



Import



A WEEKLY REVIEW OF DEVELOPMENTS IN HEALTH AND HUMAN SERVICES

Published by The Agora Group, 12 Peter Street
Markham Ontario L3P 2A4

phone: (905) 294-9762

fax: (905) 294-8586

e-mail: agora@consultant-network.ca

web site: consultant-network.ca

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Welcome to this edition of Import. In it you will find summaries of new and interesting issues and developments in health and human services, as well as "In My Humble Opinion," a short analytical article by an Agora Group affiliate. Please feel free to visit The Agora Group's web site, which can be accessed by pressing the "our affiliates" button on the Consultant Network web site: consultant-network.ca.

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ONTARIO OVERTURNS LIFETIME SOCIAL ASSISTANCE BAN

On January 9 Ontario's Community and Social Services Minister Sandra Pupatello announced the government will end Ontario's lifetime welfare ban policy. This policy, introduced by the previous government, led to lifetime bans in a number of cases of welfare fraud. Provisions requiring three and six-month suspensions from social assistance for those who committed fraud prior to April 1 2000 have also been repealed.

According to Pupatello the ban led to reluctance by some social assistance workers to refer suspected fraud cases to police because of potentially devastating consequences to people in need. As part of the repeal of the lifetime ban, social assistance administrators have been told to refer all suspected cases of fraud to police for investigation. Judges will determine appropriate penalties under criminal law for fraud convictions.

A media release on the repeal is at

<http://www.cfcs.gov.on.ca/CFCS/en/newsRoom/newsReleases/040109.htm>.



ONTARIO GIVES FUNDS TO ADDRESS TORONTO HOMELESSNESS

On January 8 the Ontario government announced the City of Toronto will receive \$3.5 million to help reduce homelessness and provide more affordable housing. The funding comes from the sale of the former site of the Princess Margaret Hospital at 500 Sherbourne Street by the Ontario Realty Corporation.

A media release on the award is at

<http://www.cfcs.gov.on.ca/CFCS/en/newsRoom/newsReleases/040108.htm>.

RURAL FAMILY PHYSICIANS MORE UPBEAT THAT URBAN COLLEAGUES

The image of rural family practitioners (FPs) as overworked and demoralized may be a bit harsh, according to the results of a *Medical Post/Macleans*' Family Physician Survey of 3,500 Canadian family practitioners. Although only 558 doctors responded to the mailed survey, the results showed that 49% of urban FPs said the status of a family doctor in Canada has significantly worsened over the last 10 years, while only 35% of rural FPs felt that way.

The survey asked family doctors why they think fewer young MDs are choosing family medicine. More urban than rural doctors said money was the main reason. Rural doctors were far more likely to say "a preference for a less stressful lifestyle."

Disconcertingly, some FPs interviewed for a *Medical Post* article on the survey pointed out that medical school professors often ridicule family practice and consider it a failure if a student opts for family practice rather than another specialty.

C.D HOWE INSTITUTE PAPER CRITIQUES HEALTHCARE REFORM

In December the C.D. Howe Institute, a right-of-centre think tank, released an analytical paper titled *What Happened to Health-Care Reform?* The paper's authors review several provincial and national health reform reports (including the Romanow report) as well as government responses to the reports. The authors' conclusions are harsh:

"The latest round of health reform has failed to address the two major concerns that prompted it: access and fiscal sustainability. Simply adding more funding to areas such as diagnostic imaging has been tried in the past and has failed to reduce waiting lists.... Without new federal funding that temporarily removed the urgency of the fiscal problem, the provinces might have been forced to pursue health reform more aggressively. Fiscal reform is in abeyance in both Alberta and Saskatchewan, and we should not expect the governments of those two provinces to take any unpopular decisions in the near future.

Two lessons emerge from the latest round of health reform. First, it is critical that governments and the public understand the underlying problem of fiscal sustainability. The Romanow report, for example, confuses both public and politicians by stating that the health system is as "sustainable" as Canadians want, and misses an opportunity to lay out clearly the facts on fiscal sustainability. Provincial politicians should not pretend that simply adding more federal money will provide a lasting solution to the fiscal problems of the health system. The second lesson is that,



notwithstanding the political rhetoric, it is not possible to “buy” reform. An excellent example of the failure of this strategy is the attempt to pay to reduce waiting times. Rather, the incentives consumers and providers face must change if their behaviour is to change, otherwise more money will simply buy Canadians more of what they currently have – including more of the same problems.

