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The Honourable David Kilgour

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• (1535)

[English]

The Chair (Hon. David Kilgour (Edmonton—Mill Woods—Beaumont, Lib.)): Shake a leg. We're going to have an important meeting.

Under the orders of the day, we're going to deal with the activities of the mining company TVI Pacific, Inc., in the Philippines.

Mr. Comartin, I'm glad to see you, because you're going to be speaking in about one minute.

We have a witness from MiningWatch, Catherine Coumans, the research coordinator of the Asia Pacific program.

[Translation]

Testifying in an individual capacity, Onsino Mato and Godofredo Galos,

[English]

and from the International Centre for Human Rights and Democratic Development, we have Diana Bronson.

Before we start that, I think all the members know a number of people have indicated they want to make statements about what's happening in Sri Lanka, and Mr. Comartin is going to speak, I hope, with the consensus of all members. Mr. Day wanted to make a statement, and Mr. Bains is aware of it but he's not here yet.

So I'd ask then, with your permission, that Mr. Comartin make a very short statement, having just come back from Sri Lanka.

Mr. Comartin, you have the floor.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Thank you, Mr. Chair. I will make it brief.

We did travel to Sri Lanka. There were five parliamentarians, including one of the senators, me, Maria Minna, Derek Lee, and Pierre Poilievre from the Conservatives. Our purpose in going there was to assess the situation with the ceasefire and the potential for peace negotiations to resume. We were accompanied by a fairly large trade delegation of about twenty people, all of them, I believe, originally from Sri Lanka. We also took the opportunity while we were there to do an assessment of the tsunami damage.

The statement I wish to make is that it's quite clear that in the run-up to the end of last year there was a reasonably strong possibility fighting was going to break out again. The information we received,

particularly from independent groups such as a number of the international NGOs, was that it was put off as a result of the tsunami but that the risk is still there.

I believe there's a role for Canada to play here. In the course of the meetings we had with some of the Tamil Tiger representatives, we raised with them the issue of child soldiers and we posited this to them. They have signed an agreement or a protocol with UNICEF not to use child soldiers and to deal with them in a certain way if any are recruited in some fashion or another, which is basically to return them to their families or their community. The protocol is being questioned in terms of its enforceability, so what we proposed to them was to give UN-appointed observers access to the area the LTTE controls. Though not wanting to tell you what to do, Mr. Chair, I think that's something this committee would be well advised to pursue.

The other point I want to make is that we did raise with them the issue of land mines. They're going through a process now of removing land mines, and there is, I believe, some potential for cooperation between the two sides on this. The military, who laid the vast majority of the land mines in Sri Lanka, have turned over their maps of where they laid land mines. We suggested to the Tamil Tigers, who didn't keep maps and had laid maybe 10% of the land mines, that they signal to the government that once the peace process resumes and hopefully comes to a satisfactory settlement, the government should enter into the Ottawa Convention. They took that under advisement, but I would say we got a fairly positive response, as we did with the government when we raised it with them.

The Chair: Thank you.

Mr. Day indicated that he wanted to make a statement on this too. Can you find out whether he will be here very shortly? We have to pass on to the other matter.

Does Mr. Bains wish to make a statement?

A voice: He's on his way.

The Chair: Maybe, Mr. Comartin, you could deal with some of these issues, and if I duplicate anything you've said, please....

I understand Human Rights Watch has called upon the UN member states "to unequivocally condemn the LTTE's continued recruitment and use of child soldiers and withhold any financial, political, or military support to the LTTE until it ends all child recruitment and releases all children currently in its ranks".

The LTTE has relentlessly continued to recruit children. UNICEF has documented 3,516 cases of child recruitment by the LTTE during the ceasefire period. According to UNICEF, "An enormous recruitment drive began with the cease-fire. ... The LTTE had access to government controlled areas like never before".

Fewer than 50% of the students went to school, as many parents kept their children away from school out of fear that they'd be taken away by the LTTE while walking to and from school.

While we're waiting, can you add anything to what you've already said about this matter?

Mr. Joe Comartin: We were aware of that report. When we met with UNICEF people who were on the ground, up in Jaffna town, their most recent information did show a shift in pattern, one where there appeared to be much less recruiting—that is, very little. Again, this is a small area, so it may not be representative of the entire region, but I guess I'm suggesting just some caution.

That office of UNICEF had documented in the last two or three months, in their area, 26 or 27 cases. Only three were of children 12 to 16 years of age; the balance were 16- and 17-year-olds. All the children who were under 16 had been returned very expeditiously when they were identified, and they were negotiating for the balance of them. The information we received from that particular staff person was that they seemed to be seeing a shift in pattern by the LTTE, a greater willingness to respond.

I don't want to overemphasize that. I just think the committee should be aware that in that particular area there seemed to be some positive developments in terms of dealing with this very abusive use of children.

The Chair: Mr. Bains.

Mr. Navdeep Bains (Mississauga—Brampton South, Lib.): Thank you.

I just want to quickly add to this discussion and briefly speak to my experience when I was out in Southeast Asia and we went to Sri Lanka as well. We met with the opposition party, the leaders of the Tamil community, and we indicated to them the concern about child soldiers.

They indicated to us that they recognized they lost a lot of children. Their statistics ranged from 700 to 2,000 child soldiers who were lost during the time period. They also indicated they wanted to use the tsunami and the experience of the tsunami as a means for a peace process, to accelerate that as well.

But it was brought by the Prime Minister. He had indicated a concern about this, and he had taken a position on it and had requested with the delegation a response from the leaders of the Tamil community as well.

I just wanted to bring that to everyone's attention.

• (1540)

The Chair: Thank you very much, Mr. Bains.

Mr. Goldring.

Mr. Peter Goldring (Edmonton East, CPC): I want to mention this. Isn't there a difficulty with this, with the child soldiers, that Canada is a signatory to the United Nations Convention on the

Rights of the Child, and article 38 in there says it's all right to recruit children who are 15 years of age and older? We're a signatory to that, which implies that under the age of 15, they can volunteer to serve.

Isn't that a bit of hypocrisy, to be talking about and encouraging other countries to be subscribing to the age of 18 and under as being children, when we in fact have been signatory to an agreement for 10 years now and we haven't made any real, substantive moves to have that changed?

The Chair: We're not going to settle that issue today, though, Mr. Goldring. I suppose at the end of the meeting we'll decide whether we want to have hearings on this matter of child soldiers and at what age, as you mentioned. We'll deal with that.

Mr. Comartin.

Mr. Joe Comartin: Again, to pick up on the point that Mr. Bains raised, with regard to the, I guess, hope that the tsunami may bring the parties together, it may be one of the few positives that come out of it.

