ENVIRONMENT

FILE 44557/3003
A-2004-00475

Dr. Joan Russow
1230 St. Patrick Street
Victoria, V8S 4Y4

Dear Dr. Russow:

I write to report the results of our investigation of your complaint, made under the Access to Information Act (the Act) against Environment Canada (EC). In your request you asked for records regarding the 2002 World summit on Sustainable Development (WSSD)

Your request was received by e-mail at the Access to information and Privacy (ATIP) office of EC on December 20, 2004, followed on January 6, 2005, by payment of the application fee. On January 26 your were advised in writing of a fee estimate of \$340 for search (39 hours minus five non-chargeable hours at 10 per hour). My office received your complaint about this estimate on February 3.

The investigation revealed that records relevant to your request are stored in 12 boxes of paper records and on four back-up tapes. My investigator Donna Billard, estimated that the paper records measure 120 inches. . At 200 pages per inch, there could be approximately 24,000 pages of paper records. In addition, the four back-up tapes require an average of five hours just to catalogue, not including time to review, restore and print the electronically stored records. Each record must be reviewed to determine if it meets the criteria of your request.

In my view, EC's estimate of 34 hours for search and preparation of records relevant to your request is fair and reasonable. That said, I will record your complaint as not substantiated. Having now received the report of my investigation, you have the right to apply to the Federal Court for a review of Environment Canada 's decision to deny you access to requested records. Such an application should name the Minister of the Environment as respondent and it must be filed with the Court within 45 days of receiving this letter

Yours sincerely,
The Hon. John M. Reid, PC

248. 10 JUNE 2005: UPDATE OF TO WHOM IS INFORMATION ACCESSIBLE

ACCESS TO INFORMATION: FOR WHOM IS INFORMATION ACCESSIBLE

After reading a government publication which boasted that Canada has more trial sites for genetically engineered foods and crops than the whole European Union, I requested the location of the sites through Access to Information. I received a package with the towns and cities listed but not specific locations for the trial sites from 1988-1998). I was informed in a letter that the complete specific site information (1988-1998) would be available if I were able to pay \$2150.00 with \$1500 up front because it would take about 215 hours of research and that I would be entitled only to 5 hours of free research.. It would appear that the estimated 215 hours of search is required because the government is not permitted to release the location of trial sites on private farms; thus the private farms data would have to be deleted before the data are released.

In the letter, it was also mentioned that I could narrow my request to 1998 which I did. In response to my request for complete data from 1998 I was told that I would now have to pay \$270 because the research would take 32 hours minus the 5 hours that I would get free, and there would be 515 pages to xerox over the 250 pages that would be done for free. I pointed out that in BC there was a policy that if it could be demonstrated that the information sought should have already been compiled as part of the normal course of department organization and practice then the charge would be waived. I have now undertaken to file a

complaint with the Federal Access to Information section noting that the information that I have sought should be part of the normal activity of the department for public accountability, and as such should be made available to the public free of charge. In the interim I have requested 125 pages or 5 hours worth of research on what has been tested in Saskatchewan where the most tests have been carried out.

Months later I received the 5 hour research document. It was exactly the same information that I had received before but with three bilingual diagonal stamps with "access to information".

One is left with the question "for whom is information accessible". It would appear that the information is accessible to those with sufficient funds to pay up front for the research. The implications are extremely serious. The department can justify not preparing documents necessary for public accountability and for public consumption by stating that these documents, of course, are always available on request through the Access to Information process.

Thus, those that have the money to pay for the research that the government should have already carried out as a requirement of public accountability for public consumption are the only ones that can have the research results on demand. There is of course still the opportunity for an organized campaign where over 40 individuals could ask for information that would require no more than 5 hours for each request. If the department does not address my complaint and release the information that, for the sake of public accountability should be already prepared for public consumption, the Green Party of Canada will embark upon a campaign of 41 separate access to information requests until we have the full picture of what has been and is currently being tested across Canada and where these tests have been carried out.

In the information that I received from 1988-1998 there was a listing of the individual test sites. I have requested a list of the actual items being tested. The list of sites could be for testing the same item all across Canada. The representative from Access to Information has undertaken to seek this information and fax it to me if possible.

I have gone through the 200 odd pages and typed up all the sites and then sorted them by date and location.

21. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains

- (a) advice or recommendations developed by or for a government institution or a minister of the Crown,
- (b) an account of consultations or deliberations involving officers or employees of a government institution, a minister of the Crown or the staff of a minister of the Crown,
- (c) positions or plans developed for the purpose of negotiations carried on or to be carried on by or on behalf of the Government of Canada and considerations relating thereto, or
- (d) plans relating to the management of personnel or the administration of a government institution that have not yet been put into operation,

if the record came into existence less than twenty years prior to the request.

(2) Subsection (1) does not apply in respect of a record that contains

- (a) an account of, or a statement of reasons for, a decision that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of a person; or
- (b) a report prepared by a consultant or an adviser who was not, at the time the report was prepared, an officer or employee of a government institution or a member of the staff of a minister of the Crown.

1980-81-82-83, c. 111, Sch. I "21".

22. The head of a government institution may refuse to disclose any record requested under this Act that contains information relating to testing or auditing procedures or techniques or details of specific tests to be given or audits to be conducted if the disclosure would prejudice the u

[Sanctions Against Sudan a Non-Starter](#)   
[Justice News](#)

Thursday, 16 September 2004 12:11

Sanctions Against Sudan a Non-Starter

Thalif Deen

UNITED NATIONS, Sep 16 (IPS) - The United Nations is reluctant to impose punitive economic sanctions on Sudan -- accused of genocide in the politically troubled province of Darfur -- because embargoes have a relatively poor track record, according to senior U.N. officials and diplomats.

Sanctions Against Sudan a Non-Starter

Thalif Deen?

UNITED NATIONS, Sep 16 (IPS) - The United Nations is reluctant to impose punitive economic sanctions on Sudan -- accused of genocide in the politically troubled province of Darfur -- because embargoes have a relatively poor track record, according to senior U.N. officials and diplomats.

?If the Security Council wants to punish Sudan,? says one Third World diplomat, ?it may not resort to economic sanctions -- particularly after what happened in Iraq where the unintended victims were mostly women and children, not the country's political leaders.?

U.N. Secretary-General Kofi Annan, who has long criticized sanctions as ?a blunt instrument?, has urged the 15-member Security Council to take ?urgent action? to stop the killings in Darfur and asked Western nations to provide funds and logistical support for a 3,000-strong African peacekeeping force in the area.

Asked whether his call for action by the Security Council also includes sanctions, Annan told reporters Thursday: ?I have indicated that the Security Council has not imposed sanctions. It has told the Sudanese authorities that they have to perform and keep the promises they made to the international community, or they would face further consequences, including sanctions.?

Last month Annan cautioned the United States against the imposition of sanctions on Syria, a country designated by the U.S. State Department as ?a terrorist state?.

U.S. Ambassador John Danforth told reporters last week that sanctions ?was not the be-all and end-all? of Sudan. ?The threat of sanctions,? he said, was merely a tool to exert pressure on the government in Khartoum.

The move to impose sanctions on Sudan has also generated reservations from at least four members of the Security Council: China, Russia, Pakistan and Algeria.

Both China and Russia have strong economic and military interests in Sudan. Sudan, which produces about 250,000 barrels of oil per day, has contracted to sell some of it to China. Both China and Russia, on the other hand, are also major arms suppliers to Sudan.

The front-line fighter planes in the Sudanese air force include Russian MiG-23s and Chinese Shenyang MiG-17s. Sudan also has Chinese-made Silkworm missiles and battle tanks, along with Russian-made armored combat vehicles.

Faced with the threat of a Chinese veto last week, the United States has watered down its draft resolution, which demands that the Sudanese government rein in the Arab militias accused of genocide.

If the government fails to comply, the Security Council 'shall take' action for non-compliance, according to the original draft resolution proposed last week.

But with increasing pressure, mostly from China, the United States revised its draft resolution this week to read 'shall consider' taking action -- particularly against its petroleum sector. The new revised resolution is expected to go before the Council for a vote early next week.

But still, Chinese Ambassador Wang Guangya has expressed reservations even on the new draft because of the implied threat of sanctions. China's opposition is primarily against singling out Sudan's oil industry for possible sanctions.

The atrocities in Darfur -- where an estimated 30,000 black Africans have been killed and over 1.5 million displaced -- have been committed by a marauding Arab militia called the Janjaweed ('men on horseback'). The Sudanese government has not only been accused of creating the militia but also turning a blind eye to its continued killings.

Rev. Gabriel Odima, president of the Africa Center for Peace and Democracy, said that Darfur has become a household name around the world. The only images beaming on the world's television screen are the hunger-stricken skeletons in Darfur. "It is almost too late to change the situation," he said.

"But the change in the draft resolution on Sudan to please China will not help the people of Darfur. Instead Washington should build a new consensus of support in the U.S. Congress and among American people for a responsible foreign policy that will bring China, Russia, Algeria and Pakistan on board," Odima told IPS.

He also said that the Sudanese military, the rebel groups, the politicians and the international community have all failed the people of Darfur.

“Likewise today China, Russia, Pakistan and Algeria are overlooking the real tragedy facing the people of Darfur. A strong U.N. resolution on Sudan will help contain the situation in Darfur,” he added.

Joan Russow, of the Global Compliance Research Project, said the international community must resist both “humanitarian” military intervention or the imposition of sanctions -- which often affect the most vulnerable and disadvantaged.

“Year after year, serious conflicts emerge over resources, territory, ethnicity and religion and the U.N. Security Council is called upon to act. But because of the vested interests of its five permanent members -- the United States, Britain, France, China and Russia -- the Security Council has demonstrated that it is incapable of preventing the scourge of war,” Russow told IPS.

She said that the 191-member General Assembly, which reflects the sovereign equality of all states, should be given the mandate to strive to prevent war through addressing the fundamental inequities in the global community, and the disquieting increase in global militarism which foster conflict.

Annan told reporters Thursday the Security Council is discussing a draft resolution “which may require me to appoint an international commission to decide whether acts of genocide have been committed?”

“If this resolution is adopted, I shall of course do so with all speed, and we are making preliminary preparations. But I want to make it clear that, no matter how the crimes that are being committed against civilians in Darfur are characterized or legally defined, it is urgent to take action now,” he added.

“I have urged the Security Council to act on the draft resolution without delay, and to be as united as possible in the face of this crisis,” he said.

Annan also pointed out that this is the first time in the Council's history that it will be acting under the provisions of the Genocide Convention, which calls for the protection of civilians who are victims of mass killings. (END)

***PEJ [MARTIN HAS MISLED THE CANADIAN CITIZENS](#)**

Monday, 27 September 2004 02:37

MARTIN HAS MISLED THE CANADIAN CITIZENS
Joan Russow

During the Canadian election, citizens expressed serious concern about Canada's increased integration with the US, in particular Canada's being involved in the US proposed Ballistic Missile Defence. Polls have clearly indicated that high percentage of Canadian citizens are opposed to the Ballistic

Missile Defence. MARTIN HAS MISLED THE CANADIAN CITIZENS

During the Canadian election, citizens expressed serious concern about Canada's increased integration with the US, in particular Canada's being involved in the US proposed Ballistic Missile Defence. Polls have clearly indicated that high percentage of Canadian citizens are opposed to the Ballistic Missile Defence..

Paul Martin misled the Canadian public during the elections when he called upon progressive voters to support the Liberals, Paul Martin also misled the Canadian public when he stressed the importance of addressing the Democratic deficit; yet it appears that Paul Martin is prepared to bypass parliament, and use cabinet prerogative to endorse the Ballistic Missile Defence.

Martin's minority government , through making this crucial decision has undermined the public trust. Citizens had a legitimate expectation that, Martin, if he formed the government, would implement his commitment to address the democratic deficit and to further the progressive voters concern about ballistic missile defence. Martin did not receive a mandate to bypass parliament and sign on to Ballistic Missile defence. Martin and his Liberal government are fully aware that if they had been forthright during the election about their intentions to bypass Parliament and sign on to Ballistic missile defence, he would not have received enough support to form a minority parliament.

The myth must be dispelled that Canada's international reputation depends on Canada's establishing a strong military, and an increased integration with the US. If Canada is to have a solid international reputation, it has to cease being compliant to US policy, and to institute an independent common security national policy.

To promote common security the Canadian government should be lobbying the US to abandon its policies and actions that contribute to global insecurity, should be effectively contributing to the implementing of an international/ national policy that supports multilateralism, and the rule of international law, should be promoting the delegitimization of war and reallocating military expense to further common security-peace, human rights, social justice and the environment.

True global common security is not furthered through the establishing of Ballistic missile defence, through the maintaining of over 700 international US military bases around the world, through the US withdrawing from the nuclear Proliferation treaty, through the circulating of US nuclear powered and nuclear arms capable vessels, through the US misconstruing ?self- defence to justify retaliation, through the adopting of the policy of ?preventive?/ pre-emptive aggression, through the US spurning multilateralism and defying the rule of International law, through using ?human security/ humanitarian intervention to attempt to justify military intervention, through the US corporations exploiting

global resources, through the undermining cultures by proselytizing US-style Christian fundamentalism. All of the above actions contribute to a US-led international ?insecurity? policy, and does not lead to reducing the global support for terrorism.

Through lobbying the US to abandon its policies and actions that contribute to global insecurity, through effectively contributing to the implementing of an international/ national policy that supports multilateralism, and the rule of international law, through promoting the de-legitimization of war and reallocating military expense to further common security, Canada will ensure greater national security.

Joan Russow (PhD)
Global Compliance Research Project
1 250 598-0071
A Global Pact Against Depleted Uranium

Posted by Joan Russow

As Dr Fred Knelman points out "Canada exports uranium to the US enrichment plants where Uranium 235 is used to manufacture nuclear weapons. Also, Uranium 235 with some 238 becomes the fuel rods in civil nuclear reactors and the Uranium 238 is converted to plutonium 239 in the reactor; this plutonium is then used to make nuclear weapons. In other operations Uranium 238 (Depleted Uranium) that is left over from this separation is used for the manufacture of armour piercing munition. We can be certain that some Canadian uranium is diverted into the manufacture of nuclear weapons, that the plutonium is used to manufacture weapons and that the converted U238 fraction is used to manufacture amour piercing munitions. " (Knelman, F PhD, personal communication, April 22 2005). Francis Boyle is launching the following:

A Global Pact Against Depleted Uranium
by Francis Boyle

During September of 2004 I launched an international campaign to conclude a global pact against depleted uranium (DU) munitions by having every state in the world officially and publicly take the position that the Geneva Protocol of 1925 already includes within itself a flat-out prohibition on the use of DU in wartime, which they have not yet done. So far, the United States is the only government in the world that uses DU munitions during wartime. In addition to prohibiting "the use of bacteriological methods of warfare," the 1925 Geneva Protocol also prohibits "the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials, or devices." Clearly DU is "analogous" to poison gas. [i] But we need every government in the world to legally and openly take that position. Then the entire world can pressure the United States to remove DU munitions from its arsenal.

Politically, the easiest way to accomplish that objective is not the conclusion of a new international treaty prohibiting the use of DU, but rather simply having every state in the world submit an interpretative Letter to that effect to the Government of France, which is the official depository for the 1925 Geneva Protocol. This latter approach would also avoid the need to have the respective national legislatures of every state in the world to approve a new anti-DU treaty and thus complicate and prolong the process. All that needs to be done is for anti-DU citizens, activists and NGOs in each country of the world to pressure and convince their respective Foreign Ministers to sign, date, and then file this model Letter with the French Foreign Minister as indicated below. That task is eminently feasible.

As the Land Mines Treaty has already demonstrated, it is possible for a coalition of determined activists and NGOs, acting in concert with at least one sympathetic state, such as Canada, to actually bring into being an international treaty to address humanitarian concerns. This template Letter is for the use of concerned citizens, activists and NGOs worldwide, to pursue through universal governmental participation the complete and final elimination of DU munitions from the face of the earth:

His Excellency Michel Barnier

Foreign Minister
French Republic
37, Quai d'Orsay
75351 Paris
FRANCE
FAX: 33-1-43-17-4275

Dear Excellency:

The Republic of X presents its compliments to the French Republic.? I have the honor to draw to your attention the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare of 17 June 1925, for which the Government of the French Republic serves as the depository. The Geneva Protocol of 1925 prohibits the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, as well as the use of bacteriological methods of warfare.? The government of X believes that the Geneva Protocol of 1925 already prohibits the use in war of depleted uranium, uranium ammunition, uranium armor-plate and all other uranium weapons.? We respectfully request your Excellency to circulate this communication to the other High Contracting Parties to the Geneva Protocol of 1925.

Please accept, Excellency, the assurance of our highest consideration.
Foreign Minister

Republic of X

Day, Month, Year

() THAT in 2004, on October 14 I filed an access to information request with the department of justice

DEPARTMENT OF JUSTICE FAX 613-957-2303
284 WELLINGTON ST,
OTTAWA, ON. K1A 0H8

613-9924621
6130540617
613-952-9361

Access to Information Request: October 14, 2004

Department of Justice

Access to Information Request:

(1) Documentation related to legitimate dissent, and discrimination on the grounds of "political and other opinion"

Disregard for implementation of international law

(a) Expressed rationale for the failure to include political and other opinion in the Charter of Rights and Freedoms".. "Political and other opinion" is a listed ground in most international human rights instruments, such as the International Covenant of Civil And Political Rights

(b) Expressed rationale for not requiring the government to abide with the following 1982 commitment to the international community:

1982 "Canadian Reply to Questionnaire on Parliaments and the Treaty-making Power" (PTMP). It is an external Affairs communiqué which was put together in 1982 to assist external affairs to explain the division of powers and constitutional conventions in Canada vis-a-vis International obligations

Canada will not normally become a party to an international agreement which requires implementing legislation until the necessary legislation has been enacted.

(c). Explanation for Attorney General's disregard in the Federal Court for international law: obligations incurred through Conventions, treaties, and covenants; commitments made through UN Conference Action plans, and expectations created through UN General Assembly resolutions.

failure to distinguish legitimate dissent

(d). Justification for the targeting of individuals who are engaged in legitimate dissent

(e). Documentation of criteria used to place citizens on threat lists, and copies of the assessment by the Department of Justice on whether these criteria contravene obligations under the International Covenant of Civil and Political Rights to not discriminate on the ground of political or other

opinion.

(f). Documentation related to judicial opinion on what would constitute legitimate dissent under the CSIS Act, and on whether CSIS agents are sufficiently trained to distinguish legitimate dissent from

Political intimidation

(g) Documentation related to a judicial opinion on whether threat assessment lists have been used to intimidate political opponents prior and during elections

Questionable exemptions

(h). Documentation related to a judicial review of exemption clauses used in the Access to Information Act, and Privacy Act

(i) Evidence for Judicial opinion on whether there is an over-reliance on department criteria for determining what would constitute an exemption, "for military and international security reasons", under the Privacy Act and under the Access to Information Act.

lack of independence of Privacy Commissioner and Access to Information Commission

(j) Documentation related to the failure on the part of the Commissioners to fully speak truth to power because they are political appointees, and because they have a mandate to investigate the process rather than the substance of a complaint.

disregard of "right to correction"

(k) (i) Description of remedies available for citizens who have followed all of the above mentioned processes for "the Right to Correction", and removal off lists. [analogous application of international principle affirmed in the International Convention on the Right to Correction].

(ii) Documentation related to the "simple process available" [statement from former Minister of Justice] for those that wish to be removed from lists

(iii) Documentation related to the rationale for citizens' being offered the opportunity of addressing, through the Federal Court, their being placed on lists, coupled with the rationale for citizens being required to pay costs

(l) Explanation and Documentation about the reason that after following all the subsequently listed designated processes a citizen has not been able to find out why the citizen was perceived to be a threat to Canada, and placed on a Threat Assessment List:

(i) RCMP Complaints, RCMP Review, CSIS, SIRC and Federal Court (against the AG)(ii) Over 60 processes within various government departments, = (iii) Numerous request for reviews by Privacy Commissioners, and by the Access to Information Commissioner

discrimination in access

(m) Documentation supporting the difference in government policy between access to information for a citizen placed on a "Threat list" and access to information for a citizen placed on a "Terrorist list". In appearing before the committees examining Bill C36 (Anti-terrorism legislation). The former Justice Minister, Honorable Anne McLelland stated: "if someone's name appeared on the Terrorism list", there is an easy process to follow to find out why this occurred".

dissemination of lists

(n). Provisions in place for preventing the exchange of threat list to other states

(o). Documentation of oversight process and judicial opinions related to the commitment made by former Minister of Justice, the Honorable Ann McLelland, re: lists provided by other nations: "We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight."

"In fact we do not take the lists provided by other nations and simply rubber stamp them. Under the existing UN regulations what we do is receive independent advice from organizations like CSIS. We're not simply saying, some other international organization has said this group is a bad group We base our decisions upon independent evaluation of every name on those lists, and that information comes from domestic Canadian intelligence gathering organizations, over which we have civil oversight". (former Minister of Justice, the Honorable Ann McLelland).

long term impact

(p) Documentation related to judicial review of the economic, social, and psychological impact of placing citizens who are engaging in legitimate dissent, on threat assessment lists

Selective access to Committees

(q) Documentation related to the criteria for selecting which citizens and groups should have the opportunity of appearing before the various government and senate committees [THIS HAD NOW BEEN RESPONDED TO –THERE IS NO GENERAL CRITERIA OF SELECTION]

11. There is serious concern about covert surveillance of groups involved in lawful advocacy, protest and dissent

at. P. 35, Andrew D. Irwin commented on the relevance of the McDonald Commission:

“formation of CSIS The decision was based on evidence found by the commission that police officers lacked the training and judgment necessary

for doing the delicate job of security intelligence gathering in a way that properly respected the basic democratic rights of Canadian citizens. For this reason the CSIS was created in the early 1980s with mandate that explicitly excluded the covert surveillance of groups involved in "lawful advocacy, protest or dissent" unless it could be proved on independent grounds that they posed a significant security threat. (Andrew D. Irwin, p.35, IBID)

12. Serious questions about surveillance of non-violent protest groups remain unanswered, and serious concerns remain unaddressed.

Andrew D. Irwin at 36

- we need to know what evidence the RCMP had, if any, to justify its surveillance of non-violent protest groups.... We need to know whether the RCMP shared any of the intelligence information that it gathered on Canadian citizens with security and intelligence agencies from other countries. Finally we need to know the current status of the dossiers that were assembled on law-abiding Canadian citizens. Could information in those dossiers still be shared with other national and international agencies. Are all of these dossiers eventually going to be destroyed unless there is evidence of criminal wrongdoing.

13. The designation of the Plaintiff as a threat when she has never engaged in any illegal actions, and never been arrested is an unconscionable violation of her charter rights and an unacceptable act of discrimination on the grounds of "political and other opinion".

14. The plaintiff pleads that her Charter rights have been overridden when individual Deputy ministers, cabinet ministers, "intelligence agencies" or political leaders have delineated or contributed to her being designated as a "threat"

15. Her charter rights have been violated she will argue for damages under section 24(i) of the Charter.

() THAT in 2004 on September 23, I wrote to the minister of justice

EXHIBIT

B. LETTER SENT TO HON IRWIN COTLER

1230 St. Patrick St.
Victoria, B.C. V8S 4Y4
1230 St Patrick
September 23, 2004

Hon Irwin Cotler
Minister of Justice and Attorney General of Canada,
Justice Building 4th floor
284 Wellington St.
Ottawa,, On., K1A 0H8

cotlerl@parl.gc.ca
Fax 1 613 9907255

Dear Minister Cutler,

At least since 1997, I have been on an RCMP threat assessment list. I found out about this fact inadvertently during the release of documents during the APEC inquiry. Although I have often been a strong critic of government policy and practices, I have never been arrested and I have never been a threat to any person or to any country..

I have a Masters Degree in Curriculum Development, introducing principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law. I have a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the University of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria and the Vancouver peace Society, and I am a member of the IUCN Commission of Education and Communication and the Canadian UNESCO Sectoral Commission on Science and Ethics. I am the author of the Charter of Obligations - 350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through UN. General Assembly Declarations and Resolutions related to the public trust or common security (peace, environment social justice and human rights). I had attended international conferences as a member of an accredited NGO or as a representative of the media. From April 1997 to March 2001, I was the Federal leader of the Green Party of Canada,

However, as an activist from India once stated: nothing is more radical than asking governments to live up to their obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments, and expectations is a threat to the country, then I am a threat to Canada. However under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years. I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. I obtained unsatisfactory and evasive responses from the RCMP, CSIS, Privy Council, PMO, SIRC with exemptions under various section being cited such as "information cannot be released for military and international security reasons".

After being refused media access to the APEC conference, I filed a complaint with the RCMP Commission in January, 1998. In my complaint I pointed out to the RCMP officers who interviewed me, that I suspected that there had been a directive from the Prime Minister's office because the his office had pulled the pass of a journalist from Reuters because she had asked a probing question at an APEC press Conference. [I had upset Prime Minister Chrétien when in the 1997 election I asked him to address the issue of Canada's failure, in many cases, to enact the necessary legislation to ensure compliance with international law]. I was, however, never allowed to appear before the Commission even though the commissioner was aware that there was a directive from the PMO to prevent me from attending the Conference. [an RCMP document in 1998 indicated that the media accreditation desk had received instruction from a Brian Groos from PMO to pull my pass after it had been issued]. I even spoke several times to the lawyers acting for the Commission and to Commission Hughes about my case. I was not even able to appear, even though I pointed out that a constable from the Vancouver police had made a statement, on the stand, that I had behaved inappropriately on a media bus going out to UBC during APEC. Her statement was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference. After the APEC conference, in February 1998 I had a petition placed on the floor of the House of Commons calling for an investigation into the Canadian Government's disregard for the International Covenant of Civil and Political Rights and in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms or addressed under the Canadian Human Rights Act..

In September 1998, it was brought to my attention that I had been placed on an RCMP APEC threat assessment list of "other activists". The placing of the leader of a registered political party on a threat assessment became a media issue and was reported widely across the country through CBC television, through CBC radio, and through the National Post and its branch papers in 1998. The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I] My being placed on a threat assessment list coincided with the announcement the leader of the German Green party, Joska Fischer's being named foreign Minister.

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and

a new response was devised by the Privy Council for the Solicitor General to diffuse any questions from the Opposition [document accessed through A of I].

In August of 2001 there were a award-winning series of article, in the National Post and its Affiliates on the Criminalization of Dissent. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther King's accompanied the article. In the Times Colonist in Victoria the series generated much comment. Although most of the comments were supportive, many citizens were convinced that there must have been a valid reason for placing me on a threat list. One of the reasons may have been that during the 2000 election, a campaign worker in David Anderson's office had circulated a press release claiming that I was under investigation by Elections Canada, and two days before the election this press release was the top news item on the principal AM station in Victoria. [an affidavit by a relative of another campaign worker in David Anderson's office, had been filed with Elections Canada; Elections' Canada had immediately dismissed the complaint and on election Day the AM station issued a retraction but the damage was irreversible].

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case of defamation of Character against various federal government departments. I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Attorney General's office has been remiss in not advising the Federal government that "politics" is a listed ground under the ICCPR and should have been included in the Charter of Rights and Freedoms. When I raised the fact that "politics" is a recognized ground, internationally, the lawyer from the Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory. When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to Information requests. I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that collected by a recognized body under statutory provisions. In addition, there was the constant exemption related to military and international security.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of politics - a ground that is included in the International Covenant of Civil and Political Rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged, and I have had to continue live under the stigma of being a "threat to Canada".

The sequence of events and the myriad of frustrating fruitless government processes have left me disillusioned with politics and in particular with the unethical abuse of political power.

POTENTIAL CONSEQUENCES OF ENGAGING IN SUSTAINED LEGITIMATE DISSENT, AND OF BEING PLACED ON A THREAT ASSESSMENT LIST

In 2002, there was an article that appeared across the country about the launching of my court case, and about my concern at being deemed a security risk. I mentioned the stigma attached to my name, and the possibility that any international access might be curtailed, and any employment opportunities, thwarted.

In 1995, I was co-teaching a course in global issues at the University of Victoria, and I received two CIDA grants one for authoring the aforementioned Charter of Obligations for the UN Conference on Women, and the other for an exploratory project on the complexity and interdependence of issues in collaboration with academics in Brazil. On completing my doctorate in January 1996, I had no doubts about my ability to repay my student loan. I have attempted, however, to apply for numerous jobs, and have been continually disappointed.

Apart from two \$500 government grants in the Spring of 1996, I have not earned any income. I

incurred a student loan of \$57,000 when I graduated. Twenty thousand of the amount was granted in remission for community service by the Provincial government. I then still owed \$37,000 to the Federal Government under the Ministry of Human Resources..

I have, however, continued to promote the public trust continually writing and lecturing on common security – peace, social justice, human rights, and the environment..

In 1996, for the Habitat II Conference, I prepared 176 page book in which I placed the Habitat II Agenda in the context of previous commitments made through Habitat 1, and subsequent commitments from conference action plans, obligations from conventions, treaties, covenants, and expectations created through UNGA declarations and resolutions.

When I returned from the 1996 Habitat II conference, I applied for numerous federal grants with no success. Ironically, one of my grant applications was with the Canada Mortgage and Housing Corp under Public Works. I applied for a research grant under one of their categories “Sustainable Development”.

The proposed project was the following: A revising of "Sustainable Development" in the context of "sustainable human settlement Development" from principle to policy." This project was linked to the commitments made through the Habitat II Agenda, and brought to a local context with community groups. My grant was refused. The reason for the refusal I found out later through a privacy request was the following:

“ IRD Review of Submissions - 1006 External Research Program - The six 1996 ERP submissions that were sent to International Relations Division for review have been evaluated and the results are summarized in the enclosed table.”

"All the submissions reviewed were interesting, trade-relevant and were thought likely to generate some added value. Nevertheless, none of these proposals were thought to be sufficiently compelling or well targeted in relation to the Division's current or likely future priorities that we would be prepared to urge that they be supported.”

"This [MY PROJECT] is the highest scoring of the proposals reviewed by IRD, This score is largely a reflection of the thoroughness of the proposal and its supporting documentation.

This proposal, however, is marginal in terms of its capacity to support the international commercial endeavours of Canada's housing industry.

IRD cannot support this proposal as its provides is unlikely to result in any tangible benefit to Canada' housing exporters. " [Note the current relevance when there is a current Commission looking into criteria for projects within the Department of Public Works]

Prior to finding out in 1998 that I was on the threat assessment list, even though I still had not received any income, I decided that I would not declare bankruptcy and renege on my obligation to repay my student loan. Although I was not earning an income, I was continually making grant applications and contributing my time to further the public trust and the respect for international law. I was often part of government stakeholder meetings, and in 1997 I had been asked to review Canada's submission to the UN for RIO +5. I spent several months reviewing the documents and then preparing a 200 page response. Rather than receiving remuneration, I was thanked for my comprehensive submission, and denied a request on my part to participate on the Canadian delegation. I participated, without remuneration, throughout the years as a stakeholder, in conference calls , in meetings, working groups and similar undertakings. I realized one of the repercussions of raising issues during election at all candidates meetings. At the University all candidates meeting I raised the issue of corporate funding of university; the next day, the University of Victoria, sent a note to the office of the Green Party of Canada stating that I was no longer associated with the university. I had been a sessional lecturer and co-developed the course in global issues. [Subsequently, a global studies section was established with substantial corporate funding.]

I was constantly hounded by credit agencies and I finally decided to write to the Minister of Human Resource, Pierre Pettigrew, in 1998 asking if it was possible to forgive my loan on the basis of my contribution to years of community service [some years earlier Senator Perrault, had proposed that

students should be able to repay their loan through community service] and given that I was then 60 years old and my chances for employment were diminishing. He declined. Also, even though, I was then 60, and entitled to my meager Canada pension of \$78 per month on the hope I declined to accept the pension on the hope that I could find work, and thus repay my loan.

In 1998, when I found out that I was on the Threat Assessment list, and when it was well publicized across the country, I realized that my reputation had been sullied and the chances of my finding work was next to impossible

Since 1998, I have been constantly harassed by credit agencies every two weeks and sometime even more often. In 2004, I wrote another letter to the Jane Stewart, the then Minister of Human Resources, indicating that for "unforeseen and unexpected" reasons I would not be able to repay my loan citing the fact that my being placed on a threat assessment list, the wide publication of this fact, and the stigma attached to being placed on the list prevented me from fulfilling my obligations. I received a phone call from Minister Stewart's office, and was told to deal with the Collection agencies.

With interest I now owe \$67,000. August 2004, I received a phone call from a law firm in Victoria about the Attorney General's taking me to court about the loan, and that a notice would be served to me around mid August. I phoned Human Resources and appealed to them again and they arranged with the law firm that I could have until October 15 to prepare my case.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked, against me, exemption clauses of " military and international security" have been discredited.

This list would include:

(i) Robert Fowler as Deputy Minister of Defence- the originator of the infamous list of groups that the military should not belong to. This list, which was reported in Now magazine, was a list) establishing a DND list targeting specific groups: **The DND compiled a list of "groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose "loyalty of members of these groups (i.e. to Canada} is questionable as the group bond is stronger than the nationalist bond."**

. The Green Party was on this list

- (ii) Andy Scott, for prejudging the APEC inquiry;
- (iii) McCauley for accepting benefits;
- (iv) Radwanski for misappropriation of funds;
- (v) Gagliano for his potential involvement in the Sponsorship scandal;
- (vi) Jean Chrétien for his potential involvement in the Sponsorship scandal;
- (vii) Howard Wilson for potential bias and not "speaking truth to power".

And as reported today, September 23, 2004, the Department of Justice hired Groupaction even after there had been a warning about Groupaction's incompetency sent from the Treasury Board.

When I appeared in the Federal Court in 2002 I was up against an adept lawyer from the Attorney General's office, and I was scolded by the Federal judge for appearing before the court without sufficient particulars. The judge placed me in a conundrum by stating that he would not grant my claim because I did not have sufficient particulars when it was the crown and numerous government departments represented by the Attorney General that had refused to disclose the particulars. I would think that placing a plaintiff in such conundrum would violate a principle of equity under common law. Similarly, a demand by a government department to fulfill an obligation while creating a situation that makes it impossible to fulfill this obligation would perhaps violate a similar principle of equity. I currently have thousands of pages of data related to my case and I have no idea how to proceed.

I feel that I have been discriminated against on the grounds of "political opinion"- both small "p" and large "P" political opinion.. I appeal to you to address, at the highest level, in some way, the years of injustice and discrimination that I have undergone. I know that under the Optional Protocol of the Covenant of Civil and Political Rights- to which Canada is a signatory, that if I have exhausted all domestic remedies I have the right to take my case before the UN Human Rights Commission charged with the implementation of the Covenant. I believe that I am close to having exhausted all domestic

remedies available for justice in Canada.

As you said in your address to the Canadian Bar Association, you want to create a culture of justice, and to further the public trust. A culture of justice will only occur in Canada when citizens believe that the public trust is furthered without discrimination on any grounds. .

Yours very truly

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OCTOBER OCTOBER 2004

US ELECTION: VOTERS COGNITIVE ABILITY TEST TO DETERMINE ELIGIBILITY TO VOTE



Justice News

Sunday, 24 October 2004 01:50

US ELECTION: VOTERS COGNITIVE ABILITY TEST TO DETERMINE ELIGIBILITY TO VOTE

Recently there has been a debate in the US about whether citizens suffering from cognitive disability should have to pass a test before being allowed to vote. Those opposed to this proposal claim that the proposal would be a violation of the rights of persons with disabilities, and suggest that if there is to be a test it must be a global test and should apply to all citizens.

