NEOLIBERALIZATION OF CANADIAN OFFICAL DEVELOPMENT ASSISTANCE AND ITS IMPACT ON HUMAN RIGHTS

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ABSTRACT

This thesis examined Canada's bilateral Official Development Assistance (ODA) in the neoliberal landscape of Canada from 1995 to 2015. To fulfill its commitment to human rights in its international engagement, Canada adopted the Official Development Assistance Accountability Act (ODAAA) in 2008. The Act mandated all Canadian ODA be used for the promotion and protection of human rights. The main objective of this thesis was to examine how human rights are protected and promoted through the Canadian ODA. Through policy and documentary research as well as primary data collected through interviews, this thesis examined how domestic groups in Canada, especially political, economic and civil society actors, protected and promoted the human rights agenda. The research revealed that domestic variables, influenced by neoliberalism especially political and economic, play a key role in the ODA decision making. Key findings of the thesis indicated that though human rights were protected in Canada, there was a lack of protection mechanisms linked to development through ODA in recipient countries. Specific to promotion of human rights, the research showed that while funds from Canadian bilateral ODA directly advanced human rights, the neoliberalization of ODA reflected in funds allocated to the mining sector. Lastly, domestic political actors and economic interests played a key role in the neoliberalization of ODA, while the civil society actors diligently pushed for the inclusion of the human rights agenda. In light of the findings of this thesis, the Government of Canada could play a much concrete role in the advancement of human rights in both protecting and promoting human rights through Canadian bilateral ODA.

KEY WORDS: CANADA OFFICIAL DEVELOPMENT ASSISTANCE/
HUMAN RIGHTS/ NEOLIBERALISM/ DOMESTIC INFLUENCES

113 pages

CONTENTS

CONTENTS (cont.)

LIST OF TABLES

LIST OF CHARTS

CHAPTER I
CANADA'S FOREIGN POLICY, OFFICIAL DEVELOPMENT ASSISTANCE, HUMAN RIGHTS AND NEOLIBERALISM

1.1 Rationale

The Government of Canada (hereafter GoC) employs the Canadian Official Development Assistance (ODA) as a tool of Canadian foreign policy to further its international development agenda. The Organization of Economic Co-operation and Development – Development Assistance Committee (OECD-DAC) defines ODA as the transfer of resources and/or services through official channels – state or local government or by their executive agencies for economic and social development with a twenty-five percent or more grant element (OECD -DAC 2015). Canada provides ODA to recipient countries through multilateral and bilateral channels. Recipient countries are chosen based on their 'real needs', their capacity to benefit from ODA and their 'alignment with [Canadian] foreign policy priorities' (Global Affairs Canada 2015). Canada adopted the Official Development Assistance Accountability Act (ODAAA) in 2008, which mandated all ODA be used for poverty reduction. The ODAAA also stipulated all ODA be used for protection and promotion of human rights and be aligned with international human rights standards (Government of Canada Justice Laws 2008). The first legislated Act for ODA in Canada placed the human rights agenda at the heart of Canadian ODA.

Prior to the adoption of the ODAAA, Canada's international development was guided by policy documents and agendas set out by the political party in power, none of which were legislated. Thus, every party in power had the prerogative to design and implement their own international development agenda. While ODA has been employed since the 1950s, Canadian ODA policies and agendas shifted in the mid- 1980s to late- 1980s due to the shift in domestic economic policies. Two major domestic shifts –economic alignment to the United States of America through the Free

Trade Agreement (FTA) in 1988[1]; and adoption of the Washington Consensus in 1989 for economic reform in developing countries, changed the course of both trade and engagement through international development in Canada. The Washington Consensus prescribed ten policies[2] aimed at, among others, economic reform through liberalization of markets; institutional reform to minimize the role of the government; and policy reform to facilitate smooth functioning of trade in developing countries. Neoliberalism, which had been incrementally influencing Canada in the 1980s, was overtly expressed in both national and international development agendas by the late 1980s and early 1990s.

Though the role of ODA varied, the Parliamentary Committee proposed effective poverty-reduction as the primary mandate for ODA in 1994. In the opinion of the Committee, ODA needed to be disseminated to the neediest in the poorest of countries (Parliament of Canada 1994). While the opinion was commendable, realities differed and were reflected under the leadership of Jean Chrétien, under whom *Canada in the World* was published in 1995. The foreign policy review explained the objectives of its foreign policy and how Canada's global engagement was going to be transformed. *Canada in the World* noted that development could not be achieved through ODA alone; development also needed resources of recipient countries and international trade and investments (DFAIT 1995). Thus, to achieve development Canada needed to align its trade and development objectives.

Development in recipient countries was not the only agenda of international development. *Canada in the World* (1995) iterated its support for respect for human rights in international development. Human rights served as an important 'Canadian values', which should inform all Canadian international engagements (DFAIT 1995). While international development and ODA have undergone shifts, the GoC has remained consistent in its articulation of respect of human rights as a core value for international development. Presently, Global Affairs Canada (2015) asserts that Canada stands up for human rights and takes principled positions on important

[1] Mexico was added to the FTA and making it the North American Free Trade Agreement (NAFTA) in 1994.

[2] The ten broad policies included – fiscal policy disciple, redirecting public spending subsidies, tax reform, standard market interest rates, competitive exchange rates, trade liberalization, liberalization of incoming foreign direct investment, privatization of state enterprises, deregulation of regulations impeding creation of free markets, and legal security of private property rights.

issues to ensure that values that define Canada, such as freedom, democracy, human rights and the rule of law, are enjoyed around the world. One of the ways, in which the GoC protects and promotes human rights abroad, is through Canadian bilateral ODA. But despite the long history of ODA in Canada, human rights were not legislated in ODA till 2008.

While it was a step in the right direction for Canadian ODA, the rhetoric of human rights needed to be examined. Enshrining rights in an Act is only one step forward. Strategies and processes are needed in place for the effective implementation of the Act. Equally important is the role of the actors responsible for the implementation of the Act to translate the values set in the Act in Canadian development programs. Given, political actors in Canada have reiterated the alignment of trade and development interests frequently; it is naïve to not consider the political and economic implications in the translation of the ODAAA. Pratt (2003) explicates that decision regarding foreign aid (inclusive of ODA) are made by senior policy makers with an understanding of international politics to advance Canadian interest and agree on how it can be best promoted. There are domestic influences in the country, which influence ODA decisions. As ODA remains a tool of foreign policy, it is best advanced according the priorities and decisions of the government.

The 2011 announcement from Bev Oda, the then Minster of International Co-operation exemplifies the domestic influences on ODA. The then Canadian International Development Agency (CIDA) was going to partner non-governmental organizations (NGOs) like Plan Canada and World Vision Canada and mining companies like Barrick Gold and IAMGOLD in ODA recipient countries in Africa and South America. These partnerships were to assist developing countries to manage their natural resources to foster long-term sustainable development to the people in recipient countries (Oda 2011). The support for the mining sector was not new as ODA funds had been previously utilized to support the mining sector (Engler 2012; Blackwood and Stewart 2012). The concern was the shift to directly funding multi-billion dollar Canadian corporations through a sector with bleak record of protecting and promoting human rights abroad. Canadian mining companies including Barrick Gold have bleak records of performance to protect and promote human rights. In fact,

Canadian mining companies have allegedly contributed to human rights violations and there are lawsuits pending against them (Mining Watch Canada 2015).

At the inception of this thesis, a few facts regarding ODA were clear. One, ODA was a tool of foreign policy in a broader neoliberal environment; two, the GoC had clearly specified its intentions of aligning its trade and development interest; three, the ODAAA mandated the respect of human rights through all Canadian ODA; and four, there were domestic influences, mainly political and economic that played an integral role in decisions regarding ODA. While the neoliberal ideology aimed at creation of free markets through policy and institutional reform, the main concern was the place of human rights in the larger framework.

The place of human rights in neoliberalism, to say the least is contentious as the neoliberal ideology is only concerned with an individual's right to participate in the market. Also, how does one measure respect of human rights? The discourse on human rights is vast and realistically, it is a challenge to measure human rights as a general unit. Specific rights are easier to gauge, but governments in their policy statements and speeches rarely breakdown the specific rights they are committed to protect and promote. The protection and promotion is done through polices, actors, mechanisms, and apparatus that facilitate the promotion and protection of human rights. So, while the GoC continues to pronounce its commitment to human rights, it is important to look below the surface. So, if the mandate of the ODAAA was aligned to both foreign policy objectives and the human rights agenda, a critical examination of the ODA was required to infer the place of human rights in Canadian ODA and how it was protected and promoted through Canadian ODA. As domestic influences are critical to the implementation of ODA, domestic influences mainly political, economic and civil society organizations (CSOs) were analyzed. As ODA can include many forms of aid, this thesis focused on Canadian bilateral ODA. This main argument of this research thesis is though the GoC's verbal commitment to human rights in ODA is plentiful; there is a lack of commitment to protecting and promoting human rights abroad due to the neoliberal agenda perpetuated by domestic influences. This lack of protection and promotion is especially visible in the development through the extractive industries, in which, Canadian economic interests in the mining sector take priority over the human rights agenda in Canadian international development.

1.2 Research Objectives

The main objective of this thesis is to analyze the commitment to protect and promote human rights through Canadian bilateral ODA given the domestic influences – political, economic and civil society organizations (CSOs) in a neoliberal setting. As domestic influences play separate roles, their role is examined through specific objectives, which are:

- in pushing the human rights agenda through Canadian bilateral ODA. to examine how the GoC protects human rights abroad while promoting development through ODA and the role of domestic political influences.

- to investigate how the GoC promotes human rights through its bilateral ODA and the role of economic interests, specifically the Canadian mining sector to analyze its influence on ODA program structure.

- to assess the role of CSOs in the consideration of the human rights agenda in policies on ODA and policy interpretation.

1.3 Research Questions

To achieve the objectives of this research, the thesis asks the following questions:

- How are human rights protected in a neoliberal political environment and how the current protection mechanisms in Canada protect human rights abroad?

- How are human rights promoted in Canadian international development through Canadian bilateral ODA? Also, how do Canadian economic interests especially in the mining sector affect the human rights agenda in Canadian international development?

- How do CSOs contribute to the consideration of the human rights agenda in ODA policy interpretation based on the role they play in Canada?

1.4 Research Methods

The thesis is substantially based on documentary research. Both primary and secondary sources were used to gather information for analysis.

1.4.1 Documentary Research

For Canadian foreign policy - the two Canadian foreign policy reviews (as there has been none after 2005) – *Canada in the World* (1995) and the *International Policy Statement: A Role of Pride and Influence in the World* (2005) were examined. For policy on ODA, in addition to the foreign policy review, the 2002 *Policy Statement on Aid Effectiveness* and *The Aid Effectiveness Agenda* of 2007 were analyzed. All the legal documents were procured from the Parliament of Canada and Government of Canada Justice Law website. An in-depth analysis of the ODAAA was also conducted to situate human rights in ODA. Documents from the Parliament of Canada Office of Auditor General, and the Canadian Human Rights Commission were also studies and examined for this research. Policy papers and information on international treaty bodies were utilized and downloaded from the United Nations online platform.

Most documents used in the research are from peer reviewed journals or from published books. Critical examination of existing literature and arguments on the subject was conducted and included to substantiate arguments. The Global Affairs Canada website was extensively used to procure documents pertaining to bilateral ODA, thematic development priorities, countries of focus, bilateral ODA spending, development challenges and priorities, and development partners. Global Affairs Canada's Project Browser and Open Portal were also used for procuring information on mining projects.

Newspaper and magazine articles were sourced from reliable sources, such as leading Canadian newspapers - CBC Canada and The Globe and Mail. Political commentary and reports by research institutes such as The North-South Institute, Canadian Council on International Co-operation (CCIC), Canadian Centre for Policy Alternatives (CCPA), International Development Research Centre (IDRC), and Canadian

International Development Platform (CIDP) were used. Reliable websites like Mining Watch Canada, a watchdog organization were used to specifically gather information on development through the extractive sector.

1.4.2 Statistical data research

All statistical data in the thesis is secondary data is sourced from reliable sources, mainly Global Affairs Canada, OECD and the World Bank.

1.4.3 Interviews

Interviews were conducted to gather first-hand information in the field of international development and human rights. Seven interviews were conducted: five with people who have worked directly in the field in international development funded by ODA, two out of which have worked as consultants with the former CIDA. Most of the interviewees requested their names to be changed for use in the thesis or be omitted especially if being published online. The interviews followed an informal structure with information recorded only on paper or email. No pictures or recordings were taken of any interviewees. There were a few set questions but most questions were leading questions based on the earlier information provided by the interviewee.

1.5 Research Scope

The evolution of ODA and human rights in Canadian foreign policy has been previously studied and analyzed by scholars, such as Engler (2012; 2009), Brown (2012), Pratt (2003). To be meaningful, this research focused on ODA in Canadian foreign policy from 1995 to 2015. The end of Cold War marked a shift in global politics, consequently, changing Canada's strategic involvement globally. Signing of the FTA with U.S.A. facilitated the absorption of the neoliberalism into Canada, which had been seeping into the Canadian economy since the 1970s. Further, the emergence of neo-liberalism in the global South in the 1990s opened access to new markets and presenting an opportunity for Canada to benefit. In response, the GoC in the 1995 Canadian foreign policy review stated the consideration of broader foreign policy goals with its international assistance. The previous foreign policy review had been

conducted in the 1970s. The 1995 foreign policy review spelled out Canada's interest in aligning its development objectives with its foreign policy objectives to be effective and efficient in its international engagement.

The adoption of the Washington Consensus drastically shifted the donor-recipient relationship in 1989 with countries like Canada pushing reform good the good governance agenda through their development aid. While ODA was employed as a tool since the 1950s, the Washington Consensus cemented the perpetuation of neoliberal principles through Canadian ODA. This was especially visible in the development through extractive industries and directly funding the mining sector. While the mining sector had indirectly benefitted from Canadian ODA, direct funding to the mining companies was announced in 2011. Though the funding was in partnership with NGOs, funding a questionably controversial sector for natural resource management brought into question the commitment of protecting and promoting human rights abroad dampened the objectives set out by the ODAAA. Hence, this thesis focuses on the journey of Canadian ODA from 1995-2015.

1.6 Significance of Research

While the rhetoric of human rights remains at the heart of Canadian ODA and policies related to it, the interpretation of the Act through development priorities and program decisions such as development through the extractive industries is understudied especially from a neoliberal perspective. Neoliberalism is at the core of Canadian foreign policy and since the Washington Consensus, at the centre of promoting reform for economic growth in developing countries. As ODA is used as a tool for economic growth, neoliberal concerns especially those of good governance for economic reform have been included in thematic priorities of Canadian ODA. Good governance serves as a cross-cutting theme for development priorities. While research has been conducted on pars of ODA, there is little research focusing how human rights are promoted through ODA given the influence of neoliberalism. This thesis attempts to fill in those knowledge-gaps and provide an analysis for how human rights are protected and promoted through Canadian bilateral ODA.

1.7 Limitations of the Thesis

The proposal of this thesis indicated interviews with policy-makers, which posed a challenge. Though policy-makers were directly contacted, no responses were received, and most queries were deflected to the website. This is a limitation of this thesis; as one of the objectives of the thesis is to analyze political influences including policy-makers. Primary data from policy – makers could have tremendously strengthened this thesis as it would have provided critical insights into political motivations. So, this thesis relies on information published by the GoC, reports submitted to the Parliament of Canada, policy speeches, news articles, and academic sources. However, caution needs to be applied as information supplied by development agencies and what Black (1999) calls 'publicized rationales' as they often present an incomplete picture especially in the absence of peer review and information triangulation.

1.8 Theoretical Framework - Neoliberalism

Neoliberalism is the framework in which economic policies are designed and implemented in Canada. It is also the framework in which Canada engages with the rest of the world in its international trade and development. The neoliberal economic theory is based on the premise of free trade and free markets created through institutional reform, consequently benefitting all from economic growth (Harvey 2005). Once, the system of free trade has been established through efficient free markets, neoliberalism calls for minimal government intervention. The political and economic theories originated under neoliberalism in the late 19th and early 20th centuries by Ludwig von Mises, amongst others, who presented what we today understand as the economic theory of *laissez faire or the free market economy*. Though existing it theory, neoliberal economic policy did not come into the limelight till the 1970s when it was implemented by Pinochet in Chile. Chilean reform was followed by Thatcher in the United Kingdom in 1979 and Reagan in the United States in 1981. By the end of the 1980s, recommendations based in neoliberal ideas became standards in international economic community (Peet and Hartwick 2009).

Canada began to adopt neoliberal trade policies in the early 1980s, and the shift to neoliberal economic policy accelerated with signing the free trade agreement with the United States of America in 1989. The FTA succeeded to become the North American Free Trade Agreement (NAFTA) with the participation of Mexico in 1994. Around the same time, Canada's pronunciation of using the global markets became clearer through the ODA program (DFAIT 1995). Since 1995, Canada has become party to ten FTAs, concluded negotiations for three, and in negotiation with eight FTA agreements; in addition, Canada is in exploratory discussions with four partners (Global Affairs 2016). While this thesis in no way analyzes any Canadian FTA, the information provided is to present a picture of Canada's engagement in global economic order.

The past three decades have witnessed a rapid inclusion of the neoliberal ideology. Since the 1990s, Canada has been a leading voice in advocating for neoliberal reform for economic growth. But not all in Canada are of the same opinion. In an interview prior to the 2015 elections, the former leader of Newfoundland and Labrador's former New Democratic Party (NDP), Ed Finn, told *The Independent* that no one was talking about the 'biggest challenge facing Canada' - neoliberalism (Brake 2015). According to Finn, 'Canada has been in decline as a nation socially, environmentally and politically since the 1980s'. He further added in the same interview that it is was in 1980s, when the political leadership under both parties 'dumped the Keynesian system based on governing in the public interest [and] replaced it with a neoliberal system of governing in the interest of wealthy and big business elites- a system' (Brake 2015). But Finn's opinion is one of the handful as neoliberalism continues to prevail and thrive in Canada. Principles of neoliberalism have been incorporated in all aspects of economic policies for domestic and international agendas including Canadian foreign policy and policies such as ODA, which fall under Canadian foreign policy.

1.9 Canadian Foreign Policy

Canada is a high-income country with the eleventh highest Gross Domestic Product (GDP) of $1.785 trillion USD in 2014 (World Bank 2015). Despite being an economic power, Canada is often referred to as a middle power in international engagement. Though, there is no exact definition of being a middle power, Bratt and Kukucha (2007) cite Dewitt & Kurton's study, which attributes - activity (degree, variety and diffusion), association (initiative, commitment and focus), approach to world order (degree, scope and transformation), and external determinants (salience, scope, sensitivity and actor relevance) to determine a country's standing on the international stage. Canada, though an economic power has held the middle position in the global setting especially in contributions to military operations around the globe and also the percentage of funds allocated for international development, discussed in detail in Chapter 3.

In the words of Paul Martin[3], foreign policy is how a country best projects itself to the world; is reflective of Canadian beliefs and is 'articulated through the words we speak, the decisions we make and the actions we implement in the name of Canada' (Martin 2005, p.i). Thus, in terms of ODA, it is reflected in decisions taken regarding ODA, programs advanced with ODA, development priorities set by the GoC and countries funded through ODA. While foreign policy is expansive, the crucial building blocks to foreign policy include international trade, economic sanctions, international security, respect for human rights, international co-operation, and response to humanitarian crisis (Global Affairs 2015). Although Canada has had a long-standing foreign policy, there have been very few foreign policy reviews, which have communicated the objectives of foreign policy to the Canadian public. Prior to 1995, the Trudeau government issued *Foreign Policy for Canadians* in 1970, which is not studied in this thesis. The next policy Foreign Policy review was released under Jean Chrétien titled *Canada in the World* in 1995, which laid out Canada's global engagement strategy post 1990s.

[3] Paul Martin, a member of the Liberal Party served as the Prime Minister of Canada from 2003 to 2006.

Canada in the World listed Canadian foreign policy priorities as promotion of economic prosperity and security; protection of national security within a stable global framework; and advancing Canadian values including respect of human rights abroad. The broad foreign policy objectives applied to all Canadian foreign policy. Specific to ODA, these foreign policy objectives meant alignment of Canadian policies on ODA with both foreign policy and domestic policies for consistency and contribution to a common goal (DFAIT 1995). Canadian values were noted as 'commitment to tolerance; to democracy; equity and human rights; to the peaceful resolution of differences; to the opportunities and the challenges of the marketplace; to social justice; to sustainable development; and to easing poverty' (DFAIT 1995, p.8). These values clearly promoted both the human rights agenda and the neoliberal agenda of accessing free markets. The following review – *International Policy Statement: A Role of Pride and Influence in the World* was published under the Liberal leadership of Paul Martin in 2005. However, this review was never implemented because of the change in leadership to the Conservative Party in 2006, which stayed in power till 2015. There has been no other foreign policy review since 2005; technically 1995, as the one in 2005 was never implemented. The Conservative government, which came into power in 2006 relied on public speeches and media interviews to convey changes and updates in all aspects of foreign policy including Canadian ODA.