They have in fact been negotiating, with Norway being the facilitators on the peace process, a protocol. We met with the peace secretariat on Friday evening before we left. They were down to only one major issue that separated them, and I believe they were expecting that to be resolved, and it may already be by today.

The protocol will require both the government and the LTTE forces to collaborate on getting relief into both areas. The hope, and maybe expectation, is that as they do that it will build some confidence and trust between the two sides, so that it may then spark a resumption of the peace negotiations.

The Chair: I see we have the high commissioner from Sri Lanka here. I believe Her Excellency does not wish to say anything today.

Yes, she's indicating she does not wish to say anything.

We have two witnesses who have come all the way from the Philippines, and as agreed, I'll ask Mr. Day and then Mr. Broadbent—

Hon. Ed Broadbent (Ottawa Centre, NDP): On a point of order, if I could put it that way—a friendly point of order, Mr. Chairman—I was just going to say that on the subject matter that was agreed upon for today, we brought two witnesses all the way from the Philippines, and my understanding was that by unanimous agreement, I thought, from all parties, the statements—which are very important—on Sri Lanka would take no more than about 10 minutes of our time.

The Chair: I think you're correct on that.

Are you prepared to forgo, or do you have a very, very short statement, Mr. Day?

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Do I have a statement related to the Sri Lankan situation?

The Chair: Yes.

Mr. Stockwell Day: Well, I agree. I'm so glad these witnesses are here.

I'll only take a couple of minutes to put on the record this question of the use of child soldiers by the Tamil Tigers, the fact that they would be recruited, as has been reported by UNICEF and others, into the horrendous act of suicide bombing and into a cult of death, and the fact that not only UNICEF but the Sri Lanka Monitoring Mission, the Norwegian government—which is monitoring the ceasefire—and others are in absolute dismay at the obscenity. That's what it is.

Human Rights Watch has called on Canada, as a UN member state, to withhold any financial, political, or military support to the Tamil Tigers. I think that has to be our position. On the opposition side, it is certainly something we will want to pursue. I would hope that all members, other MPs, would agree this is a non-partisan situation and that we would get some agreement in terms of future action on this.

The Chair: Ms. Torsney

Then after that, we're going to pass to what we're here for.

Hon. Paddy Torsney (Burlington, Lib.): Maybe I'll check the record, but I'm not sure if Mr. Day just implied that the Canadian government supports the Tamil Tigers financially or politically. I wasn't sure if that's what you actually said.

Mr. Stockwell Day: There's no clear designation in terms of banning the Tamil Tigers. No, I wasn't talking about support. I'm talking about the fact that we should be taking every measure possible to make it very clear that the Tamil Tigers and any associated organization in Canada are on the banned list. The Government of Canada so far has refused to do this, and I think they should be taking that step.

• (1545)

Hon. Paddy Torsney: I'll check the blues.

The Chair: I think we can agree there's a consensus.

We'll now pass directly to the matter that brings us here today. At the end of the meeting, we'll bring up what we wish to do to pursue the matter of what's happening in Sri Lanka.

I'm sorry to have kept you waiting, especially having come all the way from Manila.

Mr. Broadbent, do you have a little motion to make?

Hon. Ed Broadbent: It's a short point of order that I've discussed with my colleagues on this side. Professor Craig Forcese from the University of Ottawa, who was before the committee previously, was also to be part of the Rights and Democracy delegation. I would like to suggest that because want to keep our statements short, although he's not going to participate to make a statement, if any members have legal questions pertinent to what Ms. Bronson has to say for Rights and Democracy, Mr. Forcese would be available to answer those questions from the point of view of law.

[Translation]

The Chair: Madam Bourgeois, is that all right for you?

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Yes.

[English]

Ms. Catherine Coumans (Research Coordinator and Asia Pacific Program, MiningWatch Canada): Chairman Kilgour,

honourable members of the subcommittee, I thank you for the opportunity to address the subcommittee.

Before I make my presentation I would like to table this letter that MiningWatch Canada received from Bennett Jones, a law firm representing TVI Pacific. The letter requires that we remove all items pertaining to TVI Pacific from our website, and that “any information provided in the forthcoming panel hearing be entirely accurate”. It also threatens possible litigation against MiningWatch Canada, the board of directors, and me. So I'm tabling this letter and its translation.

MiningWatch Canada was founded in 1999 and has been following the case of TVI Pacific in Mindanao in the Philippines since 2000, when we first met Mr. Mato, an indigenous leader of the Subanon, and Father Albert Bael of the local Roman Catholic diocese, who came to Canada in 2000 to express concerns about this particular mining project—a proposed mining project at the time.

MiningWatch Canada has researched existing global standards for responsible mining. My comments to you this afternoon are based on a review of some of these global standards that pertain to the case of TVI's operations in Canatuan, in particular in respect to human rights. My comments also reflect the findings of my own visit to the mine site and the local community as recently as October 2004.

I will argue that Canada needs extraterritorial tools that will allow us to better assure that the operations of our companies abroad reflect Canadian values and development objectives. I will address what I see as the questionable role Canada is currently playing in this operation through our embassy and through CIDA.

I'll start with the issue of indigenous land rights, briefly. Both the Philippine Mining Act of 1995 and the 1997 Indigenous Peoples' Rights Act of the Philippines prohibit mining in areas that are occupied by indigenous communities that have been in that place “since time immemorial” except with their express free, prior, and informed consent.

The necessity of seeking free, prior, and informed consent for development of indigenous land is also reflected in the outcomes of recent multi-stakeholder processes, such as the report of the World Bank Extractive Industries Review of 2003; the report of the mining industry-led Global Mining Initiative in 2002; and the report of the World Commission on Dams in 2000. It's been upheld in international law and instruments.

Standards for responsible mining require that mining companies obtain the free, prior, and informed consent of indigenous communities before exploration begins and throughout all phases of mining and post-mining operations. This means that consent has to be obtained free of coercion and manipulation. Such agreement must be secured prior to any authorization by the state or third parties and prior to commencement of activities by a company affecting a community, its land, territories, or resources. Consent must be informed by participation and consultation of local communities and their members, based on full disclosure of relevant aspects of the proposed project by the company and permit-granting authority.

In seeking free, prior, and informed consent, the Philippine Indigenous Peoples' Rights Act stipulates that a company must respect local cultural traditions, ways of organizing, decision-making, and leadership structures.

It is important for TVI to demonstrate that the company is proceeding with its mining operations with the free, prior, and informed consent of the majority of the households listed as the legitimate ancestral domain claim holders of the area in which TVI is operating.

