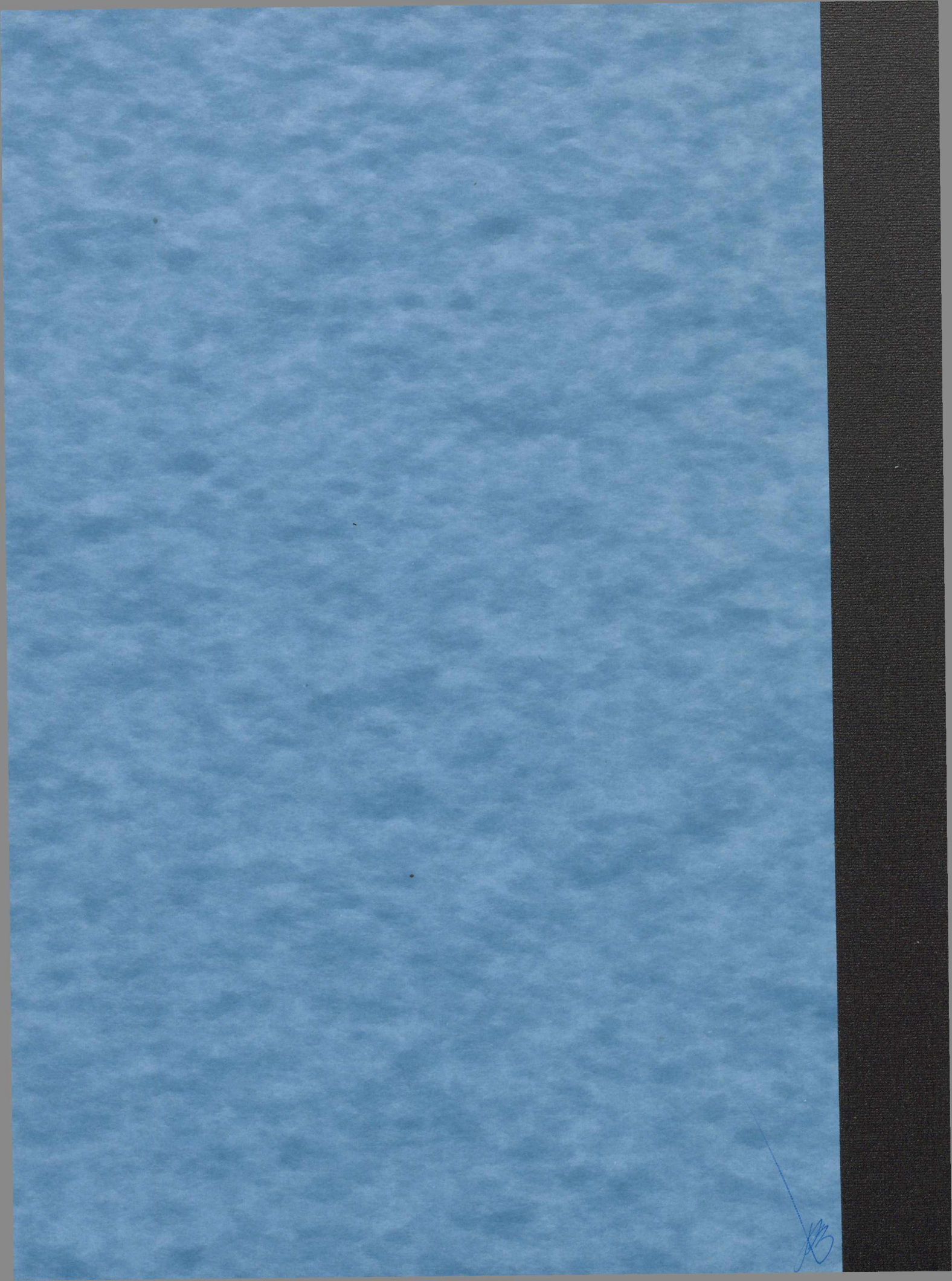


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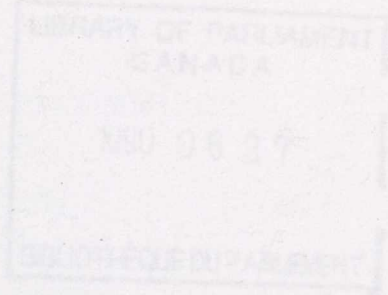
Human rights considerations and coherence in
Canada's foreign policy :
Third report of the
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CANADA

HUMAN RIGHTS CONSIDERATIONS AND
COHERENCE IN CANADA'S FOREIGN POLICY

**HUMAN RIGHTS CONSIDERATIONS AND
COHERENCE IN CANADA'S FOREIGN POLICY**

Third Report of the Standing Committee

**Third Report of the Standing Committee
on Human Rights and the
Status of Disabled Persons**

Bruce Halliday, M.P.

**Bruce Halliday, M.P.
Chairman**

June 1990

June, 1990

HOUSE OF COMMONS

Issue No. 32

Tuesday, June 12, 1990

Chairman: Bruce Halliday

CHAMBRE DES COMMUNES

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HUMAN RIGHTS CONSIDERATIONS AND COHERENCE IN CANADA'S FOREIGN POLICY

Human Rights and the Status of
Disabled Persons

et de la condition des
Personnes handicapées

RESPECTING:

Pursuant to Standing Order 10(1)(c), consideration of the economic integration of Disabled Persons and consideration of the Third Report of the Sub-committee on International Human Rights

CONCERNANT:

Conformément à l'article 10(1)(c) du Règlement, étude de l'intégration économique des personnes handicapées et étude de l'éventuel rapport du Sous-comité des droits de la personne au niveau international

INCLUDING:

The Third Report to the House

Y COMPRIS:

Le troisième rapport à la Chambre

Third Report of the Standing Committee on Human Rights and the Status of Disabled Persons

