

October 31, 2020 - No. 41

**Restructuring at Behest of Narrow Private Interests**  
**Provincial Governments' Use of Pandemic**  
**as Cover for Anti-Social Actions**

- Barbara Biley -



- **Global Pharma Attacks Public Opinion**  
- K.C. Adams -
- **Campaigns to Block New Direction for Pharmaceutical Sector**

**BC Election**

- **The Results**
  - **The Problem of Empowerment of the People Remains**
    - **The Queen Gave Them the Whole Bag**
- Peter Ewart -

**All Eyes on Mi'kma'ki!**

- **Ongoing Actions Vigorously Affirm Mi'kmaq Fishers' Treaty Right to Take Part in Lobster Fishery**

## Statements in Solidarity with Mi'kmaq Fishers

- **Canadian Union of Postal Workers**
- **Canadian Teachers' Federation**
- **National Farmers Union**

### For Your Information

- **Marshall Fact Sheet**
- *Kwilmu'kw Maw-klusuaqn Negotiation Office/  
Mi'kmaq Rights Initiative* -

## Chilean People Vote for New Constitution

- **Massive Turnout in Plebiscite Sets Course for  
New Constitutional Arrangements**
- *Nick Lin* -

## 25th Anniversary of 1995 Quebec Referendum

- **The People's Struggle to Vest Sovereignty in Themselves  
Remains a Problem to Be Resolved**
- *Claude Brunelle and Christine Dandenault* -

---

## Restructuring at Behest of Narrow Private Interests

# Provincial Governments' Use of Pandemic as Cover for Anti-Social Actions

- *Barbara Biley* -

Decisions taken by federal and provincial governments ostensibly in response to the COVID-19 pandemic have an aim other than protecting the well-being of the people and the society. The "emergency measures" and legislation brought in since March have nothing to do with building an independent self-reliant Canadian economy based on meeting the needs of Canadians. Since March, under respective provincial laws, the provinces have declared states of emergency and enacted orders-in-council, ministerial orders and orders of public health authorities to put measures in place to deal with the pandemic.

In several provinces, particularly Quebec, Ontario and Alberta, and in different ways in other provinces, the pandemic has been used as a cover to introduce legislation and methods of operating that significantly restructure the state so that any public authority whatsoever is eliminated. This is a continuation and ramping up of the anti-social offensive of the last 30 years, the aim of which is to open space for the most powerful



oligarchs globally to directly rule society's affairs in their own narrow interests. For example, over the last decades governments have handed over huge parts of the health care sector including hospital food services, housekeeping, IT, laboratory services and more throughout the country to some of the biggest foreign multinational corporations.

In long-term care and assisted- and independent-living there has been a vast expansion in the ownership and operation of residences by private, many foreign-based, corporations. To this end, health care workers and their organizations have come under unprecedented attack because workers' wages and working conditions are considered a cost and therefore an obstacle to the agenda of narrow private interests and the governments that serve them. Using the pandemic as cover, governments are restructuring the state, eliminating any vestiges of a public authority, in favour of direct control by the most powerful oligarchs.

## Alberta



The actions of the Kenney government in Alberta are a case in point. Since the second session of the Alberta Legislature opened on February 25, 34 pieces of legislation have been passed, four dealing directly with the pandemic. Most of the legislation is directed towards completing the program of the United Conservative Party government to de-regulate industry and privatize education and health care, to meet the demands of the energy oligarchs.



The wide-ranging legislation has been introduced so quickly, one anti-worker anti-social bill after another, that it is difficult for the people's opposition to keep up, and the Kenney government is using its majority to ram the bills through the legislature.

The first piece of legislation in this session was Bill 1, the *Critical Infrastructure Defence Act*, which criminalizes anyone who interferes with public infrastructure. The definition of public infrastructure in the law is so broad as to allow authorities to criminalize workers' strike struggles, youth action on climate change and all manner of opposition. It was introduced in the legislature on February 25 by Premier Kenney himself who made it crystal clear that the legislation was specifically in response to the recent country-wide actions in support of the Wet'suwet'en Land Defenders' fight against the energy monopoly Coastal

GasLink's pipeline that will cross their traditional territory in northern BC, without permission.

Since then the government has threatened the Calgary School Board with dissolution for its stand against cuts to education, and has passed legislation -- including Bill 32, the *Restoring Balance in Alberta's Workplaces Act, 2020*, to amend the *Employment Standards Code* and the *Labour Relations Code* in ways that trample workers' rights. Days after Bill 32 was introduced the government launched a major assault on working people through the review of two major pieces of labour legislation, the *Occupational Health and Safety Act* (OHS Act) and the *Workers' Compensation Act* for the purpose of preparing to make changes that favour employers and violate workers' rights.

In July, the *Health Statutes Amendment Act* (Bill 30) was passed, which is an omnibus bill that amends nine pieces of legislation, and whose purpose is cutting services and privatization, including contracting out in hospitals, making way for private surgical clinics, and changing how doctors are paid.

On October 13, the Minister of Health announced that the government will be proceeding with the layoff of 11,000 health care workers and the privatization of one sector after another of the health system -- including laundry, food and environmental services -- and will continue to cut nursing staff through attrition until it declares the pandemic over, and then proceed with layoffs to eliminate the equivalent of 500 full-time nurses, which the United Nurses of Alberta estimates will result in the layoff of 750 nurses.



This assault on the workers and the incredible harm such measures will cause to the capacity of the health care sector to deal with the pandemic is of no concern to the Kenney government which is being directed by the likes of Ernst and Young to make changes that favour the oligarchs and remove obstacles, such as workers' rights and organizations, that stand in the way.

## Ontario



**August-September 2020. Rallies and pickets at offices of provincial members of parliament across Ontario are organized by health care workers to demand the repeal of Bill 195.**

On March 17, the Ontario government declared a state of emergency throughout the province in

response to the COVID-19 pandemic. Under the emergency powers which the government granted to itself orders were issued regarding all aspects of the functioning of the economy, social gatherings, closing of schools and hospitals, and of long-term care homes to visitors, among others.

Many of the orders issued under the emergency powers state explicitly that despite the existence of any collective agreement, employers can unilaterally set staffing priorities, redeploy staff as required, change work schedules or shift assignments, cancel vacations, hire part-time, temporary or contract labour and use volunteers to perform bargaining unit work. Grievance procedures are suspended for any matter referred to in the order. Health care workers, despite their first-hand knowledge of their workplaces, were completely excluded from any decision-making with regard to how to deploy staff, what measures should be taken to protect workers and those they care for, and, particularly in long-term care, how to mobilize other forces including families, volunteers, and health care workers from outside the care home sector.



On July 7, the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (Bill 195), was introduced in the Ontario legislature. The bill extends the government's emergency powers while eliminating key oversight mechanisms -- in the name of "flexibility." Bill 195 formally ends the state of emergency (as of July 24) but allows the emergency orders issued under the *Emergency Management and Civil Protection Act* (EMCPA) to be continued by decree of the Lieutenant Governor in Council (i.e., the provincial cabinet). While under the EMCPA emergency orders had to be re-approved every 14 days, under Bill 195 they can be renewed by cabinet for 30-day periods, for up to a year, and the powers of the bill can be extended for a further year. Orders may also be amended to apply to additional persons or groups.

In the meantime, what should have been done to ensure that the health care system is in shape to handle a second wave, already underway, has not been done.

## Quebec



October 19, 2020. Quebec health care workers shut down bridges in Montreal and Quebec City to demand action on their demands for the conditions they require to carry their responsibilities to society.

A state of public health emergency was declared on March 13. Among the first measures taken were ministerial orders issued on March 15 and 21, through which the government gave itself the power to override health care and social service workers' collective agreements and impose working conditions that violated negotiated agreements. This was justified under powers claimed by the Minister of Health under the *Public Health Act*. Nowhere in that Act is there any reference to cancellations of collective agreements or changing of working conditions and the Quebec government has offered no explanation of how such draconian actions protect the health of the public.

