

Impact On Communities Coalition 2010 Olympic Oversight Interim Report Card 3

INTRODUCTION

This is the third interim report card produced by the Impact on Communities Coalition. The Impact on Communities Coalition is a broad-based independent community coalition whose mission is to mitigate the negative impacts of the 2010 Winter Olympic and Paralympic Games and to advocate for a post-Games, community based legacy. This report is the product of consultation among IOCC Board members, organizations and individuals representing inner-city organizations, and it will be part of ongoing consultations that will lead to a final report card in February 2011.

THE PURPOSE OF THIS DOCUMENT

The Report reviews the process of the Vancouver Olympic Organizing Committee for the Olympic and Paralympic Games and the four Games partners – the City of Vancouver, the Province of BC and the Government of Canada – in meeting their commitments.

The purpose of this review is to identify, both retrospectively and prospectively, which Commitments to date have not been substantially met by VANOC and government partners. The review offers the perspective of the watchdog group, the IOCC, from an independent civil society perspective.

SUMMARY OF REPORT

Approximately half of the Inner-City Inclusive Commitments were not met to a sufficient standard by VANOC and its government partners. Public relations and marketing approaches seemed to carry greater weight and substantive evaluation did not occur in some areas. Particularly, the inability to fund an independent watchdog group was a broken promise that severely undercut the organizers' sincerity in meeting their commitments. VANOC and its government partners followed a pattern of producing distorted documentation that looked at the benefits of the 2010 Olympic Games while not adequately acknowledging the impacts and opportunity costs of their approaches. No adequate cost-benefit analysis was done that included an evaluation of opportunity costs.

FINAL OVERAL LETTER GRADE – D-

ACCESSIBLE GAMES

- a) Develop barrier free venues for people with disabilities

- b) Ensure reasonable accessibility for people with disabilities

Grade – C+ - Efforts in this area were satisfactory.

AFFORDABLE GAMES EVENTS

- a) Make affordable tickets available for Vancouver's low-income inner-city residents, including at risk youth and children.

Grade – C– Although tickets were made available on a selective basis, the vast majority of inner-city residents did not have access to events. Moreover, most of the general public did not find the prices for events affordable. The purchase of tickets for VIP's by the municipal, provincial and federal governments also further subsidized the Olympics. The province purchased \$1 million in tickets, \$300,000 by the federal government and \$340,000 by the City of Vancouver. Accessing tickets through the on-line system proved to be problematic for many people.

AFFORDABLE RECREATION AND COMMUNITY SPORT

- a) Maximize inner-city residents' access to the new and public upgraded facilities after the Winter Games.

Grade – D– There are not plans in place which are public that show how these plans will be implemented. There has been some upgrading of facilities at community centres and a new basketball court.

- b) Ensure inner-city community centres have equitable access to surplus sporting equipment. **Grade – D–** The Authors have not seen plans that will ensure that this commitment is being met.

- c) Maximize access by inner-city residents, at-risk youth and children to sport and recreational initiatives by building from the current sports delivery infrastructure.

Grade – F– There has been a \$14 million cut to school sports programs in BC.

BUSINESS DEVELOPMENT

- a) Develop opportunities for existing and emerging local inner-city businesses and artisans to promote their goods and services.

Grade – C– Restrictive legislation intended to limit ambush marketing was disproportionately applied. Much of the beneficiaries during the actual event itself were businesses in the downtown core of Vancouver and those close to Olympic venues. Some businesses such as Mario's Gelato were adversely impacted. The construction of the RAV line also impacted small businesses.

- b) Develop potential procurement opportunities for businesses that employ local residents.

Grade – D– More work should have been done on local hiring, particularly in construction related hiring.

CIVIL LIBERTIES AND PUBLIC SAFETY

The Impact on Communities Coalition has identified several situations contradicting the principles outlined in the 'Civil Liberties and Public Safety' section of the Inner-City Inclusivity Statement.