As a final word, the federal response contained in the First Ministers’ Health Accord and the 2003 budget commits a large portion of future federal surpluses (if they materialize) to health care, and is clearly unsustainable. Probably the most important thing a future prime minister could do to encourage a sustainable health system is to resist any further provincial demands for federal transfers for health care. It may be that, until voters are faced with a clear choice – more health care versus less education or other important public services – lasting health reform will remain beyond our grasp.”

The paper is a 29 page PDF file at http://www.cdhowe.org/pdf/commentary_193.pdf.

NEW BRUNSWICK CREATES COMMISSION ON LEGISLATIVE DEMOCRACY

Dealing with the “democratic deficit” is in the air in several Canadian jurisdictions – including New Brunswick, where Premier Bernard Lord announce on December 19 the creation of a nine-member Commission on Legislative Democracy. The Commission will present a final report, with recommendations, to the Premier by the end 2004, focusing on three areas:

- **electoral reform**, including:
 - how to implement a proportional representation electoral system for the Legislative Assembly
 - principles and procedures to guide future changes to New Brunswick's electoral boundaries, including the number of constituencies
 - instituting fixed election dates for provincial general elections
 - increasing voter turnout in provincial elections, particularly among young New Brunswickers, and improving accessibility to the electoral process.
- **legislative reform**, including:
 - enhancing the role of the Assembly and MLAs in decision-making while ensuring greater accountability of MLAs to constituents and other New Brunswickers
 - enhancing transparency and accountability in appointments to government agencies, boards, and commissions.
- **democratic reform**, including:
 - enhancing direct democracy by proposing a New Brunswick Referendum Act setting rules and procedures for binding referenda on public policy issues
 - enhancing public involvement in government and legislative decision-making.



A media release on the Commission is at <http://www.gnb.ca/cnb/news/ld/2003e1208ld.htm>.

Prince Edward Island recently carried out a similar examination of electoral reform that proposes a mixture of traditional “first past the post” election of MPPs in each riding, and election of candidates from lists prepared by each party. Each voter, in addition to casting a vote for a candidate in her own riding, would cast a vote for a party. Then, based on the proportion of votes cast for each party, additional legislative members would be chosen from lists prepared by each party (the lists would be available to voters before the election). Supporters of this innovation say it would allow parties to propose candidates to correct gender or ethnocultural imbalances in terms of who gets elected under traditional voting methods, and it would allow at least partial recognition of the proportion of votes received by each party (something seldom found in the current “first past the post” method). PEI’s *Electoral Reform Commission Report*, released in December 2003, is available as a 123 page PDF file at http://www.gov.pe.ca/photos/original/er_premier2003.pdf.

ALBERTA: DRUMHELLER SHARES ELECTRONIC HEALTH RECORDS

On December 17 the province of Alberta announced that Drumheller (a community of 15,000 including outlying areas it serves) has become the first Canadian community to link its entire healthcare system to a provincial electronic health record. Physicians, nurses, pharmacists, home care and all other eligible health providers in Drumheller are now using Alberta’s electronic health record to access patient information on-line.

Alberta launched its electronic health record in October 2003. It expects that all Alberta health regions, one-third of physicians’ offices and half of all pharmacies will be using electronic health records by spring 2004.

A media release and backgrounder is at <http://www.gov.ab.ca/acn/200312/15652.html>.

BC COURT RULING ON ABORIGINAL SCHOOL ABUSES: CHURCH NOT LIABLE

A recent court case heard by the BC Court of Appeal concerning sexual abuse at a residential school for Aboriginal children adds fuel to the ongoing debate about the relationship between government and civil society.

In an earlier case, a BC court had found both the United Church of Canada and the Government of Canada to be “vicariously liable” for sexual assaults on children committed from the 1940s to the 1960s by Arthur Plint, a dormitory supervisor, in the Alberni Indian Residential School. Vicarious liability, unlike direct or personal liability, does not depend on finding the employer at fault. The traditional test for vicarious liability is that an employer will be held liable for the wrongful acts of its employees if they are acting in the course of their employment.

The United Church appealed this decision, saying that it had acted as operator of the school under the direction of the Government of Canada, and that Canada was therefore the vicariously liable party.

