



A Quebec Diary

20-22 April 2001

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Note: Both authors contributed to both parts. The first part, written in the first person singular, is largely the responsibility of Michael Oliver. Geoffrey Oliver contributed the lion's share of the ideas in the second part, including the "J.P. Morgan test." Michael Oliver is, among other things, a past president of Carleton University and of the national New Democratic Party.

Friday, 20 April

I drove from Magog to Québec City on Friday morning, picked up my son Geoffrey who had been there all week for a conference, and together we drove around the perimeter of the ugly fence that quarantined the OAS Summit site. Paper flowers decorated several stretches of it, as well as signs reading "Fence of Shame." We located the huge tent where next morning's march was to begin. The weather was gorgeous and after taking in one meeting that fizzled out before a small audience, we stuck to the outdoors and soaked up the sun and the air of excitement that came from cheerful groups of young people, dressed in everything from elaborate "commedia dell' arte" costumes to Jean Chrétien masks, waving red flags, black flags, or simply their arms and legs in impromptu dances.

I was beginning to fade by this time - the adrenaline of high spirits lasts only so long - and Geoff and I soon headed for our borrowed quarters for my afternoon nap. My daughter Vicky had made arrangements for us to stay at the apartment of the absent brother of her friend Monique.

As we drew near, squads of black-clad, visored, shield-, mask-, and weapon-bearing police, bulky with protective gear, were thumping down the street in front of us, six-abreast and six or more deep. Cars seemed to be passing them, however, and Geoff eased our Subaru by, half on the sidewalk and half on the street. No one waved.

By the time we reached our driveway, the police were several blocks behind us, and I was already sitting inside, catching my breath, when Geoff called me out again.

We were on an entrance balcony, ten steps above the street, and had a clear view up to the left to René Lévesque Street, where demonstrators were milling about, and down to the right on our own street, where the police phalanxes we had passed were closing in on

the Grand Théâtre access road nearly opposite us. Directly ahead, the ground rose, and as we watched, a roar from an invisible crowd, and a cloud of tear gas, washed over the hill. Running figures appeared at the René Lévesque intersection, with some few of them heading down our street. Amongst them was a red-jacketed drummer, a blue bandanna around his head, who beat out an insistent three-stroke/four-stroke rhythm as he approached the police line with a taunting swagger. Geoff called: "Look Dad!" and I peered about myopically. "No. Up there." And then I looked up, and we laughed in disbelief. For there in the sky, in a metaphor no novelist would dare to use, a small, bright, darting kestrel was harassing a crow.

The pedestrians who passed by all had handkerchiefs pressed to their noses by now and one lady looked at my sparse white hair and told me severely to get back in the house. I meekly did so, for a minute or two--and spent the next half-hour popping in and out of the door trying to keep track of things. Geoff had run down to the corner of René Lévesque and Turnbull (our street) and climbed a tree, where we saw him later on TV. From this vantage point he saw the police lines, the surging and milling of the crowds, and the advancing clouds of tear gas that would appear sporadically. The noise was incessant - the pounding of the drums, the roars from the crowd, and the sounds of tear gas canisters being launched and exploding.

By 5:30 pm, we made our way to my daughter's house in Limoilou for supper. Vicky's partner Bernard is a Trotskyite, an editor of *Gauche socialiste*, and their house was echoing with the TV showing the early encounters between police and demonstrators (including, we thought, Geoff in his tree) translations of the French commentary for visiting Anglophone comrades, cheers for confronters, groans for police, and warm greetings from Vicky, Bernard, and my pre-teen (Sophie) and teenage (Pascale) granddaughters. Ginette, a former partner of Bernard, produced soup, cheese and crackers, and while we all ate and chatted, Vicky was called by friends to say that our apartment was now behind police lines. We wondered how we would be able to get back inside where all our luggage had been left.

That evening, Geoff and I dropped in on an NPD reception, filled with old friends and an encouragingly large contingent of very young Québécois(es), while Vicky and her friends went to an anti-capitalist, anti-corporate conference. We found out the next day that Vic had missed half the evening while finding billets for a tense, tired American woman who had been part of the group that crossed the border at Akwesasne, and was given a Mohawk welcome. After she had calmed down a little, Vicky found that she was a specialist in street drama and in acting out political convictions.

