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Student-government talks collapse in Quebec; protesters take to the streets

By Roger Annis

"Nothing is working anymore in Quebec City." The collapse of negotiations between the Quebec government and the four associations of post-secondary students on strike.

Both sides held press conferences following the collapse. The government explained the sole, effective offer it made (varying only in form) over the four days of talks–to reduce its proposed hike in tuition fees by $35 to $219 for each of the coming seven years and to also reduce proportionately tax credits available to students and their families.

The last of a series of counter-proposals by student representatives was a freeze on tuition fees for two years and a reduction in tax credits such that the government would recuperate the funds it sought to obtain from its tuition hike.

Student leaders charge that the government's stonewalling was guided by its eye on an election which must take place within 18 months. They cited, in particular, the annoyance expressed by Minister Courchesne during talks on the fourth day with newspaper headlines the previous day claimed the government was "folding" from its hard line stance of maintaining its tuition hike at all cost. The government negotiated "for reasons of politics and public relations."

What's more, said Gabriel Nadeau-Dubois of the CLASSE student association, the fee hike is not a measure to finance CEGEPs and universities "but a goal in itself, a partisan objective." This would also explain the government's refusal in negotiations to entertain withdrawing its draconian Bill 78, notwithstanding the tidal wave of opposition to the law, including from the province's bar (lawyers') association.

Nadeau-Dubois launched an appeal to students to deliver a message to the government in the streets. He told Radio Canada, "When a government cuts off dialogue, when a government sabotages negotiations, the only place left for the population to make itself heard is in the streets. And there's where we are returning.

"For this reason, we are calling for a big demonstration this coming Saturday, June 2, at 2 pm at Parc Jeanne Mance. We want people to bring their pots and pans so we can be heard all the way to Quebec City."

It is already an evening of noisy protest throughout Quebec in dozens of cities and towns. In Montreal alone there are several dozen actions taking place, the largest of which, according to reports, has gathered more than 10,000 people (all, let us note, in defiance of Bill 78 and municipal regulations that restrict the right to protest). In Quebec City, police have moved on a large protest and arrested participants, declaring their march "illegal" under a municipal regulation.

News reports made much hay of Minister Courschene's claim that during the course of negotiations, a representative of CLASSE "threatened" a disruption of the Grand Prix auto race due to take place in Montreal in two weeks. Capitalist interests in the lucrative tourism industry in Quebec are expressing increasing unease with the student protest because it may discourage tourists from coming to the province this summer.

Nadeau-Dubois replied in saying that CLASSE would not prevent people from participating in large sporting or cultural events this summer such as the Grand Prix, but it would make use of large events as "tribunes" to put across its message.

He also spoke of the importance of the growing solidarity actions taking place elsewhere in Canada and internationally. Yesterday was a day of 'pots and pans' solidarity action in some thirty towns and cities in English-speaking Canada, including in Toronto and Vancouver where some 2,500 and 600 people, respectively, marched.

The French language public broadcaster in Canada spoke to a journalist who explained the two visions of society that are at stake here–on the one hand, a student movement that is dedicated to such societal imperatives as public education, public health care, and respect for the natural environment; on the other hand, a government that is imposing a "user pay" principle on all social services, all the while reducing taxes and regulations on the capitalist one percent and proudly signaling to them, "Enrich yourselves!" That's the stark choice that will now be fought out in the streets and institutions of Quebec and Canada in the months to come.

There seems little doubt that just as in Quebec, so too across Canada, we are in for a rising popular movement demanding not only quality education but a different vision for society than the destructive, dog-eat-dog model of the country's present rulers.

Why Natives Must Have Their Own Justice System - I

By: Renu Singh

In this series of articles, I am going to post materials, some written by me, and some by other authors. The purpose is to make the vast majority of us understand the injustice Native communities are enduring under the current justice system, and why it is important that they should have their own government and their own justice system, especially when this is their land.

While researching on this issue a few years back, I was able to save this paper written by a Family and Youth Court judge in Nova Scotia, Timothy T. Daley. The site that published it acjnet.org doesn't exist anymore, and the website that took over acjnet is now LawNet and can be accessed via their website http://www.acjnet.org/CanadianLaw/Ccases.aspx. I could not find this paper on their new site but it may be there and someone may stumble upon it. In this article, I am going to post the following paper, 'Where Cultures Clash' Native Peoples and a Fair Trial by Timothy T. Daley.

Where Cultures Clash
Native Peoples and A Fair Trial
By: Timothy T. Daley, B.A.,B.Ed.,M.S.W.,LL.B.
Family and Youth Court Judge
Province of Nova Scotia
[8 C.F.L.Q. (April 1992, Vol. 8,#3) 265-372]

"So an Indian person who's not as knowledgeable let's say in the English language, if he were asked if he were guilty or not, he would take that to mean, are you being blamed or not, and that's one of the reasons I found that native people were pleading guilty because they suspect that the question was, "Is it true that you're being blamed?", and the Native person, of course, would say, "Yes".[3]

There is a right at law to be presumed innocent until proven guilty.[4] There is also a legal presumption that ignorance of the law is no defense to a charge under the criminal law.[5] The rule applies not merely to simple ignorance of the law, but to mistaken knowledge, where the general law is known but the specific details of the law are misunderstood.[6]

This paper explores the difficulties Native peoples[7] experience in coping with the right and presumption as the Native appears before the Canadian courts, and identifies legislative solutions[8] available to the trial judge to ensure a fair trial. The reader must recognize that some Native persons have adopted non-native ways. The emphasis of this paper is toward those Natives who have not moved away from their culture and who find it difficult if not impossible, to participate in the non-native justice system.

The Evidence of Special Difficulties

It is tempting to suggest the current questioning of how Natives in Canada are treated by the justice system, is the result of the high profile Marshall[9] and Manitoba[10] inquiries and ongoing land claim, hunting and fishing trials.[11] Fair trial issues have been raised in Canada long before these latest incidents surfaced[12], and are not unique to Canada.[13]

The root of the difficulty is believed to be discrimination and is systemic in nature.[14] Some suggest it is the result of the powerful or the majority imposing its will on the minority,[15] a lack of understanding of cultural differences and their institutions, [16] or that the real issue is not about cultural clashes but about politics and big business and who will control the wealth of the land.[17] It is of more than passing interest, that Canada has a history of cultural clashes not involving Native peoples.[18]

Historically, colonial governments attempted to control Native populations by absorbing the local populace into the colonial culture. Three centuries of attempted assimilation, acculturation[19] and abolition[20], of the Native culture in Canada, has failed to a large degree. The evidence of the failure, to those who promote assimilation, can be found in the persistent demands by Native peoples for self-government, a Native justice system, aboriginal land settlement s, recognition of treaty rights, and special status, now found to some degree in the Charter of Rights and Freedoms.[21]

Regardless of why the assimilation did not meet the expectations of the colonial policy, the reality is that until the political issues, including the administration of justice, between the Native and non-native Canadians are resolved and in place, Native peoples will continue to appear before the courts and be subjected to a non-native justice system.

Statistics are very clear. Aboriginal people are over-represented in the jails and prisons of this country to the tune of five or six times their presence in the population nationally, and in some areas of the country, are incarcerated over ten times t heir presence.

Frankly there is every possibility that the problems faced by the justice system in so far as aboriginal accused are concerned will increase in the near future rather than decrease.[22]

It is essential therefore, that every effort be made to ensure fair treatment for Native persons within the justice system. At the arraignment and trial levels, the duty to ensure a fair hearing rests with the trial judge: "A fair judiciary is the cornerstone of our legal system."[23]

There is clear evidence that Natives face special difficulties throughout the entire spectrum of the justice system which flows in large part from differences between the Native and non-native cultures.[24]

Culture [25] comprises a variety of activity. It includes how and why things are, and have been, done within a community. Language is the common thread within a culture - its way of expressing feelings, concepts, understanding and aspirations. Language is a reflection of a way of thinking - it expresses the thoughts emanating from the mind.

... language fulfils several absolutely crucial functions. In addition to providing a means for acquiring culture, it is the indispensable means for using it: to communicate to elicit responses from others, to respond appropriately in turn, and, what is most important for ongoing evolution of culture, to accumulate, store, transmit, and speculate on the past and present experiences of others.[26]

... So close is this relation that neither language nor culture could have evolved alone, and neither could survive without the other. The role of language in abstract, symbolic thinking and as a means of communication and cooperation - of acquiring, storing, and passing on knowledge - is patently fundamental to the function of culture.[27]

It is the problem of language assimilation and understanding, or lack of it,[28] that is a significant factor when the Native appears before the court and which may explain, in part, the abnormally high percentage[29] of Natives found throughout the criminal justice system.

There is substantial evidence supporting this assertion. In 1975, the federal and provincial governments reported,

"... the crucial question ... was whether courts realize there is a native culture, a different value system, philosophy, religion and perspective toward life ..."[30]

"... native and non-native peoples perceive justice differently and that the present language of the law and language barriers tend to strengthen the differences."[31]

At the same conference, the Inuit pointed out that language and the appropriateness of the law, are two main barriers to them living within the justice system and stated,

Inuit rarely understand fully and frequently understand not at all what is happening in their dealings with the law ... The result of this ignorance is that we are at a disadvantage in every stage of the system.[32]

Rupert Ross, whose territory as Assistant Crown Prosecutor covers twenty-two remote reserves in Ontario, points out that:

We interpret what we see and hear through our own cultural eyes and ears. When we deal with people from another culture, our interpretations of their acts and words will very frequently be wrong. It follows that when we respond to their acts and words, relying upon our interpretation of them, we will respond by doing and saying things that we would never consider appropriate had we known the truth.

... we have not understood the degree to which the rules of their culture differ from ours. We must learn to expect such differences, to be ever wary of using our own cultural assumptions in interpreting their acts and words, and to do our best to discover their realities and their truths.[33]

The paper analyzing the hearings where the Alberta Lubicon Band attempted to prevent oil exploration on their traditional lands, observed:

The language barriers were considerable since not only was English used extensively but it was used in a legalistic way. The Cree elders spoke no English and it fell to the chiefs to interpret not only what was said but what it meant. The differential views of justice, of truth, of morality were painfully clear in this cross-cultural situation. While the Cree sat with their pictures of bulldozed trap lines, the companies argued that they had no policy to bulldoze lines and were therefore not responsible f or such damage ...[34]

J.T.L. James, writing about Native pride, time orientation, and the concepts of sharing and non-interference, says about communication:

Lack of verbal skills in what is probably a second language may make the native offender seem hostile or uncooperative and affect the treatment he receives. Natives frequently "clam up" in the face of our verbiage. Our very tone of voice, or volume, may prove unduly intimidating, being so different to that used by natives who lower their voice in serious matters.