Here is a proposed global test for Cognitive Ability of US citizens to determine whether they are eligible to vote

US ELECTION: VOTERS COGNITIVE ABILITY TEST TO DETERMINE ELIGIBILITY TO VOTE

DRAFT FOR DISCUSSION

**COMPILED BY JOAN RUSSOW
GLOBAL COMPLIANCE RESEARCH PROJECT
1 250 598-0071**

Recently there has been a debate in the US about whether citizens suffering from cognitive disability should have to pass a test before being allowed to vote. Those opposed to this proposal claim that the proposal would be a violation of the rights of persons with disabilities, and suggest that if there is to be a test it must be a global test and should apply to all citizens.

Here is a proposed global test for Cognitive Ability of US citizens to determine whether they are eligible to vote:

VOTERS COGNITIVE ABILITY TEST TO DETERMINE ELIGIBILITY TO VOTE

LEGEND

(A)- YES; (B) NO; (C) DON'T KNOW (D) DON'T UNDERSTAND

[IF LESS THAN 10% OF THE ANSWERS ARE (NO); RESPONDENT'S COGNITIVE ABILITY MAY BE BROUGHT INTO QUESTION.]

- (i) Do you believe that the US is above the rule of International law
- (i) Do you believe that the US should be required to accept the jurisdiction and decision of the International Court of Justice
- (iii) Do you believe that the United Nations and the opinion of the UN General Assembly about actions serving US interests is irrelevant
- (iv) Do you believe that the US has been justified in giving military assistance to dictators who have furthered US interests
- (v) Do you believe that the US is justified in assisting in the assassination of state leaders who interfere with US interests or who are deemed to be a potential threat
- (vi) Do you believe that military interventions by the US through its covert and overt "operations" are justified if they serve US interests.
- (vii) Do you believe that international security is increased by having over 702 US military bases around the world, and by having nuclear powered and nuclear arms capable vessels circulate around the world
- (viii) Do you believe that the US has the right to pre-emptive aggression against another state if the US perceives the state to be a threat
- (ix) Do you believe that there is such a thing as the "Axis of Evil"
- (x) Do you believe that Iran, Iraq and Korea are on the axis of evil
- (xi) Do you believe that the US-led invasion of Afghanistan was an act of self defence
- (xii) Do you believe that there was a connection between Al Quieda and Iraq

(xiii) Do you believe that even though there was sufficient intelligence prior to the invasion of Iraq that there were no weapons of mass destruction; the US-led invasion was justified

(xiv) Do you believe that the US will be safer if the US embarks upon the Ballistic Missile Defence program and uses space for defence purposes

(xv) Do you believe that increasing the Defence budget of the United States will make the US safer even though it might result in less funds for social programs

(xvi) Do you believe that there are no health and environmental consequences of war that cannot be effectively addressed through rehabilitation

(xvii) Do you believe that there is NO reason for the US to contribute .7% of the GDP to overseas development even though all member states, including the US, of the UN made that commitment

(xviii) Do you believe that the US is justified in using whatever means financially, or military to further its international interests

(xix) Do you believe that there should be NO limitations on the use of US power to further its international interests

(xx) Do you believe that the US practice of "persuasion" which is used in the formation of Coalitions is legitimate

(xxi) Do you believe that the US is entitled to continue a nuclear weapons program while criticizing other countries from developing nuclear arms capability

(xxii) Do you believe that the US has been justified in using Depleted uranium-- which could have lasting environmental and health impacts-- in Iraq in 1991, in Kosovo in 1999, in Afghanistan 2001, and in Iraq in 2004

(xxiii) Do you believe that the US is correct in classifying depleted uranium as a conventional weapon

(xxiv) Do you believe that the possession of assault rifles conforms to the right to bear arms in the US Constitution

(xxv) Do you believe that the US will be safer if immigrants are kept out

(xxvi) Do you believe that the US will be safer if, at all border crossings, all visitors are scanned and finger printed

(xxvii) Do you believe that capital punishment is NOT cruel and unusual

punishment and thus is justified under international law

(xxviii) Do you believe that the US should not ratify the International Criminal Court because the US should not be compelled to abide by international law

(xxix) Do you believe that the US, for the sake of national security, should be able to curb whatever civil and political rights are deemed necessary

(xxx) Do you believe in Armageddon, and that Israel has to be controlled by the Israelis if Christ is going to return

(xxxi) Do you believe that there is little reason to try to change the world because soon there will be Armageddon and the Kingdom of God is at hand

(xxxii) Do you believe that rapture will occur and you will ascend into heaven to be with Jesus

(xxxiii) Do you agree with Macteer from the Christian Round-table that nuclear weapons are part of God's design

(xxxiv) Do you believe that President Bush has been given a mandate by God and is carrying out God's work

(xxxv) Do you believe that it was a good idea to invade Iraq because it was the site of the Garden of Eden

(xxxvi) Do you accept the death of troops who are killed in battle because they will be going "home"

(xxxvii) Do you believe that more Christian missionaries should be sent to Moslem countries to convert Moslems

(xxxviii) Do you believe that there should be NOT be a separation between church and state

(xxxix) Do you believe that social services should be provided by faith based groups

(xxxl) Do you believe that bible reading should be resumed in the school system and that all non Christian students should be permitted to leave the room

(xli) Do you believe that the practice of permitting corporate donations to political parties prior to the election has little influence on political decisions

(xliv) Do you believe that the connections between politicians and oil/defence industries such as the following have NOT influenced policy, and the decision to

invade Iraq

Bush Family (Union Banking Corp, OIL connections with Saudi Arabia), Powell and Perle's (Triem?), Wolfowitz (Gulf stream), Cheney (Halliburton) Lyn Cheney (Lougheed), Karl Rowe (Boeing-Apache), Colin Powell and Rumsfelt (ABB nuclear reactors) etc.
Carlucci Carlyle group.

(xlili) Do you accept the "revolving door" practice--whereby former politicians become corporate lobbyist and visa versa

(xliv) Do you believe that the US should not be bound by international agreements that it signs and ratifies if the agreements impact on US interests

(xlv) Do you believe that even though the US ratified the Framework Convention on Climate Change and incurred an obligation to reduce Greenhouse gases, the US is not bound by the Convention if implementing the Convention would impact of the US economy and on US interests.

(xlvi) Do you believe that the US is NOT required to conserve biodiversity because the US signed but did not ratify the Convention on Biological Diversity

(xlvii) Do you believe in the need to reduce the ecological footprint
Do you believe that there is NOT an inherent right in nature beyond human purpose

(xlviii) Do you believe that the WTO should ensure that states do not establish trade barriers against US genetically engineered foods and crops

(xlix) Do you oppose judicial activism

(l) Do you believe in the Sanctity of marriage and that homosexuals are abnormal, that homosexuality arises not by nature but by nurture

(li) Do you believe that the Supreme Court should ultimately determine the results of a presidential election

(lii) Do you believe that overseas ballots will arrive at their destination with the normal US postage

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[**CANADIAN CIVIL SOCIETY'S FAILED CAMPAIGN ON GENETICALLY ENGINEERED FOODS AND CROPS**](#)   
[**Justice News**](#)

Tuesday, 26 October 2004 05:13

Canadian Civil Society's failed campaign on genetically engineered foods and

crops'
Joan Russow (PhD)
Global Compliance Research Project

There was a moral imperative for Canadian civil society to act precipitously to ban genetically engineered foods and crops to ensure food security, not only in Canada but also throughout the world. Canada as one of the principal producers and exporters of genetically engineered foods and crops has undermined global foods security.

Canadian Civil Society's failed campaign on genetically engineered foods and crops
Joan Russow (PhD) Global Compliance Research Project
There was a moral imperative for Canadian civil society to act precipitously to ban genetically engineered foods and crops to ensure food security, not only in Canada but also throughout the world. Canada as one of the principal producers and exporters of genetically engineered foods and crops has undermined global foods security. Civil society had early warnings about the intention of the Canadian government to embark upon a strong program of genetically engineered foods and crops. But these warning was not heeded. . The Federal government held consultation "stakeholder" meetings at least as early as 1993 with representative from the genetically engineered food industry, University and the Consumers' Association (about 8 members) and the Canadian Environmental Network (CEN) (about 3 members including Brewster Kneen.). At that time none of the experimental crops had been released. In the minutes of the meeting, the CEN did not speak out strongly against the introduction of GE foods and crops but indicated that there should be appropriate legislation in place, and the Consumer's Association treated the issue as a right to choose issue. Subsequent to the consultation process, 1993, there was an Annual General Meeting of the CEN in Prince Edward Island; this meeting was attended by one of the representatives who had participated in the consultation process. **NO RED FLAG WAS RAISED ABOUT THE POTENTIAL RELEASE OF GENETICALLY ENGINEERED FOODS AND CROPS.** There was another key "stakeholder" meeting in 1996 at which time the government approved the release of soy, canola, corn and I believe squash. The same participants were included in the consultation meeting. In 1997, when I was leader of the Green Party of Canada, we ran in the election calling for the banning of genetically engineered foods and crops. At that time, I had thought that Canada was still considering whether to release genetically engineered foods and crops in 1998, I attended an international conference in St Louis (Monsanto land) and drafted the Bio-devastation Declaration - for the banning of GE food which was adopted at the Conference. It was only when I returned to Canada that I found out that, through access to information, that the Canadian government had already approved GE products for release. In 1998, I drafted a formal petition calling for banning; this petition was placed on the floor of the House of Commons. When I asked Canadian environmentalist to sign the petition many of them indicated to me that they did not know that GE crops were growing in Canada. The CEN representatives had neglected to inform its members of the consultation process and the government decision to release

GE. The department of Agriculture began planting test sites for genetically engineered crops as early as 1988, and by 1998 there were over 4500 trials across Canada (information provided through access to information), In 1999, I attended Bio-devastation II, an international conference organized by Vandana Shiva in Delhi, and drafted a global resolution, which was signed by all but two participants calling for the banning of GE food and crops, opposing the patenting of living organisms, ending the exploitation of indigenous peoples, and promoting the transition to organic agriculture with a fair and just transition for affected farmers and communities. I also worked on a petition at the WTO in Seattle, and then ran again in the 2000 election calling for the banning of GE food and crops. Throughout this period, I was constantly in conflict with civil society organizations that were calling for “labeling”. Unfortunately, apart from the campaign against Bovine Growth Hormone, and GE wheat, the civil society campaign in Canada became the call for labeling of GE foods and crops. Labeling addresses the right to know issue, but not the equity (not everyone can afford to buy organic food), environmental, health and economic (many countries are wary about importing food from Canada) issues. I believe that if the CEN had properly consulted with its members about the potential impact of the release of GE food in Canada there would have been a strong campaign right across Canada calling for the banning of GE foods and crops before they were introduced. Once GE crops are approved for release, and planted by farmers, there is a reluctance to call for the banning of Genetically engineered food and crops Internationally, Canada is perceived as Country of food insecurity because it is one of the principal producers, and promoters of genetically engineered crops. In 2000, at the UN, I circulated a petition calling for the banning of genetically engineered foods and crops. Delegates from the South endorsed the petition because they knew that, as there was considerable concern from civil society in the north about genetically engineered foods and crops, genetically engineered foods and crops would be increasingly dumped on the south. Canada has become an international pariah through its use of the WTO to coerce countries into accepting GE food and crops. Throughout the years unintended health and environmental consequences of substances and activities have occurred and thus have led to the adoption of a principle of international customary law?the precautionary principle (where there is a threat to human health or the environment, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent the threat). At the World Summit on Sustainable Development in JoBurg in 2002, Canada along with the US and a few others was placed on the Axis of Environmental Evil by Greenpeace. At the conference Canada obsequiously followed the US and argued that the precautionary principle was not a principle but a “measure”, and that precautionary “measures” should be limited in their Applicability. The state advocates of GE food and crops feared that if there had been wide acceptance of the precautionary principle the principle would be used to justify the banning of both Genetically engineered foods and crops, and practice of condoning “adventitious material “residue of living modified organisms in shipping container. Now, there is no Canadian political party and no civil society main stream group calling for the banning of genetically engineered foods

and crops. For equitable, environmental and economic reasons, all genetically engineered foods and crops should be banned. Canada must launch an immediate program for the conversion of farms to organic production with a fair and just transition for affected farmers and communities. A Moratorium is not even enough because it suggests that in the future GE food might be proved safe. There is sufficient evidence emerging about the harm of genetically engineered foods and crops to invoke the precautionary principle, and call for the institution of a ban.

*PEJ [RIGHTS: U.N. FAULTED FOR FAILING TO CURB GENDER VIOLENCE](#)

[Justice News](#)

Thursday, 28 October 2004 09:18

RIGHTS: U.N. Faulted for Failing to Curb Gender Violence Thalif Deen UNITED NATIONS, Oct 28 (IPS) - The United Nations is admitting its "collective failure" to curb the spiraling violence against women and young girls in conflict and post-conflict situations worldwide. www.ipsnews.net RIGHTS: U.N. Faulted for Failing to Curb Gender Violence Thalif Deen UNITED NATIONS, Oct 28 (IPS) - The United Nations is admitting its "collective failure" to curb the spiraling violence against women and young girls in conflict and post-conflict situations worldwide. Despite the adoption of a Security Council resolution four years ago calling for the protection of women, gender-based violence has continued to grow recently in politically-troubled countries such as Afghanistan, Burundi, Chad, Cote d'Ivoire, the Democratic Republic of Congo (DRC), former Yugoslavia and Sudan. "While sexual and gender-based violence is by no means a new phenomenon, it is a relatively new issue for the United Nations," says Thoraya Obaid, executive director of the U.N. Population Fund (UNFPA). "And the U.N. system is clearly grappling to devise a coherent and effective response," she added in a statement before the U.N. Security Council on Thursday. U.N. Secretary-General Kofi Annan, who has repeatedly warned that the world body has "zero tolerance" for sexual violence, says there has been too much rhetoric and too little action. "The facts on the ground point to our collective failure in preventing such violence and protecting women and girls from the horrors of gender-based violence and heinous violations of international human rights, criminal and humanitarian law," Annan said Thursday. Obaid said although it has been four years since the Security Council adopted the "historic? resolution on women, peace and security, "yet, most women in conflict and post-conflict situations continue to experience little peace and little security." The situation has deteriorated so far that the 15-member Security Council held a special meeting Thursday -- under the presidency of the United Kingdom -- to find ways to strengthen the U.N. response to the growing violence. The increase in brutality -- including rape, killings, torture and the burning of homes -- has been attributed to several factors, including the paucity of women peacekeepers in U.N. peacekeeping missions and the absence of women in post-conflict peace talks. "The number of women who participate in formal peace processes remains small," Annan said in a 26-page report released here. "The leadership of parties

to conflict is male-dominated and men are chosen to participate at the peace table," he added. U.N. High Commissioner for Human Rights Louise Arbour urged the Security Council to ensure the 191 member states comply with resolutions that obligate them to: protect women and girls during conflict; ensure the equal participation of women in peace negotiations, as well as in conflict prevention; ensure access to justice for women; and to integrate a gender perspective into all peacekeeping and humanitarian activities. "I urge the council to combat impunity for gender-based violence by advocating training of security forces and law enforcement agencies in accordance with international humanitarian law and human rights law, and in particular, women's rights," Arbour told delegates. There are bright spots in the world body's efforts to protect women and girls, including a hike in the number of gender advisers in U.N. peacekeeping missions -- from two in 2000 to 10 today. Also, the Government of Belgium is funding the first national comprehensive integrated response to sexual violence in a conflict country, in this case the DRC. Noeleen Heyzer, executive director of the U.N. Development Fund for Women (UNIFEM), says the international community is now fully aware that rape and other forms of violence against women are systematically deployed as a weapon of war. In places such as Haiti and Timore-Leste, she said, rape has been used to punish wives and female sympathizers of the enemy. "And in many wars and conflicts, rape has been used as a way of humiliating the men of the other side, infecting women with HIV/AIDS, forcing them into sexual slavery and destroying women's ability to revitalize their communities," Heyzer told delegates. Obaid said that one of the most devastating consequences of sexual violence has been the transmission of HIV/AIDS. In Rwanda, two-thirds of women who were raped during the 1994 genocide were infected with HIV and "they are dying slow painful deaths from AIDS," she said. "And they need anti-retro-viral therapy." The unchecked violence against women has also been criticized by human rights activists and non-governmental organizations (NGOs). "Women have recognised that the social, environmental, health and psychological consequences of war are irreversible, and that to prevent the scourge of war, the United Nations must never rationalize wars as being 'legal' or 'just'," says Joan Russow of the Canada-based Global Compliance Research Project, a group that monitors governments and NGOs so they meet their obligations through the U.N. system. Russow said women are ubiquitously present as victims and as pawns in post-conflict situations but conspicuously absent in decision making related to peace negotiations in post-conflict areas. As far back as the U.N. women's conference in 1985 in Nairobi, she told IPS, member states affirmed, "equality is important for development and peace because national and global inequities perpetuate themselves and increase tensions of all types". "Yet, in 2004, commitment to gender equality in the prevention of conflict is still at the level of rhetoric. The commitment to prevention has been misconstrued and collapsed into pre-emption, and women's participation has been at best only tokenism," she added. Women throughout the years have deplored the inequitable distribution of resources, particularly the waste of resources on militarism, and called for the implementation of years of commitments to reallocate military expenses to further

global social justice, and conflict prevention, Russow said. The London-based human rights organization Amnesty International said its 'Stop Violence Against Women' campaign, launched early this year, is aimed at highlighting the responsibility of the state, community and individual to act to stop violence against women and girls and end impunity for perpetrators of such brutality. "Our research to date shows no reduction in this phenomenon. Rather, we are currently witnessing horrific levels of gender-based violence committed with impunity against women and girls in many conflict-affected countries, which the U.N. secretary-general says has reached 'almost epidemic proportions'," Amnesty said in a statement released Thursday. Since the adoption of the original resolution in October 2000, it added, less than 20 percent of Security Council resolutions have included language on women or gender. Heyzer said U.N. peacekeeping and humanitarian personnel have a special obligation not to violate the trust that women and girls place in them. In an oblique reference to recent allegations of rape and sexual violence by peacekeepers and humanitarian workers, she added, "means must be developed to enhance responsibility and accountability of U.N. peacekeeping and humanitarian personnel for proper behaviour vis-a-vis the female population in deployed areas." "We have to keep our house in order, if we expect others to do so," Heyzer told the Security Council." (END/2004)

Last Updated on Thursday, 28 October 2004 09:18

*PEJ [AN APPEAL TO NADER : IT IS NOT TOO LATE](#)
[Justice News](#)



Monday, 01 November 2004 04:33

An Appeal to Nader : it is not too late

When I ran in Canada, as the National leader of the Green Party of Canada in the 2000 election I argued the following: In Canada the electoral system is flawed because citizens should never be asked to vote for the one that they want less to prevent the one that they want least from being elected: a point that you made in the 2000 US election and now the 2004 US election. An Appeal to Nader: it is not too late

The election of the US president has serious global consequences. Never has a US president been such a threat to global common security ? peace, environment, social justice and human rights.

You have an opportunity to obtain a firm commitment from the Democrats to work towards changing the Electoral system, and an important obligation in this election, to call upon your supporters to vote for Kerry.

Joan Russow (PhD)
Former Leader of the Green Party of Canada
1 250 598-0071

NOVEMBER NOVEMBER 2004

CORRESPONDENCE: APPEAL TO JOHN REID TO TAKE MY CASE TO COURT

11 NOVEMBER 2004:

Joan Russow (PhD)
1230 St Patrick St.
Victoria, B.C. V8S 4Y4
1 250 598-0071

Hon John Reid
Access to Information Commissioner
112 Kent Street
November 11, 2004

Fax. 1 613 947-7294

Dear Commissioner,

I am responding to your letter of November 1st, 2004. In this letter you indicated that I had the option to appeal to the Federal Court within 45 days. I contacted Dan O'Donnell to ask about the procedure. He indicated that I had to contact a lawyer. I cannot afford a lawyer, and I am writing to you to urge you to act on my behalf before the Federal Court. No citizen should have to live with the stigma of being designated by the government as a "A threat to military and International Security"

At least since 1997, I have been on an RCMP threat assessment list. I found out about this fact inadvertently during the release of documents during the APEC inquiry. The document released was entitled "other activists" and contained the pictures of 9 activists. Although I have been a strong policy critic of government practices, and engaged in legitimate dissent, I have never been arrested, or engaged in any activity that could be deemed to be a threat to military and international Security..

I have a masters in Curriculum Development, introducing, principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law, and a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the university of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria, and the Vancouver peace Society, I am a member of the IUCN Commission of Education and Communication, and the Canadian UNESCO Sectoral Commission on Science and Ethics. and the Canadian Voice of Women.

I am the author of the Charter of Obligations-350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through UN General Assembly Declarations and Resolutions--related to the public trust or common security (peace, environment social justice and human rights).

However, as an Activist from India once stated nothing is more radical than asking governments to live up to its obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments and expectations is a threat to the country then I am a threat to Canada. However, under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years.

I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. After receiving questionable responses from the RCMP, CSIS, Ethics Commissioner, Privy Council, PMO, SIRC with exemptions under various section being cited - information cannot be released for "military and international security reasons".

When I was refused access to the APEC conference in 1997, I filed a complaint; but I was never able to appear during the inquiry even though the RCMP and the RCMP Commissioner were aware that there had been a directive from the PMO to prevent me from attending the Conference. I even spoke several times to the lawyers acting for the Commission, and to Commissioner Hughes, about my case. I was not even able to appear, when I pointed out that on the stand a constable from the Vancouver police had made a statement that I had behaved inappropriately on a media bus going out to UBC. Her statement

was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference.

After the APEC conference, in February 1998 I had a petition placed on the floor of the house of Commons calling for an investigation into the Canadian government's disregard for the International Covenant of Civil and Political Rights' in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms.

From April 1997 to March 2001, I was the Federal Leader of the Green Party of Canada, and was concerned to find out that the Green Party had been on a list of groups that the Military should not belong to. As a result of the Somali Inquiry, Robert Fowler, then Deputy Minister of Defence, had commissioned a junior officer to compile this list. ...The Green Party was on this list. Subsequently, I found out through Access to information that it was the leaders of these groups that were of especial concern to the Department of Defence.

In September 1998, it was brought to my attention that I had been placed on RCMP APEC threat assessment list of "other activists". The placing of the leader of a registered political party on a threat assessment became a media issue and was reported widely across the country through CBC television, through CBC radio, and through the National post and its branch papers. In 1998, The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I}

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and a new response was devised by the Privy Council for the Solicitor General [accessed through A of I subsequently in 1999).

In August of 2001 there was a series of articles on the Criminalization of dissent. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther Kings accompanied the article. This series later won an award.

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case, in the Federal Court, of defamation against various federal government departments.

I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver, that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Department of Justice has been remiss in not advising the Federal government that "political and other opinion" which is a listed ground under the ICCPR should have been included in the Charter of Rights and Freedoms. When I raised the fact that "political and other opinion" is a recognized ground, internationally,. the lawyer from Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory.

When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to information requests.

The following is excerpts from the Judge's decision:

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in *Guetta v the Queen* (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

4.“... I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed, I viewed it as a n expensive fishing expedition, which entailed serious allegations

against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient.

[I pointed out that I was in a conundrum that lawyer for the defendants claimed that I did not have sufficient particulars and I responded that after four years of trying and I showed the 2 inch thick binder I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the "particulars". The judge's response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in *Guetta v the Queen* (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

6. Counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim , sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts. ...

I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that the information was being collected by a recognized body under statutory provisions.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of "political and other opinion"- a ground that is included in the International Covenant of Civil and Political rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged and my character has been defamed. The sequence of events and the myriad of frustrating fruitless government processes has left me disillusioned with politics and in particular with the unethical abuse of political power.

In 2002, there was an article that appeared across the country about the launching of my court case, and in the article my concern about being deemed a security risk and about the stigma attached to my name even to the point that I feared that my access internationally might be curtailed, and my employment opportunities thwarted. Also, the stigma attached to my name has affected my children, and has discredited my father's reputation. My father was the Assistant Auditor General of Canada, and acting Auditor General in the late 1950s, as well as being a representative to the United Nations and other international Organizations.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked the exemption clause of " military and international Security" have been discredited. This list would include, Robert Fowler- the originator of the infamous list of groups that the military should not belong to- was discredited because of his involvement in Somali, Andy Scott for prejudging the APEC inquiry; McCauley for accepting benefits; Radwanski for misappropriation of funds; Gagliano and the former Prime Minister for their potential involvement in the Sponsorship scandal; Howard Wilson for potential bias and not "speaking truth to power"

I feel that I have been discriminated on the grounds of political opinion. I appeal to you to address. at the highest level, in some way the years of injustice and discrimination that I have undergone.

I urge you to take on my case in the Federal Court against the Solicitor General's Department, RCMP. CSIS, Department of Defence, and Prime Ministers office.

Your truly

Joan Russow (PhD)

BUSH'S THEOCRACY/PLUTOCRACY HAS NO INTERNATIONAL MANDATE: AN INTERNATIONAL ROGUE STATE



Justice News

Wednesday, 03 November 2004 02:34

BUSH'S THEOCRACY/PLUTOCRACY HAS NO INTERNATIONAL MANDATE:
an international rogue state

Joan Russow
Global Compliance Research Project

The US has finally become a theocracy in violation of its own constitution which requires the separation of Church and State. ... It has also become a plutocracy ? ruled by the wealth of the military/industrial establishment.

Bush may believe that he has received a mandate. Unfortunately, the US government when elected presumes that it has a mandate to act not only nationally but also internationally.

BUSH'S THEOCRACY/PLUTOCRACY HAS NO INTERNATIONAL MANDATE:
an international rogue state

Joan Russow (PhD) Global Compliance Research Project

The global community must ensure that the US does not continue contributing to global insecurity.

The US has finally become a theocracy in violation of its own constitution which requires the separation of Church and State. At the helm is a man filled with the "holy spirit", who actually believes that he is doing God's work, and that Armageddon will occur, and believers will rise in rapture. It has also become a plutocracy - ruled by the wealth of the military/industrial establishment.

Bush may believe that he has received a mandate. Unfortunately, the US government when elected presumes that it has a mandate to act not only nationally but also internationally.

The US, however has no global mandate to continue to contribute to global insecurity.

The US has contributed to global insecurity in the following ways;

(i) engaged in covert and overt "Operations" against independent states; from

"Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Condor" in Chile, through years of euphemistic operations such as "Operation Just Cause" against Panama and more recently "Operation enduring freedom" against Afghanistan, and "Operation Iraqi Freedom" against Iraq;

(ii) promoted the spread of Evangelical Christianity around the world, undermining local indigenous cultures, and instilling fear through the dangerous, and absurd belief in the "rapture", "Armageddon" and "left behind" and denigrating other established beliefs and practices;

(iii) propped up and financed military dictators who furthered US national interests, and targeted and assisted in the assassination of leaders of other sovereign states who interfered with US national interests;

(iv) established over 700 military bases in sovereign states around the world;

(v) produced weapons of mass destruction such as nuclear, chemical, and biological, in defiance of the global commitment made at Stockholm in 1972 to eliminate the production of weapons of mass destruction, and refused to abide by the Non Proliferation treaty obligations, and violated the Geneva Protocol related to prohibited weapons;

(vi) circulated nuclear powered or nuclear arms capable vessels throughout the world, and berthed these vessels in urban ports;

(vii) planted land mines throughout the world, and failed to sign and ratify the Convention for the banning of Landmines;

(viii) moved towards the militarization of space, and increasing the arms race through the US Anti-ballistic Missile system in violation of the Outer Space Treaty;

(ix) used weapons such as Depleted Uranium and cluster bombs that would be prohibited under the Geneva Protocol II;

(x) abandoned significant obligations under key international non-proliferation treaties;

(xi) perceived justice in terms of revenge through military intervention rather than seeking justice from the International Court of Justice;

(xii) misconstrued Art 51 (self defence) of the Charter of the United Nations to justify premeditated non provoked military aggression by illegally invading Afghanistan;

(xiii) misconstrued prevention of war by adopting a policy of pre-

emptive/preventive attack, claiming the right to aggressively attack sovereign states that are designated as being on the axis of evil, implemented in the illegal invasion of Iraq in violation of the UN Charter article 2 and international law, thus committing the 'supreme' international crime of a war of aggression;

(xiv) undermined the international resolve to prevent the scourge of war by intimidating or offering economic incentives in exchange for support for military intervention (the US continually cajoles, intimidates, and bribes, other members of the United Nations);

(xv) participated in the assassination of, or actually assassinated, state leaders who have interfered with US interests or who have been deemed to be a potential threat;

(xvi) promulgated propaganda for war in violation of the International Covenant of Civil and Political Rights;

(xvii) ignored the provisions in the Convention on the Right to Correction which affirmed: "... to protect mankind [humanity] from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is ether designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression";

(xviii) failed to reduce their military budget and reallocate military expenses and transfer the savings into global social justice as undertaken through numerous UN Conference Action Plans and UN General Assembly Resolutions. (The US spends over 500 billion per year on the military and is the major exporter of arms);

(xix) demonstrated disdain for the international rule of law, and refused to accept the jurisdiction or rulings of the International Court of Justice;

(xxiv) disregarded obligations incurred through conventions, treaties, and covenants, and commitments undertaken through conference action plans, relating to the Public trust and Common security including peace, environment, human rights and social justice;

(xx) failed to sign, ratify, or enact the legislation necessary to ensure compliance with, or respect for international Conventions, Covenants and Treaties relating to the Public Trust;

(xxi) undermined international obligations incurred through Conventions, Treaties, and Covenants, and commitments through UN Conference Action Plans, relating to the Public Trust or to Common Security -peace, environment, human rights and social justice;

(xxii) failed to act on commitments made through UN Conference Action Plans, and failed to fulfill expectations created through General Assembly Resolutions;

(xxiii) extended "human security" to mean "humanitarian intervention" to legitimize military intervention;

(xxiv) violated Geneva conventions on the treatment of civilians, and violated both international human rights and humanitarian law during the occupations of both Iraq and Afghanistan;

(xxv) violated the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment;

(xxvi) engaged in cruel and inhumane punishment through the practice of capital punishment, in violation of accepted international norms;

(xxvii) promulgated corporate globalization, deregulation and privatization through trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law, and condoned corporations benefiting and profiting from war;

(xxviii) advocated and supported IMF structural adjustment programs, and exploited vulnerable groups including indigenous peoples around the world;

(xxix) opposed an international commitment to transfer 0.7% of the GDP for overseas aid, and failed to support the canceling of third world debt;

(xxx) promoted the privatization of public services such as water, and health care, and reduced funding for universities, and promoted corporate funding of education, corporate direction of research and corporate appropriation of its discoveries;

(xxxi) promulgated globalization, deregulation and privatization by promoting trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law

(xxxii) subsidized and invested in companies that have developed weapons of mass destruction, that have violated human rights, that have denied social justice, that have exploited workers, and that have destroyed the environment;

(xxxiii) failed to ensure that corporations, including transnational corporations, comply with international law;

(xxxiv) opposed Mandatory International Ethical Normative (MIEN) standards and enforceable regulations to drive industry to conform to international law, and supported corporate "voluntary compliance";

(xxxv) failed to revoke the charters and licences of corporations that have violated human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment;

(xxxvi) contributed to environmentally induced diseases and poverty related health problems, and denied universal access to publicly funded not for profit health care system;

(xxxviii) produced or permitted the production of toxic and hazardous waste, including atomic waste, and failed to prevent the transfer to other states of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992;

(xxxix) produced, promoted, grown or approved genetically engineered foods and crops, and led to a deterioration of the food supply, and heritage seeds;

(xl) disregarded obligations to not defeat the purpose of the Convention on Biological Diversity which the US has signed but not yet ratified;

(xl) ignored the warnings of the Intergovernmental panel on Climate change, disregarded obligations under the Framework Convention on Climate Change (to which the US is a signatory) and refused to ratify the Kyoto Protocol;

(xlii) discriminated on the following grounds:

- race, tribe, or culture;
- colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker);
- gender, sex, sexual orientation, gender identity, marital status, or form of family,
- disability or age;
- religion or conviction, political or other opinion, or - class, economic position, or other status;

(xliii) denied women's reproductive rights, in contravention of commitments made under the International Conference on Population and Development;

(xliv) denied fundamental rights through the imposition of religious beliefs;

(xlv) enacted anti-terrorism legislation that violates civil and political rights, and engaged in racial profiling;

(xlvi) targeted and intimidated activists and discriminated on the grounds of political and other opinion (a listed ground in the International Covenant of Civil and Political Rights- to which the US is a signatory);

(xlvii) failed to distinguish legitimate dissent from criminal acts of subversion. The FBI has included the following in their designation of terrorists:

"... category of domestic terrorists, left-wing groups, generally profess a revolutionary socialist doctrine and view themselves as protectors of the people against the "dehumanizing effects" of capitalism and imperialism. They aim to bring about change in the United States through revolution rather than through the established political process."

"Anarchists and extremist socialist groups -- many of which, such as the Workers' World Party, Reclaim the Streets, and Carnival Against Capitalism -- have an international presence and, at times, also represent a potential threat in the United States. For example, anarchists, operating individually and in groups, caused much of the damage during the 1999 World Trade Organization ministerial meeting in Seattle."

"Special interest terrorism differs from traditional right-wing and left-wing terrorism in that extremist special interest groups seek to resolve specific issues, rather than effect more widespread political change. Special interest extremists continue to conduct acts of politically motivated violence to force segments of society, including, the general public, to change attitudes about issues considered important to their causes. These groups occupy the extreme fringes of animal rights, pro-life, environmental, anti-nuclear, and other political and social movements."

(xlviii) discriminated against immigrants, and failed to sign the Convention for the Protection of Migrant Workers and their Families;

(xlviv) Continued to be an international rogue state, intruding and intervening, unilaterally and abandoning multilateralism;

(xlvv) Undermined the notion of democracy by wrapping a plutocracy/theocracy in the trappings of democracy and "freedom".

() THAT in 2004 on November I wrote the following:

EXHIBIT

CORRESPONDENCE: APPEAL TO JOHN REID TO TAKE MY CASE TO COURT
11 NOVEMBER 2004:

Joan Russow (PhD)
1230 St Patrick St.
Victoria, B.C. V8S 4Y4
1 250 598-0071

Hon John Reid
Access to Information Commissioner
112 Kent Street
November 11, 2004

Fax. 1 613 947-7294

Dear Commissioner,

I am responding to your letter of November 1st, 2004. In this letter you indicated that I had the option to appeal to the Federal Court within 45 days. I contacted Dan O'Donnell to ask about the procedure. He indicated that I had to contact a lawyer. I cannot afford a lawyer, and I am writing to you to urge you to act on my behalf before the Federal Court. No citizen should have to live with the stigma of being designated by the government as a "A threat to military and International Security"

At least since 1997, I have been on an RCMP threat assessment list. I found out about this fact inadvertently during the release of documents during the APEC inquiry. The document released was entitled "other activists" and contained the pictures of 9 activists. Although I have been a strong policy critic of government practices, and engaged in legitimate dissent, I have never been arrested, or engaged in any activity that could be deemed to be a threat to military and international Security..

I have a masters in Curriculum Development, introducing, principle based -issue principle analysis- a method of teaching human rights linked to peace, environment and social justice within a framework of international law, and a doctorate in interdisciplinary studies. I was a former lecturer in global issues at the university of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on the Board of Directors of United Nations Association in Victoria, and the Vancouver peace Society, I am a member of the IUCN Commission of Education and Communication, and the Canadian UNESCO Sectoral Commission on Science and Ethics. and the Canadian Voice of Women.

I am the author of the Charter of Obligations-350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through Un General Assembly Declarations and Resolutions-- related to the public trust or common security (peace, environment social justice and human rights).

However, as an Activist from India once stated nothing is more radical than asking governments to live up to its obligations. If academic/ activist condemning the failure of the government to live up to its international obligations, commitments and expectations is a threat to the country then I am a threat to Canada. However, under CSIS, there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years.

