

Trudeau government increasingly using authoritarian secret orders-in-council

Matthew Richter

1 July 2022

Canada's Justin Trudeau-led federal Liberal government has adopted 72 secret orders-in-council since it came to power in November 2015, including 40 just in the past 2½ years.

These orders are secret in the strictest sense of the term. Nothing is publicly known about their contents, stipulations or purpose.

Parliament is not informed of their adoption, let alone their details. Nor are the government's secret orders-in-council (OICs) subject to any retrospective scrutiny by parliament or any public body.

Like other orders-in-council, those that are secret require the approval of only four cabinet ministers and the signature of the Governor-General, the Queen's representative, to have the effect of law—meaning that a tiny cabal of ministers could issue executive orders with the most far-reaching consequences without any oversight or review.

As it is, everything suggests most members of cabinet are entirely in the dark about the government's secret orders.

The only public indication that a secret OIC has been adopted is a gap in the consecutive numbers affixed to each OIC published on the Privy Council's OIC database.

Through orders-in-council, the government, usually under powers delegated it by parliament, can make or change regulations and issue legislative orders enforceable by the courts.

Secret OICs give it the power to conceal from the public and parliament orders to the military, other parts of the national-security apparatus or foreign affairs ministry.

The government's increasing resort to rule by secret executive decrees attests to the advanced state of decomposition of bourgeois democracy in Canada, which is part of a global phenomenon.

During the 2015 federal election campaign, the Liberals criticized former Conservative Prime Minister Stephen Harper for his government's increasing reliance on secret orders-in-council. This was part of the Liberals' efforts, strongly supported by the trade union bureaucracy, to cast themselves as "progressives" who would strengthen "democracy."

However, as of the end of May, the Liberals had issued more than twice as many secret decrees in their 6½ years in power than did their Conservative predecessors during the almost 10 years they were at the helm of the Canadian capitalist state. Indeed, the 40 secret OICs the Trudeau government has issued just since the beginning of 2020 amount to 11 more than the 29 issued under Harper between 2006 and 2015.

Apart from the CBC which published two articles at the beginning of June, there has been almost no mention of the Trudeau government's secret OICs in major media outlets. Inquiries from the opposition parties about the government's increasing resort to secret OICs were limited to one parliamentary question period prompted by the initial CBC report. The indifference shown by the political and media establishment underlines the lack of any serious commitment to basic democratic rights within ruling circles.

The government has suppressed publication of the contents of the secret OICs on the expansive and self-serving grounds of "national security."

This catch-all explanation could be used to justify and conceal anything from increased state surveillance of ties between Canadian and Chinese academics to state preparations to suppress an eruption of mass working class opposition to the ruling elite's policies of war abroad and austerity at home.

The first year of the COVID-19 pandemic saw the greatest number of secret OICs issued to date, with 21 secret OICs issued in 2020. It was during this period that the government initiated Operation Laser, the deployment of up to 24,000 active military personnel to deal with all eventualities arising from the pandemic. Ultimately, thousands of troops had to be assigned to provide care in the hardest hit nursing homes, most of them for-profit, where—due to a lack of personnel, equipment and prompt action—thousands of elderly, infirm residents perished in the pandemic's first wave. However, a Canadian Armed Forces' document leaked in the summer of 2020 confirmed that from the outset the military was tasked with preparing to quell potential civil unrest. That document further showed the military's planning included operations modeled after those the CAF (Canadian Armed Forces) conducted during its neo-colonial occupation of Afghanistan between 2002 and 2011.

Two other noticeable gaps in the published record of OICs date from January and February of this year, that is, around the time of the far-right Freedom Convoy's occupation of downtown Ottawa and the border blockades at Coutts, Alberta, Emerson, Manitoba and Windsor, Ontario. The Convoy was built up and politically promoted by the Conservatives and other right-wing elements as a battering ram to intimidate the population into accepting the elimination of all remaining COVID-19 public health measures, destabilize the government, and push politics sharply to the right. The Liberal government, with the support of the NDP and the trade unions, responded by invoking the never-before-used Emergencies Act, which gave the government sweeping powers to declare "no-go" zones, arrest people on the spot and confiscate financial resources and other property.

The Trudeau government has refused all comment on the subject of its secret orders, including divulging their general subject matter. To do so, it said, "could reasonably be expected to be injurious to the conduct of international affairs, the defence of Canada or any state allied or associated with Canada, or the detection, prevention or suppression of subversive or hostile activities."

As of the end of May, 11 secret OICs had been adopted since the beginning of 2022, meaning the government is well on track to exceed the record of 21 set in 2020.

Due to the all-enveloping cloak of official secrecy, it is hard to say whether the orders issued this year were related to the fascistic Convoy, the war in Ukraine, or a combination of the two. Canada has unflinchingly backed the right-wing regime in Kiev with more than \$600 million in weaponry and \$1 billion-plus in economic aid and loans since January. A recent *New York Times* article confirmed that Canadian Special Forces have been active on the ground in Ukraine since the beginning of the war

alongside their US, British, and Lithuanian counterparts, a decision that has been concealed from the population and likely was initiated by a secret OIC.