The Appeal Court looked at a previous Supreme Court ruling in a similar case in which a non-profit foundation had been found vicariously liable for sexual assaults by an employee. The Supreme Court had examined – and rejected – an argument made by the foundation that:



“Vicarious liability will put many non-profit organizations out of business or make it difficult for them to carry on their good work. It is argued that unlike commercial organizations, non-profit organizations have few means of distributing any loss they are made to assume, since they cannot increase what they charge the public and cannot easily obtain insurance for liability arising from sexual abuse.... many non-profit organizations may have no way to obtain contribution from other sources to cover judgments against them. In sum, attaching liability to charities like the Foundation will, in the long run, disadvantage society.”

In the context of the case before the Supreme Court, however, the Court defined the issue as whether, in the absence of vicarious liability on the part of another party (a government for instance), the aggrieved party should be considered “out of luck” just because the liable party was a non-profit organization that would have trouble paying for its liability. The Supreme Court said:

“I cannot accept this contention. It is based on the idea that children like the respondent must bear the cost of the harm that has been done to them so that others in society may benefit from the good work of non-profit organizations. The suggestion that the victim must remain remediless for the greater good smacks of crass and unsubstantiated utilitarianism. Indeed, it is far from clear to me that the “net” good produced by non-profit institutions justifies the price placed on the individual victim, nor that this is a fair way for society to order its resources. If, in the final analysis, the choice is between which of two faultless parties should bear the loss – the party that created the risk that materialized in the wrongdoing or the victim of the wrongdoing – I do not hesitate in my answer. Neither alternative is attractive. But given that a choice must be made, it is fairer to place the loss on the party that introduced the risk and had the better opportunity to control it.”

The BC Appeal Court was sympathetic with the Supreme Court’s position, but the Appeal Court faced a different situation – the Government of Canada had, in fact been found vicariously liable along with the Church. Accordingly, it ruled on November 12 in favour of making the government, and the government alone, responsible for paying for the damages stemming from the vicarious liability:

“Here, the Government of Canada is admittedly liable for the wrongs done by Plint. The contest is between Canada and the Church, which voluntarily cooperated in the operation of the School that Canada, by statutory mandate, was required to maintain. These are matters which, in my view, can be taken to support the conclusion that the Church should not, in this case, have been held liable for the wrongdoings of Mr. Plint even if there is some merit to be found in the contention that it was, in some degree, his employer.”

The federal government has 60 days in which to decide if it will appeal the BC court decision to the Supreme Court of Canada.

Editor’s note: *Import* has argued in the past that government micromanagement of civic agencies is not in government’s best interest because it leaves government open to greater liability than it would face if it treated civic organizations as partners rather than servants. The BC case validates our contention.

The judgment of the BC Appeal Court is at <http://www.courts.gov.bc.ca/Jdb-txt/CA/03/06/2003BCCA0671.htm>.



WOMEN'S NET RESOURCE HELPS PROTECT AGAINST ABUSERS

For those who have not been abused by partners, the Internet may not be a dangerous place – but it can be very dangerous for abused women whose partners are computer-savvy. For this reason, an Internet resource for women – Hot Peach Pages – offers online advice for women who might be searching the Internet for help or who might be using e-mail to let others know about their abuse.

The web page explains, for instance, how to empty a computer's cache files, and cautions against using passwords that an abuser might be able to guess at. Despite the recommended precautions, Hot Peach Pages warns that:

"This information may not completely hide your tracks. Many browser types have features that display recently visited sites. The safest way to find information on the internet, would be at a local library, a friend's house, or at work."

The Hot Peach Pages advice is at <http://www.hotpeachpages.net/a/surfsavvy.html>.

Hot Peach Pages is sponsored by CaNetiq, a web-based nonprofit organization that makes information available on the Internet about the abuse of women. It provides a worldwide list of abuse agencies searchable by continent, by country and in 61 languages. While the agency list is impressive, several conservative Arab countries – Saudi Arabia, Kuwait, Oman, Qatar and the United Arab Emirates – do not have any abuse services listed for women.

IMMIGRANT SHIP SAILS AGAIN

On October 24 the replica immigrant ship Jeanie Johnston left St. John's, Newfoundland, bound for Ireland after a successful visit to thirty ports in five countries.