The Inner-City Inclusivity Statement states that 2010 Olympic organizing bodies will:

Provide for lawful, democratic protest that is protected by the Canadian Charter of Rights and Freedoms;

Ensure all inner-city residents' continued access to public spaces before, during and after the Games and provide adequate notice of any restrictions of the use of public space/facilities and prominently display alternate routes and facilities;

Maintain the current level of public safety and security in inner-city neighbourhoods during the Winter Games;

Commit to a timely public consultation that is accessible to inner-city neighbourhoods, before any security legislation or regulations are finalized, subject to lawful and legitimate confidentiality requirements;

Ensure RCMP is the lead agency for security;

Reflect the aesthetic design standards of Vancouver in all security related measures;

1) Restrictions on Freedom of Expression- Free speech zones

In September 2009, Olympic security experts announced they planned to build unfenced "free speech areas" at every competition venue and near the main media centre in Vancouver. Previously, the Vancouver 2010 Integrated Security Unit (VISU) would only say that it was considering building some "optional safe assembly areas" for protesters at unspecified locations. The zones were to be set up within close proximity of all of the sports venues as well as a number of other locations, and none were to be fenced or involve scanners or security screens. The exact locations and sizes of the zones was to be announced closer to Games time.

Analysis:

According to Olympic organizers, 'safe assembly areas' strike a balance between Canadian freedom of expression rights and the protection of Olympic trademarks and costly sponsors' privileges. Protestors were told that they did not have to use the zones, but the areas would be available to ensure a clear space for protests in the busy areas around venues.

There was much confusion and conflicting messaging about the “free speech zones” and ultimately, it appears that the program for implementing these zones was essentially abandoned. Presumably this recalibration was caused by media scrutiny and public concerns noting that “protest pens” are reminiscent of the suppression of free speech and dissent that at the 2008 Games in Beijing.

The British Columbia Civil Liberties Association (BCCLA) said that restricting free expression would heighten the possibility of conflict. "The protesters believe they have the right to protest on public space wherever they please," said Association spokesperson David Eby. [Designated speech zones are] all to accommodate the [International Olympic Committee], and the risk that they will feel embarrassed. When they say they're committed to freedom of expression, we don't believe them."

2) Restrictions on Freedom of Expression and Access to Public Space

An Olympic municipal bylaw package approved on July 23rd, 2009, includes a passage entitled "prohibitions regarding city land." During the 2010 Olympics, Clause 4B makes it illegal without authorization to:

bring onto city land any weapon, object, including any rock, stick, or glass or metal bottle useable as a weapon, except for crutches or a cane that a person who is elderly or disabled uses as a mobility aid, large object, including any bag, or luggage that exceeds 23 x 40 x 55 centimetres; voice amplification equipment including any megaphone, motorized vehicle, except for a motorized wheel chair or scooter that a person who is elderly or disabled uses as a mobility aid anything that makes noise that interferes with the enjoyment of entertainment on city land by other persons, distribute any advertising material or install or carry any sign unless licensed to do so by the city.

Analysis:

The Olympic-related bylaws impose restrictions on accessing public spaces and restrictions of freedom of speech.

For the duration of the Olympic period, the city-owned David Lam Park will be an Olympic LiveSite, entitled “LiveCity Yaletown.” The park, an area that has been traditionally designated as a public space, will become a restricted-access zone subject to the above conditions.

As for the implications for freedom of speech, the legislation disproportionately restricts practices and behaviours associated with protest and dissent. Protest signs are often made using sticks, and are often larger than subsection 3 allows (as are puppets and other protest devices). Megaphones are often employed at demonstrations, as are other voice amplification devices, and can well "interfere with the enjoyment" of the Olympic spectacle by who chose to be so offended. Leaflets are also a common form of protest and information dissemination, and are restricted as a result of the Bylaws.

3) Restrictions on Freedom of Expression- Selective Sign By-law Relaxation

The July 23rd, 2009, By-Law package proposed a relaxation of the Sign By-Law of Vancouver. The Sign By-law regulates signs on private property like homes and businesses. Under regular circumstances, signs require permits and must adhere to criteria intended to prevent uncontrolled proliferation of advertising and to preserve the aesthetics of Vancouver.

During the Olympic period, the Chief License Inspector is able to relax the Sign By-law only for signs at a venue or city site or at Robson Square, a celebratory sign, or a wayfinding sign. A “celebratory sign” is defined in the bylaw as a sign that celebrates the 2010 Winter Games, and creates or enhances a festive environment and atmosphere for the 2010 Winter Games. “Wayfinding” signs are signs that give directions to a venue or city site.