Non-verbal communication is important in any culture but perhaps more so amongst people who, in their close relationship with nature, read signs invisible to us. Our body language displays our impatience, frustration and rejection of their shrugs, downcast eyes and shuffling. The non-verbal impasse can be as damaging as the verbal one in achieving the ends of justice.[35]

The complexity of the criminal justice system, its concepts and words, creates problems for any person not familiar with its subtlies. Judge J.C. Coutu, Provincial Court of Quebec, District of Abitibi, has held court in northern Quebec, including Cree and Inuit territories since 1974, as part of Quebec's answer to bringing the justice system to Native peoples. He is one of a handful of non-natives with extensive experience in this area, and concluded before the Marshall Commission, "Our system is very complex and Native people often have difficulty understanding the logic of our judicial system and its laws. When a person pleads 'not guilty', for us this means that we want the prosecution to prove beyond a reasonable doubt that the crime has been committed, or that the accused person wants more time to make a final decision as to the plea to offer. But for a Native person to plead 'not guilty' is often synonymous with telling a lie. Natives admit easily to their crimes; they are honest and frank."[36]

Clearly the Native in the justice system has major communication difficulties. These difficulties are at a basic level of understanding and stem, in part, from a culture based on survival in a harsh environment developed over thousands of years, attempting to meet the requirements of an alien judicial system based on substantially different concepts.[37] The difficulties are both conceptual and linguistic. Conceptual in the sense that Native ideas of morality, dispute resolution and justice based on survival and mediation are different from that found in the English legal tradition based on the adversarial system and confrontation.[38] Linguistic, meaning, spoken word and body language carry different me meanings in different cultures.

Native peoples exhibit behaviors different from those of non-natives, when coping with the unfamiliar justice system. These behaviors contribute to the relatively high percentage of Natives incarcerated [39], and support the argument that the traditional justice system does not understand the cultural influences and its impact on Native people. For example, two common coping mechanisms and culture-based behaviors of many Natives are: "... the main concern for many Native acc used, especially young people and first offenders, is to get away from the unfamiliar and disconcerting courthouse - to 'plead guilty' to get it over with."[40]; and, "... Europeans

... have an expectation that someone who will not look you straight in the eye is demonstrating evasiveness ... in reserve communities looking another straight in the eye is taken as a deliberate sign of disrespect ... their rule is that you only look inferiors straight in the eye ...".[41] Given the disbursement and diversity of Native populations in Canada, local language and behaviors add to the communication difficulties.[42]

The Native person is perceived by the justice system to be a silent person. He says little or nothing and is frequently described as unresponsive, uncommunicative, lacking in insight, and unwilling to expose his feeling. The result is a negative react ion from the uninformed justice system - if it is perceived that a person cannot or will not help himself, how can anyone else help? Rupert Ross[43], describes the silence, for example, as an ethical issue that forbids Native people fro m doing what non-natives do within their culture. For example, grief, anger and sorrow are to be buried quickly, and are not to be expressed because to do so only burdens the listener, what's past is past. It is not proper to indulge in your private emotions. Unwillingness to enter counseling while on probation, for example, is the result of a cultural prohibition against reliving the past and burdening others with private woes. For the Native to confront his accuser would likewise, be unethical. And quote;... giving testimony face to face ... is simply wrong. It is not part of the traditional processes ... where every effort is made to avoid such direct confrontation."[44] The reason for avoiding direct confrontation is a cultural behavior pattern where confrontation was dangerous to the welfare of the community.

The testimony of Bernard Francis[45] is replete with illustrations of misunderstandings, language intimidation and manipulation of the Native before the court. Much of the communication problem is the result of how the Native sees t he environment, how they respond and how they conceptualize language. For example:

Q. Were there some situations where precise answers were not really capable of being given in - Micmac?

A. Yes how Micmac people perceive time. Now the time equally divided in the Micmac world according to the position of the sun. Now if you have a Micmac person being examined or cross-examined on the witness stand, the lawyer might say "well, did you see this - this incident happen at - at seven o'clock in the morning?" And the Native person would answer to me "wejkwapniaq" which means the sun has just risen. And so I would turn around and give the answer ... the Prosecutor would not being satisfied with this, would say "but was it seven o'clock in the morning? And the native person would say "... the sun had just risen." And simply because seven o'clock ... in the summer and seven o'clock ... in the winter are differen t in the sense that the sun rises at different times. So he would have difficulty in answering.[46]

There is no doubt that the Natives described by Rupert Ross, Judge Little and Judge Coutu[47], reside in relatively remote areas of Canada and have limited contact with non-native Canadians or opportunities for non-native education. But, the lack of fluency in either of the official languages is not unique to these areas or persons. Mr. Francis, is thirty-nine years of age, grew up and attended early school on a reserve. He later attended a school off the reserve, on the outskirts of a larger industrial urban area. He described the quality of his education this way:

"... we spoke Micmac but the lady who was the instructor spoke English ... they (other native students) started dropping off after the first grade ... some got left behind because of the language problem ... couldn't ask for help at home because their parents weren't also speakers of English ... we didn't seem to have difficulty with mathematics or sciences, but when it came to writing essays or paragraphs ... we always had difficulty because they came out so funny ... It's just the way that Micmac i s structured, ... You're able to make a complete statement and a complete sentence which would have your subject, your predicate, and your object in one word. So the English language we always found cumbersome because it had to use a half a dozen words t o express a complete thought. And those half a dozen words sometimes would be jumbled ... which would make perfect sense to us but would make no sense or would make funny sense ... to a non-native. The sentence structure of the Micmac language is so different that when you're learning the English language, you tend to carry over your syntax on to the English language.[48]

On the face of it, the Native who speaks some English, likely has little understanding of the court process and what he or she should do in court. Again, Mr. Francis addressed what happens to the Native attempting to respond to the court process.

It was my experience that Native people were just pleading guilty to things they just didn't understand.

I noticed that ... they were very shy in a courtroom and they felt like this was a spotlight and they didn't like to be there. And they wanted to get out of there as quick as they possibly could and ... they would plead guilty to charges they simply didn' t understand ... they found it difficult to understand that there was a big difference between common assault and assault causing bodily harm ... they thought they would get a small fine or even a short term of imprisonment and they would settle for that just to get away from that ...

"... (the judge sentenced her) to ten or fifteen dollar fine or in default, ten days in gaol. ... she didn't understand what that meant ... she though that she was being fined ... plus ten days in gaol because she didn't understand what "default " meant and before I could say anything to her she had already jumped up and called the Judge a knuckle-head and she ended up in gaol for ten days (for contempt).[49]

Mr. Francis testified to other misunderstandings. The use of simple words may be misleading to the Native. For example, in the Micmac language, "we" has two meanings - inclusive when you include the person you are talking to, but exclusive w hen you exclude the person you are talking to. If the Judge uses "we" in the sense that "we'll have to do something about this," the Native interprets that to mean the Judge will include the accused in the decision-making. The Native talks more than he or she may normally do, or should under the circumstances. Consequently, the Native tells what happened, has pled guilty and is sentenced, a result, the accused did not expect when holding the conversation with the Judge.50] A second problem arises when the prosecutor, being dissatisfied with the answer from a Native witness, continues to ask the question changing a word here or there. The witness, realizing that the answer was not what the prosecutor wanted, would change the answer until the prosecutor heard the response desired.[51] The result would be conflicting statements or answers from the witness, and following the usual method of examination, when the desired answer came forth, the implication would be that this was the correct answer.

It is important for the Micmac, and presumably for other Native persons, to speak English. If a person can answer simple, informal questions in English, they are presumed by the court to understand the language. And, when asked by the Commission if t he lack of understanding of the English language caused embarrassment or contributed to the discomfort of the Native before the court, Mr. Francis responded:

"... it was embarrassing for them because a lot of people ... would try to come across as people who spoke the English language well. -- I've noticed this attitude over the years that Native people who speak English somewhat or speak it well, are very - and also speak Micmac well, are very proud of the fact that they ... speak the English language because we've been made to believe over the years that in order to be educated and intelligent you have to be facilitated in the English language. And so that made them proud. It's like saying "yes, I speak English well as a Micmac person, therefore, I must be smart".[52]

Further examples are associated with dialects and the animisy or inanimisy of objects. It should not be presumed that there are no local linguistic variations within a Native language any more than within any other language. Some variations depend, for example, on the purpose for which certain objects are used. Mr. Francis points out that when the federal government began their centralization program in the 1940, they brought together Natives groups of common culture but whose individual groups had developed their own variations of the language. He used a bus to illustrate. On one reserve close to an urban area, the bus is an inanimate object because of the lack of importance it plays in their everyday life - they can walk to town so the bus is inanim ate. Whereas on another reserve, the bus is animate because it is used regularly to carry people thirty miles to town. This creates a problem in the courtroom for the Native with marginal knowledge of the English language.[53]

The issue of understanding and a fair defense was brought sharply into focus in the 1991 murder trial of a Micmac woman. Defense counsel expressed shock when it became known that she did not understand many of the things counsel said, counsel had "; extensive conversation with Ms. Clair, and he believed she understood every word he said." At the voir dire hearing to deal with the communication problems, counsel explained, "the Micmac language has no prepositions, just suffixes. So, phrases like 'in the bed' and 'on the bed' can be indistinguishable." The result was that during cross-examination, questions were asked of Mr. Francis who translated them into Micmac and Ms. Clair answered in English.[54]

The Legislative Authority to Overcome the Difficulty

"... it is fundamental for the exercise of justice that the accused knows exactly all of the parts of the evidence presented against him, whether it is French, English, or even a native tongue ... Language was cited as a barrier to understanding at e very turn of the justice system. ... it is recommended that ... accused persons be informed that they may use their mother tongues in addressing a court and that interpreters will be provided."[55]

The Parliament of Canada has formally recognized the special historic status of Native peoples and has within its laws, provided the direction and opportunity for the Native to be granted the opportunity for a fair hearing. The authority for the judiciary to ensure that the Native person, both young and adult, before the court, is heard and understood in a fair and judicious manner exists in law.