1.10 Canadian ODA

Canadian Foreign Policy is vast and encompasses various ways in which the GoC engages with the world; one of the key foreign policy portfolios is that of promoting international development. The GoC employs a crucial tool – International Assistance Envelope (IAE) to advance its development agenda. Canada's IAE includes all financial resources provided by different levels of the Canadian government (federal, provincial, or municipal) in favor of development assistance. The IAE funds roughly 90 percent of Canada's International Assistance, which includes majority of Canada's ODA-related activities, and other specific activities that do not meet the definition of ODA, such as certain peace and security efforts (Global

Affairs Canada 2015). Canadian International Assistance is disseminated bilaterally and multilaterally through various departments and agencies[4] including Global Affairs Canada. While all the departments and agencies report under the ODAAA and submit reports to the Parliament of Canada, this thesis specifically studies and analyzes Canadian bilateral ODA disseminated through Global Affairs Canada. In the 2014-2015 fiscal year[5], Global Affairs led Canada's International Assistance efforts to reduce poverty and inequality by providing bilateral development assistance and responsible for distributing 64 percent of the total International Assistance (Global Affairs Canada 2015). See Table 1 on the next page for Canadian bilateral ODA as report to the OECD – DAC from 2010 to 2015.

Table 1.1 : Canadian bilateral ODA as reported to OECD-DAC in Canadian dollars

Fiscal Year	Percentage Distributed through Global Affairs	International Assistance	Programs Funded by the IAE	ODA: ODAA And OECD DAC*
		(Funds in CDN dollar in millions)		
2014-2015 - Global Affairs	64%	3,743.61	3,720.62	3,614.56
2013-2014- DFATD	76%	3,757.67	3,751.68	3,651.83
2012-2013- CIDA	63%	3,446.32	3,440.31	3,445.56
2011-2012- CIDA	69%	3,932.65	3,926.39	3,931.28
2010-2011- CIDA	63%	3,591.94	3,583.73	3,591.74

Source: OECD- DAC (2016)

1.10.1 Neoliberalism and ODA

The adoption of the Washington Consensus for promoting economic growth in developing countries grounded the neoliberal principles in international development. Backed by the World Bank, the International Monetary Fund (IMF), the

[4] Department of Finance Canada, International Development Research Centre, Department of National Defense, Health Canada, Royal Canadian Mounted Police, Public Health Agency of Canada, Environment and Climate Change Canada, Natural Resources Canada, Parks Canada, Employment and Social Development Canada, Innovation, Science and Economic Development Canada, Transport Canada, Canadian Intellectual Property Office, Statistics Canada, Canada Revenue Agency, and Immigration, Refugees and Citizenship Canada.

[5] Fiscal year in Canada covers the reporting period April 1, 2014, to March 31, 2015.

donor countries domesticated ten principles set out the Washington Consensus in their engagement with developing countries. Structural adjustments programs and good governance programs took the front set to promote development by liberalizing markets and institutional reform. Canada in the World (1995) recognized development as a complex process and stated the pertinence of meeting certain conditions prior to development taking permanent root. The certain conditions included funding for democratizing countries to establish institutions and regulatory bodies, which in turn facilitated deregulation and encouraged free trade, rooted in the neoliberal principles prescribed through the Washington Consensus. Since 1995, the GoC has pushed for aligning trade and development objectives. Free markets were considered key to promote development in developing countries and this could only be done by liberalization of markets (DFAIT 1995). For this GoC promoted and continues to promote programs of good governance, which serves as a cross-cutting theme for international development. The good governance agenda facilitates institutional capacity-building to minimize interference from the State. This has been advantageous to Canada especially in the mining sector (See Chapter 3).

1.11 Human Rights

Human rights prescribed by the Universal Declaration on Human Rights (UDHR) are universal rights which apply to all humans without any kind of distinction and discrimination on any grounds (UDHR 1948). The rights in the UDHR are further elaborated in the International Bill of Rights and the nine core international human rights instruments[6]. The International Bill of Rights includes the International Covenant on the Political and Civil Rights (ICCPR), the two optional protocols of the ICCPR, the International Covenant of the Economic, Social and Cultural Rights (ICESCR) and an optional protocol to the ICESCR.

Lui (2012) explains that human rights only became a part of the Canadian foreign policy in the mid-1970s. Inclusion of human rights in international policies did not seriously start till the patriation - the political process that led

[6] See more on core international human right instruments at http://www.ohchr.org/EN/ProfessionalInterest/ Pages/CoreInstruments.aspx

to Canadian sovereignty- of the Canadian Constitution and the launch of the Charter of Rights and Freedoms in 1982 (See Chapter 2). Before 1982, Canada was governed by a constitution of British laws that could be changed only by acts of the British Parliament. The patriation process saw the provinces were granted effect in constitutional matters. Subsequently, the Constitution was amendable by Canada only with no role of the British Parliament. The role of the human rights slowly became more pronounced. They were listed as was a priority for 'both international concern and action for Canadians abroad' in *Canada in the World*. Human rights are now at the core of Canadian foreign policy. Specifically, to ODA, human rights are legislated through the ODAAA for all Canadian ODA.

Evans (2005) categorizes the human rights discourse as the philosophy of rights, which is an abstract discourse, the legal discourse and the political discourse. Distinguishing the three discourse is important because Evans contends that the terms, concepts and language of the three discourses are used so interchangeably that they cause confusion in the complete understanding of human rights (Evans 2005). Not advocating for strict compartmentalization, he urges caution when discussing human rights. This categorization serves as a key to understanding the language of human rights in Canadian foreign policy as all policy documents use very general language of human rights. There is no clear discussion on what aspect of human rights – moral, legal or political guides the foreign policy. Human rights policy is what Evans (2005) calls a 'political discourse' based on morality in Canada's engagements in the world. Canadian human rights policy, which according to Lui (2012, p.7) is 'an aspirational sense of identity - a broader vision of what Canadian society should look like in order to survive as a coherent, unified political entity'. For achieving the political entity, political actors play a crucial role in incorporation of the human rights in policies of ODA.

The place of human rights in policy making is contended by scholars and development aid workers because of competing values such as economic interests versus human rights. Scholars such as Lui are of the belief that 'human rights is merely one objective among many that must compete with what are often the more pressing purposes of statecraft' (Lui 2012, p. 94). Quoting Donnelly, he presses that 'security, economic, political, and ideological considerations are the principal bases of

foreign policy in almost all countries' and when these are pitched against consideration of human rights, they most likely win against human rights. Barratt (2009) in her writings on human rights in Canadian foreign policy also observes that the focus of human rights, both what and how has shifted in Canada's history of foreign policy, especially when weighed against more traditional foreign policy concerns and with more instantaneous benefit to Canada.

1.11.1 Neoliberalism and Human Rights

Protection of human rights entails more than a verbal reiteration as cautioned by Lui. Protection of human rights is incomplete without legal protections both domestically and abroad. This is especially true when human rights operate in a neoliberal environment. The concern with neoliberalism is that the present day dominant ideology for economic reform inherently lacks a commitment to human rights (Harvey 2005). Neoliberal policies only concern themselves with an individual's right to participate in a market economy by creating or amending institutions and policies to facilitate the participation (ibid). Hilson and Haselip (2004) explain that post 1980 debt crisis, structural adjustment programs were introduced by International Financial Institutions (IFIs) and bilateral agencies and donors, which introduced liberal investment measures, in which the mining sector and large-scale privatization was specifically targeted. Consequently, donor countries like Canada adopted the good governance agenda and linked it to human rights.

1.12 Structure of Thesis

The first half of Chapter 1 presents the rationale of the research thesis. It then lays down the research objectives and questions to guide the course of the thesis. Lastly, it presents the research scope, limitations and significance of this thesis. The second half of the chapter introduces the main concepts of the thesis - Canadian foreign policy, Canadian ODA in Canadian foreign policy, and Human Rights. The chapter also lays down a foundation for the theoretical framework of neoliberalism, which links each of the concepts to the broader theoretical framework.

Chapter 2 specifically investigates Canadian ODA and policies related to Canadian ODA. It analyzes the ODAAA and deconstructs the Act to understand how the Act assists in protecting the human rights agenda. In order, to understand the motivations of the present mandate set up the ODAAA, the chapter examines the domestic politics and political actors to gauge their role in the decision-making process in a neoliberal system. Lastly, the chapter investigates how the GoC protects human rights both domestically and internationally by critically looking at legal mechanisms for protecting human rights in Canada and whether those legal mechanisms are applicable in protecting human rights abroad. Lastly, the chapter reviews and examines protection mechanisms specific to development through the extractive industry and the mining sector.

Chapter 3 examines how the present Canadian ODA program structure promoted the human rights agenda through its bilateral ODA. For this, it analyzes the bilateral ODA funding, countries of focus, the economic interests in countries of focus, development priorities set by the GoC. Next it analyzes the funding specific to development priorities and the funding to the development under the extractive industries and the mining sector.

Chapter 4 examines CSOs in Canada in incorporation of the human rights agenda in Canadian international development. The Chapter first situates CSOs in Canada and studies the budget allocated to them through bilateral ODA. It then analyzes the various roles CSOs play in international development. Subsequently, the chapter examines the role of CSOs specific to the development through extractive industries and their role in the advocacy of human rights in light of gross human rights violations by the mining sector.

Chapter 5 is the concluding chapter which summarizes the findings of the research thesis.

CHAPTER II
CANADIAN ODA- POLICY AND HUMAN RIGHTS

2.1 Introduction

This chapter seeks to address the first objective of this research thesis – how the GoC protects human rights abroad in development through ODA. Fostering development in developing countries is not as simple as providing funding. It is a multi-level process with challenges at every level. So, an analysis of policies on ODA protecting human rights; how they protect human rights; and the protection mechanisms protecting human rights is essential. While respect for human rights is iterated in foreign policy documents, there is only one legislated Act – ODAAA, which mandates the human rights agenda for Canadian bilateral ODA. The succinct Act sets the mandate, objectives and role of the political actors in the interpretation of the Act. While this Act serves as a benchmark for all Canadian ODA, a critical examination of the Act is required to infer how human rights are protected through the ODAAA. Hence, this chapter first reviews the legal protection mechanisms for human rights in Canada. Further, it analyzes and if national legal protection mechanisms extend to shielding human rights abroad. As the Act includes the role of political actors, especially the role of the Minister of International Co-operation, this chapter examines the domestic political influences in the decision-making process in a neoliberal system. As ODA- related decisions are made at the highest level of the Government, this chapter argues that political actors play an influential role in ODA decisions, which has contributed to allow for the ODA agenda to be merged with Canadian interests. These interests especially in the mining sector have contributed to overlooking the protection mechanisms for human rights in development through the extractive industries.

2.2 Critical look at policies and agendas for Canadian ODA

2.2.1 Pre – ODAAA

The mandate of ODA has changed through the decades, which Moyo[7] (2009) efficiently summarizes into seven broad categories of aid era – the Bretton Woods in the 1940s; the Marshall Plan era in the 1950s; the decade of industrialization of the 1960s; the shift towards aid for poverty reduction in the 1970s; structural adjustments and stabilization in the 1980s and aid to promote democracy and good governance in the 1990s. The 2000s ushered a shift towards the Millennium Development Goals (MDGs) by the United Nations and the renewed commitment towards poverty reduction through the economic and social progress and development.

In a research report presented to The North- South Institute, Bülles and Kindornay (2013) noted the absence of an Official Development Policy Framework to guide Canada's engagement with the developing world. Consequently, despite being used as foreign policy instrument since the 1950s, decisions pertaining to ODA have changed with changes in leadership in the country. Pratt (2013) and Brown (2012), both experts in Canadian ODA have referred to this lack of policy as a serious concern for international development workers, who have time and again called for a comprehensive framework for Canadian ODA. Since 1995,[8] the GoC has published only three white papers regarding their engagement in international development through international assistance.[9] These are *Canada in the World* (1995), *Canada making a difference in the World: A Policy Statement Strengthening Aid Effectiveness* (2002) and *A Role of Pride and Influence in the World* (2005) since the 1990s.

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[7] Although Moyo is specifically writing about Aid in Africa, the categorization can be applied to aid from Western countries in general.

[8] There have been five white papers on Foreign policy since 1939. This thesis only studies the three white papers since 1995. See Parliament of Canada for more information at http://www.parl.gc.ca/parlinfo/ Compilations/FederalGovernment/PaperList.aspx?Menu=Fed-Doc-White&Paper=c6a4db8e-e464-430b-bbfe-ca77532e9ccb

[9] The term used in the two white papers is 'International Co-operation' under which ODA alongside other forms of International Assistance, such as humanitarian assistance, military aid not discussed in this thesis.

Murray and Overton (2011) discussed the influence of neoliberalism in the development discourse for the past three decades, which has resulted in radical reform, restructuring and diminishing the role of the states in order to place the market at the centre of development strategies. This was very reflected in the GoC's position in its recognition of Canada's 'privileged position to influence change and benefit from opportunities' by seeking new markets in developing countries (DFAIT 1995). Jean Chrétien, the then Prime Minister of Canada played an integral role in propagating the neoliberal economic principles especially through trade. According to Albo (2002), it was no surprise that the neoliberal principles for policies on deregulation, good governance, privatization and social austerity were being propagated by the political leadership in the country. The good governance programs for policy and institutional reform were at the core of Canadian ODA to facilitate development in recipient countries by creating necessary conditions for development (ibid).

Canada in the World set a new mandate for Canadian ODA. The foreign policy review stated the purpose of Canadian ODA was to 'support sustainable development in developing countries, [to] reduce poverty and to contribute to a more secure, equitable and prosperous world' (DFAIT 1995, p. 42). The foreign policy review laid down three roles for international assistance: one – a connect between the economies of Canada and that of the developing countries, which was at the heart of neoliberalism; two – contribute to global security by tackling issues of human rights violations, environmental degradation, gender inequality amongst others that pose a threat to human security; and three – Canadian desire to assist developing countries by sharing Canadian values, such as, rule of law, advancing democracy and respect for human rights abroad (DFAIT 1995).

Based on the roles pronounced in the foreign policy review, Canadian ODA was directed towards economic development and programs committed to the creation of stable, democratic and prosperous societies. The premise for stable, democratic and prosperous society was that contribution to such societies would assist in protecting the human rights of people in developing countries. ODA was directed towards programs helping creating democratic institutions in developing countries by funding programs for good governance and rule of law. Sinha (2005, p.165) explains that the concern of neoliberalism is not 'the state' but 'the government', which

receives large amounts of development funds to 'reform the state through the good governance agenda, which includes decentralization, participation, accountability and transparency'. ODA was also used for promoting private sector initiatives for economic development and facilitating governmental reform for deregulations of markets and creating optimal conditions for investment, all which perfectly fit under the neoliberal economic reform. While *Canada in the World* spelled its interest of engagement in the world, there was no clear strategy as to how the then CIDA was going to implement the development strategy. There was also a lack of explanation for how transparency and accountability would be promoted for effective good governance programs in recipient countries.

In an analysis report presented by the CCIC (1995, p.12), 'the broad scope of foreign policy objectives leaves the government free to orient ODA more closely to almost any mix of Canadian policy objectives', which as described in *Canada in the World* indicated towards alignment of ODA with trade and economic interests. While human rights and their advancement were spread throughout the review, there was no specific section on how the GoC would protect and promote human rights abroad in a holistic manner. Some concrete examples for advancing human rights were laid out - engagement with the United Nations, human rights education and advancing children rights (DFAIT 1995). But the attention to the human rights mandate paled in comparison to the strategies for trade and promoting economic interests.

The 21st century ushered in new visions for development co-operation and donor recipient relations. The Millennium Development Goals (MDGs) were adopted in 2000 and donor countries integrated of the MDG language into their policies on ODA. The eight goals were set by the United Nations as a blueprint to guide the work of international development across the globe.[10] With a target set for 2015, the goals included tackling extreme poverty, hunger, providing universal primary education, halting the spread of HIV/AIDS among others (United Nations 2000). While the poverty- reduction mandate was at the heart of the MDG, many CSOs in Canada that a holistic human rights approach to eliminating global poverty was not present in the

[10] The Millennium Development Goals: eradicate extreme poverty and hunger, achieve universal primary education; promote gender equality and empower women, reduce child mortality; improve maternal health; combat HIV/AIDS, malaria and other diseases; ensure environmental sustainability; and develop a global partnership for development (United Nations 2000).

MDGs (CCIC 2005). Simultaneously with the changes in international development, there were also changes happening in the donor recipient relationships pertaining to development aid.

In 2002, the heads of states and governments and hundreds of Ministers of Finance, and Ministers of Foreign Affairs, Trade and Development met at the United Nations International Conference on Financing for Development in Monterrey, Mexico. Representatives from International Organizations – International Monetary Fund (IMF), the World Bank and World Trade Organization (WTO) – also attended the conference. The conference addressed on how developed countries could better aid developing countries through various finance measures including ODA and debt relief. The Monterrey Consensus was adopted. The Consensus mainly included increasing financial flows - both government and private, to developing countries for development. Developing countries committed to 'sound policies, good governance and the rule of law and mobilizing their own resources for development' (United Nations 2003, p.11). In reciprocity, the developed countries committed support for 'reform through increased aid flow, enhanced debt relief and a more open international trading system' (ibid). The IMF and the World Bank played a key role in utilizing the neoliberal economic policies in play and influencing 'key development- intervention policies of bilateral agencies' (Sinha 2005, p.165). Also in June 2002, the G8 leaders met at the G8 Summit at Kananaskis, Canada and supported the New Partnership for Africa's Development (NEPAD) to assist the 'African-led initiative through major new investments in countries that govern justly, invest in their own people and promote economic freedom' (CIDA 2002).

Based on the changes in international development through trade and development, Canada announced a Policy statement called *Canada Making a Difference in the World: Policy Statement on Strengthening Aid Effectiveness* (CMDW) in 2002. The Policy Statement focused on effective development, country focus or what it called 'enhanced partnerships', sectoral priorities, and policy coherence. The Policy Statement announced Africa as continent of focus and called for aid effectiveness by concentrating ODA on the poorest country through 'enhanced partnership' strategies with developing countries committed to development and had the intentions of reforming through governance programs (CIDA 2002). A new list of

countries of focus and development priorities was drawn up (See Chapter 3 for detailed discussion). The 2002 policy statement was especially important because it clearly pronounced a move towards untying Canadian aid. It noted the challenges with untying all its aid at once; so, a gradual untying of aid was announced. The follow-up on untying aid, however, was slow because it took the then CIDA, six years to untie its food aid and a decade to tie all other aid.

The next foreign policy review - *A Role of Pride and Influence in the World* was put out by the Liberal government in 2005, ten years after *Canada in the World*. The four main areas of focus of the policy statement were Diplomacy, Defense, Development and Commerce. The policy stood on the same three pillars as *Canada in the World*: building a more secure world; increasing global prosperity; and taking responsibility (human rights and development). The neoliberal principles of open markets for thriving economies were explicitly noted, as was the promotion of adoption of free markets by building their institutional capacities through international co-operation (DFAIT 2005). The development section of the statement focused on promoting development and improving human rights. While this foreign policy review was much more extensive than the one in 1995, it was never implemented because of the change in Government in 2006. The Liberals had to concede defeat to the minority Conservative government, who shelved the 2005 policy review. Shelving policies of the last government has been occurring for a long time in Canada as each ruling party and ministers come with their ideas and objectives (Lui 2012).

After shelving the 2005 foreign policy review, the Conservative Government took an alternative path to Canadian ODA.[11] In response to the domestic pressures to align Canadian aid with international standards, the GoC committed to the Aid Effectiveness Agenda (AEA) in 2007. The AEA aligned Canadian aid to international aid standards mandated in the Paris Declaration on Aid Effectiveness. The Paris Declaration on Aid Effectiveness adopted in 2005, laid down five principles to make aid more effective, which included – Ownership, in which recipient countries were to play key role over donor countries; Alignment, which included donor countries to localize aid; Harmonization, which included collaboration for donor

[11] The Conservative Government under Stephen Harper, which stayed in power from 2006 to 2015, adopted many strategies to advance the international development agenda.

countries to effectively utilize aid; Results, especially in measures of development; and Mutual Accountability, which required accountability from donors and partners (OECD 2008). These five principles were reaffirmed by the international community at the Accra Agenda in 2008, which added building local capacities to the capacity-building of recipient countries.

Domestically, adoption of the AEA meant a pledge to make all international assistance efficient, focused and accountable. In 2010, the then CIDA announced the AEA to focus aid according to geographic and thematic agenda, align aid with country priorities, untie aid, improve coordination with other donors, effective engagement and multi-stakeholder partnerships, improve accountability through monitoring, evaluating and reporting (CIDA 2007). According to Brown (2012), the adoption of AEA [was] a substitute for 'good policy'. ''Effectiveness' became a substitute for 'good policy,' which in turn was 'really the government's preferred policy'. This policy came with 'an aura of supposed objectivity and benevolence underpinned by cost-effectiveness and international legitimacy' (Brown 2012, p.81). Based on the analysis, preferred policies can be changed and modified as per the discretion of the ruling party and the objectives of the government.

So, while there have been two foreign policy reviews from 1995 -2015, none of the reviews have presented a legislated mandate for protecting human rights through international development. The reviews have remained guidelines, which have been adopted at the discretion of the ruling party. ODA in both policy reviews was a tool for advancing broader policy objectives. Though the adoption of the AEA mandate aligned Canadian ODA with international standards, it did not guarantee the protection of human rights.