The original Jeanie Johnston was a rare immigrant vessel. When shipboard deaths among famine-weakened Irish immigrants was commonplace (about 20% of all passengers died en route), this Quebec-built ship carried over 2,500 Irish people on sixteen voyages to Quebec, Baltimore and New York between 1848 and 1855, without the death of single immigrant or crew member. Most voyages were to the immigrant station at Grosse Ile (a Canadian national historic site) near Quebec City.

One reason immigrants survived on the Jeanie Johnston was the presence of a dedicated ship's doctor, Richard Blennerhassett. From a well-connected family and a graduate of two prestigious medical colleges, Blennerhassett had a range of comfortable career options available. He chose instead to serve on immigrant ships. He left the Jeanie Johnston in 1853 and died of cholera contracted on board the immigrant ship Ben Nevis in 1854. He was 36 at the time of his death. Blennerhassett is buried in an unmarked grave in the town of Cobh in Ireland's County Cork.

The replica of the Jeanie Johnston was completed in Ireland in 2002 by a team including 300 young people from Ireland, Canada, the US and other countries. Its construction was meant to promote harmony between the north and south of Ireland: youth from both unionist and nationalist traditions in Belfast and from Dublin and Kerry helped build it.



The Jeanie Johnston Project was funded by the Irish Government, the European Union, state agencies, local authorities, corporate institutions, local businesses and private donations. Irish President Mary McAleese is the project's patron.

The Jeanie Johnston web site is at <http://www.jeaniejohnston.com/home.asp?id=1>.

US: RANKING THE HEALTH OF STATES

The United Health Foundation (UHF) in association with the American Public Health Association and the Partnership for Prevention has released *America's Health: State Health Rankings 2003*. This year Minnesota and New Hampshire tied for healthiest state, followed by Utah, Vermont and Massachusetts. Mississippi, Louisiana, South Carolina, Arkansas and Tennessee are at the bottom of the list.

The report proposes key characteristics of a healthy community based on analytical work done by UHF in partnership with the Health Research and Educational Trust, the Association for Community Health Improvement and the American Hospital Association:

- **It practices ongoing dialogue.** Healthy communities begin the process of improving health and quality of life by having dialogues with local residents to identify common goals. Broad-based participation and discussion builds relationships among residents and generates a shared commitment to take action.
- **It shapes its future.** Using a shared community vision, healthy communities set clear objectives. They recognize there are many factors they can control and they understand there are valuable resources in their communities they can harness. They also understand the important effects that economic development and environmental issues have on their future well-being. They take steps to ensure the future they want.
- **It generates leadership everywhere.** Healthy communities recognize and support the leadership potential of all their members. They realize leaders are found throughout community life. They cultivate new leaders, especially among young people and under-represented groups. They have discovered that the most effective leaders facilitate discussion, encourage collaboration and build strong coalitions and relationships.
- **It embraces diversity.** Healthy communities understand that, to succeed in improving overall health and well-being, they must include all segments of the community in their efforts. Diversity, whether racial, economic, in age of residents or in sexual orientation, is a source of vitality, strength, and renewal.
- **It knows itself.** Healthy communities know that they must collect and use information effectively to improve health and quality of life. They select factors to measure based on what is important to the community. They focus more on assets than needs. They recognize how important it is to track and measure health outcomes, even though outcomes data may take a long time to develop. They do not use lack of data as an excuse for inaction.
- **It connects people and resources.** Health care services, community-based organizations, cultural offerings, recreation outlets, and social and fraternal groups are examples of vital resources healthy



communities provide. They know that an accessible, resource-rich environment contributes to healthier and more satisfying lives for their residents.

- **It creates a sense of community.** A shared set of values and behavior standards, neighbourliness, acknowledgement of interdependence and a commitment to the common good help create a sense of community. When people feel strongly connected with each other they are more likely to act in the interests of the entire community, which helps local institutions and organizations prioritize needs and focus resources effectively.