The ministerial orders allow government to cancel workers' leaves, including vacations, change workers' assignments and schedules, impose extended work days of up to 12 hours and "suspend or cancel agreed working time arrangements and refuse to grant new arrangements." These orders have been renewed repeatedly and continue to be in effect.

While the government has gone to great lengths to permit employers to act unilaterally in ways that put workers, patients and residents of long-term care homes at increased risk, it has refused to listen to the front line workers who know best how to organize the work and what is needed to keep everyone safe. It has also blocked others who want to be part of the solution, including student nurses who volunteered to help out and whose offers were ignored.



On June 3, the Legault government tabled Bill 61, *An Act to restart Quebec's economy and to mitigate the consequences of the public health emergency declared on March 13, 2020 because of the COVID-19 pandemic*. The bill was a major state restructuring in terms of decision-making power. It cited the public health emergency and the need to mitigate its effect on the economy as justification for giving all power to the government executive to cancel and violate existing laws and regulations under the hoax of speeding up the reopening of the economy. Bill 61 would have allowed the government executive to violate provisions of the *Public Health Act*, the *Environment Quality Act*, the *Expropriation Act*, and the *Act Respecting Contracting by Public Bodies* and, in addition, gave immunity from prosecution to government ministers and others acting under the legislation.

A main feature of Bill 61 was that any change that it made to existing laws would be permanent. The government executive would have had the power to make legislative changes without input from the Legislative assembly or those directly concerned by the new provisions, giving full power to the executive to enter into any arrangements with private interests without public scrutiny.

Bill 61 would also have extended the public health emergency and the powers it gives to the government executive for another two years.

Because of the massive opposition of the people, the Quebec government could not pass the bill before the National Assembly adjourned on June 12 and on September 23, the Legault government tabled Bill 66, *An Act respecting the acceleration of certain infrastructure projects*, a replacement for Bill 61. The new bill would grant the government authority to override laws on environmental protection and expropriation but does not include the power to override the *Act Respecting Contracting by Public Bodies* or grant immunity to government ministers or extend the public health emergency.

What is common in the actions of the governments of Alberta, Ontario and Quebec, as well as

others, are four things:

- 1) the actions being taken further the restructuring of the state to serve private interests;
- 2) the rights of health care workers, including their right to act collectively to defend their rights, are under attack; and
- 3) the entire polity, in particular health care workers, patients and seniors who receive care, and families and others intimately involved in the lives of patients and seniors, are shut out.
- 4) these anti-social measures and pay-the-rich schemes to not have the consent of the people and are facing increasing scrutiny and acts of resistance and opposition from the working class and people.



Through coercive measures, the Alberta, Ontario and Quebec governments are trying to negate the experience of the people and the lessons learned fighting the pandemic. These governments are using executive powers to continue to impose a direction of the economy in which the entire organization of society is based on increasing pay-the-rich schemes and intensifying the concentration of power and wealth in fewer and fewer hands. The workers are putting forward their demands based on the collective recognition that this direction and the way the society is organized have failed to meet the basic needs of the people.

*(Photos: TML, FIQ, HSAA, Radical Citizen's Media, Let Nurses Speak, OCHU, J-M Desrosiers)*

---

## Global Pharma Attacks Public Opinion

- K.C. Adams -

Canadians' access to affordable pharmaceuticals is an important aspect of affirming the right to health care. Working people do not agree that their well-being can be held hostage to the profiteering of global pharmaceutical cartels. Canada requires its own public self-reliant pharmaceutical industry to provide Canadians with the medications they require at minimal cost.

The need for public control over a self-reliant pharmaceutical industry in Canada is a longstanding concern that is again being brought to the fore by the COVID-19 pandemic and the requirement for tests, vaccines to prevent infection by the coronavirus, as well as other drugs to mitigate the infection and decrease long-term effects and mortality.

Under these circumstances, the Trudeau Liberal



government is seemingly "placing bets" on various private pharmaceutical firms to come through with a working vaccine. An October 23 report from the Canadian Press states:

"Trudeau said his government signed a \$173 million contract with Quebec's Medicago to secure the rights to buy 76 million doses of its vaccine, should it meet health and safety standards. The funding will also be used to establish a production facility in Quebec City, he said.

"Ottawa is also investing \$18.2 million in a potential vaccine from British Columbia's Precision NanoSystems. Meanwhile, the National Research Council is spending \$23 million to support other Canadian vaccine initiatives, Trudeau said.

"The prime minister said Canada has signed six agreements with a number of companies taking part in the global race to produce a safe and effective vaccine for COVID-19.

"Two more American vaccine makers, Moderna and Pfizer, have asked Health Canada to review their products, which are undergoing clinical trials.

"It's reasonable to expect that vaccines will start to roll out at some point in 2021, said Trudeau, but even then, supply will be limited, and high-risk populations will be prioritized for inoculation. [...]

"The prime minister also said Canada has acquired 'hundreds of thousands' of rapid test kits from medical company Abbott."

The report does not say what happens to any funds used to "secure the rights" to vaccines should they turn out not to be viable. Are these yet more pay-the-rich schemes being made under the high ideal of protecting Canadians against the COVID-19 pandemic?

### **The Need for Self-Reliance and Public Enterprise to Guarantee the Right of All to Health Care**

It is amidst this situation that the global pharmaceutical cartels are strengthening their fight against a public opinion that demands a new pro-social direction for the sector founded in self-reliance and public enterprise to guarantee the right of all to health care.

Global pharma is using well-funded neo-liberal think tanks and agencies to divert public opinion into fights over drug prices and availability, and away from a new direction of self-reliance and public enterprise. Its campaign denounces government regulations and price controls as unnecessary and damaging to global pharma and attempts to drag the people into this debate and away from discussing a new direction.

Global pharma uses people with rare diseases and conditions to demand the government fund their drug treatment at high prices. The campaign is tied in with its push for an expanded public-private national pharmacare system in which governments use public funds to buy greater amounts of drugs from the global pharma cartels.[1]

The proposed public-private pharmacare system is similar to the current health care system, which private interests mostly dominate with governments reduced to handing out public money for the construction and maintenance of hospitals and to pay for privately produced supplies and pharmaceuticals, and for the operation of private clinics and long-term care homes.

Within the present situation, global pharma makes predominant the issue whether governments should regulate the market price of drugs or leave pricing to the drug suppliers, and whether a public-private national pharmacare system should be introduced or not. Patients with rare diseases are brought forward to denounce any regulation of prices, arguing that all drugs global pharma



distributes should be made available at the prices the companies demand. People are nudged to take positions for or against price controls and a public-private pharmacare system, with these issues the ones to be discussed, rather than assessing the situation of health care and pharmaceutical supply as it poses itself and discussing a new direction that guarantees the right of health for all.

## Are Drug Prices the Issue?

The drug prices global pharma demands include private profit, which it says reflects the price of production, in particular the value of research and development of new drugs. This assertion raises the questions as to who decides the direction of the research, what should be produced, how drugs should be distributed and what happens to the new value pharmaceutical workers produce, which includes the added-value or profit. Should these important issues be left with global pharma whose aim is maximum profit and not to guarantee the right of all to health care at the highest level the productive forces and science have attained?

Global pharma says governments through regulation of prices often set market prices at or below the "cost of production," meaning the drug cartels cannot make private profit. Without prices they declare necessary, the cartels say they cannot continue their research thus restricting new treatments or even production of enough drugs, such as seasonal flu vaccines and other medicines, to meet demand.

But is the price of drugs the problem and issue at hand? In fact, this problem of market prices would not exist if the pharmaceutical sector were organized in a self-reliant way as a public enterprise and service with a public authority in command that the people could trust and hold to account. The sector would exist to serve the people and the health needs of the entire population and guarantee the right of all to health care. The value created in a self-reliant publicly controlled and owned industry, as well as the social product itself, would go towards



enhancing the health of the people and guaranteeing the right of all to health care at the highest level. The public realization of drug value would allow that value to flow back into the sector and economy to improve health care outcomes and to enhance the scientific capabilities and capacity to work of all those involved, thus benefitting the entire people and society. In the present conditions, the value that global pharma seizes from the sale of drugs mostly leaves the economy and country.