Analysis:

In the Bylaw package approved on July 23rd, 2009, signs that do not adhere to the ‘celebratory’ criteria are not eligible for the Sign By-law relaxation. Rather than restricting the size or physicality of the sign, the selective Sign By-law relaxation restricts the allowable content of the sign.

4) Restrictions on Freedom of Expression – Aggressive Graffiti and Signage Removal

On October 7th, 2009, Bill 13, The Miscellaneous Statutes Amendment Act, an amendment to the Municipalities Enabling and Validating Act, was introduced in the Legislature. These amendments are intended to provide the municipalities of Vancouver, Richmond and Whistler with temporary enforcement powers to enable them to swiftly remove illegal signs and graffiti during the 2010 Olympic and Paralympic Winter Games. The legislation provides, on a temporary basis, a faster way of removing signs and graffiti during the short period the Games are underway. Under the legislation, the maximum fine for violations increases to \$10,000 a day from \$50, as well as a potential jail term of up to six months. City officials would only have to give notice of 24 hours, rather than two weeks, before entering a property to remove a sign.⁸ No notice is required to enter property to remove graffiti.

Analysis:

The only way to have a legal sign in these municipalities is to obtain a license. As outlined in point three, only signs meeting the “celebratory” or “wayfinding” criteria will be eligible for the Sign Bylaw relaxation in Vancouver.

Since the amendments were introduced, the City of Vancouver has made numerous public statements to clarify the City’s intention to restrict the ‘ambush marketing’ and not freedom of speech. On December 3rd, 2009, it was decided that signs that do not have

a 'commercial' intent will be subject traditional sign removal bylaws, which allows 30 days to comply with the Vancouver bylaw before authorities enter private property.¹⁰ The Bill 13 amendments are still applicable in Richmond and Whistler for all signs.

The City of Vancouver's response is influenced by heavy media scrutiny over the issue, as well as a lawsuit filed against the City of Vancouver in the BC Supreme Court by Alissa Westergaard-Thorpe and Christopher Shaw, and supported by the BC Civil Liberties Association (BCCLA). However, despite this scrutiny and the promise not to use enhanced bylaw powers, Vancouver still forced an art gallery to remove an anti-Olympic mural from the exterior of the building in a space used by the gallery for years as a public art display area, because city inspectors deemed the art to be graffiti.

5) Increased Surveillance- the installation of over 900 CCTV Cameras

More than 900 security cameras have been rented in order to monitor public activities around Olympic venues. In addition, another 50 to 70 security cameras will be installed along the Granville entertainment strip and other downtown areas that will host various outdoor events during the Games. The installation of cameras on public transit vehicles has also been implemented.

Full body scanners have been implemented at the airport.

Analysis:

While the cameras are promoted as a temporary installation, the city has requested \$435,161.181 from the province for the infrastructure component of the CCTV system, which will be spent on the city's Emergency Operations Centre. The city has also sought \$2.1 million from the RCMP-commanded Vancouver 2010 Integrated Security Unit for the procurement and installation of cameras. Empirically, the requests for funding imply a permanent control centre for 'temporary cameras.'

6) Increased Surveillance- Police Intimidation and visitation of activists and their personal relations

From September 2008 to July 2009, over two dozen Olympic critics, members of Olympic Resistance Network (ORN), and indigenous activists have been approached by Vancouver Integrated Security Unit (VISU) officers in public, at home, at work, and at City Hall. The visits and phone calls were carried out by at least 8 members of the Joint Intelligence Group of VISU who asked activists about specifics around anti-Olympics activities. The plain clothes intelligence officers have also conducted surprise visits at people's homes and workplaces, or in public places.

Prior to these visitations, VISU officers have been visiting Olympic critics around BC, in Vancouver, Victoria and on Indigenous reserves. There have been unidentified police observing the public at City Hall, community meetings and educational events.

On July 1, 2009, twelve members of ORN, with the assistance of the BCCLA and legal representation from Jason Gratl, sent a letter to Assistant Commissioner Bud Mercer, Chief Operating Officer of VISU, demanding that the police and intelligence agents cease their harassment of Olympic critics.

Since that time, Police visits to activists and their friends and relatives have continued.

