

Section III. SCOPE, INTERPRETATION AND IMPLEMENTAION

There is, in the draft document, no elaborated definition of “citizen” other than that given in Article 25 which is “. . . any human being living within the city territory,” and this leaves a fundamental term open to interpretation. In clearly defining this term, we must address a rather large number of important questions, the answers to which have profound implications for how the city’s development, now to be “sustainable development,” will unfold in future:

- **Whose are the fundamental interests to be served by the assignment of rights and responsibilities under the terms of the Charter?** The “citizenry” — that ill defined mass of individuals we would like to refer to as Montrealers, those human beings living within the city territory? Is it taxpaying residents? The homeless with no fixed address? Transients who may just be here in passing? If they are those of people residing within the territory of the city, how long will they have to have been resident? The intellectually and psychologically dependant, who may have difficulty in the expression of need and the exercise of rights? Does “living” mean within a building, and then of what sort and condition? Will it be corporate executives who may hold a residence of convenience in Montreal among others held worldwide? Is Canadian citizenship a criterion? What criteria determine that someone “lives” here?
- **For whom does the city exist?** And to whom is the City Council, which is based on the model of responsible, representative democracy, responsible? Is it only those who are narrowly defined as “citizens? Is it their electorate, an amorphous bunch often invoked? What responsibilities will the city undertake with respect to those who hold assets within, have investments in, the city, or who may be judged to contribute to the economic viability of the city? Will these contributors to the economy — corporations, institutions, developers — be accorded rights and where will they be defined? This is of particular significance insofar as, in **Article 26, the Charter appears to have an “opt out” or “notwithstanding” clause.** Where there is a conflict between the citizens’ rights defined in the charter and those financial interests represented by the business community, which will be given precedence? Who in our free and democratic Montreal society will do the “deeming” as to what is reasonable? Will it be City Council? The Executive Committee? The Ombudsman?

• **Notwithstanding the definition given in Article 25, we must ask who are the de facto “citizens?”** Are citizens persons or entities that hold property in or pay taxes to the city? Are they individuals of voting age? Are those of pre-voting age, whose future interests are at stake, to be included? Are they those people residing within the territory of the city and, if so, how long will they have to have been resident? Are they taxpayers, whether or not they personally reside in the city or rental lease holders, perhaps? Are corporate taxpayers to be included? Corporate taxpayers do not vote as such, but are they to be considered to have democratic, electoral representation? And what of institutions both public and private; are they to be considered as citizens? And NGOs and environmental groups representing collectivities whose membership includes city residents but may extend beyond the confines of the city? Labour unions and professional associations? Federal and Provincial Ministries, Corporations and Bureaucracies?

THIS LAST IS AN IMPORTANT QUESTION TO BE ADDRESSED BECAUSE:

Almost all of the aforementioned categories, that do not qualify under the current definition, were represented at the Summit of Montreal and weighed in on the future shape and orientation of the new City of Montreal!

Almost all of them were represented in the elaboration of the City’s sustainable development policy, endorsed by all, while ordinary, individual, household variety “citizens” were not!

All of those entities not defined as citizens in Article 25, obviously, exercise real power over the city’s future direction and development.

• **How will any definition of “citizen” play to the issue of equality?** Section I, PRINCIPLES AND VALUES, Article 1 states: “The city is both a territory and a living space in where (sic - wherein) the values of human dignity, tolerance, **equality** and peace must be promoted.” Are associations or coalitions of individual residents, taxpayers and voters to have equal weight with corporations and institutions, public or private, in the decision making process? And will this be at all stages of the process including the initial? Can

an individual resident, taxpayer and/or voter, exercising his or her rights, expect to be given equal consideration as would be a corporation, institution or association, including a citizen's association? **Will we see citizens categorized hierarchically with respect to their rights with some classes of citizens having their needs and issues placed at a higher or lower priority based on social standing or "contribution to city life?" Will voting taxpayers with a fixed mailing address be treated co-equally in all respects with those who live and sleep in the streets? How will the value of equality be realized in a context where monied interests have traditionally counted on being in partnership with the city? Will ganging up, and bringing force of numbers, or noise, or the weight of resources, count for more in the claim for basic defined rights, rights that should be adjudicated based on merit?**