On relocation and eviction, the issue of mining-induced displacement and resettlement has become so prominent that it has required its own acronym, MIDR. There is growing realization that displacement of populations is one of the greatest sources of impoverishment and social instability associated with large development projects around the world, in part because populations subjected to resettlement already tend to be poor and marginalized.

The World Bank has recognized the severity of the risks associated with involuntary resettlement. Resettlement should be avoided if at all possible and should never occur without the free, prior, and informed consent of the affected individuals, set out in a binding consent agreement. In other words, there should be no eviction, and voluntary resettlement must be preceded by a detailed independent displacement impact assessment of all possible costs to individuals and communities associated with displacement. No displacement should take place until all likely risks and outcomes have been assessed, an agreement with the affected people is in place, and compensation has been paid.

● (1550)

It is now generally agreed that the new circumstances must be better than the old to make up for the losses due to relocation. In this case, we are talking about a mixed indigenous Subanen and migrant Visayan community living in the direct area of the now rapidly encroaching mine. I have pictures with me that show the mine is right up to the people's houses at this point. I will table these pictures.

The Chair: Will those photographs be included as part of our record today?

Ms. Catherine Coumans: Yes. I'll leave them as part of the record.

TVI is currently relocating some people and serving eviction notices on others. I have a copy of one of the eviction notices, and that can also be tabled.

Given the situation, it is important that TVI demonstrate that it has conducted an independent displacement impact assessment; secured a binding and transparent agreement with all affected community members prior to starting the activities that will displace people, the mine; paid compensation prior to starting the activities that will displace people, the mine, as set out in the binding agreement; and assured that the new circumstances are better than those the relocated people have left behind. Clearly this hasn't happened, because we're talking about people who are literally living on the side of the mountain, and the mine has started, and the mine is on its way down.

In his statement to this committee, which will be tabled, and which some of you already have, the indigenous leader of this community via hereditary lines, the Timuay Jose Anoy, expresses his concern that the new circumstances where people are being moved may not be permanent, as it appears mine expansion plans may necessitate another move in the future. This is what the World Bank and other bodies have indicated is exactly what leads to impoverishment, when people keep getting moved.

On February 8, 2005, over 100 people who identified themselves as farmers of Canatuan wrote a letter to the governor of the province, Zamboanga del Norte, expressing concern about their relocation. I will also table this letter. It's in Visayan, and it's been translated into English and French. It has the signatures.

My third topic is militarized commerce. TVI is operating in a heavily militarized area of the Philippines, on the southern island of Mindanao. This area has been subject to a Muslim secessionist insurgency for over 30 years. Currently the United States Army is stationed in this area, as it believes forces related to al-Qaeda are active there. It is an area so dangerous that the Canadian embassy has a travel advisory out against travel by Canadians in this region.

TVI Pacific employs a large number of heavily armed security forces. These armed forces have been trained by the Philippine army but are paid by TVI Pacific. These forces have set up numerous road blocks or checkpoints around the concession site and also within the communities inside the concession site. Again, I have pictures of one of these checkpoints.

In October 2004 when I visited the site, there were five checkpoints that I had to go through to get to where the actual mine was. The first checkpoint was on the public road outside of the mining concession site—not within the mine concession, but ahead of the mine concession.

At one of the checkpoints close up to the mine site, there was a large sign that the guards had put up on which they had written "Jungle Fighters" and underneath they wrote, "we make thing [sic] change". You have a picture of that as well. It didn't look very professional.

I was told by Subanon and townspeople that they have been turned back at these checkpoints. There have been numerous violent incidents associated with TVI security forces. I refer this committee to a recent publication by PipLinks and Christian Aid for details. Details of the incidents that have occurred with these paramilitaries are in this report, and I will leave copies of this report here. Unfortunately, it's only in English. I'm sorry.

It has been pointed out by Amnesty International and others that companies should not operate in areas that require them to use military forces or excessive security in order to maintain their operations, as such conditions are prone to human rights abuses. Responsible companies endorse the UN Global Compact, the Global Sullivan Principles, and the U.S.-U.K. Voluntary Principles on Security and Human Rights. These agreements commit signatories to abide by international human rights agreements, as well as to not use armed forces in their operations. In cases where companies do operate in conflict zones, they are advised to conduct a peace and conflict impact assessment to assess the risk of provoking or exacerbating violent conflict through their operations.

I will move on now a little bit to what I see as some of the aspects of the role of the Canadian government. When I was in Canatuan, in this community, I met with women from the community who spontaneously started to tell me about a project the company was running there with goats, providing goats for local women. The women I met told me that the project was being offered primarily to women from families who support TVI Pacific and who have family members who work for the company.

• (1555)

The fact that this money was coming from the Canadian embassy, coursed through the Canada Fund, directly through a private corporation, TVI Pacific, and then to this community project, was something I didn't learn until later. That warrants further discussion, and I will return to this in a moment.

I want to address two more points. One is the naming and slandering of critics of TVI Pacific's website. TVI Pacific regularly uses its website to post its own and its employees' allegations against local individuals and organizations that oppose TVI's activities in Siocon. This is directly by name. People are named on this website and are associated with sometimes quite violent acts that are unsubstantiated, and in fact in one case...had been thrown out of court. Yet these links are being made on TVI's website continuously.

The Chair: Can I interrupt you?

I have TVI Pacific Inc.'s website here, and you're probably referring to the paragraph where they accuse Mr. Mato, and I quote here:

The divisions were deepened when Mr. Sapian and his brother, leaders of the opposing faction, both lost their lives in separate ambushes by terrorist MILF guerrillas against TVI vehicles; and a number of community residents swore (unproven) affidavits accusing Mr. Mato of inciting the ambushes.

Is that the paragraph you're referring to?

Ms. Catherine Coumans: That's one location where it happens. It keeps coming up. The company has in fact tried to pursue Mr. Mato legally, and it has been thrown out of court time and time again. I think March 14 was the last time he cleared his name again. The

courts have said that the charges are unsubstantiated, and yet these charges are still on the website and continue to be made.

Mr. Mato is not the only one being mentioned and named in this way. Organizations are named and individuals are named, including the mayor, and allegations are made of links to all kinds of operations going on. You have to remember that the context is as I just described, it's heavily militarized and very dangerous. There are guns everywhere, in this context, in this place. Violence is there.

If you make allegations against people, and people have lost their lives, family members start to wonder. That's a very dangerous thing to do. I think this is an important issue. The practice is injurious and dangerous for the individuals and organizations named. Responsible mining companies do not use their websites to slander opponents.

