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NEWS

'Deeply disturbing' report raises questions about federal interventions supporting Canadian mining companies overseas despite human rights concerns

By KEVIN PHILIPUPILLAI (/AUTHOR/KEVIN-PHILIPUPILLAI) MARCH 30, 2022

Critics say Global Affairs Canada continues to improperly prioritize 'economic diplomacy' over its human rights and environmental obligations.



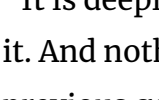
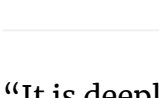
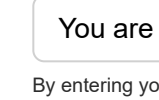
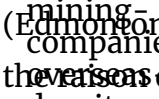
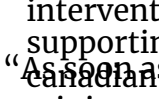
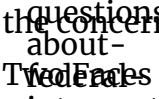
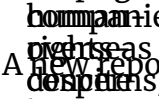
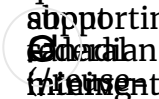
NDP MP Heather McPherson says the Liberal government has continued the previous Conservative government's emphasis on promoting trade at the expense of human rights and environmental concerns. *The Hill Times* photograph by Andrew Meade



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text=Deeply disturbing report raises questions



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supporting-
Canadian-
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commissions)
Canadian-
despite-
human
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A new report provides a window into the Harper government's aggressive support for a Canadian mining company in Guatemala, but human rights and environmental advocates say the current government still improperly prioritizes "economic diplomacy" over its concerns. <https://www.hilltimes.com/2022/03/30/deeply-disturbing-report-raises-questions-about-federal-interventions-supporting-canadian-mining-companies-overseas-despite-human-rights-concerns/352833>

NDP MP and international development critic Heather McPherson told *The Hill Times* that the Liberal government has continued the concerning approach detailed in the March 19 report (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4025474) "The Federal Faces of Canadian Diplomacy," a collaborative project by Canadian law schools.

"As soon as Global Affairs became one entity with trade, diplomacy, and development all under one roof," said McPherson (Edmonton Strathcona, Alta.), referring to changes made under then Conservative prime minister Stephen Harper, "trade became the overseas 'etre. And development and diplomacy became the poor cousins."

despite-
human-
rights-

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"It is deeply disturbing for so many of us, because we did say the Liberals are going to fix this. And they said they were going to fix it. And nothing got fixed," added McPherson. "Canada's diminished role in the world is 100 per cent because this government and previous governments have chosen to prioritize trade over those other vital pieces."

McPherson and fellow NDP MP Peter Julian (New Westminster-Burnaby, B.C.) held a press conference March 29 about their private member's bills to beef up accountability measures for Canadian corporations that violate human rights and environmental protections in Canada and abroad.

Veteran Liberal MP John McKay (Scarborough-Guildwood, Ont.) said Canada "shouldn't do to others what we wouldn't do to ourselves here in this country."

"On the face of it, it does seem that we're not adhering to that standard."

McKay has been active on this file for more than 10 years. As an opposition MP in 2010, he sponsored a private members' bill on accountability for Canadian mining companies' conduct abroad that was narrowly defeated in the House.

(<https://www.cbc.ca/news/politics/mining-bill-defeated-in-commons-1.971597>)



Liberal MP John McKay has been critical of the corporate accountability measures set up by the current government and the previous government. *The Hill Times* photograph by Andrew Meade

The Justice & Corporate Accountability Project's report provides an analysis of 900 partly redacted pages of access-to-information records detailing Canadian government officials' interventions on behalf of Goldcorp, a Canadian mining company, in Guatemala in 2010 and 2011.

The Inter-American Commission on Human Rights (IACHR), an independent body of the Organization for American States, had asked the Guatemalan government to suspend operations at Goldcorp's Marlin mine in May 2010 because of concerns about the health, safety, and security of residents. The Guatemalan government declined to force Goldcorp to suspend operations and began a process through which it declared (https://s24.q4cdn.com/382246808/files/doc_downloads/2020/07/MSCI-Response-Marlin-Mine-January-2020.pdf) each of the concerns resolved. The IACHR then lifted the suspension request in December 2011.

Human rights advocates raised doubts about this process, especially given that the mine was built in an area that had been hit hard by the country's 36-year civil war. The Justice & Corporate Accountability Project, a legal clinic affiliated with Osgoode Hall Law School in Toronto and the faculty of law at Thompson Rivers University in Kamloops, B.C., sent dozens of law students to search for documents through the federal access to information system, looking to recreate a timeline of the Canadian government's interventions on behalf of Goldcorp.

The project's subsequent report, released in March 2022 after an unsuccessful attempt to get the Federal Court to overturn the government's redactions, concluded that "the disclosed information gives rise to a strong inference that Canadian officials, including the minister of international trade, the minister of state for foreign affairs, and the Canadian ambassador to Guatemala, attempted to influence Guatemalan decision makers, including the Guatemalan president, not to implement the IACHR precautionary measures and to keep Goldcorp's Marlin mine open."

