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Is there a “best way” for Canada to promote human rights in Asia?

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In our 2011 National Opinion Poll, two-thirds of Canadians said that promoting human rights in Asia should be a priority. The conservative government agreed, stating its commitment to “promoting Canadian values”. In 2007, Canada introduced the “toughest sanctions in the world” against Burma to protest the military government’s human rights abuses. More recently, Canada threatened to boycott the 2013 Commonwealth Summit in Sri Lanka unless the government cooperates in investigations of human rights abuses and war crimes allegations. With China, we have tried shame diplomacy, bilateral closed-door dialogues and programs to empower civil society. But this is a thorny and complicated task. Enforcing human rights can be undermined by corruption, lack of political will and weak legal institutions. And some contend that Western nations fail to recognize the complexities of Asia’s domestic policies. Given these difficulties, is there a “best way” for Canada to promote human rights in Asia?

Contributors



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Canadians believe in international human rights promotion. Indeed, many believe that it is central to Canada’s international identity.

Canadians believe in international human rights promotion. Indeed, many believe that it is central to Canada’s international identity. But this diplomatic self-image has allowed successive Canadian governments’ rhetoric on rights to be backed by only erratic or half-hearted policies. Rights promotion strategies have always taken a back seat to trade promotion. And they’ve rarely reflected on Canada’s own record.

The clearest pattern is the lack of a coherent effort to actually promote human rights. Take China policy: Jean Chrétien tried to appease human rights groups by opening a "bilateral human rights dialogue." Stephen Harper turned to hectoring, but offered little substance, then sent a series of cabinet ministers to China to perform virtual kowtows.

So what needs to change?

Canada should play to its strengths. Repressive Asian governments from Beijing to Burma resist multilateral forums in favour of "bilateral dialogue." Canada can have influence as part of a global process; its leverage one-on-one with large Asian countries is limited. There are efforts to create a regional human rights mechanism for Asia, paralleling similar regimes in Europe, Latin America and Africa. Canada should support those efforts. The creation of an ASEAN regional rights process indicates that not all governments will refuse outright.

If Canada works to promote democracy and greater rights for minorities in Burma, doing the opposite in China undercuts this advocacy. Multilateralism needn't mean sitting in the middle of the pack, but it does require consistent strategies to replace ad-hoc bilateralism.

Nothing harms rights-promotion work more than smug sermons. Canada's government will need to listen as well as preach – for instance, we have much to learn from Asia about relations with indigenous peoples. For many years, Canadian development assistance aimed to strengthen civil society. The Harper government's dislike of civil society organizations at home has led to the severing of valuable partnerships. Ottawa needs to realize that Canadian mining companies are often seen in Asia as complicit in human rights violations, and therefore should regulate the activities of our companies overseas. Without such steps, Ottawa lacks credibility to promote human rights.

How can Canada best promote human rights in Asia? It depends how we define Canada. From the government level, there are few successes to date. From the civil society level, Canadians working in solidarity with human rights defenders in Asia have done impressive work. Official Canada needs to get behind the work already being done by unofficial Canada.



[Patricia Adams](#), [2] Executive director, Probe International

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Take China, where Canada [abetted](#) [3] corruption and demonstrated that a Western nation will turn a blind eye to human rights abuses, particularly when it stands to benefit.

Canada helped make possible the Three Gorges Dam, the single most egregious cause of human rights abuses in China. Since 1986, Canadian governments have financed and given [moral cover](#) [4] to this dam project, which has displaced 1.4 million people from their homes against their will and without due compensation.

[First](#) [5] our aid agency, CIDA, and then our export credit agency, Export Development Canada (EDC) channeled hundreds of millions of [Canadian tax dollars](#) [6] to pay for this dam.

Chinese resettlement officials stole resettlement funds. The displaced people who appealed for justice were [abducted](#) [7] by police, held without charge, tortured and then sent to jail [for](#) [8] "disturbing social order" and

for “leaking state secrets to a foreigner.”