Briefly on environmental concerns, again the pictures are perhaps more useful. Environmental concerns must be addressed as a component of human rights. Subsistence, food security, and sustainable livelihoods for communities surrounding and downstream from mine sites may be threatened by substandard environmental measures. Mine sites should contain siltation runoff from the mine. They should contain it from getting into the general environment. Waste dumps should be engineered facilities and progressively reclaimed if they are no longer in use.

The pictures show the state of the siltation ponds that I saw in October 2004. I have some hope that the company has done a maintenance job on those siltation ponds since then, because the pictures they have on their website show a much better condition. In October 2004 they were in a deplorable state, and that's not responsible.

There's also a waste dump there that contains the largest amount of essentially environmentally toxic tailings. This waste dump is apparently no longer in use. I talked to the engineers at the mine site at the time, and they said it was their old one and they were now building a new one. They said that the new one is engineered and the new one will be as it should be. Responsible mining would indicate that they should be doing progressive rehabilitation. In other words, the pipes going to the old ones should be removed and the old ones should be rehabilitated.

I want to move now from the company to looking a little bit at the role of the Canadian embassy and CIDA in this case.

TVI Pacific's website provides a clear indication that there has been conflict over human rights issues, as outlined above, for a number of years. Even if you look at TVI's website, it's quite clear there are issues and concerns here, and there have been. Concern about human rights violations has also been expressed by the Philippines Human Rights Commission, Bishop Jose Manguiran and other bishops who have expressed concern, Siocon's mayor, Cesar Soriano, and the UN special rapporteur, Rudolfo Stavenhagen, in December 2002, and formal statements of complaint were brought before the United Nations Working Group on Indigenous Populations in 2001 and 2004.

Given the realities outlined above, it is a serious concern to us that TVI Pacific appears to enjoy inordinate support from the Canadian embassy in Manila. Both the former ambassador, Robert Collette, and the current ambassador, Peter Sutherland, have been very generous in their praise of TVI Pacific in the Philippine media, expressing confidence that TVI's Canatuan project represents responsible mining. Additionally, CIDA has recently demonstrated its trust in this project by couring Canada Fund money from the embassy directly through the company to a community development project.

In the absence of binding legislation to hold Canadian companies to account for their activities abroad, we can at least expect our Canadian representatives in overseas countries to avoid supporting Canadian companies that are facing persistent and serious human rights and environmental allegations from a wide range of sources, including the Roman Catholic Church, the Philippines Human Rights Commission, and the UN special rapporteur.

I would like to conclude with three recommendations. I will go through these quickly.

First, I would like to encourage the members of this subcommittee to support efforts to bring forward legislation that would require Canadian companies operating elsewhere in the world to comply with a code of conduct based on internationally recognized human rights, labour, and environmental standards. There are some examples for this, but I'll move on so that we don't take all the time.

Secondly, I recommend that the members of this subcommittee encourage TVI Pacific to cooperate with an independent human rights impact assessment of its operations in Canatuan. The company is certainly upfront about saying that it wants to be a responsible company. I think there's an opening there. There are obviously problems, at least alleged problems. If nothing else, I think there's a chance to maybe clear the air by encouraging the company to cooperate with an independent human rights impact assessment.

• (1600)

Third, I encourage the members of this subcommittee to review CIDA's use of Canada Fund money in Canatuan and, should CIDA plan to persist with this program, to require an independent peace and conflict impact assessment for this project. Very strangely, it appears that CIDA does—CIDA projects in Mindanao, because of the conflict situation there—generally run through peace and conflict impact assessments in that part of Mindanao. For some reason or other, this project was not, so I would recommend that it be.

Before I turn it over, I will just say that there was someone who was going to be here: an indigenous woman who is on the Working Group on Indigenous Populations at the United Nations. She sent a statement, and I discussed having the statement read out with the clerk. I've asked someone to read that. Do we have...?

The Chair: Perhaps it would take 20 minutes to read it, so could we just include it as part of the record of today's meeting?

• (1605)

Ms. Catherine Coumans: Okay, we'll do that.

The Chair: Go ahead, please, Ms. Bronson.

[Translation]

Ms. Diana Bronson (Coordinator, Program on Globalisation and Human Rights, International Centre for Human Rights and Democratic Development): Thank you very much for having invited me to come and testify today. I represent Rights and Democracy, an institution created by Canada's Parliament. I believe you are familiar with our organization and our programs. I therefore won't go into any more detail about them.

[English]

I've been asked to comment on the general situation of Canadian mining companies and human rights. I have no firsthand knowledge of the TVI case in the Philippines; therefore, I cannot speak to you about the specifics of that case.

In the past 10 years of working on issues of globalization and human rights at Rights and Democracy, we have encountered on many occasions complaints from groups in developing countries regarding Canadian mining companies. We have dealt in any depth with only a fraction of those cases. Just to give you an idea of some of the countries from which we've been getting credible complaints of allegations of mining practices that directly impact or have a negative impact on human rights, I can cite Ghana, the Sudan, the Democratic Republic of Congo, Kenya, Tanzania, India, Indonesia, Tibet, Mexico, Guatemala, Peru, Chile, Argentina, and Colombia.

In some cases, serious complicity with human rights violations by Canadian companies has been documented by UN or government enquiries. This is the case, for example, in the Democratic Republic of Congo, where the ruthless search for mineral wealth has been particularly brutal and horrifying. Now, mining is not the only factor at play, but it is impossible to understand the current conflict and its history without serious consideration of its resource dimension.

The international community is also increasingly aware of the problems associated with resource extraction. The persistent problems in this sector led to an inquiry, and finally the publication last year of the extractive industries review report by the World Bank. This inquiry looked exhaustively at the problems associated with resource extraction around the globe and their impact on development. It came up with a very comprehensive report that contained crucial recommendations on human rights. Almost a third of the report was on human rights. Unfortunately, both the bank management and the governments that sit on its board of governors dropped the ball on human rights, and they've ignored virtually all of its recommendations. The pretext, predictably, was that the bank was a financial institution and human rights were outside its mandate.

But in a globalized world economy, such distinctions no longer make sense. All international institutions should be governed in a way that they work together and not at odds with one another. We must also find effective ways to ensure that private actors, ever bigger, ever more global, subscribe to and are bound by the same human rights principles as states and individuals. Before states' governments support companies for their investments abroad, either financially or diplomatically or through the many other tools they have available to them, they must ensure that those companies are not complicit in or directly responsible for human rights violations.

Unfortunately, in Canada we have no clear process to ensure that happens. There's no way to check right now.

I want to be very clear about what I'm saying with regard to the responsibility of corporations. The primary responsibility for human rights rests with states. They're the ones who ratify the treaties that spell out their obligations, and they do so on a voluntary basis. I believe we have virtually universal agreement amongst us, including companies, governments, and NGOs, that primary responsibility belongs to the states.