With a public pharmaceutical sector, no need would exist for a public-private pharmacare system and market and the payment of huge funds from the public treasury to the private interests in control of global pharma. Research and development of drugs would exist and be developed within the public health care system by its workers. The growing knowledge, competence, expertise and scientific advances could be exchanged with others around the world in a spirit of mutual benefit and cooperation and not competition for private gain. Human medical knowledge and advances would become universal and for the benefit of all in the spirit that we are one humanity.

The added-value workers produce in a public pharmaceutical sector when realized would be poured back into the research and development and production of pharmaceuticals in Canada for the good of the people and their health, not for the narrow competing private interests of global pharma. How pharmaceutical value is realized would become an issue for the people to decide

within the overall principle that health care is a right held by all equally. The value workers create from a completely public health care system would be realized and stay in Canada and result in a growing value of the capacity to work of everyone and an increased general health of the people and their social consciousness and ability physically to combat and overcome crises such as the COVID-19 pandemic.

## Who Controls? What Is the Aim?

The issue, as throughout the socialized economy and all its sectors, is who controls and with what aim: the working people themselves with the broad aim to serve the people and society, or global investment cartels that have the narrow aim of making maximum profit to serve their private interests.



Global pharma wants to destroy public opinion for a new direction towards self-reliance and public enterprise in the pharmaceutical sector and throughout the health care industry. Global pharma is desperate to save its private control over the pharmaceutical sector. It wants public opinion diverted into a dead-end debate over the prices it charges for drugs and the availability of those drugs rather than delving into the root of the matter as it presents itself: the necessity to guarantee the fundamental right to health care for all and how this can be accomplished in the modern socialized world.

Matters involving the common good and the health of people and society need public solutions and an aim to serve the people and society. The health care industry generally requires a new direction and aim to guarantee the right of all to health care. The outmoded direction and aim of global pharma for maximum profit and the private control generally of the health care industry are not consistent with the modern direction and aim to serve the people and society.

The time is now for self-reliance and public enterprise throughout the health care industry, including importantly the pharmaceutical sector, to guarantee the right of all to health care throughout their lives.

### Note

1. In June 2019, the Trudeau Liberal government issued the 172-page Final Report of the Advisory Council on the Implementation of National Pharmacare, entitled *A Prescription for Canada: Achieving Pharmacare for All*.

In the introduction to the report that presents the Advisory Council's mandate, any mention of the pharmaceutical industry is conspicuously absent. The report merely says:

"Prescription drugs are an essential part of health care. However, unlike hospital and physician services, prescription drugs are not covered by medicare except when they're used in hospitals. That's left a crucial part of effective health care inconsistently funded and unevenly available, and means too many patients are at risk of not getting the medication they need. The situation has only gotten worse with the emergence of a growing number of high-cost specialty drugs used to treat chronic, complex conditions such as severe rheumatoid arthritis, multiple sclerosis and cancer. These new treatments, along with a growing number of ultra-specialized and expensive drugs for rare conditions, are threatening to overwhelm both public and private

insurance programs.

"In its 2018 budget, the federal government announced the creation of the Advisory Council on the Implementation of National Pharmacare (the council). The council's terms of reference are included in Annex 2. Its task was to advise the government on introducing a national insurance program for prescription drugs -- known as pharmacare -- which would be affordable for Canadians, their employers and governments. The government asked the council to undertake a dialogue with Canadians and issued a discussion paper that outlined a range of possible options on how to move forward with national pharmacare and highlighted the key issues the council should address in its work."

The term "pharmaceutical industry" comes up a handful of times in the report, only insofar as the Advisory Council recommends better regulation of the industry and limiting industry funding of the health care system to avoid undue influence.

The pharmaceutical industry -- how it operates, who controls it and whose interests it serves -- is left completely out of the discussion and is not to be questioned. In this way, such arrangements can only be to facilitate pay-the-rich schemes in which public funds are used to pay private interests in the name of a "national pharmacare program."

*(Photos: TML)*



---

## Campaigns to Block New Direction for Pharmaceutical Sector

Global pharma is attacking public opinion for a new direction for the sector to serve the people through self-reliance and public enterprise under the control of a public authority that the people can trust and hold to account. Global pharma attempts to divert discussion to the market prices paid for drugs and the introduction or not of a public-private pharmacare system, which would guarantee an expanded demand and payment for its commodities.

The issue facing the sector is not the price of drugs global pharma charges or how Canadians should pay for them. The issue is global pharma's private control of the pharmaceutical sector and aim of maximum private profit, and the necessity for a new direction of self-reliance and public enterprise under the control of the people with the aim to guarantee the right of all to health care.



National Newswatch recently carried an article entitled "Exempting COVID medicines from new price controls: Ottawa hypocrisy," by Nigel Rawson and John Adams.[1] The item reads, "The federal government intends to drastically transform the rules of its tribunal that sets ceiling prices for new drugs and vaccines in Canada in January. [...] Key elements of the government's plan have been strongly criticized by patients, drug developers and analysts since it was first announced in 2017. Concerns have increased during the COVID-19 pandemic. Months before implementation, the plan has already blocked access to new important medicines for Canadian patients."

The authors focus attention on the government tribunal and the issue of drug prices and the effect this may have on the production, availability and supply of pharmaceuticals. They raise problems of "access to new important medicines" from the point of view of the market for drugs that global pharma produces not from the point of view of opening a new direction and aim for the sector

that serves the people and their right to health care.

The article insists, "Case studies have shown that the new rules can require manufacturers to reduce prices to unsustainable levels. Most importantly, clinical trials funded by drug developers and the number of new drugs approved in Canada have decreased dramatically."

Alarm is sounded and people are encouraged either to jump to the defence of global pharma or insist that the tribunal and price controls are the way to go.

The article continues in this vein, assessing as "hypocrisy" the government's proposal to allow global pharma to dictate prices for pandemic drugs but not other medicines: "However, on September 17, Ottawa announced a special policy to decrease the same tribunal's scrutiny of COVID-19 vaccines and medicines, such as remdesivir, as part of a 'government-wide effort to provisionally ease the regulatory pathway' for COVID-19 therapeutics.

"Manufacturers will be able to provide these products at their own list prices unless the pricing tribunal receives a complaint from any federal or provincial minister of health. It is good that Ottawa has started to appreciate that elements of the pricing revisions are a heavy regulatory burden on drug developers and a barrier to meeting patients' needs."

The authors appear delighted global pharma will be able to make a killing on selling COVID-19 vaccines and medicines. The pandemic highlights how Canada is captive to global pharma and the necessity for a new direction of self-reliance and public enterprise in the pharmaceutical sector.

The article pleads global pharma's case for an end to price controls on all drugs saying, "Canada is presently a commercially viable market for new medicines and vaccines, despite the barriers created by federal and provincial governments that limit, delay or deny access to new drugs, especially costly ones.

"However, the new federal price controls will prevent many new medicines from coming to Canada at all. Canadians with rare disorders will be particularly impacted."



The authors entice Canadians into complaining over the "red tape and price controls" global pharma faces, which may restrict patients' access to new drugs or on the contrary perhaps side with the government's position that the tribunal and price controls are necessary measures. This diverts Canadians from thinking about, discussing, planning for, and embarking on a new pro-social direction for the sector outside the clutches of global pharma altogether.

The article gives an example of a global drug cartel refusing to sell a new drug called Trikafta in Canada because of "uncertainty around the new pricing rules." This use of specific cases is meant to emotionally blackmail Canadians into bowing to global pharma's terms and acceptance of its dominance, similar to the way big business charities browbeat people emotionally into donating money rather than facing problems squarely and solving them with a new direction.

