

Emergencies Act a necessary evil ...for now

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THERE HAS BEEN much debate since Prime Minister Justin Trudeau and his Liberal government invoked the Emergencies Act back on Feb. 14 to address the Freedom Convoy 2022 protest in Ottawa and the blockades at several cross-border crossings. While I would normally be against such an extreme measure by government, in this case due to a number of factors that transpired over the past few weeks that allowed the Freedom Convoy protests to become a crisis, I feel the invocation of the Act was justified if it is used in a judicious manner and for as short a time as possible. While the Liberal government invoked the Emergencies Act back on Feb. 14, after a week of debate, it was passed in the House of Commons on Feb. 22 with the NDP's support. The thing is, the protest could have been tempered in the beginning with a more proactive approach by the Ottawa Police Service and the federal government, those actions were not taken and the protest mushroomed into a more serious situation. In the case of the police, they could have managed the protest more effectively by cordoning off streets to prevent them from being blocked and setting up specific areas where the protest could happen without interfering in the lives of Ottawa's residents and businesses. In the case of the government, they could have met with the protesters to hear their grievances and again, possibly deescalate an emotional and potentially volatile situation. As a result of these lacklustre early actions to keep the protest in check, Ottawa Police Chief Peter Sloly resigned on Feb. 15, and NDP leader Jagmeet Singh, despite saying he would support Trudeau's invocation of the Act, called it 'proof of a failure of leadership.' This is the first use of the Emergencies Act, which was first passed into law in 1988, replacing the War Measures Act. The Emergencies Act defines a national emergency as 'a temporary urgent and critical situation that seriously endangers the lives, health and safety of Canadians and is of such proportions or nature as to exceed the capacity or authority of a province to deal with it,' and gives government and law enforcement special powers to address these emergency scenarios that affect public welfare, public order, international emergencies or war emergencies. While many of the protesters maintained that theirs was a peaceful protest, just because they weren't visibly brandishing guns or other weapons or acting in an overtly threatening manner, doesn't mean it was a peaceful protest. For three weeks, many of them were reportedly acting out in a very passive aggressive manner by blocking entire streets with their trucks, blowing their air horns at all hours of the day and night, displaying hate symbols, harassing residents and businesses and prompting the extended closure of those area businesses by owners who feared for the safety of their employees and customers. So grievous was the protest's impact on residents that they sought and were given a court injunction to stop the truckers from blowing their air horns through the night. Businesses and residents affected by the protests have launched a class action lawsuit against the protest organizers for \$306 million. The City of Ottawa and the Ottawa Police Service have also spent millions of dollars in policing costs and other service costs since the protest began on Jan. 28. The truckers' blockades of several crossborder bridges and crossings, notably the Ambassador Bridge from Windsor to Detroit, cost many millions of dollars in lost revenue and a lot of harm to and already COVID-19 weakened Canadian economy. Many more millions of dollars, with little or no accountability of who and where it would be spent, was raised on a couple of crowd funding sites by the Freedom Convoy. In addition, some of these donations came from outside Canada, which could constitute foreign interference in our domestic affairs, which is of course unacceptable. Consequently, under the Act, the government has required that crowdfunding platforms and their payment service providers must register with the Financial Transactions and Reports Analysis Centre of Canada and also report any large or suspicious transactions to them. Personal and business bank accounts and cryptocurrency wallets, whose funds are suspected to be involved in the protests by their respective banking institutions can also be frozen under the Act until it is determined that they are not involved. So, I think the Emergencies Act was prudent to use in this case, to get a situation under control that had really gotten out of hand due to the initial tepid actions of the federal government and the Ottawa police with regard to the Freedom Convoy. If the police and the government had dealt with the protests more proactively in its early days, a crisis situation likely would not have developed as the weeks wore on. As of Feb. 21, law enforcement with their new Emergencies Act powers has restored a sense of normalcy, order and safety to the streets around Ottawa's Parliament, the residents and businesses who have been negatively affected. The Act will also help to see that there are no further blockades of cross border thruways, further damaging the Canadian economy. As Trudeau said when invoking the Act on Feb. 14, the government was not calling in the military, suspending fundamental rights but reinforcing the principles values and institutions that keep Canadians free. Now that the Act has been invoked, all Canadians need to be vigilant to ensure that Trudeau and his government keep their word that it will be used judiciously and just as importantly, for only the time it is really needed and no longer. While a 30-day time period is the maximum amount of time the Emergencies Act can be in place, hopefully it will be revoked before then.