Among other freedoms and rights, the Charter[56] gives all Canadians the fundamental freedom of thought, belief, opinion, expression and association,[57] and the right to life, liberty, security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.[58] Of note are Sections 10 and 11:

10. Everyone has the right on arrest or detention

(a) To be informed promptly of the reasons therefore;

(b) To retain and instruct counsel without delay and to be informed of that right;

11. Any person charged with an offence has the right

(a) To be informed without reasonable delay of the specific offence;

(b) To be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;

From the point of view of understanding the law, Section 14 of the Charter unequivocally states that any person "... in any proceeding who does not understand or speak the language in which the proceedings are conducted ... has the right to the assistance of an interpreter." Section 15 emphasizes the need for a linguistically fair trial:

Every individual is equal before and under the law and has the right to the equal protection and equal benefits of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability.

The Charter has ensured the preservation of the two official languages in Canada. It has also addressed the linguistic rights of all Canadians including Native peoples. For example, in addition to Section 14, Section 25 prevents the application of certain rights and freedoms from abrogating or derogating any aboriginal, treaty or other rights or freedoms of Native peoples including those recognized by Royal Proclamation of 1763. Land claims settlements, currently a major area of activity, are only one issue recognized under this section. Section 27 emphasizes the importance of maintaining the mosaic of Canadian culture, including the recognition that Native persons stand on equal cultural footing with other Canadians:

This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

The principles espoused in the Charter are not new to Canada. The Canadian Bill of Right,[59] also addresses discrimination,[60] the courts[61] and interpreters.[62] Although the Bill of Rights continues to be good law, where there is a dispute with respect to a similarly drafted provision of the Charter, the courts may overrule the Bill and apply the Charter provision.[63]

The Young Offenders Act[64] regulates the criminal justice procedures for persons between 12 and 18 years of age. It has a significant role to play in assisting the young Native before the court. It espouses a

policy of personal accountability and specific legal protections and has been described as a rights-oriented statute modeled on the criminal justice system.[65] Particularly significant is the role of the youth court judiciary. It puts the judiciary in the position of protector, directly or indirectly, of the procedures affecting the "rights" of the young person, from the pre-trial investigation to the completion of any disposition imposed by the court. The youth court judge has a special r ole, in addition to the statutory duties, to play where the alleged young offender is a Native. There is a disproportionate percentage of young Natives in the justice system and if the trend continues, this means a continuing abnormally high percentage o f young persons coming before the court whose special needs must be recognized and protected.[66] Secondly, given the cultural and linguistic difficulties noted earlier, the provisions of the Young Offenders Act related to rights and a fair hearing, take on added significance.

What are these provisions? The Declaration of Principles[67] sets the tone for the application of the Act. It establishes that young persons have special needs and require guidance and assistance because of their level of development and maturity[68], and that the young person has special guarantees[69] of their rights. The Act states that the Charter of Rights and Freedoms and the Bill of Rights, apply to young persons, specifically the right to be hear in the processes that lead to decisions affecting them, and the right to be informed of their rights and freedoms.[70] The Act requires the Principles to be liberally construed in their application.[71]

The young person has the right to be represented at any stage of proceedings against him[72], and this may be by counsel[73] or a suitable adult when the youth does not have counsel.[74] Counsel is considered so essential to the young person that if the young person is unable to obtain his own counsel, the youth court can direct the Attorney General to provide counsel.[75] When the young person first appears, the court is charged with making certain the youth understands what is being asked of him and the procedures.

12. (1) where a young person against whom information is laid first appears before a youth court judge or a justice, the judge or justice shall

(a) Cause the information to be read to him; and (b) where the young person is not represented by counsel, inform him of his right to be represented.

12. (3) where a young person is not represented in youth court by counsel; the youth court shall, before accepting a plea,

(a) Satisfy it that the young person understands the charge against him; and (b) explain to the young person that he may plead guilty or not guilty to the charge.

12. (4) Where the youth court is not satisfied that a young person understands the charge against him, as require by ..., the court shall enter a plea of not guilty on behalf of the young person and shall proceed with the trial ...

There are other procedures during the attendance of the youth, where the court has the opportunity to ensure the young person is given the opportunity to understand and make his circumstance known to the court. For example, Section 19(1) requires the court on a guilty plea, to decide if the "facts" of the offence support the guilty plea: "Where a young person pleads guilty ... and the youth court is satisfied the facts support the charge, the court shall find ...", but "... where a youth court judge is not satisfied that the facts support the charge to which the young person has pled guilty, the matter is to be set over for trial."[76] And, Section 20(6) has some application, in the sense that the youth court is required, when sentencing the young offender, to state reasons for the disposition. Because the disposition is based on the facts of the offence, the Declaration of Principles[77], and the principles of sentencing, the court of necessity, is obligated to consider the cultural background of the young offender if the disposition is to be tailored toward the needs of the particular young person as the Principles state.

Taken together, these statues[78] are intended and should clear the way for the young Native to obtain a fair hearing before the court:

(a) To have his special needs considered in any action taken against him;

(b) Not to be deprived of life, liberty or security except by due process based on the principles of fundamental justice;

(c) To equal protection from discrimination when before the law or under the law;

(d) If detained or arrested, to be informed promptly of the reason for the detention or the arrest, to be advised of and given the opportunity, to retain counsel;

(e) To be presumed innocent until proven otherwise in a fair, public and impartial trial;

(f) To be recognized as part of the multicultural heritage of Canada and to have his cultural heritage preserved and enhanced;[79]

(g) To any rights or freedoms recognized in 1763 with the signing of the Royal Proclamation;[80]

(h) To have interpreters where the accused does not understand nor speak the language of the court.

A Solution - At Least Partially

It should be absolutely clear however that this common law right to a fair hearing, including the right of the defendant to understand what is going on in the court and to be understood is a fundamental right deeply and firmly embedded in the very fabric of the Canadian legal system.[81]

The intention of Parliament, supported by the courts, is to provide for equality before the court. Where equality is not possible at any stage of the process because of language difficulties, the opportunity is there through interpreters, for the accused to participate in and understand the process. There can be no other conclusion because to view the statutes and the legal precedents in any other way would be discriminatory in itself, if not in fact, at least in principle.[82]

Interpreters are not alien to the trial courts.[83] They are used to accommodate the official languages, the deaf and the unsighted. They are used where an accused speaks another language. They are permitted by law and provided for as a fundamental right. Interpreters for Natives in court has been the subject of long standing debate and recommendation at the highest political level as noted throughout this paper. The Reports on the National and Federal - Provincial conferences on Native Peoples and the Criminal Justice System,[84] stated:

As a general rule we (the study group) insist that people must be provided with interpretation and translation facilities from properly qualified personnel in all dealings with legal agencies where it is essential the person understand what is happening. And quote:

"...These conferences were attended by Native groups and provincial and federal senior government justice officials, generally the Attorney-Generals or Solicitor Generals. They recommended that adequate interpretative services be provided where necessary and significantly recorded:

"... it frequently happens that natives are not familiar with one or the other of the two official languages before the court.

"... There is little doubt ... that a fair number, a substantial number, of native Canadians have been convicted of offences because of the inability of the interpreter to communicate to them protections that are presently provided under the criminal laws of Canada and we won't get these interpreters unless we are prepared to educate them, to train them and to pay them."[85]

Interpreters, at least when translating Native languages, require special expertise because of the construction and use of the language relative to non-native language as discussed earlier. Her Honor Judge J.P. Little, the presiding Youth Court Judge in northwestern Ontario, observed:

I consider it essential that an interpreter be scheduled to attend every northern court. If possible, we use an interpreter from the community, who will be familiar with the local dialect. The interpreter is the pivot upon which a successful court trip depends. If the interpreter is not fluent in both languages (English and Ojibwa or English and Oji-Cree, or English and Cree depending on location) the court cannot function. Fluency is difficult because there are not translations for many English concepts e.g. innocent and guilty. Children who do not attend school regularly have very limited English language skills.[86]

The court must, as a preliminary step, be satisfied how the interpreter will function: a word-by-word translation or something else. Verbatim translations are the standard practice but where a witness is known to use different words, or have multiple understandings for the same word or concept, or there is the possibility of misunderstanding, the interpreter may need to enter into a discussion with the witness in order to ferret out what the witness understands of the question or comment, and to ensure that the response is in relation to the inquiry.[87]

A qualified interpreter should be in attendance at every sitting of the court in an Aboriginal community. It is important to allow the interpreter to discuss a question and answer with a witness, as it is often not possible to literally translate a question or answer from English to an Aboriginal language, or to give a simple "yes" or "no" answer.[88]

The purpose of interpreting is twofold: to ensure the accused is given the opportunity to be understood, to make his case known, and, for the court to clearly understand the position and evidence of the accused and to make its own processes clear. It is in the interest of the court and basic justice, as well as its duty, to ensure the law is properly understood and applied. Without clarity and understanding by the prosecution and the defense, this interest is not met. It matters little if the accused is an adult or young person. Or if the accused communicates in an official language or some other language. The principle is the same.

The Commissioners at the Marshall Inquiry recommended that all courts have the services of an on-call Native interpreter for use at the request of the accused or witnesses (and presumably the court) where needed. Their final Report perhaps best sums up the essence of the needs of the accused and the inherent value of a fair hearing:

Several Micmac witnesses ... testified before us, so we were able to observe their reaction to the court-like process of the Inquiry.

When he appeared before this Royal Commission, Marshall gave his evidence in the Micmac language with the assistance of an interpreter. It is obvious the interpreter helped him speak more freely and eased some of the tensions associated with the examination and cross-examination by lawyers, and the questioning of the judges. Since he understands English, the questions were asked in English and Marshall responded to the interpreter in Micmac. In a subtle way, what appeared to be a conversation between the witness and the translator replaced the direct and potentially antagonistic interchange between lawyer and witness. Marshall's ability to express himself freely in his native language introduced a comfort level to the proceedings we sense was absent in hi s other court appearances. This had a positive effect in obtaining the best evidence possible from the witness.[89]

Footnotes

3. Bernard Francis, former Native Court Worker, teacher of Applied Linquistics, Univ. College of Cape Breton, testifying before the Royal Commission on the Donald Marshall, Jr., Prosecution. Transcript of the testimony of Mr. Francis, p. 3 931.