Analysis:

The Police visiting and tracking activists' personal activities works to intimidate lawful political organizing and freedom of expression. Targeting those who have been critical about Olympic activities or active within their communities is an attempt to dissuade persons from engaging in an active critique of Olympic-related events and community impacts.

The visits paid by Police forces have been wide reaching: activists involved with the activities organized by the ORN, their relatives, organizers of speaking panels in Kelowna,18 and Cowichan Sweater knitters.

As Harjap Grewal, a Vancouver-based activist who has been approached by security officials, outlines, the visits are "...not about dialogue, this was clearly aimed at intimidation. They knew where we lived, worked and even where someone went for coffee. They showed up at these places and intimidated our neighbours and co-workers and in some cases would not leave when asked."

Intelligence officers surveilling the homes and personal activities of people who speak out about free speech and the impacts of the Games in Vancouver contradicts the same principles of upholding human rights and maintaining free speech upon which the Olympic Movement is founded, as well as those outlined in the ICI Agreement.

7) Increased Surveillance – Infiltration of Activist Organizations and Agents Provocateur

VISU has refused to provide assurances that it will not have law enforcement officers act as agents provocateurs by breaking the law while dressed as activists. VISU will also not provide assurances that their surveillance would not spill over into infiltrating protest groups and taking on leadership roles in those organizations.²¹ VISU has committed not to use undercover agents to encourage others to break the law. Requests for these guarantees have been made through letters sent to CSIS and VISU from the BCCLA.

At the Victoria Olympic Torch Relay, the Chief Constable of the Victoria Police Department reported that one of the bus drivers for the buses of activists that traveled from Vancouver to Victoria was an undercover agent.

Analysis:

There is no need for police officers to infiltrate activist organizations in undercover roles where those groups have no history of violence or significant property damage. The

effect of infiltration on activist organizations is to cause them to organize in private and avoid public and democratic discussions about tactics and issues. Further, police announcing that they have infiltrated activist groups sends an unambiguous message to the public that Olympic critics are engaged in some type of illegal or inappropriate behaviour. Nobody was arrested at the Victoria torch protest, or given a ticket. One activist was arrested on the way to the protest for throwing water on an undercover police officer. Infiltrating activist groups hinders the potential for constructive relationships between activists and police officers.

Beyond simple infiltration, the refusal of VISU to guarantee that they are not assuming leadership roles within activist groups, and further to guarantee that they will not break the law, undermines the right of activist groups to organize free of interference from the state, as well as the credibility of these organizations in the eyes of the public.

8) Policing – Undisclosed purchase of unregulated crowd control weapons

In November 2009, a representative for the Vancouver Police Department confirmed to the BCCLA that the VPD acquired an MRAD (Medium Range Acoustical Device) crowd control weapon for the 2010 Olympics. He advised that the VPD would be using the device to ensure that police instructions were clearly heard. While labeled as non-lethal, the sonic gun fires a concentrated beam of sound at its targets that can cause hearing damage and temporarily disrupt vision. It was designed for the American military and was first used publicly in North America in September by police on anti-G20 demonstrators. The device, which weighs about 40 kilograms, can be mounted on top of a vehicle. It is reported to be capable of emitting a blast of directional sound measuring an estimated 150 decibels at one metre away and an estimated 90 decibels at 300 metres.

Until the release of information to the BCCLA, there had been no public discussions around the purchase and use of an LRAD in Vancouver or British Columbia, no Canadian safety testing of the device, no Canadian approval of the device's use by any agency independent of Canada's police services, and the device had never before been used in a protest scenario by police in Canada.

Analysis:

The crowd control weapon was obtained without any public discussion and without any defined policy for its safe and proper use being set in advance. Sounds over 120 decibels can cause immediate, permanent hearing damage.

Given that Tasers were also brought in with a similar absence of safeguards, testing and policy, and that the Taser inquiry has not yet completed its work, it is troublesome that police are acquiring another high tech device that could be used to cause grievous pain.

9) Inadequate Community Consultation before Security plans were finalized. The Integrated Security Unit did not reveal that armed agents from Canadian Border Services Agency were going to be patrolling the Downtown Eastside and fast-tracking deportation orders.

OVERALL CIVIL LIBERTIES GRADE – D–

CULTURAL ACTIVITIES

- a) Showcase the diverse cultural, multicultural and aboriginal activities of inner-city residents.

