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7 » 2012

Ignatieff has some explaining to do

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Citizen Special

Thursday, November 04, 2010

It was not surprising that last week Stephen Harper's government defeated a modest opposition private member's bill that offered an opportunity to improve the human rights records of Canadian oil, mining and gas companies. But the apparently ambiguous stance of opposition leader Michael Ignatieff on the bill came as a surprise to many -- and leaves him with some explaining to do.

Right now Canada's government does virtually nothing to oversee, let alone regulate, the conduct of Canadian companies working overseas, even though most of the world's major mining and exploration companies are Canadian. The government does little to prevent corporate misconduct abroad that would never be tolerated at home. Given the dominance of the Canadian mining industry, any misdeeds and mistakes can have a huge collective impact.

Bill C-300, introduced by Liberal MP John McKay, would have required the government to investigate credible allegations that Canadian firms operating overseas are linked to human rights abuses. It would have obliged government agencies to withhold some forms of support to firms that did not live up to basic human rights standards. Despite fierce opposition from the powerful mining industry and the government, it was defeated by just six votes.

Harper's government and the industry favour weaker voluntary measures instead of any government regulation or oversight. This is the wrong approach. Consistently good human rights practices come about only with greater government oversight and regulation.

Ignatieff says his party stands for human rights and corporate social responsibility, and he is a former human rights scholar himself. Although most Liberal parliamentarians rallied to McKay's side, Ignatieff and 12 others were absent from the vote and the opposition leader's office told us he took no position on the bill. This would not be surprising; party leaders often do not vote or take positions on private members' bills. It would be rare for an initiative of this complexity and importance to be introduced through a private member's bill. But it was far from clear -- including to MPs within his own party -- whether Ignatieff wanted the bill to pass or not. And some key Liberal MPs lobbied vigorously against it.

Thus we are left with a very murky picture as to exactly where Michael Ignatieff and the Liberal party leadership really stand on government oversight of Canadian companies after deciding not to lend C-300 the support it needed to pass the House.

After C-300's defeat, Ignatieff said he was firmly committed to corporate social responsibility and "robust measures" to ensure ethical business practices overseas. One would hope this means that he would like something stronger than C-300, since he did not vote for it. Ignatieff aides told us that if he were elected, his government would work hard to build effective corporate social responsibility policies. They said those policies would be based on the outcome of the 2007 roundtable process that ended in broad agreement between industry and civil society representatives on a framework for Canadian government promotion of corporate social responsibility.

As always, however, the devil is in the details. The very sensible recommendations that came from the roundtable process are billed as a consensus position, but it is not clear that this is actually true. The government has done little to move forward with the roundtable's recommendations, and certainly has not created the independent ombudsman position that was at their heart. And even though C-300 was largely based on the principles that came out of the roundtable, industry lobbyists treated the bill's provisions as an intolerable assault. Many observers believe the industry has decided to undermine the "consensus" its own representatives helped form.

The roundtable's sensible recommendations leave key questions unanswered. The group recommended the creation of an independent ombudsman's office and an end to government support of abusive companies that refuse to reform. But its recommendations did not call for robust regulatory mechanisms to ensure the government's new watchdog institution would have real teeth.

Ignatieff needs to give direct answers to two key questions if he wants to retain his credentials as a supporter of greater corporate accountability. First, if elected, would he push through legislation implementing the recommendations of the 2007 roundtable process -- including the creation of an independent ombudsman position -- even if industry groups repudiated those recommendations? And second, what regulatory mechanisms would his government implement to sanction companies that flouted the government's new standards of responsible behaviour? Ignatieff should respond to C-300's defeat by committing to support legislation that is substantially stronger.

Of course, the Liberals are not in government, and most pressure should remain on pushing the government of the day to move forward on these issues. But Ignatieff must convince Canadians that he has concrete ideas about making better policy on important human rights issues. If the Liberal party wants to continue using the issue of corporate social responsibility to contrast itself with the current government, it has to do more than issue slogans.

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