2.2.2 The ODAAA

Canada adopted the ODAAA in 2008. The Act laid out the direction for all Canadian ODA. At the core of the Act, it mandates all development aid, 'that is administered with the principal objective of promoting the economic development and welfare of developing countries' be utilized for protecting and promoting human rights (Government of Canada Justice Laws 2008). The ODAAA is the first legislated Act, legally enshrining the respect of human rights. Article 2(1) specifies the purpose of the

Act as ‘ensure that all Canadian [ODA] abroad is provided with a central focus on poverty-reduction and in a manner consistent with Canadian values, Canadian foreign policy, the principles of the Paris Declaration on Aid Effectiveness…, sustainable development and democracy promotion and that promotes international human rights standards’ (Government of Canada Justice Laws 2008). Article 2(2) states that ‘Canadian official development assistance abroad shall be defined exclusively with regard to [values specified in Article 2(1)]’ (Government of Canada Justice Laws 2008). Thus, Article 2(1) and Article 2(2) set a very broad mandate of for the ODAAA aligning poverty-reduction to both foreign policy objectives and the human rights agenda.

Section 4.1 of the Act specifically sets the criteria for ODA - contribute to poverty reduction; take into account the perspective of the poor; and be consistent with international human rights standards consistent with Canadian values (Government of Canada Justice Laws 2008). The Act listed ‘Canadian values’ *as* ‘amongst others, values of global citizenship, equity and environmental sustainability’ (Government of Canada Justice Laws 2008). By the adoption of this Act, Canada aligned its ODA to ‘international standards’ referring to the international human rights conventions and international customary law, Canada is a party to. Canada is an avid supporter of human rights and has played a crucial role in advancing human rights agenda especially through multilateral bodies like the United Nations, and International Labor Organizations (ILO). Canada has been active in setting standards for human rights at international level. The country has played and continues to play constructive roles in pushing for some issues, such as, limitations and eliminations of small arms; advocating for responsibility to protect, which in a way, calls for interventions when human rights violations are committed by governments in other countries. Article 2(1) of the ODAAA stipulated that all Canadian ODA be aligned with the international standards on human rights. By i*nte*rnational human rights standards, the Act means standards that are based on international human rights conventions to which Canada is a party and on international customary law (Government of Canada Justice Laws

2008). Canada has ratified seven of the nine core treaties.[12] In addition to the treaty bodies, Canada has ratified various Optional Protocols.[13]

The two treaties Canada has not yet ratified are the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and International Convention for the Protection of all Persons from Enforced Disappearance. It has also not ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Rights of Persons with Disabilities; and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

One of the crucial elements of the Act remains that the Act entrusts the authority of decision-making to 'the competent minister'.[14] This power makes the Minster of International Co-operation[15] crucial to the implementation of the Act. The Minister of International Co-operation's position technically remains under the Minister of Foreign Affairs, which means his decisions can 'be affected directly and indirectly by the Prime Minister's Office and overall foreign interests' (Brown 2012, p.7). Furthermore, the Minister of International Co-operation is also responsible for reporting to the two houses of the Parliament making him accountable for decisions regarding ODA.

Prior to the passing of the ODAAA in the Parliament, there was resistance especially at the political level for adopting the poverty-reduction agenda. Two areas

[12] The seven ratified treaties are the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment; Convention on the Rights of the Child; and Convention on the Rights of Persons with Disabilities.

[13] Optional Protocol to the International Covenant on Civil and Political Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

[14] Minister for International Development or any other minister designated by the Governor in Council as the Minister.

[15] Prior to 1995 the post was held as Ministers of State (External Relations) from 1982-1983 changing to Minister for External Relations from 1983-1995, which then turned to Minister for International Co-operation and was used from 1995-2015, which has now become Minister of International Development under newly elected Liberal government.

of concern were put forward by the opposition - 'the economic interests in the poverty-reduction mandate' and 'the countries of focus', were both a reason for debate (Segal 2007). Segal also reported about a Conservative senator's concerns on shifting focus on poverty-reduction. The Senator believed that a poverty-reduction mandate would divert from using ODA as a tool for economic improvement (Segal 2007). Despite the opposition, the mandate was adopted. The challenge however was the Act was despite its poverty – reduction mandate, did not provide a definition of poverty. In addition, it did not elaborate on the measures through which the poverty was to be reduced leaving the poverty-reduction mandate open to interpretation.

Thus, a broader definition of poverty is provided the GoC is utilized. The GoC in consensus with the international development community considers poverty as multi-dimensional and which requires 'an integrated and holistic approach' to address (Global Affairs Canada 2015). Global Affairs Canada lists inadequate income; limited or no access to health, education, housing and essential infrastructure; political and social exclusion; personal insecurity; infringements on human rights; and inequality as the multiple dimensions to poverty. These dimensions are 'inter-related' and can be faced simultaneously by individuals, communities and groups (Global Affairs Development 2015).

But, poverty-reduction in the neoliberal economic order is measured by economic growth facilitated through free market. Poverty-reduction is thus, only a consequence of the economic growth. Based on the assumption that increase of the wealth of the country will benefit all its citizens 'eventually filter down to the poor' (Murray and Overton 2011), what Harvey (2005) calls 'a rising tide lifts all boats'. But economic growth necessarily does not mean economic development for all especially those affected by the multi-dimensions of poverty. This rings especially true in development through the extractive sector and natural resource management where bilateral ODA is given to recipient governments for policy and institutional reform. The poor are not direct beneficiaries of ODA. Rather the donors assume that the reforms facilitated through ODA and wealth created through development programs will benefit the poor. In an interview with an international development worker, when questioned on the contributions of economic development, the response indicated the problem was associating economic growth to the poverty-reduction mandate.

> ‘Economic growth necessarily does not mean development for all, so one has to be cautious in making broad statements, which are usually done in policy but ground realities can be very different’ [16]
>
> Interview 3 conducted in May 2014.

The words especially ring true in development through the extractive industries where development through extractive industries has been a given a green light because they contribute to wealth creation. In Peru, a four-year $4.9 million Conflict Management and Prevention in the Extractive Sector (COMPES) project was announced by Harper to assist in economic growth in Peru by focusing on reduction of impact of social conflicts related to the use of natural resources. In the results reported by CIDA, 40 percent of $13,977, 296 CDN million contributed towards democratic governance and administrative management. 30 percent was allocated to private sector development for mineral/mining policy and administrative management and information and communication technology. 20 percent was allocated to environmental policy and administrative management and the last 10 percent was assigned to security system management and reform (DFATD 2015). Among the achievements, the project facilitated in reducing the time it takes for mining companies to prepare annual reports and reduce the time it takes the ministry to approve mining certificates. It also helped the Ministry to save $500,000 CDN annually by systemizing its electronic operations. Direct impact on miners included the training of 2000 informal miners to become formalized (Global Affair Canada 2015). But the results did not report how many of the 2000 informal miners were able to become formalized and secure jobs and how the project contributed to poverty-reduction.

In reference to the perspective of the poor, the Act aligns it with the Paris Principles of Aid Effectiveness, which consider participation and ownership crucial to the development process. The Act stipulates through Article 4(2), that Minister of International Co-operation shall consult with governments, international organizations and civil society organizations every two years. It also states that the Minister needs to consult with the recipients of ODA while making decisions for funding ODA programs (Government of Canada Justice Laws 2008). But there are challenges in

[16] Interview 3 conducted with an ex-consultant with CIDA, May 2014.

including the perspectives of the poor especially because the ODA programs are conceived and designed in Ottawa and implemented around the globe. A development aid worker in Africa shed light on the communication and participation gap in an interview. When inquired about program design consultation, she said:

> 'we have donors who have not consulted with stakeholders' in the planning stages, and therefore you find yourself trying to implement an intervention that is neither owned by the beneficiaries nor, worst case scenario, really necessary or appropriate to the context/needs.[17]
>
> Interview 4 conducted in August 2014

Lack of consultations, thus poses a challenge in including the perspectives of the beneficiaries in the development process. This non-participatory approach is counter to both the Paris Declaration and the ODAAA and can be avoided.

> 'A participatory approach to programming which includes all stakeholders and communities that are the ultimate beneficiaries is a good starting point to ensure that as many voices as possible are heard and that issues such as these are raised, to potentially find solutions'.[18]
>
> Interview 2 conducted in July 2014

This is not only noted in the program design and implementation stage, it is also evident in the reporting stage. The ODAAA reports include information on distributed funds, program and activity descriptions; but they do not include reports on consultations prior to the implementation of the program. Global Affairs Development posts success stories from the field but these are post program completion and inadequate to gauge the level of participation in the development process. So, while the main purpose of the ODAAA remains poverty reduction, there are a few challenges to the mandate. ODAAA sets too broad a mandate, which can dilute the human rights agenda when pitched against the economic interests in foreign policy objectives. The present mandate sets all ODA be used for promoting and protecting human rights abroad with no clear strategy on how the ODAAA is supposed to be incorporated at program level. The one page Act sets broad mandate, which can have

[17] Interview 4 conducted with an international development worker working in ODA funded program in Africa in August 2014.
[18] Interview 2 conducted with an international development aid worker in July 2014

multiple interpretations. One of the major challenges of the Act is that it sets both Canadian foreign policy and human rights as conditions for all Canadian ODA. Foreign policy and human rights are not always complementary and be at contention with each other (Merke and Posselli 2013; Lui 2012; Evans 2005). The opposition is more evident when economic interests are in the mix as is in the case of Canadian ODA funding the mining sector. Reilly-King (2012) informs that while the ODAAA has standardized reporting, improved accountability and established criteria to guide development cooperation, there is still need for long-term vision of development work in Canada. What is also missing is a statement on how the policies, priorities and programs interact (Reilly- King 2012).

There is also a lack of transparency on how reporting is done. The self-reported reports have no information on the peer review process, making it challenging to triangulate the development based results. As measures to become transparent and accountable, Canada joined the International Aid Transparency Initiative (IATI) in 2011 and published its first report in 2012 (DFATD 2014). Canada also launched the Open Data Portal as a platform to procure information on projects and activities. While an extremely commendable step, the reports summaries that are available online note funds allocated, activity dates, status of projects, and achievements of the project. The reports do not note the challenges and narratives from the field. There are also no reports on the reflections from gain at the ground-level or how human rights of beneficiaries are realized.

According to Bülles & Kindornay (2013), the ODAAA remains insufficient as framework for guiding Canadian ODA; this lack demonstrates the government's inability to, or 'at least the unwillingness' to formulate a policy. According to the authors, this unwillingness is a reflection of 'insufficient political commitment to development cooperation', which is why an examination of the political influences in Canada is crucial to see their role in incorporation of the human rights agenda into Canadian policy on ODA.

2.3 The politics and Canadian ODA

As discussed in the last section, the ODAAA entrusts the Minister of International Co-operation with the responsibility of decisions regarding ODA. Baehr & Castermans-Holleman (2004, p.21) succinctly state that to understand the place of human rights in the policy of a country and study its influence, 'political traditions' should be studied. The political discourse like the human rights discourse is vast and there are many threads of the 'political traditions' which can or cannot enable human rights through human rights. According to the Auditor General of Canada, Canada's aid priorities have been determined by other policy objectives of the GoC, the priorities of the Minister of International Cooperation (head of CIDA), and CIDA's own operational policies and strategies (Office of the Auditor General of Canada 2009).[19]

Canada in the World (1995) specifically pronounced its priority of engaging in the world and pursues its development strategies in alignment with trade interests but while keeping respect of human rights. Canada in the World also emphasized on the liberalization of markets. For neoliberalists, market symbolizes rationality in terms of an efficient distribution of resources; government intervention, on the other hand, is deemed desirable because it transgresses that rationality and conspires against both efficiency and liberty. But the market did not magically appear, it has been a conscious effort by the governments, sometimes through violent means, to impose free markets for development (Polanyi 2000), For the imposition of markets, Munck (2005) concludes that politics is always 'in command' and the position of power vests the power in the politicians to set the tone and strategies of how development is to be pursued.

In the years that followed, Canada did not set any clear strategies. This lapse allowed for potential non-aid policies, such as trade and investment to influence policies on ODA (Bülles and Kindornay 2013). Influence of non-aid policies was particularly visible when the arguably independent department – CIDA was merged into the Department of Foreign Affairs and International Trade (DFAIT), and hence

[19] The federal budget of 2013 marked the merging of Canadian International Development Agency (CIDA) into the Department of Foreign Affairs and International Trade (DFAIT) making it the Department of Foreign Affairs, Trade and Development (DFATD).

became the Department of Foreign Affairs, Trade and Development (DFATD) in 2013. Subsequently, the name of DFATD was changed to Global Affairs Canada after the Liberal government won the 2015 elections.

The 2013 merger was not an absolute surprise because the Conservative government, under the then Prime Minister Stephen Harper, had recommended the merger in 2006; but were 'slapped down by a hostile bureaucracy that included the Privy Council Office' (Blanchfield 2013). David Burney,[20] who had recommended the transition in 2006, has his reasons which he stated as 'we're not saving the world here' (Blanchfield 2013). In Burney's opinion, Canadian development assistance program should be more relevant to Canadian foreign policy. For years prior to the merger, there was consistent criticism aimed at CIDA for various reasons. Mackrael (2013) reports CIDA had long been criticized 'as an agency that has been slow to adapt to change and [was] hampered by a bloated bureaucracy concentrated heavily in the [Ottawa], with only a limited presence in developing countries'. The bureaucracy was despite CIDA working as an independent agency for over four decades. Hence, the merger was a welcome move by many policy-makers[21] including Burney and extended beyond the Conservative camp. Aileen Carroll, who served as an International Co-operation Minister in an interview supported the merger of CIDA into foreign affairs, as long as policy-makers continued to understand the core of development work (Mackrael 2013). Julian Fantino, the minister of International Co-operation under whom the merger was announced maintained that development would continue with tangible results and the GoC was committed to 'to invest Canadian tax dollars in a prudent, transparent and accountable way' (Fantino 2013).

2.3.1 Political actors and the inclusion of human rights

At a domestic level, the Parliament of Canada plays a key role in the realization of human rights with Canadian Parliamentarians playing a central role in 'balancing the role of human rights with other societal objectives' (Standing Senate

[20] David Burney served as Brian Mulroney's chief of staff as well as ambassador to the United States.

[21] Janice Stein, the director of the Munck Centre; two former foreign affairs ministers: Barbara MacDougall -Conservative minister in the Brian Mulroney government, and Lloyd Axworthy - Liberal from the Jean Chretien and Pierre Trudeau eras; Paul Chapin, a former director general for international security at DFAIT all expressed support for the merger (Schwartz 2013).

Committee 2001). According to Brysk (2009, p.85), 'Agency and advocacy for human rights foreign policy in Canada starts from the top and permeates key institutions down to the implementation level', placing politicians in Canada in an exceptional place to promote and protect the human rights agenda in foreign policy. Andreychuk (2001) in an opening speech to the Parliament stated that it was the 'moral and legal duty of all Senators – indeed of all Canadians – to ensure that our country does its utmost to protect and encourage respect for human rights'.

But the problem is that there is no guarantee that politicians who are otherwise supporters of human rights both at home and abroad will necessarily transfer the respect at the policy level through the political decisions they take. Barratt (2009, p.121) writes, 'Successive Canadian governments [Liberal and Conservative] have deemed it rational to relegate human rights abroad to a secondary place among policy priorities'. She provides the example of the appointment of Lloyd Axworthy as the Foreign Minister after the Liberal victory in 1996. An enthusiastic advocate of human rights, Axworthy, put back human rights at the top of the foreign policy objectives. He actively spearheaded as well as participated in many initiatives that were lauded both domestically and internationally. His immediate successors[22] however were much more concerned with mending trade and security relations with the United States than paying attention to Axworthy's efforts on human rights and security.

From the period 1995 and 2015, Canada has had five different governments, each with its own set of priorities. Brown (2015) writes on how each Canadian prime minister brought a new direction to foreign aid, usually building on the work of his predecessor. He exemplifies Jean Chrétien's commitment to increasing aid and making Africa a priority; Paul Martin's attempt to integrate aid with foreign policy in the 'whole-of-government approach'; and Stephen Harper, who focused aid on Afghanistan but replaced Africa with Central and Latin America as priority region. International development requires funds, time and effective policy and programming to be successful. Changes in political decisions affects Canada's engagement on the ground especially through bilateral funding because it directly impacts the recipients in developing countries.

[22] Lloyd Axworthy was followed by John Manley and then Bill Graham.

The changes in political decisions also apply to the Minister of International Cooperation. The role of the International Minister of Co-operation is important because each Minister brings to the table their 'individual agenda and preferences, wanting to see immediate changes in a context where projects take years to develop' (Lalonde 2009, p.7). Over the 1995- 2015 period, there have been eleven different Ministers of International Cooperation. There were four ministers from 1996- 2002. From 2002-2012, there were again four ministers with the longest term served by Bev Oda under Harper's Conservative Party rule. After Oda's retirement in 2012, there have already been three minister changes with the last one sworn in November 2015. In addition to the changes in Ministers, there has also been a high rate of turnover in other senior positions, such as vice-presidents, chief financial officers, directors general, and directors, 'which has constrained progress on implementing reforms' (Office of the Auditor General of Canada 2009, p.7). Despite the many changes in the political actors that have influenced international development, ODA has continued to flow to developing countries under different priorities affecting the human rights agenda in ODA programming, which is discussed and analyzed in detail in Chapter 3. Politics, political actors and political institutions play a crucial role in the incorporation of human rights in policies and decisions on ODA.

2.4 Legal protection for human rights in Canada

Canada's human rights law stem from the Universal Declaration of Human Rights adopted in 1948, the first two articles of which – equality and freedom from discrimination – are the foundations of the Canadian Human Rights Act (Canadian Human Rights Commission 2015). In Canada, human rights are protected by Federal, Provincial and Territorial laws. According to the Report of the Standing Senate Committee, the Parliament has certain duties and opportunities to inspect legislation from a human rights perspective. With respect to the Charter, 'all governmental limitations on, and derogations from, the human rights guaranteed therein must be endorsed by Parliament or the provincial legislatures'; hence, investing power in the Parliament and the eleven provincial legislatures for the fulfilment of human rights in

Canada. Human rights are legally protected in laws and mechanisms in the country (Standing Senate Committee 2001).

The *Canadian Bill of Rights,* passed in 1960, was the first federal human rights law in Canada. It recognized and guaranteed the protection of human rights and fundamental freedoms. Affirming the dignity of 'the human person' and the respect for moral and spiritual values and the rule of law, the Bill of Rights recognized and declared no discrimination in Canada. It also included the right to life, right to equality before the law and protection of the law, freedom of religion, freedom of speech, freedom of assembly and association and freedom of press as basic rights and freedoms (Department of Justice Canada 1960). The Canadian Bill of Rights enshrined civil and political rights and laid the foundation for rights the GoC considers important when promoting human rights through its ODA.

Canadian Charter of Rights and Freedoms, a part of the Canadian Constitution was adopted in 1982. It protects every Canadian's right to be treated equally under the law. The Charter guarantees four fundamental freedoms - of conscience and religion; of thought, belief, opinion and expression (including freedom of the press and other media of communication); of peaceful assembly; and of association (Department of Justice 1982). The Charter also secures democratic rights, and mobility rights for Canadian citizens. In addition, it guarantees legal rights and equality rights for everyone. The Charter provisions non-derogable rights for everyone in Canada[23] (Department of Justice Canada 1982). The *Canadian Charter of Rights and Freedoms* only applies to infringements by law and government in Canada. It does not protect from the actions of Canadian organizations, businesses or individuals in Canada.

The *Canadian Human Rights Act* was passed in 1977 and revised in 1985. The purpose of the Act is to protect people in Canada from discrimination[24] at

[23] Under the legal rights of a person, the Constitution states, everyone has the right to life, liberty and security and to due process legally. For equality rights, Article 15 (1) of the Charter calls for every individual to be equal before and under the law and to 'equal protection' and 'equal benefit' of the law without discrimination. For enforcement, Article 24 (1) guarantees 'competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances' for anyone whose rights have been infringed upon or denied (Department of Justice Canada 1982).

[24] The Act notes race, national or ethnic origin, color, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered (Canadian Human Rights Act 1985).

their workplace (Department of Justice 1985). In case of discrimination, people can resort to the *Canadian Human Rights Act* to protect themselves against harassment or discrimination at the work place (Canadian Human Rights Commission 2015).

For the protection of human rights, Canada has federal, provincial and territorial organizations Federally, there is Canadian Human Rights Commission which promotes equal opportunity at work to prevent discrimination. The Commission protects human rights of individuals through 'effective case and complaint management' and 'promoting the development of human rights culture'. In addition to the Commission, there is also the Canadian Human Rights Tribunal, which is separate and independent from the Commission. The commission has discretionary power to refer discrimination complaints to the Tribunal, which acts like a court and is responsible for holding hearings and deciding on cases that it receives from the Commission. While the Commission can investigate, only the Tribunal has the authority to order a remedy or award damages (Canadian Human Rights Commission 2015). Provincially and territorially, Canada has the sixteen commissions/organizations dealing with human rights.[25] None of the commissions/organizations protected the human rights of people living abroad at the hands of Canadian companies or organizations.

