

Meanwhile, Monitoring Must Go On

Talisman has yet to acknowledge that human rights violations have occurred which can be related to oil operations, and it has, at various times, maintained that it would have found evidence of these were it to be found. On the other hand, it has, particularly in the case of the military use of the airstrip at Heglig, also sought to minimise its responsibility first by suggesting there is no situation, later that it did happen but did not come to executive attention immediately, and then that because of its legal circumstances, the company had no real control over events, but anyway the use was to be "defensive" only.

It would be good to think that Talisman would want to inform the GOS and the other GNPOC partners that using Heglig to bomb villages south of Bentiu is not an appropriate defensive strategy and violating human rights is not acceptable, which would be in keeping with Talisman's announced commitment to being an ethical corporate citizen.

Talisman frequently expressed a concern about "interfering" with the sovereign responsibilities of the GOS, and it might well have limited influence in its dealing with the GOS. But if the company is either unwilling or unable to constructively influence the GOS, perhaps it should not be in the Sudan at this time.

Here it is appropriate to recall that EU member states, some of which are home to companies participating in Sudan's oil industry, have so far concluded that the EU can influence the GOS constructively through the new "Political Dialogue". **Canada should keep in close contact with this EU initiative**, which is linked to the multilateral context in which SEMA has been framed. **And if it is true that work is now underway at a law school in Canada to "de-link" SEMA from a multilateral context, that work should be encouraged.** In addition, however, **Canada should seek from Talisman detailed scheduled reports relating to its compliance, and what it knows of the compliance of the GOS, with international human rights and humanitarian law.**

Though there are limits on how a government can compel ethical behaviour on the part of a corporation, the owners of that corporation have both an opportunity, and a responsibility, to do this. Talisman's owners would be well-advised to guard against the possibility of the company failing to conduct its profit-seeking in full compliance with human rights and humanitarian law.

We think that Talisman should seek independent help to develop and implement practical means of monitoring and reporting forced removals, displacements, and human rights violations in Western Upper Nile. These would offer also a way of measuring Talisman's compliance with the requirements of human rights and humanitarian law. Perhaps this is already under consideration, given that some Canadian NGOs are currently in discussion with Talisman.