But the area that's not currently very clear in international human rights law is the human rights obligations of companies. This is currently a debate. Many companies have signed on to human rights principles in their own codes of conduct, and there are general statements about human rights in the OECD guidelines, the ILO Declaration, the Global Compact, and several other multilateral initiatives. While these are welcomed, they're weak because they are not legally binding and they're not sufficiently comprehensive or detailed when it comes to human rights.

I would like to finish my comments by mentioning two initiatives that I think are worth supporting and I think hold some promise for better integrating human rights into the actions of corporations and preventing violations from occurring.

The first one is the UN Norms for Business, and I'm going to table that document as well, which I've brought. It's the product of several years' debate at the UN Subcommission on the Promotion and Protection of Human Rights. These norms will be a key subject of debate at the UN Commission on Human Rights in Geneva, where I'll be going next week. What these norms do is propose a detailed overview of what the obligations of companies should be with regard to human rights. They cover civil, political, social, economic, and cultural rights.

• (1610)

Rights and Democracy is asking the Canadian government to support these norms at the UN Commission on Human Rights and to ensure that they stay on the commission's agenda. We hope to see over the next year a series of focused discussions that will lead towards a greater multilateral consensus on this issue.

The second initiative I'd just like to mention today is this notion of a human rights impact assessment. Just as we have environmental impact assessments when major projects go ahead, we believe there should be a comprehensive assessment of human rights. Our main contention is that states and intergovernmental bodies—for example, Export Development Canada or the World Bank—should assess the impacts on human rights of large-scale projects before they lend their

support. We believe this will prevent abuses from occurring. It will alert all stakeholders to potential problem areas and potential benefits of any investment, and it will apply a process of early, open, and informed consultation and communication that will be beneficial to all parties.

We are currently developing such a tool. To any company or community who would like to experiment with it over the next year, we have an open invitation to do so. We're accepting applications until March 31.

Our human rights obligations do not stop at our borders when important actors like corporations act beyond our borders. It is very important that this committee look seriously at innovative means to ensure that Canadian corporations respect human rights both at home and abroad. There are many recommendations on how to do this in the report of the Canadian Democracy and Corporate Accountability Commission. While it is vital to build multilateral consensus on this issue, we should also use whatever tools we can in Canada to ensure compliance with human rights norms by Canadian corporations operating in countries much less wealthy than our own.

Thank you very much.

The Chair: Thank you very much.

I will go directly to questions then. Who is going first from the official opposition, Mr. Goldring or Mr. Day?

Mr. Peter Goldring: I'll take it. Thank you very much.

Thank you very much for your presentations, ladies and gentlemen.

I just have a couple of questions. This is about TVI Pacific, but the corporation isn't identified. What exactly is this corporation? Is it connected with other corporations in Canada, or what is its basis of operations in the legal context here, and is it part of an overall corporation here in Canada?

Ms. Catherine Coumans: The corporate name is TVI Pacific. They're based in Calgary.

This particular mining project in the Philippines has another name, TVI Pacific Philippine Resources Inc., but it's 100% owned by TVI Pacific. So TVI Pacific is the company that is operating this mine in the Philippines, in Mindanao.

Mr. Peter Goldring: It's not connected with any other corporation? You mentioned Placer Dome in here.

What are its operating businesses in Canada? Are they distinct or different, or are they using different modes of operation than they do in other parts of the world?

Ms. Catherine Coumans: You're asking some interesting questions.

As far as I know, TVI Pacific has two operations in the world at this point, or two mines, the one in the Philippines they're developing now and one prospective mine in China. There is also a subsidiary of TVI Pacific called EDCO, which is a drilling operation that does diamond drilling for mining companies.

This operation in the Philippines will be TVI Pacific's first mine; they have never mined before. They're a mining company, but they have no experience or track record in mining. This will be their first operating mine.

Mr. Peter Goldring: So it will be their very first mine.

Ms. Catherine Coumans: This is their very first mine in the world.

They also have an advanced exploration project—at least I think it's advanced—in China now. If that goes ahead, it will be their second mine.

But this is their first mine.

Mr. Peter Goldring: Going through some of the information here, I see that in terms of its scope it involves some three hectares of open pit. Is that the scope or size of the mine?

• (1615)

Ms. Catherine Coumans: That's possible. It's going to be an open pit, probably metallic, primarily gold, silver, and some other metals.

Mr. Peter Goldring: You mentioned that some of these suggestions and recommendations you're making here, that this committee encourage Canadian companies to adhere to or observe, have been put forward to the United Nations. Have they adopted or drafted these in some form? It would seem to me that in an international context, much as Canada is a subscriber to the United Nations Convention on the Rights of the Child, these should come more properly under the auspices of the United Nations. Has there been a firm drafting, and is Canada actively involved in some type of draft proposal?

Ms. Catherine Coumans: There isn't an overall draft proposal for responsible mining per se. The different pieces I outlined pertaining to responsible mining are drawn from different areas of expertise. For example, one of the areas I was looking at was free, prior, and informed consent. A lot of international recommendations and protocols have been signed on the rights of indigenous peoples, for example. As mining very often intrudes on indigenous land, mining companies have to be aware of and make their operations conform to various protocols around the rights of indigenous people—for example, the right to free, prior, and informed consent for development projects on their land.

On the relocation piece, there are many large-scale operations, dams in particular, where people get relocated. So protocols and standards have developed around relocation, but those also pertain to mining if it is going to be relocating people. So I've sort of drawn from different areas in pulling together what I'm putting forward as a code of responsible mining. It doesn't exist as such.

Mr. Peter Goldring: It seems to me this would have application in many other places around the world. Once again, this is something to primarily encourage the United Nations to adopt as a standard in that area. On your other recommendation to cooperate on the

independent human rights impact assessment of its operations, it seems that at least the ruling structure on it would once again come through the United Nations.

As a secondary question to that, are there other companies that have participated in those types of voluntary—at this time—independent and human rights impact assessments? Perhaps you can tell us about some of the companies. Are there some Canadian companies in that?

Ms. Diana Bronson: To the best of my knowledge, no Canadian company has come forward to do a human rights impact assessment, but several European companies have done them. BP and Shell, for instance, have at least made attempts to undertake human rights impact assessments.

We're trying to work on a human rights impact assessment, based on UN norms, that is an overview of what the obligations of companies would be. So we'll look comprehensively at all the companies' actions and see how they're affecting the different rights that are named in the norms. That's what we're currently doing, and that's what we're hoping to test with companies or community groups that come forward.

This morning I met with a company in Montreal that's interested in exploring that option with us. We'd be very happy if TVI, for instance, came forward and wanted to do that with us.

[*Translation*]

The Chair: For the first round, we will allow each of the members five minutes.

Madam Bourgeois.

Ms. Diane Bourgeois: Thank you, Mr. Chair.

Good day ladies. Thank you for having come to put a stop to the problem you raised.

You said that the mining company had engaged in activities that were harmful to the people of the Philippines. On the other hand, you say: "The Philippines Human Rights Commission, bishop, [...] mayor, [...] the special rapporteur [...] all said how worried they were about these acts of violence[...]"

Did these people apply pressure on Canada to have this company's activities stopped? Were pressures exerted on the company and on the Government of Canada to have these activities stopped?

• (1620)

[*English*]

Ms. Catherine Coumans: The person I had hoped to bring here to read the statement has been directly in touch with the special rapporteur for indigenous people. She had a part in bringing him to the Philippines to investigate the situation. She would know what came of that report better than I.

As far as I know, this is being discussed through the Commission on Human Rights in the Philippines. There are probably discussions with the embassy going on around these concerns. But I don't know whether anything has been brought here formally. I think it's happening more behind the scenes.

[Translation]

Ms. Diane Bourgeois: The question I am asking you is very important because if the Government of Canada has been aware of this company's activities for some time now, then it is even more guilty for not having done anything about it. It's very important.

My question is for Ms. Bronson and her lawyer. Excuse my ignorance, but are there international laws that would allow us or allow a group to pressure the government to put its foot down with respect to the problems with this company and perhaps other companies who do not comply with international standards? Are there international laws? If so, has Canada signed them?

[English]

Professor Craig Forcese (Law Professor, University of Ottawa, As an Individual): Not directly. Certainly there's no body of international law that regulates very particularly the actions of a Canadian or foreign company operating overseas. This is the issue that Ms. Bronson raised—the absence of binding international legal standards that apply to companies in relation to human rights.

There are, however, soft-law international instruments like the OECD guidelines that Canada is a member of. This is basically a voluntary code that members of the OECD have agreed to. Among the provisions included in this OECD convention is an undertaking that companies will observe human rights. There's no further definition. It's just this assertion.

It's not an enforceable legal principle; however, Canada does have what's known as a contact point, namely an office in the Department of Foreign Affairs to which non-governmental groups and others can bring complaints concerning the operations of the Canadian company overseas. Others are perhaps in a position to comment on how effective that is. My understanding is that the contact group on the whole, in its response and ability to actually put pressure on companies, is very limited. It's more of a facilitator and communicator than any kind of binding regulator.

[Translation]

Ms. Diane Bourgeois: All right.

My final question is for Catherine Coumans.

You say that the former ambassador and his current successor praised TVI Pacific. First of all, do you believe that these two people are aware of TVI Pacific's actions? Second, where is the proof? Lastly, do you believe that the CIDA people are aware of it? And I want evidence.

[English]

Ms. Catherine Coumans: The issue of both of these ambassadors being very vocal and up front about praising the company is a matter of public record. In the Philippines, in the newspapers, they are constantly bringing this company forward, and there is a reason for that.

This would be the first major mine by an international company to go forward again in the Philippines since the Marcopper disaster—another Canadian mining company—in 1996. So this is seen in some ways, I think, as a way of redeeming the reputation of Canadian mining companies in the Philippines after that big disaster in 1996.

It's also a way of showing that the company is open for business for mining again.

So this project has a high priority within the embassy. That's very clear from the statements that are made in the press and in the media in the Philippines.

The question of whether the embassy personnel are very clearly aware of what's going on at this mine site is a very interesting one. I spent five hours in the embassy after I had visited the mine site. I should mention that I wasn't there alone. I was there with KAIROS, which is an umbrella organization for churches. So it was I and members of KAIROS who visited the mine site and then visited the embassy when we got back to Manila.

A large part of our conversation was certainly around the issue of the CIDA money and how unusual it was that CIDA money should be channelled through a corporation, and that there had been no peace and conflict impact assessment, although it's imminent now, and although other CIDA projects have that.

We had indigenous people—not Onsinato, but the timuay, the chief—with us in the embassy, and he certainly brought forward very plainly what he personally had been experiencing because of this project. We also had Godofredo Galos with us in the embassy and he also explained what the implications for the townspeople are for sustainable rice farming and sustainable livelihoods related to the rivers, which are now becoming polluted. So we brought all of these things forward in the embassy.

The ambassador was out of the country at the time, so we didn't meet with the ambassador. One of the things we clearly heard back from them was that no one had visited the site. And one of the reasons for that was that this is an area that Canadians are advised not to travel in because of the danger of going there.

It's a little bit interesting that this mine has located itself in a major conflict zone and so there are not many people who would actually go there. Even for us, it was very difficult to go there. Our friends in the Philippines absolutely insisted that we needed armed guards to go there, which made us very uncomfortable. We had seven bodyguards with guns, and that was the only way we could travel to the mine site and then up the mountain, according to—

• (1625)

[Translation]

The Chair: Excuse me, Madam Bourgeois, but your time is up.

Mr. Broadbent.

[English]

Hon. Ed Broadbent: Thank you, Mr. Chairman.

I'll preface my questioning with a couple of comments to my colleagues.

One of the reasons I was very interested in having a concrete case brought to us, one with quite serious allegations being made about a Canadian company in the Philippines, and having a more general statement being made by the Rights and Democracy people was that we have both the particular and the generalization. It seems to me that when we as a committee want to address an issue, that's quite desirable.

I would like to add to that immediately, in reply to my Conservative colleague's question about a number of other Canadian companies that are either doing or not doing human rights impact studies. There are a number that have not necessarily done human rights impact studies, but a number of quite good corporations have, and I'll name some.

I want to mention, just to put it on the record, Mr. Chairman, that a couple of years ago our corporate accountability commission, which I had the pleasure of co-chairing, had three of five members on it—I want to stress three of five members—who were former corporate CEOs. This information comes from that kind of commission.

What came out of that is that there are indeed a number of very good Canadian companies that have independent human rights assessments or independent environmental assessments done on them now. I think Suncor, Shell Canada, and Alcan are among them. The point is that there are a number of good Canadian corporations in the resource development sector abroad.

The other point I want to make, though, before I get around to particular questions about the company in question, is that during Ms. Bronson's statement members will have heard that many countries where many Canadian companies are involved are doing bad things, to put it explicitly. That is the record of credible evidence gathered by the Rights and Democracy people as well as by human rights organizations outside Canada. There are some bad things, whether in relation to the environment, indigenous rights, or other human rights, being done abroad in the name of development, and it seems to me we should be looking at that.