Bruce Halliday, M.P.
Chairman

Second Session of the Thirty-fourth Parliament,
1989-90

Deuxième session de la trentième-quatrième législature,
1989-1990

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HOUSE OF COMMONS

Issue No. 32

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Chairman: Bruce Halliday

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Le mardi 12 juin 1990

Président: Bruce Halliday

Minutes of Proceedings and Evidence of the Standing Committee on

Procès-verbaux et témoignages du Comité permanent des

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Droits de la personne et de la condition des Personnes handicapées

RESPECTING:

Pursuant to Standing Order 108(3)(c), consideration of the economic integration of Disabled Persons and consideration of the Third Report of the Sub-committee on International Human Rights

INCLUDING:

The Third Report to the House

CONCERNANT:

Conformément à l'article 108(3)(c) du Règlement, étude de l'intégration économique des personnes handicapées et étude du Troisième rapport du Sous-comité des droits de la personne au niveau international

Y COMPRIS:

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Second Session of the Thirty-fourth Parliament,
1989-90

Deuxième session de la trente-quatrième législature,
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The Standing Committee on Human Rights and the Status of Disabled Persons had the honour to present its

THIRD REPORT

In accordance with its mandate under 108(1), your Committee assigned to its Sub-Committee on International Human Rights the responsibility for the examination of Human Rights at the international level. The Sub-Committee has decided to focus its studies on a Review of Canada's policy regarding Human Rights vis-à-vis international financial institutions and international trade, including military equipment exports. The Sub-Committee has submitted its Third Report to the Committee. Your Committee has adopted this Report without amendment, which reads as follows:

ACKNOWLEDGEMENTS

The Sub-Committee could not have completed its review of Canada's policy regarding Human Rights vis-à-vis international financial institutions and international trade which includes military equipment exports, without the co-operation and support of numerous people. The Chairman and Members of the Sub-Committee extend their thanks to all the witnesses who shared with them their insights and their knowledge on this subject, as well as the organizations and individuals that submitted briefs.

Our thanks go, as well, to the staff of the Sub-Committee. Dr. Allan McChesney, Dr. Jack Stilborn and Dr. William Young of the Library of Parliament who established and coordinated our research program and to Marie-Louise Paradis, the Clerk of the Committee, who organized our activities and managed the production of this report.

The Members of the Sub-Committee also wish to express their appreciation to the staff of the Committees Directorate, the Translation Bureau of the Secretary of State and the support services of the House of Commons, which provided logistical and administrative support in the development of this report.

Finally, the Chairman wishes to thank the Members of the Sub-Committee for the numerous hours they dedicated to studying this question and preparing this report.

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HUMAN RIGHTS CONSIDERATIONS AND COHERENCE IN CANADA'S FOREIGN POLICY

1. INTRODUCTION

Almost 42 years after the adoption of the Universal Declaration of Human Rights, the systematic brutalization of the human person across the spectrum of civil, political, social and economic practices remains a common occurrence in many nations of the world. Important progress in individual countries and regions has been spurred by a range of rights instruments and processes, stemming from the Declaration and often bearing the imprint of significant Canadian contributions. These efforts, however, have not always brought improvements in the underlying realities.

While immediate human suffering is the greatest cost of human rights abuse, it is not the only cost. Human rights are essential preconditions for economic and social development, for political participation and democracy, and for international peace. Without respect for human rights, life is not merely difficult. It is not fully human.

The persistence of systematic human rights abuse, therefore, compels supporters of human rights, everywhere in the world, to ask fundamental questions. Why has there not been greater progress? Are we doing enough? Are we doing the right things? Do human rights instruments have adequate weight, within the larger universe of international institutions and relations? In our view, these questions require urgent attention, thoughtful answers, and effective action.

Canadians, whose cultural roots and family connections embrace the globe, have a special role to play in seeing that international human rights issues receive the priority they deserve. This recognition, combined with the urgency and complexity of international human rights issues, is indeed the major reason for the creation of this Sub-Committee, which we believe can contribute to the effective resolution of these issues.

Since the formation of our Sub-Committee in December of last year, we have sought answers, in a series of hearings and briefing sessions, to basic questions about the impact of human rights considerations on Canadian foreign policy. This report sets out findings obtained thus far, and puts forward three major concerns which we have identified during the course of our work. These major concerns, in turn, provide the basis for our agenda of future and more detailed study, which we will be pursuing in the Fall.

Our central finding and source of apprehension is that there appears to be a serious **lack of coherence and consistency** between many of Canada's aid, trade and financial assistance relationships with other countries, on the one hand, and our human rights commitments on the other. Canada, like most other human rights supporting nations, seems often to be in the position of piously condemning human rights abuses "on Sundays" and then carrying on business as usual—including mutually lucrative business—with human rights abusing countries, during the rest of the week .

This concern raises difficult practical questions. How can human rights ideals be incorporated effectively into all aspects of Canada's external relations, including commercial and financial sectors that customarily have not embraced human rights? Can this strategy be effective? How can it be done without jeopardizing other parts of the delicate fabric of international relations? These practical problems need careful exploration, and we intend to attach priority to them in our future work.

We have also become troubled about the degree that the process of applying human rights considerations in foreign policy is carried on behind closed doors, insulated from review by either Parliament or the public. As our work progresses, we will be exploring ways in which this sub-committee can be a catalyst for **governmental openness** concerning human rights and foreign policy. We shall also be developing recommendations for mechanisms to ensure greater public awareness and governmental **accountability** with regard to the development, commitment to, and implementation of human rights standards in Canada's external affairs.

This Sub-Committee agrees that it is "logical and proper that the standards we promote within Canada should find full expression in Canadian foreign policy."⁽¹⁾ We also agree with the government that "this is not a field in which perfect answers or solutions exist."⁽²⁾ The fostering of human rights abroad is, however, vitally important to Canadians and to the rest of the world. Through a review of Canada's foreign policies and relationships, we intend to develop recommendations aimed at implementing more comprehensive practices than those now employed by Canada in the cause of global human rights.