The report also identifies six challenges to public health in the US:

- **Financing governmental public health.** (*"State budget cuts have caused public health program reductions and layoffs. Unless we as a nation develop a sound approach to financing the governmental public health enterprise, our nation's health security will be in jeopardy."*)
- **Updating antiquated public statutes.** (*"We are long overdue for a complete modernization of our systems of public health laws and regulations."*)
- **Accrediting public health agencies.** (*"Unlike other health institutions, public health agencies lack formal performance standards and accreditation processes."*)
- **Certifying the competency of public health professionals.** (*"We also have no comprehensive approach to certifying the competence of all public health workers."*)
- **Investing in public health research.** (*"We need to answer more fully the central question of public health research: 'what works to prevent illness and injury and to promote health?' Further, we must translate what we do know into policy and practice."*)
- **Strengthening public health communications.** (*"Health communication informed by sound data and consumer research is an important and often underused part of disease prevention."*)

The report is at <http://www.unitedhealthfoundation.org/shr2003/index.html>.

ARGENTINA: LANDMINES DESTROYED, CANADA HELPS

A ceremony was held in Buenos Aires on December 4 to mark the destruction at Campo de Mayo military base of the last remaining Argentine anti-personnel mines.

The event was presided over by the defence minister, accompanied by the head of the country's joint chiefs of staff and other senior officers. It marked the end of a year-long process facilitated by the Canadian government to eliminate 85,000 mines. In accordance with the Ottawa Convention (the International Convention on the Prohibition of the use, stockpiling, production and transfer of antipersonnel mines and on their destruction) banning anti-personnel mines, Argentina will keep 5,000 such devices rendered harmless and used for training purposes.

A total of 150 countries have signed the 1997 Ottawa Convention (including Canada), but 44 nations have not signed, including many middle eastern nations (among them Israel, Egypt and Iran), China (where many anti-personnel mines are made), the US, Russia (which uses landmines in Chechnya), and North and South Korea.



Argentina's move is a small victory within the context of a large problem, defined this way by the International Campaign to Ban Landmines:

"What makes antipersonnel mines so abhorrent is the indiscriminate destruction they cause. Mines cannot be aimed. They lie dormant until a person or animal triggers their detonating mechanism. Antipersonnel mines cannot distinguish between the footfall of a soldier and that of a child. Those who survive the initial blast usually require amputations, long hospital stays, and extensive rehabilitative services. In Cambodia alone there are over 35,000 amputees injured by landmines – and they are the survivors. Many others die in the fields from loss of blood or lack of transport to get medical help. Mine deaths and injuries in the past few decades total in the hundreds of thousands.

Landmines are now a daily threat in Afghanistan, Angola, Bosnia, Cambodia, Chechnya, Croatia, Iraq, Mozambique, Nicaragua, Somalia, and dozens of other countries. Mines recognize no cease-fire and long after the fighting has stopped they continue to maim or kill. Mines also render large tracts of agricultural land unusable, wreaking environmental and economic devastation. Refugees returning to their war-ravaged countries face this life-threatening obstacle to rebuilding their lives.

Leading producers and exporters of antipersonnel mines in the past 25 years include China, Italy, the former Soviet Union, and the United States. More than 50 countries have manufactured as many as 200 million antipersonnel landmines in the last 25 years."

Canada has been an international leader in landmine bans and mine clearance. In 2002 the Canadian government renewed its Canadian Landmine Fund with \$72 million to be spent over five years. It provided \$24.3 million to mine action activities in 2002/2003, and it sponsored regional meetings to promote the Ottawa Convention in Afghanistan, Armenia, Croatia, and Ukraine. It also supported stockpile destruction in Chad, Mozambique, Romania, Ukraine and Yemen.

BURUNDI: ARMED GROUP GIVES UP LANDMINES

While it is important for national governments to give up landmine use, it is also important for what are called non-state actors (NSAs) – rebel groups found in destabilized states across the world – to give up the use of landmines.

A Swiss non-governmental organization, "Geneva Call", was created in 2000 to negotiate with NSAs as a way of encouraging them to renounce landmine use.

One recent Geneva Call success occurred in Burundi, where several rebel groups have been fighting the government. On December 15 one of the largest of these groups, the Conseil National pour la Défense de la Démocratie-Forces pour la Défense de la Démocratie (CNDD-FDD) took part in a ceremony in Geneva along with representatives of Burundi's government at which it renounced use of landmines. This follows six months of negotiations led by Geneva Watch. CNDD-FDD recently signed a peace deal with the government of Burundi that leaves parts of the country under the control of CNDD-FDD's armed forces, so its renunciation of mines will allow mine-clearing operations to begin. Since 1993 hundreds of landmine victims have been recorded in Burundi. With the implementation of the peace process, the return of many



refugees and internally displaced people may result in a dramatic increase in the number of landmine casualties, which makes this commitment to de-mining crucial for Burundians.