For Trikafta and other new drugs, according to the authors, global pharma apparently is "taking a wait-and-see approach. Since the regulations were finalized in August 2019, a growing list of medicines have been approved in the United States but not submitted to Health Canada for evaluation."

The authors accuse the Trudeau government of adding "red tape that will decrease Canada's attractiveness as a place to perform research and launch new medicines that will reduce Canadians' suffering and extend lives."

Canadians should denounce this argument and direction, and accuse global pharma of blocking and destroying the development of self-reliant Canadian research and independent production and availability of medicines and growth of scientific expertise through public enterprise.

The item concludes, "The pandemic has again demonstrated that our health care system is a limited and fragile resource. Drugs contribute to the sustainability of the health system and to patients' lives. The federal government should recognize the value of other innovative life-changing medicines and implement rational policies that allow Canadians to benefit from these technological advances and that promote research and development in Canada. To do otherwise is hypocritical."

Our "health care system is a limited and fragile resource" precisely because of its control by the private interests of global pharma that compete to dominate the sector, make maximum profit from it and block independent Canadian development. To break away from health care's "limited and fragile" state requires a new direction under the control of the people with an aim to guarantee health care as a right for all and not as a right for a few to make maximum profit.

## Note

1. Authors Nigel Rawson and John Adams claim affiliation with the Canadian Health Policy Institute and Best Medicines Coalition

Canadian Health Policy Institute writes in its website that it is "focussed on health economics and policy issues affecting patient access to innovative medical goods and services and the cost-related issues of sustainability and value for money for taxpayers."

Best Medicines Coalition says its goal is "Drug programs which deliver high standards of equitable and consistent access to medications for all Canadians."

These goals and mission statements are consistent with the aim of global pharma for maximum profit from selling drugs and its continued control of the pharmaceutical sector.

*(Photos: TML)*

---

## BC Election

# The Results

Preliminary standings based on the ballots cast on election day, October 24, are NDP 55, Liberals 29, Greens three and no independents elected. Elections BC predicts final results will be available around November 16, due to the large number of absentee ballots (i.e. people who cast ballots away from their constituency) and mailed ballots. These standings may change on final count, but not enough to change the NDP majority.

Standings in the legislature at dissolution were: NDP 41, Liberals 41, Greens two, Independent two and one seat vacant.

Elections BC reports voter turnout was "at least" 52.4 per cent. Final numbers of votes cast, members of the legislative assembly (MLAs) elected and standings of the parties in the legislature will not be known until the final count is completed. It was extended because of the large number

of mail-in ballots due to the pandemic. Numbers of ballots received are still changing daily.

To ease the pressure on polling stations and maintain Public Health protocols, voters were encouraged to request ballots by mail which could be returned by mail or delivered to Elections BC offices in the constituencies. The number of mail-in ballots that had been received by Elections BC and forwarded to constituency offices by October 29 was approximately 525,000 which does not include ballots dropped off directly at Elections BC constituency offices. Of the 1,827,201 ballots so far accounted for, 1,217,201 were cast at advance polls or on October 24, with the remainder absentee and mail-in ballots.

---

## The Problem of Empowerment of the People Remains

In the style of all the cartel parties, Premier-elect John Horgan claims that he has received a mandate from the people of BC to rule as he sees fit even though at best his government received only 45.08 per cent of the votes (as of October 29) based on a paltry 52.4 per cent turnout of eligible voters. His so-called mandate is thus based on the votes of 23.62 per cent of eligible voters.

On top of that, many voters in that 23.62 per cent disagreed vigorously with the calling of the election in the midst of the pandemic, considering it opportunistic and anti-democratic and nothing more than a power grab. Both calling an election and the campaign showed a disregard and lack of appreciation of the plight of the people as a result of job losses, stresses on health care professionals and workers, teachers and education workers, students and parents, homelessness and the ever-increasing opioid crisis, and the very real fears of a resurgence of COVID-19 and repeat of the tragic deaths, suffering and isolation of residents in long-term care homes. Many voted with reluctance for the NDP fearing that a Liberal government would be even more brutal.



This hardly constitutes having the consent of the governed for the NDP program.

Since it came to power in 2017 the NDP minority government has shown itself a willing and able representative of the international financial private interests that covet the natural and human resources of British Columbia as can be seen in the LNG Canada and Site C projects, amongst others. On October 22 the *Globe and Mail* reported on an interview with Horgan in which he explained that his decision to call the election was influenced by advice he sought from the President and Chief Operating Officer of the Jim Pattison Group, the second largest private company in Canada with interests in all of BC's major industries. Not even the NDP executive, members, or the MLAs were involved in the decision to call the election.

The decision was made by the Premier and a handful of unelected advisors. It is safe to say that feelings of alienation from the political process amongst electors are more widespread than ever, based on the election itself and the marginalization of the polity from any say in matters that affect them. This is most sharply felt by health care workers and families of residents in long-term care,

teachers and other education workers and workers in the hospitality industry who have strenuously protested the failure of the government to take social responsibility for decisions announced. The working people have been completely shut out of participating in responding to the pandemic and have just become the target of orders from on high.



While some are expressing hope that now that the NDP has its majority it can be persuaded to act in the interests of the people and the environment, the plans of the Horgan government were already outlined in the "Recovery Plan" issued just days before the election was called.[1] It is a continuation of the anti-social neo-liberal agenda according to which security and prosperity for BC depends on paying the rich, propping up private enterprise, and forging ahead with the projects that funnel billions of dollars to the global monopolies, a course which has already proven to be disastrous for the environment, for a self-reliant economy, and violates the hereditary

rights of the Indigenous peoples.

The vast majority of British Columbians were excluded from the decision to hold the election, from any discussion of the problems facing the polity and solutions that would favour the people. The experience brings home, once again, the need for new arrangements, for political renewal to put an end to the marginalization of the people and for a new direction for the economy based on meeting the needs of the people.

## Note

1. "Economic Recovery Plan for BC: Restructuring State Arrangements to Strengthen Provincial Pay-the-Rich Economy," by K.C. Adams, *TML Weekly*, October 3, 2020.

(Photos: TML)

---

## The Queen Gave Them the Whole Bag

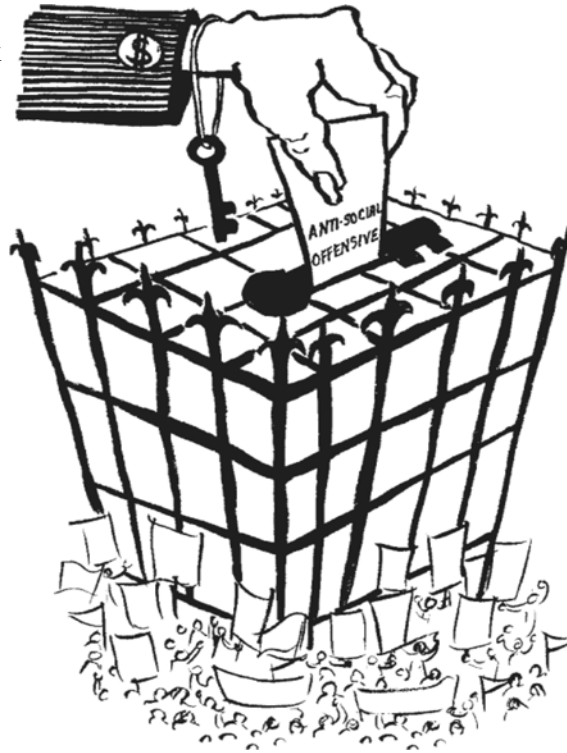
- Peter Ewart -

Once again, the October 2020 election in British Columbia shows how distorted the current first-past-the-post electoral system is and how it concentrates power in ways that go against the will of the people.