Since World War II, Canada has played the role of a promoter of human rights on the international stage. We have sought to enhance the efforts of the United Nations and other multilateral organizations in monitoring and encouraging human rights observance. In political exchanges, Canada has been one of the less timid actors in naming countries that violate international norms. We applaud the steps Canada has taken to coherently integrate human rights factors into its official development assistance (ODA) programs, with respect to the amounts, channels and purposes of aid to some countries. More

prevalent, however, are situations where human rights considerations have not been integrated, a shortcoming which is seen by many Canadians to contribute to the maintenance in power of abusive regimes and to slow the process of democratic development.

Statements about human rights malfeasance made in multilateral arenas such as the United Nations, and meetings of C.S.C.E. member nations and the Commonwealth are sometimes reflected in our ODA allocations. In 1985, for example, Canada suspended its contribution to Sri Lanka's Mahaweli River dam and irrigation scheme, partly because of racial discrimination against Tamils in the planned resettlement of the local population.⁽³⁾

Much rarer are instances in which trade initiatives and international financial dealings supported by Canada have taken into account the human rights performance of other governments benefitting from these arrangements. One of the very few clear examples occurred in 1980, when the Canadian government removed newsprint from the list of commodities eligible for purchase under a line of credit to Guyana, because newsprint was not being made available to the opposition press.⁽⁴⁾

Actions on the political, aid, trade and fiscal fronts are not conspicuously coordinated, and sometimes may be mutually contradictory. For example, the "confused signals" given by Canada to El Salvador and Guatemala during the 1980s have come under pointed criticism. Canada temporarily suspended planning of new bilateral aid on human rights grounds, while maintaining credit assistance for trade purposes.⁽⁵⁾ Indonesia, to take another example, has been among the major recipients of Canadian aid in recent years while engaging in serious and systematic violations of human rights in East Timor.

Current Canadian policy and practices allow our government to approve loans to, and encourage trade with, states whose human rights records we condemn. This does not serve the cause of human rights or Canada's overall interests.

Certain non-governmental organizations and academic commentators have criticized the seeming lack of commitment to human rights goals in Canada's international commercial and financial dealings. Preliminary study by the Sub-Committee has demonstrated that non-governmental advocates for human rights can support their contention that there is a lack of consistency in our external relations policy. An additional problem, regardless of which policy instruments might be chosen to promote greater linkage with human rights, is the need for realistic and reliable methods of fact-finding to monitor the human rights situations in countries under review, a matter addressed in part 2 of this Report. Our canvass of information provided by non-governmental, government and academic contributors has made it clear that we are dealing with a complex subject that requires sophisticated exploration.

Canada's government has proclaimed that it "is firmly committed to integrating human rights fully into the broad sweep of Canada's external relations."⁽⁶⁾ This Sub-Committee is assessing the implementation of this commitment, and will make recommendations for improving its fulfillment. Toward that end, this Interim Report will provide an introductory overview of the positions taken by non-governmental human rights proponents and by government policymakers in the areas we intend to explore, areas that are central to Canada's credibility as a champion of human rights.

2. OFFICIAL DEVELOPMENT ASSISTANCE (ODA) AND HUMAN RIGHTS

The Canadian government has expressed acceptance of the idea that in cases of systematic, gross and persistent violations of human rights, it would, as a matter of policy, reduce or deny government-to-government ODA and channel aid through non-governmental organizations. Similar approaches were recommended between 1977 and 1987 by a number of academic writers, non-governmental organizations, individual Members of Parliament and parliamentary committees.⁽⁷⁾

Another principle on which there is harmony between governmental and other voices is that aid should be used as a positive instrument in support of efforts towards human rights progress, and not just as something to be diverted or denied in response to persistent violations by aid-recipient countries. Surely, that is one philosophical underpinning of the new International Centre for Human Rights and Democratic Development.⁽⁸⁾ The government has stated its agreement with human rights specialists about institutional methods of incorporating human rights into foreign policy and practice, such as provision of human rights training for foreign service officers at External Affairs and the Canadian International Development Agency (CIDA), and the creation of a human rights unit at CIDA. Perhaps research by this Committee would reveal ways to improve the implementation of the aforementioned initiatives. The task we have currently set for ourselves, however, is to focus on areas where there remain wider differences of opinion among concerned actors. Two of these in the ODA domain are addressed here:

1. The Standing Committee on External Affairs and International Trade, as well as non-governmental thinkers, has asked for clear human rights criteria to be applied openly and consistently when Canada assesses aid programs, and a number of scholars have illustrated how such standards might be applied in practice.⁽⁹⁾ The government has rejected the concept of pre-determined assessment criteria based on the relative human rights performance of countries, but has indicated that this will be one factor in deciding if a country will be a major aid recipient.⁽¹⁰⁾

The government felt that the classification of countries according to an assessment grid “would not serve the overall interests of Canadian development assistance or of Canadian foreign policy.”⁽¹¹⁾ There are, however, established precedents available from the Nordic countries and from the United States, for cyclical human rights reviews not involving a graduated grid.⁽¹²⁾ Moreover, as the Sub-Committee heard at its meeting of 29 May 1990, the government has been working quietly to create a short list of human rights—evaluative “proxies” from which they could extrapolate the broader human rights picture of a country as part of an annual review.

A witness directly involved in the development of these assessment criteria—Professor Rhoda Howard—offered testimony concerning a new manual for monitoring human rights, prepared for foreign service officers on behalf of External Affairs and International Trade Canada.⁽¹³⁾ Four “proxy” rights were selected for users of the manual, each of which is thought to be a reliable indicator of a range of human rights components within an important category of rights. These are *freedom from arbitrary arrest and detention*, *right to food*, *non-discrimination* and *freedom of expression*. An illustration of the concept of a “proxy” right is that respect for “freedom of expression” in a country is considered to be a good indicator of the level of freedom of association and democratic political participation that prevails.