Canada did nothing in the face of these outrageous human rights violations. Instead, Canada sent a powerful message to the Chinese government: you can forcibly displace 1.4 million of your citizens from their homes without due compensation or due process, with our blessings, and our financing. The financing then aids favoured Canadian exporters.

No wonder the Chinese government is unmoved by Canadian government finger-wagging over their atrocious human rights violations. Chinese governments have correctly taken Canada's position on human rights for what it is: hypocritical.

If the Canadian government is serious about promoting human rights abroad, it can start by walking the walk on government transparency.

EDC is subject to the Access to Information Act, but it might just as well not be – it can withhold virtually everything it wants from taxpayers through cleverly drafted exemptions in the Act. If Parliament removed those exemptions, Canadian taxpayers would know more of what EDC is doing in our name. EDC supports some [\\$4 billion](#) [9] in Canadian business activity in China alone every year.

Canadian transparency would set an example for China's leaders. Canadian transparency would also protect those brave Chinese public interest researchers and lawyers who, in admiration of Western liberal values, are risking their own security and freedom by asking their government for justice and accountability on projects such as the Three Gorges Dam.



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How would we know whether Canada’s efforts to foster human rights abroad are effective?

How would we know whether Canada’s efforts to foster human rights abroad are effective? What would the effective development of human rights even look like? Before we tackle the question of how best to design and implement governance and human rights programs in Asia we should more clearly define what would be considered a ‘success.’

Despite high levels of support from the Canadian public, the practice of human rights promotion faces a number of challenges. For example, the NGO sector in many Asian countries is weak or nascent due to burdensome regulation requirements, occasional hostility or mistrust from the authorities, and a lack of enabling legal or policy frameworks. The result is the underdevelopment of qualified partner organizations to assist foreign donors in program delivery at the grassroots level. At times, this problem has been exacerbated by donor states, who often become unwitting accomplices in the donor-dependence of recipients. Additionally, access to key decision-makers or allies in recipient governments across Asia tends to be weak or idiosyncratic, ultimately preventing the diffusion of human rights values to a broader cross-section of their populations.

Consequently, human rights promotion comes under fire in many donor countries as an ineffectual waste of taxpayers’ money. Such policies become unsustainable when publics and elected officials lose the heart for funding programs they perceive as having little if any discernable impact in states that are highly resistant or even hostile to human rights. But the truth is that we often don’t know what the ultimate impact of these policies are on human rights development, mostly because there is no definitive or agreed-upon benchmark

for gauging their success, (nor is there agreement on precisely what constitutes a human right).

Identifying what we are going for is the first step towards designing more sustainable, effective human rights promotion strategies. Before wading into the practice of rights promotion in Asia more deeply, Canada needs a metric for measuring the effectiveness of its policies and programs that include clear, cogent links between concrete program outputs, and substantive human rights outcomes at the local, intermediate, and national levels within target countries. Of course, devising such a metric requires the continuation of a national dialogue on what we ought to strive for, and possibly a substantial recalibration of our expectations about what foreign programming can reasonably achieve. But our approach in Asia should follow from honest reflection at home on the goals of human rights promotion and the development of indicators to better judge whether or not these are being met.



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Some may argue that the best way to promote human rights in Asia is to engage, along with our allies, in imposing “the toughest sanctions in the world” against countries like Myanmar. That approach seems to be paying off with that country’s recent political reforms and the release of Aung San Suu Kyi from detention. But Myanmar still has a long way to go on the road to democracy and human rights. And the Prime Minister’s threat to boycott the 2013 Commonwealth Summits in Sri Lanka may not be as effective.

On China and human rights, the conservative government has flipped from a shame diplomacy approach, which backfired, to engaging in behind-closed-door discussions. More recently, the Canadian government actually seems to be giving priority to business and trade issues over human rights.