I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. After receiving questionable responses from the RCMP. CSIS, Ethics Commissioner, Privy Council, PMO, SIRC with exemptions under various section being cited - information cannot be released for "military and international security reasons".

When I was refused access to the APEC conference in 1997, I filed a complaint; but I was never able to appear during the inquiry even though the RCMP and the RCMP Commissioner were aware that there had been a directive from the PMO to prevent me from attending the Conference. I even spoke several times to the lawyers acting for the Commission, and to Commissioner Hughes, about my case. I was not even able to appear, when I pointed out that on the stand a constable from the Vancouver police had made a statement that I had behaved inappropriately on a media bus going out to UBC. Her statement was reported on CPAC and thus across the country. I had never been on a media bus, and I was never out at UBC during the APEC conference.

After the APEC conference, in February 1998 I had a petition placed on the floor of the house of Commons calling for an investigation into the Canadian government's disregard for the International Covenant of Civil and Political Rights' in particular the requirement to not discriminate on the grounds of "political or other opinion".--a ground unfortunately not enshrined in the Charter of Rights and Freedoms.

From April 1997 to March 2001, I was the Federal Leader of the Green Party of Canada, and was concerned to find out that the Green Party had been on a list of groups that the Military should not belong to. As a result of the Somali Inquiry, Robert Fowler, then Deputy Minister of Defence, had commissioned a junior officer to compile this list. ...The Green Party was on this list. Subsequently , I found out through Access to information that it was the leaders of these groups that were of especial concern to the Department of Defence.

In September 1998, it was brought to my attention that I had been placed on RCMP APEC threat assessment list of "other activists". The placing of the leader of a registered political party on a threat assessment became an media issue and was reported widely across the country through CBC television, through CBC radio, and through the National post and its branch papers. In 1998, The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the

Solicitor General.[accessed through A of I}

In 1999, an additional article appeared across the country when I filed a complaint with SIRC, and a new response was devised by the Privy Council for the Solicitor General [accessed through A of I subsequently in 1999).

In August of 2001 there was a series of articles on the Criminalization of dissent. One of the pieces was dedicated to the placing of a leader of a political party on a threat assessment list. In the Ottawa Citizen, my picture along with Martin Luther Kings accompanied the article. This series later won an award.

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case, in the Federal Court, of defamation against various federal government departments.

I filed a statement of claim against the Crown. I had been told by a representative from the Federal Court in Vancouver, that if I listed "her majesty" in the Style of Cause, that all the other departments which I mentioned in the body of the claim would also be deemed to be defendants. However, only the Attorney General's office was represented.

The Department of Justice has been remiss in not advising the Federal government that "political and other opinion" which is a listed ground under the ICCPR should have been included in the Charter of Rights and Freedoms. When I raised the fact that "political and other opinion" is a recognized ground, internationally,. the lawyer from Attorney General's office and the Judge appeared to be reticent about giving credibility to the binding provisions of International covenants to which Canada is a signatory.

When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to information requests.

The following is excerpts from the Judge's decision:

5. The statement of Claim is struck out without leave to amend. However I will follow the approach of Mr. Justice Kerr, in *Guetta v the Queen* (1975) 17 C.P.R. (2d) 31 (F.C.T.D.) at page 33> There he struck out the statement of claim, but rather than give the plaintiff a right to amend, merely left the plaintiff free to institute a new action in conformity with the Federal Court Rules. As I say, the Statement of Claim is struck out without leave to amend, but the Plaintiff is free to institute a new action in conformity with the Federal Court rules should she so desire.

4.“... I concluded that the Plaintiff had suspicion and perhaps some second or third hand knowledge as to facts which could support a claim in defamation and could point to some instances of discrimination which might be the result of defamation, but did not presently have enough factual material to produce an Amended Statement of Claim which stood a scintilla of a chance of success. I also concluded that if the Plaintiff were successful, with further inquiries and with ongoing inquiries under Access to information legislation, she might, with some assistance in drafting a Statement of Claim, produce a plausible Statement of Claim, but that until and unless the Plaintiff turned up further information, the action was a fishing expedition. Indeed, I viewed it as a n expensive fishing expedition, which entailed serious allegations against the Crown. Such allegations ought not to be made on incomplete information. To merely say that the Crown must have knowledge of the particulars needed to support and complete the defamation allegations is insufficient.

[I pointed out that I was in a conundrum that lawyer for the defendants claimed that I did not have sufficient particulars and I responded that after four years of trying and I showed the 2 inch thick binder I was not able to find out the reason for my being placed on the list, and ironically it is the defendants mentioned in the statement of claim that had the “particulars”. The judge’s response was that there appeared to be little chance of my succeeding if I was not able after four years to obtain the particulars]

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6. Counsel for the Defendant, in view of the seriousness of the allegations in the Statement of Claim ,

sought what he termed a modest award of costs to act as a deterrent to litigation unsupported by appropriate facts. ...

I have submitted numerous additional requests but always government departments use sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner, nothing can be done if the agency argues that it was collecting information under a legal investigation, and that the information was being collected by a recognized body under statutory provisions.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of "political and other opinion"- a ground that is included in the International Covenant of Civil and Political rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged and my character has been defamed. The sequence of events and the myriad of frustrating fruitless government processes has left me disillusioned with politics and in particular with the unethical abuse of political power.

In 2002, there was an article that appeared across the country about the launching of my court case, and in the article my concern about being deemed a security risk and about the stigma attached to my name even to the point that I feared that my access internationally might be curtailed, and my employment opportunities thwarted. Also, the stigma attached to my name has affected my children, and has discredited my father's reputation. My father was the Assistant Auditor General of Canada, and acting Auditor General in the late 1950s, as well as being a representative to the United Nations and other international Organizations.

I have now made about 60 privacy and access to information requests - many still outstanding, and still have not found out why I have been deemed to be a threat to Canada. Yet while I have had to live with the stigma, so many of government officials and political representatives whose departments have invoked the exemption clause of " military and international Security" have been discredited. This list would include, Robert Fowler- the originator of the infamous list of groups that the military should not belong to- was discredited because of his involvement in Somali, Andy Scott for prejudging the APEC inquiry; McCauley for accepting benefits; Radwanski for misappropriation of funds; Gagliano and the former Prime Minister for their potential involvement in the Sponsorship scandal; Howard Wilson for potential bias and not "speaking truth to power"

I feel that I have been discriminated on the grounds of political opinion. I appeal to you to address. at the highest level, in some way the years of injustice and discrimination that I have undergone.

I urge you to take on my case in the Federal Court against the Solicitor General's Department, RCMP. CSIS, Department of Defence, and Prime Ministers office.

Your truly

Joan Russow (PhD)

*PEJ [PARRISH EXPOSES EMPEROR BUSH'S NAKEDNESS.](#)
[Justice News](#)



Sunday, 21 November 2004 11:03

Parrish exposes Emperor Bush's Nakedness.

Joan Russow (PhD)
Global Compliance Research Project

In declaring that Canada should join the ?Coalition of the Wise not the Coalition of the Idiots?, Carolyn Parrish was highlighting the fundamental insanity inherent in the actions and proposals of the Bush's Administration.

An important aspect of the Coalition of the Idiots is adherence to the irrational set of beliefs held by "premillennial dispensationalists" .
Parrish exposes Emperor Bush's Nakedness.

Joan Russow (PhD)
Global Compliance Research Project

In declaring that Canada should join the ?Coalition of the Wise not the Coalition of the Idiots?, Carolyn Parrish was highlighting the fundamental insanity inherent in the actions and proposals of the Bush's Administration.

An important aspect of the Coalition of the Idiots is adherence to the irrational set of beliefs held by "premillennial dispensationalists" .

Peter Montaguieu,, in the publication Rachel outlines tenants of their belief system:

This dispensationalist "end times" scenario is an abstract idea with real consequences. For example, leading members of the U.S. Congress work hard to derail peace negotiations between Arabs and Israelis because they believe Israel must expand its territorial control to fulfill God's plan for the Second Coming of Christ. In this dispensationalist reading of Genesis 15:18, God made a "covenant" giving land to the children of Abraham, and Jews must occupy those "covenant lands" before Christ can return to Earth. So, for example, Senator James Inhof (R-Ok.) says, "I believe very strongly that we ought to support Israel -- because God said so. Look it up in the Book of Genesis. This is not a political battle at all. It is a contest over whether the word of God is true." [2] If you think an uncompromising Biblical interpretation of the Arab-Israeli conflict can't have real consequences, read the 9/11 Commission Report. []
...Leaders of the conservative Likud Party in Israel [] and U.S. fundamentalist Christian leaders have different reasons for wanting to drive Muslims from the "covenant lands" but they work effectively together toward that goal. []
...It is worth noting that fundamentalist Christian support for Israel's territorial expansion is not quite the same thing as support for the Jewish people. According to Biblical prophecy, as interpreted by fundamentalist leaders like Hal Lindsey, when the "end times" scenario unfolds, at least two-thirds of all Jews will be killed and will be resurrected into an eternal agony of fire. In his best-selling book, The Late Great Planet Earth, Mr. Lindsey describes this holy pogrom in a section titled, "A bright spot in the gloom." [6, pg. 167, citing

Zechariah 13:8,9.] Before he was President, Mr. Bush himself told a newspaper reporter that no Jews can enter heaven. And in fundamentalist theology there is only one other place to spend eternity - in a lake of fire. (excerpts from article by Peter Montaguieu, from Rachel)

It is difficult to understand why the global community has been so slow to recognize the inherent dangers in having the US controlled by a president who is beholden to rapture theology and "premillennial dispensationalism." Under the threat that the 20 million premillennial dispensationalists might form a separate political party, the Republicans are being held ransom to these fundamentalists that not only are waiting for rapture and the return of Christ but also may have even been embarking on, or will be further advocating irrational actions that might contribute to what they describe as the "end times"

I remember being first concerned about militarization/weaponization and this streak of fundamentalism when in 1983, in an interview on US public radio, Ed Mcateer, from the Religious Round Table stated; "nuclear weapons are part of God's design".

Rather than criticizing Parrish for speaking truth to power, and opposing the "Coalition of the Idiots" , the members of Parliament should seriously consider speaking out in support of her concerns about Canada's embarking upon deeper integration with the US, and with supporting the US's continued contribution to global common insecurity. .

When, in Hans Christian Anderson's tale. the young boy revealed the nakedness of the Emperor, the eyes of the crowd were opened.

WHY HAVE THE MEMBERS OF PARLIAMENT BEEN SO BLIND!?.?

DECEMBER DECEMBER 2004

2004 update of the military budget

EXHIBIT :

Global Compliance Research Project statement on "Domestic financial Resources and Economic Instruments"for Implementing the Commitments made in the Habitat II Agenda.

"The reduction of the military budget and disarmament are necessary conditions of security and development" (Anatole Rapapport, presentation at the World Order Conference, 2001)

Throughout the years, through international agreements, member states of the United Nations have recognized that the military budget has been a waste and

misuse of resources. Unfortunately, institutional memory is either short or member states ignore precedents.

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

"The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

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

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

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

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

These appeals were further reinforced in a 1983 General Assembly Resolution on the Relationship between Disarmament and Development, that curbing the arms build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries." Also in the 1993 resolution, member states considered that "the magnitude of military expenditures is now such that their various implications can no longer be ignored in the efforts pursued in the international community to secure the recovery of the world economy and the establishment of a new international economic order."

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

In 1994, in adopting the statement from the International Conference on Population and Development, the member states of the United Nations concurred that the attainment of quantitative and qualitative goals of the present

Programme of Action clearly require additional resources, some of which could become available from a reordering of priorities at the individual, national and international levels. However, none of the actions required nor all of them combined is expensive in the context of either current global development or military expenditures." (Article 1.19)

In 1995, similarly, states in adopting the statement from the Social Development Summit endorsed the calling for the reallocation of military spending to ensure a greater pocket of resources to expand public services. Again, in 1995, member states of the United Nations reconfirmed these commitments by adopting the Platform of Action at the UN conference on Women, Equality, Development and Peace. In the Platform of Action, States have made a commitment to maintain peace and security at the global, regional and local levels, together with the prevention of policies of aggression ... and the resolution of armed conflict (Art. 14) and to reduce "...military expenditures" (Art. 15), states have also made a commitment to the prevention and resolution of conflicts (Art.15) and to increase and hasten, ... the conversion of military resources and related industries to development and peaceful purposes" (145a).

In the Habitat II Agenda, what was originally proposed as Article 140 m: "use a reduction of national military budgets to fund local programs for human settlements" was left out in the final Habitat II Agenda in the sections related to Domestic financial resources and economic instruments.

In the 1984 General Assembly Resolution entitled the Right of Peoples to Peace, there were "Appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of ...measures at both the national and the international level." (4. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

It is time for the member states of the United Nations to give substance to the Habitat II Agenda, by recapturing the commitment from Habitat 1, in 1976, to substantially reduce the military budget.

Currently the Global Community spends more than \$800 billion on the military budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing; the right to unadulterated food (pesticide-free and genetically engineered-free food); the right to safe drinking water; the right to a safe environment; the right to universally accessible, not for profit health care; and the right to free and accessible education.

For further Information: Please Contact:

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1230 St. Patrick Street.Victoria, B.C. V8S 4Y4 Canada. 1 250 598-0071

Global Compliance Research Project statement on "Domestic financial Resources and Economic Instruments" for Implementing the Commitments made in the Habitat II Agenda.

"The reduction of the military budget and disarmament are necessary conditions of security and development" (Anatole Rapaport, presentation at the World Order Conference, 2001)

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

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

"The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

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

- (i) reaffirmed "the urgent need to reduce the military budget, and agreed to freeze and reduce the military budget";
- (ii) recognised that "the military budget constitutes a heavy burden for the economies of all nations, and has extremely harmful consequences on international peace and security";
- (iii) reiterated the appeal "to all States, in particular the most heavily armed States, pending the conclusion of agreements on the reduction of military expenditures, to exercise self-restraint in their military expenditures with a view to reallocating the funds thus saved to economic and social development, particularly for the benefit of developing countries" (Resolution on the Reduction of Military budgets, 1981).

These appeals were further reinforced in a 1983 General Assembly Resolution on the Relationship between Disarmament and Development, that curbing the arms build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries." Also in the 1993 resolution, member states considered that "the magnitude of military expenditures is now such that their various implications can no longer be ignored in the efforts pursued in the international community to

secure the recovery of the world economy and the establishment of a new international economic order."

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

In 1994, in adopting the statement from the International Conference on Population and Development, the member states of the United Nations concurred that the attainment of quantitative and qualitative goals of the present Programme of Action clearly require additional resources, some of which could become available from a reordering of priorities at the individual, national and international levels. However, none of the actions required nor all of them combined is expensive in the context of either current global development or military expenditures." (Article 1.19)

In 1995, similarly, states in adopting the statement from the Social Development Summit endorsed the calling for the reallocation of military spending to ensure a greater pocket of resources to expand public services. Again, in 1995, member states of the United Nations reconfirmed these commitments by adopting the Platform of Action at the UN conference on Women, Equality, Development and Peace. In the Platform of Action, States have made a commitment to maintain peace and security at the global, regional and local levels, together with the prevention of policies of aggression ... and the resolution of armed conflict (Art. 14) and to reduce "...military expenditures" (Art. 15), states have also made a commitment to the prevention and resolution of conflicts (Art.15) and to increase and hasten, ... the conversion of military resources and related industries to development and peaceful purposes" (145a).

In the Habitat II Agenda, what was originally proposed as Article 140 m: "use a reduction of national military budgets to fund local programs for human settlements" was left out in the final Habitat II Agenda in the sections related to Domestic financial resources and economic instruments.

In the 1984 General Assembly Resolution entitled the Right of Peoples to Peace, there were "Appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of ...measures at both the national and the international level." (4. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

It is time for the member states of the United Nations to give substance to the Habitat II Agenda, by recapturing the commitment from Habitat 1, in 1976, to substantially reduce the military budget.

Currently the Global Community spends more than \$800 billion on the military budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing; the right to unadulterated food (pesticide-free and genetically engineered-free food); the right to safe drinking water; the right to a safe environment; the right to universally accessible, not for profit health care; and the right to free and accessible education.

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*PEJ [**SOUTH BACKS BELEAGUERED UN CHIEF**](#)

[**Justice News**](#)

Monday, 06 December 2004 01:17

South Backs Beleaguered UN Chief

You want to talk corruption in Iraq? How about the billion-dollar "reconstruction" and "war assistance" contracts awarded without competition under US President George Bush... perhaps he too should be removed from office, now that some Americans are calling for the removal of Kofi Annan under Iraqi corruption charges...

UNITED NATIONS, Dec 2 (IPS) The largest political group at the United Nations is expected to pledge its strong support to beleaguered U.N. Secretary- General Kofi Annan, whose resignation is being demanded by right-wing newspapers and Neo-conservative politicians in the United States. South Backs Beleaguered UN Chief

By

Thalif Deen

Friday, 3 December 2004

UNITED NATIONS, Dec 2 (IPS) The largest political group at the United Nations is expected to pledge its strong support to beleaguered U.N. Secretary- General Kofi Annan, whose resignation is being demanded by right-wing newspapers and Neo-conservative politicians in the United States. The overwhelming backing for Annan, a national of Ghana, by the 116-member Non-Aligned Movement (NAM), will follow a similar stand Wednesday by 54 African nations, who sent him a letter of support. A meeting of NAM countries, chaired by Malaysia, is scheduled to take place shortly, and ambassadors from Asia, Africa, Latin America and the Caribbean are expected to publicly express confidence in Annan. "This will be a slap in the face of U.S. politicians who are demanding Annan's head," an African diplomat whose country is a NAM member told IPS. "The United Nations has 191 member states -- and the future of the U.N. secretary-general cannot be

determined by a single country, however powerful," he added. With two more years to go, Annan's second five-year term as secretary-general is expected to end in December 2006.

The administration of U.S. President George W Bush, annoyed by Annan's recent comments that the 2004 U.S.-led war against Iraq was "illegal", has so far refused to express confidence in the U.N. chief. The only administration comments, described as "mild" by one African diplomat, have come from outgoing U.S. Ambassador John Danforth, who said Monday, "I don't think that the U.S. government rushes to judgement before all the facts are in." The demand for Annan's resignation has been prompted primarily by allegations of bribery and mismanagement of the now-defunct, U.N.-supervised "oil-for-food" programme in Iraq. Former Iraqi President Saddam Hussein is accused of collecting over 21 billion dollars in illegal oil revenues by subverting the programme, which was designed to ease the suffering of the Iraqi people caused by an economic embargo on the nation.

The programme is currently under investigation by a U.N. committee created by the U.N. Security Council, and chaired by former U.S. Federal Reserve Bank Chairman Paul Volcker. The committee is expected to release its preliminary findings in January 2005. The secretary-general's son, Kojo Annan, is also under scrutiny because of his links to a Swiss company that had contracts with the United Nations for the oil-for-food programme.

The demand for Annan's resignation is being orchestrated by Senator Norm Coleman, a Republican who chairs the U.S. Senate's permanent sub-committee conducting a parallel probe into the programme. "Mr Annan was at the helm of the United Nations for all but a few days of the oil-for-food programme, and he must, therefore, be held accountable for the U.N.'s utter failure to detect or stop Saddam's abuses," Coleman wrote in an op-ed piece in Wednesday's 'Wall Street Journal', one of the major newspapers campaigning for Annan's ouster. "As long as Mr Annan remains in charge (of the United Nations)", Coleman said, "the world will never be able to learn the full extent of the bribes, kickbacks and under-the-table payments that took place under the U.N.'s collective nose." In a report released in October, the chief U.S. arms inspector in Iraq, Charles Duelfer, said that Russia, France and China - - all permanent members of the Security Council -- were the top three countries in which individuals or companies received "lucrative vouchers" for discounted oil purchases from Iraq. Several U.S. companies were also indirect beneficiaries of contracts given to Western companies, along with firms from Belarus, Lebanon, Indonesia, Jordan, Poland, Turkey, Syria, the United Arab Emirates and Yemen.

Some U.S. politicians have threatened to reduce U.S. funds to the United Nations if Annan refuses to resign. Washington is the largest single contributor to the United Nations -- and also the largest single defaulter-- accounting for about 22 percent of the world body's regular budget. According to U.N. figures released last month, the United States owes about 529 million dollars in unpaid contributions for 2004 and previous years. Of the 15 major contributors, the only other two countries in arrears are Brazil (75 million dollars) and Mexico (9.5

million dollars).

Asked if Annan would relent to the demands by a "growing chorus" of politicians and newspaper columnists, U.N. spokesman Fred Eckhard shot back: "A few voices don't make a chorus." "Everything on oil-for-food is being looked at by Mr Volcker. So, we're not going to talk about that until Volcker finishes his work. And as for judgement calls, I think it's much wiser to wait for the full investigation to be completed before allocating blame," he told reporters Wednesday.

Asked about the impact of the spreading crisis on the work of the United Nations, Annan told reporters Monday: "We have very serious work to do in the coming year, the years ahead, and I would want to focus on that." "Obviously, in this climate and with this oil-for-food discussion, it is not going to be easy. It wasn't going to be easy anyway," he added. "We do have work to do, and I hope that the member states and governments concerned will see the value in focusing on the reform (of the United Nations) and the development issues that will be (debated next year)".

But there are lingering fears here that those tasks are going to be undermined by recent developments. "I fear we have a reprise of the tactics by right-wing conservatives in the 1990s to discredit the secretary-general and the United Nations itself," says Margaret Karns, who teaches courses on international organizations, foreign policy and diplomacy at the University of Dayton in Ohio State.

Former U.N. Secretary-General Boutros Boutros-Ghali, who stood up to Washington during his last years in office, was also a victim of U.S. retaliation. When he ran for a second five-year term in December 1996, he received 14 of 15 votes in the Security Council. The United States, the only dissenting voice, exercised its veto against him, paving the way for the election of Annan as the new secretary-general.

"They have found a new 'tool' to attack the United Nations and discredit its secretary-general (and potentially a scapegoat for problems in Iraq as well)," Karns told IPS. Asked if the 191-member General Assembly should adopt a resolution backing Annan, Karns warned, "a stand by the General Assembly would inflame the situation much as the 'ritual' votes on North-South and Middle East issues did in the 1970s and 1980s.

According to Joan Russow of the Canada-based Global Compliance Research Project, Annan, who once appeared to be doing U.S. bidding (on Iraq) is now in disfavour after affirming that Washington's invasion of the country was "illegal". "The United Nations is at a defining moment: it can either stand up for the rule of international law and for the years of commitments made and obligations incurred by member states, or it can succumb obsequiously to the demands of the United States," Russow told IPS. She added that the persistent use of U.S. funds to influence U.N. policy, "either through the U.S. threatening to withdraw funds from the United Nations, or through the U.S. threatening to withdraw funds from member states if they do not support U.S. policy, is in itself corruption and intimidation at the highest levels. "Only when the U.N. General Assembly has the power to oppose the United States in its undermining of the United Nations -- whether it be when Washington furthers its own military interests or when it

intimidates member states to support the removal of 'irritants' to U.S. unilateralism -- will there be a more "secure" world," added Russow.

Numerous commissions

Canadian Human Rights Act [it does not deal with discrimination on the grounds of "political and other opinion"]

The information was denied by using section on international security and defence:

15. (1) The head of a government institution may refuse to disclose any record requested under this Act that contains information the disclosure of which could reasonably be expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada or the detection, prevention or suppression of subversive or hostile activities, including, without restricting the generality of the foregoing, any such information

- (a) relating to military tactics or strategy, or relating to military exercises or operations undertaken in preparation for hostilities or in connection with the detection, prevention or suppression of subversive or hostile activities;
- (b) relating to the quantity, characteristics, capabilities or deployment of weapons or other defence equipment or of anything being designed, developed, produced or considered for use as weapons or other defence equipment;
- (c) relating to the characteristics, capabilities, performance, potential, deployment, functions or role of any defence establishment, of any military force, unit or personnel or of any organization or person responsible for the detection, prevention or suppression of subversive or hostile activities;
- (d) obtained or prepared for the purpose of intelligence relating to
 - (i) the defence of Canada or any state allied or associated with Canada, or
 - (ii) the detection, prevention or suppression of subversive or hostile activities;
- (e) obtained or prepared for the purpose of intelligence respecting foreign states, international organizations of states or citizens of foreign states used by the Government of Canada in the process of deliberation and consultation or in the conduct of international affairs;
- (f) on methods of, and scientific or technical equipment for, collecting, assessing or handling information referred to in paragraph (d) or (e) or on sources of such information;
- (g) on the positions adopted or to be adopted by the Government of Canada, governments of foreign states or international organizations of states for the purpose of present or future international negotiations;
- (h) that constitutes diplomatic correspondence exchanged with foreign states or international organizations of states or official correspondence exchanged with Canadian diplomatic missions or consular posts abroad; or
- (i) relating to the communications or cryptographic systems of Canada or foreign states used
 - (i) for the conduct of international affairs,
 - (ii) for the defence of Canada or any state allied or associated with Canada, or
 - (iii) in relation to the detection, prevention or suppression of subversive or hostile activities.

B. I went through the Commissioner on Access to Information to ask for a review, and through the Privacy Commissioner for a review but still was not able to find out why I was placed on a Treat Assessment List

C. I went to Federal Court against the Attorney General of Canada, and was unsuccessful, and the Judge indicated that if after seeking information for 5 years I had found nothing what I was doing was nothing more than a fishing expedition.

D. I have written letters to the Minister of Justice, Ethics Commissioner, Access to Information Commissioner, and the Privacy Commissioner to address my case

E. I have exhausted all domestic remedies and am now appealing to the Commission on Human Rights

Complaint by Dr. Joan Russow December 10, 2004

IV FACTS

Background:

I have a Masters Degree in Curriculum Development, introducing principle based -issue principle analysis

method of teaching human rights linked to peace, environment and social justice within a framework of international law. I have a doctorate in interdisciplinary studies. I was a former lecturer in global issues at University of Victoria. I co-founded the Vancouver Island Human Rights Coalition in 1981, I have been on Board of Directors of United Nations Association in Victoria and the Vancouver Peace Society, and I am a member of the IUCN Commission of Education and Communication and the Canadian UNESCO Sectoral Commission on Science and Ethics. I am the author of the Charter of Obligations - 350 pages of international obligations incurred through conventions, treaties, and covenants, of international commitments made through conference action plans, and of expectations created through UN General Assembly Declarations and Resolutions related to the public trust or common security (peace, environment social justice and human rights).

I had attended international conferences as a member of an accredited NGO or as a representative of the media. From April 1997 to March 2001, I was the Federal leader of the Green Party of Canada,

At least since 1972, I have been a critic of Canadian government policy related to failure to enact the necessary legislation to ensure compliance with international law related to human rights, peace, environment and social justice. I have criticized Canada internationally, and nationally.

At international conferences, I have criticized the failure of governments to reallocate military expenditure for global social justice as has been agreed through numerous commitments made through the UN General Assembly.

Facts of the complaint

I was placed on a Threat Assessment List. In particular, I criticized the failure to reallocate the peace dividend to developing countries, and the failure to cancel the burdensome third world debt. I have also called for the disbanding of NATO, and I have been critical of the UN Security Council support for the invasion of Iraq in 1991, the NATO invasion of Yugoslavia, the Afghanistan, and the illegal act by the US in its invasion and occupation of Iraq.

I have criticized Canada through the court system related (i) to the failure of Canadian government to enact the necessary legislation to ensure compliance with the Convention on the Protection of Cultural and Natural Heritage, the Convention on Biological Diversity, and the Framework Convention on Climate Change; (ii) to the practice of the Canadian government's issuing an order in Council, using Royal prerogative to bypass its own statutory legislation for the purpose of allowing nuclear powered and nuclear arms capable vessels to berth in the harbour of Greater Victoria; (iii) to the violation, through requirement of bible reading in the schools, by the Canadian government, of section 15 of the Charter of Rights and Freedoms [with the BC Civil Liberties Association]; (iv) to the government's continued endorsement of an electoral system in violation to various sections of the Charter, as well as

Complaint by Dr. Joan Russow December 10, 2004
against International human Rights legislation [with the Law Faculty of the University of Toronto].

Through drafting election Platforms, and through running in Federal elections, I had been advancing the banning of genetically engineered foods and crops; the banning of salmon aquaculture; the discontinuing of corporate funding of universities; the eliminating of hate literature; the ending of the devolution of power to corporations and the revoking of charters and licence of corporations that have violated human rights, destroyed the environment, denied social justice and contributed to war and violence; for ending voluntary compliance and

for calling for mandatory international regulations to drive industry, the exposing of Canada's procrastination for implementing provisions for addressing climate change and for conserving biodiversity; and the failing to act on commitments made through Agenda 21 (UN Conference on Environment and Development), the Habitat II Agenda (Habitat II, 1996), and the Platform of Action (UN Conference on Women; Equality, Development and Peace, 1995) etc. I have opposed Canada's complicity in the invasion of Iraq, Kosovo, and Afghanistan. In addition, I have opposed the Anti-terrorism Act, and racial profiling.

I have never been arrested. Under the CSIS (Canadian Security Intelligence Service) act citizens engaged in lawful protest and advocacy must not be targeted:

In the Act establishing the Canadian Security Intelligence Service "Threats to security of Canada" means (a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities

- directed toward or in support of such espionage or sabotage.
- b. foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada : are clandestine or deceptive or involve a threat to any person
- c activities within or relating to Canada directed toward or in support of the treat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign states, and
- d Activities directed toward undermining by covert unlawful acts, or directed or intended ultimately to lead the destruction or overthrow by violence of the constitutionally established system of government.

Lawful Protest and Advocacy

The CSIS Act prohibits the Service from investigating acts of advocacy, protest or dissent that are conducted lawfully. CSIS may investigate these types of actions only if they are carried out in conjunction with one of the four previously identified types of activity. CSIS is especially sensitive in distinguishing lawful protest and advocacy from potentially subversive actions. Even when an investigation is warranted, it is carried out with careful regard for the civil rights of those whose actions are being investigated.

If academic/ activist condemning the failure of the government to live up to its international obligations, commitments, and expectations is a threat to the country, then I am a threat to Canada. However under CSIS there is no provision for designating as a threat those who engage in "legitimate dissent" which I would propose is what I have been engaged in for years. I subsequently sought through privacy and access to information requests to determine the reasons for placing me on a list. I obtained unsatisfactory and evasive responses from the RCMP, CSIS, Privy Council, PMO, SIRC with exemptions under various sections being cited such as "information cannot be released for military and international security reasons".

In September 1998, it was brought to my attention that I had been placed on an RCMP threat assessment list of "other activists". The placing of the leader of a registered political

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party on a threat assessment became a media issue and was reported widely across the country through CBC [Canadian Broadcasting Corporation] television, through CBC radio, and through the National Post and its branch papers in 1998. The Privy Council was concerned that the Opposition might raise the issue in parliament, and a response was prepared for the Solicitor General.[accessed through A of I] My being placed on a threat assessment list coincided with the announcement that the leader of the German Green party, Joska Fischer's being named foreign Minister.

In 1998, it was also revealed that the Department of Defence had compiled a list in 1993 of ["groups and organizations whose activities or actions could represent a threat, whether of security or of embarrassment, to DND and of groups whose "loyalty of members of these groups (i.e. to Canada is questionable as the group bond is stronger than the nationalist bond."]. The Green Party was on this list. This list was widely circulated, and it appears that leaders of these groups were of particular concern.

In 1999, an additional article appeared across the country when I filed a complaint with SIRC—a section that reviews complaints against CSIS, and a new response was devised by the Privy Council for the Solicitor General to diffuse any questions from the Opposition [document accessed through A of I].

In August of 2001 there were a award-winning series of articles, in the National Post and its Affiliates on the Criminalization of Dissent. One of the pieces was dedicated to my being placed on a threat assessment list. In the Ottawa Citizen, my picture, along with Martin Luther King's, accompanied the article. In the Times Colonist in Victoria the series generated much comment. Although most of the comments were supportive, many citizens were convinced that there must have been a valid reason for placing me on a threat list. One of the reasons may have been that during the 2000 election, a campaign worker in David Anderson's office had circulated a press release claiming that I was under investigation by Elections Canada, and two days before the election this press release was the top news item on the principal AM station in Victoria. [an affidavit by a relative of another campaign worker in David Anderson's office, had been filed with Elections Canada; Elections' Canada had immediately dismissed the complaint and on election Day t

AM station issued a retraction but the damage was irreversible].

In 2002, after years of trying to find out about the reason for my being placed on a threat assessment list, I decided to launch a case of defamation of Character against various federal government departments. I file statement of claim against the Crown.

The Attorney General's office has been remiss in not advising the Federal government that "politics" is a list ground under the ICCPR and should have been included in the Charter of Rights and Freedoms. When I raise the fact that "politics" is a recognized ground, internationally, the lawyer from the Attorney General's office the Judge appeared to be reticent about giving credibility to the binding provisions of International covenant which Canada is a signatory. When I appeared in court the judge acknowledged that I was making serious allegations, but he thought that I needed to have more particulars and proposed that I increase Access to Information requests. I have submitted numerous additional requests but always government departments us sections in their Acts that preclude the full disclosure of information. Even under the Privacy Commissioner nothing can be done if the agency argues that it was collecting information under a legal investigation, and it collected by a recognized body under statutory provisions. In addition, there was the constant exemption related to military and international security.

I believe that the issues I raise are ethical ones of abuse of power and discrimination on the grounds of "political and other opinion" - a ground that is included in the International Covenant of Civil and Political Rights, a covenant that has been signed and ratified by Canada but not effectively incorporated into legislation even though Canada incurred an obligation to enact the necessary legislation to ensure compliance with the Covenant.

My reputation has been damaged, and I have had to continue live under the stigma of being a "threat to Canada".

The sequence of events and the myriad of frustrating fruitless government processes have left me disillusioned with politics and in particular with the unethical abuse of political power.

POTENTIAL CONSEQUENCES OF ENGAGING IN SUSTAINED LEGITIMATE DISSENT, AND OF BEING PLACED ON A THREAT ASSESSMENT LIST

In 2002, there was an article that appeared across the country about the launching of my court case, and about my concern at being deemed a security risk. I mentioned the stigma attached to my name, and the possibility that any international access might be curtailed, and any employment opportunities, thwarted. I have been discriminated on the grounds of "political and other opinion".

SIGNED

JOAN RUSSOW
December 10, 2004

**COMMON SECURITY INDEX: PRESENTATION TO SENATE
COMMITTEE REVIEWING BILL 36 THE ANTI-TERRORISM ACT**
By Joan Russow PhD
Global Compliance Research Project
October 17 2005

International instruments related to the furtherance of Common security. It should be noted that there are state actions that should never be sanctioned, however, there does not appear to exist international instruments to prohibit these actions.

True security is common security

Common security was a concept initiated by Olof Palme, a former president of Sweden, and has been extended to embody the following objectives:

- to achieve a state of peace, and disarmament; through reallocation of military expenses
- to create a global structure that respects the rule of law and the International Court of Justice;
- to enable socially equitable and environmentally sound employment, and ensure the right to development and social justice;
- to promote and fully guarantee respect for human rights including labour rights, civil and political rights, social and cultural rights- right to food, right to housing, right to safe drinking water and sewage, right to education and right to universally accessible not for profit health care system ,
- to ensure the preservation and protection of the environment, the respect for the inherent worth of nature beyond human purpose, the reduction of the ecological footprint and move away from the current model of unsustainable and over-consumptive development.

To further Common security, the member states of the United Nations have incurred obligations through conventions, treaties and covenants, and made commitments through Conference Action plans, and created expectations through UN General Assembly resolutions, and declarations member states of the United Nations have incurred obligations, made commitments and created expectations

note: the following is an index of the following

(i) list of international obligations incurred through conventions,

treaties, and covenants, of commitments made through conference action plans and expectations created through UN General Assembly resolutions related to “common security”.

(ii) State Activity: very preliminary comments about state compliance or non compliance with the obligations, commitments and expectations related to “common security). Eventually, key government positions will be included in this Common Security Index.