When we returned to the apartment, all was quiet, and the police lines had retreated. Shortly after I went to bed, Geoff witnessed the changing of the guard, when some 25 large vans, 5 or six buses, all filled with riot police, as well as sundry police cars, ambulances and emergency vehicles, rumbled up our usually staid, middle-class street.

Saturday, 21 April

The next day was more glorious than ever, and we did not even try to get into the crowded rallying tent to hear Maude Barlow, whom I have missed before, and will miss again. Instead we strolled in warm spring sunshine and I met, one after another, a dozen old friends, from Winnipeg, Ottawa and Toronto, as well as Montréal. We were surrounded by lively groups with placards and huge banners, speaking French, Spanish and English in happy cacophony. I was delighted to see someone carrying an immense UN flag. Geoff and I were able to give directions to a lost, middle-aged woman from the National Farmers Union, who sported a T-shirt labelled "Fuck le sommet". The CSN (Confédération des Syndicats nationaux) and the Métallos (Steelworkers) were particularly well organized and no one refused the little Québec flags that seemed to multiply like blue and white rabbits.

We finally located the NDP banner, where I was given an unexpectedly warm welcome as one of the founders of the party. Then, with Geoff pushing the wheelchair I had cleverly brought along, we eased our way into the massive, thirty-thousand strong march that wound peacefully and cheerfully through the streets of Québec. Together with the groups before and after and sometimes beside us we chanted bilingual slogans: So-so-so-solidarité, The People, United, Can Never Be Defeated and Le Peuple, uni, jamais sera vaincu. Jean-Paul Harney, a former Québec NDP leader and, as John Harney, a former Ontario MLA, piped along our frontline of federal NDP caucus members and provincial party leaders, all orange-scarfed, followed by a sizeable group of marchers. Well before the heroic Geoffrey was tired out, we reached the Coliseum, surmounted, *croyez-vous*, by a huge "Colisée Pepsi" sign. There we stopped; Alexa McDonough danced a brief, but elegant, Highland Fling to Harney's bagpipes and we listened to praise from a Brazilian labour leader with lungs of leather and vocal chords of steel.

Geoff left me in some welcome shade and went off to find Vicky who had marched in the second, more confrontational, parade that had skirted "The Fence." While he was gone, I admired a marcher in a long gown, its train held by a small boy and girl, with a two-foot-high cage on her head. Inside the cage were little figures of animals, birds, flowers, fish, insects and other forms of organic life, and outside were attached assailing miniatures of the mechanical, technological world.

Geoff found Vicky and we shared the exhilaration of the day and the feeling that we were, in our different ways, part of a worthwhile event.

Vicky's house was not far away and I was soon lying on her bed, dozing contentedly, and catching glimpses of my granddaughter Pascale as she paraded critically before the hall mirror, arranging hair that she had just dyed jet-black.

Revived, I shared a drink with Vicky and some of her friends while Sophie showed us her latest magic trick. Moments later we watched the sudden arrival of a tall, athletic-looking Frenchman, accompanied by a much less prepossessing friend who casually peed on my daughter's garden before entering her house. The dashing, handsome Frenchman was one

of the four demonstrators whom Vicky and Bernard had billeted (and who had made it impossible for us to stay with her). We learned later that he was a professional organizer of confrontations who roamed the world looking for ways of challenging capitalism, while being supported by sizeable bites from the salaries of dedicated French sponsors. He seemed (to me at least) to exude a cool, somewhat condescending, *Français de France* air, and so did his lovely, chic partner whom I met the next day at breakfast. Briskly readying himself for a long drive to Toronto, to do God-knows-what, he told Bernard that he had been reminded of Paris in 1968 - and one realized that he was living to re-create that era of chaotic radicalism that had so deeply defined him.

We went out to a restaurant together for dinner - family and two old friends of Vicky's whom Geoff and I knew well. Vicky asked me why I was so willing to go along with capitalism? I said something about believing in an inevitable role for markets rather than the whole capitalist system. But she came back: why should people produce and exchange only for profit? Why not because work could be satisfying in itself and also help to satisfy community needs as well as personal ones? Beyond saying that I wanted to see a strong, expanded public sector, I managed neither a good answer nor a rebuttal with which I was comfortable. Geoff did better.

After dinner, Geoff and I had to face the problem of getting back to our apartment. All Vicky's friends said we had no hope of making it, since the protected perimeter had been extended. I bet Geoff ten dollars that we would get through, and off we went. Sure enough, a double line of black-clad, fully-armed police completely blocked our way, with our apartment still a hundred yards away. [What would be the effect of pink costumes, with flower prints, for police on this sort of assignment?] Geoff stopped the car thirty feet short of the line, and I got out with my cane and limped slowly towards the policemen. I explained our situation to an expressionless officer, who asked me to show him my driver's licence. I did so, and he said: "But you don't live here. Your address is in Magog." I agreed, then explained in my somewhat laborious French that my daughter had a friend, who had a brother ... etc. By the time I had finished, the police seemed to have decided I was confused but harmless, and told me we could come through. I waved to Geoff to bring up the car, and just as I did, we heard the sound of a drum and marching feet, and realized that a group of "contestataires" was just fifty yards behind us. Slightly dejected I turned aside, but the police kept waving us through, opened their line for us, then closed it smartly behind us.

Sunday, 22 April

Over breakfast the next day, listening to church commentators whom I liked much more than most reporters, Geoff and I decided to collaborate on this diary, but also to make it more than a recital of events. We wanted to say something about why we were there; not an essay, but some reflections. We discussed it more fully as we drove over for hugs, thanks and goodbyes to Vicky, Bernard and the children, and talked more on the drive back to Montréal.

Our reflections centre on two themes :

- Democracy and Demonstrations
- Sharing the benefits of expanded trade.

Democracy and Demonstrations:

The demonstrations in Quebec City were unprecedented in Canada. Never before had we seen so many demonstrators, such a huge and intimidating police presence, such a large international contingent among the protesters, the walling off a large part of the downtown core of a major Canadian city, and so intense a level of confrontation and violence. The event raises many questions, ranging from the legitimacy of the protests themselves, to the tactics employed by protesters and police.

Critics of the Québec demonstrations, and indeed of large demonstrations in themselves, charge that they were organized by self-selected elements of civil society to confront officials and elected representatives from democratic countries. Because they lack electoral legitimacy, it is claimed, such protests distort and affront democracies.

This argument rests on an extremely-truncated vision of democracy. While the ability to elect the government is a cornerstone of representative democracies, it is by no means the only prerequisite. Democratic constitutions like Canada's provide for elections and the preceding campaigns which permit public discussion and choice among party programmes; debate in Parliament; scrutiny of texts in Parliamentary committees; resort to courts if constitutionality is in doubt. But such mechanisms are not sufficient. Elements of participatory democracy are equally critical, especially if the policies in question are prospective international agreements which were not fully debated in the previous election; were arrived at in secrecy without all positions and draft texts being revealed; and look as if they will be presented to an ill-prepared Parliament, without full Parliamentary committee study, on a "take it or leave it" basis.

The government did not raise FTAA as an election issue, even though it was clearly on the horizon. One suspects that they really did not see it as an issue. The benefits of free trade were a foregone conclusion: only a radical but vocal fringe would actually question freer trade. Under such circumstances, protesters are not unreasonable when they foresee an agreement, negotiated in secrecy, where the best possibility for modification is often, as with NAFTA, a series of side-agreements negotiated with a sadly reduced stack of bargaining chips. Their demonstrations become more than a democratic right; they are a necessity if some semblance of democratic process is to be maintained. Protests from an ignored civil society point up the inadequacies of the unreformed formal institutions of democracy. The inadequacies are underlined when an opposition party, the NDP, frustrated by a government that bypasses parliament, and crippled by a lack of information and opportunities to debate free trade plans, joins in a march of protest.

The legitimacy and necessity of protests do not imply that the leaders themselves had no right to meet. Their right to a protected space to discuss, negotiate and debate is important and needs to be respected even if the negotiation process is imperfect. It is impossible to over-estimate the importance of unconstrained discussion for democracy. In pre-Hitler Germany, the failure of the Weimar Republic was due in no small measure to the tactic, used by both Nazis and Communists, of breaking up any meetings they could not dominate. So although "The Fence" would not have been needed if so many improprieties had not been committed in the lead up to the Summit, some guarantee of safety and the ability for leaders to conduct their business was required

This said, it remains that the fence was an abomination and a real violation of citizens' rights to free movement. Moreover, it was arguably a gross over-reaction to the threat posed by the demonstrations, and justified far too casually. Contrast this off-handed expropriation by the state of the rights of human persons to free movement with the elaborate protection afforded to corporate entities under Chapter 11 of NAFTA (which, leaked documents show, is the model proposed for FTAA). Corporations which feel their right to do business is being "expropriated" may not only ask the courts to stop the "expropriation," they may sue the state for compensation for real and putative lost profits.