4. Canada Act 1982 (U.K.), c.11, Schedule B, Part 1: Canadian Charter of Rights and Freedoms, R.S.C. 1985, Appendix II, No. 44, s. 11(d); Canadian Bill of Rights, R.S.C. 1985, c. 26,; Criminal Code. R.S., c. C-34, s.6(1)(a) and R. v. Oakes, 50 C.R.(3d) 1, 24 C.C.C.(3d) 321 (S.C.C.).

5. G. Williams, Criminal Law, 2nd Ed. (London: Stevens & Sons Ltd., 1961), p.288; Criminal Code, R.S.C. 1985,c. C-46, s.19.

6. Ibid., Williams.

7. The term "Native" is used throughout this paper refers to the First Peoples to inhabit what is called Canada. The First Peoples are frequently referred to as "aboriginals" as seen for example, in M.E. Turpel, "The Judged and the Judging: Locating Innocence in a Fallen World", 40 UNB LJ 281. The Report of the Aboriginal Justice Inquiry of Manitoba at p. 7 refers to "... the Indian, Metis and Inuit people. That ... leads us inevitably to a consideration of what or who are Indians, Metis or Inuit ... when we refer to Indians, we will be talking about the Aboriginal people who are entitled to be registered as Indians pursuant to the Indian Act of Canada ... Metis people are those Aboriginal people of mixed blood, Aboriginal-white ancestry who are, and who consider themselves as being, neither Indian nor Inuit, or who regard themselves as Metis ... Inuit people are those Aboriginal people who were known formerly as Eskimos." Webster's Encyclopedic Dictionary, Can. Ed.,(1988), defines 'aboriginal' as "existing from the earliest times, from the beginning - a native inhabitant of a country before colonization."

8. Canada Act 1982 (U.K.), c.11, Schedule B, Part 1: The Canadian Charter of Rights and Freedoms; Canadian Bill of Rights, R.S.C. 1985, c. 26; Young Offenders Act, R.S.C. 1985, c. Y-1.

9. Royal Commission on the Donald Marshall, Jr., Prosecution.

10. Public Inquiry into the Administration of Justice and Aboriginal People of Manitoba.

11. For example, The Inquiry into Policing on the Blood Reserve in Alberta, the trial of the Innu people in Labrador for obstructing the use of the Goose Bay air base by NATO

forces, Simon v. The Queen, [1985] 2 S.C.R. 387 and R. v. Denny et al., (1990) 94 N.S.R. (2d) 235 and 247 A.P.R. 235.

12. For example, Indians and the Law, Canadian Corrections Association, Ottawa, 1967; Proceedings of Conference on Northern Justice, Manitoba Society of Criminology, Winnipeg, 1973; The Native Offender and the Law, Law Reform Commission, Ottawa, 1974; Reports on the National Conference and the Federal-Provincial Conference on Native Peoples and the Criminal Justice System, Solicitor General of Canada, Ottawa, 1975; Report of the Metis and Non-Status Indian Crime and Justice Commission, October 1977; J.T.L. James, "Toward a Cultural Understanding of the Native Offender", Canadian Journal of Criminology (1979) 21:453-462; D. Skoog, L.W. Roberts and E.D. Boldt, "Native Attitudes Toward the Police", Canadian Journal of Criminology (1980) 22:354-359.

13. See Note 7, Vol. 7, The Consultative Conference Report, comments of Russell Barsh, pp. 35-40; Vol. 3, The Mi'kmaq and Criminal Justice in Nova Scotia; M. Jackson, Locking Up Indians in Canada - A Report of the Special Committee of the Canadian Bar Association on Imprisonment; S. Stevens, "Access to Civil Justice of Aboriginal Peoples", paper presented to the Conference on Access to Civil Justice, 1988, Toronto; Correctional Law Review, Working Paper No. 7, Correction al Issues Affecting Native Peoples, Canada, 1988, pp. 21-22; R. v. Anunga and Others [1976] 11 A.L.R. 412, (Aust.N.T.S.C.).

14. See Note 7, Vol. 3, p. 69 and Ontario Human Rights Commission v. Simpsons-Sears, [1985] 2 S.C.R. 536. Systematic discrimination happens when a specific act, policy or structural factor - intended or unintended - results in adverse effects for members of certain specific groups, (Note 7, Vol. 1, p. 151), and is sometimes referred to as "institutional racism", (Note 13).

15. For example, J. Ryan and B. Ominayak, "The Cultural Effects of Judicial Bias", in Equality and Judicial Neutrality (Toronto: Carswell, 1987), pp. 345-358.

16. Ibid., L. Mandell, "Native Culture on Trial", pp. 358-365.

17. Ibid.

18. The most recent examples being the Quebec-English Canada conflict over culture, language and independence, the Meech Lake Accord and Quebec's Bills 22 and 101.

19. Random House Dictionary defines acculturation as "the process of adopting the cultural traits or social patterns of another group." For discussion on this process see H.F. McGee, The Native Peoples of Atlantic Canada: A History of Indian-European Relations, (Don Mills: Carleton Univ. Press Canada, 1983), chapters 6 and 13; K. J. Brooks, "The Effect of the Catholic Missionaries on the Micmac Indians of Nova Scotia, 1610-1986", The Nova Scotia Historical Society Review, Vol.6, No.1, 1986, p.107. For an analysis of the historical development and the courts response to Native rights, see B. Slattery, "Understanding Aboriginal Rights", (1987) 66 C.B.R. 727.

20. The Report of the Aboriginal Justice Inquiry of Manitoba, dated August 12th, 1991, authored by Associate Chief Judges A.C. Hamilton and C.M. Sinclair, is in two volumes. Volume 1 is titled "The Justice System and Aboriginal Peoples", and Volume 2 "The Deaths of Helen Betty Osborne and John Joseph Harper". See Volume 1 for an historical overview, pp. 49 - 83, for a description of the attempts of the English and Canadian governments to abolish the Native cult ure by the imposition of "Christianity and civilization" through control over their education, economy, development, quality of life, movement, religion and justice.

21. See Note 6, the Charter, ss. 25 and 27.

22. Judge C. Murray Sinclair, "Sentencing Disparity: Dealing with the Aboriginal Offender"' Nova Scotia Judges Educational Seminar, June 7-9th, 1990, p. 2.

23. See Note 7, Vol. 1, p. 157.

24. See Note 12.

25. Webster's Dictionary defines culture "as the customary beliefs, social forms, and material traits of a racial, religious or social group.". In its broadest sense culture "is everything, material and nonmaterial, learned and shared by people as they come to terms with their environment. It includes the totality of a group's shared procedures, belief systems, worldview, values, attitudes, and perceptions of life ..." from Indian Education, Vol. 2: The Challenge. (Vancouver: Univ. of British Columbia Press, 1986), p. 156.

26. P.B. Hammond, An Introduction to Cultural and Social Anthropology, 2nd Ed. (London: Macmillan Publ. Co., 1978), p.410.

27. Ibid., p.422.

28. Status(46.6%), non-status(9.5%), Metis(13.9%) and Inuit(73.8%) persons in Canada spoke the Native language as a mother tongue; only 26% of those over 15 years of age had attended high school compared to 52% of the non-native population, and more had not gone past grade 5 than had completed university. The reader should note that Native groups have disputed the data, from the 1981 census. See: First Ministers' Conference: Aboriginal Constitutional Matter, Ottawa, 1987, "Basic Information on Aboriginal Peoples." The Manitoba Justice Inquiry, note 18, at p. 94 stated "according to the 1986 census, 34.2% of Manitoba's Indian population over the age of 15 had less than grade nine education, compared to 18.2% of the total provincial population."

29. Native peoples are over represented in Canadian prisons and jails. Although the Native population is 2% of the total Canadian population, in 1987, 24.7% of the inmates in federal and provincial prisons were Natives who had committed federal offenses only. See: Task Force on Aboriginal Peoples in Federal Corrections-Final Report, Ottawa, 1988; and M. Coyle, "Traditional Indian Justice in Ontario: A Role for the Present", [1986] 24 O.H.L.J., 605. For a comprehensive discussion on the Native population in the Canadian justice system, see "The Canadian Criminal Justice System: Inequalities of Class, Race, and Gender". L. Samuelson and B. Marshall. Social Issues and Contradiction in Canadian Society. B.S. Bollar ia. HBJ. 1990, c. 20. See Note 18, Chapter 4 titled "Aboriginal Over-Representation", pp. 85 - 114 for a comprehensive analysis of the impact of systemic discrimination on Natives peoples in Canada.

30. Reports on the National Conference and Federal - Provincial Conference on Native Peoples and the Criminal Justice System, Solicitor General of Canada, 1975, p. 15.

31. Ibid.

32. Ibid., p. 29.

33. R. Ross, "Leaving Our White Eyes Behind: The Sentencing of Native Accused", [1989] 3 C.N.L.R. 2.

34 See Note 13, p. 357.

35. J.T.L. James, "Toward a Cultural Understanding of the Native Offender", Canadian Journal of Criminology (1979) 21: 453, at 456.

36. See Note 7, Vol.7, p. 24; and, Little, J.P. (Judge), "Special Types of Offenders: Indian Young Offenders", paper given at Advanced Judicial Seminar, Montreal, Dec. 2, 1988.

37. See Note 7, Vol.1, p. 163, "Native Canadians have a right to a justice system ... which dispenses justice in a manner consistent with and sensitive to their history, culture and language... the criminal justice system ... is not relevant to their experience, not only in terms of its language and concepts but also in terms of essential values ... Those traditional values frequently clash with our adversarial system."

38. See Note 1, pp. 4101 - 4102.

39. See Note 27.

40. See Note 7, Vol. 3, p. 44.

41. See Note 31, p. 2 and following.

42. See Note 7. Vol.3, reports that Native peoples in Canada are made up of eleven major language groups, seven cultural areas, and, see Note 26, 58 dialects within the language groups.

43. See Note 31, p. 4 and following.

44. Ibid., p. 5.

45. See Note 1. Mr. Francis' was thoroughly examined by counsel for the Inquiry, for the Nova Scotia Attorney General and all the parties concerning his experiences as a Native court worker in the Province. Mr. Francis is an educational specialist and teaches language fluency credit courses at the beginning, intermediate and advanced levels. The transcript exceeds 200 pages.

46. Ibid., p. 3937. See Note 33 for further references to conceptual difficulties between the native and non-native language.