I just want to preface my question with those general observations.

Ms. Coumans, you did say something specific. My conclusion is that the company in question was involved in quite serious violations of environmental principles and of indigenous peoples' and other human rights. You also mentioned—rather casually under the circumstances, I thought—that you had got what I would describe as a letter of intimidation from the company in the last 48 hours, one that made quite serious threats to your organization as to what you should or should not be saying.

My question to you is, was one of the consequences of getting this letter from the corporation that you modified in some significant way what you would say publicly, even though you are legally protected in one sense? Would this have caused you to modify what you said?

• (1630)

Ms. Catherine Coumans: Yes, it has. The statement I read today was lacking in all the detail I was planning to bring forward. It's actually quite difficult to read a statement like the statement I read, where I give you the general principles of responsible mining but have to stop short of giving you examples of why that's not happening here. I was left giving you the principles of responsible mining and leaving it hanging, suggesting there's perhaps some concern in this case, but I couldn't go into the specifics.

The Chair: I'll stop you for one second. You are protected by parliamentary privilege in this place; I hope you know that. But I realize you may be saying, well, that and 50¢ will get me a cup of coffee.

Some hon. members: Oh, oh!

Ms. Catherine Coumans: I'll tell you what our lawyer told us.

The Chair: You can dock me out of your time, Ms. Coumans.

Ms. Catherine Coumans: After we got this letter, of course our board expressed great concern. We're a small not-for-profit organization. We have four staff working three-quarter time and no resources to deal with this kind of situation. I should say that in six years of MiningWatch Canada's being very active and very upfront with all kinds of corporations in Canada, large and small, we have never experienced this before. I think there's also something to be said for that. This company has shown an aggressivity towards us that had not been shown before, and we'll just leave it at that.

I'll get back to your question about specifics. What our lawyer told us was yes, you have parliamentary immunity while you're sitting in that room. But the company made it very clear they'd be watching what we said. The threat of a lawsuit doesn't necessarily have to be linked to what I say here. It stands. Supposedly we're on notice now, and that does influence what I can bring forward here, unfortunately.

Hon. Ed Broadbent: Thank you.

I would just like to add to that. It seems to me this is part of a pattern—not of all companies, as you've indicated. You've been very active, and many other companies you've openly criticized haven't resorted to these tactics. But the inevitable consequence in our kind of society is that they can hire lawyers and have lots of bucks to back it up. We saw this in the tobacco industry in the United States; we've seen it in Canada, where so-called whistle-blowers, or human rights organizations, can be intimidated because they don't have the financial resources. They can put you out of business, bluntly.

Let me ask that question: could you afford to hire a lawyer in a serious way if they took you to court?

Ms. Catherine Coumans: I'm not sure I'm supposed to answer that. I may not want to answer that. We'll leave it at that.

Hon. Ed Broadbent: I'll answer my own, like a question in the House of Commons, Mr. Chairman.

I know from past experience in dealing with NGOs, from Rights and Democracy's perspective, that of course they can be put out of business. They don't have the resources. They hardly have the resources to bring guests, to get money together to bring important witnesses in this kind of situation.

We're talking about a company that I remind you also has, on its own website, highly inflammatory...many falsehoods that have been well documented even in the courts in the Philippines, and the same Canadian company comes around and tries to intimidate a small NGO.

Could I ask you about the specific money CIDA is channelling through this private company—to do precisely what?

Ms. Catherine Coumans: It's a livelihood project—I've forgotten to bring the proposal—goats and some small agriculture to feed the goats; it is specifically targeted at women. It is very much in keeping with the priorities for CIDA in the Philippines, and in this region, to focus on women and on livelihood. The project itself is not something I have any problem with. Who could have a problem with that?

The interesting thing is that we first found out about this project when we were in the community with KAIROS Canada. Women were complaining to us that as TVI was dispensing money to the community, the women who were being prioritized for this money were women in families that had expressed support for the company and had husbands and brothers, etc., working for the company. So this is not something we solicited; this is something that people came and told us about. At that time, we did not realize this money.... We thought this was a Canadian mining company using its own resources, and the effect was that it was dividing the community. Let me put it carefully.

●(1635)

The Chair: Sorry. Finish your answer, but you're out of time.

It's Mr. Bains next.

Ms. Catherine Coumans: It wasn't until we got back into the town that the mayor—we were talking to the mayor about this—said, "You know, I think that money is coming from the embassy". Then when we got into Manila and sat down with the embassy, we said, "Is there anything to this?" Then we found out it was, in fact, Canada Fund money.

We later met with a delegation from the Philippines with CIDA here in Hull and raised this issue. We were categorically told that this is not the policy of Canada Fund money—that Canada Fund money should be used to partner with civil society groups; that in rare, exceptional cases it can be channelled through a private local firm, if that's the best way to get a project done; but that it's not normal for this money to be channelled through a Canadian mining company.

Hon. Paddy Torsney: Maybe we have some questions that need to be asked.

First of all, just to clarify, CIDA officers have visited the project three times—on February 17, 2004, and on June 22, 2004, as well—and in fact the second tranche of money was held back because of some concerns. In total, \$14,000 has been invested so far through the Canada Fund.

As I understand it, the challenge is that the company is hiring a number of the people who are in the area, and therefore you're going to have an overlap—if you're hiring people who work for the company, and the people in the area are working for the company, then the people who are getting the goats and benefiting from the program are people who are working for the company. Is there a local NGO they should be partnering with instead?

Ms. Catherine Coumans: I should clarify that originally what we were told in the embassy was that no one had visited the project, and then later that was modified and we were told the people had visited the project. So I'm perfectly happy to say that people have visited the project.

On the question of whether they could have partnered with an NGO, this was raised in the embassy, that there was no NGO. There was no other way this project could have gone ahead.

I've since spoken to Alix Yule, who does a lot of CIDA projects in Mindanao with Agriteam Canada, and she knew about this situation. She was just on her way to the Philippines and she was the one who told me that.... In fact, on all our projects we do peace and conflict impact assessments because of where we do our projects. She was very surprised. She said there were rumours going around that the money for that goat project was coming from CIDA, but she was very surprised to hear that it was actually coming through the Canada Fund project. She said there were NGOs that had worked in that municipality of Siocon. They worked on a local coastal project. But she said it is not that there aren't NGOs. What she said was that it's very possible that there aren't NGOs that are comfortable going into that particular mine site area and doing a project there because of the general conflict that exists around that mine, but there are NGOs—

Hon. Paddy Torsney: Let's get specific again.

