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INSIDE POLICY

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Finding the balance between the right to protest and the rule of law

FREEDOM vs SECURITY

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From the editors

The Freedom Convoy protests that took place in Ottawa, and had spread to border crossings in Coutts, Alberta and Windsor, Ontario, brought to the forefront questions about the balance between safeguarding the right to protest and maintaining the rule of law. The federal government's use of the *Emergencies Act* to remove the convoy's occupation in Ottawa has proven especially controversial.

To lead our cover feature, **Ryan Alford** explores the dangers of politicizing the policing of protests. As he reminds us, we need to tolerate groups of law-abiding protesters, while acknowledging that the rule of law also requires that individuals who violate the *Criminal Code* be held accountable. In addition, **Ken Coates** looks at the Freedom Convoy's long-term consequences to the nation's future and **Stuart Parker** examines the curious case of the NDP's historic decision to support the federal government's use of the *Emergencies Act*.

Also in this issue, **Coates** questions the federal government's approach to innovation policy, **Melissa Mbarki** raises concerns about the impact of COVID on Indigenous communities, and **Chris Sankey** highlights the destructive role of eco-colonialists on Indigenous reconciliation and our natural resource economy.

We are also delighted to feature high school student **Meghrig Milkon**'s winning essay from MLI's Speak for Ourselves Essay Competition, in which she offers a moving account of her experience immigrating to Canada from Syria.

Meanwhile, the federal government also faces a number of international challenges. **Richard Shimooka** offers a useful primer on some of the lessons that the West, including Canada, can learn from Russia's invasion of Ukraine, while **J. Michael Cole** provides an insightful look at what this invasion means for Taiwan.

Lastly, **Heather Exner-Pirot** warns about the global energy crisis and how Canadian policies have only exacerbated it, **Kyle Matthews** writes about China's totalitarian use of technology, and **Jeff Kucharski** criticizes the government's failure to review the purchase of Neo Lithium by a Chinese state-owned enterprise, especially in light of China's desire for global high-tech dominance.

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First Nations children and the cruel shadow of COVID

The pandemic has shone a revealing light on the disparity of rights and conditions for people who live in Indigenous communities.

Melissa Mbarki

The COVID-19 pandemic has taken a bad and difficult situation in Indigenous communities and made things much worse, often seriously so.

Indigenous children were already disadvantaged, even before the pandemic. Now, access to basic supports like reliable Internet service and tablets or other learning devices remains scarce in many classrooms and households. As well, Indigenous schools continue to struggle to find teachers willing to live and teach in remote communities.

Add in the challenges brought on by the pandemic, and these issues become more difficult. Prolonged absences from school will leave Indigenous children further behind educationally — in a demographic where graduation rates already lag well behind national norms.

These problems alone represent a formidable obstacle to overcome, but reserves also grapple with drug and alcohol addictions, poor health outcomes, family violence, high suicide rates and deep, multigenerational poverty. School is sometimes the only safe place, the only sanctuary these children have. For many children, school lunch programs provide one of the only meals they have every day, and these have been lost now for almost two years.

Growing up in Saskatchewan, we had "snow days" every winter. We loved these days off school, even though it meant my parents had to scramble to find a babysitter. I have four younger brothers and sisters, and in even normal times it was extremely difficult to find a day home or daycare in my area. In the pandemic, when parents are ordered to keep their kids at home, finding care is often impossible.

> *Indigenous children were already disadvantaged, even before the pandemic.*

As for finding engagement beyond the classroom, few reserves offer many after-school or extracurricular activities for Indigenous children. Sports, music, dance, gymnastics, and art programs do not exist in many Indigenous communities. And if or when children fall behind, we do not have access to tutors.

In the end, the mental health of Indigenous children has been significantly impacted by school closures and the prolonged isolation of the pandemic. Many reserves do not have recreation centres or community buildings to hold youth group events. The dilemma is worse for children from homes with domestic violence and addiction issues, as this environment is now their full-time reality.

Even before the pandemic, suicide was the second leading cause of death among young adults aged 15-34. Far too often, we hear about suicides or attempted suicides in our communities. Sadly, this is a part of our lives. Now the situation appears to be getting worse.

When you combine the deadly threats of depression, isolation and lack of support services, you see with painful clarity that we have a mental health catastrophe on our hands. Where do we begin to address these issues? Outsiders tell us we should get help for these at-risk youth. As if that was possible!

Beyond psychological traumas, reports from northern communities indicate that children aged 5-19 now have the highest COVID infection rates on reserves. This is due in large part to chronically compromised sanitation and living conditions, including overcrowded homes and lack of clean water. It not yet known what the long-term health effects of COVID will be on children, but this is something that must be watched closely in the future.

How can Canada profess concern about the mental and physical health of Indigenous children if we will not address the litany of deplorable conditions on reserves?

The pandemic has shone a revealing light on the disparity of rights and conditions for people who live in Indigenous communities. Where do we go from here? Will many of these people even survive continued inaction? Almost all Canadians will agree that the answer is clearly no.

Canada must transform its approach to community services, Indigenous housing, mental health care and education if the country truly wants Indigenous people to be a part of, and share in, the nation's prosperity and well-being.

Melissa Mbarki *is a Policy Analyst and Outreach Coordinator at MLI. This article first appeared in the* Toronto Star.

The road to reconciliation has been marred by eco-colonialism

Activists and faculty members who proudly wear badges of decolonization often deny agency and autonomy to Indigenous peoples.

Chris Sankey

Politics in Canada are burning red hot. Amid debates and protests over pandemic-related mandates and restrictions, our country is still navigating a path toward reconciliation. As a Tsimshian man, this process is important to me, and I am increasingly worried about how our political climate is affecting this difficult process.

I take no issue with any protests that spring from the hearts of those who feel unheard or unrepresented in our politics, as many in the Freedom Convoy had said. Whether one agrees or disagrees with their politics, this was initially a blue-collar movement of people who felt abandoned or singled out for scorn. I make no excuses for any bad actors, nor those who make light of or appropriate Indigenous ceremonies to provide cover for their politics, yet I had no quarrel with most protesters or their goals.

I take much greater issue with the environmental protests that have persisted over the past few years, led by people who often explicitly claim to speak for people like me. Unlike the Freedom Convoy, which had no negative impact on reconciliation, these push it further away. The fact is, these eco-protesters care little for the decisions of our communities; they instead seek to impose their priorities and beliefs on us. Unless they are willing to tie their activities directly to the wishes of our communities – and almost exclusively in my view, they are not – they should stop pretending they truly care about us.

Protesters retake Camp Land Back from RCMP at the Fairy Creek Blockade, August 2021. (JoshuaWright via commons.wikimedia.org)

> *I take no issue with any protests that spring from the hearts of those who feel unheard.*

Universities have become flashpoints for this trend. While they play an important role in our society, and some of them have been supportive advocates who listen closely to Indigenous communities, they have also become bastions of missionary-style hectoring by people who impose their values and priorities on First Nations peoples and claim to speak on behalf of our communities.

Take, for instance, organizations such as Extinction Rebellion and high-profile activists such as Natalie Knight, who led anti-pipeline protests to "shut down Canada," and Harsha Walia, the former head of the BC Civil Liberties Association, who infamously tweeted "burn it all down" amid a spate of church burnings. They claim to speak on behalf of or in the interests of Indigenous peoples, and while I'm sure some share these views, I am among the many Indigenous peoples who see the substantial damage caused by their ideas. Haida writer Geoff Russ agrees: "They only respect Indigenous people who agree with them, which almost always excludes elected Indigenous leadership, as well as both Indigenous and non-Indigenous working people," he recently wrote in the *National Post*.

Those who use environmental objectives to speak on behalf of Indigenous peoples are, frankly, eco-colonialists. They are regularly welcomed to speak in university classrooms – or hired as consultants, as Langara College did with Dr. Knight. This offends me, but even still, I do not seek to silence them. It is important they be able to speak.

However, such grace is not always extended to others. In 2020, for instance, Aaron Gunn, a conservative commentator and the founder of CommonSense BC, was scheduled to speak about the Coastal GasLink pipeline at the University of Victoria; he wanted students to understand the other side of the story, that responsible resource development is often endorsed strongly by Indigenous governments and communities. But the hosts of the event called it off based on the university's security concerns around "large numbers" of potential protesters, arising from a social media response to Mr. Gunn that itself arose from false assertions about his politics.

This is a glaring hypocrisy. It is deeply troubling when universities provide platforms for figures who claim to speak on behalf of people (and, in my view, whose interests they actively undermine), while creating obstacles for others who also want to present their ideas.

Meanwhile, 20 faculty members of the University of British Columbia's Department of Sociology issued a statement in December endorsing the position of the Wet'suwet'en hereditary chiefs opposed to the Coastal GasLink pipeline – despite the often-expressed support for the project by most members of the elected band councils along the pipeline route and in Wet'suwet'en Nation territory. It is further evidence that one-sided, ivory-tower activism is replacing real scholarship.

To be clear, though I disagree with it, I believe that anti-capitalist and Marxist thought on campus is to be welcomed. But universities must be places where a diversity of perspectives are debated. When important perspectives go unheard, universities have lost their way. When ideas go unchallenged, they have lost their purpose.