• Since corporate, institutional and other associative entities are a presence in the city, but are not defined as citizens in this charter, will they fall subject to its terms? WHERE WILL THE RIGHTS AND RESPONSIBILITIES OF THESE NON-CITIZENS BE DEFINED AND WHAT STATUS MIGHT THEIR RIGHTS BE GIVEN RELATIVE TO THOSE OF CITIZENS?

MUCH HERE IS LEFT TO BE INTERPRETED!

Section II. CHAPTER 1 DEMOCRATIC LIFE

Article 13 states that "To promote the participation of citizens in municipal affairs, the city is committed to:"

Nowhere among the sub-paragraphs a) to h) is there a commitment to arrange the public consultation process so that communities of conscience bound by religious duties or practice are not denied participation as a result of conflicted scheduling. A recent case in point is the recent Information Session and Question Period held April 5, 2004 on the eve of Passover at Église Notre Dame des Neiges Parish Hall. It was intended to inform interested parties who would wish to make input at the Public Consultation on the **POLICY RESPECTING THE PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT** and was

conveniently located for the large Jewish community in that area that might have wished to participate.. Many Jewish citizens from Côte St Luc and the West End, who are ardent defenders of Meadowbrook Golf Course as a natural space, had an interest in the information session but found themselves unable to attend. **Another sub-paragraph i) should be added to provided assurances that those conflicts do not arise.**

A GLARING OMISSION IN THIS SECTION RELATES TO HOW THE PUBLIC IS RECEIVED AT THE CITY HALL QUESTION PERIOD ON THE LAST MONDAY OF EACH MONTH.

As long time participants members of the GREEN COALITION have NOT found the process very welcoming and stress free.

Before registering for the hour-long question period one is required to wait to receive not one but two separate numbers, the first a numbered ticket assigned on a first come first served basis. The second is assigned an hour later based on the order of the first ticket numbers. To be assured that your trip to council question period will actually result in you getting to pose your question, you must strive to arrive at city hall by at least 4:30 pm, 2 1/2 hours before question period commences. Since the first ticket is not distributed til 5:30 pm it means that the gathered members of the public must struggle to maintain among themselves some order and civility while keeping their place in a line or queue that does not officially exist and is not recognized by the security attendants. **This faces the public with its first undignified gauntlet.**

The second gauntlet is faced before the chairman of the council where you face the obstruction and indignity of not being able to present before council in a way that suits your need. You are given the opportunity for a preamble comment followed by a question and the option of a second follow up question once you have received answer usually to an interrupting chorus of " Ask your question. . . . Get to your question." Better would be to allow members of the public a specified period of time to present ideas to the council for response.

For the privilege, not right, of addressing council one must take the time to travel downtown then wait for up to 2 1/2 hours for the question period to commence. There is no guarantee that question period will in fact last long

enough for all with questions to pose them. Cut off time usually means some do not. This is truly undignified and frustrating and NOT an inducement to continued public participation.

A better system must be found to make questioners feel welcome at Question Period.