Police protection for those who deliberate is more readily justified than the fence. And, because scared policemen tend to be much more violent than self-confident policemen, it makes sense for them to wear and carry appropriate equipment, and even more sense for them to be trained how *not* to use it as well as how to use it. At Québec, we think some police behaved reasonably well, especially against the planned, professionally-executed violence of the tiny minority who wanted the Summit to end at all costs. However, the use of rubber bullets seemed unwarranted and the quantity of tear gas grossly excessive. And there were undoubtedly some individual abuses of police power. Compared to the behaviour of police power in other states, it could be argued that the police in Quebec behaved in an exemplary fashion. However, for Canadians, police action in Quebec was disturbing, and in some cases clearly excessive.

What would we advocate? The earlier suggestion of pink, flowered uniforms was not entirely frivolous; surely the police do not have to look like Darth Vader? And the petty practice of banging shields to unnerve the "contestataires," which Québec police blame on the RCMP, should surely be stopped. Protection benefits from clear, firm limits and is no more helped by scared demonstrators than by scared cops. But we have the right to demand more: police, rather than differentiating themselves sharply from from demonstrators, should be willing to communicate with them and look as if they wanted to do so. They need to explain limits and concerns, identify actions that could lead to conflict before confrontation occurs. Each escalation in the application of minimal violence needs to be foreshadowed, announced. Though they may have to threaten, they must also communicate a respect for the inherent right of the public to protest and to peacefully occupy public spaces. There is lots of room for improvement in police strategies to deal with demonstrations in Canada.

While we can affirm that a democratic government cannot function if mobs are able to prevent them from meeting, discussing, and functioning, it is also true that angry protesters are an important signal to leaders. Government representatives need to re-examine the actual policy promoted, as well as the process used. Above all, they need to review the extent of public engagement, discussion, debate and communication on the proposed policy. One of the most positive aspects of the Quebec protests is that leaders have, at least partially, understood this message. The addition of the democracy clause represents some shift in policy, and leaders acknowledged that the protesters had highlighted legitimate flaws in the process.

Sharing the benefits of expanded trade

Few people doubt the benefits of an effective market place. Generalized systems of centralized control of the production and distribution of goods have been consistent failures. If trade in a market place provides an effective structure for domestic production and distribution, it is reasonable to anticipate that similar benefits will accrue with increasing global trade. Indeed, there are abundant articles and studies illustrating increased economic wealth with freer international trade. However, as we move to create global markets, we will not want to abandon the lessons learned at the national level. We will also want to follow a process in creating these international markets that is effective, democratic, representative, and allows us to build on the knowledge and achievements accumulated at the domestic level.

What are these domestic lessons and achievements? The first is that markets do not function well without constraints. It took some time, and much effort, but it has been acknowledged and reflected in most developed countries that markets are there to serve the public and not the other way around. With this recognition came a willingness to constrain and direct the markets in many ways, so that the incentives to market players increased overall welfare. These include a multitude of laws: constraints on fraud; product safety standards; minimum wages and labour standards; and, more recently, environmental protection laws. These rules were achieved with great effort and often social unrest. Most were controversial at the time, but are widely accepted today. One feature is shared by almost all the rules: they represent a constraint on corporate behaviour for the benefit of the broader public.

Our current negotiations on creating a global market seem intent on repeating the painful history of social turmoil that led to these constraints on corporate power. In negotiating NAFTA, in the failed MAI talks, in the WTO and now in the FTAA, governments doggedly follow a neo-liberal agenda with corporate interest in the forefront. Consider several areas of intense activity. Intellectual Property Rights are an extension of corporate rights, even beyond those accorded traditionally in the developed world, let alone the norms in developing countries. In the name of free trade we see expanding global *protection* for prescription drugs, for patented production processes, and for copyright. Equally prominent is the urge to globalize all services, and to label things that are done in the public sector - health care, education, the postal system, research - as obstacles on the "level playing field" that global enterprises would like to occupy exclusively. We are

enjoined to entrench the right of the private sector to be able to shrink the purview of the public sector.