The state of our universities has also emboldened some activists to misuse Indigenous communities as shields to push anti-capitalist agendas. They claim to be allies, but that is true only of a carefully selected and often small part of our membership. These do-gooder outsiders stop at nothing to tell Indigenous people how best to run our lives. And when racist and ignorant backlash inevitably follows these often radical, ill-considered ideas, it is Indigenous people who must bear it.

This eco-colonialism has ironically been perpetrated by activists and faculty members who proudly wear badges of decolonization. They purport to speak on Indigenous peoples' behalf, and force fellow Canadians to walk on eggshells in our presence. Yet, just like the colonizers they claim to abhor, their campaigns deny us agency and autonomy.

As an Indigenous man, I understand the realities of racism. I have experienced it in all its forms – from the violent bigot who attacked me and my friends to the well-intentioned university academic who purports to be a defender of Indigenous peoples. To both, I say "back off." We have, can, and will defend and represent ourselves. Why must it be presumed we are unable to do so?

Please keep this in mind, too: instances and incidents of real racism – discrimination enshrined in law, policies of overt oppression, and true hatred, rather than microaggressions and misunderstandings – is much lower in Canada today than in almost any other country. Compared with 40 years ago, the space created and shared with Indigenous peoples is enormous. We are gaining real authority to exercise self-determination. But identity politics will never succeed in eradicating racism.

In this respect, activists can make Indigenous lives worse, not better. And our country can no longer afford destructive disruptions that divide Indigenous people and harm our social and mental well-being.

> *Universities must be places where a diversity of perspectives are debated. When important perspectives go unheard, universities have lost their way.*

But then again, what do I know? I am just a kid from the reserve, whose family members were forced to go to residential school – a kid who never got a degree and instead spent decades engaging in politics and business with First Nations. I guess while I spent thousands of hours with Indigenous elders and knowledge keepers, I missed out on all the lectures, books and on-campus protests that would have provided "real" insights into my dreams and priorities.

I lived my history, as did others such as Geoff Russ. My history and values didn't have it taught to me by an academy that claims to know better.

Chris Sankey *is a Senior Fellow at MLI. This article first appeared in the* Globe and Mail.

Missing the boat on LNG opportunities

Canada staying out of the LNG market has only exacerbated the global energy crisis.

Heather Exner-Pirot

iStock

As the West responds to Russia's invasion of Ukraine, maintaining natural gas supply to Europe is a key consideration. To that end, the Biden administration has been coordinating with Qatar and Australia to prepare additional liquified natural gas (LNG) exports to get the continent through this season. Are you wondering why Canada, the world's fifth-largest producer of natural gas, is not being mentioned?

Due to a series of unfortunate market and political events, Canada has zero LNG export capacity globally. Every unit of natural gas exported by Canada goes to the United States via pipeline. And that inability to participate in the global LNG market has proven to be a terrible economic, environmental and security mistake.

> *Canada has zero LNG export capacity globally. Every unit of natural gas exported by Canada goes to the United States.*

Canada saw major growth in natural gas exports to the United States in the 1990s and 2000s. But the US shale revolution in the 2010s – the combination of hydraulic fracturing and horizontal drilling that saw the Americans significantly expand their oil and gas production – meant that Canada's biggest, and only, customer needed much less of our product. This turned producers' eyes to LNG. With North America now swimming in a surplus of natural gas, liquefying the product would allow them to export to overseas markets, like Europe and Asia, where there was still strong demand.

And this is where the two countries' paths diverge. In the United States, LNG export capacity went full steam ahead, increasing from less than one billion cubic feet per day in 2015 to 10.8 billion at the end of 2020. To do that, they built seven LNG export facilities, with five more under construction and an additional 15 approved, and are on track to become the world's top global exporter. The value of those exports is spiking amid record natural gas prices, and here they have a nice trick: buy Canadian natural gas at lower North American prices, and sell it overseas at higher Asian and European prices.

Canada has taken the opposite approach: do nothing. Of 24 proposed projects since 2011, only one is under construction: LNG Canada in Kitimat. One other, Woodfibre LNG in Squamish, is expected to begin construction this year. The rest are in various stages of mothballing. Canada has turned down tens of billions of dollars in revenue – much of which would have accrued to First Nations, thanks to their substantial equity positions in these resource projects – in the name of reducing global supplies of fossil fuels. For some, this is considered a huge success.

Enough time and events have passed to consider the consequences of Canada's failed LNG strategy. Beyond the lost government royalties, First Nations revenues, and jobs in Canada, a lack of global supply has led to soaring energy prices, sparking inflation and an affordability crisis.

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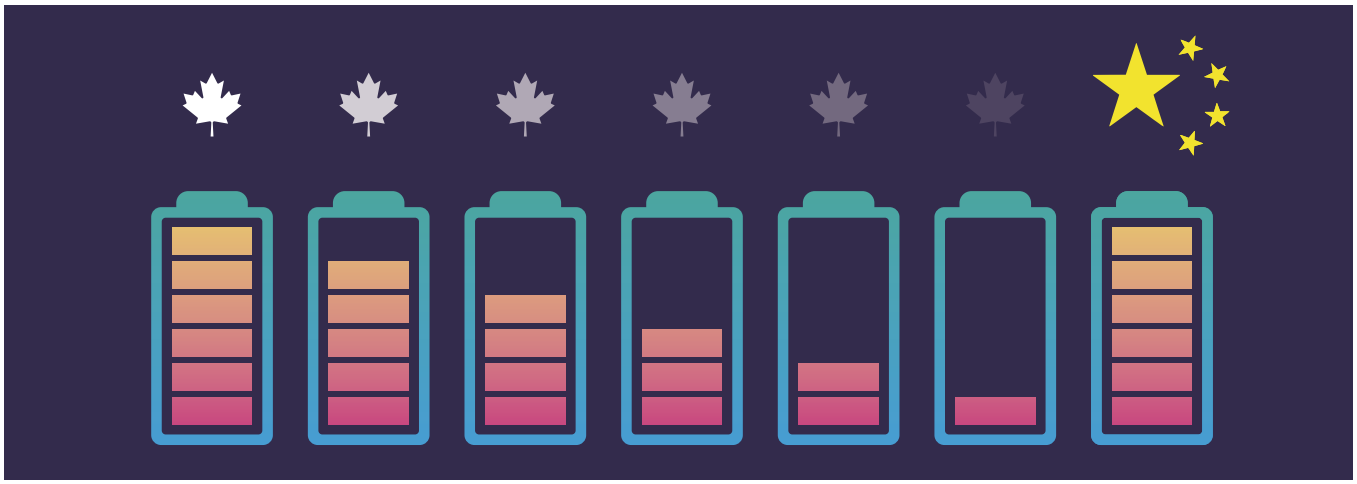

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Ottawa looks on as China buys Canadian lithium operations

Given China's desire for global high-tech dominance, there were clear reasons for reviewing the Neo Lithium purchase.

Jeff Kucharski

Efforts to strengthen Canada's supply chains for critical minerals were undermined in January when our own government decided not to conduct a national security review into the purchase of a Canadian lithium producer by a Chinese state-owned enterprise.

The decision is bizarre. Lithium, which is on a list of 31 minerals that Ottawa says are critical to Canada's economy, is imperative to modern manufacturing, including large-scale battery storage needed for clean energy transition and, significantly, batteries for the flourishing electric vehicle (EV) industry.

Now the Zijin Mining Group Ltd is cleared to buy Toronto-based Neo Lithium Corp.

China is establishing global dominance of high-tech manufacturing, including EVs, by having state-owned enterprises acquire foreign intellectual property, technologies and assets. Securing access to critical minerals is essential to that mission.

> *The deal never even triggered a review under the* Investment Canada Act.

China already controls a quarter of the world's supply of lithium-ion batteries, and Canada is a target for acquisitions. In 2018, Vancouver-based Lithium X was purchased by NextView New Energy Lion Hong Kong. That same year the Chinese company Tianqi bought a 23.8 percent share in a Chilean lithium mine from Canada's Nutrien. Last November, Vancouver-based miner Millenial Lithium narrowly missed being acquired by China's Contemporary Amperex Technology Co., which was outbid by an American buyer.

In the case of Neo Lithium, were elected officials advised that a security review was unnecessary? If so, for what reasons? Did the Prime Minister's Office (PMO) veto a review so as not to offend China? If so, should Canada be making security decisions based on whether other countries will be displeased?

China is known to use economic coercion for political purposes; in 2010 it halted critical mineral supplies to Japan over a territorial dispute. Against this backdrop, Canada and other countries have joined the US-led Energy Resource Governance Initiative to develop alternative supply chains for critical minerals and reduce dependence on China.

It would have been surprising enough if the Neo Lithium bid had undergone a security review and was cleared, but the deal never even triggered a review under the *Investment Canada Act*, which assesses significant investments in Canada by non-Canadians, with an eye to promoting economic growth and employment opportunities that benefit Canada.