Law professor Charis Kamphuis, one of the co-authors of the report, told *The Hill Times* that, in her opinion, the Canadian government failed to do its own due diligence before deciding whether to intervene on behalf of Goldcorp, to determine if it would be violating its own human rights policies and Canada's international human rights obligations by doing so.

"We need to talk not only about corporate accountability, but also state accountability," said Kamphuis, a professor at Thompson Rivers University and a co-director of the Justice & Corporate Accountability Project.



Thompson Rivers University law professor Charis Kamphuis says the Canadian government has ignored its own human rights policies when advocating for Canadian mining companies overseas. *Photograph courtesy of Charis Kamphuis*

Global Affairs Canada did not respond to questions from *The Hill Times* about the support the department provided to Goldcorp in 2010 and 2011, or the nature of the harm to Canada's international relations if documents about this support were to be released in full, which was one of the main reasons given (<https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/520927/index.do>) for the redactions it made to the 900-page access-to-information release.

Goldcorp has since been bought by Colorado-based Newmont Corporation and the Marlin mine in Guatemala is no longer operational. Newmont did not respond to questions from *The Hill Times* about the support Goldcorp received from the Canadian government in Guatemala over the years.

Although these records relate to interventions under Harper, human rights advocates told *The Hill Times* that the Canadian government continues to follow this approach, prioritizing economic diplomacy on behalf of Canadian mining companies overseas ahead of its own human rights policies and Canada's international human rights obligations.

"We have walked into embassies and raised concerns with them about issues happening at Canadian mine sites and been told directly by the ambassador and others that we've met with that their mandate is to promote and protect the interests of Canadian companies operating in that country," said Catherine Coumans, the research co-ordinator and Asia-Pacific program co-ordinator at the advocacy group MiningWatch Canada.

McPherson worked in the non-profit sector before becoming an MP, including 10 years as the executive director of the Alberta Council for Global Cooperation.

"This is work I've done for much longer than I've been a politician," she said. "I have been looking at the impacts of Canadian mining companies abroad and the devastating impacts they have on Indigenous populations, on environmental protection, on women's rights, and it has horrified me for a very, very long time."

"I've literally stood in Nicaragua and met with community members who have plastic bullet wounds on them, and seen fences where somebody has spray painted 'Go Home Canada,'" added McPherson. "People see us as the country that encourages human rights abuses and environmental degradation."

Ben Chalmers (<https://mining.ca/about-us/mac-staff/>), senior vice-president of the Mining Association of Canada, told *The Hill Times* that the support that Canada's trade commissioner service provides to Canadian companies overseas is very important for the mining sector, even if the level of support sought varies from company to company.

Chalmers said a lot has changed since the events in Guatemala in 2010 and 2011. "The trade commissioner service now requires companies to sign integrity declarations that focus on things like anti-corruption measures, general responsible business conduct expectations, including around conducting their business ethically, before they're willing to lend the kind of support that they offer."

Liberal MP McKay told *The Hill Times* that he had hoped that the Canadian government's "potentially embarrassing interventions to deny people basic human rights" would have ended with the creation of the Canadian Ombudsperson for Responsible Enterprise (https://core-ombuds.canada.ca/core_ombuds-ocre_ombuds/index.aspx?lang=eng) (CORE) in 2019.

The Liberal government set up the ombudsperson's office in 2019, but advocates say it does not have the investigative powers or the independence it should have. The office, headed by lawyer Sheri Meyerhoffer (https://core-ombuds.canada.ca/core_ombuds-ocre_ombuds/ombudsperson-ombudsman.aspx?lang=eng), is located within Global Affairs Canada and makes recommendations (<https://www.newswire.ca/news-releases/canadian-human-rights-ombud-launches-online-complaint-process-as-key-part-of-global-mandate-to-protect-rights-874163113.html>) to the minister of international trade.

"Civil society was very clear when CORE was being set up, that it would have to be able to conduct independent investigations. And would have to be able to compel witnesses and compel documents," said Coumans from MiningWatch Canada.

"The Canadian government made a commitment in January 2018 when the office was announced that they would have this, but when Sheri Meyerhoffer was put in place in April 2019, those powers were not in place."

"We were all shocked that she did not have the powers that the government had promised."

Liberal MP McKay challenged (<https://www.cbc.ca/news/politics/mckay-ng-ombudsperson-responsible-enterprise-1.5961607>) International Trade Minister Mary Ng (Markham-Thornhill, Ont.) at a House committee in March 2021 about gaps in the accountability structure for Canadian companies overseas. McKay told *The Hill Times* he hoped the government would be open to expanding the ombudsperson's powers.