2.5 Legal protection mechanisms for development through extractive industries

After the detailed review and analysis of the policy on ODA, the ODAAA, political influences on ODA, and legal standing and protections in Canada, the question arises if the respect of human rights domestically applies abroad as well. The

[25] Alberta Human Rights Commission; British Columbia Human Rights Tribunal; British Columbia Human Rights Coalition; Manitoba Human Rights Commission; New Brunswick Human Rights Commission; Newfoundland and Labrador Human Rights Commission; Northwest Territories Human Rights Commission; Nova Scotia Human Rights Commission; Nunavut Human Rights Tribunal; Ontario Human Rights Commission; Human Rights Tribunal of Ontario; Human Rights Legal Support Centre; Prince Edward Island Human Rights Commission; Québec - Commission des droits de la personne et des droits de la jeunesse; Saskatchewan Human Rights Commission; and Yukon Human Rights Commission.

ODAAA does not stipulate the GoC to have in place protection mechanisms for its international development agenda. The absence of such a stipulation creates space for development programs especially in development through the extractive sector to get away with functioning without any existing protection mechanisms. None of the domestic acts passed by the Parliament apply to human rights violations of people in recipient countries. This leaves a wide gap for protection of human rights abroad especially if development programs are violating the rights of the people as is the case with programs funded under the extractive sector.

A comprehensive set of human rights issues are presented by Miranda, Chambers and Coumans to ensure that development through mining results in benefits to workers and affected communities. Miranda, Chambers and Coumans (2005) in their document titled 'Framework for Responsible Mining: A Guide to Evolving Standards' list eleven issues in ensuring benefits. These issues are: indigenous peoples rights and their free, prior and informed consent; participation in consultation and decision-making; access to information and disclosure; consent-benefit and compensation agreements; recognizing women's rights and addressing gender-related risks; recognizing labor rights and addressing worker-related risks; recognizing the rights of small-scale and artisanal miners and addressing risks to their livelihoods; resettlement, relocation and compensation; and lastly, security issues and human rights.

While party to seven core international human rights treaties, Canada has not yet ratified the Optional Protocol of the ISESCR. The Optional Protocol is an individual complaints mechanism for individuals whose economic, social and cultural rights have been violated by the State. But the ratification would only benefit Canadians, who could file individual complaints. The Optional Protocol would not extend to people in recipient countries for filing complaints against Canadian companies. Particularly to the development through the extractive industries, Canada is a party to both the *OECD Guidelines for Multinational Enterprises* and the *U.N. Guiding Principles on Business and Human Rights*, which entrusts member countries to fulfill their obligations to human rights.

In 2000, thirty member countries[26] of the OECD including Canada adopted the Declaration on International Investment and Multinational Enterprises. The member countries considered international investment integral to development in which multinational enterprises play an integral role. The member countries jointly recommended that multinational enterprises 'operating and or from their territories' observe the declarations (OECD 2008). The member countries also stated that enterprises operating in their own territories and owned or controlled directly or indirectly by nationals of another adhering government should 'accord treatment under their laws, regulations and administrative practices' (OECD 2008, p.5). The Declaration called it 'National Treatment' so that multinational corporations could be dealt in consistency with international law and in the same manner as domestic enterprises. This declaration applied to only adhering governments, which for Canada meant, it did not apply to ODA receiving countries, who are not members of the OECD. Consequently, recipients of ODA cannot not use the declaration to their advantage. But regardless, it applies to multinational enterprises and companies with Canadian ownership abroad, which was sufficient for holding them accountable for their actions abroad.

After the adoption of the Declaration by OECD member countries in 2000, the OECD published the *Guidelines for Multinational Enterprises (GME)*, which were recommendations made by the government to multinational enterprises in 2008. The guidelines however were voluntary principles and standards for conducting business responsibly consistent with valid laws (OECD 2008). The GME were essential based on the increased involvement of multinational enterprises in developing countries in industries ranging from extractive industries to domestic market and development and services (ibid). One of the most important principles set up by the guidelines stated that adhering governments have the right to set conditions for multinational enterprises domestically. In addition, government can prescribe conditions operating internationally to be subject to the laws applicable in those countries. The GME aimed 'to encourage the positive contributions that multinational enterprises can make to

[26] OECD Member countries include Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Korea, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States (OECD 2008).

economic, environmental and social progress and to minimize the difficulties to which their various operations may give rise' (ibid, p.11). The foundational principle for the GME was based on the global working environment of multinational enterprises and adhering countries like Canada, should encourage their companies to work the common aim set in the GME.

For multinational enterprises, the GME put forward accountability measures[27] which included – contribution to economic, social and environmental progress in achieving sustainable development; respect the human rights of those affected by activities of corporations; refrain from 'seeking or accepting exemptions' for regulatory frameworks pertaining environment, labor issues related to their activities. The GME also set measures for multinational enterprises to assist in their transparency, protect environment in countries where they were functioning, dealing with corruption, and other trade-related interests like taxation, market competition and consumer products (OECD 2008).

For implementation of the GME, the adhering countries agreed on setting up national contact points responsible for handling inquiries and for discussions with the parties concerned on all matters covered by the GME. The GME also stated to set up an Investment Committee for clarification of the GME and hold exchanges on matters covered by the Guidelines with representatives of both NGOs and non-adhering countries. While the Guidelines covered the human rights in various sections, promoting and upholding human rights was primarily entrusted with the governments. In areas where corporate interests and human rights intersect, multinational enterprises were 'encouraged to respect human rights, not only in their dealings with employees, but also with respect to others affected by their activities, in a manner that is consistent with host governments international obligations and commitments[28] (OECD 2008, p. 39). The OECD guidelines however did not point to a strategic direction of how human rights were to be respected.

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[27] The guidelines put forward ten accountability measures, information on which can be found at http://www.oecd.org/corporate/mne/1922428.pdf, p. 14. While all the guidelines are important, the measures listed above are most relevant to this thesis.

[28] The Universal Declaration of Human Rights and other human rights obligations of the government concerned (OECD 2008).

Canada launched its Corporate Social Responsibility (CSR) Strategy – *Building the Canadian Advantage: Canada's Corporate Social Responsibility for the Canadian International Extractive Sector* in 2009. In 2014, it revised its CSR Strategy and put forward an enhanced strategy – *Doing Business the Canadian Way: A Strategy to Advance Corporate Social Responsibility in Canada's Extractive Sector Abroad*. The enhanced strategy strengthened the role of CSR initiatives in Canada's diplomatic networks of missions abroad and Canadian business communities abroad bringing to surface the political and economic influences. It increased support for training and re-focused the role of the Office of CSR Counsellor. It also laid out the expectation of companies to align themselves with CSR guidelines. Though commendable, CSR strategies remain voluntary in Canada, thus there is no obligation for Canadian mining companies to adhere to the guidelines set in the CSR strategy. Moreover, there are insufficient protection mechanisms in-built in the CSR for those effected by the mining companies. The enhanced CSR only has provisions to set up dialogue towards dispute resolution.

To situate human rights at the center of business the United Nations published the *Guiding Principles to Business and Human Rights* in 2011. These guiding principles focused on the State's duty to protect human rights; the corporate responsibility to protect human rights; and access to remedy. The guiding principles apply to all States and all business enterprises and are not limited to adhering states like the OECD Guidelines. But it was noted that the Guiding Principles were not creating a new international law obligation or limiting or undermining any legal obligations a State may already have (United Nations OHCHR 2011). The Guidelines entrust the State to protect human rights of all those reside within its territories. They also place the responsibility of negotiating with business enterprises of how best human rights can be promoted. For business enterprises, the Guidelines state that businesses should prioritize human rights and mitigate any risks in business transactions, which may adversely affect human rights of individuals. As part of their duty to protect against business-related human rights abuse, States must take appropriate steps through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory, those affected have access to effective remedy (United Nations OHCHR 2011). The Guiding Principles list the

judicial and grievance mechanisms accessible to individuals seeking access to justice. While judicial remedies are available at state level, only grievance mechanisms are available at a non-state level, which is the level in which the mining companies operate. Consequently, the existing international protection mechanisms, to say the least are weak, especially when it comes to the protection of victims of human rights abuses.

Domestically, the Halifax Initiative recommended the introduction of a public ombudsperson's office to oversee the operations of Canadian mining corporations and have the power to investigate and issue recommendations to the (Hansen et.al 2006). The detailed brief presented to the government laid out the need for an independent ombudsperson for the extractive industry of Canada to provide oversight. The need for an independent Ombudsperson was reiterated by the CCIC in 2013 but there has been no move by the GoC to set up and independent body to oversee the mining companies and hold them accountable for their actions both for environmental sustainability and protection of human rights. The second reading vote on Bill C-584 for the creation of an extractive sector Ombudsman was supported by members of parliaments of the Liberals (34), New Democratic Party (86), Bloc Québécois (2), Green Party (2) and 3 independent while a 149 conservative party MPs and one independent MP voted against the creation of an ombudsman (Canada Network on Corporate Accountability 2015). All parties but the Conservative were committed for Open for Justice program to hold corporations responsible for their actions abroad. Both the Conservative Party and Liberal party were not in favor of facilitating access to Canadian Courts for resolution leaving gaps for resolution to human rights violations. So, in absence of an ombudsman, there are only project-level grievance mechanisms like the ones uses in Porgera Mine in Papa New Guinea and North Mara mine in Tanzania. The mechanisms, in face of ongoing gross violations of human rights, have proved ineffective. This is because they lack meaningful consultation with victims on the remedy process, and on the remedy itself. They offer non-rights compatible remedy, they are ad hoc in nature. Continuous changes are made to the non-transparent mechanisms (Mining Watch and RAID 2014).

Based on the UN *Guiding Principles on Business and Human Rights*, the enhanced CSR has set up two non-judicial grievance mechanisms to bring disputing

parties for ‘mutually-beneficial solutions’ (Global Affairs Canada 2015). These are: The Office of the Extractive Sector CSR Counsellor and Canada’s National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises (MNEs). The former is a resource that people can reach if affected by Canadian oil, gas and mining companies outside Canada. But the Office only has two roles- advisory and early dialogue facilitation; and which is interdepartmental committee chaired by Global Affairs Canada. The latter only facilitates dialogues between conflicting parties related to social, economic and environmental impact on local societies (Global Affairs Canada 2015).

In conclusion, Canada’s policies on ODA have shifted under various governments. These shifts have influenced the human rights agenda. The ODAAA has been a step in the right direction for Canadian ODA. It has ensured that the Minister of International Co-operation was accountable and answerable to the Parliament, which had been missing prior to the adoption of the ODAAA. But the ODAAA has a very broad mandate. It has linked the poverty-reduction agenda to multiple objectives. The Act has also entrusted political actors like the Minister of International Co-operation to be responsible for ODA decisions. As the Minister of International Co-operation works within a large framework of neoliberal political and economic policies, ODA decisions especially the ones taken in development through the extractive sector are reflective of the benefits to the Canada. Consequently, the ODAAA is insufficient in advancing a purely human rights agenda in Canada and needs to be built on further.

Legal protection mechanisms are present for protecting human rights in Canada but the mechanisms do not extend to protecting the rights of the individuals in ODA recipient countries. For accountability from multinational enterprises, which includes the mining companies, both CSR and the OECD Guidelines remain voluntary. Canada can play a much stronger role in creating and advocating for human rights protection mechanisms abroad but mining interests and economic gain from those mining interests are creating obstacles to reach that level of protection. Thus, an analysis of economic interests especially through the mining sector is conducted in the next chapter.

CHAPTER III
EXAMINING THE CANADIAN ODA PROGRAM

3.1 Introduction

The ODAAA mandates all Canadian ODA to protect and promote human rights. Chapter 2 investigated how human rights are protected in policy and through mechanisms both in Canada and abroad. This chapter seeks answers to the second research objective of the thesis by examining how human rights are promoted through Canadian bilateral ODA. For this, the chapter analyzes the present Canadian ODA program, countries of focus, development priorities and the budget distribution of ODA to infer how the human rights agenda is promoted through Canadian bilateral ODA. The budget distribution is divided and analyzed pre-and- post adoption of the ODAAA to infer the influence of the Act on incorporating the human rights agenda. One of the key elements of this chapter is to investigate the economic interests – primarily in the mining sector and the ODA allocation to it. Economic interests in the mining sector are important to the Canadian economy; but development programs without sufficient protection mechanisms especially for the development through extractive sector is problematic. Chapter 2 shed light on the insufficient number of protection mechanisms abroad, particularly for multinational enterprises, including mining companies. Hence, continued support to the mining sector, which presently lacks accountability through international judicial processes brings forth the question of the GoC's commitment to advancing a human rights agenda through Canadian bilateral ODA and directly contradicts the mandate of the ODAAA. Hence, this chapter argues that Canadian economic interests play an integral role in the decisions pertaining to bilateral ODA, which in cases of development through the extractive sector overshadow the human rights agenda of the ODA.

3.2 The Canadian ODA Program

3.2.1 Canadian ODA through the years

As defined in Chapter 1, ODA is tool of foreign policy aimed at economic and social development by transfer of resources. Canada's ODA program initiated with the Colombo Plan in 1950. The Colombo Plan aimed to help newly independent Asian countries (India, Pakistan and Sri Lanka) towards democratization. After Chairman Mao's takeover of China in 1949, concerns of the spread of communism were voiced by countries of the Commonwealth. Lester Pearson, the then Secretary for State for External Affairs (Foreign Minister) recommended 'strongly to the Cabinet that Canada should contribute $25 million to the Plan, stressing the need to counter the appeal of communism in the area, and pointing to the potential benefits for Canadian trade of an economically strong Asia' (DFATD 2013).

During the next two decades Canada's ODA program developed gradually; it expanded to include the Commonwealth Caribbean in 1958, Commonwealth Africa in 1960, Francophone Africa in1961, and Latin America in 1970. An important milestone for Canadian ODA was marked by Pearson's *Partner in Development Report* in 1969. The report called for donor countries to contribute 0.7 percent of their Gross National Income (GNI) towards their development objectives. Considered a milestone, the report set the standard for international development commitments globally. The deadline to achieve this goal was set at 1975 but Canada did not manage to reach the target goal set by the report. In fact, Canada till date, has never reached the target goal as represented in chart below.

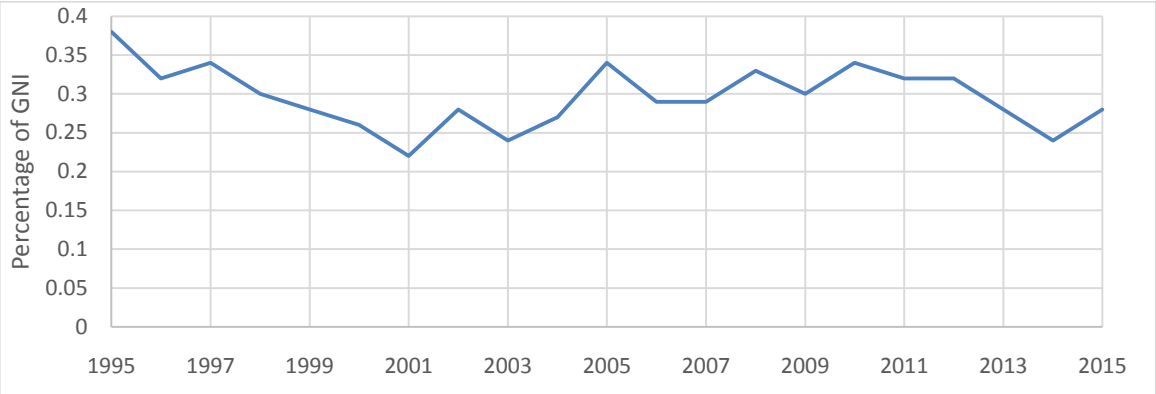

Chart 3.1 Net ODA – Total percentage of Gross National Income (GNI) 1995-2014 (OECD 2015)

Based on the percentages above, Canada has never come to close to allocating 0.70 percent of its GNI to ODA. The highest allocation for Canada's ODA percentage was 0.38 percent in 1995 with a visible decline. It reached its lowest point at 0.22 percent in 2001. Subsequently, the percentage increased to 0.34 percent of the GNI. Since 2005, the percentage of ODA has fluctuated in between 0.24 percent and 0.34 percent with it being 0.28 percent of GNI in 2015. The percentage of ODA fell slightly from 0.33 percent to 0.30 percent after the 2008 economic recession but the percentage increased to 0.34 percent in 2010. In 2010, the federal government froze the foreign aid budget. The sharp decline after 2012 was a result of massive budget cuts by the federal government across all federal departments in March 2012. All of foreign aid was reduced by $377 million from 2012 to 2015. Critics of foreign aid including aid organizations believed the cutbacks were less about economic judiciousness but more about 'an inward-looking agenda that favors trade over assistance' (Ayed 2012). This agenda was manifested when CIDA was merged into DFATD the following year aligning Canadian trade and development interests. The merger especially brought to the forefront the contentions voiced by skeptics like Roy Culpeper, who served as the former CEO of the North-South Institute with experience in international development work. In his interview with CBC News, he said that the merger, 'seems to be an attempt to fuse Canadian commercial interests and Canadian aid policy', especially the mining industry (Schwartz 2013). Culpeper in the same interview pointed to the fact that the GoC is advancing the interests of Canadian mining companies and Canadian commercial interests through aid money. These

actions of the GoC primarily benefits Canada itself and their private sector partners instead of the intended partners of ODA. Maurice Strong[29], who was a closely involved in establishing CIDA spoke of his concern in a special to the Globe and Mail. According to Strong (2013), restructuring CIDA and stripping it of its status was not a positive step. He noted the budget decline for ODA over the years as an existing discredit to Canadian commitment to development abroad. Adding 'commercialization of [Canadian] development funding' to it would further discredit Canadian commitment to international development Strong (2013).

Canadian commitment to international development has wavered over the years. It is evident in Canadian contribution to ODA in comparison to other donor countries. Canada ranked 22nd in its GNI per capita income globally (World Bank 2015). However, it stood 14th in its ODA contributions as per the OECD DAC statistics (2015). The chart below presents the GNI rankings and percentage of ODA contributions.

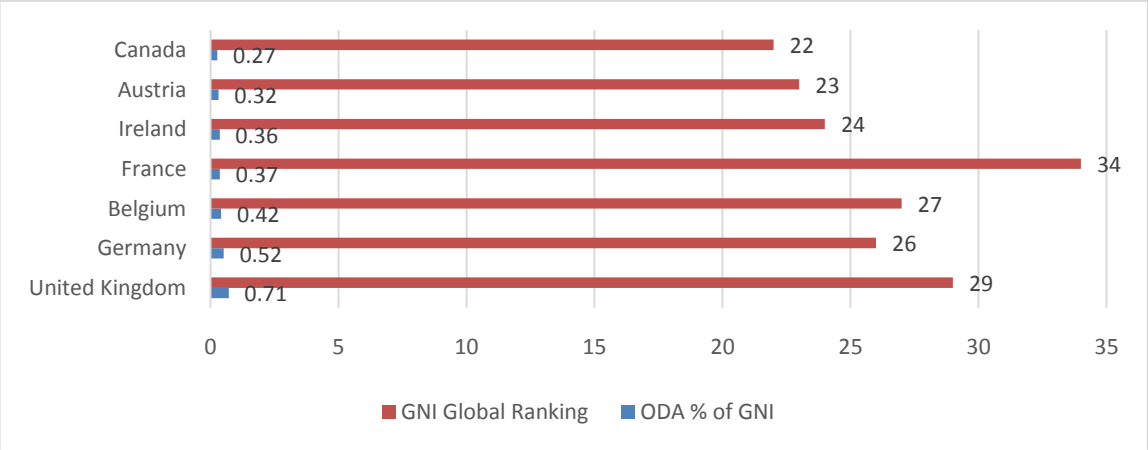

Chart 3.2 Country comparison of GNI Global Ranking (World Bank 2015) and ODA percent of GNI for country comparison of GNI (OECD 2015).

Countries with lower GNI ranks than Canada, like France, Germany and the United Kingdom contributed more than Canada to their ODA programs in 2014. To note, the chart only informs of the countries lower in GNI ranking than Canada but

[29] Maurice Strong served as a deputy minister for foreign aid under Prime Minister Lester B. Pearson. He was the founder of the organization that was eventually called CIDA, where he served as president from 1966 to 1970.

higher contributions to their ODA. This chart does not inform of countries with the higher GNI ranking like Sweden, Norway, Luxembourg, Denmark, among others, all of whom have surpassed the 0.70 percent benchmark to their ODA contributions. [30]

Though Canada had a 'long and respectable tradition' of foreign aid, it has 'embarked on significant retrenchment, reflecting what are often called the new economic realities' (Ayed 2012). ODA budget allocations, though one indicator, reflect the commitment of donor governments in advancing their international development agenda. Programs in recipient countries cannot run without funds. As reflected in the chart 1 and 2, Canada is an affluent country; but, its commitment to funding ODA programs has not been consistent. The percentage allocations to bilateral ODA is disheartening especially in comparison to other smaller countries, which rank lower than Canada in their GNI. The low allocations have gathered criticisms in Canada for propagating economic and social development in developing countries (Holloway 2006). So, while ODA has continued, there are visible challenges Canadian ODA has faced. The budget for Canadian ODA has fluctuated with no consistency from 1995-2015. The lack of inconsistency in the budget has meant that ODA programs have had to be accommodated within the budget line. While a detailed analysis of what programs have suffered is needed, it is safe to say, the inconsistency in budget has affected the human rights agenda in Canadian bilateral ODA. It has also had implications on which developing countries receive Canadian bilateral ODA, which is analyzed in the next section.