Another Burundian rebel group, the Palipehutu-FNL, has refused to join the government and continues to fight it, but the group declared at recent negotiations with Geneva Call that it intends to adhere to a total ban on landmines in the near future.

Geneva Call has also been successful recently in getting Burmese rebel groups, as well as a large rebel force in Nagaland in India, to renounce use of landmines.

CAMBODIA: SOYA MILK AIDS HOMELESS WOMEN

A new \$1.2 million soya milk factory was officially opened on December 9 by Cambodia's Queen Norodom Monineath Sihanouk. The factory in Phnom Penh, Cambodia's capital, was funded by the World Bank's International Finance Corporation, by the governments of the Netherlands and Switzerland and by Hagar, a Swiss-based charity. Unlike most such factories, it does more than give local farmers a market for their soy beans. The factory is staffed almost entirely by homeless women. To help ensure its success the funders of the factory have paid for the installation of a state-of-the-art packaging system in the plant.

Since 1994 Hagar has helped 100,000 Cambodians through its shelter for homeless women, foster homes, support for farming communities and rural schools, installation of household water filters, counseling, literacy and health education, and small business development. Hagar's web site explains the charity's name:

"Hagar, from the Biblical account in the book of Genesis, is an Egyptian word that means 'flight' or 'escape'.... There is an ancient story of a slave woman named Hagar. She became pregnant by her Master and cast out of the home by the Master's wife. Wandering in the desert she helplessly placed her son under a bush, walked away and wept, waiting to die. But God heard the child's cry. He sent an angel who told the mother that she and her child would not die but rather the child would grow up to become the father of a great nation. The angel provided water and the child and mother survived and prospered. The story of Hagar and her son is the story of Cambodia's homeless women and children. Taken advantage of when young, many become mothers at an early age, then are despised and cast out. They are vulnerable to further abuse and often end up living on city streets with both emotional and physical scars and little hope for the future. Hagar's Mission is to Work among Cambodia's destitute women and children, to help them overcome vulnerability, realize their full potential and envision a meaningful future."

Hagar's web site is at <http://www.hagarproject.org/default.php?t=site&pgid=29>.

ECUADOR: INDIGENOUS PROTESTS IN WORLD'S NEWEST OIL PATCH

Ecuador's jungle is the setting for increasing conflict between oil companies and the government of Ecuador on one side, and indigenous people on the other, over oil exploration. The most recent episode involves the community of Sarayaku, home to 1,000 Kichwa people. The Kichwa (formerly spelled Quechua) are the Andean ethnic group that formerly ruled the Inca empire. Sarayaku is located in Block



23, a tract of land in which the government of Ecuador is allowing oil exploration by major multinational firms including ChevronTexaco, Burlington Resources and the Argentinean firm CGC.

Ecuador's Constitution guarantees indigenous peoples collective rights, including the right to possess ancestral community land. In 1992 the Kichwa of Sarayaku and neighboring Shuar and Achuar communities won the right to possess 254,000 hectares of forest via titles awarded by the Ecuadorian Institute of Agrarian Reform and Colonization. But Ecuador sees the Amazon oil industry as key to its economic future. Ecuador's laws allow resource-rich indigenous lands to be declared "public utilities" but only after "previous consultation" with indigenous peoples. Defenders of Sarayaku say oil companies and the government have informed, not consulted, indigenous peoples and have used bribery and intimidation to stifle opposition.

Ecuador's 4.6 billion barrels of proven reserves are among the largest in Latin America, and oil accounts for half its exports. The Ecuadorian Amazon could yield up to 26 billion barrels in oil reserves, enough to rival Mexico and Nigeria according to a 1999 study by Ecuador's Ministry of Energy and Mines.

Oil company exploration teams have been under armed guard for many months to protect themselves against violent resistance from residents of Sarayaku, who claim in turn that the oil firms and their protectors (including government officials) have used torture, attempted murder, rape threats, telephone threats and groundless legal actions to intimidate the Kichwa into allowing oil exploration in their territory.

