



Shin Imai speaks at an Inter-American Commission on Human Rights hearing about Canadian corporate accountability in Washington on Oct. 28. IACHR Photo: Daniel Cima



Brett Maitland and Dana Cryderman, of Canada's permanent mission to the Organization of American States, at the Washington hearing on Oct. 28. IACHR Photo: Daniel Cima

'Cracks in the policy:' Human rights commission probes Canada on mining

Inter-American Commission on Human Rights asks Canada to account for cases that fall through the cracks.

SHIN IMAI

On Oct. 28, I appeared before the Inter-American Commission on Human Rights in Washington, DC with a member of the Canadian Network on Corporate Accountability, a group of 29 human rights, environmental, labour, religious and social justice organizations.

We called upon Canada to put into place a framework for addressing allegations of human rights abuses associated with Canadian mining. The United Nations Committee on the Elimination of Racial Discrimination and two other UN bodies have already urged Canada put in place such a legal framework.

The Canadian government's submission to the Inter-American Commission focused on voluntary corporate social responsibility standards to deal with issues such as the environment, human rights and indigenous rights. It was clear from the submission, however, that Canada was not prepared to assume any legal responsibility for actions of corporations in other countries.

The human rights commissioners were clearly uncomfortable with Canada's response, and asked a number of pointed questions. The Canadian delegation promised to provide written answers at a later date. While we await Canada's response, we are taking this opportunity to reflect on three of the questions.

Seeking answers

First, while Canada stated that it "resolutely" promoted voluntary CSR, Commissioner Rose-Marie Belle Antoine was troubled by the

lack of information, and asked, "Do you have a monitoring mechanism...or is it just a nice policy that you have laid out?"

The answer to this question is quite simple. Neither the industry nor government has any data on the extent of conflicts between Canadian companies and local communities.

To fill this void, the McGill Research Group Investigating Canadian Mining in Latin America began a list. It shows 85 conflicts involving Canadian mining companies in Latin America and the Caribbean alone. Students at Osgoode Hall Law School have begun to do a count and so far, have identified about 50 deaths and more than 300 injuries associated with Canadian projects in Latin America and the Caribbean.

Second, commissioners wondered what Canada could do to ensure adherence to the corporate social responsibility standards. We would point out that adherence to these standards is, by definition, voluntary.

Take the example of HudBay Minerals. Every year, this Toronto-based company publishes an attractive 50-page Corporate Social Responsibility Report, setting out its commitment to improve the communities around its mines. However, when the company was sued by Guatemalans who say they were attacked by security agents of HudBay's subsidiary in Guatemala, HudBay's first line of defence was that the Canadian head office had "no duty of care." In other words, even if it were true that the security personnel of the subsidiary gang-raped women, and even if it were true that the head of security murdered a community leader with a machete, it had nothing to do with HudBay's head office in Toronto.

Third, Commission Secretary Emilio Álvarez Icaza pointed out that Canada's presentation focused on Canadian companies, but did not mention guidelines for Canada's own involvement in promoting mining. Embassies were part of the government, he pointed out, and he wondered whether there were any guidelines when faced with allegations of human rights abuses.

It is well known that Canada provides support in a number of ways, including funding and insurance through Export Development Canada and investments through the Canada Pension Plan. A March report shows that the CPP holds shares in the two companies currently being sued in Canada, HudBay Minerals and Tahoe Resources. Canada has also provided technical assistance for changes to mining laws in Colombia, Peru and Honduras.

But there is no discernable policy on what embassies are supposed to do when they are made aware of human rights abuses. In the case of Blackfire Exploration, for example, the Canadian Embassy intervened on behalf of the company with the local government, even as the embassy was being told by a community leader that he had been targeted by Blackfire. Soon after, he was murdered by individuals that appeared to have some association with the company. It then came to light that Blackfire had paid money directly into the personal bank account of the mayor of the town. Eventually, the Mexican authorities suspended the mine for environmental violations. Even after all of that, Canadian embassy officials continued to support

Blackfire and provided advice on how to sue the Mexican government for the closure.

At the hearing, Commissioner Antoine said that she saw "the cracks in the policy."

In my view, she was right to be perplexed by Canada's position, which she characterized as, "On the one hand, yes we want to be responsible and wish to promote human rights, but on the other hand, it's a hands-off approach, we take no responsibility."

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