According to Professor Howard, the use of reports based on these proxy rights for country analysis is not mandatory, and such reports are only one segment of the information mix that is compiled by External Affairs officials. Yet even as mere guideposts, they are likely to be used commonly in field reports about other nations. These human rights standards, the reasoning behind their selection and the policy responses that might be engendered by reportage following these guidelines, have not been the subject of public debate. Are they optimal in terms of coverage, reliability and practical use in the field? Is it appropriate to develop a menu of possible responses to be employed by Canada in light of the findings produced by using these criteria? (A sample of such a menu appears as Appendix I.) The Sub-Committee will foster an open discussion of the appropriateness of these human rights guidelines.

2. The short list of rights referred to above has already been used once in the process of deliberation on the amounts and channels of ODA to be provided by Canada to a particular country⁽¹⁴⁾. Contrary to the recommendation of *For Whose Benefit* (the Winegard Report), that analysis of countries on human rights grounds ought to be “transparent,”⁽¹⁵⁾ the government had decided that such annual assessments would be done by Cabinet,⁽¹⁶⁾ and thus would be *in camera*. The precise criteria used by Cabinet, their information base, the nature of the decision-making process and the priority given to various factors in the foreign relations sphere continue to be unavailable to the public. Human rights advocates

in community organizations and in academic pursuits are placed at a disadvantage when they attempt to reconcile their perceptions of a country's human rights record with Canada's decisions concerning ODA allocations. More importantly, they are hampered in their quest for protection of people in other lands whose human rights deprivation may sometimes be far down the list on the diplomatic agenda.

It could be asserted that to publicize Cabinet's annual conclusions about other countries' human rights records might damage our external relations without advancing the cause of human rights. It is plain, however, that the lack of openness in the assessment procedures means that our government is not adequately accountable to Canadians for the actions it takes. Our Sub-Committee hearings will foster sustained discussion about realistic and responsible ways of establishing a more open process for evaluating potential and current aid recipients in light of their human rights performance. Moving beyond the work of earlier parliamentary committees, we shall also attempt to fashion recommendations for attaching human rights conditions to related foreign trade and financial relationships.

3. INTERNATIONAL TRADE AND HUMAN RIGHTS

In the foreign policy reviews of the 1980s, the possible connections between international commerce and human rights received less persistent and less coordinated attention than ODA-human rights links, with the exception of military matériel exports and economic sanctions directed at South Africa, the Soviet bloc and China. The issues are not clear-cut. One can find support for the notion that trade with human rights violators can be a way to maintain communication and prevent isolation, and thus be a catalyst towards progress in human rights (e.g., in Eastern Europe or China). But Canadian church organizations have expressed particularly deep discomfort with the lack of coherence between Canada's trading practices and our use of diplomatic and aid instruments to support human rights objectives. While castigating a country at the United Nations for its trammelling of human rights, Canada can be actively encouraging commercial activities with the same state. A number of services may be called into play to cement trading opportunities, including the backing of the Export Development Corporation.⁽¹⁷⁾

Those who advocate using trade in pursuit of human rights recognize the complexities involved, but plead that when respect for human rights falls below a universally-recognized floor, the trade lever should be put into motion.⁽¹⁸⁾

The use of economic pressure to advance respect for human rights requires careful assessment of the specific circumstances of particular country situations in the light of universal human rights standards and of the likelihood that economic sanctions will be

effective in either persuading or empowering a particular government to respect the rights of its people. (p. 2)

Our experience is that in situations where torture and disappearances are commonplace, even the most enlightened investor can be drawn into situations where the enterprise undermines the rights of victims or may even strengthen the capacity of the violator regime to maintain its grip on the country. (p. 8)

In situations where human rights violations are extreme, it is essential that government lend neither active nor passive support to private sector economic activity... The government needs to withhold the use of public funds in support of trade with such regimes. (p. 9)

The submission from the Canadian Council of Churches included recommendations, among them several aimed at Crown agencies engaged in trade support:

- 3.1 The Export Development Corporation ... should be required to establish social responsibility guidelines, a code of conduct and monitoring instruments to assist in assessing the Corporation's compliance with Canada's human rights commitments...
- 4.3 The Export Development Corporation should withhold financial support facilities for trade with countries that engage in a consistent pattern of gross and systematic violations of human rights...

During the cycle of external relations reviews of the latter 1980s, the issue of human rights' conditionality for trade was not directly tackled.⁽¹⁹⁾ Our Sub-Committee will place this issue squarely on the national public agenda during its autumn 1990 hearings.

A problem that has received closer scrutiny, but which warrants renewed evaluation, is the fear that official support of some commercial relations may in fact foster human rights violations. Exportation of equipment with military uses that can assist in suppressing the population of the importing country is the best-known example. The government has revised its export control practices in recent years, but we are not convinced that enough real changes have been made.

The Winegard Committee recommended that military exports from Canada be prohibited to any country "declared ineligible for government-to-government aid on human rights grounds."⁽²⁰⁾ The Canadian government indicated only that it would continue "to control closely the export of military goods and technology" to regimes that are serious human rights violators, in keeping with its new guidelines of September 1986.⁽²¹⁾ Having concluded that Canada's export control system is not effective as an instrument to foster respect for human rights, and is not designed to act as one,⁽²²⁾ a Sub-Committee witness reiterated his plea that Canada prohibit the transfer of military commodities to countries known persistently and seriously to violate the human rights of their citizens.⁽²³⁾

Prominent in the public consciousness of late have been condemnations of certain large energy development projects that seemingly benefit Canadian firms (including Crown corporations) while contributing to human rights deprivation in the recipient countries. The most notorious “human rights–negative” development contribution has been the Candu nuclear project in Romania. There is evidence that forced labour was used during construction, and suggestions have been made that Canadian officials were aware of this circumstance.⁽²⁴⁾

Canadian companies that benefit from “tied aid”, as well as exporters generally, are unlikely to favour directly linking trade policy with human rights considerations. Nonetheless, the issues raised by concerned observers are both serious and unresolved. Throughout its hearings, our Sub–Committee will provide an opportunity for reasoned and focused debate on the important but thus far tentative links between human rights concerns and Canada’s official trade facilitation mechanisms.

4. INTERNATIONAL FINANCIAL INSTITUTIONS (IFIs) AND HUMAN RIGHTS

We recommend that Canada use its voice and vote at meetings of international financial institutions to protest systematic, gross and continuous violations of human rights. (*Independence and Internationalism*, p. 103)

The government would welcome a detailed examination of the issues involved by ... the Standing Committee on Human Rights. (*Canada’s International Relations*, p. 74)

Members of the non–governmental community in Canada, especially development non–governmental organizations (NGOs) and church coalitions, have long demanded that human rights factors be a consistent component in the deliberations of the World Bank, the International Monetary Fund and the international regional development banks.⁽²⁵⁾ The standard response from these IFIs and from Canadian officials and ministers has been that importation of issues that were not “economic” was against the rules and unwelcome in the loan review process:

With regard to multilateral aid ... officers of international financial institutions ... can cite their articles of agreement to argue against any use of “non–economic” criteria in their lending practices.⁽²⁶⁾

In the Response to the Winegard Report, the government expressed a willingness to give human rights “due consideration” in the activities of IFIs. According to a witness who appeared before this Sub–Committee, there has not, in fact, been a shift in the traditional posture of the government, and to illustrate she quoted a letter from Canada’s Minister of Finance:

I believe that the introduction of human rights criteria would politicize the World Bank’s decision–making with negative consequences for its activities.⁽²⁷⁾

We would like to remark upon areas of controversy among the positions put forward by NGOs, academic commentators and successive governments regarding human rights conditionality:

1. NGOs and academics who share their perspective have recommended that Canada push for a requirement that IFIs deny financial support to regimes that are gross and persistent violators of human rights. Such recommendations are routinely blocked, with a reminder that the IFIs are supposed to be politically neutral, and that only commercial and fiscal considerations are taken into account by them. In response, the proponents of a human rights-IFI linkage point to several instances in which votes (or abstentions) on loans have been taken for geo-political reasons,⁽²⁸⁾ and note that the impacts of proposed programs and projects, from social, political and environmental perspectives, are now recognized as warranting attention by these institutions.⁽²⁹⁾

Given that other social and political factors are in practice treated as relevant to financial aid decisions,⁽³⁰⁾ NGO advocates contend that there is no real justification for holding that human rights concerns are irrelevant and unseemly matters in the IFI context. Easier access to money and more favourable terms could be provided to countries making progress in human rights, and withdrawn from regimes that persist in crushing the rights of the populace they are purportedly seeking to assist.

Although our voting power is relatively minor within the IFIs, Canada does have high-level representation and is in a position to attempt to influence events. Our Finance Minister is a Governor of the International Monetary Fund, and our Secretary of State for External Affairs is on the governing body of the Inter-American Development Bank. We also have Canadian Executive Directors on their boards, as well as on the board of the World Bank.

We have referred to statements advocating a pro-active role for Canada as a significant player within the IFIs. A somewhat contrasting perspective, focussing on the institutions rather than on the actions of individual shareholding countries, was offered by one of our witnesses:

The behaviour of the U.S.A. toward the IFIs under the Carter Administration demonstrates that it is entirely possible for member countries to use their voting power to express disapproval of the treatment of human rights by borrowing members. Other countries (the Nordics, Netherlands, Italy) have also occasionally expressed their disapproval of human rights performance in the same way. Canada has rarely—perhaps once—joined this group...

Even if this approach were to succeed, it could serve seriously to fragment the multilateral agencies. Objecting members might ... differ on the detailed criteria underlying their decision...

If they are to continue to operate effectively, it would be much better for the IFIs to *internalize* the criteria for human rights standards on a basis acceptable to all or most members.⁽³¹⁾

A recent *Globe and Mail* editorial (28 May 1990) comments on the role of the World Bank and ponders the difficulty of crafting a Canada–China trade policy that encourages economic development while ensuring that we are not conducting “business as usual”:

Canada has continued to provide financial assistance to China through the Export Development Corporation, even since the killings at Tiananmen Square... But the ... loans were directed to projects that Ottawa believed would have maximum effect on the Chinese people (telephones and hydroelectricity) and minimum benefit for the government in Beijing. It may be imprecise but ... it keeps Canada’s foot in the human rights door...

While World Bank President Barber Conable is reportedly eager to resume full-scale lending to China, and thereby to remove political factors from credit considerations, it would be more appropriate for such an authority to retain its moral leverage by scrutinizing each request for its human rights as well as its economic consequences. Unlike open-door trading rights, the provision of such loans does constitute a distinct benefit that should not be conferred lightly.

We have highlighted some thoughtful contrasts in opinion as to the ideal criteria and methods for channeling human rights into deliberations about lending and project support in the IFIs. Bearing this controversy in mind, the Sub-Committee intends to further the objective announced by the government in *To Benefit a Better World*, namely to give the issue “due consideration” through our hearings and supportive research.

2. We have already remarked on the hope that bilateral aid given by Canada would not itself be a catalyst for creation of human rights abuses.⁽³²⁾ Similar caution should attach to our participation in projects receiving multilateral subventions from IFIs. The Sub-Committee is aware that some IFI supported mega-projects (such as those in the energy field) could have serious implications for human rights in recipient countries. The Sub-Committee will pursue study of possible human rights abuses that could flow from massive development schemes, and examine ways (such as adequate popular participation) to avoid such unwanted consequences of shared development.

3. Loans from IFIs are not granted unconditionally. The “structural adjustment” often demanded of financial aid receivers has come to be associated with belt-tightening in countries where most people are already heavily burdened. Social program cutbacks demanded of governments may cause curtailment of social and economic rights, with severe impacts on the poorest or weakest segments of the population. We are all aware of instances, such as the rioting in Venezuela in early 1989, where retrenchment policies are met with popular resistance. Public unrest often leads, in turn, to the suppression of civil and political rights by authorities, and the undermining of democratic processes.

Within the framework of Sub-Committee hearings, the human rights ramifications of structural adjustment can be subjected to comprehensive examination. We expect to arrive at recommendations for ensuring that human rights considerations are given proper weight by Canada, by the IFIs and by Canada's representatives at these institutions.

5. UNIFYING THEMES: COHERENCE, OPENNESS AND ACCOUNTABILITY

During hearings held this year, three themes appeared to be consistently of concern to invited witnesses before the Sub-Committee. These themes were raised with respect to each of the areas addressed earlier in this Interim Report.

A. Coherence

Several witnesses recommended that the Committee review the lack of congruence between what Canada does rhetorically to promote human rights and our actions in the aid, trade and financial fields. As ODA has become increasingly acknowledged as one instrument for human rights promotion, it has become apparent, according to these observers, that initiatives taken to incorporate human rights into ODA have not been accompanied by coordinated approaches in commercial and monetary spheres. The Sub-Committee intends to seek input from government, business, voluntary and academic sectors regarding greater coordination and consistency in pursuit of human rights goals throughout Canada's foreign relations policies and operations.

B. Openness

A common thread running through our Committee proceedings has been the desire expressed by witnesses and Members alike for more openness and more candid disclosure by the government concerning decision-making processes and related actions connected with the human rights component of our dealings with other countries and with multilateral agencies. The call for "transparency" was echoed in exchanges concerning, among others, ODA, trade promotion through such mechanisms as the Export Development Corporation, deliberations of the IFIs, and controls over trade in goods with military or repressive uses. The Sub-Committee intends to seek input from all interested parties concerning the most efficacious and realistic ways to achieve enhanced governmental openness with respect to human rights in foreign policy.

C. Accountability

Along with better access to information in general about government plans and activities in the human rights realm, witnesses and parliamentarians have stressed the need for augmented accountability, including some form of regular review by our Sub-Committee of how human rights policies are being implemented in the bureaucratic and international arenas. Again, this widely held opinion was related to each of the subject areas mandated for study.

Only with dependable and timely knowledge can Members of Parliament and the Canadian public participate significantly, in cooperation with government, in the promotion of international human rights. In our hearings, there has been almost uniform support for the concept of regularized reviews of the implementation of human rights principles in all elements of our external affairs. The form, frequency and scale of such review processes are questions calling for examination through the medium of our Sub-Committee's proceedings, and we plan to examine these matters with care.

6. OUR PLAN OF ACTION

Parliamentarians have long been among the leaders in envisioning innovative ways for Canada to promote human rights internationally. Building on that tradition of leadership, we wish to explore ways in which certain foreign policy instruments, namely development aid, trade and financial assistance, might be utilized more fully and consistently in the pursuit of human rights. The Sub-Committee on International Human Rights intends to pursue both a monitoring and a pro-active role to ensure that Canada remains a leader in the enhancement of human rights in the world.

This Sub-Committee plans to invite witnesses from non-governmental organizations (including organizations representing Canadians from refugee-producing nations), university faculties and government departments during the latter half of 1990. A series of hearing clusters, each focused on particular topics outlined above, will be undertaken, commencing with an opportunity for the Ministers responsible for the relevant areas to inform the Sub-Committee as to their current policy positions. We shall encourage interested parties to forward submissions to the Sub-Committee, including suggestions as to our process as well as with regard to our study mandate. These contributions will help us to take new approaches to human rights problems that all of us are striving to understand, and to arrive at some ethical, realistic and, we hope, innovative recommendations.

7. CONCLUSION

We fear that an absence of coordinated effort, accidental or pre-determined, may prevent Canada from achieving its full potential for the furtherance of human rights. We are committed to ensuring that the worldwide struggle for human dignity and rights receives the serious attention it warrants from Canada's Parliament and government and in the Canadian public consciousness. Canada's actions *do* make a difference, and we want to be certain that Canada is doing everything in its power to make that difference consistently.

NOTES

- (1) *Canada's International Relations*, Response of the Government of Canada to the Report of the Special Joint Committee of the Senate and the House of Commons, December 1986, p. 23.
- (2) *To Benefit a Better World*, Response of the Government of Canada to the Report by the Standing Committee on External Affairs and International Trade, 1987, p. 53.
- (3) T.A. Keenleyside, "Development Assistance," in R. Matthews and C. Pratt, eds., *Human Rights in Canadian Foreign Policy*, 1988, p. 187-208 at p. 203.
- (4) *Ibid.*
- (5) *Ibid.*, p. 201-202.
- (6) *Sharing Our Future*, Canadian International Development Agency, 1987, p. 31.
- (7) The history of the debate about aids-rights linkage is detailed in T.A. Keenleyside, "Canadian Aid and Human Rights: Forging a Link," in I. Brecher, ed., *Human Rights, Development and Foreign Policy: Canadian Perspectives*, Institute for Research on Public Policy, Montreal, 1989, p. 329-353 at p. 329-335.
- (8) "The mandate of the Centre, established by an Act of Parliament on 30 September 1988, is to help advance human rights and freedoms throughout the world by promoting democratic institutions and processes." External Affairs and International Trade Canada, News Release No. 057, 22 March 1990.
- (9) See: *For Whose Benefit?*, Report of the Standing Committee on External Affairs and International Trade on Canada's Official Development Assistance Policies and Programs (Winegard Report), 1987, p. 23-30; T.A. Keenleyside and N. Serkasevich, "Canada's Aid and Human Rights Observance: Measuring the Relationship," 1989-90, *XLV International Journal*, No. 1, p. 138-169; G.J. Schmitz, "Between Political Principle and State Practice: Human Rights 'Conditionality' in Canada's Development Assistance," in I. Brecher, ed., *Human Rights, Development and Foreign Policy: Canadian Perspectives*, p. 467-485; D.W. Gillies, "Evaluating National Human Rights Performance: Priorities for the Developing World," 1990, *21 Bulletin of Peace Proposals*, p. 15-27; J. Donnelly and R.E. Howard, "Assessing National Human Rights Performance: A Theoretical Framework," 1988, *10 Human Rights Quarterly*, No. 2, p. 214-248.
- (10) *To Benefit a Better World*, p. 49-53 and 75.
- (11) *Ibid.*, p. 52.
- (12) See, e.g., B. Andreassen and A. Eide, eds., *Yearbook on Human Rights in Developing Countries*, Copenhagen, Akademisk Forlag, 1988, and A. McChesney, "Monitoring Human Rights in the Development of Third World Countries," 1988, *5 Canadian Human Rights Yearbook*, p. 217-227.

- (13) Commentary on the development of this monitoring instrument was part of the presentation made on 29 May 1990 by Dr. Rhoda Howard, principal author of the manual.
- (14) *Ibid.*
- (15) *For Whose Benefit?*, p. 25.
- (16) *Sharing Our Future*, p. 31.
- (17) The Export Development Corporation (EDC) is Canada's official export credit agency, which provides export credit insurance, loans, guarantees and other financial services to promote export trade. EDC reports to Parliament through the Minister for International Trade: "SPAR Sale to China Supported by EDC," External Affairs and International Trade Canada, News Release No. 062, 30 March 1990.
- (18) All citations here are from "Use of the Trade Lever in Pursuit of Human Rights," a brief presented to the Sub-Committee by Bonnie Greene on behalf of the Canadian Council of Churches, 29 May 1990.
- (19) The topic was addressed rather generally in *Independence and Internationalism*, Report of the Special Joint Committee on Canada's International Relations (Simard-Hockin Report) 1986, at p. 103.
- (20) *For Whose Benefit?*, p. 31.
- (21) *To Benefit a Better World*, p. 56.
- (22) Ernie Regehr, "Military Sales," in R. Matthews and C. Pratt, eds., *Human Rights in Canadian Foreign Policy*, 1988, p. 209-220.
- (23) This recommendation was in a brief summary headed "The Arms Trade, Disclosure and Human Rights," presented by Mr. Regehr on behalf of Project Ploughshares, 29 May 1990.
- (24) The Sub-Committee's perceptions of the situation came partly from official visits to Romania in recent months by individual Sub-Committee members, as well as from media accounts. (See, e.g., "MPs Demand Probe at Candu Work Site," *Globe and Mail*, 23 May 1990.)
- (25) The history and intractability of the debate over this issue are outlined in four documents reviewed by the Sub-Committee: Canadian Council of Churches, "Use of the Trade Lever in Pursuit of Human Rights" (*supra*, n. 18); "International Financial Institutions" by Renate Pratt in R. Matthews and C. Pratt, eds., *Canadian Foreign Policy* (*supra*, n. 22), p. 159-184; Task Force on the Churches and Corporate Responsibility, "Human Rights and International Financial Institutions"; Roy Culpeper, "The International Financial Institutions and Human Rights." The latter two briefs were submitted to the Sub-Committee on 8 May 1990.
- (26) *For Whose Benefit?*, p. 29. The *Winegard Report* added this: "However, along with many Canadians, we believe that human rights issues can be directly relevant to the economic survival of the poor..."

- (27) Letter of 5 May 1988 from Finance Minister Michael Wilson to the Task Force on the Churches and Corporate Responsibility (TCCR), provided to the Sub-Committee by Renate Pratt, a witness on 8 May 1990.
- (28) See the authorities listed *supra* at n. 7 and n. 25, especially re decisions taken by IFIs about loans to Chile and to South Africa.
- (29) See, generally, J.C.N. Paul, "International Development Agencies, Human Rights and Humane Development Projects," in I. Brecher, ed., *Canadian Perspectives* (*supra*, n. 7), p. 275-327. One expert witness informed the Sub-Committee that the World Bank now sees good governance as a legitimate issue to discuss with borrowers: Dr. Roy Culpeper, *supra*, n. 25, p. 3.
- (30) e.g., the World Bank reportedly warned Nepal's King that monetary aid might be cut off if he tried to halt the pro-democracy movement in that Kingdom: "Nepal Faced Loss of Foreign Aid if Pro-Democracy Forces Impeded," *Ottawa Citizen*, 19 April 1990.
- (31) Remarks by Dr. Roy Culpeper, *supra*, n. 25, 8 May 1990, p. 2.
- (32) See the example cited from Sri Lanka by Prof. T.A. Keenleyside, (*supra*, n. 3).

1. The first step in the process of...
 2. The second step is...
 3. The third step...
 4. The fourth step...
 5. The fifth step...
 6. The sixth step...
 7. The seventh step...
 8. The eighth step...
 9. The ninth step...
 10. The tenth step...

APPENDIX I

1. The first step in the process of...
 2. The second step is...
 3. The third step...
 4. The fourth step...
 5. The fifth step...
 6. The sixth step...
 7. The seventh step...
 8. The eighth step...
 9. The ninth step...
 10. The tenth step...