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Maksim Sokolov via commons.wikimedia.org

The danger of politicizing the policing of protests

The constitution requires tolerance for groups of law-abiding citizens coming together to be heard. Yet the rule of law also requires that individuals who violate the Criminal Code *should be held accountable.*

Ryan Alford

Social media was ablaze with fiery criticism of the Ottawa Police and its handling – or alleged mishandling – of the "Freedom Convoy" protest. Why, many observers asked, did the police allow the occupation of downtown Ottawa, the distribution of fuel to idling big rigs blocking main streets, and not citing or removing trucks that blast their air horns repeatedly (at ear-splitting volume)?

Above: One of several police cars lit on fire in the Toronto's downtown core in response to police actions against protesters during the G20/G8 summits, June 2010; "Freedom Convoy" trucks lined up along Wellington Street in front of the Parliament Buildings.

(iStock; News 360 TV via commons.wikimedia.org)

To understand why we have seen less heavy-handed public order policing in recent years, it is important to consider the historical context.

In 2010, a decade of anti-globalization protests culminated at the G20 summit held in Toronto. The government's response shocked the conscience of many observers. On television, clips were aired of police officers with obscured badge numbers beating a defenceless man, interviews with bystanders swept up by police who had boxed in (or "kettled" protesters) for many hours on public streets, and even footage of arrests and harassment of journalists themselves.

A wave of recrimination soon followed. Ultimately, the Toronto Police Services Board settled a lawsuit brought by those arrested by agreeing to pay them $16.5 million.

In essence, the police response to the G20 demonstrations ignored the constitutional rights of the people to engage in peaceful assembly to make their voices heard. The importance of this right, which is protected by section 2(c) of the *Canadian Charter of Rights and Freedoms*, cannot be overstated, as it protects every other right. As the Supreme Court of Canada noted: "Freedom of association … protects rights fundamental to Canada's liberal democratic society." Accordingly, laws that infringe on the right to peaceful assembly must be justifiable as reasonable limitations, or they will be struck down.

These events produced a backlash that set the pattern for a decade of hands-off approaches, in which the police forces' watchword became de-escalation. Generally, the focus was to ensure that police actions do not make the problem of lawlessness worse, especially as the use of violence might lead to further violence.

Unfortunately, the public record now shows an ineffective cure might be even worse than the disease. In numerous high-profile conflicts – many of which were far more than mere demonstrations or protests – the police appeared to stand by while violence took place. Shockingly, in response to allegations the Ontario Provincial Police (OPP) failed to protect the residents of the Douglas Creek Estates in Caledonia, their lawyer asserted in court that they were prevented from responding more forcefully owing to "policy implications." The OPP ultimately settled the claim by distributing $20 million to these residents.

Additionally, over the past decade, opponents of the construction of the Coastal GasLink pipeline repeatedly blockaded roads and, ultimately, rail lines. On February 13, 2020, Via Rail suspended virtually all of its passenger service due to multiple blockades; some remained in place until a month later at the onset of the COVID-19 pandemic. The disruption of rail freight had more serious consequences, including rationing of propane in rural areas across the country and shortages of chlorine used for water purification.

By 2020, the perception of police reluctance to protect the public and uphold the law when confronted with politically sensitive protests had increased markedly. After the announcement by the Kamloops Indian Band of the discovery of potential unmarked burial sites of children who had attended a residential school, a wave of protests swept the country. While most of these were peaceful, a significant number were marred by vandalization and property damage.

Furthermore, a covert campaign of arson attacks against churches tracked these protests. At least 45 churches were set alight during this period, although not

Police are present but stay at a distance during the "Freedom Convoy" occupation.

(Photos Maksim Sokolov via commons.wikimedia.org)

all burned to the ground. Some activists praised this as justifiable civil disobedience. Most notable among these voices was Harsha Walia, who while head of the BC Civil Liberties Union had retweeted a report of two arson attacks on churches with a comment: "Burn it all down." Perhaps most astoundingly, the Board of the BCCLA, the Union of BC Indian Chiefs and many other activists leapt to Walia's defence.

Many other expressions of governmental approval for civil disobedience also occurred during the Black Lives Matter protests. Despite the promulgation of pandemic measures that imposed strict restrictions on public assembly, large crowds were permitted to gather, including in Ottawa, where Prime Minister Trudeau joined a crowd of over 20,000 protesters.

In contrast, when speaking a year later about the Freedom Convoy protests, the prime minister voiced his fundamental disagreement with the truckers, whom he characterized as "racist" and "violent." Trudeau later tweeted his condemnation of "the antisemitism, Islamophobia, anti-Black racism, homophobia, and transphobia that we've seen on display in Ottawa over the past number of days."

Trudeau's statements have led some to speculate whether the right to protest would be preserved only when the government agrees with the organizers' goals.

> *The focus was to ensure that police actions do not make the problem of lawlessness worse.*

Conversely, many activists opposed to the Freedom Convoy have complained that the police had initially showed excessive leniency towards the convoy, allegedly due to the race of its organizers or agreement with their message.

Yet, when alleging illicit discriminatory treatment by the police and the government, it is important that clear and consistent standards be applied when protesters assert their freedom of assembly to make their voices heard.

The first and most important principle is that peaceful protests are lawful, regardless of what motivates their organizers. It is only individuals who participate in these protests who can commit offences. Governments – not to mention police forces – should therefore resist the urge to bless or curse particular protests because of the messages they convey.

Second, while the act of protesting is constitutionally protected, in the course of doing so, individuals who break laws must always remain accountable. Civil disobedience can be tolerated as a means of expressing political opinions only when the citizens who engage in this practice accept responsibility and the possibility of prosecution.

A related principle that promotes consistency is the recognition of the paramountcy of the *Criminal Code of Canada*. If anyone is charged with a criminal offence, the Crown must assume the responsibility of proving each element of the offence beyond all reasonable doubt. For example, the Crown must prove that protesters charged with mischief under section 430(1) of the *Criminal Code* (or with aiding and abetting mischief) caused actual damage to property; this is an onus that requires demonstrating an individual's specific motive, which extends much further than an intention to assemble with one's fellow citizens and to voice one's political opinions.

As such, shutting down demonstrations because protesters are violating municipal by-laws or regulations governing the use of public spaces may not be constitutionally justifiable depending on the circumstances. The police must remain mindful of the fact that freedom of assembly is a constitutional right, and that regulations – which may be entirely valid when applied in other contexts – may not be

reasonable limitations of that right in the context of a demonstration.

Additionally, protests and demonstrations may interfere with bystanders' common law rights, such as the right to the quiet enjoyment of their property and freedom of movement. However, the mere fact that protests create these effects does not destroy their connection to freedom of speech and assembly. Police forces must be wary of relying on this rationale to curtail peaceful protests, lest they run roughshod over the Charter rights of demonstrators.

These challenges point the way to the best method of ensuring that consistent and constitutionally defensible standards are applied to the policing of non-violent demonstrations: Allow courts to adjudicate applications to enjoin the protesters. Canadian courts are ideally suited to the task of crafting equitable remedies, which may include prohibiting or requiring specific acts. These orders are backed up by the coercive powers of the courts; they can incarcerate those who violate them for contempt.

When issuing injunctions, courts can devote their singular expertise to the issue of whether limitations on constitutional rights are reasonable in particular circumstances. While the balance struck may not be identical to other places and times, the same constitutional jurisprudence guides every application of the legal principles developed by the courts, including the Supreme Court of Canada.

The final principle is essential to continued respect for the rule of law: Court orders and injunctions are sacrosanct. Police forces and governments must respect them, whether by enforcing orders to prohibit certain means of protesting or by allowing constitutionally protected speech and assembly to take place unimpeded. There can be no justification for ignoring the courts' reasoned and nuanced assessments of how the demonstrators' rights may or may not be limited in the interest of public order or the preservation of the rights of others.

Whenever the police can wait for the courts to sort through the claims of protesters and bystanders, they should do so, rather than taking precipitous actions that may infringe on the rights of freedom of speech and peaceable assembly. Policing strategies that focus on de-escalation are prudent at this initial stage; if decisive action is required once the courts have ruled, the police will have the benefit of executing orders not of their own making, thereby protecting their legitimacy and neutrality.

At each of these stages, governments must respect the independence of both the police and the judiciary. While admonitions from the government that the rule of law requires the enforcement of the laws may appear innocuous, this can frequently be read by the public as an attempt to spur the police into action before the courts can address thorny questions involving the balancing of rights. The police should not be pressured by governments into suppressing demonstrations based on by-laws or regulations that might later be found not to constitute reasonable limitations on constitutional rights in these particular circumstances.

The government should not seek to restrain the police when individuals engage in violence or destructive behaviour, no matter how popular the cause. When the courts have spoken, the government has no business second-guessing their rulings short of taking an appeal.

In sum, the rule of law requires that individuals respect the laws (particularly the *Criminal Code*) and that governments respect the law that governs them (the constitution). This means that by-laws and regulations may occasionally need to temporarily give way so that citizens can assemble and make their voices heard. The police should prioritize the prevention of violence and destruction of property by enforcing the law against individuals, rather than taking action predicated on the purported moral worth of each cause or protest.

Canadian courts are ideally suited to the task of crafting equitable remedies, which may include prohibiting or requiring specific acts.