After spending close to two decades working on possible ‘best ways’ to promote human rights in Asia, I have concluded that most of these approaches are severely deficient for lack of an overall political, social and intellectual framework to deal with the issue. I suggest that to even begin to find the best ways, Canadian governments, businesses and society must understand the aspirations, cultures and traditions of each Asian society. There are common threads that can help establish an Asian framework to promote human rights. These include the following:

- Enacting measures, including targeted sanctions, to curtail human rights abuses while still allowing the leaders to ‘save face.’
- Emphasizing and insisting that the rule of law and the independence of the judiciary and legal profession are as vital to sustainable trade and business with Asian countries as they are to the foundation of human rights. Russia is a paradigm example of what happens without them, as many Western businesses are finding out. China could be the next paradigm.
- Working with the most effective change agents within Asian governments, businesses and societies who will have the greatest long-term impacts on human rights progress.

To achieve these goals, there is an urgent need for a coalition of government, business and ‘outside the box’ human rights thinkers and doers to establish and implement this vision.



[Denis Côté](#), [12] Coordinator of the Asia Pacific Working Group, Canadian Council for International Co-operation

Increasing trade and investments in Asia is a priority of the Canadian government, which recently noted its interest in joining the Trans-Pacific Partnership (TPP) and which is currently negotiating bilateral agreements with China, India, Japan, Vietnam and Mongolia, among others. But the manner in which trade and investments are conducted can either help or harm development and the realization of human rights.

Canada can best contribute to the progressive realization of human rights in Asia in four ways: by using a human rights framework to assess and develop its trade and investment agreements; by ensuring that its official development assistance (ODA) meets international human right standards; by ensuring the corporate accountability of Canadian private companies operating in Asia; and by supporting civil society in Asia’s developing countries.

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While the 2008 Official Development Assistance Accountability Act adopted by the Canadian government is unique among donor states in the priority it assigns to human rights, its implementation has been disappointing so far. The Act requires Canada’s ODA disbursements to be consistent with international human rights standards. So far, the Canadian International Development Agency (CIDA) has been using a minimalist ‘do-no-harm’ approach to human rights and should do more to ensure that international human rights principles are guiding both its aid priorities and its programs in Asia.

In recent years there have been several accusations of human rights abuses made against Canadian extractive companies operating in Asia, notably in the Philippines, Papua New Guinea, Indonesia and Mongolia. Canada should adopt legally-binding corporate accountability standards that are based on international human rights norms to ensure that Canadian corporations respect human rights in the Asian countries in which they operate. Canada should also offer legal remedies for non-nationals who are affected by Canadian extractive companies.

While Canada must ensure that its own international policies are consistent with international human rights standards in Asia and that its own corporations are respecting these standards, it can also significantly contribute to the development of national policies which respect, protect and fulfill human rights in Asian countries by supporting civil societies’ capacity to hold their own governments to account.

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Links:

[1] <http://www.arts.uregina.ca/david-webster>

[2] <http://journal.probeinternational.org/about/staff/>

[3] <http://journal.probeinternational.org/2000/03/19/chinese-corruption-doesnt-faze-edc/>

[4] <http://journal.probeinternational.org/three-gorges-probe/damming-the-three-gorges-what-dam-builders-dont-want-you-to-know/>

[5] <http://journal.probeinternational.org/2009/07/23/three-gorges-water-control-project-feasibility-study/>

[6] <http://journal.probeinternational.org/three-gorges-probe/who-is-behind-chinas-three-gorges-dam/>

[7] <http://journal.probeinternational.org/2008/10/17/three-gorges-probe-three-gorges-dam-petitioners-abducted-2/>

[8] <http://journal.probeinternational.org/2008/09/29/human-rights-abuses-and-three-gorges-dam/>

[9] <http://www.edc.ca/EN/Country-Info/Pages/china.aspx>

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[12] http://www.ccic.ca/working_groups/apwg_e.php