Meyerhoffer told *Canadian Lawyer* (<https://www.canadianlawyermag.com/practice-areas/crossborder/new-ombudsperson-hopes-mediation-will-resolve-complaints-involving-canadian-companies-abroad/358805>) magazine in August 2021 that about 60 per cent of mining companies working outside their home jurisdiction are Canadian or at least registered in Canada, which means "if there is a company mining overseas, there is a high probability it will be Canadian. And if something goes wrong, there's a Canadian flag on it."

Nelson Kalil, a spokesperson for CORE, told *The Hill Times* that the office "has not received any complaints nor issued reports relating to Canadian companies in Guatemala."

Kamphuis said her group has a meeting scheduled with CORE to discuss their report and related work.

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The Hill Times

CORRECTION: This article was corrected on March 30, 2022, to show that the government announced its plan to set up the office of the Canadian Ombudsperson for Responsible Enterprise (CORE) in January 2018, not January 2019. The office was established in 2019.

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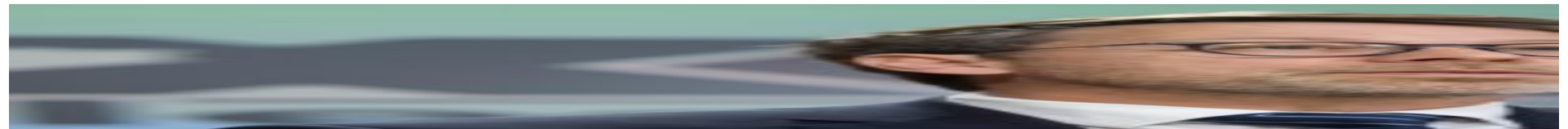
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(<https://www.hilltimes.com/2022/03/30/unionizing-the-military-might-address-some-culture-issues-but-it-comes-at-a-potential-cost-experts/353014>)As seen with the police, unionizing may not address problems of sexism or racism in the military's culture, says Prof. David Camfield, while other say it could 'counterbalance' the power scale.

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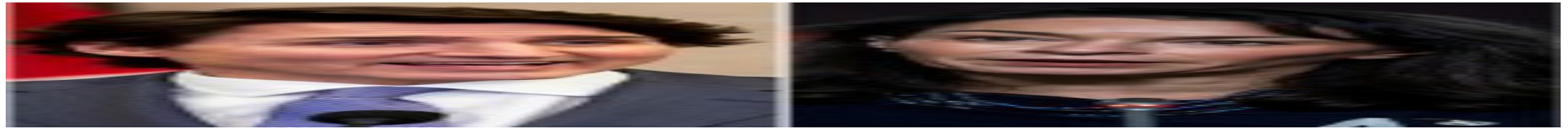


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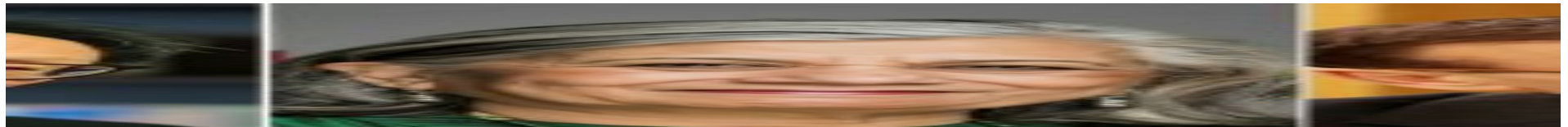
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(<https://www.hilltimes.com/2022/03/30/how-can-lower-profile-conservative-leadership-candidates-shift-the-race/353035>) 'You can't alienate everybody,' says the University of Ottawa's Alan Freeman, as leading candidates will need their rivals' supporters to come on board if their preferred choice gets cut in early ballots.

Momentum builds in Senate for bill to seize and repurpose frozen assets
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(<https://www.hilltimes.com/2022/03/30/medical-professionals-discomfort-with-digital-tech-is-stumbling-block-to-spread-of-ai-in-health-care-say-experts/353132>)A culture that divides the IT and medical aspects of health care is a stumbling block to the spread of AI in the medical sector, according to Dr. Ross Mitchell.

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(<https://www.hilltimes.com/2022/03/29/mixed-reviews-for-liberal-solution-to-protect-quebec-seats/352687>)While NDP MP Daniel Blaikie calls Bill C-14 a 'good start,' the Bloc Québécois has criticized the proposed legislation for failing to protect Quebec's overall proportion of seats in the House.

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(<https://www.hilltimes.com/2022/03/28/racism-plays-a-role-in-immigration-decisions-house-immigration-committee-hears/352087>)Witnesses expressed concerns over a lack of transparency from the department as well as systemic bias being embedded in the automated intelligence the department uses to triage

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