These principles apply with even greater force to governments, which should not forcefully endorse or condemn citizens' attempts to peacefully assemble and to make their voices heard. Attempts to coerce the police into shutting down or ignoring protests owing to a political calculation are wholly unacceptable. This sort of coercion risks sidelining the courts and eroding the police's independence. Instead, the police should be trusted to operate under the sober oversight of the courts, which possess both prudence and power.

In the end, all these institutions should remember that the constitution requires tolerance for groups of law-abiding citizens who choose to come together to be heard; the rule of law also requires that individuals who violate the *Criminal Code* should be held accountable, regardless of their motives.

Ryan Alford *is a Professor at the Bora Laskin Faculty of Law at Lakehead University.*

(Emilijaknezevic via commons.wikimedia.org)

Now that the horns are silent, the real work begins

All national political parties need to lay out coherent plans for the nation's future.

Ken Coates

The truckers have finally left Ottawa, the good citizens of the nation's capital have their city back, and the police have re-established their credibility. The *Emergencies Act*, a serious over-reaction from the outset, was a damp squib that unnecessarily sullied the Canadian political landscape. And the path forward is unclear.

Recriminations will follow and the damage, when fully described, will be dramatic. The organizers and spokespeople of the Freedom Convoy will face intense scrutiny for their tactics, statements, and actions. They will be found wanting, as stories surface about the boorish behaviour of protesters, the mistreatment of shop owners, serious misrepresentations of Canadian law, politics, and individual rights (Miranda Rights do not apply in Canada!), and potentially, the use of donated funds.

> *To say there is political unease in the land is to understate the situation dramatically.*

The Trudeau government mismanaged the protest from the outset – just as they had already alienated many Canadians with their management of the pandemic. Prime Minister Trudeau's bitter and inaccurate representation of the protesters as an unruly group of racists and dangerous radicals completely failed to rally the country to his side and gave strength to the movement.

Members of the government caucus are clearly upset with the handling of the crisis, although the vaunted Liberal Party discipline kept the cabinet ministers in line. The New Democratic Party exposed significant internal tensions by abandoning the civil libertarian tradition of former leader Tommy Douglas in favour of following the Liberal's lead. Leader Jagmeet Singh has rarely been as out of touch with his party's roots.

But the centre-right part of the Canadian political spectrum is also in turmoil. The People's Party of Canada will no doubt attempt to tap into the fundraising acumen,

libertarian sentiments and national anger unleashed by the convoy. If this translates into electoral success, look for a significant recasting of the political landscape. The Conservative Party, for its part, is flirting with electoral and political disaster, casting aside Erin O'Toole's cautious approach for as yet unknown leadership and trying to play to both sides of the protest movement. The party that historically speaks for the enforcement of the law will have to decide where it stands going forward.

So, where does the country sit now that the horns have been silenced? Most Canadians support the government's vaccine mandates, but the nation is tired, angry and unsatisfied by two years of pandemic restrictions and serious government overreach in non-health related areas. It is hard to imagine any political party gaining the public's approval and easier to anticipate widespread political unruliness in the months ahead. If nothing else, the convoy unveiled a streak of libertarianism and anti-government sentiment that one or more political parties is going to exploit. To say there is political unease in the land is to understate the situation dramatically.

While most commentators like to blame these processes on the Americanization of Canadian politics and the spread of Trumpism to Canada, the current political malaise is of longer and more serious standing. Western isolation from the Canadian mainstream is long-standing. The alienation of rural and small-town voters is deeply embedded in Canadian politics and, by itself, never grabbed the attention of the media or the national parties.

Canada has long spoken of the power of the "Laurentian elites" and the authority of the Toronto-Ottawa-Montreal triangle remains dominant. But real electoral authority rests with the mega-cities in Canada, which effectively run the country, not always to the benefit of the nation. Canada's major cities are among the very best in the world and should be a source of national pride. But when this massive power base turns its back on the rest of the country, well, protests happen.

The marginalization of the working class is somewhat new, a function of the failure of the political parties to acknowledge and respect the difficult transitions that they are facing. The New Democratic Party's reorientation toward urban voters and the public sector union and the Conservative Party's inability to show strong and ongoing concern about the workers whose labour underpins Canadian prosperity have left them without an obvious home. The Liberal Party's overwhelming "wokeness" is extremely alienating to people whose life challenges are not defined by identity politics.

The lack of attention to Canadian workers will prove to be of long-term significance. As the convoy demonstrates, new technologies allow for united action and sustained mobilization in a manner that old-style party organizers can only envy.

Most significant, perhaps, is the emergence of anti-government sentiment as a national political force. These ideas are not rooted in any political party or ideology, but they represent a reaction to the pandemic, two years of government-imposed restrictions, and almost seven years of intense government intervention. For some, the federal Liberal's "build back better" rhetoric has worried those Canadians most concerned about government overreach and the shocking run-up of the national debt.

Stir in a nervous-making dose of inflation, which the federal government wishes to downplay, and you have a growing number of Canadians who are deeply concerned about state power and government spending. The interventionist financial aspects of the *Emergencies Act* only feed into this worry about government overreach.

Canada needs urgent attention. The pandemic exposed serious shortcomings in our national health care system and an abject failure in the care of senior citizens. Despite three successive Liberal governments declaring that relations with Indigenous peoples were central to national plans, improvements have been slow and intermittent. Regional inequalities remain and the rise of cities is reconfiguring national affairs in dramatic ways. The continuing clash between environmental goals and Canada's energy sector only adds to the uncertainty.

> *The nation is tired, angry and unsatisfied by two years of pandemic restrictions and serious government overreach.*

Turning off the horns was a short-term solution to a serious problem. It is possible, as the prime minister has indicated, that the end of the Ottawa protests is only a temporary lull in a potentially long and aggressive storm. But it behooves all national political parties to lay out coherent plans for the nation's future. We need competing visions of how Canada can emerge from the pandemic malaise with the confidence and determination needed to make headway in an increasingly tense and divided world.

Ken Coates *is a Distinguished Fellow at MLI and a Canada Research Chair in the Johnson Shoyama Graduate School of Public Policy at the University of Regina.*

Jagmeet Singh's support for *Emergencies Act* shows he's no Tommy Douglas

Tommy Douglas was the kind of statesman who thought through the implications of the overreach and abuse of state power.

Ontario Federation of Labour flickr.com/photos/ontariofedlabour/38587188011
Library and Archives Canada/MIKAN 3713574

Stuart Parker

The ghost of Tommy Douglas looms large for Canada's New Democrats. There is good reason for this. If one talks to activists in the party's socialist caucus or in other more traditionally left-wing parts of the party, one is hard-pressed to hear a single good thing about today's NDP or a reason to vote for the party as it is presently structured and constituted. Instead, many justify their support with its founding narrative: the decision by the Canadian Labour Congress and the Cooperative Commonwealth Federation to merge into a single party under the leadership of Douglas in 1961.

Douglas is a figure presented not just as an NDP icon but as an icon of small-l liberal Canada. Although the creation of our medicare system was long and complex, and Douglas was neither premier of Saskatchewan nor prime minister of Canada when it was enacted in that province or nationally, Canada's historiography recognizes him as the "father of medicare."

Douglas is a figure presented not just as an NDP icon but as an icon of small-l liberal Canada.

New Democrats, from the most centrist to the most socialist, have strong incentives to style their party, the de facto "Party of Douglas." And so they do. And they often go further, suggesting that the political choices they are making are those the great man would himself had made, had he been in their shoes.

But this is a position they cannot take when it comes to their support for Justin Trudeau's recent use of the *Emergencies Act*. The Act, a 1988 rewrite of the *War Measures Act*, received all-party assent from the House of Commons based, in substantial measure, on reassurances offered about the conditions under which it could and should be used. As Svend Robinson, who was serving as the NDP's Justice Critic at the time, said on February 16:

I was in the House during 1988 debate on the Act, when we were promised that "emergency powers can only be used when the situa-

Left: *Emergencies Act* 2022: Ottawa police break up protesters; above: *War Measures Act* 1970: newspaper headline October 16, 1970; military presence on the streets of Montreal thereafter.

(Brett Grundlock via commons.wikimedia.org; Canadian Press via the Globe and Mail; Toronto Star Archives; Library and Archives Canada/PA-117477 via commons.wikimedia.org)

tion is so drastic that no other law of Canada can deal with the situation." That test has not been met. The NDP can stop this. Will they?

It seems a reasonable question and one with an unambiguous answer if the party really is the Party of Douglas. Tommy Douglas, who served as NDP leader half a century ago, was leading the party during what historians call the October Crisis or FLQ Crisis.

In October 1970, a terrorist organization known as the *Front de Libération du Québec* (FLQ), which had split from the most radical separatist party in the province in 1963, commenced an escalating campaign of attacks, including multiple bombings that resulted in several deaths, a plane hijacking, and the kidnapping of British trade commissioner James Cross, and Pierre Laporte, the deputy premier of Quebec. The FLQ then presented a set of demands and the federal and provincial governments appointed a negotiator. After three days of unsuccessful negotiations, the government of Quebec requested that the federal government enact the *War Measures Act* and end the hostage crisis by force.

Tommy Douglas and his New Democrats said, "no." While the overwhelming majority of English Canada, where the NDP held all their seats, supported the *War Measures Act*, this was an issue of principle for Douglas.