In the 2020 election, the NDP received just 45.08 per cent of the vote (figures based on unofficial counts with mail-in votes yet to be counted). Under the first-past-the-post system, despite having a minority of the provincial vote, it will now constitute a majority government holding 55 of the 87 seats in the Legislature (which amounts to 63.2 per cent of the seats). In effect, it increased its seat total by 14 seats although its share of the popular vote only increased by five per cent (from 40.29 per cent in the 2017 election).

For its part, the BC Liberal Party has obtained 29 seats with 33.3 per cent of the popular vote, the Greens three seats with 15.3 per cent, the Conservatives zero seats with 2.35 per cent, and other parties zero seats with 1.9 per cent.

Under a Proportional Representation electoral system, the results of the 2020 election would look substantially different. With a proportional representation system, the aim is to have the breakdown of the seats in the Legislature approximate the results of the popular vote. For example, in the 2020 election, with a proportional representation system in place the NDP would not have a majority government. Instead, in the 87 seat Legislature, the NDP would hold around 39 seats (rather than 55), the Liberals around 31 seats (rather than 29), the Greens around 13 seats (rather than three), and the Conservatives around two seats (rather than zero).



After this election, with the existing first-past-the-post system, many voters in vast areas of the province will not have MLAs who represent their political preference. For example, it looks like the Liberals will be completely frozen out of Vancouver Island's 14 seats despite a substantial number of residents voting for that party. And the same is true for much of the northeast and central interior of the province where the Liberals dominate and the NDP, Greens and Conservatives are frozen out despite substantial support.

After his party won the provincial election in 1972, former NDP Premier Dave Barrett quipped to the press that "the Queen gave us the whole bag."<sup>[1]</sup> What he meant by this was that, under the first-past-the-post electoral system, the premier's office takes on great powers and that "once power is bestowed [...] it is the government's prerogative to use it." Once a premier is elected, he or she controls the cabinet, the government ministries, the legislature, as well as the party itself -- and there is little or no check on this power.

As the late former Social Credit MLA Rafe Mair pointed out, these political parties, whatever their stripe, "love absolute power" and the authoritarianism inherent in the first-past-the-post system, and "would rather wait until they had 100 per cent authority than ever share power with the hated other side." Yes, one day in every four years we get to vote. But for the rest of those 1,460 days or so, we live under a kind of elected dictatorship where people have no control over the decisions that affect their lives.

The point in all this is that the voters of British Columbia are disempowered by the electoral system and the domination of the cartel parties. Powerful interest groups, including the huge globalized corporations, like this arrangement because it allows them to knock on only one door to get their way. Proportional representation does not solve the fundamental problem of voter disempowerment but at least provides a better reflection of voters' wishes. British Columbia has had a number of referenda on electoral reform, the most recent being the referendum proposal in 2018 to adopt proportional representation (which was defeated). However, whether one is for or against proportional representation, the problems posed by the first-past-the-post system and the larger issue of voter empowerment remain.

## Note

1. *Barrett: A Passionate Political Life* by Dave Barrett and William Miller (Vancouver, Douglas & McIntyre, 1995).

(Photos: TML)



**All Eyes on Mi'kma'ki!**

## **Ongoing Actions Vigorously Affirm Mi'kmaq Fishers' Treaty Right to Take Part in Lobster Fishery**



October 24, 2020. Vancouver.

**Stand With the Mi'kma'ki People!**

**Montreal**

**Sunday, November 1**

**Rally -- 12:00 noon; March -- 1:00 pm**

Emilie-Gamelin Place, 1500 Berri St.

*Organized by Kaiatanoron Lahache and Waieñhawi ahache*

**[Facebook](#)**

Militant actions are being held across Canada and Quebec to affirm the treaty and hereditary rights of Indigenous peoples from coast to coast to coast, especially the Mi'kmaq fishers who are affirming their right to take part in the lobster fishery in Nova Scotia to earn a "moderate livelihood," as enshrined in treaties signed between the British Crown and the Mi'kmaq that remain in effect today. First Nations, various labour unions and the National Farmers Union have issued statements in solidarity with the Mi'kmaq fishers. People across Canada from all walks of life are likewise rejecting attempts by the Canadian state to divide the people on a racist basis and to incite racist violence against the Mi'kmaq and other Indigenous peoples. The protests and solidarity actions put the blame for the situation on the racist Canadian state, through its refusal to resolve longstanding concerns of the Indigenous peoples and historical injustices against them by affirming rights and rendering justice, as it is duty-bound to do as party to the treaties.[1]

Among these struggles being waged by Indigenous peoples are those of the Algonquins of Barriere Lake, fighting to protect the rapidly declining moose population in La Vérendrye Wildlife Reserve; the Haudenosaunee Nation and the 1492 Land Back Lane land reclamation movement near Caledonia, Ontario; the Wet'suwet'en and their fight against Coastal GasLink in northern BC; fight against the Trans Mountain pipeline expansion by the Secwepemc Women's Warrior Society, the Tiny House Warriors, the Musqueam, Tseil-Waututh and



Squamish Nations and others; the fight of the Kanien'kehá:ka of Kanehsatà:ke to affirm their claim on the Oka Pine Forest; as well as the Pekiwewin camp in Edmonton which provides safety and security for over a hundred people who otherwise would be homeless.

*TML Weekly* calls on everyone to continue to organize and take part in actions in support of the Indigenous peoples to see to it that Canada has just relations with Indigenous peoples, so that the just demand of the Mi'kmaq fishers, amongst many others, are duly satisfied as required by the treaties Canada is a party to and in conformity with Canada's obligations under international law.

### Ottawa, ON



Windsor, ON



Calgary, AB



Vancouver, BC





### Island Highway, Vancouver Island



#### Note

1. See also coverage of *All Eyes on Mi'kma'ki* solidarity actions in *TML Weekly*, October 24, 2020.

(Photos: TML, A. Woo, K. Teixeira)

---

## Statements in Solidarity with Mi'kmaq Fishers Canadian Union of Postal Workers

CUPW stands in solidarity with the Mi'kmaq lobster fishers asserting their treaty right to fish for a moderate livelihood. CUPW also condemns the hurtful and hateful actions by some non-Indigenous fishers and their allies. Indigenous people are asserting their legal and traditional rights to fish, should not be met with violence and hate.



Reconciliation with Indigenous people and communities is needed now more than ever if we are to build a society based on fairness, equality, and justice. And reconciliation requires us to respect treaties, understand the context of situations, and stand against oppression and violence.

Indigenous people took care of these lands for many years and welcomed many settlers. In response, the settlers stole their lands and resources, sent their children to residential schools, and denied Indigenous people basic rights.

The Sipekne'katik First Nation people are fighting for the right to fish, as set out in treaties their ancestors signed with the British 260 years ago. CUPW recognizes that all Mi'kmaq people have the right to fish for a moderate livelihood. This is protected by the treaties and affirmed by the Supreme Court in the 1999 Donald Marshall decision. Treaty rights are also enshrined in Canadian law through the constitution.



Supporting the Mi'kmaq people who are fighting for justice and the right to live in dignity is part of our work to create a world where we are all equal. It is part of reconciliation, which means building a new relationship between Indigenous and non-Indigenous people and following the 94 calls to action that the Truth and Reconciliation Commission released in December 2015.

We need to acknowledge the past injustices that settlers imposed on Indigenous people and recognize the present-day impacts of that colonization. We need to oppose those injustices. We need to work on healing past injustices and move forward towards a better future for everyone. It is in this spirit that CUPW expresses our solidarity with the Mi'kmaq lobster fishers.

## Here Are Some Things You Can Do

### 1. Donate Money

Frontlines: e-transfer to [752frontline@gmail.com](mailto:752frontline@gmail.com)

Sipekne'katik First Nation: e-transfer to monicah@sipeknekatik.ca (paypal also).

2. **Mail, email, or call your Federal elected officials** and tell them you support the Mi'kmaq and you want the Government to take steps to protect the Mi'kmaq fishers and to oppose violence against the fishers or criminalization of the Mi'kmaq fishers.