Grade – F– Restrictions on freedom of speech and expression of artists has been overly restrictive. The policies of VANOC have been criticized by the poet laureate of the City of Vancouver and by the artistic director of the Salt Lake City Olympics. Murals have been painted over and other forms of coercion have been apparent in VANOC's overly restrictive and disproportionate application of their policies related to protecting the Olympic brand and in its protection of corporate sponsors. This neo-authoritarian application of policies intended to protect against ambush marketing has placed a chill on artistic expression in Vancouver during the Olympics.

Concerns were expressed that the Opening Ceremonies did not reflect or acknowledge the multicultural communities or the Francophone culture to the extent that they could have.

Cuts to arts and culture programming have also been devastating. The Cultural Olympiad could have been a leveraging opportunity for small art and cultural organizations to purchase gallery, theatre and studio spaces, but the funding mechanisms lacked creativity and long term vision. The period following the 2010 Olympics could see arts organizations collapse. Given the \$40 million cost of the Opening and Closing ceremonies, the cuts to arts funding are extremely shortsighted given the vital role they played in the lead up to the 2010 Olympics.

EMPLOYMENT AND TRAINING

- a) Create training and a continuum of short and long-term employment opportunities for inner-city residents to encourage a net increase in employment.

Grade – D– Though some employment opportunities were created, the emphasis on inner-city hiring was not included in to the planning process at the earliest stages. The legacy should have been much greater.

- b) Provide reasonable wages and decent working conditions for any local worker producing Games related goods and services before and during the Winter Games.

Grade – D– There were examples of labour exploitation on parts of the Skytrain expansion where foreign workers were being paid well below the minimum wage.

ENVIRONMENT

- a) Ensure environmental “best practices” in inner-city neighbourhoods

Grade – D–

The environmental footprint of the Olympics in general, and in the inner-city particularly, was not positive. However, United We Can played a positive role in inner-city hiring and environmental protection. They should have received more funding over a longer period of time to ensure that more permanent legacies could have been left.

FINANCIAL GUARANTEES

- a) Provide adequate funds to maintain and operate the new or upgraded public recreational facilities after the Games to maximize the number of facilities available to inner-city residents.
- b) Provide adequate programming funds for the new or upgraded public recreational facilities to encourage maintenance or increase in recreation programs.
- c) Provide disclosure of all financial aspects of the Games, including expenditures and revenues, in the bidding and organizing phase of the Games.
- d) Commit to a comprehensive annual financial audit.

Overall Grade – F– The economic reports that have been produced do not take in to account ‘opportunity costs’ which would be included in a cost/benefit analysis. Despite being asked by civil society organizations since 2001, neither the Vancouver Olympic Bid Corporation, VANOC or any of the government partners produced a proper economic analysis of the Games. Since VANOC is not subject to freedom of information, there has been a lack of transparency with the organization since its inception.

The security budget for the 2010 Winter Olympics has been estimated to cost \$900 million. This figure is a substantial increase from the original estimate that was set at \$175 million.

The original plan was for the Olympic Village to be completed for \$950 million. A report by the City of Vancouver’s independent auditor, KPMG, pointed to a “*failure of due*

diligence on the part of city staff when they selected Millennium Development to build the 737-unit project. Specifically, the city did not determine if Millennium had the financial capability to deliver on such a wide-scale development. The Olympic Village development, was originally intended to make a profit, but likely to cost the tax payers millions. City manager Penny Ballem claims that the total cost of the Olympic village is expected to reach close to \$1.2 billion by 2013. Vancouver Mayor Gregor Robertson has stated that the best-case scenario the city will break even on this investment.

The construction expenditure in the Olympic operating budget only covers construction costs that are directly related to the Olympics. There are several substantial additional costs, particularly in transportation, that tax payers will be funding that are indirectly associated with the Olympics. The cost of the upgrade to the Sea-to Sky Highway that was necessary to accommodate the influx of traffic between Vancouver and Whistler will cost the B.C. government \$600 million, but close to \$1 billion when taking in to account the financing costs. The Canadian Line (RAV) to transport visitors from the airport to downtown Canada cost taxpayers \$1.7 billion. Vancouver Convention Center that hosted the international media and broadcast centre during the Olympics comes at an \$883 million price tag.