47. See Notes 31 and 34.

48. See Note 1, pp. 3897 - 3915.

49. See Note 1, pp. 3921, 3926, 3929.

50. See Note 1, p. 3932 - 3933.

51. Ibid., p. 3934.

52. Ibid., pp. 3941 - 3942, 4004, 4082 - 4085.

53. Ibid., pp. 3960 - 3962.

54. "Ruling allows Micmac interpreter", Halifax Mail-Star, Thursday, October 17th, 1991. Defense counsel Mr. Joel Pink conceded that the interpreter hampered the free flow of testimony during cross-examination, but without the interpreter, there would have been a danger that Ms. Clair would not have received a fair trial.

55. See Note 10, Reports...,pp. 26, 29, and 47.

56. See Note 6, the Charter.

57. Ibid., s. 2.

58. Ibid., s. 7. The principles of fundamental justice include the right to be heard before a fair and impartial tribunal. The right to be heard implies that the accused is reasonably conversant with the language being used, that he knows the words and what they mean, so that he may fairly respond or give answer. Inherent in the principle is the requirement for the court or tribunal to make sure the person is given a fair hearing with all that implies.

59. See Note 6.

60. Ibid., s. 1.

61. Ibid., s. 2.

62. Ibid.

63. E.G., R. v. Big M Drug Mart Ltd.,[1985] 1 S.C.R. 295 and R. v. Therens, 1 S.C.R. 613.

64. See Note 6.

65. Priscilla Platt, Young Offenders Law in Canada, (Toronto: Butterworths, 1989).

66. See Note 27 and Note 18, Chapter 15 titled "Young Offenders". The Inquiry points out that the proportion of young persons in the justice system is even higher than adults (p.549), and that the Young Offenders Act, as it is being implemented is not serving Aboriginal youths well and that a more punitive approach has been adopted toward young offenders in Manitoba. As a result, more Aboriginal youths are being incarcerated than under the repealed Juvenile Delinquents A ct.(p.557). There is no reason to believe the situation is different in other provinces.

67. See Note 57, s. 3.

68. Ibid., s. 3(1)(c).

69. Ibid., s.3(1)(e).

70. Ibid., s. 3(1)(g).

71. Ibid., s. 3(2).

72. Ibid., s. 11(1). See Note 18. The Manitoba Inquiry Report recommends that Section 54(4) of the Young Offenders Act be amended to remove the provision which allows young offenders to waive their right to have a parent or guardian present during questioning by the police. In R. v. James [1990] 6 W.W.R. 152 (S.C.C.), Supreme Court of Canada Chief Justice Dickson rejected the admissibility of a statement made to the police without parental or guardian supervision.

73. Ibid., s. 11(2).

74. Ibid., s. 11(2) and (7). If the court believes there is a conflict between the adult and the child or it is in the best interests of the young person to have his own counsel, the court is to ensure the person has his own counsel - s. 11(8).

75. Ibid., s. 11(4) and (5).

76. See The Queen v. G.E.G.C., (1986) 72 N.S.R. (2d) and 267 A.P.R. 267 at 268.

77. See Note 57 and R. v. K.G. (1986), 48 Alta. L. R. (2d) 1.

78. See Note 6.

79. This idea is not new to Canadian courts. Evidence of the recognition, preservation and enhancement of Native culture is found in A.N.R. and S.C.R. v. L.J.W. (1983), 36 R.F.L. (2d) 1 (S.C.C., Wilson J.); C.A.S. of Huron County v. Bunn (1975), 24 R.F.L. 187; Zlotkin, Norman K., "Judicial Recognition of Aboriginal Customary Law: Selected Marriage and Adoption Cases", [1984] 4 C.N.L.R. 1 (Paper presented to the XIth International Congress of Anthropological and Ethnological Sciences, Vancouver, Aug. 1983).

80. The Charter, s. 25, points out that land claims are not the only issue to be protected by the Proclamation. The other point to remember concerning treaties and the Proclamation, is that not all treaties with the Native peoples were the same: see R. v. Denny et al., (1990) 94 N.S.R. (2d) and 247 A.P.R. 235, and Note 18, Vol. 1 at pp. 56 - 63.

81. MacDonald v. Ville de Montreal [1986] 1 S.C.R. 460 at 499. See also Societe des Acadiens v. Association of Parents [1986] 1 S.C.R. 549.

82. Slattery, Note 17, suggests that the Supreme Court of Canada has tended to look at the Charter cases from a legal interpretation point of view and not necessarily from a sociological perspective but in R. v. Simon [1985] 2 S.C .R. 387, Chief Justice Dickson, although speaking to a possession of firearms appeal involving hunting and treaty issues, observed at 402, "Such an interpretation accords with the generally accepted view that Indian treaties should be given a fair, large and liberal construction in favor of the Indians." Given the trend in the Supreme Court decisions such as Pelech [1987] 1 S.C.R. 423, Tremblay v. Daigle [1989] 2 S.C.R. 530, and Morgentaler [1988] 1 S.C.R. 30 and Note 79, toward meeting current sociological and legal issues, it is likely that appeals based on breaches of fundamental justice, will be treated in a like manner.

83. See Phipson on Evidence, 12th Ed., (London: Sweet & Maxwell, 1976), pp. 618 - 619.

84. See Note 10.

85. Ibid., pp. 31 and 47.

86. See Note 34, pp. 2 - 3.

87. The inherent jurisdiction of the court allows for this course to be taken: Re Trepca Mines Ltd. [1960] 1 W.L.R. 24 and In the Estate of Fuld, Hartley v. Fuld [1965] 2 All E.R. 653.

88. See Note 18, p. 371.

89. See Note 7, Vol. 1, pp. 171 -172.

Imperialism Redux: Canada Colonizes Honduras?

by Dave Broad

Dave Broad is a Professor of Sociology at the University of Regina, Saskatchewan, Canada. His publications include Dave Broad, Hollow Work, Hollow Society? Globalization and the Casual Labour Problem; Dave Broad and Wayne Antony (eds.), Capitalism Rebooted? Work, Welfare and the New Economy (both Fernwood Publishing); and Dave Broad, "The Productivity Mantra."

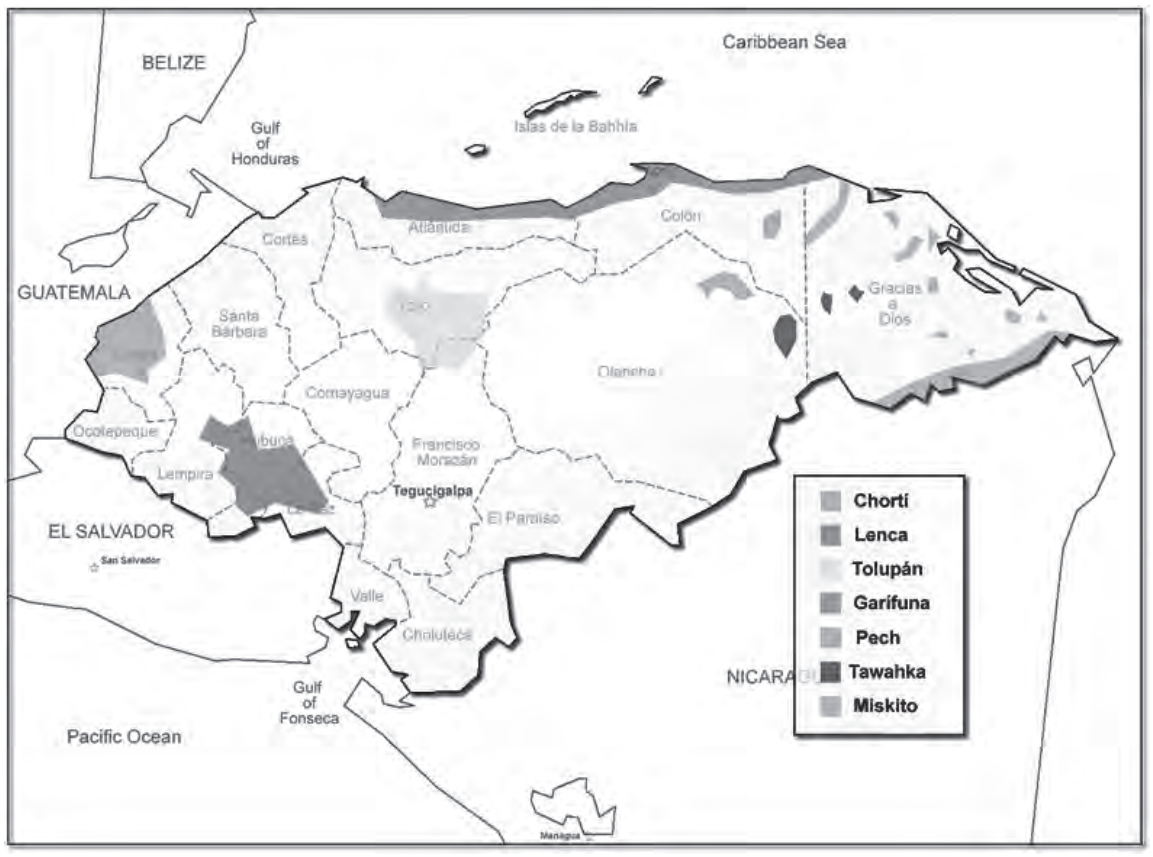
A curious article recently appeared in Canada's Globe and Mail. The authors are US economist Paul Romer and Octavio Sanchez, chief of staff to the President of Honduras. They are promoting Romer's idea for "charter cities," in which Canada is invited to play a role in an ostensibly new model to promote development and prosperity in the Third World. As the authors put it:

With the near unanimous support of its Congress, Honduras recently defined a new legal entity: la Región Especial de Desarrollo. A RED is an independent reform zone intended to offer jobs and safety to families who lack a good alternative; officials in the RED will be able to partner with foreign governments in critical areas such as policing, jurisprudence and transparency. By participating, Canada can lead an innovative approach to development assistance, an approach that tackles the primary roadblock to prosperity in the developing world: weak governance.1

This special development region would be a step beyond special enterprise zones now existing in the Global South in that it would have its own government. Romer argues that traditional aid and development models have not worked because they are hamstrung by corrupt and inefficient governments. So the charter city is offered as an alternative to traditional aid and to migration of Third World peoples to First World countries in search of work and a better life.