Governments assure us that they, democratically installed in office, are the effective, unbiased defenders of public interest, who require no unpleasant pressures from Trade Unions, NGOs or churches. This claim would be slightly more plausible if OAS governments had not accepted, at Québec and elsewhere, corporate sponsorship. Private-sector firms could pay half a million dollars to host a reception for Summit leaders. Polite people return favours and, since getting rid of military dictators, Western hemispheric governments are becoming increasingly well-mannered. Refusing favours from the only stakeholders who can afford to give them - NGOs and Trade Unions cannot and will not - might be a first step in convincing people that governments are not beholden to corporate interests. We are delighted that Alexa McDonough went to no official summit receptions.

What are governments doing to adapt the hard won domestic rules on corporate behaviour to the global market place they are so intent on creating? By and large they are evading the problem. We are told again and again, most recently in trade missions to China, that Free Trade agreements should never be conditional on successful negotiations on non-trade matters, such as human rights, labour standards and environmental protection. Of course, these issues have not been completely neglected - but they are relegated to second class. Side agreements and multilateral agreements on these issues typically have few enforcement mechanisms, and are explicitly relegated to a lower priority if they should conflict with free trade agreements.

The summit did expose an important chink in this armour against any dilution of trade agreements with such secondary matters. We were pleasantly surprised that the despised notion of "linkages", or "conditionality" [acceptable only when imposed by the IMF in "structural adjustment programmes"], received great prominence in the final communiqué of the Summit. The acceptable "linkage" was Democracy: states could be barred or expelled from future Summits, and perhaps (although this is unclear) from joint projects of the Americas like FTAA if they failed to meet the condition of democracy.

Democracy is an invaluable system, and it is hard to criticize anything that seems to advance the democratic cause. But it is not the only concern. Human rights, the elimination of poverty, and the equitable distribution of the wealth and income also need to be promoted and enforced as we create the global market place.

Distribution has been a severely-neglected dimension of economic policies in recent years. While we vainly wait for trickle-down economics to be effective, all measures of economic equity show a marked deterioration. We are told that free trade will create general economic growth, and, like a rising tide that raises all ships, provide benefits to all. To date, this has largely been empty rhetoric and we believe it is time to make equity an explicit goal of free trade agreements. The Democracy clause opens the door to new conditionality and we propose to move through it.

Specifically, we propose that the FTAA (and all other trade agreements) include a proper test of eligibility for continuing trade privileges. We call it the "J.P Morgan Test." Failure to meet the test within an agreed-upon schedule and time limit would be reason for exclusion from the free trade "club."

Peter Drucker, made the following observation about J.P.Morgan, the famous capitalist and financier:

"J.P. Morgan, who certainly cannot be accused of not liking money, once said that the proper ratio for salaries for employed people between the top people and the rank and file should be twentyfold post-tax. That's the highest. Beyond that you create social tension."

If such a rule was acceptable for a captain of industry, we hope it is also acceptable to today's negotiators of trade agreements.

We propose that Morgan's thinking be applied to countries rather than individuals and that "the top people" be those who receive the highest 5% of incomes and "the rank and file" be those who receive the lowest 5% of incomes in each of the countries included in the FTAA. Baseline data would be gathered for each FTAA state and all countries which failed to meet the Morgan 20-fold test would be noted. Every (say) two years there would be a review, and any over-Morgan country whose GNP grew or remained the same and whose inequality gap was not reduced would be suspended and have its exports subject for the next two-year period to the same tariffs as non-members. If after two years the income-per-capita gap had begun to close significantly, the country would be re-admitted.

The mechanics of applying the Morgan test could be made more accurate and rely on a tool such as the GINI coefficient, but the principle would be the same: free trade's claim to benefit all would be made a rule, not a pious hope.

It should be stressed that the issue of equity is not just national. The disparity of income between nations is also a critical issue. The Morgan rule or a similar equity standard needs to be applied at the international level, to correct income disparities between countries. This should also be part of the discussion and commitments within international trade agreements.

The J.P.Morgan test helps advance an issue of the highest priority, the need for greater economic equity within our countries, and between the countries of the world. Perhaps by tethering boats together, we can assure that a rising sea will indeed raise all ships.