The Vancouver Olympic Organizing Committee called out to the private and public sectors to make available 1,500+ highly skilled "paid volunteers." The B.C. government posted on its internal website that it was looking for 250 civil servants to start working full-time for VANOC. The civil servants salaries were paid by the government for up to six months. This contradicts the government's position to generate employment for persons that are unemployed or underemployed. Since government employee's salaries are paid for by provincial taxes this will create a substantial hidden cost to the taxpayers. This also decreases the number of jobs available to those in need and will increase the workload and overtime paid to civil servants once they return to their regular positions. Substitution of jobs instead of job creation was not what was proposed by the government in its Olympic bid. The provincial government had projected that the Olympics would generate more than 200,000 jobs. This estimate assumes that Games related projects would only hire British Columbians who are the under and unemployed.

Overall, the true costs of the 2010 Olympics are estimated to be between \$6 - \$7 billion. The Impact on Communities Coalition's final report card in February 2011 will include a final cost estimate for the 2010 Games.

HEALTH AND SOCIAL SERVICES

- a) Maintain delivery of health and social services to inner-city residents during the Winter Games
- b) Showcase a commitment to public health issues, including a comprehensive alcohol and drug strategy

Overall Grade – F– Homelessness has more than doubled since the Olympics were awarded to Vancouver. Recommendations from the Frank Paul Inquiry have not been implemented. The federal government is also continuing to challenge Insite at the

Supreme Court. Some positive work was done by the City of Vancouver to minimize disruption to services during the Games period.

HOUSING

- a) Protect rental housing stock.
- b) Provide as many alternative forms of temporary accommodation for Winter Games visitors and workers.
- c) Ensure people are not made homeless as a result of the Winter Games.
- d) Ensure residents are not involuntarily displaced, evicted or face unreasonable increases in rent due to the Winter Games.
- e) Provide an affordable housing legacy and start planning now.

Overall Grade – F– Homelessness has more than doubled since the Olympics were awarded to Vancouver. Recommendations from the BC Auditor General related to coordination of services related to homelessness have largely not been implemented. The federal government has remained absent on the issue of a national housing program despite clear recommendations from the UN Special Rapporteur on the Right to Adequate Housing.

Though the City of Vancouver has opened some temporary HEAT shelters, there is still very little coordination. A comprehensive ten-year plan needs to be implemented with coordinating bodies with mandates that can withstand political cycles at the civic, provincial and federal levels. The small housing legacy that was to be left at the Athletes Village of 252 units could be in jeopardy due to the City of Vancouver's multi-year mismanagement of the project. The recommendations of VANOC's housing table were ignored and the Centre on Housing Rights and Evictions (COHRE) guidelines for host cities was not implemented. Despite the purchase of 22 SRO hotels, a total of 1,085 to 1,580 units are no longer accessible to the low-income community in the inner city since the bid process began.

INPUT TO DECISION-MAKING

- a) Provide inclusive representation on the Bid Corporation's and Organizing Committee's Board structures and all relevant Bid Corporation and Organizing Committee's work groups.
- b) Ensure inner-city inclusive work continues to operate under the Organizing Committee and its Member Partners.
- c) Work with and be accessible to an independent watchdog group that includes inner-city residents.

Overall Grade – F– In this area, VANOC and its government partners performed worse than any other area. No independent watchdog group was established and very little meaningful representation for inner-city residents occurred. The failure in this area led

to failures in other areas. Despite attempts to have independent reporting from the former UN Special Rapporteur on the Right to Adequate Housing during the Games, every level of government refused to provide resources. Once again, the communications and public relations imperatives of VANOC and its government partners overrode civil society concerns.

NEIGHBOURLINESS

- a) Stage events that respect adjacent neighbours

Overall Grade – D—Consultations with neighbourhood organizations related to traffic and other impacts were not done in a comprehensive way. More informal community space could have been made available.

TRANSPORTATION

- a) Ensure all Vancouver Games events and venues can be reached by public transit at an affordable cost
- b) Minimize any potential adverse transportation impacts on inner-city residents

Overall Grade – D— Overall impact of transportation could have been mitigated to a greater extent. VANOC's use of a fleet of sport utility vehicles also undermined their commitment to sustainability.