This proposal is spelled out in more detail in a paper Romer co-authored for the Canadian right-wing think tank the Macdonald-Laurier Institute.2 In critiquing traditional development aid, Fuller and Romer make the bold claim that charter cities can "offer people a chance to live and work in a safe and well-run city, a city that provides economic opportunities for Canadians and Hondurans alike, and a city that has the potential to inspire reform in Honduras and throughout the Americas."3 The plan is to have internal city self-government modeled on and assisted by a First World partner like Canada. Such a partnership would also give the charter city legitimacy. Fuller and Romer set their proposal in the context of a report by the United Nations Department of Economic and Social Affairs forecasting a wave of urbanization, with the global urban population doubling over the next four decades.4 "The Charter Cities Initiative aims to channel this unprecedented scale of urban growth in a positive direction, offering new choices to reform-minded political leaders as well as new choices to migrants in search of better places to live and work."5

Romer and his colleagues repeat the themes of choice and an ostensibly new model of growth and development throughout their writings. They emphasize that the charter cities will be sites designed to attract private-sector foreign direct investment in infrastructure and production. They argue that previous attempts in the Third World have failed because of governments that have failed to establish rules to support private-sector growth and development and that have allowed opportunistic and predatory firms to exploit institutional weaknesses, thus leading to distrust, crime, and violence. To overcome this, Third World countries need rules promoting transparency, efficiency, and fairness to attract investment by honest and efficient firms. This in turn will attract the new citizen-workers looking for a better life.



Canada is presented as a model case of government upholding the values of transparency, efficiency, and fairness in private-sector development that Romer and his colleagues are promoting. So, for example, charter city judiciary and police for Honduras could be developed by Canadians, with institutions such as the Royal Canadian Mounted Police (RCMP) assisting to set up an "honest and efficient" police force.

Romer's illustration of a successful charter city is Hong Kong. "Should the new city [in Honduras] succeed, it can demonstrate the potential for reform elsewhere in Honduras, much as Hong Kong helped to inspire reform and development in China."6 Fuller and Romer even go so far as saying: "Most Chinese still view Britain's use of force in seizing Hong Kong as an affront to Chinese sovereignty. But many will also acknowledge that, if they had the chance to replay history, they would gladly and voluntarily offer Hong Kong to the British."7

There are obvious problems with Romer's proposal for charter cities. First of all, the accounts given by Romer and his colleagues depict an ahistorical fantasy world. Theirs is the mainstream economics notion of competitive markets devoid of imperialism and monopoly. Their private-sector firms engaged in foreign direct investment are seen as benign institutions of this market economy, with the opportunistic firms they mention being somehow the product of weak governments without strong rules-based institutions. So, typical of neoclassical economics, government is variously blamed for what it does do and what it does not do. In reality, capitalist firms themselves, especially transnational ones, are the psychopathic institutions so vividly depicted in Joel Bakan's book and documentary film The Corporation.8 President Porfirio Lobo of Honduras has already appointed a so-called Transparency Commission to oversee his proposed charter city, with four members, including Romer, being US economists and corporate officers, and the fifth a corporate officer and former military general from Singapore.9 This is hardly a group to be critical of transnational corporations.

Contrary to Romer et al.'s view, the problems of underdevelopment and social decay found in the Third World are the products of imperialism -- political, military, and direct and portfolio foreign investment. By now dependency and world systems theorists have established that underdevelopment was not an original state, but rather the product of what Andre Gunder Frank termed "the development of underdevelopment" resulting from colonialism and imperialism.10 After five centuries, it should be obvious that more of the same will not promote the happy state of growth and development that Romer et al. envision. In interviews, Romer asserts that his proposal for charter cities in the Third World is not a form of imperialism. On his Charter Cities Web site, the Frequently Asked Questions list includes the following question and answer:

Q: Wouldn't this amount to a form of colonialism?

A: Colonialism is a word that people use when they want to stir up emotions and stop rational discourse. The intended emotional response is guilt by association: 'This sounds like colonialism. Colonialism was morally wrong. This must be morally wrong.' The best response when someone uses this term is to ask people to explain whether they mean that creating a charter city is morally wrong.11

This is clearly an evasion of the question, glibly dismissing the questioner as irrational. Authors like Harry Magdoff have demonstrated that we can easily have imperialism without formal colonies, which has clearly been the actual history of direct and portfolio foreign investment in the Third World.12

Honduras is a curious case for piloting a charter city. The country is a prototypical "banana republic" whose economy and governments have been historically manipulated by transnational firms like the US-based United Fruit Company, whose profits have been ensured by US government and military intervention. The country is second only to Bolivia in having the highest number of military coups in Latin America since formal independence in the early 1800s. The Honduran capital city of Tegucigalpa is thus sometimes jokingly referred to as Tegucigolpe, "golpe" being the Spanish word for coup. Fuller and Romer do mention the most recent Honduran coup, without referring to it as such.13 In 2009, President Manuel Zelaya was removed from office by the military when his government tried to implement reforms that could have led to improvements in democracy and social welfare for Hondurans. The coup and subsequent political regime were supported by the US and Canadian governments, leading to the eventual election of current President Porfirio Lobo Sosa. Fuller and Romer refer to a Truth and Reconciliation Commission which reported that both President Zelaya and those mounting the coup had broken the law, but the comprador rulers remain in office. Again, there is plenty of historical evidence to conclude that this Commission and the post-coup elections in conditions of repression and misery are unlikely to have any true democratic legitimacy.14 Consequently, we should be suspect of the true goals of President Lobo's promotion of Romer's charter city.

Citing Hong Kong as a prime example of a successful charter city is also curious, given that Hong Kong has never had a government independent of colonialism. Romer claims that an essential feature of the charter city is that it is a place where people choose to live because of the opportunity for prosperity and security the city offers. But this overlooks the argument that people's choices are generally made within the context of social strictures, all the more so for those who are poor and oppressed, like the majorities in Asia and Latin America. And to give Hong Kong credit for inspiring reform and development throughout China is at the very least an overstatement and misses the larger forces that brought about the rise of Deng Xiaoping and the "capitalist roaders" in China. Generally, Hong Kong is hardly the model of democracy and prosperity for all that the charter city is supposed to offer. Anyone who has visited Hong Kong can clearly see the significant socio-economic inequality that exists there and that is becoming obvious throughout China since it has opened up more to the capitalist world economy.

Nor is Canada the model of democracy, development, and prosperity for all that Romer et al. present it to be. One has only to observe the continuing neocolonial oppression of Aboriginal Canadians to see this. Canadians as a whole have been experiencing greater degrees of underemployment and social inequality in recent decades. And current right-wing federal and provincial governments are using austerity policies to further undermine working and welfare conditions and democratic rights, through legislative changes and attacks on trade unions and other popular organizations, and moves toward government by executive fiat. While the federal government of Prime Minister Stephen Harper has been busy signing free trade agreements with more and more countries, including Honduras, it is also changing immigration laws to permit more low-wage migrant labor into Canada, citing a supposed shortage of skilled labor. As well, the Canadian federal and provincial governments are increasingly busy selling off the country's resources to other countries, following a long history of Canada being a dependent political-economic middle power that continues to experience neocolonialism itself.15 So how Canada can serve as a model of growth, development, and prosperity for anyone is a mystery. Nor do Canadian legislative and judicial institutions serve as models of transparency, honesty, and efficiency. The RCMP is a clear case in point, with its long history as an agent of postcolonial and class domination in Canada.16

For anyone who has studied the actual history of the capitalist world economy, the idea for these charter cities is patently absurd. On the surface it looks like some sort of fantasy market utopia, but in reality it would be more like the kind of science fiction dystopias that novelists like George Orwell and Kurt Vonnegut have written about, where gated cities house a prosperous few, while the masses outside experience the neocolonial conditions that make them "the damned of the earth," as described by the original French title of Frantz Fanon's book of that name.17 Therefore, the charter city promoters are either very naïve, or are presenting a façade for continuing imperialist domination and super-exploitation of labor throughout the world. Romer presents the idea as something new, but it is at best a case of putting old wine in new bottles.

A rational person might well see the charter city proposal as preposterous, but then again it is also preposterous that, despite the failure of the neoliberal model even in its own private-sector market terms (not to mention the global economic crisis of capitalism), major global economic institutions and governments are still animated by this very model. So, the charter city proposal is being given currency by neoliberal politicians and pundits in Canada, Honduras, and elsewhere. But we also know, along with Fanon, that capitalist imperialism will continue to draw opposition from popular forces demonstrating that the emperor has no clothes, while posing a more rational humane social order. The charter city, a bad deal for both the Honduran and Canadian working classes, will be opposed by both.

1 Paul Romer and Octavio Sanchez, "Urban Prosperity in the RED," The Globe and Mail, Wednesday, April 25, 2012.

2 Brandon Fuller and Paul Romer, Success and The City: How Charter Cities Could Transform the Developing World (Ottawa: The Macdonald-Laurier Institute, April 2012).

3 Fuller and Romer, p. 1.

4 United Nations Department of Economic and Social Affairs, World Urbanization Prospects: The 2011 Revision, <esa.un.org/unpd/wup/index.htm>.

5 Fuller and Romer, p. 1.

6 Fuller and Paul Romer, p. 3.

7 Brandon Fuller and Romer, p. 14.

8 Joel Bakan, The Corporation: The Pathological Pursuit of Profit and Power (Toronto: Penguin Books, 2004); The Corporation, dirs. Mark Achbar, Jennifer Abbott, and Joel Bakan, Toronto: Mongrel Media, 2005.

9 Fuller and Romer, pp. 9-10.

10 Andre Gunder Frank, "The Development of Underdevelopment," Monthly Review, Vol. 18, No. 4 (September 1966), pp. 17-31.

11 "Charter Cities: Frequently Asked Questions," www.chartercities.org.

12 Harry Magdoff, Imperialism Without Colonies (New York: Monthly Review Press, 2003).

13 Brandon Fuller and Paul Romer, p. 8.

14 See, for example, the numerous publications by Noam Chomsky and Edward S. Herman on this subject.

15 Joseph K. Roberts, In the Shadow of Empire: Canada for Americans(New York: Monthly Review Press, 1998).

16 See, e.g., Lorne Brown and Caroline Brown, An Unauthorized History of the RCMP(Toronto: James Lorimer, 1978).

17 Frantz Fanon, The Wretched of the Earth (New York: Grove Press, 1961).

In short, it's all Greek to Quebec -- pretty frightening... eh?

In Greece, citizens can, on average, retire with a full government pension at the age of 58. In Germany, the citizens expected to help bail out the bankrupt Greeks must work until the age of 67 before they can retire.

Naturally, German citizens are wondering how this can be considered fair. Why should they have to work nine years longer so Greek citizens can live a life of leisure?