Early in 2003, because they were facing indigenous opposition to their activities, several oil firms requested and secured Ecuadorian government agreement to the cancellation of oil exploration agreements with the government. However, exploration teams and their armed guards have now returned, leading to a December 5 confrontation in which several Sarayaku residents were injured during a march to protest the exploration.

The residents of Sarayaku have been supported by human rights groups as well as the Ecuadorian Inter-Institutional Commission for the Defense of Sarayaku, whose members include the Ecumenical Commission of Human Rights and the American Friends Service Committee (a Quaker organization).

The conflict is taking place against the backdrop of one of the most important environmental trials ever held in the Western Hemisphere. ChevronTexaco is fighting a lawsuit in an Ecuadorian court for the actions of Texaco in allegedly destroying the homelands of several indigenous groups through massive dumping of highly toxic wastewater (a byproduct of oil drilling) and crude oil over two decades of Texaco operations in Ecuador, which ended in 1991 (Texaco was later bought by Chevron). The amount of toxic waste dumped into the Amazon by Texaco is reportedly three times that of Alaska's Exxon Valdez spill. An estimated 50,000 people are affected and one indigenous group – the Cofan – says it is near extinction because its water sources are contaminated. Recent epidemiological studies, including one conducted by the London School of Tropical Medicine, show skyrocketing rates of cancer and other health problems in the area where Texaco drilled.

The case was launched in 1993 in a US court but was delayed for years because Texaco refused to accept the jurisdiction of the American court. But a US court last year ordered ChevronTexaco to accept jurisdiction in Ecuador (the company had argued it was not subject to jurisdiction in either country) and to pay any judgment an Ecuadorian court imposes. Human rights activists are skeptical about chances for



more than a slap on the wrist for ChevronTexaco, since Ecuador's justice system has never imposed a judgment of more than \$1 million on an international oil company, despite environmental damage in this case estimated to exceed \$1 billion.

Meanwhile on November 20 Boston Common Asset Management filed a shareholder resolution with Houston-based Burlington Resources calling on Burlington's Board to adopt a formal written policy on the rights of indigenous peoples and to report on this policy to shareholders by August 2004. Boston Common filed the resolution on behalf of its client, the Brethren Benefit Trust, in response to controversy around Burlington's oil operations in the Amazon basin.

INDIA: DELHI'S WOMEN-ONLY COURTS

India's capital, Delhi, will soon introduce special courts to try sexual assault cases in the city. All judges and prosecutors in the courts will be women. The city's police argue that courts dedicated to crimes against women can deliver justice faster. The move follows a number of high profile rapes in the city, as well as instances in which accused rapists in several parts of India have been found not guilty by male court officials, despite significant evidence of guilt.

Delhi already has special courts in place in which women judges deal with sexual harassment and with dowry related offences.

OUR READERS SAY.....

In response to an article in *Import* 3.22 about "less than lethal" weapons and their use in torture, a reader wrote:

"I just read the chilling article on Amnesty International's attempts to ensure that laws and regulations are developed for tools of torture. I applaud those efforts. However, it is noted that in the article that anything can be used as an instrument of torture. A message that bears repeating during this season of good-will and thanksgiving.

A close friend of mine is a foster mother. She has told me endless stories about horrible torture inflicted on the smallest of humanity, using electrical cords, hot irons and bare hands."

IN MY HUMBLE OPINION: TALKING TO CITIZENS

In an interview last week with the editorial board of the *Globe and Mail*, Ontario's Premier Dalton McGuinty raised the curtain on what the government hopes will be an innovative way to chart the province's future. According to *Globe and Mail* coverage of the meeting, McGuinty plans to survey all provincial civil servants, and to mount a public consultation process that could begin later this month, geared to seeking input on what services the province should preserve and which might be discontinued or provided in a different way (through user fees for instance). The initiative will open for discussion the possibility of privatization of services or assets operated or owned by government, particularly if they do not generate revenue for the government.

McGuinty apparently said the province will not abandon education, health care, protection of the environment or social support programs – while also saying that health services not mandated under the



Canada Health Act and for which the province now pays (including the drug benefit program, treatment at stand-alone physiotherapy clinics, devices such as hearing aids, work performed by community laboratories and substance-abuse programs) may be on the chopping block.

