

My View on Bill C-300

I, and everyone in the Liberal Party, agreed completely with the intentions behind Bill C-300, An Act respecting Corporate Accountability for the Activities of Mining, Oil and Gas in Developing Countries. ALL members of the Liberal Party are 100% behind improving the Corporate Social Responsibility of Canadian mining companies in developing countries (CSR). Indeed, I commend my colleague John McKay from Scarborough – Guildwood for remaining so concerned about this issue while the Conservative Government has done so little.

However, intentions aren't always enough, and I had serious concerns about Bill C-300. Despite considerable pressure to do so, I refused to vote for something I felt was very flawed. I was therefore not in the House of Commons for the vote this past Wednesday. I was one of 13 Liberals, 4 NDP and 6 Bloc Quebecois who were not there. (Interestingly, that's pretty much the same proportion from each of the three opposition parties.)

Ironically, I did not support C-300 specifically because of the fact that I, too, am very concerned about CSR of Canadian mining companies operating in developing countries. There's no question that Bill C-300 sounded very good on its face, but that's not enough. It was flawed—something John McKay, its proponent, himself admitted. Due to the limitations on Private Member's Bills, it could not include some fundamental pieces that would have made it function in an acceptable way. The proponents said that, although it was flawed, at least it would "go part way". However, in my view, this particular effort at "going part way" would cause other, unintended damage.

And to address the allegations that the mining companies engaged in major lobbying: I had made my decision long before any mining company came to talk to me. Indeed, I and many of my colleagues were lobbied far harder, for a longer period of time, by supporters of C-300---far harder than the mining industry. My decision had nothing to do with either side's lobbying efforts.

I did not support it based on the Bill's own flaws, based on the extensive personal research I did, based on listening to as many stakeholders as I could—and based on

my own understanding of the political process, domestic law, international law, international finance and international business (thanks to significant personal background and experience in these areas). I came to the conclusion that its flaws would cause significant negative unintended consequences in the short term—negative consequences for the very people in developing countries that it was intended to help. Not only that, I felt that passing C-300 would, in fact, put truly successful improvements to CSR backwards. In order to really accomplish what we're all trying to achieve, we need to do this right.

Others disagreed, of course. I have had no shortage of criticism, including a surprising number of unpleasant personal attacks. But I stand by decision. I'm proud to live in a society, and be a part of a political party, that allows people to disagree. It is critical, particularly where the current Conservative government is so controlled, and where debate is so often silenced, that when we are able to debate, we do so with respect and civility—with respect for other people's opinions.

My biggest upset is that there has been so much division, so much antagonism that has developed among so many people who want the same thing. I hope that we can move forward.

I, and the whole Liberal Party, believe that we will achieve real and truly effective progress on CSR through the implementation of the 2007 Report by the Advisory Group on Corporate Social Responsibility in the Canadian Extractive Industry ([Click Here](#) to view the report). This 2007 Report included strong and very positive recommendations for the improving of CSR among Canadian mining companies working in developing countries. Most importantly, it was developed with the participation of ALL stakeholders—NGOs, CSOs, mining companies, governments, and more. It is extremely powerful because of that fact. I'd like to see those recommendations implemented. Unfortunately, the Conservative government did nothing, and sat on the 2007 Report, silent, for two years. A Liberal government would do it right.

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Here is some information about the 2006 Round Table process and the resulting 2007 Report:

In 2005 a decision was made, under a Liberal Government, to move forward on the issue of CSR among Canadian mining companies operating in developing countries. Throughout 2006, extensive, all-stakeholder round tables were conducted. These included non-governmental organizations (NGOs), civil society organizations (CSOs), mining and oil companies, labour, governments and individuals. It was an extraordinary process—and very unusual in the progress achieved with so many different participants.

There were 156 oral presentations and 104 written submissions. Of these, 61 were from civil society, 33 from industry, 15 from labour organizations, 31 from academics and research institutes, and 16 from members of the public without a stated affiliation.

This process was an extraordinary example of all of the stakeholders coming together to address this fundamental issue—and the resulting 2007 Report was roundly approved and supported. It was the product of many people who might have had opposing views but who came together, exhibiting a will to compromise and find constructive consensus.

The 2007 Report set out some very tough recommendations, including strict and clear guidelines on the level of CSR expected of Canadian mining companies operating in developing countries, a robust complaint and review mechanism, the creation of an ombudsperson with tough responsibilities, and significant funding to help developing countries build their own capacity to create and enforce, locally, CSR standards and regulations. Yet the Conservative government did nothing. Nothing for two years. Only recently did they come up with a much watered down plan, but with no teeth.

Liberals are united in strongly supporting implementation of a regime based on the

full 2007 Report, as the best way to achieve the highest levels of CSR among Canadian mining companies operating in developing countries— something the Conservative government has failed to do.