What's more, in Germany, most working people pay taxes.

In Greece, only 20 per cent pay taxes. Again, unfair.

And yet equalization between "have" European Union states and "have not" European Union states continues, even though it's not making things equal -- it's rewarding laziness, leisure and possibly even criminal tax evasion. Why pay taxes if some hard-working Germans will do it for you? So the riots in Greece. They believe they are entitled to those entitlements.

Dysfunctional? You bet.

Hey.....we Canadians would never stand for such a thing. Right? Well, folks, think again.

Equalization in Canada was established to ensure that "have-not" regions could enjoy the same programs as "have" regions and most Canadians wouldn't quibble with that. But that has not happened. In fact, the reverse has occurred. They have provinces have fewer services than the have-nots.

In Quebec -- which opted out of the Canada Pension Plan and administers its own pension plan - citizens can retire with a full pension at age 62. In the rest of Canada, the age contributors can receive full benefits is 65.

In light of the fact that Quebec received $8.6 billion in equalization payments in 2010-11 out of a total equalization pot of $14.4 billion, it's safe to say that citizens in Canada 's "have" provinces British Columbia, Alberta and Ontario -- are paying for Quebecers' early retirement, as theirs is the only province which has such a generous, early retirement benefit.

In other words, equalization is not very equal.

What's more, Quebecers can take advantage of $7-a-day day care, whereas, in most other provinces, $7 wouldn't even buy you an hour of day care or babysitting.

Quebec has a very generous pharmaceutical program unlike any other in the country and Quebec university students pay considerably less for tuition within Quebec than students from anywhere else in the country.

For instance, to attend McGill University in 2010, Quebec students pay $3,475 for tuition and fees. An out-of-province student attending McGill pays $7,008 or $3,533 more than a Quebec student -- more than double! Five of the six cheapest universities in Canada are in Quebec -- but they're only the cheapest for Quebecers. Those same universities are among the most expensive in Canada for non-Quebecers.

Sherbrooke has the lowest university tuition and fees in the entire country -- but again, only for Quebecers, who pay just $2,381. To attend the same university, a non-Quebecer, from Alberta, for

Instance, must pay $5,914 or $3,533 more than his Quebec colleague. In other words, when that Alberta student works through the summer in Alberta to save up for tuition and living expenses, the taxes he or she will pay will actually help subsidize the Quebec student's tuition.

Lately, Quebecers, like Conservative MP Maxime Bernier, have criticized Quebec's overreliance on equalization, saying Quebecers are "spoiled children."

But that's got Quebec's Liberal provincial government fighting back. In its 2010-11 budget document, the Jean Charest government is actually arguing that it should receive even more equalization than it's getting because Alberta's oil industry is keeping the Canadian dollar high, which in turn harms Quebec's manufacturing sector. This is not a joke.

"A rise in the world price of a barrel of oil favours provinces that have that resource," states the budget document in Section E. However, the rise in the Canadian dollar that accompanies the rising price of oil hampers the exports of the other provinces. An adequate equalization program can mitigate this phenomenon by increasing the revenues of provinces that are negatively affected by the rise in the dollar, without reducing the revenues of provinces that benefit from the higher price of oil."

In other words, Quebec, which received $8.6 billion of the $14.4 billion doled out in equalization this year, is arguing that it's not enough! It wants more and it blames Alberta's oil industry for its troubles. It's a curious argument since it can be argued that Alberta's oil industry is literally fuelling Canada 's economy and largely provided the money that was sent as equalization to Quebec in the first place.

In 2007, the last year Statistics Canada figures are available for all provinces; B.C., Alberta and Ontario were the only provinces that paid more into Confederation than they received. Alberta paid a total of $37.064 billion in taxes and transfers to the federal government and the feds returned $17.567 billion in services and programs, meaning that Alberta contributed $19.5 billion net to the rest of Canada.

But Charest, who complained in Copenhagen that Alberta's oil sands industry "embarrassed" him, is actually making the argument that despite Alberta 's largesse, it's to blame for the trouble Quebec is in.

General Strikes!

Looking Backward, Looking Forward

by Jay Moore

Jay Moore is a radical historian who lives and teaches in rural Vermont.

It began on July 14, 1934. That day the San Francisco Labor Council pushed by radicalized rank-and-file workers declared a General Strike, and this led to four days of intense class struggle, the likes of which has rarely if ever been seen in this country. The aim of the General Strike was to support the port's longshoremen who had been striking with other longshoremen up and down the coast from Seattle and Portland to San Pedro since early May -- and joined by unions for the merchant seamen -- for a coast-wide contract, a union-controlled hiring hall, reduced working hours, and a wage increase. Faced off against them was a common front of the cities' big business communities, the mayors, a competing company-aligned union, sell-out national union officials, and the right-wing Hearst-owned newspapers. Two members of the International Longshoremen's Association (ILA) had been shot to death by the San Francisco police on July 5th, "Bloody Thursday," during a pitched day-long battle between thousands of workers and hundreds of cops to stop strikebreaking trucks from going into the docks. The solemn and dramatic mile-long funeral procession for the two men was attended by thousands of dockyard and shipboard workers, their supporters, and onlookers. But the Governor of California had subsequently called out the National Guard who came armed with machine guns to reopen the docks and provide protection for the scabs, thus endangering the strike.

The General Strike took off and bit back. Workers of all sorts around the Bay Area left their jobs. Truck drivers in the Teamsters Union refused to make deliveries. Over 60 different unions got involved, and many non-unionized workers picked up the spirit of fight-back against the bosses as well. Business executives were annoyed that they had to carry lunch boxes to work like blue-collar workers did because the restaurants they favored were closed and that they had to walk up the stairs to their offices since the building elevator operators refused to run them. Small businesses -- even movie theaters and night clubs -- shut their doors in a show of sympathy for the striking port workers. The powers-that-be turned loose savage vigilante violence against the "Reds" whom they blamed for the strike, but the city was basically shut down except for those operations which the unions permitted to operate. The employers' economic losses were mounting into the millions of dollars. After the General Strike was called off on July 20th, the employers agreed to submit the issues to federal government arbitration -- from which the longshoremen ended up with much of what they had been fighting for. Their union, renamed the International Longshore and Warehouse Union (ILWU), remains to this day one of the most militant at defending workers' rights in the United States and at taking up broader political causes. With help from members of the Occupy Movement, the ILWU recently won a battle against an anti-union grain port operator in Longview, Washington.

Now that Occupy Los Angeles has issued a call, taken up enthusiastically by Occupies around the country, for a nationwide General Strike on May Day, it behooves us to take a look at the history of General Strikes. In a regular strike, workers put down their tools, leave their jobs, and refuse to go back until their demands are met at a particular workplace or against a particular employer. A General Strike is a mass strike across workplaces and employers. It may be citywide or nationwide. Commonly, as in the case of the 1934 San Francisco strike, General Strikes have been launched by the labor movement to put additional pressure on particular employers (or, in that case, an association of employers) to settle with their workers who are on a long, hard-fought strike, although sometimes General Strikes have raised economic and political demands directed at governments. During General Strikes, striking workers and their unions have often organized systems of distribution for food and medicine and kept other essential services running in ways that are prefigurative of a new kind of society without the need for the capitalist and managerial classes. This has empowered workers -- much as the Occupy Wall Street park encampments have done lately -- and the capitalists (along with their class-collaborationist buddies in the mainstream unions) have deplored them also for this reason. Some anarchists, especially anarcho-syndicalists (like the Wobblies here in the U.S.), and some Marxists (like the German firebrand Rosa Luxemburg) have put forward the General Strike as the most effective (and least violent) way to get rid of capitalism. A General Strike was nearly successful at bringing down the Tsarist Regime in 1905. But other revolutionaries since Engels have challenged the notion that all or most workers in an advanced capitalist country could ever be organized to stop work together and bring down the state as improbable and said, in any case, if workers had become that powerful already then a General Strike would not be a necessary step for making a revolution.

In Western Europe, non-revolutionary General Strikes are not that uncommon. A huge General Strike spearheaded by the coal miners, railway workers, and dockers paralyzed Britain for nine days in 1926. Just this year, on March 29th, the two largest unions in Spain organized a countrywide General Strike against the new conservative government's severe cuts to social spending, wage freezes, and privitizations. Here in the United States, while there is some historical tradition for us to learn from and build on, General Strikes have been rather less common. A five-day General Strike occurred among workers in Seattle in 1919 in the aftermath of the Russian Revolution (and there was a radical General Strike that same year in Winnipeg, Canada). Also happening in 1934, coming before the San Francisco General Strike, other unionized workers had struck in Minneapolis in order to support striking teamsters there. And, of course, May Day as the International Working Class holiday upon which Occupy this year is calling for a nationwide General Strike originated right here in the U.S. from a General Strike for the 8-Hour Day on May 1st, 1886. To commemorate the Haymarket Martyrs from that epic battle, the Socialist International adopted May Day in 1891 as an official labor holiday and its celebration spread around the world where it continues to this day (although falling on harder times here in the country of its birth since the repression of the 1950s McCarthyite period and not really being resuscitated in a big way until the immigrant rights marches in the last few years).

The last General Strikes to take place in the U.S. -- that is, prior to Occupy Oakland's attempt to pull off one last November as a protest against police brutality and to support port workers there -- occurred way back in 1946. During that one year alone, which was a year of widespread industrial strikes, the biggest strike wave ever in American history, there were eight General Strikes (although often referred to at the time as "labor holidays") -- Stamford and Hartford, Connecticut; Rochester, NY; Lancaster and Pittsburgh, Pennsylvania; Camden, New Jersey; Houston; and Oakland. These were citywide General Strikes either starting spontaneously or called by unions to support workers who were already out on strike or who had been fired for seeking union recognition (a right supposedly protected by the National Labor Relations Act enacted during Roosevelt's New Deal).

So why are General Strikes less common in the U.S., with none having taken place since 1946? A big reason is that the notorious anti-labor Taft-Hartley Act passed by the Republican-controlled Congress in 1947 prohibits political and solidarity strikes (along with sit-down and wildcat strikes). It also led to the purge of a great many radicals from the AFL-CIO unions. Ever since then, these mainstream unions and their leaders have largely become loyal partners of the capitalist system willing only to bargain collectively and occasionally, if at all, to risk a strike for somewhat better wages and working conditions. Today, since the economic crisis has hit hard and taken its fearful toll, the number of strikes has fallen to a historically low level, with only five strikes involving more than 1,000 workers in 2009. Nevertheless, while unions may well face fines and jail time under Taft-Hartley, its strictures do not apply to Occupy or other groups that may try to call for a General Strike. Recently, some union leaders have realized they need Occupiers to do things on behalf of workers and the 99% that they feel they cannot openly, legally endorse. In some places as with West Coast dock workers and New York City subway workers, unions have given Occupy actions their sub rosa approval and support. And, as one of my comrades in Occupy Central Vermont has observed, hopefully this year's May Day General Strike -- with various actions to interrupt business-as-usual scheduled for 115 cities across the country -- will put some sharper teeth back into the strike tactic in general. Even though a true (and unprecedented) nationwide General Strike against capitalism does not seem to be in the offing this year -- it's more a wishful dream (thank goodness for the dreamers in Occupy!) -- with the crisis brought on by the 1% showing no end in sight and the populace angry as hell, May 1st 2012 promises to be a major and perhaps turning point occasion in the history of U.S. class struggle. Don't miss it!

For more on the history of General Strikes, see "General Strike!"; "Seattle General Strike Project"; and the Holt Labor Library's resource page on the San Francisco General Strike.

The Quebec student strike and the need for a socialist program

by Keith Jones

The Quebec student strike, now in its 16th week, has become a symbol and rallying point for opposition to austerity policies being implemented by all levels of government and all establishment parties across North America.

The collapse of the provincial Liberal government's latest attempt to bully the students into submission through this week's phony negotiations and the mass opposition that has erupted against the government's draconian anti-protest law, Bill 78, are to be welcomed.

The pivotal question is: what is the way forward?

The Liberal government, egged on by Canada's corporate elite, is determined to ram through the tuition fee hikes over mass opposition. To do so, it has run roughshod over basic democratic rights, criminalizing the student strike, placing sweeping restrictions on the right to demonstrate, and overseeing unprecedented police violence.

The single-issue protest perspective advanced by the student associations, which separates the students' struggle against tuition fee hikes from a broader challenge to the austerity programs of the Quebec Liberal and federal Conservative governments, has not only failed. It has brought them into headlong conflict with the students they represent.

At the beginning of last month the student associations accepted a sellout agreement—subsequently overwhelmingly repudiated by students—that imposed the government's tuition fee increase in full and would have made them auxiliaries in the drive to slash university budgets. During this week's negotiations, they abandoned their call for the repeal of parts of Bill 78—legislation that sets a chilling precedent for restrictions on democratic rights across Canada and beyond—and accepted the Liberal government's reactionary fiscal parameters.

Ultimately, their differences with the government boiled down to how to package the tuition fee increases. Determined to make its reactionary "user pay" principle the new Quebec norm for public services, the government insisted that that there be tuition fee increases in each year of a seven-year agreement. The student associations, in reply, proposed a two-year tuition-fee moratorium, to be paid through the elimination of a university tuition fee tax-credit, and agreed that in the five ensuing years (i.e. from September 2014 on) there should be annual increases of $254 per year.

On the student groups' part, this formula is tied to their claim—explicit, in the case of FECQ or FEUQ, or implicit the case of CLASSE—that the youth have an interest in seeing the Liberals replaced at the next election by the Parti Québecois (PQ). In fact, the PQ is a big-business party, as tried and true an instrument of bourgeois rule as Quebec Premier Jean Charest and his Liberals or Canadian Prime Minister Harper and his Conservatives. Indeed, precisely because of their ties to the union bureaucracy and illusions that the PQ is "closer to the people," it has frequently served as a better tool for the ruling class in imposing its right-wing agenda.

The fight against the tuition fee increases and to defend education as a social right requires a turn to the working class—the only social force that has the power and whose interests as a class lie in the reorganization of economic life so as to make social needs, not profit, the animating principle.

Students will find their strongest allies among the workers of both French and English Canada, the US, and around the world. The austerity measures being implemented by the Charest Liberal government—social spending cuts, privatization, and regressive tax and user-fee hikes—are part of a worldwide attack on the working class, aimed at destroying all that remains of the social gains won through the mass upheavals of the last century. Public health care and education, pensions, and collective bargaining rights are all under assault.

The federal Conservative and Ontario Liberal governments are implementing their own programs of sweeping austerity measures, including massive social spending cuts, a hike in the retirement age, and the gutting of jobless benefits. In Greece, Spain, and across Europe governments are dismantling public services, slashing the minimum wage, and removing all restraints on job cuts and speed-up. In the US, President Obama boasts about "reviving" the auto industry—that is making it profitable again for investors—by imposing draconian wage and benefit cuts, including dramatically lower wages for new hires.

This global attack is aimed at making the working class pay for the greatest crisis of global capitalism since the Great Depression of the 1930s. And as in the 1930s, the capitalist elite is turning to authoritarian methods of rule, to impose its agenda of austerity and war. Over the past year, Canada's Conservative government has repeatedly used emergency legislation to break anti-concession strikes, including by Air Canada, Canada Post and, this past week, Canadian Pacific railway workers.

A turn to the working class means making the student strike the catalyst for the independent political mobilization of the working class in Quebec and across Canada and North America against all social spending, job, and wage cuts, as part of an expanding struggle of the world working class against capitalism.

It means assisting the workers in breaking free of the political and organizational stranglehold of the pro-capitalist trade unions. These organizations do not speak for or represent the working class. For decades they have suppressed the class struggle, imposing job cuts and contract concessions. When the presidents of Quebec's three main labor federations joined with Charest in bullying and threatening student leaders into accepting last month's sellout agreement, they were reprising a role they have played countless times over the past quarter-century.

The NDP, the party of the trade unions in English Canada, has openly worked for the defeat of the students, as part of its efforts to convince the Canadian ruling elite that it can supplant the federal Liberals as its "left" party of government. It has refused to support the student strike or denounce the draconian Bill 78. While declaring itself "neutral" in the battle between the students and the big business Liberal government, it facilitated the passage of the minority Ontario Liberal government's sweeping austerity budget, abstaining on crucial budget votes.

The student strike has demonstrated that a struggle over any important social need or elementary democratic right brings youth and the working class in a frontal collision with the government, the state, its police and courts, and the entire capitalist social order. The working class faces a political struggle and the necessity of building a mass revolutionary socialist party to prosecute it.

The Socialist Equality Party fights for the formation of independent committees of students and workers to organize systematic defiance of Bill 78, fight for the development of a cross-Canada and international working class counter-offensive against employer concession demands and government austerity measures, and prepare working-class action to bring down the Charest Liberal and Harper Conservative governments.

These actions, vital as they are, can only serve to develop the unity, combativity, and strength of the working class if they are conceived of and organized as part of the struggle for the independent political mobilization of the working class to fight for workers' governments and the socialist reorganization of society.

How can Greek workers beat the IMF?

by Sadie Robinson

The mass resistance to the cuts being imposed by the Greek government and the International Monet-ary Fund (IMF) is shaking the international ruling class. But it needs to escalate rapidly if workers are to win.

Workers in Greece are taking on the might of the European and global ruling classes. If their actions force the bosses back it will spark a European-wide crisis and encourage people in other countries to fight.

They have the power to paralyse the country. But how can they use this power most effectively?

Indefinite general strikes would shut down industries and force the government to respond. People could occupy their workplaces, taking them into their own hands and challenging the power of the state.

Action like this poses the question of who runs the country.

This is not simply about putting economic pressure on the government by shutting down production.

By taking control of their workplaces, workers can begin to create very different forms of power and democracy.

In a prolonged general strike, workers have to be highly organised to ensure that they get the things they need.

Very practical things must be done—such as organising food supplies and transport so that the strike and those taking part in it can continue.

Strike co-ordination committees are vital—involving workers and unemployed people, pensioners and students. They need to meet and discuss strategy, how to overcome the problems that are emerging and so on.

The process transforms workers. The backward, oppressive ideas that divide us—sexism, racism, homophobia—begin to fall away as people stand united in struggle.

But the global ruling class won't be beaten back in a day. It will be defeated in a -process over time—and as it happens workers will gain confidence in their abilities to organise and run society themselves. This confidence is the key to taking the struggle forward.

In Greece there is already mass self-activity of workers. Millions are being drawn into confrontation with the state and being radicalised in the process.

There will be many turning points in the struggle. The Greek government could stick with its public sector pay freeze but back down on raising the retirement age or VAT, for example.

The question will then be—do you carry on fighting to stop all the attacks or be grateful for what you've won?

Political leadership and organisation become crucial questions. There have been too many situations where the potential for workers' struggle to break out into revolution is there, but has not been given a lead, dissipating the mood.

Mass protests overthrew the Argentinean government in 2001 in a situation very similar to Greece today. Argentina borrowed money from the IMF, which demanded cuts in return.

The government introduced a new $9 billion cuts package, which was the last straw for workers who had already swallowed a series of cuts.

Resigned

Tens of thousands took to the streets. The economics minister resigned. Soon President de la Rua was forced to flee the country. Just days later, protesters invaded the congress and pushed out de la Rua's successor, Rodriguez Saa.

People organised popular assemblies to coordinate the protests. They unseated four presidents in the space of a few weeks.

Argentina's government defaulted on its debts to the IMF in 2002 and much debt was effectively written off. A mass movement had created a revolutionary situation and scored a significant victory—but it didn't take power and topple the system.

Some union leaders played no role in the protests and called on workers to back Saa.

Unfortunately, the people's assemblies weren't rooted in workplaces with accountable delegates.

Militant workers from major factories, offices or institutions who are held accountable by their fellow workers are capable of pulling thousands of workers into battle.

This can challenge the conservative machinations of their union leadership if necessary.

Without decisive leadership, people become uncertain of what they can achieve and movements can flounder. And if workers don't move decisively, the ruling class will.

The ruling class's confidence is also important. Greek workers have to convince their government, and those across Europe, that they have more to lose by forcing through the cuts than in retreating.

The global economic crisis has created a volatile situation. Struggle can spread easily. There is widespread questioning of the legitimacy of the system—and this means that the ruling class is nervous.

Mass struggle can deepen the splits among our rulers about how to handle Greece. The ruling class is vulnerable. It could decide that the best way out of the crisis—and to protect its power—is to abolish Greece's debt.

The Greek government could pull out of the euro, take charge of its own currency and defy the IMF's demands for cuts.

Workers need organisation, confidence and militant action to make this happen.