3.2.2. Countries of Focus

As ODA is given for economic and social development, an analysis of the countries of focus is important to infer where are Canadian ODA funds being allocated . The total budget allocations have varied over the years. The chart below informs of t he budget allocations from 2001-2014.

[30] Sweden and Norway contribute 1.40 percent and 1.05 percent of their GNI respectively. Luxembourg and Denmark contribute 0.93 percent and 0.85 percent of their GNI to ODA contributions respectively.

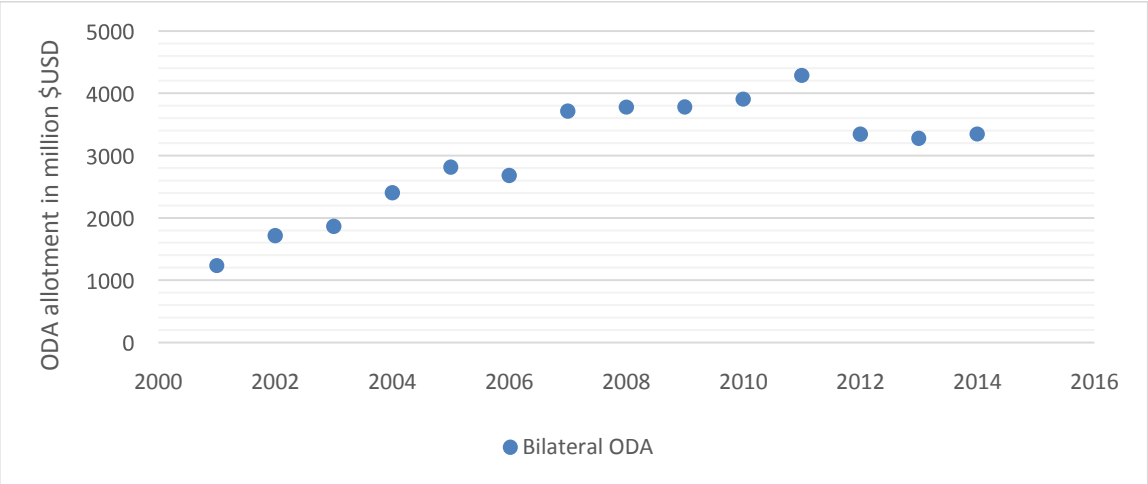

Chart 3.3 Bilateral ODA disseminated from 2001 to 2014 (OECD 2015)

In *Canada Making a Difference in the World: Policy Statement on Strengthening Aid Effectiveness*, the then CIDA reported that Canadian aid was reaching approximately 120 countries through multiple channels (CIDA 2002). These countries ranged from medium to low Human Development Index (HDI). Canada's bilateral ODA was being focused on 30 core countries and regions. These countries were spread throughout Asia, the Americas and Africa. Some of these countries had been recipients of Canadian aid for at least 20 years. While Canadian ODA was widely dispersed, OECD-DAC findings cited by CIDA reported it as 'the least concentrated of all donor countries' (CIDA 2002). Consequently, and to make Canadian aid effective, Canada divided the recipient countries into three broad categories – well-off middle income countries, low income countries in crisis and low income countries.

The enhanced partnership strategy included increased resources for countries supporting good governance, support for human rights, gender equality, democratic development, and the rule of law. To implement the strategy CIDA announced a selected few of 'the world's poorest countries' measured by income per capita and a commitment to development effectiveness for an enhanced partnership strategy (CIDA 2002). Based on the two criteria - nine countries - Bangladesh, Bolivia, Ethiopia, Ghana, Honduras, Mali, Mozambique, Senegal, and Tanzania were selected. CIDA also outlined strategic fund allocation to a small number of sectors. Africa was selected as the continent of focus with allocation of substantial amounts of

funds to the continent over the next five years (CIDA 2002). Despite the commitment of substantial amounts, the bilateral ODA allocations did not increase over the next two years.

In 2005, the Liberal government under Paul Martin announced that Canada would increase 'the impact of its aid' by committing two-thirds of its bilateral aid to 25 development partners and increased the ODA allocation to 0.34 percent in 2005 (Brown 2012). Eight Sub-Saharan African countries - Benin, Burkina Faso, Cameroon, Kenya, Malawi, Niger, Rwanda, and Zambia were added to the existing nine countries. Guyana, Nicaragua, Cambodia, Indonesia, Pakistan, Sri Lanka, Vietnam, and Ukraine were also added (Brown 2012). But this change did not last long as the government changed in 2006. The Conservative Government under Stephen Harper put forward their own countries of focus and development priorities under the Aid Effectiveness Agenda (AEA). The GoC used the AEA as the central point around which countries of focus were changed. On one hand, Goody (2009) believes AEA can improve the quality and efficiency of aid, contribute to the broader development goals, such as economic growth and poverty-reduction. On the other hand, Brown (2011) states that using the AEA falls short in justifying reduction in number of countries of focus as there is no proof how the reduction will be increase aid effectiveness.

Under the AEA, new countries - West Bank/ Gaza, Colombia, Haiti, Peru and Caribbean Regional Program were included. These were added to the the original nine countries, and a few African countries were dropped. Consequently, the list changed again and countries of focus were reduced from twenty-five to twenty by 2009. Additionally, an announcement of allocating 80 percent of bilateral ODA to the countries of focus was made. Excluding African countries garnered criticisms from both the international development community and members of the CSOs in Canada (Bülles & Kindornay 2013). Brown (2012) noted the shift from low income countries into middle-income countries. According to him, funding allocations shifted from low income countries in Africa to mid-level income countries with [rich mineral deposits] in Latin America (Brown 2012). These countries included, amongst others, Colombia and Peru, where Canada has trade interests, especially in the mining sector. The shift

to middle-income countries also put into the question the poverty-reduction mandate set by the ODAAA.

Questioning the shift in countries of focus does not in any way imply that there is no poverty in Peru or Columbia but pushes to see the bigger picture. The following case, though one example, provides evidence to the shifts in the countries of focus. In 2002, the then CIDA began a six-year $9.6 million Mineral Resources Reform Project in Peru to provide technical assistance and technological support to the country's Ministry of Energy and Mines. Another $4 million was added at the end of 2008 to the project and the agreement was extended until 2012. Peru, which had not been a country of focus was added to the list partly to facilitate Canadian mining investment (Engler 2012).

In 2014, DFTAD announced another change and added seven new countries of focus. These countries were picked based on 'alignment with Canadian priorities, need, and their ability to use aid effectively' and dedicated 90 percent of its bilateral ODA to twenty-five countries (DFATD 2014). It added Benin, Burkina Faso, and the Democratic Republic of the Congo, Mongolia, Myanmar/Burma, the Philippines and Jordan to the countries of focus, while Bolivia and Pakistan were removed from the list. There has never been any clarity on the decisions taken on the countries of focus by the GoC. If the enhanced partnership strategy is applied, then, the countries of focus should be world's poorest countries. Out of the present countries of focus, that would only apply to six countries - Benin, Burkina Faso, Democratic Republic of Congo, Tanzania, Haiti and Afghanistan, which are in the twenty-five poorest countries in the world.[31] There are over fifteen other African countries that are extremely poor and are not countries of focus for Canada.

If it is not particularly the income level of a country, the other concern of ODA is the use of all ODA for the promotion and protection of human rights. Human rights in Canadian ODA are perpetuated through development priorities in countries of focus. So, does the track record of a country of focus influence the selection? Neumayer (2003) in his quantitatively analysis of bilateral aid allocation of twenty-one countries including Canada within the OECD from 1985- 1997 concluded that

[31] The list of countries of focus was compared to the list of the poorest countries in the world based on their GDP based on their PPP as reported by Pasquali (n.d.)

good human rights record did not guarantee more aid as countries with poor human rights records were still receiving aid, which to him was somewhat disappointing. In his findings, human rights played a limited role in the allocation of aggregate bilateral and multilateral aid as he stated 'that one would believe that respect for human rights should play a more prominent role in the allocation of aid' (Neumayer 2003 p.527). Countries with gross human rights violations are still recipients of Canadian bilateral ODA. Myanmar was added to the list in 2012; this was a complete shift in priorities as Canada had imposed economic sanctions on the country till 2012 due to gross human rights violations. Canada also continues to fund countries like Honduras, Peru, Columbia, Tanzania, Philippines, Indonesia and recently added Mongolia where Canada has vested mining interests. Thus, an examination of Canadian economic interests is key to the analysis of this research thesis.

3.2.2.1 Economic interests in countries of focus: Though an analysis pre-1995 is required, *Canada in the World* explicitly stated alignment of trade and development objectives. Before the merger of CIDA into DFATD, a report was compiled by CIDA titled *Reviewing CIDA's Bilateral Engagement*. This report provided an internal analysis for Canadian bilateral ODA. As reported by Mackrael (2014) in the *The Globe and Mail*,[32] the report indicated 'Canada's commercial interests have become a key consideration in determining how much aid a developing country will receive'. The report was the clearest sign yet that Canada's development had increasingly shifted towards trade interests. When asked about the document, Stephen Brown, an aid expert at the University of Ottawa and is quoted from Mackrael's article, 'Over all, the government seems to have forgotten that Canadian law defines the purpose of Canadian foreign aid as poverty reduction' (Mackrael 2014).

The assessment in the report is broken down country wise and provides information on Canada's interests in the recipient country including the pros and cons. To note, some information on the document is redacted; also, some pages of the document are withheld pursuant to sections 21(1)(a), 15(1) and 21(1)(b) of the Access

[32] The document *Reviewing CIDA's Bilateral Engagement* was obtained by The Globe and Mail, a copy of which was released under the Right to Information Act and is now available online.

to Information. While an analysis of all countries is required, only a few are listed below, mainly from Southeast Asia to gauge the level of commercial interests versus the human rights agenda. Information on Mongolia is included because at the time the assessment was published, Mongolia was not a country of focus. But this information shows clearly that only Canadian interests were listed while in the decision of Mongolia being prioritized as a country of focus. There were no human rights interests listed for the country. Mongolia was eventually added to the list of countries of focus in 2014. The table below provides a snapshot of the contents of the document.

Table 3.1 Country assessment for CIDA's bilateral engagement

Country	Canadian interests	Human Rights interests
Indonesia	Indonesia's growing domestic market, abundant natural resources and economic influence are all of interest to Canada. Indonesia is both Canada's largest export market in Southeast Asia, and a key destination for Canadian investment. Canada supports initiatives that help improve the environment for business, trade and investment. Substantial business opportunities for Canada could exist in communication, technology, financial services, aerospace, extractive industries, agri-food, and infrastructure. Indonesia is an important source for foreign students studying in Canada.	Canada promotes shared values of democracy and tolerance in Indonesia, a country known for its moderate approach to Islam, by supporting the decentralization and democratization of Islamic institutions.
Mongolia	Canada companies have over $1.3 billion invested in Mongolia Canada aims to be a 'top tier' economic and political partner with Mongolia[1] A well-managed extractive sector in Mongolia will help to level the playing field and improve predictability for all investors including Canadian firms. Canada will assist Mongolia in managing its rapid economic growth by strengthening its public service capacity, with a particular aim of encouraging a sustainable extractive sector. Expanding the scope of CIDA assistance to include among other, help mitigate the risk of rising resource nationalism	

Table 3.1 Country assessment for CIDA's bilateral engagement (cont.)

Country	Canadian interests	Human Rights interests
Philippines	Canadian trade with the Philippines is worth close to $1.5 billion CDN annually, while Canadian direct investment was $341 million CDN. Key sectors include information and communications, technology, aerospace and defense, power generation, natural resource extraction and agriculture. New opportunities are expected within these sectors.	Support for democratic development, good governance, rule of law, peace and security, and the promotion and protection of human rights.
Vietnam	Canadian merchandise trade with Vietnam reached an all-time high in 2011, with a 15.9 percent increase in Canadian exports over the last 5 years, mostly in agriculture and agri-food. Vietnam's interest in Canadian development models and expertise offer unique opportunities for Canada to influence its reform agenda towards greater economic opening and effective governance The pro was noted as the potential for significant Canadian direct investment in Vietnam.	CIDA encourages poverty-reduction through sustainable economic growth and food security, in areas such as bank reform, skills for employment, rural innovation and food safety.

Source: *Reviewing CIDA's Bilateral Engagement*, a report by CIDA (CIDA 2012).

As reflected in the table above, Canadian economic interests especially in the mining sector have become increasingly influential. While all the countries of focus in the report were not analyzed, a brief review of the countries in Africa reflected the influences of economic interests. Of the thirteen countries in the assessment, Canada was invested in eight in mining sector with a cumulative of multi-billion-dollar interests. Of the rest, it was very interested in investing in Ethiopia, Mali and South Sudan in mining and petroleum. There were only two countries – Kenya (included redacted information) and Sudan where mining, natural resource management and other commercial interests were not listed.

The *Review of Canada's Bilateral Engagement* provided a substantial backing for consideration of economic interests in Canadian bilateral ODA. Canada has an interest in more than 8,000 properties in more than 100 countries. The Canadian extractive-sector companies account for almost half the mining and exploration activity in the world (DFATD 2013). Blackwood and Stewart (2012, p.228) wrote that

nine of the twenty CIDA countries[33] of focus were in the 'top twelve largest reserves of the six most important metals in world mining', representing 63 percent of global production. For Canada, this presents an opportunity to further its economic interests.

Apart from the vested economic interests abroad, Canada established the Canadian International Resources and Development Institute (CIRDI) to provide technical assistance from Canadian and international experts to support policy development, legislation and regulatory frameworks for their extractive sectors for natural resource management (CIRDI 2015). According to the objectives listed by Global Affairs Canada (2015), Canada provides technical and logistical assistance for mineral-rich states to manage their natural resources, majority of which are minerals. Mineral exploration and mining are major contributors to the economy of the developing state and sustainable development of those is vital both economically and environmentally. Canada helps to strengthen national, regional, and local governments and regulatory institutions so they can manage the extractives sector transparently and responsibly (Global Affairs 2015). They specifically assist in the areas of technology, skill development, and financial services to enable communities to maximize benefits from the extractive sector to promote inclusive growth and community empowerment, including training and skills development (Global Affairs 2015). Consultants from this Institute aid and assist governments in recipient countries on various to facilitate smooth management of natural resources.

Economic interests, thus play a key role, especially in the mining sector and the clearest evidence of the weight of interests was presented by CIDA in their assessment report. Based on the information provided in Table 2, Canada's human rights agenda in the countries included ODA programs for good governance, which as analyzed above comes with its own set of challenges. Even in countries in Africa, where human rights programs were directly aimed at children and youth, there was substantial attention paid to economic interests. So, while, the human rights agenda is present, economic interests are overshadowing the human rights agenda. The main concern is that why is ODA, which is considered a tool for economic and social development and a very small part of Canadian engagement with the world being used

[33] There were only 20 countries of focus in 2012 when this article was published. There are 25 countries of focus as of 2014.

to advance economic interests? To avoid sounding idealistic, Canada can easily accommodate its commercial and economic interests under its trade mandate. It does not have to employ its bilateral ODA to further its trade interests. Given the capacities and potential, the GoC can do so much more in promoting the rights of the people who need it most.

3.3 Development priority themes

Black (1999) notes a positive correlation between the meaning of development and stakeholders promoting development with how ODA is used to advance development. Hence, it is crucial to draw out what Canada considers international development. Global Affairs Canada (2015) accepts two definitions of ODA: one - ODA, as defined by the OECD-DAC (See Chapter 1); and two - ODA, as defined by the ODAAA (See Chapter 2) and is used in GoC publications. To advance its international development agenda, the GoC has prioritized development through themes, which guide its work globally. These themes play a crucial role in allocation funds, and promoting human rights abroad. But development priorities in Canadian ODA, like ODA budget and countries of focus have changed under various governments.

Bülles & Kindornay (2013) report that between 1995 and 2009, CIDA's priority themes changed six times, which according the Auditor General of Canada (2009) has been a weakness of Canadian aid. In 2001, to align Canada's commitment to the MDGs, the then CIDA adopted social-development priorities in health and nutrition, basic education, HIV/AIDS, and children, all of which were meant to include the promotion of gender equality. Canada also transferred the goal of environmental sustainability in its ODA practice. Mindful of the global development challenge outlined by the United Nations, Canada recognized that 'ecosystems play an integral role in maintaining, food security, economic security and social peace' (DFATD 2014). Further, the susceptibility of the poor to get marginalized due to environmental degradation and inadequate access to information and knowledge of their rights was also recognized. To avoid marginalization, inclusion and

participation was adopted under the theme of good governance (Global Affair Canada 2014).

While the MDGs forged a new path for the international community to deal with global issues, good governance was situated at the heart of Canadian ODA to achieve institutional and policy reform in developing countries. Partnership with private sector was added in 2002 alongside rural development and agriculture. Privatization, a key component of neoliberalism was supported by more than the rhetoric of liberalization trends of the 1970s (Black 1999). Implementation of privatization rechanneled the Third World Government resources away from social programs (Black 1999). The retrieval of resources from social programs created a space for private companies to provide welfare services. Nair (2013) asserted that international nongovernmental organizations and private sector actors emerged as important partners in official aid disbursement in the new aid agenda of the 1990s. Also, their role has become more explicit, which is aimed at building institutional capacities and minimizing the role of the States. This has impacted the way donors have framed their development priorities, which Nair (2013) affirms have been critical in the changing landscape of international aid in the neoliberal order.

In Canada, the landscape of ODA changed in 2005, when the foreign policy review redrew development priorities to good governance, health, basic education, private-sector development, and environmental sustainability, with gender as a crosscutting theme. This change was never implemented because of the change in leadership. After the adoption of the AEA, the GoC established five development priorities for planning its international development programs for its bilateral ODA. In 2009, the Conservative government announced three cross-cutting themes which according to Brown (2012) created confusion in the development world. The OECD (2012) has also called the shifting of Canadian development priorities problematic because it causes chaos for the managers and implementers as program design and implementing can take years. Hence when a new priority is announced, it must be aligned in an existing system, and which may not always be the best fit in the situation but the program managers must make it happen to accommodate policy changes. At the recipient end, an international aid worker states:

> ‘When working with governments, an organization must often bend to their time lines and processes, which are often slow, cumbersome and inefficient. However, trying to enforce an organization’s own ways of working on the government partner can impede or even threaten the program’s success’.[34]
>
> Interview 4 conducted in August 2015

The three cross-cutting themes, which are integrated into all of Canada’s international development programs are increasing environment sustainability, gender equality and good governance. Increasing environmental sustainability aims at promoting healthy ecosystems, which are key to prosperity and integral to all Canadian development work. The rationale provided by the GoC through Global Affairs Canada (2015) states that the poor are the first to feel the effects of environmental degradation and are forced to live on marginal lands, it is in the global interest to invest in preserving the environment to counter the effects of climate change. For this, ‘Canada assesses all of its development assistance activities for potential risks and opportunities with respect to environmental sustainability’ (Global Affairs Canada 2015). The GoC through programs also works with its partner countries to ensure that they have the capacity to conduct risk-assessments; if not, contributions towards enhancing partners' abilities to manage natural resources are made (Global Affairs Canada 2015). But this is not always the case. In Peru (a bilateral ODA recipient country) considerable CIDA support was provided for technical reform (under the good governance agenda) to the Peruvian government. In return, Canadian Mining Company Dorato Resources was given half the land of an already planned national park along the Amazonian border between Peru and Ecuador ‘created to protect indigenous territories and key headwaters, with local indigenous people’ (Moore 2014). So the use of blanket cross-cutting themes, necessarily does not translate into reality.

Gender Equality includes promoting the equal participation of women and men in making decision; supporting women and girls so that they can fully exercise their rights and reducing the gap between women's and men's access to and control of resources and the benefits of development (Global Affairs Canada 2015). By

[34] Interview 4 conducted with an international development worker working in ODA funded program in Africa in August 2014.

contribution to gender equality Canadian ODA contributes to reducing the gender gap between men and women to facilitate the progress of women in developing countries. Programs targeted at gender equality contribute to the fulfilment of women's rights in various capacities.

Good governance encompasses funding programs in developing countries on increasing - capacity and responsiveness of individuals, organizations and societies, efficiency and effectiveness of national development objectives, transparency and accountability od established policy and procedures, equity, equality and non-discrimination and finally increasing participation and inclusion of the locals in their development (Global Affairs Canada- Development 2015). Particular to development through the extractive industries, good governance programs have played a vital role in progressing Canadian mining companies to work and benefit in ODA recipient countries. Blackwood and Stewart (quoting Campbell 2012, p.228) report on the then CIDA' s involvement in 'restructuring of investment legislation, lowering royalty rates for extractive industries, and in mineral exploration and development in ODA recipient countries'.[35] Benefits of good governance programs to the mining sector are reflect in the following example.