Are you suggesting that they should not be helping in the area because, as you mentioned, you acknowledge the project is designed to help women particularly? You're giving us information, and I have to ask. Do you not want them to be working with the people in the area? Do you want them to be partnering with somebody different, and if so, with whom? You have an opinion, because you've raised it here, so I am just seeking clarification. What are you asking us to do?

Ms. Catherine Coumans: Throughout Mindanao...that is one mountain top, here is another mountain top, here is another. There are poor communities all over.

●(1640)

Hon. Paddy Torsney: You don't want them to invest. Is that what you're saying?

Ms. Catherine Coumans: The interesting thing is this. Why is this particular community getting the goats and not the community over here where there's no mine, or over here where there's no mine? Absolutely. Any of these communities is deserving, in and of itself, of getting goats and having a project by CIDA. The curious thing is, why is this project happening here, and why is it serving to divide the community?

When we were first told about this, we weren't told, there's this great project here that the company is doing with us with goats. The first thing we were told was, there's a project here, and certain women are getting the goats and certain women are not. And that was before we knew where the money was coming from.

Hon. Paddy Torsney: Okay. I would like to be clear, because I'm still confused. Is your recommendation that they do not continue with this project and the people in this area don't have the goats? Do you want them to go to a different mountain and do goats there?

Ms. Catherine Coumans: My recommendation in the brief that I presented today is that CIDA do the same thing for this project as it has done for other projects in Mindanao, a peace and conflict impact assessment on this project, particularly because they are couring the money through a private corporation and particularly because there have been issues raised around this operation with respect to human rights.

Hon. Paddy Torsney: Right, I hear that.

Okay, as a result of that assessment, if we have \$14,000 to invest and there's a problem with that assessment, you want them to go to a different mountain.

Ms. Catherine Coumans: Or at least find a different way than directly through the corporation to channel that money to those who need it.

Hon. Paddy Torsney: Okay, no problem. I just want to be clear because, as you say, the people, I gather, are in need and I'm trying to figure out how we can best help.

Secondly, I am very concerned.... Mr. Broadbent brought up the issue of the letter from the lawyer, and obviously we want everybody to be accurate. I just want to be clear. When did we get the statement? If the letter was issued in the last 48 hours, when did we receive your statement if the statement's different from what you would have delivered otherwise?

Ms. Catherine Coumans: I managed to get my statement in, according to Mr. Rumas, on time for translation into French. So that was Tuesday, a week ago.

Hon. Paddy Torsney: That is not a different statement as a result of the lawyer's letter, or it is?

The Chair: Mr. Rumas is nodding his head, by the way.

Ms. Catherine Coumans: He asked me to get all documentation that had to be translated into French into him by the 14th, and I did my utmost to get as many things into him, including my statement, by the 14th. The letter from the lawyers from the company came on Saturday, the 18th.

Hon. Paddy Torsney: Is the statement different from what you would have released?

Hon. Ed Broadbent: She gave a different statement today from the one we got as a committee reference.

Hon. Paddy Torsney: Okay, so there are some pieces missing, I think.

Ms. Catherine Coumans: Yes, the difference was in the detail. I couldn't back up what I left hanging.

Hon. Paddy Torsney: Are we going to have the whole statement that we received on the record?

The Chair: No, actually, that's part of the record, but the public doesn't see it. It doesn't go on the Internet. What we're all talking about here is the Internet.

Hon. Paddy Torsney: All right. I was confused. I've never been in this situation, so I wanted to clarify.

I had one last question. You're going next week to Geneva, Ms. Bronson, and they're going to hopefully advance this issue of international norms. I wanted to understand how the legislation around this could work. If this company—because I think it's helpful

to have specifics—is in violation of those regulations but is still in keeping with Filipino law, how would those work? It is obviously domestic legislation we would be looking at. How would it work if the Philippine government, for instance, didn't subscribe to this legislation? How would you proceed on various cases?

The Chair: Sorry, we're trying to get a valuable piece of information from Ms. Coumans for the purposes of the committee.

Hon. Paddy Torsney: Well, it's okay. It's for the other two.

Ms. Diana Bronson: Craig will complete this, but the norms, as they are now, have not been adopted by governments. They're the product of an expert committee that is appointed by governments. There's a good deal of disagreement around some of the language internationally, so the point now is to build consensus.

Nothing would prevent, for example, the Canadian government from saying, well, we endorse the norms now, and this is going to be a criterion for our companies that are going to receive any form of public support. That's unlikely to happen. It would be better to build some multilateral consensus around them and then to eventually have them ratified by governments, and they would be binding on those governments.

There's already a whole series of obligations that both Canada and the Philippines have jointly undertaken to respect. Both Canada and the Philippines have ratified the International Covenant on Civil and Political Rights and the International Covenant of Economic, Social and Cultural Rights and therefore have a mutual interest in ensuring those treaties are respected.

But I'll let Craig complete that.

• (1645)

Prof. Craig Forcese: The UN norms we're talking about, best-case scenario, they're approved in principle. But this is not an international treaty; this is not international law. It's simply very much like a declaration from the General Assembly. So we're not talking about international legislation of any sort in relation to these norms.

I think if we were talking about acting legislatively, it would be the extension of Canadian extraterritorial jurisdiction—

Hon. Paddy Torsney: Right, because we've talked about that in this committee.

Prof. Craig Forcese: —to circumstances analogous to this case or others. That's what we'd be talking about.

Hon. Paddy Torsney: Right. That's my question—

The Chair: Ms. Torsney, I'm sorry. Your time's up.

Hon. Paddy Torsney: Well, we didn't actually—

The Chair: We're going to go in camera. I'm sorry about that. We've been listening with great interest, but I think all the members here agreed. Mr. Mato and Mr. Galos have come all the way from the Philippines, and it's not fair—we have to stop at 5:30 p.m.—not to give them ample time for their evidence in camera.

Mr. Day.

Mr. Stockwell Day: Mr. Chairman, I have just a quick question, which can be answered later. I realize we want to go in camera, and I respect the reasons why.

Have you responded to the invitation from the company? They said they would pay for a person from MiningWatch to go over there and tour the site—just one person. Two might be better. If you push them, maybe they'd go for two—I don't know.

I appreciate the concerns I'm hearing, but we also know from long experience that we like to hear two sides of every story. Do we have access to the other side of the story here?

The Chair: Well, we can bring that up at the end of the meeting. We certainly want to hear—

Ms. Catherine Coumans: I think they've been invited.

Mr. Stockwell Day: Okay, I wanted to ask that question.

Ms. Catherine Coumans: Actually, I think they were scheduled for February 23 and something happened, so I'm not sure.

The Chair: Then with great apologies to everybody,

[*Translation*]

the committee decided to continue its proceedings with the witnesses in camera.

[*The meeting continued in camera*]

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