Douglas had served as an MP from 1935-44, during which time he had seen not just the successful prosecution of a war against Germany and Japan but the abuse of war powers domestically, especially in the internment of Japanese-Canadians, something equally popular with voters but which he insisted on denouncing.

Reading excerpts from one of Douglas' speeches at the time, some sharp contrasts are immediately obvious, not only between the leader of the NDP then and now, but between the respective crisis faced in each era:

We have agreed with the government's refusal to accede to the outrageous demands of the kidnappers. I can understand the feelings of those sensitive individuals whose first reaction was that the government should deal with the kidnappers and should be prepared to accede to their demands.

Note that despite years of violence, and having killed three people and injured dozens more, both the Liberal government and the NDP caucus supported the negotiator appointed by the government of Quebec. It was only after the failure of three days of negotiations that the invocation of the *War Measures Act* was contemplated.

Contrast this with current NDP leader Jagmeet Singh, who at every stage backed the government's refusal to even meet with members of the truckers' convoy. Here we find Singh has already adopted a more authoritarian position, not just than Douglas but of the senior Prime Minister Trudeau who signed off on the appointment of a negotiator in 1970.

Douglas went on:

Now we come to a point on which we cannot support the government. The government is now convinced that there is a state of civil disturbance and anticipated sabotage which requires prompt and vigorous action.

I submit that, properly, the government

had two options in dealing with the situation. The first was to deal with it under the powers which it now has under the laws of Canada… There are very considerable powers there. I think the government deserves some criticism because some of those sections have not been used.

Like Singh today, Douglas noted that no level of government had made full use of the tools already at its disposal before requesting the most powerful tool at the government's disposal: emergency powers. But he used this argument for a very different purpose. Whereas Singh's demand for earlier, more and harsher enforcement helped Trudeau make the case for emergency powers, Douglas saw lax enforcement for what it was and called it out: governments refraining from using the tools at its disposal in the hopes of acquiring the tools it desired more. Douglas continues:

The second option which was open to the government was that if it came to the conclusion that the powers it now enjoys under the Criminal Code *and various other statutes were not sufficient to cope with this situation, the magnitude of which the rest of us are not fully aware of, the government had the option of coming to Parliament and asking Parliament, in a democratic way, to clothe it with the authority to deal with this unusual situation … [W]e would have been prepared to facilitate very quickly such matters coming before Parliament in order that the government might be able to indicate the areas in which it had not sufficient power and the justification for requiring greater powers and greater authority. But the government has not utilized this option.*

Here, again, is a striking contrast between Singh and Douglas. What specific powers do you want that you do not have now? Douglas asked Pierre Trudeau. Douglas had a pretty good idea of what powers they desired and what they might be used for – and against whom they might be used. He could see that such broad powers could be used not just against the FLQ, but Quebec separatists generally, as well as peace activists, religious minorities and counter-culturalists across the country.

And the fears and suspicions of civil libertarians like Douglas were borne-out. During the period the *War Measures Act* was in effect, the RCMP installed more wiretaps in BC than they did in Quebec. And it took the McDonald Commission (1977-81) and the creation of CSIS (Canadian Security Intelligence Service) as an RCMP watchdog to pare back the sweeping surveillance powers and sense of impunity unleashed by the Act in 1970. Douglas continued:

Instead, the government has taken the unusual step of invoking the War Measures Act…the government has overreacted to what is undoubtedly a critical situation. Does civil disturbance constitute apprehended insurrection? The government, I submit, is using a sledgehammer to crack a peanut. This is overkill on a gargantuan scale. Why has the government invoked the War Measures Act*? May I point out that the FLQ have been around for some six or seven years. Why have we not been asked to supply the government with the powers to deal with the growing menace which it now says is so tremendous that we must invoke the* War Measures Act *to deal with an apprehended insurrection? The fact is, and this is very clear, that the government has panicked and is now putting on a dramatic performance to cover up its own ineptitude.*

The "convoy crisis" of 2022 is simply not comparable to that faced by the country in 1970. There is no organized terrorist group. No acts of terrorism have taken place. No bombs have gone off. There are no hostages. There have been no hijackings. There is no formal list of demands beyond the vague ask of "ending vaccine mandates and pandemic restrictions." No buildings have blown up. No one has been killed.

> *Like Singh today, Douglas noted that no level of government had made full use of the tools already at its disposal.*

It is notable that even in a situation in which all those things had happened, Douglas maintained a clear, principled position: governments should not use war powers unless actually at war; and that when governments not at war require new powers that abridge civil liberties, they must come to Parliament and ask for them.

Douglas drew a line between "civil disturbance," something that can be handled with the *Criminal Code* and other laws on the books, and "apprehended insurrection." Until the government made out the case that this really did appear to be an insurrection, the government's peacetime powers were sufficient.

The problem during the convoy crisis was not that Singh believed that Canada was facing an actual insurrection; it was that he thought war powers were a legitimate response to a mere civil disturbance. If reflective of the party at large – and there is every reason to believe this is the case – it represents fundamental shift in the values of the NDP and its leadership over the past half-century.

The concluding words in Douglas's speech are eerily prescient for 2022:

if the police in their judgment decide

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Am I enough?

As a country, Canadian society does not acknowledge the survivor's guilt caused by immigrating here. Despite the guilt, I am going to find myself and my place here in Canada.

Meghrig Milkon

Canadians usually think that an immigrant's journey ends once they arrive in Canada, but it doesn't. The challenges facing young immigrants are often unnoticed and indeed silenced under the assumption that life is now better.

The war in Syria started when I was around nine years old, and we grew up with the fear of losing our loved ones at any minute. My parents, even through the war, sacrificed so many things for us and worked so hard to keep us in a peaceful and healthy environment.

One day, due to a major bombing, we lost our family home. That home meant everything to me. Those walls held all the beautiful memories I shared with my family: my first words, my fights with my sister, my mom's delicious dishes. This loss caused my family to decide that it's time to find a peaceful home for us, leaving everyone – grandparents, aunts, uncles, cousins – and everything familiar behind.

This decision was a turning point for our family, and especially for my parents. They were going to an unfamiliar place, were surrounding by unfamiliar people and faced the anxiety of creating a new home to replace the one they had lost. They sacrificed their jobs and friends for my siblings and I, for our future. And I appreciate and love them for this life they have given me.

Yet, since our arrival to Canada, I have become a prisoner to my guilt.

Seeing all my parents' sacrifices, I have been desperate to make it up to them. I feel the need to do my best in school and get good marks. I feel the need to get into the university they want me to attend. If I did not accomplish these goals, I would feel guilty because their sacrifices would have all been in vain. It is the least I can do to make them proud of me, so they are at peace with their decision to come here.

Meanwhile, back home, relatives and friends are still struggling with the war and are in pain. Worst of all, they think that just because we moved here that everything is so easy and simple. I remember how it felt to be in Syria, and how it felt to be hopeless and wanting to escape.

Canada seemed like a utopia that everyone wanted to run to. Being here now, and not being able to help them, only leads me to feel greater disappointment in myself. I feel guilty for having opportunities and for not going through the same horrific experiences as them. This guilt, and the need to be what my parents expected of me, pushed me to my limits and left me burnt out.

The COVID-19 pandemic and the subsequent lockdown made my experience in school difficult, where even doing one simple assignment caused me to have breakdowns. Struggling with my own mental health and battling my own guilt, while trying to prove to my parents that I am not a failure, pushed me to fail not only in school, but in my expectations for myself. I lost my sense of identity and what I believed in, creating a cycle of even more shame.