3. **Participate in an action** -- supporters are organizing events in many locations.

#### 4. **Learn More**

For non-Indigenous members, part of reconciliation is our responsibility to educate ourselves and gain historical perspective. Conflict over fisheries has been affecting the region for many years. Learn about the Burnt Church crisis, for instance, that raged between 1999 and 2002.

Learn about Clearwater -- the company not only traps lobster to excess with government approval, but it also does this outside of fishing seasonal parameters. Its CEO is the wealthiest man in Nova Scotia.

This demonstrates quite clearly the colonial basis of our legal system, the lack of government commitment to really engage in reconciliation, and it flies in the face of conservation and sustainability.

The Supreme Court of Canada acted irresolutely in the matter of Treaty Rights to fish for Indigenous people and helped to create a situation where neo-liberal alliances between government and corporations would flourish.

And what of conservation and sustainability? Clearwater fishes irresponsibly by using 6,500 traps, exponentially more than what a Mi'kmaq livelihood boat would have (50). But Fisheries and Oceans Canada says nothing.

*(October 22, 2020. Photos: AMSMC, M. Barnes)*

---

## Canadian Teachers' Federation



The Canadian Teachers' Federation (CTF/FCE) stands with the indigenous peoples of Canada as their struggle for justice continues on a daily basis, and reaffirms its condemnation of racism, discrimination, intimidation, acts of violence and all forms of hatred. In response to the recent events in Nova Scotia, the CTF/FCE supports the Mi'kmaq people as they exercise their inherent treaty rights, as affirmed in the Charter of Rights and Freedoms, to engage in a moderate livelihood in the lobster fishery. This right was established in 1760-61 through the Peace and Friendship Treaties and upheld by the

Supreme Court of Canada through the Marshall decision in 1999.

In solidarity, we ask our members in Nova Scotia and everywhere to act in harmony with Indigenous peoples. In the spirit of Truth and Reconciliation, we call for inherent rights in Mi'kma'ki to be defended, the law to be maintained, and an immediate resolution to the unjust

conflict experienced by the Mi'kmaq people.

*Shelley L. Morse, President  
Canadian Teachers' Federation*

*(October 21, 2020. Photo: P. Kirman)*

---

## National Farmers Union

The National Farmers Union (NFU) stands in solidarity with Mi'kmaq fishers as they lawfully assert their treaty rights to a moderate livelihood fishery, and strongly condemns the ongoing racist, reprehensible acts of violence and hostility being perpetrated against them. It is within the inherent and constitutionally affirmed treaty rights of the Mi'kmaq people to hunt, fish, and gather and we support their struggle to realize these rights and the right to food sovereignty. The lobster fishing industry in the Maritime provinces is dominated by one corporation (Clearwater -- one of the world's largest seafood vertically-integrated companies), and we demand that the legal right of Mi'kmaq fishers to access a livelihood from these waters be respected.

In 1999, the Supreme Court of Canada affirmed the Peace and Friendship Treaties (signed between 1725-1779) through the Marshall Decision and stated the right of the Mi'kmaq people to earn a "moderate livelihood." The Sipekne'katik First Nation, as a sovereign nation, decided to exercise these rights under a self-regulated fishery for the first time on September 17, 2020. This decision was met with outrage and violence from the commercial fishing community and inaction from the government and RCMP. Violence continued to escalate as non-Indigenous fisherpeople formed blockades, burned buildings, boats, and vehicles, and damaged fishing gear in an attempt to restrict fishing -- all infringements of legal treaty rights. On October 21, 2020 it was confirmed that an injunction had been placed on those interfering with Sipekne'katik band members' access to their fishery.

As farmers, we are privileged to have a close relationship to the land and have the responsibility to sustain its health for future generations. We, like the Mi'kmaq fishers, strive to feed our communities and make a living while protecting the land and water and work towards food sovereignty in the face of corporate controlled food systems. It is in this common interest that we stand in solidarity with their struggles. We call upon Prime Minister Justin Trudeau, Minister Bernadette Jordan, and Minister Carolyn Bennett to negotiate in good faith to ensure that the Marshall Decision is respected, based on the inherent rights and treaty rights of Mi'kmaq people to hunt, fish, and gather, as protected by Section 35 of the Canadian Constitution. This includes agreeing to self-management by the Mi'kmaq,

rather than continuing control by the Department of Fisheries and Oceans. We also demand that all acts of violence and criminal behaviour against Mi'kmaq fishers and community members be met with strong repercussions. We are pleased that the Mi'kmaq have secured an injunction against those interfering with their fishery, but we call on Bill Blair as Minister of Public Safety and David Lametti as Minister of Justice to be held accountable for equal application of law enforcement and



ensuring that the rule of law be upheld.

The NFU urges all relevant government agencies at the provincial and federal level to take bold and timely steps to ensure Mi'kmaq inherent rights are respected and that the safety and security of Mi'kmaq communities is prioritized. We are all treaty people.

(October 26, 2020)

---

## For Your Information Marshall Fact Sheet

- *Kwilmu'kw Maw-klusuaqn Negotiation Office/Mi'kmaq Rights Initiative* -



September 17, 2020. Sipekne'katik First Nation gathered in Saulnierville, Nova Scotia, to celebrate the opening of the first Mi'kmaq Moderate Livelihood fishery, 20 years after the *R. v. Marshall* decision.

### What Do the *Marshall* Decisions Say?

In September 1999, in the *Donald Marshall* case, the Supreme Court of Canada held that a series of Treaties signed 1760-61 by Mi'kmaq and the British Crown are still valid.

Known as the Peace and Friendship Treaties, they provide that Mi'kmaq have the right to harvest and sell fish, wildlife, and wild fruit and berries to provide a moderate livelihood.

In a second decision, released in November of 1999, the Court 'clarified' its earlier ruling. Together, these two decisions are known as *Marshall 1* and *Marshall 2*.

### What Is a "Moderate Livelihood"?

The most significant clause in the 1760-61 Treaties is the so-called "truckhouse clause" which the Supreme Court said means, in the present-day context, a right to a moderate livelihood. The "truckhouse clause" promised Mi'kmaq (and Wolastoqiyik and Peskotomuhkati) that government-run truckhouses or trading posts would be established for Mi'kmaq to sell their goods such as meat, furs, feathers, fish. In return, Mi'kmaq, Wolastoqiyik and Peskotomuhkati promised only to trade at the truckhouses.

According to the Supreme Court, the promise of a truckhouse and the promise to trade only at a truckhouse is the equivalent of a right "to trade for necessities" (the European goods which, by



1760-61, Mi'kmaq had come to rely on) and not a general right to trade for large economic gains. "A moderate livelihood includes such basics as "food, clothing and housing, supplemented by a few amenities", but not the accumulation of wealth..." (*Marshall I*, para.59)

*Treaties signed in 1760-61 by Mi'kmaq and the British Crown are still valid.*

### **Are All Natural Resources and Foodstuffs Covered by the Treaties?**

No. Mi'kmaq have the continued right to harvest and sell whatever kinds of products Mi'kmaq had to trade in the 1760s. Items which can be harvested and sold to earn a moderate livelihood does not extend, for example, to logs. The Supreme Court of Canada in *R. v. Bernard*; *R. v. Marshall* ("the logging case") found that when the Treaties were signed there was so much wood available for lumber that incoming settlers would have no need to purchase lumber from Mi'kmaq to build homes, barns, sheds, etc.

It found that while the Treaties protect Mi'kmaw rights to harvest and dispose of some items, cutting and selling logs (commercial logging) was not protected as a "logical evolution" of a traditional trading activity.

### **Where Can the Moderate Livelihood Treaty Right Be Exercised?**

While the Supreme Court spoke of the 1760-61 Treaties as "local Treaties" exercised by individual Mi'kmaq with community authority, the territoriality of the 1760-61 Treaties is unclear and the approach of the Assembly of Nova Scotia Mi'kmaq Chiefs is that all Nova Scotia Mi'kmaq have the same rights throughout the Province.