In 1997, the then CIDA partnered with multiple stakeholders[36] to rewrite Colombia's (a bilateral ODA recipient) mining code, which was then submitted to Colombia's Department of Mines and Energy (UPME). After 'muted opposition', the code became law in August 2001, which Francisco Ramirez, president of SINTRAMINERCOL, in a 2006 heavily guarded interview in Bogota called 'Canadian manipulation to benefit foreign companies to the detriment of Colombians' (Arsenault 2007). In the same interview quoted by Arsenault (2007), Ramirez told the IPS that 'the new code flexibilized environmental regulations, diminished labor guarantees for workers and opened the property of Afro-Colombian and indigenous people to exploitation'. CIDA's reported summary of the project was in complete

[35] Campbell notes Peru, Colombia and on the African continent, Guinea, Mali, Zimbabwe, Botswana, Namibia, and Tanzania in his writing out of which Peru, Colombia, Mali, and Tanzania are the countries of focus in the ODA program and Guinea, Zimbabwe, Botswana and Namibia are development partner countries. There are four countries - Peru, Colombia, Mali and Tanzania on Campbell's list where Canadian mining companies have benefitted directly from policy reforms that ODA facilitated.

[36] Martinez Córdoba and Associates, a Colombian law firm representing several multinational companies, and the Canadian Energy Research Institute (CERI)

contradiction to Ramirez, complete with holistic terms of development. CIDA (2008) reported 'Canadian energy and mining sector companies with an interest in Colombia will benefit from the development of a stable, consistent and familiar operating environment in this resource-rich developing economy' thus presenting a completely skewed picture of the real situation in Colombia.

But funding the mining sector is a small part of Canadian bilateral ODA. ODA funds are allocated through development priority themes. Presently, Global Affairs Canada prioritizes child rights and woman rights, right to food, and economic rights and allocates substantial amounts of ODA to programs related to these rights. As listed by the GoC, specific development priorities include – increasing food security; safe and secure futures for children and youth; advancing democracy; and peacebuilding stability and security; and stimulating sustainable economic growth.

3.3.1. Increasing food security

The GoC reports that about 870 million men, women and children around the world face chronic hunger and lack of access to sufficient, safe and nutritious food. Lack of accessibility to food is considered one of the major obstacles to reducing poverty in developing countries (Global Affairs Canada 2015). Under its AEA, Canada untied all its food aid to developing countries in 2008. It considers itself one of the most committed donor to increasing food security around the globe (Global Affairs 2015). In April 2011, Canada was the first G-8 country to fully meet its L'Aquila Summit commitment and disburse $1.18 billion for sustainable agricultural development (DFTAD 2014). For increasing food security, Canada's has three strategic paths of engagement – investing in sustainable agricultural development, supporting food and nutrition[37], and investing and research and development. By investing in food security, Canada commits to promoting the right to access food in ODA recipient countries.

[37] Canada is the founding member of the Micronutrient Initiative under which Canada has promoted supplements such as Vitamin A and Iodine.

3.3.2. Safe and Secure Future of Children and Youth

Children and Youth Rights are important to the GoC and are promoted through ODA programs. Programs focus on health and rights of women and children; child, early and forced marriage; sexual exploitation of children; education in developing countries, children and armed conflicts; ending violence against children and youth; and child labor. Canada has also zeroed in on improving maternal, newborn and child health, a program it has committed $3.5 billion CDN over five years to 2020. The $3.5-billion pledge is double of the originally promised $1.1 billion CDN at the 2010 G8 summit.[38] Canada works multilaterally with UN agencies, governments, Canadian and international civil society partners and local communities to achieve results for improve the situation of children and youth around the globe.

3.3.3 Advancing democracy

Promotion of democracy is considered a core value for Canada alongside promotion of freedom, human rights and the rule of law in both its foreign policy and international development assistance. Democracy is considered not only important for the people in developing countries but also for Canada's 'long-term prosperity, security and human rights interests' (Global Affairs Canada 2015). For advancing democracy abroad, Canada employs diplomatic actions and governance programs to strengthen civil society; advance independent media; reform legislatures and other representative bodies; support electoral processes and institutions (including by supporting electoral observation missions); promote political party systems; endorse respect for the rule of law and reform of judicial institutions; and promote and protect human rights (Global Affairs Canada 2015).

3.3.4 Peacebuilding stability and security

Canada engages in various peacekeeping programs such as the International Police Peacekeeping and Peace Operations,[39] The Peace and Stabilization

[38] The initial initiative - Muskoka Initiative's to which Canada committed total $2.85-billion. 80 per cent of the committed funds have been disbursed (Do 2014).

[39] Canadian police have been participating in international peacekeeping missions since 1989. Since then, more than 3,000 Canadian police have been part of more than 53 missions around the globe,

Operations Program (PSOP), Domestic Cooperation through Canadian Security Intelligence Service (CSIS), and International Policing by partnering against International Crime.

3.3.5 Stimulating sustainable economic growth

The GoC considers economic development and growth key to poverty-reduction. For this ODA is directed towards three paths – integrate economic foundations; grow businesses and invest in people. *Building economic foundations* focuses on four areas – strengthening public financial management at national, regional and local levels, improving legal/regulatory frameworks and systems to stabilize economies, supporting governments and private sector companies to expand their business and into regional and global markets (Global Affairs Canada 2015). This means that ODA funds are directly provided to recipient governments under programs of good governance for creating an environment that facilitates economic growth. It is within the development priority of stimulating sustainable growth, development through the extractive industries in situated. The GoC considers natural resource management as an 'important driver' for economic development (Global Affairs Canada 2015). The extractive sector in developing countries presents massive potential to 'stimulate sustainable economic growth, create jobs and help bring people out of poverty' (Global Affairs Canada 2015).

The second path of *growing businesses* aims at strengthening support for micro, small and medium-sized private sector businesses, particularly those owned by women and increasing productivity. The final path of *investing in people* entails increasing access to demand-driven skills training, increasing workplace learning opportunities and supporting learning initiatives which lead to business growth, market expansion and increased productivity (Global Affairs Canada 2015). As per the then CIDA, the role of aid has changed over the years. While 2.6 billion people live on $2 USD a day, middle-income countries are more interested in trade and investment engagement than be aid recipients for economic development (CIDA 2008). Countries in Asia, Africa and Latin America have demonstrated that

supporting the Government of Canada's commitment to global peace and security (Global Affairs Canada 2015).

economic growth is the best way to 'help people lift themselves out of poverty' for which on stimulating sustainable long-term national, regional, and local economic growth is essential (Global Affairs Canada 2015). But one must be cautious to equate economic growth to both poverty-reduction and fulfillment of rights.

Fukuda- Parr, Lawson-Remer, Randolph (2015) report on the 'unprecedented wealth' created in the twentieth century through globalization and liberalization of markets. But this wealth creation has not benefitted everyone as social and economic rights of many are far from being realized. The researchers write that 'social and economic rights are freedoms that may be taken for granted by many but are frequently and systematically denied to much of humanity (Fukuda- Parr, Lawson-Remer, Randolph 2015 p.5). Thus, economic growth itself is not the answer to development for all and especially in the lowest socio-economic strata. Donors like Canada have, as Nair (2013) explains latched on to 'the new 'institutional' agenda of good governance and respect for human rights as important consequences for development outcomes'. There is no clear explanation of how human rights will be promoted but the expectation is that the reforms under the good governance will lead to respect and promotion of human rights.

Based on the review of the Canadian development priorities discussed above, Canadian development priority themes do contribute to the fulfillment of the both social and economic rights. Most clearly and specifically, Canadian ODA contributes to the rights of the child through promoting child development and child protection. It has also dedicated considerable amount of resources to the health initiatives of maternal and child health. Right to food is another right which is substantially funded through Canadian ODA program through the development priority of increasing food security. But, two shifts have occurred in the neoliberal aid agenda – funding for good governance programs has increased and partnership with private sector actors, some of whom are in no need of ODA funds. [40] It can be

[40] In 2011, a year in which Barrick Gold posted earnings of $ 3.3 billion, CIDA financed Barrick Gold's reforestation project in Peru. The corporation received $499,445 CDN while Barrick Gold's contribution to the project was $150,000 (Blackwood and Stewart, 2012). There is no account of whether the corporation met with the mandate of the ODAAA and considered the perspective of the indigenous people leaving room for questioning how is the GoC justifying promoting rights through such projects.

noted that consecutive governments especially under Martin and Harper have moved consciously aligned aid and trade interests especially in the development priority of sustainable economic growth. Though these forms of self-interest are not new or unique to Canada, the Canadian government has generally framed these changes as improvements and beneficial to poor countries (Brown 2015). For the remaining three development priorities – stimulating sustainable economic growth, advancing democracy and peacebuilding, no specific rights are targeted. Rather, focus is on institutional and policy reform through programs of good governance - at heart of neoliberal reform, which will eventually contribute to the fulfillment of rights. Hence an examination of the bilateral ODA budget is essential to gauge how different themes and programs are funded.

3.4. Bilateral aid Budget distribution

3.4.1 Budget distribution according to development priorities

Bilateral ODA if distributed according to development priorities and throu gh cross cutting themes.

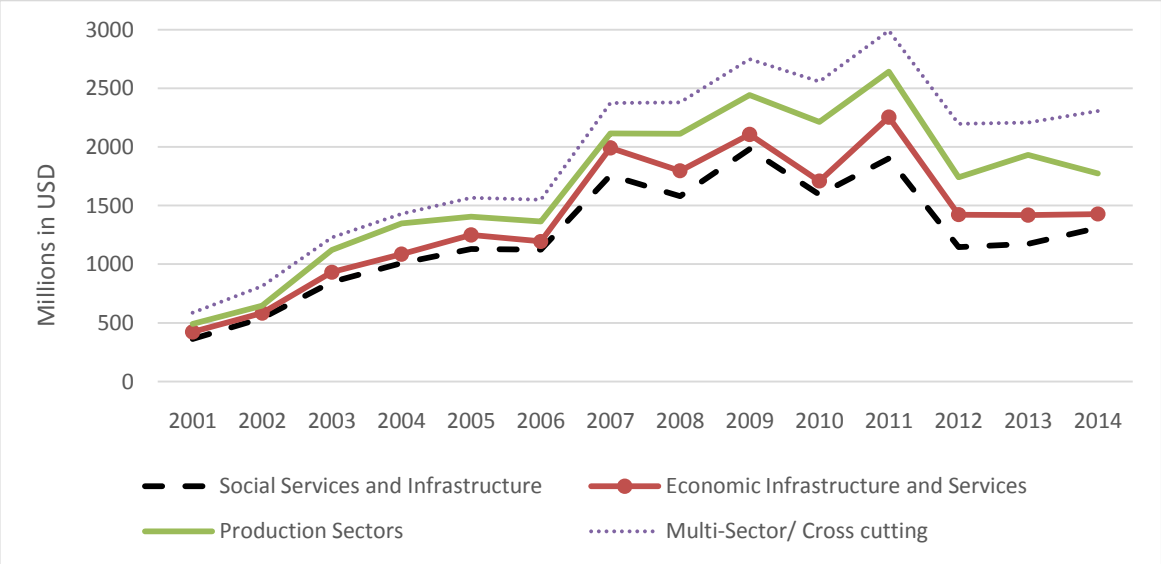

Chart 3.4 Development Priority Theme bilateral ODA distribution in US million dollars **(**Global Affairs Canada 2015)

Based on the chart plotted above, it can be noted that programs directly under the social services and infrastructure – education, health, and water supply and sanitation receive the least amount of funding within bilateral ODA. Since the adoption of the ODAAA in 2008, the funding has significantly decreased. The budget increased from $1578.87 million CDN to $1981.62 million CDN. It hit its lowest in 2012 when the funds allocated to social services and infrastructure decreased to $1147.32 million CDN. While there has been a gradual increase in funding, the decrease in funding brings forth the gap between committing to promoting social development through ODA and the allocation of funds in comparison to other priorities. As examined in the development priorities, programs under social services and infrastructure are the ones aimed directly at the neediest. As stated by the GoC, millions of people live in poverty and struggle to meet their basic needs. For meeting the needs of the poor, it is important that Canadian ODA is being allocated where it is needed the most because social services directly reach the people in comparison to bilateral ODA allocated for policy and institutional reform.

The chart below represents a breakdown of funding to the social development sector to review how the agendas such as health and education claimed to be of paramount importance, especially for children and youth are promoted.

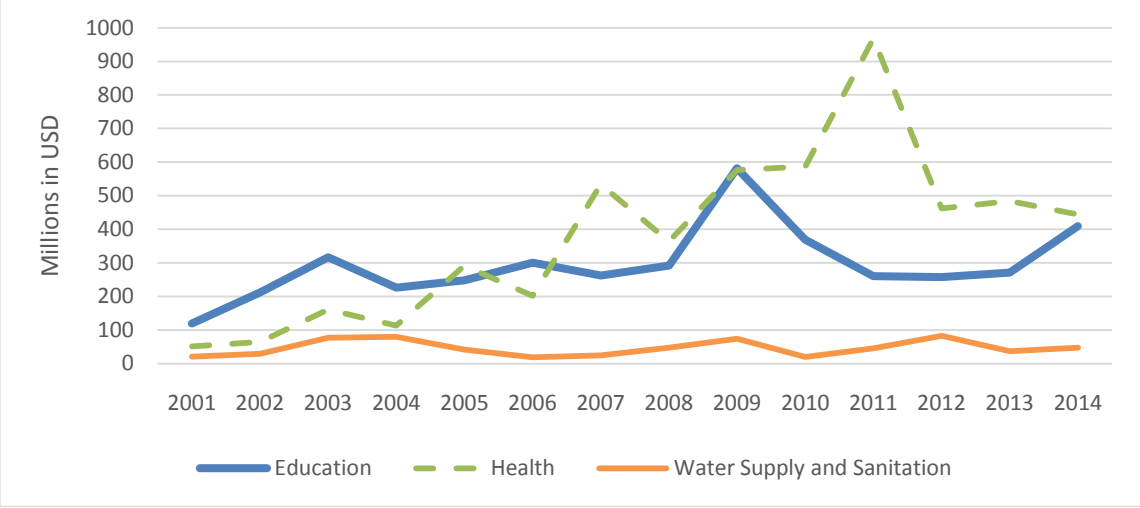

Chart 3.5 Spending for Social Development in US million dollars (Global Affairs Canada 2015)

After adoption of the MDGs, donor countries put poverty reduction and development goals such as the prioritizing education, and health in their development goals. This was done to ensure that ODA was being used to assist the poor in the developing countries to meet their basic needs. Chart 5 represents the distribution of Canadian bilateral ODA to programs under social development since the adoption of the MDGs. Based on an analysis of the funding distribution above, there has been no consistency in the funding the social development programs. While there has been a gradual increase in funding to the health sector, funding to the education programs has significantly decreased since 2010 after which it jumped back to double of 2013 in 2014.

The decrease in the spending has come despite ODA being channeled to facilitate development through the extractive industry. The concern that arises is what programs have taken a cut to accommodate projects under extractive industries? This thesis does not delve into that aspect of aid but per Brown (2012), the GoC has increasingly instrumentalized CIDA and its aid and has propagated non-development-related interests through ODA.

3.4.2 Funding deviations to the mining sector

Direct funding to the mining sector was announced in 2011. A review of the budget allocated to the mining and infrastructure sector provides an insight into some of the funds that were shifted in Canadian bilateral ODA. Given, that the overall Canadian bilateral ODA has not increased over the years and funding to the social development sector has fluctuated with significant decrease after 2011. While an in-depth analysis is needed, this shift in budget allocation sheds light on the shift in the commitment to human rights and advancing social development programs for the o nes that need it the most.

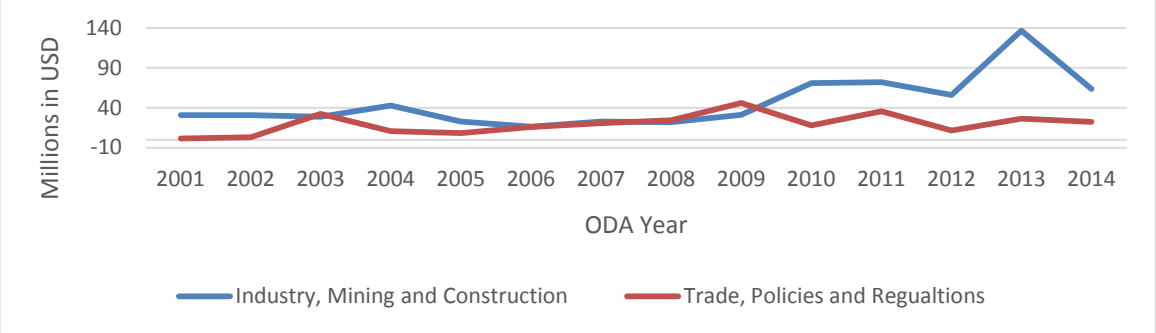

Chart 3.6 Bilateral funding allocated to Industry, Mining and Construction (Global Affairs Canada 2015)

The above chart plots the bilateral ODA disseminated to the Industry, Mining and Construction and Trade, Policies and Regulations from 2001 to 2014. While the announcement to fund the mining sector was made in 2011, indirect funds to the mining sector had previously been disseminated under the good governance agenda to reform policy, relax regulations and liberalize institutions in countries with strict mining codes. The money allotted in the industry, mining and construction is nested under economic services and infrastructure. Though it is only in tens of millions in comparison to the hundreds of millions allocated to the social development sector, it is significant because economic development gets a bigger piece of ODA allocations. According to the GoC, these projects are helping in economic progress of the developing countries (Global Affairs 2015). But these projects are creating are benefiting mining companies and recipient governments, who may not use the wealth created by these projects for poverty reduction or fulfilling the rights of its people.

As the CCIC explains that mining by definition, is not sustainable since it extracts finite resources, degrades the environment and causes long-term damage in places it is carried out (CCIC 2013). On the social side, mining most usually effects indigenous communities and often causes displacement of the people from its land with little to no say in the matter. Any opposition by the local communities is met with resistance and there are countless examples of atrocities piled against mining companies (CCIC 2013). There is marked difference between development and sustainable development. While development means a better life for everyone in the present, sustainable development includes development with a long-term vision for generations to come. Peet and Hartwick (2009, p.2) explain development, ‘as

essentially, meeting basic needs; sufficient food to maintain good health; a safe, healthy place in which to live; affordable services available to everyone; and being treated with dignity and respect'. Thus, if only a few benefit from the market outcomes of development, it is not development (Peet and Hartwick 2009). More over mining projects have caused environmental degradation, displacement of people, countless atrocities to masses without any responsibility for redress or justice (Mining Watch 2015), which completely takes the sustainable out of the sustainable development through extractive industries.

In conclusion, there are two sides to the Canadian ODA story – one, where Canadian ODA still supports programs assisting in fulfilling rights; and two – where it is funding the mining sector in the guise of development through the extractive industries. The present program structure, countries of focus and a development priorities all convey a mixed message. The countries of focus range from low income to mid income countries. For further research, it will be interesting to examine programs in each country and compare ODA programs in low-income and mid-income countries. Countries of focus have changed many times over in the period from 1995-2015, hence the GoC needs to consider the impacts of including and excluding countries based on Canadian mandate. The development priorities range from ones that directly impact people and contribute to poverty-reduction to ones that cater to policy reform through good governance. An analysis of the budget shed light on the inconsistent way the Canadian ODA programs are funded. While programs in social development are still recipients of Canadian bilateral ODA, the funds allocated to the economic development are and have been higher than that of social development. As mentioned above, there is a need to legislate for a fixed budget, preferably 0.7percent to fulfill its 1970 promise. This will reflect the GoC commitment to reliably promote human rights abroad regardless the domestic changes in Canada.

An analysis of the economic interests in the mining sector shed light that ODA funds are being allocated to mining companies, who have no need for funding. The mining sector has been extensively criticized as reported by Mining Watch Canada and the CCIC, for its unsustainable nature and unequal wealth distribution. With this information at hand, continued ODA dissemination to this sector reflects the influence of economic interests. As stated in CIDA's assessment report, Canadian

commercial interests in ODA recipient countries are factored in the decisions regarding ODA. Even prior to funding mining companies directly, funds were directed through programs of good governance and technical assistance and resource management, which have benefitted mining companies like in the case of Peru. The deviation from the agenda of human rights has been one of concern for civil society actors, who work consistently to check policy decisions and push for the inclusion of the human rights agenda and the protection agenda. Canadian civil society and its actors play a crucial role in the inclusion of the human rights agenda, especially pertaining to voicing concerns in funding the mining sector in Canadian policy on ODA and is examined in the next chapter.

CHAPTER IV
CANADIAN ODA AND ROLE OF CSOs

4.1 Introduction

The last two chapters have provided an analysis of the protection and promotion of human rights by the GoC through bilateral Canadian ODA. Chapter 2 specifically analyzed the protection of human rights and the role of Canadian politics and political actors; Chapter 3 examined the role economic interests especially in the mining sector, play in bilateral ODA in advancing the human rights agenda. While the political and economic influences shed substantial light of how human rights are advanced, specifically at policy-level; an analysis of domestic influences on ODA is incomplete with examining the role of CSOs. The GoC through its ODA program partners with CSOs, especially NGOs and research institutes for program implementation. CSOs have played a crucial role in the inclusion of the human rights agenda in ODA. This Chapter reviews the role of CSOs in promoting human rights in the Canadian international development agenda to seek answers for the third research objective. Further, it analyzes the attempts of CSOs to protect human rights by voicing concerns about funding the mining sector. Acknowledging the critical role of CSOs, this chapter argues that despite their attempts, Canadian CSOs are limited in their role in both protecting and promoting human rights within the neoliberal environment in which they function.