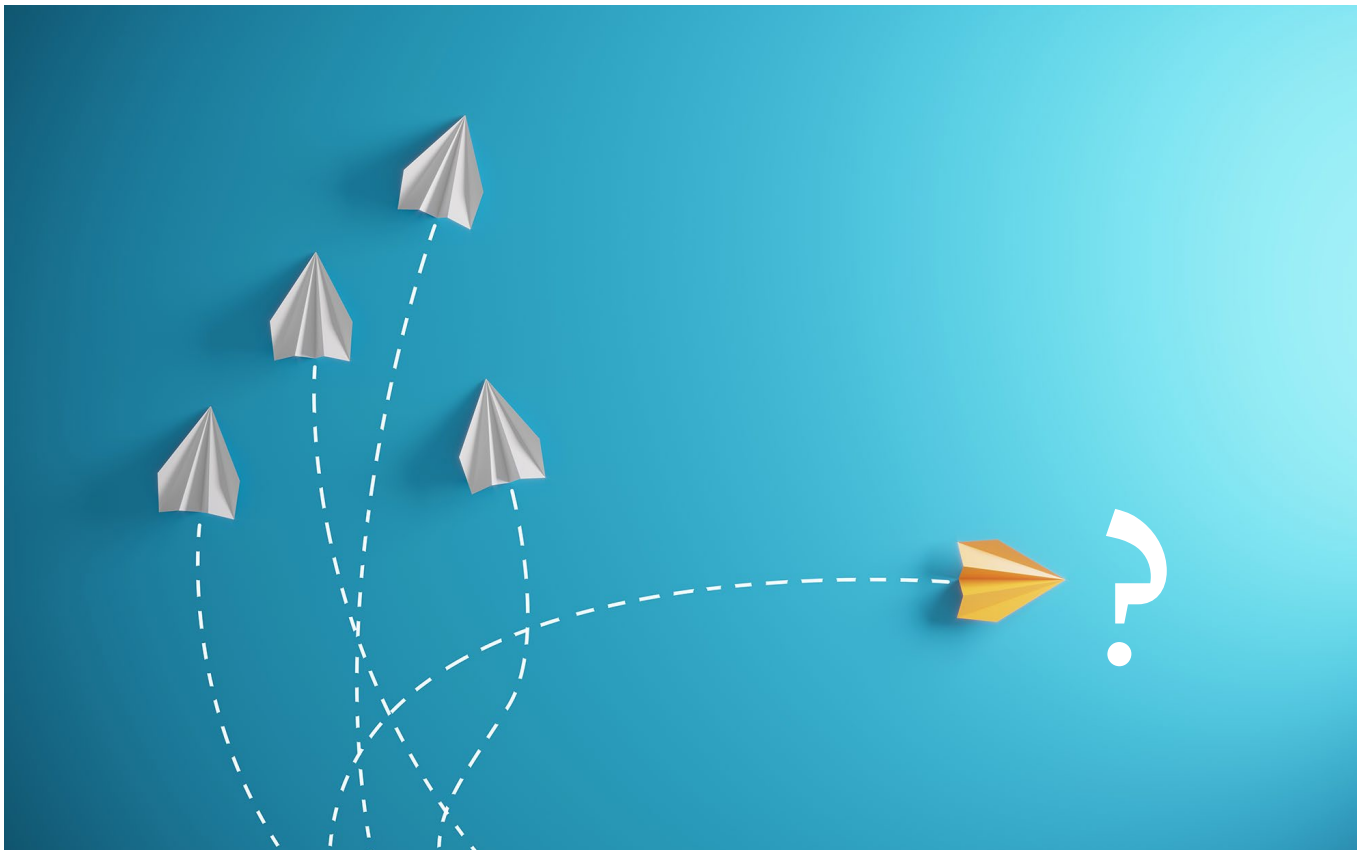
As a grade 12 student, I am constantly being asked who I am and who I want to be. But really, I am a person who dreams of being a normal teenager. But being Syrian makes that impossible. I am a person who envies youths who never had to feel torn between two cultures, two sets of standards, or two identities. In school, I am forced to be like my Canadian peers, while at home I am expected to be perfect based on my school's Canadian standard.

Ultimately, I am a person who is scared of not being good enough for everyone. By moving here, our experience in war finally came to an end. But it started a whole new battle. The most important thing that I learned along my journey to Canada is that this guilt is never going to be separate from my identity and daily life. Each day I am trying to use my guilt to improve myself and try to know who I am.

> *"I am trying to use my guilt to improve myself and try to know who I am.*

As a country, Canadian society does not acknowledge the survivor's guilt caused by immigrating here. My trauma and past experiences did not disappear and are part of my inner turmoil. Despite the guilt, I am going to find myself and my place here in Canada.

Meghrig Milkon *is a student at Regiopolis-Notre Dame Catholic High School. She came to Canada in 2019 from Aleppo, Syria. This article is the winning submission for the 2021 Speak for Ourselves Essay Competition.*



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Is innovation still innovative?

Tinkering with Canada's existing innovation policies will not transform the national economy into a creative economic power.

Ken Coates

For the last 30 years, the world has been awash in the rhetoric of innovation. National and regional governments have committed billions of dollars to building truly innovative economies. The government of Canada is revising – not for the first time – our nation's approach to innovation, but will the new approach be innovative?

Innovation is complicated. Governments need the workforce, businesses, research capacity, and public acceptance necessary for the development of a technology-enabled economy. Achieving such an outcome requires government funding, careful coordination between the state, business, and institutions, strong global awareness, and an ability to act decisively.

> *Canada is, at best, mid-range globally in terms of technological and commercial innovation.*

It is no surprise to discover that Canada is, at best, mid-range globally in terms of technological and commercial innovation. We do reasonably well on some measures, such as government support for basic research. But we are far from nimble, technologically or commercially. Our regulatory burdens are at the high end among competitor nations. Indeed, in most measures of innovation, investment, and activity, Canada's performance is unremarkable and, in some areas, disappointingly dull.

For several decades, national innovation policies followed a simple "innovation equation": **Expand Post-Secondary Education + Improve Basic Research + Invest in Commercialization**.

Done properly, these investments result in **Job Growth + Economic Prosperity**.

This approach was popularized by Silicon Valley and emulated around the world, including in the successful innovation environments in Ottawa, Montreal, Vancouver, Calgary, Waterloo, Ontario and in the emerging centres of Prince Edward Island, Sherbrooke, Quebec, and Kelowna, BC.

The ubiquity of the innovation equation can be seen in hundreds of government announcements about college, polytechnic, and university spaces, money for major scientific facilities, research grant programs and student funding, new applied technology programs and institutions, start-up incubators, research and development (R&D) financial support, and strategies for scaling up business. There is no shortage of money for innovation.

Innovation investments are as commonplace as cold winter winds on the Prairies. They support a comforting narrative: that governments are preparing the country for the vicissitudes of the 21st century economy. When we hit the big time – JDS Uniphase, Nortel, Blackberry, Open Text, Ballard Power, Shopify, among others – governments rush to celebrate their success. The country loves high-tech startups, like current shooting stars Maple, Bolt Logistics, and ApplyBoard, for they demonstrate Canadian competitiveness.

But observers know the problems. Canadian innovations, often government funded, are frequently sold outside the country. Many highly skilled Canadian trainees build their careers in other nations. Few Canadian companies scale up into the 95/5 firms (international sales/Canadian sales) that demonstrate global competitiveness. Government tax breaks underperform. Grant programs have cumbersome processes, and a predication toward caution rather than risk-taking. Companies continue to underinvest in new technologies and digitization, limiting productivity gains.

Governments devote a great deal of money to their innovation agendas. A series of Innovation Superclusters received more than $1 billion each in government funding, with industry and other partners matching those investments. The announcements were greeted with loud political hosannas. But the early excitement has not been followed by major commercial developments, although these may come.

For a country that routinely spends great sums on innovation, Canada maintains a traditional economy, largely dependent on natural resources and manufacturing for our continued prosperity. Tinkering with Canada's existing innovation policies will not transform the national economy into a creative economic power. Governments need to rethink their approaches and look for innovative innovation policies.

This will require a review of the innovation equation because the traditional spending has not produced the technology-centred economy that promoters promised outside a few centres. There are many creative ideas on how to reform our approach to economic and technological transformation, but they are falling on deaf ears. The federal government's fascination with a Canadian version of DARPA, the US government-funded high-risk research initiative, has been widely panned and is unlikely to produce significant results.

Canada must review our approach to financing corporate R&D, ensuring that the granting and support systems operate at the speed of contemporary business. Measures are needed to slow the outflow of key personnel, ideas, patents, and companies. The current emphasis on basic research should be balanced by greater priority to applied development. More significantly, the country should shift from the attempt to define a national innovation strategy to greater support for local and regional initiatives. Canada absolutely must prioritize the support of entrepreneurs and wealth creation, generally. The latter is a serious national weakness.

Innovation-based economies are emerging across Canada. In addition to the best-known centres, localized developments are underway in Victoria, BC, Whitehorse, Yukon, Saskatoon, Saskatchewan, Halifax, Nova Scotia, and St. John's, Newfoundland and Labrador. But we are not keeping up with international developments and are not keeping pace with our competitors. Canada can do much better. Our economic future depends on our ability to take a truly innovative approach to economic and technological innovation. That our strategies have become dull, imitative, and predictable is the antithesis of what is needed for 21st century economic competitiveness.

The country should shift from the attempt to define a national innovation strategy to greater support for local and regional initiatives.

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What we've learned so far from Russia's war on Ukraine

Canada has an important role to play, but it must abandon its inert thinking.

Russian bombing of Mariupol in March 2022; Russian bombardment of telecommunications antennas in Kyiv.

(Ministry of Internal Affairs of Ukraine (Міністерство внутрішніх справ України) via commons.wikimedia.org)

Richard Shimooka

In the early hours of February 24, Russian forces crossed over the border into Ukraine, igniting a conflagration after years of smoldering conflict between the two countries. The invasion has shocked many long-time observers of the region – the brazen nature of the act, the maximalist aims, and unprecedented scale easily classify it as the largest gamble of President Vladimir Putin's political career.

The situation in the region remains highly fluid and uncertain at the time of writing: many of the tactical and operational details are cloaked by the fog of war, and the final outcome of the invasion remains unclear. Nevertheless, the attack will likely lead to durable effects on Canada and NATO's future.

Planning for Russia's invasion – from the scale of its military buildup to the resulting operation – likely required months of planning. Moreover, the actual window to launch the operation would have been narrow, perhaps three to four weeks. Troops cannot be forward deployed in these locations for too long without severe consequences on readiness, morale and sustainment. US intelligence likely understood this fact and was fairly accurate in its overall assessments of the timing and scale of the war. This offers a useful lesson for future crises: Western intelligence gathering capabilities can provide a very early warning function on potential large military operations.