### **Are There Limitations on the Treaty Right to a Moderate Livelihood?**

Yes. The Supreme Court indicated that the exercise of Treaty rights, like the exercise of Aboriginal rights, can be limited.

The Crown may limit or *infringe* the right to a moderate livelihood but there must be an over-riding public purpose for limiting the exercise of the right -- such as conservation or public safety. Any infringement must be the minimum needed to meet the public objective and the Aboriginal group must be consulted *before* the limitation on the right is imposed. Compensation must be provided for infringement. This is known as "justification"; that is, the Crown must demonstrate that the limits it places on the Treaty right are justified because it is the only way to accomplish the over-riding public purpose.

Resources which are harvested to obtain a moderate livelihood must be equitably shared with non-Mi'kmaw.



### **About the Kwilmu'kw Maw-klusuaqn Negotiation Office**

Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO) works on behalf of the Assembly of Nova Scotia Mi'kmaq Chiefs in the negotiations and consultations between the Mi'kmaq of Nova Scotia, the Province of Nova Scotia and the Government of Canada.

KMKNO was developed by the Mi'kmaq for the Mi'kmaq.

The purpose of these negotiations and consultations is to implement our Aboriginal and Treaty Rights from the Treaties signed by our ancestors in the 1700s.

([www.mikmaqrights.com](http://www.mikmaqrights.com), June 2019. Photos: Mi'kmaq Rights Initiative, J. Gruben)

---

## Chilean People Vote for New Constitution

# Massive Turnout in Plebiscite Sets Course for New Constitutional Arrangements

- Nick Lin -



The Chilean people's movement for change continued its momentum and carried the day in the October 25 plebiscite on whether to replace the current constitution imposed by the Pinochet dictatorship in 1980. *TML Weekly* sends warmest congratulations to the Chilean people for the decisive result, in which a record turnout voted more than 78 per cent in favour of having a new constitution. The people's movement created the possibility of new arrangements that favour the people, not the private and foreign interests permitted to dominate the country since the coup by Pinochet and by governments that have carried on neo-liberal wrecking since that time. This is all the more important at a time when the pandemic has worsened the political and economic crises facing the people.

The plebiscite presented Chileans with two questions. The first concerned whether they approve or reject the drafting of a new constitution. The vote in favour of a new constitution was 78.27 per cent. The second question presented voters with a choice between a Constitutional Convention -- comprised of citizens directly elected to this body -- or a Mixed Constitutional Convention -- with half its membership comprised of currently sitting members of parliament and the other half citizens elected to the body. Chileans voted 79 per cent in favour of a Constitutional Convention.

The composition of the Constitutional Convention will be equal between men and women, with either making up no more than 50 per cent plus one of the 155 members. In addition, a certain number of seats, will be set aside for Indigenous peoples who make up 12 per cent of Chile's population. It is still to be decided by Chile's senate whether those seats will comprise a portion of

the 155 positions in the convention, or will be in addition to those. This is the first time in Chile's history that Indigenous peoples will be represented in a constitutional body, teleSUR reports. The Indigenous peoples have further requested that they be represented by an equal number of men and women and that their participation be based on how they identify themselves as nations and peoples on an equal footing, rather than being limited to the 10 Indigenous peoples officially recognized by Chile's National Indigenous Development Corporation.

The members of the Constitutional Convention will be elected on April 11, 2021, the same date as elections for mayors, councillors and regional governors.

The convention will then have a maximum of 12 months to draft a new constitution. Once a text is agreed upon, a ratifying plebiscite will be scheduled in which voting will be mandatory.

The Chilean Electoral Service (Servel) reported a turnout of 7,529,459 voters, said to be the highest number since the 1993 presidential election, while the percentage turnout of 51 per cent is the highest since 2012. President of Servel Patricio Santamaría noted on October 26 the increase in citizen participation, especially by young people, but also older adults, despite the fact that "there was an important group that could not participate by order of the health authority, because they were precisely in isolation due to COVID-19." He also pointed out that more than 100,000 mining workers were working that day and could not exercise their right to vote. Some 60,000 Chileans living abroad in 65 countries -- primarily in Argentina, the United States, Spain, Canada, and Australia -- were eligible to vote. More than 80 per cent of overseas voters gave their approval for a new constitution.



### **The Need for the Chilean People to Remain Vigilant**

The need for the Chilean people to remain vigilant was underscored on the evening of October 25. President Sebastian Piñera, in a speech from Moneda Palace, postured as if his government stands with the people and will now accompany them through the rest of this process of empowerment. "This plebiscite is not the end; it is the beginning of a path we should all undertake together," he

said. "Until now, the Constitution has divided us," he added. "As of today, we should all cooperate to make the new Constitution become one home for all of us." He went on to say that "Today, citizenship and democracy have prevailed, and peace has prevailed over violence," and "This is a victory for all Chileans." What to make of these slick words from the president whose regime has been violently opposing the people and their just demands for more than a year?

The same evening that Piñera made his speech, the people celebrating victory in Santiago at Dignity Square were once again met by violent repression from the national police, the Carabineros. The police attack began before the polls closed at 8:00 pm. Police surrounded the square then attacked the citizens with water and tear gas, temporarily disrupting the celebrations. The police later retreated and the people once again took the square.

It is reasonable to conclude that the Piñera regime has nothing but treachery in store for the Chilean people, with the president set to complete his term in March 2022 at which point the new constitution is scheduled to be ready for ratification.

In the face of the situation the Chilean people will surely rely on the courage and tenacity that has brought them this far, and with the support of the peace- and justice-loving peoples of the world, prevail over today's neo-liberals who defend the reactionary arrangements of the Pinochet era.

*(With files from teleSUR, Prensa Latina, New York Times. Photos: TeleSUR, AJplus)*

---

### 25th Anniversary of 1995 Quebec Referendum

## The People's Struggle to Vest Sovereignty in Themselves Remains a Problem to Be Resolved

- Claude Brunelle and Christine Dandenault -



October 25, 1995. Montreal rally for the "Yes" side in the Quebec referendum.

October 30, 2020 marks the 25th anniversary of the Quebec referendum. In 1995, the Quebec people voted on sovereignty, under the difficult conditions of the time, where the forces of the Canadian establishment made every effort to crush their desire to assert their right as a sovereign nation. Twenty-five years later, the problem remains. The *British North America Act*, the so-called Constitution, is 150 years old and based on the royal prerogative, the old colonial conceptions that deny the rights of the Quebec nation, the Indigenous nations and the Canadian people.

Today, a profound movement exists among young people for a modern and sovereign Quebec that defends the rights of all, protects the natural and social environment, upholds nation-to-nation relations based on equality with Indigenous peoples, the people of Canada and the peoples of the world, and is a zone for peace. It represents the desire of all those who live in Quebec and constitute one nation and work and create wealth together. This objective independent movement inspires hope, because it is a nation-building project that reflects the aspirations of all for a modern society that recognizes that all are human beings, that all enjoy the same rights and duties and participate together as an organized force in the promotion of the well-being of all.

Many illusions are promoted about the system of representative democracy when the people can see that this system does not represent them. Under the current arrangements the people have no control over decision-making. The democratic institutions in Quebec, as in all of Canada, were established in the 19th century and kept the "royal prerogative" and vested privileges in the hands of a tiny minority. Whether this small minority is led by a monarch, president or prime minister, the organs of power are either unelected or elected through a process that prevents the people from participating according to the principle "of the people, by the people and for the people."

This is all part of the lessons learned from the 1995 referendum.

The 1995 referendum question, formulated by the party holding the majority in the National Assembly, the Parti Québécois, was: "Do you agree that Quebec should become sovereign, after having made a formal offer to Canada for a new economic and political partnership, within the scope of the bill respecting the future of Quebec and of the agreement signed on June 12, 1995?" Just over five million people voted in the referendum, which was 93.52 per cent of eligible voters, a record turnout. The proposal was rejected by 50.58 per cent of the voters, with 49.42 per cent in favour. The difference between the "yes" and the "no" was 54,288 votes.