(iii) Lawful Advocacy Activity

of state activity and of lawful advocacy activity in relation to these international instruments. . the purpose of the list is to indicate the range of international obligations and commitments which if discharged or acted upon would contribute to global common security. Eventually, key international NGO campaigns will be included in this Common Security Index.

1. PEACE

•Peace and Outer Space

(0) ENSURING THAT THE USE OF OUTER SPACE IS FOR THE BENEFIT OF ALL MANKIND [HUMANITY]

INTERNATIONAL: OBLIGATION AND COMMITMENT:

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind humanity....

(Art. 1 Outer Space Treaty of 1967 in force 1967)

Forbidding the establishment of military bases, installations and fortifications and the testing of any type of weapon...

...the moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military maneuvers

on celestial bodies shall be forbidden..(Art. IV Outer Space Treaty of 1967 in force 1967)

Reaffirming the importance of international co-operation in developing the rule of law in the peaceful use of outer space(The General Assembly, Resolution 36/35 International Co-operation in the Peaceful Uses of Outer Space, 1981)

Recalling its resolution 35/14 of 3 November 1980, Deeply convinced of the common interest of mankind humanity in promoting the exploration and use of outer space for peaceful purposes and in continuing efforts to extend to all States the benefits derived there from, as well as the importance of international co-operation in this field, for which the United Nations should continue to provide a focal point, Reaffirming the importance of international co-operation in developing the rule of law in the peaceful exploration and use of outer space, (The General Assembly, Resolution 36/35 International Co-operation in the Peaceful Uses of Outer Space, 1981)

STATE ACTIVITY: (USA) has decided unilaterally to embark upon the militarization of space, and to use plutonium in space probes such as the Cassini

ADVOCACY ACTIVITY: has exposed the fact that the state is in violation of an existing treaty -the Outer Space Treaty, and of related General Assembly Resolutions. Has opposed the ballistic Missile Defence; and the Cassini Probe.

•Peace and International Law

(1) ADVOCATING THE ROLE OF THE INTERNATIONAL COURT OF JUSTICE AND ENSURING THAT THE WORLD TRADE CENTRE DOES NOT TRUMP INTERNATIONAL LAW

INTERNATIONAL OBLIGATION:

The fundamental purpose of the Charter of the United Nations is to prevent the scourge of war. Chapter VI of the Charter, provides the means to prevent war, including the application of article 27-the requirement for parties to a conflict to abstain from the vote, and the opportunity under article 37 to refer potential situations of conflict to the International Court of Justice

CHAPTER VI: PACIFIC SETTLEMENT OF DISPUTES

Article 33

The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

...

In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

STATE ACTIVITY: Generally permanent members of the UN Security Council have ignored Chapter VI (peaceful resolution of disputes) and ignored the role of the International Court of Justice. They move to Chapter VII, and some permanent members, primarily the US, of the UN Security Council succeed in cajoling, intimidating and offering "chequebook diplomacy" to persuade other members of the UN Security Council to support military intervention. (1991 invasion of Iraq)

LAWFUL ADVOCACY ACTIVITY: has urged the UN to revisit the section in the charter related to the International Court of Justice, and require state parties to the conflict to refer the conflict to the International Court of Justice, and to be bound by the decision of the court. Has written position piece in 1991 on UN Contravening its own Charter, and on the fact that the UN Security Council by supporting

the invasion of Iraq, and by instituting the oil for food programme has discredited the United Nations. Has criticized Philippe Kirsch, who on behalf of Canada refused to accept the jurisdiction of the ICJ. [now he is the president of the International Criminal Court]

(2) RESPECTING THE JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE

INTERNATIONAL: In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

When the United Nations Security Council did not support the invasion of Yugoslavia, the NATO states invaded Yugoslavia and then the former Federal Republic of Yugoslavia referred their case against ten NATO states to the International Court of Justice.

STATE ACTIVITY: NATO states, in the case of Kosovo, demonstrated disdain for the international rule of law, and refused to accept the jurisdiction of the International Court of Justice.

LAWFUL ADVOCACY ACTIVITY: has supported the former Federal Republic of Yugoslavia in its case at the International Court of Justice against the ten NATO states; urged that when there are disputes between and among states, the states should be mandated to go to the International Court of Justice, and has opposed the use of depleted uranium, which the USA claimed at the ICJ was a conventional weapon.

(3) RESPECTING THE INTENTION BEHIND SELF DEFENCE

INTERNATIONAL OBLIGATION IN THE CHARTER.

Chapter VII, Article 51

Nothing in the present Charter shall impair the inherent right of

individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

STATE ACTIVITY: (USA) has perceived justice through revenge and military intervention, has redefined what constitutes "self defence" and has used the pretext of self defence to justify military intervention in Afghanistan. NATO states supported this interpretation of article 51.

LAWFUL ADVOCACY ACTIVITY: has argued that Article 51 was misconstrued and that the rule of law not revenge should prevail, and states should seek justice from the International Court of Justice. Has participated on a panel at the UN addressing the issue of what constitutes self defence. Generally it was concluded that the US interpretation of self defence was not in line with "self Defence" as defined in most national statutes.

Notes: from the Canadian Criminal Code

35 after assaulting another

26 excessive forces

everyone who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess

synopsis

This section imposes criminal liability for the use of force in excess of that authorized by law. Thus, it has been held that if one exceeds the force permitted by s27 or the force permitted as self-defence under s 34, the excess force which results in death will be murder and not considered reduced manslaughter.

(4) SAVING SUCCEEDING GENERATIONS FROM THE SCOURGE OF WAR AND PREVENTING AND RESOLVING CONFLICTS NOT ENGAGING IN "PREVENTIVE AGGRESSION"

INTERNATIONAL OBLIGATION AND COMMITMENT

The purpose of the Charter of the United Nations is to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind [humanity]

The Convention on the Right to correction; 1952

The contracting States,

- Desiring to implement the right of their peoples to be fully and reliably informed
- Desiring to improve understanding between their peoples through the free flow of information and opinion
- Desiring thereby to protect mankind [Humanity] from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is either designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression

In the Platform of Action, States have made a commitment to maintain peace and security at the global, regional and local levels, a commitment to prevent and resolve conflicts (Art. 15, Platform of Action, and UN Conference on Women: Equality, Development and Peace.

STATE ACTIVITY: (USA) has demonstrated disdain for the international rule of law, and for the obligation to prevent the recurrence of aggression, and to ensure that people are fully and reliably informed. Has misconstrued the intention behind the "prevention of recurrence of aggression" by adopting a policy of pre-emptive/preventive aggression. Has engaged in an illegal act of invading a sovereign state in violation of the UN Charter and international law and has committed the 'supreme' international crime

of the war of aggression

LAWFUL ADVOCACY ACTIVITY: stressed the distinction between the prevention of conflict, aggression and war, and the notion of pre-emptive/preventive attack, which escalates conflict and war; has urged states to bring the conflict to the International Court of Justice or has called for the evoking of the Uniting for Peace resolution which calls for an emergency session of the UN General Assembly.

(5) REFRAINING IN ITS INTERNATIONAL RELATION FROM THE THREAT OR USE OF FORCE AGAINST THE SOVEREIGNTY... OF ANY STATE

INTERNATIONAL OBLIGATION:

Proclaiming their earnest wish to see peace prevail among peoples. recalling that every state has the duty, in conformity with the Charter of the United Nations, **to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any state**, or in any other manner inconsistent with the purposes of the United Nations, (Preamble, Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International Armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

STATE ACTIVITY: (USA) has ignored this obligation

LAWFUL ADVOCACY ACTIVITY: has called for the discharging this obligation to refrain from the threat or use of force

(6) COUNTERING THE MISINTERPRETATION OF "SERIOUS CONSEQUENCES" IN UN SECURITY COUNCIL RESOLUTION

INTERNATIONAL: The term "serious consequence" in the UN General Security Council Resolution on Iraq was not equated with a

"military intervention"

13. Recalls, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations;

ROGUE STATE ACTIVITY: The US administration claimed that if the conditions set out in the Resolution were not met, :serious consequences legitimized the invasion of Iraq

LAWFUL ADVOCACY: criticized the above interpretation of "serious consequences" and proposed that "serious consequences" could in fact mean that the issue should be taken to the International Court of Justice

(7) PREVENTING THREATS OF ASSASSINATION OF LEADERS OF OTHER STATES

INTERNATIONAL: ABSENCE OF OBLIGATION or COMMITMENT?

-Desiring thereby to protect mankind from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is ether designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression (The Convention on the Right to correction, 1952)

COMMENT: There does not appear to be an obligation or commitment to prevent this threat; although the Convention on the Right to correction does address provocation. The International Criminal Court should be able to take on cases of targeted assassination but appears to be helpless against states that have an established legal system, and of course incapable of acting in the case of non signatories.

US treaty against targeting or assassinating leaders was passed in

the mid 1970s but repealed by president George W. Bush

STATE ACTIVITY: (PRIMARILY USA) has engaged in a long standing practice of removing leaders; has targeted and has assisted in the assassination of leaders of other sovereign states, who interfered with national interests.

LAWFUL ADVOCACY RESPONSE: has condemned the practice and has condemned the condoning of assassinations. Has recommended a clear international statement condemning assassination included in the mandate of the International Criminal Court, and has called upon all states to sign and ratify the statute of the International Criminal Court. Has lobbied for the International Criminal Court to have jurisdiction regardless of state claim to have a legal system capable of trying the case in the country in which the crime occurred, or in which the accused criminal is a citizen.

(8) SETTING UP, PROPPING UP, FINANCING AND SUPPLYING ARMS TO MILITARY DICTATORS THAT FURTHERED FOREIGN VESTED NATIONAL INTERESTS

INTERNATIONAL OBLIGATION OR COMMITMENT

There does not appear to be any obligations or commitment condemning the propping up and financing the propping up of dictators.

This activity would certainly not fulfill the expectations of the Declaration of the Right of all Peoples to Peace:

In the 1984 General Assembly Resolution entitled the Right of Peoples to Peace, there were "Appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of measures at both the national and the international level." (4. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of

12 November 1984)

This activity could certainly contribute to gross and systemic violations of human rights:

The gross and systematic violations and situations constitute serious obstacles to the full enjoyment of all human rights continue to occur in different parts of the world, such violations and obstacles included, as well as torture and cruelty, inhuman and degrading treatment and punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism racial discrimination and apartheid, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights,, religious intolerance, terrorism, discrimination against women and lack of the rule of law (C. 30 World Conference on human rights.

STATE ACTIVITY: (PRIMARILY USA) has continued this long standing activity with impunity

LAWFUL ADVOCACY ACTIVITY: has condemned this activity and has continually pointed out the consequences when former friendly dictators become the evil ones

(9) CONDEMNING THE MAINTAINING OF MILITARY BASES IN OTHER SOVEREIGN STATES

INTERNATIONAL OBLIGATION OR COMMITMENT:

There is a prohibition of military bases in the Outer space Treaty, and the prohibition of military bases in Antarctica

Prohibiting the establishment of military bases in Antarctica

Antarctica shall be used for peaceful purposes only. There shall be prohibited, inter alia, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons. (Antarctic Treaty of 1959, in force 1961)

Otherwise, there does not appear to be a specific prohibition against foreign military bases unless they would be designated as "foreign occupation".

In the Declaration on the Right to Development adopted by General Assembly 1986

Mindful of the obligation of states under the Charter to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, **foreign domination and occupation**, aggression and threat against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind, [humanity]

STATE ACTION: (USA) has maintained over 750 military bases in sovereign states around the world

LAWFUL ADVOCACY ACTION: Has called for the closing of and conversion of US military bases, and other foreign owned bases. Social Forum has called for the closing and conversion of bases. In the Women's Action Agenda, 1992, reference was made to the presence of military bases:

Realizing the disastrous environmental impact of all military activity, including research, development, production of weaponry, testing, maneuvers, presence of military bases, disposal of toxic materials, transport, and resources use (Women's Action Agenda, 1982)

(10) ELIMINATING THE THREAT OF WAR

INTERNATIONAL COMMITMENT:

Recalling that in the Final Document of the Tenth Special Session of the General Assembly, the States Members of the United Nations solemnly reaffirmed their determination to make further collective efforts aimed at strengthening peace and international security and **eliminating the threat of war**, and agreed that in order to facilitate the process of disarmament, it was necessary to take measures and pursue policies to strengthen international peace and security and to build confidence among states.

Safeguarding world peace and averting a nuclear catastrophe
Safeguarding world peace and averting a nuclear catastrophe is one of the most important tasks today in which women have an essential role to play, especially by supporting actively the halting of the arms race followed by arms reduction and the attainment of a general and complete disarmament under effective international control, (The Nairobi Forward Looking Strategy, 1985)

STATE ACTIVITY: Has failed to act on the commitment to prevent the threat of war, and by establishing an axis to evil, has perpetuated the threat, and has adopted the "responsibility to protect" notion which embodies and implicit threat of war if there is a perception of violation of human rights.

LAWFUL ADVOCACY ACTIVITY: has called for whatever activities are necessary to prevent the threat of war

(11) REFRAINING FROM THE THREAT TO USE FORCE

INTERNATIONAL OBLIGATION :

Every state has the duty, in conformity with the Charter of the UN, to refrain in its international relations from the threat or use of force

against the sovereignty, territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the (Geneva Convention)

Adopted on 8 June 1977 by the diplomatic conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts

The high contracting parties,
recalling that the humanitarian principles enshrined in article 3 common to the Geneva convention of 12 august 1949 constitute the foundations of respect for the human person in cases of armed conflict not of any international character.

Recalling further that international instruments relating to human rights offer a basic protection to the human person
Emphasizing the need to ensure a better protection for the victims of those armed conflicts

PART 1

SCOPE OF THIS PROTOCOL

article 2 personal field of application

1. This protocol shall be applied without any adverse distinction founded on race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth birth or other status or on any other similar criteria (hereinafter referred to as "adverse distinction" to all persons affected by an armed conflict as defined in article 1. case

ARTICLE 3 NON -INTERVENTION

2. nothing in this protocol shall be invoked as a justification for intervening directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the high contracting party in the territory of which that conflict occurs. (Geneva Convention)

STATE ACTIVITY: (US, CANADA et Al) extended "human security" to mean "humanitarian intervention" and "Responsibility to protect" have become a licence to increase the military budget and to legitimize military intervention;

(US) has engaged in covert and overt "Operations" against independent states; from "Operation Zapata", and "Operation Northwoods" against Cuba, through "Operation Condor" in Chile, through years of euphemistic operations such as "Operation Just Cause" against Panama and more recently (NATO States) "Operation enduring freedom" against Afghanistan, and (US-led COALITION OF THE WILLING) "Operation Iraqi Freedom" against Iraq [see annex III]

LAWFUL ADVOCACY ACTIVITY: Has called for the force of Compliance: full scale implementation of obligations, commitments and expectations related to common security in an attempt to prevent destabilization, and potential threats.. The UN Security Council should be dissolved and power transferred to the UN General Assembly; the UN Security Council, with the veto powers, even with the addition of more permanent members, violates a fundamental principle in the Charter of the United Nations: the principle of "sovereign equality". Interstate conflicts should be reviewed by the UN General Assembly and then the states party to the conflict should be mandated to accept the jurisdiction and decision of the International Court of Justice. INTRA state conflicts should be also brought to various committees set up by the UN General Assembly with input from the key organs in the United Nations such as UNHCR, UNEP, UNESCO, UNDP, UNIFEM, and DISARMAMENT with the goal of working with the parties involved to prevent any further escalation of the conflict. In specific cases, where the UN General Assembly in conjunction with various organs of United Nations determines that there have been individuals criminally responsible for crimes against humanity, the case should be investigated by the International Criminal Court, without exemptions for those countries deemed to have a functioning legal system. The International Criminal Court will not be effective if it is perceived to

discriminate against specific nations.

(12) PROHIBITING ACTIVITIES OF CORPORATIONS FROM PROFITING FROM WAR

INTERNATIONAL: ABSENCE OF OBLIGATION AND
COMMITMENT: COMMENT

There appears to have been international references to "mercenaries"...The businesses in this industry, known as privatized military firms (PMFs), range from small consulting firms, comprised of retired generals, to transnational corporations that lease out wings of fighter jets or battalions of commandos.

In the Columbia Journal of Transnational Law, P.W. Singer: "In 1968, the U.N. passed a resolution condemning the use of mercenaries against movements of national liberation. The resolution was later codified in the 1970 Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States (1970 Declaration).²⁸ The U.N. declared that every state has the duty to prevent the organization of armed groups for incursion into other countries. The 1970 Declaration represented an important transition in international law, as mercenaries became outlaws in a sense. However, it still placed the burden of enforcement exclusively on state regimes, failing to take into account that they were often unwilling, unable, or just uninterested in the task.²⁹ The legal movement against private military actors was followed by a definition of mercenaries in the 1977 Additional" (War, Profits, and the Vacuum of Law: Privatized Military Firms and International Law

P.W. Singer*state activity: 522 Columbia Journal of Transnational Law [42:521.

STATE ACTIVITY: has increased the participation of "Privatized Military firms", and well as transnational corporations benefiting from access to natural resources. etc.

LAWFUL ADVOCACY ACTIVITY: has condemned corporations benefiting and profiting from war and promoting the drafting of an

international instrument which would prohibit the profiting from war. Has proposed that the notion of "mercenary" could be extended to include foreign corporations

•Peace - - Disarmament and elimination of weapons of mass destruction

(13) PROMOTING COMPREHENSIVE DISARMAMENT

.INTERNATIONAL COMMITMENTS AND EXPECTATIONS:

The maintenance of peace; different types of war and their causes and effects; disarmament; the inadmissibility of using science and technology for warlike purposes and their use for the purposes of peace and progress; the nature and effect of economic, cultural and political relations between countries and the importance of international law for these relations, particularly for the maintenance of peace: ((b. The General Conference of member states on education Declaration, UNESCO)

A basic instrument of the maintenance of peace is the elimination of the threat inherent in the arms race, tribe, as well as efforts towards general and complete disarmament, under effective international control, including partial measures with that end in view, in accordance the principles agreed upon within the United Nations and relevant international agreements. (6. Declaration on the Preparation of Societies for Life in Peace **Date**)

REALLOCATION OF THE MILITARY BUDGET

The achievement of general and complete disarmament and the channeling of the progressively released resources to be used for economic and social progress for the welfare of people everywhere and in particular for the benefit of developing countries. proclaimed by General Assembly resolution 1542 (article 27 (a)_ XX1V of 11 December 1969) Declaration on Social Welfare, Progress and Development)

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

"The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

Reaffirming the provisions of the Final Document of the Tenth Special Session of the General Assembly, according to which gradual reduction of military budgets on a mutually agreed basis, for example, in absolute figures or in terms of percentage, particularly by nuclear-weapon States and other militarily significant States, would contribute to curbing the arms race and would increase the possibilities of reallocation of resources now being used for military purposes to economic and social development, particularly for the benefit of the developing countries (Resolution 36/82 1981, Reduction of Military Budgets. 1981)

These appeals were further reinforced in a 1983 General Assembly Resolution on the *Relationship between Disarmament and Development*, that curbing the arms build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries." Also in the 1993 resolution, member states considered that "the magnitude of military expenditures is now such that their various implications can no longer be ignored in the efforts pursued in the international community to secure the recovery of the world economy and the establishment of a new international economic order."

Solemnly proclaims that the peoples of our planet have a sacred right to peace (1. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

Recalling that in the Final Document of the Tenth Special Session of the General Assembly, the States Members of the United Nations solemnly reaffirmed their determination to make further collective efforts aimed at strengthening peace and international security and eliminating the threat of war, and agreed that in order to facilitate the process of disarmament, it was necessary to take measures and pursue policies to strengthen international peace and security and to build confidence among states. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

...In this respect special attention is drawn to the final document of the tenth special session of the General Assembly, the first special session devoted to disarmament encompassing all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control is realized. This document describes a comprehensive programme of disarmament, including nuclear disarmament; which is important not only for peace but also for the promotion of the economic and social development of all, but also for the promotion of the economic and social development of all, particularly in the developing countries, through the constructive use of the enormous amount of material and human resources otherwise expended on the arms race (Par 13, The Nairobi Forward Looking Strategy, 1985)

In this respect special attention is drawn to the final document of the tenth special session of the General Assembly, the first special session devoted to disarmament encompassing all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control is realized. This document describes a comprehensive programme of disarmament, including nuclear disarmament; which is important not only for peace but also for the promotion of the economic and social development of all, but also for the promotion of the economic and

social development of all, particularly in the developing countries, through the constructive use of the enormous amount of material and human resources otherwise expended on the arms race (Par 13, The Nairobi Forward Looking Strategy, 1985)

Safeguarding world peace and averting a nuclear catastrophe is one of the most important tasks today in which women have an essential role to play, especially by supporting actively the halting of the arms race followed by arms reduction and the attainment of a general and complete disarmament under effective international control... (Par 250 Nairobi Forward Looking strategy for the Advancement of women, 1985)

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures *should shall* be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries, Declaration on the Right to Development, General Assembly resolution 41/128 of 4 December 1986

All States *should[shall]* promote the establishment, maintenance and strengthening of international peace and security and, to that end, *should [shall] do their utmost to achieve* general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries. (Declaration on the Right to Development Adopted by General Assembly resolution 41/128 of 4 December 1986)

adopted by general assembly resolution 41/128 December 1986

STATE ACTIVITY: (USA) has obstructed even the mention of "disarmament" in the most recent 2005 World Summit;

LAWFUL ADVOCACY ACTIVITY has lobbied for the inclusion of a reference to disarmament in all international instruments, and has called for the reallocation of military expenses to global social justice.

use of force to prevent commission of offence

27. everyone is justified in using as much force as is reasonably necessary

a to prevent the commission of an offence

(i) for which, if it were committed, the person who committed it might be arrested without warrant, and

(ii) that would be likely to cause immediate and serious injury to the person or property of anyone; or

(b) to prevent anything being done that, on reasonable grounds, he believes would, if it were done, be an offence mentioned in Para a c 34 s 27

It should be noted that the amount of force used will be judged by an objective standard as denoted by the term "**reasonably necessary**"

(14) ELIMINATING AND DESTROYING WEAPONS OF MASS DESTRUCTION

INTERNATIONAL COMMITMENT AND OBLIGATION

Eliminating weapons of mass destruction

Man [Humans] and their environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must strive to reach prompt agreement in the relevant international organs on the elimination and complete destruction of such weapons (UNCHE, 1972, Principle 26)

STATE ACTIVITY: (USA) has proceeded to exclude nuclear weapons

from the category of weapons of mass destruction; ignored commitment and continued to produce and subsidize industries that produce weapons of mass destruction such as nuclear, chemical, and biological, in defiance of the global commitment made at Stockholm in 1972 to eliminate the production of weapons of mass destruction. (CANADA) sold the civil nuclear technology to both India and Pakistan, and has continued to supply uranium to nuclear arms states.

ADVOCACY ACTIVITY: has called for states to act on long standing commitment eliminate and completely destroy weapons of mass destruction, and upon Canada to end the export of civil nuclear technology and the export of uranium.

(15) REAFFIRMING THAT THE THREAT OR USE OF NUCLEAR WEAPONS VIOLATES INTERNATIONAL HUMANITARIAN LAW

INTERNATIONAL COMMITMENT:

Reaffirming that the use of nuclear weapons would be a crime against humanity

Reaffirming the declaration that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, contained in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Being convinced that prohibition of the use or threat of use of nuclear weapons would lead to complete elimination of nuclear weapons and to disarmament

Further convinced that a prohibition of the use or threat of use of nuclear weapons would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control (draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

NUCLEAR DISARMAMENT

Reaffirming the declaration that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity, contained in its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981,

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security, (Draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

Reiterates its request to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to achieve agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the annexed draft (Art. 1. Convention on the Prohibition of the Use of Nuclear Weapons, ∞)

Convinced that nuclear disarmament is essential for the prevention of nuclear war and for the strengthening of international peace and security, (Draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

Further convinced that a prohibition of the use or threat of use of nuclear weapons would be a step towards the complete elimination of nuclear weapons leading to general and complete disarmament under strict and effective international control (draft Convention on the prohibition of the use of nuclear weapons A/RES/38/75, 1983)

Reiterates its request to the Conference on Disarmament to commence negotiations, as a matter of priority, in order to achieve

agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances, taking as a basis the annexed draft (Art. 1. Convention on the Prohibition of the Use of Nuclear Weapons, ∞)

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices. (Art. II, Nuclear-weapon Non-proliferation Treaty of 1968, in force 1970)

Non-Proliferation Treaty (NPT)

Article 1: prohibits the transfer of weapons directly or indirectly from states in possession of nuclear weapons to states not in possession

Article II: disallows receipt or manufacture of nuclear weapons by non nuclear weapon states

Article III: seeks to assure that materials and facilities in non-nuclear weapon states are used for peaceful purposes only by application of safeguards by the IAEA

Article VI: commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament

Fifty-seventh session

First Committee

Agenda item 66 (b)

General and complete disarmament: towards a nuclear-weapon-free world: the need for a new agenda Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden: draft resolution

Towards a nuclear-weapon-free world: the need for a new agenda

On 1 October 2002 the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden) submitted a draft resolution to the United Nations General Assembly entitled "Towards a nuclear-weapon-free-world: the need for a new agenda."

(A/C.1/57/L.3)

The General Assembly,

Recalling its resolutions 53/77 Y of 4 December 1998, 54/54 G of 1 December 1999 and 55/33 C of 20 November 2000,

Convinced that the existence of nuclear weapons is a threat to the survival of humanity,

Declaring that the participation of the international community as a whole is central to the maintenance and enhancement of international peace and stability and that international security is a collective concern requiring collective engagement,

Declaring also that internationally negotiated treaties in the field of disarmament have made a fundamental contribution to international peace and security, and that unilateral and bilateral nuclear disarmament measures complement the treaty-based multilateral approach towards nuclear disarmament,

Recalling the advisory opinion of the International Court of Justice, on the Legality of the Threat or Use of Nuclear Weapons, issued on 8 July 1996, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996, p. 226. and its unanimous conclusion that "there exists an obligation to pursue in good faith and bring to a conclusion, negotiations leading to nuclear disarmament in all its aspects under strict and effective international control",

Declaring that any presumption of the indefinite possession of nuclear weapons by the nuclear-weapon States is incompatible with the integrity and sustainability of the nuclear non-proliferation regime and with the broader goal of the maintenance of international peace and security,

Declaring also that it is essential that the fundamental principles of transparency, verification and irreversibility should apply

to all nuclear disarmament measures,

Convinced that the further reduction of non-strategic nuclear weapons constitutes an integral part of the nuclear arms reduction and disarmament process,

Declaring that each article of the Treaty on the Non-Proliferation of Nuclear Weapons is binding on the respective States parties at all times and in all circumstances and that it is imperative that all States parties be held fully accountable with respect to the strict compliance with their obligations under the Treaty, and that the undertakings therein on nuclear disarmament have been given and that implementation of them remains the imperative,

Expressing its deep concern that, to date, there have been few advances in the implementation of the thirteen steps agreed to at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Stressing the importance of regular reporting in promoting confidence in the Treaty on the Non-Proliferation of Nuclear Weapons,

Expressing its deep concern at the continued failure of the Conference on Disarmament to deal with nuclear disarmament and to resume negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices,

Expressing grave concern that the Comprehensive Nuclear-Test-Ban Treaty has not yet entered into force,

Expressing deep concern that the total number of nuclear weapons deployed and stockpiled still amounts to thousands, and at the continuing possibility that nuclear weapons could be used,

Acknowledging that reductions in the numbers of deployed strategic nuclear warheads envisaged by the Treaty of Moscow represent a positive step in the process of nuclear de-escalation between the United States of America and the Russian Federation, while stressing that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons,

Noting that, despite these bilateral achievements, there is no sign of efforts involving all of the five nuclear-weapon States in the

process leading to the total elimination of nuclear weapons,

Expressing its deep concern about emerging approaches to the broader role of nuclear weapons as part of security strategies, including the development of new types, and rationalizations for the use, of nuclear weapons,

Expressing concern that the development of strategic missile defence could impact negatively on nuclear disarmament and non-proliferation, and lead to a new arms race on earth and in outer space,

Stressing that no steps should be taken which would lead to the weaponization of outer space,

Expressing its deep concern at the continued retention of the nuclear-weapons option by those three States that have not yet acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and operate un-safeguarded nuclear facilities, in particular given the effects of regional volatility on international security, and in this context, the continued regional tensions and deteriorating security situation in South Asia and the Middle East,

Welcoming progress in the further development of nuclear-weapon-free zones in some regions and, in particular, the consolidation of that in the southern hemisphere and adjacent areas,

Recalling the United Nations Millennium Declaration, Resolution 55/2. in which the Heads of State and Government resolved to strive for the elimination of weapons of mass destruction, in particular nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways of eliminating nuclear dangers,

Taking into consideration the unequivocal undertaking by the nuclear-weapon States, in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all the States parties to the Treaty are committed under article VI of the Treaty, 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, vol. I (NPT/CONF.2000/28 (Parts I-II)), Part I, Article VI and eighth to twelfth preambular paragraphs, para. 6 under para. 15.

1. Reaffirms that the growing possibility that nuclear weapons could be used represents a continued risk for humanity;
2. Calls upon all States to refrain from any action that could lead to a new nuclear-arms race or that could impact negatively on nuclear disarmament and non-proliferation;
3. Also calls upon all States to observe international treaties in the field of nuclear disarmament and non-proliferation and to duly fulfill all obligations flowing from those treaties;
4. Further calls upon all States parties to pursue, with determination and with continued vigour, the full and effective implementation of the substantial agreements reached at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the outcome of which provides the requisite blueprint to achieve nuclear disarmament;
5. Calls upon the nuclear-weapon States to respect fully their existing commitments with regard to security assurances, pending the conclusion of multilaterally negotiated legally binding security assurances to all non-nuclear-weapon States parties, and agrees to prioritize this issue with a view to recommendations to the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;.
6. Also calls upon the nuclear-weapon States to increase their transparency and accountability with regard to their nuclear weapons arsenals and their implementation of disarmament measures;
7. Reaffirms the necessity for the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to consider regular reports to be submitted by all States parties on the implementation of article VI as outlined in paragraph 15, subparagraph 12, of the 2000 Final Document, and on paragraph 4 (c) of the 1995 Decision;
8. Calls upon nuclear-weapon States to implement the Treaty on the Non-Proliferation of Nuclear Weapons commitments to apply the principle of irreversibility by destroying their nuclear warheads in the context of strategic nuclear reductions and avoid keeping them in a state that lends itself to their possible redeployment;
9. Agrees on the importance and urgency of signatures and ratification to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty;

10. Calls for the upholding and maintenance of the moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty;
11. Reaffirms that the entry into force of the Comprehensive Nuclear-Test- Ban Treaty is particularly urgent since the process of the installation of an international system to monitor nuclear-weapons tests under the Comprehensive Nuclear-Test-Ban Treaty is more advanced than the real prospects of entry into force of the Treaty, a situation which is not consistent with a universal and comprehensive test-ban treaty;
12. Agrees that the further reduction of non-strategic nuclear weapons should be accorded priority and that nuclear-weapon States must live up to their commitments in this regard;
13. Agrees also that reductions of non-strategic nuclear weapons should be carried out in a transparent and irreversible manner and that the reduction and elimination of non-strategic nuclear weapons should be included in the overall arms reductions negotiations. In this context, urgent action should be taken to achieve:
 - (a) Further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;
 - (b) Further confidence-building and transparency measures to reduce the threats posed by non-strategic nuclear weapons;
 - (c) Concrete agreed measures to reduce further the operational status of nuclear-weapons systems, and to
 - (d) Formalize existing informal bilateral arrangements regarding non-strategic nuclear reductions, such as the Bush-Gorbachev declarations of 1991, into legally binding agreements;
14. Calls upon nuclear-weapon States to undertake the necessary steps towards the seamless integration of all five nuclear-weapon States into a process leading to the total elimination of nuclear weapons;
15. Agrees that the Conference on Disarmament should establish without delay an ad-hoc committee to deal with nuclear disarmament;
16. Agrees also that the Conference on Disarmament should

resume negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices taking into consideration both nuclear disarmament and nuclear non-proliferation objectives;

17. Agrees further that the Conference on Disarmament should complete the examination and updating of the mandate on the prevention of an arms race in outer space in all its aspects, as contained in its decision of 13 February 1992, CD/1125. and re-establish an ad-hoc committee as early as possible;

18. Calls upon those three States that are not yet parties to the Treaty on the Non-Proliferation of Nuclear Weapons and operate unsafeguarded nuclear facilities to accede to the Treaty as non-nuclear-weapon States, promptly and without condition, and to bring into force the required comprehensive safeguards agreements, together with additional protocols, consistent with the Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards approved by the Board of Governors of the International Atomic Energy Agency on 15 May 1997, International Atomic Energy Agency, INFCIRC/540 (Corrected). for ensuring nuclear non-proliferation, and to reverse clearly and urgently any policies to pursue any nuclear weapons development or deployment and refrain from any action that could undermine regional and international peace and security and the efforts of the international community towards nuclear disarmament and the prevention of nuclear weapons proliferation;

19. Calls upon those States that have not yet done so to conclude full-scope safeguards agreements with the International Atomic Energy Agency and to conclude additional protocols to their safeguards agreements on the basis of the Model Protocol;

20. Reaffirms the conviction that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objective of nuclear disarmament, and supports proposals for the establishment of nuclear-weapon-free zones where they do not yet exist, such as in the Middle East and South Asia;

21. Calls for the completion and implementation of the Trilateral

Initiative between the International Atomic Energy Agency, the Russian Federation and the United States of America and for consideration to be given to the possible inclusion of other nuclear-weapon States;

22. Calls upon all nuclear-weapon States to make arrangements for the placing, as soon as practicable, of their fissile material no longer required for military purposes under International Atomic Energy Agency or other relevant international verification and to make arrangements for the disposition of such material for peaceful purposes in order to ensure that such material remains permanently outside military programmes;

23. Affirms that a nuclear-weapon-free world will ultimately require the underpinning of a universal and multilaterally negotiated legally binding instrument or a framework encompassing a mutually reinforcing set of instruments;

24. Acknowledges the report of the Secretary-General on the implementation of resolution 55/33/C, A/56/309, and requests him, within existing resources, to prepare a report on the implementation of the present resolution;

25. Decides to include in the provisional agenda of its fifty-eighth session the item entitled "Towards a nuclear-weapon-free world: the need for a new agenda", and to review the implementation of the present resolution at that session.

The International Court of Justice ruled in July 1996 that the use or the threat to use nuclear weapons was contrary to international humanitarian law

STATE ACTIVITY: (NATO States) have continued to participate as members of NATO –an organization having a first strike nuclear policy and has used (USA) its control over NATO to circumvent the United Nations,

LAWFUL ADVOCACY ACTIVITY: has opposed NATO in its first strike policy, and has called for the disbanding of NATO

(16) PURSUING NEGOTIATION ... TO END THE NUCLEAR ARMS RACE AND ACHIEVE DISARMAMENT

INTERNATIONAL OBLIGATION:

commits all parties to pursue negotiations in good faith on measures to end the nuclear arms race and to achieve disarmament. (Article VI :Nuclear Non Proliferation Treaty)

STATE ACTIVITY: (NUCLEAR ARMS STATES) have ignored key provisions in the Nuclear Non proliferation treaty, and has failed, as nuclear arms powers, to reduce nuclear weapons as agreed under Article VI

Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Sweden have promoted the important aforementioned resolution which was supported by International Peace Groups.