One only has to look at the secret OICs that were made public in an improperly redacted document obtained by the CBC in 2017 to get a sense of the anti-democratic purposes to which they are used. The CBC reported on three secret OICs issued during the tenure of the Harper Conservative government. Two secret orders, dating back to 2010, outline details for the deployment of the military in Canada. One outlined protocols for who would be responsible for giving the order to shoot down a hijacked civilian airliner under NORAD's Operation Noble Eagle. The other empowers the military to assist the RCMP in providing support for situations that include "aggression" against "company headquarters ... or even the government."

The surge in secret OICs complements the growing powers arrogated to the military-intelligence apparatus following the terrorist attacks of 9/11 and the gutting of core democratic rights. In 2017, the Liberals introduced Bill C-59, the National Security Act, which was intended as a cosmetic makeover of the Harper Conservatives' Anti-Terrorism Act (Bill C-51). A massive omnibus law that was rushed through Parliament in 2015, Bill C-51 vastly expanded the powers of the Canadian Security Intelligence Service (CSIS), the premier domestic spy agency, and the Canadian Security Establishment (CSE), Ottawa's foreign signals intelligence service. It made the definition of "terrorism" so broad that virtually anything from a political general strike to indigenous protests could be considered an act of "terrorism." The power of "preventive" arrest—already enshrined in Canadian law by the Chretien Liberal government's 2001 Anti-Terrorism Act—was greatly strengthened. CSIS also received the power to violate virtually any law in "disrupting" purported threats to "national security."

The Liberals voted in favour of the Conservative Bill C-51, while promising that they would eliminate its flaws if elected in October 2015. Instead, Bill C-59 upheld all the key new repressive powers enacted under Bill C-51 and went even further by granting the CSE the power to conduct aggressive cyberwar attacks.

The Trudeau government's attacks on democratic rights and recourse to authoritarian forms of rule mirror developments in all major imperialist powers. Bourgeois democracy is breaking down under the weight of mounting social contradictions and conflict driven by rampant social inequality and the ruling class' embrace of austerity, war and reaction.

In the United States, Donald Trump and his accomplices in the Republican Party leadership remain free 18 months after their efforts to nullify the outcome of the 2020 presidential election and establish an authoritarian regime culminated in the January 6 coup attempt. Throughout Europe, senior military officials are discussing plans for military coups as governments in Germany, France and Spain deploy ruthless force against left-wing protesters and arm their security and military forces for conflicts with their great power rivals abroad and the working class at home.

The use of anti-democratic conspiracies to implement unpopular policies is supported by Canada's entire political establishment. New Democratic Party leader Jagmeet Singh responded to the reports on the Trudeau government's use of secret OICs with timid, pro forma criticism. Rather than condemn the procedure as the frontal onslaught on democratic rights that it is, Singh instead expressed concern that the Liberals were resorting to secret orders-in-council too frequently, thereby discrediting parliament and other institutions of the capitalist state. He suggested that they should be used "more judiciously," as the CBC put it. "It's something we disagree with," said Singh. "We want to see more transparency. We want to see people able to trust their institutions because they see the decisions being made in a transparent manner."

It is thanks to the support provided by the NDP that Trudeau's minority

Liberal government has remained in power since the September 2019 election. While Singh claims to "disagree" with the Trudeau government's conduct, his party has backed all its key decisions to the hilt, including its oversight of the murderous back-to-work/back-to-school campaign during the pandemic, the invocation of the Emergencies Act that gave police unprecedented powers to round up people and imprison them on the spot, and the waging of war with Russia alongside US imperialism and its NATO allies.

In response to the war's outbreak and amid a mounting wave of worker struggles sparked by the surge in inflation, the NDP, citing the need for government "stability," entered into a "confidence-and-supply" agreement with the Liberals in late March that will keep Trudeau in power through June 2025.

The NDP's fulsome support for the government throughout the pandemic as it enforced a "profits before life" strategy and support for the government's invocation of the Emergencies Act have enabled the Conservatives to cynically posture over the issue of secret OICs as defenders of democratic rights. Tory MP Marilyn Gladu described the Trudeau government as "the least transparent government we have had."

This is rich coming from a party that ran roughshod over democratic rights when it was in power, including by virtually abolishing workers' right to strike. More recently, the Conservatives, egged on by Trump and his fascistic allies, incited the far-right Convoy, whose leaders publicly called for a putsch to bring to power an emergency junta to abolish all COVID-19 protections. Gladu and her fellow Tory MPs even turfed out party leader Erin O'Toole because he was not forthright enough in his enthusiasm for the fascistic Convoy.

Pierre Poilievre, the frontrunner to permanently replace O'Toole in this September's Conservative leadership vote, has placed his full-throated support for the Convoy and denunciation of vaccine mandates at the centre of his leadership campaign. On Thursday, Poilievre marched in Ottawa alongside James Topp, a military reservist with well-documented far-right ties, who has received media coverage for his cross-country march denouncing vaccine mandates and any public health measures to combat COVID-19.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact