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BRIEFING NOTES ON CANADIAN ISSUES

FOR

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CANADA AND SANCTIONS

On The Surface

On paper, Canadian policy towards sanctions appears admirable. For example, measures taken include:

- A limited arms embargo
- Suspension of trade promotion
- Voluntary code of conduct for corporations operating within South Africa

A Closer Look

A closer look, however, reveals that most Canadian sanctions are voluntary or unmonitored and have cost Canada very little either economically or politically. For Example:

- Canadian imports from South Africa have increased during the last two years. In 1989 they totalled \$205 million, an increase of 32% over the previous year
- Canada remains a large exporter of sulphur to South Africa through Shell Oil, Canada. South Africa gets the bulk of its sulphur from Canada
- In February 1989, Canada's Bank of Nova Scotia loaned \$600 million to a South African controlled company in Luxembourg with the blessing of the Department of External Affairs
- The Canadian government has consistently refused to sever diplomatic relations with South Africa despite calls from the ANC and the United Nations. This has resulted, among other things, in the widespread distribution of South African government propaganda in Canada eg. copies of the newsletter entitled "Indaba" were sent to elementary and secondary schools in Canada under the guise of providing up-to-date information about the South Africa of today.

Why The Hypocrisy?

According to Professor Linda Freeman, Canada's leading critic of Canadian policy towards South Africa, the Canadian government is concerned with staying in line with major Western powers and influential corporate interests. It seems willing to do so at the expense of its credibility with regard to sanctions.

What Do The Canadian People Say?

Canada's anti-apartheid movement has long demanded mandatory comprehensive sanctions against the South African regime. This position was strongly advocated at two national conferences (1987) and unanimously reaffirmed at the May 1990 National Conference of Anti-Apartheid Organizations which included representatives from the churches, non-governmental organizations, trade unions, students and other solidarity groups as well as the ANC.

What Should Canada Do?

- Canada should move towards mandatory, comprehensive sanctions, closing loopholes and gaps in existing sanctions.
- Institute a mechanism to monitor the implementation of sanctions, and to expose and punish companies in Canada that violate sanctions.
- Support the ANC more directly.

CANADIAN CONSTITUTIONAL ISSUES

The Current Crisis Situation In Canada

- The current situation in Canadian politics is important since it forms the backdrop to Mr. Mandela's visit.
- Canada is in the midst of a serious constitutional impasse. For the past three years, but especially in this very month (June 1990), the attention of the country has been rivetted on highly emotional negotiations between the premiers of the ten provinces and the prime minister (Note: this group is called "First Ministers"). These negotiations, which culminated in a marathon set of meetings from June 3 to June 9, were an attempt to obtain agreement over a proposed set of constitutional amendments signed three years ago, commonly known as The Meech Lake Accord, or simply "Meech Lake".
- The accord, which is named after the place at which it was first signed, must either be ratified or dropped by June 23 this year (see explanation below).
- The accord, which is an initiative of the Mulroney government, contains serious flaws, particularly related to the exclusion of the rights of Aboriginal Peoples (Canada's First Nations), women and minorities.
- The timing of Mr. Mandela's visit was chosen by the Canadian government, and it is quite likely that the government wishes to use the visit to boost its own image at a time of particular difficulty. It is also quite conceivable that the government wishes to appear, through its public association with Mr. Mandela, as a strong proponent of human rights, following on its loss of credibility during the Meech Lake crisis.
- Although the First Ministers' negotiations are over, the June 23 deadline is still critical, since many Canadians still oppose the accord in principle, and one province (Newfoundland, under premier Clyde Wells) has only endorsed the agreement conditionally. Particularly strong protests have been registered by the Aboriginal People, and the ratification of the accord in the Manitoba legislature has been delayed by courageous actions of the lone aboriginal member, Mr. Harper earlier this week.
- Mr. Mulroney's personal popularity reached an all-time low during the past month. Thus, Mr. Mandela is in Canada at a particularly sensitive time.

Background To The Crisis

(a) Repatriation of the Constitution:

Prior to 1982, Canada's constitution could only be amended by the Parliament of Britain, the former colonial power. In 1982, under Prime Minister Pierre Trudeau, two significant changes occurred:

- The Canadian constitution was repatriated so that Canada could have full control over its own constitution without recourse to the parliament of Britain
- A Charter of Rights and Freedoms was added to ensure the protection of human rights and civil liberties.

The rights enshrined in the charter were not granted absolutely, but were to be subject to "reasonable limitations".

(b) The Exclusion of Quebec and Aboriginal Peoples:

Canada's French-speaking province, Quebec (pronounced ke-bek), did not sign the new constitution in 1982, because it felt that there was not enough protection provided for the French language and culture. Quebec has long felt threatened as a cultural and linguistic minority amid a vast sea of English-speaking North Americans. For this very reason, some Quebecois (ke-bek-wa), including the official opposition party in the province, advocate the separation of Quebec from Canada. The Meech Lake Accord was supposed to amend the constitution in a manner that satisfied Quebec, which would then sign the

(c) The Meech Lake Accord

In 1987 Prime Minister Mulroney and the ten Premiers signed the Meech Lake Accord which proposed:

- changes to the Canadian Senate to accommodate Quebec. (note: the Senate is the non-elected upper house of the Federal Parliament)
- allowing Quebec to participate in choosing Supreme Court Judges
- Quebec would be able to opt out of federal legislation that threatened its cultural or linguistic survival
- provinces would be able to opt out of some cost-sharing arrangements with the federal government
- Quebec would be recognized as a "distinct society"

The accord was signed by all provinces in 1987, but was to be ratified by June 23, 1990.