LAWFUL ADVOCACY ACTIVITY: has called for the discharging of key obligations under the Nuclear Non Proliferation treaty, and for a treaty calling for the abolition of nuclear weapons- Abolition 2000 treaty- to abolish nuclear weapons. Has opposed the clause in the treaty which advocates the peaceful use of civil nuclear energy, has noted the long standing link between civil nuclear energy and nuclear arms; has lobbied against the sale of uranium to nuclear arms states [because of the fungibility principle]; and against the proposal to use plutonium from dismantled nuclear weapons in the form of MOX in civil nuclear reactors.

(17) OPPOSING THE CIRCULATION OF NUCLEAR POWERED OR NUCLEAR ARMS CAPABLE VESSELS THROUGHOUT THE WORLD, AND THE BERTHING OF THESE VESSELS IN URBAN PORTS

INTERNATIONAL ABSENCE OF OBLIGATION OR OBLIGATION;

COMMENT

There is no stated obligation or commitment related to this activity. However, this activity is in direct violation of the precautionary principle-- principle of international customary law:

Where there are **threats** of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent (Principle, Rio Declaration, UNCED)

STATE ACTIVITY: [US, BRITAIN, RUSSIAN] have continued to produce, circulate, and berth nuclear powered and nuclear arms capable vessels; and states such as CANADA, have condoned the producing, circulating and birthing of nuclear powered and nuclear arms capable vessels;

New Zealand has prohibited the circulating of nuclear powered and nuclear arms capable vessels in New Zealand the berthing of these vessels in New Zealand ports.

LAWFUL ADVOCACY ACTIVITY: has called for the prohibiting of the construction, circulation and berthing of nuclear powered nuclear arms capable vessel, and lobbied at international conferences to have this statement included in international instruments. Has filed a law suit under the EARP guidelines, against the activity of continued circulating and birthing of these vessels, and has protested against this activity.

(18) PROHIBITING ANTI-PERSONAL LAND MINES

INTERNATIONAL COMMITMENT:

Undertake to work actively towards ratification, if they have not already done so, of the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to universal ratification by the year 2000

-1997 Ottawa Treaty: anti-personnel mines

STATE ACTIVITY: (USA et al) Has ignored the decision of International Court of Justice related to land mines (Nicaragua vs US, 1987), has continued to produce and use Mines and has failed to sign and ratify the treaty

LAWFUL ADVOCACY ACTIVITY: Has called for the banning of the production and use of land mines and for the universal signing and ratifying of the Ottawa Treaty

COMMENT:

LAND MINE TREATY: US EXCEPTIONALISM, 1997

To justify the US's opposition to the International Treaty to Ban Land Mines, the US spokesperson stated that the US has to balance a commitment to humanitarian concern with the obligation to maintain the power base of the US. The US's failure to act either on commitment or obligation whenever there are international agreements related to "eroding its military or corporate base" has contributed to the inability of international law to shape the political will. For years international political will to change has been undermined by the failure to act on commitments and to discharge obligations. .

The US continually with deep conviction proclaims its obligation not to international agreements for guaranteeing human rights, protecting and preserving the environment, and preventing war and conflict. but to maintaining its military and corporate power.

Canada usually supports the US in the weakening of conference action plans and General Assembly resolutions in the area of US vested interest in maintaining military and corporate power.. For example, Canada supported the US when the question of eliminating the production of nuclear arms arose in the UN conference on Women and in the Habitat II Conference In addition Canada abstained when the General Assembly voted on supporting and

promoting the decision by the international court of Justice that the use or threat to use nuclear weapons was contrary to humanitarian law.

Hopefully the willingness of Canada to stand up to the United States in the Land Mine treaty will hail a new independent political policy in Canada. Hopefully Canada will maintain this independent policy in other areas by canceling the Nanoose Agreement on the grounds that it is contravention of recent international commitments and obligations, and the rule of law reflected in the International Court of Justice decision. Hopefully Canada will also prevent all further berthing of US nuclear powered vessels in Canadian harbours.

Hopefully citizens will see an independent political stance taken by Canada in the area of trade agreements where it will abrogate NAFTA and discontinue all further negotiations on the Multinational Agreement on Investments. (MAI).

(19) PROHIBITING OF "NEW WEAPONS"

INTERNATIONAL OBLIGATION

4. PRINCIPLE: PROVISIONS RELATED TO "NEW WEAPONS"

In the study, development, acquisition or adoption of a new weapon, or method of warfare, a high contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party (Art 36 Protocol to the Geneva Convention)

Prohibitory rules

- dum-dum bullets (First Hague Peace conf)
- asphyxiating/poisonous /other gases (Geneva Protocol (1925)
- 1972 Convention on biological &toxin weapons
- 1993 Convention on chemical weapons
- 1997 Ottawa Treaty: anti-personnel mines
- 1980 Convention on conventional weapons with "excessively

injurious indiscriminate effect

- protocol 1: non-detectable fragments (ban)
- prohibited mines, booby- traps (ban on use of mines designed to cause superfluous injury/ unnecessary suffering prohibited: regulating use of other devices
- protocol III incendiary weapons
- protocol IV blinding laser weapons

Prohibiting or restricting use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with the Protocol on Non-Detectable Fragments (Protocol I), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III) (United Nations Resolution, 38/71, 1993)

STATE ACTIVITY: (USA et al) has disregarded the Geneva Protocol, and has used weapons such as depleted uranium which would contravene the Protocol

LAWFUL ADVOCACY ACTIVITY: has condemned the use of prohibited weapons including depleted uranium at least as early as 1991 in Iraq. Have Called for discharging obligations under the protocol,

(20) PROHIBITING THE USE OF CERTAIN CONVENTIONAL WEAPONS

INTERNATIONAL OBLIGATION:

- (i) Undertake to work actively towards ratification, if they have not

already done so, of the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

particularly the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), with a view to universal ratification by the year 2000;

STATE ACTIVITY: (USA et Al) has disregarded the Geneva Protocol, and used weapons such as depleted uranium which would contravene the Protocol

LAWFUL ADVOCACY ACTIVITY: has called for discharging obligation under this convention, has provided information about the use of Depleted uranium for the case at the International Court of Justice, and at the NATO press conference in Brussels³⁶ provocation defined

34 1

causing death or bodily harm

34 unprovoked assault

self defence against unprovoked assault/extent of justification

PROVOCATION

34 1 every one who is unlawfully assaulted without having provoked the assault is justified in repelling force by force if the force he uses is not intended to cause death or grievous bodily harm and is not more than is necessary to enable him to defend himself.

2. every one who is unlawfully assaulted and who causes death or grievous bodily harm in repelling the assault is justified

•Peace; protection of cultural property

(21) EXERCISING DUTY TO PROTECT CULTURAL Property

INTERNATIONAL OBLIGATION:

Preserving natural heritage for future generations

ï Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind [humankind] as a whole (Convention for the Protection of the World cultural and Natural Heritage, preamble, 1972).

ï Considering that in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value.. (Preamble, Convention for the Protection of the World cultural and Natural Heritage, 1972)

Undertaking not to damage directly or indirectly any world heritage site

Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the natural heritage ...situated on the territory of other States Parties to this Convention. (Art. VI.3 Convention of the Protection of Cultural and Natural Heritage of 1972, in force 1975)

STATE ACTIVITY: (USA-led coalition) as invader and occupier has disregarded the convention

LAWFUL ADVOCACY ACTIVITY: has condemned the failure to protect cultural property and has called for adherence to convention

(22) PROHIBITING AND PREVENTING ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

INTERNATIONAL COMMITMENT:

Recalling also the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 14 November 1970 by the General

Conference of the United Nations Educational, Scientific and Cultural Organization, General Assembly Resolution, (Return or restitution of cultural property to the countries of origin, 1983)

STATE ACTIVITY: (USA-led coalition) has ignored the commitment to prevent illicit import...during an invasion and occupation

ADVOCACY ACTIVITY: has condemned the failure to act on the commitment to prevent illicit import...

(23) RESTITUTING OF CULTURAL PROPERTY TO COUNTRIES OF ORIGIN INTERNATIONAL COMMITMENT;

INTERNATIONAL OBLIGATION:

Being aware of the importance attached by the countries of origin to cultural property

Aware of the importance attached by the countries of origin to the return

of cultural property which is of fundamental spiritual and cultural value to

them, so that they may constitute collections representative of their cultural heritage (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

Ensuring restitution of cultural property in case of illicit appropriation to a country of its cultural property to country of origin

Preparing of inventories of movable cultural property

Organization and the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation on the work they have accomplished, in particular through the promotion of bilateral negotiations, for the return or restitution

of cultural property, the preparation of inventories of movable cultural

property, the development of infrastructures for the protection of movable cultural property, the reduction of illicit traffic in cultural property and the dissemination of information to the public (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

Ensuring Restitution to a country of its objets d'art...

Reaffirms that the restitution to a country of its object's d'art monuments, museum pieces, archives, manuscripts, documents and any other cultural or artistic treasures contributes to the strengthening of international co-operation and to the preservation and flowering of universal cultural values through fruitful co-operation between developed and developing countries (General Assembly Resolution, Return or Restitution of Cultural Property to the Countries of Origin, 1983)

STATE ACTIVITY: (USA-led Coalition) has failed to fully discharge the obligation of restitution

LAWFUL ADVOCACY ACTIVITY; has condemned the failure of states to provide full restitution, and has called for the compliance with the obligations under the convention

• Peace and human rights

(24) PROTECTING VICTIMS OF ARMED CONFLICT

INTERNATIONAL OBLIGATION;

Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International Armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

Preamble

the High contracting parties
proclaiming their earnest wish to see peace prevail among peoples.
recalling that every state has the duty, in conformity with the Charter
of the United Nations, to refrain in its international relations from the
threat or use of force against the sovereignty, territorial integrity or
political independence of any state, or in any other manner
inconsistent with the purposes of the United Nations,

Believing it necessary nevertheless to reaffirm and develop the
provisions protecting the victims of armed conflicts and to supplement
measures intended to reinforce their application expressing their
conviction that nothing in this protocol or in the Geneva Conventions
of 12 August 1949 can be construed as legitimizing or authorizing any
act of aggression or any other use of force inconsistent with the
Charter of the United Nations

Convention second convention, third convention and fourth
convention mean, respectively, the Geneva Convention for the
Amelioration of the Condition of the Wounded and sick in armed
Forces in the field of 12 August 1949; the Geneva Convention for the
amelioration of the condition of wounded, sick and shipwrecked
members of armed forces at sea of 12 August 1949; the Geneva
Convention relative to the treatment of Prisoners of War of 12 August
1949; the Geneva Convention relative to the Protection of Civilian in
time of War of 12 August 1949; the conventions means the four
Geneva Conventions of 12 August 1949; for the Protection of war
victims. Part III Methods and means of Warfare Combatant and
prisoner of war status

STATE ACTIVITY: (USA et al) have continued to unevenly comply
with the obligations under the Geneva Conventions and have, to
avoid compliance, reclassified prisoners as non combatants

LAWFUL ADVOCACY ACTIVITY: have condemned the failure to fully
comply with the Geneva Conventions

(25) PROHIBITING ATTACKING WORKS OR INSTALLATIONS

THAT COULD RELEASE DANGEROUS SUBSTANCES AND ACTIVITIES THAT COULD IMPACT ON CIVILIANS

INTERNATIONAL OBLIGATION:

Undertaking to not make works or installations releasing dangerous forces [substances and activities] that could impact on civilians

Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. Other military objectives located at or in the vicinity of these works or installations shall not be made the object of attack if such attack may cause the release of dangerous forces from the works or installations and consequent severe losses among the civilian population. (Art. LVI.1 Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in Force 1978)

STATE ACTIVITY: (USA et Al) has violated Geneva conventions on the treatment of civilians, and has violated both international human rights and humanitarian law during the invasions and occupations of Kosovo, Iraq and Afghanistan, as well as other invasions and occupations (Annex iii)

LAWFUL ADVOCACY ACTIVITY: condemning the violation of the Geneva conventions, and has documented destruction of these sites

(26) PROTECTING VICTIMS OF INTERNATIONAL ARMED CONFLICTS

INTERNATIONAL OBLIGATIONS:

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and

public curiosity.

- Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.
- Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion (Art. 27 Convention Relative to the Protection of Civilian Persons in Time of War, 1949)

STATE ACTIVITY: (US et AL) has failed to adequately discharge obligations under this convention.

LAWFUL ADVOCACY ACTIVITY: has reported incidents of abuse of this convention

(27)PROHIBITING THE STARVATION OF CIVILIANS THROUGH ATTACKING OBJECTS INDISPENSABLE TO THE SURVIVAL OF CIVILIAN POPULATION

INTERNATIONAL OBLIGATION;

Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works. (Art. XIV Bern [Geneva] Protocol II of 1977 on the Protection of Victims of Non-international Armed Conflicts in force 1978)

STATE ACTIVITY: (USA et AI) have often even with so-called smart bombs destroyed key locations indispensable to the survival of the Civilian population., or have reclassified sites as being legitimate military targets.

LAWFUL ADVOCACY ACTIVITY: has condemned the destruction of objects indispensable to the survival of the Civilian population.

(28) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT

2. NO EXCEPTIONAL CIRCUMSTANCES WHATSOEVER, WHETHER A STATE OF WAR OR A THREAT OF WAR, INTERNAL POLITICAL INSTABILITY OR ANY OTHER PUBLIC EMERGENCY, MAY BE INVOKED AS A JUSTIFICATION OF TORTURE.

INTERNATIONAL OBLIGATION:

Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984
entry into force 26 June 1987,

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected

to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions. (PART I , Article 1

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

STATE ACTIVITY: (USA) has attempted to use "public emergency" to justify torture

LAWFUL ADVOCACY ACTIVITY: has condemned the use of public emergency to justify torture, and has brought states and leaders to various courts for violating the Conventional Against Torture (Case launched by the Lawyers Against the War, September 2005).
Lawyers specializing in international law have argued the following:

The US engaged in counseling, aiding, abetting in torture at ABU GHRAIB and GUANTANAMO in contravention of the Convention against Torture George W. Bush is guilty of grave crimes against humanity and war crimes for which President Bush stands properly accused by the world, starting with the Nuremberg Tribunals "supreme international crime" of waging an aggressive war against Iraq in defiance of international law and the Charter of the United Nations, and including systematic and massive violations of the Geneva Conventions Relative to the Treatment of Prisoners of War and Relative to the Protection of Civilian Persons in Time of War, as well as the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(29) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT: CONDEMNING THE PRACTICE OF RENDITION

INTERNATIONAL OBLIGATION:

Article 3 General comment on its implementation

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

STATE ACTIVITY: (USA) to obtain information citizens have been sent to states where they are in danger of torture; this activity has been classified as "rendering" and has been carried out in contravention to the Convention on Torture.

LAWFUL ADVOCACY ACTIVITY: has condemned the insidious activity of "rendering" and has supported investigations into this activity

(30)COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT: CONDEMNING COMPLICITY IN TORTURE

INTERNATIONAL OBLIGATIONS:

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

STATE ACTIVITY: (CANADA) Sharing of information with caveats down to USA which engaged in rendering; and counseling other parties to engage in torture, through being a party to the offence of torture, and through counseling another person to be a party to the offence of torture in Guantanamo Bay prison, and in Abu Ghraib

prison; and through rendering

LAWFUL ADVOCACY: ACTIVITY: has condemned the state complicity in torture and degrading treatment; and has supported investigations into the treatment of prisoners.

(31) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT: ENSURING THE RIGHT TO COMPLAIN AND ADEQUATE COMPENSATION

INTERNATIONAL OBLIGATION:

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.
(Convention Against Torture)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(32) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT: PREVENTING OTHER ACTS OF CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT WHICH DO NOT AMOUNT TO TORTURE

INTERNATIONAL OBLIGATION:

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion. (Article 16, Convention Against Torture)

STATE ACTIVITY

LAWFUL ADVOCACY ACTIVITY

(33) COMPLYING WITH THE CONVENTION AGAINST TORTURE THROUGH CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT: ENSURING HUMANE TREATMENT

INTERNATIONAL OBLIGATIONS

PART II

HUMANE TREATMENT

ARTICLE Humane treatments

article 4 - fundamental guarantees

1. All persons who do not take a direct part who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honour and convictions and religious practices. They shall in all circumstances be treated

humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors.

2. 2 Without prejudice to the generality of the forgoing, the following acts against the persons referred to in Paragraph 1 are and shall remain prohibited at any time and in any place whatsoever;

(a) violence to the life, health and physical or mental well-being of persons in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;

(b) collect punishments;

(c) Taking of hostages;

(d) Acts of terrorism

(e) outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault

(f) Slavery and the slave trade in all their forms'

(g) pillage

(h) threats to commit any of the foregoing acts.

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(34) CONDEMNING THE ENGAGING IN CRUEL AND INHUMANE PUNISHMENT THROUGH THE PRACTICE OF CAPITAL PUNISHMENT, IN VIOLATION OF ACCEPTED INTERNATIONAL NORMS

INTERNATIONAL: States that have prohibited capital punishment understand that it is obviously a cruel and inhumane practice;

1

Second Optional Protocol to the International Covenant on Civil

and Political

Rights, aiming at the abolition of the death penalty

**Adopted and proclaimed by General Assembly resolution 44/128
of 15**

December 1989

The States Parties to the present Protocol,

Believing that abolition of the death penalty contributes to
enhancement of human dignity and

progressive development of human rights,

Recalling article 3 of the Universal Declaration of Human Rights,
adopted on 10 December

1948, and article 6 of the International Covenant on Civil and Political
Rights, adopted on 16

December 1966,

Noting that article 6 of the International Covenant on Civil and
Political Rights refers to

abolition of the death penalty in terms that strongly suggest that
abolition is desirable,

Convinced that all measures of abolition of the death penalty should
be considered as progress

in the enjoyment of the right to life,

Desirous to undertake hereby an international commitment to abolish
the death penalty,

Have agreed as follows:

Article 1

1. No one within the jurisdiction of a State Party to the present
Protocol shall be executed.

2. Each State Party shall take all necessary measures to abolish the
death penalty within its
jurisdiction.

Article 2

1. No reservation is admissible to the present Protocol, except for a
reservation made at the
time of ratification or accession that provides for the application of the

death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.

2. The State Party making such a reservation shall at the time of ratification or accession

communicate to the Secretary-General of the United Nations the relevant provisions of its

national legislation applicable during wartime.

3. The State Party having made such a reservation shall notify the Secretary-General of the

United Nations of any beginning or ending of a state of war applicable to its territory.

Article 3

The States Parties to the present Protocol shall include in the reports they submit to the

Human Rights Committee, in accordance with article 40 of the Covenant, information on the

measures that they have adopted to give effect to the present Protocol.

Article 4

2

With respect to the States Parties to the Covenant that have made a declaration under article

41, the competence of the Human Rights Committee to receive and consider communications

when a State Party claims that another State Party is not fulfilling its obligations shall extend

to the provisions of the present Protocol, unless the State Party concerned has made a

statement to the contrary at the moment of ratification or accession.

Article 5

With respect to the States Parties to the first Optional Protocol to the International Covenant

on Civil and Political Rights adopted on 16 December 1966, the

competence of the Human Rights Committee to receive and consider communications from individuals subject to its jurisdiction shall extend to the provisions of the present Protocol, unless the State Party concerned has made a statement to the contrary at the moment of ratification or accession.

Article 6

1. The provisions of the present Protocol shall apply as additional provisions to the Covenant.
2. Without prejudice to the possibility of a reservation under article 2 of the present Protocol, the right guaranteed in article 1, paragraph 1, of the present Protocol shall not be subject to any derogation under article 4 of the Covenant.

Article 7

1. The present Protocol is open for signature by any State that has signed the Covenant.
2. The present Protocol is subject to ratification by any State that has ratified the Covenant or acceded to it. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified the Covenant or acceded to it.
4. Accession shall be affected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 8

1. The present Protocol shall enter into force three months after the

date of the deposit with
the Secretary-General of the United Nations of the tenth instrument of
ratification or
accession.

2. For each State ratifying the present Protocol or acceding to it after
the deposit of the tenth
instrument of ratification or accession, the present Protocol shall
enter into force three months
after the date of the deposit of its own instrument of ratification or
accession.

Article 9

The provisions of the present Protocol shall extend to all parts of
federal States without any
limitations or exceptions.

Article 10

The Secretary-General of the United Nations shall inform all States
referred to in article 48,
paragraph 1, of the Covenant of the following particulars:

3

- (a) Reservations, communications and notifications under article 2 of
the present Protocol;
- (b) Statements made under articles 4 or 5 of the present Protocol;
- (c) Signatures, ratification and accessions under article 7 of the
present Protocol;
- (d) The date of the entry into force of the present Protocol under
article 8 thereof.

Article 11

1. The present Protocol, of which the Arabic, Chinese, English,
French, Russian and Spanish
texts are equally authentic, shall be deposited in the archives of the
United Nations.
2. The Secretary-General of the United Nations shall transmit certified
copies of the present
Protocol to all States referred to in article 48 of the Covenant.

STATE ACTIVITY: (USA et Al) have continued to rationalize the practice of capital punishment

LAWFUL ADVOCACY ACTIVITY: have condemned, and lobbied against capital punishment

Peace - restitution

(35) PROVIDING RESTITUTION AND FULL COMPENSATION

INTERNATIONAL COMMITMENT:

Affirming the right to restitution and giving full restitution and compensation

The right of all States, territories and peoples under foreign occupation, alien and colonial domination or apartheid to restitution and full compensation for the exploitation and depletion of, and damages to, the natural resources and all other resources of those States, territories and peoples (4 f, Declaration of a New International Economic Order, 1974)

STATE ACTIVITY: (USA-led Coalition) have ignored the commitment, and instead have permitted their corporations to benefit from war and occupation

LAWFUL ADVOCACY ACTIVITY: has called for full restitution and compensation, and has opposed the practice of allowing corporations to benefit from a war

Peace - environment

(36) ACKNOWLEDGING THE INTERDEPENDENCE AMONG PEACE, DEVELOPMENT AND ENVIRONMENTAL PROTECTION

INTERNATIONAL COMMITMENT

Peace, development and environmental protection are interdependent and indivisible. (Principle 25, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(37) ACKNOWLEDGING THAT WARFARE IS INHERENTLY DESTRUCTIVE OF SUSTAINABLE DEVELOPMENT, AND THAT STATES SHALL RESOLVE ENVIRONMENTAL DISPUTES PEACEFULLY

INTERNATIONAL COMMITMENT

Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary. (Principle 24, Rio Declaration, UNCED, 1992)

States shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations. (Principle 26, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: (USA) Sent a memo around at UNCED instructing the negotiators to not agree to any reference to the military; this memo included several other edicts like to not agree to the precautionary principle.

LAWFUL ADVOCACY ACTIVITY: it was intercepted and rewritten as

the ten commandments

(38) PREVENTING DISCHARGE OF RADIOACTIVE OR TOXIC WASTES INTO NATURAL SYSTEMS

INTERNATIONAL COMMITMENT:

Taking precautions to prevent discharge of radioactive or toxic wastes into natural systems Special precautions shall be taken to prevent discharge [into natural systems] of radioactive or toxic wastes. (Art. 12 b UN Resolution, 37/7, World Charter of Nature, 1982)

STATE ACTIVITY: DISREGARD OF COMMITMENT [only one state the US did not adopt the World Charter of Nature]

LAWFUL ADVOCACY R ACTIVITY has called for acting on commitment including banning the use of weapons systems that use depleted uranium

(39) PROTECTING ENVIRONMENT AND NATURAL RESOURCES OF PEOPLE...UNDER OCCUPATION

INTERNATIONAL COMMITMENT:

The environment and natural resources of people under oppression, domination and occupation shall be protected. (Principle 23, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(40a) PREVENTING THE MODIFICATION OF THE ENVIRONMENT FOR MILITARY PURPOSES

INTERNATIONAL OBLIGATION

Undertaking to not engage in military or any other hostile use of environmental modification techniques

Environmental Modification Convention of 1977 (in force 1978)

Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction damage or injury to any other State Party (Art. 1.1. Environmental Modification Convention of 1977, in force 1978)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(40b) RECOGNIZING THAT WARFARE IS DESTRUCTIVE OF SUSTAINABLE DEVELOPMENT

INTERNATIONAL COMMITMENT

"Warfare is inherently destructive of sustainable development" (Rio Declarations. Principle 24, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(41) PREVENTING THE THREAT TO THE ENVIRONMENT FROM WEAPON SYSTEMS

INTERNATIONAL OBLIGATION: AND COMMITMENT

Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol

1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

1 In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited.

2. It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering

3 It is prohibited to employ methods or means of warfare which are intended, or may be expected to cause widespread, long-term and severe damage to the natural environment

(Section 1, Article 35 Basic rules: Methods and means of warfare Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

Article 54 protection of objects indispensable to the survival of the civilian population

article 56 5. protection of the natural environment

1. care shall be taken in warfare or protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are indeed or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population

2. attacks against that the natural environment by way of reprisals are prohibited.

article 56 protection of works and installations containing dangerous forces Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in

Armed Conflicts

1. works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population article 86 Protocol Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of International armed Conflict (Protocol 1) 1977 by the Diplomatic conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts

Securing nature against degradation caused by warfare or other hostile activities Nature shall be secured against degradation caused by warfare or other hostile activities (Art. 5 UN Resolution, 37/7, World Charter of Nature, 1982)

Avoiding military activities damaging to nature

Military activities damaging to nature shall be avoided (Art. 22, UN Resolution, 37/7, World Charter of Nature, 1982)

STATE ACTIVITY: has often disregarded obligations and commitments

LAWFUL ADVOCACY ACTIVITY: has called for discharging obligation and acting on commitment and in 1992, in preparation for UNCED, the Women's caucus proposed the following:

Preventing, eliminating and condemning the environmental impact of military activity

Realizing the disastrous environmental impact of all military activity, including research, development, production of weaponry, testing,

maneuvers, presence of military bases, disposal of toxic materials, transport, and resources use (Women's Action Agenda, 1982)

Peace and Social justice

(42) CONDEMNING TECHNIQUES OF INTIMIDATION AND CHEQUE BOOK DIPLOMACY

INTERNATIONAL NON-EXISTENT OBLIGATIONS AND COMMITMENTS: COMMENT

Intimidation and bribery are against the law in most national statutes but appear to be condoned in the international sphere.

STATE ACTIVITY: Has attempted, by intimidating or offering economic incentives in exchange for support for military intervention, to undermine the international resolve to prevent the scourge of war (the US et AL) continually cajoles, intimidates, and bribes other members of the United Nations)

LAWFUL ADVOCACY ACTIVITY: has raised at the United Nations press conferences, and at other sessions at the UN the issue of the US intimidating and "offering financial incentives" to members of the UN Security Council.

(43) EVOKING THE UNITING FOR PEACE RESOLUTION

INTERNATIONAL COMMITMENT

Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when

necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations; (1951, Uniting for peace resolution)

STATE ACTIVITY: (USA) Sent intimidating letters to members of the United Nations General Assembly opposing the holding an emergency session of the UN General Assembly under the Uniting for Peace resolution.

LAWFUL ADVOCACY ACTIVITY: has circulated a global petition calling for an emergency session of the UN General Assembly to invoke the Uniting for Peace resolution. Organized a rally in front of the United Nations {citizens with placards could not stop momentarily in front of the USA Mission]

(44) PROHIBITING PROPAGANDA FOR WAR

INTERNATIONAL OBLIGATION:

1. Any propoganda for war shall be prohibited by law. (Article 20, International Covenant of Civil and Political Rights)

STATE ACTIVITY: (US) has declared that various states are on the axis of evil, or has proclaimed that you are either with us or with the terrorists.

LAWFUL ADVOCACY ACTIVITY has opposed all propoganda for war and has called for the delegitimization of war

(45) PROVIDING A RIGHT TO CORRECTION

INTERNATIONAL OBLIGATION

"... to protect mankind [humanity] from the scourge of war, to prevent

the recurrence of aggression from any source, and to combat all propaganda which is either designed or likely to provoke or encourage any threat to peace, breach of the peace, or act of aggression;
Convention on the Right to Correction

STATE ACTIVITY: (US and GREAT BRITAIN) Precipitously and falsely declared that another state had weapons of mass destruction and interfered with the exercise of the international atomic energy agency in carrying out its inspection and that the unilateral or

LAWFUL ADVOCACY ACTIVITY: has raised the issue along with the majority of members of the UN General Assembly, that the IAEA should be permitted to complete its investigation into the existence of Nuclear weapons in Iraq. Has also proposed that the IAEA should carry out inspections of nuclear weapons in all nuclear weapons states, including the permanent members of the UN Security Council.

(46) REALLOCATING THE MILITARY BUDGET FOR GLOBAL SOCIAL JUSTICE

INTERNATIONAL COMMITMENTS:

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

"The waste and misuse of resources in war and armaments should be prevented. All countries should make a firm commitment to promote general and complete disarmament under strict and effective international control, in particular in the field of nuclear disarmament. Part of the resources thus released should be utilized so as to achieve a better quality of life for humanity and particularly the peoples of developing countries" (II, 12 Habitat 1).

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

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

agreed to freeze and reduce the military budget";

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

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

These appeals were further reinforced in a 1983 General Assembly Resolution on the *Relationship between Disarmament and Development*, that curbing the arms build-up would make it possible to release additional resources for use in economic and social development, particularly for the benefit of the developing countries." Also in the 1983 resolution, member states considered that "the magnitude of military expenditures is now such that their various implications can no longer be ignored in the efforts pursued in the international community to secure the recovery of the world economy and the establishment of a new international economic order."

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

In 1994, in adopting the statement from the International Conference on Population and Development, the member states of the United Nations concurred that the attainment of "quantitative and qualitative goals of the present Programme of Action clearly require additional resources, some of which could become available from a reordering of priorities at the individual, national and international levels. However, none of the actions required—nor all of them combined— is expensive in the context of either current global development or

military expenditures." (Article 1.19)

In 1995, similarly, states in adopting the statement from the Social Development Summit endorsed the calling for "the reallocation of military spending to ensure a greater pocket of resources to expand public services. Again, in 1995, member states of the United Nations reconfirmed these commitments by adopting the Platform of Action at the UN conference on Women, Equality, Development and Peace. In the Platform of Action, States have made a commitment to maintain "peace and security at the global, regional and local levels, together with the prevention of policies of aggression ... and the resolution of armed conflict" (Art. 14) and to reduce "...military expenditures" (Art. 15), states have also made a commitment to the "prevention and resolution of conflicts" (Art.15) and to "increase and hasten, ... the conversion of military resources and related industries to development and peaceful purposes" (145a).

In the Habitat II Agenda, what was originally proposed as Article 140 m: "use a reduction of national military budgets to fund local programs for human settlements" was left out in the final Habitat II Agenda in the sections related to Domestic financial resources and economic instruments.

In the 1984 General Assembly Resolution entitled the Right of Peoples to Peace, there were "Appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of ...measures at both the national and the international level." (4. Declaration on the Right of Peoples to Peace approved by General Assembly resolution 39/11 of 12 November 1984)

STATE ACTIVITY: has ignored years of commitments related to reallocation of the military budget, has substantially increased the military budget, and has used the responsibility to protect and humanitarian intervention to justify increasing the military budget.

LAWFUL ADVOCACY ACTIVITY has called for the reallocation of the

Global military budget at international conferences., and for implementing years of commitments to distributing the peace dividend.

Global Compliance Research Project statement on "Domestic financial Resources and Economic Instruments" for Implementing the Commitments made in the Habitat II Agenda.

"The reduction of the military budget and disarmament are necessary conditions of security and development" (Anatole Rapaport, presentation at the World Order Conference, 2001)

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

It is time for the member states of the United Nations to give substance to the Habitat II Agenda, by recapturing the commitment from Habitat 1, in 1976, to substantially reduce the military budget.

Currently the Global Community spends almost one trillion the military budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing; the right to unadulterated food (pesticide-free and genetically engineered-free food); the right to safe drinking water; the right to a safe environment; the right to universally accessible, not for profit health care; and the right to free and accessible education.

WSSD: FUNDS FOR GLOBAL SOCIAL JUSTICE, NOT FOR ARMS
(published in Taking Issue, Friday August 30, 2002) at the WSSD, Johannesburg)

Delegates at the WSSD have been negligent in that they have ignored significant precedents related to a commitment to reallocate the

military budget

In Agenda 21, at the United Nations Conference on the environment and Development, it as estimated that from 650-650 billion per annum would be necessary for the implementation of Agenda 21 Also in Chapter 33, of Agenda 21, member states of the Untied Nations made a commitment to the "the reallocation of resources presently committed to military purposes" (33.18e)

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

It is time for the member states of the United Nations negotiating at the World Summit Sustainable Development to respect precedents by acting on commitments from previous conferences and General Assembly resolutions.

Currently, the Global Community spends more that \$850 billion on the military budget at a time when many basic and fundamental rights have not been fulfilled: the right to affordable and safe housing, the right to unadulterated food (pesticide-free and GE-free food); the right to safe drinking water, the right to a safe environment; the right to universally accessible, not for profit health care and the right free and accessible education.

(47) IMPLEMENTING FINANCIAL COMMITMENTS FROM THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

To implement the commitments from Agenda, 21, the global community must undertake to reallocate the global military budget to accommodate the peace dividend of \$700 billion per annum to move towards achieving global social justice.

STATE ACTIVITY:

LAWFUL ADVOCATE ACTIVITY; has proposed at WSSD that the 700 billion be drawn from a reallocation of the military budget. The reallocation of the military expenses was a commitment made in Chapter 33 of Agenda 21, UNCED

(48) PROMOTING THE DE-LEGITIMIZATION OF WAR

INTERNATIONAL OBLIGATION:

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and
to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small (Charter of the United Nations)

STATE ACTIVITY: (STATES ENGAGED IN WAR) has disregarded the fundamental purpose of the Charter of the United Nations.

LAWFUL ADVOCACY ACTIVITY: have called for the delegitimization of war as a means of implementing the fundamental purpose of the Charter of the United Nations, Given the irreversible social, health, environmental, psychological, and economic consequences of war are such that under no circumstance or conditions is war either legal or justice

Peace - science

(49) DECLARING THE USE OF SCIENTIFIC AND TECHNOLOGICAL PROGRESS IN THE INTERESTS OF PEACE

INTERNATIONAL COMMITMENTS:

PROCLAIMING that all States shall promote international co-

operation to ensure that the results of scientific and technological development are used in the interests of strengthening international peace and security, freedom and independence and also for the purpose of the economic and social development of peoples and the realization of human rights and freedoms in accordance with the Charter of the United Nations (Art. 2., Declaration on the Use of Scientific and Technological Progress in the Interests of Peace, UN General Assembly Resolution, 1975),

NOTING with concern that scientific and technological achievements can be used to intensify the arms race, suppress national liberation movements and deprive individuals and peoples of their human rights and fundamentals. NOTING also with concern that scientific and technological achievements can entail dangers for the civil and political rights of the individual or the groups and for human dignity. (Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind Humanity, 1975)

Recognizing that scientific and technological developments can give rise to social problems, as well as threaten human rights

Taking into consideration that, while scientific and technological developments provide ever-increasing opportunities to better the conditions of life of peoples and nations, in a number of instances they can give rise to social problems, as well as threaten the human rights and fundamental freedoms of the individuals (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Noting that scientific and technological achievements can be used to intensify the arms race production

Noting with concern that scientific and technological achievements can be used to intensify the arms race, suppress national liberation movements and deprive individuals and peoples of their human rights and fundamental freedoms (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Noting that scientific and technological achievement could entail dangers for civil and political rights

Also noting with concern that scientific and technological achievements can entail dangers for the civil and political rights of the individual or of the group and for human dignity (Preamble, Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Noting the urgent need to neutralize the possible future harmful consequences of certain scientific developments

Noting the urgent need to make full use of scientific and technological developments for the welfare of man humanity and to neutralize the present and possible future harmful consequences of certain scientific and technological achievements (Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Promoting and ensuring that the results of scientific and technological developments are used in the interests of strengthening international peace and security...