4.2 CSOs and their standing in Canada

According to the CCIC (2008), civil society is often considered ‘a social space in which citizens organize themselves to promote shared objectives and values’; this organization is usual crucial to the smooth functioning of a democratic society and ‘to the enrichment of a country’s institutional foundations’ (CCIC 2008). CSOs groups can comprise of development agencies, labor unions, human rights organizations,

faith-based groups, academic organizations, among others. CSOs are recognized as important players in international development. The Report of the Standing Committee reflected that CSOs - organized labor, the women's rights movement, human rights groups, political activists, and church groups have played a key role in constitutionally establishing human rights in Canada (Standing Senate Committee 2001).

Lui (2012) in *Why Canada Cares*, informs that despite the image Canada has in global politics, it did not actively advocate for human rights until the late 1980s and early 1990s. Even then, human rights were mainly advocated by CSOs more than government. Pratt (1990) citing Clément informs of the difficulty the federal government faced from church groups who wanted the federal government to include the human rights agenda in both their foreign policy and development aid policy. Canadian churches began addressing the lack of human rights in foreign policy in the 1970s. In a paper titled 'The Black Paper', they advocated for promotion of human rights in South Africa and educated the public to the human rights violations occurring in South Africa. Their work resulted in the Government's foreign policy restrictions on South Africa as well as taking in more refugees from Uganda and Chile (Clément 2012). Aid agencies quickly recognized the of community and civil society organizations as 'democratic and efficient at service delivery', which they preferred over 'what they saw as inefficient and corrupt state institutions' (Murray & Overton 2011, p.309).

In 2010, to align their work with international development standards, CSOs adopted the Istanbul Principles. The Istanbul Principles provide a rights- based framework in which CSOs can work. The eight principles included: respect and promote human rights and social justice; embody gender equality and equity while promoting women and girls' rights; focus on people's empowerment, democratic ownership and participation; promote environmental sustainability; practice transparency and accountability; pursue equitable partnerships and solidarity were included in the principles (Open Forum for CSO Development Effectiveness 2010). Since the adoption of the Istanbul Principles, the CCIC has run several workshops across Canada to create and raise awareness of the international standards for CSO work.

While the Istanbul Principles provided a consistent framework for CSOs, Canadian CSOs were no strangers to the work international development and program delivery in helping developing and transition countries. According to Global Affairs Canada (2015), the work of CSOs has been dedicated to improving the lives of those living in poverty in developing countries. Canadian Partnership with CSOs can be traced back as far as five decades. Pratt (1990) considered partnerships with elements of civil society –NGOs, churches, and individuals active in advocating for the rights of the people in developing countries effective in international development. According to CCIC (2008), Canada's domestic experience as 'a democratic and pluralist society', and values shared by Canadians can benefit the work of international development. But like the policy on ODA, there was no clear strategy for the work of Canadian CSOs. While partnerships with CSOs were impressed in the AEA, Reilly-King (2012) points out that document did not lay out a clear strategy for engagement for civil society actors. Even the OECD Peer Review suggested that Canada's international development needed an effective strategy; it needed clear aims and objectives for engagement with CSOs to recognize CSOs as independent development actors and meet Canadian development objectives (Reilly King 2012).

Despite the need of effectiveness, the GoC's partnership with CSOs changed after adopting the AEA in 2009. To implement Canada's AEA, the then Minister of International Cooperation - Beverley J. Oda announced the next steps in 2010. These steps included 'a new approach to engage Canadians and organizations involved in international development' (CIDA 2010). The new approach named 'Partnerships with Canadians', included two programs – Partners for Development and the Global Citizens Program. To reduce administrative costs and streamline applications from CSOs, the new policy included a highly competitive call for proposals, which benefitted some organizations but also ended many long-term standing partnerships with Global Affairs Canada (Aid Watch Canada 2015). While the policy changes were rationalized under effectiveness, Reilly- King (2014) reports that the government distanced itself from the civil society and announced no new funding initiatives between 2011 to 2014.

Regardless of the actions of the GoC, CSOs play mixed role in Canada amidst a neoliberal framework. They are both ODA fund recipients and program

implementers. In addition, they are an intermediator between the donor and the recipient. In addition, CSOs can be the voice of concern for the marginalized groups and promoters of the human rights agenda. This mixed bag of roles can serve as both an advantage and a disadvantage for CSOs and the human rights agenda in Canada.

4.3 Role of CSOs in Canadian International Development

The decrease in the role of the state has made room for civil society actors to emerge and participate in policy-making especially in countries like Canada. Sinha (2005, p.163) writes, 'the revival of civil society has occurred at the same time as the neoliberal ascendance'. Because civil society operated in a neoliberal framework, civil society actors have facilitated the legitimization of neoliberalization (Sinha 2005).

Almost one-fourth of bilateral ODA is disseminated through CSOs, making them a crucial apparatus through which Canada's international development occurs. In 2013,[41] Canada disseminated 23.6 percent ($837 million USD) of its bilateral aid, to and through CSOs (OECD 2015). While 1.3 percent was given to the CSOs, 22.3 percent was given through them for program implementation (OECD 2015). The major chunk of contributions went to Canadian CSOs who received $572 million USD in 2013. In comparison, international CSOs received $195 million USD and developing country-based CSOs received $70 million USD (OECD 2015). The chart below plots the bilateral funding to CSOs in Canada over the years.

[41] Canada gave $754 million USD in 2012, $764 million USD in 2011, $817 million USD in 2010 and $772 million USD in 2009 (OECD 2015).

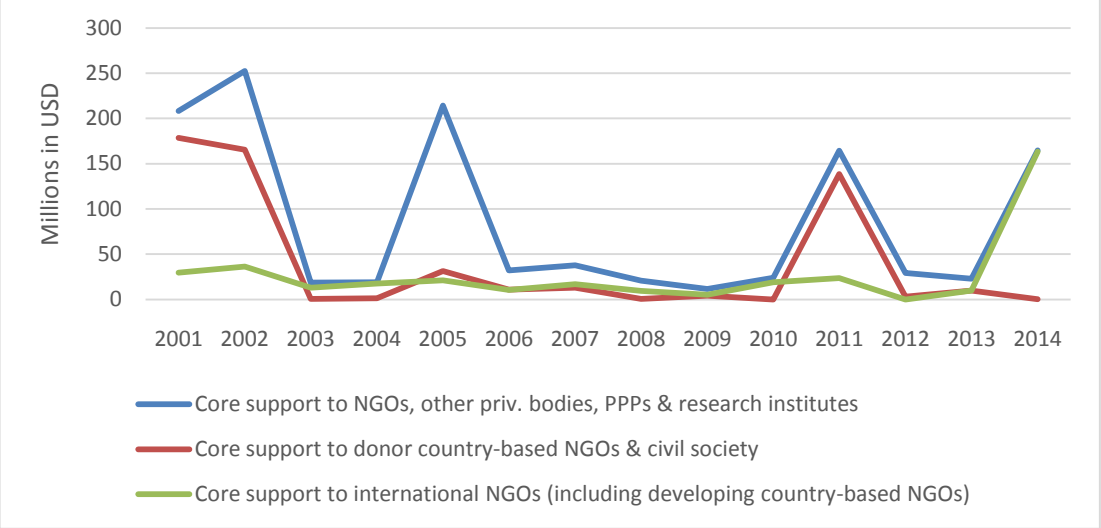

Chart 4.1 Bilateral funding to NGOs, Research Institutes in Canada and internationally **(**Global Affairs Canada 2015)

These numbers are significant because they inform of the benefit Canadian CSOs receive from bilateral ODA funding. So, two concerns arise from the CSO dependency – one of sustainability and the second of promoting a human rights agenda. As fund recipients, Canadian CSOs are dependent on the Canadian government for funding. Burney asserted that many of the NGOs who were against the merger of CIDA into DFAIT in 2006 were mostly dependent on the government for their funding. He spoke candidly and called the then concerns, mainly of aid agencies 'nonsense' and 'typical whining from the NGO community' (Blanchfield 2013).

As part of the neoliberal agenda, there is an increase in contract work funded by international development assistance and consultancies, which has demobilized NGOs into 'private, for-profit development consultancies which provide professional expertise without commitment' (Sinha 2005). Consultancies have changed the standards for engagement. In an interview with a consultant, who had previously benefitted from CIDA funding, information on aligning the consultancy proposal with the objectives of the government was obtained.

> 'The proposal submitted for a consultancy has to follow a specific template. The interviews also usually are conducted to gauge how well you fit into the objectives of what the consultancy has been designed for'.[42]
>
> Interview 1 conducted in August 2014

Also, pointed out in the interview was that many consultants are vying for the same consultancies and not all of them have a knowledge of human rights. This can have a significant impact on the outcomes of the project or even a project for technical assistance. As program implementers, CSOs are in an advantageous place for promoting the human rights agenda. Canadian CSOs have called for CIDA's mandate over Canadian ODA to be strengthened and integrate a rights-based approach in practice, based on consultations, empowerment and participation (Tomlinson 2010).

When asked if CSOs could advance the human rights agenda, an interviewee responded by saying,

> 'bearing in mind that the state is ultimately accountable for the protection and promotion of human rights (not development agencies), from my own very limited experience I can say that it is definitely possible to adopt a human-rights based approach to programming through CSOs, whereby your response is based on human rights norms and principles and you are also empowering/building the capacity of communities and individuals around what their rights and entitlements are, so that they can hold their governments to account'.[43]
>
> Interview 6 conducted in July 2014

While inclusion of a human -rights based approach to all programming is commendable, a clash of priorities between the CSOs and the GoC can serve as a disadvantage. A clash of priorities can also be between the implementer CSO and program beneficiary. Based on an answer from an interview,

> 'Cultural differences [can be] a challenge that cuts across all aspects of development work, from program design to implementation, to monitoring and evaluation. It is difficult to understand the worldview held by individuals or communities with a radically different history and culture than your own. What

[42] Interview 1 conducted with an ex CIDA consultant in August 2014
[43] Interview 6 conducted with an international development aid worker in July 2014

> you may previously have believed to be 'common sense' or universal beliefs, are rarely such. While you make accept that it is different, to effectively create change you need to understand it on a deeper level – a level that can be difficult unless you were born into it.[44]
>
> Interview 7 conducted in September 2014.

As an intermediator, Pittman et all (2011) believe that CSOs can hold both donor and recipient countries accountable and push for a human-rights agenda. Apart from accountability, civil society groups can work with governments, donors and communities at the same time creating spaces for engagement, participation and advocacy, usually missing in bilateral government interactions. But some NGOs, which are only a component of CSOs, can be elitist, conceal their agendas and be non-inclusive of the people, whose rights they are advocating (Sinha 2005). This can be concerning as some marginalized groups can only voice their concerns through NGOs or other groups working in their regions. Tomlinson (2014) asserts that CSOs are critical actors in uniting the voices of those excluded, marginalized and most affected by poverty; voices that often challenge the priorities of power and the rich. The revival of the CSOs and partnerships with them has contributed voices of the people which are usually missing in political and economic considerations of policy.

CSOs have played an integral role in voicing their concern regarding the decisions of ODA programs. The CCIC over the years has provided numerous reviews of foreign policy, policies on ODA and human rights. The CCIC is also very active in voicing the concerns posed development through the extractive sector. CSOs like Mining Watch Canada have played a vital role in shedding light of the human rights violations and abuses of mining companies abroad. Mining Watch Canada has also played an integral role in creating awareness, demanding protection mechanisms and judicial mechanism and advocating of the rights of the marginalized groups affected by mining worldwide.

Regardless of all the hats CSOs wear, Brysk (2009) describes CSOs as 'best case for human rights promotion' by playing an impressionable role in advocating human rights abroad. Sinha (2005) notes that neoliberalism has had its effects on especially the NGO component of the CSOs. Positively new advocacy

[44] Interview 7 conducted with an International Development worker in September 2014.

initiatives including empowerment, gender, sustainable development, capacity building, institutional design, participation, evaluation and so on have emerged. Canada is a country with a vibrant civil society, which remains a critical actor in questioning the decisions of policy-makers and economic interests of private- sector actors.

4.4 CSOs, Extractive Sector and mining companies

Canada has gradually aligned its ODA interests with its trade interests through funding projects for extractive industries and private sector partnerships. Development through the extractive sector is a controversial subject especially considering the poor track record of mining companies across the globe. Funding extractive industries through Canadian ODA is not exclusively problematic but as analyzed in Chapter 2, Canada lacks a robust legal framework for implementation and oversight of mining practices abroad. In addition, the track record for Canadian mining companies in relation to human rights has been prickly and are accused of various kinds of unethical behavior, including human-rights abuses, ecological degradation, community conflict, and corruption (Mining Watch Canada 2015). Paradoxically, development through the extractive sector continues to be funded under the priority theme of stimulating sustainable economic growth. In light of human rights violations, environmental degradation, growing accusations against mining companies, inadequate economic contributions to host states and failing to engage meaningfully with affected communities, critical analysis of the development through extractive industry for sustainable economic growth is important and needs further study especially regional and even better country analysis, which was not the scope of this thesis.

It is no surprise international development workers working with Canadian CSOs were concerned with funding development through the extractive industry and the mining sector. Satke (2015) reports that ‘Canada has ignored the complaints about Canadian mining companies in foreign states’, and quotes *Maclean’s* which reported ‘Canada is still “soft on bribery” and “can no longer pretend it is not seeing” corrupt schemes by Canadian mining businesses abroad’. There have been mass protests

around the globe (Latin America, Central Asia, Southeast Asia) against Canadian firms who have been accused of damaging the environment. Stephen Harper's visit to Philippines was accompanied by protests, which called for an end to 'alleged long-standing environmental crimes of Canadian mining corporations in the country [45] (CBC News 2012). In Peru, a CIDA country of focus and recipient of aid supporting extractive-industry development via CIDA's Hydrocarbon Assistance Project was accompanied by a dramatic increase in 'socio-environmental' conflicts (Blackwood and Stewart 2012). In Colombia, the CIDA rewritten code allowed for mining companies to export timber if trees are cut before for 30 years with a total exemption on taxes (Arsenault 2007). This has allowed mining corporations to not only contribute to environmental degradation of indigenous lands but also make profits.

Human rights advocacy aimed at revealing human rights consequences of national and international economic policies has risen in the last decade (Fukuda- Parr, Lawson-Remer, Randolph 2015). CSOs have contributed substantially to this increase. In May 2009, the co-chairs of the Working Party on Aid Effectiveness (WP-EFF) prepared and submitted a report on the action plans of the countries[46] committed the Paris Declaration and the Accra Agenda for Action equality. The report indicated that only seven[47] country plans included a clear action-plan for including human rights in their development aid and Canada was not one of them. While Canada submitted a report for commitment gender equality, it did not have clear plan to advance human rights through its ODA (Pittman, Schoenstein and Alpízar 2011).

Even prior to 2010, based on the results from the institutional reforms in the extractive industries, CSOs in Canada relentlessly promoted the discussion for new Canadian regulatory policies or legislation that would hold Canadian extractive companies to account for their operations in developing countries, particularly in terms of their impacts on the environment and human rights (Perras 2009). In an

[45] The 1996 spill was an estimated 3 to 4-million tonnes of tailings from the Marcopper Mine into the Boac River' by a Vancouver-based company named Placer Dome, who was part-owner and manager at the time of the spill (CBC News 2012)

[46] There are 163 signatories to the PD and AAA; only 35 PD/AAA action plans were submitted to the Working Party on Aid Effectiveness (WP-EFF).

[47] Denmark, Germany, Italy, Netherlands, Sweden, UK and Papua New Guinea has listed clear action-plans.

interview with a development aid worker, who has extensively worked with displaced populations and vulnerable groups informed:

> 'While major violent crimes that take place, victims are referred to the legal justice system for resolution (murder, rape, aggravated assault), less serious crimes and misdemeanors usually remain go under the radar. It is extremely rare that justice is met in a timely and fair fashion especially in areas where there is little to no civil society groups advocating for the rights of the vulnerable'[48]
>
> Interview 5 conducted in November 2015.

In May 2012, CCIC convened a dialogue on development and the mining sector in which twenty people from 14 organizations participated. This dialogue focused on NGO partnerships and engagement with mining companies. To begin, the group identified points they agreed on which included the need for engagement with mining companies because the 'size and significance of Canada's extractive industry' but its poor track record of mining companies on environmental, social and human rights fronts (CCIC 2012). The group also agreed that Canada needed a regulatory mechanism for mining companies to hold companies accountable for their engagement abroad

In 2013, the CCIC presented inputs to the Government of Canada. The review of the CSR strategy revealed the need to address strengthening the link between the presence of mining companies in developing country communities and positive and lasting development impacts. CCIC (2013) acknowledged the poor track record of the extractive industry, which was increasingly becoming a key element of the Canadian presence overseas. For this, the CCIC recommended making a constructive engagement with the sector a priority (CCIC 2013). The major concerns outlined by the CCIC were the uneven record in respecting environmental standards and human rights - labor rights and social rights including the rights of communities to free, prior and informed consent, which were causing a negative impact on the Canadian image (CCIC 2013).

[48] Interview 5 conducted with a program officer working with ODA in Southeast Asia in November 2015.

Noting the general concerns funding the extractive sector, the CCIC made recommendations to promote ethical behavior abroad. Recommendations included: one, they expected the Canadian government to play a significant role in making the extractive industries comply with international norms and standards and create and strengthen mechanisms to hold the industry accountable in Canada for its actions abroad; two, they recommended that need for an ombudsman to receive complaints regarding the operations of Canadian companies in the developing world; three, the need to legislate access to Canadian courts for people who have been seriously harmed by the international operations of Canadian companies as Canadian courts have been reluctant to hear cases brought forward by foreign plaintiffs; and four, work towards mandatory regulation and away from voluntary standards (CCIC 2013).

As discussed in Chapter 1, ODAAA mandates all ODA be used for promoting and protecting human rights. While the human rights rhetoric remains, ODAAA merely guides that actions of the decision-makers. According to Tomlinson (2010), Canadian CSOs and other commentators have used the Act continuously to raise significant concerns about the efficacy of development policies in meeting human rights standards. CSOs have pushed for many changes in Canadian ODA practice to meet the vision established by the ODAAA. They criticized the then CIDA for its failings in implementation of its Gender Equality Policy (Tomlinson 2010).

Advancing the human rights agenda, however, has come with its complications for the CSOs. Tomlinson (2010) writes that one year before the announcement of partnering with the mining sector, Canadian CSOs emphasized for a need for a clear human rights approach to meet the mandate of the ODAAA and fulfill the objective of Canadian ODA. The CCIC outlined some key elements of a genuine human rights approach to ODA, which included non-discrimination, due diligence, participation of affected populations, support for rights which enable participation, democratic ownership and public access to relevant and timely information on the purpose, priorities and terms of Canadian ODA allocations is essential (Tomlinson 2010).

The CCIC itself conducted a policy seminar, one year prior to the announcement of engaging the mining sector with official ODA in 2009. Pedro Landa of *Caritas Tegucigalpa*, a mission based organization in Honduras (recipient of bilateral Canadian ODA), told the attendees that people need to be aware of the two faces of mining companies. One, is what the Canadian public and shareholders see; and the other, is the one they present when operating in countries like Honduras, which is plagued with corrupt officials and avoidable laws (CCIC 2009). Such seminars and public discussions are extremely important through CSOs because despite the transparency initiatives of the GoC,[49] little is known about Canadian ODA to development through the extractive industry and the mining sector.

Prompted by Amnesty International and the Canadian Human Rights Commission, an official complaint was made to the United Nations on the growing concerns of mistreatment of indigenous people, their land and rights (Amnesty International Canada 2015). Blackwood and Stewart insist that much of the blame for irresponsible mining activities falls on the companies or the host governments because they are either partners or condone the actions. However, the authors maintain that the host governments have 'little option other than to comply with the demands of the industry, on account of institutional legal arrangements such as trade and investment agreements or structural adjustments policies mandated by the donor agencies and IFIs' (Blackwood and Stewart 2012, pp. 221-222). Hence, holding the federal government responsible not regulating Canadian mining companies was considered a welcome move for human rights activists and long-time critics of the ill-practices of the mining industry (Mining Watch 2015).

In response to the complaints, a three-day hearing of the United Nations Human Rights Committee (UNHRC) was held, which was contested by the Canadian Federal government. In July 2015, the GoC contested with the UNHRC whether the ICCPR was applicable 'to potential human rights violations by Canadian resources companies operating abroad'. The three- day hearing allowed Canada to present its answers to the 24 questions 'on the implementation of the ICCPR, including how it

[49] In 2011, Canadian NGOs welcomed Canada's decision to join 13 other bilateral donors as signatories to International Accountability and Transparency Initiative because improved transparency has been a focus of the Canadian government in the past few years. The open-data project browser was opened in 2011.

monitors the human rights conduct of Canadian resource companies operating abroad, some of which face lawsuits alleging abuse' (Blanchfield 2015).