McGuinty's consultation process will include a "citizens dialogue" with groups of randomly selected Ontarians meeting in about eight communities to debate what might be changed to help the province avoid running future deficits. There will also be town hall meetings, a web site for suggestions and a phone hot line.

McGuinty had said late in 2003 that his government planned to do something dramatic and innovative in 2004 to help Ontario deal with its deficit while still protecting services, and it is true that McGuinty's consultations are the first major endeavour in this direction since the Social Contract negotiation process mounted by Ontario's government when Bob Rae was Premier (although Rae's process involved consultation and negotiation with employer groups and unions rather than with the broad citizenry).

McGuinty's basic premise is probably good - to engage Ontarians in a dialogue about what fits with their core values, akin to Oregon's attempts to engage the public in defining what should be in and out of that state's health system, and in line with current thinking and actions in a number of jurisdictions (including BC and the UK) around the use of citizen forums.

The problem, however, is that such endeavours tend to focus on what should be in or out of the system, without allowing for creative dialogue on the very nature of the system (changing it from a micromanagerial system to an empowering one, for instance, or re-orienting it from one-off interventions towards concerted partnership-driven interventions).

As well, health and social problems that stigmatize, such as addictions, can get short shrift within citizen's forums, hotlines and web site response mechanisms, because they are less popular and can be attributed to failed willpower and other character flaws on the part of people experiencing these problems.

It is also possible that this whole consultation process could turn into merely an attempt by the government to "educate" Ontarians in hope that the unwashed masses will arrive at pre-ordained conclusions already favoured by McGuinty and his handlers and contained as subtle hints in workbooks presented to those being consulted.

It is also possible that the initiative will be a political disaster for the government if its focus is only on cutting. McGuinty will be accused of acting much as Harris and Eves did, an accusation that will become more potent if the Liberals continue to blame everything on Ontario's previous administration (a litany of blame that is beginning to wear thin for many Ontarians).

On the other hand the government's initiative is politically understandable. The government has to appear to be doing something. It cannot spend its way into the hearts of Ontarians, and it will accomplish something – but not enough something – by repealing neocon legislation such as the lifetime ban on social assistance for defrauders. "When in doubt, ask their opinion" can buy the government some time – and even if the process fails, it will fail well before the next election, giving the Liberals time to do damage control.



There is another glimmer of hope, not rooted in McGuinty's consultation proposal, but important nonetheless. On January 8 education minister Gerard Kennedy told a gathering of school trustees and executives that his government will stop "micro-managing" public schools, stop blaming teachers for every problem students face and stop chipping away at local school boards' powers. This may be only a "Kennedyism", or it may reflect a budding realization by the provincial government that micromanagement (not only in education but in sectors such as health care) seldom makes things better, creates enemies rather than partners, and is not in the government's self interest.

I know what one of my pieces of citizen advice to McGuinty will be – 'Read the books *Reinventing Government: How the Entrepreneurial Spirit Is Transforming the Public Sector, and Banishing Bureaucracy: The Five Strategies for Reinventing Government*'.

John Butler, The Agora Group

FROM THE QUOTES VAULT

"Parliament needs sources of expertise and research comparable to the executive. The Privy Council Office and the Department of Finance, with no program responsibilities, have between them 1500 - 2000 policy experts whose only job is to advise the Cabinet. The 300 Members of Parliament have only 80 researchers in the Library of Parliament. As Patrick Boyer, a former Member of Parliament, writes in his cri de coeur Just Trust US, 'for most MPs, getting to Parliament is like going to play hockey in an arena but finding no ice to skate on.'.....

Parliament, too, should be the centre of the action on public consultation. Ottawa is swarming with consultations but most of them are run by departments. Running a process of deliberative democracy about values, trade-offs, and mutual learning should be the job of politicians not public servants. Politicians bring energy and ideas to the political system, public servants bring expertise and management. We should give Parliament the resources to engage Canadians about future directions or goals while restricting public servants to meeting with the public on implementation or means."

Thomas S. Axworthy, Chairman of the Centre for the Study of Democracy (Queen's University) in the article *The Democratic Deficit: Should This Be Paul Martin's Next Big Idea?* published in the journal *Policy Options*, Dec. 2003 – Jan. 2004. The full article is at <http://www.irpp.org/po/archive/dec03/axworthy.pdf>.
Axworthy is former principal secretary to Prime Minister Pierre Trudeau.