TABLE 1
Typology of Human Rights Measures

MULTILATERAL

- Encouraging wider participation in existing international instruments
- Pressing for development of new instruments
- Supporting strengthening of existing means and creating of new ones for implementation
- Supporting or initiating calls in such bodies as the UN Commission on Human Rights for investigation of serious situations
- Supporting or initiating sanctions (diplomatic, economic, military) in international organizations
- Encouraging and supporting governments that promote human rights

BILATERAL

- Diplomatic and Political
- Executing quiet diplomacy
- Making public statements
- Performing symbolic acts to identify with victims and those actively resisting violations
- Cancelling or postponing official visits
- Reducing size and/or status of diplomatic representation
- Breaking off diplomatic relations
- Strengthening relations with states seeking to improve conditions
- Establishing links with opposition groups within offending states
- Cultural and Communications
- Reducing educational, cultural, and scientific exchanges where this would reflect adversely on the régime
- Reducing or cancelling sporting events
- Banning tourism (both ways)
- Withdrawing visas
- Restricting, suspending, or cancelling communications links
- Assisting rights-related activities, such as ombudsmen, editorial commissions, and judiciary

TABLE 1 (continued)
Typology of Human Rights Measures

Economic

- Reducing or cancelling aid (military and economic)
- Reducing or cancelling credit
- Imposing limited trade and/or investment sanctions
- Imposing comprehensive trade and/or investment sanctions
- Taking positive measures (aid, trade conventions, conditional on improvements

Military

- Banning sale of arms
- Halting all military assistance
- Assisting in human rights training of police and armed forces
- Providing military assistance to opposition groups
- Using military force

TRANSNATIONAL

- Co-ordinating activities — information gathering, expression of public outrage, foreign assistance, and support to liberation movements
- Establishing codes of conduct
- Discouraging or banning new investment

WITNESSES

RESPONSES TO THE GOVERNMENT REQUEST

Parliamentary Committee requests that the Government table a comprehensive response to the Report within 150 days.

CANADIAN DIVISION OF THE UNITED STATES DEPARTMENT OF STATE
International Human Rights Division
Committee on Human Rights
International Affairs

McMASTER UNIVERSITY
Dr. Rueda Howard
Professor of Sociology

NORTH-SOUTH INSTITUTE
Ray Culpston
Program Director
International Finance and Debt

APPENDIX II

PROJECT PLOUGHSHARES
Rina Haskin
Research Coordinator

TASK FORCE ON THE CHURCHES AND CORPORATE RESPONSIBILITY
Renee Pratt

WITNESSES

	<u>Issue No.</u>	<u>Date</u>
<p>CANADIAN COUNCIL OF CHURCHES</p> <p>Bonnie Greene Member of its Committee on the Churches and International Affairs</p>	6	May 29, 1990
<p>McMASTER UNIVERSITY</p> <p>Dr. Rhoda Howard Professor of Sociology</p>	6	May 29, 1990
<p>NORTH-SOUTH INSTITUTE</p> <p>Roy Culpeper Program Director International Finance and Debt</p>	5	May 8, 1990
<p>PROJECT PLOUGHSHARES</p> <p>Ernie Regehr Research Coordinator</p>	6	May 29, 1990
<p>TASK FORCE ON THE CHURCHES AND CORPORATE RESPONSIBILITY</p> <p>Renate Pratt</p>	5	May 8, 1990

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, your Committee requests that the Government table a comprehensive response to the Report within 150 days.

A copy of the relevant Minutes of Proceedings and Evidence of the Sub-Committee on International Human Rights (*Issues Nos. 5, 6, 7 and a copy of issue No. 32 of the Standing Committee on Human Rights and The Status of Disabled Persons which includes this Report*) is tabled.

Respectfully submitted,

Bruce Halliday
Chairman

MINUTES OF PROCEEDINGS

TUESDAY, JUNE 12, 1990

(48)

The Standing Committee on Human Rights and the Status of Disabled Persons met *in camera* at 4:00 o'clock p.m. this day, in Room 308, West Block, the Chairman, Bruce Halliday, presiding.

Members of the Committee present: Barbara Greene, Bruce Halliday, Peter McCreath, Christine Stewart, David Walker, Neil Young.

Acting Members present: Bob Porter for Gilles Bernier, Stan Darling for Bill Attewell, Bob Hicks for Walter McLean, Brian White for Peter McCreath.

In attendance: From the Research Branch of the Library of Parliament: Jack Stilborn, William Young, Research Officers.

In accordance with its mandate under Standing Order 108(3)(c), the Committee resumed consideration of a draft report on the economic integration of disabled persons.

By unanimous consent, it was agreed,—That, the Draft Report, as amended, be concurred in and adopted as the Second Report of the Standing Committee on Human Rights and the Status of Disabled Persons.

By unanimous consent, it was agreed,—That, the Chairman be authorized to make such typographical and editorial changes as may be necessary without changing the substance of the Draft Report.

By unanimous consent, it was agreed,—That, the Committee print in a bilingual issue format, with Mayfair cover, up to 10,000 copies of its Second Report to the House and that, further to consultation, the Clerk determine the appropriate amount of copies to be printed.

By unanimous consent, it was agreed,—That, the Chairman be authorized to retain the services of a firm for the production of the Second Report on audio cassettes.

By unanimous consent, it was agreed,—That, pursuant to Standing Order 109, the Committee request the Government to table a comprehensive response to the Report within 150 days.

The Vice-Chairman of the Sub-Committee on International Human Rights presented the Third Report of the Sub-Committee.

By unanimous consent, it was agreed,—That, the Third Report of the Sub-Committee on International Human Rights be concurred in and adopted as the Third Report of the Standing Committee on Human Rights and the Status of Disabled Persons.

By unanimous consent, it was agreed,—That, the Chairman of the Standing Committee on Human Rights and the Status of Disabled Persons present the Third Report to the House of Commons before the summer recess.

At 5:20 o'clock p.m., the Committee adjourned to the call of the Chair.

Marie Louise Paradis
Clerk of the Committee