The stated objective of the bill referred to in the question, Bill 1, *An Act respecting the future of Quebec*, was to give the National Assembly the power to declare the sovereignty of Quebec and to claim "the exclusive power to pass all its laws, levy all its taxes and conclude all its treaties." It provided for a new constitution to be drafted for Quebec, maintaining the current borders, the creation of Quebec citizenship, the use of the Canadian dollar, and maintaining the laws and social programs in force. It also provided for the government of Quebec to propose a partnership treaty with the rest of Canada based on the tripartite agreement signed on June 12, 1995 by the leader of the Parti Québécois, Jacques Parizeau; the leader of the Bloc Québécois, Lucien Bouchard; and the leader of Action Démocratique, Mario Dumont. This agreement contained certain proposals that a sovereign Quebec would make to Canada to define relations between the two countries.

Bill 1 passed first reading in the National Assembly and, in preparation for the referendum, the government sent a copy to every household in Quebec, along with a copy of the tripartite agreement.

The bill quickly found great support in Quebec society because the timing was right and the conditions favourable for the declaration of Quebec sovereignty. The progressive forces in Quebec and Canada also recognized that there was an urgent need to establish a new economic and political partnership between Quebec and Canada. The 1995 referendum was essential to break the deadlock created by Liberal opposition to Quebec sovereignty and to democratic renewal generally. Discontent with the constitutional arrangements had grown across Canada, not just in Quebec. The 1990 Citizens' Forum on Canada's Future, in which people participated in large numbers, showed that Canadians did not trust politicians to write the constitution and called for far-reaching changes to the political process. The need for a modern constitution and new arrangements to replace the *British North America Act* of 1867, which was based on the negation of the nation of Quebec and the Indigenous nations, and the need to empower the people to decide all the issues that concern them were on the agenda then and still are today.

The 1995 referendum was a bold gesture that followed nearly 25 years of talks on Quebec's place in Confederation, so-called constitutional reforms and initiatives from Quebec to assert Quebec's sovereignty, the failure of the Quebec referendum of 1980 and the Meech Lake Accord of 1990, and the rejection by Canadians of the Charlottetown Accord in the 1992 referendum.

Not to be forgotten is the period of the national liberation movement of the 1960s. The attempt by the government of Pierre Elliott Trudeau to crush the struggle of the Quebec people's nation-building project by imposing the *War Measures Act* on the territory of Quebec on October 16, 1970 failed. Student youth and other collectives resisted the military occupation and were supported across the country.

During the period leading up to the 1995 referendum, federal Liberal leader Jean Chrétien and leader of the Liberal Party of Quebec Daniel Johnson, created every possible obstacle to calmly discussing the needs of the Quebec nation and the need for a modern constitution for Canada. They resorted to lies, distortion, threats and blackmail to subvert any reasonable effort to have discussion. The No camp repeatedly violated the *Quebec Referendum Act*, especially with regard to spending limits.

The Anglo-Canadian colonial state backed by the entire Canadian establishment, including big public and private companies like Via Rail, Air Canada and Radio-Canada carried out a vile campaign of fear and engaged in all kinds of illegal tactics to subvert the referendum law to ensure the victory of the No vote. Money was given to individuals and businesses to buy their support. There were all kinds of "demonstrations of unity," including the final one -- the Unity Rally on October 27 that was financed by corporate sponsors, most from outside Quebec. Participants in the rally from outside of Quebec received heavily discounted fares from Via Rail, Air Canada and others and telephone companies from BC to New Brunswick offered free five-minute calls to Quebecers to encourage them to vote No -- in violation of the Quebec legislation. There was also a concerted effort to corrupt and buy the support of leaders in national minority communities with promises of jobs, grants and other rewards. The Liberals are masters of this sort of thing, not just in Montreal but across the country.



**November 3, 1995. Supplement to *Le Marxiste-Léniniste* on the significance of the referendum results (click to enlarge).**

Much effort was made after the 1995 referendum to broaden the national independence movement and "reach out" to national minorities. However, without resolutely and emphatically embracing the modern definition of the nation, what prevails is the "integration" model, the European or French model which is the other side of racist Canadian multiculturalism. The Parti Québécois has not been able to rise above the "French" or "Francophone" nation. Even after coming to power with the defeat of Jean Charest's Liberals in the 2012 election, due in part to the repressive legislation against Quebec students in the spring of 2012, Pauline Marois' Parti Québécois maintained this outdated and divisive vision of the nation on a linguistic basis and later imposed its charter of values which, among other things, banned the wearing of religious symbols and which led to its defeat.

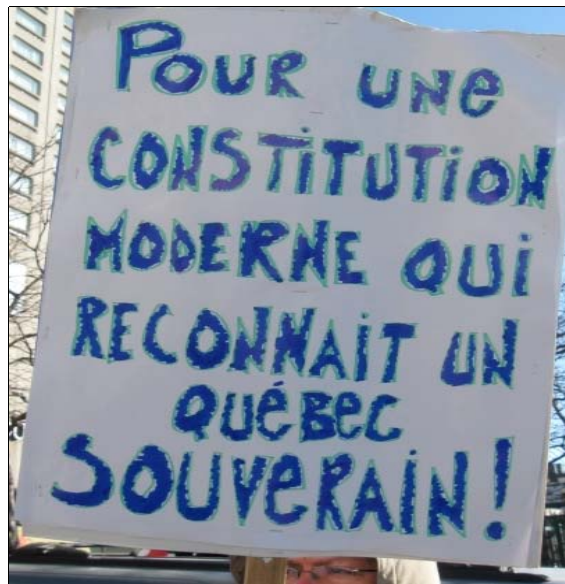
The inability of the independence movement to throw off these shackles which divide the polity on the basis of support for "left" and "right" social policies, into a "yes" and "no" camp, etc., also explains the failure to mobilize the vast majority of Quebecers around a common project for a sovereign and modern state and a Quebec that defends the rights of all.

In the aftermath of the defeat of the 1995 referendum, it was obvious that everything should be done to break free of the outdated definition of the nation. Many have recognized this reality. A modern state is not built on the basis of blood lines. A modern state is built on the basis of high ideals, one of which in the modern era is the creation of a political system that recognizes and guarantees the rights of all on the basis that all have rights by virtue of being human beings.



Today the struggle to be a sovereign people can be seen in the battles being fought by workers, youth, women -- the collectives that make up Quebec society -- to be at the centre of the solutions to all the problems facing society in order for there to be progress. This is the problem that workers are facing and are solving in the heart of the pandemic, right now, to assert their safety, that of their peers and of the society. The old so-called democratic institutions, as well as the cartel party system, are bankrupt and blocking them from becoming the decision-makers in their workplaces, hospitals, schools and communities. It is the same block that they face in asserting the sovereignty of the people, their right to decide everything that concerns them.

This week, Dominique Anglade, leader of the Liberal Party of Quebec, marked the 25th anniversary of the 1995 referendum by saying that "there is still something unfinished in the place that Quebec must occupy within Canada." The Liberal leader says that the Quebec government must claim, among other things, its cultural sovereignty. She said that "Quebec is master of its future, in a Canada where everyone must be able to find their rightful place" and that "Quebec must not give up its legitimate demands, or let federal power expand without limits."



So for the Liberals nothing has changed. The current Liberal position shows that they have not abandoned their backward conception of a great British Empire which denies the right to sovereignty and the right of the people to decide. It clings onto the old clichés of power and rivalry between the provinces and Canada and denies the objective need to address the wrongs of the past and the need for the affirmation of Quebecers' right to decide and to speak in their own name.

*(Photos: TML, Verdun Borough Archives Fund)*

Website: [www.cpcml.ca](http://www.cpcml.ca) Email: [editor@cpcml.ca](mailto:editor@cpcml.ca)