Section II. CHAPTER 2 ECONOMIC AND SOCIAL LIFE

The commitments to be undertaken by the city in Article 15 address the basic physical needs of its citizens as human beings as being matters of fundamental rights as if they were the only conditions necessary to bring about human dignity, equality and social inclusion. This, however, represents a “bread and water” approach, which does not address psychological and developmental needs, which in the interests of human dignity, equality and social justice are every bit as fundamental. Human dignity and social justice are predicated on the potential to reach a state of equality with one’s peers. It should be noted that the principle that **all people are created equal**, so nobly espoused by our southern neighbour is not, in fact, the case. People are neither equal in their physical and mental resources nor in their social and financial circumstances. It is well recognized by developmental psychologists that children achieve their maximum potential growing up in environments that are rich and diverse and stimulating. The city must commit itself to breaking the cycle of poverty and deprivation by ameliorating environmental conditions and making neighbourhoods tranquil, peaceful and nurturing places in which to live and grow up. Equality means that we cannot have a privileged standard of development for one community and a lesser standard applied for those of lesser means. Equality demands equal standards apply throughout.

The Green Coalition recognizes the basic need for natural space conservation, particularly lands of ecological significance, as well as the natural rehabilitation of sites with good potential, largely for the social value it adds to our living spaces.

A sub-paragraph i) could read “assuring the conservation of natural spaces in urban neighbourhoods while including the renaturalization of available spaces as part of urban renovation and redevelopment schemes. This commitment would also be consistent with those commitments to be

undertaken in Article 17 regarding cultural rights.

Also with a view to making the city and its neighbourhoods cleaner, healthier, tranquil and nurturing places in which to live and grow up, sub-paragraph g) could be strengthened by amending it to read “reducing reliance on the private passenger vehicle by the ongoing enhancement, in the short and long term, of alternative transit options including public transit.” This allows for modes of transport reliant on muscle power as one component to which the city is committed and which would promote human and environmental health. This provision should be seen as a fundamental right and, perhaps also, as a responsibility.

Section II. CHAPTER 4 ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

The environment is in an important sense the extension of the person, since personal health growth and development will not take place properly in degraded and impoverished conditions. Environmental health must go hand in hand with the health of its inhabitants. As fish thrive in clean waters, so are humans and other life forms dependent on conditions that promote healthy living. This is fundamental.

In Article 19 there is a curious inversion of priorities with the preservation of the environment being relegated to apparently lesser status, it might seem inadvertently, relative to hard core objectives of economic, cultural and social development. The wording at least in the English version implies potential compromising of environmental interests to those other elements.

The concept of sustainable development had its genesis in the 1960's with the recognition that human activity was depleting Earth's resources and its ability to support its life systems. There was a growing awareness internationally that unchanged human behaviour was unsustainable and would eventually bring about both environmental and economic collapse. If the environment plays the goose then economic, cultural and social development is the golden egg. Clearly we must not compromise the health of the goose. Certainly not by consuming it!

A better wording for sub-paragraph a) would be “promoting sustainable

development by harmonizing economic, cultural and social development with the preservation of the environment.” This will bring it into better agreement with Article 8, in Section I, PRINCIPLES AND VALUES.

Sub-paragraph c) of Article 19 ends with the vague “. . . promoting proper civic behaviour.”

This last phrase is better changed to read “. . . promoting civic behaviour properly respectful of citizens needs for, and rights to, a tranquil, healthy and environmentally benign place in which to live.

On the question of a Charter exemption for the boroughs, it does not make sense that such matters as waste management, sewage treatment, air quality, security and public transit would apply everywhere in every borough for everyone, and yet a fundamental declaration of citizens rights would not. Are we left to speculate that political forces within City Hall would oppose it because it is not in their interests to support it? And then what then would this say about the dedication credibility with which it would apply at the City level given that borough mayors and some borough councillors are also city councillors. what possible rationale can there be for this not applying universally at every level.

Article 24 must be amended to include the boroughs as among those parties

bound by its terms. The words “the boroughs” should be inserted between “the city,” and “its paramunicipal agencies.”

FINALLY: It would be completely insufficient for this document to have nothing more than the status of City By-law. Since it deals with such universally recognized, democratic principles, it must be put out of reach of those who would be tempted to tinker with it, without due public input by the citizens whose rights and responsibilities it defines. It must be entrenched and preferably by its incorporation into the City Charter to confer on it its special place.