Promoting and ensuring that the results of scientific and technological developments are for the purpose of the economic and social development of peoples and the realization of human rights

All States shall promote international co-operation to ensure that the results of scientific and technological developments are used in the interests of strengthening international peace and security, freedom and independence and also for the purpose of the economic and social development of peoples and the realization human rights and freedoms in accordance with the Charter of the United Nations (Art. 1. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

Preventing the use of scientific and technological developments, particularly to limit or interfere with the enjoyment of the human rights
All States shall take appropriate measures to prevent the use of

scientific and technological developments, particularly by the State organs, to limit or interfere with the enjoyment of the human rights and fundamental freedoms of the individual as enshrined in the Universal Declaration of Human Rights the International Covenants on Human rights and other relevant international instruments (Art. 2. Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of humanity, 1975)

STATE ACTIVITY: Excessive investments in science and technology related to militarism. Has supported for such organizations as the Conference of Defence Association (CANADA)

LAWFUL ADVOCACY ACTIVITY; opposing the government investment in the military industries, condemning the sanction of pension funds being invested in militarism, protesting against exhibitions of the arms trade, and against military investment in Universities.

2. HUMAN RIGHTS

(50) RECOGNIZING THE EQUAL AND INALIENABLE RIGHTS OF ALL MEMBERS OF THE HUMAN FAMILY

INTERNATIONAL OBLIGATION:

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world (Preamble, Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(51) PREVENTING DISCRIMINATION ON THE FOLLOWING

GROUND

INTERNATIONAL OBLIGATIONS AND COMMITMENTS

The following listed grounds have been enshrined in numerous international human rights instruments. There shall not be discrimination on the following grounds:

- race, tribe, or culture;
- colour, ethnicity, national ethnic or social origin, or language; nationality, place of birth, or nature of residence (refugee or immigrant, migrant worker);
- gender, sex, - disability or age;
- religion or conviction, political or other opinion, or - class, economic position, or other status;

STATE ACTIVITY: (USA et AL) has, along with the Holy See, attempted to limit the listed grounds to those enshrined in the Universal Declaration of Human Rights

(CANADA et AL) has recognized the ground of sexual orientation, and same sex marriage

LAWFUL ADVOCACY ACTIVITY: has lobbied for the addition of listed grounds such as "sexual orientation, gender identity, marital status, or form of family"

(52) GUARANTEEING OF EQUALITY WITHOUT DISCRIMINATION ON ANY GROUNDS

INTERNATIONAL OBLIGATION:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground

such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Art. 26, International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY;

LAWFUL ADVOCACY ACTIVITY:

(53) RECOGNIZING THAT ALL HUMANS ARE EQUAL IN DIGNITY AND RIGHTS

INTERNATIONAL COMMITMENT:

All human beings are born free and equal in dignity and rights. Everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of human Rights, without distinction of any kind, such as race, tribe, colour, sex, language, religion, political or other opinion, national or social origin property, birth, **sexual orientation, family structure**, or other status (Principle 1, International Conference on Population and Development, 1994)

STATE ACTIVITY;

LAWFUL ADVOCACY ACTIVITY:

(54) RESPECTING RIGHTS OF THE CHILD WITHOUT DISCRIMINATION ON THE GROUNDS OF ANY STATUS

INTERNATIONAL OBLIGATION:

States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, tribe, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.(Art. 2, Convention on the Rights of the

Child, 1989)

STATE ACTIVITY;

LAWFUL ADVOCACY ACTIVITY:

(55) RECOGNIZING THE RIGHTS OF ALL *DISABLED PERSONS* [PERSONS WITH DISABILITIES] REGARDLESS OF STATUS

INTERNATIONAL COMMITMENT:

Disabled person” **Persons with disabilities** shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, tribe, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself, or to his or her family {2 Declaration on the Rights of Disabled Persons 1975}

STATE ACTIVITY;

LAWFUL ADVOCACY ACTIVITY:

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(56) PUBLICIZING AND DISSEMINATING LAWS AND INFORMATION RELATING TO EQUAL STATUS IN...INDIGENOUS LANGUAGES

INTERNATIONAL COMMITMENT:

Translate whenever possible, into the local and indigenous languages... publicize and disseminate laws and information relating to the equal status and human rights of all women including the

Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Declaration on the Right to Development, the Declaration on the Elimination of Violence Against Women, as well as the outcomes of relevant United Nations Conferences and Summits and national reports to the Committee on the Elimination of Discrimination against Women (Art.233 a Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY;

LAWFUL ADVOCACY ACTIVITY:

(57) ENSURING GENDER EQUALITY/EQUITY IN PROMOTING INTERNATIONAL PEACE

INTERNATIONAL COMMITMENT:

Women and men have an equal right and the same vital interest in contributing to international peace and co-operation.

Women *should* **{shall}** participate fully in all efforts to strengthen and maintain international peace and security and to promote international co-operation, diplomacy, the process of detente, disarmament the nuclear field in particular, and respect for the principle of the Charter of the United Nations, *including respect for the sovereign rights of States*, guarantees of fundamental freedoms and human rights, such as recognition of the dignity of the individual and self-determination, and freedom of thought, conscience, expression, association, assembly, communication and movement without distinction as race, tribe, colour, sex, language, religion, political or other opinion, national or social origin property, birth or other status (Principle 1, International Conference on Population and

Development, 1994)

**(58)AFFIRMING THE RIGHT OF EDUCATION FOR ALL
REGARDLESS OF STATUS**

INTERNATIONAL COMMITMENT:

Recalling that, since its establishment, the United Nations Educational, Scientific and Cultural Organization has constantly striven for effective realization of the right to education and equality of educational opportunities for all, without distinction as to race, tribe, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth and that, for many years past, activities directed to securing the right to education and the extension and improvement of educational and training systems in Member States, more particularly in the developing countries, have occupied a central place in that organization's programme (GA Resolution, The Right to Education 37/178 17, December 1982)

STATE ACTIVITY;

LAWFUL ADVOCACY ACTIVITY:

Human Right – Rights of the Child

**(59) RESPECTING RIGHTS OF THE CHILD WITHOUT
DISCRIMINATION ON ANY GROUNDS**

INTERNATIONAL OBLIGATION:

States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, tribe, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.(Art. 2, Convention on the Rights of the

Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(60) PROCLAIMING THAT CHILDHOOD IS ENTITLED TO SPECIAL CARE AND ASSISTANCE

INTERNATIONAL OBLIGATION:

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance (Preamble, Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(61) ENSURING] THAT THE BEST INTERESTS OF THE CHILD SHALL BE A PRIMARY CONSIDERATION

INTERNATIONAL OBLIGATION:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration (Art. 3. 1. Convention on the Rights of the Child, 1989)

[CHECK] STATE ACTIVITY: (US et AL) the US objected to the article in the Convention that stated that children under 18 could not bear arms; also insisted on reference to the time when life began this was changed to accommodate the US. The US has not ratified the

Convention.

LAWFUL ADVOCACY ACTIVITY: has called for implementation of the Convention, and support for UNICEF's programme for including children voting in elections, but criticized UNICEF for asking for children to pit one right against another

(62) RESPECTING THE RIGHT OF THE CHILD TO FREEDOM OF EXPRESSION

INTERNATIONAL OBLIGATION:

The child shall have the right to freedom of expression (Convention on the Rights of the Child reaffirmed Art. 13.1 same as one in International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(63) ENSURING THAT ALL SEGMENTS OF SOCIETY HAVE ACCESS TO BASIC KNOWLEDGE OF CHILD HEALTH AND NUTRITION...

INTERNATIONAL

To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents (Art. 24. 1. e Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

**(64) ENSURING DIGNITY AND PROMOTING SELF-RELIANCE ..
FOR CHILDREN WITH MENTAL OR PHYSICAL DISABILITY**

INTERNATIONAL OBLIGATION:

States Parties recognize that a **child with a mental or physical disability** *mentally or physically disabled child* should enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community (Art. 23., Convention on the Rights of the Child, 1989).

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

**(65) RECOGNIZING THE RIGHT OF CHILDREN WITH
DISABILITIES TO SPECIAL CARE**

INTERNATIONAL CONVENTION:

States parties recognize the right of *the disabled child* **a child with a disability** to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and the circumstances of the parents or others caring for the child. (Art. 2., Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(66) ENSURING THAT CHILDREN WITH DISABILITIES HAVE EFFECTIVE ACCESS TO EDUCATION AND TRAINING....

INTERNATIONAL OBLIGATION:

Recognizing the special needs of **a child with a disability** *disabled child*, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or other caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development. (Art. 3., Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY;

(67) PROMOTING THE EXCHANGE OF INFORMATION ON PREVENTIVE HEALTH... FOR *DISABLED* CHILDREN [WITH DISABILITIES]

INTERNATIONAL OBLIGATION:

States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventative health care and of medical, psychological and functional treatment of *disabled* children **with disabilities**, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experiences in these areas. in this regard, particular account shall be taken of the

needs of developing countries. (Art. 4. Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

Human Rights -Women's' Rights

(68) RECOGNIZING THE DETERMINANTS OF LIMITING WOMEN'S LIVES...

INTERNATIONAL COMMITMENT:

the prevalence among women of poverty and economic dependence, their experience of violence, negative attitudes towards women and girls, discrimination due to race and other forms of discrimination, **[the limited power many women have over their sexual and reproductive lives]** and lack of influence in decision-making are social realities which have an adverse impact on their health. lack of and inequitable distribution of food for girls and women in the household and inadequate access to safe water and sanitation facilities, and fuel supplies, particularly in rural and poor urban areas, and deficient housing conditions, overburden women and their families and all negatively affect their health. good health is essential to leading a productive and fulfilling life **[and the right of all women to control their own fertility is basic to their empowerment]** (art. 94, advance draft, platform of action, un conference on women, may 15)

STATE ACTIVITY

LAWFUL ADVOCACY ACTIVITY:

(69) ENSURING THAT MEASURES [PREVENTIVE AND CURATIVE] ARE IMPLEMENTED BY PUTTING IN PLACE

INTERNATIONAL SAFEGUARDS AND MECHANISMS FOR COOPERATION TO ELIMINATE ALL FORMS OF EXPLOITATION, ABUSE, HARASSMENT AND VIOLENCE AGAINST WOMEN

INTERNATIONAL COMMITMENT:

Countries should take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. This implies both preventive actions and rehabilitation of victims. Countries should take full measures to shall eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. Countries should [shall] pay special attention to protecting the rights and safety of those...in exploitable situations, such as migrant women, women in domestic service and school girls (Action 4.9. International Conference on Population and Development, 1994)

STATE ACTIVITY: (USA AND OTHER OPPONENTS OF RIGHT TO CHOOSE) placed the above sections in brackets, which may or may not have been removed in the final document.

LAWFUL ADVOCACY ACTIVITY: has lobbied for the removal of the bracketed sections

(70) PROTECTING WOMEN'S' REPRODUCTIVE RIGHTS

INTERNATIONAL COMMITMENT:

In no case should abortion be promoted as a method of family planning. All Governments and relevant intergovernmental and non-governmental organizations are urged to strengthen their commitment to women's health, to deal with the health impact of unsafe abortion as a major public health concern and to reduce the recourse to abortion through expanded and improved family planning services. Prevention of unwanted pregnancies must always be given the highest priority and all attempts should be made to eliminate the need for abortion. Women who have unwanted pregnancies should have ready access to reliable information and compassionate

counseling. Any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process. In circumstances where abortion is not against the law, such abortion should be safe. In all cases, women should have access to quality services for the management of complications arising from abortion. Post-abortion counseling, education and family-planning services should be offered promptly, which will also help to avoid repeat abortions (8.25, International Conference on Population and Development, 1994)

STATE ACTIVITY- US and other anti-choice states have continued to undermine this commitment, either held up plenary sessions, or even the whole international conference

(CANADA) has taken a lead role in promoting reproductive choice, and women's human rights but quiet about the 50/50 campaign – the promotion of increased representation of women in parliament. The senate is a better balance than parliament. Has promoted UN Security Council 1325.

ADVOCACY ACTIVITY: has lobbied for implementing the Platform of Action, from UN Conference on Women: Equality, Development and Peace, and for the implementation of UN Security Council 1325.

•Human Rights - Migrant Workers

(71) PROTECTING RIGHTS OF MIGRANT WORKERS AND THEIR FAMILIES

INTERNATIONAL OBLIGATION

Convinced that the rights of migrant workers and members of their families have not been sufficiently recognized everywhere and therefore require appropriate international protection (Preamble. International Convention on the protection of the Rights of all Migrant workers and members of their families)

Recognizing also the progress made by certain States on a regional or bilateral basis towards the protection of the rights of migrant workers and members of their families, as well as the importance and usefulness of bilateral and multilateral agreements in this field (Preamble, International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(72) RESPECTING RIGHTS OF MIGRANT WORKERS WITHOUT DISTINCTION ON ANY GROUNDS

INTERNATIONAL OBLIGATIONS

States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status (Art. 7. International Convention on the protection of the Rights of all Migrant Workers and Members of their Families)

STATE ACTIVITY; Most developed states have refused to sign and ratify the convention

LAWFUL ADVOCACY ACTIVITY: has called for the ratification and implementation of the Convention

(73) IMPLEMENTING AND PUTTING INTO PLACE INTERNATIONAL SAFEGUARDS FOR THOSE IN EXPLOITABLE SITUATION

INTERNATIONAL COMMITMENT

Ensuring that measures [preventive and curative] are implemented by putting in place International safeguards and mechanisms for cooperation to eliminate all forms of exploitation, abuse, harassment and violence against women

Countries *should*[**shall**] take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. This implies both preventive actions and rehabilitation of victims. Countries *should take full measures to* eliminate all forms of exploitation, abuse, harassment and violence against women, adolescents and children. Countries *should* [**shall**] pay special attention to protecting the rights and safety of those...in exploitable situations, such as migrant women, women in domestic service and school girls (Action 4.9. International Conference on Population and Development, 1994)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

•Human Rights -Indigenous

(74) [ENSURING] THE FULL RANGE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOM TO INDIGENOUS PEOPLES

INTERNATIONAL

Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. The provisions of the Convention shall be applied without discrimination to male and female members of these peoples. (Art. 3 Convention Concerning Indigenous and Tribal Peoples in Independent Countries No. 169, 1990)

NOTE: DECLARATION OF RIGHTS OF INDIGENOUS PEOPLES

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(75) ADOPTING SPECIAL MEASURES FOR SAFEGUARDING PERSONS,... PROPERTY, CULTURES AND ENVIRONMENT OF INDIGENOUS PEOPLES

INTERNATIONAL

Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned. (Art. 4., Convention Concerning Indigenous and Tribal Peoples in Independent Countries, No. 169, 1990)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(76) ENSURING THE RIGHT OF INDIGENOUS PEOPLES TO DECIDE THEIR OWN PRIORITIES

the peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly. (Art. 7.1. Convention Concerning Indigenous and Tribal Peoples in Independent Countries, No. 169, 1990)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(77) AFFIRMING THE POSITIVE-DUTY-TO PROTECT-INDIGENOUS-LANDS PRINCIPLE

INTERNATIONAL COMMITMENTS:

recognition that the lands of indigenous people peoples and their communities should shall be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally [inappropriate~] (26.3. ii., Indigenous People[s], Agenda 21, UNCED, 1992)

Recognizing that the lands of indigenous peoples [shall] be protected from activities that are environmentally unsound or culturally inappropriate

(ii) Recognition that the lands of indigenous people peoples and their communities should shall be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally [inappropriate~] (26.3.a.ii, Indigenous People[s], Agenda 21, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(78) STRENGTHENING THE ROLE OF INDIGENOUS [PEOPLES] IN [SOCIALLY EQUITABLE AND ENVIRONMENTALLY-SOUND DEVELOPMENT]

INTERNATIONAL COMMITMENT

Indigenous people peoples and their communities have an historical relationship with their lands and are generally descendants of the

original inhabitants of such lands. In the context of this chapter the term "lands" is understood to include the environment of the areas which the people peoples concerned traditionally occupy. Indigenous people peoples and their communities represent a significant percentage of the global population. They have developed over many generations a holistic traditional scientific knowledge of their lands, natural resources and environment. Indigenous people peoples and their communities shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination. Their ability to participate fully in sustainable development socially equitable and environmentally-sound practices on their lands has tended to be limited as a result of factors of an economic, social and historical nature. In view of the interrelationship between the natural environment and its sustainable development socially equitable and environmentally-sound development and the cultural, social, economic and physical well-being of indigenous people, national and international efforts to implement [socially equitable and environmentally-sound and sustainable development should shall recognize, accommodate, promote and strengthen the role of indigenous people and their communities. (26.1., Indigenous People[s], Agenda 21, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(79) FULFILLING OBJECTIVE IN PARTNERSHIP WITH INDIGENOUS PEOPLES

INTERNATIONAL COMMITMENTS

In full partnership with indigenous people peoples and their communities, Governments and, where appropriate, intergovernmental organizations should shall aim at fulfilling the following objectives: (26.3., Indigenous People[s]Agenda 21, UNCED, 1992)

- Establishing a process to empower indigenous [peoples]
Establishment of a process to empower indigenous people

peoples and their communities through measures that include:

- Adoption or strengthening of [appropriate~] policies and/or legal instruments at the national level (26.3 i Indigenous Peoples, Agenda 21, UNCED, 1992)

- Recognizing and supporting the identity, culture and interests of indigenous peoples
- Enabling their effective participation in the achievement of [Socially equitable and environmentally-sound development]

(80) SUPPORTINGAND ENABLING EFFECTIVE PARTICIPATION IN THE ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

INTERNATIONAL COMMITMENT:

Indigenous people peoples and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States should shall recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development. Socially equitable and environmentally- sound development (Principle 22., Rio Declaration, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(81) SUPPORTING PARTICIPATION FROM INDIGENOUS PEOPLES IN DECISION MAKING RELATED TO BIODIVERSITY

INTERNATIONAL

Governments... consistent with the requirements of international law should shall, as appropriate collect, assess and make available relevant and reliable information in a timely manner and in a form suitable for decision-making at all levels, with the

full support and participation of local and indigenous people and their communities. (15.6 f Biodiversity., Agenda 21 UNCED 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(82) PREVENTING ACTIONS ON INDIGENOUS LANDS

INTERNATIONAL COMMITMENT:

the lands of indigenous people and their communities should be protected from activities that are environmentally unsound or that the indigenous people concerned consider to be socially and culturally inappropriate (26.3. ii, Agenda 21)

STATE ACTIVITY: Has generally disregarded commitments; often toxic and hazardous waste dumped in lands of indigenous peoples; (CANADA) led the campaign in 1992 against the placing of (s) on the UN expression “indigenous people [s]” in UN documents [position subsequently changed]

LAWFUL ADVOCACY ACTIVITY: has called for acting on commitment, and lobbied for the inclusion of (s) for indigenous peoples so that there would be multiple representation at the UN.

(83) RECOGNIZING ADDITIONAL BARRIERS FACED BY INDIGENOUS WOMEN

INTERNATIONAL COMMITMENT:

- [Recognizing] the additional barriers faced by indigenous women
Indigenous women often face barriers both as women and as members of indigenous communities (Art. 34 Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(84) DEVELOPING POLICIES FOR INDIGENOUS WOMEN WITH THEIR FULL PARTICIPATION

Develop policies and programmes for indigenous women with their full participation and respect of their cultural diversity, so that they have opportunities and possibilities of choice in the development processes in order to eradicate the poverty that affects them (Art.60s Advance draft, Platform of Action, UN Conference on Women, May 15)

(85) INCLUDING...INDIGENOUS WOMEN IN THE IDENTIFICATION AND PLANNING OF HEALTH CARE PRIORITIES AND PROGRAMMES

INTERNATIONAL COMMITMENT

Design and implement gender sensitive health programmes including decentralized health services in cooperation with women and community-based organizations, to address the needs of women throughout their lives and that take into account their multiple roles and responsibilities, the demands on their time, the special needs of rural women and women with disabilities, and the diversity of women's needs across age, socioeconomic, and cultural differences among others, and include women, especially local and indigenous women, in the identification and planning of health care priorities and programmes; [and remove all barriers to women's health services] [and provide the widest possible access to a broad range of health care services.] (Art 81 c Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(86) ENSURING FULL AND EQUAL ACCESS TO HEALTH CARE

INTERNATIONAL COMMITMENT

Ensure full and equal access to health care infrastructure and services for indigenous women (Art.107 y Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(80) PROMOTING GENDER SENSITIVE AND WOMEN-CENTRED HEALTH RESEARCH, TREATMENT AND TECHNOLOGY, AND LINK TRADITIONAL AND INDIGENOUS KNOWLEDGE...

INTERNATIONAL COMMITMENT

Promote gender sensitive and women-centred health research, treatment and technology, and link traditional and indigenous knowledge with modern medicine, making information available to women to enable them to make informed and responsible decisions (Art.107 (b) Advance draft, Platform of Action, UN Conference on Women, May 15)

Some groups of women, such as...indigenous women are particularly vulnerable to violence

Some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women in poverty living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are also particularly vulnerable to violence (Art. 116.Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(87) SUPPORTING THE ECONOMIC ACTIVITIES OF INDIGENOUS WOMEN, TAKING INTO ACCOUNT THEIR TRADITIONAL KNOWLEDGE

INTERNATIONAL COMMITMENT

Support the economic activities of indigenous women, taking into account their traditional knowledge, so as to improve their conditions and development (Art.177 f Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(88) ENCOURAGING GREATER INVOLVEMENT OF INDIGENOUS WOMEN IN DECISION-MAKING

INTERNATIONAL COMMITMENT

Encourage greater involvement of indigenous women in decision-making at all levels (Art.192 g Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(89) ENSURING FULL RESPECT FOR THE HUMAN RIGHTS OF INDIGENOUS WOMEN

INTERNATIONAL COMMITMENT

Taking into account the need to ensure full respect the human rights of indigenous women, consider and adopt a declaration on the rights of indigenous people by the General Assembly within the International Decade of the World's Indigenous People; encourage the participation of indigenous women in the working group elaborating the draft declaration, in accordance with the provision set out for the participation of organizations of indigenous people (Art.231 p Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(90) PROMOTING THE KNOWLEDGE OF AND SPONSOR RESEARCH ON THE ROLE OF... INDIGENOUS WOMEN IN FOOD GATHERING...SOIL CONSERVATION...

INTERNATIONAL COMMITMENT

Promote the knowledge of and sponsor research on the role of women, focusing particularly on rural and indigenous women in food gathering and production, soil conservation, irrigation, watershed management, sanitation, coastal zone and marine resource management, integrated pest management, land-use planning, forest conservation and community forestry, fisheries, natural disaster prevention and new and renewable sources of energy, focusing particularly on indigenous women's knowledge and experience (Art.256 f Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

.Human Rights - Refugees

(91) ACCORDING SAME TREATMENT AS IS ACCORDED TO CITIZENS GENERALLY

INTERNATIONAL OBLIGATION:

Except where this Convention contains more favourable provisions, a Contracting State shall accord to refugees the same treatment as is accorded to [citizens] generally. (Article 7, 1., Convention Relating to the Status of Refugees, 1951).

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he shall be accorded the same protection as is accorded in the territory to nationals of the country in which he has his habitual residence (Art. 14, Convention Relating to the Status of Refugees, 1951).

The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education (Art. 22. 1. Convention Relating to the Status of Refugees, 1951).

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(92) RESPECTING FAVOURABLE AS POSSIBLE TREATMENT WITH RESPECT TO EDUCATION ..AS REGARD RECOGNITION OF FOREIGN SCHOOLS CERTIFICATES, DIPLOMAS AND

DEGREES

INTERNATIONAL OBLIGATIONS

The Contracting States shall accord to refugees treatment as favourable as possible,... with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships (Article 22. 2, Convention Relating to the Status of Refugees, 1951).

The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals (Article 23, Convention Relating to the Status of Refugees, 1951).

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

Human Rights -- immigrants

(93) RECOGNIZING THE EXISTENCE OF BARRIERS INCLUDING IMMIGRANTS

INTERNATIONAL

[... many women face particular barriers because of such factors as their race, age, language, ethnicity, culture, religion [sexual orientation] or disability, or because they are indigenous people. Many women face barriers related to their family status particularly as single parents, to their socioeconomic status, including their living conditions in rural or isolated areas and in impoverished areas in rural and urban environments, or to their status as immigrants. Particular barriers also exist for refugee, migrant and displaced women, as well as those who are affected by environmental disasters and displaced women as well as for those who are affected by environmental

disasters, serious and infectious diseases, additions and various forms of violence against women]

(Art.48 Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY: (US et AL) had placed the above section in brackets

LAWFUL ADVOCACY ACTIVITY: lobbied for the removal of brackets

Human Rights – persons with disabilities

(94) RECOGNIZING THE RIGHT OF EVERYONE TO THE HIGHEST ATTAINABLE STANDARDS OF PHYSICAL AND MENTAL HEALTH

INTERNATIONAL COVENANT:

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. (Article 12 International Covenant Economic, Social & Cultural Covenant, 1966)

STATE ACTIVITIES

LAWFUL ADVOCACY ACTIVITIES

(95) AFFIRMING THE RIGHTS OF ALL PERSONS WITH DISABILITIES REGARDLESS OF STATUS

INTERNATIONAL COMMITMENT:

Disabled person shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, tribe, colour, sex, language, religion, political or other

opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself, or to his or her family {2 Declaration on the Rights of Disabled Persons 1975}.

STATE ACTIVITY:

(CANADA) has enshrined “disability” as a listed ground in the Charter of Rights and Freedoms

LAWFUL ADVOCACY ABILITY: lobbying for having “disability” listed as a ground in international instruments

(96) [ENSHRINING] THE INHERENT RIGHT OF PERSONS WITH DISABILITIES TO RESPECT FOR THEIR HUMAN DIGNITY

INTERNATIONAL COMMITMENT:

Disabled persons have the inherent right to respect for their human dignity. Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible {3 Declaration on the Rights of Disabled Persons, 1975}

STATE ABILITY:

LAWFUL ADVOCACY ABILITY:

(97) [ENSHRINING] THE RIGHT OF PERSONS WITH DISABILITIES TO MEDICAL, PSYCHOLOGICAL AND FUNCTIONAL TREATMENT

INTERNATIONAL COMMITMENT:

Disabled persons have the right to medical, psychological and

functional treatment, including prosthetic and orthodontic appliances, to medical and social rehabilitation, education, vocational training and rehabilitation, aid, counseling, placement services and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the process of their social integration or reintegration {6. Declaration on the Rights of Disabled Persons, 1975}

STATE ABILITY:

LAWFUL ADVOCACY ABILITY:

(98) [ENSHRINING] THE RIGHT OF PERSONS WITH DISABILITIES HAVE THE RIGHT TO ECONOMIC AND SOCIAL SECURITY

INTERNATIONAL COMMITMENT:

Disabled persons have the right to economic and social security and to a decent level of living. They have the right, according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions. {7 Declaration on the Rights of Disabled Persons, 1975}

STATE ABILITY:

LAWFUL ADVOCACY ABILITY:

(99) PROTECTING PERSONS WITH DISABILITIES AGAINST EXPLOITATION, AND DEGRADATION

INTERNATIONAL COMMITMENT:

Disabled person **Persons with disabilities** shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature (10. Declaration on the Rights of Disabled Persons. 1975)

STATE ABILITY:

LAWFUL ADVOCACY ABILITY:

(100) [RECOGNIZING] THE RIGHT OF A PERSON WITH A MENTAL DISABILITIES TO A QUALIFIED GUARDIAN

INTERNATIONAL COMMITMENT:

The *mentally retarded person* **person with a mental disability** has a right to a qualified guardian when this is required to protect his or **her** personal well-being and interests. (5 Declaration on the Rights of Mentally Retarded Persons, General Assembly resolution 2856 (XXVI) 1971)

STATE ABILITY: has generally ignored most of the commitments;

In the Habitat II Agenda, however, disability was included as a listed ground.

LAWFUL ADVOCACY ABILITY: has lobbied for acting on commitments related to persons with disability, and for the inclusion in all national statutes of disability listed as a ground

Human Rights - Displaced persons

(101) ADDRESSING PROFOUND CONSEQUENCES OF MIGRATION OF POPULATIONS OF MIGRANTS, REFUGEES AND DISPLACED PERSONS

INTERNATIONAL COMMITMENT:

Global trends have brought profound changes in family survival strategies and structure[s]. Rural to urban migration has increased substantially in all regions. The global urban population is projected to

reach 57 per cent of the total population by the year 2000. An estimated 125 million people are migrants, refugees and displaced persons, half of whom live in developing countries. These massive movements of people have profound consequences for family structure[s] and well-being and have unequal consequences for women and men, including in many cases the sexual exploitation of women (Art.38 Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY

LAWFUL ADVOCACY ACTIVITY

(102) CONDEMNING CONTINUED MASSIVE VIOLATIONS OF HUMAN RIGHTS, ETHNIC CLEANSING AND SYSTEMATIC RAPE – CREATING ...EXODUS OF REFUGEES AND DISPLACED PERSONS

INTERNATIONAL COMMITMENT:

The World conference on Human rights expresses its dismay at massive violations of human rights especially in the form of genocide, “ethnic cleansing” and systematic rape of women in war situations, creating mass exodus of refugees and displaced persons... (S. 28 World Conference on Human Rights, 1993)

STATE ACTIVITY

LAWFUL ADVOCACY ACTIVITY

(103) CALLING FOR COMPLYING WITH INTERNATIONAL OBLIGATIONS TO COUNTER INTOLERANCE

INTERNATIONAL COMMITMENT:

the World Conference on Human Rights calls upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to

counter intolerance and related violence based on religion or belief, including practices of discrimination against women and including the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion. The Conference also *invites urges* all States to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or belief (II B. 1 World Conference on Human Rights, 1993)

STATE ACTIVITY

LAWFUL ADVOCACY ACTIVITY

(104) ENSHRINING OF THE RIGHT TO FREEDOM OF EXPRESSION

INTERNATIONAL OBLIGATIONS:

This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his [his/her] choice... [Art 19, International Covenant on Civil and Political Rights, 1966)

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or adopt a religious belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching **as long as the expression of thought does not interfere with the rights of others** (Art. 18., Civil and Political Covenant, 1966)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(105a) ENSHRINING THE RIGHT TO FREEDOM OF RELIGION

INTERNATIONAL

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or adopt a religious belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching **as long as such practices do not violate human rights** (Art. 18., Civil and Political Covenant, 1966)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY: has lobbied for the separation of religion and state, for the removal of all devotional services in public schools, and for the addition “**as long as such practices do not violate human rights**” to the International Covenant of Civil and Political Rights

(105b) CONDEMNING THE USING OF RELIGION TO LEGITIMIZE VIOLENCE OR WAR

INTERNATIONAL NON-EXISTENT OBLIGATIONS AND COMMITMENTS:

STATE ACTIVITY: has claimed directions from God and rationalized war as being ordained by God

LAWFUL ADVOCACY ACTIVITY:

(106) STIPULATING THAT THE FREEDOM OF RELIGION IS SUBJECT TO LIMITATIONS

INTERNATIONAL COMMITMENT:

Recognizing also the threat posed by movements based on religious intolerance and extremism,

Considering that the International Covenant on Civil and Political Rights, in article 18, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in article 1, stipulate that the freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others, Emphasizing the principle, contained in the preamble to the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, that it is inadmissible to use religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the Declaration (Preamble, Tunis Declaration, 1993, report of the regional meeting for Africa of the World Conference on Human rights, 1993).

STATE ACTIVITY: have inconsistently perceived religious extremism as being a threat. For example the US does not perceive the following as being a threat:

LAWFUL ADVOCACY ACTIVITY:

(107) CONSIDERING THAT EXTREMISM DENIES THE MORAL AND HUMANITARIAN VALUES OF PEOPLES

INTERNATIONAL

Considering that extremism and terrorism, whether the pretext be sectarian, ethnic or religious, deny the moral and humanitarian values of peoples and, in particular, fundamental freedom and tolerance (Preamble, Tunis Declaration, 1993, report of the regional meeting for Africa of the World Conference on Human rights, 1993).

STATE ACTIVITY: (US et Al)

LAWFUL ADVOCACY ACTIVITY:

(108) BELIEVING RELIGIOUS EXTREMISM POSE A REAL THREAT TO SECURITY

INTERNATIONAL

Believes that religious extremism poses a real threat to the security of nations and the stability of their institutions (1. Tunis Declaration, 1993, report of the regional meeting for Africa of the World Conference on Human rights, 1993).

STATE ACTIVITY: (US et AL) fails to recognize that all religious extremism is a threat to security; the US does not recognize the destabilizing effect of the following:

The promotion of the spread of Evangelical Christianity around the world, undermining local indigenous cultures, and instilling fear through the dangerous, and absurd belief in the "rapture", "Armageddon" and "left behind" and denigrating other established beliefs and practices

- catering to the fundamentalists inspired by Ed McAteer who in 1983 stated that "nuclear weapons are part of God's design;
- promulgating dispensationalist "end times" scenario which has serious irreversible consequences.

LAWFUL ADVOCACY ACTIVITY: has expressed concern about all forms of religious extremism

(109) CONDEMNING EXTREMISM AND TERRORISM

INTERNATIONAL

Welcomes the declaration adopted by the Assembly of Heads of State and Government of the Organization of African Unity (Dakar, 29 June-1 July 1992) and that of the Tenth Summit of Heads of State or Government of the Movement of Non-Aligned Countries (Jakarta, 1-6 September 1992) condemning extremism and terrorism and calling upon all States to observe scrupulously, in their relations, the

principle of non-interference in the internal affairs of other States and to respect the principle of good neighbourliness (3. Tunis Declaration, 1993, report of the regional meeting for Africa of the World Conference on Human rights, 1993).

STATE ACTIVITY: (US et AL) fails to recognize that all religious extremism including extremism promoted by states contribute to destabilizing of states, and cultures, particularly indigenous cultures. The promotion of the spread of Evangelical Christianity around the world, undermining local indigenous cultures, and instilling fear through the dangerous, and absurd belief in the "rapture", "Armageddon" and "left behind" and denigrating other established beliefs and practices

STATE ACTIVITY

LAWFUL ADVOCACY ACTIVITY

3. SOCIAL JUSTICE

Social Justice and new international economic order Development

(110) ESTABLISHING A NEW INTERNATIONAL ECONOMIC ORDER

INTERNATIONAL COMMITMENTS

Establishment of a New International Economic Order based on equity, sovereign equality, interdependence, common interest and co-operation among all States, irrespective of their economic and social systems which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generation... (Preamble, Declaration on the Establishment of a new international economic order, 1974)

Full and effective participation of developing countries in all phases of decision-making for the formulation of an equitable and durable monetary system and adequate participation of developing countries in all bodies entrusted with this reform and, particularly, in the proposed Council of Governors of the International Monetary Fund (1d., International monetary system... Programme of Action on the Establishment of a New International Economic Order, 1974)

STATE ACTIVITY: (Most developed states) have ignored this Declaration, and have instead embraced the economic order established through the Bretton Woods organizations: World Bank and IMF, and supported structural adjustment programs (SAPS)

(VENEZUELA) has recently profiled this Declaration when President Hugo Chavez addressed the United Nations at the 2005 World Summit.

LAWFUL ADVOCACY ACTIVITY: has included this declaration in a Charter of Obligations which was officially distributed at the UN Conference on Women: Equality, Development and Peace.

(111) RECTIFYING INEQUITABLE DISTRIBUTION OF RESOURCES

INTERNATIONAL COMMITMENTS

Poverty is also closely related to inappropriate spatial distribution of population, to unsustainable use and inequitable distribution of such natural resources as land and water, and to serious environmental degradation (3.13., International Conference on Population and Development, 1994)

Despite decades of development efforts, both the gap between rich and poor nations and the inequalities within nations have widened. Serious economic, social, gender and other inequities persist and

hamper efforts to improve the quality of life for hundreds of millions of people. The number of people living in poverty stands at approximately 1 billion and continues to mount. (3.11. International Conference on Population and Development, 1994)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(112) ERADICATING POVERTY, INEQUALITY AND INEQUITY

INTERNATIONAL COMMITMENT:

The eradication of poverty and hunger, greater equality and equity in income distribution and human resources development remain major challenges everywhere. The struggle against poverty is the shared responsibility of all countries (3.1., Combating Poverty, Agenda 21, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(113) RECOGNIZING CRITICAL SITUATION OF INADEQUATE SOCIAL CONDITIONS

INTERNATIONAL OBLIGATION:

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for and needed (Preamble, Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(114) RECTIFYING INEQUALITIES RELATING TO SOCIAL CONDITIONS

INTERNATIONAL COMMITMENT:

In the World Summit on Population document:

We commit ourselves to promoting and attaining the goals of universal and equitable access to quality education, the highest attainable standard of scholarly, academic, ethical, physical and mental health, and universal access of all to primary health care, making particular efforts to rectify inequalities relating to social conditions, and without distinction as to race, tribe, national origin, gender, age or disability. (Commitment 6, ICPD)

STATE ACTIVITY: has generally not listed “social condition” as grounds for which there shall not be discrimination

LAWFUL ADVOCACY ACTIVITY: has lobbied for “social condition” as grounds for which there shall not be discrimination, internationally or nationally

(115) LISTING "ECONOMIC STATUS" WITHIN GROUNDS FOR WHICH THERE SHALL NOT BE DISCRIMINATION

INTERNATIONAL COMMITMENT: Recalling that, since its establishment, the United Nations Educational, Scientific and Cultural Organization has constantly striven for effective realization of the right to education and equality of educational opportunities for all, without distinction as to race, tribe, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth and that, for many years past,

activities directed to securing the right to education and the extension and improvement of educational and training systems in Member

States, more particularly in the developing countries, have occupied a central place in that organization's programme (GA Resolution, The Right to Education 37/178 17, December 1982)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(116) FULFILLING THE RIGHT TO DEVELOPMENT

INTERNATIONAL COMMITMENT:

The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations. (Principle 3, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(117) EXTENDING ACTIVE ASSISTANCE TO DEVELOPING COUNTRIES FREE OF ANY POLITICAL OR MILITARY CONDITIONS

INTERNATIONAL COMMITMENT:

Extension of active assistance to developing countries by the whole international community, free of any political or military conditions (4 k., Declaration on the Establishment of a New International Economic Order, 1974)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

Social Justice - right to health

(118) URGING STATES TO ENSURE IMPLEMENTATION OF THE GLOBAL STRATEGY FOR HEALTH FOR ALL BY THE YEAR 2000, 1981)

INTERNATIONAL COMMITMENT:

Urges all Member States to ensure the implementation of the Global Strategy as part of their multisectoral efforts to implement the provisions contained in the International Development Strategy (2. The General Assembly Global Strategy for Health for All by the Year 2000, 1981)

Urging states to ensure implementation of the Global Strategy for Health

Also urges all Member States to co-operate with one another and with the World Health Organization to ensure that the necessary international action is taken to implement the Global Strategy as part of the fulfillment of the International Development

Strategy (Art. 3. The General Assembly Global Strategy for Health for All by the Year 2000, 1981)

STATE ACTIVITY: (MOST STATES) have ignored this long standing commitment to Health for all

LAWFUL ADVOCACY:

(119) PROTECTING HUMAN HEALTH, AND PREVENTING THREATS TO HUMAN HEALTH

INTERNATIONAL [EXCLUDED THROUGH THREAT OF REMOVING FUNDS] COMMITMENT

COMMENT: World Health Document was prepared by Scientist for negotiation by governments

STATE ACTIVITY: Protecting the sugar industry and demanding removal of clauses that would interfere with the industry, and threatening to withdraw funding support

LAWFUL ADVOCACY: International ruling by a scientific Panel at World Health Organization about the threat of obesity, and implicated the responsibility of the sugar industry.

(120) STRIVING TO ENSURE THAT NO CHILD IS DEPRIVED OF HIS OR HER RIGHT TO ACCESS TO SUCH HEALTH CARE

INTERNATIONAL OBLIGATION:

...States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties (24.1. Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(121) RECOGNIZING THE RIGHT OF THE CHILD TO ENJOY THE HIGHEST STANDARD OF HEALTH

INTERNATIONAL OBLIGATION:

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.... (Art. 24.1., Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(122) ABOLISHING TRADITIONAL PRACTICES PREJUDICIAL TO THE HEALTH OF CHILDREN

INTERNATIONAL OBLIGATION:

States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children (Art. 3. Convention on the Rights of the Child, 1989)

STATE ACTIVITY: (MOST ISLAMIC STATES ET AL) have continued to permit practices such a genital mutilation

LAWFUL ADVOCACY ACTIVITY: has lobbied against the enshrining of cultural relativism in international instruments, and against practices such as genital mutilation

(123) COMBATING DISEASE AND MALNUTRITION WITHIN THE FRAMEWORK OF PRIMARY HEALTH CARE

INTERNATIONAL OBLIGATIONS:

States parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: to combat disease and

malnutrition including within the framework of primary health care, through inter alia the application of readily available technology and through the provision of adequately nutritious foods and clean drinking water (24.2.c. Convention on the Rights of the Child, 1989)

STATE ACTIVITY

LAWFUL ADVOCACY ACTIVITY

(124) DEVELOPING PREVENTIVE HEALTH CARE AND FAMILY PLANNING

INTERNATIONAL OBLIGATION:

to develop preventive health care, guidance for parents and family planning education and services (Art. 24. 1. f Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY: has lobbied for the need to promote health through prevention including prevention of environmentally induced diseases, and poverty related health problems, and for a universally accessible not for profit publicly funded health care system.

Social justice and right to food and food security

(125) ENDING THE AGE-OLD SCOURGE OF HUNGER

INTERNATIONAL COMMITMENT

Time is short. Urgent and sustained action is vital. The conference, therefore, calls upon all peoples expressing their will as individuals, and through their Governments, and non-governmental organizations

to work together to bring about the end of the age old scourge of hunger. (Art. 8, Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(126) RECOGNIZE THE GRAVE FOOD CRISIS IN THE DEVELOPING COUNTRIES

INTERNATIONAL RECOGNITION

The grave food crisis that is afflicting the peoples of the developing countries where most of the world's hungry and ill-nourished live and where more than two thirds of the world's population produce about one third of the world's food—and imbalance which threatens to increase in the next 10 years—is not only fraught with grave economic and social implications, but also acutely jeopardizes the most fundamental principles and values associated with the right to life and human dignity as enshrined in the Universal Declaration of Human Rights; Universal Declaration on the Eradication of Hunger and Malnutrition, Adopted on 16 November 1974 by the World Food Conference convened under General Resolution 3180 (XXVIII) of 17 December 1973; and endorsed by the General Assembly resolution 3348 (XXIX) of 17 December 1974

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(127) PROCLAIMING THE INALIENABLE RIGHT TO BE FREE FROM HUNGER AND MALNUTRITION

INTERNATIONAL COMMITMENT;

Proclaiming the inalienable right to be free from hunger and malnutrition

Every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties. Society today already possesses sufficient resources, organizational ability and technology and hence the competence to achieve this objective. Accordingly, the eradication of hunger is a common objective of all the countries of the international community, especially of the developed countries and others in a position to help. (Sect. 1.9. Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY: Have generally ignored this commitment

LAWFUL ADVOCACY ACTIVITY: has called for the need for society to properly channel its resources in ways that will eradicate hunger rather than exacerbate it.

(128a) PROCLAIMING THAT ERADICATION OF HUNGER IS A COMMON OBJECTIVE OF INTERNATIONAL COMMUNITY

INTERNATIONAL COMMITMENT

Proclaiming that eradication of hunger is a common objective of international community

Every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties. Society today already possesses sufficient resources, organizational ability and technology and hence the competence to achieve this objective. Accordingly, the eradication of hunger is a common objective of all the countries of the international community, especially of the developed countries and others in a position to help. (Art. 1. Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY: has lobbied for acting on commitment and for the need of society to properly channel its resources in ways that will eradicate hunger rather than exacerbate it.

(128b) PROCLAIMING THAT A FUNDAMENTAL RESPONSIBILITY OF GOVERNMENTS IS TO WORK FOR...EQUITABLE AND EFFICIENT DISTRIBUTION OF FOOD

INTERNATIONAL COMMITMENT

Proclaiming that a fundamental responsibility of governments is to work for...equitable and efficient distribution of food

It is a fundamental responsibility of Governments to work together for higher food production and a more equitable and efficient distribution of food between countries and within countries. Governments should shall initiate immediately a greater concerted attack on chronic malnutrition and deficiency diseases among the vulnerable and lower income groups. In order to ensure adequate nutrition for all, Governments should formulate appropriate [shall ensure] food and nutrition policies [are] integrated in overall socioeconomic and agricultural development plans based on adequate knowledge of available as well as potential food resources (Sect. 2.10., Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(129) UNDERTAKING ACTIVITIES AIMED AT THE PROMOTION OF FOOD SECURITY

INTERNATIONAL COMMITMENT

Undertaking activities aimed at the promotion of food security

Undertake activities aimed at the promotion of food security and, where appropriate, food self-sufficiency within the context of

sustainable agriculture (3.7.I., Combating Poverty, Agenda 21, UNCED, 1992)

preservation of the environment

To assure the proper conservation of natural resources being utilized, or which might be utilized, for food production, all countries must collaborate in order to facilitate the preservation of the environment, including the marine environment. (Sect. 8., Universal Declaration on the Eradication of Hunger and Malnutrition, 1974)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

Human rights - sanitation

(130) ACKNOWLEDGING THE SERIOUSNESS OF LACK OF ACCESS TO BASIC SANITATION

INTERNATIONAL EXPECTATION:

By the end of the century, over 2 billion people will be without access to basic sanitation, and an estimated half of the urban population in developing countries will be without adequate solid waste disposal services. As many as 5.2 million people, including 4 million children under five years of age, die each year from waste-related diseases. The health impacts are particularly severe for the urban poor. (Universal Declaration on the Eradication of Hunger and Malnutrition, Adopted on 16 November 1974 by the World Food Conference convened under General Resolution 3180(XXVIII) of 17 December 1973; and endorsed by the General Assembly resolution 3348 (XXIX) of 17 December 1974)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(131) PROVIDING THE POOR WITH ACCESS TO FRESH WATER AND SANITATION

INTERNATIONAL COMMITMENT

Provide the poor with access to fresh water and sanitation (3.7. p., Combating Poverty, Agenda 21, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

Human Rights –right to education

(132) AFFIRMING THE RIGHT TO EDUCATION

INTERNATIONAL

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental states. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit (Art. 26. 1. Universal Declaration of Human Rights, 1948)

The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) primary education shall be compulsory and available free to all;
- (b) secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) higher education shall be made equally accessible to all, on the basis of capacity by every appropriate means, and in particular by the progressive introduction of free education;
- (d) fundamental

education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) the development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved. (Art. 2. International Covenant of Social, Economic and Cultural Rights, 1966)

- Recalling its resolutions 34/170 of 17 December 1979, 35/191 of 15 December 1980 and 36/152 of 16 December 1981 on the right to education,
- Recalling the International Covenant on Economic, Social and Cultural Rights, adopted by its resolution 2200 A (XXI) of 16 December 1966, which recognizes the right of everyone to education,
- Bearing in mind the importance of the Convention against Discrimination in Education, adopted on 14 December 1960 by the General Conference of the United Nations Educational, Scientific and Cultural Organization (GA Resolution, The Right to Education 37/178 17 December 1982)

Reaffirming the paramount importance of the implementation of the right to education for the full development of the human personality and for the enjoyment of other fundamental human rights and freedoms (GA Resolution, The Right to Education 37/178 17 December 1982)

Recalling that, since its establishment, the United Nations Educational, Scientific and Cultural Organization has constantly striven for effective realization of the right to education and equality of educational opportunities for all, without distinction as to race, tribe, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth and that, for many years past, activities directed to securing the right to education and the extension and improvement of educational and training systems in Member States, more particularly in the developing countries, have occupied a central place in that organization's programme (GA Resolution, The

Right to Education 37/178 17, December 1982)

Develop broad-based education programmes that promote and strengthen respect for all human rights and fundamental freedoms, including the right *to development* to socially equitable and environmentally-sound development, promote the values of tolerance, responsibility and respect for the diversity and rights of others, and provide training in peaceful conflict resolution, in recognition of the United Nations Decade for Human Rights Education (1995-2005, Commitment 6, ICPD)

We commit ourselves to promoting and attaining the goals of universal and equitable access to quality education, the highest attainable standard of scholarly, academic, ethical, physical and mental health.... (Commitment 6, ICPD)

Education is a basic human right and is essential and an essential tool for achieving the goals of equality, development, environmental integrity and peace (Platform of Action UN Conference on Women: Equality, Development and Equality, 1995).

Recognize and support the right of indigenous people to education in a manner that is responsive to their specific needs, aspirations and cultures, and ensure their full access to health care (g Commitment 6, ICPD)

Providing the poor with access to primary education
provide the poor with access to primary education.(3.7.q Combating Poverty, Agenda 21, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(133) DEVELOPING BROAD-BASED EDUCATION PROGRAMS

PROMOTING AND STRENGTHENING RESPECT FOR ALL HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

INTERNATIONAL COMMITMENT:

Develop broad-based education programmes that promote and strengthen respect for all human rights and fundamental freedoms, including the right to development promote the values of tolerance, responsibility and respect for the diversity and rights of others, and provide training in peaceful conflict resolution, in recognition of the United Nations Decade for Human Rights Education (1995-2005, Commitment 6, ICPD)

STATE ACTIVITY: has often opposed the introduction of such programmes in the schools

LAWFUL ADVOCACY ACTIVITY: has developed a programme – principle based education – placing human rights in the context environment, peace and social justice within a framework of international law

The United Nations, through its almost 50 years of operation, has strongly supported the development of international instruments to address the violation of human rights, the escalation of war and conflict, the degradation of the environment, and the denial of equality/equity (including specifically gender Equality/equity) and social justice. Similarly, states have undertaken obligations through international conventions treaties, resolutions, to address these issues.

In most of the international documents there has been provision for educating the global community in a way that would achieve the “goals of justice”. To legitimately reflect these issues in education, a complete restructuring of the educational system is essential. The global community should begin to embrace a new vision of education that fosters a commitment to addressing the above issues, along with a stimulation of thinking, in a non-evaluative collaborative

environment.

Equal access to an educational system that is inequitable, competitive and hierarchical will not provide the necessary changes to address the issues facing the global community. Equal access plus a complete restructuring of the educational system is essential.

action to restructure the educational system

To achieve the above vision, and to discharge international obligations related to the promotion of socially equitable and environmentally-sound development, peace, and respect for human rights, the international community must move from an inequitable, hierarchical, biased, and competitive, model dependent educational system —a system that reproduces the current socioeconomic, political global structure to a new vision of education that is one of tolerance cooperation and intellectual stimulation.

some actions that could assist in this transformation

Ensure that collaboration is emphasized over competition through eliminating all competitive forms of evaluation

Provide alternative modes of expression that would facilitate alternative modes of ideation: (Visual, aural, oral, gestural)

Encourage the examination of the interdependence of thought rather than the fragmentation of thought (interdisciplinary rather than exclusively discipline-based education)

Include as an integral part of the content of study, analysis of issues based on fundamental principles agreed to through international obligations — related to the fostering of peace, the protection of environmental integrity, the entrenchment of human rights, the achievement of equality/equity and social justice. The instruction in the classroom based on agreed to international principles shall not be

perceived as being indoctrination.

Eliminate all standardized exams (gender-biased, class-biased, race biased...)

Discontinue the privatization of the public education system

Ensure that industry is not involved in the determining of philosophical underpinnings of academic education

Discontinue the distribution of industry-driven materials in the classroom

Discontinue industry-driven funded research at all levels

Discontinue the imposition of “made in the North” educational materials on the South.

...

Human Rights - literacy

(134) ERADICATING OF ILLITERACY

INTERNATIONAL

Recognizing that for the effective implementation of the right to education the eradication of illiteracy has a particular priority and urgency

Recognizing that for the effective implementation of the right to education the eradication of illiteracy has a particular priority and urgency, Convinced that the educational process could bring a substantial contribution to social progress, national development,

mutual understanding and co-operation among peoples and to strengthening peace and international security, (GA Resolution. The right to education 37/178 17 December 1982)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(135) PROVIDING ADEQUATE NUTRITIOUS FOODS AND CLEAN DRINKING-WATER TAKING INTO ACCOUNT THE DANGERS AND RISKS OF ENVIRONMENTAL POLLUTION

INTERNATIONAL

To combat disease and malnutrition, including with the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water taking into consideration the dangers and risks of environmental pollution (Art. 24. 1. c Convention on the Rights of the Child, 1989)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

Social Justice: housing

(136) PROVIDING ACCESS TO SAFE AND HEALTHY SHELTER AND RECOGNIZING THAT THE RIGHT TO ADEQUATE HOUSING AS A BASIC HUMAN RIGHT

INTERNATIONAL

[provide] access to safe and healthy shelter **[which]** is essential to a person's physical, psychological, social and economic well-being and

should be a fundamental part of national and international action. The right to adequate housing as a basic human right is enshrined in the Universal Declaration of Human rights and the International Covenant on Economic, Social and Cultural rights (7.6, Settlement, Agenda 21, UNCED, 1992)

STATE ACTIVITY: has not generally recognized the right to adequate housing as a basic human right

LAWFUL ADVOCACY ACTIVITY: has lobbied for the right to adequate housing to be designated as a basic human right, and for the implementation of programmes that would ensure the guaranteeing of this right.

(137B) GIVING PRIORITY TO THE SATISFACTION OF BASIC HUMAN NEEDS

[Priority must be given to the sustenance of land/water ecosystems, with particular attentions to wetlands and biodiversity, and the satisfaction of basic human needs for drinking-water, health protection and food security] (Prep Com bracketed section. 18.8. Fresh Water, Agenda 21, UNCED, 1992)

(137) RECOGNIZING THE DETERMINANTS TO HEALTH PROBLEMS

INTERNATIONAL COMMITMENT:

... The prevalence among women of poverty and economic dependence, their experience of violence, negative attitudes towards women and girls, discrimination due to race and other forms of discrimination and lack of influence in decision-making are social realities which have an adverse impact on their health. Lack of and inequitable distribution of food for girls and women in the household and inadequate access to safe water and sanitation facilities, and fuel supplies, particularly in rural and poor urban areas, and deficient housing conditions, overburden women and their families and all negatively affect their health. Good health is essential to leading a productive and fulfilling life **[and the right of all women to control**

their own fertility is basic to their empowerment] (Art. 94, Advance draft, Platform of Action, UN Conference on Women, May 15)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(138) RECOGNIZING THE RIGHT OF EVERYONE TO AN ADEQUATE STANDARD OF LIVING, INCLUDING FOOD

INTERNATIONAL OBLIGATION:

The States... recognize the right of everyone to an adequate standard of living. for himself **[herself]** and his **[her]** family, including adequate food, clothing and housing and to the continuous improvement of living conditions. the states parties will take [appropriate~] steps to ensure the realization of this right recognizing to this effect the essential importance of international co-operation based on free consent (Art.11.1, International Covenant of Social Economic and Cultural Rights, 1966)

STATE ACTIVITY: (US et AL) has refused to ratify the Covenant, and has lobbied against the inclusion of the right to housing in the Habitat II Agenda

LAWFUL ADVOCACY ACTIVITY: has lobbied for the full ratification of the International Covenant of Social, Economic and Cultural Rights, and for inclusion of provisions from ICSECR in the Canadian Charter of Rights and Freedoms

(139) [AFFIRMING] THE RIGHT TO AN [ADEQUATE[∞]] STANDARDS OF LIVING

INTERNATIONAL COMMITMENT:

They [human beings] have the right to an adequate standard of living for themselves and their families including adequate food, clothing,

housing, water (Principle 2. International Conference on Population and Development, 1994)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(140) PROVIDING ACCESS TO SAFE AND HEALTHY SHELTER

INTERNATIONAL COMMITMENT:

[Provide] access to safe and healthy shelter **[which]** is essential to a person's physical, psychological, social and economic well-being and should be a fundamental part of national and international action. The right to adequate housing as a basic human right is enshrined in the Universal Declaration of Human rights and the International Covenant on Economic, Social and Cultural rights...(7.6., Settlement, Agenda 21, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

Social Justice Development

(141) TRANSFERRING .7% OF THE GDP TO OVERSEAS AID

INTERNATIONAL COMMITMENT

In general, the financing for the implementation of Agenda 21 will come from a country's own public and private sectors. For developing countries, particularly the least developed countries, ODA is a main source of external funding, and substantial new and additional funding for sustainable development and implementation of Agenda 21 will be required. Developed countries reaffirm their commitments to reach the accepted United Nations target of 0.7 per cent of GNP

for ODA and, to the extent that they have not yet achieved that target, agree to augment their aid programmes in order to reach that target as soon as possible and to ensure a prompt and effective implementation of Agenda 21. (Chapter 33, 33.15 Agenda 21, UNCED)

[
STATE ACTIVITY: has procrastinated about implementing this long-standing commitment

LAWFUL ADVOCACY ACTIVITY. has called for finally acting on this commitment

(142) ENSHRINING THE RIGHT TO FREEDOM OF ASSOCIATION

INTERNATIONAL COVENANT:

Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests (Art. 22. 1International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY.

(143) ENSURING THE RIGHT TO FORM TRADE UNIONS

INTERNATIONAL COVENANT:

the right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his/**her** economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order

or for the protection of the rights and freedoms of others (Art. 8. 1. a International Covenant of Civil and Political Rights, 1966)

STATE ACTIVITY: (MANY STATES) have prevented workers from joining trade unions, and from exercising the right to strike. Have continually reclassified areas of work as “essential services” and passed legislation ordering workers back to work.

LAWFUL ADVOCACY ACTIVITY. has lobbied for the fulfilling of labour rights and International labour Organization (ILO) Conventions.

(144) ENSURING THE RIGHT TO STRIKE

INTERNATIONAL COMMITMENT:

Ensuring the right to strike in conformity with the law
the right to strike, provided that it is exercised in conformity with
the laws of the particular country (Art. 8. 1.d International Covenant
of Civil and Political Rights, 1966)

STATE ACTIVITY: (MANY STATES) have prevented workers from joining trade unions, and from exercising the right to strike. Have continually reclassified areas of work as “essential services” and passed legislation ordering workers back to work.

LAWFUL ADVOCACY ACTIVITY.

(145) RECOGNIZING THE RIGHT TO WORK

INTERNATIONAL

Recognizing the right to work The States Parties to the present
Covenant recognize the
right to work, which includes the right of everyone to the opportunity

to

gain his/her living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right (Art. 6. 1. International Covenant of Civil and Political Rights, 1966)

Recognizing the right of everyone to work for fair wages

Recognizing the right for equal pay for equal work

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY. has proposed qualifying
Recognizing the right to work with [providing the work is not in violation of human rights, does not cause environmental degradation, or does not contribute to conflict and war] . Has lobbied for the implementation of the principle of “fair and just transition” – the recognition by workers that they are engaged in work that is harmful to human health and the environment, and the willingness to move towards a fair and just transition

(146) ENSHRINING EQUAL PAY FOR WORK OF EQUAL VALUE

INTERNATIONAL OBLIGATION:

Affirming labour rights, protesting against the undermining of labour rights. The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work; (Article 11.1 d. Convention on the Elimination of All Forms of Discrimination Against Women)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY;

Social Justice - poverty

**(147) ESTABLISHING EQUITABLE AND FAVOURABLE
CONDITIONS OF WORK FOR ALL**

**(148) ASSURING JUST REMUNERATION FOR LABOUR
WITHOUT ANY DISCRIMINATION**

**(149) ASSURING SUFFICIENTLY HIGH MINIMUM TO ENSURE A
DECENT STANDARD OF LIVING**

**(150) PROMOTING SOCIAL WELFARE, PROGRESS AND
DEVELOPMENT. AND LABOUR RIGHTS**

INTERNATIONAL

a the assurance at all levels of the right to work and the right of everyone to form trade unions and workers' associations and to bargain collectively; promotion of full productive employment and elimination of unemployment under employment; establishment of equitable and favourable conditions of work for all, including the improvement of health and safety condition assurance of just remuneration for labour without any discrimination as well as a sufficiently high minimum to ensure a decent standard of living; the protection of the consumer; (article 10, Declaration on Social Welfare, Progress and Development)

STATE ACTIVITY:

LAWFUL ADVOCACY

**(151) RECOGNIZING THE RIGHT TO SAFE AND HEALTHY
WORKING CONDITIONS**

INTERNATIONAL OBLIGATIONS

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work,

which ensure, in particular:

- remuneration which provides all workers, as a minimum, with:
 - fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work (a) (i);
 - a decent living for themselves and their families in accordance with the provisions of the present Covenant (a) (ii);
- safe and healthy working conditions (b);
- equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence...

(Art. 7 International Covenant of Civil and Political Rights, 1966).

STATE ACTIVITY: has denied labour rights, or has legislated workers back to work

LAWFUL ADVOCACY ACTIVITY;

(152) ELIMINATING POVERTY THROUGH ESTABLISHING BEST LONG- TERM CONDITIONS

INTERNATIONAL COMMITMENT

Contain a long-term strategy aimed at establishing the best possible conditions for sustainable local, regional and national development that would eliminate poverty and reduce the inequalities between

various population groups. It should assist the most disadvantaged groups - in particular, women, children and youth within those groups - and refugees. The groups will include poor small holders, pastoralists, artisans, fishing communities, landless people, indigenous communities, migrants and the urban informal sector (3.5. c., Combating Poverty, Agenda 21, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

4. ENVIRONMENT

•Environment (harmful substances and practices)

(153) WARRANTING RESPECT REGARDLESS OF ITS WORTH TO HUMANS

INTERNATIONAL COMMITMENT

Ensuring that every form of life is unique, warranting respect regardless of its worth to man [humans] , and to accord other organisms such recognition's, man [human] must be guided by a moral code of action (World Charter of Nature) UN Resolution 37/7), 1982)

STATE ACTIVITY (All STATES BUT THE US) made the commitment; the USA was the only state that did not adopt the World Charter of Nature-presumably because of the reference to the military in the Charter. Few states, however, have acted on the above commitment

LAWFUL ADVOCACY ACTIVITY; has called for acting on commitment

(154) DIRECTING EDUCATION TO DEVELOPING RESPECT FOR

THE NATURAL ENVIRONMENT

INTERNATIONAL OBLIGATION

States Parties agree that the education of the child shall be directed to:

the development of respect for the natural environment. (Article 29, 1.e. Convention on the Rights of the Child, 1989)

STATE ACTIVITY: (USA et Al) has not signed and ratified the Convention on the Rights of the Child; other states may or may not have acted on this commitment

LAWFUL ADVOCACY ACTIVITY: has lobbied for principle based education- a program based on a framework of international law

(155) PROMOTING COMPLIANCE WITH AND ENFORCEMENT OF ALL HEALTH AND ENVIRONMENTAL LAWS

INTERNATIONAL COMMITMENT

Promote, where appropriate, compliance with and enforcement of all health and environmental laws, especially in low-income areas with vulnerable groups (Article 75 d Habitat)

STATE ACTIVITY: has unevenly acted on this commitment

LAWFUL ADVOCACY ACTIVITY: has called for compliance with health and environmental laws

(156) PROMOTING SOCIALLY EQUITABLE AND ENVIRONMENTALLY SOUND DEVELOPMENT

INTERNATIONAL COMMITMENT:

... None the less, the effective use of resources, knowledge and

technologies is conditioned by political and economic obstacles at the national and international levels. Therefore, although ample resources have been available for some time, their use for socially equitable and environmentally sound development has been seriously limited (Preamble 1.1. International Conference on Population and Development, 1994)

STATE ACTIVITY: has been usually promoting "sustainable development" as business as usual coupled with clean-up technological fix

LAWFUL ADVOCACY ACTIVITY: has been promoting socially equitable and environmentally sound development because it combines social and equity with environment and development.

*****(157) REFRAINING FROM DAMAGING NATURAL RESOURCES BY PREVENTING POLLUTION**

To refrain from damaging or deteriorating natural resources and food resources, especially those derived from the sea, by preventing pollution and taking appropriate steps to protect the interests of:

Developing importing countries which cannot afford high prices for their imports (2.d i, Food Programme of Action on the Establishment of a New International Economic Order, 1974)

(157) RECOGNIZING ACCESS TO FOOD AS A BASIC HUMAN RIGHT

Reduce vulnerability calls for enhancing food security by recognizing access to food as a basic human right (Prep Com II Reduction and Elimination of Widespread Poverty, UN Secretariat Plan of Action World Summit for Social Development, March 1995)

(157B) PROMOTING SAFE FOOD SUPPLY

Sound development is not possible without a healthy population; yet most developmental activities affect the environment to some degree, which in turn causes or exacerbates many health problems.

Conversely, it is the very lack of development that adversely affects the health condition of many people, which can be alleviated only through development. The health sector cannot meet basic needs and objectives on its own; it is dependent on social, economic and spiritual development, while directly contributing to such development. It is also dependent on a healthy environment, including the provision of a safe water supply and sanitation and the promotion of a safe food supply and proper nutrition. Particular attention should **shall** be directed towards food safety, with priority placed on the elimination of food contamination; comprehensive and sustainable water policies to ensure safe drinking water and sanitation to preclude both microbial and chemical contamination; and promotion of health education and [appropriate~] services regarding responsible planning of family size... (6.3., Protecting and Promoting Health, Agenda 21, UNCED. 1992)

Continued food crisis violating right to life and human dignity

The grave food crisis that is afflicting the peoples of the developing countries where most of the world's hungry and ill-nourished live and where more than two thirds of the world's population produce about one third of the world's food—and imbalance which threatens to increase in the next 10 years—is not only fraught with grave economic and social implications, but also acutely jeopardizes the most fundamental principles and values associated with the right to life and human dignity as enshrined in the Universal Declaration of Human Rights; Universal Declaration on the Eradication of Hunger and Malnutrition, Adopted on 16 November 1974 by the World Food Conference convened under General Resolution 3180 (XXVIII) of 17 December 1973; and endorsed by the General Assembly resolution 3348 (XXIX) of 17 December 1974

157 b PROMOTING FOOD SELF-SUFFICIENCY

This principle is aimed at the promotion of food security and, *where appropriate*, food self-sufficiency within the context of sustainable agriculture (3.7.I., Combating Poverty, Agenda 21, UNCED, 1992)

STATE ACTIVITY: has produced, promoted, grown or approved adulterated food such as genetically engineered foods and crops and has led to a deterioration of the food supply, and heritage seeds;

LAWFUL ADVOCACY ACTIVITY: had drafted and circulated a global petition calling for the invoking of the precautionary principle, and for banning genetically engineered foods and crops

Environment – Environmental impact assessment

(158) UNDERTAKING ENVIRONMENTAL IMPACT ASSESSMENT FOR ACTIVITIES THAT ARE LIKELY TO HAVE A SIGNIFICANT ADVERSE IMPACT

INTERNATIONAL COMMITMENT;

Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.

Principle 17, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

(159) ENSURING THAT RELEVANT DECISIONS ARE PRECEDED BY ENVIRONMENTAL IMPACT ASSESSMENTS

Ensure that relevant decisions are preceded by environmental impact assessments and also take into account the costs of any ecological consequences (Agenda 21, UNCED. s 7.42)

Introduce appropriate procedures requiring environmental impact

assessment of its proposed projects that are likely to have significant adverse effects on Biological diversity with a view to avoiding or minimizing such effects, and where appropriate, allow for public participation in such procedures (Article 14, 1A, Convention on Biological Diversity)

STATE ACTIVITY: (JUSCANZ- Negotiating group – Japan, US, Canada, Australia, and New Zealand) generally undermined the Rio Principles at the 2002 World Summit on Sustainable Development. Have often failed to carry out and legitimate environmental impact assessment for corporate and development projects

LAWFUL ADVOCACY ACTIVITY has criticized the common practice of removing elements which would trigger an environmental impact assessment

Environment – precautionary principle

(160) INVOKING THE PRECAUTIONARY PRINCIPLE TO PROTECT THE ENVIRONMENT

INTERNATIONAL

the precautionary principle is a principle of international customary law and as such the law of the member states of the United Nations.

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. (Principle 15, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: (JUSCANZ- Negotiating group – Japan, US, Canada, Australia, and New Zealand) generally undermined the precautionary principle at the 2002 World Summit on Sustainable

Development. The opposition to the precautionary principle was led by the US; the US wanted to limit its use. CANADA concurred with the US, and claimed that the precautionary principle was not even a principle, and that it should not apply to health

LAWFUL ADVOCACY ACTIVITY has criticized JUSCANZ at the World Summit on Sustainable Development for gutting the precautionary principle

(161) INVOKING THE PRECAUTIONARY PRINCIPLE TO CONSERVE BIODIVERSITY

INTERNATIONAL OBLIGATIONS:

the precautionary principle is a principle of international customary law and as such the law of the member states of the United Nations.

Where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat (Preamble, Convention on Biological Diversity, UNCED, 1992).

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY has used the precautionary principle and the Convention on Biological Diversity in the Local court system. The Court case was to set aside an injunction and defend citizens who were arrested for protesting the destruction of old growth forests. These citizens were asking little more than for the government to live up to its obligations under the Convention on Biological Diversity. The judge held that all the international law was not judiciable in the regional court.

The precautionary principle is increasingly necessary, given the consequences of ozone depletion, climate change, deforestation, acid rain, toxic, hazardous and atomic waste build-up, genetically

engineered foods and crops production , breast implants, soil destruction though desertification and chemical dependent agriculture etc. The confluence of grave environmental and health consequences of the current model of over consumption and reliance on technological fixes has given rise to an increased demand for the invoking and the implementing of the precautionary principle.

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

•Environment and disaster

(162) ENSURING ADEQUATE REGULATORY ...MEASURES TO PREVENT DISASTERS

INTERNATIONAL COMMITMENT: including major technological disasters by ensuring adequate regulatory and other measures to avoid their occurrence and reducing the impacts of natural disasters and other emergencies on human settlements... (27 i, Habitat II, 1996)

STATE ACTIVITY;

LAWFUL ADVOCACY ACTIVITY

(163) DEVELOPING A GLOBAL CULTURE OF PREVENTION

INTERNATIONAL COMMITMENT:

Development of a global culture of prevention as an essential component of (an integrated approach to disaster reduction; (9 a The World Conference on Natural Disaster Reduction, 1994)

STATE ACTIVITY: disregarded commitment

LAWFUL ADVOCACY ACTIVITY:

(163) PREVENTING DISASTER IS BETTER THAN DISASTER RESPONSE

INTERNATIONAL OBLIGATION AND COMMITMENT

Disaster prevention, mitigation and preparedness are better than disaster response in achieving the goals and objectives of the Decade. Disaster response alone is not sufficient, as it yields only temporary results at a very high cost. We have followed this limited approach for too long. This has been further demonstrated by the recent focus on response to complex emergencies which, although compelling, should not divert from pursuing a comprehensive approach. Prevention contributes to lasting improvement in safety and is essential to integrated disaster management (3 a Convention on Natural Disaster, 1994).

STATE ACTIVITY: has often been reluctant to act on advice from scientist or citizen to prevent potential disaster, or has relied on questionable science and disregarded the precautionary principle. Has often continued practices that are harmful to human health and the environment but have coupled these practice with clean-up technological fixes.

LAWFUL ADVOCACY ACTIVITY: has lobbied for the invoking of the precautionary principle and calling for discharging obligation and acting on this principle

(164) EMBRACING PREVENTIVE APPROACH TO AVOID COSTLY SUBSEQUENT MEASURE TO REHABILITATE

INTERNATIONAL COMMITMENT

A preventive approach, where appropriate, is crucial to the avoiding of costly subsequent measures to rehabilitate, treat and develop new water supplies. (18.45 Fresh water, Agenda 21)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(164) DEVELOPING A TSUNAMI WARNING SYSTEM FOR LOW LYING DEVELOPING STATES

INTERNATIONAL COMMITMENT:

In the document from the 1997 Document from the Earth Summit + 5, every member state made a commitment to institute an early warning system for Tsunami's in low lying state

It was not as though the global community did not recognize the urgency of having warning systems in place. In the statement from Rio + 5, every state acknowledged the following:

“Natural disasters have disproportionate consequences for developing countries, in particular SIDS. Programmes for sustainable development should give higher priority to implementation of the commitments made at the World Conference on Natural Disaster Reduction. There is a particular need for the promotion and facilitation of the transfer of early-warning technologies to those developing countries and countries with economies in transition which are prone to natural disasters.”

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY has called for acting on

commitment; For example, at the Earth Summit +5, every state made a commitment to institute early warning systems for Tsunami and hurricanes particularly in developing states.

(165) NOTIFYING OTHER STATES OF NATURAL DISASTER, OTHER EMERGENCIES OR ADVERSE TRANSBOUNDARY ENVIRONMENTAL EFFECT

INTERNATIONAL

States shall immediately notify other States of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those States. Every effort shall be made by the international community to help States so afflicted. .(Principle 18, Rio Declaration, UNCED, 1992)

States shall provide prior and timely notification and relevant information to potentially affected states on activities that may have a significant adverse transboundary environmental effect and shall consult with those states at an early stage and in good faith. .
(Principle 19, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

Environment – transfer of harmful substances

(166) PROHIBITING TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES

INTERNATIONAL OBLIGATION

Recognizing also the increasing desire for the prohibition of

transboundary movements of hazardous wastes and their disposal in other States, especially developing countries (Preamble Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1992)

transboundary principle

STATE ACTIVITY: has disregarded this obligation

LAWFUL ADVOCACY ACTIVITY: call for discharging obligations

(167) PREVENTING THE RELOCATION AND TRANSFER OF ACTIVITIES HARMFUL TO HUMAN HEALTH AND THE ENVIRONMENT

INTERNATIONAL COMMITMENT

States *should* **shall** effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health. (Principle 14, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: produced or permitted the production of toxic, hazardous, atomic waste, and failed to prevent the transfer to other states of substances and activities that are harmful to human health or the environment as agreed at the UN Conferences on the Environment and Development, 1992. Has also argued that the transfer to other states of substance and activities that are harmful to human health and the environment is acceptable providing the receiving state has facilities for dealing with the harmful substances or activities.

LAWFUL ADVOCACY ACTIVITY: has condemned the practice of dumping unsafe products in developing states and has called for

acting on this commitment

(168) OPPOSING THE CONTINUED PRODUCTION AND EXPORT OF PRODUCTS THAT HAVE BEEN BANNED... OR WITHDRAWN

(169) PREVENTING IMPORT OF PRODUCTS BANNED OR NOT YET APPROVED IN COUNTRY OF ORIGIN

INTERNATIONAL COMMITMENT

Aware of the damage to health and the environment that the continued production and export of products that have been banned and/or permanently withdrawn on grounds of human health and safety from domestic markets is causing in the importing countries (Preamble Resolution 37/137 Protection against products harmful to health and the environment, 1982)

Aware that some products, although they present a certain usefulness in specific cases and/or under certain conditions, have been severely restricted in their consumption and/or sale owing to their toxic effects on health and the environment (Preamble Resolution 37/137 Protection against products harmful to health and the environment, 1982)

Aware of the harm to health being caused in importing countries by the export of pharmaceutical products ultimately intended also for consumption and/or sale in the home market of the exporting country, but which have not yet been approved there,

Considering that many developing countries lack the necessary

information and expertise to keep up with developments in this field,

Considering the need for countries that have been exporting the above-mentioned products to make available the necessary information and assistance to enable the importing countries to adequately protect themselves,

Cognizant of the fact that almost all of these products are at present manufactured and exported from a limited number of countries,

Taking into account that the primary responsibility for

consumer

protection rests with each State,

Recalling its resolution 36/166 of 16 December 1981 and the report

on "Transnational corporations in the pharmaceutical industry of the developing countries", and acting in pursuance of Economic and Social Council resolution 1981/62 of 23 July 1981,

Bearing in mind in this context the work of the Food and Agriculture

Organization of the United Nations, the World Health Organization, the

International Labour Organization, the United Nations Environment Programme, the General Agreement on Tariffs and Trade, the Centre on Transnational Corporations and other relevant intergovernmental

organizations (Preamble, Resolution 37/137 Protection against products harmful to health and the environment, 1982)

STATE ACTIVITY: has disregarded the expectations created under this resolution, and has continued to export products like DDT the continued transfer to other states -usually developing countries- of products that have been banned or restricted in developed country of origin

LAWFUL ADVOCACY ACTIVITY: has exposed for years this activity. For example, a product called Orobolin was sold in the developing countries as a growth hormone for children but in developed countries there was a caveat that it was dangerous for children

Environment – transboundary principle

(170) ENFORCING THE TRANSBOUNDARY PRINCIPLE

INTERNATIONAL OBLIGATION

states shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention. (Art. 194. 2., Law of the Seas, 1982)

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. (Principle 2, Rio Declaration, UNCED, 1992)

STATE ACTIVITY: (USA) attempted at the Prep Com to delete this principle arguing that it was the same as principle 14 (non-transference to other states of harmful substances or activities)

Has enforced this principle when it interests the United States (case with Cominco)

LAWFUL ADVOCACY ACTIVITY: has called for this principle to be applied in numerous activities that originate in the United States and impact on Canada (e.g. Devil's lake)

(171) DEVELOPING FURTHER INTERNATIONAL LAW REGARDING LIABILITY AND COMPENSATION FOR ADVERSE EFFECTS ...TO JURISDICTION ..TO AREAS BEYOND THEIR JURISDICTION

INTERNATIONAL COMMITMENT

States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction. (Principle 13, Rio Declaration, UNCED, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY: has argued that this principle is complementary to the transboundary principle, because it requires compensation if the transboundary principle is violated.

Environment – ecological footprint

(172) REDUCING THE ECOLOGICAL FOOTPRINT

INTERNATIONAL COMMITMENT

Promoting changes in unsustainable production and consumption patterns, particularly in industrialized countries...settlement structures that are more sustainable, reduce environmental stress, promote the efficient and rational use of natural resources- including water, air, biodiversity, forests, energy sources and land - and meet basic needs thereby providing a healthy living and working environment for all and reducing the ecological footprint of human settlements; (27 b, Habitat II, 1996)

STATE ACTIVITY: :Generally ignored this commitment, has often left its footprint

LAWFUL ADVOCACY ACTIVITY: has made life cycle diagrams displaying the ecological footprint

Environment – renewable energy

(173) ADVOCATING RENEWABLE ENERGY

INTERNATIONAL COMMITMENT

New and renewable energy sources are solar thermal, solar photovoltaic, wind, hydro, biomass, geothermal, ocean, animal and human power, as referred to in the reports of the Committee on the Development and Utilization of New and Renewable Sources of Energy, prepared specifically for the Conference (Chapter 9, Agenda 21, 1992).

LAWFUL ADVOCACY ACTIVITY:: calling for time bound elimination of subsidies for environmentally unsustainable energy

1. PROCRASTINATION AND REGRESSION ON ENERGY

Press release sent out from Johannesburg, on August 31, 2002

The current negotiations on energy at the WSSD indicate that the institutional collusion between governments and the corporate unsustainable energy sector have succeeded in undermining obligations and commitments made at Rio. The negotiators and now the ministers have little respect for precedents established through conference action plans or conventions.

In the WSSD Implementation document, the current energy text supported by US, Canada, Australia and Japan will lead to further non compliance with the Framework Convention on Climate Change which all four have signed and ratified. These countries have already far exceeded the obligation in the convention to reduce greenhouse gases to 1990 levels by the year 2000.

In the current negotiations USA, Canada and Australian (dubbed during the WSSD conference as "the axis of environmental evil") have undermined obligations incurred through Framework

Convention on Climate Change and Commitments made through Chapter 9 on Atmosphere in Agenda 21 in endorsing the following actions:

- Backing off from instituting timetables for phasing out energy subsidies for unsustainable energy sources
- Failing to establish targets for phasing out unsustainable energy sources and the phasing in of sustainable renewable energy reneging on years f commitments address the issue of climate change
- Disagreeing with 15% of renewable to total energy source

In Rio, USA, Canada, Australia, and Japan along with other members states of the United Nations incurred an obligation in the Framework Convention " to anticipate, prevent or minimize the cause of climate change and mitigate its adverse effects".

To discharge this obligation the countries must adopt the following wording in the document.

19 e " Commit to increase to 10% by 2007, and 25% by 2012, the share of new renewable energy. Commit to expand production and consumption of new, sustainable forms of renewable energy (excluding large-scale hydropower) especially wind, solar, small-scale biogas, and micro-hydropower) to at least 10% by 2007 and 25% by 2012 of total primary energy, using all appropriate means, such as national mandates to support renewable portfolio standards in the energy portfolio mix of utilities and net metering and 'green' choice for consumers in grid-connected areas. (Proposed text by NGO Energy Caucus)

19 (p bis) Adopt at the national level, policies leading to timetables for progressively disclosing and phasing out energy subsidies which inhibit sustainable development except for subsidies provided directly to low-income persons. Developed countries should lead the way and subject to a satisfactory review in 2007 they could be followed progressively by developing countries except for the least developed

countries. 20% of such phased out funds should be contributed to finance an international fund for sustainable energy that would support energy conservation and sustainable forms of renewable energy projects in low income areas of developing countries and economies in transition as well as monitor the disclosure and phasing out of such subsidies" [proposal of the NGO Energy Caucus.]

Environment – climate change

(174) REMOVING THE THREAT OF CLIMATE CHANGE

INTERNATIONAL COMMITMENT AND OBLIGATION

In Toronto, at the Changing Atmosphere conference hosted by Canada in 1988, Canada received this warning:

“Humanity is conducting an unintended, uncontrolled, globally pervasive experiment whose ultimate consequence could be second only to a global nuclear war. the Earth’s atmosphere is being changed at an unprecedented rate by pollutants resulting from wasteful fossil fuel use ... These changes represent a major threat to international security and are already having harmful consequences over many parts of the globe.... it is imperative to act now. Climate Change in the Conference statement, Changing Atmosphere Conference in 1988.

Canada signed (June 1992) and ratified (December, 1992) the Climate Change Convention. In the Climate Change Convention, Canada through signing and ratifying the Framework Convention on Climate Change incurred obligations to reduce Greenhouse gas emissions, to invoke the precautionary principle, to “conserve and enhance sinks” and “to document sinks”.

- Acknowledging that change in the Earth's climate and its adverse effects are a common concern of humankind,
- Concerned that human activities have been substantially increasing

the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind,

-Noting that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs, (Preamble, Framework Convention on Climate Change, 1992)

-Each of these Parties shall adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs.

-The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. 3. (Preamble, Framework Convention on Climate Change, 1992)

STATE ACTIVITY: has continued to demonstrate its lack of resolve to seriously address discharge its international obligations, and until Canada is willing to fulfill these obligations through enacting the necessary legislation with mandatory standards and regulations, little substantial change will occur. Has often supported proposed solutions that are potentially worse or as bad as the problem they are intended to solve. {even though the government Future problem avoidance principle:

The addressing of one environmental problem should not itself be an action that could cause irreversible harm (Standing Committee on Environment “ Out of Balance; The Risks of Irreversible Climate

Change, 1991) [the promotion of nuclear energy as the solution to climate change]

LAWFUL ADVOCACY ACTIVITY: has lobbied nationally and internationally for comprehensive measures to reduce greenhouse gases and to conserve carbon sinks.

Actions

- 1.. Preserve and enhance sinks (forests and bogs), [as required in the Climate Change Convention] , in particular preserve large areas of original growth and conservation corridors. Cease all further logging of old growth forests
2. Ban all forest practices such as clear cut logging and broadcast burn that reduce carbon sinks on crown and private lands
3. Encourage afforestation and restoration of damaged forest ecosystems such as on Not Sufficiently Restocked land
4. . Phase out the use of fossil fuels and nuclear energy (as recommended in the Nobel Laureate Declaration prepared for UNCED) and immediately ban all further development and export of CANDU reactors.
5. Establish and enforce a national dedicated program for energy conservation and efficiency
6. Establish extensive networks of alternative environmentally safe and sound means of transportation (Agenda 21), move away from car-dependency, and cease the construction of all new highways.
7. Reduce the ecological footprint as agreed in Habitat II
8. Synthesize the existing scientific information. No new studies are required to demonstrate that it is necessary to reduce anthropogenic emissions. “Inaction is negligence” (Digby McLaren, Past President of the Royal Society , Global Change Conference, 1991)
9. Adaptive measures shall not be used as a justification for not acting to preserve existing sinks and to prevent anthropogenic sources of greenhouse gases.

10. Prohibit the proposals to seek far-off Southern carbon sinks to justify maintaining northern consumptive patterns. — (Buying old growth forests to offset Canada's CO2 emissions)
11. Avoid carbon emissions trading because this practice legitimizes continuing currently harmful emission practices
12. Transfer all energy-directed funding into renewable energies that are ecologically safe and sound
13. Transfer a significant proportion of the \$10 billion military budget to assist in implementing the above measures and in job conversion with a just transition job plan for sunset industries (1993-1996)

has supported the following internationally at conferences on climate change:

- a.. At least a 20% Reduction in CO2 and other Greenhouse gas emissions
from 1990 levels by the year 2000
- b. Reducing CO2 emissions and other Greenhouse gas emissions to 50% by 2015 as proposed by NGO's in the international conference in 1988
- c. Ending of government subsidies for production of fossil fuel and nuclear energy, and implementing a phasing out of the use of fossil fuels and nuclear energy
- d. Increasing of programs for energy conservation, energy efficiency, and for renewable sources of energy, and for conserving and restoring carbon sinks.
- e. Moving away from car dependency, reducing the ecological footprint, and promoting environmentally sound energy and transportation (1992, 1994, revised 1997 for Kyoto)

(175) PREVENTING DANGEROUS ANTHROPOGENIC INTERFERENCE WITH THE CLIMATE CHANGE.

INTERNATIONAL COMMITMENT

The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner. (Art. 2. Objective, Framework Convention on Climate Change, UNCED)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(176) ADHERING TO THE PRECAUTIONARY PRINCIPLE AND ANTICIPATE, PREVENT AND MINIMIZE THE CAUSES OF CLIMATE CHANGE

INTERNATIONAL OBLIGATION

The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socioeconomic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties. (Article 3. Framework Convention on Climate Change, 1992,

UNCED)

STATE ACTIVITY: has generally procrastinated about Climate Change; Many academics funded by the coal, oil and gas industries were ignoring the precautionary principle and denouncing the decision of the Intergovernmental panel on Climate Change

To achieve this, such policies and measures should take into account different socioeconomic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties. (Climate Change Convention, 1992)

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY

(177) PROTECTING THE CLIMATE SYSTEM FOR THE BENEFIT OF PRESENT AND FUTURE GENERATIONS

INTERNATIONAL OBLIGATIONS

- The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof. (Article 3 Framework Convention on Climate Change, 1992, UNCED)

STATE ACTIVITY: has supported the rights of future generations providing these rights did not impact on political or corporate interests

LAWFUL ADVOCACY: has lobbied for the inclusion, in the Constitution, of ecological rights to preservation of cultural and

natural heritage, and has lobbied nationally and internationally for a clear determination of what would constitute the guaranteeing of and the implementing of the rights of future generations;

Environment – Sustainable production

(178) RECOGNIZING THAT ECOLOGICAL PROBLEMS ARE DRIVEN BY UNSUSTAINABLE PATTERNS OF PRODUCTION AND CONSUMPTION

INTERNATIONAL COMMITMENT:

To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies. (Principle 8, Rio Declaration, UNCED, 1992)

Growing recognition of the importance of addressing consumption has also not yet been matched by an understanding of its implications. Some economists are questioning traditional concepts of economic growth and underlining the importance of pursuing economic objectives that take account of the full value of natural resource capital. More needs to be known about the role of consumption in relation to economic growth and population dynamics in order to formulate coherent international and national policies. 4.6. Changing Consumption Patterns, UNCED

Ecological problems, such as global climate change, largely driven by unsustainable patterns of production and consumption, are adding to the threats to the well-being of future generations. (Preamble, 1.2 International Conference on Population and Development, 1994)

STATE ACTIVITY: has disregarded the causal relation between ecological problems and unsustainable production and consumption

LAWFUL ADVOCACY ACTIVITY: has lobbied for the moving away from unsustainable production and consumption, and the over-consumptive model of development, and the dogma of economic growth at any cost

EXHIBIT; SEPTEMBER 1999 Oaxaca Declaration

We, representatives and observers from Green and Ecological parties coming from Africa, South America, Central America, North America, Asia, Europe, Oceania and Australia, gathered at Oaxaca, among the Zapotec peoples, by invitation of the Federation of Green Parties of the Americas and the Federation of Ecological and Green Parties of Africa,

Considering that the year 2000 is approaching, and considering the failure of the current models of development:

1. We denounce the military, industrial, financial complex and its role embodied in the multinationals, and its contribution to the degradation of ecosystems, climate change, loss of biodiversity, food insecurity (alteration of food through transgenic organisms and agribusiness), increased social injustice, and the violation of human rights and democracy;
2. We condemn over-consumption and the dogma of economic growth at any cost, the destruction of the tropical and temperate forests and ecosystems, and all actions leading to desertification, and the international transfer of hazardous, toxic and nuclear wastes to poor countries;
3. We support the canceling of third world debt, the development of socially equitable and environmentally sound economic alternatives, particularly programs for the workers and communities affected by change, and we promote patterns of consumption that are compatible with the environment;

4. We uphold the equality of all humans, and demand the full guarantee and respect for civil and political rights of all individuals and all peoples, especially those of indigenous peoples, the recognition of cultural and social diversity, and we dispel the myth of cultural superiority;

5. We are convinced that cooperation rather than competition, the prevention of conflicts, the elimination of weapons of mass destruction, the drastic reduction in the arms trade, the suppression of the nuclear industry are the prerequisites for ensuring that the guaranteeing of human rights including the right to food, potable water, clean air, shelter, education, health and labour rights supersede vested economic interests;

(179) ABANDONING UNSUSTAINABLE PATTERNS OF PRODUCTION AND CONSUMPTION

Ecological problems, such as global climate change, largely driven by unsustainable patterns of production and consumption, are adding to the threats to the well-being of future generations. (Preamble, 1.2 International Conference on Population and Development, 1994)

STATE ACTIVITY: has generally promoted unsustainable patterns of production and consumption

LAWFUL ADVOCACY ACTIVITY: has lobbied for the moving away from unsustainable production and consumption, and the over-consumptive model of development, and the dogma of economic growth at any cost

(180) ENCOURAGING CHANGES IN UNSUSTAINABLE CONSUMPTION PATTERNS

INTERNATIONAL COMMITMENTS

Linking of health population and over-consumption and inappropriate development (3.2 International Conference on Population and Development)

Poverty and environmental degradation are closely interrelated. While poverty results in certain kinds of environmental stress, the major cause of the continued deterioration of the global environment is the unsustainable pattern of consumption and production, particularly in industrialized countries, which is a matter of grave concern, aggravating poverty and imbalances.(4.3 Changing Consumption Patterns, UNCED)

Measures to be undertaken at the international level for the protection and enhancement of the environment must take fully into account the current imbalances in the global patterns of consumption and production.

Special attention should be paid to the demand for natural resources generated by unsustainable consumption and to the efficient use of those resources consistent with the goal of minimizing depletion and reducing pollution. Although consumption patterns are very high in certain parts of the world, the basic consumer needs of a large section of humanity are not being met. This results in excessive demands and unsustainable lifestyles among the richer segments, which place immense stress on the environment. The poorer segments, meanwhile, are unable to meet food, health care, shelter and educational needs. Changing consumption patterns will require a multi-pronged strategy focusing on demand, meeting the basic needs of the poor, and reducing wastage and the use of finite resources in the production process. 4.5. Changing Consumption Patterns, UNCED

Growing recognition of the importance of addressing consumption has also not yet been matched by an understanding of its implications. Some economists are questioning traditional concepts of economic growth and underlining the importance of pursuing economic objectives that take account of the full value of natural resource capital. More needs to be known about the role of

consumption in relation to economic growth and population dynamics in order to formulate coherent international and national policies. 4.6. Changing Consumption Patterns, UNCED

(181 B) NOT RELAXING ENVIRONMENTAL STANDARDS TO ATTRACT INDUSTRY

Article 1114: Environmental Measures

1. Nothing in this Chapter shall be construed to prevent a Party from adopting, maintaining or enforcing any measure otherwise consistent with this Chapter that it considers appropriate to ensure that investment activity in its territory is undertaken in a manner sensitive to environmental concerns.
2. The Parties recognize that it is inappropriate to encourage investment by relaxing domestic health, safety or environmental measures. Accordingly, a Party should not waive or otherwise derogate from, or offer to waive or otherwise derogate from, such measures as an encouragement for the establishment, acquisition, expansion or retention in its territory of an investment of an investor. If a Party considers that another Party has offered such an encouragement, it may request consultations with the other Party and the two Parties shall consult with a view to avoiding any such encouragement.

5.INTERNATIONAL LAW

International law multilateralism

(181) REVIEWING AND PROMOTING MULTILATERALISM

INTERNATIONAL COMMITMENT

Bearing in mind that multilateral treaties are an important means of ensuring co-operation among States and an important primary source of international law,

Conscious, therefore, that the process of elaboration of multilateral treaties, directed towards the progressive development of international law and its codification, forms an important part of the work of the United Nations and of the international community in general,

Aware of the heavy burden which active involvement in the process of multilateral treaty-making places upon Governments,

Convinced that the most rational use should be made of the finite resources available for the elaboration of multilateral treaties,

Aware that the Asian-African Legal Consultative Committee has been reviewing certain aspects of multilateral treaty-making

Taking note of the reports of the Secretary-General submitted to the General Assembly at its thirty-fifth, thirty-sixth and thirty-seventh sessions, including the replies and observations made by Governments and international organizations on the review of the multilateral treaty-making process,

Having considered the report of the Working Group on the Review of the Multilateral Treaty-Making Process established pursuant to resolution 36/112 of 10 December 1981 to review the multilateral treaty-making process, and noting that the Working Group will require more time to complete its mandate as provided in paragraph 2 of that resolution,

Taking into account the statements made at the current session in the debate in the Sixth Committee,

1. Decides to reconvene, at its thirty-eighth session, the Working

Group with the aim of completing the examination of the matters referred to in paragraph 2 of resolution 36/112;

2. Reiterates its request to the Secretary-General to prepare and publish as soon as possible new editions of the Handbook of Final Clauses and the Summary of the Practice of the Secretary-General as Depository of Multilateral Agreements, taking into account relevant new developments and practices in that respect;

STATE ACTIVITY: has usually disregarded precedents from international instrument; States have very short institutional memory, and go to international conferences and re-negotiate what has already been negotiated, and often undermine previous obligations and commitments. There also appears to be little interest in examining the complexity and interdependence of issues and as a result often there is inconsistency.

LAWFUL ADVOCACY ACTIVITY: has proposed that lawyers in each organ, such as UNEP, UNCHR, UNDP, UNIFEM, FAO, UNIDO, UNESCO, UNEP, and etc ILO etc of the UN monitor the precedents in their area of expertise, and when new agreements are being negotiated they should inform the chair of the precedents. In 2002, at the WSSD, many of the member states anticipated that the US, because of various unilateral positions taken at the conference was planning on abandoning multilateralism. There was a concerted attempt to introduce language related to the importance of multilateralism.

The peace caucus proposed the following wording:

5. Peace, security, stability [amend and retain: disarmament, and respect for human rights and cultural diversity] are essential for achieving sustainable development and ensuring that sustainable development benefits all. [Peace caucus]

5.bis We underline the urgent need to put an end to the adoption and application of the unilateral coercive measures inconsistent

with international law and the Charter of the United Nations. Peace depends on the prevention of the use or threat of the use of force, aggression, military occupation, interference in the internal affairs of others, the elimination of domination, discrimination, oppression and exploitation, as well as of gross and mass violation of human rights and fundamental freedoms. [Peace caucus]

5. ter Reaffirm that warfare is inherently destructive of sustainable development as agreed in Rio Declaration Principle 24. [Peace caucus]

there was a reference to unilateral measures but outside of the context of peace.

WSSD88.(bis) [Agreed] Take steps with a view to the avoidance of and refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that impedes the full achievement of economic and social development by the population of the affected countries, in particular women and children, that hinders their well-being and that creates obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services. Ensure that food and medicine are not used as tools for political pressure.

(182) REVIEWING THE MULTILATERAL TREATY MAKING PROCESS

INTERNATIONAL

3. Decides to include in the provisional agenda of its thirty-eighth session the item entitled "Review of the multilateral treaty-making process".

The General Assembly, Review of the multilateral treaty-making process, 16 December 1982

STATE ACTIVITY

LAWFUL ADVOCACY ACTIVITY

(183) COMPLYING WITH INTERNATIONAL OBLIGATIONS AND COMMITMENTS

INTERNATIONAL:

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. (preamble, Charter of the United Nations)

STATE ACTIVITY: Refuses to accept the jurisdiction of the international court of justice

LAWFUL ADVOCACY ACTIVITY: Calling upon the state to accept the jurisdiction, and enforce the decision

(i) disregarded obligations incurred through conventions, treaties, and covenants; and commitments made through conference action plans related to Common security - peace, environment, human rights and social justice;

(ii) failed to sign, failed to ratify, failed to enact the necessary legislation to ensure compliance with, or respect for Common Security international Conventions, Covenants and Treaties;

(iii) undermined international obligations incurred through Conventions, Treaties, and Covenants, and commitments through UN Conference Action Plans, related to Common Security -peace, environment, human rights and social justice;

(iv) failed to act on commitments made through UN Conference Action Plans, or failed to fulfill expectations created through General Assembly Resolutions;

•International law; corporate compliance

(184) ENSURING THAT CORPORATION COMPLY WITH INTERNATIONAL LAW

INTERNATIONAL COMMITMENT

Regulation and supervision of the activities of transnational corporations by taking measures in the interest of the national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries (4g., Declaration of a New International Economic Order, 1974)

Ensuring that transnational corporations comply with... laws...codes...
[Ensure that transnational corporations comply with national laws and codes, social security regulations and international environmental laws] (167 m Advance draft, Platform of Action, UN Conference on Women, May 15)

[Requiring] Encouraging transnational and national corporations to comply with safety laws

By requiring [encouraging] [transnational and national corporations] [by the private sector]:

comply with Observe national labour environment, consumer, health and safety laws, particularly those that affect women. (179 c Advance draft, Platform of Action, UN Conference on Women, May 15)

[the following references to industry: re training for industry (84 j); Technical assistance (258). Only mention of impact appears to be in section 257]

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Regulation and supervision of the activities of transnational corporations by taking measures in the interest of the national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries (4g., Declaration of a New International Economic Order, 1974)

Limiting the power of transnational corporations through charters

When we look at the history of our states [US] we learn that citizens intentionally defined corporations through charters or the certificates of incorporation. In exchange for the charter, a corporation was obligated to obey all laws, to serve the common good, and to cause no harm. Early state legislators wrote charter laws and actual charters to limit corporate authority, and to ensure that when a corporation caused harm, they could revoke its charter. (Grossman, R.. Taking Care of Business: Citizenship and the Charter of Incorporation)

A corporation in law is just what the incorporating act makes it. It is the creature of the law and may be molded to any shape or for any purpose that the Legislature may deem most conducive for the general good. (Grossman, R.. Taking Care of Business: Citizenship and the Charter of Incorporation)

Revoking Charters of transnationals

Revoke Charters of Incorporation of industries and transnationals that have caused environmental destruction, violated human rights, and contributed to conflict or war (Recommendation to NGO Response to Platform of Action - agreed to by consensus but

not included in the NGO submission)

Implementing International Code of Conduct for transnationals

All efforts should shall be made to formulate, adopt and implement an international code of conduct for transnational corporations (V. REGULATION AND CONTROL OVER THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS Programme of Action on the Establishment of a New International Economic Order, 1974)

Preventing of interference of transnationals in the internal affairs of states

To prevent interference in the internal affairs of the countries where they operate and their collaboration with racist regimes and colonial administrations (V a., REGULATION AND CONTROL OVER THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS Programme of Action on the Establishment of a New International Economic Order, 1974)

Seeking compensation from transnational Companies and other market representatives

Transnational Companies and other market representatives shall be responsible for paying compensation for denying social justice, for causing environmental degradation, for violating human rights, for contributing to violence, for escalating conflict, and (Global Compliance Research Project)

(185) ENSURING THAT TRANSNATIONAL CORPORATIONS COMPLY WITH... LAWS...CODES...

**[ENSURE THAT TRANSNATIONAL CORPORATIONS COMPLY WITH NATIONAL LAWS AND CODES, SOCIAL SECURITY REGULATIONS AND INTERNATIONAL ENVIRONMENTAL LAWS]
(167**

INTERNATIONAL>

Ensuring that transnational corporations comply with... laws...codes...

[Ensure that transnational corporations comply with national laws and codes, social security regulations and international environmental laws] (167 m Advance draft, Platform of Action, UN Conference on Women, May 15)

[Requiring] Encouraging transnational and national corporations to comply with safety laws By requiring [encouraging] [transnational and national corporations] [by the private sector]: comply with Observe national labour environment, consumer, health and safety laws, particularly those that affect women. (179 c Advance draft, Platform of Action, UN Conference on Women, May 15)

(186) ENSURING PRIVATE SECTOR COMPLIES

INTERNATIONAL

Encourage the adoption of policies for the creation and development of the private sector and promote strategies for substantial and well-directed public and private investments in construction inter alia, the provision of appropriate technical and financial assistance; in addition encourage Governments to promote strategies to ensure that the private sector, including transnational corporations, comply with national laws and codes, social security regulations, applicable international agreements, instruments and conventions, including those related to the environment, and other relevant laws, and adopt policies and establish mechanisms to grant contracts on a non-discriminatory basis; recruit women for leadership, decision-making and management and provide training programmes, all on a equal basis with men; and observe national labour, environment, consumer, health and safety laws, particularly those that affect women and children (Article 148 * e, Habitat II)

STATE ACTIVITY: DISREGARD COMMITMENT

LAWFUL ADVOCACY ACTIVITY; Call for acting on the commitment proposed mandatory international ethical normative (mien) standards and enforceable regulations to drive industry to conform to international law, and supported corporate "voluntary compliance";

and called for the revocation of charters and licences of corporations that have violated human rights, including labour rights, that have contributed to war and violence, and that have led to the destruction of the environment.

- International law undermined by Trade law

(187) OPPOSING TRADE AGREEMENTS THAT UNDERMINE INTERNATIONAL COMMON SECURITY

STATE ACTIVITY:

LAWFUL ADVOCACY ACTIVITY:

OPPOSED the privatization of public services such as water, and health care, and reduced funding for universities, and promoted corporate funding of education and corporate direction of research;

OPPOSED THE globalization, deregulation and privatization through promoting trade agreements, such as the WTO/FTAA/NAFTA etc that undermine the rule of international public trust law;

- Information

(188) PROTECTING THE PRIVACY INHERENT IN THE RETENTION OF INFORMATION

INTERNATIONAL COMMITMENT:

Guidelines for the regulation of computerized personal data files adopted by the General Assembly resolution 45/95 Dec. 14, 1990 the procedures for implementing regulations concerning computerized personal data files are left to the initiative of each state subject to the following orientations:

a. principles concerning the minimum guarantees that should be provided in national legislation

1. Principle of lawfulness and fairness

information about persons should not be collected or processed in unfair or unlawful ways, nor should it be used for ends contrary to the purposes and principles of the Charter of the United Nations.

2 Principle of accuracy

persons responsible for the compilation of files or those responsible for keeping them have an obligation to conduct regular checks on the accuracy and relevance of the data recorded and to ensure that they are kept as complete as possible in order to avoid errors of omission and that they are kept up to date regularly or the information contained in a file is used, as long as they are being processed.

3. principle of purpose-specification

the purpose which a file is to serve and its utilization in terms of that purpose should be specified , legitimate and, when it is established, receive a certain amount of publicity or be brought to the attention of the person concerned, in order to make it possible subsequently to ensure that:

a all the personal data collected and recorded remain relevant and adequate to the purposes so specified;

b. none of the said personal data is used or disclosed, except with the consent of the person concerned, for purposes incompatible with those specified;

c the period for which the personal data are kept does not exceed that which would enable the achievement of the purposes so specified.

4. principle of interested person access

everyone who offers proof of identity has the right to know whether

information concerning him is being processed and to obtain it in an intelligible form, without undue delay or expense, and to have appropriate rectifications or ensure made in the case of unlawful, unnecessary or inaccurate entries and when it is being communicated, to be informed of the addresses. provision should be made for a remedy, if cost of an rectification shall be borne by the person responsible for the file. it is desirable that the provisions of this principle should apply to everyone, irrespective of nationality or place of residence.

5 principle of non discrimination

subject to cases of exceptions restrictively envisaged under principle

6, data likely to give rise to unlawful or arbitrary discrimination, including information on racial or ethnic origin, colour, sex life, political opinions, religious, philosophical and other beliefs as well as membership of an association or trade union, should not be compiled.

6 power to make exceptions

departures from principles 1 to 4 may be authorized only if they are necessary to protect national security, public order, public health or morality, as well as inter alia, the rights ad freedoms of others, especially persons being persecuted (humanitarian clause) provided that such departures are expressly specified in a law or equivalent regulation promulgated in accordance with the internal legal system which expressly states their limits and sets forth appropriate safeguards.

exceptions to principle 5 relating to the prohibition of discrimination, in addition to being subject to the same safeguards as those proscribed for exception to principles 1 to 4 may be authorized only within the limits prescribed by the international bill of human rights and the other relevant instruments in the field of protection human rights and the prevention of discrimination

7 appropriate measures should be taken to protect the files against both natural dangers, such as accidental loss or destruction and

human dangers such as unauthorized access, fraudulent misuse of data or contamination of computer viruses.

International law - intelligence lists

(189) EXPOSING INTELLIGENCE LISTS

STATE ACTIVITY:

"... category of domestic terrorists, left-wing groups, generally profess a revolutionary socialist doctrine and view themselves as protectors of the people against the "dehumanizing effects" of capitalism and imperialism. They aim to bring about change in the United States through revolution rather than through the established political process."

"Anarchists and extremist socialist groups -- many of which, such as the Workers World Party, Reclaim the Streets, and Carnival Against Capitalism -- have an international presence and, at times, also represent a potential threat in the United States. For example, anarchists, operating individually and in groups, caused much of the damage during the 1999 World Trade Organization ministerial meeting in Seattle."

"Special interest terrorism differs from traditional right-wing and left-wing terrorism in that extremist special interest groups seek to resolve specific issues, rather than effect more widespread political change. Special interest extremists continue to conduct acts of politically motivated violence to force segments of society, including, the general public, to change attitudes about issues considered important to their causes. These groups occupy the extreme fringes of animal rights, pro-life, environmental, anti-nuclear, and other political and social movements."

failed to distinguish legitimate dissent from criminal acts of

subversion;

engaged in racial profiling;

enacted anti-terrorism legislation that violates civil and political rights,
and engaged in racial profiling

LAWFUL ADVOCACY ACTIVITY: Calls for complying with
international human rights instruments, and statutory human rights
documents

targeted and intimidated activists and discriminated on the grounds of
political and other opinion (a listed ground in the International
Covenant of Civil and Political Rights- to which the US is a signatory):