> *The attack will likely lead to durable effects on Canada and NATO's future.*

Given the events leading up to the invasion, diplomatic efforts to stop the conflict were unlikely to succeed. Russia's demands were simply unacceptable, which the Kremlin likely well understood. This was further reflected in Putin's speech when he announced the invasion and laid out its justification, including a promise to demilitarize and "de-nazify" Ukraine. The messaging was directly aimed at his

Armed Forces of Ukraine in Eastern Ukraine.
(OSCE Special Monitoring Mission to Ukraine via commons.wikimedia.org)

Russian military weapons destroyed and seized by the Armed Forces of Ukraine, near Bucha.
Ministry of Internal Affairs of Ukraine (Міністерство внутрішніх справ України) via commons.wikimedia.org

> *Russian combat performance has been exceptionally poor. Major operations have gone awry, resulting in significant defeats.*

domestic constituencies, and completely divorced from any actual security or geopolitical concerns.

There was likely little that could be done to dissuade President Putin from undertaking this attack. At the same time, Western outreach prior to the invasion may have allowed it to rally opposition more effectively to the invasion, by showing how good faith diplomacy was rejected out of hand.

Yet despite the fog of war, some conclusions can be drawn based on how the war has unfolded so far. Perhaps most surprisingly, Russian combat performance has been exceptionally poor. Major operations have gone awry, resulting in significant defeats. This includes several large airborne landings that have been repulsed with reports of serious casualties. It's difficult to diagnose the cause of this failure, but it does suggest the quality of Russian Federation's ground and air force may have been overstated by some analysts; this requires a reassessment of their capabilities.

At the same time, Western support has been undeniably critical for Ukrainian battlefield successes. Anti-tank guided missile systems, specifically the British MTB-LAW (NLAW) and American Javelin, have proved invaluable in blunting Russia's qualitative and quantitative edge in armoured vehicles. Ukrainian troops are the beneficiaries of Western training and have experience in undertaking combat operations since the 2014 Donbass War, making them highly lethal despite shortcomings in artillery, air power and armoured vehicles.

A potentially more decisive tool has been Western intelligence-sharing. For instance, one of the aims of the 2021 US-Ukrainian Strategic Defence Framework is "closer partnership of defense intelligence communities in support of military planning and defensive operations." While direct evidence is scant, this may have helped guide warfighting decisions during the conflict. One possible example can be found with Ukrainian ballistic missile strikes into Russia, which could have been targeted using intelligence gathered and shared by Western states. As with other recent conflicts, drones also seem to be playing an important role in intelligence, surveillance and reconnaissance (ISR), as well as providing low cost and somewhat survivable air power behind the front lines.

On the whole, the conflict illustrates some of the newer trends surrounding modern combat operations. Ukrainian forces seem to have superior command and control capabilities compared to their Russian counterparts and are leveraging modern ISR capabilities effectively. These moves support ongoing shifts in Western military thought and development, which emphasize the role of highly mobile and connected forces for the battlefield of the future.

Russia's inability to trigger the rapid collapse of the Ukrainian government, alongside the apparent rise of a paramilitary and

From the top: Ukrainian refugees, crossing into Poland; citizens of Kyiv find refuge in the city's metro converted into an air raid shelter; civilian evacuation over the Irpan River.

First two photos: Ministry of Internal Affairs of Ukraine (Міністерство внутрішніх справ України) via commons.wikimedia.org; bottom: Yan Boechat/VOA via commons.wikimedia.org

civilian resistance across all sectors of Ukrainian society, indicate that unrest towards any Russian occupation will remain pervasive. Nationalist sentiments are rife, which will likely fuel any resistance towards Russia's presence for the foreseeable future.

Furthermore, the prevalence of these views, including in eastern areas like Kharkiv, suggests that there is little chance for Russia to effectively split off ethnic communities within the country. This means that a partition of any part of Ukraine to achieve a diplomatic settlement will likely result in continued unrest within that territory. Yet finding a satisfactory outcome seems difficult to imagine, given the Kremlin's maximalist aims.

Unfortunately, even if the government survives the conflict intact, Ukraine's economic development, human rights and political reform efforts over the past decade will have lost ground. Rooting out right-wing extremism and endemic corruption will prove much more difficult after the conflict. Ukraine will require significant assistance from the West to rebuild.

Still, while the invasion may have been undertaken to solidify Putin's position in the region, it will almost certainly weaken it. Ukraine's bloody resistance undermines the Putin regime's dream of a common Slavic cause. It may even push some other countries in the Caucasus or Central Asia to reconsider their close relationship with Moscow.

More critically, the economic damage to Russia will likely be immense, and remain so for quite some time. The sanctions regime has choked off liquidity to the economy, creating the grounds for hyperinflation and a market collapse. Even if removed today, it will take months for the damage to be reversed, given their pernicious and pervasive consequences. However, many firms will simply avoid undertaking business within Russia, as evident with BP withdrawing from its US$25 billion venture with the Russian oil firm Rosneft.

Russia also faces other long-term, strategic consequences. For example, the European Union seems poised to wean itself off of Russian gas supplies and invest more heavily into nuclear and renewable resources. It has also been unexpectedly robust in other aspects of its response, from its decision to apply sanctions on Russia and to accept Ukrainian refugees to its willingness to fund lethal arms for Ukraine.

Yet perhaps the most significant change occurred within Germany. Chancellor Olaf Scholz has cast aside nearly 70 years of foreign policy orthodoxy, with the delivery of 1000 anti-tank weapons and 500 Stinger missiles, alongside a defence spending increase of roughly 25 percent to meet the 2 percent of GDP NATO threshold (and a €100 billion special fund infusion for 2022). Even traditionally neutral countries like Sweden and Finland followed suit, promising significant arms deliveries to Ukraine.

This suggests Europe will be much more willing to consider collective action to deal with their problems and that all NATO members will be called upon to do more to ensure the region's security and prosperity.

Which brings us to Canada. Throughout the crisis, Canada's role has been mixed, alternating between leading and following allied efforts. In the weeks prior to the invasion, the Liberal government was criticized for its lacklustre support for Ukraine, initially only extending limited financial support and non-lethal aid. However, once the invasion occurred, it took a much harder line with

the Kremlin. Canada seemed to be among the most vocal countries to call for banning Russia from the SWIFT transactional banking system, while pressing European allies to follow suit. Deputy Prime Minister Chrystia Freeland worked to convince US policy-makers to sanction Russian banks, which included circulating a paper on the imposition of such sanctions.

It has also promised $7 million in lethal aid, $25 million in protection military gear, and now short-range anti-armour weapons and munitions. However, this is a very small and modest contribution, especially compared to what other allies are providing. Due to cutbacks and drawdowns over the past decade, the Canadian Armed Forces (CAF) has been forced to divest itself of stockpiles that could be sent to assist Ukrainian forces in combat.

Similarly, there are limits to what Canada can provide in terms of military capability to assist in the defence of NATO members in the region. The government has announced 3400 CAF personnel from across all branches of the service will be placed on stand-by for potential assignment to the NATO Response Force, as well as the immediate deployment of an artillery battery, electronic warfare personnel, a second frigate and an CP-140 Aurora multipurpose aircraft to Eastern Europe. While on the surface these contributions may seem significant, the actual capability it brings is much more limited.

Historically, Canada's primary contribution to similar crises is usually its CF-18 Hornet fighter fleet, an option that seems unavailable at this time. The Royal Canadian Air Force (RCAF) has been particularly hard hit by severe understaffing, with its tactical fighters only at 50 percent availability rate. Moreover, Canada's CF-18 fleet is nearing obsolescence and would serve little useful purpose in any serious conflict between NATO and Russia. Its replacement program remains unselected and the fleet-replacement process is stalled until the government selects a winning fighter.

Canada's ability to deploy the 3400 CAF personnel rapidly and with capabilities to potentially operate in a high-intensity conflict environment is also fraught with challenges. When it comes to any ground component, the Canadian army does not possess any advanced anti-air capabilities, which would leave them vulnerable to strikes by aircraft, helicopters and drones; all of which have been observed in Ukraine.

Moreover, Canada has significant limitations in its ability to provide modern command and control and ISR capabilities for any formations to be assigned to the NATO Response Force. When Canada deployed its battalion-sized (500 soldiers) Enhanced Forward Presence to Latvia in 2015, it required a full year to acquire these capabilities so the formation could operate successfully in the field. The CAF's potential deployment to the NATO Response Force would face similar challenges. If the earlier analysis of Western ISR's role in the conflict is accurate, any deployed forces will require extensive upgrades and reorganization to take advantage of these opportunities.

Over the coming years, Canada will likely face pressure to significantly increase its defence spending beyond the current 1.2-1.4 percent of GDP if it has any desire to play a useful role in transatlantic security going forward.

While only weeks into the crisis, Russia's 2022 invasion of Ukraine has already upended strategic thinking around foreign policy, defence, energy security, and beyond. It has laid bare the disconnect between many states in their security environments, their defence and foreign policies, and how they are resourced.

> *The invasion has forced leaders to develop a much more clear-eyed view of the potential threat posed by their neighbour.*

While it was unlikely that diplomacy could have dissuaded Vladimir Putin from invading Ukraine, the invasion has forced leaders to develop a much more clear-eyed view of the potential threat posed by their neighbour.