The answers from Canada shed light on the many loopholes in Canadian policy for monitoring Canadian companies abroad especially on the voluntary nature of the CSR. As analyzed in Chapter 2, CSR remains voluntary allowing funds to be used for purposes not directly contributing to the protection and promotion of human rights. Moreover, companies are not required to conduct social- impact assessments before investing abroad. The voluntary CSR is placed under the 'good governance' agenda for improving public-sector capacity in developing sectors (Blackwood and Stewart 2012).

The most surprising answer however was invoking the principle of extra-territoriality for the employees of the 800 Canadian companies operating in Latin America, Africa and Asia. The principle of extra-territoriality allows for Canadians working in foreign countries to be exempt from obligations to treaties Canadian in Canada are obligated to. The eighteen-member panel was less than impressed; with a panel member clearly stating that a country was not free from its responsibilities and obligations by just providing corporate identities and letting companies to whatever they pleased around the world (Blanchfield 2015).

This three-day hearing was a small testament to the gaps of respect of human rights in theory versus in practice. Despite being avid advocates of human rights domestically and abroad, the Canadian government shunned the responsibility of the acts of Canadian companies, who based on evidence needed to be reprimanded for causing human rights violations. In January 2016, James Kneen on behalf of Mining Watch Canada presented on the 'Extraterritorial Obligations and Private Actors' to the Economic, Social and Cultural (ESCR) Unit of the Inter-American Commission of Human Rights (IACHR) in Washington D.C. His key message was that the ESCR include the 'systemic economic, social, cultural rights violations of the indigenous, campesino, and other affected communities' by the extractive industries. He further insisted that the responsibility should be shared by corporate actors, home and host states. Kneen noted that the GoC plays an important role through diplomacy, aid and trade to ensure an advantaged place for mining companies especially in Latin America where Canadian companies are vested in almost 1500 projects. Kneen

emphasized that the Canadian government has been complicit in promoting and protecting mining activities at the cost economic, cultural and social rights in countries like Honduras, where successful lobbying and restructuring have been promoted through good governance programs. Finally, Kneen urged for including effective judicial and non-judicial means to hold state agents and corporations accountable in face of human rights violations and environmental damage directly affecting local communities (Kneen 2016).

In the two years since the recommendations, none of the recommendations have materialized. While ODA remains invested in the extractive industries and CSOs continue their work on holding Canadian companies abroad, there has been no domestic policy change in how to effectively integrate the human rights agenda in the extractive industries. This also brings into questions the effectiveness of CSOs working towards advancement of human rights in policy. Canadian CSOs, do enjoy the privilege and freedom to critique government policy and provide for recommendations to the GoC. But whether or not, the recommendations are accepted still falls to political actors. To move forward, Reilly- King (2014) emphasizes on the co-operation and engagement of all development actors including governments at all levels, parliamentarians, civil society organizations, citizens, and the private sector, the local private sector. Additionally, clear development strategies are required with short-term and long-term objectives while promoting and protecting the environment and the basic rights of citizens and CSOs. While the co-operation Reilly-King refers to is idealistic, it is a continuous challenge to have multiple stakeholders and actors with different agendas.

As analyzed in the Chapter, CSOs in Canada play various roles. While some roles can be disadvantageous especially if the CSOs, especially NGOs are dependent for government funding, others can work to their advantage. As informed by an international aid worker, the CSOs can play an active role in including the human rights agenda to their programming when they implement programs in recipient countries. CSOs can play the role of intermediators between the donor government and recipient countries as they are the organization that are working at the ground level. Their on-ground presence makes them the most valid agents to voice the concerns of the ODA recipients and programs. CSOs can also openly critique the

policies of the GoC, which has been the case with funding the mining sector. Not only have CSOs raised concerns and issues, they have provided the GoC with recommendations for setting up accountability measures for Canadian mining companies.

While the CSOs in Canada continue to play multiple roles, their attempts are limited in both promoting and protecting human rights. Based on evidence, CSOs can advocate for incorporation of human rights, consideration of their recommendations eventually fall to political actors. As analyzed in Chapter 2, Canadian political actors are informed by their own agendas and work in a neoliberal framework, which is not always conducive for pushing the human rights agenda. For protection, CSOs themselves are not legal or judicial mechanisms, who can directly protect the human rights. The most they can do is push the government to put in place protection mechanisms for the holding the project implementers and partners accountable. As examined in the Chapter, the CSOs have worked relentlessly in asking the GoC to hold mining companies accountable. Therefore, it can be safely concluded that CSOs are necessary for incorporation of the human rights agenda despite the limitations they face in Canada.

CHAPTER V
CONCLUSION

Harvey (2005, p.5) wrote, 'For any way of thought to become dominant, a conceptual apparatus has to be advanced that appeals to our intuitions and instincts, to our values and our desires, as well as to the possibilities inherent in the social world we inhabit'. Neoliberalism has achieved domination and it has become the leading apparatus in which present day policies are crafted. While Canadian ODA had been employed by the GoC since the 1950s, this thesis was interested in examining Canadian ODA after the accelerated domestication of neoliberalism. At the heart of the neoliberal ideology lay policy and institutional reform to facilitate the creation of free markets across the globe, and privatization of government- run services. The adoption of the Washington Consensus was a platform for developing countries to push for economic reform through both trade and ODA.

Canada became pronounced in aligning its trade and development objectives in 1995. Since, then Canada has strongly pushed for neoliberal reform in all its foreign policy including its international development agenda. While Canada communicated its foreign policy through various mediums, this research thesis was particularly interested in examining the Canadian bilateral ODA and how the human rights mandate was promoted through bilateral ODA. Additionally, it was concerned with analyzing the domestic influences – political, economic and CSOs to determine their role in the incorporation of the human rights agenda.

The GoC uses policy documents to provide a roadmap for its ODA. This lack of a policy framework has been a concern for the CSOs. After the release of *Canada in the World*, the CCIC and were cautious to applaud the mandate set by Canada because it was not a legislated mandate. The mandate as cautioned by the CCIC was very broad and could be loosely interpreted. There was no strategic direction to achieve the objectives of ODA. In fact, CCIC was doubtful of the intentions of the GoC to legislate the mandate of Canadian international assistance

(CCIC 1995). CCIC was right to be doubtful about the legislation of the mandate of the ODA. Over the years after 1995, only one other non- legislated foreign policy review was published but it was never implemented because of the change in leadership in 2005. The lack of a legislated ODA policy in Canada, meant that elements of ODA - priorities, countries of focus, budget was interpreted and modified based on Canadian political and economic interests.

Over the years, the GoC adopted the Paris Principles and aligned Canadian ODA to international standards. To harmonize Canadian aid with international aid regime, Canada over the years has untied all its aid with food aid being fully untied in 2012 but it has now ventured into sectors under the guise of economic development. After contestation at the Parliament, the ODAAA was finally adopted in 2008. The Act finally legislated human rights in ODA but the mandate of the Act was broad. Adopting the Act was a step towards aligning Canadian ODA with international standards and appeasing the critics of Canadian ODA policy. While this was a step in the right direction for Canadian ODA, an analysis of the ODAAA indicated that it remains an insufficient framework for ODAAA. The insufficiency was most pronounces when in 2011, ODA money was allocated to mining companies, causing serious concerns in the country. Prior to 2011, CIDA had supported the mining sector and companies through policy reform and liberalization of mining codes. This support was provided to facilitate Canadian mining companies to operate and benefit in ODA recipient countries through programs funded under the good governance agenda. The then Minster of International Co-operation spoke of the benefits of working with private sector to manage natural resources. In the same announcement, Oda announced CIDA's support for the CSR initiative. Development through the extractive industry, natural resource management and the mining sector are all controversial. It is no secret that mining companies including Canadian mining companies around the world have a poor track record in progressing human rights. In addition, mining companies have been accused of human rights violations,[50] which according to Lui (2012) are

[50] Canadian companies Barrick Gold and Manhattan Minerals have been accused of being party in violence for crushing protests at mining sites or the assassination of leaders of the anti-mining movement (Blackwood and Stewart 2012). In September 2015, Barrick Gold was asked to come clean about handing compensations to rape victims. Allegedly, 120 women were raped by employees at its Porgera Joint Venture in Papua New Guinea's Enga province and provided compensation under the

becoming incrementally costly for Canada and Canadian businesses abroad. Associating ODA funds then with such a sector, which should be aimed at the neediest for economic development and social development raises questions. Canada can easily promote its mining interests though its trade portfolio. But development through the extractive industries in partnership with mining companies is only one part of Canadian ODA.

Over the years from 1995-2015, Canadian ODA has changed. For this, reason this research project was interested deducing how does the GoC protect and promote human rights in a neoliberal environment. Mandated to be used for advancing human rights, ODA continues to be used at the discretion of the GoC. To seek answers how human rights are protected and promoted, three questions were put forth. The first question inquired how human rights were protected through present policies on ODA and the role of political influences. The second question aimed to seek answers to how human rights were promoted through the present ODA and how economic interests in the mining sector influenced the human rights agenda. Lastly, the thesis wanted to examine influences beyond the political and economic. For this, the third question asked about the role of CSOs in the incorporation of the human rights agenda and their role in addressing the concerns of funding the mining sector.

5.1 Protection of Human rights

Chapter 2 was dedicated to the examination of how human rights were protected in the present ODA mandate. For this, the present policies on ODA were analyzed alongside the protection mechanism available in Canada. The foreign policy reviews and policy statement shed light on the how the GoC over the years has verbalized its intentions to align trade and development. While it has been equally pronounced in advocating for human rights as Canadian values, the reviews did include strategic direction specific to bilateral ODA. As both foreign reviews and

remedy program for signing waivers that they would not sue Barrick in civil court (Mining Watch 2015).

policy statement were non-legislated documents, the GoC could not held accountable for protection of human rights.

ODAAA was the first and remains the only legislated Act for Canadian ODA. The ODAAA mandated Canadian ODA to be consistent with objectives of foreign policy and human rights, which as analyzed in this thesis can be at odds with each other. Nonetheless, the Act entrusted the Minister of International Co-operation for oversight and reporting on the Act. The reports are presented to the Parliament where the Minister can be questioned. But the drawback is all reporting to the Parliament is done after the project is implemented or in process (if a multi-year project). This does not necessarily guarantee the protection of human rights. Also, the mandate of the ODAAA is very broad as analyzed in Chapter 2, which means that projects can be justified under Canadian foreign policy objectives, which again do not promise the protection of human rights.

Domestically Canada has protection mechanisms in place for the protection of human rights, especially labor rights. There is a Federal Human Rights Commission and each province has its own human rights commission. But these commissions cannot protect human rights of people in ODA recipient countries. Internationally, the Optional Protocol to the ICESCR provides an individual complaints' mechanism but Canada has not ratified the Optional Protocol. The lack of protection mechanisms abroad brings in to question the commitment to protect human rights through ODA especially when ODA continues to fund mining companies, who have invoked extra-territoriality when held accountable. CSR continues to be voluntary as do the OECD Guidelines. While the U.N. Principles have contributed to the creation of Office of the Extractive Sector CSR Counsellor and the National Contact Person, they remain inadequate to protecting human rights as they are mainly responsible for facilitating dialogue. Despite the many attempts of calling Canada on its corporate accountability, especially to mining sector, no tangible actions have been taken till date.

5.2 Promotion of Human Rights

Canada's aid agenda shifted to good governance to promote institutional and policy reform for trade liberalization and creation of free markets. *Canada in the World* clearly stated Canada's intentions of strategic involvement by aligning trade and development. This position for further strengthened in the 2002 *Policy Statement on Aid Effectiveness*, where recipient countries open to economic reform and restructuring would be allocated more resources. The Conservative government pushed for the alignment of trade and development by merging of CIDA into Foreign Affairs. The first proposal was made when they were elected into power into 2006. But the proposal was shot down. Over the years, the Conservative government strategic aligned their interests and increased partnerships with the private sector for development.

The inherent problem in the mandate remains that 'human rights' is a very broad subject and it is possible to connect the dots and justify any program under 'human rights'. Canadian ODA can be diverted into any number of programs which can be categorized under the treaties, Canadian priority themes and cross-cutting themes. The mandate of ODA remains economic and social development in recipient country with the ODAAA acting the guiding light to how ODA programs are funded. Poverty reduction and perspectives of the poor are integral in determining the course of ODA. Respect for international human rights is also an integral part of the ODAAA. The language of human rights did not enter international development till the 1980s which according to Harvey (2005) came to the limelight at the same time as the neoliberal agenda. ODAAA does not lay down a strategy to promote human rights or which rights are to be promoted. As analyzed in Chapter 3, Canada uses its bilateral ODA and focuses it on 25 countries as of 2014. Countries of focus have changed over time. Presently more mid – income countries receive ODA than the 1990s. This has raised questions from the critics of Canadian aid who believe aid should be targeted at the poorest of countries because they need it the most.

The analysis of the budget brings out two key points: one - that Canada needs to allocated more resources to its ODA programs especially if it wants to promote the mandate of the ODAAA effectively and efficiently in recipient countries; two – Canada needs to set a legislated budget line for its ODA, which cannot be

lowered and changed only by legislation. A legislated budget line will enable for international development programs and activities to continue despite the changes in Canada. It will also reflect the GoC's commitment to implement the ODAAA mandate by consistently funding ODA programs in its countries of focus.

Canada disseminates its ODA based on its thematic priorities and cross-cutting themes. The thematic priorities are increasing food security; safe and secure futures for children and youth; stimulating sustainable economic growth; advancing democracy; and peacebuilding stability and security. Cross-cutting themes include environmental sustainability, gender equality and good governance. Inferring from the thematic priorities, the main rights advanced by the GoC are Right to food, rights of the child, economic, and social rights, civil and political rights, women's rights. Good governance programs are aimed at institutional and policy reform aimed at long term economic growth, which may or may not contribute to the promotion of human rights.

5.3 Role of Domestic Influences – political, economic and CSOs

Political actors play a key role in ODA policy and project decisions. Political actors also determine who gets funded. In 2011, projects under the development through the extractive industries were funded with the initial announcement that results of the projects would determine if funding to the projects would continue. Most of these projects were funded in partnership with the mining companies already engaged in the regions and NGOs were brought on board for the implementation of the projects. In 2013, based on the results of the pilot projects, Minister Christian Paradis increased the number of projects funded under the sector. These decisions were made under two different Minsters of International Co-operation. Based on the analysis in the thesis, there have been frequent changes in the position of Minister of International Co-operation, the international development agenda has changed under both the Liberals and the Conservatives but both parties have failed to create a policy framework, in which Canadian ODA can be advanced. Since 2008, the GoC has adhered to the ODAAA, which is an upside has made reporting consistent. Canada has room to progress its ODA policy so much further. It can easily include a rights-based framework for all ODA. Instead, it has incrementally

moved towards aligning trade and development and extended partnership to mining companies, who function all over the globe and have insufficient accountability mechanisms.

Economic interests in the country have ensured for non-human rights mandate like development through extractive industries to be included in the ODA programs. But due to the benefit to the Canadian economic interests abroad are included under the guise of assisting recipient countries to manage their natural resources. The same rationale of a rising tide lifts all boats, funding the natural resource management sector is based on the premise of wealth creation for the recipient country, which will eventually help people of the country through development by the revenue created by mining.

Mining corporations are profit-based multi-national and private conglomerates set up for their own interests. Thus, the relationship between funding development through the extractive industry while promoting the interests of the multi-billion dollar corporations cannot be qualified as the development of the state. Arguably, recipient countries are making revenue but as was noted in the case of Colombia the royalties to the recipient state versus the Canadian companies varied by almost 10 times. Analyzing the contributions to the development through extractive sector for economic growth through the lens of the ODAAA then shows an even bleaker picture because the profits of multi-national corporations are not adding to poverty reduction of the recipient state. Also, why is the GoC funding projects to liberalize mining policies to facilitate for companies like Barrick Gold, which have no need of ODA funds and lack accountability measures?

These decisions are heavily influenced by political and economic interests within the country. Politically, the government especially the Conservatives have pushed for increasing Canadian mining interests abroad. This has been done through funding programs of good governance like in the cases of Peru, Colombia, Tanzania among others for policy reform to facilitate Canadian companies to do business with more profit and less taxation. In other's like Mongolia, it ventured into the country with a short diplomatic mission only to set up a permanent mission in the country. Economically a large chunk of the mining sector is owned by Canadian companies. Funding the mining sector thus becomes very beneficial and lucrative for the country.

The findings reveal that Canadian bilateral ODA is still focused on welfare programs for children and women to promote their human rights and is creating a difference especially with the Muskoka Initiative on maternal, newborn and child health. But it is also funding development through extractive industries; Canadian ODA has been diverted while the overall ODA percentages have decreased. Since 2000, Canadian ODA has touched 0.34 percent only in 2005 and 2010 (OECD 2015). It hit its lowest at 0.22 percent in 2001. Since 2010, ODA percentages have gradually decreased from 0.34 percent to 0.24 percent in 2014 with a slight increase to 0.28 percent in 2015.[51] Given the decrease in the percentages in aid numbers, it is natural that aid is being diverted from existing sectors of social development to accommodate funding programs for the extractive industry.

The decrease in numbers is not the only worrisome trend in Canadian ODA spending. Canadian mining companies are constantly under fire for human rights abuses and violations. There are no legal treaties holding Canadian mining companies accountable abroad. Plus, invoking the extra territorial clause at the U.N hearing have shed light on how mining companies view their status in foreign lands. This leaves people and especially indigenous groups living on lands where mining occurs vulnerable to human rights violations. Given that Canadian ODA needs to comply with international standards and not contribute to human rights violations by funding projects with mining companies is a deviation from the mandate from ODAAA. Even if there is wealth creation, it is still not considering the perspectives of the poor. Canada itself has not been active in responding to the increasing complaints against mining companies abroad. The shift in the development agenda raises numerous questions especially because Canada lacks a legal framework for the mining sector. Not only is the shift in the development agenda completely opposite to the mandate of ODAAA, it is causing human rights violations in certain cases bringing into question the protection and promotion of human rights in its international development agenda. This clearly reflects that economic interests in the mining sector in ODA recipient countries weigh more heavily than the human rights agenda for Canada.

[51] Net ODA: Total percent of GNI, 2000- 2015 https://data.oecd.org/oda/net-oda.htm

While remaining keen proponents of human rights abroad and still funding programs for protecting and promoting human rights, the Canadian ODA program has visibly shifted towards the neoliberal agenda. As ODA is targeted at poor developing countries, where people are fighting to meet basic needs – food, water, shelter and health, the neoliberal concern of advancing individuals to participate in free markets does guarantee fulfillment of their rights. Hence while donors are pouring substantial amounts of funds in programs advancing good governance, they necessarily may not contribute to the protection and promotion of human rights. With the adoption of the Sustainable Development Goals (SDGs), it is critical now more than ever that Canada uses its ODA to promote sustainable development. While economic development is key for poverty-reduction, Canada based on its resources, can lead by example in creating development that is sustainable for generations to come.

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APPENDICES

APPENDIX A

LIST OF INTERVIEWEES FOR THIS RESEARCH

Interview number	Background information	Time Frame of Interview/ Mode of Interview
Interview 1	Ex- CIDA independent consultant with international development experience in the Eastern Caribbean and Latin American region	August 2014/ Personal communication
Interview 2	International development aid worker with experience in donor fund management	July 2014/ Email communication
Interview 3	Ex-consultant with CIDA with experience in program delivery and program management in Southeast Asia, and South Asia	May 2014/ Personal Communication
Interview 4	Canadian International development worker working in ODA funded program in Africa in communications including communication with donors for program management and delivery	August 2014/ Email communication
Interview 5	Program officer working with ODA in Southeast Asia in programs aimed for improving basic services programs for refugees	November 2015/ Email Communication
Interview 6	Canadian International Development aid worker with experience in social development programs	July 2014/ Personal Communication
Interview 7	Canadian International Development Aid worker with experience in project management and program evaluation	August 2014/ Personal Communication

APPENDIX B
INTERVIEW GUIDELINES

All interviews were conducted semi-formally. Interviewees were informed of the objectives of the research and the research questions to provide context and an understanding the undertaking of this research. All interviewees provided verbal consent for using their interview answers in the thesis. The interviewees requested their names to be kept out of the thesis, hence the research thesis uses only the Interview number.

Human rights and ODA

Question: In your work in international development, is the respect of human rights reflected in your program? Please provide examples.

Question: What are the challenges you face in the inclusion of the human rights agenda in ODA related programs?

Question: How can human rights be included more in the programs implemented through ODA?

Protection of human rights

Question: How well are human rights protected through your programs or programs you have worked with?

Question: Are the protection mechanisms related to Canadian ODA sufficient to protect human rights abroad?

Questions: Can human rights be protected all the time in ODA programs?

Role of domestic influences – economic and civil society actors

Question: What trade-offs have you witnessed in your experience when economic interests are pitched against the human rights agenda?

Question: In your work, how do you engage with civil society actors?

Question: What role can civil society actors play in the inclusion of the human rights agenda?

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