Canada needs to fully appreciate and understand these major policy shifts and react accordingly. The government must resist its frequent policy of announcing largely empty symbolic gestures and instead pursue a major foreign and defence policy reorientation that better addresses the new geostrategic landscape. While nothing is certain, this much is clear: Canada and its allies have played an important role and can continue to do so if they to readjust their previously inert thinking.

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Taiwan Presidential Office via flickr.com/photos/40092099@N04/50082394436 via commons.wikimedia.org

Watching the Ukraine invasion, the Taiwanese fear they could be next

While Beijing may not decide to act now to annex Taiwan, this kind of scenario has been rendered much less unthinkable.

J. Michael Cole

As the world watched in horror as Vladimir Putin launched his invasion of Ukraine in late February, the world's attention also turned to another part of the world where, it was feared, another autocratic leader could be inspired to launch his own unprovoked attack against a democratic neighbour. Like Ukraine to Moscow, Taiwan, a democracy of 23.5 million people, has long been a thorn in the side of Beijing and territory which China covets to assuage its sense of insecurity.

For many, Mr. Putin's decision was evidence that deterrence had failed. And as the tanks rolled across the border into Ukraine, many began asking "if Ukraine today, perhaps Taiwan tomorrow." What if Mr. Putin and China's equally ruthless leader, Xi Jinping, are now joining forces to undermine global democratic order and undo what they regard as historical affronts to their countries' pride?

While such fears are not entirely unwarranted, it is important to note that the two conflicts are also markedly different in a number of ways. The idea that a Russian invasion would automatically lead Beijing to act in similar fashion, therefore, is based on false assumptions.

Among other things, Taiwan has the advantage of being surrounded with water, which adds complexity to any attempt by China to invade it. Unlike Ukraine, it also does not have a substantial segment of its population comprised of an ethnic minority that potentially supports annexation by its

President of Taiwan Tsai Ing-wen reviews a Marine Corps battalion in Kaohsiung during the 2020 Taiwanese National Military Exercise.

neighbour. Despite political divisions among the Taiwanese, the great majority of them do not want to be governed by the People's Republic of China and are just as deserving of their country remaining sovereign as are Ukrainians. Lastly, unlike Russia, which has prosecuted a number of wars in the past three decades, China, other than skirmishes with India, has little experience waging complex military operations against one or several opponents, as could be the case in the Taiwan Strait.

> *Beijing may also learn various lessons from Russia's experience in Ukraine and adapt its own strategies.*

Still, Mr. Putin's decision to do the unthinkable has shaken long-standing assumptions about rational decision-making by highly personalistic authoritarian regimes. While Beijing may not decide to act now to annex Taiwan, this kind of scenario has been rendered much less unthinkable. With Taiwanese media reporting extensively on developments in Ukraine, the Taiwanese public could shake off its apathy by the realization that maybe not today, but one day, they could be next.

Mr. Putin may inadvertently have broken that spell, with the Taiwanese finding inspiration in the Ukrainian people's valiant resistance to aggression. This resistance in the face of odds that are overwhelmingly against them also proves that a motivated and well-prepared citizenry can impose huge costs on an invasion force, as the Russians have discovered in the past week. The effects on the willingness of young Taiwanese to join the military, or at minimum to receive some military training, could play a big role in Taiwan's ability to deter a Chinese attack. While it is too soon to tell what the outcome of the war in Ukraine will be, Russia's inability to quickly achieve its objectives, and the high costs associated with that adventure, will surely be noted by Beijing. Invading a stubborn opponent is no walk in the park.

Global unity in enforcing and sustaining punitive sanctions against this type of aggression will also have a major impact on the willingness of other authoritarian leaders such as Mr. Xi to launch wars of aggression. And yet, Beijing may also learn various lessons from Russia's experience in Ukraine and adapt its own strategies accordingly. In other words, even a debacle in Ukraine confers no certainty against a decision by Beijing to use force against Taiwan one day.

Given the Taiwanese people's proud attachment to their democratic way of life, there is little reason to believe that they would lay supine (Beijing's preferred option) if the People's Liberation Army ever set boots on the ground in Taiwan. Pacifying Taiwan would be an immense challenge for the PLA, and the Taiwanese can make that threat all the more formidable by receiving proper training, being given access to weapons and by preparing the general population to play various roles in an asymmetrical resistance.

The international community and Taiwan's key allies, such as the United States and Japan, will also learn lessons from Ukraine and refine their own strategies, in collaboration with Taiwan, to deter and counter Chinese aggression against Taiwan, against a war whose impact on the international community would be much more severe.

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Missing LNG boat (Exner-Pirot)

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Fertilizer plants have been shuttered because of the high cost of natural gas, a major feedstock in nitrogen-based fertilizers, which has put the squeeze on farmers worldwide and led to higher food prices.

Meanwhile, Russia has gained tremendous leverage over Europe, its biggest supplier of natural gas, tying the West's hands in the face of aggression in Ukraine.

But if those sacrifices are seen as acceptable to climate activists in Victoria, Vancouver and Ottawa, consider that the policy of constraining natural gas supply has also failed in its biggest objective, the environmental one. Because of a lack of cleaner-burning fuels such as LNG, coal burning for power generation is booming. The International Energy Association expects record global coal consumption between 2022-24, led by China, the biggest would-be customer of LNG from BC.

All things being equal, BC LNG would be amongst the cleanest on the planet, due to the lower-CO2 composition of Montney natural gas; widespread electrification of upstream operations like drilling and processing; and the use of green power from BC's hydro-driven electrical grid. It is to the environment's detriment that consumers have had to resort to other suppliers.

Critics will argue that weak global LNG prices were the real culprit in dampening Canadian LNG export capacity. And to some extent that is correct. But it doesn't explain how the US set itself up to be the top global exporter and we still don't export a drop, despite starting in the same place a decade ago. Protests, legal delays, regulatory burdens and a general lack of social licence did that.

The road to hell is paved with good intentions. Canada's decision to stay out of the LNG market may not have created the global energy crisis, but it certainly has

exacerbated it. We might want to consider the unintended consequences of our climate and energy policies next time.

Heather Exner-Pirot *is a Senior Policy Analyst at MLI. This article first appeared in the* Calgary Herald.

Lithium operations (Kucharski)

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Some observers feel a review wasn't ordered because Neo Lithium's mine is in Argentina and not in Canada. However, this alone would not preclude a review. The legislation cites a range of concerns, including whether an investment by a Chinese state-owned enterprise could harm Canada's national security.

Given Canada's own critical minerals list, and what we already know about China's determination to achieve global high-tech dominance, there were clear reasons for reviewing the Neo Lithium purchase.

Canada currently has no lithium mines, and a review of the latest takeover could have identified any number of risks to national security, including that Canada and its partners will now have reduced access to vital lithium stocks, since production from Neo Lithium's mine will now likely be exported to China to further its dominance in the sector.

Canada's national security interests don't end at our borders. Resource firms should be considered as contributors to advancing Canada's national security interests, irrespective of where their activities and assets are located. While Ottawa shouldn't be exerting undue control over the commercial activities of Canadian firms, it does have an interest in ensuring those activities preserve Canada's national – including economic – security. This latest acquisition raises serious questions about how effectively Canada's national security review process is aligned with our critical mineral strategies.

The government needs to reduce the discretionary nature of the current legislation and provide clearer guidance on what types of investment situations would automatically trigger security reviews.

Canada's economic security requires that we have access to resources that are needed to develop clean energy technologies and stronger resource supply chains. Allowing major suppliers of critical minerals to be bought up by Chinese state-owned firms does the reverse, putting Canada at a competitive disadvantage in the energy and resource sectors that will be critical to our success in the 21st century.

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Singh is no Douglas (Parker)

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that some person is a member of a subversive organization – not just of the FLQ but of any organization that the police decide is subversive – or that he contributes to such a party – or that he communicates any of the ideas or doctrines of such a party – that person may be arrested and detained.

Of course, it was not just the ability to arrest and detain that the *Emergencies Act* unfettered, the ability to freeze the funds of any person deemed subversive. The precedent is alarming. What might happen, for example, not just to Greenpeace, but to its members and donors, the next time it engages in civil disobedience to block a pipeline? After all, Justin Trudeau persisted in invoking the *Emergencies Act* despite the fact that Ottawa and other protest locations had already been cleared of demonstrators and their trucks.

Tommy Douglas was the kind of statesman who asked those sorts of questions, who thought about the long-range implications of the overreach and abuse of state power. Although not a sympathizer with Quebec separatists, Douglas had the imaginative empathy to be concerned about the illegal detention of members of that movement. And he could also think about how the powers used against them could (and were) turned against peace activists and members of the counterculture in Western Canada.

Sadly, Jagmeet Singh is no such statesman. He was incurious about what new powers the government sought or what it might do with them. He seems incapable of observing a raucous crowd of people who disagree with him as possessing the same rights as one that does. And he seems equally uninterested in Canada's history of abusing these powers, from Japanese internment of Japanese-Canadians and the *Padlock Law* to the MacDonald Commission.

Stuart Parker *is a Vancouver-based writer and broadcaster who serves as President of Los Altos Institute.*

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